

NUCLEAR ACTIVITY

Executive Order No. 1390/98

Let the implementation of Act No. 24,804 be approved.

Bs. As., November 27, 1998

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ANNEX I

IMPLEMENTATION OF LAW No.24.804

Chapter I

Nuclear Activity. Duties of the State.

Regulation Criteria. Jurisdiction

ARTICLE 1.- The NATIONAL STATE will set the nuclear policy and will perform the duties of Research and Development through the NATIONAL ATOMIC ENERGY COMMISSION and the duties of Regulation and Control through the NUCLEAR REGULATORY AUTHORITY, within the scope of the specific powers assigned by Act No. 24,804.

Nuclear activity relating to production, research, development and services which may be established as a business, performed or rendered by the NATIONAL, Provincial or Municipal State as well as the private sector, shall be developed within the framework of the nuclear policies and regulations appropriately defined by the NATIONAL ATOMIC ENERGY COMMISSION and the NUCLEAR REGULATORY AUTHORITY.

ARTICLE 2.- The duties assigned to the NATIONAL ATOMIC ENERGY COMMISSION by Act No. 24,804 shall be developed in such a manner that it ensures the protection of the population, the occupationally exposed personnel and the environment from the radiological impact which may derive from the activities relating to those duties, in accordance with the regulations enacted for such purposes.

In order to perform the duties assigned by law, the NATIONAL ATOMIC ENERGY COMMISSION shall prepare a long-term schedule of activities, especially dedicated to the development of basic research programs, applied research programs on nuclear technology basics and the relevant technical development, as well as the update of knowledge on technology advances worldwide, to ensure its optimal use.

The NATIONAL EXECUTIVE, by means of the body jurisdictionally in charge of the NATIONAL ATOMIC ENERGY COMMISSION, shall take the relevant steps in order to include in every year budget the items necessary for the execution of the long-term plan. The NATIONAL ATOMIC ENERGY COMMISSION shall yearly report to the National State on the plan status.

The NATIONAL ATOMIC ENERGY COMMISSION shall disclose the long-term plan to the public in order to keep the community continuously updated with nuclear activity advances and its state of development.

Every service rendered by that body to third parties in the execution of its duties assigned by law shall be considered as offered for a valuable consideration.

The Board of Directors shall be entitled to define the fee amounts, which shall respect the proportionality principle, and shall decide its free execution in exceptional circumstances and for duly substantiated reasons.

- (a) Not implemented.
- (b) Not implemented.

(c) Not implemented.

(d) In order to assume its responsibility for radioactive waste management, the NATIONAL ATOMIC ENERGY COMMISSION shall set the requirements for the acceptance or low-, medium- and high-level radioactive waste, which shall be approved by the NATIONAL REGULATORY AUTHORITY.

The tasks resulting from the responsibility mentioned above may be performed by the NATIONAL ATOMIC ENERGY COMMISSION itself or through third parties, who will act on behalf and to the order of such a Body.

Any individual or company that, as a result of the performance of an activity licensed or approved by the NUCLEAR REGULATORY AUTHORITY, produces radioactive waste or irradiated nuclear fuel elements shall compensate the NATIONAL ATOMIC ENERGY COMMISSION to allow for the performance of waste management-related duties. Radioactive waste producers shall be responsible for its safe storage, within the facility under their charge, fulfilling the requirements of the regulations timely and appropriately set forth by the NUCLEAR REGULATORY AUTHORITY. As regards nuclear power plants, in order to ensure a safe operation, radioactive waste producers shall procure a storage capacity equivalent to the total number of nuclear fuel elements in the facility.

Low-level waste management shall be settled by radioactive waste producers through the payment of the fee appropriately set by the NATIONAL ATOMIC ENERGY COMMISSION. That fee shall be in accordance with the rules of reason and the principle of proportionality.

The NATIONAL ATOMIC ENERGY COMMISSION shall set the time and the procedure by which radioactive waste producers will transfer the radioactive waste and irradiated nuclear fuel elements produced by the relevant facility to such a Body.

