

FOIA MARKER

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Folder Title:

Korea, July-December, 1994 [2]

Staff Office-Individual:

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405

Row:	Section:	Shelf:	Position:	Stack:
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	US-DPRK Helicopter Incident (2 pages)	12/26/1994	P1/b(1)
002. memo	Text of Oral Message, Ambassador Galucci to Minister Kang (2 copies) (2 pages)	12/26/1994	P1/b(1)
003. draft	letter re helicopter incident (1 page)	12/26/1994	P1/b(1)
004. cable	Instructions (4 pages)	12/26/1994	P1/b(1)
005. letter	letter re helicopter incident (1 page)	12/23/1994	P1/b(1)
006a. note	Gen Luck to Gen Shalikashvili re proposed letter (1 page)	12/23/1994	P1/b(1)
006b. draft	letter re helicopter incident (1 page)	12/23/1994	P1/b(1)
006c. cable	UNC-KPA Meeting on the 17 Dec Helicopter Incident (5 pages)	12/23/1994	P1/b(1)
007. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/21/1994	P1/b(1)
008. memo	oral message transcript, Minister Kang to Ambassador Gallucci (2 pages)	12/21/1994	P1/b(1)
009a. memo	Steven Aoki to Samuel Berger re Deputies Meeting on North Korea (3 pages)	12/20/1994	P1/b(1)
009b. paper	Lifting Sanctions Fact Sheet (1 page)	12/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

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009c. paper	Concept Paper: Lifting Sanctions (5 pages)	12/20/1994	P1/b(1)
009d. paper	Lifting Sanctions Schematic (2 pages)	12/20/1994	P1/b(1)
010a. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/19/1994	P1/b(1)
010b. memo	oral message transcript, Ambassador Galucci to Minister Kang (1 page)	12/18/1994	P1/b(1)
011. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/17/1994	P1/b(1)
012a. memo	Gary Samore to SSKWG re LWR Supply Agreements (1 page)	12/12/1994	P1/b(1)
012b. paper	Terms and Conditions for Agreement re LWR (7 pages)	c 12/1994	P1/b(1)
013. paper	Korean Exercise Program Revision (4 pages)	12/01/1994	P1/b(1)
014a. note	Steve Aoki to Sandy Berger re North Korea Nuclear Talks (1 page)	c 12/1994	P1/b(1)
014b. draft	response to proposal (1 page)	c 12/1994	P1/b(1)
014c. paper	Proposed Agreement (2 pages)	09/1994	P1/b(1)
015a. paper	Next Steps on North Korea (8 pages)	c 11/1994	P1/b(1)

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015b. paper	Background on Alternative Financing for LWR (3 pages)	c 11/1994	P1/b(1)

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To: David Brown, fax 202 6477388
From: Peter Hayes
Re helicopter downing:

FYI, following is an excerpt from command history, USFK, included in today's Special Report.

BACKGROUND INFORMATION

The last time a US helicopter crashed in North Korea was on July 14, 1977. The treatment of that incident was colored by the memories of the near-collision between US and DPRK military forces during the August 1976 incident at Panmunjon in which two US GIs were killed.

The following excerpts from US military command histories provide details of the negotiations concerning the CH-47. The helicopter was on a mission to carry construction materials to a ROK outpost near the eastern end of the DMZ when it flew over DPRK airspace and was shot down.

Source of following excerpt: US Forces Korea/Eighth US Army, 1977 Annual Historical Report, Command Historian, Headquarters, USFK/EUSA, p. 28.

At 1340 hours, 14 Jul, UNC [UN Command, PH] requested the 385th MAC meeting to be convened at 1800 hours that evening. Because of the serious nature of this incident, the normal procedure of giving 48 to 72 hours notice when calling a MAC session was not followed. At 1458 hours the UNCMAC Senior Member sent a follow-up message to his KPA/CPV counterpart noting that the intrusion of NK [DPRK] airspace was unintentional, that UNC was deeply concerned over the regrettable incident, and requested that the crew and helicopter be returned immediately. At 1745 hours the Communist side [North Koreans] counterproposed that the meeting be delayed until 1100 hours, 16 Jul. The UNC agreed and requested that crew members be returned at that time.

The incident was first disclosed in the US on 14 Jul by President Carter at a White House meeting with seven senators. He remarked: "We are trying to let them (NKs [North Koreans]) know that we realize the mistake was made by the crew in going into the DMZ" and that "our primary interest is in having the incident not escalate into a confrontation and also to account for the crew members."

The UNC opened the 385th MAC meeting at 1100 hours, 16 Jul by stating that the unarmed helicopter was shot down after an "unintentional intrusion" and termed the incident "regrettable." The UNCMAC Senior Member then referred to his earlier request regarding the return of the lone survivor, the bodies of three dead crewman, and the helicopter. The KPA/CPV Senior Member responded by remarking that "we are going to settle the incident leniently so that a complicated situation will not be created." After a brief dialogue the KPA/CPV Senior Member announced that the survivor and three bodies would be delivered with no conditions attached except for a written receipt from the UNC. He further stated

that the helicopter was destroyed when it crashed and could be returned. Both sides agreed that the MAC Secretaries would meet at 1500 hours that day to work out details for transfer of the surviving crew member and bodies of the deceased. The Communist side was unusually cooperative during this MAC meeting, in contrast to their hostile behavior at previous Panmunjon sessions.

448th MAC Secretaries Meeting, 16 Jul 77. Meeting convened at 1500 hours to develop detailed procedures for return of the wounded survivor and remains of the three crew members to UNC control. The KPA Secretary proposed that (1) Both Secretaries meet along the MDL (Military Demarcation Line which runs down the center of the DMZ, PH) immediately adjacent to the MAC conference building to oversee the transfer, (2) the bodies of the deceased crew members be returned first, followed by the survivor, (3) UNC "working personnel" be allowed to enter the northern yard of the MAC conference site (NK side) for purpose of identifying bodies prior to moving them across the MDL into the UNC sector, and (4) that the UNC furnish separate receipts for the three bodies and surviving crew member. The UNCMAC Secretary agreed to these terms and designated UNCMAC assistants as pall bearers/escort officers; personnel participating were from the US, ROK, Canada, Australia and Thailand. After positive identification was made, three caskets containing the bodies were carried across the MDL, where they were received by US Army personnel. The surviving crewman walked unassisted across the MDL escorted by UNC officers. Receipts demanded by the Communist side were provided by the UNCMAC Secretary, and at 2001 hours, 16 Jul 77, the transfer process was completed. No significant difficulties were encountered.

Source: Reuters

Subject : KOREA-HELICOPTER-ESPI

a1071

^BC-KOREA-HELICOPTER-ESPIONAGE 1STLD

^N.Korea accuses U.S. of helicopter spying

(Eds: Adds details, background)

LONDON (Reuter) - North Korea has branded a U.S. helicopter overflight as deliberate espionage requiring further investigation under military law, the Korean Central News Agency said Monday.

The Stalinist state's official agency, monitored here, said Washington must "admit its responsibility as the offender" and show a reasonable attitude "before it is too late."

A toughly worded dispatch contrasted with a Washington announcement that the United States is sending a diplomat to North Korea at Pyongyang's invitation to help speed up the release of a captured U.S. Army helicopter pilot.

Envoy Thomas Hubbard's mission is to seek a prompt return of Chief Warrant Officer Bobby Hall, whose OH-58 scout helicopter crashed or was shot down Dec. 17 in North Korean territory. The other crew member, Chief Warrant Officer David Hilemon, was reported by North Korea as killed in the crash.

