



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 21, 1997

PDR
per D. Mossberg

Mr. Thomas E. McNamara
Assistant Secretary
Bureau of Politico-Military Affairs
Room 7325
U.S. Department of State
Washington, D.C. 20520

Dear Mr. McNamara:

The Nuclear Regulatory Commission (NRC) is formally requesting Circular 175 authority to agree to a terms of reference document establishing an International Nuclear Regulators Association (INRA). As a result of the positive outcome of a working group meeting here in Washington, January 16 and 17 (see below), and the probable formal constitution of INRA at a May 29, 1997 meeting in Paris, the NRC will need the Circular 175 authority well in advance, to enable us to advise other members that we intend to participate in this important new body. Further, as an international agreement other than a treaty, we believe the Circular 175 authority for the INRA would fall under the constitutional authority of the President, and would not require submission to the Senate for its advice and consent to ratification.

For the past several years, increased attention has been focused on enhancing the levels of safety and security in civil nuclear programs worldwide. Nuclear operators recognized the imperative of combining their national efforts in the cause of enhanced safety, and through the Institute for Nuclear Power Operations (INPO) and World Association of Nuclear Operators (WANO) have provided an organized focus for improvements to make the nuclear industry safer and more economical. Under their broader charters, the OECD/NEA and the IAEA also have established programs of work that address nuclear safety. Several multilateral initiatives, including those to enhance safety of Soviet-design reactors in Central and Eastern Europe, have emphasized the need to enhance cooperative efforts in nuclear safety. The recent Convention on Nuclear Safety codifies certain key legal obligations regarding the role and functions of national regulatory bodies.

In all of these initiatives, the role of a technically competent, independent regulatory agency has been affirmed repeatedly. NRC and other existing regulatory bodies have worked to promote the establishment and enhancement of competent, independent regulatory agencies, but the efforts up to now have not been focused or coordinated. Although senior nuclear regulators, such as the

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Commissioners of the Nuclear Regulatory Commission, have maintained informal contacts and arranged meetings to discuss issues of mutual interest, it has been on an ad hoc basis, mainly within the context of technical meetings at the OECD/NEA and the IAEA.

For about a year in various international nuclear fora, I have raised informally the desirability of an independent and formal mechanism through which senior national nuclear regulators might share their experience and coordinate policy approaches to nuclear safety. The concept of this forum was discussed informally in 1996 and early 1997 by NRC staff and relevant State Department offices, the Department of Energy, and the Office of Management and Budget. Following a successful presentation at the September 1996 OECD/NEA Heads of Regulatory Organizations meeting near Paris, I agreed to redraft the concept paper and the draft Terms of Reference for discussion by a small working group in early 1997. These documents were sent on December 30, 1996 to Mr. Robert Einhorn, Deputy Assistant Secretary of State for Nonproliferation, to alert him to the probable formation of this Association.

On January 15-17, 1997, I convened a working group meeting of the heads of seven national regulatory bodies (list attached) to discuss the creation of an International Nuclear Regulators Association. As a result of this meeting, the group agreed to circulate the draft terms of reference for discussion (enclosure) and anticipates formal adoption among an initial group of eight regulatory officials (representing Canada, France, Germany, Japan, Spain, Sweden, the United Kingdom and the United States) at a meeting in Paris currently scheduled for May 29, 1997.

During the discussions in January, the working group agreed that the proposed Association would develop points of contact in the International Atomic Energy Agency and the OECD/NEA to promote exchanges of information and prevent duplicative activities. Further, the working group recommended the INRA should provide consensus reports, which would be advisory in nature and drawn from topical policy discussions, to governmental national, and international responsible bodies, i.e., the IAEA and the OECD/NEA, concerning issues of nuclear regulatory significance. It is not the group's intent to create a supranational organization nor to engage in oversight of national programs or site visits.

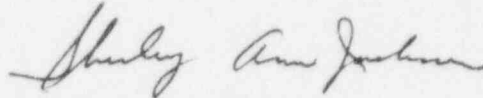
No additional resources will be required for membership and participation in this Association. Because the Association periodically will bring together senior officials for meetings focused on special topics of nuclear regulatory and safety policy importance, it is likely that such meetings will substitute for other regulatory events traditionally held on the margins, or as adjuncts to, other technical groups. This will result in more focused, efficient use of the available limited resources for nuclear safety cooperation.

Upon Executive Branch review, we will incorporate all agency recommendations in the U.S. delegation's negotiating instructions for the May meeting.

