

Nuclear Safety Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of ensuring nuclear safety, preventing and responding to nuclear accidents, protecting the safety of life and health of the public and practitioners, protecting the environment, and promoting the sound and sustainable development of the nuclear energy industry.

Article 2 — This Law applies to activities conducted within the territory of the People's Republic of China and other sea areas under its jurisdiction relating to the safety of nuclear facilities, nuclear materials, and

radioactive waste, as well as nuclear emergency preparedness and response. Nuclear facilities include: (1) nuclear power plants; (2) other nuclear reactors other than nuclear power plants, including research reactors, experimental reactors, and critical assemblies; (3) nuclear fuel cycle facilities; and (4) facilities for the disposal of radioactive waste.

Article 3 — The state shall adhere to a nuclear safety concept of placing equal emphasis on development and safety, and shall implement the principles of safety first and giving priority to prevention, accountability, strict management, and defense in depth, to ensure nuclear safety.

Article 4 — Entities engaged in nuclear facility operations shall be fully responsible for nuclear safety. Entities providing equipment, engineering, services, or other products for nuclear facility operations shall bear corresponding responsibilities.

Article 5 — The nuclear safety supervision and administration department under the State Council shall be responsible for the supervision and administration of nuclear safety. The nuclear industry administration department, the energy department, and other relevant departments under the State Council shall be responsible for the relevant nuclear safety administration within their respective functions and responsibilities. The state shall establish a coordination mechanism for nuclear safety work, coordinate the relevant departments to jointly do a good job in nuclear safety work.

Article 6 — The State Council nuclear safety supervision and administration department shall formulate nuclear safety standards in conjunction with the relevant departments under the State Council. Nuclear safety standards are compulsory standards. Nuclear safety standards shall be made public to the society in a timely manner in accordance with the law.

Article 7 — The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall exercise supervision and administration over nuclear safety within their respective administrative regions in accordance with the provisions of this Law and relevant laws and administrative regulations.

Article 8 — Nuclear facility operating entities and individuals providing equipment, engineering, services, or other products for nuclear facilities shall have the personnel, equipment, funds, and management systems commensurate with their nuclear safety responsibilities, and shall provide relevant information on nuclear safety in accordance with the provisions of this Law and nuclear safety standards.

Chapter II — Safety of Nuclear Facilities

Article 9 — The state shall implement a nuclear facility site selection safety review system. The selection of a site for the construction of a nuclear facility shall be subject to scientific demonstration and the site shall comply with the relevant national provisions. Prior to handling the examination and approval procedures for the site selection opinion of a nuclear facility construction project, the nuclear facility operating entity shall obtain a review opinion from the nuclear safety supervision and administration department under the State Council.

Article 10 — The state shall implement a nuclear facility construction permit system. A nuclear facility operating entity shall, before commencement of construction of a nuclear facility, apply for a construction permit to the nuclear safety supervision and administration department under the State Council. Nuclear facility construction permit conditions include: (1) meeting the requirements of national industrial policies; (2) adopting proven technology and verified safe and reliable standards; (3) having an entity and personnel structure that meet the nuclear safety requirements; (4) having a quality assurance, safety management, and emergency response system; and (5) meeting other conditions prescribed by the state.

Article 11 — The state shall implement a nuclear facility operating permit system. A nuclear facility operating entity shall, before the initial loading of nuclear fuel, apply for an operating permit to the nuclear safety

supervision and administration department under the State Council. Nuclear facility operating permit conditions include: (1) satisfying the safety requirements of the nuclear facility design; (2) having nuclear facility operating procedures and emergency plans that have passed review; (3) having operators who have passed the qualification assessment; (4) having a quality assurance, nuclear safety culture cultivation, and nuclear material accounting and control system that meets the requirements; and (5) meeting other conditions prescribed by the state.

Article 12 — Nuclear facility operating entities shall establish a sound nuclear safety defense system, allocate corresponding nuclear safety defense personnel, equipment, and facilities, and formulate emergency response plans for nuclear safety defense. Nuclear facility operating entities shall conduct regular drills for nuclear safety defense and shall submit reports on nuclear safety defense to the nuclear safety supervision and administration department under the State Council.

