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12 NOON - PRESIDENTIAL MEETING WITH
CONGRESSMEN NUCLEAR NON-
PROLIFERATION
Cabinet Room (1/2 hour)
12 NOON

Friday, September 17, 1976

Pres: Get a handle
on proliferation.

India, Argentina, S. Korea,

In our judgment, how in the utmost
probability of legislation now.

Q - Two prongs of proliferation
1) fuel.
2) fuel.



Proble - complex. proliferation a world problem - can't
solve it w/o multilateral agreement
got open - shared power unilaterally
SALT II (?) - persons in concert

Objectives - protect our identity
and avoid proliferation

Public - moral issue. I know people of world
are clamor and cheer of their leaders -
people think imminent global
war conflict.
Reaction being raised by Iran & Germany
want to fuel by US, various
US can use its moral leadership & economic
muscle in a moral cause

(2)

only in the world that can take the
leadership.

Control the market
Cannot keep down to any extent
supplies in the world.
and Price -

When taken - Don't see two tried done
together - not of same
magnitude -

Do agree w/ subjects
National want expansion plant -
i.e. they want the best
would be that capability spread
throughout the world

objects to NEPA on timing
I am a proponent for when seen
Swif feel to last to 1985
Deterren can be built in 7 years(??)
Take 2 yr time pad to
Bees Carallia plants

P - ought to work simultaneously
come to floor - verify process to work
we have to have it on the State's Policy

Two together ³ see us a good play
equally important

Anders - This is not really not true

P. Lepi certainly see us the
Bookstop.

A - Facts were from both and
I would be treated as form of that
both bills get over to
legislation process

Porter - fair - found out your part of business
only one ~~unacceptable~~ - now -
? of ~~guarantee~~ -
important in Senate - agreed

Green - anti. Miller + environmentalists

But mutually trust together popular -
we would agree in 1 area -
want let other have day in court
Two vitally important issues.

THE WHITE HOUSE

WASHINGTON

MEETING WITH CONGRESSIONAL MEMBERS
AND OTHERS ON NUCLEAR NON-PROLIFERATION

Friday, September 17, 1976

12:00 Noon (15 Minutes)

The Oval Office

From: Brent Scowcroft

I. PURPOSE

- At Senator Percy's request, to seek agreement on a compromise nuclear non-proliferation bill.
- Also, we recommend using this meeting to make clear your position that the NFAA is critical to any serious attempt to deal with proliferation.

II. BACKGROUND, PARTICIPANTS & PRESS ARRANGEMENTS

- A. Background: Thus far, we have no information on the nature of the compromise that Senator Percy may wish to propose. We assume that it may be some compromise on a bill reported earlier this week by the JCAE (H. R. 15419, originally introduced by Anderson and Price) which we believe to be acceptable, but barely so; and one of two other unacceptable bills that are being pushed by Senators Ribicoff, Glenn and Percy.

The several bills making up the complex legislative picture are listed and described briefly at Tab A. As you had agreed in your earlier meeting with Senator Pastore, the Administration has worked through Administrator Seamans in support of the JCAE drafting activity to produce a technically and substantively better bill. This was done, however, without any commitment to support or accept the final bill.

Senator Percy, Ribicoff, and Glenn have shown no serious recognition of the fact that uranium enrichment is the critical element of any serious non-proliferation action by the United States. However, it is conceivable that they will bring up, or expect you

to bring up, the NFAA as a part of a compromise package. If they propose such a package, it is almost certain to involve a non-proliferation bill substantially less acceptable than the one reported Tuesday by the Joint Committee -- making agreement to a compromise very difficult. Accordingly, we recommend that you take a position which:

- makes passage of the NFAA an essential element, and
- makes clear that any non-proliferation legislation more restrictive than last Tuesday's JCAE bill is unacceptable.

Yesterday, the Senate tabled for this session any further consideration of nuclear energy bills, including the NFAA. That action seems subject to reversal.

If the NFAA is discussed, Senator Glenn may argue that the additional enrichment capacity is not needed. If so, Bob Fri will be prepared to discuss this point. Bob has also been leading Administration work on the various non-proliferation bills.

