

**FOREIGN
RELATIONS
OF THE
UNITED
STATES**

1973–1976

VOLUME E–14

PART 2

**DOCUMENTS ON
ARMS CONTROL AND
NONPROLIFERATION,
1973–1976**



**DEPARTMENT
OF
STATE**

Washington



Foreign Relations of the United States, 1969–1976

Volume E–14

Part 2

Documents on Arms Control and Nonproliferation, 1973–1976

Editors

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Preface

The *Foreign Relations of the United States* series presents the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the United States Government. The Historian of the Department of State is charged with the responsibility for the preparation of the *Foreign Relations* series. The staff of the Office of the Historian, Bureau of Public Affairs, under the direction of the General Editor of the *Foreign Relations* series, plans, researches, compiles, and edits the volumes in the series. Secretary of State Frank B. Kellogg first promulgated official regulations codifying specific standards for the selection and editing of documents for the series on March 26, 1925. These regulations, with minor modifications, guided the series through 1991.

Public Law 102–138, the Foreign Relations Authorization Act, which was signed by President George H.W. Bush on October 28, 1991, established a new statutory charter for the preparation of the series. Section 198 of P.L. 102–138 added a new Title IV to the Department of State’s Basic Authorities Act of 1956 (22 U.S.C. 4351, et seq.).

This statute requires that the *Foreign Relations* series be a thorough, accurate, and reliable record of major United States foreign policy decisions and significant United States diplomatic activity. The volumes of the series should include all records needed to provide comprehensive documentation of major foreign policy decisions and actions of the United States Government. The statute also confirms the editing principles established by Secretary Kellogg: the *Foreign Relations* series is guided by the principles of historical objectivity and accuracy; records should not be altered or deletions made without indicating in the published text that a deletion has been made; the published record should omit no facts that were of major importance in reaching a decision; and nothing should be omitted for the purposes of concealing a defect in policy. The statute also requires that the *Foreign Relations* series be published not more than 30 years after the events recorded. The editors are convinced that this volume meets all regulatory, statutory, and scholarly standards of selection and editing.

Structure and Scope of the Foreign Relations Series

This electronic-only volume is part of a subseries of volumes of the *Foreign Relations* series that documents the most important issues in the foreign policy of Presidents Richard M. Nixon and Gerald R. Ford. The subseries presents in multiple volumes a comprehensive documentary

record of major foreign policy decisions and actions of both administrations. This specific volume documents arms control and nonproliferation policies, 1973–1976.

Focus of Research and Principles of Selection for Foreign Relations, 1969–1976, Volume E–14

This volume documents the multilateral arms control policies of the Nixon and Ford administrations between 1973 and 1976. Topics include the review of biological and chemical warfare policies, the Nuclear Non-Proliferation Treaty, approaches to nuclear testing and test-ban proposals, nuclear safeguards, sales of nuclear equipment, environmental modification, and ratification of the 1925 Geneva Protocol outlawing chemical and biological weapons. Most of these negotiations took place in international arenas such as the Conference of the Committee of Disarmament (CCD), the International Atomic Energy Agency (IAEA), and the United Nations. The documentation included chronicles the perspectives of not only Presidents Nixon and Ford but also Secretaries of State Rogers and Kissinger, Secretary of Defense Schlesinger, Arms Control and Disarmament Agency (ACDA) Director Iklé, and Energy Research and Development Administration (ERDA) Administrator Seamans.

Editorial Methodology

The documents are presented chronologically according to Washington time. Memoranda of conversations are placed according to the date and time of the conversation, rather than the date a memorandum was drafted. Documents chosen for printing are authoritative or signed copies, unless otherwise noted.

Editorial treatment of the documents published in the *Foreign Relations* series follows Office style guidelines, supplemented by guidance from the General Editor and the Chief of the Declassification and Publishing Division. The documents are reproduced as exactly as possible, including marginalia or other notations, which are described in the footnotes. Texts are transcribed and printed according to accepted conventions for the publication of historical documents within the limitations of modern typography. A heading has been supplied by the editors for each document included in the volume. Spelling, capitalization, and punctuation are retained as found in the original text, except that obvious typographical errors are silently corrected. Other mistakes and omissions in the documents are corrected by bracketed insertions: a correction is set in italic type; an addition in roman type. Words or phrases underlined in the source text are printed in italics. Abbreviations and contractions are preserved as found in the original text, and a list of abbreviations is included in the front matter of each volume.

Bracketed insertions are also used to indicate omitted text that deals with an unrelated subject (in roman type) or that remains classified after declassification review (in italic type). The amount and, where possible, the nature of the material not declassified has been noted by indicating the number of lines or pages of text that were omitted. Entire documents withheld for declassification purposes have been accounted for and are listed with headings, source notes, and number of pages not declassified in their chronological place. All brackets that appear in the original text are so identified in footnotes. All ellipses are in the original documents.

The first footnote to each document indicates the document's source, original classification, distribution, and drafting information. This note also provides the background of important documents and policies and indicates whether the President or his major policy advisers read the document.

Editorial notes and additional annotation summarize pertinent material not printed in the volume, indicate the location of additional documentary sources, provide references to important related documents printed in other volumes, describe key events, and provide summaries of and citations to public statements that supplement and elucidate the printed documents. Information derived from memoirs and other first-hand accounts has been used where appropriate to supplement or explicate the official record.

Advisory Committee on Historical Diplomatic Documentation

The Advisory Committee on Historical Diplomatic Documentation, established under the *Foreign Relations* statute, reviews records, advises, and makes recommendations concerning the *Foreign Relations* series. The Advisory Committee monitors the overall compilation and editorial process of the series and advises on all aspects of the preparation and declassification of the series. The Advisory Committee does not necessarily review the contents of individual volumes in the series, but it makes recommendations on issues that come to its attention and reviews volumes, as it deems necessary to fulfill its advisory and statutory obligations.

Declassification Review

The Office of Information Programs and Services, Bureau of Administration, conducted the declassification review for the Department of State of the documents published in this volume. The review was conducted in accordance with the standards set forth in Executive Order 13526, as amended, on Classified National Security Information and other applicable laws.

The principle guiding declassification review is to release all information, subject only to the current requirements of national security, as

embodied in law and regulation. Declassification decisions entailed concurrence of the appropriate geographic and functional bureaus in the Department of State, other concerned agencies of the U.S. Government, and the appropriate foreign governments regarding specific documents of those governments. The declassification review of this volume, which began in 2008 and was completed in 2014, resulted in the decision to withhold 0 documents in full, excise a paragraph or more in 5 documents, and make minor excisions of less than a paragraph in 10 documents.

The Office of the Historian is confident, on the basis of the research conducted in preparing this volume and as a result of the declassification review process described above, that the record presented here provides an accurate and comprehensive account of arms control and nonproliferation policies during the Nixon and Ford administrations.

Acknowledgements

The editors wish to acknowledge the assistance of archivists at the Gerald R. Ford Presidential Library in Ann Arbor, Michigan, particularly Geir Gundersen, Donna Lehman, and Helmi Raaska, and the archivists at the Nixon Presidential Materials Project of the National Archives and Records Administration (Archives I), especially Bridget Crawley. Special thanks are due to Dr. John Earl Haynes of the Library of Congress for facilitating access to the Kissinger and Schlesinger Papers, which the editors were able to use with the kind permission of Henry Kissinger and James Schlesinger. The Central Intelligence Agency and the Department of Defense provided full access to their records; the editors would like to thank Sandra Meagher of the Department of Defense for her assistance in expediting the use of Department of Defense files.

Bonnie Sue Kim did the research, initial selection, and initial annotation of the volume under the supervision of Erin R. Mahan, Chief of the Africa and Asia Division and Edward C. Keefer, General Editor of the *Foreign Relations* series. William B. McAllister and M. Todd Bennett also collected documentation for this volume. David C. Geyer and Melissa Jane Taylor provided additional editorial support. Chris Tudda and Kristin L. Ahlberg revised the volume and added additional documentation under the direction of Kathleen B. Rasmussen, Chief of the Global Issues and General Division and Stephen P. Randolph, The Historian. Kristin Ahlberg prepared the lists of names; abbreviations and terms; and sources. Carl Ashley, Margaret S. Ball, Thomas I. Faith, and Aaron W. Marrs performed the copy and technical editing. Craig A. Daigle did the proofreading. Chris Tudda coordinated the declassifica-

tion review under the direction of Carl Ashley, Chief of the Declassification and Publishing Division.

Bureau of Public Affairs
October 2015

Dr. Stephen P. Randolph
The Historian

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Sources

Sources for the Foreign Relations Series

The 1991 Foreign Relations Statute requires that the published record in the *Foreign Relations* series include all records needed to provide comprehensive documentation on major U.S. foreign policy decisions and significant U.S. diplomatic activity. It further requires that government agencies, departments, and other entities of the U.S. Government engaged in foreign policy formulation, execution, or support cooperation with the Department of State Historian by providing full and complete access to records pertinent to foreign policy decisions and actions and by providing copies of selected records.

The editors of the *Foreign Relations* series have complete access to all the retired records and papers of the Department of State: the central files of the Department; the special decentralized files ("lot files") of the Department at the bureau, office, and division levels; the files of the Department's Executive Secretariat, which contain the records of international conferences and high-level official visits, correspondence with foreign leaders by the President and the Secretary of State and foreign officials; and the files of overseas diplomatic posts. All the Department's indexed central files through July 1973 have been permanently transferred to the National Archives and Records Administration at College Park, Maryland (Archives II). Many of the Department's decentralized office files covering the 1969–1976 period that the National Archives deems worthy of permanent retention have been transferred or are in the process of being transferred from the Department's custody to Archives II.

The editors of the *Foreign Relations* series also have full access to the papers of Presidents Nixon and Ford, as well as other White House foreign policy records. Presidential papers maintained and preserved at the Presidential libraries include some of the most significant foreign affairs-related documentation from the Department of State and other Federal agencies, including the National Security Council, the Central Intelligence Agency, the Department of Defense, and the Joint Chiefs of Staff. In addition, Drs. Henry Kissinger and James Schlesinger have approved access to their papers at the Library of Congress. These papers are a key source for the Nixon-Ford subseries of the *Foreign Relations* series.

Research for this volume was completed through special access to restricted documents at the Nixon Presidential Materials Project, the Ford Library, the Library of Congress, and other agencies. While all of

the material printed in this volume has been declassified, some of it is extracted from still-classified documents. Nixon's papers were transferred to their permanent home at the Nixon Presidential Library and Museum in Yorba Linda, California, after research for this volume was completed. The Nixon Library staff and the Ford Library staff are processing and declassifying many of the documents used in the volume, but they may not be available in their entirety at the time of publication.

Sources for Foreign Relations, 1969–1976, E–14, Part 2, Documents on Arms Control and Nonproliferation, 1973–1976

Much of the documentation included in this volume on the arms control policies of the second Nixon administration and the Ford administration is from the Presidential papers and other White House records maintained by the Nixon Presidential Materials Project and the Ford Library. The National Security Council (NSC) Institutional Files (H-Files) for each administration are particularly important. They contain the working files and meeting files of the NSC. The H-Files contain materials related to the National Security Study Memoranda (NSSMs) and National Security Decision Memoranda (NSDMs).

Of the files of the Department of State, the most useful for the purposes of this compilation were the Central Foreign Policy Files.

In addition to the paper files cited below, a growing number of documents are available on the Internet. The Office of the Historian maintains a list of these Internet resources on its website and encourages readers to consult that site on a regular basis.

Unpublished Sources

Department of State

Central Files. See National Archives and Records Administration below.

Lot Files. For lot files already transferred to the National Archives and Records Administration at College Park, Maryland, Record Group 59, see National Archives and Records Administration below.

National Archives and Records Administration, College Park, Maryland

Record Group 59, General Records of the Department of State

Central Files, 1970–1973

DEF 18–6, defense affairs, arms control and disarmament, control measures

POL 27–10, military operations, chemical and germ warfare

Central Foreign Policy Files, 1973–1976

Part of the on-line Access to Archival Databases: Electronic Telegrams, P-Reel Index, P-Reel microfilm

Lot Files

Policy Planning Council (S/PC), Policy Planning Staff (S/P), Director's Files (Winston Lord), 1969–77, Lot 77D112

Transcripts of Secretary of State Kissinger's Staff Meetings, 1973–1977, Lot 78D443

Records of the Office of the Office of the Counselor, Helmut Sonnenfeldt, Lot 81D286

Records Relating to the National Security Council Under Secretaries Committee, Lot 81D309.

Gerald R. Ford Presidential Library, Ann Arbor, Michigan

James M. Cannon Files

Issues File, 1972–77

Glenn R. Schleede Files,

Subject Files, 1974–77

National Security Adviser

Kissinger Reports on USSR, China, and Middle East Discussions

USSR Memcons and Reports

Memoranda of Conversations

NSC Middle East and South Asian Affairs Staff Files

Convenience Files

NSC Program Analysis Staff Files

Convenience Files

Presidential Agency Files

Arms Control and Disarmament Agency

USUN

Presidential Correspondence With Foreign Leaders

Presidential Country Files for East Asia and the Pacific

Korea

Presidential Country Files for Middle East and South Asia

Egypt

Presidential Files of NSC Logged Documents

IF/NS File for the President

NSC "NS" Originals File

Presidential Subject File

National Security Council Institutional Files (H-Files)

Institutional Files—Meetings

Institutional Files—NSSMs

Institutional Files—NSDMs

Institutional Files—Secretariat

Institutional Files—Under Secretaries Committee

Presidential Handwriting File

Subject File

XIV Sources

White House Central Files
Subject Files

Nixon Presidential Materials Project, National Archives and Records Administration, College Park, Maryland (now at the Nixon Presidential Library and Museum, Yorba Linda, California)

National Security Council Files
Agency Files
Kissinger Office Files
Country Files
Europe—USSR
Subject Files
VIP Visits

National Security Council Institutional Files (H-Files)
NSC Meeting Minutes
National Security Study Memoranda
National Security Decision Memoranda

Central Intelligence Agency

Executive Registry Subject Files (DCI Area), OP 10
Job 79M00467A

Office of the Deputy Director of Intelligence Files, OPI 29
Job 82MOO587R

Office of the Deputy Director of Intelligence Files, OPI 122, NIC
Job 79R01012A

Library of Congress, Manuscript Division, Washington, D.C.

Papers of Henry A. Kissinger
Memoranda of Conversations

Papers of James Schlesinger
Action Memoranda

Washington National Records Center, Suitland Maryland

RG 330, Records of the Office of the Secretary of Defense
FRC 330-76-0117
Secret Decimal Files of the Assistant Secretary of Defense for International Security Affairs, 1973

Published Sources

United States. Arms Control and Disarmament Agency. *Arms Control and Disarmament Agreements: Text and History of Negotiations*. Washington: Government Printing Office, 1977.

———. *Documents on Disarmament, 1974, 1976*. Washington: Government Printing Office.
United States. Department of State. *Bulletin*. 1973–1976.

United States. National Archives and Records Administration. *Public Papers of the Presidents of the United States: Richard Nixon, 1973, 1974*. Washington: Government Printing Office, 1974–1975.

———. *Public Papers of the Presidents of the United States: Gerald R. Ford, 1974, 1975, 1976–1977*. Washington: Government Printing Office, 1975, 1977, 1979.

Abbreviations and Terms

ABM, anti-ballistic missile

ACDA, Arms Control and Disarmament Agency

ACDA/D, Office of the Director, Arms Control and Disarmament Agency

ACDA/DD, Office of the Deputy Director, Arms Control and Disarmament Agency

ACDA/IR, International Relations Bureau, Arms Control and Disarmament Agency

ACDA/MEA, Military and Economic Affairs Bureau, Arms Control and Disarmament Agency

ACDA/NWT, Nuclear Weapons and Advanced Technology Bureau, Arms Control and Disarmament Agency

ACDA/NWT/AT, Weapons Test Ban Division, Nuclear Weapons and Advanced Technology Bureau, Arms Control and Disarmament Agency

AEC, Atomic Energy Commission

AF, Bureau of African Affairs, Department of State

AID, Agency for International Development

ARA, Bureau of Inter-American Affairs, Department of State

ARPA, Advanced Research Projects Agency, Department of Defense

B-1, American long-range bomber

BW, biological (bacteriological) weapons

BWC, Biological Weapons Convention

CANDU, Canadian Deutrium Uranium (nuclear reactor)

CBR, chemical-biological-radiological

CCD, Geneva Conference of the Committee on Disarmament

CEQ, Council on Environmental Quality

CFR, Code of Federal Regulations

CIA, Central Intelligence Agency

CIEP, Council on International Economic Policy

COCOM, Coordinating Committee for Multilateral Exports

Cong., Congress

CONUS, continental United States

CPSU, Communist Party of the Soviet Union

CSCE, Conference on Security and Cooperation in Europe

CTB, comprehensive test ban

CTBT, Comprehensive Test Ban Treaty

CW, chemical weapons

CY, calendar year

DCEF, demonstration centrifuge enrichment facility

DCI, Director of Central Intelligence

DCM, Deputy Chief of Mission

Del, delegate or delegation

DelOff, delegation officer

DG, Director General

DisTo, series indicator for telegrams from the U.S. Delegation to the Conference of the Committee on Disarmament in Geneva to the Department of State

DOD, Department of Defense

DOS, Department of State

EA, Bureau of East Asian Affairs, Department of State

EA/J, Office of Japanese Affairs, Bureau of East Asian Affairs, Department of State

EA/RA, Office of Regional Affairs, Bureau of East Asian Affairs, Department of State

EC-9, reference to the nine member states of the EC: Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom

EmbOff, embassy officer

EnMod, environmental modification

ERDA, Energy Research and Development Administration

EST, Eastern Standard Time; also, estimate

EUR, Bureau of European Affairs, Department of State

EUR/CE, Office of Central European Affairs, Bureau of European Affairs, Department of State

EUR/RPM, Office of NATO and Atlantic Political-Military Affairs, Bureau of European Affairs, Department of State

EUR/SOV, Office of Soviet Union Affairs, Bureau of European Affairs, Department of State

EURATOM, European Atomic Energy Community

EURODIF, European Gaseous Diffusion Uranium Enrichment Consortium

Ex-Im, Export-Import Bank

Exdis, Exclusive Distribution

FBI, Federal Bureau of Investigation

FBS, forward-basing system

FCO, Foreign and Commonwealth Office (UK)

FEA, Federal Energy Administration

FonOff, foreign office

ForMin, foreign ministry or foreign minister

FRC, Federal Records Center (Washington National Records Center)

FRG, Federal Republic of Germany

FY, fiscal year

FYI, for your information

GA, UN General Assembly

GDR, German Democratic Republic

GNZ, Government of New Zealand

GOA, Government of Argentina; Government of Australia

GOB, Government of Brazil

GOI, Government of Iran

H. Rpt., House Report

HAK or HK, Henry Kissinger

HAKTO, series designator for telegrams to Henry A. Kissinger

HEU, highly-enriched uranium

HEW, Department of Health, Education, and Welfare

HMG, Her (His) Majesty's Government

HTGR, high temperature gas reactor

IAEA, International Atomic Energy Agency

ICBM, Inter Continental Ballistic Missile

ICC, International Control Commission

INR, Bureau of Intelligence and Research, Department of State

IO, Bureau of International Organization Affairs, Department of State
IO/UNP, Office of United Nations Political Affairs, Bureau of International Organization Affairs, Department of State
IOPZ, Indian Ocean Peace Zone
IRBM, Intermediate-range ballistic missile
ISA, Office of International Security Affairs, Department of Defense

JCAE, Joint Committee on Atomic Energy
JCS, Joint Chiefs of Staff
JCSM, Joint Chiefs of Staff Memorandum

KORI-II, South Korean, U.S.-built power reactor
KT, kiloton
KWU, Kraftwerke-Union

L, Legal Adviser, Department of State
L/UNA, Assistant Legal Adviser for United Nations Affairs, Department of State
LAP, loading, assembling, and packaging
LDC, lesser-developed country
Limdis, limited distribution
LTBT, Limited Test Ban Treaty

MBFR, Mutual and Balanced Force Reductions
MCA, military construction authorization
MDW, mass destruction weapons
ME, Middle East
memcon, memorandum of conversation
MFA, Ministry of Foreign Affairs
MIRV, Multiple Independently-Targeted Reentry Vehicle
MW, megawatt
MWe, megawatt-electric

NAC, North Atlantic Council
NATO, North Atlantic Treaty Organization
NEA, Bureau of Near Eastern Affairs, Department of State
NEA/INS, Office of Bhutan, India, Maldives, Nepal, Sri Lanka Affairs, Bureau of Near Eastern Affairs, Department of State
Negative security assurance, pledge not to use nuclear weapons against Non-Nuclear Weapon States who signed the Non-Proliferation Treaty
NEPA, National Environmental Policy Act of 1969
NFZ, nuclear free zone
NNWS, non-nuclear weapon states
Nodis, no distribution
Notal, not all
NPT, Non-Proliferation Treaty
NRC, Nuclear Regulatory Commission
NSC, National Security Council; also national supervisory committee
NSDM, National Security Decision Memorandum
NSSM, National Security Study Memorandum
NWS, Nuclear Weapons States

OASD, Office of the Assistant Secretary of Defense
OASD/ISA, Office of the Assistant Secretary of Defense, International Security Affairs
OBE, overtaken by events

XX Abbreviations and Terms

OECD, Organization for Economic Cooperation and Development
OMB, Office of Management and Budget
OPEC, Organization of Petroleum Exporting Countries
OSD, Office of the Secretary of Defense
OSI, Office of Scientific Intelligence

PermRep, permanent representative
PM, Bureau of Politico-Military Affairs, Department of State
PM/DCA, Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs,
Department of State
PNE, peaceful nuclear explosion
PNW, prevention of nuclear war
PolCouns, political counselor
PRC, People's Republic of China
Prepcom, preparatory committee

QTB, quota test ban

R&D, research and development
RCA, riot control agent
REF or Reftel, reference telegram
REP, representative
Revcon, review conference
RG, Record Group; Review Group
ROB, reduction of military budgets
ROC, Republic of China
ROK, Republic of Korea
RV, re-entry vehicle

S, Office of the Secretary of State; Senate; Secret
S/P, Policy Planning Council or Staff, Department of State
S/S, Executive Secretariat, Department of State
SALT, Strategic Arms Limitation Talks
SC, Security Council
SCC, Special Coordination Committee
SCI, Bureau of International Scientific and Technological Affairs, Department of State
SCI/AE, Office of Atomic Energy Affairs, Bureau of International Scientific and Techno-
logical Affairs, Department of State
SEA, Southeast Asia
SecGen, UN Secretary-General
SEN, Sensitive
Septel, separate telegram
SFRC, Senate Foreign Relations Committee
SIPRI, Stockholm International Peace Research Institute
SLIFER, seismometer and electric yield measurement device
SNIE, Special National Intelligence Estimate
SOV, Office of Soviet Union Affairs, Bureau of European Affairs, Department of State
SOVDEL, Soviet delegate
SRG, Senior Review Group
SYG, Secretary General

TASS, Telegrafnoye Agentsvo Sovetskogo Soiuza (Telegraph Agency of the Soviet
Union)
TS, Top Secret

TTB or TTTB, Threshold Test Ban Treaty

U, Unclassified; uranium

UEA, Uranium Enrichment Associates

UK, United Kingdom

UN, United Nations

UNEP, United Nations Environmental Program

UNGA, United Nations General Assembly

UNSYG, Secretary General, United Nations

U.S., United States

USA, United States of America; also U.S. Army

USAEC, United States Atomic Energy Commission

USC, Under Secretaries Committee of the National Security Council; also, United States Code

USDel, U.S. delegate

USG, United States Government

USNATO, United States Mission to the North Atlantic Treaty Organization

USSR, Union of Soviet Socialist Republics

USUN, United States Mission to the United Nations

VP, Verification Panel

VPWG, Verification Panel Working Group

WDC, World Disarmament Conference

WMD, weapons of mass destruction

WSAG, Washington Special Actions Group

Z, Zulu time (Greenwich mean time)

Persons

- Aldrich, George H.**, Deputy Legal Adviser, Department of State; acting Legal Adviser during part of 1974
- Anders, William A.**, Executive Secretary, National Aeronautics and Space Council, until 1973; Commissioner, Atomic Energy Commission, from August 6, 1973, until 1975; Chair, Nuclear Regulatory Commission from 1975 until 1976; U.S. Ambassador to Norway from May 11, 1976
- Anderson, John**, member, U.S. House of Representatives (R-Illinois)
- Annenberg, Walter H.**, U.S. Ambassador to the United Kingdom until October 1974
- Arbatov, Georgi A.**, Director of the Institute of the United States of America, Russian Academy of Sciences; also Senior Foreign Policy Advisor of the Foreign Department of the Central Committee of the Communist Party of the Soviet Union
- Armitage, John A.**, Deputy Assistant Secretary of State for European Affairs
- Atherton, Alfred L., Jr.**, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, from 1970 until 1974; Assistant Secretary of State for Near Eastern and South Asian Affairs from April 27, 1974
- Baker, Howard**, Senator (R-Tennessee)
- Baker, James A., III**, Under Secretary of Commerce from 1975 until 1976
- Baker, Vincent**, Director, Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs, Department of State from 1973
- Barnum, James G.**, member, National Security Council staff
- Barton, W.H.**, Permanent Representative of Canada to the United Nations Office in Geneva; head of the Canadian delegation to the Conference of the Committee on Disarmament
- Bengelsdorf, Harold D.**, Director, Office of Program Review and Development, Nuclear Energy and Energy Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State from 1975
- Björnerstedt, Rolf**, Deputy Special Representative of the UN Secretary General to the Conference of the Committee on Disarmament from 1973 until 1974; Acting Representative from 1975
- Black, Donald P.**, Officer in Charge, Arms Control, Outer Space Affairs, Office of United Nations Political Affairs, Bureau of International Organization Affairs, Department of State as of 1974; Chief, CCD and UN Division, International Relations Bureau, Arms Control and Disarmament Agency from 1976
- Blackwill, Robert D.**, staff officer, Executive Secretariat, Department of State, until 1973; Special Assistant to the Counselor of the Department of State from 1974 until 1975; thereafter, political-military officer, U.S. Embassy in London
- Bloomfield, Richard J.**, Director, Office of Policy Planning and Coordination, Bureau of Inter-American Affairs, Department of State; also Staff Director, NSC Interdepartmental Group, Bureau of Inter-American Affairs
- Borg, Arthur C.**, Deputy Chief of Mission, U.S. Embassy in Bonn until 1974; Deputy Executive Secretary, Department of State until June 1975; Special Assistant to the Secretary of State from 1974 until 1975
- Boright, John P.**, Chief, International Division, Non-Proliferation and Advanced Technology Bureau, Arms Control and Disarmament Agency from 1976
- Boverie, Richard T.**, Brigadier General, USAF; senior member, National Security Council staff from August 1974 until January 1977; Director for Program Analysis from November 1975

Brandon, Henry, correspondent, London *Sunday Times*

Brandt, Willy, Chancellor of the Federal Republic of Germany from 1969 until 1974

Brezhnev, Leonid I., General Secretary of the Communist Party of the Soviet Union from 1964

Brown, George S., General, USAF; Chief of Staff, U.S. Air Force until June 30, 1974; Chairman of the Joint Chiefs of Staff from July 1, 1974

Buchen, Philip W., Director, Communications Satellite Corporation (COMSAT), until 1974; Executive Director, Domestic Council Committee on the Right of Privacy, from March until August 1974; White House Counsel from August 15, 1974, until January 20, 1977

Buchheim, Robert W., Deputy Assistant Director, Nuclear Weapons and Advanced Technology Bureau, Arms Control and Disarmament Agency from 1974; thereafter, Deputy Assistant Director, Non-Proliferation and Advanced Technology Bureau

Buffum, William B., U.S. Ambassador to Lebanon until January 17, 1974; Assistant Secretary of State for International Organization Affairs from February 4, 1974 until December 18, 1975

Bush, George H.W., U.S. Permanent Representative to the United Nations until January 18, 1973; Chair, Republican National Committee, until September 16, 1974; head of the U.S. Liaison Office in Beijing from September 26, 1974 until December 7, 1975; Director of Central Intelligence from January 30, 1976, until January 20, 1977

Cannon, James M., III, Executive Director, White House Domestic Council and Assistant to the President for Domestic Affairs from February 1975 to January 20, 1977

Carter, James E., Jr. (Jimmy), Democratic nominee for President in 1976; President of the United States from January 20, 1977

Casey, William J., Chairman, Securities and Exchange Commission until 1973; Under Secretary of State for Economic Affairs from February 2, 1973, until March 14, 1974; president and Chairman, Export-Import Bank from 1974 until 1976; member, President's Foreign Intelligence Advisory Board from 1976

Clark, B. Akporode, Permanent Representative of Nigeria to the United Nations Office at Geneva; head of the Nigerian delegation to the Conference of the Committee on Disarmament from 1974

Clements, William P., Jr., Deputy Secretary of Defense from 1973 until 1976

Clift, A. Denis, senior member, Office of Europe, Canada, and Ocean Affairs, National Security Council staff from 1971 to 1976

Colby, William E., Executive Director-Comptroller, Central Intelligence Agency, until March 1973; Deputy Director of Central Intelligence for Operations from March 2, 1973, until August 24, 1973; Director of Central Intelligence from September 4, 1973, until January 30, 1976

Connor, James E., Director, Office of Planning and Analysis, Atomic Energy Commission until 1974; detailed to White House Personnel Office from November 1974 until January 1975; White House Cabinet Secretary, Executive Office of the President from January 1975 until January 1977; White House Staff Secretary, Executive Office of the President from June 1975 until January 1977

Cotter, Donald R., Assistant to the Secretary of Defense for Atomic Energy; chair, Military Liaison Committee

Covey, James P. (Jock), Special Assistant to the Secretary of State from 1976

David, Edward E., Jr., Science Advisor to the President and Director of the Office of Science and Technology

Davies, Thomas D., Rear Admiral, USN (ret.), Deputy Chief of Naval Material, Chief of Naval Development, and Assistant Oceanographer for Ocean Engineering and Development, U.S. Navy, until July 1973; Assistant Director, Nuclear Weapons and Advanced Technology Bureau, Arms Control and Disarmament Agency from 1973 until 1975; thereafter, Assistant Director, ACDA

- Davis, Jeanne W.**, staff secretary, National Security Council Executive Secretariat, until 1974
- De Medici, Marino**, correspondent, *Il Tempo*
- De Segonzac, Adalbert**, correspondent, *France-Soir*
- Day, Arthur R.**, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs
- Dent, Frederick B.**, Secretary of Commerce from February 2, 1973, until March 26, 1975; U.S. Trade Representative from March 1975 until January 20, 1977
- Dobrynin, Anatoly F.**, Soviet Ambassador to the United States
- Duckett, Carl**, member, Verification Panel, Central Intelligence Agency
- Eagleburger, Lawrence S.**, Acting Assistant Secretary of Defense for International Security Affairs from January 31 until May 10, 1973; member, National Security Council staff, from June 1973 until February 1975; Executive Assistant to the Secretary of State from September 1973; Deputy Under Secretary of State for Management from May 14, 1975, until February 26, 1977
- Easum, Donald B.**, U.S. Ambassador to Upper Volta until January 19, 1974; Assistant Secretary of State for African Affairs from March 18, 1974, until March 26, 1975; U.S. Ambassador to Nigeria from May 22, 1975
- Eberle, William**, Special Representative for Trade Negotiations until 1975; Executive Director, Council on International Economic Policy, from 1974 until 1975
- Eklund, A. Sigvard**, Director General, International Atomic Energy Agency
- Eliot, Theodore L., Jr.**, Special Assistant to the Secretary and Executive Secretary of the Department of State until 1973; thereafter, U.S. Ambassador to Afghanistan
- Elliott, David D.**, senior member, Scientific Affairs, National Security Council staff
- Ellsworth, Robert F.**, Assistant Secretary of Defense for International Security Affairs from June 5, 1974, until December 22, 1975; Deputy Secretary of Defense from December 23, 1975, until January 10, 1977
- Enders, Thomas O.**, Assistant Secretary of State for Economic and Business Affairs from July 24, 1974, until December 22, 1975; U.S. Ambassador to Canada from February 17, 1976
- Ene, Constantin**, head of the Romanian delegation to the Conference of the Committee on Disarmament
- Fairbanks, Richard M., III**, Associate Director, Domestic Council, from May 1973 until May 1974
- Farley, Philip J.**, Deputy Director, Arms Control and Disarmament Agency until 1973
- Ford, Gerald R.**, member, U.S. House of Representatives (R-Michigan); House Minority Leader until December 6, 1973; Vice President of the United States until August 9, 1974; President of the United States from August 9, 1974, until January 20, 1977
- Fri, Robert W.**, Deputy Administrator, Environmental Protection Agency until 1973; also Acting Administrator in 1973; Deputy Administrator, Energy Research and Development Administration from March 1975 until September 1977; also Acting Administrator from 1977
- Friedersdorf, Max L.**, White House Special Assistant for Congressional Relations until 1973; Deputy Assistant to the President for the House of Representatives, from 1973 until 1974; Assistant to the President for Legislative Affairs from 1975 until 1977
- Frizzell, Kent**, Solicitor, Department of Interior, until 1975; thereafter, Under Secretary of Interior
- Froebe, John A., Jr.**, Australia, New Zealand, and Pacific Islands Desk, Bureau of East Asian and Pacific Affairs, Department of State from 1971; member, National Security Council staff from 1971; formally detailed to the National Security Council from January 1974

Froebe, Louise C., staff assistant, Policy Planning Staff and Under Secretaries Committee, Department of State

Fuerth, Leon, Office of Disarmament and Arms Control, Bureau for Politico-Military Affairs, Department of State

Fulbright, J. William, Senator (D-Arkansas); Chairman, Senate Foreign Relations Committee, until 1974

Gandhi, Indira, Indian Prime Minister

Garcia Robles, Alfonso, Mexican Under Secretary for Foreign Affairs; head of the Mexican delegation to the Conference of the Committee on Disarmament

Gathright, Wreatham, member, Policy Planning Staff, Department of State from 1973; Staff Director, NSC Under Secretaries Committee from 1974 until 1976

Giller, Edward, General, USAF (ret.); Deputy Assistant Administrator for National Security, Energy Research and Development Agency

Giscard d'Estaing, Valéry, French Minister of Economics and Finance until May 27, 1974; thereafter, President of France

Glenn, John, Senator (D-Ohio) from December 24, 1974

Goodby, James, Counselor for Political Affairs, U.S. Mission to NATO until 1974; Deputy Director, Bureau of Politico-Military Affairs, Department of State, from 1974

Granger, Clinton E., Colonel, USA; Acting Director, Planning and Coordination, National Security Council staff from August 1974 until September 1976

Greenspan, Alan, Chairman, Council of Economic Advisers, Executive Office of the President from 1974 until 1977

Grechko, Andrei A., Marshal of the Soviet Union, Soviet Minister of Defense and member of the Politburo of the Central Committee of the Communist Party of the Soviet Union until April 26, 1976

Grinevskiy, Oleg, Deputy Chief, Middle East Division, Soviet Ministry of Foreign Affairs

Gromyko, Andrei A., Soviet Minister of Foreign Affairs

Guhin, Michael A., member, National Security Council staff until 1975; Assistant Director for Export-Import and Nuclear Safeguards, Nuclear Regulatory Commission from 1976

Habib, Philip C., U.S. Ambassador to the Republic of Korea until August 19, 1974; Assistant Secretary of State for Near Eastern and Pacific Affairs from September 27, 1974, until June 30, 1976; Under Secretary of State for Political Affairs from July 1, 1976

Hadley, Stephen J., member, National Security Council staff from 1974 until 1977

Haig, Alexander Meigs, Jr., Brigadier General, USA; Deputy Assistant to the President for National Security Affairs until January 1973; U.S. Army Vice Chief of Staff from 1973 until 1974; Assistant to the President and White House Chief of Staff from May 1973 until August 1974; thereafter, Commander in Chief, European Command, and Supreme Allied Commander, Europe

Hartman, Arthur A., Assistant Secretary of State for European Affairs from January 8, 1974

Helms, Richard M., Director of Central Intelligence until February 2, 1973; Ambassador to Iran from April 5, 1973, until December 27, 1976

Hill, Robert C., Assistant Secretary of Defense for International Security Affairs from May 10, 1973, until January 4, 1974; U.S. Ambassador to Argentina from February 15, 1974

Hosmer, Craig, member, U.S. House of Representatives (R-California) until December 31, 1974; president, American Nuclear Energy Council from 1975

Huberman, Benjamin, member, National Security Council staff

Humphrey, Hubert H., Jr., Senator (D-Minnesota)

Hyland, William G., senior member, National Security Council staff until January 1974; Director, Bureau of Intelligence and Research, Department of State from January 21, 1974, until November 24, 1975; Deputy Assistant to the President for National Security Affairs from November 1975 until January 1977

Iklé, Frederick C. (Fred), head, Social Science Department, Rand Corporation until 1973; Director, Arms Control and Disarmament Agency from July 10, 1973, until January 1977; U.S. Representative to the NPT Review Conference in 1975

Ingersoll, Robert S., Assistant Secretary of State for East Asian and Pacific Affairs from January 8 until July 9, 1974; Deputy Secretary of State from July 10, 1974, until March 31, 1976

Israelyan, Victor, Chief, International Organizations Division, Soviet Ministry of Foreign Affairs

Jackson, Henry M. (Scoop), Senator (D-Washington); Chairman, Senate Committee on Interior and Insular Affairs

Jobert, Michel, Secretary General of the French Presidency until April 1973; French Foreign Minister from April 1973 until May 1974

Johnson, U. Alexis, Under Secretary of State for Political Affairs until February 1, 1973; thereafter, Ambassador at Large and chairman of the U.S. delegation to the Strategic Arms Limitation Talks

Jordan, Amos A., Principal Deputy Assistant Secretary of Defense for International Security Affairs until 1976; Acting Assistant Secretary of Defense for International Security Affairs from April 2 until June 4, 1974, and from December 23, 1975, until May 5, 1976; Deputy Under Secretary of State for Security Assistance from May until September 1976, thereafter, Under Secretary of State for Security Assistance

Kahan, Jerome H., member, Policy Planning Staff, Department of State

Kakuei, Tanaka, Prime Minister of Japan from 1972 until 1974

Kalicki, Jan H., member, Policy Planning Staff, Department of State, from 1975

Kennedy, John F., President of the United States from 1961 until 1963

Kennedy, Richard T., Colonel, USA; Director, Planning and Coordination, National Security Council staff until January 1975; thereafter, Commissioner, Nuclear Regulatory Commission

Kissinger, Henry A., Assistant to the President for National Security Affairs from January 21, 1969, until November 3, 1975; Secretary of State from September 21, 1973, until January 20, 1977

Komplektov, Viktor G., Deputy Chief, United States of America Department, Soviet Ministry of Foreign Affairs; Acting Chief in 1976

Korniienko, Georgiy, member of the Collegium, Soviet Ministry of Foreign Affairs; Chief, United States of America Department until 1975; Deputy Assistant to Gromyko from 1975

Kosygin, Alexei N., Chairman, Council of Ministers of the Soviet Union

Krasulin, Boris, Chief, Disarmament Section, International Organizations Division, Soviet Ministry of Foreign Affairs

Kratzer, Myron B., Deputy Assistant Secretary of State for Nuclear Energy and Energy Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs from 1975 until 1977; Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs in 1975

Kuznetsov, Vasily V., First Deputy Soviet Minister of Foreign Affairs

Laingen, L. Bruce, Country Director, Bhutan, India, Maldives, Nepal, Sri Lanka, Bureau of Near Eastern and South Asian Affairs, Department of State, until 1974; acting Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs in 1973 and 1974; Deputy Assistant Secretary of State for European Affairs from 1975

- Laird, Melvin R.**, Secretary of Defense until January 1973; Counselor to the President for Domestic Affairs from June 1973 until February 1974
- Leonard, James F., Jr.**, Assistant Director, International Relations Bureau, Arms Control and Disarmament Agency from 1969 until 1973
- Levin, Herbert**, Deputy Director for Japanese Affairs, Bureau of East Asian and Pacific Affairs, Department of State until 1974
- Lodal, Jan M.**, senior member, National Security Council staff from 1973 Director, Program Analysis, National Security Council until August 1975
- Lord, Winston P.**, member, National Security Council staff until 1973; Special Assistant to the President's Assistant for National Security Affairs until 1973; Director, Policy Planning Staff, Department of State from October 12, 1973, until January 20, 1977
- Lynch, Marjorie**, Northwest Regional Director, ACTION, until 1973; Deputy Administrator, American Revolution Bicentennial Commission from 1974 until 1975; Under Secretary of Health, Education, and Welfare from late 1975
- Lynn, James T.**, Under Secretary of Commerce until February 1973; Secretary of Housing and Urban Development from February 2, 1973, until February 5, 1975; Assistant to the President for Management and Budget, and Director, Office of Management and Budget from February 10, 1975, until January 20, 1977
- MacNeil, Robert**, correspondent, British Broadcasting Corporation
- Makarov, Vasily G.**, Chef de Cabinet to the Soviet Minister of Foreign Affairs
- Marcum, John M.**, member, National Security Council staff
- Marsh, John O., Jr. (Jack)**, Assistant Secretary of Defense for Legislative Affairs from 1973 until 1974; Assistant to the Vice President from February until August 1974; Counselor to the President from August 10, 1974, until January 20, 1977
- Martens, Robert J.**, Director, Regional Affairs, Bureau of East Asian and Pacific Affairs from 1974
- Martin, Joseph, Jr.**, Special Assistant to the Director of the Arms Control and Disarmament Agency; U.S. Representative to the Conference on the Committee on Disarmament; member, General Advisory Committee on Arms Control and Disarmament
- Martin, Robert A.**, Deputy Director, Office of Disarmament and Arms Control, Bureau for Politico-Military Affairs, Department of State from 1973 until 1974; Political Officer at the U.S. Embassy in Saigon, from 1974 until 1975; delegate, Peaceful Nuclear Explosion talks, from mid-1975 until 1976
- Maw, Carlyle E.**, Legal Adviser, Department of State from November 27, 1973, until July 9, 1974; Under Secretary of State for International Security Affairs from July 10, 1974, until September 17, 1976
- Mayhew, Philip R.**, staff member, International Relations Bureau, Arms Control and Disarmament Agency
- McCloskey, Robert J.**, U.S. Ambassador to Cyprus, from June 20, 1973, until January 14, 1974; Ambassador at Large from 1974 until 1975; Assistant Secretary of State for Congressional Relations from February 21, 1975, until September 10, 1976; U.S. Ambassador to the Netherlands from October 22, 1976
- Mikhailov, Valerian V.**, Deputy Chief of the United States of America Department, Soviet Ministry of Foreign Affairs
- Miller, Robert H.**, Deputy Executive Secretary, Executive Secretariat, Department of State until 1973; Assistant Director, International Relations Bureau, Arms Control and Disarmament Agency from 1973 until 1974; Deputy Assistant Secretary of State for East Asian and Pacific Affairs from 1974
- Mishra, B.C.**, Permanent Representative of India to the United Nations Office at Geneva; head of the Indian delegation to the Conference of the Committee on Disarmament
- Molander, Roger C.**, member, National Security Council staff from 1974
- Moorer, Thomas H.**, Admiral, USN; Chairman of the Joint Chiefs of Staff until July 1, 1974

Morokhov, Igor D., First Deputy Chairman of the Soviet State Committee for Utilization of Atomic Energy; head, Soviet delegation to the Conference of the Committee on Disarmament 1975

Moynihan, Daniel Patrick, U.S. Ambassador to India from February 28, 1973, until January 7, 1975; U.S. Permanent Representative to the United Nations from June 30, 1975, until February 2, 1976

Neidle, Alan F., Chief, Political Affairs Division, International Relations Bureau, Arms Control and Disarmament Agency until 1973; Chief, CCD and UN Division, International Relations Bureau from 1973 until 1974; staff member, Policy Planning and Reports Staff, Bureau of International Organization Affairs, Department of State 1974; Special Assistant and Director, Policy Planning and Reports Staff from 1974

Nixon, Richard M., President of the United States from January 20, 1969, until August 9, 1974

Nomura, C., Chief, Disarmament Division, Japanese Ministry of Foreign Affairs

Nosenzo, Louis V., Senior Planner, Bureau of Politico-Military Affairs, Department of State until 1974; Director, Office of Atomic Energy and Aero-Space (later renamed Office of Nuclear Policy and Operations), Bureau of Politico-Military Affairs, from 1974

Nunn, Samuel, Senator (D-Georgia)

Oakley, Robert B., political counselor at the U.S. Embassy in Beirut until 1974; thereafter, Area Director for Middle East and South Asian Affairs, National Security Council Staff

Ogilvie, Donald G., Deputy Associate Director for Management, Office of Management and Budget 1974; thereafter, Associate Director, National Security and International Affairs, Office of Management and Budget

Pastore, John O., Senator (D-Rhode Island) until December 28, 1976; co-Chair, Joint Committee on Atomic Energy, from 1975 until 1976

Pauly, John, Lieutenant General, USAF; Assistant to the Chairman, Joint Chiefs of Staff from July 1974 until September 1975; thereafter, Deputy Chief of Staff for Plans and Operations, Headquarters, U.S. Air Force

Pell, Claiborne de B., Senator (D-Rhode Island); member, Senate Foreign Relations Committee

Percy, Charles H., Senator (R-Illinois)

Peterson, Russell W., Chair, Council on Environmental Quality

Phelps, Homer R., Jr., Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs, Department of State

Price, C. Melvin, member, U.S. House of Representatives (D-Illinois)

Podgorny, Nikolay Viktorovich, Chairman of the Presidium of the Supreme Soviet; member, Politburo of the Central Committee of the Communist Party of the Soviet Union

Pollack, Herman, Director, Bureau of International Scientific and Technological Affairs, Department of State until 1974

Porter, William J., Under Secretary of State for Political Affairs from February 2, 1973, until February 18, 1974; U.S. Ambassador to Canada from March 13, 1974, until December 16, 1975; U.S. Ambassador to Saudi Arabia from February 21, 1976

Ray, Dixy Lee, Chair, Atomic Energy Commission from 1973 until 1975; Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, Department of State from January 19 until June 20, 1975

Reifenberg, Jan, correspondent, *Frankfurter Allgemeine Zeitung*

Ribicoff, Abraham A., Senator (D-Connecticut)

- Richardson, Elliot L.**, Secretary of Health, Education, and Welfare until January 29, 1973; Secretary of Defense from January 30, 1973, until May 24, 1973; Attorney General from May 25 until October 20, 1973; U.S. Ambassador to the United Kingdom from March 21, 1975, until January 16, 1976; Secretary of Commerce from February 2, 1976, until January 20, 1977
- Robinson, Charles W.**, Under Secretary of State for Economic Affairs from January 3, 1975, until April 9, 1976; Deputy Secretary of State from April 9, 1976, until January 20, 1977
- Rodman, Peter W.**, member, National Security Council staff
- Rogers, William D.**, Assistant Secretary of State for Inter-American Affairs from October 7, 1974, until June 18, 1976; Under Secretary of State for Economic Affairs from June 18, 1976, until December 31, 1976
- Rogers, William P.**, Secretary of State until September 3, 1973
- Rose, Clive M.**, Assistant Under Secretary for Defense and International Security, British Foreign and Commonwealth Office until 1973
- Roshchin, Alexei A.**, head, Soviet delegation to the Conference of the Committee on Disarmament
- Rumsfeld, Donald H.**, U.S. Permanent Representative to the North Atlantic Treaty Organization from February 2, 1973, until December 5, 1974; Assistant to the President from September 27, 1974, until November 19, 1975; Secretary of Defense from November 20, 1975 until January 20, 1977
- Rush, Kenneth W.**, Deputy Secretary of State and Chair of the NSC Under Secretaries Committee from February 2, 1973, until May 25, 1974; Counselor to the President for Economic Policy from May 25, 1974; Secretary of State ad interim from September 3 until September 22, 1973; U.S. Ambassador to France from November 21, 1974
- Rusk, Dean**, Secretary of State from January 1961 until January 1969; member, General Advisory Committee on Arms Control and Disarmament
- Sadat, Anwar al-**, President of Egypt from October 1970
- Saunders, Harold H.**, member, National Security Council Operations staff until 1974; Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs from 1974 until 1975; Director, Bureau of Intelligence and Research, Department of State from December 1, 1975
- Sauvagnargues, Jean**, French Minister of Foreign Affairs from 1974 until 1976
- Sawhill, John C.**, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget from 1973 until 1974; Administrator, Federal Energy Administration until October 1974
- Scali, John A.**, U.S. Permanent Representative to the United Nations from February 20, 1973, until June 29, 1975
- Schleede, Glenn R.**, Deputy Assistant Director for Policy and Program Review, Office of Planning and Analysis, Atomic Energy Commission until 1973; Assistant to the Counselor to the President for Natural Resources from March until May 1973; Staff Assistant, then Assistant Director for Natural Resources, White House Domestic Council from 1973 until 1975
- Schlesinger, James R.**, Chairman, Atomic Energy Commission until February 1973; Director of Central Intelligence from February 2 until July 2, 1973; Secretary of Defense from July 2, 1973, until November 19, 1975
- Schmidt, Helmut**, German Minister of Finance until May 6, 1974; thereafter, Chancellor of the Federal Republic of Germany
- Schneider, David**, Deputy Chief of Mission, U.S. Embassy in New Delhi
- Scowcroft, Brent A.**, Major General, USAF; Deputy Assistant to the President for National Security Affairs from April 1973 until November 3, 1975; Assistant to the President for National Security Affairs from November 3, 1975, until January 20, 1977
- Scranton, William**, U.S. Representative to the United Nations from March 5, 1976

- Seaborg, Glenn T.**, Chairman, Atomic Energy Commission until 1971
- Seamans, Robert C., Jr.**, Secretary of the Air Force until May 15, 1973; president, National Academy of Engineering from 1973 until 1974; Administrator, Energy Research and Development Agency from December 30, 1974, until 1977; thereafter, Henry Luce Professor of Environment and Public Policy and senior lecturer in aeronautics and astronautics, Massachusetts Institute of Technology
- Seidman, L. William**, Assistant to the President for Economic Affairs from 1974 until 1977
- Semenov, Vladimir S.**, Soviet Deputy Minister of Foreign Affairs; Chairman, Soviet delegation to the Strategic Arms Limitation Talks
- Shea, James**, Chief, Special Weapons Division, Bureau of Science and Technology, Arms Control and Disarmament Agency, as of 1973; Chief, Advanced Technology and Test Ban Division, Nuclear Weapons and Advanced Technology Bureau from 1973 until 1975; Chief, Weapons Test Ban Division, Nuclear Weapons and Advanced Technology Bureau from 1975
- Sisco, Joseph J.**, Assistant Secretary of State for Near Eastern and South Asian Affairs until February 18, 1974; thereafter, Under Secretary of State for Political Affairs until June 30, 1976
- Sievering, Nelson F., Jr.**, Director, Office of General Scientific Affairs, Bureau of International Scientific and Technological Affairs, Department of State; Acting Deputy Director, Bureau of International Scientific and Technological Affairs, during 1974; Program Coordinator, Scientific and Technological Affairs, Bureau of Oceans and International Environmental Affairs, Department of State, from 1974 until 1975; Assistant Administrator for International Affairs, Energy Research and Development Agency, from February 1975
- Simon, William E.**, Deputy Secretary of the Treasury from January 22, 1973, until May 1974; Director, Federal Energy Office from December 1973 until April 1974; Secretary of the Treasury from May 8, 1974, until January 20, 1977
- Sloss, Leon**, Director, Office of International Security Policy and Planning, Bureau of Politico-Military Affairs, Department of State as of 1973; Deputy Director, Bureau of Politico-Military Affairs, Department of State from 1973 until 1975; fellow, Center for Strategic and International Studies 1975; Assistant Director, International Relations Bureau, Arms Control and Disarmament Agency from 1976 until 1978
- Smith, Gerard C.**, Director, Arms Control and Disarmament Agency until 1973; member, General Advisory Committee on Arms Control and Disarmament
- Smith, William Y.**, Major General, USAF; Director, Policy, Plans and National Security Council Affairs, Office of the Assistant Secretary of Defense for International Security Affairs from July 1974 until September 1975; Assistant to the Chairman, Organization of the Joint Chiefs of Staff from September 1975
- Sokolov, Oleg M.**, Chief of International Affairs, United States of America Department, Soviet Ministry of Foreign Affairs
- Sonnenfeld, Helmut**, senior member, National Security Council staff until 1974; thereafter Counselor of the Department of State from January 7, 1974, until February 21, 1977
- Sneider, Richard L.**, U.S. Ambassador to the Republic of Korea from September 18, 1974
- Springsteen, George S., Jr.**, Executive Secretary, Department of State from January 31, 1974, until July 14, 1976; thereafter, Director of the Foreign Service Institute
- Stabler, Wells**, Deputy Chief of Mission, U.S. Embassy in Rome until 1973; Deputy Assistant Secretary of State for European Affairs from 1973 until 1975; thereafter, U.S. Ambassador to Spain
- Stennis, John C.**, Senator (D-Mississippi)
- Stoessel, Walter J., Jr.**, Assistant Secretary of State for European Affairs until January 7, 1974; thereafter, U.S. Ambassador to the Soviet Union
- Sukhodrev, Viktor M.**, Counselor and interpreter, Soviet Ministry of Foreign Affairs

Suslov, Mikhail A., Secretary of the Central Committee of the Communist Party of the Soviet Union; member of the Politburo of the Central Committee

Symington, W. Stuart, Jr., Senator (D-Missouri); U.S. Representative to the United Nations General Assembly meeting in 1974

Takeshi, Yasukawa, Japanese Ambassador to the United States

Thorsson, Inga, Parliamentary Under Secretary of State, Swedish Ministry of Foreign Affairs from 1974; Chair, Swedish delegation to the Conference of the Committee on Disarmament from 1974; President, Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 1975

Timerbayev, Roland M., Deputy Chief of International Organizations Department, Soviet Ministry of Foreign Affairs

Train, Russell E., Chairman, Council on Environmental Quality until September 12, 1973; Administrator, Environmental Protection Agency, from September 12, 1973, until January 20, 1977

Tyler, Harold R., Jr., Judge, U.S. District Court for the Southern District of New York until April 1975; Deputy Attorney General from 1975 until 1977

Van Doren, Charles N., Deputy General Counsel, Office of the General Counsel, Arms Control and Disarmament Agency until 1973; Special Assistant for Treaty Implementation, International Relations Bureau from 1974 until 1975; nonproliferation staff, International Relations Bureau from 1975 until 1975; Deputy Assistant Director for nonproliferation, International Relations Bureau from 1975 until 1976

Vest, George S., Special Assistant to the Secretary of State for CSCE and Chief of the U.S. Delegation to CSCE until October 1973; Special Assistant to the Secretary for Press Relations, Department of State from October 1973 until April 1974; Assistant Secretary of State for Politico-Military Affairs from April 19, 1974

Von Staden, Berndt, German Ambassador to the United States

Vorontsov, Yuli, Minister Counselor at the Soviet Embassy in Washington, DC

Wade, James P., Jr., Assistant Director, Office of the Secretary of Defense SALT Support Group until 1974; Director, Department of Defense SALT Task Force and Deputy Assistant Secretary of Defense for Policy, Plans, and NSC Affairs from 1974

Walters, Vernon A., Lieutenant General, USA; Acting Director of Central Intelligence from July 2 until September 4, 1973; Deputy Director of Central Intelligence until July 7, 1976

Weiss, Seymour, member, Policy Planning Staff, Department of State until August 1973; Acting Deputy Director for Coordination, Policy Planning Staff 1973; Assistant Secretary of State for Politico-Military Affairs from August 6, 1973, to January 17, 1974; Ambassador to the Bahamas, September 11, 1974, until December 15, 1976

Wickham, John A., Jr., Major General, USA; Deputy Chief of Staff for Economic Affairs, U.S. Military Assistance Command, Vietnam until 1973; aide to the Secretary of Defense from 1973 until 1976

Wolfowitz, Paul D., Deputy Assistant Director for Planning, Verification and Analysis Bureau, Arms Control and Disarmament Agency from 1975

Wyzner, Eugeniusz, Polish Permanent Representative to the United Nations Office in Geneva; head, Polish delegation to the Conference of the Committee on Disarmament

Zablocki, Clement, member, U.S. House of Representatives (D-Wisconsin); Chair, Subcommittee on National Security Policy and Scientific Developments, House Foreign Affairs Committee

Zarb, Frank G., Associate Director, Office of Management and Budget from 1973 until 1974; Acting Assistant Administrator for Operations and Compliance, Federal Energy Office from 1974

Ziegler, Ronald L., Press Secretary and Assistant to the President from 1973 until 1974

Documents on Arms Control and Nonproliferation, 1973–1976

1. Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 23, 1973.

SUBJECT

Non-Proliferation Treaty

The momentum for adherence to the nuclear Non-Proliferation Treaty has slowed. We believe it is important that the United States reaffirm the high priority it attaches to the Treaty. While Australia is expected to become a party to the Treaty on January 23, the non-nuclear members of the European communities are proceeding slowly toward adherence. At the same time, a number of key countries have shown no recent visible progress in this direction. The list includes: Japan, India, Israel, Brazil, Argentina, Spain, and South Africa. Despite repeated references by United States officials to our full support for broad adherence to the Treaty, Japanese officials continue to indicate

¹ Summary: Eliot indicated that the United States needed to reaffirm the high priority it attached to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that entered into force on March 5, 1970. He recommended a reaffirmation be included in President Nixon's annual foreign policy report in order to encourage key countries to adhere to the Treaty's provisions.

Source: National Archives, RG 59, Central Files 1970–73, DEF 18–6. No classification marking. Drafted by Robert Loftness (SCI/AE). Miller signed for Eliot above Eliot's typed signature. Pollack, Spiers, and Farley sent the memorandum to Eliot under cover of a January 23 action memorandum, requesting that Eliot sign the memorandum to Kissinger. (Ibid.) The text of the Treaty on the Non-Proliferation of Nuclear Weapons (21 VST 483) is in *Arms Control and Disarmament Agreements: Texts and History of Negotiations* Washington, D.C.: Government Printing Office, 1977, pp. 84–91. Nixon's "Fourth Annual Report to the Congress on U.S. Foreign Policy," May 3, is printed in *Public Papers: Nixon, 1973*, pp. 348–518. For the introduction to the foreign policy report, see *Foreign Relations, 1969–1976*, volume XXXVIII, Part 1, Foundations of Foreign Policy, 1973–1976, Document 9.

that they are not convinced of this because of the lack of a high-level U.S. statement on the subject.

In our judgment a reaffirmation of our interest in widespread adherence to the Non-Proliferation Treaty should be included in the President's Foreign Policy Report. AEC and ACDA support this recommendation. Language along the following lines would be appropriate:

"The United States continues to attach the highest priority to the Non-Proliferation Treaty. The Treaty is a basic element in the effort to control nuclear arms, while furthering the use of nuclear energy for peaceful purposes. The goal of a world at peace will be advanced by the widest possible adherence to this Treaty. We look forward to significant additional adherence in the coming year."

Theodore L. Eliot, Jr.
Executive Secretary

2. Paper Prepared by the NSSM 157 Ad Hoc Interagency Working Group¹

Washington, January 26, 1973.

SUBJECT

U.S. position on chemical weapons prohibitions: Updating of NSSM 157 study—
Verification aspect

I. Summary

In response to the request for a review of the verification aspects of the NSSM 157 study and an analysis of any further verification measures deemed appropriate, it was the consensus of the Working Group that there have been no new developments which would affect the general consideration stated in the NSSM 157 study that there is no dependable way to verify compliance with most prohibitions or limitations on chemical weapons. However, in view of Soviet elaborations on the idea of national committees, it was determined that a more detailed examination than that provided in the NSSM 157 study was warranted. This report contains a description of possible activities for national committees, advantages and disadvantages of the arrangement, background material on the national committee idea, and a description of possible organizational structures for a national committee.

The Working Group believes that the national committee arrangement should be considered in conjunction with verification Option 1 as a possible procedure to reinforce compliance features of that option, perhaps thereby resulting in enhanced overall political constraints.

Option 1 involves international procedures providing for a Consultative Committee of CW experts, exchanges of relevant data, peri-

¹ Summary: The paper updated the verification aspects of the NSSM 157 study and provided a more detailed examination of the idea of national supervisory committees.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 14, Senior Review Group Meeting, 1/27/75—Chemical Weapons Policy (NSSM 192) (3). Secret. A January 26 covering memorandum from Farley to Kissinger is attached but not published. In a January 5 memorandum to Rogers, Laird, Helms, Smith, and David, Kissinger requested that the ad hoc group review and update certain aspects of the NSSM 157 study relating to verification and submit the report by January 21. Kissinger's memorandum is published in *Foreign Relations*, 1969–1976, volume E–2, Documents on Arms Control and Nonproliferation, 1969–1972, as Document 275. NSSM 157, issued on July 28, 1972, directed a “prompt review” of the U.S. position on negotiations concerning chemical weapons, then ongoing in Geneva. The NSSM also specified that the review be conducted by an ad hoc working group chaired by a representative designated by the Director of the Arms Control and Disarmament Agency and comprised of representatives of the Departments of State and Defense, the Central Intelligence Agency, the Arms Control and Disarmament Agency, the President's Science Adviser, and the Joint Chiefs of Staff. (Ibid., Document 263) The NSSM 157 study is *ibid.*, Document 264.

odic declarations of compliance, and the handling of complaints of possible violations through consultations.

As an adjunct to Option 1, this report discusses adding the requirement that National Supervisory Committees be established to monitor and document compliance procedures within their own countries and to provide other States Parties with reports on their work through the International Consultative Commission.

II. Possible Activities for National Supervisory Committees

The Committees' activities within their own countries might include requirements for (1) visits to facilities falling within the scope of the treaty, and (2) submission of reports on compliance and data on production and consumption of specific chemical substances. Internationally, the Committees would provide an International Consultative Commission with reports on their activities and confer with other Committees periodically at meetings of the Commission. Countries lacking a chemical industry need not be required to establish a national committee. In this case, the Consultative Commission could set up procedures to assist such countries regarding the observance of the treaty.

III. Advantages and Disadvantages of National Supervisory Committees

Advantages

—These national/international procedures could enhance overall political constraints of the treaty by expanding and elaborating requirements for Soviet participation in institutionalized compliance machinery.

—The procedures could add to our knowledge of the USSR's chemical capabilities through the Soviet National Committee's reports to the Consultative Commission on visits to facilities and other matters, and by providing opportunities to discuss CW treaty questions with experts of the Soviet National Committee at periodic meetings of the Consultative Commission.

—Since the Soviets proposed a national committee arrangement, and several other CCD members have supported the idea, the U.S. could obtain negotiating advantages by including the idea in any proposal it makes.

Disadvantages

—The national committee arrangement could not be relied upon to provide assurance of compliance since it would be subject to strict political control in the Soviet Union, and perhaps elsewhere, and thus would be essentially self-inspection.

—There would be a need to persuade the U.S. chemical industry to cooperate with the arrangement (legislation may be required) in return for only a marginal increase in political constraints.

—The political and technical problems in negotiating these arrangements and then implementing them might outweigh potential gains, as illustrated by the following examples: (a) the weakness of self-inspection by national committees could be the object of particular criticism by any domestic opponents of the treaty; (b) the national committees could be misused in an attempt to “whitewash” a possible violation; (c) selection of the U.S. Committee could involve some delicate public relations problems in view of the potential adversary role of the committee in relation to the U.S. Government.

IV. *Background*

Subsequent to the informal meeting in July of the CCD chemical experts, Ambassador Roshchin outlined to the CCD the official Soviet position on such arrangements, noting that national organizations—under a special program agreed upon by international experts—would exercise general control over treaty compliance, and that they may have reasonably wide access to industrial plants and verify the implementation of the agreement *in situ* and might periodically inform other parties to the agreement of their work.

N.N. Melnikov, the Soviet expert who participated in the July CCD meeting, recently expanded on his remarks to the CCD in a draft paper for a SIPRI-sponsored working group on CW verification. In this paper, Melnikov described far-reaching and highly specific functions for national committees which would exchange information at annual conferences of experts.

The Soviets have discussed the national committee arrangement only within the context of a comprehensive ban on chemical weapons. The Soviets might not, however, accept it in the context of a partial prohibition.

Some CCD members have urged strict international verification, but this has been largely in the context of comprehensive prohibitions involving the elimination of stockpiles. Several CCD members have supported the idea of national committees in some form and it is expected that the idea would receive considerable support in the context of partial measures.

For the U.S., there are uncertainties regarding the Soviet position on the functions of the national committees and their relationship to an international forum. Ambassador Roshchin has described only a few general functions for such committees while remaining silent on any related international machinery. If reporting requirements resulted in any information concerning the location of and production data for Soviet plants producing chemicals with carbon-phosphorous bonds as well as production data for Soviet plants producing certain chemicals of the dual-purpose or precursor variety, this could add to our knowl-

edge of Soviet activities in the chemical field. The publication of such information, however, would be subject to strict political controls in the Soviet Union, and we do not know whether the Soviets would provide data on individual plants. (We are not certain to what extent the U.S. chemical industry would wish to provide such data to the rest of the world.)

V. Possible Organizational Structures for a National Supervisory Committee

The Parties might be divided into two groups according to the state of development of their chemical industries:

1. States which possess plants capable of manufacturing single-purpose chemicals and/or plants actually manufacturing specified dual-purpose chemicals (the “haves”);
2. States which do not possess such plants (the “have-nots”).

There is no need for the “have-nots” to establish elaborate supervisory arrangements. It would probably be sufficient for the head of government to designate a single individual to be responsible for preparing the required reports and declarations. The “haves” would be required to set up national supervisory committees (NSC). However, the “haves” will differ greatly among themselves as to levels of development of their chemical industries and types of administrative systems.

The general functions of an NSC might be specified in the treaty. In addition, the International Consultative Commission might make recommendations concerning committee activities. However, each State Party could remain free, within the context of treaty provisions, to determine the size and complexity of the NSC necessary in its own particular situation to fulfill its treaty obligations.

The possibilities for an NSC range across a broad spectrum of complexity. Two examples are discussed below. It should be understood that these are presented only for purposes of illustration.

1. National Supervisory Committee plus a very small staff

The Committee would be an independent body, responsible directly to the President. Representatives from the government, from the scientific community, and from the general public would be appointed to the committee by the President. The day-to-day work of the committee would be conducted by a staff of about five people. The committee itself would meet one or two times a year to review U.S. implementation of the Convention and to certify reports and declarations prepared by the staff for transmission to other States Parties and to the ICC.

2. A National Supervisory Committee plus a medium-sized staff

This example differs from the first one in that a larger staff is provided, allowing more extensive supervisory activity. A national

supervisory committee would be established in the same manner as discussed under 1.

The staff might: issue regulations to govern reporting and inspection activities; monitor production and use of chemicals under control; develop technical procedures for inspections; monitor scientific and technological developments related to the subject matter of the treaty; and maintain liaison with other national committees and with the ICC.

Under the first example, about five additional personnel would be hired. The annual cost to the U.S. Government would be about \$250,000. In the second example, 20–25 people would be needed. Some experts might be made available by appropriate government agencies. Annual costs for the second model would be roughly \$1–1.5 million.

3. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 9, 1973.

SUBJECT

Possible Proposal for a CW Agreement at the Summit

As you requested, attached is a proposal on chemical weapons as a possible agreement between the President and Brezhnev during the latter's visit. It builds on the 1972 Moscow Joint Communiqué which indicates the USA and USSR would "continue their efforts to reach international agreement regarding chemical weapons."

¹ Summary: In response to Kissinger's request, Sonnenfeldt provided a proposal on chemical weapons as a "possible agreement" between President Nixon and Soviet General Secretary Brezhnev that Nixon could raise during Brezhnev's upcoming visit to the United States.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 67, Country Files—Europe—USSR, Map Room, Aug. 1972–May 31, 1973 (1 of 3). Secret; Exclusively Eyes Only. This memorandum is also printed in *Foreign Relations*, 1969–1976, volume XV, Soviet Union, June 1972–August 1974, as Document 82. For the text of the 1972 joint communiqué, see *Public Papers: Nixon*, 1972, pp. 635–642. The paper Sonnenfeldt described (Tab A) is attached but not published. The minutes of the March 5 SRG meeting, at which the participants discussed the NSSM 157 study, are in the National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, Senior Review Group Meetings, Box H-66, SRG Meeting NSSM 157 3/5/73.

The Senior Review Group just considered the NSSM 157 study, U.S. position on chemical weapons prohibitions, and I understand that a draft memorandum for the President will be forwarded to you shortly on this matter. If the President decides to ban at least CW agent production (State's and Defense's choice), this would provide the opportunity for proposing a relatively short moratorium on the production of such agents as an impetus to negotiations at the Geneva Conference of the Committee on Disarmament (CCD). (Including open-air testing of lethal agents themselves in the moratorium might be considered, but this would probably involve a bureaucratic struggle.)

If a decision is reached soon on NSSM 157, we would probably be in a position to table a draft treaty in Geneva at the CCD either in late April or early May after our consultations with NATO Allies and Japan. Thus, an agreement with Brezhnev would follow soon thereafter and would be related to the CCD negotiations.

You should be aware that it is quite well known that we have produced no stocks since the mid-1960s and plan no production for stockpiling purposes at least for the next two years (but, subject to congressional approval, production of binary artillery shells could probably begin in 1975). Therefore, a moratorium of about 2–3 years would not require a significant change on our part. Of course it cannot be verified, and this might raise congressional problems.

You should also be aware that although the Soviets have asked us for counterproposals at the CCD and suggested they are open to limited treaty proposals, they have to date supported the comprehensive approach to prohibit the development, production, and stockpiling of CW agents and munitions. Thus, a ban on production may not satisfy the Soviets.

Attached (Tab A) is a paper you could give to Dobrynin. It suggests two points: a moratorium and a commitment to achieving more permanent international agreement. The language is somewhat technical but this must be carefully drawn in view of the widespread production of chemicals for peaceful use.

4. Telegram 47705 From the Department of State to the Mission to the International Atomic Energy Administration in Vienna¹

Washington, March 19, 1973, 2142Z.

47705. Vienna for MBFR Rep. Following sent Geneva Bonn London Moscow Paris Tokyo Hong Kong USUNNY IAEA Vienna NATO March 15, from SecState repeated to you. Quote: Disto. Subj: Sov Del's Request for Talks on Problem of Participation in any CTB. Ref: Geneva 798.

1. U.S. Del should be guided by following general considerations in its discussions of this subject with Soviet Del, as well as U.S. allies and others (specific points are set forth in second half of this message):

A. We wish to avoid assisting Sovs in any way in what may be effort to build case that PRC is responsible for lack of progress towards CTB. In event Soviets try at next UNGA to blame lack of CTB progress on Chinese, as UK Del has speculated (Geneva 919), it will be important that neither Soviets nor anyone else be able to say that U.S. encouraged, aided, or even acquiesced in such Soviet maneuver.

B. It is important that our response to Soviets not be portrayable as "plotting or conspiring" with Soviets about Chinese disarmament policies or interests.

C. If we failed to respond to Soviet request for conversations this would provide grounds for Soviets, as well as possibly others, to say either or both of following: first, U.S. was not sufficiently interested in achievement of CTB to respond to request for conversations on an important CTB issue; second, U.S. can be presumed to be satisfied with most recent Soviet public statement on participation of nuclear powers in CTB (which could be interpreted as tending to put blame for no progress on PRC) since otherwise U.S. would have taken up with Soviet Del its suggestion for further talks on matter.

D. We wish to avoid giving others, and especially our allies, any grounds for believing that special bilateral talks between U.S. and USSR are starting in order to resolve key test ban issues.

E. We wish to avoid taking any positions in conversations with Soviets which would foreclose policy options available to USG in connection with overall CTB issue.

¹ Summary: The Department communicated Rogers's instructions to the U.S. delegation to the IAEA regarding discussions with the Soviets of a comprehensive test ban.

Source: National Archives, RG 59, Central Foreign Policy File, [no film number]. Confidential. Drafted and approved by William Givan (ACDA/IR). Repeated to Ottawa. Telegrams 798, 854, and 919 from Geneva are *ibid.*, Central Files 1970-73, DEF 18-6. For the August 1972 working paper see *Documents on Disarmaments*, 1972, pp. 590-611.

2. U.S. Del is instructed to make following points in response to Soviet Del:

A. U.S. Delegation is prepared to respond to Soviet Delegation's request for further discussions on point raised by Soviet Delegation, namely, what should be position with respect to mandatory parties for a CTB; however, U.S. Del believes that there is no need for special, separate talks on this question and that further conversations can and should take place in course of normal exchanges at regular co-chairmen meetings.

B. U.S. position on question of mandatory parties for a CTB remains, as U.S. Del has already informed Sov Del, that "participation of all nuclear powers in an agreement has not been determined by the U.S. to be a prerequisite to a CTB." We believe that it would not be appropriate or desirable to adopt any more detailed or far-reaching position at this time.

C. This position permits serious work to continue on other important issues relating to test ban. Progress will, in fact, have to be made on them before a CTB can be realized. We have pointed out that verification question, on which U.S. and USSR continue to have basic differences, clearly warrants further work and have, ourselves, contributed important material in form of U.S. working paper of last August on seismic verification.

D. We have noted that Soviet Del has informed U.S. that Soviet Government has made no determination that participation of all nuclear powers is precondition for CTB (Geneva 798 and 854). For reason stated above, we believe this is appropriate position given current status of CTB deliberations and, therefore, we would hope that USSR would continue in this position. Soviet plenary statement of February 20, however, has created some question among many Dels whether, in fact, this is Soviet position. We would hope that Soviet Del could clarify in response to interest of Japanese, Netherlands and others that position it stated to U.S. at February 19 co-chairman meeting (similar to that in sub para B above) does remain Soviet position.

E. If Soviet Del has further comments to make pertaining to remarks of Soviet co-chairman about relationship of question of mandatory parties to question of scope (partial or complete) of an underground test ban, we will be interested in receiving these and will consider whether we have any questions or comments to make about these further clarifications.

F. Sov Del should know that U.S. Del has, pursuant to customary practice, discussed with its allies the above points and will, as is normal, continue to consult with its allies about U.S.-Soviet exchanges on this matter. We, of course, assume that Soviets will consult their allies in normal fashion.

3. Before conveying response to Soviets, U.S. Del should inform dels of NATO allies and Japan at Western group meeting of response we plan to make. We appreciate great interest our allies have in this matter and, therefore, should discussion with allies reveal, in U.S. Del's judgment, any elements which should be modified or added in U.S. response to Soviets, it should report those promptly for our consideration prior to meeting with Soviets. U.S. Del should not, however, give allies impression that U.S. is soliciting suggestions from allies for modifications in its planned response to Soviets. Rogers unquote.

Rogers

5. Telegram 62848 From the Department of State to the Embassy in the United Kingdom¹

Washington, April 5, 1973, 0131Z.

62848. Disto. Subject: U.S./UK Consultation on Chemical Weapons (CW) Arms Control.

1. During visit to Washington on April 2, FCO Asst Undersec Rose and UK EmbOffs engaged in review with Leonard (ACDA) and ACDA off of pros and cons of various approaches to CW arms control negotiations. Leonard made clear he could not state whether or when USG would adopt any specific approach to CW arms control.

2. Rose said UK officials were thinking that next step should be exploration at CCD of comprehensive CW treaty with full-scale verification including on-site inspections. Rose expressed opinion that we were all committed to comprehensive treaty, and, therefore, should at least make initial effort in this direction. Leonard acknowledged that we were committed to objective of ultimately achieving comprehensive prohibitions; however, we were not repeat not committed to doing this through approach of a single comprehensive treaty. Article IX of Biological Weapons Treaty spoke of objective of effective prohibition

¹ Summary: The Department summarized an April 2 meeting between British Assistant Under Secretary for Defense and International Security Rose and Assistant Director of ACDA's International Relations Bureau Leonard, during which they and other UK and U.S. officials discussed the advantages and disadvantages of various chemical weapons control measures.

Source: National Archives, RG 59, Central Files 1970-73, POL 27-10. Secret. Drafted by Neidle on April 4; cleared by Mark S. Ramee (PM/DCA); approved by Leonard. Repeated to the Mission in Geneva and the Mission to NATO.

(including destruction) of chemical weapons through “effective measures”—Leonard stressed that the reference was to measures in the plural. A commitment to work in good faith toward this objective, through “measures,” was very different from a commitment to a single comprehensive treaty, which we did not have.

3. Rose also suggested that possibility of comprehensive treaty prohibitions had not yet really been explored at Geneva and we could put onus on Soviets for failure to achieve this, before considering partial measures. Leonard noted that, on the contrary, in the last several years, there had been extensive work in Geneva on various problems and questions involved in comprehensive CW prohibitions. The U.S. had submitted many relevant working papers, e.g., on extent to which it would be possible to distinguish between stockpiles of chemical munitions and stockpiles of conventional weapons, and on the problems involved in destruction of chemical weapons; a number of delegations had submitted papers outlining verification schemes that they thought might be used in connection with comprehensive approach.

4. In course of discussion, Leonard pointed out that there might be some undesirable operational consequences from tactical standpoint if UK or West were to table proposals for a comprehensive treaty. It could not be safely assumed that one could easily or automatically shift from a comprehensive proposal to a partial proposal once Soviets or others had rejected the Western proposals for verification. Other governments, including some of our allies, might take position that scope of treaty, i.e., comprehensiveness, was fully agreed, and all that was left was to reach “compromise” on verification. It would be open to various delegations to argue that verification, even with on-sites, could not provide 100 per cent reassurance. For example, in verifying whether Soviets had destroyed all their stocks, we might not know where to seek on-sites in order to be sure no stocks were remaining anywhere in the Soviet Union. These governments would then argue that it was only a question of degree as to how good verification needed to be (with or without on-sites), and we ought to cooperate with CCD members, like the Yugoslavs and the Swedes, in seeking “compromise” in which some acceptable amount of reassurance was found without on-sites. Thus we could find ourselves on the classical “slippery slope” towards a comprehensive treaty when we might not think one was practical or sound. (Leonard noted that it was not clear that the U.S. would be willing to join in a UK proposal which implied that comprehensive prohibitions, involving complete elimination of our chemical weapons, could be adequately verified by virtue of inclusion of provisions for some on-sites.)

5. Leonard also pointed out that even if, speaking hypothetically, a Western proposal for a comprehensive treaty with extensive verifica-

tion, including on-sites, were put forth, it was quite uncertain that the Soviets would be generally blamed thereafter for lack of progress. Although the Soviets would, of course, resist on-site inspections for political reasons, they would certainly argue that on-site inspections are not a genuinely practical method of verification in the case of CW controls. The Soviets and their allies had already argued in Geneva that, given the vastness of chemical industries in large and developed countries, on-site inspections would not be workable in providing significant reassurance regarding possible proscribed activities. As Leonard had already pointed out, it was hard to see how on-site inspections could give you any real grip on the problem of the location or size of CW agent or munition stockpiles in the Soviet Union. The Soviets could then be expected to charge that since on-sites were clearly not a practical solution, the West obviously had the political purpose of frustrating agreement by making a demand which it knew was neither acceptable nor effective. It was questionable in such a situation whether we would really be placing the onus for lack of progress on the Soviets.

6. After lengthy discussion of above considerations, Rose appeared to accept that there might be serious tactical drawbacks to putting forward comprehensive proposal in expectation that this would be way-station to consideration of partial measures.

7. Rose raised question of possible partial measures and specifically possible ban on production of CW agents. Leonard assured Rose that if U.S. were to decide to put this approach before its allies, it would do so only in belief that security interests of the Alliance would be served. Rose expressed opinion that most substantial consideration in favor of conceivable production ban was that West, and U.S. in particular, had very little expectation of substantially increasing its chemical warfare arsenal under present and foreseeable circumstances. Nonetheless, British were still likely to have problems with this approach, in part because they were uncertain as to extent of threat from Soviets on CW. Rose stated that he planned to look in more detail at intelligence picture when he returned to London. Rose concluded that no decision had been taken in London against any partial approach and noted it would take time for British to study matter fully.

Rogers

6. Editorial Note

On April 9, 1973, President Richard M. Nixon transmitted to Congress a copy of the 1972 annual report of the Arms Control and Disarmament Agency entitled “Arms Control Report: 12th Annual Report to Congress, U.S. Arms Control and Disarmament Agency, January 1–December 31, 1972.” In a White House press release issued on April 9, the President noted the agency’s accomplishments during the previous year:

“The year covered by this report has been the most rewarding in the twelve-year history of the agency. Agreements reached with the Soviet Union in the Strategic Arms Limitation Talks testify to the determination of this Administration to move away from the dangers and burdens of unrestrained arms competition and toward a stable and constructive international relationship.

“The negotiations have resulted not in concessions by two parties, one to the other, but in mutual arrangements to insure mutual security. For the first time, the United States and the Soviet Union have taken substantial steps in concert to reduce the threat of nuclear war. The current round of SALT negotiations will concentrate on achieving a definitive treaty on the limitation of offensive weapons systems.

“The past year has also seen continued progress in other areas of arms control.

“Four years after the initial NATO proposal, positive planning has begun for a conference on Mutual and Balanced Force Reductions in Central Europe. The Convention banning biological weapons and calling for the destruction of existing stockpiles was opened for signature on April 10, 1972. At the Conference on the Committee on Disarmament in Geneva, the problems associated with the control of chemical warfare through international law were subjected to patient and careful examination. The number of nations adhering to the Nonproliferation Treaty has now reached 76 and successful negotiations on safeguard arrangements have paved the way for ratification by key European countries.

“Much has been accomplished, but much remains to be done. With the beginning of my second term in office, I rededicate my Administration to the goal of bringing the instruments of warfare under effective and verifiable control.” (*Public Papers: Nixon, 1973*, pages 257–258) For ACDA’s 1972 annual report, see *Documents on Disarmament, 1972*, pages 871–905.

7. Memorandum of Conversation¹

Washington, April 26, 1973.

SUBJECTS

Arms control consultations with Japanese: Chemical Weapons (CW), Comprehensive Test Ban (CTB), World Disarmament Conference (WDC), Chinese participation in arms control efforts, French Nuclear Testing, and Non-Proliferation Treaty (NPT)

PARTICIPANTS

United States

Mr. Alan F. Neidle, Chief, Political Affairs Division, International Relations Bureau, Arms Control and Disarmament Agency;
Mr. Herbert Levin, Deputy Director for Japanese Affairs, State Department;
Mr. Robert Martin, Deputy Director, Office of Disarmament and Arms Control, Politico-Military Affairs Bureau, State Department;
Mr. Donald Black, International Organization Affairs Bureau, State Department;
Mr. James Shea, Chief, Special Weapons Division, Bureau of Science and Technology, ACDA
Mr. Leon Fuerth, PM/DCA, State Department
Mr. Philip R. Mayhew, ACDA/IR

Japanese

Mr. C. Nomura, Chief, Disarmament Division, Ministry of Foreign Affairs;
Mr. Hiroyuki Yushita, First Secretary, Japanese Embassy

1. CW

Mr. Nomura noted that the Japanese government had suggested the possibility of a partial approach to the control of chemical weapons both at the last UN General Assembly session and at the Spring CCD session. At this time, he continued, a partial approach prohibiting the production and development of super-toxic agents, seemed to be the only feasible one because of the reluctance of the Soviet Union to agree to the on-site inspections which the Japanese believed necessary for adequate verification of a comprehensive CW ban. Mr. Nomura added

¹ Summary: In a meeting with ACDA and Department of State officials, Chief of the Disarmament Division of the Japanese Ministry of Foreign Affairs Nomura indicated that the Japanese Government had suggested at the last UN General Assembly session and at the recent Conference of the Committee of Disarmament meeting the possibility of a "partial approach" to the control of chemical weapons but that the government had received few reactions to this effort. Nomura also indicated that the partial approach—preventing production and development of super-toxic chemical weapons—appeared "feasible" due to Soviet reluctance to permit on-site inspections.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Confidential. Drafted by Mayhew on May 3. Initialed by Neidle. There is no indication as to the location or time of the conversation.

that thus far there had been very little reaction from other countries to the Japanese statements and asked our view of their initiative.

Mr. Neidle answered that over the past year the USG had intensively reviewed all the possible approaches to controls on chemical weapons. We had as yet taken no decisions on the basis of this review. However, our review indicated that complete elimination of chemical weapons presented many difficult problems. The destruction of CW would be a long and difficult process; more importantly, it would be virtually impossible to verify destruction of all stockpiles. For these reasons we regarded it as a useful contribution to the discussion of CW for the Japanese to have suggested the possibility of a partial CW treaty.

Mr. Nomura asked whether, if we decided to make a proposal on CW, it would be in the form of a draft treaty and if so, when such a proposal could be expected. Mr. Neidle responded that while it was not decided whether we would have a specific CW proposal, we hoped for a decision on CW in the relatively near future. If we decided to take an initiative it might well be in the form of a draft treaty. We would want to consult in detail with the Japanese when our decision on CW had been made.

Mr. Nomura then asked our opinion of the Brazilian CCD proposal for a partial CW treaty beginning with a prohibition on stockpiles. Mr. Neidle answered that we had considered the Brazilian idea, but regarded it as very impractical to attempt the elimination of stockpiles when they could be easily replenished if there were no production ban. If a production ban were combined with a stockpile proposal, a possibility the British had raised last summer, we then would have a comprehensive ban with all the attendant problems. Moreover, the Brazilian proposal did not solve the difficulty of verifying destruction of all stockpiles. The Japanese proposal would not involve the problem of verification to the same extent, since if CW stocks (i.e. the existing deterrent) were retained, verification might not be as critical an element of an agreement. Brazil, Mr. Neidle continued, had advanced its proposal with the explanation that it did not want to “disarm the disarmed”, i.e., that it did not wish merely to prohibit acquisition of chemical weapons by those countries that did not now possess them; rather the U.S. and USSR who have stocks should carry out the first “disarming” and destroy their stockpiles. The problem with this, Mr. Neidle said, was that we have a great deal to give up in so limiting ourselves; to do so without adequate verification would be quite unbalanced and could be a serious risk to security. Speaking in the abstract, Mr. Neidle went on, a good argument might be advanced, as the Japanese have done, that a production ban might be a good way to start on the control of CW. It would halt production by countries now

able to manufacture CW, prevent production by others, and could thus be viewed as a measure based on the status quo, preventing any new competition or build-up in CW.

Mr. Nomura then asked if we thought the Soviets could accept a partial measure such as the Japanese had suggested. Mr. Neidle said it was difficult to speculate, but the Soviets had shown themselves very flexible at Geneva and anxious to consider even partial CW measures. The Japanese proposal was a stop-where-we-are proposition; it might not be inherently difficult for the Soviets to go along with it.

Mr. Nomura commented that “everyone” at Geneva was waiting for a U.S. CW proposal; it was time for the U.S. to put forward its approach to CW. Mr. Neidle said we appreciated this desire and pointed out that the Secretary of State had said at the UNGA that we would present our views at an early date. We have taken time to respond, he continued, because any CW measure would touch on our security, and could affect on-going programs. Therefore, while we are naturally interested in the views of those non-aligned who are pressing for sweeping action on CW, these views cannot be central to our consideration of the issue. We were pleased that the Japanese have taken a much more reasonable, practical approach and hoped they would not be discouraged by adverse non-aligned comments. Mr. Nomura replied that he shared our concerns on security and felt that the Japanese would not be affected by non-aligned criticism of the partial proposal.

Mr. Yushita commented that if the Soviets had sufficient chemical weapons they might be willing to consider a production ban. What quantities did we think they had? Mr. Neidle said that although it was difficult to estimate, we assumed they possessed the amount of CW they believed militarily necessary. It was conceivable the Soviets might therefore see some advantage in freezing the present situation through an agreed halt in production.

2. CTB

Mr. Nomura asked for our assessment of the Japanese proposal for an informal meeting on a CTB in the CCD summer session, saying he had the impression the U.S. had not been enthusiastic about the proposal. Mr. Neidle, noting that he welcomed the chance to comment, said that in fact we fully supported some aspects of the Japanese proposal but were quite unenthusiastic on others. We supported the basic idea of an informal experts meeting on the CTB, and intended to contribute to the discussion on seismic means of verification, bringing up to date and providing more detail on the subjects in our 1972 seismic verification working paper. We were not enthusiastic, however, about the idea of discussion at the informal meeting on Peaceful Nuclear Explosions (PNE). This was a partly technical, partly highly

political question and could become a starting point for attacks on the NPT. Brazil and India were likely to state their belief that any country has the right to make its own peaceful explosive devices, contrary to the basic rationale of the NPT. We hoped Japanese representatives at the CCD would try to head off such discussion as nothing can be gained from the Pakistan-India argument likely to ensue if India expresses its view of the right to build explosive devices. Mr. Nomura accepted the point adding, however, that Pakistan, India and Brazil were not likely to ratify the NPT whether or not PNEs were discussed at the CCD. Mr. Neidle replied that there was also a question of whether discussion of the PNE issue was useful with respect to a CTB. We believed the problem on PNEs in relation to the CTB was not ready for solution. Moreover, there was an indirect effect on the NPT as such discussion did not improve the climate for the NPT. We hoped PNEs would not be discussed. Mr. Nomura responded that the Japanese experts who would attend the meeting were seismologists not competent to discuss PNEs; it was even possible that the subject would not come up in the informal meeting.

Mr. Nomura then asked why we were reluctant to discuss non-seismic means of verification, specifically reconnaissance satellites. Mr. Neidle, drawing Japanese attention to his terminology, said that “national means of verification, other than seismic” touched on a very sensitive security area. If we discussed these means, to whatever extent they bore on test ban questions, it could reveal information about national means more generally. He assured the Japanese that we have not discussed these means in relation to a possible test ban, not because we did not wish to advance work on a test ban but because we are flatly unable to do so on security grounds. Mr. Nomura mentioned satellites in the SALT context and Mr. Neidle pointed out that the SALT agreements referred only to national means of verification. We did not discuss these means with the Soviets; we merely agreed that neither side would attempt to interfere with the other’s national means. This was quite different from the full report on the possibilities of national means for test ban verification that the Japanese had requested when proposing the informal meeting. Mr. Neidle expressed the hope that the Japanese would not press the exploration of “national means other than seismic.” Mr. Nomura said he understood and he believed that the Japanese would not do so.

Changing the subject, Mr. Nomura commented that perhaps for the time being we regarded nuclear tests as necessary for weapons development. Mr. Neidle noted that we had been asked by Sweden last year whether this was the case and whether this led us not to want a CTB. Our response was that, while there were advantages to testing, we were willing to forego these advantages if we are sure other parties are doing the same; a test ban must therefore be adequately verified.

Mr. Neidle then mentioned that the Japanese had discussed two possible forms of attendance at the informal meeting: experts together with political officers; and experts meeting alone. He noted that the Japanese delegation had apparently urged that both types of meetings be held. We were strongly against a meeting of the second type since this could result in an effort to come to conclusions with the purpose of embarrassing some participating governments. We had had one very bad experience with a test ban experts meeting (without participation of political officers) some 15 years ago and we could not contemplate such meetings now. He added that, on the other hand, meetings of the sort we had held in recent years, i.e., experts participating with heads of delegations, had proved genuinely valuable. Mr. Nomura said he understood Mr. Neidle's point, and the Japanese would not urge a meeting of experts alone.

3. WDC

Mr. Nomura then turned to the WDC, saying that he understood those countries which did not believe the WDC Special Committee should meet were discussing two possible approaches: immediate adjournment; and transforming the meeting into informal consultations. He asked for our latest information. Mr. Neidle said that it appeared that these two alternatives had now, in effect, been merged and he summarized for the Japanese a USUN cable on the tactical situation. He noted that while we were not a direct participant in the WDC Special Committee, we believed that there was no utility to the Committee. Given the absence of most of the nuclear powers, the circumstances surrounding the formation of the composition of the Committee, and the fact that the meeting was designed by the Soviets to embarrass the Chinese, the Special Committee could not help the cause of serious arms control. We therefore had been encouraging those who asked our views to attempt to avoid a meeting or, if a meeting were convened, to try to take no decisions. At this stage, however, an informal meeting for consultations was probably unavoidable; we believed the result of the consultations should be a decision that no formal meeting should take place. Mr. Neidle expressed the hope that the Japanese would support whatever move developed either to prevent a formal meeting or to see that it took no decisions.

Mr. Nomura said that it was likely the Japanese UN delegation would that evening answer the Secretary General's letter by naming a representative to the meeting. He added that he would cable Tokyo recommending that his government support tactical moves of the sort described above.

4. *Chinese Participation in Disarmament*

Mr. Nomura stated that it was very desirable to have Chinese participation in disarmament discussions and asked what ideas we

had on inducing their participation. Mr. Neidle said that many countries had made it clear to the Chinese, in a variety of ways, that they would be welcome at the CCD. The U.S. had made a public statement to that effect at the CCD in June, 1971. These overtures have not elicited a positive Chinese response; however, the Chinese have indicated in conversations with others that they have not taken any final decision on the question of possible participation in the CCD at some future time. They have also asked that they not be pressed on this issue. We do not ourselves see any tactics which could force a favorable Chinese decision in the near future. Others, like the Japanese, may naturally wish to continue to express publicly the desirability of PRC participation in disarmament efforts. However, we should be careful to avoid any actions that might push the Chinese to the extent that they felt compelled to respond more negatively about arms control negotiations than they otherwise might have.

Mr. Nomura said that he basically agreed, and noted that “quiet diplomacy” rather than public pressures seemed to be the best approach.

5. French Nuclear Testing

Mr. Nomura raised the possibility of some joint Australia-New Zealand action on French nuclear testing and asked if we had any comments. Mr. Neidle said that we would naturally like all countries to adhere to the Limited Test Ban Treaty, but we did not think we should try to force it on anyone. The question of possible GOA–GNZ action was one in which we would not wish to involve ourselves. Mr. Nomura said his government was sympathetic to an Australian suggestion of a protest conference. He added that the Japanese had suggested to the Australians that if a protest conference was held when France tested, one should also be held when China tested. The Australian reaction to that had been “sympathetic.”

6. NPT

Mr. Neidle raised the Non-Proliferation Treaty, saying that we had on the whole been encouraged by the generally positive nature of the Japanese Foreign Minister’s recent statement in the Diet on the NPT. However, we had thought there was some suggestion of uncertainty over the question of security as it related to ratification of the NPT. Indeed, there had been some reference to the fact that the security part of the situation was “unsatisfactory.” Was there concern in the Japanese government that the PRC had not subscribed to the 1968 UN Security Council assurances for non-nuclear countries? Mr. Nomura said he didn’t believe his government was now concerned about security in relation to ratification. It was primarily concerned with implications for the peaceful uses of nuclear energy, particularly in securing the

same safeguards treatment as that negotiated by EURATOM with the IAEA. Mr. Neidle said he would like to comment further on the security aspect, which he believed should not be a problem. The 1968 Security Council resolution had expressed the political reality that assurances were desirable to support the non-proliferation regime. However, the fact that the PRC had not subscribed to that resolution is not significant since, for Japan's security, the U.S.-Japan treaty relationship and our deterrent nuclear forces are the relevant factors. Moreover, real circumstances could not be envisioned in which Chinese non-adherence to the resolution would have any practical impact. For example, would the Chinese behave any differently in the SC in the case of a Soviet nuclear threat against Japan whether or not they had been present and had voted for the 1968 Security Council Resolution? Mr. Neidle concluded by expressing the hope that realistic analysis would be the key factor in viewing the security question and the NPT. Mr. Nomura said he agreed with Mr. Neidle's points.

8. Editorial Note

On June 16, 1973, General Secretary of the Communist Party of the Soviet Union Leonid Brezhnev arrived in the United States for a summit meeting with President Richard M. Nixon. Brezhnev and Nixon held talks in Washington; Camp David, Maryland; and San Clemente, California. Records of these conversations are printed in *Foreign Relations*, 1969–1976, volume XV, Soviet Union, June 1972–August 1974, as Documents 123, 124, 125, 126, 127, 131, and 132. During the summit, Nixon and Brezhnev signed 11 agreements, including the Agreement on the Prevention of Nuclear War. The texts of the agreements are printed in the Department of State *Bulletin*, July 23, 1973, pages 158–175. Article I of the Agreement on the Prevention of Nuclear War, signed by Nixon and Brezhnev on June 22, reads:

“The United States and the Soviet Union agree that an objective of their policies is to remove the danger of nuclear war and of the use of nuclear weapons.

“Accordingly, the Parties agree that they will act in such a manner as to prevent the development of situations capable of causing a dangerous exacerbation of their relations, as to avoid military confrontations, and as to exclude the outbreak of nuclear war between them and between either of the Parties and other countries.” (*Ibid.*, page 160)

9. Memorandum From the Chairman of the National Security Council Under Secretaries Committee (Rush) to President Nixon¹

Washington, June 28, 1973.

SUBJECT

Weather Modification

Under NSDM 165 concerning weather modification, a decision on military weather modification was deferred. The NSDM is now over a year old; no further steps have been taken to develop policy on this matter.

Senator Pell intends to hold hearings soon on his resolution banning hostile uses of weather modification and other types of geophysical warfare. At similar hearings last year, we could say only that the resolution was “premature.”

It was widely assumed last year that our real objection to the resolution was that the U.S. was engaging in the military use of weather modification in Southeast Asia.

When the Under Secretaries Committee considered weather modification over a year ago, no information on weapons uses was made available by the Department of Defense or the Joint Chiefs of Staff. With the termination of U.S. involvement in hostilities in Indochina, I presume that the need for secrecy on weather modification is lessened and data can now be made available to the Under Secretaries Committee for review. If need be, participation can be strictly limited and controlled.

I recommend that you direct the Under Secretaries Committee to review the utility of weather modification as a military weapon, or its use in conjunction with military activities, and that you further direct

¹ Summary: Rush recommended that Nixon direct the National Security Council Under Secretaries Committee to review the utility of weather modification as a military weapon and direct the Department of Defense and Joint Chiefs of Staff to provide all data necessary for the completion of such a study.

Source: National Archives, RG 59, Office of the Executive Secretariat, Records Relating to the National Security Council Under Secretaries Committee: Lot 81D309. Secret; Limdis. Brandon Grove, Staff Director of the Under Secretaries Committee, forwarded copies of the memorandum to Clements, Kissinger, Moorer, and Helms under a June 28 memorandum. (Ibid.) NSDM 165, “International Aspects of Weather Modification,” May 2, 1972, is in the National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Decision Memoranda, Box H–208, NSDM 151–200 (Originals).

the Department of Defense and the Joint Chiefs of Staff to make all data necessary to the preparation of the study available to authorized members and staff of the Under Secretaries Committee.

Kenneth Rush
Chairman

10. Editorial Note

On July 31, 1973, President Richard M. Nixon and his Assistant for National Security Affairs Henry Kissinger met with Japanese Prime Minister Kakuei Tanaka and Japanese Ambassador Takeshi Yasukawa at 11 a.m. in the White House. Nixon and Tanaka first discussed an exchange of visits and several trade issues before turning to the issue of nuclear capabilities:

"The President asked the Prime Minister for his evaluation of the international situation, which is more important. In past meetings he said that he has only discussed U.S.-Japan bilateral relations, and perhaps Korea, except for certain confidential matters. Today, he noted that Japan lacks a nuclear capability, as we know, which it could have except for reasons for which we are fully aware. He said that Japan is a major world power because of its enormous economic productivity, which would inevitably force on it certain choices. He confided that in the awareness of many other national leaders, Japan is in fact considered to be a nuclear power. In his talks with them, he said that leaders in the PRC, USSR and the European nations express great respect for Japan, not just because it is a great economic power, but because they all realize that Japan is destined to become the second most powerful nation in the world. Citing Herman Kahn's thesis that Japan might emerge as the leading nation in the world by the end of the twentieth century, he said that he believes that Japan would play a great role in the world. It was for this reason, he explained, that he spoke as he did above. He also inquired whether the Prime Minister wished to discuss, in confidence, the future of Southeast Asia, U.S.-Japan relations and our relations with Europe, Russia, and China.

"Prime Minister Tanaka said that he wished to do so.

"The President cautioned that he would tread on sensitive political ground. He observed that a number of nations throughout the world are jealous of Japan, both for the past and the present role it plays in the world. In the United States there are a number of isolationists who

do not wish to see Japan play any role, but would rather see it live unto itself. However, he said that his own fundamental view is that an economic giant cannot remain a political pygmy, which is contrary to the laws of nature. An economic giant, he stressed, could never remain a political pygmy. The time for decision is now, but not in the form of a treaty or policy decisions about security forces. He said that we need to know, as a friend, what a forward-looking leader like the Prime Minister sees as the role Japan will play in the world.

“Prime Minister Tanaka, by way of preface, said that the entire Japanese people appreciate the aid and assistance given by the United States over the past quarter-century, which has enabled Japan to make a rare achievement in recovering from total defeat. The basic wish of the Japanese people is to take their place forever alongside the free nations, cooperating closely and in full consultation with the United States.

“Prime Minister Tanaka stated that Japan would not possess nuclear weapons because of constitutional restrictions. However, as a member of the international community Japan would make whatever positive contribution it could to promote world peace in the technological, economic and other areas. Japan would also play a positive, constructive role in support of international agencies, to resolve such issues as the monetary problem, international liquidity, the new round of trade negotiations and economic assistance to the LDCs.

“With respect to the newly emerging problem of energy, including petroleum, enrichment of uranium, and particularly the search for new energy resources, Prime Minister Tanaka said that Japan would positively support international cooperation, centered on the United States. However, he reiterated, Japan would not possess nuclear or military power because of its constitutional restrictions.” (Memorandum of conversation; National Archives, Nixon Presidential Materials, NSC Files, Box 927, VIP Visits, Japan PM Tanaka’s Visit, July 31, 1973 (1 of 3))

The memorandum of conversation is published in full in *Foreign Relations, 1969–1976*, volume E–12, Documents on East and Southeast Asia, 1973–1976, Document 179.

11. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 25, 1973.

SUBJECT

Soviet Activities on the U.S./Soviet Agreement for the Prevention of Nuclear War (PNW)

Following up on our brief discussion of possible problems in the UN involving the PNW Agreement, I would like to suggest that it might be useful soon to advise the Soviets about difficulties that their PNW initiatives might provoke. The Soviets have approached the British and might be planning *démarches* to other governments to accede to the agreement. In addition, they might intend to float a resolution at the next UN General Assembly endorsing the agreement. Both types of initiatives could be designed to isolate Peking.

Accession to the PNW Agreement

We do not expect that the UK will respond positively to the USSR suggestion that they "accede" to the agreement. (The State Department is preparing a telegram to London which would discourage any positive UK reaction.) However, a round of such Soviet *démarches* to other friends of ours could elicit a variety of responses hard to control for us and result in a certain amount of mischief.

Use of the Agreement at the UNGA

The Soviets have urged us to join them in tabling the PNW Agreement at the CCD in Geneva. This could be preparatory to tabling a resolution in New York giving general praise to the agreement and urging all states (or perhaps all nuclear powers) to accede to it, or support it, or negotiate similar agreements. Such a move would be a natural sequel to (and transformation of) their major agenda item last year on the Non-Use of Force, on which we abstained.

¹ Summary: Iklé forwarded to Kissinger a list of recommended actions regarding Soviet activities on the U.S.-Soviet Agreement for the Prevention of Nuclear War.

Source: National Archives, Nixon Presidential Materials, NSC Files, Box 199, Agency Files, ACDA (Jan 1972–(Aug 1974)) Vol. IV. Secret. For the text of the 1972 "Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics," see *Public Papers: Nixon, 1972*, pp. 633–635. According to an attached NSC Correspondence Profile, on November 10, Hyland indicated no further action was required.

Recommended Action

In order to head off further Soviet approaches to third parties and the raising of the agreement in the UNGA in a manner embarrassing to us, we recommend that a firm approach be made to the Soviet Union as soon as possible. This could include the following elements:

a. We stand by the agreement and will naturally be more than willing to see it given attention at the UNGA as a valuable and significant achievement.

b. However, the agreement is a matter between the U.S. and the USSR. Its internal wording, referring to the Moscow “Basic Principles” of May 29, 1972, and the circumstances of its conclusion emphasize the uniquely bilateral nature of the agreement.

c. The agreement is not a treaty or other international document which might be considered open to accession by other parties. There is no provision in the agreement for accession.

d. The USG considers this bilateral agreement as part of the ongoing dialogue between the U.S. and the USSR on matters of grave importance to the two countries. It is the view of the USG that neither party to the agreement should attempt to establish a relationship between the agreement and any third party or solicit the endorsement of others for it in a UN context. The bilateral character of the agreement and of the ongoing dialogue of which it is a part indicate that nothing should be done by either party in this regard without the full agreement of the other party.

e. The USG would greatly regret it if any unilateral actions by the USSR concerning the agreement were to complicate further discussions between our governments on these important matters or lead to differences regarding the meaning and purpose of this agreement.

12. Memorandum From Michael Guhin of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, September 12, 1973.

SUBJECT

NSSM 150: U.S. Policy on Transfer Abroad of Highly Enriched Uranium for Power Reactors

In response to our earlier memorandum on NSSM 150, U.S. policy on the transfer abroad of large quantities of highly enriched uranium to fuel a particular type of power reactor (High Temperature Gas Reactor or HTGR) being developed, you raised two questions (Tab D):

1. How many countries are getting highly enriched uranium?
2. What if a country simply abrogates the agreement and keeps the uranium?

Supply Abroad. We presently have only one contract to supply large quantities of highly enriched uranium abroad (in Germany). Supply began in May 1972 and is being spread out over a couple of years.

Other countries which are most likely to be interested in acquiring reactors fueled by highly enriched uranium include Japan, Brazil, India, France, Spain and perhaps the UK. No request for supply is now at issue, but there could well be some problems if HTGRs prove competitive and are promoted widely. (The relatively small and insignificant quantities of highly enriched uranium sent abroad for research purposes are not at issue.)

Abrogation of an Agreement. A country could of course abrogate an agreement and seize the highly enriched uranium. The safeguards against such action rely mainly on supplying only those countries in which we have confidence. To determine this, each request would be

¹ Summary: Guhin addressed Kissinger's questions regarding U.S. policy alternatives for the transfer abroad of highly enriched uranium for high temperature gas reactors. He requested that Kissinger forward a memorandum on highly enriched uranium to President Nixon for his approval and issue a National Security Decision Memorandum if Nixon approved the memorandum.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Security Aspects of Growth and Dissemination of Nuclear Power Industries. Secret. Sent for action. Sent through Elliott. Kennedy initialed his concurrence. The earlier memorandum on NSSM 150 has not been found. NSSM 150, "U.S. Policy on Transfer of Highly Enriched Uranium," March 13, 1972, and the NSSM 150 study are in the National Archives, Nixon Presidential Materials, NSC Institutional Files, National Security Study Memoranda, Box H-190, NSSM 150. Tab 1, the memorandum to Nixon, and Tab A, a draft NSDM, are attached; the memorandum to Nixon is Document 17 and the NSDM as approved is Document 18. Tab D is not attached and not found.

reviewed separately and Presidential approval to supply would be required. We will also rely in part on the U.S. HTGR promoter (Gulf) to show discretion in promoting sales abroad, since Gulf will be advised of our more selective policy process. Of course, we will ultimately be depending upon the good faith of countries which we decide to supply with weapons grade uranium over a period of many (25–30) years.

We believe that the policy recommended in the attached memorandum for the President (Tab 1) provides sufficient safeguards in relation to the threat and to the possible alternatives for weapon development by any determined state.

An additional policy alternative would be to go one step further and actively discourage sale or development of the reactors abroad. However, the NSSM 150 working group analyzed this question and decided that this could not productively be a general policy guideline since we have an interest in supplying some countries (e.g., West Europeans and Japan). Rather than adopt a broad and discriminatory policy of discouraging any sales to all others, it was concluded that the case-by-case review process provided adequate protection against supplying problem countries.

Recommendations

1. That you forward the memorandum for the President (Tab 1); and
2. That, if he approves, you issue the NSDM (Tab A).

Michael Guhin

13. Information Memorandum From the Department of State Deputy Legal Adviser (Aldrich) to Acting Secretary of State Rush¹

Washington, September 13, 1973.

Department's Position on NSSM 157

PM is forwarding to you a recommended position on the question of United States policy on chemical weapons. While we have concurred in PM's recommendations, we want to emphasize in particular our support, based upon our analysis of weaknesses in the present legal, political, and military deterrents to CW use, for a decision to move as quickly as possible toward an agreement prohibiting maintenance of CW stockpiles, along the lines of option 3 in the NSSM study. Given the present legal and practical difficulties involved in the maintenance of an effective CW capability, we believe that United States interests would best be served by the establishment of a total legal prohibition on the stockpiling, as well as the production and transfer, of chemical weapons, regardless of its verifiability.

Discussion

The fundamental objective of our CW policy is, of course, the prevention of the use of chemical weapons against us in any conflict. It is not clear whether an effective deterrent-in-kind against CW use would add in any significant way to the deterrent already provided by our conventional and nuclear capabilities, on which, according to NATO military doctrine, the Alliance places "principal" reliance for deterrence against CW attack. What is clear is that present U.S. (and

¹ Summary: Aldrich informed Rush that the Bureau of Politico-Military Affairs planned to submit a recommendation on the question of U.S. chemical weapons policy as stated in the NSSM 157 study. Aldrich indicated that the Office of the Legal Adviser concurred in PM's recommendation and offered several conclusions drawn from the PM analysis.

Source: National Archives, RG 59, Central Files 1970-73, POL 27-10. Secret. Drafted by Steven C. Nelson (L/UNA) on September 11. The date on the memorandum is stamped. Rush served as Acting Secretary from September 3 until September 22 after Rogers tendered his resignation on September 3. The memorandum prepared in the Bureau of Politico-Military Affairs is Document 14. For the text of the "Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (26 UST 571)," commonly known as the Geneva Protocol of 1925, see *Arms Control and Disarmament Agreements: Texts and History of Negotiations*, pp. 14-17. In November 1969, Nixon indicated that he would resubmit the Geneva Protocol to the Senate for ratification. (NSDM 35; *Foreign Relations, 1969-1976*, volume E-2, Documents on Arms Control and Nonproliferation, 1969-1972, Document 165)

NATO) CW capabilities, both offensive and passive-defensive, which make possible only token CW usage in response to attack, can contribute essentially nothing to deterrence against an adversary well-enough equipped to launch a meaningful CW attack in the first place. The PM memorandum and the NSSM 157 study fully describe the practical impossibilities of either making effective deployment and use of our existing stockpiles or developing alternatives which overcome the obstacles to an effective CW capability.

Of course, there already exist significant legal/political barriers against the use of CW. However, the present legal constraints have some weaknesses which might well destroy their effectiveness in an actual conflict situation. The Geneva Protocol of 1925 with its reservations, our unilaterally declared policy, and, perhaps, customary international law prohibit only the *first* use of CW. The priority of use in a confused battlefield situation can be very difficult for third parties, and even for the participants, to ascertain, so long as both parties to the conflict have offensive CW capabilities. This makes it quite conceivable that CW use could be initiated on the basis of mistaken field reports of first use by one party, or as a result of unauthorized or inadvertent action by a single unit, or on the simple pretext, unverifiable by a third party, that the other side had initiated use. And once CW use has been initiated, even at token levels, there are no legal restrictions on the dimensions of use by the other side.

The question, then, is whether, at least in the absence of an effective deterrent-in-kind for the foreseeable future, we cannot best achieve our basic objective by strengthening the legal and political “firebreak” against CW use. A total prohibition on stockpiles would make explicit what is already implicit in the realities of the situation: that we will in fact rely on our other capabilities, including our nuclear capabilities, for deterrence against initiation or continuation of any CW attack. By denying ourselves any semblance of an offensive CW capability, and by creating a strong new legal barrier to possession (and thus use) of CW, we would make more credible the escalatory deterrent on which we would in fact be compelled to rely in any case. Elimination of our stockpiles, of which there could be no question given our open society, would deprive an adversary of any pretext for “retaliatory” use of CW against us. Concentration of CW resources on passive-defensive equipment, such as protective clothing and warning devices, in which United States forces are presently sadly deficient, could further reduce any temporary military advantage an adversary might anticipate as a result of CW use.

Conclusions

The conclusions we draw from this analysis are basically as follows:

First, it is in the interests of the United States to seek the establishment of an internationally agreed legal prohibition on the stockpiling, as well as the production and transfer, of chemical weapons.

Second, although we can and should, as suggested by PM, use our negotiating leverage on this issue to obtain the maximum possible opening-up of Soviet society and to increase the perceived risk to them that a violation would be detected, a total prohibition would be in our interest *regardless* of its degree of verifiability because of the additional inhibitions it would place upon the use of CW, to which we will not in any event be in a position effectively to respond in kind.

Third, therefore, we should not establish rigid verification requirements as conditions for our willingness to enter into a production and stockpile ban, particularly in light of the general recognition that no verification measures—even on-site inspections—would produce high-confidence verification. Rather, we should adopt a flexible approach which would permit us to negotiate the best possible combination of inspection and other confidence-building measures as part of such an agreement but which would not result in a stalemate over the verification issue.

Declarations

As we have made clear within the Department and in the inter-agency working group, we are strongly opposed to the use of bilateral or multilateral “declarations” in place of an agreement. As we understand it, in light of the legal and domestic political problems involved, the Department is not considering recommending either approach. Should either be seriously considered, we would want an opportunity to explain to you our objections to the use of such a procedure.

14. Action Memorandum From the Deputy Director of the Bureau of Politico-Military Affairs (Sloss) to Acting Secretary of State Rush¹

Washington, September 13, 1973.

Chemical Weapons Limitations: NSSM 157

An NSC study (NSSM 157) of alternative approaches to limitations on chemical weapons (CW) was recently completed. The NSC has requested agency views on possible CW limitations, and the memorandum from you to Mr. Kissinger at tab A answers the NSC questions and proposes a new CW initiative.

Background

We have said that we will not initiate the use of chemical weapons in conflict, and that our CW stockpiles are for deterrence. We support efforts toward CW limitations by international treaty, with the proviso that such limitations be effective and be adequately verifiable. (Agencies agree, however, that CW limitations cannot be fully guaranteed even with on-site inspection.)

In July 1972 Secretary Laird wrote Secretary Rogers endorsing a treaty prohibiting CW production and transfer. Laird noted that such a treaty would not affect U.S. capabilities, the expansion of which was unrealistic in present circumstances due to domestic constraints. A treaty also would place constraints on other CW nations and would inhibit CW proliferation. Secretary Rogers agreed that such a CW initiative would be in our interest. NSSM 157 was developed, examining basically three possible CW treaty constraints:

- a) stockpile reduction, permitting continued CW production including binaries;
- b) a production and transfer ban;
- c) a production, transfer and stockpile ban.

JCS supported option a), hoping to retain its nascent binary program. State and OSD supported option b). ACDA supported option

¹ Summary: Sloss submitted to Rush the Department's proposed approach to chemical weapons limitations, as requested by the National Security Council.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. Drafted by Ramee. All brackets are in the original except those indicating text that remains classified. Attached as Tab D to Document 23. Tab A, the memorandum from Rush to Kissinger, is not attached; the final version of that memorandum is Document 25. Laird's July 12, 1972, letter to Rogers and Rogers's July 19 letter to Laird are published in *Foreign Relations, 1969–1976*, volume E–2, Documents on Arms Control and Nonproliferation, 1969–1972, as Documents 259 and 261.

c), but indicated its willingness to support option b). Supplemental studies have reconfirmed the unverifiability of CW limitations (while noting certain useful partial measures) and confirmed the effective shelf life of present U.S. CW stocks at several decades or even longer.

A Reassessment

We are convinced that there exist very substantial practical constraints on our CW program. We face severe political inhibitions against the movement and even the maintenance of CW stocks in Europe. Of our 25,000 tons of CW stocks, our only overseas deployment is 440 tons in the FRG, and we understand Chancellor Brandt would have no objection to total withdrawal. Although this stock could be made to last for 5–10 days by reducing usage to token levels, the damage to the enemy would be reduced accordingly and we understand that replenishing it in conflict would tie up a substantial portion of our total airlift, or would require at least a 45 day transit by sea.

We also face severe domestic constraints. CW stockpiles within the U.S. have generated considerable political opposition. Federal statutes establish extremely restrictive procedures for movement of lethal chemical weapons within the United States which virtually ensure legal and political obstruction of such movements. Moreover, Congress prohibited the use of FY 69 or 70 funds for lethal chemical munitions procurement, and the administration has made no such procurement request since. In addition, binary development may well require some open-air testing, which would require Presidential approval and public exposure before the fact.

On the other hand, there are disadvantages to a CW treaty. [2 lines not declassified] Acceptance of a non-verifiable agreement would establish precedents that might work to our disadvantage in SALT, MBFR and future test ban negotiations. We could argue that a CW ban does not require as rigorous verification as a SALT or MBFR agreement, but this tends to confirm that the CW deterrent is not of vital importance and could generate further pressures for unilateral reductions. A declaration presents fewer problems of this nature, but would impose fewer restraints on other nations than a treaty. In any event, we believe that verification should be dependent on the strategic utility of the weapons involved and on realistic estimates of the risks of possible violation. As in all arms control agreements, the means of verification should be appropriate to the extent and nature of the controls involved.

A New Initiative

On balance, we believe that our CW “deterrent” is of limited utility, and we have little prospect for improving it. Under these circumstances, a U.S. CW initiative would give up very little for gains both at home and abroad. It could give substance to the administration’s pledge

of increased cooperation and reconciliation with the Congress, with particular appeal to the Senate Foreign Relations Committee. It would fulfill the two summit communiqués on the subject, while leading to at least some constraints on other countries. Since we are not in a position to make our deployments of CW more effective at present, it would seem to be in our interest to do what we can to create an effective firebreak against its use by others. We believe an approach can be developed which would orchestrate the best aspects of the various alternatives outlined by the NSC studies.

If such a course is decided upon, prompt consultations with our NATO Allies (particularly the UK), and Japan would be important, prior to publicly proposing any change in U.S. policy.

Our proposed approach is outlined in the attached memorandum to Mr. Kissinger. In essence it proposes he make a unilateral declaration of our intent to curb production (perhaps at the forthcoming UN session) and indicate our willingness to continue exploring treaty restrictions with adequate verification at the CCD.

Recommendation:

That you sign the memorandum to Mr. Kissinger incorporating this new CW initiative.

15. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to the Director of the Bureau of Politico-Military Affairs (Weiss)¹

Washington, September 20, 1973.

SUBJECT

U.S. Position on Chemical Weapons Limitations—NSSM 157; Your memo of September 17, 1973

¹ Summary: Iklé offered his comments regarding the Department's proposed position on NSSM 157, underscoring that a "high degree of compatibility" existed between the Arms Control and Disarmament Agency's views of NSSM 157 and the Department's approach.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. Attached as Tab A to Document 23. An unknown hand underlined several sentences in the first and second paragraphs of the memorandum. Iklé signed "Fred Iklé" above his typed signature. The reference to the September 17 memorandum is presumably to Document 14.

I agree that there is a high degree of compatibility between ACDA's views on NSSM 157 and the proposed State position which you were kind enough to send us. We will be glad to make this clear to the NSC Staff.

I would like, however, to comment on one aspect of the proposed State position. The last paragraph of State's comments is entitled a "willingness to seek a treaty banning stockpiles" and discusses the possibility of seeking "adequate" verification for such a ban. I think that if the U.S. should adopt the Option II approach, that is, a ban on production, we ought to take the position that a treaty eliminating stockpiles is not realistic or achievable at this time. We would explain that verification to ensure that stockpiles are eliminated and that some stockpiles are not illegally retained is beyond our practical grasp. We would say, however, that the elimination of stockpiles, which is the essence of Option III, remains our long-range objective.

If we should come to believe after further study in the U.S. Government that C weapons are basically useless as a deterrent, as we came to feel in the case of B weapons, then I believe we might want to proceed with treaty prohibitions which treat C weapons as we did B weapons, that is, eliminates them without additional formal verification requirements, except perhaps observation of destruction. However, until we make a decision of this sort, negotiation of verification procedures to check on retention of illegal stockpiles could be a blind alley unless, of course, we accepted verification that does not tell us whether or not there are illegally retained stockpiles. But this, in my judgment, would be an undesirable precedent as to weapons which are regarded as having military value.

Fred C. Iklé

16. Telegram 3522 From the Mission to the United Nations to the Department of State¹

New York, September 29, 1973, 0110Z.

3522. Disto. Subj: Soviet Views on Comprehensive Test Ban (CTB).

1. During general review of disarmament subjects on Sept 28 between Soviet FonOff disarmament official (Shustov) and U.S. DelOff (Neidle), Shustov expressed fairly definite views re necessity for PRC and French participation in a CTB. Shustov said that Soviets believed underground test ban should be accepted by all countries that were testing, including PRC and France. U.S. DelOff said he had carefully followed Sov statements on this subject at Geneva. He had received impression that Sovs had stated their desire to end testing by everyone everywhere as a general objective, and Sov DelOffs in Geneva had informed us that Sov Govt had not taken any decision whether in fact PRC and French adherence would be required for underground test ban.

2. Shustov replied that it was Sov position that all nuclear powers should adhere to a comprehensive test ban. He commented that some people believed that the “others” (meaning PRC and France) were at quite primitive stage of nuclear development and therefore it should be possible to conclude CTB without them. However, if this were to be done, there would be a “mine” underlying the CTB which might have to go off at some future time, i.e., Soviets might at some uncertain time have to declare that supreme interests were threatened and withdraw. This would not be a good situation. Shustov added that it did not seem right for some nuclear powers to have to stop testing in every environment when some others could test not only in the atmosphere but also underground.

Scali

¹ Summary: The mission reported a Soviet disarmament official’s “definite views” concerning the necessity for the People’s Republic of China and France to participate in a comprehensive test ban.

Source: National Archives, RG 59, Central Foreign Policy File, [no film number]. Confidential. Repeated to Moscow, London, the Mission in Geneva, and the Mission to NATO.

17. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 1, 1973.

SUBJECT

NSSM 150: U.S. Policy on Transfer Abroad of Highly Enriched Uranium for Power Reactors

NSSM 150 questioned whether we should supply large quantities of highly enriched uranium to foreign countries for a type of power reactor (High Temperature Gas Reactor or HTGR) being developed and, if so, whether we should adopt certain constraints on supply. (The export of *slightly enriched* non-weapons grade uranium, which will continue to be the predominant nuclear power fuel source, is not at issue here.)

The export of *highly enriched* uranium is at issue because it can be used for weapons and therefore presents more problems of control, and is being addressed now because if HTGR's prove competitive, requests for quantities abroad may well rise very significantly. In the future, it would be more difficult and disruptive to alter our supply policy.

Current Policy. We now consider any requests for large quantities of highly enriched uranium on a case-by-case basis without a presumption that we will supply (although the European Community has been told its requests would receive sympathetic consideration). *But* we have not informed other countries of this process and they may well assume that we will supply highly enriched uranium with restrictions no different than apply to slightly enriched uranium.

Highly enriched uranium presents special problems regarding possible seizure by a state or by a terrorist or dissident group because:

—It is a key strategic ingredient of primitive and advanced nuclear weapons.

—Compared to plutonium, which is more abundant but very toxic and difficult to fabricate, highly enriched uranium would be a much

¹ Summary: Kissinger recommended that Nixon approve the policy of reviewing requests for large quantities of highly enriched uranium by foreign countries on a case-by-case basis within the context of several constraints and considerations.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Security Aspects of Growth and Dissemination of Nuclear Power Industries (1). Secret. Sent for action. A stamped notation on the memorandum indicates that Nixon saw it. Nixon initialed his approval of the recommendation. Tab A, NSDM 235 as approved, is Document 18. Tab B is not attached and not found.

more desirable material for a weapon made by a dissident or terrorist group.

—Physical security measures for nuclear materials are often inadequate.

Given the above, there are two basic policy questions. 1. *Should we continue to supply any highly enriched uranium abroad?* 2. *And, if so, should we adopt some additional constraints regarding supply abroad?*

Continued Supply. The study considered whether we should stop or severely restrict supply abroad. This could (1) cause some adverse reaction from other countries, including allies, and from Gulf Oil (the U.S. HTGR reactor developer); and (2) cast doubts on our reliability as a supplier of nuclear fuel services generally. Therefore, *all agencies agree* that we should not stop supplying highly enriched uranium *but* that we should consider supply requests on a case-by-case basis.

Additional Constraints. Additional constraints were considered, recognizing that they might produce an attenuated version of the adverse reactions associated with stopping the supply.

AEC recommends that in deciding on a supply request we should (1) require that a recipient has, in our estimation, an acceptable system of physical security measures to protect against diversion and theft, and (2) consider both a recipient's position regarding the NPT and the location where the fuel would be fabricated and reprocessed, as these are particularly vulnerable segments of the fuel cycle. The views of State, Defense, and ACDA regarding the extent to which these constraints should be applied are outlined at Tab B.

My Views. Since physical security measures are generally inadequate and since requests for supply may well arise where we do not wish to supply large quantities of weapons grade material because of the concern of diversion by a state or by individuals, *I recommend* we establish a policy of a case-by-case review of requests and adopt AEC's recommendations for some further constraints. Consistent with this recommendation, we should also encourage multinational ownership of fabrication and reprocessing facilities abroad where appropriate.

Domestic Council (Richard Fairbanks) and OMB (John Sawhill) have concurred in the recommendation.

Recommendation

That you approve the policy of reviewing requests for large quantities of highly enriched uranium abroad on a case-by-case basis within the context of the above mentioned constraints and considerations as outlined in the proposed implementing memorandum at Tab A.

18. National Security Decision Memorandum 235¹

Washington, October 4, 1973.

TO

The Secretary of State
The Secretary of Defense
The Director of Central Intelligence
The Chairman, Atomic Energy Commission
The Director, Arms Control and Disarmament Agency

SUBJECT

NSSM 150, United States Policy on Transfer of Highly Enriched Uranium for
Fueling Power Reactors

The President has reviewed the interagency study in response to
NSSM 150 and has considered the views of the interested agencies.

The President has decided that the United States will:

- Review any future requests for the supply of large quantities of
highly enriched uranium abroad on a case-by-case basis without an *a
priori* presumption of supply.

- Require that a recipient has acceptable physical security meas-
ures in effect.

- Weigh the position of the recipient with respect to the Nuclear
Non-Proliferation Treaty in reviewing and deciding on requests for
supply.

- Not require as an essential precondition of supply that fuel
fabrication and reprocessing take place in the United States or in
multinationally-owned facilities, but will consider this factor in review-
ing and deciding on requests for supply.

In addition, the President has directed that:

- The chairman of the Atomic Energy Commission should obtain
the views of the Secretary of State prior to making any informal or

¹ Summary: Outlining U.S. policy on the transfer of highly enriched uranium to foreign countries, President Nixon decided that the United States would review any future requests for large quantities on a case-by-case basis, require recipients have security measures in place, weigh recipient adherence to the Nonproliferation Treaty, and not require that fuel fabrication or reprocessing occur in the United States or multinational-owned facilities as a condition of the request. Nixon also directed the Chairman of the Atomic Energy Commission to obtain the views of the Secretary of State before making any “informal or formal commitments” regarding supplies and that any proposal should be referred to the President for consideration.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 31. Secret. A copy was sent to Rush. Scowcroft signed for Kissinger above Kissinger’s typed signature.

formal commitments and contracts regarding the supply of large quantities of highly enriched uranium, and any proposal to make a supply commitment should be referred to the President for his consideration. (It is recognized, however, that the U.S. has informed the European Community that its requests for supply of highly enriched uranium will receive sympathetic consideration.)

—The Chairman of the Atomic Energy Commission, after consultations with the Secretary of State, should advise interested U.S. parties, including producers of equipment, of these more selective and restrictive procedures, as compared to our policy on supplying slightly enriched uranium, and the rationale behind them.

—Although diplomatic representations need not now be made on the decisions contained herein, an action program (with options and argumentation as appropriate) should be developed by the NSC Under Secretaries Committee for diplomatic and other steps the U.S. can consider taking with other nations, and in particular other supplier nations, with regard to the security, nonproliferation, political, and economic aspects associated with the increasing growth and dissemination of nuclear power industries, with particular focus on potential problems associated with highly enriched uranium.

Henry A. Kissinger

19. Memorandum I-25739/73 From the Assistant Secretary of Defense for International Security Affairs (Hill) to the Director of the Bureau of Politico-Military Affairs (Weiss)¹

Washington, October 5, 1973.

SUBJECT

U.S. Position on Chemical Weapons Limitation—NSSM 157 (U)

(S) We have reviewed the State initiative on chemical weapons limitations. Our concern is that we not leave ourselves vulnerable to a chemical attack. The Soviets have been modernizing their forces to a degree that their chemical capability exceeds ours both offensively and defensively. Anything we might do to further the gap, such as a declaratory statement or a chemical treaty that would freeze this

¹ Summary: Hill commented on the Department of State's initiative on NSSM 157, concerning the U.S. position on chemical weapons limitations.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. The date on the memorandum is stamped.

imbalance—places the United States at a disadvantage. From a military viewpoint, this would be unacceptable.

(S) We are particularly concerned if actions that we take reduce or eliminate our capability to retaliate in kind to a chemical attack. Such action would withdraw an important option for the President and could require him to face a choice of using nuclear weapons in response to a chemical attack or not responding.

(S) While treaties are desirable, adequate verification provisions must be included to insure we are not placed in an unfavorable position. The verification problems of a chemical weapons treaty have not yet been resolved.

(S) For these reasons we would have trouble supporting your initiative particularly when we have an opportunity to make a quantum jump forward in modernizing our chemical weapons with binary munitions. DOD (OSD and JCS) supports option 1 of NSSM 157.

(C) Obviously we would favor any course of action that would show a willingness to negotiate and we would be willing to work closely with you on future proposals or initiatives in this area.

Robert C. Hill

20. Memorandum of Law Prepared in the Department of State Office of the Legal Adviser¹

Washington, October 24, 1973.

SUBJECT

Applicability of Existing United States Statutes Governing the “Chemical and Biological Warfare Program” to Binary Chemical Weapons Currently Under Development

Chapter 32 of Title 50, United States Code, entitled “Chemical and Biological Warfare Program,” sets forth a number of restrictions on the transportation, testing, deployment, storage and disposal of chemical

¹ Summary: The memorandum addressed whether statutory restrictions on the transportation, testing, deployment, storage, and disposal of chemical and biological weapons were applicable to munitions currently under development by the Department of Defense.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Limited Official Use. All brackets and ellipses are in the original. Attached as Tab C to Document 23.

and biological weapons and their delivery systems. This memorandum is addressed to the question whether those statutory restrictions would be applicable to binary chemical munitions currently under development by the Department of Defense.

The basic restrictions contained in Title 50 are as follows:

Section 1512 prohibits

the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States, or the disposal of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense . . . has determined that the transportation or testing . . . is necessary in the interests of national security;

(2) the Secretary has brought the particulars . . . to the attention of the Secretary of [HEW], who in turn may direct the Surgeon General of the Public Health Service . . . to review such particulars with respect to any hazards to public health and safety . . . and to recommend what precautionary measures are necessary . . . ;

(3) the Secretary has implemented any precautionary measures recommended . . . : *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation, testing, or disposal, the President may determine that overriding considerations of national security require such transportation, testing, or disposal be conducted . . . [T]he President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable;

(4) the Secretary has provided notification . . . :

(A) to the President of the Senate and the Speaker of the House of Representatives at least ten days before any such transportation will be commenced and at least thirty days before any such testing or disposal will be commenced;

(B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

Section 1513 provides that no funds

(1) . . . may be used for the future deployment, storage, or disposal, at any place outside the United States of

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

unless prior notice . . . has been given to the country exercising jurisdiction over such place . . .

The question whether these prohibitions apply to the binary chemicals and related munitions now under development by the Army depends upon whether, in any form or configuration in which they shall be transported, tested, deployed, stored or disposed of, they would be deemed to constitute “lethal chemical warfare agents” within the

meaning of Chapter 32 of Title 50. It should be noted at the outset that, as a matter of textual construction, there are at least two interpretations which might be given to this language. First, it might be read as referring to any agent of lethal chemical warfare. Under this interpretation, any chemical agent which could be used with lethal effect in warfare, whether by itself or in combination with others, would be covered. Second, the phrase might be interpreted as referring to any chemical warfare agent which at the relevant point in time—that is, at the time of transport, storage, etc.—was “lethal”. Under this reading, a non-lethal agent would not be covered even though its intended use was as a precursor to a highly lethal agent, as would be the case in binary weapons. However, a lethal precursor would not be placed outside the scope of this provision by the mere fact that it was many times less lethal than the ultimate agent of which it was the precursor.

The legislative history of these provisions does not clearly resolve the textual ambiguities, reflecting, as it does, a relatively simplistic notion of the categories of weapons with which the Congress thought itself to be dealing. The Conference Report on the bill which included the cited statutory sections stated as follows:

[With an exception not pertinent here], the Conferees agreed to uniform use of the term “any lethal chemical or any biological agent.” While adopting this term, the Conferees wish to make it clear that the restrictions imposed . . . are not intended to apply to the use of chemical or biological materials which are themselves harmless to man . . .²

This language in the Conference Report appears to have been intended simply to make it clear that existing agents such as chemical herbicides and tear gas were not within the prohibitions. A similar inference may be drawn from another passage in the Report. Section 409(f) of Public Law 91–121³ prohibited the use of funds authorized to be appropriated by that Act “for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent . . .”

The Senate Bill would have gone further:

Except as authorized in the Senate bill, sub-section (g) of the Senate bill prohibited authorization for research, development, testing and evaluation or procurement of *any* chemical or biological weapon, *including those for incapacitating, defoliation, or other military operations.*⁴

² H. Rpt. 91–607, 91st Cong., 1st sess., 22 (1969), Conference Report to accompany S. 2546. [Footnote is in the original.]

³ Armed Forces Appropriation Authorization, 1970, 83 Stat. 210; 50 U.S.C. 1516. [Footnote is in the original.]

⁴ H. Rpt. 91–607, note 1 *supra*, at 23 (emphasis added). [Footnote is in the original.]

Both passages from the Conference Report suggest that the term “*lethal* chemical warfare agent” was intended to exclude incapacitants, riot control agents, and chemical herbicides, but that no finer line was drawn. In particular, the legislative history provides no guidance for the establishment of a toxicity “threshold” below which agents would be considered not to be “lethal”.

The history also provides no guidance as to whether the lethality of an agent is to be judged in terms of its end use on the battlefield or of its characteristics at the time of the relevant transport, storage, etc. However, the fact that the statute itself is manifestly designed to ensure protection of the public health and safety in the course of the latter operations would provide a basis for a strong argument that the second interpretation is the correct one.

There remains the key question whether the precursors for binary chemical weapons now under development could be said to constitute “chemical warfare agents,” and, if so, whether they would be considered “lethal” within the meaning of Chapter 32 of Title 50. There is a technical distinction to be drawn between “agents” and “precursors”. While this distinction is important for purposes of discussion among specialists, it is very much to be doubted that any court would sustain so technical an interpretation of the statute. Such a distinction would have no significance in terms of the basic policy underlying the statute—that is, the policy of ensuring the health and safety of the civilian population—nor can Congress be thought to have had such a distinction in mind in November of 1969, long before binary weapons were prominent in public thinking on chemical weapons.

The more difficult aspect of the question is whether the precursors involved here would be deemed to be “lethal” within the statutory intentment. It is our understanding that one of the two precursors, though many times less toxic than the final agent, nonetheless has a toxicity roughly comparable to that of phosgene. While its primary hazard lies in its caustic characteristics, which pose a direct threat to anything with which it comes in contact, it also can be lethal if inhaled.

Under these circumstances, while the situation is not free from doubt, we consider it highly unlikely that a court would find it possible to distinguish between a chemical of this sort and the much more toxic chemical weapons which originally gave rise to the public concern leading to enactment of the statute. The most likely interpretation, in light of the legislative history, would be to the effect that the Congress, in using the word “lethal”, intended to exclude from the coverage of the statute only those agents which are manifestly incapable, under any normal or reasonably foreseeable circumstances, of direct lethal effect. The fact that the chemical involved may be no more hazardous than many industrial chemicals would not exclude it from the coverage

of the statute, so long as it could be established that it was both (1) a chemical warfare agent and (2) lethal under the foregoing standard.

It should be noted that the law in question here is precisely the sort of statute which can constitute the basis for extensive litigation by a wide variety of private groups. Its interpretation is, therefore, not only a matter of possible dispute with the Congress, but also a question which could readily be brought squarely before the courts. And, like the National Environmental Policy Act of 1969, it does not attempt to establish substantive prohibitions but, rather, merely requires compliance with certain procedures. As experience under the NEPA has demonstrated, the courts are inclined to interpret such procedural provisions broadly, and the possibilities for legal obstruction on grounds of failure to comply precisely with the procedures are manifold.

Steven C. Nelson

*Acting Assistant Legal Adviser
for United Nations Affairs*

21. Action Memorandum From the Director of the Office of International Scientific and Technological Affairs (Pollack) to Secretary of State Kissinger¹

Washington, November 1, 1973.

Fulbright Letter—Pell Resolution

Your office asked me today to give you background on the correspondence related to Senator Pell's resolution, which calls upon the United States Government to take the initiative for a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war (Tab B) and a letter for your signature to Senator Pell (Tab A).

The Under Secretaries Committee, in response to a request from the President dated March 2, 1971, requested a study of the possible implications of weather modification on our international relations (Tab C). This study, which also examined the military implications of weather modification, was forwarded to the President on February 12, 1972. In early 1972 Senator Pell introduced a resolution similar to the one introduced this year, and I testified on behalf of the Department at hearings conducted on the resolution in July 1972. Senator Fulbright on March 21, 1973 wrote to Secretary Rogers requesting coordinated Executive Branch comments on the revised resolution (Tab D). Mr. Rush wrote to Senator Pell on July 30 and August 28 about this matter and discussed it with him at a luncheon on July 19. However, Mr. Rush's letter and comments have not gone beyond stating that we have this matter under review. There has been no substantive reply to Senator Fulbright's letter of March 21, since the Department believes

¹ Summary: Pollack provided Kissinger with background on correspondence related to Senator Pell's resolution calling for a treaty prohibiting the use of environmental or geophysical modification activity as a weapon of war. He requested that Kissinger sign an attached letter to Pell.

Source: National Archives, RG 59, Office of the Executive Secretariat, Records Relating to the National Security Council Under Secretaries Committee, Lot 81D309. Secret. Sent through Rush. The date on the memorandum is stamped. An attached note from Rush to Kissinger reads: "I would like to emphasize the main point in this memorandum, namely that we examine our policy on weather modification—by a restricted group if necessary—on the basis of classified as well as unclassified information." Kissinger added the following notation to Scowcroft at the bottom of Rush's note: "To Brent—Get NSSM on weather modification." Grove sent copies of Pollack's memorandum and Rush's note to Davis under a November 6 memorandum, indicating that Rush had asked him to send the documents to her. (Ibid.) Tab A is Document 22. Tab B, a copy of Senate Resolution 71, is attached but not published. Tabs C–F are not attached and not found; Tab G is Document 9.

it cannot be responsive to the letter in the absence of a reexamination of the whole question of military uses of weather modification.

The Under Secretaries Committee memorandum of February 12, 1972, which forwarded to the President the study mentioned above, said, after noting that it did not have access to all classified information on military applications of weather modification:

“As regards our long-term policy, the members of this Committee are agreed that if there is convincing evidence—not available to this Committee—that military use of weather modification against an enemy is essential to our national security, then the U.S. would necessarily have to hold military options open, even at the expense of progress and cooperation in civilian programs.

However, if no such evidence is brought to bear on this matter or if the employment of weather modification against an enemy is regarded as possibly useful under limited circumstances but not essential, most members of this Committee would support early consideration of an initiative to propose a ban on hostile uses of weather modification. The Department of Defense does not share this view.”

NSDM 165 of May 2, 1972 (Tab E), which was issued in response to the USC study, said in part, “The President has decided to defer decision on the matter of policy governing military aspects of weather modification.”

In July 1972, as the main government witness at the hearings on the earlier version of the resolution, I presented the case against adoption of the resolution at that time on the grounds that there was considerable uncertainty regarding the technical status of weather modification activities. I also cited the uncertainty about verifying compliance with a treaty dealing with the military aspects of environment modification.

I doubt, as do Mr. Rush, ACDA, the Department of Commerce, and my colleagues in the Department, whether this position is any longer credible. It is not responsive to the argument made by Senator Pell that geophysical warfare should be proscribed before techniques are developed that would lead to further escalation. It is not consistent with our own conclusions that the military value of weather modification tactics is severely limited by fundamental physical constraints. The official position also fails to take adequately into account growing concern about this matter in Congress (Congressmen Gude and Fraser have introduced a resolution in the House similar to Senator Pell’s) and in scientific and academic circles. Considering these factors, Mr. Rush on June 28 asked the President for a review by the USC of the utility of weather modification as a military weapon. He also asked that classified data be provided to authorized members and staff of the USC (Tab G). We have not received a response from the White House.

I am attaching an extract from your testimony before the Senate Foreign Relations Committee on September 10 in which you acknowl-

edged unfamiliarity with Senator Pell's resolution, but said that since the resolution had been adopted overwhelmingly by the Senate and the North Atlantic Assembly, it had to be taken "extremely seriously" (Tab F).

We see no way to respond constructively to Senator Fulbright's letter and Senator Pell's resolution without reexamining the question of military uses of weather modification within a suitable review committee. Moreover, we believe there can be no useful analysis of the problem unless we have access to all the classified information related to the subject.

The attached letter to Senator Pell is intended to assure him that we are taking his resolution as seriously as you said the Department would in your reply to him in the Senate hearings of September 10.

Recommendation:

That you sign the letter to Senator Pell at Tab A.

22. Letter From Secretary of State Kissinger to Senator Pell¹

Washington, November 5, 1973.

Dear Senator Pell:

As I told you during my confirmation hearings on September 10, 1973, I believe that your Senate Resolution 71 must be taken extremely seriously.

I regret that we cannot yet give a coordinated Executive Branch response to Senator Fulbright's letter of March 21 regarding this resolution. I assure you, however, that I shall look closely into this matter to determine how we might be responsive to the resolution's recommendations.

With warm regards,
Sincerely,

Henry A. Kissinger

¹ Summary: Kissinger informed Pell that he intended to take seriously Pell's Senate resolution concerning the prohibition of environmental and geophysical modification activities.

Source: National Archives, RG 59, Office of the Executive Secretariat, Records Relating to the National Security Council Under Secretaries Committee, Lot 81D309. No classification marking. Kissinger signed "Henry" above his typed signature. Attached as Tab A to Document 21. Grove sent a copy of the memorandum to Davis under a November 6 memorandum. National Archives, RG 59, Office of the Executive Secretariat, Records Relating to the National Security Council Under Secretaries Committee: Lot81D309.

23. Action Memorandum From the Director of the Bureau of Politico-Military Affairs (Weiss) to Deputy Secretary of State Rush¹

Washington, November 5, 1973.

NSSM 157: Review of United States Position on
Chemical Weapons Prohibitions

Background

On September 4, 1973, the NSC requested agencies to submit their views regarding NSSM 157: Review of United States Position on Chemical Weapons Prohibitions. Agencies were to consider two aspects of a possible CW initiative: substance (the NSSM options) and mode (declarations—unilateral or otherwise—contrasted to the treaty form). In an Action Memorandum of September 13, 1973, PM recommended a blended “package” proposal, centered on NSSM option 2 (a production and transfer ban). Specifically:

—a unilateral U.S. declaration announcing that we would not produce lethal agents for chemical warfare;

—a concurrent announcement that the United States intends to seek effective measures to lead to an international agreement prohibiting the production and transfer of such substances;

—reaffirmation of earlier U.S. expressions of commitment to more comprehensive measures—a ban on stockpiles—when effective measures can be devised.

Your decision on this recommendation was deferred, pending the outcome of an informal canvass of the views of other agencies, which you requested PM to undertake. This memorandum reports the results of our canvass, and submits recommendations for a Department of State position for your consideration.

Views of Other Agencies

ACDA’s position is highly compatible with the initiative PM proposed, and Dr. Ikle is prepared to make this clear to the NSC (see Tab

¹ Summary: Weiss sent Rush a comprehensive review of the Arms Control and Disarmament Agency, Department of Defense, Joint Chiefs of Staff, and Department of State views on U.S. chemical weapons prohibitions proposed in the NSSM 157 study, and recommended that Rush sign a memorandum to Kissinger incorporating a proposed chemical weapons initiative.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. Drafted by Fuerth on November 2; cleared by Sloss and Baker, and in substance by Gathright (S/PC). A notation on the memorandum in an unknown hand reads: “signed—to S/S 11/12 copy to D.” Tab A is Document 15. Tab B is Document 19. Tab C is Document 20. Tab D is Document 14. Tab E is a draft of Document 25.

A, September 20, 1973, memo from Dr. Ikle to me). DOD, however, has reversed the judgments of former Secretaries Laird and Richardson, both of whom favored NSSM option 2 (production and transfer ban). DOD, along with JCS, now supports NSSM option 1: a treaty reducing stockpiles—but permitting production, including modernization, up to the agreed level. This would permit production for weapons purposes of binary systems (in which two “precursor” agents are combined into a highly toxic agent at time of use). (See Tab B, October 5, 1973, memo from Ambassador Hill to me.)

The DOD rationale, as we understand it, is:

—The United States should have an adequate deterrent to first use of CW by an enemy.

—A proper deterrent requires significantly greater forward deployment of chemical weapons than we now have.

—Owing to extreme Allied sensitivity to the presence of chemical munitions on their soil, U.S. forward-deployed stocks have necessarily been limited in that they are sufficient for retaliation only; any use would be severely limited in scale and duration. The problem is compounded by major legal and political constraints on the transportation and storage (in peace-time) of chemical agents and munitions in the United States.

—The root cause of these difficulties is civilian fear of the proximity, in transit or in storage, of large quantities of deadly chemical agents in bulk or in munitions. Binary munitions, being no more lethal than some industrial chemicals (until fired), may mitigate this concern.

—Transportation of binary chemical munitions would not be constrained by existing U.S. law. More importantly their availability would assuage Allied concerns and make possible a very considerable expansion of our forward-deployed stocks.

—NSSM option 2 rules out acquisition of binary munitions. NSSM option 1 does not. Hence, NSSM option 1 is preferable.

While DOD has now retreated from its original position, proposed by Secretary Laird in favor of a U.S. initiative for a production ban, I have some reason to believe that Secretary Schlesinger has not personally reviewed this position in detail and thus may not be fully committed to it. Obviously, however, it is a matter of consequence that OSD is now in line with what had earlier been the JCS dissenting position. I understand that the NSC intends, once all agencies have reported their positions, to conduct an analysis of major points of difference which will almost certainly touch on arguments for and against binaries. We will participate in that exercise and are prepared to adjust our views in the light of such new information as may then develop. Meanwhile, before reporting back to you with recommendations for a Department of State position on NSSM 157, we have looked into the binary question ourselves—taking DOD’s reasoning, as we understand it, fully into account—and have come to certain conclusions.

Our View

DOD's position regarding NSSM 157 rests heavily on the case for binaries, which in turn, depends on two assertions: 1) that binaries will alleviate the U.S. domestic, political and legal constraints on the transportation and storage of chemical weapons, and 2) that binaries will overcome Allied resistance to a substantial increase in forward-deployed stocks of chemical weapons. In our view, these assumptions are very questionable.

—Allied resistance to chemical weapons is a product of the aversion of their publics to having any such stocks in their countries, and of a general skepticism as to the military utility of CW.

—Legal advice in the Department of State is of the view that existing legislation in the U.S. does extend to binaries (see Tab C, Memorandum of Law from L). We are aware, of course, that DOD probably has legal counsel to the opposite effect. Our point, however, is that the issue is at the very least in doubt, and will, as L points out, be likely to lead to multiple challenges in the courts, presumably over a protracted period of time.

—Finally, my own view would be to oppose a treaty reducing stockpiles since it is probably unverifiable short of intrusive on-site inspections which we could not negotiate.

Proposed State Department Position

On balance, it is our conclusion that the analysis and recommendations in our original Action Memorandum are valid (Tab D, September 13, 1973, PM Action Memorandum, provides detailed rationale). A unilateral declaration in which we undertake not to produce lethal chemical munitions, including binaries, would do us little military harm and some good in terms of our international image. We should, for similar reasons, also indicate our willingness to negotiate a treaty banning production of lethal chemicals providing there were adequate provisions for verification. Congressional response, which probably would be favorable, is also well worth taking into consideration.

At this point, therefore, I suggest we stick with our original recommendations (Tab E). Aside from some updating, and minor modifications for greater clarity, we have made only one noteworthy change: the Arab-Israeli war has temporarily created a climate in which a new arms control initiative would not fit very well. Consequently, we no longer recommend that the proposed U.S. initiative begin promptly, but rather, at an appropriate time in light of this factor.

Recommendation

That you sign the memorandum to Dr. Kissinger incorporating the proposed CW initiative.

24. Memorandum JCSM–487–73 From the Chairman of the Joint Chiefs of Staff (Moorer) to Secretary of Defense Schlesinger¹

Washington, November 8, 1973.

SUBJECT

Use of Riot Control Agents (U)

1. (S) Reference is made to:

a. DOD Directive 5210.41, dated 14 August 1968, subject: "Security Criteria and Standards for Protecting Nuclear Weapons."

b. DOD Directive 5210.56, dated 6 May 1969, subject: "Use of Force by Personnel Engaged in Law Enforcement and Security Duties."

c. National Security Decision Memorandum 78 (NSDM 78), dated 11 August 1970, subject: "Authorization for Use of Riot Control Agents and Chemical Herbicides in War (NSDM 78) (C)."

d. A memorandum by the Secretary of Defense, dated 1 December 1970, subject: "Use of Riot Control Agents in Civil Disturbances (C)."

2. (S) Recent planning for the evacuation of noncombatants from a hostile environment and examination of means to increase the security of nuclear weapons from dissident/terrorist activities have highlighted a need for clarification and amplification of national policy concerning the use of riot control agents (RCAs) in these areas.

3. (S) NSDM 78 does not address the use of RCAs outside of U.S. bases during peacetime nor the use of RCAs in situations short of war in which U.S. forces might become involved. The use of RCAs by Active military forces is not specifically authorized within the United States or its territories or possessions except during domestic civil disturbance operations (reference 1d). Similarly, references 1a and 1b do not clearly authorize the use of RCAs as an alternative to lethal force.

4. (S) The use of RCAs is a highly desirable means to preclude, or at least delay, the use of lethal force in operations, such as emergency evacuation of noncombatants; the active defense of nuclear weapons and their storage sites and recovery operations in which U.S. forces are involved; or extraction of U.S. personnel abducted or captured by dissidents, terrorists, or riotous mobs. These types of operations could well occur outside of U.S. bases or posts. For example, some nuclear

¹ Summary: Moorer recommended that the U.S. military be authorized to use riot control agents to preclude or delay the use of lethal force in situations where noncombatants, U.S. military personnel, or U.S. nuclear and other forces were endangered.

Source: Washington National Records Center, RG 330, OSD Files: FRC 330–76–0117, 384 Jan.—1973. Secret. Appendices A and B are not attached.

weapons which are in the custody of U.S. personnel are located at storage sites on foreign bases; convoys transporting personnel, equipment, or nuclear weapons regularly operate outside of U.S. installations; and temporary encampments frequently are established on foreign soil during tactical exercises and contingency operations.

5. (S) The potential advantages to be gained by the use of RCAs require their timely employment. Delays inherent in obtaining the necessary authority to employ RCAs could negate these potential advantages. It would be highly impractical to prepare a contingency plan for each of the numerous likely situations favoring the use of RCAs in order to obtain prior delegation of authority for their use.

6. (S) The Joint Chiefs of Staff recommend that a memorandum, substantially the same as that contained in Appendix A hereto, be forwarded to the President requesting authority for the use of RCAs by military forces as a means to preclude, or at least delay, use of lethal force in the types of situations and locales cited above when there arise circumstances of a sufficiently serious nature that the use of lethal force is authorized as a last resort. The Joint Chiefs of Staff further recommend that, subsequent to Presidential approval, the referenced DOD directives be modified as indicated in Appendix B hereto.

For the Joint Chiefs of Staff:

T. H. Moorer

Chairman

Joint Chiefs of Staff

25. Memorandum From the Deputy Secretary of State (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 12, 1973.

SUBJECT

A Proposed Initiative on Chemical Weapons Limitations (NSSM 157)

The Department of State proposes a new initiative on chemical weapons limitations, which combines several aspects of the various options and approaches outlined in the NSSM 157 studies. We support an early unilateral declaration renouncing production of CW agents, including binary munitions, with a simultaneous statement of intent to seek treaty limitations, with appropriate provisions for verification, banning CW production. We should also reaffirm the U.S. commitment to more comprehensive measures—a ban on stockpiles—when effective measures can be devised.

A Reassessment

There are very substantial practical constraints on our CW program.

—As NSSM 157 points out, we face severe political inhibitions against the movement and even the maintenance of CW stocks in Europe. Our only overseas deployment (in the FRG) would be adequate only for token, usage, and we understand Chancellor Brandt would have no objection to total withdrawal.

—We also face severe domestic constraints: CW stockpiles within the U.S. have generated considerable political opposition. Federal statutes establish extremely restrictive procedures for movement of lethal chemical weapons within the United States which virtually ensure legal and political obstruction of such movements.

¹ Summary: Rush transmitted to Kissinger three proposals for an initiative on chemical weapons limitations, with particular emphasis on the question of binary chemical munitions production, based on options outlined in the NSSM 157 studies.

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. Drafted by Fuerth on November 2; cleared by Sloss, Baker, and Rutherford, and in substance by Gathright. Published from an uninitialed copy. For the text of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, also known as the Biological Weapons Convention, signed at Washington, London, and Moscow on April 10, 1972 (26 UST 583), see *Arms Control and Disarmament Agreements: Texts and History of Negotiations*, pp. 117–123.

Binary chemical munitions (in which two chemical precursors combine in flight to produce a nerve agent by time of impact or detonation) are now in a late stage of development in the US. Some maintain that these munitions would make it possible materially to alleviate constraints on present types of chemical agents and ordinance. The Department of State would be pleased to see the rationale for binaries subjected to rigorous scrutiny, and is prepared to adjust its views on the basis of such new information as might then be developed.

In arriving at its position on NSSM 157, however, the Department has already given considerable thought to this matter. We conclude that binary CW munitions are probably subject to the constraints on transportation and storage imposed by current U.S. law, and we have been advised that prolonged litigation on this point is probable, if the U.S. decides to produce binaries. Binary development may well require open-air testing, which would require Presidential approval and public pre-announcement of the fact. Congressional attitude towards chemical weapons has been clear for some years: Congress prohibited the use of FY 69 or FY 70 funds for lethal chemical munitions procurement, and the administration has made no such procurement request since.

A New Initiative

We believe that our CW deterrent is of limited utility, and has little prospects for substantial improvement, considering the unlikely combination of prerequisites: a significant change of attitude on the part of the U.S. public, the Congress, and our allies. Since we are not in a position to make more effective deployments of CW, it would appear to be in our interest to do what we can to create an effective firebreak against uninhibited actions on the part of others.

A significant U.S. CW initiative would give up very little for some positive gain both at home and abroad. It could give substance to the administration's pledge of increased cooperation with the Congress, with particular appeal to the Senate Foreign Relations Committee. It would fulfill references to CW limitations in the two summit communiqués, and would lead to some constraints on other countries.

There are, of course, disadvantages to a CW treaty. It would not be possible to verify with confidence compliance with either a production ban or a stockpile limit. Acceptance of a non-verifiable agreement would establish precedents that might work to our disadvantage in SALT, MBFR, and future test ban negotiations. A declaration presents fewer problems of this nature, however, and is therefore a logical first step. As for the precedential aspect, we believe that verification should be dependent on the utility of the weapons involved and on realistic estimates of the risks to our security involved in violation, in relation to the gains we see in a negotiated political constraint. On this basis,

we might express a negotiating position which defines as “adequate” verification measures which are, on the one hand, more specific than those in the Biological Weapons Convention (which are minimal) but, on the other hand, far less specific than anything in SALT or likely to emerge in an MBFR agreement. Such a posture should enable us to avoid having to seek the unattainable in verification measures—on the grounds that chemical weapons are not of vital importance—but to resist further pressures for unilateral concessions—on the grounds that chemical weapons do have security relevance.

We propose, therefore:

1) A Unilateral Declaration on Production

At the earliest appropriate date, the U.S. should declare unilaterally its intention not to produce lethal CW agents and other highly toxic agents for weapons purposes, and welcome similar restraint by other nations. We strongly favor a unilateral declaration over the bilateral and multilateral approaches, due to the inherent problems in the latter two, such as loss of U.S. flexibility, and possible violation of section 33 of the Arms Control and Disarmament Act.

2) Willingness to Seek a Treaty Banning Production

We should combine our unilateral declaration with a statement of intent to seek effective measures for incorporating a production ban in treaty form. However, having unilaterally declared a U.S. production ban, we should retain some flexibility for the present on how we define adequate verification. For example, it would not be desirable to publicly press for “guaranteed verification,” but rather we should espouse such measures as are deemed adequate in proportion to the security considerations involved and which pose sufficient risks to a potential violator to be effective. We have not yet clearly defined what these measures should be for CW verification.

It is generally conceded that complete verification of a CW production ban cannot be guaranteed, even with on-site inspection. Measures short of “guaranteed” verification can nevertheless increase the political risks to the Soviets of noncompliance. Moreover, it is in our interest to try to open up Soviet practices somewhat, even if verification cannot be fully guaranteed. We should take up the recent Soviet indications at the CCD of some flexibility on this issue, regarding “cooperative” verification.

3) Reaffirmation of Interest in a Treaty Banning Stockpiles

We should also reaffirm our continued interest in the development of effective treaty measures banning stockpiles, linking this to past expressions on the subject in the two Summit statements, at the UNGA

and at the CCD. This element of our initiative should be couched in language which clearly conveys the thought that we regard the development of a ban on stockpiles as a longer-range proposition than a ban on production.

As noted above, the State position is subject to review should a further study of binary agents develop new information that would warrant it.

Kenneth Rush
Acting Secretary

26. Action Memorandum From the Director of the Bureau of Politico-Military Affairs (Weiss) to the Deputy Secretary of State (Rush)¹

Washington, November 26, 1973.

*NSSM 157 (Review of United States Position on
Chemical Weapons Prohibitions)*

In our memo of November 5, 1973, in which we recommended a position for the Department of State on NSSM 157 (Review of United States Position on Chemical Weapons Prohibitions), I underscored PM's intention to remain open-minded on the central issue now dividing agencies—whether or not to retain the option to procure binary chemical munitions. To be specific, the memo pointed out that we had heard the NSC would direct some form of study of the issue (to commence after agencies had reported positions on NSSM 157, but prior to final consideration of the NSSM options by the President) and it pointed out that “We will participate in that exercise and are prepared to adjust our views in the light of such new information as may then develop.”

¹ Summary: In a follow-up memorandum on proposed NSSM 157 initiatives, Weiss underscored his conviction that prior to asking President Nixon “to decide on a negotiating program for constraining chemical weapons, issues relating to the U.S. need for such weapons in general and for binary munitions in particular ought to be subject to very close scrutiny.”

Source: National Archives, RG 59, Central Files 1970–73, POL 27–10. Secret. Drafted by Fuerth and cleared by Baker. George Ward (S/S–S) initialed for Fuerth and Baker. A notation in an unknown hand on the first page of the memorandum reads: “Sent to S/S 11/28 Copy to D.” Tab A is Document 27. Tab B, a memorandum from Weiss to Porter dated November 26, is attached but not published. Tab C is Document 25.

Meanwhile, at PM's invitation, Major General Schoning (OASD/ISA) and some members of his staff visited the Department of State last Wednesday, November 21, to present the military's case for binary munitions to representatives from Bureaus interested in the outcome of NSSM 157. Personally, I found Major General Schoning's arguments for the binary system cogent enough to strengthen my conviction that, before the President is asked to decide on a negotiating program for *constraining* chemical weapons, issues relating to the U.S. *need* for such weapons in general and for binary munitions in particular ought to be subject to very close scrutiny.

Although I am told that the NSC is indeed planning a study of some sort, they reportedly have not yet decided on terms of reference. It could be useful at this point for the Department of State to go on record for a thorough study covering certain key issues. Accordingly, I have attached for consideration a memorandum (at Tab A) to this effect from you to Mr. Kissinger.

Finally, I am attaching (at Tab B) for your information a copy of a memorandum I am sending Ambassador Porter in his capacity as Member of the 40 Committee, recommending analysis on an urgent basis of certain intelligence information bearing on Soviet interest in the field of chemical weapons.

Recommendation

That you sign the memorandum to Mr. Kissinger at Tab A.

27. **Memorandum From the Deputy Secretary of State (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, November 28, 1973.

SUBJECT

NSSM 157 (Review of United States Position on Chemical Weapons Prohibition)

The Department of State position regarding NSSM 157 (Review of United States Position on Chemical Weapons Prohibitions) was set out in a memo I sent to the NSC on November 12, 1973. In that memorandum, we pointed out that the central question dividing agencies is whether or not to maintain an option to procure binary chemical munitions. It was our view that the case for binaries was sufficiently questionable so that, on balance, protecting an option to procure this system ought not to govern the selection of a U.S. initiative for developing limited international constraints on chemical weapons. However, we also indicated continued open-mindedness on the binary issue, and we said that "the Department of State would be pleased to see the rationale for binaries subjected to rigorous scrutiny, and is prepared to adjust its views on the basis of such new information as might then be developed."

It seems to me that the President should not have to make a decision as to what means to employ for *constraining* chemical weapons until the possible *utility* of such weapons to the U.S. has been more thoroughly analysed. I therefore recommend that before NSSM 157 is moved any closer to final decision, the NSC should commission an inter-agency review touching on the essential unexplored questions: the rationale for a chemical weapons deterrent; the required delivery systems and stockpiles for a realistic CW deterrent; the optimum location of stockpiles; the possible role of binary munitions in such stockpiles; a review of legal and political constraints; and the relationship of all these considerations to the arms control alternatives set forth in NSSM 157.

Kenneth Rush

¹ Summary: Rush recommended to Kissinger that the National Security Council conduct an interagency review of "essential unexplored questions" relating to binary chemical munitions prior to advancing a final decision on NSSM 157.

Source: National Archives, RG 59, Central Files 1970-73, POL 27-10. Secret. Drafted by Fuerth. Attached as Tab A to Document 26.

28. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to Secretary of Defense Schlesinger¹

Washington, January 25, 1974.

SUBJECT

Military Aspects of Weather and Other Modification Activities

The President has requested that a study be conducted of the military aspects of environmental or geophysical modification activity (for example, various types of weather and climate modification).

This study should focus on such questions as the following:

—What are the current military programs in these techniques?

—What are our current capabilities and what is their strategic and tactical military utility or significance?

—What are our current and potential research and experimentation activities and what is their prognosis, including their potential military utility or significance?

—To what extent could the military objectives involved in the use of such techniques be accomplished by other means, and what would be the implications of utilizing such means?

This study should be closely held on a strict need-to-know basis and should be submitted by March 27, 1974.

Henry A. Kissinger

¹ Summary: Kissinger informed Schlesinger of President Nixon's request that the Department of Defense conduct a study of the military aspects of environmental or geophysical modification activity.

Source: National Archives, RG 59, Central Foreign Policy File, P860123–0519. Secret. A copy was sent to Rush. For the resultant study, see Document 42.

29. National Security Study Memorandum 192¹

Washington, February 7, 1974.

TO

The Secretary of Defense
The Director of Central Intelligence
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency

SUBJECT

Chemical Weapons Policy

The President has noted the NSSM 157 reports and the NSC Under Secretaries Committee's second annual review of U.S. chemical warfare and biological research programs—which considered, *inter alia*, the need for further examination of U.S. CW posture options following a decision on NSSM 157.

However, prior to deciding what, if any, CW limitations are in the interests of the United States, the President has directed a study of United States deterrent/retaliatory posture options for chemical weapons.

Drawing upon past reports as appropriate, including those noted above, this study should comprise (1) an updated summary of the threat and of the rationale for chemical weapons; (2) an updated review of the U.S. and allied chemical warfare capability and programs, and existing and potential constraints on these programs; and (3) full analysis, with advantages and disadvantages, of such CW posture options as the following:

—Improved offensive and defensive CW capability, with particular emphasis on planned and prospective binary capabilities and forward deployment.

—Reliance on the existing CW capability, including consideration of what actions might be required to avoid significant deterioration of this capability over time.

¹ Summary: President Nixon directed an ad hoc group, comprised of representatives from the Department of Defense, Central Intelligence Agency, Department of State, Arms Control and Disarmament Agency, and National Security Council Staff, to study U.S. deterrent and retaliatory posture options for chemical weapons.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 14, Senior Review Group Meeting, 1/27/75, Chemical Weapons Policy (NSSM 192) (3). Top Secret. A copy was sent to Moorer. Also printed in *Foreign Relations, 1969–1976*, volume XXXV, National Security Policy, 1973–1976, Document 33. A draft paper summarizing the ad hoc group's report on NSSM 192 is Document 76 in this volume.

—Reliance on a more limited CW retaliatory option with some improved defensive measures.

—Reliance on improved defensive measures only (recognizing that this calls into question the retaliatory aspect of the present deterrent/retaliatory policy).

The study should also note the relationship of the above considerations and options to the arms control alternatives set forth in the NSSM 157 report.

The President has directed that this study be performed by an NSC ad hoc group, comprising representatives of the addressees and chaired by a representative of the Assistant to the President for National Security Affairs.

The study should be submitted for consideration of the Senior Review Group by March 29, 1974.

Henry A. Kissinger

30. National Security Study Memorandum 195¹

Washington, February 20, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director of Central Intelligence
The Director, Arms Control and Disarmament Agency
The Chairman, Atomic Energy Commission

SUBJECT

Nuclear Test Ban Policy

The President has directed a review of United States policy on nuclear testing. The study should take into account recent and prospec-

¹ Summary: President Nixon directed that an ad hoc group, comprised of representatives from the Department of Defense, Department of State, Central Intelligence Agency, Arms Control and Disarmament Agency, Atomic Energy Commission, and National Security Council Staff, conduct a study of U.S. policy on nuclear testing.

Source: Central Intelligence Agency, OPI 29 (Office of Deputy Director of Intelligence), Job 82M00587R, Box 5, Folder NSSM 195. Secret; Sensitive. A copy was sent to Moorer.

tive arms control agreements, national needs, new technology, and political developments.

In examining and evaluating the various policy options, the study should both review the current Limited Test Ban and evaluate further possible limitations, including a Comprehensive Test Ban, Threshold Test Bans at various yield/magnitude levels, Quota Test Bans, and moratoria. For each of the policy options, the study should at a minimum address the following:

- The broad national security impact over time on: (a) the strategic balance, assuming various SALT II outcomes; (b) U.S. and Soviet nuclear weapons laboratories; (c) the U.S. and Soviet lead over the PRC in nuclear weaponry; (d) efforts to prevent the further proliferation of nuclear weapons; and (e) employment options in NATO-Europe and other theaters in the event of constraints on tactical nuclear weapon modernization.

- Possible non-prohibited weapon activities and developments open to the U.S. and USSR.

- Verification, including developments in seismic and other means of verification, assessment of the value of unmanned seismic observatories and of on-site inspection procedures, and examination of possible means of evasion.

- Weapon activities and developments that could occur if the Soviets tested clandestinely in various magnitude/yield ranges where detection may be uncertain or difficult, and the potential impact of such activities and developments on national security.

- U.S. alternatives for responding to detected or suspected violations by the Soviets or others.

- Impact of U.S. and Soviet peaceful nuclear explosion programs, analysis of how any adverse impact might be alleviated, feasibility of using such programs for evasion, and ways of preventing such use.

- Considerations of likely negotiability and adherence on the part of key states, including the USSR, PRC, France, U.K., Israel and India, and implications for U.S. policy.

- International political implications.

This study is to be conducted by an NSC Ad Hoc Group composed of a representative of each addressee and of the NSC staff and chaired by a representative of the Director, Arms Control and Disarmament Agency. The study should be submitted by May 1, 1974, for review by the Verification Panel prior to its consideration by the President.

In view of the sensitive nature of this subject, access to the memorandum and to the information developed by the study should be strictly limited to those persons necessary for the completion of the study.

Henry A. Kissinger

31. Paper Prepared by the National Security Council Under Secretaries Committee¹

Washington, March 1, 1974.

[Omitted here is a table of contents.]

**ACTION PLAN FOR IMPLEMENTING NATIONAL SECURITY
DECISION MEMORANDUM 235*****I. Introduction***

This Action Program has been prepared by the Under Secretaries Committee in compliance with NSDM 235 dated October 4, 1973.² NSDM 235 reported that following his review of NSSM-150 (United States Policy on Transfer of Highly Enriched Uranium for Fueling Power Reactors), the President had directed that an action program (with options and argumentation, as appropriate) should be developed by the Committee. The program was to consider the diplomatic and other steps the U.S. might consider taking with other nations, and in particular other supplier nations, “with regard to the security, non-proliferation, political and economic aspects associated with the increasing growth and dissemination of nuclear power industries, with particular focus on potential problems associated with highly enriched uranium.”

With regard to future exports by the U.S. of highly enriched uranium, the President also decided that the U.S. will:

—Review any future requests for the supply of large quantities of highly enriched uranium abroad on a case-by-case basis without an *a priori* presumption of supply. (It is recognized, however, that the U.S. has informed the European Community that its requests for supply of highly enriched uranium will receive sympathetic consideration.)

—Require that a recipient have acceptable physical security measures in effect.

—Weigh the position of the recipient with respect to the Nuclear Non-Proliferation Treaty in reviewing and deciding on requests for supply.

¹ Summary: The paper presented an action plan for implementing NSDM 235 concerning the transfer of highly enriched uranium to foreign countries.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Security Aspects of Growth and Dissemination of Nuclear Power Industries Paper. Secret. All brackets are in the original except those indicating text omitted by the editors or footnotes in the original document. NSDM 235 is Document 18.

² See Appendix A. [Footnote is in the original.]

—Not require as an essential precondition of supply that fuel fabrication and reprocessing take place in the United States or in multi-nationally-owned facilities, but will consider this factor in reviewing and deciding on requests for supply.

II. *The Key Issues Considered*

While the specific decision already taken relates to supply of highly enriched uranium,³ the NSDM makes it clear that the action plan is to take on a broader perspective. Primary among the related factors which should be considered are 1) that plutonium, rather than highly enriched uranium, is the weapon material that will become available in the near term to many nations in sizeable quantities, and 2) that wide distribution of enrichment capability could soon overshadow questions of U.S. supply of HEU. Accordingly, in preparing this proposed Action Program, the following four major questions have been considered:

1. How should the U.S. apply the new policy to future transfers of U.S. highly enriched uranium to other nations?

2. What action, if any, should the U.S. take in informing other existing or potential supplier nations of the more restrictive procedures that the U.S. now proposes to apply in exporting highly enriched uranium? The objective of any such consultations would be to encourage other potential suppliers to adopt policies comparable to our own.

3. Are these constraints also applicable in whole or in part to plutonium? If so, what initiatives, if any, should be taken with other countries to assure their adoption?

4. What, if anything, can be done to assure adequate physical security for plutonium and HEU in foreign custody which is produced indigenously, and hence not subject to supplier constraints?

5. Should the U.S. seek common understandings with other advanced nations—based on the limitations set forth in NSDM 235—concerning possible constraints on international transfers of equipment and technology related to plutonium, uranium enrichment and fuel element reprocessing?

These last two questions were not addressed in the NSSM 150 study. However, in the context of potential consultations with other suppliers on the international availability of fissile material, consideration of these questions is highly desirable. This paper and its annexes provide the relevant background in these areas. U.S. policy on export of enrichment technology was exhaustively considered in the studies which led to the U.S. offer to share gaseous diffusion technology. In

³ Highly enriched uranium, or HEU is uranium containing 20% or more of the 235 isotope. [Footnote is in the original.]

order to focus this study on consultations which could be undertaken in the short term, only consultations based on existing U.S. policy (including the NSDM 235 decisions) are discussed. This would seem appropriate, since (1) U.S. control policy would form an acceptable basis for international control understandings, at least in the short term and (2) questions of the adequacy of U.S. controls in the longer term, in view of potential technical developments in uranium enrichment methods, are being considered in a separate study.

III. Conclusions and Recommendations

Four options for consultations are identified:

A. Consult with other suppliers on policy for supply of highly enriched uranium.

B. Consult also on supply policy for plutonium.

C. Promote the general international application of acceptable physical security on nuclear material.

D. Consult on restrictions on export of enrichment and reprocessing equipment and technology.

On balance, it is concluded that the options are not mutually exclusive but rather should constitute elements in an overall U.S. effort to ensure adequate control of nuclear weapons material. It is recommended that the U.S. undertake a series of coordinated diplomatic initiatives pointed at achieving agreements with other states in the areas covered by all the options.

The following are the main observations and objectives which lead to this recommendation:

—the need for stimulating adequate physical security constraints throughout the world (and hopefully based on U.S. or, as a minimum, IAEA standards) is pressing, and should be made equally applicable to plutonium and highly enriched uranium;

—generally, whether or not the recipient nation participates in the NPT should be a significant factor in Governmental decisions to supply important nuclear assistance, taking into account the actual status of its safeguards negotiations with the IAEA;

—where opportunities present themselves efforts to establish multilateral reprocessing and fuel fabrication plants should be encouraged;

—special efforts may have to be made to dissuade certain countries (the Republic of China being a good example) from accumulating quantities of plutonium in excess of their immediate needs. In these cases special efforts should be made to encourage the storage of excess plutonium in the U.S. or in multinational facilities. (In the case of the ROC, AEC has agreed to store in the U.S. the ROC-produced plutonium which will be separated in the British Nuclear Fuels Ltd. reprocessing plant in the U.K.)

—it should be recognized that if for any reason we are seriously concerned about the recipient's continuing willingness and ability to honor agreements, the supply of sensitive material and technology should be avoided.

—it is desirable for the U.S. to encourage other suppliers of technology to adopt regulatory constraints similar to its own 10 CFR Part 110 (see Appendix E). Moreover, agreement on special constraints in the field of transfers of enrichment technology as outlined in this paper are warranted.