Such a transfer defines the scope of the responsibility of the waste-producing facility operator, in terms of radioactive waste and irradiated nuclear fuel elements.

Such an operator shall inform the NATIONAL ATOMIC ENERGY COMMISSION about the updated inventories and the technical characteristics of the irradiated nuclear fuel elements and the radioactive waste stored at time points set by the Commission by virtue of its duties and responsibilities.

(e) The NATIONAL ATOMIC ENERGY COMMISSION shall determine the form of decommissioning of a nuclear power plant and any other relevant nuclear facility, under the conditions duly established by the NUCLEAR REGULATORY AUTHORITY.

In order to determine the scope of responsibility of the operator of a nuclear power plant and the NATIONAL ATOMIC ENERGY COMMISSION as regards the duties relating to the cessation of activities of nuclear power generation and those relating to Decommissioning, the following criteria are set:

(I) The NATIONAL ATOMIC ENERGY COMMISSION shall timely define the Decommissioning Plan of every nuclear power plant complying with the requirements duly set forth by the NUCLEAR REGULATORY AUTHORITY and using its reasonable endeavors to become the entity responsible for the Decommissioning License ONE HUNDRED AND FIFTY (150) before the cessation of nuclear power generation activities by operator.

(II) The NATIONAL ATOMIC ENERGY COMMISSION may conduct the Decommissioning Plan authorized by the NUCLEAR REGULATORY AUTHORITY on its own account or through third parties, and the nuclear power plant operator shall be in charge of the minimum tasks relating to the cessation of nuclear power generation activity and which are within the scope of the Operation License, which exhaustive list is the following:

1.) removing all irradiated fuel from the reactor and depositing it in the storage facilities inside the nuclear power plant premises;

2.) storing radioactive materials in accordance with the safety standards of the NUCLEAR REGULATORY AUTHORITY;

3.) operating mechanical systems in order to guarantee the safety of the reactor in accordance with the NUCLEAR REGULATORY AUTHORITY safety standards.

(III) The nuclear power plant operator shall submit to the NATIONAL ATOMIC ENERGY COMMISSION, with the periodicity established by that Body, all relevant information in order for the Commission to accurately and timely develop the Decommissioning Plan of the facility being used, as well as all information that the NATIONAL ATOMIC ENERGY COMMISSION may from time to time request in accordance with its duties and responsibilities under law.

Likewise, the operator shall provide THREE HUNDRED AND SIXTY (360)-day prior notice to the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES, the NATIONAL ATOMIC ENERGY COMMISSION and the NUCLEAR REGULATORY AUTHORITY of the date in which the nuclear power plant shall cease its generation activity. Such an obligation shall not be enforceable when the cessation of activities is due to unforeseeable reasons or has not been a decision of the NUCLEAR REGULATORY AUTHORITY.

(IV) In order to fulfill the duties set forth in sub-paragraph (II) above regarding nuclear power plants of Atucha I, Atucha II and Embalse, the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES shall issue a certificate, after communicating with the NUCLEAR REGULATORY AUTHORITY that the operator has complied with all the requirements set by the regulatory authority. The Secretariat shall inform the date of issuance of the certificate to the NATIONAL ATOMIC ENERGY COMMISSION with TEN (10) days in advance.

(V) Accordingly, within FIVE (5) days of the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES notice mentioned above, the NATIONAL ATOMIC ENERGY COMMISSION shall set the minimum security required by the NUCLEAR REGULATORY AUTHORITY in the nuclear power plant that has started the decommissioning process.

(VI) The NATIONAL ATOMIC ENERGY COMMISSION shall take possession of the nuclear power plant that has been declared as "decommissioned" as of the date mutually agreed with the operator or the date established in the certificate issued by the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES.

