NST002: Draft Implementing Guide: Regulations and Associated Administrative Measures for Nuclear Security

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The purpose of this publication is to provide implementing guidance that supports the Nuclear Security Fundamentals (NSS 20) in relation to Essential Element 3.3 “Legislative and Regulatory Framework and associated administrative measures to govern the nuclear security regime” and the three recommendations documents in so far as they contain subject matters relevant to the development of regulations and associated administrative measures that govern the nuclear security regime.

This Guide is not designed to assist a State develop primary legislation. This is dealt with in the Handbook on Nuclear Law Series published by the Office of Legal Affairs.
Draft Implementing Guide Comments

• It is an interface publication and therefore must be approved by each of the Safety Committees and the Nuclear Security Guidance Committee
• Most comments received were editorial in nature and resulted in clarification and improvement of the text
• One comment received concerns the status of the document in relation to the Nuclear Security Series overall
• One MS is of the view that this document should be published in the Nuclear Law Series not the Nuclear Security Series on the basis that it refers to international legal instruments and national laws when discussing the basis for development of regulations (subordinate, secondary or delegated legislative instruments) and associated administrative measures
The draft guide concerns the development of substantive technical regulations and administrative measures.

Within the publications of the IAEA there is one international legal series publication that deals with international legal instruments for nuclear security and in addition there are two “Law Handbooks” each of which deal with different aspects of nuclear law, one dealing with the development of primary legislation that inter alia covers “Nuclear Security, physical protection and illicit trafficking.

The subject matter of, and substantive content of, technical regulations are dealt with in the Safety Standard Series and the Nuclear Security Series respectively.

This Implementing Guidance document is not a departure from this approach.
• The draft Guide is submitted for your clearance for publication.