

**IMPLEMENTING ARRANGEMENT  
BETWEEN  
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA  
AND  
THE STATE NUCLEAR REGULATORY COMMITTEE OF UKRAINE  
CONCERNING COOPERATION TO ENHANCE THE SECURITY OF  
UKRAINE'S USABLE SOURCES OF IONIZING RADIATION**

The Department of Energy of the United States of America (DOE), as the Implementing Agent of the Department of Defense of the United States of America, and the State Nuclear Regulatory Committee of Ukraine (SNRCU), as the Implementing Agent of the Ministry of Fuel and Energy of Ukraine, hereinafter referred to jointly as the Parties,

Desiring to implement the Agreement between the Department of Defense of the United States of America and the Ministry of Fuel and Energy of Ukraine Concerning Development of Control, Accounting, and Physical Protection of Nuclear Materials to Promote the Prevention of Nuclear Weapons Proliferation from Ukraine of December 18, 1993, as amended and extended (hereinafter the "MPC&A Agreement"), and

Desiring to prevent the theft or unauthorized use of usable sources of ionizing radiation in Ukraine, which have the potential to cause unacceptable consequences if employed for malicious purposes, by enhancing their security,

have agreed as follows:

**ARTICLE I**

For purposes of this Implementing Arrangement:

"Sources of Ionizing Radiation" (hereinafter "SIRs") means radioactive material permanently sealed in a capsule or closely bonded in a solid form which is not exempt from the Government of Ukraine's regulatory control. SIRs include any radioactive material released if the radioactive source is leaking or broken, but not material encapsulated for disposal or nuclear material within the nuclear fuel cycles of research and power reactors.

"High Risk SIRs" mean sources that may pose a significant risk for individuals, community and environment, which are determined as sources of I-III category under the International Atomic Energy Agency's (IAEA) classification, and which are included in the IAEA Code of Conduct on Safety and Security of Radioactive Sources.

"Regulatory control" means any form of Government of Ukraine statutory or regulatory control applied to facilities housing, or activities in Ukraine related to, SIRs, for reasons related to radiation protection or to the safety or security of radioactive sources.

"Orphaned Sources" mean SIRs which are not under the Government of Ukraine's regulatory control, either because they have never been under regulatory control, or because they have been abandoned, lost, misplaced, stolen or transferred without proper authorization (license).

"Security" means measures designed to prevent unauthorized access or damage to, and loss, theft, or unauthorized transfers of, SIRs.

"Usable High Risk SIRs" mean High Risk SIRs that can be used as permitted by valid licenses according to the legislation of Ukraine.

## ARTICLE II

1. In accordance with the terms of this Implementing Arrangement, the DOE may provide assistance at no cost to the SNRCU or its designated co-implementers to assist the Government of Ukraine in enhancing the security of those Usable High Risk SIRs the Parties jointly determine require security enhancements, and to search for and recover Orphaned Sources. SNRCU's co-implementers may include, but are not limited to, the ministries and organizations named in the attached Appendix, that is an integral part of this Implementing Arrangement.
2. The SNRCU shall, and shall require designated co-implementers to, use all assistance (including equipment, property, supplies, systems support, training and services) provided in accordance with this Implementing Arrangement exclusively for the purpose stated in paragraph 1 of this Article.
3. This Implementing Arrangement and all activities undertaken in accordance with this Implementing Arrangement shall be subject to the provisions of the MPC&A Agreement, which is subject to the Agreement between the United States of America and Ukraine Concerning Assistance to Ukraine in the Elimination of Strategic Nuclear Arms, and the Prevention of Proliferation of Weapons of Mass Destruction of October 25, 1993, as amended and extended (hereinafter the "CTR Umbrella Agreement"). In the event of any inconsistency between this Implementing Arrangement on the one hand and the MPC&A Agreement or CTR Umbrella Agreement on the other hand, the provisions of the MPC&A Agreement and CTR Umbrella Agreement shall prevail.
4. This Implementing Arrangement is not applicable to disused High Risk SIRs, safe use of which is under the responsibility of the Ministry of Ukraine for Emergencies and Affairs of Population Protection from the Consequences of the Chornobyl Catastrophe.

## ARTICLE III

Each Party to this Implementing Arrangement or co-implementers shall have the right, upon written notification to the other Party, to designate technical liaison representatives for equipment, property, supplies, systems support, training and services provided pursuant to this Implementing Arrangement.

