

[managing radioactive waste safely]

Dr Paul Leinster
Environment Agency
Horizon House,
Deanery Road,
Bristol,
BS1 5AH

31st May 2012

Dear Dr Leinster,

Managing Radioactive Waste Safely, and regulatory independence

The West Cumbria Managing Radioactive Waste Safely (MRWS) Partnership is nearing the end of its 3 year work programme to assist three Cumbrian councils decide whether they wish to enter Stage 4 of the siting process for a geological disposal facility, without commitment. A key criterion in our assessment of the issues is the extent to which suitable regulatory bodies and processes are in place or being developed to protect residents, workforce and the environment.

We appreciate the support that the Environment Agency, in close liaison with the ONR, has given to our work by answering various questions, providing briefings, and supporting our public meetings and exhibitions. Your support has been essential in building our understanding of the respective roles and remits of the different regulators, which in turn we have been able to summarise and communicate more widely in our consultation documentation.

We have just completed our final consultation before we end our work and issue our Final Report to the councils. As part of the consultation, we outlined the roles of the different regulators, gave a high level summary of the processes the regulators have in place, and provided links to various more detailed documentation if consultees wished to learn more and probe more deeply into the topic. This has been largely well received, but we note that there are a few concerns reflected in the consultation submissions regarding regulatory capacity and independence. Before we complete our work, we would therefore ask that you provide us some reassurance on the following issues:

The **capacity** of the Environment Agency- now and in the future - to properly regulate the development and operation of a potential geological disposal facility. By this we mean the level of resources you have at your disposal now and in the future, and also the skills available in your current and future workforce.

The **independence** of the Environment Agency. By this we mean the ability and willingness of the Environment Agency to refuse to grant an environmental permit that it believes is 'borderline' or does not meet your requirements, despite what may be significant pressure from other authorities including a future Government. The concern is that, with West Cumbria currently being the only community that has expressed interest in the Government's MRWS process, pressure may be brought to bear to find a site and 'make it suitable' rather than apply high standards of safety. If

you could provide reassurance on this point it would be very helpful, including some specific examples of where the Environment Agency has taken major enforcement decisions in the past.

If it would be useful in developing a response, your staff are welcome to contact either myself or the Partnership's independent programme manager Rhuari Bennett to discuss the concerns further.

Thank you in anticipation.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Knowles". The signature is written in a cursive style with a large initial 'T' and 'K'.

Cllr Tim Knowles
Chair of the West Cumbria MRWS Partnership