

# NATIONAL LEGISLATIVE AND REGULATORY ACTIVITIES

## Argentina

### *Regime of radioactive materials*

#### *Amendment to the Criminal Code (2004)*

On 4 May 2004, a new Section 189 bis was added to the Criminal Code. The text (unofficial translation), as published in the Official Gazette of 5 May 2004, reads as follows:

“Those who, with the purpose of committing a crime against the common security, cause damage to machines or in the elaboration of products, buy, supply, steal or have bombs, devices or materials capable of releasing nuclear energy, radioactive material or waste, radioactive isotopes, inflammable, asphyxiating, toxic or biologically dangerous materials or materials to prepare them, will be subject to a penalty of five to fifteen years imprisonment...”

## Australia

### *Organisation and structure*

#### *Australian Nuclear Science and Technology Organisation (ANSTO) Amendment Act (2006)*<sup>1</sup>

This purpose of this Amendment Act, No. 145 of 2006, is to modify the Australian Nuclear Science and Technology Organisation Act 1987 (see in particular *Nuclear Law Bulletin* Nos. 40, 54 and 63) to allow ANSTO to condition, manage and store radioactive material and waste other than that which may arise directly from ANSTO activities.

The Explanatory Memorandum for this legislation<sup>2</sup> explains that as the pre-eminent expert body on radioactive materials and waste technology in Australia, with the facilities and trained personnel for managing radioactive material and waste, it is the Government’s intention that ANSTO be able to fully participate in the management of radioactive material and waste in the possession or under the control of any Commonwealth entity.

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1. The text of this act is available at:  
[www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/FCDF7592693F7E73CA25723E0016C850/\\$file/1452006.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/FCDF7592693F7E73CA25723E0016C850/$file/1452006.pdf).
  2. Available at:  
[www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/69292790960BF6EFCA25714800285B07/\\$file/06019em.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/69292790960BF6EFCA25714800285B07/$file/06019em.pdf)

This amendment also ensures that ANSTO is able to provide effective assistance to State and Territory jurisdictions, if asked, in ensuring public health and safety in the event of an incident, including a terrorism or criminal incident, involving radiological material. Authority to accept and manage radioactive material arising from a terrorist incident is considered to be an important component of Australia's counter-terrorism response.

Thirdly, spent nuclear fuel from ANSTO's reactors is sent overseas under contractual arrangements for reprocessing to convert it into an intermediate level waste form suitable for long-term storage and eventual disposal in Australia. Australian spent fuel may be combined with spent nuclear fuel from many sources and processed in bulk. Accordingly, this Amendment Act clarifies ANSTO's authority to condition, manage and store the material returned to Australia as a result of the contractual arrangements entered into for this purpose.

### ***Radioactive waste management***

#### *Commonwealth Radioactive Waste Management Legislation Amendment Act (2006)*<sup>3</sup>

The purpose of this Amendment Act (No. 161 of 2006) is to modify the Commonwealth Radioactive Waste Management Act 2005 (see *Nuclear Law Bulletin* No. 77) to provide for the return of nominated Aboriginal land – should such land be selected for a radioactive waste facility – when no longer required for the facility.

The Explanatory Memorandum<sup>4</sup> for this bill explains that the land return may not occur until the land is no longer required for the facility. The land would be returned to the land trust(s) from whom it was acquired, or the land trust(s) that succeeded the original land trust(s). Following the land return, the land trust(s) may be indemnified against damages arising from the use of the land for a facility.

## **Finland**

### ***Radiation protection (including nuclear emergency planning)***

#### *Amendments to the Radiation Act and Radiation Decree (2005)*<sup>5</sup>

The 1991 Radiation Act (see *Nuclear Law Bulletin* No. 47) was amended by Law No. 1179 of 22 December 2005 and the 1991 Radiation Decree was amended by Ordinance No. 1264 of 29 December 2005 of the Council of State. Both of these amendments involve the insertion of a new chapter on high-activity sealed radioactive sources in implementation of Council Directive 2003/122/Euratom of 22 December 2003 on the Control of High-activity Sealed Radioactive Sources and Orphan Sources (see *Nuclear Law Bulletin* Nos. 72 and 73).

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3. The text of this act is available at:  
[www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/9CF2FE4F01B21F34CA25724400018357/\\$file/1612006.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/9CF2FE4F01B21F34CA25724400018357/$file/1612006.pdf).

4. Available at:  
[www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/B26D58F2EDC8B021CA25721A001B3271/\\$file/06165em.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/B26D58F2EDC8B021CA25721A001B3271/$file/06165em.pdf).

5. Unofficial translations of these texts including the 2005 Amendments are available at:  
[www.stuk.fi/saannosto/19910592e.pdf](http://www.stuk.fi/saannosto/19910592e.pdf) and [www.stuk.fi/saannosto/19911512e.pdf](http://www.stuk.fi/saannosto/19911512e.pdf) respectively.

## France

### *Regime of nuclear installations*

#### *Decree on Securing Financing for Nuclear Charges (2007)*

This Decree No. 2007-243 of 23 February 2007 was adopted in implementation of Article 20 of the Planning Act of 28 June 2006 Concerning the Sustainable Management of Radioactive Materials and Waste (see *Nuclear Law Bulletin* No. 77).

