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LAW FOR NUCLEAR SAFETY

The Governing Assembly of the Republic of Chile has given its approval to the following

DRAFT LAW:

HEADING I

Regulatory Authority

ARTICLE 1 To require in the national interest, that all the following activities be subject to this law

a) related to the peaceful use of nuclear energy and to other installations and the nuclear substances and radioactive material in these and in their transport, with the object of providing for the health, the safety and

b and c) the protection of persons, property and the environment and the just indemnification or compensation for damages that the said activities may bring about; to prevent misappropriation and illegal use of nuclear energy, substances and installations; and to ensure the fulfilment of the international agreements or conventions in this matter in which Chile participates.

ARTICLE 2° The regulation, supervision, control and official inspection of the activities indicated in the previous article will rest with the Chilean Commission for Nuclear Energy and the Ministry of Mines where appropriate.

The Executive Director of the Commission will comply with and execute all the agreements, decisions or resolutions which, by using the powers that this law gives them, may be adopted by the Commission.

HEADING II (ART. 3-4)

Definitions

ARTICLE 3° For the effects of the present law, the following will mean:

- 1.- Commission: the Council of the Chilean Commission for Nuclear Energy.
- 2.- Nuclear Safety: the groups of norms, conditions and practices which have the object of protection of persons, property and the environment, against radiological risks arising from the use of nuclear energy, radioactive materials and other sources of ionizing radiation.
- 3.- Ionizing radiation: The propagation of particle or electromagnetic type energy which by its interaction with matter produces ionization.

4.- Radioactive material: any material which has a specific radio activity greater than 2 milli-microcuries per gram.

5.- Nuclear fuel: material composed of elements which can produce energy by self-sustained process of nuclear fission or fusion.

6.- Radioactive waste: any radioactive material obtained during the process of production or use of nuclear fuel, or whose radioactivity originated from exposure to radiations inherent to this process, and the radioisotopes that having reached the final stage of processing and already being able to be used for scientific, medical, agricultural, commercial or industrial purposes, are discarded.

7.- Nuclear substance: a) Nuclear fuels, excepting natural uranium and depleted uranium, which by themselves or in combination with other substances, can produce energy, through a self-sustained process of nuclear fission, outside of a nuclear reactor.

b) Radioactive products.

c) Radioactive by-products and waste.

8.- Nuclear Reactor: any structure which contains nuclear fuel arranged in such a way that inside of it, a self-sustained process of nuclear fission can take place, without the need for an additional source of neutrons.

9.- Nuclear installation: a) Nuclear reactors, excepting those used as a source of energy in a means of transport, both for its propulsion and for other purposes.

b) Factories which use nuclear fuel to produce nuclear substances and factories which carry out processing of nuclear substances, including installations for reprocessing of irradiated nuclear fuel.

c) Permanent storage depots for nuclear or radioactive material, excepting places in which said substances are temporarily stored during transport.

10.- Radioactive installation: place in which, radioactive materials or equipment generating ionizing radiation are produced, processed, handled, stored or used.

11.- Operator of a Nuclear installation: the person or legal entity in whose name the Commission grants authorisation to operate a nuclear installation.

12.- Authorisation: licence or permit granted by the Commission, at the request of an applicant, in order that they may carry out specific activities relating to nuclear energy in nuclear installations or with nuclear substances.

13.- Nuclear accident: any event or succession of events which, having the same origin, have caused nuclear damage.

14.- Nuclear damage: a) Loss of human life, personal, somatic, genetic and physical injuries affecting people, and damages and losses which occur to property as a direct or indirect result of the radioactive properties or the combination of these with toxic, explosive properties or other dangerous properties of nuclear fuel or of radioactive products or waste that are found in an installation or of nuclear substances that come from or originate in it or are sent to it.

b) Loss of human life, personal, somatic, genetic and physical injuries affecting people, and damages and losses which occur to property as a direct or indirect result of ionizing radiation emanating from any other source of radiation found in a nuclear installation.

