

**Regulatory Interface Management (RIM) Group Meeting**  
**5 June 2009 (Warrington)**  
**Minutes**

**Attendees:**

Nuclear Decommissioning Authority (NDA, Chair & Secretary)  
Environment Agency (EA)  
Health and Safety Executive (HSE)  
Local Government Association Nuclear Legacy Advisory Forum (NuLeAF)  
Scottish Environment Protection Agency (SEPA)

**Observer:**

Department of Energy and Climate Change (DECC)

**Apologies:**

Communities and Local Government (CLG)

**1. Introduction and opening remarks**

The Chair welcomed the attendees, and provided an update on events since the previous meeting:

- The NDA had not yet appointed a new chief executive. *[Post-meeting note: on 17 June 2009 the NDA announced the appointment of Tony Fountain as its new chief executive. Mr Fountain, who is to take up his new position in October, joins the NDA from BP where he was Chief Operating Officer (COO) of BP's Fuels Value Chains business.]*
- On 3 June 2009 the Swedish Nuclear Fuel and Waste Management Company (SKB) announced its decision to select Forsmark as the site for the final repository for Sweden's spent nuclear fuel. The site selection decision had been made between Forsmark in the municipality of Östhammar and Laxemar in the municipality of Oskarshamn. Spent nuclear fuel from Swedish nuclear power plants will be disposed of in the final repository at a depth of nearly 500 m in the crystalline bedrock.
- NDA's Radioactive Waste Management Directorate (NDA RWMD) was preparing to issue its disposability advice to Requesting Parties (RPs) on higher activity waste and spent fuel as part of the Generic Design Assessment (GDA) process for new nuclear power plants. The NDA was also assisting Government in the preparation of a National Policy Statement (NPS) for new nuclear power plants, providing information and assistance in relation to future arrangements for waste disposal, and a costing methodology. The intention was to publish a document alongside the NPS setting out the rationale for the waste disposal arrangements. DECC explained that the Government's Managing Radioactive Waste Safely (MRWS) programme was intended to consider potential waste from new nuclear power stations, and that had been the position set out in the recent MRWS and Nuclear Energy White Papers. NuLeAF suggested that CoRWM had been cautious about accommodating new and legacy wastes in the same disposal facility, and the NDA explained that the implications of any future waste from new nuclear power stations would need to be taken into account fully as part of the delivery organisation's design and

assessment work. DECC explained that the MRWS White Paper had set out that through agreed mechanisms for updating the Baseline Inventory, inclusion of new waste will be taken forward in discussion with host communities as the programme proceeds.

## **2. Minutes and actions from the previous meeting (30 January 2009)**

The draft minutes of the previous meeting (30 January 2009) were accepted as a true record, subject to the following changes:

- In section 4, the HSE and the EA suggested that the effect on NDA RWMD staff of a further transfer of employment to another organisation for those who had already transferred into the NDA from Nirex “would need careful attention”.
- In section 8, the term “waste in Scotland” should replace “Scottish waste”. DECC agreed to check the sentence commencing “DECC stressed the need to maintain flexibility ...”.
- In section 10, NuLeAF suggested the final sentence of the first paragraph should read “Another point that had been raised in the hearing was the suggestion that any area with nuclear facilities should have an appropriate policy for managing decommissioning wastes within its framework.” Also in section 10, the word “relating” needed to be inserted into the second paragraph after “chapter”.
- In section 12, DECC and SEPA agreed to provide text to replace the second paragraph.

**Action RIM2009/15: DECC to advise the RIM Group Secretary on the sentence in section 8 of the draft minutes for the 30 January 2009 meeting commencing “DECC stressed the need to maintain flexibility ...”.**

**Action RIM2009/16: DECC and SEPA to advise the RIM Group Secretary on text to replace the second paragraph of section 12 of the draft minutes for the 30 January 2009 meeting.**

**Action RIM2009/17: RIM Group Secretary to amend and publish the minutes of the 30 January 2009 meeting on the NDA website.**

### 30 January 2008

**RIM2008/1** NDA to provide when finalised a new organisational chart for geological disposal implementation - **complete (22 May 2009)**. DECC had also distributed a chart illustrating the structure of its Nuclear and Radioactive Waste Policy section.

