

National legislative and regulatory activities

Bulgaria

General legislation

Amendments to the Act on the Safe Use of Nuclear Energy (2010)

Amendments made to the Act on the Safe Use of Nuclear Energy (ASUNE) entered into force on 15 October 2010. These amendments provide key updates to Bulgarian legislation in accordance with international standards, taking into account international conventions and treaties, new EU legislation, new or modified documents from the IAEA as well as practical experience in applying the ASUNE itself.

Most of these amendments relate to licensing with a number of provisions revised for better understanding or implementation. The provisions of a number of new documents were incorporated, such as Council Directive 2009/71 Euratom of 25 June 2009 establishing a Community framework for the safety of nuclear installations¹ and IAEA requirements for an integrated management system. Only a small number of changes were required to transpose this Euratom Directive into national legislation. With regard to the IAEA requirements, licensees are now obliged to establish and manage a system which will provide an integrated approach to ensuring safety and an appropriate safety culture. A new licensing regime has been established for the import and export of items involving sources of ionising radiation (i.e. other than “dual-use” items). Lastly, a decommissioning license is now required instead of a series of decommissioning permits to ensure licensee responsibility throughout the entire decommissioning process. The license shall be issued for up to ten years and shall be renewed on the basis of a satisfactory safety reassessment.

Physical protection provisions have been supplemented to require licensees to perform a threat assessment of nuclear material, including an assessment of the risk of theft, sabotage or other unauthorised diversion. In addition, physical protection information is now protected as sensitive information for official use only. Safeguards arrangements have also been amended to reflect the IAEA-Euratom-Bulgaria Agreement and additional protocol.

Radioactive waste management provisions have also been modified to take into account plans for the construction of a national radioactive waste repository, including the procedure for acquiring the land necessary for that purpose. The repository is designated as a site of national significance, thus invoking special protection measures such as limited access to the site, protection of relevant information and special attention to national security issues.

The amendments also clarify the allocation of enforcement measures, providing that regulatory inspectors shall enforce measures concerning technological operations while the Chairman of the Nuclear Regulatory Agency shall enforce measures such as testing of an installation, products, systems or components,

1. OJ L 172, 02/07/2009.

alteration of established operating limits and conditions and modifications of design and structures relevant to nuclear safety.

Lastly, the 2010 amendments provide for the succession of rights and responsibilities in case of the transfer of ownership of an installation or the bankruptcy of the licensee.

Czech Republic

General legislation

Amendments to the Act on Peaceful Use of Nuclear Energy of 1997 (introduction of administrative fees in the licensing process) (2011)²

The Czech Republic ranks among those member states of the European Union which plan to multiply its number of nuclear power plants in the future.³ In July 2008, the company CEZ announced its plan to build two more reactors at the Temelin site, with a construction start in 2013 and commissioning of the first unit in 2020. The strategic document “Politics of Regional Development of 2008” envisages construction of a third nuclear power plant in Northern Moravia, at the site of Blahutovice (project “Allegro”).

It has been acknowledged that the licensing processes necessary for these new installations will constitute a major financial burden for the State Nuclear Safety Authority, which was, until recently, financed exclusively from the state budget. This arrangement contrasts with the current situation in several nuclear countries, as can be seen from the table below.

Country	Nuclear regulatory authority	Annual budget	Financial contribution from operators
Canada	CNSC	CAD 90 million	70%
Finland	STUK	EUR 36 million	60%
France	ASN	EUR 59 million	100%
Hungary	HAEA	HUF 1.8 million	80%
Slovak Republic	ÚJD	EUR 5 million	80%
United Kingdom	HSE/NII	GBP 22 million	100%
USA	NRC	USD 1.1 billion	90%

Consequently, the Act on the Peaceful Use of Nuclear Energy of 1997 was amended to include a set of administrative fees to be paid by the investor/licensee (other than scientific or medical institutions and universities) when applying for a licence from the State Nuclear Safety Authority:

- up to CZK 30 million for a site licence;
- up to CZK 150 million for a construction licence;
- up to CZK 60 million for an operating licence; and
- up to CZK 60 million for a decommissioning licence.

The amendments entered into force on 30 August 2011.

2. Act No. 249/2011 Coll. of 20 July 2011.

3. A very recent draft of the new State Energy Policy, which is still under discussion, expects massive development of nuclear capacity in the Czech Republic. According to this draft, nuclear will produce 90 percent of electricity until the year 2060. The final version of the Policy will be submitted to the Government at the end of 2011.

Amendments to the Act on Peaceful Use of Nuclear Energy of 1997 (2011) (financial support of municipalities affected by the licensing of a deep geological radioactive waste repository)⁴

There are three operating radioactive waste repositories in the Czech Republic (Dukovany, Richard near Litoměřice and Bratrství in Jáchymov)⁵ all of which are owned by the state and managed by the Radioactive Waste Repository Authority,⁶ which is responsible for the safe disposal of all radioactive waste in the Czech Republic.

The Act on the Peaceful Use of Nuclear Energy of 1997 provides that the Radioactive Waste Repository Authority may grant financial support to those municipalities affected by an existing repository. However, under the amendment, financial support will now also be available to municipalities affected by the licensing processes laid down in the Act No. 62/1988 Coll. on Geological Works. For example, if an exploration permit is granted by a competent mining authority, an affected municipality which did not make a claim against this permit may seek financial support from the Authority. The sum is to be paid from the “nuclear fund”, created by contributions from radioactive waste generators to cover the costs of the final phase of the nuclear fuel cycle. The amount shall not exceed CZK 3 million and the final sum is to be set according to the size of the exploration area. Details are to be specified in a special decree of the government. The amendment entered into force on 15 September 2011.

Currently, it is expected that exploratory geological works will begin at 4 sites and that about 24 municipalities will be concerned. The total amount of financial support granted to concerned municipalities shall not, according to existing calculations, exceed 30 million CZK. It is expected that concerned municipalities will use this financial support for development and infrastructure projects.

France

General legislation

Changes to the Code of Energy regarding International Organisations

Decree 2011-607 of 30 May 2011 relating to the Euratom Technical Committee allows for a strengthening of the legal basis of the Euratom Technical Committee (CTE) which until now has been based on decree 2005-1283 of 17 October 2005 concerning the General Secretariat of European Affairs (SGAE) and on the SGAE circular dated 24 October 2005.

The mission of the CTE, under the authority of the Prime Minister, is the following:

- to ensure the proper monitoring of the implementation of the international controls over nuclear material exercised in France by the European Commission and the International Atomic Energy Agency (IAEA);

4. Act No. 250/2011 Coll. of 20 July 2011.

5. The Richard repository near Litoměřice is currently used for the disposal of institutional waste. The Dukovany repository is used for waste generated by Czech nuclear power plants and the Bratrství repository for the disposal of waste containing only naturally occurring radionuclides.

