

# Bibliography & News Briefs

## Bibliography

### Nuclear Energy Agency

#### *New Publication: Nuclear Energy Outlook (2008)*

The *Nuclear Energy Outlook* (NEO) is the first publication of its kind and responds to the renewed interest in nuclear energy by many OECD member countries. World energy demand continues to grow unabated and is leading to very serious concerns about security of supply, soaring energy prices and climate change stemming from fossil fuel consumption. Nuclear energy is being increasingly seen as having a role to play in addressing these concerns.

This Outlook uses the most current data and statistics available and provides projections up to 2050 to consider growth scenarios and potential implications on the future use of nuclear energy. It also offers unique analyses and recommendations on the possible challenges that lie ahead.

Topics covered by the NEO include nuclear power's current status and projected trends, environmental impacts, uranium resources and security of supply, costs, safety and regulation, radioactive waste management and decommissioning, non-proliferation and security, legal frameworks, infrastructure, stakeholder engagement, advanced reactors and advanced fuel cycles.

#### *Legal Issues*

The renewed interest in nuclear energy entails particular challenges for national and international legal frameworks which are addressed in Chapters 9, 10, 12 of the Outlook.

Chapter 9 focuses on current and emerging issues in the nuclear non-proliferation and security fields. It examines the nuclear non-proliferation regime and related treaties and discusses ways and means by which that regime might be preserved and enhanced. It also takes a close look at the impact of international instruments addressing nuclear security concerns. While predictions are always difficult, the Outlook does identify a number of realistic trends for the future, including the acknowledged need for harmonised legal frameworks, co-ordination of co-operation and assistance, overcoming weak enforcement and compliance measures, balancing transparency and confidentiality and responding to the so-called "nuclear renaissance".

Chapter 10 deals with the suite of legally-binding conventions, treaties, agreements and resolutions, together with the non-legally binding codes, guidelines and standards, which make up the current international legal framework for carrying out nuclear activities and which are reflected in national legal frameworks. The challenge for governments in the future will be to ensure that these frameworks, which have already undergone significant changes over the past five decades, remain sufficiently flexible to adapt to future developments, including a significant increase in global energy production and to attract adhesion by countries embarking on nuclear power programmes for the first time.

Finally, Chapter 12 on stakeholder engagement includes a study of the evolution of international laws granting public rights of access to information and participation in nuclear decision-making by governments. In addition, it projects an increasingly participative approach, given the recognition by legislators that stakeholder involvement will lead to more effective implementation of nuclear safety and environmental policies, thereby further enhancing public confidence in nuclear activities. For such an approach to be effective, a legal framework based on transparency and stakeholder involvement is essential.

### ***NEA Online Publication: Nuclear Legislation in OECD Countries (2008)***

The Nuclear Energy Agency publishes its *Regulatory and Institutional Framework for Nuclear Activities* as a free and exclusively online publication on its website *Nuclear Legislation in OECD Countries*, available at [www.nea.fr/html/law/legislation/welcome.html](http://www.nea.fr/html/law/legislation/welcome.html).

The various chapters of this publication are organised on the basis of a standardised format, thus facilitating the search for and comparison of information. It provides reliable information on the nuclear legislation and institutional framework governing nuclear activities in the 30 OECD member countries. The chapters have been updated or are in the process of being updated at the moment to be posted on the referred website shortly. Users may also find links to the texts of national nuclear legislation of the various countries under the country profiles.

The NEA has also created a new site, *Latest Legislative Developments in OECD countries* at [www.nea.fr/html/law/legislation/updates.html](http://www.nea.fr/html/law/legislation/updates.html) where it posts information on recent legislative developments, as soon as they have been provided by national correspondents to the *Nuclear Law Bulletin*.

## **News Briefs**

### **European Atomic Energy Community**

#### ***Second Strategic Energy Review & Update of the Nuclear Illustrative Programme (2008)***

The European Commission has published its second Strategic Energy Review.

In the review, the European Commission defines its strategy to realise a forward-looking political agenda and achieve its core energy objectives of sustainability, competitiveness and security of supply. The ambitious agenda aims at reducing greenhouse gas emissions by 20%, increasing the share of renewables in the energy consumption to 20% and improving energy efficiency by 20%, all of it by 2020 (“20-20-20” targets).<sup>1</sup> The Commission proposes a five-point EU Energy Security and Solidarity Action Plan, namely (a) infrastructure needs and the diversification of energy supplies, (b) external energy relations, (c) oil and gas stocks and crisis response mechanisms, (d) energy efficiency and (e) making the best use of the EU’s indigenous energy resources.

