

**Consultation on the implementation of changes to the Paris and  
Brussels Conventions on nuclear third party liability**

**24 January 2011 - 28 April 2011**

**Responses from Non- Governmental Organisations**

Braystones Residents  
Campaign for Nuclear Disarmament  
Energy Fair  
Greater Manchester SERA  
Greenhouse Trust  
Greenpeace UK  
Low Level Radiation and Health Conference  
No Money for Nuclear  
Parents Concerned About Hinckley  
People Against Wylfa B/Pobol Atal Wylfa B  
Radiation Free Lakeland  
Shut Down Sizewell Campaign  
Welsh Anti Nuclear Alliance  
West Cumbria and North Lakes Friends of the Earth

28th April, 2011

### Consultation Document, Nuclear Institutions Insurance

We note yet another government consultation exercise which is deeply flawed in implementation and we reluctantly take part, even though we firmly believe no notice will be taken of our response.

As the recent sad events in Japan, particularly those centred on the Fukushima Dai-ichi Nuclear plant, have demonstrated, the consequences of any nuclear accident are likely to be long-lasting and very difficult to cost in the short term. Quite why the British government is ignoring the event and pressing ahead with its timetable of nuclear development before the full consequences of the Fukushima radioactive leaks are quantified and costs calculated, and the results of the Dr. Weightman's assessment of the safety of British nuclear establishments announced, we believe that there should be a halt called on any nuclear advance.

We have grave concerns about the secondment of staff from the industry to positions of influence within DECC and other decision-making bodies, distorting any independent assessment of the facts.

As in every previous consultation relating to nuclear development, we question what attempt has been made to involve ordinary people in the exercise. Just who determines who is entitled to an elevated opinion as a stakeholder? Surely the residents who will be affected are the greatest stakeholders? Yet their views are ignored. We cannot believe that politicians, whether national or local, reflect the views of the average citizen, nor do we believe that the average citizen is appraised of the full facts to enable them to make a decision. What public meetings have been held, or fact sheets distributed? What efforts have been made even to inform them that this consultation is taking place. Once again we arrive at the opinion that politicians are happy to carry on making decisions, keeping the population unaware of the ultimate reality.

The Liberal Democratic party were anti-nuclear prior to the 2010 election. This must have gained them many votes, but, as with so many other of their election pledges, their opinions have changed now they are in a position of power. We see this as dishonest. We cannot understand how statements such as "over my dead body" can so rapidly change in favour of advancing the industry. It seems to us that everything associated with the nuclear development is tailored to hastening its timetable at the risk of ignoring basic common-sense precautions and proper consideration. Given the consequences of making the wrong decisions, why is the government in such a rush to push ahead?

There are several obvious questions about the proposed scheme:

- Should a government be involved in insuring a private industry at all? If the risks are too great for the insurance industry then the processes causing the risk to be too great should be prohibited.
- How do you compensate someone for the loss of their life?
- How do you compensate someone for painful injury?
- How do you compensate the environment?
- Even if the various bodies agree on a tariff of compensation, how do they propose to ensure that payment is forthcoming? At present all of the European countries are at peace with each other. This may not remain the case, especially if a nuclear accident results in widespread pollution.

- What system will be in place to ensure that those who profit from any nuclear expansion will be penalised rather than the taxpayer? This might be very much more difficult when dealing with a foreign/company or country. How much more difficult would it be if the two countries were at odds with each other for some reason? Similarly, we are aware that many countries are struggling financially. How will they meet their obligations?
- Some countries, lacking the infra-structure and the kind of educated workforce associated with more developed countries, may well struggle with even the most basic safety mechanisms. A common thread throughout the history of nuclear accidents has been human failure - the poorly educated people in some areas may well adversely affect the balance of risk as those countries rush to avail themselves of the nuclear technology.
- In Cumbria, the emergency services could not even deal adequately with a lone gunman, there seems little chance that they would be any more efficient in the event of a nuclear accident. It seems to us that there should be considerable investment in the infra-structure before any expansion of the current nuclear industry is even contemplated. There should also be a proper plan in place to deal with the existing waste safely and permanently.
- Despite the obvious health implications, the Regional Director of Public Health and Regional Medical officer for the North West did not even complete an assessment of the impact arising from the proposal to build nuclear reactors at three separate sites within the county. We think that this should have been a minimum requirement when:
  - i) considered together with the local council's expression of an interest in hosting an extremely hazardous nuclear dump underground;
  - ii) there are already tonnes of high level waste stored at Sellafield, medium level waste dump at Drigg, and
  - iii) "low" level waste is being put in landfill sites, or being diluted with other materials to be used in clothing accessories. We have noted in the past our concerns that no check is being made on the true level of materials designated as "low" by those with a vested interest in so evaluating the risk.

Who will anyone affected claim compensation off in the event of a leakage of that material, or a discovery that the waste isn't actually low level at all?

- Why has determined the timetable for nuclear development and why? Some of those directly associated with the roll-out have considerable self-interests. For example, what will be the impact on French finances if they lose the sale of many reactors, each with a potential • multi-billion profit for France?

It is obvious that the process of nuclear expansion should be halted until the true effects and consequences - human, environmental, and financial - of the Fukushima Dai-ichi site has been assessed.

In conclusion, we would also note that the rapidly increasing disparity between politicians and the public should be recognised and efforts made to reconcile the two. Proper consultations instead of tick-box exercises would be a good start.

We would appreciate acknowledgement of receipt of this response, please.

Yours faithfully,

Ian F. Hawkes.

Braystones Residents. ([www.toxiccoast.com](http://www.toxiccoast.com))

## **Campaign for Nuclear Disarmament - 27 April 2011**

Dear Sir/Madam,

The Campaign for Nuclear Disarmament (CND) would like to make the following points with regard the DECC Consultation on the Implementation of changes to the Paris and Brussels Conventions on nuclear third party liability:

**The consultation must be halted.** The government cannot continue with its 'business as usual' approach for the nuclear industry in the UK. It is a nonsense to continue with proposals without regard to major events such as those at Fukushima.

The government must reconsider its consultation proposals which were published before the tragedy in Japan.

The government has called for a review of nuclear safety in the UK because of the situation in Japan. No review of the financial implications - for the taxpayer, local authorities and emergency services - has been called for with regard to the financial impact of a nuclear accident.

We need information. A revised consultation should only be published once a detailed picture of the extent of the financial impact of Fukushima is known.

It is vital to stop now and reassess whether the proposals on the level of insurance cover, the legislative arrangements, and the financial security of nuclear companies can be deemed 'fit for purpose' for the coming decades.

Pushing ahead with changes to the nuclear liability laws, without first considering the full financial impact on the ability of a company to pay - or government to pick up additional costs - is not acceptable.

