

# Licensing issues at sites abroad

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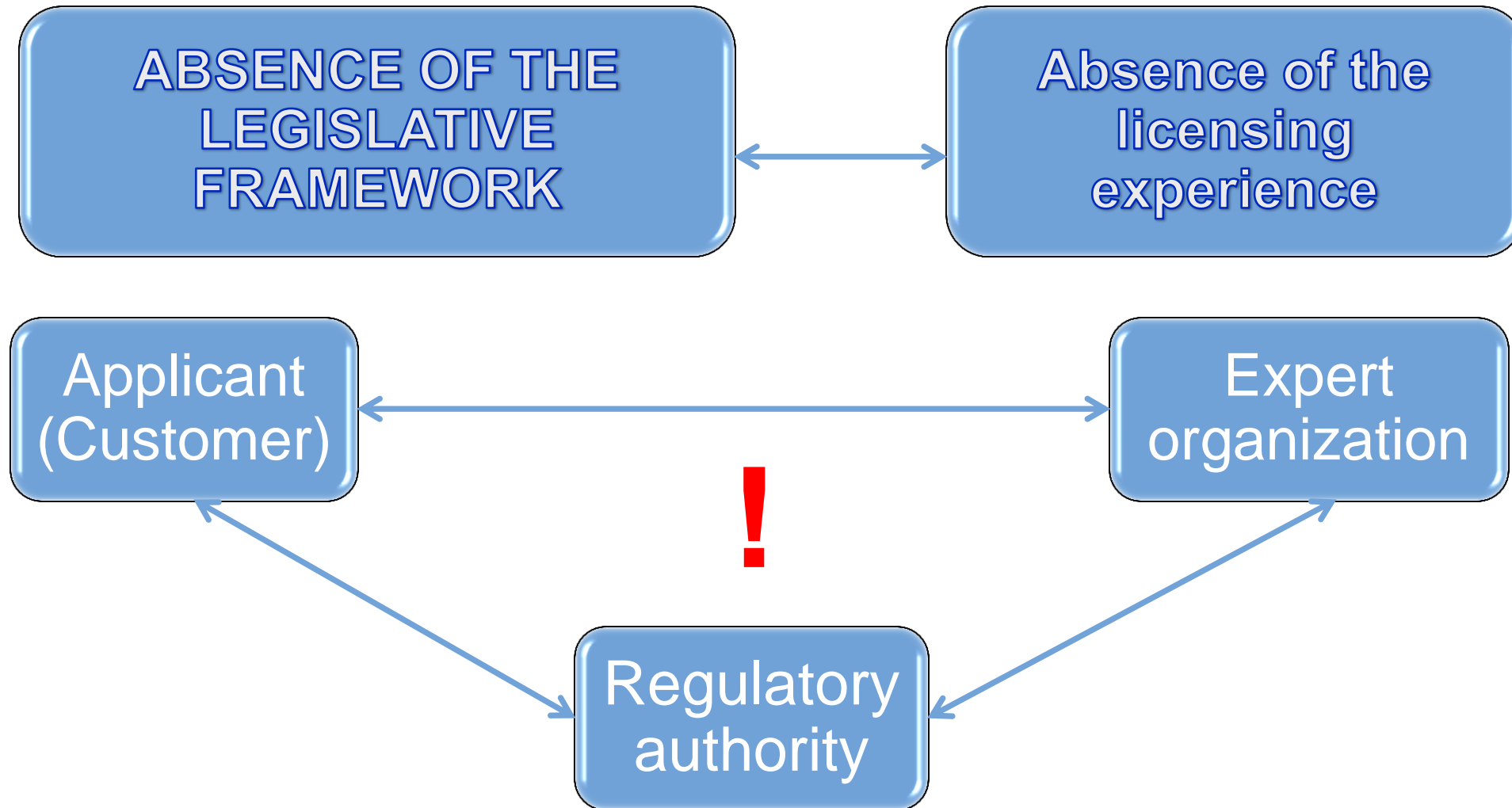
# GENERAL PROVISIONS



1. Licensing of the Project
2. Selection and development of requirements to the suppliers of services complying with the national requirements
3. Obtaining of different Permits / Licenses by Russian companies participating in NPP construction

