

The proposed amendments to section 17 (4) of the Nuclear Energy Act and articles 11 and 15 of the Nuclear Facilities, Fissile Material and Ores Decree are still in preparation. For legal reasons it is therefore not currently possible to share the latest versions of these proposed amendments with the public. Please find below a substantive description of the proposed amendments.

1. Substantive description of the latest version of the proposed amendment to section 17 (4) of the Nuclear Energy Act

Section 17, subsection 4 of the Nuclear Energy Act will be amended to ensure that the uniform public preparation procedure is always followed for a permit to change the design lifetime. This will only involve one substantive amendment, namely a new point c (the condition that the alteration will not change the design lifetime of the establishment).

2. Unofficial translation of articles 11 and 15 of the Nuclear Facilities, Fissile Material and Ores Decree, as currently in force

Article 11

1. The application for a permit to alter an establishment as referred to in article 6, 7, 8 or 9 must in any case contain:
 - a. a specification of the permit under which the establishment concerned was established or was put into or kept in operation;
 - b. a description of the intended alteration;
 - c. if the application relates to an establishment as referred to in article 6, 7 or 8 and the proposed alteration affects one or more data as stated in the safety report or the risk analysis referred to in article 6 (h), submitted to obtain the permit referred to in point a, a relevant addition thereto;
 - d. if the application relates to an establishment as referred to in article 6, 7 or 8 and the proposed alteration affects one or more data as stated in the risk analysis referred to in article 6, paragraph 1 (i), submitted to obtain the permit referred to in point a, a relevant addition to that risk analysis;
 - e. if the application relates to an establishment as referred to in article 9 and the proposed alteration affects one or more data as stated in the risk analysis referred to in article 9, paragraph 1 (f), submitted to obtain the permit referred to under a, a relevant addition to that risk analysis.
2. If the permit for an establishment as referred to in article 6, 7 or 8 was obtained at a time when no risk analysis as referred to in article 6, paragraph 1 (i) needed to be submitted to obtain that permit, a risk analysis as referred to in article 6, paragraph 1 (i) must be included with the application referred to in paragraph 1, if the intended change affects one or more of the data that are usually stated in such a risk analysis, relating not only to the alteration, but also to the operation of the establishment.
3. This article does not apply to an application for a permit as referred to in article 10.

Article 15

The following are to be involved – other than as advisers – in the preparation of decisions regarding which, pursuant to section 17 or section 20, subsection 1 of the Nuclear Energy Act, part 3.4 of the General Administrative Law Act applies:

- a. in cases in which the decision concerns an establishment as referred to in article 6, 7 or 8: the provincial executive of the province and the municipal executive of the municipality where the establishment is or will be entirely or mainly located, the provincial executives of the provinces and the municipal executives of the municipalities whose area is located less than 10 kilometres from the place where the establishment is or will be located, as well as the administrative authorities responsible for water quality management of surface water bodies as referred to in section 1.1, subsection 1 of the Water Act in

- conjunction with article 3.1 of the Water Order that are located less than 10 kilometres from the place where the establishment is or will be located;
- b. in cases in which the decision concerns an establishment as referred to in article 9: the municipal executive of the municipality or municipalities where the establishment is or will be located.

3. Substantive description of the latest version of the proposed amendment to articles 11 and 15 of the Nuclear Facilities, Fissile Material and Ores Decree

The new article 11a of the Nuclear Facilities, Fissile Material and Ores Decree contains (further to article 11) the requirements for an application to amend, supplement or withdraw restrictions or conditions subject to which a permit has been granted, if this may have significant consequences for the environment. The new article 11a, paragraph 1 includes the requirements of article 6, paragraph 6 of the Aarhus Convention. Paragraph 2 contains a demarcation provision for the purpose of the information required by article 11 of the Nuclear Facilities, Fissile Material and Ores Decree.

Paragraph 3 contains similar provisions for *ex officio* amendments by the competent authority of conditions or restrictions attached to the permit as referred to in section 19, subsection 1 of the Nuclear Energy Act. Pursuant to article 6, paragraph 10 of the Aarhus Convention, these changes must also meet the requirements of article 6, paragraph 6 of the Convention, as applies in paragraph 1 to amendments of the conditions and restrictions on request (section 19, subsection 3 of the Nuclear Energy Act).

In article 15 (a) the distance between a nuclear power plant and the area of administrative authorities involved in the preparation of decisions subject to a uniform public preparation procedure is increased from 10 to 20km. This provision also applies if the 20km distance extends beyond the national borders. The new article 15 (a) also implements the recommendation of the Dutch Safety Board to 'make agreements with neighbouring countries about the provision of cross-border information in licensing procedures for nuclear power plants, so that citizens within a 20km radius of the nuclear power plant are actively informed and have the opportunity to participate'. Additionally, the boards of the security regions are designated as relevant administrative authorities.