

1288
Info

August 22, 1995

MEMORANDUM TO: Chairman Jackson
Commissioner Rogers

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS MEMORANDUM

Attached is the staff requirements memorandum on SECY-95-202. The SRM will be issued to the staff by COB Friday, August 25, 1995, unless I hear otherwise.

The attached SRM and the subject SECY paper contain **sensitive information** and they will not be released to the public.

Attachment:
As stated

cc: IP
EDO
OGC

50
CH

K221 to JEL

MEMORANDUM TO: Carlton R. Stoiber, Director
Office of International Programs

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-114 - PROPOSED
LICENSE TO EXPORT MAJOR REACTOR COMPONENTS
(XR164) AND SPECIAL NUCLEAR MATERIAL
(XSNM02858) TO COLOMBIA

The Commission has authorized the issuance of export licenses XSNM02858 and XR164 to the Department of Energy pending confirmation that the physical security modifications have been completed in Colombia, which would allow Colombia to meet the recommendations of IAEA INFIRC/225/Rev. 3.

In the future, the staff should closely coordinate their work to ensure that statements are accurate, and that inconsistencies do not prevail.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
EDO
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM, SECY-96-114, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

C/53
[Handwritten signature/initials]

MEMORANDUM TO: Carlton R. Stoiber, Director
Office of International Programs

FROM: John C. Hoyle, Secretary

SUBJECT: SECY-95-202 - PROPOSED AGREEMENT FOR
COOPERATION BETWEEN THE U.S. AND ARGENTINA

The Commission (Chairman Jackson, exercising delegated authority pursuant to a delegation from the Commission, in accordance with NRC Reorganization Plan No. 1 of 1980) has approved the proposed letter from the Chairman to the President with the changes indicated in the attachment.

Attachment:
As stated

cc: Chairman Jackson
Commissioner Rogers
EDO
OGC
OCA
OIG

* This decision was made after consultation with Commissioner Rogers, who has stated his agreement with the result announced here.

SECY NOTE: THIS SRM AND SECY-95-202 CONTAIN SENSITIVE INFORMATION AND WILL BE LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE.

cl 54
[Stamp]

Chairman vic Gold
Karin Henderson to present
3/28

Proposed Issues for Gore-Mbeki

1. Review of existing NRC-CNS activities
 - NRC-CNS arrangement
 - CNS participation in CAMP (thermohydraulics code development program)
2. NRC wants to participate in existing Binational Commission (BNC) matrix items in
 - Review of Nuclear Safety Legislation
 - Training of South African legislators (USIS-funded)
 - familiarize themselves with US division of promotional/regulatory issues;
 - creating legal framework for an independent regulator with adequate resources
 - Mr. Golding's proposed meetings on Hill and at NRC post BNC meetings in July
3. NRC wants to create new BNC matrix item in Nuclear Safety
 - Strengthen the regulatory body, the Council on Nuclear Safety
 - Regulatory Training of CNS personnel (on-the-job and at Chattanooga)
 - funded through USIA/AID?
4. SAJ would like to review other initiatives in which South Africa could/should participate:
 - NRC-proposed International Nuclear Regulators Forum initiative
 - SAJ initiatives in international nuclear safety research
 - Funding for SA participation in CSARP (severe accidents), other research programs needed (USIA/AID?)
 - Urge South Africa to ratify the Convention on Nuclear Safety
5. Look forward to developing these issues further during SAJ trip to South Africa
4. NRC Participation in the Peaceful Uses Conference to discuss NRC regulatory program

55
C/

RUSSIAN AND U.S. REGULATORS ADDRESS NUCLEAR SAFETY

The Federal Nuclear and Radiation Safety Authority of Russia (GAN) and the United States Nuclear Regulatory Commission (NRC) have been cooperating to improve nuclear safety since July 1992. Over the past three years there have been over 100 technical exchanges involving over 400 people, including such highlights as:

- Development of computer models and computer codes to simulate incidents,
- Development of select regulatory guides and standards needed to license nuclear-related activities in Russia,
- Passage of the Russian basic law on the use of nuclear energy, and
- Development and improvement of fire protection standards and regulatory documents.

NRC and GAN have reaffirmed the mutually beneficial program of work that will be conducted between the two agencies over the next 12 to 18 months, including:

- Safety Analyses of Nuclear Power Plants,
- Legislative and Legal Bases for Regulation and Oversight of Nuclear-related Activities,
- Creation of an Emergency Support and Response Center,
- Regulatory Personnel Training and Development,
- Nuclear Material Control and Accounting and Physical Protection,
- Fire Protection at Nuclear Power Plants,
- Probabilistic Risk Assessment of an Operating Nuclear Power Plant, and
- Licensing and Inspection of Radioactive Materials.

5x
C/

Reactor Vessel Embrittlement and Steam Generator Tube Integrity

To complement the Department of Energy (DOE) pressure vessel annealing demonstration, the NRC is conducting reactor pressure vessel integrity research. This work includes research in fracture mechanics analysis, material properties, embrittlement phenomena, inspection techniques and annealing.

