

Nuclear Free Local Authorities

briefing



Date: 8 February 2002 New Briefing: 22

Subject: **Summary of main points from the NFLA Steering Committee Meeting, Manchester Town Hall, 11 January 2002**

1. NFLA Organisational Review

Following discussion at the October 2001 NFLA Steering Committee it was decided that: i) the organisation needs to locate more of its work in the 'service' based / local arena to promote membership ii) further questionnaire based market research on NFLA services offered, and how they might be funded in future, should be undertaken in 2002, and iii) a transitional re-organisation of NFLA work be undertaken, to differentiate the Committee's international work from its 'service' based work relating to nuclear health & safety, emergency planning, energy, nuclear transportation and waste management, and that work in each area report in future to separate sub-committees of the full Steering Committee. The January meeting also agreed two further measures: i) offering NFLA Associate status, at 50% full NFLA membership rates, to authorities within the British Isles but outside the UK, and ii) investigating further whether a member led network of councillors in authorities not currently supporting NFLA work could be established.

2. Nuclear Security

The NFLA Secretary reported that security at Sellafield continues to be heavily criticised in the wake of events on 11 September 2001. *The Observer*, 16 December 2001, reported 'intelligence' sources as saying Sellafield is indefensible because it is located only 50 miles from transatlantic flight paths crossed by about 200 commercial aircraft each day. Any flight diverted from its course could reach Sellafield in minutes - far too short a period for the RAF to scramble an interception. The Parliamentary Defence Committee reported in December that the threat of terrorism was serious and concluded "...it would be naive to take comfort in our relative good fortune to date."

The NFLA Legal Adviser is establishing the intended scope of restrictions on the publication of information about the nuclear industry under the new Anti-terrorism, Crime and Security Act 2001. He will report further about whether the Act has implications for the Committee's research and policy work.

The January NFLA meeting was informed that the Irish Government had established a task force to advise on what further mitigating action the country could take in the event of a disaster at Sellafield. *Delegates to the 4th Joint UK and Irish local authorities conference on nuclear hazards will learn more about this from the presentation by the Radiological Protection Institute for Ireland.*

Members were also informed that several reports had identified spent nuclear fuel in storage as vulnerable to terrorism. The US Nuclear Regulatory Commission had assessed a severe spent fuel pond fire to be more catastrophic than a severe reactor accident. NFLA research had already shown stored highly radioactive liquids to pose an even greater danger.



THE LOCAL GOVERNMENT VOICE ON NUCLEAR ISSUES

Manchester City Council, Town Hall, Manchester, M60 2LA

Tel: 0161 234 3244

Fax: 0161 234 3379

E-Mail: nfznscc@gn.apc.org

Website: <http://www.gn.apc.org/nfznscc/>

3. Energy Review

Publication of the Government's Cabinet Office Performance and Innovation Unit (PIU) report reviewing the security and diversity of UK energy supply to 2050 was expected shortly (though unavailable at the time of writing). Press leaks about the PIU report variously suggested that it would give strong support for a new nuclear build programme and strong support for a renewable energy programme with a new target of 20% renewable electricity supply by 2020 (compared with a current targets of 10% by 2010).

The NFLA Steering Committee was advised that it would be unrealistic to expect the Government to close off the option of new nuclear build entirely. Recognising this the Committee had already proposed a mechanism for ongoing 'stakeholder' review of nuclear energy (see NFLA *New Nuclear Monitor* briefing No.2, September 2001).

The January meeting also noted the findings from a recent RSPB opinion poll on attitudes towards different energy sources which showed nuclear power remained least popular by a significant margin.

4. Radioactive Waste Management Policy

The November NFLA *Radioactive Waste Management Policy Briefing No. 6* about the current DEFRA review on radioactive waste management policy was circulated to all local authorities and more widely. All authorities were urged to support the NFLA's call for DEFRA to establish a broad based publicly credible Steering Group, representing all significant viewpoints, to openly and transparently carry policy forward. The closing date for the DEFRA consultation is 12 March 2002 and the meeting asked the NFLA Legal Adviser to prepare a submission for the Steering Committee. NFLAs in Scotland will make their own submission to the Scottish Executive.

Separately, the NFLA Secretariat submitted the Committee's views to the current Parliamentary *Environment, Food and Rural Affairs Select Committee's Radioactive Waste Policy Sub-Committee* inquiry. In evidence to the same Committee Nirex said that any future site earmarked for radioactive waste storage or disposal should be named from the outset. Nirex suggested that better progress in waste management had been made in Sweden and France where compensation packages from Government were on offer to potential host communities. Transparency and a community right of 'veto' over radioactive waste repository siting were identified by Nirex as assisting policy progress in Finland.

Meanwhile the Government continues to block the release of the list of sites previously considered suitable for nuclear waste disposal, despite Nirex now saying it has no objection to publication. The NFLA Steering Committee again called for this information to be released, as it is highly relevant to the current policy process. Without disclosure the Government risks accusations of insincerity in its policy of openness and transparency.