# LICENSING OF THE PROJECT

# FIRST NPP IN THE COUNTRY



# KEY PROBLEMS



For example, on getting the construction license for Belarus NPP the following main difficulties occurred:

- ✓ Difference in the RF regulatory documents requirements (according to the General Contract for NPP construction) and regulatory documents of the Republic of Belarus.
- ✓ The Project of Belarus NPP is developed based on AЭC-2006 base project. The documentation package on NPP safety analysis uses references to reports, calculations performed for the base project. The owner of the said reports and calculations is the Customer of AЭC-2006 base project (Rosenergoatom Concern). For safety analysis it is necessary to deliver referenced documentation in full scope or to develop special topical reports for Belarus NPP.
- ✓ The process of interaction between the expert organization and the General Contractor is not established. It is required to expand the positive experience of cooperation with RDC NRS.
- ✓ Documentation within the operator's scope of responsibility due to absence of the Customer's experience shall be developed by the General Contractor.

OBTAINING OF DIFFERENT PERMITS/  
LICENSES BY RUSSIAN COMPANIES  
PARTICIPATING IN NPP CONSTRUCTION

# Legislation peculiarities in the Republic of Belarus

Belarus NPP is being constructed under the Russian design, the licensing system in the field of nuclear energy and ionizing radiation sources use in the Republic of Belarus is built up similar to the Russian system.

## **The main licensable types of activity are:**

- ✓ activity in the field of nuclear energy use;
- ✓ activity in the field of ionizing radiation sources use;
- ✓ activity on radioactive waste management;
- ✓ activity on design and manufacture of process equipment for nuclear facilities, design and manufacture of radiation protection means;
- ✓ activity on safety review in the field of nuclear energy and ionizing radiation sources use.

# Legislation peculiarities in the Republic of Belarus (continuation)

The activity in the field of nuclear energy use includes the following works and (or) services:

- ✓ engineering, allocation, construction, commissioning, decommissioning of nuclear facilities;
- ✓ engineering, allocation, construction, commissioning, decommissioning of nuclear materials storage facilities;
- ✓ nuclear materials, nuclear fuel, spent nuclear fuel, operation radioactive waste management;
- ✓ works performance and providing operation organizations with safety-related services, including construction of facilities.



# BACKGROUND INFORMATION



Presidential Decree of  
the Republic of Belarus  
dd. 26 July 2010. No.390  
«On construction  
issues»

Agreement between the  
Government of the  
Republic of Belarus and  
the Government of the  
Russian Federation on  
the cooperation in the  
field of construction of a  
nuclear power plant on  
the territory of the  
Republic of Belarus  
dd. 15 March 2011.

Presidential Decree of  
the Republic of Belarus  
dd. 26.11.2015 No. 475  
«On amendments and  
supplements in  
Presidential Decrees of  
the Republic of Belarus»

Presidential Decree of  
the Republic of Belarus  
No.450  
«On licensing of some  
types of activity»  
dd. 01 September 2010.

General Contract  
dd. 18.07.2012.  
No. 77-598/1110700

# INITIAL REQUIREMENTS TO OBTAINING SPECIAL PERMITS (LICENSES)



		Title of the types of activity and its consisting works and/or services
<b>5</b>		<b>The activity in the field of nuclear energy and ionizing radiation sources use:</b>
<b>5.1</b>		<b>the activity in the field of nuclear energy use:</b>
	<b>5.1.1</b>	<b>Engineering, manufacture, allocation, construction, installation, adjustment, operation, diagnostics, repair, maintenance, decommissioning (or selection out of the mentioned list of works) of nuclear facilities</b>
<b>5.2</b>		<b>the activity in the field of ionizing radiation sources use:</b>
	<b>5.2.3</b>	<b>Operation, storage (or selection out of the mentioned list of works) of radiation devices containing radionuclide sources with the source activity of more than <math>3,7 \times 10^{10}</math> Bq, closed radionuclide sources with the source activity of more than закрытых <math>3,7 \times 10^{10}</math> Bq (or selection out of the mentioned list of works)</b>
	<b>5.2.4</b>	<b>Operation of radiation devices with accelerating voltage over 100 kV, charge particle accelerators (or selection out of the mentioned list of works)</b>
<b>5.4</b>		<b>The activity on engineering and manufacture of process equipment and radiation protection means:</b>
	<b>5.4.1</b>	<b>Engineering, manufacture (or selection out of the mentioned list of works) of process equipment for the facilities of atomic power use</b>

