

## **On use of nuclear energy**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated 12 January 2016 № 442.

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This Law provides a legal framework and principles for regulating social relations in the nuclear energy use in order to protect the life and health of people, their property and the environment and aims to safeguard the nuclear non-proliferation regime, nuclear and radiation safety and nuclear security in the use of nuclear energy.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic definitions used in this Law**

Basic definitions used in this Law are as follows:

- 1) exemption level - values of physical quantities defining nuclear, radiation, geometric, weight characteristics of a nuclear facility, stipulated in hygienic standards and technical regulations, at which or below which a nuclear facility shall not require state control;
- 2) nuclear energy - the energy released in nuclear reactions and during radioactive decay, as well as the energy of generated ionizing radiations
- 3) nuclear facilities - sources of ionizing radiation, radioactive wastes and spent nuclear fuel, nuclear, radiation, electrophysical installations, storage points and burial sites, transport packages and nuclear materials;
- 4) operation of nuclear facilities - administrative, economic and engineering activities carried out by a natural or legal person in the field of the nuclear energy use;
- 5) handling of nuclear facilities - a set of manual and (or) automated operations, operations with nuclear facilities for their manufacturing, delivery, use, operation, commissioning and decommissioning, processing, installation, repair, maintenance, charging, recharging, dismantling, utilization, conservation, transportation, import, export, decontamination, post-utilization, storage, burial;
- 6) the life cycle of a nuclear facility - the placement, design, production, building or construction, commissioning, operation, reconstruction, overhaul, decommissioning, transportation, handling, storage, burial and utilization of nuclear facilities;
- 7) state control and supervision in the field of nuclear energy use – an activity of the authorized body in the field of nuclear energy use within its competence, aimed at ensuring compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use by individuals and legal entities;

8) the authorized body in charge of the use of nuclear energy (hereinafter referred to as the authorized body) - a central executive body in charge of the use of nuclear energy;

9) sources of ionizing radiation - radioactive substances, apparatuses or devices containing radioactive substances, as well as electrophysical apparatuses or devices emitting or capable of emitting ionizing radiation;

10) register of sources of ionizing radiation - database of sources of ionizing radiation, which presents a constantly updated set of information on their availability, movement and location within the Republic of Kazakhstan, including information on movement during their export and import;

11) post-utilization - a set of operations, including the dismantlement and demolition of capital structures (buildings, constructions, complexes) after the termination of their operation (use, application) with simultaneous restoration and secondary use of regenerated elements (structures, materials, equipment), as well as processing of non-regenerable elements and waste;

12) burial - storing spent nuclear fuel or radioactive waste at a burial site with no intention to take it out;

13) burial site – a nuclear or radiation installation for the disposal of spent nuclear fuel or radioactive wastes;

14) closure of a burial site - completion of all operations after burying to secure a burial site;

15) installation commissioning - documented activities for putting into operation of the components and systems of a nuclear or radiation or electrophysical installation after completing its construction and relevant testing;

16) installation decommissioning - documented activities for terminating the operation of a nuclear/radiation/electrophysical installation, removing it from state control, taking the installation to its final state and providing a site for its deployment to meet safety requirements;

17) an operator - a legal person conducting activities related to the handling of nuclear facilities;

18) spent nuclear fuel - nuclear fuel that has been irradiated in a nuclear reactor and removed from it for good;

19) personnel - individuals permanently or temporarily working with sources of ionizing radiation or exposed to its effects because of working conditions;

20) radiological risk - the likelihood of harm to the life or health of a person, property of natural and legal persons, the environment as a result of exposure to radiation with account of severity of its consequences;

21) radiation safety – properties and characteristics of a nuclear facility ensured by a set of measures limiting radiation effects on personnel, population and the environment in accordance with statutory standards of the Republic of Kazakhstan;

22) radiation hazard category – characteristic of a nuclear facility showing the degree of its radiation hazard for the population and (or) the environment in the course of its handling or in the event of a possible accident;

23) radiation installation - a special non-nuclear installation, including its premises, facilities and equipment, for handling radioactive substances;

24) radioactive substances - any natural or man-made materials in any aggregate state that contain radionuclides;

25) radioactive wastes - radioactive substances, nuclear materials or radionuclide sources containing radionuclides in quantities above the exemption level, which are not intended for further use;

26) radionuclide source - a source of ionizing radiation containing radioactive substances specially created for useful application or being a by-product of any type of activity;

27) storage - temporary placing of nuclear fuel, nuclear materials, radioactive substances, radionuclide sources, spent nuclear fuel, radioactive wastes at storage facilities, with possibility of their removal for further handling;

28) storage facility - a nuclear or radiation installation intended for the storage of nuclear fuel, nuclear materials, radioactive substances, radionuclide sources, spent nuclear fuel, radioactive wastes;

29) transport package - a set of elements required for full placement and retention of radioactive contents during transportation;

30) physical protection - a unified system of organizational and technical measures to prevent unauthorized access to a nuclear facility;

31) electrophysical installation - special, non-nuclear or radiation, installation that generates or is capable of generating ionizing radiation, including its premises, structures and equipment;

32) nuclear safety - properties and characteristics of a nuclear facility, which, with certain probability, make a nuclear accident impossible;

33) nuclear installation - special installation for handling nuclear materials, including premises, facilities and equipment related to it;

34) nuclear materials - materials containing or capable of reproducing fissile (fissionable) radionuclides;

35) nuclear security - unified system of organizational and technical measures aimed at preventing, detecting and (or) responding to theft, diversion, unauthorized access, illegal transfer, handling or other unlawful actions with respect to nuclear facilities and (or) an operator.

**Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 2. Legislation of the Republic of Kazakhstan on the use of nuclear energy**

1. The legislation of the Republic of Kazakhstan on the use of nuclear energy is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

## **Chapter 2. STATE REGULATION OF THE USE OF NUCLEAR ENERGY**

### **Article 3. State regulation of the use of nuclear energy**

State regulation of the use of nuclear energy shall apply to:

- 1) activities of natural and legal persons involved in the use of nuclear energy;
- 2) activities of natural and legal persons performing works related to the life cycle of nuclear facilities;
- 3) nuclear tests' monitoring;
- 4) activities at former nuclear test sites and in other areas contaminated as a result of nuclear tests;
- 5) the review of nuclear and radiation safety and of nuclear security;
- 6) the training and certification of personnel involved in nuclear facilities' handling.

### **Article 4. Scope and principles of state regulation of the use of nuclear energy**

1. The scope of state regulation of the use of nuclear energy includes effective protection of people's life and health, their property, the environment, maintenance of nuclear and radiation safety, of nuclear security and support of nuclear non-proliferation regime in the use of nuclear energy.

