

Legislative updates

Finland: *Nuclear Liability Bill (2005)*

The Nuclear Liability Bill was passed by the Finnish Parliament in early June 2005 and was enacted by the President a few weeks later. The purpose of this Bill, which will enter into force at a later date as determined by Government Decree, is to amend the 1972 Nuclear Liability Act to incorporate the following changes:

- Finnish nuclear operators will require insurance coverage for a minimum amount of EUR 700 million; the liability of Finnish operators shall be unlimited in instances where the Brussels Supple-

mentary Convention (an international pooling system providing cover up to EUR 1.5 billion) has been exhausted and there remains damage to be compensated.

- The Finnish Council of State may decide on a lower amount of liability with regard to the transport of nuclear substances; however this amount may not be less than EUR 80 million. No other reduced liability amounts shall be applicable.
- Nuclear damage shall be defined as per the amended

Article 1 of the revised Paris Convention, covering a broader range of damage than the existing personal injury and damage to property: the definition refers specifically to economic loss, the cost of measures to reinstate a significantly impaired environment, loss of income resulting from that impaired environment and the cost of preventive measures.

- Nuclear damage caused by acts of terrorism shall be covered by this legislation. ■

United States: *Price-Anderson Act Renewal (2005)*

On 8 August 2005, President Bush signed into law the Energy Policy Act of 2005, marking the end of a four-year effort to forge an agreement on this national energy plan. The Act incorporates a wide range of measures supporting today's operating nuclear plants, providing incentives for building new nuclear plants, offering risk protection for companies pursuing the construction of new reactors and strengthening the Energy Department's nuclear energy programmes. Title VI of the Energy Policy Act renews the Price-Anderson Act governing nuclear third party liability and insurance in the United States.

The 1957 Price-Anderson Act established a federal regime for

handling the consequences of nuclear accidents in the United States. At its inception, the Act provided USD 560 million of nuclear liability coverage for nuclear power plants and certain other nuclear facilities. Today, this coverage amounts to approximately USD 10.7 billion for the 103 nuclear power plants in the United States. This regime places jurisdiction over cases involving nuclear incidents in federal courts, but leaves the matter of determining liability to the substantive laws of the individual states, as in other tort cases. The Price-Anderson Act creates a system of "omnibus" coverage for "anyone liable" for a nuclear incident, a form of economic channelling as opposed to the

legal channelling of liability to the nuclear operator established by the Vienna and Paris Convention regimes.

Each nuclear operator provides nuclear coverage for anyone liable through a combination of private insurance from the US nuclear insurance pool (primary financial protection - USD 300 million) and a retrospective assessment (secondary financial protection - until now, USD 95.8 million per power plant per incident plus 5% for claims and costs, payable in annual installments up to a maximum of USD 10 million per power plant per incident). Payments are guaranteed by the US Government and an inflation

adjustment is made every five years. Originally, the Price-Anderson Act was administered by the US Atomic Energy Commission (USAEC) for both commercial and US Government nuclear activities. When the USAEC was abolished in 1974, Price-Anderson responsibility was allocated between two separate agencies: the US Nuclear Regulatory Commission (USNRC) administers Price-Anderson coverage for its licensees, while the US Department of Energy (USDOE) administers coverage for its contractors. USDOE contractors are indem-

nified by the US Government in the same amount as for nuclear power plants.

The new Energy Policy Act of 2005 includes the Price-Anderson Amendments Act of 2005 (Sections 601 to 610). The 2005 Amendments extend the Price-Anderson authority of the USNRC another 20 years to 31 December 2025. This essentially applies to new nuclear power plants, since coverage for all existing NPPs was established under the original Act. The main change for existing and future NPPs is that the annual maximum retrospective assessment per

reactor per nuclear incident has been increased from USD 10 million to USD 15 million (with inflation indexing every five years). The 2005 Amendments also provide that modular power reactors of 100 MW or more (e.g. pebble bed units) will be treated as one unit for the assessments. The current total amount of coverage and liability limit for NPPs (USD 10.7 billion) remains the same. The Amendments also extend to 31 December 2025 the separate authority of the USDOE to indemnify its contractors for nuclear hazards. ■

New publications



Economic and technical aspects of the nuclear fuel cycle

Actinide and Fission Product Partitioning and Transmutation

Eighth Information Exchange Meeting
Las Vegas, Nevada, United States
9-11 November 2004

ISBN 92-64-01071-8

Free: paper or web.

In response to the interest expressed by its member countries, the OECD Nuclear Energy Agency (NEA) has regularly organised biennial information exchange meetings on actinide and fission product partitioning and transmutation (P&T) since 1990, in

order to provide experts with a forum to present and discuss the latest developments in the field. This book and its enclosed CD-ROM contain the proceedings of the 8th Information Exchange Meeting held in Las Vegas, Nevada, USA on 9-11 November 2004. The meeting covered the broad spectrum of developments in the field, including the potential impact of P&T on radioactive waste management, new partitioning technologies, fuels for transmutation devices, as well as critical and accelerator-driven transmuting devices. More than 80 papers were presented during the meeting and have been reproduced in the proceedings.