

NUCLEAR SAFETY DIRECTORATE - BUSINESS MANAGEMENT SYSTEM	
SITE INSPECTION AND ENFORCEMENT PROCEDURE FOR DEALING WITH APPLICATIONS SUBMITTED TO NSD FOR CONSENT UNDER EIADR99	INS/032
	ISSUE 002
Approved By: <i>Frances E Taylor</i>   F E Taylor	Issue Date: 31.05.05
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## 1. Purpose & Scope

1.1 The purpose of this document is to set out the procedures to be followed under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (EIADR99) covering requests for:-

1. Pre-Application Opinion (PAO) as to the content of the Environmental Statement (ES),
2. Consent to start dismantling or decommissioning project,
3. Application for a change or extension of a dismantling or decommissioning project.

## 2. Policy

2.1 HSE is the competent authority for EIADR99 and will be responsible for granting consents for dismantling or decommissioning projects on any nuclear power station or nuclear reactor as defined.

## 3. Responsibilities

3.1 **EIA Project Assistant** shall maintain a system designed to keep a record of names and addresses of the consultation bodies and other consultees, and to track correspondence sent to and received from the consultation bodies and other bodies.

3.2 **EIA Project Assistant** shall despatch the licensee's scoping report/NTS/ES/ further information to consultees as directed by the EIA project officer.

**3.3 EIA Project Assistant** shall despatch the licensee's scoping report/NTS/ES/ further information to HSE library in Bootle and to an HSE office near the site and also a public library near the site.

**3.4 EIA Project Assistant** shall despatch copies of consultee's comments on scoping report, ES, evidence and further information to the HSE library in Bootle and to an HSE office near the site and also a public library near the site.

**3.5 EIA Project Assistant** shall be responsible for logging all incoming and outgoing correspondence relating to EIADR99 onto the DMS and for circulating key documentation within the Directorate. Whenever possible the EIA Project Assistant will determine the file references for this documentation and will open new files as agreed with the EIA Project Officer and maintain a file list.

**3.6 EIA Project Assistant** shall be responsible for acknowledging the receipt of all correspondence submitted to NSD by the licensee, statutory consultees and other consultees including members of the public, and check the dedicated Email account on a daily basis for comments from consultees.

**3.7 EIA Project Assistant** shall distribute the responses received from consultees as directed by the EIA project officer.

**3.8 EIA Project Assistant** shall despatch the PAO and covering letter to the licensee and arrange to place the PAO onto the HSE web site.

**3.9 EIA Project Assistant** shall despatch the PAO to consultees as directed by the EIA project officer.

**3.10 EIA Project Assistant** shall arrange for the determination (report) to be sent to DIAS to be produced as an NUC report.

**3.11 EIA Project Assistant** shall despatch the determination (NUC report) consent and covering letter to licensee and arrange to place the determination on the HSE web page.

**3.12 EIA Project Assistant** shall despatch the NUC report and covering letter to the consultees as directed by the EIA project officer.

**3.13 EIA Project Assistant** shall despatch ES, further information, evidence, determination and covering letter to SOS as directed by the

EIA project officer.

3.14 **EIA Project Officer** shall liaise with the EIA Project Assistant to assemble a list of names and addresses of consultees to be consulted when a consultation exercise is required.

3.15 **EIA Project Officer** shall prepare all letters of invitation to respond to the consultation exercises.

3.16 **EIA Project Officer** shall prepare the PAO's and associated documentation in consultation with appropriate NII inspectors, NHIPD and the Solicitors' Office.

3.17 **EIA Project Officer** shall initially review the ES and form an opinion as to whether the project will have a significant adverse effect on the environment in an other EEA state.

3.18 **EIA Project Officer** shall prepare the request for evidence.

3.19 **EIA Project Officer** shall prepare the request for further information and arrange for the consultation bodies to be informed that further information has been requested.

3.20 **EIA Project Officer** shall prepare all consents and associated documentation in consultation with appropriate NII inspectors, NHIPD and the Solicitors' Office.

3.21 **EIA Project Officer** shall put the EIA determination on the DIAS publication demands, as it will eventually become an NUC report.

3.22 **EIA Project Officer** shall alert the Press Office of the pending issue of Consent and NUC report.

3.23 **EIA Project Officer** shall check through the licensee's Environmental Management Plan (EMP) to ensure it is adequate.

3.24 **Site Inspectors** should be aware of these regulations as they apply to all operating sites as well as decommissioned.

3.25 **Site Inspectors** whose site has applied for consent under EIADR99 should assist the EIA Project Officer and be involved in the EIA procedure.