6. The Radioactive Waste Repository Authority (*Správa úložišť radioaktivního odpadu, SÚRAO*) was established as a special state authority, subordinate to the Ministry of Industry and Trade.

- to look after the implementation by France of the additional protocol, an agreement between France, the European Atomic Energy Community (Euratom) and the IAEA relating to the application of safeguards in France, signed in Vienna on 22 September 1998;
- to ensure the monitoring of the implementation of international commitments signed by France in the nuclear domain, as well as part of agreements concerning the supply of nuclear material, equipment or technologies; and
- to bring to SGAE the technical support necessary for the exercise of its responsibilities, for questions relating to the application of the Euratom treaty.

Regulatory infrastructure and activity

Nuclear Safety Authority (ASN) Resolution (No. 2011-DC-0242) dated 27 September subjecting the restarting of the melting or incineration furnaces of basic nuclear installation 160 (Centraco) to prior authorization by ASN following the accident that occurred on 12 September 2011

Following the accident⁷ that occurred on 12 September 2011 in an incineration furnace at the Centraco installation that caused the death of one employee and injured four others, the restarting of the ovens at the Centraco No. 160 installation is subject to prior approval by the Nuclear Safety Authority, without prejudice to the judicial proceeding.

To this end, the operator must provide all of the assurances necessary to ensure that this will be done in a safe and satisfactory manner.

The ASN has a website page dedicated to the accident at the Centraco facility (available only in French): www.asn.fr/index.php/L-ASN-en-region/Division-de-Marseille/Gestion-des-dechets-nucleaires/CENTRACO.

Germany

General legislation

Legislative package on the change of energy policy; 13th Amendment to the Atomic Energy Act (2011)⁸

As a consequence of the Fukushima nuclear accident, the German Federal Government initiated a comprehensive re-assessment of the safety of German nuclear power plants. The Reactor Safety Commission was entrusted with performing safety checks at all nuclear power plants in Germany. Moreover, the

7. The event has been classified at level 1 on the INES Scale as a result of the low radiological activity of the incineration furnace.

8. Act on the Peaceful Utilisation of Atomic Energy and the Protection against its Hazards (Atomic Energy Act) of 23 December 1959, as amended and promulgated on 15 July 1985, last amended by the act of 8 November 2011. This text is available in English at: www.bfs.de/de/bfs/recht/rsh/volltext/A1_Englisch/A1_11_11_AtG.pdf.

newly established *Ethikkommission* discussed the social implications of the risk posed by nuclear energy in comparison to the possibility of a quick transition to renewable energy. The result was a turnaround in German energy policy, the so-called *Energiewende*. The *Energiewende* is aimed at replacing fossil and nuclear energy sources completely as quickly as possible with renewable energy sources, such as wind energy, water energy, solar energy, biogas energy and geothermic energy.

In order to implement this programme, the German Parliament issued a number of acts:

- Act on the Promotion of Climate Protection in Connection with the Development of Towns and Municipalities of 22 July 2011 (*Bundesgesetzblatt* 2011 I, p. 1 509). Entry into force: 30 July 2011.
- Act on the Amendment of Provisions Relating to Energy of 28 July 2011 (*Bundesgesetzblatt* 2011 I p. 1 554). Entry into force: 4 August 2011.
- Act on the Revision of the Legal Framework for Promoting Electricity Production by Renewable Energies of 28 July 2011 (*Bundesgesetzblatt* 2011 I p. 1 634). Entry into force: 1 January 2012 and 1 September 2011 respectively.
- Act on Measures to Expedite the Extension of the Electricity Grid of 28 July 2011 (*Bundesgesetzblatt* 2011 I p. 1 690). Entry into force: 5 August 2011 and 5 February 2012 respectively.
- Act to Amend the Act on Establishing a Special Fund “Energy and Climate Fund” of 29 July 2011 (*Bundesgesetzblatt* 2011 I p. 1 702). Entry into force: 6 August 2011.
- 13th Act to Amend the Atomic Energy Act of 31 July 2011 (*Bundesgesetzblatt* 2011 I p. 1 704). Entry into force: 6 August 2011.

The 13th Act to Amend the Atomic Energy Act not only reversed the extension of the operating lifetime of the 17 German nuclear power plants which had been established as recently as 8 December 2010 (*Nuclear Law Bulletin* No. 86, p. 76) but it puts an end to the generation of electricity by nuclear power at a date which is even earlier than that foreseen in the so-called phase-out legislation of 2002 (see *Nuclear Law Bulletin* No. 69, p. 76).⁹

According to the amended version of Section 7 paragraph 1a of the Atomic Energy Act, the licence to operate a nuclear fission installation with a view to commercially generating electricity expires when the electricity volume for that installation is as listed in Appendix 3, column 2, or if the additional electricity volume derived from transfers pursuant to Section 7 paragraph 1b has been produced. Irrespective of this general rule, the act fixes final dates for the end of operation of each individual German nuclear power plant with the last plants to be shut down not later than 31 December 2022 (Section 7 paragraph 1a).

9. See also Vorwerk, A., “The 2002 Amendment to the German Atomic Energy Act Concerning the Phase-out of Nuclear Power”, *Nuclear Law Bulletin* No. 69 (2002/1), pp. 7-14.

India

Liability and compensation

The Civil Liability for Nuclear Damage Act 2010 (Act)¹⁰ and the Civil Liability for Nuclear Damage Rules, 2011 (Rules)¹¹

The Act and Rules entered into force on 11 November 2011. The Rules establish the procedural framework for implementing the provisions of the Act according to the following outline:

- Insurance and Financial Security (Chapter II, Rule 3).
- Report of Nuclear Incident (Chapter III, Rules 4 and 5).
- Adjudication of Claims (Chapter IV, Rules 6 to 23).
- Right of Recourse (Chapter V, Rule 24).

