

Law No. 25018/98

National Law on Radioactive Waste Management Regime

General Provisions

ARTICLE 1.- This law sets forth the basic instruments for an adequate radioactive waste management that, in this aspect, assure the protection of the environment, public health and the rights of posterity.

ARTICLE 2.- For the purpose of the present law, Radioactive Waste Management means the ensemble of the necessary activities to isolate from the biosphere radioactive waste derived exclusively from the nuclear activity performed in the Argentine territory, the time required for the decay of its radioactivity to such a level that its possible re-entrance to the biosphere does not imply risks for man and his environment. Such activities will have to be performed in complete agreement with the limits established by the NUCLEAR REGULATORY AUTHORITY and with all the corresponding national, provincial and City of Buenos Aires regulations as well as with the international agreements.

ARTICLE 3.- For the purpose of this law, radioactive waste means all radioactive material, combined or not with non-radioactive material, which has been used in productive processes or applications, for which no immediate subsequent uses are foreseen in the same facility, and which, because of its radiological characteristics, cannot be dispersed in the environment in accordance with the limits established by the NUCLEAR REGULATORY AUTHORITY.

ARTICLE 4.- The ARGENTINE ATOMIC ENERGY COMMISSION (CNEA) is the enforcement authority of this law and will co-ordinate everything related to its application with the provinces or the City of Buenos Aires, as may correspond.

ARTICLE 5.- In all the activities of radioactive waste management the ARGENTINE ATOMIC ENERGY COMMISSION will have to comply with regulatory standards referred to radiological and nuclear safety, security and environmental protection and international safeguards established by the NUCLEAR REGULATORY AUTHORITY and with all the corresponding national, provincial and City of Buenos Aires regulations.

Responsibility and Transference

ARTICLE 6.- The National State, through the enforcement authority of the present Law, shall assume the responsibility of the radioactive waste management. The generators of radioactive waste will have to provide the necessary resources to undertake it in due time and manner. The generator shall be responsible for the safe conditioning and storage of the waste generated by the facility operated by him, in compliance with the conditions determined by the enforcement authority, until its transference to the ARGENTINE ATOMIC ENERGY COMMISSION, and shall notify the NUCLEAR REGULATORY AUTHORITY immediately about any situation that could lead to an incident, accident or operation failure.

ARTICLE 7.- The ARGENTINE ATOMIC ENERGY COMMISSION shall establish the radioactive waste acceptance criteria and transference conditions that are necessary to assume its responsibility, and these will have to be approved by the NUCLEAR REGULATORY AUTHORITY.

ARTICLE 8.- The transference to the ARGENTINE ATOMIC ENERGY COMMISSION of radioactive wastes, particularly irradiated fuel elements, will be done at the time and according to the procedures determined by the ARGENTINE ATOMIC ENERGY COMMISSION with the prior approval by the NUCLEAR REGULATORY AUTHORITY. Under no circumstances the operator of the generating facility will be released from the responsibility in case of eventual civil and / or environmental damages until the transfer of radioactive waste has been accomplished.

ARTICLE 9.- The ARGENTINE ATOMIC ENERGY COMMISSION must prepare, within a term of SIX (6) months as from the enacting of the present Law, to be updated every THREE (3) years, a Strategic Plan for Radioactive Waste Management, which will include the National Programme of Radioactive Waste Management created by ARTICLE 10 of the present Law. This Plan and its updated versions will be forwarded to the EXECUTIVE, who, after consulting with the NUCLEAR REGULATORY AUTHORITY, will send it to the NATIONAL CONGRESS for its enactment.

Likewise, it will annually present to the National Congress a report on the tasks performed, the progress of the Strategic Plan and the need of its update.

