



REPRESENTAÇÃO PERMANENTE
DE PORTUGAL
JUNTO DA UNIÃO EUROPEIA
BRUXELAS

Bruxelas, 24 de agosto de 2015

**1º Relatório Nacional sobre a
aplicação da Diretiva 2011/70
EURATOM**

Senhor Diretor Geral,

Junto tenho a honra de remeter a V. Exa. o relatório nacional elaborado pela Comissão Reguladora para a Segurança das Instalações Nucleares (COMRSIN).

Queira aceitar, Senhor Diretor Geral, os protestos da minha alta consideração.

O Representante Permanente

DG ENER					
CODE DOSSIER :					
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Exmo Senhor
RISTORI Dominique
Diretor Geral
Direção-Geral Energia
Comissão Europeia
Bruxelas

ADJ/LJB

**First National Report by Portugal as
Required under Article 14.1 of
Council Directive 2011/70/EURATOM
(August 2015)**

Regulatory Commission
for the Safety of Nuclear Installations

**Report as Required under Article 14.1 of
Council Directive 2011/70/EURATOM**

**First National Report by Portugal
(August 2015)**

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Frequently used Acronyms

ANPC	National Civil Protection Authority (Autoridade Nacional de Protecção Civil)
APA	Portuguese Environment Agency (Agência Portuguesa do Ambiente)
ARS	Regional Health Authorities (Administrações Regionais de Saúde)
BSS	Basic Safety Standards
CIPRSN	Independent Commission for Nuclear Safety and Radiological Protection (Comissão Independente para a Protecção Radiológica e Segurança Nuclear)
COMRSIN	Regulatory Commission for the Safety of Nuclear Installations (Comissão Reguladora para a Segurança das Instalações Nucleares)
CTN	Campus Tecnológico e Nuclear
DGEG	Directorate-General of Energy and Geology (Direcção Geral de Energia e Geologia)
DGS	Directorate-General of Health (Direcção Geral da Saúde)
DoE/USA	Department of Energy of the United States of America
DRE	Regional Directorates of Economy (Direções Regionais de Economia)
EIA	Environmental Impact Assessment
EU	European Union
FCT	Foundation for Science and Technology
HEU	High Enriched Uranium
HLW	High Level Waste
IAEA	International Atomic Energy Agency
ILW	Intermediate Level Waste
ITN	Nuclear and Technological Institute (Instituto Tecnológico e Nuclear)
IST	Instituto Superior Técnico
LEU	Low Enriched Uranium
LLW	Low Level Waste
MEC	Ministry of Education and Science, previously Ministry of Science, Technology and Higher Education (Ministério da Educação e Ciência)

PRR	Pavilhão de Resíduos Radioativos (Pavillion for Radioactive Waste)
RPI	Portuguese Research Reactor (Reactor Português de Investigação)
RW	Radioactive Waste
SAR	Safety Analyses Report
SF	Spent Fuel
SGMEC	Secretaria Geral do Ministério da Educação e Ciência
SSS	Safety of Structures and Systems
ULisboa	University of Lisbon (Universidade de Lisboa)
VSLW	Very Short Lived Waste

Report as Required under Article 14.1 of Council Directive 2011/70/EURATOM

First National Report by Portugal (August 2015)

A) INTRODUCTION

The Directive 2011/70/Euratom of 19 July 2011, was transposed to the Portuguese legal order by the Decree-Law 156/2013, of November 5th, which establishes the framework for the responsible and safe management of spent fuel and radioactive waste. This Decree-Law determines that the Regulatory Commission for the Safety of Nuclear Installations (COMRSIN) is the competent authority to regulate these issues and recognizes the Instituto Superior Técnico (IST) as the public entity for radioactive waste disposal.

Portugal has no nuclear power plants but produces radioactive waste from medical, industrial and research applications of radioactive materials in the form of sealed and unsealed sources, as well as spent fuel from the only existing nuclear reactor in the country, the Portuguese Research Reactor (RPI).

The RPI is a pool-type research reactor (1 MW) operated, since February 2012, by the IST. In February 2012, through Decree-Law 29/2012 of February 9th, IST became the successor to and inherited the assets and personnel of the previous operator, the State Laboratory "Instituto Tecnológico Nuclear" (ITN). The former ITN is now called "Campus Tecnológico e Nuclear" (CTN) and constitutes the Campus of IST for nuclear R&D. Throughout this report we use the acronym CTN/IST to denote the Campus of IST.

The IST is the Faculty of Engineering that, since July 25th 2013, is part of the University of Lisbon (ULisboa) as a result of the merging of two major universities in Lisbon: the University of Lisbon (UL), and the Technical University of Lisbon (UTL).

Before 2012, Portugal did not have a regulatory body for the safety of nuclear installations, nor for the safety of spent fuel management and the safety of radioactive waste management. However, the situation changed substantially in 2012 and even more in 2013. Under Decree-Law 30/2012, of February 9th, the Regulatory Commission for the Safety of Nuclear Installations (COMRSIN) was created, leading, for the first time in Portugal, to the existence of an independent regulatory body for nuclear safety. The Prime Minister appointed three Commissioners for a five-year term. In 2013, with the publication of Decree-Law 156/2013 of November 5th, the

attributions of COMRSIN were broadened to include the regulatory oversight of the safe management of spent fuel and the safe management of radioactive waste as well as the safe transportation of spent fuel and radioactive waste.

Nevertheless, Portugal does not yet have an independent regulatory body for radiological protection. A previous body for radiological protection and nuclear safety, the Independent Commission for Radiological Protection and Nuclear Safety (CIPRSN), was extinguished by Decree-Law 156/2013, because it was more an advisory body than a regulatory one. As such, the national regulatory infrastructure is still characterized by the existence of various authorities which share competencies in areas such as radiological protection, radioactive waste management, spent fuel management, nuclear safety, transportation of radioactive materials and preparedness and emergencies.

The unification of competencies under a single independent regulatory authority will require a strongly committed political decision. In order to comply with the international obligations imposed by the ratified conventions and European Union (EU) Directives, it will be necessary to clarify the legal, technical and scientific competencies currently divided among different institutions in order to achieve a higher level of safety and coordination which is critical in the case of severe accidents.

Presently, the authorities with responsibilities in radiological protection, radioactive waste management, spent fuel, nuclear safety, transportation of radioactive materials, preparedness and emergencies are the following:

1. Regulatory Commission for the Safety of Nuclear Installations (COMRSIN);
2. Directorate-General of Health (DGS);
3. Instituto Superior Técnico (IST);
4. Portuguese Environmental Agency (APA);
5. National Civil Protection Authority (ANPC);
6. Regional Directorates of Economy (DRE);
7. Regional Health Authorities (ARS).

Consequently, the Portuguese regulatory infrastructure is dispersed among various authorities. Despite recent developments that emerged from the transposition of EU Directives, namely Directive 2009/71/Euratom of June 25th and Directive 2011/70/Euratom of July 19th, the existing legal framework remains of difficult practical application mainly due to numerous legal omissions and overlaps.

