

Nuclear Free Local Authorities briefing



Date: 26 July 2002

No. 25

Subject: **Summary of main points from the NFLA Steering Committee Meeting, Manchester Town Hall, 28 June 2002**

1. AGM & Annual Policy Briefing, Slough, Berkshire, 18 October 2002

The Environment Minister was invited to open the Annual Policy Briefing as part of DEFRA's programme of consultation with key stakeholders on future radioactive waste management policy. This invitation had received the support of the Head of DEFRA's Radioactive Substances Division and the NFLA Secretary had spoken with the Minister's private office. Shortly after the Steering Committee met the Minister accepted. All NFLA member and officer contacts have now been sent AGM and Policy Briefing registration details.

The NFLA's policy adviser, Fred Barker, who also serves on the Government's Radioactive Waste Management Advisory Committee, will speak at the Policy Briefing and subsequent to the Steering Committee meeting the Director for Transition at BNFL, David Bonser, also agreed to join the platform together with Stephen Spivey, the DTI official who drafted the Government White paper on future nuclear liabilities management (see next item).

2. Liabilities Management Authority (LMA)

The Secretary reported that a DTI White Paper on proposals for the establishment of a 'Liabilities Management Authority' was expected shortly. The Secretary had previously reported that the LMA proposals had been brought forward by Government because BNFL's liabilities now exceed the value of assets. In a detailed independent study, commissioned by Irish Green MEP Nuala Ahern, Mike Sadnicki - who had undertaken work on behalf of NFLAs in the past - revealed the full extent of BNFL's financial difficulties. He identified an annual shortfall in BNFL income of £475 million which is likely to continue for the foreseeable future exhausting the remainder of BNFL's liquid assets of £2,161 million (as at March 2001) in 4 to 5 years.

The NFLA Secretariat contributed informal views on LMA proposals to the DTI prior to White Paper publication. The NFLA Secretariat urged the DTI to ensure openness and accountability with an LMA management board sufficiently independent of the nuclear industry to sustain public confidence and be able to demonstrate that its expenditure is entirely directed at preserving public safety and protecting the environment through the isolation and stabilisation of radioactive wastes. (A briefing to assist member authorities is being prepared for circulation following publication of the DTI White Paper on 4 July.)

3. BNFL Restructure

In preparation for the LMA, BNFL recently announced a restructure - effectively splitting the company in two. A utilities group, which will manage Westinghouse, the business side of THORP and MOX, reactor services, reactor design and transport, would be created and was expected to be groomed for partial privatisation.



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Other parts of BNFL would be grouped into 'government services' which would compete for LMA business. Government services will include: Magnox Generation, Environmental Services (decommissioning) and Sellafield operation.

4. Radioactive Waste Management Policy

The Secretary reported that a number of submissions to the DEFRA consultation paper - *Managing Radioactive Waste Safely* - had echoed the concerns of NFLAs, notably those of *The Environment Council* and *The Royal Society*. Whilst DEFRA has yet to publish its response to the MRWS consultation, officials within the Department speak in terms of an 'independent' steering group to manage future stages of the policy consultation process.

The NFLA Secretary continues to serve on the DEFRA chaired 'information needs' research steering group which is overseeing the production of a final 'information needs' report as a resource for all parties involved in the policy development process but particularly for DEFRA to aid the prioritisation of their research effort in support of the identification of a publicly acceptable radioactive waste management policy for the future.

5. Government Energy Review

The Secretary reported that the Government opened a public consultation on Energy Policy on 14 May 2002 through to 12 September 2002. The NFLA policy adviser, Fred Barker, had prepared an analysis of the consultation paper for NFLAs and this analysis has been published and circulated as fourth in the series of NFLA *New Nuclear Monitor* briefings.

6. Nuclear Plant Accidents

The Committee was also informed that the review of energy policy coincided with a series of accidents at nuclear power plants. These include: last November, a pipe rupture and water leak from the reactor pressure vessel, thought to have been caused by an explosion, at Hamaoka nuclear plant, Shizuoka Prefecture, Japan; last February, a reactor core system pipe rupture, thought to have been caused by a hydrogen explosion, at the Brunbuettel plant in the State of Schleswig-Holstein, Germany; and again last February (and most notably) the identification at the 11th hour of reactor structural degradation, caused by corrosion, which could have resulted in reactor core failure at the Davis-Besse Nuclear Power Station, Ohio, USA.

Had the corrosion gone undetected, a 6-inch-thick reactor head would have been eaten through by acid resulting in loss of reactor containment. At the time of discovery only a corrosion resistant stainless steel reactor head lining, reported to have been visibly bulging from the huge pressure upon it, was preventing reactor core failure. The Davis Besse incident was widely reported in the USA as the most dangerous since Three Mile Island in 1979.

7. Streamlining the Planning System: Consultation

The Legal Adviser had previously reported on the broad thrust of these proposals for England which contradict the spirit and policy process set out by DEFRA for the development of radioactive waste management policy. The Legal Adviser informed the Committee that UK Nirex Ltd also shared concerns about the Government's proposed planning reforms.

