

**THE SUSTAINABLE HARNESSING AND ADVANCEMENT OF NUCLEAR
ENERGY FOR TRANSFORMING INDIA RULES, 2026.**

G.S.R. XXX.--- In exercise of the powers conferred under sub-section (1) of Section 84 and other relevant sections of the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025 (Act No.39 of 2025) and all other powers enabling it in this behalf, and in supersession of the Atomic Energy (Working of Mines, Minerals and Handling of Prescribed Substance) Rules, 1984, the Atomic Energy (Safe Disposal of Radioactive Wastes) Rules, 1987, the Atomic Energy (Radiation Protection) Rules, 2004, the Atomic Energy (Radiation Processing of Food and Allied Products) Rules, 2012, the Civil Liability for Nuclear Damage Rules, 2011 and the Nuclear Liability Fund Rules, 2015 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

CHAPTER-I

PRELIMINARY

- 1. Short title and commencement:** (1) These rules may be called The Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India (SHANTI) Rules, 2026.

(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions:** In these rules unless the context otherwise requires: —
 - (1) “absorbed dose” means the energy imparted by ionising radiation per unit mass of matter;
 - (2) "accident" means any unintended event, including operating errors, equipment failures or other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection and safety;
 - (3) “Act” means the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025 (39 of 2025);
 - (4) “activation” means production of induced radioactivity by nuclear reactions;
 - (5) “consignment” means any package or packages, or load of nuclear material or radioactive material or prescribed substance presented by a consignor for transport;
 - (6) "contamination" means the presence of a radioactive substance in or on a material or in the human body or other place in excess of quantities specified in the relevant regulatory documents issued by the Board;
 - (7) "conveyance" means: -
 - (i) any vehicle for the purpose of transport by road or rail;
 - (ii) any vessel, hold, or deck defined under the law being in force, for the purposes of transport by water; and
 - (iii) any aircraft for the purpose of transport by air;
 - (8) “disposal”, in context of radioactive waste management, means controlled discharge of effluent to the environment or emplacement of radioactive waste in an appropriate facility without the intention of retrieval;
 - (9) "dose" is a measure of the energy deposited by radiation per unit mass of matter and the terms absorbed dose, or committed effective dose, or committed

equivalent dose, or effective dose, or equivalent dose, or organ dose, are used depending on the context;

- (10) “effluent” means gaseous, particulate or liquid emission which is discharged from a facility or a plant or a mine into its environment;
- (11) “eligible person” means any person who is eligible for setting up a facility or plant or mine or to undertake any activity under the Act;
- (12) “employee” means any individual employed on wages on a regular or on temporary basis, either directly or through a contractor, by any facility, mine or plant or for undertaking any activity under the Act and includes an employer who is self-employed;
- (13) “employer” means a person who employs on his behalf, whether directly or through any person, one or more employees in his facility or plant or factory or mine, including an individual who is self-employed as the only employee, and in relation to a factory is its occupier, in relation to a mine, is its owner and in relation to any other facility or plant, is the individual who has ultimate control over the affairs of the facility or plant, and where said affairs are entrusted to a manager or managing director, such manager or managing director;

Explanation:

Where the facility or plant or factory or mine is owned or controlled by a —

- (i) department of the Central Government or the State Government, the authority specified by the head of such Department, in this behalf or where no authority, is so specified, the head of the Department;
 - (ii) local authority, the Chief Executive of that authority;
 - (iii) firm or trust or society or any other body corporate or association of individuals, the partner or member or individual thereof as entrusted by its Governing Board;
 - (iv) company, any one of the directors, except any independent director within the meaning of sub-section (6) of section 149 of the Companies Act, 2013 (18 of 2013), shall be deemed to be the employer;
- (14) “environmental surveillance” means continuous and systematic measurements of environmental media and biota to assess radiological impacts;
 - (15) “exclusion zone” means an area extending upto a specified distance around a nuclear facility where no public habitation is permitted and shall area shall be under the control of the licensee.
 - (16) “exposure situation”, in relation to radiation protection, includes-
 - (i) “Planned exposure situation” which means a situation of exposure that arises from the planned operation of source or from a planned activity that results in an exposure due to a source;
 - (ii) “Existing exposure situation” which means a situation of exposure that already exists when a decision on the need for control from radiation protection considerations needs to be taken;
 - (iii) “Emergency exposure situation” which means a situation of exposure that arises as a result of an accident, a malicious act or other unexpected event and requires prompt action in order to avoid or to reduce adverse consequences;
 - (17) “facility safeguards officer” means the individual appointed by licensee with due approval of Central Government in accordance with sub-rule (3) of rule 65;

- (18) “factory” has the same meaning as assigned to it in the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
- (19) “licencing authority” means such officer(s) of the Central Government, not below the rank of Joint Secretary or equivalent, to whom the Central Government delegates the power of grant of licence under the Act, by notification;
- (20) “licensing hold point” means any point identified during grant of licence which requires formal review of fulfilment of identified pre-requisites and confirmation from the licensing authority before the activity can further progress.
- (21) "medical exposure" means exposure incurred by –
 - (i) patients as part of their own medical diagnosis or treatment;
 - (ii) carers and comforters; and
 - (iii) volunteers in biomedical research;
- (22) “mine” has the same meaning as assigned to it in the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
- (23) “newly formed entity” are eligible person which have been in existence for three years or less as on the date of application for licence;
- (24) “nuclear security officer” means the individual appointed by licensee with due approval of Central Government in accordance with sub-rule (2) of rule 57;
- (25) “offshore area” means the territorial waters, continental shelf, exclusive economic zone and other maritime zones of India under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976);
- (26) "personnel monitoring" means determination or estimation of the dose received by an individual from external and/or internal radiation;
- (27) “physical protection” means measures for the protection of nuclear material or radioactive substance, and facilities or plants where such nuclear or radioactive material are produced, used, stored or disposed, designed to prevent unauthorized access or removal of nuclear or radioactive material or sabotage;
- (28) “physical protection system” means the integration of people, procedures and equipment used to protect assets including nuclear and other radioactive material or their associated facilities, plants or activities against theft, sabotage or other malicious acts;
- (29) "practice", in relation to radiation protection, means any human activity that introduces additional sources or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, which may increase the exposure or likelihood of exposure of people, or the number of people exposed;
- (30) "quality assurance" means any planned and systematic action necessary to provide adequate confidence to the Board that a structure, system, component or procedure will perform satisfactorily, and includes quality control;
- (31) "quality control" means the set of operations (programming, coordinating, implementing) intended to maintain or to improve quality and includes monitoring, evaluation and maintenance at required levels of performance;
- (32) “radiation damage” within the meaning of sub-clause (ii) of clause (e) of sub-section (3) of section 10 of the Act means any injury, loss or damage, other than nuclear damage, caused by radiation or radioactive contamination at a facility, plant or mine or in the surrounding areas or during transportation of

radioactive material, and occurring due to an accident, other than a nuclear incident;

- (33) “radiation source” means a radioactive material or equipment containing radioactive material or a radiation generating plant or equipment which may cause radiation exposure and includes sealed radiation source as well as unsealed radiation source;

Explanation:

- (i) "sealed radiation source" means radioactive material that is permanently sealed in a capsule or in a solid form which is closely bounded, and is designed to meet the safety standards issued by or acceptable to the Board;
- (ii) "unsealed source" means any radioactive material that is not a sealed source;
- (34) " radiation worker" means a worker who works, whether full time, part time or temporarily, for an employer of a facility or an occupier of factory or owner of a mine and who has recognized rights and duties in relation to occupational radiation protection;
- (35) “Radiological Safety Officer” means the individual who has been certified by the Board as qualified to discharge the duties and functions under the regulations;
- (36) “safety culture” means the assembly of characteristics and attitudes in organisations and individuals which establishes that, as an overriding priority, safety issues receive the attention warranted by their significance;
- (37) “security culture” means the assembly of characteristics, attitude, and behaviours of individuals, organizations and institutions which serves as means to support, enhance and sustain nuclear security;
- (38) words and expressions used in these rules and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

FRAMEWORK FOR LICENSING OF FACILITIES AND ACTIVITIES

(under sub-section (1) of section 6; sub-section (1) of section 7; sub-section (4) of section 8 of the Act)

PART-A

NUCLEAR POWER PLANTS AND REACTORS

- 3. Licence for production, use and disposal of nuclear energy:** (1) Subject to the provisions of these rules, for production, use and disposal of nuclear energy, licence may be granted to any eligible person, as specified in or expressly permitted by notification under sub-section (1) of section 3 of the Act, to build, own, operate or decommission a Nuclear Power Plant or a reactor for one or more of the following, namely —
- (a) supply of electricity to grid;
- (b) captive power generation;
- (c) process heat applications, hydrogen production, or a hybrid system supplying process heat, hydrogen and electricity in proportions varying from zero to hundred per cent;

- (d) isotope production for medical applications or other applications, either standalone or hybrid with electricity generation;
- (e) education, training and research applications including conduct of technological works connected with development of reactor design and technology;
- (f) any other peaceful applications as permitted by the Central Government:

Provided that the license under this sub-rule shall be granted a single composite licence authorising the building, owning, operating, decommissioning of the nuclear power plant or reactor to which it relates and no licence shall be applied for, granted, divided, or severed under this sub-rule in respect of any of those activities separately.

Explanation:

- (a) Reactor includes nuclear fission as well as Deuterium-Tritium reaction based fusion reactors.
 - (b) Captive power generation means the power generated from captive generating plant which meets qualifying criteria specified by The Electricity Act, 2003 [Act No.36 of 2003] and rules and notifications issued thereunder. Nuclear power produced thereof may be used for hard to abate sectors like aluminium, cement industries and other applications such as use in data centres, high-end applications like quantum technologies, high performance computing, semiconductors fabrication, Artificial Intelligence (AI) enabled technologies, etc.
 - (c) Research applications include, but are not limited to, neutron imaging, activation or scattering studies, fuel, material or equipment irradiation and non-destructive testing, experimental studies in material science, reactor physics, shielding and validation of codes.
- (2) For the purpose of sub-rule (1), the eligible person may source the technology of a specific model of the plant or reactor, whether of indigenous or of foreign origin, either from —
- (a) the original technology developer in accordance with sub-rule (1) of rule 24 or
 - (b) from any eligible person who has been licensed in accordance with sub-rule (2) of rule 24 to source such technology from the original technology developer, hereinafter referred to as technology provider:

Provided that the technology provider shall ensure availability of design support and all necessary permissions and supporting documents from original technology developer unless there has been a complete transfer of technology:

Provided also that the person sourcing the technology shall ensure that there is no infringement of Intellectual Property Rights.

- (3) Without prejudice to the generality of the provisions of rule 24, for every import or domestic acquisition of technology referred in sub-rule (2), the grant of licence shall be subject to fulfilment of the conditions, namely —
- (a) if a nuclear power plant or reactor is of a foreign design, its design should have been certified or approved in the country of origin by its regulatory body and should be operational either in country of origin or any other foreign country;
 - (b) the technology intended to be imported or acquired domestically does not adversely affect the interest of India, does not constitute an unreasonable risk to

public health and safety and is in conformity with the national policies framed under the Act;

- (c) such other conditions as may be specified by Central Government.

Explanation: Country of origin referred in this rules means those countries which are self-reliant in nuclear reactor design and supply chain ecosystem whose regulatory approvals are trusted globally.

4. Pre-Licensing Consultation: (1) Any eligible person under the Act desirous to set up a nuclear power plant or a reactor shall submit an application for licence in accordance with the form and manner specified in Part H of this Chapter.

(2) On receipt of the application, the licensing authority shall carry out an initial assessment of —

- (a) applicant's credentials in support of which information including details of corporate form, governing board along with the mandate to carry out the intended business, key managerial personnel, shareholding pattern, control over shares, and such other information as specified in the application form; and
- (b) applicant's understanding of the obligations and responsibilities towards regulatory compliances, including but not limited to, site selection, life-time design support, construction, commissioning, operation, decommissioning, safety, security, safeguards, quality assurance, liability, radioactive waste management, spent fuel storage, infrastructure, resources, arrangements, competencies and the like.

(3) Where it is assessed that the applicant is not familiar with the above aspects, the licensing authority may conduct a pre-licensing consultation to create awareness and may facilitate visits of the applicant to an operating facility including its auxiliaries such as facilities for radioactive waste management, spent fuel storage, decontamination, full-scope simulator, etc on payable of such charges as it may specify.

(4) The application shall be admitted by the licensing authority only on verification of the applicant's credentials, and confirmation of knowledge and understanding of the obligations as specified in sub-rule (2), and submission of all necessary documents in accordance with the provisions of rule 30.

(5) The grant of licence shall be subject to fulfilment of conditions related to suitability of site as specified in rule 6, conditions related to acceptability of technology and design as specified in rule 7 and conditions related to capabilities as specified in rule 8:

5. In-Principle Approval: (1) Without prejudice to the generality of foregoing provisions, upon admittance of the application and where the site or technology has not been selected, licensing authority may grant 'in-principle approval' which is a statement of support to proceed towards applying for formal licence subject to fulfilment of specific conditions specified in sub-rule (2).

Explanation: Upon receipt of a valid 'in-principle approval', the applicant may proceed with negotiation with reactor technology vendors and for acquiring the land and other necessary infrastructure.

(2) The “in-principle approval” granted takes into account the assessment of the applicant’s credentials, knowledge and understanding of the obligations as well as commitments or undertaking provided.

(3) The ‘in-principle approval’ may be revoked at any time after its issuance, after giving an opportunity of being heard, if —

- (a) there is a supervening public interest or if any material fact has emerged which indicates that the person granted ‘in-principle approval’ is owned, controlled or dominated by entities who are inimical to defence and national security, or health and safety of the public; or
- (b) the ‘in-principle approval’ has been obtained by misrepresentation or suppression of any material fact.

(4) Upon selection of site and on selection of technology of a specific model of a plant or reactor, the holder of ‘in-principle approval’ shall submit the requisite information for admittance and further processing of the licence application:

Provided that any change in the applicant’s credentials based on which ‘in-principle approval’ was issued shall be reviewed afresh for admittance of the application.

(5) The grant of licence to the holder of ‘in-principle approval’ shall be subject to fulfilment of conditions related to suitability of site as specified in rule 6, conditions related to acceptability of technology and design as specified in rule 7 and conditions related to capabilities as specified in rule 8.

6. Suitability of Site: For the purpose of assessment of suitability of site for grant of license referred in sub-rule (1) of rule 3, the applicant shall demonstrate, —

- (a) availability of consent from Appropriate Government that the land for the selected site shall be acquired, and if the land is already owned by the applicant, the availability of permission from the Appropriate Government for its intended use till its decommissioning and release from governmental control.
- (b) land is sufficient for locating the desired number of plants or reactors and their auxiliaries including storage of radioactive wastes and spent fuel, area necessary for maintaining an exclusion zone from safety considerations as specified by Board and in compliance with security considerations specified by Central Government; and
- (c) compliance with the site selection criteria taking into account the following, —
 - (i) that the site does not fall under rejection criteria specified by the Board;
 - (ii) security considerations as per criteria specified by Government of India;
 - (iii) water availability;
 - (iv) power evacuation;
 - (v) connectivity and site access;
 - (vi) considerations of other statutory requirements such as presence of eco-sensitive areas, etc;
 - (vii) any other criteria specified by Central Government.

Explanation:

- (a) Appropriate Government has the same meaning as assigned under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).

- (b) The availability of the land owned or selected shall be assured till its decommissioning and release from governmental control.
- (c) For small and micro modular reactors and such other reactors of advanced technologies, barge mounted or other floating reactors, not comprised in any means of transport, the criteria for suitability of the site shall be notified by the Central Government and the Board, and for such floating reactors, additional criteria as specified by Directorate General of Shipping for Coastal and Off-shore Zones, shall also apply.

7. Acceptability of Design: For the purpose of assessment of acceptability of selected technology of specific model of a plant or reactor for grant of license referred in sub-rule (1) of rule 3, the applicant shall —

- (a) demonstrate compliance of the design with aspects related to implementation of security and safeguards considerations as specified by Central Government; and
- (b) if the selected design of a plant or reactor is —
 - (i) operational in foreign country, the applicant shall provide: -
 - a copy of licence of operation issued by foreign regulator,
 - copy of the design certification or approval from the regulatory body of country of origin,
 - documentary evidence of concurrence obtained from the original technology developer;
 - (ii) either under construction or in operation in the country or of a new design developed indigenously, the applicant shall submit a declaration that design complies with the latest regulatory requirements of the Board at the time of application:

Provided the licensee shall obtain a valid design approval from the Board from safety considerations in accordance with the regulations and no construction shall commence without a valid design approval:

Provided also that failure to obtain valid design approval shall constitute non-compliance with the condition of the licence and may result in suspension or cancellation of the licence in accordance with section 8 of the Act.

8. Applicant's Capabilities: (1) For the purpose of assessment of capabilities for grant of licence referred in sub-rule (1) of rule 3, the applicant shall demonstrate the following —

- (a) Financial capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) cost estimates covering: -
 - the estimate of the construction cost for plant or reactor as well as auxiliaries including facilities for storage of radioactive waste and spent fuel,
 - nuclear fuel cost for first core load,
 - operation and maintenance cost for the first five years including the cost of environmental surveillance, dosimetry, personal monitoring, quality assurance, training and skill development, crisis management support, etc.,
 - overhead plant costs including any transmission and distribution costs;
 - (ii) financial plan showing the source of funds;

- (iii) information to assess financial stability, such as
 - shareholding pattern of the company,
 - the net worth, annual turnover and financial statements,
 - Solvency or Banker's Certificate issued by a Scheduled Bank,
 - Credit rating issued by credit rating agency registered by Securities and Exchange Board of India (SEBI);
- (b) Managerial capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) business model consisting of strategy and plan for the entire life cycle of the plant;
 - (ii) arrangements for assured fuel supply and heavy water (if applicable);
 - (iii) arrangements proposed and infrastructure planned for storing spent fuel and the radioactive wastes at site and its final disposal;
 - (iv) arrangements proposed for decommissioning taking into consideration the selected technology and design of plant or reactor;
 - (v) arrangements with technology developers or providers, system integrators, designers, and other nuclear supply chain entities, service providers, etc;
 - (vi) management system including details of: -
 - corporate or organisational policies,
 - organisational structure,
 - management of contracts and their interfaces,
 - allocation of roles and responsibilities for safety, security, safeguards, quality assurance, etc,
 - arrangements proposed to develop and maintain organizational resources and competencies;
- (c) Technical capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) experience (including that of any of the participating company in case of joint venture) of undertaking similar technology intensive works such as in nuclear power sector or other power sector or heavy engineering industries or other major accident hazard installations as defined under Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989;
 - (ii) plans to make available trained and qualified human resource, particularly in areas of core nuclear engineering and other technical skills such as reactor operations, reactor physics, thermal hydraulics, nuclear fuel cycle technology, radiation protection, safety analysis, physical protection system, quality assurance and quality control, nuclear material accounting, fuel handling, etc, with capability to take informed decisions;
 - (iii) arrangement to provide design support throughout the lifetime of plant or reactor and arrangements for overseeing and auditing designers, manufacturers, suppliers and contractors;
 - (iv) arrangement for qualification and certification of persons as per the regulations of the Board.

(2) Without prejudice to sub-rule (1), where the applicant is a newly formed entity, information shall be provided on —

- (a) shareholding pattern of the company;
- (b) shareholders agreement;
- (c) statements of assets, liabilities, and capital structure as of the date of the application;

- (d) arrangements with entities relied upon for financial assistance and information on financial capability of such entities, and
- (e) where such applicant relies upon parent company or the promoter group company for sources of funds and to meet other obligations, information shall be provided on —
 - (i) extent of control exercised by the parent company or promoter group company over the newly formed applicant;
 - (ii) financial capability of each of the parent company or promoter group company or other corporate affiliate to meet its commitments to the newly formed applicant; and
 - (iii) a legally binding undertaking supported by a resolution from the board of parent company or promoter group company or other corporate affiliates to indemnify the applicant to the extent that it relies on them to meet its obligations.

9. Terms and Conditions of Licence: (1) Upon the grant of licence, the licensee shall obtain design approval from the Board as referred in proviso to sub-rule (1) of rule 7 and also safety authorization from the Board for siting, construction, commissioning, operation and decommissioning of the plant or the reactor, in accordance with the provisions of the regulations.

(2) The person granted licence or to whom licence has been transferred in accordance with these rules shall demonstrate to the licensing authority the compliance with conditions specified in the licence for each of the licensing hold points, which *inter alia* includes —

- (a) before start of construction: -
 - (i) ownership or possessory rights of the site and availability of design approval from Board;
 - (ii) implementation of safeguards by design and security by design;
 - (iii) availability of valid contracts with technology provider, system integrators, designers, and other nuclear supply chain entities, quality assurance agencies and other service providers, etc
 - (iv) availability of qualified persons certified by Board for various positions relevant to construction and quality assurance.
- (b) before receipt of nuclear fuel at site, compliance with implementation of security and safeguards measures;
- (c) before initial loading of nuclear fuel: -
 - (i) availability of contracts of assured supply of nuclear fuel and heavy water (if applicable)
 - (ii) availability of a management system that supports informed decision making in the interest of safety, security and implementation of safeguards and handling any emergency situations;
 - (iii) availability of qualified persons certified by Board for various positions relevant for operation and crisis management, quality assurance, radiation protection, etc;
 - (iv) arrangements for quality assurance, environmental surveillance, radiation protection and dosimetry services, calibration tests and measurements of devices and equipment during operation of the plant or reactor;

- (v) arrangements with district authorities, state authorities and other dedicated emergency response agencies for implementation, periodic review and testing of off-site emergency preparedness plans and response measures;
 - (vi) availability of adequate infrastructure and financial resources for safe management of spent fuel and radioactive wastes at site and arrangements for their final disposal;
 - (vii) contracts or other arrangements with relevant transmission or Power Grid Corporation of India for supply of electricity or for other services in relation to disposal of nuclear energy;
 - (viii) availability of insurance policy or other financial security to cover civil liability for nuclear damage and other liabilities as per Part-B of Chapter VI of these rules;
 - (ix) reasonable assurance of obtaining the funds necessary to cover estimated operating costs for the period of the licence including ageing management;
 - (x) decommissioning strategy and financial security arrangements for decommissioning and site remediation as specified in rule 111.
- (d) before renewal of licence, a confirmation from Board on the life extension of the plant or reactor.

