

Meeting:	NuLeAF Steering Group, 12 October 2006
Agenda Item:	4
Subject:	Long-Term Management of Radioactive Wastes
Author:	Fred Barker
Purpose:	To provide an update on developments and propose next steps

Introduction

This report outlines developments, including:

- CoRWM's recommendations
- the Government response
- a draft briefing paper on 'siting' partnerships
- a draft policy statement on institutional arrangements for implementation
- preparations for further NuLeAF initiatives

Recommendations

That the Steering Group:

- 1 agree that the briefing paper on 'siting' partnerships be sent to CoRWM, DEFRA, NDA and Nirex, and be used as briefing material for the regional seminars;
- 2 endorse the draft policy statement on institutional arrangements and agree that it be submitted to DEFRA, NDA and Nirex to inform their thinking; and
- 3 authorise the Executive Director to take further initiatives as appropriate.

CoRWM's Recommendations

At the end of July, CoRWM submitted its recommendations to Government on the long-term management of higher activity wastes (www.corwm.org.uk/content-1092).

CoRWM states that it has presented an integrated set of recommendations with three interdependent strands. It recommends geological disposal as the end point and robust storage in the interim period, including provision of contingency against delay or failure in reaching the end point. The third strand focuses on implementation, including the need for a staged process, flexibility in decision making and partnership with communities willing to participate in the siting process.

The Steering Group's attention is also drawn to the following aspects of CoRWM's recommendations:

- **Interim storage:** CoRWM's report to Government contains the committee's views on the issues to take into account in reaching decisions about interim storage (Ch 16). CoRWM states that storage will be required for at least a century (to allow for siting, construction and waste emplacement), and that a further period should be allowed for contingencies. It says that planning for new stores should avoid, where practicable and desirable, the double movement of wastes from their current locations to a store at a new location, and their subsequent movement to a repository. CoRWM suggests that the NDA will need to assess the implications of the mis-match between its aspiration to achieve decommissioning of nuclear power stations within 25 years of closure, and the timescale for repository construction (potentially around 40 years from now).
- **Form of geological disposal:** CoRWM concluded that 'early' closure of a repository after waste emplacement is a preferable course of action, but recognised that many stakeholders and citizens support phased geological disposal (with scope for leaving a repository open for up to 300 years after waste emplacement). Some CoRWM members argued that potential host communities should have a considerable influence on decisions about whether to design a repository for early or delayed closure. Others considered that CoRWM should recommend an early closure repository design. The committee did not reach agreement, and accepts that the issue will continue to be a matter for public debate.
- **Identifying potential host communities:** CoRWM argues that potential host communities may not coincide with local authority boundaries, so there should be scope for communities to be self-defining in terms of an initial willingness to participate. It also states that precisely who should represent the community within partnership arrangements should be a matter for further consideration, but that the decision to participate and subsequent proposals developed through partnership arrangements must be ratified by the appropriate elected representative bodies.
- **Application of implementation recommendations to interim storage:** CoRWM states that it is clear from the views of some stakeholders that its recommendations on implementation must be applied to at least new central or major regional stores at new locations. It adds that the extent to which they may be applicable to other new stores and changes to existing stores is a matter for further consideration.

- **Next steps:** CoRWM states that there are a number of steps that should be taken as soon as practicable so that the momentum established in the MRWS programme is not lost. These include: setting out policy; setting up an Overseeing Body and an Implementing Body; defining the steps in a staged decision-making process; undertaking a review of storage; identifying areas of the UK that are not suitable for a repository and/or new centralised stores; developing the framework for partnership arrangements; and establishing an R&D programme.

CoRWM is undertaking the following post-recommendations work:

- Archiving its documents, and providing an audit trail
- Developing some of the implementation work (mainly by clarifying the questions that need addressing)
- Responding to requests for meetings and briefings.

Government Response

The UK Government and devolved administrations have welcomed CoRWM's recommendations (www.defra.gov.uk/news/2006/060731e.htm), stating that a full response will be made to the respective Parliaments and National Assembly for Wales in the autumn. In support of the recommendations, the Environment Secretary says:

- CoRWM has considered and reflected a wide range of viewpoints, and arrived at a report that will provide a strong basis for moving forward
- the Government is committed to develop a strong voluntary partnership with local communities in identifying a site for geological disposal
- the Government understands the importance of independent scrutiny and will ensure, in taking a programme forward, that there is independent oversight.

