



Office for
Nuclear Regulation



Environment
Agency



Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales

GDA Comments Process

Revision 1

July 2016

1 Definitions

The following definitions apply:

Commercially confidential information: information which is a trade secret or which, if disclosed, would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

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.¹

Requesting party (RP): The organisation seeking 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 of the plant, activity, operation or modification in question. It provides a written demonstration that relevant standards have been met and that risks have been reduced as low as reasonably practicable (ALARP).

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: 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).

¹ GDA is being undertaken by ONR and the Environment Agency. The Environment Agency’s GDA work is being supported by Natural Resources Wales (NRW) who took over the Agency’s responsibilities for regulating nuclear sites in Wales from 1 April 2013. The Scottish Environmental Protection Agency (SEPA) is responsible for regulating nuclear sites in Scotland.

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 published by the regulators, which describes, more fully, 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 and commercially confidential information.

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 process by making comments about the submissions to the RP, 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 this process, which will be managed by the Joint Programme Office (JPO).

10 At key stages in the process, the regulators will publish their views on the main issues raised and responded to by the RP during the comments process.

11 The 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. The regulators will remain responsible for all decisions made on the acceptability or otherwise of the proposals made by the RP and will provide explanations of their findings and decisions.

4 Comments process

4.1 Website and submissions

12 The RP will host a 'UK GDA' homepage on its website or a dedicated website set-up for 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, for example via user testing, that the website works effectively.

14 The RP shall publish its safety, security and environmental submissions, other than parts which contain sensitive nuclear information, export controlled information or commercially confidential information, 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 The RP shall ensure that the design information published on its website is accessible to a non-technical audience. This could be by providing non-technical, 'plain-English' summaries.

16 If necessary the regulators may request this information in another electronic format (for example CD) and may also request paper copies of the summary documents.

4.2 The comments process

4.2.1 *Receipt of comments*

17 Comments will be made either electronically 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 emailed to the RP.

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

19 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.

20 The text on the RP's website shall make it clear that all comments made and the email or postal addresses of people making the comments will be sent directly to the JPO and may be sent on to appropriate government departments and agencies where the comment is relevant to their responsibilities. The Data Protection Act shall be adhered to with respect to transfer of personal information.

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,

and that the process is audited. The RP shall give a unique reference number to each comment which will be used in all correspondence.

22 The RP shall send each comment in an e-mail directly to the JPO. The email shall include the unique reference number, name, email address or postal address, date comment sent and the comment itself.

23 JPO will also track all comments received and responses on behalf of the regulators. JPO will also send an acknowledgment to each person or organisation making a comment.

4.2.3 *Responding to comments*

24 The RP shall consider all comments relevant to them and will 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 in an e-mail. Should subsequently the response to a comment require to be changed, this shall be similarly communicated.

25 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.

26 The response will also explain how comments will be dealt with and routed.

27 The RP shall advise the JPO of any comments that it considers are not within its responsibilities or not relevant to its safety, security and environmental 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 of Energy and Climate Change) 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 may be asked to group comments and responses into themes, which will be agreed in consultation with the regulators.

Periodically during the comments process 'window' the RP should send a list of all comments/responses to the JPO, together with the theme ascribed to it.

31 Subject to the number of comments received the RP shall consider publishing comments and answers in a 'Frequently Asked Questions' section on its website.

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 use them to help inform their assessments.

33 The regulators will publish assessment reports giving their views at key stages in the GDA process. Where relevant these will identify issues raised during the comments process and the responses made by the RP.

4.3 **Duration of comments process**

34 The GDA process is carried out in a number of specific steps² 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 date is to 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 identified 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 will advise the JPO of the date on which its website and comments process will become available for use.

2 The 'steps' referred to here are those identified in ONR's process. The Environment Agency's process is aligned with those steps except that it includes a public consultation which occurs during ONR's step 4.

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 RP shall arrange for its comments process to be audited to ensure that it is being operated appropriately.

