

**LAW OF UKRAINE**  
**On Authorizing Activity in Nuclear Energy**

*Amended by Law of Ukraine No. 747-IV of 15 May 2003 and amended  
by Law of Ukraine No. 1874-VI of 11 February 2010*

This Law establishes legal and administrative foundations for the authorization of nuclear energy use and basic provisions for the regulation of social relations in the *conduct* of this activity, as an exception to the basic provisions set forth in the *Law of Ukraine 'On Licensing of Specific Economic Activities'*.

The authorizing *activity* in nuclear energy is intended to protect national security interests, prevent incompliance with permitted standards for public exposure and environmental contamination, and meet non-proliferation requirements.

**Section I. GENERAL PROVISIONS**

*Article 1. Basic Terms and Definitions*

*The terms and definitions are used in this Law as follows:*

1) *use of radiation sources is an individual nuclear energy practice including the following activities with radiation sources: operation, maintenance, loading-reloading, repair, setup, performance and tightness tests; commissioning and decommissioning of facilities containing radiation sources; installation and dismantling, storage (excepting transit storage in transport), receipt (purchase) and transfer (disposal) including those for supply purposes;*

2) *state registration of radiation sources is introduction of data on radiation sources produced on the territory of Ukraine or imported or exported through the state boundary of Ukraine and on owners of these sources, legal entities, and individuals that use them under economic or operational management or own or use them on other grounds into the state register of radiation sources;*

3) *use of nuclear energy is a practice in which additional radiation sources are used, these sources affect additional groups of people, or the direction of radiation from existing sources changes, thus increasing the dose or the probability of exposure to people or the number of people exposed;*

4) *authorizing documents are licenses and permits, including individual permits and approval certificates for transport of radioactive material;*

5) *operating organization (operator) is a legal entity designated by the State to perform practices related to siting, design, construction, commissioning, operation, and decommissioning of a nuclear installation or siting, design, construction, commissioning, operation, and closure of a radioactive waste disposal facility; the operating organization ensures nuclear and radiation safety and physical protection of a nuclear installation or a radioactive waste disposal facility at all life stages and is liable for nuclear damage;*

6) *life stages of a radioactive waste disposal facility include siting, design, construction, operation, and closure;*

7) *life stages of a nuclear installation include siting, design, construction, commissioning, operation, and decommissioning;*

8) *life stage of a nuclear installation or a radioactive waste disposal facility is a combination of interrelated, gradually changing processes in a nuclear installation or a disposal facility, from siting to recovery of the site for general economic use;*

9) *licensee is an entity in the area of nuclear energy that is granted a license to use nuclear energy in accordance with applicable law;*

10) *nuclear energy license is an authorizing document issued by the state regulatory authority for nuclear and radiation safety that confirms the licensee's right to perform specified nuclear energy practices, provided that nuclear and radiation safety and physical protection of nuclear installations, nuclear material, radioactive waste, and other radiation sources are ensured;*

11) *licensing includes granting, amendment, reissue, suspension, and cancellation of licenses and issue of duplicate licenses; keeping of licensing files, observance over the licensee's compliance with the licensing terms established by standards and rules on nuclear and radiation safety and physical protection of nuclear installations, nuclear material, radioactive waste, and other radiation sources; issue of directions for the elimination of incompliance with licensing terms;*

12) *state regulatory authority for nuclear and radiation safety is a central executive body specially authorized by the Cabinet of Ministers of Ukraine to perform state regulation of nuclear and radiation safety;*

13) *reissue of a license is issue of a license on a new form by the state regulatory authority for nuclear and radiation safety to replace the existing license taking into account terms used to issue the current license and changes that require its reissue;*

14) *radioactive material is any material containing radionuclides whose specific activity and total activity in transport exceeds the limits established by regulations, rules, and standards on nuclear and radiation safety;*

15) *reactor facility is the reactor and associated safety-related systems whose operation involves a controlled chain fission reaction to obtain the end product (neutron flux, electricity, radioactive isotopes);*

16) *approval certificate for transport of radioactive material is a document that confirms compliance of administrative measures and equipment important for nuclear and radiation safety in transport of radioactive material with standards and rules on nuclear and radiation safety;*

17) *entity in nuclear energy use (hereinafter referred to as entity) is a legal entity (enterprise, institution, or organization under any type of ownership) or an entrepreneur that performs or intends to perform a nuclear energy practice for which this Law establishes requirements for mandatory licensing, certification, or registration.*

## **Article 2. Objectives of the Law**

The main objectives of the Law are:

legal regulation of relations in nuclear energy licensing;

establishment of legal procedures for nuclear energy licensing.

