This is an unofficial translation of the text.

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Govt. Decree 118/2011 (VII. 11.)

on the nuclear safety requirements of nuclear facilities and on related regulatory activities

Based on the authorization provided in Section 67(d) and (e) of Act CXVI of 1996 on Atomic Energy, and in Section 62(1)(s) of Act LXXVIII of 1997 on the Development and Protection of the Built Environment related to Section 42 and Section 43(2), the Government, in its competence as determined in Section 35(1)(b) of the Constitution, orders as follows:

CHAPTER I

GENERAL PROVISIONS

1. Scope of the Decree

Section 1

(1) The present decree shall apply to nuclear facilities to be constructed according to Paragraphs 1-11 and 40-41 of Subsection (2) of Section 17 of the Act CXVI of 1996 on Atomic Energy (hereinafter referred to as ”Atv”) as well as those already operating within the territory of Hungary, the systems, structures and components thereof, activities associated with nuclear facilities and those who perform such activities including radiation protection, the transportation of radioactive material within nuclear facilities and the systems, structures and components providing interim storage of radioactive wastes, pressure retaining equipment and pipelines of nuclear facilities with safety classification, as well as fire protection if nuclear safety is affected, but exclusively from the point of view of such effects, thus:

a) in relation to nuclear facilities

aa) site survey and site assessment,

ab) site characterization and evaluation of its suitability,

ac) construction and extension,

ad) commissioning,

ae) operation,

af) modification,

ag) final shutdown, and

ah) termination,

b) in relation to the nuclear systems, structures and components

ba) design,

bb) manufacturing,

bc) procurement,

bd) installation and assembly,

be) commissioning and operation,

bf) modification and repair,

bg) decommissioning, and

bh) dismantling,

c) in relation to structures

ca) civil structure-technical design,

cb) construction,

cc) manufacturing and procurement of construction material and building structures,

cd) occupancy,

ce) renovation and modification,

cf) restoration, extension, and

cg) demolition,

d) special nuclear safety-related employment regulations for employees within the nuclear facility,

e) the management system of the nuclear facility,

f) radiation protection of the nuclear facility,

g) the owner and organisation of the licensee of the nuclear facility, and

h) the nuclear emergency preparedness and response activities of the nuclear facility.

(2) The nuclear facility is subject to the present decree from the date upon which the preliminary, principle consent of Parliament in accordance with Section 7(2) of the Atv is obtained, until the termination of the nuclear facility, or with regard to the termination of nuclear safety risks, until the date when the resolution of the Hungarian Atomic Energy Agency (hereinafter: nuclear safety authority) on the termination of its oversight competence becomes final.

(3) All those performing activities according to the Atv or activities subject to authority licence specified in the present decree, participate in such activities or

submit a licence application in order to perform such activities, are obliged to observe the nuclear safety requirements and provisions.

(4) The scope of the present decree shall not cover the nuclear safety requirements related to physical protection.

(5) In case of structures determined in Item 53 of Section 2 of the Atv if safety area is not designated the following shall be considered as belonging to the safety area

a) real estates concerned by the planned site of a nuclear facility determined in the site survey and assessment license,

b) in the case of a research reactor, training reactor or nuclear fuel examination laboratory the real estates within or concerned by a distance of 100 meters from the border of the planned site of the nuclear facility, and

c) except for the nuclear facilities determined in Item *b)* the real estates within or concerned by a distance of 500 meters from the border of the planned site of the nuclear facility.

2. Competence

Section 2

The nuclear safety authority shall be competent in administrative regulatory cases subject to the present decree.

3. Nuclear Safety Code

Section 3

(1) Annexes 1 to 10 of this decree contain the Nuclear Safety Code, which include the nuclear safety requirements related to regulatory procedures regarding nuclear safety of nuclear facilities, management systems of nuclear facilities, and the execution and supervision of activities according to the life cycle of nuclear facilities.

(2) The granting of authority licences related to nuclear safety is conditional to the fulfilment of requirements set out in the Nuclear Safety Code.

(3) The recommendations related to the fulfilment method of requirements set out in the Nuclear Safety Code are included in guidelines issued by the nuclear safety authority. The guidelines are published on the nuclear safety authority's website.

(4) If the applicant submits the licence application related to nuclear safety in accordance with the content of the guidelines, and if the licensee performs its nuclear safety related activity according to the guidelines, then the nuclear safety authority shall consider the chosen method being appropriate to verify the

fulfilment of nuclear safety requirements, and will not examine the suitability of the applied method.

(5) In the case of applying methods different from the guidelines, the nuclear safety authority shall examine the correctness, compliance and comprehensiveness of the applied methods in details.

(6) The nuclear safety authority, if the assurance of safety of the nuclear facility made necessary, may specify conditions and obligations in its resolution.

(7) Taking into consideration the scientific results, and national and international experience, the Nuclear Safety Code shall be reviewed at least every five years and updated as required. The guidelines shall be reviewed periodically as determined by the nuclear safety authority or proposed by the licensee.

4. Interpretative provisions

Section 4

With regard to terms used in the present decree, the definitions in Section 2 of the Atv and the government decree on the protection against ionizing radiation and the corresponding licensing, reporting and inspection system shall be applied. The definitions of further terms important to nuclear safety are included in Annex 10.

CHAPTER II

COMMON REQUIREMENTS RELATED TO NUCLEAR FACILITIES

5. Responsibility

Section 5

(1) The licensee shall bear the responsibility for the safety of the nuclear facility, compliance with nuclear safety requirements, activities related to the nuclear facility throughout the entire lifecycle of the nuclear facility.

(2) The full compliance with the requirements specified in the present decree shall be demonstrated to the nuclear safety authority by the licensee.

6. Safety objectives

Section 6

(1) The systems, structures and components of nuclear facilities important to nuclear safety shall be designed in such a manner that the general nuclear safety goal with regard to the use of nuclear facilities and the substantiating radiation protection and technical safety objectives are achievable.

(2) It is a general nuclear safety goal to ensure the protection of the general public, both individuals and groups, and to ensure protection of the environment against

ionising radiation hazards by effective safety measures implemented in the nuclear facility and their maintenance at an appropriate level.

(3) The radiation protection objective is to keep the exposure of the employees and the general public at all times throughout the whole lifecycle of the nuclear facility below the specified limit values, as low as reasonably achievable. This shall also be ensured for radiation exposure that resulted by design basis accidents and, as reasonably achievable, by beyond design basis accidents and severe accidents.

