

Meeting:	NuLeAF Steering Group, 25 April 2012
Agenda Item:	8
Subject:	Progress Report
Author:	Fred Barker
Purpose:	To provide an update on various NuLeAF activities and developments

Introduction

This progress report covers the following items:

- Government's new national strategic framework on nuclear emergency planning;
- the Government announcement about changes to the nuclear liability regime;
- discussions between ONR and local authorities with licensed nuclear sites about planning advice for developments in the vicinity of those sites;
- the process for siting a geological disposal facility (GDF);
- discussion about radioactive waste management and spatial planning at the NuLeAF seminar;
- Magnox socio-economic policy; and
- the NuLeAF budget.

The report is for noting.

Strategic Objectives

The developments reported are relevant to the following strategic objectives:

Implications of the Fukushima Accident

- with regard to the implications of the Fukushima accident for nuclear legacy management in the UK, to encourage the Government and the Office for Nuclear Regulation to ensure that appropriate actions are taken and improvements sustained, and to regularly communicate progress to stakeholders.

Geological Disposal Facility (GDF)

- to liaise effectively with any local authority that may wish to consider, or makes, an expression of interest in the GDF siting process and to provide assistance as appropriate
- to work with Government, the NDA, CoRWM, regulators and member authorities to help ensure that the approach based on voluntarism and partnership works robustly in practice
- to ensure member authorities are briefed and up-to-date on developments in the GDF siting process.

Spatial Planning

- To encourage and assist the NDA, Site Licensee Companies and the supply chain to take full account of the role and needs of the local authority planning system in the implementation of LLW strategy.
- To encourage Waste Planning Authorities to develop policies in MWDFs on the management of LLW (and VLLW).

1 National Strategic Framework on Nuclear Emergency Planning and Response

The January meeting of the SG considered a report that provided:

- an outline of the post-Fukushima reviews of nuclear emergency planning;
- the current position on ‘detailed emergency planning zones’ and the concept of their ‘extendability’ to deal with major nuclear accidents;
- planning for the recovery phase of a major nuclear accident; and
- nuclear emergency exercises.

The report noted that the Weightman review had identified a number of opportunities for strengthening emergency arrangements and that a programme of work had been instigated by DECC to address the issues.

DECC have supplied a copy of a presentation to an Industry Forum at the end of January that reports on its work to develop a ‘national strategy framework for nuclear emergency planning and response’. Key extracts from the presentation are as follows:

- The UK’s planning for and response to a nuclear emergency at home or overseas is: effective across all levels of the IAEA’s International Nuclear & Radiological Event Scale (INES); proportional to the risks being managed; as comprehensive as resources allow; regularly tested; and closely co-ordinated across all partners involved.
- The National Strategic Framework (NSF) provides: an umbrella that covers all UK nuclear emergency planning & response: civil and military, facilities and transport, local, national and international; a mechanism for cross-community collaboration to strengthen the system by identifying gaps and addressing them effectively; strong strategic direction, improved involvement by Ministers and government; a mechanism for ensuring that industry experts’ advice is heard and implemented.
- The NSF covers the response to any emergency, whether caused by accident or sabotage
- The NSF is addressing 6 blocks of work: strategic coordination; risk assessment; emergency plans; emergency response; recovery; and communications.
- DECC has undertaken ‘capability mapping’, ‘base-lining’, ‘gap analysis’ and prioritisation across the 6 blocks, and is now moving forward with delivery.

When asked for further detail, DECC replied that: “Our gap analysis is correlated with the Weightman report findings. Our programme will be focused on the recommendations made there on emergency planning e.g. national emergency response arrangements. The work to scope this programme alongside Office for Nuclear Regulation (ONR) and Nuclear Emergency Planning Liaison Group (NEPLG) partners is ongoing with the findings captured in ONR’s one year on progress report in the autumn, with a status report due in June.”

