

Dr Robert Jackson  
Head of Radioactive Substances Division  
Area 4C Ergon House  
17 Smith Square  
London SW1P 3 JR

2<sup>nd</sup> November 2007

Dear Dr Robert Jackson

**Re: Greenpeace UK response to Managing Radioactive Waste Safely: A framework for implementing geological disposal: A public consultation by Defra, DTI and the Welsh and Northern Irish devolved administrations.**

Greenpeace welcomes the opportunity to respond to the public consultation on Managing Radioactive Waste Safely.

It is, however, extremely concerned about the confused and misleading impression created by this public consultation document. The impression created is that there has been progress towards solving the problem of dealing with existing and committed higher activity radioactive wastes that there is a solution at hand and that there is a solution to waste arising from possible nuclear new build.

In particular, the consultation paper either fails to provide adequate information or is misleading in the following areas:

1. The consultation paper refers repeatedly to CoRWM in the first and second chapters (see e.g. Para 1.1, 1.7, 1.12, 1.14 and Chapter 2) without making it explicit that the CoRWM recommendations were about legacy waste. At the same time these chapters discuss new waste. This creates the same misleading impression for public consultees that was criticized by Mr Justice Sullivan in *R v SSTI ex parte Greenpeace* – that is, it is seriously misleading as to CoRWM's position on dealing with radioactive waste.
2. CoRWM has recently confirmed its position. In its reiteration of its position on Nuclear new Build it has said this:

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.<sup>1</sup>

3. It is seriously misleading to suggest that the ethical questions are dealt with in the consultation *The Future of Nuclear Power*. This is CoRWM's view of the ethical question:

---

<sup>1</sup> <http://www.corwm.org.uk/pdf/2214%203%20-%20Signing%20off%20final.pdf>

*Whereas a 'least bad' solution might be acceptable for existing wastes, any option for the management of new arisings must be justified by the standard of full ethical soundness. CoRWM adopted a position similar to that of the NWMO<sup>2</sup> when considering its approach to the management of waste from new nuclear build.*

This is not the approach taken to the ethical question in *The Future of Nuclear Power*.

4. The consultation document creates the misleading impression that other countries have successfully built geological disposal facilities. This is not the case. As a report from Ernst and Young (for the Department of Business, Enterprise & Regulatory Reform) notes:

*Geological disposal is the approach favoured by many countries for higher activity wastes, although a repository for these wastes is yet to be built and operated anywhere in the world.*<sup>3</sup>

5. The document is seriously inadequate and misleading about volunteerism and other site selection criteria, in particular geological criteria. After many years of researching the geology of the UK, Nirex settled on a site in West Cumbria for further examination. Despite all the efforts put into that work - and the belief that site would be found to be suitable for waste disposal - it was eventually deemed unsuitable. We attach as an appendix the statement from Professor Smythe, which is a reminder that the Nirex enquiry ruled out the proposed West Cumbrian site as unsuitable. We also attach a letter from the lead Inspector of the Nirex inquiry. The omission of this important information, gained from an inquiry costing millions of pounds, contributes to the misleading impression that a solution to radioactive waste is at hand. We are in a position where the most researched site in the UK for geological disposal has been ruled unsuitable. In addition, there is not yet an agreement by any community to accept a repository. None of this is mentioned in the consultation. It cannot be said to satisfy the requirement for "the fullest public consultation" on the disposal of radioactive waste.
6. Although it is stated (paragraph 1.10) that the Scottish Executive has decided not to sponsor this consultation there is no further information or discussion about the importance and implications of this fact. This is inadequate. If, for example, it is the case that Scotland is opposed to geological disposal of radioactive waste then this should be stated. If its opposition is linked to its opposition to new nuclear power then this is an important

---

<sup>2</sup> The NWMO (Canada) statement is at page 33 of the Ethics report:

*By contrast, the creation of new spent fuel (that is, beyond what already exists or will be created in the lifespan of existing reactors) and, thereby, the issue of its disposal, must be judged by the standard of full ethical soundness. If the best current proposal does not meet this standard, then it would not be justified to create new material. 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 spent enriched fuel.*

<sup>3</sup> *The Management and Financing of Nuclear Waste* <http://www.berr.gov.uk/files/file36328.pdf>

demonstration of the dangers of attempting applying CoRWM's recommendations to new build and it should be included in the consultation.

7. Greenpeace also notes that this consultation was meant to be about 'managing' radioactive wastes safely, not just about disposal. In relation to this the document is wholly inadequate on issues around storage as both an interim measure and a contingency should disposal be delayed. We refer you to CoRWM's 'signing off' document which also raised concerns<sup>4</sup>

In conclusion, Greenpeace's view is that by including new build waste in the consultation document and by failing to provide any information about the Nirex inquiry, the Government has presented inadequate and misleading information about the difficulties of dealing with higher activity radioactive wastes.

The fear is that the Government is pushing this process to facilitate new build and not in an effort to deal with legacy waste in the most appropriate manner. This is a fear shared by the House of Lords Science and Technology Committee, which, in particular, expresses concern that the undue speed over dealing with the MRWS proposals may be motivated by a desire to appear to have resolved the waste problem before deciding on new nuclear power. We refer to the following paragraph from the report:

*2.34. The Government subsequently accepted the High Court judgment and announced a new consultation on nuclear energy. However, they do not seem to have learned from previous mistakes. There are those who will suspect that the reasons both for the Government's past procrastination on radioactive waste disposal, and for their current haste, are dictated not by a desire to reach policy decisions in an open and procedurally fair fashion, but, as the case may be, by their desire either to defer or to push ahead with decisions on wider nuclear energy policy.*<sup>5</sup>

In Greenpeace's view it is clear, for the reasons given above, that this consultation document cannot form part of the fullest public consultation on the as yet unresolved problem of dealing with radioactive waste.

Yours sincerely,

Sarah North  
Campaign Director  
Greenpeace UK

---

<sup>4</sup> <http://www.corwm.org.uk/pdf/2214%203%20-%20Signing%20off%20final.pdf>

<sup>5</sup> Report see: <http://www.publications.parliament.uk/pa/ld200607/ldselect/ldsctech/109/109.pdf>

Press release: [http://www.parliament.uk/parliamentary\\_committees/lords\\_press\\_notices/pn030607st.cfm](http://www.parliament.uk/parliamentary_committees/lords_press_notices/pn030607st.cfm)