

EDITORIAL

Paris, March 3rd, 2008

The Nuclear Safety Authority (ASN) is an independent administrative authority created by the Act on transparency and security in the nuclear field (TSN) of 13 June 2006. It actually started functioning on 13 November 2006, the date on which the five members of the Commission that runs the authority took up their duties.

However, one essential change was made by the TSN Act: it concerns the status, legitimacy and independence that this Act gives to the Nuclear Safety Authority. This status, legitimacy and independence are embodied in the five-member Commission, whose decisions throughout 2007 clearly reflect ASN's new dimension.



André-Claude LACOSTE, Michel BOURGUIGNON, Marc SANSON, François BARTHÉLEMY, Marie-Pierre COMETS
ASN's Commission members

After slightly more than one year of active existence, the ASN Commission is therefore honoured to be able to introduce the report on the state of nuclear safety and radiation protection in France in 2007.

On behalf of the state, the role of ASN is to regulate nuclear safety and radiation protection in France, in order to protect workers, patients, the public and the environment from the risks linked to nuclear activities, and to contribute to informing the citizens.

As an independent administrative authority, ASN is the direct descendent of the previous nuclear safety authority. There is thus significant continuity in ASN's duties, goals and values: continuity in the scope of our regulatory work, continuity in how we conceive of and execute our tasks, continuity in our personnel, and continuity in the technical support we receive from the Institute for Radiation Protection and Nuclear Safety (IRSN).



As mentioned in the introduction from the Director General, 2007 was marked by the implementation of a new legislative and regulatory framework arising from the TSN Act and the Act of 28 June 2006 on the sustainable management of radioactive materials and wastes. The year was relatively satisfactory from the nuclear safety viewpoint and, as was the case in the previous two years, slightly less so with regard to radiation protection. The medical field has been marked by the declaration to ASN of a number of serious radiotherapy accidents which have led to several deaths or the need for extensive surgery.



The Commission's main concern is to continue to develop policy within its field of competence, to make it public and to explain it in order to demonstrate the overall

consistency of its actions. It also wishes to see ASN being able to develop its resources and independence, particularly in terms of budget. However, independence and autonomy do not mean isolation and this is why ASN intends to maintain and indeed strengthen its relations with the other institutional bodies working in the same fields or also enjoying independent administrative authority status.

The Commission wishes to underline ASN priorities for 2008:

- ASN must take full advantage of the legitimacy and independence it now enjoys under the terms of the TSN Act. It must therefore be willing to clearly state its positions, convictions and concerns, not in order to stand out from the crowd at all costs, or take a spectacular, high-profile stance, but simply because that is the job it has been given. We could mention two examples on which ASN is currently drafting a position. The first concerns the necessary conditions, in particular with respect to time-frame and skills, for the controlled management of nuclear development in the emerging countries. Many of these emerging countries have financial means, but lack the technical and human resources needed to create the technical and regulatory foundations for a safety culture, in particular involving transparency, an effective role by the stakeholders and information of the public. The second concerns the conditions for improving the safety of radiotherapy treatment, however this is closely linked to the length of time needed to make changes into a complex organisation and a safety culture.
- For basic nuclear installations, ASN must develop and implement an integrated vision of the regulation of nuclear safety and radiation protection, taking account of both technical aspects and organisational and human factors. Labour inspectorate duties and aspects concerning environmental protection must also be included. ASN also needs to be particularly attentive to any links between safety and competition. In France, the regulatory framework has been historically based on relatively monopolistic systems. ASN will need to ensure that the entry of these systems into the market economy has no harmful consequences for safety. This integrated vision is now a precondition for efficient regulation of the installations in operation. One of the Commission's concerns with regard to regulation is the ageing, lifetime and decommissioning of the existing nuclear power plants, management of the skills and knowledge affected by personnel retirement, regulation of new installations and the probable arrival of one or possibly more new operators.
- In the field of small-scale nuclear activities, one that has assumed considerable importance in recent years, since the expansion of its remit, the ASN must ensure coherent application of the principles of justification and optimisation in radiation protection. This is in particular the case in the industrial sector with regard to gammagraphs, and in the medical sector. We will stress the importance of the radiation protection of workers and patients, in particular those undergoing radiotherapy, in the light of the recent accidents (Epinal in particular) and incidents and more generally of the need for coordinated action by ASN and a number of institutional or professional stakeholders in the medical field (Directorate General for Health, National Cancer Institute, French Health Products Safety Agency, Health Monitoring Institute, French society for oncological radiotherapy, French society for nuclear medicine, and so on). In addition to the Epinal and Toulouse affairs, ASN is notified of other episodes and events which must be investigated thoroughly. Improving the safety of radiotherapy treatments, with the attendant issues of organisation, safety culture and increased human resources, is not a short-term process and a return to normality will take from 5 to 10 years.
- ASN must continue to work on harmonising nuclear safety and radiation protection rules and practices. ASN is extremely active internationally, whether within the International Atomic Energy Agency (IAEA), the OECD's Nuclear Energy Agency (NEA), the European Community, or more flexible structures such as the various clubs: WENRA in Europe, INRA globally, as well as the MDEP initiative (Multinational Design Evaluation Program), with a view to harmonising international rules. This point is a fundamental one and by the year 2010 we will be required to achieve European harmonisation of safety rules for the existing nuclear power reactors. The French Presidency of the European Union in the second half of 2008 will be a very real opportunity in this respect. It could well be the last rotating Presidency of the European Union if the simplified treaty is adopted by the various countries. We hope eventually to see a European Directive on nuclear safety.
- Transparency is one of ASN's four core values and one on which it has been working for a long time. The TSN Act comprises a chapter dedicated to this particular value, which means that we must invest even more in this area, while encouraging the various stakeholders, particularly in industry, to do the same. The Commission is responsible for explaining ASN's actions in more detail, in order to meet society's demand for transparency, which led to the creation of the independent