The recommended consultations, from a tactical standpoint, would consist of three parallel but not necessarily separate sets of approaches, to be inaugurated over the next several months:

1. A series of consultations with other potential international suppliers of enriched uranium or plutonium on constraints governing supply, including desirable physical security measures. In the course of these consultations we would seek to generate a broad recognition of the necessity and importance of adequate physical security measures should override commercial considerations. The recent AEC regulations would serve as the guidelines for these discussions, with the understanding that compliance with the IAEA guidelines on physical security should be the minimum standard.⁴

2. Talks with other states likely to possess weapons grade material, and with the IAEA, on the relative merits of concluding an international convention prescribing basic standards concerning physical protection of nuclear materials and facilities. Again our objective should be to gain acceptance of the U.S. standards to obtain greater assurance of security.

3. Talks with other suppliers of technology and equipment in the reprocessing and enrichment fields on desirable new constraints or guidelines that should be followed in these areas drawing on (a) U.S. experience in implementing Part 110 and (b) the specific recommendations appearing on pages 46 to 48 of this paper relating to limitations in the field of enrichment.

In general, the international constraints suggested in this study are extensions of existing U.S. constraints. Thus adoption of the action plan outlined here should have no major economic penalty for the U.S., and its success could prevent some potentially substantial losses of U.S.

⁴ The DOD feels that the AEC regulations should constitute the minimum acceptable standard. While the other agencies participating in this study agree that the U.S. regulations should serve as the strongly preferred point of departure in consultations, they note that (1) the IAEA standards were formulated by an international working group in which the U.S. participated, (2) some differences in national practices may be unavoidable, and (3) acceptance of IAEA standards as a minimum would be preferable to having no global improvement of physical security measures at all. [Footnote is in the original.]

equipment or toll enrichment sales by equalizing terms among suppliers. It must be recognized, however, that in some cases U.S. export sales can be lost if consumers consider our terms to be onerous or if failure to meet the criteria disqualifies certain states from receiving our products.

The precise timing scenario and content of the foregoing consultations would need to be carefully developed to minimize the possibility of overloading the circuit and producing hostile reactions at the NPT Review Conference to be held in the Spring of 1975. Moreover, the other countries consulted may vary with the subject matter.

Periodic reports on the progress of these efforts would be submitted by the Under Secretaries Committee to the President and the principals for their information, with any recommendations for further action.

[Omitted here are the remainder of the paper and the appendices.]

32. Memorandum From Jan Lodal of the National Security Council Staff to Secretary of State Kissinger¹

Washington, March 12, 1974.

SUBJECT

Nuclear Test Ban and Your Moscow Trip

Gromyko recently indicated to you Soviet interest in doing something on the test ban at the Summit (Tab A). This memorandum analyzes the possibilities in this area and recommends a course of action in your discussions with Brezhnev.

¹ Summary: In advance of Kissinger's trip to Moscow and discussions with Brezhnev, Lodal summarized four possible types of agreement on nuclear testing limits, highlighted several key issues, and offered a recommendation for an approach with Brezhnev.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 46, Test Ban Messages, 1974 (1). Secret; Eyes Only; Completely Outside the System. All brackets are in the original except those indicating text that remains classified. Tab A, an excerpt of a February 4 memorandum of conversation between Gromyko and Kissinger, is attached but not published. The memorandum of conversation is printed in full in *Foreign Relations, 1969–1976*, volume XV, Soviet Union, June 1972–August 1974, as Document 158. NSSM 128 is published *ibid.*, volume E–2, Documents on Arms Control and Nonproliferation, as Document 303; a summary of the study in response to NSSM 128 is *ibid.*, Document 313. NSSM 195 is Document 30 in this volume.

I. Options for Agreement

There are four types of agreement which could be reached on testing limitations beyond those in the Limited Test Ban Treaty (LTBT):

1. *A Comprehensive Test Ban (CTB)*. We publicly continue to support a CTB but insist that on-site inspections are required for adequate verification. The Soviets say they are ready to agree to a CTB if verification is limited to national means. They have also said privately that a CTB would require adherence by all the nuclear powers before entering into force. Political and security concerns vis-à-vis the PRC probably play a large role in the real Soviet attitude toward the CTB.

A major unresolved issue is whether peaceful nuclear explosions (PNEs), which apparently are of great interest to the Soviets, should be banned in a CTB. If they are not banned or appropriately safeguarded—which may not be feasible—PNEs would constitute a gigantic loophole in a CTB.

2. *A Threshold Test Ban (TTB)*. A TTB would ban underground tests above a specified seismic level, which we would attempt to set in accordance with U.S. seismic verification capabilities and the level of testing we wished to permit. While we have not opposed a TTB, we have pointed out the difficulties in setting the level and verifying compliance with that level (seismic signals are unpredictable and vary with direction), leading to perhaps unintentional violations which could increase international tension. The Soviets have supported a TTB only if it were combined with a moratorium of undefined duration on tests below the threshold, i.e., essentially a CTB with verification by national means.

3. *A Quota Test Ban (QTB)*. A QTB, such as mentioned to you by Dobrynin, would limit the annual number of underground tests by each side. In this form it is unverifiable, as it is feasible to carry out a number of tests simultaneously; we have done this a number of times. Accordingly, a QTB would likely have to be expressed at least partly in terms of annual cumulative seismic magnitudes, forcing a choice between a few large explosions and a larger number of smaller explosions. This type of cumulative provision would place a premium on measures to reduce the seismic magnitude of tests, such as testing in soft soil or in cavities. This would be difficult to verify precisely. Neither the U.S. nor the USSR has publicly supported a QTB.

4. *A Moratorium*. A moratorium on underground tests could help create a favorable political atmosphere for test ban negotiations, at least between the U.S. and USSR. However, unless limited in duration, a moratorium might remove a sense of urgency to negotiate a test ban. As a moratorium would be verified only by national means, it would prejudice the possibility of negotiating additional conditions for verifi-

cation. We have opposed pressures for a moratorium, which have arisen in recent years only from the Senate.

Given the complexities involved in negotiating verification provisions, threshold levels, and regulation of PNEs, any movement at the Summit would probably have to be limited either to a moratorium or to an agreement in principle on negotiation of a CTB, TTB or QTB. To facilitate broad adherence and enhance their value as non-proliferation measures, actual negotiation could take place under the umbrella of the CCD, as was done with the LTBT.

II. Key Issues

Political

The CTB is not as important a measure as it was fifteen years ago. This has decreased the political incentive to pursue it for its presumed political and arms control advantages. Both the SALT process and the NPT have preempted many of the positive functions anticipated for the CTB, including the role it could play in improving relations with the Soviets.

A key political question is the degree of, and motivation for, Soviet interest in further test limitations. The Soviets would value some such limitation as a significant reaffirmation of détente. However, it is probable that they would value such a limitation at least as much for its adverse impact on our relations with the PRC. The Chinese would probably interpret further test limitations as a step to increase pressure on them in an area where it is understood they could not go along in the near term. At the same time, the Soviets would likely want to continue some nuclear testing to avoid any psychological disadvantages vis-à-vis the PRC. This set of motivations would lead them to the posture we have seen: favoring a CTB only on condition of PRC adherence (a point which has been made implicitly in public and explicitly in private by Soviet officials) and favoring some partial limitation on underground testing (such as the QTB mentioned to you by Dobrynin).

The UK would probably go along with any further limitation, although full testing of the Super Antelope warhead and re-entry vehicle will require about two more years of testing, if the new government decides to proceed with the scheduled program. The QTB idea originated with the previous Labor Government, in 1968. The French would oppose any limitations in the near term.

The key near-nuclears who have avoided signing the NPT—Israel and India—would also avoid a CTB. India, the original champion of the CTB, has prepared the ground by becoming a champion of allowing PNEs in any CTB, a loophole which would allow it to maintain and in effect exercise its nuclear option.

Domestically, the initial reaction to any further testing limitation would be positive. Whether this persisted and whether the Senate

would give its consent would depend on the degree of support by DOD and AEC and the effectiveness of the campaign Senator Jackson would undoubtedly mount. Adverse reaction to a TTB or a QTB would be much less than for a CTB. If the Soviets were anxious to achieve a CTB (there is no sign of this) and were thus willing to concede a provision for on-site inspections, this would greatly improve domestic reaction to a CTB.

Security

Major effects of testing limitations on the U.S. nuclear posture include:

—Under a CTB, we would have to forego developing new more efficient warheads for certain specific purposes, such as improved ABMs and MIRVs. Although it would generally be very unwise, we could choose to deploy untested warheads (as we did during the 1958–61 moratorium). The TTB and QTB would tend to protect these options.

—Under a CTB, the U.S. would not be able to develop small “clean” weapons. This option would be protected under a TTB and QTB. Under any type of test ban we would be able to proceed with modernization of our tactical stockpile (which involves the 8 inch and 155 Howitzer) since these weapons are already fully tested.

—Under a CTB, our uncertainties would be somewhat higher on the reliability of existing weapons and on hardening non-nuclear weapons system components to nuclear effects (though there are ways to stimulate most such effects). It would be possible to design around potential problem areas, at increased cost. A TTB or QTB would tend to avoid these disadvantages.

—Adverse impact of further test limitations on our weapons development would be mitigated by the nature of our primary effort in strategic R&D, which has been in the area of delivery systems as opposed to warhead design. This impact would be further reduced by the greater importance of accuracy over yield in most systems of interest and by the relatively small gains achieved and predicted in yield-to-weight ratios of weapons designs. Although accuracy is affected by RV shape (which is constrained by warhead size), all our new RVs have the high beta needed for high accuracy. Further accuracy improvements would be achieved by improvements in missile and RV guidance.

—A CTB—and less a TTB or a QTB—would force future weapons systems to be designed around existing warheads, but adverse effects are unlikely to be major. Tested weapons are already available for the B-1. [2 lines not declassified]

None of these three types of test bans would affect limits on MIRV throw weight which might be achieved in SALT. However, by tending to freeze warhead designs these bans would put an upper bound on

the number of RVs which could be carried for a given amount of throw weight per missile and on the yield of each RV. This effect is likely to be significant only in connection with development of hard target counterforce MIRVs, as discussed below.

A CTB, TTB or QTB could be a useful complement to restraints on modernization which might be negotiated in SALT.

The NSSM 128 analysis showed that our strategic retaliatory capability (in terms of Soviet fatalities) is insensitive to a CTB through the 1970s. The analysis also indicated that the Soviet retaliatory capability would not be changed by a CTB. The same conclusions applied to a TTB and QTB.

For most flexible response options, further limitations would make no appreciable difference. However, if we wished to develop a major hard target counterforce option, a CTB—and probably a TTB—would be inhibiting. *[5 lines not declassified]*

The principal security advantage to a CTB or TTB which we had foreseen over the past few years was that it would severely limit Soviet development of relatively small, high-beta, hard-target MIRVs. Now, with the development of relatively small MIRVs for the SS-X-17 and 19, which could also be retrofitted on the SS-X-18, and with the SS-X-18 MIRV itself, the Soviets probably have a small enough warhead which, in increased numbers and together with improved accuracy, would give them a silo killer, even if not an optimal one.

A key problem in analyzing the effect of further test limitations on the Soviets is that, ever since the LTBT forced them to test underground, we have lost track of their progress in warhead R&D. However, a CTB, and less so a TTB or QTB, would retard or prevent high technology threats to the Minuteman force.

Verification

A key question regarding the CTB is whether we are prepared to drop our long standing insistence on on-site inspection. Dropping this requirement would undoubtedly be necessary if we were to convince the Soviets to agree to a CTB. On the other hand, if the Soviets were for some reason to press seriously for a CTB, which I don't foresee, we would get some leverage for seeking their acceptance to on-site inspections.

Improvements in seismic techniques and in overhead reconnaissance have greatly increased our verification capabilities since the early CTB days (1958–63), but they are still not foolproof. Now long-range seismic means can detect and discriminate all but about two percent (about four per year) of those seismic events equivalent in seismic magnitude to a yield of over 5 KT in normal testing modes. In theory, by using special methods to decouple the explosion from the surrounding

earth (such as cavities or soft soil) the limit might be as high as 50 KT, though the chance of detection by other means increases with yield. Scenarios have been proposed for cheating under a CTB (such as by hiding in an earthquake), but they appear impractical.

Clandestine testing can be successful below 5 KT. Tests in this range would be primarily involved in improvements in the tactical warheads and would have little strategic effect.

As noted above, a QTB would be difficult to verify, even if combined with cumulative limits on the seismic magnitudes of nuclear tests. Even further collateral constraints—such as preannouncement and solid information on the nature of the soil in which the test was conducted—would be needed for confident verification. We are unlikely to get such information from the Soviets.

Thus:

—A CTB cannot be verified with high confidence below a seismic magnitude of 4.5 (5–50 KT, depending on hardness of soil), but the strategic consequences of successful evasion below this level is not likely to be great. Furthermore, the Soviets could not conduct an extensive series of tests (such as would likely be needed for a significant departure in weapon design) with confidence of successful evasion.

—A TTB at 4.5 seismic magnitude (5–50 KT) can be verified with high confidence.

—A QTB would be difficult to verify precisely or confidently at any yields without collateral constraints.

Peaceful Nuclear Explosive Devices (PNEs)

Without safeguards, it would be possible to conduct clandestine nuclear weapons related testing in the course of PNE detonations. Safeguards on PNEs of a type already developed can be postulated, but such safeguards probably would be very difficult to negotiate; they would involve comprehensive international controls, substantial access to national territory by international inspectors, or the release of classified nuclear design information. Most such safeguards would not be acceptable even to the U.S.

If development of new types of PNEs is permitted, adequate safeguards would be nearly impossible to obtain. The testing for new PNEs would be completely indistinguishable from that required to develop new nuclear weapons. Thus, testing new PNEs would have to be treated identically to testing of new nuclear weapons—i.e., prohibited in a CTB, prohibited above the agreed threshold in a TTB, and counted under the quota in a QTB.

We do not know how much importance the Soviets attach to retaining their PNE capability under a CTB, but they have been pursuing

their PNE program at a rate approximately three times that of the U.S.; they have announced that they have refined four applications to practical use. In the U.S., PNEs (the Plowshare Program) have not yet attained commercial applications, though the technology is available for several uses of economic potential. With the energy crisis, the possibility of using PNEs for extraction of shale oil is receiving much attention.

The Non-Proliferation Treaty requires nuclear powers to share the benefits of PNEs with non-nuclear weapons states (NNWS) once PNEs are economically practical. No such services have yet been provided. It is not known whether the NNWS would sacrifice PNEs to attain a CTB or insist that PNEs be accommodated under a CTB. If PNEs were prohibited, some near-nuclear states might refuse to join a CTB under this pretext (e.g., India). Others, however, might favor banning PNEs if they prove to be a basic impediment to a test ban.

Bureaucratic Situation

You have recently issued NSSM 195, which calls for an updating of the NSSM 128 study of nuclear test limitations. It should be finished by the end of April and would thus be useful in preparing for any further discussion of testing limitations at the Summit.

AEC, OSD and JCS strongly oppose a CTB as detrimental to our nuclear posture (including the viability of AEC labs) and as unverifiable at low yields. They oppose a TTB and QTB on similar grounds and because they view them as slippery slopes to a CTB. However, as both the TTB and QTB would permit some testing to continue, the opposition is less strong than for a CTB.

III. Conclusions and Recommendations

None of the further test limitations have overriding political or security advantages or disadvantages. However, any further limitation is likely to cause problems in our relations with the PRC.

A CTB would probably not be acceptable to the Soviets without Chinese participation. If it were acceptable, we would be forced to decide whether we were willing to forego the advantages of further testing for little identifiable security or political gain. We would have to drop our insistence on on-site inspections to get an agreement at our initiative. Negotiations would be complicated by the difficult issue of whether and how to permit PNEs.

A TTB would be difficult to negotiate and verify. It would have less advantages and disadvantages than a CTB. The PNE issue also arises for a TTB. A TTB would be somewhat more acceptable to the AEC, OSD and JCS than a CTB, as it would permit some testing to continue.

A QTB might be relatively meaningless unless the quota were set very low, in which case it approximates the advantages and disadvantages of a CTB. In any event, difficult problems of verification of the quota would remain. As with the TTB, a QTB would be somewhat more acceptable to the AEC, OSD and JCS than a CTB.

A *moratorium* would be useful only if there was the clear will and means on both sides to proceed quickly to an agreement.

To facilitate agreement on any of the above arrangements, they could be made of limited duration.

In sum, there is not much in it for us in any further testing limitations.

Based on the above, I recommend that you take no initiatives with Brezhnev on this issue. In response to an opening by Brezhnev, I recommend that you probe Soviet interest in a CTB, TTB, and QTB—with and without PRC and French participation—and in doing something for us to aid in verification if we were to agree to negotiate a CTB. You should emphasize the difficulty we would have in accepting a CTB without on-site inspections. If the Soviets appear malleable on on-site inspections, we would have to take the possibility of a CTB much more seriously. You should also probe Soviet willingness to forego PNEs, which would remain as a major obstacle to a CTB or TTB.

If for overriding political reasons, you feel it important that the U.S. take some initiative on this issue, I recommend suggesting a Threshold Test Ban (TTB) to Brezhnev. The TTB has less verification problems and less domestic opposition than other alternatives and would cause us less problems internationally. Nonetheless, as I believe the above analysis clearly demonstrates, the TTB, like the other alternatives, would be relatively meaningless in its contribution to national security. Nor would it receive significant support from domestic political elements pushing for a CTB. It must be understood for what it is—essentially a cosmetic agreement with little real significance.

Based on your decision, we will prepare appropriate talking points for your use with Brezhnev.

_____ Agree with recommended approach; prepare talking points to respond to a possible opening by Brezhnev.

_____ Prepare talking points outlining a U.S. proposal for a TTB.

_____ Schedule meeting to discuss.

Hal Sonnenfeldt and Bill Hyland concur.

33. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 12, 1974.

SUBJECT

Your Moscow Trip: Peaceful Nuclear Explosives and a Nuclear Test Ban

During your visit to Moscow, the Soviets may raise the question of a comprehensive nuclear test ban (CTB). If so, I recommend that you raise the closely interrelated issue of Peaceful Nuclear Explosives (PNEs), and propose informal talks to sort out the implications for nuclear proliferation. These informal talks should be on a “private” political level and low key (e.g., in Washington).

A continued PNE program would almost certainly be incompatible with a comprehensive test ban, and perhaps even with a low threshold ban. As you know, the new NSSM due May 1st will serve to update our position on alternative test bans. This NSSM will probably conclude that *low yield tests cannot* be verified and that a high threshold ban which we could verify with national means would have little significance.

In 1969, 1970 and 1971, our technical experts held several meetings with Soviet experts on PNEs. It is my impression that a technical view prevailed on both sides in these talks, mutually stimulating interest in PNEs. Soviet PNE advocates have even been asking us for some time to reinterpret the Limited Test Ban so as to permit nuclear excavation projects that would result in some radioactive venting. An Under Secretaries Committee Study on this subject is underway. We are unlikely to agree to such a reinterpretation.

However, we don't know the importance attached by the Soviet leadership—as distinct from their technical advocates—to their PNE program. Some time ago Vorontsov suggested to us we should hold political talks to control the technocratic drives.

The time is ripe for us and the Russians to figure out how we might protect our common interest in limiting proliferation from the

¹ Summary: Iklé, noting that the Soviets might raise the issue of a nuclear test ban during Kissinger's upcoming trip to Moscow, recommended that Kissinger raise the “closely interrelated” issue of peaceful nuclear explosions. Iklé also recommended that Kissinger propose informal talks on a “‘private’ political level” to take place in Washington at a later date.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 60, Iklé memo to HAK re: HAK's Moscow Trip, 1974. Secret.

possible spread of nuclear explosives under the guise of PNEs. Next September an IAEA technical panel will meet on PNEs. Should the Soviet participants continue to stimulate international interest in PNEs, many countries will demand technical assistance from the USSR and U.S. in the 1975 NPT Review Conference.

The Soviets ought to recognize that (1) as long as PNEs are not economically viable, we should not stimulate third country demand for them; but (2) if and when they become viable, we will need strong international institutional arrangements to keep these *de facto* nuclear bombs under control. The current, easy U.S.-Soviet cooperation in the IAEA and in our preparations for the NPT Review Conference holds promise for a U.S.-Soviet understanding on the policy of both sides toward PNEs.

You should note that the above reflects ACDA views only.

Fred C. Iklé

34. Memorandum of Conversation¹

Washington, March 20, 1974, 11:30 a.m.

SUBJECT

The Secretary's Visit to Moscow

PARTICIPANTS

The Secretary
Helmut Sonnenfeldt, Counselor of the Department
Arthur Hartman, Assistant Secretary for European Affairs
William Hyland, Director, Bureau of Intelligence and Research
Brent Scowcroft, The White House
Denis Clift, The White House
Jan Lodal, The White House
Robert Blackwill, Notetaker

¹ Summary: In preparation for his trip to Moscow, Kissinger, Department of State officers, and members of the National Security Council Staff discussed issues relating to a comprehensive nuclear test ban.

Source: National Archives, RG 59, Central Foreign Policy File, P860117-0408. Secret; Nodis; Eyes Only. Drafted by Blackwill. The conversation took place in the Secretary's office. All brackets are in the original except those indicating text omitted by the editors and "[Secretary:]", added for clarity.

Secretary: Just sit down anywhere. I want to go over the points Dobrynin raised with me yesterday. What about a test ban moratorium?

Sonnenfeldt: Our first reaction has to be no. We will have real problems with a test ban agreement in any event, both with verification and with peaceful nuclear explosions.

Secretary: Everyone has problems with everything I try to do with the Russians. We can't kick them on every front.

Sonnenfeldt: There is a paper on the subject in your folder for this meeting. But in any event, I think we should tell the Russians that a moratorium won't do and go on to acquaint them with our thinking. We may suggest we could eventually climb toward a threshold test ban, but in any event, we would have to have bilateral technical talks before we proceed toward any agreement. You could also tell him of our problems within the Washington bureaucracy, especially with DOD on this issue. In other words, we have to be inconclusive.

Secretary: Where is the paper? All I see here is 2A, 2B, 2C.

Sonnenfeldt: No, you're looking at Denis's revised paper on possible bilateral agreements which has separate tabs.

Secretary: But where the hell is the test ban paper?

Lodal: What they are after is really a comprehensive ban for two years and that's bad.

Secretary: Where is Eagleburger? Not everybody can stay at Zavidovo. We won't have a goddamned crowd out there. Is someone thinking about who will be out there?

Scowcroft: Yes.

Secretary: Can I have the children there?

Scowcroft: Yes.

Secretary: Where is the goddamned paper on the test ban?

Scowcroft: It's in your folder.

Secretary: Oh, this one. I've already read it. It's good. Now the problem with the quota test ban is that they will run the tests together so we have verification problems and we have difficulties with PNEs in all of these options. Is that right?

Sonnenfeldt: That's right. The only real possibility is the threshold and that is if they include their PNEs and keep them below the defined threshold.

Secretary: What will the threshold be?

Scowcroft: We haven't really looked at that in enough detail.

Secretary: Don't you have any idea?

Lodal: It would probably be from five to 50 kilotons and be measured seismically.

Secretary: How would it affect our new missiles?

Lodal: It could very well affect the Trident MIRVs.

Secretary: That is simple. If it affects the Trident MIRVs, we can't do it.

Lodal: All these options will affect to some extent our missile programs, and that includes a moratorium.

Secretary: A moratorium is out of the question. It is obviously a heavy-handed form of Soviet pressure against the Chinese.

Hyland: That is what the Russians have in mind.

Secretary: How many tests can they run together?

Lodal: From five to ten.

Secretary: All together?

Lodal: It's easy to do. We have done it ourselves. You could ignore the limit of the number of tests and rely on seismic indicators, but they too are difficult to verify.

Scowcroft: What we are talking about wouldn't constrain either side.

[Secretary:] So what is the problem?

Sonnenfeldt: Cheating. But the point to make is that any test ban agreement is designed by the Russians against the Chinese.

Secretary: Would we accept a threshold test ban?

Sonnenfeldt: That depends on the threshold and when it comes in.

Secretary: How long will it take us to test our MIRVs?

Lodal: Around two years.

[Omitted here is discussion unrelated to arms control.]

Sonnenfeldt: On the test ban, I think we have to string the Russians along and offer some form of technical talks.

Secretary: That's right. We'll tell them we are not ready now, that we might consider a threshold ban but that in any event we will have to have technical talks before we move along any further. When are our MIRV tests going to be finished?

Lodal: Two years, but we might be able to speed it up a little.

Secretary: What will be the magnitude of our MIRV testing?

Lodal: Seismic level of five, which allows us to test to 100 megatons. But the higher level you set, the easier it is to cheat.

Sonnenfeldt: You could start with a high level and then eventually bring it down.

Secretary: We obviously have to study how this will affect our weapons program.

[Omitted here is discussion of Mutual Balanced Force Reductions, the Conference on Security and Cooperation in Europe, and the U.S.-Soviet summit.]

Sonnenfeldt: You also have their suggestions on environmental war, although it is unclear. There is a NSSM out but unfortunately the paper won't be out before your trip to Moscow. Denis can give you the latest on that.

Clift: All except DOD are in favor of constraints on environmental warfare.

Secretary: What is the DOD view? It is most important.

Clift: They believe it would be a mistake to limit our options, that it is a new field. They had some success in Southeast Asia in controlling rainfall before and after the monsoon. They especially don't want to give up research and development in this area.

Secretary: I suppose we will get another proposal on this from Defense that each country's rainfall level must be far above present levels.

Scowcroft: The basic problem on weather modification is that it is not subject to verification; we will abide by it and they won't.

Secretary: I can't see verifying it.

Scowcroft: We called it weather reconnaissance in the Vietnam war.

Hyland: I am suspicious about their motives.

Secretary: They have one of two things in mind. Either it is simply fluff and they think it will be for the softheads, or they have discovered something we don't know. I am inclined to the former explanation.

Hyland: We have a long list of other bilaterals; we don't really need that one.

[Omitted here is discussion unrelated to arms control.]

35. **Memorandum From Jan Lodal of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹**

Washington, March 21, 1974.

SUBJECT

Threshold Test Ban and Your Moscow Trip

Our previous paper on the nuclear test ban (Tab A) concluded that, of all further limitations on testing, a threshold test ban (TTB) made most sense. At our meeting yesterday you indicated agreement with this and raised specific questions regarding the impact of a TTB on the Trident warhead. Accordingly, this memorandum goes a bit further than the Tab A paper in examining the implications of a TTB and addresses your questions on Trident.

I. *OPTIONS FOR AGREEMENT*

There are a number of variations on types of TTB.

1. *A seismic magnitude TTB.* This is the standard TTB, with nuclear explosions being prohibited if they produce a seismic signal whose magnitude crosses the "threshold." The range of sub-variations is illustrated by specific threshold levels:

a. *A threshold set at a high seismic magnitude, e.g., 5.75.* This would allow explosions of nuclear yield equivalent to about 140 KT in hard rock (such as at Semipalatinsk. There are insufficient depths of soft rock to prevent explosions of such high yields from venting in violation of the Limited Test Ban.) Such a TTB would be an international laughing matter unless coupled with a firm commitment to decreasing threshold levels, a coupling which has been proposed by the Japanese at the CCD. [2 lines not declassified]

b. *A threshold set at an intermediate magnitude, e.g., 4.5.* Such a TTB would allow explosions in the range of 5 KT (in hard rock) to 50 KT (in soft rock). [less than 1 line not declassified]

¹ Summary: Lodal and Sonnenfeldt examined the implications of a threshold test ban and addressed Kissinger's questions about Trident missiles. Lodal and Sonnenfeldt also outlined various types of threshold test bans, summarized key issues, and recommended that Kissinger raise the prospect of a test ban with Soviet officials if he felt it important that the "U.S. take some initiative on the test ban issue."

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 46, Test Ban Messages, 1974 (1). Secret; Urgent; Eyes Only; Completely Outside the System. Sent for information. All brackets are in the original except those indicating text that remains classified. Tab A is Document 32. For the March 20 meeting, see Document 34.

c. *A threshold set at a low magnitude, e.g., 4.0.* Such a TTB would allow explosions in the range of 2 KT to 20 KT. It would place a premium on “decoupling” (e.g., setting off the explosion in an underground cavity) to increase the explosive yield for a given magnitude. [less than 1 line not declassified] It would be desirable to have collateral constraints prohibiting such decoupling but these would be difficult to negotiate and monitor.

2. *TTB plus quota test ban.* This could involve any of the above TTBs plus an annual quota, fixed or decreasing, of explosions or of cumulative seismic yields below the threshold.

3. *A moratorium on all testing above a given seismic yield.* Such a moratorium could be useful if there was the clear will and means on both sides to proceed quickly to a TTB at or below the moratorium’s threshold.

II. KEY ISSUES

It is difficult to generalize about the implications of a TTB, as these vary significantly depending on the threshold and on other collateral constraints. Thus, for simplicity of discussion, the following will address a *high-TTB* (i.e., threshold at around 5.75), a *mid-TTB* (4.5) and a *low-TTB* (4.0).

Political

Like a CTB, a TTB of any level is not as important a measure as it was fifteen years ago. (The U.S. has not tabled or pushed a TTB since 1961.) The SALT process, the NPT and the LTBT have preempted much of the value originally foreseen for a TTB.

The Soviets have favored a TTB only if coupled with a moratorium of undefined length on explosions below the threshold; this is essentially a CTB verified by national means. The Soviets might find a TTB—without the moratorium—acceptable for a variety of reasons:

—It would be a significant reaffirmation of détente;

—It would increase pressure on the PRC in an area where the PRC could not be expected to go along in the near term and would thus have an adverse impact on U.S.–PRC relations;

—It would allow the Soviets to continue some testing and thus avoid any psychological disadvantages vis-à-vis the PRC.

The UK would probably go along with any formulation of a TTB although it would undoubtedly prefer that a TTB not enter into force until full testing is completed on the Super Antelope warhead and re-entry vehicle, which will require about two more years. This could probably be compressed to less than a year on a crash basis. [1 line not declassified]

The French would likely oppose any type of TTB in the near term.

A mid-TTB or a high-TTB would, by itself, not significantly impede proliferation and might well be signed by key non-nuclears who have avoided the NPT, Israel and India. Such signature would lend them respectability and protect their nuclear options. Both are parties to the LTBT. A low-TTB would severely inhibit proliferation by its parties.

Domestically, the initial reaction to any TTB would be favorable. Whether this persisted would depend on the campaign that would be mounted against it, especially for a low-TTB. The Senate would undoubtedly approve a high-TTB or mid-TTB.

Effects on U.S. Weapons Programs

A TTB would have the following major effects on U.S. weapons programs:

—[6 lines not declassified]

—A TTB would inhibit, but not prevent, improvements in weapons of yield greater than the threshold. Some improvements could be made and tested out at reduced yields below the threshold.

—Under any of the illustrative TTBS, the U.S. would be able to develop small “clean weapons.”

—Any TTB would allow us to continue enough testing to maintain the reliability of existing weapons.

—Any TTB would allow us to continue “effects tests,” used for hardening weapons systems and command, control and communication systems to the effects of nuclear explosions.

—If we wished to develop a major hard target counterforce option, a TTB would be inhibiting. [6 lines not declassified]

Effects on Soviet Weapons Programs

The principal security advantage to a TTB which we had foreseen over the past few years was that it would severely limit Soviet development of relatively small, high-beta, hard-target MIRVs. Now, with the development of relatively small MIRVs for the SS-X-17 and 19, which could also be retrofitted on the SS-X-18, and with the SS-X-18 MIRV itself, the Soviets probably have a small enough warhead already tested which, in increased numbers and together with improved accuracy, would give them a silo killer, even if not an optimal one.

[5 lines not declassified] However, as stated above, it is likely that they have already tested warheads for their new ICBM MIRV programs. Timing considerations, such as the time required to perfect a design and then start up a production line, would support this.

Verification

A major attraction of a TTB is that its threshold could be set consistent with the capacity for verification by national means (and consistent with the level of testing we wish to continue).

[1 paragraph (5 lines) not declassified]

While having verification advantages over a CTB, a TTB does have major disadvantages resulting from the threshold itself:

—It is difficult to monitor, as seismic signals are unpredictable and vary depending on the individual path traveled through the earth.

—Unintended violations may result from the unpredictability of seismic signals, increasing international tension. Similarly, it may be difficult to prove an intended violation.

—We would expect the Soviets to test up to the threshold level, while staying conservatively away ourselves. This would create an asymmetry in obligations.

—The threshold level in seismic signal does not correlate directly with explosive yield. A TTB would create a premium on “decoupling” techniques which reduce the seismic magnitude for a given yield, thus tending to circumvent the intent of the TTB. Collateral constraints preventing such decoupling (e.g., geographical constraints, no testing in cavities) would be difficult to negotiate and verify.

Peaceful Nuclear Explosive Devices (PNEs)

Without safeguards, it would be possible to conduct clandestine nuclear weapons related testing in the course of PNE detonations above the threshold. Such possible safeguards are discussed in the paper at Tab A.

If PNEs are covered just as nuclear weapons under a TTB—the most straightforward procedure—a low-TTB and mid-TTB would prevent almost all PNE applications of interest to the U.S. and USSR (e.g., gas stimulation). A high-TTB would allow these (including oil shale recovery) but prevent excavation applications (e.g., canal building) of interest to the USSR.

Bureaucratic Situation

NSSM 195, which will update the NSSM 128 study on nuclear test bans, is examining TTBs intensively. It should be finished by the end of April.

AEC, OSD and JCS oppose a TTB as detrimental to our nuclear posture and because they view it as a slippery slope to a CTB. However, as the TTB would permit some testing to continue, their opposition to it is much less strong than for a CTB. This would be especially true for a high-TTB.

III. CONCLUSIONS AND RECOMMENDATIONS

A TTB, like other further test limitations, does not have overriding political or security advantages or disadvantages.

As we recommended in the Tab A paper, if for overriding political reasons you deem it important that the U.S. take some initiative on

the test ban issue, the TTB would be the safest course. The TTB has less verification problems and less domestic opposition than other alternatives and would cause us less problems internationally. Nonetheless, as we believe the Tab A and above analysis clearly demonstrate, the TTB would be relatively meaningless in its contribution to national security. Nor would it receive significant support from domestic political elements pushing for a CTB. It must be understood for what it is—essentially a cosmetic agreement with little real significance.

If you do decide to broach the TTB with Brezhnev, we recommend either suggesting no threshold level or a very high level (such as 5.75) pending completion of the NSSM 195 study and the building of some consensus in the bureaucracy. You might also wish to refer detailed discussion to the technical level (Lodal could pair off with their relevant experts). Your Talking Points are written along the above lines.

Bill Hyland concurs.

36. Telegram 57208 From the Department of State to the Embassies in the Soviet Union and Austria¹

Washington, March 21, 1974, 2312Z.

57208. Subj: Venting of Underground Explosions.

1. Asst. Secretary Hartman called in Soviet Minister Counselor Vorontsov on March 21 to give him the following aide mémoire. Begin quote.

The United States has collected outside of the Soviet Union radioactive material directly associated with the Soviet nuclear explosions of September 12 and October 27, 1973.

In view of paragraph 1 (B) of Article I of the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, the United States wishes to draw the attention of the Government of the Soviet Union to this matter and to the importance of due precautions

¹ Summary: The Department reported that Hartman had delivered an aide-mémoire regarding the venting of radioactive material outside of Soviet borders to Soviet Minister-Counselor Vorontsov on March 21. Hartman, also underscored U.S. support for the Limited Test Ban Treaty.

Source: National Archives, RG 59, Central Foreign Policy File, D740061-0426. Confidential. Drafted by George Humphrey (EUR/SOV); cleared by Matlock (EUR/SOV) and Armitage; approved by Hartman. Repeated to Moscow and Vienna, and for information to USUN, the Mission in Geneva, and the Mission to the IAEA at Vienna.

to assure compliance with that treaty. The United States considers these incidents to be most regrettable because of the relatively large amounts of radioactive material collected outside the Soviet Union and because ventings of radioactive material outside Soviet borders continue to occur year after year.

Over the years the U.S. has developed increasingly effective measures to reduce the possibility of leakages of radioactive material from underground nuclear explosions. During the past few years we have taken even more rigorous precautions, and these measures have proved especially effective. The United States Government would welcome any pertinent information the Soviet Government could offer about these two incidents and the recurrence of ventings of radioactive material outside Soviet borders. End quote.

2. In commenting on the points contained in the aide mémoire, Hartman said that we wish to stress continued support for the Limited Test Ban Treaty and stated that the U.S. and USSR as principal nuclear powers should do their best to uphold the treaty. Vorontsov said that he would transmit the aide mémoire to his authorities and that a reply would be provided in due course.

37. Editorial Note

Secretary of State Henry Kissinger visited Moscow March 24–28, 1974, where he met with Soviet General Secretary Leonid Brezhnev, Soviet Minister of Foreign Affairs Andrei Gromyko, Soviet Ambassador to the United States Anatoliy Dobrynin, and other Soviet officials in preparation for President Richard M. Nixon's trip to the Soviet Union scheduled for July. Ambassador to the Soviet Union Walter Stoessel, Department of State Counselor Helmut Sonnenfeldt, Assistant Secretary of State for European Affairs Arthur Hartman, Department of State Legal Advisor Carlyle Maw, Assistant Secretary of State-designate for Near Eastern and South Asian Affairs Alfred Atherton, Director of the Bureau of Intelligence and Research William Hyland, and National Security Council Staff members Jan Lodal and Peter Rodman also took part in these conversations. The text of Kissinger's March 24 arrival statement, the exchange of toasts between Kissinger and Gromyko during luncheons held on March 25 and March 27, and statements concerning the conversations Kissinger had with Brezhnev, Gromyko, and Dobrynin are in the Department of State *Bulletin*, April 22, 1974, pages 413–417. The memoranda of conversation are printed in *Foreign*

Relations, 1969–1976, volume XV, Soviet Union, June 1972–August 1974, as Documents 165, 166, 167, 168, 169, and 170.

On March 28, at the conclusion of Kissinger's visit, the United States and the Soviet Union released a joint communiqué. The communiqué stated that the officials had discussed a "broad range of questions of mutual interest" in advance of Nixon's visit. In addition:

"The sides noted with satisfaction that the course taken by the two countries toward a relaxation of tension and a major improvement of relations between them continues to be implemented successfully and brings tangible results. The exceptional importance of the fundamental decisions adopted at the two previous Soviet-American summit meetings, first of all the basic principles of relations between the USSR and the United States, the agreement on the prevention of nuclear war, and the agreements on the limitation of strategic arms, has been convincingly demonstrated.

"The sides are determined to pursue, on the basis of strict observance of the obligations they have assumed, the established policy aimed at making the process of improving Soviet-American relations irreversible.

"In the course of the discussions, considerable attention was given to the problem of the future limitation of strategic arms. The sides agree that, despite the complexity of this problem, there are possibilities for reaching mutually acceptable solutions. They are determined to continue to make energetic efforts to find such solutions. Certain other questions relative to the area of arms limitation and disarmament were also considered." (Department of State *Bulletin*, April 22, 1974, pages 417–418)

In telegram 1748 to the delegation to the Strategic Arms Limitation Talks in Geneva, March 30, the Mission to the North Atlantic Treaty Organization reported that Sonnenfeldt and Hartman had briefed attendees of the North Atlantic Council's March 29 session on the substance of Kissinger's meetings. The Mission reported:

"10. The Soviets raised a number of other disarmament/arms control matters. They were interested particularly in the following: CW ban on production and use—U.S. side pointed out the difficulties with verification, particularly of production. Prospects for verifying CW use may be somewhat better. U.S. sees difficulties moving on this subject.

"11. Comprehensive Test Ban—U.S. again pointed out verification problems with comprehensive test ban. Soviets had idea of making agreement effective sometime ahead. Sonnenfeldt commented that there might be political reasons for the Soviet interest in a comprehensive test ban. The Soviets probably thought there were some who could not subscribe to such a ban. U.S. side said we could not engage in

efforts to pressure others who were testing.” (National Archives, RG 59, Central Foreign Policy File, [no film number])

38. National Security Decision Memorandum 250¹

Washington, March 29, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Central Intelligence Agency
The Chairman, Atomic Energy Commission
The Director, Arms Control and Disarmament Agency
The Director, Federal Energy Office
The Assistant to the President for International Economic Policy

SUBJECT

U.S. Policy Toward Purchase of Soviet Uranium Enrichment Services

The President has reviewed the study on U.S. Policy Toward Purchase of Uranium Enrichment Services from the Soviet Union, as forwarded by the Chairman of the NSC Under Secretaries Committee on December 4, 1973.

The President has approved the recommendations that the U.S. should take a neutral posture toward Soviet sale of enrichment services and should consult with certain allies to ascertain the necessity and feasibility of establishing some limit to these purchases to avoid significant dependence on Soviet supply. The timing and nature of the consultations should be carefully selected so as not to conflict with other critical energy discussions. The consultations may be incorporated, as

¹ Summary: Kissinger informed the addressees that President Nixon had reviewed a study on U.S. policy regarding purchase of uranium enrichment services from the Soviet Union and had approved several of the recommendations, including adoption of a neutral posture toward Soviet sale of enrichment services and consultation with allies to determine necessity and feasibility of limits on those purchases. Nixon also directed that a study of U.S. policy options on the disposition of tails from Soviet enrichment be conducted.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 55, NSDM 250. Secret. A copy was sent to Moorer. Kissinger outlined the options for U.S. policy regarding Soviet handling of residual material (tails) resulting from uranium enrichment in a memorandum to President Ford that is Document 91. The study is in Nixon Presidential Library, NSC Institutional Files, Records of the Staff Secretary (1969–1974), Box H–293, NSDM 250.

appropriate, in the framework of the international Working Group on Uranium Enrichment of the Energy Coordinating Group.

The President has also approved the recommendations that:

—The domestic company which has so requested to be allowed to purchase Soviet enrichment services to fuel U.S.-built nuclear plants abroad, and that future similar requests should be reviewed on a case-by-case basis.

—The question of domestic purchase of foreign enrichment services should be held in abeyance pending further analysis and developments.

In addition, the President has directed that U.S. policy options, including our position in COCOM, on the disposition of tails from Soviet enrichment should be examined and a report forwarded for his consideration by May 1, 1974.

Henry A. Kissinger

39. Memorandum NSC-U/DM-122 From the Chairman of the National Security Council Under Secretaries Committee (Rush) to President Nixon¹

Washington, April 5, 1974.

SUBJECT

Action Program Concerning Security and Related Aspects of Growth and Dissemination of Nuclear Power Industries (NSDM 235)

In accordance with NSDM 235, the Under Secretaries Committee has prepared the attached action program concerning steps the U.S. might take with other nations, in particular supplier nations, designed to further enhance our security, nonproliferation and other objectives

¹ Summary: Rush submitted an action program prepared by the National Security Council Under Secretaries Committee on steps the United States might take in cooperation with other nations to enhance security and nonproliferation objectives. He recommended that Nixon approve the action program.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Security Aspects of Growth and Dissemination of Nuclear Power Industries. Secret. According to an April 5 covering memorandum from Grove, copies were sent to Clements, Kissinger, Colby, Moorer, Ray, and Iklé. Attachment 1, a March 25 executive summary of the action plan, is attached but not published. Attachment 2, the action program, is not attached, but a version is Document 31. NSDM 235 is Document 18.

in light of the increased availability from growing nuclear power industries of materials usable in nuclear weapons.

In preparing this program, the Committee focused on the two types of nuclear weapons materials expected to be available in large quantities in the coming years (highly enriched uranium and particularly plutonium) and on the specialized technology and equipment needed to produce and separate these materials. The details of the assessment and the conclusions reached by the Committee are set forth in the attached executive summary of the interagency report.

The Under Secretaries Committee recommends that you approve the proposed action program, comprising consultations with other countries, particularly present and prospective suppliers (e.g., Germany, France, Canada, the UK, Japan and the USSR), aimed at achieving agreement or understandings in the following areas:

(1) Establishment of agreed international guidelines, preferably based on U.S. practice, to ensure the physical security of fissionable materials usable in nuclear weapons, whether internationally transferred or indigenously produced. (A prompt U.S. study on the possibility of developing an international convention on minimum desirable physical security standards, using the new U.S. standards as a preferred point of departure, should be undertaken, simultaneously with preliminary bilateral discussions regarding these issues.)

(2) Establishment of common principles and precautions among potential suppliers of sensitive enrichment technology or equipment.

(3) Agreement that a potential recipient nation's adherence to the Non-Proliferation Treaty shall be given due weight in decisions to supply nuclear materials usable in weapons, or enrichment or reprocessing technologies and equipment.

(4) Encouragement, where appropriate, of multinational enrichment, fuel fabrication and reprocessing facilities.

(5) Consideration of denying materials and technology, or limiting the accumulation of plutonium, in situations where conflict, seizure or political instability could present special hazards.

(6) Encouragement of the adoption by other governments of export controls (comparable to those implemented by the USAEC) governing international activities of their citizens in the fields of unclassified nuclear technology transfer and assistance related to the production of special fissionable materials.

In recommending that you approve the proposed consultations with other countries, the Committee recognizes that some other supplier nations will probably be reluctant to adopt all of the measures the U.S. considers adequate. The timing and content of the consultations will therefore need to be carefully developed, and the Committee will report significant developments to you.

Kenneth Rush
Chairman

40. Memorandum of Conversation¹

Washington, April 12, 1974, 2:15 p.m.

SUBJECT

Conversation with Foreign Minister Gromyko

PARTICIPANTS

Soviets

H.E. Andrey Gromyko, Soviet Minister of Foreign Affairs

H.E. Anatoliy Dobrynin, Soviet Ambassador

The Honorable Georgiy Markovich Korniyenko, Chief, USA Division, Soviet Ministry of Foreign Affairs

Mr. Viktor Mikhaylovich Sukhodrev, Counselor and Interpreter, Soviet Ministry of Foreign Affairs

U.S.

The Secretary

Kenneth Rush, Deputy Secretary of State

Helmut Sonnenfeldt, Counselor

Arthur A. Hartman, Assistant Secretary of State for European Affairs

[Omitted here is discussion unrelated to weather modification.]

[Gromyko:] Now I would like to turn to another kind of environment and I hope that you can be more forthcoming. What do you think of our proposal on making an agreement with respect to changes in the environment?

Secretary: We are going to have a meeting on it soon.

Sonnenfeldt: A report is overdue but we should have it in a few days.

Secretary: I am not optimistic about the results.

Dobrynin: Why?

¹ Summary: Kissinger, Rush, Sonnenfeldt, and Hartman met with Gromyko and Dobrynin to discuss weather modification and other related arms control concerns, in addition to other topics.

Source: National Archives, RG 59, Central Foreign Policy File, P860123–1356. Secret; Nodis. Drafted by Hartman. John D. Rendahl, Special Assistant and Staff Director, NSC Interdepartmental Group (EUR/NSC-IG) initialed for Hartman. All brackets are in the original except those indicating text omitted by the editors and “[Gromyko:]”, added for clarity. The conversation took place in the Secretary’s dining room at the Department of State. The memorandum of conversation is printed in full in *Foreign Relations*, 1969–1976, volume XV, Soviet Union, June 1972–August 1974, as Document 174. On April 28 and 29, Kissinger met with Gromyko and Dobrynin in Geneva. For the memoranda of conversations, see *ibid.*, Documents 175, 176, 177, and 178. The executive summary of the overdue environmental modification study that Sonnenfeldt references is Document 42 in this volume.

Secretary: Our people say that there is no way to verify what others will do with respect to weather modification.

Gromyko: I would like very much to pretend that I did not hear your reply that you were not optimistic. So let us both do what the fishermen in the story did. There were two fishermen who met on the road and they were both hard of hearing. The first said "Are you going fishing?" And the second replied "No, I am going fishing." And the first answered again, "No, I am going fishing." So you can see, I did not wish to hear you. Really, I am not at all encouraged. This is another area where we can get into competition and the consequences will follow. Years from now our successors will say "Why didn't we take this matter up before?"

Secretary: Can we get a report and answer by the end of the month? I will have to have a meeting to hear what my geniuses have to say.

Gromyko: This problem could consume billions of dollars with only doubtful results if we get into competition.

Secretary: What you want is a declaration not to use it?

Gromyko: I don't care about the form. I have a completely open mind.

Secretary: Then Jobert and the Chinese can make speeches that we have agreed not to use it against each other but we are free to use it against others. Am I right that you want to renounce the use?

Gromyko: We will consider any effective form. A declaration might be a good way to proceed and contain the substantive matters. You should not underestimate the effects. This could be like the ABM but it could consume several times more money. We will look back and say why didn't we stop this. This is the joint opinion of our political, scientific and military advisors, especially our political and scientific people.

Secretary: It might be possible to agree to prohibit the use or the first use or the production of agents or the belligerent use.

Gromyko: We want to be specific and concrete.

Dobrynin: Can't we agree to enter into negotiations at the summit?

Gromyko: We could agree in principle that this is the general direction we wish to move in.

Rush: What about peacetime peaceful uses?

Gromyko: Those are all right. If it is to save a grain harvest, that is permissible.

Secretary: Let me look at this again. Perhaps we could announce at the summit that we intend to enter into negotiations or to study this problem.

Gromyko: I hope that you can stretch your position and see that this is in our mutual interest.

Secretary: Your suggestions have been helpful. I think we might look into the question of whether we can agree to a joint examination of how to avoid the use of the environment for belligerent purposes.

Gromyko: With our geography we have a lot of room for experimentation.

Secretary: You also have a lot of bad weather to export. I understand what you are saying. I will think seriously about whether we can have a joint examination.

Gromyko: If we can move in this direction it would be useful.

Secretary: There might be some symbolic value in this agreement. I will look to our study and see what the problems are. Ever since Mr. Rush left the Pentagon they have been more bellicose but you have given me an idea.

Dobrynin: Maybe we can have more sunny days.

Secretary: I will study and see what can be considered. I am sympathetic. I will let you know by May 1.

[Omitted here is discussion unrelated to weather modification.]

41. Statement by the United States Representative to the Conference of the Committee on Disarmament (Martin)¹

Geneva, April 16, 1974.²

Mr. Chairman, before I make my formal statement I should like to express my personal satisfaction at being back in Geneva with my old friends on the Committee. I am saddened, however, by the loss of Ambassador Čvorović of Yugoslavia, who was a great personal friend of mine and an esteemed colleague. I wish to extend the condolences of my delegation to his family and to the delegation of Yugoslavia.

On a happier note, I should like to extend my personal welcome and that of my delegation to Madame Thorsson, Under-Secretary of State in the Government of Sweden: to Mr. Bier of Brazil; Ambassador Nikolov of Bulgaria; Ambassador El-Erian of Egypt; Mr. Fantaye Biftu of Ethiopia; Ambassador Mishra of India, and Ambassador Clark of Nigeria. The appointment of such distinguished representatives to this Committee testifies once again to the importance of the work of the Conference on the Committee of Disarmament. I wish each of them success in their efforts and look forward to working with them.

It is also a great pleasure to greet once again the Special Representative of the Secretary-General, Ambassador Pastinen, who has been of so much help in facilitating the Committee's work.

We are also glad to welcome back the Alternate Representative of the Secretary-General, Mr. Björnerstedt, and look forward to renewed association with him.

Finally, I would like to extend my greetings, and that of my delegation, to Mrs. Gill and the members of the Secretariat, who have been so helpful to us all.

The Conference of the Committee on Disarmament (CCD) resumes its discussions at a time when the initiatives taken in the past two years for peaceful settlement of outstanding international problems have confirmed by their progress that we are entering "an era of negotiation."

One encouraging sign is the negotiating process now under way at the mutual force reduction talks in Vienna, involving many of the countries present here in the Conference of the Committee on Disarmament. All of us realize how complex it is to negotiate equitable reduc-

¹ Summary: Martin reviewed the status of ongoing negotiations, including MBFR and SALT, noted collaborative efforts in the area of nuclear nonproliferation, and stated the U.S. position on chemical weapons and a comprehensive test ban.

Source: *Documents on Disarmament*, 1974, pp. 80–84. The 25th session of the CCD resumed in Geneva on April 16 and concluded on May 23.

² CCD/PV 627, pp. 17–21. [Footnote is in the original.]

tions in troop levels in central Europe. Therefore none of us expected that the countries participating in those talks could have reached easy and early agreement on reductions which would be balanced so as not to diminish the security of either side. Yet the talks have proceeded in a constructive and serious fashion, and the proposals put forward by each side have been subjected to the thorough examination that takes place when both sides wish to achieve success. We in the Conference of the Committee on Disarmament have every reason to hope that the negotiators in Vienna will reach an agreement on a reduction of troop levels in Europe.

The Strategic Arms Limitation Talks (SALT) between my country and the Soviet Union continue in an effort to place additional controls on strategic offensive weapons systems and eventually to reduce the number of these systems deployed by ourselves and the Soviet Union. The Standing Consultative Commission on SALT, established by the United States-USSR Anti-Ballistic Missile Treaty,³ has also begun to meet to promote the objectives and implementation of that Agreement and of the Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.⁴ This Commission is a reflection of the importance of the initial SALT agreements, and of the strong desire of the parties to implement effectively those agreements.

The Conference on Security and Co-operation in Europe (CSCE) has met here in Geneva for several months. Although not directly concerned with arms control and disarmament, it could contribute to relaxing tensions and enhancing security in Europe by building further confidence between nations. Equally important, the CSCE could make a contribution towards increased cooperation in Europe by adopting effective agreements in the fields of economics, science and technology, and the environment. It could also assist by agreements to increase human contacts, exchanges of information and cultural and educational cooperation.

All of these negotiations owe something to the pioneering efforts of this Committee, which set an example as a serious, effective multilateral group dealing in a sustained way with the important issues that bear upon the security of all States. The accomplishments of this Committee, which show that effective international agreements require patience, perseverance, thorough exploration of the issues and a determination to attain lasting solutions, have provided a model for these other forums. We expect that negotiations in these forums will in turn contribute to an atmosphere for further progress in this Committee.

³ *Documents on Disarmament*, 1972, pp. 197–201. [Footnote is in the original.]

⁴ *Ibid.*, pp. 202 ff. [Footnote is in the original.]

In an area of particular interest to this Committee, nuclear non-proliferation, there have been several important developments since we last gathered here. During the last General Assembly session, the United Nations Members party to the Nuclear Non-Proliferation Treaty (NPT)⁵ established a Preparatory Committee to make arrangements for the NPT Review Conference. The Preparatory Committee, which has just completed its first meeting, has proposed that the Review Conference convene on 5 May 1975. We look forward to working with other parties to the NPT to make the remaining preparatory meetings, now scheduled for next August and for February 1975, and the Review Conference itself, a success.

Following on last year's conclusion of an IAEA–EURATOM Safeguards Agreement,⁶ the Federal Republic of Germany has completed the parliamentary procedures for its ratification of the NPT. In addition a member of this Committee, Japan, has indicated that it will initiate parliamentary procedures leading toward ratification of the NPT. We of course hope that other countries will also adhere to this major arms control agreement in time to participate in the 1975 Review Conference, which may influence the course of non-proliferation and peaceful uses of nuclear energy for some years ahead. We are also pleased to note that both Sudan and Gabon have adhered to the NPT in recent months. Both States, by virtue of their adherence to the Treaty and their representation on the IAEA Board of Governors, are now members of the NPT Preparatory Committee.

I should now like to turn to some of the important tasks currently before this Committee. In regard to the Committee's work on chemical weapons (CW), delegations will recall that in our last session my delegation discussed some of the problems and considerations we believe should be taken into account by the Committee. We look forward this session to hearing the views of other delegations on our statements and on other issues involved.

We remain firmly committed to the objective of achieving effective international restraints on chemical weapons. It will be recalled that in August 1973 I told the Committee that my delegation had not submitted a specific CW treaty proposal because we had not been able to find any approach which we could be confident would resolve the difficulties surrounding this subject. My Government has continued its studies of all the issues related to possible restraints on CW, has carefully studied the statements and working papers submitted by

⁵ Ibid., 1968, pp. 461–465. [Footnote is in the original.]

⁶ Ibid., 1973, pp. 116–158. [Footnote is in the original.]

various delegations in our last session, and is determined to continue its efforts in this area.

We understand and share the desire of the Committee to make rapid progress in controlling chemical weapons; but we continue to believe that genuine progress can only be made by a careful study of all the complex problems inherent in such control. During this session we hope that other delegations will join us in further examination of possibilities for achieving adequately verified prohibitions on CW.

We also remain fully committed to the objective of a Comprehensive Test Ban with adequate verification, which we continue to believe would require some on-site inspection. We intend to continue discussion of test-ban issues during the 1974 session.

Since the Committee last met, we have continued our research programme on the problems of detecting and identifying underground explosions by seismic means. In particular, the major elements of the research programme described to the Committee last July⁷ are being actively pursued. Eight sites have now been selected for the installation of our new Seismic Research Observatories. International interest in our seismic data management system and in the new arrangements for the prompt exchange of seismic data has been most encouraging. A new large-aperture seismic array is now being installed in Iran. Finally, we have continued our studies on the utility of Unmanned Seismic Observatories.

As we consider the talks ahead we should, I think, be mindful of the Committee's responsibility to engage in a serious and constructive examination of a wide range of multilateral arms-control issues with a view to reaching agreements that promote international peace and security. In this regard I should like to call the Committee's attention to the desirability of considering the question of effective restraints on conventional weapons. We are all aware that these weapons account for the largest part of the world's military spending—which this year is in excess of \$216 billion—that there is a rapid proliferation of numbers and types of these weapons, and that their use has accounted for an enormous casualty toll in conflicts since the second world war.

A group of experts appointed by the Secretary-General is today beginning a technical study here in Geneva of military budgets. This summer the International Committee of the Red Cross hopes to convene a group of government experts to study the question of prohibition or restriction of the use of conventional weapons which may cause unnecessary suffering or have indiscriminate effects.

⁷ *Ibid.*, pp. 376–402. [Footnote is in the original.]

These developments demonstrate the growing interest in possible restraints on conventional weapons. My delegation therefore believes it is timely to begin to study seriously the question of restraints on conventional weapons in the Conference of the Committee on Disarmament. In the past my delegation has submitted for the consideration of the Committee a number of principles and guidelines related to restraints on conventional weapons. We would welcome the comments and views of others on this subject. Further consideration by the Committee could eventually result in effective controls over these weapons to the general benefit.

42. Paper Prepared in the Department of Defense¹

Washington, April 19, 1974.

A STUDY OF THE MILITARY ASPECTS OF ENVIRONMENTAL OR GEOPHYSICAL MODIFICATION ACTIVITY, IN RESPONSE TO NSC MEMORANDUM DATED 25 January 1974

EXECUTIVE SUMMARY

This study responds to a National Security Council (NSC) memorandum of 25 January 1974, which directed a study by the Department of Defense of the military application of weather modification including: types, current programs and capabilities, current and projected research, and alternative techniques.

I. *Introduction:* The 1972 NSC Under Secretaries Committee (USC) Weather Modification Study Report to the President is summarized. In response to the USC report, the President, in NSDM 165, adopted the following civilian weather modification policies: (1) research and development will continue; (2) international cooperation and understanding will be furthered and the U.S. will conduct programs with

¹ Summary: The study, prepared in response to Kissinger's request, examined the military application of weather modification.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 13, Senior Review Group Meeting, 8/28/74—Environmental Warfare (2). Secret. All brackets are in the original except those indicating text omitted by the editors. Kissinger's January 25 memorandum to Schlesinger is Document 28. NSDM 165, May 2, 1972, "International Aspects of Weather Modification," is in the National Archives, Nixon Presidential Materials, NSC Institutional Files, National Security Decision Memoranda, Box H-208, NSDM 151–NSDM 200.

maximum openness; (3) requests for U.S. assistance will not be encouraged, but will be considered on merits by the NSC Under Secretaries Committee established to monitor U.S. weather modification activities; and (4) no climate modification operations will be conducted without specific Presidential approval. A policy decision on military applications was deferred and no action was taken on regulatory legislation.

Since these decisions were reached, the Senate has passed a resolution urging that the U.S. seek an international treaty prohibiting the use of weather modification as a weapon of war. To date, no Executive Branch action has been initiated. Senator Pell held hearings on the subject in January 1974; in addition DoD provided a classified briefing to Senator Pell's Subcommittee in Executive Session in March 1974.

The Introduction concludes with requisite technical definitions applicable throughout the study.

II. Current Capabilities: At present, no capability exists to alter the environment in a controlled (militarily useful) manner through oceanographic, terrestrial, or ionospheric modification techniques. Accordingly, this section addresses weather modification activities in fog, precipitation, severe storms, and inadvertent weather modification. The conclusion is that even in the cases of the most advanced knowledge in weather modification technology (fog and precipitation), the state-of-the-art is minimal.

III. Current Operational Programs: Only two DoD programs are operational: Army warm fog dissipation using helicopters, and Air Force cold fog dissipation using airborne dry ice and ground-based propane seeding.

IV. Research and Development Programs: This section describes in detail on-going DoD programs, as follows:

Weather Modification: Army; three small atmospheric programs (two in fog dissipation; one in dust control); Navy; four programs (one in precipitation modification, one in fog dissipation and suppression, one in inadvertent weather modification, and one in mathematical simulation applicable to weather modification); Air Force; one atmospheric research project in dissipation of warm fog and low stratus clouds.

Climate Modification: One ARPA computer program to exploit current knowledge in atmospheric sciences.

Oceanographic Modification: No DoD programs.

Terrestrial Modification: No DoD programs. ARPA has sponsored research in control of earthquakes related to underground nuclear test detection.

Ionospheric: No DoD programs. However, all the Military Departments are assessing the impact of ionospheric variations on communications and surveillance.

V. *Potential Military Utility and Significance*: Offensive and defensive applications of weather modification are described, pointing out the possibility of both local and/or large scale techniques. Offensive potential includes harassment, damage inflicting, supporting, and blocking operations. Defensive potential includes direct defensive, supporting, rescue, and damage avoiding operations.

Operations of major military significance are described (change levels of precipitation; stimulate or suppress fog; and intensify or suppress cyclones).

It is concluded that climate modification has limited military application because the magnitude of the operation is unpredictable and such activity would probably be highly overt.

It is concluded that Oceanographic Modification also has limited military application principally because of the scope of operation required to produce significant results.

With respect to terrestrial modifications, it is concluded that current techniques could have significant military application in masking underground nuclear testing, and in aircraft, missile and submarine navigation.

Finally, Ionospheric Modification could have significant military application in disruption of radio communications and missile launch detection, tracking, and discrimination.

VI. *Alternatives*: This section describes potential (or actual) techniques which permit military operations “in spite of” adverse weather including radar bombing, infrared sensors, improved instrumented landing systems, and improved “all weather” weapons. Additionally, in the event an enemy achieves a significant weather modification capability, which the U.S. is not able to counter through weather technology, alternatives to the threat mentioned include the full range of military capabilities now available from conventional war through strategic nuclear options.

The requirement for continued R&D is stressed as essential lest the U.S. face technological surprise in the military application of environmental modification.

The technical annexes are:

A. Foreign Activity

B. Legal Implications

C. Statement of the American Meteorological Society

Of these, Annex A is particularly significant in detailing the comprehensive Soviet program as well as Peoples Republic of China (PRC) activities.

[Omitted here are the remainder of the study and three technical annexes.]

43. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, April 24, 1974.

SUBJECT

Nuclear Sales to the PRC

The Under Secretaries Committee (USC) has reported to you that several U.S. companies are seeking authorization to negotiate the sale of nuclear power reactors and uranium fuel to the PRC (Tab B). No Communist country has purchased Western power reactors, and as far as the PRC is concerned, the necessary intergovernmental agreements regulating the sales and transfer of nuclear equipment and fuel are not in place.

The USC's study has concluded that the export of light water reactors and slightly enriched uranium fuel would be consistent with our policy of facilitating the development of trade with the PRC, would have no adverse strategic implications, and would not be contrary to our obligations under the NPT.

In order that these exports might proceed, the USC recommends that we should indicate to the Chinese our willingness to conclude a standard bilateral intergovernmental agreement for nuclear transfers. This agreement would provide for the application of safeguards, as we require for all nuclear exports to any country.

Future requests for nuclear exports to Communist countries would continue to be considered on a case-by-case basis.

I recommend that you approve the USC's recommendations, including the imposition of U.S. safeguards, until such time that the PRC takes its seat in the International Atomic Energy Agency (IAEA) and becomes subject to its safeguards. (If the PRC, subsequently, were to withdraw from the IAEA, the U.S. safeguards would again become

¹ Summary: Kissinger recommended that Nixon approve the National Security Council Under Secretaries Committee's recommendations concerning a bilateral nuclear export agreement with the People's Republic of China. Kissinger indicated that upon approval, he would sign the implementing directive.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Nuclear Export Controls (1). Secret. Sent for action. Also printed in *Foreign Relations*, 1969–1976, volume XVIII, China, 1973–1976, Document 79. A stamped notation indicates that Nixon saw the memorandum. Notations in the upper right-hand corner of the memorandum in an unknown hand read: "Lodal FYI" and "BH [Ben Huberman] for your files?" Nixon initialed his approval of the recommendation. Tab B, not attached, is in the Ford Library, National Security Council, Institutional Files—NSDMs, Box 53, NSDM 261, Nuclear Sales to the PRC. Tab A, NSDM 261, July 22, is printed in *Foreign Relations*, 1969–1976, volume XVIII, China, 1973–1976, Document 83.

operative.) The Joint Congressional Committee on Atomic Energy would be informed if the PRC indicates interest in negotiating the bilateral intergovernmental agreement.

Recommendation

That you approve our offering to conclude with the PRC an intergovernmental atomic energy agreement with standard safeguard provisions, thereby establishing the necessary conditions for possible sale of U.S. nuclear power reactors and fuel. Subject to your approval, I will sign the necessary implementing directive at Tab A.

44. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to the Chairman of the National Security Council Under Secretaries Committee (Rush)¹

Washington, April 26, 1974.

SUBJECT

International Restraints on Environmental Warfare

The President has directed that a study be made of possible international restraints on environmental warfare.

The study should specifically examine the advantages and disadvantages of promptly initiating discussions with the USSR, or in a broader international context, on such restraints, and should address the following:

—The definition of “environmental warfare” and related terms for such discussions, including options for narrowing the area of discussion to those environmental modification techniques considered practical in this decade.

¹ Summary: Kissinger notified Rush that President Nixon had directed the National Security Council Under Secretaries Committee, supplemented by representatives of the Arms Control and Disarmament Agency and the Department of Commerce, to study possible international restraints on environmental warfare.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 13, Senior Review Group Meeting, 8/28/74—Environmental Warfare (2). Secret; Limdis. Copies were sent to Schlesinger, Dent, Iklé, Colby, and Moorer. A copy of NSDM 165 and a copy of Senate Resolution 71 are *ibid.* The May 10 paper was not found. The executive summary of the Department of Defense study is Document 42.

—The military utility of various forms of environmental modification, including technically and/or politically acceptable distinctions between hostile and non-hostile use.

—The state of Soviet development in environmental modification and its relationship to their capability to engage in environmental warfare.

—The options for various levels of restraint (for example, all use, first use, hostile use, development of capabilities, R&D) and how such restraints might be defined in terms of capabilities or intent. For each of the restraint options, assessment should be made of verification possibilities and their security implications, and the impact on our civil activities and programs in environmental modification.

—Alternative forms an agreement might take (for example, bilateral or multilateral renunciation, treaty, moratoria), possible fora for conducting discussions, and the advantages and disadvantages of various positions the U.S. might take in discussions.

This study should draw upon (1) the 1972 Report of the NSC Under Secretaries Committee on International Aspects of Weather Modification, (2) the report being prepared by the Department of Defense on the military aspects of environmental and geophysical modification activity, and (3) the recent briefing by the Department of Defense on weather modification activity in Southeast Asia.

The President has directed that this study be undertaken by the NSC Under Secretaries Committee, with its membership supplemented by representatives of the Arms Control and Disarmament Agency and the Department of Commerce.

Because of the sensitivity of the subject, knowledge of the study and participation in its preparation should be kept on a strict need-to-know basis. The study should be submitted no later than May 13, 1974, for consideration by the President.

Henry A. Kissinger

45. Memorandum From Michael Guhin of the National Security Council Staff to Secretary of State Kissinger¹

Washington, May 16, 1974.

SUBJECT

Action Program Requested by NSDM 235

NSDM 235, issued in October 1973, established U.S. policy regarding the supply of large quantities of highly enriched uranium (HEU) to foreign countries for a type of power reactor being developed (Tab D). It directed *inter alia* that any supply requests for HEU would be reviewed on a case-by-case basis and that any recipient must have acceptable physical security measures in effect.

In addition, NSDM 235 directed the NSC Under Secretaries Committee (USC) to prepare an action program outlining steps the U.S. might take with other nations, particularly supplier nations, concerning the security, nonproliferation, and other problems associated with the increasingly large amounts of weapons useable and highly toxic materials from growing nuclear power industries.

The USC's report for the President focuses on the two key materials—plutonium (Pu) and HEU, which are expected to become available in hundreds of thousands of kilograms in the next two decades—and on the specialized technology and equipment needed to produce these materials (report, Tab C/USC Chairman's Memorandum, Tab B).

The USC recommends that the President approve consultations with other countries (particularly present or potential suppliers such as Germany, France, Canada, UK, Japan, and the USSR) with the following objectives:

1. Establishment of agreed international guidelines, preferably based on U.S. practice, to ensure the physical security of weapons useable materials whether internationally transferred or indigenously

¹ Summary: Guhin sent Kissinger a summary of the action program prepared by the NSC Under Secretaries Committee regarding on the supply of highly enriched uranium to foreign countries for nuclear power reactors, noting that the Committee had requested that President Nixon approve its recommendations.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Security Aspects of Growth and Dissemination of Nuclear Power Industries (3). Secret. Sent for action. Sent through Elliott, who did not initial the memorandum. Notations on the memorandum in an unknown hand indicate that copies were sent for information to both Lodal and Boverie. Kissinger signed NSDM 255 on June 3; see Document 53. Tabs 1 and A are attached but not printed; the final version of Tab 1 is Document 51. Tab B is Document 39 and Tab C is Document 31. Tab D, NSDM 235, is Document 18.

produced. (A prompt U.S. study of possible provisions for an international convention would be undertaken simultaneously with preliminary bilateral consultations with key countries.)

2. Establishment of common principles among potential suppliers of sensitive enrichment technology or equipment.

3. Agreement that a potential recipient's adherence to the NPT be weighed in decisions to supply weapons useable materials or enrichment or reprocessing technologies and equipment.

4. Encouragement, where appropriate, of multinational enrichment, fuel fabrication and reprocessing facilities.

5. Consideration of denying materials, technology and equipment in situations where conflict or instability could present special hazards.

6. Encouragement that other countries adopt export controls, comparable to those of the U.S., governing international activities of their citizens in the fields of unclassified nuclear technology transfer and assistance related to the production of special fissionable materials.

The USC notes that some supplier nations may be reluctant to adopt all the measures the U.S. considers necessary, and that the timing and content of the consultations will have to be carefully developed in light of this potential reluctance and other nuclear energy-related discussions.

The USC's recommendations are soundly based. The spread of weapons useable and highly toxic materials is a worldwide problem in terms of transportation and storage as nuclear power industries grow and exporting proliferates. Of course, even if all the above measures were successfully negotiated, potential problems associated with increasing quantities of nuclear materials would remain. Nonetheless, such measures should help make the general problem of materials control and security more manageable, and we should surely attempt to establish internationally those basic security measures and precautions which we consider necessary. (For example, the President just recently approved the major upgrading of and continuing priority effort for U.S. physical security measures.)

The NSDM at Tab A would approve the USC recommendations and request progress reports. It also asks State and AEC to look into the possibility of establishing better information exchange on transfers.

Domestic Council (Glenn Schleede), Richard Kennedy, Jan Lodal, and Denis Clift have concurred.

Recommendations:

1. That you initial the memorandum for the President (Tab 1) forwarding the USC's recommendations; and

2. If he approves, that you issue the NSDM (Tab A).

46. Memorandum From Michael Guhin of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Scowcroft)¹

Washington, May 17, 1974.

SUBJECT

Activities Regarding Chemical Weapons Issues

Below is a brief description of the bureaucratic, international, and congressional activities regarding chemical weapons issues.

Chemical Weapons Policy (NSSM 192). This report will be ready for formal agency clearance early next week. The report examines three basic CW posture alternatives, but the immediate issue is whether or not we should significantly improve our presently limited CW retaliatory capability by producing and stockpiling binary chemical weapons. All indications are that DOD and the JCS will support acquisition of binary chemical weapons while State and ACDA will oppose it.

The binary question is already being addressed in part on the Hill since the FY 75 proposed budget includes a DOD request for \$5.8 million to begin establishing a binary production, loading, and filling facility at Pine Bluff Arsenal, Arkansas.

The Subcommittee on National Security Policy and Scientific Developments (Zablocki Subcommittee) of the House Foreign Affairs Committee just concluded extensive hearings dealing with the binary question and with all of the issues mentioned below. DOD/ISA (Jordan), State (Sloss), and ACDA (Ikle) testified for the Administration on the various subjects. (I understand that General Wickham may have had some concern about Sloss's testimony. All written testimonies were cleared here and with the other interested agencies. Nothing in Sloss's testimony should give anyone cause for concern.) The Subcommittee's report is expected to be out sometime in mid-June.

Chemical Weapons Limitations (NSSM 157). This study was completed in 1972. Decision on it has been deferred pending decision on

¹ Summary: Guhin described various bureaucratic, international, and congressional activities regarding chemical weapons issues, including NSSM 192, NSSM 157, the Geneva Protocol, and the Biological Weapons Convention.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 23, NSDM 192 (Chemical Weapons Policy) 1974. Secret. Sent for information. Copies were sent to Kennedy and Huberman. NSSM 192 is Document 29. Concerning Kissinger's meetings with Soviet officials, see Document 37. NSSM 157 is published as Document 263 in *Foreign Affairs*, 1969–1976, volume E–2, Documents on Arms Control and Nonproliferation, 1969–1972. Guhin's May 15 memorandum to Scowcroft has not been found.

the NSSM 192 report discussed above. The central issue now is whether to support a ban on further production of CW agents. State and ACDA have recommended such a ban. DOD and the JCS have opposed it primarily because it would preclude significantly improving our CW retaliatory capability with binary weapons.

You will recall that during the April discussions in Moscow, General Secretary Brezhnev suggested that we agree to negotiate a ban on the production of lethal CW. Secretary Kissinger noted that such a ban could not be adequately verified and that we would look into the matter.

Geneva Protocol. The Protocol in effect prohibits first use in war of chemical and biological weapons. In 1970 the President submitted the Protocol for the Senate's consent to ratification with the understanding that it does not prohibit first use in war of tear gas and herbicides. The Senate Foreign Relations Committee strongly supports the Protocol but disagrees with our understanding on these two agents. In 1971 the Committee asked the President to reconsider this position and was informed that we have the issue under study.

The central issue is whether we wish to preserve the first use option for warfare uses of tear gas and herbicides. Dr. Kissinger decided not to submit an earlier study for decision. Pursuant to a directive in November, an updated study and all agency views except State's have been forwarded. DOD and the JCS support preserving the first use option for these agents. ACDA and probably State believe we should be willing to relinquish this first use option. There will probably be no favorable Senate action on the Protocol unless there is some change in our position.

Biological Weapons Convention (BWC). The President submitted the BWC for the Senate's consent to ratification in 1972. The BWC expressly reaffirms the Protocol's significance and objectives. The Senate Foreign Relations Committee may continue to defer action on the BWC until there is an Administration response on the Protocol issue. Since 30 countries have already ratified the BWC, ratification by the U.S., UK, and USSR is all that is needed to bring it into effect. The UK and the USSR are ready to ratify. Prompt and favorable Senate action on the BWC can be expected if the Protocol issue were resolved satisfactorily.

As noted in my memorandum to you on May 15, ACDA believes we should move now on the Protocol issue to try to achieve ratification of the Protocol and the BWC prior to any summit. State would concur in the objective but would probably not concur in Iklé's suggested way to resolve the Protocol issue.

47. Telegram 6591 From the Embassy in India to the Department of State, the Interests Section in Syria, and the Embassy in the United Kingdom¹

New Delhi, May 18, 1974, 0600Z.

6591. Damascus for the Secretary. London—Deliver immediately to Ambassador Moynihan. Subject: Indian Nuclear Test.

Foreign Secretary Kewal Singh called in the Chargé at 10 am May 18 to inform him that India has at 8 am on May 18 carried out a peaceful nuclear explosion. Saying that he was informing the U.S. Chargé before other diplomatic representatives and that he was carrying out the instructions of the Foreign Minister, Singh said that the explosion had been of an implosion device at a depth of over one hundred meters below ground. He explained that the experiment had been carried out by the Indian Atomic Energy Commission in order to keep India abreast of the technology concerning peaceful uses of nuclear energy for such purposes as mining and earth moving. Singh asked that there be no misunderstanding that India remains absolutely committed against the use of nuclear energy for military purposes.

2. The Chargé replied that he believed that this news would be received with considerable shock in Washington. Explained that as Kewal Singh knew, the U.S. did not believe it possible to distinguish between explosions for peaceful and military purposes. Singh repeated that India was absolutely opposed to military uses. There were large scale possibilities for use in mineral exploitation. India did not sign NPT because it was opposed to discrimination against non-nuclear powers. It was nevertheless firmly committed not to use nuclear energy for other than peaceful purposes. India did not have the economic capability to devote to military use. Singh concluded by stating his devout hope that this event will not interfere with improving U.S.-India relations.

Schneider

¹ Summary: Deputy Chief of Mission Schneider reported that Indian Foreign Secretary Singh had telephoned to inform him that India had carried out a peaceful nuclear explosion.

Source: National Archives, RG 59, Central Foreign Policy File, D740123–0916. Secret; Flash; Exdis. Sent Flash to London for Moynihan and Niact Immediate to Damascus for Kissinger, who was engaged in shuttle negotiations for a Israeli-Syrian disengagement agreement. Also published in *Foreign Relations, 1969–1976*, volume E–8, Documents on South Asia, 1973–1976, as Document 161.

48. Editorial Note

Representatives to the Conference of the Committee on Disarmament (CCD), meeting in Geneva April 16–May 23, 1974, issued statements in response to the Indian nuclear test (see Document 47). On May 21, U.S. Representative to the CCD Joseph Martin read the following statement:

“I should like to make a very brief statement with regard to the nuclear test made last Saturday [May 18] by the Atomic Energy Commission of India, which has been mentioned by previous speakers, including the representative of India, Mr. Mishra.

“The United States has always been against nuclear proliferation. This position was adopted because of the adverse impact nuclear proliferation will have on world stability. This remains the position of the United States Government.” (*Documents on Disarmament, 1974*, page 152)

49. Memorandum From Michael Guhin of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Scowcroft)¹

Washington, May 22, 1974.

SUBJECT

Agency Positions on the Geneva Protocol-Tear Gas/Herbicides Issue

The central issue in the Geneva Protocol study is whether we wish to preserve the option to initiate use of tear gas and herbicides in war, or whether we are willing to forego this option in order to break the impasse with the Senate Foreign Relations Committee and thereby achieve favorable Senate action on ratification of the Geneva Protocol. You asked me to check on State's position.

¹ Summary: In response to Scowcroft's request, Guhin summarized agency positions on the Geneva Protocol and the use of tear gas and herbicides in war.

Source: National Archives, Nixon Presidential Materials, NSC Files, Box 312, Subject Files, Chemical, Biological Warfare (toxins). Secret. Sent for information. Sent through Elliott. Molander's handwritten notation at the top of the page indicates Scowcroft saw it.

State (Deputy Secretary Rush) believes we should be willing to forego the first use option for these agents. His memorandum is expected here this week.

All other agency positions have already been submitted. You will recall that ACDA also believes we should be willing to forego the first use option.

State and ACDA differ, however, on *implementing tactics*. State will say that we should consider first use prohibited against parties which confirm a reciprocal obligation. ACDA's position stated that we should consider first use of these agents covered by the Protocol from the date of US ratification. Renouncing first use as a matter of US national policy (not as a matter covered by the Protocol) is also acceptable to ACDA.

As discussed earlier, Dr. Iklé recently wrote the President seeking approval to see if the Hill would accept renunciation of only certain, essentially offensive, uses. State's views on this suggestion are not known. State would probably not object to renouncing first use as a matter of national policy, but it is doubtful State would find Iklé's suggested renunciation of only certain uses acceptable.

OSD and the JCS strongly recommend preserving the first use option for these agents. However, if it is decided not to preserve the first use option, then OSD would prefer that we (1) renounce first use as a matter of national policy, and/or (2) initiate a separate treaty banning their first use in war.

We should have a package staffed ready for decision sometime next week.

50. National Security Study Memorandum 202¹

Washington, May 23, 1974.

TO

The Secretary of Defense
 The Deputy Secretary of State
 The Director, Arms Control and Disarmament Agency
 The Director of Central Intelligence
 The Chairman, Atomic Energy Commission

SUBJECT

Nuclear Non-Proliferation Treaty

The President has directed a review of U.S. policy concerning the nuclear Non-Proliferation Treaty (NPT).

The study should review present U.S. policy concerning non-proliferation and the NPT in the light of changed conditions since completion of NSSM 13, and, in particular, in light of India's announcement of its underground nuclear test. The study should consider the full range of issues posed by the changed circumstances affecting our posture toward non-proliferation and the NPT and present options for future U.S. policy. It also should consider specifically whether the U.S. should press for renewed support for the treaty by those now party to it and accession to the treaty by those not yet signators, and if so how and to what extent. The options should include consideration of public, congressional and diplomatic posture for the U.S.

The study should take into account the study done in response to NSSM 13 and subsequent work in connection therewith, particularly that in preparation for the 1975 NPT Review Conference. It also should take into account the work done in connection with NSSM 195 and the updating currently underway in connection with NSSM 156.

¹ Summary: President Nixon directed the National Security Council Under Secretaries Committee to review U.S. policy concerning the Nonproliferation Treaty.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Study Memoranda, Box H-205, NSSM 202. Secret. Scowcroft signed for Kissinger above Kissinger's typed signature. Copies were sent to Rush and Moorer. Scowcroft underlined the date in the last paragraph of the memorandum and placed a vertical line in the left-hand margin next to that sentence. NSSM 13 is published in *Foreign Relations*, 1969-1976, volume E-2, Documents on Arms Control and Nonproliferation, 1969-1972, as Document 9. The study prepared in response to NSSM 13 is *ibid.*, Document 13. NSSM 195 is Document 30 in this volume. NSSM 156 is published in *Foreign Relations*, 1969-1976, volume E-7, Documents on South Asia, 1969-1972, as Document 275. A draft of the report detailing the study's findings study is Document 57 in this volume.

The President has directed that the study be accomplished by the NSC Under Secretaries Committee and be forwarded not later than June 12, 1974.

Henry A. Kissinger

51. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, May 29, 1974.

SUBJECT

Action Program Requested by NSDM 235

NSDM 235, issued in October 1973, directed *inter alia* that any foreign requests for U.S. supply of large quantities of highly enriched uranium (HEU) for power reactors would be reviewed on a case-by-case basis and that any recipient must have acceptable physical security measures in effect.

In addition, NSDM 235 directed the NSC Under Secretaries Committee (USC) to prepare an action program outlining steps we might take with other nations, particularly supplier nations, concerning the security and other problems associated with the increasingly large amounts of weapons useable and highly toxic materials from growing nuclear power industries.

The USC recommends (Tab B) that you approve consultations with other countries (particularly present or potential suppliers such as Germany, France, Canada, UK, Japan, and the USSR) with the following objectives:

¹ Summary: Kissinger recommended that the President approve the attached National Security Decision Memorandum implementing the action program prepared by the NSC Under Secretaries Committee in response to NSDM 235. The action program recommended consultations with supplier nations to control the proliferation of highly-enriched plutonium.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Decision Memoranda, Box H-246, NSDM 255. Secret. Sent for action. Scowcroft initialed for Kissinger. A stamped notation on the memorandum indicates that Nixon saw it. Nixon initialed his approval of the recommendation. Attached as Tab 1 to Document 45. NSDM 235 is Document 18. Tab A is the draft NSDM as approved, published as Document 53. Tab B is not attached; presumably it is a copy of the March 1 NSC Under Secretaries Committee action program, Document 31.

1. Establishment of agreed international guidelines, preferably based on U.S. practice, to ensure the physical security of internationally transferred or indigenously produced weapons useable materials.

2. Establishment of common principles among potential suppliers of sensitive enrichment technology or equipment.

3. Agreement that a potential recipient's adherence to the Non-Proliferation Treaty be weighed in decisions to supply weapons useable materials or enrichment or reprocessing technologies and equipment.

4. Encouragement, where appropriate, of multinational enrichment, fuel fabrication and reprocessing facilities.

5. Consideration of denying materials, technology and equipment in situations where special hazards are present.

6. Encouragement that other countries adopt export controls, comparable to those of the U.S., governing international activities of their citizens in the fields of unclassified nuclear technology transfer and assistance.

Some supplier nations may be reluctant to adopt all the measures the U.S. considers necessary. However, the spread of weapons useable and highly toxic materials is a worldwide problem as nuclear power industries grow and exporting proliferates. Even if all the above measures were established, potential problems regarding these materials would remain. However, these measures should make the general problem of materials control and security more manageable, and we should surely attempt to establish internationally those basic security measures and precautions which we consider necessary.

I recommend therefore that you approve the USC's recommended consultations with other countries. (An implementing NSDM is at Tab A and requests progress reports.)

Domestic Council (Glenn Schleede) has concurred.

Recommendation:

That you approve the NSDM at Tab A.

52. Paper Prepared by an Interagency Working Group¹

Washington, May 30, 1974.

[Omitted here is a table of contents.]

SUMMARY*Implications of the Indian Test*

India's explosion of a nuclear device May 18, even though labeled a peaceful nuclear explosion (PNE), represents a setback to our non-proliferation efforts. By itself, it will not prompt other near-nuclear powers to follow suit, but India's action makes it easier for them to do so should they decide that a nuclear capability, either as a "prestige PNE" or a weapon, would be in their national interest.

The explosion also has implications for the Simla process of political accommodation in South Asia, although both India and Pakistan have now reaffirmed their support for that process.

Reactions to the Indian Test

While the Soviets share our concern about proliferation, they are wary of damaging their close ties with India and have refrained from any public comment. The Soviet news accounts have stressed the "peaceful" character of the test. The Chinese, who have long asserted the right of nations to test, have also not commented. Our intelligence suggests they do not regard the Indian test as a serious short-run threat.

Regionally, the impact has been hardest on Pakistan. Islamabad has asked the major powers, including the U.S., for protection against Indian nuclear "blackmail" and has made veiled suggestions of developing its own testing program. Given its limited capability, this would probably take as long as a decade barring external assistance. The Pakistanis are also urging an easing of U.S. arms supply restrictions to meet an increased Indian military threat.

Elsewhere, there have been wide expressions of concern about the spread of nuclear weapons, criticism of India for its choice of priorities,

¹ Summary: Prepared in response to requests for an updated version of NSSM 156, the paper examined background information on Indian nuclear development and presented several options to prevent further nuclear proliferation in the region.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 11, VPWG (NPT), Nov. 15, 1974 (2). Secret; Sensitive. All brackets are in the original except those indicating text omitted by the editors. Transmitted to Kissinger under a May 31 covering memorandum from Sober, Acting Chairman of the NSC Interdepartmental Group for the Near East and South Asia. According to the covering memorandum, Kissinger had requested the study on May 18. NSSM 202 is Document 50.

and skepticism about India's professed peaceful intentions. The strongest reactions have come from Canada and Japan. Ottawa has suspended all nuclear cooperation and assistance, and asked other governments, including the U.S., to do the same. Japan is considering a reduction in economic aid, in addition to its public condemnation.

Indian Capabilities/Intentions

What the Indians hope to achieve is a sort of major power status on the cheap, through an inexpensive prestige PNE which also buoys sagging domestic morale. They have reaffirmed their intention not to go the nuclear weapons route.

For the time being, the Indians lack a credible delivery system—except against Pakistan where they do not need nuclear weapons to assert overwhelming superiority. They have neither long-range bombers nor an intermediate range ballistic missile capability.

The fledgling Indian space program aims at launching a satellite in the end of the 1970s. Unless they obtain significant foreign technical assistance, India probably cannot develop an IRBM until the early/mid 1980s. Moreover, to do so requires a major commitment of resources, perhaps more than \$3 billion, a quantum jump from the present spending on space, budgeted at only \$35 million in FY 1975. Alternatively, India could try to develop or acquire a long-range bomber capability.

U.S. Interests/Objectives

Limiting the number of nuclear weapons powers remains a major U.S. interest. The acquisition of nuclear devices by additional states has an adverse impact on global stability and hence our security.

With regard to our proliferation interests, our objectives are (a) that countries close to adherence to the NPT (Germany, Italy and Japan) not now alter their plans; (b) that other nuclear threshold powers (Israel, Argentina, Brazil, Egypt, and South Africa in particular, as well as Pakistan) not follow the Indian example; (c) that international safeguards systems be strengthened; and (d) that India eschew the development of a sophisticated weapons and delivery system.

Attaining a peaceful and stable South Asia is also a relevant U.S. concern. To this end, we have supported the independence and integrity of Pakistan, have sought a better basis for relations with India, and have encouraged South Asian efforts toward normalization. Our objective is thus to minimize the damage to South Asian relationships and to prevent reversal of the promising trend toward subcontinental stability.

U.S. Options

In this study we have set forth a range of possible actions that relate primarily to India; a companion analysis (NSSM 202) will deal

with broader nonproliferation issues, especially options to strengthen the international safeguards system. In updating NSSM 156, we have assumed that prevention of further proliferation remains a major U.S. global interest and that this transcends our desire for better relations with India.

Our options can be grouped into four clusters as follows:

1. *Measures with India to Discourage or Inhibit Others from following the Indian Nuclear Example:* These range from (a) doing virtually nothing, (b) reviewing our nuclear cooperation, including an effort to obtain tighter guarantees on the supply of enriched uranium to the U.S.-financed Tarapur power reactors (which are under full IAEA safeguards); (c) suspending all nuclear cooperation (as Canada has done); to (d) more extensive countermeasures, including possible withdrawal of our willingness to renew economic assistance.

Measures limited in scope specifically to the nuclear field would upset the Indians, but would probably not seriously damage bilateral relations over the longer term. Our failure to take any action, especially in light of the Canadian *démarche*, would be seen as signalling that the U.S. no longer took the proliferation issue seriously. [The Director-General of the IAEA has already expressed concern about the lack of a vigorous U.S. (and also USSR) response.]

2. *Measures to Discourage India from Developing Sophisticated Nuclear Weapons and Delivery System:* These are of two sorts: the first, to consider finding a niche for India as a non-weapon nuclear state, including possible limited U.S. cooperation with India in a PNE program in order to have some influence over its directions and lessen incentives to focus on a nuclear weapons program; and the second, to make an Indian decision to seek a sophisticated weapons and delivery system as costly and as time consuming as possible. The first raises a number of serious problems that bear more broadly on our nonproliferation policies (NSSM 202). The second includes a careful review of current U.S. controls over exports of material and technology to the Indian atomic energy and space programs. As a practical matter, the USG already imposes restrictions under existing export control policy, but a review seems called for to prevent loopholes, especially with regard to India's acquiring a ballistic missile or long-range bomber capability.

3. *Measures to Strengthen Non-Proliferation and International Safeguards System:* These measures would apply to all countries, not just India, and are to be considered primarily in NSSM 202. The fact that India almost certainly acquired its plutonium from the unsafeguarded CIRUS research reactor supplied by Canada points up the importance of the safeguards system. The risk that India will share its nuclear explosive technology with other states must also be addressed.

4. *Measures Relating to South Asia Stability:* Badly shaken by the nuclear test, Pakistan is seeking security assurances from the U.S. and

other major powers, a relaxation of U.S. arms restrictions, and possibly in time its own nuclear test program. Our options on assurances/arms supply include the following:

a. *Do Nothing.* Failure to provide Pakistan any reassurance could prompt them to move toward their own nuclear program, as well as seriously affect U.S.-Pakistani relations.

b. *Calm Pakistanis through Verbal Assurances but No New Commitments.* We could recognize Pak fears as real, if overdrawn, and seek to convince them, perhaps with Iranian help, that we would be concerned by Indian nuclear "blackmail". We could consider some form of public statement.

c. *Limited Change in South Asia Arms Policy.* We could somewhat ease our arms supply policy to permit enhancement of Pakistan's defensive capability, especially as it relates to defense against nuclear attack by India's Canberra bomber force. In combination with verbal assurances, this would steady Pak nerves, although it would almost certainly prompt Indian criticism.

d. *Remove All Restrictions on Arms Deliveries to South Asia.* This would be welcomed by the Pakistanis, but trigger strong Indian resentment, seriously setting back Indo-American relations and perhaps India's willingness to continue its efforts toward more normal relations with Pakistan. We believe such a step by the administration would be sharply criticized in Congress.

e. *Provide Pakistan a Formal Nuclear Umbrella.* This would extend USG commitments, encounter sharp domestic opposition and set an unwelcome precedent that might prompt similar requests from other nations.

Public Posture

Our public stance should be geared to USG decisions on the various options. So far, in public statements U.S. spokesmen have strictly limited themselves to the general position that the USG continues to oppose nuclear proliferation because of the adverse impact it has on global stability. This puts us between Soviet/Chinese non-statements and Canadian/Japanese condemnation; the U.S. media have taken a line more critical of India than the official USG position.

Action of Other Countries

Since the Canadians have taken the lead in urging international counter-measures, their proposals—basically to suspend all nuclear cooperation with India—form the basepoint for our review. The USG response to the Canadian initiative will have a substantial effect on how the Germans, Japanese, and other major nuclear equipment suppliers react. Once the USG policy review is completed, we should consider consultations with friendly governments.

France and the USSR have particular importance in any measures vis-à-vis the Indians. In the past, the French refused to cooperate in international controls. We do not yet know if the new government will modify this policy in light of the Indian test. If it did, the chances for effective international action would be greatly improved. The Soviets have not been publicly willing to chastise the Indians, but have also not cooperated with Delhi in developing a military nuclear or ballistic missile capability. It would be useful to consult with the Soviets, especially within the IAEA context, where they have often echoed our concerns about the dangers of proliferation.

China's posture, of major importance to the Pakistanis, will reflect both its reluctance to get out ahead of Pakistan on South Asian matters and its traditional opposition to big power assurances.

[Omitted here is the body of the paper.]

53. National Security Decision Memorandum 255¹

Washington, June 3, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Director of Central Intelligence
The Chairman, Atomic Energy Commission

¹ Summary: Kissinger informed the addressees that President Nixon had reviewed the National Security Council Under Secretaries Committee report prepared in response to NSDM 235, and had approved the recommended consultations with other countries. Nixon also directed an ad hoc interagency group comprised of representatives from the Department of Defense, Department of State, Arms Control and Disarmament Agency, Central Intelligence Agency, and Atomic Energy Commission to study possible provisions for an international convention concerning physical security guidelines.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Decision Memoranda, Box H-246, NSDM 255. Secret. A copy was sent to Moorer. Attached as Tab A to Document 45. The report of the NSC Under Secretaries Committee is Document 31. Rush's April 5 memorandum is Document 39. The September NSDM 255 study, "Provisions for an International Convention Concerned with Physical Security Guidelines and Transfer of Materials, Equipment and Technology," is in the National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Decision Memoranda, Box H-246, NSDM 255.

SUBJECT

Security and Other Aspects of the Growth and Dissemination of Nuclear Power Industries

The President has reviewed the report of the NSC Under Secretaries Committee (USC), prepared in response to NSDM 235 and forwarded by the USC Chairman on April 5, 1974, outlining steps the United States could take with other nations concerning the problems associated with the increased availability of weapons useable materials from the growth and dissemination of nuclear power industries.

The President has approved the recommended consultations with other countries—particularly present or potential suppliers of materials, technology and equipment—with the objectives detailed in the USC report.

The initial consultations should emphasize but not necessarily be limited to the need for: (1) establishing agreed international guidelines, preferably based on U.S. practice, to ensure the physical security of weapons useable and highly toxic materials whether internationally transferred or indigenously produced; (2) reaching some common principles regarding the supply of sensitive enrichment technology or equipment; (3) avoiding or applying stricter terms for supply in situations where special hazards could be present; and (4) encouraging, where appropriate, multinational enrichment, fuel fabrication and reprocessing facilities.

The Department of State, in coordination with the Atomic Energy Commission (and other interested agencies when appropriate), will have primary responsibility for the conduct of these consultations and for reporting significant developments.

In addition, the President has directed that a prompt study of possible provisions for an international convention concerned with physical security guidelines be conducted by an Ad Hoc Group, chaired by a representative of the Atomic Energy Commission and comprising representatives of the addressees. In addition, the Ad Hoc Group should explore the idea of establishing better information exchange internationally on transfers of materials, equipment, or technology. The Ad Hoc Group's study should be forwarded by August 12, 1974 for the President's consideration.

Henry A. Kissinger

54. National Security Decision Memorandum 256¹

Washington, June 10, 1974.

TO

The Secretary of Defense
The Director of Central Intelligence
The Director, Arms Control and Disarmament Agency
The Chairman, Atomic Energy Commission
The Under Secretary of State for Political Affairs

SUBJECT

Nuclear Test Ban Policy

The President has reviewed the results of the NSSM 195 study and subsequent Verification Panel work. On the question of limitations on underground nuclear tests, he has decided that an agreement with the USSR to a threshold ban is acceptable in principle. Such an agreement should meet the following conditions:

—The threshold test ban should enter into force no earlier than January 1, 1976.

—PNEs may be allowed only if information adequate for proper verification is furnished by the Soviets. In any event, PNEs must be covered by the same threshold as nuclear weapons tests.

—The U.S. should oppose the Soviet proposal concerning a quota between an upper and lower threshold.

—The U.S. can accept a threshold based on yield if adequate geological information is provided by the Soviets and their weapons testing is restricted to specific test sites. The U.S. position is that the threshold must be at least 100 KT.

—With respect to explosions above the threshold, the U.S. can accept a provision allowing for no more than two unintended and slight breaches of the threshold per year.

¹ Summary: Kissinger informed the addressees that President Nixon had reviewed the results of the NSSM 195 study and other work undertaken by the Verification Panel and decided that an agreement with the Soviet Union on a threshold test ban could be pursued provided that such an agreement met several conditions. In addition, Nixon directed that the Atomic Energy Commission and the Department of Defense develop a nuclear weapons testing program, which would complete all essential testing above a 100 KT threshold by January 1, 1976.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 6, VP (CTTB), June 4, 1974. Secret; Sensitive. A copy was sent to Moorer. NSSM 195 is Document 30. The NSSM 195 study is in Nixon Presidential Library, NSC Institutional Files, Study Memoranda (1969–1974), Box H–203, NSSM 195, Folder 2.

The President has directed that the Atomic Energy Commission and the Department of Defense develop a nuclear weapons testing program which would complete all essential testing above a 100 KT threshold by January 1, 1976. This program should be submitted for the President's approval by June 19, 1974.

Henry A. Kissinger

55. Telegram 9209 From the Embassy in the Soviet Union to the Department of State¹

Moscow, June 14, 1974, 1952Z.

9209. Vienna for USDel MBFR. Subj: Brezhnev Urges Underground Test Ban.

1. *Summary.* In his electoral speech in Moscow, televised live on June 14, Brezhnev devoted long passage to U.S.-Soviet relations. Pointing to upcoming summit with President Nixon, he discounted pessimism attributed to foreign press. While acknowledging the need for proceeding carefully, he warned against marking time. He underlined the importance of strategic arms limitations, praising what has been done and urging agreement to restrain development of new weapons systems. He also stated Soviet willingness to agree to limit or halt underground testing. *End summary.*

2. Brezhnev praised development of relations thus far, citing signatures of principles of relations, PNW agreement, "first steps in limiting strategic arms," and also cooperative agreements which "created good basis for wide development of contacts and ties" in many fields.

3. Noting widespread interest in upcoming visit of President Nixon, Brezhnev commented that in foreign press one can encounter pessimistic appraisals of the prospects but said "we think differently; improvement of Soviet-American relations can and must continue. Nobody of course is going to decide hastily questions which are not yet ripe. But comrades we must not mark time either." While acknowledging difficulties, it is important to utilize all possibilities for moving ahead.

¹ Summary: The Embassy reported that Brezhnev had raised the issue of an underground test ban during a June 14 televised speech delivered in Moscow.

Source: National Archives, RG 59, Central Foreign Policy File, D740155-0419. Unclassified. Repeated for information to the consulate in Leningrad, the Mission in Vienna, the U.S. delegation to the SALT talks in Geneva, and the Mission to NATO.

4. While acknowledging importance of political and economic relations, Brezhnev asserted that most important and complex problem is limiting the arms race. He noted that a “sharp discussion” has arisen on this question, citing “those circles” in the U.S. and its allies which oppose relaxation of tensions. After brief digression denying Soviet responsibility for starting arms race, Brezhnev praised 1972 and 1973 agreements on arms limitations and urged that “we must continue along this path, we must go further.” He said Soviet Union favors mutual agreement to show “maximum restraint” developing weaponry, and agreement on “preventing the creation of newer and newer strategic weapons systems.”

5. At this point, Brezhnev stated “we are ready now to agree with the U.S. on limitation of underground testing of nuclear weapons, including full cessation according to an agreed timetable.”

6. Brezhnev concluded his discussion of U.S.-Soviet relations with wish that U.S.-Soviet relations should become “truly stable, not dependent on incidental developments (konyunkturnyye momenty).”

7. Comments and reporting on other aspects of Brezhnev speech septel.

Stoessel

56. Minutes of a National Security Council Meeting¹

Washington, June 20, 1974, 3:10–5:10 p.m.

SUBJECT

SALT

PRINCIPALS

The President
 Secretary of State Kissinger
 Secretary of Defense Schlesinger
 JCS Chairman Admiral Moorer
 Director of Central Intelligence Colby
 Director of Arms Control and Disarmament Agency Iklé

OTHER ATTENDEES

State
 Under Secretary Sisco
 Mr. Helmut Sonnenfeldt
 Ambassador U. Alexis Johnson

Defense
 Deputy Secretary Clements
 Major General John Wickham
 Mr. Robert Ellsworth

CIA
 Mr. Carl Duckett

ACDA
 Mr. Sidney Graybeal, Chairman SALT Consultative Commission

White House
 Mr. Kenneth Rush, Counselor to the President
 General Alexander Haig, Chief of Staff
 Mr. Ron Ziegler, Assistant to the President
 Major General Brent Scowcroft

NSC
 Mr. Jan M. Lodol

[Omitted here is discussion of matters unrelated to a test ban.]

¹ Summary: The principal attendees of the meeting discussed the status of the TTBT and PNE negotiations and proposed policy alternatives for consideration.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, NSC Meeting Minutes, Box H-110, NSC Minutes, Originals, 1971 through 6-20-1974. Top Secret; Sensitive; Nodis. Drafted by Lodol. The meeting took place in the Cabinet Room at the White House. All brackets are in the original except those indicating text omitted by the editors or that remains classified and "[19]", added for clarity. Portions of the minutes are also published in *Foreign Relations*, 1969-1976, volume XXXIII, SALT II, 1972-1980, Document 68.

Secretary Kissinger: Fine. The Soviet Union first proposed to you, Mr. President, a complete ban on all underground testing. They proposed a moratorium while we worked out the detailed agreements. They also indicated that if all of the countries did not agree, both sides would be free to withdraw from the agreement. Since it is clear that the PRC and France would continue their tests, this was obviously just a maneuver directed primarily at China. Furthermore, there are verification problems with a comprehensive test ban. As a result, we rejected their proposals. The Soviets then proposed a threshold test ban. We reviewed this proposal at the Verification Panel. Several views developed. The threshold test ban would have a useful effect on Soviet programs—it would drive them down to lower yields. It would continue to permit a vigorous U.S. underground testing program and would not affect our basic strategic capabilities. It would also maintain the viability of our nuclear weapons laboratories and if the threshold is high enough, it would not have serious verification problems.

Let me now go to a review of our progress to date. We have been holding technical talks with the Soviets in Moscow. We have also done studies here and have concluded that an agreement based on yield would be better than one based on seismic signals, although these are related since a yield would have to be translated into a seismic signal for verification purposes. The position which we have generally agreed to is as follows:

- A threshold test ban is acceptable in principle.
- The ban should enter into effect no earlier than 1 January 1976.
- We could accept a yield approach if adequate geological information is available. This has been accepted by the Soviets.
- We would want the yield to be at least 100 kilotons and, in fact, we have set it for now at 150 kilotons.
- With respect to peaceful nuclear explosions (PNEs), we would have to be provided adequate information to determine their yield and they would have to be covered by the threshold in any event.
- With respect to explosions above the threshold, we could accept the Soviet proposal allowing for two explosions slightly above the threshold each year.

The Defense Department and the Atomic Energy Commission have also been directed to produce a program to complete essential testing before January 1976.

With respect to the position of the Soviet Union, they have not said what threshold level they would accept. They want two levels—a low level, around 5–10 kilotons, below which tests would be free and then a sandwich between this level and an upper level which has not been defined and a quota in between. They want to set the upper level high enough to include the PNEs.

Our position on this has been that a quota is not acceptable. It is not verifiable since they could set off multiple shots. We have said we could accept only one threshold, above which all such shots would be prohibited. On PNEs, we can not let them run free since this would eliminate the effects of the agreement. Nor can we accept a very high threshold; if the threshold is as high as 500 kilotons, with an uncertainty factor of 1½–2, the threshold becomes essentially meaningless.

So where we stand is this. We have agreed in principle to aim for a threshold test ban. We have not agreed on a threshold, nor have we solved the problem of quotas or PNEs. What this means, Mr. President, is that you will not have nothing to talk about at the summit. (Laughter)

There also remain some other technical issues, such as proof testing, but I don't think these will come up at the summit.

Given all this, probably about the best we can expect at the summit would be an agreement in principle. Perhaps we could also agree on the time it would go into effect, the threshold level, and one or two other provisions, leaving all of the seismic details and other technical matters to be worked out by experts. [5 lines not declassified] Admiral Moorer and Secretary Schlesinger know these requirements better than I do.

In summary, Mr. President, in Moscow you will need to solve the problems associated with PNEs, and agree on the quota issue, as well as other matters.

President Nixon: What is the Kennedy proposal?

Secretary Kissinger: He has proposed a complete ban on all testing. Kennedy went to Russia and came back with the Brezhnev proposal, which we rejected in about 15 minutes. It is obvious that this is a move directed purely at China. We rejected this at your instructions.

President Nixon: Not to mention Egypt!

Secretary Kissinger: They won't have nuclear weapons for six years!

Dr. Ikke: This is a resolution which has been around for about a year. It would have us start out with a moratorium on all further testing.

President Nixon: Well I hope we reject it—a moratorium is clearly one sided. One thing this does is indicate the direction of Congress on issues like this. We have to remember that we do not operate in a vacuum here.

Admiral Moorer: There are several outstanding weapons programs. [4 lines not declassified] We will need time to test these ongoing programs. We will also need a yield limit high enough to permit testing. We need to protect our options if new programs are needed.

Secretary Schlesinger: Three of the warheads could be completed by 1 July 1976. This was the AEC and DOD position—that we start

any agreement not before 1 July 1976. [2 lines not declassified] But these are marginal items, depending upon the program you feel is needed.

I would like to make the point, however, that as a general proposition, if you look only at military considerations, ignoring basic foreign policy considerations, the threshold test ban is more advantageous to the Soviet Union than the U.S. First, the Soviet Union has considerable throw weight to be exploited. We have utilized our technology—accuracies and yield-to-weight ratios—and we have kept down our throw weight. This technology option is closed by a threshold test ban. Second, the Soviet Union has recently concentrated on high yields, and we haven't. Threshold test ban would permit the Soviets to operate in an area we have been exploiting, but prohibit us operating in the area they have been exploiting. Again, these are purely military considerations. But in these terms, the test ban would be advantageous to the Soviet Union. Of course, this treaty is on the face of it absolutely equal.

Dr. Ikke: One other military consideration is that a threshold test ban would stop Soviet high yields. Without it they could continue to do perhaps even better in high yields. And a foreign policy consideration is that the higher the threshold, the more the advantages of the treaty vanish. It would be perceived as no limit at all.

Secretary Schlesinger: I agree with Fred's point. The difference to us in a threshold between 75 and 150 kilotons is not very great. It may be advantageous to the U.S. to have a lower rather than higher threshold.

President Nixon: There is another consideration here—one which goes back to our 1972 agreements. We talk about what we can do and what they can do and so forth. Certainly, we have the potential to do things, but there are political constraints on us, and they have none. We have to remember that we have a constant running battle with Congress. On the ABM, we won by only one vote. For example, people talk about what we gave up in the previous agreement. But we never would have done anything more, and they might have.

I never thought that a test ban was any damn good. I didn't like the first one, nor do I like this one. I see the test ban pandering to the view that stopping testing will lead to a safer world. But we have to be realistic, and the world and the U.S. public believe the test ban is a great goal worth achieving in itself. In that context, if we can do something with no appearance of any inequality, maybe we can negotiate an agreement. We have to remember that they will do whatever is allowed, but we will not do as much as we are allowed. Restraints which we can negotiate are restraints on them which they would not do themselves. The U.S. will restrain itself, but the Soviet Union has no such restraints built in. From a pragmatic standpoint, we should realize that this is going to take quite a bit of doing.

Suppose in 2½ years, a U.S. President takes a Kennedy view. That is, he wants to satisfy the establishment, and by that I mean the eastern

establishment view. As Fulbright put it, he would be for the right things for the wrong reasons. But in the years ahead the U.S. will have a tendency to restrain itself and the Soviet Union will not.

Secretary Kissinger: Mr. President, I do not believe you can accept the proposition that you are going ahead on political interest against the military interests of the U.S.

President Nixon: No, I agree. What I am saying is that when we have fought and bled to death for ABM, the B-1, Trident, and so forth, and only barely gotten these, if we can limit the Soviets in the future, when we may have Administrations which will not fight for these programs, we will have helped the country.

Secretary Kissinger: I think it is important that we analyze what we mean by Soviet military advantage. We have an advantage currently in yield-to-weight ratios, and a threshold test ban would constrain yield-to-weight ratios. It would be a brake on transforming a throw weight advantage to a yield advantage for the Soviets. The threshold test ban would freeze them at their present level of technology, or force them to yield lower yields. Both of these would benefit the U.S. [2 lines not declassified]

President Nixon: There is another point. First, nothing can help us that does not provide for equivalence. But anything that provides for equivalence is pragmatically to our advantage. This is your point that you continually make about the [19] 72 agreements. We agreed not to do things we were not going to do anyway. We can't tell the world this, but here we must make decisions on a pragmatic basis and try for agreements on the basis of equality.

Admiral Moorer: With respect to the time the agreement goes into effect, it should be set in such a way that we will have reasonable assurance that we can test the new weapons we need. Second, we should remember the Soviet response on the LTB. They surged forward with an accelerated program to finish all their testing before it went into effect. I think we should carefully examine their test sites to determine whether they are accelerating now. Bill, do you have anything on this?

Mr. Colby: They have some tests they are preparing for, including one which could be an air test, but we think not. We see no evidence of acceleration.

Admiral Moorer: I would think you need a careful study of that. We need assurances that we have the hedges available to update systems in terms of yield and throw weight if the Soviets show no restraint in the future.

President Nixon: We could accelerate our testing programs also.

Secretary Schlesinger: And we plan to do so. The AEC will emphasize yields greater than the threshold. With respect to the timing the

AEC and Defense Department say July 1, the NSDM says January 1. Second, with respect to verification, we will need a continuing exchange between technical people so the Administration has confidence we can say roughly what yield the Soviets have tested. Third, with respect to a quota greater than the threshold, the AEC and Defense Department position is somewhat more liberal than the positions posed by Henry. We would feel that is not disadvantageous if a small quota, for example, one per year for three years, were permitted above the threshold. [1 line not declassified] Once again, though, improvement of weapons technology is no longer the pacing item in weapons development. Even if we stopped testing entirely, we would not be severely damaged. We would have been in the 50s but not now. The important measures are accuracy and RV development.

Mr. Rush: How effectively can you go ahead on our reentry vehicle development without testing?

Secretary Schlesinger: You may have to use other than the optimal weapons, and not be able to minimize the throw weight needed. But that's the nature of arms agreements—that you are limited to something other than the optimal.

Secretary Kissinger: Again, if we are ahead now the test ban would freeze our advantage.

Secretary Schlesinger: But our advantage is in lower yields—an area still open to the Soviets for further work.

Mr. Clements: In answer to Ken, we can continue to do work on the yields and accuracy.

Secretary Kissinger: I would like to clarify one thing. The Soviet proposal is for a quota below the threshold—it's a sandwich approach—a quota between the lower and upper threshold. This would constrain the number of tests allowed below the threshold, and would be a constraint on us. This is the approach we rejected.

Mr. Clements: Oh, I'm sorry, I didn't understand.

President Nixon: Yes, I did not understand that either.

Secretary Kissinger: Yes, that proposition is for a quota below the threshold. This we have said would be unacceptable.

President Nixon: It would be one-sided because it's not verifiable. We would be constrained but they wouldn't.

Secretary Kissinger: With respect to a quota above the threshold, it would make the agreement essentially meaningless, at least for the period in which the quota was permitted.

Dr. Ikle: Another problem with the two threshold Soviet approach is that their lower threshold would be around 5 kilotons [1 line not declassified]. This would bring pressure for lowering the threshold to that level.

President Nixon: Well, we'll be ready to wrestle on this issue in Moscow.

[Omitted here is discussion of matters unrelated to a test ban.]

57. Paper Prepared by the NSC Under Secretaries Committee¹

Washington, June 21, 1974.

U.S. NON-PROLIFERATION POLICY

In response to NSSM 202, this study reviews the present U.S. policy concerning nonproliferation and the Non-Proliferation Treaty (NPT) in particular, in light of the recent Indian nuclear test.² A recently updated NSSM 156 study is a companion paper that focuses on the specific options and courses that are open to us in our dealings with India.

Fundamentally, we need to consider (a) whether our basic policy in opposition to the spread of nuclear weapons remains a feasible as well as desirable goal; and (b) whether there are any concrete actions the U.S. can undertake at the political and technical levels in an effort to avoid a further increase in the number of nuclear weapons states.

These questions are addressed below. Three detailed analyses of specific nonproliferation issues are attached as Annexes to the report.³

BASIC CONSIDERATIONS

U.S. Non-Proliferation Objective.

The nonproliferation of nuclear weapons has been a consistent and important element of U.S. policy for the entire nuclear era. Our strong resolve in support of this objective has been predicated on the belief

¹ Summary: The report, required by NSSM 202, summarized the NSC Under Secretaries Committee's study of U.S. policy concerning nonproliferation and the Non-Proliferation Treaty specifically, in light of the Indian nuclear test.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files (H-Files), National Security Study Memoranda, Box H-205, NSSM 202. Secret. All brackets are in the original except those indicating text omitted by the editors or omissions and footnotes in the original. NSSM 202 is Document 50.

² NSSM 202 (May 23, 1974) is attached. [Footnote is in the original.]

³ Technical Capabilities (Annex I); Motivations for Nuclear Weapons Decisions (Annex II); Limiting Damage From the Indian Development and Containing the PNE Problem (Annex III). [Footnote is in the original.]

that an unrestrained spread of nuclear weapons would be detrimental to U.S. security and international stability.

—*Risk of War.* The risk of nuclear war will tend to be increased if additional states acquire independent nuclear forces. More nuclear weapons states, each relating differently to the U.S. and each other, would have to be deterred, in crisis periods an effective U.S. deterrent posture would be more difficult to achieve, and the maintenance of a stable U.S.-Soviet nuclear relationship would be complicated. There would be a greater danger that local conflicts could escalate into nuclear wars and the statistical probability of nuclear war being started by accident, miscalculation, unauthorized use, or an irresponsible leader would increase. “Selective” proliferation to allies could not be relied upon to reduce these or other problems associated with nuclear diffusion.

—*Political Dangers.* Nuclear weapons could give nations a real or perceived sense of greater power and independence in the foreign policy field, thus complicating international diplomacy. This could result in an even sharper loss of American influence in the world, and, more seriously, could lead to threats to our security or economic interests. Nuclear arms control would become more difficult to achieve, both because present NWS would desire additional strategic options and because a greater number of states would have to agree to arms limitations.

—*Theft and Sabotage Problems.* Apart from the question of deliberate decisions by governments to mount weapons programs is the possibility of theft of nuclear material by radical organizations, revolutionary groups, or crime syndicates, and the prospect of deliberate sabotage. As the commercial nuclear power industry expands and spreads throughout the world, the opportunities for such actions will increase. These scenarios can pose a serious threat to U.S. security by raising international tensions, endangering American citizens or facilities abroad, and possibly leading to military conflict involving nuclear explosives or radioactive materials.⁴

The main elements of our non-proliferation policy are that: (1) non-nuclear weapons states (NNWS) should forswear the acquisition of nuclear explosives; (2) nuclear weapons states (NWS) should not help non-weapons states obtain such explosives; (3) the U.S. will cooperate in the peaceful application of nuclear energy; (4) there should be safeguards as widely applicable as possible to assure that nuclear material from civilian nuclear programs is not diverted by NNWS to any nuclear

⁴ However, because they involve substantial level activities they are addressed only in a peripheral way in this study. [Footnote is in the original.]

explosives; and (4) nuclear exports to NNWS must be subject to such safeguards.

To accomplish these goals, we have sought to gain widespread adherence to the NPT by NWS and NNWS alike. At present, there are 83 parties to the NPT and 23 signatories, with several important nations (notably Japan, Italy, and the FRG) reasonably likely to become parties within a year.⁵ While these parties and signatories include nearly all states with an operative nuclear industry and nearly all present suppliers in this field, there are some important exceptions. France (which has declared that it would act as if it were a party) and the PRC (which does not yet make nuclear power reactors and may well refrain from activity contributing to proliferation) are not parties; some significant NNWS (including Israel, Argentina, Brazil, and Pakistan) are not likely to become NPT parties; similarly, a few significant signatories (such as Egypt) are unlikely to ratify in the foreseeable future.

Recognizing that a number of significant NNWS are likely to refuse to join the NPT for an indeterminate period, the U.S. has sought to reduce nuclear weapons incentives and capabilities through other policies encompassing: (1) controls and safeguards over exported nuclear material and equipment; (2) efforts to develop common export policies among the major commercial suppliers of nuclear material and facilities; and (3) policies aimed at reducing the possibility that NNWS will decide to develop nuclear devices for peaceful purposes. Alliances, mutual defense policies, security assurances, and forward deployment of U.S. forces also have an important potential bearing on the willingness of states to forego acquisition of independent nuclear weapons. Although U.S. policy decisions in these areas involve other important considerations beyond the scope of this report, any modifications in our present positions should take into account their nonproliferation implications.

Feasibility of Non-Proliferation Policies.

Technical developments and political trends will increase both the difficulty and the importance of deterring or retarding further nuclear proliferation during the coming decade.

—Nuclear power generation is coming into wider use throughout the world and U.S. dominance as a commercial supplier is diminishing. Since the rudimentary principles of weapons design are well known, it will therefore become less difficult for nations to acquire nuclear weapons.

⁵ Italian ratification is delayed due to domestic politics; the FRG Parliament has approved the Treaty. Early Japanese ratification has become less certain as a result of the Indian test. [Footnote is in the original.]

—We are entering a period when political barriers to non-proliferation appear to be weakening. Movements toward a multipolar world could increase the incentives to acquire independent nuclear capabilities, and reliance on the security guarantees of others seems decreasingly attractive to many nations.

—Finally, as a result of the Indian nuclear test, other NNWS will inevitably consider becoming nuclear weapons states. These countries will be influenced by the reactions of the U.S., other nuclear powers, major NPT proponents, and potential nuclear weapons states. The consequences, particularly in the event of a low-key U.S. response, could be a sequential or “chain reaction” with perhaps as many as ten additional states acquiring some nuclear weapons capability or conducting “peaceful” nuclear explosions.

This picture of proliferation patterns may imply that we have no choice but to resign ourselves to the inevitability of further nuclear weapons spread and to begin to shape the U.S. security policies to a world environment of relatively large numbers of independent nuclear powers. But upon closer examination, a strong case can be made that *policies aimed at deterring further proliferation can still be effectively pursued*. A number of factors support this judgment:

1. *Not all key NNWS have the necessary capabilities needed to produce nuclear explosives.*⁶ Indeed, many nations with an incentive to undertake a nuclear weapons program may not be able to acquire in the near-term the necessary capacity to do so. With the exception of Israel, which may already have developed weapons, other likely proliferators appear to be 3–10 years away from an initial test. Countries such as Argentina, the Republic of China (an NPT party), and [apparent omission in the original] would be in the near-term category, while those such as South Africa, Egypt, Pakistan, and Iran (an NPT party) which are just initiating power programs, would be in the latter group. Despite its advanced nuclear power program, Sweden has apparently foreclosed its nuclear option in the near-term due to a recent decision to forego construction of a reprocessing plant needed for extraction of plutonium. Japan and the FRG are in a special category—they have the nuclear capability to build large numbers of weapons, but strong political inhibitions coupled with the U.S. security relationship make them unlikely proliferators in the near-term. In general, for countries whose military needs can be met by only a limited nuclear force, the

⁶ See Annex I for a more extensive discussion. [Footnote is in the original.]

time scale for proliferation is determined by their *nuclear* capabilities, whereas for countries with strategic military requirements, *delivery systems* appear to be the pacing factor.

2. *Nuclear materials and equipment essential to the production of nuclear weapons are still available only from a limited number of suppliers who generally oppose proliferation.* The nuclear materials that would have to be used by a NNWS to manufacture nuclear explosives are plutonium or U-233 (each of which must be produced in a nuclear reactor and then reprocessed in a chemical separation plant) or highly enriched uranium (HEU) produced in enrichment facilities.⁷ All present manufacturers of nuclear reactors (except France and India, which is several years from completing its first two indigenously built reactors) are NPT parties or signatories apparently moving toward ratification, as are all states (except France) that are currently engaged in supplying uranium enrichment services or in commercial chemical reprocessing for other countries. As noted above, France has publicly declared that it is opposed to proliferation and will behave as if it were a party to the NPT, but has in practice been lax in adhering to this position in its nuclear export policy. While this general situation will deteriorate to some extent in coming years, it provides potential leverage in controlling the availability of weapons grade materials and technologies that are essential to the manufacture of nuclear explosives through export controls and safeguards and physical security requirements—the latter being relevant to protecting material against sub-national-level theft or seizure of weapons grade materials in storage or transit.

3. *Political and security disincentives for nuclear weapons decisions continue to exist in many important NNWS.*⁸ Many nations with advanced nuclear capabilities may not choose to exercise the nuclear option for political and security reasons and many are bound legally by the NPT already or will be once they ratify. In Japan, early NPT ratification has suffered a setback, but political inhibitions and the interest in maintaining close ties with the U.S., as well as the large portion of its electric power industry that is dependent on continued U.S. nuclear fuel supplies, will tend to work against a nuclear weapons decision. In the FRG, bound by the Brussels Treaty and the European security context, there have been no indications of a serious desire to develop

⁷ U-233 presents a number of difficult problems and is very unlikely to be selected by a NNWS for explosive use. Countries with thorium reserves and, for some reason, unable to obtain Pu might consider this alternative. [Footnote is in the original.]

⁸ See Annex I for information on the NPT and for analyses of incentives affecting nuclear weapons decisions. [Footnote is in the original.]

a national nuclear weapons capability and here too there is considerable dependence on continued U.S. nuclear fuel supplies. Furthermore, with the exception of the Indian CIRUS reactor (which was an early aberration), virtually all nuclear material and facilities that have been sold to NNWS are safeguarded.⁹ The use of nuclear materials or facilities for military weapons purposes would involve the political and legal costs of abrogating an agreement or risking discovery of a clandestine program. For non-NPT parties, the route taken by India in exploding a “peaceful” device (PNW) is not presently subject to strict legal or meaningful political curbs.¹⁰ Even if many NNWS do not ratify the NPT, however, further test ban restrictions could inhibit decisions by demonstrating restraint on the part of NWS who participate and, in the case of a low threshold ban or a possible total ban, by creating a direct obstacle to nuclear explosives testing. Finally, the greater cost and complexity of advanced delivery systems as compared with nuclear weapons indicate that selective controls in limiting the ease of acquiring these systems might be effective in dissuading certain major powers from embarking on an independent nuclear arms program.

4. *U.S. national security interests can be well served even with an imperfect and incomplete non-proliferation strategy.* We might only be able to delay further proliferation, however determined our anti-proliferation efforts may be. Nevertheless, it would serve our security interests to defer the disadvantages associated with an expanded number of nuclear powers as long as possible, while seeking to create conditions which might ultimately check further spread and planning an approach for minimizing the instabilities of a more proliferated world. Furthermore, the identity and character of potential additional new nuclear weapons states have important and different implications for the U.S. Whether a 7th or 8th nuclear nation were a friend or adversary and whether it would present a credible global threat, or largely a regional one (as in the case of India) would be crucial in terms of its direct effect on world stability and American interests, apart from its effect in increasing the risk of still further proliferation.

In short, although the Indian test has represented a major setback for the objective of nonproliferation, strong arguments can be made that:

⁹ Other notable exceptions are the French supplied 25 MW+ Dimona research reactor in Israel and a 480 MWe power reactor in Spain built jointly with France. Within a few years, two *unsafeguarded* (Madras) power reactors will be operational in India. See Annex II. [Footnote is in the original.]

¹⁰ See Annex III and the recommendations on PNEs discussed below for possible solutions to this outstanding problem. [Footnote is in the original.]

—It is still in the U.S. interest to strive vigorously to abate the further spread of nuclear weapons;

—We still may have time and influence to deter others from following suit; and

—A number of useful techniques and options can still be usefully pursued to help dissuade or delay others from entering the nuclear weapons field.

General Comments on Nonproliferation Strategy.

The success of any nonproliferation strategy recommended below cannot be guaranteed. But it seems certain that major *reversal* or *deemphasis* of our policy, especially in the aftermath of the Indian decision, would tend to increase the likelihood of additional decisions to go nuclear.

As elaborated below, a variety of positive and negative approaches are available to the U.S. in support of a nonproliferation policy. The problem is one of reviewing and building upon the many actions already underway and planned—not one of constructing an entirely new policy—and exploring the degree to which these actions should be altered, expanded, or extended.

The recommendations have taken account of the fact that some anti-proliferation approaches could be non-productive and that pressure tactics or excessively discriminatory policies could stimulate the probability of proliferation—by driving recipient nations away from well-safeguarded U.S. assistance into arrangements with suppliers that may have less strict controls or possibly into an all out effort to acquire self-contained nuclear capabilities. They have also considered the possibility of conflicts between our nonproliferation objectives and other U.S. political and security objectives—as well as the conflicts among various nonproliferation strategies themselves.

RECOMMENDATIONS

The following discussion approaches the problem of formulating U.S. nonproliferation efforts by:

First, presenting those policy actions judged to be most urgent in supporting nonproliferation without involving any significant costs or risks in their implementation.

Second, identifying other actions which can contribute to an effective non-proliferation approach on a less urgent basis or which deserve further consideration as longer-term policy options.

Finally, proposing certain procedural arrangements and special studies judged to be necessary to the execution of the recommended nonproliferation policies.

I. *Urgent Nonproliferation Actions*

A. *Intensify Efforts in Support of NPT*

Rationale

The NPT is the principal tool available for dealing with nonproliferation.¹¹ It provides an opportunity to crystallize and convert into an international legal obligation a national decision to forego the acquisition of nuclear explosives, thus creating political obstacles to changing this decision (despite the legal right to withdraw if supreme interests are jeopardized). It provides a ready mechanism by which antagonistic NNWS can remove the nuclear dimension from their conflicts. It obligates NWS parties not to assist in any way the manufacture or acquisition of nuclear explosives by others. It requires the NNWS who join it not to manufacture or acquire nuclear explosives and to accept IAEA safeguards on all their peaceful nuclear activities. It requires *all* parties to place such safeguards on their nuclear exports to *any* NNWS, whether or not a party to the Treaty. Thus, it is not only the diplomatic centerpiece of worldwide nonproliferation efforts, but provides a basic legal and political framework for many of the other measures discussed in this paper.

We are clearly at a crossroads where the future efficacy of the NPT may be determined and our commitment to nonproliferation put to the test. Even before the Indian explosion, ratification of the Treaty by certain key signatories before the NPT Review Conference in May, 1975 was judged vital to the Treaty's success. While these states appeared to be progressing toward that end, in some cases (especially Japan and Italy) the outcome was not fully assured. The Indian explosion has provided an additional argument to the opposition in these countries to NPT controls, and has increased the prospects of a "chain reaction." Without these ratifications, other potential parties would be less likely to join, even parties to the Treaty and strong supporters such as Canada might lose interest, and the common interest which we have with the Soviets in this field could be damaged.

During recent years, U.S. support for the NPT has been perceived as declining, and our response thus far to the Indian explosion has been muted. Our public posture and actions during the next few months can have an important effect on the credibility and effectiveness of our nonproliferation policy. While the treaty admittedly is only one of our nonproliferation devices, any further major blow that it may suffer should make it much harder for us to continue to deal with nonproliferation through other devices. A policy of relative indifference to the

¹¹ Annex II discusses the treaty in more detail. [Footnote is in the original.]

NPT at this juncture can seriously damage our ability to cope with nonproliferation, while reinvigorated efforts on the Treaty's behalf could help compensate for the setback represented by the Indian explosion and prevent such serious damage.

Recommended Actions

1. Reaffirm at the earliest opportunity high-level U.S. support for the NPT and the urgent need for widest possible adherence. This should be done publicly and privately in order to remove any doubts as to the priority we attach to the Treaty and to set the stage for the NPT Review Conference in May 1975.

2. Intensify efforts to plan a U.S. strategy for the Review Conference aimed at "limiting damage" from the Indian explosion and maintaining the integrity of the NPT.

3. Consult promptly with the Soviet Union on key nonproliferation issues:

- a) proliferation implications of Indian explosion;
- b) steps relevant to the Review Conference;¹²
- c) approaches to PNE problem (see D below);
- d) handling of demands for security assurances;

e) Soviet adherence to the Latin American Nuclear Free Zone Treaty.

4. Discuss with the West Germans, Dutch, and Belgians whether they could proceed with ratification this year, irrespective of Italian ratification. Approach new Italian Government when formed on ratification.

5. Reaffirm to the Japanese our intense interest in their ratification of the NPT this year. Indications of increasing opposition to ratification makes this more imperative. Demonstrate progress on the U.S. offer to place commercial nuclear facilities under IAEA safeguards and consult with Japan on the Italian ratification problem.

6. Approach the following countries on NPT ratification: Spain (non-signatory NNWS with largest commercial nuclear power program); South Africa (natural uranium resources and constructing enrichment plant); Switzerland (important commercial nuclear power whose ratification is important and seems attainable).

7. Complete negotiations with IAEA of U.S. safeguards offer before the end of 1974.¹³ This is desirable to demonstrate good faith and to

¹² See D below. [Footnote is in the original.]

¹³ This would call for IAEA safeguards on selected U.S. commercial nuclear facilities to diminish concerns over "discrimination" and "intrusion." [Footnote is in the original.]

help induce timely ratification by Japan, West Germany, Italy, and possibly others.

B. Limiting the Damage from the Indian Event

Rationale

The Indian nuclear explosion raises a number of new problems for our nonproliferation efforts:

—How to limit further development by India of a nuclear weapons program;

—how to minimize the risk that Pakistan will develop its own nuclear explosives;

—how to minimize the risk that others (such as Israel, Argentina and Brazil) will follow the Indian “PNE” route;

—how to minimize the risk that India will make nuclear explosives or the technology for making them available to other NNWS;

—how to minimize the risk that India, as a potential exporter of nuclear materials and equipment, will undercut international nuclear export control efforts designed to require safeguards and meet other nonproliferation concerns;

—how to minimize the adverse impact of the Indian explosion on efforts to obtain the widest possible adherence to the NPT.

In dealing with India it is recognized that strong measures directed against the Indian nuclear program might create resentment on the part of the Indians which could harm nonproliferation efforts by making more difficult our efforts to deter the Indians from expanding their nuclear explosives program and to induce them to adopt a safeguarded nuclear export position. On the other hand, acceptance of the Indian decision or condoning its “peaceful uses” rationale could have the effect of encouraging other nations to follow the Indian route.

Recommended Actions

1. Persuade other nuclear suppliers to obtain from India the type of assurance with respect to non-use of their nuclear exports in any nuclear explosive that we have requested India to furnish before our next shipment of enriched uranium for the Tarapur reactors (this is arguably an obligation for NPT parties) and have the Zangger (nuclear exporters’) Committee consider this question further.

2. Consult with Canada on following urgent matters:

a) Our respective approaches to future nuclear cooperation with India;

b) need to tighten legal and technical safeguards on Canadian-supplied Rajasthan reactors;

c) handling of Argentine purchase of CANDU reactor, (including safeguards effectiveness), and how to deal with PNE issue and possible concerns over U.S.-Canadian reactor sales competition.

3. Head off Pakistani acquisition of chemical reprocessing plant, which they are now actively seeking and which is crucial to their obtaining an independent ability to make nuclear explosives.

a) Consult with Japan, Belgium, FRG, France and other potential suppliers.

b) Seek Zangger (nuclear exporters') Committee consensus on avoiding assistance and seek to arrange reprocessing Pakistani fuel abroad.

4. Develop recommendations for discussions with India and Pakistan for use by Secretary of State during planned late summer visit with view towards:

a) securing more binding assurances from India on indigenous nuclear program;

b) securing Indian agreement to safeguard nuclear exports and to adopt appropriate PNE assistance policy (see D below);

c) obtaining Pakistani assurance not to use supplied or derived nuclear material for any nuclear explosive.

5. Discuss with Soviets the undesirability of either supplying India with long-range bombers (of which we are the only two sources of supply).¹⁴

6. Consider specific security assurances for Pakistan, either unilaterally or, if possible, in conjunction with one or more NWS. To reduce the complexity of obtaining wide consensus and approval, such assurances might best take a declaratory, non-treaty form. Some declaration along these lines could be considered independently of a wider study of possible security incentives to join the NPT.

7. Develop Administration position on possible congressional actions that would establish prospective sanctions against actions by India or others that would undercut international safeguard efforts and other non-proliferation policies.

C. Strengthen Nuclear Export Controls and Safeguarded Cooperation

Rationale

We need to assure the continued viability of the IAEA safeguards system, recognizing that the Indian case dramatizes the risks of having unsafeguarded indigenous facilities. With wider NPT adherence by

¹⁴ Our present arms policy precludes supply by the U.S. [Footnote is in the original.]

suppliers and recipients, the number of unsafeguarded facilities can be held to a minimum. But efforts must continue to be made outside the NPT framework to diminish the ability of key NNWS to acquire nuclear materials or facilities relevant to a weapons or explosive program without rigorous, thorough and positive safeguards. A vigorous cooperative program with other nations in the nuclear field can (unless our failure to enforce our agreements gives a contrary signal) help ensure that we will exert influence over foreign programs, not only through proper safeguards but also through leverage derived from dependence on U.S. supply and the confidence of a constructive association in peaceful programs. It is in this area that we might encounter contradictory pulls—notably in the inherent conflict between the desire to be more forthcoming toward certain countries with regard to peaceful uses of atomic energy and the need to tighten controls on the export of nuclear materials, equipment, and technology.

Recommended Actions

1. Aggressively seek to implement the recently approved NSDM 235 Action Program reflected in NSDM 255 which predated the Indian test but which now appears even more urgent.¹⁵ There is an urgent need to expand and concert our control policies with other nuclear suppliers. Arriving at common export guidelines with other suppliers will be difficult due to countervailing commercial pressures and may have limited value due to the wide availability of much nuclear technology. Nevertheless, the costs of implementing NSDM 255 are minimal and a relaxation of export control efforts would make further proliferation more likely.

2. Approach the new French Government at a high level on a top priority basis with the goal of reviewing our respective export policies and exploring whether France, which has not systematically applied safeguards to its exports, could be induced to join a common effort to safeguard nuclear exports and exports that would help India or others develop an advanced nuclear delivery capability. Of particular importance is the need to ensure that France will not undercut efforts to contain the Indian program and deal with the potential Pakistani and Argentine-Brazil proliferation problems.

3. Press for Zangger Committee guidelines on exports that would “trigger” safeguards to be put into effect this summer. The IAEA would

¹⁵ The plan contemplates the inauguration of U.S. consultations with other suppliers designed to forge common policies governing exports of highly enriched uranium and plutonium as well as standards to govern the export of unclassified as well as classified technologies, the encouragement where feasible of multilateral fabrication and reprocessing plants, and the inauguration of a major U.S. initiative to upgrade nuclear physical protection measures worldwide. [Footnote is in the original.]

publish the list transmitted by the Committee, which could subsequently add to the list.

4. Develop a more stringent approach to civilian agreements with nations in troubled areas. Our proposed nuclear power agreements with Israel and Egypt include special control conditions beyond the standard requirement for IAEA safeguards.¹⁶ It is suggested that similar constraints not only be applied to requests from other Middle East states (as suggested in the proposed policy) but also to countries in other troubled or unstable areas of the world to be assessed on a case-by-case basis. The risk of losing U.S. sales to such states (which could lead to a total loss of safeguarded control by driving recipients to some other suppliers or to indigenous efforts) can be minimized by maintaining a competitive U.S. fuel and reactor export policy and consulting with other suppliers to develop common export guidelines. On the other hand, we need the cooperation of other suppliers in export control, to prevent loose controls from becoming a competitive factor.¹⁷

5. Factor nonproliferation considerations into AEC's continuing review of U.S. policy with respect to future availability and supply of uranium enrichment services, or decisions on any major changes in such policy.

This review should take into consideration the desirability, from a nonproliferation standpoint, of maintaining the U.S. role as a major supplier. The U.S. should continue Energy Coordinating Group consultations with other countries on enrichment supply policies, with a view to ensuring that they serve non-proliferation objectives.

Our role as the dominant supplier of enriched uranium for foreign power reactors is diminishing with the advent of new enriching plants overseas, together with the exhaustion of excess capacity at our existing plants. U.S. private industry is now seriously considering construction of an additional enrichment plant with 9,000,000 SWU capacity and a decision is expected in the near future. (A review of the U.S. enrichment services situation has been requested by the House Appropriations Committee.)

Our position as a commercially attractive supplier of enrichment services gives us leverage to obtain appropriate safeguards and guaran-

¹⁶ The conditions include: omission of commitment to consider transfer of highly enriched uranium; U.S. rights to influence the location of fabrication and reprocessing facilities for, and storage of plutonium (e.g., insist on external storage); commitments and consultations regarding adequate physical security; and confirmation of no PNE use of U.S. derived matériel. [Footnote is in the original.]

¹⁷ It has been suggested by some that consideration be given to the possibility of a broader policy of applying special conditions to all future nuclear arrangements. [Footnote is in the original.]

tees on our exports, and to make dependence on us for periodic refueling of the nuclear power plants a factor that helps enforce such undertakings. Loss of this position could drive customers to deal with other suppliers who impose less rigorous conditions, or who sell CANDU type reactors, which are more difficult to safeguard, and, by eliminating dependence on enriched uranium supply, provide less leverage to prevent the acquisition of unregulated weapons grade material.

D. Develop Internationally Acceptable Approach to PNE That Serves Our Nonproliferation Interests

Rationale

It is inherently impossible to develop a PNE that does not at the same time contribute to the developer's nuclear weapons technology. Accordingly, both the U.S. and the U.S.S.R. are bound by the NPT not in any way to assist, encourage, or induce any NNWS to manufacture *any* nuclear explosive device, and NNWS who join the NPT give up their option to do so. Thus, any action that tends to encourage or give international blessing to a NNWS in developing its own PNEs discriminates against NNWS who have joined the NPT. Moreover, in order to fulfill our obligations under the NPT not to give such assistance, it is essential that, in the case of non-NPT parties, we reinforce restrictions against the use of our nuclear exports in PNEs. To obtain such assurances we should be prepared to cancel further nuclear shipments to the country involved if it refuses our request.

Neither the U.S. nor the USSR has fulfilled the expectations of NPT parties that we would make nuclear explosives services available to them for peaceful purposes as contemplated in Article V of the NPT. Most of the foreign interest to date, which has been preliminary in nature, appears to have been in excavation projects (canals and harbors) which probably present problems under the LTBT. But regardless of the project, lengthy and detailed feasibility and engineering studies would have to be conducted before any actual explosion services could take place.

As noted above, nuclear excavation presents problems of compliance with LTBT and may well be precluded by a TTB in the absence of a special provision that would constitute a major loophole without comprehensive constraints that would be difficult to negotiate. While we have no plans for nuclear excavation, the Soviets appear to be preparing for a follow-on to their 1971 experiment in preparation for excavation of a Kama-Pechora canal. Their PNE advocates would like to see special exceptions for PNEs worked out under either a CTB or a TTB.

Complicating factors in dealing with the nonproliferation aspects of PNEs are the apparent strength of the Soviet interest in PNEs (which

has become evident in the TTB negotiations), the apparent interest of the French in providing PNE services (even though their technical readiness to do so is doubtful), and the impetus that the Indian explosion may give to other NPT holdouts who may wish to keep open the option to develop their own PNEs. It must be recognized that an offer of PNE services to such NPT holdouts would not be likely to induce them to forswear this option or join the Treaty, and that few NPT parties appear to be urgently interested in PNE services. However, it would make it harder for them to justify their own indigenous PNE effort.

Recommendations

1. Obtain, and urge other NPT parties to obtain, assurances from any non-NPT countries supplied by NPT parties that they will not use nuclear exports from such NPT parties for any nuclear explosive development, and ensure that safeguards apply to this commitment. We should be prepared to cancel further nuclear shipments to the country involved if it refuses to give such assurances.

2. Consult with Soviets on how we both expect to handle the NPT Article V problem in the coming year, including possibilities of:

a) developing a mechanism for supplying PNE services pursuant to that article;

b) openly discussing in an appropriate international forum the radiation and LTBT problems associated with nuclear excavation explosions, and the limitations and problems of other PNE applications;

c) deferring further excavation experiments pending outcome of TTB negotiations and proposed discussion in November of LTBT problems;

d) arranging, either jointly or separately, to participate in the coming year in a feasibility study of a PNE project (preferably *not* an excavation project) in an NPT state to demonstrate our good faith under Article V.

3. Examine on an urgent basis the question of whether special "safeguards" can be devised to help give assurance that any PNE devices made by a NNWS are accounted for and will continue to be channeled to peaceful uses, while not encouraging others to follow the Indian route. (A preliminary examination of this possibility is made in Annex III of the report.)

4. Consider extending PNE services offer (as we did in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America) to states which forswear indigenous development of nuclear explosives.

[Omitted here are Section II. Longer-Term Policy Considerations; Section III. Procedures and Special Studies; Annex I: Affecting Technical

Capabilities; Annex II: Decreasing Motivations for Nuclear Weapons Decisions; and Annex III: Limiting the Damage From the Indian Development and Containing the PNE Problem.]

58. Memorandum of Conversation¹

Moscow, June 28, 1974, 4–5:30 p.m.

PARTICIPANTS

Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU
 Nikolay V. Podgornyy, Chairman of the Presidium of the Supreme Soviet
 Aleksey N. Kosygin, Chairman of the Council of Ministers of the USSR
 Andrey A. Gromyko, Minister of Foreign Affairs of the USSR
 Anatoliy F. Dobrynin, Ambassador to the U.S.
 Georgy M. Kornienko, Member of the Collegium, Ministry of Foreign Affairs
 Andrey M. Alexandrov, Assistant to the General Secretary

President Nixon

Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for
 National Security Affairs

General Alexander M. Haig, USA (ret.), Assistant to the President

Amb. Walter J. Stoessel, U.S. Ambassador to the USSR

Helmut Sonnenfeldt, Counselor of the State Department

William G. Hyland, Director, INR

Jan Lodol, NSC Senior Staff

SUBJECTS

ABM; Test Ban

Brezhnev: Mr. President, what is the first subject for discussion today?

President: I think ABM. We want to make sure that Kissinger and Gromyko don't sign something that is not in our interest.

[Omitted here is discussion concerning ABMs.]

Brezhnev: Good, shall we turn to the European Conference?

¹ Summary: Nixon and Brezhnev discussed the Threshold Test Ban Treaty during the Moscow summit.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 77, Country Files—Europe—USSR, Memcons, Moscow Summit, June 27–July 3, 1974. Top Secret; Sensitive; Exclusively Eyes Only. All brackets are in the original except those indicating text omitted by the editors and “[sic]”, added for clarity. The meeting took place in St. Catherine's Hall at the Grand Kremlin Palace. The memorandum of conversation is printed in full in *Foreign Relations, 1969–1976*, volume XV, Soviet Union, June 1972–August 1974, as Document 187.

President: Either that or the threshold test ban. Since the threshold test ban relates to the same general subject we have been discussing maybe we should take it up and then go on to Europe.

Brezhnev: Good, let's do it. That question is basically agreed as Dr. Kissinger said. Why do you want to conduct any underground nuclear tests when we have already had so many tests. When will they stop?

Kissinger: 1985.

Brezhnev: That long? What we should do is build on what we have achieved. The previous agreements limit strategic arms. The agreement provides that we will not develop cardinal new types of weapons. And suddenly against this background we will tell the people that we want to go ahead with nuclear testing. So reasoning logically, they will be bewildered: we agree to limit strategic arms but want to go ahead on testing—therein lies certain contradictions. People will ask about that. On the one hand we limit and on the other we conduct explosions. And this against the background of the limited test ban treaty, and they will question why are we conducting underground testing. Therefore, if one looks at another aspect of this matter the present situation enables other nations that signed the NPT also to test. This is a politically adverse aspect of this question. So we believe we should discuss the entire range in a friendly manner. We agree to move gradually forward step by step. This question if it remains without a solution will draw the attention of the people. That is why we must give earnest thought to the whole matter.

President: Regarding the argument the General Secretary raised with regard to the comprehensive test ban, we have heard this before, and also the points he made. While that might be an objective view, nevertheless, we consider it possible to go the step by step approach. That is why we suggested, as you know, a threshold of 100 kilotons. That gets around the problem and answers the verification problem. I think a step by step approach will have very great meaning. It is the testing of major weapons that causes the greatest concern. We believe we should take a step of this magnitude now to see how it works and it is possible we shall make further progress in the future. When I used the number 100 kilotons we are not totally tied to this but in that low magnitude. There are also other issues we have put on the table for discussion. In addition to the threshold magnitude of 100 kilotons you may have some other ideas on this. We feel from the point of view of promoting nonproliferation of nuclear weapons our agreement can be a factor in encouraging others not to test and will show we are indeed fully determined to proceed along the path of détente and disarmament. Whichever way, whether favoring your or our point of view, there is disagreement. Therefore, logic speaks in favor of ending tests altogether

and this will also have a great effect on others to refrain from testing because there is a gradual spread. In suggesting this we are not pursuing self-seeking goals. It is in the interests of both sides.

Kosygin: Mr. President, if we were to endorse publicly that we want to continue nuclear testing it will not convince anyone. We need to reach agreement as we did on the ABMs not to expand our effort. We are going to only one area and that is already disarmament limiting one type of weapon, that is disarmament. But we are continuing nuclear testing with the obvious aim of improving nuclear warheads. So what, in short, does a threshold test ban mean that we will be renouncing? We will not be taking the road of disarmament, but will be perfecting weapons. That will be the obvious tenor of the comments. I just heard today that 20 senators had come out in favor of ending tests.

(President: 37.)

Kosygin: So what do you think is easier? To justify the need for continuing or the need for stopping. We believe it is easier to justify the need to stop. We believe it is very hard to prove the need to continue nuclear testing. We can prove the value of ending tests to the Congress but the very fact that we don't reach agreement on ending tests will reduce the significance of questions we are also agreeing to. Speaking frankly, everyone will say we are making concessions to your Pentagon and to judge by the statements of your Secretary of Defense this may be seen as some kind of support of the line taken by the Pentagon. That is, to step up military preparations. Whatever way we decide to discuss, in fact, people will agree that it is a severe blow to our general cause. Also of late, there is on the part of the U.S. a line of general thought—Israel and Egypt for example received reactors—and all big things start with such little things and therefore for us it is very important to find a solution to this issue and to solve it on a long term basis. If we reach a solution this will be welcomed by all people everywhere.

President: We discussed this issue in very great depth before I came. It is true some in our Senate favor a comprehensive test ban. At the other end of the spectrum there are equal numbers who favor no ban at all having in mind the problem of verification. We have tried to take a very significant step to restrain both sides by setting a low threshold. Having taken such a step we will get the support of the majority of our Congress. It is true as Premier Kosygin has said that we will not be going all the way. I will speak very candidly in terms of the limit to our negotiations. We cannot go to a total test ban and we think the threshold we are suggesting will be considered a very significant step. Obviously, we have a difference of opinion as I indicated in my opening remarks. I do not want to give the impression that I am not giving consideration to the remarks of the General Secretary and his colleagues. But I also do not want to leave any impression that I simply do what the Pentagon wants to do.

Kosygin: I don't have that impression.

President: If so, I wouldn't be here at all. In our system the decision is taken at my level. If there are differences in our system those in our bureaucracy will disagree publicly rather than as in a more responsible government limit their remarks to private meetings. We have surveyed this question very carefully, not only in our NSC but also with the Congress, and I have reached the conclusion that the proposition we have made to you for discussion is the step we can take but we cannot go further. We have prepared our own people for a threshold test ban. We are prepared to discuss the specifics and to negotiate but not for a comprehensive test ban at this time.

Kosygin: But then you will be coming out in favor of continuing nuclear testing.

President: No, the fact is that we are coming out in favor of limiting nuclear testing.

Kosygin: Yes, but those who oppose testing and come out in favor of a comprehensive test ban want to see more progress.

President: That may seem to be the case.

Kosygin: In fact, they will be right because then we will have to come out in favor or continuing testing. We cannot claim to interpret the internal aspects of the U.S.; you are the best judge of that. But we feel the broader approach is more correct.

President: We recognize that there has been a lively debate over the years on this issue.

Kosygin: There is throughout the world.

President: But the point we have in mind is the one the General Secretary recognized. We have got to take these things on a step by step basis. For example, the most progressive point of view would be to ban all nuclear weapons and destroy all of them. Yet neither of us is in a position to go that far at this point. In this field we feel an obligation for our security and also to consider verification. Taking account of public opinion this will still be the biggest step we can have taken in that the threshold will be very low—in the neighborhood of 100 kilotons. That, of course, is a matter for negotiation.

Brezhnev: While discussing this the question arises: why do we need tests at all. This is the toughest question. It must be taken into account. Under the previous agreement you have tested all you can and we have tested all we can. We favor the non-proliferation treaty and so do you. And yet, nonetheless, we want to go on testing. Why do we leave this loophole? We can vouch for everybody here so let us understand what is the real reason. Who are we acting for? Who are we trying to please by continuing testing? I am perplexed; we are not pleased with continued testing. We are not pleasing the people, but

maybe the top echelon of the Pentagon. So the question does arise why continue testing. I don't know. Maybe because of a group of senators, maybe because of Jackson. But we care ourselves in the interests of our people. In terms of world opinion, if we continue, if our two countries cannot cease testing, this will become a decisive factor in terms of others who wish to continue testing. The step we want would have beneficial influence on the entire international situation. It would favorably affect the French public and opinion in China. Several of them would in this situation be in complete isolation. Otherwise, they say the U.S. and USSR are still testing. Let's join in and test with them. But this is not much in line with the expression of world opinion today.

Kosygin: Every correspondent will ask did we discuss limiting nuclear testing. What happens when we say we discussed continuing testing? What will you say? It will not be a pleasant burden. I would not wish to carry thus unpleasant task. We want to take another step more beneficial in strengthening the line of cooperation. Otherwise, when we are asked who wanted to continue testing and we have to say it was not the Soviet Union, and in our draft as we suggest it is specifically addressed to others. We merely call on them to accede. If this has no effect, if others do not accede, then in two years we will be free to resume. We would not want to but we must leave ourselves this option. On the other hand, under the arrangements already envisaged which will be extended, neither side will create cardinally new weapons so there will be no need for further testing. I say this not merely out of a desire to attack your position or to talk you into it, but to give you an understanding of our position and to gain an agreement that will improve mutual confidence. We fully accept what some will say about this but it is up to us to find agreements that our views frankly and openly. [*sic*] We can discuss this at greater length but boldly.

Kissinger: We have had a period of exchanging views on this subject, and you are aware of our reasoning why we are not prepared to have a comprehensive test ban. Incidentally, the fact that you pointed out concerning SALT the agreements do not prohibit developing weapons that will require some testing. Thus, we had agreed that we could have a threshold test ban, the one which our experts have been working on for two weeks, which would not exclude a comprehensive test ban in the future if the whole situation with respect to strategic weapons were clarified. We want a threshold test ban at this summit, Mr. President, but there are a number of important issues that require resolution, at least in principle: (1) at what level the threshold should be set; (2) what to do about peaceful nuclear explosions; (3) what to do about exchanging enough data to convert a kiloton threshold into a seismic magnitude; and finally, what to do about Soviet proposals for a quota on the number of tests below the threshold. There are other points but

they can be settled so that we could sign a protocol giving instructions to establish a threshold test ban within a reasonable period. And then the comprehensive test ban could be taken up within the general framework of stopping the arms race in strategic arms when that is achieved.

Brezhnev: None of the points you mentioned would exist if we banned all tests.

President: Except for the real problem which shall remain: until we get the nuclear arms race under control some testing is inevitably going to go forward. I realize that the General Secretary and Prime Minister Kosygin have lost none of their very effective advocacy ability and I appreciate their point of view. But we explained our position before we came and what we are trying to do is to negotiate something that is possible now. That is why we suggest a threshold test ban. I know the press will say this is half a loaf but nevertheless it is a step in the right direction, and we look down the road to stopping all tests, when those conditions that require testing are achieved. Incidentally, either one of you (Kosygin or Brezhnev) would make a very good Senator but I would want you on my side.

Kosygin: I will be on your side if you agree to end testing. No, I will always be on your side.

President: Speaking quite candidly, we have an ironic situation as 1976 approaches in the U.S. with respect to détente. There are some who are quite critical of the hard line as opposed to the arms control. But others have now changed their minds. It gets down to this. Those who applauded our efforts toward détente successfully over the past two years now for reasons more of a pristine motive would like to see our efforts fail. I would not make any enemies if I were intractable. It is unlikely that I would be criticized too hard. On the other hand, if I take a reasonable position as I intend to do they will say that I am giving away the store. For example, should I agree to a threshold test ban that cannot be verified they will say that clever fellow Brezhnev, he took Nixon again. Even today Dr. Kissinger and I are used to tough negotiations but I heard our critics say in 1972 we made a deal with regard to SALT in which we gave away too much at the conference table. I do not raise these points to indicate that my position is based simply on these political figures. I will move in the direction of détente because for the U.S. and USSR it is indispensable for the peace of the world and that is why we want every possible agreement we can make and implement. That is why I am so critical of the members of the Senate who did not produce MFN. For those who do not follow the American scene it may be quite illuminating to read my Naval Academy speech where I said neither of the great powers can think in terms of military power and threats or think that their economies can affect the internal policies of other nations. We are not going to change your

system and you are not going to change ours. The point I want to make is this: I am in a unique position of being able to bring the American public along in support of détente. I can handle our so-called hawks but only one step at a time and I do not want this process to be interrupted, I want it to continue. What we would like to do is go from here to here but not too far in any one step or one meeting. I have considered it and understood the points you have made. I don't want to be in a position of questioning Premier Kosygin's eloquent comments on limiting the nuclear arms race. We have to get it under control. But we have to do it on an orderly, step-by-step basis. I consider that our position on this particular issue of the threshold test ban will be a very important step not only for America but for world opinion, though it will not satisfy those who always want to go all the way. But it is far better than the unlimited testing of big weapons. This would not give us an advantage or give you an advantage although some military people might disagree on both sides. It is good to have this kind of open conversation. As we look to those golden doors (gesturing to doors at the entrance) we could say that we all want to reach them but we will not make it if we try to do it in one step. We will always find, Mr. General Secretary, various factors in the U.S. and in other countries who for differing reasons want to see détente fail. And we on our part do not want to take a step that we have not prepared the support for. We do not seek to go in that direction because we will be looking for repudiation.

Brezhnev: In this position we approach all aspects for all sides. We have never engaged in politics. We have never tried to be clever no matter what Senator Jackson might think. We try to conduct ourselves in a forthright and honest manner in every important issue. This compels us to give serious thought to other aspects and to think about the problem from the standpoint of public opinion and the viewpoint of our allies, both yours and ours. There is no reason to speak further about this but I want to say merely that this step would have a strong impact in line with the goals we set in 1972 to achieve a measure of détente and an impact on the world. You have presented arguments in which you say elements must be heeded but you are steering the foreign policy of the US. We are acting on a long term basis and not on the basis of temporary considerations. This is the point: we will have to think it over and tomorrow return to further discussions. I will consult my Soviets and we will discuss it further and then we will continue discussions tomorrow. Otherwise if we do not take a step the question will arise why does the US want to have the right to test. All will say it is more in our interest. You are right in saying that if the US test we will also do so. Science continues to confront us with new developments. Faced by the scientists we can go on testing. There are

those in the Pentagon who would want to but we came to this table not to outwit you. We know we are dealing with a responsible statesman of a great country. In all these remarks I am merely thinking aloud. But logic prompts us to take a step and end testing.

Kosygin: We have to use our head. We have a head on our shoulders. Let us use our head.

President: I suggest we ask Secretary Kissinger and Foreign Minister Gromyko to take into account our discussion and if they can come up tomorrow and submit something to us because it is a complicated issue. In view of the fact that we have not reached an agreement on the threshold test ban I think it would not be a good idea to sign the ABM agreement Tuesday because if we did everyone would speculate that we couldn't agree on anything else. I suggest instead we sign the long-term economic agreement tomorrow which indicates movement and try to have something more than just ABM.

Kosygin: If any two men can settle this question I'm certain it is Kissinger and Gromyko.

Podgorny: We will give them a time limit.

Brezhnev: We will lock them up over night or give them both an artificial heart.

President: Then we will go to the Black Sea and take the boat ride.

Brezhnev: So our friends decided not to go to Star City and instead we will invite our spaceman to our final reception and have some photos. That will give us more time tomorrow for meetings in the morning and sign in the afternoon so we can get to the Crimea while it is still light. We could take a helicopter but there are air streams and if it is not light we would have to go by car.

President: We would see more of the country that way.

Brezhnev: We have to leave before dark. How long does it take. We should reach there not later than 5:00. In the South the night falls about then.

Podgorny: It takes an hour and 50 minutes to fly.

Kosygin: We should leave about 3:00.

President: So we will have the long term agreement. I consider it a well-written document, long-term and looking toward more combinations of our economies. The more our relations improve the more they become irreversible and they give our people a stake in progress. I believe this agreement will be well received by the American business community. They of course want to make deals but they also want to make a profit.

Brezhnev: You think we don't?

President: Unless both sides profit it will be a bad deal.

President: We will have to use our influence to encourage business. The Secretaries of State, Agriculture and Commerce will be so instructed.

Brezhnev: I do not want to intervene in your internal affairs.

President: You want to overthrow us.

Brezhnev: No, we want to get you elected.

President: I'll do it in the next 2 and ½ years.

Podgorny: Sometimes it is easier to make an effort when you have the power, the more strength you have the more people hear you. That is why we must use every meeting to reach agreements where we can. We cannot set impossible goals, but as we use the means possible then the goals themselves become more possible and that is what we intend as a step in the test ban.

59. Memorandum of Conversation¹

Moscow, June 29, 1974, 9:30–10:10 a.m.

PARTICIPANTS

Andrei Andreyevich Gromyko, Minister of Foreign Affairs of the USSR

Anatoliy F. Dobrynin, Ambassador to the U.S.

Georgi M. Korniyenko, Member of the Collegium, Ministry of Foreign Affairs,
Chief of USA Division

Oleg Krokholev, Ministry of Foreign Affairs

Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for
National Security Affairs

Ambassador Walter J. Stoessel, Jr., U.S. Ambassador to the Soviet Union

Helmut Sonnenfeldt, Counselor, Department of State

Major General Brent Scowcroft, Deputy Assistant to the President for National
Security Affairs

¹ Summary: Kissinger and Gromyko attempted to resolve several issues related to the previous day's discussion of the Threshold Test Ban Treaty.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 77, Country Files—Europe—USSR, Memcons, Moscow Summit, June 27–July 3, 1974. Secret; Nodis. The meeting took place in St. Catherine's Hall at the Grand Kremlin Palace. All brackets and ellipses are in the original. Also printed in *Foreign Relations, 1969–1976*, volume XV, Soviet Union, June 1972–August 1974, as Document 188. The United States and the Soviet Union had been holding technical talks in Moscow since early June to draft the Threshold Test Ban Treaty. A draft treaty showing U.S. and Soviet proposed wording is in telegram 10157 from Moscow, June 28. (National Archives, RG 59, Central Foreign Policy File, P880125–1230)

William Hyland, Director, INR
Jan Lodal, NSC Senior Staff
Peter W. Rodman, NSC Staff

SUBJECT

Test Ban

Gromyko: We have 30 minutes. Will this be enough?

Kissinger: We can settle in 10 minutes. I pointed out yesterday what the issues are that we need to settle. I don't think it is possible to draft an agreement here.

Gromyko: Not possible?

Kissinger: Not possible. I think it is possible to draft a protocol that we will finish the agreement in 1974, and specifying a certain threshold, and something on peaceful nuclear explosions.

Gromyko: Specifying a certain threshold.

Kissinger: Yes. So there is some result. 150, for example.

Gromyko: 150, the threshold.

Kissinger: Yes. 100–150.

Gromyko: How about an intermediate threshold?

Kissinger: We can't accept it.

Gromyko: You can't accept it? Yesterday it was said by the President, 100.

Kissinger: I overruled him. [Laughter]

Gromyko: This is real democracy.

Kissinger: He thought you would say 300.

Gromyko: How about the testing fields? The two questions I mentioned yesterday.

Kissinger: You have already agreed to specifying the testing fields.

Gromyko: That is too bureaucratic an approach. The foundation of the agreement should be the capability of each side to identify. On this supposition we are prepared.

Kissinger: If they can work out some conversion table. But then they are almost back to a seismic threshold. For example, if an explosion at a site is considered equivalent to a certain yield, then the reason for it is not so important. Whether it is granite or otherwise.

Gromyko: First, information about fields—you insist on it?

Kissinger: Yes.

Gromyko: This is one difficulty.

Kissinger: But we know where it is anyway.

Gromyko: The second one, about the ground.

Kissinger: The second we can handle in one of two ways. Whether we get the data on the ground is decisive only if we have to get

the data ourselves. If you agree to a conversion table, we are in a different position.

Gromyko: If we are going to produce all kinds of tables and annexes to the agreement, these kind of bureaucratic things only make it more difficult. It is not necessary. What is important is that the parties will do everything possible to determine the nature of the tests. This applies to both the test sites and the kind of rock.

Kissinger: Mr. Foreign Minister, on test sites, it is in Article 2 of your own draft.

Gromyko: Our position is not to identify and write into the agreement specific test sites.

Kissinger: It doesn't have to be written into the agreement, but we have to know where the test is taking place.

Gromyko: In other words, we are not in favor of agreeing on that matter or writing it down anywhere. We are in an equal position in this respect.

Kissinger: You can read the *New York Times*, and Dobrynin's Congressional committees will tell him.

Gromyko: The *New York Times* is not a Bible.

Kissinger: But the Joint Atomic Energy Committee will tell Dobrynin.

Gromyko: It never writes down instructions for us.

Kissinger: Are you saying you don't want to do it here at the summit? Or that you don't want to do it at all? Are you withdrawing your own article? I always knew Korniyenko operated on his own.

[The Soviet side holds a brief conference.]

Gromyko: I have a question to ask. Does your delegation have any proposal on the specific amounts of information required on the rock? Because our delegation has the impression you are trying to request an unlimited amount of data. An enormous amount of data.

Kissinger: I don't doubt that. I don't doubt that every clever bureaucrat writes down what he thinks is desirable and they add them together. But let me sum up: I know what we have asked for. We could get by with your paragraph two which is less specific but has the essential elements. In other words, we withdraw our paragraph three and accept your paragraph two. On information.

[The Soviet side holds another conference.]

Gromyko: Is my understanding correct that you are going to omit your paragraph three and accept our paragraph two?

Kissinger: We accept your paragraph two.

Gromyko: You are going to omit your paragraph three?

Kissinger: We would have to look at your paragraph two and see if we don't want to add a word or two.

Gromyko: And omit your paragraph three?

Kissinger: You are very precise. We substantially accept your paragraph two. You will have to give us an opportunity to discuss your paragraph two but it will be in that framework.

Gromyko: Is my understanding correct that you are talking about two things: First, the test site, that is, a rather big area which contains many areas where tests proceed?

Kissinger: Yes.

Gromyko: So you insist on both the general area and the specific area?

Kissinger: I am negotiating with my two neighbors here.

Gromyko: Cover your ears.

Kissinger: If I don't understand it, how can you?

Gromyko: Don't forget: [he points to the chandelier] Ivan the Terrible put in the devices. [Kissinger turns his paper over.]

Kissinger: We need a definition of the entire area, location. Then after the shot, under your own paragraph three, we should be told where the shot was. That's with respect to location. With respect to geology, we would like general information as in your paragraph three of the protocol for the area. All we need is the geology of the place you are going to test. We don't need the geology of the whole big area.

Gromyko: Yes. As to peaceful nuclear explosions, did you give us an answer yet?

Kissinger: What is the question?

We will give you the answer.

You mean the NPT?

Dobrynin: It was given to Vorontsov two days ago.

Korniienko: To have separate talks on peaceful nuclear explosions.

Kissinger: In the framework of the NPT. Yes.

Korniienko: In October in Moscow.

Kissinger: We agree in principle.

Gromyko: I think we should not postpone agreement on this subject—peaceful nuclear explosions—until we reach agreement on this. This matter should not be stopped.

Kissinger: That is all right with us. If we agree that there will be no peaceful nuclear explosions until we agree. Except below the threshold.

Gromyko: Why?

Kissinger: Because otherwise peaceful nuclear explosions can be used as an evasion of the threshold.

Gromyko: That can't be.

Kissinger: Then we have no agreement.

Gromyko: You agree there will be a separate agreement?

Kissinger: I am prepared for an agreement if there are no tests above the threshold until there is an agreement.

Gromyko: Practically it will be the case.

Kissinger: Under those conditions, yes.

Gromyko: Let's adjourn our meeting and discuss it later.

Kissinger: We have fully explored the topic. Businesslike and constructive.

Gromyko: The President and General Secretary meet at 11:00.

Kissinger: What is the subject?

Gromyko: Both sides are free.

Kissinger: What will you raise?

Gromyko: European matters, the Middle East.

Kissinger: Not on a Saturday.

Gromyko: We are not Moslems. Always when I am in the Middle East we don't work on Friday.

Kissinger: The same with me. Except in Saudi Arabia. The King of Saudi Arabia knows Moscow is run from Tel Aviv.

Dobrynin: Faisal? He is a great expert.

Kissinger: Your intelligence should look into this. It is an interesting theory.

Gromyko: How did this happen? How did they subjugate us?

Kissinger: Because all their leaders were born in Russia.

Gromyko: Not any more.

Kissinger: We will find a new reason.

Gromyko: Ben-Gurion, yes. The Foreign Minister once, Shertok—Sharett—was from Odessa, or Nikolayev.

You think it hopeless to have an agreement as such?

Kissinger: We would have to let our experts look at it.

Gromyko: But there could be a protocol with details.

Kissinger: Oh, yes. Very detailed paragraphs like your drafts. With the threshold.

Gromyko: With the intention to formalize in a treaty before . . .

Kissinger: Before the end of the year.

Gromyko: How about the duration of the agreement?

Kissinger: Our proposal is to have it indefinite, with a five-year review.

Gromyko: You think a third country should not be mentioned?

Kissinger: I don't think so.

Gromyko: Some sort of understanding.

Kissinger: Written or discussed?

Gromyko: Confidential.

Kissinger: Why should that make any difference if we can test under the threshold?

Gromyko: Or we can test until the second coming of Christ.

Kissinger: That would be very popular in Moslem countries. It would be taken care of in the review.

[The meeting then ended, to give time for preparation for the plenary meeting at 11:00.]

60. Memorandum of Conversation¹

Moscow, June 29, 1974, 11:12 a.m.–1:10 p.m.

PARTICIPANTS

Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU
Nikolai V. Podgorniy, Chairman of the Presidium of the Supreme Soviet of the USSR

Aleksei N. Kosygin, Chairman of the Council of Ministers of the USSR

Andrei A. Gromyko, Minister of Foreign Affairs of the USSR

Anatoliy F. Dobrynin, Soviet Ambassador to the USA

Andrei M. Aleksandrov, Assistant to the General Secretary

Georgiy M. Korniyenko, Member of the Collegium of the Ministry of Foreign Affairs, Chief of USA Division

Leonid M. Zamyatin, Director General of TASS

Viktor M. Sukhodrev, Ministry of Foreign Affairs (Interpreter)

Andrei Vavilov, Ministry of Foreign Affairs

President Nixon

Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for National Security Affairs

Walter J. Stoessel, U.S. Ambassador to the USSR

General Alexander M. Haig, Jr., USA (Ret.), Assistant to the President

Ronald L. Ziegler, Assistant to the President and Press Secretary

Major General Brent Scowcroft, USAF, Deputy Assistant to the President for National Security Affairs

¹ Summary: Nixon and Brezhnev continued to discuss the Threshold Test Ban Treaty.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 77, Country Files—Europe—USSR, Memcons, Moscow Summit, June 27–July 3, 1974. Secret. The meeting took place in St. Catherine's Hall at the Grand Kremlin Palace. All brackets and ellipses are in the original except those indicating text omitted by the editors. The memorandum is printed in full in *Foreign Relations, 1969–1976*, volume XV, Soviet Union, June 1972–August 1974, as Document 189.

Helmut Sonnenfeldt, Counselor to the Department of State
Arthur Hartman, Assistant Secretary of State for European Affairs
William G. Hyland, Director, Bureau of Intelligence and Research, Department
of State
Jan M. Lodal, NSC Senior Staff
Peter W. Rodman, NSC Staff

SUBJECTS

Test Ban; Mediterranean Nuclear Ban; CSCE

Test Ban

Brezhnev: What are we going to do today? Kissinger and Gromyko didn't suggest anything.

Nixon: It might be helpful if we hit briefly on where we stand in terms of the test ban. Then go to Europe.

Brezhnev: I would do that.

Nixon: Then come back to the threshold [test ban] later.

Kissinger: Mr. President, the Foreign Minister and I and some associates met this morning to review where we stand on the threshold test ban. We pointed out it was probably impossible to complete an agreement while we are here, but it would be possible to sign a protocol which in a rather precise way could settle certain details.

With respect to the threshold, the United States side proposed 150 kilotons and only a single threshold.

With respect to exchange of geological information, the Soviet side pointed out to us that some of our proposals were perhaps excessive in detail, so we accepted the substance of draft paragraphs two and three of the Soviet draft—we would discuss the exact wording, but essentially those paragraphs.

With respect to peaceful nuclear explosions, we propose to keep peaceful nuclear explosions outside this threshold agreement, but we agreed there would be no peaceful nuclear explosions until there is a separate protocol on that subject.

With respect to the impact of events elsewhere on the agreement, we propose a five-year review clause. The Foreign Minister said this was a matter he has to discuss with his colleagues.

And if we reach an agreement on these issues, these could be a basis of a protocol. This is where the discussion was left.

Brezhnev: You see how easy their work has been, Mr. President. It is obvious that the United States does not accept the proposal for a complete ban on underground nuclear testing. Politically speaking, from the standpoint of public opinion, this means we are continuing the arms race. Again, politically speaking, this means we will be contradicting the statements we are making. But ways do have to be found

to seek out mutually acceptable solutions. Of course the question does arise as to why we cannot reach an understanding on this issue. I fully agree with what the President said yesterday: Neither of us needs an agreement in which one side can be put in the drawer and eaten up by moths. We need documents that will be really effective and that people feel are really effective. So neither of us can ever be accused of saying one thing and acting in another way.

The very fact that Dr. Kissinger says it is not possible to reach an agreement does arouse certain doubts. Are we cutting ourselves off from a solution of these questions forever? We could, of course, discuss the questions of quotas or ceilings, but to be told there is no possibility whatsoever of an agreement does cause certain doubts. Because the two days of talks we had with the President instilled confidence in my mind that we should work to an agreement.

Just before this meeting we had a brief exchange of views on the substance of the exchanges between Dr. Kissinger and Comrade Gromyko. What we feel can be done in the interests of the present, and future as well, is to conclude an agreement.

We are fully aware of the tasks you want to solve. In the interests of preserving friendly relations and in the interest of further advances toward limitation of strategic arms, we would be prepared to accept a ceiling of 150. . . .

Gromyko: Kilotons.

Brezhnev: . . . kilotons, which does represent a big concession on our part. And it means we are in fact meeting the U.S. proposal. The lower threshold is immaterial. Do you agree with that?

Kissinger: I agree.

Brezhnev: Which, as I say, means we are fully meeting the U.S. proposal. But what we must give thought to, Mr. President, Dr. Kissinger, is how we present this agreement. And we should also be clear in our minds how we want to continue to act to halt the arms race.

I would suggest we go about it this way: we cast aside all second-rate matters, details about water and sand, but include a clause in the agreement roughly that the two sides have undertaken to continue within a certain time limit to find a solution to the question of a complete ban on nuclear tests. If we do that, everyone will understand this interim agreement will continue for some time while we continue efforts to find a comprehensive ban. Then people will understand. They will understand it is not possible yet to achieve a comprehensive ban but both will continue active efforts and this will continue in effect until that.

Then I would suggest we do not include any specific quotas in the agreement but inscribe a clause that within an agreed period of time

the two sides will conduct a minimum of tests. You will be free to conduct 150-kiloton testing but with a clause indicating a minimal number of tests. We will be indicating the trend of the agreement. And a clause on continuing efforts.

That will be the kind of agreement we need. It will show the public we are continuing détente. I think an agreement of that kind can be worked out quickly.

I have another question, Dr. Kissinger: Why should we not be permitted to conduct peaceful nuclear tests? We agree they should be left outside this agreement. What we are suggesting is, in the event of any peaceful explosions, we will agree to notify the American side and invite observers.

Gromyko: And vice-versa.

Brezhnev: So in the event, therefore, of any peaceful explosions, we would invite your observers to attend there.

