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## HEALTH AND SAFETY COMMISSION

### Government White Paper on the Future of Nuclear Power

#### A Paper by Colin Potter

Cleared by Giles Denham on 10 January 2008

#### Issue

1. A Government White Paper on the future of nuclear power in the UK was published on 10 January.

#### Timing

2. Routine.

#### Recommendation

3. That HSC notes the potential implications for HSC/E of the Government's decision to give energy companies the option to invest in new nuclear power stations.

#### Background

4. MISC/07/17 informed the Commission of the publication of the Energy White Paper in May 2007. Although the Government announced at the time that it was in favour in principle of new nuclear power stations, in line with a Judicial Review judgment in February 2007, it launched a further round of public consultation alongside the Energy White Paper. That consultation period ended on 10 October. The Government subsequently considered the responses to the consultation and published its conclusions in a further White Paper (*Meeting the Energy Challenge, A White Paper on Nuclear Power*<sup>1</sup>) on 10 January. Alongside the White Paper the Government has published an Energy Bill containing the legislative changes necessary to implement a variety of proposed energy policies.

5. As explained at the November 2007 HSC meeting (HSC 07/68), the Government agreed that work in preparation for possible new nuclear build, including HSE's work on Generic Design Assessments (GDA), should continue on a contingent basis in advance of the findings of its consultation. HSC 07/68 proposed that in the event that the Government decided that it would not support the development of new nuclear power stations, HSE would terminate its work on GDA. This meeting was also alerted to the potential difficulties in meeting HSE's GDA completion targets unless the levels of recruitment of nuclear inspectors could be significantly improved.

<sup>1</sup> <http://www.dti.gov.uk/energy/nuclear-whitepaper/page42765.html>

6. HSC 07/68 confirmed that, although HSE would undertake work on GDA at the request of the industry and with the agreement of the Government, HSC/E is and will remain neutral on whether new nuclear power stations should be constructed in the UK. For that reason, HSC/E did not formally respond to the Government's consultation.

## **Argument**

7. The White Paper summarises the Government's assessment of the evidence and arguments put forward in the consultation and concludes that private sector energy companies should be allowed to invest in the construction of new nuclear power stations in the UK. The White Paper sets out a number of actions that the Government proposes to undertake to facilitate private sector investment in new build. As well as reforms of the planning system, those of particular relevance to HSE are:

### (i) A Strategic Siting Assessment process to determine suitable sites for new build

8. The Government will develop a process involving the use of exclusionary and discretionary criteria to assess the suitability of potential new build sites nominated as part of the SSA. The Government will be consulting on the SSA criteria in early 2008. HSE has already begun examining the adequacy of existing nuclear plant demographic siting policies (which were last revised in the 1980s) and will further develop its views in time to provide input to the Government's consultation.

### (ii) Undertaking a Justification process for new reactor designs

9. There is a legal requirement that before new types of practice involving ionising radiation can be introduced into the UK, it must be Justified (i.e. the overall benefits to society must outweigh the health detriments). The Government are proposing to undertake a justification process during 2008 for new designs of nuclear power stations that may be proposed for construction in the UK. HSE is a statutory consultee for this process.

### (iii) Assisting the regulators to undertake Generic Design Assessments

10. Now that the Government has decided in favour of new build, HSE can continue Generic Design Assessments beyond the initial stage, which will be complete by spring 2008. The White Paper notes that the Government's agreement to the recent increase in nuclear inspector salaries should assist HSE's recruitment and allow the build up of adequate specialist resources for undertaking the more detailed stages of GDA. In addition, the White Paper describes a prioritisation process which the Government will apply to ensure that no more than 3 designs are taken forward to the next stages of GDA. This reflects the regulators' views that it would be very difficult to complete more than 3 concurrent Generic Design Assessments within the target timescale. Such a prioritisation process is likely to take place immediately following the publication of the regulators' initial GDA findings in spring 2008.

### (iv) Working with the regulators to explore ways of enhancing the effectiveness and transparency of the UK's nuclear regulatory regime

11. HSE is always looking for ways to improve its processes and the Government's proposal for a review is an opportunity for HSE and our fellow regulators to look across the piece to examine ways of further enhancing the efficiency and transparency of the UK nuclear regulatory regime. HSE's joint working with the Environment Agency on Generic Design Assessments is an example of how efficiency improvements can be

achieved without diminishing effectiveness. In John Hutton's statement to Parliament on the White Paper, he announced that Dr Tim Stone would lead on behalf of BERR on the review team. Dr Stone is currently leading the BERR team that is developing the financing framework for decommissioning of new nuclear power stations. The Commission will be kept informed of the review's progress.

12. The White Paper also discusses some planning assumptions about the management of radioactive wastes arising from power station operations and decommissioning. These are of particular relevance to HSE in undertaking its regulatory activities in relation to new build:

- No fuel reprocessing: The Government expects that new power stations will be "once-through" in their use of nuclear fuel and that this will be taken account of in operators' waste and decommissioning strategies.
- Interim radioactive waste storage: Operators will be expected to ensure that interim storage is available for higher level radioactive wastes until a geological disposal facility becomes available and is able to accept the waste.
- Government approval of decommissioning plans: To ensure the costs of waste management and decommissioning do not fall to the taxpayer, the Energy Bill contains provisions requiring operators to set aside sufficient funding for dealing with such liabilities. As well, operators will require the approval of the Secretary of State for their waste and decommissioning plans. HSE has a clear interest here in ensuring that these obligations do not conflict with operators' obligations under the nuclear site licence for plans for waste management and site decommissioning.
- 'Base Case' Guidance: The Government will be consulting early in 2008 on guidance to operators aimed at ensuring waste and decommissioning plans are developed in accordance with Government policy. This consultation will also cover guidance on the funding arrangement plans that operators will be expected to put in place. HSE will provide input to this consultation.

13. The White Paper also points out that the current position of the Scottish Executive on nuclear power means that planning consent for any proposed nuclear power stations in Scotland is unlikely to be granted by Scottish Executive Ministers. Additionally, the White paper explains that the provisions in the associated Energy Bill relating to financial provisioning for decommissioning of new nuclear power stations, will apply in England, Wales and Northern Ireland, although the Government would seek to extend those provisions to Scotland in the event of a change in policy towards nuclear power there.

### **Action**

14. The Commission notes the contents of this paper.