

Regulation of the Minister of Housing, Spatial Planning and the Environment of 11 October 2007, No. DGM2007088466 containing requirements for nuclear pressure equipment and requirements for bodies that supervise nuclear pressure equipment (Nuclear Pressure Equipment Regulation)

The Minister of Housing, Spatial Planning and the Environment,

Having regard to Article 21 of the Nuclear Facilities, Fissionable Materials and Ores Decree and Article 19 of that Decree in conjunction with Article 120 of the Radiation Protection Decree;

Decrees:

Part 1: General Provisions

Article 1

In this Regulation the following terms are defined as follows:

Minister: the Minister of Housing, Spatial Planning and the Environment;

licensee: the holder of a licence as referred to in Section 15 (b) of the Nuclear Energy Act.

Section 2

1. The prohibition in Article 21 (1) of the Nuclear Facilities, Fissionable Materials and Ores Decree shall also apply to the use in a plant as referred to in Section 15 (b) of the Nuclear Energy Act of pressure equipment designated by the Minister, following consultation with the Minister of Social Affairs and Employment, not specifically designed for nuclear use in such a plant that could cause the distribution of radioactivity in the event of defects.
2. Articles 3-16, with the exception of Article 4 (1) (a) and (b) and Article 9 (1) and (2) shall apply mutatis mutandis to the pressure equipment referred to at (1).
3. This Regulation does not apply to pressure equipment to which the Transportable Pressure Equipment Regulation applies.

Article 3

1. The licensee shall keep records concerning nuclear pressure equipment that has been or is to be installed in his plant, stating/including:
 - a. the name and address of the licensee;
 - b. the name and address of the plant and the place in the plant where that equipment is to be or has been installed;
 - c. the relevant documentation concerning that equipment;
 - d. the design code and inspection code applicable to the equipment;
 - e. an overview of the inspections carried out on the equipment or parts thereof in accordance with the applicable design or inspection code, and the results of that inspection work;
 - f. the statements and other documentation obtained under this Regulation concerning the inspections carried out and to be carried out under this Regulation;
 - g. an overview of the maintenance carried out on the equipment.
2. Deviations from the design or inspection code, and the inspection programme laid down in the inspection code that is drawn up by the licensee, shall require the consent of the Minister, following assessment by the inspection body.

3. During each inspection of the nuclear pressure equipment the licensee shall place the data and documents contained in the records at the disposal of the person carrying out the inspection.

Part 2: Inspection of Nuclear Pressure Equipment

Article 4

1. Prior to the commissioning of nuclear pressure equipment at the plant the licensee shall have the following carried out:
 - a. an assessment of the design of the nuclear pressure equipment;
 - b. an inspection of the manufacture of the nuclear pressure equipment;
 - c. an inspection prior to the commissioning of the nuclear pressure equipment.
2. While in use the licensee shall have nuclear pressure equipment inspected in accordance with the inspection programme referred to in Article 3 (2) to which the Minister has consented.

Article 5

1. The licensee shall state in the application for an assessment or inspection as referred to in Article 4 (1):
 - a. his name and address;
 - b. the nature of the nuclear pressure equipment to be assessed or inspected;
 - c. the place where the assessment or inspection should take place;
 - d. the name and address of the plant and the place in the plant where the nuclear pressure equipment is to be installed;
 - e. the applicable design code/inspection code.
2. The licensee shall state in the application for an inspection as referred to in Article 4 (2) the data referred to at (1).

Article 6

The assessments and inspections shall be carried out in accordance with the parts of the design code or inspection code designated by the Minister for the nuclear pressure equipment concerned.

Article 7

The costs of assessments as referred to in Article 3 (2) and Article 4 (1) (a) and of the inspections shall be borne by the user of the nuclear pressure equipment.

Article 8

The inspection body shall draw up a report of each assessment and inspection, stating the way in which the nuclear pressure equipment was assessed/inspected and the results of the assessment or inspection. It shall send the report to the licensee and to the Department of Nuclear Safety, Security and Safeguards of the Inspectorate General for Housing, Spatial Planning and the Environment.

Article 9

1. The inspection body shall issue a statement of approval of the design if an assessment as referred to in Article 4 (1) (a) shows that the design of the nuclear pressure equipment meets the requirements laid down in the design code concerned.
2. The inspection body shall issue a statement of approval of manufacture if the inspection referred to in Article 4 (1) (b) shows that the nuclear pressure equipment meets the requirements laid down in the design code concerned.
3. The inspection body shall issue a statement of commissioning if an inspection as referred to in

Article 4 (1) (c) shows that the nuclear pressure equipment meets the requirements laid down in the design code concerned.

4. The inspection body shall issue a statement of reinspection if an inspection as referred to in Article 4 (2) shows that the nuclear pressure equipment meets the requirements laid down in the inspection code concerned.

