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103D CONGRESS
1ST SESSION

H. R. 3076

To address the policy of the United States on plutonium use.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1993

Mr. STARK (for himself, Mr. KENNEDY, Ms. PELOSI, Mr. MARKEY, Mr. EVANS, Ms. MCKINNEY, Mr. KOPETSKI, Mr. SERRANO, Mr. FILNER, Mr. ANDREWS of Maine, Mr. TORRES, Mr. WAXMAN, Mr. HASTINGS, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. MILLER of California, Mr. HINCHEY, Mr. DURBIN, Ms. ESHOO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SANDERS, Mr. DEFAZIO, Mr. MCCLOSKEY, Ms. FURSE, Mr. HAMBURG, and Mr. FISH), introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To address the policy of the United States on plutonium use.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF POLICY ON PLUTONIUM USE.

(a) FINDINGS.—The Congress finds the following:

(1) All grades of plutonium, irrespective of their designation as civil or military, can be used to make nuclear explosive devices.

(2) The Department of Defense has stated its view that the proliferation risks posed by reprocessing and separated plutonium under international safeguards are unacceptably high.

(3) The Deputy Director of the International Atomic Energy Agency stated that the excess of plutonium from civilian nuclear programs poses a major political and security problem worldwide.

(4) Reprocessing programs that will produce large stockpiles of civil plutonium in nations not deemed to pose a proliferation risk may encourage or be used to justify such programs in nations and regions that pose a proliferation risk.

(5) There are already large surplus stockpiles of separated plutonium in the world.

(6) Abundant and inexpensive global sources of uranium and uranium enrichment services have steadily eroded the economic need for the use of plutonium in civilian nuclear reactors.

(7) Breeder reactors were once supposed to be the principal consumers of civil plutonium but have now encountered major financial and technical problems and recently have been abandoned or shut down in Germany, France, and Britain and have suffered major delays in Japan.

(8) Reprocessing was once regarded as an economic and efficient approach to nuclear fuel recycling and waste management but is now widely recognized as extremely costly and posing major environmental hazards.

(9) The United States has suspended the production of military plutonium and has abandoned civil reprocessing and commercial breeder reactor development in the United States.

(10) The plutonium to be recovered from dismantled United States and Russian warheads will further augment large surplus stockpiles of separated plutonium in the world.

(11) Russia continues to separate plutonium for both civil and military purposes and has accumulated a surplus of some 30 tons of civil plutonium, for which there is no safe, commercially viable application.

(12) Much of the world surplus of civil plutonium has resulted from reprocessing in the United Kingdom, France, and Japan of spent fuel derived from United States-origin low enriched uranium, and the United States continues to bear responsibility for the transfer and disposition of such material

under nuclear cooperation agreements with these countries.

(13) Enormous amounts of additional civil plutonium, exceeding the amounts of plutonium now contained in nuclear weapons, may soon be recovered in reprocessing plants that are to be started up or constructed in the United Kingdom, France, and Japan in the near future.

(14) Once these new plants start up and become contaminated with radiation, the environmental difficulties of shutdown and clean-up increase dramatically.

(15) The new Thermal Oxide Reprocessing Plant (THORP) in the United Kingdom, if operated as proposed, will separate 59 tons of plutonium from spent fuel over the next decade.

(16) The President has written to Members of Congress that he has asked for a review of United States nonproliferation policies, including specific attention to the issue of British reprocessing.

(17) The Irish government declared on February 1st that the bringing on stream of THORP represents an additional and unnecessary risk to the health and safety of the Irish population and that

the accumulation of plutonium with no commercial use constitutes a grave proliferation risk.

(18) The parties to the 1974 Convention for the Prevention of Marine Pollution from Land-based Sources agreed on June 16 that a new or revised discharge authorization for radioactive discharges from nuclear reprocessing installations should only be issued by national authorities if special consideration is given to information on the need for spent fuel reprocessing and on other options, a full environmental impact statement, and other criteria.

(19) The Government of the United Kingdom is currently conducting an internal review, scheduled to be completed this year, to determine if THORP will be allowed to start up or if an independent public inquiry into its operation will be held prior to a start-up determination.

(20) In a June 1993 report by the General Accounting Office entitled ''Nuclear Non-Proliferation: Japan's Shipment of Plutonium Raises Concerns about Reprocessing'', a British Government official was quoted as stating that the rationale for operating THORP is no longer valid because THORP cannot be a financially successful venture, and that without economic justification to engage in commer-

cial reprocessing, the basis for reprocessing in the United Kingdom has collapsed.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the start-up or continued operation of any plutonium separation plant presents serious environmental hazards and increases the risk of nuclear proliferation and therefore should be suspended until the outstanding proliferation and environmental concerns set forth in subsection (a) have been thoroughly addressed and resolved.

(c) PRESIDENTIAL ACTION.—The Congress urges the President—

(1) to convey the sense of the Congress set forth in subsection (b) to the Governments of the United Kingdom, France, Japan, and Russia; and

(2) to address the proliferation and environmental implications of THORP in high-level bilateral discussions with the Government of the United Kingdom before the conclusion of the review described in subsection (a)(19).

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