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| Meeting: | NuLeAF Steering Group, 18 th September 2017 |
| Agenda Item: | 8 |
| Subject: | Update on national developments in radioactive waste management |
| Author: | Philip Matthews |
| Purpose: | This paper provides an update on recent developments in radioactive waste management and NDA operations |

Introduction:

This paper updates members on recent developments in radioactive waste management and NDA operations. It covers:

- Report from Theme Overview Group (TOG) meetings
- Update on inquiry into Magnox contract termination
- Sellafield update
- BEIS and Brexit update
- NDA stakeholder summit and SSG review

Recommendation:

This report is for noting.

1. Report from Theme Overview Groups (TOG) meetings

A meeting of the **Integrated Waste Management (IWM) Theme Overview Group** was held in Penrith on the 20th July. The meeting heard reports on:

- **IWM Strategy Development Programme** – the meeting considered the programme framework and indicators that were required to oversee the development of the IWM Strategy, along with what each organisation might contribute.
- **Joint Convention** - the UK is currently working on the 6th Joint Convention Report, with the work being led by ONR and the environmental regulators with input from the UK government, NDA and nuclear industry. The objective of the joint convention report is to demonstrate that spent fuel and radioactive waste is being managed safely. The 6th report will also be used to inform the UK Industrial Strategy and as a means of communicating issues to European partners as part of the discussions around the UK withdrawal from Euratom.

- **LLWR Update** - diversion of LLW from the LLWR continues to be very high, at around 97% in the first quarter of 2017/18.

A **Site Decommissioning and Remediation (SDR) TOG** was held in Penrith on the 12th September, after Steering Group papers were finalised. A verbal report will be provided at the Steering Group meeting.

2. Update on inquiry into Magnox contract termination

NuLeAF wrote to Greg Clarke, Secretary of State at BEIS, on the 25th July to request further information on the current inquiry into the former Magnox contract tendering process. A response was received by Richard Harrington MP, the responsible Minister, in August.

Mr Harrington confirmed that an interim report on the inquiry is due for publication in autumn 2017 and that this and other documentation will be made available on the GOV.UK website. The Minister stated that he had also passed NuLeAF's letter to the Inquiry secretary so that she was aware of our concerns.

Following NuLeAF's letter, more information on the Inquiry was made available online, including the terms of reference and protocols for evidence gathering and the provision of information¹. NuLeAF will notify members as soon as the interim inquiry report is published, and report on it to the Steering Group.

3. Sellafield Update

Sellafield Ltd. published its **Corporate Strategy**² and **Transformation Plan**³ on the 31st July.

The Strategy sets out Sellafield's **Vision**, which is to be a '*world leader in solving complex nuclear challenges*' and its **Mission** to '*Safely and securely remediate the Sellafield site to benefit the industry, nation and region.*' The Strategy has three themes: safe and secure site stewardship; demonstrable progress; and return on investment. It provides a brief history of the site over the last 80 years and the main challenges that the company faces in cleaning up the facilities and managing radioactive and other wastes generated.

The Transformation Plan commits Sellafield to deliver £1.4Bn of savings by 2020, with a further £1.4Bn of savings targeted by 2029. This is double the target set by the Nuclear Decommission Authority (NDA). Sellafield argues

¹ <https://www.gov.uk/government/collections/magnox-inquiry>

² <https://www.gov.uk/government/publications/sellafield-ltd-corporate-strategy>

³ <https://www.gov.uk/government/publications/transformation-plan>

that this demonstrates the benefits, in terms of productivity and cost efficiency, of their return to government ownership as an NDA subsidiary.

The Transformation Plan notes the end of reprocessing in 2020 and commits the organisation to a simpler, more unified organisation. Sellafield Ltd aims to reskill and redeploy resources to accelerate action on cleaning up the high hazard facilities. There is also a commitment to work with the supply chain and local authorities to support the Government's growth agenda and the development of technology, skills and knowledge which has wider economic value.

With regard to the high hazard facilities, Sellafield announced on the 5th September that six holes has been cut in the Pile Fuel Cladding Silo⁴. This will allow access, for the first time in 65 years, to the radioactive waste contained within. Over time this will enable the material within the silo to be removed and packaged prior to final disposal.

4. BEIS and Brexit Update

Personnel changes have occurred at BEIS. Helen Quark has been appointed as the new Deputy Director for Resilience and Non-Proliferation, and Umran Nazeer as Deputy Director for Waste and Decommissioning.