As determined by Decree-Law 156/2013, COMRSIN has proposed the National Program for spent fuel and radioactive waste management, following a graded approach when defining, developing and implementing solutions that take into consideration the amounts and types of spent fuel and radioactive waste in Portugal

and the associated risks. The National Program also implements practical solutions from waste generation to disposal endpoints in order to avoid undue burdens on future generations. The proposed National Program is undergoing Strategic Environmental Evaluation at this time, before being approved by Government.

In light of the above, the Portuguese National Report focuses on valid contracts for reshipment of spent fuel (SF) from the aforementioned research reactor in case the present fuel stops being used by May 2016, as well as on the safety of the management of radioactive waste (RW) from research, medical and industrial applications. This report shall also provide information on the status of the national regulatory infrastructure and the National Program for the safe management of spent fuel and radioactive waste.

Portugal agrees with the international principles aimed at promoting and enhancing the safety culture for radiological protection, spent fuel management and radioactive waste management. For this reason, Portugal participates in all the related international reporting activities and peer review missions to ensure an international safety culture. The Portuguese Government approved the country's accession to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention) on April 21st 2009, by Decree no. 12/2009. On May 15th 2009, the instrument of ratification was deposited, and the Convention entered into force in the Portuguese legal framework on August 13th 2009.

Portugal will request an IRRS mission to the International Atomic Energy Agency (IAEA) no later than January 2017.

COMRSIN has requested the IAEA an Integrated Safety Assessment for Research Reactor (INSARR) for the RPI, in order to get an expert report by March 2016. The pre-INSARR mission is already scheduled for September.

B) SUMMARY

The present report by Portugal describes the major changes that have taken place as a result of the transposition of Council Directive 2011/70/EURATOM into the Portuguese legal framework through Decree-Law 156/2013. These changes took place, not only at the level of the attributions of the regulatory authority for the safety of nuclear installations, COMRSIN, but also in what concerns the requirements that public and private entities that are licensed to use radioactive materials have to comply with, in order to get a license for managing and/or storing radioactive waste.

The present legal framework sets up COMRSIN as the sole regulatory body in charge for licensing, inspecting and regulating the safety of spent fuel management and the safety of radioactive waste management and its installations, as well as the responsibility to apply exclusion levels to radioactive materials, as well as apply clearance levels for radioactive waste, and authorizing the transportation of radioactive waste and spent fuel in, into and through Portugal.

All public and private entities that use radioactive materials are required to follow new procedures for the disposal of radioactive waste, are subject to fines if they do not, cannot manage or store radioactive waste without a valid license issued by COMRSIN, and the license holder has the prime responsibility for the safety of spent fuel and radioactive waste management facilities and/or activities.

The new National Program for the safe management of spent fuel and radioactive waste as been proposed by COMRSIN and is presently undergoing Strategic Environmental Evaluation before approval by the Government.

C) REPORTING ARTICLE BY ARTICLE

C.1) Article 2: SCOPE OF APPLICATION

The Decree-Law 156/2013, which transposes the Directive 2011/70/EURATOM, has foreseen in its article 2 the same scope of application as the article 2 of the Directive. Any subsequent differences were introduced in the Portuguese law.

(i) Spent fuel management

There is one civilian research reactor in operation (RPI) that produces spent fuel. Nevertheless all spent fuel from the RPI has been returned to the USA, under the Agreement established between Portugal and the USA.

The present fuel will also be returned to the USA by May 2019 or sent for reprocessing at a later time in case the RPI continues its operation beyond May 2016. In that case the reprocessed fuel will return to Portugal in the form of vitrified ILW stored in appropriate containers that may be stored at a surface facility, as foreseen in the proposed National Program.

(ii) Radioactive waste management

Radioactive waste resulting from medical, industrial and research applications, including associated discharges and disused sealed sources are also part of the scope of the National Program. Although authorized releases were not included in the scope of application of Directive 2011/70/EURATOM, the facilities for decay of solid or liquid RW for more than 30 days are subject to licensing by the regulatory authority.

C.2) Article 4 – GENERAL PRINCIPLES

i) Spent Fuel Management Policy

In the context of international initiatives to enhance non-proliferation measures, safeguards and nuclear security and to combat nuclear terrorism, Portugal declared its interest in participating in the “United States Foreign Research Reactor Spent Nuclear Fuel Acceptance Program” of the Department of Energy of the United States of America (DoE/USA). The Portuguese Government committed to abandoning the use of highly enriched uranium (HEU) by 12th May 2006 (deadline that shifted to 31st May 2007) and to return all HEU fuel, fresh and spent, before 12th May 2009.

On 20th December 2006 an agreement to carry out the project was signed in Vienna, between the International Atomic Energy Agency (IAEA), Portugal and the USA, which foresaw IAEA technical support and United States financial assistance.

The RPI received fresh low enriched uranium (LEU) fuel in early 2007, from the French supplier CERCA (AREVA Group). The reactor conversion, from HEU to LEU (with less than 20% of U-235 – specifically, U3Si2-Al – with a uranium density of 4.8 g/cm³), was performed in September 2007. The RPI achieved full power with LEU fuel in October 2007.

The ex ITN prepared the shipment of the HEU fuel, and performed radiological shielding calculations for the optimization of the spent fuel loading into the transport cask. Some fresh HEU assemblies were returned in the same transport cask. The fresh and irradiated assemblies (ca. 7 kg U-235, initial value) were returned in July 2008 to the USA.

At present, there is no spent fuel at IST or anywhere in Portugal. IST does not undertake any activities concerning handling or storage of spent fuel, other than interim storage in the pool of the RPI before shipment to the USA. This policy may change in case the current operator of the RPI presents a long-term strategic program to continue operation of the RPI beyond May 2016, as suggested recently by an international advisory board appointed by Government.

As previously provided for in Ministerial Order 10A/MCT/96, and presently required by articles 17, 18(3) and 7(1) of Decree-Law 262/2012, of December 17th, and by article 16 of Decree-Law 156/2013, the license holder of the reactor must maintain a register with all relevant information, namely concerning transfers and storage of spent fuel elements. This is complemented by article 14(3) of Decree-Law 156/2013, which requires IST to draft an inventory of spent fuel and radioactive waste existing at CTN/IST and submitting it to COMRSIN by January 31st, each year.

COMRSIN has requested the IAEA to carry out an INSARR mission to the RPI in order to advise COMRSIN on the safety of the structures and systems (SSS) as they have aged for more than 30-50 years, the safety of the operation, and the adequacy of the Safety Analyses Report (SAR) for continued operation of the RPI or eventual

decommissioning after 2019.

ii) Spent Fuel Management Practices

In the past, spent fuel from the research reactor has been stored in its pool until the return shipment to the United States. As per contract with the United States Department of Energy, irradiation of the current LEU fuel has to stop by May 2016 so that the SF may be returned to the USA before May 2019.

