

Response to the Report and Recommendations from the Committee on Radioactive Waste Management (CoRWM)

By the UK Government and
the devolved administrations



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



Department of
the Environment
www.doeri.gov.uk



SCOTTISH EXECUTIVE



Department for Environment
Food and Rural Affairs

Response to the Report and Recommendations from the Committee on Radioactive Waste Management (CoRWM)

By the UK Government and the devolved
administrations



SCOTTISH EXECUTIVE



Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

© Crown copyright 2006

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to
The Information Policy Team, Office of Public Sector Information, St Clements House, 2-16
Colegate, Norwich, NR3 1BQ.
Fax: 01603 723000 or e-mail: OPSlicensing@cabinet-office.x.gsi.gov.uk

This document is also available on the Defra website.

Published by the Department for Environment, Food and Rural Affairs. Printed on material that contains 100% recycled fibre for uncoated paper and a minimum of 75% recycled fibre for coated paper.

Argraffwyd ar ddeunydd sy'n cynnwys 100% o ffeibr eildro ar gyfer papur heb ei orchuddio ac o leiaf 75% o ffeibr eildro ar gyfer papur wedi'i orchuddio.

Product code PB 12303

Contents

Contents	1
Section 1: Overview	2
1.1 Introduction	2
1.2 CoRWM Process and Report	2
1.3 Government Response	3
1.4 Implementation of Stage 3 of the MRWS Programme.....	4
1.5 Indicative Timetable for MRWS Stage 3.....	4
Section 2: Detailed Response to CoRWM's 15 Recommendations ..	6
2.1 Introduction	6
2.2 Detailed Response to CoRWM's Recommendations	6
Annex A Future Advisory Committee: Reconstituted Committee on Radioactive Waste Management (CoRWM) Draft Terms Of Reference	16

Section 1: Overview

1.1 Introduction

In September 2001, Government (UK Government and the devolved administrations) instigated the first stage of its Managing Radioactive Waste Safely Programme (MRWS). The second stage began in July 2002¹ when Government published its response to the 2001 consultation, followed in 2003 by the appointment of the independent Committee on Radioactive Waste Management (CoRWM). Government commissioned CoRWM to oversee a review of options for the long term management of the UK's higher activity radioactive waste, and to recommend the option, or combination of options, that could provide a long-term solution, providing protection for people and the environment. Their objective was to provide recommendations which inspired public confidence and were practicable in securing the long term safety of those wastes. CoRWM began its work in November 2003 and delivered its recommendations in its report to Government on 31 July 2006.

Government has now considered CoRWM's report and is content that the Committee's method of working has resulted in a report which enables Government to be satisfied that the recommendations on the long term management option do "inspire confidence and are practicable". This document completes Stage 2 of the programme. It provides Government's response to those long term management recommendations, as well as to others in the report on public and stakeholder engagement. It also outlines the steps Government will take and the beginning of the next stage – Stage 3 of the MRWS programme – on implementation of the long term management option for higher activity radioactive waste.

1.2 CoRWM Process and Report

In summary, the three main elements of CoRWM's recommendations are that:

- geological disposal is currently the best form of long term management for the UK's higher activity radioactive waste;
- there should be a commitment to the safe and secure interim storage of the waste during the period it will take to plan and construct the geological disposal facility; and
- the UK should look to develop partnership arrangements, linked to appropriate involvement and benefit packages, with local authorities/communities as a means of securing facility siting.

Its report also contains a wealth of more detailed material on how these three main elements could best be delivered.

CoRWM undertook extensive engagement with stakeholders, and members of the public as well as considering expert and scientific evidence in arriving at its

¹ The MRWS programme stages set out in the Government's July 2002 way forward statement were: Stage 1 – the MRWS consultation; Stage 2- appointment of CoRWM, delivery of the committee's recommendations and Government policy decision; Stage 3 – formulation, including public debate, of implementation arrangements; and Stage 4 – start of implementation process.

recommendations. The Committee considered and reflected a range of viewpoints in its work and, on that basis, it arrived at a unanimous report.

In addition to the extensive quality assurance and peer review mechanisms established by CoRWM, an expert panel set up by Defra's Chief Scientific Advisor provided quality assurance and peer review on behalf of Government. CoRWM's final report has also been considered and reviewed by the cross-Government MRWS Implementation Planning Group.

