THE SENATE AND THE DEPUTY CHAMBER
of the Argentine Republic, meeting at the Congress,
enact as a Law:

THE NATIONAL LAW ON NUCLEAR ACTIVITIES

CHAPTER I


ARTICLE 1.- The National Government, through the National Atomic Energy Commission and the Nuclear Regulatory Authority, shall define the policy and be responsible for research and development, regulation and surveillance functions in the nuclear field.

All commercially oriented nuclear activities related to production and research and development may be performed by the National Government or by the private sector.

The nuclear policy shall meet all the obligations assumed by Argentina as a party to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty), the Treaty on Non-Proliferation of Nuclear Weapons (TNP), the Agreement between the Argentine Republic and the Federative Republic of Brazil through the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and the International Atomic Energy Agency (IAEA) to enforce safeguards, in addition to the commitments signed by Argentina as a member of the Nuclear Suppliers Group and the National Regime for the Control of Sensitive Exports (Decree 603/92).

ARTICLE 2.- The National Atomic Energy Commission created by Decree # 10.936 dated May 31, 1950, and reorganized by Decree-Law # 22.498/56 which was ratified by Law # 14.467, shall continue to operate as an autarchic organism that reports to the jurisdiction of the President of the Nation, and shall be responsible for:

a) Advising the Executive Power on nuclear policy issues.

b) Promoting training of highly specialised human resources, scientific and technological developments in the nuclear field, and including the promotion and development programmes for technological innovations.

c) Fostering technology transfer programmes for the technology that was acquired and developed by the institution, and for which the institution has a patent, in compliance with the non-proliferation commitments signed by the Argentine Republic.

d) Exercising the responsibility of radioactive waste management activities as established by the specific law.

e) Defining the procedures for decommissioning nuclear energy generation facilities and all other relevant radioactive installations.

f) Providing the services requested by nuclear power plants and other nuclear installations.

g) Exercising the rights of the National Government on special fissionable materials included in irradiated fuel elements.

h) Exercising the rights of property of the National Government on special fusion materials, which are imported or developed in the country.

i) Developing, building and operating experimental nuclear reactors.
j) Developing uses for radioisotopes and radiation in biological, medical and industrial applications.

k) Performing exploration of minerals for nuclear use, without excluding the private sector from said activity.

l) Developing materials and manufacturing processes for fuel elements used in advanced cycles.

m) Developing basic and applied research programme in basic science of nuclear technology.

n) Establishing cooperation programme, through the Ministry of Foreign Affairs, International Trade and Worship, with third countries for the above mentioned basic and applied research programme, and for fusion technology research and development programme.

n) Fostering and developing other studies and scientific applications for nuclear transmutations and reactions.

ñ) Continuously updating the technical information on nuclear power plants and their various stages, and ensuring its optimum use.

o) Establishing direct relations with other foreign institutions that share similar goals.

p) Signing research agreements with nuclear power plant operators.

ARTICLE 3.- The National Atomic Energy Commission shall manage its administrative, financial, proprietary and accounting matters following the contents of this Law and the regulations to be issued for such purpose by its Board of Directors. The Commission shall be submitted to the public control regime.

The personnel of the Commission shall be submitted to the Labor Contracts Law and to special conditions established in the regulations.

ARTICLE 4.- The functions of the Board of Directors of the National Atomic Energy Commission shall be:

a) To perform the necessary actions for complying with the objectives and functions established in this Law.

b) To approve general work plans, strategic projects and annual budgets to be submitted to the National Executive Power.

c) To approve the annual activities report.

d) To advise the National Executive Power on matters related to atomic energy and its applications.

e) To establish relations with the participation of the Ministry of Foreign Affairs, International Trade and Worship, with foreign institutions or with regional or international agencies that share similar goals.

f) To accept assets and donations.

g) To sign agreements with public or private entities for the execution of the plans aimed at the achievement of the Commission's goals.

h) To propose the Commission's organizational structure to the Executive Power.