## INITIAL REQUIREMENTS TO OBTAINING SPECIAL PERMITS (LICENSES)



Taking into account the mentioned requirements and within Presidential Decree of the Republic of Belarus dd. 26 July 2010. No.390,

General Contract

dd. 18.07.2012. No. 77-598/1110700 was concluded, and the license was issued to the Customer for CEW performance by the General Contractor

**on the basis of the available RF license.**

# PROJECT LICENSING IN COMPLIANCE WITH THE INITIAL REQUIREMENTS



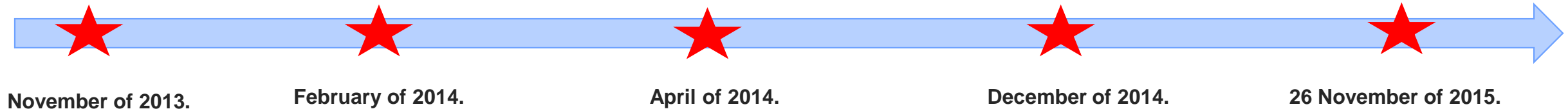
The license is obtained by the operation organization for erection of buildings foundations and facilities of Unit No.1 of Belarus NPP

The license is obtained by the operation organization, which entitles to erect buildings foundations and facilities of Unit No.2 of Belarus NPP

The license is obtained by the operation organization for construction (full cycle) of Unit 1

The license is obtained by the operation organization for construction (full cycle) of Unit 2

**Substantive changes in the regulatory framework of licensing of works in the field of atomic power use**



# CHANGES DUE TO PRESIDENTIAL DECREE OF THE REPUBLIC OF BELARUS NO.475, NOVEMBER 26, 2015.



		Title of the types of activity and its consisting works and/or services
5		The activity in the field of nuclear energy and ionizing radiation sources use:
5.1		the activity in the field of nuclear energy use:
	5.1.1	Engineering, manufacture, allocation, construction, installation, adjustment, operation, diagnostics, repair, maintenance, decommissioning (or selection out of the mentioned list of works) of nuclear facilities
	5.1.4	<b>Works performance and providing the operation organizations with safety-related services, including facilities construction</b>
5.2		the activity in the field of ionizing radiation sources use:
	5.2.3	Operation, storage (or selection out of the mentioned list of works) of radiation devices containing radionuclide sources with the source activity of more than $3,7 \times 10^{10}$ Bq, closed radionuclide sources with the source activity of more than закрытых $3,7 \times 10^{10}$ Bq (or selection out of the mentioned list of works)
	5.2.4	Operation of radiation devices with accelerating voltage over 100 kV, charge particle accelerators (or selection out of the mentioned list of works)
5.4		The activity on <b>design engineering</b> and manufacture of process equipment, design and manufacture of radiation safety means:
	5.4.1	Engineering, manufacture (or selection out of the mentioned list of works) of process equipment for the facilities of nuclear energy use

# DIAGRAM OF THE LICENSING PROCEDURE IN RESPECT OF THE ACTIVITY IN THE RB



## Лицензионная процедура



# RAISING OF LICENSING REQUIREMENTS DUE TO SIGNING THE DECREE



- ✓ **The list of licensing requirements and conditions is essentially extended;**
- ✓ **The list of the requirements and conditions has been introduced, the violation of which will be the basis for suspension of the license;**
- ✓ **The list of the works and services comprising the activity in the field of nuclear energy use has been updated. Performance of works and providing services to the operating organizations effecting safety, including construction of the facilities, shall be subject to licensing.**

It has required, according to the requirements of Sub-Clause 9.2.4 of the General Contract («The General Contractor shall obtain, with assistance of the Customer, regulatory certificates for performance of the CEW and the special permits (licenses) required for the General Contractor, in conformity with the Legislation of the Country, for carrying out of the activity in the territory of the Republic of Belarus») the arrangement of the works by the General Contractor on obtaining of the licenses by the organizations performing works and providing services effecting safety (construction and erection of the 1,2,3 safety class systems and equipment).

