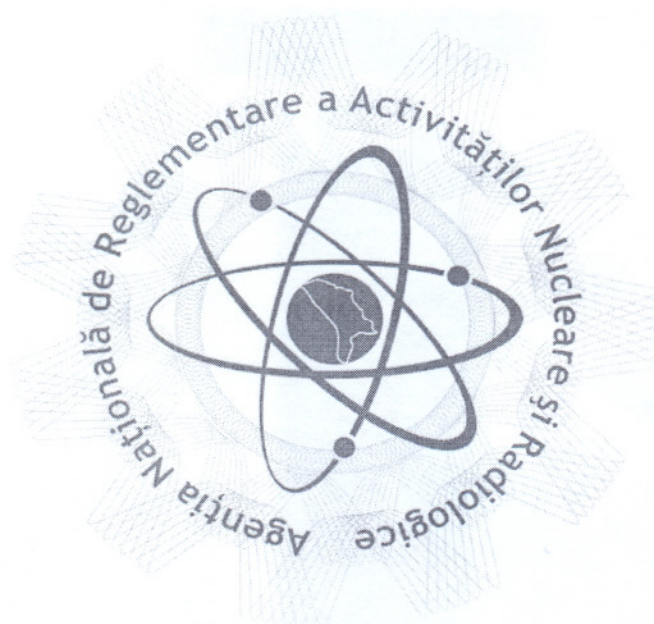


Republic of Moldova
NATIONAL AGENCY ON REGULATION OF NUCLEAR
AND RADIOLOGICAL ACTIVITIES



THE SECOND
NATIONAL REPORT
ON THE IMPLEMENTATION
OF OBLIGATION UNDER THE
CONVENTION ON NUCLEAR SAFETY

Chișinău, 2011

**THE SECOND NATIONAL REPORT OF THE REPUBLIC OF
MOLDOVA
ON FOR FIFTH REVIEW MEETING OF THE CONVENTION
ON NUCLEAR SAFETY**

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A. GENERAL DISPOSITIONS

Safety of nuclear installations did not concern only of local interest, since consequences could have trans-boundary effects. Therefore, the international community has to express the interest in this issue, and actively participate through different international instruments which are aimed to regulate or coordinate nuclear safety activities.

The Republic of Moldova attaches great importance to nuclear safety and sustains the policy of the International Atomic Energy Agency (IAEA) in this field. The legal regime on nuclear safety, which is comprised of internationally binding documents, was established with the acceptance of the Convention on Nuclear Safety. The Republic of Moldova became a party to the Convention on Physical Protection of Nuclear Material, its Amendments, Convention on Early Notification in Case of Nuclear Accident, Convention on Assistance in Case of Nuclear Accident or Radiological Emergency, Vienna Convention on Civil Liability for Nuclear Damage, Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (ratified by Parliament in December 2009 and acceded in 23 Feb 2010).

The Republic of Moldova promotes strong non-proliferation policy, is a party to the Non-Proliferation Treaty. Therefore, the Republic of Moldova ratified the Comprehensive Safeguards Agreement with SQP. Amendments to the SQP was accepted by exchanging of the letters, entered in force of which will be announced after finishing internal legal procedures. The Additional Protocol to the Safeguards Agreement with the IAEA was accepted but did not sign yet.

The electrical power stations in the Republic of Moldova are based on conventional non-nuclear fuelled by natural gas, oil or coal. Moldova has no

plans to introduce in the near future nuclear energy as an option for power generation or any research nuclear reactors.

Ionizing radiation such as x-radiation and radioactive sources are used in various scientific, medical, biological and industrial applications. All applications are under the State control and supervision by the National Agency for Regulation of Nuclear and Radiological Activity (*further National Agency*).

B. ARTICLE-BY-ARTICLE REPORT

Article 1. Objectives

The objectives of this Convention are:

- (i) *to achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international co-operation including, where appropriate, safety-related technical co-operation;*

The objectives of Nuclear Safety Convention are reflected in general terms in legal framework for radiation and nuclear safety. Shortly comments are given bellow.

