

NUCLEAR LAW Bulletin

number 4

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European Nuclear Energy Agency

Organisation for Economic Co-operation and Development



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LEGISLATIVE AND REGULATORY ACTIVITIES

• *Australia*

MARITIME CARRIAGE OF RADIOACTIVE SUBSTANCES

The requirements of Australian law governing the packing, stowing and carriage of radioactive substances in ships are set out in the Navigation Regulations and in Determinations issued under those Regulations from time to time. This legislation closely follows the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials.

The Australian Department of Shipping and Transport recently published a Compendium of Notes for the guidance of persons concerned in the carriage of radioactive substances by sea which is designed to assist persons concerned with the consignment and carriage of radioactive cargoes to meet the legislative requirements. These Notes, which have no legal force or effect, constitute in fact the Regulations which will be shortly passed in this field under the Navigation Regulations. For example, Notice MSB8/1969, which is to be found as Appendix III of the Notes, gives in fact the Regulations which will henceforth be observed in Australia for incoming and outgoing shipments. A summary of this Notice is given here below.

Notice to Shipowners, Shipmasters, Stevedoring Firms, Shippers and Others Concerned

RADIOACTIVE CARGO

According to this Notice, shipments of radioactive materials from Australia must comply with the IAEA Regulations for the Safe Transport of Radioactive Materials, as incorporated in the Determinations made under the Navigation (Dangerous Goods) Regulations, and with the Navigation (Cargo Hazards Prevention) Regulations. Shipments to Australia must comply with the Navigation (Cargo Hazards Prevention) Regulations.

In the case of all exports a Notice of Intention to ship dangerous goods must be forwarded to the regional controller by the shipper. This notification is in addition to any notifications required by the IAEA Regulations.

Imports of large radioactive sources and fissile Class III packages

In accordance with the IAEA Regulations prior notification is to be given to the Department of Shipping and Transport of all shipments of large radioactive source packages and of fissile Class III packages for which special precautions have been specified by the Department at the time of the package design approval.

For imports of shipments under special arrangements, where the package does not meet all relevant parts of the IAEA Regulations, approval of the shipments must be sought well in advance of the intended date of shipment. On arrival, radiation monitoring will be arranged by this Department in consultation with the Department of Health.

For imports of other radioactive sources, an inspection will be made by a surveyor of the Department of Shipping and Transport in the first Australian port of call.

Exports of large radioactive sources and fissile Class III packages

In accordance with the IAEA Regulations, shipments of such packages must have the approval of the competent authority in the country of origin. In Australia the approval of the shipments shall be obtained by lodging a Shipper's Certificate with the Department of Shipping and Transport. The shipper is also due to give prior notification to intermediate and destination countries.

For shipments under special arrangements when the packaging or package does not meet all relevant parts of the IAEA Regulations as incorporated in Australian Regulations, full information about the package must be submitted before the Shipper's Certificate can be completed. Radiation monitoring will be arranged by the Department of Shipping and Transport at the port of loading.

For the exports of other radioactive sources, inspection will be made by a surveyor of this Department at the port of loading.

● *Austria*

RADIATION PROTECTION

Federal Act on Radiation Protection of 11th June 1969 /Official Gazette No. 227/1969/

The Federal Act regarding measures for protecting the life and health of persons and their descendants against injury by ionizing radiations (Federal Act on Radiation Protection), was passed by the Austrian Parliament on 11th June 1969.

This Act, which differs from the Bill (a translation of which was given as a Supplement to Nuclear Law Bulletin No. 3) by changes in the lay-out will not enter into force before 1st January 1971. Therefore, regulations to be issued under this Act cannot be brought into effect at an earlier date.

It is recalled that the Act covers the whole field of radiation protection and contains, in particular:

- provisions concerning the licensing of the building and operation of installations in which radioactive material or radiation-emitting equipment is to be handled;
- provisions concerning the protection of the general public and occupationally exposed persons;
- provisions determining the jurisdiction and control powers of the authorities endowed with the administration of the Act.

• *Denmark*

THIRD PARTY LIABILITY

The drafting of the Nuclear Installations Bill has been delayed and the Bill will not be ready for submission to Parliament during the present session as had been hoped. Accordingly ratification of the Paris Convention by Denmark can hardly be expected before the end of 1970.

• *France*

ORGANISATION AND STRUCTURE

Decree No. 69-724 of 18th July 1969 /Official Gazette of the French Republic of 19th July 1969/

This text lays down the powers of the Minister for Industrial and Scientific Development. In particular, he exercises the powers previously conferred on the Prime Minister in regard to atomic energy, notably those defined in Order No. 45-2563 of 18th October 1945, as amended, setting up the Atomic Energy Commission; accordingly the latter is brought under his authority, without prejudice to the provisions governing the relationship between that body and the Ministry of National Defence.

It should be noted that for the first time the supervisory powers in regard to the Atomic Energy Commission are conferred on the Minister responsible for Atomic Questions in person and no longer exercised by way of delegation from the Prime Minister as heretofore.

RADIATION PROTECTION

Decree No. 69-50 of 10th January 1969 /Official Gazette of the French Republic of 18th January 1969/ and Inter-Ministerial Order of 2nd September 1969 /Official Gazette of the French Republic of 28th September 1969/

The Decree of 10th January 1969 on the procedure for the inventory of the degree of pollution of surface waters, instigates a twelve-month inventory operation under the authority of the Préfet of each department, within the framework of orders made by the Minister for the Plan and Regional Development, who lays down the conditions under which the inventory is to be carried out. The Decree provides in Section 5 that sampling, tests and analyses and the establishment of records shall, as regards tests for radioactivity, be carried out under the direction and supervision of the competent officials of the Ministry of Social Affairs.

The Order of 2nd September 1969, made in implementation of the abovementioned Decree for the purpose of laying down the way in which the inventory of the degree of pollution of surface waters is to be carried out, lays down that methods for radioactivity tests shall be jointly prescribed by the Ministry of Public Health and Social Security and the Atomic Energy Commission. In addition, the Commission's laboratories are approved for the purpose of carrying out the necessary examinations and analyses.

Inter-Ministerial Order of 23rd April 1969 /Official Gazette of the French Republic of 8th June 1969/

This Order lays down the procedure for approval of equipment and installations using ionizing radiations for medical purposes. Practitioners and establishments using for therapy or diagnosis apparatus producing ionizing radiations or involving the use of radioelements must obtain prior approval of each item of equipment and installation kept by them for this purpose.

The equipment and installations requiring approval are subject to different sets of rules according to whether the installations are to be used for medical or dental X-ray diagnosis and contain an electrical generator, or are used for medical radiotherapy and also contain an electrical generator, or whether the equipment or installation involves the use of radioelements. Each particular set of rules is in turn subdivided into several categories. According to the category to which the equipment or installation which is the subject of an application for approval belongs, such approval is given by the Minister responsible for Social Affairs, after obtaining the opinion of the Central Service for Protection against Ionizing Radiations, or by the Préfet, after receiving a favourable opinion from the Central Service for Protection against Ionizing Radiations. This Service also has the duty of carrying out periodical checks on equipment and installations and may have approval withdrawn where there is a hazard for personnel, patients or third parties. Approval is granted for a maximum period of ten years.

As regards artificial radioelements, the possession of which is subject to the system of prior authorization provided for in Section R5234 of the Code of Public Health, application for authorization is deemed to include application for approval.

• Germany

GENERAL REGULATIONS

Acts to amend the Atomic Energy Act of 1959

The year 1969 so far has seen three modifications of the Atomic Energy Act (Atomgesetz) of 23rd December 1959, some of which constitute fairly important alterations. (*) The last amendment to this Act was effected by the Introductory Law to the Act on Statutory Offences (Einführungsgesetz zum Gesetz über Ordnungswidrigkeiten) of 24th May 1968 (BGBL(**) I, page 503).

1. Legislative measures aimed at reforming the Penal Code also brought about modifications regarding the sanctions contained in the Atomic Energy Act. Section 70 of the First Act to Reform the Penal Code (Erstes Gesetz zur Reform des Strafrechts) of 25th June 1969 (BGBL I, page 645) amends paragraphs 1 and 2 of Section 44 of the Atomic Energy Act to bring them into line with the new regulations of the Penal Code. This amendment is to come into force on 1st April 1970.

2. Section 2 of the Law Relating to the OECD Council Decision of 19th July 1966 concerning the adoption of radiation protection norms relating to the use of radioluminous paint on watches (Gesetz zum Ratsbeschluss der Organisation für Wirtschaftliche Zusammenarbeit und Entwicklung) of 22nd July 1969 (BGBL II, page 1309) with a view to the enforcement of the OECD Council Decision, extends the scope of regulations which may be made under Section 11, paragraph 1, of the Atomic Energy Act.

3. The most far-reaching changes of the Atomic Energy Act for a long time however are being brought about by the Second Law Amending and Supplementing the Atomic Energy Act (Zweites Gesetz zur Änderung und Ergänzung des Atomgesetzes) of 28th August 1969 (BGBL I, page 1429)(***)

The newly inserted Sections 7(a) and 7(b) enable the administrative authorities in charge of licensing nuclear installations on the basis of Section 7 of the Atomic Energy Act, to examine separately special problems, particularly those connected with siting of nuclear installations, and to take a stand on them by giving a preliminary decision before issuing a final licence.

(*) A translation of the full text of the Atomic Energy Act of 23rd December 1959, as amended, is given in the Supplement to this issue.

(**) BGBL: Bundesgesetzblatt (Legal Gazette of the Federal Republic of Germany).

(***) See also page 7 of Nuclear Law Bulletin No. 3, April 1969.

Those passages of the Atomic Energy Act dealing with liability are being amended to the effect that liability for damage occurring in the course of transport of nuclear fuel conforms to the provisions of the Paris Convention on Third Party Liability. According to the newly inserted paragraph 2 of Section 25 of the Atomic Energy Act, the operator of an installation to which the Act applies, will be liable to pay compensation for damage as specified in paragraph 1 of Section 25 if it is caused by nuclear fuel in the course of transport from the installation.

Lastly, the obligation of the Federation (Bund), which was originally due to expire on 31st December 1970, to indemnify against liability resulting from a nuclear incident as stated in Section 36 of the Atomic Energy Act, will remain in force if the requisite licence has been granted and operation of the installation or performance of activity has been started before 31st December 1980.

INSURANCE

Second Ordinance regarding the Creation of Reserves for Nuclear Installations

This Ordinance of 14th March 1969 [Bundesanzeiger 1969, No. 58, page 27] amends an earlier one issued on 10th July 1963, i.e. the "Erste Anordnung zur Bildung von Atomanlagen-Rücklagen" [Bundesanzeiger 1963, No. 139, page 17]. According to this amendment, insurance companies, which are under an obligation to build up reserves for insurance of nuclear installations, have to make annual minimum contributions of 20 per cent of the amount of the reserves, but in any case not more than 75 per cent of their annual profit, to keep the minimum required at a more or less steady level.

FEES

Act to Amend Provisions Authorizing the Levying of Fees, and also Extending the Scope of Application of Provisions Relating to the Levying of Fees

By virtue of Section 3, VIII of the abovementioned Act of 22nd July 1969 (Gesetz zur Aenderung von Kostenermaechtigungen und zur Ueberleitung gebuehrenrechtlicher Vorschriften [BGBl I, page 901] the status of the Ordinance Concerning Fees under the Atomic Energy Act (Kostenverordnung zum Atomgesetz) of 2nd July 1969 [BGBl I, page 440] was changed to that of an Act of Parliament. This legislation concerns fees that are levied when granting building and operating licences for nuclear installations, and licences relating to carriage and storage of such fuels, as well as when such fuels are taken into Government custody. Furthermore, this legislation was extended to the Land Berlin.

• *Ireland*

RADIATION PROTECTION

Draft Regulations on Ionising Radiations (Sealed Sources), are being prepared within the framework of the Department of Labour in

(*) Also spelt "ionizing".

consultation with the Department for Health. This text closely follows the provisions of the Ionising Radiations (Sealed Sources) Regulations No.808, published by the United Kingdom in 1969. (See "United Kingdom in the Chapter on Legislative and Regulatory Activities). More detailed information will be supplied as soon as this text is published.

• *Italy*

GENERAL REGIME

Possession, Commerce and Transport of Nuclear Substances

The Act of 31st December 1962 provides a series of requirements as regards the possession, commerce and transport of nuclear substances and makes no exemption from such requirements with the exception of public universities and scientific institutions which are allowed to use radio-isotopes for scientific research without ministerial authorization. However, legislation in other countries Signatory to the Paris Convention make provision for exemptions from the general regime which are justified by the fact that in certain specific cases the use of nuclear substances entails little hazard. Experience has shown that, in practice, the lack of such exemptions has its disadvantages. The purpose of the Bill, the text of which is given below, is to authorize the Minister for Industry, Commerce and Handicrafts to make by Decree derogations from the general regime of authorizations, that would be justified on technical grounds. This Bill has been approved by the Senate and was transmitted to Parliament on 15th October 1969.

Bill Amending the Act of 31st December 1962, No.1860, on the Peaceful Uses of Nuclear Energy^(*)

Single Section

By Decree of the Minister for Industry, Commerce and Handicrafts in agreement with the Minister for Health, after consultation with the National Committee for Nuclear Energy, exemptions from declarations and authorizations prescribed by the Act of 31st December 1962, No.1860, may be allowed in respect of the possession, commerce and transport of small quantities of special fissionable materials, source material and other radioactive materials, subject to precautions being taken for the protection of workers and the population at large against the dangers of ionizing radiations arising from the peaceful uses of nuclear energy.

By source material is meant raw material and ores as defined in Article 197 of the Treaty establishing the European Atomic Energy Community approved by the Act of 14th October 1957, No.1203.

(*) Unofficial translation by the Secretariat.

• *Netherlands*

GENERAL REGULATIONS

General Regulations under the Nuclear Energy Act of 21st February 1963

As mentioned in the third issue of the Nuclear Law Bulletin, the entry into force of the Nuclear Energy Act of 21st February 1963 (with the exception of Chapter II which is already in force) is dependent upon the promulgation of certain regulatory texts which define or supplement the provisions of this Act. Until now five Orders have been finalized and published, but shall apply only when the Nuclear Energy Act comes into force, probably on 1st January 1970.

The five Orders already published are the following:

- The Order of 29th August 1969 bringing into force Section 1 of the Nuclear Energy Act and defining the concepts contained in the Act (The Definition Order) [Stb.^(*) 1969, 358].
- Order of 4th September 1969 bringing into force Sections 16, 17, 19(1) and 21 of the Nuclear Energy Act (The Nuclear Establishments, Fissionable Materials, and Ores Order) [Stb. 1969, 403].
- Order of 10th September 1969 bringing into force Sections 28 to 32 of the Nuclear Energy Act (The Radioactive Materials Order) [Stb. 1969, 404].
- Order of 4th September 1969 bringing into force Sections 16, 19(1), 21, 29, 30(2), 31 and 32 of the Nuclear Energy Act (The Fissionable Materials, Ores and Radioactive Materials Transport Order) [Stb. 1969, 405].
- Order of 10th September 1969 bringing into force Section 34 of the Nuclear Energy Act (The Devices Order) [Stb. 1969, 406].

• *Switzerland*

RADIATION PROTECTION

Order of the Federal Department of the Interior on Radiation Protection in Nuclear Research Institutes, dated 12th September 1969 /Recueil Officiel^(**) 1969, page 565/

This Order, made by the Federal Department of the Interior in implementation of the Order on Radiation Protection of 19th April 1963, lays down safety measures for radiation protection in nuclear research

^(*) Staatsblad (Stb.): Official Gazette of the Kingdom of the Netherlands.

^(**) Recueil Officiel: Official Gazette.

institutes. The institutes covered by the Order are defined in Section 1. The subsequent Sections deal with the installation and erection, within an institute, of radiation sources and define the protective devices with which they must be provided. Workers in the institute whose work takes them regularly into controlled areas are deemed to be "persons exposed to radiations as an occupational hazard". The holder of the authorization, i.e. generally the director of the institute, is responsible for the observance of the regulations concerning radiation protection. A radiation protection expert must be appointed in each institute. Finally, institutes must be equipped with an adequate number of monitoring devices.

The full text of this Order, which came into force on 1st October 1969, is reproduced under the heading "Texts" in the present issue of the Bulletin.

• *United Kingdom*

ORGANISATION AND STRUCTURE

The Ministry of Technology Order 1969, No.1498

As part of the recent reorganisation of certain Ministries of the United Kingdom Government, the Ministry of Power has now been dissolved and its functions transferred to the Minister of Technology. The Ministry of Technology Order 1969 gives legal effect to this transfer of functions and came into operation on 23rd October 1969.

As a result, the enlarged Ministry of Technology would now seem, so far as nuclear energy is concerned, to be responsible generally for both the public and private sectors of the nuclear industry. The United Kingdom Atomic Energy Authority, the Central Electricity Generating Board (with the Regional Electricity Boards) and the licensing and inspection of nuclear installations will all be co-ordinated under one Minister in future.

THIRD PARTY LIABILITY

Nuclear Installations Act 1969

The purposes of this Act were explained and a commentary given on its provisions, while it was still a Bill, in the Nuclear Law Bulletin No.3. This Act came into force on 16th May 1969.

RADIATION PROTECTION

The Ionising^(*) Radiations (Sealed Sources) Regulations No. 808, 1969

These Regulations which were made by the Minister of Labour on 12th June 1969, by virtue of the powers conferred on her under the Factories Act 1961, were briefly commented on when they were in the form of a draft in the Nuclear Law Bulletin No. 3. Their general purpose is to bring the protection of workers exposed to ionizing radiations arising from sealed sources into line with the Regulations relating to unsealed radioactive substances.^(**)

(*) Also spelt "ionizing".

(**) The Ionising Radiations (Unsealed Radioactive Substances) Regulations No.780, 1968 (see the Nuclear Law Bulletin No. 3).

These Regulations are divided into ten Parts and include a Schedule.

1. Part I is devoted to interpretation and general provisions, defining a number of terms used in the Regulations, limiting their scope and providing for exemption from the requirements granted by the Chief Inspector of Factories.
2. Part II deals with administration, notifications and records. The occupier of a factory or other premises to which the Regulations apply must give one month's notice to the Inspector of Factories before undertaking work relating to sealed sources. Accidents such as loss or leakage must be notified to the Inspector. A competent person must be appointed to exercise supervision with regard to the observance of the Regulations.
3. Part III comprises the basic principles for protection of workers against exposure to ionizing radiations. All sources of ionizing radiations must be adequately shielded where reasonably practicable and steps taken to limit radiation. Workers must receive instructions in the hazards involved and the precautions to be taken. The Chief Inspector is given important powers to ensure protection and may require the operator to make arrangements for the wearing of dosimeters by workers and the recording of doses of radiation. Medical examinations may also be required.
4. Part IV concerns radiological supervision. A person employed in a radiation area is considered a classified worker and must comply with the requirements relating to such workers. A person whose work is not likely to involve more than a small dose of radiation is not considered as a classified worker. No person under 18 can be employed on work which would require him to be designated as a classified worker. There are provisions for the wearing of film badges and the use of dosimeters during any period in which the worker is liable to exposure to radiation and for the keeping of records of the dose received. Certain procedures are laid down for the case where a worker has received a radiation dose in excess of the maximum permissible. There are provisions for the transfer of a worker's radiation records when he leaves his employment whether he goes to another employer to do work involving radiation or not.
5. Arrangements for medical supervision are contained in Part V. Such supervision is compulsory and the occupier must make available the services of a doctor and provide him with the necessary equipment to carry out his work. A classified worker must undergo a medical examination before employment as such and thereafter submit to periodic or special examinations when he has received a radiation dose greater than permitted. Medical examinations may include a blood examination and must take place at least once in every calendar year. The appointed doctor is empowered to suspend any worker from employment in a radiation area. A health register has to be kept containing particulars of all examinations.
6. In Part VI there are provisions concerning the organisation of work. These include the marking of radiation areas, the posting of warning notices and prohibitions concerning the handling, construction and maintenance of sealed sources. Tests for leakage have to be made periodically and procedures are laid down to be followed in the case of leakage or breakage. Records of sealed sources have to be preserved and if a sealed source is lost or mislaid the Inspector of Factories must be notified. Suitable stores have to be provided for storage of sealed sources when not in use, and transport within a factory has to be carried out in suitable containers and subject to certain safeguards.

7. Part VII deals with the provision, maintenance and use of monitoring instruments.

8. Part VIII lays down special precautions to be observed in the case of radiography and other similar processes including the irradiation of materials or food. Special enclosures or cabinets to provide adequate shielding must be used or if not reasonably practicable other suitable measures have to be taken to avoid exposure. There must be a system of warning signals by which the operation of sealed sources is controlled.

9. In Part IX requirements are laid down for the shielding of X-ray crystallographic and spectrometric apparatus.

10. The tenth and final Part deals with measuring and detecting devices and static eliminators, and lays down shielding and warning requirements.

11. The Schedule to the Regulations specifies the maximum permissible radiation doses to which workers may be exposed. Classified workers may not receive in any calendar year more than 75 rems to the hands, forearms, feet and ankles, 15 rems to the lens of the eye or 30 rems to other parts of the body. For other workers the limits for any calendar year are 3 rems for males or 1.3 rems for females (or in the case of a pregnant female 1 rem from the time her pregnancy is known and for the rest of that period).

12. These new Regulations on protection against ionizing radiations from sealed sources came into force on 13th July 1969 except for Regulations 32, 46 and 47 which come into force on 13th December 1969. They supersede the Ionising Radiations (Sealed Sources) Regulations No.1470, 1961, which are revoked.

Certificates of Approval Nos. 1 and 5 under the Ionising Radiations (Unsealed Radioactive Substances) Regulations No.780 of 1968

Under these Regulations (which were referred to in the Nuclear Law Bulletin No. 3) the Chief Inspector of Factories has wide powers to grant exemptions and to ensure the protection of workers. Under Regulation 21(1) he has now approved (Certificate of Approval No. 1), for the purposes of measuring doses of radiation to the eyes, hands, forearms, feet and ankles, any radiation dosimeter based on the phenomenon of radiation-induced thermoluminescence and supplied by an approved laboratory. Also under Regulation 21(2) he has approved (Certificate of Approval No.5) certain formal particulars which have to be included in the certificates, given by a laboratory responsible for the examination of film and dosimeters, specifying the doses of radiation indicated by the film or dosimeters submitted to it.

Radiological Protection Bill

A Bill has recently been presented to Parliament to establish a National Radiological Protection Board. The functions of this Board will be to advance the acquisition of knowledge about the protection of mankind from radiation hazards by means of research and otherwise and to provide information and advice to persons, including Government departments, who have responsibilities in relation to the protection from radiation hazards either of the community as a whole or of particular sections of the community. The Board will have power to provide technical services and to make charges for them. The Board will take over the Radiological

Protection Service (at present administered by the Medical Research Council) and the Radiological Protection Division of the UKAEA's Health and Safety Branch. It will also replace the Radioactive Substances Advisory Committee appointed under the Radioactive Substances Act 1948. The Board will be subject to directions given by the Health Ministers, i.e. the Secretary of State for Social Services and the Ministers responsible for health in Scotland, Wales and Northern Ireland. There are provisions for the Board's constitution, membership, proceedings and staff.

The Advisory Committee is also to be set up, whose Chairman will be the Chairman of the new Board ex officio and whose members will come from experts in radiation health and safety, to advise the Board on practical matters concerning radiation hazards and ways of dealing with them, and concerning the complying with international agreements and international standards.

● *United States*

REGIME OF NUCLEAR INSTALLATIONS

New Bills on Siting of Power Plants and Environmental Protection

According to an article in Nuclear Industry (the monthly magazine of the Atomic Industrial Forum of the United States) of August 1969, two Bills have been introduced in the United States Congress designed to deal in different ways with the conflict between on the one hand the urgent need in the United States for new power generating facilities and on the other hand the need to protect the environment.

These two legislative proposals, which cannot both become law because they provide differing solutions to the same problem, seek to resolve at a regional level the various issues concerning the siting of power plants and to provide mechanisms for co-ordinating the respective responsibilities of Federal, State and local agencies in respect of environmental protection.

Under one Bill (S.2752, which, if enacted, would be known as the "Intergovernmental Co-ordination of Power Development and Environmental Protection Act") regional boards would certify that utilities proposing to construct new power generating plants had complied with a variety of power supply reliability and environmental standards. On the basis of this certification a construction licence would then be granted by a Federal agency to be designated by the President.

The other Bill (H.R.12585, which, if enacted, would be known as the "Electric Power Co-ordination Act of 1969") would rather similarly provide for a regional certification process but no additional Federal licence would be required as such. The utility would merely submit to the Federal Power Commission (FPC) various certifications that its proposed facility complies with specified requirements before construction could start. Construction plans would have to be publicly disclosed two years in advance and if at the end of this period the necessary clearances have still not been obtained so as to enable the proposer to certify to the FPC that all the appropriate standards had been or would be complied with,

the FPC would be able to intervene and authorize construction to proceed nevertheless. Neither Bill appears to intend setting up a completely new regime in place of that set forth in the United States Atomic Energy Act for control of radiological health and safety. Both Bills appear to impose environmental requirements in addition to those set out in the United States Atomic Energy Act.

The purpose of both Bills being broadly the same, it remains to be seen which of the procedures envisaged by the Bills will be favoured by Congress, when they come up for consideration by the respective committees to which they have been referred, or whether neither of these solutions proposed will be acceptable.

REGIME OF NUCLEAR INSTALLATIONS

Amendments to the System for Licensing Nuclear Installations

The AEC has established an Atomic Safety and Licensing Appeal Board which will review initial decisions in certain licensing proceedings. The Board will review all proceedings involving facilities in which the AEC has a direct financial interest and a number of other proceedings sufficient to give the Commission an opportunity to evaluate the new review procedure. By this delegation of its review function, the Commission expects to be enabled to devote more of its time and energies to major matters of policy and planning.

The AEC has announced its intention to initiate a public rule-making proceeding by June 1970 to consider whether a finding of practical value, within the meaning of Section 103 of the Atomic Energy Act, should be made for certain types of light water power reactors. The Act provides that whenever the AEC makes a finding that a type of reactor has been sufficiently developed to be of practical value for industrial or commercial purposes, the AEC may thereafter issue licences for facilities of that type under Section 103 of the Act. Thus far licences have been issued under Section 104(b) which authorized licensing of facilities involved in conduct of research and development leading to the demonstration of practical value.

In 1965 and 1966 the AEC considered whether a finding of practical value should be made and concluded that it could not be made on the basis of the limited information available relating to the operation of the prototype and non-competitive power reactors then in operation. The AEC now anticipates that before mid-1970 sufficient information on certain types of larger light water reactors will be available to form a basis for a rule-making proceeding to determine whether such reactors are of practical value.

Among the legal consequences of such a finding are (1) only Section 103 licences would thereafter be issued; (2) proposed issuance of a licence must be reported to the Attorney General for an advisory opinion on anti-trust aspects; (3) preference must be given to applications for reactors located in high cost areas.

These statutory provisions were originally based on anticipation of scarcity of nuclear materials and desire to establish the point at which a facility type should not be eligible for further Governmental assistance. These considerations are now less important because materials are plentiful and control over assistance is exercised through the budgetary process. The AEC supports legislative proposals pending in Congress which would eliminate the practical value distinction between Section 103 and 104(b) licensing.

The AEC has published for comment proposed amendments to its reactor licensing regulations which amendments provide additional criteria for quality assurance programmes in construction and operation of nuclear power plants. The term "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily. It includes quality control, which consists of those quality assurance actions related to the physical characteristics of material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

Comments have also been solicited on a proposed policy concerning the siting of commercial fuel reprocessing plants and the disposal of high-level radioactive liquid wastes generated at these plants. These plants recover valuable unused nuclear fuel from fuel elements removed from reactors. These elements also contain radioactive fission products which emerge from reprocessing as liquid or solid wastes. The proposed policy declares that public health and safety considerations do not require that the plants and facilities for temporary storage of high-level wastes be located on land owned and controlled by the Federal Government; they may be located on privately owned property. High-level wastes must be converted to an AEC-approved solid form and shipped as soon as practicable to a Federal waste repository. Industry will pay the Federal Government a fee designed to cover all costs of disposal and perpetual surveillance. The AEC plans to develop and publish standards which will identify the solid form or forms considered to be acceptable for transfer to the Federal repository. A principal requirement is a solid form which gives reasonable assurance that no significant release of radioactivity to the environment can occur in the event of an accident during shipment.

The AEC proposes to establish additional safeguards requirements regarding physical protection of special nuclear material in use or storage. The new requirements would apply to licensees possessing more than 5,000 grams of U-235 contained in uranium enriched to 20 per cent or more, U-233, or Pu, or any combination of these. These quantities could be used only in a protected area under surveillance of an authorized individual and stored in a locked security container or building to provide additional assurance that the material will be safeguarded against theft and unlawful diversion.

CASE LAW AND ADMINISTRATIVE DECISIONS

CASE LAW

• *United States*

OPPOSITION TO DELIVERY OF A CONSTRUCTION PERMIT FOR A REACTOR

In a recent proceeding seeking construction permits for two pressurized water reactors to be located on the Chesapeake Bay in Maryland, an intervenor opposed issuance of the permits because of possible genetic and long-term effects of radioactivity in reactor effluent although the levels would be well within limits specified in AEC regulations. The Atomic Safety and Licensing Board ordered issuance of the permits. However, the decision indicated that there might be cases in which the validity of AEC regulations could be challenged. This was not such a case and the Board found itself governed by Part 20 (Standards for Protection Against Radiation). The Atomic Energy Commission issued a memorandum directed to this point. The Commission stated that AEC licensing regulations "are not subject to amendment by boards in individual adjudicatory proceedings". However, it acknowledged that the validity of a regulation related to an issue in the proceeding can be challenged on limited grounds, i.e. "whether the regulation was within the Commission's authority; whether it was promulgated in accordance with applicable procedural requirements; and, respects the Commission's radiological safety standards, whether the standards established are a reasonable exercise of the broad discretion given to the Commission by the Atomic Energy Act for implementation of the statute's radiological safety objectives". The Commission suggested that any substantial question presented as to a regulation's validity should be certified to the Commission.

