

THE WHITE HOUSE
WASHINGTON

DOS REVIEWED 16-Feb-2011: NO OBJECTION TO DECLASSIFICATION

March 16, 1973

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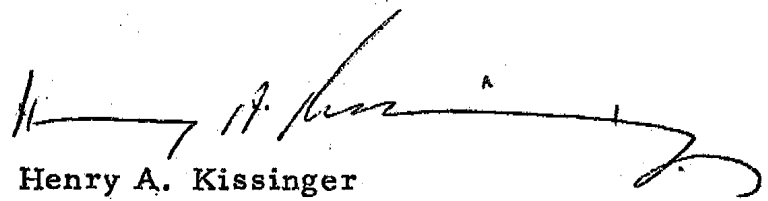
MEMORANDUM FOR

THE CHAIRMAN, ATOMIC ENERGY COMMISSION

SUBJECT: Announcement of French Nuclear Tests

I have reviewed Dr. Schlesinger's memorandum of February 1 on this issue.

It would be preferable to address the issue within the context of our review of the overall U.S. -French relationship under NSSM 166. The points made in Dr. Schlesinger's memorandum will be taken into account in decisions that result from that review.



Henry A. Kissinger

DOE REVIEWED 15-Dec-2010: NO OBJECTION TO DECLASSIFICATION

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EXEMPTION CATEGORY 5(b)(2)
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MEMORANDUM

NATIONAL SECURITY COUNCIL

SECRET/SENSITIVE

February 16, 1973

MEMORANDUM FOR DR. KISSINGER

FROM: *QW* Phil Odeen/Helmut Sonnenfeldt *✓*

SUBJECT: Announcement of French Nuclear Tests

At Tab B is a memorandum from Jim Schlesinger to General Scowcroft giving the AEC's "initial" view that the U.S. should announce French nuclear tests under the same policies as those of the PRC. Since 1969 our policy has been to make no announcement or comment on French tests.

Prior to 1972 the French themselves announced their tests so we had no problem. But last year they ceased announcing them in order to reduce their impact internationally. As a result the AEC has received an increasing number of queries from Congress and the public about the French tests. It chafes under the policy of having to treat this information more restrictively than that on U.S., Soviet or Chinese tests. Therefore, for consistency's sake the AEC proposes that the French atmospheric tests in the Pacific in the range of 20 to 1,000 KT be handled as "routine" under NSDM 50 (Tab C) for public information release.

Our policy not to release information on their tests may have helped the French avoid some potentially difficult political confrontations. Defense Minister Debre last summer expressed his thanks to Secretary Laird for our policy. The French have also helpfully ignored U.S. efforts to gather from these tests technical information which we could not otherwise obtain.

To change our policy now would needlessly annoy the French and not help us except very marginally with some Congressmen. As far as we can learn, no other agency favors the AEC suggestion. AEC itself

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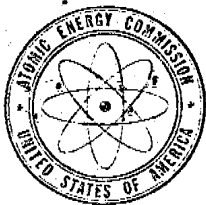
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is not pushing it hard. Accordingly, we see no reason to approve the request. One simple way to dispose of this problem is to handle it within the current NSSM 166 (Tab D) review of U.S.-French bilateral issues. A memorandum to the Chairman of the AEC at Tab A would tell her that we plan to do this.

RECOMMENDATION

That you sign the memorandum to the Chairman AEC, at Tab A, notifying her that this problem will be considered during the discussion of NSSM 166.

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UNITED STATES
ATOMIC ENERGY COMMISSION

WASHINGTON, D.C. 20545

This document consists of 1 page.
No. 2 of 15 Copies, Series 0

FEB 1 1973

Brigadier General Brent Scowcroft, USAF, National Security Council ←

ANNOUNCEMENT OF FRENCH NUCLEAR TESTS

The present U.S. "no-comment" policy on French atmospheric nuclear tests should be reviewed to see if that policy needs modification to place the public release of information on those tests in the same category as that on atmospheric tests conducted by the People's Republic of China.