This article imposes the following obligations upon operators of basic nuclear installations (*installations nucléaires de base – INB*):

- to assess conservatively any charges relating to the dismantling of their facilities or, in the case of radioactive waste disposal facilities, any charges relating to their final shut-down, maintenance and monitoring;
- to assess all charges relating to the management of their spent nuclear fuel and radioactive waste;
- to constitute the provisions associated with the above-mentioned charges;
- to account separately for any assets required to demonstrate a sufficient level of security and liquidity in order to fulfill their purpose.

Article 20 of the act only applies to basic nuclear installations. However, the Decree of 23 February extends the obligations pursuant to this law to operators of individual installations within basic nuclear installations classified as secret (i.e. installations which bear the characteristics of a basic nuclear installation).

The decree specifies the different categories of charges envisaged by Article 20. It describes the method of evaluating these charges and provides a list of assets which are admissible for the purposes of constituting provisions. It establishes a system of management and control over the funds constituted by the operators. Finally, it sets out means for State control over the funds.

#### *Decree Licensing the Construction of the Basic Nuclear Installation “Flamanville 3” Comprising an EPR Reactor (2007)<sup>6</sup>*

This Decree No. 2007-534 of 10 April 2007 licensing the construction of the third-generation EPR reactor on the Flamanville site, scheduled to commence operations in 2012, was published in the Official Journal on 11 April 2007.

Article 1 of the decree provides that *Électricité de France* (EDF) is authorised to construct a basic nuclear installation comprising a pressurised water reactor with a thermal power of 4 500 MW on the territory of the commune of Flamanville, in the department of la Manche, for the purpose of electricity production.

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6. The text of this decree is available in French on the internet site Legifrance at the following URL: [www.legifrance.gouv.fr/WAspad/Ajour?nor=INDI0700460D&num=2007-534&ind=1&laPage=1&demande=ajour](http://www.legifrance.gouv.fr/WAspad/Ajour?nor=INDI0700460D&num=2007-534&ind=1&laPage=1&demande=ajour).

Article 4 of the decree specifies that the Nuclear Safety Authority (*Autorité de sûreté nucléaire*) should be informed of any modifications to the installation and of any conditions of operation pursuant to the terms and conditions set out in the Act of 13 June 2006 on Nuclear Transparency and Safety (see *Nuclear Law Bulletin* No. 77) and its implementing regulatory texts.

## **Germany**

### ***Radiation protection (including nuclear emergency planning)***

#### *Amendment to the Act on Preventive Radiation Protection (2006)*

The 1986 Act on Preventive Protection of the Public against Radiation (see *Nuclear Law Bulletin* No. 39) as last amended in 2003 (*Bundesgesetzblatt* 2003 I p. 2304, 2308) was further amended by Article 64 of the Ninth Ordinance to Adjust Competences of 31 October 2006 (*Bundesgesetzblatt* 2006 I p. 2407). The amendment results from the renaming of Federal Ministries.

#### *Administrative Provisions on the Supervision of Environmental Radioactivity (2006)*

On 13 December 2006, the Federal Government, with the consent of the *Bundesrat* (Federal Council; Second Chamber of Parliament) issued General Administrative Provisions on an Integrated Measuring and Information System on the Supervision of Radioactivity in the Environment (*Integriertes Mess- und Informationssystem zur Überwachung der Radioaktivität in der Umwelt – IMIS*) (*Bundesanzeiger* 2006 p. 7418 and No. 244a/2006). The System is designed to ascertain, transmit, process, provide and document data in accordance with Sections 2 to 4 of the 1986 Act on Preventive Radiation Protection as last amended in 2006 (*Bundesgesetzblatt* 2006 I p. 2407).

#### *Ordinance on Radioactive Drugs (2007)*

The 1987 Ordinance on Radioactive Drugs (see *Nuclear Law Bulletin* No. 39) was published in a consolidated version on 19 January 2007 (*Bundesgesetzblatt* 2007 I p. 48). The new version includes minor amendments from 1990 to 2005 and in particular a substantive amendment by the ordinance to amend the Ordinance on Radioactive Drugs and on Drugs Treated with Ionising Radiation of 22 December 2006 (*Bundesgesetzblatt* 2006 I p. 3462) which entered into force on 31 December 2006.

The amendments stipulate a number of exceptions from the general prohibition under the 1976 Act on Drugs as amended (*Bundesgesetzblatt* 2005 I p. 3394) to trade with certain defined drugs. The ordinance furthermore contains new provisions on labeling and relevant information [Section 3]. It takes into account Directive 98/34/EC of the European Parliament as amended by Directive 98/48/EC of 20 July 1998 on Information Procedures in the Field of Technical Norms.