3.26 **Head of Unit** shall authorise the notification to licensee when

further information is required.

3.27 **Head of Unit** shall determine if change or extensions to a project will require an EIA.

3.28 **Head of Unit** shall authorise all PAO's and covering letters.

3.29 **Head of Unit** shall authorise request for evidence.

3.30 **Head of Unit** shall authorise request for Further Information.

3.31 **Head of Division** shall authorise all consents to dismantle or decommission reactors.

3.32 **Head of Directorate** shall sign the letter to the SOS who has the lead on the EIA Directive, informing him/her of HSE's decision.

#### **4. Definitions**

4.1 Consultation Bodies - as defined by reg. 2 of EIADR99

4.2 DMS - Document Management System

4.3 EIADR99 - Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999

4.4 EIA - Environmental Impact Assessment

4.5 EIA Project Officer - Officer dealing with Environmental Impact Assessment

4.6 EMP - Environmental Management Plan

4.7 ES - Environmental Statement

4.8 FOU - For office use

4.9 HOD - Head of Division for Decommissioning Reactor Inspection

4.10 HOU - Head of Unit for Decommissioning Reactor Inspection

4.11 NTS - Non-Technical Summary

4.12 OGD - Other Government Department

4.13 PAO - Pre-Application Opinion

4.14 SOS - Secretary of State

## 5. Procedure

**Procedure on receiving a request for a PAO as to the content of the ES under regulation 6 of EIADR99**

***N.B. Work Recording - Work done on EIADR99 work should be recorded using the charging number as the site and activity code X.***

5.1 A licensee is advised to seek an opinion from HSE on the information to be included in the ES.

5.2 All requests in the form of a letter, addressed to the HOD, from a licensee for a PAO will be acknowledged by a formal letter.

5.3 The licensee is advised to send NSD sufficient copies of the scoping report to be sent to the consultation bodies and may choose to provide spare copies that NSD can send to the other consultees.

5.4 NSD will ask identified consultation bodies and any other bodies as considered appropriate for a formal contribution on the content of a PAO. The consultees will be asked to assess the scoping report according to their interests and make comments to NSD. NSD will also inform them of their duty under regulation 7. NSD will identify an appropriate consultation period (usually 1 month).

5.5 NSD will inform the licensee of the names and addresses of the consultation bodies and other consultees.

5.6 In the letter covering the scoping report NSD will inform the consultees of their duty under reg.7, (consultation bodies only) the names and organisations of the other consultees that have been included in the consultation process and also that comments they make on the scoping report will be copied to the licensee and made publicly available unless they expressly request otherwise.

5.7 Copies of the scoping report should be sent to the consultation bodies to arrive as soon as practicable after the date of receipt by HSE, and they should be notified that they must respond to the Executive within a

reasonable time that NSD should specify (consultation period).

5.8 5 Copies of the scoping report should be sent to the HSE library in Bootle, an HSE office nearest the site and public library/libraries near the site for them to be made available for public inspection during the consultation period.

5.9 Details of the consultation should be advertised on the HSE web site.

5.10 A dedicated Email account should be set up for consultees who may wish to comment by Email.

5.11 The comments received should be recorded and acknowledged, and with the agreement of the consultees copied to the licensee and others specified by the EIA project officer.

5.12 NSD will consider the comments received from the consultees and any public responses in coming to a decision on the PAO.

5.13 NSD must then formally respond to the licensee's request for a PAO within 21 days after the end of the agreed period as required by regulation 6 (3).

5.14 The PAO should be authorised by the HOU and sent to licensee.

5.15 The PAO should be copied to consultees as directed by the EIA Project Officer and put onto the HSE web site.

5.16 5 copies of the PAO and 5 copies of the consultees comments (where consultee has no objection to being made public) on the scoping report should be sent to the HSE library in Bootle, an HSE office nearest the site and public library/libraries near the site for them to be made available for public inspection.

## **6. Procedure on receiving an application for consent and an Environmental Statement (ES)**

**N.B. Licensees may apply for consent for a dismantling or decommissioning project and submit the ES including a Non-Technical Summary (NTS). The application and ES will usually be submitted at the same time, but may be submitted separately.**

6.1 The ES is expected to be a suite of documents (including an NTS) that will support an application from the licensee to begin dismantling or

decommissioning work on a nuclear power station or nuclear reactor.

6.2 The licensee will formally apply for consent in writing. A formal letter from the HOU will acknowledge the application.

6.3 If a supporting ES is not received with the application for consent, the consultation bodies must be informed, within 21 days of receipt of application, that an application has been made.