It is some time since the nuclear liability laws have been publicly consulted on, yet DECC has not even suggested one stakeholder event on this issue. It has not engaged with the communities and local authorities most likely to be directly affected in the event of a nuclear accident. Any subsequent consultation should be undertaken with full and open public engagement nationally and locally.

Due time should be given to engagement on such consultations. It is highly unlikely most emergency services - or other relevant organisations with legal responsibility to respond to an accident - have had time to even consider the current consultation.

The government must also engage - transparently - with the emergency services and other agencies that may be involved in preventing: loss of life and personal injury; loss of or damage to property; reinstatement of the impaired environment or applying preventative measures - which may also subsequently be involved in insurance claims, or aspects of them, under revised laws.

Yours faithfully,

**Dawn Rothwell**

**Campaigns Officer (Research & Information)**

**Campaign for Nuclear Disarmament (CND)**

Registered office: Mordechai Vanunu House, 162 Holloway Road, London N7 8DQ

Tel: 020 7700 2393 Fax: 020 7700 2357 Web: [www.cnduk.org](http://www.cnduk.org)

## Energy Fair – 15 April 2011 (3 responses)

(1) Dear DECC,

In response to your consultation about nuclear third party liability, I reproduce a letter from today's Guardian:

An estimate of the cost of compensation to Fukushima victims of \$133bn has been reported by Reuters ([Japan raises nuclear alert](#), 12 April). The UK has nuclear sites closer to major cities than Fukushima is to Tokyo, so costs could be even greater here. So it's scandalous that nuclear operators are being allowed to cap their liability at €0.7bn or at most €1.3bn – barely 1% of the possible Fukushima compensation. No other industry is allowed to do this: BP has a \$20bn fund for compensation to victims of last year's oil spill. Why should nuclear be let off? The industry says the public have a poor perception of risk. That although a nuclear accident could be catastrophic and cause us to lose our homes and towns, the chances of it happening are so small that we should not worry about it. How strange then that their shareholders are not willing to accept the same small risk that they might lose their money.

A more suitable measure would be to remove the protection of limited liability from the owners and directors of these companies in the event of a major accident. If we are to lose our homes, they should too, not walk away with bonuses and pensions intact as the bankers did. Readers may like to make their own views known to the [Department of Energy and Climate Change nuclear third party liability consultation](#), which ends on 28 April.

**Donald Power**

*London*

In case you are not already aware:

- The Energy Fair group has prepared a report, [Nuclear Subsidies](#) (PDF), which includes a section on the scandalously low cap on liabilities for the operators of nuclear plants.
- A formal complaint has been made to the European Commission about this and several other subsidies for nuclear power:
  - [State aid complaint form](#) (PDF).
  - [Grounds for complaint](#) (PDF).
  - The [Nuclear Subsidies](#) report (PDF).

Sincerely,

Gerry Wolff  
Dr Gerry Wolff PhD CEng  
Coordinator, Energy Fair

## (2) 15 April 2011

Dear DECC,

As a postscript, there should not be **any** cap on liabilities for the operators of nuclear power plants. The operators of wind farms or solar farms would be expected to cover all their liabilities and the operators of nuclear plants should be no different. There are no special reasons to favour nuclear power (see Section 3 of the [Nuclear Subsidies](#) report).

Since the costs of a major accident may cause a nuclear power company to fail, and since

that would push much of the cost on to taxpayers, the operators of nuclear power plants should be required to insure fully against the cost of a Chernobyl-style accident or worse.

If it turns out that the necessary insurance cannot be obtained from commercial sources then the operator of any nuclear plant should be required to pay an appropriate premium to the Government (as insurer of last resort). The premium should be calculated by two or more independent actuarial experts and agreed by all stakeholders.

Sincerely,  
Gerry Wolff--  
Dr Gerry Wolff PhD CEng  
Coordinator, Energy Fair

**(3) 27 April 2011**

Dear DECC,

Re the consultation on proposed revisions of the Paris and Brussels Conventions on nuclear power:

- The consultation needs to be halted. The Government cannot continue with its 'business as usual' approach for the nuclear industry in the UK. It is a nonsense to continue with proposals without regard to major events such as those at Fukushima.
- The Government must reconsider its consultation proposals which were published before the tragedy in Japan.
- The Government has called for a review of nuclear safety in the UK because of the situation in Japan. No review of the financial implications - for the taxpayer, local authorities and emergency services - has been called for with regard to the financial impact of a nuclear accident.
- We need information. A revised consultation should only be published once a detailed picture of the extent of the financial impact of Fukushima is known.
- It is vital to stop now and reassess whether the proposals on the level of insurance cover, the legislative arrangements, and the financial security of nuclear companies can be deemed 'fit for purpose' for the coming decades.
- Pushing ahead with changes to the nuclear liability laws, without first considering the full financial impact on the ability of a company to pay - or Government to pick up additional costs - is not acceptable.
- It is some time since the nuclear liability laws have been publicly consulted on, yet DECC has not even suggested one stakeholder event on this issue. It has not engaged with the communities and local authorities most likely to be directly affected in the event of a nuclear accident. Any subsequent consultation should be undertaken with full and open public engagement nationally and locally.
- Due time should be given to engagement on such consultations. It is highly unlikely most emergency services - or other relevant organisations with legal responsibility to respond to an accident - have had time to even consider the current consultation.
- The Government must also engage - transparently - with the emergency services and other agencies that may be involved in preventing: loss of life and personal injury; loss of or damage to property; reinstatement of the impaired environment or applying preventative measures - which may also subsequently be involved in insurance claims, or aspects of them, under revised laws.

Sincerely,

Gerry Wolff  
Dr Gerry Wolff PhD CEng  
Coordinator, Energy Fair

## **Greater Manchester SERA - 28 April 2011**

Dear DECC

I am extremely concerned that no consideration seems to have been taken to safeguard British taxpayers from future health injury claims against the nuclear industry. Surely any company wishing to invest in nuclear power stations must be made to pay into an insurance scheme to prevent any financial burden falling onto future generations.

