

111TH CONGRESS  
1ST SESSION

# H. RES. 402

Condemning the transport of nuclear mixed-oxide (MOX) material by ship from France to Japan through international waters which endangers the marine environment and increases possible risks for destruction and likely attacks of such shipments by international pirates and terrorists.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2009

Mr. FALEOMAVAEGA (for himself and Mr. SMITH of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Condemning the transport of nuclear mixed-oxide (MOX) material by ship from France to Japan through international waters which endangers the marine environment and increases possible risks for destruction and likely attacks of such shipments by international pirates and terrorists.

Whereas two ships, the Pacific Pintail and the Pacific Heron, on March 6, 2009, departed France bound for Japan containing about 1.8 metric tons of plutonium contained in mixed-oxide (MOX) fuel;

Whereas the ships are taking a route via Cape Good Hope and the South West Pacific, passing Australia, New Zealand, and several Pacific Islands;

Whereas MOX is a type of nuclear material as defined by the Convention on Physical Protection of Nuclear Material of May 1980, and any international shipment therefore requires safety measures in accordance with this convention;

Whereas MOX is classified as Category 1 material by the International Atomic Energy Agency (IAEA), and the material therefore must be transported under the most stringent security measures;

Whereas this amount of MOX is estimated to be enough to produce 255 nuclear weapons;

Whereas reprocessing of nuclear material into MOX is not taking place in the United States for nonproliferation reasons;

Whereas European-Japanese cooperation of reprocessing nuclear material requires the transport of MOX using international waters;

Whereas the transport of nuclear MOX materials by ship poses a great threat to global security and the environment, the current safety measures are inadequate, and the risk of nuclear proliferation is imminent;

Whereas the exposure to the human body from MOX, containing plutonium and other radioactive compounds, may have grave consequences, including cancer, birth defects, deformities, and damage to the immune system;

Whereas the transport is a possible target for terrorist organizations and there is a significant risk of attacks from pirates and therefore diversion of the material;

Whereas the en route countries have not been notified beforehand;

Whereas all rights of citizens of en route countries must be respected and the environment of en route countries must be protected;

Whereas the South Pacific is declared a nuclear weapon free zone by the South Pacific Nuclear Free Zone Treaty of August 1985, signed by the United States, the United Kingdom, France, China, and Russia;

Whereas the international shipment of nuclear material requires safety measures in accordance with the Nuclear Nonproliferation Treaty of July 1968, a treaty which has been signed by all permanent members of the United Nations Security Council and 186 other countries;

Whereas the Nuclear Nonproliferation Treaty obligates such parties to accept safeguards to detect diversions of nuclear material from peaceful activities, such as power generation, to the production of nuclear weapons or other nuclear explosive devices; and

Whereas the Convention for Suppression of Acts of Nuclear Terrorism of April 2005 states that parties of the treaty shall make every effort to adopt appropriate measures to ensure the protection of nuclear material, taking into account relevant recommendations and functions of the International Atomic Energy Agency: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) condemns the transport of nuclear mixed-  
3       oxide (MOX) materials by ship in international wa-  
4       ters;

5               (2) encourages the international community to  
6       strengthen procedures for the shipment of especially

1 nuclear MOX material, thus including actions to no-  
2 tify en route states;

3 (3) encourages the International Atomic Energy  
4 Agency and the United Nations to prohibit the ship-  
5 ment or transfer of any nuclear waste material  
6 through international waters; and

7 (4) requests that countries using nuclear power  
8 plants for producing electricity and related commu-  
9 nity needs should store and reprocess the nuclear  
10 waste within their own territorial boundaries so as  
11 not to pose grave danger to the environment and to  
12 other countries.

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