

GOVERNMENT OF THE RUSSIAN FEDERATION

DECREE No.1044
dated October 15, 2012

**ABOUT THE FEDERAL STATE SUPERVISION
IN THE FIELD OF USE OF ATOMIC ENERGY**

Pursuant to the Article 24.1 of the federal law “On the Use of Atomic Energy” the Government of the Russian Federation decrees:

1. Approve the attached “Provision on the Federal State Supervision in the Field of Use of Atomic Energy”.

2. Establish that implementation of power and authorities stipulated by the “Provision on the Federal State Supervision in the Field of Use of Atomic Energy” is to be carried out by the Federal Environmental, Industrial and Nuclear Supervision Service within the stipulated by the Government of the Russian Federation frames with regard to the maximum number of its employees in the Headquarters and territorial bodies, as well as to the budgetary provisions envisaged for the Service in the Federal Budget to provide management and control in regard to the statutory functions.

The Chairman of the Government
of the Russian Federation
D.MEDVEDEV

Approved by
the Decree of the Government
of the Russian Federation
No.1044 dd. October 15, 2012

**PROVISION
ON THE FEDERAL STATE SUPERVISION
IN THE FIELD OF USE OF ATOMIC ENERGY**

1. This Provision stipulates the procedure for the federal state supervision in the field of use of atomic energy (hereinafter is referred to as the state supervision).

This Provision does not handle relations with regard to development, manufacturing, tests, operation and recycling of nuclear weapon and military-oriented nuclear power facilities.

2. The state supervision is to be exercised by the Federal Environmental, Industrial and Nuclear Supervision Service, which is the authorized authority for the state safety regulation at the use of atomic energy, in accordance with the federal law “On the Use of Atomic Energy”, the federal law “On Protection of Rights of Legal Entities and Individual Entrepreneurs in the Process of State Control (Supervision) and Municipal Control”, other federal laws and regulatory legal acts of the President of the Russian Federation (RF), the Government of the RF, as well as this Provision.

3. The Federal Environmental, Industrial and Nuclear Supervision Service exercises the state supervision by efforts of the structural subdivisions of the Headquarters and territorial bodies with involvement of experts and expert organizations, if required.

4. The following officials of the Federal Environmental, Industrial and Nuclear Supervision Service are entitled to exercise the state supervision:

- a) the head of the Service, its deputies,
- b) the assistants, advisers of the head of the Service, the duty regulations of which envisage power and authority to exercise the state supervision,
- c) the leadership of the structural subdivisions of the Service Headquarters, their deputies, the duty regulations of which envisage power and authority to exercise the state supervision,
- d) the heads of departments of the structural subdivisions of the Service Headquarters, their deputies, the duty regulations of which envisage power and authority to exercise the state supervision,
- e) the federal state civil employees under the category “specialists” of the leading and senior job position groups of the structural subdivisions of the Service Headquarters, the duty regulations of which envisage power and authority to exercise the state supervision,
- f) the leadership of the territorial bodies of the Service, their deputies,
- g) the assistants, advisers of the leadership of the territorial bodies of the Service, the duty regulations of which envisage power and authority to exercise the state supervision,
- h) the heads of divisions of the territorial bodies of the Service, their deputies, the duty regulations of which envisage power and authority to exercise the state supervision,
- i) the federal state civil employees under the category “specialists” of the leading and senior job position groups of the territorial bodies of the Service, the duty regulations of which envisage power and authority to exercise the state supervision.