6.4 If the licensee has previously asked for a PAO, the bodies used in that consultation will be asked to consult on the ES and NTS.

6.5 The licensee is advised to send NSD sufficient copies of the ES and NTS to be sent to the consultation bodies and may choose to provide spare copies that NSD can send out to the other consultees.

6.6 NSD will ask the identified consultation bodies for a formal contribution on the content of the ES and NTS and will ask other consultees as considered appropriate for formal contribution on the content of the NTS. NSD will identify an appropriate consultation period (usually 3 months).

6.7 In the letter covering the ES/NTS, NSD will inform the consultees of the names and organisations of the other consultees that have been included in the consultation process and also that any comments they make will be copied to the licensee and made publicly available at the end of the process unless they expressly request otherwise.

6.8 If the licensee has not previously sought an opinion from HSE on the information to be included in the ES or submitted an application, as paragraph 6.3, then the covering letter should make consultees aware of their duties under reg.7.

6.9 Copies of the ES and NTS must be sent to the consultation bodies to arrive within 21 days of the date of receipt (reg.8(2)(a)), and they should be notified that they should respond to the HSE within a reasonable time that NSD should specify. (usually 3 months)

6.10 Copies of the NTS should be sent to the other consultation bodies identified by HSE, preferably within 21 days of receipt. They should be offered a copy of the ES (whilst stocks last) and should be notified that they should respond to the HSE within a reasonable time that NSD should specify (usually 3 months).

6.11 5 copies of the ES should be sent to HSE library in Bootle, to an HSE

office nearest the site and public library/libraries near the site for them to be made available for public inspection during the consultation period.

6.12 Details of the consultation should be advertised on the HSE web site.

6.13 The EIA Project Officer will review the ES and if the initial review indicates that there will be no significant adverse effects on the environment in an other EEA state, a copy of the ES will be sent to the Department for Environment Food and Rural Affairs (DEFRA) (Radioactive Substances Division) for sites in England/Wales or Scottish Executive (Environment Protection Unit) for sites in Scotland, asking for comments on the ES and stating that following an initial assessment of the ES, it is HSE's view that the project to which the ES relates is unlikely to have significant adverse effects in the environment in an other EEA State and if the results of the consultation on the ES cause HSE to change its view, then DEFRA/SE will be informed accordingly.

6.14 If at any point during the EIA consultation the EIA Project Officer comes to believe that the project may have a significant adverse effect on the environment in an other EEA state then Consent cannot be granted until that EEA state has been consulted.

6.15 The dedicated Email account (set up for the PAO consultation) should be available for consultee's comments.

6.16 The comments received should be recorded and acknowledged, and with the agreement of the consultees copied to the licensee and others specified by the EIA project officer.

6.17 NSD will consider the comments received from the consultees and any public responses in coming to a decision on granting consent for decommissioning and may only grant consent (on behalf of HSE) after it is satisfied that an adequate EIA has been performed and an adequate ES provided.

6.18 If after NSD has considered the comments from the consultees, members of the public and other work, their opinion is that a consent should be granted, NSD will make a statement containing the content of the decision and any conditions they may attach to the consent, the main reasons and considerations on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project. This statement will be sent to DIAS to be made into an NUC report.

6.19 NSD will inform the HSE Press Office of the pending consent and issue of NUC report. The Press Office will then send a draft statement to NSD for comment.

6.20 NSD will inform the SOS in writing of the decision 5-10 working days before consent is granted, enclosing a copy of the ES, a copy of supporting evidence (if applicable), a copy of the further information (if applicable) and an advanced draft of the determination. The decision should state that in HSE's opinion, the project to which the Consent relates is unlikely to have significant effects on the Environment in an other EEA state.

6.21 NSD will inform the licensee, in writing of the decision, enclosing the consent (signed by DCI) and a copy of the NUC report.

6.22 Copies of the NUC report should be sent with a covering letter to all the consultees.

6.23 Copies of the report should be ordered for NUSAC and FOU's - see BSS/IMT/015

6.24 NSD will publish a notice of the decision in the same newspapers that the licensee used to notify the public that they had requested consent from HSE and had submitted an ES. This notice will also inform the public that the content of the decision will be available for public inspection at an HSE office nearest the site, a public library near the site, HSE's Information Centre in Bootle and on the HSE web-site.

6.25 5 copies of the consultees comments (where consultee has no objection to being made public) on the ES/NTS should be sent to the HSE library in Bootle, an HSE office nearest the site and public library/libraries near the site for them to be made available for public inspection after Consent has been granted.