Kissinger: I have a few candidates whom I would like to send to the test site. [Laughter]

Brezhnev: We wouldn't place them right on top of the explosion! But if we do any such explosions, it would be to unite two rivers or shift water somewhere, something like that. We have areas, for example, where we have very substantial deposits of copper, and it could become profitable to do that with a nuclear explosion, and we would invite your observers.

Nixon: First, let me put the matter in context, the reason we proceeded to spend so much time to work out a test ban of this nature. When Dr. Kissinger returned from Moscow in March, he indicated that our friends on the other side had proposed this as an approach to a complete test ban. As far as the details are concerned, I see that the general principles the General Secretary has outlined are ones that we agree upon. The reservation I have here is with respect to the time limit. So we seem to have a meeting of the minds. I would like to have Dr. Kissinger indicate the points he sees we agree on and the points we would like to have the experts work on.

Kissinger: Mr. President, I think the General Secretary made a very constructive proposal. We agree on the threshold.

Nixon: Of 150.

Kissinger: Of 150 kilotons, and we can agree to this formulation, I believe, that both sides will conduct the minimum necessary.

Nixon: "each side agrees . . ."

Kissinger: We would have to formulate it but the principle is acceptable. I think also, Mr. President, that the approach of the General Secretary to peaceful nuclear explosions offers an approach to a solution, and is acceptable in principle, but we would have to be more

precise in how it works out. We don't have to do it in this room. I believe the principle of the General Secretary's proposal is consistent with your instructions.

We can also accept stating the objective of working toward a comprehensive test ban.

Brezhnev: Something to the effect that the sides agreed to continue talks with a view to achieving a complete test ban.

Kissinger: That we can accept. What we cannot accept is saying that a comprehensive test ban must be accomplished in a certain time period.

Brezhnev: Let us at least say something about the time period for doing it: "To seek to achieve within four years, five years." Let me suggest we write some words like: "The sides agreed to continue a discussion aimed at finding a solution."

Kosygin: Without a time limit.

Brezhnev: I think that would be well received.

Nixon: That would be better than putting an unrealistic clause saying we will do it by a certain date. That means that between the two sides it has been discussed—which is true directly—and we will continue our best efforts to reach a comprehensive test ban. If you say, for example, a time of five years from now, it may indicate you may reach a test ban in that time but also means we would delay it until then. So saying we will make our best efforts is a better principle.

Brezhnev: So you see we can reach such an agreement, and that is the substance of an agreement.

Nixon: Good.

Kissinger: And on exchange of information, we will use your two paragraphs.

Brezhnev: Are you prepared to reach such an agreement? Not a protocol, but an agreement?

Kosygin: If we have reached an agreement, we should decide it by an agreement.

Brezhnev: And we will be indicating the exact test sites. These will be in specified areas.

Kissinger: These will certainly be the substance of an agreement. The question is whether we can finish all the protocols in time for signature on Tuesday.

Brezhnev: What details do you mean?

Podgorny: Your experts who have been working on it are still here; ours are here. The main thing is to agree on the principles.

Kosygin: Mr. President, we would think it would be in your best interest and ours to have an agreement at this time. It would give you a very strong position in public opinion. So we should do it in two days.

Nixon: We shouldn't put an unrealistic deadline on drafting. But we could put diplomatic experts on doing the principles now.

Kissinger: What we could do, Mr. President, is: Ambassador Stoessel, who headed our delegation, could work with the Soviet experts this afternoon. If they can agree on all the protocols, we could sign the principles.

Kosygin: That could be worse, just signing principles. Because your experts have been working about a month together. If we hand these principles down to them, I feel sure they could work out the details very quickly. Then we could have a well-balanced document.

Kissinger: Mr. President, I think, if you agree, you could instruct your experts to meet with theirs. We don't have to discuss it abstractly. They have two drafts; we could see how far they can get.

Kosygin: They should.

Kissinger: Then if there is a deadlock, it can be brought to you and the General Secretary. So we will keep the Ambassador here [instead of going to Oreanda], if you agree, Mr. President, and they can report to us tomorrow. And you can make a decision together with the General Secretary whether it is ready for the whole thing or just a general statement.

Brezhnev: Documents of this kind are always elaborated on the basis of decisions at the highest level, but experts always think up 200 problems. So they have to be instructed to stick strictly to the principles we agreed.

Nixon: I agree.

Podgorny: Let the experts draw up the agreement based on these principles.

Nixon: It is important that there be no misunderstanding.

Brezhnev: Agreed.

[Omitted here is the remainder of the memorandum of conversation.]

61. Memorandum of Conversation¹

Moscow, July 1, 1974, 5:10–9:30 p.m.

PARTICIPANTS

Andrei A. Gromyko, Minister of Foreign Affairs of the USSR
 Igor D. Morokhov, First Deputy Chairman of the State Committee for Utilization of Atomic Energy
 Roland M. Timerbayev, Deputy Chief of International Organizations Department, Ministry of Foreign Affairs
 Georgi M. Korniyenko, Member of Collegium of Ministry of Foreign Affairs, Chief of USA Division
 Vasili Makarov, Aide to Gromyko
 Mr. Komplektov, Ministry of Foreign Affairs
 Oleg Sokolov, Ministry of Foreign Affairs
 Mr. Zaitsev, Ministry of Foreign Affairs (Interpreter)
 Mr. Bratchikov, Ministry of Foreign Affairs (Interpreter)
 Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for National Security Affairs
 Amb. Walter J. Stoessel, Ambassador to the Soviet Union
 Major General Brent Scowcroft, Deputy Assistant to the President for National Security Affairs
 Helmut Sonnenfeldt, Counselor, Department of State
 William G. Hyland, Director, Bureau of Intelligence and Research, Department of State
 Jan M. Lodal, Senior NSC Staff
 Peter W. Rodman, NSC Staff

SUBJECTS

Test Ban; Environmental Warfare; SALT [Briefly]

Test Ban

Gromyko: Well, I think we can start. No introductory words are needed, apart from the fact that we have to start our work. Which question shall we start with? After this question, I make a suggestion: I suggest we discuss underground tests.

Kissinger: I agree.

Gromyko: If it is possible.

Kissinger: Yes.

¹ Summary: Kissinger and Gromyko continued to discuss the Threshold Test Ban Treaty and environmental warfare.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 77, Country Files—Europe—USSR, Memcons, Moscow Summit, June 27–July 3, 1974. Secret; Nodis. The meeting took place in the Tolstoi House at the Ministry of Foreign Affairs. All brackets and ellipses are in the original except those indicating text omitted by the editors. Printed in full in *Foreign Relations*, 1969–1976, volume XV, Soviet Union, June 1972–August 1974, as Document 193.

Gromyko: Suppose we formulate one point in this way: It concerns peaceful tests. It is not a precise text but something like this: "The sides declare they will employ their efforts so as in the nearest possible time to reach agreement on the question of peaceful nuclear underground tests, explosions." I think such an obligation, such a commitment, would be enough. It wouldn't look like a formal condition. So as the real agreement comes into force on the other side, it would be strong enough so the two powers will turn this obligation into an agreement, especially taking into consideration the fact that the period is enough, even if you take the beginning of 1976. I cannot imagine we can't get agreement in a year and a half. Naturally, there may be obstacles that may stand in the way. For the reasons I explained on the plane, I cannot be bold in that connection. I hope you understand us.

Kissinger: I understand you, Mr. Foreign Minister. My difficulty is agreeing with you, not understanding you. As a practical matter, we cannot implement this agreement until the loophole of peaceful nuclear explosions is closed. We can't be in a position where we have permitted you to conduct tests above the threshold in the guise of peaceful nuclear explosions.

Gromyko: Your argument is clear, but we consider there are no grounds for doubts, for fears. I want to give you two arguments. About one we already talked. We are ready to consider in a favorable direction the possibility of exchange of observers. We are ready. Now, second: suppose that in the opinion of one of the sides there are grounds for doubts about the actions of the other, we have a special article which guarantees the fundamental interests of the security of the state. A state can withdraw from the agreement. We don't think any of the sides would put itself into the situation where it would give grounds to the suspicion of the other side. I have already explained this on the plane. I think it is sufficient.

Kissinger: I understand your point; I think we understand each other's point. Why won't we say something like: [reads] "The other provisions of this Treaty do not extend to underground explosions carried out by the parties for peaceful purposes. These shall be governed by an agreement to be negotiated and concluded by the parties before the date specified in Article I."

Gromyko: All right, it is clear. But I put the question to you: If it happens by one or another reason that it is delayed with regard to peaceful tests, and if more than one side does it, say, the two sides will blame each other for the delay in the agreement, the Soviet Union is in a position where it is prohibited to use peaceful nuclear tests. And there will be these reproaches. Do you understand my point?

Kissinger: I understand. When the Foreign Minister and I disagree, it is not because we don't understand each other; it is because we understand each other only too well.

Let me ask: If there is no agreement on peaceful nuclear explosions, should we not implement this treaty?

Gromyko: We will observe the treaty. But taking into account other aspects would tie our hands with regard to peaceful nuclear explosions, if there is a delay in this agreement.

Kissinger: You are afraid we will stop your peaceful program by either delaying this agreement or dragging our feet on peaceful uses.

Gromyko: The absence of an agreement on peaceful nuclear explosions should not mean this agreement shouldn't come into force. We fear your new formula means that if the provision on peaceful nuclear explosions isn't implemented, there is a delay. You will think it is because of our position and we will think it is because of yours. But we will be left in a position where it will not be possible to carry out peaceful tests. This is the sense of your proposal. If not so, tell us.

Kissinger: One of two things will happen—you are quite right: Either this agreement won't go into effect, or the peaceful program will have a moratorium until agreement is reached on peaceful nuclear explosions.

Gromyko: You mean, by the first case, that the treaty won't come into effect?

Kissinger: We won't, as a practical matter, be able to ratify unless there is some assurance on peaceful nuclear explosions.

Gromyko: If it is so, then we reject completely this proposal, and on two grounds. Not only the one I already gave, that it would leave us in a situation where we would be without the right to carry out peaceful explosions, but also because the first agreement on underground explosions will not come into force without reaching agreement on peaceful explosions. We couldn't even agree on one of those grounds, and you give two.

[The U.S. side confers.]

Kissinger: My assistants think you don't need such big explosives. They will be glad to tell you how to run your business.

Let me state the problem as I see it. There are two problems: One, is a peaceful nuclear explosion a weapons test? The second is, does it violate the threshold? When a peaceful nuclear explosion is below the threshold, we don't care if it is a weapons test. When it is above the threshold we do care because it could be used for circumvention of the agreement.

Gromyko: Let's not talk about below the threshold; we are talking about above the threshold. Below threshold, we are in agreement; it is free.

Kissinger: Wait a minute. I don't want you to betray yourself with your usual impetuosity. Mr. Morokhov gave Mr. Stoessel something on below-the-threshold tests—when?—which is acceptable in principle.

Stoessel: This morning.

Kissinger: That is acceptable in principle. We would have to modify it but I think we could come to an understanding about this. He gave us two parts—one for above the threshold, and one for below.

Gromyko: As far as below the threshold is concerned, the question is out because the sides are free in that area.

Kissinger: Not completely, because for military purposes, tests below the threshold, the sites have to be specified. For peaceful purposes, the sites are specified from case to case. According to your own draft. So I consider the draft of Mr. Morokhov a positive contribution. I think it can solve the problem of peaceful testing below the threshold.

Gromyko: Just in the area of detection by the sides, but this is quite another matter.

Kissinger: No.

Gromyko: This is quite another matter. It has to do with verification. National means.

Kissinger: True, it is another aspect. I think it is useful because we won't have the geological data and we will need additional data when tests aren't taking place at the test site.

Gromyko: You mean national means for verification?

Kissinger: I believe essentially national means, with, however, the requirements contained in your own first paragraph, that is, that you inform us of the time and place and geological information about that place, and for observers as in paragraph three of your draft.

You don't have "geological." That is one refinement I would add.

Gromyko: Mr. Secretary of State, we shall return to this text. We don't think this text will create problems. But we want a clearcut answer to two questions. First, tell us about the agreement we are negotiating right now: will it come into force, if before the indicated time of coming into force it turns out there is no agreement on peaceful explosions? Or will you interconnect these two? You precondition this on the agreement on peaceful nuclear explosions? That is the first question. The second question: assume there is a delay until January, March, July 1976 and by some reasons there is no agreement. Although we think, on our part, we could come to an agreement before. But suppose we come across some difficulty; do you think in this case we have no right to carry out explosions for peaceful purposes? If you base your position on this, we categorically can't accept this position. Take the Non-Proliferation Treaty, paragraph five. It says that nuclear powers not only by themselves can use it but can assist non-nuclear countries for using it for peaceful purposes. We would like to have an answer to those two questions.

When I looked at this text myself, I understood it this way: To the first question, yes, the first agreement enters into force whether there

is agreement on peaceful nuclear explosions or not. As to the second question, it is not clear. We didn't come to the conclusion that there is an answer in this text.

Kissinger: The two questions are clearly linked. The answer to the second question gives the answer to the first question. Let us say yes to the first question: the agreement goes into force regardless of whether there is agreement to the second. Then we would say a peaceful nuclear explosion below 150 kt can be conducted according to the Protocol, with the addition given by Mr. Morokhov. With respect to peaceful nuclear explosions above 150 kilotons, there would have to be, in my judgment, a moratorium until agreement was reached. Or there could be a special arrangement for each explosion. I am talking about the above threshold now. There could be a special arrangement.

Gromyko: [Smiles] Well, Mr. Kissinger, let us not lose our time speaking about what happens below threshold. Because we agree.

Kissinger: No, there is a problem, Mr. Foreign Minister, because on peaceful explosions, we would not have information about tests off the test site, which would clearly be the case. But it is an easily soluble problem.

Gromyko: We do not understand your suggestion. Explosions for peaceful purposes are used not in a range but in the mountains, to connect rivers, to make water reservoirs. What do the sites have to do with this?

Kissinger: On the ranges we will exchange information on test sites, and I understand we are reaching agreement on calibration shots. We would be close to agreement. On other sites, there could be a variation in yield of a factor of two to three, and even below the threshold it could be used for evasion. So even below the threshold there is a problem. But with goodwill and exchange of information it can be settled. Above the threshold it becomes progressively more unmanageable.

There is 1 proposal I could make which you will not accept: that each side provides the device to the other that will be exploded. I am serious.

Gromyko: You know, below the threshold there is no problem.

Kissinger: No, there is a problem.

Gromyko: It is artificial. When you have to decide whether an explosion is above or below, there is a problem, but when you say there is a problem you unnecessarily delay it. On an explosion above, we could exchange a very very big volume of information, which would permit us to draw conclusions.

Kissinger: The information we exchange refers to test sites; it does not refer to the sites for peaceful explosions. I grant you this problem is more easily solved.

Gromyko: You have a certain amount of truth, that there are no testing sites for peaceful purposes. Then why do you not take into account what we have said: a corresponding conclusion should be negotiated, including an exchange of observers. I said this and you ignore it.

Kissinger: No, I know it. But when you say exchange of observers, we have to agree what they will observe.

Gromyko: [Laughing] Exactly. This is what should be negotiated—talks regarding explosions for peaceful purposes. I can't take the terms of reference out of my pocket. Perhaps you do. If you do, lay it on the table.

Kissinger: No, I believe it is a soluble problem, with goodwill. But I would like it solved before the agreement goes into effect. Which is nearly two years from now.

Gromyko: Meaning the agreement on explosions for peaceful purposes.

Kissinger: As I said, there are two possibilities. We could have provisions for peaceful nuclear explosions below the threshold incorporated in this agreement in such a way that your second question would not arise. Because it wouldn't take much drafting. Removing the question of peaceful explosions below the threshold from this agreement; I think this can be done.

Gromyko: You are putting conditions. Is it forbidden to carry out peaceful nuclear explosions if there is no agreement on explosions above the threshold?

Kissinger: Explosions above the threshold are excluded until there is an agreement.

Korniyenko: A moratorium.

Gromyko: You propose to exclude them.

Kissinger: From now until the treaty goes into effect, there are no restrictions at all. After the treaty goes into effect, there are restrictions on peaceful nuclear explosions until this is agreed.

Gromyko: It is unacceptable. Tell us on what grounds. Do you want to tie our hands in advance?

Kissinger: We are not trying to tie your hands. If you can have two peaceful nuclear explosions above the threshold, in effect free, how can we possibly explain to our people they are not weapons tests?

Gromyko: You accept that when we get agreement, we let your people come and you will let ours. We got agreement on that; then you just brush it aside. I don't understand that.

Kissinger: Suppose we accept Mr. Morokhov's suggestion; what is your idea of what would concretely happen with explosions above the

threshold? You say observers. But you don't say what they do there. I am just taking your second paragraph. If we haven't come to agreement on the terms of reference for them, are you free?

Gromyko: Free. We are hopeful we shall find common language. We have the same tasks.

Kissinger: Assuming we accept unchanged your Article 3, and the terms of reference are unchanged, you feel free . . .

Gromyko: Free to go as we want.

Kissinger: You could, by refusing to agree to the terms of reference for representatives, use peaceful nuclear explosions for circumvention. How can we explain that?

Gromyko: You raise these possibilities of our intentions.

Kissinger: Our Congress will never ratify.

Gromyko: We should be positive and not listen to one or two opinions.

Kissinger: It takes two-thirds.

You know and we know we have no intention of circumventing the agreement, because the media will make it evident. In your country we won't know whether it is for peaceful purposes.

Gromyko: We invite your representatives to be at the spot.

Kissinger: But until we know where the representatives can go, how close he can go, what he can inspect, we don't know what it means.

Gromyko: Mr. Kissinger, why do you give us so hardly-thought up questions? As if you didn't know their transport. We will give soap for them to wash their hands.

Sonnenfeldt: And sun glasses.

Kissinger: We have a year and a half to work it out.

Gromyko: You are against the text you presented, because we proceeded from your own text.

Kissinger: Mr. Foreign Minister, if Ambassador Stoessel presented a text which created confusion in your mind, it shows he wasn't as good a student of mine as I thought.

Gromyko: I won't interfere in your internal affairs!

Kissinger: I see no alternative to either making it dependent on an agreement on peaceful nuclear explosions above the threshold, or have a moratorium on peaceful nuclear explosions until there is an agreement.

Korniienko: Our Supreme Soviet also would not ratify an agreement of this kind if we delayed it ad infinitum. It would not ratify a document which let the American side drag it out indefinitely and delay our peaceful explosions because of artificial problems on terms of reference.

Gromyko: I have a proposal: Let's have a ten-minute break.

Kissinger: Good. Without inspection. [Laughter]

Gromyko: You usually like inspection, but this time not.

Kissinger: No, we want to know what the terms of reference are. You might put our inspector in a dacha in the Crimea.

[The meeting adjourned from 6:15 to 6:40 p.m. and then reconvened.]

Gromyko: So, in which direction are we going? Further, where is the truth situated?

Kissinger: That is the question Pilate asked Christ: What is the truth?

Gromyko: Who will say Eureka?

Kissinger: I don't think the Foreign Minister will spend twenty minutes on a problem without coming up with an answer.

Gromyko: There was a third-grade class in the U.S. and the teacher asked, "Who was the person who said Eureka?" One pupil said Archimedes. The teacher said, "Yes, but when did he say it?" The pupil answered, "While running from the bathroom, he was saying 'I found it, I found it.'" The third question was, "What did he find?" The pupil said: "Soap." [Laughter]

Probably you elaborated or worked out some approximation to the truth.

Kissinger: No.

Gromyko: Further from the truth?

Kissinger: We were wondering what would happen when we reconvened. Stoessel said, probably Gromyko will accept Morokhov's proposal.

If we made the two agreements conditional on each other, we wouldn't be bringing pressure on you because if they didn't go into effect, you could continue your peaceful nuclear explosions.

Gromyko: It gives little to us, such a kind of agreement. It is necessary to find a solution to meet your interest as well as ours . . .

Kissinger: I agree.

Gromyko: . . . that the first agreement should enter into force without being conditional on the other one. Similarly, the second one should be assured independently. This is the position.

Let's delete the time period, the concrete condition, and say we will exert all efforts to the speediest conclusion of such an agreement.

Frankly speaking, in general, we think, if you don't have another kind of instruction, the U.S. and USSR could agree on peaceful purposes before this date. Because we think you too have a desire on that score.

Kissinger: Then we have no problem.

Gromyko: Yes. So let's not put it as a condition. Let's say the sides will apply energetic efforts to agree on peaceful nuclear explosions in the nearest time.

Kissinger: Mr. Foreign Minister, I don't question your good faith. But when I negotiated with your allies from Hanoi, whenever we wanted to write a provision where we knew nothing would happen, we put into the agreement "the parties will do their utmost." Because we knew both sides would do nothing. So my Legal Adviser won't let me use that phrase.

It is possible to say: "Underground nuclear explosions shall be governed by an agreement to be negotiated and concluded by the Parties." As long as you understand that, while it doesn't have a conditional phrase in it, we wouldn't ratify until the agreement is concluded.

Gromyko: You wouldn't ratify what? The first agreement or the second?

Kissinger: We would tell our Congress we have made this agreement but we can't in good conscience ratify it until we have the second one. But at least the agreement wouldn't be written in conditional form.

Gromyko: We are agreeing on an acceptable agreement, but the first agreement won't be ratified without the other. So what can I report tomorrow?

Kissinger: I share your confidence we will be able to come to an agreement on peaceful nuclear explosions. We have over the weekend queried all relevant agencies, and I have the impression that they would work on such an agreement with a positive attitude.

Gromyko: Your agencies?

Kissinger: Our agencies who would have to do the technical work.

Gromyko: Your President would look into it; in our country it is the Politburo. In the first instance it is me that is conducting negotiations with you.

Kissinger: That is right.

Gromyko: Suppose I go to the meeting tomorrow and tell my colleagues that Mr. Kissinger said he would use a more flexible formula for joining them together without a hook, but he says the first one wouldn't enter into force without the second. What kind of progress is that? So where is the truth?

Kissinger: There is no way around these two choices. We can come to an agreement for peaceful nuclear explosions below the threshold, and then the treaty can go into effect, with a moratorium on tests—peaceful nuclear explosions—above the threshold. Or we have to link

the two together. There is no way around it. We can be extremely flexible in the way we formulate that linkage so it is not very apparent. You summed it up very effectively.

Gromyko: So it gives nothing. You are just blocking.

Kissinger: Not at all. We have a year and a half to come to an agreement on one category. That is the only loophole. That is the uncertain area.

Gromyko: You are putting forward an impossible condition, that we agree that you would be in the way of an agreement coming into force if the second is not concluded.

Let's formulate it in another way. Let's find a most imperative form but delete the variant of linkage of the first to the second and not turn the linkage into a precondition of entering into force of the first. Let's try to find such a formula. I tried to put forward the formulations: "efforts," "energetic efforts," "express confidence that their efforts will be crowned with positive results." But without formal linkage. You want to put it on steel hooks.

Kissinger: What is the imperative formulation?

Gromyko: A variant of yours, when you link it to the date. We can say the two sides will do their utmost so as to reach agreement on peaceful nuclear explosions and they express confidence their efforts will be crowned with positive results.

Kissinger: Look, we can put anything into the agreement, and such a formulation is not inconceivable, provided you understand the Senate will not ratify it unless we close the loophole.

Gromyko: Then the formulation makes no difference.

Kissinger: That is right.

Gromyko: Because Americans will delay our peaceful explosions.

Kissinger: Mr. Foreign Minister, what I want to stress is, in any event you can have peaceful nuclear explosions below the threshold, and for the vast majority of peaceful projects 150 kilotons will be enough.

Gromyko: You put that in a very clear way. This question is clear, and practically it does not exist.

Kissinger: So we are talking about very few peaceful explosions above 150 kilotons. I would be amazed if you have done more than ten peaceful nuclear explosions in your whole program.

Gromyko: Right.

Kissinger: Small explosions for peaceful purposes we will solve. So we won't interfere with your program.

Gromyko: You are stressing this; this question doesn't need to be discussed.

Kissinger: No, it does, because if you suddenly did ten tests off the test site, even below the threshold, we would wonder why, because we would have much less data. But this is a soluble problem. So we are talking about the very few above the threshold. I don't know how many you have done; I am checking it. Maybe you can tell me.

Gromyko: We are talking about ones above.

[Kissinger and Lodal confer about numbers of Soviet peaceful nuclear explosions.]

Kissinger: What we are discussing is trying to figure out from our data the number of peaceful nuclear explosions above this threshold in the last three years. Mr. Morokhov could tell us in thirty seconds. We think it is six in the last three years.

Gromyko: It is a question of a general educational character. [Laughter]

Kissinger: Our practical problem is: You know I have been before the Senate the day before I left, because of a loophole which you know, having been there, doesn't exist. It had no reality; it was imaginary. Here we are talking about a loophole which anybody could find. So either we will impose this condition or the Senate will. So I understand we can eliminate the conditional phrasing. It will not change the reality but it will ease the formulation problem.

Gromyko: What is the course of the Administration? It would go to Congress, or more so that you yourself would come out in favor of shelving it?

Kissinger: I would come out in favor of accepting it but I would say we wouldn't deposit ratification until we have the other.

Gromyko: So what is the use of the agreement?

Kissinger: We would have every confidence we could work out the other agreement. After all, it doesn't make us look particularly good to have worked out an agreement that isn't implemented. See, our estimation is—I don't want to debate it—between 1964 and 1974 almost all your peaceful nuclear explosions were below the threshold, and only four were above the threshold in the last three years. So we are not talking about a problem that will arise every two weeks.

Gromyko: In this case we are talking about a question of principle. To us what is impossible is the principle itself. So what kind of alternative do you have, on the basis of which we could come to an understanding?

[Kissinger, Stoessel, and Sonnenfeldt concur.]

Kissinger: I have no trouble with an imperative formulation, with removing the conditional aspect to the text. And that will change the public impression of it. But it doesn't change the reality.

Gromyko: An extreme imperative formulation gives nothing if you declare the agreement will not be approved.

Kissinger: You see, at this point we don't have to go to the Senate because we don't have to go to the Senate until three months before the Treaty goes into effect. So we don't have to make any conditions. And I assure you our intention is to bring the negotiation on peaceful nuclear explosions to a conclusion, and we will certainly guide our bureaucracy to that effect.

Gromyko: It is not essential that today you notify Congress that you won't send it. The main thing is that you wouldn't approve and it wouldn't go into force.

Kissinger: No, we would submit it to the Senate soon and explain. But we could tell them to take their time in ratifying it.

Gromyko: Then what will be the behavior of the Administration?

Kissinger: We would be in favor of the treaty.

Gromyko: You would strive for adoption?

Kissinger: We would strive for adoption. But I don't want to mislead you: There will in fact be a linkage. But if you and we work at it, we can solve it. If you really want peaceful nuclear explosions, without cunning—which I really believe—then it shouldn't be so difficult to work out the arrangement.

Gromyko: There is part of the truth in that. We know there is a situation in your country that a group of Congressmen and Senators can put up obstacles you can't foresee.

Kissinger: You have some experience in this respect.

Gromyko: On most-favored-nation.

Kissinger: I know. But that condition will be imposed either by us or by Congress. It would be much better if we do it because that way we could control it.

Gromyko: Would the Administration fight for the agreement?

Kissinger: Of course. We would fight for it publicly. Seriously, what we would like in America is to have a debate on this and on SALT as quickly as possible so we can get an end to these stories that we have made agreements to the disadvantage of the United States. It is not in our interest for us to make an agreement that the Senate defeats. It is against our domestic interest. It is also against our foreign policy interest for the Politburo to agree to a text that the Senate rejects. It will make it less likely that they will agree again.

Gromyko: You have another formulation without a specific date?

Kissinger: No, we haven't. But it is not difficult to find.

Gromyko: There is no need for a strong formulation. Just say it will be done, if you make your condition.

Kissinger: We could say: "Underground nuclear explosions shall be governed by an agreement which is to be negotiated and concluded by the Parties at the earliest possible time." And we say nothing about conditions. You probably have a much better one right in front of you.

Gromyko: We have your text.

Kissinger: We don't need a stronger one. With the one condition, that we would want this loophole closed, we would fight hard for an agreement.

Gromyko: You talk so much about the fact that entering into force will be linked, then doubt emerges about how can we strive for agreement.

I would take the text for studying it.

Kissinger: All right.

[The U.S. side confers.]

Gromyko: What other questions can we come to next? The communiqué.

Kissinger: Maybe the communiqué, but can we settle whatever remains in the Treaty? Aside from that one.

Gromyko: All right, the other provisions.

Kissinger: On duration, Article 5, I understand you had some question about our provision "including the yield provision specified in Article I."

Gromyko: I haven't yet seen it. I am reading it. [The Soviets confer]

Kissinger: Please. We are accepting your five-year proposal.

Gromyko: You know, at first glance it is acceptable, up to the words "including review of the yield provision indicated in Article I."

Kissinger: I have never met your colleague Morokhov before but I don't think he is a positive influence on this negotiation.

Gromyko: Let's not go deeper into that. [Laughter]

Kissinger: Because he is the one behind peaceful nuclear explosions. You and I could settle it easily.

Gromyko: About eight years ago we were putting a proposal and I talked to some of your predecessors, and I take him out of those to blame. But before that . . .

Kissinger: In proposing that, we were trying to be constructive. Let me suggest "including possible downward revision of yield levels." So it can only be downward.

Gromyko: We are in favor of deleting these words. I understand you want to go half way to meet us; don't.

Kissinger: We were trying to offer a prospect. Why were you opposed? I just want to understand.

Gromyko: It shakes the agreement a little. There will be something cooking in three months, six months.

Kissinger: It will be only in five years.

Gromyko: We would prefer to delete.

Kissinger: We wanted to keep in mind your concern for a complete test ban and to be positive.

Gromyko: Our position is reducing, decreasing, and there was introduced a quota.

Kissinger: But that doesn't affect the threshold.

Gromyko: It is a kind of mine planted under the agreement from the beginning. We would be talking, and then something comes up.

Kissinger: You are too suspicious.

Gromyko: Only moderately. We would prefer not to have such a privilege.

Kissinger: Can we then delete this phrase, but we can say when the five-year review comes up, either side is free to raise the matter of reducing the threshold?

Gromyko: Of course, either side is free.

Kissinger: This may have been drafted poorly. Can we say: "At the time of review"—not before—"the question of downward review can be considered."

Gromyko: This question, other questions.

Kissinger: You would rather not say it, but it is understood.

Gromyko: Yes.

Kissinger: I know when I am defeated.

Gromyko: Either side has the right.

Kissinger: That is all we wanted to achieve. If you prefer not to have it in the agreement, it is not a matter of principle.

Gromyko: We prefer it.

Kissinger: I go along with you.

Gromyko: Good. Settled. Next? Maybe we take and review Article 6.

Kissinger: There is no Article 6.

Gromyko: Where did you lose it? On route here? From the Crimea? Yesterday we had a boat trip.

Kissinger: The only part of Article 6 we have left we made part of Article 5, but if you would like the third paragraph of Article 5 as Article 6, I will make that concession.

[The Soviet side confers.]

Oh, are you waiting for me?

Gromyko: Who will over-wait whom?

Kissinger: You are much more experienced; I always lose.

We don't want an accession clause.

Gromyko: Why?

Kissinger: Your allies will be unhappy.

Gromyko: Ours will not be unhappy.

Kissinger: I can think of one that will be unhappy.

Gromyko: Are you ready to share that secret with us? The question is about states possessing nuclear weapons.

Kissinger: That is right. We don't even have diplomatic relations with it.

Gromyko: It is quite a daring declaration—to say this ally would be unhappy. That is going too far.

Kissinger: That is true. But with this treaty, we would have to exchange information with every state that accedes to it. That would present problems.

Gromyko: About the other countries, do you have any questions?

Kissinger: No, we would prefer no accession clause.

Gromyko: All right, we will think over it.

Kissinger: The effective date.

Gromyko: I want to tell you from the very beginning we expressed the hope that you would accept in the final analysis the date of the first of January. The time period is long, and as we say, to think for half a year it doesn't make great weather. Half a year is half a year. That makes two years. The question is so important from the humanitarian point of view, the time factor should be more taken into account. Therefore, we would like you to agree to the 1st of January.

Kissinger: The 1st of January I am afraid is too complicated for us.

Gromyko: Postponing the agreement to the 1st of July undermines too much the strength, the authority of the agreement.

Kissinger: My watch says it is June 31st.

Gromyko: Then in this case, you are not in Moscow, you are in Washington or the Middle East.

Kissinger: Probably the Middle East. Most likely Damascus.

Gromyko: A metamorphosis. Probably a vacation.

Does your watch indicate the date when you get your salary?

Kissinger: I don't get a salary.

Gromyko: You live under Communism already!

Kissinger: In our system they take from each according to his needs and give to each according to his ability. That is why I don't get any.

Gromyko: Ambassador Dobrynin didn't report this.

Kissinger: A silent revolution.

Gromyko: First in the list.

Kissinger: To each according to his ability. That is why I have an unpaid staff.

Gromyko: I would defend them.

Kissinger: Except the Ambassador.

Gromyko: I would defend them. I would defend them.

Kissinger: Why don't we think about the date?

Gromyko: All right.

Kissinger: The only other question is a question of the calibration chart. Paragraph 1 (d).

Gromyko: Are you in favor of this formulation?

Kissinger: Yes.

Gromyko: Let's come back to it tomorrow.

Kissinger: All right.

When is your idea when this should be signed?

Gromyko: Either tomorrow or the day after tomorrow.

Kissinger: Yes.

Gromyko: There is no other choice. [Laughter] The day after tomorrow we will release the communiqué.

Kissinger: So it would be better if we signed all the others tomorrow.

Gromyko: It would be good to sign it tomorrow. This one, and the two we talked about on the plane, and this is the fourth.

Kissinger: The four. The SCC one we shouldn't sign publicly.

Gromyko: We can sign it.

Kissinger: But not publish it?

Korniienko: No.

Kissinger: Stay out of it, Korniienko. It is difficult to sign with television and not publish it.

Korniienko: We didn't publish the technical agreement on the Hot Line.

Kissinger: We can work it out. I will talk to our press man.

Environmental Warfare

Gromyko: Environmental warfare. I made an observation on your text.

Kissinger: I haven't seen it.

Gromyko: Korniienko and Dobrynin made it.

Kissinger: Orally.

Gromyko: Yes.

Kissinger: Yes, I understand; I am familiar with it.

Gromyko: That the way it is written now is more a permission than a prohibition.

Kissinger: And that is not an unreasonable comment. [He looks for the paper] Goddamn.

Gromyko: What is the problem?

Kissinger: I expressed an opinion about our legal adviser by damning a nonexistent entity in your philosophy. [Laughter]

Your problem is that "restraint" seems permissive. I am looking for a neutral word so you can say you are for banning it, and we don't have to say anything.

Gromyko: We can do it together.

Kissinger: I have the impression that our views will not be different from yours over a period of time, but I need time to prepare our situation. Words like "measures for effective control."

Gromyko: "Stand for" instead of "favor."

Kissinger: That is provisionally all right.

Gromyko: Let's not go further.

Kissinger: "Advocate, "support," "endorse."

Gromyko: "Support" that somebody's doing.

Kissinger: Let's leave "stand for," "control over the use for military purposes."

Gromyko: Weather does not shoot, but can be used for military purposes.

Kissinger: "For military purposes," that is: "stands for the broadest possible control over environmental modification techniques for military purposes." This is not final; it is an idea.

Gromyko: Let's break for ten minutes.

Kissinger: All right. [To Sonnenfeldt:] Why don't you go off with Aldrich and write it out. Get Stoessel in too.

[The meeting adjourned from 7:58 to 8:10 p.m. and then reconvened.]

Kissinger: Should I read the appropriate paragraphs, Mr. Foreign Minister?

Gromyko: Yes.

Kissinger: After the preambular paragraph, "Advocate the broadest possible . . ."

Gromyko: "The widest possible measures not to permit," or "with the purpose of prevention." "With the purpose of not permitting." This is the meaning.

Kissinger: I think this is about as much as we can do. "Over the use of environmental modification techniques for military purposes."

Korniyenko: "The broadest possible measures for control."

Gromyko: The whole purpose is not to permit.

Kissinger: Our ideas are not identical yet.

Gromyko: Yes.

Kissinger: Then let's say "control over modification techniques for military purposes."

Gromyko: Control may be control in favor of military application.

Kissinger: "Broadest possible limitation?"

Gromyko: This is the worst one could possibly think. How would there be limitation? Right now suppose we have X number of rockets, and we say in the future not more than X multiplied by ten. I think we are thinking in the same direction but let us express certain policy in this field.

Kissinger: I know. But the furthest we can go is something along the lines I indicated. "Control over techniques." In America it would be seen as a big step forward.

Gromyko: But this could mean control in any direction. Control could be to multiply only by five and not by ten.

Kissinger: We had "restrain," which means down.

Gromyko: "Restrain" means we will go in the direction of military purposes but only gradually, by doses, step by step.

Kissinger: "To curb"? To curb is to restrain, almost the same.

Kissinger: "Restrain" is more general; "curb" is more strict.

Korniyenko: It means "permit but . . ."

Kissinger: Maybe it isn't ripe yet in our country.

Gromyko: It is with difficulty that I can think of the country, say country X, that is not ripe for prevention of modification of natural factors.

Kissinger: I have given you my best judgment.

Gromyko: Let us eat something.

Kissinger: All right. But remember, I am incorruptible.

[Dinner was served in the dining room from 8:20 to 9:10 p.m. Afterwards the group reconvened in the meeting room.]

Gromyko: Shall we resume our deliberations?

Kissinger: Yes.

Gromyko: Can Mr. Sonnenfeldt give us his ideas?

Sonnenfeldt: I give the word to the Secretary of State.

Kissinger: You see we have already had our review. "Advocate the broadest possible safeguards against harmful uses of environmental modification techniques for military purposes."

Gromyko: There is harmful use for military purposes and not harmful uses? Since in a war there are always two countries at least, what is harmful to one is not harmful to the other. What is good for Carthage is not good for Rome.

Kissinger: I was just thinking of it the other way around. And history is written by the victor, so one doesn't know what it looked like from the Carthaginian point of view.

I think the best we can do is a formulation that lets you interpret what you want but leaves vagueness. "Advocate the broadest possible measures to deal with the dangers of environmental modification techniques for military purposes." But not to say "prevent," "eliminate."

[Both sides confer.]

Gromyko: "Both sides decided to enter into negotiations on measures to deal with the dangers of the use of environmental modification techniques for military purposes."

Korniyenko: "Both sides decided to enter into negotiations on measures to deal with the dangers of the use of environmental modification techniques for military purposes."

Gromyko: How do you translate "to deal with?"

Korniyenko: In this sense, to do away with.

Kissinger: In the sense of doing away with the dangers, not with the use.

Korniyenko: If you mean only "do something with," it is not good.

Kissinger: I am trying to leave it more ambiguous.

Gromyko: What you are suggesting is promotion of the dangers.

Kissinger: I don't think any English-speaker would understand that as meaning "promote." It implies removing the danger or eliminating the danger. The problem is the danger of use. If we wanted to say "eliminate the use," we would say "eliminate the use."

I don't know the Russian word for "to deal with."

[Both sides confer.]

It may be an insoluble problem. We may have to defer for a few weeks or months.

Gromyko: We are very sorry. You say the country is not ripe; I don't think the country is not ripe. It is a matter of statesmen.

Kissinger: We are prepared to start negotiations if the goal isn't stated too precisely. "To eliminate the dangers in the use of."

Gromyko: That is not good. That means the use is sanctioned.

Korniyenko: The dangers of using.

Gromyko: The dangers of use, that is another matter.

Kissinger: You want to interpret it to mean "to ban," and we cannot yet do this, although the tendency of the negotiations will probably be in that direction.

Maybe I should talk to the President about that.

Gromyko: Please.

[Omitted here is discussion of SALT.]

62. Memorandum of Conversation¹

Moscow, July 2, 1974, 12:45–3:15 p.m.

PARTICIPANTS

Andrei A. Gromyko, Minister of Foreign Affairs of the USSR
Anatoliy F. Dobrynin, Soviet Ambassador to the USA
Georgiy M. Korniyenko, Member of the Collegium of the Ministry of Foreign Affairs, Chief of USA Division
Oleg Sokolov, Ministry of Foreign Affairs
Mr. Zaitsev, Ministry of Foreign Affairs (interpreter)
Oleg Krokhalev, Ministry of Foreign Affairs (interpreter)
Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for National Security Affairs
Amb. Walter J. Stoessel, U.S. Ambassador to the USSR
Major General Brent Scowcroft, Deputy Assistant to the President for National Security Affairs
Helmuth Sonnenfeldt, Counselor to the Department of State
Arthur A. Hartman, Assistant Secretary of State for European Affairs
William G. Hyland, Director, State Department, Bureau of Intelligence and Research
Harold H. Saunders, NSC Senior Staff
Peter W. Rodman, NSC Staff

SUBJECTS

Test Ban; Environmental Warfare; Communiqué

Test Ban

Gromyko: If there are no objections, let us go underground.

Kissinger: Fine. How is your toothache?

¹ Summary: Kissinger and Gromyko discussed the remaining issues related to the Threshold Test Ban Treaty, environmental warfare, and the Moscow Summit communiqué.

Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 77, Country Files—Europe—USSR, Memcons, Moscow Summit, June 27–July 3, 1974. Secret; Nodis. The meeting took place in St. Catherine's Hall at the Grand Kremlin Palace. All brackets are in the original except those indicating text omitted by the editors. Tabs A–D are attached but not published. Printed in full in *Foreign Relations, 1969–1976*, volume XV, Soviet Union, June 1972–August 1974, as Document 195.

Gromyko: Thank you very much. I needed an hour and a half to put aside for that. But with all these documents to sign, I can't. When we have finished, my war with the doctor will stop.

Let's turn to a starting date. We thought first we would start on the 1st of January [1976].

Kissinger: Impossible.

Gromyko: Impossible.

Kissinger: How about May 27, my birthday?

Gromyko: Let's try March 1 as a compromise.

Kissinger: Let us say April 15.

Gromyko: That is a bad month.

Dobrynin: It is not a good time.

Kissinger: At the beginning of March you will find underground water is so deep that you can't do it. I was trying to help Morokhov.

No, April 15 is the realistic figure we gave you.

Gromyko: I will give you one figure, and please don't try to persuade me. March 31. Try the peanuts there and agree.

Kissinger: Now that you are trying to bribe me.

Gromyko: 31st of March.

Korniyenko: Without the peanuts.

Kissinger: April 15 with peanuts.

Gromyko: Let's take this time our compromise solution.

Kissinger: All right.

Gromyko: The 31st of March. Let's go to the third article. [Draft text is at Tab A.]

You have any reservations?

Kissinger: No.

Gromyko: Then we accept. "Underground nuclear explosions for peaceful purposes shall be governed by an agreement . . ."

Kissinger: I want the record to be absolutely clear on this, on what position we will take with our Congress. We will strongly defend this treaty but we will also point out that we cannot deposit ratification until this is settled.

Gromyko: Each side will be responsible for its own actions. This is the responsibility of the Administration, how it defends. All right. Article Five. In that form as we already agreed, excluding the words "including consideration of reducing the levels," that we accept.

Kissinger: Within the context of what we discussed yesterday.

Gromyko: Yes.

Kissinger: All right.

Gromyko: Now 3rd became 2nd. Is it recorded? The former 3rd becomes the 2nd paragraph.

Kissinger: The sixth article becomes paragraph three of the fifth article.

Gromyko: We are speaking about Article Five.

Kissinger: These texts have already been compared. It is accepted.

Gromyko: Tell me. Have you become [more] realistic than yesterday about joining of other countries to the agreement?

Kissinger: No.

Gromyko: It is a pity.

Kissinger: I am a slow student. I don't think you want to exchange geological data with the Chinese. So we are doing it out of friendship.

Gromyko: The Chinese scared you.

Kissinger: Scared me? They have Senator Jackson there; they are happy. I wish they would keep him.

Gromyko: How many millions did they bring to meet him?

Kissinger: I don't think they did.

Dobrynin: It was very quiet.

Gromyko: Thus, you are too sensitive as far as this good article is concerned.

Kissinger: We will put it in some other treaty. We will save it. How about the artificial heart machine?

Gromyko: We already signed it.

All right. We are sorry, and I say that frankly. Just because you stress too much importance to that, to turn it into a barrier.

So the Sixth Article goes away.

Kissinger: The third paragraph of the Sixth Article becomes the third paragraph of the fifth.

Gromyko: Right.

Kissinger: When do we sign it?

Gromyko: Tomorrow. It seems you have changed your view. Our thought would be today.

Kissinger: It is not a political decision. Our people thought it better for the press . . . We very rarely think about public relations in this Administration.

Gromyko: Now we are on the protocol. [Tab B]

Kissinger: Right.

Gromyko: We went a long way as far as concessions to the Americans on this.

Kissinger: We came a long way too. We gave up two paragraphs. But we need that paragraph (d).

Gromyko: Already, I turned.

Kissinger: You accept it?

Gromyko: I accept it. Right. Will the American side appreciate this gesture?

Kissinger: Yes. Quite seriously, we recognize you've made a big concession.

Gromyko: We think you will be more understanding when we discuss the natural factors. Environmental factors.

Kissinger: I have already made a proposal. Your Ambassador rejected your proposal of yesterday.

Dobrynin: I said it was too weak.

Kissinger: Just to finish on the protocol: There are a number of brackets that follow.

Gromyko: Yes.

Kissinger: We don't have to review them all.

Gromyko: Tomorrow is the signing.

Kissinger: What time is it?

Gromyko: There is a reception at 1:00 p.m. and we shall arrange it so we sign it and the reception comes immediately afterward.

Kissinger: Good. We sign the treaty, the ABM agreement—we see where we are on environment—and the communiqué.

Gromyko: Right.

Kissinger: And the comprehensive SALT Agreement.

Korniyenko: And the two Geneva Protocols.

Kissinger: The SCC documents.

Gromyko: Yes.

Kissinger: We will announce that Kissinger and Gromyko will sign two secret agreements. With loopholes.

Gromyko: How many? Six?

Korniyenko: Six.

Gromyko: With environment, it will be six.

Kissinger: Including SALT?

Gromyko: You are in an extra good mood today. All right.

Environmental Warfare

Now, let's pass to the subject of environment.

Kissinger: I made the mistake of discussing with your Ambassador who, as always, was not correctly briefed.

Yesterday when we discussed the question of dealing with the dangers of use, there was some dispute about it. We will accept any

reasonable interpretation. So we could accept that language that yesterday I withdrew. We will reserve our position for the conference. "Both sides,"—this formula—"advocate the broadest possible measures to deal with the dangers of the use of environmental modification techniques for military purposes."

[He hands the text of Tab C to Gromyko. They translate to themselves and discuss in Russian.]

Gromyko: The Russian text—"to deal with." You are better experts in English, and we vice versa. In Russian we will say "with purpose of elimination."

Dobrynin: Or "doing away with."

Gromyko: This is the formulation. Does it give this, or does it give permission? Removal or permission.

Dobrynin: "Overcome the dangers."

Sonnenfeldt: "Overcome the dangers."

Kissinger: Then we will say the same thing.

Gromyko: It seems to us, though not very strong, "overcome" is a little bit more definite than "deal with."

Kissinger: I agree, but with the Russians equivalent.

Gromyko: "Ustranyenie"

Stoessel: That means to eliminate. "Udalyenie."

Dobrynin: "Ustranyenie" means removing the dangers.

Gromyko: We don't want to mislead you; neither do we want to mislead ourselves. If it gives the impression of permission, it is not our intention.

Kissinger: If someone is deceived, it is better it be you than we.

Let's be realistic. We understand your position; your position will be to eliminate. We can't yet state this in a document. Our position is we do not exclude it; you are free to discuss it, but we want a more flexible phrase. "Overcome the dangers" is all right. But we do not want to be told at the first meeting of the Conference that we have already agreed to elimination of it.

This will be well received in America. Therefore unless we are forced into it, if you don't give any explanation, we won't give any explanation.

We may have to give an internal explanation to our government, but not publicly. I don't think it will come up at a press conference, but if it does, I will say the meaning of "overcome" will be determined by negotiation.

Gromyko: I told you we won't give any explanation. We will use the word "ustranyenie." To make it stronger we would use the word "liquidate."

Kissinger: Is there a weaker word?

Stoessel: "Preodolyenie."

Dobrynin: That makes no sense.

Gromyko: We cannot just play games in Russian. We will take the most flexible expression which shows a tendency and direction. Our intention is liquidation of the danger.

Kissinger: What you desire we understand. But this is a joint document. We understand what position you will take in the negotiation.

Dobrynin: That is why we agree to a weaker word.

Gromyko: We won't give any official interpretation. But our intention is to act for peaceful purposes.

Kissinger: I don't know what the Russian will say. But the record could not be clearer. You are free to give your interpretation.

Dobrynin: The Foreign Minister said he won't give any interpretation.

Kissinger: All right. We accept.

Gromyko: I suggest the following: "Joint Statement," while we just delete the subtitle which follows.

Kissinger: I agree.

Gromyko: I will just read it through in Russian. [He reads it through aloud quickly in Russian.]

Kissinger: "Have agreed on the following: *To* advocate . . ."

Dobrynin: Infinitive.

Gromyko: "The United States of America and the USSR . . . to advocate." It doesn't make sense.

Hyland: "Have agreed on the following:"

Kissinger: You can say what you want in Russian.

Korniyenko: "Effective" instead of "broadest."

Gromyko: Let us say "effective."

Kissinger: "Most effective measures possible"? That is fine.

Gromyko: "To advocate the most effective possible measures," I repeat "most effective possible measures to overcome the dangers of the use of environmental modification techniques for military purposes."

Kissinger: I suggest one modification. "Most effective measures possible." It reads better.

Dobrynin: We are for elegance.

Gromyko: All right. How about, instead of "experts" in the next paragraph, putting "representatives."

Kissinger: All right. I shouldn't agree so easily.

Gromyko: It is not too late to withdraw! Maybe scientists, diplomats.

Kissinger: It is more inclusive.

Dobrynin: Maybe one of his assistants will go.

Kissinger: I want to send my assistants to be observers of the nuclear tests.

The only thing is—it is purely stylistic—instead of saying “they decided,” “they agreed,” we will just say “to advocate,” “to hold,” and “to discuss.”

Gromyko: All right.

Kissinger: All right.

Gromyko: Mr. Secretary, our opinion—I don’t know what is your opinion—is maybe it is worthwhile to sign this document at the highest level.

Kissinger: I agree. That means all the documents tomorrow will be signed at the highest level, except the SCC.

Gromyko: Yes.

Kissinger: And SALT.

Gromyko: Maybe the angels will be invited too.

Kissinger: All right.

Gromyko: Now the technical verification.

Kissinger: Our Ambassador will consult with Korniyenko.

Gromyko: All right.

Kissinger: On the Consultative Commission, are the technical papers all done?

Dobrynin: All purified in Geneva.

[Omitted here is discussion related to the communiqué.]

63. Editorial Note

President Richard M. Nixon and General Secretary of the Communist Party of the Soviet Union Leonid Brezhnev signed the Protocol to the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Treaty and Protocol on the Limitation of Underground Nuclear Weapons Tests on July 3, 1974, in Moscow. The texts of the treaties are printed in the Department of State *Bulletin*, July 29, 1974, pages 216–218. Nixon and Brezhnev also signed a joint statement on environmental warfare. For the text of this statement, see *ibid.*, page 185. At the conclusion of the Moscow summit, the United States and Soviet Union issued a joint communiqué that summarized these initiatives in the

areas of arms limitation, disarmament, and environmental warfare, in addition to the other topics discussed during the course of the summit. For the text of the joint communiqué, see *Public Papers: Nixon, 1974*, pages 567–577.

Upon his return to the United States from the Soviet Union the evening of July 3, Nixon addressed the nation at 7:45 p.m. from Loring Air Force Base in Limestone, Maine. Nixon's remarks were broadcast live on nationwide radio and television. Following an introduction by Vice President Gerald R. Ford, the President offered some introductory remarks before discussing the meeting outcomes. Commenting that the United States and Soviet Union continued to "advance further the relationship" developed during the 1972 Moscow summit and that the pattern of the "expanding range of agreements" contributed toward a "continuing, irreversible process," Nixon noted that the United States and Soviet Union had "reached a number of important agreements, both in the field of arms limitation and also in the field of peaceful cooperation." Describing the Threshold Test Ban Treaty, Nixon stated:

"It extends significantly the earlier steps toward limiting tests that began with the 1963 test-ban treaty. That original treaty barred the signatories from conducting tests in the atmosphere, in outer space, and underwater. Today, we concluded a new treaty that for the first time will also cover tests underground. It will bar both the Soviet Union and the United States, after March 31, 1976, from conducting any underground test of weapons above a certain explosive power, and it will also require both countries to keep tests of weapons below that power to the very minimum number.

"This is not only another major step toward bringing the arms race under control, it is also a significant additional step toward reducing the number of nuclear and thermonuclear explosions in the world." (Ibid., pages 579–580)

64. Telegram 8366 From the Embassy in the United Kingdom to the Department of State¹

London, July 3, 1974, 1750Z.

8366. Subject: Nuclear Test Ban Agreement.

1. Foreign Office spokesman has announced that HMG welcomes Soviet-U.S. agreement to ban underground nuclear tests with yields above 150 kilotons and stated that Britain will consider itself bound by the agreement.

2. British are clearly delighted that limited test ban arrangement was agreed at Moscow summit. In a debate yesterday (2 July) Defense Secretary Mason spoke at some length of efforts undertaken by successive British governments to check the proliferation of nuclear arms by supporting the partial test ban and the nonproliferation treaties. He pointed to the duty of all nuclear powers to seek the total abolition of nuclear weapons through multilateral and international agreements, and said he hoped that the Nixon-Brezhnev meeting this week would produce an agreement that would represent another step toward this “worthwhile and internationally required objective.”

Annenberg

¹ Summary: The Embassy reported the British response to the Threshold Test Ban Treaty.

Source: National Archives, RG 59, Central Foreign Policy File, D740177–0771. Unclassified. Repeated for information to Bonn, Moscow, Paris, and the Mission to NATO.

65. Minutes of Secretary of State Kissinger's Analytical Staff Meeting¹

Washington, July 12, 1974, 4:05–4:50 p.m.

[Omitted here are an annotated table of contents and a list of attendees.]

PROCEEDINGS

Secretary Kissinger: I want to begin developing a position on non-proliferation, sparked by the Indian peaceful explosion.

Ambassador Moynihan: That is not what they call it in New Delhi. They call it—the bomb.

Secretary Kissinger: And there is a NSSM out on this, isn't there?

Mr. Lord: Yes. It is circulating now for agency comments.

Secretary Kissinger: Okay. But I wanted to get my own thinking clear.

Who has done this paper—Winston?

Mr. Lord: Kahan and Van Doren have done the basic work on it.

Secretary Kissinger: Okay. If you want to sum up where we are.

Mr. Lord: The paper itself addresses first the desirability and feasibility of a nonproliferation strategy and lays out one, centering around four main elements: NPT, export, safeguards, PNEs, and reaction to the Indian blast. But rather than summarizing the paper, I thought it might be more useful to kick this off, Mr. Secretary, by posing four or five questions, which I think any policy maker has a right to have answered before he is supposed to embark on a nonproliferation strategy.

Secretary Kissinger: Like what we are going to do about it.

Mr. Lord: That is what the study, hopefully, sets forth.

But I think before you get into specific actions or specific hobby-horses, I think we ought to ask the following kinds of questions, before we ask you or the President to embark on a major effort to intensify

¹ Summary: Kissinger and his staff discussed the urgency of finding a means to prevent future nuclear explosions in India and the immediate neighboring region.

Source: National Archives, RG 59, Transcripts of Secretary of State Henry Kissinger's Staff Meetings, 1973–1977, Lot 78D443, Box 4, 7/12/74. Secret. All brackets are in the original except those indicating text that remains classified or that was omitted by the editors and “[any?]”, added for clarity. Attached but not published is a 2-page summary of the meeting, dated July 15, which Samuel Gammon (S/S) signed for Springsteen. There is no indication as to the drafter of the minutes. A draft of the paper under discussion, prepared in response to NSSM 202, is Document 57.

our efforts. Such questions as is the trend towards proliferation inevitable, in any event. Secondly, if we cannot—

Secretary Kissinger: And if it is not, then we have no right to conduct a policy?

Mr. Lord: If it is not inevitable.

Secretary Kissinger: Yes.

Mr. Lord: We would argue it is not inevitable, and there are things you can do. But many people do perceive in the world, because of the Indian blast, and the availability of nuclear materials, it is inevitable, and why waste a lot of capital trying to do something about it.

Secondly, if you can't have a completely successful policy, why should you expend your capital, when you cannot completely shut off nonproliferation.

Thirdly, are there effective things you can do which don't cost you too much in other areas, because there are always trade offs, in your objectives between nonproliferation and other objectives.

Fourthly, even if the U.S. could mount an intensive campaign, there are a lot of other players in the game and therefore you cannot act alone and stop all this by yourself, presumably.

And lastly, what good is a grand strategy in nonproliferation, because each country, or each possible nuclear country has to be looked at in terms of its own factors and its own conditions.

I would like briefly to try to answer each of those reasonable questions that a man has to ask.

First, is it inevitable. The answer is—not at all. Many potential nuclear weapons states are far from having a full array of materials and facilities that they need to produce explosives, such as Pakistan, Egypt, and many others. Many others with high technical potential, like Germany and Japan, are inhibited by legal, political and security considerations, and the dependence on us for supplies and the need to acquire delivery systems.

Secondly, the Indian test is not necessarily a precedent for everyone else in the world. There are particular factors at work in India. In any event—

Secretary Kissinger: Like what? The Gandhian tradition of non-violence?

Mr. Lord: The domestic situation and other factors—

Secretary Kissinger: I am assuming this has been a long-established policy. They didn't just do it in the last two years.

Mr. Lord: I am not so sure the evidence is that conclusive, as long established policy goes. But in any event, it is not necessarily going to be persuasive for other countries, just because India did it, because

each country has different factors at work. In any event, there were not safeguards in the Indian case. In addition, there are costs as well as gains in going nuclear, which countries have to weigh. They could become a target of preemptive attack—there are financial costs, political costs, retaliation perhaps by people like ourselves—if we want to cut off fuel for their commercial industry, and so on.

So the first question is we don't think it is necessarily inevitable this trend is going to proliferate.

But having said that, there is no way to assure you on the second question that you can be completely successful in stopping proliferation. Nevertheless, even an imperfect attempt, with incomplete success, we think is better than not trying at all. It gains you time to create more stable conditions in various regions around the world, which might decrease incentives to go for a nuclear option. And also once a nation has crossed the threshold, it is very hard to turn it back, and it sets off more of a chain reaction. You have to distinguish countries who might go nuclear. Presumably Japan would be much more serious than Argentina, so you at least make an effort to try to delay or minimize the number of nations.

In any event, if we don't do anything, certainly the situation is going to get much worse, and the pace will pick up, and the spread will be all but inevitable.

Thirdly, we face the question of can we do anything, and what are the trade offs in terms of costs. You can do some things which don't cost you very much—such as strong expressions of support for the NPT, strengthening our safeguards, our exports, etc.

Then when you begin to look at trade offs, you have to figure how important is nonproliferation to you in your overall policy. And many would argue that the risks of nuclear conflict are going to greatly escalate if you spread nuclear weapons around the world; our diplomatic influence will decrease; arms control progress will be set back.

Secretary Kissinger: Would decrease?

Mr. Lord: Decrease to the extent that other nations get nuclear weapons.

Secretary Kissinger: That I would question.

Mr. Lord: In any event, you have the greater threat of blackmail. I just think a proliferated world is a more dangerous world. Therefore—

Secretary Kissinger: But supposing—I am willing to accept all of this. I am willing to postulate the opposite of what you have said—that it is probably inevitable. But we should nevertheless try to slow it down.

Mr. Lord: Right.

Secretary Kissinger: Now, what are we going to do about it?

Mr. Lord: Well, there are certain things we do which the paper outlines. And keep in mind that other nations have to do something, too, because we are not going to have complete control. And here the situation isn't so bad, because in the near term the suppliers are basically serious about this. The Russians, the British are good on this. The Canadians are going to be very firm. They have made some mistakes in the past. The only problem is France in the near term. And France—the last couple of days, they are holding up at least temporarily a contract with India, because of the non-proliferation.

Now, what we can do is outline in the paper—and we can summarize that for now, if you wish—but I thought the first thing to do is try to pose these tough questions.

Does it even make sense to mount a major effort before you can get into the specific actions.

Dr. Iklé: It is essentially a question of getting a delay—ten to fifteen years. What is beyond is probably unpredictable. But without the delay, we may get a rather rapid reaction, which would have very adverse psychological impact and real impact a few years later.

Secretary Kissinger: South Africa announced today—

Dr. Iklé: That is one. Argentina and Brazil are competing with each other to some extent, and would be stimulated by each other—there is clear evidence.

Secretary Kissinger: What is Argentina going to use for nuclear materials—what we gave them?

Dr. Iklé: They have a German reactor there, where the safeguards are not adequate. And they are talking about a chemical processing plant later on. It would be a number of years down the road. But moving into it more aggressively, it would stimulate the Brazilians. The Brazilians have said so recently.

Mr. Pollack: The Argentinians are in the process of concluding an agreement with India in the nuclear area. They would have a very small capacity to supply them with materials, but nevertheless, it is a possibility.

Secretary Kissinger: Do you think, Pat, India would do it?

Ambassador Moynihan: It would do anything that they can do. And they cannot do a lot yet, but they will certainly be able to do more.

Secretary Kissinger: Would they be willing to help other countries get nuclear explosives?

Ambassador Moynihan: For money, they would do anything.

Mr. Kahan: They have suggested things along those lines. One of the issues is to discuss with them whether they intend to put proper safeguards on their exports. It is a longer term issue, but it is an important one.

Mr. Lord: To answer your question more specifically, what we can do, the paper tries to outline specifically the various steps you could take under these headings, and they cut across all countries. You have to take each country specifically and target it, and look at the facts at work in that particular country, the levers you have, and your tradeoffs with other issues and other priorities. But this paper does set out what the broad elements are.

I think we do need more study on two aspects. One—take countries that are the major target areas, what you can do and what it costs you. And secondly, we ought to be studying what it is going to be like to live in a proliferated world. I think you have to plan for that contingency.

Secretary Kissinger: Yes. That we need in any event.

Well, there are two problems, at least. One is to prevent a possible military application of nuclear explosives. The second is to prevent peaceful nuclear explosives from being used as a road into the military use.

Now, the reason I make this distinction is because if countries can be kept from having an avowedly military program, if one can then get an international regime for peaceful nuclear explosives, one might be able to put some restraint on using peaceful nuclear explosives as a road into the nuclear field.

It is one thing for a country to avow that it is going militarily nuclear. It is another for it to get in through the PNE.

Now, Fred, what you and I talked about this morning with the Soviet Union could then multilateralize. It could become a very effective restraint and might be a way of catching part of the Indian program even now.

Mr. Lord: I think in addition, it is important to try to close the PNE loophole in any further exports. We would get agreements they would not develop these nuclear explosives. It is very hard to distinguish—

Dr. Iklé: Ideally, you would want to dissuade Brazil, for instance, or Argentina from doing their own PNE development, by us or the Russians, or some combination, maybe through IEA, offering these devices for their purposes, peaceful purposes. You cannot do that any more in the case of India. You might have a hybrid situation where at least a country such as India would proceed in a way as to minimize the stimulation to Pakistan to go after Chinese help or French help, as they are now doing, to develop their own weapons—and minimize also the Indian willingness to try to acquire deliberately, as they are now discussing.

So I think the hybrid situation, where the country has semi-legitimate PNE, is perhaps only India, and hopefully no additional countries in that difficult category. But there may be additional ones.

Then the other countries which have national interest, either faked or real, in peaceful nuclear explosives, such as Brazil, one would hope to dissuade from moving ahead much further in their own development, by offering them the PNEs, in a sense calling their bluff on that.

Mr. Sonnenfeldt: What the Secretary was arguing is if the United States and the Soviet Union, as part of the threshold test ban, develop a regime by which you can establish with reasonable assurance that PNEs are not in fact used for military purposes, because you provide observers and instrumentation and all the other things, that then you will have established for the first time a distinction that we have always said cannot really be established, and you may therefore have a handle on people who in fact claim they are exploding peaceful devices.

Secretary Kissinger: Exactly. You might not be able to keep them from exploding the first one, but you may be able to keep them from refining them.

Dr. Iklé: There is a problem there, though. The only possible verification that we can envisage for the Russian PNEs, above the threshold, is one that may be satisfactory to us, because we know they have weapons of various magnitude in advanced stages. So we can check on the basis of the observations we might make that they do not develop more advanced weapons than they already have. But that kind of verification would not help us in case of another country for which the fundamental weapon would be quite sufficient.

Secretary Kissinger: But you at least can keep them from developing the rudimentary weapon further.

Dr. Iklé: Not with the safeguards or with the verification procedures that we now are exploring with regard to the Soviet Union under the threshold test ban. Those would only help us to verify that the Russians are not testing more advanced weapons.

Mr. Sonnenfeldt: We don't know that yet, and we really have not gone through that exercise completely.

Mr. Kahan: Mr. Secretary, there is a danger already, and we see it in the traffic from India—that a perception that we will develop a fool-proof scheme to differentiate between peaceful and military—a position we have not taken heretofore—will legitimize the Indian program, by saying there is a distinction, and furthermore a danger that Brazil and other nations interested in PNEs will therefore assume that we have such a basis of making distinctions, will be more likely to cross the threshold, taking a peaceful route, and end up with a *de facto* nuclear weapons capability.

So how we walk the line—

Secretary Kissinger: That is what I want to have examined. The Indians have crossed the threshold. So that is not a major worry.

Dr. Iklé: It seems overall the thing to work on is the delaying of these further steps, delaying rapid succession of Indian tests, which might come every six months or so otherwise; delaying the Pakistani acquisition of facilities to develop their weapons.

Secretary Kissinger: How close are they to developing facilities?

Dr. Iklé: They tried to acquire them from the French, or perhaps from China. But it will take them a number of years—five to eight years; which, incidentally, provides an argument for probably New Delhi in that they might recognize by going more slowly they maintain more of an advantage than by stimulating the Pakistanis.

Mr. Lord: The specific actions recommended, Mr. Secretary, start on page 5 of the study, in which the four main headings are what you can do with the NPT structure, what you have to do outside of that, given the fact that some people won't ratify it, but what you could do in terms of export controls; what we have developed so far in the PNE problem remains to be studied further; and fourthly, how you limit the Indian event.

Secretary Kissinger: Yes, I have read this. I have read the paper. The problem is that in each of these areas, we suffer from a rather indiscriminating melange of things that could be done. For example, consulting promptly with the Soviet Union, on page 6—that is one thing. But handling of demands for security assurances, joint Soviet-U.S. security assurances, if that is what is in mind, that is a rather significant event. And that is something that perhaps could be considered in one or two cases. But we cannot let nonproliferation ride every aspect of our policy. If we hand out security assurances jointly with the Soviet Union, we are getting awfully close into a condominium situation. And we will have impacts in China and Europe of the most severe nature, which in themselves might produce a nuclear race. And I don't know whether Japan would want to rely on the Soviet security assurance.

Mr. Lord: I agree. Some things you can do fairly quickly.

Secretary Kissinger: But if the countries feel the only way they can get protection is through a U.S.-Soviet guarantee, they might then decide they would rather have their own. If the alternative is your own nuclear capability or a U.S.-Soviet guarantee, that might spur your own nuclear capability, because there are some countries that don't want a U.S.-Soviet guarantee. There are other countries that want a guarantee that believe the United States and the Soviet Union will never be able to agree on anything in time to help them.

So either on grounds of insufficiency or on grounds of condominium, that might run you into a situation where it actually spurs proliferation.

So what I think we ought to do with this paper is to disentangle—first of all, I would like the thing looked at from the point of view, with the qualification which you made, of whether it is possible to separate the military proliferation from the civilian proliferation problem. Secondly, if you can separate the military from the civilian proliferation, whether it is possible to get a handle on the civilian proliferation, either by supplying devices, assured supplying of devices, or whatever the methods are—or as a worst case, by inspecting their own explosions, although I grant you that at the very early stages of nuclear technology it is the fact of an explosion and not the use to which it is put which provides the significance.

So I would not be very hopeful that the PNE negotiations with the Soviet Union are going to help us in the early stages of nuclear diffusion.

The next thing we have to look at is the impact of nuclear—the inevitable spread, which I do consider inevitable—of civilian nuclear users, on the problem of nuclear proliferation. And that is usually done in terms of safeguards.

But what about the problem—I don't know the answer to that. Supposing a country that has accepted adequate safeguards kicks us out. What is the situation then? And gets its own supply of uranium.

Mr. Lord: It depends on your leverage. For example, in Taiwan, if they were to go nuclear, we supply, as I understand it, the fuel for six reactors. If we cut that off, it would be a tremendous impact.

Secretary Kissinger: If they cannot get it elsewhere.

Mr. Pollack: That is what the Congress has been asking all week with respect to the Egyptian reactor.

Secretary Kissinger: What is your answer?

Mr. Pollack: We have been giving them this kind of answer—

Secretary Kissinger: What is the true answer? Tell me what you really think.

Dr. Iklé: It is also the type of reactor—

Mr. Pollack: We are supplying a reactor that requires a fuel that is not generally available. Now, if you move this thing down the road about fifteen years, then all of the assurances that we are now offering begin to get very, very soft and watery. But over and beyond the fuel, the equipment itself, it is not like an automobile where you can turn a mechanic loose and keep it in shape. This is very, very difficult technology to sustain and maintain, and they need a continuing relationship with the supplier. So you have it in your ability, the capability—

Secretary Kissinger: Not with “the” supplier; with “a” supplier.

Mr. Pollack: No. As matters now stand, with “the” supplier.

Secretary Kissinger: Really?

Mr. Pollack: Yes.

Secretary Kissinger: Indefinitely?

Mr. Pollack: No. There comes a point in time when all of these assurances are very watery.

Mr. Kahan: One strategy is to try to talk to the other potential suppliers of enriched uranium. We are undertaking such a program, to see if we can coordinate—

Secretary Kissinger: That is part of the program. I am trying to understand what the problem is.

Mr. Pollack: We eventually get back to this question, to saying that there are other sanctions available to a government that desires to exercise them—economic, political, etc. And what we are doing is saying there is no agreement that cannot be broken. And what do you do when one is broken that you don't want broken. There is no technical answer to this problem that would provide you with a permanent assurance. You are good for about fifteen years, without any question.

Secretary Kissinger: Because there are no other countries that have the technology.

Mr. Pollack: Yes.

Secretary Kissinger: And after that, you would be good for longer, if you could line up the other countries.

Mr. Pollack: Yes, sir. Efforts in the past to line up the other countries, through something called the Zanger Committee, which is discussed in here, would not give you any reason for optimism, because this is a very commercial enterprise, and everybody has his hands or his eyes on where his ability to compete with the United States will be down the road.

Dr. Iklé: There are just a few countries where the decision is in the balance. Particularly the Canadians are agonizing—should they pursue their commercial interests and sell to the South Koreans, for instance, Argentinians, or try to pursue these safeguards in their exports. They want to talk to us urgently.

Secretary Kissinger: Before they decide to pursue their commercial interests.

Dr. Iklé: I think their decision will be affected by what we tell them.

Mr. Sonnenfeldt: I think it is going the other way.

Secretary Kissinger: In Canada?

Mr. Lord: The Canadians are very firm on this.

Dr. Iklé: I think after the election they may be more likely to continue to support the safeguards. The other potential exporter of course is the Soviets. But I think they, too, so far have been supportive of safeguards. And that is where our discussions with them might—

Secretary Kissinger: You have two separate problems in safeguards. You have the problem of safeguards now. You have the problem of safeguarding that they won't step in to replace us fifteen years from now.

Isn't that right?

Mr. Pollack: Yes.

Secretary Kissinger: So there are two different safeguards involved. One is to make sure that everybody capable of selling reactors now will insist on the same safeguards, and to avoid a situation where you get into a competitive bidding on the basis of who offers the least intrusive safeguards. That is Point One. That we have to negotiate now.

Secondly, we should negotiate now, or at any rate in the next few years, how to prevent evasions where one country steps into the place of another, when safeguards are being violated. Isn't that right?

Mr. Pollack: Yes, sir.

Secretary Kissinger: And that is even more complicated.

When you talk about fifteen years, you are saying within a fifteen-year period no one can replace us in the operation of our reactors.

Mr. Pollack: Right. It is actually probably a little more than fifteen years.

Secretary Kissinger: All right—twenty. After that, others may be able to step in. But how about the host country? Can they just take it over?

Mr. Pollack: Not a country like Egypt. I don't think they will be that far along in twenty years. But what you are going to be witnessing in the course of the next two decades is a tremendous growth in the technological capability of the world as a whole to deal in nuclear energy. So the kind of know-how that is required, that is not now available, will become much more plentiful.

Dr. Iklé: Also in twenty years, the new techniques will be available for enriching uranium. It is a fifteen year time horizon we should focus on.

Mr. Pollack: It may be a backyard technology by then. So now is the time to move one way or the other.

Mr. Lord: It seems to me there are some things you can do quickly that don't cost too much or require great study—like security assurances have to be studied very carefully, obviously. But you can make public expressions of support, you can go to various countries and try to persuade them.

Secretary Kissinger: How can you go to various countries and persuade them of what?

Mr. Lord: Persuade them not to go nuclear.

Secretary Kissinger: How do you do that?

Mr. Lord: Well, you say you consider it a high principle in your policy, and it will cost them in your bilateral relations if they do.

Secretary Kissinger: Except that that is not all that persuasive. It depends on the importance of the country.

Mr. Lord: As I say, you have to talk to individual countries with the leverage you have.

Secretary Kissinger: As you look over the list of countries, you will find you are back in your original situation. A country that means a great deal to you, you will not let go down the drain just because it has gone nuclear, even if you don't like it. And we haven't gone all out against India to the dismay of several who think I owe them a tilt—(Laughter)—but partly because we didn't see where it would get us.

Ambassador Moynihan: Can I say on that, the question of time horizons, on the point where this stuff becomes a technology that other people pick up in 15 years, maybe—but with respect to the first point, which is how to prevent this first PNE going into a military phase right away. You probably don't have six months in some respects to move. If the Pakistanis get themselves a separation plant, which for them will mean they are going to a bomb themselves, the Indians will almost automatically then say, "Since this has happened, we must develop our peaceful capacity . . ." and the military one, they will start almost immediately, in a direct bomb technology, and they will probably also start immediately—they are already well down the road in rocketry. When that happens, then you have Iran. But in any event, you have started that Pakistan-Indian thing up already. I mean there it goes. And it is out of control at that point. What we do in the next six months is probably going to—

Secretary Kissinger: Like what?

Ambassador Moynihan: Well, can we—the thing we would have to do is to persuade the Indians not go to a bomb on the grounds that we can persuade the Pakistanis not to. And if—

Secretary Kissinger: What makes you think either of these is possible? First of all, I don't know what it means for India not go to a bomb.

Ambassador Moynihan: You are always doing amazing things. It would be amazing.

Dr. Iklé: A slowdown in testing—

Mr. Pollack: Well, one thing—

Secretary Kissinger: That I can understand. But after all, you would have to assume that anything that explodes can be used as a bomb.

Ambassador Moynihan: You could ask them to enter a regime, such as we may be negotiating with the Soviets.

Secretary Kissinger: With what?

Ambassador Moynihan: You could ask the Indians to enter—let me just say I think the most important thing is for the Indians, they have got soon enough to realize that if their weapon, or their explosion means that the Paks go nuclear too, then suddenly a military situation that has been finally and once and for all settled in favor of India puffs up and you are back at parity again. I mean you have Pakistan saying they will target Bombay, and Indian rockets targeted on Karachi, and you are back in the 1950s all over again.

That is one thing I think we could seriously make the argument on—that it would be a disaster for them to let the Paks go nuclear, and Pakistan will go nuclear, unless they hold their PNE right there. I think you can make this argument.

Dr. Iklé: What you can deliver is to slow down the testing.

Ambassador Moynihan: Slow it down, stretch it out, let it be inspected.

Secretary Kissinger: How do the Pakistanis know they are not building a thousand bombs of the design they just exploded?

Ambassador Moynihan: They don't. We would have to undertake to guarantee something of that kind.

Secretary Kissinger: What was it—20 kilotons?

Ambassador Moynihan: Fifteen.

Secretary Kissinger: Well, that seems to be the standard size of the first explosion.

Mr. Pollack: [3 lines not declassified] They have two reactors of the kind that Canada supplied. Within two years of being in production. They have everything else they need. They have got a facility with 10,000 people in it. They are not an underdeveloped country in the nuclear area. This is one area where they are developed.

Secretary Kissinger: [1 line not declassified]

Mr. Pollack: I think possibly more than that. Out of non-safeguarded reactors—they don't have to violate anything. Or at least anything more than they have already violated in their understanding with Canada.

Mr. Van Doren: The source of this present bomb, the research reactors, they have other calls on that. They have a fast breeder reactor program which also needs—

Mr. Pollack: They would have to make a decision they are going to go for the weapon instead of the fast breeder.

Dr. Iklé: You ask how the Paks know. How they use the plutonium, whether they use it in peaceful reactors or divert it secretly is something the Paks could observe. So they would have some assurance.

Secretary Kissinger: I don't see any sense in going at India until we have some strategy of what we are trying to do.

Dr. Iklé: The time involved—if you visit there at the time of your visit.

Secretary Kissinger: The last time I was in India, they had to send the Ambassador in the big car and me in a taxi, to divert attention.

Ambassador Moynihan: No—to let him get stoned.

Secretary Kissinger: To let him get stoned—that was the purpose, exactly. I didn't think they were discriminating against me.

Mr. Pollack: What you do have that you could move on perhaps more quickly is the psychological moment, with Canada, the UK, possibly some of the other potential large suppliers.

Secretary Kissinger: I won't be going to India until September, maybe even October—So that time frame suits me fine. That gives us two months to work out the strategy. I think we will be more effective in India if we can fit it into an overall strategy. And also if we can have preliminary discussions with the Soviet Union. There is absolutely no sense in taking on India, and driving them to the Soviet Union on that issue, unless we have an understanding with the Soviet Union of cooperative action. I would have very little stomach for taking on the Indians on this if I thought the only result would be that the Soviet Union would pick up some cheap support.

Ambassador Moynihan: I would like to urge that the only conditions you could hope to have any success with the Indians right now would be that this is a world policy in the United States, and we would like India to join it—rather than as a policy for India.

Secretary Kissinger: In that way, I think we can get some benefit for not having taken them on all out, because then it would not be discriminating against them—it would be something that we want to generally apply. But for that we need a more differentiated paper than we now have, which isolates only the categories but not the strategies. And that is not a criticism of the paper. That had to be done as a first cut at it.

So again, just to sum up. We first see whether we can distinguish the military from the civilian on proliferation, simply as a device for getting at it. Secondly, we will try to identify those parts of the civilian proliferation that we are worried about. I suppose reactor technology, fuels, and so forth. Third, we have to group the countries—third, we ought to identify those things the United States can do alone and those things for which it needs an international consensus—especially how we can avoid competitive bidding on safeguards with respect to nuclear technology. Then we can develop a strategy in which we determine which other nuclear countries we have to deal with, to prevent proliferation, because we have to deal with Japan on two levels; one as a nuclear supplier, and other as a potential nuclear weapons country.

Isn't that true? Japan could export nuclear technology.

Now, could we do this, in these categories, as a joint ACDA-Policy Planning—your shop—could we give it a fairly short deadline, say having another paper in about two weeks?

Dr. Iklé: I think we should make it shorter.

Secretary Kissinger: Ten days?

Dr. Iklé: Some of these things are urgent, like talking to the Canadians, and the French, if we can.

Secretary Kissinger: I am very reluctant to talk to anybody until I know what we want. And the general hand-wringing position, in which we fail with nonproliferation but have no concrete view of what we want from them—I think when we meet them—when we talk to them, we ought to say “This is our view of how the civilian technology should be kept under control. This is our view of how those countries that already have a technology can be given inducements to go towards the PNE route, through the PNE route to military technology.” And third, how we can keep countries that have already committed themselves, like India, to PNE, from going military.

Those three levels ought to be—a week from Monday, then. Then I can address this problem again.

Dr. Iklé: On the second one, we do have fairly concrete points, in that IEA has been dealing with these export controls. There are long technical lists of what is to be done and not to be done. The problem there is more to get, for example, the French government to observe these rules, which they are fully aware of.

Secretary Kissinger: If we could list the things we need done, and then what we want from the suppliers, and what we want from the recipients—then we can formulate a strategy. Then we might consider holding a conference first of supplier countries, and then see what we can do towards recipients.

On this one I think we ought to talk to the Soviets first of all.

Mr. Pollack: The Soviets, incidentally, in Vienna—Mordikoff (?) has told our representative, in chiding terms, in effect we are not doing enough about India.

Ambassador Moynihan: And the British have come in to say “Aren't you going to do anything about it?”

Secretary Kissinger: We will be delighted to do something, once we have a general strategy. But now to take on India, before we know what anything [*any?*] supplier is going to say—we ought to be able by the middle of August to have a general policy, shouldn't we? Then we can approach India. But then we can also approach a lot of other countries.

Mr. Atherton: I think we should have a general strategy. I think we should approach the Indians. I think we should do some other things before approaching the Indians, to have credibility when we approach the Indians.

Secretary Kissinger: I just don't think this handwringing, do-good attitude, in which we tend to specialize so much—I don't want lectures to the Indians on non-proliferation—

Ambassador Moynihan: They win on lectures.

Secretary Kissinger: They win on lectures—that's right. If we can tell them something concrete, that we are going to ask of all others, with some implicit penalties, because we have already lined up some other countries, then I think we are talking a language they understand. If we talk the abstract disadvantages of nonproliferation to them, we are in an endless debate.

Mr. Lord: I think the elements are here. There are some concrete steps. This is not just atmosphere in this paper. It is a matter of what you say to all suppliers, how you talk in each country.

Secretary Kissinger: What we have here is a laundry list of everything we can possibly do. We have no priorities, no discrimination.

Mr. Lord: With all due respect, I don't think that is entirely accurate. What I am saying is—

Secretary Kissinger: Is somebody going to put it in the shape that I can understand it?

Dr. Iklé: That is why it will take us only a week.

Secretary Kissinger: I am not saying it is not here.

Mr. Lord: We will have to repackage it.

Mr. Pollack: May I raise a question, without wringing my hands and making a fancy speech—might it not be helpful for us to come out with a statement fairly promptly, reaffirming in general terms where we stand on the NPT; because in the absence of that, our position on ratification by Japan, within Japan, finding it easier—

Secretary Kissinger: I think we have a better chance of getting the NPT ratified once we have a general nonproliferation strategy, into which the NPT fits. I think otherwise, the NPT will simply look like a discriminatory device. If we can have this thing done in three weeks, I don't think the decision in Japan will be affected decisively in three weeks.

Mr. Sonnenfeldt: Actually we just said in the Soviet communiqué we want to make it more effective.

Mr. Lord: You can say you are concerned about nonproliferation, and studying what to do about it, if you want to say anything.

Secretary Kissinger: That I welcome. We can say we are having an urgent study made. As this thing progresses, we could have the British

over here, for preliminary consultation, and that will get the word around. All of that I am in favor of—once we know what we want, even approximately. And then by the middle of August or so we can have our course set. What we have to do in this paper is to identify the countries, both on the supplier side and on—

Mr. Pollack: If I may make one other point. I don't want to say anything more at this time. I think we need to keep a very close eye on the Congress, because the range of hearings and the interest they have shown in the Egyptian thing has taken, among other forms, on the NPT, for example, why do we not simply require Egypt and Israel to become adherents to the NPT before we supply them.

Secretary Kissinger: Because the Israelis don't want that, if you want to be brutal about it.

Mr. Pollack: There are some resolutions and bills floating around on the floor, and something may end up we have to deal with.

Secretary Kissinger: I think we will be able to handle the Congress most easily, if we know what our genuine strategy is. If our strategy is that we will require each country to ratify the NPT, I am delighted to do it—and then to approach Israel on that basis.

Mr. Sonnenfeldt: I think we should be realistic, in that adherence to the NPT is not the only way to stop a country from becoming nuclear.

Mr. Pollack: We have given them that. Your problem here I think is the next two weeks—this is when there will be the heat of this congressional concern.

Secretary Kissinger: The adherence to the NPT doesn't close the PNE route at all, which is the one—

Mr. Van Doren: Yes, it does, specifically. That is specifically what it does.

Mr. Sonnenfeldt: But the fact is that people won't join it. If you say that the only way to stop them from going nuclear is by forcing them to join the NPT, you foreclose other options.

Mr. Lord: No one is saying that.

Mr. Van Doren: Actually among the major suppliers, all the major suppliers, except France, are signatories—all present major suppliers are either signatories or parties to this treaty. If they all become parties, you would have a real handle on your supply situation.

Mr. Sonnenfeldt: That is an "if". There must be other ways to get at the problem.

Dr. Iklé: That is the French problem.

Mr. Ingersoll: India can become a supplier, too.

Secretary Kissinger: The trap you can get yourself into is if you say the way to do it is through the NPT, that then you either get

countries signing the NPT and later revoking it, having established their nuclear capability—you may then forego the safeguard route, which gives you a better protection than simply signing a treaty which you can later break. Now, I admit breaking treaties has certain penalties.

Mr. Van Doren: The NPT requires—

Mr. Lord: The NPT is only one of many tools.

Secretary Kissinger: There is no objection to using the NPT as one of the tools.

Okay.

Well, why don't we proceed on this basis and meet again within two weeks.

(Whereupon at 4:50 p.m. the meeting was adjourned.)

66. Telegram 10984 From the Embassy in the Soviet Union to the Department of State¹

Moscow, July 15, 1974, 1654Z.

10984. Subject: The Summit in Retrospect.

1. *Summary.* The Soviet leadership's performance during the summit left some lingering questions. Why was Andropov absent? Why was there more emphasis on collectivity, and a de-emphasis of personal ties? Does Brezhnev have health problems? On the whole, however, their performance demonstrated continued stability and confirmed their concerted policy of pursuing better relations with the U.S.

2. Post-summit Soviet propaganda has sought to put the best face on the results. In part this is a genuine assessment, reflecting the Soviet tendency to focus on atmospherics. Nevertheless, there are signs of second thoughts about the failure to achieve progress on arms limitations. We do not know whether before the summit Brezhnev knocked heads together in his own bureaucracy in an unsuccessful attempt to forge a more forthcoming position on SALT issues; certainly there were no sore heads on display during the summit. The breadth of knowledge of test ban issues at the top on the Soviet side during the summit was

¹ Summary: The Embassy summarized and analyzed the Soviet leaders' behavior during the recently concluded Moscow summit.

Source: National Archives, RG 59, Central Foreign Policy File, D740189-0753. Confidential; Exdis. In telegram 161363 to multiple European posts, July 25, the Department repeated the text of telegram 10984. (Ibid., D740201-0466)

not impressive; if the Soviet leaders are equally vague on SALT issues, they may be dangerously dependent on their experts, who seem to be predominantly military. We should hope that the new studies now under way around Moscow will prove edifying for the leaders and helpful to the SALT talks. *End summary.*

3. Despite the lack of agreement on strategic offensive arms at the summit, Soviet propaganda has sought to demonstrate progress on arms control issues. Post-summit commentary has put arms control achievements foremost among the week's accomplishments. And USA Institute Director Arbatov has told visiting Americans that new studies are underway in several offices in Moscow, including his own, in an effort to draw up appropriate new instructions from Geneva.

4. The curious performance of the top three leaders on the test ban issue during the summit raises some questions. Their first run at the comprehensive test ban proposal, with long contributions from each, was an understandable gambit from their point of view. Repeating the whole process again, after the U.S. response, seemed strange. Even stranger was their vagueness about what had been negotiated on underground testing; on this, even Gromyko did not seem well informed. Perhaps they showed a better grasp of issues involved in strategic weapons discussions, but there is a lingering suspicion that they may have difficulty grasping the technicalities and they are therefore at the mercy of their predominantly military experts. In this context, educative attempts such as Arbatov's *Izvestiya* article (Moscow septel) are particularly noteworthy. Let us hope that franker and more persuasive papers are being officially circulated and comprehended.

5. Soviet journalists, expanding on Brezhnev's Spaso toast remark that more could have been achieved, have applied it specifically to the area of strategic arms and suggested that one reason is the President's domestic situation, which made it necessary for him to protect his right flank. Possibly the Soviets believe this; Arbatov said that Brezhnev had been warned in advance by Soviet Americanologists that Nixon was locked into a conservative position on SALT. In any case, the implication that the Soviets had been ready to move on SALT serves the dual purpose of making them look reasonable on arms control and turning upside down the argument that they were prepared to take advantage of the President's problems at home.

6. While taking care to do nothing to undercut President Nixon, the Soviets have used the summit to emphasize that bilateral relations go beyond the personal ties between the two leaders. Unlike 1973 (admittedly a different situation since Brezhnev visited the U.S. without Podgorny and Kosygin), recent commentaries have not particularly emphasized Brezhnev's personal role in détente. There is no resonance in the Soviet press to the President's references in his toasts to his

personal relationship with Brezhnev, and TASS—possibly on purpose—even omitted one of those references from its Russian translation. In any case, Soviet propagandists have consistently cited support for the summit by Democratic luminaries such as Kennedy and Harriman to emphasize that Moscow's view of détente is not limited to one party or one President.

7. In addition to the press play, there was some indication at the summit itself of a tendency to slip Brezhnev's personal dominance of foreign policy back a notch or two. Perhaps this impression was deliberately cultivated in order to play down the personal aspect of summitry. In any case, these points are worth noting:

A. The Soviet side took a more collegial approach to plenaries. Brezhnev's statements frequently were followed by contributions by Kosygin and Podgorny, which did not necessarily add anything but appeared to be for the record. Often President Nixon's turn came after all three had spoken. This contrasts with 1972, when Brezhnev made nearly all the programmatic statements (except on trade), to which President Nixon then responded; on that occasion, Podgorny and Kosygin had to push in their remarks, if any, toward the end of the sessions.

B. Brezhnev did not appear as well briefed, or at least as able to make easy application of his briefings, as in 1973. Occasionally, especially in the afternoons, he showed symptoms—flushed face, overbright eyes—which might have, perhaps mistakenly, been taken for the results of over-imbibing. The airport return from the Black Sea on July 1 was such an occasion; he also stumbled on the stairway. But, nevertheless, he went immediately into an airport meeting with the Secretary and Gromyko and as usual dominated it from the Soviet side. On this and other occasions, he seemed quite fatigued.

C. The atmosphere of easy camaraderie between Brezhnev and his colleagues continued unchanged, and we saw no evidence of tension among them.

8. Some comments are also in order regarding other members of the Politburo.

A. Kosygin seemed vigorous and in good health. His contributions in negotiations tended to be relatively substantive and well-informed, while not breaking any new ground. He usually spoke after Brezhnev but before Podgorny, contrary to formal rank ordering. On social occasions he seemed relaxed and—for him—relatively convivial. He was the one who took charge in arranging for TTB negotiations to follow up on summit discussions.

B. Podgorny's interventions were less frequent, briefer and less substantive. Appearances did not belie his reputedly good personal relationship with Brezhnev, but there was no evidence of Brezhnev leaning heavily on Podgorny for political support.

C. Gromyko wears his Politburo hat as if it had always been there, but continues to carry the burden of making detailed presentations; Brezhnev often turned the floor over to him for that purpose. His ranking in the list of suggested invitees for the Spaso dinner given to the Embassy by the MFA Protocol Division was an anomaly: after the top three, the order was Andropov, Gromyko and Grechko, followed by selected other Politburo members in alphabetical order. Thus Gromyko was put out of alphabetical order ahead of Grechko. This might have been justified on the basis of his participation in the talks, but in that case he should have gone ahead of Andropov as well. (As it turned out, Andropov declined, which made it possible to seat Gromyko at the head table.) Gromyko is said by Soviets to have an excellent personal relationship with Brezhnev.

D. Grechko, who with Podgorny and Shcherbitsky is reputed to be among the group of Brezhnev's Ukrainian buddies, was the object of special attention from Brezhnev, including an occasional friendly arm around his shoulder and affectionate banter. On the whole, and contrary to his public reputation, Grechko comes through as a rather soft-spoken and even shy person. He displayed some knowledge of English.

E. Kulakov was much in evidence at social functions, which may support the belief that he is closely allied with Brezhnev politically. He makes a good appearance and moved easily, but did not seem particularly at ease in talking socially with Americans. He steered clear of substantive discussions.

F. Andropov was a last minute dropout—"called away on business"—from the Kremlin dinner, according to the Soviet protocol officer who had to find a nonentity (an interpreter) to fill Andropov's seat. His attendance along with Suslov and others at a competing function—a Lithuanian cultural evening—instead of the Spaso dinner could have some political significance, but we are inclined to think that assignments for the evening would have been collectively decided.

G. Suslov attended the Kremlin dinner and the final reception but was noticeably aloof.

H. Shelepin attended both dinners and was noticeably convivial and congenial. On both occasions he plugged vigorously for relaxation of the U.S. policy of refusing to grant visas to Soviet trade unionists. He does not give the appearance of being a political heavyweight, but considering the decline in his fortunes compared to several years ago he showed a lot of bounce.

9. Soviet preoccupation with China, apparent in the sudden despatch of border negotiator Ilichev to Peking on the eve of the summit, also emerged in social conversation with Politburo members.

A. Talking with the DCM, Podgorny predicted that the results of the summit would be widely acclaimed. When Shelepin interjected "except by China," Podgorny went off on a five minute tirade about China along familiar lines, accusing Peking of opposing improved U.S.-Soviet relations and engendering anti-Soviet feelings in the rest of the world, especially in Western Europe. But he said that in the final analysis, the Chinese will fail in this effort.

B. Grechko also alluded to China at the dinner table, noting that Soviet defense efforts must take account not only of the U.S. but also a third country which has a 7000-kilometer border with the USSR. Nobody could predict what that country might do; while there is no direct threat at present, Grechko thought there could be an attack within five years. He noted that by 1980 that country would have population of one billion.

10. Propaganda play of CSCE themes during and after the meetings included some expected puffery. A *Pravda* commentary by Uri Zhukov, for example, stretched the communiqué language to make it appear the U.S. had bought the Soviet position on a third-stage summit. Apart from this minor mischief-making, Zhukov virtually admitted that Soviet-Western differences over Basket Three make an autumn conclusion the best that can be hoped for.

11. On the Middle East, the Soviet press has been somewhat defensive since the summit. While the July 6 Politburo appraisal of the summit singled out the ME (along with CSCE) as an international issue of prime importance, the Soviets have not found the communiqué language particularly useful for playback. They emphasized that they have not softened their insistence on a full Israeli withdrawal nor their support for the rights of the Palestinians. We expect that they will continue to cast themselves as patrons of the Arab cause. They will probably focus more directly on the Palestinian problem as a useful lever; the Arafat visit may be important in this regard.

12. In sum, the third summit does not appear to have marked any major new departures in Soviet thinking about either bilateral or international issues, but may have laid the groundwork for further progress on some important questions.

13. Suggest Department disseminate this message to USNATO, EE posts, major European capitals, Peking and Hong Kong.

Stoessel

67. Memorandum From Jan Lodal of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹

Washington, August 5, 1974.

SUBJECT

PNE Talks with the Soviets

The Soviets have followed up your latest conversation with Dobrynin with a note which addresses the PNE negotiations called for by Article III of the TTB (Tab A). The basic purpose of those negotiations is to work out a bilateral agreement which will provide for verifying the yield of PNEs off weapons test sites and, if possible, for verifying that PNEs over the 150 KT threshold are not weapons related.

The Soviet note proposes:

- PNE negotiations beginning in late September in Moscow;
- Holding the negotiations at the Stoessel-Morokhov level, as with the TTB;
- Discussing, simultaneously with the TTB/PNE negotiations, other aspects of PNEs such as those related to the NPT.

Timing

We should have no problem being prepared for PNE negotiations in late September. The Verification Panel Working Group is addressing the various issues which need to be decided prior to the talks (e.g., what PNE safeguards should we seek, relation of PNE provisions in the TTB-related agreement to NPT and LTBT). This work will be ready in time for a Verification Panel Meeting early in September.

Level

It would be desirable for us to have someone other than Morokhov—the head of the Soviet PNE program—leading the Soviet side. The

¹ Summary: Lodal and Sonnenfeldt reviewed a Soviet proposal to begin negotiations in late September on nuclear explosions for peaceful purposes. They noted the timing and level of the negotiations, in addition to the relationship between the proposed negotiations and the Limited Test Ban Treaty and the Nonproliferation Treaty, adding that they would send Kissinger a proposed reply to the Soviets later that month.

Source: National Archives, Nixon Presidential Materials, NSC Files, Box 366, Subject Files, Peaceful Nuclear Explosions (PNE) (8/68–8/74). Secret; Completely Outside the System. A notation in an unknown hand reads: “Bud—FYI (Gen S./HAK have original).” Tab A, a Soviet paper entitled “Schedule for Negotiations on the Realization of the Agreements and Understandings Reached at the Soviet-American Summit Meeting,” which Vorontsov sent to Eagleburger under a July 25 cover note, is attached but not published. Tab B, a June 7 note from Dobrynin to Kissinger, is not attached.

only logical alternative to the ad hoc Stoessel-Morokhov arrangement is to hold the talks in the context of the IAEA, which is taking the lead in international supervision of PNE services. Unfortunately, Morokhov is also the Soviet representative to the IAEA and would undoubtedly also lead the Soviet side in that context. We are inclined therefore to acquiesce in the Stoessel-Morokhov channel as the Soviets have proposed.

Relation to the LTBT and NPT

On June 7, Dobrynin handed you a note (Tab B) proposing bilateral negotiations to reach a coordinated U.S.-Soviet position on providing PNE services to non-nuclear weapons states in accordance with Article V of the NPT. The Soviets proposed that these talks take place a month or two before the November IAEA Conference on PNEs (now actually scheduled for January 1975). The Tab A note now proposes to hold these NPT related talks as part of the TTBT follow-on negotiations.

This connection is in our interest. The Soviets will be more interested in the "permissive" aspects of the PNE problem—how to legitimize an active PNE program in the face of LTBT constraints on venting and nonproliferation concerns which have been exacerbated by India's nascent "PNE" program. For our part, our interests are mainly restrictive—to put conditions and curbs on PNEs so they will not offer a means of circumventing the TTBT. Thus, by conducting the two sets of talks in parallel, we can exert some leverage in gaining Soviet responsiveness to our verification concerns.

Response to the Soviet Note

We will send you a proposed reply later this month. This will allow us to see how the Verification Panel studies are progressing and whether any issues have been identified which warrant alterations in the course of action proposed by the Soviets.

68. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, August 6, 1974.

SUBJECT

Possible International Restraints on Environmental Warfare

As a result of the interagency review of this subject in May, all agencies except the JCS consider that *some* restraints on environmental warfare are in our interest. The JCS prefer no restraints, but consider the restraints recommended by OSD below acceptable since they would do no serious damage to our military posture.

All agencies also agree that there should be no restraints on using weather modification techniques solely to protect forces from natural hazards and fog modification to aid in search and rescue missions.

OSD believes that we should prohibit the use of "environmental warfare" defined as any military use of weather, climate, ocean, or terrestrial modification techniques which could have long-lasting, widespread, or especially severe effects. This would in effect preclude all hostile uses except for tactical fog or precipitation modification, which could prove useful in some situations if natural meteorological conditions permitted. This choice would be verifiable within reasonable limits of error and is considered acceptable by the JCS.

State and ACDA strongly believe that we should prohibit not only those restraints recommended by OSD *but also* restraints on precipitation and fog modification for clearly hostile purposes. This is the only choice which would constitute a "peaceful uses only" policy and meet with more general acceptance as a definition of "environmental warfare." However, tactical use of fog and precipitation modification would be more difficult to verify than the restraints recommended by OSD.

¹ Summary: Kissinger summarized interagency views concerning restraints on environmental modification for warfare purposes. He noted that at the Moscow summit Nixon had agreed to begin discussions with the Soviets in order to "explore the problem and what steps might be taken to bring about effective restraints." Kissinger recommended that Nixon approve a draft National Security Decision Memorandum instructing the National Security Council Under Secretaries Committee to prepare a "scenario and approach" for discussions with the Soviets, to begin in October.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 23, Environmental Warfare (2) 1974. Secret. Sent for action. Nixon resigned the Presidency on August 9, and Ford became President. The NSDM as approved is Document 94. The May NSC Under Secretaries Committee report, prepared pursuant to Kissinger's request, was not found, but is summarized in Document 74.

Following on this interagency examination and agreement that some restraints are in our interest, you agreed at the summit in Moscow to advocate bringing about the most effective measures possible against the dangers of using environmental modification techniques for military purposes and to begin discussions with the Soviets this year to explore the problem and what steps might be taken to bring about effective restraints.

Pursuant to your decision set forth in the U.S./USSR Joint Communiqué and the Joint Statement on Environmental Warfare, the draft NSDM at Tab A would instruct the NSC Under Secretaries Committee to prepare a scenario and approach for discussions with the Soviets to begin this October. The NSDM would *also* reflect a decision that the U.S. approach to these exploratory discussions should be consistent with the restraints supported by OSD and considered acceptable by the JCS.

This would not preclude discussions and perhaps a later U.S. decision on broader restraints if the Soviets raise them. Indeed, once we begin such discussions, particularly if and when a multilateral agreement were desired, we will in all likelihood have to address the question of a "peaceful uses only" policy or prohibitions along the lines recommended by State and ACDA. This prospect does not appear very troublesome since the military case, including our operational rainmaking experience in SEA from 1966–1972, for preserving the option for hostile uses of fog and precipitation modification techniques does not appear very strong.

There may well be some criticism by the Soviets or in any public airing of our approach that we are not including in these discussions the only things we know how to do and have done. Our use of rainmaking in SEA has been controversial. That problem should prove manageable, however, and I believe we should have a preference in mind for discussions with the Soviets. The OSD/JCS preference would focus on those restraints which would be subject to reasonable verification.

Recommendation:

That you approve the NSDM at Tab A requesting a scenario and approach for discussions with the Soviets on measures against environmental warfare and directing that the U.S. approach be consistent with the position supported by OSD and the JCS.

69. Telegram 171545 From the Department of State to All Diplomatic Posts¹

Washington, August 6, 1974, 2248Z.

171545. Dakar pass Banjul. Subject: Nuclear Threshold Test Ban Treaty (TTB) and Nuclear Explosions for Peaceful Purposes (PNEs). Refs: A. New Delhi 8974 (Notal); B. Bonn 10705 (Notal); C. Tokyo 9170 (Notal).

1. The Threshold Test Ban Treaty (TTB) signed during Moscow summit, when ratified, will ban underground nuclear weapons tests above 150 KT, effective March 31, 1976. This treaty provides for separate agreement on nuclear explosions for peaceful purposes (PNEs). There has been some international comment that this acknowledges a distinction between nuclear weapon explosives and nuclear explosives for peaceful purposes. This cable reviews the U.S. position on this issue and provides updated guidance for use in responding to questions in this area.

2. U.S. has for years steadily maintained in CCD, IAEA, and elsewhere that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons. (Para 2 contains recent statement of this position.) Purpose of separate PNE agreement under TTB would be to ensure that bonafide peaceful applications of nuclear explosions would not be used to circumvent intent of TTB to ban further underground nuclear weapons testing above 150 KT. Reftel A reported Indian press reports to effect that TTB provision for separate treatment of PNEs supports distinction made by India between nuclear weapon tests and PNEs, and that TTB implies “that an underground explosion need not necessarily have the motive of developing nuclear weapons.” In this connection, posts may use following statement, drawn from speech delivered by Ambassador Martin at CCD on July 16: “It should be emphasized that the PNE agreement referred to in the present treaty and protocol between two nuclear weapon states would not be applicable to the

¹ Summary: The Department of State provided guidance to all posts regarding the recently signed Threshold Test Ban Treaty.

Source: National Archives, RG 59, Central Foreign Policy File, D740215–0424. Limited Official Use. Drafted by P.S. Corden (ACDA/NWT/AT); cleared by Buchheim, David Brown (EA/J), S. Thompson (AEC), Charles Flowerree (PM/DCA), Huberman, John Marcum (INR), Miller, Sonnenfeldt, Jon Gibney (NEA/INS), Kahan, S/S, Scott George (EUR/CE), and in substance by T. George (OSD), C. Wilmot (JCS), and CIA; approved by Iklé. Telegram 8974 from New Delhi, July 6; telegram 9170 from Tokyo, July 11; and telegram 10705 from Bonn, July 5 are *ibid.*, D740179–1140, D740185–0056, and D740179–0284. Martin’s July 16 statement to the CCD is printed in *Documents on Disarmament*, 1974, pp. 348–352.

problem posed by a non-nuclear weapon state's development of nuclear explosive capability. It is clearly impossible for a non-nuclear weapon state to develop a capability to conduct nuclear explosions for peaceful purposes without, in the process, acquiring a device which could be used as a nuclear weapon."

3. Posts may also draw upon following information as needed: With regard to nuclear weapon testing, verification of compliance with provisions of Threshold Test Ban Treaty will be focused on specified test sites. Detailed geological data on these sites, as well as the yields of a limited number of actual explosions at the sites, will be exchanged in order to assist in establishing calibrations for the yields and locations of weapon tests. To prevent circumvention of TTB, it is necessary to work out special arrangements to verify that nuclear explosions by TTB parties outside test sites are solely for peaceful purposes and are not used for testing weapons. Such arrangements will have validity only for nuclear weapon states that have reached advanced stage of nuclear explosion technology, since purpose will be to make sure that advanced weapons development, which would normally involve sophisticated designs and instruments, is not carried out in the course of PNE projects. Similar arrangements could not be applied to other states that are at beginning or in early stages of nuclear technology since any nuclear explosions conducted by such states will add to their nuclear weapons capability regardless of motives or intentions of such explosions.

4. *FYI*: Above should not be read as implying that we have made basic policy decisions on problems raised by Indian nuclear explosion. Purpose of message is solely to provide talking points refuting contention that we now recognize that technology of PNEs can generally be distinguished from that of nuclear weapons. *End FYI*.

5. *For Bonn*: Para. 1, reftel B should, of course, read 150 KT, not 150,000 KT.

Kissinger

70. Telegram 12630 From the Embassy in the Soviet Union to the Department of State¹

Moscow, August 17, 1974, 1246Z.

12630. Subj: *Pravda* on Complete Ban on Underground Nuclear Testing.

1. *Summary.* Soviet press is engaged in a fairly sizeable campaign on behalf of Brezhnev's July 21 proposals for denuclearization of the Mediterranean and for an agreement on a complete ban on underground nuclear testing. The Mediterranean proposal received extended puffery in *Pravda* August 14 and *Izvestiya* August 16. And, in the weightiest commentary so far, "A. Platonov" sets out the importance of U.S.-Soviet agreement on a comprehensive test ban. The Platonov piece appears to add nothing new to the Soviet position; it may be intended mainly to serve notice on the new American President that a complete ban on underground testing is high on the list of Soviet arms control priorities. *End summary.*

2. "A. Platonov" is a pseudonym which in the past, we have suspected, concealed the identity of the Soviet chief SALT negotiator, V.S. Semenov. Platonov begins this time by tracing the history of Soviet interest in a CTB, noting that it was only the intractability of Western governments which prevented its being achieved in 1963. He then pays homage to Soviet realism in accepting partial measures, and launches into a description of the treaty on underground testing achieved at the 1974 summit. Perhaps of special interest for the USSR's future negotiating positions is the emphasis the writer puts on national technical means of verification.

3. Platonov sees two major points of significance in the Threshold Test Ban Treaty signed July 3. First, as a clear ban on the testing of powerful nuclear devices it is important not just in the test ban field but also for the limitation of strategic weaponry in general. Second,

¹ Summary: The Embassy reported that a *Pravda* commentary underscored the importance of a U.S.-Soviet agreement on a comprehensive test ban treaty, suggesting that the piece "may be intended mainly to serve notice on the new American President that a complete ban on underground testing is high on the list of Soviet arms control priorities."

Source: National Archives, RG 59, Central Foreign Policy File, D740227-0331. Limited Official Use. Repeated information to the consulate in Leningrad, the Mission to NATO, the U.S. delegation to the SALT II talks in Geneva, the Mission in Geneva, and the Mission to the IAEA at Vienna. Brezhnev made the proposals for denuclearization of the Mediterranean and for an agreement on a complete ban on underground nuclear testing in a July 21 foreign policy address in Warsaw. (*New York Times*, July 22, 1975, p. 17)

the treaty is an important measure leading toward a complete test ban. It is this that the rest of the article is about.

4. Platonov emphasizes the importance of a new comprehensive bilateral agreement which would replace the current partial agreement. He quotes liberally from Brezhnev's June 14 and July 21 speeches on the Soviet position favoring such an agreement, and says that world opinion—as well as some U.S. lawmakers—share the same views. Because of the constructive Soviet position on this, as well as the declared intention of the U.S. and Soviet Union to continue negotiations, "it can be considered that the time will come when agreement on this problem too will become possible." Article closes with the assertion that it is important not to close off possibility of peaceful uses of energy from underground explosions and with a reference to Soviet-U.S. agreement to consider this question separately.

5. *Comment.* Platonov article does not seem to add anything substantive to the Soviet position on a comprehensive test ban. It continues to limit discussion of a complete underground ban to the bilateral U.S.-USSR context, with no reference to the other nuclear powers. Conceivably Platonov's reference (in two places) to bilateral agreement to continue negotiations towards a comprehensive underground agreement may foreshadow a Soviet initiative to get such talks moving, but he cites no time frame and speaks with no special sense of urgency. Despite its inference that only the USSR is really interested in a comprehensive test ban, the article is not critical of the U.S. In addition to its usefulness as a standard build-up for a Soviet position, it may be intended to focus the test ban issue as a Soviet priority for the benefit of the new U.S. administration.

Stoessel

71. Special National Intelligence Estimate 4–1–74¹

Washington, August 23, 1974.

PROSPECTS FOR FURTHER PROLIFERATION OF NUCLEAR
WEAPONS

[Omitted here are a table of contents and an introductory note.]

SUMMARY AND CONCLUSIONS

A. *In the 1980s, the production of nuclear weapons will be within the technological and economic capabilities of many countries.* The once formidable barriers to development of nuclear weapons by nations of middling size and resources have steadily diminished over time. They will continue to shrink in the years ahead as plutonium, enriched uranium, and technology become more widely spread. Some countries will consider nuclear weapons largely in terms of military utility. *The principal determinant of the extent of nuclear weapons proliferation in coming years will, however, be political considerations—including the policies of the superpowers with regard to proliferation, the policies of suppliers of nuclear materials and technology, and regional ambitions and tensions.*

B. *As things now stand, it is likely that India will proceed to fabricate weapons covertly. But the U.S. or the USSR still might be able to dissuade them.* The Indians probably would begin a weapons program with the intent of keeping it small, but once launched on that course pressures for an overt, substantial program—including nuclear-capable aircraft, missiles or both—are likely to prove irresistible. *An Indian decision to proceed with an overt weapons program on any scale will be one factor inclining some other countries to follow suit.*

C. *We believe that Israel already has produced nuclear weapons.* Our judgment is based on Israeli acquisition of large quantities of uranium, partly by clandestine means; the ambiguous nature of Israeli efforts in the field of uranium enrichment; and Israel's large investment in a

¹ Summary: This estimate examined prospects for further proliferation of nuclear weapons.

Source: Central Intelligence Agency, OP 122, NIC Files, Job 79R01012A, Box 473, 9, SNIE 4–1–74, Final w/Dist List (TKC/RD Version), Folder 8, Top Secret; [codewords not declassified]. All brackets are in the original except those indicating text omitted by the editors. The Central Intelligence Agency and the intelligence organizations of the Departments of State, Defense, the National Security Agency, and the Atomic Energy Commission participated in the preparation of this estimate. The Director of Central Intelligence issued the Estimate with the concurrence of all members of the USIB with the exception of the FBI, who abstained on the grounds that it was outside its jurisdiction. A supplementary memorandum to holders of SNIE 4–1–74 was issued on December 18. (Ibid., Box 485)

costly missile system designed to accommodate nuclear warheads. *We do not expect the Israelis to provide confirmation of widespread suspicions of their capability, either by nuclear testing or by threats of use, short of a grave threat to the nation's existence.* Future emphasis is likely to be on improving weapon designs, manufacturing missiles more capable in terms of distance and accuracy than the existing 260-mile Jericho, and acquiring or perfecting weapons for aircraft delivery.

D. Several other countries—including West Germany, Sweden, Canada and Italy—could have fabricated nuclear devices more easily, from a technological and financial point of view, than India and Israel. They have refrained, and they are unlikely to be much influenced by weapons acquisition in countries like India. The inhibitions facing each of them are strong. In all, popular opinion is strongly opposed to the acquisition of nuclear weapons, both on emotional grounds and because such weapons would entail substantial risks—of provoking attack, of offending vital allies and of destroying existing mutual security arrangements. *It would require very fundamental changes, such as the breakup of major defense alliances accompanied by a substantial increase in strife and tension throughout the world, to induce countries like West Germany, Sweden, Canada and Italy to exercise their near-term capability.*

E. *The Director of Central Intelligence, the Deputy Director of Central Intelligence representing the Central Intelligence Agency, the Director of Intelligence and Research representing the Department of State, the Director, Defense Intelligence Agency, and the Assistant Chief of Staff for Intelligence, Department of the Army believe that Japan's situation is very similar to that of the other advanced Western nations just mentioned. They believe Japan would not embark on a program of nuclear weapons development in the absence of a major adverse shift in great power relationships which presented Japan with a clearcut threat to its security. The Assistant Chief of Staff, Intelligence, Department of the Air Force and the Director of Naval Intelligence, Department of the Navy, however, see a strong chance that Japan's leaders will conclude that they must have nuclear weapons if they are to achieve their national objectives in the developing Asian power balance. Such a decision could come in the early 1980s. It would likely be made even sooner if there is any further proliferation of nuclear weapons, or global permissiveness regarding such activity. These developments would hasten erosion of traditional Japanese opposition to a nuclear weapons course and permit Tokyo to cross that threshold earlier in the interests of national security. Any concurrent deterioration of Japanese relations with the Communist powers or a further decline in the credibility of U.S. defense guarantees would, in their view, further accelerate the pace of nuclear weapons development by Japan.*

F. *Less sweeping changes could induce one or another of the less advanced nations to mount the sort of nuclear effort India and Israel have made. Some*

states, such as the Republic of China, Argentina and South Africa, will be much influenced in their decisions not only by the general course of proliferation but by such factors as growing feelings of isolation and helplessness, perceptions of major military threat and desires for regional prestige. In each of these cases, any weapons capability probably would be small and delivery probably would depend on aircraft, though there is some possibility that one or another might be able to purchase a nuclear-capable missile system from a foreign supplier.

G. Taipei conducts its small nuclear program with a weapon option clearly in mind, and it will be in a position to fabricate a nuclear device after five years or so. Taipei's role in the world is changing radically, and concern over the possibility of complete isolation is mounting. Its decisions will be much influenced by U.S. policies in two key areas—support for the island's security and attitudes about the possibility of a nuclear-armed Taiwan. Taipei's present course probably is leading it toward development of nuclear weapons.

H. Argentina's small nuclear program is being pursued vigorously with an eye toward independence of foreign suppliers. It probably will provide the basis for a nuclear weapons capability in the early 1980s. Argentina has no apparent military need for nuclear weapons, but there is strong desire for them in some quarters as a way to augment Argentina's power vis-à-vis Brazil. Over time, in the absence of strong international pressures that stop nuclear weapons acquisition elsewhere, there is an even chance that Argentina will choose to join the nuclear club in a small way.

I. In the short run, South Africa is of more concern in the proliferation context as a potential supplier of nuclear materials and technology than as a potential nuclear weapons power. It controls large uranium deposits, and it apparently has developed a technology for enriching uranium that could be used for producing weapons-grade material. South Africa probably would go forward with a nuclear weapons program if it saw a serious threat from African neighbors beginning to emerge. So serious a threat is highly unlikely in the 1970s.

J. Other candidate countries—Spain, Iran, Egypt, Pakistan, Brazil and South Korea—would need at least a decade to carry out a nuclear weapons development program. One or another might detonate a demonstrative device earlier—perhaps considerably earlier by using purchased materials or by obtaining extensive foreign assistance. Each of these countries is subject to a different set of motivations and pressures. Some have enemies already making efforts in the nuclear weapons field; all will be concerned with such efforts on the part of neighbors or potential antagonists. Some will be interested in nuclear weapons for their presumed prestige value. Unless countries opposed to proliferation—particularly the U.S. and the USSR—find ways to stop the spread of nuclear weapons programs before these candidate countries are in a position to go

forward, at least some of them will be motivated to join the nuclear race. The strongest impulses will probably be felt by Pakistan and Iran; Egypt and Brazil now appear to fall into a second category of likelihood.

K. France, India and Israel, while unlikely to foster proliferation as a matter of national policy, probably will prove susceptible to the lure of the economic and political advantages to be gained from exporting materials, technology and equipment relevant to nuclear weapons programs. And most potential proliferators are on good terms with one or all of them.

L. It is theoretically possible for a country capable of developing a nuclear weapon to do so covertly, up to the test of a first device. And a test is not absolutely necessary. In practice, indications of such a program are virtually certain to reach the outside world. But most countries will seek to maintain the tightest possible security with regard to any military nuclear activities, and information is likely to be intermittent and inconclusive. Indigenous ballistic missile delivery systems, on the other hand, would be readily identifiable early in the development cycle, and missile systems obtained abroad would not remain undetected for any significant period.

M. Governments backward in the nuclear field and anxious to acquire a token capability quickly are more likely to try to steal weapons than fissionable materials, despite the fact that the latter are less well protected. A country capable of developing and producing its own nuclear device is highly unlikely to try to steal weapons, but one might seek fissionable materials by theft or diversion. Competently done, diversion might go undetected.

N. Terrorists might attempt theft of either weapons or fissionable materials. They could see the latter as useful for terror or blackmail purposes even if they had no intention of going on to fabricate weapons.

[Omitted here is the body of the estimate.]

72. Action Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) and the Director of the Policy Planning Staff (Lord) to Secretary of State Kissinger¹

Washington, August 26, 1974.

U.S. Policy on Nuclear Proliferation

Following our last Analytical Staff Meeting, we have drafted the attached Memorandum for the President on U.S. policy regarding nuclear proliferation and its relationship to multilateral efforts.

The memorandum (Tab A) outlines U.S. policy moves in a multilateral context for controlling nuclear materials and inhibiting national decisions to acquire nuclear explosives. The proposed U.S. approach ties in with three ongoing international efforts: (1) measures to strengthen safeguards and export controls; (2) discussions with India related to minimizing the adverse consequences of her test; and (3) encouraging important NPT signatories and other key non-nuclear weapon states to ratify the treaty soon. In addition to these efforts, a successful nonproliferation strategy will be affected by perceptions of non-nuclear weapon states regarding progress in U.S.-Soviet nuclear arms limitations as well as the confidence of these states that their security and political needs can continue to be met without recourse to independent nuclear forces.

As a device that might help to strengthen export controls and to coordinate other multilateral nonproliferation efforts, the memorandum calls for an international conference of key nuclear industrial states, provided constructive French participation can be expected. To prepare such a conference, we would use further bilateral consultations with the UK and Canada, and consultations with France and other key states (USSR, FRG, Japan).

¹ Summary: Iklé and Lord sent Kissinger a memorandum for the President on U.S. policy regarding nuclear proliferation and its relationship to multilateral efforts. They offered several recommendations regarding a conference of nuclear industrial states.

Source: National Archives, RG 59, Policy Planning Council (S/PC), Policy Planning Staff (S/P) Director's Files (Winston Lord) 1969–77: Lot 77D112, Box 349, AUG 1974. Secret. Drafted by Kalicki, Kahan, Van Doren, and Borigt; concurred in by Sonnenfeldt, Buffum, Easum, Hyland, Goodby, Lowenstein, Lanigen, Bloomfield, Martens, and Sievering. Kahan initialed for the drafters and the concurrences. On September 7, Kissinger approved the first option of the second recommendation. Tab A, an undated draft memorandum to Ford, and Tab B, an undated paper entitled "Conference of Nuclear Industrial States," are attached but not published. NSDM 255 is Document 53. The June 21 NSSM 202 draft report is Document 57. For the minutes of the July 12 Analytical Staff Meeting, see Document 65.

Consultations with other interested governments have shown that the U.S. is not the only nation concerned with the problem of preventing further nuclear proliferation. We have already consulted with Canada and the UK in response to their initiatives. Representatives from the FRG wish to discuss NPT issues during their visit to Washington later this month, and we have made plans for talks with the USSR on PNEs and a number of broader nonproliferation matters of common concern.²

A conference of nuclear industrial states offers an opportunity for realizing a coordinated approach in placing effective controls, including safeguards and security measures, over transfers of commercial nuclear equipment and materials. In the context of both the conference and prior consultation, countries such as Canada, the USSR, and the U.S., which strongly support controls, may convince other suppliers, notably France, to do the same. The advance consultations, the conference itself, and any follow-up policies and procedures that might be devised could also contribute to dealing with India on non-proliferation questions.

To prepare the conference, we would approach the French and the Soviets to ensure their support; it would be important to consult other key participants following a positive reaction from France and the USSR. If the French indicate clear opposition, it will be necessary to reformulate the proposed approach and come back to you with further recommendations. Realistically, given the need to complete interagency review as well as the necessary preparations and prior consultations, it is unlikely that the conference could be held before mid-November.

The major conference issue to be resolved is that of participation. Related problems of polarization, the specific agenda and feasibility of substantive results, and publicity tend to be tied to this question. (See Tab B for further discussion.) Although many options could be constructed using a variety of criteria, there are basically two approaches to participation:

—a *restricted conference* attended by the major current nuclear suppliers, namely the U.S., France, the USSR, Japan, the FRG, the UK, and Canada;

² In part, these talks serve to carry out the recently approved NSDM 255 which calls for U.S. consultations with other suppliers designed to forge common policies to control exports of special nuclear material, encourage multilateral reprocessing plants, and upgrade worldwide physical security standards. In addition, the Energy Coordinating Group is working to develop multilateral policy guidelines and procedures affecting uranium enrichment. [Footnote is in the original.]

—a *broadier conference* expanded to include other nuclear industrial states, notably the Netherlands, Sweden, South Africa, Italy, Belgium, Switzerland, Spain, Australia, and India.³

The *more restrictive* approach would enhance both the manageability of the conference and the prospects for reaching consensus among the current major suppliers on an effective nuclear safeguards strategy. The only country likely to present serious problems would be France, although that nation would probably react more positively to a proposal for a restricted conference than for an expanded one. Japan, on the other hand, might not look with favor at participating in a small cartel-like meeting. In such a conference we would have more flexibility in terms of publicity; while the option of high-visibility could be chosen, a smaller conference could be handled in a more low-profile manner, perhaps at the Under Secretary level with strong technical participation by the various delegations. If a restricted conference is held, we will need to deal with potentially adverse reactions on the part of uninvited nuclear industrial states as well as nuclear have-nots. A low profile could help alleviate the polarization problem. Moreover, by excluding other nuclear industrial states whose present export capabilities are limited, we could avoid the appearance of isolating India, who would pose as a defender of the rights of the nuclear have-nots and tend to take an unconstructive stance. The non-participation of India would also facilitate agreement among the major suppliers on dealing with India regarding PNEs and export controls.⁴ Some of the political disadvantages of a restricted conference could be lessened if the original members took the position that they viewed themselves as a nucleus which might subsequently be enlarged. It might be understood that an item on the agenda of the restricted conference would be “possible enlargement of the consultations.”

The *broadier approach* would include from the start other interested nuclear industrial states, and eliminate their concerns at being

³ Criteria for participation in the restricted conference seem relatively clear, since the seven nations designated are the most significant potential nuclear suppliers. Selection in the case of a broader conference is arbitrary. The above expanded list consists of the ten nations judged to be next in potential as nuclear suppliers. Particularly in the case of a larger conference, it should be recognized that the Soviets may insist on greater representation of their allies, thus creating pressure to further expand its size. We would inform the PRC in advance of a conference and welcome their attendance; they would be unlikely to accept an invitation. The Memorandum to the President leaves open the question of participation and can be forwarded for interagency review while these alternative approaches and other conference issues are being considered in greater depth by State and ACDA. [Footnote is in the original.]

⁴ Your scheduled trip to India will probably take place before the conference. This offers the opportunity for private talks with the Indians on non-proliferation, in the context of a coordinated approach on the part of Canada, the UK, and possibly the USSR flowing from pre-conference consultations. [Footnote is in the original.]

excluded. The inclusion of Sweden, the Netherlands, and Australia would provide the conference the benefit of three of the strongest supporters of non-proliferation. At the same time, the broader approach would diminish the appearance of a suppliers' cartel. On the other hand, with a large conference, presumably at a Foreign Minister level, adopting a low profile would become extremely difficult. Some potential participants are less likely to publicly agree to nuclear export restraint in such a conference than they are to actually apply such measures in practice. Furthermore, many of the additional nations are primarily nuclear importers in the near term (although all are *potential* suppliers)⁵ and obtaining unanimity on substantive issues would be difficult. In addition, it would be difficult to draw the line for selection of participants once the conference were expanded; for example, Mexico, Argentina, and Brazil would almost certainly wish to attend, and the possibility of a twenty-odd nation conference could not be dismissed. The inclusion of India would seem necessary in the widened context; its exclusion in such circumstances might well provoke strong GOI opposition to the proposed strategy. India would probably play a spoiling role and its presence would seem to make export restraint agreements an unrealistic goal, and could reduce prospects for gaining Indian cooperation in placing controls over its nuclear exports.

With respect to participation:

ACDA, *SCI*, and *INR* strongly favor a restricted approach.

S/P sees valid arguments on both sides, but, on balance, prefers a restricted conference as a first step, with the option to convene an expanded conference later if judged to be useful.

NEA has a strong preference for a restricted conference of major suppliers (not including India) which would avoid the problem of Indian participation.

PM believes that participation at the conference can best be decided after consultations with France and the USSR, but, subject to the concurrence of these countries, would prefer a restricted approach.

C has a slight preference for a smaller conference.

EUR would also marginally prefer a restricted conference, on the grounds that the French would probably be more likely to agree to attend.

IO, without passing judgment on the policy issue of whether a more restricted or broader group should be sought, considers that, from the standpoint of coordination and management, there would be

⁵ The situation here, of course, is different from the Energy Conference (when we wanted to increase our leverage versus the producers) because suppliers and many recipients share a consensus on the problem. [Footnote is in the original.]

significant advantage in at least starting the conference with a restricted number of participants.

EA prefers the option for a larger conference to allow the inclusion of Australia and to make participation less exclusive, and thereby more attractive, to Japan.

AF prefers an expanded conference to assure South African participation, but indicates that South African concerns could be accommodated through consultations if a restricted conference were selected.

ARA does not wish to judge the policy merits of a small versus a large conference, but strongly favors the inclusion of Mexico, Argentina, and Brazil if a broader approach is chosen and advance consultations with these countries in the event a restricted approach is followed.

Recommendations

1. That the draft Memorandum to the President be circulated to interested agencies by the Under Secretaries Committee for rapid review. They would be informed that the memo is based upon comments on the NSSM 202 draft Report of June 21 as well as events since the original NSSM effort. Their further comments and concurrence would be solicited within a week, prior to forwarding the memorandum to the White House. *(This would not prejudice decisions as to extent of participation and publicity for the proposed conference.)*

2. That the Department and ACDA prepare a detailed operational plan for the conference of nuclear industrial states, either

—restricted in the first instance to a low-visibility meeting among the most advanced nuclear industrial states;

—or a more highly publicized conference expanded to include other nuclear industrial states, with Indian participation.

73. Memorandum From Michael Guhin of the National Security Council Staff to Secretary of State Kissinger¹

Washington, August 27, 1974.

SUBJECT

Possible International Restraints on Environmental Warfare

A Senior Review Group meeting on this subject is scheduled for August 28.

Following on the interagency review in May of options regarding restraints on environmental warfare, President Nixon agreed at the summit in Moscow to advocate the most effective possible restraints against using environmental modification techniques for military purposes and to begin discussions with the Soviets on the subject this year (see marked tab).²

¹ Summary: Guhin summarized agency views concerning restraints on environmental warfare, stating that all agencies except the Joint Chiefs of Staff considered some restraints to be in the U.S. interest. Noting it was unlikely that interagency consensus on an option would emerge at the scheduled August 28 Senior Review Group meeting, Guhin commented that Kissinger would need to "confirm agency views and to reach agreement" that differences would be forwarded to President Ford for decision. Guhin also recommended that Kissinger send a draft National Security Decision Memorandum to Ford, which would require the National Security Council Under Secretaries Committee to prepare an approach for upcoming discussions with Soviet officials and for dealing with the Soviet UN General Assembly proposal.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 13, Senior Review Group Meeting, 8/28/74—Environmental Warfare (2). Secret. Sent for action. Sent through Elliott. All brackets are in the original. Attached but not published are talking points on environmental warfare for use at the SRG meeting; Tab 1, a draft memorandum from Kissinger to Ford that summarized agency positions on international restraints on environmental warfare; and Tab A, a draft NSDM, that reflected the decision that the U.S. approach to explanatory discussions with the Soviets would be consistent with the OSD/JCS position. The DOD summary of military aspects is Document 42. Guhin's analytical summary, "Possible International Restraints on Environmental Warfare," is Document 74. The talking points and agency views, which Guhin indicated were attached at marked tabs, were not found. The minutes of the August 28 SRG meeting are Document 75. The final version of draft memorandum attached at Tab 1 is Document 90. The final version of NSDM 277, as signed by Kissinger, is Document 94.

² The Soviets have not waited for the bilateral discussions but have moved to seek a UN General Assembly (UNGA) resolution this fall which would approve "the idea of concluding a broad agreement on the prohibition of action to influence the environment and climate for military and other purposes incompatible with the maintenance of international security, human well-being and health" (see marked tab). This "broad-brush Soviet initiative" gives us problems. Regardless of the decision on the issue discussed herein, we will wish to ensure that any UNGA resolution in effect refers the subject to an appropriate body for further examination and is consistent with the language agreed at the summit. Simply opposing the resolution would appear contrary to our expressed interest in restraints as affirmed at the summit and give the Soviets the lead in this area. [Footnote is in the original.] Gromyko's letter to Waldheim proposing an agenda item from the UN General Assembly on the prohibition of environmental modification for warfare is printed in *Documents on Disarmament*, 1974, pp. 380–382.

As a result of the interagency review, all agencies except the JCS consider that *some* restraints on environmental warfare are in our interest. The JCS prefer no restraints but consider the restraints recommended by OSD below acceptable. There is interagency disagreement on the scope of restraints we should accept.

Therefore, in the likely event that no interagency consensus on an option emerges at the meeting, your purpose is to confirm agency views and to reach agreement that the differences should be forwarded to the President for decision.

DOD's summary of the military aspects, the Under Secretaries Committee study of possible international restraints (including verification aspects), agency views, and my analytical summary are at marked tabs.

To facilitate the near term decision on whether to give favorable consideration to the Soviet suggestion that the July summit communiqué include agreement to enter into discussions on prohibiting the use of environmental modification techniques for military purposes, the interagency report examined three options:

1. Accept no international restraints on military use of environmental warfare, including weather, climate, ocean, and terrestrial modification techniques. [Of these, there presently exists an operational or near operational capability for only a few types of weather modification (for example, fog and precipitation modification).]

2. Accept prohibitions on any military use of the above environmental modification techniques having long-term, widespread, or especially severe effects (essentially preserving tactical uses of fog and precipitation modification for hostile purposes).

3. Accept prohibitions on all military use of such techniques for hostile purposes.

None of the options would prohibit and no agency supports prohibiting weather modification techniques solely to protect forces from natural hazards or fog modification to aid in search and rescue missions.

OSD recommends Option 2. Although preferring no restraints, the JCS consider Option 2 acceptable and note that its adoption would do no serious damage to our military posture.

This choice would (1) rule out the most dangerous and destructive possibilities (most of which would have limited if any military application should they ever come to be developed); (2) allay some of the domestic and international concerns; (3) limit an area of possible arms competition; and (4) be verifiable within reasonable limits of error.

On the other hand, this choice would (1) be criticized internationally and domestically as proposing to rule out everything except the things we know how to do and have done (rainmaking in SEA); (2)

be far more difficult politically to negotiate on a multilateral basis; and (3) possibly hamper future development of international guidelines for civil environmental modification efforts having cross-border effects since these would probably proceed on a "peaceful purposes only" premise.

State and ACDA strongly recommend Option 3 as the basis for discussions with the Soviets and subsequent multilateral effort.

This choice would (1) meet with more general acceptance as a definition of "environmental warfare" since all clearly hostile uses would be prohibited; (2) be less ambiguous and perhaps the only basis on which we could expect successful negotiations; and (3) enhance the development of international guidelines for civil applications having cross-border effects since it would constitute a "peaceful uses only pledge."

On the other hand, this choice would (1) foreclose existing and prospective weather modification options (fog and precipitation) which might be employed to gain tactical advantage in some conflict situations (if natural meteorological conditions permitted); and (2) present some verification problems since tactical employment of weather modification techniques might not be detectable.

In addition to recommending Option 3, *ACDA* has favored a broad initiative covering peaceful and hostile uses which would provide for (1) a continuing program of studies under UN auspices on the feasibility of environmental modification for the benefit of mankind; (2) a commitment to study and work out international regulations or guidelines to avoid unintended harmful effects of civil environmental modification activities; and (3) a commitment not to use environmental modification techniques for hostile purposes (see *Ikle* memoranda at *ACDA* tab). (We believe that the desirability of working out international guidelines for civil applications deserves further study with Commerce's participation, but that this aspect need not delay decision on the arms control question before us.)

The fundamental difference between the agencies is not likely to change at this meeting. *OSD* and the *JCS* will wish to retain the right to use precipitation and fog modification techniques for hostile purposes.

Therefore, your purpose in the meeting is to confirm agency views and to reach agreement that the differences should be forwarded to the President for decision. Your talking points at marked tab are structured accordingly.

Our View. We believe that the military case, including our operational rainmaking experience in *SEA*, for preserving the option for hostile uses of fog and precipitation modification techniques is not very strong. However, *OSD's* position does focus on restraining those

activities which could be subject to reasonable verification, whereas tactical employment of fog and precipitation modification might not be detectable.

Therefore, we recommend that the U.S. should structure its exploratory talks with the Soviets on the basis of a preferred approach consistent with the position supported by OSD and the JCS. The draft memorandum for the President (Tab 1) and draft NSDM (Tab A) reflect this recommendation.

The draft NSDM requests the NSC Under Secretaries Committee to prepare an appropriate scenario and approach for discussions with the Soviets and an approach for dealing with the Soviet UNGA proposal.

This would not preclude exploratory discussions and perhaps a later U.S. decision on broader restraints if the Soviets raise them. Indeed, once we begin such discussions, particularly if and when a multilateral agreement were desired, we will in all likelihood have to address the question of a “peaceful uses only” policy or prohibitions along the lines recommended by State and ACDA.

There may well be some criticism by the Soviets or in any public airing of our approach that we are not including in these discussions the only things we know how to do and have done. Our use of rainmaking in SEA has been controversial. This problem should, however, prove manageable.

Kennedy, Lodal, and Clift have concurred.

Recommendations:

1. That you note your talking points at marked tab.
2. If there is no consensus at the meeting on an option, that you forward the memorandum for the President at Tab 1;
3. If he approves, that you issue the NSDM at Tab A (which reflects the decision that the U.S. approach to exploratory discussions with the Soviets will be consistent with the OSD/JCS position).

74. Paper Prepared by Michael Guhin of the National Security Council Staff¹

Washington, undated.

ANALYTICAL SUMMARY

Possible International Restraints on Environmental Warfare

Following on the interagency examination in May of options regarding restraints on environmental warfare, the President agreed at the summit in Moscow to advocate such restraints and to begin U.S./USSR discussions this year to explore the problem and what steps might be taken to bring about the most effective measures possible against the dangers of using environmental modification techniques for military purposes.²

As a result of the interagency review of this subject, all agencies except the JCS consider that *some* restraints on environmental warfare are in our interest. The JCS prefer no restraints but consider the restraints recommended by OSD below acceptable. There is interagency disagreement on the scope of restraints we should accept.

The interagency report examines the advantages and disadvantages of no restraints on "environmental warfare," and two different levels of restraints which could be the bases for international discussions. For the purposes of this study, the concept of environmental warfare could cover weather, climate, ocean, terrestrial, and ionospheric modification for military purposes.

U.S. Policy

NSDM 165 (May 1972) established guidelines for certain international aspects of U.S. civil weather modification activities; deferred

¹ Summary: Guhin summarized the the May NSC Under Secretaries Committee report concerning possible restraints on environmental warfare, U.S. policy considerations, cooperative efforts with the Soviet Union, and advantages and disadvantages of military uses of weather modification. He also indicated his preferred option.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 13, Senior Review Group Meeting, 8/28/74—Environmental Warfare (2). Secret. All brackets are in the original. Attached to Guhin's August 27 memorandum to Kissinger, Document 73, NSDM 165, "International Aspects of Weather Modification," May 2, 1972, is in the National Archives, Nixon Presidential Materials, NSC Files, Institutional Files, National Security Decision Memoranda, Box H-208, NSDM 150-200 (Originals).

² The Soviets have not waited for the bilateral discussions but have moved to seek a UN General Assembly (UNGA) resolution which would request approval for the idea of a broad agreement prohibiting action to influence the environment and climate for military and other purposes incompatible with the maintenance of international security, human well-being and health. [Footnote is in the original.]

decision on military applications; and directed that no climate modification activities be undertaken without specific Presidential approval. The administration stated subsequently that it would not use climate modification techniques for hostile purposes should they come to be developed.

Under civilian authorization, military rain augmentation experiments and operations were carried out in Southeast Asia from 1966 to 1972. These represent our only significant operational experience in the military use of weather modification under combat conditions.

Military Programs and Considerations

Weather Modification. The range of conceivable weather modification activities includes forming, stabilizing, or dissipating fog and low clouds; increasing or decreasing precipitation; moderating, intensifying and steering of severe storms such as hurricanes and typhoons; and suppressing or augmenting lightning and hail.

Only dissipation of certain types of fogs and some modification of the type and amount of precipitation can be considered operational or near operational today. Positive but unsubstantiated assessments best describe efforts in hurricane moderation and hail and lightning suppression. The idea of intensifying or steering storms is mostly a theoretical possibility only.

DOD currently has only two operational weather modification programs, both dealing with fog dissipation. DOD's R&D programs are relatively small and are designed primarily for (1) protecting personnel and resources against natural hazards to improve operational capabilities and (2) guarding against technological surprise.

Possible militarily useful applications include:

—Rain enhancement could be used to wash out tactical bridging equipment, disrupt airborne operations, channelize or block enemy attack or logistic routes, or shield friendly activities.³

—In limited circumstances, fog or low cloud stimulation or stabilization might be useful; and fog dissipation could be used to facilitate launching of air strikes or to clear target areas.

³ The rain augmentation activities in Southeast Asia were designed to make North Vietnamese infiltration more difficult by increasing rainfall in selected areas to soften road surfaces, cause landslides, and wash out river crossings. These events normally occur during the height of the rainy season. Seeding was intended to extend the period of occurrences and to supplement the natural rainfall. While this program apparently had an effect on the primitive road conditions in these areas, the results were certainly limited and unquantifiable. [Footnote is in the original.]

—Hurricane or typhoon intensification or steering, if ever feasible, might be used for inflicting damage, denying areas for a limited time, or avoiding storm damage.

However, militarily useful weather modification would require the conjunction in place and time of a tactical opportunity to be gained by using modification techniques, suitable meteorological conditions, and an operational capability in place. While a deployed operational capability could be made available with necessary investment, training, and doctrine, the coincidence of the other two factors—suitable natural meteorological conditions and tactical opportunity—would be fortuitous. For this reason, weather modification would be essentially a “weapon of opportunity.”

Climate Modification. Climate modification would involve alteration of long-term climate (as contrasted with short-term weather). Climate modification is still in the research state (e.g., computer “models” but not experimentation). DOD has only one computer research program.

Climate modification would have limited military application, and the difficulty in predicting the totality of effects could mean the user’s own climate could suffer unforeseen and possibly irreversible deleterious effects.

Ocean Modification. Ocean modification would involve alteration of the physical characteristics of the oceans (e.g., currents, waves, temperature, chemical composition, coastal and bottom topography). At present, no capability or technical basis for a capability exists to modify the oceans environment in a controlled, militarily useful manner, and DOD has no oceans modification programs.

Even if feasible, ocean modifications would have at best limited military application.

Terrestrial Modification. Terrestrial modification would involve the alteration of the earth’s physical characteristics [e.g., inducing earthquakes beneath land surfaces or inducing earthquakes or generating tsunamis (tidal waves)]. Scientific understanding of earthquake mechanisms is increasing. At present, no capability or theoretical base for a capability to alter the inner earth environment in a controlled, militarily useful way exists. DOD has no present programs although research on earthquakes has been sponsored in connection with underground nuclear test detection.

If terrestrial modification techniques should become feasible, a military application might involve modification of the earth’s subterranean geomagnetic field to affect navigation techniques based on geomagnetic bearings. The effects of efforts to induce earthquakes or tsunamis would not be controllable. Consequently, significant military applications are not foreseen.

Ionospheric/Geomagnetic Modification. Ionospheric/geomagnetic modification would involve creation or intensification of new radiation belts around the earth through high altitude nuclear bursts or through non-nuclear means. Relevant DOD programs include studies of the impact of ionospheric variations on communications, surveillance capabilities, and ABM “blinding.”

If controllable ionospheric/geomagnetic modification techniques should become feasible, they might have significant military applications.

Military Alternatives. Although the purely military advantages to an adversary inherent in the use of some conceivable but not yet possible modification techniques could be significant, these advantages, if detected, could be countered by selected utilization of other military forces to prevent or hamper his efforts. The effectiveness of his techniques can also be reduced through all weather systems.

Programs of Other Countries and Cooperative Efforts

Soviet Union. The Soviet Union maintains a very large civil weather modification program. The scope of the known Soviet effort is generally comparable to that of the U.S., but they are weak in such areas as instrumentation, data processing, and computer equipment.

The nature and degree of military participation in the Soviet civil weather modification program is unknown. The civil program is of interest to the military and many of the techniques being developed could be applied to military purposes. There is also reasonably good evidence that the military is carrying out an independent classified program, particularly in fog and cloud dispersal in the Arctic region.

There is no information to suggest that the Soviets have a climate modification program at present.

The Soviet Union ranks first in the volume of oceanographic data being acquired, but they are believed to trail the U.S. by 5 to 7 years in the quality of their effort.

The Soviets have a well-balanced research program in the earth sciences and a broad-scale program aimed at developing a method for forecasting earthquakes. Their overall understanding of geophysical processes is probably about on a par with the U.S. although the quality of their effort is somewhat less.

The Soviet experience and understanding in ionospheric studies are believed to be about equal to our own.

U.S.-Soviet Cooperation. Scientific exchanges have taken place in the field of weather modification, and additional exchanges are planned. No joint projects are currently contemplated.

Under the U.S.-USSR Agreement for Cooperation in the Field of Environmental Protection, cooperation in earthquake prediction

research and in basic research possibly applicable to weather modification is planned. Also, the Soviets have informed us that they have decided to move into the field of large-scale weather modification and are interested in cooperating with the U.S. We are supplying information on the kind of aircraft and instrumentation we plan for such activities. Soviet participation in our large-scale storm moderation efforts would unquestionably arouse suspicion and antagonism on the part of the PRC.

Domestic and International State-of-Play

The environmental warfare concept has not been the subject of extended or highly publicized international debate. However, in July 1973, Senate Resolution 71, sponsored by Senator Pell, was adopted by an 82-10 vote of the Senate. This resolution expresses the sense of the Senate that the USG should seek an international agreement to prohibit the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation directed thereto.

Verification

There has been no extensive study of possible verification techniques for restraints on use. Since many of the modification techniques are conceptual in character, there is presently little basis for seeking to define technical detection systems.

However, detection of weather modification efforts might be accomplished through chance observations coupled with changes in weather conditions. The chance of detecting separate, scattered events would be low except for fog modification. The chance of identifying repetitive or large-scale seeding operations would be higher.

Efforts to carry out climate and ocean modifications or to trigger earthquakes or generate tsunamis would probably be observable, although identifying particular efforts as being related to modification purposes might be difficult. Another important inhibition against such modification would be the unpredictability and uncontrollability of the effects.

Certain types of ionospheric/geomagnetic anomalies could be recognized as having been artificially created, but preparations would probably not be detected.

Policy Options

Of the several possible categories of environmental modification techniques previously described, ionospheric/geomagnetic modification techniques are not considered here in connection with the examination of possible international restraints, but may warrant further study. Possible questions regarding the compatibility of some applications

of environmental warfare with existing laws of warfare are also not addressed in connection with the options. The options below deal with possible restraints on use of weather modification, climate modification, ocean modification, and terrestrial modification (in particular, efforts to trigger earthquakes or generate tsunamis). The possibility of restraints on relevant military research and development are not considered.

Option 1. Not accept any international restraints on military uses of weather, climate, ocean, or terrestrial modification techniques.

Advantages. This would (1) preserve maximum flexibility to determine further how useful militarily possible modification techniques might become, and (2) retain full flexibility in the use of current and potential operational weather modification techniques which could have tactical advantages in some situations (if natural meteorological conditions permitted).

Disadvantages. This could (1) lead to the emergence of arms competition in the environmental modification area and to increased concern that advances in relevant scientific and technological fields might be used to wage war; (2) hamper future international scientific cooperation in the environmental modification area; and (3) hamper the development of and certainly U.S. participation in developing guidelines for civil environmental modification activities having cross-border effects.⁴

[The JCS recommend this option. However, should restraints be desired, the JCS consider the following option acceptable, noting that its adoption would present no serious damage to our national military posture.]

[*Comment.* This option would provide no basis for discussions with the Soviets or other countries and would retain military use options in areas where there would be only very limited if any military application (that is, in climate, ocean, and terrestrial modification techniques should they come to be developed).]

Option 2. Accept international restraints prohibiting "environmental warfare" defined as any military use of weather, climate, ocean, or terrestrial modification techniques having long-term, widespread, or especially severe effects.

⁴ The scientific and technological advances which provide the basis for the environmental warfare concept derive in large part from civilian programs, especially in the area of weather modification. Weather modification activities may prove beneficial in a variety of situations. However, for many countries, disputes arising from civil applications which have cross-border effects may prove of greater practical concern than "environmental warfare." The need for international guidelines for civil weather modification activities having cross-border effects has been raised in the United Nations Environmental Program (UNEP) and other bodies. [Footnote is in the original.]

This would preclude the following military uses of modification techniques: (1) any climate modification; (2) any significant ocean modification; (3) efforts to trigger earthquakes and generate tsunamis; (4) intensification or steering of severe storms (e.g., hurricanes or typhoons) or deliberate generation of tornadic type storms to cause damage; and (5) continuous and extended precipitation modification. It would not prohibit localized (tactical) fog modification or precipitation modification; nor preclude efforts to moderate storms solely for protection against natural hazards.

Regarding modifications having effects over or in enemy territory, neither this option or the following one would preclude the use of weather modification techniques solely to protect forces from natural hazards or the use of fog modification for search and rescue missions.

Advantages. This would (1) rule out the most dangerous and destructive possibilities (most of which would have limited if any military application), (2) allay some of the domestic and international concerns; and (3) limit an area of possible arms competition; and (4) be verifiable within reasonable limits of error.

Disadvantages. This could (1) be criticized internationally and domestically since we would be proposing to rule out everything except the things we know how to do and have done (rainmaking in Southeast Asia); (2) be much more difficult politically to negotiate on a multilateral basis than Option 3 below; (3) present more problems of determining whether or not particular actions were permitted; and (4) possibly hamper U.S. participation in the development of international guidelines for civil environmental modification efforts having cross-border effects, since these would probably proceed on a "peaceful purposes only" premise.

[OSD recommends this option and, as noted above, the JCS consider that it would have no serious adverse military implications.]

Option 3. Accept international restraints prohibiting "environmental warfare" defined as precluding—in addition to those activities precluded under Option 2—precipitation modification for harassing, blocking, and damage inflicting purposes; and precipitation or fog modification to facilitate harassing, blocking, or damage inflicting actions implemented by other capabilities.

Advantages. This would (1) probably meet with more general acceptance as a definition of "environmental warfare," as use of modification techniques for all clearly hostile purposes would be prohibited; (2) be less ambiguous than Option 2, and be easier to negotiate on a multilateral basis (since Option 2 would not rule out some hostile uses of weather modification); and (3) enable us to affirm that environmental modification techniques would be employed for "peaceful purposes only," thereby enhancing U.S. participation in developing international guidelines for civil applications.

Disadvantages. This would (1) foreclose existing and prospective weather modification options which might be employed to gain tactical advantage in a variety of conflict situations (should natural meteorological conditions permit); and (2) present greater verification problems than Option 2 because tactical employment of weather modification techniques might not be detectable.

[*State and ACDA strongly support this option. They believe it is the only basis on which we could hope to succeed in seeking multilateral agreement.*]

[*ACDA has also favored a broad initiative covering peaceful and hostile uses which would provide for (1) a continuing program of studies under UN auspices on the feasibility of environmental modification for the benefit of mankind; (2) a commitment to study and work out international regulations or guidelines to avoid unintended harmful effects of civil environmental modification activities; and (3) a commitment not to use environmental modification techniques for hostile purposes. We believe that the desirability of working out international guidelines for civil applications deserves further study with Commerce's participation. However, that aspect need not delay decision on the arms control question before us.*]

My View. The fundamental difference between the agencies is that OSD and the JCS wish to retain the right to use precipitation and fog modification techniques for hostile purposes. The military case, including our operational rainmaking experience in SEA, for preserving these options for hostile uses does not appear very strong.

However, the position favored by OSD focuses on restraining those activities which would be subject to reasonable verification, whereas tactical use of fog and precipitation modification might not be detectable. Therefore, *we believe* that the U.S. should structure its initial exploratory talks with the Soviets on the basis of a preferred approach consistent with the position supported by OSD.

This would not preclude exploratory discussions and perhaps a later U.S. decision on broader restraints if the Soviets raise them. In fact, we recognize that once we begin such discussions, particularly if and when a multilateral agreement were desired, we will in all likelihood have to address the question of a "peaceful uses only" policy or prohibitions along the lines recommended by State and ACDA. This prospect does not appear particularly troublesome since, as noted above, the military case for preserving fog and precipitation modification options does not appear very strong.

It is also recognized that if we conduct the discussions initially on the basis of the position supported by OSD, there may well be some criticism by the Soviets or in any public airing of the decision that we are not including in these discussions the only things we know how

to do and have done. Indeed, our use of rainmaking in Southeast Asia from 1966–1972 has been controversial. However, this problem should prove manageable until such time as we need address the question of broader restraints.

75. Minutes of a Senior Review Group Meeting¹

Washington, August 28, 1974, 10:37–10:57 a.m.

SUBJECT

Possible International Restraints on Environmental Warfare

PARTICIPANTS

Chairman

Henry A. Kissinger

State

Robert Ingersoll

Wreatham Gathright

Helmut Sonnenfeldt

Defense

William Clements

Robert Ellsworth

Maj. Gen. W.Y. Smith

JCS

Lt. Gen. John Pauly

CIA

Lt. Gen. Vernon Walters

[*name not declassified*]

ACDA

Dr. Fred Iklé

Robert Miller

Thomas Davies

NSC Staff

Lt. Gen. Brent Scowcroft

Dr. David Elliott

Michael Guhin

Col. Clinton Granger

James G. Barnum

¹ Summary: The Senior Review Group met to discuss and clarify multiple agency views concerning restraints on environmental modification. At the conclusion of the meeting, Kissinger asked for the preparation of a negotiating scenario based on two premises: the acceptance of prohibitions on any military use of environmental modification techniques having long-term, widespread, or severe effects, and the acceptance of prohibitions on all military use of such techniques for hostile purposes.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 23, Meeting Minutes—Senior Review Group August 1974. Secret; Sensitive. All brackets are in the original except those indicating text that remains classified. The meeting took place in the White House Situation Room. No drafting information appears on the minutes.

SUMMARY OF CONCLUSIONS

It was agreed that:

—The working group would draw up a negotiating scenario based on two premises: (1) that we would accept prohibitions on any military use of environmental modification techniques having long-term, widespread or especially severe effects (Option 2); and (2) that we would accept prohibitions on all military use of such techniques for hostile purposes (Option 3).

Secretary Kissinger: The subject of today's meeting is environmental warfare. I don't think this will be a long meeting. What I would like to do is clarify the major positions—see what they are—and then get your judgment as to whether we can send them forward to the President by memo for decision or whether we need an NSC meeting. My instincts are that we can probably do it by memo, but I have no fixed opinion on that. Fred (Dr. Iklé) would you like to sum up the situation?

Dr. Iklé: I guess I should start at the latest development, the Soviet UN resolution, which calls for a broad agreement that would prohibit influencing the environment and climate for military and any other purposes incompatible with the maintenance of international security. This, of course, came after our joint agreement at the Moscow Summit. Prior to the Joint Communiqué, the interagency study came out with three basic options: (1) that there would be no restraints on military use of environmental warfare; (2) that there would be prohibitions on military use of environmental modification techniques if they have long-term, widespread, or especially severe effects; and (3) broad prohibitions against all military use of such techniques. As I see it, there are only two issues we need to discuss: (1) what are the various positions on the three options, and (2) how should we handle the diplomatic part—the negotiations coming up in October—and the Soviet's UN resolution.

Secretary Kissinger: I'm less worried about the UN than I am about how to handle the bilateral negotiations with the Soviets. What I would like somebody to explain to me is OSD's position. Would it be unfair to say that OSD would rule out options one and three?

Mr. Clements: Henry, what bothers us—what is at issue now—is that we have no idea of Soviet capabilities and intentions in this field. We just don't understand what their point is in wanting restraints on environmental warfare.

Secretary Kissinger: Well, it seems to me that it is this—that they want it all banned. I guess you could argue that they are beginning to think about the consequences of no restraints on such type of warfare and that they are sincerely concerned. You could argue that they don't

want an agreement. But, the fact is that we are committed to bilateral negotiations on this thing. What is it that OSD objects to in Option Three? What is Option Two banning? How does Option One differ from the others?

Mr. Clements: Well, we feel that the Soviet decision to have bilateral talks has really preempted Option One.

Secretary Kissinger: This is true if you preclude it as an outcome of negotiations. But, what I'd like to get to—how is Option Two different from Option One?

Mr. Ellsworth: What Option Two does is prohibit the use of such things as earthquakes and tidal waves—that type of thing. Most of those things we're talking about in Option Two we don't have the capability or technology to do anyway.

Mr. Ingersoll: We can create earthquakes.

Secretary Kissinger: Not really. I remember all that fuss about the underground explosion in the Aleutians. Everybody thought that would create earthquakes, and it never happened.

Mr. Miller: Basically, Option Two would prohibit actions that would have long-term applications.

Secretary Kissinger: I know, but that's all double-talk. Just what sort of things would be prohibited under Option Two?

Mr. Ingersoll: Things that we don't know much about right now. I mean, tidal waves and those sorts of things we can't do. We're just speculating on things that we might be able to do in the years to come.

Secretary Kissinger: Then we are talking about things that we are not presently capable of doing.

Mr. Ingersoll: That's right, except for earthquakes.

Mr. Miller: And we can't do that unless the enemy moves onto the fault first!

Mr. Ingersoll: Well, we really don't know what we can do yet.

Secretary Kissinger: Just for my own education, is it possible to start an earthquake here and have it produce results somewhere else? I mean, you can't start an earthquake in Nevada and send it to Siberia, can you?

Mr. Ellsworth: No, you can't.

Gen. Pauly: The military utility of such an action is questionable anyway.

Mr. Clements: Earthquakes are disruptive things, Henry. They create a lot of havoc under the ground. They shear off oil drilling equipment, pipes, that sort of thing. Besides, they have to occur where there is a fault, like San Andreas.

Secretary Kissinger: Then you would have to get close to create an earthquake, no?

Mr. Clements: That's right, right on the spot.

Secretary Kissinger: We'd have to do it in Siberia then?

Mr. Clements: Yes.

Secretary Kissinger: Well, in this case, it seems a pity to me to ask for a bunch of studies just to have to give them up later. How do we conduct the negotiations with the Russians? How does OSD understand the options?

Mr. Clements: Our problem is that we don't understand the Russian motivation for an agreement.

Secretary Kissinger: I can understand their motivation. Number one, they probably wanted something to sign at the Summit. Number two, their technology is behind ours in almost all fields. They just might be worried about what we are doing and this would be a way to find out. Number three, they might be on to something and they want to prevent us from following them into it. Which of the three, I don't know, but I would think it would be one of the first two. That's just a gut feeling. Hal (Mr. Sonnenfeldt) what do you think?

Mr. Sonnenfeldt: Well, first I think they are under some pressure to think about twenty years from now. No more than us, they don't want to spend billions of dollars on projects that may have no application. I think they must be doing some work of some kind on weather modification that we don't know about.

Secretary Kissinger: Clearly. Does Option Three prevent everything?

Mr. Ingersoll: Only techniques intended for hostile purposes.

Gen. Walters: And that is difficult to verify.

Secretary Kissinger: It seems to me that in peacetime there is no difference between Options Two and Three. In wartime, yes.

Mr. Clements: Yes, that's right.

Secretary Kissinger: Well, whatever options we present to the President for decision, the operational results would not show up until there is a war, anyway. Research and development could go forward.

Mr. Ingersoll: It's impossible to distinguish whether research and development are being used for peaceful purposes or war in this circumstance.

Secretary Kissinger: In the event of a major war, I think we would have to reassess our position. I think they would too. Would someone here write a negotiating scenario that we can give the President. I think that Option One is excluded, we really have to decide only between Option Two or Three. Option Three is easy, it prohibits everything. Option Two centers on military uses that would not be prohibited. What we need is clearer instructions for our delegation.

Mr. Clements: We can work up the scenario.

Secretary Kissinger: Do we have a working group? Let's have the working group do this and have it in a couple of days. Then I can move it on up to the President for decision. I'd like a negotiating scenario to send along.

As I understand it, the OSD option prohibits long-term uses of technical means to change the environment. The State and ACDA option would prohibit all hostile uses. Both positions permit research and development. The practical differences are really quite negligible.

Dr. Iklé: Would you like to consider the Russian UN resolution in the scenario?

Secretary Kissinger: Frankly, the bilateral negotiations are being used as a device to block discussion of this issue at the UN. We want to get that into a UN study group or something. So, we really won't face the UN problem. Okay, thank you.

76. Draft Paper Prepared by the National Security Council Staff¹

Washington, August 31, 1974.

Analytical Summary

NSSM 192 REPORT

UNITED STATES CHEMICAL WEAPONS POSTURE

Basic Issues

Should we improve our CW offensive capability by producing and stockpiling new binary chemical weapons?

¹ Summary: The NSC Staff provided an analytical summary of the report on U.S. chemical weapons posture prepared in response to NSSM 192.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 14, Senior Review Group Meeting, 1/27/75—Chemical Weapons Policy (NSSM 192) (1). Top Secret. All brackets are in the original. NSSM 192 is Document 29. The NSSM 192 report that this paper summarizes is printed in *Foreign Relations*, 1969–1976, volume XXXV, National Security Policy, 1973–1976, as Document 39. NSDM 35, issued on November 25, 1969, is published in *Foreign Relations*, 1969–1976, volume E–2, Documents on Arms Control and Nonproliferation, 1969–1972, as Document 165. Regarding the NSSM 157 report, see Document 2. For the Soviet draft proposal for the destruction of existing lethal chemical weapons stocks, see telegram 100009 from Geneva, April 28, 1975. (National Archives, RG 59, Central Foreign Policy File, D750151–0278 and D750152–1013)

If not, should we seek some international agreement on CW restraints, and what are our options regarding CW restraints (recognizing that none could be reliably verified)?

Regardless of the decision on our CW offensive capability, *all agencies agree* that our CW defensive posture (protective equipment, alarms, et cetera) needs to be improved.

CW Rationale and Utility

The U.S. has a no-first-use policy for lethal and incapacitating chemical weapons. We maintain a lethal CW capability as a deterrent against and a response in kind to wartime use of CW by an adversary.

There is no real CW threat to CONUS. Chemical weapons are essentially tactical weapons. The primary concern today is possible use by the Soviet Union against U.S. and allied forces in Europe. Agreed NATO strategy calls for CBR defensive measures and the possession of the capability to employ effectively lethal CW agents in retaliation on a *limited scale*.

We do not know the size or location of Soviet stocks or production facilities. We do know that their and some of their allies' chemical-biological-radiological (CBR) defensive measures and training and, therefore, their ability to operate in any toxic environment exceed ours or NATO's.

The Soviets could initiate use of chemical weapons in a conventional war, despite an international legal obligation not to do so and even though their military writings, doctrine, and exercises indicate that they usually consider that any use of chemical weapons would take place in a nuclear warfare environment. (The U.S. military doctrine considers chemical weapons of limited usefulness in terms of affecting the overall military situation in a nuclear warfare environment.)

If the Soviets were to initiate use of CW on a significant scale in a conventional war, U.S./NATO forces would suffer a serious net disadvantage in casualties and tactical mobility *unless*:

- We had enough effective defensive equipment and training; *and*
- We retaliated effectively *either* with CW (thereby imposing similar severe operational constraints on the attacker, although presumably an initiator of CW would be in a higher protective posture at the outset to operate in a toxic environment), *or* with tactical nuclear weapons.

A capability to respond effectively in kind with CW would provide the President an option to attempt to redress the situation imposed by an adversary's wartime use of CW at a non-nuclear level. This option may not eliminate a need eventually to move to tactical use of nuclear weapons to redress the overall conflict situation, but it would allow us to make that determination on its own merits—if existing CW defensive and offensive deficiencies were corrected by the *U.S. and its allies*.

Background

We had a major interagency study in 1972-73 on possible CW arms control options. The agency disagreement then and now stems primarily from the question of what we want or need for a CW deterrent/retaliatory capability, or specifically, whether or not we should pursue the production and stockpiling of binary chemical weapons to replace a major portion of our current CW stocks.

The binary issue has come to a head as Army development has reached the stage for a production decision on artillery shells. This issue has been somewhat diffused by recent congressional action on OSD's FY 75 budget request of \$5.8 million to establish one binary production facility at Pine Bluff Arsenal, Arkansas. Defense agreed with us that the funds would not be spent pending the President's decision on binary production, but wished to seek congressional approval for this long lead-time facility. After being favorably reported out of committee, this \$5.8 million request was knocked out on the floor of the House on August 7 by a vote of 218 to 186.

We still need a decision on binaries in order (1) to provide guidance for Defense's planning, and (2) to help determine the more immediate question of what our position should be on the question of CW restraints. How the decision on binary production will affect our options regarding CW limitations is detailed in the CW posture alternatives section below.

CW limitations have been the major subject at the Geneva Conference of the Committee on Disarmament (CCD) for three years. The Soviets have privately and publicly pressed hard for U.S. action on CW negotiations and have generally supported a ban on the development, production, and stockpiling of CW relying essentially on national means for "verification."

Our position has been that meaningful negotiations on chemical weapons cannot begin until such problems as reasonable verification have been worked out. We have presented several detailed working papers for CCD discussion on verification problems.

The 1974 U.S./USSR summit communiqué indicated agreement to consider a joint initiative in the CCD with respect to the conclusion of an international convention dealing with the most dangerous, lethal means of chemical warfare. [The 1972 and 1973 U.S./USSR summit communiqués indicate we will work toward further CW limitations.] The Soviets wish to begin consultations soon. They have given us a draft proposal which gives us serious problems mainly because it envisages the destruction of existing lethal CW stocks and reliance on national means of intelligence for verification.

In August 1973 the Japanese proposed a prohibition on the development, production, acquisition and transfer of "supertoxic" or lethal

CW agents and weapons, to include *inter alia* the possibility of on-site “inspection by cooperation.” Canada has also in effect supported a CW production ban.

Basic Military Considerations

Defensive Capability. The current capability of all U.S. forces to operate in a toxic (chemical, biological, or radiological) environment has been improving but is still generally inadequate and marginal at best. There are deficiencies in many types of defensive equipment—either because quantities have not been procured to date for *all* forces or because some items have not yet completed development—and in training for operations in a toxic environment. Based on current service projections, an overall adequate defensive posture will not be attained until sometime in the mid-1980s at a DOD estimated cost of \$560–\$720 million spread out over 8 years.

Estimated Military Requirements. U.S. policy (NSDM 35 of November 1969) calls for the maintenance of a CW deterrent/retaliatory posture. What this posture should be has never been defined any further at higher levels.

The JCS military objective is a CW capability to conduct the operations required at all levels in a conventional/chemical warfare environment until hostilities and/or the use of CW are terminated. Estimated requirements of the commanders-in-chief are based on the 90-day standard stockage objective for conventional equipment for war in Europe and the 180-day capability standard for other theaters. These requirements are being evaluated by the JCS.

Existing Employment Capability. If all currently employable munitions (not including bulk agent) in the national stockpile were provided and distributed in Europe, they would provide full support for 13–15 divisions in that theater for about 30 days but only marginal support for 90 days since there is only 45 days of one type (GB) of 155 mm artillery and about 30 days of full support in filled air munitions. If 13–15 U.S. divisions were to utilize estimated requirements for 30 days, the remaining U.S. stocks of employable munitions (not including bulk) could provide limited support in ground munitions for about 30 allied divisions for this same period.

Existing Offensive Deficiencies. Strictly in terms of total tonnage, the current CW stockpile of 22,400 agent tons in filled munitions and bulk exceeds the 18,000 to 20,000 agent tons which the JCS previously estimated to be required for an adequate CW deterrent/retaliatory capability for *all* U.S. forces. However, our actual CW offensive capability is limited by two broad deficiencies:

—*Composition of existing stockpile.* Specifically, it does not include all munitions necessary for a 90-day full support capability for 13–15

U.S. divisions in Europe, not to mention forces for other theaters; about a third of the filled munitions capability consists of mustard agent which is less effective than nerve agent; and about half the stockpile is stored in bulk agent, which could not be loaded into munitions today on a timely basis.

—*Limited forward deployment.*² It is doubtful that the prepositioned stocks (440 agent tons) in the FRG could support local tactical operations for 4–7 divisions for as much as a week, and no air munitions are prepositioned. Moreover, there are stocks *at only one site*.

Durability of Stocks. CW agents generally have a storage life of decades or longer. Agents stored in bulk (about half our stockpile) will remain unchanged virtually indefinitely under present storage conditions. Agents in filled munitions will decrease by about 5% each recovery cycle (averaging every 10–15 years).

CW munitions are considered to have a storage life of at least 20 years. The main problem here is possible military desires to phase-out delivery systems rather than any deterioration of agents or the munitions hardware itself. However, almost all our currently filled and useable ground munitions and bombs are not expected to have any problems of inherent obsolescence or deterioration through the 1980s; *but* our filled spray tank capability could well become unserviceable earlier (though not before 1978).

Binary Munitions. Our most promising development is binary weapons (two relatively safe, separate chemical components which would combine to form the standard lethal nerve agents while the munition is en route to target). Their storage and transportation would involve no special hazards. Binaries could provide a significantly improved CW offensive capability if they alleviated political constraints on storage, transport, and peacetime forward deployment. Binaries are planned to replace a major portion of our current stockpile (beginning in 1976) and not to represent a net increase in the total CW stockpile level.

European Allies' Capabilities

The central region NATO countries currently have a marginal defensive capability to operate in a toxic environment, on par with the U.S., while other NATO defensive capabilities are worse off. However, most member countries have R&D programs, and some progress in defensive measures is being made.

² If stocks were moved during strategic warning time or any time prior to an adversary's use of CW, then limited forward deployment in peacetime is not a major deficiency. If they were not moved beforehand, however, it would take at least 5–7 days before stocks could begin to arrive from CONUS, and this could require 25% of the Air Force's strategic airlift capability (although a significantly lesser percentage of our national airlift capability). [Footnote is in the original.]

Although France may have some stocks or is at least expected to acquire some, no other NATO ally possesses any CW stocks. Public opinion, governmental attitudes, and budgetary considerations in Western European countries make it unlikely that any NATO ally (except possibly France) will develop or acquire chemical weapons under existing circumstances.

CW POSTURE ALTERNATIVES

There are three basic alternatives relative to the U.S. CW offensive posture. As noted below, each posture alternative has different implication for the arms control options considered in the NSSM 157 report. Each posture alternative also envisages improvements in our CW defensive posture.

Alternative 1. Acquisition of Binary Chemical Weapons.

Description. Full military plans for the binary program have not been completed. Current projections would include the acquisition of about 7,600 nerve agent tons in ground and air munitions, at a DOD estimated cost of \$333 million over 5 or more years. This cost estimate does *not* include any inflation factor, operation and maintenance costs, or substantial demilitarization costs for an equivalent portion of the existing stockpile. Much more than the currently projected level of binary acquisition, combined with the existing filled munitions, would be required to achieve what the JCS have estimated for an adequate CW deterrent/retaliatory capability for all U.S. forces.

Arms Control Interface. This alternative would be compatible with only Option 1 of the NSSM 157 study (limiting stocks to agreed or declared retaliatory levels), whether embodied in a treaty proposal, unilateral declaration of policy, or bilateral U.S./USSR moratorium. [OSD and the JCS have supported this arms control option.]

Advantages

—Binary acquisition at the currently projected level (coupled with an improved defensive posture) would provide a significantly improved CW retaliatory capability for U.S. forces; and may provide a better deterrent against use of CW in a future conventional conflict (unless the Soviets viewed our improved capability as signalling a U.S. intention or threat to initiate use of CW in wartime).

—The binary portion of our stockpile would involve essentially no special safety hazards in their peacetime manufacture, storage, handling, and transportation; and therefore may not be subject to the same political and legal constraints on peacetime storage and movement in CONUS as are the current stocks.

—The binary portion of our stockpile would facilitate rapid deployment in war or crises.

—If the Navy were to carry binary chemical weapons routinely in peacetime, which they do not do with existing CW stocks, this could reduce dependence on forward deployment in Europe.

—Binaries would provide the only possibility for increasing peacetime forward deployment in Europe, which could greatly reduce problems of CW munitions resupply in a conflict. (*However*, increased peacetime forward deployment could not be achieved, if at all, without incurring strong political opposition in allied governments and publics.)

Disadvantages

—Acquisition of binary chemical weapons in peacetime would undoubtedly be at best, controversial in Congress. (The DOD FY 75 budget request of \$5.8 million to establish a binary production facility was just knocked out on the floor of the House. Binary dollar costs, not to mention costs for defensive improvements, would require sustaining far more substantial budget increases over the current funding level for several years. If funds for binaries were authorized, but at an inadequate level, we could incur many of the disadvantages below without achieving a significant military advantage.)

—Limited open-air testing may prove necessary prior to procurement, and this would certainly be controversial in the U.S.

—Binary acquisition would be perceived internationally and domestically as contrary to our declared interest in further CW arms control, and the U.S. would be criticized by the Soviets and others for “refueling a CW arms race.”

—This might spur further Soviet programs in the CW area, an area where they are not subject to similar political restraints, and the adequacy of the proposed improvements with binaries could be called into question by a significant augmentation in the Soviet capability.³

—This might lead to further proliferation of CW capabilities.

[The JCS support this alternative. They believe that a significant improvement in our CW offensive retaliatory capability is needed to overcome deficiencies in the composition of our current stocks and to provide a credible and adequate CW deterrent.]

[*Comment.* The main problem with this choice is that it is unlikely we could attain a significant binary capability, not to mention necessary defensive capabilities, given congressional constraints which reflect

³ There was some evidence a few years ago that high level Soviets considered the U.S. to have a superior CW offensive capability. This judgment apparently induced them to increase their own CW effort, although the extent of any increase is not known. [Footnote is in the original.]

public attitudes toward CW and budget priorities. It would also appear contrary to our declared interest in CW restraints and provide no real leeway for arms control negotiations should we desire such.]

Alternative 2. Reliance on Existing CW Offensive Capability.

Description. This alternative would essentially rely on the existing CW filled munitions capability and not entail production of any CW agents (binary or non-binary). But it would not rule out filling munitions from existing bulk agent stocks to compensate for any phasing-out or deterioration of delivery systems in the 1980s. (If we wished to maintain the filled munitions capability at its current level, some filling actions might be required in the late 1970s or early 1980s.) Significantly improving our CW retaliatory capability, by reconfiguring most existing bulk agent stocks into munitions, is not contemplated under this alternative. This alternative envisions maintenance of an adequate CW R&D program in all phases and does not rule out continuing R&D on binaries.

Arms Control Interface. This alternative would be most compatible with Option 2 (prohibiting further production and international transfer of CW agents) of the NSSM 157 study, whether embodied in a treaty proposal, unilateral U.S. declaration of policy, or parallel U.S. and USSR declarations of policy. As long as the manufacture of casings and hardware and the filling of these munitions with existing bulk agent stocks were not prohibited, the U.S. would retain the right to compensate for any diminution of its existing capability through possible phase-out or deterioration of delivery systems in the 1980s.

[State and ACDA support this arms control choice, and believe the prohibition on both production and stocks should be our objective.]

Advantages

—The U.S. would retain its existing CW capability (although limited) to deter the use of CW against U.S. forces and, if deterrence fails, to retaliate in kind.

—This would be a less controversial and provocative posture, domestically and internationally, than any other alternative (although any filling actions to compensate for phase-out of some delivery systems later would be controversial).

—This would be consistent with our declared commitment to seek effective measures to control CW, and could provide more flexibility for arms control negotiations than the other alternatives if a ban on production of CW agents were desired.

—This would be less likely than Alternative 1 to encourage either an increase in the Soviet CW capability or any further proliferation of CW capabilities.

—This would cost much less than Alternatives 1 or 3 (only somewhat less if filling actions were undertaken later) and substantially less than the following alternative.

Disadvantages

—This would not enable us to begin attaining what the JCS estimates to be an adequate deterrent/retaliatory CW capability.

—To maintain the existing filled munitions capability would require some reconfiguration of existing bulk stocks into munitions sometime after 1978, which would undoubtedly be controversial in Congress and U.S. public opinion and involve highly visible budget increases.