As for the consultation on the Paris and Brussels conventions, I offer the following comments:

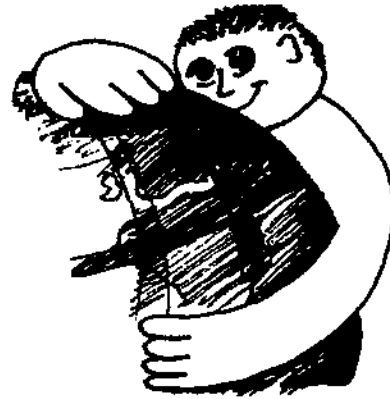
- The consultation needs to be halted. The Government cannot continue with its 'business as usual' approach for the nuclear industry in the UK. It is a nonsense to continue with proposals without regard to major events such as those at Fukushima.
- The Government must reconsider its consultation proposals which were published before the tragedy in Japan.
- The Government has called for a review of nuclear safety in the UK because of the situation in Japan. No review of the financial implications - for the taxpayer, local authorities and emergency services - has been called for with regard to the financial impact of a nuclear accident.
- We need information. A revised consultation should only be published once a detailed picture of the extent of the financial impact of Fukushima is known.
- It is vital to stop now and reassess whether the proposals on the level of insurance cover, the legislative arrangements, and the financial security of nuclear companies can be deemed 'fit for purpose' for the coming decades.
- Pushing ahead with changes to the nuclear liability laws, without first considering the full financial impact on the ability of a company to pay - or Government to pick up additional costs - is not acceptable.
- It is some time since the nuclear liability laws have been publicly consulted on, yet DECC has not even suggested one stakeholder event on this issue. It has not engaged with the communities and local authorities most likely to be directly affected in the event of a nuclear accident. Any subsequent consultation should be undertaken with full and open public engagement nationally and locally.
- Due time should be given to engagement on such consultations. It is highly unlikely most emergency services - or other relevant organisations with legal responsibility to respond to an accident - have had time to even consider the current consultation.
- The Government must also engage - transparently - with the emergency services and other agencies that may be involved in preventing: loss of life and personal injury; loss of or damage to property; reinstatement of the impaired environment or applying preventative measures - which may also subsequently be involved in insurance claims, or aspects of them, under revised laws.

I look forward to your response.

Best regards - Mike Franks  
Chair Greater Manchester SERA

Paris and Brussels Conventions on nuclear  
third party liability  
Department of Energy and Climate Change  
Area 3C  
3 Whitehall Place  
London  
SW1A 2AW

19<sup>th</sup> April 2011



*'Discovering Sustainable Living'*

[www.GreenhouseTrust.co.uk](http://www.GreenhouseTrust.co.uk)

[Info@GreenhouseTrust.co.uk](mailto:Info@GreenhouseTrust.co.uk)

Tel: 01603 631007

Dear Sir or Madam,

The Bank of America – Merrill-Lynch currently estimate the cost of the Fukushima accident could be \$130bn (£80bn). This vast sum requires the Japanese Energy Company (TEPCO) and the Japanese Government to manage an energy and financial crisis on top of a natural disaster.

There are nuclear plants in the UK closer to major cities than Fukushima is to Tokyo, so the human impacts and costs in this country could be even greater when an accident occurs.

Currently nuclear operators in the UK have liability capped at £0.6bn or at most £1.1bn. This is a tiny % of the likely Fukushima costs. No other industry is allowed to operate with this level of uncovered risk. BP has been required to establish a \$20bn (£12.3bn) fund for compensation to victims of last year's oil spill.

As part of the third party liability consultation I ask that a requirement of this consultation be that nuclear operators in the UK hold a minimum liability of £50bn, and that it is explicit that the liability is defined as unlimited. This is to make sure that costs such as the short-term evacuation, and the longer-term resettlement, environment and health costs do not end up as economic costs for the Government and taxpayer. These factors should also fall clearly within the scope of any liability detailed in this consultation.

Yours sincerely

Tigger, (Mr)  
Manager

The Greenhouse

**The Greenhouse Trust 42-46 Bethel Street Norwich Norfolk NR2 1NR**

Patrons: Lord and Lady Joffe Bruce Kent Dr Mick Kelly Doris Lessing Marchioness of Worcester

Charity No: 1037992



**Greenpeace UK - 22 April 2011**

Dear Sir/Madam

I am writing to you on behalf Greenpeace UK regarding DECC's consultation on the *Paris & Brussels Conventions on nuclear third party liability*<sup>1</sup> launched on 24th January.

It is Greenpeace's view that this consultation should be halted and any amended proposals reconsulted on at a later date. In particular we note the consultation was launched before the crisis at the nuclear power plants at Fukushima. It is simply not reasonable to carry on with a 'business as usual' approach to nuclear power - including liability for a nuclear accident - given what has happened in Japan.

The revisions to the conventions happened in 2004, yet it only now the Government is acting to make changes. Events in Japan make it all the more important to stop now and reconsider nuclear insurance rather than continuing with proposals which are seven years old (and already outdated) and which could need further revision in the light of Japan. We believe it would be wrong to push ahead without fully assessing the impact - on the industry and the taxpayer - of any new liability considerations in light of Fukushima and without full evidence of revised assessments from the nuclear insurance sector.

We also note the proposals are wide ranging, and cover not only the levels of insurance required, but also the financial security of nuclear operators and issues around company insolvency in the event of an accident. A further example of the complexity of the proposals is that consultees are also asked about the extent to which emergency services and other organisations (e.g. the NHS) might have to cover the costs of certain measures following an accident and the extent to which they might expect or receive recompense.

Given what we know about Fukushima - and what we have yet to learn - it is simply not sensible for the Government to continue with this consultation. Specifically we wish to raise that

- The Government must reconsider its consultation proposals which were published before the tragedy in Japan.
- The Secretary of State for Energy and Climate Change has asked the Office for Nuclear Regulation to undertake a review of nuclear safety in the UK because of the situation in Japan. Yet no review of the financial implications - for the taxpayer, local authorities and emergency services - has been called for with regard to the financial impact of a nuclear accident.
- It is likely that much more information is needed before a revised consultation can be published. This should only be undertaken with detailed information on the extent of the financial impact of Fukushima is known.
- UK Government needs to stop this liability process now and reassess whether the proposals on the level of insurance cover, the legislative arrangements, and the financial security of nuclear companies can be deemed 'fit for purpose' for the coming decades over which UK nuclear facilities will operate.

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<sup>1</sup> <http://www.decc.gov.uk/assets/decc/Consultations/paris-brussels-convention-changes/1182-cons-implement-changes-paris-brussels.pdf>

- To proceed with proposals to changes to the nuclear liability laws, without first considering the full financial impact on the ability of a company to pay - or Government to pick up additional costs - is not acceptable.
- Although it is some time since nuclear liability laws have been revised, DECC has not suggested even one stakeholder event on this issue. It has not given time to engage with the communities and local authorities most likely to be directly affected in the event of a nuclear accident. Nor has it engaged with the broader stakeholder community - yet a nuclear accident (and who pays) are of national importance. Any subsequent consultation should be undertaken with full and open public engagement nationally and locally.
- As part of any future consultation the Government must take steps to engage openly with the emergency services and other agencies that may be involved in preventing: loss of life and personal injury; loss of or damage to property; reinstatement of the impaired environment or applying preventative measures - as these may subsequently be involved in insurance claims, or aspects of them, under any revised laws. Due time must also be given for further consultation to allow key organisations to consider such matters. It is highly unlikely most emergency services - or other relevant organisations with legal responsibility to respond to an accident (and who may subsequently reclaim money for their work) - will have had time to fully consider and respond to the current consultation.

