

September 21, 2001

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Martin J. Virgilio, Director
Office of Nuclear Material Safety and Safeguards

Ashok C. Thadani, Director
Office of Nuclear Regulatory Research

FROM: Janice Dunn Lee, Director /RA/
Office of International Programs

SUBJECT: INTERNATIONAL NUCLEAR SAFETY SUPPORT ARENA -
STRATEGIC GOAL MEASURE #1

Reference: Interim Guidance to Offices on Performance Measurement and Reporting FY 2001 Performance Information, Office of the Chief Financial Officer, May 21, 2001.

OIP is consulting with the International Council (IC) as a means of helping verify and validate performance metrics in the International Nuclear Safety Arena.

There are three Strategic Goal Measures within the subject arena, as follows:

1. *Fulfills 100 percent of the significant obligations over which the NRC has regulatory authority arising from statutes, treaties, conventions, and Agreements for Cooperation.*
2. *No significant proliferation incidents attributable to some failure of the NRC.*
3. *No significant safety or safeguards events that result from the NRC's failure to implement its international commitments.*

OIP's initial views on verification and validation (v&v) are found in the attached pages of Appendix IV of the April 2001 version of the FY2002 Green Book. Our initial views included, in the case of the first Strategic Goal Measure, annual consultations with the IC on the specific list of "significant obligations" for which we would routinely collect data during the fiscal year and measure our success. (The OIP vision also included subsequent consultations with the Commission on this list, but I now believe this not to be necessary for v&v purposes and would hope to dispense with that step.)

As you review our proposed list, I would emphasize the following points. In my view, Strategic Goal Measure #1 applies to high-level/high-visibility responsibilities which arise from international commitments made by the President and/or Congress and which have the force of law (includes Treaties and ratified Conventions¹). We did not include in the definition NRC's Agency-level agreements (regulatory cooperation arrangements and research agreements. Even in respect to U.S. international legal and treaty commitments, I believe we should include on our list, only those NRC responsibilities of such prominence that our failure to perform them would be a serious failure and, for example, could precipitate a Congressional hearing. I wish to exclude secondary technical or administrative matters which may have some connection to a legal or treaty requirement but are not of primary importance. Such secondary matters can be tracked and reported, as necessary, in Office Operating Plans.

OIP's proposed list of "significant international responsibilities, follows.

Export Licensing Under the Nuclear Non-Proliferation Act, NRC is required to carry out procedures to facilitate the timely processing of requests for export licenses and to provide timely reviews to the Executive Branch when consulted on proposed AEA Section 123 Agreements for Cooperation in the Peaceful Uses of Nuclear Energy, AEA Section 131 Subsequent Arrangements, and 10 CFR Part 810 Transfers of Nuclear Technology.

U.S.-IAEA Safeguards Agreement Under the terms of its Voluntary Offer, the U.S. government has agreed to submit to the IAEA a list of nuclear facilities from which the IAEA may choose to conduct safeguards inspections. NRC must provide to the Department of State, on an annual basis, a list of licensed U.S. facilities which are eligible for IAEA's selection. NRC must also provide, and update as necessary, descriptions of these facilities, and facilitate IAEA access to those chosen for inspection. NRC (together with DOE) must maintain a system for reporting nuclear material inventory and transfer information to the IAEA.

Notification of Nuclear Accidents Under the Convention on Early Notification of a Nuclear Accident, the U.S. Government must report to the IAEA and affected countries any U.S. nuclear accidents which have the potential for international trans-boundary release of radioactive material that could be of safety significance to another country. In that context, NRC must promptly report such accidents within its purview to Executive Branch contacts, following established U.S. Government procedures.

Emergency Assistance Under the Convention On Assistance in the Case of a Nuclear Accident or Radiological Emergency, the U.S. Government is obligated to cooperate in order to facilitate prompt assistance and support by notifying the IAEA of its available experts, equipment and other materials for providing assistance and would decide whether it can render assistance and on what terms. In that context, NRC must advise Executive Branch contacts of its assistance capabilities following established U.S. Government procedures.

¹ OIP included U.S. Agreements for Cooperation in this Measure but would propose to include as significant NRC responsibilities from such Agreements only high-level assignments, if any, that the President or the Congress might explicitly give to the NRC as implementation responsibilities.

Physical Protection Under the Convention on Physical Protection of Nuclear Material, NRC must require U.S. licensees to meet mandatory criteria for the physical protection of nuclear material during international transport.

Nuclear Power Reactor Safety Under the Convention on Nuclear Safety, NRC has the U.S. lead-agency responsibility to draft the U.S. National Report for triennial meetings of the Parties to the Convention (next meeting in FY 2002). NRC is required also to participate actively in country reviews prior to and during the triennial meetings. NRC must also ensure that competent authorities of Canada and Mexico are provided with appropriate information for emergency planning and response for any licensed U.S. nuclear facilities in their vicinities, and assure that procedures are established and implemented for consultations on siting of proposed nuclear installations insofar as neighboring countries are likely to be affected.

I would appreciate your comments or concurrence by September 30, 2001. Please let me know if you would like to include a discussion of this matter in the IC meeting scheduled for September 26, 2001.

Attachment: Appendix IV of the FY2002 Green Book, pp. 268 - 271.

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