Article 10

The assessments and inspections shall be carried out by or under the supervision of the staff of the inspection body referred to in Articles 14-16.

Part 3: Inspection Bodies

Article 11

1. Bodies that at least comply with the conditions laid down in the Guideline-Specific Accreditation Scheme (Pressure Equipment (Commodities Act) Decree) (Version 01, Government Gazette 2001, No. 15) and with the conditions referred to in Article 13 (1) shall be eligible for designation as inspection bodies for the design, manufacture and commissioning of nuclear pressure equipment.
2. Bodies that at least comply with the conditions laid down in the Act-Specific Accreditation Scheme (Pressure Equipment (Commodities Act) Decree) (Version 02, Government Gazette 2006, No. 132) and with the conditions referred to in Article 13 (2) shall be eligible for designation as inspection bodies in the use phase of nuclear pressure equipment.
3. Bodies in another European Union Member State, a state that is not a European Union Member State but is party to a treaty wholly or partly to this effect that is binding on the Netherlands, or another state with which the European Union has entered into a reciprocal recognition agreement concerning the inspection of nuclear pressure equipment, which guarantee a professional level at least equivalent to the level that the national conditions referred to at (1) and (2) respectively are designed to achieve shall also be eligible for designation as inspection bodies.

Article 12

1. The designation of an inspection body shall remain valid for a maximum of two years.
2. Conditions may be attached to the designation of an inspection body.
3. A designation of an inspection body shall be withdrawn if the body no longer complies with the conditions referred to in Article 11 (1), (2) or (3) respectively. It may be withdrawn if the inspection body does not carry out the inspections correctly or if the inspection body fails to comply with the conditions attached to the designation pursuant to (2).

Article 13

1. An inspection body charged with assessment of the design, inspection of the manufacture and pre-commissioning inspection of nuclear pressure equipment shall have in its employ at least an assessor, a senior assessor, a materials science specialist, a non-destructive testing specialist, an inspector and a senior inspector who meet the requirements laid down in the scheme referred to in Article 11 (1) and the requirements laid down in Article 14 (1), Article 14 (2), Article 15 (1), Article 15 (2) or Article 16 respectively.
2. Without prejudice to (1), an inspection body charged with inspection in the use phase of nuclear pressure equipment shall have in its employ at least a non-destructive testing specialist, an inspector and a senior inspector who meet the requirements laid down in the scheme referred to in Article 11 (2) and the requirements laid down in Article 15 (2) or Article 16 respectively.

Article 14

1. An assessor as referred to in Article 13 (1) must meet the following requirements:
 - a. demonstrable training concerning the applicable nuclear design code,
 - b. at least one year's experience in relevant nuclear posts and
 - c. at least Level 5 or equivalent radiation expertise.
2. A senior assessor as referred to in Article 13 (1) must meet the following requirements:
 - a. demonstrable training concerning the applicable nuclear design code,
 - b. at least two years' experience as an assessor concerning the applicable nuclear design code and
 - c. at least Level 5 or equivalent radiation expertise.

Article 15

1. A materials science specialist as referred to in Article 13 (1) must have demonstrable knowledge of and at least one year's experience with the relevant parts of the applicable design codes and nuclear forms of materials degradation.
2. A non-destructive testing specialist as referred to in Article 13 (1) and (2) must have demonstrable knowledge of and at least one year's experience with the relevant parts of the applicable design codes and with details of the non-destructive testing of nuclear pressure equipment.

Article 16

1. An inspector as referred to in Article 13 (1) and (2) must meet the following requirements:
 - a. at least one year's experience in relevant posts in the nuclear field,
 - b. demonstrable knowledge of the relevant parts of the applicable nuclear design code and
 - c. at least Level 5 or equivalent radiation expertise.
2. A senior inspector as referred to in Article 13 (1) and (2) must meet the following requirements:
 - a. ability to assess the validity and quality of non-destructive testing and other quality requirements in the context of the applicable nuclear design code,
 - b. at least Level 5 or equivalent radiation expertise,
 - c. at least two years' experience with quality assurance and inspection in the context of the applicable nuclear design codes and
 - d. demonstrable experience with the certification of suppliers of nuclear pressure equipment.

Part 4: Final Provisions

Article 17

This Regulation shall enter into force when the Decree of 17 October 2007 amending the Nuclear Facilities, Fissionable Materials and Ores Decree and the Pressure Equipment (Nuclear Pressure Equipment) (Commodities Act) Decree (Bulletin of Acts and Decrees, No. 428) enters into force.

Article 18

This Regulation may be cited as the 'Nuclear Pressure Equipment Regulation'.

This Regulation shall be published with its Explanatory Notes in the Government Gazette.

The Hague, 11 October 2007

The Minister of Housing, Spatial Planning and the Environment,
J.M. Cramer