U.S. officials have blamed the intrusion on a navigational error.

But the KCNA dispatch said an official investigation had shown that this was clearly not an "accidental case" caused by a "mistake" in a training flight, but a deliberate act of espionage. "Detaining and investigating criminals is a matter related to our dignified sovereignty," it said.

The State Department said Hubbard, leaving by U.S. military aircraft Monday, would arrive in South Korea Tuesday evening. He is to be ready to cross the demilitarized zone to North Korea on Wednesday.

Senior U.S. and North Korean officers met at the Korean border Monday to discuss the release of captured American helicopter pilot Bobby Hall but made no progress, the U.S. military said.

The KCNA dispatch seemed to rule out immediate freedom for Hall. The body of Hilemon was released last Thursday to U.S. Congressman Bill Richardson, after what Richardson called tense, heated negotiations with North Korean officials in Pyongyang.

The agency said:

"As the investigation on the captured pilot deepens, the purpose of the intrusion of the U.S. Reconnaissance helicopter is becoming more and more clear.

"This being the fact, the bellicose quarters of the United States are attempting to resolve the problem through pressure while trying to conceal the truth of the incident.

"Detaining and investigating criminals is a matter related to our dignified sovereignty.

"In view of the seriousness of the incident, we cannot but investigate the truth of the incident more deeply ... under our military law and deal with the incident according to it.

"If this affects the relations between the DPRK (Democratic People's Republic of Korea) and the United States, the bellicose quarters of the United States will entirely be blamed for it.

"If the United States truly wants a smooth solution to the incident, it must admit its responsibility as the offender and clearly show an honest and reasonable attitude before it is too late. *

"The communist state's revolutionary armed forces "will never pardon anyone who intrudes into their land, sea and sky even 0.001 millimeter."

The agency separately issued a 1,000-word report describing the helicopter flight, saying the crew ignored anti-intrusion warnings.

It was brought down by gunners with one shot after penetrating deeper into territorial airspace along a route favoring reconnaissance. A genuine pilot error was practically incredible, the agency said, citing a step-by-step account of what happened, according to the North Korean view.

RB-- 12/26/94 17:10:00

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U.S. DEPARTMENT OF STATE

Office of the Spokesman

FOR IMMEDIATE RELEASE

December xx, 1994

STATEMENT BY MICHAEL MCCURRY, SPOKESMAN

REPATRIATION OF CHIEF WARRANT OFFICER BOBBY HALL

On December xx, 1994 at xx:xx x.m. Korean Standard Time, Army Chief Warrant Officer Bobby Hall was returned by the North Korean People's Army to a representative of the UN Command at Panmunjom.

Chief Warrant Officer Hall will now proceed to the Yongsan military base in Seoul for medical evaluation and debriefing.

Hall's return follows a week of intensive contacts with North Korean officials through a variety of channels, including military-to-military discussions in Panmunjom, diplomatic contacts by Congressman Bill Richardson, who was visiting Pyongyang, and the DPRK Mission to the UN in New York.

The Department of State extends its condolences to the family of Chief Warrant Officer David Hilemon, who died when the helicopter he and CWO Hall were piloting was brought down north of the Demilitarized Zone on December 17.

The return of Chief Warrant Officer Hall is another important step toward putting this unfortunate incident behind us. We now expect to continue work toward a more normal U.S. relationship with North Korea.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. draft	letter re helicopter incident (1 page)	12/23/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1** National Security Classified Information [(a)(1) of the PRA]
- P2** Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3** Release would violate a Federal statute [(a)(3) of the PRA]
- P4** Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5** Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6** Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1)** National security classified information [(b)(1) of the FOIA]
- b(2)** Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3)** Release would violate a Federal statute [(b)(3) of the FOIA]
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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006c. cable	UNC-KPA Meeting on the 17 Dec Helicopter Incident (5 pages)	12/23/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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008. memo	oral message transcript, Minister Kang to Ambassador Gallucci (2 pages)	12/21/1994	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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009a. memo	Steven Aoki to Samuel Berger re Deputies Meeting on North Korea (3 pages)	12/20/1994	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

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21482

NATIONAL SECURITY COUNCIL DEPUTIES COMMITTEE MEETING

DATE: December 21, 1994
LOCATION: Situation Room
TIME: 2:00 - 3:30

NEXT STEPS ON NORTH KOREA

Agenda

- I. Introduction NSC
- II. Intelligence Overview CIA
- III. Security Update DOD
- IV. Legislative Strategy State
- VI. Discussion All Participants
- VII. Conclusion NSC

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By W NARA, Date 12/05/14
2009-0528-F

~~SECRET~~

Declassify on: OADR

~~SECRET~~

Legislative Strategy for Korea Framework Agreement

We have been asked to develop a legislative strategy on the Korea Agreed Framework. The four principal problems confronting us are: 1) a public relations assault on the overall agreement, which means that we have to redouble our efforts to sell the agreement; 2) the question of whether beyond anticipated hearings, we should seek formal Congressional action blessing the Agreed Framework in Congress; 3) funding issues-- the Congressional power of the purse; and 4) our underlying relationship with the North Koreans-- the establishment of liaison offices will require a reprogramming notification and, therefore, Congressional approval.

A threshold issue for Deputies consideration is whether we should treat the round of anticipated hearings early in the New Year as a referendum on the Agreed Framework. If the Agreed Framework stands up to that scrutiny, then funding requests would be more easily justified. That approach has the advantage of avoiding a straight up-or-down vote on the Agreed Framework which could take a long time to arrange, or even go the wrong way. The disadvantage is that without forcing the Senate to confront the Agreed Framework as a whole, critics will get a free ride in the hearings to object to it without facing the consequences of explicitly voting it down. Negative hearing results could then undermine our efforts to get Congressional approval, and could invite the kind of cherry picking (support for spent fuel removal, opposition to heavy fuel delivery) that would undercut the overall arrangement.

Alternatively, we could ask the Senate to ratify the Agreed Framework or take some other formal action of approval (e.g., using approval of privileges and immunities or the KEDO charter as a vehicle for approval of the entire arrangement). The advantage is that we could force the Senate to deal with the Agreed Framework responsibly and as a whole (a la GATT); once approval is secured, further criticism and efforts to block funding requests could be deflected. The disadvantage is that the Agreed Framework does not have the same momentum -- involving support from virtually all other nations -- and therefore may not attract the kind of broad bipartisan support needed to secure the approval we seek. If the approval action fails or is delayed, the Agreed Framework would be gravely imperiled.

It is crucial, however, that if we decide to present one package to the Hill that we carefully lay the groundwork for the vote. This, in turn, will take some time.

Other issues that must be addressed are how we approach the Hill on the lifting of sanctions against North Korea and the seeking of privileges and immunities for the KEDO headquarters. The lifting of sanctions will be particularly tricky.

Whatever decision is made on tactics, it is essential that our message be carefully coordinated and synchronized before moving ahead on details of the implementation of the agreement. In particular, there must be careful coordination on the funding issues. In practical terms, this means that to the extent possible, no reprogramming request should go to the Hill until after we make a full presentation of the framework agreement to the Hill in January.

In a recent meeting Bob Gallucci and Dan Poneman had with Sen. Carl Levin on the agreement, the Senator stressed three critical points for gaining Hill acceptance of the agreement: 1) get the Republic of Korea to let the Hill know they support the agreement-- ROK ambivalence would undermine Congressional support; 2) the Hill needs to understand that the military is supportive of the agreement; and 3) when discussing money avoid dollar figures in order to emphasize what a small percentage of the U.S. share of the project will be, i.e. don't talk about U.S. cost in terms of tens of millions.