(VII) Failure to issue the certificate with no cause by the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES within THIRTY (30) days of the request shall be deemed as an approval of the operator's activities provided that the NUCLEAR REGULATORY AUTHORITY had given notice of the communication included in sub-paragraph (IV), and upon that date, or upon the date of certification mentioned in the previous paragraph, the following shall occur:

- 1.) separation of the operator from custody of the goods which comprise the relevant nuclear power plant;
- 2.) definition of the moment when the responsibility for the safe storage of radioactive waste produced in the plant is transferred to the NATIONAL ATOMIC ENERGY COMMISSION, if that Body, by virtue of the duties assigned in Article 2(d) of Act No. 24,804, has not set a different timeframe in advance; and
- 3.) determination of the moment upon which the NATIONAL ATOMIC ENERGY COMMISSION shall take possession of the nuclear power plant;

(VIII) If after the THREE HUNDRED AND SIXTY (360)-day term stipulated in the second part of sub-paragraph (III) hereinabove, the NATIONAL ATOMIC ENERGY COMMISSION has not become the entity responsible for the Decommissioning License of the relevant nuclear power plant, or, if an equivalent time period has elapsed from the cessation of generation activities due to unforeseen reasons or due to a decision of the NUCLEAR REGULATORY AUTHORITY, the NATIONAL ATOMIC ENERGY COMMISSION shall have an additional term of THIRTY (30) days to obtain the Decommissioning License.

After such a period, the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES shall issue a certificate with the same effects as the certificate set forth in sub-paragraph (VIII) hereinabove.

- (f) Not implemented.
- (g) Not implemented.
- (h) Not implemented.
- (i) The term “experimental power reactor” shall be construed as any prototype power reactor.
- (j) Not implemented.
- (k) The term “NATIONAL ATOMIC ENERGY COMMISSION” shall be construed as the body mentioned in Article 205 of the Mining Code.
- (l) Not implemented.
- (ll) Basic and applied research programs implemented by the NATIONAL ATOMIC ENERGY COMMISSION shall be specially focused on radiological and nuclear safety matters.
- (m) Not implemented.
- (n) Not implemented.
- (ñ) Not implemented
- (o) Not implemented.
- (p) The agreements executed with power reactor operators shall include the relevant aspects for the performance of research and development tasks.

ARTICLE 3.- The NATIONAL ATOMIC ENERGY COMMISSION shall adapt the labor regulations of its employees to comply with Article 3 of Act No. 24,804 within NINETY (90) days.

In accordance with the preceding paragraph, the NATIONAL ATOMIC ENERGY COMMISSION shall respect the rights relating to the seniority of employees who were at an employment relationship when Act No. 24,804 was enacted.

ARTICLE 4.- Not implemented.

ARTICLE 5.- Not implemented.

ARTICLE 6.-

- (a) Not implemented.
- (b) Not implemented.
- (c) Not implemented.
- (d) In order to receive the Research and Development royalty, the NATIONAL ATOMIC ENERGY COMMISSION shall request the COMPAÑÍA ADMINISTRADORA DEL MERCADO MAYORISTA ELÉCTRICO SOCIEDAD ANONIMA (CAMMESA), in a monthly basis, to inform the income of each power producer resulting from the sale of the electrical energy produced by nuclear reactors under their exploitation valued at the node spot price of the whole sale electricity market (MERCADO ELÉCTRICO MAYORISTA, MEM).

The NATIONAL ATOMIC ENERGY COMMISSION shall issue a certificate within the first fortnight of each month including the amount of the royalty estimated based on the electricity producer turnover. The energy sold during the previous month shall be valued at the node spot price of the whole sale electricity market (MERCADO ELÉCTRICO MAYORISTA, MEM). In order to be valid as a public document, the certificate shall be signed by the President of the Board of Directors.

The electricity producer shall pay the royalty within TEN (10) business days of notice.

Failure to pay the royalty shall be considered an automatic default and it will accrue an interest at a rate fixed by the BANCO DE LA NACIÓN ARGENTINA on THIRTY (30)-day overdraft operations. The certificate of indebtedness for failure to pay issued by the NATIONAL ATOMIC ENERGY COMMISSION, which amount is ratified by the SECRETARIAT OF ENERGY of the MINISTRY OF

ECONOMY, WORKS AND PUBLIC SERVICES, shall be a valid instrument to enable the summary proceedings for collection before the Civil and Commercial Federal Courts.

(e) Not implemented.

