

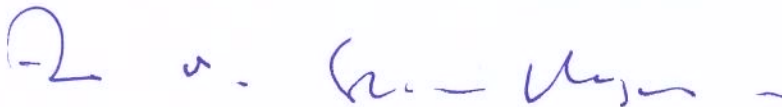
**The Rt Hon Chris Huhne MP**  
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( 1 May 2011



Thank you for your letter dated 24 March, enclosing a detailed statement of demands that has been agreed by a number of nuclear concerned groups as a result of the Fukushima nuclear accident.

I appreciate the effort in pulling together this paper for us to consider. We value the views of all our stakeholders, not least the Non-Governmental Organisation (NGO) sector, which is why we have created the DECC Nuclear NGO forum where officials can meet regularly with those NGOs that have an interest in the Government's nuclear policy.

I shall address your points in the order of your letter.

1. Chief Nuclear Inspectorate report on lessons learned from Japan.

We take the recent unprecedented events in Japan extremely seriously, and we regard the safety and security of nuclear sites in the UK as a priority. That is why I have asked the Chief Nuclear Inspector, Dr Mike Weightman, to provide a report to the Government on the implications of the unprecedented events in Japan and the lessons to be learned for the UK nuclear industry.

I have asked for an interim report by mid-May 2011 and a final report within six months. I have made it clear in my request that Dr Weightman has full independence to determine the scope of the report and the arrangements for conducting it. The reports will be put in the public domain.

A Statement from HM Chief Inspector of Nuclear Installations on the implications of the Fukushima nuclear accident can be found at:

<http://www.hse.gov.uk/nuclear/fukushima/statement-290311.htm?ebul=gd-nuclear&cr=02/mar-11>.

2. The Health and Safety Executive's 'exclusions' arrangement in the Generic Design Assessment (GDA) process and those arrangements such as deferring issue resolution in order to artificially meet the nuclear new build timetable must be abandoned.

As well as considering any implications for the UK's existing nuclear sites, the Chief Inspector's report will also inform the UK regulators' assessments for the new nuclear build programme, and will draw on similar work being undertaken by others both nationally and internationally. Industry and regulators will both need to take account of Dr Weightman's recommendations.

It is too early to say what the overall impact will be on the timeframe for GDA and site licensing and permitting processes; but the Regulators are already discussing those potential implications with industry.

The Joint Regulators (the Office for Nuclear Regulators and Environment Agency) issued an e-bulletin on 5 April setting out how the GDA will be taken forward in the light of the events in Japan and the report from Dr Weightman:  
<http://content.govdelivery.com/bulletins/gd/UKHSE-588c1>.

3. There should be no public subsidies for nuclear new build as agreed in the UK Government's Coalition Agreement.

The Government is clear that nuclear power, without public subsidy specific to the nuclear industry, has a role to play in our energy mix, alongside a massive expansion in other low carbon technologies, including renewable and Carbon Capture and Storage. I set out in a written statement to Parliament, of 18 October, more detail on the Government's policy that there will be no subsidy for new nuclear power:  
<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101018/wmstext/101018m0001.htm#1010183000004>).

This means that there will be no levy, direct payment or market support for electricity supplied or capacity provided by a private sector new nuclear operator, unless similar support is also made available more widely to other types of generation. New nuclear power will, for example, benefit from any general measures that are in place or may be introduced as part of wider reform of the electricity market to encourage investment in low carbon generation.

The statement also made clear that Government has not ruled out the maintenance of a limit on operator third party liability, set at an appropriate level, provided that it is justifiable in the public interest, is the right way of ensuring that risk is appropriately managed, and that, overall, any potential cost or risk to the Government can be justified by the corresponding benefits of the liability regime. In addition Government has also not ruled out the possibility of taking on financial risks or liabilities for which it is appropriately compensated or for which there are corresponding benefits.

