

Regulatory Interface Management (RIM) Group Meeting
13 August 2010 (Warrington)
Minutes

Attendees:

Nuclear Decommissioning Authority Radioactive Waste Management Directorate
(NDA RWMD, Chair & Secretary)
Department for Transport (DfT)
Environment Agency (EA)
Health and Safety Executive (HSE)
Local Government Association Nuclear Legacy Advisory Forum (NuLeAF)
Scottish Environment Protection Agency (SEPA) (by teleconference)

Observer:

Department of Energy and Climate Change (DECC)

Apologies:

Communities and Local Government (CLG)

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

NDA RWMD reported that Bruce McKirdy had been appointed as its Managing Director in June 2010. Also in June, the NDA had begun a formal consultation process with its staff regarding the potential impact on jobs from a proposed new structure emerging from an organisational effectiveness review that had been underway since January 2010.

DECC reported that disposal of higher-activity radioactive waste remained a key priority of its new ministerial team, and that DECC was seeking to improve the governance and oversight of the MRWS programme from within DECC. It was intended to transform the existing Geological Disposal Implementation Board (GDIB) into a ministerially-chaired forum, and to reinvigorate DECC's project management arrangements through the establishment of a Geological Disposal Steering Group. In response to a request from the West Cumbria MRWS Partnership ("the Partnership"), DECC had commissioned the British Geological Survey (BGS) to report on the application of sub-surface screening criteria to Copeland and Allerdale, the communities that had expressed an interest, to eliminate any areas that were obviously unsuitable. A draft of the BGS report had been circulated for review.

2. **Minutes and actions from the previous meeting (24 March 2010)**

The draft minutes of the previous meeting (24 March 2010) were accepted as a true record and approved for publication on the NDA website.

Action RIM2010/12: RIM Group Secretary to finalise and publish the minutes of the 24 March 2010 meeting on the NDA's website.

- RIM2009/19** NDA RWMD to provide RIM Group members with its publications schedule – **complete**.
- RIM2009/21** SEPA to provide minor drafting amendments for NDA RWMD's Permissions Schedule by 10 September 2010 – **ongoing**.
- RIM2010/1** RIM Group members to provide comment on draft minutes of 5 June 2009 meeting to RIM Group Secretary by 7 April 2010 – **complete**.
- RIM2010/2** RIM Group Secretary to amend and publish minutes of 5 June 2009 on the NDA website – **complete**.
- RIM2010/3** RIM Group members to provide further comment on NDA RWMD's regulatory interactions paper to RIM Group Secretary – **complete**.
- RIM2010/4** NDA RWMD to revise its regulatory interactions paper and distribute to RIM Group members – **complete**.
- RIM2010/5** NDA RWMD to liaise with regulators to arrange an organisational development topic day within the regulatory scrutiny programme – **ongoing**.
- RIM2010/6** NDA RWMD to consider the periodic publication of its organisational development compliance action plan – **complete** (NDA RWMD confirmed that it intended to provide a monthly progress report on the compliance action plan to regulators).
- RIM2010/7** NDA RWMD to provide RIM Group members with its review of standardised licence condition applicability to geological disposal – **complete** (NDA RWMD confirmed that it intended to undertake further engagement on this with regulators).
- RIM2010/8** NDA RWMD to provide RIM Group members with more detailed plans for MRWS site selection stage 4 for comment – **complete**.
- 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 – **complete**.
- RIM2010/10** HSE and NDA RWMD to discuss HSE's siting criteria and their role in the siting process – **ongoing**.
- RIM2010/11** HSE to provide RIM Group members with information on the GDA issues register – **complete** (HSE outlined the information on this subject available on its website, and suggested that a similar approach for issues relating to geological disposal may be useful).

3. RWMD Project Directorate update

NDA RWMD reported that the launch of its '*Geological Disposal: Steps towards implementation*' report had generated positive feedback and media interest, and it was considering a similar launch for its Generic Disposal System Safety Case (DSSC) in early 2011, and to engage on this with the Partnership beforehand.