—Potential safety hazards associated in the public mind with peacetime storage and transportation of existing lethal chemical weapons would not be alleviated. (*However*, no need for peacetime transportation of existing agents or munitions is foreseen for at least 5 years; and significant local pressures to destroy stocks at certain storage sites is considered unlikely in the foreseeable future although this could occur as manifested by the experience with the stocks at Rocky Mountain Arsenal near Denver.)

[*State* strongly supports this choice on grounds that it gives us (1) a substantial CW deterrent/retaliatory capability (although not a wholly satisfactory one from the military standpoint), and (2) maximum flexibility in seeking restraints on CW should we desire such.

[*ACDA* thinks likewise and believes that a CW production ban should be sought, even though reliable verification in the USSR would not be possible, *inter alia* to forestall proliferation of CW capabilities.

[*OSD* supports this choice for now, *but* wishes to continue R&D on binaries and to keep our options open for future binary production (which means they do not support a production ban). *OSD* notes that a “U.S. only” CW capability, with or without binaries, is not an adequate posture against the Warsaw Pact and that we need discussions and agreement with our allies prior to any binary procurement.]

[*Comment.* This choice would not enable us to improve our CW offensive capability, but this is unlikely at any rate given congressional, public, and budget constraints. This would still provide for a significant (though limited) CW capability as a hedge against possible CW use against U.S. forces, whether or not we decide to support a production ban.]

[A production ban could (1) place political/legal constraints on the Soviet programs in areas where our programs are already constrained and likely to remain so, and (2) possibly constrain further proliferation of CW capabilities. Before deciding to take such a step,

however, a quick interagency review of detailed verification questions is merited. Recognizing that no limitations could be reliably verified in the USSR, we should know what types of on-site inspections and information exchanges could significantly increase the probability of detecting non-compliance.]

Alternative 3. Reliance Only on Conventional and Nuclear Forces and Improved CW Defensive Capability, with No Ready CW Stockpile.

Description. This alternative envisions within 10–15 years reliance only on U.S. conventional and nuclear capabilities, combined with a much improved CW defensive posture, to provide deterrence against the wartime use of CW by an adversary and for retaliation in the event such deterrence fails. If CW were used on a significant scale against US forces, retaliation with tactical nuclear and conventional weapons could redress the overall military disadvantage imposed by the adversary's use of CW.

The existing filled munitions capability would, however, remain for the first 5–8 years. This alternative would envision as a minimum the attainment of the improvements in the defensive posture at DOD's currently projected levels before any substantial disposal of the existing munitions stockpile were made.

Arms Control Interface. This alternative coincides with Option 3 (prohibiting stockpiles, production, and international transfer of CW agents and munitions) of the NSSM 157 study, whether embodied in a treaty proposal, unilateral U.S. declaration of policy, or bilateral U.S./USSR moratorium. (ACDA believes this should be our ultimate objective.)

Advantages

—This would be welcomed internationally and domestically by some as a U.S. initiative to restrain CW.

—This would avoid the political costs of binary acquisition under Alternative 1 or any possible reconfiguration of existing bulk stocks under Alternative 2.

—This would provide an opportunity (if desired) to place political and legal constraints on Soviet CW stockpiling and production through CW arms control, although such constraints could not be reliably verified.

—A much improved defensive posture would reduce the overall advantages an adversary could gain through initiating the use of CW in a conventional conflict.

Disadvantages

—The absence of any significant ready CW retaliatory capability could be more likely to tempt the Soviets to initiate use of CW in

a conventional war, although they would still have to consider the likelihood of a tactical nuclear response by the U.S. or its allies.

—If chemical weapons were used by the Soviets against U.S. and allied forces on a significant or large scale in a conventional war, there would be no military option to respond in kind and it would probably be necessary to use tactical nuclear weapons to redress the military situation. (*However*, as noted previously, unless the existing CW offensive and defensive deficiencies were corrected by the U.S. *and* its allies, tactical nuclear weapons may at any rate provide the only effective response to redress the military situation should the Soviets initiate chemical operations in war.)

—There would be strong controversy in Congress and, to a lesser degree, with some allies for the above reasons and because we would not be able to determine what the Soviets are doing in this area.

—This would entail higher dollar costs over the next 10–15 years than Alternative 2 and somewhat higher dollar costs than Alternative 1 (but possibly lower costs thereafter).

[ACDA believes this should be our ultimate objective and that we should rely on improved CW defenses and conventional forces for deterring CW use in wartime—recognizing that any large-scale conventional attack in Europe would pose the risk of nuclear warfare for the Soviets whether or not they initiated use of CW.]

[*Comment.* This option would be in our interest were reliable verification of a comprehensive CW ban possible. But it is not, and retention of our existing capability provides some relatively inexpensive insurance. A decision now to destroy existing stocks would be controversial in Congress and with some allies.]

77. Memorandum From David Elliott of the National Security Council Staff to Secretary of State Kissinger¹

Washington, September 5, 1974.

SUBJECT

Amendment of the Limited Test Ban Treaty (LTBT)

We have been carrying on technical talks for some years with the Soviets and others regarding the benefits of peaceful nuclear explosions (PNE) for excavation purposes and the possibilities for limiting the radioactive fallout to acceptably low levels. Such excavation shots are almost all prohibited by the LTBT. The outcome of these talks would supply the technical background for a possible future initiative to open the LTBT to amendment to allow de minimus radioactivity levels to cross borders for legitimate PNE applications as long as no health risk exists. Our own PNE program is practically nonexistent and not constrained by the LTBT prohibition, but the Soviets have many excavation shots planned and are most interested in amending the LTBT.

The political aspects of seeking to amend the LTBT have not been the subject of any explicit interagency study, and no administration policy exists.

Our preparatory work for the negotiation of the PNE agreement collateral to the TTB and for the NPT review conference could be more comprehensive and useful, if some policy understanding could be reached on the LTBT matter. In particular, the handling of excavation PNE above the threshold will be one of the major focuses of the October Moscow talks, and Soviet willingness to be forthcoming on verification procedures (including establishing the precedent of on-site inspection) may well depend in part on our position on the LTBT amendment question. It is even conceivable that some indication of U.S. support

¹ Summary: Elliott reviewed the current status of the Limited Test Ban Treaty and recommended that Kissinger approve a request for an interagency assessment of non-technical issues associated with amendment of the treaty.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 45, Nuclear Testing (1). Secret. Sent for urgent action. Elliot sent the memorandum to Scowcroft under a September 5 covering memorandum, noting: "Consideration of our position on the LTBT will be a background theme in the VP and NSC meetings on PNEs. It therefore seems highly desirable to get a quick fix on the problems, options, and pros and cons in this area as part of the preparation for these meetings and the Moscow talks." Scowcroft added the following at the bottom of the covering memorandum: "Went out Saturday [September 7]. B." Tab A, an undated draft memorandum to the Chairman of the NSC Under Secretaries Committee, is attached but not published. Tab B, the analysis, is Document 78. The Interagency Study Group's report is Document 82.

for LTBT amendment will be necessary to the successful conclusion of the PNE agreement. However, there are several disadvantages to seeking to amend the LTBT, the most important being that the majority of the LTBT Parties may well demand a CTB as a quid pro quo for amending the treaty to allow excavation PNEs, and we may, in any event, fail to gain international approval for the amendment by raising it at this time. Further, Congress may defeat ratification of *both* an LTBT amendment and the TTBT if the two issues are coupled directly or implicitly. (Further analysis of the LTBT issues and the pros and cons are at Tab B).

It would be useful to conduct a quick interagency assessment of the non-technical issues associated with amendment of the LTBT. Based on this study, the President would have the background for deciding whether the amendment liabilities appear too great to indicate any U.S. movement at this time or, conversely, that we can use some indication of U.S. support to gain important concessions from the Soviets in the PNE talks. (Any action to seek amendment of the LTBT would, of course, be predicated on technical agreement on reducing radioactive release and standards of acceptable dose so that risk to health would not be an issue.)

A memorandum to the Under Secretaries Committee (Tab A) requests a study of the non-technical issues associated with seeking to amend the LTBT. The study would be completed in time for the VP and NSC on PNEs later this month.

Dick Kennedy, Jan Lodal, and Denis Clift concur.

Recommendation:

That you sign the memorandum to the USC at Tab A.

78. Paper Prepared by the National Security Council Staff¹

Washington, undated.

The Limited Test Ban Treaty (LTBT) and Its Relation to (1) Negotiation of the Agreement on Peaceful Nuclear Explosions (PNE) Collateral to the Threshold Test Ban (TTB), and (2) Implementation of Article V of the Non-Proliferation Treaty (NPT)

Introduction

In order to have a criterion against which compliance can be measured, as well as for reasons of world health, the LTBT states its prohibition against venting explosions as a requirement that no radioactive debris from a nuclear explosion should cross the testing nation's border. An ancillary effect of this proscription has been to preclude most excavation PNEs. Mainly because of Soviet interest in conducting such shots, there has been a debate over several years as to the wisdom of amending (or reinterpreting) the LTBT to allow de minimus radioactivity levels to cross borders for legitimate PNE applications as long as no health risk exists. Since the U.S. has had little interest in excavation PNEs, no policy toward an amendment of the LTBT has been formulated—instead we have (at an unhurried pace) conducted technical assessments of the benefits of excavation PNEs and the possibility of limiting fallout to low levels, and continued a technical dialogue with the Soviets and others on these subjects. The next bilateral talks are this November, and multilateral discussions are planned for next January.

Amending the LTBT

The possibility of limiting radioactive fallout from excavation PNEs to a low level seems good. The use of small fission triggers, appropriate burial depths, and cloud steering by winds aloft could reduce the dose received by those in neighboring countries to a few percent of international standards for acceptable exposure and the long-term global dose to very low values compared to the natural background. Although a verification system could, in principle, be devised to insure that such events were not clandestine weapons effects tests, there may be very difficult practical problems to achieving adequate verification.

The necessary amendment of LTBT to allow excavation PNEs would change the present statement that radioactive debris cannot be

¹ Summary: The paper analyzed several issues related to the Limited Test Ban Treaty and discussed the advantages and disadvantages of amending the LTBT.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 45, Nuclear Testing (1). Secret. Attached as Tab B to Document 77.

present outside the territorial limits of the testing State, to state instead that venting nuclear explosions must be for peaceful purposes and the radioactive release should be as small as technically feasible and represent no danger to human health (as defined by acceptable dose standards).

Successful amendment or “reinterpretation” of the LTBT requires approval by a majority of the parties (over 100) and all of the original adherents (U.S., UK, and USSR). Our approval of an amendment would require Senate agreement to ratification, but reinterpretation could be handled by Executive Order.

The Soviets have urged us informally to propose an amendment but have not been willing, thus far, to take that initiative themselves.

Advantages and Disadvantages to Amending the LTBT

On the assumption that the technical issues can be satisfactorily resolved, there are several other considerations that should be weighed in determining a U.S. policy toward possible amendment of the LTBT.

1. Our domestic PNE endeavor is a modest R&D program, but were we to see advantage to an enhanced effort with new applications for ourselves or for others, the LTBT could constrain some of our projects and amendment of the LTBT would serve our purposes.

2. Article V of the NPT requires that if practical applications of PNEs are developed by nuclear weapons States, such applications must be made available to all Parties on a nondiscriminatory basis. Although never tested by any persistent pursuit of such assistance by a non-nuclear weapon State (NNWS), we could be faced in the future with a legitimate request for PNE services. While we have no obligation to provide PNE services if we have not developed the particular application for ourselves, our unwillingness to provide PNE services if requested could be seen as a failure of Article V of the NPT, and could lend impetus and some legitimacy to indigenous development of PNEs by NNWS.

To avoid the risk of stimulating PNE development, and to serve our other nonproliferation objectives, we may want to provide PNE services. Since the current foreign interest while limited is predominantly in the excavation area, it would be inconsistent to refuse to agree to amend the LTBT to allow such projects. *Amendment of the LTBT would clear away one of the obstacles to vigorous enforcement of Article V of the NPT.*

3. In trying to negotiate the PNE agreement collateral to the TTB with the USSR, we may well have to approve excavation PNEs above the threshold with appropriate verification safeguards. It may be difficult for us successfully to conclude such negotiations *sui generis*, since the Soviets may well want to link all relevant agreements on excavation

PNE's in the negotiations, particularly the amendment of the LTBT. Moreover, willingness on our part to consider the LTBT question favorably may be a useful negotiating tool in obtaining agreement to the observation and verification procedures we consider necessary to enforce the TTB as well as to establish the precedent of on-site inspection.

The disadvantages of attempting to amend the LTBT are several:

1. The importance and influence of this international agreement, which represented a turning point in global nuclear relations, can only be diminished if it is altered in order to allow one of the activities it was established to prevent: the spread of radioactivity.

2. It is very questionable that we would succeed in gaining the approval of a majority of the LTBT parties for an amendment. There is no benefit for most of the States and many may withhold approval as a demonstration of displeasure with the limited nature of the TTB, or conversely, seek a commitment to a CTB as the *quid pro quo* for supporting the amendment of the LTBT to allow excavation PNEs. Opposition arguments would note that health risks might be small but would be borne by all whereas the benefits derived from the PNEs would accrue to few; that there would be a finite number of premature deaths and birth defects from radioactive release; and that limits stated only in terms of acceptable human dose opens the door to increasing the radioactive burden in the atmosphere and the oceans.

3. Congressional ratification is questionable, and if a relationship is perceived between the necessity to amend the LTBT and the successful negotiation of the TTB, both may be defeated. Using "reinterpretation" rather than amendment to avoid congressional ratification probably is too costly politically.

4. A substantial campaign to defeat ratification can be expected by environmentalists, who may also succeed in requiring governmental submission of an environmental impact statement which is then subject to protracted court tests.

5. Our foreseeable interest in PNEs is minimal. At present our only motivation to amend the LTBT is to accommodate the Soviets. The cost of this action to us may not be commensurate with the value we might receive.

6. By legitimizing venting, we may remove the technical obstacle of underground testing from an LTBT adherent considering development of nuclear explosives.

7. The AEC enforces *de facto* radiation standards more stringent than the international standards, and the practicable levels proposed for an LTBT amendment may, therefore, not leave an acceptable margin of safety compared to our own standards.

79. National Security Study Memorandum 209¹

Washington, September 5, 1974.

TO

The Secretary of Defense
 The Director, Office of Management and Budget
 The Deputy Secretary of State
 The Director of Central Intelligence
 The Chairman, Atomic Energy Commission
 The Executive Director, Council on International Economic Policy

SUBJECT

Policy on the Development of Future Uranium Enrichment Capacity

The President has directed that the issues associated with a shift to private ownership of part of our future uranium enrichment capacity be reexamined. The study should consider but not be limited to the following:

What is the outlook for private sector assumption of the enrichment business with present and prospective technologies?

What are the prospects for adequate production resources being developed to meet the long-term projected increasing demand for uranium enrichment facilities?

What governmental actions (and associated costs) would be required to facilitate private entry and to ensure future supply?

What would be the implications of private control of enrichment for U.S. foreign policy, trade and energy policies, domestic and international nuclear safeguards, and nonproliferation?

What are the costs and implications of the U.S. governmental commitments to worldwide supply, assurance of timely availability, and nondiscriminatory access? How can it be ensured that the private sector would meet and sustain such commitments, and what would be the foreign policy implications if these commitments were not met?

What are the prospects and implications (for example, for trade benefits and proliferation) if private activity were to result in business arrangements abroad through which enriching technology becomes subject to transfer, sale or licensing?

¹ Summary: President Ford directed an interagency group, consisting of representatives from the Department of Defense, Department of State, Office of Management and Budget, Central Intelligence Agency, Atomic Energy Commission, and the Council on International Economic Policy, to study the issues associated with a "shift to private ownership of part of our future uranium enrichment capacity."

Source: Ford Library, National Security Council, Institutional Files—NSSMs, Box 49, Originals—NSSM 207 to NSSM 227. Confidential. Copies were sent to Simon, Dent, Seidman, Sawhill, and Brown. An attached September 6 memorandum from Davis indicated that Iklé was to be added as an addressee of NSSM 209.

Can satisfactory oversight of private industry be established and adequate mechanisms developed to facilitate the planning and long-range actions necessary to maintain the appropriate U.S. stockpile of enriched uranium?

What are the organizational alternatives to private assumption of enriching services? (Each alternative should include discussion of its legislative, cost, and budget implications, probable congressional and utility reaction, and impact on the nuclear industry.)

Based on the above analysis and other relevant factors, the study should outline the policy options open to the President and their advantages and disadvantages.

This study should be carried out by an ad hoc group comprised of representatives of the addressees and the NSC staff and chaired by the representative of the Atomic Energy Commission. The study should be conducted on a close-hold basis. It should be forwarded to the President for his consideration no later than October 1, 1974.

Henry A. Kissinger

80. Report Prepared by an Ad Hoc Interagency Group¹

Washington, undated.

ILLUSTRATIVE SCENARIOS FOR BILATERAL U.S.-SOVIET TALKS ON ENVIRONMENTAL WARFARE²

This report has been prepared at the request of the NSC Senior Review Group in order to clarify the manner in which we might approach bilateral talks with the Soviet Union on the basis of either Option 2 or Option 3 presented in the NSC Under Secretaries Commit-

¹ Summary: This report on potential U.S.-Soviet talks regarding restraints on environmental warfare was prepared at the request of the Senior Review Group following its August 28 meeting.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 1, 7402102, International Restraints on Environmental Warfare (NSDM 277). Secret. Sent to Scowcroft under a September 9 memorandum from Springsteen. The minutes of the August 28 Senior Review Group meeting are Document 75. The NSC Under Secretaries Committee report is summarized in Document 74.

² This report was prepared by an ad hoc interagency group which included representatives of the Departments of State and Defense, the Joint Chiefs of Staff, CIA, ACDA, and the NSC staff. [Footnote is in the original.]

tee's report of May 10, 1974, on "Possible International Restraints on Environmental Warfare."

The present report provides a checklist of:

- purposes to be served by the talks from the U.S. standpoint;
- basic questions common to Options 2 and 3;
- points specifically relevant to Option 2; and
- points specifically relevant to Option 3.

Purposes

The bilaterals would be conducted with five main purposes in view:

- As agreed at the summit, to explore "the most effective measures possible to overcome the dangers of the use of environmental modification techniques for military purposes;"
- also, as agreed at the summit, to discuss "what steps might be taken" to bring about such measures;
- to clarify the differences—both as to substance and procedure—between the agreed joint statement at the summit and the Soviet Union's subsequent General Assembly initiative;
- to develop a mutually acceptable approach for proceeding with respect to the foregoing matters, including the handling of this question in the General Assembly; and
- to probe—insofar as practical—Soviet capabilities and intentions respecting military uses of this technology and Soviet views concerning the control of such uses.³

Basic Questions

The questions below could be explored with the Soviet Union regardless of a specific decision between Option 2 or Option 3.

1. Is there a satisfactory conceptual approach for defining the subject matter of "environmental warfare" and for differentiating measures concerned with this matter from other arms control problems (such as the use of herbicides), from the environmental effects of weapons, and from other "environmental" problems?

The U.S. side could note that all military activities have ancillary environmental effects and that in some cases the environmental impact is direct and intentional. The U.S. side could point out that there is a distinction between the foregoing cases and the concept of "environmental warfare" in that the latter would not only affect various environments but also represent an effort to release or manipulate natural environmental processes or forces for the purposes of destruction or disruption. It could be noted that for the most part specific techniques

³ ACDA questions whether much should be made of this purpose and believes that while it would of course be helpful to learn Soviet views concerning genuine military applications and their control, we are unlikely to gain much useful information in these talks. [Footnote is in the original.]

have not been demonstrated; consequently, constraining measures would have to deal with currently unknown techniques which might emerge in time.

2. What environmental fields, in addition to climate modification, would comprise the focus of measures to overcome the dangers of military uses?

The U.S. side could note the possibility of considering measures concerned with techniques (in many respects largely hypothetical today) for modifying the weather, the oceans, and the physical processes of the earth's interior—in addition to measures concerned with climate modification techniques which might emerge in the future.⁴

3. Is there agreement that measures should be limited to the “dangers” of military uses—that is, to destructive or “weapons” uses of environmental modification techniques?

The U.S. side would refrain from including within the scope of possible measures the use of weather modification techniques solely to protect forces from natural hazards (for example, moderating storms bearing down on friendly forces, lifting fogs from airfields in friendly territory) or the use of fog modification techniques for search and rescue missions (including missions in enemy territory). In this regard, the U.S. side could note that measures should be concerned with destructive uses of modification techniques as weapons of war.

The U.S. side would focus the talks on the *use* of modification techniques, not on scientific research and development. If questions should arise concerning the latter, the U.S. side could point out the intrinsically dual (civil or military) applicability of research on environmental modification and the impracticability of verifying a prohibition of military research and development.

4. What would be the prospect of verifying measures constraining military uses of environmental modification techniques?

The U.S. side could indicate the desirability of mutual understanding of verification possibilities and difficulties. (As noted below, the approach taken to exploring specific aspects of verification might vary as between Option 2 and Option 3.)

5. What further specific steps should be taken bilaterally and vis-à-vis other countries?

⁴ ACDA believes that we should not become involved in exploring *potential* or *hypothetical* military uses of environmental modification and that elaboration of such uses in detailed negotiations about them would likely be counterproductive from the point of view of arms control since it could stimulate military interest where there is none today and stir up concern among third parties. [Footnote is in the original.]

The U.S. side could stress the desirability of a thorough bilateral exploration of the matter before moving to multilateral discussions.⁵

6. What is the relationship between the Soviet General Assembly initiative and the agreed Joint Statement? What is the significance of the reference in Gromyko's letter to "military and other" purposes? How should the matter be approached in the current General Assembly?

The U.S. side would not go beyond the general scope of the agreed Joint Statement. Regarding civil applications of modification techniques having cross-border effects, the U.S. side would bear in mind that while international guidelines will probably be needed at some juncture, the agreed Joint Statement deals only with military uses.⁶

Scenario for Option 2

If a decision were made to proceed in a manner consistent with Option 2, then in addition to exploring the foregoing questions and probing Soviet views, *the U.S. side* would focus in particular on the following aspects of the agreed Joint Statement:

- the preambular reference to the possibility that military uses of environmental modification techniques "could have widespread, long lasting, and severe effects harmful to human welfare," and
- the emphasis the statement places on "effective" measures.

From the outset, *the U.S. side* would stress the desirability of precluding military uses of environmental modification techniques which—although now largely hypothetical—might have profound adverse effects on the interrelationship of man and nature and relations among states.

The U.S. side could identify the following postulated military uses of modification techniques as those which, if specific techniques were developed, would have widespread, long-lasting, or severe effects:⁷

⁵ ACDA believes that a broad, general multilateral agreement is of greater interest to us than a detailed bilateral one and, in particular, that a multilateral agreement prohibiting military uses, if incorporated in a general agreement regarding peaceful uses, could look less contrived than a bilateral agreement on hypothetical or potential military uses. [Footnote is in the original.]

⁶ ACDA believes that we should not rule out covering civil uses in discussions with the Soviets. ACDA notes that the USSR's GA initiative seems to contemplate coverage of civil uses, and, in ACDA's view, there would be merit in subsuming a prohibition against military uses under a more general agreement or peaceful cooperation. ACDA believes that in any case, an eventual GA resolution may not necessarily be limited to questions related to military uses of environmental modification techniques. [Footnote is in the original.]

⁷ ACDA believes that in view of the general lack of knowledge about the military potential of environmental modification applications, prolonged and detailed discussion of such applications would be unproductive and could leave the impression that the techniques have great military use. Moreover, ACDA believes that if it became known that the U.S. and USSR were addressing these matters in depth, others could interpret this as a diversion from more important arms control problems. [Footnote is in the original.]

- any climate modification;
- any significant ocean modification (such as efforts to alter ocean currents);
- efforts to trigger earthquakes or generate tsunamis;
- intentionally causing damage by intensification or steering of hurricanes or typhoons or by deliberate generation of tornadic type storms;
- continuous and extended precipitation modification (for example, causing extensive flooding or drought).

With respect to the foregoing, *the U.S. side* would point out that preparations—or operations—to carry out such activities on any significant scale might prove to be detectable and therefore verifiable.

In the likely event that the Soviets raise the question of rain making for such purposes as aiding interdiction, *the U.S. side* could point out that the effects of such activities are transient and that under certain conditions they could be conducted, for example, by a single or a few aircraft which could well go undetected. This would, therefore, present verification problems.

The U.S. side would stress the verification issue and the importance of remaining within the formula employed in the agreed Joint Statement (activities having “widespread, long-lasting, and severe effects”) in order to achieve effective measures.

Under this scenario, it would be especially important to ensure that any GA resolution would be phrased in a manner consistent with the general scope of the agreed Joint Statement.

Scenario for Option 3⁸

If a decision were made to proceed in a manner consistent with Option 3,⁹ *the U.S. side* would cover the basic questions identified above and would also review those points considered in the scenario for

⁸ The JCS representative notes that the Joint Chiefs of Staff continue to oppose Option 3 because they believe it would essentially deny the U.S. the use of environmental modification techniques for uses other than the protection of friendly forces against natural hazards without knowing what the Soviet side is giving up. They believe that this approach would limit or foreclose any possibly significant future military options in the event of a technological breakthrough, and would thus entail a loss of flexibility. [Footnote is in the original.]

⁹ ACDA continues to favor an initiative along the lines of Option 3 (but without detailed elaboration of various actual and hypothetical techniques), possibly as part of a broader effort toward international cooperation on peaceful uses. [Footnote is in the original.]

Option 2 which identify activities having "widespread, long-lasting, and severe effects."¹⁰

However, *the U.S. side* would not be limited to focussing exclusively on such activities but could also explore measures affecting tactical uses of weather modification as a weapon of war. Under this option, when the Soviets raise the question of rain making, the U.S. could deal with this aspect in the manner best calculated to advance overall U.S. objectives in the talks, possibly by holding out on this issue until other aspects had been satisfactorily resolved.

Since inclusion of rain making within the scope of any agreed measures would affect U.S. capabilities having possible application in wartime, *the U.S. side* should, under this scenario, probe to determine whether and what existing Soviet capabilities would be similarly constrained.¹¹

¹⁰ ACDA believes that in view of the general lack of knowledge about the military potential of environmental modification applications, prolonged and detailed discussion of such applications would be unproductive and could leave the impression that the techniques have great military use. Moreover, ACDA believes that if it became known that the U.S. and USSR were addressing these matters in depth, others could interpret this as a diversion from more important arms control problems. [Footnote is in the original.]

¹¹ ACDA questions whether much should be made of this purpose and believes that while it would of course be helpful to learn Soviet views concerning genuine military applications and their controls, we are unlikely to gain much useful information in these talks. [Footnote is in the original.]

81. Memorandum NSC–U/DM–128 From the Chairman of the National Security Council Under Secretaries Committee (Ingersoll) to President Ford¹

Washington, September 13, 1974.

SUBJECT

Modification of the Limited Test Ban Treaty

As directed, the Under Secretaries Committee has prepared the enclosed report concerning “Modification of the Limited Test Ban Treaty to Allow Peaceful Nuclear Explosions for Excavation Projects.”

The questions examined in this report are related to two other matters currently under consideration: negotiation with the Soviet Union of the agreement on peaceful nuclear explosions (PNEs) contemplated by the Threshold Test Ban Treaty, and our strategy concerning nonproliferation of nuclear weapons.

The report presents three alternatives for consideration:

- to agree to consider modification of the Limited Test Ban Treaty;
- to reject modification; or
- to adopt a neutral position but refrain from objecting if the Soviets desire to seek formal amendment of the treaty.

The Arms Control and Disarmament Agency favors the second of these alternatives. The Arms Control and Disarmament Agency believes that an amendment to the Limited Test Ban Treaty would not be in our interest, that it would not be approved by the Senate, and that we should not lead the Soviet Union to believe we would be prepared to support such an amendment.

The AEC favors attempting to separate the question of Limited Test Ban Treaty modification from the U.S.-Soviet negotiation of a PNE agreement. In the view of the AEC, we should adopt an initial position along the lines of the third alternative. As part of this position, the AEC believes we should agree to participate in further bilateral and multilateral examinations of health and safety criteria and other techni-

¹ Summary: Ingersoll informed President Ford of the report prepared by the Interagency Study Group for the NSC Under Secretaries Committee, entitled “Modification of the Limited Test Ban Treaty to Allow Peaceful Nuclear Explosions for Excavation Projects.” He noted that the report presented three options for consideration regarding the treaty and highlighted Arms Control and Disarmament Agency and Atomic Energy Commission views of the options.

Source: Ford Library, National Security Council, Institutional Files—Under Secretaries Committee, Box 74, NSC-U/DM 128—Limited Test Ban Treaty (1). Secret. The report is Document 82.

cal questions related to nuclear excavation. The AEC notes that, as discussed in the report, four meetings are planned in which nuclear excavation will be a principal subject and believes that U.S. participation in these meetings would facilitate the development of a U.S. policy position on Limited Test Ban Treaty modification.

The remaining members of the Under Secretaries Committee have not presented views for submission with this report.

Robert S. Ingersoll
Chairman

82. Report Prepared by an Interagency Study Group of the National Security Council Under Secretaries Committee¹

Washington, September 13, 1974.

MODIFICATION OF THE LIMITED TEST BAN TREATY TO ALLOW PEACEFUL NUCLEAR EXPLOSIONS FOR EXCAVATION PROJECTS²

In response to the President's request of September 7, 1974 this report has been prepared to supplement related studies concerning negotiation with the Soviet Union of the agreement on peaceful nuclear explosions (PNEs) contemplated by the July 3 Threshold Test Ban Treaty (TTBT), and concerning our nonproliferation strategy. As discussed below, the Limited Test Ban Treaty (LTBT) has a bearing on both of these related issues.

¹ Summary: The report, which President Ford had requested, provided three possible alternatives to modification of the Limited Test Ban Treaty.

Source: Ford Library, National Security Council, Institutional Files—Under Secretaries Committee, Box 74, NSC-U/DM 128—Limited Test Ban Treaty (1). Secret. Ingersoll sent Ford the report under a September 13 memorandum, Document 81. The annexes are not attached and not found. The 1967 U.S. "Statement of Principles Relating to Nuclear Explosion Services" is in *Documents on Disarmament, 1967*, pp. 172–174.

² This report was prepared by an interagency study group of the NSC Under Secretaries Committee comprised of representatives of the Departments of State and Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, ACDA, the AEC, and the NSC staff. The terms of reference of the study are presented in Annex B. [Footnote is in the original.]

The present report reviews:

- the basic U.S. interests in the LTBT;
- the relationship of the LTBT to PNEs and to U.S. and Soviet PNE interests;
- the interaction of modification of the LTBT with other U.S. interests;
- Possible modes of modifying the LTBT;
- The prospect of international, congressional and public acceptance of LTBT modification; and
- Major alternatives.

U.S. Interests in the LTBT

As the first major arms control measure achieved following the Second World War, the LTBT remains a benchmark in the history of efforts to deal with the major security questions raised by the development of nuclear weapons. Originally negotiated and signed by the U.S., Soviet Union, and UK, the LTBT marked one of the initial steps in political efforts to improve East-West relations. From this standpoint, it was a forerunner of present efforts to achieve détente.

From the outset, it was recognized that the LTBT would not prevent the spread of nuclear weapons, but it was envisaged that the LTBT would serve our interest in nonproliferation. A number of countries—including India, Israel, Egypt, Brazil, Spain, and South Africa—are parties to the LTBT but not the Non-Proliferation Treaty (NPT). While India's nuclear test confirms the limitations of the LTBT in curbing proliferation, we have a continuing interest in maintaining the restraints imposed by the LTBT on countries which would otherwise be subject to no agreed restraints.

The fact that the U.S. and Soviet Union had halted atmospheric testing facilitated the subsequent conclusion of the Non-Proliferation Treaty (NPT), a treaty which has been—and continues to be—considered an “unequal treaty” by a number of countries.

When the LTBT was signed, there was substantial public concern here and abroad about the effects of radioactive fallout. The LTBT was in part a response to that situation and remains important at a time when concern about many environmental problems has grown significantly in the U.S. and internationally.

The number of parties to the LTBT has grown from the original three to 104, the largest number of adherents to any arms control agreement.

We have no current PNE plans which would require modification of the LTBT. However, the question of whether we should consider modification of the LTBT has now arisen as a factor in bilateral U.S.-Soviet relations and in developing our nonproliferation strategy, in

particular with respect to the 1975 Non-Proliferation Treaty (NPT) review conference.

Relationship of LTBT to PNEs

The LTBT bans the conduct of any peaceful nuclear explosion—as well as any nuclear weapons test—“if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction and control such explosion is conducted.”

In explaining the potential effects of the LTBT on PNEs during Senate hearings on ratification of the treaty, spokesmen for the then—Administration, in particular Dr. Seaborg, expressed the following views:

- that the treaty would not preclude PNEs whose effects could be contained underground;
- that some efforts looking toward development of PNE excavation techniques could be pursued; and
- that if large-scale excavation projects proved feasible, an amendment to the treaty would presumably be sought.

Similar views were subsequently expressed during ratification hearings on the NPT.

Respecting Art. V of the NPT, which contemplates provision of PNE services to non-nuclear weapons states, Dr. Seaborg said that excavation projects “could not be executed within the present restrictions of the limited test ban treaty as presently interpreted; modification would be required to permit the United States to provide the nuclear explosion service for such projects.”

However, there were some departures from the main policy lines established during the hearings on both treaties:

—During the LTBT hearings and 1968 NPT hearings, Secretary Rusk, in response to questions, envisaged some situations in which PNE excavation projects might either not be regarded as serious violations or might proceed despite LTBT limitations. In both cases he stressed the need for being satisfied that legitimate peaceful purposes were served.

—During the 1969 NPT hearings, Dr. Seaborg, while rejecting the idea of proceeding in violation of the LTBT, spoke of the possibility of interpreting rather than amending the treaty.³

In the hearings on the LTBT, Dr. Seaborg indicated that a detectability standard would apply in determining whether an underground explosion resulted in a violation of the Treaty. He said:

³ Excerpts from Secretary Rusk’s and Dr. Seaborg’s testimony are presented in Annex A. [Footnote is in the original.]

“The Treaty would prohibit a test which resulted in a quantity of radioactive debris delivered outside of the country’s territorial limits in amounts sufficient to establish that such contamination resulted from a recent test within that country.”

In the period 1965–1968 (in support of the study of a new Atlantic-Pacific interoceanic canal) several small U.S. PNE excavation experiments were authorized and conducted notwithstanding a risk that we could be charged with violating this criterion.⁴

The most serious Soviet infraction of the LTBT detectability standard was in 1965 in connection with a PNE excavation project.

The U.S. PNE Program

The U.S. PNE program has not recently stressed PNEs for excavation purposes. We have not conducted any excavation tests since 1968.

A relatively “clean” device—intended to minimize radioactive debris problems associated with excavation PNEs—has been tested at a yield of 100 KT; however, additional development and testing would be required to perfect a device of the yield required (1 MT) in certain types of excavation projects.

Even in the absence of the constraints imposed by the LTBT, it is likely that environmental concerns would preclude domestic PNE excavation projects under foreseeable circumstances.

Emergence of the LTBT Modification Issue

Since the mid-1960s the Soviet Union has displayed—and continues to display—greater interest in PNEs, in particular excavation PNEs, than the U.S. both in conducting its nuclear test program and seeking means of accommodating PNE excavation projects with the LTBT.

A major focus of present Soviet interest is the employment of PNEs to excavate a portion of the Pechora-Kama canal project. An initial test was conducted in 1971. There have been indications of Soviet interest in conducting further tests related to this project later this year or next year.

The overall project would require some 250 nuclear explosions ranging from 40 to 600 KT. Resulting radioactive fallout would be readily detectable in Japan and the PRC and at lower radiation levels in the U.S.⁵

⁴ The study of a new canal concluded that conventional methods should be used if a new canal was to be constructed in the near future. [Footnote is in the original.]

⁵ The increase in radiation exposure would be only a small fraction of that resulting from normal background radiation; however, adverse reaction would be likely. [Footnote is in the original.]

The Soviet Union's technical preparations for this project have been paralleled by efforts to develop a new status for PNE excavation projects.

Since 1969, the Soviet Union has sought to interest us in the possibility of modifying the LTBT in a manner which would permit excavation PNEs provided resulting radiations did not exceed some agreed level judged to be acceptable from the standpoint of health and safety.⁶

They have brought up the question of LTBT modification during bilateral technical talks on PNEs. We have declined to pursue this line of discussion. However, we have explored and reached mutual understanding concerning procedures for predicting radioactive fallout and radiation doses to populations. This understanding could provide a starting point for developing international criteria in connection with PNE excavations and LTBT modification if desired.

In the International Atomic Energy Agency (IAEA) the Soviet Union has called for consideration of health and safety aspects of PNEs, including the question of radioactivity from PNE excavation projects.

At this juncture, we are confronted with four meetings in which the question of modifying the LTBT to permit excavation PNEs (subject to radiation criteria) will be an implicit if not necessarily explicit factor:

- the October bilateral U.S.-Soviet talks in Moscow on a PNE agreement ancillary to the Threshold Test Ban agreement and on Art. V of the NPT;

- further bilateral talks on technical aspects of PNEs, including radioactivity from PNE excavation projects, which the Soviets have proposed be held in Moscow in November;

- initial multilateral discussions in the International Atomic Energy Agency (IAEA) in Vienna on health and safety aspects of PNEs in January of 1975; and

- the NPT review conference in May 1975.

The farther we proceed with these discussions the more likely the Soviets are to believe we are prepared to modify the LTBT to permit PNE excavation projects.

Interaction With Other Issues

The question of modifying the LTBT interacts with other U.S. interests in addition to U.S.-Soviet bilateral relations:

⁶ The text of the applicable treaty language does not refer to health and safety related standards. The English language text disallows explosions which cause "radioactive debris to be present" outside the country where the explosion occurred. The equally authentic Soviet text can be literally translated as prohibiting explosions which "cause a falling out" (or falling) of radioactive sediment, condensate, or precipitate outside of the country. Significant PNE excavation projects would not be consistent with either of these texts. [Footnote is in the original.]

Continued effectiveness of the LTBT as a barrier to further proliferation of nuclear weapons. India has described its own nuclear test as a “peaceful nuclear explosion” and has argued that the U.S.-Soviet TTB agreement supports its view that there is a distinction between nuclear weapon and PNE development.

Modification of the LTBT to permit PNE excavation projects would raise the question of whether nuclear testing by India or other LTBT parties might be facilitated under the guise of conducting experiments related to PNE excavation.

A related question is whether pressures against atmospheric testing by the PRC (and France) would be neutralized if PNE excavation projects by the Soviet Union, U.S., and presumptively the UK, were permitted.

Implementation of Art. V of the NPT. Art. V contemplates the provision of PNE services to non-nuclear weapons states. This as well as other aspects of the NPT will be considered at the NPT review conference in 1975.

In connection with the negotiation of this article we stated that: “. . . if and when peaceful applications of nuclear explosives which are permissible under the test ban treaty, prove technically and economically feasible, nuclear weapons states should make available to other states nuclear explosive services for peaceful applications.”

Modification of the LTBT to permit PNE excavations would permit us to offer such services if this were considered desirable from the standpoint of meeting our Art. V obligation.

The availability of such services might undercut the possible argument by non-nuclear weapons states that they must develop PNEs of their own.

On the other hand, for the U.S. and Soviet Union to place emphasis on excavation PNE’s might stimulate the belief that PNE excavation projects are exceedingly promising (as yet an unresolved question). A number of countries might then ask why they should depend on the U.S. and Soviet Union rather than undertake their own development of devices ostensibly for PNE purposes.⁷

Eventual conclusion of a comprehensive test ban (CTB). The verification difficulties presented by PNEs have represented one of the unanswered questions confronting achievement of a comprehensive test ban.

If we wished in the future to move toward a CTB and if the only acceptable way of accomplishing this was to prohibit PNEs as well as

⁷ Possible approaches to the questions raised by Art. V are being examined in response to NSSM 202 on nonproliferation. [Footnote is in the original.]

other nuclear explosions, then modification of the LTBT to permit excavation PNEs could well make achievement of a CTB more difficult.

On the other hand, if key states including the Soviet Union might in any event prove unprepared to forego PNEs in order to achieve a CTB, the question arises whether a better understanding of ways of handling PNE aspects of a CTB might evolve out of experience with verification arrangements related to PNE activities associated with the TTBT and out of further improvement of U.S.-Soviet relations. However, extensive consideration of verification problems associated with the TTBT and a CTB does not afford grounds for optimism.

Substance and Possible Modes of LTBT Modification

Modification of the LTBT to permit excavation PNEs would involve the following changes:

- recognition of PNE projects as being subject to different rules than nuclear weapons tests;
- establishment of health and safety criteria for conducting excavation PNEs.

Collateral to these changes could be the establishment of a mechanism, possibly within the IAEA which is already concerned with various technical (but not legal) aspects of PNEs, for reviewing proposed projects in advance to assure consistency with established criteria. Monitoring of projects to ensure conformity with criteria might be required. Even if these aspects and related problems (including verification) were resolved bilaterally by the U.S. and Soviet Union, an effort to obtain international support for LTBT modification could lead to a need for additional arrangements to satisfy concerns of other countries. Some of these might differ from any bilaterally agreed U.S.-Soviet arrangements arrived at pursuant either to an LTBT modification or in other contexts.

Possible approaches to effecting LTBT modification might include the following:

Amendment. Art. II of the LTBT provides for amendment after approval and ratification by a majority of the parties, including the three original parties (U.S., Soviet Union, and UK). (British views on LTBT modification are unknown. They have no PNE program of their own.) A conference must be held if one-third of the parties request it.

This procedure would provide the recognized means of effecting LTBT modification, and once in force, any dissenting parties could not challenge the legality of the new arrangements.⁸

⁸ Countries might, however, exercise their right of withdrawal under the treaty if they considered that their "supreme interests" had been jeopardized. [Footnote is in the original.]

The 1967 U.S. “Statement of Principles Relating to Nuclear Explosion Services” stated that: “There should be full consultation among nuclear and non-nuclear parties to the limited test-ban treaty about any amendment of that treaty required in order to carry out feasible projects.”

Other parties might employ the amendment procedure to advance interests of their own. In particular, they might seek a commitment to achievement of (and possibly a timetable for) a CTB.

The Art. II requirement for our agreement to any LTBT amendment would safeguard us from unwanted amendments. On the other hand, other parties could decline to accept amendments we favored unless a bargain was struck.

The amendment process would fully involve the Senate through the normal process of treaty ratification.

—*Reinterpretation*. Strictly speaking, the terms of the LTBT cannot be modified or altered by “reinterpretation”; interpretation by the parties can only be directed at resolving ambiguities or gaps in the original text.

To achieve a situation in which PNE excavation projects were regarded as permissible, it would be necessary to “reinterpret” the LTBT as permitting, in the case of such projects, the deposit beyond national boundaries of “reasonable” levels of radioactive debris consistent with health and safety standards. This would amount to such a substantial “reinterpretation” that it would be inconsistent with the specific language of the LTBT. Moreover, such “reinterpretation” would not afford a basis for distinguishing between nuclear weapons tests and PNE excavation projects.

There are no specific ground rules for accomplishing “reinterpretation”, but presumably it would be essential to obtain the agreement of as many of the important parties as possible. This could also lead to bargaining in which other parties might seek commitments, say, to achieve a CTB as the price of accepting the “reinterpretation.” Dissenting parties would not be bound by any “reinterpretation” with which they did not agree.

In general, it is not in our interest to establish precedents for such “reinterpretation” of treaties unilaterally or by a limited number of parties.

The “reinterpretation” approach could present special difficulties with the Senate if it were viewed as an effort to evade the formal ratification process (some technique such as seeking a “sense of the Senate” resolution might be weighed if “reinterpretation” were to be given serious consideration).

—*Ad hoc exceptions*. Conceivably we might proceed on an ad hoc basis, agreeing with the Soviets and other key parties from time to time

to permit (or at least not to protest) specific non-contained excavation projects which served legitimate peaceful purposes and remained within tolerable limits as far as resulting radioactive debris was concerned. However, unless such a procedure were established through prior amendment of the LTBT, such actions would be in violation of the LTBT. Non-consenting parties could treat such actions as a breach of treaty obligations, possibly justifying their renunciation of the treaty or their resort to suit in the International Court of Justice.⁹

—*Phased approach.* It might also be possible to proceed on an interim basis through reinterpretation or ad hoc exceptions, while looking toward formal LTBT amendment, on the grounds, for example, that this might assist in securing data which might help in deciding whether a permanent change in the treaty should be sought. This course would be subject to the same legal challenges discussed above.

Factors Bearing on International Acceptability

We have very little basis at this time for judging the international acceptability of modification of the LTBT to permit PNE excavation projects. However, the following factors would influence the attitudes of other parties:

—Even if technically satisfactory radiation criteria could be developed, countries emotionally opposed to atmospheric nuclear weapons tests might well oppose permitting PNE excavation projects (we have no basis for judging whether such attitudes would be altered if the prospective number of such projects were limited).

—On the whole, the likelihood of acceptability would be substantially less if only one or a few countries were considered the beneficiaries of a change than if a number of countries, including developing countries, were viewed as potential beneficiaries. While several countries have expressed interest in PNE excavation projects, we have no measure of the seriousness of this interest, and no accurate measure of the full extent of eventual interest.¹⁰ In this regard, as examination of possible health, safety, environmental, and other effects of PNE excavation projects proceeds in the IAEA, a diminution of interest on the part of some countries could occur.

—If modification of the LTBT were viewed as being solely or primarily an outcome of bilateral U.S.-Soviet TTBT/PNE agreements, widespread international acceptance would be improbable.

The foregoing generalizations do not seek to take into account the ability of the U.S. or Soviet Union to persuade particular countries to accept modification of the LTBT.

⁹ JCS Footnote: Ad hoc exceptions are not only politically disadvantageous but illegal. This alternative does not merit serious consideration. [Footnote is in the original.]

¹⁰ The three IAEA technical panels on PNE's which have already been held have been attended by an average of 25–30 countries. [Footnote is in the original.]

Congressional Attitudes

Against the background of hearings on the LTBT and NPT, the debate concerning détente, and concerns respecting further proliferation of nuclear weapons, there is a virtual certainty that the Senate—in considering the TTBT and the related PNE agreement—will wish to explore implications for the LTBT. Unless and until this aspect is satisfactorily clarified, the Senate Foreign Relations Committee might defer action.¹¹

As noted above in considering various approaches to modification, the Senate would clearly expect to have its say concerning LTBT modification.

As to the substance of the issue, the following generalizations appear relevant:

—A proposed modification believed likely to weaken essential purposes of the LTBT (as regards testing of nuclear weapons, limitation of radiation hazards, and nonproliferation) would not be accepted.

—A proposed modification believed to be of greater benefit to the Soviet Union than the U.S. would also probably not be accepted unless “benefits” for the U.S. were viewed in terms broader than PNEs.

—A proposed modification justified on the basis of nonproliferation objectives (for example, meeting Art. V obligations) might have a better chance of being accepted than a modification proposed as an important component of U.S.-Soviet relations. However, such a justification would be subject to substantial skepticism.

The foregoing generalizations do not seek to take into account the effects of pressures from domestic environmental groups, arms control groups, or anti-détente groups.

Environmental Legislation

The National Environmental Policy Act of 1969 (NEPA) requires that an environmental impact statement be prepared prior to any “major federal action significantly affecting the quality of the human environment.” Such statements must analyze in detail the potential environmental effects of the proposed action and of all reasonable alternatives. In the past, failures to comply with the Act have often resulted in the granting of injunctions by federal courts against carrying out the federal actions in question.

The procedures of the Act have been applied to the negotiation and conclusion of a number of international agreements, and several impact statements have been prepared by federal agencies in connection with international negotiations, primarily those involving agree-

¹¹ As it has already done in the case of ratification of the Geneva Protocol. [Footnote is in the original.]

ments on environmental standards. No real question has been raised under NEPA on any arms control negotiation since the passage of the Act, presumably because of the very inchoate and indirect relationship of those negotiations to the environment.

However, there would undoubtedly be great interest among public environmental groups in any proposal to modify the LTBT, in effect, to establish new minimum permissible levels of radioactive discharge outside a country's territorial borders for nuclear excavation projects and there might be great public and congressional pressure to produce an environmental impact statement on the subject. This might, for example, involve the preparation of a draft statement prior to the final stage of any negotiations and a revised final statement prior to submission of the resulting agreement or amendment to the Senate.

Environmental groups might attempt to resort to the courts on any disputes in this area.

Major Options

In a broad sense, there are three basic alternatives:

- agree to consider modification of the LTBT;
- reject modification;
- adopt a neutral position but refrain from objecting if the Soviets desire to seek formal amendment of the treaty.

Alternative 1. Agree to consider modification of the LTBT to permit PNE excavation projects.

This alternative should be considered in terms of whether specific conditions would make it acceptable. Such conditions would center around three aspects of the overall problem:

—*First*, achievement of an acceptable PNE agreement, including acceptable verification provisions. This has been the subject of separate study. For present purposes, it should be noted that a Soviet willingness to accept observers under satisfactory arrangements could have special political significance.

—*Second*, Soviet recognition of the fact that circumstances could well arise which might make it infeasible for the U.S.—despite best efforts—to secure domestic and congressional acceptance of LTBT modification. It is inherent under Alternative 1 that we would cooperate with the Soviet Union in seeking LTBT modification. However, we have no way of ensuring this outcome.

—*Third*, development of a mutually acceptable approach to LTBT modification.

Pros

—If we are prepared to accept PNE excavation projects above the TTBT threshold, this alternative would improve our bargaining

position for obtaining the verification arrangements, including adequate on-site monitoring, that we desire.

—This would also make it possible for us to provide PNE excavation services pursuant to Art. V of the NPT if we desired to do so.

Cons

—LTBT modification as such would not clearly serve our interests.

—We would encounter adverse reaction from countries opposed to LTBT modification.

—In the PNE field, the Soviets would gain a unilateral advantage unless we reinstituted a U.S. PNE excavation program (despite the lack of a domestic requirement).

—Removal of the legal obstacle presented by the LTBT to PNE excavation projects could give rise to pressures for us to provide excavation services under Art. V of the NPT even if we did not wish to do so.

—Additional opposition against the TTBT would be generated in the Senate and among the general public.¹²

NOTE: Methods of modifying the LTBT might include:

—the LTBT amendment process;

—reinterpretation; or

—acquiescence in ad hoc exceptions to the LTBT, for example, for nuclear explosions required for the initial phase of the Pechora-Kama project (if the Soviets would conduct this phase to provide data for use in evaluating health and safety criteria and other technical aspects and if international as well as U.S. observers were invited).

The relative advantages and disadvantages of these several approaches are discussed in preceding sections of this report.

Alternative 2. Reject Modification of the LTBT.

Pros

—As discussed in preceding sections of this paper, modification of the LTBT would entail serious risks to the integrity of the LTBT from the standpoints of arms control and public concern about environmental protection.

—The chance of winning congressional and domestic public acceptance of LTBT modification is slim at best and at least at this juncture is probably negative.

—If the Soviets were also prepared to reject PNE excavation projects, we could maintain a strong front against non-nuclear weapons states on this aspect of nonproliferation.¹³

¹² JCS Footnote: An additional disadvantage of Alternative 1 might be that permitting increased levels of radioactive debris outside territorial limits may be inconsistent with the proposed PNE verification constraint that would minimize fission yield of excavation devices. [Footnote is in the original.]

¹³ JCS Footnote: The third “pro” to Alternative 2 is considered to be an unrealistic statement and therefore should not be considered an advantage to the alternative. [Footnote is in the original.]

Cons

—It would be premature to arrive at a flatly negative decision until the problem has been thoroughly explored with the Soviets and until domestic and international soundings have been taken.

—Rejection of LTBT modification might lead to Soviet rejection of the TTBT.

—The end product could be to introduce serious strains in U.S.-Soviet political relations.

—If it should become important to provide PNE excavation services within the NPT framework, this would be foreclosed.

Note: If a decision were made to reject LTBT modification, we would need to consider when to advise the Soviets of our position:

—If the message were conveyed at an early time, the Soviets could decide for themselves whether they did or did not wish to proceed with the TTBT and a PNE agreement on this basis.

—If the message were delayed, the Soviets might proceed on the basis of a false assumption that we would eventually acquiesce in LTBT modification. This could lead to subsequent charges of "bad faith" and possibly to a decision by the Soviets to proceed on their own with PNE excavation projects.

Alternative 3: Adopt a neutral position on LTBT modification but refrain from objecting if the Soviets desire to seek formal amendment of the treaty.

Under this alternative, we would inform the Soviets that we could proceed with a PNE agreement at this time only within the limits of the LTBT. We would advise them that if they wished to seek an LTBT amendment to permit excavation PNEs, we would not stand in their way but that we would provide no political assistance.

We might participate in multilateral examination of such matters as health and safety criteria and other technical aspects as long as this could be done without suggesting that we favored LTBT modification.

Pros

—This would place on the Soviet Union the burden of taking the lead on pursuing amendment of the LTBT, and they would have to bear any adverse reaction.

—If multilateral technical discussions of such matters as health and safety criteria brought about diminution of international interest in PNE excavation projects, the Soviets might eventually conclude that LTBT ratification was not practical.

Cons

—It would be increasingly difficult domestically and internationally to maintain a neutral position if the Soviets mounted an active campaign to amend the LTBT.

—If the Soviets were able to line up sufficient support to achieve an amendment, exercise of the U.S. veto at that stage (even if the

character of the amendment was not to our liking) would be regarded as an act of “bad faith.”

Note: If we were otherwise prepared to accept LTBT modification (see pros and cons under Alternative 1), there might be a greater chance of securing Senate ratification if we had not assisted in promoting the amendment idea or in efforts to line up a majority of the parties.

83. Memorandum of Conversation¹

Washington, September 21, 1974, 12:15–12:39 p.m.

PARTICIPANTS

USSR

Andrei A. Gromyko, Minister of Foreign Affairs of the USSR

Anatoliy F. Dobrynin, Soviet Ambassador to the U.S.

U.S.

President Gerald Ford

Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for National Security Affairs

Lt. General Brent Scowcroft, Deputy Assistant to the President for National Security Affairs

[The conversation began with greetings and initial pleasantries.]

Gromyko: Kissinger follows me very closely. I cannot afford to make a mistake.

The President: I enjoyed our talk, and Secretary Kissinger has filled me in on his talks with you.

Kissinger: Just before this meeting, Gromyko gave me a response to the suggestion that we agree on nuclear reactor safeguards. That is very important.

The President: Would this have to be an agreement?

¹ Summary: President Ford and Kissinger discussed nonproliferation issues with Soviet Foreign Minister Gromyko and Soviet Ambassador Dobrynin.

Source: Ford Library, National Security Adviser, Memoranda of Conversations, 1973–1977, Box 6. Secret; Nodis. All brackets and ellipses are in the original except brackets indicating text omitted by the editors. The meeting took place in the Oval Office. The memorandum of conversation is printed in full in *Foreign Relations, 1969–1976*, volume XVI, Soviet Union, August 1974–December 1976, as Document 40. Ford and Kissinger also met with Gromyko and Dobrynin during the morning of September 20; Kissinger met separately with Gromyko and Dobrynin that afternoon. For the memoranda of conversation, see *ibid.*, Documents 37 and 38.

Kissinger: Yes, because the problem now is that each country sells reactors competitively.

Gromyko: On this, nonproliferation is a problem that is as important as it was ten years ago.

The President: Maybe so.

Gromyko: Two-thirds of the states have ratified it, but the remainder haven't. It would be good if we two did our best to get more states to ratify.

The President: I hope we could work effectively on this. I'm interested, Congress is, and if we could stabilize this . . .

Kissinger: These are two points. One is the spread of reactor technology. Maybe we can do something on this. The other is, the Foreign Minister wouldn't want some of his allies to get the impression of condominium.

Gromyko: If you mean our real allies [smile], it is no problem. No one can predict how someone might act irresponsibly.

Kissinger: Speaking frankly, France has sold four reactors to Iran and we don't know what safeguards there were. If we two can agree on safeguards, then we could go to the Europeans.

Dobrynin: Do you have sufficient safeguards?

Kissinger: In the Egyptian case, we have, we think, foolproof safeguards. If we two can agree and if we get the Europeans to agree, we can control the situation. We will tell you our safeguards—maybe you have better ones.

Gromyko: Sometimes Japan and Brazil are mentioned. What do you think?

The President: Japan has its own problems . . .

Kissinger: The line between weapons and peaceful uses is vague. The Indian explosion obviously has military implication. The Japanese have a big nuclear program but have not done any explosion yet. If they moved this way, they would go like India and could be a big power very quickly.

[Omitted here is discussion unrelated to nonproliferation issues.]

84. Editorial Note

On September 23, 1974, Secretary of State Henry Kissinger delivered an address entitled “An Age of Interdependence: Common Disaster or Community” before the United Nations General Assembly in New York. Kissinger referenced his 1973 address before the General Assembly, noting that he had “asked other nations to join us in moving the world from détente to cooperation, from coexistence to community.” Since then, he continued, progress had been made in resolving various global problems; however, several fundamental issues persisted, and new problems had emerged. According to Kissinger, the question remained as to whether the global community’s vision would “keep pace” with these challenges: “New realities have not yet overcome old patterns of thought and action. Traditional concepts—of national sovereignty, social struggle, and the relation between the old and the new nations—too often guide our course. And so we have managed but not advanced; we have endured but not prospered; and we have continued the luxury of political contention.” Common interest in preventing local conflicts, limiting the spread of nuclear weapons, and increasing the economic viability of all nations would allow leaders to “remedy problems,” rather than simply responding to crises.

Kissinger devoted the first portion of his address to discussing regional conflicts before turning to arms control. He outlined not only the threats nuclear proliferation posed to world stability but also the efforts undertaken by the United States and other nations to limit strategic arms, establish nuclear safeguards, and promote the peaceful uses of nuclear energy:

“The world has grown so accustomed to the existence of nuclear weapons that it assumes they will never be used. But today, technology is rapidly expanding the number of nuclear weapons in the hands of major powers and threatens to put nuclear-explosive technology at the disposal of an increasing number of other countries.

“In a world where many nations possess nuclear weapons, dangers would be vastly compounded. It would be infinitely more difficult, if not impossible, to maintain stability among a large number of nuclear powers. Local wars would take on a new dimension. Nuclear weapons would be introduced into regions where political conflict remains intense and the parties consider their vital interests overwhelmingly involved. There would, as well, be a vastly heightened risk of direct involvement of the major nuclear powers.

“This problem does not concern one country, one region, or one bloc alone. No nation can be indifferent to the spread of nuclear technology; every nation’s security is directly affected.

"The challenge before the world is to realize the peaceful benefits of nuclear technology without contributing to the growth of nuclear weapons or to the number of states possessing them.

"As a major nuclear power, the United States recognizes its special responsibility. We realize that we cannot expect others to show restraint if we do not ourselves practice restraint. Together with the Soviet Union we are seeking to negotiate new quantitative and qualitative limitations on strategic arms. Last week our delegations reconvened in Geneva, and we intend to pursue these negotiations with the seriousness of purpose they deserve. The United States has no higher priority than controlling and reducing the levels of nuclear arms.

"Beyond the relations of the nuclear powers to each other lies the need to curb the spread of nuclear explosives. We must take into account that plutonium is an essential ingredient of nuclear explosives and that in the immediate future the amount of plutonium generated by peaceful nuclear reactions will be multiplied many times. Heretofore the United States and a number of other countries have widely supplied nuclear fuels and other nuclear materials in order to promote the use of nuclear energy for peaceful purposes. This policy cannot continue if it leads to the proliferation of nuclear explosives. Sales of these materials can no longer be treated by anyone as a purely commercial competitive enterprise.

"The world community therefore must work urgently toward a system of effective international safeguards against the diversion of plutonium or its byproducts. The United States is prepared to join with others in a comprehensive effort.

"Let us together agree on the practical steps which must be taken to assure the benefits of nuclear energy free of its terrors:

"—The United States will shortly offer specific proposals to strengthen safeguards to the other principal supplier countries.

"—We shall intensify our efforts to gain the broadest possible acceptance of International Atomic Energy Agency (IAEA) safeguards, to establish practical controls on the transfer of nuclear materials, and to insure the effectiveness of these procedures.

"—The United States will urge the IAEA to draft an international convention for enhancing physical security against theft or diversion of nuclear material. Such a convention should set forth specific standards and techniques for protecting materials while in use, storage, and transfer.

"—The Treaty on the Non-Proliferation of Nuclear Weapons, which this Assembly has endorsed, warrants continuing support. The treaty contains not only a broad commitment to limit the spread of nuclear explosives but specific obligations to accept and implement IAEA safeguards and to control the transfer of nuclear materials.

“Mr. President, whatever advantages seem to accrue from the acquisition of nuclear-explosive technology will prove to be ephemeral. When Pandora’s box has been opened, no country will be the beneficiary and all mankind will have lost. This is not inevitable. If we act decisively now, we can still control the future.” (Department of State *Bulletin*, October 14, 1974, pages 498, 501–502)

85. Memorandum From Jan Lodal of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹

Washington, September 25, 1974.

SUBJECT

Verification Panel Meeting on PNEs, September 28, 1974

The purpose of this meeting is to prepare the U.S. approach to the PNE negotiations which are scheduled to begin in Moscow on October 7.

For a variety of verification, military, nonproliferation, and anti-TTB reasons, *there is a fairly solid bureaucratic consensus against allowing PNEs above the TTB threshold of 150 KT. This consensus is reinforced by considerable congressional opposition to the TTB*, based in large part on the belief that allowing PNEs above the threshold is a serious verification loophole and contrary to our nonproliferation interests. Unless the PNE agreement has tight verification constraints and either bans or stringently limits PNEs above the threshold, there will be serious difficulty in getting the TTB and the PNE agreement through the Senate. This difficulty will be compounded if the PNE agreement legitimizes PNEs for excavation purposes, since this would require eventual relaxation and amendment of the LTBT.

Thus, on both substantive and bureaucratic grounds, *we should probably go into the PNE negotiations with a tough position. Congressional*

¹ Summary: Lodal and Sonnenfeldt provided Kissinger with an overview of subjects to be discussed at the Verification Panel meeting on peaceful nuclear explosions scheduled for September 28.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 1, Verification Panel Meeting, 9/28/74—Test Ban (1). Secret; Completely Outside the System. All brackets are in the original except those indicating text that remains classified. Tabs A–J were not attached; Tab C is Document 82.

attitudes will create a difficult problem in balancing what we can negotiate with the Soviets against what will be acceptable on the Hill.

The principal basis for discussion at the meeting is an Issues Paper (Tab B) prepared by the Verification Panel working group. It has a good concise summary (starting at page iv of Tab B) which we recommend you read. Supplementing this paper is a USC paper on "Modification of the Limited Test Ban Treaty to Allow Peaceful Nuclear Explosions for Excavation Projects" (Tab C; the main conclusions of this paper are included in the Tab B paper). The working group paper at Tab B also reflects work done so far under NSSM 202 on nonproliferation.

I. MAJOR ISSUES

The following sections address:

- Alternative approaches to negotiating the PNE agreement called for by Article III of the TTB,
- The need to modify the LTBT if PNEs for excavation purposes were allowed in the PNE agreement, and
- The impact of PNEs on our nonproliferation policy.

In summary:

—Verification of PNEs separates into two sets of problems: (1) Those dealing with PNEs below as opposed to above the TTB threshold of 150 KT; and, (2) Those concerning contained PNEs (for underground applications such as gas stimulation) as opposed to excavation PNEs (for applications such as building canals).

—*Below the 150 KT threshold*, PNEs can be allowed with proper inspection provisions for excavation PNEs, but these excavation PNEs will be incompatible with the restrictions of the LTBT.

—*Above 150 KT*, [2 lines not declassified] a ban on these may be negotiable. For *excavation* PNEs, if the Soviets agree to use very low fission devices, [2 lines not declassified]. However:

- The on-site inspection provisions required are very onerous;
- There remains some possible long-run weapons benefit;
- Such excavation shots will violate the LTBT.

—We should say from the beginning of the PNE negotiations that PNE events which would violate the LTBT would of course not be permitted. We should leave it up to the Soviets to try to get the LTBT modified or to figure out how to do PNE excavations without violating the LTBT.

—U.S. and Soviet actions in terms of the PNE agreement and Article V of the NPT (on provision of PNE services to non-nuclear states) will make a relatively small contribution to our non-proliferation efforts. However, with our general non-proliferation strategy currently under

review, we should not let our Article V position crystallize until we understand its role in the general strategy.

—The agenda for the PNE negotiations is uncertain, partly because of a close relationship with other bilateral talks with the Soviets (e.g., on radioactivity criteria for PNEs). We are sorting this out with the Soviets.

A. PNE Alternatives

The basic problem of allowing PNEs above the TTB threshold of 150 KT is that such PNEs fall in one of two troublesome categories:

—The first category is composed of PNE explosions fully contained underground. [2 lines not declassified]

—The second category consists of excavation PNEs, such as for building canals; these explosions necessarily leave radioactive debris on the surface of the earth and in the atmosphere. PNEs in this category are sometimes distinguishable from practical nuclear weapons, but only with onerous and costly on-site inspection which may prove impossible to negotiate. Furthermore, excavation PNEs either below or above 150 KT raise the difficult issue of revising the LTBT.

Because the two PNE categories—contained and excavation—pose quite different verification problems, they are treated in building-block form in the working group's issues paper. This paper presents four approaches to handling PNEs (see pages 72–84 of Tab B for details):

1. Prohibit all PNEs.
2. Permit contained PNEs up to 100 KT or 150 KT; ban excavation PNEs.
3. Permit contained PNEs *and* excavation PNEs up to 150 KT.
4. Permit contained PNEs *and* very low fission excavation PNEs up to a threshold between 150 KT and 1 MT.

1. *Prohibit all PNEs.* This option is considered largely for the sake of completeness although it could have some tactical value in the PNE negotiations. An argument could be made that banning PNEs would strengthen the nonproliferation regime, remove a major obstacle to the comprehensive test ban the Soviets claim to be pushing, and eliminate a major verification difficulty in the TTBT. Furthermore, given the active Soviet PNE program and the moribund U.S. program, this option would be easy for us to accept. However, *the negotiating history of the TTBT, the implied commitment of Article III that some PNEs will be permitted, and the Soviet interest in PNEs make this option an unattractive one except for bargaining purposes.* For example, we could put forth this option at the outset of the negotiations as an “illustrative” outcome. The British prefer this option both for substantive and tactical purposes (see our previous memorandum on UK views at Tab H).

2. *Permit contained PNEs up to 100 KT or 150 KT; ban excavation PNEs.* [6 lines not declassified] Thus, it is essential that the PNE agreement

restrict contained PNEs to no more than the TTBT threshold of 150 KT. Beyond this, it would be desirable to further constrain contained PNEs to 100 KT to compensate for the additional verification uncertainties that arise in one-shot contained PNE applications off-site as opposed to the calibrated and repeated weapons tests at test sites. In any event, information exchange requirements would be greater than in the TTBT to compensate for those uncertainties (e.g., location, time, and expected yield of PNEs should be provided).

This option, at either 100 KT or 150 KT, would allow most or all contained PNE applications of interest to both sides. However, it would ban excavation PNEs—in which the Soviets have a great interest—and is undoubtedly non-negotiable.

3. Permit, in addition to contained PNEs, excavation PNEs up to 150 KT. This option is essentially what we tried to negotiate in Moscow. A 150 KT limit for excavation would increase the number of explosives and the costs for large-scale projects. For example, the Pechora-Kama Canal would require yields up to 400–600 KT for maximum efficiency. Also, increasing the number of explosives for each project means increasing the amount of radioactivity released into the atmosphere and beyond national borders in violation of the LTBT (this is discussed in more detail below). [2 lines not declassified] Thus, using more devices for a given job increases the LTBT problem.

Because the seismic yield measurement of an explosion depends greatly on the coupling of the device with the soil, it would be necessary to have on-site inspection to verify the depth-of-burial of the device. If the device were buried at very shallow depths, the seismic yield of a 300 KT device might be like that of one at 150 KT. [2 lines not declassified] On-site inspection would also be highly desirable to limit the possibility for weapons effects tests, for example, on missile silos or other military structures.

A limit of 1 MT per salvo of simultaneous PNE excavation shots would be prescribed [2 lines not declassified]. While not absolutely mandatory for verification reasons, it would be desirable under this option to require that excavation PNEs be very “clean” (this is discussed in detail in Alternative 4 below). This requirement would be verified by on-site inspection.

4. Permit, in addition to contained PNEs, very low fission excavation PNEs up to a threshold between 150 KT and 1 MT. In order to minimize radioactive contamination and fallout, excavation PNEs are especially designed to be very “clean”. [11 lines not declassified] This size and weight discrepancy would permit allowing clean excavation PNEs above the 150 KT threshold, without major risk of disguised weapon development, as long as the following conditions were applied:

a. [1 line not declassified]

b. *On-site inspection is allowed to verify this fission yield* by radiochemistry sampling (molten rock, with trapped radioactivity, would be collected in the field and analyzed in a laboratory back home).

c. *A limit of 1 MT per explosion and 3 MT per salvo were applied to limit their military utility yet allow almost all practical excavation applications* (in practice, we would try to negotiate lower levels for added assurance and greater political acceptability).

d. *On-site inspection is allowed also to assure the validity of seismic yields by verifying the depth-of-burial.*

Even with these conditions, which would be difficult to negotiate and onerous and costly to implement (some \$200,000 inspection costs per event; \$5–10 million for the Pechora-Kama Canal project), *excavation PNEs would permit the obtaining of data on very clean, high yield explosions which could in the long term have relevance to weapons design technology.* Unless the U.S. pursued a PNE excavation program, this might become a significant real or imagined asymmetry. For example, it would cater to those who argue the reality of surgical removal of Minuteman. The “clean” weapons would be used to minimize fallout fatalities and reduce the risk of U.S. retaliation.

B. LTBT Issues

Allowing excavation PNEs raises the issue of amending the LTBT, which could be the most difficult issue in the PNE negotiations. The LTBT (Tab E) prohibits radioactivity debris from crossing beyond national boundaries and applies to any underground nuclear explosions. Any large-scale excavation project—such as the Pechora-Kama Canal—will certainly violate this provision of the LTBT even under the Soviet interpretation, which is somewhat more lax than ours (the Soviets assume that a violation arises only if *solid* radioactivity crosses national boundaries whereas we consider *gaseous* radioactivity sufficient to constitute a violation). For this reason, the Soviets have over the past five years engaged us in technical talks aimed at getting up technical criteria for “safe” radioactivity levels resulting from excavation projects. These talks are scheduled to resume in November. Technical solutions (setting maximum radioactivity release limits) are in sight but *opening up the LTBT to amendment or reinterpretation is a political can of worms.* Internationally, many countries are likely to insist that any relaxation of the LTBT be tied to agreement on a CTB. (A majority of the 105 LTBT parties must agree to any amendment. It is conceivable but very difficult politically to “reinterpret” the LTBT to allow PNE excavations.) Domestically, opposition to TTBT ratification would increase if the Senate was asked at the same time to relax the LTBT standards—or even perceived the future necessity of doing so—something which at least in the short term would benefit only the Soviets.

The working group, drawing in part from the Under Secretaries Committee study at Tab C, has come up with the following four LTBT alternatives (see pp. 85–91 of Tab B for details):

1. *Reject modification of the LTBT.* This option is consistent with a U.S. approach which prohibited excavation PNEs in the PNE agreement, an approach which is advantageous but non-negotiable. It is also a no-cost option in terms of the U.S. PNE program, as we have no plans for PNE excavations. ACDA favors this option largely on the grounds that the Senate would reject any amendment in the LTBT.

2. *Agree to consider modification of the LTBT to permit PNE excavation projects.* Such agreement would be a valuable bargaining chip in the PNE agreement and might be traded for the verification provisions we require. However, agreeing to consider modification of the LTBT might not be enough for the Soviets. They would likely want a firm commitment of U.S. support for an amendment to the LTBT, for which the U.S. has a veto. Either approach is likely to stir environmental concerns in the U.S. and strengthen opposition to the TTBT.

3. *Formally reserve our position on a course of action at this time.* This approach allows the PNE negotiations to proceed to deal with excavation applications yet avoids coming to grips with the LTBT issue and reserves our veto to an LTBT amendment. It might encourage the Soviets to be very forthcoming on verification to move us off this position and onto either option 2 or 4. On the other hand, it might stalemate the PNE negotiations.

4. *Adopt a neutral position on LTBT modification but refrain from objecting if the Soviets desire to seek formal amendment of the treaty.* This option would give up the U.S. veto but would place on the Soviets the difficult task of pursuing an amendment of the LTBT. We have nothing to gain from getting out in front of the LTBT amendment issue. However, we would probably end up having to justify this quasi-support, thus raising environmental and congressional opposition to the TTBT and to the LTBT amendment. The AEC favors this option, probably because it tends to commit us to modifying the LTBT.

It is likely that the Soviets will want to avoid bringing up the LTBT in the PNE negotiations (Morokhov recently told Gerry Tape that they will not bring it up). They will want to reach agreement on allowing excavation PNEs in the PNE pact, thus logically committing us to pursuing a follow-on LTBT amendment to allow excavation PNEs in the LTBT regime. Therefore, *we will want to bring up the LTBT issue early in the PNE negotiations, saying that any PNE events which would violate the LTBT would of course not be permitted. We should leave it up to the Soviets to try to get the LTBT modified or to figure out how to do PNE excavations without violating the LTBT.*

C. Proliferation Issues

In addition to Article III of the TTB, *the Soviets also wish to discuss in October implementation of Article V of the Non-Proliferation Treaty* (Tab F). Article V provides that nuclear weapons states which develop economic PNE applications will make them available on a nondiscriminatory basis and at the lowest possible price to non-nuclear weapons states. We are not at that stage of development and may never be in light of our current small R&D program on PNEs.

The Soviet view is that taking steps to implement Article V will enhance nonproliferation by removing any excuse for development of an indigenous "PNE device" on the Indian model. Another unspoken Soviet interest in moving on Article V is that they will be able to gain international prestige by providing PNE services to underdeveloped countries. The Soviets probably believe also that international endorsement of PNEs in an Article V arrangement would legitimize their own PNE program in light of Limited Test Ban and nonproliferation concerns. The interagency people who work on the NPT generally discount the Soviets' nonproliferation argument and, in fact, feel that any progress in Article V may not only legitimize the Soviet PNE program but also PNEs in general, thus opening the way for other countries to go the Indian route.

We believe that the arguments of both the Soviets and our own nonproliferation specialists are overstated. *The political and security factors entering into the decision of a country such as India to develop a nuclear explosive device far outweigh the effect of anything the U.S. and USSR might say or do about PNEs. India has used the PNE cover as a rationalization, and other countries might use the same public pretext for their own nuclear programs. But, while this cannot be discounted completely, U.S. and Soviet actions in terms of Article III of the TTB and Article V of the NPT will make a relatively small real contribution to nonproliferation.*

In economic terms, PNEs appear expendable. They would save the world tens of billions of dollars, rather than hundreds, over the foreseeable future compared to conventional methods.

The working group paper identifies four alternative approaches we might take to Article V at the October 1 talks (see pp. 92–94 at Tab B for details):

- Encourage and provide for the use of PNE services and promote an international mechanism for providing such services.

- Actively discourage other states from seeking any PNE assistance.

- Neither encourage nor actively discourage: both the U.S. and USSR to continue the status quo and continue their dialogue on this issue.

—Increase efforts to explore the potential utility as well as the practical limits of PNE applications, with a view toward reexamining the question of providing PNE services.

Apart from the hypothetical non-proliferation argument, the U.S. has no marked interest in the implementation of Article V. We have no domestic PNE applications to export. We could not get into export of PNE services without a substantial renewed PNE development program, for which there would be little domestic support. The Soviets, on the other hand, hope to have practical economic applications in hand in the near future. Thus, *it makes sense for us to look at the Soviet interest in Article V in terms of bargaining leverage*. We can trade off our willingness to take steps in the direction of Article V implementation for stricter verification provisions in the Article III PNE agreement. We should, however, play this card carefully and start off with a reserved and agnostic position on the Article V issue. However, *with our general nonproliferation strategy currently under review, we should not let our Article V position crystallize until we understand its role in the general strategy*.

II. CONGRESSIONAL ISSUES

There has been a considerable amount of adverse congressional comment on the threshold test ban. Many on the Hill feel that the agreement is questionable as an arms control measure, maintaining that the threshold is too high, the March 31, 1976 date is unjustified, and the PNE provision is a serious loophole. A follow-on PNE agreement which had unsatisfactory verification provisions and was felt to affect nonproliferation and the Limited Test Ban Treaty adversely would fuel opposition to the TTB. On the other hand, a PNE agreement with tight verification and some restriction on the size or numbers of large explosions could improve the prospects for ratification by closing the PNE loophole. We may be able to use this congressional problem to argue with the Soviets for a "tight" PNE agreement. In any event, *congressional attitudes will create a difficult problem in balancing what we can negotiate with the Soviets against what will be acceptable on the Hill*.

III. AGENCY VIEWS

AEC has generally taken a forthcoming attitude toward a PNE agreement, principally because they hope it will revive the U.S. PNE program. They have, for example, taken a leading role on the possibility of verifying that high-yield, low-fission PNE devices are not weapons-related. They have argued strongly, however, that the U.S. must be at least as active in PNEs as the Soviets, so that any R&D benefits with a possible security impact will be available to us as well as to the Soviets. Within AEC, there is considerable opposition to the pro-PNE view, with some officials hoping that a strong stance against PNEs will permanently sidetrack the TTB.

DOD has a much more reserved position on PNEs and has sharply damped AEC's original enthusiasm. DOD is concerned that weapons-related information can be derived from a PNE program and argues that security interests dictate as restrictive a PNE regime as possible. DOD staff, however, is willing to support a PNE agreement having a 150 KT threshold for both contained and cratering explosions.

ACDA is strongly opposed to PNEs. They argue that the widespread use of PNEs and any effort to modify the LTBT fallout standards to permit cratering shots would have an adverse effect on nonproliferation. Moreover, there is some skepticism in ACDA regarding the Threshold Test Ban Treaty and consequently a view that we should take few risks to get it ratified. ACDA believes that a tough U.S. position would succeed because the Soviet Government is not unified behind Morokhov's pro-PNE posture.

The State bureaucracy is willing to take a fairly forthcoming attitude in the negotiations but recognizes that as a practical matter the PNE agreement will have to be fairly restrictive for congressional reasons.

[1 paragraph (7 lines) not declassified]

IV. NEGOTIATING ASPECTS

For now, it will probably be unnecessary to finally resolve the agency differences, since we should take a fairly restrictive initial position with the Soviets. The Soviets will be arguing for minimum constraints on PNEs, minimum verification, U.S. support for implementation of Article V of the NPT and (at some stage in the negotiations) U.S. support for an LTBT revision. As we have pointed out, tight verification and some restrictions on PNE yield will be essential to get the PNE agreement and TTB treaty through Congress. On the other hand, depending on the outcome of our current review of the U.S. nonproliferation strategy, we may have some give on Article V implementation. It will be much more difficult to move on the LTBT, for both international and congressional reasons, but at some point in the negotiations we could perhaps offer the Soviets some degree of cooperation in making an effort on LTBT revision.

As an initial position for the October talks, we see two alternatives:

—*A restrictive proposal, say 150-kiloton limits on both contained and cratering shots, intrusive verification including observers with appropriate instrumentation, and the position that NPT Article V and LTBT matters should be set aside without prejudice until the Article III PNE agreement has been worked out.* This position would give us considerable leeway with the Soviets and enjoy a broad consensus in Washington. Moreover, it would answer the argument that the Soviets are prepared to take the action away from Morokhov and be reasonable on PNEs if the U.S. will simply put some pressure on.

—Alternatively, we could take *an exploratory approach* in Moscow. We would tell the Soviets that we see considerable technical problems with the PNE agreement and feel these should be explored at the technical level before we discussed any proposals. We would then move toward formulating a proposal based on the outcome of the technical talks. (This is basically the approach we took at the beginning of the TTB negotiations.) This approach would also be supported by the Washington agencies. At most, however, it would be a holding action in the hopes that the Soviets would come up with a specific proposal as they did at the TTB talks in June. However, if the Soviets had no proposal to make, the talks would quickly bog down in sterile statement reading. Moreover, we might lose some flexibility if the Soviets table a proposal first.

Of the two approaches, we prefer a specific proposal early in the talks. An illustrative NSDM along these lines is at Tab G.

You have agreed with Dobrynin that Stoessel would head the U.S. side. The cable at Tab I names the U.S. delegation, which has been kept small and technically competent.

V. AGENDA OF TALKS

Based on communications with the Soviets here and in Moscow, we have been working for some time on the basis that the talks would embrace Article III of the TTB and Article V of the NPT. Vorontsov introduced a note of confusion last Thursday when he read Armitage an agenda including the uses of PNEs, radioactivity standards, and IAEA safety criteria for PNEs. Vorontsov's subjects would be more appropriate for the bilateral technical talks on IAEA radiation standards which are tentatively scheduled for November.

We are not sure what the Soviet motive was in submitting the new agenda. Vorontsov could simply have been confused between the October Article III/Article V talks and the possible radioactivity talks in November. A second possibility is that the Soviet authorities have been working on a genuine assumption that Article V subjects would include technical aspects of radioactivity standards. There has been some ambiguity in our exchanges on this which could support a misunderstanding. Finally, the Soviets could be deliberately attempting to skew the October agenda so that we will talk about their interest in relaxed radiation standards for PNEs before they discuss our verification concerns under Article III of the TTB. Regardless of which of these interpretations is right, we should for now stick to our proposed agenda. Accordingly, State gave the Soviets a note last Friday (Tab J) reiterating our understanding that Article III and Article V will be the subjects of the October talks.

VI. CONDUCT OF THE MEETING

You should start the meeting by asking Carl Duckett to give a brief rundown of the Soviet PNE program. You should then review briefly the issues and ask for agency views. Talking points along these lines are at Tab A. Unless some major new issue comes up at the meeting, we see no need for additional verification panel work between now and the NSC meeting, assuming you still want an NSC meeting on this topic. The interagency working paper will give the Delegation sufficient background material.

David Elliott and Bill Hyland concur.

Your book is organized as follows:

- Tab A—Talking Points
 - Tab B—VP Working Group Paper on PNE Issues
 - Tab C—USC Paper on Modification of the LTBT to Allow PNE
Excavation Projects
 - Tab D—TTBT and Protocol
 - Tab E—LTBT
 - Tab F—NPT Article V (on PNE services)
 - Tab G—Illustrative NSDM
 - Tab H—UK Views on the PNE Agreement
 - Tab I—Composition of the U.S. Delegation
 - Tab J—U.S. Note of 9/20/74 on Agenda for October PNE Talks
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86. Minutes of a Verification Panel Meeting¹

Washington, September 28, 1974, 10:10–10:50 a.m.

Verification Panel

Peaceful Nuclear Explosions

Kissinger: Carl (Duckett), what do you have for us?

Duckett: I thought I might refresh your memory on the Soviet peaceful uses tests. (Using chart “Soviet Peaceful Uses of Nuclear Explo-

¹ Summary: The participants discussed the upcoming U.S.-Soviet talks on peaceful nuclear explosions.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 22, Meeting Minutes—Verification Panel (Notes) (3). No classification marking. All brackets are in the original except those indicating text that remains classified. There is no indication as to the drafter of the minutes or meeting location. The chart, “Soviet Peaceful Uses of Nuclear Explosions,” is attached but not published.

sions") We have identified [*number not declassified*] tests in this category and that is not necessarily a complete list. [*2 lines not declassified*]

The largest yield has been [*less than 1 line not declassified*] and was probably an attempt to create a new storage area or to stimulate the flow of oil or gas.

Kissinger: How do they do that?

Duckett: They break up the shale and create new cavities for the oil or gas to enter. They can also use it to seal off a leak or to put out a fire. The largest in the latter category was about [*less than 1 line not declassified*]. Since mid-1972 all their tests have been in cavity stimulation. Their experiments with cratering explosions apparently were finished at that time. Cratering is important to the Soviets because of the Pechora-Kama Canal project. A [*less than 1 line not declassified*] explosion would be required for the canal and, if they fired in salvo, it could mean as much as [*less than 1 line not declassified*].

Kissinger: I've looked at the working group papers and there are some problems on our nonproliferation preferences, including the strong views of some of the agencies, and our negotiating record. We cannot overturn what the President and Brezhnev agreed to in June.

Iklé: What did they agree to?

Kissinger: Let's not be disingenuous. They agreed that we would negotiate concerning tests over 150KT to determine whether with on-site inspection and other provisions it was possible to distinguish PNEs from weapons tests. We may conclude it is impossible, but that is different from saying that it is undesirable. They agreed that we would look at the validity of on-site inspection. This was not a secret negotiation. At the lower KT yield, the problem was less severe. The main problem was the site. We would have to have adequate verification at the sites.

Stoessel: And some exchange of information.

Kissinger: Yes. Above 150 KT, the Soviets agreed to on-site inspection but this was not defined. We said we would look at the above 150 KT problem to see how it could be reconciled with the Threshold Test Ban. We cannot now say that, on nonproliferation grounds, we are overthrowing that understanding. We can negotiate on the relationship of this to the Limited Test Ban Treaty. We have no obligation to overthrow the LTBT. It's hard to think of uses of above 150 KT in relation to the LTBT but that's a Soviet problem. We have no obligation to let them use the TTB to abrogate the LTBT. I'm not saying we should modify our position so as to change the LTBT. We have no interest in having the Soviets testing above 150 KT. But we have to make a serious effort to see if we can devise criteria to identify peaceful uses above 150 KT.

Iklé: Only underground?

Kissinger: Only underground. We have never discussed this in any other context.

87. Memorandum From David Elliott of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹

Washington, October 4, 1974.

SUBJECT

Environmental Warfare

You have pending before you (Action 2101) the package on environmental warfare. A decision is needed on what approach to take in opening the U.S.–USSR talks on this subject, which were agreed to at the summit (Tab A).

As you recall, after the summit the Soviets put environmental warfare on the UNGA agenda, and have introduced a draft resolution and convention (Tab B). They want the latter to be referred to the CCD for examination and a report to the next UNGA. Both the resolution and convention give us trouble because they:

- are broader in concept than we envisaged,
- go beyond military limitation and could constitute a restraint on civil environmental activity,
- launch the issue in a multilateral forum before we have had an opportunity to explore it bilaterally, and

¹ Summary: Referencing the pending action on the environmental warfare package, Elliott and Sonnenfeldt indicated that Kissinger needed to reach a decision concerning the approach to take in talks on the subject with Soviet officials at the ongoing UN General Assembly session.

Source: Ford Library, National Security Adviser, Presidential Agency Files, Box 21, USUN, 10/1/74–7/31/75. Secret; Sensitive. Sent for urgent action. Under the questions posed at the end of the memorandum, Kissinger checked taking a direct approach to the Soviets in New York; agreeing that USUN would work with the Soviets to improve the resolution; and agreeing to set a date for the talks with the Soviets. Tab A, a copy of the July 3 U.S.–USSR Joint Statement; Tab B, telegram 3428 from USUN, September 26; and Tab C, the text of a draft telegram to USUN, are attached but not published. The minutes of the August 28 Senior Review Group meeting are Document 75. The Soviet draft resolution and convention introduced in the General Assembly on September 24 are printed in *Documents on Disarmament, 1974*, pp. 516–521.

—prejudge the appropriate mechanism for imposing restraints by limiting consideration to that of an international convention.

The Soviets are expected to press their UNGA initiative when debate begins in the First Committee. This could come as early as October 16. State believes we have no chance of derailing the matter altogether. However, if we act promptly, we might be able to change the Soviet resolution to avoid prejudging the outcome of negotiations in the CCD (a draft cable to USUN is at Tab C).

At the SRG on environmental warfare, you indicated that the bilateral talks would be expected to defuse or delay the Soviet UN effort. The Soviets have given no indication that they subscribe to this view, and on September 24, Gromyko piously told you the Soviet initiative would further our bilateral talks. Having already made their UN pitch, it is doubtful the Soviets can or will want to put the cat back into the bag.

Accordingly, we need your guidance urgently on the following questions:

1. Will you, by a direct approach to the Soviets, again seek to get them to postpone their UN initiative?

_____ I will handle it with the Soviets. Prepare talking points.

_____ Let State handle it.

_____ In Moscow _____ In New York

_____ No

_____ Other

2. Do you want USUN to be working with the Soviets (and some friends) to improve the Soviet resolution?

_____ Yes

_____ No. Wait for bilateral approach.

_____ Other

3. Should we set a date for bilaterals with the Soviets (on the assumption we will soon have U.S. position) or should we consider them OBE and deal with the issue in the UN and CCD?

_____ Set date.

_____ I'll set the date during my Moscow trip.

_____ Forget the bilaterals; deal with the Soviets in the UN and CCD.

_____ Other

Dick Kennedy, Denis Clift, and Jan Lodal concur.

Recommendation:

That you respond to the above request for guidance.

88. National Security Decision Memorandum 273¹

Washington, October 7, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, U.S. Arms Control and Disarmament Agency
The Chairman, U.S. Atomic Energy Commission

SUBJECT

Instructions for U.S. Delegation to the PNE Negotiations, Moscow,
October 7, 1974

The following instructions are approved for the negotiations on underground nuclear explosions for peaceful purposes (PNEs) beginning in Moscow on October 7, 1974.

1. The delegation should state that it proceeds from the assumption that the basic purpose of the negotiations is to develop a PNE agreement as called for in Article III of the Threshold Test Ban Treaty (TTBT).

2. In the initial stage of the negotiations the principal task of the delegation will be to elicit Soviet views and proposals on the content of the PNE agreement. Toward this end, the delegation should set forth at the outset of the negotiations the U.S. view that the PNE agreement must satisfy the following criteria:

a. PNEs must not provide weapon-related benefits otherwise precluded or limited by the TTBT.

b. The fact PNE activities are not contributing to such benefits must be adequately verifiable.

c. The agreement must be consistent with existing treaty obligations, including in particular the Limited Test Ban Treaty (LTBT).

The delegation should seek Soviet views on the above criteria.

3. The delegation should state that the U.S. has several concerns related to how these criteria can best be satisfied; therefore, we need at an early date Soviet views on several issues. In particular:

a. What specific provisions do the Soviets propose to ensure that PNEs are used for peaceful purposes only and will not provide weapon testing benefits otherwise precluded or limited by the TTBT, particu-

¹ Summary: Kissinger outlined the approved instructions for the U.S. delegation to the PNE negotiations in Moscow.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 69, Originals—NSDM 265 to NSDM 280. Secret. Copies were sent to Brown and Colby. For a summary of the talks, see Document 99.

larly weapon development, military effects experiments, or testing of stockpile weapons?

b. What will be the specific rights and functions of observers?

c. What information on geography, geology, and other factors descriptive of PNE operations will be exchanged to facilitate verification?

4. The delegation should state that, in order to systematically examine the above concerns, the two sides will need to exchange appropriately detailed descriptions of their respective PNE programs at an early time, including information on types of PNE operations and sizes and numbers of explosions.

5. With regard to the implementation of Article V of the Non-Proliferation Treaty (NPT), when this is raised by the Soviets the Delegation should state that it has no views to express on this subject at the present time, but would like to hear the views of the Soviet Delegation on how this might be dealt with in the upcoming NPT Review Conference.

6. The delegation should refrain from discussing the relationship of PNEs to achieving nonproliferation objectives.

7. The delegation is not authorized to negotiate or discuss any changes in the LTBT or to discuss possible radioactivity criteria under the LTBT.

8. The U.S. Ambassador to the Soviet Union, Walter J. Stoessel, is designated head of the U.S. Delegation.

Henry A. Kissinger

89. Telegram 15157 From the Embassy in the Soviet Union to the Department of State¹

Moscow, October 8, 1974, 0845Z.

15157. Subject. TTBT/PNE Negotiations

1. This is report on private conversation of Stoessel, Morokhov, Timerbaev, Buchleim at lunch Monday, October 7.

2. Agreed that chairmanship will alternate between Stoessel and Morokhov, plenaries will be limited to two or three per week, agenda will be projected one meeting forward.

3. Morokhov and Timerbaev both devoted considerable time to subject of public releases on negotiations. First preference was that there be none. Acceptable alternatives are: (A) release stating that negotiations have begun on PNEs with primary reference to Article III of TTBT and clear explanation that specific attention will be paid to factors relevant to Article V of NPT, or (B) release stating that negotiations have begun on subject of PNEs without reference to any particular treaty. Stoessel stated that these views will be forwarded to Washington for consideration.

4. Soviet emphasis on Article V of NPT continued with lengthy remarks by Morokhov on importance of U.S.-Soviet understanding on active approach to making PNE services available to non-nuclear countries. Rationale was that nuclear proliferation needs to be deterred, the problem has been made harder by Indian action, and only way to serve the purpose of nonproliferation is to make PNEs aggressively available to deprive interested countries of grounds for proceeding independently.

5. Argument further made that U.S.-Soviet bilateral PNE agreement should provide for joint development of PNE technology for services to third countries. Morokhov did not elaborate on meaning of "joint development."

6. Claim made that UK has expressed desire to be eligible for PNE services from U.S. and USSR.

7. In response to observation that NPT is multilateral treaty, Morokhov argued that nevertheless only two countries (U.S. and USSR) are

¹ Summary: The Embassy reported on a private conversation that took place between U.S. and Soviet officials at a luncheon during the first day of the TTBT/PNE talks in Moscow.

Source: National Archives, RG 59, Central Foreign Policy File, D740284–1107. Secret; Immediate; Exdis.

able to provide PNE services. Therefore, need for U.S.–USSR bilateral understanding on PNE service arrangements.

8. Problem of LTBT mentioned in connection with schedule for IAEA meeting in January 1975 on technical topics. Timerbaev acknowledged without objection that U.S. has informed Soviets that our delegation for current talks would not be prepared to discuss radioactivity standards. Morokhov stressed importance of going through with bilateral talks in preparation for IAEA January meeting. He noted absence of U.S. reply to Soviet proposal that bilateral talks be held in November 1974.

9. Morokhov noted that U.S. PNE program is “frozen” while Soviet program is going forward. He stated the opinion that the U.S. would regret this in future and declared Soviet willingness to share PNE information and experience with us to help the U.S.

10. Near end of meeting Morokhov suggested that the best way to deal with the varied ramifications of PNEs (e.g., relation to TTBT, NPT, LTBT) would be to broaden the scope of negotiations and aim for a comprehensive agreement.

11. Stoessel reiterated that primary task at hand is to develop a basis for PNE agreement in implementation of TTBT Article III.

Stoessel

90. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Ford¹

Washington, October 9, 1974.

SUBJECT

Possible International Restraints on Environmental Warfare

The concept of environmental warfare envisages advertent modification of the weather, climate, oceans, or terrestrial properties for military or hostile purposes. Deliberate and controlled modifications are today theoretical possibilities only with the exception that operational or near-operational techniques exist for a few types of weather modification (for example, precipitation and fog modification).

As a result of an interagency review and a recent Senior Review Group meeting on this subject, all agencies except the JCS consider that *some* restraints on environmental warfare are in our interest. The JCS prefer no restraints but consider the restraints recommended by OSD below acceptable.

All agencies also agree that there should be no international restraints either on R&D or on using weather modification techniques solely to protect forces from natural hazards.

President Nixon agreed at the Moscow Summit in June to advocate bringing about the most effective measures possible against the dangers of using environmental modification techniques for military purposes and to begin discussions with the Soviets this year on the subject. This decision was set forth in the U.S./USSR Joint Communiqué and the Joint Statement on Environmental Warfare. The Soviets have moved ahead to seek a UN General Assembly resolution on this subject and their proposal gives us some problems which we will wish to iron out. Before entering into the agreed bilateral discussions, however, agency disagreement on the scope of restraints we should seek needs to be resolved.

¹ Summary: Kissinger informed President Ford that as a result of the interagency review and a Senior Review Group meeting, all agencies except the Joint Chiefs of Staff agreed some restraints on environmental warfare were in the best interest of the United States. He indicated that the U.S. approach should be consistent with the OSD/JCS position and recommended that Ford approve a draft National Security Decision Memorandum that reflected this approach.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 55, NSDM 277—International Restraints on Environmental Warfare (3). Secret. Sent for action. A stamped notation at the top of the first page of the memorandum indicates that Ford saw it. Ford initialed his approval of the recommendation. NSDM 277 as approved is Document 94.

OSD believes that we should prohibit "any military use of weather, climate, ocean, or terrestrial modification techniques having long-lasting, widespread, or severe effects." This would in effect preclude hostile uses of all environmental modification techniques *except for* tactical fog or precipitation modification. This choice would retain a military option which in certain circumstances could have some utility, while banning the most potentially dangerous activities that would be subject to reasonable verification.

The main drawback of this choice is that it would open us to domestic and international criticism since we would be proposing to rule out *only* theoretically possible techniques, which would at any rate have limited if any military application should they ever be developed, *and not* the things we know how to do and have done (like rainmaking in Southeast Asia).

State and ACDA strongly believe that we should prohibit not only those restraints recommended by OSD but also restraints on precipitation and fog modification as weapons of war. This is the only choice which would constitute a "peaceful uses only" policy toward environment modification and meet with more general acceptance as a definition of "environmental warfare." It may also be the only basis on which we could expect successful negotiations.

The drawbacks of this choice are that it would (1) foreclose military options for fog and precipitation modification which could prove useful in some conflict situations (if natural meteorological conditions permitted); and (2) present some verification problems since tactical employment of weather modification techniques might not be detectable.

My View. The basic difference between the agencies is that OSD and the JCS wish to retain the right to use precipitation and fog modification techniques as weapons of war. The military case, including our operational rainmaking experience in Southeast Asia from 1966-1972, for preserving these options does not appear very strong. On the other hand, the restraints favored by OSD focus on activities which would be subject to reasonable verification if ever developed and undertaken, whereas tactical employment of fog and precipitation modification techniques might not be detectable.

Therefore, *I believe* our approach to the initial exploratory talks with the Soviets should be consistent with the position supported by OSD and the JCS. This would not preclude discussions and perhaps a later U.S. decision on broader restraints if the Soviets raise them. Indeed, once we begin such discussions, particularly if and when a multilateral agreement were desired, we will in all likelihood have to address the question of a "peaceful uses only" policy or prohibitions along the lines recommended by State and ACDA.

There may well be some criticism by the Soviets or in any public airing of our approach that we are proposing to prohibit everything

except the things we know how to do and have done. Our use of rainmaking in Southeast Asia has been controversial. This problem should, however, prove manageable.

The draft NSDM at Tab A would direct that the approach for discussions with the Soviets this October be consistent with the restraints supported by OSD and considered acceptable by the JCS.

Recommendation:

That you approve the NSDM at Tab A.

91. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Ford¹

Washington, October 9, 1974.

SUBJECT

Returning Depleted Uranium from the USSR

Companies in several countries (now including the U.S.) obtain uranium enrichment services from the USSR. There is disagreement in COCOM whether the partially depleted uranium remaining after enrichment (tails) should be left in the Soviet Union or returned to the West. The Soviets are willing to do either and leave it to the discretion of the purchaser. The FRG, UK, and France consider tails as waste and resent the cost of having to ship and store them.

The NSC Under Secretaries Committee has examined the issues involved and concluded that the potential strategic significance of depleted uranium depends on how limited the Soviets indigenous supply of raw uranium might be. Unfortunately, we do not have full enough information on Soviet uranium resources to resolve the issue. (Tab B)

¹ Summary: Following review of the National Security Council Under Secretaries Committee report on uranium tails disposition, Kissinger recommended to Ford that the United States require the return of depleted uranium from the Soviet Union.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 55, NSDM 275—COCOM Position on the Return of Depleted Uranium (Tails) from the USSR. Secret. Sent for action. Ford initialed his approval of the recommendation. Tab A, NSDM 275, is Document 92. Tab B, the August 7 National Security Council Under Secretaries Committee report, is not attached but a copy is in the Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 2.

DOD and the AEC recommend that we continue our policy of requiring the return of tails. DOD is concerned that in addition to potential strategic value of the depleted uranium, we may erode our resolve toward the embargo of nuclear materials more generally if we allow our position on tails to weaken.

The Federal Energy Administration, the Arms Control and Disarmament Agency, and the Council on International Economic Policy recommend that if transaction tails are 0.2% or less, they can be left since the cost of additional stripping is so uneconomic that the strategic value is negligible for the foreseeable future.

State believes we ought to try to maintain our position in COCOM requiring the return of tails, but if significant opposition develops we should be prepared to reexamine our position with a view to finding an acceptable compromise, probably along the line suggested above of setting a minimum tail content requiring return.

I support State's suggestion for two reasons:

(1) We are engaged in an extensive COCOM review with our allies in which we are trying to hold the line in a number of important areas, such as computers. Our allies (particularly the British) are not very sympathetic with our restrictive views, and we may find our overall objectives regarding export control will be furthered if we are prepared to compromise on the comparatively less important matter of tails.

(2) Our evolving nonproliferation strategy will center on a system of controls exercised by the nuclear suppliers, requiring a high degree of collaboration among those nations. We will have to establish a cooperative atmosphere in nuclear affairs generally if we are to be successful in achieving our ends. This means not overriding our allies' interests in COCOM unless our security concerns warrant it, which is not the case in the question of the return of tails.

The Joint committee on Atomic Energy and other interested congressional committees should be kept informed of our COCOM negotiations.

If you approve, I will issue the decision memorandum at Tab A which directs that we seek to maintain our position in COCOM requiring the return of tails; that we reexamine our position if significant opposition develops, with a view to finding an acceptable compromise; and that the Joint Committee on Atomic Energy and other interested congressional committees be informed in advance of the approach being taken in COCOM and any changes that may prove necessary.

92. National Security Decision Memorandum 275¹

Washington, October 10, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Administrator, Federal Energy Administration
The Director of Central Intelligence
The Chairman, Atomic Energy Commission

SUBJECT

COCOM Position on the Return of Depleted Uranium (Tails) from the USSR

The President has reviewed the report of the Under Secretaries Committee on *Tails Disposition* and has noted agency views. The President has decided that we should seek to maintain our position in COCOM requiring the return of tails. If significant opposition develops in COCOM, however, we should reexamine our position with a view to finding an acceptable compromise. The President authorizes a compromise requiring the return only of tails above 0.2 percent uranium-235 content. If a satisfactory compromise cannot be achieved, the options for a revised U.S. position should be submitted to the President for his decision.

In view of the importance of securing the cooperation of other nuclear suppliers in implementing our nonproliferation strategy, we should maintain a cooperative atmosphere vis-à-vis nuclear matters within COCOM.

The Department of State should inform the Joint Committee on Atomic Energy and other interested congressional committees in advance of the approach being taken in COCOM and any changes that may prove necessary.

Henry A. Kissinger

¹ Summary: Kissinger communicated President Ford's direction that the United States maintain its position in the Coordinating Committee for Multilateral Export Controls concerning the return of depleted uranium tails from the Soviet Union and underscored that the United States maintain a cooperative atmosphere regarding nuclear matters within COCOM.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 55, NSDM 275—COCOM Position on the Return of Depleted Uranium (Tails) from the USSR. Secret. Copies were sent to Brown and Eberle. Scowcroft signed for Kissinger above Kissinger's typed signature.

93. Telegram 15497 From the Embassy in the Soviet Union to the Department of State¹

Moscow, October 12, 1974, 1640Z.

15497. Subject: TTBT/PNE Negotiations—Review of First Week's Meetings.

1. At the conclusion of the first week's meeting, the concerns of the two delegations have become clearer. The Soviets appear to recognize that our primary concern is with adequate verification of PNEs under Article III of the TTBT, whereas they have stated that their objective is a more comprehensive agreement with minimal restrictions on PNE activities. In this approach, the Soviets are apparently offering us some sort of a partnership in PNE matters in which it is implied that we would then have all the information needed to verify that no weapons related benefits were being obtained.

2. Their approach to verification as presented would consist of primary reliance on national means for PNEs below the threshold, and above the threshold information exchange including yield, purpose, place and time prior to event and actual yield and results afterward. They have stated that consideration of more extensive information and other arrangements going beyond their view of Article III of TTBT could only be in context of broader agreement on PNEs. Morokhov has repeatedly stressed the need for a broad agreement. In the expressed Soviet view, broad agreement would include U.S. cooperation in Soviet PNE activities on a reciprocal basis and they claim that this would obviate the need for observers. They have indicated that arrangements for cooperation might allow the presence of "representatives" which would be considerably more acceptable to the Soviet bureaucracy than "observers."

3. The Soviets have repeatedly stressed the importance of the NPT generally and Article V, in particular, and the direct linkage of NPT to Article III of the TTBT. They have also been somewhat critical of our position (para 5, State 221218) as being inconsistent with their understanding of our agenda. It is not clear at this time whether multi-lateral PNE projects under Article V of the NPT are really a primary Soviet objective or whether they are simply using NPT Article V as an argument for pressing for the kind of agreement they prefer.

¹ Summary: Ambassador Stoessel provided a review of the first week's meetings of the TTBT/PNE negotiations in Moscow.

Source: National Archives, RG 59, Central Foreign Policy File, D740291-0716. Secret; Immediate; Exdis. Telegram 221218 to Moscow, October 8, and telegram 15373 from Moscow, October 10, are *ibid.*, D740284-0658 and D740289-0008.

4. The limited character of Soviet comments thus far suggests that the Soviets may be assuming that the Limited Test Ban Treaty might not represent a serious problem in these negotiations. Their statement is (reftel Moscow 15373) that preambular language should reaffirm commitment to the goals of the LTBT, whereas we have stated as a criterion that any PNE agreement must be consistent with the provisions of the LTBT. Without further elaboration, they might assert that our views are equivalent.

Stoessel

94. National Security Decision Memorandum 277¹

Washington, October 15, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Director of Central Intelligence

SUBJECT

International Restraints on Environmental Warfare

The President has reviewed the report of the NSC Under Secretaries Committee (USC) on possible international restraints on environmental warfare, forwarded by the memorandum of the USC Chairman on May 10, 1974, and associated agency views regarding such restraints.

As reflected in the Joint Statement of the United States and the Soviet Union on July 3, 1974, the President has decided that it is in the United States's interests to consider with the USSR restraints on the use of environmental modification techniques for military purposes and, to this end, to enter into discussions with the Soviet Union to explore the possibility of such restraints.

¹ Summary: Kissinger communicated President Ford's direction that the U.S. approach to discussions with Soviet officials on environmental modification techniques be consistent with the option in the National Security Council Under Secretaries Committee report accepting prohibitions on military use of environmental techniques that had long-term, widespread, or severe effects.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 69, Originals—NSDM 265 to NSDM 280. Secret. A copy was sent to Brown. Scowcroft signed for Kissinger above Kissinger's typed signature.

The President has decided that the U.S. approach to these discussions should be consistent with Option 2 as presented in the USC report, which focuses on those environmental modification techniques having long-term, widespread, or severe effects.

Henry A. Kissinger

95. Statement by the U.S. Representative to the UN General Assembly (Symington)¹

New York, October 21, 1974.

U.S. Discusses Disarmament Issues in U.N. General Assembly Debate

As we start our annual disarmament debate, my government believes it appropriate to devote its initial statement on disarmament questions exclusively to one of the most critical matters before the 29th General Assembly—the objective of limiting the growth and spread of nuclear weapons.

Since the advent of the nuclear age, we have been forced to live with the dilemma of the dual nature of nuclear energy. We have held high expectations concerning the contribution that nuclear energy could make to human welfare; but we have always been painfully aware that tied to these expected benefits is a growing potential for mankind's destruction. The rapidly expanding use of nuclear reactors to generate electric power in recent years has made this dilemma one of the most urgent issues of our time.

An inevitable result of the massive growth of nuclear-generated power will be the tremendous increase in worldwide production of plutonium. Estimates are that by 1980 close to 1 million pounds of

¹ Summary: Symington, in a statement made before the UN General Assembly, outlined several tasks the world community needed to undertake to curb the spread of nuclear weapons.

Source: Department of State *Bulletin*, January 20, 1975, pp. 72–76. All brackets are in the original. Symington made his statement in Committee I (Political and Security) of the UN General Assembly. Statements by Joseph Martin, Jr., U.S. Representative to the CCD and adviser to the U.S. delegation to the General Assembly, are *ibid.*, pp. 76–80. President Ford's message to the IAEA General Conference is printed in the Department of State *Bulletin*, October 21, 1974, p. 552. For Kissinger's September 23 address before the UN General Assembly, see Document 84.

plutonium will have been produced worldwide in electric power reactors, enough to manufacture over 50,000 nuclear explosive devices.

In addition, rising demands for enriched uranium as a nuclear reactor fuel will require a marked expansion of uranium enrichment capacity.

Widespread development of enrichment facilities, perhaps involving new enrichment techniques, could create a capability for producing weapons-grade uranium at many locations throughout the world.

This increasing availability of nuclear fuels and materials, as well as the continuing dissemination of nuclear technology, threatens to place a nuclear explosive capability, and the accompanying capability to produce nuclear weapons, within the reach of an ever-widening group of states. As perilous as the situation was when there were only two states with a nuclear weapons capability—and is now with six—stability would be vastly more precarious in a world of many nuclear powers.

Such a world is not to be feared more by one group of states than another. All nations would stand to lose.

States fortunate enough to be located in regions now free of nuclear weapons would suddenly find themselves faced with nuclear-armed neighbors. This would bring them under strong pressures to acquire nuclear weapons themselves. Even minor conflicts would then involve the risk of escalation to nuclear war. The probability of the use of nuclear weapons—whether by design, miscalculation, or accident—would increase sharply. Prospects for significant arms control and disarmament measures would deteriorate as all states felt the need to prepare for a larger and more disparate range of contingencies.

Many have assumed that time was on our side—that every year without the use of nuclear weapons, every year without an additional nuclear power, every step in East-West détente, and every measure to curb the arms race have all been part of a steady progression to where we would no longer fear the possibility of nuclear war. But it is obvious, in light of the worldwide energy crisis and the emergence after a 10-year hiatus of an additional state with a nuclear explosive capability, that we cannot afford to be complacent.

Hopefully, these developments will at least have the positive effect of making us fully alert to the dangers of the further spread of nuclear explosives and of encouraging a determined international effort to avert that possibility.

We are now at an important juncture, perhaps a decisive one. The challenge, as Secretary Kissinger well described it to the General Assembly on September 23, is “to realize the peaceful benefits of nuclear technology without contributing to the growth of nuclear weapons or to the number of states possessing them.”

The United States does not believe that a world of many nuclear powers is inevitable. Nor does it believe that the peaceful uses of nuclear energy must necessarily be cut back because of the risk that nuclear technology will be diverted to military purposes. However, we cannot expect to take full advantage of the expanding use of nuclear energy unless we are willing to strengthen the system for assuring one another that there is nothing to fear in the continued diffusion of nuclear materials and technology.

While working toward a more universal and effective system of assurances or safeguards, we must also strengthen the political and economic incentives for resisting the temptation to acquire nuclear explosive capabilities. Those capabilities would inevitably be perceived as a threat to others and therefore trigger a competition in the destructive potential of nuclear devices.

No state or group of states can meet the challenge alone. What is required in the months and years ahead is a sustained and concerted international effort involving nuclear-weapon states and non-nuclear-weapon states, nuclear suppliers and importers, parties to the Non-Proliferation Treaty (NPT) and states which have not yet seen it in their interest to join the treaty. My government would like to suggest several tasks which members of the world community, individually and collectively, should undertake in meeting this challenge.

First, cooperation in the peaceful uses of nuclear energy should be continued. It could be argued that the most appropriate response to the increasing risk of diversion of nuclear technology to hostile purposes would simply be to cut back on international cooperation in the nuclear energy field. The United States does not believe such a course of action would serve nonproliferation objectives, nor would it be responsive to the pressing need throughout the world to receive the benefits of this important new source of energy. The United States recognizes fully that the vast potential benefits of nuclear energy cannot be monopolized by a handful of advanced industrial states. This is especially true at a time when many of the world's developing countries are among the hardest hit by global economic difficulties.

As a member of the Joint Committee on Atomic Energy of the Congress, I have been privileged to participate in U.S. efforts to make the peaceful applications of atomic energy widely available. The U.S. Government has facilitated the participation of American industry in atomic power activities abroad. It has sponsored large international conferences to share our technical know-how. It has shipped materials abroad to help others move ahead in nuclear technology. And it has given strong support to the International Atomic Energy Agency (IAEA) and to that Agency's programs in the nuclear field. All told, it has spent hundreds of millions of dollars to promote peaceful uses

worldwide. We intend to continue this effort, both through our bilateral cooperative arrangements and our support for the work of the IAEA.

Second, we should intensify our search for effective measures to curb the competition in nuclear arms. We are mindful that serious risks are involved in the further accumulation of nuclear weapons by states now possessing them, as well as in the spread of weapons capabilities to additional states. Moreover, we know that we cannot expect non-nuclear-weapon states to show restraint unless nuclear powers also practice restraint.

As one of the principal nuclear powers, the United States recognizes its special responsibility in this area. We are aware of the concerns expressed by a number of countries about the pace of progress in nuclear disarmament. Although proud of achievements already made, we would agree that progress has been disappointingly slow. We understand the impatience of others, and ourselves are anxious to proceed faster. But it must be recognized that these complicated issues, touching upon the vital interests of all states, are rarely susceptible to quick and easy solutions.

U.S. and Soviet negotiators recently reconvened their talks in Geneva on strategic arms limitations. We attach the utmost importance to these negotiations, in which members of this body have also expressed much interest.

The talks are currently aimed at concluding an equitable agreement placing quantitative and qualitative limitations on offensive strategic weapons. We will make every effort to reach such an agreement at the earliest possible date. In addition, the United States remains firmly committed to seek an adequately verified comprehensive test ban. The Threshold Test Ban Treaty, negotiated in Moscow last summer, has significance not only for its restraining effect on U.S.-Soviet nuclear arms competition but also as a step toward our ultimate goal of a comprehensive ban. Indeed, in the first article of that treaty, we reaffirm our commitment to pursue further negotiations toward that goal.

Third, steps should be taken to insure the widest possible adherence to the Non-Proliferation Treaty. It is noteworthy that, while treaty parties have sometimes urged faster implementation of provisions of the Non-Proliferation Treaty, there is virtual unanimity among them that the treaty's basic concepts and structure are sound and that the treaty continues to provide a valuable legal framework for dealing with both the peaceful and military applications of nuclear energy. My government continues to regard the NPT as one of the most significant international agreements of the post-World War II era. Recently, President Ford called the treaty "one of the pillars of United States foreign policy."

The Non-Proliferation Treaty has been criticized as discriminatory in that it divides the world into two categories of states: those with

nuclear explosive devices and those without. But the NPT did not create that distinction, nor is it intended to condone it. The negotiators of the NPT recognized that the only promising and realistic approach was to start with the world the way it was. Accordingly the treaty calls for a halt to the further spread of explosive capabilities and obligates existing nuclear powers to speed limitations and reductions of their own stockpiles.

If there had been no effort, such as the NPT, to halt the spread of nuclear weapons or if the effort had been postponed until nuclear-weapon states had abolished their arsenals, we would have found ourselves in a world of so many nuclear powers that further attempts to stop “vertical proliferation”—that is, to limit and reduce nuclear weapons—would be futile.

The distinguished leader of the Swedish disarmament delegation, Mrs. [Inga] Thorsson, put this matter in the proper perspective at the Conference of the Committee on Disarmament on July 30 of this year when she said:

The NPT is by nature discriminatory, but its purpose is such that it has been supported by the majority, and needs to be supported by the entirety, of the world community. It is in the interest of every single country in the world that this purpose be fulfilled.

As we approach the May 1975 Review Conference of the Nonproliferation Treaty, we should consider ways of making the treaty more attractive to existing and prospective parties. Last summer my government announced that parties to the NPT will be given preferential consideration in the donation by the United States of special nuclear materials—primarily enriched uranium for use in IAEA medical research projects. We have also decided to give preference to NPT parties in allocating training and equipment grants for IAEA technical assistance programs. And we encourage others to adopt similar policies.

We would welcome further suggestions for increasing incentives for NPT membership.

Fourth, thorough international consideration should be given to the question of peaceful nuclear explosions (PNEs). The dilemma of the dual nature of nuclear energy is nowhere more evident than in the problem of PNEs. Indeed, because the technologies of PNEs and nuclear weapons are indistinguishable, it is impossible for a non-nuclear-weapon state to develop a capability to conduct nuclear explosions for peaceful purposes without, in the process, acquiring a device which could be used as a nuclear weapon. For this reason, the objective of preventing the spread of nuclear weapons is incompatible with the development or acquisition of peaceful nuclear explosives by non-nuclear-weapon states.

Article V of the NPT was developed to assure the states that give up the option of developing nuclear explosives that they will receive any benefits of peaceful nuclear explosions that eventually might materialize. To date, however, the commercial utility of PNEs has not been proved. Moreover, the use of PNEs is a highly complicated matter politically and legally, which has ramifications for the Limited Test Ban Treaty in the case of excavation projects and which would pose problems in relation to any test ban treaty.

The United States stands ready to honor its Article V obligation to make the benefits of PNEs available on a nondiscriminatory basis when and if their feasibility and practicability are established. In the meantime, we support the steps already taken in the IAEA context to implement Article V, including the development of guidelines for PNE observation, the adoption of procedures for responding to requests for PNE services, and the approval of a U.S.-sponsored resolution authorizing the Director General to establish, at an appropriate time, an office in the IAEA Secretariat to deal with PNE requests.

We are willing to consider other suggestions concerning organizational arrangements for an international service.

Fifth, we should work urgently toward strengthening the system of international safeguards against the diversion of nuclear materials and technology to the manufacture of nuclear explosives. The interests of nuclear exporters and importers alike would be served by a system which provided confidence that nuclear technology was not being misused. Actions designed to inhibit the abuses of nuclear technology should not impede the full exploitation of its peaceful potential. The realization of peaceful benefits should be facilitated by a broad international commitment to curb the spread of nuclear explosive capabilities.

We should step up our efforts to improve the effectiveness and achieve the broadest possible acceptance of IAEA safeguards. In this connection, let us note that in his message to the recent IAEA General Conference, President Ford reaffirmed the U.S. offer to permit the application of IAEA safeguards to any U.S. nuclear activity except those of direct national security significance. We have offered to permit such safeguards to demonstrate our belief that there is no threat to proprietary information and no risk of suffering commercial disadvantage under NPT safeguards.

Nuclear exporters should make special efforts to insure that their transfers of nuclear materials and equipment do not contribute to the acquisition of nuclear explosive capabilities. The U.S. will shortly approach the principal supplier countries with specific proposals for making safeguards more effective.

One of the problems to be faced in the years ahead is the challenge of meeting rapidly increasing demands for uranium enrichment and

chemical reprocessing services without undermining safeguards. An alternative to developing national facilities for these services—one which would be both economical and conducive to effective safeguards—might be the establishment of multinational plants capable of satisfying world demands.

Sixth, steps should be taken to insure the physical security of nuclear facilities and materials. As the civil nuclear industry expands throughout the world, nuclear materials will become an increasing factor in international commerce and the threat of theft or diversion could become acute. While physical security must be the primary responsibility of national governments, we believe the world community can play an important role. Accordingly, Secretary Kissinger stated on September 23 that the United States will urge the IAEA to develop an international convention for enhancing physical security against theft or diversion of nuclear material.

Such a convention should outline specific standards and techniques for protecting materials while in use, storage, and transfer. The United States, moreover, agrees with Director General [A. Sigvard] Eklund's recommendation that the IAEA should prepare itself to be a source of advice and assistance to nations that wish to improve their physical security practices.

Seventh, and finally, we should support and encourage the development of regional arrangements which contribute to nonproliferation objectives. While the NPT has played a central role in efforts to curb nuclear proliferation, the United States believes that complementary tools should also be used to serve that objective. Accordingly, we support the treaty establishing a nuclear-free zone in Latin America, so far the only densely populated region in the world to set up a formal regime to ban nuclear weapons.

We also welcome the interest shown in nuclear-free zones at this General Assembly, in particular in the proposals for creating nuclear-free zones in the Middle East and South Asia.

On several occasions my government has put forward four criteria for the establishment of nuclear-free zones:

1. The initiative should be taken by the states in the region concerned.
2. The zone should preferably include all states in the area whose participation is deemed important.
3. The creation of the zone should not disturb necessary security arrangements.
4. Provision should be made for adequate verification.

We would take these criteria into account in assessing any specific regional arrangement.

Another factor my government would take into account would be the treatment of PNEs in any nuclear-free-zone proposal. When the United States adhered to Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America, it was with the understanding that the treaty does not permit nonnuclear states party to the treaty to develop peaceful nuclear explosive devices. We accordingly regard the Latin American nuclear-free zone as consistent with our objective of curbing the spread of independent nuclear explosive capabilities.

We have suggested the principal tasks which we think should be undertaken in dealing with the vital issues of nuclear arms control and look forward to hearing the views of other delegations on these suggestions. A broadly based collective effort should be made by all—nuclear and nonnuclear, NPT parties and nonparties, industrially advanced and developing states alike—if we are to save our own and future generations from a world of many nuclear powers and unrestrained nuclear arms competition.

96. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Ford¹

Washington, October 29, 1974.

SUBJECT

Geneva Protocol

The 1925 Geneva Protocol in effect prohibits the *first use in war* of chemical and biological weapons. In August 1970, President Nixon asked the Senate to consent to U.S. ratification of the Protocol with the

¹ Summary: Kissinger called President Ford's attention to agency views on the 1925 Geneva Protocol prohibiting the first use of chemical and biological weapons in war. In addition, Kissinger recommended that Ford approve a draft National Security Decision Memorandum that would limit or possibly renounce the use of herbicides in this context.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 56, NSDM 279—Geneva Protocol of 1925 and Riot Control Agents and Chemical Herbicides (1). Secret. Sent for action. A stamped notation on the first page of the memorandum indicates that Ford saw it. Ford initialed his approval of the draft. NSDM 279, as approved, is Document 97. For the 1971 SFRC request, see *Foreign Relations, 1969–1976*, volume E–2, Documents on Arms Control and Nonproliferation, 1969–1972, Document 232. For the undated Report on the Geneva Protocol of 1925, prepared by the Interdepartmental Political-Military Group, see *ibid.*, Document 236.

understanding that it does *not* prohibit *first use in war* of tear gas and herbicides.

The Senate Foreign Relations Committee (SFRC) strongly supports the Protocol but disagrees with our position on these two agents. There appears to be little prospect of favorable Senate action without *some* change in our stance.²

In 1971, the SFRC asked us to reconsider our position on these two agents, and President Nixon directed an interagency review of our position and possible alternatives. The options and agency views expressed below resulted from that review.

The *basic question* is whether the military benefits in retaining the option to *initiate use* of tear gas and herbicides in war outweigh the political costs of our not becoming a party to the Protocol.

The advantage of preserving the option to initiate use of these agents in war is that it would allow us to use them in any future military conflicts, as deemed militarily useful to accomplish missions or save lives.

Tear gas is a useful weapon in many military situations against an enemy with little protective equipment (masks) and retaliatory capability. Its use in Vietnam saved U.S. and allied lives. Herbicides can be a useful support to military operations provided that special circumstances exist. In Vietnam, they were used widely and proved useful in selected instances. These agents also have important military limitations. Tear gas effectiveness is significantly decreased if an enemy has effective masks and may provide no relative advantage if he has a comparable retaliatory capability (e.g., the USSR and other major powers). Herbicides can be used widely only where there are negligible threats to the aircraft, and herbicides take from hours to months to take effect (thereby allowing the enemy time to react).

The disadvantages of preserving the first use option for these agents are that this would probably result in failure to obtain Senate consent to ratify the Protocol, and this would (1) result in some adverse international and domestic criticism (only 4 of the 98 parties to the Protocol have sided with us on this issue while 52 have expressly disagreed); (2) leave the U.S. the only militarily important country not a party to the Protocol; and (3) dissipate the favorable impact here and abroad of President Nixon's 1969 initiatives in the field of chemical and biological weapons control.

² After extensive hearings on the Protocol and related issues, the House Foreign Affairs Committee recently reported that the Senate should simply consent to U.S. ratification of the Protocol *without* the Administration's exceptions for tear gas and herbicides. [Footnote is in the original.]

Also, failure to resolve the Protocol issue with the SFRC could continue to impede Senate consideration of the Biological Weapons (BW) Convention, which was sent to the Senate in August 1972 and which expressly reaffirms the Protocol's significance and objectives. Only ratification by the U.S., UK and USSR is now needed to bring the BW Convention into force. The USSR and the UK have been ready to ratify for some time but have been waiting for action by the U.S. so that the three depositaries ratify at the same time.

OSD and the JCS strongly recommend preserving the option to initiate use of tear gas and herbicides in war because of military advantages which could accrue in some types of conflict situations.

ACDA and State strongly recommend that we should be willing to forego this option in war, *except for riot control purposes and base perimeter clearing*, since this could (1) lead to some resolution of the international disagreement over warfare use of these agents; (2) significantly improve chances of obtaining the Senate's consent to ratify the Protocol; and (3) be accomplished in a manner that does not concede that our past interpretation and practices have been contrary to the Protocol.

State and ACDA differ only on the tactical question of how we should express a willingness to forego the first use option for these agents.

State recommends that we agree to accept a prohibition on first use of these agents against parties to the Protocol which confirm a reciprocal obligation and that we accept this as a universal obligation if and when a substantial majority of the parties confirms a reciprocal obligation. This could facilitate resolution of our obligations on a one-for-one basis with some of the key parties and perhaps lead to a general resolution of the issue among the parties; *but* this could result in a multitiered system of U.S. obligations under the Protocol.

ACDA prefers that we consider the Protocol as prohibiting first use of these agents from the date of U.S. ratification. This would best ensure Senate consent to ratification; gain wide domestic and international acceptance as an affirmative step; and clarify from the outset our own legal obligations. *But* this could be considered as implying an admission of past error in policy and practice and upset those senators and parties to the Protocol (particularly the UK and Japan) who have supported our position.

ACDA also considers that we could renounce first use in war of these agents as a matter of national policy but not as a matter covered by the Protocol. OSD would prefer either this course or proposing a new treaty to ban first use if you decide to forego the first use option.

The advantages of renouncing first use as a matter of policy are that this would (1) not require any U.S. reinterpretation of the Protocol;

(2) be most unlikely to be construed as any admission that our practices have been contrary to the Protocol; and (3) be the easiest to implement as it requires none of the diplomatic and/or legal procedures involved in the other alternatives. But this may be criticized as more easily reversible than a formal legal obligation under the Protocol.

My View. The military utility of tear gas and, though to a much lesser degree, herbicides is established in some types of conflict situations. But there are important limitations on their usefulness.

Ratification of the Protocol is an important part of earlier administration initiatives in chemical and biological weapons restraints and would ease the way for ratification of the BW Convention. We are the only militarily significant country in the world not a party to the Protocol, which the U.S. initiated back in 1925, and U.S. ratification of the BW Convention will lead to its coming into force.

Only four countries have sided with our contention that tear gas and herbicides are not covered by the Protocol. To remain unyielding entirely would tend to dissipate the political plus resulting from our earlier initiatives. If we attempt to preserve all military prerogatives for these agents in war, we would get nowhere nearer favorable Senate action on these initiatives. However, I believe that we should attempt to preserve the option to use these agents in war in defensive situations to save lives, and be willing to relinquish their use only as offensive weapons of war to facilitate or increase enemy casualties.

I therefore recommend that we (1) renounce first use of herbicides *except* for base perimeter clearing; (2) renounce first use of tear gas as an offensive weapon of war; and (3) preserve the right to use tear gas (a) in riot control circumstances (including rioting prisoners of war), (b) in avoiding or reducing civilian casualties, (c) in rescue missions, and (d) in defensive warfare situations for the purpose of saving lives. We would renounce these uses as a matter of national policy and not as an international legal obligation under the Protocol.

I recognize that there may be some opposition within the Senate Foreign Relations Committee to our proposal to preserve the right to initiate use in defensive warfare situations, and would consult with key Senate leaders before taking this step to resolve the impasse on ratification of the Protocol.

The draft NSDM at Tab A reflects this recommendation.

Recommendation:

That you approve the NSDM at Tab A.

97. National Security Decision Memorandum 279¹

Washington, November 2, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency

SUBJECT

Geneva Protocol of 1925 and Riot Control Agents and Chemical Herbicides

The President has reviewed the interagency report on the riot control agents and chemical herbicides issue and the Geneva Protocol of 1925 and associated agency views.

The President considers it important that the United States ratify the Geneva Protocol.

The President is therefore prepared, in reaffirming the current U.S. understanding of the scope of the Protocol, to renounce as a matter of national policy (1) first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and (2) first use of riot control agents as an offensive weapon of war to facilitate or increase casualties.

The President wishes, however, to preserve the option to use riot control agents in riot control circumstances (to include controlling rioting prisoners of war), in situations where civilian casualties can be reduced or avoided, in rescue missions, and in defensive military modes to save lives. The requirements regarding authorization for use of these agents in war, set forth in NSDM 78 on August 11, 1970, remain in effect.

Prior to deciding to take this step, however, the President has directed that the Director of the Arms Control and Disarmament

¹ Summary: Kissinger communicated President Ford's position on ratifying the 1925 Geneva Protocol. Kissinger indicated the President was prepared to renounce as national policy the first use in war of riot control agents and herbicides except in certain circumstances, and directed ACDA and the Departments of State and Defense to consult with key Senators in order to achieve prompt ratification of the Protocol.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 56, NSDM 279—Geneva Protocol of 1925 and Riot Control Agents and Chemical Herbicides (1). Confidential; Limdis. Copies were sent to Colby and Brown. Scowcroft signed for Kissinger above Kissinger's typed signature. NSDM 78, "Authorization for Use of Riot Control Agents and Chemical Herbicides in War," is published in *Foreign Relations, 1969–1976*, volume E–2, Arms Control and Nonproliferation, 1969–1972, as Document 202.

Agency, in consultation with the Departments of State and Defense, promptly undertake the necessary discussions with key Senators with the aim of achieving Senate advice and consent to ratification of the Geneva Protocol at the earliest possible date. These consultations should include the aim of achieving favorable Senate action on the Biological Weapons Convention at the earliest possible date.

Both the fact and nature of the foregoing decisions should be closely held prior to a report to the President on the completed consultations and his approval of a public statement. This report should include consideration of providing prior notification of U.S. intentions to those allies which have taken a view similar to that of the U.S. regarding the interpretation of the Geneva Protocol.

Henry A. Kissinger

98. Telegram 16802 From the Embassy in the Soviet Union to the Department of State¹

Moscow, November 5, 1974, 0737Z

16802. Moscow EnMod Message Number Three. Dept please pass ACDA. Subj: EnMod Negotiations: Text of Joint Press Statement.

1. Text of joint statement to press approved at final plenary on November 5 follows:

Begin text: Press release. On the meeting of representatives of the USSR and USA on the question of measures to overcome the dangers of the use of environmental modification techniques for military purposes.

In accordance with the Soviet-American joint declaration of July 3, 1974, a meeting of representatives of the USSR and USA was held in Moscow from November 1 through November 5 on measures to overcome the dangers of the use of environmental modification techniques for military purposes.

Thomas D. Davies, Assistant Director of the U.S. Arms Control and Disarmament Agency, together with a group of experts, represented the

¹ Summary: The Embassy transmitted the text of a joint statement to the press concerning the recently concluded U.S.-Soviet environmental modification discussions. The statement indicated that the two sides agreed to continue talks after a "working interval."

Source: National Archives, RG 59, Central Foreign Policy File, D740316-0889. Secret; Immediate; Limdis. Repeated Immediate for information to the Department of Defense and USUN.

American side at the mentioned meeting. Academician E.K. Fedorov, together with a group of experts, represented the Soviet side.

The sides exchanged opinions on the most effective possible measures which could be undertaken to overcome the dangers of the use of environmental modification techniques for military purposes.

In the course of the meeting, the sides also examined the state of scientific and technical research in the area of transformation of the environment.

The sides consider that the exchange of opinions conducted is useful for clarification and reaching agreement on positions in the future and they have decided to continue discussion of this question after a working interval. An understanding was reached on holding of the next meeting in Washington. The dates of this meeting will be agreed upon through diplomatic channels. *End text.*

Stoessel

99. Telegram 16952 From the Embassy in the Soviet Union to the Department of State¹

Moscow, November 6, 1974, 1715Z

16952. Subj: TTBT/PNE Negotiations—Final Summary and Comments.

1. Reference State 242830, paragraph two. Paragraphs two through five are summary of status. Paragraphs six through fourteen are comments on future course.

2. Status summary follows.

3. There were sixteen TTBT/PNE plenary meetings from October 7 through November 6, and several restricted meetings. A working recess was commenced after the November 6 meeting.

4. Statements of the two sides can be resolved into the following general themes:

(A) The U.S. stated general criteria and concerns, laid down in instructions, which any PNE agreement must reflect. The Soviets were

¹ Summary: The Embassy transmitted a final summary of the first round of the TTBT/PNE negotiations in Moscow. In addition, the Embassy provided comments on a possible future course toward completing a PNE agreement.

Source: National Archives, RG 59, Central Foreign Policy File, D740318–1110. Secret; Immediate; Exdis. Telegram 242830 to Moscow, November 5, is *ibid.*, D740316–0401. The first round of the negotiations opened on October 7 and concluded on November 6.

asked in various ways how they proposed to accommodate these criteria and concerns. U.S. approach throughout was couched in as positive and forthcoming terms as permitted by instructions.

(B) The U.S. taking note of Soviet technical assessment of yields required for most contained applications, proposed ad referendum that contained PNE applications be limited to yields less than 100 KT, subject to suitable verification procedures. Without going into detail, elements of such verification, including observers, were stated. The U.S. did not describe any ideas for verification of excavation PNEs.

(C) A basic Soviet view regarding PNEs was that there should be no limits on yields or numbers. It was stated that in the case of contained applications most needs could be met by yields less than 100 KT, although they say they see possible long-term interest in larger yields. Most excavation needs could be met by group aggregate yields less than 1,000 KT and the number of individual explosions of yields above 150 KT would not be large. No formal commitment to these statements was made.

(D) The Soviet view of verification procedures to satisfy Article III of the TTBT was described. The essential elements were dependence on national technical means, augmented by information exchanges depending on yield and circumstance with the kind and amount of information supplied to be determined by the country carrying out the explosion. Soviet views are contained in statement by Safronov (PNE message forty-four).

(E) A major emphasis of the Soviets was on a joint cooperative PNE agreement which would involve exchange of information and of scientists and other personnel on a basis of reciprocity. A separate section would specify verification procedures to satisfy Article III of TTBT as indicated in (D) above. However, exchange of personnel ("representatives") in projects would, it was claimed, reinforce verification. Soviet outline of joint cooperative PNE proposal is contained in PNE message thirty-four. Delegation comments are contained in PNE message thirty-nine.

5. Morokhov in statements on November 5 and 6 stated that U.S. and Soviets were far apart in their respective positions, but that they looked forward to resumption of negotiations. They do not want any constraints on numbers or yields of explosions. They see no basis for considering contained and excavation applications as separate categories. They want U.S. views on cratering explosions. They were unwilling to consider specific provisions for contained PNEs only. It is only by consideration of a complete package that an agreement could be reached.

6. Comments on future course follow.

7. In our judgment, progress can be made toward establishing a PNE agreement.

8. In order to move ahead, it will be necessary for the U.S. to make a beginning on presentation of the elements of a verification package which would encompass contained and excavation applications.

9. The U.S. needs to develop a basis for discussing the interrelated issues linking the LTBT, excavation PNE projects, and the verification of excavation PNE projects. If it should be the U.S. view that compliance with the LTBT will, in practical effect, rule out most excavation projects and if the U.S. should be unwilling to agree to an accommodation for excavation projects, the Soviets would without any doubt strongly oppose this view initially. We are not able to offer a meaningful conjecture on what their final position might be.

10. Significant movement by the Soviets from their present verification position will depend on their assessment of a total U.S. verification package. However, the Soviet position has not been couched in absolute or rigid terms and there are areas where one can foresee the possibility of change, including the following:

(A) Soviet interest in high-yield contained PNE applications appears long range and even visionary in some aspects. It is possible that they would be willing to accept (perhaps on an interim basis) a yield limit on contained applications. If so, most probably they would start by insisting that the TTBT yield threshold apply.

(B) The possibility of a quota on excavation events above the threshold should not be ruled out.

(C) It is possible that they would be willing, in the context of a yield limit on contained PNEs, to accept a requirement for the exchange of specified information above some intermediate yield (say 75 KT).

11. There is insufficient basis at this time to make a meaningful conjecture on how the Soviets might finally come out on the observer question. They say they are willing to listen to our ideas about observer functions, but that they will not discuss this subject except in context of a joint cooperative agreement.

12. The Soviets have clearly stated that one of their primary purposes is establishment of a joint PNE cooperative agreement. Their approach to verification is surely designed in part to encourage the U.S. to consider and accept such an agreement. Although the Soviet ideas are a bare sketch, and full of defects, the U.S. should examine them carefully for any elements of cooperation, both short and long term, which could be of interest to us. Any positive position on cooperation could possibly help gain concessions on verification issues.

13. The U.S. will need to establish a basis for discussion of the relationship between a PNE agreement and the NPT. Considerations should be reduced to an effort to induce the Soviets to:

(A) Accept the proposition that some limitations can be imposed on PNEs without significant negative consequences to the NPT if those limitations are also accepted by the U.S. and USSR and if those limitations are essential complements to verification arrangements to assure the integrity of nuclear weapon control;

(B) Accept the propositions that any PNE agreement negotiated now should acknowledge the privileged status under Article V of NPT parties without foreclosing the possibility of agreement on provision of PNE services to non-parties; and

(C) Avoid any form of PNE “advertising” language in a PNE agreement.

14. There is insufficient basis to conclude whether or not satisfactory agreement can be reached.

15. The present Soviet delegation is heavily loaded with individuals who are committed to PNEs; and eventual realization of a well-balanced agreement may depend upon engagement of the political level of the Soviet Government in negotiations.

Stoessel

100. Editorial Note

President Gerald R. Ford and General Secretary of the Communist Party Leonid Brezhnev held a series of meetings at the Okeanskaya military sanatorium near Vladivostok November 23–24, 1974. During a conversation the afternoon of November 24, Ford and Brezhnev discussed the possibility of negotiating a bilateral treaty specifying responses in the event of a nuclear attack by a third party on the United States or the Soviet Union, an idea former President Richard Nixon had raised with Brezhnev at an earlier meeting:

“Brezhnev: This was in the Crimea. As I am at all times, I was guided by the basic principle that there would be no nuclear war between us or nuclear war in the world in general. I told President Nixon that there are some countries which had not joined the Non-Proliferation Treaty and do not observe it. Therefore a situation could arise where you or we could be threatened with a nuclear attack. I thought it might be good for us to conclude a treaty dealing only with a nuclear attack on one of our countries. In the event of a nuclear attack on one, the other would come to its aid with all the resources at its disposal.

“President Nixon, I recall, said that this was interesting and that he would look further into it. I had some further talks with Dr. Kissinger on this [in Moscow on October 26], but for various reasons nothing came of it. That is where we stand.

“In the preamble we could say something like: we are aware of what a nuclear war would mean in such circumstances and, desirous to avoid such an event, the two sides, et cetera. We could do it so as to avoid giving offense to allies—and in fact it would give a reassurance of protection to our allies.

“President: As I told you, I was briefed on this in general terms. I want to ask a couple of questions, and then Dr. Kissinger and Minister Gromyko can discuss it further.

“I agree with President Nixon; it is an interesting idea. One question is, does it mean strategic nuclear attack, tactical nuclear attack, or any nuclear attack?

“Brezhnev: Under the treaty we would each agree not to use nuclear weapons against anyone.

“President: They would be defensive only?

“Brezhnev: Yes.

“I agree to Dr. Kissinger continuing with subsequent discussions. My concept is related to any use of nuclear weapons. What is the difference whether they are tactical or strategic? Because in either case there would be a nuclear war, and we want to prevent that.

“President: I asked because I wanted to know if it were a tactical nuclear attack whether it would be an ‘all-force reaction,’ and I wondered whether the response to different kinds of attack should be different. That is of some importance.

“Brezhnev: The important thing is not to have a nuclear attack on us or our allies. If we entered this kind of arrangement, nuclear war would be impossible for decades to come. The basic thing is to talk the general concept. We can then work on the details and go into it deeper.

“President: Let me ask: what about an attack by a nuclear power on a third party that is not an ally? What would be the situation?

“Brezhnev: It is hard to give a precise answer. Perhaps we could agree to enter consultations as the best course. A lot would depend on who attacked whom. This proposal hasn’t been elaborated in detail. But since the United States and the Soviet Union are the most important powers, an agreement like this between us would eliminate nuclear war for many years to come.

“President: We do want to prevent nuclear war, and your country and mine have a great responsibility. We should talk further. Meanwhile, I think we should make a major effort to get the laggards to sign the Non-Proliferation Treaty. There are some laggards.

"Brezhnev: I fully agree.

"President: Let's have it between Dr. Kissinger and your Ambassador to work on that.

"Brezhnev: We are putting the Non-Proliferation Treaty into the communiqué.

"Let's think about it little by little. It should be discussed energetically." (Ford Library, National Security Adviser, Kissinger Reports on USSR, China, and Middle East Discussions, 1974–1976, Box 1, USSR Memcons and Reports, November 23–24, 1974, Vladivostok Summit (2))

The memorandum of conversation is printed in full in *Foreign Relations*, 1969–1976, volume XVI, Soviet Union, August 1974–December 1976, as Document 93. For the other memoranda of conversation at the Vladivostok summit, see *ibid.*, Documents 90, 91, and 92. The joint communiqué issued on November 24 is printed in *Public Papers: Ford, 1974*, pages 658–662.

101. Memorandum From the Chairman of the National Security Council Under Secretaries Committee (Ingersoll) to President Ford¹

Washington, December 4, 1974.

SUBJECT

U.S. Nuclear Nonproliferation Policy

NSSM 202 directed a review of present U.S. policy concerning non-proliferation and the Non-Proliferation Treaty (NPT) in light of the Indian nuclear test. A recently updated NSSM 156 study is a companion paper that focuses on the specific options open to us in dealing with India. The policy decisions in NSDM 255 concerning consultations regarding multilateral supplier controls over transfers of nuclear mate-

¹ Summary: As a corollary to the NSSM 202 study and the updated NSSM 156 study, the National Security Council Under Secretaries Committee advanced several recommendations for a near-term nonproliferation strategy.

Source: National Archives, Nixon Presidential Materials, NSC Files, Institutional Files National Security Study Memoranda, Box H-205, NSSM 202 (1 of 3). Secret. Tab A, an executive summary of the NSSM 202 study is attached but not published. Tab B, the NSSM 202 study, also attached, is Document 57. The summary of the updated study in response to NSSM 156 is Document 52. NSDM 255 is Document 53.

rials, technology, and equipment, have been taken into account in this review.

On the basis of the review done pursuant to NSSM 202, the Under Secretaries Committee, recognizing that the proliferation problem is at a crucial juncture, recommends an intensified program to inhibit the further spread of independent nuclear explosives capabilities. This program would exploit the common interest of many key countries in inhibiting proliferation by providing for concerted action. The U.S. could both support such action and, where appropriate, catalyze more effective international coordination.

The Under Secretaries Committee recognizes that we might only be able to delay further proliferation however determined our anti-proliferation efforts may be, but concludes that U.S. national security objectives can be served even with a nonproliferation strategy that is only partially effective. It would be desirable to defer the disadvantages associated with an expanded number of nuclear powers as long as possible, while seeking to create conditions which might ultimately check such expansion.

In the short run, the most effective approach to slowing down the spread of nuclear weapons is for the advanced nuclear industrial states to tighten controls on weapons-usable material and related production capabilities. Proliferation can also be limited through maintaining and making more widely applicable the legal and political barriers to acquisition of independent nuclear explosives capabilities. In addition to the policy actions presented below, a successful nonproliferation strategy will be affected particularly by the confidence of non-nuclear weapon states that their security needs can continue to be met without recourse to independent nuclear forces. It will also be affected by perceptions of these states regarding progress in U.S.-Soviet nuclear arms limitations.

As a series of near-term nonproliferation steps, it is recommended that:

1. *Through consultations with nuclear industrial states, particularly the U.S.S.R. and France, and a conference of such states, the U.S. should pursue coordinated policies designed to:*

—Ensure that international safeguards are both effective and widely applied to peaceful international nuclear cooperation by seeking to strengthen the political, financial, and technical base of the International Atomic Energy Agency (IAEA) safeguards program, and by requiring that such safeguards be placed on nuclear material and equipment exported by these states or material derived from these exports, at least to the extent indicated by the guidelines issued by the Zangger (nuclear exporters') Committee. Considerations should also be given to: (a) expanding these guidelines to cover sensitive nuclear technology and additional equipment; and (b) developing concerted policies to

secure IAEA safeguards to the maximum extent possible on peaceful nuclear programs of non-nuclear weapons states who are not NPT parties.

—Restrict the spread of independent national uranium enrichment and chemical reprocessing facilities through: (a) reaching common principles regarding the supply of sensitive technology, equipment and assistance in the construction of national facilities; and (b) encouraging multinational plants (or bilateral plants involving the U.S.) capable of satisfying future world demands for reliable and economic commercial services in these fields. In this connection, nonproliferation considerations should be factored into U.S. policy decisions with respect to future availability and supply of uranium enrichment services.

—Impose special conditions on nuclear exports to countries in sensitive regions, such as certain areas in the Middle East, in order to minimize the accumulation of plutonium and other special nuclear material. These conditions would include such provisions as requiring that reprocessing, storage and fabrication of plutonium derived from supplied nuclear material or equipment take place in mutually agreed facilities outside the country or region in question. In the case of NPT parties, less stringent conditions should be arranged, if compatible with our overall nonproliferation interests.

—Establish specific physical security standards to be included as a condition of nuclear cooperation, and strengthen international efforts to achieve widespread adoption and maintenance of meaningful physical security measures on nuclear material. In this connection, the U.S. should advocate that the IAEA be the forum for drafting a physical security convention.

—Minimize the risk of indigenous “peaceful” nuclear explosive (PNE) development in non-nuclear weapons states not party to the NPT through: (a) seeking agreement by non-NPT parties that they will not in any way assist any NNWS to develop or acquire PNEs; (b) requiring explicit confirmation that nuclear material exported, or derived from the use of exports, will not be used for any nuclear explosives; and (c) establishing that all nuclear materials subject to IAEA safeguards may not be used for any nuclear explosives.

2. In conjunction with other NPT proponents, the U.S. should intensify efforts in support of the treaty and in seeking early ratification by key non-nuclear weapon states, through:

—Support for the FRG, UK, and other European countries in their high-level contacts with the Italian Government to convey both the importance of early NPT ratification and the relationships of such ratification to the ability of NPT parties to continue nuclear supplies to the European Communities.

—High-level communications with the Japanese designed to remove any doubt about the continued importance of such ratification to the U.S. and other NPT proponents as an essential contribution to international stability and long-term progress toward nuclear arms control, and as helping to ensure a maximum role for Japan in international nuclear commerce and at the NPT Review Conference in May 1975.

—Appropriate actions designed to achieve ratification by other prospective NPT participants, and encouragement of a common recognition by nations unlikely to adhere to the treaty in the near-term that the further spread of independent nuclear explosives capabilities endangers the security of all states.

—Development of visible ways, consistent with the policies set forth in recommendation 1 above, in which preferential treatment could be given to NPT parties in such areas as: (a) the availability of commercial nuclear facilities, fuels, and technological support; (b) potential PNE services; and possibly (c) credit terms.

—Taking a more positive stance with respect to implementing Article V of the NPT, but being prepared to highlight the limitations as well as the potential benefits of PNEs.² Without prejudging the scope of the future U.S. indigenous PNE program and bearing in mind that the U.S. program has been inactive for several years, this approach would involve: (a) participating more readily in selected studies of proposed PNE projects; (b) making clear our intention to meet our Article V obligations; and (c) supporting IAEA efforts to devise procedures for implementing PNE services, should such services appear warranted. On all these issues, consultations with the Soviets should be held in an effort to develop common policies. The question of PNE services may well be affected by the outcome of negotiations with the Soviet Union on Article III of the TTBT. Evolving U.S. PNE service policy must be carefully coordinated with our test ban objectives to preclude taking actions that might, in view of the probable greater exploitation by the Soviet Union of peaceful nuclear explosives, place the U.S. in a relatively disadvantageous position with respect to nuclear weapons development and deployments.

3. Coordinated multilateral approaches should be developed to ensure that the Indian nuclear explosion does not hasten further proliferation in Pakistan and elsewhere, by:

—Endeavoring to persuade India to place IAEA safeguards on its nuclear exports and not to export nuclear explosive technology or

² This recommendation is presently being reviewed in the context of a more comprehensive study for the Verification Panel of U.S. policy regarding international aspects of PNEs. [Footnote is in the original.]

devices, or assist others in building national chemical reprocessing plants.

—Seeking to dissuade India from undermining the NPT and to defer any further Indian explosive tests, particularly in the period prior to the Review Conference.

—Avoiding the implication that India's status as a world power has been substantially enhanced as a result of its nuclear test.

—Seeking to hold India to its peaceful protestations and to minimize the scope, pace, and military dimensions of its nuclear explosive program through Indian acceptance of such measures as: (a) accountability for weapons-usable material; (b) deferral of further PNE production and limiting it to specified current needs; and (c) international observation of PNE tests, recognizing that such observation procedures would not be expected to constitute a technically sound basis for distinguishing between PNEs and nuclear weapons.

—Seeking Soviet and French cooperation, and the cooperation of other potential suppliers, in continuing not to supply India with long-range bombers or other sophisticated nuclear delivery capabilities.

4. *Appropriate interagency mechanisms should be established to formulate and oversee future U.S. nonproliferation policies, support relevant consultations and negotiations, and conduct necessary policy studies.*

—Prompt study should be undertaken of U.S. policy on implementing Article V of the NPT and PNE services generally in a manner consistent with our test ban objectives.

—Urgent attention should be paid to further defining a U.S. policy on preferential treatment for NPT parties in such areas as fuel supply and technical assistance.

—Studies should be made of sanctions as a deterrent to proliferation, measures which should be taken to assure the credibility and effectiveness of IAEA safeguards, the use of financing as a supplementary vehicle for imposing safeguards conditions on nuclear exports, and the possibility of multilateral controls on sophisticated nuclear delivery systems.

—A series of "country studies" should be launched to investigate in detail the factors affecting potential nuclear weapons decisions in key NNWS, the preferred strategy for deterring such decisions, and options for the U.S. in the event these states acquire independent nuclear explosives.

—The question of how best to handle the problem of security assurances at the NPT Review Conference should be examined.

—There should be consideration of further steps to maintain a strong U.S. public posture against nuclear proliferation.

Robert S. Ingersoll
Chairman

102. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to President Ford¹

Washington, December 6, 1974.

SUBJECT

Report Directed by NSDM 279 on Senate Consent to Ratification of the Geneva Protocol of 1925 on Gas Warfare

You will recall that past efforts to bring about ratification of the Geneva Protocol, as for example in 1970, foundered on the issue of whether tear gas and chemical herbicides would be banned along with more lethal chemical and biological agents. The Senate Committee on Foreign Relations has interpreted the prohibition as comprehensive, whereas the administration has insisted that riot control agents (tear gas) and chemical herbicides are not covered. Most parties to the Protocol have interpreted it as comprehensive.

As directed by NSDM 279, in consultation with the NSC staff and the Departments of State and Defense, I have renewed discussions with key Senators regarding advice and consent to ratification of the Geneva Protocol. It is likely that an adequate understanding has been achieved for obtaining Senate advice and consent to ratification of the Protocol within the guidelines which you prescribed. Favorable Senate action on the Biological Weapons Convention should present no difficulties and can be expected to accompany resolution of the Protocol issue.

The situation at present is as follows: The Foreign Relations Committee will consider a compromise aimed at producing a resolution of advice and consent to permit ratification in accordance with the U.S. understanding of the scope of the Protocol, i.e., that it does not cover

¹ Summary: In response to NSDM 279, Iklé indicated he had renewed discussions with several key Senators regarding advice and consent to ratification of the 1925 Geneva Protocol. He noted that the Senate would likely agree to ratification within the guidelines prescribed by President Ford, provided that he agreed to a “broad though not exclusive” renunciation of the use of herbicides and riot control agents as a matter of national policy. Iklé summarized the language of the proposed renunciation, approved by the Departments of State and Defense and the National Security Council Staff, and recommended that Ford authorize him to state the President’s intention during Iklé’s December 10 appearance before the Senate Foreign Relations Committee.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 56, NSDM 281—Ratification of the Geneva Protocol of 1925 on Gas Warfare. Confidential; Limdis. Attached as Tab B to a December 10 memorandum from Kissinger to Ford, in which Kissinger recommended that Ford approve a draft NSDM authorizing Iklé’s statement before the Senate Foreign Relations Committee. NSDM 281, as approved, is Document 103. Tab A of Iklé’s memorandum, a multi-agency policy statement, was not attached and not found. NSDM 279 is Document 97. NSDM 78 is published in *Foreign Relations, 1969–1976*, volume E–2, Arms Control and Nonproliferation, 1969–1972, as Document 202.

herbicides or riot control agents (RCAs), provided you agree to a broad though not exclusive renunciation of their use as a matter of national policy. Many committee members, including Senator Humphrey who will probably chair the hearing on this matter, are favorably disposed to a compromise along these lines. Senator Fulbright, who has a long-standing interest in the Protocol issue, has expressed some sympathy for the compromise, but so far refuses to commit himself prior to the hearing. Committee staff members feel that the compromise position stands a reasonable chance of committee approval.

The content of the proposed renunciation, which has been approved by the NSC staff as well as the Departments of State and Defense, is based on the language of NSDM 279. It is attached as Tab A but may be described as follows:

The first use of herbicides in war is banned, except for control of vegetation within U.S. bases or around their immediate perimeters. This is clearly consistent with the language of the NSDM.

The renunciation of the first use of RCAs has been modified to make it plain that the options for use preserved by the President are solely those of a defensive nature, since the wording of the NSDM was open to the interpretation that unspecified offensive uses were also preserved.

The preserved use of RCAs described in the NSDM, "in defensive military modes to save lives," has become the heading under which each of the preserved uses falls, since each of them has the purpose of saving lives and is defensive in nature.

A new preserved use has been added to provide for the protection of convoys in rear echelon areas.

Finally, consistent with the requirement set forth in NSDM 78 of August 11, 1970, advance approval of the President is required before RCAs or chemical herbicides may be used in accordance with any of these use exceptions.

If you approve this compromise position, I recommend that you authorize me to state your intention to conform U.S. policy to it, assuming Senate consent to ratification on this basis. I would so state your intention when I appear before the Foreign Relations Committee on December 10, at which time I will also support, as current Administration policy, the ratification of the Biological Weapons Convention.

Assuming your approval of the position outlined above, (1) I plan to notify appropriate allied governments of this modification of U.S. policy prior to my appearance before the committee, and (2) recommend that the White House legislative affairs office be directed to provide appropriate supportive action in the Senate.

Fred C. Iklé

103. National Security Decision Memorandum 281¹

Washington, December 9, 1974.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency

SUBJECT

Ratification of the Geneva Protocol of 1925 on Gas Warfare

The President has reviewed the report of December 6 submitted by the Director of the Arms Control and Disarmament Agency, pursuant to NSDM 279. He has approved the report and authorizes the director to state before the Senate Foreign Relations Committee that:

(1) the formulation of U.S. policy toward tear gas and herbicides incorporated in the report is the President's position,

(2) it is the President's intention to conform U.S. policy accordingly, assuming the Senate consents to ratification on this basis, and

(3) the President continues to urge advice and consent to ratification of the Biological Warfare Convention.

The President also approves the notification of appropriate allied governments of the administration's position on the Protocol prior to the appearance of the director before the Senate Foreign Relations Committee.

Henry A. Kissinger

¹ Summary: Following a review of ACDA Director Iklé's December 6 memorandum, President Ford authorized Iklé to state his position on the matter before the Senate Foreign Relations Committee and approved notification of appropriate allied governments of the administration's position on the 1925 Geneva Protocol.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 56, NSDM 281—Ratification of the Geneva Protocol of 1925 on Gas Warfare. Confidential. Copies were sent to Colby and Brown. Attached as Tab A to a December 10 memorandum from Kissinger to Ford; see the source footnote, Document 102. For Iklé's statement, see Document 104.

104. Statement by the Director of the Arms Control and Disarmament Agency (Iklé)¹

Washington, December 10, 1974.

Mr. Chairman and members of the committee, I appreciate the opportunity to testify this morning on the Geneva Protocol of 1925² and the Biological Weapons Convention of 1972.³ Ratification of these two arms control agreements in the field of chemical and biological warfare has the strong support of the President and the executive branch. We welcome the initiative of the committee in holding this hearing, which we hope will lead to prompt ratification of both agreements.

As you know, the Geneva Protocol of 1925 prohibits the use—in effect the first use—of chemical and biological agents in war. Except for the United States, all militarily important countries are parties to the Protocol.

The extensive hearings on the Protocol held by this committee in March 1971 examined the reasons why U.S. ratification of the Protocol has been so long delayed. In the interest of brevity, I shall not go back over this record now, although I would, of course, be happy to respond to any questions regarding the history of the Protocol.

INTERAGENCY REVIEW OF PROTOCOL'S SCOPE

During the 1971 hearings, differing views were expressed on the question of including riot control agents and herbicides within the scope of the Protocol. As a result, the committee requested that the executive branch reexamine its interpretation of the Protocol's scope.⁴

¹ Summary: In his testimony before the Senate Foreign Relations Committee, Iklé communicated President Ford's decision concerning the Geneva Protocol's scope and his support for the ratification of both the Geneva Protocol and the Biological Weapons Convention.

Source: *Documents on Disarmament*, 1974, pp. 822–825. A footnote in the original indicates the version of Iklé's statement printed in *Documents on Disarmament* is extracted from *Prohibition of Chemical and Biological Weapons: Hearing Before the Committee on Foreign Relations, United States Senate, Ninety-third Congress, Second Session, on Ex. J. 91–2, Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare; Ex. Q. 92–2, Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction; and S. Res. 18, Relating to a Comprehensive Interpretation of the Geneva Protocol*, pp. 11–12, 15–16.

² *Documents on Disarmament*, 1969, pp. 764–765. [Footnote is in the original.]

³ *Ibid.*, 1972, pp. 133–138. [Footnote is in the original.]

⁴ *Ibid.*, 1971, pp. 215–218. [Footnote is in the original.]

In response to the committee's request, the executive branch has undertaken a comprehensive review. We have reconsidered our legal interpretation and analyzed possible alternatives for resolving differences of opinion on the scope of the Protocol. We have evaluated the military utility of riot control agents and herbicides. And we have, of course, carefully considered alternative approaches that would accomplish our arms control objectives.

PRESIDENT'S DECISIONS CONCERNING PROTOCOL'S SCOPE

Mr. Chairman, the President considers it important that the United States ratify the Geneva Protocol at the earliest possible date. On the basis of an interagency review he has very recently taken decisions with a view to achieving Senate advice and consent to ratification. The President has authorized me to announce those decisions today.

The President has authorized me to state on his behalf that he is prepared, in reaffirming the current U.S. understanding of the scope of the Protocol, to renounce as a matter of national policy:

(1) first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters;

(2) first use of riot control agents in war except in defensive military modes to save lives such as:

(a) Use of riot control agents in riot control circumstances to include controlling rioting prisoners of war. This exception would permit use of riot control agents in riot situations in areas under direct and distinct U.S. military control;

(b) Use of riot control agents in situations where civilian casualties can be reduced or avoided. This use would be restricted to situations in which civilians are used to mask or screen attacks;

(c) Use of riot control agents in rescue missions. The use of riot control agents would be permissible in the recovery of remotely isolated personnel such as downed aircrews—and passengers;

(d) Use of riot control agents in rear echelon areas outside the combat zone to protect convoys from civil disturbances, terrorists, and paramilitary organizations.

The President intends to conform U.S. policy to this position, assuming the Senate consents.

Finally, the President, under an earlier directive still in force, must approve in advance any use of riot control agents and chemical herbicides in war.

Mr. Chairman, I believe that you may have several specific questions concerning this policy. I would be happy to respond to such questions at this time, before I proceed to the section of my statement dealing with the Biological Weapons Convention.

BIOLOGICAL WEAPONS CONVENTION OF 1972

The second agreement before the committee is the Biological Weapons Convention of 1972. The full title is the Convention on Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction. As the title suggests, this convention completely prohibits biological and toxin weapons. Since it provides for the elimination of existing weapons, it is a true disarmament measure.

The convention is entirely consistent with U.S. policy concerning biological and toxin weapons, since the United States had already unilaterally renounced these weapons before the convention was negotiated. In fact, our entire stockpile of biological and toxin agents and weapons has already been destroyed. Our biological warfare facilities have been converted to peaceful uses.

Since opening the convention for signature in April 1972, 110 nations have become signatories. This includes all members of the Warsaw Pact and all members of NATO except France. In order for this treaty to come into force, it must be ratified by the three depositories—the United States, the United Kingdom, and the USSR—and at least 19 other countries. Enough countries have now ratified, some 36, so that only ratification by depositories is still required. The British have completed all the parliamentary procedures for ratification and the Soviet Union has announced that it intends to ratify before the end of 1974. It is particularly important that U.S. ratification be accomplished in the near future so that we will not be the ones who prevent this treaty from coming into force.

VERIFICATION AND U.S. INTEREST IN ENTRY

There is one aspect of the convention to which I would like to give particular attention: the question of verification. Verification of compliance with this convention in countries with relatively closed societies is difficult, particularly for the prohibition of the development of these weapons.

Nevertheless, in our judgment it is in the net interest of the United States to enter into this convention, basically for three reasons:

First, the military utility of these weapons is dubious at best; the effects are unpredictable and potentially uncontrollable, and there exists no military experience concerning them. Hence, the prohibitions of this convention do not deny us a militarily viable option and verifiability is therefore less important.

Second, biological weapons are particularly repugnant from a moral point of view.

Third, widespread adherence to the convention can help discourage some misguided competition in biological weapons.

It is to be feared that, without such a prohibition, new developments in the biological sciences might give rise to concern because they could be abused for weapons purposes. Such anxieties could foster secretive military competition in a field of science that would otherwise remain open to international cooperation and be used solely for the benefit of mankind.

It is important, however, that the limited verifiability of this convention should not be misconstrued as a precedent for other arms limitation agreements where these special conditions would not obtain.

Mr. Chairman, the administration believes that the Biological Weapons Convention represents a useful arms control measure. We hope the United States will not prevent the treaty from entering into force through its failure to ratify. By failing to ratify, we would deny ourselves the benefit of having other countries legally committed not to produce weapons that we have already given up. And we would deny 109 other countries the benefit of a treaty that they have already signed.

105. Memorandum of Conversation¹

Trois-îlets, December 16, 1974, 11–11:45 a.m.

PARTICIPANTS

Valéry Giscard d'Estaing, President of the French Republic
Jean Sauvagnargues, Minister of Foreign Affairs

President Gerald R. Ford

Dr. Henry A. Kissinger, Secretary of State and Assistant to the President for
National Security Affairs

Lt. General Brent Scowcroft, Deputy Assistant to the President for National
Security Affairs

¹ Summary: In a meeting with French President Giscard d'Estaing and Minister of Foreign Affairs Sauvagnargues, President Ford and Kissinger discussed approaches to the nonproliferation of nuclear weapons.

Source: Ford Library, National Security Adviser, Memoranda of Conversations, Memoranda of Conversations–Ford Administration, 1974–77, Box 8, December 16, 1974—Ford, Kissinger, French President Valéry Giscard d'Estaing, Foreign Minister Jean Sauvagnargues. Secret; Nodis. The meeting took place at the Hotel Meridien in Martinique. No drafting information appears on the memorandum of conversation. All brackets are in the original except those indicating text that remains classified or that was omitted by the editors. Ford met with Giscard d'Estaing December 14–16.

SUBJECTS

European Unity; Nuclear Proliferation

[Omitted here is discussion of European unity.]

Nuclear Proliferation

Giscard: I want to explore the Non-Proliferation Treaty. You have a meeting in April 1975. Our position has been not to join it but to follow the rules of it. We see that a number of countries which earlier thought to join it have not done so. Does that change your approach?

President: For us to back off would not be understood in the U.S., and the Congress is strongly for the NPT. We would urge an exporters conference.

Giscard: This is on nuclear materials.

Kissinger: Yes, it is a separate matter from the Non-Proliferation Treaty.

President: We are worried about the lack of safeguards of some exporters. If the suppliers could meet outside the treaty perhaps, it would be useful.

Giscard: You made a step by suggesting it a month ago.

Kissinger: Yes, we held off for you.

Giscard: And the Soviet Union?

Kissinger: They have agreed in principle.

Giscard: We are cautious. In principle, I share the idea of participation. We must not take it highhandedly. We are wary of the mechanism because of the experience of the COCOM. There were a lot of problems with it, sometimes absurd. There was an electronic sale to Poland which took three years to get through COCOM.

Kissinger: What we have in mind is not COCOM. That was just a ban on strategic materials and each case was determined separately. Here we would agree on safeguards, and then all of us could sell all the reactors they can without further reference to any central authority.

President: We want uniform rules only.

Kissinger: Yes, we don't want a body to license reactors. We would set up the rules and then let each country make its own sales decision.

Sauvagnargues: There have been contacts. We are studying the Ingersoll proposal but we are wary of an international body with strong controls. Also we have relations with your AEC on a bilateral approach.

Kissinger: Ingersoll is our position. Dixy [Lee Ray] got seduced by your people. This is not a competitive problem at all. We have those in our bureaucracy who are passionate on nonproliferation. We have resisted Soviet pressure on the NPT. On safeguards, we are prepared for preliminary talks with you beforehand so there are no surprises.

We just don't want competition in safeguards, especially on the part of the Soviet Union.

President: We have transferred Dixy to State!

Kissinger: So she will be under moderate control. [They talked about Dixy a bit.] Seriously, we will sit down with your experts to work out the specifics.

Sauvagnargues: In other words X would agree not to sell unless the buyers agree to the agreed safeguards.

Giscard: We will send our experts to talk.

Kissinger: Mrs. Gandhi said she would agree, but multilaterally not bilaterally. She said there would otherwise be pressure in the Middle East.

Giscard: Do you think it is possible to limit the flow of nuclear materials?

Kissinger: I think we can slow it down.

Giscard: Because you have [*less than 1 line not declassified*] the PRC, etc.

Kissinger: Not all these countries have ever transferred the technology. The PRC hasn't; [*less than 1 line not declassified*]

President: Have the Canadians agreed?

Kissinger: Yes. We thought we might call a conference.

Giscard: We will send our experts.

President: We won't act until you do.

Giscard: The countries who haven't ratified . . .

Kissinger: You don't have to be in the Non Proliferation Treaty to participate in a suppliers conference. We don't think many more will join the NPT. We don't think we need that for a suppliers conference.

We think the Latin American countries may move.

Giscard: Who?

Kissinger: Argentina.

Sauvagnargues: Has Japan signed?

Kissinger: Yes, but not ratified. But countries don't have to sign the NPT to join this. The Soviet Union has persistently sought to engage us in joint pressures on the NPT—we refused to pressure you or the PRC.

Giscard: It would be important to have India.

Sauvagnargues: Our experts are wary of an international organization.

Kissinger: Someone must administer the safeguards. The Vienna group is OK. We don't have to have a new setup. India will join multilaterally, but not to safeguards applied just to them. We are worried that India may start selling materials.

President: Is there anything else?

Kissinger: May I say in the press conference that we agreed to discussions on more safeguards?

Giscard: Bilateral.

Kissinger: We need to move quickly. We have held up a long time now.

Giscard: There is also a technical question about breeders. We can leave the question to the technicians. We are fairly far along. You have had problems.

President: Technical and financial. Are yours going well?

Giscard: Yes, but it won't happen before 1975.

President: We have advocates and ardent opponents. Also we have a time factor.

Let me say I am pleased not only by the substance of our meeting but the atmosphere. I want to thank you for everything, including the warm words in the toast. I would like you to come to the United States.

Giscard: I would like to come to the United States. It is a pleasure to know you. I attach importance to our personal relationship and I want to continue the relationship.

President: I know of nothing else.

[The meeting then ended.]

106. Report Prepared by an Ad Hoc Interagency Study Group¹

Washington, undated.

*REPORT OF THE NSSM 209 STUDY GROUP²
U.S. POLICY ON ENRICHED URANIUM*

The President has directed that a reexamination be made of issues associated with a shift to private ownership of future U.S. uranium enrichment capacity. Present capacity resides in three government plants. Their capacity is fully committed under contract and they are anticipated to continue to be owned and operated by the government for the foreseeable future. The request for a restudy of issues on the approach to capacity expansion is incorporated in a letter of September 5, 1974, from Secretary Kissinger to heads of selected agencies (Appendix A), outlining the desired scope of this NSSM 209.

I. BACKGROUND

The supply of uranium enrichment services to meet future needs for nuclear fuel, domestic and foreign, requires a major and continuing expansion of U.S. capacity. The planned government capacity of 27 million units per year and associated preproduction stocks will permit meeting all defined U.S. needs and that portion of foreign needs contracting with the U.S. for nuclear power plants initially requiring services through the early 1980s. Projections indicate that thereafter new increments of enrichment capacity averaging about 6 million units per year each will be required to come into operation in the U.S. each year through about the end of the century. Financial, manpower, or other possible resource constraints do not appear to present barriers to the availability of these levels of enrichment capacity.

The thrust of present policy is to look to the private sector to assume responsibility for expansion of U.S. enrichment capacity. This policy is based primarily upon domestic considerations, including

¹ Summary: In response to NSSM 209, an ad hoc interagency study group examined policy options for development of future uranium enrichment capacity.

Source: Ford Library, National Security Council, Institutional Files—NSSMs, Box 31, NSSM 209—Future Uranium Enrichment in the U.S. Secret. All brackets are in the original. The NSSM 209 interim report, November 8, and the analysis memorandum to Scowcroft, November 23, are both *ibid.* According to Ingersoll's January 8, 1975, memorandum to Kissinger (Document 108), the NSC Staff circulated the report on December 19. NSSM 209, attached as Appendix A, is Document 79. Appendix B is attached but not published.

² This report is the summary report of the NSSM 209 Study Group. Other documents which can provide additional background and detail include the NSSM 209 Interim Report, dated November 8, 1974, and the State Department analysis of issues and options (memorandum to Scowcroft, dated November 23, 1974). [Footnote is in the original.]

avoidance of net government expenditures of \$7–9 billion through 1985 which further construction of Government capacity would involve. It also recognizes that the provision of new production plant capacity, in other areas of the U.S. economy, is normally a private sector responsibility; there are many functions which only the government can perform, but uranium enrichment is not one of them.

The present policy is targeted at achieving substantial financial commitments by U.S. firms to new capacity over the coming year. A number of firms are contemplating such commitments. Achievement of private entry under the present government strategy is believed possible and, according to the AEC, likely, although by no means assured.

A complex four-way negotiation is in process between the U.S. Government, industry, financing sources, and electrical utility customers to establish the risks and responsibilities to be assumed by each party in connection with the first private plants. At the same time, the planned capacity of the existing government plants is fully committed under contract. Accordingly, there is uncertainty on the part of potential foreign and domestic customers as to the character and timing of expansion of U.S. capacity, the terms and conditions under which future U.S. enriching services will be offered, and by whom. This is particularly so since the U.S. has ceased long-term contracting for the supply of enrichment services, pending decisions by potential private suppliers. In the interim, foreign customers have received Presidential assurances that the U.S. will meet future foreign contractual needs. Foreign customers, however, would clearly prefer the ability to contract as compared to receiving assurances that future U.S. capacity will be available for them.

The current "contracting gap" in the U.S. is contributing to substantial international strains. Foreign customers are increasingly motivated by the existence of delay and uncertainty in the U.S. to seek supply elsewhere, to initiate or expand their own R&D and construction programs, to enter into enrichment supply alliances or to take other actions which could be detrimental to U.S. foreign policy and economic interests. In addition to affecting political relations generally, U.S. enrichment services contribute to our energy cooperation, nonproliferation, and balance of payments objectives. Hence, it is in the strong international and economic policy interest of the U.S. to achieve an early commitment to increase capacity in the U.S.

If the U.S. were to go on for a protracted period, implying uncertainty as to its interest or ability to pursue the foreign market, economic advantages in the form of enrichment and, possibly, nuclear reactors sales might well be lost, along with any associated international political benefits. Any losses would be difficult to regain even with a more aggressive market stance later.

U.S. enrichment policy has played and will continue to play an important role in our efforts to limit the further spread of nuclear

weapons. Our position as a commercially attractive supplier of enrichment services has given us leverage to obtain appropriate safeguards and nonproliferation guarantees on our exports and to make dependence on us for periodic refueling of nuclear power plants a factor that helps enforce such undertakings. Foreign commitments to U.S. fuel supply enable us to impose safeguards and controls over foreign nuclear programs even if the reactors are *not* of American origin, through the required Agreement for Cooperation.

The United States is engrossed in establishing strong links among major energy consuming nations to reduce their dependency on imported oil. Part of the consumer nation strategy is to establish nuclear power as an alternative to oil and the U.S. has offered to assist in the construction of multilateral enrichment facilities to provide the fuel for nuclear power plants abroad. Maintaining our position as a leader in the enrichment field will be an important factor in enlisting the support of other nations on energy cooperation programs, in the International Energy Agency and other forums.

Somewhat over three years ago the AEC initiated steps to give industry access to the classified aspects of the gaseous diffusion (used in the existing government plants) and centrifuge (developmental) technologies.

One of the participating groups, Uranium Enrichment Associates (UEA), presently headed by the Bechtel Corporation with other participants not yet identified, is prepared to make the earliest commitment to construction of large scale private capacity. UEA had announced that it was prepared and expected to be able to reach a decision before the end of this calendar year on proceeding to construct a new 9 million unit gaseous diffusion plant at a projected cost of nearly 3 billion dollars in 1974 dollars. This plant would be operating in the early to mid-1980s.

UEA is now negotiating contract details with customers. These include arrangements involving foreign equity participation in the UEA plant (but do not include foreign access to classified U.S. technology). In addition to Japan, these include discussions in process with Iran and Germany. The remaining problems in the ongoing negotiations center around the reluctance of many domestic utilities to accept proposed contract terms and conditions suggested by UEA and the hesitancy of foreign customers to act in advance of U.S. domestic utilities to commit themselves to contracts with UEA.