Hearings and related outreach efforts

The first order of business is to develop a core group of bipartisan validators in both the House and the Senate that will proactively speak out in favor of the agreement. This supporting group would not only speak in favor of the agreement with the media but also on the House and Senate floor. We need this group to be prepared to respond to Congressional attacks on the agreement. A white paper on the framework agreement, particularly our supporters, is being prepared by State. (The Hill will generally need more staff support--information, etc.--because of the significant downsizing of Democratic staff and the elimination of Congressional legislative organizations that supported members.)

The second order of business is to get the foreign affairs, armed services and energy committees in the House and Senate to hold high level hearings in January. Helms, Dole and Gilman have all indicated they want early hearings. These hearings should involve the Secretaries of State and Defense, JCS, as well as the Secretary of Energy or her designee. As part of our preparation for the hearings, key members and staff should be briefed before the hearing on the agreement, and we should be available to get whatever information members may need. Our overall approach to

getting support for the agreement needs to be part of a "top down" strategy that engages principals early forcefully.

These hearings are crucial to the success of our policy on Capitol Hill. We must use this opportunity to state our case for the agreement as clearly, concisely and simply as possible. The American people need to understand the importance of this agreement to America's national interest.

While funding issues will have to be addressed in the testimony, we have to decide whether or not the principals will discuss funding issues in detail or whether that type of detail should take place later with a separate interagency briefing team. Even if the principals decide to address the specifics of funding issues, we must still deploy an interagency team (before and after the hearings) to get our message out.

Although Bob Gallucci has enormous credibility, because the stakes involved are so high, we must involve the entire Administration-- DoE, DoD, JCS and State-- in guaranteeing the success of the framework agreement. The success or failure of this agreement should not be identified with any one individual.

We should also consider developing a buddy system, whereby key persons from State, DoD and DoD keep in regular contact with members on the agreement and related issues. Finally, we may want to consider asking the bipartisan House and Senate leadership to send a CODEL to South and North Korea as well as Japan. We should also consider having them send a StaffDel.

Funding issues

We must also decide on what we want to fund in the context of the agreement and how we want to fund those contributions. The primary pieces that are under consideration are: (I) Alternative energy/heavy oil deliveries; (II) Light water reactor (L.W.R.) contribution; (III) Spent nuclear fuel activities; and (IV) contribution to KEDO operating expenses. OMB has prepared a more detailed analysis with options for the four possible FY 95 and FY 96 funding requirements (Tab A).

Certain of the FY 95 funding requests will have to be considered by the Hill in the next few months, if not sooner, depending on how we structure our requests. The FY 95 requests for which we will have to seek Hill approval are:

- 1) Up to \$11 million for alternative energy/heavy oil-- if we cannot secure contributions from other nations, then we may need to seek a reprogramming of funds which would require going to the Hill in late spring or early summer (The U.S. has already paid

\$4.8 for the costs of the first tranche of oil using DoD authority);

2) Approximately \$10 million for spent fuel activities-- DoE could request a reprogramming in FY 95 (as well as an unknown amount in FY 96 and FY 97) for spent nuclear fuel storage activities; while DoE has identified the first \$200,000 necessary for the initial clean up of the storage pool, we will need a reprogramming request for additional funds which normally takes a minimum of 30 days. In addition, an initial \$2.3 million could be sent to DoE from the State Department Non-Proliferation and Disarmament Fund (NDF), which requires that the Hill be notified 15 days prior to the obligation of the funds; the notification/reprogramming process would be contingent on how soon DoE needs the funds; and

3) OMB calculates the U.S. start up costs for KEDO to be \$1.8 million for the rest of FY 95 as opposed to \$10 million annual costs calculated by Bob Gallucci; since no funds are available for this purpose in FY 95, there would have to be a reprogramming request using State funds, which would require a 15 day Congressional notification; the timing of the reprogramming would depend on how soon KEDO begins operations.

To the maximum extent possible, all reprogramming requests should be held until after the principals testify in January. It is crucial we get our message out before the funding issues move forward.

Other money issues before us include deciding what we want to do about FY 96 requests for alternative fuel, for continued KEDO contributions and for U.S. contributions for the construction of the light water reactor. Our legislative strategy will have to be adjusted according to our requests. It is important that we package funding issues in order to avoid the impression that we are going to come to the Hill with a number of unspecified requests for money into the indefinite future. This, in turn, could leave the Hill and the general public with the impression that we are paying for a bigger share of the agreement than we are in reality-- something we need to avoid at all costs.

There are additional FY 96 and FY 97 funding requests that must be considered for each of the four primary spending categories outlined in the attached OMB paper. Legislative strategy will, to a certain extent, revolve around decisions made regarding these requests, i.e. whether or not funding requirements are made part of FY 96 budget requests. It is to our advantage to present a comprehensive funding request with details of how much we intend to ask for, as well as where we intend to get the funds,

to the Hill when implementing our new briefing strategy in January.

In addition to trying to win approval for our funding requests, we could have to fight legislation that would further restrict our ability to use various sources of money for the purpose of filling the terms of the framework agreement. We could encounter such amendments early depending on whether we win Congressional support for the agreement.

Conclusion

We will develop a more detailed legislative strategy, including a notional timeline once decisions have been made on various funding issues. We will, however, proceed with our efforts to educate the Hill on the framework agreement and to plan for early January hearings involving principals.

We have attached (Tab B) a list of items for decision for the Deputies meeting.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. paper	Lifting Sanctions Fact Sheet (1 page)	12/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009c. paper	Concept Paper: Lifting Sanctions (5 pages)	12/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009d. paper	Lifting Sanctions Schematic (2 pages)	12/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

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December 16, 1994

Budget Strategy for Implementing
U.S.-DPRK Agreed Framework

There are four areas which may require funding in FY 1995 and/or FY 1996:

- (I) Alternative energy/heavy oil deliveries.
- (II) Light water reactor (L.W.R.) contribution.
- (III) Spent nuclear fuel activities.
- (IV) Contribution to KEDO.

Related major issues for consideration include: (1) What are FY 1995 funding requirements and when will funds need to be committed. (2) Which of these will require congressional action (reprogramming or notification). (3) What funding is to be included in the FY 1996 President's Budget request.

I. Alternative Energy/Heavy Oil Deliveries:

(dollars in millions)			
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
	up to \$11.0	\$10.0	\$10.0

The October 21, 1994, Agreed Framework calls for the delivery of 100,000 mt of heavy fuel oil (Tranche II) to the DPRK by October, 1995. The agreement also requires deliveries of 500,000 mt of oil annually thereafter until the first LWR is operational (8-10 years). The estimated cost of the 100KMT (Tranche II) is approximately \$10-11 million. The cost of the annual deliveries thereafter is \$55-60 million; however, the State Department assumes other countries will contribute the bulk of these deliveries, in funds or in kind. To date, only New Zealand has indicated it would contribute, a one-time contribution of \$100-150,000. [NOTE: The United States has already paid for the costs (\$4.8 million) of the first Tranche of oil using DOD funding authority.]

(B) Analysis:

With no other countries yet indicating a commitment to fund significant portions of the fuel oil deliveries, it may be prudent for the United States to plan to fund Tranche II (delivery scheduled in October 1995), which would require FY 1995 funds.

As soon as KEDO is operational, one of its functions will be to plan for oil deliveries not yet made. Assuming KEDO is operational early in CY 1995, an early task would be to arrange funding for or supply of Tranche II and subsequent oil shipments. State Department would have the United States contribute 20 percent of each annual delivery after Tranche II.

