



**Nuclear Non-Proliferation Treaty PrepCom, April 2004**

***THE G8'S GLOBAL PARTNERSHIP AGAINST THE  
SPREAD OF WEAPONS AND MATERIALS OF MASS  
DESTRUCTION & THE NPT***

Given that the G8 group of countries is set to hold its annual summit shortly after the close of the NPT "PrepCom," the outcome of the NPT meeting will be instructive for non-proliferation issues to be discussed at the June 8-10 summit to be held at Sea Island, Georgia, U.S.

The *Global Partnership Against the Spread of Weapons and Materials of Mass Destruction*<sup>1</sup> was launched in 2002 at the G8's Kananaskis Summit in Canada. A key part of the programme, the disposition of surplus Russian weapons plutonium via plutonium fuel (MOX), has been substantially delayed due to a variety of problems in both the U.S. and Russia. Financial support for the controversial and costly MOX program should now be halted given the proliferation threat it presents. Funds by the G8 and Global Partnership countries must be redirected to management of plutonium as nuclear waste, a more "proliferation resistant" form of plutonium disposition.

There are three points that are central to the plutonium disposition programme and G8 proliferation concerns that this briefing note will address:

- 1) Plutonium disposition must not increase proliferation concerns**
- 2) Comprehensive Fissile Material Cut-Off Negotiations Must Commence Immediately**
- 3) Non-Proliferation and Disarmament Must be Universal**

**1) Plutonium disposition must not increase proliferation concerns**

When the deployment of strategic nuclear weapons is reduced, the weapons withdrawn from service must be dismantled and fissile materials removed from them must be placed in secure storage and then rendered unusable, lest they be reused as new weapons, diverted by nefarious "insiders," or stolen by terrorists. While G8 countries have in the past offered financial support for the Russian program to dispose of surplus weapons plutonium as nuclear fuel (mixed oxide fuel, MOX), now is the time to reassess such support. It is clear that the MOX program in both Russia and the U.S. is mired in delays that could be fatal.<sup>2</sup> Given the

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<sup>1</sup> The Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, at [http://www.g8.fr/evian/english/navigation/g8\\_documents/archives\\_from\\_previous\\_summits/kananaskis\\_summit\\_-\\_2002/the\\_g8\\_global\\_partnership\\_against\\_the\\_spread\\_of\\_weapons\\_and\\_materials\\_of\\_mass\\_destruction.html](http://www.g8.fr/evian/english/navigation/g8_documents/archives_from_previous_summits/kananaskis_summit_-_2002/the_g8_global_partnership_against_the_spread_of_weapons_and_materials_of_mass_destruction.html).

<sup>2</sup> See "U.S.-Russian Plan to Destroy Atom-Arms Plutonium Is Delayed", New York Times, February 8, 2004, at <http://www.nytimes.com/2004/02/09/international/europe/09PLUT.html?ex=1077598800&en=f1e094c1f55cd813&ei=5070>.

serious problems confronting the programs, a concerted effort should be undertaken to negotiate agreements to manage the plutonium as nuclear waste.

One indication of problems came in July 2003, when the U.S.-Russia technical cooperation agreement from 1998 was allowed to lapse due to disputes about liability in Russia in the event of an accident.<sup>3</sup> Likewise, lack of agreement on liability has become a chronic barrier to progress in the U.S. or Russia of the programme, which Congress has mandated to take place in a “parallel” manner.

Given that the June 2004 G8 meeting will take place relatively close to the Savannah River Site (SRS), the site chosen by the U.S. Department of Energy (DOE) to carry out the MOX program, the issue of plutonium disposition will likely garner significant attention. SRS is also the DOE site most likely to be selected for the new nuclear bomb factory (“Modern Pit Facility”), which would rely on shared aspects of the MOX plutonium infrastructure. Thus, it could be hard to clearly separate aspects of the MOX programme in the U.S. from development of new nuclear weapons or rebuilding of other weapons in the U.S. arsenal.

In the Fiscal Year 2005 budget request to Congress, the Department of Energy has finally admitted that great uncertainty faces the MOX program. In the February 2 budget proposal,<sup>4</sup> DOE stated that the start of construction of the MOX plant has been delayed for at least another year and revealed “*uncertainties associated with the international contributions to the Russian program together with Congressional requirements for parallel progress in both nations make estimation of schedule milestones inappropriate at this time.*” Given the schedules presented in the DOE budget, it appears that there well could be a three-year delay in the MOX programme, which will likely result in increased Congressional scrutiny of the project.