2. State regulation of the use of nuclear energy is based on the principles of:

- 1) ensuring safety of people's life and health, environmental protection in the use of nuclear energy;
- 2) priority of ensuring security over other aspects of the use of nuclear energy;
- 3) mandatory and continuous state control over the safety of a nuclear facility;
- 4) accessibility, credibility and timeliness of information on nuclear facilities' safety and their effects on the population and environment;
- 5) obligatory compensation for damage caused by nuclear facilities' radiation effect on the life and health of people, property of natural and legal persons and also to the environment;
- 6) inadmissibility of excess radioactive contamination of the environment;
- 7) inadmissibility of import and burial of radioactive wastes and spent nuclear fuel from other states in the Republic of Kazakhstan, except for its own re-imported radioactive wastes;
- 8) mandatory state regulation of safety of the nuclear energy use.

3. In the Republic of Kazakhstan, natural and legal persons are forbidden to carry out activities related to the use of nuclear energy with a view to develop, create, produce, test, store or disseminate nuclear weapons.

#### **Article 5. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan:

- 1) works out major directions of state policy in the use of nuclear energy;
- 2) decides on an area of construction, on the construction and cancellation of construction of nuclear facilities and burial sites;
- 3) decides on early decommissioning of a nuclear installation or closure of a burial site;
- 4) approves rules for decommissioning nuclear and radiation installations;
- 5) approves rules for reviews of nuclear and radiation safety and nuclear security;
- 6) approves rules for selecting sites for nuclear installations and burial sites;
- 7) approves a national plan for responding to nuclear and radiation accidents;
- 8) establishes the procedure for inspections carried out by the International Atomic Energy Agency in the Republic of Kazakhstan;
- 9) performs other functions entrusted to it by the Constitution, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

#### **Article 6. Competence of the authorized body**

The authorized body:

- 1) implements the state policy on the use of nuclear energy;
- 2) carries out international cooperation in the field of peaceful uses of nuclear energy;
- 3) carries out state control and supervision in the field of nuclear energy use;
- 4) licenses activities in the field of the use of nuclear energy;
- 5) develops and approves technical regulations in the field of the use of nuclear energy;
- 6) develops and approves rules for physical protection of nuclear materials and nuclear installations;
- 7) develops and approves rules for physical protection of sources of ionizing radiation and storage facilities;
- 8) develops rules for decommissioning of nuclear and radiation installations;
- 9) develops the procedure for inspections carried out by the International Atomic Energy Agency in the Republic of Kazakhstan;
- 10) develops and approves rules for accreditation of organizations conducting reviews of nuclear and radiation safety and of nuclear security;
- 11) develops and approves rules of state accounting of nuclear materials;
- 12) develops and approves rules of state accounting of sources of ionizing radiation;
- 13) develops and approves safety rules for handling radionuclide sources;
- 14) develops a national plan for addressing nuclear and radiation accidents;
- 15) develops and approves rules for nuclear materials' transportation;

- 16) develops and approves rules for the transportation of radioactive substances and radioactive wastes;
- 17) develops rules for selecting sites for nuclear installations and burial sites;
- 18) develops rules for conducting reviews of nuclear and radiation safety and of nuclear security;
- 19) develops and approves rules for professional improvement of personnel involved in nuclear facilities' handling;
- 20) develops and approves rules for certification of personnel involved in nuclear facilities' handling;
- 21) submits to the Government of the Republic of Kazakhstan a proposal for early decommissioning of nuclear installations or closure of burial sites in the event of a threat to the safety of the population and (or) the environment;
- 22) decides on state registration and de-registration of nuclear materials or sources of ionizing radiation;
- 23) maintains state records of nuclear materials;
- 24) maintains state records of sources of ionizing radiation;
- 25) conducts export control in the field of the nuclear energy use;
- 26) coordinates calculation methods related to nuclear and radiation safety and nuclear security provided by an expert organization;
- 27) establishes the procedure for approving the design of transport packages and approves the design of transport packages, and also extends the validity of certificates of approval, confirmed by authorized bodies of other countries, to them in the Republic of Kazakhstan;
- 28) organizes research on nuclear and radiation safety and nuclear security, on maintenance of the nuclear non-proliferation regime and nuclear tests' monitoring;
- 29) develops and approves rules for collection, storage and burial of radioactive wastes and spent nuclear fuel;
- 30) develops and approves methodological recommendations for natural and legal persons engaged in activities related to the use of nuclear energy with respect to methods and techniques for confirming the conformity of a nuclear facility to requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;
- 31) sets threshold values for various radioisotopes;
- 32) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 7. State control and supervision in the field of nuclear energy use**

1. State control and supervision over the use of nuclear energy shall be carried out in the form of inspection and preventive control and supervision.

Inspection of subjects, carrying out activities with nuclear installations and objects of I and II categories of potential radiation hazard shall be carried out in accordance with Article 7 -1 of this Law.

Inspection of subjects, carrying out activities with the objects of III and IV categories of potential radiation hazard, with exception of nuclear installations, shall be carried out in accordance with the Entrepreneurial code of the Republic of Kazakhstan.

Preventive control and supervision with a visit to the subjects, carrying out activity with the objects of I, II, III and IV categories of potential radiation hazard shall be carried out in accordance with the Entrepreneurial code of the Republic of Kazakhstan.

Preventive control and supervision without visiting the subjects, carrying out activity with the objects of I, II, III and IV categories of potential radiation hazard shall be carried out in accordance with the Entrepreneurial code of the Republic of Kazakhstan and paragraphs 3 – 11 of this Article.

2. Based on the results of state control and supervision, depending on the established violation of the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use, the officials shall issue the following acts:

1) act on the results of inspection – a document issued by an official, exercising state control and supervision in the field of nuclear energy use, based on the results of inspection of the subject for its compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use;

2) an order on elimination of violation of requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use;

3) an order on suspension or prohibition of certain types of activity;

4) recommendation on the results of preventive control and supervision without visiting the subject (object) of control and supervision.

3. Preventive control and supervision without visiting the subject (object) of control and supervision are preventive in nature.

4. Preventive control and supervision without visiting the subject (object) of control and supervision in the field of nuclear energy use shall be carried out by the analysis of:

1) information and reporting submitted by individuals and legal entities in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use;

2) information received at the request of the authorized body on compliance with the legislation of the Republic of Kazakhstan in the field of nuclear energy use within its competence – upon receipt of information on its violation;

3) information received from third parties regarding the compliance with the legislation of the Republic of Kazakhstan in the field of nuclear energy use.

