

**Guidelines on Implementation of Confirmation on Due Considerations of Safety Measures,
etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or
Equipment Used in Nuclear Facilities
(Provisional Translation)**

October 6, 2015

Ministerial Conference on Nuclear Power

Article 1 Purposes

The purposes of these Guidelines are to clearly divide roles among, and to lay down the relevant administrative procedures for, related government ministries and agencies in order to ensure appropriate and smooth Confirmation on Due Considerations of Safety Measures, etc. performed in response to requests made by Institutions Providing Official Credit as part of compliance with “RECOMMENDATION ON COMMON APPROACHES ON ENVIRONMENT AND OFFICIALLY SUPPORTED EXPORT CREDITS (2001)”

Article 2 Definition of Terms

- (1) “Nuclear Facilities” as used in these Guidelines means those nuclear facilities as stipulated in Article 2 Paragraph 7 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of June, 10 1957) (refining facilities, fabrication and enrichment facilities, facilities of nuclear reactors for testing, research, etc., nuclear reactor facilities for power generation, storage facilities for spent nuclear fuel, reprocessing facilities, waste disposal facilities, facilities for using nuclear fuel materials and storage facilities thereof, and disposal facilities for nuclear fuel materials or materials contaminated by nuclear fuel materials).
- (2) “Major Materials or Equipment Used in Nuclear Facilities” as used in these Guidelines means major materials or equipment used in a nuclear facility, which might have a negative impact on the environment surrounding the facility in question.
- (3) “Confirmation on Due Considerations of Safety Measures, etc.” as used in these Guidelines means the actions of the national government performed, in response to requests made by Institutions Providing Official Credit and prior to the provision of such credit by such institutions, to verify all the facts, and provide information thereof, as to whether (i), (ii) or (iii) stated below is properly implemented with regard to exports of Major Materials or Equipment Used in Nuclear Facilities or the provision of technologies or services relating thereto, or with conducting the operations of establishing, operating or decommissioning Nuclear Facilities.
 - (i) Compliance with international agreements and establishment of domestic systems by the host country or region with regard to the ensuring of nuclear safety, nuclear waste

disposal measures and nuclear accident responses

- (ii) Conclusion of contracts and establishment of safety-related services provision framework by the supplier of the relevant Major Materials or Equipment Used in Nuclear Facilities with regard to ensuring that the quality thereof meets international standards
 - (iii) Receiving major evaluation services conducted by IAEA and obtaining the relevant permits and approvals at the time of installing a nuclear reactor facility for power generation
- (4) “Official Credit Provision” as used in these Guidelines means the operations as provided for in Article 39 of the Trade and Investment Insurance Act (Act No. 67 of 1950) or by Article 11 Items 1 through 3 or Item 6 of the Japan Bank for International Cooperation Act (Act No. 39 of 2011).
- (5) “Institution(s) Providing Official Credit” as used in these Guidelines means the Japan Bank for International Cooperation or Nippon Export and Investment Insurance.

Article 3 Review Session

- (1) Confirmation on Due Considerations of Safety Measures, etc. shall be conducted based on the “Survey Sheet concerning Confirmation on Due Considerations of Safety Measures, etc.” (hereinafter referred to as “Survey Sheet”) prepared in accordance with the form annexed hereto by the “Review Session concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with the Official Credit Provision for Export, etc. of Major Materials or Equipment Used in Nuclear Facilities” (Determination of October 6, 2015 by Ministerial Conference on Nuclear Power) (hereinafter referred to as “Review Session”).
- (2) The Review Session shall comprise Councillor, Cabinet Secretariat (attached to Assistant Chief Cabinet Secretary); Deputy Director General for Science, Technology and Innovation, Cabinet Office; Deputy Director-General of the International Bureau, Ministry of Finance; Deputy Director-General, Trade and Economic Cooperation Bureau, Ministry of Economy, Trade and Industry; Deputy Director-General, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry, and shall be chaired by the Deputy Director General for Science, Technology and Innovation, Cabinet Office.
- (3) The Survey Sheet shall be drafted based on the division of roles as stipulated in the following items:
- (i) The Deputy Director General for Science, Technology and Innovation, Cabinet Office shall be in charge of drafting the sections relating to the provisions of Paragraph 3 Item 1 and Item 3 of the preceding article; and
 - (ii) The Deputy Director-General, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry shall be in charge of drafting the sections relating to Paragraph 3 Item 2 of the preceding article.