Thank you for your attention in this matter.

Yours faithfully

Dr Doug Parr  
 Chief Scientist and Policy Director  
 Greenpeace UK  
 Canonbury Villas  
 Islington  
 London N1 2PN

## Low Level Radiation and Health Conference – 27 April 2011

To Whom it concerns:

A contribution on the Current Consultation on Nuclear Insurance et al

The Low Level Radiation and Health Conference welcomes the consultation being held on Nuclear insurance but sees that it has been overtaken by events. The current tragedy at Fukushima in Japan is still unfolding and the authorities estimate a period of 9 months before the situation is "under control" and that would not mean the end of it. After Three Mile Island it took 5 years before the nuclear companies understood what had happened. Therefore this consultation needs to be suspended until the key critical evidence which would underpin any decision about relevant changes can be amassed. Certainly the economic effects on Japan will take a long time to become clear.

- The Weightman review being carried out by the Chief Inspector of the Nuclear Installations Inspectorate is focused on nuclear safety in the UK BUT needs to include the economic consequences arising from the accident and the associated impacts for citizens, emergency services and local authorities. The review has too short a time in which to report if it is to call on evidence.
- The Government regularly emphasises the need for making decisions based on evidence. A revised consultation needs to be published after a detailed picture of the extent of the financial impact of Fukushima is known.
- It is imperative that the proposals on the level of insurance cover, the legislative arrangements, and the financial security of nuclear companies can be assessed deemed 'fit for purpose' for the coming decades and that requires a firm evidence base rather than conjecture or assertions.
- The nuclear liability laws, need to be re-considered after the full financial impact on the ability of a company to pay - or Government to pick up additional costs - is known and agreed.
- Nuclear liability laws were last publicly consulted on in 2004, but there has been no stakeholder involvement which is inappropriate given the Government signed up to the Aarhus Convention which calls for public involvement. The Department, DECC, has not set up any stakeholder events on this issue. It has not engaged with the communities and local authorities which would most likely be the ones directly affected in the event of a nuclear accident. Any subsequent consultation should be undertaken with full and open public engagement nationally and locally.
- Consideration needs to be given to engagement on such consultations. Time to participate effectively is key. It is highly unlikely most emergency services - or other relevant organisations with legal responsibility to respond to an accident - have had time to even consider the current consultation.

- The Chair of the OND was heard on the radio stressing the need this week for accessibility and transparency when dealing with nuclear issues. That is paramount with reference to consultations on these issues. He voiced it as a "new" policy. This should have been built in to consultations since 1992.
- Already, the Japanese populations affected have been critical of the compensation they have received to date. Information needs to be obtained from the affected communities about what they would consider to be a fair and proper settlement. This will not happen in the short term. This is the issue with nuclear accidents - the communities affected and those around them will need to think long term and to remember what happened. Those affected by atomic bomb tests have still not received the compensation that was/is/should have been due to them.
- Nuclear issues demand a long term perspective which cannot be hurried to meet unrealistic imposed deadlines.

Yours sincerely,

Dr Jill Sutcliffe

Low Level Radiation and Health Conference secretariat

## No Money for Nuclear - 1 February 2011 (2 responses)

(1)

DECC will not be surprised to hear that I believe that the potential cost to the government of accepting such a low limit of nuclear liability of 1.2 billion Euros is unacceptable. The government's policy, as stated by Chris Huhne shortly after his appointment as Secretary of State, was to remove this subsidy altogether. The government has consistently refused to reconsider other policies on nuclear power in spite of changing circumstances. It has often said for example that the principle that nuclear power should be part of our energy mix is not negotiable, yet it finds it easy to change its stated policy of removing the underwriting of the industry's liability in the case of accident. The acceptance of the justification of nuclear power under EU regulations before a report assessing the effects of low level radiation by COMARE, and as a result failing to take account of new evidence of the dangers of living near nuclear power stations, is an example of the extent of the past intransigence of the government on the general principle of nuclear power. Why should it not stick to its guns on this issue and implement Chris Huhne's original policy?

The dubious benefit that nuclear operators would have to accept liability regardless of fault is simply not worth the potential costs involved. Many industries could benefit from the government accepting some of the liability in the case of accidents in return for acceptance of liability, but the nuclear industry is the only one which benefits from this regime, which is simply unfair. The costs being borne by BP for the Gulf of Mexico spillage is likely to be in excess of \$20 billion. A nuclear accident, with its release of potentially much more dangerous material whose effects may last many years, could cost many times more. Unlimited liability would keep the minds of the industry on avoiding accidents. If the industry are unable to insure their risk on the commercial market it would appear that the likelihood of such an accident is too much and the costs too high for a commercial company to bear and therefore also too much for the public to accept.

I also contend that without the assessment of the dangers of low level radiation and without adequate consideration of the results of various studies which imply doubt about the safe levels of low level radiation and which expound the dangers of living close to nuclear power stations, the decision to exclude facilities for the disposal of low level waste from the convention is foolhardy. I believe that we are already seeing the impact on health as a result of increasing levels of background radiation, which should be reducing as a result of cessation of air burst nuclear tests, but I understand are increasing.

This underwriting of the insurance costs of the industry is simply not available to any other industrial process, giving them an unfair advantage in the market, subsidising the cost of electricity generated by nuclear power, something that the government said that it was not prepared to do. I would press the government to remove this support completely and let commercial hard headedness decide whether the industry is insurable. If a car driver cannot get or afford insurance he is not allowed to drive. The same principle should apply to nuclear power.

Peter Rowberry,  
Organiser, No Money For Nuclear  
Saxmundham,  
Suffolk,

**(2) 15 April 2011**

The initial estimates from Fukushima are that compensation will cost around \$133 billion, as reported by Reuters and the Guardian. The fact that if a similar accident happened in the UK the companies concerned would only have to bear £140 million now and only between 700 million Euros and 1.3 billion Euros if the government proposals are accepted, is totally unacceptable. The only proper way to ensure that safety issues are at the forefront of the nuclear power companies mind is to remove the limit on compensation entirely, thus ensuring that the companies pays for all of its actions, not the British tax payer. If this means that the company cannot identify an insurer to cover this risk then I am certain that this means that the risk is too great. The taxpayer must not be put into a position where they are insurer of last resort when the consequences are so great.