### 14 November 2008

**ARIM2008/1** EA and HSE to consider establishing a joint regulators’ geological disposal website that would contain among other things regulatory advice provided to the delivery organisation - **closed**. The EA explained that it had drafted a web page that would link to other websites. NuLeAF asked whether this would also cover waste storage issues, but it was agreed that this was outside the scope of the proposed website.

30 January 2009

- RIM2009/1** RIM Group Secretary to amend and reissue the minutes of the additional ad hoc meeting to discuss NDA's Permissions Schedule, generic assessment & staged regulation (14 November 2008) - **complete (19 May 2009)**.
- RIM2009/2** RIM Group Secretary to discuss the possibilities for future engagement with the Planning Advisory Service - **complete**. The NDA explained that the Planning Advisory Service had suggested that the Advisory Team for Large Applications (ATLAS), part of Government's Homes & Communities Agency, may be able to provide advice on the NDA's planning permission and environmental assessment workstreams, and the NDA had made contact with ATLAS to explore possibilities. *[Post-meeting note: the Head of Nationally Significant Infrastructure within CLG's Planning Directorate has made contact with the NDA to explore the possibilities of whether CLG will be able to fill this role instead of ATLAS.]*
- RIM2009/3** RIM Group Secretary to amend and reissue the RIM Group Terms of Reference to reflect recent changes in membership - **complete (19 May 2009)**.
- RIM2009/4** RIM Group Secretary distribute to the RIM Group contact details in DECC for MRWS-related consultations to be added to its website - **complete (19 May 2009)**.
- RIM2009/5** NDA RWMD to share outputs of its planning work with the RIM Group - **complete**. NDA RWMD presented proposals for planning and preparing for implementation of geological disposal under agenda item 4 below.
- RIM2009/6** NDA RWMD to liaise with Studsvik on the practical organisational transition aspects of nuclear site licensing - **complete**. NDA RWMD explained that useful discussions with Studsvik on these matters had taken place.
- RIM2009/7** NDA RWMD to amend its proposals for organisational development to include a criterion relating to effective community engagement - **complete**. NDA RWMD provided an update of its 'prospective SLC' transition work under agenda item 5 below.
- RIM2009/8** NDA RWMD to distribute a diagram illustrating NDA RWMD's governance arrangements - **complete (19 May 2009)**. The EA suggested that the diagram would benefit from being simplified to avoid confusion.
- RIM2009/9** NDA to distribute the draft revised Permissions Schedule for RIM Group comment - **complete**. The Permissions Schedule was discussed under agenda item 6 below.
- RIM2009/10** NDA to provide DfT with a programme of potential scrutiny work - **ongoing**.
- RIM2009/11** NDA RWMD to seek comment from Government and the RIM Group on its final draft PSE Strategy - **complete (24 March 2009)**.

- RIM2009/12** RIM Group members to provide comments on NDA RWMD's final draft PSE Strategy - **complete**. Comments had been received from CLG, the EA, NuLeAF and SEPA.
- RIM2009/13** RIM Group members to suggest issues for future discussion to the RIM Group Secretary - **ongoing**. The Chair encouraged a more proactive approach to this.
- RIM2009/14** RIM Group Secretary to confirm finalised arrangements for the next meeting - **complete (15 April 2009)**. The Chair apologised for the need to change the date of the meeting which had caused inconvenience.

### **3. MRWS update**

DECC explained that the West Cumbria MRWS Partnership had been established successfully, although Cumbria County Council was not yet participating officially. DECC was reserving its position for the time being, and would become involved in the partnership if necessary, awaiting the outcome of discussions at local level. DECC was funding the work of the partnership, and was encouraging clarity in the arrangements. NuLeAF supported this, seeking clarity on the advisory role of the partnership in relation to the decision-making body. The credibility of the partnership without county-level participation was discussed. DECC mentioned that the MRWS White Paper does not require the agreement of both tiers of local government; however credibility was needed in terms of obtaining sufficient support within the community.

There had been no further expressions of interest, and DECC was intending to carry out further awareness raising, such as at the local government conference in Harrogate. DECC would not turn away future expressions of interest, as it was recognised that communities that had decided to participate may change their minds at a later stage in the process. NuLeAF suggested that more explicit discussions were needed around whether the process would be able to pause, to allow a late participant to enter. DECC agreed that the issue of trust was very important.