Insurance and financial security

The operator of a nuclear installation is required to obtain insurance or financial security or a combination of both before beginning operation of a nuclear installation (Section 8 of the Act).¹² The Rules clarify that such financial arrangement shall be irrevocable and shall continue until all spent fuel is removed from the spent fuel storage pool of the nuclear installation.¹³

Instruments constituting financial security have to be pledged with the central government until the decommissioning of the plant. The Rules also provide that “a security margin of 1:1:33 shall be maintained during pledge and in the event of any shortfall in security so calculated shall be immediately made good by the operator by providing insurance or additional financial security to the extent of shortfall”.¹⁴

It is interesting to note that the Rules allow multiple operators to enter into a joint arrangement for financial security through contributions in proportion to each operator’s individual installed capacity in thermal megawatts.¹⁵

Section 7(3) of the Act and Rule 3(5) state that the requirements relating to insurance and financial security do not apply to nuclear installations owned by the central government. The Atomic Energy Act 1962 as amended by the Atomic Energy Act 1987 only permits the government, an authority or corporation established by the government or a “government company” to be a nuclear operator in India. Whereas all nuclear power plants in India are owned by a “government company”, these provisions relating to insurance and financial security do not apply, at this time, to nuclear operators in India.

10. A summary of the “Civil Liability for Nuclear Damage Act 2010” is provided in the *Nuclear Law Bulletin* No. 86 (2010/2). Text of the Act reproduced on pp. 145-162 of this bulletin and can be accessed at: www.dae.gov.in/rules/civilnucliab.pdf.

11. Text of the Rules reproduced on pp. 163-171 of this bulletin. The complete text of the Rules can be accessed at: www.npcil.nic.in/pdf/Civil_Nuclear_Liability.pdf.

12. The liability of the operator of nuclear installations is defined in Section 6 of the Act.

13. Rules 3(1) and (2).

14. Rule 3(3).

15. Rule 3(4).

Report of nuclear incidents

An operator is required to report immediately the occurrence of a nuclear incident at its nuclear installation or during transportation of nuclear material to the central government, the insurer of the nuclear installation (if such facility is insured), and to the Atomic Energy Regulatory Board (AERB) when such nuclear installation is under its jurisdiction.¹⁶

In case of a nuclear incident at a nuclear installation which is not under AERB's jurisdiction, the Rules obligate the operator to report a nuclear accident directly to the central government. The central government reviews the report and forwards it, together with its observations, to the AERB.¹⁷

The AERB is required to notify (i.e. to publish the notification in the Official Gazette) the occurrence of such nuclear incident within a period of 15 days from the date of its occurrence (i.e. not the date of the receipt of report) except if it considers that the threat and risk of harm involved are insignificant.¹⁸

If a claim arising out of a notified nuclear incident is filed, the claims adjudication authority shall request a detailed report from the licensing authorities regarding the licence of the concerned operator.¹⁹

Adjudication of claims

The Rules contain detailed provisions relating to the compensation procedure including who can file an application for compensation, the documents required to file a claim, the procedure for the claims adjudication process including the appearance and examination of parties, guidance for the framing and determination of issues, and the method of recording evidence. The Rules also cover the procedure for awarding compensation and securing the interest of claimants.²⁰

Right of recourse

One of the most debated provisions in the Act pertains to the operator's right of recourse against a supplier as provided in Sections 17(a) and (b) of the Act. Section 24 of the Rules provides some clarification on this issue which may be summarised as follows:

- A contract shall include a provision for right of recourse for not less than the extent of the operator's liability under Section 6(2) of the Act or the value of the contract itself, whichever is less.
- The provision for right of recourse referred to above shall be for the duration of the initial license issued under the Atomic Energy (Radiation Protection) Rules 2004²¹ (i.e. five years from the date of issue of the license, unless otherwise specified) or the product liability period, whichever is longer.

16. Rule 4(1).

17. Rule 4(2).

18. Sections 2(f) and 3(1) of the Act.

19. Rule 5.

20. The Rules, Chapter IV, Rules 9-23.

21. Rule 9 of the Atomic Energy (Radiation Protection) Rules, 2004, www.dae.gov.in/rules/rpr2004.pdf.

Rule 24 also defines the terms “Product Liability Period” and “Supplier”, which were not defined in the Act, as follows:

- “Product Liability Period” means the period for which the supplier has undertaken liability for patent or latent defects or sub-standard services under a contract.
- “Supplier” shall include a person who:
 - manufactures and supplies, either directly or through an agent, a system, equipment or component or builds a structure on the basis of functional specification; or
 - provides build to print or detailed design specifications to a vendor for manufacturing a system, equipment or component or building a structure and is responsible to the operator for design and quality assurance;
 - or provides quality assurances or design services.

Rule 24 thus assigns a broad definition to the term “supplier” as any person who is part of the production chain of components provided to the power plant meets the definition of a “supplier.” The operator may therefore be entitled to sue any or all suppliers for damages under a “right of recourse” claim.

The Rules do not clarify, however, the provisions of Section 17(b) of the Act relating to the operator’s right of recourse against the supplier when a nuclear accident resulted as a consequence of an act of a supplier or the supplier’s employee, including the supply of equipment or material with patent or latent defects or sub-standard services. In addition, the Rules do not clarify the provisions of Section 17(c) relating to an operator’s right of recourse when the nuclear incident results from an act or omission of an individual done with the intent to cause nuclear damage.

The implications of Rule 24 in light of Section 17 of the Act may be summarised as follows:

- A supplier can now confine liability to a specific time period, provided such right of recourse is expressly mentioned in a contract in writing. The specific time period is articulated as the period of the initial license issued under the Atomic Energy (Radiation Protection) Rules, which is five years, or the product liability period. The Rules thus restrict the right of recourse to either the duration of the initial license (which shall be issued upon commissioning) or the product liability period, whichever is longer.
- A supplier is exposed only to the extent of the operator’s liability under Section 6(2)²² of the Act if the contract so stipulates or the value of the contract itself (the latter being expected to be the most frequently used option), whichever is less.

22. Section 6(2) of the Act: “The liability of a operator for each nuclear incident shall be – In respect of nuclear reactors having thermal power equal to or above ten MW, rupees 1 500 crores; In respect of spent fuel reprocessing plants, rupees 300 crores; In respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees 100 crores; Provided that the central government may review the amount of operator’s liability from time to time and specify by notification, a higher amount under this sub-section; Provided further that the amount of liability shall not include any interest or cost of proceedings.”

- Rule 24 appears to apply only to Section 17(a) of the Act (existence of a contract) and offers no interpretation of Section 17(b) and (c) of the Act, thus creating ambiguity regarding the extent of a suppliers' liability under such section.
- If there is no "right of recourse" clause in a contract, the interpretation would be that the supplier has willingly accepted liability in respect to an operator's right of recourse.²³

It is also important to note that the non-exclusive liability character of the Act²⁴ – another contentious issue – is not affected by the Rules, thus allowing ordinary citizens to file tort claims against an "operator" or a "supplier" or "both" for damages under other laws in force, in addition to the remedies provided under the Act.