## ARTICLE IV

1. Assistance that DOE may provide to the SNRCU or designated co-implementers under this Implementing Arrangement, for the purpose of preventing the theft or unauthorized use of Usable High Risk SIRs from their locations within the territory of Ukraine as provided in Article II, paragraph 1 of this Implementing Arrangement, may include, but is not limited to, activities related to:
  - A. Improving methods of physical protection, control and accounting of Usable High Risk SIRs;
  - B. Security enhancements to Usable High Risk SIRs, and to the facilities at which they are located, including but not limited to facilities of the Ukrainian State Industrial Enterprise (Izotop), oncology clinics, research institutes, and commercial enterprises;
  - C. Secure transport of Usable High Risk SIRs within Ukraine, including the provision of transport packaging kits;
  - D. Training and provision of equipment to conduct searches for and retrieval of Orphaned Sources; and
  - E. Such other security enhancements with respect to Ukraine's management of Usable High Risk SIRs and Orphaned Sources as the Parties jointly decide.
2. The terms of this Implementing Arrangement shall apply to all assistance provided by DOE hereunder, including but not limited to:
  - A. The provision of technical assistance, planning and project management support pertaining to the implementation of any assistance provided under this Implementing Arrangement; and
  - B. The provision of procurement and/or acquisition services, selection of subcontractors, contract and project management services, and the technical and administrative oversight of subcontractor performance during the preparation for and implementation of work under this Implementing Arrangement.

3. Conditions of assistance provided under this Implementing Arrangement will be specified by separate contracts or other written arrangements between the DOE and the SNRCU or their designated co-implementers. In case of any inconsistency between these contracts or other written arrangements and this Implementing Arrangement, the provisions of this Implementing Arrangement shall prevail.

#### ARTICLE V

1. The SNRCU shall, and shall require designated co-implementers to, coordinate with other appropriate ministries and organizations of Ukraine to ensure that materials, including equipment, property and supplies provided to the Government of Ukraine under this Implementing Arrangement are delivered to their ultimate destination within Ukraine as soon as possible. The SNRCU shall, and shall require designated co-implementers to, coordinate with appropriate ministries and organizations of Ukraine to ensure that appropriate security measures are provided for United States Government personnel, contractors and materials, including equipment, property and supplies, at those facilities associated with work under this Implementing Arrangement.
2. The SNRCU shall, and shall require designated co-implementers to, facilitate the examination by appropriate ministries and organizations of Ukraine of all materials, including equipment, property and supplies received pursuant to this Implementing Arrangement, and provide confirmation to the DOE of their acceptability within ten days of receipt of the results of such examinations. The terms and conditions for repair or replacement of non-complying materials, including equipment, property and supplies, will be set forth in the contract(s) under which materials, including equipment, property and supplies, are provided under this Implementing Arrangement.

#### ARTICLE VI

In addition to the audit and examination rights set forth in Article X of the CTR Umbrella Agreement, DOE representatives shall have the right to monitor the implementation of terms of contracts and the progress of work under this Implementing Arrangement, at facilities on the territory of Ukraine where such work is performed.

#### ARTICLE VII

This Implementing Arrangement shall enter into force upon signature and shall remain in force for the duration of the CTR Umbrella Agreement. This Implementing Arrangement may be amended or extended by written agreement of the Parties and may be terminated by either Party upon 90 days' prior written notification to the other Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Implementing Arrangement.

DONE at Washington the *16<sup>th</sup>* day of June, 2006, and at Kyiv the *23<sup>rd</sup>* day of **JUNE**, 2006, in duplicate, in the English and Ukrainian languages, both texts being equally authentic.



FOR THE DEPARTMENT OF ENERGY  
OF THE UNITED STATES OF  
AMERICA:



FOR THE STATE NUCLEAR  
REGULATORY COMMITTEE OF  
UKRAINE:

## APPENDIX

SNRCU's co-implementers under this Implementing Arrangement may include the following Ukrainian ministries and organizations:

Ministry of Agrarian Policy  
Ministry of Defense  
Ministry of Science and Education  
Ministry of Fuel and Energy  
Ministry of Health  
Ministry of Industrial Policy  
Ministry of Transportation and Communication  
State Property Fund  
National Academy of Sciences of Ukraine  
Chornobyl Center for Nuclear Safety, Radioactive Waste and Radioecology  
Ukrainian State Industrial Enterprise Izotop  
and others.