5. Subjects of preventive control and supervision without visiting the subject (object) of control and supervision in the field of nuclear energy use shall be the subjects, carrying out activity with the objects of I, II, III and IV categories of potential radiation hazard.

6. In case of detection of violations by the results of preventive control and supervision without visiting the subject (object) of control and supervision in actions (inaction) of the subject of control and supervision, the authorized body shall draw up and send a recommendation no later than five working days from the date of detection of violations.

7. A recommendation sent by one of the following methods shall be considered to be given in the following cases:

1) on purpose – with a mark of receipt;

2) by post – by sending a registered letter with notification;

3) by electronic means – through sending by the authorized body to the e-mail address of the subject of control and supervision specified in the documents previously submitted by the subject of control and supervision to the authorized body.

8. The term for execution of the recommendation on elimination of the violations, revealed by the results of preventive control and supervision without visiting the subject (object) of control and supervision shall make not less than ten working days from the day following the day of its delivery.

9. In case of disagreement with the violations, specified in the recommendation, the subject of control and supervision shall have the right to send an objection to the authorized body that sent the recommendation, within five working days from the day following the day of delivery of the recommendation.

10. Non-execution in the established term of the recommendation on elimination of violations revealed by the results of preventive control and supervision without visiting the subject (object) of control and supervision, shall entail inclusion of the subject (object) of control and supervision in the semi-annual schedule of conducting inspections on a special order.

11. The multiplicity of preventive control and supervision without visiting the subject (object) of control and supervision shall be determined as necessary, but not more than the frequency of provision of information and reporting provided by the legislation of the Republic of Kazakhstan in the field of nuclear energy use.

**Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 7-1. Procedure for conducting inspection of subjects, carrying out activities with nuclear installations and objects of I and II categories of potential radiation hazard**

1. Inspection of subjects, carrying out activities with nuclear installations and objects of I and II categories of potential radiation hazard (hereinafter – the subjects of supervision) shall



be carried out by the authorized body on a periodic basis, but not more than once a quarter, and unscheduled.

Inspection on a periodic basis is an inspection, appointed by the authorized body in respect of the subject of supervision, in order to prevent and (or) eliminate the immediate threat to human life and health, the environment, the legitimate interests of individuals and legal entities, the state.

An unscheduled inspection is an inspection, appointed by the authorized body on specific facts and circumstances that served as the basis for the appointment of an inspection in respect of a particular subject of supervision, in order to prevent and (or) eliminate an immediate threat to human life and health, the environment, the legitimate interests of individuals and legal entities, the state.

2. The grounds for unscheduled inspection shall be:

1) information on changes in the systems, equipment, documentation of a nuclear installation related to ensuring nuclear, radiation or nuclear physical security;

2) information on accidents and incidents related to nuclear, radiation and nuclear physical security;

3) appeals of individuals and legal entities on the issues of violations of the legislation of the Republic of Kazakhstan in the field of nuclear energy use.

3. Inspection shall be carried out on the basis of the act on appointment of inspection, which indicates:

1) number and date of the act;

2) name of the authorized body;

3) surname, name, patronymic (if it is specified in the document, certifying the identity) and the position of the person authorized for conducting an inspection;

4) information on specialists, consultants and experts involved in conducting an inspection;

5) name of the subject of supervision, surname, name, patronymic (if it is specified in the document certifying the identity) of its representative, its location, identification number and object of supervision;

6) subject of inspection;

7) term of inspection;

8) grounds for conducting an inspection;

9) signature of the person, authorized to sign the acts and seal of the authorized body;

10) signature of the head of the subject of supervision or his authorized person on receipt or refusal to receive the act on appointment of inspection.

4. The inspection shall be carried out without prior notification to the subject of supervision, but with mandatory registration of the act on appointment of inspection in the authorized body in the field of legal statistics and special accounts.

5. Officials of the authorized body during the inspection shall have the right to:

1) unhindered access to the territory and premises of the subject of supervision upon presentation of the documents referred to in paragraph 6 of this Article;

2) receive documents (information) on paper and electronic carriers or their copies for inclusion in the act on the results of inspection, and also access to the automated databases (information systems) according to the tasks and the subject of inspection;

3) involve specialists, consultants and experts of state bodies and subordinate organizations.

6. During the inspection, officials are obliged to present an official certificate or an identification card and an act on the appointment of an inspection.

7. The moment of delivery of an act on appointment of inspection to the subject of supervision shall be considered as the beginning of inspection.

8. The term of conducting an inspection shall be established taking into account the volume of the forthcoming works, and also the tasks set and shall not exceed fifteen working days.

9. The term of conducting an inspection may be extended only once within the period, specified in paragraph 8 of this Article, by the head of the authorized body (or a person substituting him/her) only if necessary for:

1) obtaining information from foreign state bodies within the framework of international treaties of the Republic of Kazakhstan;

2) conducting complex and (or) long-term examinations (analyses, tests);

3) establishing the location of the person in respect of whom the inspection is carried out.

Prolongation of terms of conducting an inspection shall be drawn up by an additional act on prolongation of inspection with notification of the subject of supervision and registration in the authorized body in the field of legal statistics and special accounts in which number and date of registration of the previous act on appointment an inspection and the reason of extension are specified.

10. In cases of refusal to adopt the act on appointment of an inspection or obstruction of access of the officials, carrying out an inspection, to the subjects (objects) and (or) materials necessary for conducting an inspection, the protocol which is signed by the officials, carrying out an inspection and the subject of supervision or his/her authorized representative shall be made.

11. The subject of supervision shall have the right to refuse to sign the protocol, giving a written explanation of the reason for refusal. Refusal to receive the act of appointment an inspection shall not be the ground for cancellation an inspection.

12. Based on the results of inspection, the officials, carrying out an inspection, shall draw up an act on the results of inspection in two copies.

The act on the results of inspection shall indicate:

1) number, date, time and place of drawing up the act;

2) name of the authorized body;

3) date and number of the act on appointment an inspection, on the basis of which an inspection has been carried out;

4) surname, name, patronymic (if it is specified in the document, confirming the identity) and the position of the persons, carried out an inspection;

5) information on specialists, consultants and experts involved in conducting an inspection;

6) name of the subject of supervision, surname, name, patronymic (if it is specified in the document certifying the identity) of its representative, its location, identification number and the object of supervision;

7) date, place and time of inspection;

8) information on the results of inspection, including on the revealed violations;

9) information on acquaintance or refusal in acquaintance with the act on the results of inspection of the subject of supervision, as well as the persons who were present at conducting an inspection, their signatures or record on refusal to sign;

10) signature of the official, conducting an inspection.