Since in the past few years the RPI has been in operation at full power one week per month, on average, the current operator of the RPI is considering using the present fuel beyond May 2016. In this case the preferred routing for the SF, after cooling in the reactor for about three years, is to be reprocessed and returned to Portugal ten years later in the form of vitrified intermediate level waste (ILW) stored in appropriate containers that can be placed at a surface facility for as long as deemed necessary. This option is now being considered in the National Program as an alternative to shipment to the USA.

iii) Radioactive Waste Management Policy

With the publication of Decree-Law 156/2013 of November 5th, there is a defined policy on radioactive waste management in Portugal based on fundamental principles. The National Program regarding spent fuel management and radioactive waste management has already been proposed by COMRSIN and is undergoing Strategic Environmental Evaluation before approval by the Government as required by paragraph 1.a of article 3 in Decree-Law 232/2007 of June 15th, modified by Decree-Law 58/2011, of May 4th, that transposes Directives 2001/42/CE of the European Parliament and Council, of June 27th, and 2003/35/CE of the European Parliament and Council, of May 26th. The proposed National Program meets the requirements of the International Safety Standards.

Under article 14 of Decree-Law 156/2013, IST is responsible for the collection, segregation, conditioning and storage of solid and liquid RW produced in the country. IST is the operator of a radioactive waste management facility named *Pavilhão de Resíduos Radioativos* (PRR), which is at present the only national facility for the elimination of radioactive waste in Portugal. It is located in the same CTN/IST campus where the RPI is located and, since the early fifties, has always been considered an interim solution for the elimination of low and intermediate level radioactive waste. Nevertheless, in the absence of an alternate site, PRR will continue in operation for many more years given the volume of RW in Portugal.

IST, under the regulatory oversight of COMRSIN, is responsible for the safe management of all RW stored in its elimination facility. However, concerning medical applications and nuclear medicine, Decree-Law 180/2002 of August 8th establishes that solid and liquid RW with a very short half-life (VSLW), may be stored by the owner until it decays and is discharged. Nevertheless, article 9 of Decree-Law 156/2013 requires that the activity associated with the management of radioactive

waste and the associated installations for storage be licensed by COMRSIN, unless the waste is stored for authorized discharge or otherwise stored for less than 30 days before elimination.

Producers of radioactive waste also have the obligation to provide COMRSIN, before January 31st each year, with a report detailing the type and volume of radioactive waste they produced in the previous year, as well as their location and foreseeable destination (article 8(4) of Decree-Law 156/2013; see also, in what concerns nuclear facilities, article 31 of Decree-Law 262/2012).

Under article 6(3)(d) of Decree-Law 156/2013, the National Program includes an inventory of all spent fuel and radioactive waste in Portugal, including estimates of future amounts, indicating their quantity and location. Article 13(l) further states that COMRSIN must draft an annual inventory of spent fuel and radioactive waste existing in Portugal, keeping it constantly updated.

The regime relating to the use of radioactive sealed sources is set out in Decree-Law 38/2007, of February 19th, which transposes Directive 2003/122/Euratom.

The cost associated to the collection and elimination of radioactive waste by IST, including disused sealed sources, has been set by Ministerial Order no. 891/2015, of 20 February that also regulates the fees charged by COMRSIN for characterizing and authorizing the elimination or applying clearance levels for RW, as well as licensing RW storage facilities and management practices.

Whenever radioactive waste is encountered and the producer or holder cannot be identified (orphan sources), IST is responsible for the cost of collecting the RW, including sealed sources, and for storing it in its elimination facility located on the CTN/IST campus. This entity guarantees the existence of a public solution for all radioactive waste that is produced in Portuguese territory.

iv) Radioactive Waste Management Practices

In Portugal, radioactive waste originates mainly from medicine, industry and research activities. Only low level radioactive waste (LLW) and intermediate level radioactive waste (ILW) is produced from activities in these sectors.

Solid radioactive waste produced in hospitals, mainly from nuclear medicine services, including gloves, syringes, gowns and other contaminated materials used to be collected by ITN. Today, these facilities manage their own radioactive waste according to internal procedures as part of their own Radiological Protection Plan. Changes will now take place as a result of Decree-Law 156/2013, whereby the activity associated with the management of radioactive waste and the associated installations for storage need to be licensed by COMRSIN, unless the waste is stored for authorized discharge or otherwise stored for less than 30 days before elimination.

The radioactive liquid effluents generated in hospitals and research laboratories are conducted to tanks, where the radioactive liquid is maintained during the decay.

process. When the radioactive liquid reaches the authorized discharge levels, the effluents are released to the public sewerage system. Under Article 24(1)(e) of Decree-Law 180/2002, of August 8th all radioactive waste resulting from medical applications must be registered before elimination and this registry must be kept for 10 years.

The following types of radioactive waste are stored in the PRR:

- Sealed sources (mainly ⁶⁰Co and ¹³⁷Cs sources) from industrial and medical applications, as well as from research labs and academia that have not been returned to the supplier;
- Smoke detectors (containing ²²⁶Ra and ²⁴¹Am sources);
- Lightning rods;
- Open sources from medical and research applications that were not disposed of by the operators;
- Equipments (or parts of equipments) containing sealed sources that were used in medical, industrial and research applications;
- Radium historical waste from medical applications;
- Depleted uranium previously used as counterweights or as shielding (this material is under IAEA/Euratom safeguards);
- Solid low level radioactive waste with short or medium-lived radionuclides;
- Radioactive liquid waste from research labs containing mainly, ³H and ¹⁴C;
- Technetium-99m generators if they are not returned to the manufacturer after they have decayed beyond clearance levels;
- Other contaminated material collected in scrap yards.

The disused sealed sources regime is to be found, predominantly, in Decree-Law 38/2007, which transposes Directive 2003/122/Euratom. This regime establishes that, for the use of radioactive sealed sources, a license must be obtained from IST prior to its possession, transport and transfer.

All the licenses granted under this regime (ownership, transport, entrance, etc.) contain a description of the licensed material and other relevant information available, such as volume or mass, activity and specific radionuclide. Additionally, under article 4(5) of the Decree-Law mentioned above, the licensee must pay a deposit for each sealed source. Once the licensee considers that the source is no longer used for the practice for which the authorization has been granted, it should be either returned to the manufacturer or collected by IST. Under article 15 of Decree-Law 156/2013, in the latter case, the licensee must inform COMRSIN, who shall characterize and classify the waste in question and instruct its collection by IST.

Licensees also have to present an annual declaration of the sources in use.

Thus, the mechanism created by the deposit presents a two-way advantage: (a) The licensee is encouraged to notify the licensing authority once the source is no longer in use; and (b) Portugal can effectively control the licensed disused sealed sources,

preventing the existence of orphan sealed sources. This mechanism also contributes to the implementation of the *Code of Conduct on the Safety and Security of Radioactive Sources*.

- Storage and disposal

All the solid radioactive waste received from private and public entities from across the country is stored at PRR, after appropriate segregation and conditioning is carried out. This is a surface facility that for many years has been used as an *interim* storage for the elimination of RW in Portugal. IST is responsible for managing all RW in its elimination facility under the regulatory oversight of COMRSIN (Article 14(2) of Decree-Law 156/2013).

The existing registration system is based on a spreadsheet. Given the relatively low number of new entries per year this is considered sufficient for the time being. Nevertheless COMRSIN is already implementing one database to be used for the registration of all RW that gets produced and subsequently eliminated at the IST facility. This database will also include the yearly registration of all LLW and ILW produced in Portugal as of January 2015.

