

MAR 17 1994

MEMORANDUM FOR: E. S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: C. J. Heltemes, Jr., Deputy Director
for Generic Issues and Rulemaking
Office of Nuclear Regulatory Research

SUBJECT: OPEN ENDED WORKING GROUP (OEWG) MEETING
SEVEN ON AN INTERNATIONAL NUCLEAR CONVENTION (INSC)

Introduction

During January 31 to February 4, 1994 the OEWG met for the seventh time to develop and discuss the possible elements for an INSC. The meeting was again held at the IAEA in Vienna and representatives from about 55 countries participated (Enclosure 1 is the list of participants). The U.S. delegation was headed by Richard Stratford, DOS and included Carl Stoiber and Jack Heltemes, NRC and Ben McRae, DOE/OGC.

The purpose of this meeting was to continue the review of the Chairman's draft of the proposed INSC elements, and to a) reach agreement on the final proposed text; b) resolve remaining square bracketed items to the extent possible; c) improve the wording and clarity of the text and d) identify and resolve difficulties introduced by translation. All documents and interpretation services were provided in the six U.N. languages. The Chairman's report from the meeting, including the final OEWG draft of the INSC text, is provided in Enclosure 2.

With the completion of a draft text for the INSC, the charter of the OEWG has been completed and no further meetings are anticipated. The meeting concluded with the expectation that the IAEA February Board will take note of this work and authorize the Director General to convene a Diplomatic Conference in June 1994 to negotiate the convention. It is further expected that the timely and successful completion of the Diplomatic Conference will permit the INSC to be open for signature at the September IAEA General Conference.

Summary of Discussion

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1. The agenda for the meeting was successfully completed. All "square brackets" indicating areas of controversy and/or non-agreement were eliminated except for the number of signatures needed for entry-into-force. The translated texts were reviewed for consistency, and a number of editorial improvements were incorporated. The OEWG recommended to the Director General (DG) that based upon the significant progress to date as reflected in the OEWG comprehensive draft text, the February Board of Governors (BOG) should be requested to convene a Diplomatic Conference as soon as possible. Strong support was expressed by many (but not all) countries for holding the Diplomatic conference in June

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1994. A supporting preparatory meeting was recognized to be necessary in advance of the Diplomatic Conference.

2. The draft text incorporates a number of specific technical and legal obligations that are: comprehensive and mandatory; consistent with the NUSSAG fundamentals document; generally accepted by all countries as necessary to assure the safety of nuclear power plants; and generally consistent with U.S. positions. It is believed that U.S. power reactors and the associated regulatory program are currently in compliance with these obligations, and no changes in regulations, practice or plant design or operations would be imposed by the OEWG final draft.
3. The following summarizes key issues important to the U.S. that were resolved or modified in the final OEWG draft text of the INSC:
 - A. The entry-into force provision has not been agreed, and remains in square brackets for resolution at the Diplomatic Conference. There are two aspects to entry-into-force (i) the number of states with nuclear installations needed to join the INSC prior to entry-into force and (ii) the definition of nuclear installation. The final OEWG draft proposes [15] countries with nuclear installations join before entry-into-force. The U.S. position has been 2/3 of the 30 states with operating nuclear installations (i.e., 20 member states) should join before entry into force in order to help assure participation by FSU and developing nations and to reflect a truly international convention. The final OEWG draft deleted the requirement that the nuclear installation were to be "operating" or "operational" and thus, the number of states that may be qualified to sign as a nuclear state could be as high as 35. (Three states have plants in construction - Romania, Cuba, Philippines, and two states have plants shutdown but not decommissioned - Italy and Armenia).
 - B. The role of the IAEA has been specified as serving only as the secretariat for the meeting of the parties (MOP). Further, this meeting resulted in agreement that the costs of this function (i.e., service the MOP and handle related documents) are to be borne by the IAEA as part of its regular budget. Should the contracting parties, by consensus, request IAEA to provide other services, the agency may do so if 1) they can be provided as part of its normal program and budget, or 2) if this is not possible, voluntary funding can be provided from other sources. Thus, the proposed financial arrangements have no provisions for a mandatory or direct funding responsibility by the contracting parties.
 - C. This meeting reached agreement that a nuclear installation ceases to be under the scope of the NSC when i) the fuel elements have been permanently removed from the core, (ii) the removed fuel is stored safely in accordance with approved procedures and, (iii) a decommissioning program has been agreed to by the regulatory body. It is expected that a follow-on convention on the management and disposal of radioactive waste will start with the implementation