13. The subject of supervision shall have the right to appeal the results of the inspection to a higher official or to the court in the manner prescribed by the laws of the Republic of Kazakhstan.

14. The act on the results of inspection shall be accompanied (if any) by the conclusions of the conducted studies (tests), examinations and other documents or their copies, related to the results of inspection.

15. If there are comments and (or) objections on the results of inspection, the subject of supervision shall state them in written form.

Comments and (or) objections may be attached to the act on the results of inspection, about which a corresponding mark is made.

One copy of the act on the results of inspection with copies of appendices, except for the copies of documents which are available in the original at the subject of supervision, shall be handed to the subject of supervision or his/her authorized representative for acquaintance and adoption of measures for elimination of the revealed violations and other actions.

16. The end of the term of inspection shall be considered the date of delivery of an act on the results of inspection to the subject of supervision not later than the deadline of inspection, specified in the act on appointment of an inspection.

17. The act on the results of inspection shall be handed in the following ways:

1) on purpose – with a mark of receipt;

2) by post – by sending a registered letter with notification.

18. In case of absence of violation of requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use when carrying out an inspection, an appropriate record shall be made in the act on the results of inspection.

19. In case of detection of violations of the requirements of the legislation of the Republic of Kazakhstan in the field of nuclear energy use, an order on elimination of the revealed violations shall be issued by officials, as well as measures of rapid response in the form of suspension or prohibition of certain types of activity of the subject of supervision shall be taken.

20. The order on elimination of the revealed violations shall indicate:

- 1) number and date;
- 2) surname, name, patronymic (if it is specified in the document, certifying the identity) and the position of the persons conducted the inspection;
- 3) name of the subject of supervision, surname, name, patronymic (if it is specified in the document, certifying the identity) of its representative, its location, identification number and object of supervision;
- 4) number and date of the act on the results of inspection;
- 5) revealed violations and the requirement about their elimination;
- 6) terms of execution of the order;
- 7) the procedure for appeal.

1. An official in exceptional cases that pose a threat to life and health of people shall have the right to suspend or prohibit without a court decision certain types of activity of the subject of supervision for a period of not more than three days. Within the specified period, the authorized body (official) shall be obliged to send materials about the administrative offense to the court.

The order on suspension or prohibition of certain types of activity of the subject of supervision shall be valid until a court order is issued.

22. The order on suspension or prohibition of certain types of activity of the subject of supervision shall indicate:

- 1) number, date and place of preparation;
- 2) surname, name, patronymic (if it is specified in the document, certifying the identity) and the position of the persons who issued this order;
- 3) name of the subject of supervision, surname, name, patronymic (if it is specified in the document, certifying the identity) of its representative, its location, identification number and object of supervision;
- 4) number and date of the act on the results of inspection;
- 5) ground for application of this measure;
- 6) an object, implementation of activity with which shall be subject to temporary suspension or prohibition;
- 7) time of actual suspension of activities;
- 8) explanations of the person;
- 9) other data necessary for the correct resolution of the case.

23. The order on elimination of the revealed violations and the order on suspension or prohibition of separate types of activity of the subject of supervision shall be handed to the subject of supervision or its representative by one of the ways specified in paragraph 17 of this Article.

24. The orders shall be obligatory for execution by the subjects of supervision.

25. The orders, issued by officials may be appealed to a higher official or to the court in the manner prescribed by the laws of the Republic of Kazakhstan.

**Footnote. Chapter 2 is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated November 26, 2019 No. 273-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

### **Chapter 3. TERMS AND PROCEDURE FOR CONDUCTING ACTIVITIES RELATED TO THE USE OF NUCLEAR ENERGY**

#### **Article 8. General terms of conducting activities related to the use of nuclear energy**

1. Natural and legal persons engaged in activities related to the use of nuclear energy shall :

- 1) have a license for a relevant type of activity in the sphere of the use of nuclear energy;
- 2) ensure fit-for-purpose handling of nuclear facilities;
- 3) ensure the conformity of design and operational characteristics and parameters of a nuclear facility with the requirements for nuclear and radiation safety and nuclear security, export control and (or) nuclear non-proliferation regime requirements;
- 4) have an organizational structure and system of internal documents ensuring compliance with the requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;
- 5) have an organizational structure and system of internal documents ensuring compliance with the requirements to the accounting of nuclear materials in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy;
- 6) have an organizational structure and system of internal documents ensuring compliance with the requirements to the accounting of sources of ionizing radiation in accordance with the legislation of the Republic of Kazakhstan on the use of nuclear energy;
- 7) ensure the accounting and control of nuclear materials and submit reports on their availability, movement and location to the authorized body;
- 8) ensure the accounting and control of sources of ionizing radiation and submit reports on their availability, movement and location to the authorized body;
- 9) inform the authorized body on any changes in the systems, equipment, documentation of a nuclear installation related to nuclear and radiation safety or nuclear security;

10) inform the authorized body on accidents and incidents related to nuclear and radiation safety and nuclear security;

11) possess necessary organizational, financial, material and technical resources and have qualified personnel for the safe operation and maintenance of a nuclear installation throughout its life cycle;

12) provide for funds for decommissioning a nuclear installation, closing a burial site, for post-utilization, disposal of radioactive wastes, for curing effects of radiation accidents, compensation for harm to the life and health of people, to property of natural and legal persons and the environment;

13) obey the requirements for nuclear and radiation safety and nuclear security established by the legislation of the Republic of Kazakhstan on the use of nuclear energy;

14) record and analyze doses of radiation, to which personnel, admitted to nuclear and radiation-hazardous works related to the nuclear energy use, are exposed and ensure the enforcement of their rights to compensation;

15) train personnel involved in the handling of a nuclear facility, ensure their proficiency maintenance and timely certification.

2. Natural and legal persons operating nuclear facilities and (or) owners of such facilities shall have no right to transfer nuclear facilities to other natural and legal persons, who have no licenses for conducting a relevant type of activity in the use of nuclear energy.

3. In the event of termination of activities, natural and legal persons handling nuclear facilities are required, for safe cessation of activities, to take following measures:

1) to transfer nuclear materials and (or) sources of ionizing radiation to natural and legal persons handling nuclear facilities and having appropriate licenses for handling them;

2) to transfer radioactive wastes and (or) spent radionuclide sources to storage facilities or burial sites;

3) to transfer spent nuclear fuel to storage facilities or burial sites or to legal persons handling nuclear facilities and having appropriate licenses for handling nuclear materials;

4) to carry out environmental rehabilitation, reclamation of the territory, decontamination of equipment and premises contaminated through implementation of operations to be discontinued.

