

#### **Defense Threat Reduction Agency**

8725 John J. Kingman Road, MSC 6201 Fort Belvoir, VA 22060-6201

SEP 28 2011

Case Number: 11-088

Mr. Steve Krivit 369-B Third Street Suite 556 San Rafael, CA 94901

Dear Mr. Krivit:

This is the final response to your Freedom of Information Act (FOIA) request dated May 28, 2011, and received in this office May 31, 2011. You requested copy of the transcript of the Dec. 12, 2006 DTRA/ASCO High Energy Science and Technology Workshop in Ft. Belvoir, Virginia.

Enclosed is a copy of above requested document. Some information is exempt from disclosure under FOIA Exemption 3 of Title 5 U.S.C. § 552. FOIA Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The underlying statute applied is: 10 USC 128 – Authority to Withhold Unclassified Special Nuclear Weapons Information.

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# **New Energy Times Archives**

No fees are due as the assessable costs total \$25.00 or less. If you need further assistance regarding this request, contact the FOIA action officer, Abraham Blakeley, at (703) 767-1772, or the requester service center at (703)767-1792.

Sincerely,

Juanita Y. Gaines

Acting Chief, Freedom of Information/

Privacy Act Branch

Enclosures:

As stated





#### Defense Threat Reduction Agency 8725 John J. Kingman Road, MSC 6201 Fort Belvoir, VA 22060-6201



2007 001

### High Energy Science & Technology Assessment

June 29, 2007

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DTRA01-03-D-0017/Task Order 18-05-14

## New Energy Times Archives

# High Energy Science and Technology Assessment

#### **FINAL REPORT**

June 29, 2007

Prepared for:



#### Defense Threat Reduction Agency Advanced Systems and Concepts Office

Contract No: DTRA01-03-D-0017
Task Order 18
Technical Instruction 18-06-11

Prepared by:

#### Rich Sutton, George Ullrich

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**SPONSOR:** Defense Threat Reduction Agency

Dr. James Tegnelia

Director

Advanced Systems and Concepts Office

Dr. Michael Wheeler

Director

**BACKGROUND:** The Defense Threat Reduction Agency (DTRA) was founded in 1998 to integrate and focus the capabilities of the Department of Defense (DoD) that address the weapons of mass destruction threat. To assist the Agency in its primary mission, the Advanced Systems and Concepts Office (ASCO) develops and maintains an evolving analytical vision of necessary and sufficient capabilities to protect United States and Allied forces and citizens from WMD attack. ASCO is also charged by DoD, and by the U.S. Government generally, to identify gaps in these capabilities and initiate programs to fill them. It also provides support to the Threat Reduction Advisory Committee (TRAC), and its Panels, with timely, high quality research.

**ASCO ANALYTICAL SUPPORT:** Science Applications International Corporation has provided analytical support to DTRA since the latter's inception through a series of projects on chemical, biological, and nuclear weapons issues. This work was performed for DTRA under contract DTRA01-03-D-0017, Task Order 18.

**SUPERVISING PROJECT OFFICER:** Mr. David Algert., 703 767-5704

SCIENCE APPLICATIONS INTERNATIONAL CORPORATION: 1710 SAIC Drive, McLean, Virginia, 22102. Telephone: (703) 676-5550. Project Coordinator: Dr. George Ullrich, Senior Vice President for Advanced Technology Programs, (703) 676-8752.

**REPORT:** The publication of this document does not indicate endorsement by the Department of Defense, nor should the contents be construed as reflecting the official position of the sponsoring agency.

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#### 1.0 Executive Summary

The potential energy that can be tapped from the nucleus (> 10<sup>6</sup> eV/atom) is vastly greater than the energy available from the electronic states of an atom (< 1 eV/atom). The conversion of mass into energy, via fission and fusion reactions, is the basis for the only existing "high-energy" weapons, but further refinements in the design of these weapons, to make them more relevant to the post-Cold War security environment, are certainly possible. Another possible way to extract energy from the nucleus is to exploit the energy stored in metastable isomeric states. Also, despite the negative publicity about "Cold Fusion," the nuclear community continues to watch research in the area of low energy nuclear reactions with guarded optimism for possible future commercial and military applications. Anti-matter annihilation reactions involve the complete conversion of mass to energy with energy densities three orders of magnitude higher than nuclear fission and fusion. The prospect of compactly storing positrons in the form of charge-neutral positronium holds promise for viable military applications of anti-matter.

The Defense Threat Reduction Agency (DTRA) is chartered to monitor new potentially militarily useful sources of energy and to maintain cognizance of others' work in these fields as a hedge against technology surprise.

DTRA tasked SAIC under Contract DTRA01-03-D-0017, Technical Instruction 18-06-11, to conduct a Workshop on a wide range of energy-related technologies that are not chemical in nature, but have credible scientific basis and preliminary experimental results.

The format for the Workshop included a Panel of invited Subject Matter Experts (collectively referred to as the Expert Panel) well versed in the candidate technologies with a broad experience base in past DoD/DTRA advanced technology programs. This Panel was charged with providing individual critiques regarding the status and potential of four primary high energy technology research areas. The Expert Panel consisted of the Honorable Harold Smith, former DoD/ATSD(NCB) and currently a Distinguished Visiting Scholar and Professor at UC, Berkeley; Dr. Jack Davis, ST Executive, Plasma Physics Division, NRL; Dr. Gerald Yonas, Director, Advanced Concepts Office, Sandia National Laboratory; and Dr. Fred Wikner, former OSD Director of Net Assessment and presently consultant to Applied Research Associates Inc.

To avoid a myriad of disparate perspectives on each of the topic areas, a key expert was assigned to coordinate the presentations in each topic area and to serve as the Chairman of the topic area Panel. The four topic areas and the respective Panel Chairs were:

Low Energy Nuclear Reactions (LENR), Dr. David Nagel, GWU

Anti-Matter Annihilation, (b)(6)

Nuclear Isomers, Dr. Jim Silk, IDA

#### Advanced Nuclear Fission and Fusion Concepts, Dr. Don Linger, DTRA

An additional topic that was discussed but which did not have a Panel was, **Exotic/Extreme Physics.** 

Each of the panels presented impressive results showing good progress in experimental design and execution and in first-principal demonstration of energy extraction, containment and control. Unfortunately, none of the energy sources studied are yet sufficiently advanced to be considered for development in the next five to seven years.

The Expert Panel noted the embryonic stage of development of most of the high energy technologies, and commented that DTRA, as a combat support organization, should stay abreast of the work but not necessarily serve as the primary sponsor for these technology areas.

The recommended course at this stage of development is for DTRA to provide some sponsorship, but more importantly, provide leadership in the form of working toward an interagency working agreement to assure its interests are protected and to speed the needed research by preventing overlap or duplication and identifying, with the other agencies, the most fruitful directions for new research.

#### 2.0 Introduction

The High Energy S&T Workshop was a follow-on to the Novel Energetics Workshop but with the focus on energetic materials and phenomena whose energy is derived from the nucleus or subatomic processes. The Workshop objectives were to explore the following five potential areas of high-energy research:

- Nuclear isomers
- Low energy nuclear reactions (LENR)
- Anti-matter annihilation
- Advanced nuclear fission and fusion concepts
- Exotic/extreme physics

Only the first three topics are discussed in detail this report, because they were the primary focus of the Workshop and could be treated at the unclassified level.

The Workshop was structured to include a Panel of Experts, well versed in the topical areas and familiar with DTRA's missions and research portfolio. The Panel of Experts consisted of:

The Honorable Harold Smith, former DoD/ATSD(NCB) and currently a Distinguished Visiting Scholar and Professor at UC, Berkeley

Dr. Jack Davis, ST Executive, Plasma Physics Division, NRL

**Dr. Gerald Yonas**, Director, Advanced Concepts Office, Sandia National Laboratory

**Dr. Fred Wikner**, former OSD Director of Net Assessment and presently consultant to Applied Research Associates Inc.

The panel of Experts was instructed to screen and critique candidate high-energy S&T topics and provide recommendations regarding their maturity and relevance for DTRA.

The three topics of Nuclear Isomers, LENR, and Anti-Matter Annihilation were presented as Panel Discussions, starting with an overview by the Panel Chairman; followed by a detailed presentation by each panelist, and finally a discussion period with the Panel of Experts and the Workshop participants.

The following questions were posed for the discussion period:

- Should the high energy S&T topics be included as part of a balanced investment portfolio in "Disruptive Energetics?"
  - Do we understand the underlying physics sufficiently well to proceed with confidence?
  - Do the potential pay-offs outweigh the risks?

- What should be the focus of the investment?
  - Well-defined, refereed, repeatable experiments?
  - Proof-of-concept tests?
  - Theoretical investigations?
  - Other?
- What are the potential applications?
  - Could these topics underwrite game-changing improvements in warfighting?
- What are the potential risks?
  - How many orders of magnitude of the specific energy density is likely to be lost to system-level packaging?
  - What criticisms should we anticipate from scientists, from the DoD bureaucracy, from Congress, ...?
  - Will these topics bump up against nuclear arms control agreements?

#### 3.0 Workshop Overview

The High Energy S&T workshop was held in the DTRA Headquarters Auditorium at Ft. Belvoir, VA. The first day was dedicated to unclassified work while the second day was maintained at the Secret CNWDI level to facilitate in-depth discussions on several of the topics.

#### 3.1 First-Day Agenda

The agenda for the first day is shown in Figure 1. Each of the three Panel Chairs provided a summation of their topical area followed by detailed briefings by each of the Panel members. Dr. Bob Park was invited to speak at lunchtime, where he provided a perspective for evaluating new and evolving scientific and technical concepts against risky assumptions and faulty premises.

Agenda – 12 Dec 2006 (Unclassified Session)				
0830	Admin & Introductory Remarks	ASCO Staff, SAIC Staff		
0900	OSD Perspective	Spiro Lekoudis, DDR&E		
0930	NNSA Perspective	Dave Crandall, NNSA		
1000	Break			
1015	015 Panel 1 – Nuclear Isomers Jim Silk, IDA (Panel Chair)			
	James Carroll, Youngstown State  (b)(6)  Ehsan Khan, SIER Program Rep			
1215	5 Lunch  Luncheon Talk: "A Skeptic's Viewpoint" Bob Park, UMD			
1300	Panel 2 - LENR David Nagel, GWU (Panel Chair)  Mitchell Swartz, JET Energy Inc.  Michael Melich, NPGS  Lewis Larsen, Lattice Energy LLC NET: Allan Widom spoke as well			
1500	Break			
1515	1515 Panel 3 - Anti-matter Ken Edwards, AFRL/MN (Panel Chair)  Allen Mills, University of California, Riverside  Gerry Smith, Positronics Research LLC  Paul Csonka, University of Oregon			
1715	1715 Adjourn			

Figure 1. The Energy Workshop Agenda – Day 1

#### 3.2 Second-Day Agenda

The second day included a perspective from the intelligence community, a review of an OSD-sponsored Net Assessment of Novel Energetics, and a discussion on the potential for 4<sup>th</sup> Generation Nuclear Weapons. Most of the presentations were classified. At the end of the day, the Expert Panel reported their individual observations and a "Hotwash" briefing was presented to the senior leadership of the DTRA. Figure 2 shows the agenda of the second day.

