

May 28, 1998

FOR: The Commissioners

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

SUBJECT: IMPLEMENTATION OF THE IAEA CONVENTION ON NUCLEAR SAFETY

This paper describes the staff's activities underway to prepare the U.S. National Report to meet the requirements of the IAEA Convention on Nuclear Safety (CNS). The Commission was last informed on matters related to implementation of the CNS in a memo from Carlton R. Stoiber, dated October 28, 1997.

#### BACKGROUND

The IAEA 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 February 28, 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. In the United States, 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 fall of 1997, but because of competing priorities in the Senate and certain concerns expressed by the Committee on Foreign Relations, action on ratification has yet to be taken.

The Chairman forwarded letters concerning the need for timely ratification of the Convention to the Senate committee members on September 6, 1996. 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 action on ratification will be taken in the spring of 1998, so that U.S. representatives may participate in the upcoming IAEA organizational meeting in September of this year.

CONTACT: Elizabeth Doroshuk, NRR  
415-1247

After the Senate ratifies the Convention, the U.S. will notify the IAEA of its ratification in a letter signed by the President which constitutes the instrument of ratification. According to the rules of the Convention, an instrument of ratification must be received by the IAEA on or before June 29, 1998, to allow participation in the Organizational Meeting which begins on September 29, 1998. If the United States Government does not meet this schedule, NRC representatives may be invited to attend the meeting as experts, but can not 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 National Reports must be submitted prior to, or at, the first organizational meeting scheduled for September 29 -October 4, 1998. As the responsible national nuclear safety authority in the U.S., and in anticipation of Senate action on ratification, the NRC is taking 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. The first review meeting of Contracting Parties will be held between April 12 and 30, 1999.

#### 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. Ten technical representatives of NRR are participating in the preparation of 19 Articles that will constitute the report. The staff will make the greatest possible use of existing standard NRC and other U.S. documents in compiling information for the report to minimize the use of NRC resources to meet the requirements of the Convention. The body of the report is expected to be about 150 pages long. Detailed information will be included in Annexes to the report. On March 30 the team members submitted their draft Articles. A schedule for completion of the report is included as [Attachment 2](#). The U.S. National Report will be forwarded to the Commissioners on July 6, 1998, for consideration in advance of requesting other organizations, including the U.S. Departments of Energy and State, to review the report.

#### OVERALL RESOURCES PROJECTED

The estimate of NRC resources necessary to implement the CNS is the same as was reported to the Commission in the last status report, and is included as [Attachment 3](#).

#### COORDINATION

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

The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections.

Attachments: (1) List of CNS Contracting Parties  
(2) Plan of Action Milestones  
(3) Resource Estimates to Support the CNS

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ATTACHMENT 1

## Convention on Nuclear Safety

### Background

The Convention on Nuclear Safety was adopted in Vienna on 17 June 1994. The Convention was drawn up during a series of expert level meetings from 1992 to 1994 and was the result of considerable work by Governments, national nuclear safety authorities and the Agency's Secretariat. Its aim is to legally commit participating States operating land-based nuclear power plants to maintain a high level of safety by setting international benchmarks to which States would subscribe.

The obligations of the Parties are based to a large extent on the principles contained in the IAEA Safety Fundamentals document "The Safety of Nuclear Installations". These obligations cover for instance, siting, design, construction, operation, the availability of adequate financial and human resources, the assessment and verification of safety, quality assurance and emergency preparedness.

The Convention is an incentive instrument. It is not designed to ensure fulfillment of obligations by Parties through control and sanction but is based on their common interest to achieve higher levels of safety which will be developed and promoted through regular meetings of the Parties. The Convention obliges Parties to submit reports on the implementation of their obligations for "peer review" at meetings of the Parties to be held at the IAEA. This mechanism is the main innovative and dynamic element of the Convention.

For additional information see the General Conference document on *Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety* - section on Legally Binding International Safety Agreements GC(41)/INF/8 Part A.

### Membership and Status

**Date of adoption:** 17 June 1994  
**Opened for signature:** 20 September 1994  
**Place:** Vienna, Austria  
**Date of entry into force:** 24 October 1996  
**Depositary:** International Atomic Energy Agency  
**Languages:** Arabic, Chinese, English, French, Russian and Spanish.

