



Department
of Energy &
Climate Change

**Department of Energy & Climate
Change**

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SW1A 2AW
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www.decc.gov.uk

Our Ref: 13/1294

13 November 2013

Dear NAME REDACTED,

Thank you for your email of 18 September 2013 where you requested the following information:

This is a revised FOI request for details of correspondence (letters, emails) and meetings (government briefing papers, agendas, minutes of meetings) between senior officials at the OND and EdF energy / NIA and / or Ed Davey and / nuclear issues considering nuclear new build (including Hinkley Point), and energy policy (including strike price, contracts for difference, carbon floor price or any type of indirect subsidy) from 1st January 2013 until today;

Your request has been considered under the Freedom of Information Act 2000 (FOIA). Under the FOIA you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

We have considered the timescale of your request to refer to the period from 1 January 2013 to 18 September 2013. We have interpreted 'energy policy' to refer to nuclear energy policy and interpreted the request to refer to correspondence and meetings between Senior Officials at the Office for Nuclear Development (OND) and either EDF Energy/NIA or Ed Davey.

I can confirm the Department of Energy & Climate Change (DECC) does hold information which falls in scope of your revised request. In total we have located 4 pieces of

correspondence, and can confirm that 29 meetings took place, which are in scope of your request.

A copy of this information is enclosed as follows: a full table of the meetings, some material in relation to some of those meetings and some correspondence. Some of the information that you requested has been withheld on the basis that it is exempt from disclosure under sections 43 (2) and 40 (2) of the FOIA.

Section 43 (2) of the FOIA exempts information if its disclosure would, or would be likely to, prejudice the commercial interests of any person. The application of Section 43 to a specific information request is subject to a public interest test – i.e. the public authority must be satisfied that there is a public interest in withholding the information in question. In this context, we recognise that there is a general public interest in the disclosure of information, as greater transparency can make government more accountable. Against this, however, there is also a public interest in ensuring that the commercial interests of EdF Energy are not damaged or prejudiced by the disclosure of information which is not common knowledge and which could adversely impact future business. Releasing certain types of information on the UK's new nuclear programme would prejudice the commercial interests of EdF, and indeed of DECC in ensuring that the commercial arrangements that are concluded represent good value for money. We have therefore concluded that, on balance, the public interest in this instance lies in the non-disclosure of some of the information which is within the scope of your request.

Some personal information has been redacted from the information released. This is because such information is exempt from disclosure under section 40 (2) of the FOIA as it constitutes personal data, the disclosure of which would contravene one or more of the data protection principles. Personal data can only be disclosed in accordance with the data protection principles. The first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act 1998. We do not consider that it is fair and reasonable to release the names of individuals from third parties or those who are not members of the Senior Civil Service, and do not consider that any of the relevant conditions apply. The names of Senior Civil Servants have been published.

Many of the meetings that took place over this period were in relation to the Funded Decommissioning Programme (FDP) for Hinkley Point C, that was submitted in March 2012, and the Waste Transfer Contract (WTC) that is being prepared in parallel, setting out the terms on which title to and liability for the higher activity waste from Hinkley Point C will transfer to Government at the end of the of the power station's life. These meetings were part of a process of engagement between DECC officials and EDF during which several draft versions of these documents were prepared and discussed. Many of the meetings shown were regular meetings scheduled to review progress and discuss timetabling.

The process of engagement and commercial negotiation between DECC and EDF regarding these documents has not yet concluded, such that, in our view as outlined above, disclosure of these documents would, or would be likely to, prejudice the respective commercial interests of both Government and EDF in finalising the FDP and WTC. Accordingly, we have concluded that the documents that were discussed in those meetings are exempt from disclosure under Section 43(2) of the FOIA and that the balance of public interest lies in

withholding such documents so that the FDP and WTC can be concluded on terms which are most beneficial to the taxpayer. It is anticipated that once this process is completed and the Secretary of State has taken a decision on whether or not to approve the FDP for Hinkley Point C, the final versions of the FDP and WTC will be made public.