# POSITIVE FEATURES FROM NEW PROVISIONS OF THE DECREE



- ✓ **The restriction regarding the validity period of licenses has been eliminated.**  
Previously the validity period of the licenses to be issued for the right to carry out the activity in the field of nuclear energy use was 5 years. After the main provisions of the Decree come into force, the licenses shall be valid for an indefinite term.
- ✓ **The possibility for conducting the periodic safety review and verification of compliance of the licensee's possibilities with the license requirements has been confirmed,** that according to the conditions complies with principle 2 of the Vienna Nuclear Safety Statement dt. February 09, 2015, according to which: «during the whole service life of the operating facilities it is required to conduct, on a periodic bases and regularly, the integrated and systematic safety assessments with the purpose to determine improvements in the safety systems, which are aimed at achievement of the above mentioned purpose...».
- ✓ Fast commencement of the CEW on implementation of the project.



# DRAW-BACKS FROM NEW PROVISIONS OF THE DECREE



- ✓ Increasing of the number of audits conducted by the supervisory authorities (monitoring and issue of instructions) that has resulted in great correspondence flow and diversion of the personnel from implementation of the main functions.
- ✓ The procedure for issuance of licenses is extended unreasonably for a long period of time.
- ✓ Specific deadlines, during which the execution of special permits (licenses) for the CEW is performed, are not specified.

**Acceptance of the listed documents has allowed to continue to make successive steps towards introduction of the IAEA recommendations in the national legislation for achievement of high safety standards. The below mentioned regulatory (supervisory) authorities and their subdivisions take part in carrying out of supervisory measures:**

# REGULATORY (SUPERVISORY) AUTHORITIES AND THEIR SUBDIVISIONS TAKING PART IN SUPERVISORY MEASURES



Надзорный орган	В том числе	Надзорные функции
Государственный комитет по стандартизации	Департамент контроля и надзора за строительством (специализированная инспекция)	<ul style="list-style-type: none"> <li>– Контроль за соблюдением требований ТНПА при строительстве</li> <li>– Контроль за соответствием утвержденной проектной документации при выполнении строительно-монтажных работ</li> <li>– Соответствие используемых при строительстве материалов, изделий и конструкций проектным решениям и требованиям ТНПА в области технического нормирования и стандартизации</li> </ul>
	Органы государственного метрологического надзора	– Государственный метрологический надзор
	Органы государственного надзора за соблюдением требований технических регламентов и стандартов	<ul style="list-style-type: none"> <li>– Надзор за выполнением требований технических нормативных правовых актов в области технического нормирования и стандартизации</li> <li>– Контроль (надзор) за выполнением требований законодательства об оценке соответствия, касающихся обязательного подтверждения соответствия</li> </ul>
Министерство здравоохранения	Органы и учреждения государственного санитарного надзора	– Государственный санитарный надзор за соблюдением законодательства в области санитарно-эпидемиологического благополучия населения
Министерство по чрезвычайным ситуациям	Департамент по надзору за безопасным ведением работ в промышленности	– Государственный надзор в области промышленной безопасности
	Департамент по ядерной и радиационной безопасности	– Контроль (надзор) за соблюдением законодательства в области обеспечения ядерной и радиационной безопасности
	Органы государственного пожарного надзора	– Государственный пожарный надзор, надзор за соблюдением законодательства при осуществлении деятельности по обеспечению пожарной безопасности
	Органы и подразделения государственного надзора и контроля за деятельностью по защите населения и территорий от чрезвычайных ситуаций	– Государственный надзор и контроль в области защиты населения и территорий от чрезвычайных ситуаций природного и техногенного характера, а также гражданской обороны
Министерство природных ресурсов и охраны окружающей среды	Включая его территориальные органы	– Контроль в области охраны окружающей среды, рационального использования природных ресурсов
Министерство труда и социальной защиты	Департамент государственной инспекции труда	– Надзор за соблюдением законодательства о труде и об охране труда
Министерство энергетики	Органы государственного энергетического и газового надзора	– Государственный энергетический и газовый надзор
Министерство внутренних дел	Главное управление командующего внутренними войсками	– Контроль за соблюдением проектно-сметной документации при выполнении строительно-монтажных работ по оборудованию Белорусской АЭС комплексом инженерно-технических средств физической защиты

