

# “No First Use” of Nuclear Weapons — Complicated Common Sense

By Kelly Lundeen

On April 15 Senator Elizabeth Warren, D-Mass., and Representative Adam Smith, D-Wash., re-introduced a bill declaring that the United States would “not use nuclear weapons first.”

“This bill would strengthen deterrence while reducing the chance of nuclear use due to miscalculation or misunderstanding,” Rep. Smith said. Smith’s construction is mistaken. A no-first-use law would in fact re-establish deterrence. Today’s Pentagon plans to strike first with nuclear weapons are the destabilizing and terrifying opposite. A first strike is what deterrence is supposed to prevent.

The effect of a no-first-use law would be that in a conflict situation there would be no danger of surprise nuclear attacks, which unnecessarily escalate tensions. An “opponent” receiving warnings of an incoming missile could feel reassured that the weapon

isn’t nuclear and would not have to consider responding with immediate nuclear retaliation. However, critics point out that countries potentially targeted with US nuclear weapons would have to trust the US no-first-use pledge.

If the no-first-use bill passed, it would follow in the footsteps of four of the eight other nuclear-armed states. China started a trend in 1964 making a pledge, which it has reaffirmed many times, “not to be the first to use nuclear weapons at any time or under any circumstances.” Additionally, China has called for an international no-first-use treaty among the nine nuclear-armed states, which would constitute a significant move toward keeping the weapons from ever being used again.

In 1998, India adopted a no-first-use pledge, and in 2016 North Korea made the same commitment. In a 2018 statement by Vladimir Putin, Russia declared

that it would use nuclear weapons only as retaliation. Even though the promise was reported by the AP, and the other pledges have all been covered in mainstream media, they are not often considered effective commitments, which raises the question of their usefulness.

The new no-first-use bill is literally 14 words long, leaving questions about implementation unanswered. If Congress’s policy of no-first-use becomes law, who enforces the law: Congress, the president, or the military? For other countries to believe that a US pledge has been made in good faith and will continue under changing circumstances, the law would need to be backed up with structural changes to the nuclear arsenal. Many of the weapons would need to be dismantled since they were built primarily for first-strike capability. The purpose of the 400 land-based intercontinental ballistic missiles is to destroy “opposing” nuclear forces *before they are launched*, which would also cause deaths in the

millions. They could be taken off hair-trigger alert and decommissioned. Air- and sea-based nuclear missiles and bombs could be physically separated from bombers and submarines, as China has done.

Of course, a no-first-use policy is common sense, and a cheaper policy than the status quo. However, if the US wants to pave the path to true security, all

5,550 nuclear warheads must be decommissioned and subject to a never-use policy.

— Sen. Elizabeth Warren, Apr. 15, 2021; AP, “Putin: Russia would only use its nuclear arms in retaliation,” Oct. 18, 2018; Global Zero, Sept. 2018; *The Independent*, “North Korea will not use its nuclear weapons first, Kim Jong-un tells Congress,” May 8, 2016

## Weapons Wastes Spark Concerns across New Mexico

By Christine Manwiller

Plans are in motion to expand the Waste Isolation Pilot Plant (WIPP) in New Mexico. The underground nuclear waste repository is licensed to store low-level transuranic waste from US nuclear research and testing. This waste, consisting mostly of clothing, tools, rags, debris, and other items contaminated with plutonium and other radioactive elements is stored in areas mined in a salt bed layer about 2,000 feet below the surface. The new expansion would replace space lost due to radioactive contamination during a February 14, 2014 accident. A single drum of nuclear waste burst open, releasing radioactive uranium, plutonium, and americium after organic cat litter was substituted for inorganic, causing an explosion in the drum that had been packed at Los Alamos National Laboratory (LANL). As a result of this accident, 22 workers and approximately 30,000 cubic meters of storage of WIPP’s underground capacity were contaminated. WIPP was closed for three years and the area is still unsafe for workers. The current expansion is only one of many that are planned, which if approved would all together double the number of storage rooms at WIPP.

The expansion of WIPP is largely to accommodate the increase in waste scheduled to be produced by LANL. The Biden administration has approved expansion of the US nuclear arsenal. Nuclear trigger production will resume, and LANL will begin producing 30 plutonium cores per year. Besides the nuclear waste that will be produced, questions regarding LANL’s facilities and safety have been raised. Greg Mello with the Los Alamos Study Group expresses his own concerns about the increase in production. “LANL’s facilities are simply too old and inherently unsafe, its location too impractical ... LANL could not undertake this mission successfully.” LANL’s 2019 record supports this concern, with multiple shutdowns caused by accidents. Again on February 26, 2021 improper packaging of pyrophoric materials (which spontaneously combust when exposed to air) caused sparks to fly from a waste drum.

