

Generic Design Assessment (GDA) Comments Process

Revision 2 February 2018

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Revision 2, February 2018

1. Definitions

The following definitions apply:

Commercially confidential information (CCI): a trade secret or other information indicated as such, provided by the Requesting Party to ONR, the disclosure of which would, or would be likely to, prejudice the commercial interests of the Requesting Party;.

Communication: This includes any written, electronic or oral communication between the regulators, or between the regulators and the Requesting Party.

Regulators: “the Nuclear Regulators” - the Office for Nuclear Regulation, the Environment Agency and Natural Resources Wales.

Requesting party (RP): The organisation seeking Generic Design Assessment (GDA) of a reactor design and which has signed written agreements with the regulators.

Safety: In this document all references to ‘safety’ should be taken to include security and protection of the environment, unless otherwise specified.

Safety case: The totality of documented information, including the claims, arguments, and evidence, that substantiates the safety, security and environmental performance of the plant, activity, operation or modification in question.

Submissions: One or more documents which collectively provide the information required for the GDA process as described in the Regulators’ guidance to requesting parties (Refs 1 and 2). It is expected that an initial submission will be provided at the start of the GDA process, followed by further submissions, providing additional or updated information, as the GDA process progresses.

Sensitive nuclear information (SNI): As defined in the Anti-Terrorism, Crime and Security Act 2001 section 77(7).

Export control information: specific information necessary for the ‘development’, ‘production’ or ‘use’ of goods controlled in category 0 of Annex I of Council Regulation (EC) No. 428/2009 (the “EU Dual-Use Regulation”) (i.e. nuclear related goods).

2 Introduction

1. This document describes the comments process and procedures to be agreed between the regulators and the Requesting Party (RP) during Generic Design Assessment (GDA) of candidate nuclear power station designs.
2. The document describes a set of arrangements that ensure that the interactions between the regulators and the RP are properly defined during the comments process.
3. This document should be read in conjunction with the guidance (References 1 and 2) published by the regulators, which describe the GDA process.
4. The document and process may be reviewed when necessary.

3 General principles

5. GDA shall be conducted in an open and transparent manner consistent with constraints on publication of sensitive nuclear information (SNI) and commercially confidential information (CCI).
6. The RP shall publish its safety, security and environmental submissions on its website, taking due account of export control, commercial and security matters.
7. Interested parties and members of the public can contribute to the Generic Design Assessment by making comments on the RP's published submissions, who will respond to relevant issues raised.
8. The website and comments process shall be user-friendly and accessible for both technical and non-technical audiences.
9. The regulators will oversee the comments process.
10. Relevant issues raised and the RP's responses to these issues will be used to help inform the regulators' assessments. The regulators' decision making process will be conducted in an open and transparent manner consistent with commercial and security constraints.
11. The regulators will remain responsible for all their decisions throughout the GDA.

4 Comments process

4.1 Website and submissions

12. The RP will set up a website to provide information about its design and to host the comments process.
13. The RP is responsible for ensuring that its website and comments process is user-friendly whilst maintaining an appropriate level of security and effectiveness for the website and process. The RP should confirm accessibility, for example via user testing, that the website is correctly designed, developed and edited, to ensure all users have equal access to information and functionality.

14. The RP shall publish its safety, security and environmental submissions, taking due account of export control, commercial and security matters, prominently on this website. Any subsequent updates to those submissions, which may be made from time to time during the GDA process, shall also be published on its website.

15. In addition to the technical submissions the RP shall ensure that the design information published on its website is accessible to a non-technical audience. This could be achieved through using a range of tools including non-technical, 'plain-English' summaries, animation and infographics.

4.2 The comments process

4.2.1 Receipt of comments

16. Comments will be made via the RP's website or via post to an address provided by the RP. If comments are made directly to the JPO, they will be sent to the RP or other relevant organisation.

17. A UK telephone number should be provided by the RP to provide advice, when requested, to people on how to respond via the website.

18. Interested parties that wish to comment and receive a response on the submissions must provide a valid email address or postal address to enable a response to be made.

19. The Data Protection Act shall be adhered to with respect to transfer of personal information. However it should be acknowledged that such information will be shared with the regulators throughout the process.

20. Should people want to make a comment anonymously via the JPO, these comments will be sent, without contact details, to the RP or other relevant organisations. The RP and regulators shall add text to their websites publicising this option. For example "You can also send anonymous comments by email to the Joint Programme Office."

