



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MEMORANDUM FOR: Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Hendrie
Commissioner Bradford

FROM: Carlton Kammerer, Director
Office of Congressional Affairs

SUBJECT: TARAPUR HEARING

On June 26, 1980, the House Committee on Foreign Affairs held a hearing on the President's decision to order the shipment of nuclear fuel and component parts to India and the various resolutions of disapproval introduced in the House. According to the Nuclear Non-Proliferation Act of 1978, the Congress has 60 days in which to veto the Executive Order by a concurrent resolution of disapproval approved by a majority of both houses.

To date, there have been four concurrent resolutions offered by various Congressmen; Mr. Bingham (D-NY) has introduced H. Con. Res. 367 and 368, Mr. Dodd (D-CONN) has introduced H. Con. Res. 369, and Mr. Markey (D-MASS) has introduced H. Con. Res. 372. The Markey and Dodd resolutions oppose the entire export of low-enriched uranium and replacement parts to India. However, Bingham's resolutions disapprove two of the seven licenses of the Indian shipment package. The two licenses being opposed involve only the export of low-enriched uranium and not replacement reactor parts.

Mr. Bingham's resolutions have been co-sponsored by the leadership of the Foreign Affairs Committee, including Chairman Zablocki (D-Wis) and Mr. Broomfield (R-Mich), the ranking minority member of the Committee. As of June 26, the Markey resolution had 68 co-sponsors. According to Mr. Markey's press secretary, Mr. Markey will support Mr. Bingham's resolutions if the House does not support his total rejection of all seven licenses.

At the hearing, Mr. Bingham was the first to testify, and he was followed by Mr. Wolff (D-NY), Mr. Wydler (R-NY) and Mr. Markey (D-Mass). By unanimous consent, Mr. Dodd's statement was entered into the record since he was unable to attend. Mr. Wydler was the sole Congressman to testify in favor of the President's decision to allow the export.

After questions were put to the Congressmen, Deputy Secretary of State Warren Christopher and Ambassador-at-Large for Nuclear Non-Proliferation Gerard Smith testified. The questions directed to Mr. Christopher and Mr. Smith from the Committee members were detailed and intense, including

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queries into such areas as the interpretation of the 1956 heavy water agreement between the U.S. and India. However, the basic arguments mustered by the Administration remained the congressional intent of the "grace period," the U.S.'s obligations under the 1963 Tarapur Agreement with India, and the President's power under the NNPA to waive the licensing requirements for a nuclear fuel shipment. Mr. Christopher did seem more hesitant to rely on the State Department's interpretation of the grace period.

Mr. Zablocki adjourned the hearing subject to call of the chairman. According to Chairman Zablocki's staff, Mr. Hamilton (D-Ind) requested that the Committee have an additional hearing on Tarapur in order to have the benefit of the testimony of Joseph Nye, former Deputy to the Under-Secretary of State. However, the staff understood that the Chairman was attempting to talk Mr. Hamilton out of his request for another hearing. If Mr. Hamilton withdraws his request, the full Committee will act on the resolution on Tuesday, July 11, 1980 at 9:45 a.m.

Please find enclosed H. Con. Res. 367, 368, 369, and 372; and the statements of Mr. Bingham, Mr. Wolff, Mr. Dodd, Mr. Wydler, Mr. Markey and Mr. Christopher.

Enclosures:

As stated

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