HEADING III

Nuclear Safety

Para I.- Nuclear Safety Measures

ARTICLE 4 For the location, construction, commissioning, operation, closing down and dismantling, where appropriate, of nuclear installations, plants, centres, laboratories, establishments and equipment and for entry or transit in the national territory, exclusive economic zone, surrounding sea and national airspace of

a I) nuclear substances or radioactive materials, authorisation from the Commission will be required, with the formalities and under the conditions determined by this law and in its regulations. Nuclear power plants, enrichment plants, reprocessing plants and permanent storage depots for radioactive waste, will have to be authorised by Supreme decree, issued through the Ministry of Mines.

a II) For the granting of said authorisations, in all cases, the conditions that will enable keeping the environment free of contamination will have to be taken into consideration. In the case of authorisation for transport of the substances detailed in the Art. clause only N° 2 b) first, there will have to be evidence of the dates on which it will be carried out, the routes and areas to be used, the characteristics of the load, and safety and contingency measures. It will not be possible to authorise the storage of nuclear or radioactive waste in national territory, except if it is produced or originates in it.

ARTICLE 5 In each nuclear or radioactive installation, plant, centre, laboratory or equipment, there will have to be the number of persons with special authorisation to work in them as determined by the Commission.

Such authorisation, which is authorised for carrying out of specific and determined functions in the nuclear installations, plants, centres and laboratories, will be granted considering the physical, or professional conditions to be found in the person concerned.

ARTICLE 6 Any person who works with nuclear substances or in a nuclear installation, plant, centre, laboratory or equipment will have to receive an appropriate training relating to the risks it involves and the safety measures that will have to be observed. Likewise he will have to have, where applicable, a university degree, specialised study or experience in matters of nuclear or radiological safety, where appropriate.

ARTICLE 7° Persons who during the course of their work are or may be exposed to ionizing radiation will have to undergo a medical examination, before taking up their job, and thereafter periodical medical examinations, in accordance with that determined by the regulations and specific conditions of the authorisation granted to them by the Commission.

ARTICLE 8 Any installation, plant, centre, laboratory or establishment in which nuclear substances are produced, processed, manufactured, transformed, deposited, stored or maintained; any vehicle, ship, aircraft or other individual means of transport used for the specific transfer of

nuclear substances or radioactive materials; any a and b) packing, recipient, box, container or package in which these substances are kept or packed for safe-keeping or transport will have to comply with the labelling coding determined by the Commission, to warn of their existence.

ARTICLE 9 It is prohibited to store, deposit, keep or transport nuclear substances or radioactive materials together with combustible, inflammable, corrosive or explosive materials. It will be the operator's responsibility to provide for the necessary measures for the final treatment or storage of radioactive waste.

ARTICLE 10 Transport of nuclear substances or radioactive material is to be carried out in the safest, most direct and fastest way possible, according to the conditions laid down in the regulations.

The National Customs Authorities will deal with and attend to its consignment giving it preferential treatment, and will not be able to open the packages in transit without prior order from the consignor or consignee responsible and in the presence of an inspector from the Commission, who will have to officially report the work.

ARTICLE 11 The nuclear installations, plants, centres and laboratories will have to prepare and keep emergency plans, revised and approved by the Commission, in case of nuclear accidents which could occur. The plans will take into account the participation of all the organisations which, directly or indirectly would have to intervene in such cases, in accordance with the regulation and the conditions of the authorisation.

ARTICLE 12 To prevent damages which could result from the theft, robbery or loss of nuclear substances, the nuclear installations, plants, centres and laboratories will have to be equipped with physical means of protection, and their operator will adopt the safety means required by the regulations, and in each case, the authorisation.

HEADING III (ARTS. 4-32)

Nuclear safety

Para II.- Authorisations (ARTS. 13-16)

ARTICLE 13 The licences or authorisations will not be able to be revoked, suspended or changed, except by reasons provided for in the act of its granting or by non-fulfilment of the conditions and requirements imposed by it, in the law or in the regulations.

In any case, the resolution must be established and opportunely notified from the authorisation, which will be able to be appealed in the form laid down in article 36 and similar.

The licences or authorisations cannot be renounced early, excepting, at the Commission's discretion, that the necessary and adequate protections and guarantees in regard to the final shutting down and also as indicated by the regulation be authorised.

ARTICLE 14 The Commission will set annually, the dues which will have to be paid for the authorisations granted, which will be from taxable income.

ARTICLE 15 The licences or authorisations only authorise by the acts, nuclear operations or installations determined in them and the person or persons who obtains them, who cannot invoke them for other purposes.

ARTICLE 16 The authorisations granted for installing and operating nuclear installations, plants, centres, laboratories, establishments and equipment, will indicate to the person or persons who as operator assume the responsibility for nuclear damage that they may produce. The applications will have to include individualisation of the operator and his domicile.