Release of information by the U.S. on foreign nuclear tests is governed by NSDM 50, subject "Release of Public Information Concerning Foreign Nuclear Tests," dated April 6, 1970.

Until the 1972 French test series, the French announced their Pacific tests, and we were able to counter requests for information on their tests by referring to official French announcements. In 1972, no official announcements were made. This has subjected the U.S. Atomic Energy Commission to increasing queries from the Congress and the public; and since it involves treating information on the French program more restrictive than information on our own program, or that of other nations conducting tests, it may result in the U.S. Government being charged with acting contrary to the Freedom of Information Act. The fact that the U.S. has an extensive nuclear test detection system and regularly makes announcements on foreign tests is well publicized.

The initial view of the AEC is that a more consistent policy regarding these announcements would better serve the Government's interests. Accordingly, we would propose that the policy on French testing, currently reflected in NSDM 50, be modified so as to place French atmospheric tests in their South Pacific test area in the range of 20-1000 KT in the "routine" category for public information release. The AEC would then propose to announce such nuclear tests on the same basis as Chinese and Soviet tests are announced.

(Signed)
James R. Schlesinger

Chairman

Enclosure:
Announcement of French Nuclear
Tests, S/NSI

NATIONAL SECURITY
INFORMATION

Unauthorized Disclosure Subject to
Criminal Sanctions.

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EXECUTIVE ORDER 11652 EXEMPTION CATEGORY 5(B) (2)

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Original signed by D. R. Cotter (effective date of _____)

ENCLOSURE

ANNOUNCEMENT OF FRENCH NUCLEAR TESTS

Issue:

A review of U.S. policy on public announcements of French nuclear tests in the Pacific, the issue being that Congress and the public are pressing AEC for more information on French testing.

Background:

Release of information by the U.S. on foreign nuclear tests is governed by NSDM 50, subject "Release of Public Information Concerning Foreign Nuclear Tests," dated April 6, 1970. The NSDM states that all announcements will be made by the AEC and defines two categories of announcement.

1. The "routine" category, which is announced automatically after detection, is limited to the following:

For Soviet Underground events

at Semipalatinsk Test Area	20-500 KT
at Novaya Zemlya	20-1500 KT
any other Soviet land area	20-100 KT

For Chinese events

atmospheric at Lop Nor	20-5000 KT
underground at Lop Nor	20-100 KT

2. For "non-routine" announcements, the AEC, in coordination with other interested agencies, prepares recommendations concerning a public release and the content thereof for specific White House approval prior to the announcement. The "non-routine" category applies to French tests.

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to Criminal Sanctions.

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EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 EXEMPTION CATEGORY 5(B) ()
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D. R. Cotter

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U.S. policy on French tests has been to make no comment or announcements. Through 1971, this "no-comment" policy posed no particular problems, as France announced all her Pacific tests as they occurred. However, in 1972, she suspended such announcements to avoid adverse reaction by Pacific area nations. Prior to the 1972 French test series State, in a cable dated June 22, 1972 (enclosed), stated, inter alia, "USG does not plan to volunteer or initiate any announcements of or comments on French tests, either before, during, or after shots. Moreover, U.S. officials will not be drawn into making official public comment or expressing a USG value judgment on fact that French are conducting nuclear tests in the atmosphere."

Discussion:

The French apparently are planning to continue nuclear testing in the atmosphere, according to a statement made December 6, 1972, at the Western European Union assembly by Defense Minister Michel Debre'.

The statement that it is national policy not to comment on French tests is less than satisfactory, since the existence of an extensive U.S. detection system is a matter of public record that is reiterated periodically by announcements of Soviet and Chinese nuclear tests.

The French policy of maintaining the lowest possible profile in nuclear testing is likely to continue. One reason is that there appears to be a tacit understanding, at least with one South American country, Peru, that if the French do not announce their nuclear tests, no great issue will be made over them. Earlier, Peru had threatened to break diplomatic relations with France in protest over the tests. The Governments of Australia and New Zealand also have spoken out against the tests. This opposition now promises to be intensified by the new Labor governments with the Australians now considering severing diplomatic relations if other efforts to stop the tests fail and with New Zealand discussing sending a frigate to Mururoa to stop the tests.