1.3 Government Response

The reflection of a wide range of viewpoints, and a basis in sound science is key to providing recommendations which inspire public confidence for managing the wastes in the long term, providing protection for people and the environment. The open and transparent manner in which CoRWM has conducted its business has been ground breaking.

Accordingly Government welcomes CoRWM's report and believes it provides a sound basis for moving forward. Most recommendations can be acted on immediately; others require us to undertake more work.

In particular, Government accepts that geological disposal coupled with safe and secure interim storage is the way forward for the long term management of the UK's higher activity wastes. As CoRWM's report observes, geological disposal is the approach being adopted in the majority of other nuclear nations, including in Belgium, France, Finland, Germany, Japan, Sweden, Switzerland and the US. CoRWM's work has shown that this is also the appropriate way forward for the UK. Nevertheless, securing geological disposal represents a major challenge and will require commitment over many decades.

The circumstances surrounding the geological disposal of higher activity radioactive wastes are unique. In this context, Government is supportive of exploring how an approach based on voluntarism (that is, willingness to participate) and partnership, as recommended by CoRWM, could be made to work in practice. There are also important issues of how this could be integrated with the assessment of the geographical and geological suitability of possible sites. Government therefore proposes to undertake more work on these issues. In doing so, it will engage with stakeholders, including the nuclear safety and environmental regulators², to prepare an implementation framework on which it will consult more widely as soon as practicable next year.

It is clear that the implementation programme itself will have a number of stages at which decisions will have to be taken. Therefore, Government also accepts CoRWM's recommendation that the process should be staged so as to incorporate a series of appropriate decision points. This will allow the programme and progress to be kept under review, including on cost and value for money grounds, so as to allow further decisions to be taken at the appropriate points. Equally, Government needs to set the desired end point and to make the intended direction of travel clear.

² the Health & Safety Executive, the Environment Agency the Scottish Environment Protection Agency and the Office for Civil Nuclear Security

This document supports statements made by Ministers of the UK Government, the Scottish Executive and the Welsh Assembly Government to their Parliaments and Assembly in response to CoRWM's report.

1.4 Implementation of Stage 3 of the MRWS Programme

In light of CoRWM's report and recommendations, Government has been considering not only how it might take forward the next stage but also which body, or bodies, should do so. This has been on the basis that the key immediate matters to be resolved are the identification of:

- how the process will proceed, including how potential host sites would be identified, recognising that only sites which are deemed to be geologically suitable will be considered; and
- the body which will have responsibility for the long term implementation of geological disposal and for an interim safe and secure storage programme which protects the environment.

Government has decided that:

- it will further develop and consult on the process for implementation, including site selection criteria; and
- the Nuclear Decommissioning Authority will be given the responsibility for developing and ensuring delivery and implementation of the programmes for interim storage and implementing geological disposal.

Further detail on these decisions is included in Section 2 in our response to CoRWM's individual recommendations.

1.5 Indicative Timetable for MRWS Stage 3

The timetable for the first steps to implement CoRWM's recommendations is indicative and recognises the staged approach that we have agreed will be taken.

2006

- begin a programme of public and stakeholder engagement on the detail of implementation of geological disposal, including a voluntarist/partnership approach, and site selection process and criteria.
- development of an interim storage programme based on the NDA's current "forward stores" project as described in its Strategy (March 2006).

2007

- public consultation on:
 - the Government's framework on the implementation process, including a voluntarist/partnership approach and site selection;
 - an outline geological disposal delivery programme.
- decisions on the interim storage programme.

2007/8

- decisions on:

- o the siting process;
 - o the partnership approach;
 - o the geological disposal delivery programme.
- begin Stage 4 of the MRWS programme – implementation of the interim storage and geological disposal programmes.

The development and implementation of future stages of the MRWS programme will require commitment by Government, other bodies directly involved in its delivery and continued public and stakeholder support over many decades. CoRWM's report, and the proposals set out in this response, provide the basis for achieving the long term management of the UK's higher activity wastes.

Government is committed to taking forward this important and long-term task to ensure the safe and secure management of our radioactive waste. It is committed to continuing the high standards that CoRWM has set, and we commend the members of the Committee for the work they have done on our behalf.

