

The necessary guidance on the application of JUSTIFICATION and ALARA by the Nuclear Authorities, using "Accountability for Reasonableness" as a decision making process.

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Abstract

In all branches of law, but foremost in international nuclear law, the global economic system brings along a vast record of Soft Law covering General Principles and Standards.

For a part we can find these Soft Law Principles and Standards back in the clothing of hard law, or in the licensing procedures, at the national level.

The larger part however is never "transposed" into national laws and especially the harmonization, the implementation and control of such Principles and Standards remain doubtful.

In this paper the focus lies on JUSTIFICATION and ALARA, as the main nuclear safety principles, accepted world-wide.

The regulatory guidance and demonstration of these Principles, indicating which (numerical) safety levels or safety objectives are mandatory and which are only guidance should be undertaken by the international regulators and authorities, but are often lacking.

It is the aim of this paper to come up with a better procedural framework for a priority setting process by nuclear authorities. Establishing a fair process for priority setting is easier than agreeing on principles. We use the idea of "Accountability for Reasonableness", developed in the field of Health Care Management.

An ideal model of priority setting within the JUSTIFICATION/ALARA approach will need to specify what should be done (i.e. justified ethically) and how it can be done (i.e. based in empirical reality and on benchmarking), to reach optimal levels of nuclear safety.

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