The Legal Adviser had made two submissions to the then DTLR on behalf of the Committee pointing to the impracticality of proposals that, if implemented, would engender dissent, and render any increase in speed illusory. The Legal Adviser had sought to show how any reduction in public participation rights for planning objectors would contradict

international legal and policy commitments made by the UK Government to increase and secure rights of participation for citizens on environmental decision-making.

The Legal Adviser reported further on the proposed reforms to the planning system in Wales and Scotland, highlighting some similarities between the English and Welsh proposals. He had therefore prepared a submission for the Secretary of the Wales Forum to send to the Welsh Assembly. As the Scottish paper contained no major proposals similar to the English ones, and was primarily aimed at enhancing authentic public participation, no submission was necessary.

8. Trawsfynydd Inquiry and other Decommissioning Developments

The Legal Adviser outlined preparations for involvement in the planning inquiry resulting from BNFL's proposals for construction of an intermediate level radioactive waste store at Trawsfynydd and a reduction of height of reactor buildings as a result of decommissioning.

The Legal Adviser also continues to participate in a 'stakeholder dialogue' aimed at achieving agreement on a generic decommissioning strategy for all BNFL Magnox stations. Dialogue progress has been slow and a number of areas of disagreement still existed between the Company and dialogue participants.

9. Control of radioactive sources

The European Commission had published a "Proposal for a Council Directive on the control of high activity sealed radioactive sources" (Brussels, 18.3.2002 COM(2002) 130 final) which addressed some of the problems highlighted in the joint NFLA,/Steel Action/ISTC publication *Radioactive Scrap Metals* (pub. July 2000). The Legal Adviser was analysing the proposal with a view to making appropriate representations on behalf of the Committee.

On 24 April The Council of the European Union carried a resolution on "*the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in member states.*" The Legal Adviser was seeking to establish how this resolution would be addressed in the UK.

10. Depleted Uranium Hazards

On behalf of the Committee David Bowe MEP had asked the European Commission to consider conducting a survey of civil DU uses across the EU but the Commission declined.

11. Radiological protection: the justification of practice and Government Ministers' role

The Legal Adviser had written to the Secretary of State for Trade and Industry, the Minister for Health and Safety and the Minister for the Environment arguing that the DTI could not lawfully take any regulatory role relating to nuclear power because of a conflict of interest - the Department both sponsors the industry and is responsible for consents for new power stations. A reply was awaited.

12. Nuclear submarine decommissioning

The Ministry of Defence had thanked the Steering Committee for its contribution to the Steering Group which managed the first stage of the programme to identify an acceptable policy for the interim storage on land of decommissioned nuclear submarines.

13. Threatened Use of Nuclear Weapons

The Legal Adviser updated the Committee on correspondence with the Secretary for State for Defence about the circumstances in which the Government would consider the use of nuclear weapons.

14. Nuclear Testing

The Secretary reported a reply from the Foreign and Commonwealth Office to the Committee's protest in support of *Mayors for Peace* about continued 'sub-critical' nuclear weapons testing.

15. Ballistic Missile Defence

The Secretary reported on developments in connection with ballistic missile defences, particularly those affecting bases in Yorkshire at Fylingdales and Menwith Hill. Menwith Hill had already seen additional raydomes constructed for missile intelligence gathering and data relay to the US. Fylingdales was expected to take a powerful X band radar, capable of distinguishing between armed nuclear warheads and decoy warheads, alongside the existing phased array radar. This raised local community concern about the potential for increased electromagnetic radiation (EMR) pollution at ground level.

16. Peace and Sustainability

The Secretary reported on an initiative by the International Network of Engineers and Scientists for Global Responsibility (INES) to increase awareness at the Johannesburg World Summit of Sustainable Development (commencing in August) about the interdependence between peace and sustainable development. Considering the report the Committee decided to endorse the INES appeal to Governments to include targets for promoting peace within the outcomes of the World Conference on Sustainable Development.

17. Municipalities for Peace: Resolution

The Secretary reported on assistance provided by the NFLA Secretariat to the organisation of *Peace Messenger Cities* and *Mayors for Peace* in the preparation of joint resolution which urged, inter alia, the UN to consider calling a conference of municipalities to identify opportunities to promote peace. Considering the report the Committee decided to endorse the Municipalities for Peace resolution.

18. Kashmir Nuclear Crisis

The meeting was to have received a presentation on the Kashmir Nuclear Crisis but this was cancelled because of the speaker's travel difficulties. Considering the gravity of the issue and the lack of time the meeting decided that the Secretary circulate to all NFLAs a written report prepared by the speaker together with appropriate action points.

19. Date of next meeting

2.00pm Thursday 17 October 2002, The Centre, Slough (followed by the 2002 Annual Policy Briefing and AGM on Friday 18 October).

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