



III. OTHER DISPOSITIONS

MINISTRY OF INDUSTRY, TOURISM AND COMMERCE

11115 *Order ITC/1785/2009, of 3 of July, by which one remembers as the date of cease definitive of the operation of the Nuclear power station of Santa Maria de Garoña day 6 of 2013 July, and its operation is authorized until this date.*

The Power station of Santa Maria de Garoña obtained a provisional permission of operation the 30 of October of 1970, and were reconciled to the mains the 2 of March of 1971, reason why its operation reaches at present more than 38 years, and it will be placed in the 40 years in 2011. Until this moment, the proprietor has obtained operation permissions and prorogations of the authorization of operation in 1971, 1972, 1973, 1974, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1984, 1986, 1987, 1989, 1991, 1993, 1995 and 1999.

By Order of the Ministry of Industry and Energy of date 5 of 1999 July, it was granted to Nuclear the Centrales company of Norte, S.A. (NUCLENOR, S.A.) a renovation of permission of operation of the Nuclear power station of Santa Maria de Garoña, by a period of validity of ten years as of that date. This has been the unique renovation in history of this power station by a period of ten years, although in 1999 it had arrived already almost to the 30 years of life.

In this Ministerial order one settled down that, case of being necessary a new permission, the holder could ask for it by a period nonsuperior to ten years, with a minimum of three years of advance to the expiration of this permission of operation.

In agreement with the previous thing, dated 3 of 2006 July, it was received in the Ministry of Industry, Tourism and Commerce the instance of Director General de NUCLENOR, S.A., in name and representation of the proprietary company of the nuclear power station of Santa Maria de Garoña, soliciing a renovation of the authorization of operation by a period of ten years for this power station, in agreement with the established thing in the Regulation on nuclear power plants and radioactive.

According to the established thing in the Order of 5 of 1999 July, to this request it accompanied: a) the last revisions of the Study of Security, Regulation of Operation, Engineering specifications of Operation, Plan of Emergencia Interior, Manual of Quality assurance, Manual of Radiological safety and Plan of Management of Radioactive waste; b) a scheduled inspection of the security of the power station, in agreement with the specified thing in the retrainings of the Council of Nuclear safety; c) a revision of the probabilista study of security; d) an analysis of the aging undergone by the components, systems and structures of security of the power station, and e) an analysis of the accumulated experience of operation during the period of use of the permission that is asked for to renew. Also it was accompanied to this request information on the fulfillment of the limits and conditions in the referred one Order of 5 of 1999 July.

Later, dated 3 of July of 2008, NUCLENOR, S.A. it presented/displayed in this Ministry an update, to 31 of December of 2007, of the presented/displayed documentation in support of its request and, dated 29 of April of 2009, a revision of the Integrated Plan of Evaluation and Management of the Aging and the Plan of Management of Residues Radioactive.

During the period of use of the operation permission that now wins, the Council of Nuclear safety he has realised a continuous pursuit and supervision of the operation of the power station and the fulfillment of the applicable conditions on nuclear safety and radiological safety. Also, it has evaluated the Scheduled inspection of the Security,



Dated 5 of June of 2009, the Nuclear Security Council, in the strict scope of his competitions on nuclear safety and radiological safety, he issued a report favorable for the renovation of the authorization of operation by the asked for period by the holder and, to request of the Ministry of Industry, Tourism and Commerce, dated 24 of June of 2009 he sent complementary a report referred the conditions of nuclear safety and radiological safety that would be applicable to a period of renovation or of two, of four or six years, after which the cease would take place definitive of operation of the power station.

With dates 18 and 25 of June of 2009 proceeding of hearing to NUCLENOR, S.A. was granted, transferring to him, respectively, the mentioned information previously. Dated 29 of June from 2009, the allegations of NUCLENOR, S.A. in relation to happiness were received hearings.

Seen Law 25/1964, of 29 of April, on Nuclear power; law 15/1980, of 22 of April, of creation of the Nuclear Security Council, modified by Law 33/2007, of 7 of November; law 17/2007, of 4 of July, by which Law 54/1997 modifies, of 27 of November, of the Electrical Sector, to adapt it to had in the Directive 2003/54/CE European parliament and of the Council, of 26 of June of 2003, on common norms stops the inner market of the electricity; the Regulation on nuclear power plants and radioactive, approved by Real Decree 1836/1999, of 3 of December and modified by real Decree 35/2008, of 18 of January; the Regulation on sanitary protection against ionizing radiations, approved by Real Decree 783/2001, of 6 of July; the Real one Decree 661/2007, of 25 of May, by that the activity of production is regulated of electrical energy in special regime; the "strategy of Saving and Efficiency Energetics in Spain", developed through the Plans of Action 2005-2007 and 2008-2012, it decides as the date of definitive cease of the operation of the nuclear power station of Santa Maria de Garoña the 6 of 2013 July, and the proration of the operation authorization even this date, considering the following considerations:

First. - The main components and structures of the nuclear power station of Santa Maria de Garoña was designed under the hypothesis of life of the same of 40 years. Thus she was contemplated in the documentation that the company NUCLENOR, S.A. presented/displayed when she asked for and she obtained the authorization for his construction.

Second. - This temporary horizon of 40 years of foreseeable operation is in addition contemplated for the life of the nuclear power stations, for the purposes of calculations and planning economic technique and, as much in effective 6° General Plan of Radioactive waste, approved by the Government the 23 of June of 2006, like in the previous one, approved the 31 of 1999 July.

Third. - The nuclear power station of Santa Maria de Garoña, has a thermal power authorized of 1,381 4,021 MW and GWh of electrical energy in 2008 produced, which supposes around the 1.3% of the national total production. Therefore, given the smaller capacity of generation of electrical energy of this nuclear power station, in comparison with the rest of the power stations that integrate the Spanish nuclear park, its cease of operation does not have repercussion on the guarantee of electricity provision.

Fourth. - To the effects of the calculation of the costs of immobilized within the regime repaying implanted by the Spanish Administration in 1988 by means of the Real Decree 1538/1987, of 11 of December, that determined the tariff of the managing companies of service, known as Stable Legal Frame, the recognition of the cost of the immobilized ones of this power station it finalized in 1996. Immobilized saying is, therefore, completely amortized.

Villa. - By another side, due to the measures adopted by the Government in the matter of political energetics, of increase of the participation of the renewable sources in the supply of electrical generation, in particular, through Plan of Renewable Energies 2005-2010 and of Real Decree 661/2007 of 25 of May, and saving and efficiency of the demand



place to an excess of installed capacity that has allowed to export electrical energy in the last times.

Sixth. - The decision to establish the date of definitive cease of operation of the power station he is congruent in addition with the policy to the Government on the use of the sources of energy renewable. Indeed, the 26 of August of 2005 approved and are carrying out Plan of Renewable Energies for period 2005-2010 and, although its participation in power provision is already at present significant in some of them, the option of political energetics of the Government is that this participation is continued increasing.

Seventh. - In addition, the Directive 2009/28/CE of the European Parliament and the Council, of 23 of April of 2009, regarding the promotion of the use of energy coming from sources renewable, it establishes like national objectives obligatory to reach a quota of the 20% of final energy coming from renewable sources for 2020, which forces one increasing participation of these in the electrical park of generation, and as much the Directive 2003/54/CE of the European Parliament and the Council, 26 of June of 2003, on norms common for the inner market of the electricity, like Real Decree 661/2007, of 25 of May, they establish the preferred access to the network of the generation with origin in sources renewable, in front of the conventional technologies.

Eighth. - The excess of the alluded to supply previously generates conditions more restrictive for the preferred access of the renewable energies anticipated in Law 54/1997, of 17 of November, and in Real Decree 661/2007, of 25 of May, in a while critical for the future development of the same. Especially the one of those technologies that until the moment they present/display a degree of smaller maturation, one of which is call to play a fundamental role in the balance of the future renewable park, due to its contribution to the gestionabilidad and predecibilidad of the same.

Novena. - The electrical generation of the nuclear power station of Santa Maria de Garoña it can be replaced by additional measures of power saving and renewable technologies without increasing the gas discharges of greenhouse effect in Spain or, in the assumption of total substitution by generation coming from combined cycles, with increases little significant in the values of emission of this one and other gases.

Tenth. - The operation of the power station must make the thermal spill compatible with thresholds and described guarantees of monitoring in the effective norm and, in particular, with Hydrologic plan of River basin adapted to the exigencies of the Directive Frame of the Water.

Eleventh. - The cease of the activity has a significant effect on the economy of the zone in which one is located. For this reason, the Government will impel a plan of activities for the economic development of the surroundings of the installation, with a view to to guarantee that economic development in the future, which demands to have a minimum term necessary for its implantation.