Agenda – 13 Dec 2006 (Session Classified)				
0830 0930 1015 1030	Intelligence Perspective OSD Net Assessment (Blue Team) Break Exotic Energy and Power Concepts Charles Rhodes, U of IL			
1130 1230	Lunch  Panel 4 – 4 <sup>th</sup> Generation Nuclear Weapons Don Linger, DTRA  Ed Turano, LLNL			
1400 1430 1530	Break/Expert Panel Deliberations Expert Panel Findings and Recommendations Adjourn			
1600 1700	Hotwash (Government Only) Finis			

Figure 2. The Energy Workshop Agenda – Day 2

#### 4.0 Perspectives from Government Officials

- **4.1 Dr. Mike Wheeler, DTRA Director of ASCO** welcomed all to the Workshop and provided additional context for the meeting. He spoke about the 2003 Summer Defense Science Summer Study on Future Strategic Systems, chaired by Johnny Foster. Three main themes emerged:
  - a. Whether we maintain legacy nuclear weapons and/or develop new weapons (emerging technology). This debate regarding the composition of the stockpile is still ongoing.
  - b. How to prevent strategic surprise from taking place by challenging the strategic community and policy community to look ahead at emerging technologies that could have military implications.
  - c. What options can be given to the President to hold targets at risk without breaking the nuclear threshold this effectively being a "holy grail" for the policy community.

He proceeded to explain how High Energy technologies fit within the DTRA research portfolio. DTRA has become the one place to concentrate all the nuclear weapons activities within the DoD. The Director of DTRA is also now dual-hatted as the Director of STRATCOM's Center for Combating WMD worldwide. DTRA has also just adopted a Campaign Structure whose topics are cross-cutting. He expressed his belief that High Energy technologies will contribute to several of these Campaigns.

4.2 Dr. Spiro Lekoudis, DDR&E, Director for Weapons Systems, referenced a comprehensive review of all DoD energetics research that was conducted the previous summer in response to Defense Planning Guidance and to support the POM and the Budget Estimate Submission (BES) process. He noted the gap between chemical energetics and nuclear energetics and how 50 years of research has only extended the chemical energy density by perhaps a factor of two. He acknowledged that some of the topics under consideration in this Workshop have the potential of narrowing that gap but he was circumspect about the prospect of additional funding to do so. While he recognized that the energetics community may be in distress, he placed some of the blame on the acquisition pipeline and the lack of awareness of the art of the possible. He lauded DTRA's initiative in conducting this Workshop and commented that he depends on such forums to gather the necessary information to make informed decisions. He cited the need for lighter, smaller, and more effective weapons as the primary motivator for advanced energetics, particularly in the context of difficult-to-defeat targets such as hardened bunkers and underground tunnels. He also expressed some frustration that DARPA R&D is not suited for long-term research even if the projects are "DARPA-hard." DARPA's mandate for prompt (3-year) transition to the warfighter limits their involvement in such pursuits as novel energetics.

**4.3 Dr. Chris Deeney, National Nuclear Security Administration (NNSA)** spoke for **Dr. Crandall** who was unavailable for the morning session. He expressed strong support for DTRA's program in trying to better understand nuclear weapon output and felt that more effort is needed here. As far as NNSA programs are concerned, the focus has been on the Reliable Replacement Warhead (RRW) and Complex 2030, which will provide the infrastructure to support our future nuclear stockpile. However, in today's environment anything nuclear is a tough sell and even the RRW is getting push-back from Congress.

He discussed the NNSA concerns about technology surprise in developing scientific fields related to high energy, high energy density, and high energy release rates. In this regard, he expressed concern about the decline in nuclear curricula at our universities and the dearth of U.S. students interested in pursuing the nuclear career field. This is not the case in Japan, Europe, and other parts of the world, where the leadership values nuclear power and recognizes the dual-use nature of the technology as a pathway to proliferation. He briefly described the NNSA Academic Alliance program, which seeks to reverse some of these unfavorable trends and demographics and train the next generation of scientists and managers for the nuclear enterprise.

In response to a question regarding NNSA-sponsored laser research, he commented that lasers and particle accelerators are fertile fields of research to meet future requirements. For example, he cited an important need for proton radiography.

In regard to other potential nuclear sources of energy, he felt that existing treaties and arms control protocols would get in the way, unless it is clear that there is zero yield from either fission or fusion processes. He noted that nuclear spin isomers might be exempt from current legal strictures, but the loophole will not likely last if such concepts are actively pursued.

#### 5.0 Summary of Survey Presentations

#### 5.1 Nuclear Isomers Panel

**Dr. Jim Silk , Institute for Defense Analysis (IDA),** chaired the panel on Nuclear Isomers. An experimental nuclear physicist by training, he has been with IDA for 17 years, serving as the Deputy Director of the Science and Technology Division for the last four. He led the OSD-sponsored review of Nuclear Isomer Triggering in 2002, and served as a member of the Low Energy Nuclear Reaction Verification Red-Team.

Dr. Silk acknowledged the attractiveness of nuclear isomers given that their specific energy density is within a factor of a 100 of that of nuclear weapons. However, in his opinion, nuclear isomer research is still immature, energy breakeven is improbable, and fuel production is likely to be harder than was the case for nuclear weapons. He discussed the experimental results and the reasons for difficulties in demonstrating energy gain and appropriate levels for triggering radiation release. These are related to the theoretical intractability of nuclear transitions and the crossover between natural low energy transitions and high energy depletion state thresholds. He summarized the current state of controversy regarding the Hf<sup>178m2</sup> isomer by stating that he has not seen any evidence of observable triggering. His recommended path forward is shown in the panel below:

#### Path Forward

- · How to resolve the controversy?
  - Design a new (null) experiment?
  - Red team the data analyses? White team?
  - Let it play out?
- Beyond this, where should the research program go?
  - Nuclear structure studies K-mixing mechanisms
  - Search for natural 2-γ decays
  - Other isomers
  - Other triggering mechanisms
  - Diversify

**Dr. Carroll, Youngstown State University**, reviewed the basics of nuclear isomers and their induced depletion (he prefers this term in lieu of "triggering"). He presented a table of 32 storage isotopes having lifetimes measured in seconds to years, highlighting those that store the most energy for the longest time as potentially useful for DTRA applications. Dr. Carroll summarized the current work being performed as following one of two approaches: 1) performing nuclear spectroscopy to characterize the energy levels and transitions or 2) direct measurement of depletion of metastable states with gamma ray, neutron or heavy ion irradiation followed by detection of decay rates of discrete energies. He reviewed nuclear spectroscopy and depletion data for several interesting isomers. The panel below shows some of the more promising candidates having depletion paths or induced decay modes:

#### REPORTED DEPLETION

- 178m<sup>2</sup>Hf depletion paths identified (> 300 keV)
- 242mAm depletion paths available
- 108mAg depletion path in literature (partial data)

#### **SPECTROSCOPY**

- 180mTa photons, confirmed and connected to nuclear spectroscopy
- 178m<sup>2</sup>Hf photons near 10 keV not confirmed or substantiated by spectroscopy
- 177mLu neutrons, not confirmed
- 68mCu photons (Coulomb excitation), not confirmed
  - THREE POSSIBLE CASES OF MEASURED DEPLETION
  - THREE ADDITIONAL ISOMERS WITH DEPLETION PATHS

The panel that follows is Dr.Carroll's summary of his views regarding the issues slowing progress:

#### IMPEDIMENTS TO PROGRESS

- TIME experiments are typically difficult to perform and analyze
- MATERIAL isomeric material needed in sufficient quantity for tests purity typically insufficient for spectroscopic measurements as targets (isomer beams may solve this problem)
- MANPOWER support needed to expand research dedicated to depletion tests and related spectroscopy
- PERCEPTION latest depletion-related research considered solid, but nuclear physics community wary of extraordinary claims (as it should be).

Dr. Ehsan Khan, Department of Energy, Science Division, and former Program Manager for DARPA's Stimulated Isomer Energy Release (SIER) Program presented his perspective on the attractiveness of Nuclear Isomer Release Energy. Based on his experience with the Hafnium Isomer Production Panel (HIPP) he believes there are various feasible methods to increase production rates. He also believes that one of the drawbacks of past triggering experiments has been that the detection of low levels of triggered radiation is difficult in the presence of triggering radiation, other reactions, as well as electro-magnetic interference. Detecting the triggered radiation in such a complex background will need very careful experimental design.

**Dr. Schumer, NRL**, presented his perspective on why nuclear isomers/isotopes are intriguing energy-storage media. The question, which he believes remains unanswered, is whether nuclear isomers/isotopes can serve as a source of energy-on-demand? Dr. Schumer reviewed recent and proposed work at NRL, ARL and NSWC. He emphasized the need for a broader scope of research, including triggering using particles as well as gamma rays and showed some promising results under high current/ fluence, short duration pulsed particle beams, allowing measurement of product decay without the presence of the primary beam contributing noise.

His guidance on future isomer/isotope research is shown in the panel below:

# Nuclear isomers/isotopes are intriguing energy-storage media, but the question remains: can they be energy-release media?

- Basic research is required before applications can be envisioned
- Efforts should be multi-faceted and multi-institutional
- Focus should expand beyond "Unobtainium" (i.e. <sup>178m2</sup>Hf)
  - including pure spin-isomers (not K-hindered)
  - including electron-capture and internal conversion isotopes
- Experimental evidence should be:
  - tempered with theoretical expectations
  - "open" vetting by experts, including both peers and un-invested community ("open" is TBD by concerned agency)
- After confirmation, system study is still required to deem ready for real life (is efficiency good enough?)
- All of this is required before beginning Manhattan-style effort to produce material

#### 5.2 Low Energy Nuclear Reaction (LENR) Panel

**Dr. David Nagel, George Washington University**, chaired the Low Energy Nuclear Reaction (LENR) Panel. He is a Research Professor in the School of Engineering and Applied Science of George Washington University. Dr. Nagel is a recognized authority on low energy nuclear reactions in condensed matter. He commented on the present state of LENR research, noting some of the more important problems impacting LENR research today:

#### **PROBLEMS**

- Potential Importance for Energy, Materials and Weapons
- Polarization of Scientists
- Diverse Mistakes
- Technical Complexity
- Flows of Money and Information Disrupted Early & Remain Poor

On the other hand, Dr. Nagel pointed to many recent positive developments that indicate substantial progress in understanding and demonstrating LENR. He also mentioned the need for a theoretical basis to underpin experimental work.

#### **PROGRESS**

- Continuous Activity & International Conferences
- Better Instrumentation, Calibration and Controls
- Some Systematics Found & Verified for Heat Generation Experiments
- Nuclear Ash Measured & Correlated with Heat Production
- More Attention to Materials
- New Experiments Performed
- Some Inter-lab Reproducibility

**Dr. Mitchell Swartz, JET Energy, INC** presented a brief summary of the results of excess heat experiments in electric-field loaded deuterated metals:

# EXCESS HEAT IN ELECTRIC-FIELD LOADED DEUTERATED METALS

**Research and Development** 

**BRIEF SUMMARY OF RESULTS:** 

SIGNIFICANT EXCESS HEAT OBSERVED IN PALLADIUM HEAVY WATER (PdD) SYSTEM, PALLADIUM HEAVY WATER (PdD) CODEPOSITIONAL SYSTEM, SOME NICKEL LIGHT and HEAVY/LIGHT WATER SYSTEMS

EXCESS HEAT NOT OBSERVED IN IRON, ALUMINUM, OR DAMAGED PALLADIUM NICKEL SYSTEMS

0

JET Energy, Inc.

