

AUSTRIAN
NATIONAL REPORT
UNDER THE CONVENTION ON NUCLEAR SAFETY
(September 2001)

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INTRODUCTION

1. General outline of Austria's national policy on nuclear safety

Austria has never operated a nuclear power plant and has no intention to do so in the future. Thus, Austria's high interest in the safety of nuclear facilities, except for the domestic nuclear activities as described in chapter 7.4., relates primarily to environmental and health concerns arising from the operation of nuclear power plants in Austria's neighbourhood.

Already in 1978, the Austrian electorate decided in a referendum not to start the operation of the nuclear power plant in Zwentendorf. Shortly thereafter, on 15 December 1978, the Austrian parliament promulgated the Law on the Prohibition of the Use of Nuclear Fission for Energy Generation in Austria [BGBl¹ No. 676/1978: Bundesgesetz über das Verbot der Nutzung der Kernspaltung für die Energieversorgung in Österreich]. This position was strengthened by the Chernobyl accident in 1986 which substantially increased the opposition of the political parties and the public at large against nuclear power. Austria was at the time among those countries in Central Europe which were most affected by the Chernobyl accident.

In 1999, the Austrian parliament passed unanimously the Constitutional Law on a Nuclear-free Austria [BGBl. I No. 149/1999: Bundesverfassungsgesetz für ein atomfreies Österreich]. It stipulates, inter alia, that installations which serve for energy generation by nuclear power must not be constructed nor, if they already exist, come on line. Furthermore, the law prohibits the transport of radioactive materials for purposes of nuclear power generation or disposal unless this conflicts with international obligations.

In view of the high risks emanating from nuclear installations, especially from nuclear power plants, Austria attaches utmost importance to international efforts to harmonise and steadily increase nuclear safety on an international level. Consequently, Austria has undertaken a number of bilateral activities with neighbouring countries with regard to the exchange of information on nuclear safety matters. It does not only comprise operational information on nuclear installations but also early warning schemes in the case of nuclear incidents or accidents and mutual assistance for the prevention or mitigation of effects from such radiological events.

Austria has contributed and will contribute to all international activities which aim at improving safety levels worldwide. In this respect, Austria regards the Convention on Nuclear Safety a very important tool in developing a global nuclear safety culture. Its regular Review Meetings provide a highly welcome opportunity to review progress in the Member States of the Convention and to exchange views on how best to implement its provisions.

2. Main themes of the report

This report provides

- a detailed description of the Austrian legal regime concerning nuclear matters in general (see Articles 7 and 8 below),
- a particular focus on radiation protection (see Article 15) and

¹ [Bundesgesetzblatt = Federal Law Gazette]

– the national system for emergency preparedness including transboundary questions (see Article 16 below).

3. International agreements

A list of all relevant bilateral and multilateral agreements of which Austria is a party is, for ease of reference, attached.

ARTICLE BY ARTICLE REVIEW

Article 6 (Existing Nuclear Installations)

not applicable

Article 7 (Legislative and Regulatory Framework)

7.1. Introduction

As outlined in Chapter I, in Austria the use of nuclear energy for peaceful purposes has been significantly influenced by the passing in 1978 of the Law Prohibiting the Use of Nuclear Fission for Energy Purposes in Austria and in 1999 of the Constitutional Law on a Nuclear-free Austria.

Austrian legislation in the nuclear field comprises all legal provisions relating to nuclear safety. The following areas can be distinguished:

- radiation protection: all rules and measures concerned with the protection of the lives or health of human beings and future generations from damage due to ionising radiation;
- installation safety: all constructional and technical norms and standards designed to afford protection against radiation from nuclear installations;
- safeguards - accountancy and control of nuclear material - designed to prevent diversion from its peaceful utilisation to misuse (non-proliferation);
- protection of nuclear materials and installations against interference or encroachment by unauthorised third parties (physical protection).

These matters are dealt with in a variety of laws and regulations and may each involve a number of federal (Bund) and regional (Land) authorities.

Beyond specific provisions for licensing as referred to in specific laws the General Administrative Procedures Act of 1991 [BGBl No. 51/1991: Allgemeines Verwaltungsverfahrensgesetz] applies.

7.2. Mining Regime

Under the Act on Mineral Raw Materials of 1999 [BGBl. I No. 38/1999: Mineralrohstoffgesetz], ores containing uranium or thorium are in the property of the State (Bund). Only the Bund has the right of prospecting for and mining them. The Bund may abandon for value the exercise of these rights in specified

territories through civil legal contracts to physical or legal persons or business partnerships who have the technical and financial means necessary to open and operate a mine. The Federal Minister for Economy and Labour concludes such contracts subject to the agreement of the Federal Minister for Finance.

7.3. Radioactive Substances, Nuclear Fuels and Equipment

The main provisions of the Radiation Protection Act of 11 June 1969 [BGBl No. 227/1969: Strahlenschutzgesetz] relate to the licensing of the construction and operation of installations as far as handling radioactive materials or housing radiation-emitting equipment are concerned.

Handling of radioactive materials means the extraction, production, storage, carriage, delivery, supply, processing, use or disposal of radioactive materials or any other activity resulting in the emission of radiation.

Radiation-emitting equipment means devices used for the production of ionising radiation or the use of which involves the emission of radiation in so far as the ionising radiation does not result from spontaneous nuclear processes.

