

December 12, 1991

MEMORANDUM FOR: Harold R. Denton, Director
Office of International Programs

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-365 - POLICY ON BINDING INTERNATIONAL
SAFETY PRINCIPLES

The Commission (with all Commissioners agreeing) has approved the staff recommendation to pursue option 3, which provides for negotiation of a Convention embodying broad safety principles subject to the following comments:

- 1) The Commission has reservations about creating a new institutional structure in the IAEA for the purpose of inspecting or otherwise evaluating whether the facilities in Member Countries comply with the safety standards to be set forth in a safety convention. Instead, the emphasis needs to be placed on the need for strong, independent regulatory authorities within the Member Countries to ensure that such standards are implemented. The IAEA role in implementing a safety convention should be to provide assistance to Member Countries in establishing their own nuclear regulatory authorities, where the IAEA can best focus its attention.
- 2) The effort to ensure that a strong, independent regulatory authority is in place needs to be concentrated on those countries where the concern is the greatest. In this regard, efforts should be undertaken to encourage the IAEA to concentrate its efforts on the Eastern European and developing countries, as well as the emerging Soviet Republics, with commensurate adjustments in the allocation of IAEA resources.

SECY NOTE: THIS SRM, SECY-91-365, AND THE VOTE SHEETS OF THE CHAIRMAN, AND COMMISSIONERS ROGERS AND CURTISS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

- 3) The level of specificity contained in any safety standards should be comparable to that contained in the Safety Fundamentals or Principles of the IAEA NUSS documents. The NUSS Safety Fundamentals and Principles could be adopted virtually intact, with minor modifications, for incorporation into a safety convention.

The staff should initiate discussions with the Department of State in order to develop a coordinated U.S. Government position. The staff should advise the Commission as to the disposition of the NRC's views, as well as the position to be taken by the U.S. Government in the upcoming negotiations.

(IP) (SECY Suspense: 1/17/92)

Developing a nuclear safety convention will require careful negotiations, an understanding of the various interests involved, and a thorough understanding of U.S. regulatory requirements. It is therefore important that the NRC's representatives in the development be chosen carefully. The individuals should hold sufficiently authoritative positions in the agency, and every effort should be made to permit them to work on the development throughout its course.

The Commission should be kept informed of the course of the international discussion on the convention to allow the Commission position to evolve as the discussions progress. The Commission should also be informed if the circumstances were to change such that appreciably more resources would be required to support this effort.

The staff should incorporate NRC activity on the convention in the Five-Year Plan.

(IP) (SECY Suspense: 3/20/92)

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
EDO
OGC
OIG
OCAA