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CSN

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Nuclear Safety Council (State Official Gazette No. 268 of 8th November 2007)

Instruction IS-14 of the Nuclear Safety Council, of 24th October 2007, on the CSN Resident Inspection at Nuclear Power Plants

TEXT

Article 2.a) of the Law 15/1980, of 22nd April, creating the Nuclear Safety Council (CSN), assigns to this public entity the powers for "elaborating and approving the Instructions, Circulars and Guides of technical character related to the nuclear and radioactive facilities and to the activities related to nuclear safety and radiation protection".

Paragraph d) of article 2 of the above Law assigns to the CSN the function of performing "the inspection and control of the nuclear and radioactive facilities during operation up to its closure with the purpose of ensuring the fulfillment of all established rules and conditions, both general and particularly defined for the facility so that the operation of such facility does not entail undue risks for the people or the environment".

Moreover, Title IV of the Royal Decree 1836/1999 of 3rd December, approving the Regulation governing Nuclear and Radioactive Facilities, contains provisions applicable to the inspection of nuclear and radioactive facilities, regulating the powers of inspectors, the licensees' obligations towards the inspectors, the procedures for making the observation reports, and proceedings in case of danger. In this regard, Article 43.2 provides that the Nuclear Safety Council may appoint temporary or permanent qualified inspectors to the nuclear facilities, accredited to carry out inspection and control missions, as one effective mechanism to help ensure that the Plant operation does not pose undue risks for the people or the environment. These inspectors shall perform, in particular, the in situ follow up of the activities at the Plant, the inspection functions necessary to ensure compliance with current regulations, the local activities in the context of radiological emergencies, and the communication and information activities at regional and local level, in the manner determined by the regulations and in accordance with the internal procedures that may apply.

It is required, for this purpose, to introduce a specific regulation of the activity of the Resident Inspection, to which the Regulation governing Nuclear and Radioactive Facilities refers as guidance, since it does not include provisions related to its activities and functions that, without any doubt, deserve a particular regulation due to its peculiarities.

It is also necessary to update the functions and activities of the Resident Inspection following the introduction of new supervision systems originated in the United States -since the reference technology for most of the Spanish nuclear power plants is from that Country - such as the system known by the acronym SISC, i.e. 'integrated nuclear power plants supervision system" that will allow the improvement of the safety methods and procedures and greater efficiency of the supervisory role of the CSN.

The approval of this instruction responds to those needs for producing and updating regulations, but is also driven by the obligation to fulfill the mandate of the Committee on Industry, Tourism and Trade of the Congress of Deputies, embodied in its Resolution II.2 of 29th June, 2005, urging the Nuclear Safety Council "to strengthen the position of the Resident Inspection in nuclear power plants in relation to their internal organization, to provide the inspectors with better means of knowledge and analysis of the actual situation of the nuclear power plants. "

Additionally, this instruction takes into consideration the recommendations from international bodies, in particular, the conclusions of the independent international evaluation team of the Nuclear Energy Agency of the Organization for Economic Cooperation and Development (OECD), from early 2006, on the performance of the CSN, as well as the results and lessons learned from various self-assessment reports carried out recently by the Nuclear Safety Council itself. These reports recommend actions aimed at strengthening the position of the Resident Inspection towards the licensees of the nuclear power plants, providing the inspectors with better means of knowledge and analysis of the actual state of the facilities, and improving the support of the Nuclear Safety Council headquarters to the Resident Inspection and the establishment of common criteria for their actions in all facilities.

Based on the foregoing and in accordance with the legal empowerment foreseen in Article 2, paragraphs a) and d), of Law 15/1980 of 22nd April, creating the Nuclear Safety Council, following the wording included in the First Additional Provision of Law 14/1999 of 4th May, after consultation with the concerned sectors, and taking into account the appropriate legal and technical reports, this Nuclear Safety Council at its meeting on 24th October, 2007, has decided the following:

First. Purpose and Scope

1. The purpose of this Instruction is to establish the working and operating regime of the Resident Inspection (hereinafter called IR) of the Nuclear Safety Council (CSN) at the Nuclear Power Plants and the associated obligations of the holders of the operating licenses of these facilities.

