



Rhuari Bennett

West Cumbria MRWS Partnership Programme Our ref: OTH/12/392/O/R

Manager

c/o 3KQ

Date: 20th July 2012

Dear Rhuari

Environment Agency responses to PSE3 and action associated with Partnership's follow up

As discussed at the meeting on 19th July 2012, this letter reports two pieces of email correspondence from the Environment Agency to the West Cumbria MRWS Partnership. The correspondence relates to the 3rd round of public and stakeholder engagement (PSE3) that the Partnership recently completed.

Item 1: On 15th June 2012 we provided the response below to an action placed on us at the 22nd May 2012 Partnership meeting.

Topic 5 - Geology + Siting: Ask Jeremy Dearlove, CoRWM, EA for a view on Smythe/Haszeldine/McDonald inputs: do they change their views already provided, and is there anything else that can be said to give 'positive' evidence of a prospect of suitable sites ultimately being found in West Cumbria?

EA response: In line with our role as the environmental regulator for any future geological disposal facility the Environment Agency is independent from decisions on site selection. Within Managing Radioactive Waste Safely the selection of sites for characterisation and development is a matter for Government. Our role is to review submissions from the developer that support any applications for an environmental permit to characterise, construct, operate or close any geological disposal facility. It is not appropriate for us to comment on the potential suitability, or otherwise, of regions or areas unless they are proposed as part of a permit application. We shall review any submissions for a permit against our regulatory requirements to determine whether or not we will grant that permit. If proposals do not meet our requirements then we will not grant an environmental permit. As previously discussed within the Partnership we remain committed to supporting local communities by providing information on our role, responsibility and matters of regulatory interest, if invited to do so.

Item 2: The Partnership had previously invited the Environment Agency to comment on the initial opinions in the document which it consulted on during PSE3, and in particular the section on Geology. We provided the following response on 22nd March 2012.

Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

As the Partnership is aware the Department for Energy and Climate Change is responsible for selecting a site or sites to be characterised and developed for geological disposal within the MRWS Site Selection process. The Environment Agency is independent from the MRWS Site Selection process. Therefore in developing our response to the Partnership's invitation we have been mindful of the need to maintain our independence. Below we provide some key points regarding our regulatory role, our involvement in the high-level geological screening and on our review of the Nuclear Decommissioning Authority Radioactive Waste Management Directorate's (RWMD's) recent generic safety case for geological disposal. We have previously made the Partnership aware of this information as part of our support to their work programme.

The Environment Agency is the environmental regulator for the nuclear industry in England and Wales. We are responsible for making sure that if a Geological Disposal Facility is built it will meet the required high standards for protecting people and the environment while it is being developed and operated, and after it is closed. In addition we are the statutory body responsible for the protection and management of groundwater resources in England and Wales. We work jointly with the Office for Nuclear Regulation on matters related to geological disposal and we provide advice and comment on matters within our respective regulatory remits to make sure that any future disposal facility meets the required high standards for environmental protection, safety, security, waste management and radioactive waste transportation.

The Environment Agency welcomed the opportunity to review and comment on the high level screening of areas beneath west Cumbria undertaken by the British Geological Survey (BGS) as Stage 2 of the MRWS Site Selection process for these areas. The screening exercise is a significant and novel piece of work, which we consider to be a significant step in the MRWS Site Selection process.

Whilst we don't have a statutory responsibility to regulate a developer's activities during this part of the MRWS Site Selection process, we reviewed the BGS's draft report to provide our regulatory views on radioactive waste disposal and groundwater protection. As part of our review, we provided additional information on use of groundwater resources in the study area and made suggestions on how to present the information to different audiences. We were pleased that the BGS found this additional information useful and that they incorporated most of our comments. In our view the West Cumbria MRWS Partnership can rely on this study as a preliminary screening report at this stage in the MRWS Site Selection process.

The developer of a geological disposal facility will need the Environment Agency to issue permits to initially allow a candidate site or sites to be characterised using boreholes, and if subsequently to then construct and operate any facility. The Environment Agency will only issue the necessary environmental permits if we are satisfied that the proposals meet our demanding requirements. The developer will also need to provide an environmental safety case in order to apply to close a site and only if we are satisfied then we would revoke the environmental permit.

In February 2011 RWMD published a suite of generic safety case reports for a future GDF. The safety cases are based on RWMD's understanding of the scientific and engineering principles supporting geological disposal. A specific site for a GDF has not yet been identified. The safety cases are based on assumptions regarding possible geological settings and facility designs, and are referred to as the 2010 generic Disposal System Safety Case (gDSSC).

We reviewed the gDSSC under the terms of our agreements with, and at the request of, RWMD. Our regulatory review brings together the views of transport safety and nuclear safety specialists from the Office for Nuclear Regulation and radioactive waste disposal specialists from the Environment Agency. Our review provides advice and comment to RWMD on matters within our respective regulatory remits; it does not form the basis of any regulatory decision.

We consider that the broad structure of the gDSSC is acceptable in terms of the general coverage of the documents and of the links shown between them, and that the documentation is of generally high quality. The gDSSC provides confidence, to a degree appropriate at this early stage in implementing geological disposal, that a safety case for a GDF in the UK could be made, providing a suitable site is available. Our position is, however, subject to some reservations that we present in our review.

If a Decision to Participate were taken by the Decision Making Bodies in west Cumbria or any other area, we would provide support, advice and comment on matters within our regulatory remit to local communities, through for example a Community Siting Partnership, if requested. In doing so we would be mindful of the need to maintain our independence from site selection.

I hope this provides a suitable audit trail for the purposes of the Partnership's reporting. Please let me know if you require anything further.

Yours sincerely

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