### ***Food irradiation***

#### *Amendment to the Ordinance on the Treatment of Foodstuffs with Radiation (2006)*

The Foodstuffs Irradiation Ordinance of 14 December 2000 (see *Nuclear Law Bulletin* No. 67) as amended by Article 312 of the Ordinance of 29 October 2001 (*Bundesgesetzblatt* 2001 I p. 2785) was further amended by the Ordinance on Amending Provisions on Foodstuffs and Tobacco of

22 February 2006 (*Bundesgesetzblatt* 2006 I p. 444). Article 4 of the ordinance adjusts Sections 3 and 8 of the Food Irradiation Ordinance to amendments of other laws including a slight change of the penal provisions.

### ***Transport of radioactive materials***

*European Agreement Relating to the International Transportation of Dangerous Goods by Road (ADR) (2006)*

Based on the 18<sup>th</sup> Ordinance of 8 September 2006 to amend Annexes A and B of the ADR Agreement (*Bundesgesetzblatt* 2006 II p. 826), the said Annexes in their versions of 20 September 2005 (*Bundesgesetzblatt* 2005 II p. 1128, 2006 II p. 245 and Annex to *Bundesgesetzblatt* 2006 II No. 24) were published together with a German translation and entered into force on 1 January 2007 (see *Nuclear Law Bulletin* No. 77).

*Ordinance on the Transportation of Dangerous Goods by Road and Rail (2006)*

The 2005 Ordinance on the Transportation of Dangerous Goods by Road and Rail as last amended by Ordinance of 31 October 2006 (*Bundesgesetzblatt* 2006 I p. 2407) (see *Nuclear Law Bulletin* No. 77) was amended by the 3<sup>rd</sup> Ordinance of 24 November 2006 (*Bundesgesetzblatt* 2006 I p. 2678). The ordinance implements Directive 2006/89/EC of the Commission of 3 November 2006 and Directive 2006/90/EC of the Commission of 3 November 2006. Based on Article 2 of the ordinance, a consolidated version of the Ordinance on the Transportation of Dangerous Goods by Road and Rail was published on 24 November 2006 in *Bundesgesetzblatt* 2006 I p. 2683 and entered into force on 1 January 2007.

*Ordinance to Amend the RID Regulations (2006)*

By the 13<sup>th</sup> Ordinance to amend the International Order on the Carriage of Dangerous Goods by Rail (RID) (see *Nuclear Law Bulletin* No. 77), the 2005 version of the RID – Annex C to the COTIF-Agreement – was put into force as of 1 January 2007 (*Bundesgesetzblatt* 2006 II p. 953).

*Ordinance on the Transportation of Dangerous Goods on the Rhine and Mosel Rivers (2006)*

The Seventh Ordinance of 6 December 2006 to amend the Ordinance on the Transportation of Dangerous Goods on the Rhine River (ADNR) and to amend the Ordinance on the Transportation of Dangerous Goods on the Mosel River was published in *Bundesgesetzblatt* 2006 II p. 1378; the amendments are published in an annex volume to *BGBI.* 2006 II No. 33. The amendments implement the Decisions of the Central Commission on the Navigation on the Rhine River of 31 May 2006 and of the Mosel Commission of 6 December 2006, which replace the versions of 2001 and 2002 (see *Nuclear Law Bulletin* No. 73; see also *Bundesgesetzblatt* 2006 II p. 26).

### ***Regulations on nuclear trade (including non-proliferation)***

#### *Amendments to the 1961 Foreign Trade Act and to the 1993 Foreign Trade Ordinance (2006)*

The 1961 Foreign Trade Act as amended (see *Nuclear Law Bulletin* No. 77) on 26 June 2006 was published in a consolidated version in *Bundesgesetzblatt* 2006 I p. 1386.

The 76<sup>th</sup>, 77<sup>th</sup> and the 78<sup>th</sup> Ordinances to amend the Foreign Trade Ordinance implement a number of EC Regulations, such as Regulations (EC) 1236/2005 of 27 June 2005, 1685/2006 of 14 November 2006 and 1823/2006 of 12 December 2006. The amendments mainly deal with trade restrictions regarding Lebanon and North Korea and goods which may be used for torture or the death penalty.

A new version of the Import List – Annex to the Foreign Trade Act – as last amended by the Ordinance of 6 April 2006 (*Bundesanzeiger* 2006 p. 2647, see also NLB 77 p. 56) was published in the 154<sup>th</sup> Ordinance to Amend the Import List – Annex to the Foreign Trade Act – of 18 December 2006 (*Bundesanzeiger* 2006 p. 7462 and No. 245a/2006).

A new version of the Export List – Annex AL to the Foreign Trade Ordinance – as last amended by the Ordinance 29 April 2005 (*Bundesanzeiger* 2005 p. 7117, see also NLB 74 p. 49) was published by 105<sup>th</sup> Ordinance to Amend the Export List – Annex AL to the Foreign Trade Ordinance – of 10 July 2006 (*Bundesanzeiger* 2006 p. 5093 and No. 132a/2006).

## **Iceland**

### ***Radiation protection (including nuclear emergency planning)***

#### *Regulations in the Field of Radiation Protection (2003)*

Following the adoption of the Act on Radiation Protection in 2002 (see *Nuclear Law Bulletin* No. 74; the text of the act was reproduced in the Supplement to that *Bulletin*), a series of new regulations was adopted to implement that legislation and to repeal and replace the previous regulations in this field (see *Nuclear Law Bulletin* No. 41).

