CORWM COMMENTS ON THE DECC - GDF SITING PROCESS REVIEW

CoRWM

General

1. At the request of DECC CoRWM has considered various issues that experience and evidence have shown will be important in a revised process to site a geological disposal facility (GDF). CoRWM believes that in the light of the lessons learned from the decisions in West Cumbria and Kent, any revised process should be as simple as possible with the minimum number of decision points. CoRWM believes that any new process should be seen more as a continuum rather than a series of distinct stages.

2. CoRWM also believes that whilst the Government's preferred option is to have a single repository for all higher activity radioactive waste, the option of having more than one GDF should not be ruled out. There are many reasons why a single repository may not be the optimum solution such as: availability of suitable geology in a single location; incompatibility of radioactive waste types to substantiate the long term – post closure safety case; or the attraction of a waste specific GDF to accommodate legacy waste and avoid unnecessary additional storage facilities.

3. The following sets out CoRWM's views, as discussed at its meeting in Edinburgh 2/3 June 2013.

Outline Siting Process Timetable

4. CoRWM believes that a revised siting process should avoid creating too many formal decision-making points and should not be prescriptive about timescales. The time taken to reach a decision by an "Interested Party" to become a "Volunteer Community" will vary and depend upon the ability to gather the necessary information to develop a safety case to support the identification of potential sites in the community that is participating in the process.

5. CoRWM would like to see a simple representation of what is needed to deliver one or more GDFs. The committee's proposal is given in Annex 1 in which the process should consist of only three phases with two "community decision points".

Phase 1 – Initial Engagement

6. After the revised MRWS process has been launched the "GDF Implementation Body" (currently RWMD) will be expected to actively engage with communities to explain the concept of a GDF and seek their agreement to participate in a GDF siting process and hence encourage the community to become an "Interested Party". The end of this phase represents the first community decision point.

Phase 2 – Community Phase

7. The "Community Phase" represents the period of time when the community as the "Interested Party" receives regular information from the GDF Implementation Body on

progress with the identification of potential sites within their community. This phase will include the gathering of information to develop and substantiate the GDF safety case, including geological data that may require some exploratory borehole investigation.

8. It is essential during this phase that there is an agreed process for community engagement to communicate the status of information gathering to support safety case development, report on results, provide plans for future activities in the community to gather further information and to seek community views. In this phase there will be no interim decision points that will require agreement from the "Interested Party" but, during this phase if the "Interested Party" is not convinced with progress or the adequacy of the information it is receiving, it has the right to withdraw from the process at any time. At the end of this phase the GDF Implementation Body will have provided the "Interested Party" with sufficient information to demonstrate that there is a reasonable prospect that a safety case can be made for the siting of a GDF in their community. If the "Interested Party" accepts the arguments put forward by the GDF Implementation Body (supported as necessary by independent advice from the Regulators and possibly CoRWM), and agrees to host a GDF in its community, it becomes the "Volunteer Community". At this point it gives up its right to withdraw from the process and will begin receiving Community Benefits. The end of this phase represents the Final community decision point.

Phase 3 – Regulatory Control Phase

9. This phase represents the phase when the national regulatory processes take control of the delivery of the GDF. The GDF Implementation Body will apply for planning permission and produce its initial application for a nuclear site licence and environment permits. Once planning permission has been obtained and the nuclear site licence has been granted the design, construction, commissioning, operation and closure of the GDF will be controlled by the Regulators. The Volunteer Community will begin to receive the agreed community benefits. During this phase if the Regulators are not convinced that the GDF Implementation Body can make an adequate safety case on the basis of the site characterization work, the project will be halted and the GDF will not be sited in the Volunteer Community.

Decision Making

10. In general CoRWM supports the concept of local decision-making. The decision maker at each of CoRWM's two proposed decision points should be locally based and a clear rationale is needed which set out why the decision makers should have this role. Similarly, for those who are not given the ultimate responsibility for decision making, a clear rationale should set out the role and responsibilities expected for those parties or organisations in each case.

11. CoRWM is of the view that the Government will need to be satisfied that there is community support for the decision to host a GDF (Community Decision 2 in the proposed CoRWM Siting Process Timetable). The Committee believes this is an issue on which the Government should not be prescriptive at the early stages.

Stages in the Process

12. CoRWM's suggestions on the siting process are given above and in Annex 1.

Marketing and Advocacy

13. CoRWM supports the concept of an advocate and believes that advocacy should be at both the national and local levels.