Pete Rowberry, Spokesperson, No Money for Nuclear

## Implementation of changes to the Paris and Brussels Conventions on nuclear third party liability - a public consultation

### Response form

You may respond to this consultation by email or by post.

Respondent details	
Name	JO BROWN
Organisation	PCAH (Parents Concerned About Hinkley)
Address	
Town/City	
Post code	
Telephone	
Email	
Fax	

Tick this box if you are requesting non-disclosure of your response. ☐

Please return by 28 April 2011 to:
Consultation on Paris and Brussels Conventions on nuclear 3 <sup>rd</sup> party liability Department of Energy and Climate Change Area 3C 3 Whitehall Place London SW1A 2AW
You can also submit this form by email: <a href="mailto:parisbrussels@decc.gsi.gov.uk">parisbrussels@decc.gsi.gov.uk</a>

Please select the category below which best describes who you are responding on behalf of.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business ( over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input checked="" type="checkbox"/>	NGO

Thank you for taking the time to let us have your views.

The Government does not intend to acknowledge receipt of individual responses unless you tick the box. X



## Consultation questions

<p><b>1</b> <b>Chapter 4</b> <b>Categories of damage</b></p>	<p>We would welcome views on our proposed implementation of the new categories of damage as described in this chapter and as set out in the draft Order.</p> <p>Particular questions you may wish to consider include:</p> <ul style="list-style-type: none"> <li>a) should particular types of claim be prioritised, and if so, how (see paragraph 4.14)</li> <li>b) should we make provision to deal with the case where a claim is made by a public authority for the cost of reinstating property in respect of which compensation has already be paid to the owner (see paragraph 4.29)</li> <li>c) should "compensatory remediation" be expressly included or excluded from the measures of reinstatement that can be claimed for (see paragraph 4.39)</li> <li>d) should we define what constitutes a "grave and imminent threat" and, if so, how (see paragraph 4.66)?</li> </ul>
<p><b>Response</b></p>	<p><b><u>CLAIMS SHOULD NOT BE LIMITED TO PERSONAL INJURY OR PROPERTY DAMAGE FOLLOWING A 'NUCLEAR INCIDENT'</u></b></p> <ul style="list-style-type: none"> <li>a) Personal injury and environmental damage results from 'normal' operational discharges from nuclear reactors. Residents in Somerset have suffered premature deaths and chronic ill health throughout Hinkley Point's lifecycle ie from 1965 and continuing through decommissioning and unsafe waste management .Priority must be given to those whose personal injuries have prevented them from working who are now reduced to penury in retirement from consequential financial loss. Claims by dependents for loss of financial support must also be prioritized.</li> <li>b) Provision should be made where environmental damage extends beyond the compensated owner's property.</li> <li>c) Compensatory remediation should be included.</li> <li>d) There is currently a grave and imminent threat of nuclear damage causing personal injury at Hinkley Point where waste operators intend to carry out on-site re-processing of SILW currently stored in sealed vaults. Atmospheric discharges into the atmosphere include Caesium 137, Plutonium, Uranium and Tritium 90, all of which cause fatal public health damage when inhaled or ingested.</li> </ul>

	<p>Two Hinkley A Magnox reactors are being decommissioned in breach of the mandatory 80-year radioactive decay period. Emergency vents were installed into the reactor roofs in 2006 following an unexpected build up of reactor core pressure. Personal Injury in the form of fatalities from cardio-vascular disease and other known risks for decommissioning workers are being seen in residents of downwind Somerset Coastal communities. Does this constitute a breach of duty? Why are there still no prosecutions for corporate manslaughter, even after the 2008 decision that cases can be brought against a company without naming one responsible individual?</p> <p>Again, if you limit personal injury claims to those caused by 'an incident' how will 'an incident' be identified and accepted by the courts? Operators continually deny any incidents and deny the evidence of off-site radioactive discharges which cause the personal injuries.</p>
<p><b>2</b> <b>Chapter 5</b> <b>Geographical Scope</b></p>	<p>We would welcome views on our proposed implementation of the revised geographical scope of the Paris Convention and the Brussels Supplementary Convention as described in this chapter and as set out in the draft Order.</p> <p>Particular questions you may wish to consider include:</p> <ul style="list-style-type: none"> <li>a) should we align our legislation with the Paris Convention by deleting current section 13 (2) of the 1965 Act. Would any important protections be lost (see paragraph 5.13)?</li> <li>b) how should we define who should be treated as a UK "national" for the purposes of section 16A (see paragraph 5.21)?</li> </ul>
<p><b>Response</b></p>	<ul style="list-style-type: none"> <li>a) If you extend the geographical scope, would those responsible for the Chernobyl disaster, presumably the Ukraine government, be paying compensation to Welsh sheep farmers whose land is still contaminated by Chernobyl fallout? Currently the UK taxpayer is bearing the cost.</li> <li>b) Anyone holding a UK Passport? Eg if they were in Japan when Fukushima nuclear reactors went into meltdown.</li> </ul>

<b>3 Chapter 6 Limitation periods</b>	<p>We would welcome views on our proposed implementation of the revised provisions on limitation periods in the Paris Convention as described in this chapter and as set out in the draft Order.</p> <p>A particular question that you may wish to consider is whether we should apply the 30 year limitation period to claims in respect of injury caused by preventative measures (see paragraph 6.6).</p>
<b>Response</b>	<p>Apply the 30 year limitation period as an interim measure leading to a limitation period dating from the time when any nuclear site becomes critical. For Hinkley Point claims must be accepted dating from 1966 when Somerset residents first suffered personal injury following reactor criticality in 1965. The breach of duty began when the Hinkley Site was selected; it should have been ruled out due to the close proximity of victim communities. How will preventive measures remedy the environmental contamination by discharges with nuclear half-lives of 30-40 years?</p>
<b>4 Chapter 7 Liability during transport</b>	<p>We would welcome views on our proposed implementation of the change to the Paris Convention regarding liability for transport of nuclear substances and the other related matters as discussed in this chapter and set out in the draft Order.</p> <p>In particular, we would welcome views on the options set out in paragraphs 7.11 and 7.12. Is it common for nuclear substances to transit a licensed site while <i>en route</i> from one nuclear installation to another?</p>