It appears that these Rules have not addressed all issues regarding nuclear civil liability and may leave room for some ambiguity with regard to the extent of suppliers' liability for claims mentioned above and the implication of explanation 2 of Rule 24. Lastly, there appears to be some uncertainty regarding the liability of the suppliers or operators in cases of nuclear incidents which are not notified by the AERB (i.e. the AERB considers the threat and risk involved in a nuclear accident to be insignificant.)²⁵

Organisation and structure

*The Nuclear Safety Regulatory Authority Bill 2011*²⁶

On September 2011, the Nuclear Safety Regulatory Authority Bill 2011 was placed before the Lok Sabha (House of the People). The law is in response to assurance given by the Prime Minister to create an independent and autonomous nuclear safety regulator, in the aftermath of the Fukushima nuclear accident in Japan. The Minister in-charge [in the Prime Minister's Office] stated "the Bill was aimed at achieving the highest standards of nuclear safety based on scientific approach, operating experience and best practices followed by the nuclear industry".

Legislatively, the introduction of the bill is the beginning of a long process of consultation within and outside Parliament. When the bill is finally made into law, the Nuclear Safety Regulatory Authority (NSRA) will replace the 28-year-old Atomic Energy Regulatory Board (AERB).

The following important institutions are proposed to be established under the law:

- Council of Nuclear Safety.
- Nuclear Safety Regulatory Authority.
- Appellate Authority.
- Regulatory body(s) for the purpose of national defence and security.

23. Section 17(b) and (c) of the Act.

24. Section 46 of the Act provides that "[t]he provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt the operator from any proceeding which might, apart from this Act, be instituted against such operator".

25. Section 3(1) of the Act.

26. This short summary of the bill that has been put out for public discussion highlights important provisions of the draft law. The full text of this draft bill is available at Lok Sabha (House of the People) website: <http://164.100.24.219/BillsTexts/LSBillTexts/asintroduced/Nuclear%20Safety%2076%20of%202011.pdf>.

Council of Nuclear Safety

The Council's mandate is to oversee and review the overall policies with respect to radiation safety, nuclear safety and any other matters connected with nuclear safety.²⁷ The Prime Minister will be the Chairperson of the Council whose members will include the Ministers of Environment and Forest, External Affairs (Foreign Affairs), Health, Home Affairs (Internal Affairs), Science and Technology, and others, including eminent experts. The Cabinet Secretary and Chairman of the Atomic Energy Commission are *ex-officio* members of the Council.

Nuclear Safety Regulatory Authority

At present all regulatory functions in respect of the safety of nuclear facilities and materials rest with the Atomic Energy Regulatory Board (AERB). The AERB reports to the Atomic Energy Commission (AEC) on the observance of safety regulations, standards and recommendations in all Department of Atomic Energy (DAE) and non-DAE units. Since the AEC, the highest policy-making authority, and the DAE, under which all nuclear facilities and materials are maintained, are structurally headed by the same official, the regulator reports to an authority led by the same official in charge of the entire nuclear industry. To avoid conflict of interest situations and to remove arguments of weak regulatory oversight, the creation of an independent and autonomous regulatory structure, the Nuclear Safety Regulatory Authority (NSRA) has been proposed.

The primary function of the NSRA is to ensure that the use of radiation and atomic energy is safe for radiation workers, members of the public and the environment. It will be comprised of a chairperson, two full-time members and not more than four part-time members.²⁸ It will also be empowered to make regulations with the prior approval of the central government. Some of the other proposed changes include:

- The existence of the Council of Nuclear Safety shall not compromise the independence and autonomy of NSRA.²⁹
- Excepting programmes under national defence and security, the NSRA will be given wide powers relating to the production, development or use of atomic energy and radiation in all its applications, including the transport (within or outside India), transfer by sale or otherwise, import, export, storage or disposal of nuclear and radioactive material or any other substance or equipment used for the production or use of radiation or atomic energy.³⁰
- The AERB will cease to exist with the notification of the establishment of the NSRA.³¹
- Mandatory written consent is to be obtained from NSRA for any activity within its jurisdiction and NSRA has the power to suspend or cancel consent.³²
- The NSRA is to ensure transparency by systematic public outreach on matters relating to nuclear safety without disclosing sensitive or commercially confidential information.³³

27. Section 5 and Section 6.

28. Section 9.

29. Explanation in Section 8(1).

30. Section 19.

31. Section 18(1).

32. Section 4 and Section 28.

33. Section 20 (2)(c).

Appellate Authority

The Council of Nuclear Safety will be empowered to constitute an “Appellate Authority” to hear appeals from the central government or any person aggrieved in respect of orders or decisions of the NSRA.³⁴ Appeals may only concern (i) granting of consent, (ii) suspension and cancellation of consent, and (iii) timely conclusion of application for review before NSRA. The Appellate Authority consists of a chairperson who is a Judge of the Supreme Court or Chief Justice of a High Court and two other members who are eminent scientists in the field of nuclear or atomic energy.³⁵

Regulatory body(s) for the purpose of national defence and security

The central government will be able, in the interests of national defence and security, to exempt any nuclear facilities and materials from NSRA jurisdiction provided that the government regulates same through the establishment of another regulatory body.³⁶ Such other body would have to ensure that the use of radiation or atomic energy is safe for radiation workers, the public and the environment and report to the government any release of radiation or radioactive material exceeding specified limits from facilities under its jurisdiction into any area falling within the jurisdiction of the NSRA.

Central government and NSRA

- The central government will have the power to issue to the NSRA or other regulatory bodies necessary directions in the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality or the public interest.³⁷
- The central government will determine policy and the NSRA will be bound by directions on policy.³⁸
- The central government, under certain circumstances, will be able to supersede the NSRA³⁹ when in the opinion of central government:
 - the NSRA has acted in a manner inconsistent with the provisions of this Act or Rules and regulations; or
 - on account of circumstances beyond the control of the NSRA, it is unable to discharge its functions and duties; or
 - the NSRA has persistently failed to comply with any direction issued by the central government or to discharge its functions and duties as a result of which its financial position has suffered or the administration of any radiation or nuclear installation has deteriorated; or
 - circumstances exist which render it necessary in the public interest.

34. Section 35.

35. Section 35(2), (3) and (4).

36. Section 25.

37. Section 42(1), (2).

38. Section 42(3).

39. Section 48.

Ireland

Radiation protection

The following regulations were made by the Minister for the Environment and Local Government in July 2011, thus providing the regulatory basis to enable Ireland to implement these same regulations.

