

**Implementing Arrangement No. 1
under the AGREEMENT
BETWEEN THE DEPARTMENT OF ENERGY OF THE
UNITED STATES OF AMERICA and
THE COMMISSARIAT A L'ENERGIE ATOMIQUE OF FRANCE
FOR COOPERATION IN
ADVANCED NUCLEAR REACTOR SCIENCE AND TECHNOLOGY**

Article I. General

The purpose of this Implementing Arrangement is to establish between the Department of Energy of the United States of America (DOE) and the Commissariat a l'Energie Atomique (CEA) of France, hereinafter referred to as the Parties, terms for bilateral collaboration on Research and Development (R&D) focused on advanced technologies for improving the cost, safety and proliferation-resistance of nuclear power systems.

The Department of Energy will engage in this cooperation as part of the International Nuclear Energy Research Initiative (I-NERI) program. The objective of I-NERI is to provide, through a competitive process, an effective means for international collaboration on a leveraged, cost-shared *quid pro quo* basis, directed toward achieving better-coordinated and more cost-effective nuclear energy R&D for the mutual benefit of the Parties.

Cooperation between the Parties shall be on the basis of mutual benefit, equality, and reciprocity.

Cooperation under this Implementing Arrangement shall be carried out in accordance with the Agreement between the Department of Energy of the United States of America and the Commissariat a l'Energie Atomique for Advanced Nuclear Reactor Science and Technology, signed on September 18, 2000 (the AGREEMENT) of which this Implementing Arrangement forms an integral part.

Article II. Objectives

The overall objectives for cooperation under this Implementing Arrangement are to:

1. promote collaboration between U.S. and French agencies and research organizations to improve development of nuclear energy;
2. develop advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical, societal, and economic obstacles to the expanded peaceful use of nuclear energy; and
3. promote and maintain each nation's nuclear science and engineering infrastructure to sustain the capabilities necessary for the development and use of nuclear energy.

Article III. Areas of Cooperation

Cooperation under this Implementing Arrangement may include, but is not limited to the following areas:

- Advanced reactor developments for future-generation reactors;
- Advanced reactor fuel and reactor-cycle integration;
- Advanced accelerator applications, including accelerator-driven systems for transmutation of waste;
- Advanced fuel and material irradiation and use of experimental facilities;
- Fundamental nuclear science areas; and
- Such other areas as the Parties may agree.

Sensitive Nuclear Technology, as defined by 10 CFR 810, is specifically excluded from bilateral research under this Implementing Arrangement.

Article IV. Management

Management of this cooperation will be achieved as described below:

Bilateral Committee

The Steering Committee, as defined in Article 5 of the AGREEMENT, will establish a Bilateral I-NERI Committee (BINERIC). To serve on the BINERIC, the Parties will each appoint two to four representatives, each Party being represented equally.

Operating by consensus and under guidance from the Steering Committee, the BINERIC will provide programmatic direction, will establish the specific R&D scope and evaluation criteria, will select projects for awards and allocate annual project funding.

General Coordinators

Each Party shall appoint its own General Coordinator who will act under the direction and oversight of the BINERIC, will administer program funds contributed by the Parties, and negotiate and manage all contracts established as described below.

The general duties of the General Coordinators are as follows.

Prepare solicitations for proposals and criteria for proposal evaluation. Each solicitation and associated evaluation criteria will be subject to BINERIC approval prior to issuance. Responders will be required to form bilateral project teams;

Receive and screen all proposals for conformance to solicitation requirements;

Organize peer reviews to evaluate and rank, in order of technical merit, the proposals for awards;

Subject to the BINERIC's selection of proposals to be funded, issue contracts for the successful proposals. Each contract will be established with the two proposed lead organizations, U.S. and French, and each lead organization will subcontract with the other participants of his country named in the proposal;

Monitor progress of the funded activities and collect periodic status reports mentioned in each contract; and

Propose to the BINERIC either to reauthorize funding for subsequent phases of multi-year phased projects, or to proceed to programmatic modifications as appropriate, or propose terminating a project if warranted by lack of reasonable progress against expenditures.

Article V. Finance and Implementation Issues

Except when the Parties otherwise agree in writing, each Party shall contribute equally to support implementation of the I-NERI program.

Cooperation under this Implementing Arrangement is subject to the availability of appropriated funds. There is no obligation to make awards and commit funds for any projects in a given fiscal year.

Any questions of interpretation or implementation relating to this Implementing Arrangement arising during its term shall be resolved by agreement of the Parties.

Article VI. Information and Intellectual Property

Dissemination, use, and protection of information used or generated in the activities conducted pursuant to this Implementing Arrangement, and the allocations of rights in intellectual property arising in the course of such activities shall be governed by the provisions set forth in Annex I to the AGREEMENT .

Article VII. Duration and Termination

This Implementing Arrangement shall enter into force upon signature, shall continue for a five-year period, and may be extended or amended by mutual Agreement of the Parties, provided that the prior agreements, arrangements and the AGREEMENT remain in force.

Joint efforts and experiments not completed at the expiration or termination of this Implementing Arrangement may, by agreement of the Parties, be continued until their completion under the terms of the AGREEMENT.

This Implementing Arrangement may be terminated at any time at the discretion of either Party, upon six months' advance notification in writing by the Party seeking to terminate it. Such termination shall be without prejudice to the rights that may have accrued under this Implementing Arrangement to either Party up to the date of such termination.

Done at Washington DC this 9th day of July, 2001, in duplicate, in English and French languages, each text being equally authentic.

FOR THE UNITED STATES
DEPARTMENT OF ENERGY

FOR THE COMMISSARIAT A L'ENERGIE
ATOMIQUE OF FRANCE




