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[Omitted here is material on other issues.]

From 4:00 to 5:00 p.m. I attended a meeting of the National Security Council Subcommittee, held in Room 4216 of the Department of State. Present were: Elliott Richardson (Chairman), Alexis Johnson, Samuel DePalma, George Springsteen,

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R. Hartman (State), David Packard (DOD), General Wheeler and Major General Evans (JCS), Richard Helms and Mr. Jessup (CIA), Henry Kissinger and H. Sonnenfeldt (NSC), Gerard Smith (ACDA), myself, Myron Kratzer and Tony Joseph (AEC), and Mr. Loomis (USIS).

The purpose of the meeting was to discuss the question of U.S. ratification of the NPT and a few other matters. Richardson opened the meeting by referring to the talks within the U.S. Government concerning the use of German off-set funds and indicated that there was now agreement on this among the various agencies. (Apparently this included agreement that the Germans might use some of these funds to buy uranium enriching services in the United States to enable them to stockpile some enriched uranium in Germany - this had been opposed by Charles Van Doren, Acting General Counsel of ACDA, and Deputy Under Secretary of State Samuels (for Economic Affairs), but apparently the AEC view that this should be allowed was accommodated in a compromise.) Richardson said that he had discussed the whole problem with Senator Symington, who displayed a cooperative attitude and indicated that he will await final action until the House has acted on this.

Richardson then turned to the NPT and indicated the U.S. faced a dilemma as to whether it should ratify before the

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Soviet Union ratifies. Germany believes strongly that we shouldn't ratify until the Soviets do, or that there be a simultaneous deposit of ratification papers by the U.S. and the Soviets which would tend to discourage the Soviets from challenging U.S. interpretations of the treaty after the U.S. had completed ratification. ~~The~~ Germans are afraid that the Soviets might put pressure on them to ratify by interpreting the World War II treaty as giving them the right to intervene in Germany. Thus, joint deposit by the U.S. and the Soviet Union would serve to take the heat off the Germans as the principal cause for not bringing the treaty into force. Apparently the Germans do not intend to ratify until after the German elections next September. Thus, the issue we face is whether we should continue to tie our actions to those of the Soviets and delay our deposit if the Soviets decide to delay until Germany signs the treaty. Smith said that since the Germans may wait until September we should perhaps make another effort with the Soviets for a simultaneous ratification. However, the Soviets think that the U.S. made a commitment to deliver the Germans' ratification before they (the Soviets) ratify. Richardson said we are thus faced with a "chicken and egg" proposition. He said that Meeker has made the legal interpretation that signature of the ratification papers and deposit of the papers can be separate actions.

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Thus, it might be possible to take the first step of signature simultaneously with the Soviets, perhaps tying them in with the announcement that we will undertake the SALT talks with them and then not actually deposit the papers until the SALT talks really commence. He asked how soon the ratification papers must be signed; Smith responded, "the sooner, the better; however, a couple of months would be okay." Johnson indicated that we must also consider the Japanese because their ratification would be an important step. It was indicated that Japanese ratification might be tied to their obtaining membership in the ENDC and Smith indicated he thought that this has definitely been arranged.

Kissinger said he didn't think that ratification should be tied in with the SALT talks because the President wasn't yet ready to commit himself on these discussions and hasn't approved them as yet. He said that when the President definitely decides to go ahead with the SALT talks, we might have another look at this possibility.

Richardson summarized the situation by suggesting that Ambassador Beam might indicate in the form of an aide memoire to Kuznetsov in Moscow, at the appropriate time, that we were ready to go ahead with simultaneous ratification. He then turned to the problem of getting agreement with EURATOM and IAEA for the administration of safeguards in EURATOM countries under Article III of the NPT and asked me to describe the

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status of this situation. I said that this was another "chicken and egg" deal. Euratom doesn't want to conclude an agreement with IAEA until the IAEA safeguards are in effect and a number of countries have joined the NPT, whereas a number of countries do not want to join the NPT until the EURATOM countries have joined under an arrangement where the IAEA-EURATOM safeguards are in effect. I suggested that we discuss this problem with Haferkamp when he arrives later this month and with Jean Rey, President of the Commission of European Communities, when he comes to the United States in June; we might also discuss it with Sigvard Eklund. I said that if we don't take the initiative neither EURATOM nor IAEA will do so and no progress will be made in accommodating the difficult IAEA-EURATOM safeguards relationship. Richardson said this was a matter of our encouraging the EURATOM countries involved but not leaning on them, and Kissinger agreed that this is the way it must be done. Richardson suggested that representatives of the European Office, the International Operations Office, and the AEC get together to recommend a program for breaking this stalemate, and I strongly endorsed this.

Smith said that it is important to encourage India and Pakistan to sign the NPT. I indicated that Argentina is a key country in connection with their interest in ENDC membership, and that we might make our support for the latter

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contingent on their signing the NPT. Australia was also identified as an important country with regard to the NPT, and it was suggested that it be discussed with Prime Minister Gorton when he comes to town next week. The mention of Australia brought up the question of the application of nuclear explosives to build harbors which caused Richardson to ask me to describe the results of Dr. Tape's discussions with the Soviets concerning Plowshare in Vienna.

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I said that the discussions were technical and that Tape led a U.S. team while Federov led the Soviet team. The two and one-half days of discussions covered the technical accomplishments of the two countries in the Plowshare field. I told them that Tape described our entire program, but the Soviets described only two events in their program and indicated, in private corridor conversation, that this was only about two-thirds of their program and all that they had permission to tell us. They said that if the meeting had been held in Moscow they could have obtained telephonic permission to tell us more once they learned the extent of our disclosures. Also, in corridor conversation, they told Tape and the members of his team that the interpretation of the LTBT with respect to the presence of radioactive debris needed to be defined. They suggested that this be on the basis of radioactive debris present in the atmosphere

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as a result of atmospheric weapons testing, and, thus, as this amount decayed, a corresponding amount could be added through Plowshare experiments and projects. They told Tape that they definitely did not want to modify the LTBT to take care of this problem, but that such an interpretation of permissible level of radioactivity would be the way to solve the problem. They described rather extensive projects involving up to 250 nuclear explosions to build a canal, which they thought could be carried out without modification of the LTBT under such an interpretation of the treaty.

As a result of my description of the Tape-Federov talks, it was suggested that the President issue a NSSM, asking that the U.S. define a position on the level of radioactivity permitted from Plowshare experiments and projects under the LTBT, and Kissinger indicated that he would have such a NSSM issued.

As the meeting was breaking up, I suggested that if many months went by without U.S., Soviet or German ratification of the NPT, we might reach a situation where the treaty could be jeopardized because of this and, therefore, we might want to consider the possibility at that time of unilateral signing by the U.S. with the withholding of deposition until there was some action by the Soviets.

Richardson closed the meeting by indicating that anyone who had any new projects or considerations that he wanted

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the group to discuss should get in touch with him or
Kissinger.

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