Article 13 — Nuclear facility operating entities shall conduct regular safety reviews, timely eliminate potential nuclear safety hazards, and ensure that nuclear facilities are in a safe state. Nuclear facility operating entities shall report nuclear safety information to the nuclear safety supervision and administration department under the State Council as required, and shall not conceal, falsely report, or delay reporting.

Article 14 — Nuclear facility operating entities shall establish a nuclear safety culture, formulate and implement nuclear safety culture cultivation programs, and enhance the nuclear safety awareness of practitioners. Nuclear facility operating entities and individuals providing equipment, engineering, services, or other products for nuclear facilities shall establish a quality assurance system and ensure the quality of equipment, engineering, and services.

Article 15 — Nuclear facility operating entities shall conduct regular safety performance assessments and entrust nuclear safety assessment agencies to conduct comprehensive safety assessments. Nuclear facility operating entities shall take corresponding corrective actions based on the assessment results.

Article 16 — Nuclear facility operating entities shall, in accordance with the provisions of the state, purchase liability insurance for nuclear material damage or participate in a nuclear material damage compensation mutual assistance mechanism.

Article 17 — The state shall implement a decommissioning management system for nuclear facilities and shall formulate decommissioning plans for nuclear facilities. Nuclear facility operating entities shall prepare decommissioning plans for nuclear facilities in advance. The decommissioning of nuclear facilities shall be subject to review and approval by the nuclear safety supervision and administration department under the State Council.

Chapter III — Nuclear Materials and Radioactive Waste

Article 18 — The state shall implement a nuclear material licensing system. Entities holding, using, producing, storing, transporting, and disposing of nuclear materials shall obtain a license for nuclear material safety in accordance with the provisions. The state shall implement an approval system for the transport of nuclear materials.

Article 19 — Entities holding, using, producing, storing, transporting, and disposing of nuclear materials shall establish a sound nuclear material accounting and control system. Such entities shall conduct regular verification and keep consistent accounts. Before transferring, receiving, or transporting nuclear materials, such entities shall report to the nuclear safety supervision and administration department under the State Council or other relevant departments as required.

Article 20 — The state shall implement a radioactive waste safety management system. Entities producing radioactive waste shall minimize the generation of radioactive waste, classify and collect waste, and treat and dispose of it safely. Radioactive waste shall be subject to final disposal. Entities producing radioactive

waste shall deliver radioactive waste to disposal units for disposal within a specified time limit, and shall not dispose of radioactive waste on their own, except as otherwise provided by the state.

Article 21 — Nuclear facility operating entities shall establish facilities for storing and treating radioactive waste and shall safely store and treat radioactive waste. The state shall strengthen the treatment and disposal of radioactive waste, plan the construction of centralized regional radioactive waste disposal sites, and ensure the long-term safety of radioactive waste disposal.

Chapter IV — Nuclear Emergency Preparedness and Response

Article 22 — The state shall establish a nuclear emergency work system at the state, provincial, and nuclear facility operating entity levels, and shall implement a nuclear emergency plan system. Nuclear facility operating entities shall formulate on-site nuclear emergency plans in accordance with the law and do a good job in emergency preparedness. Nuclear facility operating entities shall conduct comprehensive emergency drills at least once every five years.

Article 23 — Nuclear facility operating entities and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall establish emergency organizations equipped with necessary emergency equipment and facilities. The state shall establish a nuclear emergency rescue team and equip it with nuclear emergency rescue equipment.

Article 24 — Where a nuclear accident occurs, the nuclear facility operating entity shall immediately initiate the on-site emergency plan, take emergency response measures in accordance with provisions, and report the situation to the nuclear safety supervision and administration department under the State Council, the nuclear industry administration department, and the energy department, as well as the people's government of the province, autonomous region, or municipality directly under the Central Government where it is located.

Article 25 — Upon the occurrence of a nuclear accident, the people's governments at all levels and their relevant departments, as well as nuclear facility operating entities, shall follow the provisions of the nuclear emergency plan, organize and implement emergency response measures such as nuclear radiation monitoring and assessment, containment and mitigation, decontamination and decommissioning, and radiation protection, evacuate and resettle affected personnel, and promptly and truthfully release information.

Article 26 — The state shall establish a nuclear accident emergency medical rescue system. In the event of a nuclear accident, emergency medical rescue teams shall promptly provide medical rescue and radiation protection guidance to the public and to practitioners.

