

# General Conference

**GC(51)/COM.5/OR.7**

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**Fifty-first (2007) Regular Session**

## Committee of the Whole

### Record of the Seventh Meeting

*Held at the Austria Center, Vienna, on Friday, 21 September 2007, at 10.15 a.m.*

**Chairperson:** Ms. KAUPPI (Finland)

**Later:** Ms. FEROUKHI (Algeria)

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<sup>1</sup> GC(51)/COM.5/1.

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### Abbreviations used in this record:

CPPNM	Convention on the Physical Protection of Nuclear Material
IRRS	Integrated Regulatory Review Service
OSPAR Convention	Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic
SMR	small and medium-sized reactor

## **15. Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management** (continued) (GC(51)/COM.5/L.11)

1. The representative of AUSTRALIA said that since the Committee's previous meeting there had been informal consultations leading to agreement on the insertion of an additional paragraph after paragraph (i). The additional paragraph, which he hoped would be acceptable to the Committee, read "Noting the Secretariat's continued collaboration with the contracting parties of international and regional instruments aimed at protecting the marine environment from radioactive wastes such as the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, and noting also the reference in GC(51)/INF/2 (page 22) to the information exchange between the Agency and the contracting parties to the OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic, which seeks, inter alia, the progressive reduction or elimination of radioactive discharges to the sea."
2. Regarding paragraph 8, it had been agreed that "urges" could be replaced by "encourages", that "from other organizations" should be deleted after "with effective independence" and that "with satisfaction" should be deleted after "notes".
3. In addition, it had been agreed that paragraph 44 should be replaced by a paragraph reading "Encourages Member States to contribute to the Secretariat's revision of the inventories of radioactive wastes disposed of at sea and of accidents and losses at sea, and further encourages Member States to participate actively in the Agency's database on discharges of radionuclides to the atmosphere and the aquatic environment".
4. Lastly, it had been agreed that in paragraph 61 the words "to promote transparency in their nuclear activities by promptly reporting" should be amended to read simply "to promptly report".
5. The representative of SPAIN requested the addition, at the end of paragraph 8, of a phrase reading "noting also that Spain will host a workshop at the end of 2008 for the sharing of lessons learned from all IRRS missions carried out in 2007 and 2008". He also requested the addition, at the end of the draft resolution, of a paragraph reading "Notes that Spain will during 2008 host an international conference on the radiation monitoring of scrap metal".
6. The representative of ARGENTINA expressed support for the requests made by the representative of Spain.
7. The representative of FRANCE, referring to the proposed additional preambular paragraph, said that the purpose of the OSPAR Convention was not reflected accurately in the text. He proposed that the phrase "which seeks, inter alia, the progressive reduction or elimination of radioactive discharges to the sea" be deleted.
8. The representative of CANADA said, with reference to paragraph 13, that preparation of the requested report to the Board would require time, effort and resources. He suggested that ", subject to the availability of resources," be inserted between "Requests the Secretariat" and "to provide".
9. The representative of ARGENTINA said that he shared the concerns underlying the comments made by the representative of France.

10. The representative of JAPAN expressed support for the comments made by the representatives of France and Canada.
11. With regard to paragraph 40, he suggested that “, subject to the availability of resources” be added at the end of the phrase “and requests the Secretariat to assist Member States in using such safety standards” if that phrase was included in the paragraph.
12. The representative of AUSTRALIA said that he would have no objection to the inclusion of “subject to the availability of resources” in paragraphs 13 and 40.
13. With regard to the comments made by the representatives of France and Japan, he would welcome clarification from the Secretariat on the purpose of the OSPAR Convention.
14. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY quoted Article 1a of the OSPAR Convention: “The Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution ...”.
15. The representative of the UNITED KINGDOM expressed concern about the final phrase of the proposed additional preambular paragraph.
16. The representative of IRELAND, referring to the proposed additional preambular paragraph, recalled that during the Committee’s third meeting he had proposed an additional paragraph reading “Welcomes the commitment of the contracting parties to the Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) to ensure that discharges, emissions and losses of radioactive substances are reduced by the year 2020 to levels where the additional concentrations in the marine environment above historic levels, resulting from such discharges, emissions and losses, are close to zero.” In his view, that paragraph could serve as the basis for a compromise in what was a difficult situation.
17. The representative of NORWAY, referring to the suggestion made by the representative of Canada, expressed the view that it was unnecessary to add “,subject to the availability of resources,” in paragraph 13.
18. The representative of FRANCE, supported by the representative of the UNITED KINGDOM, reiterated his proposal that the last part of the proposed additional preambular paragraph be deleted.
19. The representative of IRELAND said that he was unable to go along with that proposal.
20. The representative of NORWAY, responding to an appeal by the CHAIRPERSON, said that he could go along with the addition of “,subject to the availability of resources,” in paragraph 13 on the understanding that the Secretariat would take the requested action as a matter of high priority.
21. The CHAIRPERSON requested interested delegations to hold informal consultations as soon as possible on the outstanding issues regarding the draft resolution contained in document GC(51)/COM.5/L.11.