administrative authority in the first place: its decisions throughout the year 2007 are evidence of this. We hope to make progress this year with the publication of recommendations submitted by IRSN to ASN in parallel with its decisions.

For many years, the CLIs (local information committees) have been asking for an improved status and greater responsibilities. The Act gives them this and it is now up to them to issue opinions within the framework of procedures that have been overhauled by the Act. We will therefore be helping the CLIs in the exercise of these responsibilities.

The Act also makes provision for a High Committee for transparency and information on nuclear safety. This High Committee was recently created and is chaired by the senator Henri Revol. It will examine a variety of important subjects. We are particularly concerned by an essential matter, which is the creation in France of truly diversified and pluralistic expertise working on behalf of the various stakeholders, with particular emphasis on the CLIs.

Article 19 of the TSN Act gives citizens the right to access the information held by the nuclear licensees. We recently sent out a letter to these licensees reminding them that they are required to facilitate access to the data concerned by whoever so wishes.

- The Commission is also aware of the importance of the issues relating to nuclear safety, whether concerning radioactive sources or the regulation of nuclear materials and the physical protection of basic nuclear installations: the comparative table of the expertise of French and foreign authorities in these fields, given further on in this report, has some bearing on the debate.



Even though at its first meeting, the Commission expressed its desire to debate and act collectively, without allocating specific areas of responsibility to individual members, it nonetheless gave each one the task of coordinating the work around a particular topic, linked to the previous priorities:

- Europe and international affairs: does the change in ASN's status enable it to take a different approach to international subjects or tackle new ones, and with what human resources, equipment and cooperation agreements?
- research: identify and promote research on key subjects in nuclear safety and radiation protection;
- transparency: draw up and release credible and accessible information, accept the principle of accountability;

- the medical field: ensure the safety of the growing use of ionising radiation for patient diagnosis and treatment;
- the regulatory pyramid: create a ranking of regulations: licensing decrees, ministerial orders and technical recommendations from ASN concerning nuclear installations.

The findings and proposals, the level of detail of which depends on compatibility with the subject being handled, are "on the table" for 2008. After discussion, the Commission will submit these proposals for short or medium term examination throughout the year. Other subjects will follow.



The effectiveness of ASN action in 2007 is linked to its new status, to the work and commitment of its staff, to the close collaboration between the Commission and the departments and to technical support from the Institute for Radiation Protection and Nuclear Safety (IRSN). ASN also intends to develop its culture of accountability and its direct links with Parliament. This is why it will be presenting this 2007 annual report on the state of nuclear safety and radiation protection in France to the Parliamentary Office for the Assessment of Scientific and Technical Options (OPECST), a joint body with representatives from the National Assembly and the Senate, at a hearing open to both the press and the public.