## **Article 3. Scope of the Law**

*This Law applies to relations resulting from authorizing activity in nuclear energy, including the use of nuclear energy by military units and establishments for purposes not associated with military operations.*

The nuclear licensing is focused on practices covered by the state regulation of nuclear and radiation safety.

## **Article 4. Objectives of Nuclear Energy Licensing**

The objectives of nuclear energy licensing are to:

ensure the use of only those nuclear installations, radiation sources, and facilities *for radioactive waste management and uranium processing whose level of nuclear and radiation safety* is recognized as complying with internationally accepted requirements based on a comprehensive assessment of all factors affecting safety, including physical protection;

ensure that nuclear energy practices are *performed* only by those individuals and legal entities that can guarantee that the requirements of laws,

regulations, rules, and standards on nuclear and radiation safety and *physical protection of nuclear material, nuclear installations, radioactive waste, and other radiation sources* are met.

### **Article 5. Basic Principles of Nuclear Energy Licensing**

The basic principles of nuclear energy licensing are:

priority of nuclear and radiation safety over other interests;

graded approach to different practices and radiation sources, taking into account associated potential nuclear and radiation hazards;

objectivity of state regulatory authorities for nuclear and radiation safety in safety assessments and decision-making process;

justification of criteria, requirements, and safety conditions in the use of nuclear energy, taking into account ecologic, economic, and social factors;

responsibility of state regulatory authorities for nuclear and radiation safety for compliance with established licensing procedures and for adequacy of conditions and limits set forth in these procedures for nuclear energy use;

*inadmissibility of intervention by any bodies, officials, individuals, or citizens or their associations into the issues under the competence of the state regulatory authority for nuclear and radiation safety, excepting cases provided for by applicable law;*

*openness and transparency in authorizing activity in nuclear energy ensured by the state regulatory authority for nuclear and radiation safety.*

## **Section II. NUCLEAR ENERGY LICENSING**

### **Article 6. Particular Aspects of Nuclear Energy Licensing**

*Particular aspects of nuclear energy licensing are determined by nuclear and radiation safety priorities and are associated with the need for a comprehensive safety assessment in deciding whether to issue or withhold an authorization.*

*Authorization is an integral part of state regulation of nuclear energy and provides for:*

*licensing of specific nuclear energy practices;*

*licensing of the operating organization's practices at an individual life stage of a nuclear installation or a radioactive waste disposal facility and issue of individual permits for specific practices or operations at stages of commissioning, operation, and decommissioning of a nuclear installation or a radioactive waste disposal facility;*



the safety of a radiation source is ensured by its design;

the use of a radiation source does not require any special personnel training on nuclear and radiation safety beyond the procedure for the use of this particular radiation source;

operational experience shows that no accidents with radiation consequences have occurred.

A list of radiation sources to be exempt from licensing is determined by *the state regulatory authority for nuclear and radiation safety upon agreement with the central executive body in exercising the state policy of health protection and health and epidemiological well-being of the public according to the criteria established by the Cabinet of Ministers of Ukraine.*

### **Article 8. Licensing of the Operating Organization for a Specific Life Stage of a Nuclear Installation or a Radioactive Waste Disposal Facility**

The state regulatory authority for nuclear and radiation safety issues a license to the operating organization of a nuclear installation or a radioactive waste disposal facility that has submitted an appropriate application for a specific life stage of the nuclear installation or the disposal facility based on a comprehensive safety assessment of the nuclear installation or the disposal facility and evaluation of *the operating organization's capability* to make all efforts to ensure safety, in particular for:

*construction and commissioning of a nuclear installation;*

*construction of a radioactive waste disposal facility;*

operation of a nuclear installation or a radioactive waste disposal facility;

decommissioning of a nuclear installation;

closure of a radioactive waste disposal facility.

A license issued to *the operating organization* provides a basis for practices *at an individual life stage* of a nuclear installation or a radioactive waste disposal facility including all on-site facilities that are part of the technological processes. The license establishes conditions and restrictions on *these practices* and operations, determines the technological process, and site boundaries to which the license applies. One license can be granted for a system of several nuclear installations or radioactive waste disposal facilities located within one site.