of the decommission plan, and thus no overlaps or inconsistencies between the two conventions are expected. As a result, a proposed article on decommissioning has been deleted in the final OEWG draft.

- D. This meeting deleted a provision in the previous draft elements that a state that becomes a contracting party subsequent to the adaptation of amendments would be bound by those amendments. It was noted by some experts that such a provision was not consistent with the Vienna convention on the Law of Treaties and could pose practical problems. Deletion was by general agreement, although the issue is likely to be raised in the Diplomatic Conference.
4. Other changes in the final OEWG draft text are considered non-substantive and/or editorial in nature. Extensive efforts were made by a special group, working separately at night, to improve the quality of the final text. Most experts believe that the present text is fully adequate as a basis for a Diplomatic Conference.

Future Course of Action

The February Board of Governors recommended that a Diplomatic Conference be held June 14-17, 1994. A preparatory meeting for the Diplomatic Conference has been scheduled for March 28 and 29th in Vienna. This meeting will focus on such matters as: the agenda for the Diplomatic Conference; potential chair and other leadership positions; necessary rules of procedure; and whether such topics as editing of the text, and discussion of the peer review process and national reports would be addressed during the Conference. The timing of the Diplomatic Conference allows careful consideration by the states, and provides an opportunity for the June BOG to review such matters as the Agency's role and proposed financial arrangement and provide any advice to the DG (which would serve as input to the Diplomatic Conference).

Potential Issues for Discussion at the Diplomatic Conference

1. The entry-into-force provision is the one outstanding issue in the proposed text that has not been agreed upon. One aspect is the number of total countries and the number of nuclear states required to sign before entry-into-force. Another aspect is the definition of nuclear state. The definition of nuclear state was modified at the seventh OEWG meeting. Previously a party was considered a nuclear state if it had one or more operating nuclear power plants. The text now reads "...with at least one nuclear installation" and thus plants under construction or shutdown but not decommissioned are also considered to meet the revised definition. As a result, there are approximately 35 countries that could qualify as a nuclear state.

The current text specifies that a total of 20 countries [15 of which must have at least one nuclear power plant] need to sign and ratify the INSC prior to entry-into-force. The key question is the participation of the FSU and developing nations. The U.S. position has been that about 20, i.e. two-thirds of the states with at least one operating

power plant, should ratify prior to entry-into-force. This total provides assurance that at least some FSU and developing nations would sign before entry-into-force, and therefore there was confidence that the INSC costs would not be incurred without at least some of its anticipated benefit. Further, two-thirds of the nuclear states helps assure that the convention is truly an international in nature and has wide and broad support.

2. Provisions for international cooperation are only expressed as an objective. The current text has as an objective of this convention "...to achieve and maintain a high level of nuclear safety worldwide through national measures and international cooperation."

A number of the developing nations continue to believe that this objective needs to be supported by a specific mandatory obligation calling for international cooperation. Debate at the February BOG, for example, gave notice of developing country interest in obligating developed states to provide, as stated by the Pakistani BOG representative, "unhindered access to nuclear safety technology, including an obligation by suppliers to provide full information and technology throughout the entire lifetime of a plant." The position of developed nations in the past has been that a statement of general objective, rather than a specific obligation, is more appropriate for inclusion in international conventions such as the INSC, and that should a mandatory obligation be included it would need to be conditional upon acceptance of internationally binding non-proliferation commitments and domestic laws and regulations. This subject has generated strong feelings in the past, and its reopening could result in an extended debate.

