

Meeting:	NuLeAF Steering Group, 18 October 2007
Agenda Item:	4
Subject:	MRWS: Update and Future Work
Author:	Fred Barker
Purpose:	To provide an update on key developments and future work

Introduction

This report provides an update on developments, including:

- the NuLeAF/LGA Conference on 6 September
- liaison meetings with Government and NDA
- an invitation to participate in the Government's Communications Steering Group
- participation in Regulatory Interface Management Meetings
- Government MRWS events
- an invitation to provide pre-consultation comments on the Health Protection Agency review of radiological protection objectives for the land-based disposal of radioactive wastes
- work underway on (a) community engagement to inform a decision about whether to participate in the siting process and (b) a further briefing paper on retrievability and repository design.

The proposed response to consultation on the implementation framework for siting a geological repository is addressed in item 5.

Recommendations

That the Steering Group:

- 1 endorses participation in the MRWS Communications Steering Group
- 2 authorises the Executive Director to continue to develop work on the siting process to ensure that the interests of local government are identified and promoted.

Update on Developments

1 NuLeAF/LGA Conference on 6 September

The conference provided timely opportunity for discussion of the Government's proposed implementation framework. Of particular note was (a) discussion with the Minister about the main aspects of the Government's proposals and (b) hearing first hand about the siting process in Sweden.

A note of the main points made at the conference is attached as Annex 1. These points have been taken into account in the proposed response to consultation (see item 5).

2 Liaison meetings with Government and NDA

Two liaison meetings have been held since the last meeting of the Steering Group. The meetings have provided useful opportunity to discuss key aspects of the Government's proposals. In particular, discussion has covered the invitation process and community benefits. The meetings help to ensure that Government representatives fully understand the local government perspective, and offer prospect for successful resolution of key issues associated with current proposals. The discussions have been taken into account in the proposed response to consultation (see item 5). Further meetings are scheduled for 8 November and 11 December.

3 Invitation to participate in the Government's Communications Steering Group

The Government is setting up a Steering Group to oversee (a) preparation of information packages to accompany its invitation for Expressions of Interest in participating in the siting process and (b) the organisation of associated stakeholder events. The Steering Group is likely to involve representatives of Government, the NDA and CoRWM. Government has invited NuLeAF to participate. The Executive Director (ED) has indicated that NuLeAF is likely to participate and seeks SG endorsement. The first meeting is likely to be towards the end of October.

4 Participation in Regulatory Interface Management Meetings (RIM)

NDA has established these meetings to ensure effective liaison and discussion of the permissioning processes associated with repository development. NuLeAF was represented at RIM meetings on 16 July and 4 October (by the Executive Director and officers from Copeland BC and Cumbria CC). The meetings will help ensure that a coordinated approach is taken to permissioning processes covering environmental, safety and security regulation and planning.

The RIM meeting on 4 October included:

- Preliminary discussion of a draft permissioning schedule for repository siting, covering planning and regulatory processes. The draft schedule will be considered in detail at the meeting of NuLeAF's MRWS Officer Working Group on 26 October.
- Agreement that the Environment Agency will organise a stakeholder workshop about its review of the NDA's technical programme on repository siting.
- Discussion of the need for consultation on the NDA's preliminary Lifetime Plan for repository development, which should be available in the early Spring.

5 *Government Events*

The Government has held three one-day events to encourage participation in consultation on the proposed implementation framework (in Reading, 24 Sept, Leeds, 1 Oct and Cardiff, 3 Oct). These events enabled attendees to discuss issues associated with each of the consultation questions. Reports of each event are to be published by DEFRA.

6 *Review of the Radiological Protection Objectives for Land-Based Disposal*

The Health Protection Agency has invited NuLeAF to make comments to inform its future consultation on the radiological protection objectives for the land-based disposal of solid radioactive wastes. At the time of writing, officers are reviewing the existing objectives to identify the comments that might be made. A verbal update will be provided at the SG.

