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Congress of the United States
Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

June 18, 1982

Honorable Joseph M. Hendrie, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

The Committee on Foreign Affairs would appreciate receiving the comments of the Commission on the following bill:

H.R. 6318 — To prohibit the export and use abroad of certain nuclear technologies and materials.

Inasmuch as subcommittee hearings are scheduled in the near future, I would appreciate receiving the Commission's views on H.R. 6318 within three weeks time. On April 22, I requested views on a related measure, H.R. 6032, and would appreciate receiving comments within the same time frame.

A copy of the bill is enclosed for your reference.

With best wishes, I am

Sincerely yours,

Chairman

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Enclosure

97TH CONGRESS
2D SESSION

H. R. 6318

To prohibit the export and use abroad of certain nuclear technologies and materials.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1982

Mr. OTTINGER introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit the export and use abroad of certain nuclear technologies and materials.

1 *Be it enacted by the Senate and House of Representa-*
-- 2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Nuclear
5 Non-Proliferation Amendments of 1982".

6 FINDINGS

7 SEC. 2. The Congress finds and declares that—

8 (1) the spread of highly enriched uranium and sep-
9 arated plutonium, or the direct capability to manufac-

1 ture or otherwise acquire such materials, poses a grave
2 threat to the security interests of the United States and
3 to continued international progress toward world peace
4 and development;

5 (2) technologies for the enrichment of uranium or
6 other isotopic separation of special nuclear materials,
7 for the reprocessing of nuclear fuel, and for the produc-
8 tion of heavy water have been used in the production
9 of highly enriched uranium and separated plutonium;

10 (3) effective safeguards do not now, and will not
11 soon, exist for highly enriched uranium and separated
12 plutonium and for the technologies (including technol-
13 ogies relating to uranium enrichment and other isotopic
14 separation, nuclear fuel reprocessing, and heavy water
15 production) from which such materials are produced;

16 (4) if exported, these technologies would turn sep-
17 arated plutonium and highly enriched uranium into ar-
18 ticles of commerce and thus would gravely increase the
19 risk that nuclear weapons will spread to non-nuclear-
20 weapon states;

21 (5) it has been the longstanding and consistent
22 policy of the executive branch of the United States
23 Government to prohibit the export of these technol-
24 ogies;

1 (6) the supplier guidelines of the Nuclear Suppli-
2 ers Group reflect a consensus among supplier countries
3 to exercise restraint in the supply of these technologies
4 to non-nuclear-weapon states;

5 (7) a congressional affirmation of this policy can
6 strengthen United States leadership, by example, in
7 persuading other nuclear supplier countries not to
8 export these technologies;

9 (8) the reprocessing of spent nuclear fuel and the
10 use of separated plutonium and highly enriched urani-
11 um cannot be carried out under conditions that will
12 ensure "timely warning" to the United States of any
13 diversion;

14 (9) in the absence of effective safeguards and in-
15 ternational sanctions against violations of nonprolifera-
16 tion commitments, reprocessing, and the use of result-
17 ing materials subject to United States control would
18 significantly increase the risk of proliferation and
19 should not be approved; and

20 (10) the activities of United States firms directly
21 or indirectly engaged in foreign nuclear commerce can
22 have a significant effect on United States foreign policy
23 and national security interests and should therefore be
24 licensed by the United States Government.

1 PRODUCTION OF HIGHLY ENRICHED URANIUM AND
2 SEPARATED PLUTONIUM

3 SEC. 3. Section 402(b) of the Nuclear Non-Proliferation
4 Act of 1978 (42 U.S.C. 2153a(b)) is amended to read as
5 follows:

6 "(b) Notwithstanding any other provision of law, major
7 critical components of any facility for, and information or
8 other assistance which is relevant to, the enrichment of ura-
9 nium or other isotopic separation of special nuclear material,
10 nuclear fuel reprocessing, or heavy water production may not
11 be exported or otherwise provided under any agreement for
12 cooperation (except an agreement for cooperation pursuant to
13 subsection 9c., 144b., or 144c. of the 1954 Act) or under any
14 authorization by the Secretary of Energy under subsection
15 57b. (2) of the 1954 Act. For purposes of this subsection, the
16 term 'major critical component' means any component part
17 or group of component parts which the President determines
18 to be essential to the operation of a complete facility for the
19 enrichment of uranium or other isotopic separation of special
20 nuclear material, for nuclear fuel reprocessing, or for heavy
21 water production."

