

DSI-20

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**Subject:** NRC Strategic Assessment Issue Paper DSI 20

The following personal comments from Mr Robert Godfrey of the Australian Nuclear Science & Technology (ANSTO) are in response to the Issue Paper DSI 20 on International Activities.

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#### COMMENTS ON THE INTERNATIONAL ACTIVITIES PAPER DSI 20 OF THE US NRC STRATEGIC ASSESSMENT

The request for comment on this paper was unclear as to whether it was related to the paper itself (independent of the issues), the issues themselves or wider ranging issues related to those issues raised. This paper addresses all three aspects in varying degrees. The comments are those of the author only, have not been reviewed for external distribution, and do not necessarily represent the view of the Organisation.

##### A : Direction Setting Issue

With regard to the fourth international function, assistance, it may be helpful to identify the criteria used to determine whether assistance is provided and at what level that assistance is provided.

##### B. Options

It would be in the interest of all parties for the NRC to remain involved in international activities. Clearly this would bring benefit to the participating nations given the input that the NRC could have. Benefit to the NRC would be two-fold : firstly, the NRC would maintain an awareness of developments in regulatory matters in other countries, and secondly, they could learn and review or revise their own policies and procedures based on experience in other countries.

Information exchange should not only occur with other regulatory bodies outside the US, but with reactor operators as well. This is especially relevant with regards to licensing (accreditation or qualification) of individuals as reactor operators. This is the responsibility of the NRC in the US, but of operating organisations in other countries.

Other countries, regulators and operating organisations could benefit from advice on legislative aspects of nuclear regulation.

One area which NRC should consider by way of exchange of information is that relating to the development of a strong safety culture amongst reactor operators, based on their experience and observation of reactor operations and practices in the US.

Another specific area where experience could be shared with operating organisations is that relating to development of Safety Assessment Reports (SAR\*s or safety cases) and Operational Limits and Conditions.

#### 1. International Policy and Priority Formulation

It would be more correct to say \*A decision about NRC\*s international role necessarily entails a decision about the extent to which NRC would participate in the Executive Branch\*s development of policies in areas that might have an impact on NRC or its licensees, and the relative priority given to these activities by the NRC or the Executive Branch in a regime of budget and resource constraint\*. The issue of priorities is subsequently addressed, but only in part as it only addresses relative priorities of international activities, not relative priorities of international and all other NRC activities. Also, the aspect of the priority of international activities as seen by the Executive Branch is not addressed. This is considered to be crucial to the discussion, as it is this which determines the level of budget and resource constraint. In line with this issue, it would be to the benefit of all concerned that clear guidance be provided, based on a dialogue between NRC and the Executive Branch as to the relative priorities of the individual of the NRC mission.

#### 2. Export Import Licensing

A high priority should be given to effort pertaining to the Comprehensive Threat Reduction Program. There would appear to be no net benefit in transferring to another agency, in fact probably a loss would be incurred in resource allocation to transferring and developing the necessary skills to perform this function.

#### 3. International Regulatory Exchanges

The proposed International Nuclear Regulators Forum should be pursued. Benefits would accrue to the NRC by enhancing their understanding of practices and directions in other countries.

#### 4. Assistance

Although reference is provided to the relative priorities of assistance programs (nuclear safety and security assistance to Former Soviet Union (FSU) and Community of

European Economies (CEE) at a greater level than regulatory and technical safety assistance to developing countries that are in the early stages of building nuclear power infrastructures), but no criteria are provided or guidance given as to how or why such priorities are assigned by the Commission.

Reference to the level of available resources is different for each of the four aspects of international activities: International Policy and Priority Formulation (no clear advice on the current resource level only that attributed to the extremes of nominated options, although it appears to be on an as required basis); Export-Import Licensing (about 5 FTE\*s plus additional 5 for implementing US/IAEA Safeguards Agreement) International Regulatory Exchanges (about one-third of resources or about 20 FTE\*s), and Assistance (about one half of resources). The (deduced) resources attributed to Policy and Priority Formulation appears inconsistent with the reference to frequent requests from the Executive Branch.

It is stated that the primary focus of NRC\*s activities and responsibilities is on domestic regulatory matters, and that tension exists in regard to use of the Commission\*s resources to this end or in international assistance. It would therefore stand to reason that the Commission should determine where the greatest returns exist in regard to domestic regulation from these international activities, and reassign their priorities and resources accordingly.

### III Discussion of Direction Setting Issue

The discussion on this section touches on a potentially key aspect of resource assignment, namely that of enlisting contract effort to achieve certain objectives. The relevant issues which need to be considered in regard to the appropriateness of use of contract effort include cost-effectiveness, the time frame for completion of particular actions, and the retention of in-house corporate knowledge or transfer to external agents.

With regards to the review of ongoing involvement in assistance to FSU and CEE, and in addition to the proposed approaches, consideration should be given to developing greater degrees of collaborative assistance with other countries.

### IV. Options

It seems curious that the summary table of options indicates that International Assistance having the greatest FTE allocation (~50% = 30) is the first to be terminated (Option 1: Seek to reduce NRC\*s role to a minimum); granted this is where the greatest savings can be made, but one would have thought the allocation was based on the importance of this function.

Consideration should be given to whether or not there exist any other options in addition to those proposed. Can NRC collaborate with other agencies to maintain or

extend its mission objectives? Can NRC transfer any of the responsibilities to other agencies? To what degree can contract effort be used to provide greater cost-effectiveness?

In regard to US government policy development, NRC should look closely at areas of duplication between their activities and responsibilities and those of the DOE, as well as other agencies, although there is something to be gained from the perspectives of both an operating and regulatory organisation. As with many other aspects of the international activities of NRC, it would appear that decisions need to be made by the Executive Branch as to the importance of having such diverse perspectives and therefore the commitment to resourcing those agencies required to provide those perspectives.

Again, \*independent NRC oversight\* is referred to as being required by Congress in relation to implementation of IAEA Safeguards required by the US/IAEA Safeguards Agreement, whereas there is clearly some duplication with other agencies involved in this same activity (namely Arms Control and Disarmament Agency, Departments of Energy, State and Commerce).

The Commission's preliminary view, namely to adopt Option 4 to conduct international activities of importance to NRC's domestic mission and US national interests (retain status quo) is a prudent one, and commendable regarding the pressing budgetary constraints. All of the issues in DSI 20 (and this paper) should however be considered to ensure the best utilisation of restricted resources, and possible reallocation of FTE's consistent with reassigned priorities to meet the stated objectives.

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