- (4) The Chairperson of the Review Session can request provision of the information stipulated in each of the following items from the person specified therein:
 - (i) Information concerning the preparation status on the part of a host country of a national report pursuant to Article 5 of the Convention on Nuclear Safety (Convention No. 11 of 1996) (hereinafter referred to as “Nuclear Safety Convention”), and the receipt status of summary reports of review meetings pursuant to Article 25 of the Nuclear Safety Convention and of the Integrated Regulatory Review Service (IRRS) conducted by IAEA; Deputy Secretary-General, Secretariat of the Nuclear Regulation Authority; and
 - (ii) Information concerning the intention of signing the Nuclear Safety Convention (only when the host country concerned has not yet done so); the Director General, Disarmament, Non-Proliferation and Science Department, Ministry of Foreign Affairs.
- (5) In addition to the cases specified in the preceding paragraph, the chairperson of the Review Session may, as needed, request cooperation where necessary, such as submission of materials, explanations and participation of the concerned personnel in meetings, from the persons in charge from the relevant administrative agencies including the Deputy Commissioner, Agency for Natural Resources and Energy.
- (6) The Review Session shall finalize the details of each Survey Sheet after revising, as needed, the draft sheet stipulated in Paragraph 3 hereto taking into account the information including what has been provided pursuant to the preceding two paragraphs.

Article 4 Procedures

- (1) Upon receipt of a request in accordance with Annex Form 1 for Confirmation on Due Considerations of Safety Measures, etc. from an Institution Providing Official Credit, excluding the case stipulated in Article 5, the Deputy Director General for Science, Technology and Innovation, Cabinet Office shall promptly report the fact of such receipt to each member of the Review Session and request the Deputy Director General, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry to draft the Survey Sheet section as provided for in Paragraph 3 Item 2 of the preceding article.
- (2) The Deputy Director General for Science, Technology and Innovation, Cabinet Office shall draft the Survey Sheet section as provided for in Paragraph 3 Item 1 of the preceding article and, where deemed necessary, employ an external research agency to conduct investigations.
- (3) In preparing the draft referred to in the preceding paragraph, and when it is deemed necessary to collect information on the practical implementation status of the Convention by the host country or region concerned, the response status to an IRRS assessment conducted by IAEA and the like, the Deputy Director General for Science, Technology and Innovation, Cabinet Office shall obtain views on the relevant information from more than one external specialist.

- (4) To ensure that a Review Session meeting is conducted appropriately and smoothly, the Deputy Director General for Science, Technology and Innovation, Cabinet Office may request, where necessary, that the information stipulated in each item under Paragraph 4 of the preceding article be supplied prior to the opening of the Review Session meeting in question.
- (5) Each member of the Review Session as well as those who have received a request to supply information from the Deputy Director General for Science, Technology and Innovation, Cabinet Office pursuant to the provision of Paragraph 4 of the preceding article shall cooperate to ensure that the Review Session meetings are conducted appropriately and smoothly.
- (6) The Deputy Director General for Science, Technology and Innovation, Cabinet Office shall, unless there are exceptional circumstance, present, in accordance with Annex Form 2, the outcome of Confirmation on Due Considerations of Safety Measures, etc. carried out by the Review Session within five (5) months from the date of receiving the request referred to in Paragraph 1 hereto to the Institution Providing Official Credit that has made the request concerned.

Article5 Notice of Inexecution

- (1) When the request from an Institution Providing Official Credit as specified in Paragraph 1 of the preceding article is regarded as coming under any of the following conditions, the Deputy Director General for Science, Technology and Innovation, Cabinet Office shall not carry out Confirmation on Due Considerations of Safety Measures, etc.:
 - (i) when the article subject to the request concerned does not come under the category of Major Materials or Equipment Used in Nuclear Facilities;
 - (ii) when the article subject to the request concerned is a spare part or an item for repair for which it had been anticipated that it would be additionally supplied based on an export contract for Major Materials or Equipment Used in Nuclear Facilities for which Confirmation on Due Considerations of Safety Measures, etc. had already been carried out; or,
 - (iii) when the article subject to the request concerned has a redemption period of less than two (2) years and a value of less than JPY1.5 billion.
- (2) When Confirmation on Due Considerations of Safety Measures, etc. is not carried out pursuant to the provision of the preceding paragraph, the Deputy Director General for Science, Technology and Innovation, Cabinet Office shall, unless there are exceptional circumstances, serve notice to that effect, in accordance with Annex Form 3, to the Institution Providing Official Credit having made the request concerned within one (1) month from the date of receiving such request.