(3) Notwithstanding anything contained in clause (viii) of sub-rule (2), the obligations of licensee with respect to civil liability for nuclear damage may be exempted under Section 44 of the Act for research reactors and other reactors of such low power for which the integrated power level of the reactors at the site and the exclusion zone does not exceed the value notified by Central Government:

Provided that such notification of the exclusion zone shall be based on the acceptance of radiological impact assessment by the Board:

Provided further that nothing in this sub-rule shall be construed as absolving the licensee from maintaining sufficient financial security to cover other liabilities as per Part-B of Chapter VI of these rules;

Explanation: While, liability from nuclear damage may be exempted in accordance with section 44 of the Act where the risk is insignificant, licensees of such plants or reactors shall still be required to maintain sufficient financial security as provided in part-B of chapter VI of these rules.

Illustration:

If integrated power level is 30 MWth, then there could be either one reactor of 30 MWth or more than one reactor within the notified exclusion zone with the total integrated power not exceeding 30 MWth.

- (4) In accordance with clause (b) of sub-section (4) of section 3 of the Act, the spent fuel generated from nuclear power plant or reactor shall be safely stored for a cooling period of such duration to be determined by the Board before it is either —
- (a) repatriated to the country of origin in case the nuclear fuel assemblies or bundles, if there is a contractual obligation, or
 - (b) delivered to Central Government in case the nuclear fuel assemblies or bundles were domestically fabricated from fuel material of foreign or indigenous origin;

and where the spent fuel is not intended to be repatriated, such transfer will be governed by the national spent fuel management policy:

Provided that where the spent fuel is being delivered to the Central Government, the Central Government may direct for its further storage in a facility having a valid licence and safety authorization under the Act till such duration till the related technology and facility with sufficient capacity is available for its subsequent management in accordance with the national spent fuel management policy.

(5) Any radioactive substance produced in, or material made radioactive by exposure to radiation incidental to production or use of nuclear energy in, a nuclear power plant or a reactor shall be transferred or otherwise disposed only with prior permission of the Central Government and in compliance with such conditions as it may impose or be delivered to the Central Government if so requisitioned under sub-section(1) of section 34 of the Act.

(6) The radioactive wastes generated from nuclear power plant or reactor, during commissioning, operation, maintenance or life extension shall be managed, stored, transferred or disposed in accordance with the directions of Central Government as per national radioactive waste management policy and strategies and under authorisation from the Board:

Provided that heavy water which cannot be further used due to high occupational dose considerations shall be safely stored in the plant premises and transferred at periodic intervals to the Central Government and cost of such transportation shall be borne by the licensee.

(7) Prior to undertaking decommissioning of the nuclear power plant or a reactor, the person granted licence or to whom licence has been transferred in accordance with these rules, shall demonstrate fulfilment of the conditions specified hereunder, namely —

- (a) availability of decommissioning schedule and plan including site remediation of radioactive waste storage or disposal sites;
- (b) availability of trained human resource capable for safe decommissioning of the plant and handling of radioactive material;
- (c) infrastructure, financial resources and arrangements for safe management of radioactive waste including its transfer or disposal;
- (d) availability of a management system that supports informed decision making in the interest of safety, security and implementation of safeguards and handling any emergency situations during decommissioning;
- (e) implementation of human reliability programme during decommissioning;
- (f) arrangements for settlement of claims for compensation arising from exposure to radiation or radioactive contamination; and
- (g) any other conditions as specified by the Central Government.

PART-B NUCLEAR FUEL FABRICATION FACILITIES

10. Licence for Fuel Fabrication facilities: (1) Subject to the provisions of these rules, for nuclear fuel fabrication including conversion and refining or any other associated activity if notified under clause (b) of sub-section (2) of section 3 of the Act, licence

may be granted to any eligible person specified in or expressly permitted by notification under sub-section (1) of section 3 of the Act to establish, operate, decommission that nuclear facility:

Provided that the license under this sub-rule shall be granted a single composite licence authorising the establishment, operation, decommissioning of the facility to which it relates and no licence shall be applied for, granted, divided, or severed under this sub-rule in respect of any of those activities separately.

(2) For the purpose of sub-rule (1), the eligible person may source the technology of a specific plant, whether of indigenous or of foreign origin, either from —

- (a) the original technology developer in accordance with sub-rule (1) of rule 24 or
- (b) from any eligible person who has been licensed in accordance with sub-rule (2) of rule 24 to source such technology from the original technology developer, hereinafter referred to as technology provider:

Provided that the technology provider shall ensure availability of design support and all necessary permissions and supporting documents from original technology developer unless there has been a complete transfer of technology:

Provided also that the person sourcing the technology shall ensure that all related Intellectual Property Rights vests with the technology developer.

(3) Without prejudice to the generality of the provisions of rule 24, for every import or domestic acquisition of technology referred in sub-rule (2), the grant of licence shall be subject to fulfilment of the conditions, namely —

- (a) the fabricated nuclear fuel is qualified for its intended use; and
- (b) the spent fuel generated thereof is amenable for management in accordance with national spent fuel management policy;
- (d) the technology imported or acquired domestically does not adversely affect the interest of India or does not constitute an unreasonable risk to public health and safety and is in conformity with the national policies framed under the Act;
- (c) such other conditions as may be specified by Central Government.

11. Applicant's capabilities: (1) The licence referred in rule 10 may be granted on availability of sufficient and suitable land for locating the facility and on assessment of credentials and such capabilities commensurate with the nature, complexity and type of the facility, namely —

- (a) Applicant's credentials in support of which information, including details of corporate form, governing board along with the mandate to carry out the intended business, key managerial personnel, shareholding pattern and control over shares, and such other information as specified in the application form.
- (b) Financial capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) cost estimates covering: -
 - an estimate of construction costs, including costs ascribable to the plant itself along with facilities for storage of radioactive wastes; and other related costs;

- operation and maintenance cost for the first five years including the cost of environmental surveillance, dosimetry, personal monitoring, quality assurance, training and skill development, etc.,
- (ii) financial plan showing internal and external sources of funds;
- (iii) information to assess financial stability such as: -
 - the net worth, annual turnover and financial statements;
 - Solvency or Banker's Certificate issued by a Scheduled Bank;
 - Credit rating issued by credit rating agency registered by Securities and Exchange Board of India (SEBI).
- (c) Managerial capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) business model consisting of strategy and plan for the entire life cycle of the plant;
 - (ii) arrangements for assured supply of source material or fissile material and other feed materials;
 - (iii) arrangements proposed and infrastructure planned for storing the radioactive wastes at site and their final disposal;
 - (iv) arrangements proposed for decommissioning;
 - (v) arrangements with technology developers or providers, designers, and other nuclear supply chain entities, service providers, etc;
 - (vi) management system including details of —
 - corporate or organisational policies,
 - organisational structure,
 - management of contracts and their interfaces,
 - allocation of roles and responsibilities for safety, security, safeguards, quality assurance, etc.,
 - arrangements proposed to develop and maintain organizational resources and competencies.
- (d) Technical capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —
 - (i) experience (including that of any of its participating company in case of joint venture) of undertaking similar technology intensive works such as in the nuclear sector, power sector, heavy engineering industries or other major accident hazard installations as defined under Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989;
 - (ii) plans to make available trained and qualified human resource, particularly in areas of core nuclear engineering and other technical skills such as nuclear fuel cycle technology, radiation protection, chemical and fire hazard analysis, physical protection system, quality assurance and quality control, nuclear material accounting, etc, with capability to take informed decisions;
 - (iii) arrangements for overseeing and auditing designers, manufacturers, suppliers and contractors for aspects affecting quality, safety, security and safeguards
 - (iv) arrangement for qualification and certification of persons as per the regulations of the Board.

(2) Save as otherwise provided in this rule, where the applicant is newly formed entity, provisions of sub-rule (2) of rule 8 shall apply.

12. Terms and Conditions of Licence: (1) Upon the grant of licence under rule 10, the licensee shall obtain safety authorization from the Board for siting, construction, commissioning, operation and decommissioning of that nuclear facility.

(2) The person granted licence or to whom licence has been transferred in accordance with these rules shall demonstrate to the licensing authority the compliance with conditions specified in the licence for each of the licensing hold points, which *inter alia* includes —

- (a) before start of construction: -
 - (i) ownership or possessory rights of the site;
 - (ii) implementation of safeguards by design and security by design;
 - (iii) availability of valid contracts with technology provider, system integrators, designers, and other supply chain entities, quality assurance agencies and other service providers, etc.
- (b) before receipt of source or fissile material at site, compliance with implementation of security and safeguards measures;
- (c) before commissioning with source or fissile material: -
 - (i) availability of contracts or arrangements of assured supply of source or fissile material and other feed materials, as applicable;
 - (ii) availability of a management system that supports informed decision making in the interest of safety, security and implementation of safeguards and handling any emergency situations;
 - (iii) availability of qualified persons certified by Board for various positions;
 - (iv) arrangements for quality assurance, environmental surveillance, radiation protection and dosimetry services, calibration tests and measurements of devices and equipment during operation of the plant;
 - (v) availability of adequate infrastructure and financial resources for safe management of radioactive wastes at site and arrangements for their final disposal;
 - (vi) contracts or other arrangements for supply of the fabricated nuclear fuel;
 - (vii) availability of insurance policy or other financial security to cover civil liability for nuclear damage and other liabilities as per Part-B of Chapter VI of these rules;
 - (viii) reasonable assurance of obtaining the funds necessary to cover estimated operating costs for the period of the licence including ageing management;
 - (ix) decommissioning strategy and financial security arrangements for decommissioning and site remediation as specified in rule 112.

(3) Nuclear fuel or any source material or fissile material or radioactive material produced including any material made radioactive by exposure to incidental radiation during fuel fabrication including associated activities like conversion or refining shall be transferred or otherwise disposed only with prior permission of the Central Government and in compliance with such conditions as it may impose or be delivered to the Central Government if so requisitioned under sub-section(1) of section 34 of the Act.

(4) The radioactive waste generated from nuclear fuel fabrication facility, during commissioning, operation, maintenance, life extension or decommissioning shall be managed, stored, transferred or disposed in accordance with the directions of Central

Government as per national radioactive waste management policy and strategies and under authorisation from the Board.

(5) Prior to undertaking decommissioning of the nuclear facility, the person granted licence or to whom licence has been transferred in accordance with these rules, shall demonstrate fulfilment of the conditions specified in sub-rule (7) of rule 9.

PART-C
EXPLORATION AND MINING

13. Exploration of uranium and thorium: (1) The Central Government empowers Atomic Minerals Directorate for Exploration and Research to undertake any exploration activity under sub-section (1) of section 5 of the Act for the purpose of discovering uranium and thorium or any other prescribed substance present in any mineral either in natural state, onshore or offshore, or in waste material or in any other material.

(2) Where the exploration is likely to subject an individual to radiation exposure, safety authorisation from the Board shall be necessary unless exempted in accordance with the notification issued by the Board.

Explanation: Any other person as permitted under the Mines and Minerals (Development and Regulation) Act, 1957 may also carry out exploration for discovery of minerals referred in this rule.

14. Mining of uranium and thorium: (1) Subject to the provisions of these rules, for mining of minerals of uranium and thorium with grade equal to or above the threshold as notified by Central Government, licence may be granted in accordance with sub-section (2) of section 5 of the Act only to Government or such Government Company or corporation owned or controlled by Government which has been nominated by the Central Government under the provisions of Atomic Minerals Concession Rules, 2016 to work upon that mine and its subsequent closure and decommissioning.

(2) Licence, as specified in sub-rule (1), may also be required for working of any other mine from which uranium, thorium or any other prescribed substance can be reasonably isolated or extracted if specified by the Central Government by order under sub-section (3) of section 5 of the Act.

Explanation:

- (a) The minerals referred in sub- rule (1) are primary source for extraction of uranium or thorium.
- (b) The minerals referred in sub-rule (2) are secondary sources for extraction of uranium or thorium such as copper ores, niobium ores etc.

15. Applicant's capabilities: The licence referred in rule 14 may be granted on fulfilment of the conditions, in support of which information, including but not limited to the following, shall be provided in specified forms, namely—

- (a) availability of valid mining concessions under the prevalent mining laws of Government of India;

- (b) mining plan including the scheme for disposal of mine waste and effluent approved by the Atomic Minerals Directorate for Exploration and Research or any other authority under the prevalent mining laws of Government of India;
- (c) arrangements for settlement of claims for compensation arising from radiation or radioactive contamination.
- (d) legally binding undertaking as an assurance towards safe decommissioning or closure of the mine. as specified in rule 112.

16. Terms and Conditions of Licence: (1) Upon the grant of licence under sub-rule (1) of rule 14, the licensee shall obtain safety authorization from the Board for working of the mines and its subsequent closure and decommissioning.

(2) Where the mining activity permitted under sub-rule (2) of rule 14 is likely to subject an individual to radiation exposure, safety authorisation from the Board shall be necessary unless exempted in accordance with the notification issued by the Board.

(3) Uranium or thorium mined under sub-rule (1) of rule 14 or any minerals mined under sub-rule (2) of rule 14 containing uranium and thorium with grade equal to or above the threshold notified by Central Government shall be transferred or otherwise disposed of only with prior permission of Central Government and in compliance with such conditions as it may impose or be delivered to the Central Government if so, requisitioned under sub-section (1) of section 34 of the Act:

Provided that where the grade of such mineral is below the threshold value and its subsequent beneficiation may result in concentrating the uranium and thorium above the threshold, it shall be handled and disposed of in accordance with order issued by the Central Government in respect of conservation of minerals and in accordance with the radiation safety guidelines of the Board, wherever applicable.

(4) The drill cores, drilled samples and other wastes generated during exploration activities and mine waste or tailings generated from working of mines shall be managed, stored and disposed in accordance with the directions of Atomic Minerals Directorate for Exploration and Research as per national radioactive waste management policy and strategies and following radiation safety instructions of or under authorisation from the Board, as may be necessary.

(5) Prior to undertaking decommissioning of the mine, the person granted licence or to whom licence has been transferred in accordance with these rules, shall demonstrate fulfilment of the conditions specified hereunder, namely —

- (a) final mine closure plan including the scheme for disposal of mine effluent and waste approved by the Atomic Minerals Directorate for Exploration and Research or any other authority under the prevalent mining laws of Government of India;
- (b) site remediation plan after mine closure;
- (c) arrangements for settlement of claims for compensation arising from exposure to radiation or radioactive contamination;
- (d) any other condition as specified by the Central Government.

(6) In relation to any mine referred in rule 14, the owner of the mine shall additionally comply with the provisions of the Occupational Health Safety and Working Conditions Code, 2020 and applicable rules thereunder.

PART-D MILLING, ORE PROCESSING AND OTHER PLANTS

17. Licence for extraction of uranium, thorium and other prescribed substances:

Subject to the provisions of these rules, licence may be granted to any eligible person to establish, operate, decommission a plant engaged in —

- (a) extraction of uranium or thorium from primary sources namely through working of minerals (other than mining) of uranium and thorium including milling and processing of their ores, specified under sub-section (2) of section 5 of the Act;
- (b) extraction of uranium and thorium from secondary sources namely through working of such minerals (other than mining) or treating or concentrating any material or substance from which uranium or thorium can reasonably be isolated or extracted, if specified by the Central Government by order under sub-section (3) of section 5 of the Act.
- (c) processing or production of any other prescribed substances if notified by Central Government under clause (b) of sub-section (2) of section 3 of the Act or where such other prescribed substance may reasonably be isolated or extracted from any mineral or from treating or concentrating any material if specified by the Central Government by order under sub-section (3) of section 5 of the Act.

Explanation:

- (a) The minerals referred in clause (a) are primary sources of uranium or thorium and includes the atomic minerals listed under First Schedule of Part-B of the Mines and Minerals (Development and Regulation) Act, 1957.
- (b) The minerals, substances or material referred in clause (b) includes secondary sources of uranium or thorium such as columbite tantalite ore, copper tailings, sea water, red mud, etc,
- (c) Other prescribed substances referred in clause (c) means prescribed substances other than uranium and thorium, and isotopic separation of such prescribed substances shall remain under exclusive control of Central Government unless otherwise notified under the Act.

18. Applicant's capabilities: (1) The licence referred in rule 17 may be granted on availability of sufficient and suitable land for locating the plant and on assessment of credentials and such financial, managerial and technical capabilities commensurate with the nature, complexity and type of the facility, in support of which, information including but not limited to the following shall be provided in specified forms, namely —

- (a) Applicant's credentials including details of corporate form, governing board along with the mandate to carry out the intended business, key managerial personnel, shareholding pattern and control over shares, as applicable, in respect of plants referred in clause (b) and (c) of rule 17
- (b) Management system including details of: -

- corporate or organisational policies,
 - organisational structure,
 - management of contracts and interfaces,
 - allocation of roles and responsibilities for quality assurance, safety, security and safeguards, as applicable, etc., and
 - arrangements to develop and maintain organizational resources and competencies;
- (c) arrangements for assured supply of source material and infrastructure planned for storing and final disposal of radioactive wastes and ore processing tailings;
 - (d) arrangements for overseeing and auditing manufacturers, suppliers and contractors for aspects affecting quality and capability to take informed decisions;
 - (e) arrangements proposed for decommissioning of the plant including tailings disposal sites and site remediation;
 - (f) plans to make available trained and qualified human resource, particularly in areas of core engineering and other related technical skills, radiation protection, chemical and fire hazard analysis, etc. with capability to take informed decisions;
 - (g) availability or reasonable assurance of obtaining the funds necessary to cover estimated construction costs, including a financial plan describing sources of funds in respect of plants referred in clause (b) and (c) of rule 17.
- (2) Save as otherwise provided in this rule, where the applicant as referred in clause (b) and (c) of rule 17 is newly formed entity, provisions of sub-rule (2) of rule 8 shall apply.

19. Terms and Conditions of Licence: (1) Upon the grant of licence under clause (a) of rule 17, the licensee shall obtain safety authorization from the Board for siting, construction, commissioning, operation and decommissioning of that plant.

(2) Where any processing, treating or concentrating activity, either permitted under licence under clause (b) and (c) of rule 17 or with conditions imposed by order under sub-section (3) of section 5 of the Act, is likely to subject an individual to radiation exposure, safety authorisation from the Board shall be necessary, unless exempted in accordance with the notification issued by the Board.

(3) The person granted licence or to whom licence has been transferred in accordance with these rules shall demonstrate to the licensing authority the compliance with conditions specified in the licence for each of the licensing hold points, which *inter alia* includes —

- (a) before start of construction
 - (i) ownership or possessory rights of the site;
 - (ii) availability of valid contracts with technology provider, designers, supply chain entities, quality assurance agencies and other service providers, etc.
- (b) before commissioning with source material or other prescribed substances: -
 - (i) availability of contracts or arrangements of assured supply of source material and other feed materials, as applicable;
 - (ii) availability of a management system that supports informed decision making in the interest of safety, security and implementation of safeguards and handling any emergency situations;
 - (iii) availability of qualified persons including certified persons by Board;
 - (iv) arrangements for quality assurance, environmental surveillance, radiation protection and dosimetry services, calibration tests and measurements of devices and equipment during operation of the plant;

- (v) availability of adequate infrastructure and resources for safe management of radioactive wastes and ore processing tailings and arrangements for their final disposal;
- (vi) contracts or other arrangements for supply of the prescribed substance produced;
- (vii) availability of financial security to cover liability under Part-B chapter VI of these rules.;
- (viii) reasonable assurance of obtaining the funds necessary to cover estimated operating costs for the period of the licence including ageing management in respect of plants covered under clause (b) and (c) of rule 17;
- (ix) decommissioning strategy and financial security arrangements for decommissioning and site remediation as specified in rule 112.

(4) Subject to the provisions of section 44 of the Act, Uranium and thorium isolated or extracted or concentrated, including in any tailings, reject, byproduct or residue, beyond the proportion notified by the Central Government under sub-section (5) of section 5 of the Act, shall be transferred or otherwise disposed only with prior permission of the Central Government and in compliance with such conditions as it may impose or be delivered to the Central Government if so requisitioned under sub-section(1) of section 34 of the Act:

Provided that use of small quantities of natural uranium or thorium in excess of the exempt quantities notified under section 44 of the Act may be permitted by Central Government for the purpose of examination, test, analysis, research or any other non-nuclear applications in accordance with sub-section (2) of section 34 of the Act.

(5) Use and disposal of any other prescribed substance referred in clause (c) of rule 17 shall also require a prior permission from Central Government.

(6) The radioactive waste or tailings generated from milling and processing of uranium and thorium ores under clause (a) of rule 17 shall be managed, stored and disposed in accordance with the directions of Central Government as per national radioactive waste management policy and strategies and under authorisation from the Board.

(7) The radioactive waste generated from treating or concentrating any mineral or substance or material under clause (b) and (c) of rule 17 or any tailings, reject, byproduct or residue containing uranium and thorium below the proportion notified under sub-section (5) of section 5 of the Act or which in the opinion of Central Government does not have any foreseen use shall be handled, stored and disposed as hazardous substance in accordance with the provisions of the Environment (Protection) Act, 1986 and with such additional measures as may be specified by Central Government from safety and security considerations, based on the recommendations of Standing Committee constituted by Central Government as per Schedule-I .

(8) Prior to undertaking decommissioning of the plant, the person granted licence or to whom licence has been transferred in accordance with these rules, shall demonstrate fulfilment of the conditions specified hereunder, namely —

- (a) availability of schedule and plan for decommissioning and site remediation of the plant and radioactive waste management sites including tailings disposal sites;

- (b) availability of trained human resource capable for safe decommissioning of the plant and handling of radioactive material;
- (c) infrastructure, financial resources and arrangements for safe management of radioactive waste including its transfer or disposal;
- (d) availability of a management system that supports informed decision making in the interest of safety, security and handling any emergency situations during decommissioning;
- (e) arrangements for settlement of claims for compensation arising from exposure to radiation or radioactive contamination; and
any other conditions as specified by the Central Government.

PART-E

MANUFACTURE OF RADIATION SOURCES AND NON-POWER APPLICATIONS

20. Manufacture of Radiation Sources: Subject to the provisions of these rules, licence may be granted to any person for manufacture of such category or class of radioactive substances and high energy radiation generating equipment, as notified by the Central Government under sub-section (2) of section 4 of the Act, to establish, operate and decommission that plant.

Explanation:

The notification referred in this rule shall take into account the classification of radiation sources by the Board on the basis of their associated radiation hazard potential and high energy radiation generating equipment such as particle accelerators and fusion devices, etc.

