

NUCLEAR LAW



UK Legislative Developments

The Energy Act 2008

The Energy Act 2008 was introduced into Parliament last January, receiving Royal Assent eleven months later. In addition to a number of other nuclear and non-nuclear areas, the Act sets the framework for financing decommissioning, waste management and waste disposal from new nuclear power plants (NPPs). It imposes new legal duties on operators and creates new powers for the Secretary of State to ensure that operators meet those duties.

The Act gives legislative effect to the Government's policy outlined in "Meeting the Energy Challenge, A White Paper on Nuclear Power", published last January which provides that operators of new NPPs should be responsible for the full cost of decommissioning the NPP and for their share of the storage or disposal costs of any generated radioactive waste.

Funded Decommissioning Programmes (FDPs)

Operators are obliged to have a Funded Decommissioning Programme (FDP), approved by the Secretary of State for Energy and Climate Change, in place before construction of any new NPPs begins and to comply with this programme thereafter.

Operators are also required to seek approval for modifications above a de minimis level to the programme and will be required to regularly review the FDP and provide information to the Secretary of State. The FDP must include clear planning for the steps necessary to decommission the station and to manage and dispose of the waste; an estimate of the costs of taking those steps; and financing proposals to meet the costs identified.

Welcome

Welcome to the latest issue of **Nuclear Law**. If you would like further details on any of these areas then please contact one of the Nuclear Law Team or have a look on our website www.burges-salmon.com.

Contents

- Transfrontier Shipment Regulations p2
- DECC pre-consultation on cost sharing p3
- DECC consultation on the NIA's application to justify new build in the UK p4
- Commission re-tables a nuclear safety directive p5
- Commission updates 2007 PINC (Illustrative Nuclear Programme) p8
- Commission's nuclear liability impact assessment p9
- Council's conclusions on assistance to third countries in the field of nuclear safety and security p10
- Burges Salmon developments p11

UK Legislative Developments

The Energy Act 2008 *continued*

The Secretary of State has wide powers to make regulations and to issue guidance, and the Act also includes provisions allowing for the financial scrutiny of financial obligations and the provision of financial security. Criminal offences apply if approved FDPs are not complied with and also if an approved FDP is not in place prior to construction or operation of a new NPP.

FDP Guidance

Parallel to the Energy Act, the Government published for public consultation earlier in 2008 two sets of draft guidance on what an FDP should contain. The aim of the guidance is to assist operators in understanding their obligations under the Act.

The first set of guidance (Decommissioning and Waste Management Plan guidance) is intended to assist operators in setting out and costing the technical steps involved in decommissioning a new nuclear power station and managing and disposing of the waste and spent fuel in a way which the Secretary of State may approve. This guidance also sets out the cost modelling methodology the Government expects to use to generate its own prudent estimates of the costs of decommissioning, waste management and waste disposal for new nuclear power stations.

The second set of guidance (Funding Arrangement Plan guidance) is intended to assist operators in setting out acceptable financing proposals to meet the costs identified. It sets out the Guiding Principles against which the Government will assess the funding proposals submitted by operators as part of the FDP.

Nuclear Liabilities Financing Assurance Board (NLFAB)

In the Nuclear White Paper, the Government announced its intention to create a new independent advisory body, the Nuclear Liabilities Financing Assurance Board (NLFAB).

The NLFAB will provide independent scrutiny and advice to the Secretary of State on the suitability of FDPs submitted by operators, as well as regular reviews and ongoing scrutiny of funding arrangements. The NLFAB is expected to consist of high calibre experts, employed part-time from relevant fields such as current or former fund managers, pension trustees, actuaries and nuclear specialists. The board members will be appointed by the Secretary of State.

“Criminal offences apply if approved FDPs are not complied with ...”

Transfrontier Shipment Regulations

The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (SI 2008/3087) came into force on 25th December 2008. The new Regulations amend the current regulatory regime for the authorisation of movements of radioactive waste and spent nuclear fuel between EU Member States and into and out of the Euratom Community.

The new Regulations transpose Council Directive 2006/117/Euratom on the supervision and control of shipments of spent fuel, as well as radioactive waste. By replacing and revoking the existing UK regulatory regime established by the Transfrontier Shipment of Radioactive Waste Regulations 1993, (which implemented Council Directive 92/3/Euratom and which only applied to radioactive waste) the



Regulations now cover shipments of spent nuclear fuel sent for reprocessing.

Pursuant to the Regulations, it is an offence to ship radioactive waste or spent fuel into or out of the UK unless in accordance with the provisions of an authorisation granted by the appropriate competent authority (i.e. the Environment Agency in England and Wales, the Scottish Environment Protection Agency in Scotland and the Chief Inspector in Northern Ireland). The Regulations are considered to provide a clearer and more certain timetable for the authorisation procedure, by setting time limits for consent from other Member States and a “deemed consent” procedure in cases where no response is forthcoming.

