

DRAFT CABLE TO MOSCOW

Subject: US Draft Response to Soviet Proposal on Commercial Nuclear  
Reactor Safety Cooperation

1. This is an action Cable
2. Action Requested: Embassy is requested to present draft agreement on US-Soviet cooperation in commercial nuclear reactor safety contained in paragraph 7 below to State Committee on Atomic Energy as US response to Soviet proposal given to NRC Chairman Zech during visit to US of Soviet nuclear safety delegation, October 13-27.
3. Background: As agreed at August 1986 meeting of US/Soviet Joint Committee (JCM), US and Soviets exchanged visits during past year to observe each side's nuclear facilities and organizations and explore reestablishing cooperation in nuclear safety. During most recent visit, Soviet Deputy Minister Lapshin presented draft "protocol" on commercial nuclear reactor safety cooperation for US review. US side has reviewed this draft and wishes to submit alternative proposal.
4. Context and Timing: We see negotiating process proceeding in context of both broadened international nuclear safety agenda following Chernobyl and enhanced US/Soviet relations as result of summit process, but we do not wish to tie specifics of agreement on commercial nuclear reactor safety cooperation to summit timetable. Negotiations on present topic should be

driven by principles of full reciprocity; equal access to facilities, information and personnel; and mutuality of interest on both sides in enhancing commercial nuclear reactor safety worldwide. Activities under individual programs should be balanced in terms of numbers of visits, information exchanged, financial responsibility and conditions of treatment for visitors. While we do not wish to push process, we believe it would be appropriate, should negotiations proceed smoothly, to look forward to signing an agreement at the March 1988 meeting of the JCM in Washington.

5. Rationale for changes incorporated in US version: English translation of Soviet draft protocol being sent septel. Based on language setting up JCC's on fusion and high energy physics, US draft agreement avoids designating one US agency (e.g., NRC or DOE) and a counterpart Soviet agency in preambular paragraph. We recommend a more generalized and abbreviated form of an agreement/protocol that could be signed by NRC Chairman Lando Zech and a Soviet counterpart on behalf of the two governments, setting up a Joint Coordinating Committee on Commercial Nuclear Reactor Safety (JCCCNRS) under the JCM. Soviet version [See septel, in Article 8] goes too far in outlining practical implementation of cooperative arrangements. Such specifics as housing, financing, publishing reports, and family arrangements for exchanges are much better dealt with when deciding on specific arrangements on specific collaborative projects. This agreement should establish only the broad principles of reciprocity and equal access according to which such decisions should be made, with due consideration to which side benefits from the cooperation and in what ways.

Finally, we would prefer a shorter term for the agreement [five years rather than ten], with possibility of renewal.

6. Rationale for cooperation in commercial nuclear reactor safety: The rationale for bilateral cooperation with the Soviet Union in this area centers on the need for reliable energy sources in the future. The accident at Chernobyl reinforced the conviction that a nuclear accident has public repercussions far beyond the border of the country in which it occurs. These consequences transcend the health effects of the accident itself and are even more dramatic in democratic countries, where the public has a voice in national energy policy. The safe application of commercial nuclear reactors worldwide is important to US and Western energy security. Therefore, the first part of the rationale for cooperation with the Soviets on commercial nuclear reactor safety is to enhance the safety of such Soviet reactors to help prevent another Chernobyl and to expose the Soviets to western nuclear safety philosophy so they will be persuaded to adopt a defense in depth approach to design and operational safety of their nuclear power plants. Another motive is to obtain from the Soviets greater information about the Chernobyl accident itself and its environmental and health effects consequences. A third reason for cooperation is to lay the groundwork for commercial cooperation involving the US nuclear industry which can sell pertinent technology to the Soviets and their Eastern European allies that will help to make their reactors safer. Finally, since specific cooperation will be negotiated by interested agencies and organizations under the umbrella of the JCCNRS, and based on rigorous

application of the principles of reciprocity, such an agreement will be beneficial to US interests by insuring that all cooperation be based on the same principles, and that our foreign policy and national security interests are adequately protected whenever such cooperation is proposed.

7. With these principles in mind, the Embassy is instructed to present the following draft language to the Soviet State Committee for the Utilization of Atomic Energy in response to the draft protocol they presented to Chairman Zech on October 14. Embassy should request formal Soviet consideration and response by early January to move negotiations forward expeditiously.