Section 2: Detailed Response to CoRWM's 15 Recommendations

2.1 Introduction

This section provides Government's response to the 15 specific recommendations in CoRWM's report. In some cases this has been made on individual recommendations but, where a number of recommendations are clearly interrelated, such as on public and stakeholder engagement we have provided a consolidated response.

2.2 Detailed Response to CoRWM's Recommendations

Recommendation 1: Within the present state of knowledge, CoRWM considers geological disposal to be the best available approach for the long-term management of all the material categorised as waste in the CoRWM inventory when compared with the risks associated with other methods of management. The aim should be to progress to disposal as soon as practicable, consistent with developing and maintaining public and stakeholder confidence.

Government accepts this recommendation. It intends to move forward as fast as is practicable to develop a strategy for the delivery of geological disposal, in a manner that is scientifically sound, develops and maintains public confidence, and ensures the effective use of public monies.

The Nuclear Decommissioning Authority (NDA) will be given responsibility for planning and implementing geological disposal. The NDA already has statutory responsibility, under the Energy Act 2004, for the disposal and the safe and secure interim storage of its waste in designated circumstances, and this is being provided for in its Strategy and Annual Plans³. Bringing together these two roles will create a single national organisation with a single point of responsibility for managing the UK's higher activity waste in both the shorter and longer term. The NDA will be responsible for both the programme to develop and deliver geological disposal, and for the programme of safe and secure storage until geological disposal is delivered.

This arrangement has the advantage of allowing one organisation – the NDA – to take an integrated view across the waste management chain, thereby enabling both long and short term issues to be addressed in planning and strategy development. The Government will require the NDA to develop the geological disposal concept and to agree an outline development plan that will be put out for consultation in 2007. The preparation of this outline plan will also help to define the costs and timescales of the programme.

Although the important skills and functions of Nirex will be required in developing geological disposal it is not required that these are maintained in a stand-alone organisation. By having a single body, the NDA, accountable for both the shorter term

³ It is acknowledged that the NDA does not have responsibility for all UK wastes as MoD, nuclear operators and non-nuclear industry sectors also produce some higher activity wastes. The NDA will act as a UK-wide provider of geological disposal, and other waste producers will, where appropriate, pay their full and equitable share of the costs of long-term management of its radioactive wastes, including the operators of any new nuclear power stations as set out in the 2005 Energy Review.

management of its wastes and securing their ultimate disposal, the potential for blurring of responsibilities and accountabilities is avoided.

In order to enable the NDA to begin to undertake its new responsibilities as soon as possible, in the most efficient and effective way, Government proposes to augment the NDA's capabilities by incorporation of skills and technology from United Kingdom Nirex Ltd (Nirex). Following the Government's statement there will be a short period of consultation between Nirex and its Government-owned holding company, Nirex CLG Ltd⁴, on this proposed ownership transfer and how it could best be brought about. A transfer of Nirex to the NDA would be prior to it being wound up as a separate company. Nirex is not a regulator. Rather it is an advisor to industry on the preparation of safety cases for submission to the regulators.

The independent nuclear safety and environmental regulators⁵ are content with the Government's decision, that the NDA will be responsible for implementing the geological disposal programme. The regulators' main focus is on the technical and organisational components of delivery on the ground. Under the NDA's model of good practice, development work and day-to-day operation of a geological disposal facility would be undertaken by a contractor, chosen on the basis of an open competition. CoRWM set out how the geological disposal process will take decades, but there are good arguments for conducting a competition to appoint the contractor as soon as is practicable. The regulators believe that the Government's approach will present a framework that they can regulate in a strong and effective manner. From initial discussions, the regulators are also content with the NDA's implementation approach which they consider can be made to work in a satisfactory manner.

The regulators' support is of major importance, as strong independent regulation is key both to ensuring the safety of people and the environment and securing confidence and trust in the delivery arrangements for these.

The regulators are committed to continuing and constructive engagement with the NDA. They will take a particular interest in the NDA's plans not only to maintain but also enhance its skill base and intellectual property, and in ensuring that regulatory independence will not be compromised. Current arrangements for regulating the conditioning and packaging of intermediate level radioactive waste, which will be appropriately ring-fenced within the NDA's operational structure, will remain in place, and will be reviewed and improved as the geological disposal programme proceeds. Regulatory procedures covering the authorisation and licensing of geological disposal facilities will also be reviewed and updated.