(4) The technical safety objective is to prevent or avoid accident situations with high reliability is. The potential consequences of all postulated initiating events, which were taken into consideration in the design of the nuclear facility, shall be within the acceptable range, and the probability of accidents shall be adequately low.

(5) The objectives specified in Subsections (2) to (4) shall be achieved in such a way that does not limit the operation of nuclear facilities more than necessary.

(6) The objectives specified in Subsections (2) to (4) shall be enforced in every phase of the nuclear facility lifecycle, including design, site selection, manufacturing, construction, commissioning, operation and termination, as well as the transportation of radioactive materials related to these activities and radioactive waste management.

(7) The Nuclear Safety Code contains the set of requirements based on the objectives specified in Subsections (2) to (4).

7. Defence in depth

Section 7

(1) The release of radioactive materials into the environment shall be prevented by the application of defence in depth in nuclear facilities, and it shall be ensured that failures or the combination of failures resulting in accidents resulting in significant radioactive material discharges may only occur with adequately low probability.

(2) The defence in depth provides

a) the compensation for potential human errors or technical failures;

b) the preservation of the effectiveness of barriers embedded into each other; and

c) the protection of the population and the environment in an event when the effectiveness of the barriers would decrease.

(3) The five levels of defence in depth defence are the following:

a) prevention of deviations from normal operational conditions and faulty actuations;

b) detection of abnormal operating conditions and prevention that the anticipated operational occurrences become design basis accidents;

c) management of design basis accidents according to pre-determined procedures;

d) termination of accident and severe accident processes and mitigation of their consequences;

e) in the case of a significant release of radioactive materials, mitigation of radiological consequences;

(4) The most important components of the defence in depth of the nuclear facility:

a) design solutions applying the appropriate safety margins (including the selection of an appropriate site, diversity and redundancy as well as the application of tested, highly reliable technologies and materials), implementation and operation to a high standard;

b) application of regulatory, limiting and protection systems and testing and monitoring solutions as well as documents regulating operation;

c) safety systems, breakdown recovery instructions and trainings providing for the management of design basis events;

d) application of supplementary measures, means and accident management guidelines as well as organisation of drills; and

e) preparation for carrying out nuclear emergency response activities on and off the site.

(4a) The independence of the levels of defence in depth shall be ensured to the extent reasonably achievable.

(5) In order to maintain defence in depth, the licensee shall operate an efficient management system in accordance with the rules defined in Annex 2. Its management is firmly committed to nuclear safety and maintaining a strong safety culture.

8. Safety policy

Section 8

(1) The licensee shall develop such a written safety policy in which guarantees that safety is paramount during all activities related to the nuclear facility. The safety policy shall specify easily observable and unambiguously worded safety objectives and tasks for their implementation, which shall be appropriate for the fulfilment of the safety policy and for the continuous monitoring of the safety performance.

(2) All employees and suppliers working in positions important to safety shall be familiarized with the policy in such a manner that ensures its appropriate implementation during their activities.

(3) The licensee shall assess the appropriateness and enforcement of the safety policy on a regular basis and shall submit the results of assessments in conjunction with the updating of the Final Safety Analysis Report to the nuclear safety authority.

(4) The licensee, taking into consideration both internal and external design, construction, commissioning operational experience and any new knowledge of nuclear safety relevance, shall continuously improve the level of nuclear safety, and shall include the commitment towards that in the safety policy.

(5) The licensee shall be responsible for employing due number of employees with the required competences, qualifications and practice, possessing the required licenses, approval and authorization and for maintaining their qualification levels. The employee shall be suitably trained and qualified so as to be aware of the safety requirements and consequences of their activities.

9. Design

Section 9

(1) The licensee shall be responsible for ensuring that the design of a nuclear facility and its systems, structures and components important to nuclear safety comply with the Nuclear Safety Code, and shall be obliged to demonstrate the full compliance of the design of the nuclear facility with the nuclear safety requirements to the nuclear safety authority. The detailed design related regulations are included in Annexes 3, 3/A, 5 and 6 and 9. The compliance with design related nuclear safety requirements shall be evaluated during the whole service life of the nuclear facility in such a manner that the compliance shall be verified on a continuous basis. In order to appropriately perform the safety assessment, the design and analysis tools as well as the input data shall be verified and validated.

(2) In order to maintain nuclear safety on a high level, the potential factors of concern to nuclear safety appearing throughout the design service life of the nuclear facility as well as all the associated aspects specified in the Nuclear Safety Code shall be assessed during the design phase.

(3) The nuclear facility shall be designed in such a way that

a) in addition to the assessment of potential hazards arising from the operation of the nuclear facility, the construction of the nuclear facility shall prevent the occurrence of processes potentially leading to hazards, or provide protection against the consequences of such hazards, and shall ensure the safe conditions to the highest possible extent through the inherent safety features of the designed

construction, without requiring intervention of active control, safety systems or components,

b) the occurrence probability of accidents shall be negligible,

c) the radiation exposure to personnel and the population shall be as low as reasonably achievable in each phase of the life cycle of the nuclear facility, furthermore

d) the nuclear facility shall perform the fundamental safety functions within the design basis.

(4) The operational limits and conditions shall be specified during the design of the nuclear facility.

(5) The human-machine interface and the human factor shall be taken into consideration in every phase of the design and during the development of operating conditions.

(6) Accident analyses shall be conducted as part of the design, based on which, whilst also taking into consideration the site characteristics according to Annex 7, nuclear emergency response measures dependent upon the amount of radioactive release, can be unambiguously determined.

Section 9/A Construction

Section 10/A

(1) Construction of nuclear facilities shall be performed according to the provisions of Annex 9, in line with the design and the safety requirements, and the licences issued by the nuclear safety authority.

(2) Deviation from the regulatory licences is possible only if it is licensed by the nuclear safety authority according to the provisions of Annexes 1 and 9.

Section 10

(1) The characteristics of the nuclear facility, the systems, structures and components necessary for the controlled management of anticipated operational occurrences and design basis accidents shall be determined in the design basis of the nuclear facility, whilst fulfilling the specified nuclear safety and radiation protection requirements.

(2) All design basis events shall be analysed in details. The licensee shall ensure independent technical expert review of the analyses.

10. Commissioning and operation

Section 11

(1) During the commissioning and operation of the nuclear facility, it shall be certified that the physical condition and operation of the nuclear facility complies with the design, the safety requirements and the operational limits and conditions. The detailed regulations with regard to operation are included in Annexes 4, 5 and 6.

(2) The licensee shall revise, and modify as appropriate, the operational limits and conditions on a regular basis.