Many of the other meetings between OND and EDF were regular scheduled catch ups to discuss and review progress of the new build programme. Few formal agendas and notes were prepared for these meetings as they were informal in nature.

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review, please contact:

Security and Information Rights Team (DECC Shared Service)

Department for Business, Innovation & Skills

Victoria 3, 5th Floor

1 Victoria Street

London SW1H 0ET

Email: foi.requests@bis.gsi.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Office for Nuclear Development

Table of meetings:

Date	Organisation/Event	Relevant information
14 January 2013	OND/ED DAVEY Pre-brief and Meeting on the New Nuclear Programme	Presentation REDACTED S.43 (2).
23 January 2013	DECC/BIS/NIA Meeting	To discuss agenda for NIA event.
30 January 2013	DECC/EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
4 February 2013	DECC/ EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
11 February 2013	DECC/ EDF Weekly Meeting on FDP/WTC	N/A
12 February 2013	EDF Seminar on Hinkley Point C	EPR/Hinkley: Project readiness; build confidence and EPR technology commitment.
18 February 2013	DECC/ EDF Weekly Meeting on FDP/WTC	N/A
20 February 2013	DECC/EDF Meeting on FDP for Hinkley Point C	N/A
20 February 2013	NIA Programme Management Board	N/A
25 February 2013	DECC/ EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
27 February 2013	Nuclear Industry Council (NIC) event	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200149/uk_nuclear_industry_council_minutes_27_feb_2013.pdf
27 February 2013	OND/Ed Davey Meeting on waste & decommissioning for Hinkley Point C	Presentation REDACTED S.43 (2).
4 March 2013	DECC/ EDF Weekly Meeting on FDP/WTC	To review progress and timetable.
6 March 2013	DECC/BIS/NIA Nuclear Industrial Strategy Discussion	N/A

11 March 2013	DECC/ EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
15 March 2013	DECC/EDF Meeting	Agenda REDACTED S.43 (2).
18 March 2013	DECC/EDF Meeting	N/A
18 March 2013	DECC/ EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
26 March 2013	DECC/ EDF Weekly Meeting on FDP/WTC	Agenda REDACTED S.43 (2).
8 April 2013	DECC/EDF Meeting	To discuss progress made and next steps.
16 April 2013	DECC/EDF Monthly Meeting	Agenda (Annex 1).
1 May 2013	DECC/EDF Meeting	N/A
1 May 2013	DECC Meeting on Hinkley Point C	Meeting between Mark Higson (OND) and Ed Davey (DECC).
23 May 2013	DECC/EDF Meeting	N/A
8 July 2013	DECC/EDF Monthly Meeting	Agenda (Annex 2).
9 July 2013	EDF Meeting	N/A
10 July 2013	Nuclear Industry Council (NIC) event	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246060/NIC_Minutes_10th_July_13_meeting.pdf
11 September 2013	DECC/EDF Meeting on Hinkley Point C	N/A
16 September 2013	DECC/EDF Monthly Meeting	Agenda (Annex 3). Meeting note REDACTED S.43 (2).

Correspondence:

Subject: FW: Strategic Nuclear Owners Group - FOI

-----Original Message-----

From: NAME REDACTED S.40(2) [mailto:NAME REDACTED S.40(2)@edf-energy.com]

Sent: 09 July 2013 23:37

To: Hays Hergen (Office for Nuclear Development)

Cc: NAME REDACTED S.40(2) (Office for Nuclear Development); NAME REDACTED S.40(2) (Office for Nuclear Development); NAME REDACTED S.40(2)@ NG

Subject: Strategic Nuclear Owners Group

Hergen

Please find attached the joint EDF/NDA position paper on the Nuclear Owners Strategy Group which we discussed yesterday. The position is fully endorsed by NAME REDACTED S.40(2) and NAME REDACTED S.40(2).