The new regulations issued by the Ministry of Health and Social Security are as follows:

- Regulation 626/2003 on Radiation Protection in Dental Radiology.
- Regulation 627/2003 on Maximum Values for Exposure of Workers and the Public from Practices Using Ionising Radiation.
- Regulation 640/2003 on Radiation Protection in Medical Radiology other than Dental Radiology.
- Regulation 809/2003 on Radiation Protection in the Application of Unsealed Radioactive Sources.
- Regulation 810/2003 on Radiation Protection Requirements for Tanning Appliances.
- Regulation 811/2003 on Radiation Protection in the Application of Sealed Radioactive Substances.

## **Indonesia**

### ***Regime of nuclear installations***

#### *Decree on Nuclear Reactor Licensing (2006)*

On 15 December 2006, the President of Indonesia signed into law Government Regulation No. 43 of 2006 concerning Nuclear Reactor Licensing. This Regulation implements Article 17(2) of the 1997 Atomic Energy Act (see *Nuclear Law Bulletin* No. 59). Further specific details remain to be regulated by the Chairperson of the Nuclear Energy Regulatory Agency (BAPETEN).

The regulation distinguishes between commercial and non-commercial nuclear reactors. The main distinction lies in the person who is entitled to construct, operate and decommission nuclear reactors. For commercial purposes, only state-owned companies, cooperatives or private companies are allowed to carry out such activities.

Chapter I contains general provisions, including definitions. Chapter II focuses on the scope and purposes of this legislation. Chapter III outlines the licensing regime, establishing requirements for the applications for site approval, construction, commissioning, operation and decommissioning. BAPETEN is required to complete evaluation of any given application within a certain time period, depending on the licence concerned. For example, in the case of a construction permit, BAPETEN is required to provide its evaluation within a maximum period of two years from the date on which all documents necessary for the application were submitted. This chapter also contains provisions on financial guarantees covering liability for nuclear damage and on the necessity of ensuring that a company has the financial capability to continue operations from construction up to decommissioning of a nuclear reactor.

Chapter IV sets out the possibility to modify the system, structure or components of a nuclear reactor, and provides that the Chairperson of BAPETEN shall adopt further measures on this subject. Chapter V provides the legal basis for BAPETEN inspections, which shall also be the subject of further regulation by the BAPETEN Chairperson.

## **Ireland**

### ***Transport of radioactive materials***

#### *Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order (2006)*

This Order was adopted as Statutory Instrument No. 407 on 31 July 2006. It appoints the Radiological Protection Institute of Ireland as the competent authority to perform the functions conferred on competent authorities by or under the Carriage of Dangerous Goods by Road Act 1998.

The functions to be performed are those relating to the carriage by road of radioactive materials of ADR Class 7, including the approval of specialisation courses for the training of drivers of vehicles carrying radioactive material of ADR Class 7 and the examination of persons who have participated in those courses, pursuant to Regulations 45 to 51 of the principal regulations.

## **Italy**

### ***Radiation protection (including nuclear emergency planning)***

*Decree on Emergency Planning with Regard to the Transport of Radioactive and Fissile Materials (2006)*

This decree, adopted on 10 February 2006, implements Article 125 of the 1995 Decree relating to the Protection of Workers and the Public against Ionising Radiation (see *Nuclear Law Bulletin* Nos. 56 and 69; the text of the decree is reproduced in the Supplement to *Bulletin* No. 58).

This instrument establishes procedures pursuant to which the public authorities have to draw up emergency plans with regard to the transport of radioactive materials. These procedures are designed to favour the development of “best practices”. Emergency planning must take place at both national and provincial level. At national level, the Prime Minister’s Office – Department of Civil Protection shall include in the national emergency plan measures necessary to protect the public and property in the event of a fissile incident in the course of transport of radioactive materials, and whose effects cannot be managed at provincial level. At provincial level, the competent prefect, on the basis of the technical report drawn up by the Agency for Environmental Protection and Technical Services (APAT), prepares a provincial emergency plan in collaboration with the interested region.

## **Netherlands**

### ***Regime of nuclear installations***

*Covenant Between the Government and the Borssele Operator Concerning the Life Extension (2006)*

On 16 June 2006, a covenant was concluded between the Dutch Government and the operators of the Borssele nuclear power plant concerning the plant’s life extension. N.V. *Elektriciteits Produktiemaatschappij Zuid-Nederland EPZ* (hereinafter EPZ) was granted a licence for an indefinite period pursuant to the 1963 Nuclear Energy Act to operate the Borssele nuclear power plant. Essent Energie B.V. and Delta Energie B.V. each hold a 50% stake in the shares of EPZ.

The covenant provides for the NPP to continue operating until 31 December 2033 at the latest. Under its terms, Delta B.V. and Essent B.V. will invest in innovative types of sustainable energy and in the reduction of CO<sup>2</sup> emissions. A special fund is also to be set up by them to support the development of new clean energy technologies.