- (ii) *to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;*

The main approach is to ensure transparent division of responsibilities between the National Agency and operators; with maintenance of high level of professionalism and availability of technical tools to ensure and verify safety standards. General implementation requirements are defined in current legal acts or norms; these are used as pre-requisites for authorization and more of them are incorporated into authorization conditions. The operator must have

comprehensive set of safety and QA & QC related requirements in internal documents for facility. The National Agency controls how these provisions and requirements are fulfilled.

(iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

Methods to ensure protection from accidents have already been quoted – emergency preparedness aimed at early detection of any incident, fast response to mitigate any consequences. Capabilities for response are also ensured by 24 hour duty services in the Service of Civil Protection and Emergency Situations of the Ministry of Internal Affairs, regular trainings of mobile teams, cooperation with other domestic authorities to ensure availability of technical tools, measurement equipment and staff for the adequate response.

Article 4. Implementing Measures

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary for implementing its obligations under this Convention.

The Law No 111-XVI from 11 May 2006 “set up the main field of applying of this law and the single regulatory authority in the field of radiation protection, radiological and nuclear safety, which is under the Ministry of Environment.

The National Agency, its Regulation and structure are established by the Government Decree No 328 from 23 March 2007 in which has been stipulated also its financial and decision making independence.

The mentioned Law introduced main goals for safety, such as protection of inhabitants an environment against the potential risk results from radiation and

other nuclear applications. Based on the Law No 111 – XVI, comprehensive set of regulations must be elaborated and adopted according active national legislation. This law also defines the basic principles for radioprotection, safety and security and lists main obligations for all relevant parties.

The Law No 41-XVI from 02 March 2006, regarding ratification of the Agreement between the Republic of Moldova and IAEA of the application the guaranties follows the NPT, nominates the National Agency as responsible government body for it realization. With respect to legal obligations under present Convention to prepares national reports, to answer the questions posed by other parties, to present report and to participate in peer review conferences, these subjects are also reflected into the art. 11 (b) of the Law No 111 – XVI.

After modification of the Law of Licensing operated in August 2010, in the nuclear and radiological field is established a really single authorizing national authority – the National Agency. Thus the National Agency has issuing the Authorizations for all activities with radioactive sources and for utilization of X-ray, photons and particle of accelerator devices. Licensing for such type of activities is not more required. The National Agency is responsible also for elaboration and promotion of necessary legal norms or regulations regarding further upgrading of the national laws and norms in the field of radioprotection, nuclear and radiological safety and security.

C. LEGISLATION AND REGULATION

Article 7. Legislative and Regulatory Framework

Each Contracting Party shall establish and maintain the legislative and regulatory framework to govern the safety of nuclear installations.

The legislative and regulatory framework shall provide for:

- (i) the establishment of applicable national safety requirements and regulations;*
- (ii) a system of licensing (authorization) with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a license;*
- (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of licenses;*
- (iv) the enforcement of applicable regulations and of the terms of licenses, including suspension, modification or revocation.*

According to the Government Decree No 328 from 23 March 2007 the National Agency is the regulatory body in the field, and according to the Law No 41-XVI from 02 March 2006, regarding ratification of the Agreement between the Republic of Moldova and IAEA of the application the guaranties follow the NPT, is the responsible government body for its implementation.

The p. 3, from Article 23 of the Law No 111-XVI underline that a authorization of activities must be issued only for the activities with ionizing sources by the National Agency in base of evaluation and assessment of conditions including provisions to provide nuclear and radiological safety, physical protection and security of radioactive sources and wastes.

