



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

PDR

December 13, 1985

Mr. James C. Miller, III
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Miller:

The Nuclear Regulatory Commission has no objection to the President signing into law Senate Joint Resolution 238, which relates to peaceful nuclear cooperation between the United States and the People's Republic of China.

Sincerely,

Nunzio J. Palladino

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PDR COMMS NRCC
CORRESPONDENCE PDR



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

12/12/85

URGENT

ENROLLED BILL REQUEST

URGENT

3 pages (counting
transmittal sheet)

TO:

LEGISLATIVE LIAISON OFFICERS:

Dept of State - LeeAnne Berkenbile - 632-0430

Dept of Commerce - Mike Levitt - 377-3151

Dept of Energy - Bob Rabben - 252-6718

Nuclear Regulatory Commission

SUBJECT:

ENROLLED BILL - SJRes 238

In accordance with OMB Circular No. A-19, your written views and recommendation for Presidential action are requested on the attached enrolled bill facsimile.

Please consult section 10 of OMB Circular No. A-19, pages 12-14, for instructions regarding the preparation of enrolled bill letters and the procedures to be followed on enrolled bills.

Within TWO DAYS (including holidays but excluding Sundays) after receipt of this request, your reply (original and one copy) should be delivered VIA SPECIAL MESSENGER to Mrs. Julia Yuille, Room 7201, New Executive Office Building. (In addition, you may wish to send in advance a copy of your views letter using telecopier equipment by calling 395-3130.)

Your cooperation in meeting this deadline is needed to provide maximum time for Presidential action on the enrolled bill.

A regular facsimile of the enrolled bill is being sent to you in the regular messenger service. The legislative analyst handling this bill is Sue Thau.

7300

JAMES M. FREY
Assistant Director for
Legislative Reference

Attachment

Important--Enrolled Bill

Ninety-ninth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Thursday, the third day of January,
one thousand nine hundred and eighty-five*

Joint Resolution

Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the People's Republic of China.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Congress does favor the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985 (hereafter in this joint resolution referred to as the "Agreement").

(2) Notwithstanding section 128 of the Atomic Energy Act of 1954, the Agreement becomes effective in accordance with the provisions of this joint resolution and other applicable provisions of law.

(b) Notwithstanding any other provision of law or any international agreement, no license may be issued for export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement, and no approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be given—

(1) until the expiration of a period of thirty days of continuous session of Congress after the President has certified to the Congress that—

(A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;

(B) the Government of the People's Republic of China has provided additional information concerning its nuclear non-proliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 128 of the Atomic Energy Act of 1954; and

(C) the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request; and

(2) until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the history and current developments in the nonproliferation policies and practices of the People's Republic of China.

The report described in paragraph (2) shall be submitted in unclassified form with a classified addendum.

S. J. Res. 288—2

(c) Each proposed export pursuant to the Agreement shall be subject to United States laws and regulations in effect at the time of each such export.

(d) Nothing in the Agreement or this joint resolution may be construed as providing a precedent or other basis for the negotiation or renegotiation of any other agreement for nuclear cooperation.

(e) For purposes of subsection (b)—

(1) the continuity of a session of Congress is broken only by adjournment of the Congress sine die at the end of a Congress; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*