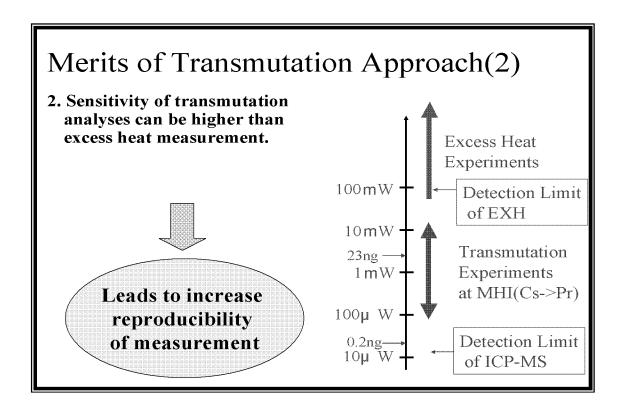


DTRA ASCO Workshop on High Energy Science and Technology Dec. 12, 2006

He explained his methods for controlling measurement error and system noise by using dual calorimeter measurements that allowed precise differential measurement and integration of power. He was thus able to compare measurements of several different instruments to allow judgment of consistency in his reported results.

The diffusion and electrophoresis equations show the advantages of low conductivity electrolytes and relatively high voltages for loading D into the electrodes with co-deposition of electrode material. Dr. Swartz obtained energy and power gains over the D charging (loading) input power and discussed the importance of determining optimized operating points. Impressively, he showed a video demonstrating enough power to spin the propeller of a model airplane.

Professor Michael Melich, W.E. Meyer Institute for Systems Engineering, Naval Postgraduate School, talked about transmutation as the signal for detecting LENR using experiments conducted in a Deuterium cell with an electrolytic Pd diffusion barrier. Quantifying the transmutation products as an experimental approach potentially affords greater sensitivity and reproducibility than excess heat, since the new elements are not present initially and can be detectable in very small concentrations:



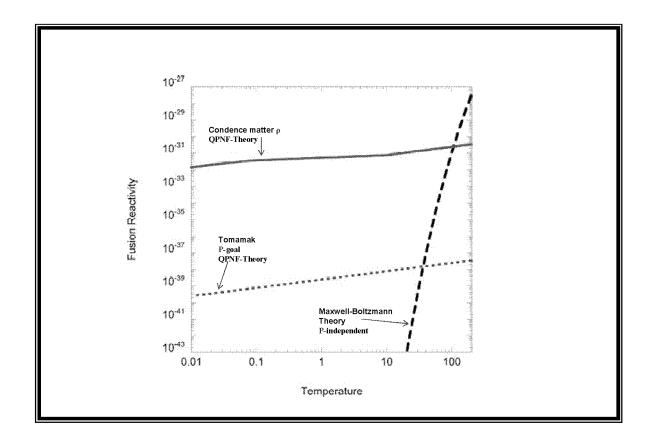
Recent trials confirmed that following standard electrolysis experiments, the diffusion barrier contained elements not present before the runs. In principle, the results of a single run can then be analyzed by other labs to determine the degree of consistency in detection of small concentrations of transmuted elements.

Lewis G. Larsen, President and CEO, Founder and Prof. Allan Widom Consultant and Member of Lattice Energy LLC and Northeastern University, Dept. of Physics presented proprietary material on the Widom-Larsen theory for metal hydride surface catalysis of LENR. A convincing thesis was advanced to describe many of the known features of LENR without invoking

any new physics. The theory is premised on the weak force (beta decay) of the Standard Model. NET: Kim did not present on the 12th or 13th, though he was in the audience. He provided slides to DTRA after the meeting.

Yeong E. Kim, Purdue Nuclear and Many-Body Theory Group, Department of Physics, Purdue University described a theory based on Quantum effect broadening of the distribution (via the Gamow factor). For n(E) that is Maxwell-Boltzmann (MB), Fermi-Dirac (FD), or Bose-Einstein (BE) distribution, modified by the quantum broadening of the momentum-energy dispersion relation,  $\delta\gamma(E-\epsilon p)$ , due to particle interactions.

The Quantum Nuclear Plasma Fusion theory provides a mechanism for enhanced net reaction rates at lower temperatures as illustrated for Deuterium:



#### 5.3 Anti-Matter Annihilation Panel

Mr. Ken Edwards, AFRL/MN, chaired the Anti-Matter Panel. He is Director of the Revolutionary Technologies Integrated Product Team, chartered to plan and develop revolutionary paradigm-shifting munitions for the Air Force of 2025. He is currently focused on Positron Energy Conversion for explosive and propulsive applications and has overseen work in this area for several years. This has been a joint program conducted in partnership with DARPA.

Mr. Edwards listed the primary advantage of stored positrons to be their very high specific energy densities without creating any radioactive nuclear debris or long-term radiation following an annihilation reaction. Regarding storage mechanisms, he showed some schemes for efficiently moderating and storing positrons in the form of positronium (Ps) (a pseudo-atom consisting of a positron and an electron) using Penning traps. He noted that positronium can be stabilized using crossed magnetic and electric fields. Quantum chemistry calculations suggest potential lifetimes of up to a year or longer.

**Dr. Gerry Smith, Professor Emeritus (Physics), Penn State, and Positronics Research, LLC** reported on the "Physics and Experiments with Long Life Positronium" and described the theoretical basis for extended half-life of Ps in the crossed fields of a Penning trap. It was postulated that radiation-damaged Silica Aerogel (SA) might be paramagnetic and with controlled pore size, crossed fields (based on remnant magnetic fields and an imposed (modest) electric field) would allow storage of positronium for significant times at useful densities.

Dr. Smith summarized the work he felt would need to be accomplished to demonstrate this concept for anti-matter storage:

# Program Goals & Challenges (Near -Term) Demonstrate improvements for higher density and longer -term Ps storage •Intense, larger volume (10x) e - irradiation of SA (>20 MGy) •Test ultra light SA (> 100 nm cavity) and magnetized SA •e+ beam injection into Penning trap (20 mCi source) •e+ accumulation, cooling and lifetime (10 - 6, 3 meV, > 20 sec) •e+ extraction into silica aerogel (5 μsec) •OWPs number enhancement (10 SA vol. x 30 field/temp = 300x @ 400G, 0 - 5K) •OWPs density enhancements (30 field/temp/10 SA vol. = 3x @ 400G, 0.5 K) •OWPs lifetime enhancement (TE; 100 nm, 1.2 ms = 100x; 1000 nm, 0.36 sec = 36,500x)

**Dr. Allen P. Mills, Jr., Physics Dept., University of California, Riverside, CA** proposed the need for apparatus to provide larger numbers of Ps atoms in order to study aspects of stimulated annihilation and their Compton wavelength. Dr. Mills described his program for a series of increasingly intense positron sources and showed calculation of their efficiency in producing Ps. A <sup>12</sup>C(d,n)<sup>13</sup>N reaction provides positrons when the nitrogen decays, which are then slowed and cooled in a Penning trap. His program may lead to development a 50 W source of positrons. The sources currently under way are in the milliwatt range.

Dr. Mills scientific objectives are to measure g for Ps, (needs  $10^8$  Ps); to observe stimulated annihilation, (needs  $10^{11}$  Ps); to make an annihilation gamma ray laser and measure the Compton wavelength, and to ignite fusion (perhaps  $10^{19}$  Ps). Larger sources and more refined positron moderating and cooling techniques will be required for Dr. Mills' more advanced planned sources.

Stages to 50 W antimatter source						
Year	Model	d <sup>+</sup> Energy	Current	slow e+/s		
2008	HFPS-1	1.5 MeV	1 mA	no mod.		
2008	HFPS-2	1.5 MeV	1 mA	109		
2009	HFPS-3	5 MeV	1 mA	$10^{10}$	1.6 mW	
2010	HFPS-4	5 MeV	10 mA	$10^{11}$	16 mW	
2011	HFPS-5	30 MeV	10 mA	$3x10^{12}$	0.5 W	
201X	HFPS-X	30 MeV	1 A	$3x10^{14}$	50W	
HFPS-3 is about to enter Phase II. HFPS-4 and 5 are suitable for a large lab. HFPS-X might be possible.						

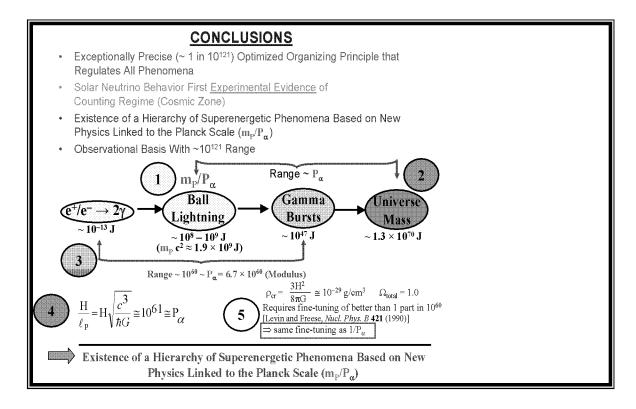
**Dr. Paul L. Csonka, University of Oregon,** spoke on the topic of "INTENSE POSITRON SOURCE with ENERGETIC ELECTRONS TRAVERSING UNDULATOR". He proposes positron generation using gamma rays from undulators mounted on major high energy storage rings. The main source of positrons (fast particles) seems to be pair production. He showed calculations of positron currents of between 10<sup>14</sup> and 10<sup>17</sup> per second and suggested the resulting

fast particles could be moderated with an efficiency of 0.001 to 0.1 by one or another of proposed schemes. Accelerators existing and planned for other purposes could be adapted relatively easily for high flux positron production.

#### 6.0 Other Topics

#### **6.1 Exotic Energy and Power Concepts**

**Dr. Charles Rhodes, University of Illinois,** illustrated relationships between levels of energy, power density of known physical phenomena that covers a scale of 1:10<sup>121</sup> in known instances. While some parts of this range have been exploited, Dr. Rhodes points out that many other parts of this vast range are available for study, and potentially scalable to energetic applications of interest:



#### 6.2 4th Generation Nuclear Weapons

**Dr. Don Linger, DTRA,** postulated a new generation (post-Cold War) that would have little-to-no fission yield and therefore would be both radiologically clean and (perhaps) treaty compliant. Such low yields could be used against tactical targets and hard targets as well as for high altitude weapon effects. The US must be cognizant of such capabilities and the implications of such weapons potentially in the hands of our adversaries, both near-pear and developing nations.

#### **6.3 Intelligence Perspective**

Intelligence Community, gave remarks on advanced energy sources from the intelligence perspective. He is aware of concerns for the US maintaining an ability to steer high quality research to topics and objectives critical for national security.