According to the Explanatory Memorandum to the Regulations, although only a small number of businesses undertake the import and export of radioactive waste and spent fuel, there are indications that, as more nuclear installations are decommissioned and dismantled, a greater quantity of radioactive waste is likely to be sent overseas for specialist treatment that is unavailable in the UK (including smelting of contaminated metals and return of radioactive waste in the slag). Further, it is not expected, however, that there will not be any near term applications to send UK spent fuel abroad for reprocessing as the Sellafield (Cumbria) plant reprocesses spent fuel from UK reactors and for overseas customers.

DECC pre-consultation on cost sharing on building a new geological disposal facility (GDF)

Three informal papers have been issued addressing specific issues relating to the cost estimates for waste management, disposal and decommissioning and establishing an indicative fixed unit price for the disposal of intermediate level waste (ILW) and spent fuel from new NPPs.

The first pre-consultation discussion is on a methodology to determine how the fixed costs of building a geological disposal facility (GDF) should be apportioned between operators of new nuclear power stations. The two other papers in the series are a methodology for establishing an indicative fixed unit price for the disposal of ILW and spent fuel; and the Department of Energy and Climate Change (DECC) cost model, with updated estimates of total costs for waste management, disposal and decommissioning.

Key points which will form part of the later formal public consultation include the contribution by operators to the costs of building the GDF should be calculated as part of the methodology for setting a fixed unit price for disposal of ILW and spent fuel and incorporated into the fixed unit price. The modelling

assumption should be that an operator’s contribution to the fixed costs of the GDF should be in proportion to the use it makes of the GDF’s capacity.

The assumption for DECC’s cost modelling work should be that payments to cover the fixed unit price – and hence the operator’s contribution to the fixed costs of the GDF – will be paid to the Government when title to and liability for each operators’ waste is transferred to the Government, hence it is considered necessary to consider whether some adjustment should be made to the fixed costs contribution, in addition to escalating for inflation. Finally, it is considered that DECC’s cost modelling should take into account the possibility that co-disposal proves not to be feasible – as a result of a new nuclear programme being large – and the corresponding risk that another GDF is required.

There will be a formal public consultation on the issues covered by the three papers this Spring. The finalised approach is then expected to be published alongside the finalised Guidance this Summer.

“..DECC’s cost modelling should take into account the possibility that co-disposal proves not to be feasible”

UK Legislative Developments *continued*

DECC consultation on the NIA's application to justify new build in the UK

On 17 December 2008, the Government issued its consultation on the Nuclear Industry Association's (NIA) application (submitted with the support from six utilities and would-be builders of new UK plants, namely, British Energy, EDF, EOn, RWE, Vattenfall and Iberdrola) for a Justification decision to justify certain types of new NPPs. The application was submitted further to the Government's call of March 2008 for Justification applications.

The NIA's application is made to support the construction, operation and, ultimately, the decommissioning of new NPPs in the UK and seeks a justification decision for a new "class or type of practice" pursuant to regulation 9 (1) of the Justification of Practices Involving Ionising Radiation Regulations 2004 (SI 2004 No. 1769) (the Justification Regulations).

The deadline for responses to the consultation document is 25 March 2009 and the entire process is expected to last until January 2010 with the adoption of secondary legislation providing the final Justification Decision(s).

What is justification and what is the need for it?

Justification is a high-level assessment of the benefits and any health detriment associated with a particular "class or type of practice". The need for Justification stems from the internationally accepted principle of radiological protection derived from the recommendations of the International Commission on Radiological Protection. These

recommendations state that no practice involving exposure to ionising radiation (in this case, the construction of new nuclear power plants) should be adopted unless it produces sufficient benefits to offset any health detriment it may cause. The Justification process is required under EU law by the Euratom Basic Safety Standards Directive (Article 6(1) and (2) Council Directive 96/29/Euratom) to ensure that nuclear power developments are in the public interest. This process is implemented into UK law by the Justification Regulations.

