

3 ASN, an independent administrative authority

The Nuclear Safety Authority (ASN), an independent administrative authority set up by law 2006-686 of 13 June 2006 concerning nuclear transparency and safety (known as the “TSN law”) is tasked, on behalf of the State, with regulating nuclear safety and radiation protection in order to protect workers, patients, the public and the environment from the risks involved in nuclear activities. It also contributes to informing the citizens.

TSN law improves and clarifies the status of ASN with regard to nuclear safety and radiation protection. ASN thus increases its independence and its legitimacy with respect to those in charge of promoting, developing and carrying out nuclear activities. It enjoys a new legal foundation and a status comparable to that of its counterparts in other industrialised nations. It also has enhanced powers enabling it to penalise violations and take all necessary urgent measures.

ASN, and the men and women who work in it, carry out their duties in compliance with four key values: competence, independence, stringency and transparency.

The new status consolidates ASN’s goal, which is to provide nuclear supervision that is efficient, impartial, legitimate and credible, that is recognised by the citizens and that constitutes an international benchmark for good practice.

The ASN’s responsibilities

The nuclear inventory supervised by ASN is one of the world’s largest and most diverse. It in particular comprises a range of standardised power reactors which produce most of the electricity consumed in France, all the fuel cycle installations, and research facilities and plants which are virtually unique in the world. ASN also regulates several thousand installations or activities which use sources of ionising radiation for medical, industrial and research purposes. Finally, ASN regulates radioactive material transports which, nationwide, involve several hundred thousand consignments annually.

ASN is also responsible for conducting a radiation protection watch. With the support of the Institute for radiation protection and nuclear safety (IRSN) it therefore organises radiological surveillance of the environment and surveillance of exposure to ionising radiation of workers and

the population as a whole, in particular medical exposure and exposure to radon.

ASN is also aiming to develop a broader vision of its field of supervision and will be looking to include both equipment-related aspects and organisational and human factors. It monitors the impact of activities on people and the environment and ensures that radioactive management is clear, exhaustive and safe.

ASN has defined a multi-year strategic plan “*To improve nuclear safety and radiation protection and to establish the new ASN*”, which it is publishing and which presents the leading strategic focus areas for the coming years.

The duties of the new ASN

TSN law confirms the new ASN in its role as supervisor of nuclear safety and radiation protection and in its duty to inform the public on these matters. It nonetheless continues to work in its four traditional professional areas: production of regulations (proposal to the Government or decision by ASN), issue or preparation of individual decisions, supervision of activities and installations, information of the public. These duties are carried out within the framework of its new relations with the Government, as stipulated by TSN law. ASN:

- must be consulted concerning regulatory decrees and orders issued by the Government concerning nuclear safety and radiation protection and may issue regulatory decisions to clarify these decrees and orders;
- must be consulted with respect to major individual decisions taken by the Government concerning large nuclear installations, in particular authorisation and dismantling decrees;
- takes individual decisions concerning nuclear activities (for example authorisation to commission a basic nuclear installation (BNI), to use radioactive material transport packaging, to use radioactive sources, etc.) and may impose individual requirements on the licensees;
- carries out inspections and may pronounce sanctions, up to and including suspension of operation of an installation;
- assists the Government in the event of an emergency;

- organises a permanent radiation protection watch (surveillance of the environment, of worker exposure, etc.);
- contributes to provision of information to the public concerning nuclear safety and radiation protection, especially via its website, www.asn.fr;
- reports on its activities to the President of the Republic, the Government and Parliament;
- develops a common approach to nuclear safety in association with other European safety authorities who are members of WENRA (Western European Nuclear Regulators Association);
- is called in by the Government concerning all areas within its field of competence, for the drafting of any text putting forward the French position in the international arena.

The organisation of the new ASN

The new ASN is run by a board of five commissioners appointed by decree. Three, including the Chairman, are appointed by the President of the Republic, one by the President of the National Assembly and one by the President of the Senate. The board guides ASN thinking on the supervision of nuclear safety and radiation protection, defines ASN general policy and takes the major decisions.

The Director general of ASN, under the authority of the Chairman, organises and controls ASN's central services and its eleven regional delegations.