<b>Response</b>	<p>Responsibility for transport risk should be met by the operators of the site whence the eg spent fuel comes. Transfers, eg from road to rail should restrict the time containers remain stationary at densely populated areas like railway stations.</p> <p>Containers have been found to discharge radionucleides due to incorrectly secured lids.</p>
<p><b>5</b> <b>Chapter 8</b> <b>Financial</b> <b>liability levels</b></p>	<p>We would welcome views on our proposed implementation of the revised financial liability levels as described in this chapter and set out in the draft Order.</p> <p>In particular, we would welcome views on:</p> <p>a) the likely impact of increasing the standard liability level to €1200 million as compared to €700 million;</p> <p>the proposal to set a reduced level specifically for low-risk transport and to use the criteria in the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. Is this a practical solution? Would it add significant administrative burdens? Are there alternative criteria that could be used to identify low-risk transport?</p>
<b>Response</b>	<p>Standard liability should be unlimited for any personal injury or property damage and should be covered entirely by the nuclear operators/companies, not be subsidised by the UK taxpayer from public funds. Other energy providers cover their own risks eg BP for the recent Florida disastrous oil spill. If this deters EDF from investing in new nuclear in the UK, so much the better. We do not need new nuclear power (see DECC figures for electricity supply in 2020)</p> <p>The definition of low risk nuclear waste does not exclude a proportion of higher risk material. The definition of low risks to human health is also impracticable since current ICRP risk models have now been discredited and superceded by ECRR criteria.</p>
<p><b>6</b> <b>Chapter 9 –</b> <b>Availability of</b> <b>insurance/financial security</b></p>	<p>We would welcome views on the availability of insurance or other financial security.</p> <p>In particular, we would welcome views on:</p> <p>a) what forms of alternative financial security should be acceptable and over what classes of liability might</p>

	<p>alternative forms of financial security be appropriate?</p> <p>b) how Government should assess operators' proposals for alternative financial security arrangements?</p> <p>In addition, we would welcome views on the Government stepping in as a last resort to fill any insurance gap. How should Government calculate the charge for this?</p>
<b>Response</b>	<p>The Infrastructure Planning Commission should only approve new nuclear build applications if operators are able to fund their own insurance cover throughout the nuclear lifecycle ie from initial criticality date through all decommissioning and waste management. Obviously this won't happen; if you want risk assessment, try to get insurance cover. If you live in Somerset you can't get medical cover if you've got a previous illness which applies to most people living downwind of the Hinkley Point nuclear site. Something else we need compensation for – funding private medical treatments to increase lifespan. If nuclear power is too dangerous to insure, it's too dangerous to exist. Watch what happens with compensation claims for personal injury in Japan, following the Fukushima nuclear disaster. How would the host country be made to pay up to victims from another country when they were themselves bankrupt?</p> <p>8.12 How is a limit on operator liability in the public interest? It just encourages cost cutting by operators in the knowledge that their liability will be topped up by the victims/taxpayers. Define the benefits you suggest would accrue. If/when the UK suffers a Fukushima the taxpayer would be picking up the bill anyway because the operators would default or go bankrupt. Even more of a problem is if the UK Treasury is also bankrupt. It is in the interest of this taxpayer/victim to impose unlimited liability on nuclear operators in the hope that they will recognize the financial benefits of abandoning nuclear power and investing in wind, wave and tidal power in spite of the fact that these renewable industries do have to bear the full cost of insurance cover.</p>
<b>7 Chapter 10 - Jurisdiction</b>	<p>We would welcome views on our proposed implementation of the Paris Convention changes regarding allocation of jurisdiction, both between Paris countries and within a Paris country, as described in this chapter and set out in the draft Order.</p>

	<p>In particular, we would appreciate views on:</p> <ul style="list-style-type: none"> <li>a) whether basing our tie-breaker provisions on the impact of an occurrence, event or breach of duty would be a workable solution – how practicable would it be to measure impact (see paragraph 10.16)?</li> <li>b) whether we need a fall back provision giving jurisdiction to the High Court of Justice (see paragraph 10.17).</li> </ul> <p>In addition we would welcome views on our proposed clarification of “occurrence” in new section 26(2A) of the 1965 Act.</p>
<b>Response</b>	<p>Clarification of ‘occurrence’ is essential. There’s been an occurrence at Hinkley Point since 2006 when emergency vents were installed in the roofs of the decommissioning Magnox reactors due to an unexpected build up of pressure inside the reactor cores. Compensation is due to all personal injury victims starting in 2006 and continuing until the regulators enforce the mandatory 80-year radioactive decay period.</p> <p>There’s going to be another ‘occurrence’ at Hinkley Point this year if the operators are not prevented from opening up the SILW vaults and reprocessing the high level contents on site, discharging lethal poisonous gases into the atmosphere and causing yet more premature fatalities and personal injury claimants.</p> <p>Monitor the outcome of the British Nuclear Bomb Test Veterans compensation case to be heard by the Supreme Court this summer(?)</p>
<b>8 Chapter 11 – nuclear waste disposal facilities</b>	<p>We would welcome views on our proposals for implementing the Paris Convention requirements in respect of nuclear waste disposal facilities.</p> <p>In particular, we would welcome views on the number of commercial waste disposal facilities who may be affected by the proposed changes and how they may be affected.</p>
<b>Response</b>	<p>Commercial waste disposal must not be permitted. Neither the NDA nor any other body have been able to even identify a potential site for waste disposal in the UK or elsewhere. There is no safe method for the disposal of nuclear waste, be it spent fuel or so called low level waste. America is exporting all</p>

	its waste to Russia following the embarrassing realisation that burying it along the Rockies faultline was not safe.
<b>9 Chapter 12 Representative actions</b>	We would welcome views on our proposals for implementing the new Paris Convention requirements in respect of representative actions.
<b>Response</b>	I'm not happy with being represented by an appropriate authority and suggest a class action for Somerset victims, instructing public interest lawyers, Phil Shiner. Hinkley Point was one of the earliest nuclear sites in the UK and it seems to be trying out various calamitous waste and decommissioning experiments ahead of other sites, except perhaps Sizewell. Or Greenpeace could instruct Phil Shiner to act for a UK national class action group?

### Impact assessment questions

<b>IA1</b>	Can you provide information on current actual costs of financial security and the impact of the proposed changes?
<b>Response</b>	My compensation claim for personal injury and property value loss would be about £4million. This would allow me to finance replacement purchase of land, a replacement family home, and an income to compensate for financial earnings loss, financial support loss and finance for lifetime care. My current home and town are unsafe to live in and unsafe for me to entertain visitors. Many other Somerset residents could justify similar claims.
<b>IA2</b>	If you cannot provide actual costs, are you able to provide information on the <u>scale</u> of change for the costs of financial security through higher insurance premiums or alternatives?
<b>Response</b>	Future costs could be reduced immediately by enforcing safety regulations at existing nuclear sites and ruling out any new nuclear build. Failure to do this will result in unimaginable future costs.

