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COMMITTEE OF THE WHOLE

RECORD OF THE FIFTIETH MEETING

Held at the Neue Hofburg, Vienna,
on Thursday, 2 October 1986, at 6.30 p.m.

Chairman: Mr. de la BARRE d'ERQUELINNES (Belgium)

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[*] A provisional version of this record was issued on 12 November 1986.

[**] GC(XXX)/789.

The composition of delegations attending the session is given in document
GC(XXX)/INF/238/Rev.4.

THE AGENCY'S PROGRAMME AND BUDGET FOR 1987 AND 1988 (GC(XXX)/COM.5/45 and Add.1; GC(XXX)/COM.5/48 and Add.1) (resumed)

1. The CHAIRMAN, recalling the statements made on the previous day by the representatives of Italy and Switzerland concerning draft resolutions relating to the Agency's Incident Reporting System (IRS) (GC(XXX)/COM.5/45 and Add.1) and to the Convention on Early Notification of a Nuclear Accident (GC(XXX)/COM.5/48 and Add.1), asked delegations for their views on the two draft resolutions.

2. Ms. BHADURI (India) recalled that, during discussion of the Agency's Incident Reporting System in the Board of Governors, the Indian delegation had stated that the system was not functioning as well as it should because countries were not complying with it fully. That situation should be remedied before more ambitious plans were considered.

3. Her delegation therefore had reservations about draft resolution GC(XXX)/COM.5/45; the moment had not yet come to expand or even to consider expansion of the system, as was suggested in operative paragraph 2.

4. Mr. ORNSTEIN (Argentina) said, with regard to operative paragraph 2 of draft resolution GC(XXX)/COM.5/48, that the paragraph implied that there were no recommendations relating to intervention dose levels in existence, which was untrue and failed to take into account the work done by the Secretariat in that sphere.

5. His delegation therefore proposed that paragraph 2 of the draft resolution be replaced by the following:

"2. Also requests the Director General to review existing recommendations on intervention dose levels, in close co-ordination with other international and intergovernmental organizations already active in this area, and to determine the need for further recommendations, especially recommendations applicable at distances beyond the immediate area of accident impact."

6. The Argentine delegation believed that that proposal was in keeping with the spirit of the draft resolution taken as a whole, while slightly adapting the wording of it to the prevailing situation.

7. Mr. METZGER (Federal Republic of Germany) said his delegation supported the draft resolution in document GC(XXX)/COM.5/45; it was an important text designed to render the supplementary nuclear safety programme more specific and to establish priorities under it. Expansion of the Agency's Incident Reporting System (IRS) was one of the activities mentioned in paragraph 55 of Annex 1 to document GC(XXX)/777/Add.1 and was intended to further international co-operation between Member States. It would make it possible to raise the general level of safety and to increase international confidence in the peaceful uses of nuclear energy.

8. His delegation wished to support, in particular, operative paragraph 2 of the draft resolution, since an expansion of the IRS was certainly of importance. But it was a matter of even greater urgency that all Member States operating nuclear installations on their territory participate effectively in the system. Until they all took part, the system would be of only limited effectiveness, even if expanded.

9. With respect to operative paragraph 3, he pointed out that a well-organized communications system already existed within the framework of the Nuclear Energy Agency (NEA) of the Organisation for Economic Co-operation and Development (OECD). The NEA sent reports on events to the Agency, and he considered that the draft resolution should not ignore a system that operated well. In order to avoid any error of interpretation, operative paragraph 3 should be further clarified - for example, by adding after the word "Agency" the words "either directly or through the intermediary of a special institution". However, he would also be prepared to accept a different wording.

10. In addition, his delegation supported unreservedly draft resolution GC(XXX)/COM.5/48. Since the two draft conventions had been adopted at the special session of the General Conference, and the Convention on Early Notification of a Nuclear Accident would enter into force at the end of the present month, improving the conditions of application of those conventions deserved high priority.