In a connected concern, he also spoke of the inability to pursue answers to important questions because of lack of technical understanding, the inability to properly prioritize issues and finally, a lack of qualified workers in these fields. He supported the advanced work being discussed in this workshop as both critical data to be acquired and as important training for the rising generation of scientists and engineers.

#### 7.0 Feedback from Panel of Experts

The Honorable Dr. H Smith, Dr. Jack Davis, Dr. Fred Wikner, and Dr. Gerald Yonas served as subject matter experts and provided their overall review of the Workshop. Their findings and recommendations are summarized in the table below:

	Advisory Board Findings	Advisory Board Recommendations
Isomers	Nuclear structure is complex and poorly understood     Experiments are ad hoc- not systematic: some interesting data but no triggering observed	<ul> <li>Conduct large scale computer simulations like ASCI (not DTRA, NSF or DOE)</li> <li>Experiments-long term; guided by theory, funded by NSF and DOE</li> </ul>
LENR	<ul> <li>There is good evidence of excess heat and transmutation</li> <li>New theory by Widom shows promise; collective surface effects, not fusion</li> <li>Low energy implantation of ions</li> </ul>	<ul> <li>Careful experiments confirm and expand data base</li> <li>Expand theory field with more participants</li> <li>Other experiments included</li> </ul>
Anti-Matter	<ul> <li>Systematic approach required: how to manage it</li> <li>Experiments will require substantial increments</li> </ul>	Not suitable for DTRA, a combat support agency.
Nuclear Weapons	DoD needs low residual radiation weapon; DOE knows how to RDT and produce them	US DOE should proceed; DOD should provide requirements
General Observations	Agency staffs and services are increasingly risk adverse	Defense research establishment must think creatively about new concepts

#### 8.0 Workshop Summary

The High Energy Workshop endeavored to assemble the recognized experts in each of the energy categories to survey the state-of-art. The presentations did elucidate the state of science but of course were limited in depth based on time available. At the end of the Workshop, an early summary or "Hot Wash" debrief was presented to the senior DTRA leadership on the salient points made in the two days presentation. It is included in Appendix B.

**Nuclear Isomers** research has not yet provided evidence of reliable and effective triggering mechanisms. Production seems feasible, though engineering development is needed to scale up to practical amounts of material. The complexity of isomeric excited states and their induced depletion paths leads us not to expect too much from better theory or intense calculational efforts.

Yet, one cannot help but be intrigued by potentially gaining access to such highly energetic states for military applications. At this stage, modest investments related to the study of isomers and the physics of de-excitation would appear to be prudent. Also, improvements in experimental methods and diagnostic tools may be warranted.

Clearly, isomer production is not now the greatest roadblock to a proof-of-principal demonstration and should not be pursued at this time. A more fundamental issue is demonstration of a robust triggering approach. Here more experimental work is useful if focused on development of techniques for analyzing gamma spectra and measurement of depletion rates. Equally important would be innovative approaches to nuclear structure and transition probabilities. Weapons applications based on isomeric payloads are premature and should not be pursued.

**Low Energy Nuclear Reactions** are showing some remarkable progress with respect to energy (excess heat) production and transmuted element detection, but experiments remain only thinly reproducible. LENR also suffers from a basic lack of understanding of the governing physics.

There is also a compelling need for a theory that can explain production rates and lead to specific electrode treatments and electrolyte compositions and predictions of reaction power, energy and products. The Widom theoretical construct appears promising, but lacks robust experimental verification and rigorous peer review.

NET: Widom-Larsen theory published in peer-reviewed Eur. Phys. J. C nine months before, March 2006

The polarizing history of LENR is a detriment to expanding research efforts and it seems unlikely that deployable/useable devices could be expected within a five to ten year horizon. Some low-level funding by 6.1 agencies seems appropriate, both to exploit the possibility of a breakthrough and to monitor other (international) research in this field. Nonetheless, DTRA should not go it alone; rather, it should provide the leadership to build interagency research consortia with a focus on fostering improved research facilities and rigorous experimental protocols.

**Anti-Matter** research has provided encouraging results to suggest that positrons, in the form of positronium, may be efficiently stored with reasonable lifetimes. Clearly, stable sources of Ps capable of generating intense gamma pulses could have numerous interesting military applications. Methods to package Ps with longer life times and useful densities will require considerable experimentation and development, as will achieving efficient and affordable positron production methods.

A modest 6.1 program would keep DTRA in play on any future decisions regarding the feasibility of weaponizing anti-matter.

4 <sup>th</sup> Generation Nuclear Weapons Concepts appear to be attractive for a number of				
military objectives, especially in situations needing low yield and low residual				
radioactivity				
(b)(3):10 USC 128				

The military effectiveness of such weapons will need to be characterized in detail in concert with suitable concepts of operation. The policy implications, in terms of how such weapons may be used and whether they meet current legal strictures and arms control restrictions, must also be examined. In view of this concern, expressed by several members of the Expert Panel, a cursory review of the current legal definition of nuclear weapons was commissioned by DTRA and is provided in Appendix D.

Given the congressional restrictions on pursuing new nuclear weapons concepts, it is not clear what DTRA's role should be other than to stay abreast of new developments in this area, as a hedge against technology surprise and a new wave of proliferation. Also, a review of the potential implications to the U.S. national security posture, should such weapons be developed by others, would appear to be well advised.

A Workshop Summary Report briefing was compiled following the workshop and was presented to DTRA sponsors of the workshop. It is provided in Appendix C.

#### 9.0 Recommendations

**Novel Energy Strategy**: The Expert Panel noted that there many potentially interested agencies and that DTRA, as a new 6.1 agency, will need to find its niche. It is recommended that DTRA form and/or participate in an Interagency Novel Energy Working Group. Partnering agencies would include DTRA, DOE/NSSA, the National Laboratories, DHS, DARPA, NSF, and the Service Labs. The charter would be to coordinate budgets for maximum return and chart a course that would accelerate development of advanced energy concepts.

**Isomer Energy Storage**: The extraordinary claims regarding the de-excitation of Hf<sup>178m2</sup> appear to have been thoroughly discredited. Nonetheless, it may be warranted to fund some basic research to continue screening candidate isomers, to develop an improved understanding of the physics of isomer de-excitation, and to explore de-excitation methods other than x-ray stimulation. There are no likely near-term military applications of nuclear isomers.

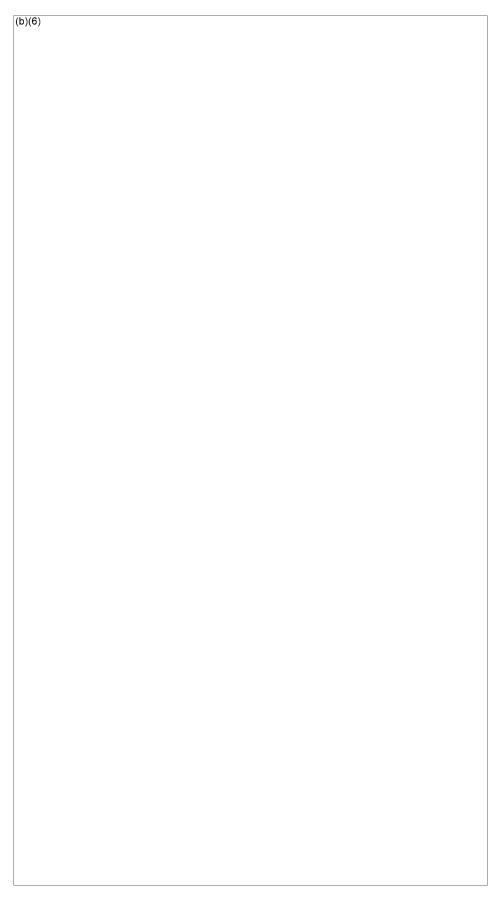
**LENR:** LENR still suffers from negative publicity associated with Cold Fusion and is viewed as being conducted outside the domain of legitimate, mainstream science. Nonetheless, the persistent and increasingly repeatable demonstrations of excess heat and transmutation suggest that there is something here worth pursuing. DTRA should not do so alone, but rather foster consortia that would help bring discipline and rigorous experimental protocol to this field. Additionally, efforts to better understand the physics of LENR as well as the development of first-principle predictive models are encouraged.

Anti-Matter: The challenge of stable storage of positrons in the form of positronium may be surmountable but progress to date has been modest. Near-term applications of this technology appear to be ill-advised. Additionally, the large parasitic mass associated with the storage of positronium and the small amount that can be stored, even under the most optimistic projections, effectively limits the system-level energy density. Nonetheless, some basic 6.1 research should be invested in keeping the effort alive. Perhaps an alliance between DTRA and NSF would be useful in this regard.

**4<sup>th</sup> Generation Nuclear Weapons:** DTRA, in cooperation with NNSA and with the approval of OSD, should consider supporting a few pilot studies to explore the potential applications of 4<sup>th</sup> generation nuclear weapons to meet projected future national security needs, explore the potential impact of such weapons if they were to be used against U.S. forces or infrastructure, and examine their overall policy implications.

#### Appendix A Workshop Participants

(b)(6)		
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#### Appendix B Hot-Wash Briefing to DTRA December 13, 2007

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#### High Energy Workshop

#### **Expert Panel Findings and Recommendations**

12-13 December 2006
Defense Threat Reduction Center
Fort Belvoir, VA



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# Findings & Recommendations Isomers

- Findings
  - · Nuclear structure is complex and poorly understood
  - Experiments ad-hoc not systematic
    - Some good data
    - Hafnium triggering inconclusive and not energetically breakeven
- Recommendations
  - · Theoretical structure and reaction studies are needed
  - Experiments –Long-term, guided by theory, redteamed

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# Findings & Recommendations LENR

- Findings
  - Good evidence of excess heat and transmutation
  - Widom-Larsen theory shows promise: collective surface effects ... not fusion
  - Low energy implantation of ions
- Recommendations
  - Careful experiments to confirm data base
  - Expand theory field need more players
  - · Other experiments warranted

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# Findings & Recommendations Anti-matter

- Findings
  - System approach required: How big is it??
  - Experiments will require substantial investments
- Recommendations
  - Not suitable for DTRA, a combat support agency

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# Findings & Recommendations Nuclear Weapons

- Findings
  - DoD needs low residual radiation weapons
  - DOE knows how to
    - RDT&E and Production
- Recommendations
  - · DOE should proceed
  - DoD should provide requirements

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# Findings & Recommendations General Observation

- Finding
  - Agency staffs and Services are increasingly risk adverse
- Recommendation
  - Defense research establishment must think creatively about new concepts

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# Appendix C Summary Report Of High Energy Workshop

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# Funscience to Seiner

# High Energy Workshop Sponsored by DTRA/ASCO

12 – 13 December 2006 Defense Threat Reduction Center Ft. Belvoir, VA

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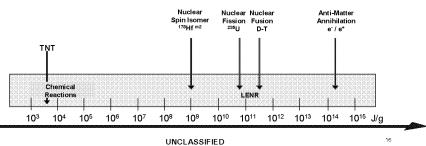
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# **Workshop Objectives**



- Survey and assess the S&T of highly energetic materials, whose energy is released via nuclear and subatomic processes (>10<sup>6</sup> eV/unit-event)
  - · Nuclear Isomers
  - Low energy nuclear reactions (LENR)
  - · Anti-matter Annihilation
  - · Advanced nuclear fission and fusion
  - Exotic/Extreme Physics



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## **Key Considerations**



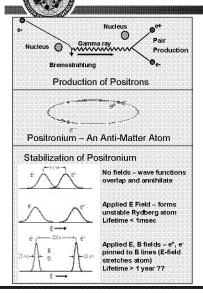
- Should these topics be included as part of a balanced investment portfolio in "Disruptive Energetics?"
  - Do we understand the underlying physics sufficiently well to proceed with confidence?
  - · Do the potential pay-offs outweigh the risks?
- What should be the focus of the investment?
  - · Well-defined, refereed, repeatable experiments?
  - Proof-of-concept tests?
  - · Theoretical investigations?
  - · Other?
- What are the potential applications?
  - Could these topics underwrite game-changing improvements in warfighting?
- What are the potential risks?
  - How many orders of magnitude of the specific energy density is likely to be lost to system-level packaging?
  - What criticisms should we anticipate from scientists, from the DoD bureaucracy, from Congress, ...?
  - · Will these topics bump up against nuclear arms control agreements?