Under the Radiation Protection Act, any other activities involving radioactive materials or the operation of radiation-emitting devices also require a licence.

Specific requirements in regulations foresee exemptions from licensing for activities involving radioactive materials, if they entail no radiation hazards. Similar exemptions relate to the carriage of radioactive materials, provided it complies with the appropriate transport regulations, and also to installations used for military research and experimental purposes.

The design of devices containing radioactive materials or of radiation-emitting equipment may be approved by the authority in accordance with strict legal requirements. Such an approval may simplify the licensing procedures.

The possession of radioactive materials or of radiation-emitting equipment which is exempt from licensing under the Radiation Protection Act has to be reported. There are exemptions from the requirement to report, e.g. in case that radioactive material is below given limits of activity, or for the transport of radioactive materials when it is in compliance with the relevant transport regulations.

7.4. Nuclear Installations (in general; not as defined in Art. 2 of the Convention)

In the 1970s, a nuclear power plant was constructed in Zwentendorf, but as the consequence of the negative vote in the referendum in 1978 was subsequently not put into operation. All nuclear fuel elements were removed in the late 1980s. Currently, Austria operates the following four "nuclear facilities" , i.e. three research reactors and a central waste processing and interim storage facility:

7.4.1. Atominstitut (Atomic Institute)

The Atominstitut of the Austrian Universities which is administered by the Technical University Vienna operates a TRIGA Mark II research reactor. It has a maximum steady state thermal output of 250 kW and pulsing capabilities up to 250 MW. In operation since March 1962, the reactor has been used exclusively for basic and applied academic research and teaching purposes. Being the closest research reactor to the IAEA headquarters it is also frequently used by IAEA staff for development and calibration

of safeguards instruments. The total number of fuel elements in the core is presently 80 (plus 3 fuel elements in the in-pool storage racks), the estimated total activity of these fuel elements after 1 year of cooling time is $2,85 \cdot 10^{15}$ and after 10 years approx. $1,81 \cdot 10^{14}$ Bq. The Atominstitut has a total spent fuel storage capacity of 168 fuel elements.

7.4.2. Österreichisches Forschungszentrum Seibersdorf (Austrian Research Centre)

The ASTRA research reactor at the Austrian Research Centre Seibersdorf, a 10 MW thermal water-cooled and moderated swimming-pool type reactor, has been in operation since 1960 and has been finally shut down in July 1999. The reactor is going to be decommissioned and preparations are being taken for decommissioning. Required material and documentation for the environmental impact assessment is in preparation. Respective information with regard to decommissioning procedure and the impact to the environment and other EU-Member States has been sent to the EU-Commission. All spent fuel elements have been removed from the reactor and sent to the United States for final storage.

7.4.3. Reaktorinstitut Graz (Reactor Institute)

The Graz Reactor Institute has been operating a nominal 10 kW Siemens ARGONAUT reactor since 1965. The fuel enrichment levels are 20% and 90%. The reactor is mainly used for training purposes within the framework of Graz Universities' education programme. The available fuel reserves will last until 2005.

7.4.4. Interim Storage Facility for Low-Level Radioactive Waste

This waste storage facility together with related waste treatment facilities is operated by the Austrian Research Centre Seibersdorf in order to meet radioactive waste management needs of the Austrian industry, hospitals, other medical institutions and research institutes. The storage facility has a design capacity of 15.000 barrels of 200 litres each. Approximately 40 % of this capacity are still available.

7.5. Licensing

As a result of Austria's federal structure, the licensing procedures involve federal (Bund) as well as regional (Länder) authorities.

7.5.1. Licensing and Inspection

The construction and operation of installations for the handling of radioactive materials and radiation-emitting equipment require a licence [Radiation Protection Act, Sections 5-7]. Under the Radiation Protection Act, licensing is a shared responsibility mainly held by the Federal Minister of Agriculture, Forestry, Environment and Water Management (Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft). The distribution of responsibilities is specified in Section 41 of this Act. The examination of licences is dealt with primarily in the Radiation Protection Act and the Radiation Protection Ordinance of 12 January 1972 [BGBl No. 47/1972].

The licensing procedure is subject to the provisions of the General Administrative Procedures Act.

An operating licence is granted if the installation has been constructed in compliance with the specified conditions and obligations, a radiation protection officer has been appointed and the regular operation of the installation entails no hazard from ionising radiation.

The operation of installations for the handling of radioactive materials or for housing radiation-emitting equipment in accordance with the Radiation Protection Act is monitored and inspected at regular intervals by the licensing authority as specified in the pertinent laws.

7.5.2. Emergency Response

The Radiation Protection Act provides that in case of imminent danger from an installation in which radioactive material is handled or radiation-emitting equipment is housed, the authorities shall take all appropriate measures to avert the danger. They may issue provisional instructions and, after consulting the radiation protection officer of the installation, shall proceed in compliance with Section 4 of the 1950 Act on the Enforcement of Administration Decisions (BGBl No. 53/1991: Verwaltungsvollstreckungsgesetz).