Article 6 Disclosure of Information

Concerning a case where Confirmation on Due Considerations of Safety Measures, etc. has been carried out, the Deputy Director General for Science, Technology and Innovation, Cabinet Office shall disclose the outline of the proceedings of the Review Session meeting concerning the case in question and the relevant Survey Sheet on the Cabinet Office website promptly after confirming that the Institution Providing Official Credit concerned has provided the official credit in question.

Article 7 Procedures for Revision

Any revision to any important matter contained in these Guidelines shall be subject to a decision made by the Ministerial Conference on Nuclear Power.

End

Survey Sheet for Confirmation on Due Considerations of Safety Measures, etc.

Reception date: _____

Reception number: _____

Case name: _____

Name of Institution Providing Official Credit _____

[Name of supplier] / [Name of service provider]: _____

Explanatory note: Y: Yes N: No

1. Survey items concerning the compliance status in the host country or region with international agreements and establishment of domestic systems with regard to the ensuring of nuclear safety, nuclear waste disposal measures and nuclear accident responses

(1) Convention on Nuclear Safety (Convention No. 11 of 1996) (hereinafter referred to as "Nuclear Safety Convention")

(1-1) Where the host country or region has already joined the Nuclear Safety Convention, when did this occur? Has any material issue been pointed out in the review meetings summary reports as stipulated in Article 25 of the Nuclear Safety Convention?

(Year of joining: _____)

(Y / N (no issue))

(1-2) Where the host country or region has not yet joined the Nuclear Safety Convention, have you asked for confirmation that it intends to do so and received such confirmation in writing?

(Y / N)

(1-3) Have the relevant systems as stipulated in the Nuclear Safety Convention been developed?

a. Is there in place a regulatory authority responsible for nuclear safety?

(Y / N)

Y → Name: (_____)

Year of establishment: (_____)

Roles and competence: (_____)

b. Is there in place a legal structure for regulating nuclear safety?

(Y / N)

Y → Legal structure regulating nuclear safety: ()
(Describe outline of the regulatory legal structure, government level agreements, etc.)

N → why such structure/agreements do not exist: ()

c. Are there in place regulatory standards concerning location, design / construction and operation of nuclear reactors?

(Y / N)

Y → Standards concerning nuclear safety: ()
(Outline of standards)

(2) “Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management” (Convention No. 5 of 2003) (hereinafter referred to as “Convention on Radioactive Waste Safety”

(Y / N)

(2-1) Where the host country or region has already joined the Convention on Radioactive Waste Safety, when did this occur? Have the relevant domestic systems been established?

(Year of joining:)

(Y / N)

(2-2) Where the host country or region has not joined the Convention on Radioactive Waste Safety, in practice, has it been fulfilling the requirements under the Convention?

(Y / N)

* To obtain the views of more than one external specialist (on such matters as regulatory legal structure, criteria for radioactive waste disposal and status of implementation thereof).

(3) “Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter” (Convention No. 35 of 1980) (hereinafter referred to as “Convention on Marine Pollution Prevention”)

(3-1) Where the host country or region has already joined the Convention on Marine Pollution Prevention, when did this occur? Have the relevant domestic systems been established?

(Year of joining:)

(Y / N)

(3-2) Where the host country or region has not joined the Convention on Marine Pollution Prevention, in practice, has it been fulfilling the requirements under the Convention?

(Y / N)

*To obtain the views of more than one external specialist (on such as regulatory legal structure, criteria for radioactive waste disposal and status of implementation thereof).

(4) Nuclear damage compensation system

Is there in place a nuclear damage compensation system, under which nuclear facility operators are held liable for damage, in principle, and are obligated to secure funds required, or are similar arrangements guaranteed by individual contracts?

(Y / N)

* To attach an outline of specific systems (conventions and domestic laws which guarantee the arrangements and other relevant details) or the content of individual contracts.