*The terms of a license for an individual life stage issued to the operating organization determine practices or operations that may be performed at stages of construction, commissioning, operation, and decommissioning of a nuclear installation and at stages of operation and closure of a radioactive waste disposal facility only under a special written permit issued by the state*

*regulatory authority for nuclear and radiation safety. The state regulatory authority for nuclear and radiation safety determines conditions and procedures for issuing these permits.*

### ***Article 9. Licensing of Personnel and Officials of the Operating Organization***

*A list of staff positions that deal with direct reactor control and may act only under a license is approved by the Cabinet of Ministers of Ukraine.*

*A list of officials who perform administrative functions to ensure nuclear and radiation safety and who may act only under a license is determined in the license issued to the operating organization for an individual life stage of a nuclear installation or a radioactive waste disposal facility.*

*This list includes officials whose duties are to:*

*make decisions on the operating mode of a nuclear installation or a radioactive waste disposal facility;*

*make decisions to implement emergency response plans;*

*make decisions for upgrades and modifications at safety-related systems;*

*permit personnel to directly control the reactor at a nuclear power plant;*

*observe compliance with nuclear and radiation safety requirements (internal supervision).*

*The conditions and procedure for issuing licenses to personnel and officials of the operating organization are determined by the state regulatory authority for nuclear and radiation safety.*

### ***Article 10. Removed***

### ***Article 11. State Registration of Radiation Sources Including Those Exempt from Licensing***

*Radiation sources, including those that are exempt from licensing, are subject to state registration whose procedure is determined by the Cabinet of Ministers of Ukraine.*

### ***Article 11<sup>1</sup>. Permits for Transport of Radioactive Material***

*Permits for transport of radioactive material are issued by the state regulatory authority for nuclear and radiation safety or its territorial body in*



*The state regulatory authority for nuclear and radiation safety or its territorial body conducts a preliminary review of the application and associated documents to assess their formant and content.*

*The state regulatory authority for nuclear and radiation safety or its territorial body informs the applicant of the results of the preliminary review:*

*within 30 workdays after the application and associated documents are submitted to obtain a license for individual life stages of a nuclear installation or a radioactive waste disposal facility;*

*within 10 workdays after the application and associated documents are submitted to obtain a license for individual nuclear energy practices.*

*The completeness and authenticity of the submitted documents can be verified by the state regulatory authority for nuclear and radiation safety or its territorial bodies through a state review on nuclear and radiation safety and inspections of the applicant. Inspection of the applicant is necessary at stages of construction, commissioning, operation, and decommissioning of a nuclear installation and at stages of operation and closure of a radioactive waste disposal facility.*

*The procedures for state review on nuclear and radiation safety of the submitted documents and inspections of the applicant are established by the state regulatory authority for nuclear and radiation safety in accordance with standard, rules, and regulations on nuclear and radiation safety.*

*The period of time for verifying the submitted documents for completeness and authenticity and for their assessment, including state review and inspection of the applicant, shall not exceed:*

*two years after the application and associated documents are submitted to obtain a license for individual life stages of a nuclear installation or a radioactive waste disposal facility. Under circumstances that necessitate additional verification, the state regulatory authority for nuclear and radiation safety may establish another period that shall not exceed three years;*

*two months after the application and associated documents are submitted to obtain a license for individual nuclear energy practices.*

*The state regulatory authority for nuclear and radiation safety or its territorial body issues a license to the applicant or rejects the application and notifies the applicant of the reasons and conditions for repeated review of the application not later than:*

*within ten days after a decision is made to issue a license for individual life stages of a nuclear installation or a radioactive waste disposal facility;*

*within three days after a decision is made to issue a license for individual nuclear energy practices.*



*the name and location of the applicant as a legal entity or the full name and address of the applicant as an individual obtaining a license. If the practice to be licensed is conducted by branches or other subsidiaries, the license shall indicate their location;*

*the identification code of a legal entity or the identification number of an individual paying taxes and making other obligatory payments;*

*the life stage of a nuclear installation or a radioactive waste disposal facility or an individual practice being licensed;*

*the boundaries of the site within which a nuclear installation or a radioactive waste disposal facility is located or the place or territory of nuclear energy practice;*

*a list of basic structures and buildings that belong to the system of a nuclear installation or a radioactive waste disposal facility (in the license of the operating organization for an individual life stage of the installation or disposal facility);*

*a list of structures, buildings, facilities and operations that belong to the system for processing and storage of radioactive waste (in the license for processing and storage of radioactive waste);*

*processes or economic activities that use radiation sources (in the license for individual nuclear energy practices);*

*a list of documents that served as a basis for issuing the license;*

*a list of officials charged with administrative functions to ensure nuclear and radiation safety and physical protection of nuclear installations, nuclear material, and other radiation sources;*

*conditions for practices;*

*a list of practices or operations at individual stages of construction, commissioning, operation, and decommissioning of a nuclear installation and at stages of operation and closure of a radioactive waste disposal facility under individual permits issued by the state regulatory authority for nuclear and radiation safety;*