### **Article 9. Licensing of activities related to the use of nuclear energy**

1. Licensing of activities related to the use of nuclear energy is carried out in accordance with this Law and legislation of the Republic of Kazakhstan on permits and notifications.

Activities related to the handling of nuclear facilities above the exemption level are subject to licensing.

2. Consideration of an application for a license and (or) appendix to a license for activities such as performance of works related to the life cycle stages of nuclear facilities; handling of nuclear materials; handling of radioactive substances, devices and installations containing radioactive substances; handling of devices and installations generating ionizing radiation;

radioactive waste management; transportation, including transit, of nuclear materials, radioactive substances, radioisotope sources of ionizing radiation, radioactive waste within the Republic of Kazakhstan, from the date of its submission, requires:

- 1) not more than ten months for hazard category 1 and 2 nuclear installations, burial sites;
- 2) not more than five months for hazard category 3 and 4 nuclear installations, for hazard category 1 and 2 radiation and electrophysical installations;
- 3) not more than sixty working days for hazard category 3 radiation and electrophysical installations;
- 4) not more than forty working days for hazard category 4 radiation and electrophysical installations;
- 5) not more than four months for transportation of spent nuclear fuel, high-level radioactive waste;
- 6) fifty working days for transportation of nuclear materials;
- 7) thirty working days for transportation of intermediate-level, low-level radioactive waste, radioactive substances and closed radioactive sources.

3. Consideration of an application for a license and (or) appendix to a license for handling sources of ionizing radiation that are not nuclear, radiation, electrophysical installations or radioactive waste, and also for activities such as provision of services in the use of nuclear energy; activities at former nuclear test sites and other territories contaminated as a result of nuclear tests; physical protection of nuclear installations and nuclear materials; special training of personnel responsible for nuclear and radiation safety, requires thirty working days

4. Appendix to a license contains special terms for the issue of a license specifying the type of devices, installations, materials, substances, wastes, which a licensee handles, from the list below:

- 1) installations for production of nuclear fuel and its components;
- 2) nuclear power plants;
- 3) research nuclear (atomic) reactors;
- 4) thermonuclear reactors;
- 5) installations for extraction and processing of natural uranium;
- 6) storage facilities for high-level radioactive waste;
- 7) storage facilities for intermediate-level radioactive waste;
- 8) storage facilities for low-level radioactive waste;
- 9) storage facilities for spent nuclear fuel;
- 10) storage facilities for radionuclide sources;
- 11) burial sites for high-level radioactive waste;
- 12) burial sites for intermediate-level radioactive waste;
- 13) burial sites for low-level radioactive waste;
- 14) burial sites for spent nuclear fuel;

- 15) burial sites for spent radionuclide sources;
- 16) nuclear materials with specification of isotopic composition;
- 17) radioactive substances;
- 18) radiopharmaceuticals;
- 19) neutron generators;
- 20) uranium-bearing substances;
- 21) thorium-bearing substances;
- 22) products of processing of natural uranium;
- 23) closed radionuclide sources with specification of activity;
- 24) high-level radioactive waste;
- 25) intermediate-level radioactive waste;
- 26) low-level radioactive waste;
- 27) radioisotope spectrometers, analyzers, sensors, meters;
- 28) X-ray spectrometers, analyzers, sensors, meters;
- 29) stationary radioisotope flow detectors;
- 30) portable radioisotope flow detectors;
- 31) stationary X-ray flow detectors;
- 32) portable X-ray flow detectors;
- 33) radioisotope installations for inspection of hand luggage, baggage, transport, materials, substances;
- 34) X-ray equipment for inspection of hand luggage, baggage, transport, materials, substances;
- 35) X-ray equipment for body search of a person;
- 36) electron accelerators with energy level up to 10 MeV;
- 37) electron accelerators with energy level above 10 MeV;
- 38) ion accelerators with energy level up to 2 MeV/nucleon;
- 39) ion accelerators with energy level above 2 MeV/nucleon;
- 40) charged particle medical accelerators;
- 41) general-purpose medical x-ray equipment;
- 42) medical dental x-ray equipment;
- 43) medical x-ray mammography units;
- 44) medical X-ray angiography equipment;
- 45) medical CT scanners;
- 46) medical radioisotope diagnostic equipment;
- 47) medical X-ray therapeutic equipment;
- 48) medical x-ray simulators;
- 49) medical gamma-therapy units.

5. The validity of a license for activities related to the use of nuclear energy may be suspended for a period not exceeding six months in case of:



- 1) radiation accidents and/or incidents;
  - 2) violation of the requirements for nuclear and (or) radiation safety and/or nuclear security, accounting of nuclear materials, sources of ionizing radiation, which were revealed through inspections;
  - 3) discovery of unreliable information in the licensee's materials submitted upon the receipt of the license;
  - 4) a failure to fulfill instructions of the authorized body in due time.
6. In case of suspension of a license, the licensee continues to ensure nuclear and radiation safety and nuclear security.
7. A license shall be suspended or revoked in accordance with the procedure established by laws of the Republic of Kazakhstan.

#### **Article 10. Radiation hazard categories of installations**

1. Nuclear, radiation, electrophysical installations are divided into four radiation hazard categories:

- 1) category 1 - installations, in case of an accident at which, radiation exposure of the population outside their sanitary protection zone is possible;
- 2) category 2 – installations, in case of an accident at which, radiation exposure is limited to their sanitary protection zones;
- 3) category 3 - installations, the radiation impact of which is limited to their site;
- 4) category 4 - installations, the radiation impact of which is limited only to work spaces or a workplace where operations related to the implementation of activities related to the use of nuclear energy are performed.

2. Natural and legal persons engaged in activities related to the use of nuclear energy and (or) owning installations shall set radiation hazard categories of nuclear, radiation, electrophysical installations in accordance with sanitary and epidemiological requirements to ensure radiation safety and the legislation of the Republic of Kazakhstan on the use of nuclear energy.

3. Only legal persons may own nuclear and radiation installations, and also electrophysical installations of hazard categories 1 and 2.

#### **Article 11. Hazard categories of radionuclide sources**

1. To optimize radiation protection and ensure nuclear and radiation safety and nuclear security, radionuclide sources are divided into five hazard categories based on the ratio of the source activity to the threshold activity with dangerous effects on people:

- 1) category 1 - sources with the value of the ratio of activity to the threshold activity over 1000;
- 2) category 2 - sources with the value of the ratio of activity to the threshold activity from 10 to 1000;
- 3) category 3 - sources with the value of the ratio of activity to the threshold activity from 1 to 10;

4) category 4 - sources with the value of the ratio of activity to the threshold activity from 0.01 to 1;

5) category 5 - sources with the activity value above the exemption level and with the value of the ratio of activity to the threshold activity fewer than 0.01.