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- Positrons annihilate with free electrons producing two soft (0.51 MeV) gamma rays (no radioactive products/residues)
  - Energy density for PEC is  $1.8\times10^{14}$  J/g, compared to  $4.7\times10^{3}$  J/g for TNT and  $8.2\times10^{10}$  J/g for  $^{235}$ U fission
  - 1 μg of positrons ~40 kg of TNT
- Positrons produced via bremsstrahlung and pair production (requires linac or synchrotron)
- Positrons stored as neutral positronium
  - · No space charge forces to deal with
  - Positronium stabilized by crossed E and B fields
  - Quantum theory predicts stable Coulomb states of positronium with lifetimes of one year or longer
  - Ps storage in Penning traps and silica aerogels
- Potential applications include blast-frag effects, EMP, gamma ray laser, bioagent defeat, propulsion etc.

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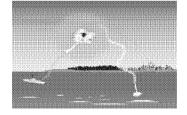
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# DARPA Proposed Applications for Positronium Payload\*



- A non-nuclear near-miss-to-kill interceptor for ballistic and cruise missile defense
  - · Direct hit not necessary
  - · Radiation kill of electronics and bioagents
  - 0.3 ns risetime (b)(3):10 USC prevents circumvention
  - One µg burst can be lethal to 300m against unshielded electronics (upset & latchup); other lethality mechanisms operate at shorter ranges
  - · Only millisecond collateral RF interference effects



#### A killer of bioagents in small bunkers

· Promptly kills bioagents prior to dispersal

\* Briefing by Martin Stickley, 5 June 2006

• 1  $\mu g$  burst has a lethal radius of 2 meters against anthrax, the hardest case (radius for rendering sterile is greater)



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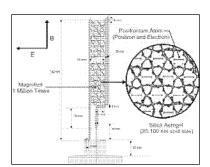
# **Technical Challenges**



The DARPA Ps Weapon Prototype consists of 10<sup>21</sup> positrons stored (as Positronium), at a density of 1µg/liter, with an energy equivalent of 180 MJ (40 kg TNT, 25x volumetric)

#### Challenges

- · Positronium production
  - Plant capital and operating costs (\$77M -\$200M per year)
  - Output of 10<sup>22</sup> to 10<sup>24</sup> Ps per year
- Long-term Ps storage (30 yrs) at militarily useful densities (180 MJ/l)
  - Create stable states of Ps that prevent self-annihilation
  - Penning trap for accumulation and cooling
  - Silica aerogel storage for weapons application
- · Cost per weapon
  - \$200K \$1.5M



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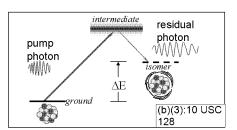
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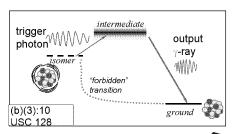


### **Nuclear Isomers - The Basics**



- Nuclear isomers are metastable excited nuclear states with energy densities approaching nuclear fission (up to 10<sup>9</sup> J/g for isomers vice 10<sup>11</sup> J/g for nuclear fission)
- Nuclear isomers are long lived with mean lifetimes ranging from a few µsec to 1000s of years
- · Fuel production is harder than for SNM
- Isomers can be de-excited to release energy by x-rays, neutrons, ions, ...
  - Demonstrated in <sup>180</sup>Ta and <sup>197</sup>Au
  - Triggering physics not well understood
  - Energy break-even is improbable
- Potential applications
  - Weapons and portable energy sources if triggering energy is low





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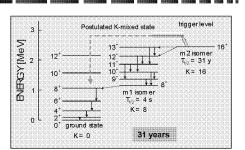
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## The Hafnium Controversy



- <sup>187</sup>Hf<sup>m2</sup> is attractive isomer
  - 2.4 MeV above ground state
  - Half-life of 31 years
- In 1999 collaboration led by Carl Collins (UT, Dallas) reports in Phys Rev Letters evidence that 10-keV xray photons can de-excite <sup>187</sup>Hfm<sup>2</sup>, triggering a prompt cascade of 2.45-MeV gamma-rays
  - Claimed existence of k-mixed state some 20-60 keV above the m2 state
- All attempts to reproduce Collin's results failed
- Strong theoretical arguments against triggering of <sup>187</sup>Hf<sup>m2</sup>
  - Isomer is in high spin state (J=16, K=16) selection rules for E-M decay severely inhibit transitions with large changes in K
  - Theoretical nuclear x-ray absorption cross sections too low by x10<sup>6</sup>
- Even if triggering were possible, difficult to envisage chain reaction for explosive applications



#### Where to next?

- Achieve closure for 128Hfm2 ??
- Nuclear structure studies (K-mixing)
- · Other isomers
- · Other triggering mechanisms

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# Potential Isomers for Consideration\*



Isomer	T <sub>1/2</sub> (yr)	E <sub>isomer</sub> (kV)	E <sub>trigger</sub> (kV)	Availability
<sup>108m</sup> Ag	418	109	46.4	×Ag(n,γ) ×+1Ag
<sup>110m</sup> Ag	0.68	118	72.9	(51.8% <sup>107</sup> Ag, 48.1% <sup>109</sup> Ag)
<sup>180m</sup> Ta	infinite	75	1010, 2800	0.012% of natural Ta (4.1% enriched from ORNL)
<sup>242m</sup> Am	141	49	4, 99	$^{241}$ Am $(n,\gamma)^{242m}$ Am $(\sim 1 g^{241}$ Am from ORNL)
<sup>166m</sup> Ho	1200	6	264	<sup>166m</sup> Ho fully-enriched from ORNL
<sup>186m</sup> Re	2 x 10 <sup>5</sup>	149	37	<sup>185</sup> Re(n,γ) <sup>186m</sup> Re (96% enriched <sup>185</sup> Re from ORNL)
<sup>177</sup> Lu	0.44	970	100	<sup>176</sup> Lu(n,γ) <sup>177m</sup> Lu (75% enriched <sup>176</sup> Lu from ORNL)
<sup>178m</sup> Hf	31	2446	10	10 <sup>9</sup> g quantities from SRS Technologies, Huntsville, AL

\*Source: Joe Shumer, NRL

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# Low Energy Nuclear Reactions (LENR





Two branches of LENR

- Excess Heat
- Nuclear Transmutation

NET: This is incorrect. The hypothesis of "two branches" is obsolete. Excess heat occurs in both D/Pd as well as Ni/H. So do transmutations.

- Legitimate experiments by reputable researchers worldwide continue to demonstrate "excess heat" production in electro-chemistry experiments
- Other "chemistry" experiments have shown transmutation of elements and production of energetic tritons, helium and tritium
- None of these observations can be attributed to conventional chemistry
- The body of evidence supporting LENR continues to grow, but hard data still only thinly reproducible

Question: Why have LENR researchers not been killed by lethal doses of neutrons and gammas??

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# New Theoretical Developments

Widom-Larsen Theory



Purports to explain most LENR observations without invoking any new physics beyond the standard model.

- LENR is a manifestation of the weak interaction it is not fusion or other forms of strong interaction
- Many-body "patches" of collectively oscillating protons or deuterons form on metallic hydride surfaces loaded with hydrogen isotopes
- Collective oscillations of the protons/deuterons start to loosely couple to the collective oscillations of nearby surface plasmon polariton (SSP) electrons, commonly found on the surface of metals
- Coupling between the two increases the local electric field to >10<sup>11</sup> V/m (about the same as the Coulomb fields seen by inner electrons)
- Intense local radiation field raises effective mass of SSP electrons so that they can react with nearby protons and deuterons to form neutrons
- Neutrons created collectively have huge quantum mechanical wavelengths and are almost always absorbed by nearby nuclei
- Gammas emitted as a result of neutron absorption are intercepted by SSP electrons and reradiated as much softer E-M energy

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## Widom-Larsen Theory Explains ...



- Excess heat in electrochemical cells
- Nuclear transmutation abundances in electrochemical cells (total rates shown to be in agreement with experiment)
- Transmutations observed in exploding wire experiments as early as 1922

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# Advanced Nuclear Weapons Concepts



Sandia Z-Machine



Z-pinch Wire Array

- Tailored Output Devices
  - · Nuclear-driven directed energy
    - X-ray laser
    - Kinetic projectile array
  - Enhanced radiation weapon
  - · Enhanced, localized EMP
- Pure Fusion Device
  - DT pellet implosion
    - Enhanced energetic material direct drive
    - Plasma Z-pinch drive
  - · Essentially fall-out free
    - Some short-lived, neutron-activated radioactive isotopes

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## Other Exotica



- Dark Matter
  - Comprises about 22% of mass/energy of universe
    - Inferred from the motion of galaxies
    - · Governed the earlier deceleration of the expanding universe
    - · Many aspects of dark matter remain speculative
    - Density of dark matter is miniscule (10<sup>-29</sup>g/cc)
- Dark Energy
  - Comprises about 74% of mass/energy of universe
    - Governs currently observed acceleration of expanding universe
    - · Permeates and fills all space homogeneously
    - Density of dark energy is miniscule (10<sup>29</sup>g/cc)
- Mini Black Holes
  - A black hole of the smallest possible mass as determined by quantum mechanics
    - A degenerate state caused by runaway evaporation due to Hawking radiation
  - Mass is of order Planck's mass (2 x 10<sup>-8</sup> kg), or 1.1 x 10<sup>-19</sup> GeV, or 1.8 GJ (900 lbs TNT)
  - · Further study warranted

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# Appendix D

# STATUTORY & TREATY REFERENCES TO NUCLEAR WEAPONS DEVELOPMENT

# STATUTORY & TREATY REFERENCES TO NUCLEAR WEAPONS DEVELOPMENT

#### U.S. NUCLEAR WEAPONS OBLIGATIONS UNDER INTERNATIONAL LAW

#### **Nuclear Non-proliferation Treaty (NPT) of 1968**

Often referred to as the "cornerstone" of international nuclear non-proliferation doctrine, the NPT embodies the aspiration to "facilitate the cessation of the manufacture of nuclear weapons" and work toward "general and complete disarmament" among nations. In spite of the U.S. government's frequent invocation of this treaty in diplomatic pronouncements, it continues to take actions relating to the design and production of new nuclear weapons, notably the Reliable Replacement Warhead (RRW) concept and the Robust Nuclear Earth Penetrator (RNEP) program.

