

Translation 1/26/89

Prof. Dr. Klaus Toepfer
Bundesminister für Umwelt
Kennedyallee 5
5300 Bonn 2 Germany

Dear Mr. Zech:

Many thanks for your letter of October 19, 1988.

As regards the results of my discussions with representatives of the USSR on the occasion of Chancellor Kohl's visit to Moscow, I'd like to inform you, as promised, of the following:

As planned, the agreement about early notification of a nuclear accident and the exchange of information on nuclear power plants was signed on October 25, 1988 in Moscow. Attached is a copy for your information.

This agreement basically sets both in part one (Articles 1 to 4) the bilateral implementation of the Vienna agreement of September 26, 1986 regarding early notification in the event of a nuclear accident. Part two (Articles 5 and 6), which is in the view of the FRG Government the most important part, obligates both sides to a regularly scheduled exchange of information and experience, particularly as regards the safe operation of nuclear installations. Further details will be spelled out in a separate exchange of notes (Ref: Article 5, para. 2 of the agreement). Discussions on this will start in the near future.

Prof. Protsenko, Chairman of the USSR State Committee for the Peaceful Use of Atomic Energy, and I have already reached a broad consensus regarding the basic format of this exchange of notes; please note in this regard the attached information bulletin.

With best regards,

Klaus Toepfer

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1-26-89

Language of Foreign Document: GERMAN

Translated Title of Document: TREATY BETWEEN THE GOVERNMENTS OF THE
FEDERAL REPUBLIC OF GERMANY AND THE
UNION OF SOVIET SOCIALIST REPUBLICS ON
EARLY INFORMING IN THE EVENT OF A NUCLEAR
ACCIDENT AND THE EXCHANGE OF INFORMATION
RELATING TO NUCLEAR POWER PLANTS

Untranslated Title: ABKOMMEN ZWISCHEN DER REGIERUNG DER BUNDES-
REPUBLIK DEUTSCHLAND UND DER REGIERUNG DER
UNION DER SOZIALISTISCHEN SOWJETREPUBLIKEN
UEBER DIE FRUEHZEITIGE BENACHRICHTIGUNG BEI
EINEM NUKLEAREN UNFALL UND DEN INFORMATION-
SAUSTAUSCH UEBER KERNANIAGEN

Author(s): (NOT GIVEN)

Translated Name and Address
of Corporate Author: FEDERAL MINISTRY FOR THE ENVIRONMENT
NATURE PROTECTION AND REACTOR SAFETY
BONN, FRG

Untranslated Name and Address
of Corporate Author: BMU/ FRG

Date of Original Foreign Document: AUGUST 1988

Foreign Document ID Number(s): (NOT GIVEN)

Number of Pages in Translation: 11

Date Translated for NRC: FEBRUARY 1989

NRC Requester/Office: H. SCHECHTER , GPA

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Treaty

/1*

between

the government of the Federal Republic of Germany

and

the government of the Union of Soviet Socialist Republics

on

early informing in the event of a nuclear accident and the
exchange of information relating to nuclear power plants

* Numbers in margin indicate foreign pagination.

The government of the Federal Republic of Germany and the govern- /2
ment of the Union of Soviet Socialist Republics,

on the basis of their obligations arising from the agreement
of September 26, 1988 on early informing in the event of nuclear
accident, known in the following as the agreement,

in accordance with the principles of cooperation within the
framework of the International Atomic Energy Organization, and

convinced of the importance of close cooperation between them
in order to limit the international consequences of possible
emissions of radioactive substances,

have agreed as follows:

Informing in the event of a nuclear accident

Article 1

In the part that concerns informing in the event of a nuclear
accident, this treaty refers to the plants and activities that
are listed in Article 1 of the agreement.

Article 2

/3

In the case of an accident in the territory of either side in
connection with nuclear power plants or activities according
to Article 1 of the agreement, as a result of which the release
of radioactive substances has taken place or may take place
on the territory of the other side which might be important to
the other side from the point of view of radiation safety, the
first-mentioned side immediately informs the other side of this

by direct means and provides the other side with the available information according to Article 5 of the agreement.

Article 3

Each side immediately informs the other side if an extremely high level of radiation is determined on its territory that is not caused by nuclear power plants or activities on its territory and which may have consequences for the other side from the point of view of radiation safety.

Article 4

/4

(1) The conditions of Articles 2 and 3 of this treaty are carried out

- on the part of the Federal Republic of Germany by the Federal Minister for the Environment, Nature Conservation and Reactor Safety, and
- on the part of the Union of Soviet Socialist Republics, by the National Committee of the USSR for the Use of Atomic Energy.

