

Meeting:	NuLeAF Steering Group, 21 January 2014
Agenda Item:	5
Subject:	An update on the Managing Radioactive Waste Safely (MRWS) programme
Author:	Stewart Kemp
Purpose:	To update members on developments in the MRWS process and on-going work of NuLeAF officers

Introduction:

This paper reports on the NuLeAF submission in response to the DECC and devolved administrations in Wales and Northern Ireland consultation document proposing changes to current policy towards siting a geological disposal facility. Related matters are also reported.

Recommendation:

That the report be noted.

Contribution to 2013/15 Service Plan:

This report is in pursuance of the following tasks under the Geological Disposal Facility (GDF) work-stream for 2013/14 in the NuLeAF Service Plan 2013-15:

- *Fully engage with the review of the MRWS siting process and advise DECC and RWMD as appropriate.*
- *Respond to any consultation to develop a National Policy Statement for a Geological Disposal Facility (GDF).*
- *Help DECC and RWMD develop an informed national debate about the case for geological disposal.*
- *Continue to support the interests of local authorities (including those hosting wastes earmarked for geological disposal) in the GDF process as it develops.*
- *Promote relevant aspects of the generic advice generated by the WCMRWS Partnership, and other learning from international experience, should other areas in England or Wales wish to consider engagement with MRWS.*
- *Advise planning authorities in the development of policies for higher activity waste storage and/or disposal.*
- *Continue to advise DECC, NDA and regulators in the delivery of Government policy for HLW locally. Seek to engage with any new Geological Disposal Implementation Board.*
- *Continue to monitor and contribute to relevant international programmes and disseminate international best practice.*

1. **DECC Consultation on a GDF Siting Process**

1.1 The Department of Energy and Climate Change (DECC), Welsh Government and the Northern Ireland Department of the Environment are reviewing the Managing Radioactive Waste Safely (MRWS) siting process for a geological disposal facility (GDF). To assist this review, DECC and the devolved administrations in Wales and Northern Ireland issued a public consultation document on 12 September 2013 for comment, initially by a 5 December deadline, though this was extended to 19 December. In September 2013 NuLeAF issued a Briefing Paper (No. 24) to member authorities to help them respond to the consultation document and also to seek views to inform NuLeAF's own consultation response. NuLeAF's response in the terms at Annex A was finalised and submitted to DECC on 29 November 2013.

1.2 The DECC consultation document was supported by a series of regional and sector specific stakeholder workshops and iterative public meetings. This included a workshop for Local Authorities at Westminster Hall on 14 November 2013 attended by the NuLeAF Chair and officers along with other members and officers from 16 different local authorities. A NuLeAF officer was also able to observe at one of the IPSOS MORI facilitated iterative public meetings which took place over two Saturdays last November in Penrith. The draft reports from these different events will inform DECC's consideration about the way forward for GDF siting in England and Wales. They are expected to be available to DECC in January and officers will update verbally if it is possible to view the draft reports before the Steering Group meeting.

1.3 To assist in the delivery of the consultation process a NuLeAF officer accepted a DECC invitation to join a small advisory Stakeholder Reference Group which included representation from the Nuclear Industry Association and the NGO community (Prof Andrew Blowers, assisted by Sean Morris for the Nuclear Free Local Authorities). Participation in this Group is ongoing, and has been informative, providing a more in depth appreciation of the complexity of consultation delivery. However it is not at all clear how, if at all, the Stakeholder Reference Group's advice influenced DECC's overall management of the consultation. Concerns identified by NuLeAF officers through participation in the Stakeholder Reference Group have been taken up by NuLeAF's Chair who wrote to the DECC Minister responsible for MRWS in the terms at Annex B. At the time of writing a reply from the Minister's office is awaited.

1.4 DECC is expected to prepare a summary report of the submissions it has received in response to the consultation on a revised GDF siting process and this will be published in advance of a revised Government policy towards GDF siting. The latter is still expected around the middle of 2014 after the local and European elections.

2. **National Awareness Raising and Engagement**

2.1 As reported at the last Steering Group meeting, a key near term proposal within the consultation document is to raise the level of awareness nationally about the need for geological disposal of higher activity radioactive wastes. A year long programme is proposed and NDA has appointed a new Interim Director of Communications, Bron Madson, to advise on the development of an appropriate strategy. NuLeAF's consultation response indicated interest in engaging with this strategy, should DECC's proposal be confirmed, and officers are seeking a meeting with NDA to understand emerging thinking and how local government might be engaged with it. The Committee on Radioactive Waste Management has also sought a meeting with NDA to discuss engagement, communications and details of the social science research RWMD has been involved with to inform its communications planning.