Regarding **Brexit**, in July the UK Government published a position paper on the key issues and aims in establishing a new framework for nuclear issues after the leaving Euratom⁵.

NuLeAF's Chair and Executive Director attended the inaugural meeting of the **Euratom Exit Industry Forum**, held in London on the 4th September. The meeting was well attended by the nuclear industry, along with those involved in university research and the medical applications of radioisotopes. NuLeAF was the only representative of local government present.

The Minister, Richard Harrington MP; David Wagstaff, the BEIS lead negotiator on Euratom; and a number of other staff from BEIS and the Office for Nuclear Regulation (ONR) provided updates on the current situation, their aspirations for the negotiations, and a range of issues and challenges that the UK faced.

Both the civil servants and Minister felt that negotiations have, to date, been amicable and that reasonable progress has been made. However, discussion on the UK's future relationship with the Euratom countries cannot begin until the EU is satisfied that there has been acceptable progress on the wider issues around UK's exit from the EU, such as the financial settlement and

⁴ <https://www.gov.uk/government/news/first-hole-is-cut-in-worlds-oldest-nuclear-store>

⁵ <https://www.gov.uk/government/publications/nuclear-materials-and-safeguards-issues-position-paper>

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future arrangements for the Irish border. This will make an already challenging timetable for the resolution of issues around Euratom even more difficult.

At the same time, while the UK is not yet free to enter into trade agreements with other nations, the UK has received approval from the EC to open discussions with the US, Canada, Japan and Australia on future bilateral agreements on nuclear materials. In the case of the USA, Canada and Australia any new agreement will require ratification by their legislature, which will necessitate the completion of any negotiation well in advance of the current 2019 deadline. The Japanese are assessing whether existing agreements may be acceptable in future and thus in that case a new agreement may not be required.

In terms of future regulatory and environmental protection in this country, primary legislation is required and planned for the coming weeks. Complex secondary legislation will also be needed. BEIS committed to alert the Forum members as and when the legislative timetable is finalised.

ONR is working closely with BEIS to ensure that the organisation is fit for purpose for any future framework. They have 7 staff working full time on the issue. The regulators recognise that there are very few people with the requisite skills to take over the roles needed to replace what Euratom already does and that this presents a major challenge.

The issue of medical isotopes was raised in the Forum. BEIS stated that the Government is now clear that such materials are not covered by the safeguards aspects of Euratom and therefore a failure to reach a new agreement with the Euratom nations will not disrupt their supply.

The UK's significant role in nuclear research and development was highlighted, and concern expressed by academics present of the impact on their future funding and also their ability to attract top research talent. The Government stated that they remain committed to supporting world class research in the UK and were particularly keen to support ongoing research on fusion at the Culham centre in Oxfordshire.

The Minister stated that he had not supported Brexit and he was aware that it was very unlikely that anyone present felt the UK should leave Euratom. He stressed that some form of associate membership of Euratom was not off the table as an option. In the case of Euratom he felt there might be some flexibility over the involvement of the European Court of Justice in any future arrangement.

The forum will continue to meet. It was accepted that the industry and workforce needed as much clarity as possible as early as possible.

5. NDA Stakeholder Summit and SSG review

As discussed at previous NuLeAF meetings, the NDA has undertaken a review of its approach to stakeholder engagement and the role of Site Stakeholder Groups (SSGs). Bill Hamilton of NDA attended the March Steering Group and set out the NDA's thinking on the way forward. NuLeAF members offered a range of feedback and comment on proposals.

NDA met the SSG Chairs on the 20th July to discuss the future role of the Site Stakeholder Groups. It is understood that, based on that meeting, the NDA is now proposing only limited changes to the operation of the SSGs.

In discussions with NDA, NuLeAF has stressed the need for NDA and the SLCs to enhance engagement with local authority planners, economic development officers and elected members, as the SSGs are often not an effective conduit for information exchange and discussion on these issues. This issue was raised in NuLeAF's recent letter to David Peattie (see Appendix). Both Mr Peattie and Bill Hamilton of NDA will be attending the September Steering Group meeting and will be able to discuss member concerns on this issue.

Appendix 1: Letter to David Peattie



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30th August 2017

Dear Mr Peattie,

I am pleased to hear that you will be able to join part of NuLeAF's Steering Group meeting in Cumbria on the morning of the 18th September. Your predecessor, John Clarke, met with us every year and the opportunity to discuss NDA strategy, policy and action at individual sites with you is very welcome.