11. The uncertainty surrounding both the concept of radiological safety significance and intervention dose levels was one of the main points in the Convention on Early Notification of a Nuclear Accident that had been the subject of criticism. His delegation believed that the activities proposed in the draft resolution represented a suitable response to the criticism and that it would be logical to carry them out.

12. Mr. BARTELL (United States of America) said that, although his Government had not had time to examine draft resolutions GC(XXX)/COM.5/45 and GC(XXX)/COM.5/48 in detail, the United States was opposed to draft resolution GC(XXX)/COM.5/45. Accidents occurring at the facilities or during the activities mentioned in operative paragraph 2 were not those which presented the most serious potential hazards. In the short term it would be better to attempt to improve participation in the Incident Reporting System than to alter its scope.

13. That draft resolution also had an evident and serious defect in that the Secretariat had not yet considered its financial implications. Noting that, at the special session of the Conference, a number of matters relating to nuclear safety had been referred to the Board, he suggested that the subject matter of draft resolution GC(XXX)/COM.5/45 be treated in the same way.

14. Mr. ZOBOV (Union of Soviet Socialist Republics) said that his delegation could support draft resolution GC(XXX)/COM.5/48, which contained a number of very useful provisions. He wished merely to suggest that operative paragraph 1, which mentioned a number of organizations, should perhaps mention international organizations first and regional organizations afterwards, and that CMEA be included among the organizations mentioned.

15. On the other hand, he shared the doubts of the United States and Indian delegations with regard to draft resolution GC(XXX)/COM.5/45. That draft resolution might contain useful provisions, but there had not been sufficient time to examine them in detail. He therefore requested its sponsors not to press it.

16. Mr. MAKIPENTTI (Finland) suggested that draft resolution GC(XXX)/COM.5/45 be recommended for adoption by the Conference as it was important that all countries with nuclear activities participate in the

Incident Reporting System in a timely and effective manner. Nevertheless, the effectiveness and advantages of the system should not be measured solely in terms of the numbers of reports submitted; factors such as the quality of those reports, the value of the analysis of reports carried out by the Secretariat and the selective dissemination of relevant information were just as important for users.

17. If nuclear activities were to be made safer, it was essential to ensure that designers, manufacturers, operators and regulatory bodies benefited from feedback on the operating experience described in the reports. If there were too many reports, the essential information they contained might be lost. There was therefore need to find an exact definition of the types of safety-related incident to be reported. In addition to such a world-wide incident notification system, co-operation should be encouraged between electricity utilities and reactor suppliers, whose role was important for the strengthening of nuclear safety.

18. Draft resolution GC(XXX)/COM.5/48 related not only to the implementation of the Convention on Early Notification of a Nuclear Accident but also to matters which had only a tenuous link with the Convention.

19. The first of those matters - namely, the radiological safety significance of a nuclear accident - had been extensively discussed by the group of experts which had drafted the Convention. The problem of a threshold for early notification had not been resolved in the Convention itself, so that there remained an element of subjectivity; however, practical considerations should take precedence over purely legal considerations. It might be impossible to define in any useful way the radiological safety significance of an accident. It might even be difficult to find experts prepared to undertake the task described in operative paragraph 1 of the draft resolution. That task should, nevertheless, be attempted. In connection with the implementation of the Convention on Early Notification of a Nuclear Accident, defining "radiological safety significance" was only one matter among many which should be considered and resolved, but he was confident that the Board would be prepared to embark upon a discussion of that matter.

20. The question of the drafting of recommendations on intervention dose levels was already being studied in a number of international organizations. His delegation was therefore firmly convinced of the need to maintain close ties with other international and intergovernmental organizations, in particular WHO.

21. That having been said, he would not oppose the draft resolution if a consensus was achieved. However, in the light of resolution GC(SPL.I)/RES/2 adopted at the special session of the General Conference, the requests made in that draft should not be addressed to the Director General but to the Board, which had already been asked to pursue the discussion of other nuclear-safety-related proposals.

