

Update on Actions commissioned at the 22nd May Partnership meeting

Document No:	291 draft
Status:	Draft
Title:	Update on Actions commissioned at the 22 nd May Partnership meeting
Author:	3KQ
Notes:	Published on 18 June 2012

The table below outlines the actions that the Partnership commissioned on 22nd May in response to its consultation during PSE3. The right hand column provides an update on each.

Topic	Action commissioned	Update / response
1 Overall	<p><i>Statutory basis.</i> Ask Wragge to set out what options exist to put MRWS on a firmer footing, primarily to give greater assurance that voluntarism and RoW is genuine: could include legislation, national policy statement, contractual arrangements etc.</p> <p>AND</p> <p>Discuss with DECC what these options are from their perspective, and if necessary meet them to discuss the options and a possible way forward.</p>	<p>Partnership is meeting DECC on 20th June to discuss options. Legal advice has been sought and will be published when action is complete.</p> <p>Meeting booked for 20th June.</p>
2 Overall	<p><i>DMB decision-making.</i> All three DMBs to set out clearly the process by which their DaP will be taken: Cabinet or Full Council, and why. Provide one briefing paper that explains the different approaches by the councils, for reference in the Final Report. [Action SteveS].</p>	<p>Paper by DMBs has been drafted and is undergoing final checks before publication shortly.</p>
3 Overall	<p><i>National process.</i> Ask DECC to set out more clearly:</p> <ul style="list-style-type: none"> - what they have done to canvas Eols from elsewhere in the country. - why they chose to seek Eols before geological screening: why no national screening? What are implications of doing it now? - the degree to which they are satisfied that international guidelines/practice are being followed by the MRWS process (order of volunteering vs. geology, and following of guidelines regarding geology, 	<p>Complete, DECC has provided clarifications on these points in document 287.</p>

	<p>including the degree to which the UK is bound by the guidelines)</p> <ul style="list-style-type: none"> - what they will do if Stage 4 doesn't happen. What happens to the waste? If Plan B is to make Plan A work, what is Plan C? When, and under what circumstances, might para 6.5 in the White Paper come into play? - ask DECC to confirm that the Partnership's proposed process and definition of voluntarism set out in Chapter 10 of the condoc is consistent with the White Paper - an update on the 'acceleration' work: where is it up to, when would decisions be taken, how will it affect the principle of voluntarism, and how would communities be involved? 	
4 Overall	<p><i>Stage 4 & 5 schedule.</i> Outline a <i>possible</i> schedule for a CSP/s during Stage 4, so stakeholders now can see roughly what kind of work might be required, and therefore how they may wish to relate to it. At its simplest this Work Programme is possibly just a collation of the items in the right hand column here, against a provisional timeline. Schedule would need to include coverage of SEA/EIA, DSSC development, inventory, R&D, benefits, geological investigations etc. [Action RhuariB to coordinate, chapter leads to contribute inputs]</p>	Complete, Document 290 sets out a schedule for discussion and inclusion in the Final Report.
5 Geology + Siting	<p><i>Geological work planned.</i> Recirculate DECC's revised framework for Stage 4, including Annex A which sets out the work NDA will undertake in Stage 4, including how/when they will assess the criterion of 'geological setting' to identify PSAs. Make reference to this in Final Report. [Action RichardH to take a view on the degree to which this addresses concerns from PSE3 on what would happen in Stage 4)</p> <p>AND</p> <p>Ask Jeremy Dearlove, CoRWM, EA for a view on Smythe/Haszeldine/McDonald inputs: do they change their views already provided, and is there anything else that can be said to give 'positive' evidence of a prospect of suitable sites ultimately being found in West Cumbria?</p> <p>AND</p> <p>Request Geological Society to review Smythe/Haszeldine/McDonald</p>	<p>Complete</p> <p>Complete. Document numbers include:</p> <ul style="list-style-type: none"> - 285 from Dr Dearlove - 282 from CoRWM <p>The EA have also confirmed that they cannot comment on this as it falls outside their remit until a specific permit application is received (ref email to Rhuari Bennett 15 June).</p>