There could be disadvantages to U.S.-French relations if the U.S. were to announce French tests as we do tests by the U.S.S.R. or the People's Republic of China. Debre', during a recent visit, is reported to have expressed his appreciation for our "no-comment" policy. U.S. announcements might also present Peru, and possibly other South American countries, with an awkward situation.

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On the other hand, the fact that the U.S. has a sophisticated and extensive nuclear test detection system is public knowledge, and the capabilities of the system are known in general terms. The AEC is publicly on record that underground nuclear tests in the U.S.S.R. and China can be detected down to 10-20 KT unless extraordinary measures are taken to conceal them, and that it is easier to detect and verify nuclear tests in the atmosphere than it is underground. The testimony in open hearings in October 1971, before a subcommittee of the Joint Committee on Atomic Energy even suggests a capability exists for detecting underground detonations down to 1 to 2 KT. Thus, the public probably assumes that the Government is detecting most, and probably all, French tests even though the Government is not only not volunteering any information but is also attempting to avoid direct answers to questions about such tests. It could appear to the public that the French are receiving special consideration not accorded other nations, and Congressman Bingham of New York has been critical of the U.S. Government's attitude toward French atmospheric testing.

Not providing announcements on French tests might be construed as acting contrary to the spirit, if not the letter, of the Freedom of Information Act.

Conclusions:

A change in policy may be in order; certainly, it should be reviewed. Alternatively, the Department of State could informally contact the French and urge that they announce their tests. Even if this were agreed to on an ad hoc basis, it is doubtful if it would be viable over the long haul. If a review concludes that the U.S. should announce the tests, then a modification to NSDM 50 to place French tests in the "routine" category would implement the policy.

The Joint Atomic Energy Intelligence Committee has informally considered the possible change in policy and has assessed the impact on intelligence sources and methods. They have no objection to a policy change on these grounds.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SECRET

April 6, 1970

National Security Decision Memorandum 50

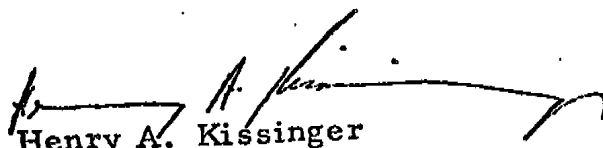
TO: The Secretary of State
The Secretary of Defense
The Director of Central Intelligence
The Director, Arms Control and Disarmament Agency
The Director, Office of Science and Technology
The Chairman, Atomic Energy Commission
The Administrator, National Aeronautics and Space Administration
The Director, United States Information Agency

SUBJECT: Release of Public Information Concerning Foreign Nuclear Tests

The President has directed that all recipients of classified intelligence information regarding foreign nuclear tests take all feasible steps to prevent unauthorized disclosure of the information. Such action is essential to safeguard intelligence sources and methods used in obtaining this information and to minimize speculation concerning the significance of data obtained from such tests.

Public release of information relating to the occurrence of foreign nuclear tests will be made in accordance with the procedures set forth in the attachment to this NSDM. All "non-routine" announcements, as defined under these procedures, will continue to require specific White House approval as authorized by the President. All public announcements will be made by the Atomic Energy Commission unless otherwise directed by the President.

National Security Action Memorandum 347 is superseded by this NSDM.


Henry A. Kissinger

cc: The Attorney General
The Secretary of Commerce
The Secretary of Health, Education and Welfare
The Director, Office of Emergency Preparedness
The Chairman, Joint Chiefs of Staff

Attachment 10
National Security Decision Memorandum

Subject: Procedures for Public Release of Information Concerning Foreign Nuclear Tests

I. Public release of information concerning foreign nuclear tests shall be handled in either a "routine" or a "non-routine" manner depending upon the nature of the test. Soviet and Communist Chinese tests which meet the criteria set forth in Section II will usually be classified as "routine". All other Soviet and Communist Chinese tests and all tests by other countries will be regarded as "non-routine".