21. Applicant's capabilities: The licence referred in rule 20 may be granted on availability of sufficient and suitable land for locating the plant and on assessment of credentials and such financial, managerial and technical capabilities commensurate with the nature, complexity and type of the facility, in support of which, information including but not limited to the following shall be provided in specified forms, namely —

- (a) applicant's credentials including details of corporate form, governing board along with the mandate to carry out the intended business, key managerial personnel, shareholding pattern and control over shares, as applicable;
- (b) availability of a management system that support informed decision making in the interest of safety, security, safeguards (if applicable) and handling any emergency situations;
- (c) arrangements for procurement of radioactive material for manufacture of radiation sources;
- (d) availability of financial security for radiation damage as per Part-B of Chapter VI of these rules and for safe decommissioning and disposal of radiation sources as specified in rule 112;
- (e) implementation of security measures including human reliability programme, availability of approved security Plan and safeguard measures, as applicable;
- (f) availability of adequate infrastructure and arrangements for safe management of radioactive wastes and disposal of radiation sources;

- (g) reasonable assurance of obtaining the funds necessary to cover estimated construction cost and operating costs for the period of the licence including ageing management.

22. Terms and Conditions of Licence: (1) Upon the grant of licence under sub-rule (1) of rule 20, the licensee shall obtain safety authorization from the Board for siting, construction, commissioning, operation and decommissioning of that plant.

(2) Radiation source or any radioactive material produced including any material made radioactive by exposure to incidental radiation during manufacture of radiation sources shall be transferred or otherwise disposed only with prior permission of the Central Government and in compliance with such conditions as it may impose or be delivered to the Central Government if so requisitioned under sub-section (1) of section 34 of the Act.

(3) The licensee shall make necessary arrangements for testing of the radiation source and obtaining type approved from the Board before its supply to users and making necessary financial provisions for collection and disposal of spent and disused radiation sources from the users.

(4) The radioactive waste generated during manufacture of radiation sources and the disused or spent radiation sources returned by the users shall be managed, stored, transferred and disposed in accordance with the directions of Central Government as per national radioactive waste management policy and strategies and under authorisation from the Board.

(5) Prior to undertaking decommissioning of the plant, the person granted licence or to whom licence has been transferred in accordance with these rules, shall demonstrate fulfilment of the conditions specified hereunder, namely —

- (a) availability of decommissioning schedule and plan including site remediation of radioactive waste storage or disposal sites;
- (b) availability of trained human resource capable for safe decommissioning of the plant and handling of radioactive material;
- (c) infrastructure, financial resources and arrangements for safe management of radioactive waste including its transfer or disposal;
- (d) availability of a management system that supports informed decision making in the interest of safety, security and handling any emergency situations during decommissioning;
- (e) arrangements for settlement of claims for compensation arising from exposure to radiation or radioactive contamination; and
- (f) any other conditions as specified by the Central Government.

23. Use of radiation sources in non-power applications: The safety authorisation under subsection (1) of section (4) of the Act for use of radiation sources in non-power applications shall be issued by the Board, only on —

- (a) availability of security plan as approved by the Central Government for facilities using, storing or disposing Category –I radiation sources or such other radiation sources including high energy radiation generating equipment as may be notified by Central Government, for which requisite information and particulars as specified by the Central Government shall be submitted to the Board;

- (b) ascertaining the arrangement with supplier for safe decommissioning and returning the spent or disused radiation source, either for repatriation back to original supplier in case of imported radiation source or its safe management and disposal in the country, in case of indigenously procured radiation source;
- (c) verification of the availability of financial security for radiation damage as per Part-B of Chapter VI of these rules:

Provided that Board may seek the views of the Central Government on any aspects related to financial security and security of radiation sources and the radiation facility prior to issuance of safety authorisation.

Explanation: Category I radiation sources shall be as per the classification of radiation sources specified by the Board.

PART-F FOREIGN AND DOMESTIC TRADE AND TRANSPORTATION

24. Licence for Import, Export, acquisition, transportation: (1) Subject to the provision of these rules, licence may be granted for -

- (a) import, export, acquisition or possession of nuclear fuel or prescribed substance; or
- (b) transportation or storage of nuclear fuel or spent fuel or any other prescribed substance; or
- (c) import, export or acquisition of prescribed equipment or;
- (d) import or export of any technology or software, that may be used for the development, production or use of prescribed substance or prescribed equipment;
- (e) import and export of such category or class of radioactive substances and high energy radiation generating equipment, as notified by the Central Government under sub-section (2) of section 4 of the Act:

Provided for import of technology of any specific model of nuclear power plant or reactor or nuclear fuel fabrication facility, the conditions specified in sub-rule (3) of rule 3 or sub-rule (2) of rule (10) shall apply:

Explanation: Licence for acquisition of prescribed equipment referred in clause (c) is intended only for imported prescribed equipment and excludes acquisition of prescribed equipment manufactured domestically, unless otherwise specified by Central Government. Likewise, licence is ordinarily not intended for any person manufacturing prescribed equipment in the country for use by a licensee of any facility. Nevertheless, for ensuring quality of the manufactured systems, structures or components, Central Government and the Board shall have the powers to visit and inspect the premises where prescribed equipment are manufactured in the country.

(2) The licence referred to in sub-rule (1) may be granted to any person specified in or expressly permitted by notification under sub-section (1) of section 3 of the Act permitting to undertake any activity referred in clause (a) to (d) of sub-rule (1), or any person permitted to undertake activity referred in clause (e) of sub-rule (1), on assessment of credentials and capabilities in support of which information, including but not limited to the following, shall be provided in specified forms, namely —

- (a) applicant's credentials including details of corporate form, governing board along with the mandate to carry out the intended business, key managerial personnel, shareholding pattern and control over shares, as applicable;
- (b) availability of a management system that support informed decision making in the interest of safety, security, safeguards and handling any emergency situations in respect of any material or substance, equipment referred in sub-rule (1);
- (c) declaration of compliance with the guidelines for nuclear transfer (exports), as applicable, notified by Central Government from time to time and such other requirements, as may be specified by Central Government for export of material, prescribed substance, equipment or technology referred in sub-rule (1);
- (d) declaration to comply with the technology imported or acquired does not adversely affect the interest of India or does not constitute an unreasonable risk to public health and safety with commitment to comply with requirements of 'restricted information' as per section 39 of the Act;
- (e) legally binding undertaking, financial security assurance and arrangement for repatriation of imported sealed radiation source to the original supplier for its safe management.

(3) Any person who has been granted the licence referred in sub-rule (1) of rule 3, rule 10, rule 14, rule 17 or rule 20 (hereinafter referred to as principal licence) shall be deemed to have a licence for the activities referred to in sub-rule (1) and such licence

- (a) shall be co-extensive with, and limited in scope to, the principal licence, and shall extend only to such nuclear fuel, spent fuel, prescribed substance, prescribed equipment, radioactive substance, high energy radiation generating equipment, technology or software, and to such quantities thereof, as are required for, or connected with, the facility, plant, mine or activity authorised by the principal licence;
- (b) shall be subject to the terms and conditions of the principal licence and to the provisions of the Act and these rules; and
- (c) shall take effect, remain in force and expire with the principal licence, and upon the suspension, modification cancellation, curtailment of duration, or transfer of the principal licence, shall stand correspondingly suspended, cancelled, curtailed, surrendered or transferred:

Provided that nothing in this sub-rule shall dispense with the requirement of obtaining any permission under rule 25, or any safety authorisation or other approval required under the Act, these rules or the regulations, in respect of any activity referred to in sub-rule (1).

- (4) Save as otherwise provided in these rules, for any facility or plant associated with –
 - (a) the storage or possession of aforementioned substance or material or equipment; or
 - (b) management including storage or disposal of any radioactive waste including tailings from ore processing except the radioactive waste arising from the activities exclusively under the control of Central Government under sub-section (5) of section 3 of the Act;
 - (c) management including storage or disposal of decayed or disused or orphan or legacy radiation sources or incidental radioactive material;a licence may be granted to establish, operate and decommission that facility or plant, on availability of sufficient and suitable land for locating the facility or plant and on

fulfilment of the conditions in support of which, information shall be provided in specified forms:

Provided that upon grant of licence, the licensee shall obtain safety authorization from the Board for siting, construction, commissioning, operation and decommissioning of that plant or facility, unless the facility is exempted in accordance with the notification issued by the Board.

Explanation:

- (a) Storage referred in this rule includes storage incidental to carriage, interim storage of the material or radioactive waste or article, as the case may be prior to their disposal or for keeping such material or radioactive waste or article stored with an intention of their retrieval at any time in future.
- (b) Plant or facility referred in this rule does not preclude a plant or facility intended for combined storage and disposal for which a decision may be made, at time of its closure, regarding the intention to retrieve the stored material or to dispose it.

25. Permissions for associated activities: The person possessing a valid licence as per sub-rule (1) or sub-rule (4) of rule 24, shall obtain a permission from Central Government for every —

- (a) transfer of such substance, material connected with foreign or domestic trade;
- (b) transfer of such equipment connected with foreign trade; or
- (c) consignment for transportation of such material or substance, except in respect of clause (e) of sub-rule (1) of rule 24, for which safety authorisation from the Board shall suffice.

26. Permission for Import and Export: For every permission for foreign or domestic trade of any substance or equipment referred in rule 25, the licensee shall demonstrate fulfilment of the conditions in support of which information, including but not limited to the following, shall be provided in specified forms, namely —

- (a) implementation of security measures including human reliability programme and such safeguard measures as specified by Central Government;
- (b) undertaking that the import of such material or equipment does not adversely affect the interest of India, and does not constitute an unreasonable risk to public health and safety;
- (c) adequate arrangements and resources necessary for safe handling of the material and disposal of radioactive wastes arising from its use;
- (d) availability package design approval from the Board in respect of foreign and domestic trade of prescribed substance which is radioactive in nature or type approval or No-Objection Certificate from the Board in respect of prescribed equipment which emits radiation, unless the exposure from the prescribed substance or prescribed equipment is exempted in accordance with the notification issued by the Board.

Explanation:

- (a) Transboundary movement of radioactive wastes, spent or disused sources shall be effected only under a multilateral arrangement or under provision of a trade agreement calling for repatriation of the imported radiation source;

- (b) Transboundary movement of spent fuel shall be effected only in accordance with the trade agreement calling for repatriation of the spent fuel to the country of origin and where necessary, under an intergovernmental agreement.

27. Permission for transport consignments: For every permission for transportation as referred in rule 25 including storage incidental to carriage of such substance or material, the licensee shall demonstrate fulfilment of the conditions in support of which information, including but not limited to the following, shall be provided in specified forms, namely —

- (a) transportation route and implementation of physical protection system as approved by the Central Government;
- (b) contingency plan to deal with any security related event during transportation including communication arrangements with the concerned agencies;
- (c) information of physical form, composition, quantity, and mode of transport;
- (d) package design approval from the Board for transport of prescribed substance which is radioactive, unless the exposure from the prescribed substance is exempted in accordance with the notification issued by the Board;
- (e) details of agreement entered between the consignor and the consignee;
- (f) insurance policy or other financial security to meet the extent of civil liability for nuclear damage as specified in Second Schedule of the Act;
- (g) arrangements for settlement of claims for compensation arising from radiation or radioactive contamination, other than nuclear damage.

PART-G RESEARCH AND DEVELOPMENT

28. Research and Development: (1) For carrying out research, development, design and innovation in matters related to nuclear energy and radiation for the peaceful purposes as permitted under section 9 of the Act including any work on —

- (a) development of prescribed equipment; or
- (b) technology and software in relation to the development, production or use of prescribed substance or prescribed equipment,

no licence or safety authorization shall be required from the Central Government or the Board:

Provided that such research is of such nature for which no handling of source material or fissile material or any radioactive material is needed such as theoretical design of reactor technologies, fuel design, modelling and simulation, manufacture and type test of new equipment and systems, full scale test facilities and the like:

Provided further that it shall be responsibility of the researcher to ensure that the research undertaken is intended for peaceful purposes of nuclear energy.

(2) For setting up of laboratory scale or bench scale research facilities including nuclear fusion devices, which may require handling of small quantities of source material or fissile material or any radioactive material as notified, no license will be required from Central Government.

(3) Notwithstanding anything contained above,

- (a) handling of source or fissile material under sub-rule (2) shall be subjected to security and safeguards requirements, as applicable, unless exempted in accordance with the notification issued under section 44 of the Act;
- (b) use of radioactive substances under sub-rule (2) or where such research and development activity is likely to subject an individual to radiation exposure, safety authorisation from Board shall be necessary, unless exempted in accordance with the notification issued by the Board.

PART-H
FORM AND MANNER FOR GRANT OF LICENCE

29. Application for licence: (1) An application for licence to set up any facility or plant or a factory or mine or undertake any activity including related permission shall be made to the licensing authority by the employer of the facility or the occupier of the factory or the owner of the mine, or any person who has the ultimate control over the activity being undertaken.

(2) The information in support of the conditions precedent for grant of licence including related permissions, for different types of facilities, plants, mines and activities, shall be furnished to the licensing authority in such forms along with such accompanying documents as specified by the Central Government from time to time.

(3) The applicant shall clearly declare and delineate any information that is strategic, sensitive, proprietary, or relating to commercial confidence, trade secrets, etc.

30. Admittance of application: (1) Upon receipt of the application, the licensing authority shall refer the application accompanied by supporting documents and information to concerned group in the Central Government for an initial scrutiny towards admittance of the application, taking into consideration the following aspects, namely —

- (a) the application for such licence or permission is for purposes envisaged by the Act and does not adversely affect the defence and security of India or does not constitute an unreasonable risk to public health and safety;
- (b) the applicant satisfies the eligibility criteria set out in sub-section (1) of section 3 of the Act in respect of facilities and activities for production or use or disposal of nuclear energy; and sub-section (2) of section 5 of the Act in respect of working of mines and minerals of uranium and thorium;
- (c) the applicant satisfies with the requirements regarding the form, and manner;
- (d) information and documentation are relevant to the licence including related permissions and complete in all respects.

(2) Where the initial scrutiny reveals that the information furnished is incomplete or inadequate, the licensing authority shall return the application within a period of sixty days.

(3) Upon admittance of the application, the applicant shall pay such fees as may be notified by Central Government from time to time, for different types of facilities, plants, mines and activities, taking into considerations technology, complexities involved and other such factors.

(4) All fees and charges payable to the Central Government shall be paid by such mode as may be notified by the Central Government.

31. Evaluation of Admitted Application: (1) Upon admittance of the application, evaluation of the application shall be undertaken including conduct of inspection, if required, to verify correctness of furnished information.

(2) For the purpose of sub-rule (1), the Central Government may institute a mechanism which may include, —

- (a) issuance of documents containing, requirements, criteria, guidelines and such other supporting documents as may be necessary for facilitating the evaluation by licensing authority;
- (b) constitution of licensing committee(s), involvement of experts, engagement with stakeholders and taking into account feedback from operational experiences and practices at national and international level;
- (c) authorisation of staff and posting of resident officers and employees at site for conduct of inspections.

(3) The licensing committee(s) constituted as per sub-rule (2) may seek any additional information in support of the application as it may deem necessary for the purpose of evaluation of the application and shall satisfy itself with the applicant credentials, capabilities and such other requirements or criteria, supporting documents issued by the Central Government as relevant to the licence or permission, along with outcome of inspections if conducted.

(4) During the process of evaluation of the application, the licensing committee may invite applicant or his representative to make presentations and provide clarifications, as may be required.

32. Issuance of licence: (1) The licence under the Act including related permissions shall be granted by the licensing authority on behalf of the Central Government, taking into account the recommendations of licensing committee wherever applicable, in accordance with the provisions of the Act and these rules.

(2) The licensing authority, based on the recommendations of licensing committee may also specify such licensing hold points at any stage in the life time of the plant or facility or mine, and work cannot proceed beyond such hold point without satisfactory verification of compliance of specified conditions.

(3) Unless otherwise specified by notification, the licence for a facility or a plant or a mine shall be issued within a period of one hundred and eighty days and related permission within sixty days from the date of its admittance

Provided that all the requirements for issuance of the licence have been duly fulfilled and all information sought has been duly furnished.

33. Validity of licence: (1) The validity of licence in respect of a —

(a) facility or plant and associated activities including import, export and transportation, shall be for such period as specified in the licence by the licensing authority, whichever is less;

(b) mine, for a period upto which mining concessions have been granted:

Provided that every permission for import, export or domestic trade shall be valid for one year and every permission for transportation shall be valid for six months.

Explanation: In relation to nuclear power plant or a reactor, the period of licence shall ordinarily be determined based on the design life of the plant or reactor as provided by the technology provider.

(2) Before expiry of the validity of the licence, the licensing authority may either renew the licence to such further period as deemed appropriate based on an application for further operation of the plant or facility or mine, or may extend the licence for undertaking the decommissioning.

(3) For any renewal of licence referred in sub-rule (2) beyond the design life, the application for life extension shall be submitted sufficiently well in advance in such form and manner and accompanied by such documents and fees as specified by the Central Government and decision on such renewal shall be subject to receipt of a written confirmation from the Board on the safe operability of the plant for the period considered for renewal.

34. Refusal of licence: (1) The licensing authority after admittance of the application, may refuse to issue a licence when it is of the opinion that —

- (a) the conditions precedent as relevant for the facility or plant or mine are not complied with;
- (b) the person is not be capable of discharging its roles and responsibilities for safety, security and implementation of safeguards, quality assurance, radioactive waste management, etc.;
- (c) the person does not comply with the national policies or has been convicted of any offence under the Act; or
- (d) where there is reasonable ground to apply the provisions of sub-section (4) of section 7 of the Act.

(2) The reasons of refusal of licence shall be recorded and communicated to the applicant.

35. Modification in licensed facility, mine or activity: For any modification in the licensed facility, plant, mine or activity including change in the working conditions affecting safeguards or security, or affecting emergency planning, preparedness and response, or if there is any material change in information or commitment or undertaking based on which a licence was granted, the licensee shall obtain a prior permission from the licensing authority:

Provided that in case of any other change, licensee shall inform the licensing authority.

36. Transfer of Licence: (1) For transfer of licence, an application shall be made to the licensing authority in such form along with such accompanying documents as specified by the Central Government from time to time.

(2) Fees accompanying the application for transfer of licence shall be the same as applicable for a fresh application or as specified by the Central Government.

(3) The licensing authority may permit any transfer of licence under sub rule (1) only after undertaking the complete evaluation of the credentials and capabilities of the person to whom such licence is being transferred.

(4) On and from the date of transfer of licence, all rights, duties, obligations, commitments, responsibilities and liabilities of the original holder of license under the Act, and rules and regulations thereunder shall get transferred to the person to whom the license has been transferred.

(5) Pursuant to such transfer, the transfer of safety authorisation shall be in accordance with the provisions of regulations.

37. Suspension, modification, curtailment, cancellation of licence: (1) The licensing authority may suspend, modify, curtail the duration or cancel the licence in accordance with the provisions of the Act including cases where it has come to his knowledge that the —

- (a) licence has been obtained by misrepresentation, or suppression of any material fact and such commission or omission poses a material risk to the continuity of operation of the licensed business in accordance with clause (c) of sub-section (2) of section 8 of the Act; or
- (b) licensee, subsequent to the grant of licence, has been convicted by a court in India for any offence under the Act.

(2) The licensing authority may obtain the views of the Board on radiation safety implications of cancellation of licence, and upon cancellation of licence, may issue such directions as may be necessary from safety, security, safeguards and liability considerations including directions for decommissioning of the facility or plant or mine.

CHAPTER-III

DUTIES OF LICENSEES AND OTHER PERSONS

(under sub-section (4) of section 4; sub-section (2) of section 10)

PART-A

GENERAL DUTIES OF LICENCEES & OTHER PERSONS

38. Compliance with Terms and Conditions by Licensee: (1) The licensee shall be responsible for complying with the terms and conditions of the Licence in a responsible manner, which inter alia includes informing the designers, technology providers, manufacturers and constructors, suppliers, contractors, consignors, carriers, service providers, emergency response agencies of their responsibilities either through contracts or other arrangements.

(2) Without prejudice to the generality of the foregoing provision, the licensee shall —

- (a) comply with the directions issued with respect to security and safeguards aspects in design, restricted information, prohibited area or any other directions issued by the licencing authority:

Provided that where any such directions issued have an implication on safety, the licensing authority may additionally direct the licensee to comply with the directions of the Board;

- (b) use prescribed substance or prescribed equipment only in accordance with the terms and conditions of the licence;
- (c) undertake activity only in a manner and for the purpose for which licence is granted;
- (d) comply with the provisions of safety, security and implementation of safeguards as provided in rules and regulations made under the Act;
- (e) comply with such directives or notice as may be issued or abide by such conditions imposed by the licensing authority;
- (f) ensure the decommissioning of the facility or plant or mine upon its permanent discontinuation or if directed by the Board;
- (g) not use the site of the decommissioned facility or plant or mine for any other purpose, unless he obtains the certificate of release from governmental control from Central Government:

Provided that on closure of radioactive waste disposal site, the institutional control shall be exercised by licensee, wherever applicable, in accordance with the directives of the Central Government.

Explanation: “institutional control” means controls or actions to preclude unauthorised human contact with radioactive waste and includes controlled access to the waste disposal site and to the restricted area around it, periodic inspection and surveillance of the said site and its restricted area, controlled productive use of the said restricted area and restrictions in the form of titles and deeds for land use.

- (h) ensure that export of material, equipment or technology or software is not used or diverted for research on development of or use in ‘nuclear weapon or nuclear explosive device’, having the same meaning as assigned under The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 [21 of 2005];
- (i) maintain such particulars and submit periodic reports and returns of exports, imports, acquisition, supply, transfer, accounting and inventory of source and fissile material, as required by the Central Government;
- (j) submit reports of security or safety related events to the Central Government and the Board, within their respective jurisdiction, as per rule 59 and applicable regulations;
- (k) provide the services of physicians with appropriate qualifications to undertake occupational health surveillance of radiation workers;
- (l) extend all assistance to authorised representative(s) of the Central Government or the Board to enable effective and unhindered inspection and investigation;
- (m) comply with any other conditions imposed or such other directions issued by the Central Government based on the national policies under section 32 of the Act;
- (n) comply with any other conditions imposed or such other directions issued by the Central Government based on the national policies under section 32 of the Act;
- (o) ensure availability of and compliance with other statutory approvals and clearances as relevant for the intended business.

39. Compliance with Occupational Health Safety and Working Conditions Code, 2020: In relation to factories belonging to Central Government or Company wholly owned or controlled by Central Government, the occupier of the factory shall additionally comply with the provisions of the Occupational Health Safety and Working Conditions Code, 2020 and applicable rules thereunder as prescribed by Central Government in accordance section 42 of the Act.

40. Employment of workers: (1) No person under the age of —

- (a) 18 years shall be employed as a radiation worker;
- (b) 16 years shall be taken as trainee or employed as an apprentice for radiation work.

