

Nuclear Free Local Authorities Secretariat

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Chair: Bailie George Regan Secretary: Sean Morris



Rt Hon Chris Huhne MP
Secretary of State for Energy and Climate Change
Department of Energy and Climate Change
3 Whitehall Place
London SW1A 2AW

6th June 2011

Dear Secretary of State,

RE: NFLA / NGO'S JOINT STATEMENT OF DEMANDS OF THE UK GOVERNMENT, NUCLEAR REGULATORS AND THE NUCLEAR INDUSTRY AFTER THE FUKUSHIMA INCIDENT

I would like to thank you for your letter of 11 May, responding in detail to the joint NFLA / NGO letter of 24th March, which provided the Government's response to a statement of demands agreed by a wide number of nuclear concerned groups following the Fukushima incident.

The NFLA are pleased the statement was discussed at the recent engagement meeting between NGOs and DECC OND staff on 29 March. We welcome that you value the views of the NGO sector and we would like to develop this dialogue further to make it a genuine two-way process.

In this vein, we would very much like to invite you, other DECC ministers and DECC OND staff to a special post-Fukushima seminar chaired by Sir Jonathan Porritt with presentations by independent nuclear engineering consultant John Large, former Government energy adviser Professor Tom Burke, energy finance expert Professor Steve Thomas, renewable energy advocate Professor Andrew Warren and NCG Co-ordinator Dr Paul Dorfman. The seminar is being hosted by Caroline Lucas and is supported by a cross-party panel of MPs. I attach a flyer for the event with this letter, which will be held on Tuesday June 24th from 2pm – 3.30pm in the House of Commons Committee Room 8. The meeting has been co-ordinated by the Nuclear Consulting Group with support from the NFLA and the 'No Need for Nuclear Group'. I understand Hergen Hays from OND is attending the seminar.

On my behalf, the NFLA Secretary, Sean Morris, has distributed a copy of your letter to the NGOs that signed the original statement to ascertain their views on it. The attached letter following this covering note provides an agreed joint response from the list of groups at the end of this letter.

The groups that attend the NGO DECC engagement meeting would also like this letter to be formally tabled as an agenda item at the next meeting, and would appreciate a full response to this letter as soon as is practical.

Yours sincerely,



Bailie George Regan
Chair of Nuclear Free Local Authorities UK and Ireland

NFLA / NGOs / concerned individuals agreed joint response to the letter of 11th May by Energy and Climate Change Minister Chris Huhne

6th June 2011

1. Chief Nuclear Inspectorate report on lessons learned from Japan

The NFLA and NGO's are pleased that the UK Government takes the recent unprecedented events in Japan extremely seriously, and that it takes the safety and security of nuclear sites in the UK as a priority.

The NFLA and NGO's cautiously welcomed a nuclear safety review undertaken by the Chief Nuclear Inspector, Dr Mike Weightman, for the Government on the implications of the events in Japan and the lessons learned for the UK nuclear industry is taking place. A number of NGO's have already made representations to the Weightman review and a number of groups plan to attend the 'NGO forum' established by Dr Weightman on the 5th July in London.

However, the Ministerial reply does not address many of the points made by the NFLA and NGOs in our original post Fukushima 'demands' document on the scope of the Weightman review –

- We have already seen important submissions to the review taken off the HSE ONR website for reasons of confidentiality, when we asked for full submission of all information and when the ONR has often and repeatedly indicated that it operates a policy of openness and transparency.
- We are not aware of any non-industry personnel involved in the review. Indeed a suggestion made by the NFLA to involve the independent nuclear engineer Dr John Large has become bogged down in a dispute over his financial costs and who represents the diverse NGO community.
- We are also not aware of any other independent figures involved in the review, which is a major concern.
- No review of the GDA process and the complete governance regime of the nuclear industry in the UK, given the failings identified in Japan, are taking place.
- It is not particularly apparent that that spent fuel stores and other relevant facilities such as reprocessing plants are included in the remit of the review.
- The adequacy or otherwise of emergency response programmes remains unproven and the ability to, and consequences of, evacuating tens of thousands of people from the exclusion zones around existing and proposed nuclear sites remains a major concern.

The interim review report that has been produced has a distinct incongruence between the conclusions made in the report with its actual recommendations. There is also considerable concern of how these recommendations will be effectively enforced on the nuclear industry. The recommendations around flooding, for example, suggest a far more significant level of concern than is raised in the conclusions to the interim report. Many NGOs were concerned with Dr Weightman's responses to the media when the report was published.