With respect to nuclear energy the review states that it “contributes to the EU’s security of energy supply as a major source of baseload electricity, not increasing greenhouse gas emissions and thus combating climate change”. The Commission acknowledges that it is for each member state to

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1. EU Energy Security and Solidarity Action Plan: 2<sup>nd</sup> Strategic Energy Review, MEMO/08/703.

choose whether or not to invest in nuclear energy but – in order “to maintain the highest safety, security, non-proliferation and environmental protection standards for nuclear generation” – it announces the presentation of revised proposals for a directive setting up a Community framework for nuclear safety in 2008.

In the context of the Second Strategic Energy Review, the Commission also updated its Nuclear Illustrative Programme (PINIC) of 2007 (see *Nuclear Law Bulletin* Nos. 79 and 80) in which it focuses on the key aspects of security of supply, investment needs and the conditions for realising investments. The Commission presents a picture on the new plants under construction, new investment plans, the capacity uprating and lifetime extensions as well as planned closures and predicts that according to the “current projections, the nuclear generating capacity in the EU would fall by as much as 33 GWe by 2020”. The updated PINIC address the issues discussed in several fora, such as the European Social and Economic Committee, the High Level Group on Nuclear Safety and Waste Management and the European Nuclear Energy Forum.

Finally, the Commission introduced three recommendations: On licensing issues, the Commission recommends that common reactor safety levels for existing nuclear power plants and new builds should be adopted and that “only designs whose safety and security levels are equivalent to Generation III, or subsequent improvements should be considered in the EU for future new builds”. On civil liability for nuclear damage, the recommendation is that “a more coherent and harmonised liability scheme should be developed to ensure a comparable level of protection for citizens and to create a level playing field for EU nuclear industry”.

#### ***Meetings of the High Level Group on Nuclear Safety and Waste Management (2008)***

The last three meetings of the European High Level Group on Nuclear Safety and Waste Management (HLG) took place on 21 April in Vienna, on 30 May and on 15 October 2008 in Brussels, marking the agreement of the nuclear safety regulators from all 27 EU member states on steps to further strengthen nuclear safety, radioactive waste management and decommissioning arrangements in the EU. The group’s activity received large support from the European Parliament and the Western European Nuclear Regulators Association (WENRA). The growing interest in the group’s activity in Europe and worldwide was illustrated by the extension of membership to observers from Switzerland, Norway and the IAEA.

According to Article 6 of Commission Decision of 17 July 2007,<sup>2</sup> the HLG shall submit a report of its activities to the Commission, the first one of which is due by July 2009, and the Commission shall transmit the report to the European Parliament and Council.

At the meeting of the HLG on 30 May 2008, all delegates committed themselves to further improvements in the following areas:

- EU member states’ regulators have committed to openly exchange information emerging from the review process under the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. In addition, common lessons learned will be sought to enhance nuclear safety or radioactive waste management arrangements in all EU members states based on findings in each of them.

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2. 2007/530/EURATOM.

- EU member states' regulators will invite IAEA peer review teams to thoroughly review arrangements in their regulatory bodies and seek areas where lessons can be learnt from international best practice and identify areas of good practice. In the meantime, all member states should undertake a self assessment against the IAEA standards, inviting experts from other EU member states as appropriate.
- Regulators have agreed to work together to further improve radioactive waste and spent fuel management practices in the EU, to strengthen co-operation and to monitor the enhancement of the financing of decommissioning and the safe management of spent fuel and radioactive waste. In the months to come, discussions in the HLG should be held on the establishment and implementation of radioactive waste management plans in all the EU member states.

The fifth meeting of the HLG on 15 October 2008 was opened by Energy Commissioner, *Andris Piebalgs*, who highlighted the increased attention given to nuclear safety issues and the importance attached to the need for a higher level of nuclear safety, better management of radioactive waste and better communication to the public through broader stakeholder consensus provided by the European Nuclear Energy Forum.<sup>3</sup> In the course of the meeting, the Commission circulated draft directives on nuclear safety with the aim of harmonisation of the highest safety standards throughout the European Union. Unlike the first draft directives of 2003 and 2004, the present draft does not contain provisions on waste management and its funding. Following the consultations in the High Level Group, the European Nuclear Energy Forum and the Western European Nuclear Regulators Association, the Commission adopted a revised proposal for a directive on 26 November 2008. Under Article 31 and 32 of the Treaty establishing the European Atomic Energy Community, qualified majority is sufficient to pass the legislation. The Euratom Treaty requires consultation with the European Parliament which has, however, no co-decision powers.