NRC is also conducting research relating to steam generator tube integrity, including evaluation under accident conditions, material properties, failure analyses and non-destructive examination (NDE) inspection techniques.

The NRC proposes to make the published results of its reactor vessel embrittlement and steam generator tube research available to the CNS, and to encourage CNS staff to actively participate in these research programs. No special funding would be sought for these activities.

In addition, the NRC will seek access to operating data from the Koeberg nuclear power plant related to the above safety areas to supplement the NRC data base.

Responsible Agency:

US Nuclear Regulatory Commission

Funding

The NRC will seek \$450,000 in funding for participation by CNS in the CSARP program for a three year period.

57
C/

DRAFT ENERGY COMMITTEE TALKING POINTS
CHAIRMAN SHIRLEY A. JACKSON
U.S. NUCLEAR REGULATORY COMMISSION

- I am pleased to participate on behalf of the Nuclear Regulatory Commission at this second meeting of the Sustainable Energy Committee of the Binational Commission.
- In support of the U.S. Government's nonproliferation goals we believe that, with the cooperation of the Republic of South Africa we can develop nuclear safety and nuclear nonproliferation policies which are mutually reinforcing.
- In 1994 the Nuclear Regulatory Commission and its counterpart regulator in South Africa, the Council for Nuclear Safety (CNS) signed a regulatory information exchange arrangement. This began a nuclear safety dialogue with South Africa and an introduction to the methods, institutions and approaches the U.S. uses to ensure the safety of nuclear power programs and other applications of nuclear energy.
- I am pleased to note that the CNS has joined the NRC sponsored Code Applications and Maintenance Program. More than 15 countries participate in this collaborative effort to refine power reactor thermal/hydraulic computer codes.
- I understand that at the first meeting of the Sustainable Energy Committee in December 1995 a proposal to develop an enhanced nuclear safety relationship was well received. As a first step in this process Department of Energy (DOE) invited the CNS to join the Annealing Demonstration Programs.
- The Sustainable Energy Committee also committed to assisting South Africa in developing and reviewing new nuclear safety and nuclear waste legislation. If requested, the NRC is able to provide some limited assistance in this effort.
- Concurrently, NRC could participate through the USIS-funded training of South African Parliament Energy Committee staff, in discussions of how the NRC interacts with its Congressional oversight committees, with an emphasis on creating the legal framework for an independent regulator which has adequate resources to carry out its public health and safety functions.
- I am also pleased to report that NRC is planning to participate in the DOE-sponsored Peaceful Uses Conference, discussing the NRC regulatory program.
- I propose that the Sustainable Energy Committee consider adding a new matrix item entitled "Nuclear Safety." Under this item the NRC and CNS can discuss a specific cooperation program such as training in technical areas including plant aging and regulation of uranium mill tailings. Providing that resources are available, South African

C/58
~~58~~

trainees could receive formalized course work at NRC's Technical Training Center, as well as on-the-job training in our headquarters and regional offices.

- A second NRC proposal under the "Nuclear Safety" matrix item would be to seek funding for South African participation in international nuclear safety research in the NRC-sponsored Cooperative Severe Accident Research Program (CSARP) and the Reactor Vessel Embrittlement and Steam Generator Tube Integrity program. This too would be subject to available funding.
- A means by which South Africa can further enhance its nuclear regulatory program is to actively participate in the various international nuclear safety regimes and institutions. I urge the South African Government to ratify the Convention on Nuclear Safety, which is likely to enter into force this fall. The Parties to the Convention are obligated to report on and peer review each other's nuclear programs, creating a global "nuclear safety culture."
- I look forward to developing these issues further during my trip to South Africa in September.

Red version

POINTS ON NRC ASSISTANCE TO FOREIGN REGULATORS

Introduction

A question has been raised concerning the appropriateness of providing NRC training to foreign regulators without reimbursement at a time when the Commission is moving to assess Agreement States for certain training costs.

It is important in this context to be clear about several matters regarding both agreement state and foreign training; including the nature of training being offered, the types of costs involved and who is paying them.

Foreign Assignees/Trainees at NRC

NRC's long-standing foreign assignee program has brought hundreds of foreign experts from advanced and developing nations to the United States for both long-term and short-term training. The attached excerpt from the 1994 NRC Annual Report summarizes the program.

The foreign assignee/trainee program rests on two policy bases. First, is the established fact that a healthy exchange of professional experience between regulators not only benefits the foreign countries who send assignees here, but also benefits the NRC in many ways (understanding different regulatory perspectives, obtaining information about how foreign regulators deal with common regulatory issues, and concrete contributions during the work assignment at NRC are only a few of these). Second (and particularly since the Chernobyl accident), is the view that helping other states utilizing nuclear power avoid serious reactor accidents is not only a benefit to them, but a distinct benefit to the United States (The statement that "a nuclear accident anywhere is a nuclear accident everywhere" embodies this concept).