Notwithstanding the above, there are a number of additional points that need to be answered by DECC in reference to the review:

- The narrow scope of the Weightman report. A key issue of concern remains the radioactive discharges to land, sea and air from the stricken Fukushima reactors. Why has the Minister not asked the Environment Agency, the Health Protection Agency and the Committee on Medical Aspects of Radiation in the Environment to review the health issues of these incidents and report back to him using a similar timetable to Dr Weightman?
- Any review of health issues should ensure that a range of potential outcomes is calculated using ICRP/HPA conversion calculations as well as those proposed by ECRR, which are likely to give an upper and a lower range of impacts.
- Similarly, why has the Minister not encouraged Dr Weightman to involve all relevant emergency planning bodies and the appropriate Government agencies into a national review of the structure of all key aspects of nuclear emergency planning in the UK, including the transportation of nuclear materials and the effects on nuclear emergency planning legislation?

- Why has the Government not suspended nuclear policy related consultations in the interim – particularly those relating to the long-term management of plutonium, the review of the nuclear liabilities regime under the Paris-Brussels Conventions and the reform of the electricity market? All of these policies could be affected by the final outcome of Dr Weightman's report and continuing with them suggests that the Government is determined to maintain the nuclear new build timetable whatever the outcomes of Weightman's report and other international reports.
- The extremely tight timetable placed on Dr Weightman to complete this report. In reference to the interim report on May 18th, it is known that the expert panel did not have its first meeting until May 6th, so how can a thorough analysis of the issues be available in 12 days? It is also clear from public statements that Tokyo Electric Power Company does not expect to have the Fukushima incident in full control until at least the end of the year. The International Convention on Nuclear Safety will not make its full analysis until mid 2012. Such a tight timetable allows for new nuclear build to not be significantly affected, but the key priority surely must be to know exactly what happened at Fukushima and ensuring similar effects never occur at UK nuclear facilities?
- Why has the Government used the publication of the interim report to state that it will push ahead with the publication of the National Policy Statement on Nuclear Generation? At the very least, the NPS EN-6 should be delayed from publication until after the final report has been published, when new issues may come to light.

On a related basis, the European Union has now published the separate 'stress tests' that will be undertaken on 143 nuclear reactors around Europe. In reference to these, the NFLA and NGO's signed up to this letter would like to ask DECC:

- Why has it taken direct pressure from the Irish Environment Minister to include Sellafield under the 'stress test' exercise? According to media reports in the Republic of Ireland (Irish Times 26th May) the Irish Environment Minister Phil Hogan was assured by yourself that Sellafield would be included in the stress test exercise, in the meeting you had with him in February 2011. On the 26th May, UK Government officials were publicly stating that Sellafield would not be included for the tests - why was this decision reversed on the 27th May?
- Why did the UK Government work so hard (with France and the Czech Republic) to ensure that the extent to which facilities could endure a malicious terrorist attack would not be considered in the stress tests? The German nuclear safety report produced after their analysis of Fukushima notes that no German nuclear facility would be able to withstand a crash involving a large passenger aeroplane, and that the oldest seven German reactors would not even be able to withstand a crash involving a small two-seat aircraft. The recent arrest of British Asian men near the Sellafield site in April, and the killing of Osama bin Laden, only serves to raise significant public concern on the capacity of nuclear facilities to withstand a malicious attack.

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.

Though Dr Weightman's final report may inform the GDA process, its timeframe and site licensing and permitting processes, it does not answer our core request made in the letter of 24th March.

Our letter asked that: "The HSE's 'exclusions' arrangement in the GDA process and those arrangements such as deferring issue resolution in order to artificially meet the nuclear new build timetable must be abandoned. All outstanding issues relating to the engineering, technical and waste management aspects of new build should be demonstrably dealt with in a sequential, transparent and open programme and with appropriate scrutiny, peer review and accessibility in the public domain. These processes cannot be left to be 'resolved' through the licensing process which will follow the GDA process as licensing is effectively a close-door system."

The Joint Regulators e-bulletin quoted in your reply merely says they will continue to work on outstanding issues and publish their findings in the summer, before making their final assessments following Dr Weightman's final report. This suggests that little is actually changing to the artificial nuclear new build timetable than extending it by a few months. Our joint demand asks for appropriate scrutiny, peer review and accessibility in the public domain and that has not been shown in the GDA process so far. Our assertion on the licensing process in relation to the GDA process has also not been answered. Where is the genuine and independent scrutiny of these critical decisions taking place?

3. There should be NO public subsidies for nuclear new build as agreed in the UK Government's coalition agreement.

Your response to this fundamental demand of the NFLA and NGOs does not indicate a policy of no subsidies, but quite the reverse as the Government does not rule out taking the financial risk on future new build radioactive waste and in the underwriting of third party nuclear liabilities.