Despite the fact that a permanent solution to this "interim" elimination facility should be a national priority, no political decision has yet been made about it, nor is it foreseen for the near future. The National Program, when finally approved by the Government, may set a long term policy on this issue to be implemented after 2020.

In order to look for possible disposal sites for this type of waste (surface and near-surface facilities) academic studies have previously been carried out by the former ITN and the Universities of Lisbon, Porto and Évora, with the support of the Foundation for Science and Technology (FCT). However, these studies were not implemented.

v) Criteria used to define and categorize radioactive waste

COMRSIN is the Portuguese regulatory authority that has the power to declare which radioactive materials constitute radioactive waste. As required by Decree-Law 156/2013, a bill concerning the classification of radioactive waste that defines clearance levels has been published in Ministerial Order no. 44/2015, of February 20th. The adopted clearance levels are the ones defined in Annex VII of the recent Council Directive 2013/59/EURATOM.

Under the proposed National Program, based on this classification scheme, in the next five years IST will request COMRSIN's authorization to liberate from regulatory control RW that has been decaying at PRR for more than 30 years in order to gain storage space. The liberated waste will be sent to appropriate landfills, incineration facilities or steel mills, depending on the physical, chemical and biological nature of the waste. Previously, in the absence of clearance levels defined by law, the ex ITN was compelled to accept all RW produced in the country, including NORM material, taking into account that all radioactive material was automatically considered

radioactive waste.

Concerning NORM materials, at present COMRSIN is using the laboratory facilities of IST to obtain a certified radiological characterization of the waste that triggers the alarm system of portal detectors in ports, scrap yards, steel mills and landfills. As one of the emergency authorities in the field of radiological protection, IST is called upon to identify the cause of such alarms. If the cause of an alarm results from suspected NORM materials, samples are taken, analyzed through g spectrometry and a report issued to COMRSIN, who ultimately decides on whether these materials may be excluded from regulatory control or not. If not, IST has to collect them at the PRR.

C.3) Article 5: NATIONAL FRAMEWORK

Implementing measures

The transposition into the Portuguese legal framework of Council Directive 2011/70/Euratom, of July 19th, was carried out by Decree-Law 156/2013 of November 5th.

One must also take into account the national transposition, through Decree-Law 38/2007 of February 19th, of Council Directive 2003/122/Euratom, which relates to matters involving disused sealed sources.

But many other laws and regulations must also be taken into account, as described below.

Legislative and regulatory framework

i) The establishment of applicable national safety requirements and regulations for radiation safety

Portugal has complied with its obligations under EU primary and secondary legislation relating to safety requirements and radiation safety.

Since Portugal's accession to the EU in 1986, a number of legal acts have been adopted, and many have continued to be in force even though some of their content has been derogated by later laws. Consequently, it is only through interpretation and consideration of the ensemble of the relevant legal instruments that one can determine the provisions currently in force. That being said, this situation has not created significant practical difficulties.

Portugal is preparing the transposition of the new Basic Safety Standards Directive (Directive 2013/59/Euratom) by 6 February 2018, and of the revised Nuclear Safety Directive (Directive 2014/87/Euratom) by 15 August 2017.

The current legislative and regulatory framework relating to safety requirements and radiation safety is made up, essentially, by the following acts, in chronological order:

Decree-Law 426/83, of 7 December	Basic legal framework relating to uranium mining
Decree-Law 348/89, of 12 October	General rules for applications of ionizing radiation and distribution of attributions (applicable only to a small degree, insofar as it has been substantially derogated by subsequent laws)
Regulatory Decree 9/90, of April 19 th	Regulates and complements Decree-Law 348/89
Regulatory Decree 34/92, of December 4 th	Regulates Decree-Law 426/83, setting out, <i>inter alia</i> , radiological protection rules for uranium mining activities

Decree-Law 36/95, of February 14 th	Establishes a system for information to the population relating to radiological emergencies, transposing Directive 89/618/Euratom
Regulatory Decree 29/97, of July 29 th	Sets out rules for the protection of external workers intervening in controlled areas, transposing Directive 90/641/Euratom
Decree-Law 165/2002, of July 17 th	General principles of radiation protection and distribution of relevant attributions between public bodies
Decree-Law 167/2002, of July 18 th	Regulates the licensing, operation and duties of service providers in the field of radiological protection, including radiation protection studies for radiological installations, dosimetry (individual and area monitoring) and training
Decree-Law 174/2002, of July 25 th	Regulates preparation and response to radiological emergencies
Decree-Law 180/2002, of August 8 th , as revised by Decrees-Law 215/2008, 279/2009 and 72/2011	Transposes Council Directive 97/43/Euratom, on the application of ionizing radiation during medical diagnostics and treatment, including the establishment of licensing and operating requirements for radiotherapy, nuclear medicine and radio-diagnostic facilities
Decree-Law 138/2005, of August 17 th	Establishes a system for environmental monitoring of levels of radioactivity in the atmosphere, waters and soil
Decree-Law 140/2005, of August 17 th	Regulates exemption levels for the licensing and prior authorization of activities using ionizing radiation
Decree-Law 38/2007, of February 19 th	Regulates the licensing and radiation protection rules associated to the use of sealed radioactive sources, transposing Directive 2003/122/Euratom
Decree-Law 222/2008, of November 17 th	Complements the transposition of the Basic Safety Standards Directive by revising, <i>inter alia</i> , the dose limits for workers, apprentices, students and members of the public
Decree-Law 227/2008, of November 25 th	Transposes article 38 of Council Directive 96/29/Euratom, of 13 May, that requires the establishment of a system of qualified experts and technicians
Ministerial Order no. 596/2009, of June 5 th	Sets out the fees to be charged for several licensing and authorization procedures related to radiological protection carried out by DGS
Decree-Law 145/2009, of June 17 th	Sets out rules relating, <i>inter alia</i> , to radiological protection in medical devices and accessories, transposing Directive 2007/47/EC
Decree-Law 198/2009, of August 26 th	Sets out rules relating to transfers of spent fuel and radioactive waste, transposing Directive 2006/117/Euratom
Law 102/2009, of September 10 th	General regime for security and safety in the workplace, including provisions concerning radiological protection of