Radiological Protection Act 1991 (Nuclear Safety) Order 2011

The above order was adopted as Statutory Instrument No. 390 of 2011 for the purpose of transposing into national legislation Ireland's obligations in relation to Directive 2009/71/Euratom. The objectives of this directive are to establish a Community framework in order to maintain and promote the continuous improvement of nuclear safety and its regulation through the provision of appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionising radiation from nuclear installations.

This order applies to civilian nuclear installations and is without prejudice to the provisions of the Electricity Regulation Act, 1999 (No. 23 of 1999). Section 18(6) of the Electricity Regulation Act places a prohibition on the use of nuclear fission within the state for the generation of electricity. This order establishes the Radiological Protection Institute of Ireland (RPII) as the competent authority in the state for the purpose of this order and the directive. It requires the RPII, where appropriate, to establish and maintain a national, regulatory and organisational framework for nuclear safety of nuclear installations. It states that the powers of inspectors appointed by the RPII shall apply with any necessary changes to account for the fact that they are now being applied to nuclear installations. The order sets out the procedures for the serving of an enforcement notice by an inspector appointed by the RPII. It also sets out the reporting obligations of the RPII.

General legislation

Control of Exports (Brokering Activities) Order 2011

The above order was adopted as Statutory Instrument No. 86 of 2011. The effect of this order, which has been made under the Control of Exports Act 2008, is to enable the Minister for Enterprise, Trade and Innovation to control certain brokering activities in relation to goods and technology listed in the schedule of this order.

The order states that a person shall not carry on or otherwise engage in any brokering activities relating to any controlled goods:

- from one third country to another third country;
- from the state to a third country;
- from another EU member state to a third country;

unless a licence has been granted to that person in respect of each brokering activity.

Schedule Item ML17 refers to miscellaneous equipment, materials, parametric technical databases and specially designed components having the capabilities of military and non-military use to include nuclear power generating or propulsion equipment.

Korea (Republic of)

Organisation and structure

Establishment of the Nuclear Safety and Security Commission

Korea implemented three acts on 26 October 2011 to enhance independence, expertise and transparency in nuclear regulation:

- Act on Establishment and Operation of Nuclear Safety Commission.⁴⁰
- Nuclear Safety Act.
- Nuclear Promotion Act.

Taken as a whole, these three acts establish the Nuclear Safety and Security Commission (NSSC) as a new independent regulatory body and split the comprehensive provisions of the Atomic Energy Act (AEA) into two new acts, i.e. the Nuclear Safety Act and the Nuclear Promotion Act, with no substantial changes to the content of the AEA.

The NSSC was established as an independent and stand-alone regulatory body reporting directly to the President. The regulatory function of the Ministry of Education, Science and Technology's (MEST) Nuclear Regulatory Bureau was transferred to the NSSC, which will have oversight of nuclear safety, security and safeguards. The role of MEST has been restricted to promoting the use of nuclear energy. The NSSC will have seven to nine members, each appointed for a three-year term by the President. The NSSC Chairman and Vice-chairman are permanent positions at the equivalent of minister and vice-minister levels. Members of a political party, individuals who are working or who have worked for the last three years at a licensee organisation, individuals who are conducting research and development projects for licensees or who have worked during the last three years on such projects are disqualified from serving as NSSC "members" and are required to resign from NSSC membership if such circumstances arise.

Substantively, the NSSC will have overall responsibility for the establishment of rules and regulations regarding nuclear safety, security and safeguards. In addition, the NSSC will be responsible for the formulation of a Comprehensive National Plan for Nuclear Safety as well as authorisation for access, safety controls and enforcement regarding nuclear materials, radioactive isotopes, nuclear reactors, fuel cycle facilities and nuclear waste. The NSSC will have responsibility for emergency preparedness and international co-operation on nuclear safety. The NSSC may establish one or more advisory committees to provide advisory opinions or to conduct fact-finding research to advise NSSC deliberations on a particular topic. In addition, the Korea Institute of Nuclear Safety (KINS) and the Korea Institute of Nuclear Non-proliferation and Control (KINAC) will provide expertise and support to the NSSC.

40. Text of this act reproduced on pp. 173-179 of this bulletin.

Lithuania

Regulatory infrastructure and activity

Due the planned development of nuclear energy in Lithuania, several laws were adopted on 28 June 2011 and came into force on 1 October 2011.

*Law on Nuclear Energy (2011)*⁴¹

The amendments to the Law on Nuclear Energy establish the basis for a stronger nuclear regulatory authority with functions clearly separated from other authorities, institutions and organisations engaged in the development and/or use of nuclear energy, including the production of electricity. The Lithuanian State Power Safety Inspectorate (VATESI) is now accountable to the President of Republic of Lithuania and the Government of Republic of Lithuania.

The Law on Nuclear Energy and the Law on Nuclear Safety transpose the Council Directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for safety of nuclear facilities.

Radioactive waste management

*Law on Radioactive Waste Management (2011)*⁴²

The main amendment to the Law on Radioactive Waste Management is related to the change of competences in state regulation of radioactive waste management. The State Nuclear Power Safety Inspectorate has responsibility for the establishment of the clearance levels of radionuclides for the materials and waste generated during the activities involving sources of ionising radiation in the area of nuclear energy (formerly functions of the Ministry of Environment).

Radiation protection

*Law on Radiation Protection (2011)*⁴³

The key amendments to the Law on Radiation Protection are related to the separation of functions of the Radiation Protection Centre and the State Nuclear Power Safety Inspectorate in the field of radiation protection. The State Nuclear Power Safety Inspectorate is now responsible for implementing state-level regulation relating to and supervising the protection of those working in the area of nuclear energy involving sources of ionising radiation.

International co-operation

*Amendment of the Law on the Implementation of the Law on the National Language of the Republic of Lithuania (2011)*⁴⁴

The amendment of the Law on the Implementation of the Law on the National Language of the Republic of Lithuania allows an applicant, in agreement with the appropriate authorities, to provide certain documents in one of the official

41. I-1613, adopted on 28 June 2011.

42. VIII-1190, adopted on 28 June 2011.

43. VIII-1019, adopted on 28 June 2011.

44. I-789, adopted on 28 June 2011.

languages of the International Atomic Energy Agency relating to different types of authorisations carried out by the nuclear safety authority.

Nuclear safety

*Law on Nuclear Safety (2011)*⁴⁵

The Law on Nuclear Safety concentrates on establishing a detailed procedure for issuing licenses, permits and other types of authorisations, including the documents required and conditions to be fulfilled in order for an activity to receive authorisation. This law also establishes the main principles for safety assessments and provides for different types of enforcement measures, including economic sanctions (penalties) for the most severe cases of non-compliance with safety requirements.

The Law on Nuclear Energy and the Law on Nuclear Safety transpose the Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the safety of nuclear facilities.

