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THE PRESIDENT HAS SEEN.....

THE WHITE HOUSE

WASHINGTON

September 30, 1976



MEMORANDUM FOR: THE PRESIDENT
FROM: JIM CONNOR
SUBJECT: MEETING WITH SENATOR PERCY

I understand that Senator Percy will bring up the non-proliferation legislation when you meet at 5:00.

Negotiations are at a near stand still. Bob Fri has continued discussions with Senators Percy and Ribicoff on the bill. He reached agreement last Friday with Senator Percy, but Senator Ribicoff had reservations. Negotiations have continued up through today but there now appears to be little chance of a final agreement unless Percy and Ribicoff take personal command of the discussions and make a major effort to reach agreement.

The chances of Senate passage of the bill are dim, particularly because Senator Abourezk may block the bill because it is too weak. Congressmen Price and Anderson are poised to try to bring the bill up in the House if the Senate does pass it in an acceptable form, but this, too, is becoming remote.

You may want to take the following approach with Senator Percy:

- Chuck, I want you and John Pastore to know that I appreciate your strong efforts to get a non-proliferation bill through the Senate this year.
- Bob Fri has told me that agreement is very near on a bill acceptable to most everyone, with the possible exception of Jim Abourezk. But I understand there is still some sticking points with Abe Ribicoff. Can't these be worked out if you take personal command again?

- I had particularly hoped we could get a bill through this session with you and John Pastore leading the effort. This is such a critical and complex area, I don't see who we can count on next year to take John Pastore's place in working with you on a bill.
- If there is anything I can do to help speed agreement and passage, please let me know.

THE WHITE HOUSE

Mr President

Milton Eisenhower
is staying overnight
with me tonight. (He is
not well) He urges that
you "continue to emphasize
inflation & economic
issues."

Chuck Robinson &
Bob Fici have been great
to negotiate with. Chuck Percy

Mr President

This paragraph would require, as a condition attached to U.S. export of nuclear fuel to all European countries and Canada, that these countries either receive our prior approval to reprocess that fuel or that they internationalize their reprocessing facilities under the International Atomic Energy Agency. None of these countries would be prepared to grant that authority to the US; they would view us as trying to unilaterally change the agreement for cooperation that exists between us; and we would seriously set back our non-proliferation cooperation with these countries -- which are also nuclear suppliers themselves.

Furthermore, we are encouraging Germany and France to reprocess fuel for third countries to avoid the development of reprocessing facilities in those countries. We cannot, on the one hand, try to suppress reprocessing in Germany and France, while encouraging them to be prepared to offer reprocessing services to their own nuclear customers.

There are also important but very technical problems with the language that could affect all our exports unnecessarily. To solve these problems requires some flexibility in the language of the statute. Giving us this flexibility requires some trust in our commitment to non-proliferation.

Scowcroft + Fri recommend rejection.

Jim Conner

Section 14, Subparagraph 112(a)(5) --- Phase I

(5) NO SUCH material, and no special nuclear material ~~USED IN~~
~~OR PRODUCED~~ through the use of such material or ~~EQUIPMENT WILL~~
~~BE~~^{re}processed, and no irradiated fuel elements containing
SUCH material removed from a reactor shall be altered in form
OR content, unless the prior approval of the United States IS
OBTAINED for such reprocessing or alteration; Provided, that
the IAEA shall not be required to obtain the prior approval OF
the United States if such reprocessing or alteration will be
PERFORMED under CONDITIONS acceptable to the United States;

State Report 5/17
9/30/76

Mr. President

This small paragraph separates us in our
negotiations on the nuclear package. Its
approval by you would break the log jam please
clarification that the six criteria or principles
in Sec 14 must be addressed to with respect to
future any past efforts in order to receive
any further assistance.

Chas Robinson - Bob J. has been
great to work with on this - we are 99% of
the way home. Plenum resolution of the
reprocessing matter is essential to get
London Plinius, Nelson - Symposium on
board. Although, no chance for legislation
Chas Perry