	workers
Ministerial Order no. 1106/2009, of September 24 th	Adopted the regulation for the metrological control of measuring instruments for ionizing radiation, under Decree-Law no. 291/90, of 20 September
Decree-Law 10/2010, of February 4 th , revised by Decree-Law 31/2013, of February 22 nd	Legal framework for the management of waste, including radioactive waste, resulting from mining operations, transposing Directive 2006/21/EC
Order no. 6402/2010, of 12 April	Awards competencies associated to metrological control, under Ministerial Order no. 1106/2009, to ITN
Decree-Law 41-A/2010, of April 29 th , last revised by Decree-Law 19-A/2014, of February 7 th	Sets out the rules applicable, <i>inter alia</i> , to radiological protection during transport of radioactive materials by land, transposing Directives 2006/90/EC and 2008/68/EC. The last revision transposed Directive 2012/45/EU
Decree-Law 29/2012, of February 9 th	Integrates ITN into IST and regulates the transfer of assets and attributions to the latter (see also Decree-Law 125/2011, of 29 December)
Decree-Law 30/2012, of February 9 th	Created and regulated the functioning of COMRSIN (see also Ministerial Order no. 4382/2012, of 28 March)
Decree-Law 56/2012, of March 12 th	Regulates the functioning and attributions of APA, confirming those relating to radiological emergencies
Decree-Law 262/2012, of December 17 th	Regulates the obligations of operators of nuclear facilities, in furtherance of the regime set out in Decree-Law 30/2012
Decree-Law 79/2013, of June 11 th , revised by Decree-Law 119/2014, of August 6 th	Rules restricting the use of certain dangerous substances in electronic and electrical equipment, including ionizing radiation and establishment of certain exemptions
Decree-Law 151/2013, of October 31 st , revised by Decree-Law 47/2014	Rules for environmental impact assessment, including for nuclear facilities, transposing Directive 2011/92/EU
Decree-Law 156/2013, of November 5 th	Establishes the legal and regulatory framework for the safe management of spent fuel and radioactive waste, transposing Directive 2011/70/Euratom
Law 19/2014, of April 14 th	Defines the fundamental basis of environmental policy, including obligations to assess risk of radioactive environmental contamination
Decree-Law 67/2014, of May 7 th	Legal framework for the management of waste from electrical and electronic equipment, including certain equipment that uses or is contaminated by ionizing radiation
Decree-Law 127/2014, of August 22 nd	Sets out the basic framework for the licensing and functioning of private facilities providing healthcare, including the use of ionizing radiation

ii) A system of licensing of spent fuel and radioactive waste management activities

The licensing of spent fuel and radioactive waste management activities in Portugal is presently governed by Decree-Law 156/2013 of November 5th. This regime applies: (a) to all phases of the management of spent fuel arising from civilian activities; (b) to all phases of the management of radioactive waste arising from civilian activities, from their production to their elimination; and (c) to facilities for the management of spent fuel and of radioactive waste.

Article 9 of Decree-Law 156/2013 subjects these activities, in all phases (from choice of siting to decommissioning), to mandatory licensing, to be granted by COMRSIN, except in the case of authorized discharges, the storage of radioactive waste for a period not exceeding 30 days before elimination, and radioactive waste management activities associated to interventions in the context of radiological emergencies.

Article 11 of Decree-law 156/2013 also subjects the transport of spent fuel and radioactive waste from, to and through Portugal to prior authorization by COMRSIN, which is also responsible for evaluating and inspecting the safety condition of such transports. These provisions have partly derogated from, but are still complemented by Decree-Law 198/2009, of August 26th.

Excluded from the above mentioned regime are authorized radioactive discharges, gaseous, liquid or solid form, and the management of radioactive waste arising from mining operations. The latter is governed by the general regime provided for in Decree-Law 10/2010, of February 4th, revised by Decree-Law 31/2013, of February 22nd. Prior licensing of such installations is mandatory and must be obtained from the Directorate-General for Energy and Geology, after consulting several entities (COMRSIN is not included in the consultation procedure). It should, however, be noted that no such operation is currently active in Portugal. Consequently, no further details shall be provided regarding this regime, as it is of no practical relevance.

iii) A system of prohibition of the operation of a spent fuel or radioactive waste management facility without a license

The operation of a spent fuel or radioactive waste management facility without a license is prohibited by the legislation mentioned in the previous heading. Infringements to this prohibition, in accordance with article 47(1) of Decree-Law 156/2013, are subject to fines of up to EUR 45.000.

One should also take into account general prohibitions of carrying out activities implying the use or potential exposure to ionizing radiation without prior authorization of the competent authority - see article 8 of Decree-Law 165/2002 - and the rules that requires a prior license by COMRSIN for the operation of a nuclear facility - see article 11 of Decree-Law 30/2012 (complemented by Decree-Law 262/2012).

iv) A system of appropriate institutional control, regulatory inspection, documentation and reporting

COMRSIN is responsible for controlling and inspecting, as well as receiving all relevant documentation and notifications associated to the management of spent fuel and radioactive waste and to its transport to, from and throughout Portugal - see, e.g., articles 45, 11(2), 13(b) and (c) of Decree-Law 156/2013. Its inspections must be systematic and be supported on a predetermined internal plan for periodical assessment.

All information and evaluations relevant to the safety of spent fuel and radioactive waste management activities and facilities must be recorded and kept permanently updated by the respective operator and be made available to COMRSIN; the operator must also demonstrate compliance with applicable norms whenever this is requested by COMRSIN. This information must be kept until it is shown that it has become obsolete or must be replaced (see articles 16 and 29(3) of Decree-Law 156/2013). Similar record keeping obligations are imposed on operators of nuclear facilities by article 6 of Decree-Law 262/2012 and, in the case of holders of sealed sources, by article 6 of Decree-Law 38/2007.

Article 30 of Decree-Law 156/2013 provides a specific framework for regulatory inspection by COMRSIN and stipulates that these interventions must aim at promoting safety by taking into account, *inter alia*, technological developments, research and development, new international rules and recommendations, etc. COMRSIN is tasked, by article 31, with the adoption of a regulation to provide further specifications on how regulatory inspections are carried out. Safety inspections prior to licensing are foreseen and governed specifically by article 34 of Decree-Law 156/2013. This regime is complemented by the verification provisions set out for nuclear facilities in Decree-Law 262/2012, *maxim* articles 30 to 33.

Operators are subject to a general duty of cooperation with COMRSIN, including a duty to allow full access to facilities for inspection and evaluation, at any moment, with no prior warning required (see article 17 of Decree-Law 156/2013, article 7 of Decree-Law 262/2012 and article 13 of Decree-Law 30/2012).

This framework is completed by the already mentioned provisions that provide for the keeping of an updated inventory of radioactive waste and spent fuel existing in Portugal.

COMRSIN is generally empowered to request technical assistance from other public bodies, or even from private entities, in order to adequately pursue its tasks (see article 7 of Decree-Law 30/2012).

v) The enforcement of applicable regulations and of the terms of the licenses

Aside from what has already been described in the previous heading, COMRSIN is empowered to act in furtherance of a high level of radiological protection, promoting the continuous improvement of safety at facilities and in management activities. It

may inspect, order corrective measures and set timelines for compliance, change, suspend or revoke licenses, alter operating conditions, order the temporary or definitive closure of facilities, and order any other urgent provisional measure, to the extent that such measures are necessary to ensure the radiological protection of workers, the public and the environment as well as to reduce risks. Any corrective measures ordered must be followed up with subsequent inspections. In this regard, see articles 13(b) and (c), 30(5), 38 and 46 of Decree-Law 156/2013. See also, for nuclear facilities, article 34 of Decree-Law 262/2012.

Fines, for violations detected by COMRSIN, are imposed by the member of Government responsible for the sector of activity in question (e.g., the Minister of Education and Science, in what concerns the RPI).

vi) A clear allocation of responsibilities to the bodies involved in the different steps of spent fuel and radioactive waste management

Responsibilities are clearly allocated between the operator and the relevant public authorities by the above mentioned provisions of Decree-Law 156/2013.

