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CONTRIBUTION TO BRAZILIAN LAWS IN NUCLEAR ENERGY SECTOR

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ABSTRACT

This work, in a detailed analysis of Brazilian nuclear laws will show connection net and interconnections where it is inserted, by comparing national laws to those international ones, supported in International Atomic Energy Agency (IAEA), proposing to it recommendations, norms and regulations, related to the pacific use of nuclear energy among member countries.

1. INTRODUCTION

The essential approach of thesis is providing to professionals in Brazilian nuclear energy area and to differentiated groups, responsible by formulation and conduction of politics for the sector, or interested in its application and attending to legal requirements that orientate this same sector, within Brazilian Laws revision in nuclear area, subjected to updating and presented in an organized way into three (03) parts – Laws, Decrees and Administrative Rules and compared to International ones, with this research anchored in International Atomic Energy Agency (IAEA), proposing to it, recommendations, norms and Regulations, related to the pacific use of nuclear energy among member countries[1].

2. JUSTIFICATIVE

Activities which involve nuclear energy and ionizing radiation use in different activities fields as industry, medicine, agriculture, environmental protection, etc…are initiating in our country, but otherwise, all of them are in a complete development. *Instituto de Pesquisas Energéticas e Nucleares (IPEN / CNEN – SP)* has being registered a 10% annual increasing in the production of radioisotopes in Medicine and in Industry, growing indexes which has being contributing more and more to the development of new techniques and to the opening of new research centers inn this area in our country.

Since the discovery of X-rays in 1895 and of nuclear radiations in 1896, it was verified that nuclear and atomic radiations, besides their great utility to human activities and to their presence in our daily life, carry sanitary harms requiring consequently to work with safety. For this reason, it was developed a very advanced and sophisticated technology presently considered as vanguard and of disputes at international level.

In our country, the Legislation is very scattered and faulty and in a lot of cases within an extreme protectionism, compelling to alternative processes to replace the use of nuclear energy and ionizing radiations in their activity field, even that at international sphere the preference is nuclear energy and ionizing radiations.

Misinformed and terrifying ad campaigns, on behalf of a minor cause, strictly from commercial concurrency of great unreconciled people interested in getting rid of contestants, at the commerce area of energy generation and nuclear technology do not impart more effect and should be denounced, yes, on behalf of a greater cause[3].

It is of great relevance for the country to invest on the developing of new technologies in renewable energy, not only in behalf of environment, but as well as a way of sovereignity and strategy in economical development.

Nuclear energy market is the Century market. The pacific use of nuclear energy is recognized as trump for fighting greenhouse effect and just that, right now compels to the adoption of a solid policy against to a non-proliferation policy.

The cause is fair and of a great magnitude, once it is of humanity interest, a pre-requirement for planet salvation and maintenance of human species[4].

3. OBJECTIVE

The requirement of introduction of safety at a high level of sophistication and harmonization in activities undertaken by the use of nuclear energy and ionizing radiations imposed the introduction of a strict legislation aiming to safeguard the health and welfare of the individual, imposing the paradigm that the use of nuclear energy and ionizing radiation produces a maximum benefit and a minimum detriment to the health of population as a whole and of individuals singularly considered. As we live in a period of great legislative changes, some of them resulting from the actual government, other ones by serious social problems that devastate the country, we were motivated to supply this contribution on Brazilian Legislation theme in nuclear energy sector promoting the interest for the analysis of reviewed material actually employed in benchmark[5].

4. METODOLOGY

Proposed work is characterized as a documental and bibliographic research, by using specialized information sources, such as: publications from *Diário Oficial da União,* from International Atomic Energy Agency (IAEA), official body from *Organização das Nações Unidas (ONU)*, which is composed by 13t member countries, and publishes the Handbook on Nuclear Law and the Nuclear Law Bulletin. The material will be collected between the time of their publications up to 2005 year. The analysis will qualitative, by using deductive and comparative methods[6].

5. EXPECTED RESULTS

A policy of development and modernization in national nuclear legislative area is extremely required, due to the production and dissemination of knowledge which are extremely fast in our global world.

Because of a raising claim in the use of this energy and the necessity of having an updated and rigid regulation on the subject at national and international level, after being consulted the bibliography referenced herein, we observed that there is in the market, at disposal of professionals of this area, it is already obsolete and it is shown in a scattered and not very clear way.

The requirement fort the introduction of safety at a high degree of sophistication and harmonization in activities undertaken by the use of nuclear energy and ionizing radiation, determines the introduction of a strict legislation with the purpose of safeguarding individual health and welfare, imposing the paradigm that the use of nuclear energy and ionizing radiation produces a maximum benefit and a minimum detriment to the health of population as a whole and of individuals singularly considered.

So, with the compilation, in an organized way, of the Brazilian legislation in nuclear energy sector and the emphasizing of virtues and faults, strong and weak points, that should be modified, that should have a higher development, etc…at this legislation critically assessed, that constitute original parts at the present work, as well the comparison accomplished in an updated and reviewed from the national legislation, to international legislation, anchored in International Atomic Energy Agency (IAEA) and with the publication of issued results in compendium, we expect to attain our goal, that will be of great validity for professionals in this area.

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REFERENCES

1. ASSOCIAÇÃO BRASILEIRA DE DIREITO NUCLEAR, *Legislação nuclear*. Linador, Rio de Janeiro& Brasil (1980).
2. J. I. ISKANDAR, *Normas da ABNT comentadas para trabalhos científicos,* Juruá**,** Curitiba & Brasil (2007).
3. O. MEDAUAR, *Constituição Federal, Coletânea de legislação de direito ambiental*, Revista dos Tribunais, São Paulo & Brasil (2004).
4. V. M. RIBEIRO, *Tutela penal nas atividades nucleares,* Revista dos Tribunais, São Paulo & Brasil (2006).
5. V. P. FREITAS, *A Constituição Federal e a efetividade das normas ambientais,* RT, São Paulo & Brasil (2000).
6. W. O. BARRAL, *Metodologia da pesquisa jurídica,* Del Rey, Belo Horizonte & Brasil (2007).