<b>IA3</b>	Is this for a standard installation or a low risk installation or for transport activities?
<b>Response</b>	All three.
<b>IA4</b>	Can you provide information on ongoing legal and administrative costs as a result of the changes and the likely scale and nature of transition costs?
<b>Response</b>	Does it matter? Is it relevant?



## **People Against Wylfa B/Pobol Atal Wylfa B - 26 April 2011**

PAWB, Pobl Atal Wylfa B / People Against Wylfa B wish to make the following comments on the Consultation on Paris and Brussels Conventions on nuclear third party liability.

We as a community based anti-nuclear movement operating in Ynys Môn and Gwynedd find it hard to understand the government's decision to proceed with this consultation in the light of the Fukushima Daiichi nuclear disaster. We understand that the 72 country strong Convention on Nuclear Safety will not meet until August 2012 to review the breakdown of safety systems at Fukushima. Learning lessons from this tragedy will not be possible until all the information is gathered and thoroughly analysed. These lessons will apply not only to safety breakdowns, but also to insurance liability. J.P.Morgan have already estimated TEPCO compensation pay-outs in the order of £15 billion. This is far higher than the £1billion cap proposed for nuclear operators in the British State.

We strongly urge you to abandon this consultation at once as its present confines render it meaningless. It would be very irresponsible of you as a government to carry on with a business as usual attitude when the whole context of the nuclear debate internationally has been altered so significantly by the unfolding nuclear disaster at Fukushima.

Could you confirm receiving these comments by return e-mail?

Yours faithfully,

Dylan Morgan  
Co-ordinator PAWB, Pobl Atal Wylfa B / people Against Wylfa B

## **Radiation Free Lakeland - 22 April 2011**

Dear DECC,

Please ensure that Radiation Free Lakeland's views are taken into account regarding Implementation of changes to the Paris and Brussels Conventions on nuclear third party liability: a public consultation.

Radiation Free Lakeland are in full agreement with the Nuclear Free Local Authorities that continuing with the 'Nuclear Liabilities' consultation is meaningless in the light of the Fukushima catastrophe. The nuclear industry should not have the luxury of getting away with the limited liability proposed as a matter of course by our pronuclear coalition government. Nuclear operators are allowed to cap their liability at one billion. This would compensate for the loss of 6 months tourist trade in Cumbria. Or is equivalent to the combined insurance of traders in Cumbria's one day County Show. Each trader needs to be insured for at least £5M and there are hundreds of traders. In contrast, in the event of a major nuclear "accident" the nuclear industry is like a reckless uninsured joyrider, literally a public liability. The nuclear industry is a liability we cannot afford. All money and effort should be put into looking after the existing wastes as safely as possible and limiting the damage already done to health and the environment.

yours sincerely,

Marianne Birkby  
on behalf of Radiation Free Lakeland

## **Shut Down Sizewell Campaign - 28 April 2011**

### **Submission by the Shut Down Sizewell Campaign on Implementation of changes to the Paris and Brussels Conventions on nuclear third party liability**

The Campaign understands that DECC's attempt to establish a firm position on nuclear third party liability arises out of a desire to reassure the country that plans are in place in case a nuclear accident occurs. The twelve sections of the response form and its many more subsections confirm DECC's desire to include every possible aspect of damage and compensation that might be involved.

The Campaign is therefore surprised that, after all that careful recognition of the extent of the problems under discussion, DECC proposes to increase the nuclear industry's liability only to €1200 million, as this is a very small fraction of the estimated minimum costs of the compensation for either the Chernobyl or the Fukushima accident, which must amount to many billions of pounds..

The only conclusion that the Campaign is able to draw from this is that DECC recognises the industry could not ever cover the costs of its actions while remaining in business. We have three observations to make about such a position being held by DECC:

- Propping the nuclear industry up in this way would unmistakably be a subsidy, paid for by the people of the UK, and the government has promised that this will not happen
- Rather than reassure the country, this will dismay it, and could reassure only the most selfish of nuclear industries
- In any other sphere, such inability to cover one's risks on such a huge scale would be regarded as unacceptable irresponsibility, unless there were extraordinarily pressing reasons why such a risk ought to be taken. There are no pressing reasons in this case, because alternatives to nuclear power are available and preferable, such as the safe, benign, renewable sources of electricity – wind, wave, tidal, solar, biomass and geothermal – along with energy efficiency and conservation.

On all three grounds the Campaign rejects DECC's proposals as misunderstanding the context of nuclear power. Instead of planning for a level of electricity provision the UK and the planet can afford, and for electricity generation that does not hold the UK and the planet to ransom, DECC seems to be pursuing an ideological wild goose chase to protect an unsustainable industry, that could only lead to disaster.

DECC seems too to be trying to do this with unseemly haste, when the full consequences of Fukushima cannot even be anticipated yet and while those of Chernobyl are still widely contested. DECC ought to recommend instead that decisions on the Paris and Brussels Conventions be put off until a clearer idea emerges from Japan about what went wrong there with institutional processes that allowed such an uninsured calamity to occur, and until decisions may be taken to ensure that the UK develops only an electricity policy that it can afford and that the industry can insure. As DECC has shown itself to lack a grasp of what is

at stake in such decisions, any subsequent discussions must involve stakeholders such as the emergency services and local authority emergency officers, who may have the necessary grasp – or who may have to admit that the problems would be beyond their grasp and therefore must not be risked.

An insurance policy should be planned to mitigate disaster, not to herald it.

Peter Lanyon

**On behalf of the Shut Down Sizewell Campaign**

**28 April 2011**

## **Welsh Anti-Nuclear Alliance - 29 April 2011**

### **Consultation on the Revision of the Paris and Brussels Conventions on Nuclear Third Party Liability**

Welsh Anti-Nuclear Alliance (WANA) response to the consultation on the nuclear industry's proposed extended but partial liability for injury and loss. This submission is particularly addressed to the questions raised in Chapters 8 and 9 of the consultative document; viz, Levels of Liability and Availability of Insurance. It endorses and adds to the response by our member Chris Gifford, submitted separately.

Though the Paris and Brussels Conventions which cover insurance in the event of a nuclear accident were revised in 2004, only now is the Government acting to make changes in the UK law. The dilatory behaviour of the previous government was apparently linked to their determination to continue with 'hidden' subsidies to nuclear power, despite claims to level playing field. We would hope the present coalition agreement was serious in saying they would end subsidies to nuclear power. However, the present document does not appear to respect that principle.

The proposal of a limit on liability, set at 1.2bn Euros (£1.1bn) is indeed a long overdue increase on the previous limit. But it is well below the capacity of the insurance industry, far below the \$20-30bn liability accepted for the Gulf of Mexico oil spill and even further below the costs of the Daiichi /Fukushima nuclear disaster. The very low £1.1bn figure violates the 'no subsidy' principle, implying no fundamental break with Labour's subsidies to nuclear. This, coupled with statements by the Secretary of State that nuclear is essential to "keep the lights on", makes it impossible for this consultation and the S of S himself to lead to an unbiased evidence-based decision.