Authorisations granted to any person for keeping, depositing or storage of nuclear substances or radio active material in a place or enclosure, or for the transportation of these in a vehicle, ship or aircraft, will also determine, in accordance with the respective request, the operator responsible.

HEADING III (ARTS. 4-32)

Nuclear safety

Para III.- Obligation to inform (ARTS. 17-19)

ARTICLE 17° Any person who, directly or indirectly, has noticed an accident or any other abnormality in the operation of nuclear installations or equipment or in activities related to the use of nuclear energy and nuclear materials, will have to bring this to the knowledge of the Commission or its inspectors within at most 24 hours.

ARTICLE 18 Any person who directly or indirectly, has noticed the abandonment, loss, theft or robbery of nuclear substances or radioactive materials, or has discovered them abandoned or lost, will have to bring this to the knowledge of the relevant authority or its inspectors within the time frame indicated in the previous article.

ARTICLE 19 On knowing of the events or accidents referred to in article 17 and 18, the relevant authority will immediately adopt all the necessary measures being able to request the co-operation and assistance of any other authority or public or private institution.

HEADING III

Nuclear safety

Para IV.- Inspections

ARTICLE 20 The Commission will execute its powers of supervision, control, auditing and inspection of the activities relating to the use of nuclear energy in nuclear installations, in regard to nuclear substances and in radioactive installations and radioactive material by means of inspectors specialised in the program who are on their staff.

The inspections will have the purpose of checking the following events in general, without prejudice to any others which may be entrusted to them in specific cases by the Executive Director:

- 1.- The fulfilment of this law and the others relative to the Commission, and of its regulations.
- 2.- The fulfilment of the conditions and requirements which are determined in the authorisations granted.
- 3.- The fulfilment of the instructions and general and specific regulations pronounced by the Executive Board.

- 4.- The correct state of the installation, operation and handling of equipment, materials, premises and vehicles.
- 5.- The staff situation in regard to their safety.
- 6.- The existence and application of safety measures and emergency plans.
- 7.- The possibilities and risks of possible failures, anomalies, faults, incorrect use of the installation or nuclear substances and accidents which cause nuclear damage.
- 8.- The notices and warnings on nuclear accidents.
- 9.- The notices and warnings on abandonment, loss, theft or robbery of nuclear substances and the subsequent discovery of these.
- 10.- The fulfilment of the measure applied by the Commission in case of infringements.
- 11.- The reporting of any infringement of the reglementary and legal norms, instructions and authorisations given by the Commission and the measures for safety, prevention and reparation that are to be adopted.
- 12.- The reporting of offences relating to nuclear safety.
- 13.- Any event, irregularity or circumstance which affects the normal conditions and safety of persons, property, natural resources and the environment.

ARTICLE 21 To belong to the program of permanent inspectors of the Chilean Commission for Nuclear Energy it is necessary to have a university degree and have specialised study or experience in matters of nuclear safety and radioprotection, and possess the physical and mental health compatible with carrying out the function.

In order to execute their work, the inspectors will have to have and show a certificate from the Commission which gives proof of their appointment.

ARTICLE 22 The Commission will be able to appoint as temporary inspectors for a specific assignment or purpose any person who combines the requirements required by the previous article, who will only be able to perform his functions by way of a certificate from the Commission which gives proof of his appointment and states the aims and time frame of his nomination, and he will be for the purposes of his responsibility during the time frame of his appointment, a public official.

In the same way, it will be able to hold meetings with people or legal entities, either public or private, for training its inspectors.

ARTICLE 23 The inspectors will be considered as official ministers in regard to all actions that they carry out in the fulfilment of their functions.

ARTICLE 24 The inspectors will be able to enter for inspection, at any time, any nuclear installation, plant, centre, laboratory or equipment; any place where equipment, components or parts destined for these is manufactured, assembled, repaired or stored; and any vehicle, ship or aircraft, in order to check that none of the events or circumstances referred to in Article 20 have occurred.

In particular this will take place when it is suspected or reported that any installation, site or means of transport is in a position of producing damage to the health and safety of persons, property, natural

resources or the environment; or that there is radioactive contamination in them or that nuclear substances or radioactive materials are being used, handled or kept incorrectly.