(C) Funding Availability:

For FY 1995: No funds have been appropriated specifically for the FY 1995 requirement (\$11.0 million). Possible sources of funds are:

Dept. of State	Non-Proliferation and Disarmament Fund (NDF)	Currently up to \$11.6 million
Dept. of Defense	Use Emergency and Extraordinary Authority (E&E), Title X, Sec. 127, to transfer funds from operational accounts.	

An alternative is to solicit contributions from foreign nations; should this prove successful, no FY 1995 reprogramming would be necessary. Should this prove unsuccessful, enough time remains to go to Congress in late spring and summer to notify or reprogram funds to cover the October oil delivery.

For FY 1996 and Outyears: A funding request to Congress could be included in the FY 1996 President's Budget.

(D) Recommendation:

For FY 1995, direct State to make early, strong efforts to get other countries to contribute (cash or in-kind). Decide on reprogramming source(s) later (DOD E&E authority most likely), but before existing funds are obligated for other purposes.

For FY 1996, request funds and authority if necessary for Defense to cover this requirement in the FY 1996 Budget.

II. Light Water Reactor Contribution:

		(dollars in millions)		
(A)	<u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
		0	\$10.0	\$10.0

Ambassador Gallucci requests the United States make a symbolic contribution of \$10.0 million annually for 8-10 years toward funding the light water reactor (L.W.R.) construction project. Total cost of this commitment would be \$80-100 million. This would be responsive to Japanese wishes to have other

countries (beyond Japan and South Korea) contribute to the project and would make it easier for them to develop a major contribution (up to 30 percent of the total cost). It may also provide an incentive for other G-7 partners to make contributions, as the Japanese desire.

(B) Analysis:

South Korea has promised to fund 70 percent of the L.W.R. project. The Koreans plan to provide the two 1000 MW reactors as in-kind contributions through their major nuclear utility. Japan has said privately it will make a major contribution, without specifying percent or amount. Ambassador Gallucci has assumed the Japanese would pay 25-30 percent of the L.W.R. project, but the Japanese have refused to specify a percentage or dollar amount. No other countries have volunteered to pay for any part of the L.W.R. It is not clear how the U.S. contribution would be made; presumably it would be in the form of a cash contribution to KEDO for the express purpose of funding L.W.R.-related activities.

Instead of simply making a contribution, the United States could insist that the Japanese commit to a significant contribution to cover all other L.W.R.-related costs (not being covered by the Koreans) for FY 1996 before the United States makes a contribution to the L.W.R.

(C) Funding Availability:

Either State, Defense, or Energy would need to request \$10 million in their FY 1996 President's Budget. As appropriate, a request for authorizing language lifting the ban on foreign assistance to the DPRK for this activity would need to be included.

(D) Recommendation:

If State is directed to cover some of the KEDO operating costs (see below) and DOD the heavy oil costs, it could be argued that Energy should request the funds (and authority if necessary) for a U.S. contribution to the L.W.R. project.

III. Spent Nuclear Fuel Activities:

	(dollars in millions)		
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
	\$10.0	?	?

The Energy Department will be requesting a \$10 million reprogramming in FY 1995 authority and an unknown amount in FY 1996 and FY 1997 for spent nuclear fuel storage activities in the

DPRK. These funds would be used as follows: (1) \$200,000 for instrumentation and a heat source that will be furnished to the DPRK in January; (2) \$1.3 to \$2.5 million to clean the storage pool and stabilize the water chemistry; (3) \$6.4-\$9.0 million to can the spent nuclear fuel rods.

(B) Analysis:

There is considerable technical uncertainty involved in canning and long-term storage of this type of fuel which is a "first-of-a-kind" operation. The pool clean-up needs to be accomplished as soon as possible. Given the uncertainties in technical matters and in operation timing, costs could rise beyond the \$10 million in FY 1995. Once canned, the fuel would require regular monitoring to determine its condition and stability for the duration of the storage period, at an unknown cost. Also, a long-term, system-oriented program plan, to include possible preconditioning, transportation, and disposition costs (e.g., reprocessing) needs to be developed. Those costs could be borne by KEDO.

(C) Funding Availability:

DOE has identified \$200,000 of FY 1995 funds that can be used for initial activities. For the remainder of the \$10.0 million, DOE will need Committee reprogramming approval from Congress. This process normally takes a minimum of 30 days from the time Congress receives the reprogramming letter.

An alternative is to provide \$2.3 million to DOE from the State Department's Non-Proliferation and Disarmament Fund (NDF). Hill Committees must be notified at least 15 days prior to the obligation of the funds for this account.

(D) Recommendation:

For FY 1995, State should proceed with a congressional notification of \$2.3 million from the NDF account because of the urgency to commence meaningful spent fuel-pool clean-up. DOE should proceed with reprogramming its available funds to begin the fuel canning activity.

For FY 1996, it is assumed that DOE will cover spent fuel associated costs within its budget.

IV. KEDO Start-Up and Operations Contributions:

	(dollars in millions)		
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Gallucci (PM) req. (U.S. pays 100%)	\$10.0	\$8.6	\$8.6
OMB staff re-estimate (U.S. pays 33%) (FY 1995 = 3/4 year)	\$ 1.8	\$1.8	\$1.8

Amb. Gallucci is requesting \$10.0 million in FY 1995 to cover start-up and initial operating costs for the Korean Energy Development Organization (KEDO). This level assumes that KEDO would have 30 fulltime staff, 50 consultant/contractors, and executive pay at \$200,000 and above. The amount is based on 12 months operation for FY 1995. It also implies that the United States would cover all the costs of KEDO since the other members (Japan and S.Korea) are being asked to contribute to other activities. Outyear operating costs are projected at \$8.6 million a year.

Amb. Gallucci wants KEDO started as soon as possible to show the other parties (S.Korea and Japan) as well as the DPRK that the United States takes seriously the Agreed Framework; he also believes it will spur the other participants to make their own contributions.

(B) Analysis:

OMB, using State Department budget staff factors, have repriced the annual KEDO funding requirement at \$5.4 million for start-up and initial operating costs based on 8 months operation in FY 1996 and \$5.4 million for annual outyear operating expenses (FY 1996 and beyond). This was accomplished by using standard overseas foreign service average pay/benefit factors and reducing the number of contractors to 30. Space costs and one-time expenses were not reduced and should be adequate even if KEDO is located overseas. Finally, OMB/State budget staff assume that the U.S. fair share should be no more than 33 percent -- making the budget requirement \$1.8 million first year and \$1.8 million for each outyear.

(C) Funding Availability:

No funds are available in FY 1995 specifically for this contribution; therefore reprogramming action will be needed to cover costs. Likely sources are listed below. For FY 1996 and

outyears, funding should be included in State's 1996 budget being prepared now.

FY 1995 reprogramming:

Department of State	International Organizations and Programs (IO&P) Account	Used for voluntary contributions to international organizations. State prefers this source.
Department of State	Salaries and Expenses/Diplomatic and Consular Programs Account	Authority exists to use these funds; previously used for APEC and CSCE operating costs.

(D) Recommendation:

Make 33 percent contribution to KEDO at the OMB re-priced budget level. Reprogram (15 day congressional notification required) funds within the IO&P account for 1995 and request FY 1996 and outyear funding in IO&P. Given Function 150 budget ceiling, other 150 programs will need to be reduced to make room for an FY 1996 request.