7.6. Trade in Nuclear Materials and Equipment

Under the Nuclear Non-proliferation Act of 1991 [BGBl No. 415/1992: Sicherheitskontrollgesetz] and in compliance with Austria's international obligations under the Nuclear Non-proliferation Treaty (NPT), the export of nuclear materials and non-nuclear materials as well as nuclear equipment is subject to a licence which is granted by the Federal Ministry for Economy and Labour (Bundesministerium für Wirtschaft und Arbeit) in accordance with the provisions of the NPT.

7.7. Radiation Protection

The main focus of Austria's nuclear safety legislation is radiation protection, dealt with primarily in the Radiation Protection Act and the Radiation Protection Ordinance. These instruments define the general measures to protect the lives and health of individuals and their descendants from the hazards of ionising radiation, as well as the licensing conditions for the construction and operation of installations for the handling of radioactive materials (as explained above under item 7.4. "Nuclear Installations").

The radiation protection provisions as such are enshrined in Part III of the Radiation Protection Act and in the Radiation Protection Ordinance. They are designed

- to ensure that exposure of individuals to radiation is kept „as low as possible“;
- to restrict the absorption of radioactive materials by the human body to a minimum;
- to ensure that only the smallest possible quantities of radioactive materials are released into the air, water or soil.

The Radiation Protection Act requires pre-employment medical examinations and periodic health checks of exposed workers as well as their dosimetric surveillance. The Act provides that special radiation protection provisions be defined in a specific Radiation Protection Ordinance.

In fulfillment of Article 55 of the Council Directive 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation" of the European Union, the Radiation Protection Act as well as the Radiation Protection Ordinance are in the process of being adapted to the requirements of the law of the European Union in this field.

7.8. Radioactive Waste Management

Since Austria does not operate nuclear power plants, there is no major production of high level radioactive waste (HLW). Consequently, there is no need for considering intermediate or final storage capacities in Austria for HLW. The relatively small quantities of HLW resulting from the Austrian research reactors are covered by a framework contract for „US-origin nuclear fuel“.

Low and medium level waste (L/MLW) from hospitals, industry and research laboratories (30-40 tons/year) is collected and treated by the Austrian Research Centre Seibersdorf. The research centre is equipped with suitable facilities to process and condition low and medium level waste, e.g. incinerator, supercompactor and waste water evaporator. As a conditioning process, cementing is predominantly used.

On the basis of a joint agreement between the Republic of Austria, the community of Seibersdorf and the Austrian Research Centre Seibersdorf, the intermediate storage facility is scheduled to be operated until 2012 on the site of the research centre for a capacity of 15.000 drums of conditioned waste.

Legal aspects:

The Radiation Protection Ordinance contains detailed provisions concerning the handling of radioactive waste, which mainly relate to radiation protection measures. According to the current draft modifying the Radiation Protection Ordinance, the licensing of such installations requires both the applicants for new licences and the operators of existing installations to furnish waste management schemes.

Related Instruments:

The Ordinance on the Specification of Hazardous Wastes [BGBl No. 607/1989: Verordnung über die Festlegung von gefährlichen Abfällen] includes radioactive waste within the defined limits of the Radiation Protection Act. Accordingly, radioactive waste is contained in a list of substances to which the 1989 Act on the Rehabilitation of Hazardous Waste Sites applies [BGBl No. 299/1989: Altlastensanierungsgesetz].

A further Ordinance on the Transfer of Radioactive Wastes [BGBl No. 44/1997: Radioaktive Abfälle-Verbringungsverordnung], relating to the supervision and control of shipments of radioactive waste into, out of and through the national territory, came into force on 1 March 1997. It was issued pursuant to the Radiation Protection Act in order to implement the provisions of Council Directive 92/3/EURATOM of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community. The Annexes to the Ordinance define, inter alia, the form of the applicable standard documentation and the list of quantities and concentration levels for radioactive waste.

7.9. Nuclear Non-Proliferation and Physical Protection

Austria has been a Party to the Treaty on the Non-proliferation of Nuclear Weapons (NPT) since 1970 [BGBl No. 258/1970] and, in accordance with the Treaty, concluded an Agreement on 21 September 1971 with the International Atomic Energy Agency (IAEA) on the Application of Safeguards [BGBl No. 239/1972]. The legal basis for Austria's non-proliferation policy was established through the Austrian Nuclear Non-proliferation Act of 1972, revised in 1991.

Since 1 April 2000, the authority responsible for nuclear non-proliferation is the Federal Minister for Economy and Labour .

Following the Austrian accession to the European Union, the bilateral safeguards agreement with the IAEA was suspended, and Austria became a party to the trilateral agreement between the IAEA, EURATOM and the non-nuclear weapon States Members of EURATOM.

With regard to the physical protection of nuclear material, the Nuclear Non-proliferation Act also contains provisions on interference or encroachment by unauthorised third parties. The Federal Ministry of the Interior (Bundesministerium für Inneres) may impose any measures it considers necessary to ensure the protection of nuclear materials at the domestic level. The Ministry of the Interior is responsible for issuing licences and for the adoption of security measures in connection with the handling of nuclear materials, including protective measures against interference or encroachment. Before decisions are taken, the Federal Ministry for Economy and Labour (Division for Nuclear Non-proliferation) and the Federal Ministry of Agriculture, Forestry, Environment and Water Management (Division for Radiation Protection) shall be consulted. In addition, the Federal Ministry of the Interior decides on protective measures with regard to the carriage of materials that come within the purview of the Act on the Transport of Dangerous Goods by Road.

