



AGREEMENT

on the Consideration of Recommendations by the NSC in ENSI's Expert Reports

between the

Swiss Federal Nuclear Safety Inspectorate (ENSI)

and the

Federal Nuclear Safety Commission (NSC)

1. Preamble

In 2011, ENSI underwent a review by an international group of experts from the Integrated Regulatory Review Service (IRRS) of the International Atomic Energy Agency (IAEA). ENSI's collaboration with the NSC was one of the subjects examined during this review. In this regard, the final report of the IRRS mission included the recommendation that relevant authorities, commissions and committees which deal with issues of nuclear safety, such as the NSC, submit their recommendations and expert reports directly to ENSI before the Inspectorate reaches a final decision. This should take place in an open and transparent manner so that ENSI can arrive at well-founded decisions (Recommendation R5, Final Report of the IRRS Mission, 2011).

By means of the present agreement, ENSI and the NSC aim to implement the referenced recommendation by the IRRS mission within the defined framework of national nuclear energy legislation. This should ensure the independence of the NSC's second opinion and strengthen the quality of supervision in the field of nuclear safety at the same time.

2. Subject and scope of validity

This agreement defines how the NSC's recommendations are to be taken into account in ENSI's expert reports. It relates to licences for nuclear installations (in particular: general, construction and operating licences, decommissioning orders and the sealing of a deep geological repository) and to licences for geological investigations.

However, the scope of this agreement does not include expert reports by ENSI or comments regarding such reports by the NSC in connection with the Sectoral Plan for Deep Geological Repositories or the waste management programme. A different procedure has been defined for these two specialised areas at the initiative of the Swiss Federal Office of Energy (SFOE) with the participation of ENSI and the NSC (SFOE: "Systematic Approach to the NSC's Recommendations in the Areas of Waste Management and the Sectoral Planning Procedure", 13 December 2013).



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3. Tasks and responsibilities of ENSI and the NSC

ENSI shall issue comments on applications submitted according to the procedure specified in Articles 42-63 of the Nuclear Energy Act (NEA; SR 732.1) (cf. Article 43, paragraph 1 and Article 72, paragraph 1, NEA; Article 73 of the Nuclear Energy Ordinance [NEO; SR 732.11]). These comments shall be designated as "expert reports".

The NSC shall issue comments on expert reports by ENSI according to the procedure specified in Articles 42-63, NEA (Article 71, paragraph 3, NEA; Article 5 of the Ordinance on the Nuclear Safety Commission [VKNS; SR 732.16]). By issuing such a comment, the NSC performs the function of a body offering second opinions on issues of nuclear safety for the attention of the authority responsible for taking decisions.

This agreement does not affect the responsibilities and decision-making competencies of ENSI and the NSC as defined by law.

4. Procedure for expert reporting within the scope of application

The following procedure shall apply to expert reporting by ENSI on applications according to procedures specified in Articles 42-63, NEA and to comments issued by the NSC in connection therewith:

1. The NSC shall inform ENSI of the expert reports on which it wishes to comment. In order to draft a comment of this sort, the NSC will usually require at least three plenary sessions. ENSI shall take this into account when scheduling the compilation of its own expert report.
2. ENSI shall draw up a draft ("final draft") of its expert report which will include internally reviewed and edited conclusions and requirements. The format and structure of this draft shall already be sufficiently consolidated so that the NSC can correctly reference passages in the text.
3. This draft is sent to the NSC and the authority managing the licensing procedure by post and in electronic form.
4. The NSC may conduct specialist technical hearings with ENSI's representatives if required. The NSC shall take minutes of these hearings.
5. The NSC shall send the approved NSC comment to the authority managing the licensing procedure and to ENSI.
6. In an annex to its expert report, ENSI shall document the NSC's conclusions and recommendations and shall also describe the further procedure regarding the NSC's conclusions and recommendations.
7. ENSI's expert report will then be submitted to the authority managing the licensing procedure. ENSI's expert report and the comment by the NSC shall be published simultaneously, by agreement with the authority managing the licensing procedure.

5. Final provisions

This agreement shall come into effect as soon as it is signed. It will be published on the websites of ENSI and the NSC.

Any amendments and additions to this agreement must be in the written form and must be signed by the parties involved in order to be valid.



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Brugg,

Swiss Federal Nuclear Safety Inspectorate

signed

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signed

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