(2) Every employer of a facility, occupier of a factory or owner of a mine shall ensure that the licensee or the holder of safety authorisation, as the case may be, —

- (a) provide instructions to all radiation workers on effects of radiation involved in their work and the precautions to be taken and make them familiarised with the safety requirements, radiation protection procedures and the emergency response plans;
- (b) make special arrangements or modify working conditions of a pregnant or lactating radiation worker;
- (c) provide the employees employed inside the facility or plant or mine or while undertaking an activity, other than radiation workers, and are not normally likely to be occupationally exposed to radiation, with the same level of protection against such exposure as member of the public;
- (d) furnish to each radiation worker the dose records and health surveillance reports annually or as and when requested by the radiation worker and at the termination of his service;
- (e) assign alternative work to the workers who are required to discontinue the radiation work as per the directives of the Board until they are found fit by the Board to resume radiation work.

41. Management of records: Every employer of a facility, occupier of a factory or owner of a mine shall ensure that —

- (a) records of radiation surveillance of workplace and dose received, health surveillance of radiation workers, radioactive waste discharges, environmental surveillance, dosimetry of food and allied products processed by radiation, medical exposures incurred by patients, carers, comforters and volunteers of biomedical research, and such other records as specified by the Board are properly maintained;
- (b) prior to employment of a radiation worker, procure from his former employer, where applicable, the dose records and health surveillance reports and upon termination of service of radiation worker provide to his new employer, on request, his dose records and health surveillance reports;
- (c) preserve records related to radiation workers during the working life of each radiation worker, and afterwards until the radiation worker attains or would have attained the age of seventy-five years, or not less than thirty years after the termination of the work involving occupational exposure, whichever is later;
- (d) maintain register or records related to shipments sent from or received for three years or for such period as may be specified in the licence;
- (e) maintain register or records related to exports, imports, acquisition, supply, transfer as specified in the licence and for all import and acquisition of sealed radiation

source, retain the registers and records for a minimum period of five years after their disposal;

- (f) maintain register of full and up to date inventory of prescribed substances handled in the facility or mine or plant;
- (g) maintain complete records of production, consumption and loss of prescribed substances in normal operations, unusual and accidental conditions;
- (h) maintain records of transfer and disposal of radioactive waste.

42. Responsibilities of Radiation Worker: (1) Every radiation worker shall observe the safety requirements and follow safety procedures and instructions and shall refrain from any wilful act that could be detrimental to self or co-workers or the establishment or public.

(2) The radiation worker shall —

- (a) provide to the licensee or the holder of safety authorisation, as the case may be, information about his previous occupations including radiation work, if any;
- (b) make proper use of such protective equipment, radiation monitors and personnel monitoring devices as provided; and
- (c) inform the licensee or holder of safety authorisation, and the Radiological Safety Officer, of any safety related event or potentially hazardous situation that may come to his notice.

(3) A female radiation worker shall —

- (a) on becoming aware that she is pregnant, inform the licensee or holder of safety authorisation, and Radiological Safety Officer in order that her working conditions may be modified, if necessary;
- (b) inform to the licensee or holder of safety authorisation, if she is breastfeeding and such intimation shall not be considered a reason to exclude the female radiation worker from work.

43. Responsibilities of Service Providers: Agencies or experts providing quality assurance and quality control and such other services to the licensee or holder of safety authorisation shall ensure that they comply with the policies and strategies specified by the Central Government, as applicable, and are duly recognised or certified by the Board.

44. Responsibilities of technology developers, technology providers, manufacturers and Suppliers: (1) Agencies or organisations who develop, transfer or provide the technology connected with use of prescribed substance or prescribed equipment shall —

- (a) ensure safety in design taking into account human factors;
- (b) make endeavours to ensure availability of design support as sought by the users and provide necessary instructions for safe use;
- (c) facilitate regulatory compliance for users by providing necessary data to assist in the safety assessment;
- (d) make available, to the extent possible, comprehensive information to users regarding proper installation, operation, maintenance, and safety features of the equipment or plant, as the case may be.

(2) The manufacturers shall ensure that the plant or equipment is manufactured properly for the intended use meeting high safety standards and shall be responsible for implementing quality control measures to ensure that equipment meets specified standards.

(3) The suppliers shall ensure implementation of comprehensive Quality Assurance programs, adherence to guidelines for nuclear transfer (exports) as notified by Central Government, and maintaining strict control over the design, manufacture, and handling of safety-related components through appropriate procurement control and performance verification measures and maintain detailed records.

(4) The suppliers of radiation sources who have been licensed to manufacture or import Category-I radiation sources in the country shall —

- (a) facilitate regulatory compliance for users by providing necessary data to assist in the safety assessment;
- (b) make available, to the extent possible, comprehensive information to users regarding proper installation, operation, maintenance, and safety features of the equipment or plant, as the case may be;
- (c) facilitate decommissioning of the supplied radiation source and make necessary financial arrangements for repatriation of spent or disused sealed radiation sources to original supplier or disposal within the country, as the case may be.

(5) The agencies, organisations referred in sub-rule (1) and manufacturers and suppliers shall ensure that all personnel engaged have appropriate education, training and qualification for performing their intended tasks and implement appropriate management system for ensuring high standards in safety and quality.

45. Responsibilities of Emergency Response Agencies: (1) The entities responsible for emergency preparedness and response shall function in accordance with the integrated and coordinated emergency management system established and maintained by Central Government in accordance with the requirements specified by the Board and National Disaster Management Authority.

(2) The state and local authorities shall ensure restrictions and prohibitions for various emergency zones adjoining the site are implemented as per the requirements specified by the Board and adequate infrastructure and amenities are available and maintained as per the approved off-site emergency response plans.

PART-B PROVISIONS RELATED TO SAFETY

46. Exclusion from Regulatory Control: (1) Radiation exposures which are not amenable for control are excluded from the applicability of the rules and regulations framed under the Act and such exposure includes exposure resulting from naturally occurring radionuclides present in the human body, cosmic radiation at the earth surface, unmodified concentrations of radionuclides in soil or raw materials or any other exposure which may be notified by Central Government.

(2) Any decision for notification under sub-rule (1) will be arrived at based on global practices, and on the recommendations of the Standing Committee constituted by the Central Government as per Schedule-I.

47. Restriction on certain practices: No person shall carry out —

- (a) deliberate addition of radioactive substances in foodstuffs, beverages, toys, personal ornaments, and cosmetics; or any other commodity or product intended for ingestion, inhalation or percutaneous intake by, or application to, a human being, other than for the purposes of health care, and sale, import or export of such products;
- (b) activation of the aforesaid products;
- (c) human imaging using radiation as a form of art or for publicity purposes.

Explanation:

- (a) Justification for human imaging for purposes other than medical diagnosis, medical treatment or biomedical research shall be based on the recommendations of the Standing Committee constituted by the Central Government as per Schedule-I.
- (b) Irradiation which does not lead to activation such as food irradiation or diamond irradiation may be carried out, in accordance with the provisions of the Act and regulations of the Board.

Note-1: In the context of nuclear installations, activation is used to refer to the unintentional induction of radioactivity in moderators, coolants, and structural and shielding materials, caused by irradiation with neutrons.

Note-2: In the context of the production of radioisotopes, activation is used to refer to the intentional induction of radioactivity by neutron activation.

Note-3: In other contexts, activation is an incidental side effect of irradiation carried out for other purposes, such as the sterilization of medical products or enhancement of the colour of gemstones for aesthetic reasons.

48. Justification of Practices in Planned Exposure Situations: (1) The employer of a facility, occupier of a factory or owner of a mine shall ensure that only those practices are undertaken in the facility or plant or factory or mine, where the overall benefit from the practice outweighs the harm associated with radiation risk.

(2) For planned exposure situation, safety authorisation may be granted to the facilities, plants, mines or activities specified by the Board in its regulations as the practice to be carried out therein or associated therewith has been assessed to be justified.

(3) Other than the practices referred in sub-rule (2), no new practice shall be carried out unless found to be justified by Standing Committee as per Schedule-I and accepted by the Board.

49. Prime Responsibility for Safety: (1) Every employer of a facility, occupier of a factory or owner of a mine or any person in possession of radioactive material or radiation generating equipment in related activities undertaken shall have the prime responsibility for safety and it shall neither be delegated to any other party nor shall it get diminished or substituted by the control, supervision and verification activities conducted by other entities.

(2) Every employer of a facility, occupier of a factory or owner of a mine or any other person in relation to activities undertaken shall ensure, —

- (a) compliance to safety requirements specified in relevant regulatory documents are adequately demonstrated;
- (b) safety authorisation for the relevant stage of the facility, plant, mine or activity is obtained from the Board prior to commencing the intended task;
- (c) the terms and conditions of the licence and safety authorisation, provisions of Act, National Safety Policy issued by the Central Government under section 32 of the Act, rules, regulations, as applicable, are complied with;
- (d) adequate resources, infrastructure, amenities and equipment are provided to its employees to carry out their functions effectively in conformity with the regulatory requirements.

(3) Notwithstanding anything contained in sub-rule (2), having licence or safety authorization shall not exonerate the employer of a facility, occupier of a factory or owner of a mine or person in possession of a radioactive material or radiation source from their prime responsibility for safety, and shall ensure that the licensee or the holder of safety authorisation, as the case may be, —

- (a) retains the responsibility for safety throughout the lifetime of facilities or plants or mines and for entire duration of activities, until their release from governmental control, including —
 - (i) manufacture, use, storage and disposal of radiation sources
 - (ii) safe management of spent fuel;
 - (iii) safe management, characterisation and storage of radioactive waste;
 - (iv) safe remediation of contaminated sites;
 - (v) package design and transportation of radioactive material, by virtue of being a consignor;
- (b) establishes their internal systems of requirements, procedures, performance standards and expectations such as to fulfil their prime responsibility for safety beyond mere compliance to the conditions of safety authorisation;
- (c) Keeps abreast with progress in science and technology as well as relevant operational experience feedback, in order to identify and implement safety improvements, with due regulatory approvals;
- (d) refrain from doing anything which dilutes or have potential to dilute, the priority for protection and safety;
- (e) shall support good performance and good practices to prevent human and organizational failures.

(4) Every employer of a facility, occupier of a factory or owner of a mine shall ensure that, where other associated parties also are entrusted with responsibility for safety, the licensee or the holder of safety authorisation, as the case may be, is not relieved of the prime responsibility for safety and shall be responsible for verifying that products and services are as per expectations and desired quality and compliant to regulatory requirements before their acceptance.

Explanation: Responsibility for safety may extend to other groups associated with the holder of safety authorisation, such as designers, suppliers, manufacturers and constructors, contractors, and consignors and carriers, in so far as their activities or products may be of significance for safety. However, under no circumstance this

extension of responsibility may be construed as relieving the licensee or the holder of safety authorisation of its prime responsibility for safety.

- 50. Medical Exposures:** (1) All medical radiation exposure of patients incurred in a justified practice for diagnosis or therapy, shall be assessed by medical practitioner(s) considering clinical procedure to be used on a case by case basis and after informing the expected benefits and risks.

Explanation: Medical exposure of patients is intentional and for the direct benefit of the patient. Dose limits do not apply to medical exposures as in doing so, the effectiveness of diagnosis or treatment might be reduced, doing more harm than good for the patient. The emphasis is on justification of medical procedures and optimisation of protection.

- (2) For medical exposure situations, optimization actions including individual incurring radiation exposure as a carer or comforter and volunteers subject to exposure as part of a programme of biomedical research and discharge of patients who have been administered radioactivity shall be based on recommendations of the Standing Committee as per Schedule-I.

Explanation: Optimisation of medical exposure of patients, carer or comforter and volunteers subject to exposure as part of a programme of biomedical research, performance testing of medical equipment, investigation of accidental medical exposure, exposure of humans for bio-medical research, maintaining records of medical exposure and radioactivity administered will be governed by the decisions of the concerned Ministry or Department in the Central Government or its authorised agency based on the recommendations of the Standing Committee as per Schedule-I.

- (3) A patient undergoing treatment or diagnosis or the carer or comforter or volunteer of biomedical research shall have access to his records of medical exposures from radiation.

- (4) The employer of the medical facility shall ensure that the holder of safety authorisation carrying out diagnostic or therapeutic work using radiation generating equipment, sealed or unsealed sources shall inform the Board of any cases of unwanted radiation resulting from equipment error or due to deviation from established radiation protection procedures.

- 51. Radioactive Waste Management:** (1) For planned exposure situation, no radioactive wastes generated from any facilities, plants, mines and activities granted licence or safety authorisation shall be stored or disposed or transferred to any other institution except in accordance with the directions of the Central Government as per the national radioactive waste management policy and strategies and under an authorisation from the Board, unless such waste is exempted in accordance with the notification issued by the Board:

Provided further that no radioactive waste shall be sold, rented, or moved from the authorised place without a prior written permission from the Central Government.

(2) The handling, pre-treatment, treatment, conditioning, and storage of the radioactive wastes shall be in accordance with the relevant regulatory documents issued by the Board:

Provided that adoption of any new process, which is not provided for in regulatory documents, shall be subject to acceptance by the Board.

(3) The transportation of such radioactive wastes shall be in accordance with the provisions of Chapter-II of these rules.

(4) Persons using small amounts of radioisotopes of very short effective half-life (such as in medical practice, research laboratories and tracer applications) may dispose of wastes containing short lived radioisotopes, contaminated materials and contaminated effluents, in sanitary sewage system or burial into pits or by incineration, with prior approval of the Board and in accordance with the conditions and procedures for disposal specified by the Board.

52. Disposal of disused sealed radiation source: Every holder of safety authorization shall ensure the safe disposal of the disused or spent sealed radiation sources in accordance with conditions specified during import or acquisition of such source under Chapter-II of these rules and in case of any default, to such agency as directed by the Central Government on payment of such charges as may be levied by Central Government.

53. Emergency Preparedness and Response Plans: (1) The licensee shall prepare and periodically update its emergency response plans commensurate with the radiation hazard potential of the facility or plant or mine in accordance with the relevant regulatory documents issued by the Board.

(2) For plant emergency and site emergency, the emergency response plans shall be approved by the Board.

(3) For off-site emergency, the emergency response plans shall be reviewed by the Board and approved by the district authorities.

(4) Save as provided in sub-rule (3), part of the off-site emergency plan dealing with the decision making and actions by the holder of safety authorisation shall be approved by the Board.

(5) The licensee shall make arrangements with local authorities, District Disaster Management Authority, National Disaster Management Authority, as applicable, for the following —

- (a) periodically updating the district authorities on the emergency preparedness and response plans and testing their effectiveness through mock exercises as per approved emergency preparedness and response plans;
- (b) periodically updating itself of any new establishments or settlements planned or being undertaken in the emergency zones adjoining the site; and
- (c) ensuring that no mining or industrial job is performed without its prior permission within such emergency zone boundaries that may impact the implementation of emergency response actions or pose security threat to the facility or plant.

(6) The licensee shall periodically review and update the emergency preparedness and response plans based on lessons learnt from emergency exercises and national and international experience feedback.

54. Emergency and Existing Exposure Situations: (1) For emergency exposure situations, each entity with responsibilities for safety, by whatever name called, shall ensure that protective actions or remedial actions, as the case may be, are justified, optimised as per the requirements of the Board and in accordance with directions of the Central Government taking into considerations radiation safety aspects as well as impacts of the actions on public health, the economy, society and the environment.

(2) The protective and remedial actions referred to in sub-rule (1) connected with recovery, environmental restoration, rehabilitation and long-term protective measures following a nuclear or radiological emergency shall be implemented in coordination with the concerned authorities under the Disaster Management Act, 2005.

(3) In an emergency exposure situation, management, transport and disposal of wastes containing prescribed substance or radioactive substance shall be in accordance with the directions issued by Central Government.

(4) For existing exposure situations identified by the Central Government, protection strategies shall be developed, justified and optimized based on the recommendations of Standing Committee constituted as per Schedule-I and implemented by the entity concerned as per the directions of Central Government.

(5) In an existing exposure situation, the management, transport and disposal of wastes including residues, rejects, scraps containing radionuclides of natural or artificial origin shall be as hazardous substance in accordance with the provisions of the Environment (Protection) Act, 1986 and with such additional measures as may be specified by Central Government from radiation safety considerations.

Note-1: For the purpose of optimization, dose reference levels are used in existing and emergency exposure situations.

Note-2: Dose limits do not apply to public exposures in emergency situations or to existing exposure situations.

Note-3: If an event or a sequence of events that has been considered in the assessment of potential exposure (one not planned or expected to be delivered with certainty but which can be anticipated as a result from an accident) does actually occur, it may be treated either as a planned exposure situation or, if an emergency has been declared, as an emergency exposure situation.

PART-C: PROVISIONS RELATED TO SECURITY

55. Responsibility of Central Government for Security implementation: (1) The Central Government shall be responsible for developing Nuclear Security Framework consistent with National Security Policy and International Obligations, which inter alia will provide for-

- (a) determination of design basis threat (DBT) at the national level as well as at the facility level;
- (b) implementation of quality assurance systems;
- (c) training and retraining of nuclear security personnel;
- (d) periodical security review and audits;
- (e) requirements for human reliability programmes and vetting of key managerial personnel from security considerations.

(2) The Central Government shall carry out periodic review of design basis threat (DBT) at the national level as well as at the facility level and specify the security requirements.

(3) The Central Government shall implement measures based on nuclear security framework to combat illicit trafficking of nuclear and radioactive material.

(4) The Central Government shall designate the nuclear facility, including its premises and precincts, as Prohibited Area under section 40 of the Act to ensure physical protection and its overlying airspace shall be designated as No-Fly Zone (Red Zone) in accordance with relevant regulations of Civil Aviation.

56. Compliance with security requirements: (1) The licensee while handling the nuclear material in facilities or plants where such material is produced, stored or used shall comply with the security requirements as issued by the Central Government in accordance with sub-rule (2) of rule 55.

(2) The holder of safety authorisation while handling radioactive materials and in facilities or plants where such material is manufactured, stored or used shall comply with the security requirements as issued by the Central Government in accordance with sub-rule (2) of rule 55.

(3) During transportation of nuclear material or radioactive material, the licensee or the holder of safety authorisation, as the case may be, shall comply with the security requirements as issued by the Central Government and in accordance with the National Security Policy issued by the Central Government under section 32 of the Act.

57. Implementation of Security Measures: (1) Notwithstanding the generality of the foregoing provisions, the licensee or the holder of safety authorisation shall implement measures and programmes to secure, provide surveillance, provide access control, detect, delay, respond and communicate, which inter alia may include, —

- (a) deployment of Central Industrial Security Forces in accordance with the provisions of the Central Industrial Security Forces Act, 1968;
- (b) provision of access control measures to prevent entry of unauthorised persons in ‘prohibited area’ that can compromise the physical protection of nuclear or radioactive material and facilities or plants or mines in which such substances are produced, manufactured, stored, used, disposed or where radioactive wastes are stored or disposed;
- (c) delineate and demarcate the areas within the prohibited area as per the security classification and ensure only essential employees and authorised persons remain inside these areas to perform their intended duties;
- (d) ensure continuous and uninterrupted surveillance of the prohibited areas;

- (e) physical protection of the nuclear or radioactive material under his possession at all times;
- (f) physical inventory verification of nuclear or radioactive material and maintaining records;
- (g) security measures for computer-based systems;
- (h) implement nuclear security culture and human reliability programs in the organisation including trustworthiness of the employees as well as of persons engaged, during their entire life cycle;
- (i) maintain quality assurance policy and quality assurance programmes for all activities important to physical protection and for its effective implementation;
- (j) protect the confidentiality of 'restricted information', the unauthorized disclosure of which could compromise the physical protection of nuclear or radioactive material and facilities or plants or mines in which such substances are produced, stored, used, disposed, or during transportation;
- (k) such other measures as specified by the Central Government from time to time.

Explanation: Subject to the provisions of the Right to Information Act, 2005, nothing contained in this rule shall affect the disclosure of safety related information.

(2) For nuclear facilities, the licensee shall appoint, with due approval of the Central Government, a nuclear security officer having requisite qualifications as specified by Central Government, who shall be responsible for the following duties including but not limited to, —

- (a) assisting the licensee in implementation of security measures and programmes and preparation of contingency plans;
- (b) conducting regular site patrols;
- (c) controlling and monitoring movement of people and material in or out and within prohibited area;
- (d) assessing and responding to nuclear security events;
- (e) monitoring of surveillance and physical protection systems, ensuring they are properly functioning;
- (f) maintaining accurate and comprehensive security logs and reports;
- (g) participate in regular drills and training exercises.
- (h) discharge such functions as specified by the Central Government from time to time.

58. Contingency Plan: (1) The Licensee shall periodically update the contingency plan as approved by the Central Government to effectively counter design basis threat including cyber threat taking into consideration actions of the response forces so as to mitigate or minimise the consequences of sabotage and obtain approval from Central Government.

(2) The holder of safety authorisation shall implement such contingency measures as per the approved security plan.

(3) Where a radiation source is located on a property on lease and under any circumstances, whatsoever, if the holder of safety authorisation of the radiation source fails to exercise its control over that source, the lessor shall ensure that the radiation source is not moved out of the property and is maintained in a secured condition, till

the radiation source is transferred or disposed of safely in accordance with the directions of the Central Government or the Board.

59. Reporting of security related events: The licensee or the holder of safety authorisation shall report the occurrence of any security related event related to incursion, sabotage or unauthorised removal of nuclear or radioactive material or which affect security of computer-based system or any other event as specified by Central Government, to the Central Government and the Board, promptly but not later than twenty-four hours.

60. Security in Transportation of Nuclear or Radioactive Material: (1) The licensee or the holder of safety authorisation, as a consignor of the nuclear or radioactive material, shall be responsible for implementation of physical protection measures during transportation, commensurate with the security levels specified by the Central Government for various package designs.

(2) The consignor shall transport the radioactive or nuclear material only in the packages, design of which is approved by the Board with proper marking, labelling and transport index.

(3) For transport of high-activity or fissile shipments, the consignor must inform the Board at least 3 days in advance for domestic transport and 7 days for international transport.

(4) The consignor shall provide the details and credentials of the carrier to the Central Government and shall ensure that the carrier secures stowage of the packages and make such arrangements for implementation of security requirements specified by the Central Government.

(5) The consignor of nuclear material or radioactive material, based on the security level specified by the Central Government, shall ensure that carriers of such material use —

- (a) tracking devices to monitor movement and detect any unauthorized route changes;
- (b) communication devices to communicate with the designated nodal officer of Central Government;

(6) Licensee shall comply with such other security measures as specified by the Central Government from time to time.

61. Safety-Security interface: (1) The licensee shall ensure that safety, security and safeguard measures, are designed and implemented in an integrated and harmonious manner without compromising each other.

(2) The holder of licence for operation shall ensure that the implementation of safety requirements and security requirements satisfies both safety objectives and security objectives.

(3) Any security related initiating event, as identified by Central Government, which may have the potential to adversely impact the implementation or performance of safety measures, shall be treated as part of safety assessment and dealt with in accordance with the directions and guidance of the Board.