(3) When substantiating modifications performed on the nuclear facility or its systems, structures or components as well as the extension of the facility for the interim storage of spent fuel, the licensee shall review the safety analyses, the operational limits and conditions and the documents associated with the modification; the licensee shall update, as necessary, the design basis valid at the date of licensing and, if necessary, shall submit them for approval.

(4) In the case of a facility for the interim storage of spent fuel, during extension, the priority of the nuclear safety of operation shall be ensured over the construction activities.

10/A. Organization and operation of the licensee

Section 12

(1) The organisation of the licensee shall be transparent, and shall have clearly determined and described assignment of tasks, resources, collaborative relationships and scopes of responsibility.

(2) The top management of the licensee shall have full liability for the availability of the necessary technical support in each area associated with nuclear safety by either its own employees or suppliers throughout the lifecycle of the nuclear facility.

(3) The operational personnel of the nuclear facility shall meet, at all times, the requirements with regard to the number of employees, academic qualifications, professional skills, state of health, physical and psychological conditions, as set out in writing for the given task.

(4) The licensee shall establish an organisational unit being independent of those performing the design, construction, commissioning and operation, which is in possession of the relevant expertise, resources, information and decision-making competencies for the supervision of nuclear safety. The licensee of other nuclear facilities shall establish an organisational unit independent of those performing the design, construction, commissioning and operation, being in possession of the relevant expertise, resources, information and decision-making competencies or shall assign certain employees with appropriate substitution order for the supervision of nuclear safety.

Section 13

The licensee shall have a comprehensive training policy.

Section 14

(1) The licensee shall develop:

a) guidelines and procedures, formulated unambiguously and briefly, detailed as required for the purpose, regarding measures necessary for the management of anticipated operational occurrences, design basis accidents, beyond design basis accidents and accidents,

b) preventive maintenance, testing and surveillance programmes to ensure that the systems, structures and components maintain their characteristics in compliance with the design criteria, and

c) procedures, operational and executive instructions to regulate operation, maintenance, inspection and testing of the nuclear facility.

(2) The licensee shall ensure regular, continuous collection, analysis and assessment of experience regarding construction, commissioning and operation of the nuclear facility, in order to maintain and improve the safety level of the nuclear facility, and to substantiate the decommissioning plan.

(3) The licensee shall perform regular, repeated inspections of the nuclear facility in accordance with the legal provisions and regulatory requirements throughout the lifetime of the nuclear facility, taking into consideration the operational events which had occurred, experiences and all the most recent, relevant information originating from external sources.

(4) The licensee shall ensure the safe monitoring of used, produced, stored or transported radioactive materials and all generated radioactive waste. The generation of radioactive waste shall be kept at a minimum level in terms of both activity and quantity.

Section 15

The conformity of design criteria for the nuclear facility, with the actual state of the systems, structures and components and the documentation reflecting the implementation shall be ensured by an appropriate configuration management system.

CHAPTER III

REGUATORY SUPERVISION

11. Licensing and approval

Section 16

All nuclear facilities and activities associated with nuclear safety shall hold a licence, consent or obtain an exemption.

Section 17

(1) According to the requirements set out in the Annexes, a nuclear safety authority licence is required for

a) survey and assessment of a site (site survey and assessment licence),

b) site characterization and suitability determination (site licence),

c) construction, extension (construction licence),

d) commissioning (commissioning licence),

e) operation, operation beyond the design lifetime (operation licence),

f) modification (modification licence),

g) final shutdown (final shutdown licence),

h) decommissioning (decommissioning licence),

i) in the case of a nuclear power plant unit for restart following outage (start-up license) and

j) construction, demolition and utilization of buildings, building structures and elevators of buildings of a nuclear facility.

(1a) During the construction phase of a nuclear facility, a nuclear safety authority license according to Sections 1.3.1.0200, 1.3.2, 1.3.3, 1.3.4 and 1.3.5 of Annex 1, or in the cases outlined in Section 1.3.1.0300 of Annex 1 a type licence is required for

a) manufacturing (manufacturing licence),

b) procurement (procurement licence),

c) assembly (assembly licence) and

d) operation (operation licence)

of a nuclear system, structure or component.

(2) The nuclear safety authority licences the nuclear emergency preparedness and response action plan for the first occasion within the framework of the construction licensing procedure, and subsequent later modifications thereof within the framework of modification licensing procedures.

(2a) The nuclear safety authority approves the Workplace Radiation Protection Rules at first during the commissioning licensing procedure, and its modifications during modification licensing procedures according to Section 1.4 of Annex 1.

(2b) The licensee shall propose to the nuclear safety authority the dose constraint concerning the public before the commencement of the site licensing procedure.

(3) A nuclear safety authority license is required for the modification of the nuclear facility, its safety important systems, structures and components, buildings, building structures, organisational structure, control system or documents according to the details specified in Annexes 1 and 4-6.

(4) The nuclear safety authority applies graded approach in regulatory supervision during the construction, commissioning, operation, modification and termination of a nuclear facility, according to the effect on nuclear safety.

(5) During the authority licensing procedure specified in Subsections (1) and (3), the nuclear safety authority also reviews the radiation protection aspects.

(6) In the authority licensing procedure in Subsection (1)(j), the general provisions shall be applied unless specific construction requirements with regard to nuclear facilities exist.

(6a) Differently from Subsection (6) the Chapters II-XVIII of the Govt. Decree 312/2012. (XI. 8.) on the authority procedures and inspections for construction and construction supervision and authority services for construction shall not apply to the building authority and building supervision authority procedures of nuclear facilities.

(7) The nuclear safety authority may determine the required file formats for the applications including documentation attached on electronic data carriers in procedures initiated at the licensee's request in accordance with Section 17(2) of the Atv.

Section 18

(1) The nuclear safety authority reviews the Periodic Safety Review Report of the nuclear facility, and then issues its resolution according to Section 34.

(2) Those assembly and execution technologies, measurement, calculation, technical inspection and assessment methods which have influence on nuclear safety but not included in the documents submitted to support authority licensing procedures, and are associated with system components in Safety Classes 1 and 2, may only be used after the preliminary approval of the nuclear safety authority. After examination of the conditions of use, the nuclear safety authority shall approve the document which specifies the method by specifying provisions on the conditions of use.

(3) Job positions important to nuclear safety shall be filled with the approval of the nuclear safety authority.

(4) Documents specifying the technical requirements for the in-service inspection programme of pressure retaining equipment and pipelines of a nuclear power plant, and the in-service inspection programme of the main circulation loop, are both subject to the nuclear safety authority licensing procedure, and the

documents specifying the scope and method for material testing of system components important to nuclear safety, and the set of acceptance standards for the test results and the time schedule of the tests shall be approved by the nuclear safety authority according to Annexes 3, 3/A, 4, 5 or 6.