In this light, the substantial majority of training provided to foreign experts is in the reactor safety field, consistent with the view that it is this area in which US experience is likely to provide the greatest benefit to the recipient, while also advancing US interests in enhanced reactor safety worldwide. Further, most of this training is ancillary to the Commission's own regulatory activities, not specially developed or tailored for foreign assignees.

The cardinal principle for financing this program has been that the sending country or organization pays for each assignee's travel and per diem. The NRC absorbs other costs--for lack of a better term, hereinafter called "incidental costs"--(e.g., office space, computer equipment, staff time and certain travel expenses deemed incidental to the assignee's work program). This has been justified on the mutual benefit concept mentioned above.

In recent years, under major federal programs to provide safety assistance to countries of the former Soviet Union (FSU) and Central/Eastern Europe (CEE), the Agency for International Development has funded travel and per diem of a number of foreign trainees/assignees at NRC. The use of tax-payer funds to support this activity is authorized under applicable federal laws and has strong support in the Administration and Congress. As for its "regular" assignee program, NRC has continued to pick up the "incidental costs" of training for FSU/CEE assignees. With regard to experts from non-FSU/CEE

C/59
[Handwritten signature]

countries (such as South Africa), AID may have funding available under other development assistance programs to support nuclear safety training.

Agreement State Training

As discussed in the attached excerpt from the 1994 NRC Annual Report, the NRC also provides training to personnel from agreement States. Given the scope of State responsibility under relevant agreements, this training has basically focused on licensing and inspection of radioactive materials, not reactor safety. Further, many of these courses are specifically developed and tailored to the needs of agreement States.

With regard to costs of such training, Section 274i of the Atomic Energy Act of 1954 provides, inter alia that : "The Commission is also authorized to provide training, with or without charge, to employees of, and such other assistance to, any such State or political subdivision thereof or group of States as the Commission deems appropriate". In determining whether to assess fees the Commission may take into account a variety of factors, including the States' own ability to assess fees to support their programs. As reflected in a January 1996 report by the Texas Department of Public Health's Bureau of Radiation Control entitled "Comparison of Agreement State Radiation Control Programs," all 26 NRC agreement states responding to the Texas DPH survey assess fees. In terms of coverage of expenses, the survey reflected a wide variation, with seven states (California, Colorado, Florida, Georgia, Illinois, Kansas and Oregon) recovering more than 100 per cent of their expenses and most others recovering between 45-90 per cent.

In terms of past practice, agreement States receiving training have paid travel and per diem costs of their employees; but like the international program, NRC has not charged for salaries of instructors, course materials, classrooms and other costs incidental to the training.

Analysis of the Issues

With this background, the issue of possible "inequity" regarding trainees from Agreement States vis-a-vis foreign trainees may be easier to sort out.

First, with regard to foreign assignee/trainee travel and per diem costs, funding typically comes from other governments or statutory programs implemented by other federal agencies to meet important and clearly-defined national policy goals (e.g., assisting nuclear safety in the FSU/CEE and supporting economic development in Southern Africa). Funding travel and per diem for agreement state trainees is provided in similar fashion by State governments which have accepted certain regulatory responsibilities and fund their activities through a combination of fees and state tax revenues. It is difficult to see how this means of handling travel/per diem costs raises an issue of equity. In neither case is the NRC assessing or paying this cost of participation. It is up to foreign governments or federal aid-granting agencies and agreement states to determine whether their policies support payment of such fees. It is also difficult to see how an NRC decision to alert federal aid-granting agencies to the potential value of supporting nuclear safety training for experts from one or more foreign nations raises an issue of inequity. If the relevant agency feels the activity merits support, a grant is made; if not, NRC training cannot be made available.

Second, there is the issue of possible inequity arising from NRC's bearing the "incidental" costs for foreign assignees/trainees, but not for agreement state personnel. Several factors suggest that an equity issue does not arise.

First, the NRC is an agency of the United States government, and as such, bears a responsibility for supporting national foreign policy objectives--to the extent reasonable. One of those objectives, repeatedly affirmed at the highest levels, is to work to enhance the safety of reactors operated in foreign countries. For reasons already discussed, this is deemed to be a benefit to the United States, not merely to a country receiving assistance. Training of foreign assignees is only one of many ways in which this objective is pursued (participation in bilateral and multilateral technical meetings, development of international codes, standards and legal instruments, participation in review missions to foreign facilities are only a few of NRC's other activities in support of this end). All of these activities are supported by funds derived from license fees paid by the domestic US nuclear industry. The NRC has been careful to limit its acceptance of foreign assignees to achieve an appropriate balance in supporting national goals with available resources. However, as a matter of policy, supporting a long-standing and well-articulated national goal to enhance global nuclear safety through a limited commitment of agency resources does not seem to raise an issue of equity or fairness regarding how the NRC pursues the entirely separate national goal of supporting state agreement programs.

