

**CoRWM's SCRUTINY OF SCOTTISH GOVERNMENT DEVELOPMENT OF
IMPLEMENTATION STRATEGY FOR POLICY ON MANAGING HIGHER ACTIVITY
RADIOACTIVE WASTE**

David Broughton

Introduction

1. The Scottish Government (SG) published its policy for managing higher activity radioactive waste (HAW) in January 2011 (SG 2011a-c). Throughout the policy development process CoRWM scrutinised the work of SG and provided advice (CoRWM doc. 2818).
2. SG committed in the policy statement to develop an implementation strategy (HAWIS) to enable the policy to be implemented in a consistent manner by all organisations involved with HAW management in Scotland.
3. CoRWM has continued to advise SG on HAWIS and scrutinised the process of developing HAWIS. This paper summarises CoRWM's work and comments on how HAWIS has progressed and the issues CoRWM considers SG needs to address in the further development of HAWIS.

Scottish Government's Management Arrangements for HAWIS

4. SG established a Project Board (PB) and a Technical Advisory Group (TAG) to develop HAWIS. The function of the PB was to provide strategic direction and executive control for developing HAWIS. The function of the TAG was to undertake work defined by the PB and provide technical input on the detailed topics of HAWIS.
5. The PB met on 31 August 2011 and 14 March 2012. The meetings were chaired by SG's Radioactive Waste Team leader. Members were representatives from waste owners and producers (the Nuclear Decommissioning Authority (NDA), EDF, Babcock), the regulators (SEPA, the Office for Nuclear Regulation (ONR)), Scottish Councils Committee on Radioactive Substances (SCCORS), and CoRWM as an observer.
6. The TAG met on 7 November 2011, 16 January 2012 and 29 February 2012. The meetings were chaired by a member of SG's Radioactive Waste Team. Members were representatives from waste owners and producers (NDA, Babcock, EDF, Magnox, Dounreay Site Restoration Limited (DSRL)), the regulators (SEPA, ONR), SG Radioactive Waste Team and Strategic Environmental Assessment (SEA) team, and CoRWM as an observer.
7. The members of the PB and the TAG were drawn from the same organisations but those on the PB are, in their own organisations, in senior positions concerned with strategy and those on the TAG more aligned to operational areas.
8. SG had the concept that the PB would outline the strategy to be followed in developing HAWIS and define packages of work that needed doing. The members of TAG would then undertake this work within their own organisations as there was a close relationship between the PB members and their colleagues on the TAG.

9. SG's overall aim was to secure from these arrangements an enabling HAWIS that was not prescriptive but allowed freedom for waste managers to develop a range of solutions for HAW within the policy.

CoRWM Meetings with SG

10. From mid 2011 to mid 2012 CoRWM held three general updating meetings with SG on 20 July 2011 (CoRWM doc. 2966), 29 November 2011 (CoRWM doc. 2988) and 8 May 2012 (CoRWM doc. 3069). The meetings provided an opportunity to review progress and issues associated with HAWIS and for SG and CoRWM to update each other on current topics of mutual interest. CoRWM was therefore able to understand the context of the development of HAWIS within the SG Radioactive Waste Team's other activities. Conversely, SG was able to gain from CoRWM the current progress and issues of the Managing Radioactive Waste Safely (MRWS) programme in the rest of the UK.
11. At all three meetings CoRWM raised concerns about the way in which HAWIS was developing and whether the management arrangements were appropriate and working. SG was attentive to CoRWM's observations and comments, especially as SG itself was beginning to have concerns about whether HAWIS was proceeding in the right direction. The comments made later in this paper are therefore not the first time they have been aired; they have been the subject of continued dialogue that has ultimately led to significant improvements.

