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Plutonium Management Team
Department of Energy & Climate Change
Third Floor Area D
3 Whitehall Place
London
SW1A 2AW

20 August 2012
Your reference: Our reference: Mox/LB

Dear Sir

Management of the UK's Plutionium Stock: A consultation on the proposed justification process for the reuse of plutonium

The County Council welcomes the opportunity to provide views on the issues raised within the above consultation paper. The consultation paper will have implications for Cumbria and thus it requires careful consideration.

It is recognised that the consultation is about the *process* Government should adopt to determine justification of the 'whole MOX path from fabrication through to disposal' i.e. that the benefits of reusing the stockpiled civil plutonium mostly held at Sellafield will outweigh any detriments. The consultation is important to Cumbria as the legal requirement in European Law for justification of 'new practices' – in this case the "…whole new MOX path from fabrication through to disposal…" – is a necessary precursor to any MOX plant construction at the Sellafield site.

Please find below our response to the individual questions raised in the consultation paper.

Q1. Do respondents agree with the Government's view that it is sensible to issue generic guidance for the reuse of plutonium?

It is noted that Government is considering two other options for plutonium disposal, besides MOX burning, and therefore it is considered appropriate, at the moment, to produce generic guidance to applicants which, rather than limiting the guidance specifically to the consideration of applications which are for the reuse of Plutonium as MOX, will cover applications from a wide range of reuse technologies. However when the options are finalised, more specific guidance related to the chosen technology should be produced. There is also need for the process to recognise that impacts will be felt in specific locations.

Q2. Are the proposed application and decision-making processes clear, appropriate and proportionate? If not, how can they be improved?

It is noted that Government proposes to publish applications for plutonium reuse (redacted as necessary) and take any necessary expert advice before publishing a draft decision document which sets out its assessment of the benefits and detriments of the class or type of practice.
Government proposes that it consults the statutory consultees, the Devolved Administrations, relevant Government Departments, the public, and other interested parties as appropriate (e.g. overseas Governments, non-Governmental organisations). Government will then consider all comments made during the consultation period before producing a final decision document for a decision by the Secretary of State for DECC.
It is suggested that all types practice are reviewed regardless of whether they are new or existing. It is recognised that existing technologies may not require the same level of scrutiny. A review of the justification would ensure the same level of scrutiny for new and existing practices. The justification process could be improved by ensuring early engagement with communities takes place. Applicants should be required to demonstrate how their proposal will meet relevant locally set priorities based on community views.
The inclusion of local authorities that will host the facility should be included in the list of statutory consultees on the draft decision document published by the Justifying Authority. This would be helpful in ensuring local people have a statutory role in the decision-making process through democratically elected representatives.
The Justifying Authority should publish the framework for its decision-making, particularly in respect of consultation responses, and ensure processes are in place so that those who have contributed to the consultation can see how the Justifying Authority has taken their views into account.
Clarity about the type of information that would be classed as 'sensitive' enough to be redacted should be provided at an early stage. Transparency in decision-making is an important element in ensuring public confidence in the process, which will be particularly important for those directly affected by the application.

Q3. Is the indicative list of information sufficient and appropriate to assist in the making of justification applications and justification decisions? Does the indicative list omit any relevant information, or include any unnecessary information?

Table 2 provides an indicative list of information expected of applicants. The consultation paper advises that it does not intend to be prescriptive, but rather the table indicate the main information likely to be necessary to enable a clear, high-level assessment of the health detriments and the net economic, social or other benefits associated with the introduction of a plutonium reuse technology. Government

proposes that Applicants be advised to exercise their own judgement on what may be relevant to their application, but are also encouraged to follow Government guidance.
In response to Question 3 it is suggested Applicants should indicate *where* the proposed practice will take place and assess the impacts on host communities and the environment. It is further proposed that where possible the 'MOX path' locations for undertaking specific spent fuel, radioactive waste management and decommissioning activities be identified and that assessments be made of the benefits and detriments of these activities upon host communities. Currently this information does not appear to be requested in Table 2.
Similarly, in Table 2, Applicants should be asked to disaggregate and identify benefits and detriments to the local and national economies. Applicants should set out how they would engage with local communities, particularly where detriments are identified, and what steps would be taken to secure maximum benefits for a host community.
It is important that alongside economic benefits and detriments, and those for jobs and skills, that information about wider community and social benefits and detriments is provided as part of the application process to enable a justification decision to be made. A wider assessment of how proposals meet community needs and aspirations should be made. It should be made clear how these have been taken account of in the decision-making process.

Q4. Are there any other ways in which the draft justification process can be improved? If so, how

It is important that a thorough considerations of benefits and detriments (including socio-economic factors) of each type of proposal is undertaking as part of the justification process. In order to improve the consideration of benefits and detriments it is vitally important that local information and intelligence is used to avoid generic assumptions being made and as such early engagement with the relevant parties and consultees is strongly advocated.

Yours faithfully