

**GOVERNMENT OF INDIA
ATOMIC ENERGY
LOK SABHA**

UNSTARRED QUESTION NO:1116

ANSWERED ON:03.03.2010

CIVIL NUCLEAR AGREEMENT

Sarvey Shri Sathyanarayana;Shetkar Shri Suresh Kumar;Tewari Shri Manish

Will the Minister of ATOMIC ENERGY be pleased to state:

- (a) the details of Civil Nuclear Energy Co-operation Agreements with various other countries signed by India between 1st Jan, 2005 and 1st Feb. 2010;
- (b) the significant commonafities between these various agreements and the difference unique to each of these agreements when contrasted in juxtaposition to each other alongwith a comparative clause wise chart that maps out the similarities or differences in the substantive clauses of each agreement;
- (c) whether the non-introduction/non-passage of a law to regulate liability in case of nuclear accidents called the Nuclear Liability Bill is an impediment in foreign investment flowing into the Civilian Atomic Energy Sector;
- (d) whether a Nuclear Liability Bill has been approved by the Government and is awaiting introduction in Parliament.
- (e) If so, the time by which the Government plans to introduce the proposed bill;and
- (f) the guidelines that permit Indian companies to participate in the Civilian Nuclear Energy Sector?

Answer

MINISTER OF THE STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF SCIENCE & TECHNOLOGY AND EARTH SCIENCES; MINISTER OF STATE FOR PMO, PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND PARLIAMENTARY AFFAIRS (SHRI PRSTHVIRAJ CHAVAN):

(a) India has signed following Civil Nuclear Energy Cooperation Agreements 01st Jan 2005 and 1st Feb 2010:

- (i) Cooperation Agreement between the Government of the Republic of India and the Government of the French Republic on the Development of Peaceful Uses of Nuclear Energy was signed on 30 September 2008. This Agreement has since been ratified.
- (ii) Agreement for Cooperation between the Government of India and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy was Signed on 10 October 2008. This Agreement has since Seen ratified.
- (iii) Agreement between the Government of the Republic of India and the Government of the Republic of Namibia on Cooperation in Peaceful Uses of Nuclear Energy was signed on 31 August 2009. This Agreement has to be ratified.

In addition, the following were signed/ initialed:

- (i) Agreement between the Government of the Republic of India and the Government of the Russian Federation on Cooperation in the Construction of Additional Nuclear Power Plants Units at Kudankulam site as well as in the Construction of Russian designed Nuclear Power Plants at new sites in the Republic of India was signed on 05 December 2008.
- (ii) Memorandum of Understanding between Department of Atomic Energy of the Government of the Republic of India and the Nuclear Energy Agency, Regulatory Agency of the Government of Mongolia on Cooperation in the Field of Peaceful Use of Radioactive Minerals and Nuclear Energy was signed on 14 September 2009.
- (iii) Agreement between the Government of the Argentine Republic and the Government of the Republic of India for Cooperation in the Peaceful Uses of Nuclear Energy was initialed on 14 October 2009.
- (iv) Agreement for Cooperation between the Government of the Republic of India and the European Atomic Energy Community in the field of Fusion Energy Research was signed on 06 November 2009.
- (v) An agreement between the Government of the Republic of India and the Government of the Russian Federation on cooperation in the use of Atomic Energy for peaceful purposes was initialled on 07 December 2009.

(b) As mentioned above, Agreement with France and US have been ratified and the highlights are indicated below. The Agreement dated 5 December 2008 with Russia is specific on cooperation in the Construction of Additional Nuclear Power Plants at

Kudankulam Site as well as in the construction of Russian Designed Nuclear Power Plants at New Sites in the Republic of India.

Agreement with France

Agreement with USA

A general agreement covering wide areas including nuclear reactors, nuclear fuel and nuclear fuel cycle management; to be followed by specific agreements between the Parties or persons designated by the Parties. cycle; to be followed by contracts pursuant to the agreement.

Provides of technology transfer on industrial or commercial scale between the Parties or designated persons. between the Parties or authorized persons.

Provides for progressive localization in the territory of the recipient Party. Specifically provides for non-hindrance. information for the design and construction of reactors.

Specifically provides for non-hindrance. hindrance. Specifically provides for non-hindrance.

Provides for facilitating fuel supplies for the lifetime operation of supplied nuclear power plants, establishment of long-term contracts between designated entities of the Parties, developing a strategic reserve of nuclear fuel, Termination of cooperation is without prejudice to the implementation of fuel supply commitments.

Provides for fuel supply throughout the operational period of the reactors on contractual, basis at prices to be negotiated.

Provides for IAEA safeguards and linkage of safeguards to fuel supplies. Provides for verification measures in case application of IAEA safeguards is not possible. linkage of safeguards to fuel supplies. Provides for verification measures in case application of IAEA safeguards is not possible.

Provides reprocessing consent, reprocessing to be done in a national nuclear facility under IAEA safeguards. IAEA safeguards following the Parties reprocessing, but in a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards following the Parties

agreeing on arrangements and procedures.

Provides for termination. Termination of cooperation to be without prejudice to the implementation of contracts, ongoing projects and fuel supply commitments made prior to termination.	Provides for termination including right of return; no commitment made with regard to honouring ongoing contracts and projects.
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(c) The Government's Foreign Direct Investment Policy does not permit Foreign Direct investment in the atomic energy sector.

(d)&(e) The draft legislation on civil nuclear liability has been approved by the Cabinet and the same is likely to be introduced in the current session of Parliament.

(f) The Atomic Energy Act 1962 allows the Central Government to produce, develop, use and dispose of atomic energy either by itself or through any authority or corporation established by it or a Government company. As of today Nuclear Power Corporation of India Limited and Bharatiya Nabhikiya Vidyut Nigam Limited are two public sector undertakings authorized for this purpose. Private sector can participate in setting up of nuclear power plants as a junior equity partner. Private sector in India can also participate in civil nuclear energy sector through supply of components, equipment and works contracts.