

## MEMORANDUM OF UNDERSTANDING

### ON PARTICIPATION IN AND SUPPORT OF THE ACTIVITIES OF THE INTERNATIONAL CHORNOBYL CENTER ON NUCLEAR SAFETY, RADIOACTIVE WASTE AND RADIOECOLOGY

The Governments of the United States and Ukraine,

proceeding with the goal of consolidating and coordinating methodological, technical and financial assistance to Ukraine in the area of nuclear and environmental safety,

welcoming the growing possibilities for establishing close cooperation and business ties between scientists and research centers and laboratories in other countries,

taking into consideration the presence in Ukraine of the unique conditions and facilities within the exclusion zone following the accident at the Chornobyl Nuclear Power Plant (ChNPP) and willing to create an effective organizational mechanism that would facilitate their broad utilization by the international scientific community,

realizing that the destroyed fourth reactor at the ChNPP and the contaminated zone continue to constitute a threat to the life, health and environment of both Ukraine and other countries,

realizing that the creation of a mechanism that would consolidate and coordinate the world's scientific and technological potential would help solve the complex problems of decommissioning the ChNPP, making the destroyed reactor environmentally safe, and help mitigate the ecological and radiological consequences of the Chornobyl disaster,

reaffirming the need to establish a scientifically-based general system of nuclear safety in Ukraine and accepting the constructive role of international cooperation in this area,

as well as taking into consideration the appeal by the Government of Ukraine to the governments of the world and their responses concerning the creation and support of the activities of an International Research Center,

state their intentions as follows:

### *Article 1*

The Governments of the United States and Ukraine intend to participate in the International Chernobyl Center on Nuclear Safety, Radioactive Waste and Radioecology in Ukraine (the Center) and to support its activities.

### *Article 2*

The Governments of the United States and Ukraine understand that the Center will be a vehicle for collaboration in scientific and technological research and development in the following areas:

- assessment and enhancement of safety levels at nuclear facilities;
- decontamination and decommissioning of nuclear facilities;
- radioactive waste and spent fuel management;
- rehabilitation of the contaminated environment;
- management and transformation of post-accident nuclear installations into an environmentally safe condition;
- conduct of medical, biological and radiological research;
- mitigation of the ecological and radiological consequences of the Chernobyl disaster; and
- development and improvement of emergency procedures.

A more detailed description of the Center is contained in the "Provisions Describing the International Chernobyl Center on Nuclear Safety, Radioactive Waste and Radioecology," which is an attachment to this Memorandum of Understanding (MOU).

### *Article 3*

The Governments of the United States and Ukraine will be represented on the Center's Council of Founders. They intend, within two months after signing this MOU, to designate appropriate organizations from their respective countries to represent their interests at the Center as Founding Members.

### *Article 4*

The Governments of the United States and Ukraine will independently determine the amount of their financial support for the Center and the extent of their participation. Such support may be in the form of annual fees, entrance fees, targeted financing for specific projects, or contributions of in-kind resources.

**Article 5**

The Governments of the United States and Ukraine intend to support the Center, subject to the availability of funds, personnel and other resources, for the duration of their participation in the Center's activities.

**Article 6**

This MOU and attached "Provisions..." may be amended subject to the approval of the the Governments of the United States and Ukraine,

**Article 7**

Intellectual property rights will be addressed in project or membership agreements.

**Article 8**

If the Government of the United States or Ukraine wishes to secede from the Center the seceding government should first consult with the other

**Article 9**

Participation in the Center is open to any national government which provides substantial support to the Center's activities. Any such government may be invited by the Government of Ukraine to establish any arrangement or agreement for this purpose.

Signed in Kiev, Ukraine, on April 26, 1996. The English and Ukrainian texts of this MOU are equally authentic.

For the Government of the United States:



For the Government of Ukraine:



## **PROVISIONS**

### ***Describing The International Chornobyl Center On Nuclear Safety, Radioactive Waste And Radioecology***

#### **PART 1. GENERAL PROVISIONS**

**Status.** The International Chornobyl Center On Nuclear Safety, Radioactive Waste and Radioecology (hereafter the Center) is created in accordance with the Directive of the President of Ukraine of April 1995 and the concept approved by a resolution by the Government of Ukraine of July 1995, as well as the provisions of the Statement of Intentions made by the Governments of the United States and Ukraine in May 1995. The Center will be a research organization open for participation of all Interested parties on the basis of equality and mutually beneficial cooperation.

**Charter.** The Charter of the Center will be developed by its Executive Director in accordance with these Provisions and approved by the Council of Founders.

**Location.** The main Center offices will be located in Slavutych, Ukraine. Other permanent or temporary offices and facilities may be developed elsewhere to meet functional needs (coordination office in Kiev, laboratory and testing facilities in the Exclusion Zone, etc.).

