

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

NPT/CONF.2010/PC.II/WP.17
29 April 2008

Original: English

Second session
Geneva, 28 April-9 May 2008

**ARTICLE III (3) AND IV, PREAMBULAR PARAGRAPHS 6 AND 7,
ESPECIALLY IN THEIR RELATIONSHIP TO ARTICLE III (1), (2) AND
(4) AND PREAMBULAR PARAGRAPHS 4 AND 5: NUCLEAR SAFETY**

Working Paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the
Netherlands, New Zealand, Norway, and Sweden (“the Vienna Group of Ten”)

1. The Vienna Group of Ten (hereafter “the Vienna Group”) notes that a demonstrated global record of safety in all activities throughout the nuclear fuel cycle is a key element for the peaceful uses of nuclear energy, and that continuous efforts are needed to ensure that the technical and human elements of safety culture are maintained at the optimal level. Although safety is a national responsibility, international co-operation is vital for exchange of knowledge and learning from best practices.
2. The Vienna Group affirms that the NPT can help to ensure that international co-operation in nuclear safety will take place in an appropriate non-proliferation framework. The group acknowledges the primary responsibility of individual States for the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an effective national technical, human, and regulatory infrastructure in nuclear safety, radiological protection, and waste management.

3. The Vienna Group stresses the important role of the IAEA in enhancing nuclear, radiation and waste safety through its various safety programmes and initiatives and in promoting international cooperation in this regard. The group reaffirms the importance of States developing and improving their national nuclear, radiation, transport and waste safety infrastructures.

4. The Vienna Group endorses the work of the IAEA Commission on Safety Standards and Committees in the preparation of internationally recognized safety requirements and guides. The group welcomes the work that has been started by the Commission to review the overall structure of the IAEA's safety standards. The new IAEA Safety Fundamentals approved in September 2006 form the fundamental building block for the ongoing development of safety standards. The group welcomes the current work to review and revise as necessary the basic radiation protection requirements, the Basic Safety Standards.

5. The Vienna Group welcomes and endorses the Convention on Nuclear Safety and urges all States, particularly those constructing or planning nuclear power reactors, which have not yet taken the necessary steps to become a Party to the Convention, to do so. The group notes that all States currently operating nuclear power plants are party to the Convention. The group notes the contribution of the Fourth Review Meeting under the Convention on Nuclear Safety held in April 2008 and acknowledges the active role of the IAEA Secretariat in highlighting key issues and trends.

6. The Vienna Group welcomes the adoption by the IAEA of the Code of Conduct on the Safety of Research Reactors and endorses the guidance for the safe management of research reactors set out in the Code. The group urges States to apply the guidance in the Code to the management of research reactors and looks forward to the outcome of the International Meeting on the Application of the Code to be held in Vienna in 2008.

7. The Vienna Group endorses the activities of the IAEA directed towards strengthening nuclear safety in operating power and research reactors. Specific activities include the international peer review services - such as the Engineering Safety Review Services (ESRS), the Operational Safety Review Team (OSART), the International Probabilistic Safety Assessments

Review Team (IPSART), the International Regulatory Review Service (IRRS), the Integrated Safety Assessment of Research Reactors (INSARR) – and support to the regulatory bodies and other relevant areas of the infrastructure of States through technical assistance programs.

8. The Vienna Group welcomes the IAEA Secretariat's implementation of the Plan of Activities on the Radiation Protection of the Environment and the formation in January 2006 of the Coordination Group on Radiation Protection of the Environment, to facilitate the coordination of activities related to the protection of non-human species and advise the IAEA in the implementation of the Plan of Activities. The group encourages further cooperation between the IAEA and relevant international organizations and stakeholders in promoting a coherent international policy regarding the radiological protection of the environment and looks forward to the outcomes of the International Conference on Radioecology and Environmental Radioactivity to be held in Bergen, Norway, in June 2008.

9. The Vienna Group welcomes the efforts of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) to assess and report levels and effects of exposure to ionizing radiation, and further welcomes the consideration of UNSCEAR's scientific results by the IAEA. The group notes that many States Party rely on UNSCEAR's estimates as the scientific basis for evaluating radiation risk and for establishing protective measures.

