

**Regulatory Interface Management (RIM) Group Meeting**  
**24 March 2010 (Warrington)**  
**Minutes**

**Attendees:**

Nuclear Decommissioning Authority Radioactive Waste Management Directorate  
(NDA RWMD, 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)  
Department for Transport (DfT)

**1. Introduction and opening remarks including update on the Government's Managing Radioactive Waste Safely (MRWS) programme**

**NDA RWMD** outlined the outcome of the regulatory review carried out in November 2009 into its organisational development progress. NDA RWMD also explained that after an internal review and the receipt of feedback from stakeholders the publication of '*Geological Disposal: Steps towards implementation*' had now been delayed for the time being. **DECC** reported on the current high profile for radioactive waste issues, and that many comments had been received on the nuclear energy national policy statement (NPS) consultation. DECC mentioned proposals to expand the Geological Disposal Implementation Board (GDIB) and DECC's current focus on the process and timescale of geological disposal implementation. **HSE** reported that the Office for Nuclear Regulation (ONR) regulatory reform order had been delayed, and it was now expected that ONR would be established in April 2011, and would include the Radioactive Materials Transport Team (RMTT) currently located in DfT. In the meantime HSE was continuing with its transformation project, and was looking at its regulatory philosophy. NuLeAF asked whether opportunities would arise for wider stakeholder comment on the changes; HSE indicated that the intent was for greater openness and consultation had been occurring. **EA** mentioned that the 2010 Environmental Permitting Regulations had now been approved and would come into effect on 6 April 2010, introducing staged regulation of geological disposal. EA also explained that the Joint Regulatory Office for geological disposal (including HSE, DfT and EA) had been established as a 'virtual office'. The Joint Regulatory Office's programme board and project structures had been set up, and the office was to be 'fronted' by EA. **SEPA** explained that the Scottish Government's consultation on higher-activity radioactive wastes in Scotland was continuing, and confirmed that NDA RWMD's Letter of Compliance (LoC) process remained valid for waste packaging activities in Scotland, particularly for wastes that were potentially not suitable for near-surface disposal. SEPA had reminded nuclear operators of the need to follow the requirements of the 'Joint Guidance' on packaging of

higher-activity radioactive waste. NDA RWMD confirmed that it will continue to issue LoCs for wastes in Scotland as it does for wastes in the rest of the UK. SEPA indicated that if a future divergence in waste policy occurred then this would be reviewed, but it didn't anticipate this happening in the near future. HSE pointed out that part of the LoC relates to transport and storage of waste, and these aspects would remain valid regardless of any change in disposal policy.

## 2. Minutes and actions from the previous meeting (5 June 2009)

- RIM2009/10** NDA to provide DfT with a programme of potential scrutiny work – **complete** (29 July 2009).
- RIM2009/13** RIM Group members to suggest issues for future discussion to the RIM Group Secretary – **complete**. HSE had requested on 11 December 2009 an agenda item to discuss spent fuel storage and disposal, and this had been included. NuLeAF had requested on 23 March 2010 a standing agenda item on 'Interactions with the West Cumbria MRWS Partnership'. It was agreed that from this meeting forward the standing agenda item covering interactions with Government's Committee on Radioactive Waste Management (CoRWM) would be expanded to include this suggestion.
- 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 ..."  
– **complete** (8 March 2010).
- 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 of the 30 January 2009 meeting – **complete** (8 March 2010).
- RIM2009/17** RIM Group Secretary to amend and publish on the NDA website the minutes of the 30 January 2009 meeting – **complete** (10 March 2010).
- RIM2009/18** NDA RWMD to provide RIM Group members with the opportunity to comment on its draft 'Planning for Implementation' document – **complete** (7 July 2009).
- RIM2009/19** NDA RWMD to provide RIM Group members with its publications schedule – **ongoing**.
- RIM2009/20** NDA RWMD to liaise with HSE and EA to set up the regulatory audit – **complete**.
- RIM2009/21** SEPA to provide minor drafting amendments for NDA RWMD's Permissions Schedule – **ongoing**.
- RIM2009/22** NDA RWMD to discuss with CLG possibilities for representation of its Planning Directorate at the RIM Group – **complete**. CLG's Planning Directorate now wished to receive invitations to future RIM Group meetings in addition to colleagues from its Environmental Assessment department, but was unable to attend this meeting and sent apologies.
- RIM2009/23** RIM Group Secretary to confirm finalised arrangements for the next meeting – **complete** (1 March 2010).