3. **Committee on Radioactive Waste Management (CoRWM)**

3.1 NuLeAF has had sight of a number of individual local authority consultation responses and most are broadly in line with NuLeAF's own submission. However, DECC's advisory body, CoRWM, has taken a different approach in its response to DECC's GDF siting proposals.

3.2 CoRWM gives greater prominence to the need to satisfy technical and regulatory requirements for GDF siting and appears to place less emphasis on societal principles that underpin current MRWS policy. CoRWM supports the revised roles proposed by Government and considers the proposed location of a Right of Withdrawal (RoW) with a district level Representative Authority to be 'understandable'. CoRWM also supports placing a RoW on a legal footing but recommends that it ends when a developer applied for GDF planning consent. The Committee supports the proposed final 'Demonstration of Community Support' and believes a 'Representative Authority' should be bound by a community 'no' vote, though not necessarily by a 'yes' vote even if this is determined by a local referendum.

3.3 CoRWM says (Para 12 p4) "Rather than creating such bodies as a "Steering Group" or "Consultative Partnership", CoRWM believes that the use of something similar to a "Local Liaison Committee"(LLC), that is familiar to communities living in the vicinity of existing nuclear installations, could deliver the need for public engagement, consultation and information exchange i.e. incorporating the role of a "Consultative Partnership", without giving the impression that it will be the community and not the implementing organisation that will manage the project." Aside from the apparent assumption that a GDF will be in the vicinity of a nuclear installation (the text is a little ambiguous), CoRWM see the developer (NDA or its successor body), not the community, driving the siting process. This is at odds with the current MRWS policy and with DECC's revised siting proposals. CoRWM

believes its proposed approach should build confidence and trust in a local community but it is not clear why this should be the case.

3.4 CoRWM devotes significant attention to geology and the value of modelling and maps about which it says "...are subject to considerable uncertainty (that) increases substantially with depth...". CoRWM believes (Para 57 p14) "...geological information cannot be viewed in isolation from the GDF Safety Case, as it is the Safety Case that will demonstrate the suitability of a site for the disposal of radioactive waste and not the "geology" on its own. The nature, content and level of geological information presented during the siting process is very important but geology is only one of many factors that contribute to the development of a successful Safety Case." In fact this has *always* been the case but the point was lost in the former West Cumbrian debate about the suitability of local geology. At Para 74 p18 CoRWM advise "It is important that any future White Paper clearly shows the voluntary siting process in context and in relation to the ongoing regulatory process once a site has been found."

3.5 The above points are only indicative and the full CoRWM response can be found at <https://www.gov.uk/government/publications/corwms-response-to-the-geological-disposal-facility-gdf-siting-process-consultation> .

4. **International Socio-Technical Challenges (InSOTEC)**

4.1 NDA sponsored NuLeAF participation in the EURATOM funded InSOTEC project final workshop in Berlin between 12 and 13 November 2013. InSOTEC has brought together representatives and researchers from 12 EU States, and representatives from Canada and the USA, to gain a better understanding of remaining 'socio-technical challenges' to geological disposal. Amongst the project aims is the identification of research programmes required to address the remaining challenges.

4.2 The workshop was structured around four key themes: 'reversibility and retrievability' of wastes emplaced in a GDF; GDF siting issues, including the Finnish site selection process and long term repository governance; demonstrating GDF safety; and technology transfer. Meeting presentations can be viewed at <http://www.insotec.eu/project-updates/berlinpresentations> .

4.3 NuLeAF's main interest was in research and overseas experience that could help build confidence in a GDF siting process in England and Wales. Key points to emerge from the meeting included:

- the value to host communities of underground research facilities to gather evidence on hydrogeology and test equipment and disposal concepts. Currently 10 underground research facilities operate worldwide;

- the need to sustain dialogue, particularly around difficult issues, to maintain a learning context and build trust;
- the need for a more mature discussion around relative risk in society (i.e. normalise uncertainty);
- the need to identify arrangements for long term governance - before a Right of Withdrawal is forfeited. That is, the need to discuss and agree the role of a host community in the repository construction, operation, closure and post closure phases.

The final synthesis report of the InSOTEC project is now in preparation and officers will report on conclusions when these are available.

Annex A



NuLeAF response to
consultation on review

Annex B



Letter to Baroness
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