

AGREEMENT
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA
AND
THE NUCLEAR AGENCY OF ROMANIA
AND
THE NATIONAL COMMISSION FOR NUCLEAR ACTIVITIES CONTROL OF
ROMANIA
CONCERNING COOPERATION IN THE AREA OF COUNTERING THE
PROLIFERATION OF NUCLEAR MATERIALS AND TECHNOLOGIES

The Department of Energy of the United States of America (DOE), and the Nuclear Agency of Romania (AN) and the National Commission for Nuclear Activities Control of Romania (CNCAN), hereinafter referred to as the Parties,

Desiring to implement the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations of March 30, 1998, as amended (hereinafter referred to as the Counterproliferation Agreement), as it pertains to countering the proliferation of weapons of mass destruction, and technology, materials, and expertise related to such weapons,

Have agreed as follows:

ARTICLE I

For purposes of this Agreement:

"Nuclear fuel" means fissile isotopes of uranium and all isotopes of plutonium contained in research and test reactor fuel assemblies, rods, control rods or sub-components thereof; research and test reactor target assemblies or sub-components thereof; and bulk materials intended for research or test purposes. These materials may be irradiated or unirradiated.

DOE shall constitute one Party to this Agreement. The AN and CNCAN shall jointly constitute one Party to this Agreement.

ARTICLE II

1. In accordance with the terms of this Agreement, the DOE may provide assistance at no cost to the AN and CNCAN or their designated implementing agents to assist the Government of Romania to return Soviet Union/Russian-supplied nuclear fuel stored in Romania to the Russian Federation, and also to assist in the prevention of the possible proliferation of proliferation-attractive nuclear materials and technologies.
2. The AN and CNCAN or their designated implementing agents shall use all materials (including supplies, equipment and instruments), training and services provided in accordance with this Agreement exclusively for the purpose of returning Soviet Union/ Russian-supplied nuclear fuel to the Russian Federation, and for preventing the possible proliferation of proliferation-attractive nuclear materials and technologies.
3. This Agreement and all activities undertaken in accordance with this Agreement shall be subject to the provisions of the Counterproliferation Agreement. In the event of any discrepancies between this Agreement and the Counterproliferation Agreement, the provisions of the Counterproliferation Agreement shall prevail.

ARTICLE III

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

ARTICLE IV

1. Pursuant to the terms of this Agreement, the DOE may provide to the AN and CNCAN, or their designated implementing agents, assistance for the purpose of preventing the possible proliferation of proliferation-attractive nuclear materials and related nuclear technologies from the territory of Romania. Such assistance may include, but is not limited to activities related to:
 - (a) the return of Soviet Union/Russian-supplied nuclear fuel from the VVR-S research reactor at Bucharest to the Russian Federation;
 - (b) security enhancement of the VVR-S reactor site and nuclear materials stored at the site;

- (c) safe and secure storage of Romania's nuclear materials, including improving methods of protection, control, and accountability of nuclear materials to reduce the risk of theft or possible diversion of nuclear materials stored at premises on the territory of Romania.

2. The terms of this 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 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 Agreement.

- 3. The AN and CNCAN or their designated implementing agents shall make all fresh and spent nuclear fuel containing uranium enriched to 20% or more in the isotope U-235 available for return to the Russian Federation before the return of any nuclear fuel containing uranium enriched to less than 20% in the isotope U-235.
- 4. Conditions of assistance provided under this Agreement shall be defined by separate contracts or arrangements between the DOE and the AN and/or CNCAN, as is relevant, or their designated implementing agents. In case of any inconsistency between these contracts or arrangements and this Agreement, the provisions of this Agreement shall prevail.
- 5. Pursuant to the terms of this Agreement, the DOE may, at its discretion, provide the AN and CNCAN or their designated implementing agents with other types of assistance subject to the written agreement of both Parties.

ARTICLE V

- 1. The AN and CNCAN or their designated implementing agents shall assist the DOE or its designated implementing agents during implementation of the agreed assistance.
- 2. The AN and CNCAN or their designated implementing agents shall coordinate with other appropriate Government of Romania ministries, agencies, and organizations to ensure that materials, including supplies, equipment and instruments, provided to the Government of Romania under this Agreement are

afforded priority processing to allow prompt delivery to their ultimate destination within Romania. The AN and CNCAN or their designated implementing agents shall coordinate with the appropriate Government of Romania 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 Agreement.

3. The AN and CNCAN or their designated implementing agents shall facilitate the examination by the appropriate ministries, agencies, and organizations of the Government of Romania of all materials, including supplies, equipment and instruments received pursuant to this 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 Agreement.

ARTICLE VI

In addition to the audit and examination rights set forth in Article XII of the Counterproliferation Agreement, DOE representatives shall have the right to monitor the implementation of terms of contracts and the progress of work under this Agreement, at facilities on the territory of Romania.

ARTICLE VII

As appropriate, DOE may enter into implementing arrangements with AN and/or CNCAN, as is relevant, to carry out the provisions of this Agreement. In case of any inconsistency between this Agreement or any such arrangements, the provisions of this Agreement shall prevail.

ARTICLE VIII

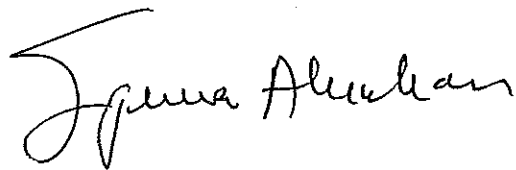
This Agreement shall enter into force upon signature and shall remain in force for the duration of the Counterproliferation Agreement. This Agreement may be amended or extended by the written agreement of the Parties and may be terminated by either Party upon at least 90 days' prior written notification to the other Party. Either the AN or CNCAN may inform DOE in writing at least 90 days prior to the date of expiration that it will terminate its participation under the Agreement.

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

DONE at New York, this nineteenth day of July 2004, in duplicate in the English and Romanian languages, each text being equally authentic.

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

FOR THE NUCLEAR AGENCY OF
ROMANIA:



FOR THE NATIONAL COMMISSION
FOR NUCLEAR ACTIVITIES
CONTROL OF ROMANIA:

