

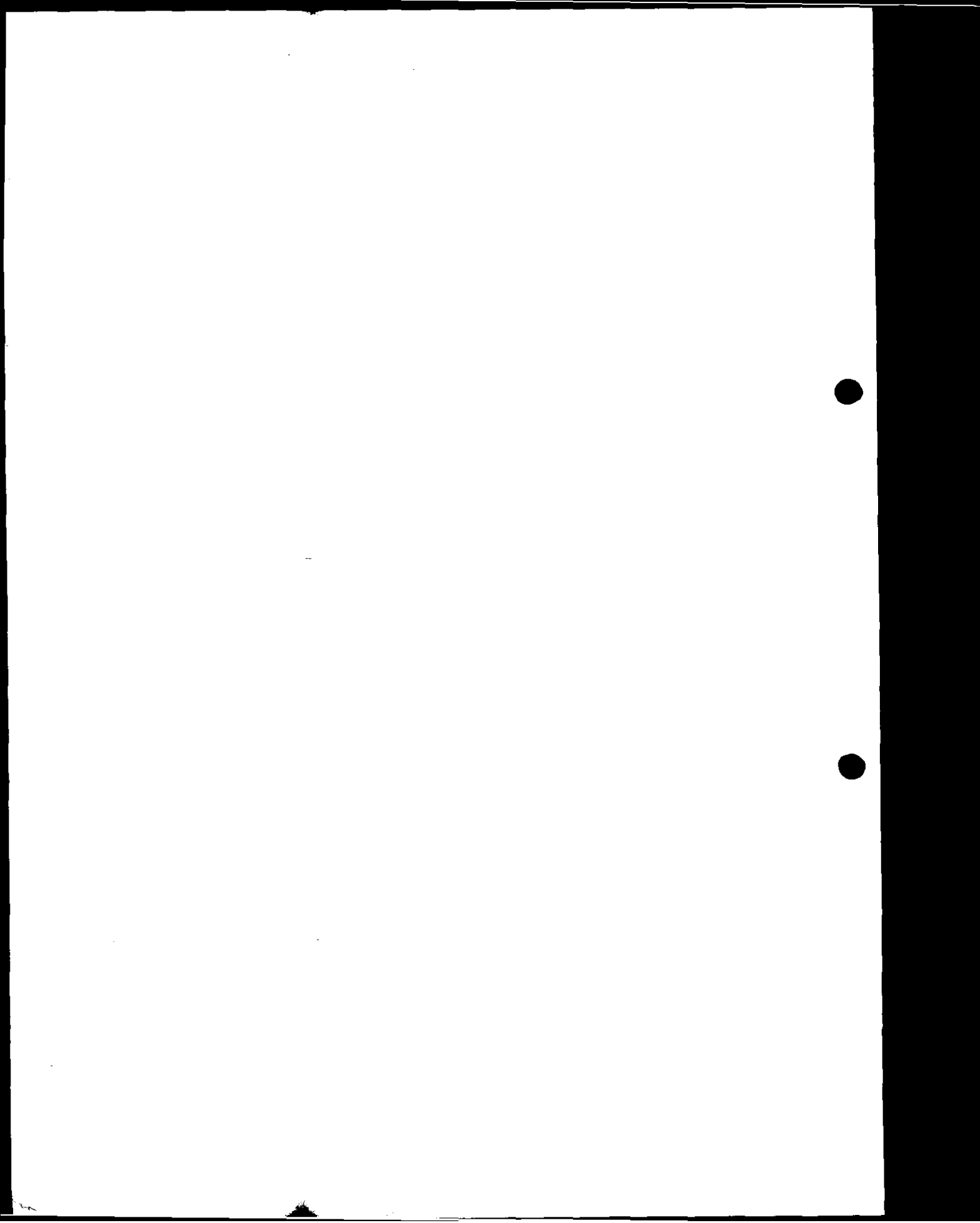
NUCLEAR LAW

Bulletin

S U P P L E M E N T T O N^o 10

NETHERLANDS : NUCLEAR INSTALLATIONS, FISSIONABLE
MATERIALS AND ORES DECREE

November 1972



N E T H E R L A N D S

403 DECREE OF 4TH SEPTEMBER 1969 GOVERNING THE IMPLEMENTATION
OF SECTIONS 16, 17 19(1) AND 21 OF THE NUCLEAR ACT (NUCLEAR
INSTALLATIONS, FISSIONABLE MATERIALS AND ORES DECREE) AS
AMENDED BY DECREE NO. 242 OF 26TH APRIL 1972 *

CHAPTER I

INTRODUCTORY PROVISIONS

Section 1

- (1) In the application of the provisions of this Decree the following definitions shall apply :

Act : The Nuclear Energy Act (Bulletin of Acts,
Orders and Decrees No. 62 of 1963)

Our Ministers : Our Ministers for Economic Affairs and for
Social Affairs and Public Health

- (2) Section 2 of the Nuclear Energy Act Definition Decree (Bulletin of
Acts, Orders and Decrees No. 358, of 1969) shall be applicable.

* Unofficial translation prepared by the Dutch Authorities.

Section 2

The present Decree shall not be applicable to the transportation or having available during storage in connection with transportation of fissionable materials or ores, or the moving, or the causing to be moved into or out of Netherlands territory of such fissionable materials or ores.

CHAPTER II

APPLICATION FOR LICENCES

Part 1: General Provisions

Section 3

- (1) Application for licences as referred to in Section 15 of the Act shall be submitted in writing. They shall be addressed to our Ministers and shall be submitted to our Minister for Economic Affairs with a copy at the same time to Our Minister for Social Affairs and Public Health.
- (2) Each application shall include :
 - (a) the applicant's name and address;
 - (b) a factual description of what the applicant wishes to do with the fissionable materials or ores, or a broad statement as to the establishment or equipment stating the use which the applicant wishes to make of the establishment or equipment;
 - (c) in so far as one or more of the provisions incorporated in Sections 4 - 14 are applicable to the application concerned, the data which the application is expressly required to provide under the relevant Section or Sections, or else, if such data are provided in a separate document, a brief summary of the nature of these particulars, including a reference to the annex concerned;
 - (d) an indication of the period for which the licence is sought.
- (3) Applications for licences which fall under different provisions of paragraphs (2) to (4) of this Section may, in so far as they relate to the same establishment or equipment, or to establishments which together form one unit and which are situated in close proximity to one another, or to equipment which is to be or has been installed in the same ship, be submitted in the form of a single combined application. All provisions relating to the individual applications composing such a combined application shall be applicable to the combined application, with the proviso that in cases where the application in full of these provisions would lead to repetition of the same data, such data need only be stated once.
- (4) If an application for a licence relates to an establishment or equipment in respect of which an application has already been submitted, reference to the earlier application will suffice, in so far as data are concerned that have been furnished for that earlier application and have not since undergone any change.

- (5) The application should be dated and signed by or on behalf of the applicant. The copy referred to in (1) of this Section should be signed by or on behalf of the applicant to certify that it is a true copy.
- (6) Either of Our Ministers may require submission of further copies of the application or of the annexes.
- (7) If one of our Ministers, or one of Our other Ministers involved, is of the opinion that an application does not contain all the data necessary, he may require additional data to be furnished within a time limit to be set by him.

Part 2: Applications for licences to have available or dispose
of fissionable materials or ores

Section 4

- (1) Applications for licences to have fissionable materials available should include :
 - (a) a statement of the quantities, the chemical and physical state, the form, the content and the degree of enrichment, and, for irradiated fissionable materials, as accurate a statement as possible of the activity of these fissionable materials;
 - (b) a statement of the purpose for which the applicant wishes to have the said fissionable materials available;
 - (c) a statement as to and description of the place where the fissionable materials are being held available or, if a licence is referred to in Section 15(b) or (c) of the Act is required for the establishment or equipment where the fissionable materials are being held available, a statement as to that establishment or equipment, reference being made to the licence granted in respect of it or to the application submitted for such a licence.
- (2) Applications for licences to have ores available should include :
 - (a) a statement of the nature, quantity and average uranium or thorium contents of these ores;
 - (b) a statement of the purpose for which the applicant wishes to have the said ores available;
 - (c) a description of the place where the ores are to be held available, and a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plants and goods.

Section 5

- (1) Applications for licences to dispose of fissionable materials should include :

- (a) a statement of the quantities, the chemical and physical state, the form, the content and the degree of enrichment, together with as accurate a statement as possible of the activity of these fissionable materials;
 - (b) a description of the place where and in what manner the applicant wishes to dispose of the fissionable materials;
 - (c) a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plant and goods.
- (2) Applications for licences to dispose of ores should include in particular :
- (a) a statement of the nature, quantity and average uranium or thorium contents of these ores;
 - (b) a description of the place where and the manner in which the applicant wishes to dispose of the ores;
 - (c) a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plants and goods.

Part 3: Applications for licences in respect of establishments as referred to in Section 15(b) of the Act

Section 6

- (1) Applications for licences to erect establishments where nuclear energy can be released should include :
- (a) a statement as to and a description of the place where the establishment shall be set up, stating all relevant geographical, geological, climatological and other conditions;
 - (b) a description of the establishment, including the installations to be employed in it, and of the functioning of the establishment and installations, listing the suppliers of the components which are important for the assessment of the safety of the establishment and installations, and stating the highest capacity at which the establishment will operate;

- (c) a statement of the chemical and physical state, the form, the content and the degree of enrichment of the fissionable materials which will be used in the establishment, stating the maximum quantity of each fissionable material which will be present in the establishment at any particular time;
 - (d) a description of the manner in which the fissionable materials as referred to under (c) preceding will be used in the establishment, and of the manner in which they will be stored before and after utilization;
 - (e) a statement of the appropriate total number of persons who will be employed in the establishment during normal operations, together with a statement of the number of experts and other personnel who will be directly concerned with the releasing of nuclear energy, and of the distribution of duties between these personnel and - as regards the supervisory personnel - of the grounds on which they may be deemed to be sufficiently expert for the discharge of their duties;
 - (f) a description of the manner in which the applicant proposes to dispose of the fissionable materials as referred to under (c) of this Section after utilization.
 - (g) a description of the manner in which the applicant proposes to dispose of the radioactive materials which will be produced during the utilization of the fissionable materials as referred to under (c) of this Section;
 - (h) a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plants and goods, including measures to prevent danger, damage or nuisance outside the establishment during normal operation, and for the protection of persons, animals, plants and goods against dangers resulting from the accidents to be stated in the description and which may reasonably be deemed credible and liable to result in contamination of the surroundings (safety report);
 - (i) a statement of the financial security which the applicant shall provide and maintain in order to satisfy special statutory requirements governing liability in the field of nuclear energy, stating all relevant details.
- (2) Should the safety report referred to in paragraph(1) (h) of this Section contain information which in the opinion of Our Ministers must be kept secret in the interests of the State or for other reasons, Our Ministers may, (when the interests of the State are involved) demand that the applicant give the full report in a separate annex to the application and attach to the application a second copy not containing the said secret information which second copy shall be made available for public inspection pursuant to Section 18, or (when other reasons are involved) may permit the applicant on request to give the full report in a separate annex to the application and attach to the application a second copy not containing the said secret information which second copy shall be made available for public inspection pursuant to Section 18.

Section 7

- (1) Applications for licences to erect an establishment in which fissionable materials containing plutonium or enriched uranium, or irradiated fissionable materials can be made, processed or worked up should include the data referred to in Section 6(1), with the proviso that :
 - (a) under (b), "the highest capacity at which the establishment will operate" shall be replaced by "the greatest quantity of the individual fissionable material which can be made, processed or worked up in the establishment in a set period";
 - (b) where the terms "used" and "utilization", or "the releasing of nuclear energy" occur, these shall be replaced by "made, processed or worked up" or "the making, processing or working up", respectively.
- (2) Section 6(2) shall be correspondingly applicable.
- (3) Paragraphs (1) and (2) of this Section shall be correspondingly applicable to applications for licences to put into or keep in operation an establishment as referred to in (1) of this Section.

Section 8

- (1) Applications for licences to erect an establishment in which fissionable materials as referred to in Section 7(1) will be stored should include :
 - (a) a statement as to and a description of the place where the establishment is to be set up, stating all relevant geographical, geological, climatological and other conditions;
 - (b) a statement of the chemical and physical state, the form, the content and the degree of enrichment of the fissionable materials, adding for irradiated fissionable materials as accurate a statement of their activity as possible, and indicating the maximum quantities of the individual fissionable materials which will be present in the establishment at any time;
 - (c) a statement of the approximate total number of persons who will be employed in the establishment under normal conditions, together with a statement of the number who will be directly concerned with the storage of fissionable materials, and of the distribution of responsibilities between these personnel and - as regards the supervisory personnel - of the grounds on which they may be deemed to be sufficiently expert for the discharge of their responsibilities;
 - (d) a safety report as referred to in Section 6(1)(h);
 - (e) the financial security as referred to in Section 6(1)(i)
- (2) Section 6(2) shall be correspondingly applicable.

- (3) Paragraphs (1) and (2) of this Section shall be correspondingly applicable to applications for licences to put into and keep in operation an establishment as referred to in paragraph (1).

Section 9

- (1) Applications for licences to erect an establishment in which non-irradiated, fissionable materials not containing plutonium or enriched uranium, can be made, processed or worked up, should include :
- (a) a description of the place where the establishment is to be set up;
 - (b) a description of the establishment;
 - (c) a statement of the chemical and physical state; the form and the content of the fissionable materials, indicating the maximum quantities of the individual fissionable materials which will be present in the establishment at any time;
 - (d) a statement of the number of personnel who will be responsible for the making, processing or working up of fissionable materials in an expert manner, stating the grounds on which they may be deemed to be sufficiently expert;
 - (e) a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plants and goods, including the measures to prevent danger, damage or nuisance outside the establishment.
- (2) Paragraph 1 of this Section shall be correspondingly applicable to applications for licences to put into or keep in operation an establishment as referred to in (1) of this Section.

Section 10

Deleted by Decree No. 242 of 26th April 1972.

Section 11

- (1) Applications for licences to modify an establishment as referred to in Sections 6, 7, 8, 9 or 10 should include :
- (a) a statement of the licence under which the establishment has been set up or put into or kept in operation;
 - (b) a description of the modification proposed;
 - (c) if the application relates to an establishment as referred to in Sections 6, 7 or 8, and the modification proposed would affect one or more of the data incorporated in the safety report submitted in order to obtain the licence as referred to under (a) of this Section, a relevant supplement to the report.

Part 4: Applications for licences in respect of equipment as referred to in Section 15(c) of the Act

Section 12

- (1) Applications for licences to fit out a ship with equipment capable of propelling it by nuclear power and intended to be put into or kept in operation in Netherlands territory, should include :
- (a) a statement as to the place where the equipment is to be fitted in the ship;
 - (b) a statement as to and a description of the place where the equipment is to be put into operation for trial purposes for the first time (if that place is in the Netherlands, the statement to include all relevant geographical, climatological and other conditions) and listing the ports where the ship will berth when in the Netherlands;
 - (c) a description of the equipment, including all appurtenant apparatus and of the functioning of the equipment and apparatus, listing the suppliers of the components important for the evaluation of the safety of the equipment and apparatus and stating the highest capacity at which the equipment will operate;
 - (d) a statement of the chemical and physical state, the form, the content and the degree of enrichment of the fissionable materials which will be used in the equipment stating the maximum quantities of the individual fissionable materials which will be present in the equipment at any time;
 - (e) a description of the manner in which the fissionable materials as referred to under (d) of this Section will be used in the equipment and of the way in which they will be stored before and after use;
 - (f) a statement of the approximate total number of persons who will be carried by the ship as crew and passengers under normal operation, together with a statement of the number of experts and other crew members who will be directly involved in putting the equipment into and keeping it in operation and of the division of duties among the members of the crew and - as regards the supervisory personnel - of the grounds on which they may be deemed to be sufficiently expert for the discharge of their duties;
 - (g) a description of the manner in which the applicant proposes to dispose of the fissionable materials as referred to under (d) of this Section after utilization;
 - (h) a description of the manner in which the applicant proposes to dispose of the radioactive substances which will be produced during the utilization of the fissionable materials as referred to under (d) of this Section;
 - (i) a description of the ship, stating such details as are necessary to assess the danger which the equipment could cause to persons, animals, plants and goods;

- (j) a description of the measures which will be taken by or on behalf of the applicant for the protection of persons, animals, plants and goods, including measures to prevent danger or damage outside the ship, during normal operation, and for the protection of persons, animals, plants and goods against dangers resulting from the accidents to be stated in the said description and which may reasonably be deemed credible and liable to result in contamination of the surroundings (safety report);
- (k) a statement of the financial security which the applicant shall provide and maintain in order to satisfy special statutory regulations in respect of liability in the field of nuclear energy, stating all relevant details.
- (2) Should the safety report referred to in paragraph (1)(j) of this Section contain information which in the opinion of our Ministers must be kept secret in the interests of the State or for other reasons, Our Ministers may, (when the interests of the State are involved) demand that the applicant give the full report in a separate annex to the application and attach to the application a second copy not containing the said secret information, which second copy shall be made available for public inspection pursuant to Section 25, or (when other reasons are involved) may permit the applicant on request to give the full report in a separate annex to the application and attach to the application a second copy not containing the said secret information, which second copy shall be made available for public inspection pursuant to Section 25.
- (3) With the exception of the case for which provision is made in (5) below, paragraphs (1) and (2) of this Section shall be correspondingly applicable to applications for licences to keep the ship fitted out with or to put into or keep in operation equipment as referred to under (1) of this Section.
- (4) Applications for licences to fit out or keep fitted out a Netherlands ship with equipment capable of propelling it by nuclear power, but not intended to be put into or kept in operation in Netherlands territory, should, except in the case provided for in (5) below, include in particular the data as referred to under (c) - (k) of this Section, together with a statement to the effect that the equipment is not intended to be put into or kept in operation in Netherlands territory, and in the case of an application for a licence to fit out a ship with equipment, a statement of the place where fitting the equipment in the ship will be carried out.
- (5) If with respect to a ship, a certificate and a safety dossier as referred to in Regulations 10 and 7 of Chapter VIII of the Regulations attached to the 1960 International Convention for the Safety of Life at Sea (Netherlands Treaty Series 1961, Nos. 83 and 84) can be submitted, an application for a licence as referred to in (3) or (4) of this present Section should include in particular :
- (a) the certificate concerned;
- (b) the dossier concerned;
- (c) a list of the ports at which the ship concerned will berth when in the Netherlands, or, if the application relates to equipment as referred to in (4) of this Section, the statement to the effect that the equipment is not intended to be put into or kept in operation in Netherlands territory.

(d) a statement as referred to in (1)(k) of this Section.

Section 13

- (1) Applications for licences to modify equipment as referred to in Section 12(1), or equipment fitted in a Netherlands ship as referred to in Section 12(4), should include :
- (a) a statement of the licence by virtue of which the equipment has been or is kept fitted in the ship;
 - (b) a description of the proposed modification;
 - (c) a statement of the place where the equipment will be modified;
 - (d) if the place where the equipment will be put into operation for the first time for trial purposes after modification is in the Netherlands, a description of that place, stating all relevant geographical, geological, climatological and other circumstances;
 - (e) if the proposed modification affects one or more data stated in the safety report or safety dossier submitted in order to obtain the licence as referred to under (a) of this Section, a relevant supplement to the report or dossier.
- (2) With respect to the supplement as referred to under (e) of this Section, Section 12(2) shall be correspondingly applicable, in so far as the supplement relates to equipment as referred to in Section 12(1).

Section 14

- (1) Applications for licences to fit out a non-Netherlands ship or keep it fitted out with equipment capable of propelling it by nuclear power, but not intended to be put into or kept in operation in Netherlands territory, should include the statement that the equipment is not intended to be put into or kept in operation in Netherlands territory, together with an indication of the place where the fitting of the equipment in the ship will be carried out, or of the ports where the ship will berth when in the Netherlands, or, if it is not to call at any Netherlands ports, a description of the route which it will follow through Netherlands waters.
- (2) Applications for licences to modify equipment fitted in a non-Netherlands ship as referred to in (1) of this Section should state :
- (a) the licence by virtue of which the equipment in question has been fitted into or is kept fitted in the ship concerned;
 - (b) the place where the equipment will be modified.

CHAPTER III

NOTIFICATION OF APPLICATIONS AND OBJECTIONS PROCEDURE RELATING TO LICENCES AS REFERRED TO IN CHAPTER II

Part 1: Notification of applications and objections procedure relating to the holding available or disposing of fissionable material

Section 14(a)

With respect to an application for :

- (a) a licence for holding available fissionable materials in a manner other than in an establishment or in equipment for which a licence is referred to in Section 15(b) or (c) of the Act is required, or
- (b) a licence for disposal of fissionable materials not coming directly from an establishment or from equipment as referred to under (a);

Sections 12 - 14, Section 15, paragraphs 1 and 3, and Sections 16 and 17 of the Nuclear Energy Act (Radioactive Materials) Decree (Staatsblad 1969, No. 404) shall be correspondingly applicable, it being understood that the phrase "Our Minister" shall each time be read as "Our Minister for Economic Affairs and Our Minister of Environmental and Public Health".

Part 1a: Notification of applications for licences in respect of establishments as referred to in Sections 6 - 8

Section 15

(1) Applications for :

- (a) licences to erect, put into operation or keep in operation establishments as referred to in Sections 6, 7 or 8, or
 - (b) licences for the modification of such establishments shall be notified by Our Ministers to the Executive Council of the province in which the place where the establishment is to be erected or put into or kept in operation is situated or is substantially situated. This notification shall not include the data of the documents which have to accompany the applications.
- (2) If the place where the establishment as referred to under (1) of this Section is to be erected or is situated is less than ten kilometres from the boundary of another province, the executive council of that other province shall also be notified.

Section 16

- (1) Upon receipt of a notification as referred to in Section 15(1), the provincial executive council shall immediately notify the Council of the municipality in which the place where the establishment is to be erected or put into or kept in operation is situated or is substantially situated of the application. If that place is less than ten kilometres from the boundary of another municipality within the province the council of that other municipality shall also be notified of the application.
- (2) Upon receipt of a notification as referred to in Section 15(2), the provincial executive council shall immediately notify the councils of municipalities in the province which are ten kilometres or less from the place where the establishment is to be erected or is situated.
- (3) The provincial executive council shall further immediately notify the bodies responsible for the prevention of pollution of surface waters in the province which are completely or partially within ten kilometres of the place where the establishment is to be erected or is situated.
- (4) The provincial executive council shall immediately inform Our Ministers of the municipalities whose councils have been notified in accordance with (1) or (2) of this Section, stating the date on which they were notified.

Part 2: Objections procedure relating to applications for licences in respect of establishments as referred to in Sections 6 - 8

Section 17

- (1) A municipal council which receives a notification as referred to in Section 16 shall ensure that within three weeks of the date of receipt of the notification :
 - (a) a public announcement of the matter is made in the manner customary in the municipality; and further that:
 - (b) if the site on which the establishment concerned is to be erected or is situated is located entirely or partially within the municipality:
 - (i) the matter is publicly announced by means of bills posted on the site, and that
 - (ii) the owners and occupants or users of all premises adjoining the site receive written notification.
- (2) The municipal council shall at the same time ensure that the application in question shall be available for public inspection in the municipality from the day on which it makes the public announcement as referred to under (1)(a) of this Section.
- (3) The public announcement which the council has to make and the notification which it has to provide in accordance with (1) of this Section shall include the fact that the application is available for public

inspection, stating the place where it may be inspected and specifying the procedure by which interested parties may submit objections against the granting of the licence sought on the grounds of fear of danger, damage or nuisance.

- (4) Our Ministers shall be informed immediately of the date on which the public announcement as referred to under (1)(a) of this Section is made.

Section 18

The council of the municipality in which the place where the establishment is to be erected or put into or kept in operation is situated or is substantially situated shall ensure that a copy, to be provided by our Ministers, of the safety report accompanying the relevant application shall be made available for public inspection. The fact that this safety report is available for public inspection and the place where it may be inspected shall be stated in the announcements and notifications which are the responsibility of the council pursuant to Section 17(1).

Section 19

- (1) Interested parties may submit objections to Our Ministers against the granting of the licence sought on the grounds of fear of danger, damage or nuisance by informing a committee to be set up by Our Ministers of such objections either verbally or in writing.
- (2) Our Ministers shall nominate the members of a committee as referred to under (1) of this Section after consultation with Our other Ministers involved. The members of the said committee shall in any case include :
 - (a) a member of the executive council of the province in which the municipality is situated where the public session of the Committee as referred to under (4) of this Section will be held;
 - (b) the Inspector of Public Health responsible for supervision over the hygiene of the environment, within whose district the municipality as referred to under (a) preceding is situated;
 - (c) the district head of the Labour Inspectorate within whose district the municipality as referred to under (a) above is situated;
 - (d) if the establishment to which the application relates will discharge waste into surface waters, a representative of the State Institute for the Purification of Waste Water.
- (3) The chairman of the committee shall be the provincial executive council member appointed to it. Our Ministers shall arrange for the secretarial services required by the committee.
- (4) Objections as referred to under (1) of this Section may be made verbally at a public session of the committee referred to therein. Such objections may be communicated in writing by the submission in quadruplicate of a statement of objection addressed to the committee, either at the public session or to the council of the municipality where this public session is held, at least one day before the opening of the

session. The municipal council concerned shall ensure that statements of objection submitted to it are handed over to the committee before the opening of the public session.

- (5) The public session as referred to under (4) of this Section shall be held at least one month but not more than two months after the date on which the public announcement as referred to in Section 17(1)(a) has been made in the municipality concerned, or, if more than one municipality is concerned, in all the municipalities concerned, in the municipality where the establishment is to be erected or is situated or substantially situated, at a place, on a day and at a time to be determined by Our Ministers and which shall be announced at least three days in advance in one or more newspapers.
- (6) Interested parties may attend the session in person or have themselves represented by a proxy. Proxies who are not registered as barristers or solicitors have to be provided with a written mandate.
- (7) Minutes shall be kept of the proceedings of the meeting and shall be signed in quadruplicate by the chairman and by the person responsible for the secretariat. One copy of the minutes and of each of the objections submitted shall be sent at the earliest opportunity to each of Our Ministers and to the council of the municipality where the session is held.
- (8) The municipal council as referred to under (7) of this Section shall ensure that the copy of the minutes sent to it shall be made available within the municipality for perusal by interested parties. The fact that the minutes are available for perusal and the place where they are available shall be publicly announced in the manner customary in the municipality.

Section 20

- (1) Sections 17, 18 and 19 of the present Decree shall not be applicable to applications for licences as referred to in Section 15(1) if a licence as therein referred to has previously been granted in respect of the establishment concerned, and if in the opinion of our Ministers the erection, putting into or keeping in operation or modification of the establishment cannot cause any greater danger, damage or nuisance than that already taken into consideration when a previous licence in respect of the establishment was granted.
- (2) In the cases as referred to in (1) preceding interested parties may, not later than three weeks after the application has been published in the Government Gazette and one or more newspapers pursuant to Section 17(1) of the Act, submit objections in writing to Our Ministers against the granting of the licence sought on the grounds of fear of danger, damage or nuisance. This opportunity shall be notified in the publications above referred to.

Part 3: Notification of applications and objections procedure relating to establishments as referred to in Sections 9 and 10

Section 21

- (1) Applications for :
- (a) licences to erect, put into or keep in operation an establishment as referred to in Sections 9 or 10, or
 - (b) licences for the modification of such an establishment,
- shall be notified by Our Ministers to the council of the municipality, or the councils of the municipalities, in which the place where the establishment is to be erected or is situated. This notification shall not include the documents which have to accompany the applications.
- (2) Section 17 shall be correspondingly applicable.
- (3) Interested parties may, not later than one month after the public announcements as referred to in Section 17(1)(a) have been made in the municipality concerned, or in all the municipalities concerned if there are more than one, submit objections in writing to Our Ministers against the granting of the licence sought on the grounds of fear, danger, damage or nuisance.
- (4) The provisions of (2) and (3) preceding shall not be applicable in cases as referred to in Section 20(1). In such cases Section 20(2) shall be correspondingly applicable.

Part 4: Modification of applications for licences in respect of equipment as referred to in Section 12(1)

Section 22

- (1) Applications for :
- (a) licences to fit out or keep fitted out a ship with equipment as referred to in Section 12(1) or to put into or keep in operation such equipment, or
 - (b) licences for the modification of such equipment,
- shall be notified by Our Ministers to the executive council of the province in which the place is situated, where the equipment will be put into operation for trial purposes, and also the executive councils of the provinces in which the ports are situated in which the ship will berth when in the Netherlands. This notification shall not include the documents which have to accompany the applications.
- (2) If a place or port as referred to in (1) preceding is less than two kilometres from the boundary of another province, the executive council of that other province shall also be notified of the application.

Section 23

- (1) Upon receipt of a notification as referred to in Section 22(1), the provincial executive council shall immediately notify the council of the municipality in which the place is situated, where the equipment will be put into operation for trial purposes, and also the councils

of the municipalities in which the ports are situated in which the ship will berth when in the Netherlands. If that place or such a port is less than two kilometres from the boundary of another municipality in the province, the council of that other municipality shall also be informed of the application.

- (2) Upon receipt of a notification as referred to in Section 22(2), the provincial executive council shall immediately notify the councils of municipalities in the province which are less than two kilometres from a place or port as referred to in (1) preceding.
- (3) The provincial executive council shall further immediately notify the bodies responsible for the prevention of pollution of surface waters in the province which are situated wholly or partially less than two kilometres from a place or port as referred to in (1) of this Section.
- (4) The provincial executive council shall immediately inform Our Ministers of the municipalities whose councils have been notified in accordance with (1) or (2) of this Section, stating the date on which they were notified.

Part 5: Objections procedure relating to applications for licences in respect of equipment as referred to in Section 12(1)

Section 24

- (1) The council of a municipality which receives a notification as referred to in Section 23 shall ensure that the matter is publicly announced in the manner customary in that municipality within fourteen days of the receipt of the notification.
- (2) The council of the municipality shall ensure at the same time that the application shall be available for public inspection in the municipality from the day on which the public announcement as referred to in (1) preceding is made.
- (3) The public announcement which the council is required to make in accordance with (1) of this Section shall include the fact that the application is available for public inspection pursuant to (2) preceding, stating the place where it may be inspected and specifying the procedure by which interested parties may submit objections against the granting of the licence sought on the grounds of fear of danger, damage, or nuisance.
- (4) Our Ministers shall be immediately informed of the date on which the public announcement as referred to in (1) of this Section is made.

Section 25

- (1) The council of the municipality in which the place is situated where the equipment will be put into operation for trial purposes shall ensure that a copy, to be provided by Our Ministers, of the safety report or safety dossier accompanying the relevant application is available for public inspection in the municipality. The fact that the safety report or safety dossier is available for public inspection,

and the place where it may be inspected, shall be stated in the public announcement which the municipality is required to make in accordance with Section 24(1).

- (2) The provisions of (1) preceding shall be correspondingly applicable to the council of the municipality or the councils of the municipalities in which the ports are situated in which the ships concerned will berth when in the Netherlands.

Section 26

Interested parties may submit objections in writing to Our Ministers against the granting of the licence sought on the grounds of fear of danger, damage or nuisance, within one month of the date on which the public announcement as referred to in Section 24 is made in the municipality concerned or, if there are more than one, in all the municipalities concerned.

Section 27

- (1) Sections 24, 25 and 26 of the present Decree shall not be applicable to applications for licences as referred to in Section 22(1) if a licence as therein referred to has previously been granted in respect of the same equipment in the same ship, and if in the opinion of Our Ministers the fitting out or keeping fitted out of the ship with the equipment or the putting into operation or keeping in operation of the equipment or the modification thereof cannot cause any greater damage than that already taken into consideration when the previous licence in respect of the equipment was granted.
- (2) In the cases as referred to in (1) preceding, interested parties may, not later than three weeks after the application has been published in the Government Gazette and one or more newspapers pursuant to Section 17(1) of the Act, submit objections in writing to Our Ministers against the granting of the licence sought on the grounds of fear of danger, damage or nuisance. This opportunity shall be notified in the publications above referred to.

Part 6: Notification of applications and objections procedure relating to equipment as referred to in Sections 12(4) and 14(1)

Section 28

- (1) An application for a licence as referred to in Section 12(4) or Section 14(1) shall be notified by Our Ministers to the council of the municipality in which the place is situated where the ship will be fitted out with the equipment, and to the councils of the municipalities in which the ports are situated in which the said ship will berth when in the Netherlands.
- (2) An application for a licence to modify equipment as referred to in Section 12(4) or in Section 14(1) shall be notified by Our Ministers to the council of the municipality in which the place is situated where the equipment will be modified.

- (3) Section 27(2) shall be correspondingly applicable to applications as referred to in (1) and (2) accordingly.

Part 7: Objections by public bodies

Section 29

The public bodies which are notified of applications for licences in accordance with Sections 15, 16, 21, 22, 23 or 28 may submit objections against the licences sought to Our Ministers not later than the latest date on which interested parties may submit their objections pursuant to Sections 19, 20, 21, 26, 27 or 28.

Part 8: Procedure for dealing with objections submitted

Section 30

- (1) The Committee set up pursuant to Section 19 shall inform the applicant for the licence of the objections submitted by forwarding to him a copy of the minutes of the public session and of each of the statements of objections submitted to it. If Section 19 has not been applicable and if the licence is not a licence as referred to in Section 15(a) of the Act, our Ministers shall inform the applicant for the licence of the statements of objection submitted to them.
- (2) The applicant for the licence may inform Our Ministers in writing, within a period to be set by them, of his comments on the objections submitted, or the way in which he is prepared to meet such objections.
- (3) Within one week of the despatch of their decision regarding an application for a licence as referred to in Section 15(b) or (c) of the Act, Our Ministers shall inform all who have submitted objections against the granting of the licence of their decision, stating, if the licence has been granted, the points which have been taken into account when considering these objections.
- (4) If Section 19 has been applied, Our Ministers shall further, within one week of the despatch of their decision regarding the application inform the executive council of the province in which the public session has been held of their decision, stating, if the licence has been granted, the points which have been taken into account when considering the objections submitted.
- (5) Within one week of the despatch of their decision regarding an application Our Ministers shall inform the councils of the municipality or municipalities referred to in the first sentence of Section 16(1), or the first sentence of Section 23(1), respectively of their decision.

CHAPTER IV

RULES IN RESPECT OF REQUIREMENTS TO BE ATTACHED TO LICENCES AS REFERRED TO IN SECTION 15 OF THE ACT

Part 1: Protection of persons, animals, plants and goods

Section 31

- (1) With a view to the protection of persons, animals, plants and goods, requirements shall be attached to licences as referred to in Section 15 of the Act to ensure that :
 - (a) irradiation or contamination of persons, animals, plants and goods shall be prevented to the maximum extent possible;
 - (b) in cases where irradiation or contamination is unavoidable, this shall be restricted to the minimum possible;
 - (c) in cases where irradiation or contamination is unavoidable, the number of persons exposed to ionizing radiation shall be restricted to the minimum possible, taking into account the necessity to avoid an amount of radiation or contamination per person exceeding the maximum permissible level.
- (2) The requirements as referred to in (1) preceding shall include, except in the case of licences as referred to under Section 14, requirements to ensure that :
 - (a) work involving fissionable materials or ores shall be carried out by or under the direction or supervision of persons who are sufficiently expert for the work to be safely carried out;
 - (b) in cases where persons could receive a dose equivalent to over 0.5 rem in one year for the blood-making organs and the gonads, or where persons can be exposed to radiation, periodical or, if the circumstances so require, continuous measurements of the rate of dosage shall be carried out at places where persons have to work to determine the level of contamination, and that on the grounds of the results of the readings the necessary measures shall be taken;
 - (c) the apparatus used for the work and all appurtenances thereto shall be kept in a good state of repair.

Section 32

- (1) The requirements as referred to in Section 31(1) shall include, in the case of licences for the disposal of fissionable materials or ores other than by means of delivery to third parties, requirements relating to the place where, the manner in which and the circumstances under which the licence-holder may dispose of the fissionable materials or ores.

- (2) The requirements as referred to in Section 31(1) shall include, in the case of licences for the disposal of waste materials containing fissionable materials or ores by means of delivery to third parties, requirements relating to :
- (a) the persons to whom the said waste materials may be delivered;
 - (b) the place where, the manner in which and the circumstances under which the licence-holder may ultimately have these waste materials discharged or dumped .