*the date of issue, period of validity, and number of the license.*

*The license shall be signed and sealed by a manager or another authorized individual from the state regulatory authority for nuclear and radiation safety or its territorial body.*

*The period of validity of a license is established for:*

*individual life stages of nuclear installations and radioactive waste disposal facilities in accordance with their duration established in the submitted documents;*

*individual nuclear energy practices for a period not less than three years.*

*Within the period of validity of a license, the state regulatory authority for nuclear and radiation safety or its territorial body may amend or reissue the license.*

*The license is amended on the following basis:*

*change in the name or location of the licensee as a legal entity or change in the name, family name, or address of the licensee as an individual (without changes in location of the practice);*

*intention of the licensee to extend the license to additional nuclear installations, radioactive waste disposal facilities, buildings or structures, or additional radiation sources to be managed under the license and to extend the boundaries of the site within which the nuclear installation or the radioactive waste disposal facility is located;*

*intention of the licensee to extend the period of validity of the license;*

*amendment of existing regulatory and legal acts on nuclear and radiation safety or implementation of new ones;*

*circumstances revealed during the practice or state supervision over compliance with licensing terms that require revision and change of the license.*

*The license shall be reissued in the following cases:*

*reorganization of the licensee;*

*change in the location or territory of individual nuclear energy practices;*

*intention of the licensee to make changes to the license, which require verification of the applicant's capability to comply with conditions for this practice established by standards and rules on nuclear and radiation safety.*

*If a license is reissued, the state regulatory authority for nuclear and radiation safety or its territorial body shall make a decision to declare the previous license invalid and introduce appropriate changes to the unified register of licenses not later than the next workday.*

*The period of validity of the reissued license cannot exceed the period for which the previous license was issued.*

*The application for amending and reissuing a license is reviewed in accordance with the licensing procedure. The application to amend the license to extend its period of validity is submitted by the licensee before the date of its expiration within periods established by Article 12 of this Law to be reviewed by the state regulatory authority for nuclear and radiation safety or its territorial body.*

*A decision to reject to amend or reissue a license may be contested by the licensee in court.*

### **Article 15. Verification of Compliance with Licensing Terms**

*Compliance with the licensing terms is verified by the state regulatory authority for nuclear and radiation safety or its territorial body through an assessment of nuclear and radiation safety and physical protection of nuclear installations, nuclear material, radioactive waste, and other radiation sources based on reports submitted by the licensee and inspections of the licensee.*

The procedures for *inspections of the licensee and their schedule* are determined by the state regulatory authority for nuclear and radiation safety.

*The procedure for submission of reports by the licensee is established by the state regulatory authority for nuclear and radiation safety.*

Methods and means of inspections shall not interfere with *the practice of the licensee* being verified.

### **Article 16. License Suspension or Cancellation**

*A license for individual life stages of a nuclear installation or a radioactive waste disposal facility and a license for individual nuclear energy practices may be suspended and a license for stages of construction and commissioning of a nuclear installation (prior to loading of nuclear material into the nuclear installation) or construction of a radioactive waste disposal facility and a license for individual nuclear energy practices may be cancelled by the state regulatory authority for nuclear and radiation safety or its territorial body in the following cases:*

*submission of a relevant application by the licensee;*

*dissolution of the licensee as a legal entity or termination of the business activity of the licensee as an individual;*

*breach of licensing terms and standards and rules on nuclear and radiation safety;*

*failure of the licensee to comply with conditions for the practice established by standards and rules for nuclear and radiation safety;*

*invalidity of documents that justified the applicant's capability to comply with conditions for the practice established by standards and rules on nuclear and radiation safety or failure to comply with safety requirements determined by these documents.*

*A license for stages of construction and commissioning (after loading of nuclear material into the nuclear installation), operation or decommissioning of a nuclear installation and stages of operation or closure*

*of a radioactive waste disposal facility may be cancelled only after nuclear material and radioactive waste are completely removed or after a license is issued to another licensee to conduct practices at this installation or disposal facility.*

*The license is cancelled in case of failure to eliminate the drawbacks within a specific period for stages of construction and commissioning of a nuclear installation (prior to loading of nuclear material into the nuclear installation) or construction of a radioactive waste disposal facility and for individual nuclear energy practices.*

*If the state regulatory authority for nuclear and radiation safety or its territorial body makes a decision to suspend or cancel the license, the licensee shall immediately terminate the practice permitted previously, notify respective bodies, and take measures to keep conditions needed to ensure occupational safety, health of personnel, and environmental protection; in case of a decision to cancel the license, the licensee shall send the original license to the state regulatory authority for nuclear and radiation safety or its territorial body that issued the license within 10 days after the decision is received.*