In a letter sent to Congress on February 17, 2004 as required under law, DOE not only admitted that “liability problems remain unresolved” but indicated the program may well face further delays. In the budget proposal DOE stated that it assumed that the “liability issue will be resolved by April 1, 2004” but it is clear that this ambitious target date was not met. According to a recent news report<sup>5</sup>, the April 1 date has quietly slipped to June, thus threatening another year’s delay in the implementation of the programme.

In addition to delays on the Russian end of the program, there is no certainty that the U.S. Nuclear Regulatory Commission will license U.S. MOX activities. There has been no approval for any aspect of the MOX plan, including both MOX testing and large-scale use of MOX in the reactors as well as the construction and operation licenses for the MOX plant itself. Due to last minute design changes, issuance of the Final Environmental Impact Statement for the U.S. MOX plant has been delayed for an indefinite time. Legal challenges to these numerous licenses will likely result in further delays and may end up in federal courts.

DOE has requested an export license from the NRC to export 150 kilogrammes of weapons-grade plutonium to France for fabrication into MOX “lead test assemblies” (LTAs), which would then be shipped back to the U.S. for testing in a reactor<sup>6</sup>. DOE proposes to ship this material to France on ships owned by British Nuclear Fuels Limited (BNFL) and then overland some 1000 kilometres to a now-closed MOX

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<sup>3</sup> The 1998 plutonium disposition agreement between Russia and the United States included liability provisions but it did not include language from the Cooperative Threat Reduction (CTR) programme, which the United States insisted on, whereas Russia considered that the Multilateral Nuclear Environmental Programme (MNEPR) liability provisions were adequate. One important difference was an insistence that the United States and its contractors be absolved of responsibility even if they cause an accident intentionally. See Charles Digges, 30 July 2003, “Technical Agreement for Plutonium Disposition Allowed to Lapse by US”, at <http://www.bellona.no/en/international/russia/navy/co-operation/30596.html> and Joe Fiorill, “U.S. Fears “Manipulation” of Russian Legal System in Joint Nuclear Security Efforts”, January 14, 2004, at [http://www.nti.org/d\\_newswire/issues/2004/1/14/7675da6a-5fcb-470c-bc73-a75dd0e4a4f0.html](http://www.nti.org/d_newswire/issues/2004/1/14/7675da6a-5fcb-470c-bc73-a75dd0e4a4f0.html).

<sup>4</sup> <http://www.cfo.doe.gov/budget/05budget/content/defnn/nn.pdf>

<sup>5</sup> See “No Solution to Liability Issue Yet, But Pu Program Schedule is Still Valid; But One-year Delay Expected If There Is No Resolution by July,” Nuclear Weapons & Materials Monitor, April 12, 2004, page 1

<sup>6</sup> See Department of Energy, *Analysis, Fabrication of Mixed Oxide Fuel Lead Assemblies in Europe*, November 2003, US DOE/EIS-0229-SA3. WISE, “Transfer of MOX production capacity from Cadarache to Marcoule: one scandal after another,” 8 September 2003, at [http://www.wise-paris.org/index.html?/english/ournews/year\\_2003/ournews030909a.html&/english/frame/menu.html&/english/frame/band.html](http://www.wise-paris.org/index.html?/english/ournews/year_2003/ournews030909a.html&/english/frame/menu.html&/english/frame/band.html)

fabrication facility at Cadarache. It has become apparent that these lightly guarded transports across France are arguably one of the most vulnerable global targets for those wishing to attack or seize weapons-usable material.<sup>7</sup> Due to the particular threat it poses, this proposal should thus be rejected.

Ambassador Linton Brooks, head of DOE's National Nuclear Security Administration (NNSA), the nuclear weapons side of DOE, clearly believes that delays can kill the MOX program. He stated in a November 2003 legal declaration -- filed in relation to the controversial plan to ship weapons plutonium to France for manufacture into MOX for testing in a U.S. reactor -- that "*actual or apparent delay in any aspect of the U.S. program [...] could lead the Russian leadership to reconsider its support for the current approach.*" Brooks went on to state that "*conceivably, it could kill the program because its success depends on each side believing that the other side is engaging in reciprocal non-proliferation efforts.*" Following these elaborations on significant delays now facing the programme, it is clear that doubts inside DOE about its viability are growing.

Given the obstacles now before the MOX program it is time to rethink this strategy and if the simpler, cheaper, more proliferation-resistant path of immobilizing plutonium in existing high-level nuclear waste is by far not the wisest approach to this daunting problem. The G8 should immediately endorse immobilization and ensure donor funding is directed to that end.

## **2) Comprehensive Fissile Material Cut-Off Negotiations Must Commence Immediately**

Disposition of weapons plutonium endorsed by the G8 will have a significant impact on how the international community deals with the proliferation of weapons-usable fissile materials.