(5) “Convention on Early Notification of a Nuclear Accident” (Convention No. 9 of 1987) and “Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency” (Convention No. 10 of 1987)

(5-1) Has the host country or region joined the Convention on Early Notification of a Nuclear Accident as well as the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, or in practice has it been fulfilling the requirements under these conventions through, for instance, participating in an international system for reporting accident and other information?

(Y / N)

* Where the host country or region has only joined one of the two conventions, the views of more than one external specialist shall be obtained

(6) Status of receiving an IRRS (the Integrated Regulatory Review Service assessment) conducted by IAEA

(6-1) Where the host country or region has undergone an IRRS assessment, when did this occur? Have there been any material issues indicated in past reviews, where such issues have remained uncorrected for a prolonged period?

Record of undergoing an IRRS assessment / future plans ()

(Y / N (no issue))

* To obtain the views of more than one external specialist.

(6-2) Where the host country or region has not undergone any IRRS assessment, have you asked for confirmation that it intends to undergo an IRRS assessment on a regular basis

after the commissioning of the nuclear power plant and received such confirmation in writing? Or does the host country or region, in practice, take the IAEA Safety Standards (No. GSR Part1) seriously into account through, for instance, receiving an Integrated Nuclear Infrastructure Review (INIR) mission in relation to the establishment of nuclear safety systems and other factors?

(Y / N)

* To obtain the views of more than one external specialist as to whether the host country or region is, in practice, taking the IAEA Safety Standards seriously into account.

2. Items, surveyed by the supplier of the relevant Major Materials or Equipment Used in Nuclear Facilities, covering the conclusion status of contracts with regard to ensuring that the quality thereof meets international standards and the establishment status of a safety-related services provision framework (where exports from Japan are entailed)

(1) Are provisions included in the supply contract (with the party importing the materials and equipment concerned) and the technical specifications related thereto, providing for the implementation of design, manufacturing, quality assurance, etc. which meet international standards?

(Y / N)

Y → Attach the contract and technical specifications as evidence.

(2) Has the supplier confirmed which facilities the materials and equipment in question are to be ultimately used in?

(Y / N)

Y → Destination facility: ()

Location: ()

User name: ()

(Attach the contract as evidence.)

(3) Are provisions included in the supply contract (with the party importing the materials and equipment concerned), providing for the supply of safety-related services such as maintenance / repairing and training (including guidance for operation when a problem occurs), and has the supplier established a framework for supplying such safety-related services? Or is the supplier prepared to provide such safety-related services when the other party to the supply contract requests for it in the future?

(Y / N)

Y → (Attach the relevant section of the contract and the document(s) describing the establishment status of a safety-related services provision framework or indicating your preparedness for the future provision of such services).

3. Survey items covering the receipt status of major evaluation services conducted by IAEA and obtainment of the relevant permits and approvals at the time of installing a nuclear reactor facility for power generation (when the installation of the nuclear reactor facility for power generation is covered by the Official Credit Provision)

(1) Where the nuclear reactor facility for power generation in question is the first such facility for the country / region where it is being installed, has the country / region concerned received any INIR (Integrated Nuclear Infrastructure Review) mission organized by IAEA? If not, is it , in practice, taking the relevant IAEA Safety Standards seriously into account?

(Y / N)

* To obtain the views of more than one external specialist as to whether the host country / region is, in practice, taking the relevant IAEA Safety Standards seriously into account.

(2) Where the operations of installing a nuclear reactor facility for power generation is covered by official credit, have IAEA experts been involved during the process of site selection for the facility concerned, such as receiving the Site and External Events Design (SEED) review service? If not, has the country / region concerned selected the site while, in practice, taking the relevant IAEA Safety Standards seriously into account?

(Y / N)

* To obtain the views of more than one external specialist as to whether the host country / region is, in practice, taking the relevant IAEA Safety Standards seriously into account.

(3) Has the General Reactor Safety Review (GRSR) been conducted by IAEA for the power generation reactor in question? Or does said reactor have a track record of being approved, such as type approval for basic design, by regulatory authorities of developed nations (including Japan), or a track record of actual use in those nations?

(Y / N)

(4) Has the operator that is to install the nuclear reactor facility for power generation in the host country appropriately obtained the permits and approvals (only those specifically relating to a nuclear reactor facility for power generation) which are legally required to be in place at the time of Confirmation on Due Considerations of Safety Measures, etc.?