The HLG also decided to change its name to European Nuclear Safety Regulators Group (ENSREG).

### ***Third plenary meeting of the European Nuclear Energy Forum (2008)***

The third plenary meeting of the European Nuclear Energy Forum (ENEF) took place in Bratislava, Slovakia, on 3 and 4 November 2008. Approximately 200 participants took note of the detailed progress reports on the work of the ENEF working groups (WG) on opportunities, risks and transparency, presented by the chairmen of the WG's, and discussed the results in panel discussions and debates.

The WG on Information and Transparency is chaired by *Mr. János Tóth* of the European Economic and Social Committee. His report was followed by a debate on how to improve public consultation and the need to define the role of local and national decision-makers in the process.

The report of the WG Risks, which is chaired by *Dr. Walter Hohlefelder* of E.ON, focused on issues related to a European legal framework on nuclear safety that the European Commission should take into account when drafting its directives in this field.

Finally, the report of the WG Opportunities, which is chaired by *Mr. Jean-Pol Poncelet* of AREVA, highlighted the competitiveness of nuclear energy and outlined concrete ways of offering

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3. RAPID Press Release, IP/08/1512 of 15 October 2008.

stable and competitive electricity prices for Europe's consumers. The WG Opportunities has founded the subgroup "Nuclear Legal Road Map" with the aim to establish a nuclear energy roadmap to improve the legal framework, including greater harmonisation of licensing procedures. The subgroup will address more issues on nuclear law in due time and in close co-operation with other groups and subgroups of ENEF.

The next ENEF plenary meeting will take place in Prague in May 2009.

## **G8 Hokkaido Summit**

### ***Joint Statement by G8 Heads of State, Hokkaido, Japan (2008)***

On 8 July 2008, leaders of the G8 issued a statement on environment and climate change endorsing a global agreement in the United Nations Framework Convention on Climate Change (UNFCCC) by 2009. In the statement, G8 leaders sought to share with all parties to the UNFCCC a vision of the global target of a 50% cut in carbon emissions by 2050.

It is acknowledged in No. 28 of this statement that nuclear energy could contribute to this goal given "that a growing number of countries have expressed their interests in nuclear power programs as a means to addressing climate change and energy security concerns. These countries regard nuclear power as an essential instrument in reducing dependence on fossil fuels and hence greenhouse gas emissions". They further reiterate in the statement "that safeguards (nuclear non-proliferation), nuclear safety and nuclear security (3S) are fundamental principles for the peaceful use of nuclear energy. Against this background, an international initiative proposed by Japan on 3S-based nuclear energy infrastructure will be launched", affirming the role of the International Atomic Energy Agency (IAEA) in this process.

The full statement is available at [www.g8summit.go.jp/eng/doc/doc080709\\_02\\_en.html](http://www.g8summit.go.jp/eng/doc/doc080709_02_en.html).

## **International Atomic Energy Agency**

### ***International Expert Group on Nuclear Liability (2008)***

The 8<sup>th</sup> meeting of the International Expert Group on Nuclear Liability (INLEX), established by the Director General in 2003 (see *Nuclear Law Bulletin* Nos. 74 and 75), took place from 21 to 23 May 2008 at IAEA headquarters in Vienna. The opening day of the meeting was marked by the United States' depositing its instrument of ratification of the Convention on Supplementary Compensation for Nuclear Damage (CSC).

Major topics discussed during the meeting included, *inter alia*, INLEX outreach activities, the EC Impact Assessment on Nuclear Liability and the German proposal to allow Contracting Parties to the 1997 Vienna Convention on Civil Liability for Nuclear Damage (and possibly the CSC as well) to exclude certain small research reactors and nuclear installations being decommissioned from the scope of application of these conventions.

