

SIZEWELL A RESPONSES TO CONSULTANT PAPER R3093-A2

Response to a report by Large & Associates, commissioned by the Shut Down Sizewell Campaign, examining the ‘Consultation Procedures and Processes of the Sizewell A Fuel Element Debris Consultation’.

The word ‘consultation’ in connection with the FED management options assessment process at Sizewell A (SZA) was used, not in the context of the statutory, government consultation usually associated with deliberation on national policy and normally allowing for a mandatory 12 week period for reflection, but in the strict dictionary definition to mean “the act of consulting or conferring”, in this case, with local stakeholders, to get their opinion or advice on disposal options for FED. It was not used in the context of a government required consultation simply because the process in which we are engaged is not statutory and is not connected with determining national policy. If it was an obligatory, statutory consultation, SZA would have specifically labelled the consultation as such, and the process itself would have been conducted by the Nuclear Decommissioning Authority (NDA) and would have followed the government’s ‘Code of Practice on Consultation’, as was done on the recent ‘Site End State Consultation’ for Sizewell.

The options for disposal of FED are all well below the threshold required for official, government, statutory consultation, since it is not related to any newly proposed government policy, (e.g. energy policy, ILW repository), nor is it proposing anything different than what is already being done with Magnox FED at other sites within the UK. It is simply a conscientious stakeholder engagement or ‘consultation’, proposed by Sizewell A to inform its stakeholders of the proposed options for disposal of FED and then to formally gather their input on these options in order to better inform the BPEO process. This has been encouraged by the NDA and regulators and is a process in which Magnox South is happy to be involved. Since Magnox Electric is a contractor and not a government department or agency, it is not required to follow the ‘Code of Practice on Consultations’ but feels, nonetheless, that its engagement programme on FED management options is legitimate, appropriate and proportionate to the issue under scrutiny.

In light of this, most of the information provided by Large and Associates is a good interpretation of the guidance provided by government for a statutory, government consultation but is not relevant to the current FED stakeholder engagement, since Magnox South is clearly not conducting a government consultation.

Magnox South is conducting its consultation as part of a project management procedure which aspires to be as effective and comprehensive as it needs to be, to ensure that site activities enjoy the support and confidence of the majority of our stakeholders. The ‘Guidance for the Environment Agencies’ Assessment of BPEO Studies at Nuclear Licensed Sites’ does not refer to the government’s ‘Code of Practice on Consultation’, but instead states that ‘Agency staff will not generally specify the precise approach to be followed by the operator, but will assess the way in which a BPEO study has been conducted, and the methodology that has been applied, for adequacy.’

Thus it is up to the operator, or contractor, to identify the most beneficial waste management option and the output of the consultation process will be used to inform their decision. Where Magnox South states in the Technical Paper that the optioneering review meeting will be to determine the best management option available, this determination is made by Magnox South, taking into account the stakeholders’ views and feedback during the meeting. This does not differ from the NDA’s understanding of the process, which states that the consultation process is an input to the decision making and that it will be used to inform Magnox South’s decision.

Over the charges that this consultation for FED is not defined within the site’s Life Time Plan, or in its Environmental Statement, which was submitted by Sizewell A under the Environmental Impact Assessment for Decommissioning (EIAD) Regulations 1999, it does not need to be specifically

mentioned. Consultation with stakeholders, regulators and qualified experts is fundamental to developing a project and so is the responsibility of the project manager, or in this particular case, the Waste Strategy Coordinator, who is developing the best way to progress this project. Once the BPEO is defined, a Project Manager will take over the project to develop the actual design and equipment required, including securing all the necessary safety case and permissions required to obtain consent from the regulators and the NDA.

Stakeholder engagement is Section 3 of the Environmental Statement and FED is covered in Section 6 under 'Operational Intermediate Level Wastes'. The information contained therein is based upon the baseline strategy, that is contained within the site's Life Time Plan, which is treating all the FED as ILW, and sorting and containerising it, before encapsulation. Should this option not be determined to be the BPEO, Regulation 13 of the EIAD Regulations requires that 'where there is a change or extension to a decommissioning project, which may have significant adverse effects on the environment, the licensee must apply to the Health and Safety Executive (HSE) for a determination as to whether an Environmental Impact Assessment (EIA) is required under the EIAD Regulations regime'. This will be carried out by the project manager as described above, and again, if the preferred stakeholder option is not granted approval by the HSE, if required, under the EIAD Regulations, the second best option will have to be progressed. This reiterates the point that although the optioneering review output will be used to decide the BPEO, the actual best waste management option is determined by Magnox South, dependant on regulatory approval and NDA requirements.

The majority of the other charges against the SZA FED Consultation become redundant when accepting that this is not a government consultation and therefore the government's 'Code of Practice on Consultation' is not applicable. However, small issues, such as the fact that Magnox South put together the briefing and technical information distributed to the stakeholders without the input of other concerned parties, and that Sizewell A short-listed the options to 4 without stakeholder involvement should be answered.

Firstly, Sizewell A has put together all the relevant information which it believes the stakeholders require in making an informed decision. Large and Associates have reviewed numerous other documents in relation to FED at both Sizewell A and other Magnox sites, and attempted to show shortfalls in the SZA information, in their report R3093-A1. Sizewell A's response to this report showed that many of Large and Associates recommendations had no bearing on the SZA FED Management options and were likely to confuse rather than clarify the issues.

Secondly, Large and Associates also reviewed the Technical Optioneering Report in which the options were initially short-listed for Magnox South and have not commented on any inadequacies in that document. By using previous experience and strategy work done, Sizewell A have streamlined the process of consultation, saving valuable stakeholder time and patience. Stakeholders were given all 23 options within the Briefing Paper and invited to re-introduce any of these options, should they feel they had been unfairly dismissed in the short-listing. Only Large and Associates, acting for the Shut down Sizewell Campaign, responded with the recommendation to re-introduce the 'Do Nothing' option, which SZA argued as being an unacceptable option to the regulators and so inappropriate to re-introduce.

Finally, in response to the charge about how the output of the consultation will be fed back to the stakeholders engaged, we would comment that this issue was documented in the first letter sent, when the stakeholders were first invited to participate, stating that a final meeting would be held, in due course, to 'review the outcome of the process', 'to ensure all stakeholder views had been addressed' and 'to make recommendations for FED management at Sizewell A Site'. Further clarification of how and when the output of the optioneering will be communicated, will be advised to the stakeholders on the day of the meeting.