2. The scope of this Instruction are the Nuclear Power Plants both in operation and in final cessation of operations before starting the dismantling work.

Second. Definitions

CSN IR: permanent inspection team of accredited professional staff of the CSN at each Spanish nuclear power plant. At the operating plants, it will consist of a Chief Resident Inspector and one or two Resident Inspectors, to be decided in a case by case basis by the CSN for each facility. In nuclear power plants which are in final cessation of operation there will be a Chief Resident Inspector only. The difference in the powers and duties of the Chief Resident Inspector and Resident Inspectors are indicated in paragraph 1.a.3 of Section 5.

The rest of definitions of terms and concepts used in this instruction correspond to those contained in the following legal documents:

Law 25/1964 of 29th April on Nuclear Energy (Official State Gazette No. 107 of 4th May, Article II), as amended by Law 54/1997 of 27th November , on the Electricity Sector (Official State Gazette No. 285 of 28th November).

Law 15/1980 of 22nd April, creating the Nuclear Safety Council (Official State Gazette, No. 100, of 25thApril), as amended by Law 14/1999 of 4th May on Public Prices and Fees for services rendered by the Nuclear Safety Council (Official State Gazette No. 107 of 5th May).

Royal Decree 1836/1999 of 3rd December, approving the Regulation governing Nuclear and Radioactive Facilities (Official State Gazette No. 313 of 31st December).

Royal Decree 783/2001 of 6th July, approving the Regulation on Health Protection against Ionizing Radiations (Official State Gazette No. 178 of 26thJuly).

Royal Decree 1546/2004 of 25th June, approving the Basic Nuclear Emergency Plan (Official State Gazette No. 169 of 14th July).

Third: Status of the Resident Inspection.

1. In accordance with the provisions of the Regulation governing Nuclear and Radioactive Facilities, the qualified staff of the IR will be considered as an agent of the authority in all matters relating to his tenure.

2. In carrying out its mission, the IR may be accompanied by the accredited experts it deems necessary; the IR may enter, without prior notice and after identifying himself, in the inspected facilities, as specified in the Regulation governing Nuclear and Radioactive Facilities.

3. While carrying out its inspection activity in the facility, the IR will ensure that it does not interfere with the operation of the plant, nor with ongoing activities, except in the cases provided for in paragraph 4 below.

4. In the case of manifest danger, the IR may demand immediate cessation of works, operation or activities, informing the Ministry of Industry, Tourism and Trade, the Nuclear Safety Council and the Government Subdelegate's Office, on the causes that led to such action.

Fourth. Functions of the Resident Inspection. The IR has the following functions:

a) Inspection and supervision of the Plant. The IR will perform a direct daily follow up and inspection of the activities of the Plant and will notify the CSN headquarters of the results of those actions according to the applicable CSN internal procedures.

b) Response to nuclear emergencies. The members of the IR will act as Head, and substitute, of the Radiological Group of the Nuclear Emergency Plans (PEN) for the offsite response level after being proposed by the CSN and appointed to these positions by the PEN Director. A Chief Resident Inspector will act as Head of the Radiological Group and a Resident Inspector as substitute.

c) Information and dialogue with local authorities and agents. The IR will notify the Subdelegate's Office, according to the CSN guidelines and procedures, the relevant information on aspects of nuclear safety and radiation protection that the above Office may request for dissemination to the local authorities and agents.

Fifth. Obligations of the Licensee in relation to communication to the Resident Inspection and access to its activities. "Without prejudice to the obligations described in Article 44 of the Regulation governing Nuclear and Radioactive Facilities, approved by Royal Decree 1836/1999 of 3rd December in relation to the IR, the Licensee of the Nuclear Power Plant must meet the following requirements in relation to communication to the Resident Inspection and access to its activities:

1. Communication mechanisms.

a) Counterparts of the IR at the Plant.

