



The Ninth International Symposium on
Naturally Occurring Radioactive Material
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“Cradle to Grave”

NORM Management Workshop

September 22, 2019

Session 3.0

Legal and Regulatory Considerations

SESSION 3.0
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