22. Mr. MORALES (Cuba) wished, in addition to the amendments proposed by the representative of the Soviet Union, to make some suggestions with regard to operative paragraph 1 of draft resolution GC(XXX)/COM.5/48 for the purpose of making it more precise.

23. The words "in co-ordination" should be added after "necessary initiatives" in order to express more clearly the idea of co-ordination between the Director General and organizations.

24. The words "scope of the concept of" should be added before "radiological safety significance". That would ensure that operative paragraph 1 was consistent with preambular paragraph (b).

25. Mr. WATERFALL (Canada) said that his delegation was in general in support of draft resolution GC(XXX)/COM.5/48 with appropriate amendments.

26. With regard to draft resolution GC(XXX)/COM.5/45, he believed, in particular, that operative paragraph 4 was unclear. The meaning of the expression "safety-significant event" was not obvious, and it was felt by his delegation that the expression should be defined clearly before the Incident Reporting System was expanded and an expert group was set up.

27. One implication of draft resolution GC(XXX)/COM.5/48 was that "safety-significant event" would have to be defined, but it would not be appropriate to act as if a definition was already available and to take the steps suggested in draft resolution GC(XXX)/COM.5/45. In the absence of a

definition of the threshold above which an event became significant from the safety point of view - and the Agency apparently had no such definition - experts would be overwhelmed with data, most of which would not be relevant.

28. His delegation therefore had difficulty in supporting draft resolution GC(XXX)/COM.5/45 at the present stage and in its present form.

29. Mr. LOUVET (France) associated himself with the comments made by the representative of India with respect to the Agency's Incident Reporting System. He believed that the existing system could be improved further and that improvements should take place before any expansion was considered.

30. With regard to draft resolution GC(XXX)/COM.5/48, he pointed out that it related to a sphere where, as had been shown by the conclusions of the experts who had met recently, there were considerable technical difficulties. In particular, it appeared extremely difficult from a technical point of view to determine thresholds for physical measurements. The French delegation therefore questioned whether it was necessary or opportune to set up a new expert group on a topic which had already been studied at length and in great detail in recent weeks.

31. Mr. SHASH (Egypt) said that his delegation had not yet studied draft resolutions GC(XXX)/COM.5/45 and GC(XXX)/COM.5/48 in detail because it had believed that nuclear safety would not be discussed again at the regular session of the Conference.

32. His delegation had, like the delegation of Mexico, believed that the special session had been too short for all delegations to submit their proposals. A consensus had been reached at the special session because delegations had shown a spirit of co-operation; some delegations which would have had useful suggestions to make during the special session had decided to postpone their submission until meetings of the Board in 1987 and the next regular session of the Conference so that they could be given due consideration then.

33. However, the two draft resolutions appeared to contain useful ideas and his delegation would not be opposed to them if a consensus emerged in favour of their adoption.

34. Mr. LENDVAI (Hungary), referring to draft resolution GC(XXX)/COM.5/45, associated himself with those representatives who felt that the Agency's Incident Reporting System, in which Hungary participated and the operation of which had started so well, might be undermined if its scope was expanded. It might be deluged with useless information and lose its importance and its utility both for interested countries and for the Agency.

35. His delegation was able to accept draft resolution GC(XXX)/COM.5/48. It would, however, be advisable to follow the suggestion made by the Soviet representative with regard to the listing of organizations in operative paragraph 1. Also, the draft resolution should indicate that certain organizations had already taken steps in that connection: it was desirable not so much that the Agency should take initiatives as that it should work in close co-operation with the organizations mentioned.

36. Mr. LAVINA (Philippines) said that his delegation would have no difficulty in supporting draft resolution GC(XXX)/COM.5/48, which in general contained useful ideas.

37. With regard to draft resolution GC(XXX)/COM.5/45, his delegation had noted the reservations expressed by certain representatives; also, it believed, with regard to operative paragraph 4, that the financial implications of the proposed establishment of an expert group should be investigated. He therefore associated himself with the comments made by the Egyptian representative, since he believed that it might be better to refer the matter to the Board.