ARTICLE 7.- Although the duties assigned to the NUCLEAR REGULATORY AUTHORITY as per Article 7 of Act No. 24,804 do not cover the control of the x-ray generators, by virtue of Act No. 17557, they do cover the regulation and control of linear accelerators for medical purposes, which as a consequence of their use generate ionizing radiation other than x-rays.

ARTICLE 8.-

(a) It is hereby clarified that the aim of protecting the people against the harmful effect of ionizing radiations set forth in Article 8(a) of Act No. 24,804 does not include the protection against radiation generated by equipments specifically used for the generation of x-rays, which is under the scope of responsibilities of the Public Health Authorities of the NATIONAL STATE, the Provinces and the GOVERNMENT OF THE AUTONOMOUS CITY OF BUENOS AIRES, in accordance with Act No. 17557.

(b) Not implemented.

(c) Not implemented.

(d) Not implemented.

ARTICLE 9.-

(a) Not implemented.

(b) Not implemented.

(c) NUCLEOELÉCTRICA ARGENTINA SOCIEDAD ANONIMA (NASA) shall not have the obligation of hiring insurance or other financial security covering its liability for nuclear damage pursuant to paragraph 2 of Article VII of Vienna Convention on Civil Liability for Nuclear Damage, ratified by Act No. 17048.

GENERADORA NUCLEAR ARGENTINA SOCIEDAD ANONIMA (GENUAR S.A.) shall be responsible for the hiring upon the transfer to the Private Sector of its stockholdings.

The SUPERINTENDENCIA DE SEGUROS DE LA NACIÓN [Argentina Superintendence of Insurance], as a control body, shall oversee the hiring conditions chosen before they become effective.

It is herein established that the liability insurance coverage set for the operator of a nuclear facility used to produce and market electricity does not include the nuclear facility itself or the assets within the premises of the facility and which are used or are intended to be used in relation to the facility, nor the means of transportation carrying the nuclear materials involved in the nuclear accident.

(i) Not implemented.

(ii) The NATIONAL ATOMIC ENERGY COMMISSION and the NUCLEAR REGULATORY AUTHORITY officials who were working within the nuclear facility and any other person that in the exercise of their functions have been authorized to enter the premises shall be considered as covered by Article 9(c)(ii) of Act No. 24,804.

(iii) Not implemented.

ARTICLE 10.- Not implemented.

ARTICLE 11.- Not implemented.

ARTICLE 12.- The procedure set forth in Article 12 of Act No. 24,804 for the location of a repository for high-, medium- and low-level waste shall be applicable to the location of any new repository, even when at the enactment date of such an Act there would have been any ongoing technical pre-feasibility assessment.

ARTICLE 13.- Not implemented.

Chapter II
Nuclear Regulatory Authority

ARTICLE 14.-Not implemented.

ARTICLE 15.- The NUCLEAR REGULATORY AUTHORITY equity, as a successor of the ENTE NACIONAL REGULADOR NUCLEAR [ARGENTINEAN NUCLEAR REGULATORY BODY], includes the assets which had been transferred to such a body pursuant to Executive Order No. 1540 of August 30, 1994, the assets acquired by the body before the enactment of Act No. 24,804 and the assets which the NUCLEAR REGULATORY AUTHORITY may acquire, upon its creation, by any legal means.

ARTICLE 16.-

(a) Not implemented.

(b) Not implemented.

(c) Not implemented.

(d) By virtue of their authority as control agents, NUCLEAR REGULATORY AUTHORITY inspectors shall have access to the facilities or any other locations where nuclear or radioactive materials are used, handled, produced or stored. To that effect, the NUCLEAR REGULATORY AUTHORITY shall determine the entry requirements.

(e) Not implemented.

(f) Not implemented.

(g) The NUCLEAR REGULATORY AUTHORITY shall set a Penalty Regime for the Non-compliance with Radiation Safety Standards relating to the Uses of Nuclear Energy in Medicine, Agriculture, the Industry and Research and Teaching within ONE HUNDRED AND EIGHTY (180) days. Until such a Penalty Regime is established, the regime set in Executive Order No. 255 of March 14, 1996 shall apply, considering the amounts defined in such an Executive Order as the upper limit, and the Board of Directors of the NUCLEAR REGULATORY AUTHORITY shall rank the penalties in accordance with the guidelines set forth in Article 16(g) of Act No. 24,804, which range from a warning to the upper limit of the Executive Order mentioned.