4. The health effects of low level radionuclide releases on land, to the environment by air emissions and into the marine environment need to be independently verified; with full and prompt publication of the COMARE 2011 report and its analysis of the German Government's KIKK report, and wider and detailed analysis made of the robustness and accuracy of the International Commission on Radiological Protection model and monitoring techniques of radiation discharges into the environment. The justification decision on new nuclear reactor designs should be reconsidered in reference of such a review.

The Regulatory Justification decisions which came into effect last year examined in detail the potential health detriment from the AP1000 and EPR reactor designs and concluded that this was very low and would be effectively minimised by the regulatory regime in place. In coming to this view, I was guided by advice from the Health Protection Agency and COMARE, and took account of the KIKK report and other reports on potential health detriment referred to by respondents to the public consultations held. We are confident that the decisions were rightly and properly made. The Justification Regulations provide for me to review decisions, if I become aware of new and important evidence about its efficacy or consequences. This means that I will be able to consider whether COMARE's 14th report, or Dr Weightman's report, contain such new and important evidence.

5. UK Government Ministerial statements to the effect that there is confidence that arrangements for new build waste management will exist should cease or be required to be justified or qualified.

Geological disposal is the way higher activity waste will be managed in the long term and the Government is committed to making an approach based on voluntarism and partnership in order to site a facility.

Geological disposal is internationally recognised as the preferred approach for disposal of higher activity radioactive waste. A facility will not proceed in the UK unless regulators are satisfied that it is safe, secure and environmentally acceptable. The generic Disposal System Safety Case (DSSC) 1 recently published by the Nuclear Decommissioning Authority (NDA) was developed to show at a generic level how the regulatory requirements for a Geological Disposal Facility (GDF) could be met in the future once a specific site, waste inventory and facility design has been identified. Once a site has been identified, a DSSC will be refined based on the detailed scientific and technical assessment of that specific site, geology, waste inventory and facility design to provide evidence to the regulators that a GDF meets all applicable regulatory requirements.

Government expects local authorities with decision-making authority for their host community to take the lead role in initiating further discussions with potential local partners and organising community engagement. Government will want to be satisfied that a formal Decision to Participate in the siting process is credible and this might be demonstrated on the basis of a local consultation process applying established local good practice. Government is not expecting, or seeking, a particular threshold of support but is keen to see evidence of appropriate community engagement and meaningful feedback on any concerns of those affected.

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<sup>1</sup> <http://www.nda.gov.uk/aboutus/geological-disposal/rwmd-work/dssc/>.

The Government is committed to working in partnership with communities and to do everything it can to make the current voluntarism approach work. It is worth noting that the invitation for communities to express an interest in the process is still open and that this is a multi-billion pound project that will provide skilled employment for hundreds of people over many decades. We are also satisfied that interim storage provides an extendable, safe and secure means to hold waste for as long as it takes to identify a site for, and to construct a geological disposal facility.

Moving on to waste from new nuclear power stations the Committee on Radioactive Waste Management recognise that there are several strands to the new build public assessment process. Some of these are complete, some are currently underway and some are yet to start. The past and current strands in which wastes have been or are being considered are:

- the 2007 Government consultation on the future of nuclear power (DTI, 2007);
- which led to the 2008 White Paper on nuclear power (BERR, 2008);
- the 2009 Government consultation on the draft NPS (DECC, 2009 a-e);
- the 2009 Government consultation on the results of the “justification” exercise;
- for new nuclear power stations (DECC, 2009f);
- the joint Health and Safety Executive (HSE) and Environment Agency (EA);
- Generic Design Assessment (GDA) for new nuclear power stations (HSE, 2009a, b).

In terms of disposing of new waste, the NDA's disposability assessments concluded that Intermediate Level Waste (ILW) and spent fuel from EPR and AP1000 designs of reactor should be compatible for plans for the transport and geological disposal of higher activity wastes and spent fuel. This is supported by the similarity of these wastes to those expected to arise from the existing PWR at Sizewell B.