Both sides will report to each other any changes in these parties by diplomatic means.

(2) These parties agree among themselves the practical measures for meeting the obligations proposed in Articles 2 and 3 of this treaty.

Exchange of information

Article 5

(1) Both sides provide each other at least once annually with information relating to the operation of nuclear power plants as well as other technical information for use in assessing the possible consequences of an accident in these plants that might occur on the side that receives the information, and in determining the measures required for the protection of the general population and the environment.

(2) A list of the plants and the type and scope of the information /5
be provided is to be established by agreement by means of an exchange of notes by both sides. For this purpose, consultations will be held by both sides at the latest three months after this treaty goes into effect. Both sides will then hold regular consultations at least every two years on the information provided and on questions relating to international cooperation in the area of the safety of nuclear energy management.

(3) Both sides determine the parties who carry out the conditions of this article.

(4) The information that is provided according to this article is to be used exclusively for the purposes named in this article, as long as the parties determined according to paragraph 3 of this article do not agree otherwise.

Article 6

/6

No claims for restitution shall be made by either side for the costs incurred by the mutual informing. If the procurement of

documentation is associated with considerable expense, the requesting side will bear these costs.

Other conditions

Article 7

This treaty does not affect the rights and duties of both sides that arise from agreements concluded previously.

Article 8

Differences of opinion of any kind that arise from the drafting and application of this treaty are dealt with by negotiation between the two sides.

Article 9

Upon the request of either side bilateral negotiations are carried out on questions relating to a change in this treaty. Any change requires the agreement of both sides.

Article 10

/7

In accordance with the Four Power Treaty of September 3, 1971, this treaty includes West Berlin, in agreement with the procedures laid down.

Article 11

This treaty takes effect 30 days after the date on which both sides have communicated with each other in writing by diplomatic means that the required conditions within the country have been met for the treaty to take effect.

Article 12

This treaty is in force indefinitely. Either side may terminate this treaty by written communication with the other side by diplomatic means. In this case the treaty ceases to be in effect six months after one side has submitted the written communication to the other side, unless a later date is specified in the communication.

Executed in Moscow on October 25, 1988 in two original documents, /8
one in German and one in Russian, both documents being equally
binding.

For the government of the
Federal Republic of Germany

For the government of the
Union of Soviet Socialist
Republics

Signed

Signed

Re: German-Soviet treaty on early informing in the event of a nuclear accident and the exchange of information relating to nuclear power plants;

/9

here: Results of the visit of Federal Minister Toepfer with the Chairman of the National Committee for the Use of Atomic Energy, Prof. Prozenko, on 10.24.88 in Moscow.

Both sides emphasized at the outset their interest in open and intensive cooperation with the framework of the German-Soviet treaty on early informing in the event of a nuclear accident and the exchange of information relating to nuclear power plants and they then discussed individual issues.

1. Relative to the international and bilateral conversion of the Vienna Convention on the exchange of information, the Soviet side raised the necessity of defining the term accident in terms of its evaluation also. Reference was made in particular to the French proposal to categorize occurrences in nuclear power plants. The German side agreed with the proposal to include this in the negotiations on the exchange of notes according to Art. 5, para. 2 of the treaty and, relative to the French proposal, referred to the on-going discussion in the international organizations.
2. There was further agreement that a broad and open exchange of information on nuclear safety should take place, which will be concretized in the note exchange according to Art. 5, para. 2 of the treaty. The Soviet side referred in this connection to a planned OSART mission of the IAEA to the Rowno nuclear power plant.

/10

Agreement was reached that each party to the treaty will name two or three nuclear power plants - in any case, one new one and one older one - that will be subjected to a safety

comparison, in the same way that this has already been done between West Germany and France. This comparison will be discussed separately in the Commission according to Art. 2 of the treaty.

It was proposed by the German side, in view of the particular Soviet interest in high-temperature reactor technology, to inform on the licensing and monitoring procedures for the HTR 33 at Hamm Uentropp as well as on the current licensing procedure for a site-unrelated planning concept for the THTR module.

3. The Soviet side expressed readiness to provide information about measures to prevent the consequences of catastrophes, Soviet experiences in this field and related precautionary measures. The German side agreed to an exchange of information on this subject. Since both sides have also discussed these questions with the French government, it was agreed to develop trilateral cooperation - Soviet Union, France, West Germany.
4. The question of cooperation in the area of disposal and, in particular, final disposition, was discussed. The Soviet side referred to the WTZ treaty but expressed willingness to include this cooperation issue in the note exchange according to Art. 5, para. 2 of the treaty on early informing and the exchange of information on nuclear power plants.