Poland

General legislation

Amendment to the Atomic Law Act (2011)

The comprehensive Atomic Law Act was amended by the Act amending Atomic Law and other laws of 13 May 2011⁴⁶ that entered into force on 1 July 2011.

The changes to the Atomic Law Act address the transposition to the Polish legal system of Council Directive 2009/71/Euratom of 25 June 2009 establishing the Community framework of nuclear safety,⁴⁷ as required of all EU member states. These changes are also of direct relevance to the national nuclear power programme that is in the planning stages.

The amendment introduces comprehensive provisions for the regulation of power-generating nuclear reactors to the Atomic Law Act, including:

- detailed terms and conditions for the licensing process, including siting, public awareness and participation, and design and construction requirements;
- specific nuclear facility operational requirements regarding staff training and authorisations and nuclear safety principles, as well as the procedure for facility decommissioning, and procedures for the establishment of radioactive waste repositories and a spent fuel management fund.

The Atomic Law Act also envisages several implementing regulations which will be issued by the Council of Ministries, Ministry of Environment and the Ministry of Health once the drafting procedure has been completed. In parallel with the amendment of the Atomic Law Act, the Law on Preparation and Implementation of Investment in Nuclear Facilities and Accompanying Investments⁴⁸ (Investment Act) was passed on 29 June 2011 and entered into force on 1 July 2011.

45. XI-1539, adopted on 28 June 2011.

46. *Journal of Laws*, No. 132, Item 766.

47. OJ L 172 of 02.07.2009, p. 18 and OJ L 260 of 03.10.2009, p. 40.

48. *Journal of Laws*, No. 135, Item 789.

Whereas the comprehensive Atomic Law Act establishes provisions concerning nuclear safety, security, safeguards and liability, the Investment Act establishes a non-regulatory special administrative regime for investment in nuclear power-generating facilities, covering, amongst other things, the allocation of authority for making administrative decisions, changes in certain property and procurement procedures, the obligation to assure the security of the investment, and the introduction of fees for local communities.

Romania

Environmental protection

Law No. 101/15.06.2011 for the Prevention and Punishment of Acts Involving Damage to the Environment (2011)

Law No. 101/15.06.2011 for the Prevention and Punishment of Acts Involving Damage to the Environment has been published in the Official Journal of Romania.⁴⁹ This law transposes Directive 2008/99/EC of the European Parliament and the Council on environmental protection through criminal law.⁵⁰ This new law establishes measures to ensure the effective protection of the environment and provides that the production, handling, processing, treatment, temporary or permanent storage, importation and exportation of dangerous nuclear or radioactive materials in violation of relevant laws shall be offences that are punishable by imprisonment.

Russian Federation

Radioactive waste management

*Federal Law on Management of Radioactive Waste and on Introduction of Changes in Individual Legislative Acts of the Russian Federation (N 190-FZ) (2011)*⁵¹

Russian President Dmitry Medvedev signed the Federal Law on Management of Radioactive Waste and on Introduction of Changes in Individual Legislative Acts of the Russian Federation (N 190-FZ) on 11 July 2011, more than one and a half year after the law was introduced in the Russian State Duma in December 2009. The law is a significant first step in establishing a national, central legal framework for radioactive waste management and implements Russia's commitments under the Joint Convention on the Safe Management of Spent Fuel and the Safe Management of Radioactive Wastes, ratified by the Russian Federation in 2006. The law sets out the powers and responsibilities of the Russian Government and federal, regional and local agencies, clarifies ownership of waste as well as storage and burial locations, establishes a national operator for management of radioactive waste, classifies radioactive waste into specific types, establishes the requirements related to management and disposal thereof and places a ban on the construction of new facilities for the disposal of liquid low-level and medium-level radioactive waste in deep geological formations. Implementation of the new law will require adoption of subordinate legislation, which some experts believe may take a few years.

49. No. 449/28.06.2011.

50. OJ L 328 of 6.12.2008.

51. Text of this federal law reproduced on pp. 181-200 of this bulletin.

Slovenia

Nuclear safety

Act Amending the Act on Ionising Radiation Protection and Nuclear Safety (2011)

The Act Amending the Act on Ionising Radiation Protection and Nuclear Safety entered into force on 13 August 2011. While many of the amendments represent minor editorial corrections, the amending act introduces the requirements of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations.⁵² The provisions on physical protection in Slovenian law have been substantially completed as the result of amendments implementing the requirements of Slovenian international commitments and EU directives.

Spain

Liability and compensation

Act on Third Party Liability for Nuclear Damage or Damage Caused by Radioactive Materials⁵³

Traditionally, the application of the Paris and Brussels Conventions in internal law has been established by Chapters VII to X of the Nuclear Energy Act,⁵⁴ which has been amended several times. Recently, a new law on nuclear third party liability has been approved in order to implement the 2004 Paris and Brussels Protocols that amend the said Conventions, in a law independent from Act 25/1964, taking into account the special nature of the issue and the intervention of different organisations depending on their competencies. The new law will enter into force on the date on which the 2004 Protocols enter into force in Spain.

The law incorporates into Spanish internal law the provisions contained in the revised Conventions. The most significant contents of this law are the following:

- Definitions and limit of damages as established in the revised Paris Convention, including those considered to be most relevant, such as the increase in the period for claims regarding personal injury (30 years), or the extension of the concept of nuclear damage to include measures for restoration of the degraded environment and prevention, as well as compensation for loss of income relating directly to the use and enjoyment of the degraded environment.
- Limited liability of the licensee: the liability of the licensee is limited to the amount of EUR 1 200 million for damages caused within the national territory or in the territory of states parties to both the Paris and the Brussels Conventions. This liability has been thus increased from the EUR 700 million established in the current policies to EUR 1 200 million. In other cases, the same rules stated in both the Paris and the Brussels revised Conventions are applicable.

52. OJ L 172, 2.7.2009.

53. Act 12/2011, published in the Official State Gazette on 28 May 2011.

54. Act 25/1964.

- Financial guarantees: the law obliges the licensee to establish financial guarantees for the total amount of liability. This guarantee is to be provided by contracting an insurance policy, by some other financial guarantee constituted with an entity authorised by the Ministry of Economy, or by a combination of both options. Shall the operator not be capable to cover its financial liability up to EUR 700 or 1 200 million, then the law establishes two options:
 - For those heads of damage which are insurable, and in case the insurance capacity of the markets would not be capable to cover the total liability amount, the Spanish Consortium of Insurance Compensation would intervene in the policy as a co-insurer. This consortium is a public body attached to the Ministry of Economy and thus integrated in the Spanish Administration.
 - For those heads of damage which are not insurable, the law allows the establishment of different procedures, like allocation of enough capital exclusively dedicated to cover the nuclear damage or a system of guarantees ruled by the Spanish electricity system, for which the operators should pay the corresponding fees. This mechanism has to be established by law and should be considered as a last resort, if no other mechanisms are available in the private market.
- Priority rules in the distribution of compensation continue existing in the Spanish liability regime. In this sense, priority is given to personal injury claims formulated in the first three years after the nuclear accident, to be covered without any delay. Measures of reinstatement of the damaged environment including preventive measures damages are to be processed next and lastly, the rest of the damages to property. After the first three years, there will be no priority rule (rule “first come, first served”).