1. The Manager or Director of the Plant, given he has ultimate responsibility for the facility, is counterpart of the IR and he will be responsible for communicating the approved Licensee's assessment of the issues that may arise.

2. The Manager or Director of the Plant may, in agreement with the IR, delegate the foregoing responsibility by appointing a technical expert of the organization for aspects of detail. This delegation does not prejudice any of the Licensee's obligations with respect to the IR and will commit the Plant to the same extent as if the dialogue had taken place with the Manager or Director of the Plant.

3. The relationship with the IR is channeled through the Chief Resident Inspector, as the first official representative of the CSN on the site. In the absence of the Chief Resident Inspector, the Resident Inspector with greater seniority in his position at the Plant will act as Chief.

b) Coordination meetings. The Plant will maintain the following coordination meetings with the Resident Inspection:

Daily coordination meeting. Its purpose is to provide information to the IR on the content of the daily meeting of the Plant staff on that same day.

Weekly coordination meeting. Its purpose is to inform the IR on the work carried out at the Plant during the same week as well as the work planned for next week.

Ad hoc meetings for urgent information on exceptional events. Their purpose is to provide urgent information to the IR on licensee events according to the Plant Technical Specifications or on other incidents that the Licensee may deem relevant due to its impact on the operational state of the facility or associated radiological aspects, without prejudice of the Licensee completing the reports that he must submit to the CSN according to the appropriate regulations.

Meetings on refueling outages. The object is to provide the IR with information regarding the preparation and follow up of the refueling outages.

c) Information in emergency situations. The Licensee, regardless of their obligations to inform the Emergency Room (SALEM) of the CSN, must comply with the objective that the members of the IR present at the facility are properly informed on the evolution of the emergency, recovery activities and ongoing operational maneuvers.

2. Obligations concerning access of Resident Inspectors to the installations, equipment, information and documentation, meetings and staff:

a) Access to the installations and equipment. The IR will have unrestricted access to all Plant installations to verify the safety, operability and proper operation of the equipment; the Licensee must provide access to the IR to the areas of the Plant that are deemed necessary to fulfill its obligations. This will be accomplished without prejudice to the appropriate warnings and limitations under the regulations on Radiation Protection and Prevention of Occupational Risks.

b) Access to documentation and information.

1. The IR will have unrestricted access to all Licensee's information related to Safety; the Licensee must make available to the IR all the information, documentation and technical resources that are deemed necessary to fulfill its mission.

2. The Plant will provide the IR with the necessary tools to obtain the information needed to perform their work; the Resident Inspection can access all the documentation available at the plant that is related to nuclear safety and radiation protection.

3. The documentation that the Plant will provide to the IR must include at least the following:

Daily report

Licensee event reports (ISN) at 1 hour, 24 hours and 30 days.

Weekly Programme of activities.

Programme and Progress of Refueling Outages.

Minutes of meeting of both the Plant Nuclear Safety Committee (CSNC) and Licensee Nuclear Safety Committee (CSNE) meetings.

Manuals, drawings and procedures related to nuclear safety and radiation protection, according to a list to be prepared by the IR.

4. Also, to perform its work, the IR may review, at the Plant, all drawings, diagrams, procedures, operating logs that are used at the Plant.

c) Access to databases and programs.

1. The IR will have access to the Plant existing databases and to the Licensee programs that may be necessary to accomplish their work

2. The documentation referred to in paragraph 1 above shall be made available preferably and whenever possible, through computers connected to the Plant servers. Such access will be password protected. The Licensee may exclude from such access the information that has no relation to nuclear safety or radiation protection or that is related to labour aspects of personal character or to the internal disciplinary system.

