

DEFRA Consultation Document MRWS - A framework for implementing geological disposal

CHAIRMAN: Cllr. Alan Holliday
PORTFOLIO HOLDER: Cllr. Elaine Woodburn
LEAD OFFICER: David Davies
REPORT AUTHOR: David Davies

Summary and Recommendation:

To inform members of the Nuclear Working Group of the announced public consultation by Defra, DTI and the Welsh and Northern Irish devolved administrations on the implementation of a national framework for geological disposal of radioactive wastes.

It is recommended that members consider the consultation document and feedback their comments to Nuclear Team in order to inform the Council's formal response to Government by 2nd November 2007.

BACKGROUND

In 2001 the UK Government and devolved administrations initiated the Managing Radioactive Waste Safely (MRWS) programme, with the aim of addressing this problem. The aim was to find a practicable solution for the UK's higher activity wastes that:

- Achieved long-term protection of people and the environment
- Did this in an open and transparent way that inspired public confidence
- Was based on sound science, and
- Ensured the effective use of public monies.

In October 2006 the UK Government and the devolved administrations published a response to the recommendations made by the independent Committee on Radioactive Waste Management (CoRWM). In their response, the UK Government and the devolved administrations accepted CoRWM's main recommendation that geological disposal, preceded by safe and secure interim storage, was the way forward for the long-term management of the UK's higher activity radioactive wastes, and said they would consult on a framework for implementing geological disposal. This consultation document follows from that commitment.

INTRODUCTION

The consultation document sets out Government's proposals for:

- The technical programme and aspects of design and delivery of a geological disposal facility; and
- The process and criteria to be used to decide the siting of that facility, including:
 - Development of a voluntarism/partnership approach; and
 - The assessment and evaluation of potential disposal sites, including the initial screening-out of areas unlikely to be suitable for geological disposal.

The purpose of this consultation document is to seek views on these issues, i.e. how to go about calling for expressions of interest from communities, and how a geological disposal facility should be developed. It is about the process. It is not a call for communities to express an interest now in taking part in the siting process for a geological disposal facility. That will come later, once the responses to the consultation have been assessed.

Equally, this consultation is not about the question of whether or not it is in the public interest to allow energy companies to invest in new nuclear power stations, which is the subject of a separate UK Government consultation running in parallel to this one. It does however take account of relevant issues covered by that consultation, and of other relevant work such as the new UK policy for managing solid low level radioactive waste and the UK consultation on planning arrangements for major infrastructure projects.

Views are invited on the proposals set out in this consultation document. Specific questions for respondents to consider are included throughout the document and are listed together in a response template (Appendix 1).

KEY AREAS

The key areas for members to consider are:

Chapter 3, which sets out proposals for how to implement geological disposal of higher activity radioactive waste, and explains the key design features that a geological disposal facility would need to include. It also discusses the NDA's role in delivering the disposal facility, and how the NDA will engage with stakeholders throughout the process.

Chapter 4, which sets out Government's position on regulation, scrutiny and control of the NDA's geological disposal facility development programme, which can be summarised as follows:

- Government is committed to strong and effective control and regulation of the geological disposal facility development process, and this will be enforced by the independent regulatory bodies.
- The NDA and any future contracting SLC will comply with the appropriate planning system processes. Note: It is the SLC and not the NDA who will be subject to regulatory control once the site has been identified.
- Government will look to early and continued involvement of the safety, environmental and security regulators throughout the MRWS implementation programme. Transport regulation and nuclear safeguard requirements will also be strictly applied.
- The regulators will make clear their regulatory requirements to the NDA at an early stage.
- Government will expect the NDA, in consultation with relevant planning authorities and the regulators, to develop a coordinated strategy for seeking the necessary planning permission and regulatory processes, with roles, responsibilities and any 'hold-points' clearly identified.
- Environmental impact and sustainability issues will be assessed through application of the Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Environmental Impact Assessment (EIA) processes.
- All aspects of regulatory decision-making except those which could prejudice national security or commercial confidentiality will be open and transparent and will provide opportunity for input and assessment of public and stakeholder views.

