

No. 51114

**United States of America
and
Ukraine**

Implementing Agreement between the Government of the United States of America and the Government of Ukraine concerning the Ukraine Nuclear Fuel Qualification Project (with annex). Kiev, 5 June 2000

Entry into force: *5 June 2000 by signature, in accordance with article 9*

Authentic texts: *English and Ukrainian*

Registration with the Secretariat of the United Nations: *United States of America, 15 July 2013*

**États-Unis d'Amérique
et
Ukraine**

Accord de mise en œuvre entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine concernant le Projet de qualification du combustible nucléaire de l'Ukraine (avec annexe). Kiev, 5 juin 2000

Entrée en vigueur : *5 juin 2000 par signature, conformément à l'article 9*

Textes authentiques : *anglais et ukrainien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 15 juillet 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**IMPLEMENTING AGREEMENT
BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE
GOVERNMENT OF UKRAINE
CONCERNING
THE UKRAINE NUCLEAR FUEL QUALIFICATION PROJECT**

The Government of the United States of America and the Government of Ukraine, hereafter referred to as the “Parties”;

Noting the

Agreement between the Government of the United States of America and the Government of Ukraine Regarding Humanitarian and Technical Economic Cooperation, signed May 7, 1992,

Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational and Safety Enhancements, Risk Reduction Measures and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine, signed October 25, 1993, as extended (the “1993 Agreement”), and

Agreement for Cooperation between the United States of America and Ukraine Concerning Peaceful Uses of Nuclear Energy, signed May 6, 1998 (the “1998 Agreement for Cooperation”);

Desiring to further the objectives of the 1993 Agreement;

Noting further the Joint Statement of the U.S.-Ukraine Binational Commission, made after the third Plenary Meeting held December 1999, which recognized the importance of the joint Nuclear Fuel Qualification Project, aimed at helping Ukraine develop a cost-effective and secure supply of nuclear fuel; and

Pursuant to Article III, Paragraph 2 of the 1993 Agreement,

Have agreed as follows:

ARTICLE 1. PURPOSE

1. The objective of this Implementing Agreement is to establish a framework for cooperation between the Parties with regard to the Ukraine Nuclear Fuel Qualification Project (the PROJECT). The PROJECT consists of technical assistance in the area of operational safety enhancements and related issues dealing with commercial nuclear fuel diversification for Ukraine's VVER-1000 civilian nuclear power reactors, in the following areas:
 - a) equipment, documentation, computer codes for reactor core design, nuclear fuel safety analysis and licensing, and nuclear fuel utilization;
 - b) nuclear fuel assemblies; and
 - c) performance-based training of Ukraine technical personnel in nuclear fuel design, reactor core design, nuclear fuel safety analysis methodologies and licensing, nuclear fuel utilization, and project management.
2. Descriptions of deliverables, work, schedule for PROJECT implementation and related matters will be set forth in a Terms of Reference document, which shall be subject to this Implementing Agreement.
3. This Implementing Agreement and all activities undertaken hereunder are subject to and shall be governed by the 1993 Agreement and by the provisions of any other agreements incorporated therein by reference.
4. Material transferred pursuant to this Implementing Agreement shall also be made subject to the 1998 Agreement for Cooperation and the terms and conditions thereof. The term "material" shall have the same meaning as that term has under the 1998 Agreement for Cooperation.

ARTICLE 2. MANAGEMENT

1. To coordinate and implement this Implementing Agreement, the U.S. Party designates the Department of Energy of the United States of America (DOE) as its Executive Agent. The Ukraine Party designates the Ministry of Fuel and Energy of Ukraine (UMFE) as its Executive Agent.
2. Each Executive Agent shall have the right to designate agents for the performance of work and shall provide to the other Executive Agent in writing the name of its designated Project Manager responsible for implementation of the PROJECT.
3. DOE shall be responsible for the management and coordination of the PROJECT for the U.S. Party. UMFE shall be responsible for the management and coordination of the PROJECT for the Ukraine Party.

4. The Executive Agents and their designated agents may meet to coordinate and review PROJECT activity, at such times and places as agreed by exchange of official letters between the Executive Agents.

ARTICLE 3. FORMS OF COOPERATION

1. Subject to compliance with the laws, regulations, and licensing and environmental review requirements of the United States, DOE may provide the following types of assistance, to achieve the objectives of this Implementing Agreement:
 - a) transfer to the Ukraine Party technology for nuclear fuel design, reactor core design, nuclear safety analysis and licensing;
 - b) the design, licensing, manufacturing, shipment and engineering support leading to the supply of six nuclear fuel lead test assemblies for the reactor core of the South Ukraine Nuclear Power Plant (SU NPP) Unit 3;
 - c) post-irradiation visual examination of the six nuclear fuel lead test assemblies at the SU NPP site;
 - d) design, licensing, manufacturing, shipment and engineering support for the supply of nuclear fuel for one reactor core reloading at SU NPP;
 - e) training and on-the-job participation of Ukraine technical specialists at U.S. contractor sites;
 - f) assistance in setting up the Center for Reactor Core Design.
2. Subject to compliance with the laws, regulations, and licensing and environmental review requirements of Ukraine, UMFE shall perform the following tasks for the PROJECT:
 - a) upon written notice from DOE that it will furnish the assistance described in Article 3, Paragraph 1d) of this Implementing Agreement and in conformance with any applicable laws, regulations and licensing requirements of the United States, provide the supply of enriched uranium hexafluoride for reload batch manufacturing under Article 3, Paragraph 1d) to a destination that shall be agreed to in writing by the Executive Agents;
 - b) establish and maintain the Center for Reactor Core Design as the Ukraine organization responsible for nuclear fuel design, reactor core design, and associated nuclear safety and licensing of nuclear fuel.

3. UMFE shall bear responsibility for interacting with the appropriate Ukraine central executive agencies and organizations to ensure the ability of DOE, its personnel, contractors and contractor personnel (i) to obtain reactor information necessary to implement the PROJECT for the design, fabrication and licensing of reactor fuel assemblies, and (ii) to import into and export from Ukraine the equipment, property, required materials and services necessary to implement the PROJECT.
4. It is understood that DOE's role is focused on providing support for technical integration, technology, technical oversight, engineering, materials, safety analyses, and project management (including Quality Assurance, planning and procurement). UMFE shall retain full responsibility in Ukraine for the PROJECT, including: engineering, technical, licensing and administrative support. Upon receipt of the nuclear fuel provided within this PROJECT, UMFE shall have full and sole responsibility for the use of this fuel at SU NPP. The National Atomic Energy Generating Company (ENERGOATOM), shall have full and sole responsibility to operate the VVER-1000 reactors with the new nuclear fuel in a safe and efficient manner.

ARTICLE 4. PARTICIPATING ENTITIES

DOE and UMFE may arrange, as appropriate, for the participation of other persons and entities in the execution of this Implementing Agreement.

ARTICLE 5. CONTRACTING

1. Any assistance furnished by DOE pursuant to this Implementing Agreement shall be provided through contracts awarded by DOE or its designated agent.
2. Any contract procurement by the DOE or its designated agent for purposes of the PROJECT shall be in accordance with U.S. Federal Acquisition Regulations.
3. Under direction of the DOE or its designated agent, and in accordance with the respective laws of the countries of the Parties, contractors may be used in order to achieve the most cost-effective implementation of the PROJECT. In the sole determination of DOE or its agent, qualified Ukraine contractors may be used whenever possible, if they are cost- and schedule-effective for PROJECT implementation.
4. The cost of contracts awarded by DOE or its designated agent shall be denominated in U.S. dollars.