Government will continue to review and develop policy as the geological disposal programme proceeds. Government will ask the NDA to develop a strategy and plans for the implementation of these proposals, and to ensure that the agreed arrangements are suitably reflected in its future Strategy and work plans. Revised governance arrangements for the NDA will be set in place later in 2006 which will recognise the existing joint statutory responsibilities of the DTI and the Scottish Executive, but also acknowledge the radioactive waste management policy interests of Defra and the National Assembly for Wales. DTI Ministers are answerable to the UK Parliament for the work of the NDA, which is an executive Non Departmental Public Body (NDPB) set

⁴ Nirex CLG Ltd is jointly owned by Defra and DTI.

⁵ the Health & Safety Executive, the Environment Agency, and the Scottish Environment Protection Agency, and the Office for Civil Nuclear Security.

up under the Energy Act 2004. There will also be appropriate consideration of the NDA's Strategy and programme for long term radioactive waste management by the independent advisory body proposed in the response to Recommendation 15 as part of its role in advising Government on its overall programme.

Government itself will lead in identifying the process and criteria to be used to decide the siting of facilities. This will include exploration of the concept of voluntarism and partnership arrangements and the procedures for assessing the suitability of sites. This is referred to in more detail in the responses to recommendations 10-14.

Development and construction of a geological disposal facility will take several decades, after which it will take many decades more to complete the conditioning and emplacement of the waste. In developing and implementing geological disposal, regard will be paid to consultation and legislative requirements, including strategic environmental assessment, environmental permitting and planning law.

Recommendation 2: A robust programme of interim storage must play an integral part in the long-term management strategy. The uncertainties surrounding the implementation of geological disposal, including social and ethical concerns, lead CoRWM to recommend a continued commitment to the safe and secure management of wastes that is robust against the risk of delay or failure in the repository programme.

Due regard should be paid to:

- i. reviewing and ensuring security, particularly against terrorist attacks**
- ii. ensuring the longevity of the stores themselves**
- iii. prompt immobilisation of waste leading to passively safe waste forms**
- iv. minimising the need for repackaging of the wastes**
- v. the implications for transport of wastes.**

Government accepts this recommendation. The planning and development to deliver geological disposal will take several decades. Government considers that it is essential that radioactive waste is stored safely and securely at all times until its emplacement in a facility, in a manner that protects both people and the environment.

Safe and secure storage of radioactive waste is already a responsibility of the NDA, who manage this through Life Time Plans that are owned by NDA site licensee contractors who run the existing civil public sector nuclear sites. As detailed in its current Strategy, the NDA is reviewing its interim storage needs and it will now be required to take account of this recommendation by CoRWM in conducting the review. The outcome of the NDA's interim storage review will require approval by Government and, subject to that approval will be incorporated in a future review of the NDA's Strategy.

This review will pay due regard to the possibility of unforeseen circumstances in its planning, including possible delays in geological disposal facility development. It will ensure that a holistic view is taken through the complete waste management chain, ensuring that both long and short term issues are addressed in a fully coordinated and integrated manner.

In response to CoRWM's more specific points:

(i) The security of all stores is of paramount importance. The NDA's contractors are regulated and advised by the Office for Civil Nuclear Security and already take account

of such matters including the design and engineering of new stores and the refurbishment of existing ones in light of the risks to the security of their contents, now and into the future. This includes, but is not limited to, the vulnerability of the waste form and the degree of protection provided against attack.

(ii) The design of new stores will allow for a period of interim storage of at least 100 years to cover uncertainties associated with the implementation of a geological repository. The replacement of stores will be avoided wherever possible, but the NDA will ensure that its strategy allows for the safe and secure storage of the waste contained within them for a period of at least 100 years.

(iii) Government and regulators agree that wastes should be made passively safe as soon as practicable, consistent with the need to avoid any requirement for future repackaging and the attendant double handling of wastes. The NDA will consider this need in developing its Strategy and plans and will report on progress in its annual reports.

