U.S. Agreements for Peaceful Nuclear Cooperation

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Presentation Outline

- Agreements for Peaceful Nuclear Cooperation (123 Agreement) Background
- Mechanics of Negotiating 123 Agreements
- 123 Agreement Nonproliferation Requirements
- 123 Agreements Currently in Force
- Role of NMMSS Reporting in U.S. Nuclear Cooperation
- Future of U.S. Nuclear Cooperation
What is a 123 Agreement?
- Section 123 of the Atomic Energy Act of 1954 is the controlling statute for peaceful nuclear cooperation with other countries
- A 123 agreement contains a set of nonproliferation conditions on how the partner country maintains U.S.-obligated items

When is a 123 Agreement required by law?
- A 123 agreement must be in force for significant U.S. exports to be licensed
  - Nuclear material (reactor fuel)
  - Reactors
  - Significant reactor components (pressure vessel, complete reactor control rod system, primary coolant pump)
Mechanics of Negotiating 123 Agreements

- Who within the U.S. Government negotiates 123 agreements?
  - Department of State, with the technical assistance and concurrence of the Secretary of Energy
  - Nuclear Regulatory Commission advises in negotiations and its Commission separately provides views to the President

- How does the U.S. decide when to negotiate a 123 agreement and with what governments?
  - National Security Council leads interagency decision making process involving many Cabinet agencies
By law, what provisions must exist in a 123 agreement?
- Safeguards guarantees for all non-nuclear weapons states on all transferred nuclear material and equipment
- Full scope safeguards (non nuclear weapons states only)
- Peaceful uses assurances
- Right of return in the event the other party detonates an explosive device or violates/terminates an IAEA agreement for safeguards (non nuclear weapons states only)
- No alteration in form or content, including reprocessing and enrichment, without permission
- No retransfer without U.S. permission
- Physical security guarantees
- U.S. prior approval of storage facilities
- Sensitive nuclear technology obligations
123 Agreements Currently in Force

- The United States has 23 agreements in force with:
  - Argentina
  - Australia
  - Brazil
  - Canada
  - China
  - Egypt
  - EURATOM (28 countries)
  - India
  - Indonesia
  - Japan
  - Kazakhstan
  - Republic of Korea
  - Morocco
  - Norway
  - Russian Federation
  - South Africa
  - Switzerland
  - Turkey
  - Ukraine
  - United Arab Emirates
  - Vietnam
  - International Atomic Energy Agency
  - Taiwan (through non-government channels)
Role of NMMSS Reporting in U.S. Nuclear Cooperation

- The U.S. Government relies on U.S. nuclear entities to report foreign-obligated nuclear material in order to conform with its international legal commitments.

- 123 agreements contain U.S. commitments to report on the current inventories of foreign-obligated material transferred subject to the agreement.
  - Administrative Arrangements (led by DOE)

- The U.S. Government relies on accurate and comprehensive NMMSS reporting to meet these commitments.
The United States currently has three 123 agreements under negotiation
- Saudi Arabia
- Jordan
- Mexico
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Questions/comments?