(Y / N)

(5) Where the operator that is to operate the nuclear reactor facility for power generation in the host country is already operating another nuclear reactor facility for power generation, has the operator received an Operational Safety Review Team (OSART) mission? If not, is it operating the facility concerned while, in practice, taking the relevant IAEA Safety Standards seriously into account?

(Y / N)

- * To obtain the views of more than one external specialist as to whether the operator concerned is paying practical serious attention to the IAEA Safety Standards.

End

Date in full

To: Name, Deputy Director General for Science, Technology and Innovation, Cabinet Office

[Name, Title (Global Head of a Group), Japan Bank for International Cooperation]

[Name, Member of Board, Nippon Export and Investment Insurance]

Request concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities

(Company) has recently [applied for the provision of trade insurance to Nippon Export and Investment Insurance]* / [held a preliminary consultation about the provision of official credit with Japan Bank for International Cooperation] with respect to [the export of (items) to (country) by (company)] / [the Implementation of operations by (company) to install and operate a nuclear reactor facility for power generation in (country)].

As indicated in the attachment, [(items)] / [the operations to install and operate a nuclear reactor facility for power generation] were deemed as coming under the category of [major materials or equipment used in nuclear facilities] / [the implementation of operations to install and operate a nuclear reactor facility for power generation] as provided for in Article 2 Paragraph 2 of the Guidelines on Implementation of Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities.

Accordingly, we would appreciate it if you could verify all the facts as to whether the matters specified in [Article 2 Paragraph 3 Items 1 and 2 of the Guidelines] / [Article 2 Paragraph 3 Items 1 through 3 of the Guidelines] are properly implemented, and provide us with the relevant information thereof.

* Descriptions underlined are not exclusive examples.

End

Outline of [Export of (items) to (country) by (company)] / [Implementation of operations to install and operate a nuclear reactor facility for power generation in (country) by (company)]

1. Case Outline: [Export] / [Operations to install and operate a nuclear reactor facility for power generation]
 - (1) Outline of supplier / operator
 - (2) Course of events which led to [the export of (items) to (country)] / [the Implementation of operations to install and operate a nuclear reactor facility for power generation in (country)]
2. Outline of Official Credit Provision
 - (1) Scheduled credit period
 - (2) Estimated credit amount
3. Reason(s) for (items) to be regarded as [the export of major materials or equipment used in the nuclear facilities] / [the operations to install a nuclear reactor facility for power generation]
4. [In the case of installing a nuclear reactor facility for power generation, the status regarding the obtainment of permits and approvals by the operator in the host country]

End

Date in full

[To: Name, Title (Global Head of a Group), Japan Bank for International Cooperation]

[To: Name, Member of Board, Nippon Export and Investment Insurance]

Name, Deputy Director General for Science, Technology and Innovation, Cabinet Office

Response concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities

We are pleased to provide as follows our response to your request by means of the “Request concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities” dated (date in full)

Details

With regard to [the export of (items) by (company) to (country)] / [the implementation of operations by (company) to install and operate a nuclear reactor facility for power generation in (country)], we examined this case in accordance with the Guidelines on Implementation of Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities, in the meeting held on (date in full) of the Review Session concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with the Official Credit Provision for Export, etc. of Major Materials or Equipment Used in Nuclear Facilities, and confirmed that, from an overall perspective, the matters specified in [Article 2 Paragraph 3 Items 1 and 2 of the Guidelines] / [Article 2 Paragraph 3 Items 1 through 3 of the Guidelines] [were] / [were not] properly implemented.

End

Date in full

[To: Name, Title (Global Head of a Group), Japan Bank for International Cooperation]

[To: Name, Member of Board, Nippon Export and Investment Insurance]

Name, Deputy Director General for Science, Technology and Innovation, Cabinet Office

Notification concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities

With regard to your request by means of the “Request concerning Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities” dated (date in full), please be advised that we decided not to conduct the captioned confirmation on due considerations of safety measures, etc. as the case referred to in your request falls under the provision of Article 5 Paragraph 1 [Item 1][Item 2][Item 3] of the Guidelines on Implementation of Confirmation on Due Considerations of Safety Measures, etc. Associated with Official Credit Provision for Exports, etc. of Major Materials or Equipment Used in Nuclear Facilities.

End