Issues for Decision

- Whether to seek formal Congressional approval of the overall agreed framework, or to let the hearings and briefings serve that purpose and seek formal Congressional action separately on specific funding and related requests.
- Whether the funding requests should be presented from a single funding source.
- Whether funding issues should be presented as a single package or sent to the Hill ad seriatum.
- Should we seek funds for KEDO headquarters, LWR contributions, and follow on for heavy oil.
- Should we include in the package, costs of transferring spent fuel out of the DPRK, despite the fact that these costs will not be incurred for four or five years.
- Decide on funding options in attached OMB funding paper.
- Whether or not we should ask the House and Senate bipartisan leadership to send a CODEL to South and North Korea, as well as Japan.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010a. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/19/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010b. memo	oral message transcript, Ambassador Galucci to Minister Kang (1 page)	12/18/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. memo	memcon, DAS Thomas Hubbard call to Counsellor Han (1 page)	12/17/1994	P1/b(1)

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TO: Sandy Berger

FROM: Bill Danvers

SUBJECT: Legislative strategy for Korea Framework Agreement with
OMB attachment

DATE: 15 December

We have been asked to develop a legislative strategy on the Korea framework agreement. The four principal problems confronting us are: 1) a public relations war on the overall agreement, which means that we have to redouble our efforts to sell the agreement; 2) whether or not the Senate should ratify the framework agreement or take some other formal action for approving the overall arrangement (e.g. using approval of privileges and immunities or the KEDO charter as a vehicle for approval of the entire agreement); 3) funding issues-- the Congressional power of the purse; and 4) our underlying relationship with the North Koreans-- the establishment of liaison offices will require a reprogramming notification and, therefore, Congressional approval.

It is essential that our message is carefully coordinated and synchronized before moving ahead on details of the implementation of the agreement. In particular, there must be careful coordination on the funding issues. In practical terms, this means that to the extent possible, no reprogramming request should go to the Hill until after we make a full presentation of the framework agreement to the Hill in January.

In a recent meeting Bob Gallucci and Dan Poneman had with Sen. Carl Levin on the agreement, the Senator stressed three critical points for gaining Hill acceptance of the agreement: 1) get the Republic of Korea to let the Hill know they support the agreement-- ROK ambivalence would undermine Congressional support; 2) the Hill needs to understand that the military is supportive of the agreement; and 3) when discussing money stress that the U.S. share of the cost is around 4% of the total cost-- i.e. don't talk about U.S. cost in terms of tens of millions.

Hearings and related outreach efforts

The first order of business is to develop a core group of bipartisan validators in both the House and the Senate that will proactively speak out in favor of the agreement. This supporting group would not only speak in favor of the agreement with the media but also on the House and Senate floor. We need this group to be prepared

Staff will be in charge of hearings

Tom Danvers

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to respond to Congressional attacks on the agreement. A white paper on the framework agreement, particularly our supporters, is being prepared by State. (The Hill will generally need more staff support--information, etc.-- because of the significant downsizing of Democratic staff and the elimination of Congressional legislative organizations that supported members.)

The second order of business is to get the foreign affairs, armed services and energy committees in the House and Senate to hold high level hearings in January. Helms, Dole and Gilman have all indicated they want early hearings. These hearings should involve the Secretaries of State and Defense, JCS, as well as the Secretary of Energy or her designee. As part of our preparation for the hearings, key members ^{and staff} should be briefed before the hearing on the framework agreement, and we should be available to get whatever information members may need. Our overall approach to getting support for the agreement needs to be part of a "top down" strategy that engages principals early forcefully.

Can we get Members of Congress (Leadership, Chairman) to testify?
 These hearings are crucial to the success of our policy on Capitol Hill. We must use this opportunity to state our case for the agreement as clearly, concisely and simply as possible. The American people need to understand the importance of this agreement to America's national interest. *Private witnesses former President, Sec Sec State, Sec Def, National Security Advisors, JCS, CINCPACs*
 While funding issues will have to be addressed in the testimony, we have to decide whether or not the principals will discuss funding issues in detail or whether that type of detail should take place later with a separate briefing team led by Bob Gallucci. Even if the principals decide to address the specifics of funding issues, we must still deploy a Gallucci led team (before and after the hearings) to get our message out.

Although Bob Gallucci has enormous credibility, because the stakes involved are so high, we must involve the entire Administration-- DoE, DoD and State-- in guaranteeing the success of the framework agreement. The success or failure of this agreement should not be identified with any one individual.

We should also consider developing a buddy system, whereby key persons from State, DoD and DoD keep in regular contact with members on the agreement and related issues.

Funding issues

We must also decide on what we want to fund in the context of the agreement and how we want to fund those contributions. The primary pieces that are under consideration are: (I) Alternative energy/heavy oil deliveries; (II) Light water reactor (L.W.R.) contribution; (III) Spent nuclear fuel activities; and (IV)

contribution to KEDO. OMB has prepared a more detailed analysis of the four possible FY 95 and FY 96 funding requirements (Tab ?).

Certain of the FY 95 funding requests will have to be considered by the Hill in the next few months depending on how we structure our requests. The FY 95 requests for which we will have to seek Hill approval are:

1) Up to \$11 million for alternative energy/heavy oil-- if we cannot secure contributions from other nations, then we may need to seek a reprogramming of funds which would require going to the Hill in late spring or early summer (The U.S. has already paid \$4.8 for the costs of the first tranche of oil using DoD authority);

2) Approximately \$10 million for spent fuel activities-- DoE will request a \$10 million reprogramming in FY 95 (as well as an unknown amount in FY 96 and FY 97) for spent nuclear fuel storage activities; while DoE has identified the first \$200,000 necessary for the initial clean up of the storage pool, we will need a reprogramming request for the additional funds which normally takes a minimum of 30 days, or alternatively, an initial \$2.3 million could be sent to DoE from the State Department Non-Proliferation and Disarmament Fund (NDF), which requires that the Hill be notified 15 days prior to the obligation of the funds; the notification/reprogramming process would be contingent on how soon DoE needs the funds; and

3) OMB calculates the U.S. start up costs for KEDO to be \$1.8 million as opposed to \$10 million calculated by Bob Gallucci; since no funds are available for this purpose in FY 95, there would have to be a reprogramming request using State funds, which would require a 15 day Congressional notification; the timing of the reprogramming would depend on how soon the funds are needed.

To the maximum extent possible, all reprogramming requests should be held until after the principals testify in January. It is crucial we get our message out before the funding issues move forward.

Other money issues before us include deciding what we want to do about FY 96 requests for alternative fuel, for continued KEDO contributions and for the construction of the light water reactor. Our legislative strategy will have to be adjusted according to our requests. It is important that we package funding issues in order to avoid the impression that we are going to come to the Hill with a number of unspecified requests for money into the indefinite future. This, in turn, could leave the Hill and the general public with the impression that we are

paying for a bigger share of the agreement than we are in reality-- something we need to avoid at all costs.

There are additional FY 96 and FY 97 funding requests that must be considered for each of the four primary spending categories outlined in the attached OMB paper. Legislative strategy will, to a certain extent, revolve around decisions made regarding these requests, i.e. whether or not funding requirements are made part of FY 96 budget requests. It is to our advantage to present a comprehensive funding request with details of how much we intend to ask for, as well as where we intend to get the funds, to the Hill when implementing our new briefing strategy in January.

In addition to trying to win approval for our funding requests, we could have to fight legislation that would further restrict our ability to use various sources of money for the purpose of filling the terms of the framework agreement. We could encounter such amendments early depending on whether we win Congressional approval of the agreement.

Conclusion

We will develop a more detailed legislative strategy, including a notional timeline once decisions have been made on various funding issues. We will, however, proceed with our efforts to educate the Hill on the framework agreement and to plan for early January hearings involving principals.