The Executive Director (ED) has written to DECC suggesting that: “when programme scoping is complete, it would be good to give public visibility to it so that external stakeholders have an understanding of what work is in train, and what is likely to be delivered by when. The NuLeAF Steering Group is, for example, particularly keen to understand whether and, if so, what work will be undertaken to enhance capability to extend countermeasures beyond the Detailed Emergency Planning Zone in the event of a Beyond Design Basis Accident (BDBA). It is similarly interested in work related to planning for the recovery phase for BDBAs.” No further information has been received from DECC at the time of writing.

2 Changes to the Nuclear Liability Regime

The Government has confirmed its intention to substantially increase the third party liabilities of operators in the event of a nuclear incident. This follows a public consultation held last year on the UK's proposals to implement changes made to an international treaty on nuclear third party liability – the Paris and Brussels Conventions, to which the UK and most of the other EU countries are signatories.

Currently, operator liability is limited to £140m per incident. The UK is increasing this to €1.2bn, to ensure that more compensation will be available to a larger number of claimants in respect of a broader range of damage. This €1.2bn is €500 million more than the minimum necessary under the revised Conventions.

The new level will be phased in over five years starting at €700 million when the new regime comes into force and increased annually by €100 million. The changes will apply to existing nuclear operators in the UK as well as any potential new build operators.

A liability level of €70m will apply to low risk sites (this is an increase from the current £10m) as well as a level of €80m for low risk transport of nuclear substances.

The Government intends to amend legislation to implement these changes later this year. The changes to the Convention will come into force when all signatory states have implemented the changes.

The Government's response to consultation is available on the DECC website at [government-response-to-consultation](#). Extracts from the Executive Summary of the Government's response are set out in Annex A to this report.

3 Planning Advice for Developments in the Vicinity of Licensed Nuclear Sites

Members reported at the January meeting that several local authorities had been contacted by the Office for Nuclear Regulation (ONR – an agency of the HSE) to discuss planning advice around nuclear sites. It was agreed that members would provide feedback so that key points could be circulated.

Subsequent to the meeting, feedback has been received from Copeland BC, South Gloucestershire C and Suffolk Coastal District Council.

Key points are:

- HSE provides land use planning advice to local authorities called 'Planning Advice for Developments near Hazardous Installations' (PADHI). The overall objective is to ensure that the element of residual risk arising at a site is taken into account in planning decisions. Residual risk is defined by HSE as the irreducible minimum level of risk which remains after all legally required preventative measures have been taken at the major hazard site. In the short term, HSE expects significant developments for public occupation near to major hazards to be inhibited to avoid undesirable increases in numbers at risk. In the longer term, it says that some reduction in the numbers at risk may be possible through the medium of strategic land use planning. HSE have developed a methodology which is codified within a software package that can be used on-line to

obtain advice on planning applications and pre-planning enquiries (see the HSE website at [HSE: Land use planning - PADHI – HSE’s current methodology](#)).

- For nuclear licensed sites, ONR has been meeting with local authorities to discuss the need to reference ‘Nuclear Safeguarding Zones’ (NSZs) in Local Development Frameworks. These zones specify the areas within which particular types of proposed developments should be referred to HSE/ONR for advice on their appropriateness (or otherwise). The ONR’s approach is explained on the HSE website at [HSE: Land use planning - PADHI+ Nuclear installations](#).
- For Sellafield, for example, ONR have advised Copeland BC that the following zones should be flagged in their Core Strategy:
 - Inner Zone (0-6km): any development leading to an increase in residential accommodation, or likely to cause an influx of non-residential population; and
 - Outer Zone (6-10km): development providing residential accommodation, permanent or temporary, for more than 50 people or likely to cause an influx of non-residential population exceeding 50 people.
- ONR also advises that local authority Emergency Planning Officers should be consulted to ensure that any proposed developments can be accommodated in Off-Site Nuclear Emergency Plans.
- Feedback has included the comment that ONR need to be more open about the basis for their advice on the size of NSZs, and for any subsequent advice on specific proposed developments.

