

# Regulatory Justification Public Engagement Event

Tuesday 19 January 2010

# Introduction

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19 January 2010

## Introductions

- Simon Wilson, independent facilitator
- Adam Dawson, Office for Nuclear Development, DECC
- Peter McDonald, Office for Nuclear Development, DECC
- Owen Jenkins, Office for Nuclear Development, DECC

## General introductions

# Regulatory Justification



## Agenda for today

<b>10.30</b>	<b>Process</b>	Presentation and discussion
<b>11.30</b>	<b>Break</b>	
<b>11.45</b>	<b>Proposed decisions</b>	Presentation and discussion
<b>1.30</b>	<b>Lunch</b>	Informal discussion
<b>3.00</b>	<b>Close</b>	

## Purpose of event

- Help people formulate responses and bring issues to DECC's attention.
- Clarify points people are unsure about.
- Applicant, regulators and advisory bodies represented.
- Opportunity to follow up points individually and informally over lunch.
- Contributions in formal session recorded and transcript published on website.

# Consultation on Proposed Regulatory Justification decisions

Peter McDonald

19 January 2010

## Background and scope - 1

- Nuclear White Paper took “in principle” decision.
- Regulatory Justification one of facilitative actions which follow Nuclear White Paper.

## Background and scope – 2

- ICRP recommendations.
- Process required by EU law.
- Assesses whether benefits of new practices involving radiation outweigh radiological health detriments.
- Decision taken by Secretary of State, DECC as Justifying Authority.

## Background and scope – 3

- Not assessment of “in principle” decision.
- Under legislation decision must be made before practice is first adopted or approved.
- Not substitute for or duplication of more detailed examination by regulators of reactor designs.
- Nor for examination of impact on specific sites of proposals to build new stations.

## Background and scope – 4

- Justification first step in regime – followed by Optimisation and Limitation.
- Decision does not mean that Justified design and power station will pass later processes successfully.

## Actions to date

- May – October 2007 – 1<sup>st</sup> consultation, on process alongside “in principle” nuclear consultation.
- January 2008 – Nuclear White Paper said companies should have option of investing in new nuclear power stations.
- March 2008 – Call for Regulatory Justification applications and guidance on content.
- December 2008 – March 2009 – 2<sup>nd</sup> consultation, on application from Nuclear Industry Association.

## Current consultation - 1

- November 2009 – February 2010 – 3<sup>rd</sup> consultation on Secretary of State's proposed decision that AP1000 and EPR are Justified.
- Consultation is in form of proposed decision documents which in each area set out :
  - Content of NIA application.
  - Responses to consultation on NIA application.
  - Secretary of State's present views.

## Current consultation – 2

- Conclusion is that net benefit outweighs radiological detriment to health.
- Decision documents consider and compare a range of issues in coming to that conclusion.
- Consultation asks for responses on :
  - Secretary of State’s present views.
  - Any relevant matters not referred to.

## Current consultation – 3

- Consultation runs alongside NPS consultation until 22 February.
- Following consultation Secretary of State will make decisions.
- Decisions will be in form of regulations / statutory instrument in the event that the Secretary of State confirms his present view.
- Likely that Parliamentary process will be after general election.

## Inquiry or other hearing

- Regulations provide power for inquiry or other hearing to be held.
- One of a number of ways for the Justifying Authority to inform himself before making his decision.
- Will keep this under review in considering the responses to the consultation and during the rest of the Justification process.
- Interested to hear from anyone who thinks holding an inquiry would improve the quality of the Secretary of State's decision.

## Justifying Authority

- Justification Regulations require the Secretary of State to make the decision.
- Secretary of State is publishing his proposed decisions, and reasons for them, for comment.

# Consultation on proposed Regulatory Justification decisions

Owen Jenkins

19 January 2010

## Proposed decisions – structure

- Legislation does not specify layout of decision.
- Call for Applications suggested areas which might be covered to help Secretary of State assess benefits against radiological health detriments.
- Application from NIA reflected these.
- Proposed decision documents follow similar structure.

## Proposed decisions – Radiological Health Detriment - 1

- Potential radiological health detriment from new nuclear power stations.
- Design features of new nuclear power stations.
- Difference between new and existing nuclear power stations.

## Proposed decisions – Radiological Health Detriment - 2

- UK regulatory regime
  - statutory limits;
  - ALARP;
  - HPA dose constraints
  - regulatory approval.
- Studies on impact of radiation on health.

## Proposed decisions – Radioactive Waste - 1

- Radioactive waste is integral part of practice under Justification.
- Government undertaking in 2008 Nuclear White Paper.
- Summary of evidence published by Government as part of consultation on draft Nuclear NPS.

## Proposed decisions – Radioactive Waste - 2

- Nuclear White Paper's conclusion that waste from new nuclear power stations would not require different technical solution from waste from existing nuclear power stations.
- Conclusion supported by disposability assessment conducted by Nuclear Decommissioning Authority as part of GDA.
- Radiation from radioactive waste subject to same dose limits and regulatory regime as nuclear power stations' other activities.
- Higher activity waste and intermediate level waste will be managed through safe and secure interim storage and in the long term by geological disposal.

## Proposed decisions – Environmental detriment

- Nuclear White Paper said that high-level environmental impacts should be addressed through the Strategic Siting Assessment process.
- Current stage of this process in consultation on Nuclear NPS, including Appraisal of Sustainability and Habitats Regulation Assessment.
- NPSs, including guidance on environmental issues, will form basis of decisions on new nuclear power stations.
- Environmental regulators will be consulted about development consent applications.

## Proposed decisions – Safety / Security

- ICRP advice that accident prevention should be first safety priority of designers and operators.
- Potential detriment from release of radiation from major accident or terrorist attack.
- Nuclear White Paper view that risk of accident can be managed through design and regulation.
- Regulatory regime which exists to prevent accidents and protect against security threats will apply to new nuclear power stations.

## Proposed decisions – Carbon Reduction

- Challenges of reducing carbon emissions to combat climate change.
- Government's commitment to become a low-carbon economy by 2050 and meet international obligations.
- Advantage of nuclear as a low-carbon form of electricity generation .

## Proposed decisions – Security of supply

- Challenges of securing UK energy supplies.
- Importance of reliable and affordable electricity.
- Nuclear has generated a significant proportion of UK electricity since 1950s. But closure in next 10 – 15 years of much of UK's capacity.
- Nuclear White Paper decision that allowing companies to invest in new nuclear power stations would help maintain diverse mix of electricity generation and therefore secure energy supplies.

## Proposed decisions – Economic

- Nuclear White Paper's conclusion that nuclear power would yield economic benefits to the UK.
- For companies to make investment decisions and meet costs.
- Economics will vary in comparison with other forms of generation.
- Companies already investing in prospect of new nuclear power stations.
- Committee on Climate Change 2008 report found nuclear power to be competitive

## Proposed decisions

Secretary of State believes that potential benefits set out in the decision documents outweigh potential detriments and that potential detriments will be minimised by effective regulatory regime.

Secretary of State therefore proposes to decide that the AP1000 and EPR are Justified under the Regulations.

These proposed decision are the subject of this consultation and this event.