

Position paper on regulation of a geological disposal facility and management of radioactive waste published

As progress is made towards a geological disposal facility for higher level radioactive wastes, it is vital that the public in general, and potential host communities in particular, have a clear understanding of how such a facility would be regulated and by whom, and have confidence in the independence and robustness of that regulatory system. The independent advisory committee, CoRWM has produced a Position Paper looking specifically at regulation, addressing these issues. This has involved CoRWM in several months of discussion with the relevant regulators, the Office for Nuclear regulation, Environment Agency, Scottish Environmental Protection Agency and Natural Resources Wales.

In CoRWM's view, the regulation of a GDF cannot be divorced from the wider context of policy for the management of higher and intermediate level wastes, including consideration of the option of near surface disposal of suitable intermediate level wastes. CoRWM has therefore reviewed developments since the last comprehensive statement of general policy, Managing Radioactive Waste Safely in 2008.

As the CoRWM paper points out, one vital part of the GDF process is public and stakeholder trust in the regulators. Another is confidence in the fairness, openness, participative nature and transparency of the regulatory process. One challenge in this regard is the comparative complexity of the UK's regulatory process. Another challenge, particularly stark for a GDF, is the maintenance of institutional learning and capability of the regulatory system over the very long time periods involved.

CoRWM makes a number of recommendations:

1. As a matter of urgency, a clear statement of government policy on matters relevant to a GDF, near surface disposal (NSD) and other issues relevant to radioactive waste management in England and Wales needs to be produced, preferably in a single, accessible document. It should recognise, address and explain any implications of the different policy which applies in Scotland.

It should also provide clarity as to the relationship to the UK radioactive waste inventory, including materials not currently classified as waste, but which in one form or another will be disposed of in a GDF.

The policy statement should be subjected to rigorous scrutiny and public debate, given the very long term environmental, health and safety implications.

2. We recommend that the term “risk-informed” should not be used as a term of regulation. Where used in the policy context it needs to be more clearly defined and justified.

3. There should be a commitment by government to continue external (non-UK based) expert reviews of the management of radioactive waste at regular intervals, especially as proposals for a GDF or NSD are developed.

4. Legislation should be revised as a matter of urgency to provide clarity on licensing a GDF as a nuclear licensed site. This should also include consideration of NSD, as to whether that activity will be licensable if undertaken outside an already nuclear-licensed site.

5. A clear summary of relevant regulatory responsibilities as they now stand should be produced reflecting the excellent work done by ONR and the Environment Agency (EA) in terms of co-ordination. It should also make clear the position in Scotland.

6. Clarification is required regarding the implications of the potentially earlier availability of NSD facilities for the future approval and regulation of a GDF.

7. The legal and regulatory implications of including an underground rock laboratory (URL) within proposals for a GDF will need to be considered if this is a real prospect.

8. Careful consideration needs to be given now to the policy, legal and regulatory implications of near shore disposal, including public international law.

9. Careful thought needs to be given to the application of safeguards legislation to a GDF or NSD, and the implications of this.

10. If NSD is an option to be pursued seriously, then consideration needs to be given as to whether it should be brought within the 2008 Planning Act system.

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