Physical protection levels are based on the IAEA Guidelines and Recommendations for the Physical Protection of Nuclear Materials as published in IAEA document INFCIRC/225 as revised.

Since illicit trafficking has become an issue of international political as well as technical concern, Austria has been participating in the reporting system of the IAEA illicit trafficking database and other relevant activities in the framework of this organisation. The Federal Ministry for Economy and Labour (Division for Nuclear Non-proliferation) serves as contact point to the international system and as national co-ordinator between relevant authorities on Federal and Regional level.

7.10. Transport

In Austria, the transport of radioactive materials is strictly controlled so as to ensure maximum safety. Safety measures of a general nature are laid down in the Radiation Protection Act of 1969.

7.10.1. The transport of radioactive materials by rail is governed by the provisions of the Regulation Concerning the International Carriage of Dangerous Goods by Rail (RID), an Annex to the Convention Concerning the International Carriage by Rail (COTIF). RID has been applicable to the international transport of dangerous goods in Austria since it became a Party to COTIF. Under the Act on the Carriage of Dangerous Goods² of 1998 (GGBG), it also applies to transport operations within Austria.

7.10.2. The international transport of radioactive materials by road is primarily subject to the „European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR)“ to which Austria is a Party. The provisions of ADR apply directly. In addition to ADR, there are provisions of the GGBG which refer to, implement and complete the ADR. Under the GGBG, ADR is also applicable to the domestic carriage of dangerous goods by road in Austria.

² Bundesgesetz über die Beförderung gefährlicher Güter und über eine Änderung des Kraftfahrtgesetzes 1967 und der Straßenverkehrsordnung 1960 (Gefahrgutbeförderungsgesetz -GGBG), BGBl. I No. 145/1998 idgF

7.10.3. As regards air transport, the provisions of the ICAO-Technical Instructions for the Safe Transport of Dangerous Goods by Air are implemented by the GGBG. Furthermore, the Dangerous Goods Regulations of the International Air Transport Association (IATA) constitute an integral part of any carriage contract concluded by an IATA-carrier.

7.10.4. Since the relevant international legal instrument for the transport of dangerous goods by inland navigation (ADN) has not yet entered into effect, the transport of radioactive materials is subject to the provisions of an ordinance³ based on the 1997 Federal Act on Inland Navigation⁴ and to the provisions of the GGBG, as far as they are common to all modes of transport.

Regardless of the applicable law of the state in which a harbour is located, the transport of radioactive materials by sea ships registered in Austria has to comply with the International Maritime Organisation (IMO) Dangerous Goods Code. The provisions of this IMDG-Code are also referred to in the GGBG.

The GGBG also implements several directives of the European Union concerning the carriage of dangerous goods by road, rail and inland navigation, which also refer to, implement and complete the international agreements mentioned above.

As far as the international legal instruments mentioned in this item 7.10. (RID/COTIF, ADR, ICAO-TI, IATA-DGR, ADN, IMDG-Code) relate to the transport of radioactive materials, they are mainly based on provisions published by the IAEA (Safety Series No. 6, ST-1 und ST-2).

7.11. Nuclear Third Party Liability

The liability for nuclear installations and nuclear substances, previously governed by the Act on Liability for Nuclear Damage of 1964, has been completely reformed by the Act on Liability for Damage Caused by Radioactivity⁵ of 1999. The Act on Liability for Nuclear Damage of 1964 still followed the pattern of the Paris Convention, which Austria has signed, but not ratified. Its liability regime for nuclear damage was felt to be inadequate in view of the modern requirements. Thus the Act on Liability for Damage Caused by Radioactivity of 1999 aims at creating an up-to-date regulation, which comes up to the standard of comparable Austrian acts on strict liability.

The Act covers any damage to persons or property resulting from ionizing radiation through nuclear installations, nuclear substances and radionuclides. Further coverable damages are the costs of the removal of impairments to the environment and the costs of preventing measures undertaken to avert immediate danger originating from nuclear installations, nuclear substances or radionuclides. In this context, an impairment to the environment is defined as any interference with the environment, which lastingly alters the latter in such a way that it differs noticeably from natural processes either in quantity, in quality or in the temporal respect. Only the impairment which is of some significance is to be compensated.

³ Verordnung des Bundesministers für Wissenschaft und Verkehr über die Beförderung gefährlicher Güter auf -Verordnung), BGBl. II No. 295/1997 idgF

⁴ Bundesgesetz über die Binnenschifffahrt (Schiffahrtsgesetz), BGBl. I No. 62/1997 idgF

⁵ Bundesgesetz über die zivilrechtliche Haftung für Schaden durch Radioaktivität (Atomhaftungsgesetz 1999 - AtomHG 1999).

The liability both of the operator of a nuclear installation and the carrier of nuclear substances does in principle not presuppose any negligence on their part. Accordingly the Act lays down as a rule the strict liability of the said persons. The operator of a nuclear installation is liable for all harm caused by operating the installation. Not only damages resulting from an accident during operation are covered, but also any damages in the ordinary course of operation (i.e. without any sudden incident). The carrier of nuclear substances is liable for damages caused by an accident during carriage. In addition he has to remedy any other harm caused during carriage (thus likewise independently of a possible incident).