(1) The Law No 111-XVI "On the safe deployment of nuclear and radiological activities" has the following objectives:

- a) the prohibited of proliferation of the nuclear weapons, materials and the devices necessary for development of the nuclear weapons and other radiation explosive devices;

- b) an establishment of mechanisms of safe deployment of nuclear and radiological activity its maintaining in corresponding level in all areas connected to its use; non-admission of non-authorized use of nuclear and radiological

activity according to the Non-Proliferation Treaty of the nuclear weapons and with the accepted obligations, within the framework of the international conventions, one of the parties which the Republic Moldova is; protection of the personnel, the population, property and an environment against harmful influence of ionizing radiations, according to the basic international standards in the field of radiation protection, radiological and nuclear safety.

Regulation aspects

a) Governmental Decrees No. 388 on 26.06.2009 about approving of the Regulation on Management of Radioactive Waste”;

b) Governmental Decrees No. 212 on 13.03.2009 about approving of the Regulation on Authorization of nuclear and radiological activities;

c) Governmental Decrees No. 1220 on 30.10.2008 about approving of the Regulation on State Control and Supervision of Nuclear and Radiological Activities;

d) Governmental Decrees No. 1017 from 01.09.2008 about approving of the Regulation on National Register of the account of ionizing radiations sources and of legal authorized persons or entities”;

e) Government Decree No. 328 from 23.03.2007 about approving of the Regulation on Structure and Staff Limit of the National Agency for Regulation of Nuclear and Radiological Activities”;

f) Government Decrees No. 606 from 15.05.2002 “On the National System of control of export, re-export, import and transit of strategic goods in the Republic of Moldova”;

g) The National Basic Norms of Radiological Protection – 2000 (*further NFRP-2000*) (elaborated on basis of the IAEA BSS-115 laying down basic safety standards for the protection of the health of workers and the general public

against the dangers arising from ionizing radiation) have been approved on March 2001 by Decree of the Minister of Health.

Nuclear safety aspects. Taking in to account, that no present or near future plans for the introduction of nuclear energy in Republic of Moldova, there is no existing legislative framework for the safety of nuclear power plant installations.

Radiation protection aspects. The state control and supervision of the respects of norms of radiation protection are done by the National Agency in conformity with the Law No 111-XVI and NFRP-2000. The individual monitoring of the exposed working personal, of the patients during medical investigations and therapy, of the citizens as results of eventual nuclear or radiological accidents are done by the National Centre of Public Health of the Ministry of Health. The scientific investigations of consequences of eventual irradiations are done by the same National Centre of Public Health.

Article 8. Regulatory Body

Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework referred to in Article 7, and provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities.

Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion of nuclear energy.

The functions of the National Agency are separated formally from organizations concerned with the promotion or utilization of radiation sources. The requested effective independence of the supervisory authority from other governmental bodies concerned with the use of radiation sources is fulfilled on a technical level. In conformity with the Law No 111-XVI and with the Government Decree

regarding Regulation of the National Agency are established, that the National Agency has the following main functions:

a) development of the draft of the legislative and normative acts in the field of nuclear and radiological activities;

b) assurance of the implementation of the current legislation, of the international agreements in the field of nuclear and radiological activities of which party is the Republic Moldova;

c) assurance of the corresponding normative status which is defined with the basic requirements on radiation and nuclear safety, protection from ionizing radiations, maintenance of quality, the control over non-proliferation of nuclear weapons, physical protection and safety of radioactive sources, emergency plans for intervention and investigations in case of radiation and nuclear incidents and accidents, etc.;

d) establish of procedures of authorization, of control and supervision;

e) assessment of applications for obtaining of the authorization for nuclear and radiological activities; registration, on the base of the notification, of the nuclear and radiological activities;

g) issue of safety certificates for installations (equipment) with ionizing radiations sources;

h) issue of the right of the admission of personal for work in the nuclear or radiological fields;

i) performance of the state control and supervision with the purpose of the evaluation of conditions in the field of radiation and nuclear safety and protection from ionizing radiations, and also of specific conditions and the requirements notified in the license or registration certificate, with drawing up of reports on the control; application of necessary measures, involves legal influences, in case of detection of violation of the legislation and normative documents in the field of nuclear and radiological activities;

k) revised, in all cases, as required, of the norms or other regulatory documents of this area with the purpose of their correlation with the international agreements and acceptances of all measures on their performance;

l) managing the National Register of the ionizing radiations sources and of legal authorised persons or entities;

m) cooperation with regulatory bodies of other countries, the international organizations in the given area; accreditation (attestation) of the experts in radiological and nuclear area with delivering of certificate.

