

**Federal Ministry for Environment, Nature Conservation
and Nuclear Safety**

Notification¹

**Concerning the Revised Version of the Notification
Concerning the Formation of a Nuclear Safety Standards Commission**

of 26 November 2012

Against the background of the phase-out of the use of nuclear energy in Germany (13 Novella of the Atomic Energy Act of 31 July 2011) and approved by decision of the Steering Committee of the Nuclear Safety Standards Commission (KTA) and of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) from 18 September 2012 the KTA (established at the BMU) is reduced from 50 to 35 members.

This measure makes a revised version of the “Notification concerning the Formation of a Nuclear Safety Standards Commission” necessary. The revised version shall be notified hereinafter; with effect from 1 January 2013, it shall replace the “Notification concerning the Revised Version of the Notification concerning the Formation of a Nuclear Safety Standards Commission of 20 July 1990” (Federal Gazette p. 3981) as amended by the “Notification concerning the Amendment of the Notification concerning the Formation of a Nuclear Safety Standards Commission of 22 April 1999” (Federal Gazette p. 7506).²

Bonn, 26 November 2012

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The Federal Minister
for the Environment, Nature Conservation
and Nuclear Safety

pp.

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¹ Published in the Federal Gazette of 10 December 2012

² The original Notification concerning the Formation of a Nuclear Safety Standards Commission of 1 September 1972 was published in Federal Gazette No. 172 of 13 September 1972.

Revised Version of the Notification

Concerning the Formation of a Nuclear Safety Standards Commission

Section 1

Formation of the Commission

The Nuclear Safety Standards Commission is hereby formed under the Federal Minister for the Environment, Nature Conservation and Nuclear Safety; it shall be known by the abbreviated designation "KTA".

Section 2

Functions

The KTA shall have the function of issuing safety standards and promoting their application in fields of nuclear technology where, on account of the experience that has been gained, it becomes apparent that the experts employed by the manufacturers, builders and operators of nuclear installations, the inspection agencies and the public authorities are of the same opinion.

Section 3

Members

- (1) The KTA shall be composed of the following expert members:
- a) 7 representatives of the manufacturers and builders of nuclear installations;
7 representatives of the operators of nuclear installations;
7 representatives of the authorities of the states responsible for the enforcement of the Atomic Energy Act at nuclear installations and the federal authority responsible for the exercise of supervision in accordance with Articles 85 and 87 c of the German Basic Law (5 representatives of the ministries or senators of the states, 2 representatives of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety);
7 representatives of the inspection agencies and advisory organizations (4 representatives of the Technical Inspection Associations, 1 representative of the Gesellschaft für Reaktorsicherheit [GRS] mbH, 1 representative of the Reactor Safety Commission, 1 representative of the Radiation Protection Commission);
 - b) 7 representatives of the following authorities, organizations and bodies:
 - 1 representative of the Federal Minister for Economics and Technology;
 - 1 representative of the Standing Conference of State Ministers for Town Planning, Building and Housing (ARGEBAU);
 - 1 representative of the nuclear research institutions and the research reactors;
 - 1 representative of the statutory accident insurance providers;
 - 1 representative of the trade unions;
 - 1 representative of the non-life and third-party-liability insurers;
 - 1 representative of DIN German Institute for Standardization.

(2) The members and an alternate member for each member shall be nominated by the group or body they represent for a term of 4 years; where necessary, a second alternate member may be nominated for each member.

The delegating group or body may, on special grounds, nominate new members or alternate members who shall take the place of the replaced members prior to the expiry of four years.

The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety shall appoint the nominated members and alternate members of the KTA. Furthermore, it shall appoint the 5 members from the ministries of the states following a hearing of the States' Committee for Nuclear Energy.

(3) The positions held by the members and alternate members shall be honorary positions.

Section 4

Steering Committee

(1) The KTA shall be managed by a Steering Committee that shall consist of four members. The members of the Steering Committee shall elect a Chairperson and a Vice-Chairperson from among its members for two years. Following the expiry of two years in each case, the Chairperson and their Vice-Chairperson shall be replaced by members from the groups that have not provided the Steering Committee's officers during the previous two years. The Steering Committee shall adopt Rules of Procedure.