62. National Registry of Radiation Sources: (1) The Central Government shall maintain a national registry of radioactive substance in accordance with clause (b) of sub-section (4) of section 4 of the Act.

(2) For the purpose of sub-rule (1), the licensees or the holder of safety authorisation shall –

- (a) maintain a local register containing the location, physical and chemical properties of the radioactive substance under his possession; and
- (b) submit information of sealed radiation sources procured or disposed and furnish annual returns of radioactive substances under his possession containing such particulars in such forms as specified by Central Government.

(3) The local register referred in sub-rule (2) shall be retained for a minimum period of five years after the radiation source ceases to be under his possession.

(4) The Central Government may authorise the persons empowered to carry out inspections and investigations under these rules to verify the inventory of radioactive substance recorded in the local register with the real inventory.

PART-D PROVISIONS RELATED TO SAFEGUARDS

63. Responsibility of Central Government for Safeguards implementation: (1) The Central Government, in accordance with international obligations and national policy on safeguards, is responsible for specifying –

- (a) the items subject to safeguards;
- (b) implementation of safeguards measures in nuclear facility;
- (c) safeguard requirements for source material, fissile material, heavy water or for such prescribed equipment as it may consider necessary.

(2) The Central Government is responsible for establishing and maintaining a national system of accounting and control for the implementation of safeguards.

64. Compliance with Safeguards requirements: (1) The following material or substance or facility or equipment shall be under safeguards at all times for the purpose of accounting and control, namely —

- (a) all source material (other than ores or ore residues) and fissile material in any form, whether produced within India or imported, including those contained in, scraps or wastes or rejects;
- (b) heavy water including its upgradation for maintaining isotopic purity;
- (c) nuclear facilities; and
- (d) such prescribed equipment as specified by Central Government.

Explanation:

- (a) Upgradation of heavy water in nuclear power plants or reactors is permitted under sub-section (2) of section 3 and should not be confused with upgradation by isotopic separation, which is exclusively reserved for Central Government under the sub-section (5) of section 3 of the Act.

- (b) Domestically manufactured and acquired prescribed equipment shall ordinarily remain excluded from the application of safeguards, unless otherwise specified by the Central Government.

(2) Principles of nuclear material accountancy shall remain same for domestic and imported nuclear material whereas imported nuclear material shall also be subjected to inspections by the inspectors of International Atomic Energy Agency.

(3) Notwithstanding the generality of the foregoing provisions, from the time the licensee takes over the possession of substance, material or equipment referred in sub-rule (1), the licensee shall have the prime responsibility for —

- (a) implementation of safeguards containing such information and particulars in accordance with the national system of accounting and control as specified by the Central Government;
- (b) accountancy, control, surveillance and containment of nuclear material and items subject to safeguards in its possession or control including heavy water as specified by the Central Government;
- (c) making financial provisions for the implementation of safeguards and such inspections carried out for the purpose of verification and compliance;
- (d) ensuring the confidentiality and integrity of restricted information related to nuclear material accounting and control system;
- (e) providing access to authorised personnel for inspection and verification of items subject to safeguards, nuclear facilities, records, and operational activities;
- (f) conducting physical inventory verification at specified intervals, including measurement of all nuclear material in each Material Balance Area, reconciliation with records, and investigation of any discrepancy, loss or theft and documentation of discrepancies;
- (g) maintaining measurement control programmes to ensure reliability of measurement systems, including calibration, quality assurance, and sampling, subject to audit and verification;
- (h) prompt investigation of any abnormal discrepancy including loss or theft, or measurement system failure, documenting corrective actions, and reporting to the Central Government;
- (i) submitting and updating Design Information Questionnaires containing safeguards-relevant design and operational information of nuclear facility;
- (j) submitting accounting reports to the Central Government and ensuring completeness and correctness of those reports.
- (k) ensuring that no item subject to safeguards shall be moved into or out of the nuclear facility without the prior written approval of the Central Government.
- (l) complying with such other safeguards measures as specified by the Central Government from time to time.

65. Nuclear Material accountancy and Control: (1) Every licensee shall establish and maintain an effective accountancy and control system for the purpose of —

- (a) identifying material balance areas and key measurement points within the facility or plant;
- (b) tracking quantities, form and composition of nuclear material;
- (c) taking physical inventories and recording inventory changes of source or fissile material;
- (d) sampling and determining material balances quantity with required accuracy;

- (e) verification of the correctness of the nuclear material accounting information in the facility or plant records.
 - (f) submission of necessary accounting reports to concerned authorities.
- (2) The licensee shall ensure that the computer-based systems used for nuclear material accountancy and control are adequately protected against compromise (e.g., cyber-attack, manipulation or falsification) and is consistent with the threat assessment.
- (3) The licensee, with due approval of Central Government, shall appoint a facility safeguards officer for nuclear material accountancy and safeguards matters having such qualifications as specified by Central Government.
- (4) The responsibilities of the facility safeguards officer appointed under sub-rule (3) shall include the following safeguards related matters namely —
- (a) coordination with the Central Government;
 - (b) assist the licensee in ensuring compliance with the directions of the Central Government, including implementation of nuclear material accountancy and control systems, maintenance of records, and timely submission of safeguards-relevant information and reports to Central Government;
 - (c) assist the licensee in facilitating inspections and verification, access and assistance, maintaining containment and surveillance measures, and promptly report and address any loss, discrepancy, or abnormal occurrence involving safeguarded items;
 - (d) discharge such functions as specified by the Central Government from time to time

CHAPTER-IV

SERVICES BY CENTRAL GOVERNMENT

(Section 32 of the Act)

- 66. Radiological Protection Services:** (1) The Central Government, either by itself or through its authorised agencies, shall make arrangements on a chargeable basis to —
- (a) provide for calibration of radiation monitoring equipment to globally recognised metrology standards;
 - (b) provide for dosimetry services for monitoring of occupational doses including bio-dosimetry for excessive exposures.
- (2) The Central Government shall establish and maintain National Dose Registry System on individual doses received by occupational workers and medical exposures of patients, comforters, carers and volunteers of biomedical research.
- (3) For the purpose of sub-rule (2), the licensee or holder of safety authorisation shall make arrangements for providing records of occupational and medical exposure in applicable branch of the Registry providing such particulars as may be notified by the Central Government.
- (4) In respect of Occupational dose, the National Dose Registry System shall contain the data including but not limited to —
- (a) personal details with Unique Identification Number or biometrics;

- (b) employment details of radiation workers;
- (c) categorization of the radiation worker;
- (d) information on general nature of work;
- (e) personal dosimetry monitoring period;
- (f) individual dosimetry data of all radiation exposures;
- (g) including exposure during emergency or accident.

(5) The Central Government, on request, may make available the information maintained in the National Dose Registry System to the concerned individual, employer, occupier or owner, any relevant Department of the Government of India, the Board or other regulatory bodies.

(6) The Central Government, on request, may provide for necessary guidance and facilitate medical management and rehabilitation of individuals suffering radiation damage.

67. Environmental Surveillance Services: (1) The Central Government may, on chargeable basis —

- (a) set up environmental survey laboratories and provide technical support for monitoring of environmental discharges;
- (b) generate baseline radiological and environmental data for the purpose of compliance with requirements of statutory authorities;
- (c) establish mechanisms for real time sharing of radiological and environmental monitoring information during normal operation and during nuclear or radiological emergencies for securing regulatory compliance;
- (d) undertake post-emergency environmental surveillance;
- (e) provide environmental surveillance of legacy sites with residual radioactivity from past activities, radioactive waste disposal sites which have been closed and are under institutional control, or sites which have been remediated and brought under existing exposure situation post an emergency.

(2) The Central Government shall —

- (a) establish coordination with Board and other government agencies for sharing real-time radiological and environmental monitoring information
- (b) institute nation-wide programmes for environment surveillance to check any build up of radioactivity in the environment and suggest protection strategies.

68. Emergency Preparedness and Response Services: (1) The Central Government shall be responsible for —

- (a) establishing and maintaining an integrated and coordinated emergency and crisis management system as per national disaster framework,
- (b) facilitating coordination with various agencies responsible for response actions in case of nuclear and radiological emergencies;
- (c) providing accurate, timely, and transparent communication with the public and other government agencies during nuclear and radiological emergencies;
- (d) facilitating emergency arrangements for safe recovery, transport, interim storage and disposal of orphan, abandoned or accident-generated radioactive material in coordination with the concerned disaster management authorities.

(e) ensuring implementation of international obligations pertaining to early notification of nuclear accidents and assistance the case of a nuclear accident or radiological emergency.

(2) The Central Government may in coordination with National Disaster Management Authority, provide for disaster management services on chargeable basis, which may *inter alia* include —

- (a) capacity building of the first responders, district and other local authorities including periodic training and awareness for handling nuclear and radiological emergencies and crisis management;
- (b) setting up national emergency response centres equipped with trained experts, laboratories and monitoring instruments across the country to ensure readiness to respond to any radiation emergency situation in the public domain;
- (c) facilitating the installation of radiation monitoring system for search and detection of illicit movement of nuclear or radioactive material at designated points across the country and at country's borders;
- (d) facilitating medical management, decontamination, psychological support and rehabilitation in case of nuclear and radiological emergency;

69. Stakeholder Awareness Services: The Central Government may facilitate conduct of awareness programmes for stakeholders.

70. Centralised control for Management of Radioactive Waste: The Central Government shall develop a framework for centralised control for collection, long-term management and disposal of radioactive waste and disused radiation sources on chargeable basis in accordance with National Waste Management Policy and Strategy.

71. Quality assurance services (1) The Central Government shall develop a framework for facilitating quality assurance and control of systems, structures and components manufactured within India or imported to globally recognised standards, which *inter alia* shall provide for —

- (a) facilitating accreditation of quality assurance agencies for certification of manufactured systems, structures and components;
- (b) capacity-building, *inter alia*, through upskilling, reskilling, and training of persons on quality assurance aspects.

(2) The Central Government may arrange for third party auditing of the manufacturing sites to ensure proper quality standards of the manufactured system, structures and components and report of such audits shall be directly transmitted to the Board.

Explanation: For the purpose of sub-rule (2), Central Government may set up expert institutions to evaluate the quality of goods and services supplied to nuclear facilities.

72. Recognition of Training and Qualification Courses: The Central Government may facilitate training and qualification of individuals in nuclear energy for capacity building and skill development.

Explanation:

Central Government may establish wings, directorates and other subordinate offices, as deemed necessary, for effective and efficient rendering of services under this Chapter and such offices shall develop their own internal procedures and mechanisms.

CHAPTER-V

OVERSIGHT BY CENTRAL GOVERNMENT AND BOARD

(under sub-section (2) of section 28; sub-section (2) of section 29; sub-section (2) of section 30 of the Act)

73. Inspection: (1) The Central Government or the Board, within their respective jurisdiction, may authorise any person including their officers, employees as well as their resident officers and employees at site, to enter and inspect any site, land, premises, plant, facility or mine along with their associated offices, for the purpose of verifying the correctness and completeness of information furnished in support of any application made to the licensing authority or to the Board.

(2) Pursuant to grant of licence or safety authorisation, the Central Government or the Board, within their respective jurisdiction and mandate, any authorised representative may enter and inspect the facility or plant or mine or any activity undertaken therein, either physically or through remote means, for the purpose of —

- (a) verifying compliance with the provisions of the Act, the rules or regulations made thereunder;
- (b) verifying compliance of the terms and conditions of licence or safety authorisation, as the case may be;
- (c) verifying compliance with the safety, security, safeguards, quality assurance and control, liability, spent fuel management, radioactive waste management, emergency preparedness and response, and such other requirements specified by the Central Government or the Board in regulatory documents or any other document as the case may be;
- (d) verifying whether adequate insurance policy or other financial security is being maintained for safe decommissioning, disposal of radioactive substances and to cover the claims for liabilities specified in Chapter VI of these rules, as the case may be;
- (e) verifying compliance with the orders or directions issued or conditions imposed or any notice served by the Central Government or the Board;
- (f) verifying correctness of the information submitted in periodic reports and returns;
- (g) determining whether, and if so in what manner, the licensee or the holder of safety authorisation performs his functions and discharges his duties and whether any contravention has been committed, or is being committed of the aforesaid.

(3) The authorised representative of the Central Government or Board may also enter any plant, facility or premises for the purpose of witnessing and ascertaining the quality checks exercised by the licensee or holder of safety authorisation during manufacturing of prescribed equipment, systems, structures and components to be deployed in connection with any licensed facility or plant or mine or activity.

(4) Notwithstanding anything contained in sub-rule (2) and (3), authorised representative of the Board may additionally: —

- (a) verify whether the safety related structures, systems, components of a nuclear facility meets the accepted design and quality standards and are functioning as per the design intent;
- (b) ensure that sealed radiation sources, devices, equipment or appliances used in radiation applications are of approved design and quality standards;
- (c) verify whether the dose delivery systems, procedures and practices to patients, food and allied products, industrial products or other industrial, healthcare, agriculture or environmental applications are as intended and dosimetry records are maintained;
- (d) qualified and certified personnel are available to manage and operate the facility or plant or mine as specified in regulations.

(5) Without prejudice to the generality of the foregoing provision, the Central Government may empower the Board to authorize any of its representative to verify compliance with the security requirements specified by Central Government for such class and category of radiation facilities and radioactive materials during their manufacture, storage, use, disposal and transport, and for this purpose may inspect any consignments or package or conveyance or plant or facility and inform the findings to the Central Government.

(6) The any authorized representative of Central Government may verify compliance with the requirements on security and safeguards of nuclear material or any other prescribed substance in any form, produced within India or imported during its production, use, processing, storage, disposal and transport, and for this purpose may inspect plant or facility or vehicle, vessel or aircraft or any consignments or package or conveyance.

(7) For the purpose for conduct of inspection, the Central Government or the Board may also appoint experts or consultants or professionals or engage academic institutes, research centres or other professionals or professional agencies on contractual basis as per the scheme of engagement of experts or consultants approved by the Central Government.

(8) The Central Government or the Board may formulate their own mechanism, methodology, plans, and procedures for conduct of inspection.

(9) The licensee or the holder of safety authorization shall designate a coordinator conversant with the plant processes to facilitate the conduct of inspection under these rules.

(10) The authorised representative of the Central Government or the Board carrying out inspection may, —

- (a) interact with any employee(s) of the facility or plant or mine;
- (b) access any documents, records, register, drawings, photographs, plans, models or any other information considered relevant for the purpose of this rule;
- (c) make examination of the premises, plant, machinery, article or substance and conduct such verification, tests, and or measurements as may be necessary including matters related to safety, security, safeguards and radioactive waste management, as applicable;

- (d) collect sample, take photographs and make such recordings including copies of or extracts from any drawing, sketch, plan or other document, as may be necessary for the purpose of any examination.

(11) The authorised representative of the Central Government or the Board shall, —

- (a) collect the sample in sufficient quantity and divide it into two uniform parts and effectively seal and suitably mark the same;
- (b) permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked;

and in case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the authorised representative empowered shall take two of the said samples without opening the containers and suitably seal and mark the same.

(12) The authorised representative of the Central Government or the Board shall dispose of the samples so collected as follows: —

- (a) one portion shall be handed over to the person from whom the sample is taken under acknowledgement; and
- (b) the other portion shall be sent forthwith to a recognised agency or institute for analysis.

(13) The authorised representative of the Central Government or the Board carrying out inspection may: —

- (a) initiate on spot corrective measures as deemed necessary for preventing a situation which may be of immediate or further threat from safety, security or safeguards considerations;
- (b) indicate in writing to the licensee or holder of safety authorisation or any person possessing radioactive or prescribed substance or radiation generating equipment, any recommendation aimed at ensuring safety, security and safeguards and such recommendation shall be complied with.

(14) The expenses towards conduct of inspection by the Central Government or the Board may be charged to the licensee or holder of safety authorisation or other person, as the case may be.

74. Investigations, search and seizure: (1) In exercise of the powers under section 29 of the Act, where the Central Government or the Board considers it expedient to conduct an investigation, it may, by order in writing, —

- (a) call upon any licensee, holder of a safety authorisation, or other person at any time to furnish in writing such information or explanation relating to its affairs as Central Government or Board may require;
- (b) authorise one or more persons to make an investigation in relation to the affairs of any licensee, holder of a safety authorisation, or other person;
- (c) require either the person already authorised under rule 73 or authorise and direct any of its other officers or employees to enter the site, land, premises, plant, facility or mine and conduct inspection as per rule 73;
- (d) appoint experts or consultants or professionals or engage academic institutes, research centres or other professionals or professional agencies on contractual basis as per the scheme of engagement of experts or consultants approved by the Central Government.

(2) Where an investigation in relation to the affairs of a licensee, holder of a safety authorisation, or other person has been undertaken under sub-rule (1), —

- (a) every officer or employee of the Government Department, if the subject of the investigation is a department of the Government;
- (b) every director, manager, secretary or other officer or employee, if the subject of the investigation is a company;
- (c) every partner, manager, secretary or other officer or employee, if the subject of the investigation is a firm; or
- (d) any other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (b) and (c),

shall be bound to produce before the Central Government or the Board during the investigation all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such investigation and also to furnish to the Central Government or the Board any such statement or information relating thereto within such time as may be stipulated.

(3) Without prejudice to any provision of the Act or under any other law for the time being in force, authorised representative empowered to make an investigation may examine any officer, employee or other person acting under the direct authority of the licensee or holder of safety authorisation or other person subject to investigation, or a service provider, or a contractor where services are being obtained by or provided to the licensee or other person subject to investigation, as the case may be, in relation to the business or activity of the licensee or other person subject to investigation.

(4) The authorised representative empowered to make an investigation may direct the licensee or holder of safety authorisation or other person that any plant, facility or mine or any part thereof, or anything lying therein, shall be left undisturbed or any activity shall remain suspended for so long as is necessary for the purpose of investigation.

(5) In the conduct of investigation, where the Central Government or the Board considers it expedient and necessary to conduct search and seizure in exercise of the powers conferred under section 30 of the Act, it may empower its authorised representative conducting the investigation to —

- (a) enter and search any building or place where there is reason to suspect that such books, registers, documents, records, data, plant, or material are kept;
- (b) break open the lock of any box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (i) where the keys thereof are not available;
- (c) access any computer, computer resource, or any other device containing or suspected to be containing data;
- (d) seize all or any such books, registers, documents, records, data, plant, machinery, equipment, article, substance or material found as a result of such search;
- (e) place marks of identification on such books, registers, documents, records, databases, plant, or material or make extracts or copies or take photographs or measurements, as the case may be, of the same.

(6) Where the authorised representative conducting the search and seizure considers it necessary to seek assistance of services of police officer or any officer of the Central

Government as per sub-section (3) of section 30 of the Act, he shall make a request to the Police station of appropriate jurisdiction or to the officer of the Central Government.

(7) The police officer or the officer of the Central Government shall provide all necessary support and assistance including physical security for conduct of investigation, search and seizure.

(8) The authorised representative conducting the search may, where it is not practicable to seize any such books, registers, documents, records, data, plant, machinery, equipment, article, substance or material covered in sub-rule (5), -

- (a) serve an order, on the person who is in immediate possession or control thereof, that such person shall not remove, part with or otherwise deal with it except with the previous permission of such authorised representative, and
- (b) such representative may take such steps as may be necessary for ensuring compliance with this rule.

(9) The authorised representative conducting the search and seizure may, during the course of the search or seizure, -

- (a) examine any person who is found to be in possession or control of any books, registers, documents, records, data, plant, machinery, equipment, article, substance or material; and
- (b) any statement made by such person during such examination may thereafter be used in evidence in any proceeding under the Act.

(10) Pursuant to conduct of investigation, search and seizure, the Central Government or the Board, as the case may be, may subject the investigation findings to appropriate scrutiny, review and assessment to establish the immediate, direct and the root cause of the commission or omission of the act which was or could have been detrimental to safety, security, or the implementation of safeguards.

(11) The Central Government or the Board may formulate their own mechanism, methodology, plans, and procedures for conduct of investigation, search and seizure.

(12) The expenses towards conduct of investigation by the Central Government or the Board may be charged to the licensee or holder of safety authorisation or other person, as the case may be.

75. Enforcement Actions: (1) On culmination of investigation and its subsequent review and assessment, the Central Government or the Board, within their respective jurisdiction, as it may consider necessary, may take any measures under section 31 of the Act to encourage and compel compliance and deter future non-compliances, violations or contraventions including —

- (a) modification, suspension, cancellation or curtailment of the duration of any approval or permissions issued;
- (b) modification, suspension, cancellation or curtailment of the duration of the authorisation for storage, transfer or disposal of radioactive waste;
- (c) derecognition or decertification of any person including removal of any individual from designated position appointed for discharging specified duties and responsibilities under the rules and regulations.

(2) The licensee or holder of safety authorisation or other person aggrieved by the actions taken under section 31 of the Act by the Central Government or the Board may prefer an application for review before the Council under section 48 of the Act.

(3) Without prejudice to the generality of the actions under section 31 of the Act, the Central Government or the Board may also impose penalties in accordance with section 70 of the Act or lodge a written complaint in accordance with section 74 of the Act: Provided that actions under section 31 and section 70 of the Act or section 71 of the Act may be applied independently or in combination: Provided further that the licensee or holder of safety authorisation or other person aggrieved by the order issued under section 70 of the Act may prefer an appeal to Appellate Tribunal under section 51 of the Act.

(4) Each enforcement action can be a discrete and independent response to observed non-compliance or violation or contravention.

(5) Enforcement actions shall be commensurate with the significance and nature of observed non-compliance or violation or contravention.

(6) The Central Government or the Board may formulate their own mechanism, methodology, plans, and procedures in determination of appropriate enforcement action.

CHAPTER-VI

LIABILITIES AND SETTLEMENT OF CLAIMS

(under clause (e) (ii) of sub-section (3) of section 10; sub-section (1) of section 15 of the Act, section 58; sub-section (1) of section 65 of the Act)

PART-A NUCLEAR DAMAGE

76. Liability for Nuclear Damage: (1) The liability of the operator of a nuclear installation for any nuclear damage, including that during the course of carriage of nuclear material, shall be strict and shall be based on the principle of no-fault liability in accordance with the provisions of the Act.

(2) The operator shall not be liable under the Act for the damage to the means of transport upon which the nuclear material involved was at the time of nuclear incident.

Explanation: Damage to the means of transport shall be governed by specific domestic laws dealing with carriage by various modes and in absence, by ordinary rules of tort law.