NAME REDACTED S.40(2)

NNB

EDF Energy

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ATTACHMENT B: Getting the proposed new “Client Group” on UK nuclear infrastructure right

Discussion paper prepared jointly by EDF Energy and NDA

1. One of the “Key Actions” in the Government’s Nuclear Industrial Strategy (NIS) was the establishment of a “Procurement and Infrastructure Client Group”. This Note sets out how, by working together so as to help government, EDF Energy and NDA can ensure this objective will deliver maximum value.
 2. The Note covers:
 - A. The need to separate the Government’s proposed “Procurement Client Group” activity from the quite different remit to be fulfilled by the group on UK nuclear infrastructure
 - B. The suggestion to re-name the Group as part of ensuring its role is not confused with that of the Procurement Client Group
 - C. Proposed Terms of Reference for the Group, suggested membership and relationship to other bodies
 - D. Proposed initial topic areas
 - E. Next Steps
- A. The need for two separate Groups**
3. The Government’s proposal within the NIS for a single “Procurement and Infrastructure Client Group” is a mistake.
 4. The draft NIS contained only the proposal for a “Public Sector Client Group on Procurement”. EDF Energy and NDA’s call for a group to look at strategic issues involving both the private and public sector owners/operators was incorporated as a last-minute change to the document which combined the two.
 5. Quite different representation and agendas will be needed for these two Group so it is important to gain Government agreement to their separation as soon as possible.
- B. A new name for the strategic Group**
6. To avoid confusion we suggest the Group be titled “Nuclear Owners’ Strategy Group”. The title signals the focus is strategic and that a criterion for membership is ownership of UK nuclear facilities.
- C. Terms of Reference**
7. We suggest the purpose of the new Nuclear Owners Strategy Group should be:

To provide a forum within which the owners of major UK nuclear facilities can engage with relevant UK Government Departments on issues of strategic national significance.

The objective of the Group will be to enable the shared objectives of government and the nuclear sector to be delivered safely and efficiently to the long term benefit of taxpayers, electricity consumers and shareholders.
 8. The initial membership should be:
 - Ministers/SoS and officials as required from BIS, DECC (OND) and Treasury
 - MDs/CEOs of nuclear “clients” viz: NDA, MoD, EDF Energy NG, EDF Energy NNB, Horizon, NuGen;
 - We suggest a Minister should chair the new Group

D. Topics for discussion at the new Group

9. We suggest topics for discussion within the Group could include:
- UK's spent fuel management options
 - the role of nuclear utilities in addressing national issues like management of the Plutonium stockpile and delivery of GDF
 - the development of NNL to become a "national lab";
 - the potential for achieving benefits through a more joined-up approach towards management of legacy, current and future nuclear liabilities (e.g. through shared facilities)
 - the impact of regulatory requirements (both UK and European)
 - the methodologies for estimating nuclear liabilities costs
10. We agree that the Nuclear Owners Strategy Group is not a subgroup of NIC but will from time to time present its thinking to the NIC and where appropriate seek NIC support for implementation of its proposals. The Attached Figure 1 shows how the relationship of the new group (called "Client Group") was shown in the document circulated ahead of the NIC "Sherpa" meeting.

E. Next Steps

11. NDA has offered to take the conclusions from the L1 discussion to Stephen Lovegrove. The two organisations may also wish to outline their conclusions to Lord Hutton who will be chairing the next meeting of the Nuclear Industry Council on July 10th, where there may be some discussion around the role of the new Group.