It had been hoped to pursue these questions in discussion with the ONR, but they were unable to provide speakers for the SG meeting. ONR hope, however, to be able to provide speakers for the SG meeting in July.

4 Process for Siting a GDF

West Cumbria MRWS Partnership

The West Cumbria MRWS Partnership’s formal public consultation to consider whether West Cumbria should take part in the search for a site for a repository for the UK’s higher activity radioactive waste came to a close on 23 March. An opinion survey is also being conducted to test public opinion in a statistically representative way. The results will be considered alongside the results of this consultation. Details on the consultation can be found on the Partnership website at [Consultation - West Cumbria MRWS Partnership](#).

The Partnership will use responses to consider whether it should change its initial opinions and, if so, how. This will shape the advice the Partnership gives to Allerdale BC, Copeland BC and Cumbria CC, to help inform their decision about whether to take part in the search for a site for a repository or not.

The steps in completion of the Partnership’s work include:

16 and 26 April	Workshops to consider the consultation findings
22 May	Partnership meeting to discuss a draft final report
25 June	Partnership meeting to adopt final report

The ED is participating in the review of consultation responses and attending the meetings in April and May.

Regulatory Interface Management (RIM) Meeting

The ED attended a RIM meeting on 23 March. Information updates include:

- **Stage 4 framework:** the final version of the framework has been published (see summary in Annex B drafted by the ED for the Partnership). NDA is undertaking preparatory work with a view to implementation of the framework. The preparatory work will have the status of 'work in progress' when first discussed with any participating local authorities.
- **Potential acceleration of the programme:** NDA's work on acceleration scenarios is being reviewed by CoRWM and a panel from the Royal Academy of Engineering. Work to further develop thinking on the preferred scenario will not be started until the reviews have been assessed. NDA anticipates discussion with any participating local authorities before the preferred scenario is adopted.
- **Organisational development:** the business case is being developed for the Radioactive Waste Management Division (RWMD) to become a wholly owned subsidiary of NDA. The target date is early in Stage 4 (around April 2013). If local decisions to participate are not taken, this development will not proceed.
- **Joint permissioning schedule:** NDA is revising the schedule to clarify the role of Strategic Environmental Assessment.

Issues Management Meeting

The ED attended a meeting on 26 March with representatives from the NDA, the Partnership and NWAA to receive an update on NDA's approach to GDF issues management.

RWMD published their initial approach to issues management in August of last year. This defined the word 'issue' to mean any challenge, concern or opportunity that is raised internally or externally which could affect the concepts being developed for the disposal system. A particular focus of the issues management process was to give attention to issues that RWMD believes could significantly challenge confidence in, or present opportunities for significantly improving, the implementation of geological disposal in the UK.

The meeting was informed that a new version of RWMD's approach is to be published shortly with an updated and improved process, including improved integration with RWMD programmes and mapping to RWMD R&D topics. Following publication, RWMD will seek meetings with those who have raised issues to discuss progress to date. RWMD is also considering whether to establish some form of advisory panel to oversee review, development and engagement on their approach to issues management.

Review of the Committee on Radioactive Waste Management (CoRWM)

DECC has sought the views of stakeholders on the future of CoRWM. The aims of DECC's review are:

- to challenge the continuing need for CoRWM to carry out its role – both its functions and form; - and if it is agreed it should remain as an advisory Non-Departmental Public Body –

- to review its control and governance arrangements to ensure it is complying with recognised principles of good corporate governance.

The comments attached as Annex C were submitted with the agreement of the Chair.