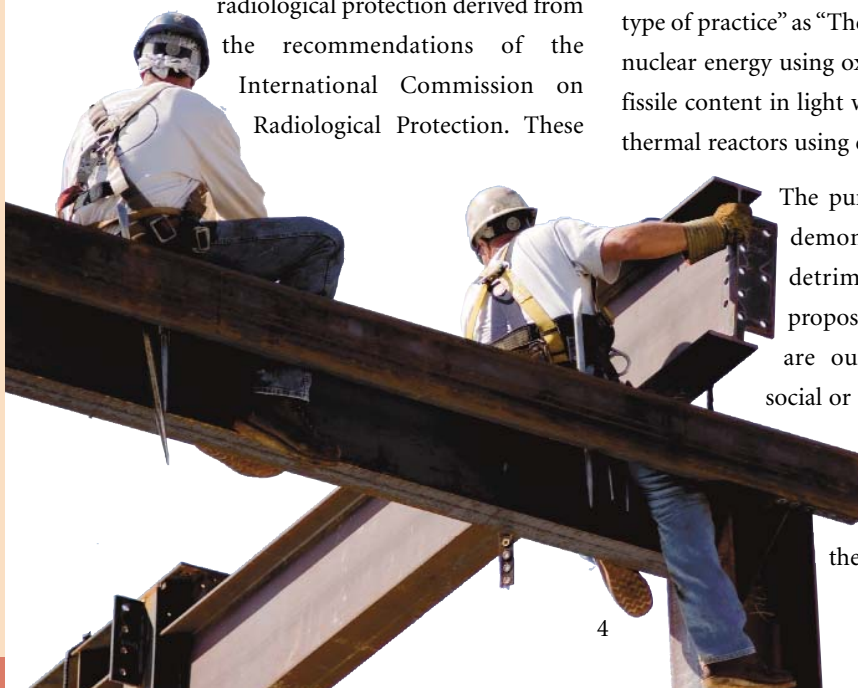
Although an "important milestone", Justification is just one of a number of regulatory tests that must be satisfied before a new type of NPP can be built in the UK. Others include optimisation and limitation which are applied after the Justification process through further statutory and regulatory processes such as licensing, authorisations and planning consents. The Justification process is generic rather than specific to any particular site and it is independent of the Generic Design Assessment (GDA) and Strategic Siting Assessment (SSA) currently being undertaken by the UK government in relation to nuclear new build.

"Class or type of practice"

In calling for applications earlier this year, the Government encouraged those which could enable a single Justification decision in relation to a number of different reactor designs. Consistent with this approach, the NIA's application defines the "class or type of practice" as "The generation of electricity from nuclear energy using oxide fuel of low enrichment in fissile content in light water cooled, water moderated thermal reactors using evolutionary designs."

The purpose of the application is to demonstrate that the health detriment associated with the proposed "class or type of practice" are outweighed by the economic, social or other benefits. To this end, the NIA's application identifies four specific reactor designs as examples that fall within the proposed "class or type of

"...no practice involving exposure to ionising radiation should be adopted unless it produces sufficient benefits to offset any health detriment it may cause..."



practice” and for which a single Justification decision could be made. At the same time, the NIA application also provides for an alternative approach whereby the Justification process could assess each of the four individual reactor designs as four separate “classes or types of practices”.

The Secretary of State will need to determine whether the Justification process should either assess four “classes or types of practices” based on the four reactor designs identified in the NIA application or a single “class or type of practice”. The Government’s preliminary approach as set out in the consultation document is to apply an approach whereby the reactors should be considered individually for Justification as 'new practices' because of the material

differences between modern reactor technology and the UK's existing nuclear fleet, notwithstanding the existing practice, namely, the PWR at Sizewell B.

Conclusion

The deadline for responses to the consultation is 25th March 2009. If the Secretary of State considers that the “class(es) or type(s) of practice” are new, then a draft Justification decision will be prepared for consultation as to whether the “class(es) or type(s) of practice” are Justified. It is expected that the final Justification Decision by the Secretary of State pursuant to the Justification Regulations will take the form of secondary legislation expected to be issued in January 2010.

EU Nuclear Legislative and other developments

In November 2008, the European Commission proposed a revised "Council Directive (Euratom) setting up a Community framework for Nuclear Safety" and also published an update to the 2007 PINC (Illustrative Nuclear Programme):



Commission re-tables a nuclear safety directive

The Commission's proposal aims at re-starting the process of establishing a common EU framework on nuclear safety with the objective of achieving and maintaining a high comparable level of nuclear safety throughout the Community. The proposal replaces and updates the failed initial nuclear safety package.

Failure of the Initial Nuclear Safety Package of 2002/2003 (and 2004)

On 6 November 2002, the Commission proposed two draft Directives on the safety of nuclear facilities and the management of spent fuel and radioactive waste.

Following the opinion by a special Scientific and Technical Committee (commonly known as the Article 31 Expert Group) as well as the Economic and Social Committee, the Commission revised the Directives and adopted new drafts in January 2003 which contained the following changes to the 2002 proposals (COM 2003/32 final):

Nuclear Safety Directive

- Subsidiarity (Article 4): This new article responded to Member States' concerns over interference from the Commission in national legislation by stating

EU Nuclear Legislative and other developments

Commission re-tables a nuclear safety directive *continued*

that the responsibility for nuclear safety rests with the national authorities and the operators.

- Decommissioning funds (Article 9): Member States were no longer required to provide securely ring-fenced funds for dismantling nuclear power stations. This proposal had met with strong opposition particularly from Germany. However, there still was an obligation to "ensure that adequate financial resources are available".
- National Regulatory Committee (Article 12): The Commission proposed setting up a regulatory committee, composed of national regulatory bodies and chaired by the Commission. This committee was to define guidelines for national reports and assess them.