10. The Vienna Group welcomes the adoption by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources, and supports the subsequent adoption by the Board of a comprehensive Action Plan for its implementation. The group welcomes the approval by the IAEA Board of Governors of Guidance on the Import and Export of Radioactive Sources, and recalls that the IAEA General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The group calls upon all States Party to make a political commitment to the Code and the Guidance. The group welcomes the results of the open-ended meeting of technical and legal experts for the "Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources", held by the IAEA at its Headquarters in Vienna from 25 to 29 June 2007 and notes that the IAEA will hold an "Open-ended Meeting of Technical and Legal Experts on the Code of Conduct on the

Safety and Security of Radioactive Sources: Lessons Learned from Implementing the Supplementary Guidance on Import and Export Controls”, at its Headquarters in Vienna from 26 to 28 May 2008.

11. The Vienna Group commends IAEA efforts in waste management, and endorses IAEA programmes to assist Member States in this area through, *inter alia*, safety standards for the handling of radioactive waste, peer reviews, and technical assistance activities. The group welcomes progress made in implementing the IAEA’s Action Plan on the Safety of Radioactive Waste Management. The Vienna Group welcomes progress towards achieving disposal and long-term storage solutions for spent fuel and high-level radioactive waste.

12. The Vienna Group notes the adoption of: the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage; the Convention on Supplementary Compensation for Nuclear Damage; and the 2004 Protocol to Amend the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy; and encourages relevant States yet to do so to give consideration to adherence to those instruments.

13. The Vienna Group stresses the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials. The group welcomes the valuable work of the IAEA’s International Expert Group on Nuclear Liability (INLEX), including the development of an explanatory text on the various nuclear liability instruments and the conduct of several regional workshops on the nuclear liability system, and looks forward to the continuation of INLEX’s work on the overall nuclear liability regime, including its further examination of possible ways in which identified gaps in the regime might be addressed. The group notes that the next meeting of INLEX will take place in Vienna from 21 – 23 May 2008.

14. The Vienna Group recognises that nuclear and radiological incidents and emergencies, and acts with malicious intent associated with nuclear and radiological terrorism, may lead to significant radiological consequences over wide geographical areas, generate a pressing need for authoritative information to address public and media concerns, and require an international

response. The group urges all States that have not yet done so to take the necessary steps to become party to the Convention on Early Notification of a Nuclear Accident and to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

15. The Vienna Group welcomes the implementation of the IAEA's Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies; looks forward to its further implementation; and encourages further measures to improve the overall international emergency response capability, particularly with regard to potential incidents during transport. The group welcomes the establishment in February 2005 of the IAEA's Incident and Emergency Centre (IEC), which serves as the Agency's focal point for responding to nuclear or radiological incidents and emergencies and for promoting improvement in emergency response and preparedness.

16. The Vienna Group welcomes the IAEA addressing the issue of denials of shipments of radioactive materials, and the formation of the International Steering Committee on Denial of Shipments of Radioactive Material to coordinate international efforts aimed at resolving issues related to the denial of shipments, and urges the Secretariat to actively facilitate the Steering Committee's work. The group also welcomes progress made on addressing this issue in conjunction with the International Federation of Air Line Pilots' Associations (IFALPA) and other relevant bodies

17. The Vienna Group reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments, and stresses the importance of international cooperation to enhance the safety of international navigation. The group welcomes implementation of the IAEA's Action Plan on the Safety of Transport of Radioactive Materials, commends States that have made use of the Agency's Appraisal Service, and encourages other States to avail themselves of these services and to improve transport practices. The group affirms that it is in the interests of all States that the maritime transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection, and that States have under international law the obligation to protect and preserve the maritime environment.

18. The Vienna Group notes concerns about a potential accident or incident during the transport of radioactive materials by sea and about the importance of the protection of people, human health and the environment as well as protection from actual economic loss, as defined in relevant international instruments, due to an accident or incident. The group welcomes the practice of some shipping States and operators of providing in a timely manner information and responses to relevant coastal States in advance of shipments of radioactive materials for the purpose of addressing concerns regarding safety and security, including emergency preparedness. The group welcomes informal discussions on communication between shipping States and relevant coastal States with IAEA involvement, notes the intention to hold further discussions with Agency involvement, and looks forward to progress towards understanding and addressing concerns of coastal and shipping States. The group also welcomes discussions at the bilateral level between relevant shipping and coastal states on issues of mutual concern.
