

No. 51511*

**United States of America
and
Russian Federation**

Agreement between the Government of the United States of America and the Government of the Russian Federation concerning cooperation for the transfer of Russian-produced research reactor nuclear fuel to the Russian Federation. Moscow, 27 May 2004

Entry into force: 27 May 2004 by signature, in accordance with article IX

Authentic texts: English and Russian

Registration with the Secretariat of the United Nations: *United States of America,*
25 November 2013

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**États-Unis d'Amérique
et
Fédération de Russie**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération pour le transfert à la Fédération de Russie de combustible nucléaire de réacteur de recherche de production russe. Moscou, 27 mai 2004

Entrée en vigueur : 27 mai 2004 par signature, conformément à l'article IX

Textes authentiques : anglais et russe

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique,*
25 novembre 2013

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE RUSSIAN FEDERATION
CONCERNING
COOPERATION FOR THE TRANSFER OF RUSSIAN-PRODUCED
RESEARCH REACTOR NUCLEAR FUEL TO THE RUSSIAN FEDERATION

The Government of the United States of America and the Government of the Russian Federation, hereinafter referred to as the “Parties”,

SEEKING to promote the non-proliferation of nuclear weapons and other nuclear explosive devices in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, to which both the United States of America and the Russian Federation are parties;

GUIDED by the mutual desire to minimize, and if possible, eliminate, the application of high-enriched-uranium for peaceful uses of nuclear energy;

SEEKING to encourage the conversion of operating research reactors using Russian-produced high-enriched uranium nuclear fuel to low-enriched uranium nuclear fuel;

DESIRING to minimize inventories of high-enriched uranium in non-nuclear weapon states; and

RECOGNIZING the important role of the International Atomic Energy Agency in addressing the risk of proliferation of nuclear weapons posed by the use of high-enriched uranium in research reactor nuclear fuel;

HAVE AGREED AS FOLLOWS:

ARTICLE I

For purposes of this Agreement:

“Research reactor nuclear fuel (nuclear fuel)” means Russian-produced research reactor fuel assemblies, irradiated research reactor fuel assemblies, and nuclear materials.

“High-enriched uranium (HEU)” means uranium enriched to 20% or more in the isotope U-235.

“Low-enriched uranium (LEU)” means uranium enriched to less than 20% in the isotope U-235.

“Management of nuclear fuel” means the handling and treatment (including reprocessing) of the nuclear fuel transferred to the Russian Federation, nuclear material derived therefrom, and radioactive waste produced as a result of reprocessing.

“Eligible country” means a country which meets the following criteria:

- a. has one or more research reactors of Russian design, either operating or shut down, at the time of entry into force of this Agreement;
- b. has nuclear fuel;
- c. agrees to transfer that nuclear fuel to the Russian Federation; and
- d. with respect to which the Parties agree that the transfer of that nuclear fuel from that country to the Russian Federation would advance the objectives of nuclear non-proliferation.

ARTICLE II

1. The objective of this Agreement is to facilitate the transfer from eligible countries to the Russian Federation of nuclear fuel, containing either HEU or LEU, to the extent that such nuclear fuel transfer contributes to shared nuclear non-proliferation goals of the Parties, followed by the safe and secure management of nuclear fuel transferred to the Russian Federation.

2. The Parties will seek to encourage Member States of the International Atomic Energy Agency (IAEA) to provide financial and technical support, where required, for the activities contemplated by this Agreement.

ARTICLE III

1. Each Party shall designate an Executive Agent to implement this Agreement. For the Government of the United States of America, the Executive Agent shall be the Department of Energy, unless the Government of the United States of America notifies the Government of the Russian Federation otherwise in writing. For the Government of the Russian Federation, the Executive Agent shall be the Federal Atomic Energy Agency, unless the Government of the Russian Federation notifies the Government of the United States of America otherwise in writing.
2. Each Party may conclude bilateral agreements with the governments of eligible countries, and each Executive Agent may conclude agreements or other arrangements with appropriate agencies and entities of eligible countries, as may be necessary to achieve the objective of this Agreement. When appropriate, each Executive Agent, in accordance with the laws of its country, may utilize other agencies and entities, and may enter into contracts or other agreements with them, to assist in the implementation of this Agreement.
3. The Executive Agents may enter into implementing agreements and arrangements with each other as necessary and appropriate to carry out this Agreement. In the case of inconsistency between the provisions of this Agreement and the implementing agreements or arrangements, the provisions of this Agreement shall prevail.

ARTICLE IV

1. The Government of the Russian Federation shall allow the transfer of nuclear fuel from an eligible country to the Russian Federation if the following conditions are met:
 - a. The eligible country has agreed to the transfer of nuclear fuel to the Russian Federation without compensation by the Russian Federation;

- b. The transfer of nuclear fuel is to take place in accordance with Russian Federation legislation related to the use of atomic energy and environmental protection;
 - c. The costs to implement the activities contemplated by this Agreement are financed by the eligible country, the United States of America, or a third party.
- 2. The decision to return to the eligible country radioactive waste resulting from management of nuclear fuel in the Russian Federation shall be made jointly by the Government of the Russian Federation and the government of the eligible country.

ARTICLE V

The Parties understand that agreed costs and other terms and conditions necessary to accomplish the objective of this Agreement will be set forth in contracts and other agreements between designated entities of the Russian Federation and designated agencies and entities of the eligible countries.

ARTICLE VI

- 1. The Government of the United States of America may provide financial assistance to an eligible country to cover the costs related to the transfer of nuclear fuel to the Russian Federation.
- 2. The Government of the United States of America may provide financial assistance for the transfer of nuclear fuel to the Russian Federation from eligible countries where the following conditions are met:
 - a. Reactor Conversion or Shutdown. The eligible country:
 - A. has agreed to convert its operating research reactor(s) using Russian-produced HEU nuclear fuel to LEU nuclear fuel provided that suitable LEU nuclear fuel, licensed by the eligible country's national regulatory authority, is available; and the research reactor's existing inventory of HEU nuclear fuel is exhausted; or
 - B. has agreed to permanently shut down the reactor(s); or