

15 July 2005

Jean McSorley
Senior Adviser
Nuclear Campaign
Greenpeace UK
Canonbury Villas
London
N1 2PN

Our Reference - 479498

Dear Jean

Freedom of Information Act Request

We refer to your e-mail of 20 June 2005 in which you asked for information relating to the list of possible nuclear waste disposal sites, together with other material.

We will respond to each part of your request in turn and, for ease of reference, will start each part of our response with the text of your request. In making the following response Nirex reserves its position on the application of the Freedom of Information Act and the Environmental Information Regulations to this request.

1 Copies of all legal advice provided to Nirex concerning the disclosure, or non-disclosure of the lists of possible nuclear waste disposal sites

Nirex believes that all documents it holds which contain legal advice provided to it will be legally privileged.

Nirex has considered the public interest in relying upon legal professional privilege as against the public interest in disclosing information. Nirex believes these considerations would be the same whether the request is dealt with under either the Freedom of Information Act or the Environmental Information Regulations, given that legal privilege provides an exemption under the Freedom of Information Act, Section 42, as well as in the Environmental Information Regulations, Regulation 12 (5) (d). In either case, Nirex is of the opinion that the preservation of the ability to seek legal advice in the knowledge that the process of obtaining that advice and the advice given as a result is protected by confidentiality, is an overriding concern in the public interest in order to ensure the most careful and thorough consideration of Nirex's legal responsibilities.

These considerations lead Nirex to the conclusion that the legally privileged information that you have sought should not be disclosed in the public interest.

2 Details of contracts with consultants or organisations, including the names of consultants or organisations and amounts paid, for work on PR or communications work for Nirex since 2003 (including forthcoming consultancies)

From 1 April 2005 Nirex became subject to the EC/UK public procurement regime under which future contracts with a value over £153,000 will, in most cases, be opened to competitive tender. Details of the award of such contracts will be advertised in the Official

Journal of the EC. No such contract awards relevant to your request have been made in this period.

Nirex is constrained by Data Protection rules in respect of the disclosure of information which would amount to the release of personal data. Nirex do not propose to release any information relevant to your request that would be in breach of either section 40 of the Freedom of Information Act or Regulation 13 of the Environmental Information Regulations. In either case, Nirex are satisfied that the public interest in upholding the protection of personal information would outweigh the public interest in disclosing such information.

Outside of the above publicity requirements and limitations on disclosure the following information is available:

The following are the relevant details of the contracts placed by the Corporate Communications Department in the period mentioned, with financial details split by financial year, i.e. covering the period 1 April – 31 March.

Company	Objective	Contract value by financial year (£)	Financial year(s)
Promise	To provide professional consultancy regarding a possible change in company name	35,000 10,000	2004/05 2005/06
Kingsmead Communications Limited	To provide professional consultancy and support in the area of corporate communications	8,000 17,000	2004/05 2005/06
Good Relations	To provide professional consultancy and support in the area of media relations and corporate communications	108,000 111,000 110,000 46,000	2003/04 2004/05 2005/06 2006/07
Self-employed consultant	To provide strategic communications advice	10,000 5,000	2004/05 2005/06
Self-employed consultant	To help draft corporate communications material	5,500	2004/05
Fleishman Hillard (formerly GPC)	To provide corporate communications advice in relation to the Scottish Parliament	36,000 48,500 37,000 8,400	2003/04 2004/05 2005/06 2006/07
	To provide corporate communications advice in relation to the European Parliament	15,400 16,800 16,800 4,200	2003/04 2004/05 2005/06 2006/07
Connect	To provide corporate communications advice in relation to Westminster and the National Assembly for Wales	36,200 36,000	2003/04 2004/05
Bell Pottinger	To provide communications advice related to the Nirex pension fund	24,000	2004/05
International Future Forum – Praxis Ltd.	To provide corporate communications advice in relation to the Managing Radioactive Waste Safely (MRWS) consultation programme	32,000	2004/05

Company	Objective	Contract value by financial year (£)	Financial year(s)
ForthRoad Limited	To help facilitate external events	29,000	2003/04
Facilitating Change Limited	To help facilitate external events	14,800	2005/06
The Future Foundation	To help facilitate external events and to help draft corporate communications materials	31,500	2003/04
ERM	To undertake an assessment of stakeholder views of Nirex*	32,600	2003/04
MORI	To undertake a public opinion survey*	30,000	2004/05
Self-employed consultant	To undertake a survey of parliamentarians' views	11,200	2004/05
Womeri's Institute	To participate in a workshop to discuss radioactive waste management	5,000	2004/05

* work is due to be repeated in the 2005/06 financial year

- 3 A copy of all documents produced for Nirex, by consultants or in-house staff, on the European Competition Commission's investigation into the British Energy restructuring plan. Similarly, we request copies of any documents prepared for Nirex on the European Competition Commission's investigation into the state aid aspects of the Nuclear Decommissioning Authority**

Nirex were not involved in the European Competition Commission's investigation into the British Energy restructuring plan nor the investigations into state aid aspects of the Nuclear Decommissioning Authority. As a consequence, Nirex does not believe it has any information relevant to this request.

- 4 Documents detailing the changes in Government policy which led to the release of the Nirex lists of sites**

Whilst we have been able to respond to the rest of the requests in your letter, we are not yet in a position to do so in respect of this part of your request. The preparatory work on your request so far leads us to conclude that the further work remaining before we will be in a position to respond substantively will take us beyond 18 July 2005.

With that in mind we give notice now that, in view of the volume and complexity of the information requested, Nirex requires additional time to respond to this request. We may need the whole 40 days contemplated by Regulation 7 of the Environmental Information Regulations, but will in any event take no longer than is reasonably required to deal with your request fully.

We will therefore be writing to you again before 15 August 2005.

- 5 Names of those local authorities, which cover sites on the Nirex site lists contacted by Nirex prior to the release of the lists**

All local authorities in Great Britain were contacted prior to the release of the site names. That contact included briefing material that is contained on Nirex's website.

If you are in any way dissatisfied with our response to your request for information, you can contact Andrew Puddephatt, Chair of the Independent Transparency Review Panel. The primary role of the panel is to review complaints related to Nirex's code of practice on access to information. You can contact Andrew at the following address:

Andrew Puddephatt
The Chair
Nirex Independent Transparency Review Panel
PO Box 39037
London
E8 1WN

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Wild', with a large, stylized initial 'D'.

David Wild
Head of Corporate Communications

Direct Line: +44 (0) 1235 825452
Fax Number: +44 (0) 1235 825469
E-mail: david.wild@nirex.co.uk