Furthermore, the act includes a specific regulation for damages caused by accidents involving radioactive materials that are not nuclear substances and occurring within the national territory, either during operation or during the transport.

Nuclear security

*Royal Decree on the Physical Protection of Nuclear Installations and Materials (2011)*⁵⁵

Royal Decree 1308/2011 incorporates into Spanish legislation the commitments made by Spain on physical protection matters, particularly the Amendment to the Convention on the physical protection of nuclear materials (approved in July 2005), the International Convention for the Suppression of Acts of Nuclear Terrorism (ratified in January 2007), and the United Nations Security Council Resolution 1540 of 2004 on efforts to prevent the proliferation of nuclear, chemical and biological weapons. It repeals Royal Decree 158/1995 on the Physical Protection of Nuclear Materials.

55. Published in the Official State Gazette on 7 October 2011.

The most relevant objectives of this royal decree are the following:

- enhancement of the physical protection measures applied to the facilities, nuclear materials and most relevant radioactive sources;
- revision of the system of authorisations in force, contemplating separately those corresponding to facilities and those relating to the transport of nuclear material;
- establishment of a system of physical protection at facilities using radioactive sources, specifying in which cases it is obligatory to have a specific system of physical protection for transport;
- more specific mapping out of the basic obligations of the licensees of physical protection authorisations;
- strengthening of the measures for the control and supervision of companies participating in the transport of nuclear and radioactive materials; and
- co-ordination of the competent authorities and prevention of events relating to the illicit trafficking of nuclear and radioactive materials, establishing a point of contact with the IAEA Illicit Trafficking Database.

Sweden

Nuclear safety

Swedish Radiation Safety Authority regulations concerning clearance of materials, premises, buildings and land in connection with activities involving ionising radiation (2011)

The Swedish Radiation Safety Authority (SSM) has adopted new regulations on clearance of materials, premises, buildings and land resulting from activities involving ionising radiation.⁵⁶ Clearance means that items are exempted from continued regulation from a radiation protection point of view. A prerequisite is that the presence of radioactive substances is so low that it can be seen as innocuous from the radiation protection point of view. The new regulations come into effect from 1 January 2012.

The regulations concern ongoing or past activities licensed under the Ordinance on Nuclear Activities or the Radiation Protection Ordinance. The regulations specify, *inter alia*, limits on the levels of various radioactive substances in materials leaving nuclear facilities or from non-nuclear activities in order to be recycled or managed as conventional waste. The regulations require that the operator carries out controls in a structured and documented way and shows that any presence of radioactive substances is less than the clearance levels specified in regulations.

The regulations set nuclide specific clearance levels for concentrations of radioactive materials for the following cases: clearance of materials for continued use (including recycling), clearance of waste oil and hazardous waste for disposal in accordance with the Swedish Environmental Code and conventional waste regulation, clearance of premises for continued use, and clearance of buildings for demolition.

56. SSMFS 2011:2.

The SSM may decide that other clearance levels apply in individual cases, for example for the disposal of non-hazardous waste. The SSM also intends to decide in individual cases the clearance levels that will apply for clearance of land areas.

Turkey

Radiation protection

Regulation on Nuclear Power Plant Sites (2009)

The Regulation on Nuclear Power Plant Sites entered into force on 21 March 2009, establishing nuclear safety requirements for the site of nuclear power plants. The Turkish Atomic Energy Authority (TAEK) also issued a “Guide on Format and Content of Site Report for Nuclear Power Plants” in order to determine the format and content of the site report. It also entered into force in 2009.

Regulation on Specific Safety Principles for Nuclear Fuel Cycle Facilities (2010)

In order to establish the nuclear safety requirements for the site of the nuclear power plants the Regulation on Specific Safety Principles for Nuclear Fuel Cycle Facilities entered into force on 30 July 2010.

Regulatory infrastructure and activity

Directive on Principles of Licensing of Nuclear Power Plants (2010)

In order to establish the basic principles that the Turkish Atomic Energy Authority will use during the process of licensing of a nuclear power plant, the Directive on Principles of Licensing of Nuclear Power Plants was issued by the TAEK Atomic Energy Commission in 2010.

Nuclear safety

Regulation on High Activity Sealed Radioactive Sources and Orphan Sources (2009)

The Regulation on High Activity Sealed Radioactive Sources and Orphan Sources entered into force on 21 March 2009 with the aim of preventing workers, the public and the environment from the harmful effects of ionising radiation that might arise from exposure to registered sealed radioactive sources and orphan sources.

Regulation on Radiation Safety Inspections and Enforcements (2010)

The Regulation on Radiation Safety Inspections and Enforcements establishing regulatory inspection procedures to be used by the Turkish Atomic Energy Authority entered into force on 31 July 2010.

Revision of Regulation on Radiation Safety (2010)

The Regulation on Radiation Safety has been revised and amended provisions were published in the Official Gazette dated 3 June 2010.

Regulation on Protection of Outside Workers from Ionising Radiation (2011)

Regulation on Protection of Outside Workers from Ionising Radiation entered into force on 18 June 2011 laying down the requirements for working conditions to

provide protection against ionising radiation for outside workers performing nuclear and ionising radiation activities in controlled areas.

Liability and compensation

A draft law on third part liability has been under preparation since the beginning of 2010 for the adoption of Paris Convention into domestic legislation. The proposed title of this law is the Law on Civil Liability in the Field of Nuclear Energy. This study is being co-ordinated by Ministry of Energy and Natural Resources.