Budget Strategy for Implementing
U.S.-DPRK Agreed Framework

There are four areas which may require funding in FY 1995 and/or FY 1996:

- (I) Alternative energy/heavy oil deliveries.
- (II) Light water reactor (L.W.R.) contribution.
- (III) Spent nuclear fuel activities.
- (IV) Contribution to KEDO.

Related major issues for consideration include: (1) What are FY 1995 funding requirements and when will funds need to be committed. (2) Which of these will require congressional action (reprogramming or notification). (3) What funding is to be included in the FY 1996 President's Budget request.

I. Alternative Energy/Heavy Oil Deliveries:

(dollars in millions)			
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
	up to \$11.0	\$10.0	\$10.0

The October 21, 1994, Agreed Framework calls for the delivery of 100,000 mt of heavy fuel oil (Tranche II) to the DPRK by October, 1995. The agreement also requires deliveries of 500,000 mt of oil annually thereafter until the first LWR is operational (8-10 years). The estimated cost of the 100KMT (Tranche II) is approximately \$10-11 million. The cost of the annual deliveries thereafter is \$55-60 million; however, the State Department assumes other countries will contribute the bulk of these deliveries, in funds or in kind. To date, only New Zealand has indicated it would contribute, a one-time contribution of \$100-150,000. [NOTE: The United States has already paid for the costs (\$4.8 million) of the first Tranche of oil using DOD funding authority.]

(B) Analysis:

With no other countries yet indicating a commitment to fund significant portions of the fuel oil deliveries, it may be prudent for the United States to plan to fund Tranche II (delivery scheduled in October 1995), which would require FY 1995 funds.

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As soon as KEDO is operational, one of its functions will be to plan for oil deliveries not yet made. Assuming KEDO is operational early in CY 1995, an early task would be to arrange funding for or supply of Tranche II and subsequent oil shipments. State Department would have the United States contribute 20 percent of each annual delivery after Tranche II.

(C) Funding Availability:

For FY 1995: No funds have been appropriated specifically for the FY 1995 requirement (\$11.0 million). Possible sources of funds are:

Dept. of State	Non-Proliferation and Disarmament Fund (NDF)	Currently up to \$11.6 million
Dept. of Defense	Use Emergency and Extraordinary Authority (E&E), Title X, Sec. 127, to transfer funds from operational accounts.	

An alternative is to solicit contributions from foreign nations; should this prove successful, no FY 1995 reprogramming would be necessary. Should this prove unsuccessful, enough time remains to go to Congress in late spring and summer to notify or reprogram funds to cover the October oil delivery.

For FY 1996 and Outyears: A funding request to Congress could be included in the FY 1996 President's Budget.

(D) Recommendation:

For FY 1995, direct State to make early, strong efforts to get other countries to contribute (cash or in-kind). Decide on reprogramming source(s) later (DOD E&E authority most likely), but before existing funds are obligated for other purposes.

For FY 1996, request funds and authority if necessary for Defense to cover this requirement in the FY 1996 Budget.

II. Light Water Reactor Contribution:

	(dollars in millions)		
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
	0	\$10.0	\$10.0

Ambassador Gallucci requests the United States make a symbolic contribution of \$10.0 million annually for 8-10 years toward funding the light water reactor (L.W.R.) construction project. Total cost of this commitment would be \$80-100 million. This would be responsive to Japanese wishes to have other

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countries (beyond Japan and South Korea) contribute to the project and would make it easier for them to develop a major contribution (up to 30 percent of the total cost). It may also provide an incentive for other G-7 partners to make contributions, as the Japanese desire.

(B) Analysis:

South Korea has promised to fund 70 percent of the L.W.R. project. The Koreans plan to provide the two 1000 MW reactors as in-kind contributions through their major nuclear utility. Japan has said privately it will make a major contribution, without specifying percent or amount. Ambassador Gallucci has assumed the Japanese would pay 25-30 percent of the L.W.R. project, but the Japanese have refused to specify a percentage or dollar amount. No other countries have volunteered to pay for any part of the L.W.R. It is not clear how the U.S. contribution would be made; presumably it would be in the form of a cash contribution to KEDO for the express purpose of funding L.W.R.-related activities.

Instead of simply making a contribution, the United States could insist that the Japanese commit to a significant contribution to cover all other L.W.R.-related costs (not being covered by the Koreans) for FY 1996 before the United States makes a contribution to the L.W.R.

(C) Funding Availability:

Either State, Defense, or Energy would need to request \$10 million in their FY 1996 President's Budget. As appropriate, a request for authorizing language lifting the ban on foreign assistance to the DPRK for this activity would need to be included.

(D) Recommendation:

If State is directed to cover some of the KEDO operating costs (see below) and DOD the heavy oil costs, it could be argued that Energy should request the funds (and authority if necessary) for a U.S. contribution to the L.W.R. project.

III. Spent Nuclear Fuel Activities:

(A) <u>Request:</u>	(dollars in millions)		
	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
	\$10.0	?	?

The Energy Department will be requesting a \$10 million reprogramming in FY 1995 authority and an unknown amount in FY 1996 and FY 1997 for spent nuclear fuel storage activities in the

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DPRK. These funds would be used as follows: (1) \$200,000 for instrumentation and a heat source that will be furnished to the DPRK in January; (2) \$1.3 to \$2.5 million to clean the storage pool and stabilize the water chemistry; (3) \$6.4-\$9.0 million to can the spent nuclear fuel rods.

(B) Analysis:

There is considerable technical uncertainty involved in canning and long-term storage of this type of fuel which is a "first-of-a-kind" operation. The pool clean-up needs to be accomplished as soon as possible. Given the uncertainties in technical matters and in operation timing, costs could rise beyond the \$10 million in FY 1995. Once canned, the fuel would require regular monitoring to determine its condition and stability for the duration of the storage period, at an unknown cost. Also, a long-term, system-oriented program plan, to include possible preconditioning, transportation, and disposition costs (e.g., reprocessing) needs to be developed. Those costs could be borne by KEDO.

(C) Funding Availability:

DOE has identified \$200,000 of FY 1995 funds that can be used for initial activities. For the remainder of the \$10.0 million, DOE will need Committee reprogramming approval from Congress. This process normally takes a minimum of 30 days.

An alternative is to provide \$2.3 million to DOE from the State Department's Non-Proliferation and Disarmament Fund (NDF). Hill Committees must be notified at least 15 days prior to the obligation of the funds for this account. Also, the NDF is being looked to as a possible funding source for the heavy oil requirement discussed above.

(D) Recommendation:

For FY 1995, DOE should proceed with reprogramming its available funds to begin the water chemistry activity as soon as possible.

For FY 1996, it is assumed that DOE will cover spent fuel associated costs within its budget.

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IV. KEDO Start-Up and Operations Contributions:

	(dollars in millions)		
(A) <u>Request:</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Gallucci (PM) req. (U.S. pays 100%)	\$10.0	\$8.6	\$8.6
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Amb. Gallucci wants KEDO started as soon as possible to show the other parties (S.Korea and Japan) as well as the DPRK that the United States takes seriously the Agreed Framework; he also believes it will spur the other participants to make their own contributions.

(B) Analysis:

OMB, using State Department budget staff factors, have repriced the annual KEDO funding requirement at \$5.4 million for start-up and initial operating costs based on 8 months operation in FY 1996 and \$5.4 million for annual outyear operating expenses (FY 1996 and beyond). This was accomplished by using standard overseas foreign service average pay/benefit factors and reducing the number of contractors to 30. Space costs and one-time expenses were not reduced and should be adequate even if KEDO is located overseas. Finally, OMB/State budget staff assume that the U.S. fair share should be no more than 33 percent -- making the budget requirement \$1.8 million first year and \$1.8 million for each outyear.

