



Committee on Radioactive Waste Management

- | | |
|---|--|
| 1. Author | Andrew Blowers |
| 2. Date | March 2007 |
| 3. Title / subject | Judicial Review of the Consultation on the Energy Review |
| 4. Status | draft |
| 5. Who is receiving a copy | All Members |
| 6. When did CoRWM commission this paper? | standard practice |
| 7. Confidentiality | none |
| 8. Document number: | 2162 |

Some Comments on CoRWM's Position on New Build

Among other matters Mr. Justice Sullivan found that the information given on radioactive waste in the Energy Review of 2006 was 'not merely inadequate but misleading'. CoRWM considers it should state its position on the matter.

It is important that CoRWM's position that its conclusions and recommendations can only apply to committed wastes is made clear beyond a peradventure. In no sense should CoRWM's position be read as providing any solution to the long-term management of any wastes arising from a new build programme. It is important that CoRWM's views are not taken out of context.

In the 'Overview' to its main report CoRWM states:

'It must be emphasised that CoRWM's recommendations are directed to existing and committed waste arisings. CoRWM believes that its recommendations should not be seen as either a red or green light for nuclear new build. The main concern in the present context is that the proposals might be seized upon as providing a green light for new build. That is far from the case. New build wastes would extend the timescales for implementation possibly for very long but essentially unknowable, future periods. Further, the political and ethical issues raised by the creation of more wastes are quite different from those relating to committed – and therefore unavoidable – wastes. Should a new build programme be introduced, in CoRWM's view it would require a quite separate process to test and validate proposals for the management of wastes arising' (para. 25).

We consider this statement makes it unambiguously clear that CoRWM considers new build wastes a different issue for which a separate decision making process would be required. On the technical aspects CoRWM made some baseline calculations on the volumes of extra waste that would arise under a new build scenario. It concluded as follows:

'..there will need to be a detailed assessment of the waste inventory that will arise so that proper arrangements can be made for its management. At the

very least there could be an effect on repository design and size; there may also be a need for more management facilities including interim stores at new reactor sites. The construction and operation of a new generation of nuclear power stations will make it difficult to define a waste inventory once and for all; there will be uncertainties over the volumes of waste and the timescale over which they will be generated' (Chapter 18, para. 7).

The ethical issues surrounding new build wastes are addressed in Chapter 6 para. 27 of the main report as follows:

'During CoRWM's discussions, the possibility of new build arose and led the Committee to consider the ethical concerns in relation to wastes arising from a programme of new nuclear power stations. It was suggested that an ethically sound solution for wastes arising from new build might be different from the option that might be ethically acceptable for the unavoidable wastes that were within CoRWM's remit.'

These ethical considerations are treated at greater length in CoRWM's Draft Report on *Ethics and Decision Making for Radioactive Waste* (March 2006). This Report has been revised and is about to be published in its final version. The sections relating to new build are unaltered. The report as a whole should be read to place the ethics of new build in the wider ethical context. Appended are a few excerpts from the report which bear on the question.

Of particular interest are the conclusions of the Canadian Nuclear Waste Management Organisation (NWMO) which undertook a process similar to that of CoRWM and reported its findings to the Federal Government in 2005:

'To justify creating new spent fuel from an ethical point of view, there must be a management solution that is ethically sound, not just least bad. (The other ethical issues associated with nuclear power generation would also have to be resolved. These include problems such as the effects of uranium mining and mine tailings, vulnerability of spent fuel to terrorist attacks, safety of the reactors, danger of diversion for nuclear weapons, and whether increased nuclear power generation can be justified, given the available options.) Moreover, even a least bad option acceptable for the existing problem might cease to be acceptable if there were changes in the nature of the spent fuel, such as adding enriched fuel.

In short, a solution that is ethically acceptable for dealing with existing spent fuel is not necessarily a solution that would be ethically acceptable for dealing with new or changed materials. Thus, a question that urgently needs to be addressed is whether NWMO is dealing simply with existing materials and those that will be created in the lifespan of existing reactors or also with substantial additional spent fuel? And this is no less than the question: What will the future of nuclear power in Canada be?' (excerpt from NWMO Canada Roundtable on Ethics, quoted in CoRWM, *Ethics and Decision Making for Radioactive Waste*, p.28)

It will be clear from the main Report and the Report on ethical issues that CoRWM gave considerable thought to the issue of the relationship of potential new build to its proposals. CoRWM's recommendations have been supported by a very intensive and extensive Public and Stakeholder Engagement (PSE) programme. During the PSE process it was made clear that the inventory under consideration encompassed committed wastes only. CoRWM's proposals apply to an unavoidable problem which it is commonly agreed needs to be solved. We consider the strong consensus favouring our proposals would be put at risk if new build wastes were added to the inventory.

CoRWM's proposals for implementation are based on identifying communities willing to participate. In *Moving Forward: CoRWM's Proposals for Implementation*, it is stated, 'Before communities are invited to participate in a siting process, the basis of the involvement should be framed and agreed on a national basis' (p.24). It is presumed that part of this basis will be a defined inventory of wastes. The process of participation will be put at risk if there is any uncertainty about the terms of the commitment being entered into.

Finally, CoRWM is concerned that its proposals are being interpreted as providing a solution to the long-term management of new build wastes in advance of the forthcoming White Paper on Energy which may well recommend a new build programme. The judicial review has confirmed that such an interpretation is seriously misleading. We trust that it will be made clear that CoRWM's proposals apply only to committed wastes and that it will be accepted that a new process will be required to examine and justify any proposals for the management of wastes arising from new build.

Annex

Excerpts from *Ethics and Decision Making for Radioactive Waste* (CoRWM, Draft Report, March 2006). These excerpts are taken from a Report on a Workshop held in September 2005. The names are those of members of the panel of ethicists who participated in the workshop.

'The ethics of finding the best possible solution to existing waste and the ethics of any expansion of nuclear power are fundamentally different and need to be treated as such' (p.16) (Barbara Adam, Professor of Sociology, Cardiff University)

'Because we must manage already-existing and already-committed spent fuel in some way, here the least bad option is an ethically acceptable option. By contrast, new spent fuel – whether generated by new reactors, by replacing existing reactors as they reach the end of their serviceable life, or by importing material from other countries – is ethically another matter altogether. For the creation of new spent fuel to be ethically justified, it would have to be shown that there exists a management option that is ethically sound, not just least bad' (p.31) (Wesley Cragg, Gardiner Professor of Business Ethics, York University, Toronto and a member of the NWMO Roundtable on Ethics)

‘But many fear that whichever approach is chosen, this will be described as a ‘solution’ to radioactive waste, and could be used to legitimate new build. I recognise that the debate about new build is outside CoRWM’s remit. However, the legitimisation issue *cannot* be outside its remit if the process is to have ethical legitimacy. In my view, CoRWM is well positioned to take an important stand here. It should do everything in its power to ensure that whatever conclusions it reaches, these are not used to legitimate new build.’ (p.64) (Kate Rawles, Lecturer and Consultant in ethics, values and sustainability)

‘..it is one thing to ask a community or a region of the country to consider becoming the destination of a relatively specifiable quantity of radioactive waste. It is quite another to propose that a site will continue to receive waste of indefinite quantities into an indefinite future’ (p.66) (Wesley Craggs)

‘..it is surely CoRWM’s responsibility to recognise that whatever it reports will, in turn, be called into play in the debate over a revitalised nuclear programme. What you do helps shape the future, though in ways you may not always either intend or predict’ (p.74) (Steven Rose, Professor of Biology, The Open University)