- B. Participants: Senators Percy, Ribicoff, Glenn, Pastore, Javits; Representatives Price and Anderson; ERDA Administrator Seamans, ERDA Deputy Administrator Fri, and EPA Administrator Train. (Senator Pastore may be late for the meeting because he is being honored at a breakfast for the Italian-American award he received Thursday night.) Deputy Secretary of State Robinson.
- C. Press Arrangements: Press photo session. Meeting to be announced.

III. TALKING POINTS

1. Gentlemen, I believe we share the same objectives in trying to control nuclear proliferation and I have been following developments on the Hill in this area very closely.
2. I am convinced that the principal tool we have available to us to influence other nations is to remain a reliable and competitive supplier of nuclear fuel and equipment for peaceful purposes. For this reason, I give highest priority to the Nuclear Fuel Assurance Act (NFAA) which we must have to expand uranium enrichment capacity in this country.
3. My view here is underscored by the recent announcement by the French to proceed with another large enrichment plant. The French indicated that they are moving ahead because of the indecision in the U.S. on this matter and their intention of taking over the markets we would supply.
4. For this reason, I find it hard to understand the 15-month delay by the Congress in passing the NFAA. I know the Senate has tabled the NFAA for this session but I assume that action is reversible.
5. I generally favor some toughening in the controls we require as a part of our agreements with others to supply nuclear fuel and equipment. However, this is an area where we must be very careful lest we act in a way that merely drives our customers to other suppliers who are less concerned than we are about proliferation.
6. Administration people have been working closely with the Joint Committee on Atomic Energy and others to come up with an acceptable bill. While I have not seen the details, my advisors tell me that the bill reported last Tuesday by the JCAE may be an acceptable way of moving forward. They have also warned me that going beyond this bill could be counterproductive to our non-proliferation goals.
7. I am willing to work with the Congress on this issue but we should begin with a commitment to pass the NFAA and with non-proliferation legislation that is at least as acceptable as the bill reported last Tuesday by the JCAE.

8. However, I should make clear that my strong interest in the NFAA will not prompt me to accept a non-proliferation bill that I find contrary to U.S. interests. I would be reluctant to see new requirements added beyond the bill reported by the JCAE.
9. I am concerned about the bills favored by the Senate Government Operations Committee because they could undermine our credibility as a nuclear partner, force us to a position of isolation and allow other suppliers to take over who are less concerned about proliferation. On the other hand, the goals, criteria and procedures incorporated in the JCAE bill seem to overcome many of these problems. I would like to express to John (Pastore), Mel (Price) and John Anderson my appreciation for their response to the points that Bob Seamans has brought to their attention on behalf of the Administration.

Current Status of Nuclear Non-Proliferation Legislation

SENATE

-- Senate Government Operations Committee

In May, reported S. 1439, the Nuclear Export Reorganization Act.

- Pushed by Senators Percy, Ribicoff, and Glenn. Deals largely with responsibilities of State, NRC, and other agencies; and makes Congress the referee of disputes between State and NRC on nuclear exports. This bill is totally unacceptable.

-- Joint Committee on Atomic Energy

- Met three weeks ago to consider S. 3770 (introduced by Baker and Pastore) but refused to report it. This bill is unacceptable.
- On Tuesday, September 14, ordered reported a revised version of a bill introduced by Price and Anderson. Administration officials worked closely with the JCAE on this bill and they consider it acceptable. Nuclear industry people believe it is too restrictive and oppose this or any other legislation this session.

-- Senate Foreign Relations

About three weeks ago, reported out S. 3770 as a substitute for S. 1439, the Government Operations Committee bill.

-- Floor Action

S. 1439 was scheduled for consideration on September 16, but the Senate (with very few members present) decided on September 15 to table for this session all nuclear bills, including the NFAA as well as non-proliferation legislation.

HOUSE

- Price and Anderson are seeking a rule on the bill reported Tuesday, September 14, by the JCAE. (As indicated above, Administration officials believe this bill is acceptable.)

- The extension of the Export Administration Act, which received a rule on Wednesday, includes an amendment by Zablocki which is unacceptable. Briefly, it requires the State Department to make some technically unachievable certifications before it concurs in the adequacy of safeguards as applied to foreign nuclear reprocessing requiring US approval. ERDA is working with Congressman Anderson to improve the text, which may come to the Floor momentarily.

