

<b>Meeting:</b>	NuLeAF Steering Group, 25 January 2007
<b>Agenda Item:</b>	9
<b>Subject:</b>	MRWS – Institutional Arrangements
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<b>Purpose:</b>	To outline what is currently known and to highlight outstanding questions

## **Introduction**

The special meeting of the Steering Group on 11 December identified uncertainty about the functions and roles of Government, the NDA and new advisory committee (CoRWM 2) in the MRWS implementation programme. This report has been prepared to clarify (a) what is known and (b) what questions require answers.

## **Recommendation**

That the outstanding questions identified in this report be raised with (a) Government at future liaison meetings and (b) the NDA at the implementation briefing meeting on 21 March.

## **Institutional Arrangements – the Current Position**

The current position is set out in the Government’s response to CoRWM of October 06. This outlines the following arrangements:

### ***NDA***

The NDA is being given the responsibility for “developing and ensuring delivery and implementation of the programmes for interim storage and geological disposal” (p4, Govt response).

Government requires the NDA to develop the “geological disposal concept and to agree an outline development plan that will be put out for consultation in 2007” (p6).

Government will ask the NDA to develop a “strategy and plans for the implementation of these proposals, and to ensure that the agreed arrangements are suitably reflected in its future strategy and work plans.” (p7)

“Government proposes to augment the NDA’s capabilities by incorporation of skills and technology from UK Nirex ...A transfer of Nirex to the NDA would be prior to it being wound up as a separate company.” (p7)

Under the NDA’s model of good practice, “development work and day-to-day operation of a geological disposal facility would be undertaken by a contractor, chosen on the basis of an open competition.” (p7)

The NDA has “the function of carrying out research related to the design, construction and operation of future facilities for ILW and HLW” (p10). Government will “expect the NDA to undertake appropriate horizon scanning activities which could have the potential to improve the future manner in which ... the long term management of higher activity radioactive waste are delivered, including learning from and engaging with overseas programmes.” (p10)

The NDA will “be required to have due regard to the views and requirements of Government and the independent regulators, as well as the advice received by Government from the independent advisory body ..” (p10).

### ***CoRWM 2***

Government will “look to a reconstituted CoRWM, with modified terms of reference and expertise in its membership, to scrutinise the future MRWS programme and its implementation on behalf of Government and to provide it with independent advice.” (p14)

“Under the proposed arrangements sponsoring Ministers could also ask the committee to undertake reviews of other key radioactive waste management issues .. as and when the need arises.” (p14)

“CoRWM shall undertake its work in an open and consultative manner. It will engage with stakeholders as required and will publish advice (and the underpinning evidence) wherever

possible in a way that is meaningful to the non-expert .... Published advice and annual reports will be laid in respective Parliaments/Assemblies ..” (p16)

“With the agreement of CoRWM’s sponsoring Ministers, other parts of Government, the NDA and regulatory bodies may request independent advice from CoRWM. Relevant Parliamentary Committees may also propose work to sponsoring Ministers ..” (p16)

“CoRWM shall consist of a Chair and up to 15 members. Seats will not be representative of organisation or sectoral interests ... Appointments will be made following Office of the Commissioner for Public Appointments (OCPA) guidelines.” (p16-17)

“There will be appropriate consideration of the NDA’s strategy and programme for long term radioactive waste management by the independent advisory body ..” (p8)

### ***Government***

Government will continue to have responsibility for approving NDA strategy and plans. “Revised governance arrangement for the NDA will be set in place .. which will .. acknowledge the radioactive waste management policy interests of DEFRA and the National Assembly for Wales.” (p7)

“Government itself will lead in identifying the process and criteria to be used to decide the siting of facilities. This will include exploration of the concept of voluntarism and partnership arrangements and the procedures for assessing the suitability of sites.” (p8)

### **Outstanding Questions**

The following questions arise from these arrangements:

***1 Will the outline repository development plan be consulted upon alongside the draft implementation framework, or will separate consultations be undertaken?***

It is understood that the Government intends to consult on the outline plan and draft framework at the same time, starting in June 07.

***2 Which body will be responsible for the early steps in implementation?***

The Government is responsible for developing the implementation framework, but it is not clear whether it, or the NDA, will be responsible for managing or carrying out the early steps in the implementation programme (eg geological screening of the UK, issuing invitations to participate in the siting process)?

***3 Once implementation has started, will consultation on the NDA’s draft National Strategy and draft Annual Plan provide the main vehicle for consultation on implementation strategy and plans as they are developed?***

Government expects to see implementation strategy and plans reflected in the NDA’s National Strategy and Annual Plan. It is not clear whether there will be opportunities for national stakeholder engagement on development of the implementation strategy and plans in addition to formal consultation on the NDA’s draft National Strategy and Annual Plan.

**4** *To what extent will the ‘implementing body’ have a clear identity within the NDA?*

The Government statement refers to the transfer of Nirex to the NDA. A ring-fence has been placed around the safety case and technical advice teams of Nirex, reporting to the NDA’s Nuclear Safety, Security and Environment Director, with the aim of ensuring that the independence of their advice is not compromised. It is understood that an option being considered is the creation of a stand-alone waste division within the NDA, with the possibility of further transfer to a repository Site Licensee Company.

**5** *What steps will be taken to ensure that the NDA’s drive to accelerate the decommissioning and clean-up of nuclear sites does not put undue pressure on the timetable for repository siting?*

To increase the prospects for success, the siting process must allow sufficient time for potential host communities to participate effectively and for their concerns to be properly addressed. It is not clear what steps will be taken to ensure that sufficient time is allowed.

**6** *Does the NDA contractor model enable an appropriate level of NDA involvement in decisions about repository design as site investigations and development proceeds?*

Using evidence from overseas programmes and major UK construction projects, Nirex has argued 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 decisions about repository design changes as investigation and construction proceeds. Nirex argue that quality, timetable and costs problems can arise if too much risk is passed to the contractor. This raises questions about whether the NDA contractor model provides risk-sharing arrangements appropriate to repository development.

**7** *To what extent will NDA R&D and ‘horizon scanning activities’ (a) be aimed at reducing long-term safety uncertainties associated with geological disposal at generic and site-specific levels and (b) seek to identify developments in alternative management options?*

CoRWM identified these as important issues. The special meeting of the Steering Group on 11 December agreed that the questions should be pursued in discussion with the NDA.

**8** *Will the terms of reference for CoRWM 2 be amended in the light of comments? When will final decisions be taken about the terms of reference?*

NuLeAF has suggested to Government that an addition be made to the Committee’s terms of reference along the lines of: “Government will expect all parties subject to CoRWM’s advice and recommendations to publish responses within a jointly agreed timeframe.”. The existing CoRWM committee has suggested that the new Committee be given greater powers of management over the MRWS process.

**9** *How will public and stakeholder engagement on MRWS issues be coordinated in the future?*

Government has stated that public and stakeholder engagement will be coordinated, but has not indicated how. At various stages, engagement could be initiated by Government, the NDA, the repository contractor or CoRWM 2. There is a clear need to think through how engagement will be coordinated.

Members are invited to consider whether there are any further questions that should be answered in discussion with Government or the NDA.