

August 25, 1998

SECY-98-202

FOR: The Commissioners

FROM: L. Joseph Callan /s/
Executive Director for Operations

SUBJECT: IMPLEMENTATION OF THE CONVENTION ON NUCLEAR SAFETY

PURPOSE:

This paper forwards a draft of the U.S. National Report to meet the requirements of the Convention on Nuclear Safety (CNS). The Commission was last informed on matters related to implementation of the CNS in SECY-98-121, dated May 28, 1998.

BACKGROUND

The Convention on Nuclear Safety was proposed in 1991 and adopted in Vienna on June 17, 1994. In September 1994, the CNS was opened for signature, and as of July 27, 1998, there were 67 signatories and 42 Contracting Parties. The Contracting Parties are listed in Attachment 1. The CNS entered into force for its Contracting Parties on October 24, 1996. The Convention was sent to the Senate in May 1995, for Congressional advice and consent to ratification. It was hoped that action on ratification would be taken in the spring of 1998 in time for the U.S. to participate in the fall 1998 Organizational Meeting, where essential implementation decisions will be taken. However, because of competing priorities in the U.S. Senate and certain concerns expressed by the Senate Foreign Relations Committee (SFRC), action on ratification has yet to be taken. In the meanwhile, a draft resolution of ratification has been informally negotiated with the majority and minority of the SFRC. This resolution represents a compromise, balancing the Congress' right and need to know how the CNS is being implemented with Executive Branch efforts to have the U.S. assume an active and significant leadership role in the implementation of the Convention (see Attachment 2).

Elizabeth Doroshuk, NRR
415-1247

The Commissioners

Under the Convention's article on entry into force, all ratifying States must wait 90 days after deposit of instruments of ratification with the Secretariat (the International Atomic Energy Agency) before they become Contracting Parties. It is hoped that if action on ratification were to be taken by September of 1998, U.S. representatives could participate in the upcoming Organizational Meeting on September 29–October 7 of this year. However, if the U.S. Government does not meet this schedule, NRC representatives, as part of a U.S. Government delegation led by the State Department, may be invited to attend the meeting as observers, but will not be allowed to formally participate.

ACTIONS REQUIRED TO PREPARE THE U.S. NATIONAL REPORT

The implementation of the Convention rests on National Reports, which are peer reviewed at Review Meetings of the Contracting Parties held every three years. The first Review Meeting of Contracting Parties will be held between April 12 and 30, 1999. The National Reports must be submitted six months prior to Review Meetings, or, in the case of this first Review Meeting, at the first Organizational Meeting this fall. As the responsible national nuclear safety authority in the U.S., and in anticipation of Senate action on ratification, the NRC has taken the lead in drafting the U.S. National Report. The NRC will also likely be the lead U.S. agency in reviewing the National Reports of other Contracting Parties, including submitting comments to the Country Group Rapporteurs, and responding to questions about the U.S. National Report.

STATUS OF THE U.S. NATIONAL REPORT

Dr. Jack Roe, Acting Director, Division of Reactor Program Management (DRPM), Office of Nuclear Reactor Regulation (NRR), is managing the preparation of the U.S. National Report in consultation with Dr. Michael Cullingford, Special Assistant for Technical Policy and International Liaison, NRR. A schedule showing target plan of actions milestones for submitting the report to the IAEA is included as Attachment 3.

REQUESTED COMMISSION ACTION

No Commission action is requested at this time. The draft report has been completed, and is being forwarded to the Commission for information. If the Commission wishes to provide specific comments on the report, the staff would take the opportunity to address them, and modify the report. Following Senate action on CNS ratification, the report would then be forwarded to other organizations, including the U.S. Departments of State and Energy and the Environmental Protection Agency, for their review. The final report will be forwarded to the Commission for review and approval before it is submitted to the IAEA Secretariat, for circulation among the Contracting Parties. The report is included as Attachment 4.

COORDINATION:

The Office of the General Counsel has reviewed this report and has no legal objection to the staff's positions.

L. Joseph Callan
Executive Director
for Operations

Attachments: (Commissioners, SECY, OGC ONLY)

1. List of CNS Contracting Parties
2. Draft Resolution of Ratification
3. Target Plan of Action Milestones
4. Convention on Nuclear Safety, Draft National Report

IAEA CONVENTION ON NUCLEAR SAFETY

TARGET PLAN OF ACTION MILESTONES* TAC NO. MA0108

August 12, 1998

. Team Meeting, Article 6 "Existing Nuclear Installations"	February 18, 1998
. Complete Commission Information Paper	March 30, 1998
. Complete All Draft Articles (5 Weeks)	March 30, 1998
. Team Meeting, Comments on Overall Report	April 17, 1998
. Start Editorial Review of Draft Report	May 4, 1998
. Finish Editorial Review of Draft Report	May 15, 1998
. Start NRR, Program Offices' Review of Draft Report	June 29, 1998
. Finish NRR, Program Offices' Review of Draft Report	July 10, 1998
. Draft Report to Commission	August 14, 1998
. Briefing for OCM TAs (estimated)	August 20, 1998
. Draft Report to Executive Branch Agencies	August 25, 1998
. Briefing for EB Points of Contact (estimated)	September 11, 1998
13. Submit U.S. National Report to the IAEA	September 21, 1998
14. IAEA Organizational Meeting	September 29 - October 7, 1998
15. Submit Questions and Comments on National Reports	February 12, 1999
16. IAEA National Report Review Meeting	April 12-30, 1999

Once completed, the National Reports will be reviewed on a three-year cycle.

* Action beyond Milestone 10 will be taken only after the CNS has been ratified.

**CONVENTION ON NUCLEAR SAFETY
DRAFT NATIONAL REPORT
THE UNITED STATES OF AMERICA**

**U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C.**

SEPTEMBER 1998