5 Radioactive Waste Management and Spatial Planning

The NuLeAF seminar on 9 March received a presentation from the Planning Inspectorate (PINS). Key points from the presentation include:

- PINS and the Infrastructure Planning Commission (IPC) will merge on 1 April 2012. The new organisation will have **three roles relevant to nuclear energy and nuclear legacy management**: the examination of proposals for nationally significant infrastructure projects (new nuclear generation); the examination of local plans (waste development plan documents); and town and country planning appeals (with nuclear implications). It is clear that most nuclear legacy development will not be considered as national infrastructure and much is likely to proceed as development under the town and country planning legislation.
- In the light of the Government's planning reform agenda, **sound local plan policies** and effective community engagement become critically important. Waste Planning Authority (WPA) areas hosting existing nuclear sites require a sufficient policy framework to support decommissioning activities and on-site interim management of wastes. For WPA areas without nuclear sites, there may be an issue with the view that nuclear legacy management "has nothing to do with us". There is a need for an informed conversation and understanding of future requirements.
- The **duty to cooperate** in the Localism Act is likely to be relevant to radioactive waste management. Strategic priorities across local boundaries will need to be properly coordinated and reflected in local plans. The draft national planning policy framework suggests that a sound local plan will one that has been or is positively prepared, justified, effective and consistent with national policy.

The following points were made in the Q&A session that followed:

- *How will the duty to cooperate be applied to radioactive waste management if pro and anti-nuclear authorities are involved?* Practice is at a very early stage and will need to evolve, drawing on the lessons from joint core strategies, for example, on housing. Compromises may be necessary.
- *What evidence will WPAs have to provide to show that implementation of the duty to cooperate has extended sufficiently far?* A 'horses for courses' approach is needed. For example, cooperation across a single boundary might be sufficient where a site is close to two boundaries. Consolidation strategies might require wider cooperation. New evidence on arisings emerging from NDA and LLWR Ltd will be valuable.
- *It is difficult to make judgements about what is required when strategy is still being developed.* Plan-making has to proceed on the basis of the strategy position and evidence base at the time of writing.
- *How far should WPAs go in addressing radioactive waste management?* This depends on circumstances. WPAs with nuclear sites should cooperate with other WPAs to the extent necessary to provide a sufficient policy framework to support decommissioning activities and on-site interim management of wastes. It is much more difficult for WPAs

without nuclear sites. For them, it is more about cooperation with the NDA and LLWR Ltd to understand potential requirements.

- The implications of the LLW capacity gap analysis and NDA's project to further develop strategy for VLLW and LALLW will need careful consideration.

The points above will be taken into account in the review and revision of NuLeAF's interim advice to Waste Planning Authorities on radioactive waste management (available on the NuLeAF website as [Briefing Paper 21 November 2011](#)). The review and revision will also take account of:

- developments in LLW programme delivery (capacity gap analysis, VLLW/LLW disposal – see agenda item 5);
- NDA strategy development (eg consolidation – see agenda item 6); and
- developments in spatial planning (including the National Planning Policy Framework and anticipated revisions to PPS10).

6 Magnox Socio-Economic Policy

A new Magnox socio-economic scheme has been launched in partnership with the NDA and EnergySolutions.

This takes into account the impacts of the Magnox Optimised Decommissioning Programme (MODP) and involves a new scheme and application process that replaces all previous schemes, combining all applications and management in a one-stop shop.

The MODP represents a major change to the work programme across Magnox requiring an assessment of the socio-economic implications for local communities in-line with the requirements of the Energy Act 2004 to mitigate the effects of decommissioning on the surrounding communities and develop opportunities for socio-economic development.

Further information is available at [Magnox News | Magnox Limited](#).

7 NuLeAF Budget

The SG will recall that budgetary projections for 2011-12 and 2012-13 were presented to the AGM in October.

NuLeAF's out-turn for 2011-12 is currently subject to audit. It is anticipated that the deficit will be slightly under that projected at the AGM of £20,500, leaving a reserve to carry forward of around £98,640.

The projected deficit for 2012-13 is now significantly less than projected at the AGM, as an additional £25,000 has been secured from NDA (making a total payment of £75,000 for this Financial Year). This means the deficit for 2012-13 is now projected to be around £13,000, which can be met from reserves. The level of future funding from the NDA is subject to annual review.