Please contact Mr. Carlton Stoiber, Director, Office of International Programs, NRC, for any further information on this matter, or assistance in securing Circular 175 authority at an early date.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Ann Jackson".

Shirley Ann Jackson

Enclosure: Draft INRA Terms of Reference

9:30 a.m. 17 January 1997

DISCUSSION DRAFT

TERMS OF REFERENCE
FOR
AN INTERNATIONAL NUCLEAR REGULATORS ASSOCIATION (INRA)

PREAMBLE:

The International Nuclear Regulators Association ("Association") is established to enable its members to influence and enhance nuclear safety worldwide from the regulatory perspective both individually and collectively.

The Association shall comprise the most senior officials of well-established independent national nuclear regulatory organizations who wish to exchange perspectives on important issues of nuclear safety.

OBJECTIVES

- To establish a forum for the most senior nuclear regulatory officials to exchange views on broad regulatory policy issues (technical, legal, economic, administrative).
- To build a global nuclear safety culture.
- To encourage the most efficient use of resources in areas of common interest.
- To work to enhance the stature of nuclear regulatory organizations worldwide.
- To seek consensus on how nuclear regulatory issues can be approached and implemented; to facilitate international cooperation in regulation.
- To work to advance nuclear safety through cooperation among its members, cooperation with relevant existing intergovernmental organizations (e.g., IAEA, OECD/NEA), with other national nuclear regulatory organizations, and others, as appropriate.
- To identify emerging nuclear regulatory challenges.

ADMINISTRATIVE ARRANGEMENTS:

ARTICLE 1: NAME

The organization established pursuant to these Terms of Reference shall be called the International Nuclear Regulators Association (INRA).

ARTICLE 2: PURPOSE

The Association shall influence and enhance nuclear safety worldwide from the regulatory perspective, both individually and collectively.

ARTICLE 3: ACTIVITIES

The tasks assigned to the Association shall be carried out in conformity with the provisions set forth in these Terms of Reference, to support the common interest of the members. In particular, the Association shall act by consensus to:

- Promote the exchange of information among members and other national nuclear regulatory bodies.
- Make recommendations to other responsible bodies, both national and international, concerning issues of nuclear regulatory significance.
- Support international cooperative activities and other nuclear safety initiatives.
- Participate in relevant activities of other bodies concerned with nuclear safety, as appropriate.
- Review the nuclear safety programs of existing international bodies.

ARTICLE 4: MEMBERSHIP

Members of the International Nuclear Regulators Association shall be the most senior officials of national nuclear regulatory bodies.

The initial membership is listed in Appendix A and reflects, for each respective country, the size and scope of the nuclear program; the existence of a well-established, independent nuclear regulatory authority; and a firm commitment to the provisions of the Convention on Nuclear Safety

The Association intends to consider, at an early date, the most efficient way to involve other national nuclear regulatory organizations so as to better achieve the Association's stated objectives.

ARTICLE 5: LANGUAGE

The working language shall be English.

ARTICLE 6: ORGANIZATIONAL STRUCTURE

The Association shall establish the following organizational elements:

- A Chairman shall be chosen by consensus and shall coordinate the work of the Association during his/her period of incumbency.
- The first Chairman shall serve for two years. Thereafter the Chairman shall serve annually.
- The Chairman shall provide the Secretariat functions during his/her term of office.
- The members shall cover their own expenses for participation in meetings.

ARTICLE 7: ASSOCIATION MEETINGS

Association meetings shall be held at least annually.

Association meetings shall be organized on the most efficient possible basis.

ARTICLE 8: GENERAL MEETING

The Association intends to consider, at an early date, the value of convening general meetings comprising the most senior officials of a broad range of national nuclear regulatory organizations, relevant existing intergovernmental organizations, and others as a useful means for advancing the Association's stated objectives.

APPENDIX A: INITIAL MEMBERSHIP

Canada

President and CEO
Atomic Energy Control Board of Canada

France

Director
Directorate for the Safety of
Nuclear Installations

Germany

Director General for Nuclear Safety
Federal Ministry for Environment, Nature
Conservation, and Nuclear Safety (BMU)

Japan

Chairman
Nuclear Safety Commission
(NRC)

Deputy Director General
Ministry of International Trade and Industry

Spain

President
Consejo de Seguridad Nuclear

Sweden

Director General
Swedish Nuclear Power Inspectorate (SKI)

United Kingdom

Director and Chief Inspector
HM Nuclear Installations Inspectorate (NII)
Nuclear Safety Directorate

United States

Chairman
U.S. Nuclear Regulatory Commission