The covenant further provides that Borssele shall be one of the 25% safest water-cooled and water-moderated power reactors in the European Union, the United States of America and Canada, to which end a Committee of independent experts to be established by the parties shall regularly carry out benchmarking. It also provides that Borssele shall be dismantled as soon as possible after being shut down.

## **New Zealand**

### ***Radiation protection (including nuclear emergency planning)***

#### *Consolidated Edition of the 1965 Radiation Protection Act (2005)*

On 13 September 2005, a consolidated edition of the 1965 Radiation Protection Act, as amended, (see *Nuclear Law Bulletin* No. 15) was published. This text is available at the following URL: <http://rangi.knowledge-basket.co.nz/gpacts/reprint/text/2005/an/049.html>.

## **Poland**

### ***Radiation protection (including nuclear emergency planning)***

#### *Regulation on Ionising Radiation Sources (2006)*

This Regulation on Detailed Safety Requirements for Work Involving Ionising Radiation Sources was adopted by the Council of Ministers on 12 July 2006 and entered into force on 22 August 2006. It was made pursuant to the 2000 Atomic Energy Act (see *Nuclear Law Bulletin* Nos. 67 and 69; the text of the act is reproduced in the *Supplement* to NLB No. 68). This instrument defines:

- technical and radiation protection requirements imposed on laboratories using radioactive sources or devices containing such sources, and requirements for devices generating ionising radiation and for laboratories using such devices;
- specimens of warning sign boards for signposting entrances to laboratories or places where radioactive sources are stored;
- the classification of isotope laboratories with unsealed radioactive sources into different categories;
- regulations governing work involving radioactive sources, devices containing such sources and devices generating ionising radiation, where such applications take place outside laboratories;
- the manner in which ionising radiation sources should be controlled and registered, the frequency of such control and its documentation.

## **Romania**

### ***Organisation and structure***

#### *Decision Approving the Structure and Organisation of the Romanian Nuclear Agency (2007)*

Government Decision No. 267 of 2007 was adopted on 14 March 2007 and published in Official Gazette No. 213 of 29 March 2007. It provides that the Nuclear Agency (hereinafter NA) is a specialised body of the central public administration, has legal personality and is subordinated to the Government and co-ordinated by the Prime Minister. NA's primary purpose is to provide specialised technical assistance to the Government by formulating nuclear policy and by promoting, developing and monitoring nuclear activities in Romania. In performing its tasks, NA collaborates with the specialised bodies of the public administration at national and local levels, with other public

institutions and with legal entities which have responsibilities in the nuclear sector, with nongovernmental organisations and professional associations in the field. NA shall present a report to the Prime Minister on a quarterly basis regarding its activities in general, international developments in the nuclear sector and on the implementation of the National Plans in the nuclear field.

*Amendment of the 2003 Decision Approving the Internal Rules of the National Commission for the Control of Nuclear Activities (CNCAN) (2007)*

Government Decision No. 69, adopted on 24 January 2007, modifies and completes Government Decision No. 1627 Approving the Internal Rules of the CNCAN (see *Nuclear Law Bulletin* Nos. 73 and 74), and was published in Official Gazette No. 77 of 1 February 2007. Several new offices have been created under the direct authority of the CNCAN President: the Office of Management Control, the Office of Programmes, and the Legal Office. The Section on Emergency Preparedness was also placed under the direct supervision of the CNCAN President.

***Radioactive waste management***

*Amendment of the 2003 Ordinance on the Management of Spent Nuclear Fuel and Radioactive Waste, including Final Disposal (2007)*

Act No. 27 adopted on 15 January 2007 approved Government Ordinance No. 38 on Modification and Completion of Ordinance No. 11/2003 on the Management of Spent Nuclear Fuel and Radioactive Waste, including final disposal (see *Nuclear Law Bulletin* Nos. 71, 72 and 78). It was published in Official Gazette No. 38 of 18 January 2007. This amendment provides that the revised objective of this ordinance is as follows: establishing the responsibilities of the various bodies involved in the different stages of radioactive waste management and providing for the financial resources necessary to perform management activities regarding radioactive waste resulting from the operation and closure of radiological and nuclear installations, under nuclear safety conditions that protect workers, the public and the environment against the hazards of ionising radiation, without compromising the needs and aspirations of future generations.

The ordinance further provides that activities related to the management of radioactive waste shall be carried out in accordance with the provisions of the Medium and Long Term National Strategy for the Safe Management of Radioactive Waste and Spent Nuclear Fuel, a component of the National Nuclear Development Strategy. Special provisions relating to the financial resources necessary for the decommissioning of nuclear installations were introduced.

## **Russian Federation**

***Organisation and structure***

*Act on Administrative and Property Management of the Civilian Nuclear Energy Sector (2007)*

On 6 February 2007, the President signed a Federal Bill on the Management and Disposal of the Property and Shares of Organisations Operating within the Country's Nuclear Energy Sector. The bill was adopted by the State Duma (lower House of Parliament) on 19 January 2007 and approved by the Federal Council (Upper House) on 24 January 2007.