3. The draft convention does not define the content of the national reports, the peer review process, the rules of procedure or the budget associated with the INSC implementation (through periodic Meeting of Parties). A number of countries, particularly the Latin American countries, have expressed strong feelings that a better understanding is necessary of these aspects, particularly financial obligation associated with signature. All parties agree that there needs to be sufficient information for each party to understand the nature of its commitment and to define realistic estimates of the burden associated with INSC implementation. Agreement on specific and detailed provisions in these areas is believed to be inconsistent with the time scheduled for the Diplomatic Conference and would be better handled at the preparatory conference for the first Meeting of Parties where the parties can decide. The outcome of this issue is expected to be the development of broad principles and assumptions, documented in the final act of Diplomatic Conference, which would be elaborated later after the convention enters-into-force.
4. Previous drafts required that a state that becomes a contracting party subsequent to the adoption of one or more amendments would be bound by those amendments. This provision was deleted at the seventh meeting after a long debate, and as a result the procedures of the Vienna

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Convention on the Law of Treaties would govern. Some countries, particularly Spain, were not happy with this provision, and, as a result, are likely to again raise the issue.

- 5. The procedures associated with amendments to the INSC may be reopened for discussions. The current text indicates that a two-thirds majority vote of parties could adopt an amendment and submit it to a Diplomatic Conference. Since the total number of parties (in terms of nuclear and non-nuclear countries) cannot be estimated with confidence, such a provision leaves open the possibility that substantial numbers of non-nuclear countries could join. As a result, such countries may comprise two-thirds of the parties and thus could vote to substantially alter the INSC in terms of the scope of the convention or the mandatory obligations.
- 6. A number of countries are likely to indicate that improvements are needed in the text. In particular, China and the IAEA secretariat have indicated that in their view the text warrants further improvement for clarity and consistency (and perhaps for legal purposes as well). Most countries do not agree and believe the present text is sufficiently clear and adequate to allow for proper interpretation and effective implementation. Thus, pressure for further text changes are anticipated.
- 7. The role of IAEA may not yet be settled. The proposed text is clear with regard to the IAEA's role. It is limited to scheduling and servicing the periodic Meeting of Parties and the associated preparatory conferences. There was consensus on this point during the OEWG meetings. However, all countries may not fully accept such a limited role and thus the issue may again be reopened.

Please let me know if I can clarify or provide additional information.

Original Signed By:
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Enclosures:
As stated

cc w/enclosures (2)

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Enclosure 1

NSC/7/INF.1/Rev.1

**GROUP OF EXPERTS ON A
NUCLEAR SAFETY CONVENTION**

7 February 1994

**Seventh Meeting
Vienna, 31 January - 4 February 1994**

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GROUP OF EXPERTS ON
A NUCLEAR SAFETY CONVENTION
Seventh Meeting
Vienna, 31 January - 4 February 1994

1994-02-04

REPORT OF THE CHAIRMAN

1. The seventh meeting of the Group of Experts was held from 31 January to 4 February 1994. The list of participants is attached. It was the first meeting with interpretation into the six languages of the Agency.
2. The Group of Experts reviewed the draft text of the Nuclear Safety Convention dated 1993-12-10 which had been distributed in December 1993 to experts in all six languages. The Group of Experts revised and amended those provisions of the draft text where there was broad agreement that such modifications were required.
3. The Group of Experts agreed that the draft text of the Nuclear Safety Convention as revised, required additional editorial changes. The Group of Experts therefore set up an informal open-ended editorial group (chaired by Director of the Legal Division) that met in evening sessions and elaborated proposals for editorial modifications. As no interpretation services were available, the informal editorial group conducted its work in English only. Proposed editorial modifications were submitted to the Group of Experts in plenary and accepted, modified or deleted.
4. During its meeting, the Group of Experts concentrated its efforts essentially on the modifications required to the draft Convention. These modifications, having been made in English only, remain to be translated into the other five languages; moreover, editorial changes have to be made to the latter texts.
5. The Group noted that experts from the Spanish-speaking countries participating in the Group met to review the Spanish language text in consultation with the head of the Spanish translation section of the Agency. Experts noted that similar efforts will have to be undertaken for the other language versions.