A second factor involves the issue of "burden-sharing". With regard to state agreements, the various state governments (for their own political reasons) have sought to exercise certain regulatory authority otherwise committed to the NRC. A clear requirement underlying this transfer of regulatory authority, is that the states would assure adequate resources for exercising their authority in an acceptable manner (the statute speaks of a program "compatible" with the Commission's). Training of state regulatory employees is a central means for assuring this "compatibility". Agreement states can and do assess fees to conduct their activities. In principle, there is no difference in asking states to cover the costs of training provided by the NRC than in asking them to cover the costs of office space, secretarial services or inspection equipment. In fact, the Atomic Energy Act explicitly gives the NRC the authority to charge for such training. This reflects a congressional injunction that NRC should exercise its best judgment as to whether such costs are most appropriately borne by federal license fee payers (who receive at most an indirect benefit from regulatory activities conducted by agreement states) or agreement state licensees and/or taxpayers in those states (who receive the primary benefit of state regulatory activities). In brief, agreement states possess the means for covering these costs in a means consistent with the overall statutory structure of NRC's agreement states program. This contrasts with the situation regarding foreign assignees where the foreign policy benefit to the United States is direct, and where (for many countries of concern) economic circumstances would make it difficult to bear additional costs of training beyond travel and per diem.

Third, although not an argument based on principle, there is the fact that compared with the agreement state program, NRC's foreign assignee program is relatively modest. The incremental costs of supporting the number of foreign trainees annually hosted by the NRC are small compared to those involved in the agreement state program. The 1994 Annual Report states that

25 training courses for over 500 state officials were conducted. The foreign assignee program annually involves less than 25 persons. Further, unlike the special, dedicated courses sponsored for state agreement personnel, most training activities involving foreign experts are conducted in conjunction with normal NRC activities, and involve only minor ancillary costs.

Conclusion

For these reasons, the NRC's practice of paying the "incidental costs" of training for a limited number of foreign experts to support the US policy of enhancing nuclear safety world-wide does not conflict with the proposal to require employees of agreement states to cover similar costs. Different policy reasons support each of these activities, including the issue of how costs are assessed and paid. Although many issues could arise from how these two policies are implemented, the issue of "inequity" is not one of them.

Foreign Assignees Working at NRC

The NRC has an extensive on-the-job training program for assignees from other countries (usually from their regulatory organizations), operating under the aegis of the bilateral information exchange arrangements. During fiscal year 1994, 11 countries—Australia, China, France, Indonesia, Italy, Japan, Mexico, Romania, Spain, Ukraine, and Taiwan—sent 25 people to participate in the program. The participants completed assignments, ranging from a few months to a year or more, working in the following areas: responsibilities of a project manager; NRC review activities related to plant systems, balance of plant, and waste management; establishment of an incident reporting system; events analysis and assessment; regulation of non-power reactors; U.S. probabilistic risk assessment techniques for analyzing operational safety data and implications; U.S. technical tools for determining severe accident classification, core and containment conditions, consequences of radioactive releases and appropriate protective actions; review of regulatory applications issues; design certification reviews; advanced reactors and licensing procedures; emergency preparedness; instrumentation and controls; risk during shutdown of a nuclear plant; inspections; storage and transport of spent fuel and all aspects of the development of a regulatory program.

During their time at NRC, foreign assignees often make significant contributions to the resolution of U.S. regulatory issues. At the same time, they learn the NRC's approach to nuclear safety, helping them and their organizations to understand Western safety practices which may prove useful in their own regulatory programs.

Answers to Questions from Commissioner Dicus

Question 1: For FYs 93,94 & 95, how many students in the following categories attended AEOD sponsored training courses in the U.S.:

1. NRC employees
2. Agreement State employees
3. Non - Agreement State employees
4. Other Federal agency employees
5. Foreign students
6. Students not included in categories 1-5 (identify).

Answer 1:

Students	FY 1993	FY 1994	FY 1995
NRC employees	2008	1916	1790
AS Employees	115	207	214
Non-AS Employees	1	7	13
Other Federal Agency	51	310	48
Foreign	29	83	52
Other	113	38	11
Totals	2317	2561	2128
Courses	185	174	170

Notes for Table

1. The numbers provided are as accurate as possible given that the data was not accumulated in the format requested, necessitating manual separation into the specified classifications.
2. During FY 1993 and FY 1994 extensive training was provided for the new 10 CFR Part 20 regulation. This training was provided on site in each of the NRC regions as well as at NRC HQ. In addition, several organizations including the Veterans Administration, U.S. Air Force and U.S. Navy requested 10 CFR Part 20 training during scheduled meetings sponsored by those organizations. These Attendees are included in the "Other Federal" classification. This is somewhat arbitrary since they are both Federal Agencies as well as licensees so that they could have been included under the "Other" classification. One of the 10 CFR Part 20 training sessions was provided in conjunction with a Region V sponsored

licensee workshop and another was provided during a meeting of an organization of nuclear utilities. The attendees at these training sessions were included under "Other"

