

October 5, 1974

Memorandum to the Secretary of State from 'Talks on Reactor Safeguards and Related Matters with the Soviets on October 15'

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Summary:

Once Kissinger approved an approach, State Department officials prepared the substance of communications with Moscow, which included a basic five-point paper constituting proposed "undertakings" for a suppliers' group. The proposed guidelines for nuclear exporters included no "peaceful nuclear explosives" for non-nuclear states, IAEA safeguards for nuclear supplies, and "special restraints" over exports of sensitive enrichment and reprocessing technologies, including comprehensive safeguards and multinational plants.

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Authority NWD 939520By AP NARA Date 3/26/10DEPARTMENT OF STATE
ACTION MEMORANDUM

S/S

SECRET/NODIS

October 5, 1974

To: The Secretary

From: ACDA - Fred C. Ikle ^{FI}
S/P - Winston Lord ^{WL}
C - Mr. Sonnenfeldt ^{SS}Talks on Reactor Safeguards
and Related Matters with the Soviets
on October 15

Attached is a set of instructions (Tab A) for use in our talks in Moscow, scheduled for October 15th, and an aide memoire to hand to the Soviets on that occasion (Tab B). Taking both our note of August 30 and Gromyko's note of September 21 (Tabs C and D) as a point of departure, the instructions have been designed with two key objectives in mind: first, to define clearly the scope of nuclear supply issues to be discussed; and second, to persuade the Soviets that a multilateral approach is the most practical and desirable basis for preventing the spread of independent nuclear explosives. This approach has been coordinated with Jan Lodal and George Vest.

Objectives

Our first objective is to define the scope of measures we wish to discuss with the Soviets (and eventually multilaterally) so that it will be broad enough to cover a full range of export activities, while avoiding topics such as NPT review conference strategy and PNE services, which we would like to keep separate. The Soviet note refers only to reactor safeguards as a specific agenda item. But the important categories of control on reactors and other items of hardware have already been addressed in the Zangger Committee "trigger list" of sensitive exports, to which both we and the Soviets have agreed through the IAEA in Vienna. We would therefore like to broaden the discussion to include the topics addressed in your August 30 note, such as enrichment and reprocessing technology (as distinct from hardware exports) and special restrictions on the supply of sensitive nuclear material

SECRET/NODIS

Authority NND 939520By AL NARA Date 3/26/10SECRET/NODIS

2

or equipment to specified areas such as the Middle East. We believe the Soviets will be willing to go into these broader questions, since they have very strong attitudes on non-proliferation and to our knowledge their present export practices are at least as restrictive as our own.

There is some possibility, on the other hand, that they may want to broaden the talks into areas we may not wish to cover. Gromyko's note speaks of "other practical measures and actions aimed at providing more effective and universal application of the NPT." We should, however, resist any Soviet effort to discuss general problems of NPT review conference strategy or control of PNE's, since expanding the agenda could dilute our immediate program of action in the safeguards field and interfere with other on-going talks. As to NPT matters, we and the Soviets are discussing a variety of such issues at the Review Conference Preparatory Committee meetings and the IAEA and can, if we wish, take up these issues bilaterally at a later stage.

The PNE issue is particularly delicate. In terms of export controls, we expect the Soviets to support measures to close the "PNE loophole" in safeguards agreements, given their NPT obligation not to contribute to independent nuclear explosives capabilities, which was explicitly reflected in the Zangger guidelines. However, in the context of the October 7 talks, US and Soviet interests diverge with respect to PNE provisions for the TTB, possible LTBT modification and PNE services under Article V of the NPT. Although these matters must be resolved and are part of the entire non-proliferation picture, they do not bear on the precise question of safeguards and would best be dealt with elsewhere.

Our second objective is to avoid strict bilateralism in handling export controls. Gromyko's note indicates that the Soviets are contemplating a bilateral approach, although it recognizes the need to establish "appropriate international agreements" in the future. A basic purpose of the October 15 talks will be to lead the Soviets beyond the bilateral dimension toward the concept of involving all key suppliers in export controls. We must attempt to persuade the Soviets that only multilateral action in this field can be effective and that, while we value bilateral consultations, a strictly bilateral approach could be easily resisted or circumvented by other key suppliers

SECRET/NODIS

Authority AND 939520By A NARA Date 3/26/10SECRET/NODIS

3

(who might not be bound by NPT/IAEA obligations) and would therefore be self-defeating. Obviously, we also want to avoid any signs of US-Soviet condominium in light of relations with our allies and the Chinese.

Instructions

The attached instructions and aide memoire are aimed at defining the scope of supply issues under discussion, obtaining Soviet support of a multilateral approach and reaching consensus on individual issues. We would not plan to break new ground on PNE issues.

We recommend that, if you agree with the above approach, Ambassador Stoessel be authorized to conduct the October 15 round of discussions in Moscow on the basis of the instructions which the NSC would clear with DOD and AEC. Ambassador Stoessel would also be provided relevant background information. We would offer Stoessel the services of Ambassador Tape (who is presently in Moscow) to participate in the October 15 discussions, as a means of providing greater technical expertise.

