

# U.S.—Japan Nuclear Pact Draws Congressional Ire

*A new agreement that relaxes U.S. controls over nuclear material originally supplied by the United States has been challenged by Congress and the NRC*

A nuclear cooperation agreement, signed recently by the United States and Japan, has drawn fire from Congress and prompted dissent within the Administration. House and Senate leaders assert that the new agreement relinquishes too much U.S. control over what Japan does with nuclear material originally supplied by the United States.

The Administration argues without the new agreement Japan would buy nuclear material from other countries, which would not be subject to U.S. controls. If that happened, the United States would also lose its best customer of uranium enrichment services, the Administration contends. This year Japan will buy enrichment services worth \$270 million from the U.S. Department of Energy. Last week, President Reagan and Japanese Prime Minister Noboru Takeshita publicly affirmed their commitment to the agreement when they met for talks in Washington, D.C.

For the past 5 years, Japan has pressed the United States to modify an existing cooperative agreement that requires Japan to seek U.S. consent on a case-by-case basis before it can reprocess and transport nuclear material originating from the United States. Japan claims that this makes it difficult for utilities to plan for the country's energy needs. As a result, Japan has pressed the United States to give blanket consent in advance. The United States has already agreed to advance approval with Sweden, Norway, and Finland. Canada and Australia have similar pacts with other countries.

Revisions to the existing agreement, approved by President Reagan in December, gives Japan programmatic approval for 30 years. But members of Congress are concerned that the changes would put more plutonium into commerce. This would increase the possibility that nuclear material could end up in terrorists' hands, they say. The Senate Foreign Relations Committee voted 15 to 3 in December that the revisions should be renegotiated, and 23 members of the House Foreign Affairs Committee made a similar request in a letter to the White House.

Under the old agreement, Japan must obtain American consent each time it wants to move fuel derived from U.S. enrichment to Europe for reprocessing. It must also get American approval each time it wants to transport the plutonium extracted from reprocessing in Europe back to Japan.

A major delay in shipment under the old

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agreement occurred when Japan in 1982 wanted to transfer about 200 kilograms of plutonium by sea from Europe to Japan. The plutonium was extracted from nuclear material originally enriched in the United States. The shipment was held up for 2 years before it finally won U.S. approval. Arrangements were elaborate. A modified Japanese ship carried the nuclear cargo buried under tons of additional material to make retrieval difficult by terrorists and was escorted by French, American, and Japanese ships along the way under American satellite surveillance.

Under the new agreement, Japan has long-term approval for air shipments of plutonium from Europe to Japan. It would still submit detailed information to the United States about flight plans prior to each shipment. The provisions stipulate that "cooperation and assistance of the U.S. is required" to carry out the plan. Sea transport would have to be reviewed case by case by the United States as under the old agreement. In return for broad approval, the United States has more say in the inspection and security requirements of nuclear facilities in Japan.

The Administration takes seriously the prospect that Japan would buy enrichment services from another country if the United States does not go along with programmatic approval. Other European countries and the Soviet Union enrich uranium as well. Japan currently buys almost 80% of its enriched

fuel from the United States and represents a third of the energy department's total sales for enrichment services.

The agreement is a way to maintain U.S. influence on trade in nuclear material, says Fred McGoldrick, director of nonproliferation and export policy at the State Department. "There's lots of plutonium out there. We're no longer a monopoly player."

To others, however, the revised agreement runs counter to the purpose of the Nuclear Non-Proliferation Act. "It stands the Act on its head because it was meant to prevent the dissemination of plutonium," says Leonard Spector, a senior associate at the Carnegie Endowment for International Peace, who helped to draft the House report on the act when Congress passed it in 1978. Paul Leventhal of the Nuclear Control Institute, a public interest group, says that the agreement "gives the Japanese nuclear industry carte blanche to use plutonium" without adequate safeguards of its facilities.

House and Senate members argue that the revisions violate part of the Atomic Energy Act of 1954 requiring the United States to retain rights to advance approval of shipment and reprocessing of nuclear material. Some members also contest the safety of air shipments because casks big enough to hold about 200 kilograms of plutonium have not yet been developed to withstand an air crash. (Only about 7 kilograms is needed to make an atomic bomb.)

The Nuclear Regulatory Commission (NRC) objects to the agreement mainly because adequate security arrangements have not been hammered out for a Japanese commercial reprocessing plant that is in the planning stages. Based on current safeguards as applied to a proposed plant of this size, "200 to 300 kilograms of plutonium could remain unaccounted for each year," the NRC said in a memo to other federal agencies.

Japan currently does not use much plutonium. Its three dozen existing nuclear reactors depend on low-enriched uranium. Japan uses plutonium in an experimental reactor and has a pilot reprocessing plant. But Japan is keeping its options open about plutonium as a fuel source.

Congress wants the Administration to seek a formal waiver for the revisions, which would need approval by both the House and Senate. The Administration, however, contends that the revised agreement goes into effect automatically in 90 days after it was signed unless a majority of the House and Senate veto it. Congress and the Administration ultimately could be headed for a court battle to settle the dispute. ■

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