

# Legal Framework of Nuclear Safety and Public Participation in China

FNCA 2018 Study Panel on Enhancing Domestic Measures in the Field of Nuclear Law  
Mita-Conference Hall, Tokyo, 23rd of March, 2018.

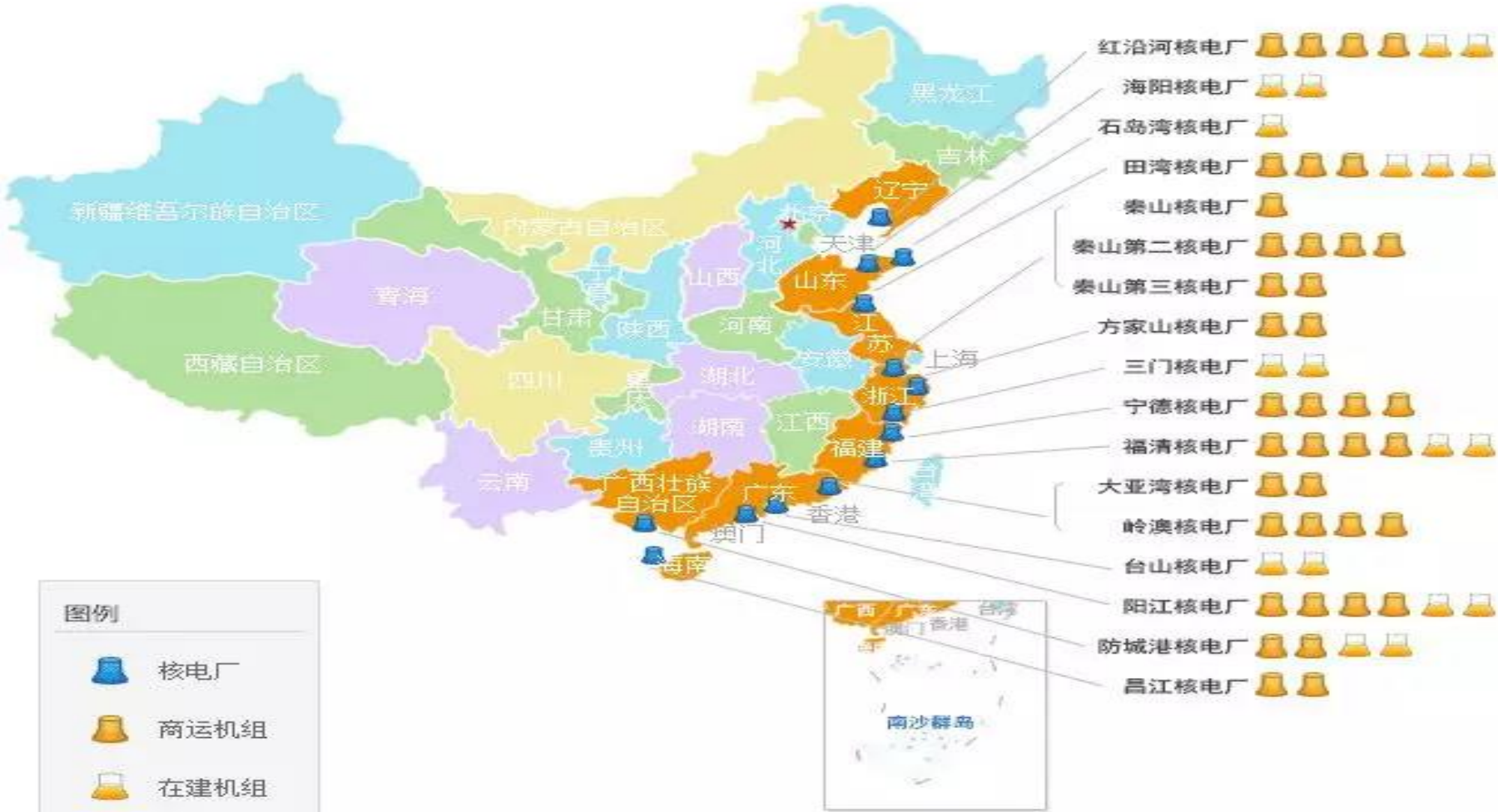
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# The Location of Chinese NPPs



