

Meeting:	NuLeAF Steering Group, 21 st March 2018
Agenda Item:	5
Subject:	Update on national developments in radioactive waste management
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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:

- NDA meeting reports;
- Public Accounts Committee (PAC) Report published; and
- Brexit update.

Recommendation:

This report is for noting.

1. NDA meeting reports

NuLeAF's Director attended an **NDA workshop on the Radioactive Waste Strategy** in Warrington on the 11th January. A draft of the Strategy has now been prepared and was circulated to participants in advance of the meeting. The NDA do not wish it to be circulated more widely at present.

In developing the Strategy, the NDA recognises that there is potential for similar waste management processes to be applied to the very diverse range of radioactive wastes in the inventory, from Very Low-Level Wastes (VLLW) to Higher Activity Wastes (HAW). It also believes there is scope for synergies and overlap in the approaches that are taken.

The aim of the Radioactive Waste Strategy is to build on the good work already achieved in recovering material and identifying alternative disposal routes for Low Level Wastes (LLW), and to assess wastes by their treatment options as well as their radiological classification.

The key objectives of the radioactive waste strategy are:

- Application of the waste hierarchy where it is practicable and appropriate to do so recognising that hazard and risk reduction and nuclear safety priorities may limit application of the waste hierarchy in certain circumstances.
- Provide a robust, sustainable waste management infrastructure, essential to the safe, effective delivery of the NDA mission, making best use of existing waste management assets and developing new fit-for-purpose waste management routes as required. The waste management infrastructure needs to be flexible and be able to facilitate prompt decommissioning and remediation of facilities and sites where it is appropriate to do so.
- Enable a lifecycle approach to the management of radioactive wastes which will help identify the most appropriate waste management route determined by the risk posed by the waste.
- Risk based waste management – greater emphasis placed on the nature of the waste rather than classification to aid in identifying the most appropriate waste management route.
- Make radioactive waste ultimately disposable, in a single step where possible, in a manner that protects people and the environment.
- Consider materials that may become waste in the future and to understand the implications of such scenarios on both the existing waste infrastructure and the requirements, timing and need of new waste infrastructure.
- Drive/facilitate changes in waste management behaviours and culture.

The Strategy includes a section on Stakeholder Engagement which identifies Local Government as having an important interest in the delivery of the Strategy.

The Warrington workshop involved participants from the NDA, SLCs and regulators as well as NuLeAF. Through discussion it was confirmed that:

- The Strategy is for the NDA estate rather than for the UK as a whole, though its principles should be applicable more widely; and
- That it is intended the Strategy can be used to appraise the relative merits of disposal options including a Geological Disposal Facility (GDF) and near surface facilities, as well as the scope for longer term storage if the construction of a geological disposal site is delayed.

The NDA hosted a workshop on **stakeholder engagement regarding in-situ disposal** workshop in Warrington on the 15th January. NuLeAF's Executive Director attended along with a range of representatives from the NDA, Site License Companies (SLCs), the regulators and BEIS.

The aim of the workshop was to identify the work that different organisations had undertaken or planned on this topic, and to identify issues and risks that need to be addressed to deliver effective stakeholder engagement.

Steering Group, Item 5, National developments in radioactive waste management,
21st March 2018

NuLeAF was invited to present its views on in-situ disposal to the meeting and noted that:

- Many councils may be supportive if the justification and benefits of in-situ disposal are clear. However, it must be seen to be the 'best outcome' not 'lowest cost option.'
- Local authorities and communities must be given a clear voice in decisions and concerns about any health or environmental impacts should be addressed through communication, engagement and effective regulatory protection.
- There is a need for the NDA to address fears about the impact of any in-situ disposal on future plans for sites or the timetable for clear up.
- Local authorities still need more clarity on how work on in-situ disposal will proceed in terms of legislation, guidance and the 'Lead and Learn' sites.
- The guidance and approach to in-situ disposal must be properly aligned with the planning system. The NDA needs to appreciate how the planning system works in terms of plan cycles and what the planning system can and cannot do to support in-situ disposal.
- There is a specific need for clarity on the potential use of Planning Permission and the relative roles of Planning and Permitting in any ongoing regulation of a site.
- That local government and communities are concerned with the overall approach and its impact on their area in economic, social and environmental terms. There are a number of linked but separate discussions and developments at present on in-situ disposal, radioactive waste policy and strategy, Magnox accelerated decommissioning, geological disposal and near surface disposal. It is important that the role of in-situ disposal is understood in terms of that wider evolving framework.

Presentations were also provided by the regulators and SLCs, followed by a series of round table and group discussions. From discussion it was clear that the regulators and others share many of NuLeAF's concerns. Participants felt that the approach lacks a full appreciation of the planning system, and that there is a need to provide local authorities with further reassurance that they will not have a long term 'regulatory role' in managing in-situ disposal.

An **Integrated Waste Management (IWM) TOG** meeting was held on the 1st February. The meeting covered a range of issues.

The Environment Agency gave an update on their work on the management of radioactive waste from decommissioning of nuclear sites, known as GRR (**Guidance on Requirements for Release from Radioactive Substances Regulation**). The GRR covers both the agencies' guidance on the surrender of permits for nuclear sites and for

Steering Group, Item 5, National developments in radioactive waste management,
21st March 2018

the permitting of on-site disposal of radioactive waste. It has three objectives:

- to set out the requirement for optimised plans for the management of the radioactive wastes from decommissioning and clean-up of a nuclear site;
- to set out the standards that must be met if those optimised plans identify that radioactive wastes are best managed by on-site disposal;
- to set out the standards that a nuclear site must meet to enable it to be released from radioactive substances regulation.