- Principal Provisions of Price-Anderson Bill (as Reported by JCAE)
 - A statement of policy that U. S. will be a timely and reliable supplier for nations adopting comprehensive non-proliferation policies;
 - A statement of non-proliferation commitments which the U. S. will seek to negotiate with all other nations, including strict limits upon further development of national reprocessing and enrichment facilities;
 - A statement of strong support for the International Atomic Energy Agency;
 - Revised procedures (urged by Senator Symington) for Congressional review of new atomic energy agreements, including consideration by Senate Foreign Relations Committee and House International Relations Committee;
 - Policy guidance (in the form of principles) to be applied by NRC in deciding whether to issue export licenses, and provisions for tightening these principles when other nations agree to stricter non-proliferation commitments;
 - Authority for the President to authorize an export which NRC has denied if the export is necessary to achieve U. S. non-proliferation objectives (a critical provision);
 - Detailed reports to be furnished to Congress on progress in achieving non-proliferation goals.

[Sept. 1976]

PROBLEMS WITH TWO SENATE NON-PROLIFERATION BILLS

S.1439 as Reported in May by Senate Government and Operations Committee

- . Provides only for reshuffling of agency responsibilities relating to nuclear exports among ERDA, NRC, State, Commerce and ACDA.
- . Gives responsibility to NRC to develop on its own criteria governing nuclear exports. Provides no legislative guidance. NRC has been unable to develop criteria and is seeking legislative guidance.
- . Sets up Congress as the "ultimate referee in disputes between Executive Branch and the NRC on export licenses.
- . Requires a NEPA-like "nuclear proliferation assessment statement" prepared by ACDA.

The Version of S.1439 Reported by Senate Foreign Relations Committee Which is the Same as S.3770 Introduced by -- and Then Disowned -- Senators Pastore and Baker.

- . Constitutes a unilateral declaration of non-proliferation controls which must be accepted by other nations as a condition of U.S. nuclear exports.
 - sets up immediate binding criteria for exports which ERDA and State believe will prevent exports under all 30 existing agreements for nuclear cooperation. ERDA believes that, even if the language is stretched to its limits, current agreements with IAEA, Canada, and with EURATOM would not qualify.
 - gives the President 18 months to get new agreements with all trading partners.
 - other nations can cut off imports from the U.S. merely by refusing to accept the statutory requirements. Other suppliers are ready to satisfy demands without such restrictions.
 - the bill seeks to provide escape clauses to permit some leeway in applying the immediate criteria and for delays in the 18 months deadline. However, this is considered worthless for practical purposes because:
 - . the exceptions are subject to Congressional reversal.
 - . it creates an export policy of exceptions rather than rules.



- . Requires an ACDA nuclear proliferation assessment statement.
- . Overrides Executive privilege by requiring the President to provide to the Congress advice on exports he receives from the Secretary of State and Administrator of ERDA, as well as ACDA.
- . Requires the President to provide information that will antagonize trading partners (e.g., identifying specifically the controls that other nations have not yet adopted -- thus, portraying those nations publicly as not sufficiently concerned about proliferation).

[Sept. 1976]

COMPARISON OF GOALS -- S-3770 and H.R. 15419 as amended

Interim Principles

	<u>S-3770</u>	<u>H.R. 15419</u>
1. Safeguards on all fuel	Yes	Yes
2. No explosives pledge	Yes	yes
3. Adequate physical security on U.S. export	Yes	Yes
4. U.S. Acceptance of retransfer conditions on our fuel and equipment.	Yes	Yes
5. Reprocessing Assurance	Prior U.S. Approval	Enlarge options available to recipient country to permit signing long term fuel service contracts with international reprocessing ventures, removing requirement for specific U.S. approval each fuel loading.
6. No replication pledge	Yes	Yes

Long Term principles

1. Safeguards on all activities	Yes	Yes
2. No explosives pledge	Yes	Yes
3. Adequate physical security on <u>all activities.</u>	Yes	YES
4. No retransfers to anybody unless they agree to safeguard everything	Yes	Yes
5. Reprocessing conditions	No reprocessing by non-nuclear supplier nations.	No national reprocessing or if national facility operated they must assure (1) Little chance of diversion and (2) Advance non-proliferation goals of encouraging national reprocessing and (3) Cooperate providing services on a priority basis to those who give up national reprocessing ventures.
6. No further stockpiling and if stockpiles exist, put them under effective international auspices. (Non-nuclear weapons States)	<u>NO</u>	Yes

THE WHITE HOUSE

ACTION

WASHINGTON

September 16, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: JIM CONNOR

SUBJECT: French Decision to Build Large Enrichment Plant -- Capitalizing on US Delays

I suggest that you consider using the attached article from the Paris newspaper Les Echos in your Friday meeting with Senators Percy, Ribicoff, Glenn, Pastore and Javits.