Nuclear Waste Management Directive

- Waste disposal programmes (Article 4): The proposal no longer specified deep geological waste disposal as a legal requirement, but it did require that Member States gave priority to this treatment if possible.
- Timetable (Article 5): Member States would be required to draft long-term national management programmes for radioactive waste but the original approach of a firm timetable was abandoned. However, the Commission indicated it should have the power to act if it did not receive these programmes.

As a majority of Member States allowing the adoption or the rejection of both proposals was not obtained, the Council adopted conclusions on the subject in June 2004 (COM(2004) 526 final), which also led to the creation of the Council Working Party on Nuclear Safety (WPNS). Since that time, the WPNS, the European High Level Group on Nuclear Safety and

Waste Management (HLG) (initially proposed in the January 2007 PINC and now comprising the Heads of the national regulatory or nuclear safety authorities of the 27 EU Member States) and the European Nuclear Energy Forum (ENEF) (launched in November 2007) continued to work on the issue. In particular, the ENEF has strong support for the adoption of EU legislation on nuclear safety, based on "common fundamental safety principles for nuclear installations".

Proposed new safety directive of November 2008

If approved by the Member States, the proposed Directive will cover "the design, siting, construction, maintenance, operation and decommissioning of nuclear installations, for which consideration of safety is required under the legislative and regulatory framework of the member state concerned."

The proposal is built upon internationally-recognised nuclear safety principles contained in the Convention on Nuclear Safety (CNS) and the Safety Fundamentals document of the International Atomic Energy Agency (IAEA) which contains the 10 principles of nuclear safety (IAEA SF-1 (2006)). This is supplemented by additional safety requirements for new NPPs which Member States are encouraged to develop in line with the principle of continuous improvement of safety, on the basis of the safety levels developed by the Western European Nuclear Regulators' Association (WENRA) and in close collaboration with the HLG. In addition, Member States retain the right to impose at national level more stringent safety measures than those provided for in the draft Directive.

Euratom's opinion of February 2009, however is that because the Directive is based on Articles 31 and 32 of the EURATOM treaty it cannot simply transpose all the IAEA Fundamental Safety Principles and all applicable requirements and obligations of the CNS.

"...the ENEF has strong support for the adoption of EU legislation on nuclear safety, based on common fundamental safety principles for nuclear installations."

As part of the legislative process, the proposed Directive is under discussion in the Council. EU Member States, the European Parliament and the European Economic and Social Committee will also discuss the Proposal. The proposed Directive is located at:

http://ec.europa.eu/energy/nuclear/safety/doc/2008_nuclear_safety_directive_proposal_council_proposal_euratom.pdf

It would appear that the European High Level Group on Nuclear Safety and Waste Management (HLG) will now become "the focal point of cooperation between regulators and will contribute to the continuous improvement of nuclear safety requirements, especially with respect to new reactors." Also, by virtue of Article 6 of the proposed Directive, the WENRA safety reference levels (the reports of which were initially published in January 2006 and subsequently revised in 2007 and 2008) will now form the basis for harmonising safety levels within the EU.

Although the proposed nuclear safety Directive, as for past proposals, can be considered a watered down version, under which the Commission takes a much less powerful role on nuclear safety issues than initially envisaged, it nevertheless represents an important first step towards establishing a common EU framework on nuclear safety. Further, it would seem that the proposal has considerable more support than its predecessors.

Already at the May 2008 meeting of the HLG, nuclear safety regulators from all 27 EU Member States reached agreement on steps to further strengthen nuclear safety, radioactive waste management and decommissioning arrangements in the EU. In particular, they commonly agreed to invite IAEA peer reviews (IRRS) to review national regulatory arrangements and to seek areas where lessons can be learnt from international best practice and identify areas of good practice. Until such time, it was agreed that they would undertake a self assessment against the IAEA safety standards, inviting experts from other EU Member States in this regard. Regulators also further commonly agreed to further improve radioactive waste and spent fuel management in the EU, to strengthen co-operation, and to monitor the enhancement of the financing of these activities. The establishment and implementation of a radioactive waste management plan in all EU Member States will continue. It was also agreed that access to relevant data on nuclear safety in all EU Member States would be made available online.

A future key issue concerning the effectiveness of the Directive may be the proposed Commission's report (three years following the Directive's entry into force) to the European Council on progress made in implementation, "accompanied, if appropriate, by legislative proposals" (Article 11). It may well be the case that further legislation is developed leading towards greater harmonisation of nuclear safety measures in EU Member States.

It is noted however, that Euratom suggests the deletion of the text concerning "legislative proposals".

We stand ready to provide further information on the proposed Directive.

"...(HLG) will now become the focal point of cooperation between regulators and will contribute to the continuous improvement of nuclear safety requirements, especially with respect to new reactors."