Resources in SG Radioactive Waste Team

12. Through much of 2011 and early 2012 SG Radioactive Waste Team had been able to commit only one person to managing the HAWIS project and this had not been full time. CoRWM expressed its concern as to what appeared to be a lack of commitment on all occasions it met with SG. The lack of a clear full time authoritative leader within the SG Radioactive Waste Team and a similar problem with leadership of the PB led to programme slippage and loss of definition. CoRWM welcomed the appointment in February 2012 of a full time project manager who had been seconded to the post for 12 months.

Terms of Reference and Scope of PB and TAG

13. CoRWM observed at the PB and the TAG that there was confusion in understanding among members on a number of issues:
 - from the draft terms of reference and draft scope documents produced for both the PB and the TAG it was not clear whether the HAWIS project was focussed on producing the actual implementation strategy or just organising work by "others" that would ultimately produce the implementation strategy
 - SG's aim of the HAWIS being an enabling framework and not being prescriptive did not appear to align with the detailed list of topics that were included in the scope documents and how they would be addressed
 - the scope documents contained topics for information gathering stages that were not necessary as the information was already available in the literature of NDA, Site Licence Companies (SLCs), other nuclear site operators and owners, and SG itself.
 - there was no defined structure or mechanisms for securing resources to undertake the proposed work packages

14. The result of these difficulties was that there was inconclusive discussion at both the PB and the TAG on the terms of reference, the scope and what was expected of these two bodies. CoRWM noted the strong commitment of all the organisations and members to progressing HAWIS but the lack of clarity impeded progress.
15. The roles of the PB and the TAG became blurred. No direct instructions flowed from the PB to the TAG and, as a consequence, the TAG strayed into strategy discussions.

Strategic Environmental Assessment (SEA)

16. CoRWM advised SG of its view that another SEA was not required for HAWIS as it would do little more than duplicate the SEA work undertaken on the policy (SG 2011c). CoRWM considers that the activities within the HAWIS are better dealt with by Environmental Impact Assessments (EIAs) undertaken by the waste producers for particular projects. Broader issues could be addressed by an NDA or joint waste producers' SEA.

Rectification and Re-focussing

17. At the beginning of April 2012 the SG's Radioactive Waste Team leader finished his secondment with the SG and returned to SEPA. CoRWM met SG on 8 May 2012 when the new Team leader and his team outlined their new approach and in particular their developing views on the HAWIS. CoRWM was impressed by the new commitment and understanding of the current situation with the HAWIS, and to taking the project forward in a more focussed and structured manner.
18. A key feature that CoRWM had been highlighting was that HAWIS could be much simpler and address far fewer issues than noted in the original scoping documents. CoRWM considered that the policy was comprehensive enough in its own right for waste managers to progress the majority of their own arrangements without additional guidance. Where the policy suggested liaison and coordinated operations between different organisations there could be a role for SG in facilitation or taking an overview of what operators were discussing or planning. CoRWM did not consider SG should be leading or acting in a quasi executive role. The SG team concurred with CoRWM's views.
19. Following SG's internal review of the HAWIS definition and management, George Burgess, the SG Deputy Director for Environmental Quality, issued a letter on 28 June 2012 to organisations represented on the PB and the TAG outlining the fresh approach to progressing HAWIS. CoRWM was pleased to note that its advice on continuing the exemplary stakeholder engagement undertaken in developing the policy was to be implemented in the HAWIS phase. The chairs of the Hunterston, Chapelcross and Dounreay Site Stakeholders Groups (SSGs) were to be invited to the PB as observers. CoRWM supported the intention that George Burgess chairs the PB which in CoRWM's view is essential to emphasise the commitment of SG to HAWIS by providing senior leadership. Also CoRWM's concerns about the mechanism for undertaking work packages were partly addressed by restating the original roles of the PB and the TAG. However completion of those work packages that are definitely considered by the PB to be required will still need the goodwill of the organisations noted earlier in undertaking the work for no remuneration and within their own work programmes.