The maximum liability amounts, which were provided for in the Act on Liability for Nuclear Damage of 1964, were eliminated by the Act on Liability for Damage Caused by Radioactivity of 1999. It designates in principle the unlimited liability of the person liable.

The Act also provides liability rules for the handling of radionuclides. Also in these cases the amount of compensation is in principle unlimited. The holder of the radionuclide, however, is liable only if he is to be blamed for negligence, since in these cases damage normally cannot reach dimensions comparable to those caused by nuclear installations or the substantially more dangerous nuclear material. Due to the yet given specific danger of radionuclides the burden of proof is shifted from the injured party to the holder of the radionuclide.

Furthermore, the Act abandons the principle of "channelling" of nuclear liability currently governing the international conventions on the subject-matter. That means that compensation can not only be claimed from the operator of an installation, but the injured party can also take legal action against third parties, e.g. the supplier and the constructor. This is meant to make sure that the person injured can recover all damages even if it is more than the operator can pay.

To provide security for the claims of possible injured parties, the Act on Liability for Damage Caused by Radioactivity of 1999 obliges the following persons to effect liability insurances: the operator of a nuclear installation situated in Austria, the carrier of nuclear substances and the holder of a radionuclide with an activity of more than 370 Gigabecquerel. Minimum amounts insured shall guarantee that all foreseeable hazards can be covered.

Taking into consideration that Austria is a party neither to the Paris Convention nor to the Vienna Convention, § 23 of the Act contains special rules for international cases. Whereas pursuant to § 48 of the Austrian Act on Private International Law non-contractual damage claims are governed by the law of the state, in which the act causing the damage was committed, § 23 (1) of the Act on Liability for Damage Caused by Radioactivity of 1999 provides that the person injured by ionizing radiation can demand that Austrian law be applied to claims for damages which occurred in Austria. If vice versa the incident causing the harm has taken place in Austria and thus Austrian law is applicable, damages which occurred abroad are only covered according to Austrian law as far as compensation is also provided for by the personal statute - usually the *lex patriae* - of the injured party.

Regulatory and Supervisory Authorities

Article 8. (Regulatory Body)

In Austria, legislative and executive powers are divided between the Bund and the Länder. Under the general clause of Art. 15 of the Federal Constitutional Law, legislative and executive powers are vested in

the Länder, with the exception of all matters which are explicitly listed in Art. 10 12 of the Federal Constitutional Law.

8.1. Federal Authorities (Bund)

The Federal Ministers are responsible for the application of the pertinent provisions of the Radiation Protection Act of 1969 with regard to:

- nuclear reactors;
- production of nuclear fuels or processing of irradiated nuclear fuels;
- particle accelerators;
- design approval for special equipment with radiation sources which can replace a license ;
- approval of medical practitioners and hospitals.

8.1.1. The Federal Chancellery (Bundeskanzleramt)

With the entry-into-force of the latest amendment to the Federal Law on the Federal Ministries on 1 April 2000, the competences for the implementation of the Non-Proliferation Treaty and radiation protection as well as the International Atomic Agency have been transferred to the Ministry for Economy and Labor, the Ministry of Agriculture, Forestry, Environment and Water Management and the Ministry for Foreign Affairs, respectively. The Federal Chancellery has kept its competence relating to the coordination of the national crisis management system.

8.1.2. The Federal Ministry of Agriculture, Forestry, Environment and Water Management (Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft)

The Federal Ministry of Agriculture, Forestry, Environment and Water Management is responsible for radiation protection, with the exception of radiation matters in the medical field and foodstuff. The Minister is also responsible for issues relating to the long-term storage of radioactive waste, including the siting, construction and operation of storage facilities. The decision on a specific repository site shall take account of the requirements of the 1993 Environmental Impact Assessment Act [BGBl No. 697/1993: Umweltverträglichkeitsprüfungsgesetz] and of the procedure laid down in the land use laws of the Länder [1972 Radiation Protection Ordinance]. Finally, the Federal Ministry of Agriculture, Forestry, Environment and Water Management is responsible for general affairs of nuclear co-ordination.

8.1.3. The Federal Ministry for Economy and Labour (Bundesministerium für Wirtschaft und Arbeit)

In his capacity as the National Nuclear Non-proliferation Authority, the Federal Minister for Economy and Labour is responsible for nuclear material accountancy and control in accordance with the Non-proliferation Act of 1991. Under the same Act, he is furthermore responsible for export controls regarding fissionable material, non-nuclear material (e.g. heavy water, zirconium, etc.) and equipment.

Under the 1995 Foreign Trade Act (Außenhandelsgesetz, BGBl No. 172/1995), he is responsible for the licensing of exports of nuclear-related „dual use“ goods. In addition, the Minister is responsible for a limited number of matters concerning the safety of nuclear installations, e.g. pressure vessels and power

engines. Finally, the Central Labour Inspectorate of the Federal Ministry for Economy and Labour is responsible for the protection of the health of employees carrying out radiation activities.

8.1.4. The Federal Ministry of Education, Science and Culture

(Bundesministerium für Bildung , Wissenschaft und Kultur)

The Federal Ministry of Education, Science and Culture is responsible for the co-ordination and strategic orientation of energy research and development in general and nuclear research in particular. In addition, it is the competent authority for the licensing of the construction and operation as well as for the inspection of university-based nuclear installations in cooperation with the Federal Ministry of Agriculture, Forestry, Environment and Water Management.