中国大陆运营核电站(截至 2018 年 2 月 24 日)

序号	核电站	功率 (MW)	开工时间	商运时间	主要股东
1	秦山核电站	310	1985.03.20	1994.04.01	中核集团
2	秦山二期核电站-1#	650	1996.06.02	2002.04.15	中核集团
3	秦山二期核电站-2#	650	1997.03.23	2004.05.03	中核集团
4	秦山二期核电站-3#	650	2006.04.28	2010.10.21	中核集团
5	秦山二期核电站-4#	650	2007.01.28	2012.04.08	中核集团
6	秦山三期核电站-1#	728	1998.06.08	2002.12.31	中核集团
7	秦山三期核电站-2#	728	1998.06.08	2003.07.24	中核集团
8	大亚湾核电站-1#	984	1987.08.07	1994.02.01	中广核集团
9	大亚湾核电站-2#	984	1987.08.07	1994.05.06	中广核集团
10	岭澳核电站-1#	990	1997.05.15	2002.05.28	中广核集团
11	岭澳核电站-2#	990	1997.05.15	2003.01.08	中广核集团
12	岭澳二期-1#	1086	2005.12.15	2010.09.20	中广核集团
13	岭澳二期-2#	1086	2006.06.15	2011.08.07	中广核集团
14	田湾核电站-1#	1060	1999.10.20	2007.05.17	中核集团
15	田湾核电站-2#	1060	1999.10.20	2007.08.16	中核集团
16	红沿河核电站-1#	1118	2007.08.18	2013.06.06	中广核集团 国家电投
17	红沿河核电站-2#	1118	2008.03.28	2014.05.13	中广核集团 国家电投
18	宁德核电站-1#	1089	2008.02.18	2013.04.18	中广核集团
19	宁德核电站-2#	1089	2008.11.12	2014.05.04	中广核集团
20	阳江核电站-1#	1089	2008.12.16	2014.03.26	中广核集团
21	福清核电站-1#	1080	2008.11.22	2014.11.22	中核集团
22	方家山核电站-1#	1080	2008.12.26	2014.11.04	中核集团
23	方家山核电站-2#	1080	2009.07.17	2015.02.12	中核集团
24	阳江核电站-2#	1089	2009.06.05	2015.06.07	中广核集团
25	宁德核电站-3#	1089	2010.01.08	2015.06.12	中广核集团
26	红沿河核电站-3#	1118	2009.03.07	2015.08.16	中广核集团 国家电投

# NPPs Under Operation

(to 24<sup>th</sup> Feb. 2018)

38 Units

27	福清核电站-2#	1080	2009.06.17	2015.10.16	中核集团
28	昌江核电站一期-1#	650	2010.04.25	2015.12.27	中核集团
29	阳江核电站-3#	1089	2010.11.15	2016.01.01	中广核集团
30	防城港核电站-1#	1089	2010.07.30	2016.01.01	中广核集团
31	宁德核电站-4#	1089	2010.09.29	2016.07.21	中广核集团
32	昌江核电站二期-2#	650	2010.11.21	2016.08.12	中核集团
33	红沿河核电站-4#	1118	2009.08.18	2016.09.19	中广核集团 国家电投
34	防城港核电站-2#	1089	2010.12.28	2016.10.01	中广核集团
35	福清核电站-3#	1080	2010.12.31	2016.11.04	中核集团
36	阳江核电站-4#	1089	2012.11.17	2017.03.15	中广核集团
37	福清核电站-4#	1080	2012.11.17	2017.09.17	中核集团
38	田湾核电站二期-3#	1060	2012.12.27	2018.02.15	中核集团
	商运机组共计	36808			