(iv) In developing its Strategy and plans the NDA will keep under review the packaging requirements, so as to minimise the possibility that waste will have to be repackaged whilst in storage, which, as CoRWM note, is considered undesirable by the regulators. The Strategy and plans will continue to be subject to independent regulatory scrutiny as at present.

(v) In developing its storage and disposal strategy in the coming years, the NDA will consider the implications for waste transport, in particular, to minimise movements of unconditioned waste as far as possible. In this it will also pay due regard to the existing waste distribution, and possible future arisings, as well as the need for safe and secure stores, and the uncertainties regarding siting of future disposal facilities.

A robust programme of interim storage must play an integral part in the long-term management strategy. Interim storage will also provide for certain categories of new wastes arisings which will require storage before disposal even after a disposal facility is operational.

Recommendation 3: CoRWM recommends a flexible and staged decision-making process to implement the overall strategy, which includes a set of decision points providing for a review of progress, with an opportunity for re-evaluation before proceeding to the next stage.

Government accepts this recommendation. It agrees that flexible and staged decision making will be the basis for successful implementation, as has been demonstrated by international experience. Government will set out the main elements and stages in an implementation framework for consultation as soon as possible next year. This will include consideration of the process for site selection and the approach to partnerships and public and stakeholder engagement. We refer also to the comments in response to recommendations 11 to 14.

Recommendation 4: There should be a commitment to an intensified programme of research and development into the long-term safety of geological disposal aimed at reducing uncertainties at generic and site-specific levels, as well as into improved means for storing wastes in the longer term.

Government accepts, in light of CoRWM's work and wider international experience, that there is sufficient evidence of the effectiveness of geological disposal as a means of managing the UK's higher activity radioactive waste in the long term. It is on this basis that it accepts CoRWM's recommendation that geological disposal is the best available approach, and has taken the decision to proceed to an implementation and siting programme.

In doing so, Government accepts that there is a requirement for ongoing research and development to ensure optimised delivery of the geological disposal programme, and the safe and secure storage of the radioactive waste in the interim. The NDA has a supplemental function under the Energy Act 2004 to carry out research into matters relating to the functions it has been given by direction of the Secretary of State under the Act, which currently include the storage and disposal of radioactive waste from those nuclear installations and sites it has been given designated responsibility for decommissioning and clean up. The NDA therefore already has the function of carrying out research related to the design, construction and operation of future facilities for intermediate level waste (ILW) and high level waste (HLW).

Ultimately, such research and development will have to support the preparation of a facility safety case that is acceptable to the regulators. Government will also expect the NDA to undertake appropriate horizon scanning activities which could have the potential to improve the future manner in which these functions and the long term management of the UK's higher activity radioactive waste are delivered, including learning from and engaging with overseas programmes.

In undertaking this work, the NDA will be required to have due regard to the views and requirements of Government and the independent regulators, as well as the advice received by Government from the independent advisory body referred to in the response to Recommendation 15.

Recommendation 5: The commitment to ensuring flexibility in decision making should leave open the possibility that other long-term management options (for example, borehole disposal) could emerge as practical alternatives. Developments in alternative management options should be actively pursued through monitoring of and/or participation in national or international R&D programmes.

Government accepts that failure to recognise the inevitability of change would only serve to constrain consideration of future policy and operational issues leading, potentially, to inappropriate decisions. The timescales are lengthy and issues, along with our understanding of the scientific and environmental considerations, may change.

Government recognises the need to take account of developments in storage and disposal options, as well as possible new technologies and solutions, and the need therefore to ensure that there is flexibility of decision-making in a process which is expected to take a number of decades. Government and the NDA will develop a framework which allows for the flexible delivery of a geological disposal programme. The framework will include monitoring of international research & development (R&D) programmes into safe and secure treatment and storage of waste and geological disposal technology as well as any new options that emerge (e.g. the use of deep boreholes for the disposal of some wastes).

Recommendation 6: At the time of inviting host communities to participate in the implementation process, the inventory of material destined for disposal must be clearly defined. Any substantive increase to this inventory (for example creation of waste from a new programme of nuclear power stations, or receipt of waste from overseas) would require an additional step in the negotiation process with host communities to allow them to take a decision to accept or reject any additional waste.

