



Department
of Energy &
Climate Change

The Justification of Practices Involving Ionising Radiation Regulations 2004

Consultation on the Secretary of State's
Proposed Decision as Justifying Authority
on the Regulatory Justification of the UK
Advanced Boiling Water Reactor (UK
ABWR)

Volume 1 – Consultation Document

July 2014

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Chapter 1 - Introduction

Purpose of the consultation

- 1.1 Regulatory Justification is a process required under the Justification of Practices Involving Ionising Radiation Regulations 2004 (referred to in this consultation as the Regulations)¹, where the Secretary of State for Energy and Climate Change, as Justifying Authority, must decide whether a new class or type of practice resulting in exposure to ionising radiation is justified by its economic, social or other benefits in relation to the health detriment it may cause.
- 1.2 This consultation seeks responses to the Secretary of State's proposed decision on the Regulatory Justification of the Advanced Boiling Water Reactor (ABWR) designed by Hitachi-GE Nuclear Energy Ltd, with the aim of testing the proposed decision, and the evidence on which it is based, and giving people the opportunity to raise any other matters which they think are relevant.
- 1.3 This consultation document forms Volume 1 of the information relating to this consultation. It summarises the purpose of this consultation and provides guidance on how to respond.
- 1.4 Volume 2 of this consultation set out the proposed decision that the new reactor design known as the ABWR is Justified under the Regulations.

Background to this consultation

- 1.5 In May 2007, the Government published a technical consultation on a proposed process for regulatory justification of new nuclear power stations² as part of a public consultation on the role of nuclear power. Responses to the consultation informed the development of this regulatory justification process and the development of guidance for applicants.
- 1.6 In January 2008, the Government published its White Paper on Nuclear Power³ which confirmed the process it intended to follow for regulatory justification. In March 2008, the Government issued a call for regulatory justification applications for new nuclear power stations and guidance for applicants⁴. In June 2008, the Government received an

¹ The Justification of Practices Involving Ionising Radiation Regulations 2004, Statutory Instrument 2004 No. 1769 <http://www.opsi.gov.uk/si/si2004/20041769.htm>

² <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file39199.pdf>

³ [http://webarchive.nationalarchives.gov.uk/20100512172052/http://www.decc.gov.uk/media/viewfile.ashx?filepath=what we do/uk energy supply/energy mix/nuclear/whitepaper08/file43006.pdf&filetype](http://webarchive.nationalarchives.gov.uk/20100512172052/http://www.decc.gov.uk/media/viewfile.ashx?filepath=what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/file43006.pdf&filetype)

⁴ [http://webarchive.nationalarchives.gov.uk/20100512172052/http://www.decc.gov.uk/media/viewfile.ashx?filepath=what we do/uk energy supply/energy mix/nuclear/whitepaper08/file43006.pdf&filetype=4](http://webarchive.nationalarchives.gov.uk/20100512172052/http://www.decc.gov.uk/media/viewfile.ashx?filepath=what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/file43006.pdf&filetype=4)

application from the NIA for a regulatory justification decision in relation to: '*the generation of electricity from nuclear energy using oxide fuel of low enrichment in fissile content in light water cooled, water moderated thermal reactors using evolutionary designs*'.

- 1.7 A public consultation on the application was published in December 2008⁵ and ran until March 2009. In this consultation the Government set out its preliminary view that decisions by the Justifying Authority should be by reference to four classes or types of practice, based on four individual reactor designs: the ACR1000, the AP1000, the EPR and the ESBWR.
- 1.8 A further public consultation on proposed decisions by the Justifying Authority that two of these practices, the AP1000 and the EPR, should be justified, was published in November 2009⁶ and ran until February 2010. The Justifying Authority published his final decisions that the AP1000 and EPR should be justified in October 2010⁷ and after consideration by both Houses of Parliament, the decisions were brought into effect by the passing of regulations in November 2010⁸.
- 1.9 This is the first application for regulatory justification of a new nuclear reactor design since the 2008 application.

The Application

- 1.10 In December 2013, the Government received an application from the NIA for a Justification decision in relation to the following class or type of practice: "*The generation of electricity from nuclear energy using oxide fuel of low enrichment in fissile content in a light water cooled, light water moderated thermal reactor currently known as the ABWR designed by Hitachi-GE Nuclear Energy, Ltd*". The application asked for a decision as to whether the proposed class or type of practice is new or existing and if it is new, whether it is justified.
- 1.11 The Application contained evidence which aimed to demonstrate that the net benefit of the proposed class or type of practice outweighed the radiological health detriment.

⁵ <http://webarchive.nationalarchives.gov.uk/20121217150421/http://decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/actions/regjust/file45384.pdf>

⁶ <http://webarchive.nationalarchives.gov.uk/20121217150421/http://decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/actions/regjust/file45384.pdf>

⁷ <http://webarchive.nationalarchives.gov.uk/20121217150421/http://decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/actions/regjust/file45384.pdf>

⁸ <http://webarchive.nationalarchives.gov.uk/20121217150421/http://decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/whitepaper08/actions/regjust/file45384.pdf>

Consultation on the application

- 1.12 The Government published a public consultation on the Application on 18 February 2014. The purpose of the consultation was to help inform the Secretary of State's consideration of the Application. This consultation closed on 13 May 2014.
- 1.13 The Government received 66 written responses to the consultation on the Application. The responses will be published on the Government website. This consultation and the Secretary of State's determination on the class or type of practice constitute the Government's response to the consultation on the Application

Determination on class or type of practice

- 1.14 Before the Secretary of State can decide whether or not a class or type of practice is Justified under the Regulations, he must first determine what the class or type of practice described in the Application is, and whether it is capable of being considered as a new class or type of practice for the purposes of the Regulations.
- 1.15 These questions were part of the subject of the consultation on the Application. Having considered the responses to that consultation, the Secretary of State has determined that the Application should be treated as an application for the Regulatory Justification of a class or type of practice and that it is a new class or type of practice for the purposes of the Regulations.