In his personal response to the consultation, Chris Gifford, a member of WANA and former regulatory Inspector, emphasised the inadequate information supplied for consultation. We endorse that argument particularly in respect of new assessments post-Fukushima. Mr Justice Sullivan in the High Court on 15 February 2007 ruled that the government's second consultation on energy policy was "seriously flawed" and thus "unlawful". There had been no consultation at all, he said, because the government had provided information "wholly insufficient for the public to make an intelligent response." With such a stricture it is surprising that the government has not learned the need for meaningful information to make a consultation effective. It is incredible that this consultation should proceed without even the Chief Inspector's interim report to the Secretary of State on the lessons to be learned from the Fukushima disaster and the implications for the building of new reactors.

We know that much of the radionuclides released – and the probable long-term damage – have come from the on-site stores of spent fuel. The UK plans are for on-site stores of spent fuel and each new reactor – and the UK's future 'high burn-up' spent fuel will be many times more dangerous than the Japanese type. Use of high burn-up fuel gives higher profit to the company, but clearly higher detriment from Fukushima-type releases. The consultation gives no way of taking this into account, yet a proper insurance scheme would insist that higher risks are covered by higher premiums.

Nuclear new build assessment is on hold until we have the report of the Chief Inspector of Nuclear Installations, Dr Weightman and his advisers. This consultation should also be suspended until the relevant information can be provided. That information should include the estimated actuarial cost to the taxpayer of the proposed insurance waiver in the event of a similar disaster in the UK caused, for example, by widespread power supply failure or deliberate sabotage/terrorist attack.

The tragic and serious events at the Fukushima nuclear reactors show the severity is due in part to inadequate regulation, resulting from compromises with cover-up of risks between the company Tepco and the Japanese regulator. The UK has likewise a history of compromises between nuclear operators and the Nuclear Inspectorate. Governments desirous of nuclear

power do influence the regulators, despite the IAEA principle that regulators should be separate and independent. It follows that the hard-headed insurance business is the appropriate body to assess liabilities and levy charges to cover them. The very concept of a cap on liabilities is unjustified and appears inconsistent with the government's market principles – if the market cannot provide insurance, a business cannot be allowed to operate.

The consultation documents discuss how much insurance cover a nuclear company should have, the financial security of companies and company insolvency in the event of a major release of radioactivity. These are arguably issues for the insurance business. They will doubtless study the consequences of the Fukushima disaster as it becomes clearer, including wider potential areas of claim under the revised treaties. These would likewise be relevant if the UK government was to act as insurer of last resort, as implied by the proposed measures and this consultation.

Consultees are being asked for their views on the level and areas of insurance including

1. loss of life and personal injury
2. loss of or damage to property
3. economic loss related to 1 and 2
4. reinstatement of impaired environment
5. use or enjoyment of environment
6. preventive measures.

The latter should include the costs to the emergency services and organisations such as the NHS. Loss of business due to disruption of movement and polluted products is a big issue covered in the Gulf oil spill, so has to be included too.

The 'no subsidy' principle implies no limits on such costs – the documents fail to make a case otherwise. As the US government and BP have agreed no limits, the same can be done over nuclear disasters.

We conclude in agreement with the NFLA and Greenpeace that this consultation should be withdrawn, until it can be re-issued with adequate consultation material, covering

# implications from Fukushima

# review of the financial implications - for businesses as well as local authorities and emergency services - of major nuclear releases.

Pushing ahead with changes to the nuclear liability laws, without first considering the full financial impact on the ability of a company to pay - or Government to pick up additional costs - is not acceptable. DECC omitted to organise stakeholder consultations in advance of issuing the documents – this time it can and should remedy this omission. The Government must also engage - transparently - with the emergency services and other agencies that may be involved in preventing: loss of life and personal injury; loss of or damage to property; reinstatement of the impaired environment or applying preventative measures.

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Welsh Anti-Nuclear Alliance April 2011 <[www.stop-wylfa.org](http://www.stop-wylfa.org)>

Max Wallis  
Penarth, Glamorgan

**West Cumbria & North Lakes Friends of the Earth - 28 April 2011**

**West Cumbria & North Lakes Friends of the Earth  
Response to Government Consultation on the Paris Brussels Conventions  
covering insurance in the event of a nuclear accident**

I am responding on behalf of our group which is situated in the immediate locality of the Sellafield complex, and therefore has a special interest in these matters since our members are at very high risk of being the victims of a nuclear accident in the UK.

The consultation proposals were issued before the catastrophic accident at Fukushima, which we have watched with horror as we witness the impact of the draconian measures that have had to be implemented in the exclusion zones around the plant. Our members would be affected in the same way if something similar happened at Sellafield and we find it difficult to imagine how adequate compensation arrangements would be made for people obliged to leave their homes without warning, for an indefinite period of time, and unable to return to collect any belongings in the most extreme cases. We are already aware of the length of time that the consequences of nuclear accidents can persist: there are sheep in Cumbria which are still subject to radioactive exclusion from the Chernobyl accident 25 years ago.

For this reason alone, we argue that it is imperative for the DECC to halt this consultation and inform its policy in the light of the events at Fukushima. We believe that valuable learning can take place as a result of this tragedy and it would be a dereliction of duty in the part of the British government if they were to fail to grasp the opportunity it provides.

There are other reasons too. One concerns the ability of private operators actually to pay compensation. In Japan, the TepCo is now struggling financially and may have to be taken over by government. This raises extremely important questions about the nature of any cover and the terms of its validity.

A second reason concerns the review of nuclear safety which the government itself has commissioned following the catastrophe at Fukushima. The situation there has grave implications for financial matters including insurance, and proceeding with this current consultation in its present form without taking the trouble to learn from an event that has actually occurred is a blinkered approach to policy.

We also would like to register our concern that DECC has not convened a single stakeholder event on this important issue. Our members are in a very high-risk group for nuclear accident and are aggrieved that our views have not been sought other than through this formal channel. The ability to discuss these matters is of critical importance to forming a view on the matters under review, and this has not been made available to us.

Finally we are concerned that the emergency services are involved in this consultation, and yet have not been provided with the opportunity to contribute in the light of events at

Fukushima. They, too, should be enabled to provide a response that allows them to learn from Japan, where the level of emergency provision is similarly developed to that in the UK.

**Dr Ruth Balogh**

**West Cumbria and North Lakes Friends of the Earth**

**April 28<sup>th</sup> 2011**