

BfS

SAFETY CODES AND GUIDES - TRANSLATIONS

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Contents

Framework Guideline on the Preparation of Expert Opinions
in Nuclear Administrative Procedures

of 15 December 1983

Rahmenrichtlinie über die Gestaltung von Sachverständi-
gengutachten in atomrechtlichen Verwaltungsverfahren

vom 15. Dezember 1983

**Bundesamt für Strahlenschutz
Salzgitter**

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In case of discrepancies the German text shall prevail.

Framework Guideline in the Preparation of Expert Opinions in Nuclear Administrative Procedures

of 15 December 1983

- Promulgation by the Federal Ministry of the Interior of 15 December 1983 - RS I 6 - 513 820/4 -

In its Report on the Fundamentals and Practice of Expert Assessment within the Framework of Nuclear Licensing and Supervisory Procedures, the Federal Government announced the formulation of principles and criteria for the preparation of expert opinions as a measure to improve the present system of expert assessment. These principles and criteria have been formulated in the following guideline.

This guideline is to ensure that the same uniform level of requirements is to be placed on the expert opinions prepared by all authorised experts consulted according to § 20 of the Atomic Energy Act. At the same time, a higher degree of standardisation of the expert opinions is to be achieved, and thereby the adoption or easier approval of expert opinions by the nuclear licensing and supervisory authorities – which is a declared aim in the Federal Government's catalogue of measures regarding the acceleration of the licensing procedures for nuclear power plants – is to be facilitated.

The guideline only lays down fundamental requirements for expert opinions. It provides a framework that has to be filled by the competent authorities in individual cases when commissioning expert opinions by further requirements specifying the case in question. The requirements of sections 1, 2 and 4 shall generally apply to all expert opinions prepared by authorised experts consulted according to § 20 of the Atomic Energy Act.

The requirements of section 2 shall apply especially to global expert opinions, i.e. to expert opinions the subject of which is the comprehensive assessment of a nuclear installation.

The Technical Inspection Agencies as well as the nuclear licensing and supervisory authorities of the individual federal states have been heard on this guideline. The Federal States Committee on Nuclear Energy, on which the federal state authorities and the Federal Interior Ministry – who are responsible for the execution of the Atomic Energy Act – are represented, has resolved upon the uniform application of this guideline within the technical committee on "Reactor Safety" on 28 July 1983 as well as within the technical committee on "Fuel Cycle" on 14 December 1983.

I hereby promulgate this guideline.

Framework Guideline on the Preparation of Expert Opinions in Nuclear Administrative Procedures

1. Preliminary note

The commissioning of safety-related expert opinions by the nuclear licensing and supervisory authorities from authorised experts according to § 20 of the Atomic Energy Act shall be by written contract, including the clear specification of the rights and responsibilities and complying with the provisions of § 21, para. (2) of the Atomic Energy Act. Within the framework of the establishment of facts by the authority, expert opinions represent only one of several tools that are relevant for regulatory decision making; they are subject to the free consideration of evidence by the authorities.

2. Requirements for expert opinions

- a) The expert opinion has to provide clear, coherent and comprehensible answers to the questions raised by the authority.
- b) The boundary conditions under which the answers are provided (expert opinion conditions) have to be pointed out and justified clearly.
- c) In the expert opinion, the evaluation standards have to be set forth which can be used according to § 7, para. (2), no. 3 of the Atomic Energy Act to confirm that the requisite damage precaution that is required according to the state of the art in science and technology has been taken with consideration of the relevant rules and guidelines.
- d) The expert opinion has to distinguish clearly between facts, information provided by the applicant, calculations, assumptions, examination results and conclusions and has to make assessments and point them out clearly.
- e) Any discrepancies with the information provided by the applicant with regard to facts, results and assessment have to be emphasised clearly.
- f) Conclusions and assessments have to be complete, transparent, comprehensible and conclusive.
- g) With consideration of the documents quoted in the expert opinion as well as of relevant bodies of legislation, the expert opinion has to be understandable and comprehensible in itself.
- h) If any open issues, gaps or suchlike are detected upon the assessment – also including aspects that concern any subject matter not covered by the commissioned task – this has to be pointed out to the authority prior to the finalisation of the expert opinion.

3. Contents of the expert opinions, especially of global expert opinions

- a) Reporting the problem
- b) Description of the commissioned task (short and succinct, reference to application documents)
- c) Evaluation standards
 - presentation of the evaluation standards used to assess the damage precaution required according to § 7, para. (2), no. 3 of the Atomic Energy Act
 - indication of the regulations and guidelines used and the degree of their consideration
 - indication of any possible deviations from rules and guidelines and of the degree of their consideration

- d) Examinations and calculations
 - indication of the examinations and calculations already or yet to be performed
 - indication of the purpose, scope and systematic method of the examinations and calculations, if necessary with accuracy assessments for the latter
 - indication of the examination methods and calculation codes
- e) Expert consideration
 - assessment of the overall safety-related concept
 - safety-related assessment of the individual systems and components with consideration of any interactions
 - comment on the question whether the requisite precautionary measures according to § 7, para. (2), no. 3 of the Atomic Energy Act have been or can be taken (provisional overall assessment)
 - comment on the question whether the requisite measures to prevent the pollution of water, air and soil have been taken
 - indication of the boundary conditions (e.g. expert opinion conditions) under which the expert has arrived at his assessment
 - indication of special requirements for accompanying inspections (separately for preliminary testing, material testing, product inspection and pressure testing, acceptance and functional testing)
- f) Substantiated summary of the expert opinion
- g) Compilations
 - table of contents with indication of page numbers
 - list of abbreviations
 - list of documents used
 - list of scientific publications used
 - list of the regulations, guidelines and acts used
 - compilation of the expert opinion conditions, hints and demanded documents mentioned in the expert opinion

4. Professional responsibility

- a) The authorised expert has to sign his expert opinion personally and include the following declaration:

"I hereby certify that I have prepared the expert opinion unbiased and to the best of my knowledge free from any directives concerning the results."
- b) In case of expert organisations, the competent authorised expert himself – or in the case of global expert opinions the project manager in charge – shall sign the expert opinion besides the organisation's authorised signatories.
- c) All authorised experts involved in the expert opinion have to be named to the authority, if possible under specification of their contributions to the expert opinion, if necessary in a separate letter.