Recommendation:

That you approve the above approach and that Ambassador Stoessel be authorized to conduct the non-proliferation discussions with the Soviets, scheduled for October 15.

Approve _____

Disapprove _____

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Drafted: S/P:JKalicki:mn ACDA:CVandoren C:NTerrell
X27771:10/5/74

Concurrences:

PM - Mr. Vest *DH*
NSC - Mr. Loda *JMC*

Authority NND 939520

TAB A

By A NARA Date 3/26/10SECRET/NODISInstructions for Non-Proliferation Talks with Soviets

The following instructions are approved for discussion on non-proliferation with the Soviet representatives:

1. The USG appreciates the Soviet note which agrees that it is "desirable and expedient to work out a common approach" to ensuring that nuclear exports are not used to produce nuclear weapons. In this connection, we share the USSR view of the importance of preventing the spread of nuclear weapons, supporting the Non-Proliferation Treaty (NPT) and securing as wide an application of IAEA safeguards as possible.

Scope of Effort

2. Maintaining an effective system of international safeguards is an essential part of any non-proliferation program. The successful outcome of discussions among nuclear suppliers on implementation of Article III.2. of the NPT (Zangger Committee), in which the USSR played a constructive role, was an important step in achieving common nuclear export policies.

3. Building on this result, the USG wishes to discuss with the USSR the desirability of achieving complementary, but somewhat broader agreement on nuclear export guidelines to include nuclear suppliers who did not participate in the NPT implementation discussion, and to include export policies or restraints not specifically covered in Zangger (Nuclear Exporters') Committee guidelines. The attached paper [Tab B, to be given to the Soviet representatives] describes the type of export policies which might be discussed.

Multilateral Approach

4. Such common understanding among nuclear suppliers to further guidelines for nuclear export policies would, as in the case of the Zangger Committee, maximize the effectiveness of these policies. Many third countries are exporters of nuclear material and equipment. Given this situation, it is both logical and desirable to proceed multilaterally on the basis of careful prior consultations with key nuclear suppliers.

SECRET/NODIS

Authority NND 939520By Ar NARA Date 3/26/10SECRET/NODIS

2

5. One possibility for achieving multinational export policy understandings would be to hold a small, private conference of major nuclear suppliers. This conference could include the USSR, US, Canada, FRG, France, Japan and UK -- the key suppliers at present. We would appreciate hearing the views of the USSR on this possibility.

Discussion of US Paper (Tab B)

6. Regarding the first point in our paper, the USG thinks it is particularly important for all suppliers to make clear their continued determination not to contribute to any nuclear explosive programs, either directly or through export of nuclear equipment, materials and technology.

7. Regarding our second point, we believe the US and USSR should support the uniform application of IAEA safeguards by supplier nations on nuclear exports and should maintain, and augment where possible, their vital political, financial and technical support for IAEA safeguards.

8. Regarding our third and fourth points, we believe it highly important to recognize and guard against the proliferation potential of transfers of weapons-grade material and independent national control of uranium enrichment and chemical reprocessing equipment; moreover, we believe that significant economies of scale can be obtained from multinational plants while furthering our non-proliferation objective. We also strongly support international measures (especially in the IAEA) to upgrade the physical protection of nuclear materials and facilities. We suggest the fifth point in the recognition that in addition to the global dangers of nuclear proliferation, there are particular areas of conflict and instability in the world which justify the imposition of stringent conditions to minimize the accumulation of plutonium and other special nuclear material.

9. With respect to all of these points, and particularly to those relating to strengthened safeguards over nuclear supply, we conclude that a multilateral approach is essential and that the proposed conference could play a constructive role in achieving consensus among nuclear exporters.

Contingency Guidance

10. [If the Soviets continue to emphasize a bilateral approach to the problem, possibly criticizing implicitly

SECRET/NODIS

DECLASSIFIED

Authority NND 939520By AP NARA Date 3/26/10SECRET/NODIS

3

opponents of the non-proliferation objective (e.g., the PRC).] While we value close bilateral consultations with the USSR, a bilateral approach in this field could be easily resisted or circumvented by other key suppliers and would therefore be self-defeating. In undertaking these efforts, it will be indispensable to their success to concentrate on achieving maximum consensus among the major nuclear suppliers and, to the extent possible, not to provoke attacks from potential critics of our policies.

11. [If the Soviets raise other NPT issues, such as preferential treatment for NPT parties, associated with NPT adherence and the May 1975 Review Conference.] We will continue to discuss these issues with the USSR at the preparatory meetings for the NPT Review Conference, at the IAEA and in subsequent bilateral discussions as appropriate. At this juncture, however, we would prefer to limit our discussions to the urgent question of strengthening international safeguards.

12. [If the Soviets indicate interest in NPT Article V questions.] We have no views to express on this subject at this time, but we expect to discuss this issue with Soviet representatives in other talks.

