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**AGREEMENT**  
**BETWEEN**  
**THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA**  
**AND**  
**THE MINISTRY OF ENERGY AND NATURAL RESOURCES OF GEORGIA**  
**CONCERNING**  
**COOPERATION TO ENHANCE THE SECURITY OF GEORGIA'S**  
**RADIOACTIVE SOURCES**

The Department of Energy of the United States of America (DOE), and the Ministry of Energy and Natural Resources of Georgia (MENR), hereinafter referred to as the Parties,

Desiring to implement the Agreement between the United States of America and Georgia Concerning Cooperation in the Area of the Prevention of Proliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations of July 17, 1997, as extended May 17, 2002, and as extended and amended October 13, 2009 (hereinafter referred to as "the Agreement"), as it pertains to preventing the theft, sabotage or unauthorized use of radioactive sources in Georgia, which have the potential to cause unacceptable consequences if employed in a radiological dispersal device (RDD), by enhancing the security of those sources and materials,

Have agreed as follows:

## ARTICLE I

For purposes of this Implementing Agreement:

"Radioactive sources" (hereinafter "RSs") means radioactive material permanently sealed in a capsule or closely bonded in a solid form, and which is not exempt from the Government of Georgia's regulatory control. These RSs may either be in use as intended, in a temporary or permanent waste storage site or orphaned.

"High activity RSs" means radioactive sources that may pose a significant risk to individuals, communities and the environment, which fall under categories 1-3 on Table I of the Annex to the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radioactive Sources, and which both Parties agree are subject to this Implementing Agreement.

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

"Orphaned Sources" mean RSs which are not under the Government of Georgia'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 deter, prevent, or respond to unauthorized access or damage to, or sabotage, loss, theft, or unauthorized transfer of, high activity RSs and special nuclear material.

## ARTICLE II

1. In accordance with the terms of this Implementing Agreement, the DOE may provide assistance at no cost to MENR or its designated implementing agents to assist the MENR in enhancing the security of high activity RSs and special nuclear material that the Parties jointly determine require security enhancements, and to search for and recover Orphaned Sources.
2. The MENR or its designated implementing agents shall use all materials (including supplies, equipment, and instruments), training, and services provided in accordance with this Implementing Agreement exclusively for the purpose stated in paragraph 1 of this Article.
3. This Implementing Agreement and all activities undertaken in accordance with this Implementing Agreement shall be subject to the provisions of the Agreement. In the event of any discrepancies between this Implementing Agreement and the Agreement, the provisions of the Agreement shall prevail.

### ARTICLE III

1. DOE and the MENR shall each have the right, upon written notification to the other, to delegate responsibilities for the implementation of this Implementing Agreement to other agencies, departments or units of its respective government.
2. DOE and the MENR shall each have the right, upon written notification to the other, to designate technical liaison representatives for materials, equipment, training, and services provided pursuant to this Implementing Agreement.

### ARTICLE IV

1. Pursuant to the terms of this Implementing Agreement, the DOE may provide to the MENR, or its designated implementing agents, assistance for the purpose of enhancing the security of Georgia's high activity RSs. Such assistance may include, but is not limited to, activities related to:
  - a. improving methods of security, control, and accounting of high activity RSs;
  - b. security enhancements to high activity RSs and to the facilities at which they are located, including but not limited to oncology clinics, research institutes, and commercial enterprises;
  - c. secure transport of high activity RSs within Georgia, 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 Georgia's management of high activity RSs and Orphaned Sources as the Parties jointly decide.
2. The terms of this Implementing Agreement shall cover:
  - a. the provision of technical assistance, safety engineering services, planning, and project management support pertaining to the implementation of any assistance provided under this Implementing Agreement; 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 Agreement.

3. Conditions of assistance provided under this Implementing Agreement shall be defined by separate contracts or arrangements between the DOE and the MENR or their designated implementing agents. In case of any inconsistency between these contracts or arrangements and this Implementing Agreement, the provisions of this Implementing Agreement shall prevail.
  4. Pursuant to the terms of this Implementing Agreement, the DOE may, at its discretion, provide the MENR, or its designated implementing agents, with other types of assistance subject to the written agreement of both Parties.
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## ARTICLE V

1. The MENR or its designated implementing agents shall assist the DOE or its designated implementing agents during implementation of any agreed assistance pursuant to this Implementing Agreement.
2. The MENR or its designated implementing agents shall coordinate with other appropriate Government of Georgia ministries, agencies, and organizations to ensure that materials, including supplies, equipment and instruments, provided to the Government of Georgia under this Implementing Agreement are afforded priority processing to allow prompt delivery to their ultimate destination within Georgia.
3. The MENR or its designated implementing agents shall coordinate with the appropriate Government of Georgia ministries, agencies and organizations to ensure that appropriate security measures are provided for United States Government personnel, contractors, and materials, including supplies, equipment, and instruments, at those facilities associated with work under this Implementing Agreement.
4. The MENR or its designated implementing agents shall facilitate the examination by the appropriate ministries, agencies, and organizations of the Government of Georgia of all materials, including supplies, equipment, and instruments received pursuant to this Implementing Agreement, 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 supplies, equipment, and instruments, will be set forth in the contract(s) under which materials, including supplies, equipment, and instruments, are provided under this Implementing Agreement.

5. The MENR or its designated implementing agents shall ensure that security enhancements provided under this Implementing Agreement to sites containing high activity RSs are used for their intended purpose and are maintained in good working order.

#### ARTICLE VI

In addition to the audit and examination rights set forth in Article III of the Agreement between the Government of the United States of America and the Government of the Republic of Georgia Regarding Cooperation to Facilitate Humanitarian and Technical Economic Assistance of July 31, 1992, DOE representatives shall have the right to monitor the implementation of terms of contracts and the progress of work under this Implementing Agreement, at facilities on the territory of Georgia.

#### ARTICLE VII

This Implementing Agreement shall enter into force upon signature and shall remain in force for the duration of the Agreement. This Implementing Agreement may be amended by the written agreement of the Parties and may be terminated by either Party upon at least 90 days' prior written notification to the other Party. Notwithstanding the expiration of the Agreement or this Implementing Agreement, the obligation under Article V, paragraph 5 of this Implementing Agreement shall continue to apply without regard to time.

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

DONE at <sup>Tbilisi</sup>, this <sup>7<sup>th</sup></sup> day of <sup>September</sup>, 2011, in two originals, each in the English and Georgian languages, each text being equally authentic. In case of divergence in interpretation the English text shall prevail.

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

  
FOR THE MINISTRY OF ENERGY AND  
NATURAL RESOURCES OF GEORGIA: