

POLICY ISSUE

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FOR: The Commissioners

FROM: Janice Dunn Lee, Director
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SUBJECT: FRAMEWORK DOCUMENT FOR INTERNATIONAL ACTIVITIES

PURPOSE:

This paper transmits, for the information of the Commission, a document recently prepared by OIP in coordination with the International Council (IC). The document, called the Framework for International Activities or Framework Document, is intended to guide managers and the staff in understanding the relative significance of activities being conducted or proposed for action within the International Nuclear Safety Support arena.

DISCUSSION:

The Framework Document replaces OIP's 1997 paper on international priorities-setting (SECY-97-256/Confidential). The new document is based directly on the Strategic Plan for FY 2000-2005 and on recent Staff Requirements Memoranda, rather than maintaining a separate methodology (and evaluative criteria) for assigning priorities to our international activities. The Framework Document has a one-to-two year forward perspective and, I believe, will assist program offices as they form plans, set priorities, and allocate resources. The document also provides a useful description of NRC's review and decision-making processes in the International Nuclear Safety Support arena.

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COORDINATION:

The EDO concurs in this paper. OGC has no legal objection. CFO has reviewed this paper for resource implications and has no objection to its content.

/RA/

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Attachment:
"Framework for International Activities"

cc w/attachment:
SECY
EDO
OGC
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NRR
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Regional Administrators
OIG

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FRAMEWORK FOR INTERNATIONAL ACTIVITIES

NRC's international activities are wide-ranging, encompassing international nuclear policy formulation, export-import licensing for nuclear materials and equipment, treaty implementation, nuclear nonproliferation, international safety cooperation and assistance, safeguards support and assistance, international regulatory/safety information exchange, and cooperative safety research. These activities support NRC's domestic mission, as well as broader U.S. domestic and international interests. The FY 2000-2005 Strategic Plan discusses NRC's externally-oriented international activities (those in which national interests are the primary motivator) in the International Nuclear Safety Support arena and its internally-oriented international activities (those which provide direct benefits to NRC's domestic program) in the individual Nuclear Reactor, Nuclear Materials, and Nuclear Waste Safety Support arenas. The Strategic Plan lays a broad foundation for examining staff priorities for international activities.

The purpose of this document is to provide additional guidance for the staff and information for the Commission to draw on when considering current and future international commitments. It is intended to be general, serving as a framework within which to consider NRC's international activities, which are inter-dependent and must be coordinated, implemented, and managed by the agency using budgeted resources.

Part 1 of this guidance document describes the international components of the NRC Strategic Plan and a general approach to priority setting.

Part 2 provides a framework for international activities. Its major elements (A., B., C., and D.) are taken directly from the Strategic Plan. Its sub-elements are planned actions or objectives that support the Agency's strategic and performance goals. Part 2 does not include each and every international activity or sub-activity that merits staff support. Part 2 also does not attempt to denote the relative importance of the various entries, except that any activity that is specifically required by statute or treaty must be carried out and thus ranks ahead of discretionary activities. Otherwise, the fact that one activity is higher on the list than another should not be interpreted as indicating that it is more important.

Taken together, Parts 1 and 2 provide a list of expectations in NRC's international programs which may be used by the Program Offices in their planning, prioritizing, and resource-allocating processes. They may also enhance understanding of, and appreciation for, the staff's consideration and decision-making processes in the international activities arena.

The framework described in this document, prepared by the Office of International Programs, was developed in coordination with the members of the NRC International Council (IC). The IC plans to review this framework periodically and update it, as necessary.

I. GENERAL NRC GUIDANCE

A. NRC's Strategic Plan and Priority Setting

NRC's Strategic Plan provides the basis for prioritizing NRC's international activities. Within the International Nuclear Safety Support arena of the Strategic Plan, there is a single Strategic Goal:

Support U.S. interests in the safe and secure use of nuclear material and in nuclear nonproliferation.

