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**From:** Fellow, Laura  
**Sent:** Thursday, March 22, 2018 1:30 PM  
**To:** Williams, JoAnn  
**Subject:** FW: Letter from Sen Markey to Sec Perry on KSA 123 dated March 21 2018  
**Attachments:** Sen. Markey letter to Sec. Perry on KSA 123 dated March 21 2018.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent to Tom, and intended to copy you but got stuck in routine and pressed send before I added you to the CC line.  
Sorry.

**From:** Ferkile, Andrea [mailto:Andrea.Ferkile@nrc.gov]  
**Sent:** Thursday, March 22, 2018 12:17 PM  
**To:** Hayeslip, Shaun D ; Oehlbert, Sean ; Warden, James R (WardenJR@state.gov) ; Orndorff, Sarah ; Kim, Grace ; Gergen, Jennifer A (Gergenja@state.gov) ; Fellow, Laura  
**Cc:** Owens, Janice ; Jones, Andrea ; Holzman (Schwartzman), Jennifer  
**Subject:** Letter from Sen Markey to Sec Perry on KSA 123 dated March 21 2018

Good Afternoon,

You may already be aware of this, but during the Environmental and Public Works (EPW) yesterday, Senator Markey asked NRC Chairman Svinicki specific questions about NRC's participation in 123 negotiations with the Saudis. The link to the hearing is below:

<https://www.epw.senate.gov/public/index.cfm/hearings?ID=D4E9646E-4C46-495C-AE2C-5A21070937E1>

Also, please find attached a copy of the letter from Senator Markey to Secretary Perry regarding discussions with KSA to establish a nuclear cooperation agreement (123 agreement) dated March 21, 2018.

Thank you,  
Dre

Andrea Ferkile  
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International Policy Analyst  
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-Dre

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EDWARD J. MARKEY

U.S. SENATOR

COMMITTEES

Environment and Public Works

Energy

Foreign Relations

Subcommittee on Energy, Environment, and Public Works

Subcommittee on Energy, Environment, and Public Works

Ranking Member

U.S. SENATOR

U.S. SENATOR

U.S. SENATOR

U.S. SENATOR

U.S. SENATOR

## United States Senate

March 21, 2018

The Honorable Rick Perry  
U.S. Secretary of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Dear Secretary Perry,

I write to reiterate my growing concern that the Trump administration's lack of communication and candor regarding its ongoing discussions with the Kingdom of Saudi Arabia to establish a civil nuclear cooperation agreement — or 123 agreement — is a deliberate effort to keep Congress in the dark about these important negotiations, in potential violation of statutory requirements. Despite my repeated requests for answers to questions enumerated in previous letters to you, Congress and the American people continue to learn more about this sensitive process from the press than from the administration.

For example, according to reports, you were in London in late February to meet with senior officials from Saudi Arabia and discuss this agreement. In testimony today before the Senate Committee on the Environment and Public Works, Nuclear Regulatory Commission (NRC) Chairman Kristine L. Svinicki confirmed this trip, acknowledging that at least one NRC lawyer was present for those negotiations. More recently, on Tuesday, March 20, Saudi Crown Prince Mohammed bin Salman met with both you and President Trump.<sup>1</sup>

Despite confirmation of ongoing talks with Saudi Arabia, I am not aware of any member-level briefings for the Senate Foreign Relations Committee on the status of these discussions. The Atomic Energy Act requires that the president keep the Senate Foreign Relations Committee "fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation."<sup>2</sup> As I have made clear before, it is my firm belief that the Trump administration is failing to meet this standard.

<sup>1</sup> Vivian Salama, *Trump meets with Saudi leader amid fears of new Middle East arms race*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/trump-meets-saudi-leader-amid-fears-new-middle-east-arms-n858411>.

<sup>2</sup> 40 U.S.C. § 2155(c).

U.S. SENATOR  
EDWARD J. MARKEY  
Washington, DC 02050 2018  
202-224-7742

U.S. SENATOR  
EDWARD J. MARKEY  
151 New Street, Suite 200  
Boston, MA 02203  
617-552-1111

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1550 MAIN STREET, 4TH FLOOR  
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The Hon. Rick Perry  
Page 2

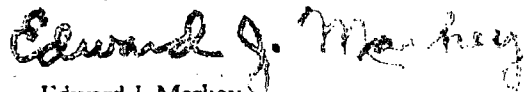
Issues as critical as nuclear nonproliferation require engagement with Congress, given their major implications for U.S. national security. This is especially true in light of recent comments from Saudi Arabia's Crown Prince Mohammed bin Salman that, "Saudi Arabia does not want to acquire any nuclear bomb, but without a doubt if Iran developed a nuclear bomb, we will follow suit as soon as possible."<sup>3</sup> Unfortunately, these comments confirm that Saudi Arabia's nuclear ambitions are about more than simple electricity generation, and may explain why Saudi Arabia has refused to commit to forgo uranium enrichment or spent-fuel reprocessing on its territory — the so-called "gold standard" for 123 agreements during past negotiations.