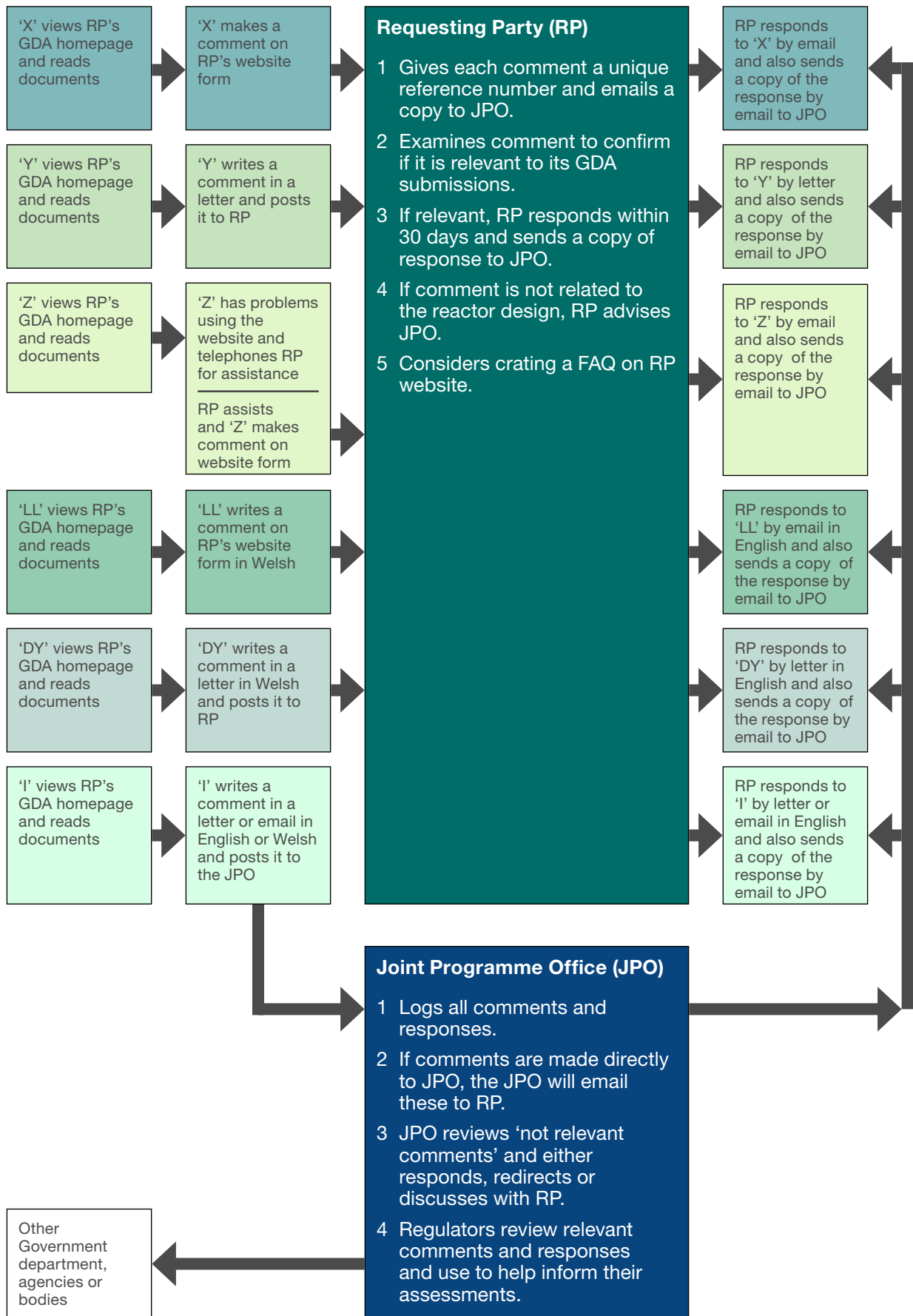
43 Regulators may also review the comments process.

44 The regulators' communications teams will provide continuous evaluation of the comments process throughout the design assessment. This will be informed by the outcome of any audit carried out, and take due regard of any comments received on the operation of the process.

6 References

1 *Nuclear Power Station – Guidance to Requesting Parties.*
ONR-GDA-GD-001 Revision 2, May 2016.
Office for Nuclear Regulation.

2 *Process and Information Document for Generic Design
Assessment of Candidate Nuclear Power Plant Designs.*
Environment Agency. Version 2, March 2013





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