Section 19

(1) The application for site survey and site assessment licence, and for modifying the person of the licensee shall be submitted by the prospective licensee to the nuclear safety authority, while any other licence applications shall be submitted by the licensee. The application and the supporting documentation shall be submitted to the authority through the electronic documentation system operated by the nuclear safety authority or in electronic form personally. The documentation supporting the application shall be submitted in Hungarian, in a form which provides an easy management and ability to track changes. The compilation of the application and its annexes shall demonstrate, both in details and as a whole, unambiguously in a controllable manner, that each part of the submitted documentation was prepared by authorised persons or organisations, and they were reviewed and approved by the appointed organisational unit of the licensee prior to submission.

(2) Requirements on the contents of the licence application are included in Annexes 1-9. The documentation supporting the application, shall be prepared in agreement with the extent and character of the nuclear safety risk of the applied activity, in a detail and depth that provides the opportunity for the authority to perform an independent assessment and evaluation of compliance with the requirements and prescriptions, and the technical and administrative activities necessary for the compliance.

(3) The electronically submitted textual documents shall be unambiguously identifiable and searchable. The submitted documents shall remain comprehensible also in grayscale display. If this cannot be ensured, it should be submitted in colour representation. In case of drawings and plan sheets such a resolution shall be ensured that provides readability on electronic display and printed form.

(4) The licensee and its suppliers shall exercise their rights granted in the authority resolution, and they shall fulfil their duties based on such documents, the content of which does not differ from the content of the authority decision and those documents which served as a basis for the authority decision. The documentation management procedure of the licensee shall be appropriate to ensure this. The documents shall contain a display of confirmed identity..

(5) The documentation supporting the license application shall be stored by the nuclear safety authority throughout the entire lifecycle of the facility.

Section 20

(1) At least four years prior to the end of the design service lifetime, the licensee shall notify the nuclear safety authority of its intent to extend the design service lifetime of the nuclear power plant unit and shall, at the same time, submit the programme meant to create the conditions for operation beyond the design service lifetime.

(2) The nuclear safety authority shall approve the programme and monitor its execution. Should the nuclear safety authority declare that the programme is in non-compliance with the requirements, the licensee shall apply corrective measures. If the programme is not appropriately implemented, the authority shall request the licensee to perform specific actions. If the licensee demonstrates a delay in the fulfilment of its stated obligations and submission of the programme, and if programme discrepancies cannot be resolved, or if omissions occurring during execution cannot be supplemented, then the operation beyond the design service lifetime cannot be licensed.

(3) Operation beyond the design service lifetime is licensed in the new operation licence issued at the request of the licensee. In the procedure by which the new operation licence is issued, the nuclear safety authority takes into consideration the results of the regulatory supervision of the programme meant to create the conditions for operability beyond the design service lifetime and its implementation. The detailed regulations for the licensing of the operation beyond the design service lifetime are included in Annexes 1 and 4.

Section 21

The nuclear safety authority may proceed regulatory procedures with regard to activities subject to licensing with urgency, if it is necessary in order to eliminate an unfavourable safety condition. Such extraordinary proceeding cannot justify any omission of compliance with the requirements for the supporting documentation, and shall not result in giving priority to aspects different from those of nuclear safety, or shall not decrease safety.

Section 21/A

The nuclear safety authority, in the procedures launched on application, except for the client that submitted the application to launch the case, the client shall be notified of the commencement of the procedure

a) 30 days within the receipt of the application

aa) in the procedures specified in Paragraphs 17 (1) a)-e) and g)-h),

ab) in the procedure specified in Paragraph 17 (1) f), if the modification entails the modification of the operation license,

ac) in the procedures specified in Subsection 18 (1), and

b) 15 days within the receipt of the application in the procedures specified in Paragraphs 17 (1) i) and j), in Subsections 17 (1a) and (3), and in Subsections 18 (2) and (3).

Section 21/B

Section 21/C

Section 21/D

11/A Preliminary safety information

Section 21/E

(1) The purpose of the preliminary safety information in the case of a nuclear power plant is to provide appropriate scope of preparatory information to the nuclear safety authority in relation to preliminary compliance of the planned nuclear power plant with the nuclear safety requirements.

(2) The preliminary safety information shall be prepared with the minimum scope described in Para 1.2.3.0280. of Annex 1. In the preliminary safety information, with regard to the type of the unit, the compliance with and deviations from the nuclear safety requirements of this decree and the deviations of the unit type from its original design shall be described. Technical data and analyses available at the time of submission from the preliminary safety analysis report of a unit operating or being constructed that is of the same type as the planned unit shall be used and described for that purpose.

(3) If the preliminary safety information is not submitted according to Subsection (2), the nuclear safety authority, 90 days within the submission, shall send a notification to the licensee by marking the deviations. The licensee, within 30 days, shall make a statement about the availability of the contents marked by the nuclear safety authority as deviations and in case of availability these contents shall be submitted as supplementation to the preliminary safety information. If the licensee misses this opportunity then the administration deadlines according to Para. 12 (8) *b)* shall apply.

(4) The licensee, following the submission of the preliminary safety information

a) within 12 months at the earliest, but

b) within maximum 60 months

may submit the application for a construction license.

(5) The administration deadline according to Para. 12 (8) *b)* for a construction licensing procedure shall also apply if the licensee submits its construction license application beyond the deadline in Para (4) *b)*.

12. Inspection and enforcement

Section 22

(1) In order to maintain compliance with the nuclear safety requirements, in each phase of the life cycles of nuclear facilities, at least the following shall be inspected by the nuclear safety authority on a regular, scheduled basis in a manner specified in Annex 1:

a) the nuclear facilities and their systems, structures and components are in compliance with requirements specified in the licences and laws;

b) the design, site survey and assessment, construction, commissioning, operation, modification and termination of the nuclear facility comply with the nuclear safety requirements and the conditions and circumstances supporting the authority licenses and the provisions of the license; furthermore

c) the compliance of the licensee's management system with the requirements specified in the present decree at least in terms of the following:

ca) the relevant documents and instructions are in conformance with the design requirements for the actual condition of the systems, structures and components and they are valid and complied with;

cb) the employees and suppliers employed by the licensee comply with the requirements specified by laws;

cc) the licensee develops and operates a qualification system in compliance with the provisions for the selection of suppliers and the verification of their suitability;

cd) the licensee fulfils its reporting obligation, composes reports having a content compliant with the provisions, and implements corrective measures determined subsequent to the investigation of events relevant to safety;

ce) the licensee identifies the discrepancies and deviations without unjustified delay, then remedies or justifies the permissibility thereof;

cf) the licensee utilises the gathered experience, and forwards the results to the suppliers and the nuclear safety authority;

cg) the internal system of regulations of the licensee is suitable for the regulation of the processes, including the activity of the employed suppliers related to the nuclear power plant unit; and

ch) the licensee manages nuclear safety in accordance with both the legal requirements and internal regulations.