In both cases, this could account to huge levels of financial assistance to the nuclear sector. The Fukushima incident is an obvious example – it has been estimated by the independent Japanese Centre for Economic Research that the Fukushima incident could cost as much as \$250 billion (£150 billion) to clean-up. \$54 billion would be required to buy the land in the evacuation zone, \$8 billion to deal with compensation claims and between \$9 billion and \$188 billion to scrap the reactors. Giving such huge figures, the Japanese Government will inevitably have to spend billions to bail the Tokyo Electric Power Company out and deal with all the huge issues that this disaster has created. Exactly the same scenario could happen in the event of an incident at an existing or new nuclear facility in the UK. The UK taxpayer is also funding the nuclear industry – through the Nuclear Decommissioning Authority - to the tune of many tens of billions of pounds to deal with the existing waste legacy

The NFLA and many other NGOs have responded in detail to the consultations on the long-term management of plutonium, the review of the nuclear liabilities regime under the Paris-Brussels Conventions and the reform of the electricity market making detailed points around implicit subsidies to the nuclear industry. The Energy Fair report of nuclear subsidies, which we quoted in our original letter of demands, has not been referred to at all in your response.

Our comments in this area are also echoed by the House of Commons Select Committee on Energy and Climate Change to which you will be fully aware of. They have explicitly stated that these reforms amount to a public subsidy.

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 ICRP 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:

Your response to this issue mentions advice from the Health Protection and COMARE, and a consideration of the KIKK report.

However, neither the KIKK report nor COMARE are germane to the justification process and you make no mention of the Basic Safety Standards to which the justification process is required to comply, especially section 6.2 in respect of prospective new nuclear installations. You mention that: "if new and important evidence comes to light from COMARE or the ONR report, you will be able to consider it." In reality, the limited nature of COMARE's 14th Annual Report or Dr Weightman's report in reference to the justification process will add very little, if anything, to this part of the nuclear new build process.

Our demand relates to a reconsideration of the 'dose/ risk assessment' model that both the HPA and COMARE are deeply attached to. As our letter noted we asked for – “a further and detailed review through a joint-fact-finding exercise involving, at the very least – a range of independent low level radiation experts and groups, stakeholder representatives from the nuclear industry, the Health Protection Agency, the European Committee on Radiation Risks and COMARE. Furthermore, as part of this review, independent specialists on low level radiation must also be called on to provide evidence to it.” We would like you speak to Andrew Lansley in the Department of Health to establish such a joint process – only that will provide the openness and transparency in determining the potential links between low level radiation and health.

You will be aware that a legal challenge and an appeal is taking place to the Government's justification decision and we await the final outcome of this legal process. In reference to the COMARE report, I attach with this letter an independent analysis of its 14th report by Dr Ian Fairlie which outlines a number of weaknesses and omissions to the report and its analysis of the technically-sound German Government KIKK report. We have sent this report to COMARE who have indicated they will be considering it at their summer meeting.

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:

Your response to this 'demand' outlines the developments being made in progressing geological disposal in England and Wales. You assert that: “geological disposal is internationally recognised as the preferred approach for disposal of higher activity radioactive waste”. Identifying a 'preferred approach' is a long way from being able to claim that 'arrangements exist': one is theory, the other is turning it into reality and as you must be well aware, significant technical and scientific hurdles exist to the development of a safety case, added to which, there has yet to be a sufficiently robust public engagement programme in West Cumbria from which a popular mandate to continue with the MRWS programme would be justified. Deep geological disposal as a preference may be the case for Sweden, Finland and France, but what about Scotland, which is pursuing an alternative 'near site, near surface' model which has also gone through extensive levels of scrutiny and is a viable process for such storage?

The ongoing process has still many hurdles ahead of it and so we would like Ministers to refrain from saying that there is full confidence for new build waste management until the process is much further progressed. Indeed your statement: “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” needs to be reconsidered in light of the recent publication of documents obtained by Greenpeace UK under the Freedom of Information Act which assert that the process in West Cumbria has been deeply compromised. Greenpeace UK assert that the documents outline that a view on hosting a facility was made by the 3 Cumbrian Councils as early as 2008 in order to process the development of a new nuclear plant in Cumbria and a new Sellafield reprocessing plant. We attach the Greenpeace press release with this letter and ask the Minister to comment on the serious allegations made by Greenpeace on the openness and transparency of the West Cumbria decision-making process for expressing an interest for a deep-waste repository.

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.

Your response to this 'demand' basically outlines that all is considered adequate with the security regime for current and projected nuclear waste and spent fuel interim storage arrangements. However, as outlined at the DECC OND meetings with NGO's, there are no opportunities to test these assertions, which an independent review would allow for. Many NGO representatives and independent consultants have offered to be fully security checked – a number already are – to be involved in such an independent review and take forward the recommendations of the CORWM1 report in this area. We were expecting to receive a response to this request at the last meeting of this dialogue but none was forthcoming, and so through this letter, we repeat the request.