During the 2000 NPT Review Conference, the five NPT-established permanent nuclear powers (U.S., U.K., China, Russia and France) restated the NPT goal of eventual nuclear disarmament, reaffirming their "unequivocal commitment to the ultimate goals of a complete elimination of nuclear weapons and a treaty on general and complete disarmament..." The P-5 statement further reiterates "the necessity of a... convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices..." While the NPT-recognized nuclear powers are thereby technically permitted to continue developing novel nuclear weapons in the absence of such a compact, doing so is widely considered antithetical to the spirit of the NPT. An additional product of the 2000 NPT Review Conference was the adoption of 13 "practical steps" toward the implementation of Article VI of the NPT concerning eventual nuclear disarmament. Research undertakings aimed at exploring new classes of nuclear weapons may violate one or more of these steps, including the agreement to move toward a "diminishing role for nuclear weapons in security policies... and to facilitate the process of their total elimination."

In a February 3, 2005, speech concerning U.S. compliance with Article VI, Assistant Secretary of State for Arms Control Stephen G. Rademaker, while highlighting reductions of U.S. nuclear stockpiles and the cessation of fissionable material production for nuclear weapons, issued a controversial reservation. Referring to an improved earth-penetrating capability, he made clear that the U.S. would "continue to plan for contingencies and conceptually explore technical options that could maintain the

<sup>&</sup>lt;sup>1</sup> Article VI, NPT: <a href="http://www.fas.org/nuke/control/npt/text/npt2.htm">http://www.fas.org/nuke/control/npt/text/npt2.htm</a>

<sup>&</sup>lt;sup>2</sup> P-5 Statement on 2000 NPT Review Conference: <a href="http://www.ceip.org/programs/npp/npt2000p5.htm">http://www.ceip.org/programs/npp/npt2000p5.htm</a>

<sup>&</sup>lt;sup>3</sup> 2000 NPT Review Conference Final Document: <a href="http://www.armscontrol.org/act/2000">http://www.armscontrol.org/act/2000</a> 06/docjun.asp>

credibility of our nuclear deterrent capability. Looking at options says nothing about what we will do. The fact is that the United States is not developing any new nuclear weapons, including low-yield nuclear weapons. The study of new weapons designs under funding provided by Congress in past years for advanced concepts has been entirely conceptual." Rademaker emphatically repeated that the U.S. spends "zero – let me repeat – zero dollars" on the development or production of new nuclear weapons. During a May 20, 2005, committee of the 2005 NPT Review Conference, Ambassador Jackie W. Sanders, Special Representative of the President for the Non-Proliferation of Nuclear Weapons, echoed Rademaker's tone, pointedly asserting that "the United States is not, repeat not, developing new nuclear weapons."

The RRW program has been criticized for violating the spirit of Article VI. Funding for this program in the FY06 Energy and Water Appropriations Act stipulated that, "any weapon design work done under the RRW program must stay within the military requirements of the existing deployed stockpile and any new weapon design must stay within the design parameters validated by past nuclear tests."

#### **Comprehensive Test Ban Treaty of 1996**

The principal objective of the CTBT is to limit global nuclear proliferation by denying nuclear weapons states the ability to achieve technical advancements that require testing to verify. While the U.S. is a signatory to the CTBT, the Senate has not ratified the treaty. However, the 1992 Hatfield Amendment established a nuclear testing moratorium in keeping with the spirit of the CTBT. This moratorium remains in effect.

While the CTBT explicitly bans "any nuclear weapon test explosion or any other nuclear explosion," considerable ambiguity exists concerning the technical definition of these terms. Indeed, a 1987 Los Alamos National Laboratory report notes that, "a nuclear explosion has never been defined officially..." Less ambiguous is the preamble to the treaty, which recognizes that the cessation of nuclear test explosions is necessary for "constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons..."

#### **Other Cold War Treaties**

<sup>&</sup>lt;sup>4</sup> Rademaker remarks, "U.S. Compliance With Article VI of the Non-Proliferation Treaty (NPT)":

<sup>&</sup>lt;a href="http://www.state.gov/t/ac/rls/rm/41786.htm">http://www.state.gov/t/ac/rls/rm/41786.htm</a>

<sup>&</sup>lt;sup>5</sup> Sanders remarks, 2005 NPT Review Conference: <a href="http://www.un.int/usa/05\_100.htm">http://www.un.int/usa/05\_100.htm</a>

<sup>&</sup>lt;sup>6</sup> FY06 E&W Appropriations Act, P.L. 109-275: <a href="http://thomas.loc.gov/cgibin/cpquery/T?&report=hr275&dbname=109&">http://thomas.loc.gov/cgibin/cpquery/T?&report=hr275&dbname=109&</a>

<sup>&</sup>lt;sup>7</sup> CTBT text: <a href="http://www.ctbto.org/treaty/treaty">http://www.ctbto.org/treaty/treat

<sup>&</sup>lt;sup>8</sup> Jones, von Hippel, "The Question of Pure Fusion Explosions Under the CTBT," *Science & Global Security*, 1998, Volume 7, pp. 129-150:

<sup>&</sup>lt;a href="http://www.princeton.edu/~globsec/publications/pdf/7">http://www.princeton.edu/~globsec/publications/pdf/7</a> 2Jones.pdf>

<sup>&</sup>lt;sup>9</sup> Thorn, Robert N. and Westervelt, Donald R. "Hydronuclear Experiments," Los Alamos National Laboratory, February 1987: <a href="http://www.fas.org/sgp/othergov/doe/lanl/docs1/00090266.pdf">http://www.fas.org/sgp/othergov/doe/lanl/docs1/00090266.pdf</a>

In the texts of the Strategic Arms Limitation Talks treaties (SALT I and II), references to nuclear weapons are oblique, though commonly understood. The treaties instead refer to "strategic offensive arms," "ballistic missiles," and "ICBMs." The understanding that these terms refer to nuclear weapons is implicit. In SALT I, the word "nuclear" appears only once – in reference to the title of the NPT. In SALT II, the parties recognize the devastating consequences of "nuclear war" and agree to "exercise restraint in the development of new types of strategic offensive arms." In both the Strategic Arms Reduction Treaties (START I and II), references are made to "nuclear armaments" and the means for delivering them – heavy bombers, ALCMs, and so on – without offering a precise definition of "nuclear." Likewise, the Anti-Ballistic Missile Treaty of 1972 makes reference to "strategic arms" and "strategic ballistic missiles" in the context of preventing "nuclear war." 14

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Seabed Treaty) of 1972 prohibits the deployment of "any nuclear weapons or any other types of weapons of mass destruction" on the seabed, the ocean floor or in the subsoil. The Limited Test Ban Treaty (LTBT) of 1963, also known as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (or the Partial Test Ban Treaty), invokes the desire to "put an end to the contamination of man's environment by radioactive substances," a broad definition that bans not simply nuclear weapon test explosions, but "any other nuclear explosion." The treaty further prohibits any nuclear explosion that "causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosion is conducted." 16

The Threshold Test Ban Treaty (TTBT) of 1990, seeking the "cessation of the nuclear arms race" and reductions in "strategic arms" and eventual "nuclear disarmament," prohibits "any underground nuclear weapon test having a yield exceeding 150 kilotons." Article III of the treaty specifically permits "underground nuclear explosions carried out by the parties for peaceful purposes," wherein the term "explosion" is defined as "the release of nuclear energy from an explosive canister." An outgrowth of Article III was the Peaceful Nuclear Explosions Treaty (PNET) of 1976, which seeks to "assure that underground nuclear explosions for peaceful purposes shall not be used for purposes related to nuclear weapons." Under this treaty, the parties agreed to "prohibit, to prevent and not to carry out… any explosion which does not carry out a peaceful application…" excepting tests permitted under the provisions of the TTBT. The Strategic Offensive Reductions (SORT) Treaty of 2002 sought to reduce and limit "strategic offensive arms"

<sup>&</sup>lt;sup>10</sup> SALT I text: <a href="http://www.fas.org/nuke/control/salt1/text/salt1.htm">http://www.fas.org/nuke/control/salt1/text/salt1.htm</a>

<sup>11</sup> SALT II text: <a href="http://www.state.gov/www/global/arms/treaties/salt2-2.html">http://www.state.gov/www/global/arms/treaties/salt2-2.html</a>

<sup>12</sup> START I text: <a href="http://www.state.gov/www/global/arms/starthtm/start/start1.html">http://www.state.gov/www/global/arms/starthtm/start/start1.html</a>

<sup>&</sup>lt;sup>13</sup> START II text: <a href="http://www.fas.org/nuke/control/start2/text/treatvar.htm">http://www.fas.org/nuke/control/start2/text/treatvar.htm</a>

<sup>&</sup>lt;sup>14</sup> ABM Treaty text: <a href="http://www.state.gov/www/global/arms/treaties/abm/abm2.html">http://www.state.gov/www/global/arms/treaties/abm/abm2.html</a>

<sup>&</sup>lt;sup>15</sup> Seabed Treaty text: <a href="http://www.nti.org/eresearch/official">http://www.nti.org/eresearch/official</a> docs/inventory/pdfs/.%5Captseabd.pdf>

<sup>&</sup>lt;sup>16</sup> LTBT text: <a href="http://www.state.gov/t/ac/trt/4797.htm">http://www.state.gov/t/ac/trt/4797.htm</a>

<sup>17</sup> TTBT text: <a href="http://www.state.gov/t/ac/trt/5204.htm">http://www.state.gov/t/ac/trt/5204.htm</a>

<sup>&</sup>lt;sup>18</sup> PNET text: <a href="http://www.fas.org/nuke/control/pnet/text/pne2.htm">http://www.fas.org/nuke/control/pnet/text/pne2.htm</a>

and "strategic nuclear warheads." This treaty was criticized in some quarters due to the ambiguity associated with the term "strategic *nuclear* warheads," which differed from the term "warheads attributed to strategic delivery systems" used in the START I Treaty. 20

#### U.S. GOVERNMENT NUCLEAR WEAPONS POLICY

#### **Atomic Energy Act of 1947**

Sec. 4 of the Act prohibits the possession or operation of facilities "for the production of fissionable material in quantities or at a rate sufficient to construct a bomb or other military weapon" outside the control of the Atomic Energy Commission (AEC). Later, in Sec. 6 the law prohibits the manufacture, production or possession of the means to "utilize fissionable materials as a military weapon, except as authorized by the Commission." The law also forbids "any research or developmental work in the military application of atomic power if such research or developmental work is contrary to any international agreement..."21

#### **Atomic Energy Act of 1954**

Sec. 91 of the Act grants authority to the AEC to "conduct experiments and do research and development work in the military application of atomic energy" and "engage in the production of atomic weapons, or atomic weapon parts..." The term "atomic energy" is defined as "all forms of energy released in the course of nuclear fission or nuclear transformation."<sup>22</sup> The term "atomic weapon" is defined as "any device utilizing atomic energy, exclusive of the means for transporting or propelling the device...the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device."<sup>23</sup>

Sec. 51 provides for the eventuality that "the Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination."<sup>24</sup>

SORT treaty text: <a href="http://www.whitehouse.gov/news/releases/2002/05/20020524-3.html">http://www.whitehouse.gov/news/releases/2002/05/20020524-3.html</a>
 Center for Arms Control, Energy and Environmental Studies: <a href="http://www.armscontrol.ru/start/sort.htm">http://www.armscontrol.ru/start/sort.htm</a>

<sup>&</sup>lt;sup>21</sup> P.L. 79-585: <a href="http://www.osti.gov/atomicenergyact.pdf">http://www.osti.gov/atomicenergyact.pdf</a>

<sup>&</sup>lt;sup>22</sup> Title 42, Section 2014c, U.S. Code

<sup>&</sup>lt;sup>23</sup> Title 42, Section 2014d, U.S. Code

<sup>&</sup>lt;sup>24</sup> Title 42, Section 2071, U.S. Code

The Act grants to the President the right to "direct the Commission to (1) deliver such quantities of special nuclear material or atomic weapons to [DoD] for such use as he deems necessary in the interest of national defense, or (2) to authorize [DoD] to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: Provided, however, That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities."