ARTICLE 25 Persons who as holders of the corresponding authorisation or as operators or responsible for a nuclear installation, plant, centre, laboratory, establishment or equipment; the owner or any other person responsible for any site or means of transport occupied; and in general, any person who is in these sites or vehicles, will have to give the inspectors all the facilities for perfect fulfilment of their functions and obligations, and provide them with all the information they may require and permit them access to all the outbuildings and work sites.

ARTICLE 26 The inspectors, having checked the effectiveness of the events requiring verification, will immediately inform the Commission, who will arrange the measures that are considered necessary.

ARTICLE 27 When these events entail risks such as those indicated in the second clause of article 24, the inspector who is checking them will be able to order, depending on the case, any of the following measures:

1.- That the nuclear installation, plant, centre, laboratory, establishment or equipment is put into regular conditions of normality and safety as soon as possible.

2.- That the site or means of transport be evacuated, shut down and properly sealed off.

3.- That the nuclear substance or radioactive material be properly stored packed, sealed and labelled.

a and b)

4.- The impounding, subject to the Commission's agreement, of any nuclear substance or radioactive material which is in a position to damage persons, property, natural resources or the environment; or that any person is keeping, storing handling or using improperly.

5.- The immediate suspension of the operations of the installation, plant, centre, laboratory or equipment, when the seriousness of the infringement and the danger this may pose to persons, property, natural resources or the environment deem it necessary, for up to sixty days.

ARTICLE 28 In the case of opposition to the fulfilment of their functions, or to measures adopted according to the previous article, the inspectors will be able to directly request assistance from the police force, subject to written authorisation from the Commission, which will have to be provided to them by the police station closest to the inspection site.

ARTICLE 29 The measures indicated in article 27, will be able to be objected to in accordance with the procedure laid down in articles 26 and following of this law.

ARTICLE 30 During the inspection, the inspectors will be able to:

1.- Use any instrument or equipment required for their work.

2.- Carry out any verification that they consider necessary or appropriate.

3.- Take samples of any material or equipment which is related to the purposes of their inspection.

4.- Examine, make copies, take notes or make summaries of any book, register or other document which contains information relating to the material inspected.

They will have to report on all the work done.

ARTICLE 31 In fulfilment of its inspecting functions, the Commission will be able to collaborate with other public entities, especially with those which carry out functions of similar type; and, at the same time, request the collaboration of these entities in the execution of their own powers.

ARTICLE 32 When the activities dealt with in article 1 are carried out by the Chilean Commission for Nuclear Energy, it will be subject to all the prescriptions and requirements of the present law.

It will be the responsibility of the Chilean Commission for Nuclear Energy to maintain and protect the permanent storage depots for long lived nuclear or radioactive waste. In the other cases, the depots for radioactive waste will be the responsibility of the person who is responsible for them.

HEADING IV

Infringement of the Legal and Regulatory Norms concerning Nuclear Safety and Protection

Para I.- Competence of the Commission to recognise and judge the infringements of the Norms, Measures and Conditions of Nuclear Safety.

ARTICULO 33° It is the Commission's responsibility to recognise and sanction infringements of the legal and regulatory norms concerning nuclear and radiological safety and protection, to fulfil the conditions and requirements of the authorisations which it authorises or the instructions and measures that it adopts.

ARTICLE 34 The Commission will be able to impose one or more of the following sanctions for committing the events indicated in the previous article:

1.- A Fine, from taxable income, for the sum of ten to ten thousand units of fomento (Translator's note: We cannot find out what the word "fomento" correctly means in this context) , according to the seriousness of the infringement or non fulfilment.

2.- Suspension of the authorisation for any activity related to nuclear energy and nuclear material for up to a year.

3.- Permanent revocation of the authorisation.

ARTICLE 35 The Commission's agreement to impose any of the sanctions referred to in the previous article, will be implemented by resolution of the Executive Director, who will personally notify the party concerned or in the form provided for in article 44, second clause of the Code of Civil Procedure. In this case it will not be necessary to fulfil the

requirements indicated in the first clause of said article, nor will a legal order be necessary for the delivery of the copies provided for in it.

The domicile which the party concerned indicated to the Commission, for the purposes of the corresponding licence, will be the competent place for notification.

The inspectors referred to in paragraph IV of heading III of this law will be competent to carry out the notifications indicated in clause 1.

ARTICLE 36 In opposition to the resolution imposed by any of the sanctions referred to in article 34, the party concerned can object to it before the same Commission, within five days following its notification.

