

## MINUTES OF CORWM MEETING WITH REGULATORS, 2 JULY 2013, EDINBURGH

### Secretariat

Present: Laurence Williams (Chair), Francis Livens (Deputy Chair), Brian Clark, John Rennilson, Gregg Butler, Paul Davis, Helen Peters, Janet Wilson, Lynda Warren, Stephen Newson, Simon Harley, Rebecca Lunn, Laura Butchins (secretariat) and Alexis Tregenza (secretariat).

Regulators: Joyce Rutherford (Office for Nuclear Regulation, ONR), Dave Glazbrook (ONR), Andrew Whittall (Scottish Environmental Protection Agency, SEPA), Doug Ilett (Environment Agency, EA).

### ***Welcome and introductions***

1. The Chair welcomed the Regulators and all present introduced themselves.

### ***CoRWM's 2013-16 Work Programme***

2. The Chair thanked the regulators for their comments on the CoRWM's 2013-16 provisional Work Programme. Few comments had been received as the regulators had generally been content with the tasks that CoRWM had proposed. The Work Programme had been sent to Ministers for approval.

### ***Managing Radioactive Waste Safely (MRWS) Process***

3. CoRWM asked the Regulators to provide an overview of the work that they were taking forward in support of the MRWS programme.
4. The regulators had attended every Partnership meeting, a subset of the 1<sup>st</sup> round PSE events and all of the 2<sup>nd</sup> and 3<sup>rd</sup> round PSE events in Cumbria. In addition, the Environment Agency (EA) had met with the Cumbrian Association of Local Councils (CALC) to discuss their resources and staged regulation in the run up to the decision on whether to participate in the MRWS process in West Cumbria. EA said that once the West Cumbria Partnership went into abeyance prior to the decision point, a vacuum was created in which there was no structured process for discussion. They felt that it would have been preferable for public and stakeholder engagement to have continued throughout this period. EA also noted that the regulators had been given little or no notice of some events such as Shepway District Council soundings or the Cumbria MP Select Committee.
5. EA thought that regulators had made a good effort to explain their role and to be available for questions. In retrospect, they considered that they could have attended the Shepway District Council meetings when the discussion on whether to formally express an interest in the MRWS process went ahead. They also thought that it would have been useful to have hosted a workshop at the national level at which all interested parties could have found out about the regulator's role. This had been scheduled at that time but EA had been discouraged by the West Cumbrian Partnership on the basis that people who attended would be likely to be part of the Partnership and would already have been fully engaged.

6. EA had responded to DECC's recent call for evidence on the Managing Radioactive Waste Safely (MRWS) siting process. They were content to explain at a strategic level that they support Geological Disposal but noted that others such as CoRWM might also take a role in communicating that message, given CoRWM's original role in advising Government Policy in this area. CoRWM informed the regulators that they had recently published a paper which reiterated CoRWM's original recommendation that Geological Disposal was still the best option for the disposal of Higher Activity Waste.
7. The Office for Nuclear Regulation (ONR) felt that it had been difficult for them to comment proactively on the hosting of a GDF in West Cumbria as their role was to ensure safety, and the decision whether to proceed to Stage 4 of the MRWS process in West Cumbria had not been primarily about safety. But both regulators had supported Partnership events when invited and had responded to the Partnership to emphasise that in making regulatory decisions they would resist any pressure from government.
8. ONR also felt it was important that regulators remain independent of any area or siting process decision-making.
9. CoRWM expressed the view that the regulators had an important role to play throughout the process. At the early stages this would be to explain the regulatory framework to decision makers and the public and to reinforce the message that the regulators were independent of Government. Some CoRWM members had observed that safety had become an issue in the run up to decision in West Cumbria, rightly or wrongly, and this would have posed a dilemma for the regulators. A CoRWM member commented that people didn't seem to pick up on the fact that the role of regulators is to protect people and the issue of geological uncertainty took up a disproportionate amount of attention. Therefore, how geology would feature in the regulatory process should be explained in the context of the safety case.
10. It was agreed that there had been a general lack of trust in those in authority throughout the MRWS process in West Cumbria. CoRWM commented that they believed the public found the regulatory process to be complex and that emphasis should be placed on communicating the safety requirements. It was suggested that a possible way forward would be for regulators to produce a layman's guide to regulation. The regulators had produced a set of documentation which explained the regulatory process and the work they had done regarding Geological Disposal which had been taken to public meetings, and agreed to share this with CoRWM following the meeting.
11. CoRWM asked the regulators whether they would support a roadshow in which the GDF process could be fully explained to the public. Regulators agreed but noted that they would need to be invited by DECC to support such an activity, it would need to be done in a way which maintained their independence and that their support would be subject to resource requirements and availability.
12. It was also agreed that arrangements to licence a Geological Disposal Facility were still unclear but that this was something that ONR were currently taking forward with Government.
13. ONR's view was that it would be better to make any necessary changes to legislation sooner in the MRWS process. As the siting and construction of a GDF was not similar to any past,