The Northern States Power Company has filed suit in Federal court to determine whether the Federal Government has exclusive jurisdiction over nuclear power plants and their radioactive discharge or whether the State of Minnesota has jurisdiction as well. The suit arises from the fact the state has imposed on Northern States Power Company radioactive discharge regulations which are more stringent than the AEC's requirements. The AEC takes the position that its jurisdiction is exclusive.

ADMINISTRATIVE DECISIONS

• *Belgium*

THIRD PARTY LIABILITY

Recognition of the European Atomic Energy Community as a nuclear operator

Under the Royal Decree of 30th July 1969 the European Atomic Energy Community (Euratom) was recognized as a nuclear operator within the meaning of the Paris Convention, in respect of the Central Office for Nuclear Measurements at Geel (Belgium). The same Decree set the maximum amount of Euratom's liability at B.Frs.250 million for each incident, pursuant to the power conferred on the Belgian Government by Section 6 of the Belgian Act of 18th July 1966 on third party liability in the field of nuclear energy, to set an amount differing from the maximum limit of B.Frs.500 million normally prescribed by the Act. These decisions were notified to the Commission on 22nd August 1969 and thereupon came into force.

INTERNATIONAL ORGANISATIONS AND AGREEMENTS

INTERNATIONAL ORGANISATIONS

• *International Atomic Energy Agency*

REVIEW OF ARTICLE VI OF IAEA STATUTE

The Ad Hoc Committee of the Board of Governors met on 15th-17th April and 3rd-4th June 1969 to study the matter. Memoranda were submitted by Belgium, the Democratic Republic of the Congo, Italy, Mexico, Pakistan and the United Arab Republic, putting forward suggestions for possible amendments to Article VI of the Agency's Statute. Following a further meeting of its Ad Hoc Committee on 19th September 1969, the Board informed the XIIIth General Conference of its intention to continue the study of this question as an urgent matter with a view to proposing an amendment to Article VI as soon as it was able to do so. By Resolution GC(XIII)/RES/261, the General Conference requested the Board to make every effort to present a draft amendment in sufficient time to permit its consideration at the XIVth regular session of the Conference in September 1970.

SUPPLY OF NUCLEAR EQUIPMENT AND MATERIALS FOR REACTOR PROJECTS

The Board of Governors approved in June 1969 a draft agreement providing for the transfer by the Federal Republic of Germany to Argentina, free of charge, of a Siemens SUR-100 Zero-power training reactor and the necessary fuel material. The supply of this reactor has been requested by the Argentine National Atomic Energy Commission for a training project to be set up at the University of Rosario.

At its series of meetings in September 1969, the Board further approved the Agency's assistance in securing enriched uranium from the United States for:

- (a) the establishment of a research reactor project at the National Nuclear Centre under construction near Santiago in Chile; and

- (b) the continued operation of a research reactor project at the Bandung Reactor Centre in Indonesia.

The Board also approved a Five-Year Supply Agreement to be concluded between the Agency, Finland and the United States to meet the fuel requirements of Finland for the continued operation of a training and research reactor at the Institute of Technology at Otaniemi in Finland. This was the first Agreement for the supply of enriched uranium through the Agency over a five-year period and such transaction may be found desirable by Member States in future requests for the supply of fuel for nuclear reactors.

SAFEGUARDS AGREEMENTS

By 30th September 1969 the Board of Governors has approved a total of 43 safeguards agreements (including project agreements containing safeguards provisions) involving 31 States.

Safeguards Transfer Agreements were concluded between the Agency and the following countries on the dates indicated below:

Argentina/United States - 13th June 1969
(INFCIRC/130 and Corr.1/Rev.1)

Austria/United States - 20th July 1969

Pakistan/Canada - 17th October 1969
(INFCIRC/135)

Portugal/United States - 11th July 1969
(INFCIRC/131)

In addition, the Agreement for the Application of Safeguards to the Taiwan Research Reactor Facility (INFCIRC/133) was concluded on 13th October 1969 between the Agency and the Republic of China.

The Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco Treaty) has entered into force between 14 Latin American States. Mexico was the first country to conclude on 6th September 1968 a safeguards agreement with the IAEA (INFCIRC/118) covering all its nuclear activities.

CO-OPERATION AGREEMENTS

The Board of Governors also authorized the Director General in September 1969:

- (a) to take the necessary steps for the conclusion of an agreement with the League of Arab States on the lines of the Agency's co-operation agreement concluded on 26th March 1969 with the Organisation of African Unity (INFCIRC/25/Add.2); and
- (b) to conclude with the Government of Sweden an agreement for co-operation in the provision of assistance to developing countries.

The IAEA/Sweden agreement will be similar to those concluded by FAO with Sweden and Denmark on 14th January 1969 and 31st January 1969 respectively. The Swedish Government, through the Swedish International Development Authority (SIDA), would make available to the IAEA each year, as funds in trust, such sums as the Agency would require to expend in the succeeding year to implement agreed projects of assistance in developing countries. Such projects would be carried out under the Agency's supervision and control, in accordance with its established practice and policy.

PANEL AND STUDY GROUP MEETINGS

A panel of experts was convened in Vienna from 24th to 28th November 1969 to study problems of nuclear insurance in Member States which are in the early stages of nuclear development. The scope of the meeting was limited to insurance problems concerning land-based nuclear installations and the panel was mainly concerned with third party liability of the operators and questions of property insurance. The panel was composed of experts from 8 Member States (Argentina, Brazil, Finland, India, Korea, Mexico, Philippines and Rumania), assisted by a participant from Australia, the Chairman of the Standing Committee on Civil Liability for Nuclear Damage established under the Vienna Convention, and representatives of the European Insurance Committee and insurance associations in the Federal Republic of Germany, the United Kingdom and the United States. Observers from Rumania and the United Arab Republic also attended the panel meeting. The report of the panel was to be circulated to Member States for comments or to serve as guidance as they deem appropriate.

In collaboration with WHO, the Agency organised from 1st to 5th December 1969 in Vienna an inter-regional study group meeting on radiation protection legislation. The purpose of the meeting was to bring together legal and technical experts to consider various approaches to regulatory measures for radiation protection and practical problems encountered in drafting or implementing legislation in this field, with special regard to the needs of developing countries. Guidelines for the framing of appropriate legislation were also to be drawn up by the study group for use in the provision of advisory services to developing countries upon request. The meeting was attended by invited experts from France, the Federal Republic of Germany, India and Norway, participants from Argentina, Brazil, Mexico, Turkey, the United Arab Republic, Viet-Nam and Yugoslavia, observers from Australia, Canada, France and the Netherlands, and representatives of international organisations (ENEA, EURATOM, WHO).

ASSISTANCE, TRAINING AND PUBLICATION

As a result of the Agency's assistance in the framing of nuclear legislation, a basic law on atomic energy was enacted by Costa Rica on 23rd August 1969. Further advice was requested from the Agency for the elaboration of specific regulations called for under that basic law. Following the enactment by Ceylon of the Atomic Energy Act No.19 on 25th June 1969, the Authority set up under this Act also requested the Agency's advice in the drafting of safety regulations for radioactive substances. Such advisory services are being provided to the Philippine Atomic Energy Commission regarding draft regulations and rules for the licensing of nuclear installations and materials.

In the second half of 1969, training in nuclear law at the Agency's Headquarters was provided to three lawyers from Afghanistan, the Federal Republic of Germany, and Indonesia.