5. The state supervision exercised in compliance with the procedure provided for by this Provision includes as follows:

- a) routine supervision over adherence to the requirements stipulated by the international treaties of the RF, the federal laws and other regulatory legal acts of the RF in the field of use of atomic energy (hereinafter referred to as the compulsory requirements) by legal entities (standalone subdivisions of legal entities), their leadership and other officials (hereinafter referred to as the inspectees), over adherence thereof to the conditions of permits (licenses) for performance of works in the field of use of atomic energy (hereinafter referred to as the license conditions), as well as analysis and prediction for fulfillment of the compulsory requirements and license conditions by the inspectees in the course of implementation of activities in the field of use of atomic energy,
- b) arrangement and conduct of supervision (inspections) over fulfillment of the compulsory requirements by the inspectees, over adherence thereof to the license conditions, as well as execution of prescriptions of the Federal Environmental, Industrial and Nuclear Supervision Service,
- c) taking measures stipulated by the legislation of the RF to terminate violations of the compulsory requirements and license conditions if any detected.

6. At particular nuclear facilities the list of which is to be approved by the Government of the Russian Federation, the Federal Environmental, Industrial and Nuclear Supervision Service shall execute the regime of the state supervision in accordance with the procedure established by the Government of the RF.

7. Routine supervision over fulfillment of the compulsory requirements by the inspectees, over adherence thereof to the license conditions, analysis and prediction for fulfillment of the compulsory requirements and adherence to the license conditions are to be carried out by the Federal Environmental, Industrial and Nuclear Supervision Service on the basis of the results of inspections and other measures related to the state supervision function, as well as based on the data submitted by the inspectees in accordance with the procedure, stipulated by the legislation of the RF in the field of use of atomic energy, containing the following information:

- a) on observance of the license conditions,
- b) on events that may impact safety in the course of use of atomic energy and on the consequences thereof,
- c) on availability and conveyance of nuclear materials, radioactive substances and radioactive wastes, as well as on export and import thereof,

d) about non-compliance of the manufactured and applied safety important equipment at nuclear facilities to the requirements of the federal regulations and rules in the field of use of atomic energy,

e) on the results of investigations with regard to violations at nuclear facilities,

f) on safety of nuclear installations, radiation sources and storage facilities,

g) on availability of new data or updating submitted at the stage of obtaining a permit (license) for performance of works in the field of use of atomic energy and related to safety of the activities being licensed.

8. Based on the results of analysis of data, submitted by the inspectees, the Federal Environmental, Industrial and Nuclear Supervision Service shall carry out as follows:

a) evaluation of safety of nuclear facilities, as well as the assessment and prediction for fulfillment of the compulsory requirements and observance of the license conditions in the course of implementation of activities in the field of use of atomic energy by the inspectees;

b) planning of checks (inspections) to evaluate the completeness and validity of the submitted data and study of causes and conditions that resulted in violation of the compulsory requirements, license conditions or malfunctioning of nuclear facilities, as well as in anomalies in accounting and control of nuclear materials, radioactive substances and radioactive wastes, and unauthorized actions in this regard,

c) execution (assignment for execution) of additional or repeated studies, tests, reviews, investigations and other measures related to the state supervision, to involvement of experts and expert organizations if required,

d) forwarding of requests for conduct of the unscheduled physical inventory survey or additional confirmatory measurements for parameters of nuclear materials, inventory survey for radioactive substances and radioactive wastes in case of detected facts, indicating the probable loss or unauthorized stockpiling thereof,

e) forwarding of requests for conduct of the unscheduled evaluation of the efficiency of the physical protection system at nuclear facilities in case of detected circumstances, indicating the probable deterioration thereof,

f) introduction of changes to the license conditions in frames of implementation of licensing procedures.

9. The checks (inspections) arranged by the structural subdivisions of the Headquarters of the Federal Environmental, Industrial and Nuclear Supervision Service are to be carried out based on the orders (ordinances) of the head (deputy head) of the Service.

The checks (inspections) arranged by the territorial bodies of the Service are to be carried out based on the orders (ordinances) of the leaders (deputies) of the territorial bodies of the Service, as well as based on the orders (ordinances) of the head (deputy head) of the Service.

Deadlines and sequence for administrative procedures and administrative actions at arrangement of the state supervision are to be specified by the administrative provision, approved in accordance with the established procedure.