#### Additional definitions

The Nuclear Waste Policy Act of 1982 includes in its definition of "atomic energy defense activity" the following: "weapons activities including defense inertial confinement fusion..."25

According to Section 2332a of Title 18, U.S. Code, the definition of "weapon of mass destruction" includes the following category: "(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life..."26

#### 1953 Agreement – Department of Defense-Atomic Energy Commission

In 1953 an agreement was established between the AEC and the DoD to delineate the responsibilities of the respective agencies concerning "programs for proposed atomic weapons, their development, test, standardization, and production in accordance with military requirements." The agreement states that the "development and production of atomic weapons will be the complementary responsibilities of the AEC and the DoD"; the "development and production of nuclear systems [defined as "comprised of the fission and/or fusion material, together with those components required to convert the system from the safe condition to an explosion" is the primary function of the AEC"; the "division of responsibilities for the development and production of atomic weapons...will be by joint agreement on each weapon or by classes of weapons between the AEC and DoD"; and that the "determination of military characteristics suitability, and acceptability...is a primary function of the DoD." The agreement also maintains that "it is fundamental to progress that both agencies pursue aggressively the study of new and radical concepts for military application of atomic energy." <sup>27</sup>

The 1953 agreement identifies six phases of nuclear weapons production:

1) Weapon conception (may be undertaken independently or jointly; either agency that wishes to pursue an idea which would involve the modification of or the new development of nuclear systems must ask the other agency to examine the practicality of at least that portion of development)

<sup>&</sup>lt;sup>25</sup> Title 42, Section 10101, U.S. Code

<sup>&</sup>lt;sup>26</sup> Title 18, Section 2332a, U.S. Code:

<sup>&</sup>lt;a href="mailto:</a>/www.law.cornell.edu/uscode/search/display.html?terms=2332a&url=/uscode/html/uscode18/usc\_se 

- 2) **Determination of Feasibility** (may be undertaken independently or jointly; DoD determines military characteristics of weapon)
- 3) **Development Engineering** (AEC launches a development program, produces prototypes; DoD gives guidance)
- 4) **Production Engineering** (AEC proceeds with production of weapon; DoD gives guidance, evaluates prototypes as necessary)
- 5) **First Production** (AEC manufactures weapon; DoD makes evaluation)
- 6) **Quantity Production and Stockpile** (AEC brings production to full scale; DoD continues appraisal of weapons performance)

#### **Department of Defense Directives**

DoD Directive 3150.1, entitled, "Joint Nuclear Weapons Development Studies and Engineering Projects," expands on these phases with the following directions: <sup>28</sup>

E) 1. Concept Definition Studies (Phase 1):

a. Any DoD Component (with the cooperation of other DoD Components and the DoE, as desired) or the DoE may conduct a Phase 1 study to define a weapon concept and to help the DoD Component concerned and the USDR&E decide whether to proceed with a joint Phase 2 study.

b. If the Phase 1 study foresees the modification of an existing nuclear weapon *or the development of a new nuclear weapon*, the DoD Component concerned shall ask the DoE to examine the practicability of at least that portion of the concept.

An updated version of DODD 3150.1, entitled "Joint DoD-DOE Nuclear Weapon Life-Cycle Activities," requires that DoD procedures for nuclear weapons life-cycle activities shall "Require full coordination of all nuclear weapons development, production, sustainment, and retirement projects with the DoD Components and the DOE."

DoD Directive 2060.1, entitled, "Implementation of, and Compliance with, Arms Control Agreements," mandates that "All DoD activities shall be fully compliant with arms control agreements of the U.S. Government." The Directive requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to: "As necessary, establish a DoD compliance review group (CRG) for each arms control agreement... to monitor compliance of all DoD activities and to coordinate DoD guidance on issues arising from questions of compliance"; "Certify, as necessary, that specific planned activities are in compliance with arms control agreements"; "Monitor all DoD activities for compliance with arms control agreements and, as necessary, conduct or direct reviews to determine if there are issues that should be brought before a CRG to ensure compliance"; and "Provide direction and oversight for the conduct of research and development to support DoD arms control agreement implementation and compliance." 30

<sup>&</sup>lt;sup>28</sup> DODD 3150.1 Joint Nuclear Weapons Development Studies and Engineering Projects:

<sup>&</sup>lt;a href="http://www.fas.org/nuke/guide/usa/doctrine/dod/dodd-3150">http://www.fas.org/nuke/guide/usa/doctrine/dod/dodd-3150</a> 1.htm>

<sup>&</sup>lt;sup>29</sup> Joint DoD-DOE Nuclear Weapon Life-Cycle Activities, March 8, 2004:

<sup>&</sup>lt;a href="mailto://www.dtic.mil/whs/directives/corres/pdf/d31501\_082602/d31501p.pdf">mailto://www.dtic.mil/whs/directives/corres/pdf/d31501\_082602/d31501p.pdf</a>

<sup>&</sup>lt;sup>30</sup> DoD Directive 2060.1: <a href="http://www.dtic.mil/whs/directives/corres/pdf/d20601\_010901/d20601p.pdf">http://www.dtic.mil/whs/directives/corres/pdf/d20601\_010901/d20601p.pdf</a>

#### **Congressional Oversight of Nuclear Weapons**

According to a presentation by Stephen I. Schwartz at the 2005 Carnegie Endowment International Non-Proliferation Conference, jurisdiction over the U.S. nuclear weapons program is distributed among no fewer than 30 congressional committees and subcommittees.<sup>31</sup> Primary jurisdiction resides in the following committees:

- ➤ House Armed Services Committees
  - Subcommittee on Strategic Forces
- ➤ House Appropriations Committee
  - Subcommittee on Defense
  - Subcommittee on Energy and Water Development
  - Subcommittee on Science, the Departments of State, Justice, and Commerce
- ➤ House Energy and Commerce Committee
  - Subcommittee on Energy and Air Quality
- ➤ House Budget Committee
- ➤ House Science Committee
  - Subcommittee on Energy
- > Senate Armed Services Committees
  - Subcommittee on Strategic Forces
- Senate Appropriations Committee
  - Subcommittee on Defense
  - Subcommittee on Energy and Water Development
  - Commerce, Justice, Science, and Related Agencies
- Senate Energy and Natural Resources Committee
  - Subcommittee on Energy
- Senate Budget Committee
- Senate Environment and Public Works Committee
  - Subcommittee on Clean Air, Climate Change, and Nuclear Safety

#### ALTERNATIVE NUCLEAR WEAPONS DEVELOPMENT

Among the pillars of the international nuclear nonproliferation regime – chiefly the NPT and the CTBT – considerable definitional ambiguity exists concerning the nuclear weapons and nuclear weapons-related activities proscribed under the treaties. While scholars have debated the applicability of these agreements to advanced research into non-traditional nuclear weapons – including low-yield nuclear weapons, nuclear spin

<sup>&</sup>lt;sup>31</sup> Schwartz, Stephen I. "A Brief History of Congressional Oversight of Nuclear Weapons," Carnegie Endowment International Non-Proliferation Conference November 8, 2005:

<sup>&</sup>lt;a href="http://www.carnegieendowment.org/static/npp/2005conference/presentations/Schwartz.pdf">http://www.carnegieendowment.org/static/npp/2005conference/presentations/Schwartz.pdf</a>

isomers, pure-fusion weapons, antimatter/positron weapons and low energy nuclear reactions – substantial government funding has been invested in these fields.

#### Low-yield Nuclear Weapons Research and Development

The 1993 Spratt-Furse law, included as part of the FY 1994 National Defense Authorization Act, states that, "It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon," defined as having a yield of less than five kilotons. This prohibition was repealed by the FY 2004 National Defense Authorization Act with the stipulation that "The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress." However, even before the repeal of Spratt-Furse, scholars had questioned whether the ambiguity of the law's definition of permissible research left open the possibility that research on low-yield nuclear weapons could occur as long as it stopped short of being used to "develop" an actual weapon. 34

As part of the Advanced Concepts Initiative of the 2001 Nuclear Posture Review, the Pentagon advocated "improved earth penetrating weapons (EPWs) to counter the increased use by potential adversaries of hardened and deeply buried facilities." This concept would be embodied in the controversial RNEP program. The FY 2004 Energy and Water Appropriations Act includes the following provision concerning "Advanced Concepts": "The conferees provide \$7,500,000 for the [RNEP study, instead of \$5,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. The conferees remind the Administration that none of the funds provided may be used for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the [RNEP]."