7 *Further Initiatives*

Officers have work underway on (a) approaches to community engagement intended to inform a decision about whether to participate in the siting process and (b) a further briefing paper on retrievability and repository design.

On the first area of work, the purpose is to provide guidance on the issues that need to be taken into account in developing local engagement programmes to inform a formal decision about whether or not to participate in the siting process.

On the second area, the purpose is to provide a Briefing Paper that promotes understanding and discussion of what 'designing for retrievability' can mean in practice. This should help potential host communities consider what would be appropriate in their area, and help inform future judgements about the extent to which the NDA's generic repository design meets their aspirations.

The secretariat has also contacted CoRWM with a view to arranging a meeting to brief new members on NuLeAF's role and activities.

ANNEX 1: KEY POINTS FROM LGA/NULEAF CONFERENCE, ‘THE LONG-TERM MANAGEMENT OF RADIOACTIVE WASTES – THE ROLE OF LOCAL GOVERNMENT’, 6 SEPTEMBER 07

The conference was attended by 27 delegates from 12 local authorities: Allerdale BC, Breckland DC, Copeland BC, Cumbria CC, Devon CC, Essex CC, Hartlepool BC, Lancashire CC, Plymouth CC, Somerset CC, Suffolk Coastal DC and Wandsworth BC.

The speakers were as follows:

- Overview of the Government’s Approach – Phil Woolas MP, Minister of State, Department for Environment, Food and Rural Affairs
- The Outline Repository Development Plan – Bruce McKirdy, Repository Technical Director at the Nuclear Decommissioning Authority
- The Role of the Regulators in Repository Siting – Dr Clive Williams, Policy Development Manager for Radioactive Substances Regulations, Environment Agency
- The Role of the Municipality in Sweden – Harald Åhagen, Expert, Project Local Competence Building (LKO), Municipality of Oskarshamn, Sweden; and
- The Local Government Perspective in England and Wales – Fred Barker, Executive Director, NuLeAF.

Presentations are available on request, or from the member part of the NuLeAF website.

The morning session was chaired by Councillor Julian Swainson (Suffolk CC) on behalf of NuLeAF and the afternoon session by Councillor Paul Bettison (Bracknell Forest UA), Chair of the LGA Environment Board.

Key points from plenary discussion were:

The Minister

- Is the UK proposing to adopt a Scandinavian or French model for siting a repository? Which way will it go if voluntarism fails? *The proposed emphasis in the UK is on partnership and voluntarism. Proposed planning changes will need to fit with this approach. Government is fairly confident there will not be a need for a Plan B.*
- The UK should tend towards the Swedish model and draw on good practices in engagement.
- There will be perceived and actual blight from repository siting – a considerable benefits package will be needed to compensate. *Government will want to discuss with potential host communities how a package could mitigate the negative aspects of repository siting.*
- All Government departments must be seen to support the process and not take actions to undermine it. *Government across the board has signed up to the implementation proposals. Local authorities should tell Government if they are concerned that actions might be taken which impact on the process.*
- Proposals for an Infrastructure Planning Commission to take planning decisions could undermine the approach based on voluntarism and partnership. *Government will need to think about this. It does not wish to impose a repository on an unwilling community.*
- When will invitations to participate be issued, and how long will communities have to reply? *Invitations are likely to be issued when the White Paper is published in the Spring of 08. It is anticipated that responses about participation will take between 6-12 months.*

Panel Discussion (Robert Jackson [DEFRA], Bruce McKirdy and Clive Williams)

- Will the repository be designed to take spent fuel? Will Government or NDA lead the discussions about a benefits package? *BM: A variant of the basic design will allow for the possibility of spent*

fuel disposal. RJ: Government will be involved in discussions about benefits. The relative roles of Govt and NDA on this issue have not yet been clearly defined, so it is not yet possible to say who will lead the discussions.