**Languages.** The official languages of the Center will be English, Ukrainian and Russian. The working languages will be those of the Center's member states.

**Purpose.** The purpose of creating the Center is to establish an effective mechanism for: a) the development of approaches, technologies and recommendations to prevent and effectively mitigate accidents at nuclear facilities; b) the integration and development of comprehensive and objective scientific data on the ecological, radiological and health effects of the Chornobyl accident; and c) using scientific and technological innovations to improve safety during efforts to transform the destroyed reactor at the Chornobyl Nuclear Power Plant (ChNPP) and post-accident radioactive wastes into a safe condition, and the relief and mitigation of the ecological and radiological consequences of the Chornobyl accident.

The Center will provide opportunities for the world community to cooperate in mitigating the consequences of the Chernobyl accident and preventing the recurrence of similar accidents anywhere in the future.

Establishment of the Center will be part of a broader effort to mitigate social problems and promote economic diversity and development in the region affected by the closure of the ChNPP.

**Areas of activities.** The principal direction of the Center's activities will be scientific and technical research and development in the following areas:

- assessment and upgrading of safety at operating nuclear facilities;
- decontamination and decommissioning of nuclear facilities;
- radioactive waste and spent fuel management;
- rehabilitation of the contaminated environment;
- management and transformation of post-accident nuclear installations into environmentally safe condition;
- conducting medical, biological and radiological research;
- mitigation of the ecological and radiological consequences of the Chernobyl disaster; and
- development and improvement of emergency response procedures.

The specific tasks that the Center will focus on in the above areas are defined in the Annex to these Provisions.

**Scope of activities.** The scope of the Center's activities will cover:

1. Performance of theoretical and experimental research on selected scientific issues of outstanding importance in specific areas in accordance with accepted scientific principles.
2. Coordination of all relevant scientific work on an international basis, including the exchange of experience in carrying out research.
3. Dissemination and exchange of information and research results through scientific papers, conferences, and symposia; installation and maintenance of a comprehensive broadly accepted databank.
4. Utilization of research results for industrial, medical and other technical applications to provide additional sources of financing.
5. Technology development and implementation.
6. Providing relevant technical and management services.

**Forms of activities.** The Center's activities will include both:

1. Conducting projects with the Center staff.
2. Coordinating and managing projects conducted by subcontractors.

**Legal provisions.**

1. The Center will be owned by the Government of Ukraine.
2. The Center will perform its activities in accordance with the Charter developed in compliance with these Provisions as well as with the principles and norms of International and Ukrainian law.
3. The Center will be a legal entity subject to Ukrainian law and will have the status of a research Institution. The Center will have the right to conclude agreements, acquire and maintain buildings and other forms of property, undertake legal action, and be held accountable under the law.
4. Rights of ownership for the intellectual property developed as a result of the Center's activities will be addressed in project or membership agreements.

## **PART 2. MEMBERSHIP AND PARTICIPATION IN THE CENTER'S ACTIVITIES**

**Forms of participation.** Participation in the Center's activities will be based upon a) membership, and b) bilateral and multilateral agreements on participation in scientific projects.

**Membership.** The following types of membership in the center will be established:

- Founding Members;
- Associate Members;
- Honorary Members.

**Founding Members.** The Governments of the United States and Ukraine will designate appropriate organizations from their respective countries to serve as Founding Members of the Center. Other governments party to bilateral or multilateral arrangements and/or agreements on participation in and support of the activities of the Center may also designate appropriate organizations to serve as Founding Members, provided that these designated organizations render substantial support to the activities of the Center.

**Associate Membership.** Associate Membership in the Center will be granted to individual and corporate entities, i.e. international and national (profit or non-profit) organizations, limited and unlimited liability companies, associations or other corporate bodies, and individual Ukrainian or foreign scientists and engineers who are interested in participating in and supporting the Center's activities.

**Honorary Membership.** Honorary Members will be elected by the Council of Founders upon nomination by the Center members. The Honorary Members will be exempt from paying membership fees.

**Liability.** The Center will not be liable in legal action taken against its members, and members will not be liable in legal action taken against the Center.

### **PART 3. FINANCING AND PROPERTY OF THE CENTER**

**Availability of property.** In order to perform the activities established in its Charter, the Center will have its own and contributed property, and property of its members.

**Forms of property.** The Center will own buildings, equipment and instruments, as well as other property acquired as follows:

- Donated for utilization free of charge or in lieu of payment of membership fees.
- Acquired by the Center at its own expense.
- Inherited by the Center, or received as a gift or acquired as a result of other legal activity.

**Sources of financing.** The Center's sources of financing will consist of:

- Entrance fees and regular contributions by the Center members;
- Targeted financing of scientific projects and programs by the Center members, as well as other organizations;
- Contributions of resources made by the Center members;
- Other income.

