

Meeting:	NuLeAF Steering Group, 11 December 2006
Agenda Item:	2
Subject:	Government Response to CoRWM
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Purpose:	To provide information on the Government response to CoRWM and subsequent developments

Introduction

This report outlines the main points from:

- the Government response to CoRWM (25 October)
- a meeting with DEFRA/DTI officials (13 November)
- discussion of long-term management of wastes at the regional seminars (25 October – 22 November)
- a DEFRA workshop on implementation (23 November)
- CoRWM's work programme (Dec 06 – June 07)
- recent Nirex papers on implementation issues (Sept – Oct 06)
- EA/SEPA review of regulatory guidance on requirements for authorisation of disposal

The report provides key background information to inform discussion under item 3 and work programme decisions under item 4.

Government Response to CoRWM (25 October)

The UK Government and devolved administration's response to CoRWM was published on 25 October. As anticipated, Government has accepted CoRWM's main recommendations that geological disposal coupled with safe and secure interim storage is the way forward.

Expressing the view that the circumstances surrounding geological disposal are "unique", Government has also said that it is supportive of exploring how an approach based on "willingness to participate" and "partnership" with local communities could be made to work in practice. To this end, it has invited local authorities to participate in early discussions to inform development of an implementation framework, which it will put out for consultation in the middle of 2007.

The Government also announced that the Nuclear Decommissioning Authority (NDA) is being given responsibility for developing and ensuring delivery and implementation of the programmes for interim storage and geological disposal. It argues that this has the advantage of allowing one organisation to take an "integrated view across the waste management chain". The NDA has been given the initial task of drafting an "outline repository development plan", which will also be consulted upon next year.

To enable the NDA to undertake its new responsibilities, Government is pushing forward with the transfer of Nirex into the NDA¹. Following this, Nirex will be wound up as a separate company. Government adds that NDA will use a competitive tendering exercise to appoint a contractor to undertake repository development.

Recognising the value of "visible independent scrutiny and advice", the Government is reconstituting CoRWM with modified terms of reference and membership. The new committee will be expected to scrutinise the implementation programme and provide independent advice.

Government expects the reconstituted committee to be in place by the middle of 2007. It expects to take decisions on the implementation framework and outline repository development plan in late 2007/early 2008. The implementation programme will start in 2008.

Finally, Government has invited comments by 31 January on CoRWM's report, 'Proposals for Implementation' (see item 4).

More detail about the Government response is provided at the appropriate points in the report under item 3.

Meeting with DEFRA/DTI Officials (13 November)

A small delegation of officers met with DEFRA and DTI officials on 13 November to seek clarification of how the Government intends to move forward and to highlight some preliminary points of concern. The attached letter from the Executive Director to Robert Jackson, 17 November, sets out:

¹ The Nirex share transfer to NDA was completed at the end of November. A three month consultation with Nirex staff about their future roles is now underway.

- key points made at the meeting, covering concerns about NDA as implementing organisation, plans for reconstituting CoRWM, the process for inviting participation, developing appropriate forms of partnership, and resourcing of local authority involvement; and
- a proposed approach to continued liaison between NuLeAF and Government, including proposals for a series of meetings and briefing papers.

On the points of concern, the Steering Group will note the stress given to the need for:

- Government to show how the disadvantages of the NDA as implementor will be overcome, reduced or managed;
- the reconstituted CoRWM to be able to deliver timely advice, for that advice to be given formal consideration and for responses to be published;
- there to be an initial geological screening of the UK prior to issuing invitations to participate in the siting process;
- UK and international experience of partnership working to be taken into account in developing proposals for 'siting' partnerships;
- Government to address issues of resourcing local government involvement in the steps prior to participation in a siting process.

The letter also welcomes DEFRA/DTI's offer of continued liaison meetings that will enable NuLeAF to contribute to development of the implementation framework and raise issues of concern. The proposed approach to NuLeAF's input is explained in the report under item 4.

Points from the Regional Seminars (25 Oct – 22 Nov)

The morning sessions of the NuLeAF regional seminars focussed on the implementation of policy for the long-term management of higher activity wastes. Robert Jackson from DEFRA made presentations on the Government's response to CoRWM at three of the five seminars (Taunton 9 Nov, Preston 15 Nov and Llandudno 22 Nov). CoRWM provided the opening presentations at the other two seminars (Ipswich 25 Oct and London 30 Oct). Overall, the seminars involved representatives from 24 member authorities and 6 non-member authorities. A report outlining the main themes and proposals from the seminars is in preparation.

A preliminary summary of the main points made in the morning sessions of the seminars is as follows:

- There is a widespread view that an initial geological screening should take place prior to issuing invitations to participate in a siting process for a geological repository so that authorities outside potentially suitable areas are not unnecessarily involved in the initial steps.
- Participants pointed to the need for initial invitations to participate to be preceded or accompanied by opportunities for the briefing of members and officers, and by high quality public information about the nature of radioactivity, radioactive waste management, geological repositories, potential impacts and benefits and the siting process.