United States

General legislation

Update on the NRC's response to the events at the Fukushima Daiichi nuclear site

On 12 July 2011, the NRC's Near-Term Task Force published the results of its review of insights from the Fukushima Daiichi accident.⁵⁷ This report represents the first part of a long-term evaluation of insights to be gained from the tragic events in Japan. The NRC charged the task force with conducting a systematic and methodical review of agency processes and regulations, recommending regulatory improvements on the basis of this review, and suggesting policy directions for NRC consideration. At the outset, the task force noted that "a sequence of events like the Fukushima accident is unlikely to happen in the United States ... [t]herefore, continued operation and continued licensing activities do not pose an imminent risk to public health and safety." As a result of its review, however, the task force developed several overarching recommendations in the areas of: 1) clarifying the regulatory framework, 2) ensuring protection, 3) enhancing mitigation, 4) strengthening emergency preparedness, and 5) improving the efficiency of NRC programmes. Within these topical areas, several particular emphases emerged. First, the task force underscored the importance of balancing risk-informed evaluation with defence-in-depth considerations. The task force also recommended that the NRC strengthen requirements for design-basis and beyond-design-basis events, emergency response capability requirements, and other emergency preparedness issues.

Following the publication of the task force report, the NRC directed several actions, including: review of the recommendations with the input of stakeholders, preparation of a draft charter for the agency's long-term review, preparation of a notation vote paper that prioritises the task force recommendations, and formal review of the recommendations by the Advisory Committee on Reactor Safeguards.⁵⁸ On 18 October 2011, the NRC issued a Staff Requirements Memorandum (SRM) approving the staff's proposal to implement the task force recommendations described in SECY-11-0124 without delay.⁵⁹ The NRC set a goal of five years to

57. Recommendations for Enhancing Reactor Safety in the 21 Century, "The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" (12 July 2011) available at: <http://pbadupws.nrc.gov/docs/ML1118/ML111861807.pdf>.

58. See "Staff Requirements – SECY-11-093 – Near-Term Report and Recommendations for Agency Actions Following the Events in Japan" (19 August 2011). This and other NRC-developed documents referenced in this update are available at the NRC's website at: www.nrc.gov/japan/japan-activities.html.

59. SECY-11-0124, "Recommended Actions to Be Taken without Delay from the Near-Term Task Force Report" (18 October 2011) presents a set of priority near-term regulatory recommendations for the NRC's consideration. Generally, these recommendations pertain to ensuring adequate protection in the event of design-basis seismic and flooding events,

complete and implement the lessons learnt from the accident, with high priority (to be completed in 24-30 months) on the rulemaking to address station blackout mitigation capabilities. The NRC also commented that regulatory changes should incorporate performance-based principles and be flexible to accommodate a diverse range of circumstances and conditions.

In an SRM issued on 19 October 2011, the NRC approved a charter for the longer-term review of lessons learnt from the Fukushima accident.⁶⁰ The objective of this effort is to oversee assessment and implementation of the Near-Term Task Force's recommendations, identify any additional recommendations, and address the items identified for longer-term review in the Chairman's 23 March 2011 tasking memorandum.⁶¹ The charter addresses the steering committee that will lead the longer-term effort — its staffing, scope, co-ordination and communication, and expected work products and schedule. The steering committee will be supported by an internal NRC advisory committee, but will also solicit information and comments from a panel of external stakeholders from industry, academia, states, native American tribes, and public interest groups.

On 9 September 2011 the NRC issued an order ruling on a series of petitions requesting suspension of numerous adjudicatory, licensing, and rulemaking activities and other relief in light of the events at Fukushima.⁶² The NRC granted the petitioners' request for a safety analysis of the regulatory implications of the Fukushima accident to the extent that the task force and the staff had already been directed to undertake such an analysis. But the NRC rejected the request to suspend adjudicatory proceedings, rulemakings, and other licensing activities. With reference to the agency's previous handling of the Three Mile Island accident and the events of 11 September 2001, the NRC concluded that, as in those previous instances, the drastic remedy of broadly applied suspensions is inappropriate. The NRC based this decision on three grounds: 1) there is no immediate threat posed to public health and safety by the agency activities at issue, 2) the continuing review process will not be an obstacle to fair and efficient decision making, and 3) going forward will not prevent the appropriate implementation of rule or policy changes that may result from the post-Fukushima review. The NRC also declined to require a generic analysis under the National Environmental Policy Act regarding whether the events at Fukushima constitute "new and significant information". This, ruled the NRC, would be premature because the full picture of what happened at the Fukushima site, and the implications of this on United States facilities, is unclear.

Issuance of draft report of the Secretary of Energy's Blue Ribbon Commission

On 29 July 2011, the Blue Ribbon Commission on America's Nuclear Future (BRC) issued its draft report to the Secretary of Energy with preliminary policy recommendations regarding the development of a disposal strategy for high-level

strengthening station blackout mitigation capabilities for severe accidents, requiring a hardened vent design in boiling-water reactor facilities with Mark I and Mark II containments, strengthening and integrating onsite emergency response capabilities, requiring that emergency plans address prolonged station blackout and multiunit events, and ensuring that sites have adequate staffing and communication capabilities to respond to a multiunit event.

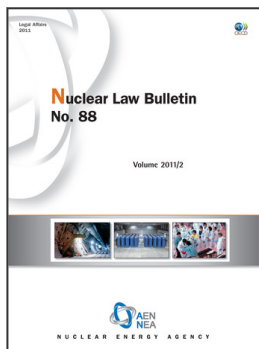
60. SECY-11-0117, "Proposed Charter for the Longer-Term Review of Lessons Learned from the March 11, 2011, Japanese Earthquake and Tsunami" (19 October 2011).

61. See COMGBJ-11-0002, "NRC Actions Following the Events in Japan" (21 March 2011).

62. See Union Electric Co. d/b/a Ameren Missouri (Callaway Plant, Unit 2), CLI-11-05, 74 NRC __, __ (slip op.) (9 September 2011).

waste.⁶³ The BRC, which was tasked with conducting a comprehensive review of the policies for managing the back end of the nuclear fuel cycle, determined that deep geologic disposal continues to represent the best long-term solution. But the BRC identified several other key elements, including the prompt undertaking of efforts to develop one or more consolidated interim storage facilities and the creation of a consent-based approach to siting future nuclear waste management facilities. In addition, the BRC acknowledged that implementing its recommendations would require a number of legislative changes – the most important of which would be to amend the portion of the Nuclear Waste Policy Act that now provides only for the evaluation and licensing of a single repository site at Yucca Mountain. The BRC also asserted its confidence that its recommendations can be implemented using the existing revenue streams from the Nuclear Waste Fund and ratepayer fee. The BRC's final report is due to be delivered to the Secretary of Energy on or before 29 January 2012. More information is available at: <http://brc.gov/>.

63. Blue Ribbon Commission on America's Nuclear Future Draft Report to the Secretary of Energy (29 July 2011), available at http://brc.gov/sites/default/files/documents/brc_draft_report_29jul2011_0.pdf.



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