

**No. 51149\***

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**United States of America  
and  
Japan**

**Exchange of notes constituting an agreement between the United States of America and Japan concerning the terms and conditions of cooperation on the Second Balloon-Borne Superconducting Magnet Spectrometer Program. Washington, 12 July 2002**

**Entry into force:** *12 July 2002 by the exchange of the said notes, in accordance with their provisions*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *United States of America, 15 July 2013*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**États-Unis d'Amérique  
et  
Japon**

**Échange de notes constituant un accord entre les États-Unis d'Amérique et le Japon relatif aux termes et conditions de la coopération sur le Second programme de transport par ballon de spectromètre magnétique supraconducteur. Washington, 12 juillet 2002**

**Entrée en vigueur :** *12 juillet 2002 par l'échange desdites notes, conformément à leurs dispositions*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *États-Unis d'Amérique, 15 juillet 2013*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

I

**DEPARTMENT OF STATE**

**WASHINGTON**

July 12, 2002

Excellency:

I have the honor to refer to the recent discussions between representatives of the Government of the United States of America and of the Government of Japan concerning the terms and conditions whereby cooperation on the Second Balloon-Borne Superconducting Magnet Spectrometer Program (hereinafter referred to as "the Program") will be undertaken between the two Governments.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; taking into account the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended and amended; and reaffirming that the provisions of the Agreement between the Government of the United States of America and the Government of Japan Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington, on April 24, 1995, and the Exchange

His Excellency,

Ryozo Kato,

Ambassador of Japan.

of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have the further honor to propose on behalf of the Government of the United States of America the following arrangements:

1. Cooperation on the Program will be executed for the Government of the United States of America by the National Aeronautics and Space Administration (hereinafter referred to as "NASA") and for the Government of Japan by the Institute of Space and Astronautical Science (hereinafter referred to as "ISAS").

2. With a view to setting forth detailed terms and conditions for cooperation on the Program, NASA and ISAS will conclude implementing arrangements (Memorandum of Understanding, hereinafter referred to as "the MOU"), providing, inter alia, that NASA and ISAS will jointly undertake a scientific investigation of cosmic rays by NASA's launch by balloon of a superconducting magnet spectrometer to be provided by ISAS.

3. The provisions of the present arrangements and the MOU shall be implemented in accordance with the laws and regulations in force in each country. Activities under the present arrangements and the MOU shall be subject to the availability of appropriated funds.

4. NASA and ISAS shall consult with each other regarding any matter that may arise from or in connection with the cooperation on the Program. If the matter cannot be resolved through such consultations, consultations between the Government of the United States of America

and the Government of Japan shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

5. The present arrangements shall remain in force for a period of ten years, unless terminated by either Government upon six months' written notice of its intention to terminate them through diplomatic channels. The present arrangements may be extended or amended by mutual written agreement of the two Governments.

I have the further honor to propose that, if the foregoing arrangements are acceptable to the Government of Japan, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

A handwritten signature in dark ink, appearing to read "John F. Sumner". The signature is written in a cursive style with a long, sweeping underline.

II

EMBASSY OF JAPAN  
WASHINGTON, D. C.

July 12, 2002

Excellency:

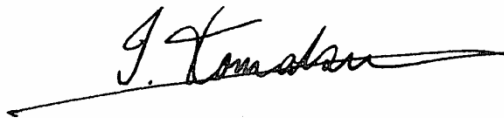
I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

*[See note I]*

I have the further honor to confirm on behalf of the Government of Japan that the foregoing arrangements are acceptable to the Government of Japan and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of this reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Ambassador Extraordinary  
and Plenipotentiary of Japan

A handwritten signature in black ink, appearing to read "J. Tomokazu", with a long horizontal flourish extending to the left.

His Excellency  
Colin L. Powell  
The Secretary of State