

amended by the Additional Protocol of 28th January 1964, shall be amended as follows:

A. The second paragraph of the Preamble shall be replaced by the following text:

CONSIDERING that the OECD Nuclear Energy Agency, established within the framework of the Organisation for Economic Co-operation and Development (hereinafter referred to as the »Organisation«), is charged with encouraging the elaboration and harmonization of legislation relating to nuclear energy in participating countries, in particular with regard to third party liability and insurance against atomic risks;

B. The last paragraph of the Preamble shall be replaced by the following text:

CONVINCED of the need for unifying the basic rules applying in the various countries to the liability incurred for such damage, whilst leaving these countries free to take, on a national basis, any additional measures which they deem appropriate;

C. Paragraph (a) of Article I shall be replaced by the following text:

a) For the purposes of this Convention:

- (i) »A nuclear incident« means any occurrence or succession of occurrences having the same origin which causes damage, provided that such occurrences or succession of occurrences, or any of the damage caused, arises out of or results either from the radioactive properties, or a combination of radioactive properties with toxic, explosive, or other hazardous properties of nuclear fuel or radioactive products or waste or with any of them, or from ionizing radiations emitted by any other source of radiation inside a nuclear installation.
- (ii) »Nuclear installation« means reactors other than those comprised in any means of transport; factories for the manufacture or processing of nuclear substances; factories for the separation of isotopes of nuclear fuel; factories for

the reprocessing of irradiated nuclear fuel; facilities for the storage of nuclear substances other than storage incidental to the carriage of such substances; and such other installations in which there are nuclear fuel or radioactive products or waste as the Steering Committee for Nuclear Energy of the Organisation (hereinafter referred to as the »Steering Committee«) shall from time to time determine; any Contracting Party may determine that two or more nuclear installations of one operator which are located on the same site shall, together with any other premises on that site where radioactive material is held, be treated as a single nuclear installation.

- (iii) »Nuclear fuel« means fissionable material in the form of uranium metal, alloy, or chemical compound (including natural uranium), plutonium metal, alloy, or chemical compound, and such other fissionable material as the Steering Committee shall from time to time determine.
- (iv) »Radioactive products or waste« means any radioactive material produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilizing nuclear fuel, but does not include (1) nuclear fuel, or (2) radioisotopes outside a nuclear installation which have reached the final stage of fabrication so as to be usable for any industrial, commercial, agricultural, medical, scientific or educational purpose.
- (v) »Nuclear substances« means nuclear fuel (other than natural uranium and other than depleted uranium) and radioactive products or waste.
- (vi) »Operator« in relation to a nuclear installation means the person designated or recognized by the competent public authority as the operator of that installation.