Taken in tandem with President Trump's repeated threats to pull out of the Joint Comprehensive Plan of Action — the very vehicle by which the international community is ensuring Iran is not pursuing nuclear weapons — the administration's actions could be laying the groundwork for a nuclear arms race in the Middle East.

Therefore, as soon as possible, I respectfully request that you provide a detailed response to my letter dated February 26, 2018 regarding this potential deal. I also request that representatives from your department, as well as the Department of State and the National Security Council, should immediately brief all interested members of the Senate Foreign Relations Committee on the status of negotiations with Saudi Arabia towards a 123 agreement, as required by law.

Should you or your staff have any questions about this request, please do not hesitate to contact Zack Hosford of my staff at 202-224-2742.

Sincerely,



Edward J. Markey  
United States Senator

CC:

Secretary of State Rex Tillerson

Nuclear Regulatory Commission Chairman Kristine L. Svinicki

<sup>3</sup> Saudi crown prince: If Iran develops nuclear bomb, so will we, CBS News (March 15, 2018).  
<https://www.cbsnews.com/news/saudi-crown-prince-mohammed-bin-salman-iran-nuclear-bomb-saudi-arabia/>.

# State Equity

# NNSA Equity

**From:** Ferkile, Andrea [<mailto:Andrea.Ferkile@nrc.gov>]  
**Sent:** Tuesday, February 27, 2018 12:15 PM

**To:** Oehlbert, Sean <Sean.Oehlbert@nnsa.doe.gov>; Williams, JoAnn <JoAnn.Williams@hq.doe.gov>; Figueroa, Jose <Jose.Figueroa@nnsa.doe.gov>; Gergen, Jennifer A <Gergenja@state.gov>; Orndorff, Sarah <OrndorffS@state.gov>; Stratford, Richard J <StratfordRJ@state.gov>; Fellow, Laura <Laura.Fellow@Hq.Doe.Gov>; Doane, Margaret <Margaret.Doane@nrc.gov>; Kron, Arthur S CIV DTSA PD (US) <arthur.s.kron.civ@mail.mil>; Miller, Jennifer J5 <Jennifer.I.miller405.civ@mail.mil>; Stern, Zachary <Zachary.Stern@NNSA.Doe.Gov>; Shaun.D.Hayeslip@nsc.eop.gov  
**Cc:** Maddox, Seth J <MaddoxSJ@state.gov>; Warden, James R <WardenJR@state.gov>; Callery, Allison <CalleryA@state.gov>; Ballerini, Kenneth E. EOP/NSC <Kenneth E Ballerini@nsc.eop.gov>; Coburn, Benjamin L <CoburnBL@state.gov>; Turner, Kyler K <TurnerKK@state.gov>; Mayros, Lauren <Lauren.Mayros@nrc.gov>; Quinn, Martin R <QuinnMR@state.gov>; Robbins, Hailey <RobbinsH2@state.gov>; Kang, Eliot <KangE@state.gov>; Andrea\_G\_Hall (Andrea G Hall@nsc.eop.gov) <Andrea G Hall@nsc.eop.gov>; Ford, Christopher A <FordCA@state.gov>; Goodman, Jac <Jac.Goodman@nnsa.Doe.Gov>; Strangis, Katie <Katie.Strangis@nnsa.doe.gov>; Norles, Jessica <Jessica.Norles@nnsa.doe.gov>  
**Subject:** RE: RE: Draft U.S.-KSA 123 agreement text to send to Riyadh

NRC clears. Thanks everyone!

# NNSA Equity

**From:** Williams, JoAnn

**Sent:** Tuesday, February 27, 2018 12:04 PM

**To:** Figueroa, Jose <Jose.Figueroa@nnsa.doe.gov>; Oehlbert, Sean <Sean.Oehlbert@nnsa.doe.gov>; Gergen, Jennifer A <Gergenja@state.gov>; Orndorff, Sarah <OrndorffS@state.gov>; Ferkile, Andrea <Andrea.Ferkile@nrc.gov>; Stratford, Richard J <StratfordRJ@state.gov>; Fellow, Laura <Laura.Fellow@Hq.Doe.Gov>; Doane, Margaret <Margaret.Doane@nrc.gov>; Kron, Arthur S CIV DTSA PD (US) <arthur.s.kron.civ@mail.mil>; Miller, Jennifer J5 <Jennifer.I.miller405.civ@mail.mil>; Stern, Zachary <Zachary.Stern@NNSA.Doe.Gov>; (b) (6)