3. Some of the attendees listed under "Foreign" were temporary assignees to NRC HQ at the time of the training while some traveled to the U.S. specifically for the training.
4. The "non AS" attendees represent states which have submitted letters of intent to become Agreement States such as MA, PA, OH, and OK.
5. The individuals listed as "Others" were predominately licensees or contractors.
6. The courses reflected in the table vary widely in duration. Some are 4 hour overview courses while others may be as much as 3 weeks long.
7. The TTD assumed responsibility for AS training in FY 1994. Prior to that year some courses (such as Inspection Procedures and Licensing) were provided by OSP and are not reflected in the above table.

Question 2: For these categories, what costs were borne by the NRC (i.e., for travel and per diem and for the training)?

Answer 2: NRC paid all expenses for NRC employees; travel, per diem and training.

The NRC, through the Office of State Programs (OSP), paid travel and per diem expenses for Agreement State employees; the NRC paid training costs for contracted courses. There have been instances where a course was held in an Agreement State. In some cases, NRC paid no expenses for personnel from that state. In other cases OSP paid travel and per diem even if the course was held in the state (e.g. the 5 week course is in TN, but TN people attending had their travel and per diem paid).

Non-Agreement State employees and other Government agency employees attended AEOD-sponsored courses on a space-available basis. They paid their travel and per diem expenses. If the state had formally indicated a desire to become an AS, they were treated as one. They were allocated slots and their travel and per diem was paid. During the 10 CFR Part 20 training, each AS was permitted a limited number of attendees (2) whose travel and per diem was paid by NRC. Expenses for any additional attendees from that state were borne by the state.

Foreign students attended AEOD-sponsored courses on a space-available basis. Their travel and per diem expenses were paid for either by their country or through an agency such as IAEA.

When NRC contractors attended courses in support of NRC activities such as operator licensing, NRC paid any associated training costs. Travel and per diem were paid under the applicable contract.

Question 3: For these categories, were any of the costs reimbursed or off-set by other funding sources? If yes, what costs were off-set, by what amount (or percentage), what was the source of the funding, and how was the reimbursement or off-set handled, e.g., were the funds credited to the NRC?

Answer 3: For courses held in the U. S., the NRC paid all associated costs such as staff salaries and contract costs.

Question 4: For foreign students, how are other Federal funds (e.g. Nunn-Lugar and AID) used to off-set NRC costs for their training? For example, are these external funds used to directly pay for their travel and per diem or their share of the TTC training?

Answer 4: AEOD has not been the recipient of any Nunn-Lugar funding. AID funds have been used in a variety of ways:

- Travel and per diem expenses for foreign students to attend AEOD courses in the U. S. on a space-available basis;
- Special contracted course presentations in the U. S. limited to foreign student attendance as part of Lisbon Initiative activities (travel and per diem expenses were also paid as part of these activities);
- Presentations of AEOD contracted courses in foreign countries. These costs included course presentation costs as well as travel and per diem expenses for NRC contractors.

Question 5: If other Federal or other funds are used to pay for training costs of foreign or other non-NRC students, how are these contributions factored in when determining the overall cost of the NRC training program?

Answer 5: No external funds (such as from AID) have been factored into the cost of providing training. The technical training program support budget (AEOD/TTD) has been established to meet the needs of NRC employees covered by formal qualification and training programs and, since FY 1994, Agreement State employees. Courses paid for with AID funds have been arranged for on an individual basis and tracked separately from the rest of the technical training budget.

Question 6: Please provide information on TTC effort expended for off-site training of foreign students, i.e., TTC or other NRC staff training effort at foreign sites. What were the NRC costs for

these efforts and what parts of those costs, if any, were reimbursed by other Federal or other sources of funding?

Answer 6: A one week Nuclear Training Methodology, Fundamentals of Inspection, and Operator Licensing course was presented in September 1993 in Kiev, Ukraine. The seminar was presented by TTD staff.

A one week Transportation of Radioactive Materials course was presented in Kiev, Ukraine in September 1994. This training was provided under NRC contract NRC-26-93-288.

A one week Radiation Protection Technology Overview course was presented in Kiev, Ukraine in September 1994. The course was presented by TTD staff.

A one week Perspectives on Reactor Safety course was presented in Kiev, Ukraine in November 1994. This training was held under an interagency agreement with Sandia National Laboratory (JCN E-8242).

A two week Probability, Statistics and Fundamentals of Probabilistic Risk Assessment course was presented in Kiev, Ukraine in October 1995. This training was held under an interagency agreement with Idaho Nuclear Engineering Laboratory (JCN E-8276).