Article 9. Responsibility of the License Holder

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant license and shall take the appropriate steps to ensure that each such license holder meets its responsibility.

In conformity with the Law No 111-XVI:

Legal entities owners of the authorization are obliged to provide and support:

a) radiation and nuclear safety, protection against ionizing radiations, physical protection, own plans on response in case of radiation (nuclear) incident or accident, maintenance of own system on quality control and quality assurance in the activities;

b) strict account of radioactive (nuclear) materials, and also anyone used in the activities or made earlier as the results of own activities;

c) observance of established conditions and limits specified in the authorization and the notice of the National Agency about anyone exceeding, according to regulating documents;

d) restriction of area of the activities only within the limits mentioned in the authorization;

e) development of an own system of requirements, rules and instructions which should provide the safe activities without unreasonable of any kind risks;

The entities by possessing authorization and carrying out nuclear activities or activities with use ionizing radiations sources which follows by radioactive waste are obliged:

a) to be responsible for the management with the radioactive waste, arisen as a result of the activity;

b) to pay the costs of services for shipment, sorting, transportation, processing, removals from operation, conditioning, temporary or long-term storage of these waste, by creation of own fund, with concrete designation, for the management of radioactive waste which size, will provide necessary charges;

c) to lead development with the subsequent statement National Agency, the plan on preparation for decommissioning and deactivation of facilities;

d) to provide an opportunity of returning of the used (spent) radioactive sources to the manufacturer or the processing organization.

Expiry of the terms of action, cancellation or withdrawal of the license or registration, does not exempt the licensee or the person possessing registration or persons holders on radioactive (nuclear) materials, radiation (nuclear) installations, facilities or equipment, specified in the license or registration, from the responsibility stipulated in the present law or from conditions stipulated authorization. Article 38 of the The Law No 111-XVI provided that the responsibility for nuclear or radiation damages caused during or as result of accident that might occur by deployment of the activities provided in the authorization or of other activities resulting in the death, damage to the corporal integrity or health of a person, destruction, degradation, or temporary impossibility of using some goods *lies entirely on the authorization holder* under the terms established by law and international commitments to which Republic of Moldova is party.

D. SAFETY RELATED GENERAL CONSIDERATIONS

Article 10. Priority to Safety

Each Contracting Party shall take the appropriate steps to ensure all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

The Law No 111-XVI, pursues the purpose maintenance of safe deployment of nuclear and radiological activity in extremely peaceful purposes and observance of duties which proceed from the international agreements, one of which parties is the Republic Moldova;

Article 11. Financial and Human Resources

Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.

Each Contracting Party shall take the appropriate steps to ensure that sufficient numbers of qualified staff with appropriate education, training and retraining are available for all safety-related activities in or for each nuclear installation, throughout its life.

These requests are included in the **Article 24** of the Law No 111-XVI according to which authorization shall be issued only if applicant fulfils the following conditions:

a) can prove the professional qualification for each position, of his own personnel: that they know the requirements of the regulations with regard to nuclear and radiation safety and protection from ionizing radiations as well as the probity of the persons having decisional authority in the management of the works during the construction and operation of the facilities or in the

management of other nuclear activities from among those mentioned under that article;

b) can prove his organizing capacity and responsibility in the prevention and limitation of the consequences of emergencies with possible negative effects on the life and health of his own personnel and of the population, on the environment, on the property of third parties, and on his own assets;

c) is responsible that the rest of his personnel which ensures the operation of the facility shall have the level of knowledge specific to the position fulfilled with regard to the exploitation of the facility under conditions of nuclear and radiation safety, the associated risks, and the applicable nuclear and radiation safety measures;