- Participants pointed to the need for an ‘evaluation period’ following receipt of invitations to allow authorities that might wish to participate to engage with local communities and assess the pros and cons.
- Participants pointed out that sufficient time and resources should be provided to enable this initial engagement and evaluation to be undertaken effectively. Involvement packages should cover the costs incurred at this step.
- Participants called for a very clear national framework to be established, with provision of guidance to planners about how a siting process based on ‘willingness to participate’ can be integrated with planning requirements. Some participants considered that Regional Spatial Strategies and Local Development Plans should be amended to include reference to repository siting once a clear willingness to participate had been established. Others were not sure that this route should be followed given the unique nature of a geological repository.
- Participants expressed the view that Community Packages will need to be substantial enough to enable local judgements to be reached that the benefits of repository developed outweigh the costs. Views were expressed that packages should: provide for the longer term as well as current generations; focus on the local area containing the site but make some provision for benefits across a larger area; and provide some initial benefits prior to repository construction (which might not start for 30 years or so).
- Participants supported the concept of partnership working and the need for a specific focussed vehicle to undertake that role. Participants made the point that a ‘siting partnership’ should link into or liaise with local strategic partnerships. Some participants were concerned that LSPs were not sufficiently resourced or did not have sufficient public profile to be the primary vehicle. The points were also made that a ‘siting partnership’ would need to be representative of a wide range of local interests and be able to sustain its work over long timescales.

DEFRA Workshop on Implementation (23 November)

A DEFRA convened workshop took place on 23 November, involving participants from Government departments, the regulators, NDA, Nirex, CoRWM, NuLeaF and its Scottish equivalent. The Executive Director represented NuLeAF.

The purpose of the workshop was to inform preparation of Government’s project plan for consultation on the draft implementation framework and outline repository development plan. The workshop was independently facilitated with emphasis on small group working.

Much of the small group discussion focussed on:

- Identifying the key questions that arise from seeking to develop a siting process based on the principles of willingness to participate, partnership working, support packages and right of withdrawal.
- Identifying which questions: (a) should be answered in order to undertake consultation on the implementation framework; (b) should be answered through the consultation process; and (c) could be addressed at a later stage.
- Which body should take the lead in ensuring that questions in category ‘a’ are answered.

- The forms of consultation that should be undertaken on the draft implementation framework and outline repository development plan.

There is likely to be a further workshop in the early part of 2007 to inform preparation of the consultation.

Government intends to lead work on establishing the implementation framework, including consultation in 2007. Which body leads on the early steps in implementation should be defined in the implementation framework.

CoRWM's Work Programme (Dec 06 – June 07)

CoRWM's work programme is being discussed at its plenary meeting on 14 December. It is understood that a series of notes have been prepared to inform discussion of key aspects of the implementation framework, and that the committee will seek to organise a national stakeholder workshop in Feb/March. It is anticipated that CoRWM will feed its views on the implementation framework to Government by the end of April.

Nirex Papers on Implementation Issues (Sept – Oct 06)

In the period leading up to the Government announcement, Nirex published a series of Technical Notes containing arguments that will need to be taken into account as discussion proceeds.

The Notes are as follows²:

1 Creating a New Nuclear Waste Management Organisation [NWMO] to replace Nirex [Technical Note 513252, Oct 06]

This Note presents arguments for 'growing' a new independent implementing organisation from Nirex, rather than giving the role to the NDA. It argues that an independent organisation could be created quickly and cheaply without primary legislation, would operate independently of the industry and would provide a legal entity to partner with a volunteer community. The Note also alludes to Nirex legal advice that indicates that subsuming Nirex into the NDA may be open to challenge. The Note, however, does not address the arguments against Nirex's favoured approach (as set out in the paper approved at the October Steering Group meeting, 'Institutional Arrangements for Implementation', Policy Statement 2, October 06). This issue is considered further under item 3.

2 Implementation of a Geological Repository from a Commercial Perspective [Technical Note 516255, Oct 06]

Using evidence from overseas programmes and major UK construction projects, this Note argues for a model of repository project management based on active risk sharing between the implementing organisation and main contractor. The purpose would be to ensure that the implementing organisation could play a proper part in

² The summary here draws heavily on a Briefing Note prepared by John Hetherington, 'A Summary and Review of recent Nirex Papers on Implementation', November 06.

decisions about repository design changes as investigation and construction proceeds. The Note argues that quality, timetable and costs problems can arise if too much risk is passed to the contractor. In essence, the Note raises questions about whether the NDA contractor model provides risk-sharing arrangements appropriate to repository development.

3 *A Framework for UK Partnerships [Technical Note 515150, Sept 06]*

This Note outlines the elements of partnership and issues that will need to be taken into account when setting them up. It also contains discussion of decision-making processes, right of withdrawal and community benefits. The Note provides a useful review of the issues around partnership creation that should inform further work on this issue (for proposals see discussion under agenda items 3 and 4).

4 *Implementation of a Long-term Radioactive Waste Management Facility within the Current Planning System [Technical Note 515154, Sept 06]*

This Note outlines the current planning framework and provides a brief review of its implications for implementation. The Note will also be useful in informing further work (for proposals see the report under agenda item 4).

5 *Decision Making and Use of Strategic and Environmental Impact Assessment [Technical Note 515158, Oct 06]*

This Note outlines how SEA and EIA processes could be used to structure decision-making and stakeholder engagement as implementation proceeds. Again, the Note provides a useful input into further work.

EA/SEPA Review of Regulatory Guidance on Requirements for Authorisation of Disposal

The environment agencies are undertaking a programme of review and revision of their guidance on requirements for authorisation of disposal of Low and Intermediate Level waste on land. Their intention is to produce two guidance notes, one for near surface facilities and the other for geological disposal facilities.

A workshop was held in October to review draft specifications for the guidance. The workshop involved the EA, SEPA, DEFRA, the FSA, HPA, NDA, Nirex and CoRWM. A revised set of specifications is to be subject to further review at a workshop on Dec 12, to which a wider group of stakeholders is being invited. The Executive Director is attending on behalf on NuLeAF.

Draft guidance will then be prepared during 2007, for public consultation in early 2008.