Briefly, it says:

- . France has decided to "reap the benefits of nuclear expansion" because the U.S has delayed enrichment plants "due to the pre-election period."
- . France will proceed very quickly because enriched uranium is "in keen demand."
- . France wishes to take advantage of the American "wait and see attitude."

Enclosure



LITERAL TRANSLATION OF SEPTEMBER 14, 1976, ARTICLE IN
LES ECHOS (PARIS)

FRANCE TO INVEST 5.5 BILLION FRENCH FRANCS
IN A NEW URANIUM ENRICHMENT PLANT

At a time U.S. projects are being held in abeyance due to the pre-electoral period, France appears definitely decided to proceed in order to reap the benefits of nuclear expansion.

Thus, COREDIF, 51 of which is held by EURODIF (1), 29 by COGEMA, C.E.A.'s affiliate and 20 by Iran, has decided to set up a new gaseous diffusion uranium enrichment plant. Project is estimated at about 11 billion French francs (1975 constant francs) for an output of 10 million SWU (P.A.), which is equivalent to the output of the EURODIF plant, now being built on the Tricastin site (price: 9.6 billion French francs, 1974 constant francs). France will contribute about 5.5 billion French francs.

The project being studied assumes initial start-up of the plant in 1983 with an output of 5 million SWU whereas the EURODIF plant will be in full operation in 1981. At the present time, six sites have been selected, three of them being located in France. The final choice will be made in early 1977, but the executives of COREDIF are very cautious about divulging the possible geographical areas.

From now on, they intend to proceed very quickly, because enriched uranium is a fuel in keen demand. This is proven by the fact that the order book of EURODIF (started up in 1973) was saturated as early as March, 1974. In 1975, EURODIF had to turn down several contracts, although in addition to its shareholders, countries such as Japan, Germany and Switzerland are applicants.

Therefore, confident in its technology, France wishes to take advantage of the American wait and see attitude and the failure of certain other undertakings. Presently, the only international suppliers are the U.S.A. with a 17 million SWU capacity, the U.S.S.R. (3 to 4 million SWU), France (10.8 million SWU in 1981) and Germany, United Kingdom and Netherlands (2 million SWU in 1982). To these figures should be added the U.S. intentions of increasing the existing capacity to 27 million SWU in 1985.



But all this will not be enough, because the estimated demand will be of 56 million SWU in 1985, 64 in 1986 and 92 million in 1990. The shortage will be of 11 million in 1985, 19 in 1986 and perhaps 49 in 1990. Mr. George Besse, President of EURODIF, feels confident that the banks and investors will look favorably at the COREDIF project especially since the EURODIF job shows satisfactory advancement, the shareholders of COREDIF will supply about 20 of the necessary funds. The balance will be borrowed through issuance of paper or from banks. Such funds - why not ? - could be partially found in the U.S., which would be the evident proof of the reliance given to French technology and to French commercial opportunism.

(1) Italy, 23 - Spain, 11,1 - Belgium, 11.1 - COGEMA
(French AEC), 27.5 - SUFIDIF (40%--Iran/60%--COGEMA), 25

Urgent

FOR NOON
FRIDAY
MEETING

THE WHITE HOUSE

WASHINGTON

1976 SEP 17 11 11 15

September 16, 1976

MEMORANDUM FOR: JIM CANNON
JIM CONNOR
MAX FRIEDERSDORF
JIM MITCHELL

FROM: *Glenn* SCHLEEDE

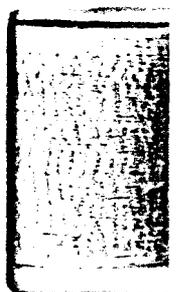
SUBJECT: Industry views on the
Non-proliferation bills

Attached is a copy of a letter which reflects the strong concerns of the nuclear industry about the non-proliferation bills -- including the JCAE bill of last Tuesday which Administration people helped write (i.e., by getting changes in an earlier, less acceptable bill).