# NPPs Under Construction (to 24<sup>th</sup> Feb.2018)

中国大陆在建核电站(截至 2018 年 2 月 24 日)					
↔	核电站↔	功率 (MW) ↔	开工时间↔	商运时间↔	主要股东↔
1↔	阳江核电站-5#↔	1089↔	2013.09.18↔	↔	中广核集团↔
2↔	阳江核电站-6#↔	1089↔	2013.12.23↔	↔	中广核集团↔
3↔	三门核电站-1#↔	1250↔	2009.03.31↔	↔	中核集团↔
4↔	三门核电站-2#↔	1250↔	2009.12.15↔	↔	中核集团↔
5↔	台山核电站-1#↔	1750↔	2009.10.21↔	↔	中广核集团↔
6↔	台山核电站-2#↔	1750↔	2010.04.15↔	↔	中广核集团↔
7↔	海阳核电站-1#↔	1250↔	2009.12.28↔	↔	国家电投↔
8↔	海阳核电站-2#↔	1250↔	2010.06.22↔	↔	国家电投↔
9↔	田湾核电站二期-4#↔	1060↔	2013.09.27↔	↔	中核集团↔
10↔	石岛湾核电站↔	200↔	2012.12.21↔	↔	中国华能↔
11↔	红沿河核电站-5#↔	1118↔	2015.03.29↔	↔	中广核集团↔
12↔	福清核电站-5#↔	1150↔	2015.05.07↔	↔	中核集团↔
13↔	红沿河核电站-6#↔	1118↔	2015.07.24↔	↔	中广核集团↔
14↔	福清核电站-6#↔	1150↔	2015.12.22↔	↔	中核集团↔
15↔	防城港核电站-3#↔	1150↔	2015.12.24↔	↔	中广核集团↔
16↔	防城港核电站-4#↔	1150↔	2015.12.24↔	↔	中广核集团↔
17↔	田湾核电站-5#↔	1118↔	2015.12.27↔	↔	中核集团↔
18↔	田湾核电站-6#↔	1118↔	2015.12.27↔	↔	中核集团↔
↔	在建机组共计↔	21010↔	↔	↔	↔

# Linking International Nuclear Instruments

*SAFEGUARD*

*SECURITY*

*SAFETY*

## **Nuclear Organization Instruments**

- \* Statute of the International Atomic Energy Agency
- \* Treaty Establishing the European Atomic Energy Community
- \* Statute of the OECD Nuclear Energy Agency
- \* Agreement on the Privileges and Immunities of the IAEA

## **Nuclear Control Instruments (Safeguard & Security)**

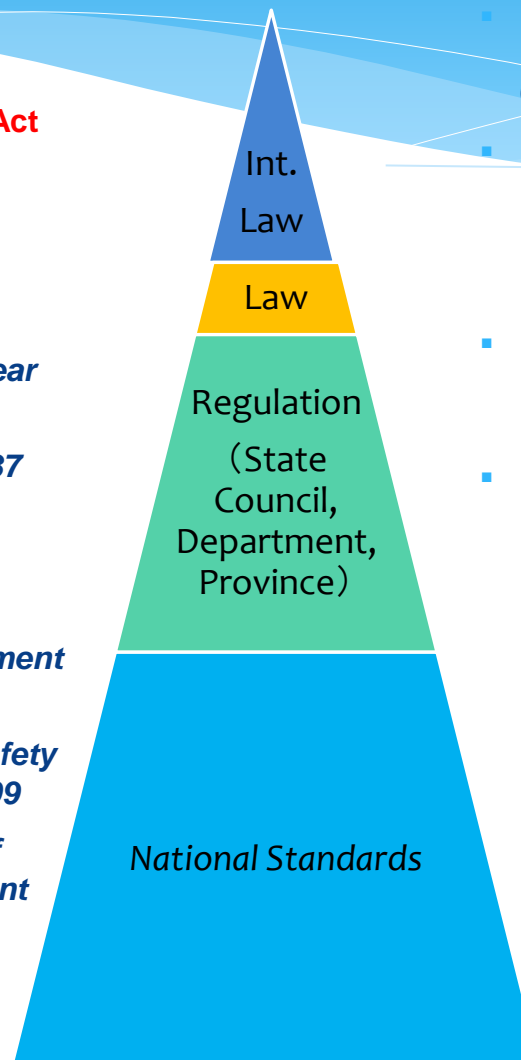
- \* Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
- \* The Antarctic Treaty
- \* Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, (Partial Test Ban Treaty)
- \* Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies
- \* Treaty on the Prohibition of Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (Seabed Arms Control Treaty)
- \* Agreement Governing the Activities of State on the Moon and Outer Celestial Bodies (Moon Agreement)
- \* Comprehensive Nuclear-Test-Ban Treaty (CTBT)
- \* Convention on the Physical Protection of Nuclear Material
- \* Convention on Physical Protection of Nuclear Material and Facilities
- \* International Convention for the Suppression of Acts of Nuclear Terrorism

