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## **The Windscale Report: a nuclear apologia**

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For the past year the British government has been congratulating itself in public about its handling of civil nuclear controversy in Britain. But it may have taken its bows too soon. Government representatives have pointed repeatedly with pride to the country's longest nuclear planning inquiry, the Windscale Inquiry, as a model of open examination of a sensitive nuclear proposal. They have noted the ugly confrontations which have occurred elsewhere in Europe, implying that the British way has been far preferable. Unfortunately for the British government's self-satisfaction, however, the official Report of the Windscale Inquiry, published in March 1978, bears little relationship to the proceedings of the inquiry. Instead the Report is a heavy-handed nuclear apologia, so clumsily one-sided as to provoke unease even among many Britons previously unmoved by the issue which gave rise to the Inquiry.

Windscale, on the coast of Cumbria in northwest England, is the largest nuclear installation in Britain, and one of the largest in the world. It was set up following World War II to produce plutonium for Britain's nuclear weapons program. It is now operated by British Nuclear Fuels Ltd (BNFL), a commercial fuel-cycle company wholly owned by the United Kingdom Atomic Energy Authority. Facilities currently in service at Windscale include capacious spent-fuel storage ponds, a reprocessing plant for metal fuel, storage tanks for liquid high-level radioactive waste, plutonium stores and a plutonium-fuel fabrication plant. The Windscale Head-End Plant for oxide fuel suffered a leak of radioactivity in September 1973, putting it out of operation indefinitely. Shortly thereafter, prompted by discussions with Japanese and other overseas customers, BNFL began to plan construction of new full-scale oxide fuel reprocessing plant at Windscale.

Friends of the Earth, the British wing of the international environmental organization of the same name, first expressed reservations about the BNFL plans in the spring of 1975. But public concern did not stir until an article in the *Daily Mirror* in October. In the months that followed, the issue burgeoned into a major national controversy. British planning law required only that the local Cumbria County Council approve the BNFL planning application; and in November 1976 the Council duly did so. However by that time the implications of the Windscale plan had aroused wide-ranging debate and opposition. After protracted hesitation the Secretary of State for the Environment, Peter Shore, announced that the Windscale proposal would be made the subject of a planning inquiry. The inquiry would be empowered to consider not only local but also national and international aspects of the proposal. The Inspector in charge of the Inquiry would report to the Secretary of State for the Environment, who with his Cabinet colleagues would then take responsibility for approval or rejection of the BNFL application.

In March 1977 Shore announced that the Inspector to chair the inquiry would be not merely a Department of the Environment official, as would be customary, but rather a judge of the British High Court, Mr Justice Roger Parker, and that he would be assisted by technical assessors - Sir Frederick Warner, a chemical engineer of international repute, and Sir Edward Pochin, a radiologist

of similar eminence. Friends of the Earth, the government of the Isle of Man, the Town and Country Planning Association, and a number of other groups and individuals at once filed formal objections.

The Windscale Inquiry opened in the Civic Hall, Whitehaven, Cumbria, a few miles north of Windscale, on June 14, 1977. It did not rise until early November, after hearing exactly 100 days of oral evidence and cross-examination from several dozen witnesses. All the sessions took place in the presence of the press and the public. The Inquiry transcript totaled over 4 million words, backed by some 1,500 documents. The cost of the Inquiry was well over £1 million. Objectors incurred legal and other costs amounting in some instances to £250,000 or more, which had to be raised by the objectors themselves.

When the inquiry ended the Inspector closeted himself to write his Report. According to the law under which the inquiry had been set up, the Secretary of State was to receive the Report, and thereafter announce his decision, with no requirement legally to publish the Report beforehand. However, the objectors, soon joined by Members of Parliament and the media, called for the Report to be published before any government decision was taken. By February 1978 over 200 members of Parliament had signed a motion calling for publication of the Report. On March 6, 1978, yielding to pressure which was becoming overwhelming, the Secretary of State published the Report, welcoming it in a House of Commons statement as "cogent" and "persuasive".

As leaks had foretold, the Report recommended that the Windscale oxide fuel reprocessing plant should be built immediately, as BNFL had asked. However, to free himself from constraints under planning law, and allow Parliamentary debate on the Report, the Secretary of State resorted to procedural sleight-of-hand. He rejected the BNFL application; he invited Parliament to debate the Report; and then, assuming that Parliament approved the Report, he undertook to make a "Special Development Order" to give the plant the go-ahead.

Needless to say British Nuclear Fuels greeted the Report with relief and delight, claiming that it vindicated their proposals completely. The first reaction of the objectors, however, was one of disbelief, followed swiftly - as the *New Scientist* magazine foretold in an editorial comment - by anger. The inspector accepted all 13 points advanced by BNFL in its case, and rejected all the points advanced by objectors, including not only those 17 points he listed in the Report but also a number of important points which he did not even see fit to mention.

British Nuclear Fuels had asserted that the proposed thermal oxide reprocessing plant - THORP - was necessary for the management of spent fuel from British and other nuclear plants; that it was desirable for "energy conservation," by recovering uranium and plutonium for re-use; that radioactive emissions within and outside the plant would pose no hazard; and that the servicing of foreign customers would not increase the risk of proliferation of nuclear weapons, but would rather help to persuade other countries not to reprocess their own fuel. The inspector agreed without qualification and with emphasis. In doing so he made no attempt even to describe the detailed evidence on either side, or to discuss the cases advanced by objectors, prompting the British scientific weekly *Nature* to call his effort "a black and white report."