## **16. Nuclear security — measures to protect against nuclear terrorism**

(GC(51)/COM.5/L.14)

22. The representative of GERMANY, introducing the draft resolution contained in document GC(51)/COM.5/L.14, said that it was the result of intensive consultations among many delegations.

23. The draft resolution underlined the efforts made by the international community since the fiftieth regular session of the General Conference in the light of the increasing risks posed by nuclear and radiological terrorism.

24. The representative of FRANCE requested clarification regarding paragraph 84 of the Nuclear Security Report 2007 (GC(51)/15), which referred to the need for continued vigilance vis-à-vis the threat of terrorism, particularly “in the light of the reported increased interest in the use of nuclear energy.”

25. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY said that the paragraph had no implications for States’ ongoing nuclear activities; on the contrary, updated security measures would serve as a sound basis for the secure implementation of nuclear activities, thereby increasing confidence in them.

26. The representative of EGYPT, referring to paragraph (e), proposed the deletion of “peaceful” in the phrase “the obligations of every Member State to keep its peaceful nuclear programmes safe and secure”.

27. He proposed amending paragraph (q) to read “Noting the central contribution of the Agency’s comprehensive safeguards agreements, and also...” instead of “Noting the central contribution of Agency safeguards agreements and additional protocols, and also...”.

28. He proposed adding “and subject to the availability of resources” at the end of paragraph 7.

29. The representative of INDIA, welcoming the draft resolution, said that, together with the Agency, his country had organized training courses for the Asia-Pacific region on — inter alia — the physical protection of nuclear installations, the physical protection of radioactive sources, how to respond to criminal or unauthorized acts involving nuclear and radioactive materials, and the Agency’s Regulatory Authority Information System.

30. His country had recently deposited its instrument of ratification of the amendment to the CPPNM adopted in July 2005 and looked forward to the amendment’s early entry into force.

31. The representative of PAKISTAN, welcoming the draft resolution, proposed adding “and keeping in view the necessity of avoiding any linkage of growing interest in the use of nuclear energy to any perceived emerging threats to nuclear security” to paragraph (d), as it was important to state that such perceived threats should not be allowed to hamper the peaceful utilization of nuclear energy.

32. The representative of the ISLAMIC REPUBLIC OF IRAN expressed support for the amendment to paragraph (d) proposed by the representative of Pakistan and for the amendments to paragraphs (e) and (q) proposed by the representative of Egypt.

33. Referring to paragraph (g), he recalled the wording of paragraph (g) of resolution GC(50)/RES/11 and proposed deleting “and initiatives by” and inserting “within the framework of the United Nations”, so that the paragraph would read “Noting also that actions of the international community within the framework of the United Nations to combat ...”.

34. He proposed the replacement of “Welcoming” by “Noting” in paragraph (h), which would then read “Noting the adoption of United Nations Security Council Resolution 1673, which ...”.

35. Referring to paragraph (m), he proposed deleting “and noting that INFCIRC/225, which was last revised in 1999, again needs revision to address the current threat environment”.

36. Referring to paragraph 3, he proposed the replacement of “...and calls on all States” by “and invites all States”.

37. He proposed the deletion of paragraph 4, which his delegation considered to be redundant.

38. Referring to paragraph 8, he proposed the insertion of “nuclear or radiological” between “acts of” and “terrorism” and the deletion of “including in particular acts of nuclear or radiological terrorism”. Also, he proposed replacing “subject to the availability of resources” by “acting within the scope of the Agency’s statutory responsibilities”.

39. He proposed the inclusion in the draft resolution, after paragraph 8, of a paragraph reading “Calls on all States to ensure that measures for strengthening nuclear security should not hamper international cooperation in the field of peaceful nuclear activities, the exchange of nuclear materials for peaceful purposes and the promotion of peaceful use of nuclear energy”.

40. Referring to paragraph 11, he proposed replacing “, in particular” by “and” and the insertion of “and determination” after the “the detection”.

41. The representative of MALAYSIA proposed the replacement of “Welcomes” by “Notes” in paragraph 1.

42. Her delegation supported the proposal made by the representative of Pakistan regarding paragraph (d) and the proposal made by the representative of the Islamic Republic of Iran regarding the inclusion of an additional paragraph after paragraph 8.

43. The representative of CUBA, expressing support for the proposal made by the representative of the Islamic Republic of Iran regarding paragraph (h), said that he saw no reason not to start the paragraph with “Noting” — the word used at the beginning of paragraph (h) of resolution GC(50)/RES/11.