**Action RIM2010/1: RIM Group members to provide comment on draft minutes of 5 June 2009 meeting to RIM Group Secretary by 7 April 2010.**

**Action RIM2010/2: RIM Group Secretary to amend and publish minutes of 5 June 2009 meeting on the NDA website.**

**3. RWMD organisational development**

NDA RWMD presented to the group a paper summarising the framework within which its regulatory interactions take place, and outlined its programme for addressing organisational development issues including those that had arisen within the November 2009 regulatory review. NDA RWMD thanked the regulators for the spirit in which they had undertaken the regulatory review, which it had found to be valuable and had reinforced many of the steps that NDA RWMD had already been planning to take. NDA RWMD indicated that it was intending to be ready to take the step to become a wholly-owned subsidiary of the NDA by March 2012.

HSE indicated that the paper was helpful, but sought clarification around (a) the precise role that the regulators were performing at each place in the framework, e.g. the provision of advice; and (b) the meaning of “voluntary regulatory scrutiny” as it applies to both regulators and NDA RWMD. NDA RWMD suggested that there was a significant difference between its requests for advice during the early development of draft documents, and submission of finalised documents for formal regulatory scrutiny. HSE requested that the paper be developed further to cover this; NDA RWMD agreed. Although not a member of the Joint Regulatory Office, SEPA requested for the revised paper to include its role in the paper, in particular in the diagram on page 2. It was noted that NDA RWMD and SEPA continue to work together under an agreement for the provision of advice made under section 37 of the Environment Act 1995, similar to that between NDA RWMD and EA.

**Action RIM2010/3: RIM Group members to provide further comment on NDA RWMD’s regulatory interactions paper to RIM Group Secretary.**

**Action RIM2010/4: NDA RWMD to revise its regulatory interactions paper and distribute to RIM Group members.**

EA suggested that a workshop on NDA RWMD’s organisational development compliance action plan would be welcomed, and requested whether NDA could publish from time to time the updated plan on its website. HSE asked about NDA RWMD’s progress in developing licence condition compliance arrangements, and it was agreed that this should be included within such a workshop.

**Action RIM2010/5: NDA RWMD to liaise with regulators to arrange an organisational development topic day within the regulatory scrutiny programme.**

**Action RIM2010/6: NDA RWMD to consider the periodic publication of its organisational development compliance action plan.**

**Action RIM2010/7: NDA RWMD to provide RIM Group members with its review of standardised licence condition applicability to geological disposal.**

4. **Spent fuel storage and disposal**

HSE asked NDA RWMD to outline its approach to storage and disposal of spent fuel. NDA RWMD explained that NDA was developing, as part of its overall strategy, separate strategies for new build fuel and legacy fuel. In its work with potential new build operators, the NDA was ensuring that its costs were covered by those operators. NDA's work in the spent fuel strategy area covered geological disposal facility (GDF) design optimisation, feasibility studies, different inventory assumptions around issues such as reprocessing, etc. NuLeAF raised the possibility that a regional approach to spent fuel stores could be considered.

5. **MRWS site selection stage 4**

NDA RWMD explained that it had been asked by Government to develop outline plans for MRWS site selection stage 4, and presented its initial proposals.