38. Mr. BAMSEY (Australia) said that he had been somewhat surprised by the submission of the two draft resolutions under consideration and that delegations had not had sufficient time to examine them. Like the Egyptian and Philippine representatives, the Australian delegation believed that for the two drafts in question it would be best to follow the same procedure as for the proposals relating to nuclear safety made during the special session of the General Conference.

39. Mr. LAMPARELLI (Italy), responding to comments on the two draft resolutions, said he had been somewhat disappointed by the reactions to them. He pointed out that their sponsors had refrained from submitting them at the

special session of the Conference because they related to technical matters which were the responsibility of the Secretariat and because a number of the activities envisaged had already been included in the supplementary programme of nuclear safety and radiation protection. The purpose of the two drafts was simply to emphasize the need to take steps in that connection.

40. His delegation noted that draft resolution GC(XXX)/COM.5/48 enjoyed wide support. He was prepared to accept the amendments proposed with a view to clarifying the text on condition that the co-sponsor did likewise.

41. With regard to draft resolution GC(XXX)/COM.5/45, he shared some of the concerns that had been expressed. Italy attached considerable importance to the problem to which it related, and it had to be admitted that the Agency's Incident Reporting System, which had already been in operation for some time, had apparently not yielded particularly good results. In response to the Canadian delegation, he pointed out that his delegation was not proposing anything new. It could be assumed that the Secretariat had already drawn up criteria for establishing that an event was of safety significance. By no means all incidents notified would therefore be analysed. What was important was for the Secretariat, in co-operation with experts from Member States, to evaluate safety-significant events and, naturally, that it should pass on the results of such evaluations. The only purpose of the draft resolution was to improve the safety of nuclear installations.

42. His delegation wished to reiterate its contention that the problem under discussion should be dealt with quickly and that it called for purely technical measures which were the responsibility of the Secretariat. He would therefore be reluctant to see draft resolution GC(XXX)/COM.5/45 referred to the Board, where it might be watered down.

43. Mr. PICTET (Switzerland) said that he was able to accept the amendments proposed to draft resolution GC(XXX)/COM.5/48, which would certainly improve the wording. The draft appeared to have found wide support.

44. Mr. MAKIPENTTI (Finland), referring to draft resolution GC(XXX)/COM.5/48, reiterated his view that the matter should be referred to the Board of Governors; it was for the Board to address requests to the Director General.

45. Mr. MOSES (Netherlands) said he understood that the Italian delegation was prepared, although reluctant, to agree that draft resolution GC(XXX)/COM 5/45 should be referred to the Board and inquired about the position of Italy with respect to draft resolution GC(XXX)/COM.5/48.

46. Mr. LAMPARELLI (Italy), in reply to the Finnish representative, reiterated his position that the matter to which draft resolution GC(XXX)/COM.5/48 related was a purely technical one. It therefore came within the responsibility of the Secretariat, which had the necessary resources for the activities in question.

47. With regard to the request for information made by the representative of the Netherlands, he stated that the co-sponsors of draft resolution GC(XXX)/COM.5/48 were attempting to find a solution that would receive extensive support.

48. Mr. MAKIPENTTI (Finland) said that, in the interests of a consensus, his delegation would not insist on the point which it had been making.

49. Mr. BASSOY (Turkey) said that his delegation supported the two draft resolutions.

50. Mr. HAUSTRATE (Belgium) said that his delegation supported the two draft resolutions and that it agreed with the Italian representative that the requests envisaged should be addressed to the Director General.

51. Mr. LAVINA (Philippines) said that, in his opinion, both draft resolutions should be referred to the Board; the establishment of the group of specialists mentioned in operative paragraph 1 of draft resolution GC(XXX)/COM.5/48 would have financial implications, as would that of the group of experts mentioned in operative paragraph 4 of draft resolution GC(XXX)/COM.5/45.

