

31 October 2011

Dear

Many thanks for your thoughtful reply!

I shall be grateful if your experts revisit the question whether the summary statement on your website is indeed an accurate reflection of Michael Spackman's views. This is regardless of the fact that the views of an economist about matters of nuclear safety can hardly be considered the whole story.

It occurs to me that the issue of the J-value perhaps should have been framed differently. The J-value is best seen as an instrument, not a universal tool. It is just like a blood pressure meter that a physician may use to make a decision; while it gives accurate and valuable information, it is not the only thing to be considered. Indeed, if the physician does *not* measure the blood pressure, he may well be amiss since the instrument is available. If I understand it right, there exists a J-value of any safety provision about life and health, whether or not decision-makers choose to know it.

Again thanks for your attention to this question

Sincerely

Niels Lind

Dear Professor Lind,

Further to the earlier email correspondence on the above topic area,(see email trail below for ease of reference) and subsequent to our last email of 28th October 2011, when we indicated that we "will commit to asking our experts to reconsider whether the summary statement is indeed an accurate reflection of Michael Spackman's views and re-draft as necessary".

I am emailing to let you know that this review has been undertaken and that some revised wording has been placed on the web site at the following link.

<http://www.hse.gov.uk/nuclear/j-value-report.htm>

Yours sincerely

Email of 28 October 2011

Dear Professor Lind

In reply to your email to Dr Hart dated 19 October can I offer the following response.

ONR aims to be open and transparent by making available as much information as possible and as such we do welcome your views on the review of j-value literature and other articles on our webpage.

I am sorry that you do not feel that we have addressed the substance of your inquiry but again stress that ONR has to adhere rigidly to its regulatory remit and therefore cannot use our website for academic/professional debate.

I would like to assure you that your inquiry was taken seriously by Dr Hart on behalf of ONR, and specialists from the HSE Economics team. They considered all the points you raised individually, but do not believe any caused them to reconsider the position they have now reached, which itself was reached after a lengthy process of consideration.

You questioned whether our summary statement reflected accurately Michael Spackman's views expressed in his report. We will commit to asking our experts to reconsider whether the summary statement is indeed an accurate reflection of Michael Spackman's views and re-draft as necessary.

Yours sincerely

Email of 19 October 2011

Dear

Thanks for your prompt reply. At the risk of exhausting your patience, I would like to get some more information.

Of course, it is entirely reasonable of Dr Hart to "stress that the purpose of placing the report on [y]our website is not to provide a forum for an academic peer review or debate, but to share the outputs from work . . . commissioned". I would not propose that your website be a forum for an academic debate. My concern is not academic, it is *professional*. I think it is in the interests of both the ONR and the public that the website accurately reflect reality and that there be a rational decision-making basis for the regulatory process.

Dr Hart's reply is inadequate, entirely composed of three classical fallacies of argument, viz.,

1. An *ad hominem* argument: "Michael Spackman, an economist at NERA Economic Consulting (a global firm of economic experts), is an experienced analyst who has been closely involved in the development and application of appraisal methodology for health and safety and environmental regulation, mainly within UK government."
2. Two *ad populum* arguments: "His report provided independent corroborative advice to a HSE-ONR review group tasked with providing a nuclear licensee with a regulatory opinion on its proposed use of the J-value technique to help make decisions on the allocation of funds to deliver safety improvements." And: "In addition a UK Government Interdepartmental Group for Valuing Life and Health considered an overview of the J Value Techniques and reached opinions consistent with those expressed in Michael Spackman's report; this increases our confidence in the advice we have received."
3. An *ad verecundiam* argument: "In considering your request we have looked at your comments in detail. Our view is that these do not fundamentally undermine the position we have taken to date on the J-value method."

These do not address the substance of my inquiry. Apart from all this, the statement of the website does not seem to be a fair summary of Mr Spackman's conclusions.

I understand that the ONR probably has to deal with many inquiries [REDACTED] [REDACTED]. Still, it is unfortunate that Dr Hart did not take my inquiry seriously. I am a professional engineer. As such I consider it a duty to explain by reasoned argument decisions made in matters of public safety. This obligation is fundamental, a principle that has guided advisors on nuclear safety to the Atomic Energy Control Board of Canada such as myself. One would expect nothing less of the ONR. So perhaps somebody else could give me a reasoned reply?

Sincerely

Niels Lind

Email of 18 October 2011

Dear Professor Lind

Thank you for your kind reminder. I have had the answer to your enquiry from Dr A Hart, Nuclear Topic Lead for ALARP. Please see his response below.

Kind regards

Dear Professor Lind;

Thank you for your e-mail enquiry relating to the Review of the J-value literature by Michael Spackman, which is published on HSE's website, and your detailed comments. Your e-mail states that the website indirectly reflects upon the Life Quality Index Methods developed by your colleagues and yourself, and you further suggest that the statement: "The report concludes that the method is too simplistic to be a competitor to the methods now established in the UK and elsewhere for the valuation of fatality risks" on HSE's website ought to be revised in view of your comments.

HSE's ONR website includes reports relevant to the outcomes of its work that are subjected to appropriate challenge before publication. Michael Spackman, an economist at NERA Economic Consulting (a global firm of economic experts), is an experienced analyst who has been closely involved in the development and application of appraisal methodology for health and safety and environmental regulation, mainly within UK government. His report provided independent corroborative advice to a HSE-ONR review group tasked with providing a nuclear licensee with a regulatory opinion on its proposed use of the J-value technique to help make decisions on the allocation of funds to deliver safety improvements. In addition a UK Government Interdepartmental Group for Valuing Life and Health considered an overview of the J Value Techniques and reached opinions consistent with those expressed in Michael Spackman's report; this increases our confidence in the advice we have received.

The website statement is simply a summary of the conclusions of Michael Spackman's report. It is important to stress that the purpose of placing the report on our website is not to provide a forum for an academic peer review or debate, but to share the outputs from work we have commissioned in order to fulfil our regulatory functions.

In considering your request we have looked at your comments in detail. Our view is that these do not fundamentally undermine the position we have taken to date on the J-value method. In consequence we do not propose to change the statement on our website.

I recognise that this is not the outcome you sought. However, it is important that ONR adheres rigidly to its regulatory remit, so we cannot use our website as a forum for academic debate.

With best wishes

Dr Anthony Hart
Nuclear Topic Lead for ALARP

Email of 26 September 2011

Your website <http://www.hse.gov.uk/nuclear/j-value-report.htm> presents a Review of the J-value literature by Michael Spackman, stating that

"The report concludes that the method is too simplistic to be a competitor to the methods now established in the UK and elsewhere for the valuation of fatality risks."

This statement indirectly reflects upon the Life Quality Index Methods developed by my colleagues and myself. I attach for your consideration my comments on the Report, allowing a more balanced view of the approach. I think you will find that your website statement ought to be revised in view of my comments.

Sincerely

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Niels C. Lind Ph.D. F.R.S.C.