2. Values of the threshold activity for various radioisotopes are set by the authorized body

## **Article 12. Construction of nuclear installations and burial sites**

1. A decision on the construction and approving an area for the construction of nuclear installations and burial sites shall be made by the Government of the Republic of Kazakhstan with the consent of local representative bodies, in whose entrusted territory an installation or burial site is planned to be built, with account of:

1) the need in them to address economic problems of the country and its certain regions;

2) availability of required conditions for siting these facilities that meet the requirements of the legislation of the Republic of Kazakhstan on the use of nuclear energy;

3) the absence of a threat to the security of the said facilities from civil and military facilities located nearby;

4) requirements set by the environmental legislation of the Republic of Kazakhstan;

5) possible social and economic consequences of the siting of these facilities for industrial, agricultural and social development of a region.

2. After taking a decision on the construction and the area of construction, work on the selection of a site for a nuclear installation or burial site shall be carried out.

3. A site for a nuclear installation or burial facility shall be selected with account of:

1) possible external natural or man-made impacts;

2) possible spread of radioactive substances;

3) possibility to prevent damage to the population and the environment as a result of operating a nuclear installation or burial site or as a result of incidents or accidents.

4. Designing, building and commissioning of a nuclear installation or a burial site shall be carried out in accordance with this Law and other laws of the Republic of Kazakhstan.

5. Design documents of nuclear installations and burial sites must pass state ecological and sanitary-epidemiological expertise.

6. Only legal persons may construct nuclear installations and burial sites.

7. In the event of a threat to national security, the Government of the Republic of Kazakhstan is entitled to take a decision to cancel the construction of a nuclear installation or burial site.

## **Article 13. Nuclear security**

1. Nuclear security shall be provided by an operator carrying out activities related to the use of nuclear energy.

2. In order to ensure nuclear security, physical protection of nuclear facilities is carried out, which shall ensure:

1) protection of a nuclear facility from unauthorized exemption, theft of nuclear materials or illegal seizure of a nuclear installation;

2) protection of nuclear facilities from subversion;

3) mitigating or minimizing radiological consequences of a possible subversive action at nuclear facilities.

3. Protection of nuclear facilities of radiation hazard categories 1 and 2 is carried out by specialized security units of internal affairs bodies.

#### **Article 14. State accounting of nuclear materials and sources of ionizing radiation**

1. Nuclear materials and sources of ionizing radiation are subject to state accounting in the manner established by the authorized body.

2. The state accounting of nuclear materials and sources of ionizing radiation provides exact information on the quantity of nuclear materials, sources of ionizing radiation, their movement and location in their handling.

3. Natural and legal persons handling nuclear facilities shall submit reports on availability, movement and location of nuclear materials and sources of ionizing radiation to the authorized body.

4. The authorized body shall analyze and verify the information received on the availability, movement and location of sources of ionizing radiation and add it to the register of sources of ionizing radiation.

#### **Article 15. Export and import in the field of the use of nuclear energy**

1. The export and import of nuclear and special non-nuclear materials, equipment, installations, technologies, sources of ionizing radiation, equipment and related dual-use (dual-purpose) goods and technologies, works and services related to their production shall be carried out on the basis of a license issued by the authorized state body for state regulation in the field of export control in coordination with the authorized body.

2. It is prohibited to export products or results of intellectual creative activity, if an exporter is credibly informed of the use of such products or results of intellectual creative activity for the development, creation, testing and supply of nuclear weapons or its components.

3. To ensure the fulfillment of standards and requirements of export control in the field of nuclear energy use, exporters create intra-company export control systems in accordance with the legislation of the Republic of Kazakhstan on export control.

#### **Article 16. Transportation of nuclear materials, radioactive substances and radioactive wastes**

1. Transportation of nuclear materials, radioactive substances and radioactive wastes is carried out in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

2. Transportation of nuclear materials, radioactive substances and radioactive waste includes all operations and conditions related to the manufacture and maintenance of transport

packaging, as well as preparation, loading, shipment, transportation, including transit storage, unloading and acceptance at the final destination of goods.

3. The consignor, the carrier and the consignee are obliged to ensure compliance with the requirements for nuclear and radiation safety and nuclear security, as well as to create conditions required for safe transportation in accordance with the legislation of the Republic of Kazakhstan.

4. Transportation of nuclear materials, radioactive substances and radioactive waste shall be carried out upon a license for the relevant activity in the sphere of the nuclear energy use.

5. Transportation of nuclear materials, radioactive substances and radioactive waste shall be carried out in transport packages, the design of which is approved by the authorized body with specification of the code and type of packaging of nuclear materials, radioactive substances and radioactive waste permitted for transportation, terms of transportation, number and date of registration, their lifetime.

#### **Article 17. Management of radioactive wastes and spent nuclear fuel**

1. Radioactive wastes generated in the Republic of Kazakhstan shall be buried in such a way as to ensure radiation protection of the population and the environment for the entire period of time during which they may pose a potential hazard.

2. Natural and legal persons engaged in activities in the field of the nuclear energy use, which generates radioactive waste, are obliged to take measures to minimize them.

3. Safe placement of spent nuclear fuel and radioactive waste shall be provided for by design and operational documentation as a mandatory stage of any activity generating radioactive waste.

4. Only legal persons shall be allowed to handle spent nuclear fuel.

5. Activities for the management of radioactive waste and spent nuclear fuel shall be carried out on the basis of a license.

6. The management of radioactive waste and (or) spent nuclear fuel must ensure compliance with nuclear and radiation safety and nuclear security requirements in accordance with the legislation of the Republic of Kazakhstan on the nuclear energy use, as well as international treaties ratified by the Republic of Kazakhstan.

7. Requirements of the Environmental Code of the Republic of Kazakhstan shall be observed in managing radioactive waste and spent nuclear fuel.

#### **Article 18. Implementation of activities at former nuclear test sites and in other territories contaminated as a result of nuclear tests**

1. Activities at former nuclear test sites and in other territories contaminated as a result of nuclear tests shall be subject to licensing in accordance with this Law and the legislation of the Republic of Kazakhstan on permits and notifications.

2. Boundaries of the territories of former nuclear test sites and other territories contaminated as a result of nuclear tests shall be established with account of their radioactive contamination.

## **Article 19. Control over the use of materials containing natural radionuclides above exemption levels**

1. Irradiation of personnel and the population, caused by the content of natural radionuclides above exemption levels in materials used in production not related to the nuclear energy use, shall not exceed hygienic standards approved by the state body in the field of sanitary and epidemiological welfare of the population.