(C) Funding Availability:

No funds are available in FY 1995 specifically for this contribution; therefore reprogramming action will be needed to cover costs. Likely sources are listed below. For FY 1996 and

DRAFT

outyears, funding should be included in State's 1996 budget being prepared now.

FY 1995 reprogramming:

Department of State	International Organizations and Programs (IO&P) Account	Used for voluntary contributions to international organizations. State prefers this source.
Department of State	Salaries and Expenses/Diplomatic and Consular Programs Account	Authority exists to use these funds; previously used for APEC and CSCE operating costs.

(D) Recommendation:

Make 33 percent contribution to KEDO at the OMB re-priced budget level. Reprogram (15 day congressional notification required) funds within the IO&P account for 1995 and request FY 1996 and outyear funding in IO&P. Given Function 150 budget ceiling, other 150 programs will need to be reduced to make room for an FY 1996 request.

DRAFT

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012a. memo	Gary Samore to SSKWG re LWR Supply Agreements (1 page)	12/12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012b. paper	Terms and Conditions for Agreement re LWR (7 pages)	c 12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. paper	Korean Exercise Program Revision (4 pages)	12/01/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

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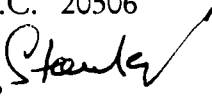


Kim Dae-jung Peace Foundation For The Asia-Pacific Region

Headquarters • Aryung Bldg., Suite 701, 506-20, Changchun-Dong, Seodaemun-Ku, Seoul, Korea • Tel 322-0291,4; Fax 322-0295
Washington Office • 6110 Executive Boulevard, Suite 1000, Rockville, MD 20852 • Tel 301/231-5143; Fax 301/231-5276

9 November 1994

Mr. Stanley Roth
Senior Director, Asian Affairs
The White House, #493 OEOB
Washington, D.C. 20506

Dear Mr. Roth, 

I want to thank you for your time and graciousness during Dr. Kim's visit to your office in September. He appreciated your frank analysis of the U.S. position toward the North Korean issue and your concern for continued attention to the progress of democracy in Burma.

To follow up on one of Dr. Kim's requests, I would like to ask you if you would recommend to the President a letter of support for the goals and spirit of the upcoming **Forum of Democratic Leaders in the Asia Pacific (FDL-AP)**. Such a letter could express President Clinton's support for the ideals and goals of this Forum, rather than for Kim Dae-jung or for the Kim Dae-jung Peace Foundation. On the eve of his trip to Asia, the President could consider these points:

1. The Forum will accomplish four goals:
 - a. It will bring Asian democrats together to plan for the peaceful democratic development of the region. To this end, the Forum participants will adopt a resolution of basic principles;
 - b. A permanent entity to support democrats in the region, The FDL-AP, will be formed, inaugurated, and given a mandate;
 - c. Participants will discuss the latest developments in Burma/Myanmar and adopt a resolution supporting U.N., government and NGO action aimed at the release of Aung San Suu Kyi and a return to elected government;
 - d. The Forum will establish an *ad hoc* committee charged with suggesting follow-up actions in support of the Burma/Myanmar resolution.
2. Our Forum is the major Asian effort to support democrats and democracy across the region. It is an ideal opportunity for President Clinton to lend his voice to that effort at a critical time in the region. A letter of support for the Forum will be a great investment in democracy.

3. Mrs. Aquino and Dr. Kim have invited South Korean President Kim Young Sam to give a Special Welcome speech at the Forum. Although he has not replied, we expect him to accept this offer, and address the Forum.
4. We already have broad support from Asian and world leaders and NGOs. The National Endowment for Democracy is supporting publications and travel for Asian participants; Patricia Derian, David Steinberg, Selig Harrison, Robert Scalapino and many other Americans have pledged to attend and participate. Former Costa Rican President Oscar Arias will attend as well.
5. The Forum will focus on Burma for part of the second day. Several important developments will occur in the three weeks leading to the Forum, making it an ideal opportunity to build on an anticipated UN resolution. David Stienberg of Georgetown University and Ed Broadbent of the International Center for Human Rights and Democratic Development in Canada will help coordinate a thorough discussion of the current situation and the next steps to take toward Burma.
6. The Forum is unique as the only Asian-initiated peace and democracy promotion effort headed by major statesmen. This provides a degree of authority and legitimacy lacking in other NGO efforts in the region.
7. The timing of the Forum is extremely opportune. Authoritarian regimes in the region are vigorously promoting a "open economics/closed politics" model of development, and a strong Asian voice speaking up for real democratic development is needed.
8. Progress on democracy in Asia is in America's interests. Many of America's goals in the region are made easier with support from prominent, respected Asian leaders. Anti-American rhetoric from some of the region's leaders will be checked by the success of democratic development.

I have also sent along an article by Dr. Kim appearing in the new Foreign Affairs journal. This is an articulate expression of our approach to democratic development in Asia, and may be of interest to you.

Thank you for your help. I hope to talk with you before you depart for Asia.

Best wishes,

A handwritten signature in black ink, appearing to read "Stephen Costello". The signature is fluid and cursive, with a large initial "S" and a stylized "C".

Stephen Costello
Washington Representative

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014a. note	Steve Aoki to Sandy Berger re North Korea Nuclear Talks (1 page)	c 12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014b. draft	response to proposal (1 page)	c 12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014c. paper	Proposed Agreement (2 pages)	09/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

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File

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NSC/RMO PROFILE

RECORD ID: 9421405
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TO: AGENCIES

FROM: ITOH

DOC DATE: 05 DEC 94
SOURCE REF:

KEYWORDS: KOREA NORTH
AGENDA

DC

PERSONS:

SUBJECT: NOTIFICATION / AGENDA & DISCUSSION PAPER FOR 7 DEC DC MTG ON
NORTH KOREA

ACTION: SENS SGD MEMO TO AGENCIES

DUE DATE: 01 DEC 94 STATUS: C

STAFF OFFICER: PONEMAN

LOGREF:

FILES: IFM

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

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DARBY
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DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By W NARA, Date 12/05/14
2009-0528-F

COMMENTS:

DISPATCHED BY

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DATE

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DOC 2 OF 2

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WASHINGTON, DC 20506

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2201 C STREET, N.W.
WASHINGTON, D.C. 20520

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2201 C STREET NW
WASHINGTON, DC 20520-6319

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MR. LEON E. PANETTA
WHITE HOUSE
1ST FLOOR, WEST WING
WASHINGTON, DC 20500

12/5/94 17:15 AB

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PAGE 01 OF 02 PAGES

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OFFICE OF MANAGEMENT & BUDGET
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WASHINGTON, DC 20503

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PRINT LAST NAME:		<u>Adams</u>
		COPY: <u>1</u>

MR. DOUGLAS F. GARTHOFF
CENTRAL INTELLIGENCE AGENCY
EXECUTIVE SECRETARIAT
ROOM 7E12, HEADQUARTERS
WASHINGTON, DC 20505

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WASHINGTON, DC 20318-0001

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ARMS CONTROL & DISARMAMENT AGENCY
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PAGE 02 OF 02 PAGES

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21405

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 5, 1994

MEMORANDUM FOR

MR. LEON FUERTH
Assistant to the Vice
President for National
Security Affairs
Office of the Vice President