The attached letter is signed by Craig Hosmer but it was written by officials from the top U.S. organizations selling abroad.

The JCAE bill may be the best possible compromise, but I think you should be aware of the concerns from this group. (Brent Scowcroft has a copy.)

cc: Bob Fri.



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AMERICAN NUCLEAR ENERGY COUNCIL

1750 K STREET, N.W. • SUITE 300 • WASHINGTON, D.C. 20006

(202) 295-4520

CRAIG HOSMER
PRESIDENT

September 16, 1976

Hon. Robert C. Seamans, Jr.
Administrator
U.S. Energy Research &
Development Administration
Washington, D.C. 20545



Re: H.R. 15419 (Nuclear Exports)

Dear Bob:

I feel it essential to write you regarding industry concerns over the bill "Nuclear Proliferation Control Act of 1976", H.R. 15419, as reported by the Joint Committee on Atomic Energy on September 14, 1976, with the so-called technical amendments recommended by ERDA.

First, let me make clear that the nuclear industry perceives that legislation addressed to the problem of nuclear non-proliferation is desired by some people. We do not, however, feel that the public generally is in that category, or if so, only mildly. Notwithstanding, an orderly international nuclear commerce requires the world to adopt common, effective measures which will meet the deep and genuine concerns of the Administration, the Congress, the American people, and of many other nations with similar views. So, legislation which actually provides these measures can be helpful.

But let me add that, in the attempt to secure legislation in the brief time before Congress adjourns, there has been no response to industry's attempts to be heard on its informed views on this subject. We feel this is a serious omission, because this exceedingly complicated, little understood and much amended bill is still intermixed with adverse commercial and foreign policy implications. We are writing you to be sure that ERDA understands, however, that our concerns are not just commercial in nature. That is important, but secondary. They are based on basic questions as to whether the proposed measure really is effective to inhibit nuclear non-proliferation, or even may be counterproductive.

The focus of our concern is Section 14, which creates licensing principles which would immediately apply to nuclear exports from the United States. Defined principles are certainly desirable by which NRC may exercise its judgement on nuclear exports. But the bill goes further. It would abrogate provisions in existing bilateral agreements with other countries. Most important, it would do so without giving diplomatic efforts a chance to modify those agreements through

renegotiation.

In the meantime, and until renegotiation, the NRC must apply the legally-defined principles to all exports, including those which stem from existing contracts, already financed (in the most part) through the Export-Import Bank. This is bound to create confusion in the minds of customer nations as to the reliability of the U.S. as a supplier, and to have a potentially damaging effect on U.S. nuclear exports, both as to existing business and future sales.

We see the real risk that other supplier nations who have not yet adopted similar export licensing criteria (and there are none) will simply step in to replace U.S. suppliers. This is already happening in an increasingly competitive market situation -- the effect of the bill in adding a question mark as to the credibility of the U.S. as a reliable supplier could put us at a decisive disadvantage in the international market place. As our share of it shrinks, so shrinks American non-proliferation clout.

No amount of protestation in the bill about the U.S. becoming a reliable supplier can overcome the fact that its competitors are taking away its business because many countries are not convinced in this respect. They are aware that no enriching contracts have been offered since 1974; that Congress is balking at NFAA; that bills and amendments to apply all kinds of nuclear exports proliferate in Congress; that nuclear moratoria are pending in several states; and so on.

There is no need to re-emphasize that the consequence of this market shift to other suppliers would neither serve non-proliferation objectives, nor do much to convince other supplier nations that they should give back the competitive advantage which we have handed to them.

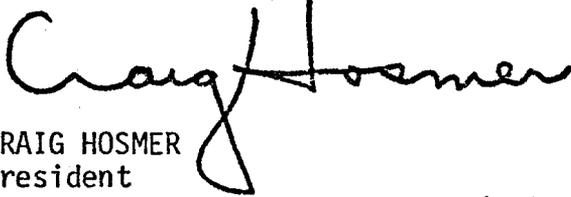
At stake is a backlog of perhaps \$4 billion of overseas orders to American industry (30,000 direct jobs), and another estimated \$29 billion potential for U.S. sales and 200,000 jobs per year through 1981. Perhaps only some of this potential business would be lost if the bill passes. The industry would surely agree to accept that consequence in exchange for the achievement of real and far-reaching non-proliferation goals. But, we feel it would be a very high price to pay if the bill falls short of its announced objectives. We feel that it does fall short. We are not convinced that such unilateral action by the United States on nuclear export controls will, in the absence of similar policy decisions and actions by other supplier states, accomplish the important non-proliferation objectives being sought.