A one week Root Cause/Incident Investigation Workshop was presented in the Slovak Republic in October 1995. This training was provided under NRC contract NRC-26-94-263.

A one week PRA Basics for Regulatory Applications course was presented in the Slovak Republic in January 1996. This training was provided under an interagency agreement with Idaho Nuclear Engineering Laboratory (JCN E-8276).

A one week Nondestructive Testing and Welding Technologies course was presented to a group of GAN specialists at the TTC in November 1993. This training was provided under NRC contract NRC-26-91-290.

A one week Inservice Inspection course was presented to a group of SCNRS specialists at the NRC TTC in August 1994. This training was provided under NRC contract NRC-26-91-290.

A one week PRA Basics for Regulatory Applications course was presented to GAN specialists at NRC headquarters in July 1995. This training was provided under an interagency agreement with Idaho Nuclear Engineering Laboratory (JCN E-8276). This course was provided in support of an NRR-sponsored Lisbon Initiative priority.

A one week PRA Basics for Regulatory Applications course and a one week IRRAS Basics course were presented to GAN specialists at NRC headquarters in November 1995. This training was provided under an interagency agreement with Idaho Nuclear Engineering Laboratory (JCN E-8276). These courses were provided in support of an RES-sponsored Lisbon Initiative priority.

For foreign courses, AID funds paid for the travel expenses of NRC employees and all contract costs. NRC paid the related staff salaries. For courses held in the U. S., AID funds paid for contract costs as well as travel and per diem expenses for the foreign regulatory personnel to attend the training.

Question 7: For the same FYs how many non-NRC employee lecturers participated in AEOD sponsored courses? Please provide the numbers using the categories, nos. 2 - 6. For each of these categories please specify whether travel and per diem costs and speaking fees were paid by the NRC. If the costs were covered by an existing NRC contract, please specify the contract.

Answer 7:

Guest Speakers	FY 1993	FY 1994	FY 1995
AS Employees*	3	5	5
Non-AS Employees			
Other Federal Agency			
Foreign			
Other**	2	1	3
Totals	5	6	8

Notes for Table

1. Agreement state personnel have provided guest lectures in the following courses. Travel and per diem expenses were provided by NRC.

Safety Aspects of Industrial Radiograph (three courses in each of FY 1993-95 with one agreement state guest speaker in each course)

Inspection Procedures (one agreement state guest speaker in each course each FY with AEOD assuming responsibility from OSP in FY 1994)

Safety Aspects of Well Logging (one to three agreement state guest speakers in each course each FY, however, AEOD did not formally assume

responsibility from OSP until 10/95 which is FY 1996)

2. A DOE contract individual (acting as a private HP) provided guest lectures in the Health Physics Technology Courses taught by TTD staff. No reimbursement was provided.
3. Non-Power Reactor Courses were conducted in FY 1994 and FY 1995. For each course, there was one external guest speaker (from TRTR). No reimbursement was provided by NRC for these guest speakers.

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Holder of Specific Licenses)
Authorizing Exports of)
Utilization Facilities and)
Source or Special Nuclear)
Materials to EURATOM)

Docket No. Part 110

ORDER SUSPENDING LICENSES
(EFFECTIVE JANUARY 1, 1996)

I

The licensees that are subject to this order hold specific licenses issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to Sections 53, 54a, 57, 64, 82, 103, 104 of the Atomic Energy Act of 1954, as amended (AEA) and 10 C.F.R. Part 110. These specific licenses authorize exports to EURATOM of utilization facilities, special nuclear materials, and source materials for nuclear end uses under the terms of an Agreement for Cooperation between the U.S. and EURATOM.

II

The current U.S.-EURATOM Agreement for Cooperation will expire on December 31, 1995. A new Agreement has been approved by authorities on both sides, but must sit before Congress for review for up to 90 days of continuous legislative session. Under Section 123 of the AEA, the NRC is prohibited from authorizing any exports to a foreign nation pursuant to Sections 53, 54a, 57, 64, 82, 103 or 104 of the AEA in the absence of an Agreement for Cooperation between the U.S. and the foreign nation.

III

Accordingly, pursuant to Sections 123, 161b, 161i, 183, and 186 of the AEA, and 10 C.F.R. §§ 110.50(a)(1) and (2) and 110.52, from January 1, 1996

C/61

until such time that a new U.S.-EURATOM agreement comes into force¹, NRC specific license authorization for nuclear exports to EURATOM under Sections 53, 54a, 57, 64, 82, 103, 104 of the AEA is suspended.² This suspension order expires by operation of law when a new Agreement for Cooperation between the U.S. and EURATOM comes into force and necessary assurances from EURATOM are received.

FOR THE NUCLEAR REGULATORY COMMISSION

Carlton R. Stoiber, Director
Office of International Programs

Dated at Rockville, Maryland
this day of December, 1995

¹The EURATOM Member States are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Licensees holding free-standing licenses to Finland, Spain, or Sweden may continue direct exports to these countries because they had concluded bilateral Agreements with the U.S. before joining EURATOM. Such Agreements will remain valid until a new U.S.-EURATOM Agreement comes into force.