While UEA has selected a near-term commitment to diffusion as its approach, other companies in the program have indicated a preference to pursue centrifuge technology. Because of the status of the centrifuge technology, firm commitments to large plants are not likely to be made until several years from now. However, the companies involved have indicated the feasibility of committing to the construc-

tion of small Demonstration Centrifuge Enrichment Facilities (DCEF's) within the coming year. This is being pursued under a government program involving government financial assistance to joint industry-utility customer projects through government subsidization of the cost of the enriching services during the demonstration phase of the project.

Additional government assistance has been offered to all potential private entrants primarily involving (1) availability of government stocks of enriched uranium to back-stop the early years of operation of private plants and (2) availability of government expertise to help assure reliability of plant performance.

However, industry still faces substantial risks and uncertainties in contemplating private entry because of the large financial investments required, the limited time available for transfer of the classified technology from government to industry, uncertainty as to government actions with respect to licensing, including possible economic regulation, and because most of the interested companies prefer a newer enrichment technology (centrifuge) still under development and therefore having higher associated technological risks.

Thus, from the domestic standpoint, there has also been a recognition that, if the attempt to achieve an adequate private entry were to fail, it would be necessary for the government to assume the responsibility of providing additional enrichment capacity. This view is taken because of the benefits perceived nationally for a shift to nuclear power—economic, environmental, and national security (reduces dependencies on foreign energy resources).

Accordingly, in testimony before the Joint Committee on Atomic Energy, on August 6, 1974, Chairman Dixy Lee Ray of the AEC stated:

"The choice, however, is not between private supply or lack of it . . ."

"Private plans exist which can, over the course of the coming year, lead to commitments to new enrichment capacity. Government planning can be reviewed at the end of the period should private actions not match expectations . . ."

Based on planning statements of the Department of Defense, a portion of the continuing capacity of the existing three government enrichment plants has been allocated to meet future national security needs. Needs not presently foreseen can be met by reprogramming government-owned resources (materials and facilities) or from new capacity (including purchase from new private capacity) if adequate advance notice of such need is given. Under emergency conditions, the diversion of enriched uranium from civilian uses to meet critical national security needs would be a government option under all policy alternatives considered in this study. The retention of present government capacity within the government for the foreseeable future and the

maintenance of a contingency reserve of highly enriched uranium could enable the government to respond flexibly to changing national security requirements.

II. ALTERNATIVE APPROACHES TO ENRICHMENT CAPACITY EXPANSION

The fundamental issue in determining U.S. policy to ensure adequate enrichment capacity for both domestic and foreign needs concerns the mode of ownership of enrichment facilities that will have to be constructed in the future. Specific decisions to be made at this juncture are related to three basic policy alternatives which could be followed in seeking to provide future enrichment capacity:

- a. *Persevere* in actively seeking the construction of the fourth and subsequent plants by private industry.
- b. *Defer* private entry for the next two enrichment plants (one diffusion, followed by a smaller centrifuge plant) but seek to accomplish this goal for subsequent plants.
- c. *Abandon* the objective of private entry into the enrichment business in favor of all future capacity being provided by the government.

As will be discussed below, differing organizational arrangements could be implemented to carry forward each of these policy approaches. The choice of organizational arrangement may depend, to a certain extent, on the approach adopted for providing future enrichment capacity; to a lesser degree, available organizational options could influence decisions regarding the preferred policy approach. In any event the decision on the current approach should reflect a view both on the strategy to achieve capacity expansion and the associated government organization to carry out the government's responsibilities under the strategy.

The decision to select one of these courses of action should be made now. This will allow a sufficient period for modifying or reaffirming present policy in order to assure that the decision to construct the next increment of capacity will be taken in time to meet demand and to set in motion contingency plans and longer-range programs which would serve domestic and foreign policy purposes.

Alternative A is predicated on the view that private entry remains a desirable and viable objective and that this goal can and should be pursued through June 1975, at which time, if not achieved, another approach will be required.

Alternative B does not challenge the desirability of private entry as such but is based on the premise that the likelihood of success in achieving private entry for the next two increments of capacity is low and that further delay in taking positive actions to assure new near-term capacity would be unwise.

Alternative C is based on the premise that private enrichment is basically less desirable than continuing government responsibility and should not be sought in either the near-term or the long-term.

Alternative A. Persevere in Seeking Private Entry

This approach entails the continuance of present programs designed to accomplish the objective of all new enrichment capacity being provided by the private sector. As such, it may require the consideration of further government action—initially by ERDA and possibly later by a successor entity—in order to accomplish this goal, above and beyond the technology transfer and financial assistance programs already in existence. However, it is clear that this approach could not be followed indefinitely without substantial near-term progress since the mutual goals of international credibility and assurance of supply would be compromised. As a result, this approach can only be pursued for a defined period of time (until June 30, 1975) while recognizing the possible need for implementing a contingency plan, such as Alternative B, for ERDA to construct the fourth and fifth plants if private entry fails to materialize in time.

Additional AEC assistance might be required to bring private centrifuge plants into being, given the risks associated with exploiting such a new technology. There is, however, an immediate need to facilitate a positive industrial decision on a fourth gaseous diffusion plant. This has led to plans to formulate an expanded program of assistance in support of the UEA activity. Two sets of additional supportive actions are being considered in an attempt to remove the remaining obstacles to a final UEA commitment which stem primarily from the reluctance of many domestic utilities to accept proposed contract terms and conditions suggested by UEA and the hesitancy of foreign customers to act in advance of U.S. domestic utilities to commit themselves to contracts with UEA.

The first AEC action plan has been to identify a “closure package” which would not require legislative action in order to enable UEA to make a commitment. The elements of such a package might include such measures as U.S. Government contracting commitments to purchase UEA services in order to trigger similar decisions by U.S. and foreign customers, and a Presidential level statement to provide assurance that the U.S. Government would take those steps necessary to insure completion and operation of the plant should difficulties arise prior to initial plant operation. This package could potentially be defined by the end of February, 1975. Thus, before June of next year, it would be known whether closure could be reached with utility customers on the basis of these or similar actions enabling UEA to make a formal commitment to proceed.

A second AEC action plan, being pursued in parallel, which could be applied if the first approach was not sufficient to facilitate positive UEA customer action, would involve defining an even more powerful closure package requiring legislative authority. This package might include such measures as a loan guarantee to UEA making the government responsible for the debt in the event the project failed, or alternatively, an agreement by the U.S. Government to take over and complete the private enrichment facility (along with its supporting enrichment customer contracts) in the event of private failure to achieve successful completion. This would assure utilities that their contractual needs would actually be met in the 1980s. This approach would require identification of the elements of the package and agreement among the Executive, UEA and utility customers as to their adequacy by June 30, 1975. In addition there should be assurance, through consultation, of favorable congressional reaction to avoid risk of delay or failure to achieve passage of legislation by September.

Alternative B. Defer Private Entry

Under this approach, legislative authority would be sought for ERDA to construct the fourth full-scale diffusion plant and a smaller centrifuge facility. Existing programs designed to encourage and facilitate the subsequent entry of the private sector into the enrichment industry would be maintained. Further efforts may have to be considered by the government in order to ultimately achieve the objective of private construction of future plants. Alternative C (below) would become the backup approach in the event private entry is not ultimately achieved.

Given demand projections and the lead times involved, the latest possible date for an Agency decision to request authorization in connection with FY 1977 budget actions to construct new capacity is estimated to be September 1, 1975. The AEC has continued design studies and other contingency planning actions so that the government option could be exercised in this time frame if desired and to permit Government contracting to be resumed once a decision to build has been made.

Alternative C. Abandon Private Entry Objective

A decision could be made to abandon the goal of private entry and maintain within the government the responsibility for providing all necessary U.S. enrichment capacity. There would continue to be a need to establish a private centrifuge manufacturing capability but all other programs presently designed to aid the transfer of enrichment technology and expertise to the private sector would be terminated.

Selection of this alternative would require a deliberate decision to be made in early 1975 to seek authority for ERDA to construct the fourth enrichment plant to meet immediate contracting needs with the

expectation that this would be followed subsequently by construction of a large-scale government centrifuge facility. The plants would ultimately be constructed either by ERDA or a successor public sector organizational alternative given the task of providing long-term capacity and managing U.S. enrichment activities.

Government Organization Options

Any future strategy for meeting U.S. enrichment policy objectives which involves the government as a source of enrichment services, as an entity to assist the entry of private enterprise into the field or to construct new capacity must consider a number of alternative means to provide for the government's role. These have been identified in this study as:

1. Continuation of the present government agency (AEC/ERDA) operation.
2. Separation of the enrichment development, management, industry assistance, and operations function from ERDA's other activities by establishment of a Uranium Enrichment Directorate within the agency; the directorate could assume responsibility for any range of government enrichment objectives desired, as discussed below.
3. Creation of a new government corporation to take over responsibilities for operation of existing plants and the development of gaseous diffusion and centrifuge technology, with the objective of accelerating transfer of government control of enrichment to the private sector and sale of the existing plants to industry (the United States Enrichment Corporation [USEC] concept proposed by Congressman Hosmer).
4. Design of another type of government corporation, more policy-responsive than USEC, either for the same objectives of the Hosmer corporation or for the purpose of expanding government enrichment capacity or for any intermediate objectives that might be desired.

The working group has agreed unanimously that continuation of the present AEC/ERDA mode of organization for uranium enrichment activities should not be considered as a useful alternative in the light of the ERDA directorate alternative which is viewed as superior. It also takes the unanimous position that the USEC concept, at least in the form proposed by Congressman Hosmer, does not adequately provide for the carrying out of the government's policy objectives and should not be considered as an alternative.³ Therefore only alternatives (2) and (4) are described further in detail.

Directorate. A Uranium Enrichment directorate within AEC was proposed to be administratively implemented several years ago but was subsequently abandoned because of strongly adverse congressional reaction to the potential use of the directorate as a vehicle for transfer-

³ See Appendix B for specific Agency comments to OMB on the Hosmer Bill. [Footnote is in the original.]

ring ownership of the AEC's existing enrichment plants from the public to the private sector.

The primary reason for establishment of a directorate would be to give it a cohesive managerial approach, operational flexibility and business-like efficiency, while at the same time retaining its responsiveness to government domestic and foreign policies.

The directorate as now visualized would (unlike the Hosmer corporation) retain ownership of the existing plants by the government. It would be staffed by ERDA employees and headed by an official who reports directly to the Administrator of ERDA. The directorate would continue to carry out all activities associated with the present AEC (and future ERDA) enrichment functions, including research and development, operation of existing plants, and sale of enrichment services to the private sector and to foreign customers. One of its principal objectives could be to facilitate private entry into the enrichment field by continuing to provide technical and financial assistance to prospective entrants. It would be neither authorized to nor be excluded from construction of new enrichment capacity. Financing of the operation of the directorate would include the use of a revolving fund for revenues and appropriations which would provide the source of funds for operation, construction and assistance activities. If costs exceeded revenues, appropriations would be obtained from the Federal Government through the conventional budget process.

The creation of a directorate appears to be necessary regardless of whether encouragement, deferral, or abandonment of private entry is selected from among the options previously outlined. However, the directorate could be considered either as the permanent form of government organization or as an intermediate organization leading to the creation of a new government corporation (alternative 4) as the permanent entity.

Corporation. An alternative approach for obtaining business-like, efficient government operation of the enrichment function in a context of policy responsiveness is the design and creation of a new policy responsive government corporation. It would differ from the directorate primarily in its method of financing, in that it would seek capital by selling bonds to the Treasury or to the private sector, by permitting equity investment, or by a mixture of these. Two possible alternatives for a corporation structure are a wholly owned government corporation or a mixed government/private corporation. Wholly owned corporations are better understood, but, in principle, either form could be designed to incorporate desirable features such as self-financing, business-like operations, policy responsiveness, and attracting foreign participants. The details of such a corporation could not be delineated during the course of this study. Therefore, if this organizational mode

is believed to be a viable alternative to the directorate for the future, a more extensive effort would need to be made to define its structure.

In comparing the directorate approach with that of a corporation, emphasis is placed on the fact that the creation of a directorate could proceed at once—that is, as soon as a determination were made that it would be needed to meet the government's varied objectives. The corporation, on the other hand, could not be created without the passage of legislation, in itself a time-consuming event. Furthermore, as noted above, the drafting of legislation would require considerable thought and time. The earliest opportunity to present legislation would be about June, 1975. Passage of legislation, with the attendant risk that Congress would modify it contrary to the wishes of the administration, would require an additional indeterminate period of time.

It would be possible in early CY 1975 to select a government corporation as the vehicle to eventually implement whichever policy approach is chosen. The ERDA directorate, as noted, could then perform necessary government functions in the near-term until these activities could be transferred to a corporation.

Resumption of government contracting for enrichment services by the Government could begin after obtaining mandatory congressional review (no legislation is required) if it is determined that either the directorate or a corporation is to form the long-term medium for provision of enrichment services domestically and abroad through continued contracting and construction of new capacity.

Organizational Issues. In comparing alternative government organizational options, the following set of key issues have been identified which are of significance in assessing the relative ability of each option to implement a particular policy approach. Each issue is explained and discussed briefly below.

1. *Policy responsiveness.* Whatever policy approach is chosen, there is agreement that the government enrichment entity should operate in a business-like manner but that it should also be responsive to national policies, particularly in the fields of general energy, international affairs and national security. The ERDA directorate should be adequately responsive. While the Hosmer corporation is deficient in this regard, a policy responsive corporation would, by definition, be designed to be responsive. However, there could be problems in reaching agreement within the Executive and with the Congress as to the most appropriate mechanisms to achieve this.

2. *Source of Financing.* The directorate concept includes a revolving fund, with excesses of revenues compared to costs returned to the Treasury and annual deficits (expected in the first 5 years even without new capacity expansion) met through new appropriations. Although a formal revolving fund would require legislative authorization, a de facto revolving fund could be established administratively pending passage of such legislation. This would be an improvement over the

present situation under which enrichment revenues are credited not against enrichment costs but against total agency appropriations. Net funding needs by the directorate would be requested through the congressional appropriations process and be treated as direct Federal outlays impacting on the budget. All government corporation concepts involve authority for the corporation to borrow funds from the private money market or, alternatively, to borrow from the Treasury. Regardless of the source of funds, the net outlays of the corporation would be included in Federal fiscal totals while, at the same time, these expenditures would be made without being subject to normal Presidential and congressional fiscal controls associated with the annual appropriations process. The resulting fiscal independence enhances the capability of the corporation to carry out its programs, but can complicate the problem of insuring the policy responsiveness which is otherwise desired, as noted earlier.

3. *Related ERDA Activities.* It does not appear feasible to completely separate from ERDA all of the activities related to or impinging upon enrichment. Some key related matters include classification and materials control policies, activities relating to natural uranium availability, enriched uranium transactions with DOD, and other international energy cooperation activities. The ERDA directorate permits issues in these areas to be addressed by a single Agency head. All corporation concepts would generate a new set of problems by introducing an additional entity into interagency decisions on U.S. enrichment policy matters.

4. *Timely Assurance.* Actions involving the creation of a new entity might introduce a lengthy period of uncertainty and delay pending final passage of the needed legislation. Problems associated with lame-duck leadership might arise in the interim, depending upon how different the new concept is in its top policy making structure from that previously in existence. There is also a risk that the final product might differ in some significant respect, because of congressional action, from the original Executive conception. These difficulties may be particularly acute for the establishment of a corporation. The directorate could be emplaced by the ERDA administrator without legislation. However, it might be desirable to have it subsequently validated by a legislative action. It should be noted that the internal Agency aspects of the associated revolving fund could also be put into force immediately by administrative action on the part of the ERDA administrator although legislative authority would be required to bring it fully into effect.

5. *Existing Plants.* A special problem exists in the Hosmer corporation legislation in that it contemplates the disposition of the existing government plants to private industry. This study finds that such action is presently undesirable and would not contemplate such authority or action either by the directorate or the policy responsive corporation—both of which would assume responsibility for the existing plants.

6. *Operability.* There is a question as to whether any new entity would be structurally able to fulfill its intended mission effectively. Major congressional legislative action might produce compromises which would impair the structure of the resulting organization. Alternatively, the original concept might ultimately prove defective and require revision (assuming that the action was in fact reversible) which, if further legislation were required, might prove difficult. The directorate concept appears somewhat more flexible in this regard than do other approaches.

III. CRITERIA FOR ENRICHMENT POLICY DECISIONS

In assessing the relative benefits and disadvantages of alternative courses of action to meet future enriched uranium needs, both domestic and foreign considerations must be taken into account. Presented below are criteria which can be used to evaluate the relative responsiveness of alternative approaches to these two sets of considerations.

A. DOMESTIC CRITERIA

1. *Assurance of adequate enriched uranium to meet projected fuel needs for the U.S. nuclear power program.* Assured and timely construction of new increments of enrichment capacity is required to support the projected growth of nuclear power in the U.S. through the balance of this century. The projected growth rate must be maintained if nuclear power is to make its essential contribution to achieving national energy objectives. An early commitment to the first increment of new U.S. enrichment capacity using diffusion technology would help to establish the needed climate of confidence among domestic utilities that fuel will be available to meet the requirements of their reactor programs. But it is at least equally important that the question of long-term supply be satisfactorily resolved.

2. *Organization of uranium enrichment processing on a competitive industrial basis.* The physical processing of natural uranium into enriched uranium for use in nuclear power reactors is a highly capital-intensive activity utilizing sophisticated technology. The process is essentially industrial in nature. It is, therefore, appropriate to organize this process on an industrial basis in order to secure the benefits of flexible management, receptivity to innovation, and responsiveness to the market. The introduction of centrifuge technology will permit enrichment plants to operate economically on a smaller scale than is possible with the diffusion process. This technology could permit a number of independent enrichment enterprises to come into being and to compete with one another. Transfer of uranium enrichment to the private sector would place the responsibility for determining the rate of expansion of enrichment capacity on free capital markets, where the requirements of the enrichment sector would be weighed along with competing demands for capital originating elsewhere in the economy.

3. *Minimization of the expenditure of Federal funds over both the short and long-term.* The projected growth needs of the domestic market for

enrichment services together with presently projected levels of U.S. foreign sales will require the addition of domestic increments of enriching capacity about every 18 months until the end of the century. If these increments of capacity are built by the U.S. private sector, the private sector will provide financing during the extended period of negative cash flow associated with each new plant. If, on the other hand, the U.S. Government were to retain continuing responsibility for providing enrichment capacity, AEC estimates that cumulative government expenditures through 1985, taking into account offsetting revenue from the existing plants, would be \$7–9 billion. Over the long-term (i.e., the 1990s), since government would operate the business, at minimum, on a cost recovery basis, it would break even or generate a surplus.

4. *Maximization of balance of payments earnings through foreign financial participation in U.S. enrichment plants and U.S. sales abroad of enrichment services.* It is estimated that the U.S. could capture approximately half of the foreign enrichment market over the coming decade, eventually yielding annual balance of payments credits of almost 800 million dollars by 1985. But this projection would prove to be extremely optimistic unless the U.S. moves ahead soon with the construction of additional capacity and regains credibility as an international supplier of enriched uranium services under terms competitive with foreign sources. The availability of U.S. uranium enrichment services for the life of a power plant under favorable terms contributes to the sale of U.S. light-water reactors abroad, and can thus indirectly serve to increase revenues from that source. It should be borne in mind that opportunities for foreign investment in U.S. enrichment plants can provide revenues and reduce capital outlays needed to construct new capacity. Similarly, multilateral enrichment plants built abroad with U.S. technology may assist in securing economic benefits for the U.S.

B. FOREIGN POLICY CRITERIA

1. *Restoration of confidence in the U.S. as a reliable supplier of enriched uranium services through a prompt decision to construct the next increment of enrichment capacity and a credible program designed to assure long-term supply for foreign as well as domestic users.* An early commitment to construct a fourth U.S. enrichment plant would have considerable benefit in restoring confidence in the U.S. as a reliable and credible source of supply. The present “contracting gap” is expected to continue to have deleterious foreign policy consequences abroad if permitted to persist even until the middle of next year. The ability of the U.S. to restore foreign confidence and thereby capture a reasonable share of the future world enrichment market will depend upon the development of a means to assure longer-term supply that meets the need for a succession of clear commitments to build subsequent plants; decisions

on which technology is to be chosen; and the proper phasing of new capacity to efficiently satisfy future domestic and foreign demands. In designing a U.S. policy for assuring long-term enrichment supplies, the crucial aspect from a foreign policy standpoint is not our own confidence in the success of any selected program but rather the perception of such a program by foreign suppliers and consumers.

2. *Assurance of competitive price and contract terms for enrichment services provided on a nondiscriminatory basis as between foreign and domestic users and among foreign clients.* For foreign as well as domestic consumers, reliability of future enriched uranium supply seems to be more of an issue than price and contract terms. The price of U.S. enrichment services is likely to remain roughly competitive with that charged by other suppliers under any of the available alternatives for developing new U.S. capacity. Foreign policy objectives would be advanced with flexibility to support special diplomatic needs, for example, by offering shorter-term contracts and priority allocations. As a general rule, assurance of nondiscriminatory treatment as between domestic and foreign customers is a particularly crucial concern for foreign policy interests. In this respect, there could be differences associated with particular ownership alternatives, both in their ability to assure equitable contract terms for all customers and in the willingness to supply services in cases where special risks may be perceived for certain non-U.S. customers.

3. *Facilitation of cooperation with foreign nations in planning and executing worldwide enrichment programs, including construction of multilateral plants abroad as well as foreign participation in U.S.-based enrichment plants.* The U.S. has a clear interest and standing commitments to consult and cooperate in the energy field, and has put forth specific proposals in the IEA for coordinating enrichment planning. Early resolution of U.S. intentions in building the next increment of enrichment capacity would facilitate foreign participation in U.S.-based plants, and is also a prerequisite for effective pursuit of broader U.S. multilateral proposals. The ability of the U.S. to propose and respond effectively to initiatives leading to the establishment of multinational enrichment facilities, possibly involving OPEC as well as OECD nations, will require a clear U.S. national program for assuring a long-term supply of enriched uranium and a coordinated policy for international cooperation in this field.

4. *Responsiveness to national security policy in achieving effective safeguards and export control mechanisms in the enrichment field as well as the ability to offer preferential treatment to NPT parties in enrichment services.* It is highly desirable for the U.S. to capture a substantial share of the foreign enrichment market in order to ensure that effective safeguards, physical security, and export controls are applied as foreign nuclear power programs increase dramatically over the next decade. Long-

term assurances of supply can offer continuing leverage in the enforcement of safeguards and place the U.S. in a position of strength in negotiating common export control measures with other key suppliers. Foreign participation in U.S.-based plants and the construction of multinational enrichment plants abroad with U.S. cooperation can support our nonproliferation objectives by limiting independent programs and offering a means of establishing effective safeguards on nuclear fuel and associated facilities. The requirement to insure appropriate international safeguards on transfers of U.S.-enriched uranium abroad will remain equally applicable under any mode of ownership, but the formulation of *new* U.S. nonproliferation policies affecting uranium enrichment can only be undertaken by close consultation among governments. In choosing among alternatives for future U.S. capacity, the ability to offer preferential treatment for NPT parties in enrichment services or related activities could be an important consideration.

IV. EVALUATION OF POLICY APPROACHES

ALTERNATIVE A: PERSEVERE IN SEEKING PRIVATE ENTRY

Pros

1. Current policy would, if successful, best place enrichment activities on a commercial and competitive basis in the private sector. (directorate has advantage of rapid establishment; corporation has advantage of more secure ability to fund industry support programs).

2. Avoid Federal Budget impact of \$7–9 billion through 1985. (ERDA directorate acquires funds from appropriations and internal revolving fund; corporation acquires funds from private money market and Treasury. Accordingly, corporation impact on government cash-flow less severe.)

3. Positive UEA decision within six months would help restore domestic and foreign confidence at least in near-term and make private entry policy more credible.

4. Once established, a private U.S. enrichment industry will actively seek foreign customers and investors, thus aiding the goal of capturing a substantial share of the foreign market.

5. Within government policy guidelines, private industry will, as corporate interests dictate, engage in technology transfer and multilateral plant activities with foreign organizations.

6. Given continuing legal and policy restrictions, private enrichment efforts would not substantially increase nuclear proliferation risks or subvert safeguards systems.

Cons

1. Six month delay in final UEA decision would continue damaging effect on U.S. foreign policy interests, with no guarantee that private entry will occur.

2. Unclear whether a "closure package" of enhanced U.S. Government support can be developed which will be acceptable to Executive (including possible assumption of guarantee obligations and other long-term implications for subsequent private projects) and to Congress if legislation is required.

3. Favorable UEA diffusion plant decision still leaves residual uncertainty over industry ability to provide longer-term capacity anticipated to employ centrifuge technology.

4. Leaving to private industry decisions on the expansion of enrichment capacity places constraints on the ability of the U.S. Government to coordinate energy cooperation activities with foreign nations including both orderly expansion of and multinational participation in enrichment facilities.

5. New U.S. policy initiatives in strengthening safeguards through multilateral, government-to-government, consultations with other key suppliers can be complicated by major private industry involvement in enrichment business.

ALTERNATIVE B: DEFER PRIVATE ENTRY

Pros

1. Early resolution of uncertainty over availability of next two plants through U.S. Government action with resumption of contracting will satisfy domestic near-term utility needs and substantially restore foreign confidence in U.S. as reliable supplier.

2. Maintains ultimate goal of private entry and, if successful, can obtain long-term benefits of a private enrichment industry and reduces Federal outlays for enrichment.

3. Private entry for subsequent plants could be facilitated by permitting industry to defer critical decisions until time of less technological and economic uncertainty.

4. Addition of new capacity built by U.S. Government assures that enrichment policy, at least in near-term, will remain highly responsive to special diplomatic needs as well as international energy and nonproliferation objectives.

Cons

1. Could defeat goal of ultimate private entry by creating precedent of U.S. Government construction whenever capacity must be assured, thus undercutting industry incentive to build plants and reducing customer interest in seeing a private enrichment business develop. As a minimum may prematurely preempt the current UEA initiative which has been responsive to an administration challenge and upon which substantial funds have been expended.

2. Results in Federal Budget impact of \$4–5 billion through 1985 for net costs associated with construction of two plants, and continued industry assistance program.

3. Congress may be reluctant to permit U.S. Government to resume contracting (with commitment to fund subsequent government capacity) for foreign needs in early 1975 on basis that more time should be allowed to obtain private entry since domestic needs will not be yet in jeopardy.

ALTERNATIVE C: ABANDON PRIVATE ENTRY OBJECTIVE

Pros

1. Resolves short- and long-term domestic and foreign uncertainty associated with present policy by establishing clear plan for all future enrichment capacity in the public sector (corporation superior to directorate for this approach in view of major and long-term budgetary and policy responsibilities; however, lengthy and uncertain formative process required for congressional approval of this approach and mechanism).

2. Optimum foreign policy responsiveness through close U.S. Government direction and permanent nature of the U.S. course of action. (directorate superior to corporation in policy responsiveness; however, corporation has greater assurance of fund availability to carry out programs.)

Cons

1. Substantial and continuing budget impact.

2. Uncertain whether Congress would authorize large-scale and long-term public sector commitment of this nature (whether involving directorate or corporation).

3. Foregoes advantages of private sector, free enterprise approach.

107. Memorandum of Conversation¹

Washington, January 6, 1975, 12:15 p.m.

PARTICIPANTS

President Gerald Ford
Dr. Fred C. Iklé, Director, U.S. Arms Control and Disarmament Agency
Lt. General Brent Scowcroft, Deputy Assistant to the President for National Security Affairs

President: Happy New Year.

Iklé: I have a bit of good news. The Senate has ratified the Geneva Protocol. A signing ceremony would show that the Legislature and Executive are now cooperating.

Another issue: The danger of nuclear proliferation. The Congress is very worried. Brazil, Argentina, Pakistan, Libya all may be looking around. South Korea also. A number of efforts are under way. We are trying to deal with the export of nuclear materials. Action is slow because the French are obnoxious.

What this comes down to is a number of hard decisions which may come at a price. For example, the Italians are holding back from signing the NPT. Some never will sign. But if it begins to unravel we could be accused of not doing enough.

President: How many potentials have not signed?

Iklé: Most of them. But if we could show motion with Italy, it might keep a sense of momentum.

President: What nuclear powers haven't signed?

Iklé: France and the PRC. But the PRC has not exported material. I bring this up to show that things have to be done. We are preparing a package for you of things which have to be done.

President: I think the success of getting the Senate to move was excellent and I congratulate you. I haven't focused on a signing ceremony.

Giscard seemed forthcoming on this at Martinique.

¹ Summary: Iklé updated President Ford and Scowcroft concerning the Senate ratification of the Geneva Protocol and the signatory status of the Non-proliferation Treaty and the Threshold Test Ban Treaty.

Source: Library of Congress, Manuscript Division, Kissinger Papers, Box CL 281, Memcons, Presidential File. Secret. The meeting took place in the Oval Office. At the end of Iklé's first comments, an unknown hand wrote: "[A ceremony was held on January 22.]" On January 22, Ford signed the instruments of ratification for the Geneva Protocol at a White House ceremony; for his remarks, see Document 114.

Scowcroft: Their team is coming next week. We don't know what they're coming with.

Iklé: But maybe if they won't join a conference we can work with them bilaterally. But France is preparing to export reprocessing plants, and there is no way to prevent diversion of materials from these.

President: Do they have the technical people—Israel, Pakistan, etc.?

Iklé: They are developing it, and the expertise is transferable from other (such as reactor) areas.

President: What do we do now?

Iklé: We must develop proper safeguards, such as we have in the export of reactors to Israel and Egypt.

President: What do they think of Vladivostok?

Iklé: They think the dropping of FBS was real progress. Some of them want the levels brought down and additional limitations added. Most of them feel this is a turning point. It will be important as we flesh out the treaty to deal with verification. We can't be trapped into promising absolute verification, but within limits. If we promise further negotiations, that will be important in getting the academics on board.

President: But first we must get this one signed. I think the opposition is dying, isn't it?

Iklé: Several of them want to know how much we will save.

President: If the sense-of-the-Senate resolution about renegotiating goes through, I will tell the Senators they should add a clause promising the five to ten billion dollars that will be necessary if they destroy the agreement by forcing a renegotiation.

Iklé: In the last analysis, few of them will want to destroy the agreement. Do you have time for a minute on MBFR?

President: Yes.

Iklé: The talks are somewhat stalemated. There are three key elements: One, the nuclear package. It shouldn't follow too closely on Vladivostok. But the Nunn amendment requires the Secretary of Defense to report on reductions in overseas nuclear deployment. Two, the Soviet pressure for European reductions. Three, the connection with CSCE. It would look bad if there were no progress in MBFR. While there is no formal coupling, there is an informal political coupling. We don't care about CSCE, but we do care about MBFR. It would be embarrassing if one moves without the other.

President: Is MBFR stalemated?

Iklé: We do have tentative agreement on adding air manpower. We may be able to combine stages one and two into one, to help the USSR. In the last analysis, if there is no agreement, we should have at least made a proposal that is convincing to the Congress.

President: I think the new House will be worse than the last. It would be bad to be forced to give something without getting anything in return. With the new Congress reconvening, we have to have a story of pushing hard.

Any change of attitude on the part of the Europeans?

Iklé: The Germans are not pushing for reductions, but as you know, the Brits are. We have to be careful a landslide doesn't start, because Congress wants American, not European reductions.

President: How about the Threshold Test Ban?

Iklé: The talks start in February. The big issue is PNEs above the threshold. It has implications for the NPT. As a personal judgment, if we can't get PNEs restricted to below the threshold, we may not want to sign the TTB and submit it to Congress. The Soviets probably wouldn't want it submitted if it would be defeated.

President: I appreciate your bringing me up to date. I hope we can give Resor some forthcoming recommendations. It would be a disaster to have to give things away without getting anything in return.

Thanks for coming in. Keep me posted through Henry or Brent and I'll see you at the next NSC meeting.

108. Memorandum From the Deputy Secretary of State (Ingersoll) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 8, 1975.

SUBJECT

Department of State Position on NSSM 209 (Uranium Enrichment Capacity)

The Department of State has reviewed the study prepared by an interagency working group in response to NSSM 209, transmitted for comments by the NSC staff on December 19, 1974. Our recommended position on U.S. enrichment policy, presented below, is based primarily on foreign policy considerations, but we have also taken domestic concerns into account.

Discussion

U.S. enriched uranium supply policy influences our overall political relations with major countries and specifically affects our nonproliferation and energy cooperation efforts as well as our balance of payments position. All of these concerns have suffered during the past year due to the uncertainty over whether, when, and how new enrichment capacity would be built, and because of the particularly acute damage caused by the “contracting gap” which began last summer and which continues to exacerbate our foreign policy problems in the areas noted. Indeed, this created the situation which led the Department of State to request an interagency study of U.S. enrichment policy.

Last August, the President publicly affirmed the intention of the United States to remain a reliable source of enriched uranium fuel for foreign as well as domestic users. To support this declaration, prompt action is now needed to restore the credibility of the U.S. as a world supplier of enriched uranium services—not only a firm decision to commit a fourth enrichment plant and begin contracting, but also the development of a credible long-term program for achieving the additional capacity to serve foreign and domestic markets on a nondiscriminatory basis under competitive price and contract terms. This is as much a political and psychological matter, involving perceptions and

¹ Summary: Ingersoll summarized the Department's position on U.S. uranium enrichment policy.

Source: Ford Library, National Security Council, Institutional Files—NSSMs, Box 31, NSSM 209—Future Uranium Enrichment in the U.S. (4). Secret. The NSSM 209 study is Document 106. NSSM 209 is Document 79.

attitudes, as it is a technical question of actually being in a position to supply fuel when needed.

It is equally important that our enrichment programs remain highly responsive to U.S. Government policy in the critical and dynamic fields of energy cooperation and nuclear nonproliferation. The right decision at this time would complement and reinforce our international energy policy actions and strengthen our negotiating position with other oil consumers as we prepare for a producer-consumer dialogue. American proposals for enhanced cooperation in nuclear fuel supply among members of the International Energy Agency, which can show OPEC that the industrialized nations intend to diminish their dependency on oil, must be supported by an active U.S. uranium enrichment effort carefully shaped by policy-making authorities. Given the renewed risks of proliferation, there is a need to assure that our international enriched uranium position adequately supports national and multilateral attempts to prevent the further spread of nuclear weapons, both by providing the vehicle for instituting safeguards over foreign power programs and by creating leverage through foreign dependence on U.S. fuel supply.

Demand projections based upon domestic needs indicate that a commitment to construct the fourth gaseous diffusion plant should be made no later than mid-1975 in order for the plant to provide fuel by 1982. An additional six-month delay in resuming contracting would compound our international problems, and any subsequent delay would have severely deleterious consequences for U.S. foreign policy interests through extension of the "contract gap" for an intolerably long period. Entirely apart from foreign policy, our domestic energy objectives argue for the early need to establish a clear plan to provide enrichment capacity. Stabilizing this vital component of the fuel cycle would materially assist U.S. utilities to move forward with nuclear power plant projects on schedule.

The status and prospects of the UEA private industry effort aimed at building a fourth gaseous diffusion plant remain highly uncertain. Despite its loss of partners, Bechtel continues to persevere in this endeavor, but it has thus far failed to induce electrical utilities in the U.S. and abroad to invest in the plant or to negotiate final fuel contracts—partly because of the stringent terms that UEA has demanded and partly because of the difficult financial position of many domestic utilities. This situation has led to consideration of expanded programs of U.S. Government assistance and assurance to UEA in an effort to make a private commitment possible. However, it is far from certain that a feasible "closure package" could be agreed upon to ensure a timely and positive UEA decision, particularly if crucial elements of this assistance package require new legislation and major government commitments.

The perceived benefits of establishing the private entry policy in 1971 were obviously persuasive to U.S. decision makers at that time and many arguments for continuing this policy can be made. However, given the delays and difficulties experienced in seeking to transfer responsibility for the next increments of enrichment capacity to the private sector, it would seem reasonable at this stage to question the advisability of the “privatization” policy as currently conceived. Four issues warrant special consideration:

1. Although there is no guarantee of success, if we persevere in seeking private entry, we might be able to achieve a UEA commitment by the end of June to build a fourth gaseous diffusion plant. While this may be soon enough to avoid a supply gap, the continued inability to resume contracting promptly would, as indicated, further damage our foreign policy interests and weaken the ability of the U.S. to maintain a sizeable share of the foreign enrichment market. The immediate resumption of government contracting above present plant capacity, pending UEA’s decision and with termination of these contracts in favor of a private plant when committed, has been suggested as a means of ending the “contracting gap.” However, even if this step were approved by Congress, we share AEC’s assessment that it would undercut prospects for private entry by removing the incentive for utilities to sign contracts with UEA, since the government would be seen as committed to provide new capacity. Moreover, even if initial private entry is achieved, it is unclear, given technological, financial, and marketing uncertainties, whether the process could be repeated with other firms using different technology (e.g., centrifuge) to provide the succession of new facilities needed to support our foreign and domestic enrichment objectives over the coming decades. In any event, whatever our domestic plans and programs, most foreign customers would at this point be expected to doubt the long-term reliability of a U.S. private entry policy.

2. The assumption that the enrichment business is conducive to private ownership, at least in the near term, should be reviewed in light of recent experience. The proposal to offer major assistance to facilitate UEA’s commitment raises the prospect of a government-subsidized and federally supported industry with few of the characteristics of competitive free enterprise. In any case, progress in centrifuge technology suggests that there may not be room for private competition in diffusion plants beyond the next increment. Yet the prospect of early private commitments to large centrifuge plants is uncertain, since the AEC’s centrifuge demonstration program implies that substantial government assistance in the form of jointly funded pilot-scale facilities will be necessary to ensure that commercial-scale plants are built to meet future demand. Despite the fact that other elements of the nuclear

fuel cycle in the United States are in private hands, enrichment technology, financing, and planning present unique problems. As in the case of nuclear waste disposal (and as might well be the case in fuel reprocessing), the enrichment function at this juncture might best be accomplished through a government entity. Of course, under any form of government responsibility, private industry would continue to play a major role in the enrichment field through research and development activities, component manufacturing responsibilities, and plant construction and facility operations under government contracts.

3. The strongest argument favoring a policy of turning to the private sector to provide enrichment services is that it would avoid the necessity of making a substantial investment of government funds over the next decade—which would not yield offsetting revenues until the 1990s. However, it is possible to avoid this problem through the establishment of a government corporation to assume responsibility for developing new capacity and operating the three existing plants—while holding open a future ownership role for the private sector in building additional elements of capacity. Funding such a corporation would not necessarily involve congressional appropriations or direct federal outlays; self-financing could be accomplished by borrowing from the private money market or from the U.S. Treasury which would issue bonds. While the net expenditures of such a corporation would be included under the federal debt ceiling, such expenditures would not contribute to the federal budget deficit—as would be the case if ERDA built new plants. Also, a government corporation would be structured to permit the investment of foreign capital. Some foreign countries would welcome the opportunity to invest in return for the increased assurance they would gain regarding supplies of reactor fuel (and of course for a share of the net revenues or bond interest).

4. In terms of responsiveness to foreign policy requirements, successful private ownership may be acceptable, but either direct government ownership or a properly-designed government corporation are clearly preferable. In the energy field, government planning is necessary to integrate multilateral initiatives abroad with capacity increases at home; our ability to initiate multilateral enrichment programs has already been inhibited by our private entry policy. While industry would be subject to government safeguard agreements and national export controls, the formulation and implementation of new non-proliferation policies could be complicated by the existence of diverse U.S. enrichment firms committed to corporate goals. In addition, flexibility in offering enrichment services under special terms to particular countries for diplomatic purposes or as preferential treatment to NPT parties would be diminished under private ownership. As a general point, although American industry would be motivated to remain competitive

on price and contract requirements in the world market, it should be recognized that the U.S. is competing internationally with enrichment organizations in which foreign governments play major roles.

Recommendation

The Department of State recommends that an immediate decision be made to establish a policy-responsive government corporation to assume the responsibility for managing existing enrichment plants and building new increments of capacity, holding open the prospect of ultimately transferring to the private sector some or all of the responsibility for constructing additional facilities. In terms of the options presented in the NSSM 209 report, our recommendation would fall between alternative B, which explicitly defers private entry until after the fourth and fifth plants are built, and alternative C, which forms a government corporation to assume complete and indefinite responsibility for enrichment.

In brief, our recommendation rests upon the following judgments:

—Short-term and long-term foreign policy interests would be extremely well served through a government corporation which would not only permit a rapid removal of the present “contracting gap,” but would also provide a policy and management framework to assure the orderly introduction of new capacity, scaled to meet foreign as well as domestic needs. Establishment of such a corporation would permit the smooth integration of plants utilizing advanced technologies presently being developed.

—A decision to move forward decisively in assuring future nuclear fuel supply under a government corporation would strengthen efforts to utilize alternative energy sources in the United States, and help support similar efforts on the part of industrialized nations abroad. It would demonstrate to OPEC as well as to major consumers our determination to respond to the current crisis.

—In contrast with direct ERDA ownership, our recommended course of action would avoid contributing to federal budget deficits. At the same time, a carefully designed corporation could remain highly responsive to government policy and would be more responsive than private ownership. Safeguards initiatives could be carefully managed, foreign participation in U.S.-based enriched plants could be encouraged, and multilateral facilities located abroad could be supported by such a corporation. Efficient operations and timely capacity decisions, moreover, could help ensure that the U.S. would capture an appreciable fraction of the foreign enrichment market, thus yielding financial as well as policy benefits.

—Under the recommended policy, private industry would remain active in enrichment efforts through R&D, manufacturing, and plant construction and operations. With this continued experience, and as a

consequence of technical assistance naturally provided by the corporation as a U.S. Government instrument, private industry could, at some future time, reach the position where it would be both desirable and feasible for certain companies to finance, build, and own specific increments of enrichment capacity (perhaps a series of small-scale centrifuge plants) within an overall supply program and policy framework. Whether this would result in private and corporation plants operating side by side or ultimately involve transferring all new enrichment capacity to the private sector need not be resolved at this stage.

The scenario associated with our recommendation would include the following steps:

- (1) An announcement by the President in February 1975 that, due to factors largely beyond the control of the firms involved, the effort to achieve private entry into the enrichment field has been unsuccessful, and that the administration would shortly introduce legislation to establish a government corporation to build and operate enrichment plants, until such time as conditions warranted transfer of some or part of this responsibility to the private sector.

- (2) Subject to approval by the Joint Committee on Atomic Energy, an immediate resumption of contracting by ERDA (preferably through an enrichment directorate), associated with a Presidential decision to request initial plant construction funds in ERDA's FY 77 authorization.

- (3) An urgent and comprehensive interagency study of the preferred structure of a policy-responsive government corporation to be formed within a year to assume responsibility for U.S. enrichment efforts, consistent with foreign and domestic objectives and recognizing the goal of selective ownership opportunities for private industry in the future.

- (4) Informing UEA of the President's decision as soon as possible, noting that, with its unique experience as the only industrial entity to have studied the question of building a new diffusion plant in the U.S., Bechtel would be in an excellent position to seek the contract to construct and operate a new plant but could not be assured a preferred status.

- (5) A plan to discuss the rationale and objectives of the President's decision at high levels with officials of electric utilities and nuclear companies, as well as with prominent public figures and foreign representatives, in an attempt to obtain constructive support at home and abroad.

Robert S. Ingersoll

109. Memorandum From David Elliott of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 13, 1975.

SUBJECT

Presidential Report to Congress Regarding Nuclear Safeguards and the Export of Nuclear Technology and Materials

The 1974 Export Administration Act requires the President to report to Congress before April 30, 1975, on the adequacy of U.S. regulations and domestic and international safeguards in preventing nuclear proliferation or theft (Tab B).

The AEC is prepared to assemble the reports in coordination with other interested agencies, but needs a directive from the Executive Office indicating that is how the President wants the matter pursued.

Because of the national security and foreign policy aspects to the requested reports, and our involvement in this issue through NSDM 235, 254, and 255 and NSSM 202, the NSC is the appropriate mechanism to obtain the Presidential directive, and to request and receive the reports from the AEC. OMB and CIEP agree.

The memorandum to the President (Tab I) requests his approval to the study directive (Tab A).

Dick Kennedy concurs.

Recommendation:

1. That you initial the memorandum to the President (Tab I).
2. If he approves, that you sign the study directive (Tab A).

¹ Summary: Noting that the 1974 Export Administration Act required President Ford to report to Congress regarding nuclear safeguards, Elliott informed Kissinger that the Atomic Energy Commission required a directive from the Executive Office of the President to coordinate the necessary reports.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 12, 7500237, Presidential Report to Congress on Nuclear Safeguards and Export of Nuclear Technology and Materials. No classification marking. Sent for action. Tab I is Document 110. Tab A is Document 111. Tab B, containing the text of Section 14 of the 1974 Export Administration Act, is attached but not published. NSDM 235 is Document 18; NSDM 254, April 27, 1974, concerns domestic safeguards; NSDM 255 is Document 53; NSSM 202 is Document 50; and the NSSM 202 study is Document 57.

110. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Ford¹

Washington, undated.

SUBJECT

Report to Congress Regarding Nuclear Safeguards and the Export of Nuclear Technology and Materials

The 1974 Export Administration Act requires that you report to Congress before April 30, 1975, on the adequacy of U.S. regulations and domestic and international safeguards in preventing nuclear proliferation or theft (Tab B).

The AEC (and ERDA and the NRC which will succeed it) is prepared to assemble the reports in coordination with other interested agencies. The directive at Tab A requests such action.

Recommendation

That you approve the issuance of the memorandum at Tab A directing the preparation of the required reports to Congress on nuclear safeguards.

¹ Summary: Kissinger recommended that President Ford sign the attached memorandum directing the Atomic Energy Commission to prepare reports regarding nuclear safeguards.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 12, 7500237, Presidential Report to Congress on Nuclear Safeguards and Export of Nuclear Technology and Materials. No classification marking. Attached as Tab I to Document 109. Scowcroft initialed Kissinger's approval on behalf of President Ford. Tab A is Document 111. Tab B, containing the text of Section 14 of the 1974 Export Administration Act, is attached but not published.

111. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to Secretary of Defense Schlesinger and Other Addressees¹

Washington, January 15, 1975.

MEMORANDUM FOR

The Secretary of Defense
The Attorney General
The Secretary of Commerce
The Director, Office of Management and Budget
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Director of Central Intelligence
The Chairman, Atomic Energy Commission
The Executive Director, Council on International Economic Policy

SUBJECT

Presidential Report to Congress Regarding Nuclear Safeguards and the Export of Nuclear Technology and Materials

The Export Administration Act Amendments of 1974 include the following Section:

"Sec. 14. The President is directed to review all laws, regulations issued thereunder by the Atomic Energy Commission, the Department of Commerce, and other government agencies, governing the export and re-export of materials, supplies, articles, technical data or other information relating to the design, fabrication, development, supply, repair or replacement of any nuclear facility or any part thereof, and to report within six months to the Congress on the adequacy of such regulations to prevent the proliferation of nuclear capability for non-peaceful purposes. The President is also directed to review domestic and international nuclear safeguards and to report within six months to the Congress on the adequacy of such safeguards to prevent the proliferation, diversion or theft of all such nuclear materials and on efforts by the United States and other countries to strengthen international nuclear safeguards in anticipation of the Review Conference scheduled to be held in February 1975 pursuant to Article VIII, section 3 of the Treaty on the Non-Proliferation of Nuclear Weapons."

¹ Summary: On behalf of President Ford, Kissinger directed the Atomic Energy Commission to prepare reports on nuclear safeguards and the export of nuclear technologies and materials, as directed by Section 14 of the Export Administration Act Amendments of 1974.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 12, 7500237, Presidential Report to Congress on Nuclear Safeguards and Export of Nuclear Technology and Materials. No classification marking. Copies were sent to Anders and Seamans. NSDM 235 is Document 18. NSDM 255 is Document 53. NSSM 202 is Document 50.

The President has requested the Atomic Energy Commission to prepare the reports specified in Section 14 and to coordinate them with the other addressees listed above. The President has directed that the Energy Research and Development Agency (ERDA) assume responsibility for preparation of the reports when that agency comes into being and that it also seek the views of the Nuclear Regulatory Agency in regard to adequacy of domestic safeguards.

The reports should draw upon the studies conducted in connection with NSDM 235 and 255, NSSM 202, and other policies and plans relating to domestic and international safeguards and the prevention of nuclear proliferation.

These reports should be forwarded to the President before March 31, 1975.

Henry A. Kissinger

112. Telegram 178 From the Mission to the North Atlantic Treaty Organization to the Department of State¹

Brussels, January 16, 1975, 1600Z.

178. Subj: TTBT-PNE Negotiations and EnMod Discussions: Letter to NAC. Ref: State 10042 (Notal).

In accordance with instructions in State 10042 (Notal), Mission sent letter to SYG and copies to PermReps on January 16, 1975. Text of letter follows:

Begin text:

Dear Joseph:

The purpose of this letter is to summarize for you and other Council members the negotiations on an agreement governing nuclear explosions for peaceful purposes (PNEs) in accordance with Article III of the Threshold Test Ban Treaty (TTBT), and discussions pursuant to the

¹ Summary: The mission reported that at the Department's request, it had sent a letter to NATO Secretary General Luns summarizing both the TTBT/PNE and environmental modification negotiations in Moscow.

Source: National Archives, RG 59, Central Foreign Policy File, [no film number]. Secret. Repeated to all NATO capitals and Moscow. All brackets are in the original except those indicating omissions in the original text. In telegram 10042 to USNATO, January 15, the Department instructed the Mission to prepare the letter for Luns. (Ibid., D750016-0220)

U.S.-Soviet joint statement of July 3, 1974, on the subject of environmental warfare, both of which were recently begun in Moscow.

Article III of the Threshold Test Ban Treaty provided that “underground nuclear explosions for peaceful purposes shall be governed by an agreement which is to be negotiated and concluded by the parties at the earliest possible time.”

The first round of these negotiations took place in Moscow from October 7 until November 6, 1974.

The principal tasks of the U.S. delegation were to elicit Soviet views and proposals on the content of the PNE agreement and to obtain a better understanding of the nature of the Soviet PNE program. During the negotiations the U.S. delegation stressed that any PNE agreement must satisfy the following criteria:

(I) PNEs must not provide weapon-related benefits otherwise precluded or limited by the TTBT.

(II) The fact PNE activities are not contributing to such benefits must be adequately verifiable.

(III) The agreement must be consistent with existing treaty obligations, including in particular the Limited Test Ban Treaty (LTBT).

In addition to elaborating on these basic criteria, the U.S. delegation presented details of its PNE program, noting in particular that it is very limited in scope; the Soviet program appears to be much broader. The U.S. delegation stated that prospects for the future involve only the possibility of a few experiments using contained PNEs. With respect to verification, the U.S. delegation took the position that, for all PNEs, information on the yield, purpose, depth of burial, geographical coordinates and geology of the explosion site, including basic physical properties of the rock, should be provided with observers confirming as much of this information as possible.

In the Moscow negotiations, the following principal features of the Soviet position emerged:

(I) They asserted that there should be no limits on the yields or numbers of PNEs, claiming that this was consistent with the obligations of NPT Article V. They proposed that the time, location, yield and purpose of PNEs greater than 150KT. be provided prior to the event, with actual yield and results provided afterward. For PNEs with yields greater than about 50–70 KT., but below 150 KT., similar pre-shot data would be provided, but added data would be provided only for cases where they considered that the yield might be assessed as above the threshold. For PNEs below 50–70 KT., verification would rely on national technical means.

(II) They proposed a “broad” agreement of cooperation with the U.S. in PNEs, in which the TTBT Article III verification provisions

would be embedded. They stated that the agreement might include a joint commission on cooperation in PNEs, exchanges of information, instruments and technical personnel, joint scientific R&D work in the institutes of both countries and joint PNE projects in third countries in accordance with Article V of the NPT. They are also attempting to tie the degree of cooperation involved in the "narrow" task of verification under Article III of the TTBT to how "broad" an agreement the U.S. will accept. Soviet delegation Chairman Morokhov remarked that if the PNE agreement is narrowly confined to Article III considerations then only "minimum" verification information would be provided.

(III) The Soviets agreed in principle at the July Summit that U.S. observers could be present for at least some PNEs, but, as reported to the NAC by Secretary Kissinger on December 12, in the first round of these negotiations their delegation backed away from this understanding. Morokhov stated that he could not tell us whether or not the Soviets now favor arrangements for observers. The Soviet delegation indicated that the verification information to be obtained by observers would be routinely available to participants or "representatives" in joint PNE projects. They did not, however, rule out an Article III agreement dealing with verification matters only.

(IV) The Soviets also discussed their current PNE program and listed several applications that might be undertaken in the future.

The U.S. delegation noted that the Soviet listing of PNE applications did not include any contained PNEs above 100 KT. and offered, on an ad referendum basis, to accept a 100 KT. limit on contained PNEs provided adequate verification, including observers, were assured. The Soviet delegation did not accept this proposal. They stated among other reasons that some contained applications might eventually require much larger yields. The TTBT/PNE negotiations are now in a working recess. They are expected to resume about February 10.

At the July 1974 U.S.-USSR Summit meeting, the U.S. agreed with the Soviets to advocate effective measures to overcome the dangers of the use of environmental modification techniques for military purposes. The two sides agreed to meet bilaterally to explore the problem. Pursuant to the summit statement, U.S. and Soviet representatives met in Moscow from November 1 through November 5. The objectives of the U.S. delegation were:

(I) To explore and assess the nature and scope of Soviet interest in measures to overcome the dangers of the use of environmental modification techniques for military purposes;

(II) To assess the prospect of eventually arriving at a common approach, and to make clear to the Soviet side that such an approach

cannot be expected on the basis of the draft convention the Soviet Union introduced in the UN General Assembly.

During the meeting the Soviets repeatedly pressed the U.S. side to accept their draft or to table a draft on its own. They emphasized that prohibited activities should be specified in detail and include research and development. The U.S. side made clear the unacceptability of the Soviet draft as a basis for the discussions. The delegation stressed the need, as the first step, to agree on a satisfactory conceptual approach to defining the subject matter of any measures; and for differentiating measures concerned with this matter from other arms control problems, the environmental effects of weapons, and other “environmental” problems. It was made clear that in the U.S. view consideration of a convention, including the degree of detail required, at this exploratory stage was premature.

With regard to conceptual approach, the U.S. side proposed that the subject matter under discussion be defined as “efforts to release or manipulate, through the use of environmental modification techniques, natural processes or forces for purposes of destruction or disruption directed against an adversary.” In particular, the U.S. delegation suggested that the use for military purposes of such techniques which could have widespread, long-lasting or severe effects should fall within the purview of any proposed ban.

The U.S. delegation also sought clarification of the intended scope of the Soviet draft convention, which refers to “military and other purposes incompatible with the maintenance of international security, human well-being and health.” The Soviet side indicated that this language was designed to cover all possible hostile uses of environmental modification techniques, whether or not they were conducted in a declared war. They made clear that incidental effects of civilian applications would not be included.

In response to the Soviet proposal for a ban on research and development of environmental modification techniques, the U.S. side stated that a broad prohibition of R&D was not practical. The delegation pointed out the intrinsically dual (civil or military) applicability of much research on environmental modification and the likely impracticability of verifying a broad prohibition on research and development for military purposes.

In the course of the meeting, the sides also examined the state of scientific and technical research in various areas of environmental modification.

From the point of view of both sides the exchange of opinions in Moscow was useful for clarification and reaching agreement on posi-

tions in the future. It was agreed to hold further consultations in Washington at a later date. These consultations [omission in the original]

I am sending copies of this letter to our colleagues on the Council.

End text.

Bruce

113. Telegram 12344 From the Department of State to the Embassy in the Soviet Union¹

Washington, January 18, 1975, 0012Z.

12344. Subject: Venting of Underground Explosions. Geneva for CCD.

1. Acting Assistant Secretary Stabler called in Soviet Minister Counselor Vorontsov on January 16 to give him the following note verbale.

Begin quote. The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to remind him of the continuing importance attached by the Government of the United States to the full compliance by the Government of the Soviet Union with the provisions of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water, signed at Moscow on August 5, 1963.

In this connection, the Government of the United States wishes to call to the attention of the Government of the Soviet Union the collection by the Government of the United States outside the borders of the Soviet Union of radioactive debris directly associated with the Soviet nuclear explosions of August 29 and November 2, 1974. The Government of the United States is concerned by these occurrences, which are inconsistent with the terms of the 1963 Treaty of Moscow.

The United States Government has on several occasions since 1963 communicated to the Government of the Soviet Union its views con-

¹ Summary: The Department transmitted the text of a note verbale that Stabler delivered to Soviet Minister Counselor Vorontsov on January 16.

Source: National Archives, RG 59, Central Foreign Policy File, D750020-0208. Confidential. Drafted by Humphrey (EUR/SOV); cleared by Mark Garrison (EUR/SOV) and McNeill; approved by Wells Stabler (EUR). Repeated for information to the Mission to the IAEA at Vienna, USUN, and the Mission in Geneva. See Document 36 regarding the March 21, 1974, U.S. aide-mémoire transmitted in State 57208. The May 22 Soviet reply was not found.

cerning 17 previous nuclear explosions which have similarly caused radioactive debris to be present in the atmosphere outside the territory of the Soviet Union. As recently as May 22, 1974 the Soviet Union replied to the latest United States communication on this subject, the U.S. aide-mémoire of March 21, 1974, and stated that, “appropriate Soviet authorities were and are taking the necessary measures for strict observance of Moscow Treaty of 1963 . . .”

As an original party to the 1963 Treaty of Moscow, the Government of the United States expects the Government of the Soviet Union to take steps to prevent any recurrence of such incidents. United States Government experience in recent years has shown that with proper precautions it is possible to prevent causing radio active debris to be present outside the territory of a state conducting nuclear explosions.

The United States Government is of the view that full compliance with the terms of the 1963 Treaty of Moscow by all parties is of vital importance, both for preserving the integrity and effectiveness of this treaty and also for the development between the Governments of the United States and of the Soviet Union of that state of mutual confidence necessary to ensure the success of future efforts to regulate nuclear explosions. The Government of the United States assumes that the Government of the Soviet Union fully shares this view. *End quote.*

2. Vorontsov said that he would transmit the note verbale to his authorities and that a reply would be provided in due course.

Kissinger

114. Editorial Note

On January 22, 1975, President Gerald R. Ford signed the instruments of ratification of the Geneva Protocol of 1925 and the Biological Weapons Convention. At an afternoon ceremony in the East Room of the White House, the President made the following remarks:

“This is a very auspicious occasion. I am signing today the instruments of ratification of two important treaties that limit arms and contribute to lessening the horror of war.

“The first, the Geneva Protocol, prohibits the use in war of lethal and incapacitating chemical and bacteriological weapons. Its ratification completes the process, I should say, which began nearly 50 years ago in 1925, when the United States proposed and signed the protocol.

"The United States, I am glad to say, has always observed the principles and objectives of the protocol. The ratification today marks our formal commitment.

"Although it is our position that the protocol does not cover riot control agents and chemical herbicides, I have decided that the United States shall renounce their use in war as a matter of national policy, except in a certain, very, very limited number of defense situations where lives can be saved. This policy is detailed in the Executive Order that is being issued today.

"The second treaty that I am signing is the Biological Weapons Convention, which prohibits the development, production, and stockpiling of bacteriological weapons.

"It is the first international agreement since World War II to provide for the actual elimination of an entire class of weapons—namely, biological agents and toxicants.

"As evidence of our deep commitment to the objectives of this Biological Weapons Convention, we have already destroyed our entire stockpile of biological toxicant agents and weapons. Our biological warfare facilities have been converted to peaceful uses.

"The final act in the process of ratifying this convention requires the deposit of the Instruments of Ratification in Washington, London, and Moscow, which will be done when the United Kingdom and the USSR complete their respective ratification procedures.

"Finally, I believe that these acts of ratification demonstrate the desire of our nation to create and to contribute to a more peaceful world, and I pledge to you that I will continue in the search for new measures to promote that cause.

"I congratulate the Members of the Senate, the Members of the House, and the American people for backing and supporting action of this kind. So, I will sign both." (*Public Papers: Ford, 1975, Book I, pp. 72–73*)

Also on January 22, the White House released the President's statement on the Geneva Protocol of 1925 and the Biological Weapons Convention. The text is *ibid.*, pages 74–75. The President signed Executive Order 11850, "Renunciation of certain uses in war of chemical herbicides and riot control agents," on April 8.

115. Minutes of a Senior Review Group Meeting¹

Washington, January 27, 1975, 10:50–11:25 a.m.

SUBJECT

Chemical Weapons Policy (NSSM 192)

PARTICIPANTS*Chairman*

Henry A. Kissinger

State

Robert Ingersoll

Helmut Sonnenfeldt

William Hyland

Defense

William Clements

Robert Ellsworth

Dr. James P. Wade

JCS

Lt. Gen. John W. Pauly

CIA

Lt. Gen. Vernon Walters

[*name not declassified*]*ACDA*

Dr. Fred Iklé

Thomas Davies

NSC Staff

LTG Brent Scowcroft

Dr. David Elliott

James Barnum

SUMMARY OF CONCLUSIONS

It was agreed that:

—the working group would prepare a paper showing the arguments for and against producing binary chemical weapons on a best-case basis. The paper would also include a deployment scheme and the costs of deployment and production of binaries.

Secretary Kissinger: I'm sorry I'm late. Do we need—have a briefing?

General Walters: I have one if you want. It's short. (Began to brief from the attached.)

¹ Summary: The Senior Review Group met to discuss U.S. policy regarding the production of nuclear weapons and possible support for an international agreement on the limitation of chemical weapons. Participants agreed the working group would prepare a paper describing the arguments for and against binary chemical weapon production.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 23, Meeting Minutes—Senior Review Group, November 1974–January 1975. Top Secret; Sensitive. The meeting took place in the White House Situation Room. All brackets and ellipses are in the original except brackets indicating text that remains classified and “[Stapleton]”, added for clarity. NSSM 192 is Document 29. For a summary of the NSSM 192 study, see Document 76. The briefing by Walters, attached but not published here, is printed in *Foreign Relations, 1969–1976*, volume XXXV, National Security Policy, 1973–1976 as an attachment to Document 51. Elliott and Sonnenfeldt's January 25 memorandum briefing Kissinger on the meeting is *ibid.*, Document 50.

Secretary Kissinger: Did you say the Soviets have an antidote for nerve gas?

General Walters: Yes, they do.

Secretary Kissinger: How do they use it? What form is it in, pills? [*name not declassified*]: No, it's injected by a syringe.

General Walters: (Continued to brief.)

Secretary Kissinger: Who's this you're talking about?

General Walters: Iraq. Iraq wants to develop an offensive chemical weapons (CW) capability. They have purchased and installed a nerve agent production plant which may give them an agent capability by this Spring. They want it to use against the Kurds. (Finished his briefing.)

Secretary Kissinger: As I understand it, we have two issues before us. The first is what should U.S. policy be regarding the production of chemical weapons. The second is whether we should support some type of international agreement on the limitation of chemical weapons at Geneva. In respect to the first issue, we have three options as I understand it. The first is whether we should acquire binary chemical weapons. The second is whether we should rely instead on our existing CW offensive capability, and the third is, in effect, doing away with our capability and relying instead on conventional and nuclear forces. We don't really have the first option because of congressional opposition, isn't that right?

Mr. Clements: Well, I don't know, Henry. Senator Stennis has indicated to me that he would help us if the President supports the acquisition of binary weapons.

Secretary Kissinger: Do you think such a thing would ever get through Congress?

Mr. Clements: I really don't know, Henry. I, personally am not in favor of going to binaries. I'm just passing on what Stennis told me.

Dr. Iklé: It would be a big fight.

Secretary Kissinger: Can anybody make a good case for producing binaries?

General Pauly: The Joint Chiefs would prefer to produce binary weapons. We believe we are at the stage now where our stockpiles need to be improved in quality. Binaries would do this for us. They are safer, for one thing. Also, they would give us the ability to deploy further forward.

Secretary Kissinger: Why would they be easier to deploy further forward?

General Pauly: Well, for one thing, they are safer. They are easier to handle and you can move them around easier. Only two percent of our stockpile is now deployed overseas—in Germany.

Secretary Kissinger: Do we have any in the Pacific?

General Pauly: Yes, six percent of our stockpile is on Johnson Island.

Mr. Clements: It's a problem of getting them from Colorado to Germany.

Dr. Iklé: Isn't the real question one of how widely they are deployed in Germany? The problem is the quantity there.

General Pauly: That's true.

Secretary Kissinger: Then, as I understand it, our chemical weapons are currently deployed at only one base in Germany, and I would presume the Soviets know where that base is, am I right?

General Pauly: Yes. I think we can be pretty sure they know where they are stored.

Secretary Kissinger: And, if war breaks out we can be fairly sure that one of the first things they will do is knock out that base.

General Pauly: Yes.

Secretary Kissinger: Are there any plans—do we have any plans for CW deployment in the event of war?

General Pauly: I'm not sure, but there would be a distribution problem. . . .

Secretary Kissinger: Then it would not be unreasonable to assume that the probability of the U.S. being able to retaliate in the event the Soviets use CW would be very slight.

General Pauly: Yes, that's right.

Secretary Kissinger: So we end up with a weapon we really can't use because we can't get it to where it needs to be used. Could we see (get a paper on) what difficulties we would encounter if we decide to go with the binaries? Could we see what kind of deployments you would have to make? I think that what we have now does not give the President a fair chance to make a decision. We ought to look at the whole deployment thing—and make it on a best-case basis.

Mr. Clements: I'm against producing binaries.

Secretary Kissinger: Well, I want to bring all of the alternatives to his (the President's) attention, and I think that we ought to make a better case for producing binaries. I don't think we have it here.

Mr. Clements: Okay, we can do it.

Secretary Kissinger: I see that one of our new options is to maintain our present CW stockpiles. Do you support that?

Mr. Clements: Yes.

Secretary Kissinger: Why?

Mr. Clements: So that we can retain some appearance of being able to retaliate.

Secretary Kissinger: What do we have, two percent of our stockpile in Germany and six percent at Johnson Island, and nowhere else? There is nothing that prevents us from moving it, is there?

Dr. Iklé: No, you can move it to an area of conflict, if you need to.

Secretary Kissinger: The point is, if there is a conflict in say, Korea, can you move it there if you have to? I would like to see a rational deployment plan for getting the stuff out of Johnson Island. Where's the rest of it?

Mr. Clements: The rest—ninety percent or so—is in Colorado and Utah.

Dr. Iklé: One of the problems is that it costs an awful lot to get rid of. It's cheaper to store than to destroy.

Secretary Kissinger: I'm not in favor of getting rid of what we already have. What bothers me is that we don't have adequate studies that would show how we would get the stuff from Colorado to the place where it might be needed. It seems to me that we are in a *de facto* anti-CW position. How does one go about using chemical weapons? Can you move it by air?

Dr. Iklé: Yes, air is probably the best method.

Secretary Kissinger: What kind of aircraft, drones?

Mr. Davies: No, you use airplanes for safety reasons and because of the public image of moving them by other means.

Secretary Kissinger: Yes, but how do you move it from Colorado and Utah to some foreseeable war zone? Do you use C-150s?

Mr. Clements: Yes, that would probably be the aircraft you would use.

Secretary Kissinger: Can we take a look at how we would move the stuff in the event it would be needed?

General Pauly: Yes, we can. One of the imponderables, however, is how its movement would fit into other air priorities at the time of conflict. My estimate would be that you could get it to the area in four to five days.

Secretary Kissinger: Four to five days? I think it would be a reasonable assumption that any enemy that would use chemical warfare had crossed over the threshold, don't you? I mean, that's pretty extreme. It was not used in Vietnam.

General Walters: We have a study here that shows that 25 percent of your air capability . . .

Dr. Iklé: The real question is what is an adequate CW capability.

Secretary Kissinger: I don't see—I have no strong views on this question, but what I am trying to do is identify just what the President is going to have to decide. We have no real retaliatory capability in

the Pacific. We do have some retaliatory capability in Germany. But what if the Soviets attack our stockpiles? The rest of it is in the U.S. and how many days would it take to get there? Ninety-two percent of our stockpiles are so positioned that unless there is an immediate high point in a war we wouldn't get it there in time.

General Pauly: That's right. But, you might have information that they are moving the stuff up. Then you would make a conscious decision to deploy.

Secretary Kissinger: It's hard to imagine that you would have a build-up period. Suppose the Soviets double their forces. Could you double your CW reserves in time? You wouldn't move them until after you're hit, would you?

General Pauly: That's right. But, if you have information that they are moving their weapons up, you might want to begin to move yours.

Secretary Kissinger: Well, all of you are against binaries except the Joint Chiefs of Staff. Is that right?

Mr. Clements: Yes.

Secretary Kissinger: Is there any law against it being rationally deployed? It seems to me to make no sense to keep ninety-two percent of the stuff where it can't be used.

Dr. Iklé: Domestic opposition to moving it around would be very strong.

Mr. Clements: Yes, but we're not going to deploy it domestically.

Dr. Iklé: But you still have to move it within the country.

Secretary Kissinger: Well, could we see what a rational deployment would look like? Where is all this stuff kept?

Mr. Clements: Our biggest stockpile is in Denver, right at the end of the runway (Denver [Stapleton] International Airport).

Secretary Kissinger: Do they (Denverites) know it's there?

Mr. Clements: Oh yes, and they are worried about it. You know, that stuff is not easy to handle.

Secretary Kissinger: Okay. I'm just trying to move this thing to the President for decision and I want to be sure he has all the rationale for his decision.

Dr. Iklé: We are all agreed that further deployment is politically impossible.

Secretary Kissinger: We now have the ability to wage chemical warfare, but it is deployed in such a way that it is not useable. I don't understand that. How do you get it out of Johnson Island? Do you see any area that would be able to get these weapons in four to five days?

General Pauly: No, sir.

Secretary Kissinger: Then it would take four to five days before it would have any effect. What kind of weapon is it? Does it make you sick?

Dr. Iklé: Yes.

Secretary Kissinger: It just seems to me that our chemical weapons capability is irrelevant to the situation.

Mr. Ingersoll: Not unless you have an inadequate defensive capability.

Mr. Clements: That's true, and an adequate defensive capability is a whole new story.

Secretary Kissinger: Can anybody make a case against stockpiling an anti-CW capability?

Dr. Iklé: No, but ours is very weak, and Congress has to support it—with money.

General Pauly: There is no real opposition on the Hill to storing a defensive capability. But, the problem is time. It would take until the early 1980s before we could build up an adequate defensive capability.

Secretary Kissinger: Well, do we have a working group?

Dr. Elliott: Yes.

Secretary Kissinger: Can the working group do a paper . . . I don't think we need a separate NSC on this. We'll just tack it on the end of one in the near future. We need a paper that defines the issues so the President can make his decision. Am I correct that nobody here favors the destruction of our current stocks and that nobody but the Joint Chiefs of Staff favor production of binaries? Do it (the paper) on a best-case basis, and also include arguments against producing binaries.

Mr. Clements: Do you want the costs included as well?

Secretary Kissinger: Yes, include the costs.

Dr. Iklé: Is it fair to say that we would reduce our stockpiles if it doesn't cost too much?

Secretary Kissinger: What are our agents? What do we use?

Mr. Clements: Nerve gas.

Secretary Kissinger: Why nerve gas? How do we store it?

Dr. Iklé: In tanks. It's cheaper to store it that way.

General Pauly: You have a two-pronged problem with storing the stuff: one, it loses its potency after a certain period of time, and two, it becomes contaminated from the tanks—a chemical reaction.

Secretary Kissinger: Well, that leads to the next set of issues—what do we want to propose at Geneva? As I understand it, the Joint Chiefs' position is that they want to maintain current stockpiles at our present level as a retaliatory deterrent. Another option is a ban on all current production.

Dr. Iklé: A production ban on agents only.

Secretary Kissinger: The third option is to prohibit both stockpiles and production. My problem is that all of these alternatives are totally unverifiable. If we go for an agreement, it's unverifiable. We can't get a handle on their production, can we?

General Walters: [1 line not declassified]

Secretary Kissinger: [1 line not declassified]

[name not declassified]: [2 lines not declassified]

Dr. Iklé: That would be one advantage of an agreement—you may stop them from producing it.

Secretary Kissinger: For whom? The Eastern European countries?

Dr. Iklé: No, Iran and Egypt.

Secretary Kissinger: That's the whole issue here. We can get an agreement, but we can't verify it. What good does that do? Iran and Egypt could have it and we wouldn't even know. I don't even know where to look for it, do you?

General Walters: I believe we could find it.

Dr. Iklé: One thing you could do is soften an agreement—make it a ten year deal with the stipulation that the whole issue could be reopened.

Secretary Kissinger: Well, the President just can't make a decision based on what we have here. All these options are unverifiable. How would you handle the refilling problem if we chose Option II?

Mr. Ellsworth: That's the problem, we'd have to build a new plant.

Secretary Kissinger: Would you refill the old equipment or the new?

Dr. Iklé: The old stuff.

Secretary Kissinger: What, with a new batch of the old stuff, or a new batch of the new stuff?

Dr. Iklé: No, the old stuff.

Secretary Kissinger: Are we going to run out of it?

Dr. Iklé: Not for a long time. We have quite a bit now.

Dr. Elliott: OST has just completed a study which shows that the gas stored in bulk has an indefinite lifetime, but that it tends to deteriorate in the filled.

Secretary Kissinger: I might as well get an education here. What is bulk? Does that mean tanks? Where is it stored? What is filled?

Dr. Elliott: Bulk means tanks. That's where it is stored—in tanks. Filled means in weapons, like artillery shells.

Dr. Iklé: The problem is that the casings of artillery shells deteriorate over a period of time.

General Pauly: We're finding that some of our weapons, particularly the filled variety, lose their purity over a period of time.

Secretary Kissinger: What does it do to the casings?

General Pauly: I'm not sure. It has something to do with aging.

Secretary Kissinger: Would I offend anybody too much if I said that the level of analysis in this group is not on the level of the SALT people? Well, let's get this stuff together.

116. Memorandum From the Counselor of the Department of State (Sonnenfeldt) and the Director of the Bureau of Intelligence and Research (Hyland) to Secretary of State Kissinger¹

Washington, February 7, 1975.

Your Meeting With Gromyko

[Omitted here are an introductory note and Section I. *SALT*.]

II. Security Arms Control Issues

All of these issues are proceeding more or less on their merits with no overall strategy.

—Somewhat surprisingly CSCE may be accelerating, even though the Soviets are still intransigent, because the allies are growing weary.

—A CSCE Summit in the late summer may not be avoidable, if matters take their course.

—The introduction of Option III in MBFR will take considerable time to work through the allies; any impact on the Soviets will probably be lost through leaks, and, in any case, if this move is to break the impasse, it almost certainly has to be introduced in your channel *now*.

¹ Summary: In preparation for Kissinger's upcoming meeting with Gromyko in Geneva, Sonnenfeldt and Hyland reviewed several issues related to the Strategic Arms Limitation Talks, arms control, the Conference on Security and Cooperation in Europe, trade, and bilateral cooperation.

Source: National Archives, RG 59, Records of the Office of the Counselor, Lot 81D286, Box 5, Soviet Union, January-March, 1975. Secret; Sensitive; Eyes Only. The memorandum is mistakenly dated "2/7/74." All brackets are in the original except those indicating text omitted by the editors. The memorandum is printed in full in *Foreign Relations, 1969-1976*, volume XVI, Soviet Union, August 1974-November 1976, as Document 127. Kissinger and Gromyko met in Geneva February 16-17. For the memoranda of conversation, see *ibid.*, Documents 128, 129, and 130.

—Negotiations will resume this month on the Threshold Test Ban (PNEs) and environmental warfare, and the CCD in Geneva will resume on March 4 where CW will be revived.

We ought to work out a scheme for holding or moving these various issues. A possibility might be:

1. Make a *firm promise* to Gromyko for a CSCE Summit *in September* (if necessary we can make concessions on CBMs because the allied position is collapsing).

2. Foreshadow to Gromyko that we will make a move on nuclear weapons in MBFR, without going into specifics, in return for which we expect agreement, in principle before the summit, to a first stage U.S.-Soviet reduction that will also include air forces.

3. Agree to try to work out an *environmental agreement before the summit but ask Gromyko to hold off on both environment and CW in Geneva*, until we have had more time to consider how to respond to their CW draft agreement (you might want to surface the idea of an interim moratorium on CW production, rather than a treaty).

4. On the Threshold Test Ban, the real issue comes down to our toleration for excavation PNEs over 150 kt with non-firm guarantees. If this is not supportable in Washington, can we strike a bargain to limit all PNEs to 150 kt, if we enter into a “cooperative arrangement” with the Soviets (which has strong overtones of a nuclear condominium).

—Since the outcome of this negotiation is bound to lead to a new controversy, *there is no reason to force the pace*. On the other hand, it would be appropriate to announce at the summit that the issue is resolved.

A. CSCE

At CSCE, the Soviets have maintained their inflexibility on both CBMs and the remaining Basket III issues while continuing to argue that the major issues of the conference have been settled and that it should end soon at the highest level. This Soviet intransigence can contribute to your current strategy of stretching out the negotiations and delaying Stage III and our final agreement to a summit until after Brezhnev’s visit here, but it also depends on the allies not giving in prematurely.

Gromyko can be expected to complain that we are not being active enough in pushing the allies toward more “realistic positions,” and not carrying through on the Brezhnev-Ford agreement at Vladivostok to work together to conclude the conference at the earliest possible time.

—*You should say* the U.S. has accomplished a good deal since last fall—both in the Principles Declaration and in Basket III—in moving

the allies along, but that the Soviets must accept that further compromises will be necessary on their part, especially on the peaceful change language, CBMs, and the unresolved Basket III issues. (You have a detailed memo on CSCE issues in your briefing book.)

B. MBFR

You may decide to raise Option III, as follows:

—It is our impression that if we included air and nuclear forces in our proposals, the Soviets would be willing to include the withdrawal of a tank army.

—In the interest of moving the talks forward, we are considering certain proposals on air and nuclear elements. In particular, we are considering an offer to withdraw a significant number of nuclear weapons from the NATO Guidelines area (along with 29,000 ground forces).

—In return, we would have to have Soviet withdrawal of a tank army consisting of 68,000 men and 1,700 tanks in Phase I and agreement on the concept of a common manpower ceiling within the area as the goal for reductions in Phase II.

—However, we would be interested in obtaining the reaction of the Soviet side in these channels as soon as possible.

C. *Environmental Warfare*

Our first series of talks in Moscow November 1–5 only pointed up the differences between the Soviet catch-all approach, as set out in their draft convention tabled earlier at the UNGA, and our strictly limited “Option II” position, which would not include limits on “tactical” uses of environmental modification such as rainmaking. We will be meeting with the Soviets again at the experts level in Washington on February 24, and are working on a counter draft convention to give them at that time. Our immediate objective is simply to maintain the dialogue and forestall tabling of a Soviet draft in Geneva by extending the bilaterals into the period when the CCD is in session. If you offer an agreement by the summit, the Soviets might see it in their interest to subscribe to our more limited approach (especially since it is not a serious issue).

D. *Chemical Warfare*

The Soviets have been pressing us for bilateral talks on chemical weapons, citing our agreement in the July 3, 1974, summit communiqué to consider a joint initiative in the CCD. Vorontsov gave you a draft convention last August which is too broad in scope, inadequate on verification, and by limiting CW agents above a certain level of lethality, would catch all agents in our stockpile while leaving most of theirs untouched. In the SRG of January 27 you asked for more work on the question of whether we should produce binary weapons. Until these

studies are completed and a decision taken, we are not in a position to respond to the Soviets.

Meanwhile, however, *we should urge them not to table their draft convention in the CCD*, which reconvenes March 4, pending bilateral discussion with us. You may want to suggest that since a formal treaty is unverifiable, a moratorium for say 5 years limiting stockpiles could be undertaken: a production ban may be inevitable if we have no programs.

E. Threshold Test Ban and PNEs

The second session of the TTB/PNE talks will be in progress when you see Gromyko. There are *four key issues* that will have to be worked out if—as the Soviets wish—we are to have an agreement by the summit.

—*Yield Limit of Contained Explosions*. We are proposing a 100-kiloton limit and on-site observers. However, we have some flexibility to move the yield up or to drop the observers.

—*Verification of Excavation Shots*. Here we have proposed a yield limit of 150 kilotons (with a salvo limit of 500 kts), observers and a very low limit on the fission yield of the device (say one-half kiloton). Eventually our verification needs could be satisfied either by the overall yield limit or, if the Soviets want explosions over 150 kilotons, by limiting the fission yield of each shot. This is going to be difficult for the Soviets either way, however, because a 150-kiloton threshold may constrain to some extent the Pechora-Kama project while the fission yield limit will require fairly intrusive on-site observer activity.

—*LTBT*. Any excavation program is likely to violate the LTBT. The Soviets will probably want explicit or tacit help from us in getting around this problem. This will be very difficult for us to do because the Senate is unlikely to ratify any TTB/PNE arrangement which looks to modification of the LTBT.

—*PNE Cooperation*. The Soviets want us to conclude a broad cooperative agreement on PNEs. We can probably go along with a modest program of cooperation covering domestic PNE applications, only on condition that our verification concerns are fully met. However, we cannot accept the Soviet idea of joint U.S./Soviet PNE services to third countries because of the overall political implications of superpower condominium.

The most valuable message you could leave with Gromyko is that verification is a very serious problem for us which, if it is not solved, will make it impossible to obtain the needed congressional support for ratification of the TTB.

F. *Non-proliferation*

The Soviets have agreed to attend a multilateral nuclear exporters meeting. On the other hand, they are very strong supporters of universal NPT adherence and the closest possible links between safeguards and the NPT. We are concerned that a conspicuous and inflexible public posture on the NPT will make it very difficult for the French to engage in meaningful cooperation on safeguards. Thus, if the Soviets are not willing to tone down their NPT position, we will lose both ways: the safeguards problem will get out of hand without French cooperation and the NPT rhetoric will not succeed in gaining NPT adherence by France and the other countries that matter.

[Omitted here are Section III. *Trade/Emigration* and Section IV. *Bilateral Cooperation*.]

117. Minutes of a Verification Panel Meeting¹

Washington, February 8, 1975, 11:14 a.m.–12:07 p.m.

SUBJECT

TTB/PNE and Nuclear Nonproliferation Policy (NSSM 202)

PARTICIPANTS

Chairman—Henry A. Kissinger
State
 Robert Ingersoll
 Helmut Sonnenfeldt
 George Vest
 Jerome Kahan
 William Hyland

ACDA
 Dr. Fred Iklé
 Robert Buchheim
 Paul Wolfowitz

ERDA
 Dr. Robert Seamans
 Gen. Edward Giller

¹ Summary: The participants discussed the possibility of a PNE cooperation agreement with other countries.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 23, Meeting Minutes—Verification Panel (Originals), February 1975. Top Secret; Sensitive. All brackets are in the original except those indicating text that remains classified and “[in]”, added for clarity. The meeting took place in the White House Situation Room. The working group paper is *ibid*. Walters’s briefing is not attached and not found. An undated 28-page summary of strategy for the second round of PNE negotiations is in the Ford Library, National Security Council, Institutional Files—Meetings, Box 4, Verification Panel Meeting, 2/8/75—TTB/PNE and Nonproliferation (2). NSSM 202 is Document 50.

Defense

Robert Ellsworth
Dr. James P. Wade
Donald Cotter

JCS

Lt. Gen. John W. Pauly

CIA

Lt. Gen. Vernon Walters

[*name not declassified*]

NSC Staff

LTG Brent Scowcroft
Jan Lodal
Dr. David Elliott
Benjamin Huberman
James Barnum

Secretary Kissinger: (To Gen. Walters) Do you have an opening prayer?

Gen. Walters: I don't have an official briefing, but I am prepared to give you some remarks about the current Soviet PNE (peaceful nuclear explosions) effort and about the status of the nuclear programs of some other countries.

Secretary Kissinger: Okay, I'll give you five minutes.

Gen. Walters: (Began to brief from the attached).

Secretary Kissinger: How can Argentina be [in]dependent of foreign suppliers?

Gen. Walters: By having their own chemical and technical capability.

[*name not declassified*]: They already have their own uranium supply. We believe they will have their own nuclear weapons capability by the early 1980s.

Secretary Kissinger: They have their own uranium?

Gen. Walters: Yes.

Secretary Kissinger: How about that. Well, that won't be my problem. I won't be around in the early 1980s.

Gen. Walters: (Finishing his briefing) End of prayer.

Secretary Kissinger: We have two problems to discuss this morning, and I think we can dispense with both of them quickly. The first is peaceful nuclear explosions, and the second is on procedural aspects of nonproliferation. In respect to PNEs, the problem, as I understand it, is one of yield limits and verification requirements, and LTBT (Limited Test Ban Treaty) aspects of excavation PNEs. As I understand it, there is a general consensus within this group on what the yield limits should be and on verification provisions for contained PNEs. There is also interagency agreement that contained PNEs should have a 100kt limit and that observers should be included to verify such things as geophysical characteristics and data exchange. There is also agreement, as I understand it, that we would agree to fall off from our insistence on observers if the Soviets agree to 100kt contained PNEs. If the Soviets

insist on 150kt contained PNEs, then we will insist on observers. Also, as I understand it, if we place a limit of 100kt on explosions, this would be consistent with the TTBT. But, if they up the limit to 150kt, then we would have to insist on observers. So, we are agreed on starting out with a 100kt limit and observers, but are prepared to fall off from that if necessary. Is that essentially correct?

Dr. Iklé: Yes.

Secretary Kissinger: Okay. The next problem is excavation PNEs. As I understand our position, we want a limit of 150kt yield on individual excavation PNEs plus a 500kt limit on salvo (aggregate group) yields. There would also be a requirement for observers. The observers would verify such things as depth of burial, detailed geological characteristics, and fission yields.

Dr. Iklé: I don't quite agree with you on that. I think there is another way to handle the excavation PNEs. I don't think we need to get involved with observers as long as excavation PNEs are the same yield as contained PNEs.

Secretary Kissinger: Fred, you're fighting the problem. The President (Nixon) already agreed in Moscow to go beyond a 150kt limit on excavation PNEs. Yield limits below 150kt are another problem.

Dr. Iklé: I thought that we had agreed to explore the possibilities. We also have the LTBT problem on excavation PNEs.

Secretary Kissinger: Nobody understands the Moscow agreement (LTBT). We can reopen the question, but only with the clear provision that there is adequate inspection. But we can't go to the Soviets with another proposal above 150kt. We can't go back to the Russians and say we want to scrub the 150kt limit.

Dr. Iklé: I think we can separate out the 150 aggregate kiloton issue without getting into trouble. I think we can make a provision for aggregate yields up to the 150kt limit. Observers would not be needed as they are much cleaner yields. For observers to pick up melt samples for determining fission yields is a cumbersome operation anyway.

Secretary Kissinger: Well, let me make this very clear. I do not want the agencies going around reopening issues that the President has already decided upon. If it's possible to bundle up the 150kt package with a 500kt group limit, that's okay. But, we can't go in with that position.

Mr. Buchheim: I thought last June we had made the decision on aggregate limits.

Secretary Kissinger: That was your decision, but not the President's.

Dr. Iklé: We have the problem of how good the melt samples are.

Gen. Giller: At the present time we feel that we do have the ability to collect melt samples. We're confident that a low fission yield limit

will constrain the Soviets from developing weapons under the guise of PNEs at least for the near term, the next ten years or so. The problem is whether we will be able to ten to fifteen years from now. We differ from Fred (Dr. Iklé) in this regard.

Secretary Kissinger: It seems to me that it is not possible to begin negotiations with the Soviets when they have already agreed on observers for explosions above 150kt. It's just the wrong way to begin negotiations. We start at the beginning asking for observers and then come back later offering to drop observers as a compromise. I agree that we ought to explore the cluster method. That may be a way to get at it. But, falling off from the observer requirement at the beginning is the wrong way to go about it.

Dr. Iklé: Observers can do the verifying on the aggregate yields and wouldn't have to concern themselves with the fission yields, which are hard to sample anyway.

Secretary Kissinger: So, what you are saying is that the only way to get an agreement above the 150kt limit is in clusters. Fred, what is really the issue?

Dr. Iklé: We should first propose limiting all PNEs to the 150kt level, then we can fall back to a cluster limit, say at 500kt.

Secretary Kissinger: The point is—the question is whether we can get a break in the deadlock. You say the only way to do this is to cluster them at about 150kt. We should say instead that PNEs above 150kt would be permitted if adequate inspection procedures could be found. If adequate procedures are not found, then we can retreat to the clusters. But, to fall off a position the President has already okayed is not right. Then the Soviets will say that the U.S. is lying. Our word will be worthless. The Soviets will adopt the attitude that we don't mean what we say. President Nixon agreed to negotiate an agreement permitting yields of over 150kt if they were monitored. We have to put forward what we have already agreed to and then go to the next position.

Dr. Iklé: But we can ask them (the Soviets) how this monitoring is to be done.

Secretary Kissinger: Suppose they tell us how it is done. What then?

Dr. Iklé: We can say that what they propose is not sufficient—that we know of a more satisfactory way. We won't reject their proposal outright.

Mr. Sonnenfeldt: They've already told us how the monitoring is to be done.

Secretary Kissinger: I have no trouble with the outline. The working group paper is a good analysis. I have the problem that our efforts for an agreement can use a lot of fat with the Russians. We have said that

we would agree to something and then come back seven months later and say we don't. That doesn't make sense.

Mr. Sonnenfeldt: The agreed strategy is to give some more details to the Soviets, including observer requirements.

Secretary Kissinger: This is a more sensible program. I think we should give them all that we need on observer requirements. Let's be tough on that.

Dr. Iklé: Then we get into a debate on the modalities.

Gen. Giller: Details are not important.

Secretary Kissinger: Let's tell it to them. We can tell them what is needed, and then they can say it is impossible. Then, we can say what do you think needs to be done, and then say this proposal is much more acceptable. They can go to the Politburo with something like that. I think it is much better to negotiate from such a position than to go to them asking what they want.

Dr. Iklé: There is a further problem—violation of the LTBT.

Secretary Kissinger: Fred, that's a totally different thing. If we say no to going over a 150kt limit that's going back on our word. We have no obligation to change the LTBT.

Dr. Iklé: We have to recognize that excavation PNEs and the LTBT are related and the negotiations could fail over this.

Secretary Kissinger: If it fails it's because of the LTBT. We can manage that. That's another thing. If they can figure out how to do excavations without violating the LTBT that's okay, but there's no technical way to do it is there? If we want to make it fail, we can stick on the LTBT. I am not recommending to this group that we change. I do not feel that we have the slightest reason to change our position on the LTBT. That is their (the Soviets') problem. We want to resist pressure to change the LTBT for excavations.

Dr. Iklé: For the Soviets it's a tactical question of how excavations are handled under the LTBT.

Secretary Kissinger: Fred, I feel we have a moral obligation to put forward our position on a 500kt limit on excavation PNEs. Let it fail, what the hell do we care? Maybe they will accept restrictions on a 500kt limit and it will still fail. I just don't want to be cute with them. The LTBT should not be modified. I don't want to give the Russians the impression that we are trying to screw them on something. The President has agreed to going above 150kt already. If we can do both, well, fine. But, we can't go back on something the President has already agreed to.

Dr. Seamans: We (ERDA) are with you on that.

Secretary Kissinger: Then what the Hell are you doing at this meeting? Don't you know this is where everybody is against me?

Dr. Seamans: I guess I haven't been in town long enough.

Secretary Kissinger: You'll learn. I just don't want us to be cute about this thing. I don't want the Soviet delegation going back to the Politburo with the report that the Americans are doublecrossing them. I think we should be tough, I think we should be mean, and I think we should be complicated. What we want is a 150kt yield limit on single explosions and a 500kt limit on aggregates (salvos).

Dr. Iklé: That's fine as long as our distinction on fission yield samples does not become misconstrued as implying agreement that excavation PNEs are okay under the LTBT.

Secretary Kissinger: Fred, that's a totally separate issue. I agree with you that observers should not use samples to get around the Limited Test Ban Treaty. Test samples are for determining whether there has been a weapons test. The LTBT has to do with venting and can be handled separately. Our position should be that if there is radioactive material floating around in the atmosphere, then it is not acceptable.

Mr. Sonnenfeldt: That may get us into a negotiation on the LTBT.

Secretary Kissinger: They will continue to use their definition. Will they have trouble at 500kt?

Gen. Giller: I think they will have trouble at 150kt, let alone a ceiling of 500kt.

Secretary Kissinger: We will maintain our position on the LTBT. We have to recognize that there is a grey area between what is gas and what is debris, but that is nothing new.

Mr. Lodal: We have faced that problem before; in the case of weapons test ventings, which we've protested.

Secretary Kissinger: In either event we still have the problem, with or without the PNE agreement.

Dr. Elliott: We would still face the problem of having to modify the LTBT. We could be neutral if they . . .

Secretary Kissinger: We will permit PNEs if there are consistent with the LTBT. We will oppose the Soviets if they want to revise the LTBT.

Mr. Hyland: I doubt the Russians would want to revise the LTBT at this point. The real issue with the Russians at this point is whether we are going to cooperate on PNEs.

Secretary Kissinger: That's the real issue. Bob (Mr. Ellsworth) what do you think?

Mr. Ellsworth: I don't really know if we can answer that question at this point. We would have no problem with cooperation if we settle the verification aspects satisfactorily.

Dr. Iklé: We could use existing agreements to cooperate on PNEs without having a brand new cooperation agreement.

Secretary Kissinger: What does ERDA think?

Gen. Giller: Our big problem is public sensitivity to the environmental impact statement we would have to write. Joint cooperation on PNEs would end up watering down a major document.

Secretary Kissinger: Can't we keep environmental criticism out of print?

Gen. Giller: No. If you have a treaty that simply permits PNEs you can, but not if you join in cooperation in PNEs. And, it gets us in for a cooperative venture that is not consistent with the environmental aspects.

Secretary Kissinger: So environmental objections will be raised. Domestically, international cooperation will be used to pry loose data. Then, I assume we are not prepared to cooperate.

Gen. Giller: If we sign an agreement to cooperate we will have to go through the environmental procedures.

Secretary Kissinger: What we say and what we do has to be kept out of public discussion.

Gen. Giller: I think an agreement on cooperation on PNEs is good, but we should not sign it as part of the Threshold Test Ban Treaty.

Dr. Iklé: We need not have a separate agreement. Also, we should look at other negative aspects.

Secretary Kissinger: Fred, what do you really have in mind?

Dr. Iklé: Well, for one thing, it would be very unpopular. In the second place, it would get us into a bind on PNEs with other countries; Germany and Israel, for example.

Secretary Kissinger: Whether we cooperate or not is a technical point. Either we tell them we oppose cooperation on PNEs or say we are prepared to cooperate. But, I don't believe we should be getting into a treaty. Maybe it should be on an ad hoc basis, project by project.

Dr. Iklé: They know we don't have the necessary support for this.

Secretary Kissinger: We can tell them that we are prepared to cooperate with them, but outside of a formal agreement.

Dr. Iklé: I just don't think we should get into cooperation PNE agreements.

Secretary Kissinger: Fred, you are confusing the two issues—the legal framework with whether or not cooperation should take place.

Dr. Iklé: We've already talked to the Soviets about this and there is no clear understanding about this.

Secretary Kissinger: It is one thing to say that we won't cooperate on PNEs. But if the Soviets are determined to have a PNE agreement, I don't understand why we shouldn't go along with them.

Dr. Iklé: It's a question of Article V (of the NPT) obliging us to share PNE benefits with non-nuclears. We don't want to push PNE benefits, for non-proliferation reasons.

Secretary Kissinger: The question is whether a U.S.-Soviet Agreement to cooperate has anything to do with non-proliferation.

Dr. Iklé: The trouble is that our national policies are affected by what Congress thinks and about what is going on out in Colorado.

Secretary Kissinger: Well, we ought to know what we want to do. We have to have a national policy before we try to reach some sort of agreement with the Soviets. I think it's better to have a cooperation agreement. I think we ought to defer the issue. (To Scowcroft) Let's have a study of this right away. We're just not ready for that decision.

Mr. Sonnenfeldt: The Soviets, however, will keep after us for some sort of agreement.

Dr. Iklé: How would going on with a PNE cooperation agreement benefit us?

Secretary Kissinger: What would be the losses? Who would be affected by an agreement?

Dr. Iklé: My impression is that Germany might want PNEs. They've done some work with the Egyptians.

Secretary Kissinger: The Germans won't have PNEs based on national policy. We would tell them it's not in their interest. We can't say to the other NPT countries that we'll help on PNEs but if you ask us we can't do it. Non-weapons states have no capability for nuclear explosions. What would you do if they want PNEs?

Dr. Iklé: If Brazil, for example, asks for a 70kt device that wouldn't be interfering with the Threshold Treaty. It could be done.

Gen. Walters: If we refused them they would do it on their own.

Secretary Kissinger: Okay, we need a national policy on peaceful nuclear explosions. We won't get all the issues unless we have a national policy. (To General Scowcroft) We need the study right away. It has been my experience that a country's interest in a nuclear capability is for weapons purposes anyway. As long as they have the right to do PNEs, they can still come up with an explosion. There is only one excuse for a nuclear explosion, and that is for weapons development. The Indians understand it.

Now, on nonproliferation. We have agreed to continue on with the Nuclear Suppliers Conference. As I understand, the preparations for the conference have stopped until we get a reply from the French. If we don't get an answer by March 10, we'll start bilateral talks. I think we should have a detailed plan and put it forward to this group.

Mr. Lodai: The working group is already working on this.

Secretary Kissinger: I will talk to Sauvagnargues (French Foreign Minister) about it after my trip to the Middle East. I think, however, that we will have to move toward a suppliers conference by March 10.

Dr. Iklé: And hope in the meantime that they don't settle their deal with Egypt.

Secretary Kissinger: Yes, that is a good point. We should make the point with them, saying that we hope they won't do anything inconsistent with our approach to the conference.

Dr. Iklé: You may have to make the same point with the Germans. They are about to conclude a deal with the Brazilians.

Secretary Kissinger: Yes, we should do that.

118. National Security Decision Memorandum 287¹

Washington, February 9, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, U.S. Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

Instructions for U.S. Delegation to the TTB/PNE Negotiations, Moscow,
February 10, 1975

The President has decided that the following will be the U.S. position for the next phase of the negotiations on underground nuclear explosions for peaceful purposes (PNEs), beginning in Moscow on February 10, 1975:

1. The basic purpose of the negotiations is to develop a PNE agreement as called for in Article III of the Threshold Test Ban Treaty (TTBT).
2. To insure that contained PNEs do not provide weapons-related benefits otherwise precluded or limited by the TTBT, such PNE events

¹ Summary: Kissinger transmitted President Ford's instructions for the U.S. delegation to the PNE negotiations in Moscow.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 58, NSDM 287—Instructions for the U.S. Delegation to the TTB/PNE Negotiations, 2/10/75 (2). Secret. Copies were sent to Brown and Colby. The second round of TTB/PNE negotiations in Moscow began on February 10 and concluded on March 22.

could be no higher than 100 KT. There would be provision for observers, whose rights would include verifying geology, depth-of-burial, and purpose.

3. The President has decided that, in an otherwise acceptable agreement providing for contained PNEs to be limited to 100 KT, the U.S. would forego observers of contained PNEs. Alternatively, if adequate provision is made for observers, contained PNEs could be permitted up to a yield of 150 KT. However, the Delegation should not propose either of these positions to the Soviets unless authorized by Washington.

4. The PNE agreement must be consistent with existing treaty obligations, including the Limited Test Ban Treaty (LTBT). The Delegation is not authorized to negotiate or discuss any changes in the LTBT or to discuss possible radioactivity criteria under the LTBT.

5. The U.S. Delegation should present the following proposal for excavation PNEs. These provisions are intended to insure that such PNEs do not provide weapons-related benefits otherwise precluded or limited by the TTBT:

a. Each excavation PNE device must have a total fission yield below an agreed maximum, but no greater than 0.5 kt.

b. To preclude atmospheric effects testing, each device must be emplaced at a depth not less than $30 W^{1/3}$ meters, where W is the yield in KT.

c. Observers should have rights which include verifying geology and depth-of-burial, taking radiochemistry samples to measure the fission yield, deploying temporary instruments to detect simultaneous and nearby contained explosions, and access to relevant areas as needed.

d. There should be agreed limits on the yields of excavation PNEs. In particular, the yield of any one salvo could not exceed 500 KT and a limit on the maximum individual yield of each excavation device would be agreed.

6. The President has decided that, provided there was adequate provision for observers, the U.S. could in principle accept alternative formulations of the yield and verification requirements set forth in paragraph 5. However, the U.S. Delegation should not propose to the Soviets any such alternative formulations unless authorized by Washington.

7. Timely information should be provided about each PNE event. This information should include purpose, location, schedule, depths-of-burial, geophysical properties, expected results, and actual results.

8. The U.S. has no objection in principle to PNE cooperation. However, verification requirements for a PNE agreement pursuant to Article

III of the TTBT must be worked out before proceeding to discuss the nature of U.S./USSR PNE cooperation.

9. The Delegation should refrain from discussing the relationship of PNEs to achieving nonproliferation objectives.

Henry A. Kissinger

119. Telegram 2091 From the Embassy in the Soviet Union to the Department of State¹

Moscow, February 14, 1975, 1447Z.

2091. TTBT-PNE Delegation Message Number Eight. Subj: TTBT-PNE Summary of Negotiations During Week of February 10, 1975.

1. Plenaries were held February 10th, 12th and 14th, with restricted session with Morokhov, Timerbaev and Safronov February 12th.

2. At opening session, Morokhov expressed an optimistic attitude but his statement contained little substance. He praised the Vienna IAEA technical panel and U.S.-Soviet technical bilaterals, expressing much interest in "U.S.-Thai Kra canal project." Stoessel restated U.S. criteria for any PNE agreement and stated that U.S. side had conducted extensive review of issues during the recess and was prepared to present U.S. views on appropriate limitations and verification provisions for both contained and excavation PNEs.

3. At second plenary, U.S. side presented proposal to limit yield of contained PNEs to 100 KT and provide for exchange of information, and acquisition of data by observers as part of verification. Soviet side presented no statement.

4. Purpose of restricted session on February 12 was to explain to Soviet side that we had accommodated their desire not to discuss subject of observers in plenaries during Round I, but that we must now deal with this matter and we wished to discuss procedures with them. Morokhov agreed that U.S. side should present its views in plenaries or restricted sessions as we wished but that the matter of observers

¹ Summary: The Embassy transmitted a summary of the first week of the PNE negotiations.

Source: National Archives, RG 59, Central Foreign Policy File, D750054-0710. Secret; Immediate; Exdis.

is linked to cooperation and that Soviet side had not yet received a U.S. response to their proposal for a cooperation agreement.

5. At third plenary held morning February 14, Morokhov offered brief preliminary views of U.S. February 12 presentation, expressing preference for dividing PNEs into categories of “under development” and “mastered,” rather than “contained” and “excavation.” In absence of Stoessel, Buchheim presented illustrative outline of observer functions for contained PNEs. Morokhov said that this subject had no interest for the Soviet side but then he and other members of Soviet delegation asked a number of questions. He also stated that the described observer functions went beyond verification and would result in the acquisition of information of technical and commercial value on PNE technology. Safronov asked several questions about the volume of information required and logic behind these requirements. Myasnikov asked about providing geological samples from exploratory drill holes rather than the emplacement hole, and about the radius of observer activities. The U.S. side made no substantive reply but indicated we would further explain our contained position in next plenary, scheduled for 11:00 a.m. February 17. Soviet side made it clear they intended to hear all portions of U.S. position before providing substantive comments.

6. Remarks by Morokhov at luncheon with Stoessel, Buchheim and Timerbaev on February tenth included: (1) he asked what we now thought about PNE cooperation, (2) he stated that excavation PNEs would present no radioactivity hazards and that they must comply with LTBT, (3) he speculated about the possibility of a set or sequence of partial agreements.

Stoessel

120. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to President Ford¹

Washington, February 18, 1975.

SUBJECT

Nuclear Proliferation: Urgent Issues for Decision

Pursuant to our recent discussion, I am submitting this memorandum outlining certain high priority actions which, as I see them, should be pursued urgently to curb the further spread of nuclear weapons. I recommend that we give somewhat higher priority in our arms control and defense policies to the objective of curbing the proliferation of nuclear weapons; specifically, that we take certain steps in addition to our present effort to coordinate export controls among the key suppliers of nuclear technology.

Discussion

1. Our current intelligence assessment is that South Korea is attempting to develop nuclear weapons and can have an initial capability in ten years. Taiwan will probably have such a capability in five years. Argentina could have nuclear explosives in ten years. The Argentine program would in turn prompt the Brazilians to follow close behind. The Union of South Africa is moving towards a capability to build nuclear weapons. Pakistan has been making efforts to acquire the means to manufacture plutonium. And Iran—although a party to the Non-Proliferation Treaty—is coming into possession of the nuclear materials and know-how as a result of its large purchase of reactors. Iraq would probably follow Iran's example. There are indications Libya is strongly interested in acquiring nuclear weapons and indigenous technical know-how or becoming, through financial assistance, a partner with such countries as Pakistan. These developments, in turn, could impel some of the industrialized *potential* nuclear states to move into a weapons program.

¹ Summary: In light of U.S. intelligence reports on the status of nuclear weapons development abroad, Iklé recommended that the United States consider several high priority actions to hinder the spread of nuclear weapons. He summarized the current situation and offered recommendations for specific actions, requesting that the National Security Council take up several of these issues in the near future.

Source: Ford Library, National Security Adviser, Presidential Agency Files, Box 1, Arms Control and Disarmament Agency, February 18, 1975–July 8, 1975. Secret; Sensitive. Copies were sent to Kissinger and Schlesinger. Tab A, an undated assessment of South Korea's nuclear intentions and U.S. policy options, and Tabs B and C, undated recommendations to the Japanese and Italian Governments for NPT ratification, are attached but not published.

If these trends cannot be checked, serious new threats to our security are likely to arise in the 1980s—threats for which our military forces would be ill-prepared. Also, should we fail to take more vigorous action now, we would appear to be co-responsible for further proliferation because of our close association with several countries now on the verge of going nuclear.

2. Our effort to organize a supplier's conference for tightening export controls on nuclear materials and technology represents the most serious and realistic effort any government has yet made to slow proliferation. However, its success may depend to a large extent on the French attitude. And even if we manage to achieve our objectives for the conference on export controls, the situation would be improved but far from resolved. Without political backup, the export controls will be inadequate in the end. A determined government could circumvent these controls, especially the fragile safeguards of the International Atomic Energy Agency.

3. The Non-Proliferation Treaty is important because some states, such as the FRG and Japan, are restrained by essentially political considerations. The number of countries that cannot be restrained by export controls will grow because nuclear technology is inevitably becoming more accessible throughout the world. For them and some others, the NPT could be a useful barrier against domestic pressures to develop a nuclear weapons capacity. In addition, the Treaty helps maintain in many regions a network of commitments among neighboring countries not to start a nuclear competition against each other, and thus avoid precisely the kind of nuclear competition now threatening between India and Pakistan or between Argentina and Brazil.

Today, however, the Non-Proliferation Treaty is at an impasse because Japan and Italy might indefinitely delay their ratification. This could lead to an unravelling of the Treaty. Without Italy's ratification the Federal Republic of Germany (and perhaps other Euratom countries) would probably not become parties. Other signatories would then fail to ratify, or perhaps even withdraw and embark on a nuclear weapons program.

To be sure, parties to the Treaty could withdraw from it in any event or violate it, much as they could circumvent our export controls. Indeed, Taiwan may now be in the process of doing both. Nor will the Treaty cover all the countries of concern to us.

4. In addition to export controls and the NPT, a third critical question is what action we take with certain specific countries where we have influence and that are now actively pursuing nuclear weapons. Export controls and the Non-Proliferation Treaty are only as strong as the political resolve that backs them up. If some of the smaller countries are seen to be pursuing nuclear weapons unchecked—particularly

countries over whom our influence is presumed to be strong—larger countries may question their own decisions to renounce these powerful weapons, and perhaps even their decisions to impose controls on commercial exports of nuclear technology.

A first test case here is what we do about South Korea's nuclear program, a program which will have adverse effects on stability in East Asia and on U.S. interests in that area, including the U.S. security commitment to South Korea. Our influence on that country, if we choose to exercise it, could enable us to change ROK nuclear policy, with attendant benefits in a broader nonproliferation context. While the costs of such action may be high, we should seriously weigh them against the dangers that a South Korean nuclear weapons program would present.

Recommendations

The specific actions I believe ought to be taken in the very near future are:

—Using our influence in *South Korea* to keep that country, for the time being, from moving towards a nuclear weapons capability. I would recommend that you request an interagency study, on an urgent basis, to provide you with an assessment of specific policy options (Tab A).

—Informing the *Japanese Government* that we want them to ratify the Non-Proliferation Treaty, so as to correct their mistaken impression that we are rather indifferent. I recommend we do the same for the Italian Government, should it fail to ratify soon (Tab B and C).

In light of the far-ranging implications for our overall arms control and defense policies and in view of Congressional attitudes on nuclear technology transfer, I would recommend the key issues regarding proliferation be taken up at an NSC meeting in the near future.

Fred C. Iklé

121. Telegram 46628 From the Department of State to the Mission in Geneva¹

Washington, March 1, 1975, 1704Z.

46628. Subject: CCD Spring 1975 Session—General Guidance for U.S. Delegation.

1. *Summary:* Spring 1975 session of the Conference of the Committee on Disarmament (CCD), opening Mar 4 in Geneva, will have fuller agenda than last year. Besides holdover items of chemical weapons limitations and comprehensive nuclear test ban, as result of 1974 UN General Assembly resolutions CCD will take up two new subjects—environmental modification and arms control implications of peaceful nuclear explosions—and will organize an experts' study of the question of nuclear free zones. In addition, recent congressional legislation requires U.S. action at this CCD session to promote consideration of conventional weapons limitations. This message outlines our approach to main issues likely to arise during spring session. Detailed guidance will be provided on specific topics as needed.

2. Environmental Modification: U.S. and Soviet officials convened for second time February 24 to discuss restraints on military use of En Mod, pursuant to agreement at 1974 summit. U.S. has presented draft multilateral convention for Sovs' consideration, without, however, taking decision that convention is necessarily best vehicle for international En Mod restraints. If that decision proves affirmative, and were Soviets ultimately to accept U.S. approach as basis for joint CCD initiative, the two countries conceivably could present an agreed draft to CCD as basis for negotiation pursuant to 1974 UNGA res. However, USSR En Mod del leader implied at bilaterals that regardless of outlook for eventual accommodation of approaches at CCD Sovs would table draft text they introduced at UNGA last fall. U.S. thus faces decision whether to submit its own draft in CCD.

¹ Summary: The Department transmitted general guidance for the U.S. delegation to the Conference of the Committee on Disarmament, scheduled to open in Geneva on March 4.

Source: National Archives, RG 59, Central Foreign Policy File, D750074–0123. Confidential. Drafted by Black; cleared by Flowerree, Robert Blake (IO), Humphrey (EUR/SOV), Norman Terrell (C), William Shinn (C), Louise McNutt (EA/RA), G. Harlow (OSD/ISA), S. Thompson (ERDA/IR), Shea, Lee Niemela (ACDA/MEA), Walker Givan (ACDA/IR), Gathright, Huberman, Elliott, and Jay Moffat (S/S); approved by David Klein (ACDA). Repeated for information to the Mission to NATO, USUN, the Mission to the IAEA in Vienna, Moscow, Canberra, and the U.S. delegation to the MBFR talks in Vienna. The 27th session of the CCD opened in Geneva on March 4 and concluded on April 10.

3. Del will be given additional instructions, to extent needed, in light of U.S.-USSR bilaterals and any future U.S. policy decisions. Meanwhile Del should, as appropriate, reaffirm our intention to engage in serious examination of relevant issues, while noting that USG has not yet decided whether effective measures to limit En Mod should take form of international agreement. Del should, when appropriate, point out that U.S. has already unilaterally renounced hostile use of climate modification. While taking care not to promote interest in Soviet draft convention, in response to queries del should note that it contains elements we cannot accept. Pending further guidance, in any discussion of topic del should bear in mind U.S. position that consideration of possible measures on En Mod should focus on limiting military use of applications having widespread, long-lasting or severe effects.

4. Peaceful Nuclear Explosions (PNEs): U.S.-USSR bilateral talks on threshold test ban/PNE issues may not be concluded before end of spring CCD session; IAEA is actively engaged in consideration of PNE issues; and preparations are underway in USG for consideration of PNEs at NPT Review Conference. It is therefore likely that overall U.S. policy will not be resolved during CCD's spring session. Overriding objective for del, accordingly, will be to ensure that CCD deliberations do not prejudge U.S. policy decisions. Depending on such decisions we may wish to set forth U.S. views on various PNE questions in formal statement during spring session; purpose would be to set stage for NPT conference. Del can also expect to be called on to defend U.S. position informally. A tactics paper on PNEs is being provided separately.

5. Nuclear Free Zone Study: Separate tactics paper provides guidance on organization of NFZ study project. Because study will involve highly-charged political issues not susceptible to solution by technical experts, we succeeded at UNGA in having study entrusted to CCD instead of UNSYG. As tactics paper indicates, we favor organizing study in manner that will permit adequate control of project by CCD while permitting participants opportunity to state views, including individual dissents. Objective is a study that will contribute to general understanding of complex NFZ issues while adequately reflecting US views and that will be a credit to CCD, which will bear responsibility for success or failure of project.

6. Comprehensive Test Ban: CTB is not expected to be major subject of discussion at CCD spring session in view of U.S.-Soviet agreement on Threshold Test Ban (TTB) and continuing bilateral negotiations on PNE agreement pursuant to TTB Article III. We do not intend to make statements that might promote interest in CTB. However, del should as appropriate (e.g. in response to queries) reaffirm U.S. commitment to adequately verified CTB, while indicating that our position that

adequate verification requires some on-site inspection remains unchanged.

7. To avoid provoking queries about ongoing bilateral TTb/PNE negotiations, del should take no initiative to raise TTb with other dels. If others raise matter, however, del should avoid any appearance of defensiveness and should be prepared to counter criticisms, using PNE tactics paper guidance as well as questions and answers to be provided separately. (Qs and As are now in interagency clearance process and will be provided ASAP.)

8. Chemical Weapons (CW): Question of possible proposal to USSR for joint CW initiative in CCD, pursuant to 1974 summit statement, has not yet been decided. Pending USG policy decisions and corresponding instructions, del should be guided by CW policy instructions issued for use at last CCD session and at 1974 UNGA, copies of which are available to del.

9. Conventional Arms: Section 51(a) of Foreign Assistance Act of 1974 expresses sense of Congress that recent growth in conventional arms transfers to developing countries is cause for grave concern; urges President to propose that CCD consider as high priority agenda item limitations on conventional arms transfers and establishing mechanism for monitoring such limitations; and directs President to report to Congress within six months after enactment of act (i.e., by June 30, 1975) on steps taken to carry out this legislation.

10. Opening U.S. statement will reiterate our interest in promoting CCD discussion of conventional arms control problems and refer to intention to raise subject later in session. Statement on conventional arms (designed to meet congressional requirements) will be provided del at later date.

11. Openness on Military Expenditures: Del should informally renew our previous support for Swedish advocacy of greater openness in reporting military expenditures. Annex to UNSYG experts' report on reduction of military budgets (ROB) (prepared by U.S. expert) made several useful points in this connection and may be drawn upon. We wish to consider further the possibility of a formal intervention on this subject later in session and would welcome del's recommendations.

12. Additional CCD Enlargement: There may be pressure from one or more countries—notably Australia and possibly Ghana—for their early inclusion in Committee. If subject is raised, del should explain that in U.S. view Committee needs time to assimilate recent enlargement by five members. If others ask general attitude of USG toward question of additional enlargement, del should respond that we consider that CCD cannot remain effective multilateral negotiating forum unless it is limited in size. We would want to weigh carefully whether any

further enlargement should be considered in interest of broader representation if this would mean loss in effectiveness.

Ingersoll

122. Memorandum From Jan Lodal of the National Security Council Staff to Secretary of State Kissinger¹

Washington, March 4, 1975.

SUBJECT

Threshold Test Ban Progress

The Threshold Test Ban PNE talks are progressing more rapidly than expected. The Soviets have moved considerably toward the U.S. position. They have:

—Agreed in principle to a yield limit on individual PNE shots, probably shot below 150 KT, so long as the total yield of a “salvo” is unlimited.

—Agreed to permit observers, including rights to make on-site seismic measurements, provided the observers are couched or participants under a “cooperative” agreement.

Thus, on both major aspects of our position—yield limits on PNEs and on-site observers—the Soviets have made major moves in our direction. The chances are high that some form of agreement could be concluded before the Summit.

Soviet motivation is unclear. I suspect that Morokhov has concluded that a PNE agreement would legitimize his PNE program and protect it from opposition within the Soviet bureaucracy. He apparently faces considerable opposition within the Soviet government; at one of Paul Dody’s recent “Pugwash” meetings, one of Morokhov’s men was opposed openly by members of the Academy of Sciences when he took

¹ Summary: Lodal updated Kissinger on the status of the TTBT/PNE talks ongoing in Moscow. He noted that the Threshold Test Ban Treaty might be ready for submission to Congress later in 1975 and suggested that Kissinger might reassess the administration’s policy concerning the TTBT.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 58, NSDM 287—Instructions for the U.S. Delegation to the TTBT/PNE Negotiations, 2/10/75 (2). Secret. Sent for action. Kissinger initialed the first page of the memorandum, approved the first two recommendations, and wrote “including Sonnenfeldt” next to the first recommendation.

a strong advocacy position in favor of PNEs. There are other similar instances where splits in the Soviet ranks have been evident.

The Soviets movement toward our position means you may wish to reassess our policy toward the TTB, before we are locked into a completed deal. We now have to take seriously the possibility that the TTB will be ready for submission to Congress later this year.

As I see it, you have two alternatives:

—Let the present course of events continue and submit the TTB for ratification once it is negotiated.

—Try to “enhance” the TTB, either by adding provisions which would call for follow-on CTB negotiations, or by explicit provisions to the agreement which would result in an eventual CTB, say 5–10 years later.

If we proceed on the present course, there will probably be a considerable ratification fight, although in the end, the treaty will probably be ratified. Opponents will argue that the high threshold is counterproductive to real arms control and that the PNE agreement “legitimizes” pernicious PNEs, harming non-proliferation efforts. On the other hand, completing the agreement will clearly signal to the Soviets that the U.S. sticks to its word, and it would represent another step in improving relations. Everyone—on both the Soviet and American sides—acknowledges that the agreement has only limited military significance.

“Enhancing” the treaty by adding either general or specific CTB provisions would make it considerably more attractive to the Congress and the public (with the exception of some element in the weapons development community). And in the long run, a CTB would have some military significance by gradually eroding the confidence each side has in its first strike capabilities. Nevertheless, four major problems remain with the CTB:

1. *PNEs*. A CTB which permitted continued PNEs would be a sham.
2. *Verification*. Our verification capability is miniscule at very low yields (below 5–10 KT).
3. *The French and Chinese*. We might be able to assuage the French by offering additional weapons design cooperation, but the Russians would have to fall off their demand that the treaty be worded in such a way that it is obviously aimed at the French and Chinese.
4. *Changing course with the Soviets*. Reopening the CTB issue before the TTB is completed would give the Soviets additional reason to question the continuity of U.S. policy.

Despite these problems, there is clearly a possible CTB deal with the Russians if you want to pursue it. You could tell them we would go along with the CTB, which they want very badly, provided they

fall off explicit anti-French and anti-Chinese provisions and agree to forego PNEs. They would also have to give us some verification provision aids to insure that low-level seismic events were earthquakes and not tests. In return, we would probably have to agree to join them in a joint non-proliferation effort, although we could probably keep it far short of their desires for nuclear condominium. This approach might have some marginal positive influence on nonproliferation.

Recommendation

That you indicate below how you wish us to proceed at this stage.

_____ Discuss with me.

_____ Prepare thorough analysis of enhancing TTB by moving towards CTB.

_____ Continue toward TTB agreement and forget CTB for now.

_____ Other.

123. Statement by the U.S. Representative to the Conference of the Committee on Disarmament (Martin)¹

Geneva, March 4, 1975.

U.S. Outlines Issues Before Resumed Conference of the Committee on Disarmament

The President of the United States has directed me to convey to the CCD the following message, which I request be made a conference document:

As the Conference of the Committee on Disarmament begins its 1975 deliberations, I would like to extend my best wishes and express my fervent hope that its work this year will add new achievements to the Committee's substantial record.

The accomplishments of previous sessions have earned the respect of nations throughout the world. The General Assembly of the United Nations has entrusted to the Committee some of the most important and complex problems of our time. The dedication and seriousness of

¹ Summary: Martin read the text of a message to the Conference of the Committee on Disarmament from President Ford and summarized the U.S. position on various arms control initiatives.

Source: Department of State *Bulletin*, April 7, 1975, pp. 454-458. All brackets are in the original. Martin made the statement before the opening session of the CCD.

purpose that have characterized the work of the CCD have made it a most effective multilateral forum for dealing with arms control and disarmament questions.

The Committee's work resumes this year at a significant moment. One of its accomplishments, the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, is about to enter into force. The Convention is a positive measure of the progress that can be made through responsible and constructive international negotiation.

A great many tasks—some continuing, some new—face the CCD. Few have simple solutions. No one can guarantee that agreed solutions can be achieved for every issue. For its part, the United States will do all in its power to promote agreement wherever and whenever possible.

I am confident that this Committee, through the constructive dialogue that is its hallmark, will continue to make its valuable contribution to the promotion of peace and security through effective arms-control measures.

Gerald R. Ford

We are resuming our work at a time when disarmament efforts are receiving increasing attention in the search for a more stable and secure world. Convincing evidence of the growing interest in arms control solutions to national and international security problems can be found in the extensive treatment of disarmament questions at the 29th U.N. General Assembly. It is also reflected in the unprecedented number of international meetings which are currently dealing with the subject.

Here in Geneva, Soviet and American negotiators are working out the specific provisions of a second-stage SALT [Strategic Arms Limitation Talks] agreement, the broad outlines of which were agreed at the Vladivostok summit. In Moscow, representatives of the United States and the Soviet Union are engaged in discussions aimed at reaching the agreement governing peaceful nuclear explosions that is called for in article III of the Threshold Test Ban Treaty. In Washington, representatives of the two countries have been considering the question of effective measures of restraint on environmental modification techniques. In Vienna, members of NATO and the Warsaw Pact are continuing their efforts to reach agreement on mutual and balanced force reductions in Central Europe. In addition, the International Atomic Energy Agency is the focal point for international examination of safeguards on the peaceful uses of nuclear technology and of various aspects of peaceful nuclear explosions. Finally, two months from now the conference to review the operation of the Nonproliferation Treaty (NPT) will begin in Geneva.

The CCD occupies a unique and important position in this overall effort. In 1975 our newly enlarged Committee can expect a heavier

workload than it has had in several years. The 29th General Assembly of the United Nations, in addition to urging the CCD to continue its work on a comprehensive test ban and chemical weapons limitations, called on the Committee to examine questions that have so far received relatively little attention in this forum; namely, environmental modification for military purposes, nuclear-free zones, and the arms control implications of peaceful nuclear explosions (PNEs). My delegation welcomes these new responsibilities and is confident that the CCD can make a valuable contribution in each of these fields.

Among the large number of items on the international disarmament agenda, the most pressing, in our view, concern nonproliferation and related nuclear issues. My government was gratified that at the 29th U.N. General Assembly many nations recognized that there is serious cause for concern in the prospect of the further spread of independent nuclear explosive capabilities. The United States feels that the wide support given to the Nonproliferation Treaty and the many calls for broader adherence to that treaty were constructive developments.

At the same time, a large number of delegations recognized that the prevention of the further spread of nuclear-weapons capabilities cannot be taken for granted and that a broad and determined international effort is needed to strengthen the nonproliferation regime.

My government is urgently considering what courses of action would contribute most effectively to achieving a more universal, reliable system of safeguards against diversion of nuclear materials and technology to military purposes. It is also considering what would be the most promising steps to increase the political and economic incentives which could lead a country to forgo the nuclear explosive option. My government looks to the NPT Review Conference to assess how well the treaty has functioned in the first five years of its existence, to consider how the treaty can be more effectively implemented, and to provide an impetus for the broadly based effort that will be essential if we are to avoid a proliferation of nuclear powers.

U.S.-USSR Steps To Curb Nuclear Arms Race

The Review Conference will be concerned not only with the operation of those provisions of the NPT that deal directly with the spread of nuclear-weapons capabilities but also with the implementation of those provisions that were designed to halt and reverse the nuclear arms race, notably article VI. In this connection I am pleased to note that, since the CCD last met, the United States and the Soviet Union have taken another major step to curb their competition in nuclear arms. At Vladivostok President Ford and General Secretary Brezhnev set firm and equal numerical limits on the strategic forces of both sides. Specifically, they agreed to put a ceiling of 2,400 on the total number

of intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers for each country. They also agreed on a maximum number of 1,320 launchers for missiles that could be armed with multiple independently targeted reentry vehicles (MIRVs). With the agreement to place all these strategic delivery vehicles under the ceiling and to set an additional limit on MIRVs, this general framework for a new SALT accord goes well beyond the scope of the interim agreement concluded in 1972.

Because of this breakthrough at Vladivostok, for the first time in the nuclear age each side's strategic calculations and force planning will not be motivated by fear and uncertainty about a possible open-ended strategic buildup by the other side. Instead, they can be based with confidence on firm, established parameters. This can be expected to make a valuable contribution to the stability of the strategic relationship.

Of perhaps greater long-range importance, the ceilings worked out by the leaders of the two countries will provide a solid foundation for negotiating future arms reductions. While many details remain to be settled before this general framework can be transformed into a new agreement, the United States is confident that such an agreement can be concluded this year and that further negotiations on reducing the force ceilings can follow soon thereafter.

My government is aware of the importance attached internationally to a comprehensive test ban as a means of curbing the nuclear arms race. The United States remains firmly committed to seeking an adequately verified comprehensive test ban. The Threshold Test Ban Treaty, negotiated in Moscow last summer, is not only a step toward that objective but will be in itself a significant constraint on the nuclear arms competition between the United States and the USSR.

Question of Peaceful Nuclear Explosions

The question of peaceful nuclear explosions has recently become a major topic in international disarmament discussions. We must start from the facts that a number of uncertainties about the feasibility and practicability of PNEs have yet to be resolved and that the use of PNEs is a highly complicated matter both politically and legally. Recognizing these facts, the U.S. delegation at the recent General Assembly called for thorough international consideration of the PNE question. We accordingly supported the Assembly's request in resolution 3261D that the CCD consider the arms control implications of peaceful nuclear explosions.

Those implications have two aspects: implications for the development and testing of nuclear weapons by nuclear-weapon states and implications for the spread of nuclear-weapons capabilities among non-nuclear-weapon states.

With respect to the first of these categories, it is clearly important to insure that nuclear explosions carried out ostensibly for peaceful purposes are not used to gain weapons-related information in circumvention of agreed limitations on weapons testing. This is the central task of the bilateral negotiations now underway in Moscow, where the two sides are discussing criteria to insure that PNEs are consistent with the Threshold Test Ban Treaty. An analogous question arises with respect to any form of international test ban agreement. Indeed, this question would be particularly crucial with a comprehensive test ban, since in the absence of any authorized weapons testing, there would be a greater incentive to seek weapons information in the course of a PNE program.

With respect to PNE implications for the spread of nuclear-weapons capabilities, my government's firm conviction remains that it would be impossible for a non-nuclear-weapon state to develop a nuclear explosive device for peaceful purposes without in the process acquiring a device that could be used as a nuclear weapon. It has been argued that the critical factor is not the capability to produce nuclear devices but the intention of the country producing the device. However, this is not the issue. The critical question is not whether we can accept the stated intentions of any country, but whether a world in which many states have the capability to carry out nuclear explosions—and in which all therefore fear the nuclear-weapons capability of others—would not be vastly less secure than a world that has successfully contained the spread of nuclear explosive technology.

Study of Nuclear-Free Zones

A notable development at the last General Assembly was the heightened interest in nuclear-free zones. Resolutions were adopted dealing with nuclear-free-zone proposals for South Asia, the Middle East, and Africa and with the Latin American Nuclear-Free-Zone Treaty. Reflecting this renewed interest, and motivated in part by the diversity of the regional initiatives and the complexity of some of the issues involved, the General Assembly requested that an ad hoc group of governmental experts, under CCD auspices, undertake a comprehensive study of the question of nuclear-free zones in all its aspects.

My delegation welcomes this step and hopes it will contribute to a better understanding of the wide range of issues relating to nuclear-free zones. Given the differences that exist from region to region, we think it would be unrealistic to expect the experts to reach agreement on requirements for nuclear-free-zone arrangements that could be applied universally. One useful purpose of the study might be to identify issues where standardized provisions could be feasible, and others where they would not.

Unlike earlier studies undertaken under the auspices of the Secretary General, the study of nuclear-free zones will involve issues that are by nature primarily political rather than technical. This is the first such study to be carried out under the auspices of the CCD, and it was entrusted to this body with the understanding that a number of states not represented in the Committee would participate. My delegation has developed a number of ideas on the organization of this project which we will be discussing with members of the Committee in the next few days.

Restraints on Chemical and Biological Weapons

Turning to the area of restraints on chemical and biological weapons, I am pleased to be able to report two important actions recently taken by the U.S. Government. On January 22 President Ford signed the U.S. instrument of ratification of the Geneva Protocol of 1925. I should point out that, although not party to the protocol in the past, my government has always observed its principles and objectives.

The President also signed on January 22 the U.S. instrument of ratification of the Biological Weapons Convention, a product of the expert and painstaking efforts of this Committee. As members of the CCD are aware, this convention is the first agreement since World War II to provide for the actual elimination of an entire class of weapons; namely, biological agents and toxins. With ratification procedures already completed by the three depositary governments and by many more than the required 19 additional governments, we expect the convention to enter into force in the very near future. It is our hope that this will prompt many other governments to adhere to the convention.

As members of the Committee are aware, article II of the Biological Weapons Convention requires parties to destroy or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force, all agents, equipment, and means of delivery prohibited in article I. In this connection I would like to state that the entire U.S. stockpile of biological and toxin agents and weapons has already been destroyed and our former biological warfare facilities have been converted to peaceful uses. My delegation, and I am sure other members of the Committee, would welcome similar confirmations of implementation of article II from parties to the convention.

The ratification of the Geneva Protocol and the ratification and entry into force of the Biological Weapons Convention are viewed by my government as significant steps toward our common objective of the effective prohibition of chemical and biological weapons.

My delegation is prepared at the current session to participate in the active examination of possibilities for further effective restraints on chemical weapons. An important element in this examination should

continue to be a thorough analysis of the verification question in relation to the possible scope of any prohibition.

The U.S. interest in overcoming the dangers of the use of environmental modification techniques for military purposes was reflected in the U.S.-Soviet summit joint statement of July 3, 1974, in which both countries advocated the most effective measures possible to accomplish that objective. At the UN General Assembly last fall my government indicated that it would be ready at the CCD to consider this subject further. We pointed out that little is known about the scientific and technological aspects of environmental modification and that many of the applications posed for discussion are at present only hypothetical. At the same time we stressed that we were prepared to participate actively and positively in further discussion of this matter. We would expect to contribute to the Committee's deliberations in that spirit.

In my statement today I have discussed a number of new responsibilities to be assumed by the Committee. There is another issue I think should be added to the list: the question of restraints on conventional arms. This Committee has always given the highest priority to the control of weapons of mass destruction. While my delegation regards this as entirely appropriate, we see no reason why possible controls on conventional weapons, which account for the largest share of world military expenditures, cannot be considered concurrently. I plan to return to this subject in a later intervention.

124. Telegram 1515 From the Mission in Geneva to the Department of State¹

Geneva, March 5, 1975, 1800Z.

1515. Disto. Subject: CCD 655 Plenary Meeting, March 4, 1975.

1. *Summary*: At March 4 opening meeting of CCD spring session co-chairmen (U.S. and USSR) made statements touching generally on

¹ Summary: The mission provided a summary of the opening meeting of the Conference of the Committee on Disarmament's spring session.

Source: National Archives, RG 59, Central Foreign Policy File, D750077-0621. Limited Official Use; Priority. Repeated for information to Belgrade, Berlin, Bonn, Brasilia, Bucharest, Buenos Aires, The Hague, Islamabad, Kinshasa, Lagos, Lima, London, Mexico City, Moscow, New Delhi, Oslo, Ottawa, Paris, Prague, Rangoon, Rome, Sofia, Stockholm, Tehran, Tokyo, Warsaw, and the Mission to NATO. For Martin's statement, see Document 123. Roshchin's statement is printed in *Documents on Disarmament, 1975*, pp. 66-73.

all major agenda items, without signaling any policy changes. U.S. representative (Ambassador Martin) also delivered message from President Ford reaffirming U.S. commitment to advancing the work of the committee. Mexican Ambassador posed series of questions concerning Threshold Test Ban and SALT II negotiations and expressed views on organization of ad hoc group for study of nuclear-free zone. New members of committee (GDR, FRG, Iran, Peru, and Zaire) made brief remarks. *End summary.*

2. Amb. Roshchin (USSR) said measures of political détente should be supplemented by measures of military détente elaborated in accordance with the principle of undiminished security of either side. He called NPT the most important international instrument of our time and said it is necessary to develop international cooperation both in field of peaceful application of nuclear energy and in preventing nuclear weapons proliferation. He noted with satisfaction that number of countries members of the CCD are now taking steps to ratify the treaty and called on them to expedite the process. Turning to question of environmental modification, Roshchin said possible use of EnMod techniques for military purposes is wide range and cited the stimulation of precipitation and of destructive sea waves as examples. Roshchin observed that Soviet draft EnMod convention is now before the CCD and that SovDel will in due course give further explanations regarding the substance of its proposal.

3. Referring to 1974 Threshold Test Ban Treaty, Roshchin said fact that control over the observance of this treaty should be exercised by national technical means is of great importance. Soviets are of opinion that in order to ensure verification of the complete cessation of underground nuclear tests, a form of control may be established on the basis of the experience derived from the elaboration of the control system for the TTB. Such an approach does not require international inspections. Turning to PNEs Roshchin maintained that as scientific and experimental research progress on this complex scientific and technological problem, new opportunities will open up for the expansion of international cooperation in this field. He observed that PNE question was also on the agenda of the bilateral Soviet-U.S. talks held under the 1974 TTB treaty. He said special agreement covering nuclear explosions for peaceful purposes is now being negotiated by the two sides and asserted that these negotiations are directly linked with the realization of Article V of the NPT.

4. Roshchin cited General Assembly resolution calling for expert study on nuclear-free zones and said his delegation will be holding consultations with the committee in the near future for the group. Regarding CW, Roshchin cited the July 1974 summit statement referring to the consideration of a joint initiative and said (without elabora-

tion) that at present steps have been taken to implement that agreement. Roshchin said SovDel believes discussion of CW problem at CCD should be continued on the basis of existing proposals and he cited Soviet and Japanese convention plus non-aligned working paper.

5. Amb. Martin (U.S.) delivered message from President Ford which paid tribute to CCD's accomplishments and pledged that USG will do all in its power to promote agreed solutions to issues before the committee wherever and whenever possible. In his own statement, Martin commented that most pressing of large number of items on international agenda concerned nonproliferation and related nuclear issues. He said U.S. Government is urgently considering what courses of action would contribute most effectively to achieving a more universal, reliable system of safeguards against diversion of nuclear material and technology to military purposes. It is also considering what would be most promising steps to increase political and economic incentives which could lead a country to forego nuclear explosive option.

6. Martin noted that since CCD had last met, U.S. and Soviet Union had taken, at Vladivostok, another major step to curb their competition in nuclear arms. Because of this breakthrough, for first time in nuclear age each side's strategic calculations and force planning will not be motivated by fear and uncertainty about a possible open-ended strategic buildup by the other side. While many details remain to be settled before general framework arrived at Vladivostok can be transformed into a new agreement, U.S. is confident that such an agreement can be concluded this year and that further negotiations on reducing the force ceilings can follow soon thereafter. He added that the US remains firmly committed to seeking an adequately verified CTB. The TTB, negotiated in Moscow last year, is not only a step toward that objective, but will be a significant constraint on the nuclear arms competition by the US and USSR.

7. Amb Martin commented that a number of uncertainties about the feasibility and practicability of PNEs have yet to be resolved and that use of PNEs is a highly complicated matter both politically and legally. US supported recent UNGA resolution requesting CCD to consider arms control implications of PNEs. It is clearly important to insure that nuclear explosions carried out ostensibly for peaceful purposes are not used to gain weapons-related information in circumvention of agreed limitations on weapons testing. This is central task of bilateral negotiations now going on in Moscow. With respect to PNE implications for spread of nuclear weapons capabilities, U.S. Government's firm conviction remains that it would be impossible for a non-nuclear weapons state to develop a nuclear explosive device for peaceful purposes without in the process acquiring a device that could be used as a nuclear weapon.

8. Martin welcomed GA's request that an ad hoc group of government experts, under CCD auspices, undertake a study of nuclear-free zones. He said it would be unrealistic to expect experts to reach an agreement on requirements for nuclear-free zone arrangements that could be applied universally. Study, however, might be able to identify issues where standardized provisions could be feasible. Martin highlighted U.S. ratification of Geneva Protocol and BW Convention and stated that entire U.S. stockpile of BW agents and weapons have been destroyed. U.S. would welcome similar confirmation of implementation of BW Convention from other parties.

9. Martin added that USDel is prepared to participate in active examination of possibilities for further effective CW restraints and said thorough analysis of verification question would be important element in such an examination. U.S. delegation is also prepared to participate actively in further discussion of question of environmental modification. Martin commented that little is known about scientific and technological aspects of environmental modification and that many of applications posed for discussion are at present only hypothetical. He reiterated view that discussion of restraints on conventional arms at CCD would be desirable and appropriate and that he would return to this subject at later intervention.

10. Amb Garcia Robles (Mexico) made lengthy statement along familiar lines, chastising U.S. and USSR for their alleged failure to carry out arms control commitments. He posed 13 tendentious questions to Soviets and U.S. concerning the Threshold Test Ban Treaty and current SALT negotiations. He acknowledged that Ambassador Martin's opening statement had already answered some of these and expressed hope that this was sign of willingness to be responsive and forthcoming on the rest (text pouched). Turning to subject of ad hoc group for study of nuclear-free zones, Garcia Robles expressed view the group should be fully autonomous in its work and assume full responsibility for the study it was to prepare. Group could, if it wished, consult the CCD at the outset to learn what topics CCD advised should be included in the study. It could also solicit CCD's opinions from time to time, particularly in connection with the drafting of that part of the study which "as usual, would include conclusions and recommendations." The group's consultations with the CCD should take place through informal meetings and without the exercise of the co-chairmanship. Designation of participants in group could be made solely and exclusively by UN Secretary General or he could carry this out in consultations with the CCD. Garcia Robles thought latter alternative would be more appropriate. He added that the opinions which the CCD might transmit to the Secretary General on this question should be the result of exchanges at informal meetings of the CCD.

11. Bjornerstedt, as acting representative of UN Secretary General, read customary message from him which was mainly notable for its reference to binary nerve gases and conventional weapons. Waldheim said that recent development of binary nerve gases demonstrates necessity of pressing forward with urgency on issue of chemical weapons controls. He observed that the destructive power of conventional weapons far exceeds anything known before and said that the current traffic in conventional arms was detrimental to peace and a cause of apprehension.

12. Representatives of the GDR (Vice ForMin Moldt), FRG, Iran, Peru and Zaire made brief general statements expressing their satisfaction over joining the CCD and their governments' determination to contribute constructively to the committee's work. Peruvian representative underlined his government's efforts at achieving regional controls on conventional arms as reflected in Ayacucho Declaration.

12. Next plenary session Thursday, March 6.

Dale

125. Memorandum I–21040/75 From the Assistant Secretary of Defense for International Security Affairs (Ellsworth) and the Director of the Joint Staff (Ginsburgh) to Secretary of Defense Schlesinger¹

Washington, March 6, 1975.

SUBJECT

Support of ACDA Proposals on Nuclear Proliferation (U)—ACTION
MEMORANDUM

ISSUE: (S/SEN) On February 18, 1975, Dr. Iklé provided me with his recent memorandum for the President (Tab A), which suggests several urgent anti-nuclear proliferation proposals.

DISCUSSION:

(S/SEN) In summary, the ACDA paper finds a number of nations giving out signals which can be interpreted as indicating that they are considering developing a nuclear weapon capability. Several proposals are advanced that could inhibit or delay this nuclear proliferation. They are (1) to use our influence in South Korea to keep that country from moving toward a nuclear weapon capability (ACDA recommends an urgent interagency study to provide policy options), (2) to inform the Japanese and Italian governments that we want them to ratify the Non-Proliferation Treaty in time for the May 5, 1975 NPT Review Conference, and (3) to take up key proliferation issues at an NSC meeting in the near future.

(S/SEN) Although I am in basic agreement with the ACDA proposals, I would consider the possibilities of using somewhat more forceful means of persuasion with the Japanese and Italian governments to obtain timely ratification than are suggested in the ACDA paper.

(S/SEN) With regard to other countries which are leaning toward gaining nuclear capabilities, we should initiate the “country studies”

¹ Summary: Ellsworth noted that he had received a copy of ACDA Director Iklé’s February 18 memorandum to President Ford and commented that he was in “basic agreement” with the ACDA paper. Ellsworth recommended that Schlesinger support the ACDA proposals in the form of a letter to Kissinger.

Source: Library of Congress, Manuscript Division, Schlesinger Papers, Box 20, Action Memoranda, March 1975. Secret; Sensitive. Drafted by Joseph Landauer (OASD/ISA). The date is hand-stamped. The memorandum was coordinated with the Assistant to the Secretary (AE) and approved by General Brown on March 6. A notation at the end of the memorandum in an unknown hand reads: “Iklé’s recommendations at clip. In accord with views you expressed with Amb. Schneider. OK. W.” Tab A, a copy of Iklé’s February 18 memorandum to Ford, is Document 120. Tab B, a memorandum from Schlesinger to Kissinger, is Document 128. NSSM 202 is Document 50.

as recommended in the response to NSSM 202. These studies would investigate all the factors affecting potential nuclear weapons decisions in key non-nuclear weapons states and the preferred strategy for deferring such decisions. The situation in South Korea is particularly important and it is proposed that all possible policy alternatives be examined on an urgent basis.

RECOMMENDATION: (U) It is recommended that you support the ACDA proposals, indicating a somewhat more forceful position, as described above. Your support would appropriately come as a memorandum from you to the Secretary of State (Tab B).

R.E. Ellsworth

Robert N. Ginsburgh

126. National Security Study Memorandum 219¹

Washington, March 14, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

U.S.-Iran Agreement on Cooperation in Civil Uses of Atomic Energy

The President has directed a study of the issues involved in reaching an acceptable agreement with the Government of Iran which would allow nuclear commerce between the countries—specifically, the sale of U.S. nuclear reactors and materials, Iranian investment in U.S. enrichment facilities, and other appropriate nuclear transactions in the future. The study should consider, but not be limited to, the following:

¹ Summary: President Ford directed that an ad hoc group conduct a study of issues involved in reaching agreement with the Government of Iran to allow nuclear commerce between the United States and Iran.

Source: Ford Library, National Security Council, Institutional Files—NSSMs, Box 49, Originals—NSSM 207 to NSSM 227. Secret. A copy was sent Colby. Scowcroft signed for Kissinger above Kissinger's typed signature. Also printed in *Foreign Relations*, 1969–1976, volume XXVII, Iran; Iraq, 1973–1976, as Document 113. The NSSM 219 working group's report is Document 129.

—The rationale of the current U.S. position, and the status and prospects for negotiating an Agreement on that basis.

—The potential impact of the U.S. position on Iran’s nuclear development plans.

—Alternatives for a U.S. position, with pros and cons, including an assessment of the effect of each on our non-proliferation policy.

—The relation of nuclear commerce with Iran to the broader question of U.S.-Iran cooperation.

—The outlook for Congressional support of a U.S.-Iran Atomic Energy Agreement.

The study should be carried out by an ad hoc group chaired by a representative of the NSC, and submitted no later than March 19.

Henry A. Kissinger

127. Telegram 66020 From the Department of State to the Embassy in the Federal Republic of Germany¹

Washington, March 24, 1975, 2016Z.

66020. Subject: West German Nuclear Exports to Brazil. Ref: State 48844 (Notal).

1. FRG Ambassador Von Staden called on ACDA Director Fred Iklé March 21 to convey his government’s reaction to U.S. expressions of concern about pending FRG–GOB nuclear agreement, especially about exports of reprocessing and enrichment technology and facilities. (U.S. had proposed that all pending agreements which included these facilities be delayed until suppliers could confer on common policies.) Von Staden presented informal note which contended that FRG had obtained best results possible in its negotiations with Brazil, that FRG was pessimistic about chances of harmonizing views of supplier coun-

¹ Summary: The Department transmitted a summary of ACDA Director Iklé’s March 21 meeting with West German Ambassador Von Staden concerning the pending West German-Brazilian nuclear agreement. Von Staden gave Iklé an informal note that indicated that the “best results possible” had been reached with the Government of Brazil and answered several questions posed by the Ford administration regarding the agreement.

Source: National Archives, RG 59, Central Foreign Policy File, D750102–1013. Secret; Priority; Limdis. Drafted by Frank Crump (ACDA); cleared by Iklé and Davies; approved by Klein. Repeated Priority for information to Paris, and also to London, Moscow, Tokyo, Ottawa, the Mission to the IAEA at Vienna, Brasilia, and the Mission in Geneva. Telegram 48844 to Bonn, March 5, is *ibid.*, D750078–0226.

tries, "after efforts of several months and in light of the reaction of other states," and that in any event, if all suppliers obtained conditions and principles equivalent to these, this would be a step forward. Note said FRG saw little prospect of achieving more comprehensive agreement among relevant supplier countries and said FRG therefore "believed that in view of the legitimate interests of our nuclear industry the conclusion of the agreement with Brazil should not be delayed any longer."

2. FRG note also answered specific questions we had posed concerning projected FRG-Brazil agreement (para 5 reftel). FRG responses indicated that no controls on plutonium were envisioned over and above IAEA safeguards except for prior FRG consent to re-export. Note cited both Brazilian and German opinion that all technology developed in connection with FRG-Brazil cooperation would be subject to IAEA safeguards. However it said implementation of this principle would be determined in the safeguards agreement and that this would be negotiated between Brazil and IAEA (without FRG participation). Agreement would preclude use of covered material for any explosive device.

3. FRG note confirmed that cooperation agreement envisaged provision of both uranium enrichment and reprocessing facilities. It said that "concerning uranium enrichment, we have excluded the particularly sensitive centrifuge technology" but there was consideration of use of the nozzle separation process. Note concluded that at industrial level, "there will be joint ventures which will offer additional safeguards."

4. Iklé said USG would study FRG reply carefully. His initial personal reaction was that one effect of such an agreement would be to create problems for U.S. negotiations with Iran. As we had informed FRG, we had not acceded to the Iranian request for an agreement permitting storage of U.S.-derived plutonium in Iran. Lack of supplier oversight over plutonium storage in Brazilian-FRG agreement would be especially awkward in light of fact that Iran is a full NPT party while Brazil refused to support the treaty.

5. Von Staden said FRG was pleased with agreement it was able to reach and thought safeguards were good. Iklé recalled some of weaknesses in safeguards system itself including inadequate staff of inspectors, and mentioned even greater uncertainties likely to surround inspection of complex facilities such as reprocessing plants. He noted lack of economic rationale for these facilities in countries like Brazil, which should give rise to question about their motives for seeking them. U.S. had over fifty reactors but no reprocessing plants now in operation.

Kissinger

128. Memorandum From Secretary of Defense Schlesinger to Secretary of State Kissinger¹

Washington, March 24, 1975

SUBJECT

ACDA Proposal on Nuclear Proliferation (U)

(S/SEN) I have studied the ACDA memorandum for the President on nuclear proliferation, dated February 18, 1975.

(S/SEN) Although I am in basic agreement with the ACDA proposals, I would consider the possibility of using somewhat more forceful means of persuasion with the Japanese and Italian governments to obtain timely ratification than are suggested in the ACDA paper.

(S/SEN) With regard to other countries which are leaning toward gaining nuclear capabilities, we should initiate the “country studies” as recommended in the response to NSSM 202. These studies would investigate all the factors affecting potential nuclear weapons decisions in key non-nuclear weapons states and the preferred strategy for deferring such decisions. The situation in South Korea is particularly important and it is proposed that all possible policy alternatives be examined on an urgent basis.

(U) The Chairman, Joint Chiefs of Staff, concurs with me on this proposal.

JR Schlesinger

¹ Summary: Schlesinger indicated to Kissinger that he agreed with the ACDA proposals on proliferation that ACDA Director Iklé had broached with President Ford but added that he would “consider the possibility of using somewhat more forceful means of persuasion” with the Japanese and Italian Governments.

Source: Library of Congress, Manuscript Division, Schlesinger Papers, Box 20, Action Memoranda, March 1975. Secret; Sensitive. The date is hand-stamped. A copy was sent to ACDA. A copy of Iklé’s February 18 memorandum to Ford, Document 120, is not attached. Ellsworth and Ginsburgh’s memorandum, attached as Tab B, is Document 125.

129. Report Prepared by an Ad Hoc Interagency Working Group¹

Washington, undated.

*REPORT OF THE NSSM 219 WORKING GROUP
NUCLEAR COOPERATION AGREEMENT WITH IRAN*

PROBLEM

NSSM 219 dated March 14, 1975 requested a study of the issues involved in reaching an acceptable Agreement for Cooperation with Iran concerning nuclear cooperation. While negotiations are proceeding a number of key issues remain unresolved. Accordingly, this paper reviews the current situation and possible options for the U.S. to consider.

In brief, we are facing a serious dilemma since we are proposing to Iran more rigorous controls over plutonium than we have heretofore included in our other agreements including those with states that are not party to the NPT. While these special safeguards might be satisfactory to Congress they are proving unacceptable to Iran since the GOI views them as discriminatory, in light of her status as an NPT party. Our problem, therefore, is to devise a formulation that will prove acceptable to both Iran as well as prospective congressional critics while preserving our nonproliferation objectives.

BACKGROUND

Iran is embarking on a major 20,000 MW nuclear power program and is interested in acquiring half of this capacity (or about 6 to 8 major nuclear power plants) from the United States. The estimated revenues to the U.S. from this arrangement is \$6.4 billion, taking into account reactor components, fuel supply and related services. The GOI also is prepared to contribute to 20% of the cost of the proposed UEA private enrichment plant. This would represent a flow of roughly an additional \$1 billion to the U.S. should the UEA plant actually materialize.

Iran has decided now to introduce nuclear power to prepare against the time—about 15 years in the future when Iranian oil production is expected to begin to decline sharply. The introduction of nuclear power

¹ Summary: The report explained that while imposing more rigorous controls over U.S. plutonium sales to Iran would be satisfactory to Congress, the Government of Iran considered the conditions discriminatory.

Source: Ford Library, National Security Council, Institutional Files—NSSMs, Box 34, NSSM 219—U.S.-Iran Agreement on Cooperation in Civil Uses of Atomic Energy. Secret. NSSM 219, which requested this study no later than March 19, is Document 126.

will both provide for the growing needs of Iran's economy and free remaining oil reserves for export or conversion to petrochemicals.

Our ability to reach a mutually satisfactory agreement with Iran on the proposed nuclear accord is expected to have very considerable political as well as economic importance to U.S.-Iranian relationships, in view of the Shah's interest in seeing Iran move into high-technology fields with U.S. cooperation. Conversely, failure on our part to resolve the remaining issues could have serious short, as well as long-term, adverse effects in our relations, given the Shah's sensitivity towards U.S. attitudes and Iran's strong desires to be treated in a non-discriminatory manner and as a nation that often has supported U.S. interests.

Should we not be able to resolve our differences the Shah is likely to view our unwillingness to treat Iran as we have other NPT parties as a reflection on Iran's stability and the integrity of its commitments as well as an indication that the U.S. cannot be relied upon because of the uncertainties of our political process. We do not discount the possibility that a continued impasse on the accord could result not only in a decision on Iran's part to transfer its nuclear business elsewhere, but also in a more serious deterioration in U.S.-Iranian relationships. Failure to reach agreement with Iran because of insistence on restrictions which may prove unacceptable to them, could injure rather than promote our nonproliferation objectives, by forcing Iran to rely on less cautious suppliers.

At the same time, however, it must be stressed that the USG is now involved in a reassessment of appropriate conditions for nuclear supply, and is discussing such conditions with other nuclear suppliers. The U.S. position in the negotiations with Iran, accordingly, must take these factors fully into account.

There also is urgency to our reviewing and determining the definitive U.S. position on the proposed Agreement if we have any hope or interest in bringing this matter to a satisfactory resolution by mid-May when the Shah arrives. If any issues are still unresolved we can expect the Shah to personally raise them at that time. The GOI has expressed a receptivity to receiving a U.S. team in Tehran during April 20–30 to resume the negotiations and one of the purposes of this study is to facilitate our ability to give the negotiators suitable guidance.

U.S. and Iranian Positions

While Iran has given us comments on several secondary issues, the following key issues are known to remain.

As an element of our growing concerns over nuclear proliferation, we have given Iran a draft agreement that would be more rigorous in controlling plutonium than our past agreements with other countries, but less sweeping than the constraints we proposed to Israel and Egypt.

Also, although we have never gone into specifics we have informed key congressional representatives that the Iranian agreement would be tougher than past U.S. nuclear agreements but not as tough as the Israeli-Egyptian formulations, out of deference to the fact that Iran is a party to the NPT and strong supporter of IAEA safeguards. We can anticipate very critical congressional scrutiny of any agreement that we might negotiate with Iran based on congressional concerns over nuclear exports as well as hostility towards the Shah's oil pricing policies.

The key provision at issue between ourselves and Iran is one that would give the U.S. the right to determine where any plutonium produced through the use of U.S. materials and equipment can be reprocessed, fabricated or stored. This is more liberal than the Israeli-Egyptian formulation, which precluded local reprocessing in those troubled countries, but harsher than the agreements we have concluded to date with other nations including those that are not parties to the NPT. To date our agreements have normally provided that the recipient state can reprocess the material it receives subject only to a determination by both parties that the facility would permit adequate safeguards to apply.

In the case of our proposed agreement with Iran we also have sought to temper our request for a veto on reprocessing with a proposed note that would inform the GOI that we would look sympathetically on Iran's request to perform such reprocessing services. We have indicated that one factor favoring U.S. approval would be a decision on the part of Iran to establish any reprocessing plant on a multinational basis with the active involvement of the country helping to establish the facility.

Some believe that a U.S. right to specify where U.S. fuels can be reprocessed should be included in all of our future agreements, since it would provide the U.S. with added and prudent flexibility to deal with the evolving proliferation problem. We also have created an impression that the product of our Iranian agreement might become our future model—especially for our dealings with NPT parties. The proposition of encouraging foreign reprocessing ventures to evolve on a multinational basis is consistent with the line we are currently pursuing with other major equipment suppliers.

Iran, however, has expressed reservations that we should have any such veto rights and desires to be treated no less advantageously than other U.S. partners. More basically she, like others, aspires to acquire her own complete fuel cycle capabilities (including an enrichment capability) and believes that as a party to the NPT she should not be deprived of this opportunity.

When the NPT was negotiated we stressed that the states participating in the Treaty would be treated more advantageously than non-

parties. Moreover, we indicated that all legitimate peaceful efforts, including reprocessing, could be pursued so long as they were adequately safeguarded. Thus, our subjecting an NPT party, like Iran, to more rigorous controls could be viewed as undermining the NPT as well as confidence in IAEA safeguards. Also to place our postulated constraints in perspective, it must be stressed that the technology of chemical reprocessing has been unclassified since 1958 and is within reach, at least on a pilot scale, of any determined country with a moderate capability.

Balancing these considerations is a growing recognition that the NPT should be reinforced by the adoption of additive supplier restraints and more selective treatment of countries with whom we cooperate. Other key countries of concern, such as Pakistan, are pressing to acquire some reprocessing capability and some feel that an overly receptive U.S. reaction to Iran's desires, including abandonment of our veto proposal, could detract from any U.S. efforts to discourage such developments. Also, as noted, the reactions our proposals will receive in the Congress could be crucial to the entire exercise.

Despite Iran's present benign attitude towards the NPT and non-proliferation some are concerned over her possible longer-term nuclear weapon ambitions should others proliferate.

Canada has a nuclear agreement with Iran which gives it a right to approve where Canadian supplied fuels can be reprocessed. Iran, reportedly is not satisfied with this arrangement.

The constraints we have proposed for Iran are consistent with those we are now exploring with other suppliers for application to potentially unstable countries and non-parties to the NPT. We regard our proposed consultations with other suppliers to be a serious endeavor. Accordingly, although it is recognized that other suppliers are not as conservative as we are and that some may not be prepared to accept all of our proposals, we do not wish our position with Iran to undercut these broader consultations even though Iran has joined the NPT. In the course of our consultations with other suppliers we have strongly endorsed the concept, that foreign reprocessing plants should be established on a multinational basis wherever practicable. We have not, however, been explicitly pressing the idea that suppliers have veto rights over the location of foreign plants processing their materials. However, we have cited the Israeli-Egyptian cases as examples of our growing concern with reprocessing.

In contrast to the issue over the veto, Iran appears to give less importance to our proposal that any reprocessing plant should be established on a multilateral basis. Conceivably the Shah might see benefits in hosting a multinational reprocessing plant, perhaps with Pakistan involvement and with some assurance of U.S. technical assist-

ance. Such an approach could establish Iran early as a major reprocessing center, thus deterring national plants in the region and providing economic, political and security benefits to Iran. Some believe, however, that the proposition of urging others to establish their safeguarded plants on a multilateral basis is only marginally useful, bearing in mind that IAEA safeguards already are multinational in character.

Regardless of what course of action we choose, our negotiations with Iran are likely to collapse, with serious adverse effects, unless she can be persuaded that she is not being subjected to discriminatory treatment.

If more rigorous controls were applied to all NPT countries as part of an overall program, Iran might not object if she perceives that her non-proliferation interests, like ours, are being fostered. This, however, will be directly related to how reasonable she construes our proposals to be. Therefore, should we continue to press for more rigorous controls our objective should be to convince Iran that the measures we are proposing will further our common non-proliferation objectives. We should also indicate that rather than discriminating against Iran, we are seeking Iran's assistance to formulating a model which will be the basis for future agreements with other NPT states.

Fuel Supply

We also are facing some important but hopefully, more soluble issues with Iran concerning other aspects of the proposed fuel supply. Iran desires to receive U.S. material for its own reactor use as well as for fabrication in Iran for use in third countries with whom we have agreements. *Since we have readily accommodated such demands in the case of several other agreements we are prepared to meet this latter request.*

A more complicated issue relates to the overall quantities of fuel that we should be prepared to furnish to Iran. Basically, three options have been considered. Under *the first*, we would stand firm on the current 8000 MW ceiling in the draft agreement. Under *the second*, we would be prepared to raise the ceiling, slightly, to cover only the anticipated needs associated with estimated total U.S. reactor sales. Under *the third*, we would be prepared to permit sufficient flexibility in the agreement to enable, but not oblige us, to fuel non-U.S. reactors as well. Two significant sub-options have been identified in this latter regard. We could raise the ceiling in the U.S.-Iranian Agreement to as high as 20,000 MW should the GOI press the point. This would cover all of Iran's currently estimated reactor needs. Alternatively the agreement might include a 8000 MW to 10,000 MW ceiling plus a proviso that Iran could receive such additional quantities for use in defined domestic Iranian reactors as represent Iran's contracted share of the product of any U.S. facility in which it invests. Iran's proportionate share (20%)

of the UEA facility, which is equivalent to 27,000 MW, would be more than sufficient to enable it to meet all of its own needs.

To place this issue in perspective it should be stressed that the ceilings in our agreements are permissive, and not obligatory, and simply set the outer limits of what can be transferred. Generally, we have felt that it would enhance U.S. attractiveness as a fuel supplier to be amenable to meeting the needs of foreign reactors regardless of their origin, and thus support our non-proliferation objectives.

If the Iranians press to have the ceiling raised it would appear counter-productive to rigidly adhere to the 8000 MW ceiling since this figure would not even cover the fuel requirements of the 10,000 MW in U.S. type reactors that we hope to sell to that country out of the total 20,000 MW program. This would suggest that *as a minimum* we should be readily prepared to raise the ceiling to 10,000 MW on the assumption that we would be fueling our own reactors and that Iran's investment in EURODIF would enable it to meet the needs of its German and French reactors. Some believe that this should be our preferred approach, in contrast to raising our ceiling higher, since by raising our ceiling we could "free" Iran's share of EURODIF fuel for other purposes (such as stockpiling or disposition) which might conceivably run counter to our international energy objectives aimed at oil consumer self-sufficiency.

On the other hand, confining our ceiling to a 8000 MW or 10,000 MW figure would automatically bar the U.S. from competing to fuel a larger share of the Iranian program, and ignores the fact that the ceilings in our agreements are permissive and not obligatory. It would also appear to be inequitable to welcome Iranian investment in the U.S. UEA venture, which may be a crucial factor in allowing the establishment of a primate enrichment industry in the U.S., and not enable Iran to employ her pro-rata share of the UEA capacity for indigenous reactor use. Moreover, any concerns about "stockpiling" could be met by our adopting a policy that would provide that any UEA materials in excess of Iran's indigenous needs, but which she owns, would flow directly from the UEA plant to the actual consumer pursuant to an appropriate agreement between the U.S. and the government involved. We might wish to encourage the EURODIF group to adopt a comparable policy.

Based on the foregoing *it is recommended that we should be prepared to raise the ceiling in the U.S.-Iranian Agreement beyond 8000 MW should the GOI press the point. Specifically, we should be prepared to modify the agreement to include an 8000 or 10,000 MW ceiling plus a proviso that, within a ceiling sufficient for 20,000 MW, and within Iran's contracted share of the product of any U.S. enrichment facility, Iran could receive such additional quantities, for use as needed in defined Iranian reactors.*

OPTIONS

The following major options appear available to the U.S. concerning the plutonium control rights that might be included in the proposed Agreement. They assume that the U.S. will adopt a forthcoming attitude on the other fuel supply issues summarized above. It should be noted that several of these represent combinations of several independent variables and that other combinations close to these alternatives can be conceptualized. Accordingly, only general guidance for the U.S. negotiators is being sought at this time.

(1) *We could maintain our present position (calling for U.S. approval of whether Iran can reprocess, fabricate or store relevant materials transferred pursuant to the agreement or plutonium produced therefrom), while indicating that the establishment of multinational facilities would be an important factor favoring such approval. We would seek to persuade the Shah that an Iranian initiative along these lines, with possible Pakistan and U.S. involvement, could have many benefits for his country.*²

PROS

—Would tend to further minimize proliferation risks in Iran and other cooperating countries. Gives support to concept proposed by U.S. to other suppliers of encouraging multinational plants as means of reducing proliferation risks.

—Would maximize the chance of favorable Congressional response.

—Helps preserve the several U.S. positions now being explored with the other suppliers.

—Might have a chance of being negotiated if we favorably respond to Iran's other requests concerning fuel supply and if the other suppliers adopt comparable constraints.

—Could be presented as a non-discriminatory action on our part designed to reflect growing anxieties about proliferation.

CONS

—Probably would be rejected by Iran in its current form with potentially serious adverse political and economic effects for the U.S., and would work against U.S. nonproliferation objectives by encouraging Iran to turn to other more permissive suppliers.

—Adds only some marginal non-proliferation inhibitions to those already associated with Iran's NPT and IAEA safeguard obligations.

² NOTE: There are of course, even more restrictive options available to the U.S. We could, for example, now seek to impose on Iran the more restrictive conditions that we applied to Israel and Egypt. Alternatively, we might seek to preserve our veto but avoid giving Iran an assurance that we would be prepared to give its request "sympathetic consideration." While these options might appeal to some Congressional elements known to favor more rigorous controls, they are viewed as non-negotiable and hence are not treated in detail. [Footnote is in the original.]

—Tends to penalize an NPT party, by leaving its declared indigenous fuel cycle ambitions in an uncertain state. Also tends to undermine confidence in IAEA safeguards.

—Might place the U.S. at a commercial disadvantage with reference to other suppliers since it is still highly dubious whether some of our postulated constraints will be accepted as a basis for supplier agreement.

—Overlooks the fact that, with time, Iran probably would be capable of acquiring a modest-pilot scale reprocessing capability on its own regardless of our attitudes.

—Tends to overlook the fact that with the ultimate advent of plutonium recycle and the breeder reactor it will be unrealistic for the U.S. to attempt to control and veto where all U.S. derived foreign plutonium can be used, processed or stored.

(2) We could inform the GOI that we shall be prepared to provide our approval if Iran decides to construct a multinational plant that the parties judge to be safeguardable. We also could express a willingness to explore cooperating with Iran (through technology) in establishing such a facility at an appropriate time should Iran so desire.

PROS

—Has the virtue of enhancing our ability to preserve veto rights in agreements with other countries where we might be less inclined to favor reprocessing.

—Would be far more attractive to Iran by categorically assuring the GOI that U.S. approval would be forthcoming if certain tests are met.

—Tends to promote the concept of multinational facilities now being promoted by the U.S. and other suppliers. Also tends to demonstrate to other suppliers that the U.S. is serious about developing additional devices to help control “sensitive” foreign facilities.

—Allows us to draw distinctions between NPT and non-NPT parties in the implementation of our rights. We could justify our proposed approval of a multilateral plant in Iran largely on the basis that Iran has joined the NPT.

—Still stands a good chance of Congressional support if Congress is more concerned about the proposed new precedent of our having veto rights, than the particular issue of possible reprocessing in Iran.

—By involving possible U.S. cooperation could be more attractive to Iran by giving credibility to our interest in accommodating Iran’s interest in acquiring an indigenous fuel cycle capability. Relatedly would give added credibility to our undertaking in Article IV of the NPT to cooperate with NPT parties.

—Could provide the U.S. with substantial leverage over the shape and direction of Iran’s reprocessing program should Iran be interested in our cooperation.

CONS

—Might still be rejected by the GOI should Iran remain vigorous in its opposition to a U.S. veto.

—Doesn’t fully meet the Iranian objection to discriminatory treatment inasmuch as several long-term U.S. nuclear agreements (including

some with NPT opponents) would permit the cooperating country to reprocess U.S. materials subject only to a one-shot determination that safeguards can be applied effectively to the facility.

—Is really not so different from option 1, if one assumes that we would have difficulty in not approving a multilateral facility under that option.

—Could be viewed by some as imprudent, since it might be argued that we should reserve our approval of any Iranian facility, including a multinational venture, until we know the specifics and participate.

—Might be subjected to congressional criticism particularly if Congress equates Iran with Israel or Egypt or has doubts about the true additive value of the “multinational” plant concept.

—Could accelerate, through possible U.S. cooperation, the pace by which Iran would be able to acquire a reprocessing capability.

—In the event of concrete U.S. cooperation, might enable Iran to exploit our technology in the construction of a wholly independent facility that could be used to reprocess non-U.S. materials. However, the current plans for the suppliers conference envisage control and safeguarding of replicated facilities.

—Also could undercut U.S. attempts to convince suppliers to withhold supply of reprocessing technology from some worrisome countries.

(3) Retain the explicit U.S. right of veto over reprocessing but drop our multilateral condition. However, concurrently give Iran our general approval, if she agrees to treat any facility processing materials as if it were obtained as a safeguarded facility acquired from the U.S. under our agreement for cooperation. This would help assure that our bilateral safeguards would apply to the plant and its products if IAEA controls are terminated for any reason. It also would be understood that the actual reprocessing would be contingent on the normal mutual finding that the facility is safeguardable.

PROS

—Provides an alternative that has many of the virtues of the options noted above but that might be more attractive to Iran if it does not now wish to commit itself to a multilateral venture.

—Might strike Iran as more compatible with its NPT status than the foregoing options since the negotiating history of the NPT suggested that states party to the Treaty would be free to develop indigenous national fuel cycle capabilities if appropriately safeguarded.

—Extracts an important additional safeguard commitment from Iran which is additional to, and independent of, Iran’s NPT obligations. Substitutes such an undertaking for a constraint (multilateral plant concept) which some believe to be of only marginal value.

—Can still be defended, however, as providing additive controls over plutonium over and beyond our earlier agreements.

—Preserves the option to impose stricter controls for non-NPT parties.

CONS

—Ignores the fact that the U.S. is advocating the “multilateral plant” criterion in its current consultations with other suppliers.

—Could be viewed by Iran and others as an endorsement of the concept that independent national reprocessing plants are acceptable, thereby weakening our nonproliferation policies.

—Tends to discount or ignore the fact that if Iran withdraws from the NPT she also might abrogate any safeguards undertakings with the U.S.

(4) Drop the U.S. veto over reprocessing, fabrication, etc., if Iran can now give us categorical assurances that such reprocessing will be performed in a bona fide multinational regional facility which could be located in Iran. In addition also seek agreement to treat any facility processing U.S. materials as if it were obtained from the U.S. under our agreement. This would help assure that our bilateral safeguards would apply to the plant and its products if IAEA controls are terminated for any reason.

PROS

—Stands a high degree of being acceptable to Iran by minimizing implication that Iran is being subjected to discriminatory treatment. Would be more consistent with the agreements we have negotiated to date which contemplate local reprocessing, if the plants can be safeguarded.

—Can still be defended, however, as providing additive controls over plutonium beyond our earlier agreements.

—Preserves option to impose stricter controls for non-NPT parties.

—Is substantively the same, insofar as Iran is concerned, as option 3.

—Preserves our “multinational” plant concept.

—Extracts an additional safeguard commitment from Iran which is additional to and independent of Iran’s NPT obligations.

—Is more compatible with the NPT negotiating history which suggested that adhering states would be free to develop indigenous fuel cycle capabilities if appropriately safeguarded.

CONS

—Stands a considerable risk of being criticized by those congressional elements hostile to an Iranian agreement or that favor using the postulated Israeli and Egyptian agreement as the new norm.

—Weakens our ability to counter proliferation by prejudicing our ability to include explicit veto rights in agreements with other countries that might give us a greater basis for concern.

—Narrows our position in the forthcoming supplier consultations, should others press to have such veto rights included in agreements.

(5) Accord Iran exactly the same treatment as we generally have given to all other nations save Israel and Egypt. Permit Iran to perform reprocessing in Iran if the parties agree that adequate safeguards can apply to the facility.

PROS

—Avoids subjecting Iran to any discriminatory treatment in this area, thereby assuring successful negotiations.

—Could be represented as a distinct favoring of an NPT party, which in turn, could strengthen the treaty.

—Avoids possible criticism that by now seeking to control foreign reprocessing in NPT states we are running counter to Article IV of the Treaty.

—Would still permit us to include some minor additive constraints in the accord, such as assurances that adequate physical security would apply.

CONS

—Probably would be rejected by Congress as unresponsive to its increased concern over foreign plutonium production.

—Could be viewed as seriously imprudent and not in conformance with the assurance we gave some congressmen that additive constraints would be included in the Iranian Agreement.

—Could be viewed by other suppliers as fundamentally inconsistent with other efforts being made by the U.S. to place supplier assistance to foreign reprocessing plants under more rigorous control.

Congressional Relations

As noted, we anticipate serious adverse congressional reactions to the proposition of concluding a nuclear agreement with Iran. Even with the *present* U.S. position, (option 1) some believe that congressional approval will be difficult to obtain, and that any relaxation from this position could increase the difficulty. Under these circumstances, therefore, and regardless of the option that is selected, a fairly high-level and intense series of consultations with Congress will be required on our part to assure that the product of the negotiations receives a satisfactory reception.

Timing

If the U.S. selects an option that Iran is judged likely to accept (i.e., certainly option 5 but possibly other options short of option 1), we could attempt to conclude our negotiations before the Shah's visit. On the other hand, whatever option is chosen, there are reasons to consider *delaying a final negotiation with Iran until we know how the principal other suppliers view our postulated new export policies. The pros and cons of this procedural, as contrasted to substantive, approach are set forth below.*

PROS

—Would tend to assure that our posture with Iran is not undermined by more liberal policies of other suppliers.

—Could serve to moderate our position if we learn that we stand alone in advocating some constraints.

—Could be justified to Iran as a deliberate effort on our part to assure that she is not subjected to any discriminatory treatment.

CONS

—Might be viewed by the Shah as particularly provocative and dilatory on our part, given Iran's forthcoming attitude in proposing to invest in the U.S. UEA project.

—Might jeopardize the entire agreement as well as U.S.-Iranian relationships if Iran is determined to move quickly in its nuclear program.

—Might afford those suppliers, (i.e., France and the FRG) who are adhering to more flexible arrangements an opportunity to capture our market.

—Discounts the possibility that we might be able to reach a mutually acceptable arrangement with Iran.

—Might be viewed by Iran as an effort on our part to limit their options with other suppliers.

130. Telegram 4245 From the Embassy in the Soviet Union to the Department of State¹

Moscow, March 27, 1975, 1549Z.

4245. Subj: PNE Agreement.

1. At lunch today March 27 Korniyenko inquired about length of recess envisaged for U.S.-Soviet PNE talks and likelihood of agreement. He thought it would be particularly helpful if, with eye to NPT Review Conference in early May, Soviets and we could indicate publicly by that time that talks were going well and progress was being made toward agreement.

2. I responded noncommittally, noting my belief that considerable progress had been made during last round but that important points remained to be resolved.

Stoessel

¹ Summary: Ambassador Stoessel reported that Soviet diplomat Korniyenko had suggested that the United States and Soviet Union indicate publicly that the PNE negotiations were “going well” and that “progress was being made toward agreement.” He noted he had informed Korniyenko that several issues remained unresolved.

Source: National Archives, RG 59, Central Foreign Policy File, D750108–0753. Secret; Exdis.

131. Telegram 69772 From the Department of State to the Embassy in the Federal Republic of Germany¹

Washington, March 27, 1975, 2159Z.

69772. Subject: Proposed FRG Nuclear Sale to Brazil. Ref: State 66712.

1. As a follow-up to Ingersoll/Von Staden meeting (reported in ref tel), Department and ACDA discussed with FRG Embassy officials Patemann and Stelzenmuller U.S. concerns re proposed FRG nuclear sale to Brazil. The following points were made.