6. The draft text of the Nuclear Safety Convention as established by the Group of Experts is attached.

7. The present text reflects the broad agreement reached by the experts, and has the overall support of the Group. This agreement was made possible because all experts were prepared to accept compromises in order to complete successfully and within reasonable time the task given to the Group.

8. In this context, it is recalled that some compromises of a fundamental nature were made early in the drafting process. Major compromises were notably required to reach agreement on the following: to limit the scope of application of the Convention to land based civil nuclear power plants; to base obligations on fundamental principles, without added detailed criteria; to include in the Preamble of the Convention a commitment to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement; to recognize the possibility of developing further international instruments in the future; and, on the definition of the role of international co-operation.

9. The Group of Experts agreed on the text of almost all articles of the draft Convention. Only Article 31 of the draft contains wording in "square brackets" indicating matters on which the experts did not agree. The Group of Experts considered that it had fulfilled its mandate to carry out the necessary substantive preparations for a nuclear safety convention.

10. The Group of Experts agreed on the following recommendations:

- a) The draft texts of the Convention in the Arabic, Chinese, French, Russian and Spanish languages should be modified to reflect the changes made to the English text, and be distributed to the experts as soon as possible;
- b) the Secretariat in consultation with interested Member States should review these translations as required;
- c) the Director General should provide the Board of Governors with updated information on the work of the Group of Experts at its seventh meeting;

d) that, in accordance with General Conference resolution, GC(XXXVII)/615 a diplomatic conference be convened as soon as possible to adopt the Nuclear Safety Convention on the basis of the comprehensive draft text prepared by the Group of Experts.

11. The Chairman of the Group has been requested to include the following in the report:

- (i) on Tuesday, 1 February and Wednesday, 2 February the discussions of the experts on the draft text of a convention were interrupted to address the issue raised by the presence of an expert seated behind the nameplate Yugoslavia;
- (ii) statements made by delegates are attached as requested by them;
- (iii) the expert referred to in sub-paragraph (i) expressed disagreement;
- (iv) an opinion was also expressed that the Group of Experts should not address the subject.

12. In closing, the Group of Experts would like to recognize with thanks the significant contribution and assistance of the Secretariat.

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DRAFT NUCLEAR SAFETY CONVENTION

PREAMBLE

THE CONTRACTING PARTIES

- (i) Aware of the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound;
- (ii) Reaffirming the necessity of continuing to promote a high level of nuclear safety worldwide;
- (iii) Reaffirming that responsibility for nuclear safety rests with the State where a nuclear installation is located;
- (iv) Desiring to promote an effective nuclear safety culture;
- (v) Aware that accidents at nuclear installations have the potential for trans-boundary impacts;
- (vi) Keeping in mind the Convention on the Physical Protection of Nuclear Material (1979), the Convention on Early Notification of a Nuclear Accident (1986), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);
- (vii) Affirming the importance of international cooperation for the enhancement of nuclear safety by the use of existing bilateral and multilateral mechanisms and the establishment of this incentive Convention;
- (viii) Recognizing that this Convention entails a commitment to the application of fundamental safety principles rather than detailed safety standards and that there are internationally formulated safety guidelines which are updated from time to time and so can provide guidance on contemporary means of achieving a high level of safety;
- (ix) Affirming the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement;
- (x) Recognizing the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the development of current or future international instruments;

HAVE AGREED as follows:

CHAPTER 1. OBJECTIVES, DEFINITIONS AND SCOPE

ARTICLE 1. OBJECTIVES

The objectives of this Convention are:

- (i) to achieve and maintain a high level of nuclear safety worldwide through national measures and international co-operation;
- (ii) to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;
- (iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

ARTICLE 2. DEFINITIONS

For the purpose of this Convention:

- (i) "nuclear installation" means for each Contracting Party any land based civil nuclear power plant under its jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning programme has been agreed to by the regulatory body.
- (ii) "licence" means any authorization granted by the regulatory body to the applicant to have the overall responsibility for the siting, design, construction, commissioning or operation of a nuclear installation.
- (iii) "regulatory body" means for each Contracting Party any body or bodies given the legal authority by that Contracting Party to grant licences and to regulate the siting, design, construction, commissioning, operation or decommissioning of nuclear installations.

