Delivery of Public Accounts Committee and National Audit Office Recommendations related to the Magnox Inquiry

As you will be aware, the Department has accepted – through a Treasury Minute – recommendations that you have asked us and the Nuclear Decommissioning Authority to deliver either following the conclusion of the Magnox Inquiry or the publication of its recommendations. A list of these is attached at the annex to this letter.

In December 2018, five former members of the NDA began Judicial Review proceedings against the Magnox Inquiry. The Inquiry has provided an undertaking to the claimants that it will not submit its final report to the Secretary of State and the Cabinet Secretary until JR proceedings are concluded. A hearing of the case will take place on 4 June 2019.

As a result of this, there is some uncertainty as to the timing of the closure of the Inquiry. We would therefore like to propose that the PAC and NAO recommendations which make reference to the Magnox Inquiry’s final report and recommendations be addressed by the Department and NDA after the report is published rather than to the timelines set out in the PAC’s report, which were not informed by this development in the conduct of the Inquiry.

The one exception we propose will be recommendations relating to the Tailored Review of the Nuclear Decommissioning Authority (see attached annex). While it would be ideal to wait for the Magnox Inquiry to provide conclusions to incorporate into such a review, an examination of the form and function of the NDA and its subsidiaries is overdue. We propose therefore to begin the Tailored Review in Autumn 2019, in the hope that a final report has been delivered to us at this point, but progressing without its conclusions if necessary.
Please let me know if you have any concerns with this proposal – we will of course continue to update you on progress against all recommendations via Treasury Minute on a regular basis.

I am copying this letter to David Peattie, Chief Executive of the NDA, Sir Mark Sedwill, Cabinet Secretary and Sir Amyas Morse, Comptroller and Auditor General of the NAO.

Yours faithfully,

ALEX CHISHOLM
Permanent Secretary, Business, Energy & Industrial Strategy