1 REPROCESSING AND RETRANSFERS OF SEPARATED
2 PLUTONIUM

3 SEC. 4. Chapter 11 of the Atomic Energy Act of 1954
4 is amended by adding at the end thereof the following new
5 section:

6 "SEC. 132. PROHIBITION ON REPROCESSING AND ON
7 RETRANSFERS OF SEPARATED PLUTONIUM.—

8 "a. Until such time as the Congress enacts a joint reso-
9 lution in accordance with subsection b. of this section—

10 "(1) the Secretary of Energy may not grant any
11 approval (under section 131 or otherwise) which is re-
12 quired under any agreement for cooperation (including
13 associated agreed minutes), other agreement, under-
14 standing, or assurance, for; and

15 "(2) an agreement for cooperation (including asso-
16 ciated agreed minutes) or other agreement, may not
17 permit;

18 the reprocessing, or the use or retransfer of any plutonium in
19 quantities greater than five hundred grams resulting from the
20 reprocessing, of any special nuclear material which is export-
21 ed by the United States or produced through the use of any
22 nuclear materials and equipment or sensitive nuclear technol-
23 ogy exported by the United States. Paragraph (2) applies
24 with respect to any agreements for cooperation, including
25 any amendments to an agreement for cooperation, associated

1 agreed minutes, or other agreements, which are entered into
2 after May 6, 1982.

3 "b. The prohibitions contained in this section shall
4 remain in effect until such time as the Congress enacts a joint
5 resolution declaring that the Congress finds that—

6 "(1) effective international safeguards, which will
7 provide timely warning to the United States of any di-
8 version well in advance of the time at which a non-
9 nuclear-weapon state could transform the diverted ma-
10 terial into a nuclear explosive device, can be applied
11 with respect to reprocessed special nuclear material
12 and to separated plutonium; and

13 "(2) international sanctions against violations of
14 non-proliferation commitments have been established
15 which are adequate to deter non-nuclear-weapon states
16 from diverting reprocessed special nuclear material and
17 separated plutonium to the manufacture of nuclear ex-
18 plosive devices."

19 LICENSING OF CERTAIN ACTIVITIES IN FOREIGN NUCLEAR
20 COMMERCE

21 SEC. 5. (a) Chapter 11 of the Atomic Energy Act of
22 1954, as amended by section 4 of this Act, is further amend-
23 ed by adding at the end thereof the following new section:

24 "SEC. 133. LICENSING OF CERTAIN ACTIVITIES IN
25 FOREIGN NUCLEAR COMMERCE.—

1 "a. Activities described in subsection b. of this section
2 by any person subject to the jurisdiction of the United
3 States—

4 "(1) may be engaged in only if authorized under
5 an agreement for cooperation;

6 "(2) shall be considered to be exports for purposes
7 of the procedures and requirements of section 126, sec-
8 tion 127, and section 128, except that any such activi-
9 ties relating to transfers or retransfers of components,
10 items, and substances shall be considered to be exports
11 for purposes of the procedures and requirements of sec-
12 tion 109 b.; and

13 "(3) shall require a license from the Nuclear Reg-
14 ulatory Commission.

15 "b. The requirements of subsection a. apply with re-
16 spect to any transfer or retransfer, including any activity
17 which directly or indirectly assists in any way the transfer or
18 retransfer, outside the United States of—

19 "(1) any source or special nuclear material (in-
20 cluding transfers or retransfers of title to any such ma-
21 terial),

22 "(2) any production or utilization facility or any
23 technology pertaining to any such facility,

24 "(3) any sensitive nuclear technology, or

1 “(4) any component, item, or substance deter-
2 mined to have significance for nuclear explosive pur-
3 poses pursuant to section 109 b.,
4 regardless of the country of origin.”.

5 (b) Section 234 a. of that Act is amended by striking out
6 “or 109” and inserting in lieu thereof “109, or 133”.

7 ADEQUACY OF INTERNATIONAL ATOMIC ENERGY AGENCY
8 SAFEGUARDS

9 SEC. 6. (a) Section 127 of the Atomic Energy Act of
10 1954 is amended—

11 (1) in paragraph (1) by inserting “(A)” immediate-
12 ly after “(1)”; and

13 (2) by inserting immediately after paragraph (1)(A)
14 as so redesignated, the following:

15 “(B) The International Atomic Energy Agency
16 safeguards to be applied will be adequate to provide
17 timely warning to the United States of any diversion
18 of—

19 “(i) any such special nuclear material, or

20 “(ii) any special nuclear material used in any
21 such facility or produced through the use of any
22 such material, facility, or technology,

23 well in advance of the time at which a non-nuclear-
24 weapon state could transform the diverted material into
25 a nuclear explosive device.”.

1 (b) Section 109 b. of that Act is amended by inserting
2 immediately before the semicolon at the end of clause (1) of
3 the second sentence “, and those safeguards will satisfy the
4 ‘timely warning’ requirement described in paragraph (1)(B) of
5 section 127”.

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