- Can you guarantee that funding for repository development will not be taken from the funding for site decommissioning and clean-up. *BM: NDA previously provided the majority of the funding for the Nirex programme. It is anticipated that the NDA will continue to provide funds for the repository programme.*
- Will the waste hierarchy be applied to radioactive waste management as vigorously as it is to other wastes? *BM and RJ: that is Government policy and is being built into the implementation of NDA strategy.*
- When should right of withdrawal cease within the siting process? *RJ: the suggestion in the Consultation Document is before major underground investigation. BM: the NDA thinks there will be a need for it to cease prior to expensive borehole investigations.*
- What difficulty does the possibility of new build wastes pose for repository development? What are the implications for the repository footprint and communication with the public? *BM: this will be looked at as a variant to the basic repository design. It is not a big issue from a technical perspective. From a community perspective, there is a need for openness and transparency about the potential implications. RJ: there is currently a consultation on new build and no decisions to proceed. Government is proposing a change control method for changes to the inventory of wastes. No additional wastes could be emplaced without regulatory approval. CW: early decisions are needed on inventory changes.*
- There is a need to develop national stakeholder confidence in emerging environmental safety cases. National processes will be necessary to achieve this. National debate could influence local views.
- Openness and transparency is key. The independent scrutiny role of CoRWM will be critical. *RJ: Ministers are committed to O&T and a strong independent role for CoRWM. CoRWM will need to establish a relationship with key players. New governance arrangements will ensure there are responses to CoRWM recommendations.*
- How will initial geological screening be undertaken? It is important to do this in a way that avoids misunderstandings and controversy. *RJ: interested local authorities will be able to contact the British Geological Survey to apply the initial screening criteria. Local meetings will be held to ensure review of draft findings.*
- Care should be taken that transport issues do not de-rail the process.

Panel Discussion (Harald Åhagen and Fred Barker)

- Partnership is key to progress. Should a local siting partnership be part of current local Strategic Partnerships or separate? *FB: there would be advantage in having a partnership specifically to address repository siting, but it will need to liaise with existing Partnerships because of overlapping interests.*
- What role have benefits packages played within the Swedish siting process? *HA: we are addressing this now. We will seek to maximise the benefits from the project for the local area, for example, using local goods and services where possible. The Government is becoming more involved in the discussions.*
- Is it possible for the Swedish Government to over-rule the exercise of local veto? *HA: this is highly unlikely given the tradition of veto and the strong independent role of municipalities.*

Key messages for Government from the at-table discussions were:

Table 1

- There should a right of withdrawal up to the point where underground excavations start, and a mechanism for local oversight thereafter.

- Community benefits packages are essential. The Government should not be prescriptive about the packages, but give a commitment to benefits over and above spin-offs.
- Local authorities must be involved from the start of the invitation process. Democratically accountable bodies have a key role.

Table 2

- Government should take into account the current location of the majority of the waste. It is easier to move 30% than 70%.
- Government should clarify what will happen if no communities express an interest in participation. There should not be a return to a top down process.
- There should be more clarity about the level of Government commitment to benefits packages.
- The process should be de-politicised so that it can continue across changes of administration.

Table 3

- Local authorities must be involved from the start of the invitation process. An expression of interest should have LA backing.
- There must be clarity about when the veto can be exercised and by whom.
- Communities must be incentivised to participate (over and above the spin offs from repository siting).

Table 4

- The process must continue to be open and transparent and local participants should be seen as a resource.
- Government should pre-define what a host community is, and link to who can exercise the veto. This should not be any higher than at district council level.
- The local community must be confident that Government will deliver on benefits. An independent body should hold the funds.

Table 5

- Government should give a long-term commitment to the process (which should not be subject to Treasury change).
- There should be a clear commitment to additional benefits, and as much clarity as possible about this at the start of the process.
- Government should be clear about who at a local level can exercise the veto.

In his closing remarks, the Chair highlighted the importance of (a) depoliticising this issue so that there is commitment across administrations and (b) elected member involvement in this and future events.