10. In order to detail the purposes, challenges and subject of a check (inspection) specified in the order (ordinance), the check (inspection) program that is considered to be the integral part thereof is to be approved.

The check (inspection) program shall specify issues to be subjected to the check (inspection), as well as information and the list of documents to be submitted by an inspectee to the officials in charge of the check (inspection).

11. In the course of the state supervision carried out by the Federal Environmental, Industrial and Nuclear Supervision Service the following issues are considered to be subject of checks:

a) execution of the previously issued prescriptions on elimination of the detected violations with regard to the compulsory requirements and license conditions,

b) fulfillment of requirements of the federal regulations and rules федеральных норм и правил in the field of use of atomic energy;

- c) adherence to the procedure of lifecycle management of the equipment and systems of nuclear facilities,
- d) adherence to the procedure of maintenance and repair of the equipment and systems of nuclear facilities,
- e) periodicity and scope of works related to tests and examination of the equipment and systems of nuclear facilities,
- f) completeness of power and authority provided to the inspector by the legislation of the RF in the field of use of atomic energy in the part of safety of nuclear facilities,
- g) adequacy of information on safety of nuclear installations, radiation sources and storage facilities to be submitted to the Service (its territorial bodies) in accordance with the legislation of the RF in the field of use of atomic energy,
- h) arrangement of and supervision over fulfillment of quality assurance programs by the inspectors at all stages of construction, operation and decommissioning of a nuclear installation, radiation source and storage facility, as well as supervision over implementation of these programs,
- i) carrying out of measures to provide safety of nuclear facilities,
- j) the state of physical protection of nuclear facilities,
- k) the state of accounting and control of nuclear materials, radioactive substances and radioactive wastes,
- l) actual availability of nuclear materials, radioactive substances and radioactive wastes,
- m) maintenance of the required performance of systems and their components that impact safety of nuclear facilities,
- n) organization of system for employees (staff) selection & training, conduct of job knowledge tests and giving permit to work,
- o) fulfillment of the requirements of the operating and process documentation,
- p) fulfillment of the license conditions, as well as of permits for performance of works in the field of use of atomic energy to be issued to the employees of nuclear facilities,
- q) implementation of accident preventive measures and readiness of inspectees to rectification of an accident consequences,
- r) assurance of nuclear facilities' safety in the course of process operation,
- s) adherence to the radioactive waste management procedure.
- t) other issues related to fulfillment of the compulsory requirements.

12. Depending on the number of issues, the checks (inspections) are to be divided into comprehensive and targeted ones.

A comprehensive check (inspection) envisages check (inspection) of all issues (or the most part of them), which are specified in Article 11 of the Provision, to be carried out by the officials of the Federal Environmental, Industrial and Nuclear Supervision Service.

A targeted check (inspection) envisages check (inspection) of one or several issues, which are specified in Article 11 of the Provision, to be carried out by the officials of the Federal Environmental, Industrial and Nuclear Supervision Service.

13. When carrying out the checks (inspections), the officials of the Federal Environmental, Industrial and Nuclear Supervision Service may apply the technical means and access control means (including the means for examination and survey of the composition of nuclear materials and radioactive substances, the means for audio-, photo- and video-fixation, sealing tools).

14. An act is to be issued based on the check (inspection) results. It shall be attached with the following papers (if any):

- a) a check (inspection) report, which shall contain data on measures taken in accordance with the items and sections of the check (inspection) program, on safety state of a nuclear facility, its systems and components, including buildings, structures, premises, technical means, equipment and materials, on detected defects and violations, as well as recommendations for elimination thereof,
- b) prescriptions for elimination of the detected violations,

c) other documents or copies related to the results of the check (inspection).

15. The officials of the Federal Environmental, Industrial and Nuclear Supervision Service shall exercise powers, observe bans and restrictions and be liable for nonfulfillment or improper fulfillment of their duties while carrying out the state supervision in compliance with the legislation of the RF.