The sites that had been identified as being potentially suitable for new nuclear power stations were considered in the revised draft Nuclear National Policy Statement. This included consideration against flood risk including the potential effects of sea level rises resulting from climate change. We are currently considering the responses to the consultation on the revised Nuclear NPS.

The results are within the site assessments for each site in Volume II of the NPS: <https://www.energynpsconsultation.decc.gov.uk/docs/AnnexestoEN-6-RevisedDraftNuclearNPS%28Volumell%29-October2010.pdf>.

6. The UK Government should commission an independent body of experts to undertake a security review of current and projected nuclear waste and spent fuel interim storage arrangements and report directly to Government on the adequacy or otherwise of those arrangements in the light of the CoRWM1 report and its recommendations on this issue.

The security regime for the UK's civil nuclear sites is kept under continuous review and complies with international standards.

Under the Nuclear Industries Security Regulations 2003, the civil nuclear industry is required to have in place a range of security measures (including physical measures, armed policing on sites where this is required, transport security measures, information and IT security, and vetting of staff). The civil nuclear industry pays for these measures. There are, however, some security threats that the civil nuclear industry cannot be expected to protect against and where a national response is needed. In these instances, the civil nuclear industry would be protected from terrorist attack by UK security forces - in the same way as other businesses and citizens.

7. Further steps to be taken in respect of developing the programme for managing radioactive waste safely.

As mentioned above a geological disposal facility will not proceed unless independent regulators are content that it is safe, secure and environmentally acceptable. In terms of the Nuclear Waste Advisory Associates' Issues Register, following publication of the generic Disposal System Safety Case (DSSC) documents in February 2011 the NDA are preparing, and will publish, a response to the Nuclear Waste Advisory Associates' Issues Register.

The MRWS White Paper addresses the point raised in your letter about the definition of "Community" in relation to the constituency to be consulted during the process. The definitions of "Host Community", "Decision Making Body" and "Wider Local Interests" are not rigid; the intention is to retain flexibility so as to account for local circumstances and allow communities to have a degree of self-definition.

The waste inventory will change over time due to changes in planned operations at existing sites, improvements in waste characterisation and updates in waste management technology or practices over time. There are also materials not currently classified as waste that may eventually need to be managed through geological disposal and also proposals for new nuclear power stations as is recognised in the MRWS White Paper. The UK Radioactive Waste Inventory, compiled and updated every 3 years, will be the basis for tracking the latest estimates of wastes potentially destined for disposal. This will allow a Baseline Inventory estimate of the higher activity wastes requiring geological disposal to be produced and regularly updated.

As described in response to Question 5 there have been separate processes which considered the issues around whether to create new nuclear waste - including the nuclear consultation, analysis and subsequently in the 2008 Nuclear White Paper.

Turning to transport, *the transport of radioactive materials* including radioactive waste and spent fuel is a long established practice in the UK and internationally. The transport of radioactive materials is regulated by the Department for Transport in line with UK and international transport regulations.

8. The UK Government should abandon the option of using separated plutonium as MOX fuel for domestic or foreign use as fuel and instead investigate, through the establishing of a review body involving appropriately qualified experts the best means of dispositioning the plutonium.

A lot of work has already been undertaken, including stakeholder engagement through specific events and the current public consultation, to consider how plutonium could be managed and to determine just what the credible options for its long term management are. Other than continued long term storage, two high level options, namely disposal as an immobilised waste and reuse as a fuel, have been identified. The reuse of plutonium as MOX fuel is considered a credible option for plutonium management. With regard to the option of direct disposal following incorporation into a suitable immobilised waste form, the NDA are funding research on immobilisation technology that might be required to deal with small amounts of plutonium for which reuse might not be a realistic option, but this work is at an early stage and may not be directly scalable to the full UK inventory of plutonium.

The options for plutonium management have already been extensively considered but we will continue to engage widely as policy develops.



**CHRIS HUHNE**