(3) Where it appears to the Central Government that the compensation to be awarded under the Act in respect of a nuclear incident exceeds, or is likely to exceed, the amount specified under sub-section (1) of section 13 of the Act including where a nuclear damage is suffered in or over the maritime areas beyond the territorial waters of India by a ship or an aircraft, which has been registered in India, the Central Government may, as part of the additional measures referred to in sub-section (3) of section 13 of

the Act, exercise the rights of the Republic of India as a Contracting Party to the Convention on Supplementary Compensation for Nuclear Damage referred to in that sub-section (in this rule referred to as “the Convention”), including by —

- (a) informing the other Contracting Parties of the nuclear incident, in accordance with Article VI of the Convention;
- (b) requesting the other Contracting Parties, in accordance with Article VII of the Convention, to make available the public funds referred to in paragraph 1(b) of Article III of the Convention, to the extent and when they are actually required; and
- (c) receiving the funds so made available and disbursing them, in accordance with Articles X and XI of the Convention, towards compensation for nuclear damage determined under the Act.

77. Insurance policy and financial security for Nuclear Damage: (1) The operator shall take out an insurance policy or financial security or a combination of both in accordance with sub-section (1) of section 15 of the Act.

Explanation:

For removal of all doubts, where several nuclear installations are located at the same site, the site shall be considered as one single nuclear installation and the insurance policy or financial security shall be taken for that category of the nuclear installation for which the liability amount is the highest as per the second schedule of the Act. However, if a nuclear incident occurs at the site, operator’s liability shall be only to the extent specified in the second schedule of the Act for that category of nuclear installation which has caused the nuclear damage.

(2) The financial security referred to in sub-rule (1) shall be irrevocable and shall continue till removal of all spent fuel from the spent fuel storage pool of the nuclear installation after removal thereof from the reactor core.

(3) Shares or bonds or instruments constituting financial security shall be pledged to the Central Government and remain so pledged till decommissioning of the plant and a security margin of 1:1.33 be maintained during pledge and in the event of any shortfall in security so calculated shall be immediately made good by the operator by providing insurance or additional financial security to the extent of shortfall.

(4) Nothing in this rule shall prevent a group of operators to enter into a joint arrangement of financial security providing for contribution towards such security in proportion to their individual installed capacity in thermal megawatts.

(5) For a nuclear installation which is owned by Central Government and requires licence as per sub-section (2) of section 3 of the Act, -

- (a) the person granted the licence for operation shall be the operator of the nuclear installation,
- (b) such operator referred in clause (a) is not required to obtain any insurance policy or any other financial security as per section 15 of the Act; and
- (c) the Central Government shall assume the liability for the damages which are attributable to the operator of the nuclear installation including the liability arising during carriage of nuclear material therefrom or thereto as well as storage incidental thereto.

(6) The provisions of this rule shall not apply to a nuclear installation owned by the Central Government which is under its exclusive control as per sub-section (5) of section 3 of the Act and Central Government shall be liable for any damage occurring in such installation or during carriage of any nuclear material therefrom or thereto, if Central Government has assumed the liability, including storage incidental thereto.

78. Periodic review of Operator's Nuclear Liability Limits: The Central Government shall once in every five years constitute a group of experts from nuclear science and engineering, actuarial science, insurance, law, public interest representatives and such other members as the Central Government may deem necessary, to review the maximum limits of operator's civil liability for nuclear damage and for proposing amendments in the second Schedule of the Act.

79. Reporting of nuclear incidents: The operator shall report immediately the occurrence of a nuclear incident in his nuclear installation or during transportation of nuclear material, in accordance with the reporting criteria specified by the Board under clause (f) of sub-section (3) of section 24 of the Act, to-

- (a) the Central Government;
- (b) the Board; and
- (c) the insurer where the nuclear installation is insured under section 15 of the Act.

80. Notification of Nuclear Incident: The Central Government shall on receipt of the recommendations from the Board or from such other regulatory bodies constituted under sub-section (2) of section 25 of the Act in respect of occurrence of a nuclear incident in nuclear installation or during transportation of nuclear material not under the jurisdiction of the Board, review the gravity of the threat and risk involved in the nuclear incident and notify the nuclear incident in accordance with section 26 of the Act.

81. Application for compensation: (1) An application for claim for compensation for nuclear damage shall be made by claimant as specified in sub-section (1) of Section 64 of the Act in Form-A:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal heirs who have not so joined shall be impleaded as respondents to the application.

(2) Every application for compensation for nuclear damage shall be accompanied by as many copies equal to the number of the respondents, as may be required, to the claims adjudication authority having jurisdiction to adjudicate upon it.

(3) With every such application, the following shall be attached, namely -

- (a) an affidavit of the applicant to the effect that the statement of facts contained in the application is true to the best of his knowledge or belief and further if the applicant has earlier preferred any claim application with regard to the same cause of action, and if so, what was the result thereof;

- (b) all the documents and affidavits for the proof thereof, and affidavits in support of all facts on which the applicant relies in the context of his claim, entered in a list of documents and affidavits prepared in that behalf:

Provided that the claim adjudication authority may not allow the applicant to rely in support of his claim, on any document or affidavit not filed with the application, unless it is satisfied that for good and sufficient cause, he was prevented from filing such document or affidavit earlier;

- (c) the proof of identity of the applicant to the satisfaction of the claims adjudication authority, unless exempted from doing so for reasons to be recorded in writing by it;
- (d) passport size photograph of the applicant duly attested by the advocate;
- (e) medical certificates of injuries, or the effect thereof.

(4) The claims adjudication authority may also require the applicant to furnish the following information to satisfy itself that spurious or a collusive claim has not been preferred, namely: —

- (a) full particulars of all earlier nuclear incidents in which the applicant or the deceased person, as the case may be, has been involved;
- (b) the amount of compensation paid in such earlier nuclear incidents, name and particulars of the victim, and of the person who paid the damages; and
- (c) relation of persons mentioned in clause (b), if any with the applicant.

(5) The claims adjudication authority may return any application, which is found defective on scrutiny, to the applicant for re-submission after removing defects within a specified period not exceeding fifteen days.

(6) The claims adjudication authority shall register every application for compensation separately in appropriate register maintained for this purpose.

82. Notice to Opposite Parties: The claims adjudication authority shall on receipt of an application under rule 81 unless it has been found defective under sub-rule (5) of that rule, send to the opposite parties, a notice of the date on which it will hear the application and call them upon to file on that date a written statement.

83. Supply of copies of documents: The claims adjudication authority shall along with the notice of hearing furnish the opposite parties, free of cost, a copy of each of the following, namely: —

- (a) the application for compensation;
- (b) the documents and affidavits filed by the applicant under rule 81; and
- (c) all the documents produced before it on which the applicant is relying:

Provided that if the claims adjudication authority is satisfied that any such document is voluminous, it shall instead of furnishing the opposite parties a copy thereof, make an endorsement on the bottom of the notice that they only be allowed to inspect it either personally or through their authorized person.

84. Examination of applicant: The claims adjudication authority may, on receipt of an application under rule 81, examine the applicant on oath, and the substance of such examination, if any, shall be recorded in writing.

85. Appearance and examination of the parties: (1) The opposite party shall at or before the first hearing, or within such further time as the claims adjudication authority may allow, file a written statement in reply to the claim raised in the application, and any such written statement shall form part of the record.

(2) The opposite party shall file along with his written statement, all the documents and affidavits for the proof thereof and also affidavits in support of all facts on which he relies in the context of his defence, duly entered in a properly prepared list of documents and affidavits, and shall give to the applicant copies of the written statement, documents, and affidavits.

(3) The claims adjudication authority shall not allow the opposite party to rely in support of his defence on any document or affidavit not filed along with the written statement, unless it is satisfied that, for good and sufficient cause, he was prevented from filing such document or affidavit earlier.

(4) The claims adjudication authority may, if the opposite party contests the claim or if no written statement has been filed, it shall, proceed to examine him upon the claim and shall reduce the substance of the examination to writing.

(5) The claims adjudication authority may require the opposite parties to furnish the following information, namely: —

- (a) full particulars of all earlier nuclear incidents in which such party may have been involved, and in which the claims have been awarded in full or in part;
- (b) the amount of compensation paid in such earlier accidents, the name and addresses of the victims and of the persons who paid the damage; and
- (c) relation of persons mentioned in clause (b), if any, with the opposite party.

86. Summary procedure by claims adjudication authority: The claims adjudication authority, in a case pending before it, may adopt the procedure relating to summary trial of the cases as laid down in Order XXXVII of the Code of Civil Procedure, 1908 (5 of 1908) while trying a claim for compensation.

87. Power to direct for medical examination: The claims adjudication authority may, if it considers necessary, direct, in Form-B, any medical officer or any board of medical officers in a Government or Municipal hospital to examine the injured person and issue certificate indicating the degree and extent of the disability, if any, suffered as a result of the nuclear incident, and it shall be the duty of such medical officer or board to submit the report within a period of seven days of receipt of direction.

88. Framing of issues: The claims adjudication authority shall, after considering the application, the written statements, the examination of the parties, if any, and the result of any local inspection, if made, proceed to frame and record the issues at the first hearing of the application upon which the decision of the case appears to it to depend.

89. Determination of issues: (1) The claims adjudication authority shall proceed to decide the application after framing an issue if it is triable and allow both the parties

to cross examine each other and the deponents whose affidavits have been filed by the parties, on such affidavits filed with the application and the written statement and in doing so, it shall follow provisions of Order XIX of the Code of Civil Procedure, 1908 (5 of 1908).

(2) The claims adjudication authority may, if it appears to it to be necessary for just decision of the case, allow the parties to adduce such further evidence as each of them may desire to produce:

Provided that no such further opportunity shall be permitted unless it is shown that the affidavit of the witness sought to be examined at such stage could not be obtained and filed earlier, despite exercise of due diligence by, or that such evidence was not within the knowledge of the party relying on it.

90. Expenses for attendance of witnesses: The claims adjudication authority shall direct the operator to bear the expenses of the witnesses summoned.

91. Method of recording evidence: The claims adjudication authority shall, as examination of witnesses proceeds, make brief memorandum of the substance of the evidence of each witness and such memorandum shall be written and signed by the claims adjudication authority and shall form part of the evidence:

Provided that evidence of any expert witness shall be taken down word by word.

92. Obtaining of supplementary information and documents: The claims adjudication authority shall obtain whatever supplementary information and documents, which may be found necessary from the medical and other authorities and proceed to adjudicate upon the claim whether the parties who were given notice appear or not on the appointed date.

93. Award of compensation: (1) The claims adjudication authority, in passing orders, shall record concisely in a judgment, the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the opposite party or parties and also the person or persons to whom compensation shall be paid.

(2) The claims adjudication authority, while deciding the compensation to be paid for nuclear damage suffered shall ensure that —

- (a) claims for economic loss, caused by a nuclear incident, if incurred by a person entitled to claim such loss or damage have not been included in the claims for loss of life or personal injury or loss of, or damage to, property;
- (b) costs claimed for measures taken or to be taken for reinstatement of impaired environment caused by a nuclear incident, where such impairment is significant, have not been included in claims for loss of, or damage to, property;
- (c) claims for loss of income derived from an economic interest in any use or enjoyment of a significantly impaired environment caused by a nuclear incident, have not been included in the claims for loss of, or damage to, property;
- (d) claims for cost of measures taken for preventing and mitigating nuclear damage, including any additional loss or damage resulting from such measures, have been approved by the Central Government;

(e) claims of any other economic loss other than one caused by impairment of the environment referred to in (a) and (b) are to the extent permitted by the general law on civil liability in force in India and not claimed under any such law.

(3) The procedure of adjudicating the liability and award of compensation may be set apart from the procedure of disbursement of compensation to the legal heirs in a case of death, and where the claims adjudication authority feels that the actual payment to the claimant is likely to take some time because of the identification and determination of legal heirs of the deceased, the claims adjudication authority may call for the amount of compensation awarded to be deposited with it, and, then, proceed with the identification of the legal heirs for disbursing payment of compensation to each of the legal heirs equitably.

Explanation: For removal of any doubts, it is clarified that —

- (a) nuclear damage referred in sub-section 21 of section 2 of the Act other than the loss or damage specified in sub-clause (D) of clause (iii) is to the extent it arises out of or results from ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent to, a nuclear installation, whether so arising from the radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matter.
- (b) where an operator is likely to remove any property from the purpose of evading payment of the award ordered by Claims adjudicating authorities, then injunction granted as per sub-section (3) of section 66 of the Act shall take into account any directions issued to the licensee by the Central Government or the Board in this behalf.
- (c) where any amount is recovered as arrears of land in the event of any default of deposit of amount of award within the period specified as per sub-section (2) of section 68 of the Act, then prior to any attachment or sale or transfer of any property, views of Central Government and the Board shall be obtained from safety, security or safeguards considerations.

94. Securing interest of claimants: (1) Where any lump-sum amount deposited with the claims adjudication authority is payable to a person under legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the person under legal disability in such manner as the claims adjudication authority may direct to be paid to any dependent or the heirs of such person under legal disability whom the claims adjudication authority thinks best fitted to provide for the welfare of the person under legal disability or the heirs of such person.

(2) Where the claims adjudication authority; on an application made to it in this behalf or otherwise, is satisfied that on account of neglect of the children on the part of the parents, or on account of the variation of the circumstances of any dependent, or for any other sufficient cause, an order of the claims adjudication authority as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the claims

adjudication authority may make such further orders for the variation of the former order as it thinks just in the circumstances of the case.

(3) The claims adjudication authority shall, in the case of minor, order that amount of compensation awarded to such minor be invested in fixed deposits till such minor attains majority:

Provided that the expenses incurred by the guardian or the next friend may be allowed to be withdrawn by such guardian or the next friend from such amount before it is deposited.

(4) The claims adjudication authority shall, in the case of illiterate claimants, order that the amount of compensation awarded be invested in fixed deposits for a minimum period of three years, but if any amount is required for effecting purchase of any movable or immovable property for improving the income of the claimant, the claims adjudication authority may consider such a request after being satisfied that the amount would be actually spent for the said purpose.

(5) The claims adjudication authority shall, in the case of semi-literate person follow the procedure specified in sub-rule (4) for the deposit of award amounts unless it is satisfied, for reasons to be recorded in writing that the whole or part of the amount is required for the expansion of any existing business or for the purchase of some property referred to in that sub-rule in which case the claims adjudication authority shall ensure that the amount is invested for the purpose for which it is prayed for and paid.

(6) The claims adjudication authority may in the case of literate person follow the procedure specified in sub-rule (4) and (5) for deposit of awarded amount if having regard to the age, fiscal background and state of society to which the claimant belongs and such other consideration, the claims adjudication authority in the larger interest of the claimant and with a view to ensuring the safety of the compensation awarded, thinks it necessary to order.

(7) The claims adjudication authority, in case of personal injury, if satisfied that further treatment is necessary for which reasons to be recorded in writing, may permit the withdrawal of such amount as is necessary for the expenses of such treatment.

(8) The claims adjudication authority shall, in the matter of investment of money, have regard to a maximum return by way of periodical income to the claimant and make it deposited with public sector undertakings of the State or Central Government which offers higher rated interest.

(9) The claims adjudication authority shall, in investing money, direct that the interest on the deposits be paid directly to the claimant or the guardian of the minor claimant by the institutions holding the deposits under intimation to the claims adjudication authority.

95. Persons Associated with adjudication of claims: The claims adjudication authority may, for the purpose of deciding any claim filed before it, choose one or

more persons having expertise in the nuclear field or such other person possessing special knowledge of any matter relevant to the claim under inquiry to assist in holding such inquiry and adjudicating the claim.

96. Appearance of legal practitioner: The claims adjudication authority may, in its discretion, allow any party to appear before it through a legal practitioner.

97. Adjournment of hearing: If the claim adjudication authority finds that an application cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present on the date of adjourned hearing.

98. Receipt of compensation: The claims adjudication authority shall, obtain a receipt from the claimant in duplicate, one copy to be issued to the person who makes the payment and the other to be retained on the record while handing over the payment.

99. Registers: (1) The claims adjudication authority shall maintain the following registers namely: -

- (a) register of applications for claim for compensation for nuclear damage;
- (b) register for notices to be issued to the parties by the claims adjudication authority;
- (c) register for applications for interim award;
- (d) register for deposit of payments in the claims adjudication authority; and
- (e) diary of day-to-day proceedings to be called as "A Diary."

(2) Applications for compensation on the ground of death, permanent disability, injury, and damage to property shall be entered in a separate register to be called the "Register for applications for compensation on death, disability, etc.".

100. Custody and preservation of records: The documents and records relating to the applications for compensation cases shall be preserved in the record room for a period of thirty-five years from the date of occurrence of the nuclear incident.

PART-B RADIATION DAMAGE

101. Liability for radiation damage (other than nuclear damage): (1) In an event of an accident involving radioactive material or radiation, other than nuclear incident as defined under the Act, at any facility or plant or mine or during course of carriage of radioactive material, the licensee or holder of the safety authorisation in relation to such facilities, plants, mines or activities including the consignor, shall be responsible for settlement of claims for compensation of radiation damage, to the extent that such damage results in -

- (a) loss of life or personal injury including immediate and long-term health impact;
- (b) loss of or damage to property, other than to the facility or plant or mine itself where the accident has occurred or to any property on the site of that facility or plant or mine which is used or to be used in connection with that facility or plant or mine, or to the means of transport upon which the radioactive material involved was carried at the time of the accident.

Note: The categorisation of event as ‘incident’ and ‘accident’ as per the International Nuclear and Radiological Event Scale of International Atomic Energy Agency should not be confused with the ‘nuclear incident’ under the Act which are accidents of extraordinary nature likely to pose a grave threat or risk to public or environment

- (2) Accident referred in sub-rule (1) shall not include any accident caused due to —
- (a) a grave natural disaster of an exceptional character; or
 - (b) an act of armed conflict, hostility, civil war, insurrection or terrorism:

(3) The licensee or holder of the safety authorisation including consignor shall maintain a financial security specified in Schedule-II for settlement of claims form radiation damage under this rule and make provisions either by insurance or by such other means as the Central Government may approve, of sufficient funds to be available at all times.

Explanation: Unlike nuclear damage, the accidents causing radiation damage may arise from degradation of defence in depth but present no or minimal risk outside the site or to the environment and therefore the extent of losses, injuries or damages will be localised.

102. Information on Accident: (1) Licensee or holder or safety authorisation shall inform the Board within twenty-four hours in the event of any accident on his plant premises or during transportation of radioactive material.

(2) Notwithstanding sub-rule (1), any person having sufficient reasons to believe that there has been an accident resulting in exposure to ionizing radiation in excess of the dose limit shall immediately inform the Board.

103. Constitution of Expert Advisory Committee: (1) Upon review and confirmation by the Board of the likelihood of individuals being exposed to significant radiation levels or contamination of property, the Board shall immediately refer the case to an Expert Advisory Committee of the Central Government consisting of —

- (a) the Chairperson who shall be not below the rank of Additional Secretary in the Central Government;
- (b) representative of licensing authority;
- (c) one representative of the Board;
- (d) one officer from Central Government not below the rank of Director to serve as Member-Secretary.

(2) The Expert Committee referred in sub-rule (1) may invite medical practitioner with specialisation in radiation medicine and such other experts, as deemed necessary, from fields including but not limited to, occupational radiation protection, medical physics, radiation biology and radiation ecology; epidemiological studies.

104. Investigation for ascertaining radiation damage: The Expert Advisory Committee shall ascertain the extent of radiation damage based on dose received, co-workers’ statements, bio-dosimetry studies and medical examinations, measures involved in decontamination and recommend to the Central Government for compensation to be paid.

105. Compensation Payable: (1) The Central Government, after giving an opportunity to the individuals suffering radiation damage or their legal representatives, licensee or the holder of the safety authorisation or the owner of the radiation source, and considering recommendations of the Expert Advisory Committee, shall decide the extent of compensation that shall be paid by the licensee or the holder of the safety Authorisation or the owner of the radiation source to individual suffering radiation damage or his legal representative and pass order thereon:

Provided that where it is not possible to identify the employer or owner who is the custodian of the radiation source, the radiation source shall be considered as an orphan source and the compensation shall be paid by the Central Government:

Provided further that as and when the employer or occupier or owner of the radiation source is identified, the amount paid as compensation shall be recovered from the employer or owner by appropriate recovery mechanism of Central Government.

(2) No compensation shall be paid where any radiation damage is suffered by an individual on account of—

- (a) wilful exposure to ionizing radiation;
- (b) exposure to ionizing radiation while committing an act of crime;
- (c) any act committed in a state of intoxication or insanity,
- (d) his own negligence or from his own acts of commission or omission.

(3) While determining the compensation, no consideration shall be taken on any benefit, reimbursement or amount received by the applicant in pursuance of employment or contract or insurance taken by the applicant where the licensee or the holder of the safety authorisation or employer or owner is also liable to pay compensation under any other law for radiation damage, the amount of compensation under these rules shall be reduced by that amount.

(4) The party aggrieved by the order passed by Central Government under sub-rule (1) may submit a review application to the Council, in accordance with sub-section (1) of section 48 of the Act.

Explanation: Nothing in this chapter shall affect the compensation to an employee under The Code on Social Security, 2020 (36 of 2020) for ‘employment injury’ caused in any occupation involving exposure to the action of radioactive substances or ionising radiations.

CHAPTER -VII

TARIFF, FUNDS AND FINANCIAL SECURITIES

(clause (e)(i) of sub-section (3) of section 10, sub-section (2) of section 14, sub-section (2) of Section 32, section 37 of the Act)

106. Fixation of Tariff for supply of electricity or charges for disposal of nuclear energy: The norms and mechanisms for fixation of the tariff for supply of electricity or for charges to be levied for process heat, isotope production, or any other service shall be determined in accordance with section 37 of the Act based on the recommendations of a Committee constituted by Central Government.

PART-A
NUCLEAR LIABILITY FUND

- 107. Establishment of Nuclear Liability Fund:** (1) The Central Government shall establish a Nuclear Liability Fund in accordance with sub-section 2 of Section 14 of the Act.
- (2) The Fund shall comprise the levy collected from operators of nuclear installations.
- (3) The Fund shall be managed in accordance with rules and instructions relating to management of Public Accounts of the Government of India for such funds.
- (4) The payments made by an operator towards the Nuclear Liability Fund shall be credited into the Consolidated Fund of India and then transferred to the Public Account following due procedures.
- (5) As and when a need for payment out of the Nuclear Liability Fund arises, the Central Government shall ascertain the payment to be made and obtain the Parliament's approval for making the payment.
- 108. Contribution to Nuclear Liability Fund:** (1) The operator shall pay to the Nuclear Liability Fund established by the Central Government in accordance with sub-rule (1) of Rule 107, a levy at such rate as notified.
- (2) The levy shall be collected and paid to the Fund till the reactor is in operation under a valid licence-
- (3) The levy shall be payable on quarterly basis and the levy amount for every quarter of the year shall be credited to the Fund within the 15th day of the month succeeding the quarter.
- (4) In case of delay in payment by the operator, the interest at such rate as provided in notification shall be calculated and charged on daily basis on the operator.