This arena encompasses international nuclear policy formulation, NRC's statutory obligations with respect to nuclear nonproliferation matters such as export-import licensing, treaty implementation, international safety and safeguards assistance activities, and influence and partnership in the international nuclear community. NRC also participates in a variety of multilateral and bilateral programs in international safety cooperation, safety assistance, regulatory/safety information exchange, and safety research. A principal basis for NRC's participation in these international activities is the role they serve in facilitating the accomplishment of NRC's domestic regulatory responsibilities. These domestic duties are addressed in the following strategic goals for the respective Nuclear Reactor Safety, Nuclear Materials Safety, and Nuclear Waste Safety strategic arenas (and their associated performance goals¹):

Prevent radiation-related deaths and illnesses, promote the common defense and security, and protect the environment in the use of civilian nuclear reactors.

Prevent radiation-related deaths and illnesses, promote the common defense and security, and protect the environment in the use of source, byproduct, and special nuclear material.

Prevent significant adverse impacts from radioactive waste to the current and future public health and safety and the environment, and promote the common defense and security.

As a general matter, the relevant Program Office (NRR, RES, or NMSS) is responsible, consistent with any Commission guidance, for setting priorities and implementing international activities in the above three areas. For nonproliferation policy-related activities, including export-import licensing, and for activities in support of U.S. foreign policy to assure the safe and secure use of nuclear material in other countries, OIP takes a lead role in assuring coordination and a generally consistent Agency approach. NMSS takes a lead role in implementing international safeguards and nonproliferation policy in U.S. licensee facilities, and in the conduct of activities in support of the strengthening of International Atomic Energy Agency

¹ The performance goals supporting the strategic goals for the Nuclear Reactor Safety, Nuclear Materials Safety, and Nuclear Waste Safety arenas are: to maintain safety, protect the environment and the common defense and security; to increase public confidence; to make NRC activities and decisions more effective, efficient, and realistic; and to reduce unnecessary regulatory burden.

(IAEA) safeguards. Communication between the Program Offices and OIP is important to assure basic alignment of the various NRC activities having an international dimension, and to make adjustments in such activities as may be required at any given time to support NRC performance goals and thus promote NRC's overall best interests. The International Council promotes such communication and coordination, and, for example, has reviewed and concurred in this document.

B. Prioritizing NRC Activities in the Context of Overall U.S. Interests

Although NRC is an independent Agency, the Commission's international activities must conform with U.S. foreign relations policy and must not conflict in any significant way with the programs and activities of other U.S. government (USG) agencies. In practice, NRC's international interests and activities have been enhanced by these requirements. The National Security Council, the Department of State, and other Executive Branch agencies which promote U.S. interests abroad usually inform NRC of international activities in our areas of interest and expertise, and invite (if not urge) our participation. In turn, NRC submits for Executive Branch comment and clearance or approval its proposed international agreements, planned foreign travel, and requests for funding or support from other agencies.

Interagency consultation is an essential component of the Commission's decision-making process in setting priorities for NRC's international activities and assuring overall conformance with U.S. foreign policy interests. Responsible agencies, including NRC, consult among themselves formally and informally to develop common positions on international nuclear issues and to coordinate their various undertakings. Several USG interagency coordinating groups review nuclear-related international activities. These include:

1. The U.S. Steering Committee for IAEA, and its various subcommittees.
2. The U.S. Subgroup on Nuclear Export Controls.
3. The U.S. interagency review group for nuclear safety assistance activities.
4. The U.S. interagency coordination group for the Nuclear Energy Agency (NEA) Steering Committee and its various sub-committees.

C. Additional Priority-Setting Considerations

At the Operating Plan level, implementation of international activities requires informed judgements of the relative costs and merits, including efficiency and effectiveness considerations, of competing uses of resources in the pursuit of NRC goals. These day-to-day decisions also involve practical considerations such as the timing of the activity and the availability of key people required for success.