ARTICLE 5.- The Chairman of the Board of Directors of the National Atomic Energy Commission shall be invested with the necessary executive powers to carry out the laws and regulations ruling the Institution and the resolutions issued by the Board of Directors. The Chairman shall:
a) Undertake the legal representation of the National Atomic Energy Commission for all administrative, judicial and extrajudicial matters.

b) Manage and administer the Institution.

c) Summon and chair the meetings of the Board of Directors.

d) Submit general work plans, strategic projects and annual budget proposals to the Board of Directors for its further submission to the National Executive Power.

e) Grant general and special mandates.

f) Integrate, either by him or through representatives, national, provincial or sectorial commissions dealing with the tasks of the Institution, including environmental matters.

g) Inform the Board of Directors about the general distribution of the annually granted budget.

h) Inform the Board of Directors about the fulfilment of programmes, projects and other scheduled activities.

i) Propose to the Board the Commission’s organisational structure at the levels that are not defined by the Executive Power.

j) Appoint, promote, sanction and dismiss personnel according to the applicable laws and regulations.

k) Appoint and promote personnel who shall perform hierarchical and coordination activities.

l) Appoint and send representatives, and nominate qualified personnel, for their participation in regional or international conferences, meetings or congresses.

ll) Partially delegate, to the internal bodies he may designate, the faculties entrusted to him by this Law.

ARTICLE 6.- Resources of the National Atomic Energy Commission shall be made up by the following revenues:

a) Inputs from the National Treasury as determined for each fiscal year and by special laws.

b) Inputs resulting from its own activities in the field of production and in the services rendered.

c) Subsidies, legacies, inheritances, donations and transfers received for any concept.

d) A royalty fixed by the National Executive Power aimed at financing research and development activities performed by the National Atomic Energy Commission, calculated as a percentage of the income obtained from the sale of electric power generated by nuclear power plants in charge of the Nucleoeléctrica Argentina S.A. (corporation) or by whoever substitutes the latter legally.

e) Interests and benefits accrued from the management of its own funds.

ARTICLE 7.- The Nuclear Regulatory Authority shall be responsible for regulating and controlling nuclear activities to ensure radiological and nuclear safety, personal protection, a controlled use of nuclear materials, licensing and surveillance of nuclear facilities, and compliance with international safeguards. The Nuclear Regulatory Authority shall also be an advisor to the Executive Power on issues within its field of expertise.

ARTICLE 8.- The Nuclear Regulatory Authority shall have regulatory and control responsibilities, as stated in this Law, to:

a) Protect human beings from harmful effects of ionizing radiation.
b) Ensure that nuclear installations in Argentina comply with radiological and nuclear safety requirements.

c) Ensure that no nuclear activities are performed for purposes other than those authorized by this Law, regulations issued in the future international commitments and Argentina’s policy on non-proliferation of nuclear activities.

d) Prevent intentional actions that could have severe radiological consequences, and any unauthorized removal of nuclear materials or other materials, or equipment, which are regulated and controlled, as stated in this Law.

**ARTICLE 9.-** To develop any type of nuclear activity, all individuals and legal personae shall:

a) Comply with regulations issued by the Nuclear Regulatory Authority within its jurisdiction, and apply for a license, permit or authorization to operate.

b) Comply with all the safeguards and non-proliferation agreements signed by Argentina or that Argentina may sign in the future.

c) Accept civil liabilities of nuclear power plant operators, as defined in the Vienna Convention on Civil Liability for Nuclear Damage, which was ratified by Law #17.048, for a total amount of USD 80 million (US$80 000 000) per nuclear accident in each nuclear facility. This amount shall be guaranteed by an insurance policy or a financial warranty, to the satisfaction of the Executive Power or whoever is appointed by the Executive Power, and the National Government shall be responsible for the remaining liability.

The Executive Power is hereby authorized to adjust the amount of the liability mentioned above, if the conditions stated in the Vienna Convention on Civil Liability for Nuclear Damage are amended, after said amendment is ratified by law.

Nuclear damages, as defined in the Vienna Convention on Civil Liability for Nuclear Damage, ratified by Law #17.048, shall mean loss of human lives, bodily injuries and material damages directly or indirectly caused by radioactive properties, or radioactive properties in combination with toxic, explosive or other hazardous properties of nuclear fuels, or radioactive products or radioactive waste in a nuclear facility or nuclear products manufactured or sent to said facility or other ionizing radiation which is released from any other source of radiation in a nuclear facility.