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

Your response mentions that a response to the Nuclear Waste Advisory Associates Issues Register will be published by the NDA shortly. We understand that the response is now subject to on-going discussions between the NDA, NWAA, OND, DECC and the EA and we will be interested to hear from NWAA how they believe the programme is progressing.

Your comments on the definition of a 'community' suggest they should not be rigid in scope – but what we asked for in our joint response was for the Government to clearly define what it saw as a 'community', as this is critical in determining how legitimate a final decision will be.

Again, in terms of the inventory for a deep geological repository, your response indicates that there still remain a number of uncertainties of what will be included. For the communities across Cumbria, a clearer indication of what is likely to be going in the repository is surely required now. The UK Radioactive Waste Inventory provides an estimate but it does not follow from this what quantities will go into a repository; with issues like the MOD's decommissioned nuclear submarine reactors and questions over new build waste two examples of potential waste that may go to a repository for which the MRWS process is not currently considering in any detail. Potential host communities have a right to learn at the earliest possible time what level of waste volume, **as well as radiological burden**, they are being asked to accept.

In terms of transport, a number of groups, such as the NFLA and Nukewatch, have made the point that emergency service personnel and relevant local authority staff in areas without fixed nuclear sites have received limited training on dealing with a radiation incident from an accident involving a radioactive waste transport. We would recommend you make representations to the Department of Transport, the Ministry of Defence and the Nuclear Emergency Planning Liaison Group to rectify this concerning emergency planning gap.

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.

Your response notes the recent Government consultation with its preliminary policy view that the UK's stockpiles of weapons-grade plutonium should be reprocessed. Many NGOs made the point that this consultation should have been withdrawn until the outcomes of the Fukushima incident are fully known, as one of the reactors used MOX reprocessed fuel.

Furthermore, if Japan decides to fundamentally change its energy policy, with strong suggestions that it may, there would be few, if any customers for the reprocessed spent MOX fuel from Sellafield. I attach a highly relevant briefing on this by the Cumbrian group CORE, which outlines issues around Sellafield and Mox reprocessed fuel which we would like DECC to consider and comment on. Developing a new facility creates new risks and would be high cost. The immobilisation option should be much more extensively considered though a review body – the NGOs see every benefit in the Government developing such a review using the materials of the

plutonium working group of the BNFL national nuclear dialogue and the NDA's Materials Issues Group. A stakeholder dialogue event to discuss the options for the safe management of weapons-grade plutonium and MOX fuel should also be established as soon as possible.

In conclusion, one of the main reasons for developing the original demands document was to seek a better understanding of the rationale for Government policy in these various nuclear policy areas and seek a detailed reappraisal following the Fukushima incident – the worst nuclear disaster since Chernobyl. Other advanced industrialised countries like Germany, Switzerland, Japan and Italy are considering such policy in this manner and a number of other European countries, led by Austria and the Republic of Ireland, are offering a different paradigm which UK based NGOs and the NFLA believe need to be considered at this important juncture in the debate.

This response to your letter has been fully endorsed by the UK and Ireland Nuclear Free Local Authorities and by the following NGOs and named individuals concerned about nuclear safety:

Name	Organisation (if applicable)
Bailie George Regan	On behalf of the UK and Ireland Nuclear Free Local Authorities
Dr Paul Dorfman	On behalf of the Nuclear Consulting Group
Dr Peter Burt	On behalf of Nuclear Information Service
Dr Gerry Wolff	On behalf of Energy Fair group
Ron Bailey and Lotte Blair	On behalf of the No Need for Nuclear Group
Daniel Viesnik	On behalf of the Kick Nuclear Group
Dr Jill Sutcliffe	On behalf of the Low Level Radiation and Health Conference
Richard Carder	On behalf of the English Campaign for the Prevention of Cancer
Joan Girling	On behalf of Communities Against Nuclear Expansion (CANE)
Crispin Aubrey	On behalf of Stop Hinkley Group
Marianne Birkby	On behalf of Radiation Free Lakeland
Dr Carl Clowes	On behalf of Pobl Atal Wylfa B / People Against Wylfa B
Peter Lanyon	On behalf of Shut Down Sizewell Campaign
Varrie Blowers	On behalf of Blackwater Against New Nuclear Group (BANNG)
Val Mainwood	On behalf of Bradwell for Renewable Energy (BRARE)
Reg Illingworth	On behalf of Shepperdine Against Nuclear Energy (SANE)
Professor David Webb	On behalf of the Campaign for Nuclear Disarmament (CND)
Linda Walker	On behalf of Chernobyl Children's Project UK
Tim Deere-Jones	Independent marine pollution consultant