8.1.5. The Federal Ministry of Finance (Bundesministerium für Finanzen)

As far as nuclear third party liability is concerned, the Federal Ministry of Finance supervises the conditions of liability insurances.

8.1.6. The Federal Ministry for Foreign Affairs

(Bundesministerium für auswärtige Angelegenheiten)

The Federal Ministry for Foreign Affairs is the competent authority representing Austria in international fora. In particular, it is in charge of all issues related to the negotiation and implementation of all legal instruments concluded with the IAEA.

8.1.7 The Federal Ministry of the Interior (Bundesministerium für Inneres)

The Federal Ministry of the Interior is responsible for issuing licences on the physical protection of nuclear material and facilities in use, storage and transport, including protective measures against interference or encroachment by unauthorised third persons [Safeguards Act, Part 3]

8.1.8. The Federal Ministry of Justice (Bundesministerium für Justiz)

The Federal Ministry of Justice is responsible for all legal matters relating to the Act on Liability for Damage caused by Radioactivity.

8.1.9. The Federal Ministry of Social Security and Generations

(Bundesministerium für soziale Sicherheit und Generationen)

The Federal Ministry of Social Security and Generations is responsible for radiation matters in the medical field and with regard to foodstuff.

8.1.10. The Federal Ministry for Transport, Innovation and Technology

(Bundesministerium für Verkehr, Innovation und Technologie)

The Federal Ministry for Transport, Innovation and Technology is the authority competent for the carriage of dangerous goods (including radioactive materials) by all means of transport, for the shipments of radioactive materials and the transport security measures with regard to a radiologically significant carriage of nuclear materials (Act on the Transport of Dangerous Goods by Road, in line with respective international agreements such as e.g. ADR). In this regard it is also responsible for the approval of packages and shipments of radioactive materials. This Ministry is the competent authority for the implementation and interpretation of IAEA's regulations for the safe transport of radioactive materials (IAEA Safety Series Nos. 6, 7 and 37 as amended by IAEA Doc. ST-1 and ST-2) as well as for the legislation enforcing these regulations.

8.2. Regional Authorities (Länder)

The regional Governor (Landeshauptmann) is the competent authority for the enforcement of Parts II and III of the 1969 Radiation Protection Act as far as installations requiring licences are concerned, except where the Federal Ministers are explicitly given responsibility by the Law. The Governor is also the competent authority for licensing X-ray equipment.

8.3 District Authorities (Bezirksverwaltungsbehörden)

In general, the district authorities are responsible for the implementation of Parts I - III of the Radiation Protection Act, except where the Law explicitly provides that the Federal Ministry or the regional Governor are in charge.

Under the Constitution, responsibility for granting construction licences for installations to handle radioactive materials would normally lie with the mayor of the town to which the site of the installation belongs. In practice, however, advantage is usually taken of the possibility of transferring this responsibility to the regional authorities' level.

Article 9 - Article 14:

not applicable

Article 15 (Radiation Protection)

Although for Austria this Article 15 is not applicable as far as it relates to nuclear installations as defined by Art. 2 of the Convention, radiation protection is the main topic of nuclear safety legislation in Austria (see also item 7.7. above).

Valid dose limits are in accordance with dose limits laid down in the Council Directive 96/29/ EURATOM. Basic limits are e.g. 20 mSv/year for radiation workers and 1 mSv/year for members of the public.

The conditions and limits for radioactive materials release are covered by Sections 89 - 92 of the Radiation Protection Ordinance as well as by individual licensing decrees taking into account the Council Directive

96/29/EURATOM. Regarding environmental radiological surveillance, Section 93 of the Radiation Protection Ordinance obliges any operator of nuclear facilities or of equipment emitting ionising radiation to provide for an appropriate surveillance system and to measure radiation values in the environment regularly. In addition, the licensing authority is entitled to measure radiation in the vicinity of nuclear facilities or equipment emitting ionising radiation. In carrying out these control and inspection activities, the authority is supported by experts of the Federal Office and Research Center for Agriculture.

Article 16 (Emergency Preparedness)

16.1. National emergency arrangements

Section 38 of the Radiation Protection Act sets forth the general principles concerning measures to be taken in the case of radioactive contamination.

In general, the competence for taking such measures lies with the Landeshauptmann, subject to orders from the federal level (Federal Minister in charge of radiation protection). The responsibility for general radiation aspects lies within the Federal Ministry of Agriculture, Forestry, Environment and Water Management. The responsibility for foodstuffs lies with the Ministry of Social Security and Generations.

For radiological emergencies, a national contingency plan - containing, in particular, provisions on the exchange of information, civil protection measures, warning and informing the public and convening the „National Crisis Management Board“ - has been drawn up. Together with appropriate general recommendations issued by the federal authorities, this principal plan serves as the basis for preparatory measures to be taken at the regional level. A classification system for nuclear or radiation accidents is laid down in the Framework Recommendations of the Austrian Radiation Protection Committee.

The Federal Alarm Centre (Bundeswarnzentrale) of the Federal Ministry of the Interior acts as a "message relay centre" for the Radiation Protection Division of the Federal Ministry of Agriculture, Forestry, Environment and Water Management, whose experts are available around the clock. If an incident is reported to the Federal Alarm Centre, the radiation protection experts are immediately called in. If they come to the conclusion that there is imminent danger, all competent authorities are informed.