(2)

(3) From the aspects important to nuclear safety, the nuclear safety authority is authorised to inspect the operation of the organisation of the licensee and the suitability of persons (including the employees of suppliers) performing activities affecting nuclear safety.

(4) The nuclear safety authority is entitled to perform inspections announced in advance or, if it is necessary in order to achieve their goal, unannounced inspections at the licensee and its suppliers. An unannounced inspection shall be declared to the authorised representative of the licensee on the scene by the representative of the nuclear safety authority, who shall immediately start the inspection following the development of the execution conditions of the inspection.

(5) In the case of a foreign supplier, the licensee is obliged to provide conditions for the nuclear safety authority inspection.

(6) The nuclear safety authority employs direct and continuous remote data to supervise the nuclear power plant through instruments installed at the nuclear safety authority from:

a) databases; and

b) monitoring systems installed within technology processes.

(7) The data obtained through remote data supply may be used for analysis and assessment of the safety conditions within the framework of the supervisory activity. Based on the data obtained through remote data supply the nuclear safety authority may initiate announced or unannounced inspection.

(8) During nuclear safety authority inspections, the party subject to inspection is obliged to cooperate with the nuclear safety authority and facilitate the effectiveness of the inspection, to make available its own inspection results and documents to the nuclear safety authority.

(9) The nuclear safety authority shall prepare annual inspection plans. Those concerned shall be informed by the nuclear safety authority of the schedule and content of the planned inspections.

Section 23

The nuclear safety authority inspections shall not exempt the licensee from the obligation to perform its own inspections.

Section 24

(1) In order to enforce the compliance with legal provisions and authority requirements, if appropriate, the nuclear safety authority shall initiate an enforcement procedure.

(2) Depending on the nuclear safety impact of a breach of legislation or authority provision, the enforcement action may be the following:

a) in the case of a breach of a legislative or authority provision having minor safety significance, a written warning to the licensee, in which the nuclear safety authority identifies the characteristics and legal basis of the breach, and specifies the duration permitted for the performance of corrective actions;

b) in the case of a breach of a legislative or authority provision having higher safety significance, provision of supplementary conditions for the performance of the licensed activity, or

c) in the case of a breach of a legislative or authority provision of major safety significance, a limitation or termination of that licensed activity, withdrawal of license; or

d)

(3) In every case, the nuclear safety authority shall oblige the licensee to deal with the identified deviations, to take the necessary measures and to eliminate the deficiencies revealed in order to prevent the occurrence or recurrence of events.

13. Content of the nuclear safety authority procedure

Section 25

(1) The nuclear safety authority supervises the nuclear facilities and the activities of the licensees on a continuous basis in order to maintain nuclear safety. The supervision is performed primarily based on the documents submitted by the licensee, in particular on submissions, both regular and eventual reports, as well as on the analysis and evaluation of information collected during authority inspections. Should the safety risks posed by a nuclear facility or an activity considerably exceed the previously considered extent, the nuclear safety authority shall initiate *ex officio* procedures, and depending on the results, the authority shall put forward provisions ensuring the practical enforcement of the legal requirements and regulatory provisions.

(2) The nuclear safety authority shall make its decision based on a comprehensive and detailed assessment of available facts in addition to the fulfilment of the legal requirements. Accordingly, the nuclear safety authority shall examine the documents and data provided by the licensee in the mirror of the safety principles substantiating the design, the quality of implementation, the actual operational principles and practical operation of the as-built state of the nuclear facility, its systems, structures and components subject to the procedure and the operational activity. Additionally, the nuclear safety authority shall evaluate the uncovered circumstances and data obtained during the inspections. When making decisions, the nuclear safety authority shall enforce the safety aspects of the entirety of the nuclear facility.

(3) The nuclear safety authority shall review and assess the analyses submitted by the licensee, as well as other available technical documents, taking into consideration all available relevant information in order to ensure that

a) the safety consequences of activities performed at the nuclear facility are identified, and the fulfilment of the safety requirements is demonstrated;

b) the documentation submitted by the licensee is accurate and sufficient to judge whether the legal and authority requirements are being complied with; and

c) the intended technical solutions are proven to be adequate or qualified, thus suitable to attain the required safety level, based on the practical experience of previously performed experiments, tests and test operations.

Section 26

(1) The nuclear safety authority shall evaluate the inspected nuclear facility and its activities including all stages of the life cycle of the nuclear facility.

(2) The regulatory assessment of nuclear facilities shall extend, in particular, to:

a) operational characteristics associated with safety of operation;

b) the impact of management, organisational and administrative factors on safety;

c) the effects of modifications;

d) events and feedback of experience gained during the investigation thereof;

e) issues influencing construction, commissioning and operation; and

f) description of activities intended to enhance the level of nuclear safety.

(3) During assessment, the nuclear safety authority shall compare the restrictions to be observed, the designated objectives and the results actually achieved based on a set of indicators comprised of previously determined, measurable objectives and criteria, enabling the demonstration of trends in order to reduce the subjectivity of the assessment.

CHAPTER IV

OBLIGATIONS OF THE LICENSEE

14. General obligations

Section 27

(1) The licensee shall be responsible for the continuous fulfilment of the conditions specified in legal provisions and effective licences.

(2) The activity of the nuclear safety authority or the lack thereof shall not exempt the licensee in any form or to any extent from its responsibility for nuclear safety as specified in Subsection (1). The licensee shall demonstrate to the nuclear safety authority as set out in this provision the fulfilment of all obligations related to its responsibility, and shall verify that it possesses the necessary resources and conditions to maintain nuclear safety.

(3) The licensee – including all those whose licence according to Section 17(1) has become invalid for any reason – shall be exempt from its responsibility for nuclear safety of the nuclear facility, if

a) its responsibility for nuclear safety transfers to a new licensee, or

b) the authority and competence of the nuclear safety authority over the concerned nuclear facility is terminated by a final resolution.