## **Nuclear Cooperation Instruments (Safety)**

- Paris Convention on Third Party Liability in the Field of Nuclear Energy (The Paris Convention)
- Convention Supplementary to the Paris Convention of 1960 (Brussels Supplementary Convention)
- Vienna Convention on Civil Liability for Nuclear Damage (The Vienna Convention)
- Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage
- Optional Protocol Concerning the Compulsory Settlement of Disputes to the Vienna Convention on Civil Liability for Nuclear Damage
- Convention on Supplementary Compensation for Nuclear Damage
- Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention
- Convention on the Liability of Operators of Nuclear Ships
- Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Materials
- Convention Concerning the Protection of Workers against Ionizing Radiations, 1960
- Recommendation Concerning the Protection of Workers against Ionizing Radiations, 1960
- Convention on Early Notification of a Nuclear Accident
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (London Convention)
- The 1996 Protocol to the London Convention
- International Convention for the Safety of Life at Sea (SOLAS)
- Protocol Additional to the Geneva Conventions, 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)
- Protocol Additional to the Geneva Conventions, 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol II)
- United Nations Convention on the Law of the Sea (LOS)
- Convention on Nuclear Safety
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
- Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems
- Agreement on the Privileges and Immunities of the International Fusion Energy Organization for the Joint Implementation of the ITER Project
- Agreement on the Establishment of the International Fusion Energy Organization for the Joint Implementation of the ITER Project

# Nuclear Law and Regulation Currently and Under Legislating

- People's Republic of China Radioactive Pollution Prevention Act 2003
- **People's Republic of China Nuclear Safety Act 2017**
- *Regulations Civil nuclear facilities safety supervision and management 1986*
- *Regulations Governing Emergency of Nuclear Accidents of Nuclear Power Plants 1993*
- *Regulations on nuclear material control 1987*
- *Regulations on the safety management of radioactive waste 2011*
- *Regulations on the supervision and administration of civil nuclear safety equipment 2007*
- *Regulations for the administration of the safety of the transport of radioactive materials 2009*
- *Regulations for the safety and protection of radioactive isotopes and radiation equipment 2005*



- People's Republic of China Atomic Energy Law (Verified by State Council)
- **People's Republic of China Nuclear Damage Compensation Act (Under Drafting by legislators group)**
- *Regulations on Nuclear Power Management (Published by State Council for public recommendation)*
- *Regulation of Nuclear Security (Under Drafting )*

# Information Disclosure and Public Participation

## Nuclear Safety Act, Chapter 5

**Article 63: [Government]**... should disclose nuclear safety related information within the scope of their respective duties....

**Article 64: [Operators]** ... should disclose its own nuclear safety management regulations and the related documents, the security status of its nuclear facilities, effluent and around environmental radiation monitoring data, annual nuclear safety reports, etc information.

**Article 65: [Disclosure]** ... by means of the government announcement, website and other easy ways known to the public in a timely manner, to the public.

Citizens, legal persons and other organizations may apply ... relevant information on nuclear safety...

**Article 66: [Participate]**... by means of the questionnaire investigation, hearing and argumentation, the forum, or other means, and feedback in appropriate forms.

**Article 67: [Promotion]**... Operators should take the following measures to carry out promotional activities of nuclear safety... 1、 2、 3、 4...

# Summary

- \* The newly update of China legal framework is Nuclear Safety Act in force 1.1.2018.
- \* Atomic Energy Act is still on the way.
- \* Nuclear Damage Compensation Act is under analyzed.
- \* Public Participation is legal policy in most legislation and the details are still not practical enough.



Thank You !