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Message to the Congress Transmitting a Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy

June 16, 2015

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the proposed Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the proposed Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), two classified annexes to the NPAS, prepared by the Secretary of State, in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of the export control system of the Republic of Korea (ROK) with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A(w) of the National Security Act of 1947 (50 U.S.C. 3024(w)), is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement contains all of the requirements established by section 123 a. of the Act. It provides a comprehensive framework for peaceful nuclear cooperation with the ROK based on a mutual commitment to nuclear nonproliferation. It would permit the transfer of material, equipment (including reactors), components, information, and technology for nuclear research and nuclear power production. It would not permit the transfer of Restricted Data, and sensitive nuclear technology or technology or information that is not in the public domain concerning fabrication of nuclear fuel containing plutonium could only be transferred if specifically provided by an amendment to the proposed Agreement or a separate agreement. Any special fissionable material transferred could only be in the form of low enriched uranium, with two exceptions: small quantities of material for use as samples; or for other specified applications such as use in loading and operation of fast reactors or the conduct of fast reactor experiments. The proposed Agreement would also obligate the United States to endeavor to take such actions as may be necessary and feasible to ensure a reliable supply of low enriched uranium fuel to the ROK, similar to terms contained in other recent civil nuclear cooperation agreements.

The proposed Agreement would also establish a new standing High-Level Bilateral Commission (HLBC) to be led by the Deputy Secretary of Energy for the Government of the United States of America and the Vice Minister of Foreign Affairs for the Government of the ROK. The purpose of the HLBC is to facilitate peaceful nuclear and strategic cooperation between the parties and ongoing dialogue regarding areas of mutual interest in civil nuclear energy, including the civil nuclear fuel cycle.

The proposed Agreement will have an initial term of 20 years and would renew for one additional period of 5 years unless either party gives written notice at least 2 years prior to its expiration that it does not want to renew the proposed Agreement. The proposed Agreement also requires the parties to consult as soon as possible after the seventeenth anniversary of its entry into force to decide whether to pursue an extension of the proposed Agreement. In the event of termination of the proposed Agreement, key nonproliferation conditions and controls will continue in effect as long as any nuclear material, moderator material, byproduct material, equipment, or component subject to the proposed Agreement remains in the territory of the party concerned or under its jurisdiction or control anywhere, or until such time as the parties agree that, in the case of nuclear material or moderator material, such items are no longer usable for any nuclear activity relevant from the point of view of international safeguards or have become practically irrecoverable, or in the case of equipment, components, or byproduct material, such items are no longer usable for nuclear purposes.

The ROK has a strong track record on nonproliferation and its government has consistently reiterated its commitment to nonproliferation. The ROK is a party to the Treaty on the Non-proliferation of Nuclear Weapons, has an International Atomic Energy Agency safeguards agreement and Additional Protocol in force, is a member of the four multilateral nonproliferation export control regimes (Missile Technology Control Regime, Wassenaar Arrangement, Australia Group, and Nuclear Suppliers Group, for which it served as Chair in 2003-2004 and is scheduled to do so again in 2015-2016), and is an active participant in the Proliferation Security Initiative. A more detailed discussion of the ROK's civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in two classified annexes to the NPAS submitted to you separately. As noted above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of the export control system of the ROK with respect to nuclear-related matters.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA

The White House,
June 16, 2015.

Categories: Communications to Congress : South Korea, nuclear energy cooperation with U.S., message transmitting proposed agreement .

Subjects: Arms and munitions : Nuclear weapons and material :: Nonproliferation efforts; South Korea : Nuclear energy, cooperation with U.S.

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