(4) The licensee, in accordance with Annexes 1 and 4 to 6, shall ensure by a system of independent technical expert assessments that modifications performed in the nuclear facility are in compliance with the nuclear and technical safety regulations and that the nuclear safety requirements are fulfilled.

(5) The provisions according to Subsection (3) shall also be enforced following the final shutdown of the nuclear facility when according to legislation, the organisation designated by government for the disposal of radioactive waste and spent fuel becomes the licensee of activities with regard to the termination of the nuclear facility.

Section 28

As long as the licensee is responsible for the nuclear safety of the facility, it shall continuously take all steps which provide for the execution of the safety policy.

Section 28/A

The licensee shall ensure that the information, documentation and plans necessary for the nuclear safety review of solutions and for replacements, repairs and modifications, including the designs of parts, are available for the entire period of operation.

Section 29

The licensee shall ensure that only skilled, competent employees being in possession of the necessary licences, approval and authorization perform work at the nuclear facility.

Section 30

(1) The licensee may involve suppliers in nuclear safety related activities according to the requirements of Annexes 2 to 10. The licensee shall be responsible for the maintenance of nuclear safety even in such a case.

(2) The licensee of the nuclear facility shall develop and operate a management system according to Annexes 2 and 9 in order to verify the suitability of the suppliers intended to be involved.

(3) Prior to the start and during the performance of the supplier’s activity the licensee shall ensure that the supplier is able to provide the conditions required for the work performance.

Section 30/A

Taking Section 23 into consideration, the licensee shall operate a full scope monitoring system being graded with regard to nuclear safety in order to supervise the individual processes, including all processes and participating organisations in the relevant life cycle phase.

Section 30/B

The licensee shall have a communication policy, based on which it regularly informs the employees and the population living in the vicinity of the facility on the normal operation.

15. Safety reports, safety assessment

Section 31

(1) In order to ensure the socially controlled application of atomic energy, the licensee shall prepare a report on its activity with regard to the operation and safety of the nuclear facility and the safety-related events occurring during operation, and the submit this report to the nuclear safety authority. The licensee shall submit the Preliminary Safety Analysis Report of the nuclear facility to the nuclear safety authority with the construction licence application, the preliminary version of the Final Safety Analysis Report in conjunction with the commissioning licence application, and the Final Safety Analysis Report in conjunction with the operation licence application according to the rules specified in Annexes 1, 3, 3/A, 5 and 6.

(2) The nuclear safety authority conducts the safety assessment of nuclear facilities on the basis of its licensing experience, inspection results, the reports of the licensee, and other available information.

(3) The reports submitted to the nuclear safety authority shall be prepared in such depth and to such a level of detail that enable the nuclear safety authority to inspect and assess the safety related activities performed by the licensee and its suppliers and the safety related events independently and substantively.

(4) The Final Safety Analysis Report shall include a description of the completed modifications, the new requirements of the authorities and regulations, and all new information that may affect the safety analyses. Updating shall be carried out within the shortest reasonable period, as soon as the new information is available and can be inserted into the Final Safety Analysis Report. The Final Safety Analysis Report of the nuclear facility shall be consolidated annually by the licensee to represent the changes in the facility.

(5) The information taken into consideration during design, implementation, commissioning, operation, modification and decommissioning of the nuclear facility shall be summarised in the Preliminary and Final Safety Analysis Reports.

(6) The licensee may be instructed to prepare safety assessment by a nuclear safety authority resolution based on any inspection, report, event or other justified cause. When preparing the safety assessment, the licensee shall ensure that the previously prepared analyses do not contain any conflicting statements or conclusions and the applied data are appropriate for the specific purpose.

16. Reporting and notification obligation

Section 32

(1) The licensee of the nuclear facility shall prepare regular and eventual reports, and reports assigned to conditions specified in Annex 1 and shall submit them to the nuclear safety authority.

(2) The nuclear safety authority may oblige the licensee to provide information with regard to safety justification.

Section 33

(1) The nuclear safety authority assesses the activity of nuclear facilities on an annual basis.

(2) The nuclear safety authority analyzes the characteristics of normal operation, operation with low-risk and safety conscious operation of nuclear facilities.

(3) The nuclear safety authority assesses the safety performance of nuclear facilities in construction, commissioning and operation.

CHAPTER V

PERIODIC SAFETY REVIEW

Section 34

(1) Periodic Safety Reviews of the nuclear facility are performed by the nuclear safety authority every ten years. The purpose of the Periodic Safety Review is to examine whether the operation of the nuclear facility is in compliance with the licensing basis. The nuclear safety authority shall close the Periodic Safety Review in a resolution, which shall be issued ten years after the operation licence became final in the case of the first review, then ten years following the issue of the resolution which concluded the preceding review.

(1a) In the case of a facility for the interim storage of spent fuel, in addition to what is specified in Subsection (1), another goal of the Periodic Safety Review is to evaluate the conformity of the Preliminary Safety Analysis Report substantiating the expansion.

(2) In the case of a nuclear power plant comprising of more than one units operating under separate licenses, the review can be completed jointly whilst observing the provisions included in Subsection (1).

(3) The licensee shall perform its own review at least one year prior to the deadline specified for the completion of the nuclear safety authority review, and if necessary it shall develop and execute a programme based on the review results to implement safety improvement measures aimed at the elimination or mitigation of the risk factors revealed by the review.

(4) The licensee shall submit to the nuclear safety authority a Periodic Safety Review Report containing the findings of its own review, factors influencing the safety of the nuclear facility and the programme of safety improvement measures considering the deadline for the conclusion of the review specified in Subsection (1) and Item *b)* of Subsection 12/B. (3) of the Atv . The factors determining the operational risk of the nuclear facility shall be detailed within this review in comparison with the updated Final Safety Analysis Report, furthermore with the effective national requirements and international good practice.

(5) On the basis of the Periodic Safety Analysis Report of the licensee and the findings of the regulatory review of the Periodic Safety Analysis Report, the nuclear safety authority may revoke or limit the validity of the operation licence or, in the case of a facility for the interim storage of spent fuel, the construction licence, if any change in the conditions based on which the license was granted or an increased risk is identified. The resolution of the nuclear safety authority may also set new, different conditions for further operation or, in the case of a facility for the interim storage of spent fuel, for expansion in addition to those previously specified, may set out obligations for the licensee, including the implementation of safety improvement measures according to Subsection (3).

(6) The requirements regarding the Periodic Safety Review are included in Annex 1.