The draft guidance has undergone significant revision since it was consulted on in 2016, in response to feedback and learning from the three Lead and Learn trial sites. The publication of the final guidance is expected in spring 2018. NuLeAF members have continued to express concerns on how this guidance will operate and interact with local plans and we will continue to engage and to monitor how the guidance is taken forward in practice.

Low Level Waste Repository Ltd (LLWR) presented on **LLW management**. This showed that at the end of December 2017, 95% of LLW had been diverted from the LLWR. The National Waste Programme (NWP) of LLWR is also working on a range of other projects around which they hope to engage with stakeholders. These include the publication of a report on the principles for on-site decay storage¹ and work with RWM on problematic wastes and Near Surface Disposal.

A report was given by **RWM** on the current consultations on the framework for geological disposal in England and Wales.

A short paper was presented by NDA on the **impact of Brexit on Integrated Waste Management (IWM)**. This concluded that there are potential risks to the NDA's IWM Strategy, relating to Safeguards / Materials Accountancy, Nuclear Co-operation agreements, Import/Export controls, Access to skills, Fuel Market, R&D, Maintaining Investment and Safety Standards. It was agreed that until there is further clarity on the exact nature of the transitional and new arrangements on nuclear issues that the impacts cannot be quantified.

¹ <http://llwrsite.com/wp-content/uploads/2018/01/NWP-REP-161-Workshop-NFR-On-site-Decay-Storage-Principles-Issue-2.pdf>

Steering Group, Item 5, National developments in radioactive waste management, 21st March 2018

2. Public Accounts Committee (PAC) report published

On the 28th February the PAC published its report into the Magnox Parent Body Organisation (PBO) contract². As was the case with an earlier National Audit Office (NAO) paper, the report is highly critical of the NDA over the failures of the contracting process, and also finds failings within central Government.

The conclusions of the Committee report are that:

- The NDA completely failed in its procurement processes and the management of the contract, costing the taxpayer around £122 million
- The NDA drastically under-estimated the work needed to decommission sites. This has led to the termination of the existing contract 9 years early and significant expense to the NDA in putting in place new arrangements for the future management of the Magnox estate.
- These failures have caused '*untold reputational damage*' to the NDA and '*raise serious questions about its credibility as a strategic contracting authority.*'
- Central Government must also share the blame, as both BEIS and the Treasury approved the NDA's contract management and procurement processes. BEIS also failed in their subsequent challenge and oversight of the NDA.

The Committee Deputy Chair, Sir Geoffrey Clifton-Brown MP commented that *'The Nuclear Decommissioning Authority is entrusted with some of the most important work affecting health and safety matters in the nuclear industry but this sorry affair casts serious doubt on its ability to perform its role effectively. From the design and execution of the procurement process onwards, the handling of the Magnox contract has been an appalling piece of mismanagement and financial waste.*

It is wholly unacceptable that some details of what took place should remain so murky – not least the NDA's inability to fully account for some £500 million of taxpayers' money paid to its previous contractor.

We expect the NDA to be open with us about what it is doing to address this and other failings identified in our Report, such as shortcomings in the skills and expertise of its staff.

But central government is also culpable. Having signed off the NDA's needlessly complicated procurement plan, it then failed in its duty to taxpayers as issues emerged and costs grew.

We accept a balance must be struck but oversight structures are there for a reason and, for a significant and critical period, UK Government Investments was simply too hands-off.....Given the scale and implications of the failings set out in our Report, we are not prepared simply to take their word for it. In

² <http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/nuclear-decommissioning-magnox-report-published-17-19/>

Steering Group, Item 5, National developments in radioactive waste management,
21st March 2018

the coming months we expect to be shown concrete evidence of the progress being made.'

The **Holliday Inquiry**, commissioned by BEIS to look into the issues around the Magnox contract, is ongoing and is expected to report later this year.

3. Brexit Update

On the 5th March the BEIS Committee published the Government's response to its report on **Leaving the EU: implications for the civil nuclear sector**³.

The response⁴ sought to address the range of recommendations the Committee had made regarding nuclear safeguards; transitional arrangements; the future relationship with Euratom and the EU; Skills; Research and Development; and Market Access. It confirmed that:

'The Government recognises the importance of continuing its long-standing and mutually beneficial relationship with relevant advisory bodies set up under Euratom auspices and with non-Euratom organisations to maintain and develop a common understanding in areas such as nuclear safety and radioactive waste management. The Government is exploring possible ways of continuing such engagement through appropriate mechanisms, noting that there are precedents for non-EU countries to participate in organisations like the European Nuclear Safety Regulators Group (ENSREG).'

It also stated that:

'Our plans are designed to be robust so as to be prepared for a number of different scenarios including the outcome in which there is no future agreement. Within these plans, our top priority is continuity for the nuclear sector. The Nuclear Safeguards Bill will enable the establishment of a domestic nuclear safeguards regime which will ensure the UK meets international safeguards standards when Euratom arrangements no longer apply in the UK. We have committed that such a regime will provide coverage and effectiveness equivalent to Euratom arrangements.'

In related news, on the 2nd February the Government announced that £2.275Million had been granted to the **Office of Nuclear Regulation (ONR)**. This support, from the Contingencies Fund, is intended to enable ONR to establish a new domestic nuclear safeguards regime following the UK's departure from Euratom.

³ <https://publications.parliament.uk/pa/cm201719/cmselect/cmbeis/378/378.pdf>

⁴ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/business-energy-industrial-strategy/news-parliament-2017/brexit-civil-nuclear-government-response-17-19/>

Steering Group, Item 5, National developments in radioactive waste management,
21st March 2018