On INLEX outreach activities, the meeting reviewed the results of the third Regional Workshop on Liability for Nuclear Damage held in Sun City, South Africa, 11 to 13 February 2008 and noted the growing interest expressed by workshop participants on the mechanisms associated with developing

and implementing national nuclear liability legislation in accordance with the international nuclear liability instruments.

On the EC Impact Assessment on Nuclear Liability, INLEX will follow closely the study launched by the EC aimed at identifying the possible impacts of the different policy options that are open to the EC with respect to trying to achieve a uniform regime on nuclear third party liability within the European Union (EU). With a growing number of European countries having recently requested the EC to give its opinion on the construction of new nuclear power plants and the current state of the nuclear liability regime within the EU, the matter of harmonisation has resurfaced in the EU. INLEX expressed concern over the current alternatives proposed by the EC, especially the suggestion that Euratom could adopt a directive on liability, and encouraged the EC to continue to look at all the possible avenues available, including those that would contribute to strengthening the global nuclear liability regime such as the CSC or the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention.

On the German proposals to allow contracting parties to exclude certain small research reactors and nuclear installations being decommissioned from the scope of application of the 1997 Vienna Convention on Civil Liability for Nuclear Damage (and possibly the CSC as well), INLEX noted that similar proposals had also been introduced by Germany in the framework of the Paris Conventions on nuclear liability adopted under OECD/NEA auspices. The meeting agreed that a uniform approach between the Paris and the Vienna regime should be pursued and called for continued co-operation between the OECD/NEA and the IAEA in this regard. As a first step, the meeting agreed to forward the proposals for technical evaluation to the IAEA Waste Safety Standards Committee (WASSC) and Radiation Safety Standards Committee (RASSC).

## **International Nuclear Law Association**

### ***2009 Nuclear Inter Jura Biennial Congress in Toronto***

The 2009 Nuclear Inter Jura Congress will be held in Toronto, Canada from 5 to 9 October 2009. The biennial congress is organised by the International Nuclear Law Association (INLA), this time in co-operation with the Canadian Nuclear Law Organisation.

INLA was established in the early 1970s with the aim of strengthening communication and relations among lawyers active in this field to facilitate exchange of information and promote co-operation. According to Article 3 of its statutes, INLA shall have as objectives the promotion and pursuit, on an international level, of studies and knowledge of legal issues related to the peaceful utilisation of nuclear energy, with a focus on protecting persons, property and the environment as well as the exchange of information between members of the association. For this purpose, it may organise or promote meetings, congresses, debates, lectures, conferences and seminars.

Every two years, at the Nuclear Inter Jura Congress, participants address a wide variety of legal issues in the context of the latest legal, political and economic climate. More information on the forthcoming congress, including further details on the programme, will be available at [www.aidn-inla.be](http://www.aidn-inla.be) shortly.

## **International Radiation Protection Association**

### ***12<sup>th</sup> International Congress (2008)***

The 12<sup>th</sup> International Congress of the International Radiation Protection Association (IRPA) took place from 19 to 24 October 2008 in Buenos Aires, Argentina under the auspices of *Philipp Metcalf*, President of IRPA and *Abel González*, President of the IRPA 12<sup>th</sup> International Congress.

This year's congress included a special technical session on *Legal Implications of Radiation Protection*, the first of its kind at an IRPA Congress, chaired by the Head of Legal Affairs at the OECD Nuclear Energy Agency, *Mrs. Julia Schwartz*.

Three presentations were given during the session, reflecting the broad range of legal implications that arise from today's radiation protection challenges: *Mr. Stephen Burns*, Deputy General Counsel of the U.S. Nuclear Regulatory Commission, made a presentation on "Public Participation and Public Involvement" that largely reflected the NRC's own experience in this area with observations on the tension that exists between the NRC's ability to implement its standards and public acceptance in general. *Mr. Ludo Veuchelen*, Legal Advisor to the Belgian Nuclear Research Centre focused his presentation on the complexities of the ALARA principle and more particularly on whether it imposes a real legal duty, under both common law and civil law concepts. The last presentation was given by *Mrs. Julia Schwartz* on the liability and compensation regimes that exist at both national and international levels to ensure that where nuclear damage is suffered as a result of an accident, victims will receive adequate compensation for their losses. The session also benefitted from the presence of *Mr. Anthony Baretta*, a nuclear engineer and Associate Chief Administrative Judge (Technical) on the Atomic Safety and Licensing Board. As the session "commentator", he participated in discussions and provided participants with observations on what had been covered in the various presentations.