Twelfth. - Considering the previous thing, is originating a renovation of Authorization of operation of this nuclear power station by necessary the minimum period stops that, first of all, the plan of action in the surroundings of the power station has effect and, in secondly place, the questions derived from their operative cease are approached successfully in conditions of security, their dismantling and the evacuation and storage of radioactive waste. The nuclear power station of Santa must stand out in this sense, that Maria de Garoña will generate in her dismantling, for being a type power station "water in boiling", more radioactive waste than the power stations of type "water under pressure" in operation in our country.

Thirteenth. - The convenience of making compatible the forecasts of the Government with respect to the date of availability of a Centralized Temporary Warehouse for temporary storage of radioactive waste of high activity and short-decayed fuel in our country and the necessity to evacuate the short-decayed fuel of the nuclear power station, like previous requirement to initiate its dismantling, they also advise to prolong operation to date anticipated in this Order.

Fourteenth. - Article 32 paragraph first of Law 25/1964 of 9 of April of



powers that the Government of the Nation has for the definition and direction of the policy energetics in agreement with the functions that to the Executive authority the Constitution recognizes Spanish.

The present Order, by which the date definitive cease of the power station remembers and renovation of its authorization of operation, is adopted within the framework of the norms previous, weighing the totality of the circumstances that concur with express motivation of the made decisions and avoiding any I show of abuse.

Fulfilled the proceedings ordered by the effective dispositions, considering the state of established fulfillment of the conditional one in the Order of the Ministry of Industry and Energy of 5 of 1999 July, following a proposal by the Main directorate of Policy Energetics and Mines, and in agreement with the limits and conditions on nuclear safety and radiological safety imposed by the Nuclear Security Council, that is contained in the Annex to this Order,

This Ministry has arranged:

One. To decide as the date of definitive cease of operation of the nuclear power station Santa Maria de Garoña the 6 of 2013 July.

Two. To grant to the company NUCLENOR, S.A. the renovation of the authorization of operation of the nuclear power station of Santa Maria de Garoña, until day 6 of 2013 July.

Three. Prior to the 6 of 2013 July, the Ministry of Industry, Tourism and Commerce, previous report of the Nuclear Security Council, will establish the conditions to that the activities will be due to fit to realise in the power station until the obtaining of the dismantling authorization, that will require the corresponding Declaration of Environmental impact, and the term in which this authorization will be due to solicit, by virtue of had in article 28 the Regulation on nuclear power plants and radioactive.

However, prior to the 31 of December of 2011, the organization responsible for dismantling of the power station will present/display the Ministry of Industry, Tourism and Commerce a preliminary program of the activities that will be due to carry out to this end.

Four. The operation of the power station will be carried out in agreement with the limits and conditions contained in the Annex to the present Order. The Main directorate of Policy Energetics and Mines will be able to modify these limits and conditions or for imposing other new ones, to own initiative or following a proposal by the Nuclear Security Council, in agreement with responsibilities and functions assigned to this Organism by Law 33/2007, of 7 of November, of reform of Law 15/1980, 22 of April, as well as to demand the adoption of pertinent cogoverning actions, in view of the experience that is obtained from operation of the power station, the results of other evaluations and analysis in course, and of result of inspection and audit.

Five. The holder of the operation will not be able to realise modifications and proposals of action that prevents or makes difficult the definitive cease of the operation in the established date in the present Order, notwithstanding which they derive themselves from the conditions contained in the Annex, as well as of which additionally they can be required for reasons of nuclear safety, and/or radiological safety, in agreement with the Security Council Nuclear, or to guarantee the fulfillment of the thresholds of maximum increase of temperature contained in the spill authorization, in agreement with the Confederation Hydrographic of the Ebro.

Also, the holder will plan the calendar of charges considering the date of definitive cease of the operation.

Six. This authorization will be able to lapse, at any time, if it would verify: 1) The breach of the limits and conditions supplements; 2) The existence of inaccuracies in the contributed data and fundamental discrepancies with the criteria in that its concession is based; 3) The existence of unfavorable factors from the point of view of nuclear safety and radiological safety that are not known in the moment

present



Nuclear, to subscribe a policy with an authorized insurance agency to the effect, considering the established thing in Law 7/2007, of 4 of July, by which one modifies law 54/1997, of 27 of November, the Electrical Sector, to adapt it to the arranged thing in the Directive 2003/54/CE of the European Parliament and the Council, 26 of June of 2003, on common norms for the inner market of the electricity.

Eight. The present Order is understood notwithstanding the concessions and authorizations complementary whose granting corresponds to other Ministries and Organisms of different Public Administrations, and in particular those of environmental character.