First Meeting of Re-constituted Project Board

20. The first meeting of the re-constituted PB took place on 24 August 2012. Members were representatives from waste owners and producers (NDA, EDF, Babcock,

DSRL), the regulators (SEPA, ONR), SCCORS, Dounreay SSG, SG HAWIS project team and CoRWM as an observer. George Burgess, chairman, stated that he wanted the HAWIS to be helpful to operators but not duplicate work already in hand or other associated initiatives. Consequently the HAWIS would be limited in scope to those areas where SG could have an influencing role to play and those areas in the policy that could benefit from further explanation.

21. The initial views of the PB at this first meeting were that the HAWIS might focus on:
 - long term issues for HAW that cannot be disposed of in near-surface facilities
 - issues associated with near-surface disposal
 - issues associated with public acceptability and retrievabilityPB members' organisations and other stakeholders will be consulted to ascertain if they consider that these are the topics that should be addressed.
22. SG stated that it was not proceeding with an SEA for the HAWIS at present until it had reviewed the requirement for it further.
23. CoRWM considers that lessons have been learnt and SG acted on CoRWM's and others' advice to re-focus and re-start the HAWIS project. The outcomes of the first re-constituted PB suggest to CoRWM that there is an increased prospect of success in creating a HAWIS.

Future Challenges

24. CoRWM noted (CoRWM doc. 2818 para. 30) that the policy is silent on a final end point for HAW that cannot be disposed of in near-surface facilities. The HAWIS can therefore offer no guidance on how operators owning such HAW should plan for a final solution. The only current option is to plan for continuous storage. CoRWM considers that it will be essential for SG to re-examine the option of geological disposal of Scottish HAW during the ten yearly reviews of the policy.
25. EU Directive 2011/70/Euratom (EU 2011) requires Member States to have policies and programmes for management of radioactive wastes and to report to the European Commission on these by August 2015. The SG will have to decide what it wishes to say in the UK submission about the long-term management of Scottish HAW that is either not suitable, or not destined even if suitable, for near-surface disposal.
26. CoRWM suggested that considerations of cost, affordability and best value should be taken into account in developing the HAWIS. The policy refers only to social and economic benefits to communities. CoRWM will continue to scrutinise this issue as the HAWIS develops because CoRWM considers that future capital and revenue costs that might be associated with implementation of the policy are also important.

Concluding Remarks

27. The problems encountered in setting up arrangements to develop the HAWIS have been identified and addressed by SG. CoRWM will continue to observe the performance of the new arrangements at the re-constituted PB and TAG. CoRWM will continue to advise SG through its regular bilateral meetings.
28. CoRWM encourages SG to maintain its focus on producing a clearly defined, straightforward HAWIS that describes what is being implemented at present, what needs to be implemented and is fit for purpose for the present circumstances.

REFERENCES

CoRWM Documents

CoRWM doc. 2818 Committee on Radioactive Waste Management Scrutiny of Scottish Government development of policy for managing higher activity radioactive waste, September 2011

CoRWM doc. 2966 Committee on Radioactive Waste Management Note of update meeting with Scottish Government 20 July 2011, August 2011

CoRWM doc. 2988 Committee on Radioactive Waste Management Note of update meeting with Scottish Government 29 November 2011, January 2012

CoRWM doc. 3609 Committee on Radioactive Waste Management Note of update meeting with Scottish Government 8 May 2012, August 2012

Other Documents

Scottish Government, 2011a *Scotland's Higher Activity Radioactive Waste Policy 2011* January 2011.

Scottish Government, 2011b *Scotland's Higher Activity Radioactive Waste Policy, Summary of Comments and Scottish Government Response 2011* January 2011.

Scottish Government, 2011c *Scotland's Higher Activity Radioactive Waste Policy, Post Adoption Strategic Environmental Assessment Statement 2011* January 2011

EU, 2011 Council Directive *2011/70/Euratom of 19 July 2011 establishing a Community Framework for the Responsible and Safe Management of Spent Fuel and Radioactive Waste*. Official Journal of the European Union L199/48-56, 2 August 2011