ANNEX A: EXTRACTS FROM EXECUTIVE SUMMARY OF THE GOVERNMENT RESPONSE TO CONSULTATION ON CHANGES TO THE NUCLEAR LIABILITY REGIME

The Government intends to implement the proposals set out in the consultation paper taking account of the responses submitted. The Government's updated proposals will be given effect largely by amending the Nuclear Installations Act 1965 ("the 1965 Act") by means of an Order made under section 76 of the Energy Act 2004. A draft Order was included in the Government's consultation. The Government's aim is to bring forward the Order in accordance with the timetable below.

New categories of damage

The Government will implement the proposals on the new categories of damage as set out in the consultation paper. This means that the scope of the damage for which compensation can be claimed will be extended to include, in addition to personal injury and loss of life ("personal injury") and property damage (i) economic loss arising from property damage; (ii) the costs of measures of reinstatement of the impaired environment; (iii) loss of income deriving from a direct economic interest in any use or enjoyment of the environment; and (iv) the costs of preventive measures. In addition, on the basis of the responses submitted during consultation Government has decided:

- a) types of claims will not be prioritised. This means that claims will be considered and compensated on a first come-first served basis;
- b) we will make express provision to address the risk of 'double compensation'. The Government is considering giving the courts additional powers, for example in the case of a claim for the costs of environmental reinstatement measures, to reduce the compensation to take into account compensation already paid under a claim for property damage;
- c) we will not expressly include compensatory remediation in the definition of the measures of reinstatement for which claims can be made;
- d) we will make provision in the 1965 Act for a threshold for a "grave and imminent threat" of a breach of duty in line with the Radiation (Emergency Preparedness and Public Information) Regulations 2001 threshold for implementing emergency plans;
- e) we will continue to work on ensuring there is a workable interface between the 1965 Act and relevant regulatory regimes. In particular, we are considering amending the radioactive contaminated land regime for England so that it directly gives effect to the costs of measures of reinstatement category of damage and excluding from the 1965 Act what is covered by the radioactive contaminated land regime so there is no direct overlap;
- f) with regard to the loss of income deriving from a direct economic interest in any use or enjoyment of the environment, we remain of the view that this category of damage should not be wide in scope and we plan to revise proposed new section 11G of the 1965 Act to reflect this.

Geographical scope

The Government will implement the extended geographical scope of the Paris Convention so that compensation will be available for damage suffered in certain non-Paris countries (non-nuclear countries and certain other countries that have equivalent reciprocal arrangements) as well as the UK and other Paris countries. We will also reflect the establishment of countries' maritime zones and the more restricted geographical scope of the Brussels Supplementary Convention in our amendments to the 1965 Act. The Government has decided to revise its proposals so as to: retain section 13(2) of the 1965 Act, which allows claims to be brought for injury or damage suffered within the territorial limits of a non-Paris Convention country on board a ship or aircraft registered in the UK; and for the purposes of defining who can benefit from additional Brussels Convention funding when they suffer damage in certain maritime areas, adopt a definition of UK national that includes the following categories of individual: British citizens; British overseas territories citizens; British overseas citizens; British national (overseas); British subjects; and British protected persons.

Limitation periods

Government will proceed as indicated in the consultation paper and impose a limitation period of 10 years from the date of an occurrence (or event) for claims against an operator for property damage and the new categories of damage. In the case of claims against an operator for personal injury we will extend the limitation period to 30 years. Beyond these limitation periods, it will not be possible to bring claims for injury or damage against the Government.

Radiation-induced personal injury arising from preventive measures will benefit from the longer 30 year limitation period but the 10 year limitation period will apply to claims for 'ordinary' personal injury caused by preventive measures.

Liability during transport

The Government plans to implement its proposals set out in the consultation paper for giving effect to the amendments to the Paris Convention so that during the carriage of nuclear substances liability may only be transferred between Convention operators where the receiving operator has a direct economic interest in the nuclear substances being carried.