CHAPTER VI

EVENT INVESTIGATION AND FEEDBACK OF EXPERIENCE TO IMPROVE SAFETY

Section 35

(1) The licensee shall commence the investigation of a reportable event simultaneously with notification of the event to the nuclear safety authority. As a result of the investigation, the licensee shall identify the causes of the event, including its root cause and consequences, and the licensee shall take measures in order to prevent any recurrence of such an event or the occurrence of similar events.

(2) A report about the investigation according to Subsection (1) and the results thereof shall be submitted to the nuclear safety authority by the licensee.

(3) Events shall be analysed and assessed by the nuclear safety authority on the basis of the reports submitted by the licensee.

(4) The nuclear safety authority is entitled to participate in the event investigation of the licensee or may perform an independent investigation. The nuclear safety authority may employ independent technical experts in both cases, apart from the institution specified in Section 17(3) of the Atv.

(5) As induced by events occurring either at the nuclear facility of the licensee or other nuclear facilities, or based on specific design, construction, commissioning and operational experience, if necessary, the nuclear safety authority shall initiate steps, taking into consideration the report specified in Subsection (2) and the statements based on the activities specified in Subsections (3) and (4), in order to guarantee nuclear safety, the protection of human life, physical health, environment and property, and may order the implementation of certain measures.

CHAPTER VII

PREPARATION FOR ACCIDENTS AND NUCLEAR EMERGENCIES

Section 36

Prior to the commencement of the construction of a nuclear facility, a site-specific, facility Nuclear Emergency Preparedness and Response Plan shall be developed and then continuously reviewed. Nuclear emergency response actions shall be planned and executed in a way to cause more good than harm. The form, extent and duration of the actions to be implemented shall be optimised; the action to be executed shall be selected by striving for the maximum protection.

Section 37

(1) The licensee of the nuclear facility, for the prevention and preparation for the response to extraordinary events and nuclear emergencies, shall take technical and organisational measures, develop an Nuclear Emergency Preparedness and Response Plan and establish an emergency response organisation, train and maintain its members in a state of readiness, and drilling them as necessary in accordance with legal requirements.

(2) At the site of the nuclear facility, preparation shall be made for all activities in the scope of responsibility of the licensee in order to respond to any potential emergency identified in safety analyses entailing the discharge of radioactive material or radiation exposure, and to mitigate the consequences.

(3) The head of the emergency response organisation shall be the head of the nuclear facility or a person designated with full authorisation to take action.

(4) The responsible leader of the operating shift on duty shall be authorised to announce extraordinary operating conditions, and is obliged to immediately report this to the nuclear safety authority. Extraordinary operating conditions may

be declared for the entire nuclear facility or in the case of a nuclear power plant for individual reactor units separately. Following the announcement, the responsible leader of the operating shift on duty at any given time, may order the execution of actions, measures and modifications deemed necessary without obtaining license and approval of the nuclear safety authority. The licensee shall provide continuous updates and information to the nuclear safety authority.

(5) Should a nuclear emergency occur, the head of the emergency response organisation specified in Subsection (3), while executing the nuclear emergency response measures specified by the laws, may exercise its rights as stated in Subsection (4) providing simultaneous notification to the emergency response organisation of the nuclear safety authority. At the same time the licensee shall provide continuous information to the emergency response organisation of the nuclear safety authority in compliance with the nuclear emergency preparedness and response plans. The principles included in the Nuclear Emergency Preparedness and Response Plan according to Subsection (1) shall be observed in addition to those principles set out in Subsection (4).

CHAPTER VIII

FINAL PROVISIONS

Section 38

This decree shall enter into force on the 30th day subsequent to the date of its announcement.

Section 39

This decree, taking Section 40 into consideration, shall be applicable for authority licensing and approving procedures initiated or repeated after it enters into force.

Section 40

(1) The licensee of a nuclear facility operating at the time when the present decree enters into force shall submit a report to the nuclear safety authority on the first day of the third month subsequent the date when this decree enters into force.

(2) In its report, the licensee shall demonstrate, based on its own review, that which of the requirements specified in this decree applicable to the subject licensee and nuclear facility being different from the previously effective regulation or which of the new requirements are not fully or partially fulfilled.

(3) In its report, the licensee shall demonstrate how the fulfilment of the listed fully or partially unfulfilled requirements is influenced by the execution of that modifications decided by the licensee, which

a) possess an executable modification license in principle; or

b) are not subject to regulatory licensing obligation based on the regulation being effective on the day prior to the date when this decree enters into force.

(4) In its report, the licensee shall submit a proposal for the fulfilment date of fully or partially unfulfilled requirements and an application for exemption to the nuclear safety authority regarding the dates proposed for the accomplishment of those measures necessary for fulfilment. The proposed date of fulfilment shall not be later than the date of the next Periodic Safety Review of the subject nuclear facility (or unit in the case of nuclear power plant) according to Section 34 .

(5) The nuclear safety authority shall issue a resolution on the exemptions and their permitted duration maintaining the administrative deadline according to Section 12(1)(a) of the Atv. taking into consideration the following aspects:

a) the extent of increased risk caused by the deviation from the requirement;

b) the cost and period of accomplishment for measures necessary to fulfil the requirement; and that

c) the safety requirements shall not differ unjustifiably within one site.

(6) The period of exemption shall not exceed the date of the next Periodic Safety Review.

(7) The modifications having a modification license in principle which can be performed upon the date when this decree enters into force may be performed during the temporal effects of the modification license in principle after concluding the licensing procedures according to the provisions of Govt. Decree 89/2005 (V.5.) on the Nuclear Safety Requirements of Nuclear Facilities and the Related Regulatory Activities which is in force until the last day prior to the date when this decree enters into force. Following the termination of the temporal effects of the modification license in principle, the modifications shall be licensed and performed according to the requirements specified in this decree.

Section 40/A

(1) The procedures started prior to or on the 31st of March, 2012 or earlier, based on Section 40(1) and (5) of the decree shall be terminated.

(2) The licensee of a nuclear facility operating under the effect of Govt. Decree 37/2012 (III. 9.) on the modification of atomic energy related government decrees shall submit reports to the nuclear safety authority on the first day of the third month subsequent to the date when this decree enters into force.

(3) The licensee, based on its own review shall demonstrate which of the requirements applicable to the licensee and the respective nuclear facility subject to the report, are fully or partially unfulfilled.

(4) The licensee shall indicate in its report how the fulfilment of the fully or partially unfulfilled requirements listed in the report is influenced by the execution of the agreed modifications, in terms of which the licensee

a) possessed an executable modification license prior to date when the present decree enters into force, or

b) possessed a modification license in principle executable based on the regulation being effective on 9 August 2011, or

c) did not fall under any regulatory licensing obligation according to the regulation being effective on 9 August 2011.