Nine. Against this Order, that ends the administrative route, it will be able to interpose optionally resource of replacement within a month, in accordance with articles 116 and 117 of Law 30/1992, 26 of November, Legal Regime of Public administrations and of the Common Administrative Procedure, modified by Law 4/1999, or contentious-administrative resource within two months, to count from the day following to its publication, before the Room of the Contentious-administrative thing of the National Hearing, in accordance with the arranged thing in Law 29/1998, of 13 of July, regulator of the Contentious-administrative Jurisdiction.

Madrid, 3 of 2009 July. - The Minister of Industry, Tourism and Commerce, P.D. (Order ITC/3187/2004, of 4 of October; ratified by the unique additional disposition of the Real one Decree 1038/2009, of 29 of June), the Secretary of State of Energy, Pedro Luis Marin Uribe.

ANNEX

Limits and conditions on associated nuclear safety and radiological protection to the authorization of operation of the nuclear power station of Santa Maria de Garoña

1. To the effects anticipated in the effective legislation it is considered like titling of this authorization and operator responsible for the nuclear power station of Santa Maria de Garoña to company NUCLENOR, S.A.

2. The present authorization of operation authorizes the holder stops:

2.1 To own and to store uranium fuel elements slightly enriched, in agreement with the limits and contained specificationses in the Study of Security of Recarga of each cycle and with the limits and conditions associated to the Authorizations specific of fresh fuel storage and radiated.

2.2 To operate the power station until the thermal power of 1,381 MW.

2.3 To own, to store and to use the radioactive materials, the nuclear substances and the necessary radiation sources for the operation of the installation.

3. The authorization is granted on the basis of the following documents:

- a) Study of Security, Rev. 36 and I supplement To, Rev. 4.
- b) Regulation of Operation, Rev. 22.
- c) Improved engineering specifications of Operation, Rev. 22.
- d) Plan of Inner Emergencia, Rev. 10.
- e) Manual of Quality assurance, Rev. 13.
- f) Manual of Radiological safety, Rev. 9.
- g) Plan of Management of Radioactive waste, Rev. 4.
- h) Plan of Physical protection, Rev.3.

The operation of the power station will be realised in agreement with previous documents, in the effective revision, following the update process that is indicated next:

3.1 The modifications or later changes of the Regulation of Operation, the Engineering specifications of Operation, the Plan of Inner Emergencia and the Plan



The Nuclear Security Council will be able to exempt the fulfillment temporarily of some section of documents mentioned in the previous paragraph, informing to Main directorate of Political Energetics and Mines of the beginning and the conclusion of exemption.

3.2 Six months after the starting after each shutdown for charge, the holder it will realise a revision of the Study of Security that incorporates the modifications including in the power station from the beginning of the previous cycle to the end of this charge that no they have required authorization according to the established thing in the Instruction of the Council of Nuclear safety IS-21 and the new realised safety analyses. This new revision it will be sent in the month following of his entrance in force to the Main directorate of Policy Energetics and Mines and to the Nuclear Security Council.

The revisions of the Study of Security corresponding to the modifications that they require authorization of the Main directorate of Political Energetics and Mines, agreement with the Instruction of the Nuclear Security Council IS-21 they will have to be authorized simultaneously with the modifications.

3.3 The modifications of the Manual of Quality assurance can be carried out under the responsibility of the holder whenever the change does not reduce the commitments contents in the program of quality assurance in force. The changes that reduce commitments must be appreciated favorably by the Nuclear Security Council before its entrance in force.

It is understood by commitments those that appear in the Manual of Guarantee of Effective quality in the form of norms and applicable guides, as well as the own description of program reflected in the content of the Manual, according to is specified in the instructions complementary techniques that the Nuclear Security Council emits on the matter.

The revisions of the Manual of Quality assurance will have to be sent to the Direction General of Political Energetics and Mines and to the Nuclear Security Council within a month from its entrance in force.

3.4 The modifications of the Manual of Radiological safety can be carried out under the responsibility of the holder, except in those cases that affect norms or basic criteria of radiological safety, according to are specified in the instructions complementary techniques that the Nuclear Security Council emits on the matter. In these cases favorable appreciation of the Nuclear Security Council will be required before its entrance in force.

The revisions of the Manual of Radiological safety will have to be sent to the Direction General of Political Energetics and Mines and to the Nuclear Security Council within a month from its entrance in force.

3.5 The modifications of the Plan of Management of Radioactive waste, will be able to take to end under the responsibility of the holder, except in those cases that are indicated in complementary technical trainings of the Nuclear Security Council. In these cases the favorable appreciation of the Nuclear Security Council will be required before his entrance in force.