The operator of a nuclear facility shall be liable for nuclear damages, including:

i) Damages caused to the operator’s employees and to the contractor and subcontractor's employees as a result of the nuclear accident at the nuclear facility that is operated by said company;

ii) Damages caused by the nuclear accident to International Atomic Energy Agency’s officials responsible for implementing the safeguards stated in the international agreements signed by Argentina;

iii) Damages caused by nuclear products when such accidents do not occur within an installation or during transportation, if at the time of the nuclear accident, said products were stolen, lost, jettisoned, or abandoned.

All operators of nuclear power plants shall contribute to a fund for Decommissioning of Nuclear Power Plants. The funding, management, and control of this Fund shall be determined by the National Executive Power.

**ARTICLE 10.-** As established in Article 11 of this Law, regulation and surveillance of nuclear activities concerning matters defined in Article 7 are submitted to the national jurisdiction.

**ARTICLE 11.-** New sites for relevant nuclear facilities shall be approved and shall require a construction license from the Nuclear Regulatory Authority and the approval of the Provincial Government in whose jurisdiction the new facility is scheduled to be built.
ARTICLE 12.- The National Atomic Energy Commission shall suggest the location of the repositories for high-, medium- and low-activity waste. The site shall be approved by the Nuclear Regulatory Authority for radiological and nuclear safety, and the Provincial Government in whose jurisdiction the suggested site is located shall pass a law approving the site. Said requirements shall be prior and fundamental for any requests for approval.

ARTICLE 13.- The location of radioactive waste treatment plants and of temporary and final repositories managed by the National Atomic Energy Commission or by the Corporation Nucleoeléctrica Argentina S.A. at the time this Law is enacted, including their expansion and routes of access by land, sea, air and river, shall require no additional authorisation to continue functioning, and all deliveries to, or shipments from said repositories, shall not require any special approval from the National Congress or from Municipal or Provincial authorities in whose jurisdiction the repository or routes of access are located.

Chapter II
Nuclear Regulatory Authority

ARTICLE 14.- The Nuclear Regulatory Authority shall operate as an autarchic entity reporting to the jurisdiction of the President of the Nation. Such Authority shall succeed the National Board of Nuclear Regulation.

ARTICLE 15.- The Nuclear Regulatory Authority shall hold autarchy and shall have full juridical capacity for action in both Public and Private Law. Its patrimony shall be constituted by assets to be transferred from the National Board of Nuclear Regulation and by those acquired in the future by any title. It shall have its headquarters in the City of Buenos Aires. The Authority shall approve its own organizational structure with prior intervention of the Public Functions Secretariat of the Presidency of the Nation.

ARTICLE 16.- The Nuclear Regulatory Authority shall have the following functions, attributions and obligations:

a) Issuing regulatory standards related to radiological and nuclear safety, physical protection and control of the use of nuclear materials, licensing and surveillance of nuclear facilities, international safeguards and transport of nuclear materials as far as radiological and nuclear safety and physical protection are concerned.

b) Granting, suspending and revoking construction licenses, start-up, operation and decommissioning licenses for nuclear power generation plants.

c) Granting, suspending and revoking licenses, permits or authorisations concerning Uranium mining and concentration, safety of research reactors, relevant accelerators, relevant radioactive facilities, including the facilities for waste or radioactive waste management, and nuclear applications in medical and industrial activities.

d) Performing regulatory inspection and evaluations of facilities submitted to regulation of the Nuclear Regulatory Authority, with the periodicity it deems necessary.

e) Proposing to the Executive Power the transfer, extension or replacement of a concession for the use of a State-owned nuclear facility whenever there are elements advising to do so, or its expiration when based on non-compliance with the rules it issues with regard to radiological and nuclear safety.

f) Bringing civil or criminal lawsuits at the competent courts when there is non-compliance from licensees or authorisation or permit owners ruled by this Law, as well as requesting for search warrants and for the aid of the police when such actions are deemed necessary for exercising the faculties granted by this Law.

g) Applying sanctions, that shall be graded on the basis of the severity of the infringement, such as warnings, fines to be applied proportionately to the severity
of the fault and as a function of the potential damage involved, the suspension of a license, permit or authorisation or their revocation. Such sanctions shall be appealable only for the purpose of remand before the National Administrative Contentious Court of Appeals.

h) Establishing procedures for the application of sanctions for the violation of rules issued while exercising its competence, while ensuring the principle of due process of Law.

i) Disposing the seizure of nuclear radioactive materials, as well as the preventive closure of facilities subject to regulations of the Nuclear Regulatory Authority, when they lack the due license, permit or authorisation, or when gross negligences are detected with respect to the compliance with radiological and nuclear safety standards or with the protection of facilities.