NuLeAF raised the possible implications of the NDA's newly-published Low-Level Waste Strategy consultation. The NDA suggested that the finalised version would take account of comment received in the consultation, and would be aimed at ensuring that inappropriate waste was not disposed of at the Low-Level Waste Repository near Drigg in Cumbria; more local solutions were being encouraged. DECC pointed out that the NDA's strategy consultation did not mean any change to Government policy; NuLeAF agreed that the proposed strategy in the finalised consultation paper was more acceptable as it was more in line with Government policy on early stakeholder engagement and options assessment.

#### **4. Planning and preparing for implementation of geological disposal**

The NDA presented its proposals on how it was planning and preparing for the implementation of geological disposal. NDA RWMD's current headcount was approximately 59, with 12 vacancies being progressed. NDA RWMD was addressing the established 'prospective SLC' criteria. NDA RWMD was also in the process of producing its annual business plan, and a business case to carry out the Preparatory Studies phase of its programme, i.e. up to the end of desk-based studies. The work was being integrated within the NDA's Strategic Objectives work programme. Geological disposal is Strategic Objective 13 (SO13). NDA RWMD would in future be providing a publicly-available document schedule, that was intended to assist in its engagement with the RIM Group and community siting partnerships, and to assist coordination with other nuclear-related consultations.

DECC made the group aware of its Office for Nuclear Development (OND) Engagement Group.

**Action RIM2009/18: NDA RWMD to provide RIM Group members with the opportunity to comment on its draft 'Planning for Implementation' document.**

**Action RIM2009/19 NDA RWMD to provide RIM Group members with its publications schedule.**

NuLeAF asked about the role of the British Geological Survey (BGS). The NDA explained that BGS' role was not directly linked to the NDA's work. It was important that the purpose of BGS' work was clear: BGS was to be commissioned by the Government together with the community siting partnership to provide the coarse 'unsuitability test'. BGS would use information already existing on its database.

NuLeAF reminded the group that district-level council elections were scheduled to be held in June 2010.

#### **4A. Scottish Government update**

SEPA explained that the Scottish Government was planning to host a workshop on 23 June 2009 to update stakeholders on its progress in developing a new policy for higher-activity wastes (HAW), supported by an SEA (strategic environmental assessment). More than one hundred invitations had been sent out, and SEPA was assisting the facilitation of the event. A formal consultation was planned for September 2009, although it had not yet been decided whether there would be a separate consultation on the SEA. The Scottish Government was proposing to adopt a risk-based approach. A technical subgroup on HAW Policy had been established to look at the extent to which waste had been characterised and segregated and could be disposed of in a near-surface facility within tens of metres from the surface, although SEPA was cautious on the possible benefits of segregation. For the residue considered to be currently unsuitable for disposal, the preferred option was long-term storage pending a final solution. It was under consideration whether there was a need for a separate Scottish Letter of Compliance (LoC) assessment process. The HSE raised the possibility of alternative solutions, such as matching waste streams with disposal solutions using the waste hierarchy.

5. **NDA RWMD's 'Prospective SLC' transition work update**

The NDA explained that agreement had been reached with regulators on the objective: NDA RWMD was intending to achieve 'Prospective SLC' status. Working-level discussions between NDA RWMD and regulators were ongoing particularly around the formalities of regulatory review, and NDA RWMD was making progress in developing its Safety & Environmental Management Prospectus (SEMP) and establishing its Nuclear Safety & Environment Committee (NSEC). NDA RWMD was in the process of setting out the competency requirements it would need, and had identified some current gaps. NDA RWMD's plan was to carry out an initial review and then an internal audit, followed by an external regulatory review in December as it would be useful to receive external opinion on the organisation's development. The EA stated that it would be exploring NDA RWMD's autonomy in terms of its IT system, its individual identity and the clarity of its role. The NDA explained how it would delegate authority such that NDA RWMD would be organised to provide clarity on the Design Authority role, and how the Letter of Compliance (LoC) assessment process would be managed through the transition. In response to a question from the EA, the NDA confirmed that NDA RWMD's managing director was a member of the Repository Development Management Board (RDMB).

**Action RIM2009/20: NDA RWMD to liaise with the HSE and the EA to set up the regulatory review.**

6. **Draft Permissions Schedule**

NDA RWMD presented its draft Permissions Schedule for geological disposal for comment. NuLeAF asked about the process of choosing sites from the broader areas that communities might volunteer, and it was agreed that this part of the process required further development. NuLeAF also suggested that the draft Permissions Schedule Supporting Document should make additional references to Community Siting Partnerships (CSPs) from Stage 4 onwards, to clarify that the role of the CSP was to provide advice to local decision-making bodies on behalf of local communities. The EA suggested that appropriate text from the MRWS White Paper could be included. NuLeAF was also interested to have an input to the generic work on land-use planning and environmental impact assessment. SEPA mentioned that it would provide a number of minor drafting amendments.