44. He expressed support for the inclusion, after paragraph 8, of the additional paragraph proposed by the representative of the Islamic Republic of Iran.

45. The representative of ARGENTINA said that, in her country’s view, it was important to arrive at a balance between safety and security, particularly with regard to non-nuclear radioactive materials.

46. Referring to paragraph (m), she proposed changing “internationally accepted criteria” to “internationally accepted guidance” and “the current threat environment” to “the current threats”.

47. Her delegation could not support the proposal by the representative of the Islamic Republic of Iran to delete operative paragraph 4 as her country attached great importance to document INFCIRC/225, but it considered the phrase “within the framework of the Agency’s Nuclear Security Series” to be superfluous.

48. Regarding paragraph 8, she would like it to be replaced by paragraph 6 of resolution GC/(50)/RES/11.

49. The representative of EGYPT expressed support for the proposal made by the representative of Pakistan regarding preambular paragraph (d) and that made by the representative of the Islamic Republic of Iran regarding an additional paragraph after paragraph 8.

50. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA expressed support for the proposal made by the representative of Egypt regarding preambular paragraph (e) and those made by the representative of the Islamic Republic of Iran regarding paragraph 8 and the inclusion of an additional paragraph after paragraph 8.

51. The representative of the SYRIAN ARAB REPUBLIC expressed support for the proposal made by the representative of Egypt regarding paragraph (e) and that made by the representative of the Islamic Republic of Iran regarding paragraph 3.

52. The representative of GERMANY said that, in view of the large number of comments made on the draft resolution, it would be best for interested delegations to consult informally about how best to proceed.

## **18. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(51)/COM.5/L.8)

53. The CHAIRPERSON invited the representative of the United States of America to present the amendments to paragraph 4 of the draft resolution entitled "Small and medium-sized nuclear reactors — Development and deployment" in document GC(51)/COM.5/L.8 that had been agreed upon in informal consultations.

54. The representative of the UNITED STATES OF AMERICA said it had been agreed that in paragraph 4 "multilateral" should be deleted before "financial institutions" and that "in activities relating to" should be amended to "in advising on". Regarding the latter amendment, he said that in the informal consultations there had been considerable discussion of whether the Secretariat's activities relating to the development and deployment of SIR technology were exclusively of an advisory nature. It had been concluded that the Secretariat would be providing advice based on consultations and interactions with many organizations, including financial institutions, but not putting together financial packages.

55. The representative of the ISLAMIC REPUBLIC OF IRAN, having expressed appreciation to the delegation of the United States of America for the flexibility shown by it, said that in his view the proposed additional preambular paragraph was redundant. In a spirit of compromise, however, he would not oppose its inclusion in the draft resolution.

56. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(51)/COM.5/L.8 with the insertion after paragraph (a) of a paragraph reading "Confirming that the use of nuclear power must be accompanied by commitments to and ongoing implementation of effective levels of safety and security and safeguards, consistent with States' national legislation and respective international obligations"; the amendment of paragraph (b) to read "... to address economics, environmental

protection, safety and security, reliability, ...”; the deletion of paragraph (e); “within available resources” replaced by “subject to the availability of resources” and “economic” replaced by “economically viable” in paragraph 1; paragraph 3 amended to read “... the technical aspects, which cover safety and security and environmental protection, the social and economic impacts ...”; the deletion of “multilateral” and the replacement of “in activities relating to” by “in advising on” in paragraph 4; the deletion of “catalyze and” and “augmentation and” in paragraph 5; and the insertion of “interested” before Member States in subparagraph 6 (ii).

57. It was so agreed.

**The meeting was suspended at 11.50 a.m. and resumed at 12.30 p.m..**

## **15. Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management** (resumed) (GC(51)/COM.5/L.11)

58. The representative of AUSTRALIA said that, in informal consultations, agreement had been reached on the insertion, after paragraph (i), of a paragraph reading “Noting the Secretariat’s continued collaboration with the contracting parties of international and regional instruments aimed at protecting the marine environment from radioactive wastes such as the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, and noting also the reference in document GC(51)INF/2 (page 22) to the “progressive reduction or elimination of radioactive discharges to the sea” as an aim of the contracting parties to the OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic”.

59. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(51)/COM.5/L.11 with that additional paragraph and: with the insertion of “non-legally-binding” before “Code of Conduct on the Safety of Research Reactors” in paragraph (h); with the replacement of “the value of widespread and open information exchange” by “the value of promoting widespread information exchange” in paragraph (n); with the replacement of “urges” by “encourages”, the deletion of “from other organizations” and of “with satisfaction”, and the addition of “noting also that Spain will host a workshop at the end of 2008 for the sharing of lessons learned from all IRRS missions carried out in 2007 and 2008” in paragraph 8; with the insertion of “, subject to the availability of resources,” after “the Secretariat” in paragraph 13; with the insertion of “justifiable” between “continuous” and “improvement” in paragraph 16; with “urges other Member States to avail themselves of such services” replaced by “encourages the Secretariat to facilitate the exchange of information and experience arising from such review services” in paragraph 23; with the replacement of “calls upon” by “invites” in paragraph 26; with the insertion of “non-legally-binding” before “Code of Conduct on the Safety of Research Reactors” in paragraph 27; with “urges other Member States to avail themselves of such services and to exchange relevant experience” replaced by “encourages Member States to exchange relevant experience” in paragraph 32; with the addition of “and requests the Secretariat to assist Member States in using such safety standards, subject to the availability of resources” to paragraph 40; with the addition of “and encourages the Secretariat to continue its efforts to develop safety guides on Naturally Occurring Radioactive Material (NORM)” to paragraph 43; with the replacement of paragraph 44 by a paragraph reading “Encourages Member States to contribute to

the Secretariat's revision of the inventories of radioactive wastes disposed of at sea and of accidents and losses at sea, and further encourages Member States to participate actively in the Agency's database on discharges of radionuclides to the atmosphere and the aquatic environment (DIRATA)"; with paragraph 58 amended as proposed by the representative of the United States of America; with "encourages Member States to provide transparency in their nuclear activities by promptly reporting ..." replaced by "encourages Member States to promptly report ..." in paragraph 61; with "calls for its publication" replaced by "calls for it to be made available" in paragraph 67; and with the addition of a paragraph reading "Notes that Spain will during 2008 host an international conference on the radiation monitoring of scrap metal."

60. It was so agreed.

61. The representative of ARGENTINA, referring to paragraph 34, said that his Government was prepared to host an international conference on radiation safety in medicine in conjunction with the XIIth Congress of the International Radiation Protection Association, "Strengthening Radiation Protection Worldwide" (IRPA 12), referred to in paragraph 39.

## **18. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(51)/COM.5/L.6)

62. The representative of FRANCE said that, in the light of the consideration of the draft resolution on nuclear power applications contained in document GC(51)/COM.5/L.6 by the Committee in informal session and informal consultations outside the Committee, it was proposed that the text of the draft resolution be amended as follows: in paragraph (p), "Welcoming" should be replaced by "Noting with interest and ", and encouraging the Secretariat" should be replaced by "and the need"; in paragraph (q), "related to" should be replaced by "supporting Member States interested in" and the words "taking due account of waste management" should be added at the end; in paragraph 8, "Welcomes" should be replaced by "Notes with interest", "for the provision of coordinated support to interested Member States" should be replaced by "to coordinate the support that the Agency provides to interested Member States" and the words "and looks forward to receiving more information on its activities and impact" should be added at the end; in paragraph 11, the words "the workshop that took place in December 2006 on Issues for the Introduction of Nuclear Power" should be amended to read "the workshop on 'Issues for the Introduction of Nuclear Power' that took place in December 2006 and addressed topics covered in the Director General's document 'Considerations to Launch a Nuclear Power Programme'"; and in paragraph 12, "Welcomes also" should be replaced by "Acknowledges".

63. The representative of AUSTRIA proposed that in paragraph 13 "Welcomes" be replaced by "Acknowledges the importance of", the words "the infrastructures required for the introduction of nuclear power" be amended to read "the infrastructures required for nuclear power including, inter alia, safety", "calls on" be replaced by "invites" and "how they can contribute to the introduction of nuclear power" be amended to read "how they can further contribute in this field". He also proposed that in paragraph (o) the words "and welcoming its activities in this field" be deleted.

64. The representative of PAKISTAN proposed that in paragraph 13 the words "less developed" be replaced by "developing".

65. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(51)/COM.5/L.6 with the amendments presented by the representative of France and the amendments proposed by the representatives of Austria and Pakistan.

66. It was so agreed.

67. The representative of NEW ZEALAND, speaking also on behalf of Austria, Denmark, Ireland, Luxembourg and Norway, said that the position on nuclear power of the countries on whose behalf she was speaking was well known. They did not consider that nuclear power was for them a sustainable energy source, given the very serious issues associated with nuclear power pertaining to proliferation, safety and waste management, which were issues with global implications.

68. The international community must pay more attention to and put more resources into the development of safe, renewable forms of energy.

69. Any responsible discussion on nuclear power needed to take into account the serious safety and security issues associated with existing and future nuclear power generation, including the high costs and risks associated with transport, waste disposal and reprocessing. The countries on whose behalf she was speaking had strongly argued that nuclear non-proliferation, safety and waste management were core components in any consideration of nuclear power.

70. Despite their concerns, Austria, Denmark, Ireland, Luxembourg, New Zealand and Norway did not wish to block the adoption of the resolution just considered. They would, however, like their reservations to be reflected in the record of the meeting.

**The meeting rose at 1.05 p.m.**