Contents

	Acknowledgments	vii
	List of acronyms and abbreviations	ix
	Glossary	xi
	Introduction	1
l	The nuclear energy sector and its by-products	3
	1. The concept of radioactive waste 4	
	2. Constitutional competence for the federation to	
	act within the area of radioactive waste 6	
	3. Regulatory approach to radioactive waste	
	in Atomic Law 17	
	4. The problem of reprocessing of spent fuel 19	
	5. Transportation of spent fuel 23	
	6. Regulation on protection against the effects of	
	ionising radiation 27	
	7. Decommissioning and decontamination of	
	nuclear installations 28	
2	Storage and disposal of radioactive waste	43
	1. The Länder's obligation to temporarily store radioactive waste 43	
	 Interim storage of radioactive waste on the premises of nuclear power plants 45 	



vi Contents

		of the constitutionality of interim storage facilities on the premises of nuclear power plants 50	
	1	Obligation of the Federation to permanently store	
	7.	radioactive waste 54	
	5.	Regulatory framework of the liability of the Federation	
		for the infringement of professional duties by a third party	
		that was entrusted by the Federation with executing	
		public tasks 57	
	6.	Securing funding from radioactive waste generators	
		for the costs of radioactive waste management and	
		disposal 59	
3	Se	election of a proper site for final disposal of	
		dioactive waste	80
	1.	Initial selection of Gorleben as a site for the	
		radioactive waste disposal facility 81	
	2.	Selecting a new location for a radioactive waste	
		disposal facility 84	
	3.	Lawmakers' decision to expand list of potential sites	
		to include Gorleben 86	
	4.	Fulfilment by public authorities of their constitutional	
		duties as a justification to adopt the Repository Site	
		Selection Act (Standortauswahlgesetz) 88	
	5.	Commission for high-level radioactive waste	
		disposal as an institutional novelty 93	
	6.	Elements of transparency pursuant to	
		Standortauswahlgesetz 100	
	7.	Final site selection in the form of enactment of	
		a federal law dedicated to the issue 101	
	8.	Way forward 103	
4	C	oncluding remarks	117
	4:	ppendix	119
	_	dex	122
	111	www.	

3. Assessment by the Federal Constitutional Court in Karlsruhe