2. U.S. is concerned about supply of full fuel cycle capabilities (enrichment and reprocessing) inherent in proposed FRG sale to Brazil. FRG sale would set precedent for transfers to both NPT and non-NPT parties and set standards for specific provisions of such sales, thus preempting the multilateral understanding on nuclear exports that we are currently seeking.

3. The FRG has stated that the Brazil agreement represents a step forward in nonproliferation efforts and there is little prospect of getting more comprehensive agreement. U.S. acknowledges that the conditions for sale include many of the elements U.S. has proposed: application of agency safeguards both to the supplied equipment, supplied and produced materials and technology, provision prohibiting use of these for nuclear explosives and provisions for adequate physical security. U.S. also notes that FRG has attempted to get further conditions such as IAEA safeguards on all Brazilian nuclear activities and a general commitment not to develop or acquire nuclear explosives, but has not been successful in this regard. Therefore, while the U.S. acknowledges that the FRG proposed conditions are extensive, they also fall short of U.S. suggested policies. U.S. feels FRG may be prejudging the outcome of possible multilateral agreement and therefore urges that FRG reconsider decision to proceed at this time.

4. If the FRG nevertheless intends to proceed with sale to Brazil, U.S. suggests the following additional elements be included in the covering agreement:

¹ Summary: The Department transmitted a summary of the meeting among Department of State, ACDA, and FRG Embassy officials concerning the proposed FRG nuclear sale to Brazil.

Source: National Archives, RG 59, Central Foreign Policy File, D750108-0018. Secret; Priority; Exdis. Drafted by Nosenzo; cleared by Kelly, Boright, Kalicki, Kratzer, David Anderson (EUR/CE), Elliott, and Jay Moffat (S/S); approved by Vest. Telegram 66712 to Brasilia, March 26, is *ibid.*, D750106-0309. For an additional report on the Ingersoll-Von Staden meeting, see Document 127.

A) Provision for continuing involvement by the supplier in reprocessing and enrichment programs, to include joint ownership, voice in policy decisions and technical/operational presence.

B) Clear definition in bilateral agreement of guidelines for implementation of IAEA safeguards covering technology to minimize possibility of legal questions concerning whose technology is involved in developing new facilities.

C) Special provisions to assure effectiveness of IAEA safeguards on enrichment and reprocessing plants, including supplier concurrence on IAEA facility attachments, and limitation to low-enriched cascades.

D) Specific provision for application of bilateral safeguards by supplier country if IAEA safeguards are removed.

E) Inclusion of provision for additional supplier control over timetable for developing fuel cycle facilities, such as joint FRG/Brazil determination of appropriate developmental schedule.

5. U.S. planned on discussing the conditions and terms highlighted above in context of a suppliers conference. Due to imminence of proposed FRG sale, and in light of joint interest in non-proliferation and previous productive U.S.–FRG nonproliferation discussions, U.S. believes that we should discuss above conditions re this specific export case bilaterally as soon as possible either in Washington or Bonn.

6. Text of substance of points in para 2 to 5 provided to FRG Embassy officials who will pursue question of follow-on meeting with Bonn. No action required by Embassy at this time.

Kissinger

132. Memorandum From David Elliott of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹

Washington, April 3, 1975.

SUBJECT

Proposed Contact with the Soviets on CW in the CCD

As a follow-up to the 1974 Summit commitment to explore with the Soviets possible international restraints on CW, we have been attempting to define U.S. options in this area. The crucial issue has been the question of whether or not U.S. chooses to undertake a binary nerve agent program or is willing to forgo such a program. Most of the arms control measures in CW turn on this question.

Recent fragmentary information developed during Army tests of some stockpiled CW munitions indicates that one of our two nerve agents (VX) *may be* deteriorating. If this proves to be the case, the longevity of our stockpile would be questionable and we might need binaries to maintain an acceptable stockpile.

We will not be able to evaluate and answer this question of deterioration for several months, as additional testing is needed. It, therefore, seems unlikely that we will be in a position to put the fundamental question on binaries to the President before the summer.

Following last summer's Summit, Vorontsov delivered to you a Soviet draft of a CW treaty. This draft treaty gives us trouble because it calls for destruction of stockpiles, a ban on further production, and a prohibition on R&D. Since most of these measures are unverifiable, we clearly will not be able to go nearly as far as the Soviets suggest in this draft.

The Soviets have periodically asked if we are prepared to discuss their draft treaty or to undertake bilateral discussions of a joint CW initiative as provided for by the Summit Communiqué of July 3, 1974 and reaffirmed at Vladivostok. The Soviets are anxious that we have

¹ Summary: In light of the 1974 summit commitments on possible international restraints on chemical weapons, Elliott and Sonnenfeldt recommended that Kissinger approve continued contact with Soviet officials concerning the draft treaty and table the U.S. convention on restricting environmental warfare at the CCD meeting.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, NSC "NS" Originals File, Box 54, 7502059, Proposed Contact With Soviets on Chemical Warfare. Secret. Sent for action. Clift initialed his concurrence. Kissinger initialed approval of both recommendations. Instructions for Martin, Tab A, are attached but not published.

some bilateral contact soon, and this would be helpful for the purpose of deflecting CCD pressures.

All agencies agree that we should accede to this request and have Ambassador Martin meet with Ambassador Roshchin during the next few days. Since we are not in position to hold substantive talks on possible CW restrictions, the interagency proposal is for Martin to address certain questions to Roshchin concerning the Soviet draft treaty. We would also make a brief joint statement at the CCD noting that U.S.-Soviet contacts on CW are continuing. The instructions for Ambassador Martin are at Tab A.

Denis Clift concurs.

Recommendation:

That you approve the contact with the Soviets regarding their CW draft treaty under the instructions at Tab A.

We also recommend tabling in the CCD the U.S. convention on restricting environmental warfare. This convention has been cleared by you before, and has recently been coordinated in NATO.

133. Telegram 77350 From the Department of State to the Mission to the North Atlantic Treaty Organization¹

Washington, April 5, 1975, 0009Z.

77350. Subject: TTBT/PNE Round II Negotiations: Letter to NAC. Disto. Geneva for Givan.

1. Request Mission prepare following letter for SYG Luns, with copies to NAC PermReps, via usual secret channels. Please advise Department of date letter circulated.

2. *Begin text:* This letter summarizes the second round of U.S.-Soviet negotiations on an agreement governing nuclear explosions for peaceful purposes (PNEs) in accordance with Article III of the Threshold Test Ban Treaty (TTBT). The first round of these negotiations, which

¹ Summary: The Department transmitted the text of a letter to NATO Secretary-General Luns that summarized the second round of PNE negotiations in Moscow.

Source: National Archives, RG 59, Central Foreign Policy File, D750118–0051. Secret; Priority. Drafted by Shea; cleared by Elliott, Molander, Kelly, Davies, Buchheim, Robert Einhorn (ACDA/IR), Edward Ifft (PM/DCA), G. Harlow (OSD), CIA, Lawrence Finch (INR), Roland Kuchel (S/S), and R. Duff (ERDA). Repeated Priority for information to the Mission in Geneva.

took place in Moscow from October 7 until November 6, 1974 was summarized in letter to NAC dated 16 January 1975. The second round began in Moscow on 10 February 1975 and closed on March 22 for a working recess of about one month.

3. In Round II the U.S. maintained, as in Round I, its position that to be acceptable a TTBT/PNE agreement must satisfy the following criteria, which were explicitly accepted by the Soviets in Round II:

(A) PNEs must not provide weapon-related benefits otherwise precluded or limited by the TTBT.

(B) The fact that PNE activities are not contributing to such benefits must be adequately verifiable.

(C) The agreement must be consistent with existing treaty obligations, including the Limited Test Ban Treaty (LTBT).

4. The U.S. position on contained PNEs remained as in Round I, namely, that:

(A) In view of the greater uncertainty to be expected in verifying the yields of PNEs (relative to that expected for explosions at specified test sites) with national technical means, contained explosions should be limited to a maximum yield of 100 kilotons.

(B) It is also necessary to verify that the local circumstances are consistent with the stated peaceful purpose.

(C) The primary elements of yield verification for contained explosions are teleseismic measurements, information exchange and observer functions. The information exchange would include advance information on the purpose, date, time, depth, yield, coordinates, and the real geological and geophysical properties of the medium at and near the burst point, to include a description of the geological section, and of the basic physical properties of the lithologically distinct rock units present, such as: density, rock strength, seismic velocity, porosity, degree of water saturation and depth of water table. The statement of purpose would include a project plan, and a schedule of activities related to the event which would include:

(1) A full and clear description of the planned event;

(2) Details on the explosives emplacements;

(3) Planned times of the emplacements;

(4) Planned times of individual and group explosion;

(5) Depths of burial of the explosives;

(6) Relationship to nearby geological features and other relevant features which either influence the objectives of the explosion or constrain the yields, depths or other characteristics.

(D) After the explosions, actual yields and results would be exchanged.

5. The U.S. put forth its position on excavation PNEs as follows:

(A) Limit in the yield of a salvo of 500 kilotons.

(B) An unspecified limit on the yield of individual excavation explosions to be agreed between the sides. The U.S. delegation did not propose a specific number for this limit.

(C) A fission yield limit on each explosive.

(D) A specified minimum depth of burial.

(E) Provision for information exchange and observer functions in order to augment national technical means of verification of all of the above limits. Information exchange would be the same as listed in para 4 (C).

6. By the end of Round II the following Soviet proposals had been made:

(A) A yield limit of 150 kt for single contained events. The Soviets proposed that groups of contained explosions be allowed with aggregate yields larger than the agreed upper limit on single contained explosions if the group array is so designed that each individual explosion in the group can be distinguished and its yield measured by practical verification arrangements. The U.S. agreed to consider this proposal.

(B) A limit of 500 kt for individual excavation explosions, with a small number to be allowed having yields above the limit. No limit on the yield of excavation salvos, although there were indications of flexibility on this point.

(C) The Soviets presented ideas on information exchange, based on the following yield regions:

(1) Yield region one: individual and aggregate yields up to 50–70 kt. Pre-shot information to be provided on date, time, location, aggregate yield and purpose, post shot information or actual yields and results.

(2) Yield region two: Individual and aggregate yields from 50–70 kt to 150 kt. In addition to information exchange for yield region one, information provided in yield region two would include depth, and geological and geophysical data.

(3) Yield region three: Individual yields less than 150 kt, aggregate yields greater than 150 kt. In addition to preceding information, the following additional information would be exchanged: number of explosives, yield of each, and relative positions in space and time.

(4) Yield region four: Aggregate yields greater than 150 kt and at least one individual yield greater than 150 kt. Additional data exchanged for yield region four would include data on possible uncertainty in actual yields.

(D) Indicated willingness to accept the U.S. proposals on limiting fission yield and depth of burial, but have not yet indicated what verification provisions would be acceptable.

(E) In contrast to their attitude toward observers in Round I, the Soviets now appear willing to accept observers for at least some PNE events provided that this can be described in a framework of cooperation.

7. The Soviets placed less stress on PNE cooperation than in Round I. The U.S. said that we do not exclude cooperation in principle; however necessary yield limitations and verification provisions must be worked out before proceeding to discuss cooperation.

8. Both sides stated that any PNE activities must take place in compliance with existing treaties, including the LTBT. *End text.*

9. U.S. Rep at NATO disarmament experts meeting may draw on foregoing in handling agenda item on test ban issues.

Ingersoll

134. Telegram 5604 From the Embassy in the Federal Republic of Germany to the Department of State¹

Bonn, April 7, 1975, 2016Z.

5604. Subject: FRG Nuclear Sales to Brazil. Refs: (A) State 073723, (B) State 069772.

1. U.S. Del met with group of FRG officials chaired by Ambassador Hermes, FRG Foreign Office, to discuss safeguards on pending German sale to Brazil, which includes, in addition to reactors, enrichment and reprocessing technology and equipment.

2. During full and frank discussion, U.S. reps reviewed and explained U.S. concerns re export of enrichment and reprocessing and its implications for direct access to weapons-usable material by Brazil. U.S. Del discussed precedent setting nature of full fuel cycle supply to Brazil, a non-NPT party, openly hostile to NPT and desiring PNE

¹ Summary: The Embassy reported on a U.S.-FRG meeting to discuss safeguards on the West German sale of nuclear technology to the Government of Brazil.

Source: National Archives, RG 59, Central Foreign Policy File, D750120-0399. Secret; Immediate; Exdis. Repeated for information to Brasilia and the Mission to the IAEA at Vienna. Telegram 73723 to Bonn, April 1, is *ibid.*, D750113-0410. Telegram 69772 to Bonn is Document 131.

capability. Points were made that such a sale at this time would prejudice outcome of common understandings among suppliers, would be detrimental to NPT and NPT Review Conference, and could increase commercial pressure on suppliers to permit export of sensitive technology as “sweetener” for reactor sales. U.S. Del urged that FRG not prejudge what might be agreed to multilaterally and therefore delay agreement with Brazil on sensitive exports (but not reactors) until safeguards and controls on these exports could be discussed multilaterally and common understandings reached.

3. FRG said that they could not delay decision very much longer, that common understandings did not look very likely, and that they believed safeguard conditions negotiated with Brazil exceeded possible common understandings. FRG stressed the major commercial significance of this sale of reactors and said that Brazil would not make the reactor deal if enrichment and reprocessing capabilities not included. FRG expressed concern that U.S. was proposing long delay in decision to accommodate multilateral agreement on export controls and said Cabinet decision on GOB–FRG agreement of cooperation may be reached within next two weeks.

4. U.S. Rep explained that USG understood FRG need to reach early decision on Brazil and USG was considering calling an exploratory meeting of suppliers in late April. Although FRG made no commitment, U.S. Del believes Germany may be willing to delay final action on agreement with Brazil pending such an exploratory meeting. In view of U.S. Del, USG must issue invitation to meeting within next few days, if FRG action is to be delayed.

Cash

135. Telegram 2490 From the Mission in Geneva to the Department of State¹

Geneva, April 11, 1975, 0845Z.

2490. Disto. Subject: CCD: Review of Spring Session.

1. During the spring session, which concluded on April 10, the CCD did not engage in any concrete arms control negotiations but it was the forum for several significant policy statements. The committee also laid the groundwork for a very active summer session and for the ad hoc study group on nuclear-free zones.

2. An unusually large number of informal meetings were held during this session to deal with a variety of procedural matters. The informal meetings proved to be a rather unwieldy means for reaching decisions and had to be supplemented by intensive corridor consultations, but this type of meeting has a growing attraction for many members of the committee. Part of this attraction is no doubt due to the fact that the informal meetings were often the scene of very lively and active exchanges in contrast with the relatively unstimulating plenary sessions.

3. The spring session was also notable for the attention given to the CCD's work methods. The large number of 1974 General Assembly arms control resolutions, which referred a number of new issues to the CCD, prompted several delegations (mostly the Canadians and Romanians) to urge that the committee adopt a more systematic approach to its work in order to ensure that all matters before it were dealt with adequately. These views were received sympathetically by many members of the committee, particularly by the rather large number of delegation heads who were making their first appearance at the CCD. Several of these new representatives, including the UK Ambassador, were clearly dissatisfied with the committee's lack of a detailed, fixed agenda. In addition, the absence of concrete treaty negotiations

¹ Summary: The mission reported on the spring session of the Conference of the Committee on Disarmament, noting that the conference had served as a "forum for several significant policy statements."

Source: National Archives, RG 59, Central Foreign Policy File, D750126-0857. Confidential. Repeated for information to Belgrade, Berlin, Bonn, Brasilia, Bucharest, Buenos Aires, The Hague, Islamabad, Kinshasa, Lagos, Lima, London, Mexico City, Moscow, New Delhi, Oslo, Ottawa, Paris, Prague, Rangoon, Rome, Sofia, Stockholm, Tehran, Tokyo, Warsaw, the Mission to NATO, USUN, the Mission to the IAEA at Vienna, the U.S. delegation to the MBFR talks in Vienna, ERDA, and the U.S. delegation to the SALT II talks in Geneva. For Martin's April 10 statement on restraints on conventional arms transfers, see the Department of State *Bulletin*, May 26, 1975, pp. 698-702. Telegram 2472 from Geneva is dated April 10. (National Archives, RG 59, D750125-0971) For the U.S. statement at the spring session see Document 41.

naturally gave delegations more time and reason for considering organizational and procedural improvements. Despite these widespread desires for procedural changes, only one formal proposal was put forward (by Romania) and it was modest in scope. There was no efforts made to eliminate the co-chairmanship. The new provisions covering work methods that were eventually adopted at the April 10 plenary (Geneva 2472) were largely aimed at providing a more predictable schedule for the committee's annual sessions. Even on this point, a new provision pertaining to future examination of the committee's work program was expressed in vague and general terms. Nonetheless, many delegations probably share the hope expressed by the Mexican representative that these changes will lead to more substantial modifications in the committee's procedures and organization.

4. The formal statements that were made during plenary meetings on substantive issues broke little new ground and tended to be wide-ranging and rather generalized. No new formal proposals or initiatives were put forward. Several delegations, however, addressed the committee for the first time as new members of the CCD, and among these the representatives of Iran and the Federal Republic of Germany made notable statements of their government's attitude towards a variety of arms control issues. The U.S. Rep also made a lengthy statement on the question of possible restraints on conventional arms. Otherwise, plenary statements tended to be repetitive and often indicated that members of the committee were marking time and waiting for initiatives from the U.S. and/or Soviet Union on a number of major issues before the CCD.

5. The impatience of other delegates for such initiatives was particularly evident in the case of chemical weapons. Soviet bloc, non-aligned and Western delegations referred repeatedly to the fact that they were waiting for the joint U.S./Soviet initiative on chemical weapons referred to in the 1974 Moscow Summit communiqué. Japanese Ambassador Nisibori, still disgruntled because this reference in the communiqué had overshadowed his delegation's draft CW convention, was particularly insistent in his queries about the joint initiative. The Soviets amplified their pressuring in bilateral contacts with us and it was apparently only with some difficulty that the Soviets restrained themselves from being more pointed in their plenary statement of the closing day regarding the U.S. posture on the CW issue. USDel thus found itself in a very awkward position regarding CW during the spring session, though matters were helped somewhat by the fact that U.S. had now ratified the 1925 Geneva Protocol and the BW Convention.

6. Many delegations also made it clear that they were awaiting further steps by the co-chairmen with regard to the committee's deliberations on environmental modification restraints. Virtually all delega-

tions seem to feel the need to become better informed about this new area of work and they look toward the U.S. and USSR as the only sources of expertise. These sentiments were reflected in the Swedish delegation's proposal for an informal meeting on the subject and this has now been scheduled for the summer session. In addition, our allies have made it clear that they feel it would be highly desirable for the U.S. to put forward a draft EnMod convention at the summer session to counter the troublesome and unacceptable text. USDel shares allies' view.

7. Discussion of nuclear arms control issues during the spring session was rather cursory but many Western, non-aligned and Soviet bloc delegations expressed their concerns about the need for strengthening the NPT regime. In this connection a number of delegations called for nuclear disarmament measures by the U.S. and the Soviet Union. They reiterated comments expressed last session about the inadequacies of the TTB and were only slightly more positive in their comments on the Vladivostok Summit agreements regarding SALT. The U.S. statement at the opening of the spring session, however, probably helped moderate some of the critical views and skepticism of other delegations about these agreements.

8. Indian Rep was obliged on several occasions to defend India's 1974 nuclear test, particularly in connection with a proposal pushed by the Japanese regarding the committee's discussion of the arms control implications of PNEs. The Indian Delegation's defensiveness on the PNE issue obviously influenced its approach to a number of procedural matters that the committee discussed and led the Indians to engage in diversionary and obstructionist tactics to counter arrangements that they apparently felt might weaken their position at the committee. Ultimately, however, the CCD was able to reach a compromise on scheduling an informal meeting on PNEs for the summer.

9. Throughout the spring session our working relationship with the Soviet Union Delegation remained good despite the problems posed by the CW issue cited above. Statements by the Soviets and their allies were restrained as far as treatment of the U.S. was concerned and our personal contacts with Soviet Bloc diplomats remained friendly and businesslike. Among the Western allies, coordination was reasonably good. The Canadians were helpful and cooperative but as usual were uninhibited about speaking out regarding issues on which they had policy differences with the U.S. The new FRG Delegate adopted a cautious and cooperative approach. Italians were largely inactive. Dutch were very helpful in setting up NFZ group. The British Delegation, under a new Ambassador, operated rather unsteadily. The Japanese Delegation maintained its free-wheeling style of recent years under Ambassador Nisibori and, as noted above, remained hypersensitive on the CW issue.

10. During the final week of the spring session, the ad hoc group of experts to study nuclear free zones held its first organizational meetings. The selection of participants in this group had involved protracted consultations and negotiations at the CCD and preoccupied the committee's members during the first half of the spring session. The participation issue was ultimately resolved, however, on a basis that was satisfactory to all members of the committee and the successful launching of the group had a positive effect on the atmosphere at the CCD itself. Mindful of existing difficulties and problems in the way of concrete negotiations in other arms control areas, many members of the committee regarded the nuclear free zone study as possibly the most productive endeavor with which the CCD will be associated during this year.

Abrams

136. Paper Prepared by the Verification Panel Working Group¹

Washington, April 17, 1975.

INTERNATIONAL POLICY ON PEACEFUL NUCLEAR EXPLOSIONS

SUMMARY

Developments over the past year, in particular the Indian nuclear explosion and the Soviet position that some accommodation be made for PNEs in the TTBT have brought a degree of urgency to the consideration of peaceful nuclear explosion (PNE) issues. In addition to the issues arising in the preparation of the U.S. position for Round III of the TTBT III negotiations, several other principal areas at issue concern our PNE services posture, in particular:

(1) What future public posture should the U.S. take as to the potential technical and economic benefits and social acceptability of PNEs

¹ Summary: The paper summarized U.S. international policy on peaceful nuclear explosions and strategy options in advance of the May 5 NPT Review Conference and preparatory trilateral meetings.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 9, Verification Panel (NPT), April 19, 1975 (1) (Lodal's BK). Secret. All brackets are in the original except those indicating text omitted by the editors. Attached as Tab E to Document 137.

and what is the relationship of this posture to the actual status of, and prospects for, the U.S. PNE R&D program?

(2) To what extent should the U.S. assist other countries in studies of contained and excavation PNE applications?

(3) To what extent should the U.S. be prepared to furnish PNE detonation services to other countries?

(4) How far should the U.S. go in developing the international agreements for PNE services called for in Article V of the NPT?

These issues will arise in the near future during several international activities, particularly at the May NPT Review Conference and at the CCD and the IAEA. Consideration should be given to approaches for handling PNE issues both in these near-term activities as well as over the longer term. Present U.S. international policy on PNEs consists of:

—*strong opposition to development of any nuclear explosive devices by non-nuclear weapons states (NNWS).*

—*limited assistance to other countries on PNE studies.*

—*a cautious attitude on PNE services.*

—*a cautious approach on procedural arrangements for PNE services.*

—*insistence in the TTBT Article III negotiations that PNEs must not provide weapon-related benefits otherwise precluded or limited by the TTBT.*

—*refusal to support or encourage any changes in the LTBT to allow accommodation of excavation applications.*

As a party to the NPT, the U.S. has an obligation under Article V to ensure that any benefits realized by the U.S. from peaceful applications of nuclear explosions will be made available to NNWS party to the NPT on a non-discriminatory basis. The U.S., however, has no obligation under the NPT to develop PNE technology. The U.S. has repeatedly stated its preparedness to meet its NPT Article V obligations. The U.S. has taken a low-key approach on supply of PNE services, stressing that the feasibility and economic advantages of PNE applications have not yet been determined or demonstrated by the U.S. It is desirable to review both our international posture on PNEs and the U.S. domestic PNE program level, which has declined substantially recently, to ensure that they are in reasonable harmony.

Contained PNE applications of potential interest in the U.S. are natural gas stimulation, recovery of oil from oil shale, several storage applications, mining, and electric power production. ERDA is now considering proposing future work on at least some of these applications. The U.S. has no current excavation interest.

The Soviet Union has a continuing program in both contained and excavation PNE applications. They have stated an interest in eleven

contained PNE applications and have claimed that three contained and one excavation application have been reduced to practice. One of these, (gas condensate storage) has been described fully in public. Further, they have requested that the IAEA develop health and safety guidelines for PNEs, including excavation projects.

France and the UK are studying oil storage, and the FRG is financing an Egyptian study for a major hydroelectric project, including nuclear excavation as an option. A number of technical, political and legal (e.g., LTBT) problems remain to be resolved before nuclear excavation projects could be carried out.

While PNEs and competing advanced technologies are projected in the U.S. to have generally similar costs, these estimates are very uncertain. Contained applications, except hydrocarbon storage, would require at least 5–10 years of successful development in the U.S. to establish technical suitability for commercial use, with additional time for resolving regulatory issues.

The Soviets may be planning to indicate at the NPT Review Conference or in other fora that they have reduced certain PNE applications to practice and are ready and willing to provide PNE service to NNWS parties. If this happened the U.S. could be asked whether it is also willing to provide such services.

Strategy Options

Assuming that a decision is made to adopt an overall strategy, the basic US strategy options would be to continue the present approach or adopt either a more positive or more cautious attitude toward: (i) the prospects for PNEs, (ii) assistance to other countries in PNE studies, and (iii) development of international agreements for PNE services. These strategies interrelate with our non-proliferation policy, and, to a considerably lesser extent, with the TTBT Article III negotiations and U.S.-Soviet competition internationally. Another factor is the level of effort in the domestic PNE program that would be a precondition for each strategy.

Pros and Cons

1. Present Approach

Pros:

- a. Gives U.S. flexibility in international discussions pending further consideration of the future of U.S. domestic PNE program.
- b. Is consistent with present USG position on maintaining integrity of LTBT.

Cons:

- a. Requires moderate increase in funding to implement effectively; otherwise approach may lose its international credibility.

b. May eventually result in requests for PNE assistance in studies or services which the U.S. would be unwilling or unable to meet.

c. Fails to stop politically motivated criticism of U.S. for not implementing Article V promptly.

2. *More Cautious Approach*

Pros:

a. Could result in decreased interest in NNWS in use of PNEs and thereby make requests for PNE services, which we may not be able to fulfill, less likely.

b. Could tend to weaken NNWS rationale for indigenous "PNE" programs.

c. Would be approach most consistent with the present low-level of funding in the domestic U.S. PNE program.

d. Would reinforce U.S. LTBT position.

Cons:

a. Might result in increased criticism that the U.S. was not meeting its Article V commitment.

b. Without similar Soviet stance, effectiveness would be reduced and there might be some gain in Soviet influence should they be the only provider of PNE services.

c. Could provide more excuse for weapon development under the guise of PNEs.

3. *More Positive Approach*

Pros:

a. If the U.S. were both willing and able to meet any requests for PNE services, criticism that we were not fulfilling our NPT Article V obligations would be minimized and the NPT might thereby be strengthened to some extent.

b. Would tend to minimize any advantages to the Soviets that might result from their provision of PNE services to other countries.

c. Could increase likelihood of obtaining any domestic benefits that might accrue from PNEs.

Cons:

a. To some degree it could strengthen those factions in some NNWS who favor indigenous development of nuclear devices, because the perception of utility will be greater.

b. If the U.S. were unable or unwilling to supply services, resentment on the part of some NNWS might be increased.

c. If the more positive approach were applied to excavation applications, the question of changing the U.S. position regarding the LTBT would have to be dealt with.

d. This approach would be feasible only if the U.S. were to decide to expand its PNE program significantly to meet domestic needs.

[Omitted here is the body of the report.]

137. Memorandum From the Counselor of the Department of State (Sonnenfeldt) and Jan Lodal and David Elliott of the National Security Council Staff to Secretary of State Kissinger¹

Washington, April 18, 1975.

SUBJECT

Verification Panel Meeting on Non-Proliferation

Saturday, April 19, 1975—10:00 a.m.

This Verification Panel meeting has been scheduled to:

—Review our preparations for the May 5 NPT Review Conference and next week's U.S./UK/USSR preparatory trilaterals.

—Examine the alternative U.S. PNE policies analyzed in the PNE policy paper you requested at the last Verification Panel meeting on Non-Proliferation.

—Review progress toward a Nuclear Suppliers Conference and get interagency agreement on next week's exploratory meeting in London.

What You Want Out of the Meeting

—On the *NPT Review Conference*, you need to make it clear that the Conference is merely one of several forums for our nonproliferation activities, and that it is probably not the best place for major U.S. initiatives. While we will want to affirm our support for the treaty, the Conference will be primarily a damage-limiting exercise—handling

¹ Summary: In preparation for the April 19 Verification Panel meeting, Sonnenfeldt, Lodal, and Elliott summarized for Kissinger the current issues and strategy options concerning the upcoming NPT Review Conference and trilateral preparatory talks, U.S. PNE policy, and the Nuclear Suppliers Conference.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 9, Verification Panel (NPT), April 19, 1975 (1) (Lodal's BK). Secret; Completely Outside the System. Tabs A, B, D, and F–J are attached but not published. Tabs C and K are not attached. Tab E is Document 136. Minutes of the April 19 Verification Panel meeting on nonproliferation are Document 138.

inevitable criticisms in a way that avoids undercutting the NPT framework. Specifically, you should:

- Dispose of proposals within the USG to offer a pledge to non-nuclear NPT parties not to use nuclear weapons against them.
- Direct that U.S. initiatives regarding limits on chemical reprocessing plants (plants used to extract the plutonium needed to make bombs from spent reactor fuel) be introduced at the Suppliers Conference meeting rather than at the Review Conference.
- Emphasize that no additional assurances regarding reductions in strategic force levels will be made at the Conference.

—On the *PNE issue*, you should disabuse Iklé of his idea that a strong anti-PNE stance by the U.S. will facilitate our non-proliferation effort.

—On the *Suppliers Conference*, you will want to make clear that the April 23 meeting is both preliminary and procedural, and that pressing too hard on substantive issues could threaten the whole enterprise.

NPT Review Conference

The NPT Review Conference comes five years after the Treaty entered into force, and is required by Article VIII of the Treaty itself. Our objective is to be as supportive of the NPT regime as possible and to promote accession to the Treaty by non-party states. *But there is little we are prepared to do to make adherence to the Treaty any more attractive, and we should especially resist attempts to amend the Treaty itself.*

Our approach to the Conference will be largely defensive, meeting charges by the non-nuclear weapon states that the nuclear powers have undermined the Treaty by failing to live up to their obligations. We can expect charges that the nuclear powers have not done enough to:

- guarantee adequately the security of non-nuclear states against the threat or use of nuclear weapons;
- ensure that international safeguards are not more onerous for NPT parties than for non-parties;
- provide incentives for NPT membership through preferential treatment to NPT parties in the development of peaceful uses for nuclear energy;
- obtain adequate progress in nuclear disarmament; and
- make available the “potential benefits” of peaceful nuclear explosions.

Rhetorically, we will meet these objections by emphasizing the progress that has been made since the Treaty went into effect. However, the following specific issues, discussed in more detail in the interagency paper at Tab B, need policy decision in order to determine our position at the Conference.

1. *Security Assurances.* Several non-nuclear weapon states (NNWS) have already indicated that they will press for assurances by the nuclear powers not to use or threaten to use nuclear weapons against them. The Verification Panel working group, in its paper at Tab D, developed several options, focusing on two alternatives to our present policy of opposing general non-use commitments. The first of these, *non-use assurances for parties to nuclear-free-zone arrangements*, does not benefit states because of their NPT status, and thus would not help us in responding to pressures at the Review Conference. While we might consider this policy at some point, there is no sense in considering this as an initiative at the Review Conference.

The second alternative, *non-use assurances to NNWS party to the NPT except in response to an armed attack assisted by a nuclear weapons state*, is modeled after Protocol II of the Latin American Nuclear Free Zone Treaty. This option was suggested as a useful way to head off more extreme initiatives at the Review Conference. Supporters argue that it merely rules out something we would never do anyway—namely, the use of nuclear weapons in retaliation to a purely conventional attack by an NNWS acting alone. Thus, it is said to cost nothing in terms of deterrence, while providing an incentive for NPT adherence.

In our view, the value of such an assurance is subject to some doubt. It would not be a major influence on the key NPT holdouts, such as Israel, Egypt, and Pakistan. Furthermore, while the assurance would not rule out nuclear strikes against Pact countries in a Soviet-supported attack on NATO (or a North Korea attack supported by China), the declaration can nevertheless be expected to inject some uncertainty in the minds of our allies—at a time when we want to make the strongest reaffirmation of our support. Thus, we believe you should move the Verification Panel principals toward a consensus that at this time, we should make no change in our present position of unwillingness to give general non-use commitments.

In order to appear somewhat forthcoming at the Conference, we should be able to work with our allies to develop a negative assurance formulation that does not go beyond existing obligations, such as those already assumed under the UN Charter.

2. *International Safeguards.* We can expect complaints by NPT parties that the safeguards they assume under the Treaty are more onerous than those imposed on non-parties by supplier countries as a condition of export. To match the obligation assumed by NPT parties, we would have to require as a condition of supply that non-parties put all of their peaceful nuclear activities under IAEA safeguards. The French at least will not go along with this. But a consensus is emerging among suppliers that an agreed list of items should be put under IAEA safeguards of common duration and scope. It would be fully consistent

with this consensus to announce at the Review Conference, either singly or with other suppliers, that we will give major weight in future nuclear export decision to the comprehensiveness of the safeguards on the recipient's peaceful nuclear activities.

3. *Incentives for NPT Membership.* ACDA has proposed two Conference initiatives involving preferential treatment for NPT parties.

- We have stated in the past that LDCs who are NPT parties would get preference in the allocation of our contributions-in-kind to the IAEA technical assistance program. We would now expand this statement to include similar U.S. bilateral assistance programs.

- We would announce at the Conference that NPT adherence will be one of several factors given favorable consideration in future U.S. decisions on the rates charged by the Export-Import Bank for financing nuclear exports.

Giving preferences to NPT parties without similar commitments by other suppliers can place the U.S. at a disadvantage in competing for business from non-party states and might stimulate independent development by non-parties that would increase the risk of proliferation. These two ACDA proposals probably avoid these difficulties. They allow the U.S. to improve its treatment of NPT parties without imposing any new restrictions in its dealings with non-parties.

Nevertheless, neither proposal is particularly well thought out. Giving NPT parties preference in our bilateral technical assistance programs would have no practical impact because virtually all U.S. technical assistance is funnelled through the IAEA. Implementation of the credit rate preference would require further consultations with the Export/Import Bank and could involve special Congressional legislation. Thus, *we believe your best approach would be to point out at the meeting that these initiatives would have to be further developed before they could be aired at the Review Conference.*

ACDA has also proposed that these two initiatives be used to discourage nations from acquiring their own chemical reprocessing facilities by giving preference in allocating technical assistance and by giving favorable export credit rates to those states willing to forego reprocessing plants.

Reprocessing is undoubtedly a major proliferation problem. Through this process, weapons-usable plutonium is extracted from the spent fuel rods used in power reactors. The process is so expensive that none of the countries trying to obtain a national facility (including Pakistan, Korea, the Republic of China, and Brazil) can justify it on strictly economic grounds—raising some question about their real intentions. Finally, although some safeguards are possible on reprocessing plants, they are very difficult technically; it would not be difficult to divert enough material to make several bombs per year even if a

plant were under international safeguards. For these reasons, we have tried to discourage acquisition of national facilities in our bilateral discussions with these countries and have made a major effort among the nuclear suppliers to get agreement on a multinational approach to reprocessing plants.

Nonetheless, it probably does not make sense to discuss reprocessing at the Review Conference. The suppliers meeting is a better forum for dealing with the issue. The NPT does not discuss specific processes such as reprocessing, and we really have no handle on the issue through the NPT. In fact, it probably would appear to most participants that the U.S. was looking to avoid its Article IV obligation to share nuclear technology.

At the Review Conference we should probably content ourselves with seeking support for an expedited international study of this subject, urging states contemplating the purchase of these facilities to hold off on their decisions until the results of the study are available. This will give us time to pursue our efforts among the suppliers.

4. *Progress in Nuclear Disarmament.* The U.S. and the Soviets will be under great pressure to defend their record under Article VI of the NPT in negotiating measures relating to nuclear disarmament—and will be asked to give some assurances on *reductions* as well as limitations on strategic nuclear arms.

The guidance on this point is well established; we must successfully complete the negotiations implementing the Vladivostok Agreement, and then commence follow-on negotiations aimed at reductions. You will want to emphasize at the Verification Panel meeting that this is the extent of the commitment we are willing to make at the Review Conference.

5. *Peaceful Nuclear Explosions.* Critics at the Conference will assert that the nuclear weapon states have not done enough to make available the “potential benefits” of Peaceful Nuclear Explosions (PNEs) to NNWS. How we handle this issue is affected by the TTB/PNE negotiations with the Soviets, and the decision made concerning our domestic PNE policy. For this reason, you should first review our overall PNE policy before dealing with the tactics for handling this issue at the Conference.

Peaceful Nuclear Explosions

The Verification Panel working group considered three approaches to our overall policy on PNEs. (An analysis is at Tab E.)

—Maintain our present low-profile position on PNE benefits in international forums and our token domestic PNE development program (FY 76—\$1 million).

—Downplay PNEs in international circles and forego any U.S. domestic program.

—Promote PNEs internationally and seek a bigger domestic budget (\$15 million and up).

The Soviets have conducted an active PNE program. Because of this we are now negotiating an agreement governing PNEs in the TTBT context. This agreement will in effect legitimize PNEs for the short term, although over time the substantial budgetary outlays required for an extensive PNE program may curb the Soviet appetite. For our part, we have found no attractive industrial applications for PNEs. Business has been indifferent and has faced a public concerned about the environmental impact.

Both ERDA and ACDA are trying to use the NPT Review Conference to gain some leverage on the PNE issue. Article V of the NPT commits us to provide the “potential benefits” from PNEs to NNWS. ERDA argues (falsely) that this obligates us to have an active PNE development program. ACDA rightly points out that we are only required by Article V to make any benefits we actually realize from PNEs available to NNWS on a non-discriminatory basis. But ACDA goes on to argue that since we have found no such benefits, we should downplay PNEs and terminate our domestic program as an aid to curbing the proliferation of nuclear devices.

In fact, proliferation is not at issue here. Neither promotion of PNEs nor their denunciation is likely to be a factor in an Indian, Korean, or any other nation’s decision to develop the capacity to explode a nuclear device. Basic perceptions of national interest and power will govern.

Were the U.S. to forego its own program and declare itself against PNEs, we would forfeit a role which we may wish to play 5 to 10 years from now. Legitimate requests for PNE applications may come from NNWS, which we may wish to respond to on the merits or to preclude a Soviet role as the primary PNE supplier. *To retain this option, however, we do not need much of a domestic PNE program.* Nuclear weapons technology is largely transferable to the area of PNEs, and it should not be too costly to modify a weapons device to fit most PNE applications. A PNE program now of any significance would run into Congressional resistance and criticism from environmentalists. Should concrete uses appear, these pressures would probably decline. Whatever future program might be required, it would probably fall well within the limits on PNEs that are likely to come out of the TTB/PNE negotiations.

We should stick with our present approach to PNEs and fund a domestic program at current levels. At the NPT Review Conference, we should emphasize that Article V was designed to ensure the NNWS party to the Treaty not be deprived of the potential benefits of PNEs realized by nuclear weapon states. When (and if) we realize such benefits, we are prepared to make these benefits available as provided in Article V. In the interim, we will continue to participate in discussions regard-

ing the institutional and procedural problems involved in setting up the international PNE framework envisioned in Article V. *Thus, at the meeting, you should disabuse both ACDA and ERDA of their hobbyhorses—telling ERDA that the NPT does not “require” us to expand our PNE program, and telling ACDA that no good non-proliferation purpose is served by U.S. denunciation of PNEs.*

Nuclear Suppliers Conference

As a result of your exchange of letters with Sauvagnargues, it now appears that the French will join us April 23 in London for an exploratory suppliers meeting. The Soviets, FRG, Canadians, and Japanese have all indicated that they will attend.

In preparing for this meeting, we have discussed in a series of bilaterals our views in five areas of nuclear control:

- Prohibition of using material acquired through exports to produce “PNEs.”
- Safeguarding all exports of facilities and materials and greater control of technology transfer.
- Multinational ownership of chemical reprocessing and enrichment facilities.
- Enhanced physical security.
- Special consideration of exports to sensitive countries and regions.

We have supplied to the UK the paper at Tab I which summarizes our views on the above points and, without attribution, gives the views of other suppliers. It is our expectation that this summary will be the basis for substantive discussions at the exploratory meeting, and the starting point for the other countries in developing positions for the Conference itself. The rest of the discussions in London will center on procedural questions, and our delegation will be guided by the instructions at Tab H.

Our main purpose at the London meeting will be to edge the suppliers closer to a full-fledged conference in June and July, at which we hope to reach common understandings on supply policies. At next week’s meeting we want to review the assorted national positions, but without seeking any commitments, so as not to scare anyone away. This point needs to be emphasized at the Verification Panel meeting.

The most sensitive issue involves provision of chemical reprocessing facilities to NNWS. France and the FRG are about to conclude deals to provide reprocessing facilities to South Korea and Brazil respectively. Because such plants produce quantities of weapon-usable material and are difficult to safeguard effectively, there is risk of diversion of bomb material. These plants—though they will have IAEA safeguards—have generated considerable controversy. ACDA and some bureaus in State want us to intervene strongly to halt the sales. Neither France nor the FRG is likely to reverse itself, but we may be able to obtain a concession

of multinational ownership which would be added deterrence against diversion.

Our policy has been to seek multinational reprocessing plants as a hedge against diversion. To badger others on the basic issue of selling reprocessing facilities runs the risk of jeopardizing common understandings. The Verification Panel principals need to understand this.

One other argument against reprocessing facilities in NNWS is that they are not economical. The other suppliers may see that argument as an attempt to preempt their commercial opportunities. In discussing the reprocessing issue, it should be predominantly on proliferation grounds, not economic. We can, however, support and even accelerate the international study of the need for and economic aspects of reprocessing now underway in the IAEA.

Conduct of the Meeting

- Ask Iklé to give a rundown on our preparations for the NPT Review Conference.

- Set out our general approach to the Conference as primarily a damage-limiting exercise.

- Discuss the specific issues requiring decision prior to the Conference.

- Indicate the positions that should be taken on these issues at the trilateral meeting on April 21.

- Review our overall PNE policy, and provide guidance on how to handle the PNE issue at the Review Conference.

- Turn to the Suppliers Conference and bring the group up to date on our recent progress.

- Emphasize the exploratory nature of the April 23 talks and the need to avoid confrontation.

- Provide further guidance for the April 23 meeting as necessary.

Your Meeting Book

In addition to your talking points, your meeting book contains the following:

- An issues paper on the NPT Review Conference (Tab B)
- The text of the NPT (Tab C)
- An options paper on Non-Use Assurances (Tab D)
- An options paper on US PNE policy (Tab E)
- The Aide Mémoire initiating the Suppliers Conference and some of your earlier guidance (Tabs F and G)
- Proposed guidance for the April 23 suppliers meeting and a suggested discussion paper (Tabs H and I)
- A U.S. position paper on the substantive issues involved in the suppliers discussions (Tab J)
- The correspondence with the French (Tab K)

138. Minutes of a Verification Panel Meeting¹

Washington, April 19, 1975, 10:21–10:50 a.m.

SUBJECT

Nuclear Non-Proliferation

PARTICIPANTS

Chairman

Henry A. Kissinger

State

Robert Ingersoll

Helmuth Sonnenfeldt

William Hyland

George Vest

DOD

Robert Ellsworth

Amos Jordan

Dr. James P. Wade

JCS

Gen. John W. Pauly

CIA

Edward Proctor

[2 names not declassified]

ACDA

Dr. Fred Iklé

John Boright

Charles Van Dorn

ERDA

Dr. Robert Seamans

Dr. Edward Giller

NSC Staff

Lt. Gen. Brent Scowcroft

Jan Lodal

Dr. David Elliott

Stephen Hadley

James Barnum

Secretary Kissinger: We have to have a WSAG right after this meeting, so we had better get moving. Fred (Dr. Iklé) would you give us a run-down on how you view the upcoming Review Conference?

Dr. Iklé: We view the Review Conference as an opportunity to reaffirm our commitment to the Non-Proliferation Treaty and to promote accession to the Treaty by non-party states. We do not plan to address any new problems. We hope to keep it strictly to a reaffirmation of the Treaty. We believe we will come under attack on two things: (1) that we have not done enough to guarantee adequately the security of non-nuclear states against the threat or use of nuclear weapons; and (2) that we have not been forthcoming enough on technical assistance.

¹ Summary: The participants discussed the U.S. commitment to the Nonproliferation Treaty and raised potential issues that could come under scrutiny at the upcoming Review Conference.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 23, Meeting Minutes, Verification Panel (Originals), April–May 1975. Top Secret; Sensitive. All brackets are in the original except those indicating text that remains classified. The meeting took place in the White House Situation Room. No drafting information appears on the minutes.

Secretary Kissinger: Let me make one point. We are going to stand on our record at this Conference and at any other conferences. The United States is not going to any international conference with a defeatist attitude. We're going there as a world power. We'll negotiate in good faith, but I want to make it clear to everybody that the United States is too tough to be pushed around. I don't want any of this masochistic self-criticism in which we so often specialize.

Dr. Iklé: You're stealing my thunder.

Secretary Kissinger: Thunder away!

Dr. Iklé: I think I can dispense with the technical issues very quickly. We expect the less developed countries to attack us on our record of assistance to them in the nuclear field. They will argue that considerably more assistance has gone to non-parties to the NPT than to parties to the NPT.

Secretary Kissinger: Who will attack us, India?

Dr. Iklé: India won't be there. I'm thinking of Mexico and some of the other Latin American countries.

We think that there are two difficult issues we will face. The first is negative security assurances (or non-use assurances). This is the question of whether nuclear weapons states will give assurances that they will not use nuclear weapons against non-nuclear states.

Secretary Kissinger: What is the negative security issue?

Dr. Iklé: Well, it boils down to whether nuclear weapons states are prepared to say that they will not use nuclear weapons against non-nuclear states (NNWS). We think that a flat "no" would be awkward. We have looked at various options in the working group.

Secretary Kissinger: Are you saying that the nuclear weapons states are prepared to renounce use of nuclear weapons against non-nuclear weapon states?

Dr. Iklé: We are saying that we will not use nuclear weapons against non-nuclear weapons states. There are contingencies to that. The Defense Department prefers not to get into this issue right now and to avoid any change in present policy.

Secretary Kissinger: What does the State Department prefer?

Mr. Sonnenfeldt: Absolutely no change. We support DOD in that.

Dr. Iklé: Well, there is an implied difference. There are at least two choices of how to make a non-use assurance.

Secretary Kissinger: What do you mean, two choices? We either will use nuclear weapons or refuse to use nuclear weapons.

Dr. Iklé: The first choice is that we refuse—that we agree not to use nuclear weapons against non-weapons states. The second choice is to make this assurance with an exception for non-nuclear states in alliance with the nuclear powers.

Secretary Kissinger: And DOD is against this?

Mr. Ellsworth: We don't think that this is a good time to change our position.

Secretary Kissinger: And State is against this?

Mr. Sonnenfeldt: Yes.

Secretary Kissinger: Your understanding is that we will have to handle criticism on this point.

Dr. Iklé: We will be having further discussions with the allies on this. We could publish a statement. I think that our best ploy is to leave it open in NATO. We could use part of the Japanese text that talks about avoiding the use of force generally in relations between states.

Secretary Kissinger: What's that?

Dr. Iklé: That the Japanese have our support for this text. (Hands the Secretary a copy of the Japanese text).

Mr. Sonnenfeldt: I can't say that this moves the thing very far.

Secretary Kissinger: What other issues are there?

Dr. Iklé: Technical assistance, we think, will probably be brought up. We think that something can be done in that field. One thing we could do, for example, is give preferential treatment in terms of credits to parties to the NPT. One percentage point, for example. Congress will probably want some type of legislation to back that up, however. We could say at the Review Conference that we will seek congressional agreement for preferential treatment toward NPT parties.

Secretary Kissinger: Will reprocessing come up or be handled only in the suppliers context?

Dr. Iklé: Reprocessing (where, weapons-usable plutonium is extracted from the spent fuel rods used in power reactors) may come up. We think that our best tack would be to be supportive of that (the approach in the suppliers' context).

Secretary Kissinger: On the point of assurances. I have not raised that subject with the President. The President, however, is not about to change any commitment of any kind at this time. There will be no redeployment of weapons without his specific approval. I do not want any discussion of this issue. The President asked me to make this clear at the first opportunity in an interagency forum, so don't get case-by-case on this. This position suggests that we cannot give non-use assurances.

Dr. Iklé: Maybe we can go along with the Japanese text.

Mr. Sonnenfeldt: No. I think it focuses too much on nuclear weapon states.

Mr. Hyland: This is a left-handed blow to the NPT Conference. The implication is that we are trying to do away with special treatment for NPT parties.

Mr. Sonnenfeldt: This is crazy.

Secretary Kissinger: It says here (reads from Japanese text). The implication is that it must be nuclear weapons.

Mr. Ellsworth: The Japanese text might be modified.

Secretary Kissinger: Well, let's all analyze it. Our basic policy is not to give that type of assurance. In the wake of Indochina, we do not want to give the impression of backing down anywhere.

Dr. Iklé: Our allies want to make a general offer of our assurance to countries not tied to alliances.

Secretary Kissinger: Is India going to be there?

Dr. Iklé: No, India will not be there.

Mr. Sonnenfeldt: The Swedes, for one, want us to do that.

Dr. Iklé: And the African countries.

Secretary Kissinger: So, we're clear on the security assurances.

Dr. Iklé: Right.

Secretary Kissinger: We'll let Brent (Gen. Scowcroft) work it out with Defense and let you know whether we can accept the Japanese language. We'll do it in the working group. There is still time. On Monday you can discuss it in the working group.

Dr. Iklé: I would like to pursue the question of giving credit rate preference to favorable countries through the Export-Import Bank, if I could. (Export-Import Bank President) Casey is in favor of it.

Mr. Sonnenfeldt: How much money are you talking about, \$100,000?

Dr. Iklé: No, it would be much more than that.

Mr. Ellsworth: Yes, but that would involve going to Congress.

Dr. Iklé: Yes, I know, but I believe we could win this one.

Secretary Kissinger: Requiring congressional approval is the best negative assurance I know of!

Mr. Sonnenfeldt: Another angle would be that whichever country is authorized Ex-Im bank credits they not be discriminatory and not be used against an ally who is not a party to the NPT versus a non-ally and a member of the NPT.

Dr. Iklé: Spain is one, for example.

Mr. Sonnenfeldt: That's one that I had in mind.

Dr. Iklé: I think we can be flexible enough to handle that problem.

Secretary Kissinger: I see no problem with that. Are there any others?

Dr. Iklé: Those are the essential ones.

Secretary Kissinger: Okay. There are a number of other issues. PNE? Are we all agreed on the PNE issue?

Dr. Iklé: No, ERDA has some problems. They would like to use the Review Conference to gain some leverage on the PNE issue in the Threshold Test Ban Treaty (TTB) talks and in the CCD.

Dr. Seamans: Well, we are in general agreement with everybody on the PNE issue. We do think, however, that we ought to have a stand-by position at the Review Conference and see if we can exploit it.

Secretary Kissinger: I have no disagreement with that. The Nuclear Proliferation Treaty obligates us to share our nuclear conclusions with member states. As I understand it, the NPT says that only the level of programs must be shared with the other countries. It doesn't obligate us to give more than we know.

Dr. Seamans: All it says is that it must be at some modest level.

Secretary Kissinger: I'm in favor of saying at the NPT that we will stick to our modest program.

Dr. Iklé: Yeah, we'll just repeat our long-standing language. In the TTB, we're already working with the Soviets on an agreement governing PNEs.

Secretary Kissinger: Okay, are there any other problems?

Mr. Ellsworth: No, not really.

Dr. Iklé: There are some other problems that might come up outside the Review Conference—like the Iranian nuclear deal.

Secretary Kissinger: Okay, who will be doing the talking at the Suppliers Conference?

Mr. Vest: You have already talked to the French about that. The French expect to hear from them, so everyone will be there—seven in all. I think it will be strictly experimental and that it will not go far in substance. The Japanese and the Germans are cautious. We expect to get a common level of understanding by June or July.

Secretary Kissinger: Will the Soviets be there?

Mr. Vest: Yes. The British have taken on the task of running the show.

Secretary Kissinger: Are you going to go? (to Dr. Iklé)

Dr. Iklé: No, I won't be there. We are sending only a very small team. There are two things, however, we think will come up: the German deal with Brazil, and our deal with Iran. The Germans are insistent upon setting up some sort of deal with Brazil. It is likely that Iran will also come up.

Mr. Sonnenfeldt: We have a fairly tough policy point with respect to the Iranians. Our priorities are about to clash. The Iranians will argue their principal economic concern—benefits from access to nuclear power—against whatever it does to nonproliferation.

Secretary Kissinger: Well, if we don't sell it to them, the French will.

Dr. Iklé: What if the Shah decides to get it from Europe?

Mr. Ellsworth: There is 100% support in Congress for an agreement with controls.

Secretary Kissinger: Suppose the agreement says never to have national reprocessing?

Mr. Ellsworth: That's a subject of further study.

Secretary Kissinger: What is the ideal position?

Dr. Iklé: Multilateral reprocessing.

Secretary Kissinger: But that's pure ideology.

Dr. Iklé: What do you think about the chance of bilateral processing?

Secretary Kissinger: I think a 50–50 chance would be realistic.

Dr. Iklé: Then there is not much left in the Suppliers Conference. Also, Congress will object.

Mr. Sonnenfeldt: That's the question we need to decide.

Secretary Kissinger: Well, we might just as well stand for what we believe is right and let Congress take the blame.

Mr. Ellsworth: The Defense Department feels that we should try the multilateral approach to reprocessing.

Dr. Iklé: And the French . . .

Secretary Kissinger: If we get every one of the suppliers to agree, I see no problem. I don't expect that will be possible, however. If not, maybe then we let the Iranian deal go forward. We can stall the Iranians until we find out if we can get a multilateral agreement. On the whole, I would prefer not to have national reprocessing plants. I feel that the question is if we cannot get an agreement to that, should the U.S. then refuse to sell nuclear reactors to countries with reprocessing plants?

Mr. Ellsworth: I hope that we are not at that point yet.

Secretary Kissinger: I know.

Dr. Iklé: Another point regarding reprocessing is not to urge a 10 year duration.

Secretary Kissinger: The Iran negotiations should be confined to what we need to decide now. It ought to be handled first at the Suppliers Conference—get a full picture of the prospects for multilateral reprocessing.

Mr. Sonnenfeldt: The NSDM involves instructions on how to deal with this problem.

Secretary Kissinger: Okay.

139. National Security Decision Memorandum 292¹

Washington, April 22, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

U.S.-Iran Nuclear Cooperation

The President has reviewed the study directed by NSSM 219 and has noted the comments and recommendations of the agencies. The President has decided that in negotiating an Agreement on Cooperation in the Civil Uses of Atomic Energy with the Government of Iran, the U.S. shall:

—Permit U.S. material to be fabricated into fuel in Iran for use in its own reactors and for pass-through to third countries with whom we have Agreements.

—Agree to set the fuel ceiling at a level reflecting the approximate number of nuclear reactors planned for purchase from U.S. suppliers. We would, as a fallback, be prepared to increase the ceiling to cover Iran's full nuclear requirement under the proviso that the fuel represents Iran's entitlement from their proposed investment in an enrichment facility in the U.S. Any additional entitlement could be disposed of by Iran without importing the material into that country through sales from the United States to appropriate third countries with whom the U.S. has bilateral Agreements for Cooperation.

—Continue to require U.S. approval for reprocessing of U.S. supplied fuel, while indicating that the establishment of a multinational reprocessing plant would be an important factor favoring such approval. As a fallback, we could inform the Government of Iran that we shall be prepared to provide our approval for reprocessing of U.S. material in a multinational plant in Iran if the country supplying the reprocessing technology or equipment is a full and active participant

¹ Summary: Kissinger informed the addressees that President Ford had reviewed the study directed by NSSM 219 and decided that the United States should follow several guidelines in negotiating an agreement with the Iranian Government on cooperation in the civil uses of atomic energy.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 69, Originals—NSDM 281 to NSDM 300. Secret. A copy was sent to Colby. Also printed in *Foreign Relations, 1969–1976*, volume XXVII, Iran; Iraq, 1973–1976, as Document 115. NSSM 219 is Document 126; the study is Document 129.

in the plant, and holding open the possibility of U.S. participation. The standard provision requiring mutual agreement as to safeguardability shall apply. An expression of U.S. willingness to explore cooperation in establishing such a facility at an appropriate time should Iran so desire, may be made.

Henry A. Kissinger

140. Memorandum From David Elliott of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Scowcroft)¹

Washington, May 2, 1975.

SUBJECT

NSSM 209—Future Uranium Enrichment in the U.S.

As you recall, following last summer's debacle wherein the U.S. had to abort some and discontinue other foreign contracts for enriched uranium to fuel nuclear reactors, the President approved a NSSM to look at the fundamental question of how the U.S. will carry out President Nixon's commitment to be a reliable supplier of nuclear fuel to the free world.

The basic pending decision is whether the U.S. Government will undertake to build additional enrichment facilities or will we continue to *wait* for a private company to take on this responsibility. There is one company (UEA) which has evinced interest in getting into this business, but, thus far in the year of negotiations, it has not been able to line up customers to make the venture look viable. UEA is now asking for a variety of government supports to make its private entry feasible.

¹ Summary: Elliott reviewed the administration's policy on future uranium enrichment within the United States, indicating that the administration faced a choice: either construct additional enrichment facilities or wait for a private company to undertake this work. He highlighted the fact that several agencies had expressed the desire to delay the decision, adding that the National Security Council Staff had attempted to move the question to President Ford for a decision.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 20, 7502923, Future Uranium Enrichment in U.S. (NSSM 209). Confidential. Sent for action. There is no indication that Scowcroft saw the memorandum. Tab A, Lynn's memorandum to Ford, is not attached and not found. NSSM 209 is Document 79.

In the meantime, our international position as a supplier of nuclear fuel is badly eroding. Some examples are: The Brazilians are just concluding a multibillion dollar nuclear deal with the Germans because they no longer view us as a reliable nuclear partner. The British have canceled enrichment contracts with us and placed them with the Russians. France has made a major entry into the international enrichment market by starting construction of a large enrichment plant and may be on the verge of a commitment to a second plant.

We have tried over several months to move the decision to the President as to whether or not the U.S. can afford to persevere in its attempt to establish private uranium enrichment in the U.S. if the transition cost is going to be so great in foreign policy and foreign trade. But we have been held up because OMB or ERDA have, at one time or another, urged delay while the UEA deal is further examined.

ERDA has now concluded that the UEA deal is *not* worthy of support and proposes that the government commit to build a new plant. We would, at the same time, start taking enrichment contracts (domestic and foreign) again.

I understand that Lynn has asked you to agree to continue the delay in putting the fundamental question to the President, so that negotiation can be undertaken with UEA to ascertain UEA's bedrock demands. Though cloaking his proposal in the desirable mantle of obtaining complete information for the President, the effect will undoubtedly be further deterioration abroad. And, although OMB speaks of three weeks, ERDA indicates such negotiations with UEA could take months. (The truth of the matter is that the UEA deal would, in any event, have to be so propped up with government support and money that we have already lost the concept of *private* entry.)

Lynn makes no mention in his memorandum to the President (Tab A) of the foreign policy effect of further delay. Further, he does not mention that Bob Seamans thinks no good purpose can be served by trying to negotiate with UEA because the basic issues are understood. Because of Seamans's reluctance, OMB wants to turn the UEA negotiation over to Frank Zarb. Moreover, OMB has *not* even coordinated this idea with Seamans, who is the responsible agency head for carrying out whatever enrichment policy is reached.

Tom Enders would like to suggest to Kissinger that, at the ministerial meeting of IEA on 27 May, it would be very valuable if the U.S. could clarify its policy regarding our position as a world supplier of enrichment services. Enders's idea and Lynn's request for more delay are incompatible.

Your options are to press for presentation of this issue to the President now, or to delay further (possibly some months) to see if the UEA proposal can be made more attractive and possibly elicit administration

and congressional support. Do you want to call Lynn, or give me guidance on our position on the Lynn paper which presumably we will receive from Rumsfeld for comment before it goes to the President.

141. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, May 2, 1975.

SUBJECT

Threshold Test Ban/PNE Negotiations

With the next round of the TTBT/PNE negotiations now scheduled to begin June 3 and the interagency work nearing completion, I want to convey to you my assessment of the critical choice that is involved.

We still face the main stumbling block from the 1974 summit that prevented us from completing the threshold test ban treaty in the first place, namely the claimed Soviet interest in excavation explosions with individual yields above the 150 KT threshold. In line with President Nixon's commitment to follow-on negotiations on this problem, the US devised a set of limitations (primarily a limit on fission yield) and corresponding verification requirements to apply to individual excavation explosions larger than 150 kilotons, and these have been under active discussion with the Soviets.

Cutting through the forest of detail, I see two possible outcomes for agreement:

Outcome 1. Soviet Acceptance of U.S. Conditions on Excavation PNEs

If all of our proposed limitations and verification arrangements for large excavation explosives are accepted by the Soviets, we would have placed significant short-term limitations, but not definitive limitations, on the potential for weapon testing through PNEs. We still need to reach agreement with the Soviets on important details in our position

¹ Summary: In preparation for the upcoming TTBT/PNE negotiations with Soviet officials, Iklé outlined for Kissinger two possible outcomes for agreement.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 60, NSDM 297—Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 6/3/75. Secret; Exdis. There is no indication that Kissinger saw the memorandum. Copies were sent to Ingersoll, Clements, Brown, Colby, and Seamans.

on verification modalities: in particular, (1) on collection of “melt samples” at excavation sites, and (2) on verification of geometry and dimensions of any cavities beneath emplacements of explosive devices which could strongly affect or prevent measurement of fission yield. The Soviets have so far been negative toward such provisions.

Outcome 2. Soviet Acceptance of a 150 Kiloton Limit on Individual PNEs In Exchange for U.S. Concessions on Salvo Yield and Verification Provisions

Alternatively, we could respond to Soviet reluctance to accept our required verification measures by offering the following modified terms for a simplified PNE agreement (that would be consistent with our 1974 summit commitment):

(1) Limit the yield of individual excavation explosives to 150 kilotons. (A Soviet concession.)

(2) Permit distinguishable salvo explosions to have a high aggregate yield, up to 500 kilotons or even 1 megaton. (A U.S. concession.)

(3) Remove the fission yield limitation and, hence, the requirement for collection of melt samples. (A U.S. concession.)

(4) Trim down verification provisions to those necessary to establish the fact that the yield of any individual explosion does not exceed 150 kilotons. (A U.S. concession.)

Outcome 2 would handle PNEs in a manner readily understandable to all audiences, including the Senate. It would not involve the U.S. with provisions or observations which could prejudice our position on the LTBT, or on the separability of PNEs from weapons. It would provide an explanation of why the threshold was set at 150 KT—a level considerably higher than the *current* limit of our detection capability.

Yet, *Outcome 2* would also give the Soviets the freedom to carry out large-scale PNE projects through salvo explosions. It would meet our commitment to negotiate special provisions for PNEs by permitting them to exceed the threshold in salvos and by permitting them to be detonated outside of test sites.

Outcome 1, on the other hand, would leave us with an agreement that would still have significant liabilities, even if the Soviets accepted all the provisions critical to verifying restraints on weapons testing through PNEs:

—We would have signed an agreement making explicit provisions for U.S. observation of radioactivity from excavation PNEs, an activity which is likely to be associated with a violation of the U.S. interpretation of the LTBT. We would face the possibility of being placed in the position of participating in an event which we consider a violation of one agreement in order to verify compliance with another one.

—We would have given legal status to a technological distinction between excavation PNEs and advanced weapons tests. While we can

insist on the validity of this distinction for countries which long tested nuclear weapons, third countries will, nevertheless, use this to support assertions that PNEs can indeed be distinguished from nuclear weapons.

—We will have lost the possibility of using PNEs as part of the explanation for setting the threshold on weapons tests at 150 KT, considerably higher than the verifiable limit.

—If the weapon test threshold were lowered in the future (Soviet and U.S. domestic pressures might move us in that direction) the separate limitation on PNEs could become an increasingly troublesome loophole for Soviet tests of military significance that would be unavailable to the United States.

Conclusion

On balance, *Outcome 2* seems clearly preferable to *Outcome 1*. If we stick fast to our verification requirements, it seems reasonable to expect that *Outcome 2* would also be preferable to the Russians, since it would minimize involvement of U.S. observers in their PNE shots and avoid any risk that we would secure useful information about the design of their devices as a by-product of verification.

Thus, we should make all our concessions towards *Outcome 2*. We should make no concessions on verification modalities for PNEs above 150 kilotons which would not only steer the Soviets toward *Outcome 1* but would actually compound its liabilities by raising doubts about our ability to verify compliance with the agreement.

Fred C. Iklé

142. Telegram 3239 From the Mission in Geneva to the Department of State¹

Geneva, May 6, 1975, 1233Z.

3239. From U.S. Del NPT Revcon. Subj: NPT Revcon: Opening Day.

1. *Summary*: Opening plenary session of NPT Revcon held afternoon May 5. With exception of statement by UN SYG Waldheim and brief remarks by IAEA DG Eklund, session was devoted to conference organizational matters. Only controversial note was Nigerian challenge of immediate approval of South African request for observer status. Conference President ruled that question be deferred for consideration by General Committee. General debate begins Tuesday, May 7. *End summary*.

2. Waldheim, in opening address to conference, called for full implementation of NPT's provisions and adherence to it by countries that have not yet become parties. He noted importance of promoting peaceful uses of nuclear energy with special regard to needs of developing countries, but gave particular emphasis to inter-relationship between objectives of preventing spread of nuclear weapons and curbing nuclear arms race. He said in this regard that implementation of NPT's provisions dealing with nuclear disarmament would have most important consequences for future. Citing Security Council Resolution 255, Waldheim said that UN has played important role in providing security guarantees to non-nuclear weapon states, and indicated that Revcon would have opportunity to discuss this question further.

3. Eklund gave brief remarks on role of nuclear power in meeting worldwide energy demands, but stressed importance of research reactors as possible sources of weapons-grade nuclear materials. We understand he will make longer statement later in week.

4. As prearranged, Mrs Thorsson (Sweden) was elected President of Conference by acclamation; Ambs Clark (Nigeria), Barton (Canada), Wyzner (Poland), and Brillantes (Philippines) were chosen unanimously as Chairman of First Committee (political), Second Committee (technical), Drafting Committee, and Credentials Committee, respec-

¹ Summary: The mission reported on the May 5 opening plenary session of the NPT Review Conference.

Source: National Archives, RG 59, Central Foreign Policy File, D750158–0406. Confidential; Priority. Repeated for information to Bonn, Brussels, Canberra, The Hague, Lagos, London, Moscow, Ottawa, Pretoria, Rome, Stockholm, Tokyo, Warsaw, USUN, the Mission to the IAEA at Vienna, and the Mission to NATO. Telegram 103269 to Geneva is dated May 2. (Ibid., D750155–0422) The NPT Review Conference opened on May 5 and concluded on May 30.

tively; and Amb Pastinen (Finland) was confirmed as Secretary General of Conference.

5. Conference formally adopted rules of procedure that had been finalized in Preparatory Committee meetings in February. Only amendment to rules was increase in number of Vice Presidencies (from 24 to 26) to give effect to informal understanding at Prepcom that Euratom countries, should they become parties prior to Revcon opening, would be granted two additional VPs. Western Vice Presidents are U.S. and UK (as depositary powers) and Australia, Ireland, Denmark, FRG, and the Netherlands (as members of WEO Western European and others—regional group). Mongolia was elected VP from Asian group. We were told that Garcia Robles (Mexico) had protested Mongolian designation as Asian group member, rather than as Eastern group member, but had been overruled by other members of non-aligned group.

6. There had been indications earlier in day that non-aligned would insist, contrary to “gentleman’s agreement” at Prepcom, that their group be given two additional VPs to compensate for Euratom. They did not, however, press matter in plenary. (There was speculation that “Group of 77,” which is represented by fewer delegations at Revcon than expected, was having difficulty finding additional delegations willing to serve as VPs.)

7. Conference next turned to question of observers. Noting rule of procedure that states that have neither signed nor ratified NPT may apply for observer status and be accorded that status on decision of conference, Thorsson indicated that Algeria, Cuba, Israel, and South Africa had asked to be seated as observers. Clark (Nigeria) took floor to request that conference decisions on applications for observer status be postponed until credentials of some applicants (mentioning only South Africa by name) could be examined by Credentials Committee. Thorsson stated that granting of observer status and establishing credentials of conference participants (i.e., parties and signatories) were two different matters, but, after interventions by Sudan and Zaire in support of Nigerian position, agreed to take up matter in General Committee.

8. At brief meeting of General Committee following plenary session conference agenda and work program were adopted. Clark (Nigeria) again raised question of application of South Africa and others for observer status, suggesting it would be useful if chairman sought advice of the Secretariat on the possibility of submitting the question to the Credentials Committee and asking that matter not be brought to a head too quickly. Garcia Robles noted that, since the states in question were in fact present at the conference, a decision to approve their observer status would not be required unless and until they attempted to submit documents, which is the only other right they have. He

therefore thought no harm would be done in waiting two or three days before facing issue. The Rep of Zaire suggested that each application be considered separately on its own merits, and wondered whether South Africa could not simply attend conference on same basis as general public. Thorsson continued to express doubts that issue was a credentials question, but indicated that more time was needed before decision could be taken.

9. It has been rumored that Israel's observer status may also be challenged. Egyptian DelOff told us that his del appreciates possible adverse repercussions if Israeli application not accepted. SovDel shares Egyptian view that turning away Israel would be a mistake, but thinks that other Arab dels may be more inclined to press matter.

10. We have had indications that consensus may be developing in African group not to press matter to a decision. Countries in question would simply continue to observe conference without formal decision being made to accord them observer status. South African and Israeli DelOffs both informed us they have no intention to submit documents to conference participants. If necessary, we will make arguments outlined in paras 3 and 4 of State 103269 and will further explore the procedures suggested in para 5 of that message. We would also take position that there is no need to examine credentials of observers since they are not conference participants.

Abrams

143. Statement by the Director of the Arms Control and Disarmament Agency (Iklé)¹

Geneva, May 6, 1975.

U.S. Reaffirms Support for Nonproliferation Treaty at Review Conference

It is my privilege to convey a message to this conference from the President of the United States:

This Review Conference offers an opportunity to focus new attention on our vital obligation to arrest the spread of nuclear weapons. It is a responsibility that confronts all nations equally and impartially. Nuclear energy can and should promote the fortunes of nations assembled at this conference. But its destructive potential can and must be contained.

Support for the Nonproliferation Treaty is a major tenet of American policy. Consequently, I hope this conference will:

- Convey the importance of nonproliferation to the security of all nations, hence to global stability;

- Promote international cooperation in peaceful uses of nuclear energy, while insuring that it not be misused as a means of mass destruction;

- Encourage the further development and wider application of effective safeguards and physical security measures for nuclear materials and facilities; and

- Review the considerable progress that has been made in arms control and disarmament since the treaty was signed, and promote efforts to build on what has been achieved.

We welcome the important recent additions to the roster of parties to the Nonproliferation Treaty, as well as the indications that others are moving toward adherence. We recognize that the treaty's promise is not yet fully realized, but we take satisfaction from what has been achieved. We further recognize that no treaty by itself can prevent the proliferation of nuclear weapons. Yet we remain convinced that the Nonproliferation Treaty is an essential means of advancing this purpose.

Although we still have a long way to go, we see in reviewing the record that the cooperative undertaking to create a more stable world community is well underway.

¹ Summary: Iklé, the U.S. Representative to the NPT Review Conference, read the text of President Ford's message to the NPT Review Conference delegates and underscored the importance of the Nonproliferation Treaty.

Source: Department of State *Bulletin*, June 30, 1975, pp. 921–924. All brackets are in the original. The text of Iklé's statement is taken from ACDA Press Release 75–16, May 6. The final declaration of the conference, adopted by consensus on May 30, is in the Department of State *Bulletin*, pp. 924–929.

I take this occasion therefore to rededicate the United States to the support of the Nonproliferation Treaty and to the high purpose of a stable peace which animates it.

Few international endeavors are more deserving of our attention and energy than containing the destructive potential of the atom. The stakes involved are enormous.

We cannot be complacent—and indeed we are not—about the nuclear arsenals that now exist. We must press ahead to make more comprehensive the limitations which have been imposed and begin to reduce the potential for destruction, a potential that we can scarcely grasp.

But it would be a fatal error if we assumed that we could move forward in reducing the threat of nuclear destruction while nation after nation began to build its own nuclear arsenals. We cannot move forward and backward at the same time. The risk of nuclear destruction—by design, miscalculation, or accident—cannot be reduced if nuclear competition drives a dangerous wedge between neighboring nations throughout the world.

Let there be no mistake. The dangers resulting from nuclear proliferation are shared by all, nuclear powers and non-nuclear-weapon states alike.

We therefore have a common interest in the success of the Nonproliferation Treaty. It is my government's hope that this conference will focus attention on the treaty's essential role in promoting the security of all states and that it will provide a stimulus for cooperative international effort to make the treaty as effective and universally applicable as possible.

The basic provisions of the treaty, articles I and II, have been followed faithfully by the parties. The safeguards resulting from article III make an important additional contribution to the security of all states.

But in our judgment, the effectiveness of all three articles can be strengthened best by securing the widest possible adherence to the treaty. Hence, it is most gratifying that several states have recently completed their ratification. The Republic of Korea ratified the treaty. Just last week major industrial countries of Western Europe also became parties to the treaty: Belgium, the Federal Republic of Germany, Italy, Luxembourg, and the Netherlands.

We welcome all the new parties. Several of them have attained world leadership in peaceful applications of nuclear technology. This offers telling evidence that the treaty is consistent with progress in the peaceful uses of the atom. In fact, the treaty not only supports peaceful uses but helps preserve the world order without which peaceful uses could not survive and expand.

The First Five Years of the Treaty

In its first five years, the treaty has clearly served to increase the volume of international nuclear commerce. The United States, for example, has entered into international arrangements for the enrichment of uranium to meet the needs of some 150 power reactors in non-nuclear-weapon states, having a total capacity of about 120,000 megawatts. In addition, the United States has exported 35 nuclear reactors since 1970. Most of this cooperation has been with states now party to the Nonproliferation Treaty or with signatories whose ratification appears imminent.

The United States has shared its peaceful nuclear technology generously. It has provided information, offered training, supported research programs, supplied uranium enrichment services, and sold or donated research and power reactors embodying the most advanced technology.

Aid to the developing countries has also increased considerably since the treaty was opened for signature. We believe the developing countries party to the treaty should be given favored consideration in nuclear assistance. Last year, my government announced that parties will be given preference in the allocation of our in-kind contributions to the technical assistance program of the International Atomic Energy Agency. At the same time, we are increasing substantially the amount of our voluntary contribution for 1975.

Safeguards Over Peaceful Uses

A major purpose—indeed, a major accomplishment—of the Nonproliferation Treaty is to make possible the expansion of peaceful nuclear cooperation. But, as Secretary Kissinger stated to the United Nations last fall [Sept. 23, 1974], our policy of widely supplying nuclear fuels and other nuclear materials “cannot continue if it leads to the proliferation of nuclear explosives.”

The rapid expansion of the peaceful uses of nuclear energy has raised massive new problems. One is meeting fuel-reprocessing needs in the safest and most economic way. Another is the disposal of the rapidly accumulating nuclear wastes. Fortunately, we still have some time to work out solutions. There is no economic need for reprocessing for several years to come, and spent fuel can still be kept in temporary storage. But nations must cooperate to solve these problems soon to protect the health and safety of all the people.

The promotion of peaceful uses of the atom is inseparably linked with safeguards to inspire international confidence that fissionable materials are not being diverted to destructive purposes. We can all take pride in what has been done about safeguards. Specifically, the International Atomic Energy Agency has accomplished a great deal. Its efforts deserve the wholehearted support of us all.

Virtually every party to this treaty with nuclear facilities requiring safeguards has negotiated an agreement with the Agency; and almost every nuclear facility now operating in the non-nuclear-weapon states is subject to Agency safeguards or will be in the near future. This is a good record.

But much remains to be done. We need to insure:

—That all parties to the treaty conclude agreements with the Agency;

—That safeguards are effective and efficient; and

—That safeguards cover, as comprehensively as possible, the nuclear facilities of non-nuclear-weapon states not party to the treaty and preclude diversion of nuclear materials for any nuclear explosive device.

Also, we have to concern ourselves seriously with the threat of theft and other criminal seizure of nuclear material. We hope this conference will recognize the need for international measures to deal with this grim danger.

Peaceful Nuclear Explosions

Article V, as we all know, was included in the treaty to insure that the non-nuclear-weapon states adhering to the treaty would not be deprived of any potential benefits of peaceful nuclear explosions that might be realized by the nuclear-weapon states.

In the United States, there has been much research and experimentation on the use of nuclear explosions for peaceful purposes. But we have not yet reduced any application to practice, nor have we obtained any commercial benefits from this technology. If and when we should succeed in doing so, we would of course make those benefits available as called for in the treaty.

Questions remain to be resolved regarding the feasibility and practicability of peaceful nuclear explosions. Moreover, no request for such explosions has ever gone beyond the stage of preliminary feasibility studies. For these reasons, there has so far been no practical necessity to conclude the international agreement or agreements mentioned in article V. However, the United States stands ready to negotiate the requisite agreements when the practical need develops.

In the meantime, the United States is prepared to participate in consideration of the institutional arrangements that may be required to make the benefits of peaceful nuclear explosions available internationally. Toward this end, important steps have already been taken within the framework of the International Atomic Energy Agency. My government, as one of the potential suppliers of such services, has agreed to assist the Agency in a study of the related legal problems.

U.S.-Soviet Arms Control Agreements

When this treaty was opened for signature in 1968, the only other postwar arms control agreements were the Antarctic Treaty, the "Hotline" Agreement, the Limited Test Ban Treaty, and the Outer Space Treaty. While these were solid accomplishments, they did not reduce the levels of existing nuclear armaments.

At the signing ceremony of the Nonproliferation Treaty, my government and the Soviet Government announced that we would open negotiations to limit offensive and defensive strategic arms. The relationship between the treaty and this announcement was clear: the successful negotiation of this treaty had strengthened mutual confidence between the two largest nuclear-weapon powers and promised to keep nuclear arms control from becoming totally unmanageable.

Since then, serious and intensive negotiations on strategic arms limitations have continued steadily and received personal attention at the highest level of the two governments. The first fruits of these negotiations were the improved "Hotline" Agreement and the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War.

The culmination of the Strategic Arms Limitation Talks in 1972 brought the Treaty on Anti-Ballistic Missile Systems limiting each side to two narrowly circumscribed complexes. In my country it led in fact to dismantling an anti-ballistic-missile complex already well under construction. By renouncing major anti-ballistic-missile systems, the United States and the Soviet Union gave up a potential new weapons system that they were in a unique position to exploit. No other country could have built such systems.

Along with the Anti-Ballistic Missile Treaty, an interim agreement was worked out to limit the number of strategic offensive launchers on both sides for five years, a period that would provide time to achieve more comprehensive limits.

At the summit meeting in the summer of 1974, the leaders of the United States and Soviet Union took a further important step by negotiating the Threshold Test Ban Treaty. I should point out that this was not only an important arms control measure in its own right; it was also a positive step toward a comprehensive test ban, to which we remain firmly committed.

Last November, at Vladivostok, a major milestone was reached when President Ford and General Secretary Brezhnev established specific guidelines for a new agreement to limit strategic offensive arms. Based on this accord, negotiations are now underway here in Geneva. The new agreement is to limit strategic offensive armaments, including strategic bombers and missiles equipped with multiple reentry vehicles (MIRVs), to equal totals on each side.

The implications of this breakthrough are far-reaching. By putting an overall ceiling on strategic armaments, we establish a promising basis for further reductions. We look forward to follow-on negotiations on further limitation and reductions as soon as the Vladivostok agreement is complete.

An encouraging precedent has already been set: only two years after the Anti-Ballistic Missile Treaty imposed comprehensive, equal ceilings on these systems, both sides agreed to reduce the permitted deployment levels by one-half.

Five years have now elapsed since the Nonproliferation Treaty went into effect. This period is only one-sixth of the nuclear era that began at the end of the Second World War. Yet, in this short time, far more has been accomplished in the control of nuclear arms than in the preceding 25 years. In historical perspective, the treaty has proven to be both a prerequisite and a catalyst for progress toward nuclear disarmament. That process is underway. And it is up to all of us to encourage and sustain it.

The Nonproliferation Treaty is indispensable to nuclear disarmament. It is indispensable to achieving the maximum peaceful benefits of nuclear energy. It is indispensable to the security of all. The task of this conference is to provide the support and forward movement that are needed to enable the treaty to fulfill its great promise.

144. Telegram 3427 From the Mission in Geneva to the Department of State¹

Geneva, May 12, 1975, 1200Z.

3427. Subj: NPT RevCon: Analysis of First Week.

1. *Summary:* Apart from organization of conference and election of officers, first week devoted entirely to opening statements of delegations. Principal themes were need for greater and faster progress in achieving CTB and reductions in nuclear weapons arsenals; desire for negative security assurances; and calls for preferential treatment for NPT parties. *End summary.*

2. Most delegations (other than U.S., UK and Soviet bloc) stressed need for NWS to reduce their nuclear arsenals, asserting that SALT had not had this result, and would stimulate a qualitative arms race.

3. Second most common theme was desirability of CTB (in many cases put as a ban on nuclear weapons tests, with special provision for PNEs) as the single most important step that could now be taken under Article VI.

4. A large number of delegations disparaged the value of Security Council Res 255 and called for undertakings by the NWS not to use or threaten to use nuclear weapons against NNWS parties to the treaty (limited, in some proposals, to those who were not members of alliances). Several pointed to the possibility of such undertakings in connection with appropriate nuclear free zones. The Japanese privately advised us that they would be content to hold back on their proposal until most opportune time, but stressed the importance to them, for domestic consumption, of taking such an initiative.

5. There was widespread support for measures to improve the physical security of nuclear materials, but no detailed suggestions. There was also widespread agreement on the importance of IAEA safeguards.

6. A substantial number of delegations stated that nuclear supplier states should require, as a condition of nuclear supplies, that recipient countries that are NNWS not party to NPT must subject their entire nuclear fuel cycle to IAEA safeguards, as NPT parties are themselves

¹ Summary: The mission transmitted an analysis of the first week of the NPT Review Conference.

Source: National Archives, RG 59, Central Foreign Policy File, D750167-1079. Confidential. Repeated for information to Bonn, Brussels, The Hague, London, Mexico City, Moscow, Ottawa, Rome, Tokyo, USUN, the Mission to NATO, and the Mission to the IAEA in Vienna. The Romanian and Mexican initiatives are in telegrams 3407 and 3408 from Geneva, May 10. (Ibid., D750165-0315 and D750165-0389) The tripartite draft declaration is in telegram 3196 from Geneva, May 5. (Ibid., D750156-1022) The Mexican draft resolution is in telegram 3426 from Geneva, May 12. (Ibid., D750165-1045) Telegram 4095 from Geneva, June 2, transmitted the delegation's final summary of the conference. (Ibid., D750191-1002)

required to do. (The UK, FRG, U.S. and USSR did not advocate this solution). Several delegations attempted to press the Soviets into making a voluntary safeguards offer such as that made by the U.S. and the UK.

7. A number of delegations called for preferential treatment for NPT parties in international nuclear cooperation and in technical and financial assistance to LDCs as well as increases in the amounts thereof. Several supported the idea of multinational reprocessing plants.

8. Discussion of PNEs was not extensive. None of the delegations asserted that PNE technology had reached the point where it was clearly of benefit to the parties and none expressed a desire to have a specific project carried out. (But after a showing, during Friday's luncheon break of Soviet films on creating a reservoir and extinguishing a gas well fire, several delegations privately indicated that this showed that PNEs could be useful.) The Nigerian delegate inferred from the fact that the NNWS had excepted PNEs from the TTB and were negotiating a separate agreement on the subject that they must see value in them. A large number of delegations considered it important to set up an international PNE regime and to negotiate the agreement or agreements that would ensure that the NNWS parties could obtain PNE services on a non-discriminatory basis when and if they proved of value. The UK idea of a PNE committee of the IAEA was mentioned by only a handful of delegations. The Soviet statement that they were prepared to make PNE services available to NNWS whether or not they were parties to the treaty was noted by the Philippines (which complained about the cost to the IAEA of the new PNE unit in the Secretariat) and one or two other delegations.

9. The Swiss—whose intervention was among the most negative of the week—raised the issue of laser fusion. We subsequently furnished their delegation, as well as the Australians, Dutch, Philippines and FRG (all of whom requested it) with the U.S. statement on this subject. Morokhov (head of the USSR del), Rometsch (IAEA) and the German delegation all said privately that they were pleased with the U.S. handling of this problem.

10. A rather persistent theme was the need for the conference to come out with concrete results and binding commitments, rather than mere rhetoric. This desire was reflected in the Mexican and Romanian initiatives reported septels.

11. Launching of the tripartite draft declaration ran into difficulties. A number of delegations thought it was too bland, and privately expressed the view that much would have to be added to it to make it fly. The Soviets convened a group which preliminary soundings had indicated might be considered "sympathizers"—including the Czechs, Austrians and Belgians—but then proceeded to press them so hard to

co-sponsor the draft without substantial change within 24 hours, that they balked. The UK then held a meeting of the EC-9, who decided it would be a tactical mistake to surface the draft at this time, but said they would offer comments and suggestions on it early next week.

12. The idea of a second review conference in 1980 received widespread support (other than from the Soviet bloc). See also the Mexican resolution on this subject, reported septel.

13. The issue of passing on the applications of Algeria, Cuba, Israel and South Africa for observer status remained unresolved. President Thorsson and the committee chairmen will meet again on this subject Tuesday morning. Barton (Canada) plans to make an effort to get agreement on admitting them en bloc, but if separate consideration is required, his fall-back would be to defer consideration of the South African application (with the expectation that it would never be brought to the floor) and meanwhile South African delegate would in fact continue to be present at the meetings, but without a nameplate.

14. At this point, no supplementary instructions appear necessary (except as requested in septel on Mexican res), but delegation would appreciate being advised (i) when and if it can be authorized to make a statement, or support a recommendation, on export credit financing; (ii) when and if it appears possible to authorize the delegation to say anything beyond present instructions with respect to the intention or determination or willingness of the U.S. and USSR to follow the current SALT negotiations promptly with negotiations on possible reductions and/or qualitative restrictions; and (iii) any relevant congressional developments on safeguards or nonproliferation.

15. If usable analysis of qualitative restrictions included in the SALT I agreements is available, delegation would appreciate receiving it.

16. Net assessment so far is that conference less negative than expected, largely due to the fact that the balance of interest groups represented is more favorable. Nevertheless, we expect to be given a hard time, even from friendly delegations, especially on Article VI, CTB and negative security assurances. This prospect is all the greater in view of the fact that the chairman of the committee considering these matters is Amb Clark of Nigeria, who is not expected to run a taut ship and whose sympathies are strongly against our position.

Abrams

**145. Memorandum From David Elliott and Jan Lodal of the
National Security Council Staff to Secretary of State
Kissinger¹**

Washington, May 15, 1975.

SUBJECT

Follow-on Nuclear Suppliers Conference

Confidential talks on common understandings regarding nuclear export safeguards and controls were held in London on April 23. The seven countries participating were the U.S., UK, Canada, FRG, France, Soviet Union and Japan. The U.S. aide-mémoire on suggested export controls (Tab B), transmitted to the other six participants last November, was discussed and views were exchanged on the types of controls that each country would like to see implemented. There was generally agreement that suppliers should require as a condition of nuclear export that:

—The recipient agree not to use such exports to produce a nuclear explosive device.

—The recipient accept IAEA safeguards on such exports, with alternate safeguards being substituted only in special cases and after consultation with the other suppliers.

—The recipient agree to apply adequate physical security measures to such exports.

—Retransfers carry the same conditions governing the original export.

There was also an indication of willingness to have bilateral consultation among suppliers to discuss specific exports to sensitive countries or regions where the risk of instability or conflict is present.

The only area where considerable differences existed was on the types of safeguards and constraints to be implemented in the transfer of enrichment and reprocessing facilities and technology. While not objecting to our proposal to require multinational ownership and operation of such facilities, the French would not support the condition

¹ Summary: Elliott and Lodal recommended that in advance of the next session of the Nuclear Suppliers Conference, Kissinger distribute a discussion paper on safeguards and export controls prepared by the Verification Panel Working Group to the other participants.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Nuclear Suppliers Conference, Briefing Book, April 1975 Follow-up. Confidential. Sent for action. A handwritten notation on the approval line reads: "RCM for HAK re HAKTO 2." Tab A is Document 146. Tab B, an undated U.S. aide-mémoire on suggested export controls, is attached but not published.

that these exports be predicated on the acceptance by the recipient of full safeguards on its entire fuel cycle and a general non-proliferation commitment. The FRG generally supported the French position and others, regardless of their specific views, would not agree to conditions more stringent than the French will accept.

In preparation for the next meeting in London on June 18, the participants asked the U.S. to formulate and circulate a new paper taking into account the views expressed in the exploratory meeting as a basis for finding consensus. The Verification Panel Working Group has prepared a draft of such a paper (Tab A). The areas in which agreement existed are included as before, and the paper deals with the issue of enrichment and reprocessing on a basis consistent with the strongest safeguards condition thought to be acceptable to the French. Four conditions would be imposed relative to reprocessing and enrichment.

- There would be mutual agreement between supplier and recipient as to where nuclear material could be reprocessed and stored.

- Nuclear material could not be enriched in any enrichment facility to weapons grade without the written consent of the supplier nation.

- Reprocessing and enrichment facilities would be multinationally owned, involving as a minimum the direct participation by the supplier in its management and technical operations.

- Any replicated facility would fall under the same restraints as were applied to the original transfer.

(The above conditions are consistent with those we are seeking in our agreement with Iran and which we would like to use as a model in future U.S. agreements.)

Recommendation:

That you approve the distribution of the paper at Tab A to the other six participants before the next round of the Nuclear Suppliers Conference, with a view that the provisions in this paper constitute a good basis for a consensus understanding at that meeting.

146. Discussion Paper Prepared by the Verification Panel Working Group¹

Washington, undated.

DISCUSSION PAPER ON SAFEGUARDS AND EXPORT CONTROLS

Based on the various views expressed at the April meeting, and in the interest of reaching consensus, this paper presents possible provisions for safeguards and controls related to transfers, to any non-nuclear weapons state for peaceful purposes, of (a) source and special fissionable material;² (b) facilities, equipment and components especially designed for the processing, production, or use of special fissionable material; and (c) unpublished technology related to the design, construction, fabrication or operation of certain civil nuclear facilities (as specified in paragraph A–4(a) below) or of equipment or components especially designed for such facilities. In connection with an agreement on such provisions, suppliers will need to define an export “trigger” list denoting quantities or assays of source and special nuclear material, and relevant facilities, equipment and components. Suppliers will also need to agree on common criteria for assessing significant technology transfer as specified in paragraph A–4(a) below.

*A. Safeguards and Special Controls on Transfers**1. Prohibition on Nuclear Explosives*

Supplier nations would agree to authorize transfer of items identified in an agreed trigger list only if the recipient nation has given formal assurance that such nuclear material, facilities, equipment and components transferred, any special fissionable material produced as a result of their use, which includes any subsequent generations of such produced material, will not be used for research on or the development, manufacture, or detonation of any nuclear explosive device.

¹ Summary: The Verification Panel Working Group reviewed possible provisions for safeguards and controls related to the transfer of materials to non-nuclear weapons states for peaceful purposes and drafted the paper for distribution to the other participants before the next session of the Nuclear Suppliers Conference.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Nuclear Suppliers Conference, Briefing Book, April 1975 Follow-up. Confidential. Attached as Tab A to Document 145. All brackets are in the original except “[components]”, added for clarity.

² As used in this paper, source and special fissionable material are as defined in Article XX of the Statute of the International Atomic Energy Agency. [Footnote is in the original]

2. Application of Agency (IAEA) Safeguards

a. *General Rule:* Supplier nations would agree to authorize transfers of items identified in an agreed trigger list only if the recipient nation has given formal assurances that nuclear material, facilities, equipment, and [components] transferred, any special fissionable material produced as a result of their use, which includes any subsequent generations of such produced material, will be subject to safeguards under an agreement with the International Atomic Energy Agency, with provisions for duration and coverage in conformance with guidelines set forth in GOV/1621.

b. *Exceptions:* Supplier nations would agree that any exceptions to this rule would be made only after consultation with the Governments party to this understanding. They would further agree that, in such exceptional cases, bilateral safeguards at least as stringent as those of the International Atomic Energy Agency would be implemented by the supplier nation.

3. Physical Security Measures

Supplier nations would agree to authorize transfers of items identified on an agreed trigger list only if the recipient nation has given formal assurances that physical security measures, based on standards acceptable to the Government of the supplier nation, will be implemented with the aim of preventing unauthorized use, theft or sabotage of civil nuclear materials and facilities. Suppliers would agree to minimum acceptable physical security standards and require that the recipient nation meet such standards as a condition of export. In doing this, suppliers should take into account the guidelines recommended in March 1972 by the Panel of Experts working under International Atomic Energy Agency sponsorship or as such recommendations may be amended.

4. Special Controls on Export of Sensitive Facilities, Equipment and Technology

Supplier nations would agree to authorize transfers of pilot or production facilities for the reprocessing of irradiated nuclear material, heavy water production, or uranium isotope separation, or equipment or components especially designed for such pilot and production facilities, or unpublished technology related to the design, construction, fabrication or operation of such pilot and production facilities, only under the following conditions which are additional to the provisions under paragraph A-1, 2, and 3.

a. Technology Safeguards on Enrichment, Reprocessing and Heavy Water Production

i. The recipient nation has given formal assurances that a peaceful uses provision as set forth in paragraph A-1 above, safeguards embod-

ied in an agreement with the International Atomic Energy Agency or such other safeguards as might be agreed under the procedures as set forth in paragraph A–2 above, and adequate physical security measures as set forth in paragraph A–3 above will apply with respect to pilot or production facilities for reprocessing of irradiated nuclear material, heavy water production, or uranium isotope separation designed, constructed or operated with the use of transferred technology, including technology embodied in a transferred nuclear facility of the same type or in components or equipment especially designed for such facilities.

ii. In cases where the recipient nation has not entered into a general agreement with the International Atomic Energy Agency to have all of its nuclear materials, facilities and equipment subject to safeguards, the recipient nation has agreed to enter into a trilateral safeguards agreement with the Government of the supplier nation and the Agency. This agreement should include a provision to permit the supplier nation, in consultation with the recipient nation, to specify to the Agency for the application of safeguards, any facilities and equipment designed, constructed or operated for these purposes with the use of transferred technology.

b. Multinational Enterprises for Enrichment and Reprocessing

i. *General Rule:* The supplier nation and the recipient nation have agreed that any transferred pilot or production facility for the reprocessing of irradiated nuclear material or uranium isotope separation, any such facility designed, constructed or operated with the use of transferred technology, including technology embodied in a transferred nuclear facility of the same type or in equipment and components especially designed for use in such facilities will be of a multinational character to include direct participation in policy decisions and technical operations by entities operating under the control of the Government of the supplier nation, and may include other national and regional participation, as appropriate.

ii. *Exceptions:* Supplier nations would agree that any exceptions to this rule would be made only after consultations with the Governments party to this understanding.

c. Special Controls of Export of Enrichment Facilities, Equipment and Technology

The recipient nation and the supplier nation have agreed that any transferred pilot or production facility for uranium isotope separation, and any such facility designed, constructed or operated with the use of transferred technology, including technology embodied in a transferred nuclear facility of the same type or in equipment and components especially designed for such facilities, will not be designed for nor be

utilized for enrichment of any source or special fissionable material to greater than 20 percent in the isotopes of U235 and/or U233 without the written consent of the supplier nation. In the event such consent is granted, a copy of the written consent will be deposited with the Agency.

5. Controls on Supplied or Derived Weapons-Usable Material

a. Supplier nations would agree to authorize transfer of source and special fissionable material only if the supplier and recipient nations have agreed that (i) the storage, conversion, fabrication and utilization of any special fissionable material enriched to greater than 20 percent in the isotopes U235 and/or U233, any plutonium 239, or other weapons-usable material transferred, (ii) the subsequent enrichment to greater than 20 percent in the isotopes U235 and/or U233 of any source material or special fissionable material transferred, (iii) the reprocessing of irradiated nuclear material produced from nuclear material transferred, and (iv) the subsequent storage, fabrication and utilization of any special fissionable material enriched to greater than 20 percent in the isotopes U235 and/or U233, any plutonium 239 and other weapons-usable material derived therefrom, will be performed in facilities acceptable to both parties.

b. Additionally, suppliers would agree to transfer of reactor facilities only if the supplier and recipient nation have agreed that the reprocessing of any nuclear material used or produced therein as well as the storage, conversion, fabrication and utilization of any special fissionable material enriched to greater than 20 percent in the isotopes U235 and/or U233, any plutonium 239 or other weapons-usable material derived therefrom will be performed in facilities acceptable to both parties.

c. The criteria the supplier nation would use, at his discretion, in assessing acceptability of facilities in (a) and (b) above include inter alia:

i. Whether such facilities are subject to a peaceful uses provision as set forth in paragraph (1) above.

ii. Whether such facilities are subject to continuing safeguards under an agreement with the International Atomic Energy Agency or other safeguards as may be mutually agreed under the procedures set forth in paragraph (2) above and that such safeguards can be effectively applied.

iii. Whether special physical security measures more stringent than those provided for in paragraph (3) above should be required at such facilities.

iv. Whether, in the case of facilities for uranium isotope separation or reprocessing of irradiated material, such facilities include direct participation in policy decisions and technical operations by entities

under the control of the government of one or more of the parties to this understanding and/or include participation of other appropriate national and regional elements, so as to further the non-proliferation objectives of this understanding.

v. Whether the risk of instability and conflict in the country or region where such facilities are located might call for special restraint on the presence of weapons-usable material.

6. Controls of Retransfer

Supplier nations would agree to authorize transfers of items identified on an agreed trigger list and technology as designated in paragraph A–4(a) above only if the recipient nation has given assurances that nuclear material, facilities, equipment and components transferred, and such technology transferred as designated under paragraph A–4(a) above, any special fissionable material produced from their use, which includes any subsequent generations of special fissionable material will be retransferred only with the consent of the supplier nation and if assurances specified for the original transfer have first been obtained from the government receiving such retransfer.

B. Supporting Activities

1. Multinational Enterprises

Supplier nations would agree to encourage, as an alternative to large numbers of national facilities, multinational and regional enterprises where appropriate for the reprocessing of irradiated nuclear material and uranium isotope separation subject to the agreements discussed above, and to promote and contribute to activities within the International Atomic Energy Agency and other appropriate regional and international forums to this end.

2. Physical Security

Supplier nations would agree to work with other concerned nations and international organizations to promote a greater awareness within other governments of the risks of unauthorized use, theft and sabotage of civil nuclear materials and facilities, and to consult further with other concerned nations on appropriate measures leading to international cooperation on the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment.

3. Support for Effective IAEA Safeguards

Supplier nations would agree to make special efforts in support of the continuing effectiveness of IAEA safeguards in light of the projected world expansion of nuclear programs and the need to safeguard new

and sensitive types of processes and facilities. Such efforts would include, inter alia, technical advice, support in the Board of Governors for appropriate budgetary and personnel levels, and support for such other reasonable means and mandates as the Agency considers necessary. Periodic and informal contacts among representatives in Vienna, when desirable to coordinate these efforts, would be undertaken.

C. Consultations on Special Export Cases

Supplier nations would agree to consult as each deems appropriate with other concerned governments on supplementary conditions for nuclear transfer to ensure that such transfer should not contribute to risks of conflict or the instability of nations, groups of nations or regions under particular tension.

147. Editorial Note

On May 23, 1975, at 11:03 a.m. President Gerald R. Ford participated in a television interview with European journalists in advance of Ford's upcoming trip to Europe, which included visits to Belgium to attend a NATO summit meeting, Spain, Austria, Italy, and Vatican City. Reporter Robert MacNeil from the British Broadcasting Corporation (BBC) conducted the interview in the Diplomatic Reception Room at the White House; Washington-based reporters Henry Brandon (*London Sunday Times*), Adalbert de Segonzac (*France-Soir*), Jan Reifenberg (*Frankfurter Allgemeine Zeitung*), and Marino de Medici (*Il Tempo* of Rome) also took part.

After a brief discussion of general issues related to Europe, de Medici noted that European nations looked to the United States for "leadership in the area of development of alternate sources of energy." De Medici added that the Europeans were especially interested in enriched uranium and access to technology, asking Ford to comment on initiatives in these areas. Ford responded:

"It is very critical. I will be making a decision in the relatively near future as to how we can move affirmatively in this area to provide adequate sources of enriched uranium. We must do it. The basic problem is whether you do it through government on the one hand or private enterprise on the other. We will have a decision; we will get going because we cannot tolerate further delay.

"Mr. Brandon. Mr. President, there is a great concern in the world about the proliferation of nuclear matter, and the more nuclear power-

plants are going to be built, the more the United States is going to supply them, the more of that material will be available in the world.

"I was wondering whether—the question is the reprocessing of this material. I wonder whether it would be possible to find a multilateral way of trying to reprocess this material, because there is a question of prestige with so many governments involved.

"The President. We are concerned about the proliferation of nuclear capability. We are trying to upgrade the safeguards when powerplants are sold or made available. We think there has to be continuous consultation on how we can do it technically and how we can do it diplomatically.

"We are going to maximize our effort, because if the number of nations having nuclear armaments increases significantly, the risk to the world increases, it multiplies. So, this Administration will do anything technically, diplomatically, or otherwise to avert the danger that you are talking about." (*Public Papers: Ford, 1975, Book I, pp. 716–717*)

148. Telegram 133038 From the Department of State to the Embassy in the Soviet Union¹

Washington, June 6, 1975, 2324Z.

133038. Subject: Oral Démarche to Soviets on Venting. For USDel—TTBT/PNE Talks.

1. Deputy Assistant Secretary Armitage called in Soviet DCM Vorontsov June 6 to inform him by oral démarche that Soviet March 12 oral response to U.S. note verbale of January 16 on subject of Soviet nuclear tests and Moscow Treaty of August 5, 1963 does not in U.S. view offer adequate reassurance on the issue of compliance with the LTBT. Vorontsov was told Sovs expected not only to be taking measures

¹ Summary: The Department reported that Deputy Assistant Secretary of State for European Affairs Armitage had met with Soviet Minister Counselor Vorontsov to inform him that the Soviet response to a U.S. note verbale did not offer "adequate reassurance" regarding compliance with the Limited Test Ban Treaty.

Source: National Archives, RG 59, Central Foreign Policy File, D750199–1025. Secret. Drafted by Ben Zook (EUR/SOV); cleared by Ramee, Kelley, Frank Ortiz (S/S), David Palmer (INR), and in draft by McNeill; approved by Armitage. Repeated for information to the Mission to the IAEA at Vienna and London. For the January U.S. note verbale, see Document 113. The Soviet reply was summarized in telegram 58320 to Moscow, March 15. (National Archives, RG 59, Central Foreign Policy File, D750090–0805)

directed at fulfilling treaty requirements but also expected to succeed in doing so.

2. UK Embassy in Washington informed of *démarche* in accordance with standard practice.

3. Full text of oral *démarche* as follows:

Begin text: you will recall that on January 16, Acting Assistant Secretary Stabler gave you a note verbale on the subject of Soviet nuclear tests and the Moscow Treaty of August 5, 1963, which bans nuclear tests in the atmosphere, in outer space, and underwater.

In that note, the Government of the United States drew the attention of the Government of the Soviet Union to the fact that radioactive debris, directly associated with the Soviet nuclear tests of August 29 and November 2, 1974, had been collected outside of the borders of the Soviet Union by the United States Government. These tests, therefore, became the 18th and 19th Soviet nuclear explosions which, having caused radioactive debris to be present outside of the Soviet borders, were made the subject of United States Government communications to the Government of the Soviet Union on the subject of Soviet compliance with the terms of the Treaty of Moscow.

The United States Government has reviewed the March 12 oral response of the Government of the Soviet Union to the United States note verbale. This statement, to the effect that appropriate Soviet authorities were and are taking measures directed at fulfillment of the requirements of the Moscow Treaty, does not offer sufficient reassurance. The United States Government wishes to again state its expectation that the Soviet Government, as an original party to the Moscow Treaty, will not only be taking measures directed at fulfilling its treaty requirements, but will succeed in fulfilling these requirements.

The Government of the United States wishes to stress once again that it joins the Soviet Government in attaching great importance to the compliance of all parties with the provisions of the 1963 Treaty of Moscow. The United States Government is fully aware that the Soviet Government expects it to act in a manner which will ensure its compliance with the Moscow Treaty, and assures the Soviet Government that it is taking measures adequate to achieve this end. The United States Government desires a similar assurance from the Government of the Soviet Union that the Soviet Government will not cause radioactive debris to be present outside its national territory. *End text.*

Kissinger

149. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Ford¹

Washington, June 11, 1975.

SUBJECT

Instructions for the U.S. Delegation to the PNE Negotiations, Moscow,
June 3, 1975

The Threshold Test Ban Treaty (TTBT) signed in Moscow on July 3, 1974, limited nuclear weapons tests to a maximum yield of 150 kilotons (KT). It also provided for follow-on negotiations regarding peaceful nuclear explosions (PNEs), which were not covered in the TTBT. Two rounds of negotiations have been held in Moscow during October–November, 1974 and February–March, 1975 and considerable progress has been made towards reaching an agreement.

The next phase of the PNE negotiations began in Moscow on June 3 with Ambassador Stoessel continuing in charge of the U.S. Delegation. Based on the status of the negotiations and the Verification Panel Working Group studies, I have drafted for your approval instructions to the Delegation (Tab 1) and a note to be passed to the Soviets in your channel (Tab 2). The main features of this approach would be to:

—Reiterate our proposed 100 KT limit on contained PNEs, with provision for observers. We could withdraw the observer provision if the Soviets accept the 100 KT limit. Alternatively, if the Soviets insist that larger contained PNEs are needed, we could accept a limit of 150 KT with observers.

—Reiterate our position that PNE events must be fully consistent with the Limited Test Ban Treaty (LTBT) and question the Soviets on how major PNE excavation projects could be carried out consistent with the LTBT. In our view, the LTBT would have to be amended to permit the large radioactivity releases which would result from major PNE excavation projects, and Congress is unlikely to agree to amendment of the LTBT.

—Privately propose to the Soviets a limit of 150 KT for individual excavation explosions, with provisions for observers. Such a limit

¹ Summary: Kissinger requested that President Ford authorize instructions for the U.S. delegation to the PNE negotiations in Moscow that had been prepared based on the current status of the negotiations and the Verification Panel Working Group studies.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 60, NSDM 297, Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 6/3/75. Secret. Kissinger approved the recommendation for Ford. Tab 1, instructions to the delegation (NSDM 297), is Document 150. Tab 2, a note for Dobrynin, and Tab 3, a briefing paper, are attached but not published.

would ensure that the Soviets were not using PNEs for weapons test purposes otherwise prohibited by the TTBT. The Soviets have indicated that they need individual explosive yields of several hundred kilotons—preferably 500 KT—for a large canal excavation project they have in mind to stabilize the water level in the Caspian Sea. If they strongly insist on yields above 150 KT, we could reluctantly accept a limit of 250 KT, but with considerably more restrictive verification measures, including collection of radioactive samples in the vicinity of the explosions.

—Continue to propose 500 KT as the aggregate limit on multiple-shot excavation PNE salvos, but privately offer a higher limit of one megaton in exchange for Soviet agreement to a yield limit of 150 KT on each individual explosive device contained in the salvo. We would propose similar ceilings for contained salvos, but with additional on-site instrumentation to ensure that the individual yield limit is not exceeded.

—Indicate to the Soviets that we would be willing to consider favorably their proposal for PNE cooperation in the context of adequate verification provisions. The Soviets have indicated that it would be easier for them to allow observers (or “representatives” as they prefer to call them) if the two sides have a PNE cooperation agreement.

The above approach is the same in substance as that recommended in the interagency paper on PNE’s prepared for the Verification Panel. It has the concurrence of all agencies.

A fuller analysis of the issues is provided in a Briefing Paper at Tab 3.

Recommendation

That you authorize me to sign the instructions at Tab 1 for the U.S. Delegation to the PNE negotiations and pass the note at Tab 2 to Ambassador Dobrynin.

150. National Security Decision Memorandum 297¹

Washington, June 12, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, U.S. Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Agency

SUBJECT

Instructions for the U.S. Delegation to the PNE Negotiations, Moscow,
June 3, 1975

The President has approved the following instructions for the negotiations on underground nuclear explosions for peaceful purposes (PNEs) which resumed in Moscow on June 3, 1975. These instructions supplement those contained in NSDM 287.

1. If individual explosions in a contained PNE salvo can be identified and their yields adequately measured through agreed verification procedures, contained salvos with aggregate yields up to 500 KT could be permitted. With respect to verification of individual yields for contained salvos with aggregate yield above 100 KT, the Delegation should propose use of the SLIFER technique for determining yield.

2. The Delegation should reiterate our position that all PNEs must be fully consistent with existing treaty obligations, including the Limited Test Ban Treaty (LTBT). In addition, it should state that U.S. studies indicate that it does not appear to be possible to carry out major excavation PNE projects without violating the LTBT. The Delegation should solicit Soviet views on how they plan to conduct PNE excavation projects without violating the provisions of the LTBT.

3. After presenting the above position on the LTBT issue, the Delegation should reiterate the position on excavation PNEs given in NSDM 287, with the exception of continuing to propose a 0.2 KT limit on

¹ Summary: President Ford approved instructions for the U.S. delegation to the next round of the PNE negotiations in Moscow.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 60, NSDM 297, Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 6/3/75. Secret. Copies were sent to Brown and Colby. NSDM 287 is Document 118. The Department transmitted the instructions in telegram 138355 to Moscow, June 13. (National Archives, RG 59, Central Foreign Policy File, D750206–0088) The third round of negotiations opened on June 3 and concluded on July 28. Summaries of the sessions are in telegrams 9830, July 14, and 10549, July 28, both from Moscow. (Ibid., D750242–1198 and D750259–1107)

the fission yield of each excavation PNE device. In this context, the Delegation should:

(a) Reject the Soviet proposed gamma-mapping technique as inadequate for the determination of fission yield.

(b) Propose that the distance between any two explosives in an excavation salvo be limited to a distance greater than the emplacement depth of the deeper of the pair of explosives.

(c) Insist on the right of drillback to recover below-ground melt samples for any excavation event in which adequate above-ground samples are not available.

4. The basic means for yield verification of all PNEs should be national technical means (teleseismic and photographic) augmented by provisions for information exchange and on-site observers. Observers should have rights to verify independently the information exchanged. However, for events smaller than 50 kilotons, independent verification by observers of information exchanged is not required and the U.S. could forego the exchange of detailed geological information and detailed project descriptions.

5. The U.S. is willing to declare an intention to cooperate in the PNE field on the basis of reciprocity and mutual benefit, in ways consistent with applicable domestic laws. However, verification requirements for a PNE agreement pursuant to Article III of the TTBT must be worked out before proceeding to discuss specific arrangements for U.S./USSR PNE cooperation.

6. The President has decided that, in principle, the U.S. prefers a 150 KT limit on individual excavation PNEs and, in this context, would be willing to accept a one megaton limit on the aggregate yield of all salvos (contained and excavation) and forego the fission yield limit and associated melt samples verification technique for excavation PNEs. While this position is approved in substance, it should not be put forth by the Delegation until authorized by Washington.

Henry A. Kissinger

151. Options Paper Prepared by the Verification Panel Working Group¹

Washington, undated.

*OPTIONS PAPER—PROPOSED FRG NUCLEAR REACTOR SALE
TO USSR**I. The Problem*

The U.S. and UK have refused thus far to grant an exception in COCOM permitting a West German firm to sell a nuclear reactor to the USSR. While we have some reservations concerning the possible transfer of sensitive technology, our position on the COCOM exception has been based on our general policy of requiring the application of IAEA safeguards to such sales, and on NSDM 261, which reiterated this policy in connection with a proposed U.S. reactor sale to the PRC. If we choose not to approve the proposed sale, this issue could become a major irritant in our relations with our German ally. On the other hand, U.S. approval of the sale would require a change in current U.S. safeguards policy in COCOM which could have adverse affects on other U.S. interests.

II. Background

The FRG has pressed us at a high level to approve an exception in COCOM to the proposed sale of a West German-made nuclear reactor to the USSR. The equipment involved is a computer-controlled 1,300 megawatt nuclear power plant containing a pressurized water reactor, valued at \$540 million, and 550,000 kilograms of natural uranium, which will be enriched in the USSR and used for the first fueling of the reactor, valued at \$75 million. The natural uranium furnished by the FRG will be enriched in the USSR and returned to the FRG for fabrication into fuel elements. The German firm negotiating the sale, Kraftwerke-Union (KWU), will supply the nuclear reactor and fuel; no production technology will be furnished to the Soviets by the FRG, and the FRG has indicated that none of the equipment or technology to be used in the plant is of direct U.S. origin or is to be manufactured under a U.S. licensing arrangement. There is nevertheless some concern

¹ Summary: The paper summarized the background of the proposed West German sale of a nuclear reactor to the Soviet Union, outlined several issues for the administration to consider in approving the sale in principle, and offered four options for review by the Verification Panel.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 60, NSDM 298—FRG Reactor Sale to the USSR. Secret. NSDM 261 is printed in *Foreign Relations, 1969–1976*, volume XVIII, China, 1973–1976, as Document 83.

that the sale would lead to transfer of information and know-how which could assist the Soviet naval nuclear propulsion program, and enhance their commercial competitiveness in the nuclear power field.

The USSR plans to locate the reactor in Kaliningrad (formerly Königsberg, East Prussia) and to pay for the project by exporting power from the plant to West Berlin and the FRG via Poland and the GDR. The transmission line from the reactor would run through Poland and GDR territory to the FRG. Because the line will supply the FRG as well as West Berlin, any cut-off would affect both. Thus, the political inhibitions against any Soviet pressure on West Berlin arising from the arrangement would be strengthened. The FRG has assured us that West Berlin's reserve capacity could in any case provide 80 percent of the city's power needs in case of a cutoff; the line between West Berlin and the FRG could also carry a reverse power flow from FRG sources to augment this capacity.

Chancellor Schmidt personally attaches great importance to this project, as he considers that the successful negotiation of these terms would constitute the most concrete Soviet acknowledgment to date of the relationship between the FRG and West Berlin and would bring significant political and economic benefits to the city.

At our request, Schmidt asked the Soviet leaders in Moscow last October to accept IAEA safeguards on the reactor, but the Soviets refused. It is unlikely that the Soviets would reverse their traditional position, i.e., that safeguards are pointless for advanced weapons powers, and are not required of weapon states under the NPT.

Brezhnev and other Soviet leaders emphasized to Schmidt the importance which they attach to the proposed sale, and they undertook to negotiate with Poland and the GDR the requisite rights-of-way for the power transmission. These talks may be deadlocked, and if an impasse develops while the U.S. appears uncompromising in COCOM, then the German press and public reaction might be to incorrectly place all of the blame for the failure of the sale on the U.S., rather than recognizing the inter-Eastern bloc disagreements. To avoid this politically undesirable outcome, a U.S. policy shift which would permit the proposed FRG sale without the safeguards requirement, if deemed appropriate, should be timed with the above in mind.

The West German press has devoted considerable commentary to this subject, much of which has erroneously accused us of blocking the German sale for our own commercial advantage. (French officials have implied that they too consider the U.S. position to be commercially motivated.) German Government officials have continued to push for a favorable USG decision, and Ambassador von Staden raised it with Secretary Kissinger on February 3. We expect that, if the FRG is able to obtain from the Soviets the power transmission arrangement described

above, Schmidt himself will raise this issue with the President or Secretary Kissinger.

III. *Issues*

A. Should the U.S. approve the sale?

In deciding whether the U.S. should in principle approve the sale, we must balance the commercial and strategic risks of permitting some Western reactor technology to be transferred to the Soviet Union against the political and material costs of opposing the sale.

The strategic issue is very largely confined to such indirect assistance as the proposed sale might provide to Soviet military programs through transfer of western technology. Soviet stockpiles and production of fissionable material are considered more than adequate for both military and civil requirements. The probability of diversion of feed material supplied by the FRG, or the fissionable reactor products, to Soviet military programs, is therefore considered to be very low.

There is, however, a degree of risk that certain unclassified but important technology and information could be indirectly transferred which would be helpful in improving the Soviet naval nuclear propulsion program. There is no evidence that specific sensitive components or technology relevant to this program would be directly transferred, and this is considered unlikely. However, some are concerned that the interrelationship between commercial and military nuclear systems technology could permit, through person-to-person contact over a lengthy period of time, inadvertent Soviet access to information which could be helpful to their naval nuclear program. Particularly if the sale involves Soviet visits to FRG plants, "black art" engineering know-how and proprietary information may be inadvertently transferred. However, it is recognized that sales by other Western countries pose fewer problems of this kind than U.S. sales.

The possibility of technology transfer could also provide some limited commercial benefits to the USSR. Soviet light-water reactor technology appears to be inferior to that of the West in some areas (e.g., welding, instrumentation, quality control, etc.), and much of Soviet motivation may be to acquire Western technology to assist in solving such problems. While again the amount of relevant technology that might be transferred is not quantifiable, it could to some degree strengthen the Soviet competitive position in the world reactor market. Given the preeminent position of the U.S. in this field, however, the likelihood that this kind of assistance could result in a substantial shift in the Soviet competitive position is not great.

While recognizing that there is inevitably some possibility that significant technology may be inadvertently transferred in any nuclear

export, some believe that on the basis of our present knowledge, the risk involved in the FRG sale is low. Moreover, it is worth noting that the U.S. agreed almost ten years ago to COCOM procedures which would permit the export of reactors to bloc countries, provided only that IAEA safeguards, which do not affect the technology transfer problem, were required. The U.S. has in fact sold a large research reactor to Romania, indicating that we have not in the past considered the technology transfer problem to be significant where a sale involved primarily hardware.

The primary political considerations are the potential economic and political benefits to Berlin, which underlie the intense interest of the FRG in completing the sale. The proposed arrangement is extremely important to assuring an adequate supply of electrical power to West Berlin, and Schmidt is personally committed to the effort to conclude a successful negotiation. A U.S. attempt to block the deal may be deeply resented by the FRG. While the Soviets would probably welcome a positive U.S. attitude, it is unlikely that our position in the matter would be significant in terms of the overall U.S./USSR relationship.

B. The Safeguards Problem

The only available mechanism through which the U.S. can decisively affect the outcome of the FRG proposal is through the COCOM strategic embargo. Nuclear reactors are on the COCOM embargo list, and under the COCOM unanimity rule the U.S. has an effective veto on granting an exception. Our position in COCOM has been to condition approval of the FRG application for an exception on acceptance by the Soviet Union of IAEA safeguards on the reactor. Since it is virtually certain that the USSR will not accept the IAEA safeguards conditions, this position is tantamount to a veto of the FRG application.

The rationale for our present safeguards position in COCOM, however, may be difficult to defend as it applies to exports to advanced nuclear-weapons states such as the USSR. International safeguards are designed to identify, and thereby to deter, the diversion of fissionable material to nuclear explosive programs. This is done by international inspection of and accounting for material flows within the reactor fuel cycle. Particularly where it is clear that a nuclear power has an adequate independent capability to produce sufficient fissionable material to meet the needs of his military and civil nuclear programs, and therefore no motive to divert imported materials, it may be questioned whether the application of safeguards has more than a symbolic significance. In this regard it is significant that the NPT does not require that nuclear weapons states accept IAEA safeguards on their peaceful nuclear facilities (an exemption which both the U.S. and USSR supported), and the USSR's refusal to accept them is based on its nuclear weapons state status under the NPT.

The United States however has consistently adhered to a policy of requiring safeguards as a condition of *all* U.S. nuclear assistance, including that to other nuclear weapons states such as France, the UK, and the PRC. We have done so in part because the importation of unsafeguarded nuclear materials or equipment may involve valid concerns about diversion, particularly in the case of nuclear weapons states whose indigenous stockpiles or production capabilities are a constraining factor for military programs. Moreover, even where diversion is not of real concern, we have felt that the acceptance of safeguards by nuclear weapons states is indeed important for symbolic and political reasons. Uniform application of safeguards reduces the discriminatory aspects of the NPT to which many non-nuclear weapons states object, both as recipients and as potential exporters of nuclear assistance; and thereby enhances the acceptability of the NPT. Thus, it was largely in support of political and non-proliferation objectives that the U.S. and the UK voluntarily offered to place our own civilian power programs under IAEA safeguards (while unsuccessfully urging the USSR to take similar action).

As an extension of this U.S. policy, we have taken the position within COCOM that any nuclear assistance to Communist countries by COCOM nations should be subject to IAEA safeguards. NSDM–261 reaffirmed this policy in these words:

“Nuclear exports to Communist countries by the U.S. or other COCOM countries should continue to be treated on a case-by-case basis, and U.S. or IAEA safeguard standards and procedures for equipment or materials transferred or produced therefrom shall be applied to all recipient countries.”

There is an important distinction to be made between the considerations which may be relevant to our national policy regarding safeguards requirements on U.S. exports, and those which may be relevant to COCOM votes. The purpose of COCOM is to protect western *strategic* interests by common agreement on embargoes and/or export conditions to Communist countries; this is the only valid and politically acceptable basis for national positions in COCOM. Where the sole or primary purpose of U.S. national safeguards policy is to support political or non-proliferation objectives and no strategic question is involved, it may be untenable logically and politically to attempt to obtain adherence to that policy by other western nations through COCOM.

Our legitimate strategic concern in the FRG case is with the possibility that unclassified but strategically sensitive technology and engineering know-how may be transferred. However, the acceptance of IAEA safeguards by the USSR as a condition of sale would have no significant effect in reducing or controlling the risk. In effect, our current COCOM position relies on the Soviet rejection of safeguards to block the sale,

and the result has been to obscure the true issue of possible transfer of strategic technology.

The alternative to existing U.S. policy in COCOM would be to insist upon IAEA safeguards as a condition of exceptions only where the risk of diversion of fissionable materials can be persuasively argued (*always* in the case of non-nuclear weapons states). Where other strategic concerns such as technology transfer justified a veto, we would continue to disapprove COCOM exceptions, but not on the grounds of safeguard application. In the FRG case under consideration at present, this would mean dropping or finessing the safeguard condition, and resting the U.S. position solely on the question of technology transfer.

Adopting such a policy within COCOM would not necessarily affect existing U.S. policy with regard to safeguards requirements on U.S. exports. We could continue to insist upon safeguards on *all* U.S. nuclear exports, and could continue to urge that other countries pursue a similar policy to support mutual nonproliferation objectives. To do this, however, would place U.S. firms at a competitive disadvantage within the limited Soviet market, unless and until the Soviet Union is willing to accept safeguard conditions. Moreover, this shift in our policy in COCOM could adversely affect our nonproliferation interests by permitting non-weapon states to charge that the U.S. is moving back toward discriminatory application of safeguards on nuclear exports. We could, however, respond to such charges by saying that although we continued to believe that all states should be willing to accept safeguards on their peaceful nuclear facilities, to advocate this position internationally, and to make it a requirement on U.S. nuclear exports, it was not reasonable to coerce other nations to adopt our viewpoint through voluntary cooperative mechanisms such as COCOM. The shift could nonetheless have an adverse impact upon the forthcoming NPT review conference and upon international reactions to the common supplier policies we are trying to establish.

Another alternative would be to modify our COCOM policy on safeguards and at the same time drop the safeguards requirement as a condition of licensing U.S. sales to nuclear-weapons states, on a selective and case-by-case basis. This would permit U.S. industry to compete on an equal basis for the Soviet market, but might have even more serious consequences for our non-proliferation interests.

C. Safeguards Substitutions

Several additional proposals have been suggested which would substitute some other type of restriction, more acceptable to the USSR, for the IAEA safeguards requirement. For example, we might insist that the spent fuel rods from the FRG reactor, or the fissionable materials extracted from them (or equivalent amounts), be returned to the West.

The purpose of these proposals would be to permit the FRG sale to proceed, while fulfilling the substance of safeguards without actual inspection on Soviet territory. It could then be argued that the functional equivalent of safeguards had been achieved. The main difficulty of these proposals is that they do little to support either our strategic or non-proliferation objectives. The risk of technology transfer is unaffected, while the political benefits of a non-discriminatory safeguards policy may be diluted.

IV. Implications for the PRC

It is important that in deciding upon our position with respect to the FRG proposal, we take into account the desirability of maintaining an even-handed approach to exports to the PRC and the USSR. This problem will not arise if we hold to our current position of insisting upon IAEA safeguards, since the same condition would be applicable to the PRC under NSDM 261.

A U.S. veto based on the technology transfer issue would also avoid this problem, at least for the present. While it is possible that some future nuclear exports might pose widely dissimilar technological risks in the two countries, and hence result in “discriminatory” treatment, this does not appear very likely and could be handled on a case-by-case basis.

Modification of our policy on COCOM safeguards requirements as discussed above could result in “discriminatory” treatment. Theoretically, because of its smaller indigenous stockpiles and production capacity, it must be assumed that the PRC would be somewhat more tempted to divert imported nuclear materials or equipment to support military programs. However, only light-water power reactors and slightly enriched fuel are likely candidates for sale to the PRC in the foreseeable future; the NSDM 261 study’s conclusion, that diversion of these items by the PRC is highly unlikely, apparently remains valid.”

Adoption of one of the safeguard substitutes for the FRG sale to the USSR could pose more difficult problems. These options are designed to permit us to drop the requirement for actual inspection on Soviet territory, while maintaining some meaningful ability to detect any significant diversion of reactor products by monitoring the electrical power output of the facility as delivered to the FRG and West Berlin. This possibility is unique to arrangements where the exported reactor is used solely for supply of power outside the territory of the recipient. Nevertheless, by crossing the line of “substitute safeguards,” we could open ourselves to requests for other kinds of substitutes from the PRC and/or other countries, and claims of discrimination if such proposals are rejected.

V. Options

Option 1. *Oppose the sale by continuing our current position in COCOM of insisting that all nuclear exports to Communist countries must include the acceptance of IAEA safeguards.*

PROS

—Avoids the risk of technology transfer, thereby ensuring the protection of U.S. strategic and commercial interests.

—Supports U.S. nonproliferation objectives among non-nuclear weapons states by maintaining universality of U.S. safeguards policy and avoiding discriminatory treatment.

—Avoids possible problems with PRC.

CONS

—May create major irritant in U.S.–FRG relations.

—Bases U.S. opposition on grounds which are difficult to defend, and therefore could weaken COCOM.

—May not work. FRG could conceivably proceed with sale despite COCOM veto.

Option 2. *Oppose the sale within COCOM on the grounds of transfer of strategically sensitive technology; avoid issue of applying safeguards to exports to weapons states and leave U.S. options on this question open.*

PROS

—Avoids risk of technology transfer, thus protecting U.S. strategic and commercial interests.

—Avoids problems with PRC.

—Avoids immediate problems with non-nuclear weapon states in NPT review conference and in connection with common supplier policies.

CONS

—May create irritant in U.S.–FRG relations.

—If U.S. case on technology transfer is weak, could weaken COCOM.

—May not prevent sale.

Option 3. *Permit sale provided the spent fuel rods or an equivalent amount of produced plutonium is returned to the West.*

PROS

—If acceptable to USSR, avoids U.S. clash with FRG.

—Permits U.S. to argue that purpose of safeguards has been achieved, thus reducing discriminatory appearance of a totally unsafeguarded sale.

—Provides material benefits to West Berlin, and political benefits to the West.

CONS

—Does not affect technology transfer risks.

—Weakens U.S. nonproliferation interests by permitting substitution of other conditions for safeguards which could be regarded as discriminatory by NNWS.

—Involves uneconomic shipment and storage of produced plutonium.

Option 4. *Permit the sale by modifying U.S. policy within COCOM so as to require IAEA safeguards only when there is a substantial risk of diversion of fissionable materials to military programs.*

PROS

—Adjusts COCOM policy to provide clear and defensible rationale for future positions on safeguards requirements.

—Avoids distortion of COCOM function, and consequent weakening of COCOM, by keeping criteria linked to valid strategic concerns.

—Would permit, on basis of NSDM 261, similar COCOM treatment of light-water reactor sales to the PRC, while preserving the option for differential treatment in unlikely event of proposed sale of HTRGs, FBRs, etc.

—Avoids adverse effect on U.S.–FRG relations.

CONS

—May permit some transfer of technology which could enhance Soviet military and commercial positions.

—High probability of criticism by the JCAE and other Congressional elements.

Under this option, there is a further choice that will need to be made with respect to our national policy concerning safeguards requirements on U.S. exports. We could:

a) *Retain the requirement for safeguards on all U.S. nuclear exports to any recipient, and continue to urge other nations to adopt a similar policy and accept safeguards on their own peaceful facilities.* This course would permit us to argue that there has been no change in U.S. policy, and would give continued support to our nonproliferation objectives. It would, however, place U.S. firms at a competitive disadvantage in the Soviet (and possibly PRC) markets.

b) *Modify U.S. national policy so as to permit U.S. sales to nuclear weapons states without safeguards on a selective basis; such exceptions would be granted only when the risk of diversion was not deemed significant.* This course would permit U.S. firms to compete on an equal basis for the Soviet and PRC nuclear export market. It would, however, weaken our NPT posture and attract charges of anti-NNWS discrimination.

152. National Security Decision Memorandum 298¹

Washington, June 14, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

FRG Reactor Sale to the USSR

The President has reviewed the paper prepared by the NSC Verification Panel Working Group on the above subject, and has noted the views of the addressees. He has decided that:

—The U.S. is prepared to grant an exemption for the FRG reactor sale now pending before COCOM if the USSR will supply the uranium for the fuel and give a peaceful purposes assurance for the reactor and its produced plutonium.

—IAEA safeguards should be required in future COCOM cases for weapon states only where the nuclear export concerned would reasonably be expected to create a significant risk of diversion of fissionable materials to non-peaceful uses.

The President has also directed that the working group prepare a study of the prospects and implications of U.S. nuclear trade with Communist countries, with a view to reconciling our national and COCOM positions.

Henry A. Kissinger

¹ Summary: President Ford approved granting an exemption for the FRG reactor sale to the Soviet Union if the Soviet Union would supply the uranium and provide a peaceful purposes assurance. He also decided that IAEA safeguards should be required in future COCOM cases in specific instances. He directed the Verification Panel Working Group to prepare a study of the prospects and implications of nuclear trade with Communist countries.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 69, Originals—NSDM 281 to NSDM 300. Secret. A copy was sent to Colby. Also published in *Foreign Relations*, 1969–1976, volume E–15, Part 2, Western Europe, 1973–1976, as Document 288. The Verification Panel Working Group options paper, “Proposed FRG Nuclear Reactor Sale to USSR,” is Document 151.

153. Paper Prepared in the Bureau of Oceans and International Environmental and Scientific Affairs¹

Washington, undated.

*SAFEGUARDS AND NON-PROLIFERATION IMPLICATIONS OF
PROPOSAL TO HAVE NEXT ENRICHMENT PLANTS BUILT BY
PRIVATE INDUSTRY*

This paper attempts to review the safeguard and non-proliferation aspects of the Administration's proposal to have the next major increment of U.S. enrichment capacity, financed, constructed and operated by U.S. private industry. In this regard the following principal questions are addressed:

(a) Will the proposal significantly add in any way to the risks that the enriched uranium produced by the proposed new plants will fall into unauthorized hands in the U.S.?

(b) Is the proposal likely to compromise in any significant way the rigorous classification and related constraints that now apply to sensitive U.S. enrichment technology?

(c) Is the proposal likely to contribute in any way to the problem of international proliferation by encouraging the spread of U.S. or other enrichment technologies around the world?

To place these questions in perspective it should be noted that the Government has, for approximately 30 years, relied on private contractors to operate the three U.S. diffusion plants. At the present time sensitive technology involved in the U.S. gaseous diffusion plants and centrifuge facilities is classified as Restricted Data and the facilities themselves are subjected to government requirements for physical security protection, nuclear materials accountability as well as governmental inspection and inventory verification. There are severe criminal penalties for anyone who discloses U.S. Restricted Data to an unauthorized person. Also, pursuant to the Atomic Energy Act, special nuclear

¹ Summary: The paper provided information on the national security implications of the administration's proposal to have private industry finance, construct, and operate uranium enrichment facilities.

Source: Ford Library, Glenn R. Schleede Files, Subject File, 1974–77, Box 51, Uranium Enrichment, 1975: National Security Implications. No classification marking. Bengelsdorf sent the paper to Schleede under a June 20 covering memorandum and indicated it reflected input from "the various interested agencies," including the Department of State, National Security Council, Energy Research and Development Administration, Office of Management and Budget, and the Arms Control and Disarmament Agency. For the decision regarding private industry see telegram 145886 to multiple recipients, June 20, National Archives, RG 59, Central Foreign Policy File, D750216–0297.

material (including enriched uranium) only may be distributed domestically to authorized persons and only may be distributed abroad pursuant to inter-governmental agreements for cooperation containing suitable assurances against military use. Additionally, no U.S. Restricted Data, including that pertaining to enrichment, may be transferred to another country, unless the transfer occurs pursuant to an appropriate agreement for cooperation, which would be subject to congressional review. With the exception of an early arrangement with the United Kingdom, which was terminated several years ago, the U.S. has not transferred any classified enrichment technology to any other nation. In general the other countries engaged in major enrichment projects (including France, UK, the USSR, the FRG, Netherlands, South Africa and the PRC) have also kept their programs highly classified. The German jet nozzle process which may be made available by the FRG to Brazil is, however, not classified. With these factors in mind the following paragraphs address the principal questions noted above.

Disposition of the Plant Products

The proposed program favoring private installation is not expected to reduce in any way the various constraints that now govern the distribution of enriched uranium domestically as well as overseas. Indeed, since 1954, the U.S. has operated under a regime of private ownership of nuclear power reactors, as well as fuel fabrication and chemical reprocessing plants. Private ownership of enriched uranium and plutonium also have been permitted for over ten years. The proposition of having the next enrichment plants operated by the private sector therefore should not introduce any inherently new risks into the picture, and the enriched uranium produced by these plants will be subjected to the full range of U.S. domestic and export regulations.

Only authorized persons will be enabled to possess such materials and exports only will take place pursuant to an inter-governmental agreement for cooperation, as well as an approved export license. Such a license is issued only after a thorough review of all relevant implications and following a determination that the export would not be inimical to the interests of the U.S. Our agreements for cooperation governing the export of enriched uranium call for the application of international safeguards on the materials transferred as well as all generations of plutonium produced therefrom. These controls are designed to detect and thus deter any diversions to military uses. Comprehensive U.S. bilateral safeguards come into effect if the international safeguards terminate for any reason. Moreover, quantitative limitations are placed in these agreements on the total amount of enriched uranium that may be transferred to a cooperating country and fuel is exported only when it is needed in a defined peaceful project. Moreover, the U.S. has various ancillary rights designed to reinforce the

safeguards and guarantee provisions. These include opportunities to actively participate in the decision as to where the transferred fuel might be reprocessed. All of these constraints which now govern the exports of government-produced enriched uranium would apply with equal force to the products of the proposed new private enrichment plants.

It also should be noted that the UEA plant will be designed to produce only the low enriched uranium that is needed for most U.S.-type nuclear power reactors. Moreover, since the government would continue to control all exports, UEA would consult at an early stage with the government to verify the acceptability of any prospective foreign investor wishing to obtain access to its product.

The principal responsibility for assuring that adequate safeguards and physical protective measures will apply to the proposed new private plants will fall on the Nuclear Regulatory Commission. NRC intends to proceed promptly with the development of the necessary safeguards and associated protective measures; these may have a bearing on the optimal design of the plant and may figure in the initial licensing actions. Since several years will be required to construct the facility NRC will benefit from any further advances that are made in safeguard techniques, including the experience acquired by the International Atomic Energy Agency in this area.

With regard to the IAEA the question arises as to whether the UEA plant and the proposed follow-on gas centrifuge facilities will now fall under the terms of the U.S. Presidential offer to place the entire U.S. nuclear program under IAEA safeguards excluding only those activities having a "direct national security significance." This is an issue that the U.S. Government would propose to address at such time as the proposed new facilities near completion. If it appears at that time that the subject facilities meet the test of the U.S. offer then we would be prepared to have them subjected to IAEA safeguards. If, however, these enrichment facilities are judged at that time to have direct national security significance they will not be incorporated under the scope of the offer.

Will Current Classification and Related Constraints on U.S. Gaseous Diffusion Technology and U.S. Gas Centrifuge Technology be Eroded by "Privatization?"

The government will continue to require the classification and security protection of that aspect of gaseous diffusion and gas centrifuge technology which is judged to be sensitive and necessary to protect for national security purposes. In general, and because of non-proliferation considerations centrifuge technology is considered to be more sensitive than the gaseous diffusion process.

With the increase in the number of enrichment plants in the United States it is anticipated that a greater number of appropriately cleared U.S. citizens will have access to enrichment technology. The principal factor occasioning this increase will be the expansion in our capacity and scale up of the centrifuge, rather than the proposal to move to private ownership, per se. Had the government elected to install the capacity itself it too would have had to rely on private contractors to design, build and operate the plants. Every effort, however, will continue to be made to restrict the dissemination of sensitive design parameters, components (seals and compressors) and manufacturing processes. Moreover, the concept of "need to know" will continue to apply to such access. ERDA is now performing a classification review of the U.S. gaseous diffusion process to determine if any declassifications can be made which would assist in the production and procurement of components, and the construction of an enrichment plant. Much useful data, enabling prospective investors to meaningfully assess the economics and efficiency of the U.S. gaseous diffusion process, already has been declassified.

Is Private Enrichment Likely to Contribute to the Spread of the Nuclear Enrichment Technology Around the World?

On the whole we believe that a U.S. move to now place new capacity promptly in place will deter the installation of additional foreign capacity and foster our non-proliferation objectives, including the acceptance of safeguards.

Although the transfer to the private sector can be expected to build up a private equity in U.S. enrichment technology and possibly some incentive for foreign ties, no widespread dissemination of U.S. information to other nations is foreseen at this time. As noted, sensitive enrichment technology will remain classified and prospective foreign investors will not have access to such classified information. Moreover, the export constraints and controls as now apply to government-generated information will apply to information and technology advancements generated by UEA and other elements of the private sector. We can expect prospective private enrichers to be fairly sensitive on their own about protecting their technological leadership and proprietary information in this field.

Any proposed sharing of technology with other countries would have to be taken up as a separate matter and would necessarily involve affirmative governmental approvals of the necessary arrangements. In this regard, within the context of the activities of the International Energy Agency, the United States has expressed a willingness to explore cooperation in either the gaseous diffusion or gas centrifuge fields. We have made it clear, however, that in the first instances, we would

expect any such proposals on the U.S. side to be developed for U.S. governmental review by those U.S. companies seriously intending to become U.S. enrichers. Thereafter, any such proposals would have to be carefully evaluated by the government taking into account various explicitly stated criteria, including compatibility of the arrangements with surety of supply for the U.S. domestic market and with U.S. national security interests. At this stage the specific character of any cooperative arrangements that might so develop is not known. However, the recent decision favoring “the introduction of private industry” is not expected to alter the picture since (a) all proposals for technology sharing will be subjected to a very intensive review and (b) the current IEA ground rules were, in fact, developed with advent of U.S. private ownership much in mind.

Overall Conclusions

Overall, this paper concludes that the Administration’s proposal to have the next increments of U.S. enrichment capacity privately built will not have any adverse effects on U.S. responsibilities for safeguarding either the products of these plants or sensitive technology. While vigorous efforts in sustaining prudent controls will be necessary in the future, these will be dictated primarily by the growth in the industry and technological advances, rather than the mode of facility ownership.

154. Memorandum From Jan Lodal of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Scowcroft)¹

Washington, July 1, 1975.

SUBJECT

VPWG Control of Non-Proliferation Process

As a result of concern over the Republic of Korea's apparent intention to develop nuclear weapons, there is a growing interagency consensus at the staff level that the U.S. should attempt to persuade the Koreans to abandon their plans to purchase a reprocessing plant from France. In view of recent public controversy surrounding our attempts to head off a similar FRG sale of a reprocessing plant to Brazil and recognizing the particular concern in the Korean case of minimizing any adverse impact on our security relationship, it is clear that a policy level decision is required prior to implementation of any such approach. Consequently, at a VPWG meeting last week, we tasked the bureaucracy to prepare an options paper on these issues. State (S/P) initially accepted this task but is now attempting, with ACDA concurrence, to treat the issue as an internal State matter which they would forward to Secretary Kissinger through their channels.

The State/ACDA opposition to NSC review in this case is apparently based on a fear that if they yield on this point, then all other proliferation initiatives will be controlled by NSC. We believe there are two compelling reasons for asserting our control in this area:

—First, this issue has important implications for both DOD and ERDA interests and it is essential that these agencies be fully involved through the interagency process.

—Second, non-proliferation policy involves numerous and diverse actions which we have been trying to integrate under a comprehensive review process to ensure orderly and consistent decision making. Allowing our tasking to be ignored in this manner would seriously

¹ Summary: Lodal wrote that as a result of concern over the Republic of Korea's apparent intent to develop nuclear weapons, an interagency consensus had developed, at the staff level, that the United States should persuade the Republic of Korea to "abandon" plans to purchase a reprocessing plant from France.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 47, TTB/PNE Memos, Round 2 (2). Secret. Sent for urgent action. Marcum initialed for Lodal. Neither recommendation was approved, but a handwritten notation by Marcum on the second page indicates that the issue was "Handled orally with Ingersoll" on July 3.

undermine the Verification Panel process in this area and could also weaken our control of other arms control issues as well.

RECOMMENDATION

That you sign the attached memorandum to Ingersoll instructing him that such issues should be handled through NSC channels.

Bill Hyland feels particularly strongly that we should firmly assert NSC control of the non-proliferation policy process at this time. Hal Sonnenfeldt and Dick Smyser concur in this action.

155. Telegram 159191 From the Department of State to the Embassy in the Soviet Union¹

Washington, July 7, 1975, 1913Z.

159191. Subject: Soviet Response on Our Venting Démarche. Ref: State 133038. For USDel—TTB/PNE Talks.

1. Soviet Embassy today delivered “non-paper” to EUR/SOV desk officer in reply to oral démarche Deputy Assistant Secretary Armitage made June 6 to Vorontsov on venting issue.

2. Unofficial translation of non-paper as follows: *Begin text:*

The information on the question raised by the American side is already transmitted to the U.S. Government on March 12, 1975. This information contains the answer to the question which was put by the American side and the Soviet side has nothing to add to it.

At the same time the Soviet side underlines, that the Soviet Union attaches great importance to the compliance with the provisions of the Treaty of Moscow of August 5, 1963 and that appropriate Soviet authorities were and are taking measures directed at strict observance of the requirements of the said treaty. *End text.*

Kissinger

¹ Summary: The Department transmitted the “non-paper” that the Soviet Embassy had delivered in reply to the démarche Deputy Assistant Secretary of State for European Affairs Armitage had made to Soviet Minister Counselor Vorontsov in June and provided an unofficial translation of the paper.

Source: National Archives, RG 59, Central Foreign Policy File, D750234–1086. Secret; Priority. Drafted by Zook; cleared by McNeill, Borg, Ifft, Shinn, and Palmer; approved by Armitage. Repeated for information to the Mission to the IAEA at Vienna and to London. Telegram 133038 is Document 148.

156. Memorandum From Jan Lodal and David Elliott of the National Security Council Staff to Secretary of State Kissinger¹

Washington, July 8, 1975.

SUBJECT

Approach to South Korea on Reprocessing

As a result of growing concerns over South Korea's nuclear weapons intentions and specifically over their intention to purchase a pilot reprocessing plant from France, there is a bureaucratic concurrence at the staff level on a guidance cable (Tab A) that would authorize the Embassy in Seoul to approach the Koreans directly and:

—Point out that the Korean reprocessing plans could jeopardize U.S. peaceful nuclear assistance, particularly a pending Export-Import Bank loan for the KORII-II, their second U.S.-built power reactor;

—Ask them not to proceed with their planned reprocessing plant; and

—Offer support for ROK participation in an eventual multinational regional reprocessing plant in East Asia.

Ambassador Sneider supports such an approach (Tab C).

Bureaucratic Factors

Recognizing the inevitable potential for leaks and for resulting difficulties with the French and Koreans, as in the case of the FRG-Brazil affair, and the intimate relationship between the ROK's nuclear weapons plan and our security commitment there; we tasked State/ACDA to prepare an options paper for use in obtaining a policy-level decision on this problem. Unfortunately, they prepared a lengthy advocacy memorandum (Tab B) instead which State only reluctantly

¹ Summary: Lodal and Elliott informed Kissinger that "bureaucratic concurrence" at the staff level had developed concerning a guidance cable that would authorize the Embassy in Seoul to approach the Republic of Korea on matters related to nuclear reprocessing, and suggested that Kissinger approve sending the cable to Seoul. They also indicated that Kissinger could instead wait for a ROK response to an earlier U.S. aide-mémoire and a Canadian démarche, noting that if the South Koreans rejected the aide-mémoire, the United States could then "consider a somewhat stronger approach" than described in the cable.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32, Reprocessing Study. Secret. Sent for action. Marcum initialed for both Lodal and Elliott. The tabs are attached but not published. Published from a copy that does not indicate Kissinger approved the recommendation, but see Document 158. The U.S. aide-mémoire is in telegram 133128 to Seoul, June 6. (National Archives, RG 59, Central Foreign Policy File, D750199-0829)

submitted to the NSC process (Scowcroft called Eagleburger). This paper does not address the possible impact of such an approach on our defense relationship with Korea but implicitly assumes that the defense relationship can be decoupled from this problem.

Previous Bilateral Approaches

In previous expressions of our concern we have given the South Koreans an aide-mémoire which interprets our Agreement for Cooperation as providing for an effective U.S. veto right over reprocessing of spent fuel from U.S.-built reactors. The ROK is studying this interpretation and is expected to respond soon. Canada who is also negotiating the sale of one of its reactors to Korea, has expressed similar concerns and may condition the sale on ROK foregoing fuel reprocessing.

In a bilateral discussion prior to the Nuclear Suppliers Conference, we told the French that we were considering approaching the Koreans on this issue. They replied that if we succeeded in persuading the ROK to cancel its plans, they would have no objection provided that their reprocessing firm, St. Gobain, would be reimbursed for its roughly four million dollars in expenditures to date.

Prospects

Reprocessing will not be necessary for South Korea's nuclear power economy for several years and, in view of current controversy over the dangers of plutonium recycle, perhaps not for the foreseeable future. Both officials concerned with civil power development and those in favor of weapons production could probably be persuaded to defer the reprocessing effort, if necessary, to avoid jeopardizing acquisition of essential nuclear power reactors. We are pessimistic about longer term prospects, however, since the basic incentives for ROK nuclear weapons development will remain and they could either approach another supplier or eventually build their own reprocessing plant.

Remaining Issues

In reaching your decision on this issue, you should also consider its implications for our overall nonproliferation policy. As a result of FRG and French opposition, it is now clear that the Nuclear Suppliers Conference, if successful, will result in controls on reprocessing that are considerably less stringent than those we would impose on South Korea. Following the conclusion of a Suppliers' agreement, it is conceivable that the ROK would approach another supplier such as the FRG and purchase a reprocessing plant under the agreed guidelines and we would then find it more difficult to interfere. In such an event, our own nuclear industry could claim that it should be permitted to export under the same conditions as the other suppliers.

The real question as we work toward the goals of conclusion of a Suppliers Agreement, of strengthened IAEA safeguards and of increased NPT ratification is whether we will be willing to accept these as adequate controls both in terms of permitting U.S. exports on this basis and not objecting to bilateral arrangements between other suppliers and client states. In this regard, a comprehensive review of our non-proliferation policy is in progress in the VPWG and may serve as a useful basis for determining the extent to which we should continue to play an activist role in bilateral approaches rather than being content with the international regulatory mechanisms we are developing. However, the Korean problem is somewhat time-urgent and this study will not be completed in time to serve as a basis for your decision on the Korean approach.

Options

The State proposal would have the advantage of closely following the Canadian démarche and would exert maximum pressure on the ROK to abandon its plans. It would also be timely and perhaps improve the prospects for pending Congressional approval of the Export-Import Bank loan and Nuclear Regulatory Commission licensing of a final shipment for the KORI-I reactor. It would have some risk, however, of antagonizing the Koreans and, through public disclosure, irritating the French who have already complained about publicity on the Suppliers Conference. If successful, the question would also remain of who would reimburse the French for their four million dollars in development costs.

Alternatively we could wait for the Korean responses to our Aide Mémoire and the Canadian démarche. If they accept our conditions, it would distinctly lessen the risk of diversion through reprocessing of spent fuel from U.S. reactors, and we could rely on their NPT obligations and the Suppliers Agreement as further barriers to proliferation. If they cannot reprocess fuel from either the U.S. or future Canadian reactors, then South Korea might decide without further pressure to defer its reprocessing plans. If they reject our aide-mémoire we could then consider a somewhat stronger approach than the one outlined in the cable.

Your Decision

- _____ That we forward the instruction cable to Seoul.
- _____ That we wait for an ROK response to our aide-mémoire.

157. Editorial Note

Secretary of State Henry Kissinger departed Washington on July 9, 1975, for visits to Paris (July 9–10), Geneva (July 10–11), Bonn (July 11–12), and London (July 12). Explaining the nature of his trip, Kissinger stated: “I am leaving for consultations with our European allies and also to meet with the Soviet Foreign Minister to review Soviet-American relations, and particularly to discuss the situation in the Middle East.” (Department of State *Bulletin*, August 4, 1975, page 185)

While in Geneva, Kissinger and Soviet Foreign Minister Andrei Gromyko held a series of discussions, primarily on the Strategic Arms Limitation Treaty (SALT), the Middle East, and the Conference on Security and Cooperation in Europe (CSCE). Memoranda of these conversations are printed in *Foreign Relations*, 1969–1976, volume XVI, Soviet Union, August 1974–November 1976, as Documents 159, 161, and 162. During their meeting on July 11, which took place from 1:10 to 2:10 p.m. in Kissinger’s room at the Intercontinental Hotel, Kissinger and Gromyko discussed the West German-Brazilian agreement concerning the sale of nuclear equipment. Gromyko noted: “Our attention has been drawn to one fact, and trying to assess the significance of that fact we cannot come to any optimistic conclusion—and that is the agreement between West Germany and Brazil to provide nuclear reactors and other equipment. Our assessment is like that of others—that Brazil is on the path to the production of nuclear weapons and want to use the help provided by West Germany. Am I right that this isn’t a theoretical problem but a problem of practical policy? It concerns our two states as parties to the Non-Proliferation Treaty. Incidentally, Germany is party to the NPT, but Brazil is not.

“You are located closer to Brazil geographically and politically. And we believe you are more aware of how West Germany is breathing in this matter.

“Kissinger: We don’t believe Brazil has decided to build nuclear weapons but this deal creates the possibility and we are concerned for the future. When a complete fuel cycle is provided, it provides the possibility to obtain fuel. But we are concerned and have expressed our concern publicly.

“We had hoped this suppliers’ conference would agree on safeguards. But if it doesn’t, we would be prepared to exchange views bilaterally, because it is a dangerous development.” (Ibid., Document 162)

At the conclusion of the discussions, Kissinger and Gromyko released a joint statement on July 11. For the text of the statement, see Department of State *Bulletin*, August 4, 1975, pages 188–189.

**158. Memorandum From Jan Lodal and David Elliott of the
National Security Council Staff to Secretary of State
Kissinger¹**

Washington, July 24, 1975.

SUBJECT

Approach to South Korea on Reprocessing

[Omitted here is language identical to the initial part of Document 156.]

Regional Factors

If Korea begins to build a reprocessing plant in addition to the essential nuclear reactors we have agreed to supply, it will be widely assumed that it is seriously working on a nuclear weapons program. This perception would be potentially destabilizing in all of northeast Asia. North Korea would certainly press its allies for a similar capability, and both China and the Soviet Union might see potential nuclear threats to their own territory. Perhaps most important, development of nuclear weapons in Korea could tip the balance on proliferation in Japan.

Korean Intentions

Korea's policy towards future development of a nuclear weapons capability seems fairly clear from intelligence regarding their armament program plans and from Park's statement indicating that exercise of the nuclear option would depend on the continuation of U.S. security guarantees. Unfortunately, this Korean attitude is well-known in Congress and in the international arms control community. It will make it very difficult for the U.S. to continue normal civil nuclear commerce with Korea unless some specific protective measures are taken.

Reprocessing will not be necessary for South Korea's nuclear power economy for several years and, in view of current controversy over

¹ Summary: Lodal and Elliott briefed Kissinger on the ongoing state of negotiations concerning the South Korean reprocessing situation and asked for further guidance on approaches for deterrence.

Source: Ford Library, National Security Adviser, Presidential Country Files for East Asia and the Pacific, Box 9, Korea. Secret. Sent for action. Marcum initialed for both Lodal and Elliott. A handwritten notation by Molander on the first page indicates that the issue was "handled orally with Elliot per HAKTO 5." All brackets are in the original except those indicating text omitted by the editors. Kissinger accompanied President Ford on an official visit to Bonn and East Europe July 26-August 4. The South Korean response to the U.S. aide-mémoire is in telegram 5462, July 21. (National Archives, RG 59, Central Foreign Policy File, D750251-0081)

the dangers of plutonium recycle, perhaps not for the foreseeable future. Both officials concerned with civil power development and those in favor of weapons production could probably be persuaded to defer the reprocessing effort, if necessary, to avoid jeopardizing acquisition of essential nuclear power reactors. We are pessimistic about longer term prospects, however, since the basic incentives for ROK nuclear weapons development will remain and they could either approach another supplier or eventually build their own reprocessing plant.

Korean Assurances

Korea has taken some steps recently in order to reassure us and others that its civil program is for peaceful purposes. They ratified the NPT when Canada made it a condition of acquisition of Canadian reactors, they recently accepted our tortured interpretation of our bilateral nuclear agreement that gives the U.S. veto rights on reprocessing of spent fuel from U.S. supplied reactors, and have provided similar assurances to Canada.

The Koreans undoubtedly have their limits, though, and the request from the U.S. for them to forego a planned reprocessing plant may approach that limit. Compounding this is the fact that they might also have to pay certain termination costs as discussed below.

The French Connection

The reprocessing plant that the Koreans are planning to acquire is of French origin. In a bilateral discussion prior to the nuclear suppliers conference we told the French that we were considering approaching the Koreans on this issue. They replied that if we succeeded in persuading the ROK to cancel its plans, they would have no objection provided that their reprocessing firm, St. Gobain, would be reimbursed for its \$4 million in expenditures to date.

Implications for Non-Proliferation Policy

In reaching your decision on this issue, you should also consider its implications for our overall non-proliferation policy. As a result of FRG and French opposition, it is now clear that the Nuclear Suppliers Conference will result in controls on reprocessing that are less stringent than those in the FRG-Brazil nuclear accord and considerably less stringent than those we would impose on South Korea. In a recent bilateral discussion, the FRG informed us that they would wait until after the conclusion of the Suppliers Conference to finalize their umbrella agreement with Iran probably with the expectation that we would not oppose exports which were in accordance with the Suppliers' agreement. Similarly, following the conclusion of a Suppliers' agreement, it is conceivable that the ROK would approach another supplier

such as the FRG and purchase a reprocessing plant under the agreed guidelines and we would then find it more difficult to interfere.

The real question as we work toward the goals of conclusion of a Suppliers Agreement, of strengthened IAEA safeguards and of increased NPT ratification is whether we will be willing to accept these as adequate controls both in terms of permitting U.S. exports on this basis and not objecting to bilateral arrangements between other suppliers and client states. In this regard, a comprehensive review of our non-proliferation policy is in progress in the VPWG and may serve as a useful basis for determining the extent to which we should continue to play an activist role in bilateral approaches rather than being content with the international regulatory mechanisms we are developing. However, this study will not be completed in time to serve as a basis for your decision on the Korean approach.

Options

The State proposal would have the advantage of closely following the Canadian *démarche* and would utilize our special leverage to exert maximum pressure on the ROK to abandon its plans. It would also be timely, and if the ROK agrees, would improve the prospects for pending congressional approval of the Export-Import Bank loan and Nuclear Regulatory Commission licensing of fuel shipment for the KORI-I reactor. The approach would have some risk, however, of antagonizing the Koreans and, through public disclosure, irritating the French who have already complained about publicity on the Suppliers Conference.

If successful, the question would also remain of who would reimburse the French for their four million dollars in development costs. On the basis of a preliminary examination, we have not identified any reasonable method of paying the French directly—which would be interpreted in Congress as “buying them off,” or of compensating the Koreans through our AID or Military Assistance (they are already unhappy over reduced amounts in the latter program). Thus, it appears that we would have to either force the Koreans to absorb these costs or ignore the French demand at the risk of losing their cooperation in the Suppliers Conference.

Alternatively, we could rely on Korea’s NPT obligations—including safeguards in its facilities and nuclear explosive deployment prohibitions, their assurances that they will not reprocess fuel from Canadian or U.S. reactors, and additional barriers coming out of the Suppliers’ Agreement, to satisfy our concerns. Unfortunately, such undertakings can be considered as mere “paper assurances” and some elements of Congress see it in these terms. In addition, if the ROK proceeds with this reprocessing plant, its neighbors would assume it is seriously working towards a nuclear weapons capability.

Your Decision

_____That we continue bilateral efforts to deter ROK acquisition of a reprocessing plant (and forward the instruction cable to Seoul as the next step).

_____That we make no further effort to deter their acquisition of a reprocessing plant, and rely instead on the ROK's NPT obligations, IAEA safeguards and Suppliers Conference controls to ensure that they do not develop nuclear weapons.

Jack Froebe concurs.

159. Memorandum From Jan Lodal of the National Security Council Staff and the Counselor of the Department of State (Sonnenfeldt) to Secretary of State Kissinger¹

Washington, September 4, 1975.

SUBJECT

Instructions for the TTBT/PNE Delegation

The fourth round of PNE talks is scheduled to begin in Moscow on September 5. With the exception of an allowance for some PNEs above 150 KT, most of the remaining differences between the two sides appear amenable to resolution.

Background

In our May private note we had proposed that all individual PNE yields be limited to 150 KT with an aggregate yield limit on PNE groups of one megaton. We pointed out that this would enhance public

¹ Summary: Lodal and Sonnenfeldt presented an updated set of topics to be raised by the U.S. delegation at the fourth round of PNE talks in Moscow. Noting "substantial bureaucratic concurrence" on the issues, they wrote that there was no need for Ford to review the instructions and recommended that Kissinger sign the attached National Security Decision Memorandum containing the instructions to the delegation.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 61, NSDM 304—Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 9/5/75. Secret; Completely Outside the System. Marcum initialed for both Lodal and Sonnenfeldt. Attached at Tab A is the draft NSDM; NSDM 304 as approved is Document 161. Tab B, the draft treaty, and Tab C, an undated memorandum from Lodal and Sonnenfeldt to Kissinger commenting on Iklé's memorandum (Document 141), are attached but not published; the interagency discussion paper noted at Tab B is not attached.

acceptance of both the TTBT and PNE agreement, and would permit less complex verification provisions. Just prior to your Geneva meeting with Gromyko in July, the Soviets accepted this basic approach, but asked that a "limited number" of individual excavation PNEs be allowed to exceed the 150 KT threshold. They also proposed that observers be permitted between 100 and 150 KT only at the discretion of the host side and for all PNEs above 150 KT, observers would be allowed at the discretion of the verifying side. At our request, they tabled this position at the conclusion of the last round of PNE talks.

Outstanding Issue

The major outstanding issue is the Soviet proposal to allow a "limited number" of individual excavation PNEs with yields greater than 150 KT. Fred Iklé has written to you expressing his view that we should not permit explosions above the 150 KT threshold. Our comments are at Tab C. Whether to permit a small number of excavation shots with yields above 150 KT is a difficult question since PNEs above the threshold could cause serious verification problems and would undoubtedly lead to strong Senate and public criticism that such shots would violate the LTBT. On the other hand, the right to have PNEs above the threshold has been a key Soviet objective from the outset of the TTB talks, and was the reason that a separate PNE negotiation was necessary. It is unclear whether they would be willing to abandon that goal.

We do not believe that the exceptions issue needs to be resolved at this time. There is general bureaucratic agreement that, if only for tactical reasons, we should begin this round by opposing any exceptions, as we did in our May private note. We would also table ad referendum treaty language consistent with our May note although a small amount of editing by the Verification Panel Working Group remains to be done in the next few days. The NSDM authorizes the delegation to table the draft treaty which we will convey upon completion of this work. This would bring our Moscow position into agreement with our position in your channel. It would also be responsive to Soviet concerns that we should begin negotiating treaty language and would represent considerable U.S. movement, even without concessions on "exceptions."

We plan to continue work on an analysis of the exceptions issue, taking into account the Soviet positions in the next few weeks, with the goal of a decision, probably requiring a VP meeting, later this month.

Draft Treaty

The working group has prepared an interagency discussion paper and a draft treaty with two associated Protocols (Tab B). These documents have the general concurrence of all agency representatives on

the Working Group. The draft treaty is consistent with our May note and previous guidance and contains the following key elements:

—*Individual Yield Limits.* All PNEs would be restricted to an individual yield limit of 150 KT.

—*Aggregate Yield Limit.* All PNE group explosions would be restricted to an aggregate yield limit of one megaton. The Soviet proposal suggests an aggregate limit of two megatons; however, as this yield limit increases above one megaton, there is some risk that an individual “above-threshold” shot might be hidden in the overall ground shock caused by the group.

—*Distinction between Excavation and Contained PNEs.* The treaty does not distinguish between excavation and contained PNEs, since with the yield restrictions noted above, the 0.2 KT fission yield restriction on excavation PNEs and its attendant melt sample collection and analysis is not required. A third protocol which sets forth this provision and its related verification procedures has been prepared for use if we eventually decide to permit exceptions.

—*Yield Limit Verification.* For PNE events below 150 KT, verification would be by national technical means supplemented by information exchange. For PNE group yields above 150 KT, seismometers and electrical yield measurement devices (SLIFERs) would be emplaced on-site. The Soviets have proposed use of instruments that are similar to SLIFERs, but in ERDA’s view are considerably less accurate and subject to “spoofing”. They have also argued that the equipment to be used by the verifying side should be manufactured by the host side. We believe they will eventually accept the SLIFERs but we may have to compromise somewhat on the latter point by permitting the Soviets to manufacture some of the less critical components.

—*Observers below 150 KT.* In our view the verifying side must retain the right to decide whether observers are needed. The draft treaty states that observers should be permitted for any PNE event (including groups) with a total yield above 50 KT. This requirement is rather extreme and could result in excessive and unnecessary verification activities. In the working paper it is acknowledged that observers are really only needed for PNEs with yields in excess of 100 KT and the draft NSDM instructs the Delegation to take this position.

—*Observers for PNE groups above 150 KT.* The draft treaty provides for extensive observer activities including utilization of both seismic instruments and SLIFERs for all PNE groups with aggregate yields above 150 KT.

—*Information Exchange.* The draft treaty includes provisions for information exchange which are graduated on the basis of the PNE yield level. These include limited information in advance with actual

results after the event for all PNEs, and for PNEs near 150 KT (above 75 KT), detailed geological information and emplacement hole geometry.

—*LTBT Compliance.* The draft treaty includes an article reaffirming compliance with the LTBT, which the Soviets indicated they would be willing to accept. Whether or not exceptions are permitted, however, we can expect strong criticism on the implications for the LTBT of permitting excavation PNEs. The NSDM would have the delegation continue to stress that we expect the Soviets to comply with the LTBT and to ensure that the negotiating record is clear on that point. This will enable us to state, during our ratification hearings, that we have put the Soviets on notice that we will expect adherence to the LTBT in all PNE activities.

—*Cooperation.* The draft treaty contains an article which provides for consultation between the Parties and for possible agreements on cooperation in PNEs. The Soviets have consistently insisted on a cooperation provision and at one point suggested the entire PNE agreement should be an agreement on cooperation. The draft treaty position is a minimal one and the Soviets may insist on a more explicit agreement on cooperation in certain aspects of PNE development.

Most of the provisions reflected in the draft treaty are fairly close to the Soviet positions as we know them and we anticipate only minor difficulties in resolving the remaining differences. However, we may be misreading the Soviets on some of these issues such as observer rights or cooperation. Furthermore, the Soviets may attempt to link resolution of some of these issues to U.S. acceptance of at least some exceptions over 150 KT. Consequently, it is too early to predict how much time will be required to reach an agreement.

Recommendation

The attached NSDM and draft treaty are fully consistent with our private note in May and effectively implement the withheld provisions of the last PNE NSDM. In addition, there is substantial bureaucratic concurrence on these issues. Accordingly, we believe that there is no need for further Presidential review at this time and we recommend that you sign the attached NSDM at Tab A. We will subsequently prepare a memorandum from you to the President informing him of the status of the negotiations and the contents of this NSDM.

160. Memorandum From David Elliott and Jan Lodal of the National Security Council Staff to Secretary of State Kissinger¹

Washington, September 6, 1975.

SUBJECT

Instructions to the U.S. Delegations to the Nuclear Suppliers' Conference and to the U.S./French Nuclear Talks

Instructions are required for the subject meetings. The Verification Panel Working Group has prepared a study and options paper for each of the two meetings, and agency recommendations have been obtained.

Nuclear Suppliers' Conference

We are scheduled to have the third multilateral meeting of the seven key nuclear suppliers in London on September 16–17. The purpose of this meeting is to agree on the basic principles for safeguards and controls associated with nuclear exports, commission a working group to work out the details of the understandings, and consider ways to expand the group to include other potential future suppliers.

The analysis of the options for our position at the Suppliers' Conference is at Tab C, and our positions and fallbacks—as recommended by all agencies—are embodied in the delegation instructions at Tab A.

The agreement we foresee as now achievable is less than we would desire in terms of exhaustive measures to inhibit proliferation, particularly in the area of promoting restraint in transfer of reprocessing and enrichment technology to third countries and making such transfers contingent on multilateral ownership and operation. It will include the following key elements:

- Prohibitions in PNE development;
- IAEA safeguards on supplied nuclear facilities and matériel (but not on all facilities in-country);

¹ Summary: Elliott and Lodal provided Kissinger with recommendations concerning the instructions to the U.S. delegations to the Nuclear Suppliers' Conference in London and to the U.S.-French nuclear talks in Paris. They recommended that Kissinger approve the attached instructions to the two delegations.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 32. Secret. Sent for action. Marcum initialed for both Elliott and Lodal. Kissinger initialed his approval of both recommendations. Tab A, the draft instructions to the U.S. delegation to the conference in London, is attached but not published. Tabs B–E are not attached. NSDM 298 is Document 152. NSDM 275 is Document 92.

- Safeguards on replicated enrichment, reprocessing and heavy water production facilities;
- Encouragement of multinational regional reprocessing and enrichment; and
- Bilateral consultation provisions on specific export cases to areas where there is risk of instability.

In view of the comprehensiveness of the above provisions and their general support by all participants, and comparing our current expectations with the state of play last fall where we had no knowledge of French attitudes toward nonproliferation or even their willingness to apply any kind of safeguards, we view even this agreement as a significant accomplishment. However, there will probably be considerable criticism that there are no mandatory controls which would bar export of reprocessing and enrichment technology to sensitive areas or at least require continuing supplier involvement in the operation of such plants. In particular, the FRG-Brazil deal would be permitted under this agreement and bilateral supply of reprocessing technology such as the French arrangements with South Korea and Pakistan could go forward. This is a serious problem since public awareness of the Supplier discussions has generated expectations that the Suppliers will agree to measures which would prohibit or severely constrain such exports.

The only alternative to this type of agreement would be to back off from our compromises in the first two meetings and insist on much stronger controls such as IAEA safeguards on all nuclear facilities in recipient countries; mandatory supplier involvement with multinational participation in reprocessing or enrichment plants and prohibitions on supply of such technology to sensitive areas. There would be support from most of the other Suppliers for some or all of these measures and we could probably isolate the French and Germans on these issues. However, we do not have much leverage with either country on the basis of our peaceful nuclear exports and it is unlikely that we could accomplish such a fundamental change in their positions.

We do have some leverage with the French in that they have asked us for some relief on three bilateral issues: liberalization of U.S. COCOM policy on nuclear reactor exports; relaxation of U.S. licensing requirements on French licenses of U.S. firms; and relaxation of our policy of requiring the return of uranium tails when the Soviets provide toll enrichment services. However, we promised to be sympathetic to these requests in securing French agreement to participate in the Suppliers talks and to some extent they will consider U.S. movement in these issues as a quid pro quo for their attendance.

A possible additional source of leverage—which you might be able to use in your channel—is our special nuclear assistance relationship

with the French. The President has committed himself to Giscard on much of this assistance, however, and any attempt to use it as leverage would constitute a major reversal of this policy. Another problem with a tough approach is that we assured the French at the outset of the Suppliers talks that we were sympathetic with their concerns and would not isolate them in these proceedings. Thus, an attempt to take a “high road” at this time would suffer from a lack of leverage, would be inconsistent with previous assurances, and could result in a collapse of the Suppliers’ talks. Therefore, we strongly recommend that you authorize us to continue with our present approach and make the few additional compromises that may be required to reach an agreement.

French Bilaterals

We will meet with the French in Paris on September 10 to discuss the bilateral concerns as a prelude to the September 16–17 Nuclear Suppliers Conference. We are still hopeful that we may get some French movement on two outstanding issues: mandatory participation of the Supplier in management of any exported enrichment and reprocessing facilities, and standard provisions requiring Supplier consent for reprocessing, storage or alteration of weapons usable material (plutonium and highly enriched uranium) derived from supplied materials or facilities. It must be pointed out, however, that we do not know whether, or to what extent, a favorable U.S. response on these three bilateral issues would actually cause France to modify her stance in the Suppliers negotiations. Further, a favorable U.S. response on the bilateral issues could create difficulties for the Administration with respect to Congressional reactions, particularly when the extent of the proposed French sale to the Soviets becomes known to the Congress (6 to 12 power reactors).

An interagency study of these bilateral issues and of U.S. options is at Tab D, with agency views at Tab E. The issues are discussed below.

Liberalization of U.S. policy within COCOM in approving exceptions for the sale of nuclear reactors to Bloc countries

In the NSDM 298 decision on the FRG reactor sale to the Soviet Union, we modified our policy of requiring IAEA safeguards on such sales so that we now require them only where there is a substantial risk of diversion of fissionable materials—a criteria which effectively excludes the USSR from a safeguards requirement. (In the FRG case, we did however require that the FRG obtain a peaceful uses assurance on the transfer and that the Soviets should supply the uranium ore to be used for fuel.) Since the safeguards requirement was a major stumbling block for COCOM approval of reactor sales to the USSR in the past, the change would probably be accepted by France as substantially meeting their first request. However, waiving this requirement does

not represent blanket approval for future export requests. These requests must still be reviewed in COCOM in order to assure that other strategic interests (such as sensitive technology and information) are protected.

There is interagency disagreement on our response to the French on this issue. State and ACDA would be prepared to discuss our position on the FRG reactor sale along with specific French proposals for such sales; DOD and ERDA would avoid such discussions for fear of misleading the French into assuming a favorable U.S. attitude toward these sales.

We recommend that the French be told, as we already have conveyed to the FRG, that the U.S. will not require as a condition of our COCOM approval that IAEA safeguards be imposed on reactors sold to the USSR, as long as the USSR gives a peaceful use guarantee and supplies its own nuclear fuel. We would explain that we cannot give advance assurances of our COCOM position vis-à-vis French reactor sales to the USSR because our study of the strategic implications of the transfer of this level of technology has not been carried out (and won't really be started until the French supply us with the data and information regarding the proposed export).

A change in the U.S. position within COCOM requiring the return of uranium "tails" (the residue left over when uranium is enriched) when the Soviet Union provides toll enrichment services for COCOM countries

Our position on this issue was stated in NSDM 275:

(1) The U.S. should seek to maintain its position requiring the return of the tails.

(2) However, the President authorized a compromise, for use if significant opposition developed in COCOM, which would require the return only of tails above 0.2 percent uranium 235 content.

(3) If a compromise could not be achieved on this basis, options for a revised position should be submitted for Presidential decision.

In the third round of discussions in COCOM, the U.S. maintained its current position on return of the tails in the face of wide-spread opposition. Canada was the only country to support the U.S. view, and even Canada was willing to exempt the USSR from the requirement. The FRG proposed what is essentially the NSDM 275 compromise but our Delegation did not support it. *State* and *ACDA* feel that enough opposition has been shown to justify tabling our compromise position. *ERDA* and *DOD* feel we should await further pressure on the issue, particularly from the French. We feel the time is right to implement the compromise authorized in the NSDM.

Modification of present industry-to-industry licensing arrangements

While the French are ready to consider regulation of exports to the USSR through inter-governmental channels (including COCOM), they object, in principle, to such clauses in contracts between U.S. and French companies which in effect, in their view, subject French exports to U.S. regulatory policy. During our most recent consultations with the French, we sought to allay their anxieties by indicating that we would not approve an export in COCOM and then refuse a specific authorization for the same transaction. However, the French Delegation did not find our reassurances sufficient and presumably the French desire a more extensive and formal accommodation.

This is a more contentious issue within the bureaucracy. *State* recommends that should the French insist on dropping the clause in industry-to-industry agreements, our Delegation should be authorized to indicate that we will make our best efforts to devise a means to eliminate the clause or at least to modify it to meet the French objection, if it is possible to do so within existing U.S. legislation. *ERDA* recommends that we make no commitments in this area, but if the French are forthcoming at the Suppliers' Conference, then we could indicate a willingness that the U.S. would not block an export that it had approved in COCOM. *DOD* recommends that we take no steps at this time pending completion of the study authorized in NSDM 298 on the implications of transfer of U.S. reactor technology to the Soviet Union.