It is currently anticipated that the Government's full response will be published towards the end of October. Government will then embark on Stage 3 of the Managing Radioactive Wastes Safely programme. It is expected that this will involve public debate on how the Government's decision should be implemented. This will be followed by Stage 4, the start of the implementation process.

Draft Briefing Paper on 'Siting' Partnerships

The preliminary Government response includes commitment to "a strong voluntary partnership with local communities".

The Steering Group's Policy Statement on implementing policy refers to the need for further work to identify appropriate models of local partnership. The Executive Director has prepared the attached draft Briefing Paper to provide a basis for that further work. The draft summarises current information from CoRWM, COWAM and UK experience of Local Strategic Partnerships. It also identifies a series of questions for discussion with those in local government with experience of partnership working.

It is proposed that the briefing paper be:

- sent to CoRWM, DEFRA, NDA and Nirex to inform their thinking on potential ‘siting’ partnerships
- used as background briefing for CoRWM speakers at the regional seminars
- included in seminar information packs for participants.

Draft Policy Statement on Institutional Arrangements for Implementation

The last Steering Group meeting agreed that further consideration should be given to institutional arrangements for Implementation.

This is done in the attached draft policy statement. The draft outlines the nature of three different models, including pros and cons. The three models are:

- a) **Commission led:** where an Independent Commission takes key decisions in the siting programme and is responsible for stakeholder engagement, and a Waste Disposal Company undertakes site investigations and repository design and construction under direction from the Commission¹.
- b) **Implementing Body led:** where an independent Implementing Body takes charge of all aspects of the implementation process, and its work is scrutinised by an Independent Review Committee².
- c) **NDA led:** where the NDA is responsible for the implementation programme, a lead Contractor/s undertake site investigations and repository construction, and the programme is scrutinised by an Independent Review Committee.

The draft statement takes into account the case for model ‘b’ that was put by Nirex at a meeting with NuLeAF representatives on 13 July.

The draft statement concludes that there are pros and cons associated with each model and that whichever is chosen, Government must show clearly how it intends to overcome, reduce or manage the disadvantages associated with its preferred model.

The draft statement highlights that for the independent implementing body and NDA models, the role, make up and staffing of the independent review committee will be critical. In particular:

- the committee must be able to scrutinise proposed implementation programmes, schedules and decisions in a timely fashion
- the committee must be able to oversee and review progress in all aspects of the siting process
- the committee should be able to review whether stakeholder and community views are being adequately addressed
- the committee should be able to review the adequacy of R&D programmes and peer review arrangements
- the committee should be able to play a part in dispute resolution

¹ As proposed by the House of Lords Select Committee on Science and Technology in, ‘Management of Nuclear Waste’, Third Report, March 1999, Chapter 6.

² As proposed by Nirex in, ‘Note on Separation and Independence’, June 2006. In this model, the Implementing Body would be ‘grown’ from Nirex, and be given a new mission and name.

- the advice and recommendations of the review committee must be formally considered and a response published in a timely manner by the implementing body or Government as appropriate.

The draft statement also recommends that the institutional arrangements should be based on the following principles:

- be capable of securing public and stakeholder confidence and trust
- retain and utilise existing resources and expertise
- a clear and appropriate allocation of functions
- good governance (including openness and transparency, fair and effective public and stakeholder engagement, and taking full account of public and stakeholder views in decision-making)
- adequate funding in the short and long-term
- adequate staffing in terms of numbers, experience, expertise and commitment to the principles of good governance.

It is proposed that the Steering Group

- endorse the policy statement
- submit the statement to DEFRA, NDA and Nirex to inform their thinking on institutional arrangements.

Preparations for further NuLeAF Initiatives

The following steps are being taken to prepare the ground for further NuLeAF initiatives:

- Meeting with the Waste Advisory Group of the Planning Officer Society: the Executive Director is meeting with the Group on 3 October to discuss implementation issues. A verbal update will be provided at the Steering Group meeting.
- Meeting with DEFRA: the Executive Director has made arrangements for a small group of officers to meet with DEFRA officials on 13 November to clarify how the Government intends to move forward and discuss arrangements for NuLeAF and member authority participation.
- Regional Seminars: the seminars in October and November will provide opportunity for a wide range of member authorities to discuss the further initiatives that NuLeAF might take in relation to implementation of policy on the long-term management of radioactive wastes.