EU Nuclear Legislative and other developments *continued*

Commission updates 2007 PINC (Illustrative Nuclear Programme)



“...a more coherent and harmonised liability scheme should be developed to ensure a comparable level of protection for citizens and to create a level playing field for EU nuclear industry”

The basis for PINC (Illustrative Nuclear Programme) is Article 40 of the Euratom Treaty which states that the Commission shall “periodically publish illustrative programmes indicating in particular nuclear energy production targets and all the types of investment required for their attainment.” Since 1958 five PINCs and two updates have been published in 1966, 1972, 1984, 1990, 1997, 2007 and in November 2008. The illustrative programmes provide an opportunity for a forward looking analysis of the prospects for development of nuclear power in the EU.

SER I and PINC (January 2007)

In January 2007, the Commission published its 5th PINC (COM(2007) 565,4.10.2007). It describes the status and potential future scenarios for the EU nuclear sector, within the wider Strategic Energy Review ((SER I) "An Energy Policy for Europe") which supports the EU's '20-20-20' climate change strategy and concluded that a diverse portfolio of low-emission energy technologies will be needed to meet carbon dioxide (CO₂) reduction challenges. Renewables were identified as central to the portfolio, but support for "clean" fossil fuels and the official endorsement of nuclear energy as a key component of the Community's low-carbon energy future, also featured.

SER II and PINC update (Nov 2008)

A SER II was published in November 2008. It puts forward a new strategy to build up energy solidarity among EU Member States and a new policy on energy networks to stimulate investment in more efficient, low-carbon energy networks. It also proposes an Energy Security and Solidarity Action Plan to secure sustainable energy supplies in the EU and looking at the challenges that Europe will face between 2020 and 2050.

As part of this SER II, a 2008 update to the 2007 PINC was published (COM(2008) 776, 13.11.2008). The three core recommendations of the 2008 update for the continued safe use of nuclear energy in the EU are as follows: that common reactor safety levels for existing NPPs and new build should be adopted; that only designs whose safety and security levels are equivalent to Generation III, or subsequent improvements should be considered in the EU for new build; and that a more coherent and harmonised liability scheme should be developed to ensure a comparable level of protection for citizens and to create a level playing field for EU nuclear industry (see the **Commission's nuclear liability impact assessment** below).

The European Parliament adopted the report during its February session and it will now be discussed during the Spring Council on 19th and 20th March.

Commission's nuclear liability impact assessment

The potential risks of third party liability for nuclear damage require uniform arrangements which establish legal certainty among states world-wide. Despite past and on-going efforts, the current regime on civil liability for nuclear damage is far from universal. Out of 439 nuclear power plants operating world-wide, 229 are not covered by it and some of the countries in which nuclear power is projected to expand the most are the same countries that remain outside the regime.

The nuclear liability regime is composed of two regimes, namely the Paris and Vienna regimes, comprising of several treaties with similar basic principles adopted under two different auspices, namely the IAEA and OECD/NEA.

In December 2007, the Commission launched a study seeking the views of the 27 EU Member States, relevant international organizations (in particular the IAEA and OECD/NEA), the nuclear industry, the insurance industry and the general public on the need to establish a uniform EU regime on nuclear liability. The aim of the study was to establish the basis for a harmonisation of the nuclear liability rules within the European Community further to a