We agree with the responses that said that it would be desirable to have guidance on liability during transport. We agree that the Nuclear Decommissioning Authority's Site Licence Companies should be regarded as having a "direct economic interest" in the nuclear substances they deal with on behalf of the NDA and propose to make this clear in the amendments to the 1965 Act.

Financial liability levels

The Government has decided to implement the proposals set out in the consultation paper and will set operator liability at:

- €1200 million for standard sites (compared to £140 million that has been in place since 1994); this will be introduced at €700 million and will rise annually by €100 million per year over 5 years;
- €70 million for low risk sites; and

- €80 million for low risk transport.

The levels of third party liability for low risk sites and transport are the minimum that can be set under the revised Paris Convention. The Government will consider options for setting a third party liability of less than €1200 million for “intermediate level” sites.

The Government is considering with regulators and stakeholders appropriate criteria for determining the type of transport that should benefit from the lower level of liability.

Availability of insurance or other financial security

Operators are required to have insurance or other financial security to cover their third party liabilities under the Paris Convention. The consultation responses and the independent advice commissioned by Government in the summer of 2011 (set out at Appendix 1) has broadly confirmed the position of the insurance market as able to cover most of the liabilities arising from the new categories of damage but that there may be gaps in the cover for which the operator will have to identify alternative sources of financial security.

Government has stated previously that it would consider stepping in to fill any gap in the provision of commercial insurance or other financial security in return for a charge, if the market is unable to provide. We maintain this position in light of the responses received, subject to any EU and UK law requirements.

In addition, the availability and structure of any government intervention will take into account the insurance market response to the final version of the Order, so cannot yet be finalised. We have assessed the current position by working with industry and independent consultants and their advice is set out in Appendix 23.

Jurisdiction

The Government will implement the proposals set out in the consultation paper. These are to exercise the option to claim jurisdiction over an area in lieu of an exclusive economic zone (EEZ), by notifying the UK's Renewable Energy Zone and/or the Gas Importation and Storage Zone at the time the revisions to the Paris Convention are ratified.

In the context of giving effect to the single court requirement in the revised Paris Convention, the consultation paper suggested that where criteria for allocating claims between the High Court of Justice, the Court of Session and the High Court of Northern Ireland resulted in more than one court having jurisdiction, allocation of jurisdiction should be based on the likely impact of an incident. However, as it seems it could be very difficult and costly to establish the likely impact, the Government would like to provide that the High Court of Justice (for England and Wales) should have jurisdiction in the event a tie-breaker situation arises. The Scottish Executive has agreed this approach and the Northern Ireland Departments have been kept informed.

The Government does not intend to include a narrower definition of "occurrence" than we proposed in the consultation paper. However, we will make provision in the Order amending the 1965 Act to ensure that it is clear that contamination or emissions that have taken place prior to the coming into force of the revised liability regime will be dealt with under the current 1965 Act regime.

Nuclear waste disposal facilities

The Government has decided to pursue the proposals as set out in the consultation paper. It will apply the third party liability regime in the revised Paris Convention to nuclear waste disposal sites but without extending the existing 1965 Act nuclear licensing regime to them.

However Government believes that low level and very low level (V/LLW) nuclear waste disposal facilities do not present a sufficient level of risk to warrant inclusion in the Paris liability regime. Therefore the UK is proceeding with its application for the exclusion of these facilities to the Steering Committee of the OECD Nuclear Energy Agency (NEA) under which the Conventions are managed. It has raised the issue of excluding V/LLW facilities from the Paris regime with the Nuclear Law Committee (NLC) - one of the standing technical committees under the Steering Committee. The NLC has asked the UK to prepare its proposal and initiate the approval process. The UK Government will now work with the UK regulators, operators and others to develop the proposal and criteria for excluding V/LLW facilities. Exclusion of V/LLW disposal facilities from the Paris liability regime does not mean that these facilities would not be subject to regulatory control or third party liability (under the ordinary law) if damage was caused by an incident at a site.

