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



James R. Warden, Director Office of Nuclear Energy, Safety, and Security Bureau of International Security and Nonproliferation



Outline of Presentation

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- II. Current 123 Agreements
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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
- 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

- 1. Argentina
- 2. Australia
- 3. Brazil
- 4. Canada
- 5. China
- 6. Egypt
- 7. EURATOM
- 8. India
- 9. Indonesia
- 10. Japan
- 11. Kazakhstan
- 12. Morocco

- 13. Norway
- 14. Republic of Korea
- 15. Russia
- 16. South Africa
- 17. Switzerland
- 18. Turkey
- 19. Ukraine
- 20. United Arab Emirates
- 21. United Kingdom
- 22. Vietnam
- 23. IAEA
- 24. Taiwan (through nongovernmental 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

- <u>Atomic Energy Act</u>: No ENR of U.S.-obligated nuclear material without U.S. consent
- <u>Political commitment</u>: Intent to rely on existing international markets in lieu of acquiring sensitive nuclear technologies (SNT)

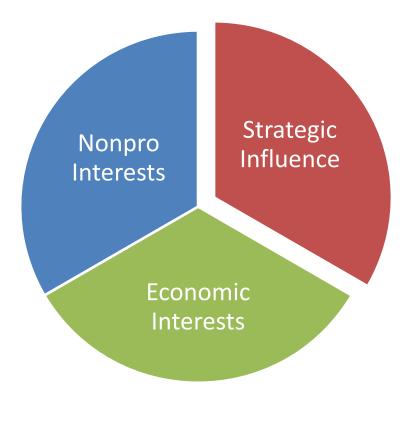
– Vietnam, Mexico*

• <u>Legally binding prohibition</u>: 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?