In this context, gross negligence means the acts involving a serious threat to the safety of the population or to the environmental protection, or whenever the application of physical protection or safeguards measures cannot be guaranteed.

j) Protecting restricted information, in order to ensure a trustworthy preservation of technological, commercial or industrial secrets, and an appropriate application of safeguards and of physical protection measures.

k) Establishing, in accordance with international parameters, radiological and nuclear safety standards for overland, river, maritime or air transport of nuclear and radioactive materials and for physical protection of transported materials.

l) Establishing, in accordance with international parameters, radiological and nuclear safety standards related to personnel working in nuclear facilities and granting specific licenses, permits and authorisations that qualify for performance of functions subject to licenses, permits and authorisations.

ll) Defining a procedure for consultation with owners of licenses for relevant nuclear facilities whenever new regulatory standards are proposed or the existing ones are modified. Such procedure shall foresee that modification of the existing standards and the issues of new ones are supported by an evaluation criterion based on the cost/benefit ratio arising from the application of the new standard.

m) Evaluating environmental impact produced by any licensed activity, involving monitoring, analysis and follow-up activities concerning the incidence, evolution or possibility of environmental damage that may arise from the licensed nuclear activity.

n) Submitting an annual report to the National Executive Power and the National Congress on activities performed and including suggestions on measures to be adopted for the benefit of the public interest.

ñ) Requesting information to all license, permit or authorisation owners on topics subject to regulation.

o) In general, performing any other actions aimed at a better performance of its functions and at the accomplishment of the purpose of this Law and its regulations.

**ARTICLE 17.-** The Nuclear Regulatory Authority shall be managed and administered by a Board of Directors of six (6) members, including a Chairman, a Vice-Chairman and four (4) voting members.

**ARTICLE 18.-** Members of the Board of Directors of the Nuclear Regulatory Authority shall be appointed by the Executive Power, two of them as proposed by the House of Deputies and the Senate, respectively. They must have a technical and professional background in this field. They shall have a six (6) year term of office, while one third of them shall be renewed every two (2) years. They shall only be removed on ground basis by the Executive Power and they may be appointed successively and indefinitely.
In the case of the first appointment, the Executive Power shall fix the term of duration by drawing lots.

**ARTICLE 19.-** Members of the Board of Directors of the Nuclear Regulatory Authority shall have full-time dedication and shall be submitted to incompatibilities in force for public officials. License, permit or authorisation owners as per this Law and individuals with any direct interest connected with this matter shall not be liable to be appointed as members of the Board.

**ARTICLE 20.-** The Chairman of the Board shall be entitled to such position during a six (6) year period and may be appointed successively and indefinitely for legal periods. He shall be the legal representative of the Nuclear Regulatory Authority.

In case of impediment or temporary absence, the Vice-Chairman shall replace him.

**ARTICLE 21.-** The Board of Directors shall be legally competent with a quorum of four (4) of its members, while one of them must be its Chairman or Vice-Chairman. Its resolutions shall be adopted by simple majority. In case of a draw, the Chairman or the person replacing him shall have a double vote.

**ARTICLE 22.-** The functions of the Board of Directors of the Nuclear Regulatory Authority shall be:

a) To exercise and control the fulfilment of statutory rules and regulations governing the Authority's activities.

b) To issue the Board's regulations for its performance.

c) To administer all matters related to the Authority's personnel.

d) To prepare annual budgets and estimate resources to be submitted to the Congress through the Executive Power for its approval along with the general budget of the Nation.

e) In general, to perform any other actions aimed at a better fulfilment of its functions and the purposes of this Law and its regulations.

**ARTICLE 23.-** The Nuclear Regulatory Authority shall manage its administrative, financial, proprietary and accounting matters following the contents of this Law and regulations to be issued for such purpose by its Board of Directors. The Authority shall be submitted to the public control regime.