**Action RIM2010/8: NDA RWMD to provide RIM Group members with more detailed plans for MRWS site selection stage 4 for comment.**

**Action RIM2010/9: RIM Group members to advise RIM Group Secretary whether an additional meeting on the process for MRWS site selection stage 4 would be helpful.**

EA questioned whether a separate process led by local communities would also occur alongside the Government's process; but NuLeAF suggested that a single process with all interested parties proceeding together in partnership would be better. HSE suggested that it was possible that its siting criteria could rule out certain parts of potential candidate areas.

**Action RIM2010/10: HSE and NDA RWMD to discuss HSE's siting criteria and their role in the siting process.**

6. **Standing agenda item: Interactions with CoRWM and the West Cumbria MRWS Partnership**

NuLeAF

NuLeAF explained that the Partnership had reached an important stage, having just completed its first phase of public and stakeholder engagement, which had revealed that there remained a need to overcome cynicism. The Partnership had discussed the right of withdrawal, its relationship with decision-making bodies, and the decision on when to proceed with BGS screening. The Partnership was also considering how the process would receive sufficient critical input, including from an environmental non-governmental organisation (NGO) perspective.

NDA

The Chief Executive of the NDA had met with the Chairman of CoRWM earlier in March 2010, and had agreed that it was important not to make decisions prior to site selection that could foreclose decisions on different geologies. The NDA had provided evidence to the House of Lords committee on the work of CoRWM emphasising the importance of CoRWM's role and the value of its advice, but also critical of certain items of published material containing errors and unsupported statements. The NDA's consultation on its second strategy was intended to take place in the second half of 2010, and would be provided to the Secretary of State early in 2011.

DECC

DECC mentioned that its Secretary of State had also met with CoRWM recently, and the House of Lords committee report had now been published.

7. **Any other business**

Nuclear Waste Advisory Associates (NWAA)

EA had met recently with NWAA who had indicated that some NGOs felt that inadequate information existed on how technical issues relating to geological disposal were being dealt with. NWAA had produced a register of issues relating to geological disposal, and HSE suggested that the issues register maintained as part of the UK regulators' generic design assessment (GDA) for potential nuclear new build may be of interest to members of the RIM Group.

**Action RIM2010/11: HSE to provide RIM Group members with information on the GDA issues register.**

NDA's Generic Disposal System Safety Case (DSSC)

NDA explained that it was aiming to have a good draft of its Generic DSSC by the end of March 2010 which would undergo external review for a period of 6 months to allow regulatory scrutiny in Autumn 2010.

8. **Proposed date of next meeting**

*[Post-meeting note: the next meeting has been arranged for Friday 13 August at the NDA's office in Warrington.]*

## Summary of actions

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RIM2009/19	NDA RWMD	Provide RIM Group members with its publications schedule
RIM2009/21	SEPA	Provide minor drafting amendments for NDA RWMD's Permissions Schedule
RIM2010/1	RIM Group members	Provide comment on draft minutes of 5 June 2009 meeting to RIM Group Secretary by 7 April 2010
RIM2010/2	RIM Group Secretary	Amend and publish minutes of 5 June 2009 meeting on the NDA website
RIM2010/3	RIM Group members	Provide further comment on NDA RWMD's regulatory interactions paper to RIM Group Secretary
RIM2010/4	NDA RWMD	Revise its regulatory interactions paper and distribute to RIM Group members
RIM2010/5	NDA RWMD	Liaise with regulators to arrange an organisational development topic day within the regulatory scrutiny programme
RIM2010/6	NDA RWMD	Consider the periodic publication of its organisational development compliance action plan
RIM2010/7	NDA RWMD	Provide RIM Group members with its review of standardised licence condition applicability to geological disposal
RIM2010/8	NDA RWMD	Provide RIM Group members with more detailed plans for MRWS site selection stage 4 for comment
RIM2010/9	RIM Group members	Advise RIM Group Secretary whether an additional meeting on the process for MRWS site selection stage 4 would be helpful
RIM2010/10	HSE and NDA RWMD	Discuss HSE's siting criteria and their role in the siting process
RIM2010/11	HSE	Provide RIM Group members with information on the GDA issues register

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