### Signatories and Parties

**(Last updated, January 1998)**

67 signatories

42 States have deposited an instrument of ratification, acceptance, or approval

Algeria (20 Sept 1994, signed)  
Argentina (17 April 1997, ratified)  
Armenia (22 Sept 1994, signed)  
Australia (24 Dec 1996, ratified)  
Austria (26 August 1997, ratified)  
Bangladesh (21 Sept 1995, accepted )  
Belgium (13 Jan 1997, ratified)  
Brazil (4 March 1997, ratified)  
Bulgaria (8 Nov 1995, ratified)  
Canada (12 Dec 1995, ratified)  
Chile (20 Dec 1996, ratified)  
China (9 April 1996, ratified)  
Croatia (18 April 1996, approved)  
Cuba (20 Sept 1994, signed)  
Czech Republic (18 Sept 1995, approved)  
Denmark (20 Sept 1994, signed)  
Egypt (20 Sept 1994, signed)  
Finland (22 Jan 1996, accepted)  
France (13 Sept 1995, approved)  
Germany (20 Jan 1997, ratified)

Ghana (6 July 1995, signed)  
 Greece (20 June 1997, ratified)  
 Hungary (18 March 1996, ratified)  
 Iceland (21 Sept 1995, signed)  
 India (20 Sept 1994, signed)  
 Indonesia (20 Sept 1994, signed)  
 Ireland (11 July 1996, ratified)  
 Israel (22 Sept 1994, signed)  
 Italy (27 Sept 1994, signed)  
 Japan (12 May 1995, accepted)  
 Jordan (6 Dec 1994, signed)  
 Kazakstan (20 Sept. 1996, signed)  
 Republic of Korea (19 Sept 1995, ratified)  
 Latvia (25 Oct 1996, acceded)  
 Lebanon (5 June 1996, ratified)  
 Lithuania (12 June 1996, ratified)  
 Luxembourg (7 April 1997, ratified)  
 Mali (13 May 1996, ratified)  
 Mexico (26 July 1996, ratified)  
 Monaco (16 Sept. 1996, signed)  
 Morocco (1 Dec 1994, signed)  
 Netherlands (15 Oct 1996, accepted)  
 Nicaragua (23 Sept 1994, signed)  
 Nigeria (21 Sept 1994, signed)  
 Norway (29 Sept 1994, ratified)  
 Pakistan (30 Sept. 1997, ratified)  
 Peru (1 July 1997, ratified)  
 Philippines (14 Oct 1994, signed)  
 Poland (14 June 1995, ratified)  
 Portugal (3 Oct 1994, signed)  
 Romania (1 June 1995, ratified)  
 Russian Federation(12 July 1996, accepted)  
 Singapore (15 Dec 1997, acceded)  
 Slovak Republic (7 March 1995, ratified)  
 Slovenia (20 Nov 1996, ratified)  
 South Africa (24 Dec 1996, ratified)  
 Spain (4 July 1995, ratified)  
 Sudan (20 Sept 1994, signed)  
 Sweden (11 Sept 1995, ratified)  
 Switzerland (12 Sept 1996, ratified)  
 Syria (23 Sept 1994, signed)  
 Tunisia (20 Sept 1994, signed)  
 Turkey (8 March 1995, ratified)  
 Ukraine (20 Sept 1994, signed)  
 United Kingdom (17 Jan 1996, ratified)  
 United States (20 Sept 1994, signed)  
 Uruguay (28 Feb 1996, signed)

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ATTACHMENT 2

IAEA CONVENTION ON NUCLEAR SAFETY

PLAN OF ACTION MILESTONES

TAC NO. MA0108

FEBRUARY 18, 1998

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|----|--|--------------------|
| 1. | Team Meeting, Article 6 "Existing Nuclear Installations" | -February 18, 1998 |
| 2. | Complete Commission Information Paper                    | -March 30, 1998    |
| 3. | Complete All Draft Articles (5 Weeks)                    | -March 30, 1998    |
| 4. | Team Meeting, Comments on Overall Report                 | -April 17, 1998    |
| 5. | Start Editorial Review of Draft Report                   | -May 4, 1998       |