Cc: Maddox, Seth J <[MaddoxSJ@state.gov](mailto:MaddoxSJ@state.gov)>; Warden, James R <[WardenJR@state.gov](mailto:WardenJR@state.gov)>; Callery, Allison <[CalleryA@state.gov](mailto:CalleryA@state.gov)>; Ballerini, Kenneth E. EOP/NSC (b) (6) ; Coburn, Benjamin L <[CoburnBL@state.gov](mailto:CoburnBL@state.gov)>; Turner, Kyler K <[TurnerKK@state.gov](mailto:TurnerKK@state.gov)>; Mayros, Lauren <[Lauren.Mayros@nrc.gov](mailto:Lauren.Mayros@nrc.gov)>; Quinn, Martin R <[QuinnMR@state.gov](mailto:QuinnMR@state.gov)>; Robbins, Hailey <[RobbinsH2@state.gov](mailto:RobbinsH2@state.gov)>; Kang, Eliot <[KangE@state.gov](mailto:KangE@state.gov)>; (b) (6) <(b) (6)>; Ford, Christopher A <[FordCA@state.gov](mailto:FordCA@state.gov)>; Goodman, Jac <[Jac.Goodman@nnsa.Doe.Gov](mailto:Jac.Goodman@nnsa.Doe.Gov)>; Strangis, Katie <[Katie.Strangis@nnsa.doe.gov](mailto:Katie.Strangis@nnsa.doe.gov)>; Norles, Jessica <[Jessica.Norles@nnsa.doe.gov](mailto:Jessica.Norles@nnsa.doe.gov)>  
**Subject:** RE: Draft U.S.-KSA 123 agreement text to send to Riyadh

Laura and Jo Ann are OK with this version.

Jo Ann Williams  
Office of General Counsel, DOE  
phone 202-586-6899

# NNSA Equity

# State Equity

# NNSA Equity

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**From:** Ferkile, Andrea <[Andrea.Ferkile@nrc.gov](mailto:Andrea.Ferkile@nrc.gov)>

**Date:** Monday, Feb 26, 2018, 5:49 PM

**To:** Orndorff, Sarah <[OrndorffS@state.gov](mailto:OrndorffS@state.gov)>, Oehlbert, Scan <[Scan.Oehlbert@nnsa.doc.gov](mailto:Scan.Oehlbert@nnsa.doc.gov)>, Gergen, Jennifer A <[Gergenja@state.gov](mailto:Gergenja@state.gov)>, Stratford, Richard J <[StratfordRJ@state.gov](mailto:StratfordRJ@state.gov)>, Fellow, Laura <[Laura.Fellow@Hq.Doc.Gov](mailto:Laura.Fellow@Hq.Doc.Gov)>, Doane,

Margaret <Margaret.Doane@nrc.gov>, Kron, Arthur S CIV DTSA PD (US) <arthur.s.kron.civ@mail.mil>, Miller, Jennifer J5 <Jennifer.L.miller405.civ@mail.mil>, Stern, Zachary <Zachary.Stern@NNSA.Doe.Gov>, Williams, JoAnn <JoAnn.Williams@hq.doe.gov>, Shaun.D.Hayeslip@nsc.eop.gov <Shaun.D.Hayeslip@nsc.eop.gov>  
Cc: Maddox, Seth J <MaddoxSJ@state.gov>, Warden, James R <WardenJR@state.gov>, Callery, Allison <CalleryA@state.gov>, Ballerini, Kenneth E. EOP/NSC <Kenneth E Ballerini@nsc.eop.gov>, Coburn, Benjamin L <CoburnBL@state.gov>, Figueroa, Jose <Jose.Figueroa@nnsa.doe.gov>, Turner, Kyler K <TurnerKK@state.gov>, Mayros, Lauren <Lauren.Mayros@nrc.gov>, Quinn, Martin R <QuinnMR@state.gov>, Robbins, Hailey <RobbinsH2@state.gov>, Kang, Eliot <KangE@state.gov>, Andrea G Hall (Andrea G Hall@nsc.eop.gov) <Andrea G Hall@nsc.eop.gov>, Ford, Christopher A <FordCA@state.gov>, Goodman, Jac <Jac.Goodman@nnsa.Doe.Gov>, Strangis, Katie <Katie.Strangis@nnsa.doe.gov>, Norles, Jessica <Jessica.Norles@nnsa.doe.gov>  
**Subject:** RE: RE: Draft U.S.-KSA 123 agreement text to send to Riyadh

Hello,

We apologize for the delayed response as we were discussing the following edits.

Please find attached, NRC's edits in Section 6 and Section 7 of the Agreed Minutes under "Retransfers" and "Other Retransfers."

Thank you,  
Dre

Andrea Ferkile  
U.S. Nuclear Regulatory Commission  
Office of International Programs  
Export Controls & Nonproliferation Branch  
International Policy Analyst  
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# State Equity



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# State Equity

From: Fellow, Laura

Sent: Saturday, March 3, 2018 11:55 PM

To: Oehlbert, Sean; Orndorff, Sarah; Ferkile, Andrea; Gergen, Jennifer A

Cc: Orndorff, Sarah; Stratford, Richard J; Doane, Margaret; Pounds, Timothy J

Subject: RE: Delegation contact list

Sounds good. See you then.

# NNSA Equity

# State Equity

From: Ferkile, Andrea

Sent: Saturday, March 3, 2018 10:48 PM

To: Oehlbert, Sean; Gergen, Jennifer A

Cc: Fellow, Laura; Orndorff, Sarah; Stratford, Richard J; Doane, Margaret; Pounds, Timothy J

Subject: Re: RE: Delegation contact list

That time works for me as long as others are also okay with it.  
Dre

# NNSA Equity

# State Equity