A Program Office's decision to participate in specific international activities should be consistent with the NRC's strategic goal and operating plans to support NRC interests in the safe and secure use of nuclear materials and in nuclear nonproliferation. The responsible office should prioritize its international activities, based on whether proposed international interactions are important to fulfill the strategic plan performance goals or strategies and are of sufficient benefit to warrant participation. In making these determinations, the responsible office should assess

whether proposed international interactions will provide NRC with information relevant to ongoing or planned NRC work; will improve the quality or timeliness of NRC work; will facilitate the dissemination of information important to safety, safeguards, or nonproliferation; will allow NRC to provide technical advice or assistance, as approved and as appropriate; or are needed to comply with a legal requirement. The same process should be applied in considering each international activity, regardless of whether NRC participation is requested on short notice or expenses are being paid by someone other than NRC. The scope of international activities to be covered by the process should not be limited to foreign travel. It might include participation in international meetings in the U.S., meetings with international officials not involving foreign travel, or requests from international organizations or governments to review documents or programs. Each office should consider its international interactions and identify the appropriate scope of activities to be covered by its process.

II. CURRENT EXPECTATIONS IN THE INTERNATIONAL NUCLEAR SAFETY SUPPORT ARENA: A FRAMEWORK

This Section defines broad categories and identifies examples of activities the staff would undertake to achieve NRC's strategic and performance goals. These examples are intended to be illustrative, and a more complete accounting of these activities is expected to be reflected in each individual Office Operating Plan.

- A. Carry out export licensing, international safeguards and international reporting and consultative activities mandated by U.S. law, international treaties or international conventions, or required pursuant to Commission-approved agreements or policy directives.
 - 1. Conduct thorough and timely reviews of proposed nuclear exports and imports, as required by statute or regulation, and reviews and activities to satisfy the requirements of U.S. Agreements for Cooperation in the Peaceful Uses of Nuclear Energy (U.S. Agreements).
 - 2. Consult with Executive Branch agencies on proposed U.S. Agreements, retransfers of U.S. obligated nuclear materials and equipment, and nuclear technology transfers.
 - 3. Facilitate implementation of IAEA safeguards at licensee facilities and submit international safeguards data to the IAEA.
 - 4. Submit required reports under the terms of the Convention on Nuclear Safety, including a high-quality submission for the Revised U.S. National Report to the IAEA Nuclear Safety Convention National Report Review Meeting, and robust NRC participation in the Review meeting, pursuant to the SRM of April 24, 2001. Similar requirements will apply once the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management is notified by the Senate and implemented in the U.S.

- B. Obtain and use non-U.S. safety and safeguards information that will alert the NRC to potential safety and security problems and threats, help identify potential accident precursors, and provide accident/incident analyses, including lessons learned, directly applicable to the safety of U.S. nuclear power plants and other facilities, and the use of nuclear materials.
1. Renew OIP-administered arrangements (two-year projection) with bilateral partners Argentina, Armenia, Canada, China, Finland, Germany, Greece, Indonesia, Israel, Japan, Mexico, the Netherlands, Russia, Sweden, Switzerland, and the United Kingdom.
 2. Maintain appropriate levels of NRC research cooperation with France, Japan and other nuclear power countries, directly or through the IAEA, the NEA, or the European Union (EU), to leverage NRC resources to examine key technical issues in regulating the safety of existing and proposed U.S. commercial nuclear facilities, and the use of nuclear materials.
 3. Assess the safety significance of foreign nuclear accidents or incidents, including all those rated 2 or higher on the International Nuclear Events Scale, to understand implications for NRC and its licensees.
 4. Exchange information with countries having experience of special relevance to the Nuclear Materials, Waste and Reactor Safety arenas. For example,
 - a. Examine and learn from foreign experience in licensing and inspecting mixed oxide (MOX) fuel fabrication facilities, with emphasis on the experience of France.
 - b. Develop a program of regulatory interaction on advanced reactor designs and concepts with countries such as China, Finland, Germany, France, Russia, and South Africa, which are investigating such reactors.
 - c. Interact with country regulatory programs and learn about technology and developments related to geological disposal, decommissioning, release of solid material, and control of radiological sources.
 5. Participate in selected activities of the IAEA, the NEA, and the EU, which will help maintain safety, protect the environment and the common defense and security; increase public confidence; make NRC activities and decisions more effective, efficient, and realistic; reduce unnecessary regulatory burden; and support safe and secure use of nuclear materials worldwide. In general, NRC will support NEA in activities related to resolution of safety issues, regulatory matters and research. NRC will support IAEA in activities related to development of standards, guidance and good practices.