A new publication in the Agency's Legal Series was issued in September 1969, under the title: "Nuclear Law for a Developing World" (Legal Series No.5, 329 pages). It contains the texts of more than 30 lectures given at the first international course for training lawyers and administrators associated with the development and management of national programmes on nuclear energy, organised by the Agency's Legal Division in April 1968 in Vienna. This is the first publication to cover the main legal issues raised by the peaceful uses of atomic energy. Its contents are divided into the following chapters:

- International Organisations;
- Basic Legislation on Atomic Energy;
- Third Party Liability and Insurance;
- Reactor Licensing and Supply of Nuclear Materials;
- Safety Regulations;
- Technical Assistance, Food Irradiation, Nuclear Power and Training in Nuclear Law;
- Safeguards.

● *European Nuclear Energy Agency*

THIRD PARTY LIABILITY

Following the Monaco Symposium organised in October 1968, studies were undertaken with a view to improve the legal system and insurance conditions for the maritime carriage of nuclear substances. These studies were pursued in active co-operation with the other organisations concerned, namely, the IAEA, the Intergovernmental Maritime Consultative Organisation (IMCO), Euratom and the International Maritime Committee. At its meeting in July 1969 the ENEA Group of Governmental Experts on Third Party Liability came to an agreement on one of the main problems arising in this field, that is: damage to the means of transport.

Article 7(c) of the Paris Convention provides the possibility of including damage to the means of transport within the liability of the operator, on condition that such an inclusion in no way reduces the liability of the operator in respect of other damage to an amount inferior to 5 million EMA u/a, thus ensuring that the claims of other victims of a nuclear incident are met on the basis of this minimum amount.

After study of this question, the Group of Experts decided to request the Steering Committee for Nuclear Energy to recommend to the Signatories of the Paris Convention that they take advantage of the option provided by Article 7(c). At its meeting on 9th October 1969, the

Steering Committee approved the conclusions of the Group of Experts, and consequently recommended that steps should be taken, in accordance with the Paris Convention, to make the nuclear operator liable for damage to the means of transport. The text of the Recommendation of the Steering Committee is reproduced here below:

"The Committee recommended that, with a view to achieving harmonization in the application of the provisions of the Paris Convention, Signatory countries who had not already done so should provide in their legislation for rules in conformity with Article 7(c) of the Paris Convention so that the exception in Article 3(a)(ii)(2) should not apply, with the result that damage to the means of transport upon which the nuclear substances involved were at the time of the nuclear incident would be included within the liability of the nuclear operator, provided that at least 5 million EMA u/a were available to meet other claims for damage." (See also in the Chapter "Miscellaneous" the Note concerning problems relating to the inclusion of damage to the means of transport).

RADIATION PROTECTION

Guide to the Safe Design, Construction and Use of Radioisotopic Power Generators for Certain Land and Sea Applications

A Joint Working Group of the International Atomic Energy Agency (IAEA) and the European Nuclear Energy Agency (ENEA) has just finalized a Guide to the safe design, construction and use of radioisotopic power generators for certain land and sea applications.

Most radioisotopic power generators use relatively large amounts of radioactive materials as their source of energy, and in such quantities as to be potentially very hazardous. It is therefore essential that adequate safety standards be prepared and met, so as to ensure that the exposure of individuals and the population at large, under normal operating and accident conditions, will be as far below the internationally accepted dose limits(*), (***) as can be readily achievable.

Since these generators are power units which may be used in industries and public services by people not necessarily skilled in working with radioactive materials, it follows that, to the highest practicable degree, they must possess inherent safety features.

Isotopic power generators may be sited in situations where particular problems of radiation safety control arise and where they may be exposed to severe environmental conditions or to accidents. In addition, they will, in the majority of cases, have to be recovered and disposed of at the end of their useful lives.

The Guide is intended to facilitate the establishment of an adequate standard of safety in the design, construction, installation and use of radioisotopic power generators, and in their ultimate disposal. The immediate requirement is considered to be in relation to these generators which are in an advanced state of development and production

(*) Basic Safety Standards for Radiation Protection. Safety Series No.9, IAEA. Vienna, 1967.

(***) Radiation Protection Norms, ENEA, Paris, 1968.

and which are designed for use on land and on or under the sea. The Guide deals mainly with radioisotopic power generators in the power range from about one hundred milliwatts to some hundred watts. However, competent national authorities may adapt these guidelines to generators outside this power range. It has been decided at this stage to exclude consideration of miniature generators for medical use, in watches and in other devices available to the general public. Generators for use in space have also been excluded.

Plans are underway to publish this Guide, which was already approved in October 1969 by the ENEA Steering Committee, as a joint IAEA/ENEA publication in the Safety Series of the International Atomic Energy Agency.

AGREEMENTS

• *Germany - Netherlands*

NUCLEAR-POWERED SHIPS

The Treaty^(*) of 28th October 1968 between the Federal Republic of Germany and the Kingdom of the Netherlands on the use of Netherlands' territorial waters and ports by the German nuclear-powered ship "Otto Hahn", was approved by an Act of Parliament dated 4th June 1969 /BGBL II, page 1121/.

• *Germany*

OECD RADIATION PROTECTION NORMS

Pursuant to the OECD Council Decision of 19th July 1966 concerning the adoption of radiation protection standards for radioluminous timepieces, a Federal Law was passed on 22nd July 1969 /BGBL II, page 1309/.

CERN

The amendments to the Convention for the Establishment of a European Organisation for Nuclear Research (CERN) as proposed by a Decision of the Organisation's Council of 14th December 1967, were approved by an Act of Parliament dated 25th June 1969 /BGBL II, page 1197/.

EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)

This Agreement of 30th September 1957 on transport of dangerous goods by road (with its Annexes A and B) was approved by an Act of Parliament of 18th August 1969 /BGBL II, page 1489/.

(*) See Nuclear Law Bulletin No. 3, page 50, April 1969.

● *European Nuclear Energy Agency*

AGREEMENT FOR THE FURTHER EXTENSION OF THE REVISED AGREEMENT CONCERNING THE HIGH TEMPERATURE GAS-COOLED REACTOR PROJECT (DRAGON)

The Dragon Project was set up in April 1959 under an Agreement concluded between the United Kingdom Atomic Energy Authority, the Austrian and Swiss Governments, the national atomic energy authorities of Denmark, Norway and Sweden, and the Euratom Commission (representing Belgium, France, Germany, Italy, Luxembourg and the Netherlands). A new Agreement signed in 1962 extended the activities of the Project until 31st March 1967 with an increase in the overall budget from £13.6 million to £25 million. Agreements for the further extension of the Project's activities were signed in 1966 and 1968, bringing the total overall budget up to £31 million for the period to 31st March 1970. (See Nuclear Law Bulletin No. 2 of November 1968).

In July 1969 agreement in principle was reached for a further extension for three years up to 31st March 1973 and on 25th November this Agreement was signed in Copenhagen by representatives of the Signatories to the preceding Agreements.

The Agreement comes into force on 1st April 1970 and most of the provisions of the 1966 Dragon Agreement will remain unchanged. The Signatories will consult together regarding a further extension of the joint programme to determine whether the Dragon Agreement should be extended beyond 31st March 1973. It is agreed that the question of further extension will be determined not later than 30th September 1972.

For the duration of the new Agreement, expenditure relating to the carrying out of the Dragon Project will amount to a sum fixed at £6.935 million, thus increasing the overall budget of the Project, contributed by the Signatories, to £37.935 million.

AGREEMENT ON THE OECD HALDEN REACTOR PROJECT COVERING THE PERIOD 1ST JANUARY 1970 TO 31ST DECEMBER 1972

The Halden Project was set up in July 1958 under an Agreement between the Norwegian Institutt for Atomenergi (who had constructed a boiling heavy water reactor at Halden in Norway), the Austrian and Swiss Governments, the national atomic energy authorities of Denmark, Sweden and the United Kingdom, and the Euratom Commission, for a joint programme of research and experiments with the Halden reactor. Various further Agreements were signed in 1960, 1962, 1964 and 1966 extending the Agreement until 31st December 1969. Over the years the various participants have changed from time to time with some dropping out and other countries joining in.