3. Among other documents, the following documents must be accessible electronically: operating manuals, procedures, work orders and Corrective Action Programmes (PAC).

d) Access to Licensee meetings.

1. The meetings in nuclear power plants to which the IR has the option of attending are:

The meetings of the Plant Nuclear Safety Committee (CSNC) and the Licensee Nuclear Safety Committee (CSNE).

The meetings of the Committee set up to analyze and evaluate the implementation of the dose minimization programme (commonly known as ALARA Committee).

The meetings of the Expert Panel on the Maintenance Rule.

By mutual agreement between the Plant and the IR, the list of meetings that the IR has the right to attend may be extended.

2. The Licensee must notify the IR, in advance, of the date of the meeting and, when appropriate, its agenda.

3. In these meetings, the IR will participate always as an observer to obtain first-hand information on the tasks and conditions that are being established. Therefore, the assistance of the IR cannot be considered by the Licensee, for legal purposes, as a formal communication of the information covered in the meeting. Therefore, the IR's assistance to the Licensee meetings, in that observer status, in no case can be considered as implying some kind of participation or acquiescence in the decisions taken therein.

4. In any case, regardless of the power of the IR to attend all or part of the meetings that have been indicated in this Section, the Licensee shall be obliged to include in the agenda of CSNC and CSNE meetings a final point of conclusions to report in summary form to the IR on the content and agreements reached.

e) Access to the Staff.

1. The Licensee must grant IR access to all Licensee and contracted personnel, to communicate with them, after identifying themselves as inspectors, on technical matters, without prejudice of them reporting to their management. In any case, the Licensee approved evaluation of any matter shall be transmitted as indicated above in paragraph a.1 of this chapter 5.

2. The Licensee must facilitate the IR access to the workplaces that the suppliers of equipment and services related with plant safety and development of their activities may have on site.

Sixth. Means available to the Resident Inspection.-The Plant Licensee will provide the IR with the means and equipment necessary for the performance of their duties, such as:

Offices for the members of the Resident Inspection.

Workplace suitable to perform the functions assigned to the Resident Inspection during an emergency.

Personal computer with Internet access.

Telephone.

Unrestricted access and movement through the Plant.

Seventh. Other complementary actions of the Licensee related to the Resident Inspection.

The Licensee 0f the Plant will provide the IR with the following elements necessary to comply with the applicable legislation on protection against ionizing radiation and occupational risk prevention:

Radiation monitoring according to the pertinent protocol to be subscribed with the CSN.

Plant specific training in occupational hazards matters, in addition to the general training provided by the CSN

Eighth. Infringements and sanctions. "Non-compliance with this Instruction is an infringement of a regulatory requirement; therefore provisions of Articles 91 to 95, inclusive, of the Law 25/1964, on Nuclear Energy, shall apply.

Ninth. Requests for exemptions.-Licensees of the activities covered by this Instruction, which prove the impossibility of performing any of the Instruction requirements (to be identified, as much as feasible, the paragraph, requirements, procedures, methods involved in the possible exemption) may apply to the Nuclear Safety Council for an exemption, incorporating the pertinent justification and establishing the alternative form they propose to satisfy the enforceable criteria defined in the requirement wherein exemption is requested.

Single transitional provision. Transitional period of adaptation. An adaptation period of three months from the publication of this Instruction is established for the entry into force of the following:

Article Fifth, 1b) 'Coordination meetings" between the Licensee and Resident Inspection.

Article Fifth, 2.c) "Access to databases' and programs of the Licensee by the Resident Inspection.

Article Sixth. 'Means available to the Resident Inspection.

Single Repeal Provision. Repeal legislation.

Any rule of equal or lower rank that conflicts with the provisions of this Instruction is repealed.

Single final provision. The present Instruction will entry into force the day after its publishing in the State Official Gazette.

Madrid, 24th October 2007.-The President of the Nuclear Safety Council, Carmen Martínez Ten.

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