NuLeAF is the Local Government Association (LGA) representative body on nuclear legacy wastes and decommissioning issues. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speak for the wider local government community.

Our remit encompasses all aspects of the management of the UK's nuclear waste legacy. We believe we are a useful and constructive partner for your organisation, providing a clear voice for local government and communities, and building the capacity of individual local authorities to engage with the NDA. Recently we have:

- Hosted a discussion with Bill Hamilton of NDA as part of your review of stakeholder engagement;
- Provided detailed advice to BEIS and NDA on the scope for land use planning to be used to manage NDA sites after the nuclear site license is surrendered, drawing on our expert Radioactive Waste Planning Group (RWPG). This has significantly influenced the range of work

going on as part of the review of Proportionate Regulatory Controls (PRC);

- Worked with our RWPG to ensure that local waste plans and land use plans include clear policies on radioactive waste management, to the benefit of both NDA/SLCs and communities;
- Hosted an annual meeting with LLWR and the supply chain to discuss planned management of VLLW/LALLW, something that has resolved previous tensions between the industry and local communities;
- Been an active member of the current BEIS review of radioactive waste policy and infrastructure;
- Participated in the NDA's TOG meetings and fed back to our members;
- Developed a wide ranging and active programme of work with BEIS and RWM to help refine the framework for the GDF siting process and raise awareness among local government of the opportunities available; and
- Worked with Bill Hamilton to encourage local authority participation in the NDA Stakeholder Summit, something that has led to far higher attendance than for previous NDA events.

At our last Steering Group meeting our members identified a range of issues that they wished to discuss with you. These relate to both NDA's direct work and the operation of the SLCs. In advance of our meeting I felt it would be helpful to set these out and highlight the topics that local authorities would appreciate your thoughts on.

Engagement between NDA and local Authorities

- Over a number of years we have highlighted to NDA that SSGs are not an appropriate vehicle for engaging with planning and economic development functions of local authorities, or with the senior leadership. We note that a review of stakeholder engagement is underway and we would welcome clear proposals from NDA as to how this issue can be addressed.
- Our members view is that NDA consultations can sometimes appear to be a formality, with pre-determined outcomes, and it can be hard to see how consultation responses have influenced later iterations of policy. We believe that NDA could better demonstrate how comments have been acted on, or alternatively explain why it was decided not to take on specific suggestions. The lack of a clear explanation erodes confidence that the engagement is meaningful and that stakeholder's voice will be listened to.
- There is a lack of clarity on the amount and intended use of the NDA's socio-economic budget as, within the Business Plan, it is not provided as a stand-alone figure. This is a point we have raised repeatedly in consultations on the NDA Business Plan, but it has not been acted on.
- To date there has only been limited communication and engagement on Lifetime Plans and Site End States, either at a national or site level, despite a number of requests from our members.

- We believe there is a need to better explain the impact on NDA operations of the legal settlement with Energy Solutions and Bechtel. It is not clear how such a significant cost can have no impact on the NDA mission and in the absence of more information stakeholders are both sceptical and concerned.

Engagement with Magnox and other SLCs

- At some Magnox sites it is not clear how the framework set by NDA strategy is influencing local programmes of work. We would welcome more clarity from Magnox and better local engagement.
- We feel that NDA and SLCs would benefit from an enhanced understanding of how local authorities operate, particularly in relation to land use planning. In developing local plans it is important that engagement and dialogue between NDA/SLCs and councils is at the appropriate stage of the local plan cycle. Often it is not, which leads to poorer outcomes for both the industry and communities.
- Our members are concerned that the early termination of the Magnox contract, and either the retendering process or the imposition of a new model, may result in a loss of knowledge and skills. We would welcome more information on whether this is likely to be an issue and how NDA is working to address it.

Geological disposal of Higher Level Wastes

- We have a significant involvement in the new GDF process and are active in helping shape it in ways that are intended to increase the likelihood of a positive outcome. However we have to recognise that there is a risk that the process will again fail to identify a suitable volunteer community. We would welcome more information from NDA on how further delays may impact on current NDA operations, and how this issue is being addressed.

I hope this provides you with a useful flavour of the issues and concerns that local authorities face. I and my colleagues look forward to meeting you on the 18th.

Yours sincerely,



Cllr Brendan Sweeney

Chair, NuLeAF and Elected Member, Barrow-in-Furness Borough Council

Cc: Bill Hamilton, NDA