(5) In its report, the licensee shall assess the safety risk of deviations from the requirements, put forward a proposal for the performance date of fully or partially unfulfilled requirements, including the provisions related to the safety categorisation specified in this decree, and submit an application for the exemption to the nuclear safety authority by the dates proposed for the accomplishment of measures necessary for the fulfilment. The proposed date of fulfilment may not be later than the date of the next Periodic Safety Review of the nuclear facility (or unit in the case of nuclear power plant).

(6) The nuclear safety authority shall issue a resolution on the exemption and its licensed duration while observing the administrative deadline according to Section 12(1)(a) of the Atv. taking into consideration the following aspects:

a) the extent of increased risk caused by the deviation from the requirement;

b) the extent, resource need and the period of accomplishment for measures necessary to fulfil the requirement; and

c) taking into consideration that the safety requirements should not differ unjustifiably within one site.

(7) The exemption period cannot extend beyond the date of the next Periodic Safety Review.

(8) The provisions of this decree in Section 3.1.1.0200 c) of Annex 3, specified in Section 10(2) and Annex 2 of Govt. Decree 37/2012 (III. 9.) on the modification of government decrees related to atomic energy, shall be applied firstly to the modification of systems, structures and components of operating nuclear power plant units in the case of which the Modification Form specified in Section 1.4.1.0300 is submitted after the first day of the fourth month following the date when this decree enters into force.

Section 40/B

(1) Sections 21/A-21/D determined by Govt. Decree 139/2014. (IV.30.) on the amendment of certain atomic energy related government decrees (hereinafter referred to as: Amend. Govt.) shall also apply in the procedures being in progress at the time when the Amend Govt. enters into effect except for such procedural acts, the required deadline for compliance with which has already expired before the Amend. Govt. entered into effect.

(2) The atomic energy oversight organization shall inform the clients of the procedures determined in (1) within 8 days after the Amend. Decree entered into effect on the changes of administration deadlines and on the expected duration of the procedure.

Section 40/C

(1) The licensee of a nuclear facility at the time when the Govt. Decree 207/2015. (VII. 23.) on the amendment of certain government decrees (hereinafter referred to as: Amend. Decree 2) enters into effect in relation to the Act VII of 2015 on the investment regarding maintenance of the capacity of Paks Nuclear Power Plant and on amendment of certain respective acts, on the first day of the third month after the Amend Decree 2 entered into effect shall submit a report to the nuclear safety authority.

(2) The licensee, based on the review carried out by it, shall describe in its report that what requirements are not or not fully met in relation to the licensee and the

subject nuclear facility from Govt. Decree 207/2015. (VII. 23.) on the amendment of certain government decrees (hereinafter referred to as: Amend. Decree 2) in relation to the Act VII of 2015 on the investment regarding maintenance of the capacity of Paks Nuclear Power Plant and on amendment of certain respective acts and from Govt. Decree 357/2014. (XII. 29.) on the amendment of Govt. Decree 118/2011. (VII. 11.) on nuclear safety requirement and the related authority procedures and Govt. Decree 190/2011. (IX. 19.) on the on physical protection requirements for various applications of atomic energy and the corresponding system of licensing, reporting and inspection.

(3) The licensee shall evaluate in a report the safety risk of the deviation, shall propose a time when the not or not fully met requirements from Govt. Decree 357/2014. (XII. 29.) on the amendment of Govt. Decree 118/2011. (VII. 11.) on nuclear safety requirement and the related authority procedures and Govt. Decree 190/2011. (IX. 19.) on the on physical protection requirements for various applications of atomic energy and the corresponding system of licensing, reporting and inspection can be satisfied and shall propose actions required for the compliance and submit an exemption application for the duration till the proposed deadlines. The proposed time of compliance shall not be later than the time of the upcoming Periodic Safety Review of the subject nuclear facility or unit in case of a nuclear power plant.

(4) The nuclear safety authority, observing the administration deadline according to Para. 20/B (1) *b),* shall decide on the exemption and its licensed duration by considering the following aspects:

a) the risk increment caused by the deviation from the requirement;

b) extent, resource need, implementation duration of the measures necessary for complying with the requirement; and

c) safety requirements shall not differ in an unjustified manner within the same site.

(5) The duration of the exemption shall not be beyond the time of the upcoming Periodic Safety Review.

Section 40/D.

If the concerned organization had not undertaken electronic administration before January 1, 2018 according to Subsection 108 (2) of Act CCXXII of 2015 on the general rules of electronic administration and confidential service, then the provisions effective on the December 31, 2016 of this decree shall apply regarding electronic communications until December 31, 2017.

Section 40/E.

(1) The licensee of a nuclear facility operating at the time when the Govt. Decree 70/2018. (IV. 9.) on the amendment of certain atomic energy related government

decrees (hereinafter referred to as: Amend. Decree 3) enters into effect, on the first day of the third month after the Amend. Decree 3 entered into effect shall submit a report to the nuclear safety authority based on paragraph (2) and (3).

(2) Based on its assessment, the licensee shall describe in the report that which of the requirements related to the licensee and the nuclear facility in the subject of the report are not met partly or fully.

(3) The licensee shall evaluate in the report the safety risk of the deviation from the requirements in Subsection (2) and shall propose a deadline when partly or fully not met requirements, including those related to safety classification determined in Amend Decree 3, and shall submit an exemption application for the duration till the proposed deadlines of the necessary actions from the determined requirements of Amend Decree 3. The proposed time of compliance shall not be later than the time of the upcoming Periodic Safety Review of the subject nuclear facility or unit in case of a nuclear power plant.

(4) The nuclear safety authority shall decide on the exemption and its licensed duration by considering the following aspects:

a) the risk increment caused by the deviation from the requirement;

b) extent, resource need, implementation duration of the measures necessary for complying with the requirement; and

c) safety requirements shall not differ in an unjustified manner within the same site.

(5) The duration of the exemption determined by the nuclear safety authority can be shorter that the proposal in Subsection (3) but shall not be beyond the time of the upcoming Periodic Safety Review.

Section 41

This decree is intended to provide compliance with the Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community Framework for the Nuclear Safety of Nuclear Facilities.

Section 42

This decree is intended to provide compliance with Article 1(e) per Article 1(5) and Article 6(b) per Article 1(7) of Council Directive 2014/87/Euratom of 8 July 2014 establishing a Community Framework for the Nuclear Safety of Nuclear Facilities.

Section 43

This decree is intended to provide compliance with Council Directive 2013/59/EURATOM of 5 December 2013 on laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and

repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.