

U.S. Agreements for Peaceful Nuclear Cooperation (123 Agreements)



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Outline of Presentation

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- II. Current 123 Agreements
- III. Ongoing Negotiations
- IV. Enrichment and reprocessing (ENR) Commitments
- V. Prioritizing Policy Considerations
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Section 123 Requirements

Section 123(a) of the Atomic Energy Act lays out nine nonproliferation conditions in order to export material, equipment, or major nuclear components:

1. Safeguards on all transferred nuclear material and equipment
2. Full-scope safeguards (non-nuclear weapons states only)
3. Peaceful uses assurances
4. Right of return in the event the other party detonates an explosive device or violates/terminates an IAEA agreement for safeguards
5. No alteration in form or content, including enrichment and reprocessing, without U.S. consent
6. No retransfer without U.S. consent
7. Physical security guarantees
8. U.S. prior approval of certain storage facilities
9. Sensitive nuclear technology obligations



Current 123 Agreements

24 Agreements with 48 countries, the IAEA, and the authorities on Taiwan

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| 1. Argentina | 13. Norway |
| 2. Australia | 14. Republic of Korea |
| 3. Brazil | 15. Russia |
| 4. Canada | 16. South Africa |
| 5. China | 17. Switzerland |
| 6. Egypt | 18. Turkey |
| 7. EURATOM | 19. Ukraine |
| 8. India | 20. United Arab Emirates |
| 9. Indonesia | 21. United Kingdom |
| 10. Japan | 22. Vietnam |
| 11. Kazakhstan | 23. IAEA |
| 12. Morocco | 24. Taiwan (through non-governmental channels) |



Ongoing Negotiations

- Under negotiation:
 - Thailand (2019)
 - South Africa (2020)
 - Saudi Arabia (2012)
 - Jordan (2008)
- Completed, pending entry into force:
 - Mexico (since 2018)



Enrichment and Reprocessing Commitments

- Atomic Energy Act: No ENR of U.S.-obligated nuclear material without U.S. consent
- Political commitment: Intent to rely on existing international markets in lieu of acquiring sensitive nuclear technologies (SNT)
 - Vietnam, Mexico*
- Legally binding prohibition: Will not engage in ENR activities or possess SNT
 - UAE, Taiwan



Prioritizing Policy Considerations



- High safety, security, & nonproliferation standards
- Strong strategic relationships
- Strong domestic nuclear industry
- Ebbing of U.S. influence endangers all these.



Effects of New Technologies

- AEA requirements are technology agnostic and unlikely to be affected by new reactor technologies.
 - IAEA safeguards
 - Peaceful uses
 - Right of return
 - Physical security
 - No ENR of U.S.-obligated material without consent
 - No retransfer of U.S.-obligated items without consent
 - U.S. approval of some storage
 - SNT obligations

Questions?