It is unhappily impossible to do justice to the Report's futility in a brief commentary. Some examples must suffice.

## Principal Conclusions

The Inspector's first principal conclusion leading him to recommend immediate construction of THORP is that: *"Stocks of spent fuel from AGRs [advanced gas-cooled reactors] presently existing and under construction will, unless reprocessed, continue to build up and will have to be stored until finally disposed of in some manner."*

The Inspector here exhibits a fixation which prevails throughout the Report, that reprocessing by itself makes materials disappear. Nowhere does he acknowledge the obvious corollary: that if such fuel is reprocessed, stocks of low, medium and high-level radioactive wastes, solid and liquid, will "continue to build up," as will stocks of separated plutonium, and all "will have to be stored until finally disposed of in some manner." Friends of the Earth alone devoted literally over a week of cross-examination and testimony to discussing the various approaches to radioactive waste management, and thought they had demonstrated conclusively in evidence that reprocessing does not reduce waste management problems, and indeed seems likely to aggravate them. The Report gives no hint of the detailed argument FOE presented, nor any justification for discounting it.

The Inspector's fourth conclusion is similar: *"All the spent fuel stored will contain fission products and the long-lived actinides including plutonium. The inventory of plutonium will therefore continue to increase for so long as reprocessing is delayed."*

He blithely ignores lengthy passages of cross-examination which argued that reprocessing does not obliterate plutonium but on the contrary separates it into a more accessible form. He likewise ignores by implication his own ruling that British fast reactor policy could not be considered, in light of a forthcoming inquiry also promised by the government. All witnesses at the Inquiry agreed that British-separated plutonium would not be used in thermal reactors, but reserved for possible use in fast reactors. Accordingly; "the inventory of plutonium will continue to increase" whether spent fuel is reprocessed or not. Similar instances of obtuseness crop up on almost any page of the Report chosen at random.

The most dismaying aspect of the Report is its discussion of the weapons-implications of the THORP proposal. In a chapter devoted to a narrow legalistic critique of the Non-Proliferation Treaty and other international agreements the Inspector comes to the conclusion that *"to deny reprocessing facilities [to overseas customers] would be against the spirit - and as I think the letter - of our obligations under the main existing bulwark against proliferation"*.

The force of this conclusion is not only that Britain is legally obliged to reprocess for foreign customers, but that all the members of the Nuclear Suppliers Group are already in breach of the Non-Proliferation Treaty by virtue of their agreement not to supply "sensitive technologies" to non-weapons countries. Even British government officials have disowned this conclusion by the Inspector; and Sir James Fawcett, a leading British expert in international law, has called it incorrect and misleading. Certainly it seems on the face of it extraordinary to decide that compliance with a treaty whose primary objective is to limit the spread of nuclear weapons entails supplying weapons-material to almost all comers.

## Other Absurdities

It would be all too easy to continue a depressing recitation of other absurdities from the Report. Several objectors, among them the Town and Country Planning Association and Friends of the Earth, have already prepared their own thorough and accordingly lengthy critiques of the Report. They cite the Report's failure even to mention major witnesses and key proposals. The Report concludes that "*a refusal to accept foreign fuel would be in breach of the spirit if not the letter of the NPT.*" No mention is made of the suggestion from Friends of the Earth that Windscale might be designated as a spent fuel depository under international administration, to help to get all the world's plutonium under control and mitigate the proliferation problem.

The critiques give many examples of the Inspector's eagerness to accept the most tenuous BNFL arguments - for instance those about possible "technical fixes" to make returned plutonium less easy to divert to weapons - while simultaneously rejecting even the most substantial technical and economical data from objectors. The critiques point to the Inspector's persistent misrepresentation of witnesses, by selective quotation out of context. Many witnesses are thereby made to appear in the Report to be advancing arguments diametrically opposite to their actual presentation before the Inquiry. Even simple inaccuracies mar the Report. The Inspector does not appear to understand that radioactive decay, unlike reprocessing, actually does make radioactivity disappear.

The objectors were by no means the only ones unimpressed by the Report. The *New Scientist*, *Nature*, and the London *Observer* ran editorials questioning the Report's conclusions and counseling caution, and other newspapers and magazines including the *Times* and the *Economist* found the Report's discussion of the proliferation case unconvincing.

On March 22 the House of Commons held its first debate on the Report. On a division 186 members of Parliament voted their approval; but 56 voted against, a much larger opposition vote than there has ever been for any previous civil nuclear proposal. As this is written, the government is expected to lay the Special Development Order for the thermal oxide reprocessing plant shortly. But the Order itself will have to be debated. At this stage it seems unlikely that the Order will be defeated. But it may meet with a large and vocal Parliamentary opposition.

Objectors in the meanwhile are organizing what may be the largest Trafalgar Square rally about nuclear policy since the heyday of the Campaign for Nuclear Disarmament nearly 20 years ago. The aftermath of the Windscale Inquiry Report may well jolt the British government rudely out of its nuclear complacency.

*For additional information, see The Windscale Inquiry, Report by the Hon Mr Justice Parker, Vol. 1, report and annexes 3-5 (London: Her Majesty's Stationery Office, 1978); Vol. 2 costs eleven pounds and is effectively a stack of photocopied lists of documents - a gross indulgence on the part of HMSO which is not worth buying.*

*For a discussion of the key issues, published before the Parker Report, see Czech Conroy, What Choice Windscale? (Friends of the Earth). Also available is FOE's full critique of the Parker Report.*

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