# COORDINATION OF THE ACTIVITY IN THE COURSE OF BELARUSIAN NPP CONSTRUCTION



**Interdepartmental Commission** for coordination of the plan for the main organizational activities on construction of the nuclear power plant in the Republic of Belarus and on supervision of its implementation (IDC), which is headed by the Deputy Prime-Minister of the Republic of Belarus. The IDC has been established according to Government Regulation No. 1010 dt. November 05, 2012. It is composed of the heads (deputy heads) of state bodies and other organizations, Presidential Administration, as well as of the heads of the regulatory authorities. The main target of the IDC is providing implementation of the measures included in the plan of the main organizational activities on construction of the nuclear power plant in the Republic of Belarus and on supervision of its implementation.

**Working Group** for coordination of supervision of Belarusian NPP construction, the manager of which is the First Deputy Emergencies Minister. The Working Group has been formed according to Government Regulation No. 1791 dt. December 30, 2011. Its main tasks are: consideration of the problematic issues arising in the course of organization and supervision, and elaboration of the proposals for their solving; preparation of the proposals on organization and carrying out of supervision; solving of other issues related to organization and carrying out of supervision. The Working Group is composed of the heads and (or) the representatives of the regulatory (supervisory) authorities, which carry out supervision of Belarusian NPP construction. The results of the supervisory activity of all the authorities shall be summarized and analyzed in the Inspectorate for Nuclear and Radiation Safety (Gosatomnadzor). They are the basis for complete assessment of the existing safety level in the course of Belarusian NPP construction, planning of inspections, identification of the problematic issues.

# SANCTIONS DURING IDENTIFICATION OF VIOLATIONS



- ✓ During identification of violations by the licensee (his employee, separate subdivision) of the legislation on licensing, licensing requirements and conditions, the licensing or another regulatory (supervisory) authority shall deliver the requirement (instruction) to the licensee in the established procedure regarding elimination of the identified violations and specify the deadline for their elimination. **This period shall not exceed 6 months.**
- ✓ If by the specified deadline the licensee has not eliminated the violations specified in the requirement (instruction) on elimination of the identified violations, or a written notification on elimination of such violations has not been submitted to the licensing or another regulatory (supervisory) authority, or the licensing or another regulatory (supervisory) authority has identified the violation of specific licensing requirements and conditions by the licensee (his employee, separate subdivision), the licensing authority, on its own initiative or upon submission of another regulatory (supervisory) authority, shall **take a decision on suspension of the license for the period of up to 6 months.**
- ✓ If within the specified period of time the licensee has not eliminated the violations, which had caused suspension of the license, or a written notification on elimination of such violations has not been submitted to the licensing or another regulatory (supervisory) authority, the licensing authority, which had issued the license, **shall take a decision on its termination.**

# SANCTIONS DURING IDENTIFICATION OF VIOLATIONS



The license shall be cancelled upon the decision of the licensing authority, if:

- ✓ the license has been issued on the basis of the untrustworthy information submitted by its applicant, which is required (significant) for taking the decision on granting of the license;
- ✓ the licensee has not applied for obtaining a license during 6 months from the date of taking the decision on its issuance;
- ✓ the license had been issued on the basis of the expert opinion, which has been declared invalid.

# DIFFERENCES IN THE LEGISLATIVE AND REGULATORY BASE OF THE RB AND RF

(AFTER INTRODUCTION OF CHANGES IN THE RB LEGISLATIVE ACTS)



Thus, there are differences in the legislative and regulatory bases of the Russian Federation and the Republic of Belarus. For submission of the package of the documents for obtaining of the license in the Republic of Belarus, the Russian organizations having licenses issued by the Federal Service for Environmental, Technological and Nuclear Supervision (Rostekhnadzor) for carrying out activity in the RF in the field of nuclear energy use, are required to prepare additionally and submit the following documents:

1. To obtain the certificates of compliance of the works in construction during performance of the works, which are subject to obligatory certification.
2. To obtain a certificate of technical competence.
3. To certify the top management, employees of the organization carrying out the construction activity.
4. To obtain the certificate of compliance of the license applicant with the qualification requirements for carrying out of the construction activity types (their constituents), which is issued by the Ministry of Architecture and Construction.
5. To complete training with evaluation of knowledge of the Regulatory Legal Acts (RLA), Technical Regulatory Legal Acts (TRLA) in the MEI «Republican Higher Education Institute» of the top management and employees (not less than 3 persons).
6. To evaluate the knowledge of the RLA, TRLA of all the employees in the organization, with involvement of the representatives from GosAtomNadzor.