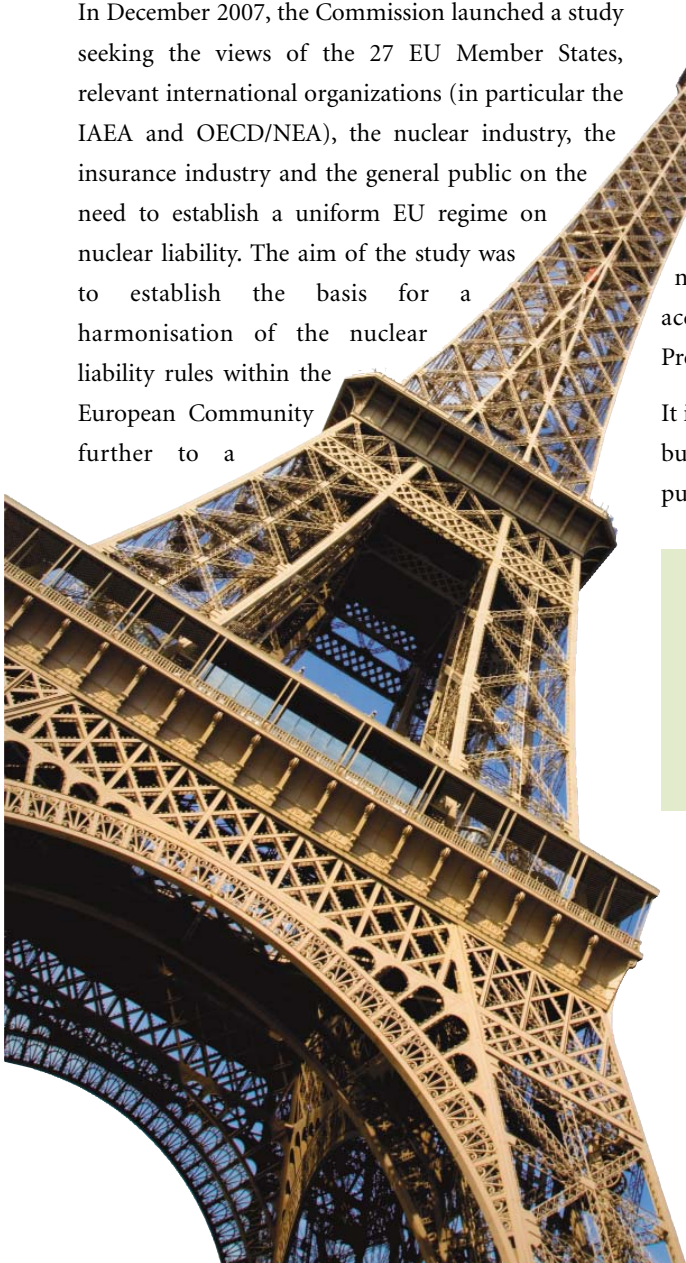
perceived EU nuclear renaissance and a lack of an EU level uniform liability regime. Of the 27 EU Member States, the majority are party to the Paris Convention, others mainly the latest joiners are party to the Vienna Convention and a small number are not party to any international nuclear liability instrument. Importantly, over half are party to the Joint Protocol which links the Paris and Vienna regimes together.

The Commission's study initially proposed five policy options: The first option consisting of no-action. Secondly, the accession of all 27 Member States to the Paris Convention (and its Protocol(s)). Thirdly, the current nine Member States party to the Vienna Convention joining the Paris Convention (and its Protocol(s)), and the current thirteen EU Member States which are party to the Paris Convention joining its Protocol(s). The current five EU Member States not belonging to any nuclear liability instrument continue to do so. Fourthly, Euratom itself becomes a party to the Paris Convention (and its Protocol(s)). Finally, Euratom establishes its own nuclear liability regime via a Directive oriented according to the Paris Convention (and its Protocol(s)).

It is understood that the assessment has been finished but the much awaited report has not yet been made public.

For further information on the international nuclear liability instruments and national implementation, as well as the Commission's impact assessment please contact Ian Salter, Partner, at ian.salter@burges-salmon.com, tel. +44 (0) 117 939 2225.

"...the current regime on civil liability for nuclear damage is far from universal. Out of 439 nuclear power plants operating world-wide, 229 are not covered by it ..."



EU Nuclear Legislative and other developments *continued*

Council's conclusions on assistance to third countries in the field of nuclear safety and security

On 9 December 2008, the European Council established a number of considerations on assistance to third countries in the field of nuclear safety and security, further to the Commission's communication of May 2008, entitled, "Addressing the international challenge of nuclear safety and security" (COM (2008) 312, 22.5.2008).

In its communication, the Commission identified a number of strategic, geographical and technical criteria that should be taken into account when defining priorities for allocating nuclear safety and security assistance. Further to this criteria, the Council also encouraged the Commission when granting assistance to take into account further general and specific criteria depending on whether the countries have already installed nuclear generating capacity.

The general criteria includes:

- that assistance should be formally requested and should be based on a reciprocal agreement;
- that countries should fully subscribe to non-proliferation principles;
- that countries should also be parties to the relevant IAEA nuclear safety and security treaties or have taken steps demonstrating a firm undertaking to accede to them. That assistance could be made conditional on accession or the completion of steps towards accession to these treaties;
- the geographical proximity to the EU which should

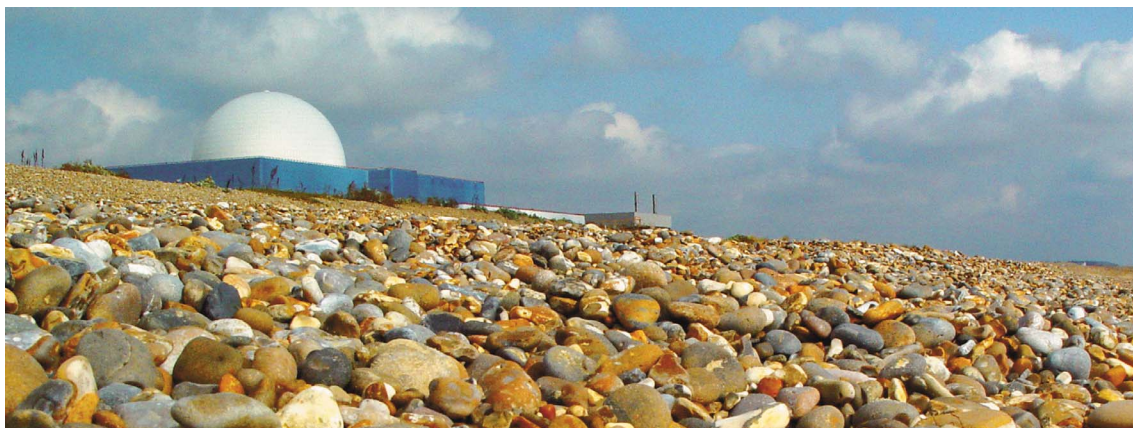
be considered as being an important but non-exclusive criterion for granting assistance; and

- that the assistance must be available to be evaluated in order to ensure and monitor compliance with the objectives of the assistance.