MR. KENNETH BRILL
Executive Secretary
Department of State

COLONEL ROBERT P. MCALEER
Executive Secretary
Department of Defense

MS. ANN LAVIN
Director, Executive
Secretariat
Department of Energy

AMBASSADOR RICK INDERFURTH
Office of the Representative
of the U.S. to the UN

MR. LEON PANETTA
Chief of Staff to the
President

DR. GORDON M. ADAMS
Associate Director for
National Security and
International Affairs
Office of Management and
Budget

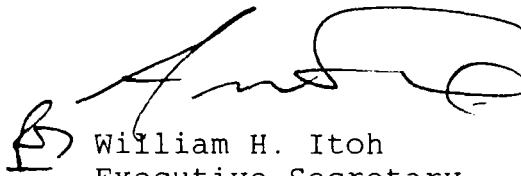
MR. DOUGLAS F. GARTHOFF
Executive Secretary
Central Intelligence Agency

COLONEL T. R. PATRICK
Secretary
Joint Chiefs of Staff

MS. BARBARA STARR
Executive Secretary
Arms Control and Disarmament
Agency

SUBJECT: Deputies Committee Meeting on North Korea (S)

A Deputies meeting to discuss Korea will be held on Wednesday, December 7, from 1:30 p.m. - 3:00 p.m. Participation will be limited to principal plus one. An agenda and discussion paper are attached. (S)


William H. Itoh
Executive Secretary

Attachment

Tab A Agenda
Tab B Discussion Paper

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By  NARA, Date 12/05/14
2009-0528-F

~~SECRET~~

Declassify on: OADR

NATIONAL SECURITY COUNCIL DEPUTIES COMMITTEE MEETING

DATE: December 7, 1994
LOCATION: SITUATION ROOM
TIME: 1:30 p.m. - 3:00 p.m.

NEXT STEPS ON NORTH KOREA

Agenda

- I. Introduction NSC
- II. Intelligence Overview CIA
- III. Security Update DOD
- IV. Issues for Discussion State
 - A. KEDO Organization and Funding
 - B. Alternate Energy
 - C. Spent Fuel Storage in the DPRK
 - D. Lifting Economic Restrictions
- V. Congress and Public Diplomacy State
- VI. Discussion All Participants
- VII. Conclusion NSC

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By W NARA, Date 12/05/14
2009-0508-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015a. paper	Next Steps on North Korea (8 pages)	c 11/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

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Program Coordinator Responsibilities

General Statement of Work:

The Program Coordinator will provide a team of management and technical specialists that will review and monitor the design, engineering, and construction of the LWR Project. The primary assignment of the Coordinator is to review the work of the Prime Contractor to assure that all work is in accordance with KEDO's contract with the Prime Contractor and with the EDO-DPRK contract. The Program Coordinator reports to the EDO Executive Director.

Responsibilities include:

Initial review of project design criteria and basic plant design documents provided by the Prime Contractor in order to advise KEDO on fulfillment of contract requirements -- is it what we agreed to provide to the DPRK?

Interaction with DPRK, including construction contracting with DPRK firms and provision of other services as required, e.g., training; coordinate contracts with DPRK and the Prime Contractor.

Review of the Prime Contractor's procurement program so as to advise KEDO with respect to compliance with contract criteria -- is the distribution of the work among contributing countries as agreed to?

Review and make recommendations to KEDO regarding any large change orders in KEDO contract with the Prime Contractor, i.e., any change in design or materials that may significantly impact cost and schedule.

Technical support to KEDO on dispute resolution between any of the parties -- e.g., proposed design, equipment or construction changes.

On-site construction monitoring services, including quality of the work, testing and system turnover.

Review of the Prime Contractors' applications for payment and recommendation to KEDO to determine that the work is sufficient to justify drawdown payments -- is the work complete and are schedules being met?

Using input from site visits, to provide the Executive Director with assessments of the Prime Contractors' ability to meet schedule and budget, including recommendations.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015b. paper	Background on Alternative Financing for LWR (3 pages)	c 11/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [2]

2009-0528-F

kc1344

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~SECRET~~

~~SECRET~~

21405

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 30, 1994

ACTION

MEMORANDUM FOR SAMUEL R. BERGER
THROUGH: DANIEL PONEMAN *DP*
FROM: STEVEN AOKI *SA*
SUBJECT: Deputies Meeting on North Korea, Wednesday,
December 7, 1994, 1:30 p.m. - 3:00 p.m.

Attached at Tab I is a proposed meeting notice for the Deputies' meeting on North Korea. An agenda for the meeting is at Tab A and State's discussion paper is at Tab B.

Concurrence by: *SR* Stanley Roth

RECOMMENDATION

That you authorize William Itoh to sign the memorandum at Tab I and approve the Agenda at Tab A.

Approve *WI* Disapprove _____

Attachment

Tab I Memorandum for Signature
Tab A Agenda
Tab B Discussion Paper

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By *W* NARA, Date *12/05/14*
2009-0528-F

~~SECRET~~

Declassify on: OADR

~~SECRET~~

~~SECRET~~

~~SECRET/PLUTO~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

21135

September 28, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: STEVEN AOKI *SA*

SUBJECT: Principal's Meeting on North Korea, Friday,
September 30, 1994 from 4:30 - 6:00 p.m.

Attached at Tab I is a proposed meeting notice for the
Principal's meeting on North Korea. An agenda for the meeting is
at Tab A. State has been tasked to prepare a discussion paper.

Concurrence by: *SA*
Stanley Roth

RECOMMENDATION

That you authorize William Itoh to sign the memorandum at Tab I
and approve the Agenda at Tab A.

Approve _____ Disapprove _____

Attachment

Tab I Memorandum for Signature
Tab A Agenda

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By *10* NARA, Date *12/05/14*
2009-0528-F

~~SECRET/PLUTO~~

Declassify on: OADR

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~~SECRET/PLUTO~~

21135

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR

MR. LEON FUERTH
Assistant to the Vice
President for National
Security Affairs
Office of the Vice President

MR. KENNETH BRILL
Executive Secretary
Department of State

COLONEL ROBERT P. McALEER
Executive Secretary
Department of Defense

MS. ANN LAVIN
Director, Executive
Secretariat
Department of Energy

MR. DOUGLAS F. GARTHOFF
Executive Secretary
Central Intelligence Agency

AMB RICK INDERFURTH
Office of the Representative
of the U.S. to the UN
U.S. Department of State

MR. LEON PANETTA
Chief of Staff to the
President

COLONEL T. R. PATRICK
Secretary
Joint Chiefs of Staff

MS. BARBARA STARR
Executive Secretary
Arms Control and Disarmament
Agency

SUBJECT: Meeting of the Principals on North Korea (~~S~~)

A Principals' meeting will be held Friday, September 30, 1994, at
to 4:00 - 6:30 p.m. in the White House Situation Room.
Attendance will be limited to principals only. (~~S~~)

An agenda is attached. State will circulate a discussion paper
separately. (~~N~~)

William H. Itoh
Executive Secretary

Attachment
Tab A Agenda

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By W NARA, Date 12/05/14
2009-0528-F

~~SECRET/PLUTO~~

Declassify on: OADR

~~SECRET~~

NATIONAL SECURITY COUNCIL PRINCIPALS' COMMITTEE MEETING

DATE: September 30, 1994
LOCATION: SITUATION ROOM
TIME: 4:00 - 6:30 p.m.

NEXT STEPS ON NORTH KOREA

Agenda

- I. Introduction NSC
- II. Intelligence Overview CIA
- III. Diplomatic State of Play State
- IV. Options for Next Steps State
- V. Discussion All Participants
- VI. Conclusion NSC

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By 10 NARA, Date 12/05/14
2009-0528-F