*The state regulatory authority for nuclear and radiation safety or its territorial body shall notify state executive bodies in the area of nuclear energy and radioactive waste management that the license is cancelled within five days.*

*Decisions to suspend or cancel a license may be contested by the licensee in court.*

### ***Article 16<sup>1</sup>. Issue of a Duplicate License***

*If a license is lost or damaged, the state regulatory authority for nuclear and radiation safety or its territorial body may issue a duplicate license.*

*To obtain a duplicate license, the licensee shall submit an application and documents to confirm payment for the duplicate license to the state regulatory authority for nuclear and radiation safety.*

*The license form that is not suitable for use is submitted by the licensee to the state regulatory authority for nuclear and radiation safety or its territorial body along with the documents identified in the second part of this article.*

*The period of validity of the duplicate license may not be longer than the period of validity of the lost or damaged license.*

*The licensee that submitted the application and documents needed to obtain a duplicate license may conduct its practice based on the notice about the submission of the application for a duplicate nuclear energy license.*

*The state regulatory authority for nuclear and radiation safety or its territorial body shall issue the duplicate license to the applicant within three workdays after the application for a duplicate license is received.*

*If a duplicate license is issued, the state regulatory authority for nuclear and radiation safety or its territorial body makes a decision to declare the lost or damaged license invalid and shall introduce appropriate changes to the unified register of licenses not later than the next workday.*

## **Section IV. RIGHTS AND OBLIGATIONS OF NUCLEAR ENERGY ENTITIES**

### **Article 17. Rights and Obligations of Nuclear Energy Entities**

Nuclear energy entities have the right to:

obtain information on the progress and results of review of the submitted documents;

provide, in writing or verbally, additional explanations, comments, and recommendations on the issues addressed to the state regulatory authority for nuclear and radiation safety *or its territorial body* and organizations involved in review of the submitted documents;

submit a petition to the state regulatory authority for nuclear and radiation safety to introduce changes into the list of expert organizations involved in review of the submitted documents;

contest unauthorized actions of individual officials of *the state regulatory authority for nuclear and radiation safety* who have violated the established procedure for review of the application and submitted documents or made a biased or unjustified decision;

*Nuclear energy entities are obliged to:*

*announce their intention to conduct practices requiring an authorizing document for the use of nuclear energy;*

*provide the state regulatory authority for nuclear and radiation safety and expert organizations involved in review of the submittals with documents in the scope needed for a comprehensive and objective analysis and assessment of compliance with standards and rules on nuclear and radiation safety and for making decisions on nuclear energy practices;*

*assist these bodies and organizations in fulfilling their duties;*

*submit information on compliance of authorized practices with standards and rules on nuclear and radiation safety to the state regulatory authority for nuclear and radiation safety or its territorial body within a period of time established by legislation;*

*notify the state regulatory authority for nuclear and radiation safety or its territorial body of changes in its practices;*

*make payments for authorizing procedures for the use of nuclear energy according to legislation;*

*report to the state regulatory authority for nuclear and radiation safety or its territorial body on the results of the authorized practice in accordance with the procedure established by the state regulatory authority for nuclear and radiation safety;*

*inform the public on safety during the authorized practice. A list of data to be promulgated and the associated procedure are established by the state regulatory authority for nuclear and radiation safety.*

### **Article 17<sup>1</sup>. Liability for Violation of This Law**

*Entities in the area of nuclear energy are liable in the following cases:*

*if nuclear energy practices that are to be conducted under a license and/or another authorizing document and to be registered under this Law are implemented without these documents or registration, a fine is imposed at a rate of 500 to 50,000 tax-free allowances of citizens;*

*if the license and/or another authorizing document is not complied with or not complied with properly, a fine is imposed at a rate of 1,000 to 100,000 tax-free allowances of citizens.*

*A decision to impose fines provided for by the first part of this article is made by the chief state inspector on nuclear and radiation safety of Ukraine or his deputy on behalf of the state regulatory authority for nuclear and radiation safety based on a protocol on the violation of this Law drawn up by the state inspector of the state regulatory authority for nuclear and radiation safety or its territorial body.*

*Decisions of the chief state inspector on nuclear and radiation safety of Ukraine or his deputy to impose fines are contested in court.*

*The paid fines are added to the State Budget of Ukraine.*

## **Section V. FINAL PROVISIONS**

1. This Law shall enter into force on the day of its publication.

2. All permits for the use of nuclear energy that have been valid on the territory of Ukraine before adoption of this Law shall become void no later than three years after this Law enters into force. During the above-stated period, legal entities and individuals that use nuclear energy are obliged to re-register their permits in accordance with this Law.