6. Finish Editorial Review of Draft Report -May 15, 1998
7. Start NRR, Program Offices' Review of Draft Report -June 1, 1998
8. Finish NRR, Program Offices' Review of Draft Report -June 12, 1998
9. Start OEDO, OIP Review of Draft Report -June 19, 1998
10. Finish OEDO, OIP Review of Draft Report -June 29, 1998
11. Start Commission Review of Draft Report -July 6, 1998
12. Finish Commission Review of Draft Report -July 24, 1998
13. Start Outside Government Agency Review of Report -August 3, 1998
14. Finish Outside Government Agency Review of Report -August 21, 1998
15. Submit U.S. National Report to the IAEA -September 4, 1998
16. IAEA Organizational Meeting -September 29 - October 4, 1998
17. Submit Questions and Comments on National Reports -February 12, 1999
18. IAEA National Report Review Meeting -April 12-30,1999

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

**RESOURCE ESTIMATES TO SUPPORT THE CNS**

Fiscal Year	FY 98	FY99
ESTIMATED FTE*	2-4	2-4
ESTIMATED TRAVEL COSTS	\$2K	\$12K

\*Includes FTEs from the Office of International Programs (including the Nuclear Safety Attaché in Vienna, Austria) and the Office of Nuclear Reactor Regulation.

In FY98, it is anticipated that 2-4 FTE and \$2K for travel costs will be needed to draft the U.S. National Report, review National Reports of other contracting Parties, conduct iterative correspondence with Country Group Rapporteurs, and attend the September 1998 Organizational Meeting of contracting Parties at the IAEA in Vienna, Austria. FTE usage in FY99 includes completing the above tasks and attending the first Review Meeting of Contracting Parties in April 1999.

ATTACHMENT 3

MEMORANDUM TO: Hubert J. Miller, Regional Administrator  
Region I  
Luis A. Reyes, Regional Administrator  
Region II

A. Bill Beach, Regional Administrator  
Region III

Ellis W. Merschoff, Regional Administrator  
Region IV

FROM: Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

SUBJECT: REQUEST FOR REGIONAL ASSISTANCE TO CONDUCT RUSSIAN AND UKRAINIAN DIRECT ASSISTANCE PROGRAM INSPECTION ACTIVITIES

Your assistance during the past year in the conduct of eight Russian and Ukrainian Direct Assistance Program activities is greatly appreciated. The support provided by Region I was outstanding during the planning and performance of four activities over the past year. I especially want to recognize the exceptional efforts of Ron Nimitz and Tom Moslak to plan and conduct the recent radiation protection and radiation safety inspection at Calvert Cliffs. Our Ukrainian colleagues extended their sincere appreciation for the opportunities they were given to observe and discuss the work performed by your staff at Calvert Cliffs. I would like to add my thanks to you and your staff for your excellent work.

The three activities conducted in Region II earlier last year were very successful, though perhaps because Region II conducted the first of last year's eight activities, the visitors' many questions may have extended the time needed to complete our inspection. I would especially like to thank Paul

Kellogg for his extra effort to ensure our Russian colleagues were able to obtain the information necessary for preparation of their Engineering 37550 equivalent procedures.

One longer duration activity was conducted at Diablo Canyon and in Region IV last April, and as a result of the breadth of information covered during this activity, Ukrainian inspection procedures for fuel handling are near completion.

This year, assistance from Region III and IV is requested to conduct the five activities listed in [Attachment 1](#). Item 1 will be conducted in the Region III offices, and Items 2, 3 and 4 will be conducted at reactor facilities in Region III. Item 5 will be conducted at a reactor facility in Region IV.

Based on prior experience, it is estimated that Items 2, 3, 4 and 5 will involve a total of 1-2 days of effort on the part of region based personnel and the resident inspector in advance of the onsite activity, and day of effort to provide any followup information at the conclusion of the activity.

As discussed with James Dyer, Deputy Regional Administrator, Region IV, on March 9, and James Caldwell, Deputy Regional Administrator, Region III, on March 11, contractor support will be arranged by the headquarters project manager for all four activities.

Item 1 will involve approximately 2-3 days of effort on the part of region based personnel in advance of the activity, and one week during the conduct of the activity in the Region III offices. As discussed with James Caldwell, Deputy Regional Administrator, Region III, on March 11, contractor support will be arranged for this activity. More specifically, three GAN managers and an interpreter will visit Region III for one week to receive briefings on the SALP activities of regional, site resident personnel, and headquarters personnel. The GAN managers will attend a SALP Board meeting in Region III. The GAN managers will also be briefed on the use of SALP Board findings as feedback into the NRC's Master Inspection Planning (MIP) Systems, and as input into other NRC processes and products. If possible, the GAN managers should visit the reactor facility that was discussed during the SALP Board meeting for one day, if within reasonable driving distance of Region III.