Chapter 2 – Summary of Questions

- 2.1 Responses will be most useful if they are framed in direct response to the questions posed, though further comments and evidence are also welcome.
- 2.2 The Secretary of State has asked questions at the end of chapters 4 to 9 of the proposed decision document to help inform his final decisions. A complete list of the questions, and details of how to respond are set out below.

Consultation Questions	
2.	Chapter 1 (The Secretary of State’s Proposed Decision) sets out the Secretary of State’s proposed decision that the class or type of practice is justified by its benefits in relation to the health detriment it may cause. Do you agree or disagree with the Secretary of State’s proposed decision? Please state the reasons for your answer. Do you consider that there are any matters relevant to the proposed decision that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.
2.	Chapter 4 (Carbon Reduction) sets out the evidence on the potential benefit through carbon reduction arising from the class or type of practice. It also sets out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer. Do you consider that there are any matters relevant to the potential benefit through carbon reduction that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.
3.	Chapter 5 (Security of Supply and other Economic Effects) sets out the evidence on the potential benefit through security of supply and other economic factors arising from the class or type of practice. It also sets out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer. Do you consider that there are any matters relevant to the potential benefit through security of supply and other economic factors that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.
4.	Chapter 6 (Radiological Health Detriment) sets out the evidence on the potential radiological health detriment arising from the class or type of practice. It also sets

	<p>out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer.</p> <p>Do you consider that there are any matters relevant to the potential radiological health detriment that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.</p>
5.	<p>Chapter 7 (Radioactive Waste) sets out the evidence on the potential detriment caused by the radioactive waste arising from the class or type of practice. It also sets out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer. Do you consider that there are any matters relevant to the potential detriment arising from the management and disposal of radioactive waste that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.</p>
6.	<p>Chapter 8 (Environmental Detriment) sets out the evidence on the potential environmental detriment arising from the class or type of practice. It also sets out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer. Do you consider that there are any matters relevant to the potential environmental detriment that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.</p>
7.	<p>Chapter 9 (Safety, Security and Safeguards) sets out the evidence on the potential impact of the class or type of practice in terms of safety and security. It also sets out the Secretary of State’s current views based on that information. Do you agree or disagree with the views presently held by the Secretary of State on these matters? Please state the reasons for your answer. Do you consider that there are any matters relevant to safety and security that are not referred to in this Chapter? If so, please state what they are, and explain how and why they are relevant, and state what conclusions you think should be reached in light of these matters.</p>
8.	<p>Are there any other points which you wish to make?</p>

Chapter 3 – How to Respond

- 3.1 This consultation began on **24 July 2014** and will close on **23 October 2014**. Responses should be submitted, preferably by e-mail to:

ABWR Regulatory Justification Application
Department of Energy and Climate Change
Room 108
55 Whitehall
London
SW1A 2EY
Email: abwrjustification@decc.gsi.gov.uk

- 3.2 When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how you assembled the views of members.
- 3.3 When considering responses to this consultation, the Government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.
- 3.4 You may make copies of this document without seeking permission. An electronic version can be found at : <https://www.gov.uk/government/consultations/consultation-on-the-secretary-of-states-proposed-decision-as-justifying-authority-on-the-regulatory-justification-of-the-uk-advanced-boiling-water-re>

Public engagement

- 3.5 In addition to the written consultation on the draft decision document, the Government is considering running public engagement events during this consultation to provide an opportunity for interested parties to ask questions about the draft decision document. If you would be interested in attending such an event please notify your interest to the address above by Friday 15 August.

Confidentiality and data protection

- 3.6 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

- 3.7 If you want information that you provide to be treated as confidential please say so clearly in writing when you send your response to the consultation. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

Consultation conduct

- 3.8 This consultation has been carried out in accordance with the Government's Consultation Principles, which can be found here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60937/Consultation-Principles.pdf
- 3.9 If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please address them to:
DECC Consultation Co-ordinator
3 Whitehall Place
London SW1A 2AW
Email: consultation.coordinator@decc.gsi.gov.uk

Annex A

Indicative timetable

Regulatory justification process	Indicative Timetable
Government received application from Nuclear Industry Association (NIA).	December 2013
Justification Co-ordination Committee considered application.	December 2013 – January 2014
Public consultation on the NIA application	18 February 2014
Closing date for responses.	13 May 2014
Consider comments received, seek further information as necessary, and prepare draft decision document, in consultation with the JCC. Draft decision document will set out the Justifying Authority's assessment of the benefits and detriments of the class or type of practice.	May – July 2014
Public consultation on draft decision document, including public engagement events (current stage)	24 July 2014
Closing date for responses	23 October 2014
Decision by Secretary of State: if the class or type of practice is found to be Justified, the Justifying Authority will make a regulatory justification decision in the form of secondary legislation (a Statutory Instrument).	January – March 2015
Bring to the attention of any person likely to be affected by the decision by writing to the applicant, issuing a press notice and publishing notices in the London, Edinburgh and Belfast Gazettes.	January – March 2015

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