The operator is made primarily and fully responsible for the safety of spent fuel or radioactive waste management or facilities by articles 3(r), 7, 8, 10 and 11(3) and (4) thereof. The responsibility cannot be delegated or transferred. See also, for nuclear facilities, the same principle expressed in articles 4 and 5 of Decree-Law 262/2012 and article 12 of Decree-Law 30/2012. In what concerns sealed sources that are no longer to be used, the obligations of their holders are laid out in articles 5(1)(e) and 10 of Decree-Law 38/2007 (as implicitly revised by Decree Law 156/2013).

In accordance with article 4(2) of Decree-Law 156/2013, the State is ultimately responsible for the management of spent fuel and radioactive waste generated on Portuguese territory.

COMRSIN is awarded the licensing, inspection and enforcement attributions mentioned above. Aside from the provisions that have been mentioned above, one should further consider its general mission, as set out in articles 4 and 8 of Decree-Law 30/2012.

IST is given the responsibility for the collection, storage and elimination of all solid or liquid (non-exempt) radioactive waste produced or found on national territory (see article 14 of Decree-Law 156/2013).

C.4) Article 6: REGULATORY BODY

Portugal has a complex regulatory framework characterized by the existence of various entities, under different Ministries, with competences in the areas of radiation protection and nuclear safety. In what concerns radioactive waste and spent fuel, however, this dispersion of attributions has been significantly diminished with the creation of COMRSIN and the adoption of Decree-Law 156/2013. The previously existing "Independent Commission for Radiological Protection and Nuclear Safety" (CIPRSN) was extinguished by article 55(a) of Decree Law 156/2013.

Presently, under article 13 of Decree-Law 156/2013 and article 8 of Decree-Law 30/2012, COMRSIN is responsible for:

- (i) Licensing, evaluating, monitoring and inspecting facilities and activities relating to the management of spent fuel and radioactive waste (encompassing all phases, from initial choice of siting to decommissioning);
- (ii) Authorizing and inspecting transports of spent fuel and radioactive waste in Portugal;
- (iii) Characterizing and classifying radioactive materials as radioactive waste;
- (iv) Applying clearance levels, on a case by case basis;
- (v) Ordering the collection of radioactive waste for storage and disposal;
- (vi) Authorizing the elimination of radioactive waste;
- (vii) Imposing fines for infringements of rules relating to licensing or safety (through the relevant member of Government), suspending or canceling licenses and ordering provisional measures;
- (viii) Preparing and continuously updating an inventory of radioactive waste on national territory;
- (ix) Cooperating with the relevant bodies for the drafting of education and training plans;
- (x) Making available to workers and the general public the necessary information concerning the management of spent fuel and radioactive waste;
- (xi) Drafting and proposing to the Government legislation in this domain, as well as approving regulations whenever empowered to do so by law; and
- (xii) Cooperating with the relevant authorities and international organizations, validating data relating to spent fuel and radioactive waste to be communicated to international organizations (except in the case of radiological emergencies), taking part in the preparation of international agreements within this domain.

IST is entrusted with collecting and eliminating all solid or liquid radioactive waste produced or found in Portugal (above exemption levels). IST is also responsible for the subsequent safe management of radioactive waste, under the supervision of COMRSIN, and for drafting an inventory thereof to be provided to COMRSIN - article 14 of Decree-Law 156/2013.

Radiological emergencies are regulated separately by Decree-Law 36/95, and by Decree-Law 174/2002. For further on this, see section C.5.

As for compliance with the requirement that the regulatory body be *"provided with adequate authority, competence, financial and human resources to fulfill its assigned responsibilities"* the relevant national provisions are primarily to be found in Decree-Law 30/2012.

COMRSIN does not have a separate legal personality (which accounts, *inter alia*, for why it cannot impose fines by itself). It functions with the logistical, administrative and legal support of the Secretariat-General of the Ministry of Education and Science (SGMEC). This means that a member of Government has to authorize the payment of given COMRSIN expenses through the budget allocated to COMRSIN at SGMEC.

COMRSIN is governed by three Commissioners, appointed by the Prime Minister for five year renewable terms, chosen on the basis of academic, scientific and technical merit. Commissioners receive no remuneration for their functions, but are entitled to be refunded for associated travel and other expenses.

COMRSIN has no staff of its own but may use its budget (the 2015 budget is 70,000€ allocated through SGMEC) to hire the services necessary to accomplish its tasks. All staff members that do not have a permanent civil servant job are hired on a yearly basis, and the administrative process usually takes about 5 months until contracts are signed. At present COMRSIN has a full time administrative adjunct, a communication expert, and two part time collaborators: one legal adviser in nuclear law with a PhD in law and an expert in radiological protection with a PhD in physics. Once COMRSIN gets reorganized, as mentioned below, one expects to have the legal framework and the financial and human resources needed to have 5 full time collaborators covering all technical expertise, in addition to the three commissioners.

COMRSIN is also empowered to require the cooperation of experts from public and, on a subsidiary basis, from private entities. Through this mechanism, it may count on the presence of workers assigned to other public or private bodies. Nevertheless, given the limited number of experts in this field in Portugal, most of them associated with IST, COMRSIN cannot use their expertise in areas where there is a conflict of interests, namely nuclear safety and the safe management of SF and RW at sites where IST has a vested interest.

As for compliance with the requirement that there be *"effective independence of the regulatory functions from other functions where organizations are involved in both spent fuel or radioactive waste management and in their regulation"*, article 4(2) of Decree-Law 30/2012 provides that COMRSIN is an independent entity, functionally separate from any entity or organization related to the promotion or use of nuclear energy, including the production of electricity, and that it decides its activities and exercises its regulatory and supervision powers in an independent manner. Although both COMRSIN and IST function under the umbrella of the Ministry of Education and Science, COMRSIN Commissioners are appointed by the Prime-Minister. There are no specific provisions for the removal of Commissioners from office, general civil service rules applying thereto.

Finally, it should be noted that, in accordance with article 52(7) of Decree-Law 156/2013, the Government is to reorganize COMRSIN, redefining its legal statute, attribution, organization and means of functioning. This process should have been

completed by March 2014, but is still to be implemented, much less finalized.

C.5) Article 7: LICENSE HOLDERS

COMRSIN is entrusted with supervising and guaranteeing that license holders abide by their responsibilities, as described throughout this report. Nevertheless, article 52 of Decree-Law 156/2013 established a moratorium of two years, ending on November 5th 2015, for producers of RW to adjust to the present legislation and prepare themselves to get a license for the activity and installations where they manage and store RW for more than 30 days.

For this purpose COMRSIN has prepared a document that contains a set of guidelines to be followed by private and public institutions that produce, manage and/or store radioactive waste. These guidelines follow IAEA safety standards and make specific recommendations on how to manage and store RW. These guidelines include requirements for licensing RW management activities and storage facilities for RW. The document is on COMRSIN website:

<http://www.comrsin.pt/index.php/pt/gestao-segura-residuos>.

All licensees authorized by DGS to use radioactive materials have been informed of this document by COMRSIN and DGS.