There is no guarantee that the NEA Steering Committee will grant such an exclusion and, even if it does so, there is little possibility that it will be granted by the time the revised legislation comes into force. There will therefore be an interim period - possibly for several years - where such V/LLW disposal facilities will fall under the liability regime and will be required to meet the obligations of having the necessary financial security or insurance. We believe that such facilities will fall under the category of low risk sites and would have a liability cap of €70m.

Representative actions

The Government has decided to pursue the proposals as set out in the consultation paper. These include new provisions to allow the governments of other countries to bring 'representative' proceedings in the UK on behalf of persons who are nationals of the country in question or who are domiciled or resident in that country. The provisions will also allow the Secretary of State to bring 'representative' actions in the courts of other Paris countries or countries offering reciprocal liability arrangements on behalf of UK nationals, and those who are domiciled or resident in the UK.

The Government agrees that the regime should be 'opt-in', rather than 'opt-out', that the 'loser pays' principle should be retained and that judgments resulting from an action brought by a foreign government in the UK should be binding on those on whose behalf the foreign government is acting. The Government is considering whether additional measures are needed to deter unmeritorious claims and to take into account the special position of foreign governments and other claimants (for example, as regards costs recovery).

Other points

During the consultation period the major earthquake and tsunami occurred in Japan (March 2011), with the consequent impact on the nuclear power plants at Fukushima Daiichi. A number of the responses from individuals and NGOs commented that Government should halt the consultation until the outcome of Fukushima could be assessed and the proposals reconsidered.

We considered these concerns and delayed publication of the Government response until we had considered the Chief Nuclear Inspector's final report which was published in October 2011. The Chief Inspector's report does not raise issues relating to liability.

The financial consequences of Fukushima continue to emerge. The NEA and the Contracting Parties to the Conventions, of which the UK is one, will keep developments under review and may in the future decide to revise the Conventions in light of further information from the events at Fukushima. In the meantime the Government and other Contracting Parties believe the right thing to do is to make improvements in the third party liability regime as soon as we can. Going ahead with our implementation of the current revised Paris and Brussels Conventions will significantly improve the current liability regime; it will increase the financial responsibility placed on nuclear operators and increase the scope of damage for which victims can claim and the amount of compensation they can claim.

Next steps

The next steps towards implementation of these changes are:

Expected timing

Now until summer 2012
Autumn 2012

Activity

Revise and finalise Order.

Legislative process: Order laid before Parliament. Timing of debates in both Houses will be subject to Parliamentary business.

Summer/Autumn – end 2012

Operators to submit insurance/financial security proposals to cover liability. Amendment of subordinate legislation e.g. on prescribed sites, excepted matter and court rules.

Late 2012 – early 2013

Period during which we expect Convention countries to ratify the revised Conventions and the Conventions to come into force (although this timing is subject to a range of factors including the readiness of other countries). Legislation will come into force thereafter.

ANNEX B: NOTE ON THE ‘FRAMEWORK FOR DESK BASED IDENTIFICATION AND ASSESSMENT OF POTENTIAL CANDIDATE SITES FOR GEOLOGICAL DISPOSAL’

Consultation on DECC’s proposals took place last year. The Partnership submitted comments that are contained in Document 228. It also summarised the proposed framework in Chapter 10 of its consultation document.

DECC has now published two documents:

- The Government’s response to consultation comments (at <http://www.decc.gov.uk/assets/decc/11/consultation/mrws-siting/4617-mrws-gov-resp-siting-cons.pdf>); and
- The final version of the framework (at <http://www.decc.gov.uk/assets/decc/11/consultation/mrws-siting/4618-mrws-framework-siting.pdf>).

The framework sets out at a high level: the desk-based process for identification and assessment of potential site areas in Stage 4; and the staged process for deciding whether to proceed to Stage 5.

There are no major changes to the framework. An emphasis on flexibility and the importance of developing and using locally-derived criteria alongside national criteria remains. It is still the case that the sorts of local processes that might be used for siting a GDF, as outlined in the Partnership’s consultation document, could be developed within the framework.