The Federal Ministry of Agriculture, Forestry, Environment and Water Management may decide on any urgent preliminary counter-measures. If necessary, the National Crisis Management Board (Koordinationsausschuß des Staatlichen Krisenmanagements), which is chaired by the Federal Chancellery, will convene. Its membership comprises all Federal Ministries, the regional governments and socio-professional interest groups as well as the Austrian radio and television network (ORF) and the Austrian Press Agency. This team of experts advises the Federal Government: it co-ordinates all measures necessary for an emergency response at short notice und makes arrangements for a long-term concerted strategy at all levels of the public administration.

16.2. The Austrian Radiation Early Warning and Monitoring System

A special chapter of the Austrian Radiation Protection Act deals with large-scale radiation surveillance, monitoring in emergency situations and the implementation of remedial counter-measures.

As a result of this Act, the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management operates an automatic Radiation Early Warning System. A laboratory-based monitoring

network in order to comply with the requirements of rapid recognition and precise determination of radioactive contaminants is operated by the Ministry of Agriculture, Forestry, Environment and Water Management and of the Ministry of Social Security and Generations.

In addition, several hundred car-borne and several air-borne dose rate measurement units have been installed in the Federal Ministry of the Interior's und the Federal Army's networks. Furthermore, the Federal Ministry of Agriculture, Forestry, Environment and Water Management plays an important role as the authority competent for the planning and implementation of counter-measures.

The laboratory-based network (Laborgestütztes Überwachungsnetz für Radioaktivität) handles the radionuclide-specific monitoring of the air, precipitation, the surface water bodies and foodstuffs. The various media are collected, and their radionuclide contents is analysed in several laboratories.

The Austrian Radiation Early Warning System (Strahlenfrühwarnsystem) continuously monitors external gamma dose rates throughout the country. Near the Austrian borders, several aerosol and radioiodine warning devices have been installed. This automatic on-line system is operated by the Federal Ministry of Agriculture, Forestry, Environment and Water Management. Its construction started in the mid-Seventies; and it has been operative since 1979.

From 336 doserate meters, data are transmitted to 9 Regional Centres at approx. 3 minute intervals and also on-line to the National Centre. Thus, it is possible to monitor the nuclear radiation situation in all of Austria. The system design meets the requirements of high operational safety and reliability. The public has permanent access to the data via the ORF-Teletext service .

The data gathered by the Radiation Early Warning and Monitoring System are exchanged on-line with the corresponding systems in the neighbouring countries of Slovenia, Slovakia and the Czech Republic on the basis of bilateral agreements.

16.3. Bilateral information agreements with neighbouring states

see Annex 1

Article 17 - 19

not applicable

Annexes

Annex 1: Bilateral agreements in the field of nuclear safety and radiation protection

Annex 2: Multilateral agreements in the field of nuclear safety and radiation protection

**BILATERAL AGREEMENTS
IN THE FIELD OF NUCLEAR SAFETY
AND RADIATION PROTECTION**

Belarus

Agreement on an exchange of information in the field of nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Republik Belarus über den Austausch von Informationen aus dem Bereich der nuklearen Sicherheit und des Strahlenschutzes).

Signed on 9 June 2000

Czech Republic

Agreement between Austria and former Czechoslovakia concerning questions of mutual interest in connection with nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Tschechoslowakischen Sozialistischen Republik zur Regelung von Fragen gemeinsamen Interesses im Zusammenhang mit der nuklearen Sicherheit und dem Strahlenschutz)

BGBI. ⁶ Nr. 565/1990 idF BGBI. Nr. III/123/1997, entered into force in 1990

Germany

Agreement on an exchange of information and experience in the field of radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Bundesrepublik Deutschland über Informations- und Erfahrungsaustausch auf dem Gebiet des Strahlenschutzes)

BGBI. Nr. 128/1989 idF BGBI. Nr. 892/1994, entered into force in 1994

Agreement on mutual assistance in the event of disasters or serious accidents

(Abkommen zwischen der Republik Österreich und der Bundesrepublik Deutschland über die gegenseitige Hilfeleistung bei Katastrophen oder schweren Unglücks)

BGBI. Nr.489/1992, entered into force in 1992

Hungary

Agreement on the settlement of questions of mutual interest in connection with nuclear installations

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Ungarischen Volksrepublik zur Regelung von Fragen gemeinsamen Interesses im Zusammenhang mit kerntechnischen Anlagen)

⁶ BGBI. = Federal Law Gazette

BGBI. Nr. 454/1987, entered into force in 1987

Agreement on mutual assistance in the event of disasters or serious accidents

(Abkommen zwischen der Republik Österreich und der Republik Ungarn über die gegenseitige Hilfeleistung bei Katastrophen oder schweren Unglücksfällen)

BGBI. Nr. III /76/1998, entered into force in 1998

Liechtenstein

Agreement on mutual assistance in the event of disasters or serious accidents

(Abkommen zwischen der Republik Österreich und dem Fürstentum Liechtenstein über die gegenseitige Hilfeleistung bei Katastrophen oder schweren Unglücksfällen)

