

A cautionary note

April 2006

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Introduction

This note is designed to be constructive and positive. It is not intended as an attempt to defend my position but more to highlight areas in which I believe we must ensure consistency and attention to detail in our majority position if it remains as it was a few days ago. We all have an obligation to make recommendations which are robust to challenge and which can be supported by views which we have solicited over the years. This note identifies a few areas which concern me which I bring to your attention so that we can reassure ourselves that we are addressing them and dealing with them effectively.

Justifying disposal

At the end of the Edinburgh plenary in April 2006, it became evident that the majority of CoRWM members favoured some form of disposal as they were apparently confident in the long-term safety of this method of radioactive waste management. I respect and acknowledge the right of members to hold such a view: it happens to be one with which I disagree, but that is largely beside the point of this note. Whatever CoRWM recommends to the government by way of long-term management methods, the recommendations must be credible and it is important that CoRWM feels able to justify a recommendation for deep geological disposal – should that be its ultimate view - which is fundamentally based on confidence in long term safety while at the same time recommending a programme of research and development designed to increase that confidence. Critics will inevitably say that if the level of confidence is such that CoRWM would recommend deep geological disposal, further R and D should be redundant. I appreciate there is an answer to that criticism but we should be ready to provide it.

In addition, it is vital that we can demonstrate an interpretation of PSE outputs which supports disposal and that such support is not confused with a desire to see retrievability through the phased option (which I appreciate is an unavoidable and welcome consequence of a ‘staged’ process anyway as long as we assume that once emplaced, it will ever be seen as cost effective to remove it, although I believe that the advantages of the ‘stages’ during implementation have potential down-sides.)

At the Warwick meeting, I somewhat flippantly made reference to Fred’s ‘evidentially based criticism of deep disposal’ remark he made some weeks ago, saying that, quite apart from the fact that opposition to disposal is often ethically rather than evidentially based and therefore is beyond ‘evidence’, positions *in favour* of disposal should be evidentially based. I am aware that this is difficult and that confidence can only be ‘sufficient’, ‘adequate’ and comparative. However, I believe it is imperative that the confidence CoRWM expresses is based on a sound set of arguments and is articulated in a way which demonstrates confidence as robustly but as sensitively as possible.

Paper 1691

I am concerned that, despite airing the issue several times, we have never quite agreed what the public and some stakeholders had in mind when opting for 'phased'. Perhaps we can never know but I feel we must, in our statement(s), recognise that the high performance of phased has two interpretations. This is the case in Andy's draft statement and I hope we can agree to retain the comment about the potential 'lack of societal consensus'.

The question put to the public in PSE3 was essentially, 'act now and remove the burden or allow flexibility so as to leave future generations to decide.' Faced with such a dilemma, it is not surprising that, as the document 1691 suggests, the most frequent response was 'act now but keep it flexible/retrievable'. It may be beyond CoRWM to arrive at an unambiguous view as to what citizens really wanted when they voted for phased.

If the high performance of 'phased' is interpreted as a plea for retrievability, a clear majority for retrievability/reversibility emerges which CoRWM should at least recognise and acknowledge.

I've taken the liberty of pulling some figures from paper 1691 to illustrate the point:

39% of citizens who took part in the third round of citizens' panels voted in favour of an option which catered for retrievability (i.e. the 'upto 300 years' in which a phased geological repository is assumed to remain open which thereby satisfies the retrievability criteria). The scores were 37 votes in favour of phased out of 94 votes overall. If the 20 votes for direct interim storage are added to this, we see that the percentage of votes seeking retrievability goes up to 61%.

Discussion guide responses were even more starkly in favour of retrievability. Of the 568 consultees, 401 were schools and colleges. 72% (289) expressed a preference for disposal but of these, 69% (199) expressed a wish for retrievability through the phased option. Add to this the 12% (48) expressing a direct preference for storage and there is a 247 to 154 (61%) in favour of retrievability.