A. In the case of foreign tests to be treated in a "routine" manner, a statement in accordance with the guidelines set forth in Section III will be released to the press by the Atomic Energy Commission at a time not earlier than three hours after the issuance of the Joint Atomic Energy Intelligence Committee's (JAEIC) statement to the interested agencies, unless that statement includes a recommendation against public release.

[Circumstances such as preannouncement or immediate post-announcement by the foreign country conducting the test, may dictate a delay shorter or longer than three hours.]

B. During this three-hour period, the White House and/or interested agencies shall notify the Atomic Energy Commission of any objections to or suggested variations in the standard content of the release.

The release will be handled as a "non-routine" case if any objections or suggested variations in the content of the release are raised.

C. In the case of all foreign tests to be treated in a "non-routine" manner, the Atomic Energy Commission, in coordination with the other interested agencies, will prepare recommendations concerning a public release and the content thereof for specific White House approval as authorized by the President.

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II. As part of its report to concerned agencies on a foreign nuclear test, the JAEIC will recommend whether or not a test should be regarded as "routine" or "non-routine". If "non-routine", the JAEIC statement will indicate the reasons for the classification.

The following are considered to be "routine" unless otherwise specified by the JAEIC:

A. Soviet underground nuclear explosions with these parameters

<u>Location</u>	<u>Yield</u>
Semipalatinsk Nuclear Test Site	20-500 KT
Novaya Zemlya Nuclear Test Site	20-1500 KT
Any other Soviet land area	20-100 KT

B. Communist Chinese nuclear explosions with these parameters

<u>Location</u>	<u>Yield</u>
Atmospheric Test in the Lop Nor Area	20-5000 KT
Underground Test in the Lop Nor Area	20-100 KT

III. Standard formats for the public release on "routine" tests will include the following information:

A. Testing country/date/approximate time

Approximate location

Test environment

Yield range expressed as 20-200 KT, 200-1000 KT, or greater than 1 MT

Amplifying remarks based upon previously released information

B. All public release announcements on Soviet or Communist Chinese underground events will include the general qualification that recorded seismic signals are "presumably from an underground nuclear explosion".

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

M. A. Kissinger
For
Asst. Sec. of State

CONFIDENTIAL

December 26, 1972

National Security Study Memorandum 166

TO: The Secretary of State
 The Secretary of Defense
 The Secretary of Commerce
 The Secretary of the Treasury
 The Secretary of Transportation
 The Chairman, Atomic Energy Commission
 The Director, Arms Control and Disarmament Agency
 The Special Representative for Trade Negotiations

SUBJECT: Review of US-French Bilateral Issues

The President wishes to review all bilateral issues that are currently or may soon be the subject of discussions or negotiations with agencies of the French government. As appropriate, this review should include multinational negotiations in which France's role could be major (e. g. negotiations on international trade or on combatting terrorism).

Each addressee agency should prepare a succinct (three or four paragraph report of those issues within its jurisdiction which are currently under discussion with France or likely to be within the next six months. All issues should be covered except those that are the subject of NSDM's 103 and 104. The status reports should include a very brief description of the issue, the US and French agencies primarily involved, the current status, prospects for agreement and obstacles thereto, and the possible inter-relationship with other issues under discussion with France. Elements of present or potential controversy with the French should be brought out.

The agencies' reports should be submitted through the Chairman of the NSC Interdepartmental Group for Europe to be ready for Presidential consideration not later than January 10, 1973. The Chairman, NSC-IG Europe will assure a uniform format and should submit, together with the agencies' reports, a short summary of the interrelationships among the issues discussed as well as any appropriate comment. Agencies other than the addressees who consider that there are matters concerning French-US relations that deserve Presidential consideration should arrange to contribute reports on them through the NSC-IG Europe.

CLASSIFIED BY Henry A. Kissinger
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO
AND DECLASSIFIED ON DEC. 31, 1980

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The President has further directed that no agreements with France be initialed or otherwise concluded until he has completed his review pursuant to this memorandum.



Henry A. Kissinger

cc: The Director, Central Intelligence Agency
The Assistant to the President for International Economic
Affairs
The Director, U.S. Information Agency

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