While the primary purpose for the expansion is to replace the space contaminated in the 2014 incident, the underground site’s operation now extends to 2033, nine years past its mandated 2024 closure. According to Don Hancock, of Southwest Research and Information Center, the expansion pushes WIPP “well beyond its historical limit.” Hancock contends that this plan is only part of the larger picture, revealed in a 2020 report from the federal Government Accountability Office “that discussed plans to add up to nine new disposal panels to WIPP.” Hancock argues that WIPP’s repeated “piecemeal” enlargement plans are deliberate, because “laying out the long-term scheme for the public would inevitably result in opposition” to the increased amounts of radioactive waste shipped into and stored in the state.

— Concerned Citizens for Nuclear Safety, and Southwest Research and Information Center, Apr. 29; *Carlsbad Current-Argus*, Apr. 14, 2021



Some of the Pentagon’s B61 thermonuclear bombs in storage, probably at Kirtland Air Force Base, New Mexico. US government photo.

## New York Times Editors Make Radiation Disappear

At China’s Taishan nuclear reactor complex 80 miles south of Hong Kong, several damaged uranium fuel rods caused an unusual buildup of radioactive gases, according to China’s National Nuclear Safety Administration (NNSA). On June 14, a spokesperson for EDF, the French designer and part owner of the reactors, said the problem meant that the gases had to be released into the atmosphere, BBC reported.

The *New York Times* reported June 16 that the NNSA “said no leak into the environment had occurred.” What NNSA did announce was, “At present, monitoring results of the radiation environment around the Taishan Nuclear Power Plant show that there is no abnormality in the radiation level around the nuclear power plant.” The *Times*’ rewording of the NNSA’s message eliminated its acknowledgement of a “radiation environment” around the reactors.

A separate controversy erupted when EDF reportedly said in a June 8 memo that the NNSA had raised the allowable “off-site dose limits” around the reactor in order “to avoid shutting it down.” China’s environment ministry then announced that the report was not true. The two Taishan reactors are only 3 years old, and are of a new design to begin operating anywhere in the world.

— BBC, World Nuclear News, and *New York Times*, June 16; BBC, June 15; and CNN, June 14, 2021

## Navajo Nation Rejects Uranium Mine Clean-up Plan — Continued from cover

demands that the United States be named as the responsible party to fund cleanup of all abandoned uranium mines, and to work with affected communities to clean up to the highest standards.

At the request of Navajo Nation President Jonathan Nez, the NRC has extended the DEIS comment period to October 31, 2021. For background info and talking points to send comments: <https://haulno.com/>.

The RWPR’s annual event in remembrance of the July 16, 1979 uranium spill was not held last year due to the Covid-19 pandemic. This year, RWPR will do a private event. For updates: <https://swurani-umimpacts.org/>.

— *Leona Morgan works with the Nuclear Issues Study Group in New Mexico. For background see: “A Second Churchrock Spill in the Making?” in the Winter 2020-2021 Nukewatch Quarterly.*

## NM Attorney General Sues to Halt Waste Imports

New Mexico Attorney General Hector Balderas filed a 47-page lawsuit against the US Nuclear Regulatory Commission (NRC) on Monday, March 29 over the nuclear waste complex proposal by Holtec International in southeastern New Mexico. The planned Centralized Interim Storage (CIS) facility could accept 100,000 tons of high level radioactive waste from nuclear power reactors across the US, giving it the distinction of the largest nuclear waste dump in the world. However, as no permanent storage site exists, the concern that the New Mexico site would become a “permanent dumping ground” is very real.

The complaint argues that the commission should not have granted Holtec a license to build the storage facility, and that by doing so it “overstepped its authority.” The suit says that potential dangers posed by the waste site include: “surface and groundwater contamination, disruption of oil and gas development in one of the nation’s most productive basins, and added strain on emergency response resources.” The area is also geologically unstable, with potash mining creating the potential for sinkholes. In the suit, the NRC is accused of “rubber stamping” the plan, rushing the process, and ignoring the challenges of opposed parties.

New Mexico’s suit confronts the apparent illegality of the licensing process. Holtec’s license applications require the Energy Department to “take ownership of the [waste] fuel at a future date and contract with the developers of the facilities to store it.” But according to the Nuclear Waste Policy Act, the department cannot take ownership before a permanent storage facility is open and operating. The suit also accuses the NRC of promoting “the idea of long term consolidated interim storage of high-level radioactive waste in New Mexico, without its consent or consideration.” — *CM*

— *NM Political Report*, Mar. 30; *Carlsbad Current-Argus*, and Associated Press, Mar. 29, 2021