The act legalises ownership of nuclear materials and installations by entities other than the State, and provides for creation of a State-owned holding company for all enterprises involved in the civilian nuclear sector, to be known as *Atomenergoprom* (Atomprom). This holding company will have several branches, each of which will be responsible for part of the national nuclear industry. It does not apply to the military nuclear industry. Atomprom will control the whole nuclear cycle from uranium production through electricity generation, and will oversee nuclear power plant construction in Russia and a broad development of nuclear engineering capabilities and scientific institutions.

## **Slovak Republic**

### ***General legislation***

#### *Amendment of the Atomic Act (2007)*

In March 2006, the Slovak Government approved a resolution authorising the Nuclear Regulatory Body (UJD) to prepare an amendment to the 2004 Atomic Act (see *Nuclear Law Bulletin* No. 74) in order to modify the manner in which the regulatory body is financed.

In February 2007, the National Council adopted Act No. 94/2007 Coll. introducing extensive changes in this area. It will enter into force on 1 January 2008. The objective is to move towards a system by which UJD will be financed both from the State budget and by the nuclear operators, with a view to creating an increased income for the regulatory body. This system was inspired from already-existing models (e.g. in Finland, Hungary and Bulgaria) where national operators are obliged to contribute financially to State nuclear supervision performed by their regulatory bodies.

During recent years, the Slovak economy has undergone extensive transformation where its financial situation precluded it from providing sufficient financial resources from a limited State budget to operate and maintain a high-level regulatory body. An insufficient number of professional staff, as well as high turnover in that staff, have marked the regulatory body over recent years.

The scheduled shutdown of the two reactors of NPP Bohunice VI (2006, 2008) as well as new plans to complete the construction of two reactors at the NPP Mochovce (3, 4), drew substantial attention to this deficit with regard to the regulatory body. The alternative model of financing is designed to stabilise professional staff, to support assessment and inspection activities through extensive research and safety analysis and to assure nuclear safety requirements associated with new challenges.

Under the revised provisions of the Atomic Act, the licence-holder shall contribute an annual financial contribution for each licence granted (e.g. holders of licences for construction, commissioning, operation, decommissioning, shipment of radioactive materials, closure of repositories, management of nuclear materials, radioactive waste and spent fuel, personnel training).

Contributions are calculated on the basis of one of the following, depending on the licence and on the type of nuclear facility concerned:

- total installed thermal capacity (for NPPs);
- number of stored fuel assemblies (for fuel storages);
- radioactivity volume (for technologies for treatment and conditioning of radioactive waste);

- number of fibre-reinforced concrete containers (for repositories);
- lump-sum basis for nuclear materials management outside nuclear installations, personnel training etc.

Contributions provided will be considered to be State budget revenue and they will be listed in the bookkeeping governing revenue and expenditure of UJD. These sums shall be used exclusively for the performance of State nuclear supervision.

## **Slovenia**

### ***Radiation Protection (including nuclear emergency planning)***

#### *Regulation on Monitoring of Radioactivity (2007)*

This Regulation was adopted on 26 January 2007 jointly by the Minister of the Environment, the Minister of Health and the Minister of Agriculture, and was published in Official Gazette No. 20/07.

The regulation is divided into three main areas: overall environmental monitoring of radioactivity, so-called “operational” monitoring of radioactivity and monitoring of radioactive contamination (emergency monitoring). For all three categories, it determines the legal basis for monitoring, the qualifications of and conditions applying to persons carrying out monitoring activities, the methodology for taking measurements and samples, the quality of equipment and the method by which the public should be informed. It also determines the scope and method for the drawing up and adoption of an annual environmental and operational monitoring programme.

This regulation implements Council Directive 96/29/Euratom of 13 May 1996 Laying Down Basic Safety Standards for the Health Protection of the General Public and Workers Against the Dangers of Ionising Radiation, Commission Recommendation 2000/473/Euratom of 8 June 2000 on the Application of Article 36 of the Euratom Treaty Concerning the Monitoring of the Levels of Radioactivity in the Environment for the Purpose of Assessing the Exposure of the Population as a whole, and Commission Recommendation 2004/2/Euratom of 18 December 2003 on Standardised Information on Radioactive Airborne and Liquid Discharges into the Environment From Nuclear Power Reactors and Reprocessing Plants in Normal Operation.

## **South Africa**

### ***General legislation***

#### *Regulations on the Contents of the Annual Public Report (2006)*

In the Government Gazette No. 29050 Notice No. 716 of 28 July 2006, the Minister of Minerals and Energy, after consultation with the Board of the National Nuclear Regulator, and pursuant to Section 7 (1) (j) of the National Nuclear Regulator Act of 1999 (see *Nuclear Law Bulletin* No. 65; hereinafter “the NNR Act”), published Regulations on the Contents of the Annual Public Report on the Health and Safety related to the Workers, the Public and the Environment associated with all sites on which a nuclear installation is situated or on which any action which is capable of causing nuclear damage is carried out (Public Report Regulations).