PART-B
SPENT FUEL MANAGEMENT FUND

- 109. Establishment of Spent Fuel Management Fund:** (1) The Central Government shall establish a Spent Fuel Management Fund in exercise of powers conferred under sub-section 2 of Section 32 of the Act for subsequent management of the spent fuel delivered by the licensee, including its storage and back-end management.
- (2) The Fund shall comprise the levy collected from licensee of nuclear power plants or reactors.

(3) The Fund shall be managed in accordance with rules and instructions relating to management of Public Accounts of the Government of India for such funds and operated in such manner as may be notified.

110. Contribution to Spent Fuel Management Fund: (1) Where the spent fuel generated from a nuclear power plant or a reactor is not repatriated but eventually delivered to the Central Government for its subsequent management in accordance with clause (b) of sub-section (4) of section 3 of the Act, the operator shall pay to the Spent Fuel Management Fund established by the Central Government in accordance with sub-rule (1) of Rule 109.

(2) The levy shall be collected and paid to the Fund till the reactor has been permanently shutdown at such percentage of electricity rates charged to consumers as specified by the Committee determining the tariff under rule 106, which shall be adjusted over the lifetime of the plant or reactor to account for inflation, technological advancements and other factors.

Note: The levy shall be based on the amount of spent fuel generated, its composition and the complexities involved in back-end management of the spent fuel.

(3) For reactors not supplying electricity to the grid but intended for process heat generation, isotope production, hydrogen production or such other services as specified in sub-rule (1) of rule 3, the annual contribution to the spent fuel waste management fund shall be based on the calculations of notional amount of electricity using a normative thermal efficiency as specified by the Committee determining the tariff under rule 106.

(4) The levy shall be payable on quarterly basis and the levy amount for every quarter of the year shall be credited to the Fund within the 15th day of the month succeeding the quarter.

(5) In case of delay in payment by the licensee, the interest at such rate as provided in the notification shall be calculated and charged on daily basis on the operator.

PART-C FINANCIAL SECURITIES FOR DECOMMISSIONING

111. Financial security for decommissioning of Nuclear Power Plant or a Reactor: (1) The licensee shall provide reasonable assurance to the Government that funds will be available for decommissioning of the nuclear power plant or a reactor licensed under the Act and subsequent site remediation including institutional control after closure of radioactive waste disposal site, wherever applicable.

(2) The cost of decommissioning shall be estimated with due consideration to the factors such as technology and plant performance (capacity factor), location of the plant, the strategy for decommissioning, and should cover all decommissioning activities required after shutdown, including defueling, safe storage, decontamination, removal of structures, substances and equipment, packing, transportation, management

or disposal of all radioactive wastes, site characterisation, environmental cleanup as specified by the Board.

(3) For the purpose of sub-rule (2), the licensee prior to undertaking any commissioning activity with nuclear fuel, shall maintain such financial security in a manner as may be notified for decommissioning with sums paid gradually as part of electricity rates charged to consumers at such rate as specified by the Committee determining the tariff under rule 106, which shall be adjusted over the lifetime of the plant or reactor to account for inflation, technological advancements and other factors.

(4) For reactors not supplying electricity to the grid but intended for process heat generation, isotope production, hydrogen production or such other services as specified in sub-rule (1) of rule 3, the annual contribution to for maintaining the financial security for decommissioning shall be based on the calculations of notional amount of electricity using a normative thermal efficiency or such other factor as specified by the Committee determining the tariff under rule 106.

(5) The financial security for decommissioning shall be maintained fully segregated from licensee's other assets and managed in a manner as notified by Central Government and no withdrawals from it shall be made for purposes other than decommissioning and with prior permission of Central Government.

Explanation: The financial security for decommissioning shall not be a part of any liquidation initiated under any extant law

(6) An annual report of the status of financial security for decommissioning shall be submitted to the Central Government and Central Government shall have powers to oversee and audit the status of the financial security and can access it upon demand.

(7) Cessation of the financial security shall be permitted only after receipt of a certificate from the Central Government, to the effect that all necessary decommissioning and site remediation has been completed to its satisfaction.

112. Financial security for decommissioning of other facilities, plants, mines and disposal of radioactive material: (1) The licensee shall provide reasonable assurance to the Government that funds will be available for decommissioning of nuclear facilities or plants (other than nuclear power plants and reactors) or mines licensed under the Act, disposal of radioactive material, subsequent site remediation including institutional control after closure of radioactive waste or tailings disposal site, wherever applicable.

(2) For the purpose of sub-rule (1), plants manufacturing radiation sources or any other nuclear facility or plant other than nuclear power plants or reactors, the licensee or holder of safety authorisation shall before start of operation shall provide a bank guarantee of such amount as notified by the Central Government.

(3) In relation to radiation sources used in radiation facilities, the holder of safety authorisation shall make necessary arrangements and legally binding undertakings with the supplier as an assurance towards safe decommissioning of the equipment containing radioactive material and return of the sealed radiation source to the supplier.

(4) In relation to a mine, the licensee shall make necessary arrangements and provide legally binding undertaking as an assurance towards safe decommissioning or closure of the mine.

(5) The financial security referred in sub-rule (2) shall be available for the entire life-cycle of the facility or plant and shall be adjusted taking into account the inflation, technological advancements and other such factors.

CHAPTER-VIII

ACQUISITION BY CENTRAL GOVERNMENT

(under sub-section (3) of section 33 of the Act)

113. Acquisition of facility, plant, mine, material or equipment: (1) Where the Central Government decides to acquire the rights to work any mineral from which in its opinion any of the prescribed substances can be obtained, whether present in or on any land on shore or offshore, either in a natural state or in a deposit of waste material obtained from any underground or surface working, it may by order provide for vesting of the acquisition rights in accordance with sub-section (1) of section 33 of the Act.

(2) So long as the order referred to in sub-rule (1) remains in force, the Central Government may either by itself or through a Government Company owned or controlled by it may work on those minerals and any other minerals which appears to the Central Government to be necessary to work those minerals, and may provide by that order or a subsequent order that any other ancillary rights which appear to the Central government to be necessary for the purpose of working of the said minerals including, —

- (a) right to withdraw support;
- (b) rights necessary for the purpose of access to or conveyance of minerals aforesaid or the ventilation or drainage of the working;
- (c) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the said minerals;
- (d) rights to use and occupy for the purpose of working of the said minerals any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry; and
- (e) rights to obtain a supply of water for any of the purposes connected with the working of the said minerals, or to dispose of water or the liquid matter obtained in consequence of working of such minerals.

(3) Central Government, for the purpose of acquisition of any rights for working of minerals under sub-rule (1) may serve the notice of order, —

- (a) on all persons who, but for the order, would be entitled to work the minerals affected;
- (b) on every owner, lessee and occupier (except tenants for a month or for less than a month) of any land in respect of which rights are proposed to be acquired under the order.

(4) Where Central Government decides to acquire any substance, minerals or plants under section 33 of the Act, other than the cause of cancellation of licence or abandonment of the plant or reactor under rule 114, it shall have the right to acquire any buildings, railway sidings, tramway lines, or aerial ropeways serving such plant, and carry out the acquisition in the following manner, —

- (a) serve upon the person appearing to be the owner thereof, a notice in writing specifying the property to be acquired and requiring that person to make to the Central Government within the time period specified in the notice a written declaration containing such particulars as may be so specified regarding the ownership of such property and any agreement or charge by virtue of which any other person has an interest in such property;
- (b) upon the service of a notice under clause (a), no property to which the notice relates shall be disposed of without the previous permission in writing of the Central Government;
- (c) if it appears to the Central Government in consequence of any written declaration made to it in pursuance of clause (a) that any person other than the person on whom the notice under clause (a) was served is the owner of, or has any interest in, the property to which the notice relates, the central Government shall serve a copy of the notice on that other person;
- (d) a notice served under clause (a) shall contain a statement to the effect an objection may be made thereto within such time and in such manner as may be specified therein, and if any such objection is duly made and not withdrawn, the Central Government shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Central Government for the purpose;
- (e) after considering any such objection, and the report of the person appointed by it under clause (d), the Central Government may serve on the person upon whom the notice under clause (a) or a copy thereof was served a further notice in writing, either withdrawing the notice of acquisition or confirming the said notice as respects the property to which it relates or such part of the property as may be specified therein;
- (f) any property with respect to which a notice of acquisition is served, under this rule shall —
 - (i) if no objection is duly made to the notice, vest in the Central Government at the expiration of the time for making such objection;
 - (ii) if such an objection is duly made and the notice is confirmed as respects the whole or any part of that property by a notice served under clause (e), vest accordingly in the Central Government on the service of the last-mentioned notice,and shall in either case vest free from all encumbrances.

(5) On any such acquisition carried out pursuant to rule (4), Central Government may either by itself or through a Government Company wholly owned or controlled by it, operate such plant or use such material or equipment.

(6) Licence and safety authorisation shall be necessary for operation or use of all such acquired facility, plant, mine, material or equipment under this rule.

114. Assumption of Control by Government: (1) On cancellation of licence or on abandonment of a plant within the meaning of sub-section (2) of section 33, the Central Government shall appoint an Administrator who shall have full powers to carry on the licensed business as per the directions of the Central Government from safety, security and safeguards considerations.

(2) The administrator shall invite applications from eligible persons for acquiring the plant, facility or mine from the person whose licence has been cancelled.

(3) Upon receipt of applications, the administrator may determine which of such application should be accepted, based on the directions of the Central Government which inter alia shall consider factors such as availability of qualified personnel for operating the plant, arrangements for design support, concurrence from original technology developer:

Provided that no such application shall be accepted from the company whose licence has been cancelled, or its joint venture, and for the purpose of such assessment, the said company, its joint venture and its directors shall deem to be blacklisted.

(4) Upon acceptance of the invitation under sub-rule (3), the person whose application has been accepted shall be required to apply for a licence and safe authorisation under the Act and in case of a mine, get transferred the mining lease in his favour in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the rules made thereunder.

(5) Upon grant of licence under sub-rule (3), Central Government, by notice in writing, shall require the person whose licence has been cancelled (herein after referred as “seller”) to sell his plant, facility or mine, as the case may be, to the eligible person whose application has been accepted by the administrator (hereafter referred to as the “purchaser”):

(6) Where the seller has delivered the plant, facility or mine to the purchaser but its sale has not been completed by the date fixed in the notice issued under that sub-rule, the Central Government may, if it deems fit, permit the intending purchaser to operate and maintain the plant, facility or mine pending the completion of the sale.

(7) Upon such sale under sub-rule (4), all the rights, duties, obligations and liabilities of the seller under the Act and rules and regulations framed thereunder, on and from the date the plant, facility or mine is sold to a purchaser, shall absolutely cease and vest with the purchaser.

(8) Where no application has been received from any eligible person pursuant to the invitation issued under sub-rule (2), the Central Government shall assume control over that facility or plant or mine and all assets free from all encumbrances shall thereon completely vest with the Central Government.

(9) Notwithstanding anything contained in this rule, on assumption of control over a facility, plant, mine, prescribed substance, prescribed equipment or radiation source, if the Central Government decides not to further use or operate it, then it shall have

complete access to the financial security or assurances referred in rule 111 and rule 112 and may take such measures as may be necessary -

- (a) under sub-section (5) of section 4 of the Act;
- (b) under clause (b) to (e) of sub-section (6) of section 33 of the Act;
- (c) under sub-section (4) of section 25 of the Act, as the case may be; and

levy such cost on the licensee or the holder of safety authorisation, as it may deem fit.

CHAPTER-IX

BODIES UNDER THE ACT

(under sub-section (3) and sub-section (5) of section 17, sub-section (2) of section 23, sub-section (3) and sub-section (4) of section 47, sub-section (2) of section 50, sub-section (1) of section 51, sub-section (2) of section 59, sub-section (2) of section 62, sub-section (2) of section 64, sub-section (2) and clause (f) of sub-section (3) of section 65, sub-section (2) of section 77, sub-section (1) of section 78, sub-section (1) of section 79, section 80 of the Act)

PART-A

ATOMIC ENERGY REGULATORY BOARD

115. Qualifications and Experience of Chairperson and Members of the Board:

(1) A person shall be eligible to be appointed as the Chairperson of the Board, if such person —

- (a) is a citizen of India;
- (b) is of outstanding ability, impeccable integrity and standing and having distinguished professional record;
- (c) has experience of at least thirty years and is an eminent expert in one or more disciplines or areas, namely—
 - nuclear science and technology;
 - nuclear safety and regulation,
 - design, construction and operation of nuclear power plant and fuel cycle facilities,
 - radiation safety and regulation, or
 - such other related disciplines or areas which may, in the opinion of the Central Government, be relevant; andhas capability to provide efficient and effective leadership.

(2) A person shall be eligible to be appointed as the whole time member of the Board, if such person-

- (a) is a citizen of India;
- (b) is of outstanding ability, impeccable integrity and standing and having distinguished professional record;
- (c) has experience of at least twenty-five years and is an eminent expert in one or more disciplines or areas, namely —
 - nuclear science and technology;
 - nuclear safety and regulation,
 - design, construction and operation of nuclear power plant and fuel cycle facilities,

- radiation safety and regulation, or
 - such other related disciplines or areas which may, in the opinion of the Central Government, be relevant; and
- has capability to provide efficient and effective leadership.

(3) A person shall be eligible to be appointed as Member(s) of the Board, other than the Whole-time member, if such person -

- (a) is a citizen of India;
- (b) is of outstanding ability, impeccable integrity and standing and having distinguished professional record and experience of at least twenty years in Government, industry, health care sector, academic institutions or national laboratories; and is an eminent expert in one or more disciplines or areas, namely —
 - nuclear science and technology;
 - radiation protection;
 - non-power radiation applications such as in nuclear medicine, radiation therapy, diagnostic radiology and other medical applications, industrial applications, research applications;
 - industrial, fire and chemical plant process safety;
 - earth science, seismology, civil engineering;
 - environmental science and engineering;
 - nuclear power plant engineering; or

(c) such other related discipline or areas which, in the opinion of the Central Government may be relevant.

116. Constitution of Search-Cum-Selection Committee for Board: (1) The Atomic Energy Commission shall constitute a Search-cum-Selection Committee for the selection of Chairperson of the Board and another Search Committee for the selection of Members of the Board and such Search-Cum-Selection committees shall consist of two members and a Chairperson.

(2) The Chairperson and members of the Search-Cum-Selection Committee shall be from amongst persons of eminence having knowledge and experience in the field of science, engineering and technology, or leadership role in Government of India.:

Provided that the Chairperson of the Board shall be one of the two members of the Search-Cum-Selection Committee constituted for the appointment of Members of the Board.

(3) The Central Government shall, within six months before the superannuation or completion of the term of the Chairperson or Member or within a period of three months from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member, make a reference to the Search-Cum-Selection Committee for filling up the vacancy.

(4) The term of the Search Committees and the manner of search of panel of names for making recommendations for appointment of Chairperson or Member shall be such as may be specified by the Atomic Energy Commission.

(5) Before appointing any person as the Chairperson or Member of the Board, the Central Government shall satisfy itself that —

- (a) such person does not have any financial or other interest as is likely to affect prejudicially his functions;
- (b) members are drawn from diverse background/expertise so as to cover a wide spectrum of disciplines;
- (c) the Members (other than whole-time Member) serve their staggered terms.

(6) No appointment of the Chairperson or Member shall be invalid merely by the reason of any vacancy in the Search-Cum-Selection Committees.

(7) Subject to the provisions of sub-rules (3) to (6), the Search Committee shall regulate its own procedure.

(8) The appointment of the Chairperson or Member of the Board shall be confirmed by the Minister-In-Charge of the Department in Government of India dealing with atomic energy.

117. Term and Age limit of Chairperson and Members of Board: (1) Any person holding any office under the Central Government or State Government or in a company or any other legal entity, shall, on his selection as the Chairperson or a Whole-time Member, be required to seek retirement or resign from the services of such Central or State Government or company or any other legal entity, as the case may be, before accepting the employment as such Chairperson or as the case may be, the Whole-time Member.

(2) The term of office of Chairperson and Members of the Board shall be for a period of three years, unless further extended by the Central Government in accordance with the provisions of sub-section (1) of section 18 of the Act:

Provided that -

- (a) The Chairperson of the Board, shall not hold office as such after attaining the age of seventy years;
- (b) The Whole-time Member shall not hold office as such after attaining the age of sixty-five years;
- (c) Members, other than Whole-time Member, shall not hold office as such after attaining the age of seventy years.

(3) Central Government may, with reasons in writing, permit continuation of Chairperson and Members, beyond the age limits specified in proviso to sub-rule (2), if it in its opinion it is considered expedient and necessary to do so.

(4) A Member shall be eligible for appointment as a Chairperson.

(5) Removal of Chairperson or any Member of the Board by the Central Government under sub-section (2) of section 19 of the Act shall be only after acceptance by Atomic Energy Commission and confirmation by the Minister-In-Charge of the Department in Government of India dealing with atomic energy.

118. Salaries and Allowances: (1) The Chairperson and Whole Time Member shall receive pay and other allowances such as dearness allowance, city compensatory

allowance, entertainment allowance as admissible to a Secretary to the Government of India in the case of a Chairperson and Level 16 in the Pay Matrix in the case of a Whole Time Member.

(2) The Chairperson and Whole Time Member shall be entitled to emoluments, provident fund, facilities and amenities including accommodation, conveyance, medical treatment and hospital facilities such as are admissible to officers holding Group 'A' post of the Central Government drawing an equivalent pay:

Provided that where a person who has retired from service under the Central Government or a State Government, the pay and retirement benefits will be regulated as per extant rules of Department of Personnel and Training.

119. Leave (1) The Chairperson and Whole-time Member shall be entitled to such leave as are admissible to officers holding Group 'A' post of the Central Government drawing an equivalent pay.

(2) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Service (Leave) Rules, 1972.

(3) The Chairperson of the Board shall be the authority competent to sanction leave to a whole-time Member.

120. Travelling Allowance and daily allowance: The Chairperson or Whole-time Member shall be entitled to traveling allowance and daily allowance for transportation of personal effects while on tour or on transfer (including the journey undertaken to join the Authority or on expiry of his term with the Authority to proceed to his home-town), at the same rates as are admissible to officers holding Group 'A' post of the Central Government drawing an equivalent pay.

121. Domestic official tours: The Chairperson or Whole-time member, while on tour, shall be entitled to such facilities and amenities as are admissible to officers holding Group 'A' post of the Central Government drawing an equivalent pay.

122. Official visits abroad: (1) The Chairperson or Whole-time Member shall be entitled to undertake official visits abroad with the prior approval of Central Government and the allowances and emoluments shall be in accordance with the Government instructions as applicable to officers of equal grade in the Government of India.

(2) Indian Missions abroad shall take care of arrangements and extend facilities as are admissible to officers holding Group 'A' post of the Central Government drawing an equivalent pay.

123. Leave Travel Concession: The Chairperson or Whole-time Member shall be entitled to leave travel concession at the same rate as is admissible to officer holding Group 'A' post of the Central Government drawing an equivalent pay.

124. Terms and Conditions of Services of Part-time Members: (1) A part-time Member shall be entitled to receive remuneration by way of honorarium or sitting allowance at such rates as determined by the Central Government for High Level Committee constituted by Minister In-Charge of nuclear energy.

(2) A part-time Member shall, for attending a meeting of the Board, be reimbursed the actual expenses incurred and the reimbursement shall be claimed on self-certification basis.

(3) A part-time Member while on tour (including the journey undertaken to attend a meeting of the Board) shall also be entitled to travelling allowance, daily allowances and accommodation at the same rates and scale as are applicable to an officer at Level 16 of Pay Matrix.

125. Oath of office and secrecy: Every Chairperson, Member, of the Board shall, before entering upon his duties, make a declaration of fidelity and secrecy in the Form-C.

126. Declaration of financial or other interest: Every person, on his appointment as the Chairperson or Member, as the case may be, shall give a declaration to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be, in the Form-D.

127. Restrictions on Chairperson and Members of the Board: The Chairperson or a Member, ceasing to hold office as such shall not, —

- (a) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Board is a party and with respect to which the Chairperson or the Member, before cessation of his office, had acted for, or provided advice to, the Board; or
- (b) give advice to any person (including his client, business associate or employer) using information which was obtained in his capacity as the Chairperson or a Member and being not available or cannot be made available to the public; or
- (c) within a period of two year, enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such, without the approval of the Central Government.

128. Officers and other employees of the Board: (1) The officers and employees of the Board shall be provided by the Central Government and their recruitment, confirmation, promotion, retirement, etc. shall be governed by the extant norms and methodology specified by the Central Government from time to time.

(2) The appointment of the officers and other employees of the Board shall be made by the Appointing Authority in Central Government.

(3) The officers and employees of the Board shall be Government Servant and their conditions of service in matters of pay, allowances, incentives, leave and other

conditions of service shall be regulated in accordance with such rules as are for the time being applicable to officers and employees of the corresponding scale of pay of the Central Government.

129. Preparation of Budget: (1) The Board shall prepare budget estimates for the next financial year and revised estimated receipts and expenditure of the Board as per details given below, namely —

(a) Receipts:

- (i) any grants made to the Board by the Central Government under sub-section (1) of Section 71 of the Act;
- (ii) fees received by the Board under the Act;
- (iii) charges collected by the Board under the Act, if any;
- (iv) all sums received by the Board from such other sources as may be decided upon by the Central Government; and

(b) Expenditure:

- (i) salaries, allowances and other remuneration of Chairperson, Members, experts, consultants, officers and other employees of the Board;
- (ii) expenses of the Board in the discharge of its functions under section 24 of the Act;
- (iii) allowances to be paid to the experts and consultants or any external support sought by the Board; and
- (iv) expenses on objects and for the purpose authorised by the Act.

(2) The Budget estimates so prepared shall be shown as per details given in Form-E.

(3) The Budget estimates so prepared and duly signed by the authorised signatories shall be forwarded to the Central Government on or before such date as may be decided by the Central Government for acceptance by the Atomic Energy Commission.

(4) An expenditure which if of an emergent and essential in character and cannot be postponed to the next financial year and provision for which does not exist in the budget, shall be incurred only with the prior approval of the Chairperson of the Board subject to ratification by the Atomic Energy Commission at its next meeting.

130. Maintenance of accounts and other relevant records: (1) At the expiration of a period of twelve months ending with 31st March of every year, the Board shall prepare with reference to that period, a Balance Sheet, Income and Expenditure Account and Receipt and Payment Account as on the last working day of that period in the Annexures to Form-E as specified below: -

- (a) Balance Sheet;
- (b) Income and expenditure Account;
- (c) Receipt and Payment Account.