Once the objection is lodged, the party concerned, within the eight days following, will be able to enclose and supply all the evidence he deems necessary to produce and that he offered in his document. He will only be able to declare witnesses that were indicated in the objection, giving their name and first names, domicile and profession or office. No more than five witnesses will be able to be declared.

The objection will have to be resolved by the Commission as soon as the case can be heard or, at the latest, within three days.

ARTICLE 37 In opposition to the sentence pronounced by the objection, an appeal will be able to be lodged, which will have to be brought by the party concerned within five days as from personal notification or by document. For this appeal the Court of Appeal of Santiago will be recognised, on behalf of and without expecting the parties to appear, except if it be considered to appropriate to bring the proceedings and hear the allegations.

The appeal will be granted in the context that an objection to a default judgement does not involve the competence of a higher court and following remittance by the complainant of 20% of the fine applied, and with the sum of 10 monthly taxation units if the resolution does not apply a fine.

The remittance, which will have to be carried out at the Banco del Estado into the current account of the court of appeal held at said institution, will be returned to the complainant if the appeal is upheld. If it is rejected or the complainant does not pursue it, the remittance will be applied to taxation.

ARTICLE 38 In all matters not subject to the special provisions of this law, the norms laid down in the first book of the Code of Civil Procedures will apply, in that they be compatible with the type of complaint.

The resolutions delivered by the complaint procedure and which do not require a special form of notification, will be notified to the person concerned by registered letter.

In the cases to which this paragraph refers, the evidence will be assessed honestly, and there will be no appeal whatsoever against the resolutions delivered.

The time periods referred to in this paragraph will be working days.

ARTICLE 39 The Commission will be responsible, through its Executive Director, for the execution of the resolutions passed in the procedures referred to in this law, once they are executed or given final judgement.

When it concerns the fulfilment of resolutions which impose fines on the party concerned, they must remit its value to the fiscal coffers, within five days of execution of the ruling imposed on them. The Commission, in the case of the offender's non fulfilment, will be able to force them by arresting them for up to two months for the payment of the fine, which will be determined prudently and without prejudice to repeating the sentence.

For the fulfilment of the other sanctions which may be put into effect, the Executive Director will be able to request the assistance of the Police force. In any case, all the necessary and appropriate steps will have to be put in place to avoid nuclear substances or radioactive materials, equipment and installations which may cause damage to persons, property, natural resources or the environment. The expenses incurred by these measures will be to the charge of the offender.

ARTICLE 40 The sanctions imposed by the Commission in accordance with this paragraph, will not exempt the holder of the licence or authorisation for the nuclear installation, plant, centre, laboratory, establishment or equipment from continuing to fulfil his other obligations which, for the security and protection for risks and damages of nuclear energy, are imposed by this law, its regulations and the conditions of authorisation.

HEADING IV (ARTS. 33-48)

Infringement of the Legal and Regulatory Norms concerning Nuclear Safety and Protection

Paragraph II.- Offences against Nuclear Safety. (ARTS. 41-48)

ARTICLE 41 Anyone who attacks, damages, or sabotages nuclear installations, plants, centres, laboratories or establishments will be penalised with punishment of major imprisonment at its highest rate or permanent imprisonment.

ARTICLE 42 Anyone who robs or steals nuclear substances or radioactive materials, or in any manner removes or misappropriates them, will be penalised with punishment of major imprisonment at its medium to highest rate.

Anyone who by neglect or negligence gives the opportunity to another person to commit the robbery or theft, or removal or misappropriation of nuclear substances or radioactive materials, will be penalised with punishment of major imprisonment at its medium to highest rate.

ARTICLE 43 Anyone who proves to without authorisation, have obtained illegally or have improperly used information classified as reserved by the regulation and relating to the production, processing, use or application of nuclear energy, will be penalised with the punishment of

minor imprisonment at its highest rate to major imprisonment at its lowest rate.

Anyone who by inexcusable neglect or negligence permit the committing of any of the events indicated in the previous clause, will be penalised with the punishment of minor imprisonment at its lowest rate.

ARTICLE 44 Anyone who maliciously causes public alarm giving false notices of accidents, risks or danger due to the production, handling or use of nuclear energy, will be penalised with the punishment of minor imprisonment, exile, relegation or extradition at its medium and highest rates.