	<p>inputs and confirm:</p> <ul style="list-style-type: none"> - Whether the submissions change the views in their letter that the Partnership's opinion is correct - What, if anything, could be done to get more reassurance on whether there are sufficient prospects that a site will be found to warrant moving into Stage 4 (without actually doing Stage 4) - What scrutiny arrangements for NDA's geological work might be suitable in Stage 4. - Their satisfaction with the NDA's plans to assess geology in Stage 4, in particular the methods by which they will identify PSAs and what criteria they will use. 	<p>Meeting due to be held on 19th June. An update will given on the day of the Partnership meeting.</p>
6 Siting	<p><i>ToRs and a CSP.</i> Review Box 32 (p96) to see if anything else can be added to improve trust in possible CSP arrangements, as a precursor to ToRs for a CSP. See para 6.32 and Annex C of the White Paper as a reference. Note: this is NOT developing full ToRs. [Action RichardH]</p> <p>AND</p> <p>Wood Holmes to summarise early evaluation outputs on structures and operation of the current Partnership, to feed in to the review of Box 32.</p> <p>AND</p> <p>Ask Wragge for a legal view on how a DMB should balance the 'public interest' and potentially a minority community interest such as a host community within a national policy framework of 'voluntarism'?</p>	<p>Complete. Drafting amendments included.</p> <p>Formal input awaited.</p> <p>Requested but not finalised. Will be published when complete.</p>
7 SSEP	<p><i>SEA.</i> Ask legal advisors (not Wragge as their experience of European legislation doesn't appear strong enough) what the risk is that an SEA hasn't been carried out on the MRWS process as a whole:</p> <ul style="list-style-type: none"> - How is the "Managing Radioactive Waste Safely" process compatible with European environmental legislation? 	<p>Meeting booked with NDA and DECC on 20th June. An update will be given on the day of the Partnership meeting.</p>

	- How can consideration of alternative sites be applied under SEA in a voluntary site identification process? [Action SteveS and GuyR]	
8 SSEP	<i>Planning system.</i> Ask DECC to set out whether MRWS would be handled through National Infrastructure Directorate (old MIPU) or not. If too early, specify <u>why</u> no decision and <u>when</u> it will be made.	Complete, as part of Doc 287.
9 SSEP	<i>National Park.</i> Clarify position on siting facility within the National Park: revision and clarification of current para on p42 (possible text awaited from LDNPA)	Complete. Included as text within the draft Final Report.
10 SSEP	<i>Regulatory independence and capacity.</i> Ask EA and ONR at the highest possible level to provide a statement that illustrates their capacity, their independence and willingness to stand up to pressure from parties to license a borderline site and say 'no', and examples of where they have enforced authorisation conditions on major projects before.	ONR letter has been received as Doc 284. EA letter anticipated very shortly.
11 SSEP	<i>NDA capacity.</i>	-
12 SSEP	<i>Independence of advice/info.</i> Include in Final Report that a future CSP should more frequently request independent advice and/or reviews of NDA work, potentially via setting up a panel of independent experts on call-down or framework contracts, to be on hand to provide advice and input to the CSP from an independent perspective.	Complete, included as text in draft Final Report.
13 SSEP	<i>Security.</i> Ask regulators to provide more information on high-level approaches, principles and considerations that will be taken into account when regulating security of a repository and associated facilities (beyond that in Doc 36.1). Add new opinion on this.	Underway via Steve Smith. NDA and ONR are assisting with information. Not complete yet.
14 SSEP	<i>Transport.</i> Check how transport is covered already in Partnership documents, and how we can say more in the Final Report. If necessary, ask regulators to provide more information on high-level approaches to be taken on regulating transport of wastes to a repository (see Doc 36.1). Add transport to our opinion. [Action SteveS]	Underway via Steve Smith. NDA and ONR are assisting with information. Not complete yet.