In addition, the NUCLEAR REGULATORY AUTHORITY shall establish, within ONE HUNDRED AND EIGHTY (180) days, a Penalty Regime for the Non-compliance of Radiation and Nuclear Safety, Security and Safeguards Standards in nuclear power plants and other relevant nuclear facilities.

(h) Not implemented.

(i) Not implemented.

(j) Not implemented.

(k) Not implemented.

(l) Not implemented.

(ll) It is hereby clarified that the evaluation criterion based on the cost-benefit ratio of the application of new regulations shall always consider the safety of the entire community.

The NUCLEAR REGULATORY AUTHORITY, in order to apply the Procedure of Prior Query of Article 16(ll) of Act No. 24,804, shall comply with the following procedure before modifying or enacting new regulations for licensed relevant nuclear facilities:

(I) Prepare an initial draft for the amendment of laws in force or for new regulations. The draft shall explicitly include the purpose, the rationale and the consequences arising from its implementation, especially, the expected benefits and the estimate of the efforts and costs involved. The draft can be submitted by a license holder of a relevant nuclear facility.

(II) Create an *ad hoc* Committee comprised of TWO (2) specialists from the NUCLEAR REGULATORY AUTHORITY and TWO (2) representatives of the holders of the licenses to which the amendment or

the new regulation shall apply. Such a Committee shall issue an opinion within THIRTY (30) days and may modify the term where appropriate.

(III) Convene the licensees to whom the draft will apply in order to inform them of the opinion issued by the *ad hoc* Committee, clarify their notions and discuss their conclusions.

(IV) Prepare the draft for the amendment of the law or the new bill considering the initial draft and opinions issued accordingly. The draft shall be accompanied by an assessment evaluating the cost-benefit ratio of the new regulations, which shall include the criterion and rationale used for their preparation. Licensees to whom the regulation will apply shall allow officials of the NUCLEAR REGULATORY AUTHORITY to enter the facilities and shall provide all necessary information in order to comply with the duties hereunder.

(V) Give notice of the bill and the cost-benefit assessment to the licensees to whom the modification will apply in order to allow them to examine it within SIXTY (60) days, if no longer term has been agreed upon according to the complexity of the topics involved. Licensees shall respond to the NUCLEAR REGULATORY AUTHORITY highlighting the technical feasibility of the application of the preliminary bill and shall also attach an assessment of the costs and expenditures involved in the implementation of the new regulation.

(VI) Prepare the bill of amendment or the bill for a new regulation, accordingly, and service notice of the bill to the licensees to whom it will apply for a TWENTY (20)-day period, or the term agreed upon based on the subject, and who shall refer to the action taken in order to ground their decision.

(VII) After the notice period mentioned above has elapsed, pass the relevant bill of amendment or the new regulation.

It is hereby established that the consult period set forth in Article 16(l) of Act No. 24,804 shall not be applied in the event that the NUCLEAR REGULATORY AUTHORITY modifies regulations in force in order to harmonize the language, measures and units without modifying the safety requirements in force.

(m) It is hereby clarified that the environmental impact assessment mentioned in Article 16(m) of Act No. 24,804 refers exclusively to the assessment of studies and analysis performed by the licensees and that the intervention of the NUCLEAR REGULATORY AUTHORITY as regards the human environment is limited to the radiological environmental impact which may derive from the discharge of radioactive effluents.

(n) Not implemented.

(ñ) Not implemented.

(o) In order to improve their performance, the NUCLEAR REGULATORY AUTHORITY shall approve contingency plans in the event of nuclear accidents, programs to handle emergencies and, where necessary, the relevant training of plant personnel and neighbors. Such plans shall consider an active participation of the community. Security Forces and the representatives of civilian institutions of the area covered by those procedures shall be answerable to the official assigned by the NUCLEAR REGULATORY AUTHORITY, which to that effect shall be considered as the regulatory body in terms of Article 8 of the Convention on Nuclear Safety, approved by Act No. 24776.

