

NOV 29 1974

Professor Heryasio G. De Carvalho, Chairman
Comissao Nacional de Energia Nuclear
Rue General Severiano, 90-Botafogo
20.000 Rio de Janeiro, Brazil

Dear Dr. Carvalho:

As you know, a group of officials from the U.S. Atomic Energy Commission visited Brazil during the week of August 25, 1974, to participate in a Nuclear Energy Seminar and hold discussions on nuclear matters with you and other officials of your Government. The group was pleased with these discussions and concluded that the exchange of views was beneficial to both countries.

The group indicated that the CNEN identified the need for developing a specific and positive mechanism for improving the U.S.-Brazil exchange of nuclear energy information. We agree that cooperation could be strengthened in the areas outlined in the document entitled "Brazil-U.S. Cooperation in Nuclear Energy," which was prepared by the Companhia Brasileira de Tecnologia Nuclear. Accordingly, we suggest that a separate formal Arrangement be concluded between our agencies for the exchange of regulatory information and cooperation in standards development. This Arrangement would establish the scope and procedures for carrying out anticipated information exchanges over the coming years.

I am enclosing a draft proposed "Arrangement" which sets forth the provisions of such an exchange. I would appreciate your views on the feasibility of executing this Arrangement as well as any changes you believe would be desirable.

Although we would be unable to send a nuclear energy regulatory employee to Brazil for a work assignment, we do have a new program

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which could allow us to accept the assignment of a permanent employee of your regulatory organization to work on our staff for a period of at least a year. Please advise me if you are interested in this program; if so, I will send additional information on the conditions and qualifications involved in selecting an individual for such an assignment.

Sincerely,

Original Signed by
Herbert H. Brown

Herbert H. Brown, Director
Office of Government Liaison -
Regulation

Enclosure:
Draft Agreement

cc w/encl:
Donald Reynolds, Rio de Janeiro, Brazil
Justin L. Bloom, Dept. of State

bcc w/encl:
H. H. Brown
A. Giambusso
J. D. Lafleur
E. E. Tucker
D. M. Chenier
Brazil File

(See Previous Concurrences)

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ARRANGEMENT BETWEEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION (U.S.N.R.C.)

AND THE COMISSAO NACIONAL DE ENERGIA NUCLEAR (C.N.E.N.)

FOR THE EXCHANGE OF TECHNICAL INFORMATION

AND

COOPERATION IN DEVELOPMENT OF STANDARDS

The United States Nuclear Regulatory Commission (hereinafter called the U.S.N.R.C.) and Comissao Nacional de Energia Nuclear (hereinafter called the C.N.E.N.), considering the desirability of a continuing exchange of information pertaining to regulatory matters, and collaboration in standards of the type required or recommended by these organizations for the regulation of safety and environmental impact of nuclear facilities, conclude the following agreement of cooperation.

I. SCOPE OF THE AGREEMENT

I-1 Technical Information Exchange

The U.S.N.R.C. and the C.N.E.N. agree to exchange the following types of technical information related to the regulation of safety and environmental impact of designated nuclear energy facilities:

- a. Topical reports concerned with technical safety and environmental effects written by or for the regulatory staff as a basis for, or in support of, regulatory decisions and policies.
- b. Significant licensing actions and safety and environmental decisions affecting these facilities.

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- c. Detailed documents on the U.S.N.R.C. regulatory process of certain U.S. facilities designated by the C.N.E.N. as the prototypes of certain facilities being built in Brazil and reciprocal documents on these overseas counterpart facilities.
- d. Reports on operating experience, such as reports on incidents, accidents and shutdowns, and compilations of historical reliability data on components and systems.
- e. Regulatory procedures for safety and environmental impact evaluation of these nuclear facilities.

I-2 Collaboration in Development of Regulatory Standards

The U.S.N.R.C. and the C.N.E.N. further agree to cooperate in the development of regulatory standards for these nuclear facilities.

- a. Each party will inform the other of specific subjects on which regulatory standards development work is underway, or is planned, and approximate schedules for moving work forward on those subjects.
- b. Copies of regulatory standards required to be used, or proposed for use, by the regulatory organizations of the respective countries will be made available by each party on a timely basis.

II. ADMINISTRATION

- a. The exchange of information under this arrangement will be accomplished through letters, reports, and other documents, and by visits and meetings arranged in advance on a case-

by-case basis. A meeting will be held annually, or at such other times as mutually agreed, to review the exchange activity, to recommend revisions, and to discuss topics within the scope of the exchange. The time, place, and agenda for such meetings shall be agreed upon in advance. Visits which take place under the arrangement, including their schedules, shall have the prior approval of the administrators.

- b. An administrator will be designated by each party to coordinate its participation in the overall exchange. The administrators shall be the recipients of all documents transmitted under the exchange, including copies of all letters unless otherwise agreed. Within the terms of the exchange, the administrators shall be responsible for developing the scope of the exchange, including agreement on the designation of the nuclear energy facilities subject to the exchange, on specific documents and standards to be exchanged, and on standards work to be coordinated. These detailed arrangements are intended to assure, among other things, that a reasonably balanced exchange giving access to equivalent available information is achieved and maintained.
- c. Once each three months, each administrator will correspond with his counterpart listing the titles of all documents that have been transmitted under this exchange program during the preceding three months.

- d. The administrators shall determine the number of copies to be provided of the documents exchanged.
- e. In general, information received by each party to the arrangement may be disseminated freely without further permission of the other party. Privileged or confidential information supplied by the sending party on the condition that the receiving party protect the information from unauthorized disclosure will be clearly identified by the sending party with special stamps or other bold lettering.

Such information shall not be disseminated:

- i. On the U.S. side, outside of the U.S.N.R.C. and consultants, and assisting agencies of the U.S. Government.
- ii. On the Brazilian side, outside the concerned authorities of the CNEN and consultants and assisting agencies of the Brazilian Government.

For the purpose of this arrangement, information may be considered confidential or privileged if all of the following criteria are met:

1. It is of the type customarily held in confidence by commercial firms.
2. It is not generally known or publicly available from other sources.
3. It has not been made available to other persons or organizations without an agreement of confidentiality.
4. It has been transmitted to the other party in confidence.
5. Disclosure could cause substantial harm to the competitive position of the owner of the information.
6. It is not information already in the possession of the

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receiving party from other sources under conditions which require public disclosure.

- f. This agreement shall have a term of five years; it may be extended further by mutual written agreement, and terminated by either party upon thirty-day notice.
- g. The application or use of any information exchanged or transferred between the parties under this arrangement shall be the responsibility of the receiving party, and the transmitting party does not warrant the suitability of such information for any particular use or application.
- h. Recognizing that some information of the type covered in this arrangement is not available within the agencies which are parties to this arrangement, but is available from other agencies of the governments of the parties, each party will assist the other to the maximum extent possible by organizing visits and directing inquiries concerning such information to appropriate agencies of the government concerned. The foregoing shall not constitute a commitment of other agencies to furnish such information or to receive such visitors.
- i. Nothing contained in this arrangement shall require either party to take any action which would be inconsistent with its existing laws and regulations. Should any conflict arise between the terms of this arrangement and those laws and regulations, the parties agree to consult before any action is taken.

Signed:

Comissao Nacional de Energia
Nuclear

United States Nuclear Regulator
Commission