(2) The Board Shall preserve the Balance Sheet, Income and Expenditure Account and Receipt and Payment Account under sub-rule (1) for minimum period of five years.

(3) The Budget estimates so prepared and duly signed by the authorised signatories shall be forwarded to the Central Government on or before such date as may be decided by the Central Government for acceptance by the Atomic Energy Commission.

- 131. Furnishing of annual statements and returns:** The Board shall furnish to Central Government an annual statement of its finance and accounts for each financial year containing information of the Balance sheet, Income and Expenditure Account and Receipt and Payment Account mentioned in sub-rule (1) of rule 130 by thirtieth of June or such date as may be decided by the Central Government.
- 132. Administrative support by Central Government:** The administrative support for interfacing with Parliament, Atomic Energy Commission, ministries, departments and bodies in Government of India, notification in official gazette, legal and other office and establishment related matters shall be provided by the Central Government

PART-B
ATOMIC ENERGY REDRESSAL ADVISORY COUNCIL

- 133. Submission of a review application to Council:** (1) Every review application under sub-section (1) of section 48 of the Act shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within fifteen days of the order passed.
- (2) Where a review application is made against the decision or order of suspension, modification, curtailment of duration or cancellation of the licence or safety authorisation, and during the pendency of review by the Council, the licensee or holder of safety authorisation or such other person shall comply with such directions as issued by the Central Government or the Board.
- 134. Meetings of the Council:** (1) Meetings of the Council shall be convened as and when any review application is received or any referral is made by the Central Government or the Board under section 48 of the Act or any other matter referred to the Council for redressal, except matters related to compensation under the Act.
- (2) The Chairperson of the Council shall designate an officer of the Central Government, not below the rank of Director to Government of India to provide administrative support for the meetings of the Council, including serving of meeting notice, preparation of minutes of the proceedings and records keeping and arranging other logistic support to the members and the Technical Experts invited for the meetings.
- (3) The decision to convene a meeting of the Council shall lie with Chairperson of the Council.
- (4) Notice of every meeting of the Council shall ordinarily be given to each member of the Council at least 15 days in advance.
- 135. Inviting Technical Experts to the Meetings:** (1) Any Member of the Council may propose the names of the Technical Experts to be invited for the meeting to the Chairperson of the Council, depending on the subject matter of the review application or the referral made under section 48 of the Act.

(2) The Chairperson of the Council may invite such Technical Experts, not exceeding three, under section 47 of the Act to the meetings of the Council to seek expert advice.

(3) The invitation of the meeting shall be communicated to Technical Experts, at least one-week prior to the meeting.

136. Quorum: The quorum for any meeting of the Council shall be three, provided that –

- (a) where a matter relates to tariff, the presence of Chairperson of the Central Electric Authority shall be mandatory; and
- (b) where a matter relates to decisions of the Board, the presence of Chairperson of the Board shall be mandatory

137. Conduct of the meetings: (1) The Chairperson of the Council shall preside over the meetings of the Council.

(2) The Chairperson of the Council may decide on cancellation or rescheduling of the meeting, in case, there is a need to do so.

(3) The Chairperson of the Council and each of its member shall have equal responsibility in the decisions taken by the Council.

(4) The Council shall ensure that the decisions are fair, just and reasonable.

(5) The Council shall endeavour at all times to arrive at decisions through a consensus, with due consideration to the expert advice of Technical Experts as deemed necessary.

(6) Where the matter relates to a review application, the Council shall focus on reconciliation of disputes of difference of opinion arising out of orders or enforcement decisions or fixation of normative parameters for tariff determination or any other services charged from disposal nuclear energy, as the case may be.

(7) For the purpose of sub-rule (5), the Council shall strive to provide facilitative forum that would help parties settle disputes through structured negotiation, without adjudicating rights and provide negotiated solutions, having regard to safety, security and safeguards.

(8) Where any referral is made by the Central Government or the Board on the complaint to be lodged under section 74 of the Act, the Council shall inter alia consider the nature, type and gravity of the act of commission or omission and any action taken or planned to be taken under section 31 of the Act or rules made thereunder.

(9) For all review petitions or referrals made to the Council, the orders shall be passed by the Council within 90 days from receipt of application or referral and in case of any delay, the reason thereof shall be recorded in writing.

138. Honorarium, reimbursement of expenses, etc: The technical experts shall be entitled to receive remuneration by way fees and such other privileges as admissible to members of Atomic Energy Commission for each meeting of the Council attended.

- 139. Confidentiality of Information:** The Members and the Technical Experts receiving any document containing proprietary information in connection with the review application, shall respect the privileged nature thereof, provided such proprietary information is marked with respective legend.

PART-C
APPEALS TO THE APPELLATE TRIBUNAL

- 140. Appeal after review by Council:** (1) No appeal on the matter shall be entertained by the Appellate Tribunal, if the aggrieved party is satisfied with the settlement and the order of the Council.

(2) If the aggrieved party, is not satisfied by the order of the Council, he may prefer an appeal to Appellate Tribunal in accordance with section 51 of the Act against the decisions or orders of the Council:

Provided that in no such appeal, the Council or the Technical Experts shall be made a party.

(3) Any person preferring an appeal against the decision or order of suspension, modification, curtailment of duration or cancellation of the licence or safety authorisation, and during the pendency of appeal in the Appellate Tribunal, the licensee or holder of safety authorisation or such other person shall comply with such directions as issued by the Central Government or the Board.

- 141. Appeal against the order of Adjudicating Officer:** Any person preferring an appeal against an order or decision of the Adjudicating Officer levying any penalty shall, while filing the appeal, deposit the amount of such penalty:

Provided that where in any particular case, the Appellate Tribunal is of the opinion that deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

- 142. Form, manner, fees for appeals:** (1) Every appeal preferred before the Appellate Tribunal shall be accompanied by an authenticated copy of the order of or the Central Government or the Board or the Adjudicating Officer appealed against along with the order passed by the Council, wherever applicable.

(2) The form, manner, fees for preferring an appeal to Appellate Tribunal shall be as under the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007.

- 143. Constitution of Search-Cum-Selection Committee for Technical Member (Atomic Energy):** (1) The Atomic Energy Commission shall constitute a Search-cum-Selection Committee for the selection of Technical Member (Atomic Energy) for appointment in the Appellate tribunal under section 50 of the Act, which shall consist of two members and a Chairperson.

- (2) The Chairperson of the Search-Cum-Selection Committee shall be Chairman, Atomic Energy Commission and members shall be from amongst persons of eminence having knowledge and experience in the field of science, engineering and technology.
- (3) The Search-Cum-Selection Committee shall recommend a panel of at least two names for every vacancy referred to it.
- (4) The term of the Search Committees and the manner of search of panel of names for making recommendations for appointment of Technical Member (Atomic Energy) shall be such as may be specified by the Atomic Energy Commission.
- (5) Before appointing any person as the Technical Member (Atomic Energy), the Central Government shall satisfy itself that such person does not have any financial or other interest as is likely to affect prejudicially his functions.
- (6) No appointment of the Technical Member (Atomic Energy) shall be invalid merely by the reason of any vacancy in the Search-Cum-Selection Committees.
- (7) Subject to the provisions of sub-rules (4) to (7), the Search-Cum-Selection Committee shall regulate its own procedure.
- (8) The appointment of the Technical Member (Atomic Energy) to the Appellate Tribunal shall be confirmed by the Minister-In-Charge of the Department in Government of India dealing with atomic energy.

PART-D

CLAIMS ADJUDICATING AUTHORITIES FOR NUCLEAR DAMAGE

- 144. Staff:** The claims adjudication authority shall be provided with staff similar to that provided to the court of an Additional District Judge.
- 145. Conditions of service and salary and allowances of officers and other employees of claims adjudication authority:** (1) The chairperson of the Commission appointed under sub section (2) of section 59 of the Act shall be entitled to the pay and allowances in the scale of pay equivalent to that of a Judge of a High Court during his service as such chairperson of the Commission.
- (2) The Members of the Commission appointed under sub-section (2) of section 59 of the Act shall be entitled to the pay and allowances in the scale of pay equivalent to that of the Additional Secretary to the Government of India during his service as such Member of the Commission.
- (3) The Claims Commissioner appointed under sub section (2) of section 54 of the Act shall be entitled to the pay and allowances in the scale of pay equivalent to that of the Additional Secretary to the Government of India.
- (4) The other officers and employees shall be entitled to pay and allowances in the scale of pay equivalent to that of the officers and employees of the Central

Government holding equivalent posts in their respective cadres during their service under claims adjudication authority.

(5) The other conditions of service of the officers and employees of the claims adjudication authority in the matters of age of retirement, post-retirement benefits and entitlements and disciplinary matters, shall be the same as are for the time being applicable to the officers and employees of the Central Government holding equivalent posts.

(6) The officers and other employees of the claims adjudication authority shall be entitled to such other facilities, allowances or benefits as may be specified by the Central Government from time to time.

(7) A person associated with the claims adjudication authority under rule 95 shall be paid such remuneration as the claims adjudication authority may, by order, fix.

146. Repatriation or transfer of officers and other employees: (1) On dissolution of the Commission by the Central Government under section 69 of the Act, the officers and other employees who are on deputation to the Commission from any authority or office of the Central Government or a State Government, the deputation of such officers and other employees shall be deemed to be terminated immediately on such dissolution and they shall be repatriated to their parent organization.

(2) The officers and other employees other than those referred to in sub-rule (1) may be transferred by the Central government to any other authority or office of the Central Government, as the Central Government may, by order, decide.

147. Annual Report: The claims adjudication authority shall prepare and submit an annual report in Form-F to the Central Government on the duties carried out by it at the end of each financial year giving full account of its activities during that financial year containing details of its accounts, the claims pending before it, the claims disposed of during the year under report and the claims pending at the end of such year.

CHAPTER-X

MISCELLANEOUS

148. Interpretation: If any question arises relating to the interpretation of these rules, the same shall be referred to the Central Government for its decision.

149. Residuary Provisions: Any matter, not expressly provided in these rules, shall be referred to the Central Government for its decision, and the decision of the Central Government thereon shall be final.

- 150. Power to Relax or waive or condone:** The Central Government shall have power to relax strict enforcement of any requirements imposed by these rules in the interest of safety, security and safeguards with reasons recorded in writing.
- 151. Power to amend Schedules and Forms:** The Central Government may, by notification in the Official Gazette, amend the schedules and Forms to these rules and the schedules and Forms shall be deemed to be amended accordingly.
- 152. Offences and Penalties:** Any person who contravenes the provisions of these rules or any of the terms of conditions of the licence, or any order or directions or notice issued or any conditions imposed shall attract the provisions of offences and penalties under the Act.

SCHEDULE-I

(see rule 19(7), 46(2), 48(3), 50(2) and 54 (4))

STANDING COMMITTEE TO ADVISE CENTRAL GOVERNMENT ON CROSS CUTTING ISSUES ON RADIATION PROTECTION AND REQUIRING INTER MINISTERIAL COORDINATION

The Central Government hereby constitutes a Standing Committee with the following members to advise and support on matters related to exposure situations as listed in this Schedule:

- 1) The Standing Committee shall consist of the following, namely: —
 - a) a citizen of India of outstanding ability, impeccable integrity and standing and having distinguished professional record and experience of at least twenty-five years in Government, industry, academic institutions or national laboratories and is an expert in radiation protection or any other areas which may, in the opinion of the Central Government, be relevant – Chairperson
 - b) The following persons shall be the ex officio Members of the Standing Committee, namely:—
 - i. Head, Nuclear Controls and Planning Wing, Department of Atomic Energy—ex officio Member;
 - ii. Joint Secretary to the Government of India in the Department of Health and Family Welfare, Ministry of Health—ex officio Member;
 - iii. Joint Secretary to the Government of India in the Ministry of Environment, Forest & Climate Change —ex officio Member
 - iv. Joint Secretary to the Government of India in Ministry of Commerce and Industry —ex officio Member
 - v. Joint Secretary to the Government of India in Ministry of Home Affairs —ex officio Member
 - c) one person representing the following, not below the rank of Joint Secretary to the Government of India—ex officio Member—
 - i. Atomic Energy Regulatory Board;
 - ii. Bhabha Atomic Research Centre
 - iii. Tata Memorial Hospital, Mumbai;
 - iv. Atomic Minerals Directorate for Exploration and Research
 - d) Representatives of concerned Ministry/Department/national agencies/institutes on a need basis as decided by Central Government
- 2) The Standing Committee shall advise, taking into consideration scientific evidences, operating experience and global practices, on matters listed hereunder

- a) Identify the existing exposure situations and agency entrusted with regulation of such situation
 - b) Justification of any new practices as part of planned exposure situations (including specific practices of human imaging using radiation, sale or use of new consumer products)
 - c) Arrangements and mechanism for effective coordination with agencies dealing with Justification and optimisation of medical exposure to patients, carers, comforters, volunteers subject to exposure as part of a programme of biomedical research, discharge of patients administered with radioactivity
 - d) arrangements and response plans for effective coordination between responders in an emergency exposure situation
 - e) nationwide programme for environmental surveillance to check any harmful build-up of radioactivity in the environment
 - f) Inter departmental issues (control as well as safety) requiring clarity in roles and responsibilities and associated coordination
 - g) any other matter referred by Central Government
- 3) The Standing Committee may constitute sub-committees, consisting of experts with domain knowledge on specific matters.
- 4) Administrative support to the Standing Committee will be provided by the Department of Atomic Energy in Government of India.

SCHEDULE-II**(see rule 101(3))****FINANCIAL SECURITY FOR RADIATION DAMAGE**

S.No	Facilities/Plants/Mines/Activities	INR
1	Potential to give rise to severe deterministic health effects off the site	Fifty lakhs
2	Potential to give rise to severe deterministic health effects on the site and deterministic effects off the site	Thirty lakhs
3	Potential to give rise to severe deterministic health effects on the site and no deterministic effect off the site	Ten lakhs
4	Potential to give rise to deterministic health effect only on the site	Five lakh
5	No potential to give rise to any deterministic health effect on the site	One Lakh

FORM-A

[See Rule 81(1)]

Application for grant of compensation for Nuclear Damage

BEFORE THE CLAIMS COMMISSIONER/NUCLEAR DAMAGE
CLAIMS COMMISSION

(Presided by.....)
.....Applicant

Photograph
Of Applicant

Vs.

..... Respondents

Sir,

The undersigned makes this application for grant of compensation as per the provisions of the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025 on the basis of the following facts and information: -

1. Name and father's names of the person :
Injured/ dead
(Husband's name in the case of married
Woman and widow)
2. Full address of the person injured/ dead :
3. Age of the person injured/dead :
4. Occupation of the person injured/dead :
5. Name and address of the employer of :
The injured/dead
6. Monthly income of the person injured/dead :
7. Does the person in respect of whom :
Compensation is claimed pay income-tax?
If so, state the amount of the income-tax
(to be supported by documents)
8. Brief particulars (Place and date) of the :
Nuclear incident and reference of notification
By Atomic Energy Regulatory Board.
9. Name and address of the Medical Officer/ :
Practitioner.
10. Period of treatment and expenditure, if any
Incurred
11. Name and address of the operator of the :
Nuclear installation
12. Has any claim been lodged with the :
Operator/Insurer if so, with what result
13. Name and address of the applicant :

- 14. Relationship with the deceased/injured :
- 15. Title of the property of the deceased/injured :
- 16. Amount of compensation claimed and basis :
Thereof
- 17. Whether affidavit of the applicant as per :
Rule is annexed (give details)
- 18. Whether documents mentioned in rule 81 :
Are being annexed duly indexed (give details)
- 19. Any other information that may be necessary:
And helpful in disposal of the case :
(To be filled if prayer is made for the interim
award)
- 20. Amount of compensation claimed as interim :
Award
- 21. Reasons for claim of interim award :
- 22. Prayer :

.....
Name and signature of
applicant

Verification.

Verified at..... this..... Day of.....20.....that the
contents of the above application are true and correct to my knowledge
And belief.

.....
Name and signature of
applicant

FORM-B

DIRECTION FOR MEDICAL EXAMINATION
(See rule 87)

BEFORE THE CLAIMS COMMISSIONER/NUCLEAR DAMAGE
CLAIMS COMMISSION

Claim Application No.....

Title.....Vs.....

Photograph
Of Applicant

To,

.....
.....
.....

ORDER

Whereas the claim application above mentioned seeking payment of compensation has been preferred before this Claims Commissioner/Nuclear Damage Claims Commission in connection with a nuclear incident, and the claimant.....S/o, D/o, W/o.....

Aged.....R/o..... Whose photograph bearing his specimen signature/thumb-impression is affixed above, is alleged to have suffered injuries as a result of the said incident, which are stated to have been recorded in Medico-legal Certification No..... dated issued by (Name of hospital)

And whereas for the purpose of inquiry into the claim application, this Claims Commissioner/Nuclear Damage Claims Commission considers it necessary to ascertain the degree and extent of disability, if any suffered as a result of the said nuclear incident by the said claimant;

Now, therefore, in exercise of powers vested in this Claims Commissioner/Nuclear Damage Claims Commission, the undersigned directs you to get the said claimant examined by a Medical Officer/Board of Medical Officers in your hospital and submit report on above aspects to this Claims Commissioner/Nuclear Damage Claims Commission within seven days of the receipt of this direction.

Give under my name and seal of this Claims Commissioner/Nuclear Damage Claims Commission, this..... day of.....

FORM –C

OATH OF OFFICE

(See Rule 125)

I,....., do hereby declare that I will faithfully, truly and to the best of my skill and ability, execute and perform the duties required of me as the Chairperson or Member of the Board which properly relate to the office or position held by me in relation to the Atomic Energy Regulatory Board.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Board or to the affairs of any person having any dealing with the said Board, nor will I allow any such person to inspect or have access to any books or documents belonging to or in possession of the said Board and relating to the business of the said Board or the business of any person having any dealing with the said Board.

Dated

(Name of the Chairperson/Member)

ATOMIC ENERGY REGULATORY BOARD

FORM –D

**DECLARATION AGAINST ACQUISITION OF ANY ADVERSE FINANCIAL OR
OTHER INTEREST**

(See Rule 126)

I, _____, having been appointed as the Chairperson/Member (cross out portion not applicable) of the Appellate Tribunal for Electricity, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (cross out portion not applicable) of the Appellate Tribunal for Electricity.

Dated

(Name of the Chairperson/Member)

ATOMIC ENERGY REGULATORY BOARD

FORM-E
(See Rule 129(2))
Revised Estimates of (current Financial Year)/
Budget Estimates of (Next Financial year)

(Rupees in thousands)

			Current Year						
Sl No .	Head s of Ac co un ts	Actual s last two years	Budget Estimates (current Financial year)	Actual s of first 5 month s	Estimat es for next 7 months	Revi sed Esti mat es	Reasons for variation [BE(col.5) & RE (col.8)]	Budg et Esti mate (next finan cial year)	Reasons for variation [Re (col.8) & BE(col.10)]

ANNEXURE-I

(see rule 130(1))

(Attached to and forming Part of Balance- Sheet as on 31st March, 20.....)

Fixed assets (in Rs.)

SI. No.	Description	Cost as on 1-4-20.... (Rs.)	Additions during Year (Rs.)	Deduction during year (Rs.)	Gross block	Depreciation		Net block				
					Cost as 31-3-20..... (Rs.)	As on 1-4-20 the year (Rs.)	For Adjustment (Rs.)	As on 31-3-20.... (Rs.)	As on 31-3-20..... (Rs.)	As on 31-3-20 (Rs.)		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1.	Building.											
	Premises.											
2.	Office.											
	Equipment.											
3.	Vehicles											
4.	Furniture and Fixture											
5.	Other, if Any											

ANNEXURE II

(see rule 130(1))

(attached to and forming part of Balance Sheet as at 31st March, 20.....)

Current Assets, Loans and Advances:

(in rupees)

(i) Deposits:	
-For Premises	.....
-with Other	.....
(ii) Advance recoverable in cash or in kind or for value to be received:	
- Advance on Capital Account	.....
- Other Advances	.....
- Prepaid Expenses	.....
- Interest accrued but not due	.....
(ii) Other Current Assets:	.....
(iii) – Income Receivable	.....
(iv) - Others	.....
(v) Cash and Bank Balance :	
-Cash on hand	.....
- Cheques on hand	.....
-Remittances in transit	.....
- Balance with scheduled banks:	.....
(a) On Current Account	.....
(b) On Deposit Account	.....
- Balance with non- scheduled bank:	.....
(a) On Current Account	.....
(b) On Deposit Account	.....

ANNEXURE III
(see rule 130(1))

Attached to and forming part of Income and Expenditure Account for the

Year.....

Payments to and provision for employees: (in rupees)

- Salaries, Allowance, Wages and Bonus
- Contribution to Provident Fund, etc.
- Gratuity
- Staff Welfare Expenses.

ANNEXURE IV
(see rule 130(1))

Attached to and forming part of Income and Expenditure Account for the year.....

1. Establishment Expenses: (in rupees)
 - Maintenance of buildings and premises
 - Maintenance of equipment
 - Electricity
 - Insurance
 - Rates and Taxes
 - Printing and Stationery
 - Postage, Telegraphs, Telephones, etc.
 - Travelling and Conveyance
 - Legal and Professional Charges
 - Advisory Committee Meeting Expenses
 - Investor Education Expenses
 - Audit Fees
 - Other Expenses (Specify type of expenses, if amount exceed 5 %
of gross income/ receipts)

ANNEXURE V
(see rule 130(1))

Attached to and forming part of Income and Expenditure Account for the year....

- Interest: (In rupees)
- To Government
 - To Bank
 - To others

FORM-F

(See rule 147)

**ANNUAL REPORT OF THE CLAIMS COMMISSIONER/NUCLEAR DAMAGE
CLAIMS COMMISSION**

- (1) A statement of the duties carried out during the year to which the annual report pertains.
- (2) A statement of claims pending at the beginning of the year to which the annual report pertains –
 - (i) death cases and amount involved.
 - (ii) injury cases and amount involved.
 - (iii) damage to property cases and amount involved.
- (3) A statement of claims filed during the year to which the annual report pertains –
 - (i) death cases and amount involved.
 - (ii) injury cases and amount involved.
 - (iii) damage to property cases and amount involved.
- (4) A statement of claims disposed of during the year to which the annual report pertains –
 - (i) death cases and amount involved.
 - (ii) injury cases and amount involved.
 - (iii) damage to property cases and amount involved.
- (5) A statement of claims pending at the end of the year to which the annual report pertains –
 - (i) death cases and amount involved.
 - (ii) injury cases and amount involved.
 - (iii) damage to property cases and amount involved.
- (6) A statement of account for the year to which annual report pertains.
- (7) Any other information as the claims adjudication authority deems fit.