completed project, there was the need to look at best practice in mining legislation, however expertise in mining was diminishing. Other Health and Safety Executive (HSE) regulations would also apply. There were a number of legislative instruments that could be drawn upon, for example from the mining industry to take this work forward.

14. RWMD had up to now made assumptions about the regulatory position regarding licensing, and a clear direction would be beneficial going forwards. ONR were sharing their findings with RWMD and agreed on these points.
15. EA informed CoRWM that legislation was already in place for them to regulate at an early stage i.e. when intrusive activities such as exploratory boreholes were required. CoRWM also asked if EA had considered the impact of the Groundwater Directive on permitting of a GDF. EA had produced some supplementary guidance to address this and would share it with CoRWM following the meeting.
16. The ONR and the EA were planning to respond to DECC's Consultation on the MRWS siting process in the autumn.

### ***Regulatory Progress in Scotland***

17. SEPA explained that the policy for disposal of High Activity Waste (HAW) in Scotland was management in near site, near surface facilities instead of deep geological disposal. SEPA reported that they were working closely with the Nuclear Decommissioning Authority (NDA), other regulators and the site licence companies to ensure that packages are produced and maintained in a condition that ultimately they can authorise for disposal, in accordance with the prevailing policy position. The priority was to maintain confidence in the future disposability of waste packages. Scottish Government's policy had a ten year review point embedded in it.
18. The feasibility of near site, near-surface disposal of decommissioned reactor graphite, classified as Intermediate Level Waste (ILW) had been explored at Hunterston A power station. The licensee had submitted an initial environmental safety case to SEPA which was based upon disposal of mixed operational wastes that included graphite. SEPA's review concluded the initial submission did meet regulatory requirements for near surface disposal, and the NDA subsequently concluded that there was not a compelling business case for a change from the baseline strategy of managing graphite alongside other wastes.
19. SEPA reported that there were no active submissions for near site, near surface disposal and SEPA stated that it appears that licensees would be awaiting completion of Scottish Government's HAW Implementation Strategy before considering their options. The Strategy was not prescriptive, and was being drafted to help licensees interpret the HAW policy. SEPA and ONR were both engaged in helping Scottish Government to develop the strategy on specific tasks; such as looking at how much waste could be disposed of in a shallow system, and the adequacy of regulation.
20. It was noted that, while facilities for the management of HAW in Scotland would require to be licensed by ONR, disposal sites for low level waste will not require such a licence. They will however require authorisation by SEPA under the Radioactive Substances Act 1993."