**ARTICLE 24.-** The Nuclear Regulatory Authority shall draft an annual budget proposal that shall be published and submitted to individuals bound to pay the regulatory rate foreseen in Article 26 of this Law, who shall be able to formulate grounded objections within thirty (30) calendar days after such publication.

**ARTICLE 25.-** Resources of the Nuclear Regulatory Authority shall be made up by the following revenues:

a) Regulatory rate created by Article 26 of this Law.

b) Subsidies, legacies, inheritances, donations and transfers received for any concept.

c) Interests and benefits accrued from the management of its own funds.

d) Inputs from the National Treasury as determined for each fiscal year.

e) Any other funds, assets or resources assigned to it through applicable laws and regulations.

**ARTICLE 26.-** Licensees owners of an authorisation or permit, or the legal persons whose activities are submitted to the control of the Authority, shall pay in advance an annual regulatory rate to be approved through the general budget of the Nation.

In the case of nuclear power plants, such annual regulatory rate shall not be higher than a sum equivalent to the annual average price of one hundred megawatthour (100 Mwh) at the Wholesale
Electric Power Market, fixed on the basis of prices in force during the previous year. Such sum shall be paid for every megawatt of nominal power installed capacity until the withdrawal of spent fuel from the reactor is finished during its shut-down by the utility in charge of the facility.

New nuclear power plants furthermore shall pay, also annually and in advance, regulatory rates corresponding to construction and licensing process, which shall be approved by the Executive Power.

For the rest of licensees owners of an authorisation or permit submitted to regulation the Nuclear Regulatory Authority shall establish the corresponding regulatory rates for licensing and inspection, which shall not exceed zero point five percent (0.5%) of their income, or an equivalent indicator of the activity submitted to regulation of the previous fiscal year.

Arrears of payment of the rate or fines foreseen in Article 16 item g) shall be automatic and shall accrue punitive interests as established by the enforcement authority. A debt certificate indicating lack of payment issued by the Nuclear Regulatory Authority shall be sufficient for bringing an executive lawsuit before the Civil and Commercial Federal Courts.

ARTICLE 27.- Personnel of the Nuclear Regulatory Authority shall be submitted to the Labor Contracts Law and to special conditions established in the regulations, while the Basic Juridical Regime for Public Function shall not be applicable.

ARTICLE 28.- For its relations with private entities and with Public Administration, the Nuclear Regulatory Authority shall be ruled by procedures established in the Administrative Procedure Law and its regulatory provisions.

ARTICLE 29.- Whenever, as a result of instituting legal procedures on own initiative or as a result of denunciation by third parties, the Nuclear Regulatory Authority considers that any act by a nuclear facility licensee, by an authorisation or permit owner, or by a legal person somehow submitted to regulation and control, as well as by those using or producing nuclear technology or managing nuclear wastes, violates this Law, its regulations or resolutions issued by the Nuclear Regulatory Authority I it shall notify all interested parties and it is empowered to take preventive actions deemed necessary, prior to solving the existence of such violation.

CHAPTER III
Definitions

ARTICLE 30.- As used in this Law, the following terms shall have the definitions assigned to them hereunder:

a) Nuclear activities: Use of nuclear transmutations at a macroscopic scale.

b) Nuclear material: Plutonium 239, Uranium 233, Uranium 235, Uranium enriched in Isotopes 235 or 233, Uranium contained in an isotopic mix equal to that found in nature, Uranium depleted in Isotope 235, Thorium with nuclear purity or any material containing one or more of the above.

c) Nuclear facility: Concept understood in the terms defined in Article 1, paragraph j, of the Vienna Convention on Civil Liability for Nuclear Damage approved by Law # 17.048.

d) Relevant nuclear facility: It includes nuclear reactor, critical facility, relevant radioactive facility and relevant accelerator, as defined or to be defined by the Nuclear Regulatory Authority.

e) Restricted information: Any information delivered by an applicant or by a license, permit or authorisation owner to the Nuclear Regulatory Authority that is to be treated confidentially on the basis of legal or contractual obligations assumed by them or related to:

   I. Processes and technologies for the production of special fissionable material;
II. Specific application of safeguards;
III. Specific protection systems applied in nuclear facilities.

f) Special fissionable material: Plutonium, Uranium 233, Uranium enriched in Isotopes 235 or 233 and any other material containing one or more of the above.

g) Production of special fissionable material: Chemical separation of special fissionable materials from other substances or production of special fissionable materials by means of isotopic separation methods.