Section 33

- (1) The requirements as referred to in Section 31(1) shall include, in the case of licences as referred to under Section 15(b) of the Act, requirements to ensure that :
- (a) the floors, ceilings and walls and all hatches, doors, windows, and sight glasses therein of rooms in which fissionable materials or ores are present shall be composed or constructed in such a way that persons outside such rooms cannot receive a dose equivalent to over 0.5 rem for the blood-making organs and the gonads in one year;
 - (b) the radiation-reducing capacity of means of protection against radiation and parts of the buildings which serve to provide protection against radiation shall be clearly and ineffaceably marked on such means of protection and parts of buildings, or else data shall be kept available from which the radiation-reducing capacity of such means of protection or parts of buildings shall be apparent;
 - (c) appropriate and clear warning boards or signs shall be put up at suitable points at all places where persons can receive a dose equivalent to over 0.5 rem for the blood-making organs and the gonads per year and where there is danger of contamination.
- (2) The requirements as referred to in Section 31(1) may include, in the case of licences as referred to under Section 15(b) of the Act, a requirement setting out the obligation to ensure that there shall be in the establishment a sufficient number of experts responsible for the protection of the health of the persons in that establishment, the number of experts being in proportion to the size and nature of the establishment and of the work to be carried out therein, and also to the number of persons regularly present therein.
- (3) In order to prevent danger, damage or nuisance outside the establishment, other requirements in addition to those as referred to in Section 31(1) may be attached to licences as referred to under Section 15(b) of the Act.

Section 34

- (1) The requirements as referred to in Section 31(1) shall include, in the case of licences as referred to under Section 15(c) of the Act, a requirement relating to the Netherlands waters in which the ship concerned may sail and the ports in which the said ship may berth when in the Netherlands.

- (2) The requirements as referred to in Section 31(1) shall include, in the case of licences as referred to under Section 15(c) of the Act which are not licences as referred to under Section 14, conditions as referred to in Section 33(1).
- (3) The requirements as referred to in Section 31(1) may include, in the case of licences as referred to under Section 15(c) of the Act which are not licences as referred to under Section 14:
 - (a) a requirement as referred to in Section 33(2);
 - (b) the requirement that the ship concerned may only sail in the Netherlands waters designated pursuant to this Section, and may only berth in the Netherlands ports designated pursuant to this Section, if notice thereof at least prior to a period specified in the requirement has been given to the authorities designated thereby;
 - (c) the requirement that in the Netherlands fissionable materials may only be introduced into the equipment or removed therefrom at a place designated by Our Minister for Social Affairs and Public Health;
 - (d) the requirement that, once the fissionable materials have been introduced therein, the equipment may only be put into operation for trial purposes in the Netherlands at a place to be stated in the requirement or to be designated by Our Minister for Social Affairs and Public Health.

Part 2: Security of the State

Section 35

- (1) Requirements with a view to the security of the State shall be attached to licences as referred to in Section 15 of the Act, if such licences relate solely or partially to the carrying out of operations.
 - (a) involving the utilization of information, services, or materials, or an establishment or equipment regarding which Our Ministers, in conjunction with Our other Ministers involved, consider that the interests of State security require that an obligation to observe secrecy be imposed or that the use of the information, devices, materials, establishment or equipment be restricted, or
 - (b) in the course of which research is carried out or methods are employed regarding which Our Ministers, in conjunction with Our other Ministers involved, consider the interests of State security require that an obligation to observe secrecy be imposed; or
 - (c) which, according to a declaration by Our Ministers concerned, are of vital importance for military or civil defence.

- (2) Requirements as referred to in (1) above may include the obligation:
- (a) to ensure that secrecy be observed with regard to information, devices, materials, an establishment or equipment or research or methods as referred to in (1) of this Section;
 - (b) to utilize information, devices, materials or an establishment or equipment as referred to in (1) of this Section with due observance of the restrictions laid down in the relevant requirement;
 - (c) to render safe in a manner as specified by the relevant requirement all sites, buildings and rooms where operations as referred to in (1) of this Section are carried out, or information, devices or materials utilized in such operations are stored;
 - (d) to regulate in a manner as laid down in the relevant requirement the utilization of information, devices or materials, or an establishment or equipment as referred to in (1) of this Section, together with the application of knowledge acquired from such utilization;
 - (e) to inform Our Ministers or the Netherlands supervisory agencies designated by the relevant requirement well in advance of any proposed replacement of the person or persons responsible for the management of the enterprise or institution to which the licence has been granted;
 - (f) to cause all or certain operations to be carried out by persons concerning whom Our Minister as designated by the relevant requirement has declared that there may in his opinion be deemed to be adequate guarantees that they will duly observe the obligation to maintain secrecy;
 - (g) to provide bodies as designated by the relevant requirement which are entrusted with responsibilities relating to the implementation of the Act with information as specified in that requirement regarding data, devices or materials, or an establishment or equipment, as referred to in (1) of this Section, and to keep records for furnishing such information from which the accuracy of the information furnished may be proved in a straightforward manner;
 - (h) immediately to inform Our Ministers as designated by the relevant requirement, or the Netherlands supervisory agencies as designated by that requirement, should either serious failures to observe the requirements laid down with a view to the security of the State or espionage be suspected or discovered;
 - (i) to appoint an officer of the enterprise or institution who shall be specially responsible for the drawing up of measures for the implementation of the requirements attached to the licence with respect to the security of the State, and for ensuring that the said measures are observed.

Part 3: Storage and guarding of fissionable materials and ores

Section 36

- (1) Requirements relating to the storage and guarding of fissionable materials and ores shall be attached to licences as referred to in Section 15 of the Act, if and in so far as is necessary for the protection of the interests as referred to in Section 19(1)(a), (b), (d) or (f) of the Act.
- (2) Requirements as referred to in (1) above may include the obligation :
 - (a) to store fissionable materials or ores at a place and in a manner to be specified in the relevant requirement, in order to preclude any danger of radiation or contamination to persons, animals, plants or goods;
 - (b) to store fissionable materials or ores in such a manner that they are protected to the fullest extent possible against fire, theft or loss through any other cause;
 - (c) to guard sites, buildings and rooms where fissionable materials or ores are stored in a manner to be specified in the relevant requirement;
 - (d) to appoint one or more persons employed by the enterprise or institution to which the licence has been granted who shall be specially responsible for the drawing up of measures for the implementation of the requirements attached to the licence with respect to storage and guarding, and for ensuring that these measures are observed.

Part 4: Energy Supply

Section 37

- (1) Requirements with a view to energy supplies shall be attached to licences as referred to under Section 15(a) of the Act, if regular supplies of fissionable materials or ores are not adequately ensured.
- (2) Requirements as referred to in (1) above may include the obligation to obtain fissionable materials or ores solely from suppliers to be designated in the relevant requirement, or to supply fissionable materials or ores solely to users to be designated in the relevant requirement.