Government accepts that the inventory of materials for disposal will need to be clearly defined before agreements with potential host communities can be finalised and before technical options are developed in any depth. Government will ensure that decisions on the classification of the existing materials, and those committed from ongoing or new activities, are made in a timely manner. Consideration of wastes from any new nuclear build will be part of the considerations in developing a partnership approach. The NDA, working with Government will clarify such inventory estimates, based on CoRWM's work, decisions taken, and other developments, and publish its progress. These will take into account not only wastes that will arise from sites owned by the NDA but also wastes that have arisen, or will arise, from other organisations' UK nuclear activities.

Recommendation 7: If a decision is taken to manage any uranium, spent nuclear fuel and plutonium as wastes, they should be immobilised for secure storage followed by geological disposal.

Government accepts this recommendation. These materials are not currently considered wastes. The UK has large stocks of spent nuclear fuel, uranic materials, plutonium (from the reprocessing of spent fuel), Magnox Depleted Uranium (MDU – a by-product of Magnox reprocessing) and 'hex tails' (a by-product of the uranium enrichment process). The NDA is developing and assessing options for the future management of these materials for discussion with Government. The proposed approach will be reflected in future revisions of the NDA Strategy, which will require Government approval. The Ministry of Defence, working with the NDA, will also produce similar strategy. The Government will work with other owners, such as British Energy, to develop similarly clear strategies.

If, as a result of this work, a decision is taken to manage any uranium, spent nuclear fuel or plutonium as wastes, Government agrees that they should be immobilised for secure storage prior to geological disposal, and the NDA will publish progress on this.

Whether or not they are declared as wastes, Government accepts that such materials must be stored safely and securely at all times, and provisions are in place for such storage.

Recommendation 8: In determining what reactor decommissioning wastes should be consigned for geological disposal, due regard should be paid to considering other available and publicly acceptable management options, including those that may arise from the low level waste review.

Government accepts this recommendation. The NDA will review whether a safety case could be made for other non-geological disposal of reactor decommissioning wastes,

including on-site, or near-site, disposal in order to minimise transport. In doing this it will take account of the outcome of the Government's Low Level Waste management policy review, as well as public and stakeholder views. The NDA will use the outcome of these reviews, which will be published, in developing its outline geological disposal implementation plan.

Recommendation 9: There should be continuing public and stakeholder engagement, which will be essential to build trust and confidence in the proposed long-term management approach, including siting of facilities.

Government accepts this recommendation. It recognises the extensive and highly successful and innovative public and stakeholder engagement work carried out by CoRWM. Government is committed to continuing to work with the public and stakeholders and to build on the foundation of trust and confidence that CoRWM established.

Government and the NDA will therefore continue to develop a variety of mechanisms for engaging and working with the public and stakeholders. This coordinated, multi-mechanism approach will ensure that effective and early opportunities for ongoing engagement are offered. Mechanisms will include public consultations, site stakeholder group meetings and other forms of engagement. The outcome will influence decisions that are taken.

The NDA has a statutory obligation to consult with regulators and other bodies in carrying forward its programmes and plans. The NDA's Strategy, published in March 2006, affirms its commitment to open and transparent engagement with stakeholders.

Additionally, the advisory body (Recommendation 15) will operate in an open and transparent way taking public and stakeholder views into account and advising Government on the public and stakeholder engagement process.

Recommendations 10 to 14: *As has been said in Section 1, we are responding to these recommendations in a consolidated manner because these recommendations are interrelated.*

Recommendation 10: Community involvement in any proposals for the siting of long-term radioactive waste facilities should be based on the principle of volunteerism, that is, an expressed willingness to participate.

Recommendation 11: Willingness to participate should be supported by the provision of community packages that are designed both to facilitate participation in the short term and to ensure that a radioactive waste facility is acceptable to the host community in the long term. Participation should be based on the expectation that the well-being of the community will be enhanced.

Recommendation 12: Community involvement should be achieved through the development of a partnership approach, based on an open and equal relationship between potential host communities and those responsible for implementation.

Recommendation 13: Communities should have the right to withdraw from this process up to a pre-defined point.

Recommendation 14: In order to ensure the legitimacy of the process, key decisions should be ratified by the appropriate democratically elected body/bodies.

