

# Lawyers Committee on Nuclear Policy INC.



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June 10, 2022

Joseph R. Biden, Jr.  
President of the United States

Mr. President,

We are deeply concerned about the potential effect of the AUKUS submarine agreement on the Nuclear Nonproliferation Treaty (NPT). If the submarines are fueled with weapons-grade High Enriched Uranium (HEU), as currently contemplated, it could severely affect our national security by undermining the entire nonproliferation regime.

The NPT was under severe strain even before the Russian invasion of Ukraine and Russia's accompanying general threats of use of nuclear weapons, which undermined the credibility of assurances of non-use of nuclear weapons against Non-Nuclear Weapon States and, more broadly, the NPT concept that security for such states is enhanced by the renunciation of nuclear weapons. Enormous tension had already been generated by arsenal modernizations, which all the P5 Nuclear Weapon States have been pursuing; P5 neglect of previous commitments to reduce the role of nuclear weapons in their national security policies; and the lack of progress in the disarmament negotiations mandated by Article VI of the treaty.

Against this background, the actions of two Nuclear Weapon States in transferring weapons-grade HEU to a Non-Nuclear Weapon State would deal another severe blow to the NPT. The real issue is the precedent that this agreement would set. At a time when several other Non-Nuclear Weapon States—including Iran—are interested in building nuclear-fueled attack submarines, legitimatizing transfers of HEU for reactor fuel would be extremely dangerous.

In other contexts, United States policy has recognized the importance of minimizing the availability of HEU for national security—for example, by spending billions to remove HEU from research reactors.<sup>1</sup> For good reason, the strategy chosen was elimination of the HEU, not

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<sup>1</sup> Frank van Hippel, "Mitigating Proliferation Concerns," *Arms Control Today* November 2021, pp.10-11

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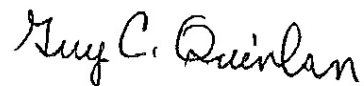
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simply additional efforts to safeguard it. Legitimizing proposed transfers of HEU for reactor fuel would undermine that policy at an especially sensitive and dangerous time

The only reliable way to eliminate the proliferation risk in the submarine agreement would be to substitute non-weapons usable Low Enriched Uranium (LEU) for the HEU. Although the Trump administration rejected the idea, substantial research has already been done on the possible use of LEU, and Congress has several times appropriated money for it.<sup>2</sup> There is ample time for research on any remaining technical issues, since the first submarines are not scheduled for delivery until 2040. At a minimum, to mitigate proliferation pressures on the NPT, the parties to the agreement should announce before the August Review Conference that use of LEU reactor fuel is being explored.

Very truly yours,



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cc: Jake Sullivan, National Security Advisor  
Antony Blinken, Secretary of State  
Lloyd Austin, Secretary of Defense  
Carlos del Toro, Secretary of the Navy

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<sup>2</sup> Note 1 *supra*, p.13

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