In November the Lords' Science and Technology Committee published an update on its 1999 radioactive waste management report. The Lords identified a 'growing problem' with 400,000 tonnes of nuclear plant decommissioning waste to be added to the overall waste burden, and 5,500 tonnes of intermediate and high level waste

added each year. They were concerned that the current Government consultative process lacked sufficient focus and concluded that it should be 'compressed' if it appeared to 'inhibit thinking' about a possible future role for nuclear power (see above item). Government proposals to 'simplify' the planning process to make repository siting easier were welcomed by the Lords (see item 6 below). In the wake of the 11 September terrorist attacks they also concluded: "Serious thought should be given to moving (wet stored spent fuel) below ground as soon as possible."

5. BNFL Update

On 28 November 2001 BNFL announced its liabilities had increased by a further £1.9 billion to £35 billion. In so doing the Company conceded liabilities outstripped assets by £1.7 billion and that it was therefore technically bankrupt.

On the same day the Secretary of State for Trade and Industry announced the Government's intention to break up BNFL and transfer the whole of the Sellafield site, the Drigg Low Level Waste dump, and the Magnox stations operated by the Company into a liabilities management authority (LMA) - a public body that would be underwritten by the taxpayer for the many decades that costs would continue to be incurred through the decommissioning of old nuclear facilities and the preparation of wastes ready for storage or disposal.

£7 billion of UKAEA nuclear liabilities will also go to the LMA in addition to £35 billion from BNFL. After the Steering Committee meeting the NFLA Secretary attended a briefing by BNFL and DTI on the LMA proposals. Full LMA details are expected in a Spring White Paper.

Shortly before the LMA announcement BNFL was cleared to operate the new Sellafield MOX plant. Different legal actions, jointly by Greenpeace and Friends of the Earth, and separately by the Irish Government, failed to prevent Plant start up.

NFLAs continue to contribute to the BNFL 'Stakeholder' Dialogue, now into its fourth year. The next Dialogue plenary session is scheduled for 7-8 March 2002 in Manchester and the NFLA Steering Committee asked the NFLA Chair and Steering Committee Member, Watford Councillor Maria Green, to accompany officers and report on progress.

The January NFLA meeting was updated by the Legal Adviser on his submission to the Environment Agency for England and Wales' consultation on new authorisations to control liquid and gaseous radioactive discharges from Sellafield. The submission pressed for further discharge reductions and highlighted BNFL's poor response to information requests it had received from the EA.

6. Streamlining Planning

The NFLA Committee was informed about the Government's proposals for radical changes to the planning system in England. These are contained in two consultation papers: *New parliamentary procedures for processing major infrastructure projects* (<http://www.planning.dtlr.gov.uk/consult/majinfra/index.htm>) and *Planning Green Paper: Delivering a fundamental change* (<http://www.planning.dtlr.gov.uk/consult/greenpap/greenind.htm>).

The Legal Adviser expressed serious doubts about the loss of democratic accountability stemming from both sets of proposals.

The Green Paper proposed, amongst other things, to abolish the middle tier of development plans at county and unitary council level whilst putting regional plans drafted by unelected bodies - and fed by subject strategies on matters such as waste and renewable energy prepared by other unelected bodies - on a statutory footing.

The Second consultation about 'fast tracking' major projects of national significance allowed only 42 days for public comment on proposals put by Government to Parliament. 'Major projects' specifically include nuclear power stations and reactors, fuel reprocessing facilities and radioactive waste storage. Environmental Data Services (*ENDs*) *Bulletin* in December reflected the Steering Committee's concerns: "MPs and peers lack the time and expertise to weigh up the inevitably complex issues involved. There is also the real prospect that approval for projects will be whipped through, trampling over local sensitivities. And governments do not always know best...". The Legal Adviser contrasted this proposed approach to planning with that adopted for radioactive waste management policy (see Item 4 above) where increased public participation is sought.

The Legal Adviser added that the 1998 UNECE Aarhus Convention on public participation in environmental decision-making – signed and intended to be ratified shortly by the UK – provided that participation procedures for the type of nuclear projects identified above *must* "...include reasonable time-frames for the different phases, allowing sufficient time for informing the public and for the public to prepare and participate effectively. Another Aarhus clause required that the public must be able to submit "...any comments, information, analyses or opinions that it considers relevant to the proposed activity." Again, a 42-day period for public comment can be argued not to allow for that. Additionally, the Treaty provided that there must be "...early public participation, when all options are open and effective public participation can take place." But all options scarcely seem open when the Secretary of State will be tabling a draft Order proposing approval of a project on specific terms. The Steering Committee asked the Legal Adviser to put these concerns to Government and consult with the Local Government Association.

7. Progress Report

The NFLA Secretary and Legal Adviser briefly report on several different areas of NFLA policy work including: developments at Dounreay; recent incidents involving radioactive sources in scrap metals; establishment of a National Radiation Dose Assessment Working Group; publication of an Environment Agency report about depleted uranium uses; implementation of the Radiation (Emergency Preparedness and Public Information) Regulations 2001; Trawsfynydd decommissioning; local implications arising from the development in the UK of ballistic missile defences; and further correspondence from the international organisation of Mayors for Peace.

8. Date of next meeting

1.30 pm 22 March 2002 De Valence Theatre, Tenby, Pembrokeshire

For more information on the above matters contact: **Stewart Kemp** 0161 234 3244