IST, as well as all public and private entities that manage and store RW for more than 30 days, have until November 5th 2015 to demonstrate to COMRSIN that its already existing installations comply with the requirements of Decree-Law 156/2013.

National legislation ensures that the prime responsibility for the safety of spent fuel and radioactive waste management rests with the holder of the relevant license, as provided for in articles 3(r), 7, 8, 10 and 11(3) and (4) of Decree-Law 156/2013, articles 4 and 5 of Decree-Law 262/2012 and article 12 of Decree-Law 30/2012. The same principle is also expressed, for sealed sources, in articles 5(1)(e) and 10 of Decree-Law 38/2007 and, for transport, in article 11(3) and (4) of Decree-Law 156/2013 and article 18 of Decree-Law 198/2009.

■ General safety requirements

The national legal framework ensures that, at all stages of radioactive waste management individuals, society and the environment are adequately protected against radiological and other hazards.

Specifically:

- (i) Criticality and removal of residual heat during radioactive waste management are not directly addressed by specific provisions, but control of these factors is a necessary corollary of several provisions (see, e.g., articles 4(c) and (e), 21, 22, 28 and 29 of Decree-Law 156/2013, and articles 12, 16, 17, 18(2)(h) and 26 to 29 of Decree-Law 262/2012);
- (ii) Generation of radioactive waste must be kept to the minimum practicable, both in terms of volume and activity levels, as provided for in article 4(1)(a) of Decree-Law 156/2013;
- (iii) Interdependencies among the different steps in radioactive waste management must be taken into account, under article 4(1)(b) of Decree-

- Law 156/2013;
- (iv) National protective methods for individuals, society and the environment, that are rooted in EU Directives and internationally endorsed criteria and standards, are provided for by the ensemble of the nuclear safety and radiological protection provisions described throughout this report;
 - (v) While there are no provisions explicitly requiring the consideration of biological, chemical and other associated hazards, such considerations are necessarily a corollary of the general safety provisions mentioned above; and
 - (vi) As for burdens imposed on future generations, article 4(1)(d) of Decree-Law 156/2013 requires that any such burdens be minimized.

■ *Existing facilities and past activities*

The new legal framework for spent fuel and radioactive waste management and facilities, provided for in Decree-Law 156/2013, is applicable to existing facilities and activities.

As mentioned above, a transitional regime is foreseen according to which, within two years of the publication of this law, operators must take adequate measures to revise:

- (i) The safety of the activity/facility in question and, if necessary, to carry out all reasonably possible improvements thereto;
- (ii) The results of past practices, so as to determine whether any intervention is needed for reasons of radiation protection, bearing in mind that the reduction in detriment resulting from the reduction in dose should be sufficient to justify the harm and the costs, including the social costs, of the intervention;

Once the above mentioned deadline has expired, COMRSIN must inspect and certify the safety conditions of facilities, issuing a new license or ordering the adoption of corrective measures before such issuance.

In the framework of the proposed National Program, COMRSIN will carry out a full review of past practices, which will namely lead to determining whether interventions to ensure radiological protection and reduction of exposure and risks are necessary and justified.

■ *Siting of proposed facilities*

The choice of siting of proposed facilities is subject to approval by COMRSIN as part of the licensing procedure (articles 9(1) and 13(b) of Decree-law 156/2013).

Under article 21 of Decree-Law 156/2013, any project to create a new spent fuel or radioactive waste management facility must:

- (a) Assess all relevant factors relating to the siting of the facility which may affect its safety throughout its lifespan;
- (b) Assess the probable impact on the safety of persons and the environment, in accordance with Environmental Impact Assessment (EIA) procedure laid out in

Decree-Law 151-B/2013, of October 31st, revised by Decree-Law 47/2014 (which transposes Directive 2011/92/EU).

Choices made at this phase must take into account potential radiological consequences for workers, the general public and the environment, so as to ensure compliance with dose limits set out in Decree-Law 222/2008 and with the ALARA principle.

Information on the safety of a such facility must be made available to members of the public, both by the operator and by COMRSIN, as provided for in articles 4(1)(j) and 13(e) of Decree-Law 156/2013, and in article 15 of Decree-Law 30/2012 (aside from consultation procedures deriving from the general rules on EIA procedures). A specific framework for information of the public relating to radiological emergencies is set out in Decree-Law 36/95.

Consultation of potentially affected contracting parties is guaranteed by the already mentioned national provisions that transpose the EU's Environmental Impact Assessment Regime. Additionally, article 21(3) of Decree-law 156/2013 requires the Portuguese State to take all adequate measures to guarantee that any new facilities shall not have unacceptable effects on neighboring States.

It should also be noted that Portugal has signed an international agreement with Spain (Portuguese-Spanish Agreement on Cooperation relating to the Safety of Bordering Nuclear Facilities, 1980). Even if no facilities are actually covered by the scope of this agreement (limited to nuclear installations located no more than 30km from the border), it has nonetheless served as a basis for cooperation between the two countries in this domain. A new Protocol between the Consejo de Seguridad Nuclear (CSN) in Spain, and APA, IST and ANPC has been signed on July the 30st 2015, relating to emergencies and preparedness consultation and cooperation in the event of nuclear and radiological accidents.

■ *Design and construction of facilities*

Under article 22 of Decree-Law 156/2013:

- (i) The design and construction of spent fuel and radioactive waste management facilities must include suitable measures to limit possible radiological impacts on individuals, society and the environment, including those from discharges or uncontrolled releases;
- (ii) At the design stage, prior planning and, if necessary, technical provisions relating to decommissioning must be taken into account;
- (iii) The technologies incorporated in the design and construction of a radioactive waste management facility must be supported by relevant experience, testing or analysis.

There are currently no proposals for the design or construction of new spent fuel or radioactive waste management facilities in Portugal, beyond small storage facilities where radioactive waste may be stored for more than 30 days that are also subject to licensing and inspection by COMRSIN.

■ *Operation of facilities*

The national legal framework provides for the safe operation of spent fuel and radioactive waste management facilities. Licenses are only granted to operators upon demonstration of compliance with safety requirements, relating to all stages of the lifespan of the facility, including a final inspection prior to initiation of operations, as provided for, e.g., in articles 9(1), 23 and 34 of Decree-Law 156/2013.

A management system, including operational limits and conditions, must be developed and revised, as appropriate, in accordance with articles 28 and 29 of Decree-Law 156/2013.

The operation of the facility must be able to rely on support from suitable human resources, as described below.

Procedures for characterization of radioactive waste, under the responsibility of COMRSIN, are set out in articles 13(h) and (j) and 15(2) of Decree-Law 156/2013. Aside from provisions relating to exempted materials and liquid waste which may be stored temporarily before discharge (*maxim* in medical facilities), there are no specific provisions on the segregation of radioactive waste, although such segregation is required by general provisions, to the extent that it is necessary to ensure safety and minimize risks.

Incidents, significant to safety, must be reported in a timely manner by the holder of the license to the regulatory body and to other relevant authorities, as described above.