2. State bodies of the Sanitary and Epidemiological Service carry out radiation monitoring in order to protect personnel and the population from excessive exposure to materials containing natural radionuclides above exemption levels.

## **Article 20. Qualification of nuclear facilities' personnel**

1. To ensure nuclear and radiation safety and nuclear security, emergency preparedness and response to nuclear and/or radiation accidents, personnel involved in the handling of nuclear facilities shall have appropriate qualification.

2. Personnel involved in the handling of nuclear facilities are divided into the following categories:

1) specialists – personnel including top managers, senior managers (heads of departments and sectors); junior managers (senior operators, technical service and technical support team leaders and their deputies); engineering and (or) scientific personnel, whose activities are related to the operation of a nuclear facility;

2) technicians – personnel including instrumentation technicians, radiation control technicians, chemical laboratory technicians, mechanic technicians, electrical technicians and electronic equipment technicians, and other specialized personnel involved in activities related to the operation of a nuclear installation ;

3) workers – personnel including welders, locksmiths, mechanics, electricians, machine operators and other qualified work personnel.

3. Personnel involved in the handling of nuclear facilities shall meet qualification requirements approved by the authorized body.

4. Natural and legal persons engaged in activities related to the use of nuclear energy are prohibited from allowing workers, not meeting qualification requirements and/or having medical contra-indications to the declared type of work, to work at nuclear facilities.

5. In order to maintain a proper professional level and meet the need to increase the knowledge and skills of personnel involved in the handling of nuclear facilities, natural and legal persons, carrying out activities related to the nuclear energy use, shall provide their training in accordance with the procedure set by the authorized body.

## **Article 21. Certification of nuclear facilities' personnel**

1. Personnel involved in the handling of nuclear facilities shall be certified for compliance of their qualification and professional training with their positions.

2. Certification of personnel is carried out to verify their knowledge of the standards of and requirements to nuclear and radiation safety, nuclear security, and also to assess their ability to make decisions in performing labor duties.

3. The authorized body certifies:

1) specialists, whose duties include direct management of an installation, provision of nuclear and radiation safety, nuclear security in the implementation of activities related to the nuclear energy use;

2) personnel of a nuclear installation, whose duties include the accounting and control of nuclear materials, sources of ionizing radiation, radioactive waste, physical protection of the nuclear installation and nuclear materials;

3) personnel of a radiation, electrophysical installation, whose duties include monitoring of radiation safety, accounting and control of sources of ionizing radiation.

Other personnel are certified by natural and legal persons carrying out activities related to the nuclear energy use.

4. Types of personnel's certification are as follows:

1) primary certification;

2) scheduled certification;

3) special certification.

5. Primary certification of personnel shall be carried out within one month after an employee's appointment to a position. Scheduled certification is held once every three years. Special certification shall be conducted in case of:

1) incidents at nuclear facilities – with regard to persons who allowed their occurrence;

2) violations of requirements to nuclear and/or radiation safety and/or nuclear security, accounting of nuclear materials, sources of ionizing radiation, which was discovered through inspections of the authorized body – with regard to persons who committed a violation;

3) taking a relevant decision by a natural or legal person engaged in activities related to the nuclear energy use.

6. Natural and legal persons engaged in activities related to the nuclear energy use are forbidden to admit to nuclear facilities an employee, whom a certification commission issued a statement on inconsistency of his/her qualification and professional training to his/her position.

## **Article 22. Decommissioning of installations, early decommissioning of a nuclear or radiation installation and closure of a burial site**

1. At the stage of designing a nuclear installation or burial site, an operator develops a preliminary plan for decommissioning a nuclear installation or closing a burial site in accordance with the legislation of the Republic of Kazakhstan on the nuclear energy use.

2. The preliminary decommissioning plan describes stages of decommissioning a nuclear installation or closing a burial site, methods for dismantling basic structures, estimating the cost and timing of work, the necessary resources, measures to ensure nuclear and radiation

safety and nuclear security, basic norms and characteristics of a nuclear installation site after its decommissioning or a burial site after its closure.

3. In the course of operating a nuclear installation or a burial site, a preliminary decommissioning plan shall be revisited and updated with account of new technical and technological developments, changes in the requirements to nuclear and radiation safety and nuclear security, cost of work and required resources.

4. If a decision is taken to decommission a nuclear installation or close a burial site, the operator shall draw up a final plan for decommissioning with account of technologies, techniques, economic indicators available at that time, of requirements of the legislation of the Republic of Kazakhstan on the use of nuclear energy. The final decommissioning plan is the basis for the design and implementation of decommissioning a nuclear installation or closing a burial site.

5. An operator takes a decision to stop the operation of an installation independently at any stage of its life cycle. At the same time, the operator notifies the authorized body of the decision taken, the date of commencement and the timing of the decommissioning work. The operator ensures the completion of the decommissioning plan in full.

6. The decision on early decommissioning of a nuclear installation is made by the Government of the Republic of Kazakhstan upon the authorized body's proposal in case of violation of the requirements to safe operation of a nuclear installation that has led or could lead to a nuclear and/or radiation accident and substantiated inability of the operator to ensure further safe operation of the nuclear installation.

7. The decision to close a burial site is taken by the Government of the Republic of Kazakhstan upon the authorized body's proposal upon completion of measures for its closure. The authorized body's proposal is based on the measures to close the burial site carried out by the operator, including:

- 1) reclamation of the territory contaminated through the operation of a burial site;
- 2) control measurements of the radiation situation at a burial site;
- 3) preparation of a documentation package with full description of the buried radioactive wastes, the burial site design, geotectonic, geological and geophysical characteristics of the burial site for sending it to the archive.

### **Article 23. Emergency preparedness and response**

1. The national plan for addressing nuclear and radiation accidents shall be put into effect by a decision of the authorized body:

- 1) if effects of a nuclear or radiation accident have gone beyond the boundaries of the site of an emergency nuclear, radiation or electrophysical installation or there is a threat of it;
- 2) in case of transboundary nuclear or radiation accidents that have occurred in another state, but the effects of which extend to the territory of the Republic of Kazakhstan or there is a threat of it.

2. The national plan for addressing nuclear and radiation accidents specifies:

1) rights and obligations of central and local executive bodies of the Republic of Kazakhstan, and also of natural and legal persons in the event of a nuclear or radiation accident;

2) the operations procedures and management of preparedness and response activities to nuclear and radiation accidents;

3) coordination of actions of organizations and state bodies in the event of a nuclear or radiation accident and in remedial action.