# TIME FRAME OF EXPERT REVIEW AND MAKING THE DECISION ON THE LICENSE ISSUE



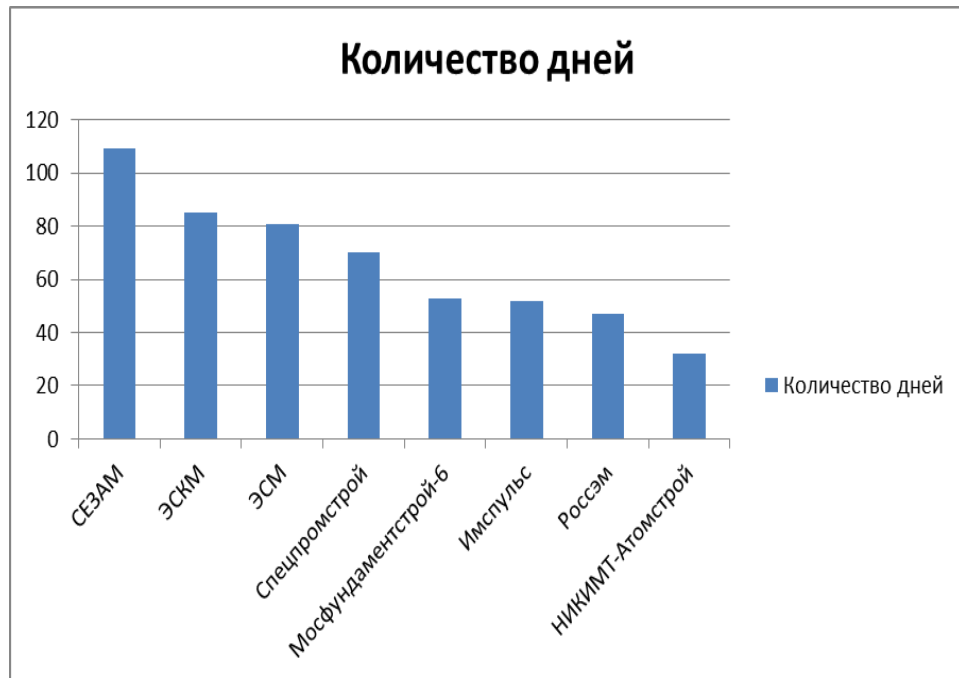
Before making a decision on the licensing issues the Federal Nuclear and Radiation Safety Authority of Russia (Gosatomnadzor) is entitled to make evaluation and (or) commission an expert review for compliance of the license applicant possibilities with licensing requirements and conditions (can be conducted by the decision of Gosatomnadzor at the construction site of Belarus NPP, as well as at the place of the legal entity location). Besides, the time frame of the evaluation and (or) the expert review shall not exceed one year for the activity in the field of nuclear energy use.



# ACTUAL TERMS TO OBTAIN LICENSES



Actual terms to obtain licenses by Russian organizations:



Actual terms to obtain licenses by Belarus organizations :



# CONCLUSIONS:



1. On concluding the contracts for NPP construction abroad it is required to study thoroughly and in detail the valid legislation of the country where NPP is planned to be constructed in order for the contract terms to remain unchanged
2. To propose to the Country of NPP construction, on the basis of the valid legislation and considering the Intergovernmental agreement, amending regulatory acts of the Country of construction, which regulate the NPP construction as of the moment of the General Contract conclusion.
3. If the Customer (the Country of construction) considers it necessary to amend the valid regulatory acts, these circumstances are deemed to be new and the Parties shall agree on the terms of introduction in the existing contract, that will include:
  - ✓ description of extra works to be performed;
  - ✓ cost of extra works caused by the amendment;
  - ✓ impact analysis of proposed works on the construction terms (or Schedule) and NPP safety.
4. Before signing of the General Contract to arrange the process of interaction between the Regulator ↔ Expert organization ↔ Customer ↔ General Contractor ↔ General Designer to exclude risks affecting quality and construction terms.

Thank You  
for attention!