And finally Chapter 5, which sets out Government's proposals on the following issues:

- The case for an approach based on voluntarism.
- A proposal for defining a 'community' and for how communities might express an interest in taking part in the process that would ultimately provide a site for a geological disposal facility.
- An outline staged decision-making process for site selection which describes how, at different stages, communities might affirm their interest in continuing in the process or decide to withdraw from it.
- Site selection criteria that could be used to assess and evaluate different areas, and

- sub-surface screening criteria for excluding unsuitable sites at an early stage;
- The method by which a community might organise itself in a partnership to work together with national and local Government and the implementer, the NDA.
- The issue of “community packages” proposed by CoRWM and supported by NuLeAF.

It is important to note that the UK Government is not seeking to be prescriptive but, where appropriate, is indicating a preferred approach. Its proposals reflect consideration of UK and international experiences of such approaches as well as work by CoRWM and NuLeAF.

DEVELOPMENT & APPROVAL PROCESS

The deadline for the response to the consultation is the 2nd November 2007. The response would need to be approved by Full Council, however the deadline misses the November Full Council and there is no October Full Council, therefore a Special Full Council may need to be convened.

It is recommended that the development of the response includes consultation with internal and external stakeholders and would include a report to OSC Safer Stronger Communities.

The diagram in Appendix 2 indicates a possible process for Council approval and development of the formal response.

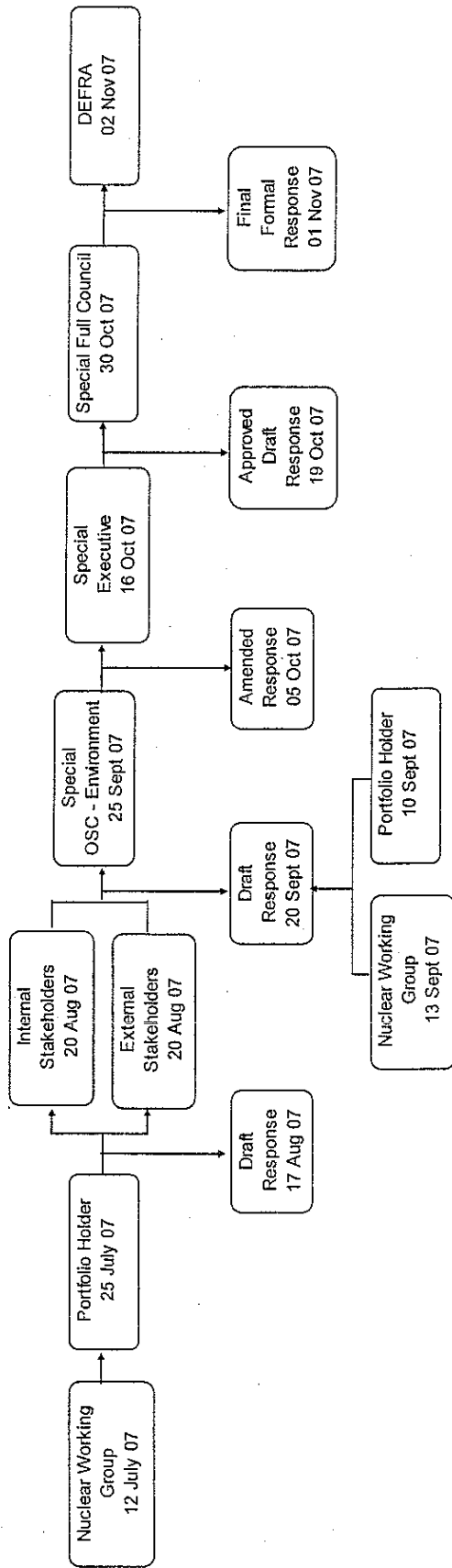
RESOURCES

The table below indicates relevant resources' availability during the period of consultation.