Municipal, provincial and national authorities which may be involved in the preparation of those plans shall comply with the guidelines and criteria defined by the NUCLEAR REGULATORY AUTHORITY, which, to that effect, shall exercise the powers set forth in the Convention on Nuclear Safety for every Contracting Party.

ARTICLE 17.- Not implemented.

ARTICLE 18.- The members of the Board of Directors of the NUCLEAR REGULATORY AUTHORITY shall be appointed by means of a competitive selection procedure and they shall have the obligation to demonstrate scientific and technical experience and a well-known history in Radiological and Nuclear Safety, Security and Control of the Use of Nuclear Materials, Licensing and Control of Nuclear

Facilities and International Safeguards, as well as experience in the application of this knowledge to regulatory activities.

The PRESIDENCY OF THE NATION, or the presidential branch in charge of that body, shall commence the Selection Procedure mentioned above through an open call which shall be published in major newspapers, and it shall be governed by the rules set forth for the Regime of Office with Executive Functions approved by Executive Order No. 993/91 (as amended in 1995).

The history of candidates shall be assessed by means of their resumes and at personal interviews conducted by specialists in order to determine whether they meet the minimum requirements defined in the call for the position.

The result of the assessment shall be escalated to the Selection Committee comprising competent members who guarantee the impartiality and independence of criteria in their decision.

Thus, the minimum number of applicants defined by the PRESIDENCY OF THE NATION shall be selected to cover each position, and they will be the "Eligible Candidates".

In the event that no "Eligible Candidate" is selected to cover a position, the procedure mentioned above shall be repeated, only for the position in question. In addition, the procedure shall be repeated if the PRESIDENCY OF THE NATION deems it necessary for the positions where there would be only one "Eligible Candidate". It should be noted that this situation will not interfere with the procedure of appointment of the other members of the Board of Director of the NUCLEAR REGULATORY AUTHORITY.

Once the Procedure mentioned in the paragraphs above has been completed, the PRESIDENCY OF THE NATION and the CHAMBER OF DEPUTIES and the SENATE of the HONORABLE CONGRESS OF THE NATION shall propose a short list of candidates for each position in the Board of Directors of the NUCLEAR REGULATORY AUTHORITY pursuant to Article 18 of Act No. 24,804, and, if necessary, the NATIONAL EXECUTIVE OFFICE may request the submission of a new short list to appoint ONE (1) or all of the members of the Board of Directors.

The Selection Procedure set forth hereinabove shall be applicable upon expiration of the legal term of office of the first Board of Directors of the NUCLEAR REGULATORY AUTHORITY.

ARTICLE 19.- Not implemented.

ARTICLE 20.- The President of the NUCLEAR REGULATORY AUTHORITY shall be the legal representative of the body and shall have all the executive powers necessary for the body to adequately comply with the duties assigned to it by law.

ARTICLE 21.- Not implemented.

ARTICLE 22.-

(a) Not implemented.

(b) In accordance to the Bylaws of the Board of Directors, the President shall have the power to break tie votes and shall plan an appropriate system of delegation to the internal units of the body.

(c) Not implemented.

(d) The Annual Budget and the Estimation of Resources shall be the Annual Budget of Expenses and the Estimation of Resources prepared in accordance with the provisions of Article 8 of the Convention on Nuclear Safety approved by Act No. 24,776.

(e) Approving general work plans, strategic projects and the Annual Activities Report; building relationships with foreign institutions or regional and international bodies with comparable purposes; accepting goods and donations and celebrating agreements with public or private entities for the performance of plans relating to the purposes of the Body, among others, shall be considered as actions tending to the better performance of its functions and the duties set forth in Article 22 of Act No. 24,804.

ARTICLE 23.- Not implemented.

ARTICLE 24.- Not implemented.

