

Practical Exercise

Group A

Legal Issues

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Technical Meeting
Legal and Regulatory Aspects of Decommissioning

Research Reactor Decommissioning Demonstration Project (R2D2P)
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International Atomic Energy Agency 

Findings

- 1- Philippines have one research reactor (PRR1) owned and operated by the Philippine Nuclear Research Institute (PNRI), Quezon City, Metropolitan Manila area.**
- 2- PRR1 is commissioning in 1963 and shut down in 1988. The reactor is still shut down because of safety issues related to aging, the inability of some old reactor components to meet modern requirements, and recent discovery of major earthquake potential dangerous**

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Findings

- 3- All spent fuel was shipped out in 1999.**
- 4- The PRR1 does not have a preliminary decommissioning plan.**
- 5- There is no formal quality assurance program in place.**
- 6- Lease on the site expired. The owner of the site is the University of the Philippines.**

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Findings

- 7- Funding is not defined.**
- 8- Philippines Government has made decision about decommissioning PRR1.**
- 9- The Philippines has stated that it will apply the IAEA Code of Conduct on the Safety of Research Reactors (CCSRR).**

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Findings

10- For purposes of this case study the provisions of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (JC) will be considered to be applicable.

11- The Law in force, Republic Act, No. 5207/1958 (Science Act 1958) created the initial system of nuclear development and regulation in Philippines.

Findings

12- Atomic Energy Regulatory and Liability Act 1968 as amended by presidential decree No. 1484/1978. Adopted further requirements for nuclear regulations and licensing.

13- The PRR-1 has been exempted from licensing until present time.

Findings

14- PNRI has the Internal Regulatory Control Program (PNRI Office Order 002/2004; PNRI policy Instruction No. 02/2001)

15- PNRI Special Order organizing a Task Force to review and evaluate applications for authorization of PNRI Facilities/Laboratories, 2004.

Legal Issues

L.1 The Philippines does not have independent Regulatory Body.

L.2 The Philippines has not developed a complete set of regulatory documents to govern decommissioning activities covering all regulatory functions.

Legal Issues

L.3 The Philippines does not have legal arrangement for a financing mechanism covering decommissioning.

L.4 Legal responsibility for implementing safeguards over decommissioning activities is not clear.

Legal Issues

L.5 Legal responsibility for implementing physical protection and security arrangements for decommissioning activities are not clear.

L.6 Legal responsibility of the operator PRR-1 for decommissioning is not clear.

Legal Issues

L.7 Legal status of the PRR-1 site is not clear. (See F6)

L.8 There is no current legal requirements for the operator to prepare and implement a decommissioning plan, including environmental assessment. (CCSRR, pr. 35).

Recommendations

R.1 Establish an independent Regulatory body. This regulatory body should be entrusted with the implementation of the legislative and regulatory framework referred to CCSRR (Article 9) and JC (Article 20) and provide with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities.

Recommendations

R.2 Philippines should establish legislative framework for the regulation of decommissioning including:

- Requirements in relevant international instruments (CCSRR and JC) and IAEA documents
- Regulatory body will issued second-level regulations
 - RB is responsible for authorization/licensing
 - Inspection and Assessment
 - Enforcement
 - Public information
 - Criteria for the release from regulatory control of decommissioned research reactor

Recommendations

R.3 The Philippines should ensure that operating facility for decommissioning has financing mechanism.

R.4 Philippines should clarify the legal responsibility for implementing safeguards over decommissioned facilities.

R.5 Philippines should clarify the legal responsibility for implementing physical protection and security over decommissioned facilities.

Recommendations

- R.6 Philippines should define that full responsibility for nuclear safety and security of PRR1 is on owner and operator PNRI.**
- R.7 Philippines should clarify legal status of the PRR-1 site.**
- R.8 Philippines should adopt a legal requirement that the operator prepare and implement a decommissioning plan PRR-1 and other relevant facilities.**

Prioritization

HIGH PRIORITIES

- ✓ Establish independent regulatory body**
- ✓ Establish legislative framework**
- ✓ Clarify funding arrangements**

Prioritization

MEDIUM PRIORITIES

- ✓ Clarify status of PRR-1 site
- ✓ Require decommissioning plan
- ✓ Physical protection and security
- ✓ Safeguards

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Prioritization

LOW PRIORITIES

- ✓ Operator responsibilities

Recommended deadline: end of 2006

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References

- **Joint Convention INFCIRC/546**
- **CCSRR**
- **IAEA Requirements Document GS-R-1**
- **IAEA Safety Guide WS-G-2.1**
- **IAEA Safety Guide WS-G-2.2**
- **IAEA Safety Guide WS-G-2.4**
- **INFCIRC/153, INFCIRC/540**

Not Considered Factors

- **Non Legal Issues**