ARTICLE 3. SCOPE OF APPLICATION

The provisions of this Convention shall apply to the safety of nuclear installations.

CHAPTER 2. OBLIGATIONS**(a) General Provisions****ARTICLE 4. IMPLEMENTING MEASURES**

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary to implement its obligations under this Convention.

ARTICLE 5. REPORTING

Each Contracting Party shall submit for review, prior to each meeting referred to in Article [22], a report on the measures it has taken to implement each of the obligations of this Convention.

ARTICLE 6. EXISTING NUCLEAR INSTALLATIONS

Each Contracting Party shall take the appropriate steps to ensure that the safety of nuclear installations existing at the time the Convention enters into force for that Contracting Party is reviewed as soon as possible. When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the installation. If such upgrading cannot be achieved, plans should be implemented to shut down the installation as soon as practically possible. The timing of the shut-down may take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.

(b) Legislation and regulation**ARTICLE 7. LEGISLATIVE AND REGULATORY FRAMEWORK**

1. Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.

2. The legislative and regulatory framework shall provide for:

- (i) the establishment of applicable national safety requirements and regulations;
- (ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a licence;

- (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of any licence;
- (iv) enforcement of applicable regulations and of the terms of any licence, including suspension, modification or revocation.

ARTICLE 8. REGULATORY BODY

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework established in accordance with Article 7, and provided with adequate authority, competence and financial and human resources to fulfil its assigned responsibilities.
2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

ARTICLE 9. RESPONSIBILITY OF THE LICENCE HOLDER

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant licence and shall take the appropriate steps to ensure that each such licence holder meets its responsibility.

(c) General Safety Considerations

ARTICLE 10. PRIORITY TO SAFETY

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

ARTICLE 11. FINANCIAL AND HUMAN RESOURCES

1. Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.
2. Each Contracting Party shall take the appropriate steps to ensure that for all safety related activities in or for each nuclear installation throughout its life sufficient numbers of qualified staff with appropriate education, training and retraining are available.

ARTICLE 12. HUMAN FACTORS

Each Contracting Party shall take the appropriate steps to ensure that the capabilities and limitations of human performance are taken into account throughout the life of a nuclear installation.

ARTICLE 13. QUALITY ASSURANCE

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programmes are established and implemented with a view to providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

ARTICLE 14. ASSESSMENT AND VERIFICATION OF SAFETY

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) comprehensive and systematic safety assessments are carried out before constructing and commissioning a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;
- (ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state of a nuclear installation and the operation of the installation continue to be in accordance with its design, applicable national safety requirements and with operational limits and conditions.

ARTICLE 15. RADIATION PROTECTION

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

ARTICLE 16. EMERGENCY PREPAREDNESS

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency.

For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a very low power level.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population as well as the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.
3. Contracting Parties which do not have a nuclear installation on their territory, but are likely to be affected in the event of a radiological emergency in a neighbouring State, shall take the appropriate steps to ensure that emergency plans have been prepared and tested that cover the activities to be carried out in the event of an emergency.

(d) Safety of Installations

ARTICLE 17. SITING

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

- (i) for evaluating all relevant site-related factors which are likely to affect the safety of a nuclear installation for its projected lifetime;
- (ii) for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;
- (iii) for re-evaluating as necessary all relevant factors referred to under sub-paragraphs (i) and (ii) to ensure the continued safety acceptability of the nuclear installation;
- (iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and form their own assessment of the likely safety impact of the installation.

ARTICLE 18. DESIGN AND CONSTRUCTION

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the design and construction of a nuclear installation provides for several reliable levels and methods of protection (defense in depth) against the release of radioactive materials, with a view to preventing the occurrence of accidents and to mitigating their radiological consequences should they occur;
- (ii) the technologies incorporated in the design and construction of nuclear installations are proven by experience or qualified by testing or analysis;
- (iii) the design allows for reliable, stable and easily manageable operation, with specific consideration of human factors and the man-machine interface.