For countries which already have installed nuclear generating capacity, the Council recommended that, inter alia, the granting of assistance could be made conditional upon an evaluation of the use made of previous assistance. In addition, according to the Council the use in those countries of the IAEA's IRRS would be favourably viewed, although it would not constitute a formal criterion for the granting of Community assistance.

For countries which do not have installed nuclear generating capacity, the Council recommended that, inter alia, the credibility of the nuclear power development programme and the drawing up a preliminary road map for the programme should be considered. The Council considered that the road map should contain details, in particular, of the programme's financing and its long-term economic viability, of the country's regulatory framework, of the work to be accomplished to make the programme transparent (public participation, information on the environmental impact of the programme), and of the development of training courses for those individuals concerned, in particular the nuclear power plants' future staff.

"...the Council recommended that, inter alia, the granting of assistance could be made conditional upon an evaluation of the use made of previous assistance."



Burges Salmon developments

Awarded Dounreay competition

We are pleased to announce further to the December 2008 announcement by the Nuclear Decommissioning Authority (NDA) of its timetable for competing the ownership of the Dounreay Site Licence Company (SLC), Dounreay Site Restoration Ltd (DSRL), that we will be assisting the NDA in the competition process for the new Parent Body Organisation (PBO). UKAEA is the current PBO of DSRL and a decision confirming the new parent of DSRL is expected by the end of 2010.

This competition process follows the conclusion of the competitions to select and appoint PBOs for the Sellafield Site Licence Company and the Site Licence Company operating at the Low Level Waste Repository near Drigg in Cumbria. A further competition will select a single PBO for three Site Licence Companies, namely, Magnox North Limited, Magnox South Limited and Research Sites Restoration Limited.

Nuclear law expert joins the team

A significant addition to Burges Salmon LLP's nuclear law team is the recent arrival of nuclear law expert Anthony Wetherall from the Office of Legal Affairs of the International Atomic Energy Agency (IAEA).

He has advised on wide-ranging international and national nuclear law issues in particular concerning the international instruments on safety, security and liability. More particularly, on legal matters related to radiation protection, nuclear power plant and research reactor safety, the physical protection of nuclear material and facilities, the safe management of radioactive waste and spent fuel, emergency preparedness and response and the safety (and security) of radioactive sources, as well as the safe

transport of radioactive material. Anthony also has extensive experience in the provision of advice in establishing and maintaining national nuclear legislative and regulatory frameworks. This includes advising on the implementation of relevant treaties, codes, standards and guidance, as well as on drafting comprehensive national nuclear legislation.

Finally, he has presented and given lectures at numerous international meetings, seminars and conferences of the IAEA and in other international fora, including, the 2008 Symposium of the World Nuclear Association and the 2007 biennial congress of the International Nuclear Law Association. He also has published a number of articles on the subject of nuclear law, including a contribution to the joint IAEA and OECD Nuclear Energy Agency publication commemorating the twentieth anniversary of the Chernobyl accident. He has also created an online 'calculator' (which is available at web address <http://ola.iaea.org/CSCND/Default.asp> on the IAEA's website) applying the formula concerning the amounts to be contributed to the international compensation fund, set-out in Article IV of the Convention on Supplementary Compensation for Nuclear Damage.

Latest Briefings and Articles

Please see our website at www.burges-salmon.com for copies of the latest client briefings and articles produced by members of the Environmental Law Unit for journals such as the *In House Lawyer*.

For further information on the matters addressed by this publication please contact Ian Salter, Partner, at ian.salter@burges-salmon.com, tel. +44 (0) 117 939 2225.

Don't forget to visit our website at www.burges-salmon.com.

For further details contact:



Ian Salter
Partner, Nuclear Law

+44 (0) 117 939 2225
ian.salter@burges-salmon.com

Ian is recognised as a national leader in the nuclear sector by Chambers and Partners, and Who's Who Legal said he "is one of the UK's leading authorities on nuclear power". Chambers 2009 described him as a "market luminary" in the nuclear sector. Ian has worked for various clients on most of the UK's nuclear licenced sites. Ian has been a member of the International Nuclear Lawyers Association for over 9 years, and has spoken at their last two symposia.



