

# Peer Review of the RPII's Environmental Monitoring Programme 2009

## Supplementary Document

### S1. Relevant National and International Legislation

The main legal instruments relevant to the RPII's monitoring programme are:

- The Radiological Protection Act, 1991
- The Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000
- European Union basic safety standards directive (Council Directive 96/29/EURATOM)
- The Euratom Treaty

The Radiological Protection Act, 1991 ("the Act") sets out the functions of the RPII. Section 7 of the Act assigns a number of general functions relevant to the RPII's environmental monitoring programme, which include:

- to monitor activity or ionising radiation levels in any thing in the State and in any waters, including international waters, surrounding the State, and, in particular, without prejudice to the generality of the foregoing, to monitor any activity or ionising radiation levels in individuals, animals, fauna, poultry, eggs, crops, fish, seaweed, or any food, soil, minerals (including rocks of all descriptions), air or water 7.—(1) (a)
- to monitor the exposure of individuals to activity or ionising radiation 7.—(1) (b)
- to advise the Government, the Minister and other Ministers of the Government and the public, on measures for the protection of individuals in the State from radiological hazards 7.—(1) (c)
- to assist in the planning and implementation of measures to deal with radiological emergencies 7.—(1) (e)
- to advise the Government, the Minister and other Ministers in relation to international standards regarding ionising radiation, radioactive substances, nuclear devices, irradiating apparatus and radiological safety (7.—(1) (f))
- to monitor scientific, technological, economic and other developments wheresoever taking place relating to ionising radiation, radioactive substances, nuclear devices, irradiating apparatus and radiological safety in order to keep the Government and the Minister informed of such developments with particular reference to the implications for the State of such developments (7.—(1) (h))
- to carry out or to arrange for the carrying out of and to co-ordinate or assist in arrangements for the carrying out of research into any matter relating to the functions or activities of the Institute (7.—(1) (j))

- to provide information to the public on any matters relating to radiological safety which the Institute deems fit (7.—(1) (k))

Section 8 of the Act assigns a number of specific functions relevant to the RPII's environmental monitoring programme, which include:

- to render assistance to other states in the event of a radiological emergency (8.—(b))
- to co-operate with the relevant authorities in other states in cases of nuclear accident or radiological emergency (8.—(c))
- to issue certificates concerning levels of activity or ionising radiation in any thing (8.—(i))

Other sections of particular relevance to emergency preparedness and response include:

- 27.—(1) establishing the Institute as the competent authority for the IAEA Emergency Conventions (the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in Case of a Nuclear Accident);
- 28.—(1) covering appointment of Institute inspectors;
- 29.—(1) covering powers of inspectors to inspect and examine and to take samples;
- 31.—(1) enabling the Minister by way of Order to set maximum permitted levels of radioactivity for food, animal feed and drinking water; and
- 32.—(1) covering Regulations and orders to be made by other Ministers for the purpose of protecting individuals from levels of activity in food in circumstances where specified levels of activity have been or are likely to be exceeded.

The full text of the Act can be viewed online at:

<http://www.irishstatutebook.ie/1991/en/act/pub/0009/index.html>

The Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000 (S.I. No. 125 of 2000) ("the Order") transposes the European Union Basic Safety Standards (Council Directive 96/29/EURATOM) into Irish law.

The Order provides that the RPII shall make estimates from time to time of the dose received by the population from practices in relation to which licenses have been granted (35. — (1)(a)).

A number of articles in the Order are of relevance regarding emergency preparedness:

- 37. (2) concerning licensees' emergency plans;
- 37. (3) requiring the Minister to prepare the National Emergency Plan for Nuclear Accidents;

- 37. (4) setting out the matters to be covered by the NEPNA;
- 37. (5) covering drills and exercises of the NEPNA;
- 37. (6) setting out that local authority major emergency plans shall include provision for organisation of intervention, which may be required in the event of a nuclear emergency; and
- 42. (1) establishing that an inspector may serve enforcement notices where provisions of the Order are contravened.

The full text of the Order can be viewed online at:

<http://www.irishstatutebook.ie/2000/en/si/0125.html>

The Basic Safety Standards (BSS) place further requirements on Member States to assess population exposure. In particular:

- Article 14 – requires the contribution to the exposure of the population as a whole from all practices to be regularly assessed
- Article 35 – requires the competent authorities to ensure that dose estimates for the population as a whole are made as realistic as possible

The full text of the BSS can be viewed online at:

[http://ec.europa.eu/energy/nuclear/radioprotection/doc/legislation/9629\\_en.pdf](http://ec.europa.eu/energy/nuclear/radioprotection/doc/legislation/9629_en.pdf)

The Euratom Treaty requires Member States to carry out monitoring to ensure compliance with the basic standards for the protection of the population. In particular:

- Article 35 requires each Member State to establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards
- Article 36 requires the appropriate authorities to communicate information on the checks referred to in Article 35 of the Euratom Treaty to the Commission so that it is kept informed of the level of radioactivity to which the public is exposed

The full text of the Euratom Treaty can be viewed online at:

<http://eur-lex.europa.eu/en/treaties/dat/12006A/12006A.htm>