3. Having received information on a nuclear or radiation accident, the authorized body shall immediately inform thereof, and also it shall inform the authorized body in the field of civil protection on introduction into effect of the national plan for addressing nuclear and radiation accidents.

4. Operators develop and approve plans for emergency response in accordance with the legislation of the Republic of Kazakhstan. Plans for emergency response provide for the order of operations and actions in the event of a nuclear or radiation accident and for remedial action to minimize possible impact on personnel, population and the environment in accordance with the radiation hazard category of a nuclear, radiation or electrophysical installation.

5. Operators, at all stages of handling nuclear facilities, ensure implementation of emergency preparedness and response measures.

6. In case of transboundary accidents or incidents in the field of the nuclear energy use, the authorized body together with the authorized body in the field of civil protection shall take measures to notify and respond in accordance with international treaties ratified by the Republic of Kazakhstan.

## **Chapter 4. REVIEW OF NUCLEAR AND RADIATION SAFETY AND NUCLEAR SECURITY. ACCREDITATION OF ORGANIZATIONS REVIEWING NUCLEAR AND RADIATION SAFETY AND NUCLEAR SECURITY**

### **Article 24. Review of nuclear and radiation safety and of nuclear security**

1. Review of nuclear and radiation safety and of nuclear security shall be carried out for independent assessment of the safety of nuclear installations, radiation and electrophysical installations of radiation hazard categories 1 and 2, transport packages for the entire period, during which they may pose a potential hazard.

2. The frequency of reviewing nuclear and radiation safety and nuclear security shall be once every three years.

3. Review of nuclear and radiation safety and nuclear security shall be carried out by organizations accredited by the authorized body for implementation of this type of activity. An expert shall not be either a close relative or have ties of marriage with a natural person operating a nuclear facility or with persons in charge of an operating organization, or a natural



person involved in labor or other contractual relations with a natural person operating a nuclear facility, an operating organization.

4. Documents for the review of nuclear and radiation safety and nuclear security shall be provided by an operating organization or a natural person operating a nuclear facility.

5. Based on the results of the review of nuclear and radiation safety and nuclear security, an opinion is given on the admissibility and possibility of deciding on the sale of a facility under review.

6. A negative expert opinion shall not deny an operating organization or a natural person operating a nuclear facility, who has remedied critical remarks set out in the expert opinion, the right to re-apply for review.

7. Review of nuclear and radiation safety and nuclear security shall be financed by an operating organization or a natural person operating a nuclear facility or from other sources not prohibited by the legislation of the Republic of Kazakhstan.

#### **Article 25. Subjects of review of nuclear and radiation safety and nuclear security**

Subject to the review of nuclear and radiation safety and nuclear security are:

1) design documentation for the selection of sites for the placement and construction of nuclear installations, radiation and electrophysical installations of radiation hazard categories 1 and 2;

2) design and operating documentation of nuclear installations, radiation and electrophysical installations of radiation hazard categories 1 and 2, transport packages;

3) design documentation for technical modernization of nuclear installations, radiation and electrophysical installations of radiation hazard categories 1 and 2, transport packages;

4) design and operating documentation for decommissioning nuclear installations, radiation and electrophysical installations of radiation hazard categories 1 and 2, transport packages.

#### **Article 26. Accreditation of organizations reviewing nuclear and radiation safety and nuclear security**

1. The authorized body carries out accreditation of organizations reviewing nuclear and radiation safety and nuclear security.

2. Accreditation certificate shall be issued based on the results of accreditation. The accreditation certificate is valid for three years. The accreditation certificate shall include the scope of accreditation, types of work in the field of accreditation, applied calculation techniques and software and hardware.

3. An organization reviewing nuclear and radiation safety and nuclear security shall have:

1) at least five years of practical experience in the field of accreditation or of activities directly related to accreditation;

2) qualified personnel capable of performing works in the relevant area of accreditation;

3) software and hardware and (or) calculation techniques for the performance of the claimed types of work.

4. Consideration of documents on accreditation is carried out by the authorized body within twenty working days from the date of their receipt.

5. An applicant may be refused accreditation, if:

1) submitted documents contain unreliable information;

2) submitted documents do not comply with the requirements established by the legislation of the Republic of Kazakhstan;

3) the qualification of the applicant's personnel is inconsistent with the claimed area of accreditation;

4) there is discrepancy between calculation methods and software with the claimed area of accreditation;

5) there is a court decision prohibiting the engagement in claimed activities.

The decision to refuse accreditation may be appealed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

6. Accredited organizations shall:

1) submit documentation related to the implementation of activities in the field of accreditation at the request of the authorized body;

2) not disclose confidential information received in the course of performance of the work, except for cases stipulated by the legislation of the Republic of Kazakhstan.

7. The authorized body maintains a register of accredited organizations that review nuclear and radiation safety and nuclear security.

8. Accredited organizations shall apply calculation methods approved by the authorized body for reviewing nuclear and radiation safety and nuclear security.

**Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

## **Chapter 5. FINAL PROVISIONS**

### **Article 27. Liability for violation of the legislation of the Republic of Kazakhstan on the use of nuclear energy**

Violation of the legislation of the Republic of Kazakhstan on the use of nuclear energy entails responsibility established by the laws of the Republic of Kazakhstan.

### **Article 28. Compensation for harm caused by improper handling of nuclear facilities**

1. Damage caused to natural and legal persons as a result of improper handling of nuclear facilities shall be compensated for in accordance with the legislation of the Republic of Kazakhstan.

2. Natural and legal persons guilty of improper handling of nuclear facilities shall compensate for damage to land, water, plant and animal life, including expenses for land

reclamation and restoration of soil fertility, in accordance with the legislation of the Republic of Kazakhstan.

**Article 29. Procedure for the enactment of this Law**

1. This Law shall take effect ten calendar days after the day of its first official publication.

2. The Law of the Republic of Kazakhstan dated 14 April, 1997 "On use of nuclear energy" shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1997, № 7, Art. 83; 2004, № 23, Art. 142; 2007, № 1, Art. 4; № 2, Art. 18; № 8, Art. 52; 2009, № 18, Art. 84; 2010, № 5, Art. 23; 2011, № 1, Art. 2; 2012, № 15, Art. 97; 2014, № 1, Art. 4; № 10, Art. 52; № 19-I, 19-II, Art. 96; the Law of the Republic of Kazakhstan dated 29 October, 2015 " On Introduction of Amendments and Supplements to Some Legislative Acts of the Republic of Kazakhstan on Issues of entrepreneurship", published in the newspapers "Egemen Kazakhstan" and "Kazakhstanskaya Pravda" 3 November, 2015).

*The President  
of the Republic of Kazakhstan*

*N. NAZARBAYEV*