6.26 NSD will liaise with the press office in preparing a press release to launch the NUC report - see BSS/IMT/015.

6.27 If a condition attached to the Consent is that the licensee produces an Environmental Management Plan (EMP), this condition usually specifies a timescale.

6.28 When the EMP is received from the licensee, NSD will make it available for public inspection at an HSE office nearest the site, a public library near the site and HSE's Information Centre in Bootle.

## **7. Procedure when evidence under regulation 10(9) is required from licensee before NSD can come to a decision to grant consent**

7.1 If after NSD has considered the comments from the consultees, members of the public and other work, their opinion is that evidence is required to verify information in the ES (this will probably be on a small number of issues) then NSD should request this evidence from the licensee in writing.

7.2 A letter authorised by the HOU should be sent to the licensee requesting the evidence and the letter should be annexed with the specific evidence required to verify the information in the ES.

7.3 When the evidence has been submitted by the licensee NSD will consider the evidence in coming to a decision on granting consent to start the decommissioning project and may only grant consent (on behalf of HSE) after it is satisfied that the evidence is sufficient to make an adequate EIA.

7.4 There will be no public consultation on the evidence but copies of the evidence should be sent to the HSE library in Bootle, an HSE office and public library/libraries near the site for them to be made available for public inspection after Consent has been granted.

7.5 If after NSD has considered the comments from the consultees, members of the public, evidence and other work, their opinion is that consent should be granted, then the procedure as in paras 6.17 to 6.26 should be followed.

## **8. Procedure when further information under regulation 10 is required from licensee before NSD can come to a decision to grant consent.**

8.1 If after NSD has considered the comments from the consultees, members of the public and other work their opinion is that the ES should contain further information (i.e. to widen the scope or concerns about a variety of issues) then NSD (on behalf of HSE) should notify the licensee in writing. (Reg. 10.1).

8.2 A letter authorised by the HOU should be sent to the licensee requesting the further information and the letter should be annexed with the specific information required in order to be an ES. NSD will inform the consultation bodies that further information has been requested from the licensee.

8.3 When the licensee has put together the further information, the licensee is advised to send NSD sufficient copies to be sent out to the consultees for

further consultation. NSD will identify an appropriate consultation period (usually 1 month).

8.4 Consultees should be informed that comments they make will be copied to the licensee and made publicly available unless they expressly request otherwise.

8.5 5 copies of the further information should be sent to HSE library in Bootle and to an HSE office and public library/libraries near the site for them to be made available for public inspection during the consultation period.

8.6 Details of the consultation should be advertised on the HSE web site.

8.7 The dedicated Email account should be made available for consultees to comment.

8.8 The comments received should be recorded and acknowledged, and with the agreement of the consultees copied to the licensee and others specified by the EIA project officer.

8.9 NSD will consider the comments received from the consultees and public on both the ES and further information in coming to a decision on granting consent for decommissioning and may only grant consent (on behalf of HSE) after it is satisfied that an adequate EIA has been performed.

8.10 If after NSD has considered the comments from the consultees, members of the public and other work, their opinion is that consent should be granted, then the procedure as in paras 6.17 to 6.26 should be followed.

## **9. Procedure on receiving an application for a change or extension of a dismantling or decommissioning project**

9.1 Where there is a change or extension of a project that may have significant adverse effects on the environment, the licensee will apply to NSD for a determination as to whether the change or extension will be subject to an EIA. This will apply to projects that already have a consent under EIADR99 and also projects that started before EIADR99 came into effect.

9.2 The determination will be made by the HOU.

9.3 If NSD determines that an EIA is required in respect of the project and the licensee requests a PAO then the procedure from para 5 should be followed. If the licensee applies for consent then procedure from para 6 should be followed.

9.4 If NSD determine that an EIA is not required then NSD will, in writing, inform the licensee and SOS of the decision.

9.5 NSD will also inform the public of the decision by publishing a statement in a newspaper circulating in the locality of the site and by putting it on the HSE web site.

9.6 NSD will also inform the public of the decision by putting it on the HSE web site.

## **10. Associated documents**

a) BSS/IMT/015 - Production of Official publications in NSD

b) Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (EIADR99)

c) Council Directive 85/337 EEC as amended by 97/11/EC on the Assessment of the Effects of Certain Public and Private Projects on the Environment.

d) Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

e) Environmental Impact Assessment (Scotland) Regulations 1999

f) Nuclear Installations Act 1965, as amended

g) Health and Safety at Work etc. Act 1974

h) Defining Screening Criteria for "Changes or Extensions" to Decommissioning Nuclear Reactors - Research Report by Oxford Brookes University