National Level

14. Powerful advocacy at the national level is required to put the GDF concept in the context of:
    - the need to effectively manage our legacy wastes;
    - the need to manage the radioactive waste arising from the operation of our existing nuclear industry activities;
    - the implications of radioactive waste arising from "new build" proposals;
    - the quantities of radioactive waste to be disposed of;
    - the risks to people and the environment, in relation to normal everyday risks that people face; and
    - the benefits a community can expect for hosting a GDF.

Local Level

15. At the local level the GDF Implementer should be the main advocate. Its role should be to:
    - explain the project – engineered facility not "dump";
    - define inventory of the proposed GDF;
    - define the timescales for the process from initial licensing, site characterisation, surface facility and underground construction;
    - explain the safety case, the role of engineered and geological barriers
    - explain the risks to people and the environment from the GDF during construction, operation and post-closure;
    - discuss local impact during the construction and operation phases of the project; and
    - describe potential employment opportunities.

Role of Geological Information in the GDF Safety Case

16. Geology should be handled in the context of its role in the overall GDF Safety Case. In the CoRWM proposed Community Phase, geological information should be gathered to support the safety case and identify potentially suitable areas within the "Interested Party" community. This process could include exploratory boreholes to confirm understanding and develop / give confidence in models. CoRWM believes that a narrative description to accompany any revisions to the handling of geology in a revised siting process is vital and this should put geology in the context of the GDF safety case.

There is a need for a glossary to explain all terms. CoRWM believes that there is a need to explain current level of knowledge of deep geology.

Community Benefits

17. CoRWM believes it is important to provide a clearer picture on community benefits and a clear explanation of the process for distributing them, including the split of benefits to be distributed during what the Committee suggests is called the "Community Phase" (i.e. before the final decision to host the GDF) and those distributed after the community has volunteered to host the GDF. Government should also describe the process that will be used to determine equity and spatial distribution of community benefits, and the possible options that could be used to determine how and when community benefits will be distributed.

Planning Process

18. CoRWM believes that it would be appropriate for Government to designate the project as a National Significant Infrastructure Project.

Inventory

19. CoRWM advise that Government, in considering revisions to the siting process, should not foreclose the option of having more than one GDF. Whilst the Government's preferred option is for a single site there could be potential benefits from leaving options open. For example, it may encourage more than one community to come forward (and not assume that the process has been designed for one specific community and hence not bother to participate), allow separation of different types of waste and allow for progress to be made on legacy waste in advance of getting agreement to a more complex proposal. Other benefits of more than one GDF include the size of suitable rock found, the compatibility of waste, the safety case requirements, or community preference.

Legislation, Regulation and Licensing

20. CoRWM suggests there may be a need for new legislation to cover aspects of a revised siting process, for example the testing of community support, the right to withdraw from the site selection process during what CoRWM refers to as the "Community Phase" of the process, community benefits and other issues such as planning, private land access for exploratory borehole drilling and possibly regulatory powers. CoRWM believes that consideration should be given to a specific GDF Act of Parliament.

21. CoRWM believes that there is a need for a clear duty holder for the delivery of a GDF and hence supports the creation of a stand-alone company that will become the nuclear site licensee. CoRWM emphasises the important role of regulators as independent authorities that will ensure that a GDF is not permitted unless it can be demonstrated that the public and the environment will be adequately protected.

22. In order to provide a comprehensive regulatory framework that is necessary to give the public and other stakeholders the confidence that public safety and environmental protection will be delivered after the decision to become the "Volunteer Community" and the community right to withdraw has been removed, CoRWM believes that the Government should bring the disposal of radioactive waste under the control of the Nuclear Installations Act by prescribing disposal as a licensable activity. This will ensure that the design, construction (including site characterization boreholes), commissioning, operation and closure will be controlled under the well-respected nuclear regulation "permissioning" regime, in conjunction with appropriate environmental and planning legislation.

23. CoRWM believes that there is a role for the regulators in all three of its suggested phases. In relation to Phases 1 and 2 the Regulators clearly have a role to explain the regulatory framework that will be used to control GDF activities post the "Volunteer Community" decision.

Independent Advice

24. CoRWM has considered its role in a revised siting process and sees benefit in the "Interested Party" and the "Volunteer Community" having access to independent advice during the process. CoRWM believes it is well placed to provide this independent and authoritative advice. As such it is willing to have its Terms of Reference modified to include a responsibility to provide independent advice to the communities involved in a GDF site selection process, subject to the availability of sufficient resource to enable this role.

Annex 1: Proposed GDF Siting Process