Patrick Robinson
Partner, Planning

+44 (0) 117 902 2740
patrick.robinson@burges-salmon.com

Patrick is a member of the Law Society's Specialist Planning Panel and a qualified advocate in the High Court for civil law. He has significant experience of working on nuclear projects, being a long standing adviser to Nirex and the NDA on the national programme for siting and consenting an interim and high level radioactive waste repository. He has also advised on the negotiation and settlement of community benefit structure for national LLWR repository Vault 9 extension near Drigg, Cumbria.



William Wilson
Barrister, Nuclear Law

+44 (0) 117 939 2289
william.wilson@burges-salmon.com

William joined Burges Salmon after nearly 10 years as a senior lawyer with the Solicitor's Office of the Department of the Environment/ DETR/ Defra which included legal advice to the Radioactive Substances Division. As a government lawyer, William advised Ministers and his department on specialist environmental law, legislation and litigation, and was legal manager of the Environment Act 1995. He drafted statutory instruments on air quality, water, radioactive substances, waste, landfill, pollution control, chemicals and environmental regulation, undertook EU negotiations, for example on the Water Framework Directive, and managed UK and EU litigation. He advised government on nuclear law for four years.



Gareth Davies
Barrister, Nuclear Law

+44 (0) 117 307 6920
gareth.davies@burges-salmon.com

Gareth joined the nuclear team in June 2008, having spent the previous 10 years at Imperial College London, with eight of those years involved in nuclear fuel, transport, and liability issues. For the last three years Gareth was the Legal/Commercial Project Manager for a reactor decommissioning planning project, with responsibilities spanning initial reactor future options study, strategic project planning, all fuel, waste, transport and packaging and storage issues, insurance and liability (including liaison with DTI over Paris convention amendments), Site Licence Condition compliance (NII), communications with stakeholders (including NDA and US DoE), fully costed decommissioning plan production, and legal and commercial negotiations nationally and internationally.

Gareth has been involved with the NIA and BNES over the past 4 years and in 2007 represented the UK at the European Research Reactors Operating Group in Oslo. Gareth is also company secretary to Radsafe CLG, a company comprising organisations that provide mutual assistance in the event of an accident involving the transport of radioactive waste.



James Phillips
Associate, Nuclear Law

+44 (0) 117 902 7753
james.phillips@burges-salmon.com

James joined Burges Salmon in 2001 and specialises in nuclear law and renewable energy projects. He has been on secondment to the Nuclear Decommissioning Authority, where he advised on a wide range of commercial and regulatory issues in relation to the NDA's decommissioning and asset use activities. James was also acting Head of Legal for International Nuclear Services Limited, a subsidiary of NDA, for several months.



Cheryl Parkhouse
Solicitor, Nuclear Law

+44 (0) 117 902 6640
cheryl.parkhouse@burges-salmon.com

Cheryl has been involved in a wide variety of work in the nuclear sector which has included interaction with the supply chain, the site licence companies, government and the regulators. She has recently returned from secondment with the NDA where she worked in-house on the competition for the role of a new parent body for the LLWR site near Drigg. Other work has included advising on industry restructuring through the statutory transfer schemes. She has also advised on the application and scope of nuclear liability legislation, both on a national and international context and on commercial contracts concerning a number of nuclear activities, including decommissioning and transport, involving both UK and non-UK contractors.



Anthony Wetherall
Nuclear Lawyer

+44 (0) 117 307 6908
anthony.wetherall@burges-salmon.com

Anthony recently joined the firm having worked in the Office of Legal Affairs of the IAEA. See above for further information.

Narrow Quay House
Narrow Quay
Bristol BS1 4AH
Tel: +44 (0) 117 939 2000
Fax: +44 (0) 117 902 4400

Chancery Exchange
10 Furnival Street
London EC4A 1AB
Tel: +44 (0)20 7685 1200
Fax: +44 (0)20 7685 1266

www.burges-salmon.com

This newsletter gives general information only and is not intended to be an exhaustive statement of the law. Although we have taken care over the information, you should not rely on it as legal advice. We do not accept any liability to anyone who does rely on its content.

© Burges Salmon LLP 2009.
All rights reserved.
Nuclear Law is printed on 75% recycled paper.

Your details are processed and kept securely in accordance with the Data Protection Act 1998. We may use your personal information to send information to you about our products and services, newsletters and legal updates; to invite you to our training seminars and other events; and for analysis including generation of marketing reports. To help us keep our database up to date, please let us know if your contact details change or if you do not want to receive any further marketing material by contacting marketing@burges-salmon.com

Burges Salmon LLP is a Limited Liability Partnership registered in England and Wales (LLP number OC307212) and is regulated by the Solicitors Regulation Authority.

A list of members, all of whom are solicitors, may be inspected at our registered office: Narrow Quay House, Narrow Quay, Bristol BS1 4AH.