The General Assembly as far back as 1993<sup>8</sup> called for the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. As one of the thirteen practical steps for systematic and progressive efforts to implement Article VI of the NPT, the NPT parties agreed on immediate commencement and of negotiations on the Fissile Material Cutoff Treaty (FMCT) with a view to their conclusion within five years.<sup>9</sup> The General Assembly has annually called for the Conference on Disarmament to agree on a program of work that includes FMCT negotiations.

The amount of weapons-usable plutonium in civilian stocks now rivals the amount of plutonium being held in military programs. Civilian reprocessing therefore presents a growing proliferation risk that must be addressed. In part based on voluntary reporting to the International Atomic Energy Agency (IAEA), there is believed to be more than 150 metric tons of weapons-usable plutonium being held by countries involved in reprocessing. As it would take as little as 5 kilograms of commercial plutonium for a state or terrorist organisation to build a nuclear bomb, the threat posed by the mere existence of plutonium must be addressed by the global community.

The ever-increasing "commercial" stocks of weapons-usable plutonium in Japan, France, the UK and Russia present a proliferation risk that cannot be ignored. IAEA Director General Dr. Mohamed ElBaradei has made strong statements of late about the risk posed by such burgeoning plutonium stockpiles. Failure to address these commercial stocks, and the reprocessing technologies that produce them will only lead to more proliferation.

The double standard of the current non-proliferation policy can be seen by global inaction in the face of start-up of the massive Rokkasho reprocessing factory in Japan. This twenty billion USD facility could separate up to 8 metric tons of plutonium per year despite there being no need whatsoever for plutonium in the commercial nuclear fuel cycle.

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<sup>7</sup> See video clips of vulnerable plutonium transports in France at:  
<http://frodo.greenpeace.org/photos/pumovies/> username: media, password: pufrance

<sup>8</sup> General Assembly Resolution A/Res/75/L of December 1993, at  
<http://www.un.org/documents/ga/res/48/a48r075.htm>.

<sup>9</sup> Final Document adopted at the 2000 NPT Review Conference. At  
[http://www.mint.gov.my/policy/nuc\\_prolifer/npt2000revcon\\_finaldoc\\_vollpart1.htm](http://www.mint.gov.my/policy/nuc_prolifer/npt2000revcon_finaldoc_vollpart1.htm)

President Bush's non-proliferation initiative of February 11, 2004 is thus facing a major test in relation to "civil" reprocessing factories: will the U.S. take immediate steps to persuade Japan not to start up the new Rokkasho plutonium proliferation factory, now in start-up operations, or will the build-up of weapons-usable plutonium in Japan proceed unabated? This same question can also be posed to the *Global Partnership* and IAEA and the answer to this question will have a dramatic impact on proliferation of weapons-usable plutonium.

### **3) Non-proliferation and disarmament must be universal**

The first of the set of non-proliferation principles announced by the G8 last year at Evian was promoting the adoption, universalization, full implementation and, where necessary, strengthening of multilateral treaties and other international instruments whose aim is to prevent the proliferation or illicit acquisition of such items and strengthen the institutions designed to implement these instruments.

Universal adoption of the G8 non-proliferation principles, called for in the G8 Action Plan, requires adherence to principles already agreed and a commitment to multilateralism and universality on a non-discriminatory basis.

The Bush Administration's approach to challenging the threat posed by these dangerous materials and technologies will fail as it only focuses on so-called "rogue states". The same is true with the Proliferation Security Initiative (PSI), which aims to interdict clandestine transfers by "rogue states" of weapons materials or technologies. For the world to become safer from the spread of nuclear weapons, proliferation of technologies and weapons-usable materials and their storage, transportation and use must be challenged and controlled uniformly and without discrimination. Likewise, all nuclear weapons states must immediately undertake to abide by their obligations in the Nuclear Non-proliferation Treaty (NPT) to disarm of all nuclear weapons and to pledge that all development of new nuclear weapons will now halt.

The budget request presented on 2 February 2004 to the U.S. Congress includes funds for the new low-yield ("mini-nuke") nuclear weapon, the high-yield bunker buster (Robust Nuclear Earth Penetrator), a reduction in the time it takes to conduct a nuclear weapons test from 24 months to 18 months, and plans for a new nuclear bomb factory (Modern Pit Facility) which could replace the plutonium cores in the entire deployed U.S. stockpile in just a few years. All of these proposals fly in the face of compliance with the disarmament obligations of the NPT and non-proliferation aims of the *Global Partnership*. Action by the *Global Partnership* to halt such double standards is one clear way to ensure that nuclear non-proliferation and disarmament standards will be applied universally and without discrimination.

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