

MEETING MINUTES

Place: NDA, Herdus House, Cumbria **Date:** 1 November 2007
Present: Louise Robson, DBERR
Kitty Sinclair, British Energy
Alan Aldridge, NRI
Mark Tetley, NRI
Duncan Poole, NDA/Rutherford

Subject: Nuclear Liability Claims Handling

1. Matters arising

Local authorities' responsibilities for evacuation costs

LR has raised this with two councils (which have nuclear facilities within their respective areas). Neither provided views. It is BE's definitive view that the operator has responsibility for neither evacuation costs nor for any hardship payments. This position may change with the impending amendments to the Paris Convention. DP will raise this at the NEPLG meeting on 31 January 2008.

BE John Skegg injury table

KS has secured no guidance. The subject had been covered briefly on 31 October 2007 by Rick Hallard of Sellafield Ltd and DP is to circulate copies of his presentation. MT said that the report on Chernobyl published by the Nuclear Energy Agency has useful information. (Address: www.nea.fr/html/rp/chernobyl/chernobyl.html - Chernobyl: Assessment of Radiological & Health Impacts 2002 Update Of *Chernobyl Ten Year On*). DP explained how the scheme for compensation of work related radiation induced injuries in the nuclear industry operates. It is an ADR based approach, which establishes the probability that a particular condition (certain cancers or cataracts) were induced by exposure to radiation. Awards under the auspices of the scheme reflect the level of probability (and the scheme in this respect is more generous than common law) and the severity of the physical effects of the condition (evaluated in the same way as any other injury). The scheme has been operating since the 1970s. The major UK nuclear industry employers and the unions observe the scheme's judgements and it has proved to operate more quickly than common law, be more generous to the claimant and be more cost effective for the employer, because of savings in legal costs. The website is www.csrlid.org.uk. NRI enquired whether the scheme operated for contractors and observed that the increase in use of contractors might be an issue to be addressed. There is information on the Health Protection Agency website (HPA

subsumed National Radiological Protection Board in 2005). The website is www.hpa.org.uk.

It was agreed that post-event health monitoring was not the responsibility of the operator.

2. Loss adjusters

Presentations had been received from Garwyn, GAB Robins, Crawfords and Capita in October. KS/AA/DP had also had a constructive visit to Nabarro in Sheffield. It was agreed that the preferred candidate was Garwyn. NRI will arrange a meeting with Garwyn (subsequently confirmed as 20 November) at which LR, KS, AA, MT, DP can develop the Garwyn brief. DP will provide Garwyn with information on progress to date.

DP will tell GAB Robins and Crawfords that the group will be proceeding with another firm.

NRI will meet the cost of the Garwyn fee.

3. Review of Terms of Reference

Progress to date is summarised below:

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| i) | Threshold is a probable offsite nuclear release i.e. an INES 4-5 accident. The INES category is set after the event has taken place. Contingency planning needs to take account of a particular instance becoming an INES 4 or 5. |
| ii) | Death, bodily injury and property damage – subject to extension with the Radioactive Contaminated Land Regulations and the proposed amendments to the Paris Convention. |
| iii) | Understood – personal injury and property damage. |
| iv) | Relationship established with BERR. |
| v) | Discussed |
| vi) | Understood |
| vii) | Presentations received from loss adjusters and overseas nuclear insurers which included Buncefield, Toulouse/ Total, Tesco fuel contamination, McDonalds, Coal Board compensation scheme, TMI, Tokai-Mura, Belgian website |
| viii) | To be developed by Garwyns |
| ix) | To be developed by Garwyns |
| x) | To be developed by Garwyns |
| xi) | To be developed by Garwyns |
| xii) | Outstanding |
| xiii) | Outstanding |
| xiv) | Outstanding |

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| <p>4. NAO Observations on the Coal Board Scheme</p> <p>These are to be provided to Garwyn so that the findings can be incorporated in the Garwyn work.</p> <p>5. Stakeholder Review</p> <p>The list tabled was agreed to be a good start.</p> <p>6. Insurance Protocol</p> <p>This was provided by KS. AA will notify the ABI of NRI's interest in this area. LR will do the same with the Civil Contingencies Secretariat.</p> <p>7. Paris Convention Amendments/ Radioactive Contaminated Land</p> <p>When these are introduced into UK law, they will change the existing liability structure. HMG will be "on risk" from the "ground-up".</p> <p>8. UKAEA and other NRI insureds</p> <p>NRI see no reason to do anything other than mention the planning that is underway.</p> <p>9. Next Meeting Date</p> <p>20 November 2007 at NRI's offices.</p> | |
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Duncan Poole
6 November 2007