CHAPTER IV
General Provisions

ARTICLE 31.- The primary responsibility for nuclear and radiological safety remains unfailingly with the license, permit or authorisation owner. Fulfilment of this Law and of rules and motions issued from them, does not exempt it from such liability nor from doing everything which is reasonable and consistent with its possibilities in favour of radiological and nuclear safety, safeguards and physical protection.

The license, permit or authorisation owner might delegate totally or partially the execution of the task, but keeps the entire responsibility established in this Article.

ARTICLE 32.- The National Government shall be the sole owner of special fissionable materials contained in irradiated fuel elements when activities encompassed by this Law are performed, as well as of any special fissionable materials entered or developed in the country.

ARTICLE 33.- Articles 2, 9, 11, 16 and 17 of Decree-Law # 22.498, dated December 19, 1956, are revoked.
CHAPTER V
Privatisations

ARTICLE 34.- Nuclear power generation activities being performed by the Corporation "Nucleoeléctrica Argentina Sociedad Anónima (Nucleoeléctrica Argentina S.A.)", as an indivisible productive unity, either directly or in association with other entities, including its various aspects (construction, start-up, operation, maintenance, shut-down of nuclear power plants), as well as management and execution of nuclear power plant construction being performed by the Corporation "Empresa Nuclear Argentina de Centrales Eléctricas Sociedad Anónima (ENACE S.A.)", are declared as submitted to privatisation.

This privatisation shall ensure the completion of the nuclear power plant currently under construction within a maximum term of six (6) years after the enactment of this Law.

ARTICLE 35.- “Nucleoeléctrica Argentina Sociedad Anónima (Nucleoeléctrica Argentina S.A.)", or the society constituted for the execution of privatisation mentioned in the previous article, shall maintain up to twenty per cent (20%) of its capital and at least one (1) share as property of the National Government, and their possession as well as the exercise of corporate rights shall remain with the Ministry of Economy and Public Works and Services.

From said capital, employees under a contract of employment from the enterprise shall receive the percentage that shall be fixed in the framework of the programme of participated property foreseen in Law # 23.696.

The National Government shall be the permanent owner of one (1) share of the society and its affirmative vote shall be required for taking any decisions related to:

a) An expansion of capacity of a nuclear power plant or construction of a new one.
b) Shut-down for not technical causes of a nuclear power plant, either temporarily or definitively.

ARTICLE 36.- Activities related to nuclear fuel cycle aimed at nuclear power generation, either at an industrial or experimental scale, and at production and applications of radioisotopes and radiation presently performed by the National Atomic Energy Commission, either directly or in association with other entities, are declared as submitted to privatisation, both considering them as a whole or as any of their constituent parts.

ARTICLE 37.- For the purpose of the privatisations mentioned in Article 36, corporations shall be constituted in which the National Government shall hold at least one (1) share and the right to veto any decisions involving discontinuation of such activities.

ARTICLE 38.- The licensee of the nuclear power plants or the corporation created for the purpose of privatisation authorized in Article 34, shall agree on the supply of heavy water from the Industrial Plant for the Production of Heavy Water ("Planta Industrial de Agua Pesada – PIAP") installed in Argentina and shall be responsible for the restitution of heavy water hired for Embalse Nuclear Power Plant, according to technical quality features and prices of the international market.

ARTICLE 39.- Privatisation processes authorized in this Chapter shall be submitted to the conditions established by Law # 23.696, by Article 96 of Law # 24.065 and by this Law.

ARTICLE 40.- Nuclear Power Plants shall use nuclear fuel originated or elaborated from radioactive minerals of mines located in the country.

ARTICLE 41.- This Law shall be enforced as of the date of its publication in the Official Bulletin.

ARTICLE 42.- Be communicated to the Executive Power.
SESSION’S HALL OF THE ARGENTINE CONGRESS,
BUENOS AIRES, AT THE SECOND DAY OF THE MONTH OF APRIL,
YEAR ONE THOUSAND NINE HUNDRED NINETY-SEVEN.

REGISTERED UNDER # 24.804

Non-official translation