The primary purpose of IRPA is to provide a forum whereby those engaged in radiation protection activities may communicate more readily with each other and advance radiation protection in many parts of the world. The activities cover science, medicine, engineering, technology and law in order to provide for the protection of humans and the environment from the hazards caused by radiation, and thereby facilitate the safe use of medical, scientific and industrial radiological practices for the benefit of mankind, see [www.irpa.net](http://www.irpa.net).

The International Congresses of IRPA have been held approximately every four years since 1966. The 13<sup>th</sup> session will be organised in 2012 in Glasgow, United Kingdom. Given the keen interest in legal issues demonstrated by the radiation protection community during the IRPA 12 Legal Session, it is expected that an even more comprehensive session devoted to the legal implications of radiation protection will be organised for IRPA 13.

## **International School of Nuclear Law**

### ***2009 Session of the ISNL***

The 9<sup>th</sup> Session of the International School of Nuclear Law (ISNL) will take place from 24 August to 4 September 2009 in Montpellier, France.

The ISNL was established in 2001 by the University of Montpellier 1 and the NEA and aims to provide a high-quality, intensive educational programme in all aspects of international nuclear law.

Application forms for this session may be downloaded from the NEA website at [www.nea.fr/html/law/isnl/index.html](http://www.nea.fr/html/law/isnl/index.html) and must be submitted before 31 March 2009.

## **World Institute for Nuclear Security**

### ***World Institute for Nuclear Security launched (2008)***

On 29 September 2008, a new organisation to strengthen the physical protection and security of nuclear and radioactive materials and facilities was launched in Vienna, Austria.<sup>4</sup> The World Institute for Nuclear Security (WINS) is expected to bring together nuclear security experts, the nuclear industry, governments and international organisations to focus on rapid and sustainable improvement of security at nuclear facilities around the world.

On-the-ground security experts will collect security practices for dealing with nuclear facilities and materials and share that information to improve security worldwide. WINS's initial activities will concentrate on the most dangerous materials (highly enriched uranium and plutonium), but its scope of work includes both weapons-usable material and radioactive materials.

The Nuclear Threat Initiative (NTI), the Institute for Nuclear Materials Management and the U.S. Department of Energy worked together to launch WINS in close co-ordination with the International Atomic Energy Agency (IAEA). *Dr. Roger Howsley*, former Director for Security, Safeguards and International Affairs at British Nuclear Fuels, serves as WINS's first executive director.

More information is available at [www.wins.org](http://www.wins.org).

## **World Nuclear University**

### ***Summer Institute and regional sessions (2008)***

The fourth Summer Institute of the World Nuclear University (WNU-SI) took place at Ottawa University in Canada from 5 July to 15 August 2008. The WNU-SI aims at building future global leadership in fields of nuclear science and technology. The 6-week programme focuses on presentations from leading world experts on the full range of topics relevant for the future of nuclear energy. This year's programme was attended by approximately 100 young professionals coming from industry and regulatory authorities from all over the world.

The Legal Affairs Offices of the OECD Nuclear Energy Agency and of the International Atomic Energy Agency jointly prepared sessions focusing on nuclear law in general, liability for damage, environmental concerns and nuclear security. Short scenarios were also developed to transform and apply the lessons learned from the presentations.

In 2008, the WNU also organised regional sessions in Brazil, Argentina, South Africa, China, Korea and Turkey. These 1-week orientation courses aim to inform an audience of graduate students and nuclear professionals on the key issues in the nuclear energy sector. Emphasis was placed on the nuclear fuel cycle, design management, project management and financing, nuclear law, nuclear

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4. NTI Press Release of 28 September 2008, available at [www.nti.org/c\\_press/release\\_WINS\\_092908.pdf](http://www.nti.org/c_press/release_WINS_092908.pdf).

economics, nuclear transport, radiation protection and radioactive waste management. The OECD/NEA Legal Affairs Section participated in all regional seminars, except for South Africa.

The WNU is supported by the World Nuclear Association, the OECD/NEA, the World Association of Nuclear Operators and the International Atomic Energy Agency. Further information is available at [www.world-nuclear-university.org](http://www.world-nuclear-university.org).

The next WNU-SI will be held at the University of Oxford, England from 5 July to 15 August 2009.