Government is not seeking to impose a geological disposal facility for higher activity wastes on any community. It agrees that previous experience in the UK and abroad has demonstrated the failures of earlier non-consensual approaches to implement long-term waste management facilities. Government is committed to seeking a solution based on a partnership approach. It believes that there is merit in the approach CoRWM has recommended.

The details of exactly what a voluntarist and partnership approach might entail, and how it would operate in practice, need to be considered and developed into the proposed Government framework for future stages of the MRWS programme. These matters will be considered in Government's work to develop an implementation and siting process framework on which we will shortly begin to engage stakeholders and which will be published for wider consultation in the first part of next year.

This framework is also closely related to Recommendation 5 and will consider the key stages for implementation. In developing this framework we will consider such matters as:

- What voluntarism and partnership arrangements could entail and how this might work in practice, including identification of key stages and decision points, and how willingness to participate and any ability to withdraw might be incorporated into arrangements;
- how key stages of a voluntarist and partnership process link with other key steps in the delivery of a geological disposal programme;
- how local communities, Government, local authorities and the implementing body would be involved including, in particular, the role of local and national democratically elected bodies;
- how interest from local communities could be mandated, registered and evaluated;
- how decisions would be taken at both the local and national level, including the role of local and national democratically elected bodies;
- how access to knowledge and information by the local community, appropriate stakeholder groups, and the wider scientific community is ensured;
- how potential suitable sites would be identified and assessed;
- the key decision-making points and how possible withdrawal at such points could be managed;
- what could be included in any possible participation and benefits packages, and when and how they would be defined and how we determine whether they are likely to be affordable or offer good value for money;
- aspects of siting and facility design that could be determined by the local communities; and
- how any new build wastes would be dealt with in the process.

Ultimately the facility developer will need to assure the regulators, through the development of safety cases, that the proposed facility will provide the required levels of protection. Therefore geological disposal facilities will only be built in a geologically suitable area. The suitability of potential sites or areas will be assessed against appropriate criteria in an open and transparent way. We will also consider how geological and scientific considerations will be meshed with other societal considerations as all of these criteria will need to be met for a successful programme.

Government will consider how the community involvement mechanisms used by the NDA and CoRWM might be developed to deliver a geological disposal programme and decisions on the siting of a facility. It recognises that partnership arrangements will be needed between host communities, Government and the NDA. We also recognise that local authorities will have a key role.

CoRWM's draft '*Proposals for Implementation*' report⁶, published alongside its main report, provides a useful contribution to developing this framework. Government invites comments on this CoRWM report, including on any of the above matters, to be sent to the addresses below before **31 January 2007**. Government will be seeking CoRWM's advice in the coming months to inform the framework which will go out to consultation in 2007.

We will also develop the proposed framework in discussion with local government associations and their relevant sub-groups, for example NuLeAF (the Nuclear Legacy Advisory Forum), and also any individual local authority, or group of local authorities, which believe they have an interest at this stage. Expressions of interest in participating in these early discussions to inform policy formulation should be directed to the addresses below.

In England:

The Minister of State for Climate Change and the Environment
The Department for Environment, Food and Rural Affairs
17 Smith Square
London
SW1P 3JR

or to the following email address: radioactivewaste@defra.gsi.gov.uk

In Scotland:

The Minister for Environment and Rural Development
Scottish Executive
47 Robb's Loan
Edinburgh
EH14 1TY

or to the following email address: RadioactiveWasteTeam@scotland.gsi.gov.uk

In Wales:

The Minister for Environment, Planning and Countryside,
Welsh Assembly Government,

⁶ CoRWM Document number 1703. Available from www.corwm.org.uk

Cathays Park,
Cardiff
CF10 3NQ
or to the following e-mail address: env-p&q@wales.gsi.gov.uk

In Northern Ireland:
Environmental Policy Division,
Department of the Environment,
Room 204,
20-24 Donegall Street,
Belfast
BT1 2GP
or to the following e-mail address: epd@doeni.gsi.gov.uk

Recommendation 15: An independent body should be appointed to oversee the implementation process without delay.

Government believes that an independent advisory committee should be established to provide advice on the development and implementation of the geological disposal facility development programme.