The Public Report Regulations provide that the National Nuclear Regulator shall provide an annual public report that shall include but not be limited to the following aspects:

- list of all authorised actions in the reporting period;
- list of certificates of exemption issued in the reporting period;
- background description of authorised actions and related radioactive material;
- occupational exposure to radiation (normal operation);
- projected public exposure to radiation (normal operation);
- safety of plant and operations (nuclear safety);
- competency and sufficiency of the operator workforce to work safely;
- transport safety;
- radioactive waste safety;
- environmental protection (control of radioactive discharges to the environment and environmental surveillance programme);
- nuclear emergency planning and preparedness;
- physical security;
- safety of sealed radioactive sources under the jurisdiction of the Regulator;
- nuclear incidents/accidents reported;
- regulatory compliance inspections;
- regulatory warnings or directives to stop work;
- regulatory independent verification of radiological environmental analysis;
- regulatory capacity and number of appointed inspectors;
- appeals to the chief executive officer or the Board.

Finally, Section 4 provides that failure to comply with these regulations shall constitute an offence as contemplated in Section 52(2) of the NNR Act.

### ***Radiation protection (including nuclear emergency planning)***

#### ***Regulations on the Keeping of Records (2006)***

In the Government Gazette No. 29078 Notice No. 778 of 4 August 2006, the Minister of Minerals and Energy, after consultation with the Board of the Regulator, and under Section 37(3)(a) of the National Nuclear Regulator Act of 1999 (see *Nuclear Law Bulletin* No. 65; hereinafter “the NNR Act”), made Regulations on the Keeping of a Record of all Persons in a Nuclear Accident Defined Area (Regulations on the Keeping of Records).

Section 2 of these regulations provides that when a nuclear accident has occurred and the Regulator has defined the period and the area of the nuclear accident pursuant to Section 37(2)(b) of the NNR Act, the Regulator must keep a record of each person who, according to its information, was

within the area so defined at any time during the period so defined in the manner as specified in Section 3.

Finally, Section 4 provides that failure to comply with these regulations shall constitute an offence pursuant to Section 52(2) of the NNR Act.

### ***Regime of nuclear installations***

#### *Regulations on Safety Standards and Regulatory Practices (2006)*

The National Nuclear Regulator Act of 1999 (see *Nuclear Law Bulletin* No. 65; hereinafter “the NNR Act”) provides that the objectives of the Regulator are, *inter alia*, to provide for the protection of persons, property and the environment against nuclear damage through the establishment of safety standards and regulatory practices. Chapter 5 of the NNR Act relates to safety and emergency measures and Section 36 under this chapter provides for safety standards and regulatory practices. This section states that the Minister must, on the recommendation of the Board of Directors of the Regulator (the Board), make regulations regarding safety standards and regulatory practices.

Pursuant to Section 36, read with Section 47, of the NNR Act the Minister, after consideration of public comments and consultation with the Board, published Regulations on the Safety Standards and Regulatory Practices (Safety Standards). These Safety Standards were published under Government Gazette No. R388 (28755) of 28 April 2006.

These Safety Standards reflect and amount to the codification of some of the provisions of the International Basic Safety Standards for Protection against Ionising Radiation and for the Safety of Radiation Sources (IAEA Safety Series No. 115).

In summary the Safety Standards provide for the following:

#### **Section 1 – Definitions**

In Section 1, the Safety Standards set out definitions not provided for in the NNR Act.

#### **Section 2 – Exclusions; Exemptions; Registration; Licensing, and Clearance**

Section 2.1 provides for the exclusion of actions and introduces levels of radioactivity concentration in material below which the NNR Act does not apply.

Section 2.2 provides for exemptions and sub-Section 2.2.1 states the general principles to be complied with for the issue of a certificate of exemption in terms of Section 22 (3) (b) (ii) of the NNR Act. Sub-Section 2.2.2 provides criteria to be fulfilled in all feasible situations for actions involving radioactive material to qualify for exemption by the Regulator without further considerations.

Sub-Section 2.2.3 provides that actions not qualifying for exemption without further consideration can be given further consideration subject to a case-by-case evaluation by the Regulator based on the specific radioactivity, the total radioactivity of discrete radioactive nuclides or on exposure scenarios. Finally, sub-Section 2.2.4 provides that for transport of radioactive material the exemption criteria are those provided in the IAEA Regulations for the Safe Transport of Radioactive Material.

Section 2.3 provides for registration and states that actions, other than those qualifying for a certificate of exemption or which require a nuclear installation licence or nuclear vessel licence, must be subject to a process of registration as provided in Sections 22 and 23 of the NNR Act.

Section 2.4 provides for licensing and states that any nuclear installation or nuclear vessel must be subject to the process of licensing as provided in Sections 21, 23 and 24 of the NNR Act.

Section 2.5 provides for clearance and states that radioactive material falling within a nuclear installation licence, nuclear vessel licence or a certificate of registration may be cleared from future compliance with the requirements of a nuclear authorisation if they meet the principles of exemptions or if approval has been given by the Regulator on a case-by-case consideration.

### **Section 3 – Principal Radiation Protection and Nuclear Safety Requirements**

This section provides that the following principal radiation protection and nuclear safety requirements apply to actions authorised by, or seeking authorisation in terms of a nuclear installation licence, a nuclear vessel licence or a certificate of registration:

- dose and risk limits;
- optimisation of radiation protection and nuclear safety;
- prior safety assessments;
- good engineering practices;
- safety culture;
- retrospective application of regulations;
- regulatory approval of radiation protection and nuclear safety measures;
- accident management and emergency planning, emergency preparedness and emergency response;
- defence in depth; and
- quality management.