Of the 167 non-schools and colleges which took part in the discussion guide project, 41.5% (69) expressed a desire for disposal, of which 66% (45) expressed a preference for retrievability through phased. Add the 24% (40) expressing a preference for direct storage and there is an 85 to 82 (51%) majority in favour of retrievability.

The school's conference results also demonstrate through the wording of document 1691 and the reports upon which it draws the fact that, despite a strong and understandable desire on behalf of the younger generations to 'act now', the caveats speak volumes: dispose 'only if it is safe to do so': 'the need to leave to future generations the ability to make their own decisions...was also a prominent factor'. Of the 38 votes cast, 22 (58%) favoured retrievability through phased.

The recent bilateral meeting reports

Trades Unions and BNG: Amicus, GMB, British Nuclear Group

Preference for phased to ‘ensure monitoring and retrievability’ for as long as possible seen as ‘essential’.

Cumbrian Strategic Partnership:

Preference for phased. If CoRWM recommended a different solution, both councils (Cumbria County and Copeland Borough) would judge the recommendation on the basis of the arguments that were made to support it. In short, if the element of retrievability (as associated only with phased or storage) is not incorporated into the proposed CoRWM recommendation, support for it would be judged on the arguments for deep disposal.

The NDA Group of Cumberland County Council (Eleven members of the NDA Group of Cumbria County Council, plus Head of Environment, economy and Environment, CCC, plus Director of Clean Up, BNG and Head of Public Affairs, BNG):

*‘Among members, there were many who did not accept that the stability of any geology or hydrology could be predicted for timescales of 100,000 years. **In their view, this ‘precluded geological disposal’.** There was strong support for the view that ‘scientific knowledge will increase considerably over the next few hundred years and that this supports reversibility for at least this period of time.....there was strong support for underground storage...’*

Conclusions

1. CoRWM should ensure that its recommendations – particularly those in respect of disposal – are clearly articulated and supported by as much data and comparison as possible as well as by robust ethical justification where possible.
2. CoRWM should recognise that, if it recommends deep disposal, it may be articulating a view which has less support than it can currently impugn from the PSE outputs. ‘Phased’ was doubtless seen by many consultees as being equally accommodating of ‘monitoring and retrievability’ as a store and that is simply not the case.
3. CoRWM should recognise that a ‘staged’ disposal as opposed to a ‘phased’ disposal, while inevitably sharing a procedure which is unavoidably ‘staged’, is nonetheless a different animal entirely to the Nirex concept put to stakeholders in literature and upon which they expressed a view: the period in which a deep disposal facility is likely to be open for is much shorter than in the phased option and this should be acknowledged and addressed in any statement CoRWM makes.
4. CoRWM has to attend carefully and with equal weight to the storage element of its recommendations acknowledging the need for new designs in packaging and store construction as well as expressing a desire for passivity and longevity of stores to be pursued. Storage issues – a preference for them as well as the practical impact

within communities over the short and possibly medium term - impinge on the views of many local and national NGOs as well as local authorities, trades unions, SSG and communities up and down the country and must receive the sort of attention from CoRWM that they deserve. Such attention will pay significant dividends in achieving broad buy-in to the recommendations.

Others issues:

Issues relating to the uncertainty of the impact of radioactivity on future generations should be acknowledged and dealt with in a credible manner (the upcoming HPA meeting notwithstanding). *(NB The LLRC sensitivity testing has yet to be carried out and we should mention this as an issue of conditionality when considering the purpose and importance of the PSE4 consultation period).*

Implementation: we will deal with this at the appropriate time, but I've only been able to go through a third of the paper thus far and I have some comments. However, what has begun to concern me most is the fact that encouraging site specific equality of decision making with a series of 'break points' in an agreement can be interpreted as uncertainty and hesitancy on behalf of the implementing authority. The process beyond the waiving of the 'veto' must be carefully thought out to avoid giving the impression of a lack of confidence.