National Program of Radioactive Waste Management

ARTICLE 10.- The ARGENTINE ATOMIC ENERGY COMMISSION through the National Programme of Radioactive Waste Management created by this Law must:

- a. Design the strategy of radioactive waste management for the Argentine Republic and the places under its jurisdiction.
- b. Propose the research and development lines related to technologies and methods of high, intermediate and low level radioactive waste management.
- c. Plan, co-ordinate, execute and assign the necessary funds, and control the execution of research and development projects related to radioactive waste management.
- d. Study the need to establish repositories and facilities for the management of high, intermediate and low level waste generated by the nuclear activity from the public or private sector.
- e. Promote studies on safety and preservation of the environment.
- f. Project and operate the systems, equipment, facilities and repositories for the management of high, intermediate and low level waste generated by nuclear activity from the public or private sector.
- g. Construct, by itself or by third parties, the systems, equipment, facilities and repositories for the management of high, intermediate and low level waste generated by the nuclear activity from the public or private sector.
- h. Propose the acceptance criteria and transference conditions of radioactive waste for high, intermediate and low level waste repositories.
- i. Determine the procedures for the collection, segregation, characterisation, treatment, conditioning, transport, storage and final disposal of radioactive waste.
- j. Manage the waste originated by the nuclear activity from the public or private sector, including those generated at the closure of facilities, those derived from uranium mining and those originated in abandoned mining sites and out-of-service industrial plants.
- k. Implement, maintain and operate an information and recording system containing the documentation to allow the reliable and continuous identification of the waste generators and transporters and other participants in all management stages. It must also include the inventory of all radioactive waste existing in the country. Copies of the documentation, corresponding to their respective jurisdiction, must

be forwarded to the competent authorities of the provinces and the City of Buenos Aires for their information.

- l. Prepare contingency plans for incidents, accidents or operation failures and evacuation programmes for emergencies.
- m. Permanently inform the community about the scientific and technological aspects of radioactive waste management.
- n. Exercise the long term responsibility on the radioactive waste repositories.
- o. In the case of a nuclear emergency, act as a support to the services of civil protection in the manner and circumstances that may be required.
- p. Perform the necessary technical and financial studies, taking into account the deferred costs derived from radioactive waste management, with the objective to establish the adequate economic policy.
- q. Perform any other activity needed to comply with the objectives of the management.

ARTICLE 11.- The National Programme of Radioactive Waste Management will incorporate the recovery of the sites affected by the activities of extraction, grinding, concentration, treatment and elaboration of radioactive minerals originated in operating mines sites and their respective manufacturing plants, as well as from abandoned mining deposits or out-of-service industrial plants.

The application of the principle “as low as possible environmental impact” must be integrated with complementary programmes of sustainable development for directly affected communities and shall continue under the evaluation procedures of environmental impact determined by the provinces or the City of Buenos Aires, as may correspond.

ARTICLE 12.- In the case that the ARGENTINE ATOMIC ENERGY COMMISSION proposes the need to locate facilities for the final disposal of high, intermediate or low level radioactive waste, the selected sites will have to be previously approved as an essential requisite by the law of the province or the City of Buenos Aires, as may correspond, in agreement with the NUCLEAR REGULATORY AUTHORITY.

For this purpose, the corresponding environmental feasibility studies will have to be undertaken, containing a description of the proposal and of the direct and indirect potential effects that it could cause to the environment, indicating in this case the adequate measures to avoid or minimise the risks and/or negative consequences, and informing about the scopes, risks and benefits of the project.

A public hearing shall be called with a notice of no less than TEN (10) calendar days, through a media of regional circulation giving the pertinent information related to the future site.

Financing of Radioactive Waste Management

ARTICLE 13.- This Law creates the Fund for the Management and Final Disposal of Radioactive Waste to be constituted when this Law is enacted and whose exclusive destiny will be the financing of the National Programme of Radioactive Waste Management under the responsibility of the ARGENTINE ATOMIC ENERGY COMMISSION.

Said Fund will be integrated with the contributions of the radioactive waste generators in the form to be determined by the regulation, according to ARTICLE 10, item p) of this Law respecting the principles of equity and equilibrium according to the nature, volume and other characteristics of the generation. Such contributions will be integrated at the shortest term as from the generation of the corresponding waste.

ARTICLE 14.- Taking into account the existence of deferred costs in the radioactive waste management, the National Congress will promulgate a law regulating the administration and control of the fund foreseen in ARTICLE 13 of this Law.

ARTICLE 15.- This Law revokes the Fund for Final Repositories of High Activity Nuclear Waste created by Decree No. 1540/94. The existing resources shall be transferred to the Fund established by this Law.

ARTICLE 16.- To be communicated to the Executive Power.