15 SSEP	<p><i>R&D.</i> Expand our opinion on adequacy of R&D programme, flagging concerns raised and the limited response from NDA before PSE3. Add the presence of Issues Management process and that this goes some way to alleviating concerns. [Action RichardG to draft text]</p>	Complete, included as one of the draft Final Opinions.
16 Comm Benefits	<p><i>Confidence in benefits.</i> Ask Wragge and Co about the feasibility of converting the CB principles to a legal agreement with Gov't, and appropriate timescale for doing so</p> <p>AND</p> <p>Strengthen principles 4, 5, 9, 12 and add new principle (see specific suggestions in response to issue 4y: copied below this table). Ask DECC to agree these, as per previous agreement.</p>	<p>Included in the advice that will be published shortly.</p> <p>An officer view from DECC is included in their clarifications (Doc 287) but we await a formal letter from the Minister confirming agreement.</p>
17 Impacts	<p><i>Brand Protection.</i> Receive and publish the finalised version of the Brand Protection report. Expand opinion (p60 of condoc) to:</p> <p>“Although they are hard to quantify, we acknowledge there are potential risks to the visitor and land-based economies in the county of moving forward in the MRWS process. We advise that a co-ordinated strategy and action plan is prepared to support those aspects of Cumbria's visitor and land-based economic activity in line with the study recommendations and based on an agreed evidence base. The strategy would encompass three main elements;</p> <p>1: Ensuring Cumbria wide communication through a co-ordinated action plan between existing agencies that ‘protects’ the visitor and land-based aspects of Cumbria economic activity.</p> <p>2: Creating a phased communication programme that appreciates that there are a number of key milestones in a project of this nature.</p> <p>3: Using a broad range of communication channels to get closer to key audiences.</p> <p>Such a strategy should be initiated by DMBs and existing agencies and taken forward forthwith, in order to be in a position to progress to</p>	Complete, included as text in draft Final Report.

	<p>implementation at the time that a Decision about Participation is taken, should such a decision to participate be forthcoming”.</p> <p>AND</p> <p>Ask NDA to give early commitment to public education for both locals and visitors, including consideration of a visitors centre that explains the work (in the context of voluntarism and the RoW still remaining).</p>	Complete, included as part of NDA’s clarifications in Doc 286.
18 Impacts	<p><i>PVP Plan.</i> Advise DMBs in Final Report that any future partnership should develop a PVP plan during Stage 4, to cover a demonstrable loss in value of a house or other agreed property.</p>	Complete, included in the draft Final Opinions.
20 Design	<p><i>Retrievability and Monitoring.</i></p>	-
21 Inventory	<p><i>Overseas Waste, Military Waste, and Scottish Waste.</i> Ask DECC to confirm their position on:</p> <ol style="list-style-type: none"> 1. Accepting overseas waste including the policy of substitution, and also how and whether this position might change in future 2. How have they addressed para 26 of CoRWM’s report which states that new build wastes are ethically and technically different and require a different process? 3. Whether military waste is included within the baseline and upper inventories, what form this is in and where it comes from 4. Disposal of Scottish waste in a GDF, including overseas waste that is currently in Scotland, and the implications of Scottish independence 	Complete, included in DECC’s clarifications in Doc 287.
22 Inventory	<p><i>R&D on different options.</i> Ask NDA/DECC to provide an update on how they are responding to CoRWM’s recommendation 5 (continuing R&D on alternative options for managing waste streams).</p> <p>AND</p> <p>Add stronger statement of importance of continued R&D in future.</p>	Complete, included in NDA’s clarifications in Doc 286.
23 Inventory	<p><i>Inventory Principles. Review principles [Action RichardG]</i></p>	Complete, included in draft Final Report text and draft Final Opinions