Section 38

- (1) Requirements with a view to energy supplies shall be attached to licences as referred to under Section 15(b) of the Act in respect of establishments for the generation of thermal or electric energy for public energy supplies, if:

- (a) regular supplies of the fissionable materials required for the establishment are not adequately ensured, or
 - (b) the uninterrupted operation of the establishment is not adequately ensured.
- (2) Requirements as referred to in (1)(a) above may include the obligation to maintain a stock of fissionable materials, of a nature, composition and size to be specified in the relevant requirement and for periods to be laid down in that requirement.
- (3) Requirements as referred to under (1)(b) of this Section may include the obligation to cause the establishment to be connected to a national grid or to have available through other means reserve capacity of such a nature that energy supplies will be ensured for a period to be specified in the relevant requirement.

Part 5: The security to be provided as guarantee of payment of the indemnification due to third parties in respect of damage or injury caused to them

Section 39

Licences as referred to in Section 15(b) or (c) of the Act and which relate exclusively or partially to an establishment or equipment to which a special statutory regulation governing liability in the field of nuclear energy is applicable, shall, with a view to ensuring payment of the indemnification due to third parties in respect of damage or injury caused to them, include the requirement to have and maintain appropriate insurance or other financial security in accordance with the said statutory regulations.

Part 6: Observance of international obligations

- (1) Requirements with a view to the observance of international obligations may be attached to licences as referred to in Section 15 of the Act, if the licences relate exclusively or partially to the carrying out of operations in which information, devices or materials, or establishments or equipment are utilized concerning which international agreements or resolutions of international organisations, which are binding on the Netherlands and which relate entirely or partially to nuclear energy or ionizing radiation, impose obligations on the State.
- (2) Requirements as referred to in (1) above may include the obligation :
- (a) to ensure secrecy with respect to information, devices or materials, or an establishment or equipment, as referred to in (1) above, or to utilize the same with due observance of the restrictions laid down in the relevant requirement;

- (b) for bodies as designated in the relevant requirement and entrusted with responsibilities relating to the implementation of the agreements or resolutions as referred to in (1) above, to cause information as specified in the requirement to be provided concerning data, devices or materials, or an establishment or equipment, as referred to in (1) above, and to keep records for the furnishing of such information from which the accuracy of the information furnished may be demonstrated in a straightforward manner.

CHAPTER V

EXEMPTIONS FROM THE PROHIBITION CONTAINED IN SECTION 15 OF THE ACT

Part 1: Fissionable materials and ores

Section 41

- (1) The prohibition in Section 15(a) of the Act shall not apply to having available in an establishment non-irradiated fissionable materials containing solely natural or depleted uranium or natural thorium in quantities of not more than 100 grammes of each of these elements, and no plutonium.
- (2) Paragraph (1) shall not apply if the fissionable materials contain, in addition to uranium or thorium and their natural decay products, any other radioactive nuclides and if, for that reason, the ban contained in Section 6 of the Nuclear Energy Act (Radioactive Materials) Decree would apply to them, in the event of that Section being applicable.

Section 42

The prohibition in Section 15(a) of the Act shall not apply to having available :

- (a) ores, if packed in watertight metal containers;
- (b) ores, which are not packed, or are packed in a manner other than that referred to in (a) above, if the specific activity of the said ores does not exceed 0.01 microcurie per gramme;
- (c) ores held available solely for educational purposes or to be shown at exhibitions.

Section 43

- (1) The prohibition in Section 15(a) of the Act shall not apply to the disposing of :
- (a) fissionable materials in cases where these may be held available without a licence in accordance with Section 41;
- (b) ores the specific activity of which does not exceed 0.01 microcurie per gramme;

- (c) fissionable materials or ores, in so far as they are disposed of to a person who is authorised by law to have such materials available, or to a person who is authorised by law to transport such materials, and the materials are destined for a person who is authorised by virtue of Netherlands, Belgian or Luxembourg law to have such materials available, or for a person in a country other than the Netherlands, Belgium or Luxembourg;
 - (d) fissionable materials or ores containing waste materials, by means of handing over to a collection service for radioactive waste recognised by Our Minister for Social Affairs and Public Health.
- (2) (1)(a) above shall not be applicable to the disposing of fissionable materials by discharging the materials into the air or water, if:
- (a) upon discharge into the air the concentration of the fissionable materials concerned leaving the discharge channel is higher than 1 picocurie per cubic metre;
 - (b) upon discharge into water the concentration of uranium or thorium containing fissionable materials leaving the discharge channel is higher than 10,000 or 1,000 picocuries per litre, respectively.
- (3) All persons who in cases as referred to in (1) above dispose of fissionable materials or ores by handing them over for transportation elsewhere are required to ensure that the relevant regulations governing the forms of packing to be used and the inscriptions and danger labels to be applied are complied with.

Part 2: Establishments

Section 44

The ban in Section 15(b) of the Act shall not apply to the erection, putting into or keeping in operation or modifying of an establishment in which fissionable materials may be made, processed or worked up, or in which fissionable materials are stored, if the establishment is not intended for and is not used for a production process linked with the nuclear fuel cycle or for the holding available of fissionable materials other than non-irradiated substances, and :

- (a) if the fissionable materials available do not contain any plutonium or enriched uranium, or
- (b) if the largest quantity of fissionable materials held available in the establishment at any one time does not contain more than 375 grammes of plutonium 239, plutonium 241 or uranium-233, or more than 600 grammes of uranium 235, it being understood that in the event of more than one of those nuclides being held available, the sum of the fractions obtained by dividing the number of grammes of each of those nuclides by the maximum quantity fixed for that nuclide above shall not exceed 1.

CHAPTER VI

CONCLUDING PROVISIONS

Section 45

- (1) This Decree may be cited as the Nuclear Installations, Fissionable Materials and Ores Decree.
- (2) It shall enter into force at a time to be determined by Us.

Our Ministers for Economic Affairs and for Social Affairs and Public Health shall be charged with the implementation of this Decree, which shall be placed in the Bulletin of Acts, Orders and Decrees together with the relevant explanatory memorandum and whereof a copy shall be sent to the Council of State.