More detailed pointers to where key issues are addressed in the Government’s response and/or framework documents are:

- acceptance of the point about needing to move at a pace that local communities are comfortable with (response para 2.14, framework para 2.13)
- acceptance of the need to fund local processes, including engagement and access to expertise (response para 2.15, framework para 2.8)
- local DMB role and need for DMBs to agree mechanisms for reaching local agreement about which potential sites to carry forward (response para 2.16, framework para 5.3)
- commitment to voluntarism and partnership (response para 2.19, framework para 2.13)
- re-affirms non-prescription about processes for involving potential host communities (response para 2.20)
- sets out national steps for identifying potential site areas (Figure 3), and need for flexibility so that the process is community owned (framework para 3.2)
- rejects Partnership’s suggestion of calling national criteria ‘generic criteria’ but refers to possibility of using alternative terminology locally (response para 2.26) and early demonstration of how national criteria would be used (framework para 3.9)
- broadens the scope of the socio-economic criterion (in response to Partnership comments) (response para 2.28, framework para 4.15)
- agrees with the Partnership’s point about the importance of shared understanding and agreement to the meaning of criteria (response para 2.29 and framework para 3.21)
- highlights potential for identifying and using local criteria (framework paras 3.22-3.24)
- flags a change about the possibility of some targeted geophysical survey work in Stage 4, but for discussion with CSPs (response para 2.24, framework para 4.4)

- flags local involvement in identifying and agreeing which experts to use (response paras 3.12 and 3.20, framework paras 4.30)
- re-asserts that Multi-Criteria Decision Assessment (MCDA) is an aid to decision-making and explains its use (response para 3.18, framework paras 4.19-4.21)
- explains the Government's position on new build and inventory decisions going forward (response paras 5.12-5.13)
- responds to consultee comments on West Cumbria (response paras 5.14-5.19).

The framework refers to preparatory work being undertaken by NDA to develop more detailed proposals and plans (paras 6.1-6.2), including to develop 'scoring scales' for the MCDA (paras 4.23-4.26). The Partnership may wish to seek further information from NDA about the nature, scope and timetable for this work.

ANNEX C: COMMENTS SUBMITTED TO GOVERNMENT REVIEW OF THE FUTURE OF CORWM

From: Fred Barker [mailto:fred.barker@nuleaf.org.uk]

Sent: 30 March 2012 14:27

To: 'radioactivewaste@decc.gsi.gov.uk'

Subject: Comments on Review of CoRWM

Dear DECC,

Here are the comments from NuLeAF to the questions posed:

1. Do the key functions performed by CoRWM continue to be necessary and appropriate for the successful management of higher activity radioactive wastes in general and the successful implementation of the Managing Radioactive Waste Safely (MRWS) programme in particular?

Yes, CoRWM should continue in its scrutiny role of NDA and DECC. Yes, independent scrutiny and advice is needed in the MRWS programme, beyond the regulators, in particular to scrutinise the support DECC and NDA are giving to the MRWS process, and to provide an independent source of technical advice. CoRWM's role cannot be replaced by the regulators who have different and specific responsibilities.

2. If you consider that CoRWM's functions remain valid, are these functions best delivered by a Non-Departmental Public Body (NDPB)?

The functions of CoRWM are best performed by a NDPB. In particular, they cannot be taken in house and performed by civil servants, as this would completely undermine the scrutiny role. Less formal and ad-hoc arrangements would not give the continuity and reassurance required for such an important programme.

3. If you consider that an advisory NDPB is the right delivery mechanism for the functions of CoRWM, what improvements could be made to support the effective and efficient delivery of CoRWM's remit?

CoRWM does a good job on a very restricted budget and offers value for money. CoRWM is widely trusted as a source of independent advice and authoritative information. For the next four years, DECC could consider appointing a CoRWM member with specialist skills and experience in community engagement on controversial issues.

Fred Barker
Executive Director
NuLeAF