d) takes all the necessary measures at the level of technological and scientific rules in force for preventing the production of damages that would result from the construction and operation of the radiation (nuclear) facility;

e) appoint an insurance or any other financial guarantee to cover his responsibility for radiation (nuclear) damages the amount, nature, and terms of the insurance or guarantee being in accordance with those provided under the law and the international conventions to which Republic of Moldova is party;

f) is answerable for taking the measures necessary for the prevention of interference of any kind, or for removing the perturbations due to any third parties in the decision taking process, during the construction and operation of the radiation (nuclear) facility;

g) proposes a siting of the facility not conflicting with the legal provisions and prevailing public interests with regard to the non-contamination of the soil, air, or water, and does not affect the operation of other facilities situated in the vicinity;

h) disposes of material and financial arrangements adequate and sufficient for the decommissioning, radioactive waste management and its storage, generated from his own activity;

i) uses appropriate measuring devices (including radiation gauges) calibrated and metrological legalized established by the current legislation;

j) appoint and maintain a system according to the specific protection regulations against ionizing radiations;

k) appoint and maintain a system conformable to the specific regulations of physical protection of the nuclear and radioactive materials, radioactive waste and products as well as of the radiological and nuclear facilities including storage facilities for nuclear and radioactive materials in conformity with the current legislation;

l) appoint and maintain a system for the QA & QC;

m) appoint and maintain own preparatory system, authorized by National Agency, for the intervention in case of nuclear or radiological accident, the monitoring system on observance of requirements on radiation protection, radiation and nuclear safety on installations (equipment) and corresponding ionizing radiation sources;

n) appoint and maintain a system according to the application regulations of nuclear safeguards in conformity with the current legislation;

o) holds all the other agreements, authorizations and advices;

p) appoint and maintain an adequate public information system.

Article 13. Quality Assurance

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programs are established and implemented with a view to

providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

In conformity with Article 24 of the Law No 111-XVI nuclear activities and practices shall be carried out by respects following requirements:

- a) the working places shall be properly equipped, dimensioned and clearly delimited, including with physical barriers, if necessary;
- b) existence of a corresponding information and signaling system;
- c) existence of collective and individual protection equipment against radiation, in sufficient quantity and of proper quality;
- d) existence of an individual doses assessment system approved by the National Agency;
- e) existence of corresponding radiometric measure device;
- f) management of radioactive waste arisen from the authorized activity;
- g) ensuring regular checking up of the radiological equipments in conformity with the manufacturer's recommendations or with the National Agency's requirements;
- i) designating of a radiation safety responsible for each controlled area;
- j) access to the services of a qualified expert, either by a consulting contract or by direct employment;
- k) implementation of a local regulation system in conformity with the radiation protection principles;
- l) organization of the work according to the quality assurance system.

Detailed requirements for QA programme need to be elaborated and approved.

Article 14. Evaluation and Verification of Safety

Each Contracting Party shall take the appropriate steps to ensure that:

comprehensive and systematic safety assessment are carried out before the construction and commissioning of a nuclear installation and throughout its

life. Such assessment shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;

verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state and the operation of a nuclear installation continue to be in accordance with its design, applicable national safety requirements, and operational limits and conditions.

Safety assessment need to be elaborated and approved.

Article 15. Radiological Protection

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and that no individual shall be exposed to radiation doses exceed prescribed national dose limits.

The supervisory and control methods currently are applied by the Inspectorate of the National Agency in good compliance with the Convention's requirement to keep radioactive doses to the public and the environment ALARA and also to limit, as far as possible, the generation of radioactive waste associated with the use of radioactive sources. The effectiveness of these methods based on recent recommendations of the ICRP can be seen in the low annual individual and collective doses.

The main legal document that contains requirements on radiological protection is the NFRP-2000, which defines dose limits and establishes general conditions for radiological protection, as well as requirements to be recognized as dozimetric service.

