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Legislation governing the public inquiry and its alignment with the periodic review procedure provided for in Article L. 593-19 of the Environment Code

Public inquiry into the 4th periodic review

Gravelines Nuclear Power Plant
Reactor No. 2

1. Legislation governing the public inquiry

The legal framework for the public inquiry is provided by:

- Articles L. 593-18 and L. 593-19 of the Environment Code.
- Articles R. 593-62 to R. 593-62-9 of the Environment Code.
- Articles R. 123-2 to R. 123-27 of the Environment Code.

2. Public inquiry alignment with the periodic review procedure provided for in Article L. 593-19 of the Environment Code

Background to the periodic review

In France, the Environment Code stipulates that nuclear power reactors must be authorised by decree, with no set limit for service life, and must be subject to periodic reviews that take into account international best practices.

The purpose of this review is to:

- *evaluate the status of the facility in relation to applicable regulations,*
- *update the assessment of the risks and impacts that the facility may present for the interests cited in Article L.593-1 of the Environment Code (in terms of public health and safety, and the protection of nature and the environment), taking into account in particular the condition of the installation, operating experience, developments in knowledge, including new information on climate change and its effects, and the rules applicable to similar facilities. This risk assessment factors in the influences of climate change on the external hazards that are addressed within it.*

Following the review, the operator submits a Review Findings Report [RCR] to the Nuclear Safety and Radiation Protection Authority [ASNR] and to the Minister responsible for nuclear safety.

If a reactor is to continue operating beyond thirty-five years, the Review Findings Report must be put to public inquiry (see below).

The Nuclear Safety and Radiation Protection Authority takes the conclusions of the public inquiry into account in its analysis of the operator's report and in the requirements that it imposes, and presents its report analysis and requirements to the Minister responsible for nuclear safety.

Public inquiry alignment with the procedure for the periodic review provided for in Article L.593-19 of the Environment Code

This public inquiry is looking into the Review Findings Report with reference to the reviews for continued nuclear power reactor operation beyond thirty-five years, and interfaces with the procedure for periodic reviews as follows:

- **The operator presents its Review Findings Report to ASNR and to the Minister** responsible for nuclear safety,
- **The operator then draws up the file**, as per Article R593-62-4 of the Environment Code, **that will be put to public inquiry** and submits it to ASNR (with a copy presented to the Minister responsible for nuclear safety),
 - 1. A cover note setting out details of the operator, the purpose of the inquiry, the main conclusions of the review, the main provisions referred to in Point 3, and the main reasons why the operator has put these forward, notably in relation to the protection of the interests cited in Article L.593-1, along with the main measures taken since the previous periodic review to improve the protection of interests under Article L.593-1;
 - 2. The report referred to in the first paragraph of Article L. 593-19, excluding, if appropriate, any information provided in a separate report pursuant to the last paragraph of Article L. 593-18;
 - 3. A description of the measures proposed by the operator to address reported deficiencies or to improve the protection of the interests referred to in Article L. 593-1, following the periodic review, and included in the report cited in the first paragraph of Article L. 593-19;
 - 3b. A document detailing the environmental impacts of continued reactor operation for a further ten years, including the consequences, radiological or otherwise, of any incidents or accidents. This may be a joint document for several reactors on a same site that have reached the same ten-year inspection technical status;
 - 4. Where applicable, a summary of the consultation measures put into effect for the common component of the periodic review in the implementation of Article R. 593-62-1;
 - 5. The list of legislation governing the public inquiry and its alignment with the procedure for the periodic review, provided for in the second paragraph and subsequent paragraphs of Article L. 593-19.
- **ASNR presents the file to the Prefect** of the department in which the public inquiry is to be held. If the inquiry encompasses several departments, ASNR submits the file to all the Prefects of the regions in question.
- **The Prefect** (or Coordinator Prefect, where applicable) **is responsible for preparing and opening the public inquiry** (establishing the scope of the consultation, referring the inquiry to the President of the Administrative Court for the appointment of an Investigating Commissioner or a Commission of Inquiry, rolling out the various measures to advertise the inquiry by way of public notices, press releases and the online publication of documents).
- **The Prefect is also responsible for consulting the various local authorities** within the scope of the consultation (the communes and associations of communes, the departments and regions involved) by the opening of the inquiry at the latest. He consults the **Local Information Committee [CLI]** within the same timeline.
- **If part of a foreign state adjoins the area in scope of the consultation**, or if a neighbouring foreign state is not immediately adjacent but the Prefect, on his own initiative or at the request of the authorities of another European Union Member State or of a Party to the Convention on Environmental Impact Assessment in a Transboundary Context, signed in Espoo on 25 February

1991, considers that the operation of the reactor is likely to have significant transboundary effects on the environment in that state:

- The Prefect shall notify the foreign state of the order initiating the public inquiry and shall provide a copy of the Public Inquiry File. The document referred to in Point 3b of Article R. 593-62-4 above, and an indication of how the public inquiry fits into the periodic review procedure, shall be translated, if necessary.
- The Notification of the Order Initiating the Public Inquiry shall specify the deadline by which the authorities of that foreign state must declare their intention to take part in the public inquiry. The public inquiry may not begin until this deadline has expired.
- The Prefect shall present the file to the Minister of Foreign Affairs.
- **The public inquiry is open for the period determined by the Prefect** under the authority of the Investigating Commissioner or the Commission of Inquiry, which are independent of ASNR, the Prefect and the operator
- **Following the public inquiry, the Investigating Commissioner** (or the Chair of the Commission of Inquiry) is tasked with producing a report describing the inquiry process and analysing the comments of the public and the proposals raised during the inquiry, and, where applicable, the comments made by the operator. He draws up his report and his reasoned conclusions, which he delivers **to the Prefect**.
- **The Prefect submits** the Investigating Commissioner's report and conclusions **to ASNR**, along with his opinion and, if needed, the results of any consultations with local authorities, CLI and foreign states. He sends a copy to the Minister responsible for nuclear safety.
- **The Nuclear Safety Authority shall take into account the conclusions of the public inquiry and the results of any consultation with foreign states** in its analysis of the operator's report and in the requirements that it imposes.