6. Coordinate regulatory programs with neighboring countries Mexico and Canada.
- C. Assist other countries to prevent accidents, radiological sabotage, and the loss or diversion of sensitive nuclear materials, and to develop or improve associated foreign regulatory capabilities, regulatory independence, and nuclear safety/safeguards cultures.
1. Assure that NRC's publicly available safety and safeguards reports and documents are readily available to foreign regulatory and safety agencies.
 2. Coordinate and expedite the controlled release of non-publicly available safety, safeguards, and physical protection information to designated countries and/or international organizations when NRC determines it to be in the interest of domestic or international safety/security to do so.
 3. Upon request, but with advance notice, meet with representatives of foreign regulatory agencies which are parties to NRC bilateral information exchange agreements, to discuss substantive safety and/or safeguards concerns and regulatory issues.
 4. Participate in U.S. interagency bilateral physical protection visits to countries which possess U.S. origin nuclear material.
 5. Carry out selected training and assistance activities for foreign regulatory and safety agencies, either bilaterally or through international organizations.
 - a. Continue to offer selected on-the-job assignments at NRC Headquarters and Regional Offices and training at the Technical Training Center to qualifying foreign personnel on a space-available basis.
 - b. Continue bilateral regulatory assistance activities funded by AID, DOE, and other outside sources for countries of the former Soviet Union and of Central and Eastern Europe.
 - c. Provide Commission-approved regulatory training and assistance to the Korean Peninsula Energy Development Organization (KEDO) project.
 - d. Participate in selected technical assistance and training activities of the IAEA, which are especially relevant to NRC's mission and institutional expertise, using past level of effort and resource availability as guides to determine the reasonable limits of such participation. Upon request, and within the above limitations, provide NRC participants or identify equivalent experts outside

NRC to participate in International Regulatory Review Team (IRRT), Operational Safety Review Team (OSART), International Probabilistic Safety Assessment Review Team (IPSART), International Physical Protection Advisory Service (IPPAS) missions, and other IAEA safety, safeguards, and physical protection missions and training, in countries or areas of interest to the U.S. and the Commission. Provide advance information to the Commission on planned participation in such activities and missions pursuant to the procedures (EDO memo dated August 29, 2001) developed in response to the SRM on international interactions dated April 24, 2001.

- D. Influence international safeguards and nuclear safety regulatory standards, policies and practices.
 - 1. Take pro-active steps, in collaboration with other USG agencies, to identify and frame U.S. interests and, in cooperation with foreign regulatory, safety and safeguards agencies, to try to assure that international outcomes are consistent with U.S. goals.
 - a. Represent the U.S. in positions of influence at the IAEA, NEA and other international organizations, including the IAEA governing board and standing advisory groups and the NEA steering committee and standing technical committees.
 - b. Participate in IAEA and bilateral meetings and consultations on international safety standards, codes and guides for nuclear power and research reactors, fuel cycle facilities and activities, waste management, transportation, and radioactive material handling, to include activities to define and approve international clearance standards and to address radiological safety problems arising from orphan sources.
 - c. Participate in IAEA and bilateral meetings and consultations on international safeguards and physical security activities, including work on a proposed revision to the Physical Security Convention; work on implementation of the Additional Protocol to the U.S. - IAEA Safeguards Agreement; and work on strengthening IAEA safeguards, export controls, and nonproliferation initiatives.