During 1969 agreement has been reached between the national atomic energy authorities of Austria, Denmark, Finland, Italy, Japan, the Netherlands, Norway and Sweden and a German group of five industrial and research bodies, concerning a further three-year period for the operation of the Halden Project from 1st January 1970 to 31st December 1972. The total budget for this three-year period has been agreed at a figure of 5.150 million EMA u/a. The joint programme for the next three years will cover research and development in the field of high fuel heat rating, in-core instrumentation, thorium fuel studies, fuel element testing and reactor on-line digital computer control. This Agreement has already been signed by most of the participants and it is expected that all will have signed in December 1969 so that the Agreement will come into force on 1st January 1970 as envisaged.

MISCELLANEOUS

THIRD PARTY LIABILITY

Inclusion of Damage to the Means of Transport

In connection with the recent Recommendation of the Steering Committee of ENEA [The text of which is given on page 24 of this Bulletin] that Signatory countries to the Paris Convention should make provision in their legislation for the inclusion, within the liability of their operators, of damage to the means of transport upon which the nuclear substances involved are being carried at the time of the nuclear incident, it may be of interest to recall that up to the present time only three countries(*) of the six which have ratified the Paris Convention have made specific provision in their law to this effect. (**)

In the remaining thirteen Signatory countries the present position, so far as the inclusion or exclusion of damage to the means of transport is concerned, may perhaps be analysed as follows:

(i) there are some countries (***) which have at present no special nuclear third party liability law;

(ii) there are some countries (****) which have had for some time a nuclear third party law (or a law relating to nuclear installations which includes provisions for third party liability) but which either have not yet ratified the Paris Convention or given effect fully to its provisions, or have not exercised the various options such as inclusion of damage to the means of transport. Their nuclear law does not at present contain any special stipulations concerning damage to the means of transport, although it is understood that several of these countries have indicated that they intend to do so in due course or are already in the course of doing so (see footnote (**) below);

(iii) there are some countries (*****) whose laws at present exclude either expressly or by necessary implication damage to the means of transport.

(*) France, Sweden and the United Kingdom.

(**) It is understood that four other countries (Belgium, Denmark, Switzerland and Norway) are including similar provisions in draft laws which are in various stages of preparation and which are expected to be enacted within the fairly near future.

(***) Greece, Luxembourg, Norway, Portugal, and Turkey.

(****) Austria, Belgium, Denmark, Germany, Italy and Switzerland.

(*****) Netherlands and Spain.

Whether or not damage to the means of transport would be within the legal responsibility of an operator of a nuclear installation in those countries which have not specifically provided for this (i.e. cases (i) and (ii) above) would seem to depend either on the general common law rules applicable in that country or on the terms of any contract between the operator and the carrier relating to damage to the means of transport.

It could perhaps be argued that from now on, in those countries which have no specific provision about damage to the means of transport but who have a nuclear law making an operator absolutely liable for damage caused by nuclear substances coming from his installation, that operator may be held liable for damage to the means of transport if such damage has not been expressly excluded.

It may thus be said that at present the legal position so far as liability for damage to the means of transport is concerned is at least not at all clear or consistent except in those countries which have taken advantage of the option to include it given by Article 7(c) of the Convention. For the reasons mentioned by the Steering Committee when making their Recommendation, it would be obviously desirable for the sake of greater certainty and uniformity if all the Signatories were, as soon as possible, to include damage to the means of transport expressly within the liability of operators provided that at least 5 million EMA u/a are left available for other damage.

NUCLEAR LAW BULLETIN NO.2

Corrections to the Swedish Nuclear Liability Act

The Nuclear Liability Act of 8th March 1968 was published as a Supplement to the Nuclear Law Bulletin No. 2. The English translation of this Act was prepared by the Swedish Ministry of Justice with the assistance of the ENEA Secretariat.

Since publication of Bulletin No. 2, the Swedish Authorities have sent the following corrections:

- (1) In Section 6(b), first line, insert the word "such" before "carriage".
- (2) In Section 15(b), substitute "the receiving installation" for "that installation" on the third line from the bottom.
- (3) In Section 23(a), delete the word "maximum" on the third line from the bottom.

ENEA ANALYTICAL STUDY ON NUCLEAR LEGISLATION

ERRATA IN THE VOLUME "ORGANISATION AND GENERAL REGIME GOVERNING NUCLEAR ACTIVITIES"

On page 114, the Chapter on Italy, the reference note at the top of the page should read as follows:

"Act No. 1860 of 31st December 1962".

On page 170, the Chapter on Spain, the reference note at the bottom of the page should read as follows:

"Decree No. 87 of 18th January 1968".

On page 238, the Note on Security Control, "Luxembourg", "Spain", and "Turkey" should be added to the list of countries which are enumerated in the footnote.

TEXTS

• *Switzerland*

ORDER OF THE FEDERAL DEPARTMENT OF THE INTERIOR ON RADIATION PROTECTION IN NUCLEAR RESEARCH INSTITUTES, OF 12TH SEPTEMBER 1969 (*)

The Federal Department of the Interior,

Having regard to Section 116 of the Order of 19th April 1963
on Radiation Protection,

Orders:

1. DEFINITIONS

Section 1

(1) For the purposes of this Order the following shall be deemed to be nuclear research institutes (hereinafter called "institutes"): all institutions (universities and centres of fundamental or applied research) in which nuclear research work is carried out with installations, equipment or substances capable of emitting ionizing radiations, with the exception of atomic installations within the meaning of Section 1(2) of the Federal Act of 23rd December 1959 on the peaceful uses of atomic energy and radiation protection.

(2) Installations used for accelerating charged particles (e.g. electrons, protons, deuterons) are hereinafter called "accelerators".

2. INSTALLATION AND PROTECTION

Section 2

Erection

(1) Accelerators and other large sources of radiations shall, as far as possible, be erected and installed as fixed installations.

(*) R.O. 1969-565 (Official Gazette)

(2) The premises in which a source of radiation within subsection (1) of this Section is installed and the premises in which the beam from the source is directed shall be deemed to be "irradiation premises" within the meaning of Appendix I, paragraph 26, of the Order of 19th April 1963 on radiation protection (hereinafter called OPR), to which the provisions of Section 58 OPR shall apply by analogy.

Section 3

Protective devices

- (1) Fixed installation radiation sources shall as far as possible be provided with fixed protective devices shielding them from places accessible to persons; failing this, protection must be provided by the structural parts of the premises where the irradiation takes place.
- (2) Mobile protective devices providing adequate protection for personnel during experiments must be available for each radiation source. For accelerators, special attention must be given to protection against neutrons.
- (3) The efficiency and proper working of fixed and mobile protective devices shall be periodically checked.

3. PERSONNEL

Section 4

Persons occupationally exposed to radiation

Persons attached to the institute who work regularly in controlled areas shall be "persons occupationally exposed to radiations within the meaning of Appendix I, paragraph 31, OPR, and shall be subject to the provisions of Sections 39 to 42 OPR.

4. RESPONSIBILITY

Section 5

Persons responsible

- (1) The person holding the authorization (Director of the Institute) shall be responsible for the observance of the provisions concerning radiation protection.
- (2) In each institute there shall be appointed an expert responsible for radiation protection within the meaning of paragraph 16 of Appendix I of OPR. In exceptional cases, the holder of the authorization may himself be so designated.
- (3) The expert must have the knowledge and experience required for following the progress of an experiment.
- (4) The expert shall be granted the necessary powers for the carrying out of his duties, by a written decision of the director of the institute.

(5) The expert shall at all times be entitled to put forward objections to the way a test is set up or to forbid the test, if reasons of protection so require.