(2) The groups specified in Section 3 (1) (a) shall determine one Member and one alternate member of the Steering Committee from among the representatives nominated by them for a term of four years. The Federal Minister for the Environment, Nature Conservation and Nuclear Safety shall appoint the members and alternate members. Following the expiry of the term for which they are appointed, the Members and alternate Members of the Steering Committee shall continue to exercise their positions until a new Steering Committee is appointed.

Section 5

Conduct of Business

(1) The performance of the business of the KTA shall be incumbent upon the KTA Office, which shall be established as part of the Federal Office for Radiation Protection (BfS).

(2) The KTA Office shall be managed by its Managing Director in accordance with the technical instructions given by the Steering Committee.

(3) The Managing Director shall be appointed by the Federal Minister for the Environment, Nature Conservation and Nuclear Safety following a hearing of the Steering Committee.

(4) The Managing Director shall report to the Steering Committee on the performance of his or her functions.

Section 6

Meetings

- (1) The members or, if they are prevented from doing so, their alternates shall attend the meetings of the KTA.
- (2) The meetings of the KTA shall not be public.
- (3) In the cases set out in Section 7 (1) to (4) and (6), Section 8 (1) and Section 11, the KTA shall take decisions by a majority of five sixths of its appointed members. Otherwise, a simple majority of the appointed members shall be sufficient for decisions to be taken. Dissenting comments may be placed on the record. The written transfer of a member's voting rights to another member or alternate member of the KTA shall be permissible. A member or alternate member may not cast more than one proxy vote.

Section 7

Issuing of Safety Standards

- (1) The KTA shall decide on the areas in which safety standards are to be issued within the framework put in place by Section 2.
- (2) The KTA shall decide by whom draft safety standards are to be prepared. It shall endeavor to reach agreement with organizations that are engaged in the issuing of regulations, standards and guidelines concerning the delimitation of each organization's activities.
- (3) The KTA shall decide on draft safety standards. The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety shall publish the title and a summary of the contents of the draft standard adopted in the Federal Gazette. When this information is published, it shall indicate where the text of the draft standard may be purchased at a nominal price and that proposed amendments may be submitted to the KTA Office within a time limit of three months following the date of the text's publication in the Federal Gazette. The KTA shall deliberate on proposed amendments following the expiry of this time limit.
- (4) The KTA shall decide on the issuing of safety standards. The KTA Office shall forward the standards adopted to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety for publication. The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety shall publish the standards adopted by the KTA in the Federal Gazette.
- (5) The KTA shall decide on the initiation of procedures for the revision of standards.
- (6) The KTA shall decide on the revision of safety standards. Revisions to standards shall be published in accordance with Subsections 3 and 4.
- (7) The KTA Office shall arrange for notices announcing the publication of draft standards, standards and amendments to standards to appear in the specialist press.

Section 8

Subcommittees

- (1) The KTA shall form subcommittees as required. It shall determine the members and their alternates and nominate a chairperson for each subcommittee. Specialists who are not members of the KTA may sit on the subcommittees.

(2) The KTA subcommittees shall be quorate when at least half their members are present.

(3) The subcommittees shall take decisions by a majority of five sixths of their members who are present and represented by proxy votes. Dissenting comments may be placed on the record.

(4) The written transfer of a member's voting rights to another member or an alternate member of the subcommittee shall be permissible. A subcommittee member or alternate member may only hold one proxy vote.

Section 9

Rights of Use

By accepting their appointment to the KTA, the members and alternate members shall declare their agreement to the unrestricted exploitation, in particular the unrestricted reproduction, distribution and translation, of published safety standards.

Section 10

Costs and Expenses

(1) The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety shall conclude an agreement concerning the funding of the costs of the KTA Office with the three private groups specified in Section 3 (1) (a). The funds made available for this purpose shall be ring-fenced.

(2) The Members, alternate members and specialists specified in Section 8 (1) 3rd sentence shall not receive any reimbursement of their travel expenses or any daily or overnight accommodation allowances from the KTA Office.

Section 11

Rules of Procedure

The KTA shall adopt Rules of Procedure. The Rules of Procedure shall require the approval of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

Section 12

Entry into Force

This Notification shall enter into force on 1 January 2013; it shall replace Annex 1 of the Notification of the Federal Minister for the Environment, Nature Conservation and Nuclear Safety of 20 July 1990 (Federal Gazette, p. 3981), as amended by the Notification concerning the Amendment of the Notification concerning the Formation of a Nuclear Safety Standards Commission of 22 April 1999 (Federal Gazette p. 7506).