/11

Since Minister Professor Prozenko will take part in a conference on the problem of ozone at the beginning of December in Aachen, he was invited by Minister Professor Toepfer to visit Bonn at the same time.

The results of this discussion were also the subject of governmental discussions led by Federal Chancellor Kohl and

General Secretary Gorbachev on 10.25.88. In particular,
the proposed safety comparison between two or three Soviet
and German nuclear power plants was confirmed.

/15

NRC FORM 338
10-77
NRCM 1102
3201, 3202

U.S. NUCLEAR REGULATORY COMMISSION

1. REPORT NUMBER (Assigned by NRCM: OPS, add Vol. No., if any)

BIBLIOGRAPHIC DATA SHEET

NRC 2056

SEE INSTRUCTIONS ON THE REVERSE

2. TITLE AND SUBTITLE

TREATY BETWEEN THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON EARLY INFORMING IN THE EVENT OF A NUCLEAR ACCIDENT AND THE EXCHANGE OF INFORMATION RELATING TO NUCLEAR POWER PLANTS

3. LEAVE BLANK

4. DATE REPORT COMPLETED

MONTH

YEAR

5. DATE REPORT ISSUED

MONTH

YEAR

FEBRUARY

1989

5. Authors

(NOT GIVEN)

7. PERFORMING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code)

(NOT GIVEN)

8. PROJECT/TASK WORK UNIT NUMBER

9. PIN OR GRANT NUMBER

10. SPONSORING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code)

(NOT GIVEN)

11a. TYPE OF REPORT

TRANSLATION

11b. PERIOD COVERED (Inclusive Dates)

12. SUPPLEMENTARY NOTES

13. ABSTRACT (200 words or less)

This article explains the details of the treaty between the Federal Republic of Germany and the USSR on early informing in the event of a nuclear accident and the exchange of information relating to nuclear power plants. Both sides emphasized interest in open and intensive cooperation in discussing individual issues, such as the necessity of concretizing the term accident in terms of its evaluation, that a broad and open exchange of information take place, and each party to name two or three nuclear power plants to be subjected to a safety comparison. It was also proposed by the German side to inform on the licensing and monitoring procedures for the HTR 33 at Hamm Uentropp as well as for a site-unrelated planning concept for the THTR module. Also expressed was the readiness to provide information about measures to prevent the consequences of catastrophes as well as cooperation in the area of disposal and final disposition.

14. DOCUMENT ANALYSIS - KEYWORDS/DESCRIPTORS

14. IDENTIFIERS/OPEN ENDED TERMS

15. AVAILABILITY STATEMENT

16. SECURITY CLASSIFICATION

(This page)

(This report)

9

17. NUMBER OF PAGES

18. PRICE



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545

March 14, 1989

Prof. Dr. Klaus Toepfer
Federal Minister for Environment, Nature
Conservation, and Nuclear Safety (BMU)
Kennedyallee 5
5300 Bonn 2
Federal Republic of Germany

Dear Dr. Toepfer:

Thank you for your letter of January 9, 1989, concerning the status of nuclear safety cooperation between the Federal Republic of Germany and the Soviet Union. I believe that agreements like the one your government has concluded with the Soviet Union have the potential to enhance the safety of nuclear power plants throughout the world.

U. S. cooperation with the U.S.S.R. is progressing. A U.S. working group visited the Soviet Union in December to discuss some of the topics identified in the protocol signed during my August 1988 visit to the Soviet Union, which I described when we met in Bonn.

We are currently finalizing the report of my visit. Since this report will contain information regarding on-going cooperative activities in the area of nuclear reactor safety between the United States and the Soviet Union, I would be pleased to send you a copy of the report when it is published.

I look forward to continued exchanges of information and experiences between our two agencies on nuclear safety and our cooperative efforts with the Soviet Union.

Sincerely,

Original signed by
Lando W. Zech, Jr.

Lando W. Zech, Jr.

Originating Office: GPA/IP

Ref: CR-89-026 (Chairman's Correspondence)

OFFICE	SECY	OCM	OCM				
SURNAME	Abington	<i>[Signature]</i>	<i>[Signature]</i>				
DATE	3/14/89	3/14/89	3/14/89				

Letter to Prof. Dr. Klaus Toepfer from Chairman Zech dtd February

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DATE	:2/9/89	:2/9/89	:2/9/89	:2/9/89	:2/ /89	:2/ 89	:	: 2/2/89

Letter to Prof. Dr. Klaus Toepfer from Chairman Zech dtd February

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