

Circular on the application of regulatory control by the nuclear regulatory authorities regarding the nuclear safety of nuclear installations, etc. i

(To the nuclear regulatory authorities)

Chapter 1

The nuclear regulatory authorities

Section 1. The Danish Health Authority under the Ministry of Health, and the Danish Emergency Management Agency under the Ministry of Defence, constitute the nuclear regulatory authorities; cf. Act No. 170 of 16 May 1962 on nuclear installations (the Nuclear Installations Act).

(2) The regulatory jurisdiction comprises nuclear safety at all nuclear installations or installations subject to Section 1, letter d of the Nuclear Installations Act.

Chapter 2

Purpose

Section 2. This Circular establishes detailed rules on the exercise of regulatory control by the nuclear regulatory authorities, on reporting and information to workers and the general public, as well as on participation in national and international reviews, all aimed at maintaining and continuously improving the nuclear safety of nuclear installations.

Chapter 3

Definition

Section 3. In this circular, 'nuclear safety' means the achievement of proper operating conditions, prevention of incidents, accidents and emergencies, as well as emergency response plans and mitigation of incident, accident and emergency consequences, resulting in protection of workers, the general public and the environment from dangers arising from ionising radiation from nuclear installations.

Chapter 4

Exercise of regulatory control by the nuclear regulatory authorities

Section 4. The exercise of regulatory control by the nuclear regulatory authorities is intended to ensure and maintain nuclear safety and includes, inter alia, physical inspections of installations, issuing orders with regard to compliance with established conditions or for safety reasons, and oversight of responsible installation owners' activities regarding the siting, design, construction, commissioning, operation or decommissioning of a nuclear installation.

(2) The nuclear regulatory authorities shall, as a basis for exercising regulatory control, maintain and further develop their own qualifications and competences regarding nuclear safety and emergency preparedness through schemes for education and training, other competence development of staff and, for example, ongoing participation in international cooperation, international conferences, etc.

Section 5. The nuclear regulatory authorities shall specifically perform regulatory control to verify that the owner of a nuclear installation ensures that nuclear safety during establishment, operation and decommissioning of a nuclear installation can be maintained through:

- 1) its construction, operation and decommissioning being undertaken subject to the utilisation of necessary and adequate human, financial and competence resources, the latter including contractors and subcontractors, and the requisite continuing education and other necessary instruction being duly arranged for any individual who has bearing on the security and safety conditions prevailing when a nuclear installation is established, operated or decommissioned;
- 2) installations and their associated equipment being constructed and maintained to a suitable standard of quality, and records documenting these activities being maintained;
- 3) safety arrangements being continuously assessed and enhanced in a systematic and controllable manner, and both natural and anthropogenic incidents, accidents and emergencies and their consequences being mitigated through the utilisation of both physical barriers and procedures for maintaining safety (defence-in-depth), where applicable; and
- 4) in assessments of nuclear safety, constant efforts being made to identify factors conducive to safety improvements.

(2) The assessments in (1), No. 4, shall be carried out taking into account the following items, as applicable:

- 1) Identification of safety improvements by taking into account ageing issues, operational experience, the most recent research results and the developments in international standards.
- 2) Prevention of operating processes that deviate from normal operation, but which do not significantly damage items important to safety.
- 3) Circumstances that could lead to significant damage to items important to safety or loss of all trains of a safety system.

Information and reporting

Section 6. In order to maintain nuclear safety, the nuclear regulatory authorities shall, in extension of their exercise of regulatory control:

- 1) make available to workers and the general public all information pertinent to safety on-site at and in the vicinity of nuclear installations, including the conditions governing operation and decommissioning, taking into account security interests; and
- 2) assist in issuing relevant information rapidly and promptly to workers and the general public in case of incidents or emergencies.

Section 7. The nuclear regulatory authorities shall compile situation reports on nuclear safety with respect to the nuclear installations at the Risoe site, which are in the process of being decommissioned in accordance with the Danish Parliament's passing in 2003 of Parliamentary Bill B 48.ii

(2) A situation report shall be compiled for the first time in 2020 and thereafter again once decommissioning of the nuclear installations at the Risoe site, which is currently being decommissioned, cf. (1), has been completed and the associated sites in the vicinity have been cleared for unrestricted use.

(3) Each situation report shall comprise the following:

- 1) A report on the nuclear regulatory authorities' performance of regulatory control of nuclear safety, including the authorities' situation in respect of resources and expertise.

- 2) The status and progress of nuclear safety in Denmark, including whether nuclear safety during the establishment, operation and decommissioning of nuclear installations has been maintained at all times.
- 3) Circumstances warranting amendments to the Danish regulatory system with indication, as applicable, of what such amendments might consist of.
 - (4) Each situation report; cf. (2), shall be submitted to the Ministry of Health, which forwards it to the Danish Parliament for briefing purposes.
 - (5) The Danish Health Authority is responsible for publishing a situation report immediately after briefing the Danish Parliament; cf. (4).

Chapter 5

National and international reviews

Section 8. Further, at least every ten years, the nuclear regulatory authorities shall coordinate and contribute to a self-assessment of the national framework for nuclear safety and the nuclear regulatory authorities and an associated international peer review.

(2) The nuclear regulatory authorities shall furthermore coordinate and contribute to thematic national peer reviews of nuclear safety; cf. Articles 8e 2. (a)-(d) and 3 of the Nuclear Safety Directive.

(3) Finally, the nuclear regulatory authorities shall coordinate and contribute to an international peer review in the event of any situation arising from an accident or emergency at national nuclear installations necessitating measures to protect the public.

(4) The reviews shall be conducted under the aegis of the International Atomic Energy Agency (IAEA) or other relevant international organisations. The nuclear regulatory authorities will forward the results of the peer reviews to the Minister for Health, who reports on them to the EU Member States and the European Commission and is responsible for publishing the results.

(5) Following Denmark's attendance at the review meetings pursuant to IAEA Convention of 17 June 1994 on Nuclear Safety, the Danish Emergency Management Agency is responsible for publishing the principal results of those meetings.

Chapter 6

Entry into force, etc.

Section 9. This Circular shall enter into force on 9 July 2020.

Ministry of Health/Ministry of Defence, 9 July 2020

For and on behalf of the Minister for Health, KATRINE RING

/For and on behalf of the Minister of Defence, PETER MICHAEL NIELSEN

i This Circular contains provisions implementing sections of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations and Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations (Nuclear Safety Directive).

ii B 48, Bill for a parliamentary resolution on the decommissioning of the nuclear installations at the Risoe site, introduced by the Minister of Science on 28 November 2002 and passed by the Danish Parliament on 13 March 2003.