**Fees.** The amount and differentiation of the entrance and regular fees will be defined by the Charter of the Center. The amount of other types of contributions to the Center's assets will be defined by the contributing party. A Founding Member providing major financial contributions and/or in-kind support to the Center will be exempt from paying regular fees.

**Utilization of finances and property.** The Council of Founders will define regulations for utilizing the Center's finances and property.

**Tax regime.** The Government of Ukraine will apply preferential tax treatment to the Center's activities. Similar preferential tax treatment will be accorded by other countries where affiliates of the Center may be located.

#### **PART 4. THE COUNCIL OF FOUNDERS**

**The status of the Council of Founders.** The Council of Founders will be the highest coordinating body of the Center responsible for the Center's strategic directions and aspects of its activities.

**Representation in the Council of Founders.** The Council of Founders will consist of authorized governmental representatives of the participating countries providing major financial and in-kind contributions to the Center. Ukraine will be represented in the Council by representatives of state bodies designated by the Government of Ukraine. The order of work of the Council of Founders and other details will be defined by the Center Charter.

The structure of the Council will be open to future participation of other governments.

**Functions of the Council of Founders.** The Council of Founders will perform the following basic functions:

- Approve, amend, and supplement the Charter of the Center.
- Approve and control the Executive Director nominated by the Government of Ukraine.
- Approve the directions of the Center's development and its strategic activity plan as proposed by the Executive Director.
- Appoint members to the Financial Supervisory Committee and review the results of the Center's financial activities as submitted by the Committee.
- Define guidelines proposed by the Executive Director on the utilization of the Center's finances and property.

#### **PART 5. STRUCTURE AND OFFICIALS OF THE CENTER**

**Management structure.** The management structure of the Center will consist of:

- Executive Director
- Deputy Directors
- Scientific Advisory Council

**Executive Director.** The Executive Director will be the Center's top official as approved by the Council of Founders upon a proposal of the Government of Ukraine. The Executive Director will promote the common interests of the Center members. Functions of the Executive Director will be defined by the Center Charter. The Executive Director will be a citizen of Ukraine. The Executive Director will bear full responsibility for the Center's activities in accordance with Ukrainian law.

**Departments.** Departments are the basic structural units of the Center, performing scientific work in its established areas. Directors of the Departments will be Deputy Directors appointed by the Executive Director of the Center.

**Scientific Advisory Council.** The Scientific Advisory Council will be an advisory body for the Executive Director of the Center. It will consist of a number of candidates as proposed by the Center members and approved by the Council of Founders. The Scientific Advisory Council will be authorized to discuss matters relating to the Center's scientific activities and provide corresponding recommendations.

## **PART 6. FINANCIAL ASPECTS**

**Financial protocol.** The process for financing the Center and the formation of its budget will be regulated by the financial protocol as proposed by the Executive Director and approved by the Council of Founders.

**Financial Supervisory Committee.** The Financial Supervisory Committee will oversee the Center's financial operations. Its members will be appointed by the Council of Founders. The Financial Supervisory Committee will be independent of the Executive Director of the Center.

**Annex**

**TASKS FOR THE CENTER TO FOCUS ON IN SPECIFIC AREAS**

1. Organization of international cooperation to study and solve problems relating to the mitigation of the effects of the Chornobyl accident.
2. Study of major problems in the area of nuclear safety, accident prevention and management at NPP sites.
3. Development, elaboration and adaptation of technical means and technologies for conducting work in a radioactive environment.
4. Research and development of methodologies and practical approaches for work in actual conditions to mitigate the consequences of nuclear accidents.
5. Study of the causes and conditions of severe accidents at nuclear facilities, including performance modeling of systems, equipment components, structures and personnel, with the purpose of improving safety at operational and planned nuclear power facilities.
6. Development of recommendations on the improvement of organizational and technological preparedness for emergency action at nuclear facilities based on specific experience in the area of emergency response, accident management, and mitigation of their consequences.
7. Development and use of testing sites to test and upgrade special emergency response and radioactive waste management capabilities.
8. Research and development addressing problems associated with the transformation of the destroyed ChNPP reactor into an environmentally safe condition.
9. Testing and adaptation of technologies for use under conditions present in the Chornobyl zone.
10. Testing the performance of systems, equipment components and structures under simulated emergency conditions in order to develop recommendations for improving safety at operational and planned nuclear power facilities.
11. Development of a scientific and technological basis to prepare for decommissioning and to implement decommissioning of nuclear facilities.
12. Research of radioecological, medical and biological health effects from radioactive contamination. Accumulation and processing of the existing and new knowledge of and relevant data on the Chornobyl site and the consequences of the accident.

- economic losses*
13. Optimization of emergency and rehabilitation procedures and technologies to minimize radiation burden, harmful environmental effects and