ARTICLE 19. OPERATION

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the initial authorization to operate a nuclear installation is based upon an appropriate safety analysis and a commissioning programme demonstrating that the installation, as constructed, is consistent with design and safety requirements;
- (ii) operational limits and conditions derived from the safety analysis, tests and operational experience are defined and revised as necessary to identify safe boundaries for operation;
- (iii) operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;
- (iv) procedures are established to respond to anticipated operational occurrences and to accidents;
- (v) necessary engineering and technical support in all safety related fields is available throughout the lifetime of a nuclear installation;
- (vi) incidents significant to safety are reported by the holder of the relevant licence to the regulatory body;

- (vii) programmes to collect and analyze operating experience are established, that the results obtained and the conclusions drawn are acted upon and that existing mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;
- (viii) the generation of radioactive waste resulting from the operation of a nuclear installation is kept to the minimum practicable for the process concerned, both in activity and volume, and that any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site take into consideration conditioning and disposal.

CHAPTER 3. MEETINGS OF THE CONTRACTING PARTIES

ARTICLE 20. REVIEW MEETINGS

1. The Contracting Parties shall hold meetings for the purpose of reviewing the reports submitted pursuant to Article 5 in accordance with the procedures adopted under Article [24]. These meetings shall hereinafter be referred to as "review meetings".
2. Subject to the provisions of Article [27] sub-groups comprised of representatives of Contracting Parties may be established and may function during the review meetings as deemed necessary for the purpose of reviewing specific subjects contained in the reports.
3. Each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of the reports.

ARTICLE 21. TIMETABLE

1. A preparatory meeting of the Contracting Parties shall be held not later than six months after the date of entry into force of this Convention.
2. At this preparatory meeting the Contracting Parties shall determine the date for the first review meeting. This review meeting shall be held as soon as possible but not later than thirty months after the date of entry into force of this Convention.
3. At each review meeting the Contracting Parties shall determine the date for the next such meeting. The interval between review meetings shall not exceed three years.

ARTICLE 22. PROCEDURAL ARRANGEMENTS

1. At the preparatory meeting held pursuant to Article 23.1 the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. The Contracting Parties shall establish in particular and in accordance with the Rules of Procedure:

- (i) guidelines regarding the form and structure of the report to be submitted pursuant to Article 5;
- (ii) a date for submission of such reports;
- (iii) the process for reviewing such reports;

2. At review meetings the Contracting Parties may, if necessary, review the arrangements established under subparagraphs (i)-(iii) above, and adopt revised arrangements by consensus unless otherwise provided for in the Rules of Procedure.

ARTICLE 23. EXTRAORDINARY MEETINGS

An extraordinary meeting of the Contracting Parties shall be held:

- (i) if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstention being considered as voting; or
- (ii) at the written request of a Contracting Party, within six months of this request having been communicated to the Contracting Parties and notification having been received by the Secretariat, that the request has been supported by a majority of the Contracting Parties.

ARTICLE 24. ATTENDANCE

1. Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and such alternates, experts and advisers as it deems necessary.

2. The Contracting Parties may invite, by consensus, any intergovernmental organization which is competent in respect of matters governed by this Convention to attend, as observers, any meeting, or specific sessions thereof. Observers shall be required to accept in writing, and in advance, the provisions of Article [30].

ARTICLE 25. SUMMARY REPORTS

The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed during a meeting and conclusions reached.

ARTICLE 26. LANGUAGES

1. The languages of meetings of the Contracting Parties shall be Arabic, Chinese, English, French, Russian and Spanish unless otherwise provided in the Rules of Procedure.

2. Reports submitted pursuant to Article 5 shall be prepared in the national language of the submitting Contracting Party or in a single designated language to be agreed in the Rules of Procedure. Should the report be submitted in a national language other than the designated language, a translation of the report into the designated language shall be provided by the Contracting Party.