BGBI. Nr. 758/1995, entered into force in 1996

Poland

Agreement on an exchange of information and co-operation in the field of nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Republik Polen über Informationsaustausch und Zusammenarbeit auf dem Gebiet der nuklearen Sicherheit und des Strahlenschutzes)

BGBI. Nr. 643/1990, entered into force in 1990

Russia

Agreement between Austria and the former USSR concerning early notification and information in the case of nuclear accidents and the exchange of information related to nuclear installations

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Union der Sozialistischen Sowjetrepubliken über die frühzeitige Benachrichtigung bei einem nuklearen Unfall und den Informationsaustausch über Kernanlagen)

BGBI. Nr. 130/1990 idF BGBI. Nr. 257/1994, entered into force in 1990

Slovakia

Agreement between Austria and Slovakia concerning questions of mutual interest in connection with nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Slowakischen Republik zur Regelung von Fragen gemeinsamen Interesses im Zusammenhang mit der nuklearen Sicherheit und dem Strahlenschutz)

BGBI. Nr. 565/1990 idF BGBI. Nr. 1046/1994, entered into force in 1995

Agreement on co-operation and mutual assistance in the event of disasters

(Vertrag zwischen der Republik Österreich und der Slowakischen Republik über die Zusammenarbeit und die gegenseitige Hilfeleistung bei Katastrophen)

BGBI. III Nr. 155/98, entered into force in 1998

Slovenia

Agreement on an early exchange of information in the case of radiological dangers and on questions of mutual interest in the field of nuclear safety and radiation protection

(Abkommen zwischen der Republik Österreich und der Republik Slowenien über den frühzeitigen Austausch von Informationen bei radiologischen Gefahren und über Fragen gemeinsamen Interesses aus dem Bereich der nuklearen Sicherheit und des Strahlenschutzes)

BGBI. III Nr. 176/1998, entered into force in 1998

Agreement on co-operation in the field of prevention and mutual assistance in the event of disasters or serious accidents

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Republik Slowenien über die Zusammenarbeit bei der Vorbeugung und gegenseitigen Hilfeleistung bei Katastrophen oder schweren Unglücksfällen)

BGBI. III Nr. 87/1998, entered into force in 1998

Switzerland

Agreement on an exchange of information in the field of nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und dem Schweizerischen Bundesrat über den frühzeitigen Austausch von Informationen aus dem Bereich der nuklearen Sicherheit und des Strahlenschutzes)

BGBI. III Nr. 201/2000, entered into force in 2001

Tajikistan

Agreement between Austria and the former USSR concerning early notification and information in the case of nuclear accidents and exchange of information related to nuclear installations (used with Tajikistan)

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Union der Sozialistischen Sowjetrepubliken über die frühzeitige Benachrichtigung bei einem nuklearen Unfall und den Informationsaustausch über Kernanlagen)

BGBI. Nr. 130/1990 and BGBI. III Nr. 4/1998, entered into force in 1998

Ukraine

Agreement on an exchange of information and co-operation in the field of nuclear safety and radiation protection

(Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Ukraine über Informationsaustausch und Zusammenarbeit auf dem Gebiet der nuklearen Sicherheit und des Strahlenschutzes)

BGBI. III Nr. 152/1998, entered into force in 1998

**MULTILATERAL AGREEMENTS
IN THE FIELD OF NUCLEAR SAFETY
AND RADIATION PROTECTION**

UN / IAEA

Convention on Early Notification of a Nuclear Accident

(Übereinkommen über die frühzeitige Benachrichtigung bei nuklearen Unfällen)

BGBI. Nr. 186/1988, entered into force in 1988

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency

(Übereinkommen über Hilfeleistung bei nuklearen Unfällen oder strahlungsbedingten Notfällen)

BGBI. Nr. 87/1990, entered into force in 1989

Convention on Nuclear Safety

(Übereinkommen über nukleare Sicherheit)

BGBI III No. 39/1998, entered into force in 1997

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

(Gemeinsames Übereinkommen über die Sicherheit der Behandlung abgebrannter Brennstäbe und die Sicherheit der Behandlung radioaktiver Abfälle)

BGBI. III Nr. 169/2001, entered into force in 2001

UN / ECE

Convention on Environmental Impact Assessment in a Transboundary Context

(Übereinkommen über die Umweltverträglichkeitsprüfung im grenzüberschreitenden Rahmen)

BGBI. III Nr. 201/1997, entered into force in 1997

Convention on the Transboundary Effects of Industrial Accidents

(Übereinkommen über die grenzüberschreitenden Auswirkungen von Industrieunfällen)

BGBI. III Nr. 119/2000, entered into force in 2000

Convention on the Protection and Use of Transboundary Watercourses and International Lakes

(Übereinkommen zum Schutz und zur Nutzung grenzüberschreitender Wasserläufe und internationaler Seen)

BGBI. Nr. 578/1996, entered into force in 1996

Council of Europe

European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities

(Europäisches Rahmenübereinkommen über die grenzüberschreitende Zusammenarbeit zwischen Gebietskörperschaften)

BGBI. Nr. 52/1983, entered into force in 1983

Danube River Protection Convention

Convention on Co-operation for the Protection and Sustainable Use of the Danube River

(Übereinkommen über die Zusammenarbeit zum Schutz und zur verträglichen Nutzung der Donau)

BGBI. III Nr. 139/1998, entered into force in 1998