**Action RIM2009/21: SEPA to provide minor drafting amendments for NDA RWMD's Permissions Schedule.**

7. **Standing agenda item: interactions with CoRWM**

NDA

The NDA mentioned that its Chief Executive had met with CoRWM's Chairman. CoRWM's work programme had been issued; it was currently working on two broad strands: storage and disposal. CoRWM had issued its interim storage report, and was currently engaging on its geological disposal report. CoRWM was considering its definition of geological disposal. It wanted NDA RWMD to look at options and alternatives to geological disposal, and NDA RWMD intended to do the latter formally within its strategic environmental assessment (SEA). CoRWM's requests were still fairly demanding on NDA RWMD's time.

## EA

The EA had commented on CoRWM's interim R&D report suggesting that it needed more focus, and had concentrated too much on fundamental research. It had found the geological disposal report to be a useful document.

## HSE

The HSE had had no formal meetings with CoRWM, but had commented on several draft documents.

## SEPA

SEPA had met with CoRWM prior to its Edinburgh plenary meeting. SEPA felt that a large proportion of the plenary meeting had been spent on detailed comment and drafting.

## NuLeAF

NuLeAF had met with CoRWM at the end of April, when CoRWM had attended a NuLeAF steering group meeting, and had discussed the cut-off point between underground investigations and construction activities, and the work carried out by CSPs at that stage. Also discussed were the possible future use of Planning Act provisions; NuLeAF had recommended that CoRWM discussed this with local communities before arriving at conclusions.

## DECC

DECC had held its CoRWM sponsor meeting, at which CoRWM had confirmed that its meeting with the NDA had been very productive. It had been continuing to improve its working relationships, and had fed back that the relationship with the NDA was good. DECC had reviewed CoRWM's work programme for 2009/10 and had been supportive, and noted that CoRWM's annual report for the previous year was to be published soon.

## **8. Any other business**

The EA reported that the proposed West Cumbria MRWS Partnership had held a useful preparatory event, and EA intended to support future events.

NuLeAF noted that CLG had responsibilities for land-use planning issues in England, and suggested that appropriate CLG attendance representing this area of work at the RIM Group could be valuable.

**Action RIM2009/22: NDA RWMD to discuss with CLG possibilities for representation of its Planning Directorate at the RIM Group.**

The group discussed the NDA's requirement under the MRWS White Paper to undertake further research during the geological disposal facility development process. It had been proposed that a sub-group of the NDA Research Board would be established to do this.

## **9. Proposed date of next meeting**

The next meeting was provisionally agreed to be held on Friday 2 October 2009. *[Post-meeting note: The next meeting has now been re-arranged for Wednesday 24 March 2010.]*

**Action RIM2009/23: RIM Group Secretary to confirm finalised arrangements for the next meeting.**

## Summary of actions

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RIM2009/10	NDA	Provide DfT with a programme of potential scrutiny work
RIM2009/13	RIM Group members	Suggest issues for future discussion to the RIM Group Secretary
RIM2009/15	DECC	Advise the RIM Group Secretary on the sentence in section 8 of the draft minutes for the 30 January 2009 meeting commencing "DECC stressed the need to maintain flexibility ..."
RIM2009/16	DECC & SEPA	Advise the RIM Group Secretary on text to replace the second paragraph of section 12 of the draft minutes for the 30 January 2009 meeting
RIM2009/17	RIM Group Secretary	Amend and publish the minutes of the 30 January 2009 meeting on the NDA website
RIM2009/18	NDA RWMD	Provide RIM Group members with the opportunity to comment on its draft 'Planning for Implementation' document
RIM2009/19	NDA RWMD	Provide RIM Group members with its publications schedule
RIM2009/20	NDA RWMD	Liaise with the HSE and the EA to set up the regulatory audit
RIM2009/21	SEPA	Provide minor drafting amendments for NDA RWMD's Permissions Schedule
RIM2009/22	NDA RWMD	Discuss with CLG possibilities for representation of its Planning Directorate at the RIM Group
RIM2009/23	RIM Group Secretary	Confirm finalised arrangements for the next meeting

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