The senior management at ASN headquarters are in charge of drafting general technical regulations and coordinating the action of the teams in charge in the regions with field supervision of installations and activities. Each ASN entity makes a contribution in its own area of expertise towards informing the public about nuclear safety and radiation protection.

The 11 regional delegations, the former DSNRs, are run by delegates, the directors of the DRIREs concerned, placed at the disposal of ASN by a decree stipulated by TSN law.

On 13 November 2006, the date of the first meeting of the board, ASN was officially created, with transfer to the new ASN of the personnel from the former DGSNR and DSNR. Since then, ASN has carried out the duties specified by the law.

On 20 November 2006, the board adopted an internal regulation which divided up responsibilities within ASN. The internal regulations were published in the Official Gazette of 20 December



ASN headquarters building at 6, place du Colonel Bourgoin, Paris 12th

2006 after approval by the ministers with responsibility for nuclear safety and radiation protection. These regulations in particular lay down the conditions in which the board of commissioners can delegate powers to the Chairman or, in his absence, to another commissioner, as well as those in which the Chairman can delegate his power of signature to staff within ASN's departments.

By 31 December 2006, the board had met 10 times.

Continuation of the reforms initiated by TSN law will require the Government to issue more than fifteen decrees, some of which are necessary to the working of ASN.

Efficient supervision

Given its major responsibilities, ASN must aim to be efficient. It must ensure that the scope and precision of its regulatory work is proportional to the safety risks and challenges.

In recent years, ASN has established a hierarchical order for its nuclear safety and radiation protection activities. It intervenes directly on the

most important subjects, primarily through inspections. It organises and supervises intervention by approved organisations on the most standardised subjects. Finally, it ensures application of the principle of prime responsibility of the nuclear licensees and users of ionising radiation, in certain cases extending the scope of the decisions called “internal authorisations” that they can themselves take without having to request authorisation.

An international benchmark for good practice

As it is in charge of one of the world’s largest nuclear inventories, ASN’s responsibilities go beyond national borders. It must act as one of the leading nuclear safety authorities, sharing the results of its work with its peers and ensuring that the principles of nuclear safety and radiation protection are implemented worldwide.

ASN workforce

As of 31 December 2006, ASN workforce stood at 412. One of its key assets is the diversity of the backgrounds of its staff: industrial and medical engineers, physicians and pharmacists, legal and administrative specialists, human sciences and communications experts, and so on.

Care must however be taken to ensure that this very diversity does not lead to the different teams becoming isolated. ASN therefore makes efforts to develop a common culture based on the principle of continuous improvement and with one overriding goal: to protect the populations and the environment.

ASN budget

Since 2000, all of ASN’s resources (personnel and operating) have come from the general State

budget. In accordance with article 16 of the nuclear transparency and safety law, ASN proposes to the Government the credits it will need to carry out its duties.

ASN’s budget is included in the “*Supervision of nuclear safety and radiation protection*” part of programme 127 “*Supervision and prevention of technological risks and industrial development*”.

ASN’s budget for 2007 amounts to 54 millions euros, including 325 M€ personnel costs. ASN benefits from the expert assessment and research work carried out by IRSN, at a cost of 71 M€.

ASN also benefits from services provided by the Ministry for the Economy, Finance and Industry, as well as the DRIRE network run by the DAR-QSI (directorate for regional action, quality and industrial safety) under the terms of specific agreements. ASN’s regional delegations will be hosted by the DRIREs.

ASN is consulted by the Government concerning the share of the State’s subsidy to IRSN corresponding to the technical support it provides to ASN. An agreement concluded by ASN and IRSN governs the way in which this technical support is provided.

ASN’s Chairman is in charge of scheduling and, on behalf of the State, notifying each licensee of the sum it will be required to pay for the BNI tax created in 2000 and the additional radioactive waste taxes, created in 2006. The sums are specified on a scale set by law. The total amount of these taxes will be about 507 M€ in 2007 (358.7 M€ in 2006 for the BNI tax alone). The sums collected through the BNI tax go to the State’s general budget. The additional taxes are earmarked for local action concerning the radioactive waste underground laboratory or deep geological repository.