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FBI DIRECTOR,S TRIP TO MOSCOW
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SUBJECT: ALERTING GOR OF DELIVERY OF SEIZED HEU DURING
APRIL 27 FBI DIRECTOR,S TRIP TO MOSCOW

REF: 08 MOSCOW 521

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E.O. 12958: REASONS 1.4 (B), (D), and (F).

1. (S) This is an action request for Embassy Moscow regarding the delivery by FBI Director Mueller of a requested sample of seized highly-enriched uranium (HEU) to appropriate Russian authorities. Please see para 3. Embassy Tbilisi see para 5.

2. (S) Background: Over two years ago Russia requested a ten-gram sample of HEU seized in early 2006 in Georgia during a nuclear smuggling sting operation involving one Russian national and several Georgian accomplices. The seized HEU has been under U.S. custody and is being held at a secure DOE facility. In response to a 2007 Russian request, the Georgian Government authorized the United States to share a



sample of the material with the Russians for forensic analysis. FBI Mueller's trip to Moscow on April 27 provides an opportunity to deliver the requested ten grams from the seized HEU in order to obtain cooperation from the GOR on this nuclear smuggling case and to eventually establish a more productive mechanism of U.S.-Russian cooperation on nuclear forensics.

(S//NF) While there was a reasonable exchange of information with Russian security services at the time of the seizure, we have had poor cooperation investigating the diversion of HEU, which the United States believes was stolen from a Russian facility. Russia did not respond to papers that former Acting U/S Rood provided his counterpart in December 2008 reiterating the USG position that Russia should pick up this sample in the United States. Further, when asked for an update on their response to our proposal, DFM Ryabkov told us recently in Washington that there was an interagency dispute over who would come and pick up the material.

Given Russia's reluctance to act so far, FBI Mueller's delivery of this sample will underscore to Russia our commitment to follow through on this case. While some details may be too sensitive to discuss, delivery of the sample could enable us to discuss whether Russian authorities investigated the diversion and prosecuted anyone. Moreover, we hope it will spark discussions on mechanisms to exchange information and material on future incidents.

3. (S) Background continued: On April 16, the FSB verbally confirmed to Legatt that there will be no problem with the Russian Ministry of Aviation concerning Mueller's flight (although we probably won't see paperwork until shortly before the trip). The FBI is requiring that the sample be turned over to a Russian law enforcement authority (i.e., FSB) as opposed to an intelligence service (i.e., SVR) or technical authority (i.e., Rosatom). A representative from the responsible Russian Law Enforcement authority, who will accept custody of the sample, must be identified and verified ahead of time. That individual will be required to have signatory authority to accept the sample. Appropriate arrangements need to be made to ensure the transfer of material is conducted at the airport, plane-side, upon arrival of the Director's aircraft. Post should also remind the GOR that this is the material about which the GOR gave the USG nonproliferation assurances in 2008 (ref) in a diplomatic note from February 2008.

3. (S) Embassy Moscow is requested to alert as soon as possible and at the highest appropriate level the Russian Federation that FBI Director Mueller plans to deliver the HEU material once he arrives to Moscow on April 27. Post is requested to convey information with regard to chain of custody, and to request details on Russian Federation's plan for picking up the material.



4. (SBU) Post is requested to draw from background above and the following talking points:

--We wish to inform you that FBI Director Mueller plans to arrive in Moscow at approximately 10 pm local time on April 27 with a ten-gram sample of seized HEU, which you requested for nuclear forensics analysis.

--We require confirmation that a representative from a responsible Russian law enforcement authority will be available to accept custody of the sample and have signatory authority to accept the sample.

--We require that the transfer of this material be conducted at the airport, on the tarmac near by the plane, upon arrival of the Director's aircraft.

--We place a high priority on completion of this sample transfer to facilitate your forensic analysis of the material.

--Further, with the delivery of this sample, we hope to collaborate more closely on promoting a more effective relationship between our law enforcement organizations to counter illicit trafficking of nuclear materials.

--Efforts to work closely on nuclear smuggling and forensics will help advance the goals outlined in our presidents' recent joint statement in London of securing vulnerable nuclear materials and improving nuclear security.

--Moreover, it is our hope to eventually establish a more systematic mechanism to facilitate U.S.-Russian cooperation on investigations into nuclear smuggling cases. We continue to believe that Russia should be concerned by the prospect that HEU was diverted from one of its facilities, and should actively investigate the incident.

5. For Embassy Tbilisi: No action is required at this point. At the appropriate time, State will send instructions on alerting the Georgian Government that the transfer of the seized HEU has taken place and is in Russian custody.

6. (U) Department thanks Post for its assistance. Washington point of contacts are Mike Curry, ISN/WMDT, 202-736-7692 (CurryMR@state.sgov.gov) and Nate Young, EUR/PRA, 202-647-7278 (YoungNH@state.sgov.gov). Please slug all responses for EUR, ISN/WMDT, and T.
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