We recommend that we offer to give the French formal assurance that we would not block a French reactor sale to the USSR through our unilateral control if we approved the sale in COCOM. If the French insist that they cannot tolerate any U.S. export control exercised through the licensee-licensor commercial arrangement, our recommendation would be to indicate willingness to try to work out a U.S.-France agreement that would shift the control to the government-to-government level, and indicate the legal difficulty for us in attempting to go further.

At Tab B are draft instructions to the U.S. Delegation on the three bilateral issues with the French, incorporating our recommendations to:

- Indicate to the French the policy shift represented by the U.S. decision on the FRG reactor sale but emphasize that the strategic implication of future sales must still be reviewed on a case-by-case basis.

- Present the compromise on the tails issue already authorized by NSDM 275.

- Assure the French that we will not use licensing arrangements to block reactor sales we have already authorized in COCOM and offer to explore whether there is a way to eliminate the licensing provision and replace it with a government-to-government agreement.

Under this approach we will be able to show substantial accommodation of the French on the first two issues. Our recommendations on these two issues are somewhat more forthcoming than the official positions of DOD and ERDA. However, their major concern is with the licensing issue, and on this point, the draft instruction would only authorize an expression of willingness to consider compromise arrangements and not commit us to specific changes in licensing requirements.

Recommendations

That you authorize us to continue our present approach in the Suppliers' Conference by approving the instructions to the U.S. Delegation at Tab A.

That you approve the instructions for the U.S.-French talks on bilateral nuclear issues at Tab B.

161. National Security Decision Memorandum 304¹

Washington, September 8, 1975.

TO

The Secretary of Defense
The Deputy Secretary of State
The Director, U.S. Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

Instructions for the U.S. Delegation to the PNE Negotiations, Moscow,
September 5, 1975

The following instructions have been approved for the negotiations on underground nuclear explosions for peaceful purposes (PNEs) which will resume in Moscow on September 5, 1975. These instructions supplement those contained in NSDM 297.

¹ Summary: Kissinger transmitted the approved instructions for the U.S. delegation to the fourth round of the PNE negotiations in Moscow.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 61, NSDM 304—Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 9/5/75. Secret. Copies were sent to Brown and Colby. NSDM 297 is Document 150. The Department transmitted the instructions in telegram 214009 to Moscow, September 9. (National Archives, RG 59, Central Foreign Policy File, D750311-1129) The fourth round of PNE negotiations opened on September 5 and concluded on October 31.

1. The Delegation should state that the U.S. prefers a 150 KT limit on all individual excavation PNEs and, in this context, would be willing to accept a one megaton limit on the aggregate yield of all PNE salvos. The Delegation should cite the following factors as contributing to this preference:

(a) There would be no need to distinguish between excavation and contained PNEs;

(b) The necessity for stringent verification provisions for excavation PNEs would be lessened; in particular, there would be no need for a fission yield restriction and its attendant melt sample collection;

(c) The public and international acceptance of both the Threshold Test Ban Treaty (TTBT) and the PNE agreement would be enhanced if all individual PNEs were subject to the TTBT yield restriction.

2. For PNE events with yields above 100 KT, observers should be permitted as needed at the discretion of the side verifying the explosion and observers should be permitted for all PNE groups with aggregate yields above 150 KT.

3. To augment verification of individual PNE yields, the Delegation should propose the use of SLIFERs for all PNE groups with aggregate yields above 150 KT.

4. The Delegation should continue to reiterate our position that all PNEs must be fully consistent with existing treaty obligations, including the Limited Test Ban Treaty (LTBT). In addition, it should state that U.S. studies indicate that it does not appear to be possible to carry out major PNE excavation projects without violating the LTBT. In this regard, the Delegation should avoid technical discussions of such matters as differences in interpretation of the LTBT or de minimus radiation standards.

5. The Delegation is authorized at an appropriate time upon approval by Washington to table on an ad referendum basis the draft PNE treaty prepared by the Verification Panel Working Group.

Henry A. Kissinger

162. Telegram 12888 From the Embassy in the Soviet Union to the Department of State¹

Moscow, September 10, 1975, 1640Z.

12888. Subject: Soviet Disarmament Initiatives in the UNGA.

1. During a break in the PNE negotiations today Morokhov and Timerbayev informed me that the Soviet disarmament initiative at the upcoming UNGA session will be a proposal for a “complete and universal” nuclear weapons test ban. Timerbayev promised to give us the text of the proposal September 11.

2. Timerbayev did mention several of the principal provisions which the proposal will contain. It will enter into force only when all nuclear powers agree to it; it will be without time limit; and it will employ the “TTBT precedent” on PNEs—that is, it will not address the subject other than to state that negotiations on an agreement regulating PNEs will follow.

3. We will pass the full text by cable as soon as we have it.

Stoessel

¹ Summary: Ambassador Stoessel reported that during a break in the PNE negotiations the Soviet delegates had informed him that the Soviet Union intended to present a proposal for a nuclear weapons test ban at the upcoming United Nations General Assembly session.

Source: National Archives, RG 59, Central Foreign Policy File, D750313–0568. Confidential; Immediate. Repeated for information to the Mission in Geneva and Immediate to USUN. For the text of the draft Soviet proposal, see Document 163.

163. Telegram 12947 From the Embassy in the Soviet Union to the Department of State¹

Moscow, September 11, 1975, 1331Z.

12947. Subject: Soviet UN Draft on Nuclear Weapons Test Ban. Ref: Moscow 12888.

1. International Organizations Department of MFA (Nazarkin) today provided U.S. draft text of a treaty on “full and universal prohibition of nuclear weapons tests” and accompanying letter from Gromyko to Secretary General which will constitute the Soviet disarmament initiative at the UNGA. Nazarkin said that both documents will be transmitted by the Soviet Mission in New York to the SecGen at 1500Z Sep 11. Main points of treaty are as reported Sept 10 in reftel. Embassy translation of operative articles of draft treaty follows.

2. (Preamble notes, inter alia, UNGA call for end to all nuclear weapons tests; need for continuing availability of PNE’s to both NNWS and NWS; and need for continuing compliance with LTBT until entry into force of present treaty.)

3. Article I

1. Each state-party to the present treaty undertakes to prohibit, to prevent, and not to carry out any test explosions of nuclear weapons at any site located under its jurisdiction or control in any environment—in the atmosphere, in space, under water or underground.

2. Each state-party to the present treaty undertakes to refrain from inducing, encouraging, or participating in any way in the carrying out of nuclear explosions prohibited in paragraph I of the present article.

Article II

1. Verification of compliance with the present treaty will be carried out by the states-parties through the use of national technical means of verification at their disposal in a manner in accordance with generally recognized norms of international law.

¹ Summary: The Embassy transmitted its translation of the Soviet draft treaty on a nuclear weapons test ban and its translation of a letter to UN Secretary General Waldheim from Soviet Foreign Minister Gromyko, in which Gromyko indicated that the initiative supplemented the Limited Test Ban Treaty.

Source: National Archives, RG 59, Central Foreign Policy File, D750314–1230. Limited Official Use; Immediate. Repeated for information Immediate to USUN. For Gromyko’s September 11 letter to Waldheim submitting the draft treaty and the full text of the draft, see *Documents on Disarmament*, 1975, pp. 459–463. Telegram 12888 from Moscow, September 10, is Document 162.

2. In the interests of ensuring the implementation of the goals and provisions of the present treaty parties to the treaty will cooperate in an international exchange of seismic data.

3. To promote implementation of the goals and provisions of the treaty the parties will, when necessary, consult with each other, make inquiries and receive appropriate information in connection with such inquiries.

4. Each state-party which believes that any other state-party is acting in violation of the obligations flowing from the provisions of the treaty may submit a complaint to the Security Council of the UN. Such a complaint should contain all possible evidence supporting its validity and a request that the Security Council examine it. The Council will inform the states-parties of the results of its examination.

Article III

1. The provisions of Article I do not apply to peaceful underground nuclear explosions carried out by nuclear weapon states on territory located under their jurisdiction, and also in accordance with agreements under which, according to Article V of the NPT, non-nuclear weapon states will receive the benefits of any peaceful application of nuclear explosions.

2. Explosions addressed in paragraph 1 of the present article are carried out in the following manner:

A) For non-nuclear weapon states, according to Article V of the NPT;

B) For nuclear weapon states, in accordance with the procedure which will be established by a special agreement in relation to which the nuclear weapon states will carry out negotiations, taking into necessary account the recommendations of IAEA on this question, and which will be concluded as soon as possible.

Article IV

Provisions of the present treaty do not affect obligations which the states-parties have taken upon themselves in other international agreements.

Article V

(Contains amendment provisions under which requests from one third of parties to consider amendment results in conference, at which approval by majority of parties, including all NWS, constitutes acceptance.)

Article VI

1. The present treaty is open for signature by all states. Any state which does not sign the treaty before its entry into force in accordance with paragraph 3 of the present article may accede to it at any time.

2. (Ratification procedures)

3. The treaty enters into force after deposition of the instruments of ratification by (blank) governments, including the governments of all nuclear weapon states.

4.–5. (Deposition and entry into force for states acceding after initial entry into force.)

6. (UN registration under Article 102.)

Article VII

The present treaty is without time limit. Each state-party to the treaty as a consequence of its state sovereignty has the right to withdraw from the treaty if it decides that exceptional circumstances connected to the content of the treaty threaten its higher interests . . .

Article VIII

(Equally authentic languages, other procedural information.)

4. Gromyko letter to the SecGen contends that UNGA is to proceed in international situation characterized by “great positive changes” and at time when détente moving to new areas. Proper agenda task is therefore, letter continues, to “complement and strengthen” political détente in military areas through disarmament measures. Letter lists agreements attesting to progress already achieved in disarmament area, pointing out “special significance” of U.S.-Soviet agreements. On-going talks in Geneva and Vienna are mentioned. Letter laments, however, that arms race is not yet stopped, and that “in a number of states military expenditures are systematically being increased”.

5. Letter presents present initiative as effort to supplement LTBT by prohibition of underground explosions as well as in other three environments, noting importance of U.S.-Soviet TTBT as step toward this end.

6. Embassy pouching original Russian language text of both documents to EUR/SOV.

Stoessel

164. Telegram 256194 From the Department of State to the Embassy in the Soviet Union¹

Washington, October 29, 1975, 1843Z.

256194. Subject: Soviet Arms Control Initiatives.

1. Chief Soviet MFA International Organizations Division Israelyan called on ACDA Assistant Director Davies October 24 to convey Soviet thinking on recent Soviet disarmament initiatives. During conversation, he gave particular emphasis to ban on development and deployment of new weapons of mass destruction.

2. Turning to Soviet proposal to ban new weapons of mass destruction, Israelyan stated following. Soviets have as many questions about the "terrible" weapons ban as Americans. In spite of these questions, the Soviet proposal was very serious and not propaganda. In all frankness it had to be admitted that the Soviets had tried to define and enumerate specific types of new weapons subject to ban but had failed. He and others had asked Soviet scientists and academicians to ascertain what concrete types of new weapons could emerge in future years. The scientists had stated that it was impossible to predict what specific types would emerge. It was certain, however, that new types of weapons would come forth.

3. Israelyan continued that the Soviet proposal had two aspects: (a) banning new types of systems, and (b) banning new systems. New types of systems are those that differ from existing weapons. The identity of these new types of weapons had to be defined. (*Comment:* These new types presumably would include weapons based on new physical principles. Israelyan's comment indicated that scope of the Soviet proposal had not been defined.)

New systems of weapons are new generations of existing weapons, such as those of a chemical and nuclear type. Examples of new systems are B-1, Trident, and binary gases. It is necessary, of course, to define what constitutes a "system." Soviets, however, are ready to discuss restraints on new systems of all parties.

¹ Summary: The Department summarized a meeting between Chief of the International Organizations Division of the Soviet Ministry of Foreign Affairs Israelyan and Admiral Davies, during which the officials discussed various Soviet disarmament initiatives.

Source: National Archives, RG 59, Central Foreign Policy File, D750376-0061. Secret; Exdis. Drafted by J. Glassman (EUR/SOV); cleared by John Baker (IO/UNP), Davies, Kelley, Phelps, and Ortiz; approved by Garrison. Repeated for information to USUN and the U.S. delegation to the SALT II talks in Geneva. The Soviet draft resolution banning new weapons of mass destruction was submitted to the UN General Assembly on September 30. For the text, see *Documents on Disarmament 1975*, p. 495.

Israelyan said that questions related to this matter could not be discussed in the General Assembly since it touched on complex and even secret matters. It could, however, be discussed on an “expert” level, either among a small group or bilaterally. (*Comment:* In a later remark, Ambassador Israelyan stated that he was referring primarily to discussions at the UN, though bilateral discussions outside the UN could not be excluded.)

4. Israelyan said that Minister Gromyko had made it clear that while the “terrible” weapons ban proposal was “most difficult and delicate,” it had one key virtue—it did not challenge anyone. It is interesting to note that, in spite of “the tremendous hostility” of the Chinese toward the Soviet Union as manifested again during Secretary Kissinger’s visit to Peking, the Chinese had not attacked “terrible” weapons ban. This contrasted with Chinese attacks on other Soviet disarmament proposals. (*Comment:* Israelyan was markedly emotional in his reference to Chinese hostility. Chinese have, in fact, denigrated “terrible” weapons ban.)

5. Ambassador Israelyan said that, while the U.S. may have dozens of questions on the “terrible” weapons ban, the Soviets had hundreds. Discussions might take one, two, five or even ten years. Nevertheless, they are eminently desirable.

6. Ambassador Israelyan stated that disarmament was becoming an increasingly important issue at the UN. Trends, however, were not favorable for the “big powers” such as the U.S. and USSR. The negative trends were obvious at the NPT RevCon where the U.S. and the USSR were the target of criticism by the developing countries. The results of the RevCon would have been worse if the U.S., UK and the Soviets had not consulted and planned in advance. At the UN, in spite of our better relations, delegations do not closely coordinate. While there is little possibility for joint action on political matters such as the Middle East, Korea and decolonization, in the sphere of disarmament we can basically agree on all issues other than the world disarmament conference. Israelyan said what was needed is a joint active, parallel approach to lead the UN discussion. A defensive, passive stance, as the U.S. delegation has maintained in recent years will lead only to resolutions that “make no sense.” Typical of such possible resolutions are the Mexican proposal (to reduce great power strategic arms as more members adhere to the NPT). It would be a “shame” if the United States abstained on a question like this.

Ambassador Israelyan stated that UN consultations could include the Soviet Union, the U.S., and the UK. France could be asked, even though it is not a “big power” and would probably not be interested.

Admiral Davies stated that he would discuss the UN consultation suggestion with the appropriate American officials.

7. Ambassador Israelyan suggested that, in addition to UN consultations, it might be useful to conduct regular Soviet-American arms control consultations. The British agreed to such consultations during Prime Minister Wilson's visit in February. The first two-day meeting was held in July and was a "great success." Similar consultations are also held with the Italians. Ambassador Israelyan indicated that he intended to suggest to his government establishment of such Soviet-American consultations.

8. Admiral Davies asked for Israelyan's assessment of the TTBT/PNE talks. Ambassador Israelyan stated that when he left Moscow in August, his Deputy Timerbayev had said everything would be settled by the end of September. A few days ago, Timerbayev had sent a letter saying that the talks are not nearly completed.

Admiral Davies indicated that the principal problems in the talks were verification and the observer function.

Ambassador Israelyan said these are very difficult problems.

There are many agencies involved. He indicated that if the American bureaucratic situation is bad, the Soviet situation is no better. (*Comment: This may be admission of Soviet differences of view on the on-site inspection issue.*)

Ambassador Israelyan said that the importance of PNEs seemed to be growing, especially in view of the energy crisis. Soviets are very enthusiastic about PNEs. Ambassador Israelyan said that Mr. Morokhov (Soviet TTBT/PNE negotiator and Deputy Chief of State Committee on Atomic Energy) had provided a briefing on the benefits of PNEs. Israelyan said that he was "very impressed by the way Morokhov explained the utility of PNEs."

9. Admiral Davies thanked Ambassador Israelyan for his very frank and useful presentation and stated that his suggestions would be seriously discussed within U.S. Government.

Kissinger

165. Memorandum From John Marcum of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, November 18, 1975.

SUBJECT

Status of PNE Negotiations

We have been engaged for over a year in negotiations in Moscow to develop an agreement governing the conduct of peaceful nuclear explosions (PNEs). A separate agreement on PNEs is called for in Article III of the Threshold Test Ban Treaty (TTBT) and was necessitated by strong Soviet insistence during the July 1974 Summit that PNE yields should be allowed to exceed the 150 KT limit of the TTBT.

From the outset, this has been the outstanding issue in these negotiations. We have strongly opposed any PNEs above 150 KT and the Soviets have been equally firm in asserting that they must have such exceptions. In spite of this impasse, considerable progress has been made in resolving differences in verification provisions, observer rights and developing a joint draft text.

The fourth round of these talks ended on October 31 and just prior to its conclusion the Soviets made two important concessions which bring us closer to an agreement:

—They accepted our method of yield verification, an electrical instrument called SLIFER. (This device consists of a long coaxial cable running from a recorder at the surface down to the nuclear explosive. As the shock wave moves out from the explosion, the cable is progressively crushed and by recording the shortening of its length with time, the yield can be estimated within 20–30 percent accuracy, far better than for seismic instruments.) The remaining problems concern differences on issues such as custody of the equipment and aggregate yield limits on PNE salvos which should be resolvable.

—They also softened their position on having exceptions above 150 KT. They now say that they would need only three such events per year and have suggested that special verification measures for such

¹ Summary: Marcum notified Scowcroft of two important concessions made by Soviet officials at the conclusion of the fourth round of PNE negotiations in Moscow on October 31.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 46, PNE Working Papers number 1. Secret; Sensitive. Sent for information. Sent through Boverie. The fifth round of negotiations began on November 19 and concluded on December 17.

shots could be negotiated on a case by case basis in the Joint PNE Commission, which we have agreed to establish. Under this arrangement, the U.S. would effectively have a veto right if the verification issues could not be resolved to our satisfaction.

In addition to this movement on the exceptions issue in Moscow, Morokhov, (the Soviet Delegation Chairman) in a private conversation with John Kelly alongside the last nuclear suppliers' meeting in London, stated that the entire Kama-Pechora Canal project could be carried out within the 150 KT limit and that it would be at least three years before they would need any exceptions.

Based on our PNE experience, there is little economic loss in restricting all PNEs to a 150 KT yield limit and, given their recent concessions, there appears to be some chance that the Soviets will simply drop this issue in order to achieve an agreement that is otherwise favorable to them in several respects, particularly in providing for U.S.-Soviet cooperation in PNEs. This would give us an agreement that for the first time would provide for on-site inspection, would be consistent with the Threshold Test Ban and should be acceptable to Congress.

On the other hand, if the Soviets persist on the exceptions issue, Morokhov's statements suggest that we may be able to reach a compromise that would exclude any exceptions for the next five years (our proposed treaty duration, as in the TTBT), but would leave open the possibility of events above 150 KT in the future provided that the Joint Commission could agree on the need for these shots and develop adequate verification measures. This approach would cause ACDA some concern, but would be acceptable to the other agencies and probably to Congress as well.

In view of the March 31, 1976 effective date of the TTBT, we need to begin our ratification effort with Congress early next year and the PNE agreement must be ready by that time. (We have told the Soviets that we will not ratify the TTBT until a PNE agreement is concluded.) Even if we reach agreement soon on the exceptions issue, several weeks would be needed to clean up the remaining details and complete the agreement.

In an effort to move the talks along, it may be desirable to press the Soviets on the exceptions issue by sending a private note stressing the lack of current economic need for PNEs above 150 KT and arguing the advantages, in terms of both domestic and international acceptance, of an agreement without exceptions. Given the recent softening of their position, the Soviets might be receptive to this argument. Alternatively, they might respond along the lines of Morokhov's comments in London which would open the way to an acceptable compromise as discussed above.

There is some risk, however, that the Soviets would interpret any activation of the back channel at this time as a sign of anxiety and

toughen their position. In this regard, the Soviets might argue that the present note does not differ materially from the one we sent them in June and that they had made all possible concessions in their response.

Another concern is that the Soviets, having learned their “linkage lessons” only too well, may reject this initiative on grounds somewhat similar to those in their recent SALT action—arguing that they made important concessions in the last exchange and that it is our turn to compromise. On the other hand they may be quite willing to move ahead in non-SALT arms control areas at this time.

We will review this issue in the context of this week’s sessions in Moscow and provide our recommendations in a subsequent memorandum.

166. Memorandum From the Deputy Secretary of State (Ingersoll) to the President’s Assistant for National Security Affairs (Scowcroft)¹

Washington, December 10, 1975.

SUBJECT

United States Compliance with the Biological Weapons Convention

The deadline for compliance with Article II of the Biological Weapons Convention is December 26, 1975. In order to comply the U.S. must destroy or convert to peaceful purposes all biological agents, toxins, and weapons not permitted by the Convention. In addition, steps must be taken to ensure that the future activities of the federal departments and agencies comply with the Convention.

Under the terms of the Convention, the parties undertake not to develop, produce, stockpile, or otherwise acquire or retain: (1) biological agents or toxins of types and in quantities which have no justification for prophylactic, protective, or other peaceful purposes, or (2) weapons

¹ Summary: Ingersoll briefed Scowcroft on guidelines for U.S. compliance with Article II of the Biological Weapons Convention and offered recommendations on this matter for President Ford’s approval.

Source: Ford Library, White House Central Files, Subject Files, Box 71, ND 19–1, December 23, 1975. Unclassified. Tab 1, the undated, interagency enumeration of activities to be permitted under the peaceful purposes clause, entitled “Prophylactic, Protective, or Other Peaceful Purposes,” is attached but not published. Tab 2 is not attached but was attached as Tab A to Document 167.

or means for delivering such agents for hostile purposes or in armed conflict.

Compliance therefore requires that (1) more precise guidelines be provided government agencies regarding the “prophylactic, protective, or other peaceful purposes” justified but not spelled out by the Convention, and (2) ensuring that all activities involving the use of these materials are consistent with the justifiable purposes and that all such materials on hand are committed solely to these activities.

An agreed detailed interagency enumeration of the activities to be permitted under the peaceful purposes clause has been developed. Judgments as to which types and quantities are appropriate to a specific project must be made on a case-by-case basis. Assurance should therefore be sought from government agencies that all such materials held by them are reserved for the justifiable purposes and that no other use is intended.

The question of federal legislation concerning application of the Convention to activities of state and local governments and private citizens is being separately considered by the interested agencies.

It is recommended that the President approve for the guidance of U.S. Government agencies the enumeration of peaceful purposes attached at Tab 1 and ask the heads of the pertinent departments or agencies to certify to him prior to December 26 that (1) all their departmental activities which retain any biological agents or toxins are being conducted only for the permitted peaceful purposes, (2) the total quantities of biological agents or toxins held are committed or reserved solely to such peaceful activities, and (3) any weapons, equipment, or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict have been destroyed or diverted to peaceful purposes, in compliance with the Convention. (Suggested draft letter is attached at Tab 2.)

The letter and the responding departmental certifications would suffice to certify compliance with Article II of the Convention by U.S. Government agencies.

Robert S. Ingersoll

167. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to President Ford¹

Washington, December 22, 1975.

SUBJECT

United States Compliance with the Biological Weapons Convention

The deadline for compliance with Article II of the Biological Weapons Convention is December 26, 1975. In order to comply the U.S. must destroy or convert to peaceful purposes all biological agents, toxins, and weapons not permitted by the Convention.

State has forwarded a proposal whereby all federal agencies would certify to you their compliance with the Biological Weapons Convention (Tab B). Based on these certifications, you would subsequently declare that the U.S. has implemented the Convention.

Under the terms of the Convention, the parties undertake not to develop, produce, stockpile, or otherwise acquire or retain: (1) biological agents or toxins of types and in quantities which have no justification for prophylactic, protective, or other peaceful purposes, or (2) weapons or means for delivering such agents for hostile purposes or in armed conflict.

State (the Legal Office of State Department is responsible for interpreting U.S. treaty obligations) recommends that the heads of the pertinent departments or agencies be asked to certify to you that as of December 26 (1) all their departmental activities which retain any biological agents or toxins are being conducted only for the permitted peaceful purposes, (2) the total quantities of biological agents or toxins held are committed or reserved solely to such peaceful activities, and (3) any weapons, equipment, or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict have been destroyed or diverted to peaceful purposes, in compliance with the Convention. An agreed detailed interagency enumeration of the activities to be permitted under the peaceful purposes clause has

¹ Summary: Scowcroft recommended that Ford certify compliance with Article II of the Biological Weapons Convention prior to the December 26 deadline by approving an attached memorandum.

Source: Ford Library, White House Central Files, Subject Files, Box 71, ND 19–1, October 1, 1975–December 22, 1975. Confidential. Hyland initialed for Scowcroft. A stamped notation on the first page of the memorandum indicates that Ford saw it. All brackets are in the original. Ford initialed his approval of the recommendation. Tab A, the memorandum signed by Scowcroft, is attached but not published. Tab B is Document 166.

been developed and is contained in the memorandum at Tab A requesting agency certification.

The memorandum and the responding departmental certifications would suffice to certify compliance with Article II of the Convention by U.S. Government agencies.

An Executive Order to define and guide future governmental activities and federal legislation concerning application of the Convention to activities of state and local governments and private citizens are being prepared separately by the interested agencies, and will soon be forwarded for your consideration. [You should be aware that until legislation prohibiting private citizens from developing, producing, stockpiling or acquiring biological agents is enacted, the U.S. will not be in full compliance with the Convention. However, such legislation will be proposed very shortly and the action recommended in this memorandum will place the U.S. in substantial compliance.]

The White House Counsel's office concurs.

Recommendation:

That you approve my signing the memorandum at Tab A.

168. Telegram 301860 From the Department of State to the Embassy in the Soviet Union¹

Washington, December 23, 1975, 2249Z.

301860. Subject: Venting Démarche to Soviets.

1. On December 23 Assistant Secretary Hartman called in Soviet Minister Counselor Vorontsov and gave him the following note verbale:

Begin quote. The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to remind him of the continuing importance attached by the Government of the United States to the full compliance by the

¹ Summary: The Department transmitted the text of the note verbale Assistant Secretary of State for European Affairs Hartman delivered to Soviet Minister Counselor Vorontsov on December 23 regarding recent Soviet nuclear testing.

Source: National Archives, RG 59, Central Foreign Policy File, D750445-1084. Confidential; Immediate. Drafted by McNeill; cleared by Davies; approved by Zook. Repeated for information to London, Helsinki, Stockholm, Paris, the Mission in Geneva, the Mission to the IAEA at Vienna, and USUN. For the previous exchanges on venting, see Documents 148 and 155.

Government of the Soviet Union with the provisions of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, signed at Moscow on August 5, 1963.

In this connection, the Government of the United States wishes to call to the attention of the Government of the Soviet Union the collection by the Government of the United States outside the borders of the Soviet Union of radioactive debris directly associated with the Soviet nuclear explosions of August 23, October 18 and October 21, 1975. The Government of the United States is deeply concerned by these occurrences, which are inconsistent with the terms of the 1963 Treaty of Moscow.

The United States Government has on a number of occasions since 1963 communicated to the Government of the Soviet Union its views concerning 19 previous nuclear explosions by the Soviet Union which have similarly caused radioactive debris to be present in the atmosphere outside the territory of the Soviet Union. As recently as March 12, 1975, the Soviet Union orally replied to the latest United States communication on this subject, the note verbale of January 16, 1975 and stated, "appropriate Soviet authorities were and are taking the measures directed at the fulfillment of the requirements of the stated treaty." On June 6, 1975, the United States Government informed the Government of the Soviet Union that this oral Soviet response did not offer sufficient reassurance. To this, the Government of the Soviet Union replied on July 7, 1975 that nothing would be added to the Soviet reply of March 12, 1975.

The United States Government expects that the Government of the Soviet Union, as an original party to the Moscow Treaty, will succeed in fulfilling these treaty requirements. The United States Government is of the view that full compliance with the terms of the 1963 Treaty of Moscow by all parties is of vital importance, not only for preserving the integrity and effectiveness of this treaty but also for the development between the Governments of the United States and of the Soviet Union of the mutual confidence necessary to ensure the success of future efforts to regulate nuclear explosions. The Government of the United States assumes that the Government of the Soviet Union fully shares this view. *End quote.* Hartman emphasized that *démarche* accomplished at request of Secretary Kissinger.

2. Vorontsov said that he would transmit the note verbale to his authorities in Moscow and that a reply would be provided in due course.

3. In accordance with established practice, British EmbOff notified in advance of USG *démarche*.

Kissinger

169. Memorandum From David Elliott and John Marcum of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, January 19, 1976.

SUBJECT

Conclusion of the Nuclear Suppliers Agreement

After several meetings of the seven major nuclear supplier nations, substantial agreement has been reached on common safeguards guidelines for nuclear exports. The effect of these guidelines will be to lessen the threat of nuclear weapon proliferation. The key provisions of the guidelines are:

1. Recipients must assure suppliers that no export will be used in any nuclear explosive device.
2. Recipients will provide adequate physical protection so that nuclear material or facilities are protected against seizure or sabotage.
3. All nuclear exports, as delineated in a specific trigger list, will be under IAEA safeguards.
4. Any facility indigenously replicated from imported sensitive technology, such as enrichment or reprocessing plants, will be safeguarded.
5. Recipients cannot reexport equipment or technology without safeguards, or, in the case of sensitive technology, without agreement of the originating country.

These and other more detailed provisions are encompassed in the package at Tab B. State has sent this to you for information purposes (Tab A), noting that agreement to these common guidelines for safeguards and control on nuclear exports was achieved pursuant to the President's instructions (Tab C). The U.S. is prepared to inform others of its intention to abide by the guidelines. This action will not constitute an international agreement but rather an embodiment of common policies adopted on the political level by each of the participants.

¹ Summary: Elliott and Marcum reported that agreement had been reached on common safeguards guidelines for nuclear exports at the Nuclear Suppliers' Conference.

Source: Ford Library, National Security Council, Institutional Files—Secretariat, Box 94, Logged Documents—1976—Log Numbers 7600058–760067. Confidential. Sent for information. A notation by Scowcroft on the first page of the memorandum reads: "Looks like clear progress. B." Tab A, a January 5 memorandum from Springsteen to Scowcroft; Tab B, a November 5 paper entitled "Guidelines for Nuclear Transfers;" and Tab C, telegram 215360 to London and Paris, September 10, 1975, containing the President's instructions to the U.S. delegation to the Nuclear Suppliers' Conference are all attached but not published.

Adherence by the seven suppliers to these guidelines is the culmination of the U.S. initiative to reach a concerted nuclear export policy with the other major nuclear suppliers. It is intended that the number of participating countries will increase as more countries become suppliers, and the agreement calls for consultations and future meetings for the purpose of considering even stronger safeguard measures.

The suppliers agreement will not solve the problem of nuclear proliferation, nor would it prevent transfers of especially sensitive technology as in the FRG/Brazil agreement; however, it should considerably broaden the applications of IAEA safeguards. In addition, there is clear evidence that as a result of the suppliers discussions both France and the FRG have become increasingly sensitized to the problem of nuclear proliferation. In particular, France has reportedly made a policy decision not to export chemical reprocessing technology in the future, apparently including a reversal of their planned sale to Korea.

170. Memorandum of Conversation¹

Moscow, January 23, 1976, 9:34–11:45 a.m.

PARTICIPANTS

USSR:

Andrei A. Gromyko, Member of the Politburo of the Central Committee of the CPSU; Minister of Foreign Affairs of the USSR

Vasiliy V. Kuznetsov, First Deputy Minister of Foreign Affairs

Georgiy M. Korniyenko, Deputy Minister of Foreign Affairs

Anatoliy F. Dobrynin, Ambassador to the U.S.

Vasiliy G. Makarov, Chef de Cabinet to the Foreign Minister

V.G. Komplektov, Acting Chief of USA Dept., MFA

Valerian V. Mikhailov, Deputy Chief of USA Dept., MFA

Oleg Grinevskiy, Deputy Chief of Middle East Dept., MFA

Oleg M. Sokolov, Chief of International Affairs, USA Dept., MFA

Viktor M. Sukhodrev, Counselor, Second European Dept., MFA (Interpreter)

¹ Summary: Kissinger and Soviet Foreign Minister Gromyko discussed the limitations of new weapons of mass destruction and the PNE negotiations.

Source: Ford Library, National Security Adviser, Kissinger Reports on USSR, China, and Middle East Discussions, 1974–1976, Box 1, USSR Memcons and Reports, January 21–23—Kissinger Moscow Trip (3). Secret; Nodis. No drafting information appears on the memorandum. All brackets are in the original except those indicating text omitted by the editors. The meeting took place in the Foreign Ministry's Tolstoi House. The memorandum is printed in full in *Foreign Relations, 1969–1976*, volume XVI, Soviet Union, August 1974–November 1976, as Document 258.

U.S.:

Dr. Henry A. Kissinger, Secretary of State

Amb. Walter J. Stoessel, Jr., Ambassador to the USSR

Helmut Sonnenfeldt, Counselor of the Department

William G. Hyland, Deputy Assistant to the President for National Security
Affairs

Arthur A. Hartman, Assistant Secretary for European Affairs

Arthur R. Day, Deputy Assistant Secretary for Near Eastern and South Asian
Affairs

Edward F. Fugit, Country Officer, Angola

Peter W. Rodman, NSC Staff

SUBJECTS

Middle East; Angola; Japan; China; Limitation of New Weapons of Mass
Destruction; PNE Negotiation; MBFR

[Omitted here is discussion unrelated to arms control.]

Limitation of New Weapons of Mass Destruction

Gromyko: You know, Dr. Kissinger, the Disarmament Committee in Geneva seems to be working very sluggishly. Maybe we should give it an injection of some sort. The Committee has before it certain new questions to discuss, notably the question we first raised at the UN General Assembly. There was an appropriate resolution passed and now it goes to the Disarmament Committee, that is the limitation of new weapons systems. We know you take a cautious attitude. In fact you even start looking a bit bored when I discuss that subject. But we think it should be discussed.

Kissinger: No, I'm confused whether you mean that no state can develop weapons beyond what it has developed or that no state can develop weapons beyond what we have developed. So we have difficulty giving instructions to our delegation.

Gromyko: Then let us discuss that matter in the Committee and/or parallel with the work of the Committee—bilateral discussion of the matter to discuss various points. But we can't say that because we take a dim view we can't discuss it.

Kissinger: Perhaps our Ambassador here could discuss it here with someone you delegate, to get further clarification.

Gromyko: We wouldn't want the exchange to take the form only of questions addressed to us. We would like perhaps not only to take questions but also to put them.

Kissinger: That is very appropriate. Why don't we have discussions here in Moscow?

Gromyko: All right.

Kissinger: Stoessel will take care of it.

Gromyko: All right.

Peaceful Nuclear Explosions (PNE) Negotiation

Kissinger: He's engaged in discussions on peaceful nuclear explosions.

Gromyko: Let's discuss.

Kissinger: You went three explosions a year beyond 150 kilotons. And we believe that would make verification impossible. Not to speak of ratification.

Gromyko: What is your proposal?

Kissinger: Our view is to take this up at the review conference in five years. Our understanding is you have no particular use for it now but just don't want to foreclose the long-term future.

Gromyko: Representatives of the two sides are due to resume on January 27th.

Kissinger: Correct.

Gromyko: They could resume their discussion and perhaps take this up.

Kissinger: We should both keep an eye on these discussions and bring them to a successful conclusion.

Gromyko: There should be a successful conclusion.

[Omitted here is discussion unrelated to arms control.]

171. Memorandum From David Elliott of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, January 30, 1976.

SUBJECT

Meeting with Jim Cannon on U.S./Iran Nuclear Agreement

You are scheduled to meet with Jim Cannon to discuss the question of reaching an agreement with Iran on nuclear cooperation. This agreement would be a vehicle for selling between 2 and 8 nuclear reactors and the associated enriched uranium fuel and for a possible 20% Iranian investment in the private UEA gaseous diffusion uranium enrichment plant that may be built in the U.S.

Status of Negotiations with Iran

As detailed in ACTION-7742, our negotiations with Iran have faltered on two points:

—Whether Iran would be allowed to stockpile large quantities of its surplus UEA fuel in Iran, or whether we would hold the stockpile here to insure that Iran did not transfer that fuel to unacceptable third countries.

—Whether the spent fuel coming out of the U.S. supplied reactors could be reprocessed in Iran. Based on our policy to discourage the proliferation of independent national reprocessing facilities, we have told Iran that we would approve such reprocessing only if the plant were *multinationally* owned and operated. We would accept, as a minimum commitment, a *binational* plant, if a company of one of the major

¹ Summary: Elliott noted that Scowcroft was scheduled to meet with Assistant to the President for Domestic Affairs Cannon to discuss the question of reaching an agreement with the Government of Iran on nuclear cooperation. Elliott updated Scowcroft on the current status of negotiations, summarized current U.S. nonproliferation policy, the proposal for negotiations with the Government of Iran, and the involvement of Cannon and the Domestic Council on this issue.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, NSC "NS" Originals File, Box 60, 7600599, Scowcroft Meeting With Jim Cannon on U.S./Iran Nuclear Agreement. Secret. Sent for information. Scowcroft initialed the memorandum. An attached NSC Correspondence Profile indicates that he read the memorandum on January 31. Tab A, a January 28 memorandum from Cannon to Connor, is attached but not published. The text in parentheses in the section "The Current Proposal for Further Negotiations with Iran" was added by hand. Also printed in *Foreign Relations*, 1969-1976, volume XXVII, Iran; Iraq, 1973-1976, as Document 160. The unsigned and undated action memorandum 7742 from Scowcroft to the President is *ibid.*, Document 159. No record of Scowcroft's meeting with Cannon has been found. NSDMs 255 and 292 are Documents 53 and 139 of this volume.

nuclear supplier nations, including ourselves, was the partner with Iran.

Since our last negotiating session, the head of the Iranian AEC has told us that not only are the above conditions unacceptable, but that the Shah has, as a matter of principle, indicated his unwillingness to accept any restraints that go beyond his obligations as a Non-Proliferation Treaty party. In other words, Iran should be free to reprocess and retain *plutonium* in any amounts it chooses, as long as IAEA safeguards are applied.

Current U.S. Non-Proliferation Policy

The two essential features of our non-proliferation policy, *which all agencies support*, are to guarantee that all nuclear facilities supplied by the U.S. are under international safeguards, and to control the spread of independent national reprocessing facilities. Reprocessing facilities are difficult to safeguard (see below) and provide any nation with ready access to weapons-useable plutonium. Our main idea is to keep access to plutonium limited to a few states, and those states should either be weapons states or highly stable politically.

We cannot, however, deny reactor owners the ability to reprocess their fuel and to use the recovered plutonium for refueling. Therefore, it has been our position that reprocessing services—when they are needed on a world-wide basis 10 to 20 years from now—should be provided at a few sites spotted around the world; e.g., U.S., Japan, Iran, and Europe. The plutonium, mixed with uranium, would be returned to the reactor owner as new fuel rods only when they are needed for refueling. This arrangement would satisfy many states who simply want reprocessing services to be available on a commercial basis. However, there are other countries who may feel that they want to be *involved* technically and financially in all aspects of the nuclear fuel cycle. (This desire has led to certain states becoming investors in the 3 or 4 *enrichment* plants that are planned or under construction.) In order to satisfy the same desire with regard to *reprocessing*, the U.S. and others have proposed that when the large reprocessing facilities are finally needed, there should be an opportunity for other countries—besides the host country—to be investors and play a role in the management and operation of such plants. This is the multinational region fuel center concept now under study in the IAEA and within our government. Such multinational facilities have an added non-proliferation advantage since foreign participation tends to make it more difficult for the host country to carry out a program of undetected clandestine diversion, and would be an inhibiting factor in considering the abrogation of safeguard agreements and expropriation of a plant and its plutonium stockpile.

Our non-proliferation position has been developed over the past year-and-a-half, and was the subject of three NSSMs and two NSDMs.

(Contrary to the implication in Cannon's memorandum (Tab A), all agencies support it strongly. This includes State, Defense, ACDA, ERDA, and CIA.) Besides our suppliers conference agreement, we have had two recent successes of our policy. Korea has agreed to cancel its national reprocessing plant, and intelligence sources indicate that Giscard has placed a moratorium on further French exports of reprocessing technology. This latter is particularly satisfying since France has been the slowest to appreciate the proliferation dangers in international nuclear commerce.

Finally, some people contend that the application of safeguards is adequate protection in reprocessing plants, and we need not try to deny access to reprocessing technology. However, safeguards were devised to protect reactors and have *never* been applied on a large scale to a reprocessing facility. There are many experts that are dubious that safeguards can be effectively applied to reprocessing plants and that the risk of sizeable undetected diversion of plutonium is a real concern. This is another factor motivating our policy to control the spread of reprocessing plants, until we can gain some knowledge by trying out the safeguards in U.S. reprocessing plants that are coming on line.

What We are Trying to Accomplish in Iran

Iran is considered to be a possible site for a regional multinational reprocessing center for the Middle East. This position is not devoid of risk since Iran appears stable only by comparison with its neighbors, and its political complexion could change overnight. However, all of the agencies agree that we should be prepared to accept Iran as a potential reprocessing site, with the caveat that the facility should, as a minimum, be co-owned and co-managed by at least one of the major supplier nations. There is a possibility (or hope) that since Iran's need, and certainly its neighbors needs, for reprocessing will not develop for at least 10 years, and in the meantime reprocessing services may be available elsewhere on an attractive basis, that Iran may choose not to exercise the option of constructing a multinational facility within its own boundaries. On the other hand, regardless of the economics, Iran might choose to go ahead for reasons of prestige.

The Current Proposal for Further Negotiations with Iran

All agencies now agree that (if Iran will restrict its reexports to countries with which we have agreements for cooperation) the risk connected with permitting Iran to stockpile low enrichment uranium is acceptable, and the proposed decision memorandum would permit our negotiators to offer that concession at an appropriate time in the negotiations. All agencies also agree that we need to ascertain as clearly as possible the Shah's views on these nuclear issues, and that we should explain to the Shah the reasons for wanting to control the spread of

independent national reprocessing facilities. It is hoped that such a dialogue would either remove his objection to our position, or possibly lead to another alternative which would be mutually acceptable.

We have received indications from Tehran that they want to hold further discussions, and we are therefore pushing to get the decision approved sanctioning a high-level meeting with the Shah. Both HAK and Robinson have made the point recently that this unresolved nuclear issue is having a souring effect on other aspects of our relations with Iran, and they would like to see quick action.

Enter the Domestic Council and Jim Connor

In trying to forward this package to the President, we have run up against some objections on the part of the Domestic Council and Jim Connor personally. Jim Cannon's views are expressed in a memorandum at Tab A, but I have not been exposed to Connor's position. I must say, frankly, that neither of them have been involved in our work on non-proliferation or the Iran negotiations, so their views in this matter will necessarily be limited and quite possibly overly influenced by the nuclear industry view—particularly that of UEA who has been in fairly constant contact with Connor regarding the President's pending Nuclear Fuel Assurance Act. The general thrust of their objection is that our attitude toward reprocessing is unrealistic and inhibiting to the conclusions of Iran's commitment to UEA, which is vital to the successful achievement of private enrichment and reprocessing in the U.S. I am not sure what they would propose as a substitute, particularly since the President has enunciated our non-proliferation policy through NSDM 255 and 292; the Secretary of State has committed the U.S. to this policy in the UNGA in September; we have just concluded an agreement between major suppliers to discourage national reprocessing plants and to encourage a few multinational facilities; and finally, the Administration witnesses (Ingersoll, Iklé, and Fri) are appearing today to testify on S. 1439 to reiterate the U.S. policy toward international reprocessing. We are not free to fall off this policy on the whim of two people in the White House.

One theme that Cannon may stress is that since the multinational concept is only now under study, we cannot expect U.S. business interests or Iran to commit to an arrangement when it is so undefined and possibly impractical. We agree. But no such commitment is needed now or for many years to come—during which time the concept may be proven feasible or not. If a few multinational plants are not workable, we would then probably have to fall back to permitting reprocessing only in certain national plants in the U.S., Europe and Japan. It is because of uncertainties like this and others that we want to avoid an unqualified agreement that would permit reprocessing in Iran. We want to retain a right of future approval so that we can cope with unforeseen events.

It is the view of the agencies that an Iranian agreement for cooperation which contains *no* special control on reprocessing would be disapproved by Congress, and the President would be criticized as being irresponsible in nuclear matters. Since the prospect for obtaining reactor business in Iran, and a UEA investment, depends on obtaining congressional approval of an agreement, Cannon and Connor should be siding with us rather than fighting us.

Also involved in this issue is the broader question of the extent to which foreign policy should be shaped by domestic considerations, and you may want to address this problem.

172. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to Secretary of State Kissinger, Secretary of Defense Rumsfeld, the Director of the Arms Control and Disarmament Agency (Iklé), and the Administrator of the Energy Research and Development Administration (Seamans)¹

Washington, February 4, 1976.

SUBJECT

Next Steps in our Negotiation of a Nuclear Agreement with Iran

The President has reviewed the study of November 20, 1975, regarding the negotiation of a nuclear agreement with Iran, and has noted the comments and recommendations provided by the addressees.

¹ Summary: Scowcroft informed the addressees that President Ford had reviewed an earlier study on the negotiation of a nuclear agreement with Iran and had noted their comments and recommendations. He stated that Ford opted to reserve judgment as to any final position the United States would take on the substance of a nuclear agreement with Iran, while approving a proposal that the Department of State and the Energy Research and Development Administration should send a "high-level" team to Iran to engage in exploratory talks. Once talks had concluded, the team would submit a report to Ford.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 64, NSDM 324—Negotiations of a Nuclear Agreement with Iran. Secret. Copies were sent to Brown and Bush. Also printed in *Foreign Relations*, 1969–1976, volume XXVII, Iran; Iraq, 1973–1976, as Document 162. The study, prepared by the Verification Panel's nonproliferation working group, was attached to a November 20, 1975, memorandum from Davis to Kissinger. (Ford Library, NSC Institutional Files, Box 59, NSDM 292—U.S. Nuclear Corporation)

The President is anxious to see negotiations of the civilian nuclear accord resumed with Iran under terms that will clearly foster U.S. nonproliferation interests, promote U.S.-Iran interests, advance our domestic nuclear objectives, and stand a good chance of mutual acceptance. He also believes any moves taken by the U.S. to accommodate Iranian concerns should be taken in the light of a clear perception of Iran's principal problems with past U.S. proposals as well as a clear understanding as to whether Iran still desires to transact much of its nuclear business with the U.S. if a nuclear agreement can be concluded.

The President has noted the range of possible modifications to the current U.S. position that ultimately might prove necessary to reach an agreement based on the above objectives. He has, however, decided to reserve his judgment as to the final position that the United States should take on the substance of the proposed agreement, while approving the proposal that the State Department and ERDA should promptly send a high-level team to Tehran. This team should seek to clarify the Shah's concerns with the U.S. position and to expose the Shah and others (1) to the reasons for the U.S. interests in discouraging the establishment of completely national reprocessing facilities in Iran and other countries, and (2) to the technical and economic factors which militate against a near-term decision to reprocess in Iran. The talks would be exploratory in character during which the U.S. team would endeavor to induce Iran to join with the U.S. in an act of leadership designed to discourage the spread of independent national reprocessing facilities. In this regard, we would favor a commitment to the multinational concept but would be prepared to explore with Iran other techniques for achieving the same objective.

The U.S. representatives are authorized to inform Iranian officials whenever they deem appropriate that the U.S. would allow Iran to receive and store, under effective safeguards, all of its entitled share of the low enriched uranium that it might purchase through investment in a U.S. facility. Retransfer of this material would be restricted to those countries with which the United States has an appropriate agreement for cooperation.

Following these high-level talks, and any further discussions required to sharpen our understanding of Iran's position, a report should be submitted to the President describing those alternate approaches which would be consistent with our objective of avoiding the spread of national reprocessing facilities while permitting us to reach an agreement on nuclear cooperation with Iran. The implications of these alternatives should be assessed in light of our non-proliferation and other objectives, and the prospects for congressional approval. The report should include agency recommendations.

In light of the extensive analysis that has already been carried out, there should be little delay in the preparation of this report, for the

President wishes to avoid any long hiatus between the discussions with the Shah and the resumption of detailed negotiations.

The President wants efforts to continue on a timely basis in assembling the technical and economic data needed to evaluate the multinational reprocessing concept. In this connection, he believes that the efforts underway to develop our domestic reprocessing industry will provide an important source of information and he expects the evaluation of the multinational concept to draw upon that information. He wants it understood that our efforts to deter proliferation by promoting the multinational concept in our international negotiations should in no way restrict our domestic policy with respect to reprocessing or the way we develop our domestic industry.

Brent Scowcroft

173. Memorandum NSC-U/SM-79M From the Staff Director of the NSC Under Secretaries Committee (Gathright) to the Deputy Secretary of Defense (Clements) and Other Addressees¹

Washington, February 9, 1976.

TO

The Deputy Secretary of Defense
 The Assistant to the President for National Security Affairs
 The Director of Central Intelligence
 The Chairman of the Joint Chiefs of Staff
 The Deputy Attorney General
 The Under Secretary of Health, Education and Welfare
 The Director, Arms Control and Disarmament Agency
 The Director, United States Information Agency

¹ Summary: On behalf of President Ford, Gathright requested an interagency study of actions required for the implementation of U.S. obligations under the Biological Weapons Convention.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/INS File for the President, Box 32, 7600797, Implementation of Biological Weapons Convention. Confidential. Louise Froebe signed for Gathright. Also sent to Scowcroft, Bush, Brown, Tyler, Lynch, Iklé, and Keogh. Copies were sent to Frizzell, Knebel, Baker, and Peterson. Tab A, NSC-U/SM-79L, a February 6 memorandum from Scowcroft to the Chairman of the NSC Under Secretaries Committee, is attached but not published.

SUBJECT

Implementation of the Biological Weapons Convention

REF

NSC-U/SM-79L

The President has requested that a study be prepared, including agency recommendations, delineating those actions that are required or are advisable in implementing U.S. obligations under the Biological Weapons Convention. The terms of reference for this study are contained in the attached memorandum.

The chairman of the working group for this study will be Mr. Homer Phelps of the Bureau of Politico-Military Affairs of the Department of State. Mr. Phelps will contact the addressee agencies concerning representation and arrangements for a meeting of the working group.

This study and the recommendations will be forwarded to the President together with the annual review of chemical weapons and biological research which is underway. The annual review, the study on implementation and a draft Memorandum for the President should be completed for circulation to the Members of the Under Secretaries Committee no later than Friday, February 27, 1976.

Wreatham E. Gathright

Staff Director

174. Telegram 2218 From the Embassy in the Soviet Union to the Department of State¹

Moscow, February 13, 1976, 1524Z.

2218. Subject: Soviets Propose WMD Discussions February 18–19 in Moscow.

1. Embassy is in receipt of MFA Note No. 15 dated February 13 with following text in Embassy translation.

2. *Begin text.* The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics expresses its respect for the Embassy of the United States of America and, with reference to the understanding achieved during the talks with the USA Secretary of State H. Kissinger in January of this year in Moscow with regard to conducting an exchange of opinions between representatives of the USSR and USA on the question of prohibiting the development and production of new types of weapons of mass destruction and new systems of such weapons, proposes to begin the aforementioned exchange of opinions on approximately February 18–19 of this year in Moscow. The Ministry would appreciate receiving a rapid reply from the American side. *End text.*

3. *Comment and request.* Soviets would obviously like to have exchange before Party Congress beginning February 24. Please advise what reply we should give soonest.

Stoessel

¹ Summary: The Embassy transmitted the translation of a Soviet Ministry of Foreign Affairs note that requested an “exchange of opinions” between Soviet and American officials on the “question of prohibiting the development and production of new types of weapons of mass destruction and new systems of such weapons.” Soviet officials proposed that such an exchange take place in Moscow, February 18–19.

Source: National Archives, RG 59, Central Foreign Policy File, D760055–0812. Confidential; Immediate. In telegram 37502 to Moscow, February 14, the Department transmitted the text of a note for the Embassy to deliver to the Soviet Ministry of Foreign Affairs, indicating that the United States was not prepared to discuss the proposal at the current time. (Ibid., D760057–0705) For Kissinger’s earlier discussion in Moscow, see Document 170.

175. Telegram 1126 From the Mission in Geneva to the Department of State¹

Geneva, February 18, 1976, 1148Z.

1126. Disto. Subject: CCD—688th Plenary Meeting, February 17, 1976.

Summary: U.S., USSR, and Mexico spoke at opening meeting of 1976 CCD session Feb 17. Martin (U.S.) called on CCD to make every effort to complete negotiations of environmental modification convention and proposed comprehensive review of CCD procedures. Roshchin (USSR) said it would be necessary for CCD to hold informal meetings with experts to consider Soviet UNGA proposal for convention banning new weapons of mass destruction. He recalled Soviet initiative concerning general and complete prohibition of nuclear weapons tests, insisting that all nuclear-weapon states participate in any comprehensive test ban. Roshchin also called for completion of negotiation of EnMod convention before 1976 UNGA. Mexican Foreign Minister Garcia Robles, attending opening week of CCD, called on CCD to adapt its priorities to UNGA resolutions and proposed establishment of subcommittee to deal with major issues. *End summary.*

1. Martin (U.S.) said CCD should make every effort during 1976 to conclude negotiation of a convention on the prohibition of military and other hostile uses of environmental warfare. Recalling identical drafts submitted last year by U.S. and USSR, Martin identified four general areas of concern that had emerged from discussions to date: definition of prohibited activities, provisions for assuring compliance, relationship between convention and environmental provisions of protocols under discussion at diplomatic conference on laws of war, and implications of convention for conduct and possible international regulation of peaceful uses of EnMod techniques. He expressed hope that these questions would be discussed in detail during spring session.

¹ Summary: The mission transmitted a summary of the opening plenary session of the spring session of the Conference of the Committee on Disarmament, noting that U.S. Representative to the CCD Martin had called on the CCD to “make every effort” to complete the negotiations of the EnMod convention and proposed that the CCD undertake, during 1976, a review of its procedures.

Source: National Archives, RG 59, Central Foreign Policy File, D760060–0718. Limited Official Use; Priority. Repeated for information to Bonn, London, Mexico City, Moscow, the Mission to NATO, and USUN. The 29th session of the CCD opened in Geneva on February 17 and concluded on April 22. The full text of Martin’s February 17 statement is printed in *Documents on Disarmament*, 1976, pp. 44–46. On August 21, 1975, the United States and Soviet Union submitted identical draft conventions prohibiting military use of environmental modification techniques to the CCD. See *ibid.*, 1975, pp. 385–388.

2. Martin also proposed that CCD undertake a comprehensive review of all its procedures during 1976, suggesting that this be carried out in a series of informal meetings. He said if review led to decisions on changes in procedures, it would be desirable to codify all procedures in a single set of rules. In proposing review, Martin emphasized unique role of CCD as multilateral disarmament forum and need to assure that any changes genuinely contribute to committee's effectiveness.

3. Roshchin (USSR) recalled USSR's 1975 UNGA resolution calling on CCD to negotiate convention to prohibit development of new weapons of mass destruction (MDW) and reviewed provisions of Soviet draft convention. He noted need to define specific categories of weapons to be banned, stating Soviet readiness to take part in detailed examination of question during CCD negotiations. He said consideration of MDW issues would require holding informal meetings with experts in which Soviet experts would participate.

4. Roshchin also reviewed Soviet proposal at 1975 UNGA for a treaty on general and complete prohibition of nuclear-weapon tests. He maintained that all nuclear-weapon states must participate in such a treaty, rejecting proposals calling only on some NWS to declare a moratorium or suspend tests. Such proposals, he said, create unilateral advantages for some states, violate principle that disarmament agreements must not diminish anyone's security, and therefore "are clearly doomed to failure." Roshchin also argued that verification of a test ban should be based on national technical means supplemented by exchange of seismic data. Recalling that UNGA resolution envisaged establishment of new body for negotiation of general test ban, Roshchin said CCD should continue its own work on subject in order to "facilitate progress."

5. Roshchin referred briefly to environmental modification, emphasizing desirability of banning hostile use of EnMod techniques before they become militarily feasible. He expressed hope that CCD would examine and conclude convention and submit it to 1976 UNGA.

6. Garcia Robles (Mexico) reviewed in detail 1975 UNGA resolutions on nuclear-weapon-free zones and on SALT. He also noted establishment of ad hoc committee to review disarmament role of UN and resolution calling on CCD to reappraise its tasks and duties in order to accelerate pace of its work, saying that "if the committee is interested in preserving its existence" it should not report to the 1976 UNGA "empty-handed." Garcia Robles called on CCD to adjust its work to priorities established by UNGA, with highest priority to CTB and second to chemical weapons. He also noted need to consider EnMod and MDW. He called for establishment of subcommittee of the whole, along lines of 1975 experts group on nuclear-weapon-free zones, to carry out specific tasks before the CCD this year. Garcia Robles departed from

written text at one point to reject Soviet assertion that test ban without all NWS would diminish any country's security.

7. Next plenary meeting Thursday, Feb 19.

Dale

176. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to President Ford¹

Washington, February 23, 1976.

SUBJECT

Voluntary U.S. Contribution to the International Atomic Energy Agency (IAEA)—Possible Energy Message Item

ISSUES

1. Whether to propose a voluntary U.S. in-kind contribution of \$5 million to the IAEA over the next five years to strengthen that organization's safeguards system, thereby demonstrating the importance that the U.S. attaches to that organization as a means of preventing the diversion of nuclear materials and the proliferation of nuclear weapons capability.

2. Whether to absorb the \$1 million needed for 1977 within the current budget request for contributions to international organizations or to seek a budget amendment for an additional \$1 million.

BACKGROUND

Concern is growing in the Congress and the public about the potential diversion of nuclear materials from commercial nuclear power programs as more nations acquire nuclear power facilities. This concern is being expressed in congressional hearings and in proposed legislation that would sharply limit U.S. exports of nuclear materials and technology. Such unilateral action would be ineffective, however, since several

¹ Summary: Scowcroft recommended that Ford approve a proposal for a voluntary U.S. in-kind contribution to the International Atomic Energy Agency over the next 5 years. Scowcroft also provided Ford with options for the financing of the contribution.

Source: Ford Library, Presidential Handwriting File, Subject File, Box 25, International Organizations, International Atomic Energy Agency. No classification marking. Sent for action. Ford initialed his approval of the voluntary \$5 million contribution and the proposal for a \$1 million amendment to the foreign aid budget request.

other nations now have nuclear materials export capabilities. Thus, the problem can only be resolved multilaterally.

Under the Nuclear Non-Proliferation Treaty, IAEA oversees the accounting of nuclear materials in signatory nations to detect diversion. However, the IAEA task is becoming increasingly formidable as more nations utilize nuclear energy. IAEA's current safeguards budget is not sufficient to meet growing needs for inspectors and to deal with new issues of physical security and monitoring.

1. THE PROPOSAL

As one means of strengthening IAEA's safeguards system, ERDA, State and ACDA staff have recommended that the United States announce its intention to contribute up to \$5 million in-kind over the next five years to provide more training of inspection personnel, more research and development of improved data and techniques, the services of expert consultants and specialized equipment. Other countries would also be encouraged to make additional contributions. If you approve the proposal, it could be announced in your energy message along with other actions and proposals concerned with nuclear energy.

RECOMMENDATION

The proposal has been reviewed by OMB, NSC, and the Domestic Council and all recommend your approval.

Decision

- _____ Approve the proposal
- _____ Disapprove the proposal

2. THE FINANCING

If you approve the proposal, OMB recommends that the \$1 million 1977 requirement be financed by reprogramming within the \$178 million foreign aid appropriation for voluntary contributions to international organizations. OMB believes that a small \$1 million amendment to the sizeable 1977 foreign aid budget request is not appropriate especially in view of the restrictive 1977 budget policy. This would not preclude seeking a special \$5 million *authorization*, not appropriation, for this new initiative, if it were determined advisable to seek specific congressional support for the proposal. Subsequent 1978 and later appropriations could be included in the budgets for those years as necessary.

The State Department believes an amendment seeking \$1 million additional for 1977 is necessary. If the \$1 million were to be absorbed, it would probably have to come from our proposed \$100 million pledge to the UN Development Program, which has much more support from developing countries than IAEA safeguards activity. Furthermore, the

Department believes that a request for an additional amount is needed to make this new initiative credible in the Congress and to achieve more visibility for your non-proliferation position. The Senate has already passed a \$1 million 1976 appropriation authorization for this purpose, indicating some Congressional support for increased funding.

DECISION

_____ Absorb the \$1 million. (OMB recommendation)

_____ Propose a \$1 million amendment in the foreign aid budget request. (State recommendation which I support)

The Domestic Council and ERDA do not have a position on this budget issue. ACDA thinks the increased visibility of a special budget request is worthwhile but is basically neutral on the budgetary question.

177. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to Secretary of State Kissinger¹

Washington, undated.

SUBJECT

PNE Verification Panel Meeting, March 5, 1976

There will be a meeting of the Verification Panel on Friday, March 5, at 9:30 a.m. to review remaining issues in the PNE negotiations in

¹ Summary: In advance of a March 5 Verification Panel meeting on peaceful nuclear explosions, Scowcroft briefed Kissinger on remaining issues in the PNE negotiations and presented ratification options for the TTB/PNE agreements.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 6, Verification Panel Meeting, 3/5/76, PNE (1). Secret. Printed from a copy that bears Scowcroft's typed signature. Tab A is a draft of NSDM 321, the final version of which is Document 181. Tabs B and E are not attached and not found. Tab C, a Verification Panel Working Group paper entitled "TTBT/PNE Negotiations: An Examination of Several Remaining Issues," and Tab D, a Verification Panel Working Group paper entitled "Possible Options if the TTBT and PNE Treaty are Not Ratified by March 31, 1976," are attached but not published. All brackets are in the original except those indicating text that remains classified and "[50]", added for clarity. Under a March 4 note, Marcum sent Scowcroft talking points in advance of the meeting, commenting: "I hope you were not too surprised by the length of the VP memorandum for the Secretary. With three topics to cover and no recent policy level review, I felt that a detailed treatment would be useful." (Ford Library, National Security Council, Institutional Files—Meetings, Box 6, Verification Panel Meeting, 3/5/76, PNE) The minutes of the March 5 Verification Panel meeting are *ibid.*, Box 22, Verification Panel Minutes (Drafts), March 1976.

an effort to reach agreement on new instructions, and to discuss options with respect to the TTB/PNE agreements recognizing that there is virtually no prospect that we could complete their ratification by their March 31 effective date.

Remaining PNE Issues

The Soviets recently accepted our long-standing position that all individual PNEs must be restricted to a maximum yield of 150 KT under the PNE Treaty. This effectively revises the "ground rules" under which these negotiations were begun in the summer of 1974, and represents a major Soviet concession. In addition, there is clear agreement that observers will be permitted for PNE salvos with aggregate yields greater than 150 KT. As a result, the two sides are considerably closer to an agreement, and this memorandum proposes new instructions on the remaining issues in an effort to bring the talks to a speedy conclusion. In view of the March 31, 1976 effective date of the TTBT, there is considerable urgency in this effort.

The VPWG on Test Bans has completed an analysis of these issues (Tab C) and, after extensive lobbying, a near consensus has been reached on a new position on the most important issues, which should facilitate our reaching an agreement. There are tactical differences on how far we should move initially in two of the remaining issues, but there is general agreement on the flexibility that we have on each issue. Some of the agencies may back away somewhat in the VP meeting from the VPWG consensus and argue for no movement at all at this time, preferring to wait for further Soviet concessions. It is clear, however, that we have accomplished our two major objectives—no individual PNEs above 150 KT and observers for large PNE salvos. As a result we should move quickly to conclude the agreement, giving ground where necessary on the remaining issues.

The chart at Tab B provides a useful précis of U.S., Soviet and intermediate positions on each of the major outstanding issues. The proposed position taken in the draft NSDM attached to this memorandum is highlighted on this chart. There are 24 other issues according to the Delegation's latest count (their summary cable is at Tab E), but most of these can probably be resolved through backstopping once we break the log jam on the major issues.

Duration of the Agreement. Our present position is that the duration of the PNE agreement should be five years, as in the TTBT, with a strong linkage between the PNE verification provisions and the TTB threshold. The Soviets prefer a 15-year duration and have tried to decouple the treaties as much as possible. All agencies agree that we could accept a compromise position of a 15-year duration with a strong, explicit linkage to the TTBT and a provision for review at five-year

intervals. OSD and JCS, however, would prefer that this be authorized only as a fall back at a later point.

The intermediate position is much closer to our present stance than the Soviet position and it seems unlikely that we would accomplish much with such a concession. Therefore, I recommend that we accept the Defense position on this issue to gain leverage in going to their fall back on the other tactical issue they have raised, the aggregate yield limit.

Observers Below 150 KT. The two sides agree that to reduce uncertainties it would be useful to permit observers for individual PNEs in the 100–150 KT yield range; however, the Soviets insist that this should be at the discretion of the side carrying out the PNE, while we argue that this should be an absolute right of the verifying side. All agencies would prefer that we maintain our present position. There was little support for raising the threshold to 125 KT for these observers since at that level, the Soviets could effectively preclude observer participation by only slightly misstating the planned PNE yield—e.g., 124 instead of 150 KT [*1 line not declassified*]. Surprisingly, most agencies would prefer to drop the requirement altogether rather than move to 125 KT.

Emplacement of Yield Measurement Sensors (SLIFER). This is a controversial issue that has led to considerable irritation on the part of our Delegation, since it appears that we will have to back away from an ad referendum agreement they had achieved on the basis of earlier guidance. This controversy reflects the uncertainties in utilizing newly developed equipment such as the SLIFER, for which relatively little data are available, in a geologically different and somewhat hostile environment.

The issue arises from the fact that in addition to gathering yield data, SLIFER also can acquire electro-magnetic pulse (EMP) data that can reveal details of device design. Consequently, while accepting SLIFER as the basic tool for on-site PNE yield measurement, the Soviets have endeavored to keep the end of the SLIFER cable as far away from their nuclear device as possible. Curiously, this doesn't really eliminate the EMP data, although it does degrade the SLIFER accuracy.

After extensive discussion, the two sides reached agreement, on an ad referendum basis, on a formula that related the distance of the end of the SLIFER from the bottom of the device canister to the planned yield of the device. (This distance would be $3.5W^{1/3}$ meters below 20 KT and $3W^{1/3}$ above that level, where W is the yield in KT.) This formula was actually somewhat better than the one we had authorized at the time. The ERDA laboratories thoroughly examined the ad referendum agreement, however, and found that some of their earlier projections were inaccurate. As a result, ERDA, supported by Defense, asked

that we inform the Delegation that their ad referendum agreement was unacceptable. They proposed an entirely new formulation in its place which would shorten the canister as a function of yield for yields below 50 KT and keep the end of the SLIFER cable a constant distance of one meter above the top of the canister.

We asked the Delegation for its views on such a proposal and they were alarmed, noting that the SLIFER would be much closer to the higher yield devices than with the ad referendum agreement. In addition, this might cause the Soviets to reinstate their request for a switch on the SLIFER cable to eliminate the EMP signal. ERDA had been quite concerned that the switch either might not work or would be highly susceptible to "bugging." On the other hand, at lower yields, the SLIFER would be somewhat further away with the ERDA approach, since with the ad referendum agreement, the SLIFER cable actually would overlap a standard 10 meter canister for lower yields.

ACDA feels strongly (and this is my personal view) that no modification to the ad referendum agreement is needed since the cheating scenarios at low individual PNE yields are so implausible. For example, in one cheating scenario, the Soviets would announce a 400–500 KT salvo involving 20–30 devices with announced yields of about 20 KT which would all actually yield less than 5–10 KT. This might produce enough yield uncertainty to carry out a collateral event on the order of 300 KT or so (our teleseismic net would still record about a 400 KT salvo). However, such a collateral event would have a significant risk of detection through on-site monitoring activity or through satellite photography and, since the experiment would have to be hidden beneath other shots, it would be difficult to get good diagnostics from the test. In addition, the Soviets would have to explain how such a large number of proven PNE devices had simultaneously failed. (We have agreed the PNE device development must be done at the weapons test site.) Another factor is that the TTBT uncertainty is such that one could test at the weapons test site at almost the same yield with considerably less risk of detection and far better diagnostics.

To some degree, the SLIFER experience reflects a lack of verification experience in the ERDA laboratories. They tend to look at each technique in isolation and to pursue "absolute" rather than "adequate" verification as a goal. Unfortunately, the other agencies, whose best people are frequently assigned to non-PNE matters, defer to ERDA's technical expertise. Finally, after much argument in the VPWG, we have reached agreement on a compromise formulation that would retain the ad referendum agreement above [50] KT and adopt the ERDA formulation below 50 KT. ERDA will reluctantly accept this approach although they would still prefer their proposal for all yields.

[3 lines not declassified] From a negotiability standpoint it is a step backward, but we hope that it will be negotiable in the context of the

forward movement discussed below on the aggregate yield limit and on-site seismic net threshold.

On-site Seismic Network. Our present position is that we should be permitted to deploy on-site seismometers for any PNE salvos above 300 KT, whereas the Soviets insist on 700 KT. The on-site seismic network is intended to detect either an initial seismic signal or cavity collapse signal of a collateral event somewhat distant from an announced project. It can only detect the cavity collapse of a close-in collateral event (such as one beneath the array) and cannot estimate its yield. It is very difficult to quantify the contribution of this technique to our overall verification capability, but for this reason it may have considerable deterrent value. All agencies agree that we can compromise and raise this threshold to 500 KT.

Aggregate Yield Limit on PNE Salvos. Our position is that PNE salvo yields should be limited to 1000 KT, whereas the Soviets prefer 2000 KT. Naturally, the higher the salvo yield for a given uncertainty, the higher the yield of a potentially successful clandestine event. [9 lines not declassified]

In its first cut at the options paper, ERDA concluded that we could accept the Soviet position of 2000 KT. Subsequently, they have recommended 1500 KT and the other agencies concur in this figure. DOD would prefer to propose 1250 KT initially before falling back to 1500 KT, and they have informed us that 1500 KT is the maximum yield they could accept.

We believe it is important to present as forthcoming a position as possible on this issue. Having made a major concession on the exceptions issue, the Soviets are badly in need of a tangible US concession to report to their authorities, and the 1500 KT aggregate limit is the only one we can offer that is readily communicable at the policy level. In addition, a significant concession in this area together with the 500 KT seismic net threshold should ameliorate the problems caused by our “falling forward” on the SLIFER problem and assist in negotiating our preferred position on the duration and observer issues as well.

Status of High-Yield Test Program

An issue which could play an important role in the ratification decision is ERDA's progress in completing its high-yield test program. They indicated to me in a recent briefing that any significant meteorological or technical problems at the Nevada Test Site would prevent them from accomplishing this goal and that a 60–90 day extension of the TTBT would be helpful in that event. As of March 1 everything is still on schedule and ERDA is confident that barring technical or meteorological problems, all high-yield tests will be completed by March 31. Within the last two weeks, two tests have been carried out

and both "went very well" according to ERDA. [*less than 1 line not declassified*]:

—[*less than 1 line not declassified*]

—[*less than 1 line not declassified*]

[*1 paragraph (6 lines) not declassified*]

[*1 paragraph (11 lines) not declassified*]

Ratification Problem

As you know, even if we completed the PNE agreement by mid-March there would be no realistic prospect of completing ratification of either the TTB or PNE agreements by March 31. The VPWG has prepared an options paper on how we might proceed in this event (Tab D). If the PNE agreement has been concluded, all agencies would probably agree to abide by the TTB/PNE provisions pending ratification of the agreements, assuming Soviet acceptance of such an approach. However, if we have been unable to resolve the PNE issues during the next few weeks, there will be pressures to extend the effective date by several months with no interim restrictions on testing or, possibly, to abandon the TTB/PNE agreements altogether.

ACDA has pointed out that the Vienna Convention on the Law of Treaties requires that once we have signed a treaty, we must abide by its provisions until ratification is completed. The situation is complicated by the fact that the Vienna Convention itself is not yet in force although we have apparently been acting in accordance with its provisions. In addition, we do not know how the Soviets plan to interpret this Convention prior to its entry into force.

It seems clear, however, that while the Vienna Convention may have some effect if a PNE Agreement has been signed, it should probably be ignored altogether if we have not concluded a PNE Agreement by March 31. Article III of the TTBT calls for conclusion of such an agreement, and we could not consider ourselves bound by the TTBT if the other side is free to conduct weapons tests in the guise of PNEs.

The VPWG paper contains two sets of options corresponding to whether a PNE Agreement has or has not been concluded. In the first case, with both agreements in hand, the obvious course would be to reach agreement with the Soviets that both sides will fully comply with the TTB/PNE provisions pending exchange of instruments of ratification. This would include going ahead with data exchange and observers, if large PNEs are carried out during this period. If the Soviets balked at the PNE conditions we could suggest a moratorium on PNEs during ratification. If, in addition, the Soviets refused to go ahead with the data exchange, we could simply extend the effective date until ratification is completed with no interim restrictions.

It appears likely that most of the agencies would agree with the above approach—including ERDA and DOD—and it would be useful to confirm this during the VP meeting. The other situation, with no PNE Agreements, is considerably more difficult, however. In this case our actions would obviously be influenced by whether we had reached a serious impasse in the PNE negotiations and whether ERDA had run into trouble in completing its high-yield test effort.

Even though we expect to be able to conclude the PNE Agreement before March 31, the Soviets might unexpectedly balk at any time over what appears to be secondary issues, such as the number of observers permitted or other observer-related issues. Consequently, it would be useful to discuss this contingency and try to get some feeling for the agencies' views.

The VPWG paper presents several options for this no-PNE Agreement case, all of which involve prior consultation with the Soviets:

—*Full compliance with the TTBT, moratorium on PNEs.* State and, possibly, ACDA can be expected to support this position, and it might be agreeable to the Soviets as well. However, they have a relatively small PNE salvo (four shots with an aggregate yield of less than 100 KT) in readiness along the route of the planned Kama-Pechora Canal and might object to a lengthy moratorium. (You might ask CIA to review the Soviet PNE plans.)

—*Compliance with TTBT (perhaps less data exchange) and 100 KT ceiling on PNEs.*

This would accommodate the Soviet PNE effort noted above, but there would appear to be no point in offering this concession to them at the outset.

—*Extend the TTBT effective date with no interim weapons test or PNE restrictions.*

[6 lines not declassified] A longer delay of six to twelve months would be needed to carry out further high-yield tests since additional test holes would have to be drilled. (Neither programmatic approval nor funding is currently available for this purpose.) Additional tests of this nature are described in the appendix to the VPWG paper, but all of them would be related to increasing confidence in present warheads rather than testing new systems.

For this reason, the shorter extension period might be preferable in that it would prevent the Soviets from testing any new systems or concepts they may have in mind. [4 lines not declassified]

Conduct of the Meeting

There are no new significant intelligence developments in this area, and you should go directly to a discussion of the PNE issues, with the

objective of reaching agreement on the consensus highlighted at Tab B and reflected in the attached draft NSDM. You should stress that the Delegation is experiencing serious morale problems and that it is in everyone's interest to conclude the agreement as quickly as possible, now that we have accomplished our primary objective. The discussion on the PNE issues should be aimed at quickly affirming the consensus on each issue in order to avoid digression into lengthy discussion of cheating scenarios. In short, the desired consensus would reaffirm our position on the duration and "observers below 150 KT" issues, but authorize a higher aggregate yield limit of 1500 KT and high seismic network threshold of 500 KT in return for Soviet acceptance of our modified SLIFER spacing rule.

You should then discuss the ratification issues, noting that the issue would be much easier to handle if we are able to quickly complete the PNE Agreement. In conclusion you might encourage everyone to work as cooperatively as possible in order to resolve the other PNE issues through the backstopping process.

Brent Scowcroft

178. Telegram 1662 From the Mission in Geneva to the Department of State¹

Geneva, March 4, 1976, 1747Z.

1662. Disto. Subject: CCD 691st Plenary Meeting, March 4, 1976.

Summary: Martin (U.S.) set position on major issues involved in possibilities of environmental warfare. Ene (Romania) gave standard

¹ Summary: The mission reported that during the March 4 Conference of the Committee on Disarmament plenary session, U.S. Representative to the CCD Martin presented a more detailed explanation of the U.S. position on environmental modification techniques.

Source: National Archives, RG 59, Central Foreign Policy File, D760083-0966. Limited Official Use. Repeated for information to Bonn, Bucharest, London, Moscow, Rome, Stockholm, The Hague, Tokyo, ERDA, the Mission to NATO, the U.S. delegation to the SALT II talks in Geneva, and USUN. For the full text of Martin's March 4 statement, see *Documents on Disarmament*, 1976, pp. 56-61. For Martin's February 17 statement, see Document 175.

statement focusing on CCD organization of work and general Romanian position on disarmament. Committee agreed to hold informal meeting on organization of work on Friday, March 5, at 1030 am. *End summary.*

1. Martin (U.S.), recalling four general issues identified in opening U.S. statement Feb 17, offered more detailed exposition of U.S. views on prohibition of military or any other hostile use of environmental modification (EnMod) techniques.

2. Concerning scope of draft convention submitted by U.S. and USSR, Martin said definition of prohibited activities effectively eliminated danger of hostile use of EnMod techniques that could significantly affect another state party while avoiding difficulties of implementation that would be involved if effort were made to deal with essentially trivial issues. He noted that in U.S. view some hostile uses of EnMod techniques would be prohibited altogether, such as generation of earthquakes and tsunamis, climate modification, and steering or intensification of hurricanes, which would inevitably have widespread, long-lasting, or severe effects.

3. Martin said that convention would prohibit hostile use of techniques involving deliberate manipulation of natural forces as a weapon, noting that convention was not concerned with damage to environment incidental to use of conventional means of warfare.

4. Martin recalled suggestion made at UNGA that convention prohibit threat of use as well as actual hostile use of EnMod techniques. He said this could, in U.S. view, raise difficulties of implementation disproportionate to potential benefits. While expressing doubt that prohibition of threat would add an important element to basic prohibition, Martin said U.S. was prepared to hear further explanation of idea.

5. Martin said U.S. recognized importance of providing adequate assurance of compliance with convention, saying that twin procedures set out in draft—provisions for cooperation and consultation as well as complaints procedure to UN Security Council—satisfactorily meet this need.

6. With respect to relation between EnMod convention and Laws of War Protocol, Martin emphasized important differences between the two, arguing that differences of provision and terminology were appropriate in view of different objectives and coverage.

7. Martin stressed U.S. view that EnMod convention should not seek to deal with questions of peaceful uses of EnMod techniques. Recalling suggestion that convention include positive commitment concerning cooperation in promotion of peaceful uses, Martin said that in view of largely unproven benefits of peaceful application U.S. did not consider such a commitment prudent. He noted, however, that all U.S.

EnMod research is being carried out on unclassified basis and said there was no desire on U.S. part not to share technical information.

8. Martin again encouraged other dels to join in discussion of EnMod convention issues in order to further effort to develop widely acceptable text.

9. Ene (Romania) gave standard statement calling on CCD to organize its work on basis of priorities established by UNGA. He said Romania considered particularly important the reappraisal of the CCD's tasks and duties in accordance with UNGA resolution on Disarmament Decade. He also reviewed main points of Romanian position paper on disarmament issues circulated at General Assembly.

10. At end of meeting, chairman of day read proposal by co-chairmen that committee hold informal meeting on organization of work, including format of 1976 CCD report and U.S. proposal for comprehensive review of CCD procedures, at 1030 am, Friday, March 5. Proposal was subsequently approved by committee with no objection.

11. Next plenary meeting 1030 am, Tuesday, March 9.

Dale

179. Memorandum of Conversation¹

Washington, March 8, 1976, 6–6:30 p.m.

SUBJECT

Nuclear Non-Proliferation

PARTICIPANTS

Secretary Kissinger
Deputy Secretary Ingersoll
Counselor Sonnenfeldt
Ambassador McCloskey
Mr. Lord, S/P

¹ Summary: In a meeting with his senior advisors from the Department, Kissinger discussed problems linked to nuclear exports and a multilateral approach to nuclear enrichment.

Source: National Archives, RG 59, Central Foreign Policy File, P820117–1400. Secret; Nodis. Drafted by Kelly; approved by J. Covey (S) on March 16. The conversation took place in the Secretary's office. Kissinger is referring to his appearance before the Senate Committee on Government Operations, scheduled for March 9. For Kissinger's statement before the Committee, see Document 180.

Mr. Vest, PM
 Mr. Kratzer, OES
 Mr. Nosenzo, PM
 Mr. Kahan, S/P
 Mr. Bengelsdorf, OES
 Mr. Kelly—C (Notetaker)

Kissinger: This appearance could be a nightmare. I will need people sitting near me who have quick answers to these questions. Is Ribicoff going to be hostile?

McCloskey: I don't think so.

Kissinger: What is the bill that I am testifying on?

Kratzer: The bill is S–1439 which would change the procedures for export licensing with respect to nuclear exports and give more control of the process to the Nuclear Regulatory Commission (NRC).

Kissinger: What is the NRC arrangement?

Kratzer: NRC is independent of the Executive Branch. This bill would raise problems in our ability to carry out nuclear exports.

Kissinger: What are the constraints in the bill?

Kratzer: The NRC was set up when the old AEC was divided. NRC decides whether or not export licenses can be issued. Under the bill, NRC could either decide to issue or deny an export license, or to take no action at all but refer the matter to Congress for sixty days for a congressional decision. This means they would buck the difficult cases to the Hill.

Kissinger: I suppose the NRC would have no problem on licensing exports to Canada but would send the prickly problems to Congress.

Kratzer: That's right, and this would undermine confidence in the capability of the U.S. as a reliable supplier. The bill would also require ACDA to provide a nuclear proliferation impact statement on every export case. Mr. Ingersoll testified against the bill as have all of the NRC Commissioners.

Kissinger: Who is behind the bill?

Kratzer: Ribicoff and Glenn.

Ingersoll: Pastore is opposed.

Kissinger: Who else is on the Committee?

Sonnenfeldt: Jackson is but he will probably still be in Florida.

Kissinger: Percy sandbagged me into this appearance.

Kratzer: We've drafted your statement so that you can start on general policy rather than particular pieces of the bill.

Kissinger: The more passionate I am on the evils of nuclear proliferation, the more the Committee will become attached to their bill. I am going to confront Ribicoff if he is going to kick me on détente. What does he want us to do with Europe?

Kratzer: The Committee is pushing us to cut off nuclear fuel supplies to the allies, and to any other possible proliferator.

Kissinger: What about a country like South Africa?

Kratzer: South Africa has its own uranium. It has a small pilot enrichment plant. The Senators want us to use leverage on the other suppliers of equipment. The Senators think we can use our position as a major supplier of enriched uranium, but that is a position that will diminish by 1980.

Kissinger: Why should we not use our leverage until then?

Kratzer: It would be a disaster to our position as a reliable supplier.

Sonnenfeldt: It would mean the death knell for NATO if we cut off fuel to our allies because their exports don't follow our standards.

Kratzer: The point is we have some influence because of our position as a supplier.

Sonnenfeldt: It would be a supreme act of faith for us to join the Russians in cutting off supplies to our allies. The Russians might agree, and once we had done it, undertake to supplant us and exploit us against our NATO allies.

Kissinger: Then we should say that we continue our supply of nuclear fuels in order to maintain our influence in the proliferation field. Is this going to be a Donnybrook or not?

Sonnenfeldt: The Senators are not hostile but they are hepped on proliferation.

Kissinger: Glenn is reasonable and I can deal with him.

Vest: Ribicoff will probably run off the rails.

Kissinger: What have we agreed to with the other nuclear suppliers?

Kratzer: It's in your briefing book.

Kissinger: Who will take notes tomorrow?

Sonnenfeldt: Kelly will.

Vest: In the Suppliers' Conference we agreed to the application of IAEA safeguards on all nuclear exports by any of the suppliers.

Ingersoll: We can't say we agreed.

Vest: That's right. These are unilateral statements of policy.

Kissinger: Is it an advance to get IAEA safeguards on all exports?

Vest: Yes, it is for France. Also, we have safeguards on transferred technology.

Sonnenfeldt: Non-NPT members will have to take these safeguards.

Kissinger: Will I be asked about the FRG/Brazil deal?

Kratzer: Yes, the query will be how hard we tried to block it.

Kissinger: We would have preferred the regional reprocessing facility.

Kratzer: Yes, the multilateral regional approach involves more countries and makes it more difficult for a country to abrogate the safeguards or to divert materials.

Sonnenfeldt: You will also be asked about the French/Pakistan deal. You should sign out the package you have on that which calls for further approaches to the FRG and the French.

Kissinger: I haven't seen any package on Pakistan.

Vest: The suppliers' guidelines also call for a commitment by recipient countries not to use any materials for explosives, whether military or peaceful. In the case of sensitive facilities, safeguards will continue on any replicated technology.

Kissinger: Does the supplier have to agree to the duplicate facilities in advance?

Ingersoll: Yes.

Lord: One of the problems in the suppliers' effort was that we could not get a commitment from the others to the multilateral regional approach.

Ingersoll: We can't get any commitment against the export of reprocessing or enrichment plants from the French or the Germans.

Kissinger: Why?

Kratzer: I think they would argue that if the suppliers do not export these facilities under safeguards, then various countries will build them on their own entirely without safeguards. Of course, one can argue how long it would take for various countries to build indigenous plants. The Pakistanis are less capable; the Brazilians are more capable.

Kissinger: Then I can say that the export of reprocessing plants is not the only way that would-be proliferators could obtain them.

Kratzer: That's right. The technology is in the public domain. There is a range of capabilities among various countries. Japan has a reprocessing plant which is not safeguarded itself, but is safeguarded when it is processing material that falls under safeguards.

Kissinger: I have no question in my mind that the world would be better off without reprocessing plants and nuclear weapons. But that does not preclude a country from developing such entirely on its own.

Lord: Such developments are tremendously destabilizing.

Kissinger: But we have no guarantee that a single country cannot do this.

Kratzer: And we can't convince France and the FRG of the merits of the multilateral approach.

Kissinger: Why not?

Kratzer: Because no one has done reprocessing successfully on a commercial scale.

Sonnenfeldt: We are promoting an IAEA study on reprocessing.

Kissinger: Well, I will read the briefing book and go over my statement again.

Sonnenfeldt: You might also read the Pakistani package and act on it.

180. Statement by Secretary of State Kissinger¹

Washington, March 9, 1976.

Secretary Kissinger Discusses U.S. Nonproliferation Strategy

I welcome this opportunity to speak to you on the subject of nuclear proliferation—one of the most urgent problems facing the United States and the world community and one which will vitally affect the security of all nations for the rest of this century.

As the committee is aware, your concerns over the dangers posed by further nuclear proliferation are widely and deeply shared throughout the U.S. Government. To convey to you both the seriousness with which we view this issue and the steps we are taking to deal with the proliferation problem, I propose to address the following questions in my statement:

First, how does nonproliferation fit into the framework of our overall foreign policy?

Second, what multilateral efforts to deter proliferation have already been initiated, and what further measures do we contemplate?

Third, what actions are we taking as a matter of U.S. national policy to reinforce and extend our international nonproliferation activities?

Fourth, how do we assess the longer term prospects for containing further nuclear spread through an evolving diplomatic and technical strategy?

¹ Summary: Kissinger, speaking before the Senate Committee on Government Operations, addressed a variety of nonproliferation issues, including multilateral arms control initiatives and the U.S. national strategy.

Source: Department of State *Bulletin*, March 29, 1976, pp. 405–411. For Kissinger's September 1974 speech to the UN General Assembly, see Document 84. His October 1975 speech to the same body is in the Department of State *Bulletin*, October 12, 1975, pp. 545–553.

Before turning to these broader aspects of nonproliferation, I should note that I fully approve of the position on Senate bill 1439 set forth by Deputy Secretary Ingersoll before the committee. For the reasons outlined during his January 30 appearance, we cannot support this bill.

Nonproliferation Perspectives

Nonproliferation has been a primary foreign policy goal of the United States through six Administrations, with major accomplishments stemming from U.S. initiatives demonstrating the seriousness with which this policy has been pursued. I cite, for example, the adoption of bilateral safeguards and controls in our government-to-government cooperative agreements, the establishment of the International Atomic Energy Agency (IAEA) in Vienna, and the entering into force of the nuclear Non-proliferation Treaty. As a result of these steps, the number of nuclear-weapon states has been substantially limited.

After I assumed the office of Secretary of State, however, it became apparent that changing circumstances warranted a new look at our nonproliferation strategy:

—Other industrialized states were entering the international nuclear market, thereby challenging our longstanding dominance as a commercial nuclear exporter and threatening to diminish the ultimate effect of our national safeguards and control policies.

—The oil crisis has stimulated many developing as well as developed states to accelerate their peaceful nuclear power programs, both as a means of lowering the cost of generating electrical energy and reducing their reliance on imported petroleum products.

—The nuclear test by India underscored the fact that additional states, even those not part of the highly industrialized world, were capable of using nuclear technology to construct explosives.

In my speech to the U.N. General Assembly in September of 1974, I underscored our concerns over the rapid spread of nuclear technology with potential explosive implications. I chose this forum to address the pressing problem of proliferation since it is clear that the danger of further nuclear-explosive spread is a problem vital to every nation on this planet. At that time, I warned against complacency by observing that:

The world has grown so accustomed to the existence of nuclear weapons that it assumes they will never be used. But today, technology is rapidly expanding the number of nuclear weapons in the hands of major powers and threatens to put nuclear-explosive technology at the disposal of an increasing number of other countries.

Let me emphasize that pursuit of a vigorous nonproliferation strategy remains a fundamental dimension of this Administration's overall foreign policy:

—We see the need to reduce the danger of nuclear war as the centerpiece of our policy. If additional states acquired nuclear weapons, global stability would be endangered, and regional conflicts would run the risk of leading to nuclear war, with potentially catastrophic consequences not only for the nations involved but for all major powers.

—We view the peaceful settlement of regional conflicts and a more stable world order as crucial U.S. objectives. Yet a world of many nuclear powers would result in heightened political tensions and increased instabilities flowing from fears that nuclear weapons might be used, whether deliberately or through miscalculation.

—We support the worldwide goal of finding alternative sources of energy to reduce reliance on oil. Yet a progressive pattern of proliferation could set back, if not cripple entirely, the continued growth of peaceful nuclear energy to serve mankind's needs, as exporters and importers alike came to lose confidence in the ability of the international system to find effective techniques for realizing the peaceful benefits of nuclear energy while eliminating its inherent security risks.

To meet these new dangers, I emphasized in my 1974 U.N. General Assembly speech—and again a year later before the same forum—the importance the United States attaches to nonproliferation. In both addresses, I outlined practical steps we saw as necessary to move forward effectively and comprehensively in this vital field. These included proposals for the major suppliers to strengthen nuclear safeguards; efforts to gain the widest possible support for the international safeguard system and the Nonproliferation Treaty; physical security measures to protect nuclear material against theft or diversion; and steps to prevent the unrestrained spread of sensitive nuclear facilities, such as national reprocessing plants.

I am pleased to take this opportunity to report to this committee on the progress we have made and the problems we still face. There have been solid accomplishments to date, and I will go into the details of these successes in a few moments. But we are far from complacent, and even as we consolidate our gains, we seek to strengthen our nonproliferation strategy.

I do not have to tell this committee how difficult it is to devise a strategy that can guarantee success in preventing the number of nuclear-weapon states from increasing during the coming decades. But I cannot emphasize too strongly our belief that the effort can and must be made to contain nuclear spread, even if we cannot be certain of completely and effectively blocking additional nuclear proliferation.

It is within the foregoing framework that we have mounted a major effort during the past two years to strengthen the worldwide nonproliferation regime. This strategy has had two reinforcing elements:

—Multilateral actions to move forward with other states in meeting the nonproliferation challenge; and

—National nuclear export policies to insure that the United States continues to exert responsible leadership in nonproliferation.

Let me now describe in some detail the key elements of our nonproliferation strategy, what has been accomplished during the past two years, and what needs to be done to further advance our position.

Multilateral Strategy

Suppliers Consultation. I have noted earlier that the United States, practically speaking, does not have complete, unilateral freedom of action with respect to its nuclear export policy. Other major industrial powers have the capacity and desire to contribute to the world's needs for peaceful nuclear energy, and they fully recognize the need to safeguard their assistance.

It is important, however, that safeguards not become an element of commercial competition. U.S. constraints by themselves will have little effect if other nuclear suppliers decline to exercise the same restraint. In recognition of this, we have pursued a policy of consulting with other nuclear-exporting countries in an effort to devise a common set of standards concerning safeguards and other related controls associated with peaceful nuclear exports. I believe these efforts have met with a significant degree of success.

As a result of these consultations, the United States has decided to adopt, as a matter of national policy, certain principles which will govern our future nuclear exports. We have been informed that a number of other countries intend to do the same. As other Administration witnesses have testified in recent weeks before another Senate committee, these principles include:

—Provisions for the application of IAEA safeguards on exports of material, equipment, and technology;

—Prohibitions against using assistance for any nuclear explosions including those for "peaceful purposes;"

—Requirements for physical security measures on nuclear equipment and materials;

—Application of restraint in the transfer of sensitive technologies (such as enrichment and reprocessing);

—Encouragement of multinational regional facilities for reprocessing and enrichment; and

—Special conditions governing the use or retransfer of sensitive material, equipment, and technology.

These are significant principles which have moved the level and comprehensiveness of international nonproliferation controls substan-

tially beyond where they were only a few short years ago. But it is important to recognize that further efforts are needed to improve and extend these principles and that our efforts are part of a progressive and evolving process which we will continue in close consultation with other suppliers.

NPT Adherence. A second important element of our international nonproliferation strategy is our effort to secure the widest possible adherence to the Nonproliferation Treaty. Adherence to the NPT is a key element in prevention of nuclear proliferation because it involves a comprehensive commitment by non-nuclear-weapon states not to develop nuclear explosives—a commitment verified by IAEA safeguards on all peaceful nuclear facilities in that country—and also because it requires safeguards on nuclear exports.

While NPT adherence is still far from universal, nearly 100 states are now party to the treaty. The past 18 months have seen a number of important new adherents, including the Federal Republic of Germany, Italy, the Benelux countries, the Republic of Korea, Libya, and Venezuela, as well as submission of the treaty by Japan, which has already signed the treaty, to the Diet for ratification.

We must continue to do whatever we can to increase support for this most important treaty in the hope that non-nuclear-weapon states who see the disadvantages of acquiring nuclear weapons will perceive that their national interest would best be served by adherence.

IAEA Safeguards. Another essential feature of our international strategy—and, indeed, one that underpins the progress we have made in consultations with other suppliers and one that is basic to the Nonproliferation Treaty itself—is the comprehensive safeguards system of the International Atomic Energy Agency. Even in the case of recipient states not party to the NPT, the IAEA system provides internationally recognized safeguards arrangements to insure that nuclear exports are used for peaceful purposes.

IAEA safeguards entail techniques to account for nuclear materials, reinforced by containment and surveillance measures. Agency experts conduct on-site inspections to verify, through independent means, that safeguarded material and facilities are being used for declared purposes. These safeguards can provide a high degree of assurance that any significant diversions will be detected and thus provide a real deterrent.

While a safeguards system cannot provide absolute assurance that all conceivable diversions, however modest, will be detected, it does not have to. What it must do—and what the IAEA accomplishes with confidence—is expose the would-be diverter to a high risk of detection.

We recognize that some question the adequacy of the international controls related to nuclear facilities and materials that have evolved

over the years. However, in the one instance where a nuclear device was exploded through the use of equipment obtained from outside, safeguards did not exist on the facility or its products. Consequently, the question of adequacy of safeguards in this case simply did not arise. In fact, since the inception of safeguards, we know of no nation that has acquired nuclear weapons through any diversion of nuclear material subject to either bilateral or IAEA safeguards.

We believe that the IAEA system—with the active technical, financial, and political support of key suppliers and all nations interested in using nuclear energy for peaceful purposes—will continue to fulfill this requirement. Indeed, the IAEA safeguards system continues to be a most vital and singularly important element in the battery of constraints developed over the years in support of our nonproliferation objectives.

Sensitive Exports. Another element in our international strategy is designed to meet what is perhaps the most troublesome nonproliferation issue confronting us; namely, dealing with sensitive technologies, such as reprocessing, enrichment, and heavy water production. The problem has been made more acute as more countries become interested in acquiring these sensitive facilities. In terms of proliferation risks, plutonium-reprocessing plants abroad pose the most immediate problem. This is unfortunate, since for most countries—those without very large nuclear power programs—the economic benefits of reprocessing spent fuel remain dubious.

As a result of growing perceptions of the direct proliferation risks, suppliers as well as recipients appear to be exercising increasing restraint in such sensitive areas and have concluded rigorous safeguards agreements. In this regard, we greatly welcomed Korea's decision not to acquire a national reprocessing facility and hope that it will enhance multilateral efforts to develop alternatives to national capabilities.

One course of action which might meet the future reprocessing needs of certain countries in a potentially economic manner and at the same time alleviate some of our concerns regarding the proliferation of such facilities is the concept of a multinational fuel-cycle center serving regional needs, to which I have given my personal support before the UN General Assembly last year.

Such plants—involving management, operation, and perhaps ownership by more than one country—would reduce the incentive for small and inefficient national plants and provide useful added assurances against unilateral abrogation of nonproliferation undertakings, particularly if co-located with other parts of the fuel cycle such as the fabrication and storage of nuclear materials. They would also facilitate the application of international safeguards. The IAEA is currently carrying out a study of the multinational concept.

Physical Security. The final key element of our international nonproliferation strategy concerns the question of physical security of nuclear facilities and materials and specifically the concern that a subnational or terrorist group might seize nuclear materials.

We have received excellent cooperation in our consultations with other countries designed to insure that adequate physical security measures are applied. Major suppliers are including provisions in their nuclear cooperation agreements which specifically require adequate levels of physical security systems in recipient countries to protect nuclear materials and equipment. Experts from member countries are assisting the IAEA in developing an authoritative body of knowledge on the establishment of effective national physical security systems.

Also, we are pursuing our proposal of an international convention, setting standards to protect the physical security of nuclear materials, that might serve to facilitate international collaboration and greater uniformity of practice in this area.

U.S. National Strategy

Basic Premise. I have been discussing those multilateral measures we are pursuing in support of our nonproliferation objectives. U.S. national policies and practices in this area reflect our special concern with the problem of nonproliferation and are, in some respects, more stringent than those of some other supplier nations.

The basic premise of U.S. nuclear cooperation for over 20 years has been worldwide cooperation in the peaceful uses of nuclear energy under effective controls. Our approach has been to offer long-term assurances of enriched uranium supply, accompanied by the especially economical U.S. reactor technology, in exchange for agreement on effective safeguards arrangements.

In this connection, as I testified before another committee of the Congress last month in support of the Administration's proposed Nuclear Fuel Assurances Act, many of the positive advances we have made in pursuit of our nonproliferation objectives can be traced directly to our capability and willingness to furnish enriched uranium on a reliable and long-term basis, along with other elements essential to peaceful nuclear development.

Policy Elements. As I observed earlier, our policies with regard to nuclear exports are fully consistent with the principles adopted as a result of supplier consultations and, in fact, in some areas go beyond them. For example, in the areas of reprocessing, enrichment, and heavy water production activities, our basic approach has been to avoid the export of such sensitive technologies. To insure adequate control, the executive branch instituted, in 1972, special regulations governing all proposed transactions in these areas.

With regard to the general problem of reprocessing, the United States is providing significant technical and financial support to the IAEA in connection with its study of the concept of multinational regional fuel-cycle centers. We are also urging that relevant groups of countries initiate discussions of the potential of this concept among themselves.

In the area of international safeguards, I would note that in his most recent energy message, the President outlined the Administration's decision to make special contributions of up to a total of \$5 million in the next five years to help strengthen the Agency's safeguards program. We will, of course, continue research programs and technical support activities aimed at assisting the IAEA to develop more effective safeguards procedures.

Pursuant to the physical security measures we have adopted as a result of supplier consultations, the United States has adopted the policy that significant quantities of sensitive nuclear materials will not be approved for export unless adequate physical protection measures are applied in the recipient countries, and U.S. physical security teams have visited numerous countries in this connection to observe their protection systems.

Proposals for Severe Constraints. Against the backdrop of the strategies that we are pursuing internationally and as a matter of U.S. national policy, I believe it appropriate that I respond to some of the critics of our nuclear export policies who have called for what I believe to be overly severe constraints which would seriously set back, rather than advance, our nonproliferation efforts. These proposals range from a complete moratorium on our nuclear exports, to an embargo on nuclear transfers to non-NPT parties, to proposals to agree to nuclear exports to states not party to the NPT only if they have accepted approved IAEA safeguards on all their peaceful nuclear programs.

In essence, it is our view that adoption of any of these proposals would, for example:

- Violate the spirit, if not the letter, of a number of international undertakings to cooperate in peaceful nuclear programs, including article IV of the Nonproliferation Treaty;

- Damage our political relationships well beyond the nuclear area with a large number of countries who have entered into long-term arrangements with us;

- Cast further doubt on the credibility of U.S. supply commitments and the constancy of our policy at precisely the moment when we can least afford such doubts;

- Reduce the influence we are now able to bring to bear in support of our nonproliferation objectives inasmuch as it is unlikely that such proposals will be supported by all major suppliers; and

—Might well result in the breakdown of supplier cooperation and a return to relatively uncontrolled competition among other supplier countries.

I have commented negatively on these proposals, not because I question the motivation and concern that underlie them but because I do not believe they would achieve our nonproliferation objectives. The problems of proliferation are complicated and not susceptible to quick and easy solutions.

To avoid the further spread of nuclear-weapon capabilities will require the diligent pursuit of complex political and technical measures which minimize the pressures for proliferation and, at the same time, erect effective controls against it. This Administration is firmly committed to this objective, and I know we can count on the Congress to work with us in insuring we can achieve this vital goal.

Proliferation Prognosis

The arrangements I have described are designed to inhibit and detect any diversion. There remains the question of measures that could be applied in the event of a demonstrated diversion of nuclear material to nonpeaceful purposes or other violations of a nonproliferation or safeguards undertaking. This is a question of importance, since treaty assurances against proliferation, even when backed by effective safeguards, could lose much of their deterrent power if nations come to believe that violations of such arrangements would not be viewed with seriousness by the international community.

Under the Statute of the International Atomic Energy Agency, all further peaceful nuclear assistance would be discontinued in the event a state violated its IAEA safeguards commitments. If U.S. nuclear material was involved, our bilateral agreements call for halting further assistance. The IAEA Statute also provides for suspension of membership in the Agency in the event of a violation and reporting to the U.N. Security Council. In addition, both our bilateral agreements and the IAEA Statute include the right to call for the return of supplied materials and equipment.

These actions are substantial. The discontinuance of supply to a country which has committed a major portion of its electrical energy generation to nuclear energy is in itself a significant disincentive to any violation. More generally, I can assure you that the United States would treat a violation of one of its agreements with the utmost gravity. And I am confident that the world community at large would view such an action with comparable concern.

However, these considerations do not relieve us of the need to insure that we have taken all available and practical preventive measures to forestall the spread of nuclear weapons. To this end, as I have

indicated, we have strengthened and standardized the system of safeguards and controls in our national policies and through multilateral initiatives; identified the improvements needed to further diminish the likelihood that peaceful nuclear technology will be used to build explosives; and established procedural and institutional arrangements to enable us to consolidate our gains and move toward our future goals.

Perhaps most fundamentally, we recognize that proliferation is not a problem to be addressed solely through the technical and legal framework of safeguards and export controls—vital as these avenues may be. There is a direct link, as I have stressed, between our efforts in nonproliferation and our broader efforts to construct a more secure international climate.

If countries remain convinced that regional and global tensions can be reduced through cooperation, that disputes can be resolved in a peaceful manner, and that their legitimate security requirements can be met, there will be no need for them to develop nuclear weapons.

To be successful in our nonproliferation endeavors, we must sustain and build upon the multilateral and national policy foundations we have established. As I indicated earlier, this requires constant attention to consultations with other nuclear suppliers, peaceful nuclear cooperation with recipients, and constructive support for international mechanisms which can lend permanence to our nonproliferation policies.

This task warrants the most vigorous U.S. and international efforts. We hope to work constructively with the Congress in continuing to develop and implement a balanced U.S. nonproliferation strategy—balanced in the need to maintain our influence through prudent and reliable national export policies, the importance of pursuing a multilateral as well as a national approach, and the recognition that our overall foreign objectives can reinforce our nonproliferation goals as we work to create a more stable world order.

181. National Security Decision Memorandum 321¹

Washington, March 11, 1976.

TO

The Secretary of State
The Secretary of Defense
The Director, Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

Instructions for the U.S. Delegation to the PNE Negotiations, Moscow,
March 10, 1976

The President has approved the following instructions for the negotiations on underground nuclear explosions for peaceful purposes (PNEs) in Moscow. These instructions supplement those contained in NSDM 297 and NSDM 304.

1. For individual PNE events above 100 KT, observers should be permitted as needed for the purpose of verifying local geology, at the discretion of the side verifying the explosion.

2. The Delegation should take the position that the PNE agreement should have the same five-year duration provision as the Threshold Test Ban Treaty (TTBT), with a provision for renewal for an additional period, and a provision for consultations; the TTBT provides the model to be followed.

3. The Delegation should inform the Soviets that we continue to prefer an aggregate yield limit of 1000 KT for PNE salvos and that the ad referendum agreement on SLIFER emplacement is adequate for verification at that level. However, the Delegation is authorized, at its discretion, to inform the Soviets that if they are unwilling to agree to a 1000 KT limit, we would be willing to consider a somewhat higher limit but only in exchange for improved SLIFER yield determination through the following modified emplacement rule:

a. For individual PNE yields up to 50 KT the canister length, L (in meters), should be limited to a value given by the formula $L = 5 + W/20$, where W is the stated PNE yield in kilotons; and the lower end of the

¹ Summary: Scowcroft communicated President Ford's approval of a set of instructions for the U.S. delegation to the sixth round of PNE negotiations in Moscow.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 69, Originals—NSDM 316 to NSDM 330. Secret. Copies were sent to Brown and Bush. NSDM 297 is Document 150; NSDM 304 is Document 161. The sixth round of negotiations began on January 27 and ended on April 8. See Document 192.

SLIFER sensor should be a constant distance of one meter from the top of the device canister.

b. For individual PNE yields between 50 and 150 KT, the ad referendum agreement is acceptable—e.g., the canister should be limited to a maximum length of 10 meters and the lower end of the SLIFER sensor should be at a distance of $3W^{1/3}$ meters from the bottom of the canister.

Should the Soviet Delegation accept the principle of negotiating the modified SLIFER emplacement rule, the Delegation is authorized to accept an aggregate yield limit higher than 1000 KT but not exceeding 1500 KT for PNE salvos.

4. The Delegation is also authorized to propose a 500 KT threshold for deployment of an on-site seismometer network.

5. The Delegation should take the position that the U.S. will not submit the TTBT for ratification until a satisfactory PNE agreement is concluded. If this is not achieved by March 31, 1976 the U.S. cannot put the TTBT into effect; the Delegation is authorized to discuss how the two sides might proceed as of March 31, but without committing the U.S. to a suspension of weapons tests above 150 KT unless instructions are received from Washington.

6. The Delegation should proceed to complete the PNE negotiations as soon as possible, but without considering March 31, 1976 as a deadline.

Brent Scowcroft

182. Memorandum From the Administrator of the Energy Research and Development Administration (Seamans) to President Ford¹

Washington, March 15, 1976.

SUBJECT

Next Steps in Our Negotiation of a Nuclear Agreement with Iran

In accordance with the President's decision (Tab A) Under Secretary of State Carlyle E. Maw and I held discussions with the Shah on February 23, 1976 in Tehran in an effort to (1) seek to clarify the Shah's concern with the current U.S. negotiating position on a nuclear agreement, and (2) expose the Shah to reasons for our concern over the proliferation of national reprocessing facilities.

DISCUSSIONS

The discussions opened by the Shah receiving and reading the President's letter (Tab B). The Shah then proceeded to make the following points:

—He agrees with the President but "what more do you want me to do?"

—Iran signed the Non-Proliferation Treaty after serious consideration and it intends to abide by all of its terms.

—Iran has no reason to develop nuclear weapons. It could never have sufficient capability to deter the Soviet Union or to fight back.

—Iran does not understand why the U.S. does not trust Iran to develop fully its peaceful nuclear power program.

In response we drew on the following arguments:

—We believe we all can reap the benefits of nuclear power provided the key statesmen like the Shah recognize the potential serious-

¹ Summary: Seamans informed Ford of his and Under Secretary of State for Security Assistance Maw's recent discussions with the Shah of Iran on the subject of negotiating a U.S.-Iranian nuclear agreement. Seamans offered several recommendations regarding the negotiation of the nuclear agreement. He indicated that the Department of State would also submit its recommendations to Ford.

Source: Ford Library, National Security Adviser, NSC Program Analysis Staff Files, Convenience Files, Box 31, Iran, Mar. 76. Secret. The tabs are not attached. Tab A is Document 172. Tab B, a copy of Ford's February 21 letter to the Shah, is in the Ford Library, National Security Adviser, Presidential Correspondence With Foreign Leaders, Box 2, Iran—The Shah, (1). On March 26, Kratzer and Atherton sent Kissinger an action memorandum regarding alternatives for nuclear negotiations with Iran; the memorandum is printed in *Foreign Relations, 1969–1976*, volume XXVII, Iran; Iraq, 1973–1976, as Document 167.

ness of the diversion or misuse of nuclear materials and the need to have effective worldwide safeguards.

—The area of reprocessing of spent nuclear fuel, including the storage and fabrication of the separated plutonium, gives us the greatest concern, especially, since the Indian explosion of a nuclear device.

—We recognize that when we supply equipment and nuclear material to another nation we cannot escape a shared responsibility with the recipient in the ultimate use of the equipment or material.

—There are several unknown factors in reprocessing. It is not clear that the reprocessing is going to prove economical, at least not without the benefits of economy of scale. It is also not clear, since the IAEA is just beginning to study the matter, how effective IAEA safeguards will be.

—We feel that the emphasis should be on fewer and hence larger plants that will have economy of scale. In doing so, in given regions of the world this would involve the participation of several nations thus providing naturally a measure of safety through an inherent check and balance.

—We are quite cognizant of the difficulties that might arise in executing multilateral plans. We are prepared to agree that the execution can often be simplified by going to bilateral arrangements which actively engage the supplier in the operation of the facility.

After making these several points, we said that we visualize a multinational reprocessing plant to serve the region of the Middle East and, hopefully, it might be in Iran. We would like to be assured that we would have the Shah's fullest cooperation in working out some mutually satisfactory and economically sound arrangement for a reprocessing plant in Iran or in which Iran would participate and which would meet our mutual concerns as to possible diversion or misuse of nuclear fuel. The Shah indicated that he would seriously consider a reprocessing plant in Iran with participation of the U.S. and others as might be appropriate.

The Shah indicated that before embarking on the construction of reprocessing plants in Iran, that he would review the matter carefully with the U.S. and would expect that this would be a shared responsibility and that we jointly would review and participate in the determination of the safeguards. He went further on to say that he wanted to work with the United States, that Iran wanted Westinghouse-type reactors, and, in addition, Iran would certainly still consider investing in a Uranium Enrichment Associates plant.

In the latter respect, we indicated that if Iran were to join the financing of this organization or any of the others that were now contemplated, we would expect Iran to have a percentage of the output commensurate with the percentage of their investment; and, that all the low enriched uranium to which Iran was entitled could be transferred to Iranian soil and stored there; or, if Iran wished, could be retransferred to third countries having an appropriate U.S. agreement for cooperation.

CONCLUSIONS

The Shah seemed to appreciate and to accept the premise that the U.S. and Iran had a shared responsibility to assure the proper use of U.S. supplied nuclear facilities and material.

The Shah clearly indicated his willingness to consider the reprocessing issue in detail in an effort to find a cooperative and mutually satisfactory undertaking having in mind that our ultimate goals are identical: The avoidance of nuclear weapons proliferation. The Shah never indicated, however, that he would accept U.S. conditions on reprocessing or whether or not he would accept reprocessing solely on a multinational scale.

In essence, the Shah's position seemed to be that if our mutual non-proliferation goals can be accomplished through a reprocessing plant on Iranian soil, consistent with Iranian national sovereignty and honor and its adherence to the NPT, it would receive his careful consideration.

At no point, however, did the Shah recede from his basic principle that no further controls on Iran were necessary in so far as nuclear weapons were concerned. They had signed the NPT and would live up to their undertakings. From his point of view, and for the purpose of non-proliferation, no further commitments were necessary.

On the basis of this discussion with the Shah we conclude that any arrangement in which the United States endeavors to retain an ultimate veto on reprocessing of spent fuel in Iran will be unacceptable to the Shah.

RECOMMENDATIONS

Taking into account comments and recommendations provided on the study of November 20, 1975 regarding negotiating of a nuclear agreement with Iran and these discussions with the Shah, I believe that the most probable direction in which to move towards a resolution of the current impasse satisfactory to both parties would encompass the following approach:

- Iran would agree to exert strenuous efforts toward the establishment of a multinational or binational reprocessing facility.

- Iran would accord the United States a continuing opportunity to participate in such a facility.

- The U.S. would consent to reprocessing of the U.S. material in an Iranian national facility, if Iran was unable to achieve a multinational or binational reprocessing capability.

- U.S. consent would be subject to:

- (1) the continuing requirement that we be satisfied the safeguards applied to these activities by the IAEA are effective, and

- (2) the right to assign staff to the facility if in the U.S. judgment this is necessary to supplement IAEA safeguards.

I believe this approach accommodates our interests in so far as it delays a decision on the nature of an Iranian reprocessing plant until the concept of a multinational or binational plant is thoroughly explored, with the U.S. having the clear opportunity to participate if it so desires. I would expect that this aspect would have congressional support.

I believe that the Shah will find the approach promising in so far as it does not preclude a national plant in Iran if Iran is unable to obtain a multinational or binational facility. I would expect, however, that the absence of a U.S. veto on the reprocessing of U.S. material will be challenged by some members of Congress as furthering proliferation, particularly, in a sensitive region of the world.

With U.S. approval subject to the continuing requirement of U.S. satisfaction with the effectiveness of IAEA safeguards and the U.S. right to supplement these safeguards if it considers this necessary, the U.S. would have assurance that the safeguards will be effective in terms of deterring and detecting the diversion of material. While I believe that the Shah can be made to view this aspect as a shared responsibility, he may find it unacceptable on the grounds that it signals a continued mistrust of Iran. I would expect Congress, on the other hand, to welcome the increased presence of the U.S. in the implementation of safeguards but probably not to the extent of fully satisfying their concerns of a national reprocessing plant in Iran.

The Shah expects that further negotiations will take place during the visit to the U.S. of the President of the Iranian Atomic Energy Organization now scheduled for the week of April 19, 1976. I recommend that the momentum created by the President's letter and these discussions not be dissipated; and therefore, I urge that our negotiating position be developed and congressional consultations pursued with the objective of resuming negotiations at that time. Since the Shah indicated that he will reply to the President's letter, it might be prudent to have the Shah's response in hand before actually resuming negotiations, but I would not delay our preparations pending receipt of his response.

While Under Secretary Maw agrees with my account of our meeting with the Shah and shares my conclusions, I am informed that the Department of State will wish to submit separately its recommendations on the U.S. negotiating position prior to your decision.

Robert C. Seamans, Jr.
Administrator

183. Memorandum From the Director of the Arms Control and Disarmament Agency (Iklé) to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, March 24, 1976.

SUBJECT

Threshold Test Ban Treaty

NSDM 256 of June 10, 1974, which spelled out the basic U.S. position for a threshold test ban, states that "the U.S. can accept a provision allowing for no more than two unintended and slight breaches of the threshold per year." In October 1974, Ambassador Stoessel obtained an oral understanding regarding the interpretation of such "unintended and slight" breaches.

Until two months ago, I was unaware of this oral understanding; and to my knowledge, it had not come to the attention of the Verification Panel. We have since analyzed the implications of the understanding reached and sought to clarify its content with your staff (see attached Marcum/Rochlin memcon).

In my view this oral understanding is too loose. It could lead to serious difficulties in monitoring compliance and might well be subject to substantial Senate criticism during the ratification process. I therefore recommend that:

(1) We should formulate considerably tighter criteria on this issue than the October 1974 understanding, and

(2) We should go back to the Soviets and seek a formal commitment from them to abide by the same criteria.

From a tactical point of view, it seems to me these steps ought to be taken before we wind up the negotiations in Moscow on the PNE Agreement and the related TTB implementation.

¹ Summary: In light of uncertainties in the interpretation of the U.S. position on the Threshold Test Ban Treaty as stated in NSDM 256, Iklé recommended to Scowcroft two steps for consideration before the conclusion of PNE negotiations in Moscow.

Source: Ford Library, National Security Adviser, Presidential Agency Files, Box 1, Arms Control and Disarmament Agency March 30, 1976–May 9, 1976. Secret; Exdis. Iklé signed "Fred Iklé" above his typed signature. The Marcum-Rochlin memorandum of conversation is not attached. In a May 4 letter to Scowcroft, Seamans, at Marcum's request, stated ERDA's position on a 150 kiloton yield design standard. (Ibid., Presidential Subject File, Box 15, Peaceful Nuclear Explosions Treaty (1)) NSDM 256 is Document 54. Stoessel's October 1974 oral understanding with the Soviets was presumably reached during the first round of the PNE/TTBT negotiations in Moscow.

In the meantime, you might want to have Walter Stoessel alerted of this problem. ACDA will do everything it can to help expedite the on-going staff-level interagency study for working out tighter criteria.

Fred C. Iklé

184. Editorial Note

In a March 25, 1976 memorandum to Secretary of State Henry Kissinger, Counselor of the Department of State Helmut Sonnenfeldt recounted his most recent conversation with Soviet Minister Counselor Yuli Vorontsov. Sonnenfeldt indicated that, during a segment of the conversation, they discussed the ongoing peaceful nuclear explosion negotiations:

“I then said that the PNE talks were going nowhere fast and it looks like March 31 will come and go without agreement. Vorontsov said this will require some diplomatic action with respect to the TTBT. I said we were considering how to handle the passing of the originally envisaged effective date for the TTBT.

“Vorontsov asked whether we were yet ready to consult on their broader proposal on mass destruction weapons. I said this remains under study but I personally found it hard to get my teeth into the concept. Vorontsov said they were interested in our ideas, as Korniyenko had told Stoessel and he, Vorontsov had mentioned to you. I said the matter remained under study.

“Vorontsov asked whether we would have any further response on their proposals for a comprehensive test ban. I said I thought Iklé had given him our views, which remained as they were.” (National Archives, RG 59, Records of the Office of the Counselor: Lot 81D286, Box 7, Soviet Union, Jan–April 1976)

The memorandum is printed in full in *Foreign Relations*, 1969–1976, volume XVI, Soviet Union, August 1974–November 1976, as Document 276.

185. Telegram 5117 From the Embassy in the Soviet Union to the Department of State¹

Moscow, April 3, 1976, 1130Z.

5117. Subject: *Pravda* on White House TTBT Statement.

1. *Pravda* April 3 reports the official statement "being distributed by the Department of State" on the Threshold Test Ban Treaty. The article paraphrases the March 31 White House statement, omitting only the sentence explaining that the administration had decided not to submit the treaty for ratification until the peaceful nuclear explosion treaty is signed and the sentence relating possible weapons-related benefits to PNEs.

2. *Comment*: Though the U.S. statement announcing our intention not to carry out weapons tests over 150 KT was made public a full day before the corresponding statement by the Soviet Government, the two statements were presented to the Soviet public in the reverse order. *Pravda* April 2 carried the Soviet statement offering to halt such tests if the U.S. does the same; April 3 *Pravda* carries the U.S. statement in what could be construed, by Soviet readers, as a reply to the Soviet statement.

Stoessel

¹ Summary: The Embassy noted that *Pravda*, on April 3, reported on the U.S. statement regarding the PNE negotiations.

Source: National Archives, RG 59, Central Foreign Policy File, D760126-0505. Limited Official Use; Priority. The March 31 statement on the PNE negotiations is printed in the Department of State *Bulletin*, April 19, 1976, p. 507; Special Assistant to the Secretary for Press Relations Robert Funseth read the statement to news correspondents that day.

186. Telegram 85198 From the Department of State to the Mission in Geneva¹

Washington, April 8, 1976, 1136Z.

85198. Subject: CCD—Guidance on Chemical Weapons (CW). Refs: (A) State 100008 (April 1975); (B) State 135881 (June 1975).

1. *Summary*: This message reviews current situation regarding 1974 U.S.-Soviet summit commitments on CW and consideration of CW issues at CCD. It instructs U.S. Del (1) to outline U.S. attitudes on scope and definitional questions to Soviet Del, emphasizing importance of reaching common understanding on verification measures if CW agreement is to be achieved, and (2) to make CCD statement presenting current U.S. thinking on CW issues. Statement will be based as appropriate on points outlined earlier to Soviets and on additional guidance contained in present message, emphasizing need for further examination of verification problems. Del should not convey impression, either in approach to Soviets or in speech, that USG has taken policy decisions on CW or that it supports any particular approach to CW restraints. *End summary*.

2. In Moscow summit communiqué of July 1974 and again in November 1974 Vladivostok communiqué, U.S. and USSR agreed to consider joint CCD initiative on most dangerous, lethal CW. In August 1974, Soviets privately presented us with draft CW treaty which, as described in Ref A, failed to deal adequately with verification and took an unbalanced approach to scope of prohibitions (adopting toxicity standard that would ban production and stockpiling of CW agents, primarily supertoxics, that constitute major share of U.S. stocks, while excluding less toxic lethal agents, such as hydrogen cyanide, that others are believed to have in their stockpiles). In April 1975, we asked the Soviets some questions regarding their draft, pointing out our difficulties with their treatment of scope and verification (Ref A). In their response in June 1975 (Ref B), the Soviets urged us to put forward

¹ Summary: The Department instructed U.S. Representative to the CCD Martin to make a statement “presenting current U.S. thinking” on chemical weapons issues before the Conference of the Committee on Disarmament.

Source: National Archives, RG 59, Central Foreign Policy File, D760134–0578. Confidential; Priority. Drafted by Einhorn and Robert Mikulak (ACDA/NTB); cleared by James Montgomery (C), Glassman, J. Salmon (PM/DCA), Elliott, J. Wade (DOD), and Ortiz (S/S). Repeated for information to Moscow, USUN, and the Mission to NATO. Telegram 100008 to Geneva, April 29, 1975, and telegram 135881 to Geneva, June 11, 1975, are *ibid.*, D750152–1030 and D750203–0136. The text of the Soviet draft treaty of August 1974 is in telegram 100009 to Geneva, April 29, 1975. (*Ibid.* D70151–0278). The text of Martin’s April 13 statement before the Conference of the Committee on Disarmament is printed in *Documents on Disarmament*, 1976, pp. 211–221.

concrete ideas of our own and proposed follow-up bilateral technical meetings, which we turned down. Since then, Soviet officials have periodically inquired about our readiness to pursue joint initiative.

3. From del's reporting, we are aware that several CCD members, including Canada, Japan, and Sweden, have stated that they are no longer prepared to permit promise of joint initiative to delay progress toward CW agreement. We see considerable risk that efforts will be made, particularly by non-aligned, to move issue forward without U.S., perhaps by introducing draft treaty. We would expect any non-aligned treaty proposal to contain provisions (e.g., on verification and scope) unacceptable to U.S. and to prejudice reception of possible joint initiative.

4. Aside from possibility of such action by non-aligned, we are concerned by attempts of Soviet allies, in increasingly pointed CCD statements, to place blame entirely on U.S. for failure to produce joint initiative. Our continued silence in committee on CW issues could reinforce credibility of charges by Eastern Europeans and place US in difficult and isolated position.

5. USG has not yet taken decision regarding possible agreed limitations on CW production and stockpiles. Nonetheless, in light of problems discussed above, we consider it appropriate at this time to take action on CW, both with respect to Soviets and to CCD. Objectives of approach will be (a) to head off support for, and perhaps introduction of treaty draft embodying, approach to CW restraints that we would find unacceptable; (b) to emphasize, both to Soviets and to other CCD members, importance we attach to verification; and (c) to keep open bilateral channel for future work on CW question.

6. Del should approach Soviet Del at earliest opportunity to make points outlined below on scope, definition, and verification of phased CW agreement. In addition, after presentation to Soviets, Del should make statement in CCD plenary based, as appropriate, on points conveyed to Soviets, emphasizing that, before CW agreement can be reached, committee must achieve fuller understanding of CW verification issues, especially those techniques likely to contribute most significantly to an adequate verification system. Del should not convey impression, either in approach to Soviets or in speech, that USG has taken policy decisions on CW or that it supports any particular approach to CW restraints.

7. In approach to Soviets, del should make following points:

(A) We have given careful consideration to the Soviet views on CW questions that were presented to us last June 9 in Washington. We would like now to comment on some of the issues raised by the Soviet Government at that time as well as to provide our views on

some other CW questions that are relevant to an examination of the possibility of a U.S.-Soviet initiative at the CCD.

(B) We continue to believe strongly that any agreement on CW must provide adequate assurance to states that they are not increasing the risk to their national security by adhering to the agreement. An adequate verification system is an essential component of such assurance. In our judgment, the inability so far to find effective solutions in the area of verification is the principal obstacle to a CW agreement. Accordingly, we consider it important, in considering a joint CW initiative, that the two sides give particular attention to verification issues, especially to those techniques that might contribute most significantly to an adequate verification system.

(C) We have stated on several occasions that the scope of CW prohibitions must be based on verification capabilities. Since no solution to the problem of detecting clandestine CW stocks has yet been devised, we do not believe our common objective of the complete prohibition of CW can be achieved in a single, comprehensive agreement. We support instead a phased approach.

(D) Several states have made suggestions for limiting the coverage of a first-stage agreement to highly toxic agents, excluding from coverage less toxic lethal agents. The Soviet draft treaty of August 1974 follows this approach. As we indicated to the Soviet Government in April 1975, we consider this approach to be an unbalanced one. We believe instead that a first-stage agreement should cover all lethal CW agents.

(E) An agreement on lethal CW banning activities on a phased basis could be structured in various ways. Some examples are:

(1) An agreement requiring the reduction of lethal CW stocks to agreed levels, but placing no restriction on CW production;

(2) An agreement banning all lethal CW production, but not affecting stocks; and

(3) An agreement to ban production of lethal CW agents and to destroy some specified quantity of lethal CW stocks over a certain period. We believe it would be useful to examine the advantages and disadvantages of these and other possible approaches to phased CW limitations.

(F) Various approaches to the duration of an initial agreement might be considered. For example, it would be possible, as in the Japanese draft treaty, to adopt a comprehensive framework that would limit the initial scope of the prohibition and provide for broadening of the scope only as further agreements were reached. Alternatively, an agreement might be of limited duration, with provision for review and extension. We would be interested in Soviet views on these and other alternative approaches to the question of treaty duration.

(G) We believe it would be useful to arrive at a common understanding regarding criteria for defining the CW agents to be covered in any agreement banning the production of all lethal CW. It is our tentative view that it would be adequate to rely on a general purpose criterion and two toxicity standards—the lower one to distinguish lethal chemical substances from other substances and the higher one to distinguish supertoxic substances from less toxic but nonetheless lethal substances. The general purpose criterion would apply to all lethal chemical substances—that is, all substances falling above the lower toxicity standard. According to that criterion, the production of all single-purpose lethal substances would be prohibited, while the production of all dual-purpose substances would be permitted only for peaceful purposes. In addition, the production of all precursors of lethal CW agents, including precursors used in multicomponent weapons, would be prohibited. The upper toxicity standard would assist in the application of the general purpose criterion. All substances falling above the upper threshold would be presumed, because of their extremely high toxicity, to be single-purpose CW agents. The production of such substances would therefore be banned, except those that were demonstrated to be necessary for peaceful purposes, in which cases special control procedures would apply. In practice, we would expect very few supertoxic substances to be required for peaceful purposes.

(H) We find promising the approach outlined by Canada for establishing specific toxicity standards. Under that approach, for both the lower and upper toxicity levels separate standards of lethality would be adopted for each of the three principal routes of entry into the human body. These standards might be expressed in terms of LD 50 values or in terms of reference chemical substances. As discussed in CCD/435, we believe an LD 50 (subscript) value of 0.5 mg/kg, or a value close to it, might be the optimal value for the upper threshold. For the lower threshold, Canada has suggested a value of LCT 50 (subscript) equal to 20,000 mg-min/M³ (superscript). We believe this is a useful starting point for discussions. For both the upper and lower thresholds, equivalent LD 50 values or reference substances would have to be found for each mode of administration. It would be essential, moreover, to devise agreed common experimental procedures for measuring toxicity in order to ensure uniform international application.

(I) To advance the prospects for agreement we believe the CCD should now focus on verification techniques that might be suitable for monitoring a production ban and the reduction of stockpiles. One technique for monitoring a ban on production is the exchange of information among treaty parties, perhaps through an international treaty authority. While we regard as limited the effectiveness of this

technique, we nonetheless believe it could serve as a useful confidence-building device. We believe it would be useful to seek to achieve a common understanding regarding information that treaty parties should exchange. Additional verification measures ought to be explored to increase confidence that production activity is not resumed at deactivated facilities.

(J) Although the USG has studied many techniques for providing a reasonable level of assurance that clandestine CW production is not taking place, none has been found to be more reliable for resolving serious questions regarding compliance, and for restoring confidence in compliance, than visits to the facilities in question. We believe it is important, therefore, to consider the modalities of an on-site inspection system.

(K) A verification system suitable for stockpile reduction would have to provide confidence that the specified level of lethal CW agent was actually being destroyed. We know of no way to verify the destruction of declared stockpiles except by on-site observation of the destruction process, and we believe that a procedure could be devised that would not reveal industrial or military secrets.

(L) An effective verification system for stockpile destruction must be capable of confirming that the type and quantity of the agent being destroyed have been correctly represented. We would hope to provide Soviet delegation in the near future with a paper stating preliminary views on procedures, involving monitoring instruments and inspection personnel, that we believe would be both feasible and helpful in achieving these objectives. We hope the Soviet Government will give this question detailed technical examination, drawing on its past experience in destroying highly toxic materials.

(M) We believe that an international consultative body of treaty parties could play an important role, not just to facilitate CW verification system, but more generally as a means of ensuring the efficient operation of a CW treaty regime.

(N) We plan to elaborate on many of the above points in a plenary statement that we will deliver shortly. We would be interested in hearing your reaction to the issues raised here as well as in the CCD speech.

8. If Soviets reiterate their request for bilateral technical meetings with experts on CW, del may respond that we plan to send CW experts to participate in informal CCD meetings tentatively set for early July and that these experts would be available at that time to discuss technical issues raised in our presentation.

Kissinger

187. Telegram 5682 From the Embassy in the Soviet Union to the Department of State¹

Moscow, April 13, 1976, 0511Z.

5682. Subject: My Call on Gromyko: Disarmament Questions.

1. During my call on Soviet Foreign Minister Gromyko on April 12 on another matter (septel) I mentioned successful conclusion of the negotiations for an agreement on peaceful nuclear explosions (PNEs). I mentioned the favorable comments by the President and the Secretary on the draft agreement and said that those of us who were involved also felt that this was a useful step forward. Gromyko replied that "we are very satisfied that we were able to reach agreement." This is a good step for bilateral relations and for the general state of international relations, he continued.

2. He then asked about the status of the Soviet proposals to ban new weapons of mass destruction (NWMD) which had been discussed during Secretary Kissinger's visit. These proposals, he said, seemed to be suspended between the ceiling and the floor and he mentioned having sent us a note on the subject. I replied that our answering note had pointed out that we were not prepared for talks yet and that there had been no further word since that time. Gromyko said that following the PNE agreement we should move forward on other matters such as the NWMD. I replied that perhaps such talks could be held in the framework of the CCD in Geneva, at which Korniyenko interjected that the U.S. had not sent its experts on this subject to Geneva. I said that we would ask about the status of the proposed talks on this subject.

3. Gromyko then raised the question of a comprehensive test ban agreement and said that the means to reach such an agreement exists technically. Both sides, he said, should work toward it. Although some countries will not participate (he mentioned China, France, "and perhaps others"), it would still be beneficial if the two main nuclear powers could agree to end all tests. Without it there is no example for other countries to follow. Such an accord would draw attention to the problem and would encourage others to follow suit. I said that we viewed

¹ Summary: Ambassador Stoessel provided a summary of his April 12 call on Soviet Foreign Minister Gromyko, during which they discussed the conclusion of the PNE negotiations, the Soviet new weapons of mass destruction proposal, and a comprehensive test ban.

Source: National Archives, RG 59, Central Foreign Policy File, D760143-0740. Secret; Exdis. All brackets are in the original except those indicating garbled text. Telegram 5681 from Moscow, April 13, and telegram 5686 from Moscow, April 13, are *ibid.*, D760139-0577 and D760139-0298. The negotiations on the PNE agreement ended successfully on April 8. See Document 192.

the TTB and the PNE agreements as useful steps and that both needed to be completed before we could talk concretely about further limitations on weapons tests or discussion of multilateral application of the agreements. I stressed that we were still not completely satisfied with the inspection and verification procedures in connection with a CTB and that this remained an area where we thought further steps would be necessary.

4. Gromyko said that the UN is an appropriate forum for disarmament discussions and various resolutions and various organs through which to promote disarmament talks. Gromyko mentioned SYG Waldheim's proposals concerning personnel for these UN bodies, "but the U.S. does not send any representatives" and does [garble] Gromyko, the U.S. does not have enough experts, or enough money to pay the experts.

5. The conversation then turned to other matters of bilateral relations.

Stoessel

**188. Telegram 2926 From the Mission in Geneva to the
Department of State and the Embassy in the Soviet Union¹**

Geneva, April 15, 1976, 1150Z.

2926. Subject: CCD: Informal Meetings on New Mass Destruction Weapons (MDW) April 7–8, 1976. Ref: State 81986 (Notal).

Summary: CCD held three informal meetings on Soviet MDW proposal in which experts from USSR, Hungary and GDR participated. Western delegations including U.S. raised questions about scope and content of proposed MDW convention, some (especially Canada and Italy) expressing strong skepticism and raising Soviet hackles. Non-aligned delegations remained silent except India, which supported

¹ Summary: The mission reported that the Conference of the Committee on Disarmament had, at Soviet request, held three informal meetings of experts in Geneva, April 7–8, concerning the Soviet new weapons of mass destruction proposal. After summarizing the three meetings, the Mission commented that the sense of the Western and non-aligned groups was that the MDW proposal "still lacked essential definition and substance."

Source: National Archives, RG 59, Central Foreign Policy File, D760143–0213. Limited Official Use; Priority. Repeated to Bonn, London, New Delhi, Ottawa, Rome, The Hague, Tokyo, ERDA, the Mission to the IAEA at Vienna, the Mission to NATO, the U.S. delegation to the SALT II talks in Geneva, and USUN. Telegram 81986 to Geneva, April 6, is *ibid.*, D760128–0656.

CCD making efforts on question. Although a number of possible "new" weapons applications based on various physical, chemical and biological principles were suggested, scope and content of MDW proposal remained pretty much undefined. Soviets contended repeatedly that other CCD members had obligation to help sponsors put content into MDW concept. They mooted, but did not formally propose, establishing experts group on definition. However, following meeting they seemed uncertain as to what they wanted to do next regarding the proposal. Soviets later inquired as to future U.S. initiatives. *End summary.*

1. At Soviet request, CCD held three informal meetings with experts April 7-8 on question of banning new weapons of mass destruction and new systems of such weapons. Soviets sent two experts, Hungary and GDR one each. No other country was represented outside of its regular CCD delegation.

2. After introduction by Soviet Rep Roshchin, primary USSR expert, Academician Fokin of Academy of Sciences, led off discussion in April 7 a.m. meeting. Turning first to question of specifying weapons to be covered in draft MDW treaty, Fokin cautioned that listing weapons ideas now in existence could omit even more threatening weapons that might emerge in future. Nevertheless, he conceded, some kind of definition must be arrived at.

3. Fokin focused on definitions of MDW in terms of their objectives (mass destruction of people, loss of self-defense capability, death), their methods of employment (physical, chemical, biological, genetic), and their effects (on men, environment, productivity). He asserted that certain R&D areas must be defined for prohibition, but did not state what these were. New weapons of mass destruction could be based on existing technology; on principles already developed (particle annihilation); or on entirely new principles. As specific examples Fokin cited transuranic fission weapons and laser fusion; the examples were drawn from presentations at an open symposium in U.S. in 1970, meeting without amplification or addition (Fokin made no direct attempt to include for prohibition new systems for the employment of existing (e.g., nuclear or chemical) weapons).

4. Fokin added that a basic definition of MDW would involve three aspects: (a) objects of use, e.g., human systems, environment, energy systems; (b) method of operation; (c) realization of the effect (i.e., losses suffered). Filling in this basic definition would give rise to all-encompassing definition.

5. Upon conclusion of Fokin's statement, Martin (U.S.) put forward following questions pursuant to instructions contained refel:

(A) What specific items would be included as examples of "new types" and "new systems" in Article I, Paragraph 1, of the draft convention?

(B) What "new types" of weapons of mass destruction do Soviet experts believe may emerge in the foreseeable future?

(C) What physical principles do Soviet experts believe could eventually provide the basis for a new type of mass destruction weapon?

(D) Article I, Paragraph 2, of the Soviet draft provides for further negotiations if new areas emerge in the development and manufacture of weapons of mass destruction and systems of such weapons not covered by the agreement. What is the meaning of the phrase “new areas”? How would agreement be reached as to whether or not new areas or systems had emerged? (Questions had been handed to SoviDel in advance.)

6. Schlaich (FRG) could not see how Soviet proposal could achieve the praiseworthy aim of preventive arms control. He said that authoritative interpretation of certain concepts was still lacking, e.g., it was unclear whether “new weapons” are completely new or embody development of existing ABC weapons. Schlaich asked whether genetic engineering was not actually covered by the Biological Weapons Convention. Commenting that verification and proof in context of MDW draft treaty seemed insurmountable problem, he called the complaints procedure involving Security Council “entirely inadequate.”

7. Allen (UK) was especially concerned regarding the distinction between “new types” and “new systems” of MDW. He agreed with Schlaich’s suggestion that genetic engineering was already covered by BWC and added that in considering the MDW question one must be careful to analyze what is and what is not covered by existing international instruments.

8. Di Bernardo (Italy) said “real life” definition of MDW was needed, but doubted that such definition could be developed. It was necessary, he said, to put content into any MDW agreement which at same time must not impede the beneficial development of new scientific techniques. Di Bernardo concluded that more specificity regarding proposal was needed in any case.

9. Ericsson (Sweden) asked whether draft treaty referred to new weapons and new systems of such new weapons or alternatively new systems of already extant MDW. He proposed that if intention was former, Article I be rephrased as “new weapons of MDW and new systems of such new weapons.”

10. Concluding morning’s discussion, Roshchin protested that Soviets wanted other countries to go beyond “negative questions” that had been raised. MDW definition, he said, was not the sole responsibility of the USSR. This was why informal meeting with experts had been called. Roshchin quite impassionedly maintained that all other members of CCD had obligation to add content to Soviet proposal. Thus he called on others to provide answers to U.S. questions, as he assured Soviets would.

11. In April 7 afternoon meeting second Soviet expert, Col. Sourikov, said two courses could be pursued: experts could develop definition of MDW and then move on to identifying specific weapons, or, alternatively, they could follow a concept which had been put forward earlier and establish a list of MDW and develop general prohibition from that. Definition, Sourikov said, should take into account new physical, chemical, or biological principles that could be used for military purposes, and measure these in terms of what they could do to humans. Under term MDW, he continued, should be considered new types of conduct of warfare that are being or may be found in research or study stage, based on qualitatively new methods of action and meant for new objectives of discussion.

12. Hungarian maintained that banning MDW was important because most such weapons are strategic in nature and if one country develops them others will have to as well. He stated that Soviet experts alone could not answer all questions put to them; answers could be found only after lengthy consultations in committee.

13. Mishra (India), the only non-aligned representative to intervene, supported the idea of a MDW convention. He said the CCD should pursue its consideration of this subject, which process could lead to "significant developments."

14. Opening April 8 informal meeting, GDR Rep Herder called it regrettable that other technologically advanced states had so far only asked questions. They should, he said, have volunteered "positive information."

15. Herder then introduced GDR expert, Prof. Lohs, a chemical toxicologist. In quite thorough presentation, Lohs proposed examples of new chemical weapons. These included new families of binary weapons based on high-toxicity carbamates and nitrosamines, which are too unstable for use in other than binary form. Synthetic toxins and pain-producing agents were cited as another example of possible future binary technology. Synthetically produced toxic peptides could undermine existing agreements.

16. According to Lohs delayed toxic effects could become important, as could highly toxic by-products of herbicides that can be produced as main components, which compare with V-agents in toxicity but for which, in contrast to the V-agents, there is no technically possible means of detoxification. Contamination of a town with, e.g., dioxin, would render it uninhabitable permanently without other damage. Effects of dioxin are long-lasting and can exterminate large population groups through diseases of metabolism or cancer. An additional example involved so-called "ethnic weapons," specific in their effects against certain ethnic groups due to the genetic disposition or enzymatic polymorphism of those groups. Such weapons, Lohs maintained, could

selectively exterminate specific ethnic populations without damaging others.

17. Barton (Canada) said his delegation had found Soviet experts' presentations "thought-provoking and illustrative of the vast dimensions of the problems coming within the scope of the Soviet initiative." Nevertheless, Barton said, procedures set forth in Article I of draft MDW agreement seemed inadequate to provide necessary definitions of what weapons and weapons types would be covered. Barton said that as with EnMod treaty it was necessary to define what was being banned with enough specificity so there would be no ambiguity about intentions and obligations being undertaken by treaty parties.

18. Barton raised another question relating to implementation of an agreement on MDW prohibition. In view of the sweeping nature of such an agreement he supposed it could not be implemented without adherence of all technologically and militarily advanced nations. But, he said, he would appreciate hearing Soviet views on this point which was "of some relevance in the light of the approach of some governments to these matters."

19. Soviets then essayed response to questions raised by Western delegations, especially U.S. According to Fokin, "new types of MDW" involved new means of waging war based on a new effect, chemical, physical or other. "New systems" involved the carrier and control mechanisms. Regarding specific "new types," Fokin postulated, e.g., "ethnic war" based on biochemical characteristics of races, psychotropic chemicals, use of infrasound and subsonic frequencies, acoustic and optical principles (lasers?), and radiological weapons.

20. Regarding "new areas" question, Roshchin said Fokin had pointed to three categories of MDW "that seem achievable:" (a) those based on already discovered scientific principles; (b) types for which there is scientific basis in principle, but scientific-technical means to bring them into being are lacking; (c) types based on entirely novel principles about which we currently know nothing. Roshchin maintained that draft treaty text answered question regarding agreement whether or not new area or system had emerged. This was to be subject of negotiation, he said.

21. In reply to other Western questions, Roshchin (a) doubted that MDW agreement would inhibit peaceful uses; (b) said not all technologically advanced states would need to join agreement. On latter point, he noted that "big majority" in UNGA, including Canada, had voted to refer MDW question to CCD; therefore he hoped that large number of technologically advanced countries would in fact participate in eventual agreement.

22. Meeting concluded with expressions of appreciation to experts, and with repeated Roshchin appeal to all CCD members to participate fully in dealing with "vitally important question."

23. *Comment:* General reaction among Western and non-aligned groups seemed to be that notwithstanding creditable efforts by Fokin and Lohs, MDW proposal still lacked essential definition and substance. Soviets seem somewhat uncertain where to go next with their proposal. A week after meetings they have failed to respond to widespread requests for English translations of Fokin's presentations. (GDR, in contrast, provided Lohs's statement overnight).

24. At April 9 co-chairmen's luncheon Roshchin asked if Martin thought committee should carry on in summer with more informal meetings on MDW. Martin said that he thought the present meetings had been very general and that if future meetings were to be of the same nature he personally had difficulty in seeing how the U.S. would be able to make any substantive contribution which would justify sending experts. If, however, the Soviets were prepared to designate specific areas or topics as the subject for consideration, Washington would be better able to consider in connection with its evaluation of the present meetings whether it would be worthwhile to send experts to future meetings.

Abrams

189. Telegram 92577 From the Department of State to the Embassy in the Soviet Union¹

Washington, April 16, 1976, 1812Z.

92577. Subject: Soviet Note on Nuclear Venting.

1. Soviet Chargé Vorontsov called on Deputy Assistant Secretary Armitage, April 13, and presented note on venting of nuclear tests. Soviet note was reply to démarche by Hartman to Vorontsov on December 23, 1975 (State 301860). Informal translation of Soviet note follows:

¹ Summary: The Department indicated that Soviet Minister-Counselor Vorontsov had met with Armitage on April 13 and provided him with the text of a note on venting of nuclear tests, in response to Hartman's démarche to Vorontsov on December 23, 1975. The Department also transmitted the informal translation of the Soviet note.

Source: National Archives, RG 59, Central Foreign Policy File, D760145-0563. Confidential; Immediate. Drafted by Glassman; cleared by McNeill, Davies, Montgomery, Baker, and Ortiz; approved by Armitage. Repeated for information to the Mission to the IAEA at Vienna, the Mission in Geneva, USUN, and the Embassies in London and Paris. Telegram 301860, which transmitted the text of the December 23, 1975, U.S. note, is Document 168.

2. *Begin text*: The Embassy of the USSR in the USA has been instructed to inform the U.S. Department of State of the following:

—With regard to note of the Department of State of December 23, 1975, the competent Soviet organs conducted a careful analysis of the data connected with the execution of underground nuclear tests in the Soviet Union on August 23, October 18, and October 21, 1975. The examination showed that in the conduct of these explosions all the conditions necessary to exclude the possibility of a fallout of radioactive particles (*chastitsy*) outside the territory of the USSR were created and observed;

—The Soviet side cannot agree with the statement contained in the note of the State Department that a violation of the provisions of the Moscow Treaty of 1963 supposedly took place.

—The Soviet Union, as has been declared many times, attaches great significance to the observance of the conditions of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, in accordance with which explosions are prohibited that cause radioactive fallout (*osadki*) beyond the bounds of national territory. The appropriate Soviet organs have taken and will continue to take necessary measures directed toward strict fulfillment of the demands of this treaty.

—At the same time, the Soviet side cannot but direct the attention of the American side to the fact that the appropriate Soviet monitoring services have more than once registered outside the national borders of the USA the appearance of radioactive products (*produkty*) from nuclear tests conducted by the USA. Such radioactive products were detected, in particular, from explosions conducted by the USA on January 3 and February 4, 1976. The Soviet side expects that the American side will take appropriate measures to exclude such occurrences in the future. *End text*.

3. Vorontsov added “oral statement:” Moscow attaches serious significance to observation of the Limited Test Ban Treaty (LTBT). Moscow hopes that the U.S. side *begin quote* more strictly evaluates the factual situation in the future so that unfounded facts do not interfere with new agreements curbing the arms race *end quote*.

4. Armitage pointed out that the United States maintains strict standards on its collection of data and scrupulously complies with the provisions of the LTBT. He noted that in light of the PNE treaty and the desirability of future arms control progress, it was absolutely essential that the LTBT be strictly observed. Vorontsov responded that both sides should be more careful of their explosions and their allegations of venting. Armitage indicated that the United States was careful in both regards.

5. FYI December 23 U.S. démarche stated that venting of Soviet explosions had been “inconsistent with the provisions” of the LTBT and did not directly accuse Soviets of violation of LTBT. *End FYI.*

Robinson

190. Memorandum from the President’s Assistant for National Security Affairs (Scowcroft) to President Ford¹

Washington, April 19, 1976.

SUBJECT

Negotiation of a Nuclear Agreement with Iran

Following your instructions (Tab D), ERDA Administrator Seamans, accompanied by Under Secretary of State Maw, met with the Shah in Tehran to exchange views on those aspects of our draft nuclear agreement which remain unresolved. Dr. Seamans has reported to you in detail on the talks (Tab C), and the Shah has responded to your letter carried by Seamans (Tab B).

The discussions focused primarily on the question of chemical reprocessing in national facilities and our perception of its relationship to a global non-proliferation strategy. The Shah emphatically reiterated his commitment to non-proliferation objectives for his country and for the world. However, while he would want to consult with the U.S. and actively seek our cooperation (or that of other major nuclear supplier states) in establishing a reprocessing facility in Iran on a joint basis, he has been unwilling to commit to such a joint venture as the sine qua non for our approval of the reprocessing of U.S.-supplied fuel in Iran.

¹ Summary: Scowcroft summarized recent discussions among ERDA, Department of State, and Iranian officials on a nuclear agreement. Scowcroft recommended that Ford approve an option for the U.S. position in upcoming talks with the President of the Iranian Atomic Energy Commission and approve Scowcroft’s signing of an implementing memorandum.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 64, NSDM 324—Negotiation of Nuclear Agreement with Iran. Confidential. Sent for action. A stamped notation on the first page indicates that Ford saw the memorandum. Tab A, as signed, is Document 191. Tab B, the Shah’s March 4 response to the President, is not attached and not found. Tab C is Document 182. Tab D is Document 172. Tab E is not attached and not found. Ford approved the recommendation. Also printed in *Foreign Relations*, 1969–1976, volume XXVII, Iran; Iraq, 1973–1976, as Document 172.

It was agreed in the meeting with the Shah that Dr. Etemad, President of the Iranian Atomic Energy Commission, would come here to make a concerted effort at resolving our differences and reaching ad referendum agreement on the provisions of a nuclear agreement. Dr. Etemad will be in Washington on April 20–21 for these negotiations, and your decision is needed on our negotiating position.

The lack of a nuclear agreement represents a serious irritant in our relations with Iran. It also is an obstacle to the leading U.S. private enrichment venture—Uranium Enrichment Associates—in obtaining Iran's commitment to be a major investor and customer. It is in our interest, therefore, to be as forthcoming as possible, consistent with our non-proliferation objectives and Congressional attitudes.

The options for our position in our talks with Dr. Etemad are:

—Maintain our current position that reprocessing be carried out in Iran only on a multinational basis, with binational partnership between Iran and the supplier of the reprocessing technology (e.g., the U.S.) being an acceptable fallback.

—Same as above, however, if Iran is unable to find a partner(s), and we do not wish to participate, the U.S. would have the option to buy back (or exchange additional fuel for) Iran's spent fuel to obviate the need for reprocessing. Finally, if we were not to exercise the buy-back option, Iran would be permitted to reprocess in a national plant, with the understanding that the U.S. could supplement the safeguards of the International Atomic Energy Agency with bilateral measures.

The first option is our present position and has been rejected by Iran. It would be the most acceptable to Congress. DOD continues to support it, but could be expected to reluctantly accept the second option (agency views are at Tab E).

The second option introduces the new concept of buy-back and we are uncertain as to Iran's reaction. For practical and philosophical reasons, they may not be willing to condition their reprocessing on an unpredictable future U.S. decision regarding buy-back. This second option would face greater resistance on the Hill than the first option but might still be acceptable. State and ACDA support the second option, and State would be willing to drop the buy-back provision as our final fallback position. ERDA prefers the second option and would support dropping the buy-back provision if, as they believe it will, the proposal proves unacceptable to Iran. DOD does not favor the second option out of philosophical concern for the proliferation impact.

It seems pointless and quite possibly counter productive to consider pursuing the first option. Our non-proliferation goals are largely met by the second option since it reserves to us the option to participate in an (eventual) Iranian reprocessing plant, either in the role of co-owner or as the provider of supplementary safeguards. I recommend you approve the second option and authorize the buy-back requirement

be withdrawn if necessary to reach agreement. The overall position is consistent with our interest in maintaining close relations with Iran. Congressional and NRC support will be confirmed before returning the agreement for your approval.

Recommendation:

That you approve the second option and approve my signing the necessary implementing memorandum at Tab A.

The Domestic Council concurs.

191. National Security Decision Memorandum 324¹

Washington, April 20, 1976.

TO

The Secretary of State
The Secretary of Defense
The Director, Arms Control and Disarmament Agency
The Administrator, Energy Research and Development Administration

SUBJECT

Negotiation of a Nuclear Agreement with Iran

The President has reviewed the report of Dr. Seamans and the recommendations of the addressees regarding our nuclear negotiations with Iran and has approved the following negotiating position for the forthcoming talks convening on April 20 with the Iranian representative. The U.S. side should:

—Seek a strong political commitment from Iran to pursue the multinational/binational reprocessing plant concept, according the U.S. the opportunity to participate in the project. In addition to citing the economic rationale for such a facility, the U.S. side should underscore the potential role of the facility in serving mutual U.S.–GOI non-proliferation in the region by offering Pakistan the possibility of

¹ Summary: After reviewing ERDA Administrator Seamans's report and agency recommendations regarding U.S. nuclear negotiations with Iran, President Ford approved a negotiating position for the forthcoming U.S.-Iran talks on nuclear issues.

Source: Ford Library, National Security Council, Institutional Files—NSDMs, Box 64, NSDM 324—Negotiation of a Nuclear Agreement with Iran. Confidential. Copies were sent to Brown and Bush. Also printed in *Foreign Relations*, 1969–1976, volume XXVII, Iran; Iraq, 1973–1976, as Document 173.

participation in a multinational plant as an alternative to a national reprocessing facility.

—Seek a commitment from Iran to consult closely with us on its prospective reprocessing plans before making any firm decision whether multinational or otherwise. The U.S. side should offer to help Iran assess, in detail, the economic viability of proceeding with any reprocessing venture and the modalities of possible multinational configurations.

—In the event Iran agrees to make efforts to establish a multinational plant and is unsuccessful, the U.S. should have the option to recover the plutonium produced in U.S.-supplied reactors or from U.S.-supplied fuel either on the basis of buy-back or a fuel exchange. Were the U.S. not to exercise this option, we would be prepared to consent to reprocessing in an Iranian plant subject to: (a) the continuing requirement that we be satisfied that the IAEA safeguards applied to the facilities are effective; and (b) Iranian agreement that the U.S. could supplement these IAEA safeguards through the assignment of U.S. technical personnel, if necessary. Should it prove essential, in the view of the negotiators, to the achievement of an ad referendum agreement, they are authorized to withdraw the plutonium buy-back option.

—Seek (1) to maintain the integrity of the text of the basic draft Agreement for Cooperation in the Civil Uses of Atomic Energy, which includes a provision requiring mutual consent for the reprocessing, storage, and fabrication of plutonium derived from U.S. fuel or reactors, and (2) to provide Iran in an accompanying note a statement of the conditions, as outlined above, under which U.S. consent would be granted. If Iran objects strongly to this arrangement, the U.S. side should, in return for a clear high-level commitment from Iran to pursue the binational/multinational concept, agree to incorporate the statement of the conditions of consent in the body of the agreement.

If an ad referendum agreement is reached, key members of Congress and the Nuclear Regulatory Commission should be consulted to judge the acceptability of the agreement.

Brent Scowcroft

192. Telegram 95986 From the Department of State to the Mission in Geneva and the Mission to the North Atlantic Treaty Organization¹

Washington, April 21, 1976, 0118Z.

95986. Subject: PNE Treaty.

1. *For USNATO.* Text of briefing paper on PNE treaty, protocol, and agreed statement is given below beginning para 3. Briefing paper should be circulated ASAP under cover of letter from U.S. Rep together with suggestion that any questions about paper could be raised at next NAC meeting.

2. *For Geneva.* U.S. Rep to CCD may draw on briefing paper to brief Western group (NATO allies and Japan) on classified basis.

3. United States and Soviet negotiators have completed an ad referendum text of an agreement governing underground nuclear explosions for peaceful purposes (PNEs). This agreement was mandated by the treaty on the limitation of underground nuclear weapon tests (the "Threshold" Test Ban Treaty, or TTBT) signed on July 3, 1974. The ad referendum text has been submitted to the respective governments for final approval before signature.

4. As negotiated, the agreement consists of a treaty, a protocol to the treaty, and an agreed statement which delineates certain important activities that are not contemplated by the term "peaceful application," as used in the treaty.

5. The provisions of these three documents fully complement the provisions of the TTBT and thereby establish a comprehensive system of provisions governing underground nuclear explosions of the U.S. and the USSR. The TTBT will govern explosions at specified weapon test sites, and all such explosions are considered to be nuclear weapon tests. The PNE treaty governs all other underground nuclear explosions, which are permitted only for peaceful purposes, wherever conducted outside the weapon test sites.

6. The PNE treaty limits the yield of individual explosions to 150 kilotons. By specifying the same threshold as the TTBT, the PNE treaty

¹ Summary: The Department transmitted the text of a briefing paper on the PNE treaty, protocol, and agreed statement, noting that the three documents "establish a comprehensive system of provisions governing underground nuclear explosions of the U.S. and the USSR."

Source: National Archives, RG 59, Central Foreign Policy File, D760150-0160. Secret; Priority. Drafted by Corden and Givan; cleared by Sloss, Marcum, Robert Martin, John Hawes (EUR/RPM), Kelly, and Jerome Hoganson (S/S); approved by Davies. Repeated for information to Moscow.

recognizes the fact that it has not been possible to distinguish between nuclear explosive device technology as applied for weapons-related purposes and for peaceful purposes. The parties devoted considerable effort to an investigation of whether it would be possible to accommodate individual explosions with yields greater than 150 kilotons under the treaty, consistent with the agreed aim that weapons-related benefits precluded by the TTBT should not be derived from PNEs. The yield threshold for individual explosions is a recognition that no means of making such an accommodation has been discovered.

7. The treaty defines a category of explosions called “group” explosions; a group consists of several individual explosions in sufficiently close proximity in distance and time that teleseismic means cannot reliably distinguish and measure the yields of the individual explosions in the group. The aggregate yield of a group cannot exceed 1500 kilotons, and, of course, the yield of each individual explosion in the group must not exceed 150 kilotons.

8. For any group explosion whose planned aggregate yield exceeds 150 kilotons, in order to ensure that no individual explosion has a yield exceeding 150 kilotons, the treaty provides that observers of the verifying side will be permitted on-site, where they will have the unqualified right to measure the yield of each individual explosion in the group by means of electrical equipment that measures the velocity of propagation of the shock wave in the close vicinity of the explosion. Thus the PNE treaty introduces a singular breakthrough in arms control: For the first time the USSR has agreed to provisions allowing on-site observation on their own territory.

9. When the planned yield of a group explosion is between 500 and 1500 kilotons, the observers will in addition have the unqualified right to deploy a network of seismometers at the site to assist in detecting any undeclared explosion that might be detonated under the cover of the PNE. For explosions having yields between 100 and 150 kilotons, observers will be present if the need for their presence is mutually agreed to between the parties on the basis of available information. Under these circumstances, their functions will be to confirm geological and other information in order to assist in the teleseismic determination of the yield of the explosion. Observers will also confirm the geological and other information provided by the party carrying out the explosion at higher aggregate yields.

10. This scaling of functions with the aggregate yield of an explosion provides a level of verification proportional to the possibility of evasion of the 150 kiloton limit on the yield of the individual explosion, as well as a basic capability at all yields to confirm that the circumstances of the explosion are consistent with the stated peaceful purposes. For example, the possibility of a clandestinely emplaced explosive deto-

nated under the cover of a group explosion with an aggregate yield of 500–1500 kilotons is greater than if the PNE is at a lower yield, and therefore, as noted above, a local network of seismometers is provided for to help confirm the absence of such explosion.

11. Below 100 kilotons, the PNE treaty makes no provision for observers, and verification will be on the basis of national technical means supplemented by detailed data supplied to the verifying side by the party carrying out the explosion. National technical means, assisted by such data, will provide adequate assurance that individual explosions having yields greater than 150 kilotons are not being conducted.

12. There are a number of other important features of the PNE treaty, including the following:

(A) For any PNE, regardless of yield, information is to be provided about the purpose, location, date, planned yield, depth of burial, geology, number of explosives and their relative locations, and about the specific features of the project which could influence the determination of the yield beforehand; and the results of the explosion must be provided afterwards. More extensive information provisions are established for explosions of higher yields;

(B) Any underground nuclear explosion for peaceful purposes must be carried out in a manner fully consistent with existing treaty obligations, in particular with the provisions of the Limited Test Ban Treaty, which prohibit underground nuclear explosions that cause radioactive debris to be present outside the boundaries of the state in which the explosion was carried out;

(C) A joint consultative commission is to be established to “promote the objectives and implementation of the provisions” of the agreement; it will provide a consultation forum where, for example, technical issues may be discussed;

(D) Consideration of the question of carrying out individual explosions with yields greater than 150 kilotons is expressly deferred to an unspecified future time. It should be emphasized that the PNE treaty (as noted above) prohibits such explosions and would require amendment to provide for them;

(E) The inseparability of the TTBT and the PNE treaty is further recognized by making identical the duration of five years for both agreements, and by the provision that neither party may withdraw from the PNE treaty while the TTBT remains in force;

(F) The treaty will govern all underground nuclear explosions for peaceful purposes that might be carried out by either the U.S. or the USSR not only on their own territories but also, consistent with Article V of the Non-Proliferation Treaty, on the territories of third countries in the future;

(G) The treaty provides for the development of mutually beneficial cooperation in various areas related to PNEs, although no specific form of such cooperation has either been discussed or agreed upon;

(H) Both parties have pledged to continue to fulfill their obligations under Article V of the NPT, to assist the IAEA with regard to the international agreements and procedures referred to in this article, and to keep the IAEA informed of the results of any cooperative efforts that they develop.

13. The agreed statement specifies that a “peaceful application” of an underground nuclear explosion does not include the development testing of nuclear explosives. Nor would associating test facilities, instrumentation or procedures with any explosion carried out under the treaty constitute a “peaceful application.”

Robinson

193. Memorandum From Secretary of State Kissinger to President Ford¹

Washington, April 22, 1976.

SUBJECT

Signature of PNE Treaty

Soviet PNE negotiators have stated that they would like to see the PNE agreement signed at the “highest” level as was the case with the Threshold Test Ban Treaty signed by Brezhnev and President Nixon at the July 1974 summit. From the standpoint of our overall relations with the Soviet Union, there are advantages in Presidential signature of the agreement.

¹ Summary: Kissinger informed Ford that the Soviet negotiators stated that they would like to see the PNE agreement signed at the Presidential level. Kissinger agreed, noting that a “high visibility signing coupled with a statement by you reaffirming our interest in resolving differences with the Soviets by negotiation would be well received domestically.”

Source: Ford Library, National Security Adviser, Presidential Subject File, Box 15, Peaceful Nuclear Explosions (PNE) Treaty (1). Secret. Sent for action. Published from a copy that does not show Ford’s approval of the recommendation, but see Document 197. Boverie sent the memorandum to Scowcroft under a May 5 memorandum, indicating that Kissinger had signed the memorandum “in a rush” before departing for Africa and noting that the NSC Staff did recommend that the memorandum be sent to Ford.

Considering the tense situation in southern and eastern Africa and the Middle East, we may have to continue to make clear our opposition to Soviet adventurism in coming months. Simultaneous reaffirmation that an alternative to increasing confrontation with the United States exists could be useful in terms of Soviet leadership perceptions. This is particularly the case given the apparent current impasse in SALT negotiations and the lack of progress in MBFR.

Past arms control agreements with the Soviets have been treated with considerable fanfare; all previous treaties have been signed by the President and given considerable publicity here. The Soviets wanted to see the exchange of instruments of ratification of the ABM Protocol given some prominence, but in view of the Angola situation we chose to handle it in the lowest possible key. A decision to treat the PNE agreement in a similar fashion could reinforce the attitude we see reflected in recent Soviet pronouncements on U.S.–USSR relations that in the election-year atmosphere little can be accomplished with us. Should this perception continue, it could fortify leadership reluctance to make concessions on issues of dispute (Africa) or negotiation (SALT) in the months to come.

We believe that a high visibility signing coupled with a statement by you reaffirming our interest in resolving differences with the Soviets by negotiation would be well received domestically. Such a statement should highlight the significance of the PNE agreement in establishing, for the first time, the principle of on-site observation. This agreement, as a most useful forward step in our efforts to control nuclear proliferation and testing, should command broad support. We expect it to be reviewed and initialled within about ten days and the signature ceremony could be scheduled at any time after that.

Recommendation:

That after the texts have been reviewed and initialled you authorize me to propose simultaneous signature “at the highest level.”

Approve _____

Desired timing of signature _____

Disapprove _____

194. Telegram 3110 From the Mission in Geneva to the Department of State¹

Geneva, April 23, 1976, 1514Z.

3110. Disto. Subj: CCD—Wrap-up of Spring 1976 Session.

Summary. During its spring 1976 session CCD spent most time on environmental modification and procedural matters, with attention also being given to Soviet proposal on new weapons of mass destruction, chemical weapons and question of a comprehensive test ban. This message reviews major developments at spring session with respect to CW, MDW, and procedural matters. Developments on environmental modification and CTB (primarily informal meetings with experts on CTB) are reported in septels. *End summary.*

1. Chemical Weapons (CW). Early in session several Soviet allies blamed U.S. for lack of progress on CW, particularly for inaction on joint U.S.–USSR initiative pursuant to 1974 summit. Later Sweden said joint initiative had “lost its credibility” and that CCD should proceed with CW work on basis of proposals before it (especially Soviet bloc and Japanese draft conventions and non-aligned working paper). Several other dels supported this view. At FRG request, committee scheduled informal CW meetings with experts for week of July 5.

2. After advance communication with SovDel, U.S. April 13 delivered major statement reiterating view that initial stage of phased CW agreement should cover all lethal agents rather than just highly toxic ones, and describing alternative approaches to framing scope of phased CW limitations. Statement explored associated verification problems in depth. It concluded with expression of willingness to pursue “two-track” approach (i.e., further contacts with Soviets and concurrent work on CW by CCD). Well-received statement at minimum should reinforce

¹ Summary: The mission transmitted a summary of the spring Conference of the Committee on Disarmament’s spring session, emphasizing developments related to chemical weapons, the Soviet proposal on new weapons of mass destruction, and procedural issues.

Source: National Archives, RG 59, Central Foreign Policy File, D760156–0150. Confidential. Repeated for information to Bonn, London, Moscow, Rome, The Hague, Tokyo, ERDA, the Mission to the IAEA at Vienna, the Mission to NATO, the U.S. delegation to the SALT II talks in Geneva, and USUN. For the April 13 U.S. statement, delivered at the CCD plenary meeting, see telegram 2884 from Geneva, April 14. (Ibid., D760141–0612) The Japanese working paper is referenced in telegram 2093 from Geneva, March 25, 1975. (Ibid., D750104–0275) The German working paper is referenced in telegram 6154 from Geneva, August 5, 1975. (Ibid., D750270–0497) The Swedish working paper and a record of the April 22 plenary meeting are in telegram 3095 from Geneva, April 23, 1976. (Ibid., [no film number]) A record of the informal meetings on April 7 and 8 regarding the Soviet proposal on new weapons of mass destruction is in telegram 2926 from Geneva, April 15, 1976. (Ibid., D760143–0213)

awareness of complexity of CW problems, and may serve to moderate criticism of U.S. for failure to make treaty proposal. However, there will be need for follow-up during summer session and, in particular, at July experts' meeting (e.g., by providing working paper on stockpile destruction verification forecast in statement. Moreover, Italian Rep was told by Roshchin that there was "nothing new" in U.S. presentation perhaps indicating Soviet desire to counter favorable impact of statement. Japanese, Indian, and Argentine Reps have urged us to introduce joint initiative as soon as possible.

3. Preparation for experts' meeting will also have to take into account recently introduced Japanese working paper on agents to be covered in initial agreement and last year's FRG working paper on classification, both of which contain ideas on scope of first phase agreement that are at variance with U.S. view that such an agreement should cover all lethal CW agents. In addition to considering various proposals regarding questions of scope and definition, we would expect experts' meetings to concentrate on CW verification. Sweden, which introduced working paper on verification of CW stockpile destruction April 22, has indicated desire to examine verification issues in depth, including ideas contained in U.S. statement such as technical exchange visits to chemical facilities. Interest in verification generated by U.S. statement and Swedish working paper has put Soviets on defensive. At April 22 plenary Roshchin supported as adequate verification provisions of Soviet bloc draft treaty and held that supplementary measures, such as direct technical means of verification such as soil sampling, could be performed by national control organs provided for in Soviet draft.

4. New Weapons of Mass Destruction (MDW). Soviets did not appear to make much headway in CCD with their proposal to ban new MDW and new systems of such weapons. Informal meetings with experts were held April 7-8 at USSR's request. Despite Soviet and GDR experts' fairly creditable efforts at explanation of possible new weapon development, meetings left Western delegations largely unsatisfied with answers to questions that they (U.S. included) had raised regarding substance and definition of MDW proposal. (Secretariat's unofficial summary of informal meetings on MDW and summary of Soviet experts remarks, which was prepared by Soviet Del, being pouched to ACDA/IR.) Among non-aligned, only Sweden and India intervened; former joined Western dels in analytical queries, while latter offered gesture of encouragement for further CCD consideration of question. Soviet responded to "negative" Western and Swedish questions with repeated contention that all CCD members had obligation to help sponsors of proposal add content to it. Despite pervasive lack of support from West and non-aligned indifference, Soviet investment is already so substantial as to render it unlikely they will abandon MDW project.

They may propose additional informal meetings with experts for summer session, although U.S. Del was not encouraging in response to private USSR feeler in this connection. We would expect Soviets to press us on MDW issue during recess.

5. Procedural Matters. U.S. proposal for comprehensive review of CCD procedures during 1976 prompted mixed reactions. Soviets were very skeptical of taking initiative in this area, seeing review primarily as opportunity for non-aligned to step up pressure for abolition of U.S.-Soviet co-chairmanship. However, they expressed willingness to cooperate with us in carrying out review and pressed for close coordination before it begins (now anticipated in second half of July). Non-aligned group appears sharply divided on procedural questions. While some, particularly Sweden and Yugoslavia, took strong stands for abolition of co-chairmanship, others, most prominently Nigeria, expressed surprisingly conservative views in favor of retaining co-chairmanship unless and until France (and China) indicated willingness to join if system were changed. Interest of Western dels in replacing co-chairmanship has cooled considerably as a result of their recent contacts with France, which contacts have indicated little change in aloof French attitude toward CCD (see septel). U.S. proposal served useful purpose in eliciting statements from several non-aligned endorsing existing rules, including especially decision-making by consensus.

6. No formal action to implement proposed review was taken during spring session as consequence of protracted consideration of organizational matters for 1976. Committee reached early agreement on extensive schedule of informal meetings focusing on specific topics (EnMod, new weapons of mass destruction, CTB, and CW), which allayed pressures for development of fixed program of work and "time-table" based on priorities established by UNGA.

7. Committee also agreed in principle to two procedural changes for 1976: a slight expansion of CCD communiqués to mention subjects discussed by speakers, and giving responsibility to Secretariat, rather than co-chairmen, for drafting CCD's report to UNGA. Co-chairmen would nevertheless continue to sign and transmit report. The non-aligned, however, held formal approval of these changes hostage to agreement on a Mexican proposal for establishment of a permanent subcommittee to negotiate texts of agreements. This proposal proved highly contentious, with Soviets in particular stating vigorous opposition to idea, which they regarded as effort to undermine co-chairmanship by radical revision of CCD organization and operating methods. U.S. and, to lesser degree, Western delegations expressed opposition to permanent subcommittee, while indicating willingness to agree to ad hoc working group on EnMod during summer session. By end of spring session, committee had failed to find formula acceptable to all

concerned, and matter was deferred to summer session. Imbroglia over creation of a subcommittee may have cooled the interest of some delegations in seeking major changes in course of comprehensive review. At same time, however, it may fuel criticism of the CCD at the upcoming session of the ad hoc committee on role of the U.S. disarmament. *Comment:* U.S. Del believes it would be useful to maintain contacts with Soviets on procedural issues during recess in order to improve prospects of compromise solution to subcommittee problem and, in general, of successful outcome on procedural questions during summer session.

Dale

195. Telegram 6464 From the Embassy in the Soviet Union to the Department of State¹

Moscow, April 26, 1976, 1504Z.

6464. Subj: Israelyan on CTB. Ref: State 95642.

1. *Summary.* When I asked MFA International Organizations Division head Israelyan April 26 whether Gromyko's suggestion April 12 that the U.S. and USSR discuss CTB represented a departure from previous Soviet positions, he replied:

—That it was his impression Gromyko had in mind initial talks among the three depository states of the Moscow Treaty, the USSR, U.S. and UK, which would not exclude subsequent participation of other nuclear weapons states;

—That the main point was to move the CTB idea forward, following its identification at the 25th Soviet Party Congress as a main task;

—That the 1974 Soviet suggestion of bilateral talks remained on the table, as Brezhnev had noted in Warsaw on July 21, 1974;

¹ Summary: Ambassador Stoessel reported on his April 26 meeting with Chief of the International Relations Division of the Soviet Ministry of Foreign Affairs Israelyan, during which they discussed a potential CTB agreement and Soviet positions on other disarmament initiatives.

Source: National Archives, RG 59, Central Foreign Policy File, D760158-0587. Confidential. In telegram 95642 to Moscow, April 20, the Department provided points to raise in response to disarmament questions Gromyko had raised with Stoessel. (*Ibid.*, D760149-1018)

—That the Soviets had resorted to the UN only after the U.S. had not assented to more limited talks and would continue to press their CTB initiative in the UN, though he was not optimistic about the ad hoc committee;

—That the 1975 NPT Review Conference had highlighted non-aligned criticism of both the U.S. and USSR for lack of further progress;

—That the Soviets recognize the importance of the verification problem, see some merit in the precedents provided by the way it was handled in the BW and seabed agreements, but are not rigid. He did not respond when I noted I understood the CTB verification problem to be concentrated in the rather narrow band of explosions of 20 KT and below. *End summary.*

2. During my April 26 call on MFA International Organizations Division head Israelyan, the following exchange took place on CTB.

3. I introduced the topic by noting that as I had understood him in our April 12 talk, Foreign Minister Gromyko had stressed the importance of our two countries reaching some sort of agreement on CTB. As I recalled it, he had said that perhaps other nuclear weapons states might not be prepared at the outset to join in, but it was important for U.S. to agree. Since this seemed to depart somewhat from the previous Soviet position that all nuclear weapons states participate in bringing a CTB into force, I said I would appreciate any comment Israelyan would care to make on the subject.