ARTICLE 45 Anyone who carries out any activity relating to the peaceful use of nuclear energy without the proper authorisation, licence or permit from the Commission, constituting a danger to life, health or integrity of persons, or property, natural resources or the environment will be penalised with the punishment of minor imprisonment, at its minor to medium rates.

ARTICLE 46 Anyone who with the purpose of disturbing constitutional peace or public safety or imposing requirements or extracting decisions to the authority or intimidating the population, threatening to cause a nuclear damage, will be penalised with the punishment of major imprisonment, at its medium to maximum rates.

ARTICLE 47 Anyone who causes a nuclear damage, will be penalised with the punishment of major imprisonment, at its medium to maximum grades.

If he caused the damage or contributed to causing it only by carelessness or negligence, the punishment will be minor imprisonment at its medium to maximum rates.

ARTICLE 48 The effects that have been used to commit the offences that this law provides for, such as nuclear substances or radioactive material or equipment or devices that generate ionizing radiation, which have been confiscated as a result of the respective convicting sentence, will become the property of the Chilean Commission for Nuclear Energy.

HEADING V (ARTS. 49-66)

Civil responsibility for nuclear damages

Para I.- Type of responsibility

ARTICLE 49 The Civil responsibility for nuclear damages will be objective and will be limited in the form established by this law.

HEADING V (ARTS. 49-66)

Civil responsibility for nuclear damages

Para II.- Person responsible (ARTS. 50-55)

ARTICLE 50° The person who in the corresponding licence or authorisation given by the Commission, has assumed the capacity of operator of a nuclear installation, plant, centre, laboratory or establishment, will be responsible for damages which happen due to a nuclear accident which occurs in them.

In addition, he will be responsible for the nuclear damages which happen due to nuclear substances coming from or originating in the installations, plants, centres, laboratories and establishments under his

responsibility, however only when the nuclear accident occurs under any of the following circumstances:

1.- Before the operator of another nuclear installation has assumed the responsibility, by written contract.

2.- Before the operator of another nuclear installation has effectively taken over responsibility of the nuclear substances, or before they have arrived at his installation, when there is no written contract.

3.- Before the nuclear substances sent overseas have left national territory and he has no responsibility for these, in the form indicated, another operator, except that stipulated in international agreements in which Chile participates.

4.- Before the operator of a nuclear reactor used as a source of energy in transport, becomes responsible for the nuclear substances destined for use in his reactor.

ARTICLE 51 In the cases enumerated in the previous article, the responsibility for the nuclear damage is incumbent on the operator when he has assumed responsibility in writing or he had responsibility for the nuclear substances sent to his installations, or when these have entered national territory, if they have been sent from overseas.

ARTICLE 52 The operator of the nuclear installation, plant centre, establishment or laboratory from which originate abandoned, extracted, robbed, stolen or lost nuclear substances will be directly responsible for the nuclear damage then have caused.

The civil responsibility of third parties when such events have occurred will be ruled by the rules of common law.

ARTICLE 53 If the responsibility for nuclear damages lies with more than one operator and it is impossible to state who is responsible for what, they will both be jointly responsible for the maximum amount of compensation, without prejudice to finally contributing in equal parts to its payment.

ARTICLE 54 The transporter of nuclear substances or radioactive materials or anyone handling radioactive waste will be considered as operators of these, if this is expressed in the agreement, approved by the Commission by virtue of which the authorised licensed operator brings in the material or waste. From its entry, they will be responsible, as such operators, for the nuclear damages that these substances or waste may produce.

In addition, for the effects of this law, any transporter of nuclear substances or radioactive material who uses national air space, territorial sea, surrounding sea and the Chilean exclusive economic zone will be considered as the operator.

When this involves several people, they will be jointly liable; however this will not exceed the maximum limit to be applied according to this law.

ARTICLE 55 If together with the nuclear damages, other damages occur due to another different or concurrent cause or resulting from a nuclear accident without it being possible to make a distinction between them with certainty, all will be deemed nuclear damages.

HEADING V (ARTS. 49-66)

Civil responsibility for nuclear damages

Para III.- Exemptions from responsibility (ARTS. 56-59)

ARTICLE 56 The operator will always be responsible for unforeseeable circumstances or force majeure. With everything, nuclear damages produced by a nuclear accident which is directly due to external armed hostilities, insurrection or civil war, will not be his responsibility.

no definition of damages?

*) exception!
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ARTICLE 57 The operator will not be responsible for nuclear damages suffered by the means of transport which the nuclear material which caused it was in, at the time of the nuclear accident.

