

No. 16252

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**UNITED STATES OF AMERICA  
and  
SWITZERLAND**

**Arrangement between the Atomic Energy Commission  
(U.S.A.E.C.) and the Swiss Federal Office of Energy  
(F.O.E.) for the exchange of technical information and  
co-operation in the development of standards. Signed  
at Bern on 9 December 1974**

*Authentic text: English.*

*Registered by the United States of America on 27 January 1978.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
SUISSE**

**Arrangement entre la Commission de l'énergie atomique  
(U.S.A.E.C.) et le Bureau fédéral de l'énergie (F.O.E.)  
de Suisse portant sur l'échange de renseignements tech-  
niques et la coopération pour l'élaboration de normes.  
Signé à Berne le 9 décembre 1974**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 27 janvier 1978.*

## ARRANGEMENT<sup>1</sup> BETWEEN THE ATOMIC ENERGY COMMISSION (U.S.A.E.C.) AND THE SWISS FEDERAL OFFICE OF ENERGY (F.O.E.) FOR THE EXCHANGE OF TECHNICAL INFORMATION AND COOPERATION IN THE DEVELOPMENT OF STANDARDS

The United States Atomic Energy Commission (U.S.A.E.C.) and the Swiss Federal Office of Energy (F.O.E.), considering the Agreement for cooperation between the Government of the United States of America and the Government of Switzerland concerning civil uses of atomic energy, concluded December 30, 1965,<sup>2</sup> and in particular its article III, and considering the desirability of a continuing exchange of information pertaining to regulatory matters and collaboration in standards of the type required or recommended by the regulatory organizations of both countries for the regulation of safety and environmental impact of nuclear facilities, conclude the following cooperation Agreement:

### I. SCOPE OF THE AGREEMENT

#### I.1. *Technical information exchange*

The U.S.A.E.C. and the F.O.E. agree to exchange technical information on classes of nuclear energy facilities which shall be agreed to by the administrators. The agreed list of types of facilities will constitute an appendix to this Arrangement. Information on regulation of safety and environmental impact of the following types will be included:

- a. topical reports concerned with technical safety and environmental effects written by or for the regulatory staff as a basis for, or in support of, regulatory decisions and policies;
- b. significant licensing actions and safety and environmental decisions affecting these facilities;
- c. detailed documents on the U.S.A.E.C. regulatory process of certain U.S. facilities designated by the F.O.E. as the prototypes of certain facilities being built in Switzerland and reciprocal documents on these overseas counterpart facilities;
- d. reports on operating experience, such as reports on incidents, accidents and shut-downs, and compilations of origin ("pedigree") and historical reliability data, on components and systems;
- e. regulatory procedures for safety and environmental impact evaluation of these nuclear facilities.

#### I.2. *Collaboration in development of regulatory standards*

The U.S.A.E.C. and the F.O.E. further agree to cooperate in the development of regulatory standards for these nuclear facilities:

a. Each side will inform the other of specific subjects on which regulatory standards development work is underway, or is planned, and approximate schedules for moving work forward on those subjects.

b. As is practicable, agreement will be reached from time to time on the standards which each side will take the lead in developing, in order to avoid unnecessary duplication of effort. These would normally relate to standards that could serve both countries.

<sup>1</sup> Came into force on 9 December 1974 by signature, in accordance with its provisions.

<sup>2</sup> United Nations, *Treaty Series*, vol. 594, p. 55, and vol. 937, p. 294.

c. Copies of regulatory standards required to be used, or proposed for use, by the regulatory organizations of the respective countries will be made available by each party on a timely basis.

## II. ADMINISTRATION

A. The exchange of information under this Arrangement will be accomplished by the means provided for by article III of the Agreement mentioned in the Preamble to this Arrangement and, in particular, through letters, reports, and other documents, and by visits and meetings arranged in advance on a case-by-case basis. A meeting will be held annually, or at such other times as mutually agreed, to review the exchange activity, to recommend revisions, and to discuss topics coming within the scope of the exchange. The time, place, and agenda for such meetings shall be agreed upon in advance. Visits which take place under the Arrangement, including their schedules, shall have prior approval of the administrators.

B. An administrator will be designated by each Party to coordinate its participation in the overall exchange. The administrators shall be the recipients of all documents transmitted under the exchange, including copies of all letters, unless otherwise agreed. Within the terms of the exchange, the administrators shall be responsible for developing the scope of the exchange, including agreement on the designation of the nuclear energy facilities subject to the exchange, on specific documents and standards to be exchanged, and on standards work to be coordinated — it being understood that reports and standards development which are outside the aegis of the regulatory programs are not included in this Agreement. These detailed arrangements are intended to assure, among other things, that a reasonably balanced exchange giving access to equivalent available information is achieved and maintained.

C. Once each six months, each of the administrators will send a letter to his counterpart listing the titles of all the documents that have been transmitted under this exchange program during the preceding six months.

D. The administrators shall determine the number of copies to be provided of the documents exchanged. Each document will be accompanied by an abstract, in English, describing its scope and content.

E. In general, information received by each Party to the Memorandum of Understanding may be disseminated without further permission of the other Party. Privileged or confidential information supplied by the sending Party in confidence, and on the condition that the receiving Party protect the information from unauthorized disclosure, will be identified by the sending Party with special stamps or other bold lettering. Such information shall not be disseminated:

- i. on the U.S. side, outside of the U.S.A.E.C. and consultants, and assisting agencies of the U.S. Government;
- ii. on the Swiss side, outside the concerned authorities of the F.O.E. and consultants and assisting Agencies of the Swiss Government.

For the purpose of this Arrangement, information may be considered confidential or privileged if all of the following criteria are met:

1. it is not generally known or publicly available from other sources;
2. it has not been made available to other persons or organizations without an agreement of confidentiality;
3. it is not already in U.S.A.E.C. or F.O.E. possession from other sources;
4. it has been transmitted to the other Party in confidence;
5. it is of the type customarily held in confidence by commercial firms;

6. disclosure could cause substantial harm to the competitive position of the owner of the information.

F. This Agreement shall have a term of five years and may be further extended by mutual written agreement. It may be terminated by either Party upon thirty-day notice.

G. The application or use of any information exchanged or transferred between the Parties under this Arrangement shall be the responsibility of the Party receiving it, and the transmitting Party does not warrant the suitability of such information for any particular use or application.

H. Nothing contained in this Arrangement should require either Party to take any action which would be inconsistent with the existing laws and regulations of its Government. Should any conflict arise between the terms of this Arrangement and those laws and regulations, the Parties agree to consult before any action is taken.

DONE at Bern, Switzerland, on December 9, 1974, in two originals. This Arrangement is effective on the date of signature.

For the Atomic Energy  
Commission:

[Signed]

L. MANNING MUNTZING  
Director of Regulation

For the Swiss Federal Office  
of Energy:

[Signed]

P. COURVOISIER  
Chief  
Nuclear Safety Division

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