Section 6

Special duties

(1) The expert shall be consulted in regard to the preparation and setting up of the equipment for any new experiment. He shall be provided for the purpose with all the data concerning the test.

(2) The expert shall, for each experiment, ascertain the radiation dose, its nature and distribution in places where persons may have access; he shall put his remarks down in writing, at least in the form of short notes or sketches.

(3) For tests involving a serious radiation hazard, the expert shall specify the places to which persons may have access and shall lay down in writing the maximum duration of work which may be effected while exposed to radiation hazards.

(4) The expert shall be responsible for the acquisition, maintenance, satisfactory working and efficient use of the monitoring devices referred to in Section 7.

5. MONITORING DEVICES

Section 7

Equipment

(1) Institutes must be equipped with an adequate number of monitoring devices suitable for radiation protection.

(2) The supply of monitoring devices under subsection (1) of this Section must at least be sufficient to measure the doses or dose rates of photons, electrons and neutrons of the energy involved, and where necessary also from charged heavy particles.

(3) For experiments under Section 6(3) personal dosimeters which can be read at all times must be worn.

Section 8

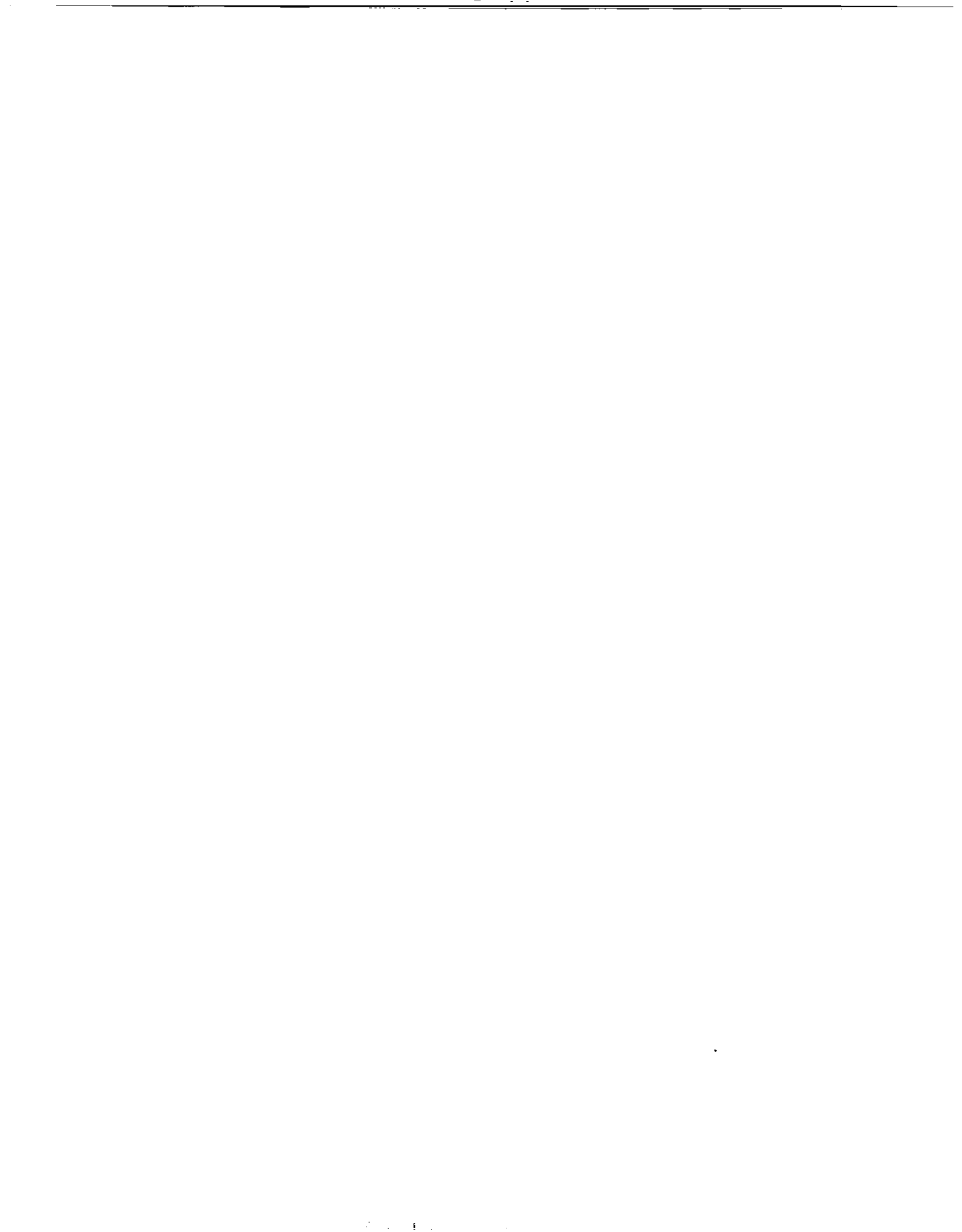
Coming into force

This Order shall come into force on 1st October 1969.

Bern, 12th September 1969

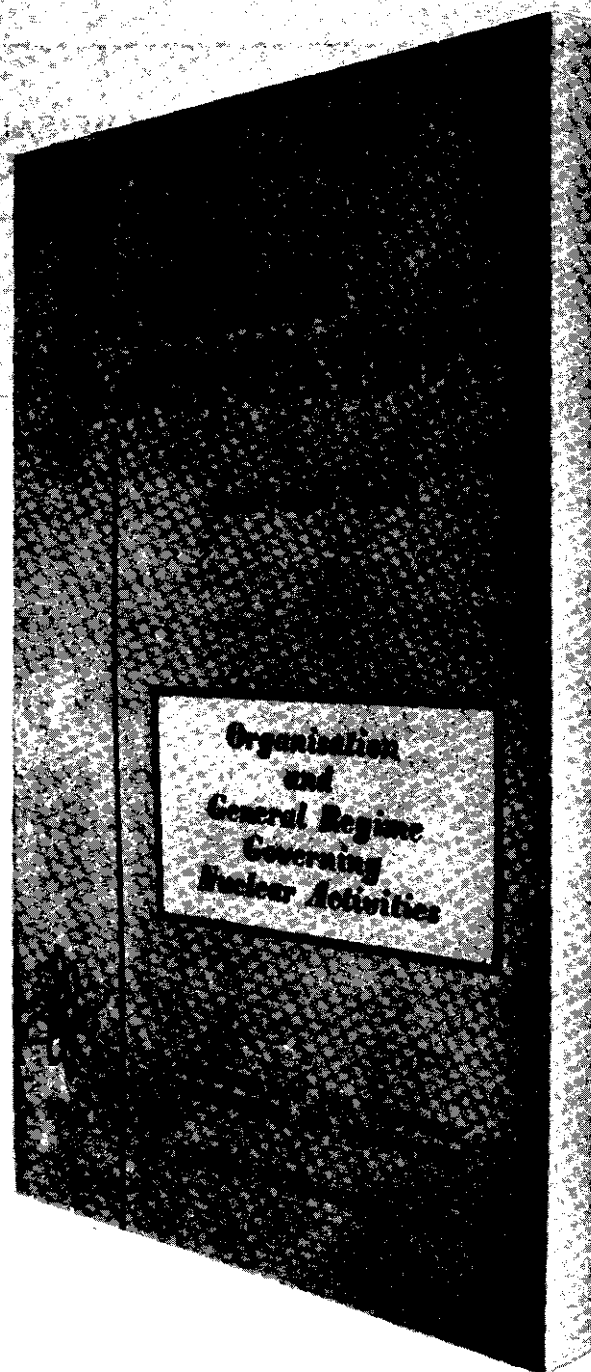
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