"Cradle to Grave"
NORM Management Workshop
September 22, 2019

Session 3.0
Legal and Regulatory Considerations
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LEGAL AND REGULATORY CONSIDERATIONS

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Underlying Social and Technical Bases

- Diffuse vs. Discrete – Radium Needles
- Blending vs. Dilution – Hydrocarbons
- Risk vs. Science – Public Perception
- Prescriptive vs. Performance – Dose-based
- Chemical/Physical vs. Radiological - Radon
International Directives and Policy Instruments

- European Atomic Energy Community (Euratom)
- OECD Nuclear Energy Agency
- IAEA Technical Documents
- US Environmental Protection Agency
- International Commission on Radiation Protection
International Conventions and Agreements

- London Convention and London Protocol
- Basel Convention on Hazardous Waste
- OECD Nuclear Energy Agency Multilateral Agreements on Nuclear Energy
  - Nuclear Safety and Emergency Response
  - Non-proliferation and Nuclear Security
  - Environmental Protection
  - Liability and Compensation
NORM and Offshore Platforms

Offshore Considerations
- London Convention
- London Protocol

Offshore Oil and Gas Platforms
- Discharges from offshore installations are not subject to the London Convention or the London Protocol

Disposal at Sea
- Disposal of NORM at sea is subject to the London Convention and the London Protocol
Guidance on International Nuclear Law

- OECD/NEA Nuclear Law Bulletin
- IAEA Nuclear Law Institute
- IAEA Handbook on Nuclear Law
Harmonization

- Harmonization Among Nations
- Harmonization with Existing Standards
Cross Boundary Issues

- Scrap Metal
- Vessel Consignments
- River Discharge of Tailings
Due Diligence

Environmental Assessments
Litigation

- Justiciable Controversy
- Justiciable Interest
- Jurisdiction and Venue
- Evidence
- Expert Testimony
- Standard of Review
- Burden of Proof
- Mediation and Arbitration
International Arbitration

- Contractual Provisions
- Choice of Law
- Treaty Protection
International Forums

- Doctrine of *Forum Non Conveniens*
- Negotiated Forum for Tort or Contract Litigation
- Public vs. Private Dispute
  - International Court of Justice – The Hague
  - Permanent Court of Arbitration – the Hague
Summary

Existing International Protocols, Treaties and Conventions Address Nonproliferation other Fuel Cycle Issues

International Protocols, Treaties and Conventions for NORM/TENORM are Developing

There is a Need for Regulatory Harmonization Among Nations

Many Legal Issues can be Avoided by Incorporating Mediation and Arbitration Clauses in Contracts, Treaties and other Agreements