13. [If the Soviets desire further explanation of the stringent conditions the US proposes for reactor sales to Egypt and Israel, in connection with point five of Tab C.] We are negotiating with Israel and Egypt contract terms, including controls over nuclear materials, which are considerably stricter than the normal IAEA safeguards associated with the NPT, taking into account the sensitivity of the region. In particular, we have proposed the following requirements: a US veto over where reprocessing, fabrication, and storage of plutonium take place, and our intention that these be done outside of the country involved; the explicit exclusion of use of supplied material for any nuclear explosive device; an assurance that all future imports be covered by IAEA safeguards and not be used for any explosive device; and the inclusion of physical security provisions in the agreement.

14. [If the Soviets indicate that there should be greater political balance in conference participation.] The criterion for participation in such a conference would

SECRET/NODIS

DECLASSIFIED

Authority NWD 939520By A NARA Date 3/26/10SECRET/NODIS

4

be technical rather than political. Other potential candidates do not have the nuclear export capabilities of the participants we have suggested. While this would be a conference of major suppliers, we would expect to consult all suppliers to assure that a fully effective, international safeguards system is instituted. Such a conference would play a constructive part in assuring more widespread efforts by all nuclear industrial states.

15. [If the Soviets wish to consult on follow-on preparations for the proposed suppliers' conference.] We plan to pursue the question of the proposed suppliers' conference with other key suppliers, and we would like to be in close contact with you on further developments in the next few weeks.

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Tab B

Authority NND 939520By AP NARA Date 3/26/10CONFIDENTIALPotential Common Nuclear Export and Safeguards Policies

The USG envisions undertakings among suppliers to establish common restraints and conditions on nuclear supply, with a view to minimizing the risks of nuclear weapons proliferation. We are considering a small, private conference of key suppliers as a means of working out such understandings. All suppliers would of course be free to apply more restrictive policies.

Suggested Policies for Discussion

1. Nuclear cooperation would be undertaken with non-nuclear weapon states only under agreements as to peaceful uses, which would explicitly exclude use in any nuclear explosive devices.

2. Nuclear supply would be undertaken only when covered by IAEA safeguards, with appropriate provisions for duration and coverage of produced nuclear material.

3. Supply of weapons-grade material, or of uranium enrichment or chemical reprocessing equipment or technology, to non-nuclear weapon states should be subject to special restraint. Such special restraint might include supply only for multinational enterprises, or only to those non-nuclear weapon states which have made a general commitment to non-proliferation, and which have accepted IAEA safeguards on their entire nuclear fuel cycle.

4. Nuclear supply would include appropriate requirements for the physical protection of materials and facilities against theft, seizure or sabotage.

5. Stringent conditions might be developed on the supply of sensitive nuclear material, equipment, or technology to countries or regions where such exports would contribute to particular risks of conflict or instability.

The above list of possible policies is intended to illustrate the types of issues where understandings might be reached. It is not intended to represent an exhaustive examination of the issues.

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Authority NND 939520By AD NARA Date 3/26/10

Tab C

SECRET/NODISFirst US Note (August 30, 1974)

Restrictions on the supply of sensitive enrichment technology, such as techniques for the design of barriers in gaseous diffusion plants.

Restrictions on the technology for independent national reprocessing facilities, including procedures and equipment for commercial-scale separation of plutonium from irradiated fuel elements.

Restrictions on the supply of sensitive nuclear material or equipment to specified areas such as the Middle East. This would include plutonium, highly enriched uranium (weapons grade), enrichment and reprocessing facilities, high temperature gas-cooled reactors, breeder reactors, and fuel fabrication plants using highly enriched uranium or plutonium.

SECRET/NODIS

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Tab D

SECRET/NODISSoviet Note (September 21, 1974)

The proposal on holding bilateral Soviet-American negotiations concerning guarantees against possible use of atomic reactors, transferred to third countries, for the purpose of creating nuclear weapons has been carefully considered in Moscow.

On our part, we always took and are taking appropriate measures so that under no pretext the proliferation of nuclear weapons was allowed. At the same time, proceeding from our position of principle aimed at enhancing the regime of nuclear weapons non-proliferation, we would believe it desirable and expedient to work out a common approach by our two countries to the question of strict guarantees against possible use of atomic reactors, transferred to third countries, for the purpose of creating nuclear weapons. Such common approach would in future facilitate the elaboration and adoption of an appropriate international agreement on that matter.

Accordingly, we are prepared to hold bilateral Soviet-American negotiations for discussing that problem. At those negotiations, should be, in our view, also considered a possibility of working out other practical measures and actions aimed at providing for more effective and universal application of the Treaty on non-proliferation of nuclear weapons. The achievement of appropriate understanding on that matter between our countries would be of special significance in connection with the forthcoming Conference next year on the effect of that Treaty.

Taking into account the necessity of more detailed preparation for the negotiations, we propose that they start on October 15, 1974 in Moscow. We proceed from the assumption that those talks will be of confidential nature.

SECRET/NODIS

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SECRET/NODIS