In addition to other provisions already mentioned in this report, article 20 of Decree-Law 156/2013 requires operators to grant workers and the general public all relevant information regarding the management of spent fuel and radioactive waste, complying with international obligations. These transparency requirements are subject to exceptions in the name of national security and confidentiality required by other legal provisions.

Operators must periodically revise the safety of the facility, subject to supervision by COMRSIN, which requires the existence of a methodology to collect and analyze relevant operating experience, which can allow for the assessment and the determination of the necessary corrective measures (see, e.g., article 30 of Decree-Law 156/2013).

■ *Institutional measures after closure*

As provided for in articles 3(i) and 23(1) of Decree-Law 156/2013, the closing of a spent fuel or radioactive waste management facility must guarantee the adoption of any potentially necessary technical interventions or works to ensure long lasting safety. The initial project of any such facility must already take this issue into account, foreseeing possible evolutions of conditions of the site after closure (article 21(1)(b)).

The National Program will set out concepts and plans to follow the closure of a spent fuel or radioactive waste management facility, including the time during which adequate controls must be maintained, indicating the means to be used so as to preserve knowledge and information about the facility on the very long term (article 6(3)(g) of Decree-Law 156/2013).

Institutional measures after closure of the RPI or PRR are not yet foreseen at this time, because there is no set deadline for the decommissioning of any of these facilities.

■ Quality Assurance

Articles 28 to 31 of Decree-Law 156/2013 set up a management system for spent fuel and radioactive waste which ensures that appropriate quality assurance programs concerning the safety of spent fuel and radioactive waste management are established and implemented.

Under article 28, this management system encompasses all provisions relating to the organization, distribution of responsibilities, resources, procedures and assurances for the safe management of such facilities, including the elimination of radioactive waste. This system must be built having safety as its first priority and should also include provisions relating to the prevention of incidents and the reduction of their potential consequences (the components of these systems are further specified in article 29).

The system must be presented by the operator to COMRSIN for approval during the licensing procedure. Any subsequent change must also be approved by COMRSIN. Quality assurance is further provided for through supervision and inspections by COMRSIN, as foreseen in articles 30 and 31. The regulator must not only confirm compliance with legal provisions and previously communicated management systems, but also ensure that the existing level of safety is in accordance with international rules and best practices, identifying opportunities for improvement whenever reasonably possible.

■ Operational radiation protection

The national legislative and regulatory framework already described above transposes the relevant EU Directives relating to radiological protection.

The most relevant provisions are briefly described below:

- (i) ALARA principle for exposure of workers and the public and for discharges: article 4(3) of Decree-Law 165/2002 and articles 4(1)(d) and 21(2) of Decree-Law 156/2013;
- (ii) Radiation dose limits: article 4(4) and (5) of Decree-Law 165/2002, articles 4 to 8 and 11 of Decree-Law 222/2008 and articles 21(2) and 29(5) of Decree-Law 156/2013;
- (iii) Measures to prevent unplanned and uncontrolled releases of radioactive materials into the environment: these measures derive from the ensemble of

C.6) Article 8: EXPERTISE AND SKILLS

Under the existing legal framework (*maxime* articles 19 and 24 of Decree-Law 156/2013 and article 12(5) of Decree-Law 30/2012), any entity taking part in the management of spent fuel or radioactive waste must have at its disposal enough workers, with adequate qualifications and training to pursue the activities in question. Such entities must also develop an appropriate program of research and development that conforms with the objectives set out in the National Program, so as to ensure the continued existence of qualified human resources. A systematic and duly documented HR policy must be developed, having in mind these long term goals.

C.7) Article 9: FINANCIAL RESOURCES

Operators must demonstrate that they have sufficient financial resources to ensure the safety of the activities and facilities for the management of spent fuel and radioactive waste. A plan for adequate financial resources must be presented as a precondition to licensing. Fines may be imposed for failure to provide for such resources (see, e.g., articles 19(3), 32(1)(k) and 47(2)(a) of Decree-Law 156/2013, and article 12(5) of Decree-Law 30/2012). These provisions apply to the entire lifespan of facilities and activities.

In what concerns human and financial resources available to COMRSIN, please see reporting under article 6 in section C.4.

C.8) Article 10: TRANSPARENCY

In addition to other provisions already mentioned in this report, article 20 of Decree-Law 156/2013 requires operators to grant workers and the general public all relevant information regarding the management of spent fuel and radioactive waste, complying with international obligations. These transparency requirements are subject to exceptions in the name of national security and confidentiality required by other legal provisions.

Likewise the general public should be granted the possibility to participate, though public consultation, in the decision making process involving the management of SF and RW according to national legislation and international obligations, provided the safety and confidentiality of the information is safeguarded.

C.9) Article 11&12: NATIONAL PROGRAM

The National Program was completed by COMRSIN in early April 2015 after 6 months of technical discussions with the most important stake holder, namely IST. COMRSIN maintains a constructive dialog with the operator of the RPI and PARR because, in a country with limited expertise in the field of SF and RW management and limited financial resources, one has to build a graded National Program that is commensurate with the inventory of RW existing in Portugal, the type of practices that use radioactive materials, and is sustainable for the next 5 years, not just financially but also in terms of expertise and human resources available nationwide.

Because the National Program uses well established elimination routes and facilities that already exist for 50 years, it was initially believed that the Strategic Environmental Evaluation (SEE) could be circumvented, under an interpretation of the requirements of Decree-Law 58/2011, of May 4th, that transposes Directives 2001/42/CE of the European Parliament and Council, of June 27th, and 2003/35/CE of the European Parliament and Council, of May 26th. Nevertheless, because this is the first National Program of Portugal in the area of SF and RW management, we were advised by APA, following European Commission recommendation, to submit the National Program for SEE. This involves a long administrative process, where the approval of the Ministry of Finances must be obtained and a private entity specialized in SEE must be chosen through an public tender. Since there are a number of administrative hurdles in the process, we expect the SEE to be finalized at the end of 2015 and then be ready to be submitted to the Government for approval.

For this reason COMRSIN is not yet in a position to divulge the National Program at this time.

D) ANNEX: RADIOACTIVE WASTE COLLECTED AND STORED AT PRR

Year	Sealed sources (units)	Generators (units.)	Smoke detectors (units.)	Lightning rods (units)	Vacuum tubes (units)	I-125 seeds (packages)	Solid (kg)	Liquid (L)
2001	63	316	5285	10	1	28	6741	455
2002	28	267	6484	13	3	0	8967	808
2003	55	825	1557	12	16	110	4969	1895
2004	84	493	5824	22	10	63	2418	1874
2005	84	396	3866	15	5	422	4513	2400
2006	150	348	12322	22	3	289	350	4275
2007	199	1865	4833	18	2	217	6913	3002
2008	117	583	2884	33	161	116	2547	2450
2009	74	277	11347	26	4	38	2306	3841
2010	117	613	5099	24	28	39	1502	770
2011	76	518	2277	21	8	14	3236	489
2012	69	773	10726	28	2	104	4927	2804
2013	68	128	3657	16	0	104	3079	4751
2014	76	77	3545	13	0	44	1422	3606
Average	90	534	5693	20	17	113	3849	2387
Average over last 4 years	72	374	5051	20	3	67	3166	2913