ARTICLE 27. CONFIDENTIALITY

1. The provisions of this Convention shall not affect the rights and obligations of the Contracting Parties under their law to protect information from disclosure. For the purposes of this Article, "information" includes, inter alia, (i) personal data; (ii) information protected by intellectual property rights or by industrial or commercial confidentiality; and (iii) information relating to national security, the physical protection of nuclear materials or nuclear installations.

2. When, in the context of this Convention, a Contracting Party provides information identified by it as protected as described in paragraph 1, such information shall be used only for the purposes for which it has been provided and its confidentiality shall be respected.

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

ARTICLE 28. SECRETARIAT

1. The International Atomic Energy Agency, (hereinafter referred to as the "Agency") shall provide the secretariat for the meetings of the Contracting Parties.

2. The secretariat shall:

- (i) convene, prepare and service the meetings of the Contracting Parties;

- (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention.

The costs incurred by the Agency in fulfilling (i) and (ii) above shall be borne by the Agency as part of its regular budget.

3. The Contracting Parties may, by consensus, request the Agency to provide other services in support of meetings of the Contracting Parties. The Agency may provide such services if they can be undertaken within its programme and regular budget. Should this not be possible, the Agency may provide such services if voluntary funding is provided from another source.

CHAPTER 4. FINAL CLAUSES AND OTHER PROVISIONS

ARTICLE 29. RESOLUTION OF DISAGREEMENTS

In the event of a disagreement between two or more Contracting Parties concerning the interpretation or application of this Convention, the Parties shall consult within the framework of a meeting of the Contracting Parties with a view to resolving the disagreement.

ARTICLE 30. SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL, ACCESSION

1. This Convention shall be open for signature by all States at the Headquarters of the Agency in Vienna until its entry into force.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. After its entry into force, this Convention will be open for accession by all States.
4. (i) This Convention shall be open for signature or accession by regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(ii) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

- (iii) When becoming party to this Convention such an organization shall communicate to the Depositary a declaration indicating which States are members thereof and which articles of this Convention apply to it, as well as the extent of its competence in the field covered by those articles.
- (iv) Such organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 31. ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the [twentieth] instrument of ratification, acceptance or approval, including the instruments of [fifteen] States, each with at least one nuclear installation.

2. For each State or regional organization of an integration or other nature which ratifies, accepts, approves or accedes to this Convention after the date of deposit of the last instrument required to satisfy the conditions in paragraph 1, this Convention shall enter into force on the ninetieth day after deposit of the appropriate instrument by such a State or organization.

ARTICLE 32. AMENDMENTS TO THE CONVENTION

1. Any Contracting Party may propose an amendment to this Convention. Proposed amendments shall be considered at a review or extraordinary meeting.

2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting at which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.

3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or in the absence of such consensus, whether to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.

4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary to be held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article.

5. Amendments to this Convention adopted under paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties having ratified, accepted, or approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For those Contracting Parties which later on ratify, accept, approve or confirm the said amendments, the latter will enter into force on the ninetieth day after that Party deposits its relevant instrument.

ARTICLE 33. DENUNCIATION

1. Any Contracting Party may denounce this Convention by written notification to the Depositary.

2. Denunciation shall take effect one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification.

ARTICLE 34. DEPOSITARY

1. The Director General of the Agency shall be the Depositary of this Convention.

2. The Depositary shall inform the Contracting Parties of:

- (i) the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or accession, in accordance with Articles [33] and [34];
- (ii) the date on which the Convention enters into force, in accordance with Article [35];
- (iii) the notifications of denunciation of the Convention and the date thereof, made in accordance with Article [37];
- (iv) the proposed amendments to this Convention submitted by the Contracting Parties, the amendments adopted by the relevant Diplomatic Conference or by the meeting of the Contracting Parties, and the date of entry into force of the said amendments, in accordance with Article [36].

ARTICLE 35. AUTHENTIC TEXTS

The original of this Convention - of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary who shall send certified copies thereof to the Contracting Parties.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS CONVENTION.

Done at on the day of