ARTICLE 25.- The resources of the NUCLEAR REGULATORY AUTHORITY mentioned in Article 25 of Act No. 24,804 shall ensure the proper fulfillment of the duties set forth therein in order to comply with the provisions of Article 8 of the Convention on Nuclear Safety approved by Act No. 24,776.

(a) The control fee shall be a specific resource established by law pursuant to Article 23(c) of Act No. 24,156.

(b) Not implemented.

(c) In order to comply with Article 25(c) of Act No. 24,804, the interests and gains benefits resulting from the management of NUCLEAR REGULATORY AUTHORITY equity shall be used to support its activities as set forth in Chapter V of Executive Order No. 1545 of August 31, 1994.

(d) Not implemented.

(e) Income derived from the payment of penalty fees shall be part of the NUCLEAR REGULATORY AUTHORITY resources.

ARTICLE 26.- The NUCLEAR REGULATORY AUTHORITY shall establish the control audit fee within the limits set forth in Article 26 of Act No. 24,804 and shall submit its Budget through the PRESIDENCY OF THE NATION for its subsequent approval by the HONORABLE CONGRESS OF THE NATION.

ARTICLE 27.- The NUCLEAR REGULATORY AUTHORITY shall adapt the labor regulations of its employees to comply with Article 3 of Act No. 24,804 within NINETY (90) days.

In accordance with the preceding paragraph, the NUCLEAR REGULATORY AUTHORITY shall respect the rights relating to the seniority of employees who were at an employment relationship when Act No. 24,804 was enacted, and it shall establish its approval by the unanimous decision of the Board of Directors as a validity requirement for an unfair dismissal, in order to guarantee the duly execution of its control powers assigned by Act No. 24,804 by each of its officials.

ARTICLE 28.- Not implemented.

ARTICLE 29.- Not implemented.

Chapter III

Definitions

ARTICLE 30.- Not implemented.

Chapter IV

General Provisions

ARTICLE 31.- Not implemented.

ARTICLE 32.- Not implemented.

ARTICLE 33.- Not implemented.

Chapter V

Privatization

ARTICLE 34.- The privatization set forth in Article 34 of Act No. 24,804 ensures the completion of the Central Nucleoeléctrica Atucha II [Nuclear Power Plant Atucha II] within a SIX (6)-year period from its transfer to the Private Sector, and for such purposes, upon privatization, the obligation shall be imposed on a concession agreement with the single purpose of completing the work within the agreed upon term.

ARTICLE 35.- The unavoidable affirmative vote of the NATIONAL STATE as holder of one share, pursuant to Article 35 of Act No. 24,804, shall be casted with the single aim of verifying that those decisions are within the radiological and nuclear safety conditions set forth by the NUCLEAR REGULATORY AUTHORITY and, in the case referred to in paragraph (b) of the Article mentioned above, that such a measure is feasible by verifying through the SECRETARIAT OF ENERGY of the MINISTRY OF ECONOMY, WORKS AND PUBLIC SERVICES that such a decision will not derive in the shortage of supply in accordance with Article 1, paragraph two of Act No. 24,065.

ARTICLE 36.- Not implemented.

ARTICLE 37.- Not implemented.

ARTICLE 38.- The obligation of the licensee of Embalse Nuclear Power Plant or the legal entity created pursuant to the privatization approved by Article 34 of Act No. 24,804 to return the heavy water leased for that Nuclear Power Plant shall be fulfilled by delivering consecutive consignments of heavy water from the Heavy Water Industrial Plant [Planta Industrial de Agua Pesada] located in the country until completion of the total amount of leased water.

The international status shall refer to the price and to the quality technical characteristics, as well.

ARTICLE 39.- The control given to the JOINT COMMISSION OF STATE REFORM AND PRIVATIZATION MONITORING [COMISIÓN MIXTA DE REFORMA DEL ESTADO Y DE SEGUIMIENTO DE LAS PRIVATIZACIONES], pursuant to Article 14 of Act No. 24,629 and which application to the privatizations set forth in Chapter V of Act No. 24,804 is established in Article 39 thereof, is comparable to the control powers set forth in Article 14 of Act No. 23,696, and consequently, it shall have the same scope and characteristics.