The revisions of the Plan of Management of Radioactive waste will have to be sent to Main directorate of Political Energetics and Mines and to the Nuclear Security Council in term of a month from its entrance in force.

4. In the first trimester of every natural year, the holder will have to send to the Direction General of Political Energetics and Mines and to the Nuclear Security Council information on the following aspects, with the reach and content that is specified in the instructions complementary techniques that the Nuclear Security Council emits on the matter:

4.1 Own and other people's operative experience that is from application to the installation, describing the adopted actions to improve the behavior of the same or it stops to prevent similar events.

4.2 Taken measures to adapt the operation of the power station to the new requirements



applicability to the power station of the new requirements emitted by the regulating organism of country of origin of the project to power stations of similar design.

4,3 Results of the program of environmental radiological monitoring. The information including it must be adapted to detect the possible increases of activity on radiological bottom and to determine if the possible additional activity is consequence of operation of the power station.

4,4 Results of the radiation exposure controls of the operation personnel, including an analysis of the tendencies of the personal doses and collective received by the personnel during the previous year.

4,5 Activities of the Plan of Management of Radioactive waste that it includes referring activities to the residues of very low activity susceptible to be managed like conventional residues, residues of loss and average activity, and residues of discharge activity, as well as the irradiated fuel.

5. The exit of bulks of radioactive waste and nuclear fuels outside location of the power station, will have to communicate to the Main directorate of Policy Energetics and Mines and to the Nuclear Security Council with, at least, seven days of advance to the date of exit. The exit of other radioactive bulks will communicate in term of 24 hours, from the decision of the transport and in any case prior to the accomplishment of the same. The exit of radioactive bulks outside the location of power station will be put under the regime of authorizations that establishes the norm effective.

When the holder is responsible for the transports of nuclear fuel that they have to the power station as origin or destiny, and authorization is not required for being the sum of indices of transport of all the bulks of the expedition inferior to 50, will have additionally to communicate to the Main directorate of Political Energetics and Mines and of Nuclear Security Council the forecast of these transports with three months of advance to the programmed date.

6. Within the first semester of every natural year, the holder will send to the Direction General of Political Energetics and Mines and to the Nuclear Security Council, a report on the activities of management of life utility of the power station, understood in the terms defined in Guía de Seguridad 1,10, Rev. 1. of the Nuclear Security Council, report that includes the monitoring of the aging mechanisms and degradation of the structures, systems and components related to the security and the state of the same, and in which the new activities of inspection are identified, monitoring and maintenance incorporated to detect these mechanisms and to control its effects.

The reach and content of the activities of management of life utility will adjust to which it is specified in the instructions that the Nuclear Security Council emits to respect.

7. If during the period of use of this authorization the holder would decide cease of the operation of the power station will communicate, it to the Main directorate of Policy Energetics and Mines and to the Nuclear Security Council with at least a year of advance to the anticipated date, unless such cease must to unexpected causes or a resolution of the Ministry of Industry, Tourism and Commerce. The holder will have to justify the conditions of nuclear safety and the radiological safety from the installation to that the operations must adjust to realise in the installation from the cease of operation until the concession of the dismantling authorization, according to it specifies in the complementary technical trainings that the Security Council Nuclear it emits on the matter.

8. During the period of use of this authorization, the holder will take to effect programs of improvement of the security of the power station identified in the Scheduled inspection



The holder will carry out, also, the contained proposals of action in documentation presented/displayed in support of the request of renovation of the Authorization of Operation regarding the Scheduled inspection of the Security, to the Norm of Application Conditional, to the Integrated Plan of Evaluation and Management of the Aging, to the Plan of Management of Radioactive waste and to the Study of the Associated Radiological Impact to Long term operation, as well as, the activities identified like conclusion of evaluation realised by the Nuclear Security Council of the same, that takes shelter in a Complementary Technical training that the Nuclear Security Council will emit to respect.

9. The holder will carry out improvements in the isolation of the penetrations of containment and its leakage tests, in the independence of the electrical systems and in protection against fires, in agreement with the complementary technical trainings that the Nuclear Security Council will emit on the matter.

10. The holder will have to guarantee that the culture of necessary security stays for the safe operation of the power station until the definitive cease of the operation.

11. The Nuclear Security Council will be able to directly send to the holder instructions complementary techniques to guarantee the maintenance of the conditions and requirements of security of the installation and for the best fulfillment of the established requirements in the present authorization.