Chapter V — Information Disclosure and Public Participation

Article 27 — The nuclear safety supervision and administration department under the State Council shall disclose administrative licensing, supervision and inspection, overall safety assessment, environmental radiation monitoring, and nuclear accident information in accordance with the law, to facilitate public access to and reproduction of such information. Nuclear facility operating entities shall disclose nuclear safety information on their own initiative, except for content that involves state secrets or commercial secrets in accordance with the law.

Article 28 — Citizens, legal persons, and other organizations shall have the right to obtain nuclear safety information in accordance with the law and shall have the right to report nuclear safety violations to the nuclear safety supervision and administration department under the State Council and other relevant departments. Citizens, legal persons, and other organizations shall not fabricate or disseminate false nuclear safety information.

Article 29 — Where nuclear safety matters involving public interests are involved, nuclear facility operating entities and the nuclear safety supervision and administration department shall solicit opinions from interested parties and the public through means such as hearings, discussion meetings, and questionnaires.

Chapter VI — Supervision and Inspection

Article 30 — The nuclear safety supervision and administration department under the State Council and other relevant departments shall conduct supervision and inspection of nuclear safety in accordance with the law. Nuclear facility operating entities and entities and individuals providing equipment, engineering, services, or other products for nuclear facilities shall cooperate with the supervision and inspection, truthfully explain the situation, and provide necessary documents and materials.

Article 31 — When the nuclear safety supervision and administration department under the State Council and other relevant departments conduct supervision and inspection of nuclear safety, they shall have the right to take the following measures: (1) conducting on-site inspections; (2) making inquiries of relevant personnel; (3) consulting and copying relevant documents and materials; and (4) sealing and seizing facilities, equipment, and articles that pose a safety hazard. Supervision and inspection personnel shall present their credentials and keep confidential any commercial secrets and personal privacy that come to their knowledge in the course of supervision and inspection.

Chapter VII — Legal Liability

Article 32 — Where a nuclear facility operating entity commits any of the following acts, the nuclear safety supervision and administration department under the State Council or other relevant departments shall order it to cease the violation and make rectification within a time limit, and impose a fine; where the circumstances are serious, the nuclear facility construction permit or nuclear facility operating permit shall be revoked: (1) constructing a nuclear facility without authorization; (2) operating without a nuclear facility operating permit; (3) using nuclear materials without authorization; (4) committing fraud, bribery, or other improper means to obtain a permit; or (5) other acts in violation of the provisions of this Law.

Article 33 — Where a nuclear facility operating entity commits any of the following acts, the nuclear safety supervision and administration department under the State Council shall order it to make corrections and impose a fine: (1) failing to report nuclear safety information as required; (2) failing to conduct safety assessments as required; (3) failing to establish a quality assurance system as required; or (4) failing to establish a nuclear safety culture cultivation mechanism as required.

Article 34 — Where an entity providing equipment, engineering, services, or other products for a nuclear facility violates the provisions of this Law, the nuclear safety supervision and administration department under the State Council shall order it to cease the violation and make rectification within a time limit, and impose a fine; where the circumstances are serious, it shall be prohibited from engaging in the relevant nuclear facility equipment, engineering, services, or other product provision activities.

Article 35 — Where damage is caused to another person due to a nuclear accident, the nuclear facility operating entity shall bear liability for compensation in accordance with the provisions of the state on liability for nuclear damage. Nuclear facility operating entities shall purchase liability insurance for nuclear damage or participate in a nuclear damage compensation mutual assistance mechanism. Where a nuclear accident causes damage to another person and the nuclear facility operating entity is unable to make full compensation, the state shall provide appropriate financial compensation.

Article 36 — Where the provisions of this Law are violated and the case constitutes a crime, criminal liability shall be investigated in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 37 — The safety management of military nuclear facilities and the environmental discharge of radioactive substances from military nuclear facilities shall be prescribed separately by the State Council and the Central Military Commission in accordance with the principles of this Law.

Article 38 — For purposes of this Law, "nuclear safety" means that nuclear facilities and nuclear materials are not subject to damage, destruction, or loss, and that nuclear accidents do not occur due to technical reasons, human factors, and other reasons, so as to ensure the health and safety of practitioners and the public, and to protect the environment from radioactive contamination.

Article 39 — This Law shall come into force on January 1, 2018.

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