4.2.2 Tracking and logging comments

21. The RP shall use a tracking system which enables them to demonstrate that all comments have been appropriately handled. The RP shall give a unique reference number to each comment which will be used in all correspondence.

22. The RP shall, at an agreed frequency, send each comment to the JPO. Upon sending the comments to the JPO, the RP shall provide the unique reference number, name, email address or postal address, date comment sent and the comment itself.

23. The JPO will also track all comments received and responses on behalf of the regulators.

4.2.3 Responding to comments

24. The RP shall consider all comments relevant to them and will aim to respond to the person or organisation making the comment within 30 calendar days by email, or for comments received by letter – by post. Where, for any reason, the RP is unable to respond within 30 calendar days it should send a holding response indicating when it expects to be able to respond. In both cases the RP shall copy its response to the JPO. Should subsequently the response to a comment require to be changed, this shall be similarly communicated.

25. Responses to comments made to the JPO, and relayed anonymously to the RP, shall be sent to the JPO for onward transmission.

26. Responses should not include commercial, export controlled or security sensitive material, but where such considerations apply, the RP should endeavour to provide an answer so far as they can and explain why certain information may have been redacted.

27. The RP shall advise the JPO of any comments that it considers are not within its responsibilities or not relevant to its published submissions. When notified that a comment is outside the RP's responsibilities, the JPO will review the comment and confirm its agreement if appropriate. Comments agreed by the JPO to be outside the RP's responsibilities will be handled directly by the JPO including re-direction to other bodies (e.g. Department for Business, Energy & Industrial Strategy) where appropriate.

28. If the JPO does not agree that the comments are not within the RP's responsibilities then further discussion shall take place between the JPO and the RP. However, the final decision on whether the RP should respond to a comment will remain with the regulators.

29. The comments process is not intended to encourage a continuing debate between the RP and the person or organisation making a comment. Therefore the RP is only obliged to respond to the comment as expressed in the e-mail received. If the person making the comment wishes to make a supplementary point they must do so by submitting another comment through the mechanism described above.

30. The RP should implement an appropriate mechanism to communicate the relevant comments received and associated answers on its website. If a number of comments are received with the same content or theme this could include providing a FAQ page.

31. The RP and regulators shall not respond to offensive comments.

4.2.4 How comments and responses are used by the regulators

32. The regulators will review the comments made, together with the responses from the RP and, where relevant, use them to help inform their assessments.

33. The regulators will periodically publish information on the GDA process. Where relevant this will update the public on the comments process, including the number of comments made and subjects covered.

4.3 Duration of comments process

34. The GDA process is carried out in a number of specific steps of increasingly detailed scrutiny. During the final assessment step, a date for the comments process to remain open until, will be agreed. This date will be specified in order to give sufficient time for comments and responses to be available to help inform the regulators' concluding assessments. The final closing date is estimated to be 4 months prior to the end of GDA Step 4 and will be advertised well in advance.

35. For steps two and three, dates will be set so that comments and responses up until those dates can be used to help inform regulators' assessments for each of those steps. Comments received after those dates would be used to help inform regulators' assessments during the next step. The relevant dates are to be advertised on the RP's website.

36. The submissions made are to remain available on the RP's website for the period for which the DAC and SoDA, if granted, remain valid – currently ten years.

4.4 Publicising the comments process

37. The RP shall publicise the opportunities to comment on the published information, advice on how people can make comments and the publication of its submissions. The RP should set out how it intends to effectively publicise this in a communications plan for agreement with the regulators.

38. The RP and the regulators will agree the date on which the website and comments process will become available for use.

39. The RP shall publicise the availability of new or modified submissions when these are published.

4.5 Regulator communications

40. The regulators will produce communications plans which will include details of how they will publicise the comments process such as their joint website, the Environment Agency's pages on the GOV.UK website, e-bulletins, social media and by direct communication with stakeholders.

4.6 Welsh language

41. The RP shall have appropriate arrangements for dealing with Welsh language matters where relevant.

5 Review and Evaluation

42. The regulators shall review and evaluate the comments process to ensure that it is being operated appropriately.

6 References

- 1 Nuclear Power Station – Guidance to Requesting Parties. ONR-GDA-GD-001 Revision 3, September 2016. Office for Nuclear Regulation.
- 2 [Process and Information Document for Generic Design Assessment of Candidate Nuclear Power Plant Designs](#). Environment Agency. Version 3, October 2016

7 Diagram