²In accordance with 10 C.F.R. § 110.52(c), the Commission finds that Licensees need not be afforded an opportunity to reply and be heard since this action is required by operation of law and the common defense and security.

TO: Licensees Who Export to EURATOM

SUBJECT: EXPIRATION, SUSPENSION AND REINSTATEMENT OF LICENSES

Exports to EURATOM of Reactors, Source Material and Special Nuclear Material
Requiring a U.S.-EURATOM Agreement for Cooperation

The current U.S.-EURATOM Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, expires on December 31, 1995. A new Agreement, meeting the requirements of Section 123 of the Atomic Energy Act, has been approved by authorities on both sides, but must lie before the U.S. Congress for review for up to 90 days of continuous legislative session. This mandatory Congressional review period could extend to April or May 1996. In the absence of a U.S.-EURATOM Agreement for Cooperation in force, the NRC is without authority under U.S. law and regulations to authorize exports to EURATOM of reactors or special nuclear material or source material for nuclear end uses (hereafter "EURATOM Section 123 exports"). Accordingly, from January 1, 1996 until such time that a new U.S.-EURATOM Agreement comes into force¹, NRC authorization under all specific licenses for EURATOM Section 123 exports will be suspended (see 10 CFR § 110.50(a)(1) and (2)), and shipments which have not cleared U.S. Customs by midnight on December 31, 1995 must be deferred. The NRC will shortly be issuing an order for publication in the Federal Register which suspends all specific licenses for EURATOM Section 123 exports after December 31, 1995. The suspension order will expire by operation of law when a new Agreement comes into force and necessary EURATOM assurances are received.

If you currently hold such a specific license for EURATOM Section 123 exports that has an expiration date beyond December 31, 1995, your license will automatically become effective again when a new Agreement comes into force and necessary EURATOM assurances are received. At that time, you will be authorized to resume making shipments to EURATOM without any further action by the NRC.

If you currently hold a specific license for EURATOM Section 123 exports that expires on or before December 31, 1995 and have not exhausted the total amount of material authorized for export under your license, you are hereby granted a waiver of the 30-day period for filing a timely renewal application under 10 CFR § 110.51(b) and have until December 31, 1995 to file a renewal

¹The EURATOM Member States are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Licensees holding free-standing licenses to Finland, Spain, or Sweden may continue direct exports to these countries because they had concluded bilateral agreements with the U.S. before joining EURATOM. Such agreements will remain valid until a new U.S.-EURATOM Agreement comes into force.

application in order to preserve the option of completing your shipments after the new Agreement comes into force and the suspension order has expired.² Pursuant to 10 C.F.R. § 110.10(a), I have determined that an exemption from the 30-day filing requirement is authorized by law, is not inimical to the common defense and security, and does not constitute an unreasonable risk to the public health and safety.

Exports of Nuclear Components and Other Materials Licensed Under Section 109b of the Atomic Energy Act.

Exports from the U.S. of nuclear components, substances and items, including deuterium, heavy water, zircaloy tubes and other reactor components, and nuclear grade graphite, pursuant to Section 109b of the Atomic Energy Act, require certain recipient government assurances which are ordinarily provided separate from an Agreement for Cooperation. (Section 109b requires assurances of no explosive use, IAEA safeguards, and U.S. control rights over retransfers of the exported materials, but does not require an Agreement.)

However, the present generic EURATOM assurances which underlie EURATOM Section 109b exports are tied to the terms and conditions of the U.S.-EURATOM Agreement. The Department of State has been working with the EURATOM authorities to obtain new, free-standing assurances before December 31. We expect that the necessary exchange of notes between the U.S. and EURATOM on this matter will be completed soon. However, if the exchange is not completed by December 31, it will be necessary for NRC to suspend, temporarily, the general license in 10 CFR Part 110.26 for component exports to EURATOM and all specific component ("XCOM") and material ("XMAT") licenses to EURATOM. In addition, NRC would be precluded from issuing any new licenses under Section 109b until new assurances were provided to the U.S.

Status of Specific NRC Export Licenses for EURATOM

We have reviewed our licensing records to determine if your company holds active NRC-issued specific licenses authorizing exports to EURATOM. If so, a list of licenses and amendments is enclosed, annotated to indicate the status of each license. Please review this list carefully and, if you have any corrections, provide us with the changes by December 20, 1995.

Please call Betty Wright or me (301) 415-2344 if you have any questions, or send us a fax on 301-415-2395.

Ronald D. Hauber, Director
Nonproliferation, Exports
and Multilateral Relations
Office of International Programs

² Any such renewal applications that are filed will be subject to the normal filing fee for renewal applications pursuant to 10 CFR § 170.31(15)(E).