52. Mr. BASTRUP-BIRK (Denmark) said that he would join a consensus on draft resolution GC(XXX)/COM.5/48.

53. Mr. BARTELL (United States of America) said that he continued to believe that draft resolution GC(XXX)/COM.5/48 required further consideration. His delegation could not agree at present that the Committee should recommend that the Conference adopt the text as amended.

54. He noted, as in the case of draft resolution GC(XXX)/COM.5/45, the financial implications of draft resolution GC(XXX)/COM.5/58 had not been considered and added that any recommendation concerning the radiological safety significance of an accident would presumably have a considerable effect on the Convention on Early Notification of a Nuclear Accident as currently worded, and his delegation was not prepared to agree that the Convention should be modified or that its scope should be redefined.

55. Mr. MORALES (Cuba) proposed that the Committee recommend adoption of draft resolution GC(XXX)/COM.5/48 and referral of draft resolution GC(XXX)/COM.5/45 to the Board.

56. Mr. LOUVET (France) associated himself with the comments made by the United States representative concerning draft resolution GC(XXX)/COM.5/48, which Member States needed more time to consider.

57. Mr. ZOBOV (Union of Soviet Socialist Republics) said that it was his understanding that draft resolution GC(XXX)/COM.5/48 had found wide support and that it would be possible to recommend it for adoption.

58. The CHAIRMAN proposed that the meeting be suspended so as to permit delegations to engage in consultations.

59. It was so decided.

The meeting was suspended at 7.40 p.m. and resumed at 8.25 p.m.

60. The CHAIRMAN, summing up the situation, stated that draft resolution GC(XXX)/COM.5/45 had been withdrawn by Italy.

61. With regard to draft resolution GC(XXX)/COM.5/48, submitted by Italy and Switzerland and co-sponsored by Jordan, it was his understanding that the consultations which had taken place during the suspension of the meeting had produced a consensus, of which the main aspects were as follows: first, the initiative of Italy and Switzerland was greatly appreciated in view of the

undoubted importance of the matter; secondly, the Secretariat was currently preparing a technical report which would provide clarification of the meaning of the expression "intervention dose levels" and also of what data and calculation methods were required for making scientifically correct estimates of exposure doses or dose commitment; thirdly, the momentum resulting from the Italian and Swiss initiative should be maintained, and the Director General should be asked to ensure that appropriate priority be given to the work currently being performed by the Secretariat; fourthly, the Director General should be requested to submit a report on the matter and on related matters at the Board's meetings in February 1987.

62. Noting that his summing-up would be included in his report to the General Conference, he took it that consideration of item 10 of the agenda had been completed.

63. It was so decided.

64. Mr. LOUVET (France) explained that his delegation had never intended to oppose a consensus. It had merely wished to have the time needed to study the draft resolutions. The two drafts had been submitted barely 48 hours before being discussed, and after a number of representatives had left Vienna. His previous comment had been a purely procedural one which did not in any way represent a judgement on the substance of the drafts.

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXX)/780; GC(XXX)/788; GC(XXX)/COM.5/50) (resumed)

65. The CHAIRMAN announced that, following extensive consultations, it had been proposed that the operative part of draft resolution GC(XXX)/COM.5/50 submitted by Tunisia and co-sponsored by Morocco should read as follows:

"Requests the Board of Governors to establish, with no financial implications, an informal working group open to all Member States in order to examine different proposals on the revision of Article VI of the Statute as a whole with a view to preparing a report to be submitted through the Board to the General Conference at its next regular session."

66. Noting that preambular paragraphs (a) and (b) of draft resolution GC(XXX)/COM.5/50 would remain the same, he took it that the Committee accepted that proposal.

67. It was so decided.

68. The CHAIRMAN, recalling that he would be reporting orally to the Conference on the work of the Committee, thanked all delegations which had participated in the Committee's work and the staff who had serviced its meetings.

The meeting rose at 8.35 p.m.