June 27 2013

Future NIC Structure

Showing the proposed new strategic group for nuclear owners and Government

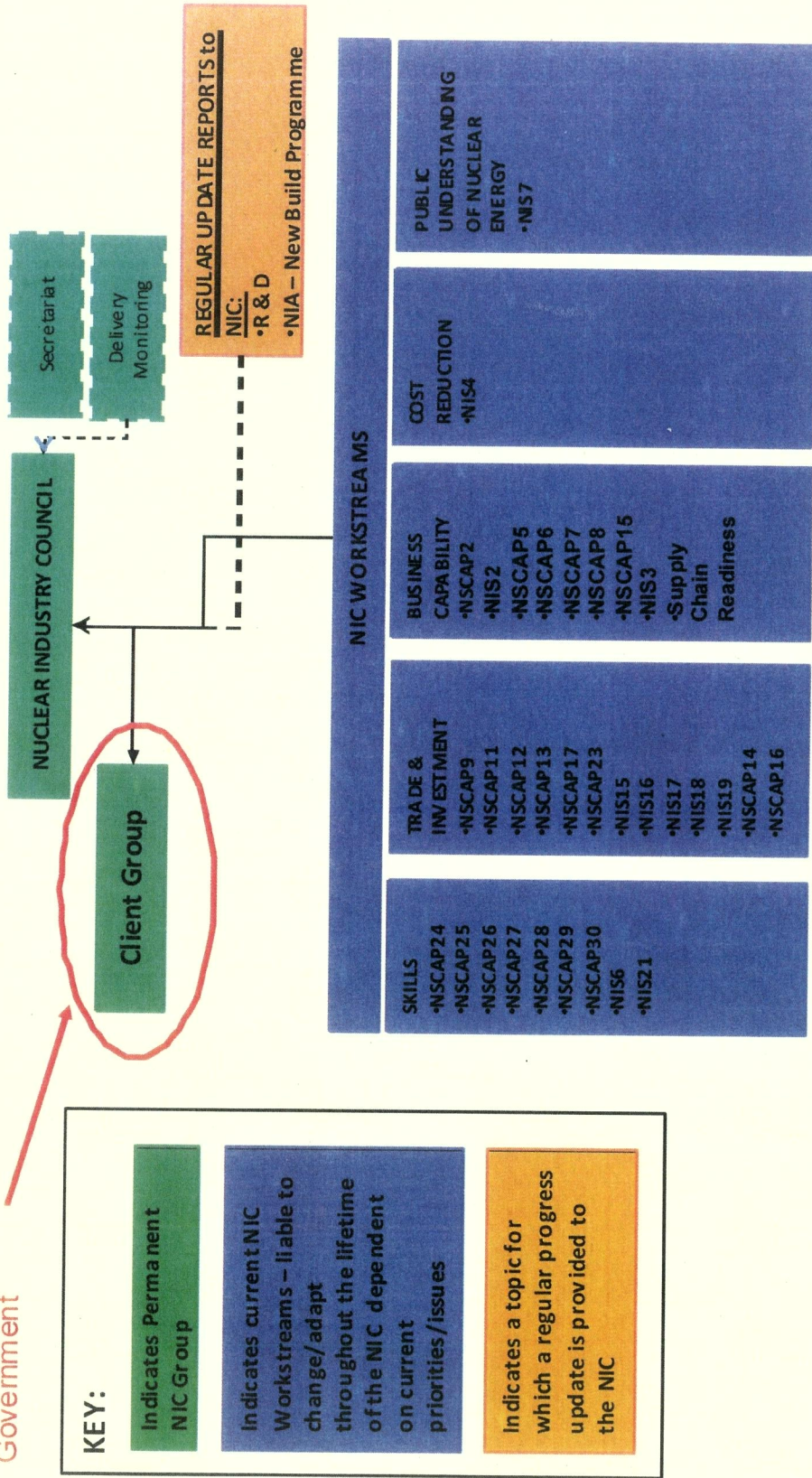


Figure 1

Annex 1:

**OND and EDF Meeting
16 April, 4pm
LG06, 3 Whitehall Place**

Agenda

1. Welcome
2. Emergency planning at Sizewell
3. Preparations for Sizewell Forum meeting
4. Update on local activities at Hinkley Point
5. Industrial Strategy actions (including development of a client base)
6. AOB:

Annex 2:

Agenda

1. Next steps on MRWS
2. Update on refocusing of HPC project for 2013
3. Hinkley Strategic Delivery Forum and Sizewell equivalent.
4. Community benefits
5. Nuclear Industry Council on 10 July.
6. Update on Sizewell including emergency planning zones
7. Judicial Review – likely timetable
8. FDP update.

Annex 3:

DECC/EDF Energy Bilateral

16 September 2013

Topics for discussion

Update on NNB reorganisation

Hinkley Point C - local authority relationship

Sizewell C update

Coordination with National Grid connection projects

Emergency planning update

Nuclear Industry Council and NOG

Office for Nuclear Regulation