Resource	Period unavailable		Comments
	From	To	
Clr E Woodburn	20 Aug 07	03 Sep 07	Annual Leave
D Davies	Available	Available	
F McMorrow	16 Jul 07	19 Aug 07	Annual Leave
F Duffy	09 Aug 07 05 Sept 07	29 Aug 07	Annual Leave Retirement

APPENDIX 1
Response Template

**APPENDIX 2
Council Process**



Department for Environment, Food and Rural Affairs

Consultation on managing radioactive waste safely: a framework for implementing geological disposal

Please use this proforma to answer the questions in the above document. Responses should be received no later than **Friday 2 November 2007**.

If sent electronically responses should be clearly marked in the subject field as **consultation on managing radioactive waste safely** and should be sent:

- by email to: radioactivewaste@defra.gsi.gov.uk
- or by post to: Sophie Shepherd, Defra, 3/G24 Ashdown House, 123 Victoria Street, London, SW1E 6DE.

The email address above may also be used for general queries relating to this consultation. Please mark the subject field **consultation on managing radioactive waste safely**.

To help us analyse responses, please provide details of yourself or your organisation below (*if appropriate)

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request.

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

Defra's confidentiality statement in full can be found at <http://www.defra.gov.uk/corporate/consult/radwaste-framework/letter.htm>

Name	
Organisation/company *	
Job title *	
Department *	
Address	
Email *	
Telephone *	
Fax *	
Website *	
Date of response	

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer. Responses including any general comments you might wish to make are welcome on any number of the questions. For question's with a tick box it would be helpful if you could please indicate whether you agree, disagree or are uncertain (as appropriate) and offer comment on your answer.

Chapter 2: The Waste					
Question 1 [page 14]: Do you agree with this approach to compiling and updating the radioactive waste inventory and using it as a basis for discussion with potential host communities? If not, what would you propose?					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
Chapter 3: Outline implementation programme for geological disposal					
Question 2 [page 22]: Do you have any comments on the proposed technical approach for developing a geological disposal facility, as set out in Chapter 3?					

Question 3 [page 24]: Do you agree with the approach to public and stakeholder engagement set out here? If not, how do you believe your input could be better managed or your concerns addressed?

Yes

No

Uncertain /
Other

Chapter 4: Protecting people and the environment: regulation, planning and independent scrutiny and advice.

Question 4 [page 28]: Government believes the system of regulation outlined in paragraphs 4.2 to 4.14 is strong and robust in relation to a geological disposal facility. Do you agree? If not, what other regulation do you feel is necessary?

Yes

No

Uncertain /
Other

Question 5 [page 30]: Do you think the proposed planning reforms in England outlined in Chapter 4 should apply to the development of a geological disposal facility, and if so how could this be integrated with the voluntarism and partnership approach outlined in Chapter 5?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

Chapter 5 Site selection using a voluntarism and partnership approach

Question 6 [page 36]: Do you agree with this approach to defining 'community' for the purposes of the site selection process? If not, what alternative approach would you propose and why?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

Question 7 [page 37]: Do you agree with the proposals for providing information to communities and the way Government proposes to issue invitations?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

Question 8 [page 39]: Do you believe that the initial sub-surface screening criteria proposed by the expert panel are correct? Do you believe that the way in which Government proposes to apply these criteria in the process is correct? If not, how could this be done differently?

Question 9 [page 42]: Has Government identified the relevant assessment criteria? If not, what other criteria should be used? Do you have any comments on how the criteria should be applied at different stages?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

Question 10 [page 43]: Do you have any comments on whether and how a partnership arrangement could be used to support a voluntarism approach?

Question 11 [page 45]: Do you agree that the work of communities and/or partnerships should be funded by Government through an engagement package? If so, what activities do you think it would be reasonable to expect Government to fund?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Uncertain / Other	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

Question 12 [page 46]: How best can Government and the NDA ensure that the development of a geological disposal facility delivers lasting benefits to the host community? Should this involve the use of benefits packages and if so how might this best be achieved, taking into account the need to make the best use of public funds?

Question 13: Do you have any other comments?