It is possible that the Congress may be having second thoughts on considering nuclear export legislation in the current session. If this is so, perhaps ERDA can thereafter draft legislation which could, early in the next session, be submitted to Congress and be exposed to the deliberative hearing process which this complex and important subject deserves.



I have only highlighted a few specific objections to the bill as now written and amended. There are others, but I think that those re-cited should be sufficient to indicate that a more deliberative approach should be taken to this kind of legislation. And, there is no emergency situation at hand that requires immediate action.

Cordially,

A handwritten signature in black ink that reads "Craig Hosmer". The signature is written in a cursive style with a large, sweeping "C" and a long, trailing flourish at the end.

CRAIG HOSMER
President

CH:jh

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RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C. 20510

September 17, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As you know, major legislation is awaiting Senate action on the critical problem of nuclear proliferation. This legislation is the product of nearly two years of work by the Government Operations Committee, which held extensive hearings and received 4,500 pages of testimony and background material from Administration, industry, and other expert witnesses. Subsequent extensive discussions among the Members and staff of the Government Operations, Foreign Relations, and Joint Atomic Energy Committees produced a compromise proposal which was introduced by Senator Pastore, co-sponsored by key Members of all three committees, and approved overwhelmingly by the Foreign Relations Committee. That compromise will be offered as substitute language for S. 1439, which has been on the Senate calendar for several weeks.

In a separate action, the Joint Committee on Atomic Energy has reported out a bill originating in the House. It is our deep conviction that several provisions of that legislation are unacceptable. The bill is not only substantially weaker than the compromise proposal; it would seriously undermine existing United States export control procedures and condone dangerous practices which have already heightened the risk of nuclear proliferation. A memorandum is enclosed outlining our principal objections to the provisions of H.R. 15419, as amended.

The United States can and must exert strong and creative leadership in the effort to halt nuclear proliferation. We urge you to pursue every avenue to convey the urgency of this problem to the world community, including a major Presidential address on proliferation before the United Nations or some other suitable forum this Fall, and to assist us in every way possible to enact a strong, constructive non-proliferation bill in this Congress.

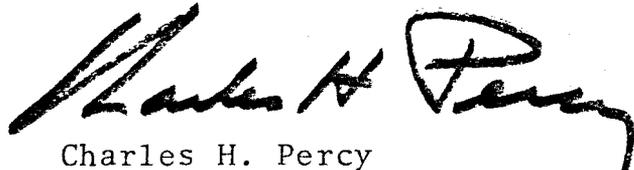
September 17, 1976

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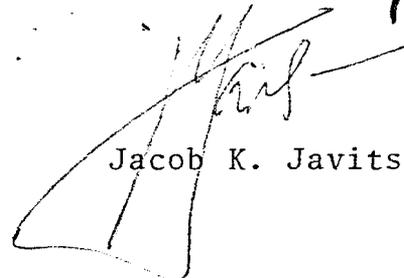
Specifically, we respectfully request that the "hold" placed on S. 1439 at the request of the administration be removed so that early next week the Senate can consider this legislation under a reasonable time limitation agreement allowing for adequate debate. After approval by the Senate, the House may enact whatever it deems appropriate, permitting us in conference to reach compromise on the final provisions of a bill that will offer hope that we can achieve a more effective international agreement placing strict controls on the transfer and use of sensitive nuclear material and technology. Even if the House, because of approaching sine die adjournment, cannot act, we feel that passage of a strong and responsible Senate bill would lend credibility to the Administration's efforts to reach agreement at the nuclear suppliers' conference and to strengthen the safeguards of the International Atomic Energy Agency.

Sincerely,


Abraham Ribicoff


Charles H. Percy


John Glenn


Jacob K. Javits

CHP:fcē

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Nuclear Policy Statement - Meeting with the President and Congressmen,

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