4. Israelyan (who seemed well-prepared to discuss the matter) replied that there was a certain historical background. The Soviet side had suggested the possibility of bilateral agreement on a CTBT to the U.S. in May 1974 at the summit. As he understood it, the American side had responded that it was not ready. Subsequently, Brezhnev had alluded to this exchange on July 21, 1974, in Warsaw, in connection with the Polish National Holiday. (Later he called for and read the appropriate passage from Brezhnev's speech. Referring to the recent TTBT agreement, Brezhnev had said we want to go even further and are ready to go further; in particular, the Soviet Union was ready to conclude a CTBT agreement; it had not been possible to reach agreement on this matter, but giving life to the Soviet proposal would be a new contribution which would be generally welcomed, and, Israelyan continued, Brezhnev had concluded "we hope the time will come when agreement will be possible.")

5. Then, Israelyan went on, mainly on the basis of the discussions at the NPT Review Conference in Geneva in 1974, where both sides were criticized for lack of further progress, the Soviets decided to push the matter forward with a new UN proposal. The result was their UNGA resolution. Unfortunately, the U.S. was still not ready to negotiate in accordance with UNGA Resolution 3478.

6. The Soviets are now seeking new possibilities for moving this matter along, Israelyan continued. Brezhnev had named this as a major task at the 25th Party Congress. Concerning Gromyko's suggestion, Israelyan understood on the basis of the report he had seen that Gromyko has raised the possibility of moving the idea forward among the three depository states of the Moscow Treaty, the USSR, the U.S., and the UK.

7. As Brezhnev had said, the proposal made in 1974 stands. His private opinion, Israelyan noted, was that if the U.S. is interested it would be possible to start CTBT negotiations among the Soviet Union, the U.S. and the British, having in mind that they could be joined later by others. The question of when and how this could be done remained, but as he understood it the Minister was not excluding this possibility, merely suggesting beginning with the Moscow Treaty depositories as a first step. The important thing was not to leave the possibility of moving forward open forever.

8. I interjected that I had understood the Minister to say that others might at some time see the advisability of participating. Israelyan merely reiterated that the CTBT had been named as one of the first arms control talks at the 25th Congress. If you are interested, he said, I see a real possibility of forward movement. He was not very optimistic about prospects in the UN ad hoc committee, he said. The Soviets had taken their new proposal to the 30th UNGA without illusions about possible changes in the attitudes of the Chinese "or even" the French, after not succeeding in their approach to the U.S. in 1974. They would continue their initiative in the UN, however; frankly, they would take advantage of the mood in the UN, where the world majority supports the initiative. But, since the Party Congress had identified CTBT as a task to be implemented, they were thinking of ways to move it practically, and one of the conclusions of the Geneva Review Conference was that something had to be done, and the non-aligned states were criticizing both our countries. Thus, the Soviets are ready, he concluded, on condition that other nuclear nations are too.

9. When I pointed out that, as he knew and I had told Gromyko, verification remained a very important problem for us, Israelyan asked if we had received the document on national means of verification submitted by the Swedes in the CCD. When I replied that we had a report, but not the document, he said the Soviets did not have it either, but that it might be a very important document, which should be studied and might help to move verification matters forward.

10. When I recalled that the Soviets had not sent experts to the CCD verification meeting, Israelyan said that the ad hoc committee was to discuss a draft tabled by the USSR, and the Soviets did not favor parallel work in several fora. However, the fact they had not sent

experts did not mean they never would. The main idea he wished to convey was that the Soviets are very much interested in implementing the CTBT concept in general. There can be different approaches to a CTBT with the participation of all nuclear powers; Gromyko was expressing one idea for helping to reach this goal.

11. When I asked again about verification, Israelyan replied that our PNE experience indicates that if good will is there much is possible. Certain treaties, for example on bacteriological weapons and mass destruction weapons on the seabed, establish verification procedures which are satisfactory at least to the Soviets, and these practices might be used again. However, the Soviet approach is not rigid; verification is certainly a problem to be discussed.

12. I noted that as I understood it the verification problem with regard to CTB was concentrated in the area of blasts of 20 KT repeat 20 KT and below, where there was a real danger of confusion with earthquakes and other seismic events. Thus, the problem band was not excessively wide.

13. Israelyan responded only that the Soviet side would be grateful for a response, and especially a positive response, concerning its suggestion. I promised to report our conversation to Washington.

Stoessel

196. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to Secretary of State Kissinger, Secretary of Defense Rumsfeld, the Director of the Arms Control and Disarmament Agency (Iklé), and the Administrator of the Energy Research and Development Administration (Seamans)¹

Washington, May 27, 1976.

SUBJECT

Threshold Test Ban Treaty Oral Understanding

The Agency positions and previous negotiating record concerning the Threshold Test Ban Treaty oral understanding on slight unintentional breaches of the threshold have been reviewed. As a result, it has been decided that:

—The U.S. will draw no distinction between “actual” and “design” yield with regard to the type of yield intended in the Treaty.

—The U.S. will conduct nuclear weapons tests in accordance with previous guidance contained in the Under Secretaries Committee report on the second-half FY 76 test program and approved in NSDM 319—i.e., we will test at design yields up to 150 kilotons.

—As required by NSDM 319, the Under Secretaries Committee testing policy should be revised in the next semi-annual nuclear weapons test program review “to include recommended measures to reduce the probability of yields in excess” of the threshold.

In light of his previous discussion with the Soviets pursuant to NSDM 256, Ambassador Stoessel should review with the Soviets the previous understanding and confirm the following points:

—Both sides will make every effort to comply fully with all provisions of the Threshold Test Ban Treaty.

—As agreed in previous discussions, there are technical uncertainties associated with predicting the precise yield of nuclear weapon

¹ Summary: Scowcroft noted that the agency positions and previous negotiating record concerning the TTBT oral understanding on slight unintentional breaches of the threshold had been reviewed. As a result, he stated, the administration had approved three positions regarding the oral understanding.

Source: Central Intelligence Agency, OP 10 (Executive Registry Subject Files (DCI Area), Job 79M00467A, Box 25, Folder 472, NSC Under Secretaries Committee, 010176–311276. Secret. Copies were sent to Brown and Bush. NSDM 319, “Underground Nuclear Test Program for the Second Half of FY 1976 and the Transition Quarter (1),” March 2, is in the Ford Library, National Security Council, Institutional Files—NSDMs, Box 63, NSDM 319. NSDM 256 is Document 54. For the “oral understanding,” see Document 183.

tests. These uncertainties may result in slight unintended breaches of the 150 kiloton threshold.

—We will testify during ratification hearings that we have discussed this problem with the Soviets and agreed that:

- One or two slight unintended breaches per year would not be considered a violation of the Treaty.
- Such breaches would be cause for concern, however, and, at the request of either party, would be the subject of consultations.

—We will also testify that while we would not consider a slight, unintentional breach a violation, we would carefully review each such breach to ensure that it is not part of a general attempt to exceed the confines of the Treaty.

In the course of this discussion, Ambassador Stoessel should not commit the U.S. to any magnitude of such a breach that might be permissible. He should conclude the discussion by reaffirming that all aspects of this oral understanding will become a matter of public record during our ratification hearings.

Brent Scowcroft

197. Editorial Note

On May 28, 1976, President Gerald R. Ford signed the U.S.-Soviet Treaty and Protocol on Underground Nuclear Explosions for Peaceful Purposes at a 10 a.m. ceremony in the East Room at the White House. Before signing the treaty, the President offered brief remarks:

“The treaty we are signing today is an historic milestone in the history of arms control agreements. For the first time it provides for extensive cooperative arrangements for onsite inspection and observation in monitoring underground nuclear explosions.

“This means that the Soviet Union will allow American observers to witness certain larger tests on their territory, and if we should have such a test, we would reciprocate and allow Soviet observers here in order to verify at firsthand that our control agreements are being adhered to.

“This accomplishment in agreeing to onsite observation demonstrates that our two countries can soberly negotiate responsible and beneficial agreements despite the difficulties of the challenge. The negotiations culminating in this treaty raised very unique problems. The

discussions were long and complex. But the result: Real progress has been made in the field of arms control. A significant step has been taken toward a more stable, peaceful world and a more constructive relationship between the United States and the Soviet Union.

"The new treaty, together with the Threshold Test Ban Treaty, will govern the conduct of every underground nuclear explosion for military or peaceful purposes for both parties. The two treaties impose the same limit of 150 kilotons on all individual underground nuclear explosions.

"The ultimate purpose of the network of arms control agreements we have already negotiated and which are currently being negotiated, is to bring about a more peaceful world. Pushing back the shadow of nuclear war must be our constant concern. That, indeed, is the underlying purpose of all of the numerous agreements for constructive cooperation which our two countries have concluded in recent years.

"I welcome the accomplishments we mark here today. And I hope it will lead to further achievements in building a stable and a just peace for our two peoples and for all mankind.

"I will send these two treaties to the Senate for the earliest possible consideration and urge that the Senate grant its advice and consent to their ratification."

Ford then signed the treaty, noting that it and the Threshold Test Ban Treaty "will contribute significantly" to peace and improved relations amongst all nations. Simultaneously, in Moscow Soviet General Secretary Leonid Brezhnev signed the treaty on behalf of the Soviet Union. (*Public Papers: Ford, 1976-77, Book II, p. 1763*) The White House subsequently transmitted both the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty to the Senate for ratification on July 29. In his message to the Senate transmitting the treaties, the President noted:

"The TTB Treaty and the PNE Treaty, taken together as integrated and complementary components of this important limitation on nuclear explosions, provide that very large yield nuclear explosions will no longer be carried out by the Parties. This is one more useful step in our continuing efforts to develop comprehensive and balanced limitations on nuclear weapons. We will continue our efforts to reach an adequately verifiable agreement banning all nuclear weapon testing, but in so doing we must ensure that controls on peaceful nuclear explosions are consistent with such a ban. These Treaties are in the national interest, and I respectfully recommend that the Senate give its advice and consent to ratification." (*Ibid.*, Book III, p. 2104)

The PNE Treaty and Protocol and the agreed statement are printed in the Department of State *Bulletin*, June 28, 1976; pp. 802-812.

198. Letter From the Administrator of the Energy Research and Development Administration (Seamans) to President Ford¹

Washington, June 9, 1976.

Dear Mr. President:

I believe there is an opportunity and a need for the United States to take a major initiative to resolve uncertainties that now exist in the nuclear fuel cycle and to reduce the risk of international proliferation of special nuclear materials. This opportunity, if successfully pursued, would complete your evolving nuclear policy and could be the central feature of a major Presidential Message.

Background:

Until recently, Federal nuclear policy: (1) stressed Government funding of enrichment plants; (2) assumed that reprocessing of spent nuclear fuel and recycling of plutonium and uranium would be accomplished in the private sector without Government support; and (3) placed less stress on safeguards against theft or diversion of nuclear material than now seems wise.

Your initiatives in the past two years have substantially reformed this policy. Specifically you have:

- Limited the Federal role in enrichment by supporting private entry as the best means for assuring additional enrichment capacity;
- Increased Government research in reprocessing and recycling so that safe and secure private facilities could be demonstrated;
- Sponsored a major Government program to demonstrate the safe management and disposal of nuclear waste; and
- Increased stress on materials and physical safeguards at both Government-owned and private facilities licensed by the Nuclear Regulatory Commission.

These measures will greatly strengthen the nuclear fuel cycle and our controls over the handling and utilization of plutonium in this country. Yet, despite substantial progress, a final and crucial issue remains unresolved—the need to control carefully the world’s supply of plutonium. Among the factors bearing on this issue are:

¹ Summary: Seamans recommended that the United States pursue a “major initiative” regarding the nuclear fuel cycle, noting that such an initiative could constitute a “central feature” of a major Presidential message.

Source: Ford Library, James M. Cannon Files, Issues File, 1972–77, Box 24, Nuclear Policy Statement, June–July 1976. Confidential. A copy was sent to Richardson. Attached as Tab A to Document 200. Seamans signed “Bob Seamans” above his typed signature. Seaman’s May 13 letter to Kissinger was not found.

- A recent court decision most likely will prevent the Nuclear Regulatory Commission from licensing private reprocessing facilities that would produce plutonium for recycled use until approval of the generic environmental statement on mixed oxide fuels, probably years from now.

- Uncertainty is growing among other nations about the United States as a reliable supplier of reactors and fuel because of (1) final decisions on export licenses now rest with the Nuclear Regulatory Commission; and (2) recent amendments to nuclear legislation indicating firm Congressional intent to review individual nuclear initiatives with the private sector.

- Other supplier nations are developing national reprocessing and recycling capabilities, and some are under pressure commercially to sell plants to other countries desiring to build an integrated indigenous nuclear power capability, for example, Iran and Brazil. This trend could multiply the chances of theft or diversion of plutonium and could lead to a dramatic increase in the number of nations with nuclear weapons.

- Multinational regional reprocessing centers have been suggested as a means for minimizing this proliferation. However, the technical, logistical and political feasibility of the idea has yet to be demonstrated.

Recommendation:

I believe the time is at hand for the United States to address this basic issue with a major initiative. Such an initiative might have the following features:

- An offer to supplier and consumer states to join with the United States to demonstrate the viability of a multinational reprocessing approach using the United States as the demonstration site. The question of excess plutonium and disposal of nuclear waste resulting from the reprocessing requires further exploration to optimize the attractiveness to both the host and participating nations.

- A call upon supplier nations to suspend temporarily the export of reprocessing technology until the multinational centers or other effective controls have been agreed to. I have already suggested this to the Secretary of State in a letter dated May 13, 1976.

- A commitment to employ in the multinational centers and to make available advanced United States safeguards and security technology.

The key to the initiative is a willingness of the United States to offer reprocessing and recycling services to other nations and to open our facilities to international inspection. The facility could well be a new plant or a partially completed private plant at Barnwell, South Carolina that was financed by a consortium composed of Allied Chemical, Gulf Oil Corporation and Royal Dutch Shell. Arrangements for serving foreign needs from this facility would, of course, have to be worked out, however, it is anticipated that the consortium will have an interest in a governmentally-encouraged demonstration.

In any event, the United States could provide some funding and appropriate technical assistance and guarantees for the establishment

of an international reprocessing facility in the United States and invite those nations which would utilize the services of such a facility to provide a pro rata share of operating expenses. Of course, a successful international demonstration, under the auspices of the United States, would also materially assist in the development of our domestic reprocessing capability over the long run as increasing nuclear power production results in needed new reprocessing facilities. Such an initiative could become the centerpiece of a truly comprehensive Presidential policy on nuclear power and non-proliferation.

Decision:

If you approve, I will pursue and intensify work with appropriate departments and agencies to develop a recommended nuclear reprocessing initiative to be available to you as soon as possible.

Respectfully yours,

Robert C. Seamans, Jr.
Administrator

199. Memorandum from David Elliott of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, June 10, 1976.

SUBJECT

Negotiation of the ENMOD Treaty

The summer session of the CCD is scheduled to open June 22, and we will hold bilateral discussions with the Soviets prior to that. The main subject of the summer session will be the negotiation of the ENMOD treaty. Our discussions with the Soviets will focus on what

¹ Summary: Elliott informed Scowcroft that the Department of Defense had requested a special interagency review of issues related to the draft environmental modification treaty prior to the U.S.-Soviet negotiations and the summer session of the Conference of the Committee on Disarmament.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 40, 7603369, ENMOD (Environmental Modification) Negotiations. Confidential. Sent for action. Tabs A and B are not attached and not found. Scowcroft highlighted the last sentence of the memorandum, underlined "accede to their request for a rapid," and wrote "bull" at the end of the paragraph.

modifications to the joint draft—which we tabled last year—might be acceptable in order to obtain the support of the other CCD members.

During our preparation for these discussions, DOD expressed a serious reservation about the legal character of the draft treaty, even in its present form. According to the DOD communication to you (Tab B), there is a dilemma represented by the ENMOD treaty because it encompasses both arms control and law of wars issues and attempts to treat them together in regard to the regulation of obligations undertaken by parties to the treaty. In DOD's view this situation could lead to confusion and could impact on the negotiation of future treaties, as well as on the present ENMOD deliberations.

DOD recommends that a special interagency legal review be made of the issues they perceive, before proceeding further with substantive ENMOD negotiations. The lawyers at State and ACDA have reviewed the concerns expressed by DOD and find them to be almost incomprehensible. They are also uncertain as to what DOD intends in the way of an alteration to our already-tabled draft ENMOD treaty. (It should be noted that none of these DOD concerns were expressed in the original study that lead to the President approving our ENMOD treaty proposal.) However, inasmuch as Jim Wade indicates that these concerns are strongly held at the highest level in DOD, it would seem best to accede to their request for a rapid interagency assessment of the issues that they have raised. A study directive is at Tab A.

Recommendation:

That you sign the memorandum at Tab A.

200. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) and the President's Assistant for Domestic Affairs (Cannon) to President Ford¹

Washington, June 22, 1976.

SUBJECT

Possible Presidential Statement and New U.S. Initiatives to Reduce Proliferation Due to Commercial Nuclear Power Activities

ERDA Administrator Seamans has recommended (letter at Tab A) undertaking a major program to provide nuclear fuel reprocessing in the U.S., permitting foreign participation in this activity, and using this program as the centerpiece of a major Presidential statement on non-proliferation.

The problem of weapons proliferation—because of greater availability of plutonium from commercial nuclear power plants—is gaining steadily increasing attention in the Congress, the media, and in the public. There are growing concerns that current U.S. activities to safeguard against diversion of materials from U.S. exports are inadequate. Additional attention will be focused on potential proliferation problems when controversy within the Nuclear Regulatory Commission over exports to Spain and India becomes public next week.

We agree that the time has come for considering new initiatives and, probably, for a major Presidential statement on nuclear export policy and perhaps on nuclear energy. However, we also believe that other aspects of the problem leading to Dr. Seamans's letter need to be considered and that other proposals should also be evaluated as part of a complete response to the current situation.

Tab B provides a broader treatment of the matters raised by Dr. Seamans. It summarizes:

- The current problems;
- Existing measures and activities to control proliferation;
- Recent and upcoming events suggesting the need for action;

¹ Summary: Scowcroft and Cannon sent ERDA Administrator Seamans's recommendation for a program to provide nuclear fuel processing in the United States to Ford. They recommended that Ford direct that work begin immediately to "develop and evaluate" the initiatives Seamans proposed, issue a statement or a message to Congress on nuclear matters, and assign responsibility to Cannon and Scowcroft to develop a plan to carry out the work, in cooperation with the various agencies.

Source: Ford Library, James M. Cannon Files, Issues File, 1972–77, Box 24, Nuclear Policy Statement, June–July 1976. No classification marking. Sent for action. Ford did not approve or disapprove any of the recommendations. Tab A is Document 198. Tab B is Document 201. Tab C is not attached and not found.

- Administration response thus far;
- Possible additional responses.

Tab C is a preliminary outline of the content of a possible Presidential statement.

In view of the complex nature of the issues involved, covering both domestic and foreign policy interests, a number of agencies will need to be involved in developing and evaluating possible initiatives and in drafting a proposed statement. These include: ERDA, State, Defense, NRC, OMB, Commerce, and possibly some other members of the Energy Resources Council.

Recommendations

1. That you direct that work begin immediately to develop and evaluate the potential initiatives described briefly in Tab B, with decision papers presented to you by mid-July.
2. That you tentatively decide to issue a statement or send a message to Congress in late July or early August on nuclear matters. Depending on the evaluation of possible initiatives, it could be limited to nuclear exports and non-proliferation or a more general nuclear statement.
3. That you assign responsibility jointly to us (Brent Scowcroft and Jim Cannon) to develop and carry out a plan to accomplish the necessary work, in cooperation with OMB, the ERC, and all of the agencies concerned.

201. Paper Prepared by the Domestic Council and National Security Council Staffs¹

Washington, undated.

*NEED FOR A PRESIDENTIAL MESSAGE ON NUCLEAR EXPORT
POLICY OR NUCLEAR ENERGY IN GENERAL*

I. CURRENT PROBLEMS

A. Growing congressional, press, and public concern about nuclear weapons proliferation.

Concern is focused primarily upon the greater availability of plutonium which is extracted from “spent” fuel elements removed from nuclear power reactors (i.e., referred to as reprocessing). Concern has continued to grow since India exploded a nuclear device in 1974.

B. Growing concern that current U.S. activities to safeguard against diversion of plutonium for weapons purposes is not adequate.

Attention is now focused on exports of nuclear materials and equipment. Some feel that existing controls (detailed below) have been barely adequate for safeguarding reactors and are simply not adequate to guard against diversion of separated plutonium.

C. The U.S. position in the foreign market for nuclear equipment and materials is weakening.

This is resulting from (a) the lack of uranium enrichment capacity, (b) growing strength of foreign competition for nuclear equipment and fuels, (c) uncertainty as to U.S. policy on nuclear exports, and (d) potentially, delays resulting from Nuclear Regulatory Commission (NRC) control of export licenses and growing Congressional review requirements. As the U.S. loses foreign orders to other suppliers, the U.S. also loses its leverage to obtain rigid safeguards agreements.

D. Perception in the media that the Administration is complacent about potential diversion of plutonium from commercial nuclear power plants abroad.

By contract, Canada recently cut off nuclear relationships with India and appears to be imposing strong safeguards controls in connection with its exports.

¹ Summary: The paper summarized the themes ERDA Administrator Seamans had raised in his and Cannon’s memorandum to President Ford and underscored the need for a Presidential message on nuclear themes.

Source: Ford Library, James M. Cannon Files, Issues File, 1972–77, Box 24, Nuclear Policy Statement, June–July 1976. Attached as Tab B to Document 200.

E. *Events immediately ahead will exacerbate the above problems, involving NRC and Congress—particularly with respect to exports to Spain and India. (detailed below.)*

II. *Existing Measures and Activities to Control Proliferation*

A. *NPT*

Approximately 100 nations have signed the Non-Proliferation Treaty (NPT) forswearing activities leading to the proliferation of weapons. Several important nations have not signed, including France and India.

B. *Bilateral "Agreements for Cooperation" between the U.S. and about 30 other nations importing nuclear equipment and materials from the U.S.*

These agreements specify safeguards that are to be maintained.

C. *IAEA*

International Atomic Energy Agency establishes safeguards standards and has some inspection capability.

D. *Supplier Discussions*

State Department is leading negotiations with other supplier nations, seeking agreement to impose more rigid safeguards. There has been some success achieved, but no agreement from other suppliers to restrict their export of reprocessing facilities.

E. *New International Convention*

The U.S. is leading an attempt to gain agreement on a new international nuclear physical security convention.

F. *Pressure on Customer Nations*

The U.S. brought pressure on the Government of South Korea to cancel its order with the French for a reprocessing plant and is applying similar pressure on Pakistan to forego acquisition of a reprocessing plant.

III. *Recent and Upcoming Events Suggesting the Need for Action*

A. *Nuclear Regulatory Commission (NRC)*

The independent NRC now plays a major role in nuclear exports and will attract considerable attention to the international safeguards issue soon.

1. Inadvertently, the final responsibility for approving nuclear exports was allowed to be vested in the independent NRC rather than the Executive Branch. This resulted from the September 1974 law which created ERDA and NRC.

2. The NRC now has before it for approval proposed licenses to export additional fuel for reactors in Spain and India. There appears to be agreement within NRC that additional controls are needed, but there is sharp dispute as to whether additional controls—beyond those

in existing agreements—should not be imposed as a condition of the exports. The Commission decision apparently will be accompanied by written opinion, making public the strong views of one commissioner that safeguards in some agreements for cooperation and U.S. vigilance have not been adequate.

B. Congressional

The Congress is asking more questions and tightening controls which will introduce delays and uncertainties. Examples include:

1. In 1974, a law was enacted requiring that all future bilateral “agreements for cooperation” involving significant nuclear exports be submitted to the Congress for a 60-day period of review.

2. Senate Government Operations Committee recently reported a bill (S. 1439) which (a) shifts additional Executive Branch nuclear export responsibility to State Department and the independent Nuclear Regulatory Commission from ERDA and Commerce Department, and (b) makes the Congress the referee in disputes between State and NRC. Bill referred to JCAE and Foreign Relations for 60 days. It could come to a vote this session.

3. The Senate version of the Military Aid Bill includes a prohibition (the “Symington Amendment”) against military assistance to countries which furnish or receive nuclear reprocessing or enrichment facilities not under multinational control and which do not have IAEA safeguards on all nuclear facilities. House-Senate Conferees agreed on June 16 to accept the Symington Amendment with a proviso that restrictions could be waived in specific cases upon a finding by the President of overriding national interest, but Congress would then have an opportunity to disapprove.

4. The ERDA 1977 Authorization Bill was amended on the House floor to provide for congressional review of the first export to any nation that is neither a signer of the NPT nor covered by any agreement for cooperation approved by the Congress under the provisions of the 1974 law listed above.

5. A House International Relations Subcommittee (Zablocki) held hearings on June 10 on an amendment to the Export Administration Act designed to prohibit nuclear exports unless safeguards are tightened.

6. Senator Ribicoff is asking hard questions of the State Department as to whether (a) any U.S. materials were used by India in producing the plutonium used in the device exploded in 1974, and (b) why the U.S. did not respond more vigorously to that event. This whole issue will get even more attention as NRC considers pending export license for India (mentioned in II(a)(1) above).

C. Executive Branch

Dr. Fred Iklé, Director of the Arms Control and Disarmament Agency (ACDA), recently gave a speech revealing his concerns about the adequacy of safeguards to prevent the diversion of plutonium.

D. Other

Presidential candidate Carter outlined his concerns about nuclear exports and proliferation at the same forum in which Iklé's speech was delivered.

IV. Administration Response Thus Far

A. The Executive Branch has responded to the above in several ways, but the actions (a) have been piecemeal and largely defensive, and (b) appear inadequate in the face of current Congressional and public attitudes. Responses include:

1. Secretary Kissinger summarized U.S. non-proliferation efforts in testimony in opposition to the Glenn-Percy Bill before the Senate Government Operations Committee. ERDA, ACDA, and other Administration witnesses gave supporting testimony.

2. Informal attempts are being made by State, ERDA, and others to limit the scope of restrictions and of congressional review requirements in pending bills (e.g., Military Aid and ERDA Authorization).

3. An Executive Order was recently issued setting up procedures for getting a coordinated Executive Branch position (State, ERDA, DOD, ACDA, and Commerce) on nuclear export licenses pending before the NRC. (State Department notifies NRC of the coordinated Executive Branch position.)

V. Possible Additional Responses

Several ideas have surfaced for possible additional responses to the current situation. Each involves significant issues that require evaluation and decision. Possible actions include:

A. Significant hardening of U.S. attitude on nuclear exports safeguards required before exports are permitted.

There appears to be divided views on this. Some probably will argue that past and current controls are as good as can be achieved and/or that tougher U.S. positions, taken unilaterally will not be effective. Others will argue that anything the U.S. can do unilaterally or in cooperation with others that will help reduce the opportunity for proliferation is worth doing, recognizing the threat. Steps that might be considered to achieve a harder and consistent policy include:

1. Strong public message to other supplier nations (France and Germany) emphasizing the need to curb proliferation and urging them to (a) stop supplying reprocessing or enrichment technology to other nations, and (b) adopting more rigorous safeguards requirements.

2. Move to renegotiate safeguards controls under existing agreements for cooperation as a condition for further exports, particularly giving the U.S. a veto on whether and where U.S.-supplied fuel is reprocessed and resulting plutonium retained.

3. Appoint a panel of experts not now involved in U.S. nuclear export activities to review past and current practices and submit recommendations to you for improvements.

B. Discourage reprocessing (in the U.S. and abroad) until better controls (technological and institutional) can be worked out.

If this policy approach were to be taken, consideration would have to be given to:

1. Expanding storage for “spent” fuel elements, possibly making storage available to other countries.

2. “Buy back” of spent fuel elements from other countries.

3. Finding ways to replace the energy value of the plutonium and unused uranium in the spent fuel elements (which is in the range of 10–30% of the total energy value if reprocessing and recycle of plutonium was permitted).

4. Other incentives to discourage the separation of plutonium through reprocessing.

C. As a means to discourage the spread of reprocessing centers, provide U.S. reprocessing services to foreign countries.

No U.S. capacity in operation now.

1. Assist U.S. industry in demonstrating reprocessing and related technology (plutonium conversion, waste handling, safeguards). Such a program is contemplated in the President’s 1977 Budget for coverage in a 1977 Supplemental Request.

2. Urge or require U.S. firms planning to provide reprocessing services to dedicate a portion of their capacity to serve foreign needs, thereby potentially satisfying foreign needs for many years without the construction of reprocessing plants abroad.

3. Go beyond #2 above by offering to allow other governments to participate in the operation of the first expected reprocessing plant (Barnswell, South Carolina) as a demonstration of the concept of a multinational reprocessing center.

D. Propose international storage for excess plutonium

IAEA has authority to establish repositories for excess nuclear materials. The U.S. could propose that this authority be implemented, that all nations store excess plutonium in such repositories and indicate that the U.S. would participate with a deposit of its excess plutonium.

E. Strengthen IAEA Safeguards

1. Make available advanced U.S. safeguards technology to other nations and the IAEA.

2. Consider further strengthening of IAEA safeguards, expanding the proposal for a \$5 million-5 year voluntary U.S. contribution announced by the President on February 26, 1976.

202. Minutes of Secretary of State Kissinger's Staff Meeting¹

Washington, July 26, 1976, 8:09 a.m.

[Omitted here is a list of attendees.]

PROCEEDINGS

(The Secretary's Staff Meeting was convened at 8:09 a.m., Secretary of State Kissinger presiding as Chairman.)

Secretary Kissinger: Hello, Chuck.

Mr. Robinson: Welcome back.

We have an effort going forward under White House supervision—the mechanics on nuclear proliferation, nuclear policy.

Secretary Kissinger: Where?

Mr. Robinson: We have a paper for the press in September. We have a man on the task force. But I have recommended to you that we set up our own task force within the Department—

Secretary Kissinger: Absolutely.

Mr. Robinson: —to follow this thing carefully.

Secretary Kissinger: I thought we had this thing already. I thought we were doing our internal study on that. Win, you and I talked about this.

Mr. Lord: Yes. We had some preliminary work, but Chuck wants to formalize.

¹ Summary: Kissinger discussed nuclear proliferation with his senior staff and expressed doubts about multilateral reprocessing vis-à-vis bilateral reprocessing with regard to the Iranian-Pakistani Cooperative Agreement.

Source: National Archives, RG 59, Executive Secretariat, Transcripts of Secretary of State Henry Kissinger's Staff Meetings: Lot 78D443, Box 10, Secretary's Staff Mtg, 0/7/26/76. Secret. All brackets are in the original except those indicating text omitted by the editors. There is no indication as to where the meeting took place. On July 12, Elliott and Oakley sent Scowcroft a memorandum informing him of Kissinger's decisions after Pakistani rejection of the President's request that Pakistan not acquire a reprocessing plant from France, including Kissinger's comments on multinational reprocessing facilities; see *Foreign Relations*, 1969–1976, volume E–8, Documents on South Asia, 1973–1976, Document 232.

Secretary Kissinger: Just don't give me one of those papers with ten endorsements on it. It doesn't mean a goddam thing. We have to have it under somebody's control.

Mr. Robinson: Hal Sonnenfeldt, and all of them.

Secretary Kissinger: But they shouldn't spend time changing language. If anyone doesn't like a prevailing opinion, let him put down his views separately.

Mr. Robinson: We'll go ahead with that.

Secretary Kissinger: Yes. Can we have a paper in three days?

Mr. Lord: We'll try to.

Secretary Kissinger: That's better, when we all know the basic element. Don't repeat just by rote all the reprocessing arguments because I frankly am developing the most serious doubts about the multilateral reprocessing, which is an article of religion here. I mean, you put them down but look at the other.

I don't see why multilateral reprocessing in those areas is better than bilateral reprocessing—if there's to be any reprocessing—and when we get into the Iranian-Pakistan Cooperative Agreement, I'll be damned if I see why a joint Iranian-Pakistani one is better than an Iranian-U.S. or Pakistani-U.S. one.

The key thing is to have a supply. That I have no problem with.

Mr. Robinson: Well, we'll keep you advised of how it's coming along.

Secretary Kissinger: I don't have a problem—that's essential, but I'd rather have the U.S., together with one of these countries, than Germany or France—who have no leverage at all when the violations begin. If you have a European consortium, they have even less leverage. You have the Dutch, together with the Swiss, and somebody else. What can they do when their safeguards are disregarded? You're going to make policy recommendations too in the paper?

Mr. Robinson: In this paper, yes—to you.

Secretary Kissinger: The quicker the better.

Mr. Robinson: We should act.

Secretary Kissinger: No—I'm strongly for it.

[Omitted here is discussion unrelated to nuclear reprocessing.]

203. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to President Ford¹

Washington, August 5, 1976.

SUBJECT

Recent Soviet Nuclear Tests

On July 4 and 29, the Soviets conducted underground nuclear explosions which may have exceeded the 150 kt yield limit on individual explosions under the TTB/PNE treaties. Our *preliminary* analysis on these tests is as follows:

—The *July 4 test* was located at the Semipalatinsk nuclear weapons test site and is currently assessed as having occurred in hard rock with a yield range of [number not declassified] with a most probable value of [number not declassified]. However, if our location of the epicenter is off by one or two kilometers, the test would have occurred in looser, sedimentary rock which does not couple as well to the explosion. In this case the range of possible values would be [number not declassified] with a most probable value of [number not declassified]. [less than 1 line not declassified] should be available this weekend and should help us precisely locate the epicenter.

—The *July 29 explosion* was apparently at least in part a PNE experiment to create a large cavity which could be used for storage of petrochemicals or other products. It occurred in a salt deposit (which is the best material for creating free-standing cavities) and has a preliminary yield range of [number not declassified] with a most probable value of [number not declassified]. Our knowledge of the coupling of nuclear explosions in salt is highly uncertain, however, and the range may be lower.

As you know, even though the PNE Treaty was signed on May 28 and forwarded with the TTB Treaty to the Senate for ratification purposes on July 29, they are not legally binding until ratification instru-

¹ Summary: Scowcroft informed Ford that the Soviet Union had conducted underground nuclear explosions in July.

Source: Ford Library, National Security Adviser, Presidential Files of NSC Logged Documents, IF/NS File for the President, Box 43, 7604476, Threshold Test Ban/Peaceful Nuclear Explosions Refresher. Secret. Sent for information. The tabs are not attached and not found. All brackets are in the original except those indicating text that remains classified. Boverie sent the memorandum to Scowcroft under an August 11 covering memorandum, recommending that Scowcroft sign the memorandum and send it to Ford. A handwritten notation by Scowcroft on the covering memorandum reads: "discussed with President." Another notation in an unknown hand reads: "No need to send Tab I fwd." For the text of the note delivered to Dobrynin on August 5, see Document 204.

ments are exchanged between the parties. On March 31, the intended effective date of the TTB Treaty, the Soviets announced (Tab A) that they would not “take any actions incompatible with the provisions of the treaty,” and we announced that we had no plans for the immediate future to conduct weapons tests with yields greater than 150 kt (Tab B). These statements were necessary since the PNE negotiations had not been completed, and we had stated that agreement would have to be reached in this area before the TTB Treaty could take effect. The Soviet statement was effectively open-ended, whereas ours referred to “the immediate future” to pressure the Soviets to make progress in the PNE talks.

We will not be able to complete a final estimate of the yield of these two tests for several weeks—in some cases it has taken sixty days just to receive the seismic tapes from our far-flung monitoring stations. [3 lines not declassified]

Once the treaties enter into force, their data exchange provisions should help us in measuring yields, [2 lines not declassified]. For the interim, however, we have delivered a note to the Soviets reaffirming our intention to observe the TTB/PNE yield limits and reminding them that we expect parallel compliance on their part.

204. Telegram 196181 From the Department of State to the Embassy in the Soviet Union¹

Washington, August 7, 1976, 0131Z.

196181. Exdis for the Ambassador only. Subject: TTBT/PNE: Démarche to Dobrynin.

1. The attached note was given to Soviet Ambassador Dobrynin on August 5, evening, Washington time, with the request that he obtain a response from his government as quickly as possible. Access to this communication should be strictly limited pending the Soviet response.

¹ Summary: The Department transmitted the text of a note delivered to Soviet Ambassador Dobrynin the evening of August 5 that underscored the U.S. commitment to observing the yield limits contained in the TTB and PNE treaties.

Source: National Archives, RG 59, Central Foreign Policy File, D760304–0833. Secret; Priority; Exdis. Drafted by Fuerth; cleared by Marcum, Phelps, and Peter Bridges (S/S); approved by Armitage. All brackets are in the original except those indicating text that remains classified.

2. *Begin text:* The President has submitted the Treaty on the Limitation of Underground Nuclear Weapons Tests of July 3, 1974, and the Treaty on Underground Nuclear Explosions for Peaceful Purposes of May 28, 1975, to the Senate for its advice and consent to ratification. We cannot predict how much time the ratification process will require. Therefore, we wish to confirm that the United States intends to continue to observe the yield limits contained in these two treaties pending their entry into force, on the understanding that the USSR will act in the same way. We plan no public announcement of this understanding at this time, but we anticipate that there will be a need to make this understanding known during the ratification process.

In this connection, the U.S. side notes that preliminary data from Soviet tests of July 4 and July 29 indicate that the yield of both tests may have exceeded 150 kt. *End text.*

3. [1 paragraph (9 lines) not declassified]

Habib

205. Telegram 12672 From the Embassy in the Soviet Union to the Department of State¹

Moscow, August 11, 1976, 1323Z.

12672. Subj: Soviet Nuclear Explosions.

1. During brief conversation at dinner August 10, Political Counselor asked Ambassador Roland Timerbayev, Deputy Head International Organizations Division, MFA, about two recent Soviet nuclear explosions which press reports allege may have exceeded TTBT and PNE threshold. In reply, Timerbayev said that his government was in the process of issuing a press statement through the Soviet Embassy in Washington which would clarify this matter. Press statement would assert flatly that Soviets have not exceeded limits imposed by treaty.

2. When asked whether one of explosions was a PNE, Timerbayev replied that one of these explosions clearly did not take place at the

¹ Summary: The Embassy reported on an August 10 dinner conversation between the Embassy's Political Counselor and Deputy Chief of the International Organizations Department of the Soviet Ministry of Foreign Affairs Timerbayev, which concerned the recent Soviet nuclear explosions.

Source: National Archives, RG 59, Central Foreign Policy File, D760309-0904. Confidential. Repeated for information to the consulate in Leningrad.

traditional nuclear testing site and that the conclusion to be drawn from this is clear. In essence, this was meant as confirmation that one explosion was indeed a PNE.

Stoessel

206. Paper Prepared in the Department of State¹

Washington, September 4, 1976.

STATE DEPARTMENT POSITIONS ON NUCLEAR POLICY REPORT TO THE PRESIDENT

1. *Non-Proliferation Restraints.* The Department generally supports a firmer policy on restraints in U.S. nuclear cooperation which stresses cooperation with NPT parties or countries accepting full safeguards and with countries prepared to forego or restructure their reprocessing options. We also support an approach which makes a clear distinction between (1) cooperation under new and amended agreements and (2) cooperation under existing agreements. For both categories of recipients we would underscore the general need for a *multilateral* approach. U.S. leadership in non-proliferation is important and consistent with our past policies and recent initiatives in forming the London Suppliers' Group. But excessively stringent or rigid unilateral U.S. policies will at best have limited benefits, since we no longer dominate the international nuclear market and will not be able to obtain new restraints without concerted supplier actions.

On the more specific restraint recommendations:

—For negotiating *new or amended* U.S. nuclear cooperation agreements, we strongly support the recommendation that the U.S. apply these restraints as *nonbinding criteria* for engaging in new or expanded nuclear cooperation. We should recognize, however, the importance of gaining common supplier policies on these restraints, and be prepared to state that we will apply them as *conditions* as soon as other

¹ Summary: The paper discussed the Department of State's positions on the nuclear policy report prepared by the interagency Nuclear Policy Review Group.

Source: Ford Library, National Security Adviser, NSC Middle East and South Asian Affairs Staff Files, Convenience Files, Box 37, Nuclear Policy Review and Non-Proliferation Initiatives. Confidential. Attached to Document 207. For a summary of the report, see Document 208.

suppliers agree to do the same. The President's public statement would make this basic approach explicit. We support the review group's conclusion that new restraints should *not* be mandatory requirements in the absence of multilateral agreement. (In this connection, the options on "retroactive sanctions" must be seen as possible elements of a legislative strategy that must be accomplished in coordination with the Congress.) Even with a Presidential override, such a unilateral policy could impair our flexibility in pursuing non-proliferation objectives with specific suppliers and recipients.

—For cooperation under *existing agreements*, we strongly endorse the proposal to use diplomacy and a strategy of inducements to persuade the many key target countries in this category to voluntarily renegotiate existing agreements with new restraints. In addition, in connection with our attempts to find an acceptable compromise with the JCAE on its Nuclear Export Bill, we see merit in the recommendation that NRC use the agreed London Supplier Guidelines as *criteria* in granting export licenses under existing agreements. But even with the proposed Presidential override, we are concerned that such an approach could be viewed as an attempt by the U.S. to impose these guidelines retroactively, to the detriment of our relations with a number of major allies and our overall credibility as a supplier. Finally, we *oppose* the imposition of new restraints as a *condition* of further U.S. supply until common supplier agreement is achieved on this point. Even then, such a course of action would contravene the legal terms of our international agreements, thereby risking adverse legal, foreign policy, and even non-proliferation consequences.

As a fundamental point for recipients in both categories, we would emphasize the vital link between *gaining new restraints* and *offering attractive inducements* through fuel buy-back and exchange, and possible leasing. All such inducements should be *coordinated with other suppliers*, since uncoordinated inducements may look to other suppliers as a U.S. attempt to preempt a larger share of nuclear fuel and related reactor markets. In particular, the more attractive and reliable we make our enriched uranium supply using existing and planned facilities within the broad framework of the Nuclear Fuel Assurances Act, the more success we will have in obtaining effective restraints on reprocessing. The President's public statement should relate inducements to restraints to the degree of specificity judged feasible in light of our ability to consider offering new fuel supply or service arrangements. These issues are discussed further below in the context of our recommendations regarding alternatives to national reprocessing.

In general, nuclear consumers will become less disposed to relying on the U.S. if we arbitrarily impose more stringent conditions on nuclear agreements after their terms have been mutually agreed. *We must there-*

fore ensure that the NRC licensing procedures are responsive to national policy as executed by the President, within legislative requirements. Nuclear export licenses should not be used as a lever for obtaining new constraints from countries which live up to their obligations to us. NRC procedures should be perceived instead as a means of predictably implementing our policies of providing inducements, such as guaranteed reactor fuel supply, for countries accepting effective non-proliferation constraints.

2. *Alternatives to National Reprocessing.* The Department supports the first option, “contain the spread of national reprocessing.” We share the review group’s recognition of the need for strong and specific U.S. initiatives to achieve an international fuel-exchange regime based upon:

—inducements for *recipients*, in the form of assured and equitable front-end fuel services in exchange for their spent fuel; and

—inducements for *suppliers*, in the form of joint fuel-service support for reactor sales in non-nuclear weapon states, in exchange for withholding sensitive nuclear technology from further spread under national control.

The Department supports the steps recommended to further these objectives. However, *we further recommend that the President call for the exploration by interested nations of an “international nuclear fuel bank” concept, through which the potential benefits of plutonium recycle would be shared under international controls, while the reprocessing activities incidental to achieving those benefits would be confined, initially to a few major supplier countries, but eventually include a few carefully sited multinational plants. The Department has developed further proposals for making significant forward movement in establishing an effective fuel exchange regime. These proposals are consistent with but go further than the review group’s recommendations in relating restraint requirements to fuel inducements. With the President’s approval, the following approaches would be integrated into the fuel-exchange elements already presented in the nuclear policy report.*

—As a matter of national policy, the President would express:

(i) For *recipients accepting our tightest non-proliferation restraints*, notably no national reprocessing and enrichment facilities, U.S. willingness to acquire some or all spent fuel of U.S. origin, at the customer’s option, in exchange for fresh enriched uranium under attractive terms (i.e., guaranteed feed and enrichment services).

(ii) For *recipients who do not agree to renounce national reprocessing and enrichment facilities* but are not constructing such facilities now and are prepared to place *all spent fuel* under international storage, future enrichment guarantees at market rates but repurchase of spent fuel only at U.S. option.

(iii) For *recipients unwilling to accept our restraints in new or amended agreements*, including storage under international auspices, U.S. insistence on a purchase or exchange option for *U.S. supplied* or derived spent fuel. All suppliers would be urged to offer such options.

—To *lend multilateral impetus* to the foregoing arrangements, the President would express publicly U.S. readiness to explore with interested supplier nations possible arrangements for pooling fuel-exchange capabilities through such means as tie-in fuel sales, cross-investment in enrichment and reprocessing facilities, joint enrichment and reprocessing facilities, joint enrichment guarantees, spent fuel storage as needed to support such arrangements, and an eventual international fuel bank.

Finally, the Department supports the review group's recommendations for strengthened fuel assurances, increased enrichment capacity which could support fuel exchange arrangements, and an appeal for passage of the NFAA as an essential ingredient in our non-proliferation strategy. It strongly supports strengthened high-level diplomatic approaches to other supplier governments, on a confidential basis in the first instance, seeking a one-to-two year moratorium on exports of sensitive facilities and pursuing possible fuel pooling arrangements as a means of minimizing commercial competition in fuel cycle services.

3. *Domestic Reprocessing Options*. The Department is not in a position to make a comprehensive judgment on the *domestic* benefits of the various reprocessing options presented in the report. As the report notes, the economic benefits of domestic reprocessing are uncertain and possibly marginal.

From the point of view of our international and non-proliferation interests, domestic decisions on reprocessing and recycle may have an important impact in two respects:

—A *perception* internationally that the U.S. has taken a decisive step toward plutonium recycle may make national reprocessing appear both more respectable and more economically attractive. We could argue that such a step is justified because of the size of the U.S. nuclear program, but it is not clear whether this would overcome such perceptions, particularly when announced as a Presidential initiative.

—The possession or lack of a U.S. reprocessing *capability* may have an important effect on our ability to negotiate workable joint fuel-exchange arrangements with other suppliers.

Negative international perceptions could probably be reduced to an acceptable level if the U.S. were to begin a *limited* program, but only if its size, substance, and rationale were consistent with a larger U.S. non-proliferation program which received general international credence. In sum, our domestic and international choices must be part of an integrated whole.

Provided that an international policy along the lines we have recommended is also adopted, the *Department can support adoption of Option 1*, to “assist industry to gain experience with reprocessing,” *with certain modifications*, along the following lines:

—The program should be identified from the outset as *experimental* in nature without prejudging its outcome, and its content should justify this description;

—We do not object to a demonstration project as proposed, consisting of government support for the AGNS plant plus design of a larger plant with no near-term commitment to construct this second facility;

—The possibility of substantial Government involvement in any second plant should, however, be held open;

—There should be aggressive pursuit of alternative technologies to reprocessing and recycle as an element of the program;

—The program should explicitly allow for financial participation by other nations (both suppliers and consumers) and joint exploration of service arrangements, but should specifically exclude service commitments or technology transfers except as part of agreed arrangements among suppliers.

—The program should be presented as an integral part of our overall strategy, with emphasis upon its potential role in improving safeguards, supporting joint fuel-exchange arrangements, developing alternative technologies, and possibly as a future element of an international fuel bank.

—The program should be reviewed at the end of two years to assess the economic and technological benefits of reprocessing in the light of what has been learned, and the advisability of proceeding with construction of a plant beyond AGNS, in the light of progress made toward an international fuel-exchange regime.

4. *Strengthened Sanctions.* We support a publicly articulated sanctions policy along the lines proposed as a means of balancing our non-proliferation and overall foreign policy objectives. The proposed approach includes at least automatic cut-off of U.S. nuclear supply if our safeguards are clearly breached, reaffirms the seriousness with which the U.S. would view any safeguards violations, and stresses the need for consultations among suppliers and consumers to determine what collective actions should be taken. We do *not* believe that a U.S. policy should go further than these steps, either in terms of incorporating explicit non-nuclear responses or in terms of adopting more rigid unilateral policies.

The Department will consult in advance of a public statement with other countries, and in particular seek to elicit comparable statements from other key suppliers. We will also pursue diplomatic efforts to

gain multilateral supplier support for IAEA-related initiatives in this area and seek supplier agreement to curtail nuclear cooperation with any non-nuclear weapons state hereafter testing a nuclear device, regardless of whether safeguards obligations are violated (recognizing that it is unlikely that France would agree).

5. *IAEA Storage Regime.* We support promotion of this concept, with particular near-term emphasis on storage arrangements for *spent reactor fuel*. A Presidential statement endorsing this concept and expressing a willingness of the U.S. to participate, can provide impetus to our on-going diplomatic efforts in the context of the London Suppliers' Group and in the IAEA to translate the international storage objective into reality. We will consult in advance of such a statement with key suppliers and the IAEA Director General. In both public statements and private consultations, when discussing the role of such a storage regime for *separated plutonium*, we should be wary of appearing to condone national reprocessing.

6. *Strengthened IAEA Safeguards.* We support the proposed program to sponsor safeguards demonstrations for sensitive facilities, offer an ERDA laboratory to support development of new techniques, and explore possibilities for greater U.S. contributions to improving agency capabilities. The Department is prepared to seek cooperation from other suppliers and recipients in reinforcing our initiatives, and believes that a public statement surfacing these proposals would be useful in this connection.

7. *Strengthened Physical Security.* We support a policy of strengthening and standardizing physical security over nuclear materials. We have made significant progress in establishing physical security guidelines for suppliers to follow as result of the London Suppliers' understandings. Before going beyond these agreed standards, the U.S. should first seek to bring its own national standards up to these levels. The concept of an international convention—which has been proposed internationally in 1974 and again in 1975 in the UNGA and explored diplomatically with other suppliers and in the IAEA context—could be mentioned as part of an overall nuclear policy statement. But it should be recognized that the prospects for strong mandatory provisions as well as early negotiation of such a convention are limited.

8. *Waste Management.* We support the review group's recommendations on waste management, but further recommend that the U.S. publicly propose the pursuit of international R&D initiatives in this field. We also propose that specific attention be given to the question of whether the U.S. could accept foreign waste, if we ever entered into an international reprocessing service program.

9. *Non-Nuclear Technologies.* The Department supports these proposals and will work with ERDA in studying possibilities. However,

we do not see substantial opportunities emerging which could provide an effective near-term deterrent to smaller countries desiring to obtain nuclear power plants. In the proper context, on the other hand, initiatives in non-nuclear energy cooperation may be helpful in dissuading certain countries from acquiring *sensitive* nuclear facilities, such as reprocessing plants. In formulating and implementing any such program, we should draw upon the efforts we are making in the IEA and in CIEC to cooperate with LDCs in the energy field. Of particular importance might be the U.S. proposal for an International Energy Institute which we are discussing within the IEA and CIEC, following up the various proposals we made at the UN Seventh Special Session.

10. *U.S. Safeguards Effectiveness.* We support the proposals for assuring the effectiveness of U.S. safeguards, with the understanding that upgraded intelligence efforts should be responsive to our broader non-proliferation policy needs and not injurious to the IAEA. We would also seek other supplier support for fallback bilateral safeguards and work with them to gain timelier access to IAEA safeguards information.

11. *Public Statement.* The Department does not believe that the UNGA would be an appropriate forum to discuss new non-proliferation policies emphasizing tougher constraints. While the drama and worldwide scope of a Presidential UNGA address are positive factors, such a message would likely be attacked as restrictive and discriminatory by the less developed countries, even if balanced by offers of inducements. On the other hand, a domestic message, perhaps to the Congress, would present an opportunity to underline both the safeguards and constraints inherent in our nuclear policies and the experimental character of any domestic reprocessing program. If the President nonetheless selects the UNGA as the forum for a statement on nuclear policy, the Department would recommend that he emphasize the cooperative aspects of our non-proliferation policy.

12. *Nuclear Policy Organization.* Rather than the proposed Nuclear Policy Council including State, ERDA and ACDA, we believe that consideration should be given to continuation of the existing NSC/VPWG mechanism or a specially constituted Under Secretaries Committee reporting to the President through the NSC and the Domestic Council. Instead of establishing another bureaucratic layer, the Department favors the option of an Under Secretaries Committee as the most flexible and coherent means of effectively representing the interests of the domestic and foreign policy agencies. Whatever the institutional arrangement, the Department of course welcomes the review group's support of its lead responsibility (in coordination with other relevant agencies) in the diplomatic and foreign policy elements of U.S. nuclear policies.

207. Memorandum From Secretary of State Kissinger to President Ford¹

Washington, September 6, 1976.

SUBJECT

Nuclear Policy Review and Non-Proliferation Initiatives

I wish to take this opportunity not only to transmit my Department's response to the nuclear policy report, but also to offer my personal recommendations on the international aspects of your policy choices, their public presentation, and their diplomatic implementation. The State Department has participated actively in the formulation of the foreign policy elements of this study. I strongly concur in the review group's emphasis on the international basis for your nuclear policy, and I believe it of central importance both that we maintain consistency between their expression and execution and that we ensure broad multilateral support for the positions you take.

Attached are the specific State Department positions, which I fully endorse, on the proposals and options prepared by your interagency group. I concur in the report's recommendations for effective diplomatic consultations and action, in which we played an active role in developing and which we are prepared to undertake as soon as you give your approval. I need hardly emphasize that the more advance notice of proposed policies and statements we give our nuclear partners and allies, the more likely they will be to provide the support so necessary for the success of our non-proliferation policies. Therefore, this memorandum specifically seeks your early authorization for proposed diplomatic approaches, on the basis of which you could refine the international policy elements of your eventual public statement.

Non-Proliferation Objectives

In reviewing and developing further our nuclear policies, it is essential for the U.S. to:

1. Ensure that our non-proliferation policies are cast in the framework of our overall foreign policy interests and close relationships with nuclear partners and allies.

¹ Summary: Kissinger presented the Department of State's positions on nuclear policy and nonproliferation initiatives as well as his own policy recommendations to Ford.

Source: Ford Library, National Security Adviser, NSC Middle East and South Asian Affairs Staff Files, Convenience Files, Box 37, Nuclear Policy Review and Non-Proliferation Initiatives. Confidential; Exdis. The attached Department of State response to the nuclear policy report is Document 206.

2. Retain multilateral support for our non-proliferation policies, without which our political relationships will be set back and our non-proliferation efforts will be rendered ineffective.

3. Develop a policy which marries the restraints which we require with the incentives we can offer.

4. Prevent our non-proliferation efforts from being distorted by international commercial competition.

5. Make domestic decisions which will effectively support, rather than undercut, the primary objective of deterring nuclear proliferation.

Meeting Policy Objectives

This Administration can justly claim credit for the concerted and productive U.S. efforts to develop strengthened and uniform nuclear safeguards and controls, through bilateral discussions with such key suppliers and consumers as France and Iran and multilateral consultations in the London meetings of major nuclear suppliers. The U.S. has achieved significant non-proliferation results through high-level, confidential diplomacy, consistent with our broad foreign policy interests and relationships. At the same time, we have openly advocated strengthened nuclear safeguards and controls, in public statements and testimony to the Congress. But domestic pressures have substantially increased for fuller public expressions of what we have pursued privately and for visible improvement and strengthening of our policies.

It therefore continues to be necessary to make choices as to what balance is to be struck between diplomatic imperatives and public perceptions of a vigorous, coherent nuclear policy. We should make no apologies for past performance, but we should also not hesitate to stake out new territory.

The fundamental need to meet the non-proliferation objectives set out above leads, in my view, to the following policy choices and presentational requirements which are consistent with but often carry further the group's recommendations:

1. *New conditions of nuclear supply, however desirable, should not be imposed by the U.S. unilaterally, but rather pursued and adopted multilaterally.* I must stress that a unilateral approach will damage us politically, with our allies and partners, and will lead the U.S. to lose both commercially and in non-proliferation terms, as other less committed nations preempt the nuclear market. It should be recognized that if the suppliers, many of whom are also our allies, do not wish to follow a U.S. initiative voluntarily, then we will either have to coerce them or jeopardize our non-proliferation policy. Clearly, we should not select a strategy which could so easily trap us in such a dilemma. At the same time, we should continue to make best diplomatic efforts to make non-proliferation gains, as I believe we have in our proposed

nuclear agreements with Egypt and Israel and in our current negotiations with Iran. I believe that *a strong public statement* could be built around the crucial importance of multilateral consensus in nuclear safeguards and controls, the need for this country not to isolate itself and lose its non-proliferation influence, and your determination to pursue a responsible nuclear export policy while obtaining strong *international* support for our non-proliferation efforts.

2. *It is essential to offer non-proliferation inducements* in the areas of fuel buy-back and exchange, working in concert with other suppliers. Nuclear consumers, particularly those of proliferation concern who already enjoy less constrained agreements, will not voluntarily accept new restraints unless it is demonstrably in their interest to do so. I therefore strongly endorse the review group's recommendations for assured and equitable front-end fuel services in exchange for spent fuel, which is at the heart of our current negotiating approach with Iran.

3. Nuclear consumers will become less disposed to relying on the U.S. if we arbitrarily impose more stringent conditions on nuclear agreements after their terms have been mutually agreed. *We must therefore ensure that the NRC licensing procedures are responsive to national policy* as executed by the President, within legislative requirements. Nuclear export licenses should not be used as a lever for obtaining new constraints from countries which live up to their obligations to us. NRC procedures should be perceived instead as a means of predictably implementing our policies of providing inducements, such as guaranteed reactor fuel supply, for countries accepting effective non-proliferation constraints.

4. We should move to engage other major nuclear suppliers in intensified and multilateral efforts to ensure that uranium enrichment and reprocessing facilities are located in supplier nations. To achieve this, it is necessary to *prevent commercial competition from leading to proliferation of such sensitive nuclear facilities*. While I support the review group's important recommendations for joint supplier fuel-service support for reactor sales, I recommend that you set a long-term framework for effective supplier coordination of fuel assurances, by calling for an examination by interested nations of an "international nuclear fuel bank" concept, as described in the second section of my Department's position paper, which would combine fuel storage and supply arrangements under international guarantees. With your approval, I will ask my deputies to work with Bob Fri in integrating this new element into your nuclear policy statement.

5. In this essential multilateral context, I conclude that a *limited domestic reprocessing decision* would serve our non-proliferation and foreign policy objectives. In so doing, however, it would be desirable to provide for appropriate foreign participation and essential to identify

the proposed program as an “experiment,” without prejudging its outcome. I can support the demonstration project associated with the “assist reprocessing option” presented by the review group, subject to what I believe are necessary presentational and policy precautions elaborated in the attached position paper, designed to reinforce our overriding non-proliferation interests.

6. I agree that you should seize the opportunity to press for rapid Congressional approval of the Nuclear Fuel Assurances Act, as a crucial means for *expanding U.S. enriched uranium capacity needed to provide credible non-proliferation inducements*. In addition to providing greater U.S. enriched uranium capacity to meet foreign needs in the near-term, we should redouble our efforts to develop more efficient and controllable forms of enrichment technology which could very substantially reduce the cost of enriched uranium and expand available supplies. This would permit us to shape an international system which could offer a combination of the “carrot and stick” required to bring about a regime which might dramatically slow the spread of national reprocessing in non-supplier states.

7. *Nuclear policy message and management*. Your review group has suggested the UNGA as a possible forum for your nuclear policy statement. *I believe that the UNGA would be an inappropriate forum* for you to discuss our new non-proliferation policies which will inevitably convey a tougher approach toward constraints. Even if tempered by offers of inducements, such a message would likely be viewed by the majority of your audience as restrictive, discriminatory, and targetted against the countries they represent. Nevertheless, if you choose to address the General Assembly on this subject, I would urge that you focus on the cooperative elements of these policies, such as the recommended international spent fuel and plutonium regime and our interest in exploring an international nuclear fuel bank concept. I believe that, in any event, you should reserve for a receptive U.S. audience (or in a message to the Congress) the stronger aspects of our policies, as well as any decision to proceed with domestic reprocessing. As a subsidiary consideration, I am not convinced that a new bureaucratic layer—the proposed Nuclear Policy Council—will enhance management effectiveness. You might consider using instead existing interagency committees, such as the specially constituted Under Secretaries Committee described in the attachment, to coordinate U.S. nuclear policies.

Proposed Diplomatic Approaches

Your review group has identified the important need for diplomatic consultations prior to, and actions following, your nuclear policy statements. I believe that your statement will afford a significant opportunity to catalyze multilateral support for the safeguards, physical security,

restraints, incentives and sanctions components of our nuclear policies. Pursuant to the review group's recommendations for next steps, I propose that you authorize:

1. Rapid, advance consultations with the IAEA and my counterparts in Canada, France, the FRG, Japan, UK and USSR on the broad nuclear policy initiatives you desire to announce; and incorporation into your nuclear policy message of the results of these advance consultations by the NSC and the Department, working with the Domestic Council.

2. Exploration of your new nuclear policy proposals (including, if you approve, our recommendations for fuel pooling and an international nuclear fuel bank concept) with other supplier and consumer states, prior to my development of the comprehensive negotiating plan suggested by your review group.

3. Active pursuit of our standing proposals for an export moratorium on reprocessing facilities and technology, use of supplier-based reprocessing services, and international plutonium management, in the framework of the London nuclear suppliers' meetings, consistent with your nuclear policy decisions.

4. Accelerated interagency review of technological, economic and commercial alternatives for maximizing use of enriched uranium incentives, under effective controls, to support policies of greater non-proliferation restraint.

Recommendations:

1. That you authorize the diplomatic approaches and follow-on actions proposed above.

2. That you direct incorporation in the Presidential message of the international nuclear policy elements I have described above, consistent with your decisions on the recommendations of the nuclear policy review group.

208. Memorandum From the President's Assistant for National Security Affairs (Scowcroft), the President's Assistant for Domestic Affairs (Cannon), and the Director of the Office of Management and Budget (Lynn) to President Ford¹

Washington, September 15, 1976.

SUBJECT

Nuclear Policy

The Nuclear Policy Review Group that you created on July 14 has completed its assignment and submitted a report (Appendix I) which has been reviewed by agencies (their detailed comments at Appendix II) and your senior advisers.

Problems Requiring Attention

Briefly, the following major problems require attention:

- There is a growing threat of nuclear proliferation abroad because of the spread of the capability to recover plutonium from “spent” fuel elements from nuclear power and research reactors in a step called “reprocessing.” The separated plutonium is intended to be recycled as reactor fuel. However, the plutonium can also be stolen or clandestinely diverted and used quite quickly to make explosives.
- The system of controls to prevent such uses is not adequate for dealing with the growing threat. This system includes IAEA safeguards and inspections, physical security programs, and various bilateral and multilateral agreements.
- Concern in the public and Congress about proliferation abroad is leading toward legislation designed to force our foreign customers to agree to forego reprocessing and the accumulation of plutonium stockpiles—as a condition for receiving nuclear fuel and equipment from U.S. suppliers.

¹ Summary: In light of the Nuclear Policy Review Group's recent report, Scowcroft, Cannon, and Lynn highlighted for Ford major nuclear policy problems requiring attention and recommended four policy alternatives for decision.

Source: Ford Library, Presidential Handwriting File, Box 1, Atomic Energy, 9/8/76–9/30/76. Secret. Sent for decision. A stamped notation on the first page of the memorandum indicates that Ford saw it. Ford initialed his approval of alternative 3. Appendices I and II and Tab A are not attached and not found. Robert Fri, Deputy Administrator of ERDA, submitted the Nuclear Policy Report to the President on September 7; his memorandum and agency reviews of the report are in the Ford Library, White House Special Files Unit, Box 5, Nuclear Policy Review: September 7, 1976 (1). On October 28, the White House issued a Presidential statement on nuclear policy that underscored the actions needed to implement future policies; see Document 214.

- U.S. leverage for insisting upon rigorous controls is declining along with our role as the dominant supplier of nuclear fuel and equipment.

- Efforts by industry to proceed with commercial scale reprocessing in the U.S. are stalled because of uncertainties concerning economics, safeguards and regulatory requirements. Also, domestic reprocessing is strongly opposed by some who believe that energy and economic benefits are outweighed by the problems resulting from significant quantities of separated and recycled plutonium. (It should be noted that reprocessing is useful but not crucial to the pursuit of the nuclear power option, at least for the next 10 to 20 years.)

- Uncertainties about reprocessing and long-term nuclear waste management (a Federal responsibility) are being used by opponents of expansion of nuclear power in the U.S. (Six more states will have anti-nuclear initiatives on their November ballots.)

Recommended Response

There is general agreement among heads of agencies concerned and your senior advisers on a recommendation that you issue a major statement on nuclear policy which:

- Reaffirms U.S. intent to increase the use of nuclear power.
- Recognizes that other countries will do the same regardless of U.S. position.
- Reflects U.S. intent to be a reliable and competitive international supplier of nuclear fuel and equipment.
- Reflects great concern about the spread of reprocessing abroad because of the potential for theft by terrorists or diversion by nations of separated plutonium.
- Announces policy changes to deal with this concern, backed up by a series of specific proposals to tighten controls, offer incentives to those who cooperate in restricting reprocessing, and impose sanctions on those who violate agreements.
- Announces Administration position on reprocessing in the U.S. and a course of action to carry out that position.
- Commits the Administration to assure the availability of a nuclear waste disposal facility when needed about in 1985.

However, with respect to reprocessing here and abroad, there is disagreement among your advisers on:

- Whether and when reprocessing should be used.
- The desirability and effectiveness of U.S. attempts to get other nations to forego reprocessing.

Issues Requiring Your Attention

If you agree that a Presidential response is warranted to deal with outstanding nuclear policy problems, your decision is needed on the

critical issue of U.S. policy on reprocessing here and abroad (discussed below).

In addition, your decision will be needed later on specific initiatives in support of the general policy decision that you make. Those specific initiatives will be developed in greater detail and presented for your approval while the statement is being developed.

Principal Issue—Policy on Acceptability of Reprocessing Here and Abroad and the Control of Separated Plutonium

All of your advisers agree that some change of current policies (summarized in Alt. #1, below) on reprocessing and the control of separated plutonium are needed. They disagree as to the nature of the change—largely because of different views on:

- The relative weight given to non-proliferation and other foreign policy considerations, and on energy and economic objectives.
- The chances of changing significantly the course of worldwide events leading to reprocessing, a step which creates the capability for proliferation.
- The probable effectiveness of U.S. attempts to use its diminishing supplier role to deter other nations from proceeding with reprocessing.
- The impact, here and abroad, of a change in U.S. policy which now assumes that we will proceed with reprocessing and recycle of plutonium.

Four principal positions on domestic and foreign reprocessing and alternatives are identified and described below. The principal variables among the four alternatives are:

- The toughness of our stand against the spread of reprocessing abroad.
- Our attitude toward reprocessing in the U.S. and the government role in bringing about reprocessing.
- The extent of the consistency between our domestic and foreign policy on reprocessing.
- The importance attached to the breeder reactor—which is dependent upon reprocessing and plutonium recycle (though a decision on breeder commercialization is not scheduled by ERDA until 1986).

• *Alt. #1.* Continue to resist the spread of reprocessing abroad but with no significant change in policy or significant new initiatives. Continue current policy on domestic reprocessing, which assumes reprocessing, and recycle of plutonium, encourages the development of a private reprocessing industry, and provides limited government assistance on reprocessing R&D.

Your statement announcing this position would stress concern about the spread of international reprocessing, stress the need to work

cooperatively with other nations, take credit for past U.S. actions and limited efforts now underway or planned.

In effect, we would be accepting the inevitability of the spread of reprocessing and not make a major effort to halt that spread.

- Principal arguments for this approach are that:

- Other nations who view us as overreacting to the risk of proliferation would be reassured of our steadiness.

- There would be little additional Federal involvement in reprocessing now.

- Principal arguments against this approach are that:

- It does not deal with the currently perceived threat of proliferation and would be unacceptable to the Congress and the public.

- Differences in NRC and Executive Branch attitude would be obvious since NRC almost certainly will deny some exports that our trading partners expect under existing agreements for cooperation.

- Uncertainties about domestic reprocessing would continue.

- *Alt. #2.* Significantly strengthen efforts to limit the spread of reprocessing abroad (but accept its inevitability) and to prevent theft and diversion of separated plutonium—hopefully in cooperation with other nations, but with unilateral moves when necessary. Continue current policy of encouraging development of a domestic reprocessing industry, with a commitment to assist with a Federal commercial scale demonstration.

Your statement announcing this policy would stress concern about the spread of international reprocessing, highlight the need for major new steps to avoid this spread and to strengthen safeguards, tighten our export restrictions, and offer incentives to customers and suppliers to cooperate. It will also include a greater Federal role in demonstrating commercial scale reprocessing in this country and justify domestic reprocessing plans on the grounds that capacity is needed to understand economics and safeguards and to provide reprocessing services for both U.S. and foreign needs.

In effect, you would be accepting this inevitability of reprocessing but would be moving vigorously to limit its spread in other countries. Many nations probably would go along with this position but (a) Brazil and Pakistan would proceed with plans for major reprocessing plants, and (b) Germany and France would continue a more liberal policy toward assisting others to build reprocessing facilities. Reactor manufacturers in the U.S. would be concerned about impact on foreign sales but they, and others, in the U.S. nuclear industry would welcome the commitment to reprocessing and the plan to resolve uncertainties.

- Principal arguments for this approach are:

—Recognizes that reprocessing will likely be pursued abroad in any event and that there will be strong pressures for reprocessing domestically.

—Offers the basis for a reasonable compromise with other suppliers: Canada favors tougher stand against reprocessing; the FRG and France a somewhat more liberal one.

—Would help resolve some uncertainties restraining the growth of nuclear energy in the U.S.

—Consistent with current domestic policy on reprocessing.

—Compatible with plans for developing breeder reactor (which requires plutonium as fuel).

- Principal arguments against this approach are:

—It does not go far enough to meet the expectations of some critics in Congress and those who believe that proliferation risks of reprocessing outweigh energy and economic advantages.

—Leaves some inconsistency between our negative attitude towards reprocessing by others and our own intentions to proceed.

—Further commits the Administration to reprocessing and recycle while NRC's decision on this issue is still pending.

—Calls for significant increase in government role in reprocessing and also involves government costs for a domestic reprocessing demonstration (upwards of \$1 billion through 1985) and buy back of foreign fuel (upwards of \$200 million through 1985 and \$3 billion through 2000).

—In effect, it would commit the government to assist in starting up a \$270 million existing privately owned spent fuel separations facility at Barnwell, South Carolina, with the potential charge of "bailing out" a private venture owned by Allied Chemical, Gulf Oil, and Royal Dutch Shell.

- *Alt. #3.* Significantly strengthen our efforts to control the spread of reprocessing abroad, as in *Alt. #2*, *but also* take strong stand that reprocessing should go ahead domestically and internationally *only if* safety, safeguards, and economic benefits can be demonstrated clearly. No longer assume that reprocessing and recycle would be acceptable, but proceed with planning and design activities necessary to bring reprocessing facilities on line when needed if a decision to proceed with reprocessing is made. Provide government assistance in a commercial scale demonstration of reprocessing to resolve uncertainties. Launch a significant program to explore and develop alternative ways of getting energy and economic benefits from spent fuel, if feasible.

Your statement would make clear that non-proliferation goals take precedence over energy and economics. The attitude would be sharply different from *Alt. #2*, and place burden of proof on those who want to proceed with reprocessing. It would also stress strongly your concern about the spread of international reprocessing and announce steps to avoid this spread. The reprocessing demonstration would be justified primarily as an experiment to develop and demonstrate safeguards.

The potential of getting other nations—customers and suppliers—to take concerns about reprocessing more seriously would be greater than in Alt. #2. The budget impact would be about the same as Alt. #2, though the expenditures supporting the domestic reprocessing experiment might be somewhat less and the expenditures supporting research into technical alternatives to reprocessing somewhat more.

- Principal arguments for this alternative are:

- Could improve our ability to persuade sensitive countries such as Korea, Pakistan, Republic of China and Iran not to acquire reprocessing facilities by our removing the argument that we were seeking to deprive them of capabilities and benefits that we were exploiting ourselves.

- It recognizes clearly the uncertainties with respect to reprocessing, including the need not to commit to reprocessing before an NRC decision on plutonium recycling.

- Reduces the inconsistency between our plans for going ahead with reprocessing and our opposition to spread of reprocessing abroad, thus strengthening our position with supplier and customer nations.

- It would be more favorably received by U.S. critics of reprocessing than would Alt. #2.

- Provides utilities assurance that either reprocessing or spent fuel storage will be available when needed.

- It could be presented to industry as the best way of proceeding and minimizing delays, recognizing current hostility to reprocessing.

- Principal arguments against this alternative are:

- As a very substantial change or reversal in government position on reprocessing, it may add additional uncertainty about nuclear power—which could slow nuclear power growth in the U.S.

- Potential reprocessors may withhold further investment and involvement in reprocessing plants until after the government makes a final decision on reprocessing.

- Adds uncertainty to the viability of the breeder, but a decision on breeder commercialization will not be made until 1986.

- Highlighting of alternative technologies (which have not yet been developed) can raise false expectations that reprocessing is not necessary and thus lend credence to opponents' arguments against proceeding even with a reprocessing demonstration.

- General public may view it as a signal that the government is less sure about safety of nuclear energy.

- *Alt. #4.* Strongly oppose the use of reprocessing here and abroad. Commit the government to a major program to explore and evaluate the feasibility of alternative technologies for getting energy value from spent fuel without separating the plutonium. If unsuccessful, prepare to dispose of spent fuel without regard to the energy value or possibly reactivate reprocessing at some later date.

Your statement would make clear that we view reprocessing as a serious danger, that we are forswearing reprocessing and urge others to do so as well. You could offer to share our results from developing

new technologies with others and work with industry to assure that spent fuel storage is available, possibly on an international basis.

- Principal arguments for this approach are:

—Could improve our ability to persuade sensitive countries such as Korea, Pakistan, Republic of China and Iran not to acquire reprocessing facilities by our removing the argument that we were seeking to deprive them of capabilities and benefits that we were exploiting ourselves.

—Would be quite popular with a few members of Congress, the press and the public.

- Principal arguments against the approach are:

—Would forego the use of known reprocessing technology in return for alternatives whose feasibility has not been demonstrated.

—Would be unlikely to dissuade France, FRG, United Kingdom, and possible others from proceeding with current reprocessing plans.

—U.S. private sector reprocessing interests would fold, utilities might slow down nuclear reactor orders.

—This would signal antipathy toward a plutonium economy and the breeder might have to be dropped as a long term energy option.

—Government costs for developing alternative technologies may be as great or greater than those for demonstrating reprocessing under Alt. #2 and #3.

*Recommendations and Decisions on Major Policy Direction on
Reprocessing*

Alt. #1—Continue current policy of resisting spread of reprocessing abroad; Continue current policy on domestic reprocessing.

Commerce, Friedersdorf,
Marsh²

Alt. #2—Significantly strengthen efforts to control reprocessing abroad; Continue assuming and encouraging domestic reprocessing, including the provision of Federal demonstration assistance.

State, DOD, ERDA, FEA,
Steuer, Buchen, Scowcroft,
Lynn, Cannon, Greenspan

Alt. #3—Take stand that reprocessing should go ahead domestically and abroad only if safety, safeguards and economic benefits can be demonstrated clearly. Strengthen efforts to control reprocessing spread abroad. Assist in domestic commercial scale reprocessing demonstration.

² Marsh prefers Alt. #2 but would settle for Alt. #3. [Footnote is in the original.]

ACDA, CEQ, EPA³

Alt. #4—Strongly oppose the use of reprocessing here and abroad. Mount major program to develop alternative technologies.

Tab A provides comments made by agency officials upon stating their preference among alternatives. Their full comments on the Fri Report are at Appendix II.

³ In response to an earlier paper which did not contain Alternative #3, Russ Train selected the alternative identified above as Alternative #4. He is out of town and would like to read this paper before deciding whether to remain with Alternative #4 or to switch to Alternative #3. [Footnote is in the original.]

209. Memorandum From the President's Assistant for National Security Affairs (Scowcroft) to President Ford¹

Washington, September 23, 1976.

SUBJECT

The Egyptian and Israeli Nuclear Agreements

Administrator Seamans has forwarded for your consideration the proposed Agreements for Cooperation concerning civil uses of atomic energy with Egypt and with Israel (Tab B). If you approve, the agreements would be submitted to Congress for their approval by concurrent resolution.

The basic purpose of the agreements is to establish the terms under which Israel and Egypt may each receive from U.S. sources up to two

¹ Summary: Scowcroft summarized for Ford the proposed nuclear agreements with Egypt and Israel that ERDA Administrator Seamans had forwarded, along with by congressional and agency views, for the President's consideration.

Source: Ford Library, National Security Adviser, Presidential Country Files for Middle East and South Asia, Box 4, Egypt (14). Confidential. Sent for action. Oakley and Elliott sent the memorandum to Scowcroft under a September 15 covering memorandum, indicating that they had obtained the views of both Marsh and Friedersdorf and included them in the memorandum to Ford. Notations on the covering memorandum in an unknown hand indicate that the memorandum was sent to Ford on September 23. A stamped notation on the first page of Scowcroft's memorandum indicates that Ford saw it. Ford initialed his approval of the fourth alternative. Tabs A and B are not attached and not found.

nuclear power reactors and enriched uranium fuel for those reactors. The two agreements and notes are substantively identical and have been treated as a package ever since negotiations began last year. Israel accepts the package concept and supports the Egyptian agreement.

The Safeguards Contained in the Agreements

The scope of cooperation and many provisions of these agreements are similar to prior U.S. Agreements for Cooperation with other countries. However, the Egyptian and Israeli agreements also incorporate several special restrictions which are intended to ensure that the introduction of nuclear power into Israel and Egypt will occur under exceptionally safeguarded and controlled conditions. The key restrictions are:

a. U.S. supply of material and equipment to Israel and Egypt would be subject to safeguards of the International Atomic Energy Agency (IAEA), with the proviso that separate U.S. bilateral safeguards rights would be applied should the U.S. conclude that our safeguards requirements are not being satisfactorily met by the IAEA safeguards.

b. The U.S. is to be given access to the confidential information provided to the IAEA on the implementation of the IAEA safeguards.

c. The use of U.S. material and equipment, and any plutonium produced therefrom, for any military use, including *any* nuclear explosive device is prohibited.

d. Physical security measures for U.S.-supplied nuclear material and equipment will be developed jointly.

e. U.S. approval is required concerning the location of certain operations involving plutonium, including the reprocessing of either U.S. fuel or non-U.S. fuel used in a U.S. reactor. An explicit understanding is included that fuel reprocessing, as well as storage or fabrication of the recovered plutonium, will take place outside of Israel and Egypt.

f. The U.S. has an option to take title to, and to effect the disposition of, plutonium produced from U.S. fuel or non-U.S. fuel in a U.S. reactor.

g. Should plutonium be requested for recycle as reactor fuel, such supply would be subject to U.S. approval and, if permitted, such plutonium transfer would be in the form of fabricated fuel elements.

h. The enrichment of uranium fuel to be transferred under the agreements is restricted to below 20% in the isotope U-235.

Congressional Outlook

It will not be possible to complete the required 60-day congressional review period during this session unless Congress reconvenes after the election or unless it decides to act quickly and not take the full 60 days. Neither of these is probable. In addition, the Senate has just authorized a group of six Senators (headed by Ribicoff and including Baker) to visit the Middle East in November and to report on the impact of

introducing nuclear technology there. The Senate would probably defer action on the Egyptian and Israeli agreements until it receives the report of this group in the next session.

The reaction on the Hill to the substance must also be considered. The agreements contain unprecedented restrictions and controls and present no real proliferation risks. A complicating factor, however, is the introduction by Senator Pastore of his non-proliferation bill, which, as you know, is now the subject of negotiation between the Senator, Senator Percy, Congressman John Anderson and the Administration. The draft legislation contains a requirement for the U.S. to initiate immediate negotiations with other supplier nations seeking agreement that, as a condition to exports to other countries, all nuclear material in the possession of the recipient country must be under international safeguards and that IAEA safeguards must be applied to all nuclear activities in these countries. In our discussions with Pastore, Anderson and others, we have not indicated that this is an unacceptable position, and they undoubtedly believe that the Administration is prepared to support this section of the bill. This provision, of course, is only a call for best effort negotiation and does not require the unilateral imposition of these conditions failing agreement with the other suppliers. However, it does put us on record as a strong supporter of international safeguards for all nuclear activities in recipient countries. (In the Percy version of the bill, these conditions would have to be imposed unilaterally after 18 months.) Neither the draft Egyptian or Israeli agreements conform to these particular criteria, because Israel would not accept the idea of placing all of its nuclear material under international safeguards. The agreements may be opposed on the grounds that they are out of step with congressional thinking, although the special position of Israel should soften the criticism.

These agreements could impact negatively on the non-proliferation initiatives which are contained in the Fri study. One of the proposals of that study, concurred in by all agencies, is that criteria for considering new nuclear agreements would include whether the proposed recipient was a party to the NPT or prepared to submit *all* its nuclear facilities to safeguards, and whether it was prepared to forego or postpone indefinitely the establishment of national reprocessing. Departure from these criteria would require your personal approval. The Egyptian and Israeli agreements would not meet those criteria.

Therefore, Congress may perceive inconsistencies in your position if the first agreements you submit to Congress, essentially coinciding with your non-proliferation message, do not meet these enunciated criteria. (The counter argument, however, is that other countries will supply nuclear material to Egypt under less stringent conditions if we do not. Our non-proliferation interest is best achieved by coupling

supply with strict safeguards. Israel's special relationship with the United States and recognition that Egypt has not adhered to the NPT because Israel refuses to do so are other mitigating factors.)

These agreements could become a political issue. However, the fact that Israel wants this agreement should help to minimize the difficulties. For example, President Nixon's first offer of nuclear cooperation to Egypt encountered strong opposition in 1974. By contrast, when you announced the principles that would be embodied in the agreement during President Sadat's visit earlier this year, there was no adverse reaction. These different congressional and press reactions probably resulted at least in part from a shift in Israel's position on this issue. In 1974 Israel was not interested in a nuclear agreement with the U.S.

Agency Views

State recommends that the agreement be submitted to Congress now. We essentially committed ourselves to do this in reaching final agreement with Egypt and Israel, and failure to forward the agreements to Congress at this time would have a sharply negative impact. We pushed the two countries to complete the negotiations quickly on the grounds that the required congressional approval would be progressively more difficult to obtain as the congressional session drew to a close. Even if, as seems probable, Congress decides to take no action, our commitments in Cairo and Tel Aviv will have been satisfied and no domestic political fracas will have occurred.

ACDA has no objection to the agreements being submitted at this time.

ERDA recommends that submission of the agreements be made only after congressional action on the non-proliferation bill and after presentation of your non-proliferation message which will enunciate your broad policy objectives. If we do otherwise, ERDA believes we may have difficulty in defeating unacceptable and unrealistic amendments to the non-proliferation bill. As you know, Senators Percy and Glenn consider the Joint Committee's and the Administration's approaches to non-proliferation too weak. Percy and Glenn might try to use the Egyptian and Israeli agreements to make the point that the Administration cannot be trusted to be tough enough, and that legislative mandates are needed. We would hope to be able to convince most people that the agreements present no real proliferation risks and that they contain unprecedented restrictions and controls that would not be imposed by the other suppliers who are prepared to provide nuclear technology, at least to Egypt. These agreements, therefore, can justifiably be presented as a big step toward the achievement of tighter non-proliferation controls.

Jack Marsh and Max Friedersdorf recommend that you do not submit the agreements during this session, or if you do decide to do so, that the submission follow final action on the proliferation bill and presentation of your non-proliferation message.

Jim Cannon thinks it could be damaging to you, and to the agreements, to send them up to Congress at the last minute. He recommends against submission in this session.

There is no doubt about the awkwardness of submitting these agreements in close proximity to the promulgation of broad proliferation policy objectives, to which they constitute exceptions. That is true whether they come before or after your policy declaration. The hazards of submitting the agreements ahead of the policy are set forth above. If they are submitted following your policy declaration, however, we run the risk of at least severe criticism that we have laid out a new policy and the first agreements submitted under that policy are incompatible with it. On balance, I think the principal problem is in connection with the pending proliferation legislation. I do not believe the relationship to your proliferation policy statement is crucial. I recommend, therefore, submission of the agreements in this session immediately following disposition of the pending legislation, either by action on the bill or by setting it aside.

Alternatives For Your Decision

1. That you submit the agreements to Congress now.
2. Alternatively: that you submit the agreements after disposition of the proliferation bill.
3. Alternatively: that you submit the agreements after disposition of the proliferation bill and announcement of your nuclear policy message.
4. Alternatively: that the agreements not be submitted during this session.

If your decision is to submit the agreement at some point during this session (i.e., any of the above alternatives but the last), you should sign the decision memorandum at Tab A.

210. Telegram 4005 From the Mission to the United Nations to the Department of State¹

New York, September 29, 1976, 0053Z.

4005. Subject: UNGA Disarmament: Soviet Memorandum on Disarmament.

1. USSR introduced Sept 28, in conjunction with Gromyko UNGA statement (septel), a “memorandum of the Soviet Union on questions of ending the arms race and disarmament” (full text pouched IO/UNP). Memorandum, to be circulated as UNGA document, parallels in essential respects disarmament portion of Gromyko address, with more detail on some issues.

It deals with nuclear disarmament; Comprehensive Test Ban (CTB), nonproliferation; chemical weapons (CW); new weapons of mass destruction (MDW); reduction of armed forces and conventional arms (including elimination of foreign military bases); Indian Ocean peace zone (IOPZ); Mediterranean; reduction of military budgets (ROB); World Disarmament Conference (WDC); and special session on disarmament. Highlights include:

—Soviet willingness to participate in nuclear disarmament discussions involving all nuclear weapon states and including non-nuclear weapon states;

—Willingness to seek compromise verification procedures for a CTB permitting voluntary decisions on on-site inspection;

—Readiness to examine non-national control provisions for verification of a CW agreement, particularly methods for verification of destruction of CW stocks;

—Call for measures for reduction of conventional arms and armed forces;

¹ Summary: The mission reported that the Soviet delegation to the United Nations had introduced a memorandum covering various arms control initiatives in conjunction with Soviet Foreign Minister Gromyko’s statement before the United Nations General Assembly on September 28.

Source: National Archives, RG 59, Central Foreign Policy File, D760366–0640. Limited Official Use; Immediate. Repeated for information to Bonn, London, Moscow, Ottawa, Rome, The Hague, Tokyo, the Mission to NATO, the Mission in Geneva, the U.S. delegation to the SALT II talks in Geneva, the Mission to the IAEA in Vienna. In telegram 4008 from USUN, September 29, 0141Z, the Mission transmitted a summary of Gromyko’s September 28 statement. (Ibid., D760366–0811) An extract of the Soviet memorandum is printed in *Documents on Disarmament*, 1976, pp. 631–641. For the full text of the memorandum see telegram 4002 from New York, September 28. (National Archives, RG 59, Central Foreign Policy File, D760366–0669)

—Willingness to explore with other powers reduction of military activities in the Indian Ocean;

—Endorsement of idea of special UNGA session on disarmament as step toward a WDC.

Summary follows.

2. Nuclear Disarmament. Memorandum states first step is to stop manufacturing nuclear weapons, equipping armed forces with them, and developing new types of such weapons. This should be accompanied or immediately followed by reductions in stocks, with transfer of nuclear materials to peaceful purposes. Reduction of weapons stocks should be accompanied by reduction of means of delivery. Simultaneously, measures should also be taken for limitation and reduction of armed forces and conventional weapons. This process is "inconceivable" unless all nuclear-weapon states (NWS) take part. USSR is prepared to engage together with all other NWS in "comprehensive discussion of nuclear disarmament problem in all its scope and elaboration of concrete ways of its practical solution." USSR "has no objections" to non-nuclear-weapon states (NWS) also participating.

3. CTB. Memorandum asserts that conditions are ripe for achievement of a CTB, "particularly as a result of signing" of U.S.-Soviet PNE treaty, which establishes procedure for PNEs that "will preclude their use for perfecting nuclear weapons." Recalling 1975 Soviet CTB resolution, memorandum says it is "necessary to begin negotiations promptly." It rejects argument that teleseismic means are insufficient to verify compliance with a CTB but does not reject on-site inspection: "the Soviet Union is convinced that no particular difficulties should arise in elaborating such a compromise basis for an agreement as would ensure a voluntary framework for taking decisions relating to on-site ascertaining of relevant circumstances and, at the same time, impart confidence to all parties to the treaty that the obligations are complied with."

4. Nonproliferation. Memorandum states it is "important to strive for the NPT to become truly universal" (no holdouts are mentioned by name). It also asserts that other types of action are necessary. Noting that international commercial exchange of nuclear materials, equipment, and technology will lead to increased production of plutonium that can be used for nuclear weapons, memorandum states that nuclear suppliers bear special responsibility and that strict safeguards are needed to prevent nuclear cooperation from becoming channel for spread of nuclear weapons. It also states that Soviet Union "resolutely advocates the need for perfecting in every possible way the system of control over nuclear installations and materials exercised by the IAEA" and is ready to cooperate toward this end with all interested states.

5. CW. Reaffirming Soviet preference for a single-step comprehensive ban on all chemical weapons, memorandum at same time recon-

firms Soviet willingness to start with an agreement on prohibition and elimination of the most dangerous, lethal types of chemical weapons, adding that a “substantial contribution to this end could be the implementation” of the 1974 U.S.-Soviet agreement to consider a joint initiative in the CCD. On verification, memorandum states that control should be exercised, as in BW Convention, by “national means.” However, it goes on to assert that “the Soviet Union is ready to examine a possibility of using additional control procedures and, in particular, to discuss methods of verifying the destruction of stocks of chemical weapons.”

6. MDW. Memorandum says negotiations on new MDW should be given “top priority.” It proposes, as an approach to definition, that new MDW include “any types of weapons based on qualitatively new principles of action—according to the method of use and the targets to be attacked or the nature of their impact.” Examples cited are “ray weapons capable of affecting blood and intracellular plasma, infrasound weapons designed to damage internal organs and affect human behavior, and genetic weapons the use of which would affect the mechanism of heredity.” New “systems” of MDW include not only systems for new types of MDW but also systems “introducing new technical elements of combat or support means” that can increase dangerous characteristics of weapons based on existing principles: “aero-space systems of nuclear weapons on the basis of transport space ships may serve as an example.”

7. Reduction of Armed Forces and Conventional Armaments. Noting increasing destructiveness of conventional weapons, memorandum asserts need for “feasible measures to reduce aircraft, artillery, tanks, and other modern types of conventional weapons as well as armed forces equipped with these weapons.” It recalls Soviet proposals for ceilings on armed forces of major states and says that “even now the Soviet Union is prepared to conduct negotiations on reduction of armed forces and armaments.” In addition, memo states desirability of “new efforts at the international level to bring about the elimination of all military bases in foreign territories and the withdrawal of foreign troops from such territories.”

8. IOPZ. In notable shift of Soviet position, memorandum expresses “understanding” for IOPZ idea and asserts that “the Soviet Union would be prepared together with other powers to seek ways for reducing on a reciprocal basis military activities of non-littoral states in the Indian Ocean and in the regions directly adjacent to it.” It notes that such measures “must fully take into account” international law on freedom of navigation on the high seas and need for “associated business calls” at ports as well as for research. Paper asserts that “key question” is to ensure absence of foreign military bases in region and

dismantling of existing ones. "As to the Soviet Union, it did not and does not intend to build military bases in the Indian Ocean." Memorandum further notes that USSR is "prepared to consider the question of its attitude" toward the convening of a conference on the Indian Ocean. *Comment.* Gromyko's statement was more explicit in stating that Soviets were prepared to participate in preparations for such a conference provided their concerns were met. *End comment.*

9. Mediterranean. Memo recalls earlier Soviet proposal to U.S. that U.S. and USSR withdraw from the Mediterranean their ships and submarines carrying nuclear weapons and states that this proposal is "still valid."

10. Memo briefly expresses support for nuclear-weapon-free zone proposals and asserts that USSR is in favor of "stopping the arms race in the Middle East within the framework of a comprehensive political settlement of the Middle East conflict."

11. ROB. Ignoring the experts' study under the SYG's auspices of technical issues involved in the measurement and comparison of military expenditures, memo refers to 1973 Soviet proposal for ten percent reduction of military budgets of permanent members of the Security Council and says Soviets are flexible on percentage reduction to be agreed upon. It proposes that agreement on a figure "greater or smaller than 10 percent" be reached as a first step during 1977, adding that the question should be made as soon as possible a subject of "businesslike negotiations between the states concerned."

12. WDC and Special Session on Disarmament. Memo once again endorses convening of a world disarmament conference as a forum for achievement of "cardinal changes in the solution of the disarmament problem." It adds, however, that a special session of the UNGA could become an appropriate forum for discussing disarmament questions, determining ways of solving them, and working out a long-term program of practical steps. A special session would be "an interim stage which should by its decisions prepare a broad and radical review of the disarmament problem at the world (disarmament) conference." Cryptic concluding comment states that special session "should not be restrained by strict time limits or the procedure followed at the General Assembly sessions, including special sessions."

Scranton

211. Telegram 16290 From the Embassy in the Soviet Union to the Department of State¹

Moscow, October 15, 1976, 1609Z.

16290. Subj: Soviet Assessment of Gromyko Proposals: CTB, CW, Indian Ocean. Ref: Moscow 15482.

1. *Summary.* At October 13 reception, Chief of Disarmament Section of MFA's International Organizations Division, Boris Krasulin, singled out CTB, CW, and Indian Ocean as the most important items in Gromyko's UNGA proposals and placed great importance on the willingness of the USSR to accept on-site inspection for CTB and CW. On Indian Ocean he underlined the importance of the questions of foreign bases and military transit in the Soviet position. USA Division Multilateral Affairs Counselor backed him up on verification and Indian Ocean in separate conversation. *End summary.*

2. Krasulin, in an expansive mood, gave a detailed analysis of Gromyko's UNGA speech and related documents. He focused his attention on the memorandum to UNSYG, calling it a most important document for Soviet foreign policy and one to which they expected to refer constantly in the future. He stressed that much careful preparation went into its formulation and throughout the conversation showed evident pride in the role that he and others in MFA had played in producing it. He indicated several times that there were difficulties in getting the document through the bureaucracy and that the new elements in it faced substantial opposition. The thrust of his remarks was that other countries should be pleased that the proposals have seen the light of day. In separate conversation at same function MFA USA Division Counselor (for multilateral affairs) Sokolov made same point to Acting Pol Counselor re positions on verification and Indian Ocean, adding that resistance to the Indian Ocean proposal was particularly strong.

3. EmbOff suggested to Krasulin that "platter" Gromyko placed before UN was so extensive that there must be some priorities placed

¹ Summary: The Embassy reported that Chief of the Disarmament Section of the International Organizations Division of the Soviet Ministry of Foreign Affairs Krasulin had emphasized to Embassy officials the importance of several aspects of Soviet Foreign Minister Gromyko's UN General Assembly disarmament proposals.

Source: National Archives, RG 59, Central Foreign Policy File, D760389–0198. Confidential. Repeated for information to Canberra, the Mission in Geneva, the U.S. delegation to the SALT II talks in Geneva, Leningrad, London, the Mission to NATO, New Delhi, Paris, USLO Peking, Rome, Tehran, USUN, and the U.S. delegation to the MBFR talks in Vienna. Telegram 15482 from Moscow, October 1, is *ibid.*, D760372–0390. For a summary of the Soviet proposals, see Document 210.

on the topics by Soviets. Krasulin responded affirmatively saying that the most important parts of the memorandum were sections on CTB, CW and Indian Ocean.

4. On CTB, which he placed at top of list, he said that acceptance in principle of on-site inspection was major step by USSR. He referred to this as an extension of inspection agreed to for PNE agreement (which he characterized as "revolutionary step for us"). However, in explaining concept further he said that Soviets were suggesting something like "Swedish formula" in which the "country suspected" of violation of agreement would invite "suspecting countries" to conduct on-site inspection to assure themselves. When asked if such a voluntary approach could reasonably be expected to work, Krasulin replied that it could work and that Soviet proposal could serve as the basis for negotiations on the issue. This question, however, as well as the specific modalities could, he said, be discussed in negotiations.

5. On CW Krasulin also stressed the importance of Gromyko's remarks concerning "control" which he said represented a substantial step forward. Here too the Soviets were willing to accept in principle on-site inspection with respect to destruction of chemical weapon stocks. He said that US concern over verification had prompted Soviets to take this "extra step" and that now "the ball is in your court." He commented very favorably on the utility of the recent experts' consultation in Geneva and looked forward to a new round of such talks soon.

6. On the Indian Ocean Krasulin noted that this was the first time the Soviet Union had shown a willingness to attend a conference on the Indian Ocean provided "minor conditions" are met. EmbOff noted that question of foreign bases was given great importance by Gromyko. Italian PolCouns (who joined conversation at this point) asked if Krasulin might clarify the relationship of this issue to the overall question of a conference; was the solution of the issue of bases a precondition for the conference? Krasulin said he would not use the word "precondition" but, he continued, it was evidently an issue of primary importance. Asked if there was any significance to the use of the word "activity" in describing what would be mutually reduced (as opposed to "presence"), Krasulin said he did not think so, and went on to say that Soviet presence in the Indian Ocean was necessary for transit from the Soviet Far East to Europe. Any attempt to reduce military activity would have, he said, to take account of "Soviet needs" for free transit. He recognized the "need" that "others" might have for "presence" in the Indian Ocean but implied that he did not consider such needs on the same order as those of the USSR.

Matlock

212. Minutes of Secretary of State Kissinger's Staff Meeting¹

Washington, October 18, 1976, 8:10 a.m.

[Omitted here is a list of attendees.]

PROCEEDINGS

(The Secretary's Staff Meeting was convened at 8:10 a.m., Secretary of State Kissinger presiding as Chairman.)

Mr. Robinson: Good morning.

Secretary Kissinger: Hi.

Mr. Robinson: The newspapers all report that there's going to be a statement out of the White House today on nuclear policy.

Secretary Kissinger: Yes.

Mr. Robinson: And we've sent you an outline, a preliminary draft—

Secretary Kissinger: Yes.

Mr. Robinson: —that is still being worked on. But there are three questions. No. 1 is the basic form of the State—

Secretary Kissinger: But what's the sense of showing me the draft 24 hours before it's being delivered?

Mr. Robinson: Well, we still have some flexibility.

Secretary Kissinger: Well, not if it's going to be issued today.

Mr. Robinson: Well, our draft was sent to you on Friday.

Secretary Kissinger: No, no. On Friday, when it was supposed to be delivered Saturday? That still only gave me 24 hours. It wasn't until Saturday afternoon that they were doing it.

Mr. Lord: We sent it as soon as we had a draft, and it was a summary of what we had sent you a week—

Secretary Kissinger: I have no objection to it.

Mr. Robinson: No variation in substance from anything else.

¹ Summary: Kissinger discussed the status of current U.S. nuclear policy initiatives at home and abroad with his senior staff.

Source: National Archives, RG 59, Executive Secretariat, Transcripts of Secretary of State Henry Kissinger's Staff Meetings: Lot 78D443, Box 11, Secretary's Staff Mtg, 10/18/76. Secret. No drafting information appears on the minutes. All brackets are in the original except those indicating text omitted by the editors. The topic of this discussion was a draft of President Ford's "Statement on Nuclear Policy," that Ford ultimately issued on October 28, 1976. In the statement, Ford said that while the United States opposed nuclear weapons proliferation, it wanted other nations to "enjoy the benefits of nuclear energy." The full text of the statement is published in *Public Papers: Gerald Ford 1976–77*, Book III, pp. 2673–2678.

Secretary Kissinger: I didn't understand it—which may have helped me. (Laughter.)

I don't understand. What is the point? Can you sum up three main points of that document?

Mr. Lord: It really gets back to the three themes we've been talking about for a month or two—the strengthening of safeguards, the control of plutonium, the getting out of exports—

Secretary Kissinger: But my 15-year-old can do that. What are we proposing specifically?

That's the one part I understood. What also?

Mr. Lord: The storage of plutonium under international auspices.

Secretary Kissinger: It will never be agreed to.

Mr. Lord: What?

Secretary Kissinger: It will never be agreed to.

Mr. Hartman: No. That might, as a matter of fact, because we volunteered to do it.

Secretary Kissinger: In individual countries but not in the United States.

Mr. Robinson: Ultimately it's going to come back to control of the plutonium cycle in the supplier nations; and they're going to be Europe, the Soviet Union, the U.S. And so what we're talking about is not inconsistent with that. That will have to be negotiated. But our primary concern has been putting this statement in a form that didn't look like we were trying to apply our principles unilaterally, but we were merely setting the stage for a multilateral discussion. So there are two other elements. No. 1 is advance notice to our allies, which we hope to get out before the statement is released. And No. 2 is the diplomatic follow-up which will be requested with France first, Germany second, then the balance.

Well, that's our proposal to you, but—

Mr. Lord: One other element is the reprocessing is looked upon very tenderly. So that we set a trend, we make sure this makes sense before we go ahead with other countries rather than having to set up their own—

Secretary Kissinger: That's what I thought it said. Our reprocessing will be looked at tenderly.

Mr. Robinson: Yes.

Mr. Lord: And to look at other technologies to see whether the process makes any sense.

Secretary Kissinger: Well, it sure as hell makes sense. It's like prohibition. It certainly makes sense to countries that want nuclear bombs. Pakistan isn't getting a reprocessing plant because it doesn't understand that it is not now economical.

Mr. Lord: What this does—it takes care of the technical and economic dimensions. It doesn't take care of the political-security dimensions, which is much more fundamental. That gets you into security guarantees; that gets you into regional conflicts being resolved by other means. And if a country wants a bomb that doesn't get sold, there's no question about that.

What it does do is tie up the technical and economic restraints.

Mr. Robinson: And what it does is set it out on the table for the world to get a look at it.

Secretary Kissinger: When is it going to be released? Is it going to be released today?

Mr. Lord: That's not for sure.

Secretary Kissinger: Well, how is it going to be released? They're just going to dump it on the White House Press Corps?

Mr. Lord: It's going to be briefed by State, Scowcroft and Cannon.

Secretary Kissinger: Cannon?

Mr. Robinson: Cannon, yes.

Secretary Kissinger: What does he know about it?

Mr. Robinson: He's on the Domestic Council.

Secretary Kissinger: Who's briefing for State?

Mr. Robinson: George Vest.

Mr. Vest: And we don't know that it's going to happen today, sir, either.

Mr. Lord: It's the detailed facts which make it a lot more palatable than the statement itself. (Laughter.)

Secretary Kissinger: Yes. It's not a masterpiece of comprehensive ability either, I must tell you. I read both of them on Friday. That point, I figured, was coming out Saturday anyway, and it was beyond help. The basic document is incomprehensible.

Mr. Lord: It's less incomprehensible than the one we got, that's all I can say.

Secretary Kissinger: The basic document does not explain exactly what the solutions are, but it has sort of a mishmash of a variety of measures unrelated to a central theme.

The summary is better, I grant you. But it's not a masterpiece of lucidity either. It does not explain exactly what the problem is with which we're trying to deal and how. Neither of them explains that we're inviting other nations to join us.

Mr. Robinson: Well, it doesn't do it very clearly.

Secretary Kissinger: Well, if it doesn't do it very clearly, it doesn't do it.

Mr. Lord: What it does is set out the initiatives. What it does is address the speech. I agree with you that the statement should be clearer.

Secretary Kissinger: Well, if it's supposed to be our basic document on proliferation, what's the difference whether they put it out in a speech or in a statement; and why should a statement be less clear than a speech?

Mr. Robinson: Well, it's being aimed at the domestic market for political reasons.

Secretary Kissinger: The domestic market is concerned with foreign policy. Why is it easier to explain domestically in a series of ad hoc, unrelated initiatives?

Mr. Robinson: You have to be tough to solve domestic problems, but you have to be more flexible in the approach to deal with the international.

Secretary Kissinger: That never works, and it doesn't sound so tough; does it?

Mr. Robinson: We've softened it down in order to avoid problems.

Secretary Kissinger: I don't object to it because it's too tough. I object to it because it's incomprehensible.

Mr. Robinson: I agree.

Mr. Vest: One reason it's incomprehensible is because they have not made a firm decision on what they're doing in one area.

Secretary Kissinger: Which is what?

Mr. Vest: Which is what you're going to do about reprocessing in this country. They've made a halfway decision on that. It is not clear how they will carry it through, and it is not clear what kind of international association might be favored in this activity. It's a—

Secretary Kissinger: In other words, we're not going to offer reprocessing here?

Mr. Robinson: No, no.

Secretary Kissinger: We're not going to go forward?

Mr. Robinson: We're going to go forward with a demonstration effort in order to determine whether or not we can solve the technical, the economic and safety problems involved in reprocessing.

Secretary Kissinger: Here?

Mr. Robinson: Yes.

Secretary Kissinger: Well, if the goddam Pakistanis can do it, why can't we do it?

Mr. Robinson: It's to establish the technology and the economics—

Secretary Kissinger: Of the reprocessing?

Mr. Robinson: The Pakistanis are not concerned with the economics. Anyone knows you can make a dirty, inefficient—

Mr. Habib: Costly.

Mr. Robinson: —costly—one to produce weapons.

Mr. Sonnenfeldt: It's in South Carolina, from where I have just returned, where the polls are changing. So I think that explains what's happening.

Secretary Kissinger: Where are they changing—to the Democrats?

Mr. Sonnenfeldt: No, no. The other way.

Secretary Kissinger: Well, that would lead to three reprocessing plants. (Laughter.) Why keep it tentative?

Mr. Habib: More economic.

Mr. Robinson: We're not proud of this effort, but it's being handled by the White House. What we're trying to do is minimize the damage in international relations.

Secretary Kissinger: Yes, but it doesn't say something that's correct. Well, I have—

Mr. Robinson: We're doing the best we can to get that statement in a form—

Secretary Kissinger: Look, you can't tell me you're doing the best you can at 8:15, Chuck, on a day in which it's likely to be delivered. That means it's out.

Mr. Robinson: It's not out yet, and we still have suggested changes.

Secretary Kissinger: Like what? I just haven't been in on this at all.

Mr. Robinson: These are the basic changes that the group is trying to get into the last draft (showing document to Secretary Kissinger), and I'm hopeful we'll be able to clarify some points that are important. That process is still going on.

Mr. Lord: I think what we're trying to do is get a road map up front so it's clear, with all the initiatives in place.

Secretary Kissinger: Why?

Mr. Lord: Why what?

Secretary Kissinger: Why is that hard to get across? That's got nothing to do with policy.

Mr. Lord: It was in the fact sheet. The White House didn't like it that way.

Mr. Sonnenfeldt: It's a multipurpose operation which has to be geared to the domestic nuclear power industry as well as the non-proliferation. It becomes rather difficult—

Secretary Kissinger: Only if the theory of government on which we're operating is that middle-level bureaucrats make treaties with

each other and that I get involved only when the middle level can't agree—even then, hopefully not, because I'll hack it away. Nobody can tell me we can't solve a thing like this at the appropriate level. You may not be able to solve it at the middle level.

I don't see what interest of the White House is served by putting out an incomprehensible paper. Power industry or not, I don't see what there is with the power industry on the non-proliferation—I don't see how you're going to handle an idiotic reprocessing plant in which we're going to decide it's economical for us and then we're going to decide it's not economical—so that nobody is going to reprocess, according to our plan, and we can't reprocess here—which is one of the options we offered to the Shah.

Mr. Lord: We said it could be multinational or binational, including the suppliers. But we just want to see whether the whole thing makes sense. That's the plan. It's not totally nonsense.

Secretary Kissinger: When you brief, George, will you kindly present a coherent picture, no matter what anyone else does?

Mr. Vest: That's right, sir.

[Omitted here is discussion unrelated to nuclear nonproliferation.]

213. Telegram 16455 From the Embassy in the Soviet Union to the Department of State¹

Moscow, October 19, 1976, 1502Z.

16455. Subject: Soviet Priorities in Disarmament; CTB Gets High Rating. Ref: Moscow 16290.

1. *Summary.* Asked what was most significant in Gromyko's UNGA arms control memorandum, Timerbayev as much as dismissed the non-use-of force treaty; described MDW and CW passages as "going public" with positions the U.S. is familiar with; alluded to the importance of new passages on conventional arms limitations and the Indian

¹ Summary: The Embassy reported on Soviet Foreign Minister Gromyko's arms control memorandum.

Source: National Archives, RG 59, Central Foreign Policy File, D760392-0745. Confidential. Repeated to Bonn, the Mission in Geneva, London, the Mission to NATO, USLO Peking (Beijing), Paris, Tokyo, the U.S. delegation to the MBFR talks in Vienna, the U.S. delegation to the SALT II talks in Geneva, and USUN. Telegram 16290 from Moscow, October 15, is Document 211.

Ocean; and concentrated on CTB verification. Soviets have no text, but have in mind “Swedish idea” of on-site inspection, voluntarily accepted, to allay doubts of treaty parties who present evidence to establish concern that seismic event may not be natural. There is a problem with maintaining PNE regime and extending it downward, but May 28 agreement is “good basis” for discussion, and Soviet offer intended to facilitate opening of negotiations where all issues can be discussed seriously. *End summary.*

2. Asked what he considered to be highlights of Gromyko’s UNGA memorandum on stopping the arms race, MFA IO Deputy Timerbayev basically elaborated on points made by his Deputy Krasulin (reftel), but with some interesting fillips.

3. Flipping jovially through the first sections of the document, Timerbayev said that “naturally” the main point is to stop the arms race, and that “of course” the first task is to sign a universal treaty on non-use of force as rapidly as possible. The Soviets have also gone public with “what you already knew” from experts’ discussions on weapons of mass destruction and verification of stockpile destruction for chemical weapons.

4. More seriously, he continued, new elements in two areas are worthy of attention: the reference to limitations on conventional armaments, which had not appeared for several years (outside the limited context of Brezhnev’s remarks on the Middle East in the 25th Congress reports; and the willingness to discuss a conference, on the one hand, and military “activities,” on the other, in the Indian Ocean.

5. Finally, he said, there was the question of CTB verification. It had not been spelled out in the memorandum, and (he repeated several times) the Soviets do not have a draft text to present, but they are willing to enter into immediate discussion of a text which would provide parties to the treaty with assurances that natural seismic events are not nuclear explosions. What they have in mind, he said, is the “Swedish idea” of voluntary on-site inspection conducted by treaty parties who present evidence supporting concern that a seismic event is not, in fact, natural. The suspected state would be free not to accept on-site inspection; in that case, however, the suspecting state could present additional concrete evidence, and, if it were still not accepted as a valid reason for inspection, they might concert action with others who suspected a violation or appeal to public opinion with their evidence to bring pressure on the suspected nation to assent to inspection.

6. Asked what format he envisaged for negotiation of such a treaty, Timerbayev replied that there is a UN resolution calling for negotiation by all five nuclear powers—“all five,” he repeated—and by the twenty-five or thirty other states which might be interested. The Soviet Union, he added with a smile, is ready to start tomorrow, “or January 21,” in New York or even in Shanghai.

7. Asked whether he could envisage any half steps between current conditions and the full CTB he was describing, Timerbayev said there was of course a problem, which the Soviets recognize, with extending the PNE regime downward. The Soviets would like to maintain the possibility of PNE's not only for themselves but for non-nuclear states, but there are obviously many technical obstacles, in this regard, to negotiating the kind of CTB they have in mind. Nevertheless, the agreement signed May 28 "provides a good basis" for exploring these issues. The Soviets have no fixed ideas or texts, he stressed in conclusion: the Gromyko offer is meant to facilitate the opening of CTB negotiations during which all aspects could be examined in detail.

Matlock

214. Statement on Nuclear Policy by President Ford¹

Washington, October 28, 1976.

We have known since the age of nuclear energy began more than 30 years ago that this source of energy had the potential for tremendous benefits for mankind and the potential for unparalleled destruction.

On the one hand, there is no doubt that nuclear energy represents one of the best hopes for satisfying the rising world demand for energy with minimum environmental impact and with the potential for reducing dependence on uncertain and diminishing world supplies of oil.

On the other hand, nuclear fuel, as it produces power also produces plutonium, which can be chemically separated from the spent fuel. The plutonium can be recycled and used to generate additional nuclear power, thereby partially offsetting the need for additional energy resources. Unfortunately—and this is the root of the problem—the same plutonium produced in nuclear powerplants can, when chemically separated, also be used to make nuclear explosives.

¹ Summary: The statement provided an overview of nonproliferation and other arms control initiatives undertaken during Ford's Presidency and announced several actions and proposals designed to strengthen nonproliferation efforts, change and strengthen U.S. domestic nuclear policies, and establish a "sound foundation for the continued and increased use of nuclear energy in the U.S. and in the world in a safe and economic manner."

Source: *Public Papers: Ford, 1976–77*, Book III, pp. 2763–2778.

The world community cannot afford to let potential nuclear weapons material or the technology to produce it proliferate uncontrolled over the globe. The world community must ensure that production and utilization of such material by any nation is carried out under the most stringent security conditions and arrangements.

Developing the enormous benefits of nuclear energy while simultaneously developing the means to prevent proliferation is one of the major challenges facing all nations of the world today.

The standards we apply in judging most domestic and international activities are not sufficiently rigorous to deal with this extraordinarily complex problem. Our answers cannot be partially successful. They will either work, in which case we shall stop proliferation, or they will fail and nuclear proliferation will accelerate as nations initially having no intention of acquiring nuclear weapons conclude that they are forced to do so by the actions of others. Should this happen, we would face a world in which the security of all is critically imperiled. Maintaining international stability in such an environment would be incalculably difficult and dangerous. In times of regional or global crisis, risks of nuclear devastation would be immeasurably increased—if not through direct attack, then through a process of ever-expanding escalation. The problem can be handled as long as we understand it clearly and act wisely in concert with other nations. But we are faced with a threat of tragedy if we fail to comprehend it or to take effective measures.

Thus the seriousness and complexity of the problem place a special burden on those who propose ways to control proliferation. They must avoid the temptation for rhetorical gestures, empty threats, or righteous posturing. They must offer policies and programs which deal with the world as it is, not as we might wish it to be. The goal is to prevent proliferation, not simply to deplore it.

The first task in dealing with the problem of proliferation is to understand the world nuclear situation.

More than 30 nations have or plan to build nuclear powerplants to reap the benefits of nuclear energy. The 1973 energy crisis dramatically demonstrated to all nations not only the dangers of excessive reliance on oil imports but also the reality that the world's supply of fossil fuels is running out. As a result, nuclear energy is now properly seen by many nations as an indispensable way to satisfy rising energy demand without prematurely depleting finite fossil fuel resources. We must understand the motives which are leading these nations, developed and developing, to place even greater emphasis than we do on nuclear power development. For unless we comprehend their real needs, we cannot expect to find ways of working with them to ensure satisfaction of both our and their legitimate concerns. Moreover, several nations besides the United States have the technology needed to produce both

the benefits and the destructive potential of nuclear energy. Nations with such capabilities are able to export their technology and facilities.

Thus, no single nation, not even the United States, can realistically hope—by itself—to control effectively the spread of reprocessing technology and the resulting availability of plutonium.

The United States once was the dominant world supplier of nuclear material equipment and technology. While we remain a leader in this field, other suppliers have come to share the international market—with the U.S. now supplying less than half of nuclear reactor exports. In short, for nearly a decade the U.S. has not had a monopoly on nuclear technology. Although our role is large, we are not able to control worldwide nuclear development.

For these reasons, action to control proliferation must be an international cooperative effort involving many nations, including both nuclear suppliers and customers. Common standards must be developed and accepted by all parties. If this is not done, unrestrained trade in sensitive nuclear technology and materials will develop—with no one in a position to stop it.

We in the United States must recognize that interests in nuclear energy vary widely among nations. We must recognize that some nations look to nuclear energy because they have no acceptable energy alternative. We must be sure that our efforts to control proliferation are not viewed by such nations as an act to prevent them from enjoying the benefits of nuclear energy. We must be sure that all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made.

Previous Action

During the past 30 years, the U.S. has been the unquestioned leader in worldwide efforts to assure that the benefits of nuclear energy are made available widely while its destructive uses are prevented. I have given special attention to these objectives during the past 2 years, and we have made important new progress, particularly in efforts to control the proliferation of nuclear weapons capability among the nations of the world.

In 1974, soon after I assumed office, I became concerned that some nuclear supplier countries, in order to achieve competitive advantage, were prepared to offer nuclear exports under conditions less rigorous than we believe prudent. In the fall of that year, at the United Nations General Assembly, the United States proposed that nonproliferation measures be strengthened materially. I also expressed my concern directly to my counterparts in key supplier and recipient nations. I directed the Secretary of State to emphasize multilateral action to limit this dangerous form of competition.

At U.S. initiative, the first meeting of major nuclear suppliers was convened in London in April 1975. A series of meetings and intensive bilateral consultations followed. As a result of these meetings, we have significantly raised international standards through progressive new guidelines to govern nuclear exports. These involve both improved safeguards and controls to prevent diversion of nuclear materials and to guard against the misuse of nuclear technology and physical protection against theft and sabotage. The United States has adopted these guidelines as policy for nuclear exports.

In addition, we have acted to deal with the special dangers associated with plutonium.

—We have prohibited export of reprocessing and other nuclear technologies that could contribute to proliferation.

—We have firmly opposed reprocessing in Korea and Taiwan. We welcome the decisions of those nations to forego such activities. We will continue to discourage national reprocessing in other locations of particular concern.

—We negotiated agreements for cooperation with Egypt and Israel which contain the strictest reprocessing provisions and other nuclear controls ever included in the 20-year history of our nuclear cooperation program.

—In addition, the United States recently completed negotiations to place its civil nuclear facilities under the safeguards of the International Atomic Energy Agency—and the IAEA has approved a proposed agreement for this purpose.

New Initiatives

Last summer, I directed that a thorough review be undertaken of all our nuclear policies and options to determine what further steps were needed. I have considered carefully the results of that review, held discussions with congressional leaders, and benefited from consultations with leaders of other nations. I have decided that new steps are needed, building upon the progress of the past 2 years. Today, I am announcing a number of actions and proposals aimed at:

—strengthening the commitment of the nations of the world to the goal of nonproliferation and building an effective system of international controls to prevent proliferation;

—changing and strengthening U.S. domestic nuclear policies and programs to support our nonproliferation goals; and

—establishing, by these actions, a sound foundation for the continued and increased use of nuclear energy in the U.S. and in the world in a safe and economic manner.

The task we face calls for an international cooperative venture of unprecedented dimensions. The U.S. is prepared to work with all other nations.

Principal Policy Decisions

I have concluded that the reprocessing and recycling of plutonium should not proceed unless there is sound reason to conclude that the world community can effectively overcome the associated risks of proliferation. I believe that avoidance of proliferation must take precedence over economic interests. I have also concluded that the United States and other nations can and should increase their use of nuclear power for peaceful purposes even if reprocessing and recycling of plutonium are found to be unacceptable.

Vigorous action is required domestically and internationally to make these judgments effective.

—I have decided that the United States should greatly accelerate its diplomatic initiatives in conjunction with nuclear supplier and consumer nations to control the spread of plutonium and technologies for separating plutonium.

Effective nonproliferation measures will require the participation and support of nuclear suppliers and consumers. There must be coordination in restraints so that an effective nonproliferation system is achieved, and there must be cooperation in assuring reliable fuel supplies so that peaceful energy needs are met.

—I have decided that the United States should no longer regard reprocessing of used nuclear fuel to produce plutonium as a necessary and inevitable step in the nuclear fuel cycle, and that we should pursue reprocessing and recycling in the future only if they are found to be consistent with our international objectives.

We must ensure that our domestic policies and programs are compatible with our international position on reprocessing and that we work closely with other nations in evaluating nuclear fuel reprocessing.

—The steps I am announcing today will assure that the necessary increase in our use of nuclear energy will be carried on with safety and without aggravating the danger of proliferation.

Even with strong efforts to conserve, we will have increasing demands for energy for a growing American economy. To satisfy these needs, we must rely on increased use of both nuclear energy and coal until more acceptable alternatives are developed. We will continue pushing ahead with work on all promising alternatives such as solar energy but now we must count on the technology that works. We cannot expect a major contribution to our energy supply from alternative technologies until late in this century.

To implement my overall policy decisions, I have decided on a number of policies that are necessary and appropriate to meet our nonproliferation and energy objectives.

—First, our domestic policies must be changed to conform to my decision on deferral of the commercialization of chemical reprocessing of nuclear fuel which results in the separation of plutonium.

—Second, I call upon all nations to join us in exercising maximum restraint in the transfer of reprocessing and enrichment technology and facilities by avoiding such sensitive exports or commitments for a period of at least 3 years.

—Third, new cooperative steps are needed to help assure that all nations have an adequate and reliable supply of energy for their needs. I believe, most importantly, that nuclear supplier nations have a special obligation to assure that customer nations have an adequate supply of fuel for their nuclear powerplants, if those customer nations forego the acquisition of reprocessing and uranium enrichment capabilities and accept effective proliferation controls.

—Fourth, the U.S. must maintain its role as a major and reliable world supplier of nuclear reactors and fuel for peaceful purposes. Our strong position as a supplier has provided the principal basis for our influence and leadership in worldwide nonproliferation efforts. A strong position will be equally important in the future. While reaffirming this Nation's intent to be a reliable supplier, the U.S. seeks no competitive advantage by virtue of the worldwide system of effective nonproliferation controls that I am calling for today.

—Fifth, new efforts must be made to urge all nations to join in a full-scale international cooperative effort—which I shall outline in detail—to develop a system of effective controls to prevent proliferation.

—Sixth, the U.S. must take new steps with respect to its own exports to control proliferation, while seeking to improve multilateral guidelines.

—Seventh, the U.S. must undertake a program to evaluate reprocessing in support of the international policies I have adopted.

—Finally, I have concluded that new steps are needed to assure that we have in place when needed, both in the U.S. and around the world, the facilities for the long-term storage or disposal of nuclear wastes.

Actions To Implement Our Nuclear Policies

In order to implement the nuclear policies that I have outlined, major efforts will be required within the United States and by the many nations around the world with an interest in nuclear energy. To move forward with these efforts, I am today taking a number of actions and making a number of proposals to other nations.

I. Change in U.S. Policy on Nuclear Fuel Reprocessing

With respect to nuclear fuel reprocessing, I am directing agencies of the executive branch to implement my decision to delay commercialization of reprocessing activities in the United States until uncertainties are resolved. Specifically, I am:

—Directing the Administrator of the Energy Research and Development Administration (ERDA) to:

- change ERDA policies and programs which heretofore have been based on the assumption that reprocessing would proceed;
- encourage prompt action to expand spent fuel storage facilities, thus assuring utilities that they need not be concerned about shutdown of nuclear reactors because of delays; and
- identify the research and development efforts needed to investigate the feasibility of recovering the energy value from used nuclear fuel without separating plutonium.

II. Restraint in the Transfer of Sensitive Nuclear Technology and Facilities

Despite the gains in controlling proliferation that have been made, the dangers posed by reprocessing and the prospect of uncontrolled availability of plutonium require further, decisive international action. Effective control of the parallel risk of spreading uranium enrichment technology is also necessary. To meet these dangers:

—I call upon all nations to join with us in exercising maximum restraint in the transfer of reprocessing and enrichment technology and facilities by avoiding such sensitive exports or commitments for a period of at least 3 years.

This will allow suppliers and consumers to work together to establish reliable means for meeting nuclear needs with minimum risk, as we assess carefully the wisdom of plutonium use. As we proceed in these efforts, we must not be influenced by pressures to approve the export of these sensitive facilities.

III. Assuring an Adequate Energy Supply for Customer Nations

—I urge nuclear suppliers to provide nuclear consumers with fuel services, instead of sensitive technology or facilities.

Nations accepting effective nonproliferation restraints have a right to expect reliable and economic supply of nuclear reactors and associated, nonsensitive fuel. All such nations would share in the benefits of an assured supply of nuclear fuel, even though the number and location of sensitive facilities to generate this fuel is limited to meet nonproliferation goals. The availability of fuel-cycle services in several different nations can provide ample assurance to consumers of a continuing and stable source of supply.

It is also desirable to continue studying the idea of a few suitably-sited multinational fuel-cycle centers to serve regional needs, when effectively safeguarded and economically warranted. Through these and related means, we can minimize incentives for the spread of dangerous fuel-cycle capabilities.

The United States stands ready to take action, in cooperation with other concerned nations, to assure reliable supplies of nuclear fuel at equitable prices to any country accepting responsible restraints on its nuclear power program with regard to reprocessing, plutonium disposition, and enrichment technology.

—I am directing the Secretary of State to initiate consultations to explore with other nations arrangements for coordinating fuel services and for developing other means of ensuring that suppliers will be able to offer, and consumers will be able to receive, an uninterrupted and economical supply of low-enriched uranium fuel and fuel services.

These discussions will address ways to ensure against economic disadvantage to cooperating nations and to remove any sources of competition which could undermine our common nonproliferation efforts.

To contribute to this initiative, the United States will offer binding letters of intent for the supply of nuclear fuel to current and prospective customers willing to accept such responsible restraints.

—In addition, I am directing the Secretary of State to enter into negotiations or arrangements for mutual agreement on disposition of spent fuel with consumer nations that adopt responsible restraints.

Where appropriate, the United States will provide consumer nations with either fresh, low-enriched uranium fuel or make other equitable arrangements in return for mutual agreement on the disposition of spent fuel where such disposition demonstrably fosters our common and cooperative nonproliferation objectives. The United States seeks no commercial advantage in pursuing options for fuel disposition and assured fuel supplies.

Finally, the United States will continue to expand cooperative efforts with other countries in developing their indigenous nonnuclear energy resources.

The United States has proposed and continues to advocate the establishment of an International Energy Institute, specifically designed to help developing countries match the most economic and readily available sources of energy to their power needs. Through this Institute and other appropriate means, we will offer technological assistance in the development of indigenous energy resources.

IV. Strengthening the U.S. Role as a Reliable Supplier

If the United States is to continue its leadership role in worldwide nonproliferation efforts, it must be a reliable supplier of nuclear reactors

and fuel for peaceful purposes. There are two principal actions we can take to contribute to this objective:

—I will submit to the new Congress proposed legislation that will permit the expansion of capacity in the United States to produce enriched uranium, including the authority needed for expansion of the government-owned plant at Portsmouth, Ohio. I will also work with Congress to establish a framework for a private, competitive industry to finance, build, own, and operate enrichment plants.

U.S. capacity has been fully committed since mid-1974 with the result that no new orders could be signed. The Congress did not act on my full proposal and provided only limited and temporary authority for proceeding with the Portsmouth plant. We must have additional authority to proceed with the expansion of capacity without further delay.

—I will work closely with the Congress to ensure that legislation for improving our export controls results in a system that provides maximum assurance that the United States will be a reliable supplier to other nations for the full period of agreements.

One of the principal concerns with export legislation proposed in the last Congress was the fear that foreign customers could be subjected to arbitrary new controls imposed well after a long-term agreement and specific contracts for nuclear powerplants and fuel had been signed. In the case of nuclear plants and fuel, reliable long-term agreements are essential, and we must adopt export controls that provide reliability while meeting nonproliferation objectives.

V. International Controls Against Proliferation

To reinforce the foregoing policies, we must develop means to establish international restraints over the accumulation of plutonium itself, whether in separated form or in unprocessed spent fuel. The accumulation of plutonium under national control, especially in a separated form, is a primary proliferation risk.

—I am directing the Secretary of State to pursue vigorously discussions aimed at the establishment of a new international regime to provide for storage of civil plutonium and spent reactor fuel.

The United States made this proposal to the International Atomic Energy Agency and other interested nations last spring.

Creation of such a regime will greatly strengthen world confidence that the growing accumulation of excess plutonium and spent fuel can be stored safely, pending reentry into the nuclear fuel cycle or other safe disposition. I urge the IAEA, which is empowered to establish plutonium depositories, to give prompt implementation to this concept.

Once a broadly representative IAEA storage regime is in operation, we are prepared to place our own excess civil plutonium and spent

fuel under its control. Moreover, we are prepared to consider providing a site for international storage under IAEA auspices.

The inspection system of the IAEA remains a key element in our entire non-proliferation strategy. The world community must make sure that the Agency has the technical and human resources needed to keep pace with its expanding responsibilities. At my direction, we have recently committed substantial additional resources to help upgrade the IAEA's technical safeguards capabilities, and I believe we must strengthen further the safeguard functions of the IAEA.

—I am directing the Secretary of State and Administrator of ERDA to undertake a major international effort to ensure that adequate resources for this purpose are made available, and that we mobilize our best scientific talent to support that Agency. Our principal national laboratories with expertise in this area have been directed to provide assistance, on a continuing basis, to the IAEA Secretariat.

The terrible increase in violence and terrorism throughout the world has sharpened our awareness of the need to assure rigorous protection for sensitive nuclear materials and equipment. Fortunately, the need to cope with this problem is now broadly recognized. Many nations have responded to the initiatives which I have taken in this area by materially strengthening their physical security and by cooperating in the development of international guidelines by the IAEA. As a result of consultations among the major suppliers, provision for adequate physical security is becoming a normal condition of supply.

We have an effective physical security system in the United States. But steps are needed to upgrade physical security systems and to assure timely international collaboration in the recovery of lost or stolen materials.

—I have directed the Secretary of State to address vigorously the problem of physical security at both bilateral and multilateral levels, including exploration of a possible international convention.

The United States is committed to the development of the system of international controls that I have here outlined. Even when complete, however, no system of controls is likely to be effective if a potential violator judges that his acquisition of a nuclear explosive will be received with indifference by the international community.

Any material violation of a nuclear safeguards agreement—especially the diversion of nuclear material for use in making explosives—must be universally judged to be an extremely serious affront to the world community, calling for the immediate imposition of drastic sanctions.

—I serve notice today that the United States will, at a minimum, respond to violation by any nation of any safeguards agreement to

which we are a party with an immediate cutoff of our supply of nuclear fuel and cooperation to that nation.

We would consider further steps, not necessarily confined to the area of nuclear cooperation, against the violator nation. Nor will our actions be limited to violations of agreements in which we are directly involved. In the event of material violation of any safeguards agreement, particularly agreements with the IAEA, we will initiate immediate consultations with all interested nations to determine appropriate action.

Universal recognition of the total unacceptability of the abrogation or violation of any nonproliferation agreements is one of the most important steps which can be taken to prevent further proliferation. We invite all concerned governments to affirm publicly that they will regard nuclear wrongdoing as an intolerable violation of acceptable norms of international behavior, which would set in motion strong and immediate countermeasures.

VI. *U.S. Nuclear Export Policies*

During the past 2 years, the United States has strengthened its own national nuclear export policies. Our interests, however, are not limited to controls alone. The United States has a special responsibility to share the benefits of peaceful nuclear energy with other countries. We have sought to serve other nations as a reliable supplier of nuclear fuel and equipment. Given the choice between economic benefits and progress toward our nonproliferation goals, we have given, and will continue to give priority to nonproliferation. But there should be no incompatibility between nonproliferation and assisting other nations in enjoying the benefits of peaceful nuclear power if all supplier countries pursue common nuclear export policies. There is need, however, for even more rigorous controls than those now commonly employed, and for policies that favor nations accepting responsible nonproliferation limitations.

—I have decided that we will henceforth apply new criteria in judging whether to enter into new or expanded nuclear cooperation:

- Adherence to the nonproliferation treaty will be a strong positive factor favoring cooperation with a nonnuclear weapon state.
- Nonnuclear weapons states that have not yet adhered to the nonproliferation treaty will receive positive recognition if they are prepared to submit to full fuel cycle safeguards, pending adherence.
- We will favor recipient nations that are prepared to forego, or postpone for a substantial period, the establishment of national reprocessing or enrichment activities or, in certain cases, prepared to shape and schedule their reprocessing and enriching facilities to foster nonproliferation needs.
- Positive recognition will also be given to nations prepared to participate in an international storage regime, under which spent fuel and any separated plutonium would be placed pending use.

Exceptional cases may occur in which nonproliferation will be served best by cooperating with nations not yet meeting these tests. However, I pledge that the Congress will not be asked to approve any new or amended agreement not meeting these new criteria unless I personally determine that the agreement is fully supportive of our nonproliferation goals. In case of such a determination, my reasons will be fully presented to the Congress.

—With respect to countries that are current recipients of U.S. nuclear supply, I am directing the Secretary of State to enter into negotiations with the objective of conforming these agreements to established international guidelines, and to seek through diplomatic initiatives and fuel supply incentives to obtain their acceptance of our new criteria.

We must recognize the need for effective multilateral approaches to nonproliferation and prevent nuclear export controls from becoming an element of commercial competition.

—I am directing the Secretary of State to intensify discussions with other nuclear suppliers aimed at expanding common guidelines for peaceful cooperative agreements so that they conform with these criteria.

In this regard, the United States would discuss ways of developing incentives that can lead to acceptance of these criteria, such as assuring reliable fuel supplies for nations accepting new restraints.

The reliability of American assurances to other nations is an asset that few, if any, nations of the world can match. It must not be eroded. Indeed, nothing could more prejudice our efforts to strengthen our existing nonproliferation understandings than arbitrary suspension or unwarranted delays in meeting supply commitments to countries which are dealing with us in good faith regarding effective safeguards and restraints.

Despite my personal efforts, the 94th Congress adjourned without passing nuclear export legislation which would have strengthened our effectiveness in dealing with other nations on nuclear matters.

—In the absence of such legislation, I am directing the Secretary of State to work closely with the Nuclear Regulatory Commission to ensure proper emphasis on nonproliferation concerns in the nuclear export licensing process.

I will continue to work to develop bipartisan support in Congress for improvements in our nuclear export laws.

VII. Reprocessing Evaluation Program

The world community requires an aggressive program to build the international controls and cooperative regimes I have just outlined. I am prepared to mount such a program in the United States.

—I am directing the Administrator of ERDA to:

- Begin immediately to define a reprocessing and recycle evaluation program consistent with meeting our international objectives outlined earlier in this statement. This program should complement the Nuclear Regulatory Commission's (NRC) ongoing considerations of safety safeguards and environmental requirements for reprocessing and recycling activities, particularly its Generic Environmental Statement on Mixed Oxide Fuels.
- Investigate the feasibility of recovering the energy value from used nuclear fuel without separating our plutonium.

—I am directing the Secretary of State to invite other nations to participate in designing and carrying out ERDA's reprocessing and recycle evaluation program, consistent with our international energy cooperation and nonproliferation objectives. I will direct that activities carried out in the U.S. in connection with this program be subjected to full IAEA safeguards and inspections.

VIII. Nuclear Waste Management

The area of our domestic nuclear program dealing with long-term management of nuclear wastes from our commercial nuclear powerplants has not in the past received sufficient attention. In my 1977 Budget, I proposed a fourfold increase in funding for this program, which involves the activities of several Federal agencies. We recently completed a review to determine what additional actions are needed to assure availability in the mid-1980's of a federally-owned and managed repository for long-term nuclear wastes, well before significant quantities of wastes begin to accumulate.

I have been assured that the technology for long-term management or disposal of nuclear wastes is available but demonstrations are needed.

—I have directed the Administrator of ERDA to take the necessary action to speed up this program so as to demonstrate all components of waste management technology by 1978 and to demonstrate a complete repository for such wastes by 1985.

—I have further directed that the first demonstration depository for high-level wastes which will be owned by the government be submitted for licensing by the independent NRC to assure its safety and acceptability to the public.

In view of the decisions announced today, I have also directed the Administrator of ERDA to assure that the waste repository will be able to handle spent fuel elements as well as the separated and solidified waste that would result if we proceed with nuclear fuel reprocessing.

The United States continues to provide world leadership in nuclear waste management. I am inviting other nations to participate in and learn from our programs.

—I am directing the Secretary of State to discuss with other nations and the IAEA the possibility of establishing centrally located, multinational controlled nuclear waste repositories so that the number of sites that are needed can be limited.

Increased Use of Nuclear Energy in the United States

Even with strong conservation efforts, energy demands in the United States will continue to increase in response to the needs of a growing economy. The only alternative over the next 15 to 20 years to increased use of both nuclear energy and coal is greater reliance on imported oil which will jeopardize our Nation's strength and welfare.

We now have in the United States 62 licensed nuclear plants, providing about 9 percent of our electrical energy. By 1985, we will have from 145 to 160 plants, supplying 20 percent or more of the Nation's electricity.

In many cases, electricity from nuclear plants is markedly cheaper than that produced from either oil or coal-fired plants. Nuclear energy is environmentally preferable in a number of respects to other principal ways of generating electricity.

Commercial nuclear power has an excellent safety record, with nearly 200 plant-years of experience (compiled over 18 chronological years) without a single death from a nuclear accident. I have acted to assure that this record is maintained in the years ahead. For example, I have increased funds for the independent Nuclear Regulatory Commission and for the Energy Research and Development Administration for reactor safety research and development.

The decisions and actions I am announcing today will help overcome the uncertainties that have served to delay the expanded use of nuclear energy in the United States. While the decision to delay reprocessing is significant, it will not prevent us from increasing our use of nuclear energy. We are on the right course with our nuclear power program in America. The changes I am announcing today will ensure that we continue.

My decisions today do not affect the U.S. program of research and development on the breeder reactor. That program assumes that no decision on the commercial operations of breeder reactors, which require plutonium fuel, will be made before 1986.

Conclusion

I do not underestimate the challenge represented in the creation of a worldwide program that will permit capturing the benefits of nuclear energy while maintaining needed protection against nuclear proliferation. The challenge is one that can be managed only partially and temporarily by technical measures.

It can be managed fully if the task is faced realistically by nations prepared to forego perceived short-term advantages in favor of fundamental long-term gains. We call upon all nations to recognize that their individual and collective interests are best served by internationally assured and safeguarded nuclear fuel supply, services, and storage. We ask them to turn aside from pursuing nuclear capabilities which are of doubtful economic value and have ominous implications for nuclear proliferation and instability in the world.

The growing international consensus against the proliferation of nuclear weapons is a source of encouragement. But it is certainly not a basis for complacency.

Success in meeting the challenge now before us depends on an extraordinary coordination of the policies of all nations toward the common good. The United States is prepared to lead, but we cannot succeed alone. If nations can work together constructively and cooperatively to manage our common nuclear problems, we will enhance our collective security. And we will be better able to concentrate our energies and our resources on the great tasks of construction rather than consume them in increasingly dangerous rivalry.

215. Memorandum From Secretary of Defense Rumsfeld to the President's Assistant for National Security Affairs (Scowcroft)¹

Washington, December 15, 1976.

SUBJECT

Chemical Weapons (CW) (U)

(C) The Department of Army included in its FY 1978 request for appropriations funding the amount of \$15.3 million to support a stand-

¹ Summary: Rumsfeld noted that the White House had deleted FY 1978 appropriations funding requested to support a stand-by binary chemical weapons production facility and urged that the White House restore funding for long lead-time binary production items requested by the U.S. Army.

Source: Central Intelligence Agency, DDI Files, Job 82M00587R, Box 5, NSSM 195. Confidential. The date of the memorandum is hand-stamped. Also printed in *Foreign Relations, 1969–1976*, volume XXXV, National Security Policy, 1973–1976, as Document 121. Attached as Enclosure 1 to Document 217. The attached position paper is Document 216.

by binary CW production facility. These funds would provide \$2.0 million for modernization of an existing facility at Pine Bluff Arsenal and some \$13.3 million to purchase production-related equipment. This would be a long-range program requiring two years before the facility would be ready to produce. These funds have since been deleted at the White House.

(C) Over the years, U.S. ability to deter Soviet use of CW through the threat of retaliation in kind has steadily decreased. At the same time, intelligence reveals that the Soviets have continued to emphasize operations on a chemical battlefield. While their intentions concerning the first use of CW are not entirely clear, the fact that they are able to launch a chemical attack against NATO in depth presents a serious threat to allied forces. U.S. forces require a credible CW retaliatory capability in order to deter the Soviets from using chemicals and possibly lowering the nuclear threshold as a result.

(C) The Department of Defense is fully supportive of the principles behind the ongoing arms control negotiations in the area of CW. However, we are aware that there has been little positive movement toward achieving an effective agreement. In our view, a primary reason for Soviet intractability is the fact that they see no real advantage in giving up their superior capability. Thus, DOD sees two significant advantages accruing from the appropriation of funds for the long lead-time binary production items requested by the Army: (1) The appropriations would preserve our options concerning future modernization of the U.S. CW stockpile and (2) it would provide a strong, but by no means provocative, signal to the Soviets that the U.S. is prepared to rebuild its CW capability if an effective arms control agreement cannot be reached.

(U) In this regard, DOD has prepared the attached position paper which outlines the essential elements of an agreement we consider would meet our security needs. It is provided for interagency consideration. The DOD is prepared to couple our request for FY 1978 funds for binary items to a DOD commitment to negotiate an acceptable agreement along these lines.

(U) I urge that the Army's request for these items be restored in the FY 1978 budget.

Donald Rumsfeld

216. Position Paper Prepared in the Department of Defense¹

Washington, undated.

SUBJECT

Proposed Chemical Weapons (CW) Arms Limitation (U)

(C) The principal obstacle to achieving an acceptable CW arms limitation is the inability to satisfactorily verify compliance with a prohibition whether it includes production, stockpiling or deployment, or any combination thereof. Regardless of the nature and scope of the prohibition, current verification techniques are limited in effectiveness and there is no method of detecting clandestine CW activities. Further, the dual civilian-military nature of chemical production is such that even if all production would be monitored, there would be no way to prevent technological developments which could be applied to CW in future conflicts. This means that any CW agreement will hold a degree of risk. The task then in drafting any agreement is to limit this risk as much as possible.

(C) The Biological Warfare Convention (BWC) is a good example of an agreement which incorporates a high degree of "risk" and, therefore, represents a model of what a CW agreement should *not* allow. The circumstances surrounding the ratification of the BWC were entirely different than those affecting CW,² but nevertheless our experiences regarding Soviet compliance with the provisions of this Convention must prompt caution in CW negotiations. It is clear that the verification provisions of any meaningful agreement must be carefully worked out and worded and clearly understood by all. Available intelligence reveals that even though the Soviets may be meeting the literal requirements of the BWC, they are probably exploiting fully the loopholes that exist and are violating the spirit of the agreement. This may in time require serious consideration of U.S. counteraction if we are to protect our forces against Soviet BW capabilities. In any case, an eventual CW agreement must insure that there are no compliance loopholes.

¹ Summary: The position paper outlined the essential elements of an acceptable chemical weapons arms limitation agreement.

Source: Central Intelligence Agency, DDI Files, Job 82M00587R, Box 5, NSSM 195. Secret. Attached to Document 215.

² There were several factors involved in the U.S. decision to sign an unverifiable BW treaty. Principal among these were (1) the U.S. had renounced unilaterally the use of BW and (2) BW was not considered a particularly efficient weapon since it was difficult to control and presented significant logistical problems which generally outweighed its effectiveness. These factors do not apply to CW which are effective tactical weapons currently stocked by U.S. with a history of use. [Footnote is in the original.]

(C) In the political arena, any attempt to negotiate a prohibition which did not call ultimately for a comprehensive prohibition would be unacceptable and probably would result in a successful negotiation by other countries of an agreement which would be undesirable from our standpoint. Thus, any acceptable agreement text would require a U.S. (and USSR) commitment to ban CW totally at some point in time.

(C) Given the above, in order to minimize the risk, we should present a gradual phased approach which would proceed over several years. This would allow for the possible development of more effective verification techniques while, at the same time, providing an opportunity to build confidence that the major parties intend to comply with the treaty provisions. Two essential elements of any CW agreement, regardless of how it was phased, would be (1) a provision for withdrawal in the event a significant CW threat developed from lack of progress or compliance, and (2) procedures to allow the mandatory onsite inspection of suspected violations on a challenge basis.

(C) An outline of the essential elements of a CW arms limitation which could be acceptable to the DOD is provided below. Details will require an interagency study and agreement.

—*Phasing.* The agreement would encompass a gradual phased approach to the destruction of stocks and production facilities over a period of approximately 10 years (the specifics would depend on several factors, including the capability to demilitarize stocks taking environmental considerations into account). At the end of the agreed period, all parties would have zero CW stocks and no useful CW production facilities.

—*Coverage.* An agreement should cover, as a minimum, all lethal CW agents initially. It could eventually cover CW incapacitants, as well. DOD does not consider riot control agents and herbicides as CW agents and these would not be covered.

—*Scope of Prohibition.*

—*Destruction of stocks.* Stocks would be destroyed over a period of eight years, preferably in equal increments annually. All CW stocks would be declared at the time of ratification and the location and composition of stockpiles identified and verified.

—*Production.* All production would be prohibited unless a party withdrew from the agreement. Production facilities would be declared and placed in a stand-by status at time of ratification. Modernization and maintenance of facilities would be allowed subject to inspection. Facilities would be destroyed or converted to peaceful purposes during the ninth and tenth years of the treaty.

—*Research and Development.* There would be no constraints on R&D.

—*Protective Equipment.* There would be no constraints on protective equipment or training.

—*Transfer.* The transfer of offensive CW stocks, facilities, and technology to another country would be prohibited upon ratification.

—*Verification.*

—*Destruction.* The destruction of declared stockpiles and facilities would be accomplished under international auspices and the agreement should provide for such an organization. Confirmation of declared stockpiles would also be accomplished under international auspices.

—*On-site Inspection.* The agreement would include a provision for mandatory on-site inspection of suspected violations on a challenge basis. Challenges would be subject to screening by an international oversight group under agreed procedures in order to eliminate invalid complaints; however, challenges would not be subject to single veto limitations.

—Other confidence building measures, such as the exchange of technical data, would be included.

—*Withdrawal.* A state party would be allowed to withdraw from participation in the agreement whenever a serious threat to its national security arose because of the non-compliance of other major parties. Withdrawal would be subject to the presentation of reasonable evidence of non-compliance to the international oversight group or a consultative committee established for the purpose of reviewing complaints/evidence.

(S) The above outline is very broad and lacks substantial details necessary to a workable agreement. Nonetheless, it does indicate a reasonable approach and provides a basis for discussion and negotiation. It is applicable to a bilateral U.S.–USSR agreement or to a multilateral agreement; however, it is aimed primarily at constraining the Soviet Union since the Soviets pose the only major CW threat to our forces. It is recognized that other countries, such as the PRC, also possess offensive CW capabilities, but CW attack by these countries can be adequately deterred by threat of nuclear or other retaliation. Nuclear deterrence of Soviet CW use is less credible, however, because of their increasing tactical nuclear capability. For this reason, it would be in our overall best interests to enter into an acceptable agreement along the lines outlined with the Soviets even if there were no other states party thereto.

**217. Background Paper Prepared by the National Security
Council Chemical Weapons Working Group¹**

Washington, December 29, 1976

BACKGROUND PAPER FOR THE SRG ON 29 DECEMBER, 1976,
ON ACQUISITION OF A BINARY CW MUNITION FACILITY

Issue

Should the Administration approve the DOD recommendation, enclosure 1, that the Army request for establishment of a binary production facility as outlined below be restored in the FY 1978 budget?

Specifics of the Army Request

The Army request for \$15.3 million provides for establishment of a government-owned and operated facility at Pine Bluff Arsenal, Arkansas, to produce initially binary chemical (GB nerve agent) artillery projectiles. This project will provide for the rehabilitation of an existing building and the purchase and installation of equipment necessary for:

—The manufacture of one of the two binary chemical components (the other to be obtained commercially).

—Filling and sealing the manufactured chemical component into a canister.

—Loading, assembling and packing the projectile by inserting the filled canister and explosive charge into the projectile and placing a fibre-board spacer in place of the second chemical component which is to be stored separately.

¹ Summary: The paper provided background on the acquisition of a binary chemical weapons munitions facility, for use by participants in the upcoming Senior Review Group meeting on December 29.

Source: Central Intelligence Agency, DDI Files, Job 82M00587R, Box 5, NSSM 195. Secret. Davis sent the memorandum to Robinson, Clements, Lynn, Iklé, Brown, and Bush under a December 23 covering memorandum. Also printed in *Foreign Relations*, 1969–1976, volume XXXV, National Security Policy, 1973–1976, as Document 126. Enclosure 1, a December 15 memorandum from Rumsfeld to Scowcroft, is Document 215. A Department of Defense position paper on chemical weapons, which Rumsfeld attached to his December 15 memorandum is Document 216. Enclosure 2, an undated paper entitled “DOD CW Stockpile Data, is attached but not published. Enclosure 3 is attached but not published. NSDM 35 and NSSM 157 are published in *Foreign Relations*, 1969–1976, volume E–2, Arms Control and Nonproliferation, 1969–1972, as Documents 165 and 263. NSSM 192 is Document 29. Minutes of the December 29 SRG meeting are Document 218.

The request does not presume a commitment to produce binary munitions. Approximately two years would be required to prepare the facility for production.

Present U.S. Policy

The U.S. has a no first-use obligation for lethal and incapacitating chemical weapons by virtue of being a party to the Geneva Protocol of 1925. Current U.S. chemical warfare policy stems from NSDM 35, dated 25 November 1969. This NSDM states, in part, that "the objective of the U.S. [chemical warfare] program will be to deter the use of chemical weapons by other nations and to provide a retaliatory capability if deterrence fails." The DOD maintains a stockpile of chemical weapons for the purpose of implementing this policy.

The United States is firmly committed to the objective of complete and effective prohibition of all chemical weapons. This commitment has been reiterated on many occasions by the President and other senior officials.

Under Article IX of the Biological Weapons Convention, the United States has an obligation "to continue negotiations in good faith with a view to reaching early agreement on effective measures" for the prohibition of chemical weapons. To this end, the United States has entered into both multilateral and bilateral U.S.-USSR discussions of possible limitations.

Pending Policy Issues

The National Security Council has had under study two broad issues in the area of chemical warfare policy. NSSM 157 addressed possible treaty alternatives for achieving restraints on the possession of chemical weapons, and NSSM 192 examined alternatives for the U.S. chemical warfare posture, mainly aimed at the question of whether or not to proceed with the acquisition of binary CW munitions.

Two Senior Review Group meetings were held to consider the alternatives developed in these two NSSM studies, but no consensus emerged on the closely-linked issues of the military need for modernization of the U.S. CW stockpile and acceptable CW treaty restraints where the verification of compliance is incomplete. Rather than moving these issues to the President for resolution and decision, it was decided to wait the outcome of an internal DOD reassessment of its position on binary acquisition and acceptable arms control approaches. This reassessment has recently been concluded, and the results are reflected in the Secretary of Defense's memorandum at enclosure 1. That memorandum proposes:

—FY 78 funding of a standby binary production facility.

—Deferral for a reasonable time of binary production, pending the outcome of international negotiations on CW restraints.

—A specific approach for international CW restraints.

The first of these is the subject of the present SRG. The third would be the basis for another SRG in the near future, possibly leading to a consensus on a U.S. treaty proposal in our bilateral discussions with the Soviet Union as well as in the CCD.

Military Considerations

The Defense Department's evaluation indicates that a serious asymmetry exists between the chemical warfare capabilities of the U.S./NATO and USSR/Warsaw Pact forces, and this imbalance poses a significant threat to NATO.

—Available intelligence reveals that the chemical warfare posture of the USSR far outranks that of any other nation and that they are actively engaged in maintaining their superior capabilities. Warsaw Pact forces are well equipped to operate in a toxic environment, particularly one of their own choosing and training for CW operations receives high priority. The Soviets are known to have a variety of chemical munitions in significant quantity and recent evidence indicates that some chemical weapons are deployed at forward air bases. Soviet forces include over 200 chemical units and about 100,000 depicted CBR personnel. They have conducted some 18 open air tests of chemical weapons during the past two years.

—In contrast U.S. and other NATO forces are deficient in both defensive and retaliatory (offensive) capabilities, particularly the latter. Some members of the Alliance possess the ability to conduct operations for a limited time on a chemical battlefield, others patently do not. With the exception of a limited French stockpile, only the U.S. has any chemical munitions in Europe and these are in short supply and consist only of artillery ammunition. Further, U.S. stocks in theater are all located in one supply facility and vulnerable to a preemptive strike. Resupply to the theater is a tenuous proposition. Early warning of impending need would be required to mount an effective resupply mission without seriously crippling other logistic operations. Even given the ability to move efficiently the CW presently in CONUS, deficiencies in the retaliatory stockpile would still remain, e.g., limited variety, volume, and appropriate type of munitions. A status of the current U.S. CW retaliatory stockpile is shown in enclosure 2.

Although Soviet intentions concerning the first use of CW munitions are not clear, the fact that they are able to attack NATO targets in depth with CW presents a risk which causes serious concern. Currently, the funding priority for chemical warfare is devoted to improving our CW protective posture (see enclosure 3). This is consistent with expressed Congressional desires.

The proponents of the Army's FY 78 request take the position that these improvements in U.S. CW defensive posture are not sufficient

to offset the growing obsolescence and possible deterioration in the effectiveness of our current CW stockpile. If the U.S. is to have a credible deterrent consistent with our present national policy, it must demonstrate both a capability to protect itself against CW attack and to retaliate in kind. At the very least we must be prepared to modernize our retaliatory capability by constructing a binary munition facility. The request for funds to purchase long lead-time items required for a binary CW production facility does not presume a decision to produce, but it is necessary to our maintaining a credible CW deterrence since it would protect our options regarding possible modernization of the retaliatory stockpile. As indicated above, the proposed program requires two years to complete. Thus, even if funds are provided to begin the program in FY 1978, it will be 1979–80 before production could begin. Continued delay in starting the program will further aggravate an already serious readiness deficiency.

Those opposing the Army's proposal to construct a binary production facility argue that it is unnecessary, at least at this time. The military CW situation is a relatively stable one. Whatever deficiencies are thought to exist in the U.S. chemical weapons stockpile—for example, virtually no deployment in Europe and a small fraction of total agent in a readily deliverable form—have been present for many years. This situation was considered sufficiently tolerable that no request for the binary facility was included in the budget request last year. A lack of urgency is also indicated by the fact that the Army's testing program on possible lethality deterioration in filled munitions is scheduled to take four years. Since this information would be an important factor in deciding to produce binaries, the commitment to a production facility now would appear to be premature. Meanwhile, the overall military situation seems to be improving since major improvements are already under way in CW defense readiness, which provides an important deterrent to chemical attack.

The opponents also question whether the threat of retaliation in kind is the most effective or credible deterrent to a chemical attack. Approval of the production facility is not necessary to keep open the option of improving the U.S. CW stockpile until that basic issue is resolved. The option will continue to exist.

It should be noted that modernization of the CW stockpile could also be accomplished by filling new munitions from present bulk stocks of nerve agent. This method has severe shortcomings, however, when compared to the binary concept. Binaries provide significant advantages in manufacturing, storage, surveillance, transportation, and eventual disposal of chemical munitions. Thus, they not only serve to satisfy environmental concerns, but also allow flexibility in deployment. It is estimated that the time necessary to ready a facility for

production and the over-all costs involved in the manufacture of sufficient munitions to satisfy stockpile deficiencies are roughly the same regardless of the method used.

Arms Control Considerations

Review of Negotiations

As noted above, the United States is engaged in bilateral U.S.-Soviet as well as multilateral discussions of possible chemical weapons limitations. Since the U.S. has not yet reached a decision on the basic CW policy issues, U.S. participation in these discussions has been limited to examination of alternative approaches to CW arms control. The U.S. has not yet taken a definitive position on what would constitute an acceptable agreement.

Present U.S.-Soviet discussions of CW restraints stem from the July 1974 Summit in Moscow. In the communiqué, the U.S. and USSR “agreed to consider a joint initiative in the conference of the Committee on Disarmament with respect to the conclusion . . . of an international convention dealing with the most dangerous, lethal means of chemical warfare.” Shortly thereafter, the Soviets presented a draft treaty which is deficient in that it limits only the most toxic chemicals and lacks effective verification measures.

The U.S. did not respond to the Soviet draft before the Vladivostok summit in November 1974. (Although no definitive response has been provided, the U.S. forwarded request for clarification on April 29, 1975.) That November 1974 meeting’s final statement “noted that in accordance with previous agreements, initial contacts were established between representatives of the U.S. and USSR on . . . measures dealing with the most dangerous, lethal means of chemical warfare.”

On a number of occasions since the Vladivostok summit, the Soviets proposed that bilateral consultations begin, but the U.S. did not accept until mid-1976. The first round of consultations was held in Geneva, in late August 1976. This session dealt with a variety of technical issues related to CW limitations, particularly in the areas of scope and verification. It was agreed that the consultations had been useful and that they would be continued at a time to be determined.

Since the August 1976 consultations, there has been no further substantive discussion of CW restraints with the Soviets. The Soviets submitted a memorandum to the UNGA suggesting that they may be willing to discuss provisions for limited forms of on-site inspection. This appears to some to be a reflection of a basic Soviet decision on on-site inspection made in connection with negotiation of the PNE Treaty. However, until further talks are held it will be difficult to judge how significant these statements actually are.

The multilateral discussions, which take place at the Geneva-based Conference of the Committee on Disarmament (CCD), began in earnest in 1972. The United States has participated actively in the CCD's discussions, which have focused on the study of technical issues related to scope and verification of various types of limitations. Draft conventions to prohibit chemical weapons have been proposed by the USSR, Japan, and the UK.

During the summer 1976 session of the CCD, discussions of CW issues were more active and constructive than previously. We believe that these discussions are likely to remain at least as active during the spring 1977 session and that they will focus on the proposal presented by the British in August 1976 for a phased prohibition of chemical weapons. Among other members of the CCD, including our allies, there is a general expectation, in fact, that the CCD's discussion of CW limitations will intensify during 1977.

The Arms Control Impact of Proceeding with a U.S. Binary CW Facility

Proponents of the Army's request believe that early approval is necessary in order to provide a strong, but by no means provocative, signal to the Soviets of U.S. resolve to counter their CW superiority and thus provide a realistic basis for arms control negotiations. U.S.-USSR discussions concerning a CW limitation have been under way for several years, although formal discussion has only taken place recently. The Soviets have consistently maintained that on-site verification of CW limitation is unacceptable. Recent Soviet statements on this matter do not indicate any significant change in their position. Soviet offers to "consider" on-site inspection have been limited to agent destruction only and, even here, they have been purposely vague concerning their intent. As the situation stands now, the prospect for an effective agreement appears dim. The Soviets cannot help but be aware of their advantages in CW and there is no reason to expect them to give them up. If we seriously expect the Soviets to negotiate away their warfighting capability, we may first have to convince them that we are willing to improve our stockpile should arms control efforts fail.

Those opposing the Army's request believe that:

—Given the attitudes in Congress and among some of our NATO allies, it is unrealistic to expect that the U.S. can remedy whatever offensive CW deficiencies exist in NATO. German opposition to increased peacetime forward deployment of CW is a critical factor, and one that is not based on environmental and safety concerns, and hence one that will not be overcome by U.S. production of the safer binary munitions. Our most promising strategy in attempting to moderate the Warsaw Pact CW capabilities is to seek treaty restraints on CW, even

though the restraints may not be fully verifiable. Thus to the extent that the Army's request would be perceived, both in the U.S. and abroad, as contrary to the U.S. commitment to attempt to achieve further limitations, it could work against our interest.

—Progress has been made recently, during a period in which the U.S. exercised restraint on the question of preparations for the production of binary chemical weapons. For example, U.S. views on the need to find solutions to verification issues have won increased support. At the same time the USSR appears to be approaching the remaining problems involved in negotiation of effective CW restraints in a more serious and flexible manner than previously. A decision to construct a binary facility at this time might well send the wrong signal to the Soviet government, leading them to conclude that the U.S. is not serious about seeking CW limitations.

—A budget request for the binary chemical weapon production facility should not be viewed as a way to facilitate negotiations by increasing pressure on the USSR. Failure to reach agreement on CW limitations so far cannot be attributed to Soviet intransigence, since the U.S. has not yet presented a proposal. In fact, the U.S. representative at the August 1976 bilateral consultations reported that the Soviets appeared to be prepared to go farther once the U.S. put forward a concrete proposal.

—U.S. commitment to a binary CW facility may tend to encourage CW proliferation. It may well be taken by some smaller countries to indicate renewed importance for chemical weapons, leading them to consider acquiring CW stockpiles of their own.

Congressional Considerations

In the FY 1975 budget, \$5.8 million was requested to procure the long lead time equipment items necessary to develop a production loading, assembling, and packaging (LAP) facility for the 155mm artillery projectile at Pine Bluff Arsenal, Arkansas. After considerable debate in the Congress, this budget item was deleted by a vote of 214–186 on the House floor.

In the FY 1976 budget \$8.8 million for the same equipment was again requested, and Congress again deleted this request, because, in part, of concern over arms control implications. In recommending deletion, the House Appropriations Committee expressed its hope that genuine progress could be made during 1976 at the Conference of the Committee on Disarmament on a realistic and workable treaty to ban all means of chemical warfare, but noted that:

“If no real progress is made in negotiations at the time we are to consider the FY 1977 Defense budget, the Committee may have to reappraise its position on the overall matter.”

The only additional FY 1976 budgetary request related to production was \$562,000 in Military Construction Authorization (MCA) for alterations to an existing facility to contain this (LAP) equipment. The House of Representatives deleted this MCA project on July 28, 1975.

Also in 1975 in response to a Congressional inquiry, the White House clarified its position on budget requests for binary chemical munitions: On July 17, Mr. Max Friedersdorf, Assistant to the President for Legislative Affairs, wrote Representative Melvin Price and Senator John Stennis:

"... The President would recommend approval of the R and D funds for binary chemical munitions and the modification of the building at Pine Bluff, Arkansas. With the approval of the foregoing items, the other budgetary request for this program for procurement production could be deferred to a later point in time."

It was the sense of both the Senate and House Appropriation Committees that priority of effort should be given to improving U.S. CW defenses. Further, the House conferees agreed to provide statutory language prohibiting the production of lethal binary chemical munitions unless the President certifies that it would be in the national interest. This was codified in Section 818, Public Law 94-106, October 6, 1975, as follows:

"(a) Notwithstanding any other provision of law, none of the funds authorized by this or any other Act shall be used for the purpose of production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest to do so and submits a full report to the President of the Senate and the Speaker of the House of Representatives as far in advance of the production of such munitions as possible.

"(b) For the purpose of this section the terms 'lethal binary chemical munitions' means (1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and (2) any unique device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used to disperse or otherwise disseminate any such toxic chemical."

(Note: Although the above law is concerned specifically with production and, therefore, does not apply to the proposed FY 78 Army request, DOD believes that a practical consideration of past Congressional concerns dictates that the White House endorse that request in some manner if approval is to be obtained. If the President approves the inclusion of the binary production facility in the FY 78 budget, he would indicate to Congress that while pursuing vigorously international treaty restraints on CW, it would serve our national security purposes to have such a standby facility.)

218. Minutes of a Senior Review Group Meeting¹

Washington, December 29, 1976, 3:07–4:03 p.m.

Meeting began at 3:07

Hyland: The problem as I understand it is that the DoD proposal for \$15 million in the budget for a binary CW production facility was turned down. Don Rumsfeld reclamaed and it was agreed to have this meeting. I think we all know the DoD position. My question is what is the relationship between the budget proposal and DoD's draft CW treaty. What happens if you don't get the funds?

Wade: We are trying to move to improve our CW posture. This is now more important and has a higher priority because we have taken no action in the last couple of years. The binary facility is a long-lead item and an important element in our CW posture.

Hyland: But how do you handle Congress. Is this just a bargaining chip?

Wade: If we brief Congress frankly about what we know regarding the Russian CW program, I think we could get Congressional support.

Hyland: You wish to begin modernization and start preparing to produce binaries in two years, and at the same time we would begin to negotiate. We would also continue R&D in the CW area.

Wade: The possibility of an acceptable international agreement limiting CW is not high.

Brown: We are trying to keep the binary option open.

Hyland: Suppose we put the money in the budget. Then maybe Congress would say to hell with it. What does that do to our leverage at the negotiating table.

Wade: The two should be linked. Frank discussions with Congress would help bring them around. We can't maintain a balance in Europe using only our mechanized forces. We have to increase the pressure against Soviet use of CW. We have been stalemated for the last couple of years and the problem needs to be faced up to.

Ikle: We don't have a U.S. negotiating position on CW. In a year's time we could probably get an agreement, but without verification.

¹ Summary: The Senior Review Group discussed budgetary issues related to the development of a binary chemical weapons production facility.

Source: Ford Library, National Security Council, Institutional Files—Meetings, Box 24, Meeting Minutes—Senior Review Group, November–December 1976. Secret. The meeting took place in the White House Situation Room. No drafting information appears on the minutes. Several handwritten additions and revisions have been incorporated into the text published here. Another version of the minutes is printed in *Foreign Relations*, 1969–1976, volume XXXV, National Security Policy, 1973–1976, as Document 128.

Hyland: The U.S. could not accept an agreement without verification.

Robinson: There is some give on the Soviets' part in that area.

Iklé: Even if we started to produce binaries, it is doubtful that it would give us much leverage in verification negotiations. There would not be much leverage coming out of a small production facility. The leverage would have to result from political factors. The problem is that we have been sitting on the fence for so long. I don't think we should go ahead at this time with a production facility. It does not require all that much lead time.

Wade: This is a long lead item which requires two years.

Iklé: But in a real emergency, it might not take that long.

Robinson: I am comparing the \$15.8 million under question vs the \$8.8 million in the FY 76 budget for ordering long delivery items. Are we talking about two different things?

Wade: \$2 million is for rehabilitation and \$13 million is for equipment.

Robinson: So that figure includes the equipment and the installation.

Wade: It could be a significant half step forward and might be useful in the negotiations. I cannot say definitely what effect it might have.

Iklé: If there were an impasse, it might help.

Davies: But we have never made a negotiating proposal.

Hyland: What is in the Soviet draft treaty, a total ban?

Davies: Yes, eventually.

Brown: It is for new production: They won't destroy the facilities they have.

Iklé: It presents us with massive verification problems. We can, though, observe the destruction of facilities. Once the negotiations start there may be some give on the Soviet side.

Robinson: I have some technical questions. One question is about the efficiency of the binary artillery shell vis-à-vis the present one.

Wade: There is no degradation. They are the same.

Davies: There is slight degradation on a per pound basis.

Brown: You don't get something for nothing.

Mahlberg: It is not militarily significant.

Robinson: My second question is that effective use of CW requires lots of shells concentrated in one area. Given the limitation on tubes, wouldn't you have to cut back on some conventional artillery support?

Wade: It depends on your objectives. There are different scenarios.

Davies: We are short of artillery today.

Brown: Haig is more concerned now about a CW attack than a conventional attack.

Sonnenfeldt: Are binaries the answer?

Brown: They would be of some use. We have none today.

Hyland: Why is our proposed response an offensive one? Why not have a substantial increase in our defensive capabilities?

Wade: If we go into a completely defensive posture that gives the Soviets the option to attack at a time and place of their choosing.

Brown: We are only talking about \$15 million.

Hyland: But there is the possibility of much larger expenses in the future. Don't the Soviets have an active program of protective measures?

Brown: Yes, at present they could fight in an environment they create.

Wade: Both sides would be affected and would have to wear masks.

Davies: Both sides would be slowed down.

Hyland: Don't we have some capability in West Germany?

Iklé: Yes, but it is all in one place. In case of a war you could ship more over if there were time. Binaries would give you some advantage.

Brown: We can easily sit here and quick-talk ourselves out of this decision.

Iklé: I was explaining your side of the story and saying that one of the reasons for going to binaries is that it would be easier to ship.

Brown: I misunderstood you.

Robinson: My understanding is that if a decision is made to go ahead that in ten years the cost would add up to \$1 billion. A long lead time of two years is required. The State Department feeling generally is that we haven't really explored the possibility of an agreement with the Soviets. We have not made a counter offer. If we fail in an effort to get the Congress to spend the \$15 million, it would weaken our bargaining position. Then there is the problem of West Germany. They would not be impressed by our assurances on safety. For the Germans there are more important psychological and political concerns. We would have a problem in determining what we could store in a forward position. State feels we should not go ahead at the present time.

Iklé: The German position is fundamental. Perhaps we should see if we can get the Germans to agree to store binaries.

Wade: We are talking about FY–78 money.

Hyland: Congress has turned it down the last two years. The two main problems are how to get it in the budget and how to get it through Congress.

Sonnenfeldt: We need to make some sort of answer to the Russians. It has been a year and a half.

Hyland: I am worried about a full blown proposal being killed in Congress. Many of the people up there say let's try first to negotiate. We should have talks with the Russians about verification. These could be technical talks about how to verify without saying to them what we propose. We could tell Congress that on the basis of these technical talks we plan to develop a negotiating position next fall.

Wade: It might be a viable way to start. Congress might accept it.

Hyland: We could put it in the budget and tell Congress that we are going ahead to have serious talks with the Russians.

Iklé: We should have a larger reexamination of our position in light of verification problems. The present stockpile in the Soviet Union is a key problem. We could probably agree to cut down on new production and verify that. We can verify the visible things but there is no way to verify the stockpiles. There is some disingenuousness in our position.

Robinson: (to Hyland) Your compromise seems palatable to me personally but I don't know about the Department. If you could give me a draft of your proposal I could take it back so that we could reconsider our position. Basically we are opposed to the \$15 million expenditure. However your suggestion might cause us to reconsider.

Hyland: My proposal is that we would put the \$15 million in the budget. Simultaneously we would propose to the Russians and also inform Congress that we are prepared to hold technical talks with the Russians on verification and the limitation of chemical weapons and on the basis of these talks we could make a proposal. We would use that decision with Congress and go along on a parallel track. If the arms control discussions succeed then the binaries are irrelevant. If they don't work then we will have to face up to a major threat.

Ogilvie: You are talking about a bargaining chip.

Sonnenfeldt: It's keeping your options open.

Brown: The Hill might react that way—that it is a bargaining chip—but we should stand behind it.

Ogilvie: Look. It is a long time before FY '78 starts. Not until September 1977. No commitment could be made for at least a year. We have the option of telling the Soviets of our intentions and to start negotiating with them now. We would so advise Congress. We could use this as a bargaining chip with the Soviets and see if we can or cannot get an agreement.

Iklé: That is illusory. You could not get an agreement in that time providing for verification.

Ogilvie: There is a year to find out.

Iklé: There are two ways of having an agreement. One would be without verification. The second would be a partial agreement limiting new production.

Ogilvie: I have real worries about the Hill. If the Hill says no for a 4th time then we have lost a lot of leverage.

Iklé: The USSR would be willing to sign an agreement without verification. Maybe after one or two years there could be some progress on the verification issue.

Ogilvie: With regard to the budget there is a technical problem. Even if we acted today it would be extremely difficult to get the numbers changed. We could do it today or possibly as late as Monday. The budget is in page proof now and we expect to lock it in final very shortly. In order to get a change in the budget we would have to go to the President and we would need a memo for the President. This would be very difficult in such a short time. The other option is to keep the budget as is and have the President submit a supplemental.

Hyland: Would there have to be a Presidential determination that it is in the national interest?

Wade: Only for actual binary production.

Ogilvie: There are legal differences of interpretation. It would be interpreted as a production decision and would require a Presidential determination.

Sonnenfeldt: It is not a production decision, it is just a decision to keep our options open.

Ogilvie: That would not reflect the intent of Congress. They would view this as a production decision requiring a determination.

Brown: Well if the President approves the \$15 million, there should not be any problem in getting a determination.

Hyland: So there is no consensus in this group.

Robinson: Right. We would like to reserve our vote until we can review the paper to the President outlining the alternatives.

Iklé: Our view is that it should not be put in the budget. Although the \$15 million is a small amount it would be a red flag and cause a great deal of commotion on the Hill and among the public. It is already flagged as an important issue in the Defense posture statement. A new negotiating position is not for us to develop but for the new administration. We should become more honest in our position.

Brown: What could really be done in negotiations?

Iklé: We could have an agreement in a year without verification provisions and some progress toward verifying stockpile destruction.

Wade: But as long as our posture is zero the possibility of an accord is zero.

Brown: Why would the Russians want to negotiate?

Iklé: We still have our old stock.

Brown: We could get a telegram out to Vail tonight.

Hyland: All we could say is that we had a meeting and there was no agreement.

Iklé: There should be some explanation in it as to why we have not made a counter proposal in Geneva. The reason is verification problems.

Sonnenfeldt: If the President were to advocate this, he could say that we have been unable to make a responsible statement on the subject because of verification problems, and, secondly, he could mention the cumulative effect of Soviet forces in the area. The other possibility is that we need to use more imagination to see if there is some way to negotiate. There is nothing lost by waiting another year to update the facility and resolve our problems with our Allies. We could make one more major effort.

Ogilvie: That is up to the next administration.

Hyland: If it is not in the budget then it is not an issue.

Ogilvie: If it is not in then we have until September to ask for a supplement.

Sonnenfeldt: In the memo to the Pres it should be pointed out that if we put the money in and Congress then takes it out, we lose leverage.

Hyland: The variable is to what extent the Russians will let us inspect. If they agree to inspection it is a new ball game. We should explore that and see how they feel about it. We could make a proposal that both sides destroy X tons and no more. Something like that could be verified.

Davies: Is the remainder of military consequence?

Robinson: \$15.3 does not bother me. I am concerned with the rationale. What can be achieved is the important thing.

Brown: What if you assume that Congress will go along with having the \$15 million. Would that give you leverage?

Iklé: It might give you some leverage.

Sonnenfeldt: We would lose leverage if it squeaks by Congress. The opposition would then become more vociferous. There could be an outcry and controversy and Congress might then reverse itself.

Wade: The timing of the presentation is important. We could advise Congress we are starting technical talks but that we would not spend money for a year.

Sonnenfeldt: That would get you leverage but it is risky.

Iklé: If this scenario leads you to residual stocks, then it is better to have these stocks in binaries.

Brown: Your worry about Congress might be true. But on the other hand there is growing concern in the country regarding the fundamental imbalance of power between us and the Russians. I have

just been going through our posture statement. It is depressing. It is awful. I think we are going to start getting a reaction in this country. In the next year the new team, the general public and Congress will all be educated.

Iklé: First we should have a position on negotiations. In light of that perhaps a production facility would be in order.

Hyland: You are still opposed to the \$15 million now?

Iklé: Yes, it is putting things in reverse order.

Ogilvie: If you take this to the President it is important that Jack Marsh have some input. He was involved originally when the President expressed his concern about the public reaction. This is more than a meeting of the SRG. It is a budget decision that Marsh was originally involved with.

Hyland: There is no agreement to recommend that the budget be reversed. That split should be reported to the President. DoD through Don Rumsfeld has the right to reclama. I will report to Brent Scowcroft that there was no agreement. It was 2 vs 2. DoD will reclama thru Lynn.

The Meeting ended at 4:03 pm.