Following a contentious debate in Congress, the FY 2005 Consolidated Appropriations Act discontinued funding for RNEP. For FY 2006, while funding for RNEP was requested (to be divided between the NNSA and DoD), Congress again chose not to appropriate funds. NNSA requested no funds for RNEP for FY2007.<sup>37</sup>

#### **Pure Fusion Weapons**

<sup>&</sup>lt;sup>32</sup> P.L 103-160: <a href="http://www.cns.miis.edu/pubs/week/030528.htm">http://www.cns.miis.edu/pubs/week/030528.htm</a>

<sup>33</sup> P.L. 108-136: <a href="http://www.dod.mil/dodgc/olc/docs/2004NDAA.pdf">http://www.dod.mil/dodgc/olc/docs/2004NDAA.pdf</a>

<sup>&</sup>lt;sup>34</sup> Wang, Justine. "Congressional Bills Passed Support Bush Agenda for New Nuclear Weapons," Nuclear Age Peace Foundation. December 9, 2003:

<sup>&</sup>lt;a href="http://www.wagingpeace.org/articles/2003/12/09">http://www.wagingpeace.org/articles/2003/12/09</a> wang congressional-bills.htm>

<sup>&</sup>lt;sup>35</sup> Ferguson, Charles D. "Mini-Nuclear Weapons and the U.S. Nuclear Posture Review," Center for Nonproliferation Studies: <a href="http://www.cns.miis.edu/pubs/week/020408.htm">http://www.cns.miis.edu/pubs/week/020408.htm</a>

<sup>&</sup>lt;sup>36</sup> FŶ 2004 Energy and Water Appropriations Act: <a href="http://thomas.loc.gov/cgibin/cpquery/T?&report=hr357&dbname=108&">http://thomas.loc.gov/cgibin/cpquery/T?&report=hr357&dbname=108&</a>

<sup>&</sup>lt;sup>37</sup> Medalia, Jonathan. "'Bunker Busters': Robust Nuclear Earth Penetrator Issues, FY2005-FY2007." Congressional Research Service Report, February 21, 2006:

<sup>&</sup>lt;a href="http://www.fas.org/sgp/crs/nuke/RL32347.pdf">http://www.fas.org/sgp/crs/nuke/RL32347.pdf</a>

During the 1975 NPT Review Conference, U.S. representatives issued a statement regarding laser fusion research holding that "Such contained explosions are not 'other nuclear explosive devices' in the sense of the NPT and research in this area is allowed under Article IV." When the Clinton Administration submitted the CTBT to the Senate for ratification in 1997, its accompanying statement maintained that Inertial Confinement Fusion was allowed under the treaty. <sup>39</sup>

In a 1998 paper entitled "The Question of Pure Fusion Explosions Under the CTBT," Suzanne L. Jones and Frank N. von Hippel suggested that, "Fusion research involving implosions of deuterium-tritium targets driven by laser or particle beams appears to be widely accepted as not prohibited under the [CTBT]."40 Their paper offers a technical basis for establishing a ban on the development of pure fusion weapons. The same year, scholars of the Institute for Energy and Environmental Research (IEER) published a paper, "Dangerous Nuclear Quest," arguing that laboratory fusion explosions are indeed illegal under the CTBT and that the U.S. National Ignition Facility thus violated international law. While acknowledging the difficulty in defining a "nuclear explosion" under the CTBT, the authors propose a variety of limitations – including limiting the energy releases from fusion reactions to less than the input into the fuel pellet, limiting neutron production and banning the use of tritium in systems driven by high explosives – to forestall the creation of fusion weapons without hampering innocuous fusion research. 41 DOE rejected the conclusion of the report, arguing that fusion experiments did not constitute "nuclear explosions" as defined by the CTBT, and further insisted that the U.S. has no program to develop fusion weapons.

Despite criticism about U.S. noncompliance with the CTBT, research involving "magnetized target fusion" has been conducted in collaboration between the Los Alamos National Laboratory and the All-Russian Institute of Experimental Physics at Sarov. Additionally, the Sandia National Laboratory has conducted research involving the use of x-rays to implode small fusion targets. 42

#### **Nuclear Isomer Weapons**

In 2003, DARPA invested \$7 million in research to study the feasibility of artificially triggering the isomer hafnium-178, with additional funding planned in subsequent years. 43 Research on hafnium-178 is underway at the Air Force Research Laboratory at

<sup>&</sup>lt;sup>38</sup> Makhijani, Arjun and Zerriffi, Hisham. "Dangerous Thermonuclear Quest" – Chapter 5: Nuclear Disarmament and Non-Proliferation Issues, Institute for Energy and Environmental Research, July 1998. <a href="http://www.ieer.org/reports/fusion/chap5.html">http://www.ieer.org/reports/fusion/chap5.html</a>

<sup>&</sup>lt;sup>40</sup> Jones, von Hippel, "The Question of Pure Fusion Explosions Under the CTBT," *Science & Global Security*, 1998, Volume 7, pp. 129-150:

<sup>&</sup>lt;a href="http://www.princeton.edu/~globsec/publications/pdf/7">http://www.princeton.edu/~globsec/publications/pdf/7</a> 2Jones.pdf>

<sup>&</sup>lt;sup>41</sup> Makhijani, Arjun and Zerriffi, Hisham. "Dangerous Thermonuclear Quest" – Chapter 5: Nuclear Disarmament and Non-Proliferation Issues, Institute for Energy and Environmental Research, July 1998. <a href="http://www.ieer.org/reports/fusion/chap5.html">http://www.ieer.org/reports/fusion/chap5.html</a>

<sup>&</sup>lt;sup>42</sup> Jones, von Hippel.

<sup>&</sup>lt;sup>43</sup> Weinberger, Sharon. "Scary Things Come in Small Packages," *The Washington Post*, March 28, 2004: <a href="http://www.washingtonpost.com/ac2/wp-dyn/A22099-2004Mar24?language=printer">http://www.washingtonpost.com/ac2/wp-dyn/A22099-2004Mar24?language=printer</a>

Kirtland, New Mexico. The Defense Technologies Information Center listed hafnium weapons in its "Military Critical Technologies List," declaring that such weapons possess "the potential to revolutionize all aspects of warfare" – evidence that research into nuclear isomers is oriented toward potential weaponization. <sup>44</sup> In 2002, DoD created the Hafnium Isomer Production Panel (HIPP) to explore the mass production of hafnium for military purposes. <sup>45</sup>

According to a May 2004 piece in *Physics Today*, "Because isomer weapons would not involve transmutation of nuclear species, they don't come under the rubric of existing nonproliferation treaties." However, though comparatively little fallout would result from a nuclear-isomer explosion versus a traditional fission explosion, the dispersion of un-detonated isomer material as radioactive particles may, in theory at least, contradict a key tenet of the LTBT concerning the "contamination of man's environment by radioactive substances."

Despite a \$4 million budget request from the Bush Administration, the House and Senate Armed Services Committees slashed funding for Stimulated Isomer Energy Release (SIER) in the DARPA budget and recommended the transfer of responsibility for such research from DoD to the NNSA. According to the HASC report language accompanying the FY 2005 defense authorization bill, "Given the significant policy issues associated with any eventual use of an isomer weapon and given the inability of distinguished scientists to replicate the reported successful triggering experiment of 1998, the committee believes that [DoD] should not be engaged in this research. The proper agency to investigate the feasibility of this technology is the [NNSA] and its national laboratory complex."

#### **Antimatter / Positron Weapons**

According to the *San Francisco Chronicle*, the U.S. Air Force has channeled \$3.7 million to the firm Positronics Research LLC for positron research, though this funding may support national security priorities far beyond the development of advanced munitions. <sup>48</sup> In a March 24, 2004, presentation to a NASA Institute for Advanced Concepts (NIAC) conference, Kenneth Edwards of the Munitions Directorate at Eglin Air Force Base stressed the potential applications of positrons to propel continuous-flight surveillance aircraft and space vehicles with relatively little emphasis on weapons development. <sup>49</sup>

American Institute of Physics, "Armed Services Committees Refuse to Authorize SIER Weapon Research," FYI Number 76: June 4, 2004: <a href="http://www.aip.org/fvi/2004/076.html">http://www.aip.org/fvi/2004/076.html</a>

<sup>&</sup>lt;sup>44</sup> Schwarzschild, Bertram. "Conflicting Results on a Long-Lived Nuclear Isomer of Hafnium Have Wider Implications." *Physics Today*, May 2004: <a href="http://www.physicstoday.org/vol-57/iss-5/p21.html">http://www.physicstoday.org/vol-57/iss-5/p21.html</a>

<sup>&</sup>lt;sup>45</sup> Davidson, Keay. "<u>Superbomb ignites science dispute.</u>" *The San Francisco Chronicle*, September 28, 2003: <a href="http://sfgate.com/cgi-">http://sfgate.com/cgi-</a>

bin/article.cgi?file=/c/a/2003/09/28/MN23720.DTL&type=printable>

<sup>46</sup> Schwarzschild.

<sup>&</sup>lt;sup>48</sup> Davidson, Keay. "Air Force pursuing antimatter weapons," *The San Francisco Chronicle*, October 4, 2004: <a href="http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/10/04/MNGM393GPK1.DTL">http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/10/04/MNGM393GPK1.DTL</a>

<sup>&</sup>lt;sup>49</sup> Edwards, Ken. "Propulsion and Power with Positrons." NIAC Fellows Meeting, 24 March, 2004: <a href="http://www.niac.usra.edu/files/library/meetings/fellows/mar04/Edwards">http://www.niac.usra.edu/files/library/meetings/fellows/mar04/Edwards</a> Kenneth.pdf>

However, Edwards did note that "no nuclear residue" would result from positron explosions, theoretically avoiding the environmental "contamination" that early test ban treaty proponents sought to prevent.

#### **Low Energy Nuclear Reactions (Cold Fusion)**

In a February 2002 report entitled, "Thermal and Nuclear Aspects of the Pd/D<sub>2</sub>0 System," Dr. Frank E. Gordon, Head of the Navigation and Applied Sciences Department of the Space and Naval Warfare Systems Center, San Diego, wrote: "We do not know if Cold Fusion will be the answer to future energy needs, but we do know the existence of Cold Fusion phenomenon through repeated observations by scientists throughout the world. It is time that this phenomenon be investigated so that we can reap whatever benefits accrue from additional scientific understanding. It is time for government funding organizations to invest in this research." From July 31-August 3, 2006, the National Defense Industrial Association and the Office of Naval Research co-hosted a Naval Science & Technology Partnership Conference in Washington, D.C., where Dr. Gordon hosted an "LENR Breakout Session" to discuss Space and Naval Warfare Systems Command research developments in low energy nuclear reaction research.

Coverage of Dr. Gordon's remarks in the *New Energy Times* contained the following claim about U.S. government support for Cold Fusion research: "Although the U.S. Department of Energy has yet to fund studies in the area, the Defense Advanced Research Projects Agency, long known for boldness in funding research, has been funding small LENR projects quietly for many years and recently has taken a renewed interest in the subject." <sup>51</sup>

The Internet abounds with additional reports of undetermined veracity suggesting that DARPA support for LENR, while discreet, is ongoing. However, little evidence suggests that the focus of this research is oriented toward the development of weapons.

#### Miscellaneous – Foreign Investment in Alternative Nuclear Weapons

A 2006 report by the Center for the Study of Weapons of Mass Destruction at National Defense University notes that, "Moscow seems intent on maintaining a full range of weapon types and exploring new ones, including precision low-yield, pure fusion, 'clean" penetrators', and nuclear isomer weapons."<sup>52</sup>

<sup>&</sup>lt;sup>50</sup> Technical Report 1862. "Thermal and Nuclear Aspects of the Pd/D<sub>2</sub>0 System – Volume 1: A Decade of Research at Navy Laboratories." <a href="http://www.spawar.navy.mil/sti/publications/pubs/tr/1862/tr1862-vol1.pdf">http://www.spawar.navy.mil/sti/publications/pubs/tr/1862/tr1862-vol1.pdf</a>

<sup>&</sup>lt;sup>51</sup> Krivit, Steven and Daviss, Bennett. "Extraordinary Evidence." *New Energy Times*, November 10, 2006. <a href="http://lenr-canr.org/acrobat/KrivitSextraordin.pdf">http://lenr-canr.org/acrobat/KrivitSextraordin.pdf</a>

<sup>&</sup>lt;sup>52</sup> WMD Center 2006 Annual Symposium: "The Future Nuclear Landscape: New Realities, New Responses.": <a href="http://www.ndu.edu/WMDCenter/docUploaded//Symposium%202006%20-%20Key%20Themes.pdf">http://www.ndu.edu/WMDCenter/docUploaded//Symposium%202006%20-%20Key%20Themes.pdf</a>