ARTICLE 58 Nuclear damages suffered by persons who work in a nuclear installation professionally exposed to these risks, will not be indemnified in accordance with the present law, in the measure in which such nuclear damages are covered by any system of social security or work accidents or occupational diseases.

ARTICLE 59 The person who has sadly caused a nuclear damage for which, in accordance with this law, no definitive responsibility is taken by the operator, will be responsible for the damages originating from his action or omission.

ARTICLE 60 The maximum limit of responsibility for nuclear damages which the operator can incur for each nuclear accident, will be equal in domestic currency to the sum of 75 million US dollars, which will automatically be readjusted by the percentage variation of the special drawing rights of the International Monetary Fund, between the date of this law and that of the nuclear accident.

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This regulation is understood to be without prejudice to the right to cover interest, costs and realignment which arise.

HEADING V (ARTS. 49-66)

Civil responsibility for nuclear damages

Para IV.- Limitation of responsibility (ARTS. 60-61)

ARTICULO 61° The payment of the indemnity will be subject to the following regulation:

- 1.- Damages to person will be indemnified, at least, by double the amount which would be applied by the insurance tables for Work Accidents.
- 2.- Damages to things, in the event of the amount of limitation of responsibility not being sufficient, will be indemnified in proportion to their amount.

HEADING V (ARTS. 49-66)

Civil responsibility for nuclear damages

Para V.- Insurance or Financial guarantee (ARTS. 62-66)

ARTICLE 62 Any operator will have to guarantee their responsibility by insurance contracts or putting up guarantees, for the maximum limit laid down in article 60.

The operator will have to submit for prior approval of the Commission, the insurance terms or insurance agency, or the guarantees, where appropriate.

Only once the fulfilment of the requirements of this article have been vouched for, will it be possible to obtain the authorisation enabling him to operate.

ARTICLE 63 Without prejudice to the powers of the Supervision of Assets and Insurances, the insurance companies, in order to be able operate in the matters dealt with in this heading, will submit for the approval of the Commission, models of policies and other conditions of their operations, such as re-insurance and joint insurances.

The same procedure will apply in the case of the limitation of responsibility being covered by means of financial guarantees.

ARTICLE 64 For the transport of nuclear substances or radioactive materials, the operator responsible will deliver to the transporter a certificate from the insurer or the company who has given the guarantee, which substantiates the validity of the insurance or guarantee.

ARTICLE 65 When the operator is unable to obtain, totally or partially, an insurance which covers his responsibility, he will be able to request the guarantee from the State, and they will be able to authorise this, for the part not covered by the insurance or for its totality. The regulation will determine the form and conditions of this guarantee.

ARTICLE 66 The action of claiming for nuclear damages will have to be made within the time frame of ten years, as from the date on which the nuclear accident occurred or was reported by an inspector. *low*

The applicant will be able to change his claim, due to worsening of the damage suffered, up to the time that final judgement is pronounced by the court of second instance.

The enlargement or modification of the claim will be dealt with incidentally.

HEADING VI (ART. 67)

Radioactive Installations

Article 67.- The Chilean Commission for Nuclear Energy will be the organisation responsible for issuing the norms referring to radioactive installations.

The Health Services will be responsible for, in accordance with the provisions of the Health Code, the authorisation and control of the application and handling of radioactive substances in radioactive installations or equipment which generates ionizing radiation, and the prevention of risks resulting from its use and handling.

Nevertheless, it will be the responsibility of the Chilean Commission for Nuclear Energy to authorise, control and prevent risks in regard to radioactive installations which are to be found inside a nuclear installation, and which, in accordance with the regulation, are declared as first category.

The regulations for radiological protection and for authorisations, relating to radioactive installations, will be jointly signed by the Ministry of Mines and of Health.

JOSE T. MERINO CASTRO.- FERNANDO MATTHEI AUBEL.- CESAR MENDOZA DURAN.-
CESAR RAUL BENAVIDES ESCOBAR."

In that it has been seen fit to approve the preceding law, I sanction it
and sign it as a signal of promulgation. It takes effect as law of the
Republic.

To be registered in the General Offices of the Republic, to be Official
Compilation of these Offices.

Santiago, 16th April 1984.- AUGUSTO PINOCHET UGARTE.- Samuel Lira,
Minister of Mines.

Biblioteca del Congreso Nacional
