

ENSREG – EUROPEAN COMMISSION DG ENERGY

first public meeting on the ongoing Topical Peer Review (TPR)
Long Term Operation

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Dear participants of this first public meeting on the topical peer review ageing nuclear reactors,

I would like to draw your attention to an issue of nuclear transparency in the current peer review process that has in our opinion not sufficiently been reflected, but that could have a large influence on the usefulness of this first topical peer review exercise.

During the process, ENSREG decided for a strong focus on technological questions of ageing reactors.

From the point of view of citizens, assessing technical issues that have relevance for the question of safety is, of course, always important. However, from that same point of view, these technical issues do not stand in a vacuum, and they are strongly related to the wider regulatory, social, economic, infrastructural, ecological and indeed political environment and developments therein.

In the technical specifications worked out by WENRA, the peer review explicitly excluded the issue of obsolescence – the question whether used standards for ageing reactors may be out of date in comparison with current knowledge, standards and technology. This exclusion is fundamentally wrong.

The question of ageing of nuclear reactors is not a mere academic one. It has two fields of high relevance: 1. The question whether the overall risk of ageing reactors is still considered acceptable – and if not, what measures are necessary to bring them on an acceptable level; 2. The question whether continued operation of these reactors after their initial technical lifetime can still be justified.

These questions are relevant for several reasons.

From the side of the population, citizens experience in general, and in majority, nuclear power stations as factors of risk. This feeling is exacerbated by accidents like Three Miles Island, Chernobyl and Fukushima. Citizens have initially accepted these risks for a limited time – and that is the only time that has been mentioned when the installations were constructed: the initial technical lifetime.

In the coming ten years, we will see within the EU and EEA countries around 90 nuclear reactors needing decisions for the prolongation of lifetime beyond their initially foreseen technical lifetime of 30 or 40 years.

Such decisions are nowhere simple one-off decisions – they consist everywhere of a line of different decisions (a tiered decision process), that includes regulatory decisions (periodic safety reviews and related restart approvals after planned outages), political decisions (incl. decisions on energy strategies, reactor license renewals or upgrades or adaptations, decisions in principle, even gentlemen agreements with operators), and economic decisions (especially by operators – concerning the justification of extra investments).

All these decisions, from the point of view of citizens, have to be justified to expose the population and the environment with 10 or 20 or more years to the risk of the nuclear reactor in question.

I return to the claim that exclusion of obsolescence in the WENRA specifications for the peer review process was a fundamental mistake that needs to be corrected.

In the national reports and the discussions so far, you have tried to establish what the – what you would call safety-status, and what I would call the risk-status is of ageing nuclear reactors, and come with measures how to reduce that risk. These estimates, however, are not standing outside of the dynamic of the surrounding environment – social, economic, ecological, political environment.

1. Over the last 30 or 40 years – the initial technical lifetime of the reactors under investigation – the insights about risk have changed. Citizens have a right that also ageing reactors are assessed on the basis of the same risk limitations that are valid for new reactors. If ageing reactors cannot meet those criteria, best available technology (BAT) demands that they are replaced by new alternatives that can.

2. The environment has changed in those years also in physical sense. This ranges from changes in population density around nuclear power stations (and hence consequences for the “impact” side of the risk equation chance x impact), changes in economic activity (for example different industries that can change “chance” and “impact”), to changes in natural environment (more valuable natural habitats surrounding reactors, which also changes “impact”) and changes in the political environment (different external threats, including climate change, but also different terrorist and war threats).

3. The third important change is in the energy economy. There are new and increasingly affordable clean alternatives that do not have the safety challenges of nuclear power. This means that for the question of justification, there is good reason to raise the bar of acceptable risk – with new non-nuclear technologies we can reach the same goals with lower risk.

All this has influence on what you discuss here. What was acceptable in the initial operating license will in most cases not be acceptable today any longer, and you are the custodian of that. For each assessment of national reports on the table today, we need to ask the question whether the proposals made in the framework of continuous improvement, proposals based on lessons learned from Fukushima and other incidents, whether those proposals are sufficient – sufficient to be able to justify what your decisions in the end are *de facto* justifying, or not: prolonged operation of ageing nuclear power stations.

There is, in principle for all cases of extension of lifetime beyond the initial technical lifetime, a legal obligation for an instrument that should give you the information on which you can base the necessary assessment as regulator – and that can help political actors come to their political decisions and the the operator to take its economic decision: the Environmental Impact Assessment (EIA). I say “in principle” because some nuclear operators, several industry ministries and nuclear industry organisations, and some of you, are actively trying to undermine that obligation. The obligation was defined by the Implementation Committee of the Espoo Convention for the case of Rivne 1,2 in Ukraine and has with that set jurisprudence for all. Instead of seeing the obligatory EIA as a golden opportunity to get the information needed to complete the picture on the basis of which you are currently looking at ageing nuclear reactors, we see now a slowdown in its implementation.

As example: France has implemented in 2015 the obligation of public participation in its decision process around the 40 year periodic safety review. A laudable initiative. However, this public participation is only concerning the safety related technicalities that ASN is bringing to the table, i.e. it reflects the same misplaced limitation that WENRA brought in its technical specifications by excluding obsolescence. In the mean time, French civil servants try to do everything to prevent a full EIA to be carried out in this decision procedure. That is a pity, because exactly the information that ASN, as well as EdF, as well as involved politicians would receive from such an EIA would enable them to put the proposals made within the periodic safety review, and in this peer-review process, in their proper framework. With that information, ASN would be able to see whether the risk-conditions it is using are adequate or whether they need to be updated – and what the practical

consequences are for license conditions. On the basis of this information, EdF will be able to make a sensible judgement about whether the enormous investments it needs to do for reactor operation beyond 40 years can be justified or whether there are alternative options. And on the basis of this information, the French government will be able to plan energy developments in a more realistic way.

Later this month, there is in Geneva a workshop and the third and final meeting of an *ad-hoc* workinggroup on nuclear lifetime extension under the Espoo Convention. This workshop is not about nuclear *per se*, nor about nuclear safety. It is about the moral and legal right of citizens to be involved in important decisions that touch their lives for decades to come. But it is also a workshop about your right as ASN, FANC, ANVS, SSM, yes, even UJD, to receive a full picture before you decide *anno* 2018, or 2019, or 2020 about what level of risk you will tolerate after 30 or 40 years of operation of the nuclear reactors under your mandate; and which technology will be able to deliver that. It is furthermore about the right of the operator – and its attached duty to carry out an EIA – to receive that full picture before it has to take its economic decision on whether the necessary investments for LTO can be justified.

Therefore, I call on you today to review your recommendations in this peer-review exercise on the basis of risk levels that are informed by the wider picture of the world in which we now discuss ageing reactors.

And I call upon you to support the efforts under the Espoo Convention and in the EU to have a full EIA carried out before you have to finalise your decisions that will lead to lifetime extension beyond the initial technical lifetime of ageing nuclear reactors.