Section 3.11 provides that the application of radioactive protection and nuclear safety requirements contained in these regulations to any action should be commensurate with the characteristics of the action and with the magnitude and likelihood of the exposure, as determined by the safety assessments. This section concludes that not all the requirements are relevant to every action.

### **Section 4 – Requirements Applicable to Regulated Actions**

This section provides that, subject to Section 4.12, the following requirements apply to actions authorised by a nuclear installation licence, a nuclear vessel licence or a certificate of registration:

- operational safety assessments;
- controls and limitations on operation;
- maintenance and inspection programme;
- staffing and qualification;

- radiation protection (under this principle are further principles of optimisation: dose constraint: annual authorised discharge quantity: radiation dose limitation: medical surveillance and health register, and dose register);
- radiation waste management;
- environmental monitoring and surveillance;
- transport of radioactive material;
- physical security;
- records and reports; and
- monitoring of workers.

Section 4.12 provides that for actions where a prior safety assessment or the subsequent workplace monitoring demonstrates that the occupational exposure to radon does not exceed an ion level of 6 mSv/a, the requirements of Section 4 applicable to occupational exposure to radon shall be limited to those staff, medical surveillance, dose register, records and reports and workplace monitoring.

### **Section 5 – Decommissioning**

Section 5 contains requirements that apply to actions authorised by a nuclear installation licence, a nuclear vessel licence or a certificate of registration which involves the decommissioning of an installation, plant or equipment having an impact on radiation protection and nuclear safety, or the release of contaminated land for other uses. These requirements are the following:

- decommissioning strategy and planning;
- availability of resources;
- all decommissioning operations must be conducted in compliance with the applicable requirements of Section 4;
- release of contaminated land (criteria being that contaminated land must be below levels of exclusion, or does not exceed dose constraints, or the land is released for restricted use); and
- obligations under other statutes must be met.

### **Section 6 – Accidents, Incidents and Emergencies**

Section 6 states provisions applicable to emergency exposure situations requiring protective action to reduce or avert temporary exposures.

Sections 6.1 and 6.2 provide criteria for the definition of a nuclear accident and a nuclear incident, respectively. Section 6.2 requires the holder of a nuclear authorisation to immediately inform the Regulator when a nuclear accident or nuclear incident occurs and the kind of information to be provided. Finally, Section 6.4 provides that emergency or remedial measures must be considered in the vicinity of a nuclear accident where it is possible that any member of the public may receive an annual effective dose of more than 1 mSv resulting from the accident.

**Section 7** provides for general provisions and a list of exempted radioactivity concentrations and exempted total radioactivity content is provided in Annexure 1.

Dose limits for occupational exposure (covering general, apprentice and students, women and emergencies); exposure of visitors and non-occupationally exposed workers at sites; public exposure, are all provided for under Annexure 2.

Finally, Annexure 3 provides for the probabilistic risk limits for the public and workers.

## Sweden

### General legislation

#### *Amendment to the Act and Ordinance on Nuclear Activities (2006)*

On 1 July 2006, stricter requirements on the use of contractors in nuclear activities entered into force in Sweden. There had already been a legal requirement that all contractors whom licence-holders wish to associate with their operational activities must be approved by the Swedish Nuclear Power Inspectorate (SKI). The new provisions limit the number of sub-contractors that can be used for any given activity. Amended Article 5 of the 1984 Act on Nuclear Activities (see *Nuclear Law Bulletin* Nos. 31 and 33; the text of the act is reproduced in the Supplement to NLB No. 33) provides that there can be at most two contractors involved in any specific task. This means that it is no longer possible to utilise contractors sub-contracting other contractors in several tiers.

It is important to point out that these provisions only apply to “nuclear activities” pursuant to the Swedish legislation. This means that a range of activities, although of vital importance for nuclear operators, are not subject to these requirements. For example, the manufacturing of components to be installed in a nuclear power plant is not considered to be a nuclear activity, although their installation is.

In a simultaneous amendment of the 1984 Ordinance on Nuclear Activities (see also *Nuclear Law Bulletin* Nos. 31 and 33; the text of the ordinance is reproduced in the Supplement to NLB No. 33), SKI was authorised to issue regulations on certain exemptions from the requirement that all contractors need to be approved before engaging in nuclear activities. If **only one** contractor is to be used for a specific activity, the approval process can be replaced by a notification to SKI. On 13 December 2006, SKI issued new regulations providing that a simplified notification procedure can be used for most types of nuclear activities, provided that the prescribed management and control measures exist and that a satisfactory assessment of the contractor has been conducted.

The following illustration gives an overview of the new requirements regarding contractors in nuclear activities:

Licence-holder	
↓	
Contractor	Commission is allowed; approval is needed unless there is an exemption in the SKI regulations 2006:1.
↓	
Sub-Contractor	Commission is allowed; approval is always needed.
✱ ↓	
Sub-Sub-Contractor	Commission is not allowed.