Jim Green NRC  
draft of US draft

Sov draft: Louis de la Cruz

DRAFT [PROTOCOL] AGREEMENT

on Cooperation in the Field of Commercial Nuclear Reactor  
Safety between the United States of America and the Union  
of Soviet Socialist Republics

Nov 24  
US  
draft

The United States of America and the Union of Soviet Socialist Republics,  
desiring to establish close and long-term cooperation in the field of  
commercial nuclear reactor (CNR) safety;

Noting that fruitful cooperation on commercial nuclear reactor safety will  
reduce risks for the populations of the United States of America and the  
Union of Soviet Socialist Republics and reduce risks to the environment  
from present and future commercial nuclear reactors of both countries, both  
during normal operation and in the event of emergency situations; and,

As provided for by Article 2, Subsection 3 of the Agreement between the  
U.S. and USSR on Scientific and Technical Cooperation in the Field of  
Peaceful Uses of Atomic Energy of June 21, 1973, and pursuant to the  
protocols of discussions on this subject between the countries in August  
1986, March 1987 and October 1987;

Have agreed as follows:

ARTICLE 1

The purpose of cooperation under this protocol/agreement is to increase commercial nuclear reactor safety, to reduce risks for the population and damage to the environment from existing and future CNRs, and to improve the methods and practices of regulatory activity with regard to CNRs operated by the parties to this protocol/agreement.

Cooperation under this protocol/agreement will be carried out as mutually agreed on the basis of mutual benefit, equality and full reciprocity between the parties.

ARTICLE 2

The scope of cooperation under this protocol/agreement will be as follows:

1. Policy and practices of regulatory activity regarding safety of commercial nuclear reactors.
2. Problems of safety in design, construction, operation and management of CNRs.
3. Research directed at improving the safety of CNRs.

4. Questions of health care and environmental protection requirements arising from the use of CNRs.

5. For purposes of this protocol/agreement, CNRs include reactors for electric power generation, district heating, process heating, research and development, and production of radioisotopes for medical purposes.

### ARTICLE 3

1. In order to implement this protocol/agreement, there shall be established a Joint Coordinating Committee for Commercial Nuclear Reactor Safety (JCCCNRS).

2. The JCCCNRS will coordinate and review all aspects of this protocol/agreement and shall take such action as is necessary for effective implementation of this protocol.

3. The JCCCNRS will present its proposed program, together with any recommendations for amendments to the protocol/agreement, for approval to the Joint Soviet-American Committee on Cooperation in the Peaceful Uses of Atomic Energy, which shall make final governmental decisions regarding such matters, in accordance with laws and regulations of the cooperating parties.

4. The JCCCNRS may organize, establish and arrange working groups, conferences and seminars of specialists for joint discussion and study of

specific topics related to CNR safety or its regulation; review and comment on the reports of such working groups, conferences and seminars; define specific projects and programs for nuclear safety cooperation; arrange exchanges of scientific and technical safety information, personnel and equipment; and resolve questions on such matters as payment of costs under this cooperation, provision of medical care/insurance, liabilities for damage or loss of property, and patent/publication rights for joint activities administered under the Protocol, according to procedures to be developed separately by the JCCCNRS.

5. The JCCCNRS may help arrange transactions between or among organizations within or outside this Protocol/Agreement for services contracted on a commercial basis, within the limits of national laws and regulations of the US and USSR.

6. Other forms of cooperation may be added by mutual agreement of the parties.

7. The JCCCNRS will decide on its membership and meeting schedule. Generally it will be convened once a year, in the United States and the Soviet Union alternately, unless mutually agreed otherwise. Times and places for meetings will be mutually agreed upon in advance.



ARTICLE 4

1. This cooperation may be conducted according to plans and programs mutually agreed to by the parties in the following principal establishments and organizations:

- in the U.S.:

The Nuclear Regulatory Commission

The Department of Energy

US National laboratories

Appropriate nuclear industry establishments and/or organizations

- in the USSR:

The State Committee for Utilization of Atomic Energy

The Ministry of Atomic Energy

The State Committee for Supervision of Safety in the Nuclear  
Power Industry

National laboratories, institutes and other organizations as  
appropriate

2. Each party may unilaterally adjust the list of its establishments and organizations participating in this cooperation.

ARTICLE 5

1. Cooperation under this protocol/agreement will be carried out in conformity with the laws and regulations of the respective countries.
2. Any questions relating to this protocol/agreement that arise during the period it is in force will be decided by mutual agreement of the parties.

ARTICLE 6

1. This protocol/agreement will enter into force upon signature, will remain in force for five (5) years, and is subject to extension of an additional five (5) years by mutual written agreement of the parties following joint review at the end of the first five-year period.
2. All joint projects and experiments being conducted when the effective period of this protocol/agreement ends will be continued to their conclusion in accordance with the terms of this protocol/agreement.
3. Either party has the right to withdraw from the protocol/agreement at any time for reasons of national security.
4. This protocol/agreement is drawn up in two copies, each in the English and Russian languages, both texts being equally authentic.

Done at \_\_\_\_\_ on the \_\_\_\_\_ day of the month  
of \_\_\_\_\_ of the year one thousand nine hundred eighty eight (1988).

LANDO W. ZECH, JR.

Chairman

US Nuclear Regulatory Commission  
For the Government of  
the United States

A. PETROSYANTS

Chairman

State Committee for  
Utilization of  
Atomic Energy  
For the Government of  
the Union of Soviet  
Socialist Republics