

European Union consultation on a legislative approach to governing the Management of Spent Fuel and Radio Active Waste

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Summary and Recommendation:

The European Union are considering an approach to establishing new legislation governing the management of spent fuel and radio active waste and are seeking the views of interested parties through a consultation process involving the completion of a short on-line questionnaire.

1. BACKGROUND

The European Union are considering an approach to establishing a possible legislative proposal governing the management of spent fuel and radioactive waste and they are seeking views on the proposal through a wide consultation process.

The EU communication on the proposal comments;

'While it is for each Member State to choose whether or not to invest in nuclear energy, the nuclear safety and security framework applied everywhere in the EU is of common interest. The cross-border impact of nuclear energy and increased international cooperation requires the EU to maintain the highest safety, security, non-proliferation and environmental protection standards for nuclear generation. The EU therefore needs to develop a common legislative framework with respect to the safety of nuclear installations and the management of spent fuel and radioactive waste.

*As a first element on this road, a Council Directive establishing a Community framework for the nuclear safety of nuclear installations was recently adopted with the agreement of all 27 Member States and strong support from the European Parliament (Council Directive **2009/71/Euratom**, OJ L 172, 2.7.2009, p. 18–22). As to radioactive waste and spent fuel, the scope of the Safety Directive is limited to storage facilities for radioactive waste and spent fuel that are on the same site and are directly related to nuclear installations.*

All EU Member States generate radioactive waste, whether or not they have a national nuclear power programme, and therefore have to identify solutions and define national requirements to manage it properly.

Radioactive waste arises mainly from activities of the nuclear fuel cycle, such as the operation of nuclear power plants and the reprocessing of spent fuel, but also from other activities, such as applications of radioactive isotopes in medicine, research and industry. Final disposal solutions are required for all existing radioactive waste, regardless of whether nuclear programmes are continued, expanded or phased out. In addition, sufficient capacity for safe interim storage facilities has to be foreseen.

While for the less dangerous short lived very low, low and intermediate level waste, strategies are or are going to be implemented at an industrial scale in almost all the Member States. With nuclear power plants, progress on disposal solutions for high level waste and spent fuel subject to direct disposal, is noted only in a few Member States.

EU legislation is possibly required as a driver for Member States to take the necessary decisions and define the requirements and steps to ensure the safe management of spent fuel and radioactive waste by public or private organisation in their countries'.

The consultation process is through the completion of an on-line questionnaire a copy of which is attached as appendix A. Members may wish to consider the response to the consultation for discussion at the Nuclear Working Group meeting.

2. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

2.1 None other than Member and Officer time

List of Appendices

Appendix A – Copy of on-line questionnaire

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed . This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None directly
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Impact on Sustainability	Yes significantly
Impact on Rural Proofing	None directly
Health and Safety Implications	None
Project and Risk Management	None
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	None
Human Rights Act Implications	None
Monitoring Officer Comments	
Section 151 Officer Comments	

Please say if this report will require the making of a Key Decision NO