REF TO 11

NUCLEAR SAFETY CONVENTION

The U.S. Government (USG) signed the Convention on Nuclear Safety (CNS) at the International Atomic Energy Agency (IAEA) General Conference in September 1994. Currently there are over 63 signatories. Twenty-five of the requisite 22 states have ratified the CNS, including 17 with nuclear installations, which will bring the Convention into force on October 24, 1996. In May 1995, the USG submitted the Convention to the Congress for its advice and consent, and it has been referred to the Senate Foreign Relations Committee.

It is important that the U.S. be an original and active party to the Convention. Implementation of the CNS will be shaped by a Preparatory Meeting which will be called within six months of the Convention's entry into force, with the first Meeting of Parties to be held within thirty months of entry into force. The U.S. should be a Party by the time the Preparatory Meeting is held in order to ensure that implementing procedures are developed which are consistent with the U.S. nuclear regulatory system and which will impose no undue burdens on U.S. vendors.

The Convention implements a consistent U.S. policy to support development of an effective nuclear safety culture worldwide for civilian nuclear power reactors. It furthers U.S. international interests in the area of civilian nuclear power plant safety by encouraging governments to support emerging regulatory organizations and other parties responsible for developing a domestic nuclear safety culture. The U.S. nuclear industry has been kept apprised of the development of the Convention through periodic briefings. It is believed industry supports the CNS as an enhanced global safety culture promotes public acceptance and may provide business opportunities.

The Convention codifies, as internationally binding obligations, a comprehensive range of principles judged vital to nuclear power safety by technical experts worldwide. It does not contain detailed prescriptive standards or rules, but confines itself to fundamental principles, along the lines of the approved IAEA document, "Safety Fundamentals, the Safety of Nuclear Installations." It was agreed that detailed technical provisions would intrude on the responsibility of national governments to regulate their nuclear industries. The implementing mechanism for the Convention is a peer review process among the parties at their meetings, which can assess progress and compliance with Convention obligations.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

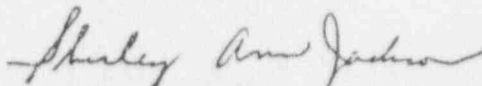
August 9, 1995

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

In accordance with the provisions of Section 123 of the Atomic Energy Act, as amended, the Nuclear Regulatory Commission has reviewed the proposed Agreement for Cooperation with South Africa forwarded by the Department of State on June 23, 1995. It is the view of the Commission that the proposed Agreement includes all the provisions required by Section 123 of the Atomic Energy Act, as amended. The Commission therefore recommends that you make the requisite statutory determination, approve the Agreement, and authorize its execution.

Respectively,


Shirley Ann Jackson

51
C/



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 12, 1995

The Honorable John J. Marchi
New York Senate
Albany, New York 12247

Dear Mr. Marchi:

This is in reference to your letter of June 22 to former Nuclear Regulatory Commission Chairman Ivan Selin in which you forwarded correspondence from a constituent (copy enclosed) regarding the Juragua nuclear power facility in Cuba.

The Nuclear Regulatory Commission, both because it is a domestic regulatory agency and because of U.S. laws and policy prohibiting contact with Cuba, cannot monitor nor advise the Cuban government on the construction or operation of the Juragua facility.

The two Russian-designed pressurized water VVER-440 model V-213 reactors at Juragua will be housed in reinforced concrete domed containments with carbon steel liners, not unlike U.S. structures. This containment, which the Chernobyl reactor lacked, as well as differences in design between the two plants, significantly reduces the likelihood of any large offsite radiation release in case of accident. Cuba is a member of the International Atomic Energy Agency (IAEA), and, since its inception, the Juragua plant has been under IAEA safeguards. Further, in March 1995 the Cuban government signed the Treaty of Tlatelolco, committing itself to placing all its present and future nuclear activities under IAEA safeguards.

There have been periodic reports of faulty construction and poor workmanship in some parts of the reactor plant. Misgivings have also been voiced that existing construction has not been properly maintained since construction was halted in 1992, and that Cuba lacks the necessary economic and technical infrastructure and scientific personnel to meet stringent nuclear safety requirements. Based on this information, the U.S. Government has repeatedly made its long-standing concerns about the facility known to Cuba, Russia, and to potential third-country suppliers of nuclear equipment and financing for the Juragua project. Due to legal and policy constraints, the U.S. is not providing any financial resources, directly or through aid to Russia, to complete the Cuban plant.

C/E

The Honorable John J. Marchi

2

July 12, 1995

If you have any further questions on this subject, please feel free to contact Dr. Karen Henderson, International Policy Analyst, in the Office of International Programs of the Nuclear Regulatory Commission, at 301/415-2337.

Sincerely,

Original signed by James R. Shea

Carlton R. Stoiber, Director
Office of International Programs

Enclosure:

Copy of 6/13/95 Ltr VPortunato to
State Senator, 24th District, NY

cc w/o enclosure:
K. Henderson