The estimation and measurement of doses of occupational radiation exposure due to external sources of radiation is carried out on the base of the dozimetric service in the framework of the National Center of Public Health control. Dozimetric Laboratory is the unique provider of individual monitoring services for whole of Republic of Moldova. The TLD (DTU-04 and Harshow 6600 devices) and electronically direct read individual dosimeters are used for routine individual dozimetric monitoring.

Dose limits aspects. The NFRP-2000 limits the maximum individual total dose for personnel - 20 mSv per year. As the exception, a limit of 50 mSv per year, but not exceeding 100 mSv in five years, is authorized for the personnel from inspectorate. The collective dose for each radiological (nuclear) facility has to be kept below this guide value for normal operation, including replacement of the spent sources on new and other activities.

Article 16. Emergency Preparedness

Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency.

For new nuclear installation above a low power level agreed by the regulatory body.

Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the states in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.

Contracting Parties which do not have a nuclear installation on their territory, insofar as they are likely to be affected in the event of a radiological emergency at a nuclear installation in the vicinity, shall take the appropriate

steps for the preparation and testing of emergency plans for their territory that cover the activities to be carried out in the event of such an emergency.

The National Agency will establish a system of regulations and guides ensures that arrangements for preparedness and response are in place for the on-site area for practices or sources that could necessitate an emergency intervention. The basic reporting procedure required is laid down in an Inspectorate's Guideline. The preparedness and plans are periodically tested in the form of exercises. The ways for alerting the public and the State Service of Civil Protection and Emergency Situations and neighboring countries are in place.

There is the bilateral agreements signed between the Republic of Moldova and Ukraine as well as the Moldova and Romania at the Governments levels.

The Law No 111-XVI demands that each authorized persons should have an emergency plan to cover the whole spectrum of possible emergencies in a given facility.

E. SAFETY OF FACILITIES

Article 17. Sitting

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

for evaluating all relevant site-related likely to affect the safety of a nuclear installation for its projected lifetime;

for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;

for re-evaluating, as necessary, all relevant factors referred to in subparagraphs (i) and (ii) so as to ensure the continued safety acceptability of the nuclear installation;

for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and,

upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and make their own assessment of the likely safety impact on their own territory of the nuclear installation.

Moldovan legislation establishes a procedure to grant authorization for radiological or nuclear facilities in Governmental Decrees No. 212 on 13.03.2009 were includes provisions concerning evaluation of conditions and safety assessment. In addition the Law No 111- XVI include a general mention about necessity to has sitting authorization for all radiological (nuclear) facilities.

Article 19. Operation

Each Contracting Party shall take the appropriate steps to ensure that:

- the initial authorization to operate a nuclear installation is based upon an appropriate safety analyses and a commissioning program demonstrating that the installation, as constructed, is consistent with design and safety requirements;*
- operational limits and conditions derived from the safety analyses, tests and operational experience are defined and revised as necessary for identifying safe for operation;*
- operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;*
- procedures are established for responding to anticipated operational occurrences and to accidents;*
- necessary engineering and technical support in all safety-related fields is available throughout the lifetime of a nuclear installation;*
- incidents significant to safety are reported in a timely manner by the holder of the relevant license to the regulatory body;*
- programs to collect and analyze operating experience are established, the results obtained and the conclusions drawn are acted upon and that existing*

mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;
the generation of radioactive waste resulting from the operation of a nuclear installation is kept to the minimum practicable for the process concerned, both in activity and in volume, and any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site as that of the nuclear installation take into consideration conditioning and disposal.

Moldovan legislation establish a procedure to grant authorization for radiological or nuclear facilities in Governmental Decrees No. 212 on 13.03.2009 about approving of the Regulation on authorization of nuclear and radiological activities, were include provisions concerning evaluation of conditions and safety assessment of radiological and nuclear activities.

F. ACTIVITIES TO IMPROVE SAFETY

In this area, the main concern of the country is to update the legislation related to controlling the existent radiological and nuclear facilities and those that will be built in the future. With this purpose, the whole effective legal framework is being reviewed and completed.