### ***Regulatory Progress in England and Wales***

21. The joint regulators guidance on HAW (Nov 2011), intended for operators, would be coming up for review in the following autumn/winter and EA would be inviting external comments soon.
22. EA had recently written to the NDA Strategy Director and asked how waste producers were proposing to use new waste containers types e.g. ductile cast iron containers were being accounted for by NDA in the designs of a geological disposal facility, particularly if take-up of the new containers was significant. EA were currently comfortable with the idea of selective use of the new types of container but noted that there were still some uncertainties regarding e.g. waste packaging efficiency. ONR had concerns that some of the new containers were being introduced but wider concerns were not being addressed. EA had recommended that NDA look at the wider impacts of containers and NDA have improved their change control process to better recognise and respond to innovative packaging proposals.
23. CoRWM asked regulators how much they were dictating the cost of containers. SEPA replied that the regulators do not drive the licensees' choice of specific containers. Historically, Nirex's waste package specifications were based mainly around stainless-steel containers, but recently, licensees had been exploring other options. Shielded stores and encapsulation plants also made a significant contribution to the overall cost of waste package production and storage.
24. EA and ONR were planning a series of joint inspections around their joint guidance on HAW. The first related to the Radioactive Waste Management Directorate's (RWMD, a directorate of the NDA) Letter of Compliance (LoC) process and how licensee's used this information provided by RWMD in their safety cases for HAW management. Preliminary inspection of RWMD showed that their LoC process is generally robust, with some areas for improvement. Further inspections of selected licensees will take place this financial year.
25. Restrictions on the limit of fissile material in individual waste packages had been an issue in the past due to concerns that the material might somehow accumulate in a disposal facility after closure. This was exacerbated by the uncertainties associated the fissile material in the wastes, necessitating overestimation, and consequently overly restricting the amounts of waste per package. Despite considerable work in understanding the issues, RWMD had not yet relaxed that restriction so regulators would be looking at this issue and in the coming year EA would be looking at how individual sites implement RWMD's guidance.
26. EA had recently been assessing the safety case for the Low Level Waste Repository (LLWR) near Drigg, for a forthcoming permit application to extend disposal capacity at the site.. Consideration was being given to the fact that there are existing disposals at the site. The baseline scenario assumes coastal erosion within "a few hundred to a few thousand years"..
27. EA were starting preliminary assessment of a proposal to dispose of Very Low Level Waste (VLLW) at the Lillyhall landfill site in Cumbria, although it was unclear at this stage whether it would be granted planning permission.
28. The NDA are considering credible options for plutonium disposition. All the options considered would require fuel fabrication, which would almost certainly have to be done at Sellafield, and

associated waste management. ONR had been asked by NDA for their view on the options as an input to NDA's work to assist DECC in forming policy.

29. NDA had been reconsidering the waste management strategy for reactor core graphite. NDA's view was that there was currently no case for changing the existing strategy and this was supported by ONR. This was partly due to the amount of graphite in the inventory which amounted to a lower footprint than had previously been estimated and the fact that alternative management approaches for graphite are not sufficiently developed.
30. The Radioactive Substances Policy Group (a group Chaired by DECC) had asked the NDA to look at the scope for enhanced cooperation between waste producers such as MoD or other licensees in the management of HAW.
31. The regulators were engaging in the development of NDA's HAW Strategy.
32. ONR reported good progress with the programme in which Sellafield PCM (Plutonium Contaminated Material) was being moved to more appropriate stores, and was expected to be completed by the end of this financial year 2013-14. PCM was also being moved from Drigg.
33. ONR are interacting with NDA on its developing national alpha management programme. ONR support further R&D on thermal treatment to increase regulatory confidence in this strategy.
34. Regulators had been assisting DECC with the EU Radioactive Waste and Spent Fuel Directive, in preparing the UK's response to the EU which sets out the implementation of the Directive.
35. ONR has a project for the coordinated regulation (safety, security, transport) for ILW consolidation at Sellafield. Movements of material to Sellafield commenced from Dounreay last year and from Harwell in April 2013. The ONR are ensuring that Sellafield has adequate handling facilities to receive the waste.
36. ONR and SEPA are interacting with Dounreay concerning its changed HAW strategy. Issues of regulatory interest include changes to containers, a possible new ILW store and reuse of the existing LLW store.
37. ONR has a regulatory interest in the proposal to move PCM and possible other HAW from AWE to Sellafield. This is yet to be fully addressed by the NDA Strategy Management System. ONR are keen to see the Sellafield feasibility study and would need assurance that the necessary increased throughput for the plutonium treatment plant could be achieved and sustained.
38. ONR reported that the strategy for legacy ponds and silos was continuing to develop with an emphasis on accelerating retrievals where practicable, This is raising regulatory issues about allowing short periods of increased risk to reduce the risk in the longer term.
39. CoRWM asked EA about support to Natural Resources Wales (NRW), the new environmental regulator for Wales with a responsibility for permitting radiation sources in Wales. EA reported that they were supporting NRW through secondments to the new organisation. They would also support a nuclear regulation service to NRW for the foreseeable future.

40. CoRWM thanked the regulators for attending the meeting and providing a very full update of their activities.