Experience with CoRWM and its predecessor – the Radioactive Waste Management Advisory Committee (RWMAC) – demonstrates that visible independent scrutiny and advice can provide reassurance to the public and stakeholders. Government therefore accepts the need for independent advice and scrutiny of the implementation process and the importance of appointing such a body without delay.

Accordingly Government will look to a reconstituted CoRWM, with modified terms of reference and expertise in its membership, to scrutinise the future MRWS programme and its implementation on behalf of Government and to provide it with independent advice on the programme. This will require the Committee to deliver an agreed programme of review and advice. Under the proposed arrangements sponsoring Ministers could also ask the committee to undertake reviews of other key radioactive waste management issues, of the kind undertaken by RWMAC in the past, as and when the need arises. When CoRWM was set up, Government announced that RWMAC would be put into abeyance and its position would be reviewed following delivery of CoRWM's report. Government has decided that RWMAC will not be reactivated. The reconstituted CoRWM will be Government's source of independent advice on radioactive waste matters.

Revised terms of reference are attached at Annex A, and a process of appointment for all posts in this Committee will commence shortly, and will be undertaken in line with Office of the Commissioner for Public Appointments (OCPA) guidelines.

Annex A Future Advisory Committee: Reconstituted Committee on Radioactive Waste Management (CoRWM) Draft Terms Of Reference

1. The reconstituted Committee on Radioactive Waste Management (CoRWM) will provide independent advice to UK Government and Devolved Administration Ministers on the long term management, including storage and disposal, of radioactive waste.
2. Sponsoring Ministers (from Defra, DTI and the Devolved Administrations) will agree a two-year rolling programme and budget for CoRWM's work on an annual basis. Any in-year changes will be the subject of agreement by sponsoring Ministers.
3. CoRWM will provide appropriate and timely expert advice on the delivery of a geological disposal facility for higher activity wastes under the Managing Radioactive Waste Safety programme. The work programme may include activities from assessing waste packaging options, reviewing geological disposal facility delivery programmes and plans (including those of the NDA), exploring site selection processes and criteria, and advising on the optimal approach to public and stakeholder engagement. The scientific and technical basis of these arrangements and plans will be a key component of the work. The committee will provide an annual report of its work to Government.
4. CoRWM shall undertake its work in an open and consultative manner. It will engage with stakeholders as required and it will publish advice (and the underpinning evidence) wherever possible in a way that is meaningful to the non-expert. It will comply, as will sponsoring departments, with Guidelines on Scientific Analysis in Policy Making (<http://www.dti.gov.uk/files/file9767.pdf>). Published advice and Annual Reports will be laid in respective Parliaments/Assemblies and CoRWM's Chair will attend Parliamentary evidence sessions as and when required.
5. With the agreement of CoRWM's sponsoring Ministers, other parts of Government, the NDA and the regulatory bodies may request independent advice from CoRWM. Relevant Parliamentary Committees may also propose work to sponsoring ministers, for consideration in the advisory committee work programme. Sponsoring Ministers may also ask the Committee to provide advice on other radioactive waste management issues.
6. The Committee will liaise with Health and Safety Executive advisory bodies, and any advisory bodies established by the environment agencies, in setting its annual work programme, and where there is a common interest.
7. CoRWM shall consist of a Chair and up to fifteen members. Seats will not be representative of organisation or sectoral interests and the skills and expertise which will need to be available to the Committee will vary depending on the programme of work. The relevant skills may include: radioactive waste management, nuclear science, radiation protection, environmental law, future environment changes, social science (including public and stakeholder engagement), geology/ geochemistry/hydrogeology, finance, economics, civil

engineering/underground construction technology, repository performance/safety issues, materials science, environmental impact assessment, local government, planning, regulatory processes and ethics. Sponsoring Ministers may review the membership of the Committee, and the skills and expertise required.

8. Appointments will be made following Office of the Commissioner for Public Appointments (OCPA) guidelines. Initial appointments will be for three years and sponsoring Ministers retain the right to terminate appointments at any time in light of individual members' performance, changes in CoRWM's work requirements, or completion of the work required of CoRWM.
9. The Committee, as agreed in the annual plans, may co-opt additional expertise to form temporary sub-groups to examine specific and defined problems.

PB 12303

Nobel House, 17 Smith Square,

London SW1P 3JR

www.defra.gov.uk