The activities are described in "Memorandum of Meeting Between the U.S. NRC and the Russian Federal Authority on Nuclear and Radiation Safety (GAN)," negotiated and signed by Hugh L. Thompson, Jr. on January 6, 1998, and "Memorandum of Meeting Between the USNRC and the Nuclear Regulatory Administration, Ministry of Environmental Protection and Nuclear Safety," negotiated and signed by J. Callan on January 30, 1998. Copies of both of these are included as [Attachment 2](#).

Please confirm your ability to support the items in Attachment 1 in 1998. In your response, identify candidate facilities and inspection or meeting dates where appropriate, for the conduct of these activities. In addition, please identify a contact in your office by name and title who will assist in coordinating the planning of each activity. Please reply to Beth Doroshuk, Division of Reactor Program Management, NRR by April 28, 1998.

If you have any questions, please contact Beth Doroshuk at 301-415-1247.

Attachments: As stated

cc: D. Lange  
G. Fowler

ATTACHMENT 1

**PROPOSED SCHEDULES FOR CONDUCT OF  
RUSSIAN AND UKRAINIAN INSPECTION ACTIVITIES  
IN 1998**

**REGION III**

1	Russian Team 2.3-96	SALP Board Meeting	Region III	(Date)
2	Russian Team 2.1-96#2	ISI 73753/2515	(Byron)	(Date)
3	Ukraine Task 5.3-96	Engineering/Materials	(Byron)	(Date)
4	Ukraine Task 5.2-96	Operational Modes	(Byron)	(Date)

**REGION IV**

5	Russian Team 2.1-96#1	ISI 73753/2515	(Ft. Calhoun)	(Date)
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ATTACHMENT 2

Mr. Kenneth Sullivan  
Principal Investigator  
Engineering Technology Division  
Department of Advanced Technology  
Brookhaven National Laboratory

P.O. Box 5000  
Upton, New York 11973-5000

SUBJECT: NRC PROJECT ENTITLED, "FIRE PROTECTION SUPPORT - UKRAINIAN REGULATORY TRAINING," JOB CODE U-9610

Reference: Letter from Mark Sakitt to Mr. Dean Helms, dated October 6, 1997

Dear Mr. Sullivan:

The report, "Fire Protection Requirements for Nuclear Power Plant Units to Ensure Nuclear and Radiation Safety," is enclosed. This report provides the basis for the two activities planned for this project.

As discussed during your telephone conversation with Ms. E. Doroshuk on November 24, 1997, Brookhaven National Laboratory (BNL) will begin work on activities described in an enclosure to the letter referenced above. Ukraine Task 10.3-96 [NRC Comment on Ukrainian Documents] is scheduled to begin on December 15, 1997 with a draft report tentatively scheduled to be delivered to the NRC on January 16, 1998. The NRC will review the draft report and provide any additional comments to be considered in the draft report by February 13, 1998. If necessary, the draft report could be revised by February 27, 1998 enabling the NRC to forward the draft report to its contractor for translation into Russian by March 27, 1998. The NRC will also translate any outlines, slides or teaching material prepared by BNL and intended for use during conduct of Ukraine Task 10.1-97.

If possible, Ukraine Task 10.1-97 [Consultation on Draft Ukrainian Post-fire Safe-shutdown Regulations] should be scheduled and conducted at the NRC's Headquarters in Rockville, Md. during the month of April 1998. The week of April 6, 1998 is suggested.

The draft report will be finalized to include the results of discussions held during the consultation activity and forwarded to the NRC in final form one month after the completion of the consultation activity. A schedule for delivery of the final report will be firmly established at the time the consultation activity is scheduled: May 15 is suggested.

Ms. Doroshuk will contact you to discuss arrangements for conducting the consultation activity. Please don't hesitate to contact her on (301) 415-1247, or me on (301) 415-1188 to discuss these plans.

Sincerely,  
Richard C. Brady, Project Manager  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

Enclosure: As stated