NDA RWMD was planning to carry out an organisational effectiveness review, and within this would be considering the fulfilment of the Letter of Compliance (LoC) process and whether it would be helpful to strengthen NDA RWMD's capability to support regulatory inspections of waste management facilities. HSE said it expected NDA RWMD to take steps to satisfy itself that waste packages will be acceptable for disposal, and that this was separate from regulators' role to assess legal compliance of the activities of SLCs or of NDA. EA agreed that clarity of roles was important, and asked whether any problems could be tackled through NDA's contract with its site licence companies (SLCs). NDA RWMD explained that while this gave a route to influence the NDA estate, many packages were being prepared by operators other than NDA's SLCs, and that the NDA contract may not be an effective single mechanism for monitoring package condition over time. DfT underlined the need for a collective approach to the responsibility to ensure that packages were, and remained, disposable. The meeting agreed that, in line with the Improved Regulatory Arrangements established in 2003 and the regulators' recently re-issued 'joint guidance' on the management of higher activity radioactive waste on nuclear licensed sites, the LoC forms part of the operator's radioactive waste management case (RWMC) which itself is part of the operator's overall safety case. Operators are therefore under a legal duty to maintain packages according to LoC conditions in addition to any contractual requirements, and the group agreed to consider this issue further, noting that there were potential legal issues around conducting inspections jointly with dutyholders.

Action RIM2010/13: HSE to consider the legal implications of joint inspections with NDA RWMD.

Action RIM2010/14: RIM Group members to consider whether additional measures are necessary to ensure package disposability.

NDA RWMD reported that it was planning to be ready to create a wholly-owned subsidiary of NDA as the delivery organisation for geological disposal by March 2012. It was investigating what form of organisation would be needed, how it could be staffed, and its governance arrangements. Options had been identified and were planned to be assessed against success criteria such as compliance with regulatory requirements. HSE mentioned that it had developed a set of expectations and factors to consider for these types of decisions in relation to potential new nuclear power station operators. It was clarified that any future wholly-owned subsidiary would not enjoy Crown immunity, and would be subject to the requirement to obtain the necessary permissions, and to enforcement action where necessary.

Action RIM2010/15: NDA RWMD and regulators to engage further on regulatory expectations for any future NDA wholly-owned subsidiary.

NDA RWMD reported that it was assisting DECC in the development of a national framework within which it was anticipated that communities would be able to identify potential candidate sites. NDA RWMD was also intending to prepare a consultation document. NuLeAF had found the meeting arranged in response to action RIM2010/9 to be very helpful, and suggested that the framework needs to be clear and flexible. The Partnership was considering and identifying principles for community involvement. NuLeAF was producing a companion paper to the NDA's developing framework to advise the Partnership and, for consistency, it had been agreed that the drafting work would be carried out in parallel with NDA RWMD's work. This approach was supported by DECC.

NDA RWMD confirmed that it was carrying out work for the Nuclear Industry Association (NIA) looking at the feasibility of different options for the management of waste from potential new nuclear power stations. In general, it had been found that there were no new issues in terms of disposability, but spent fuels with higher utilisation ('burn-up') levels require a longer cooling period. Options have been considered for reducing the cooling period, such as blending legacy and new spent fuel. EA mentioned that it was intending to publish its report 'Understanding the Controls on HLW/SF Repository Performance' in September 2010.

4. Update on RWMD's Permissions Schedule, Generic Disposal System Safety Case (DSSC) and regulatory scrutiny

NDA RWMD reported that work was underway on revising its Permissions Schedule to reflect recent developments in legislation, regulatory guidance, and progress in the MRWS process, and to provide additional detail in areas that had previously been less well-developed. NDA RWMD thanked RIM Group members for the comments provided on the earlier drafts which were now being addressed, and noted that recent engagement with regulators had resolved certain inconsistencies in terminology and sequencing of permissioning and MRWS activities.

NDA RWMD reported that all main documents within its DSSC suite were expected to be ready for publication by the end of September 2010, other than two documents (the Operational Environmental Safety Assessment and the Geosphere Status Report) which had required additional work in response to review comments. These two documents were now expected by the end of October 2010. The leading external peer reviewer of the documents had become insolvent during the process, but the work had been successfully transferred to another contractor and completed. Publication and launch of all the documents were expected in early 2011. The DSSC project is planned to continue after publication; LoC toolkits and methodologies are intended to be updated, and R&D work is planned to continue leading up to the re-publication of status reports in 2014.

NDA RWMD reported that the joint regulatory scrutiny programme for 2010/11 had been agreed and was in place, and had been split into eight task areas which covered all NDA RWMD projects. The scrutiny programme involves NDA RWMD documentation being submitted to regulators for advice and scrutiny; and the arrangement of 'topic days' to provide information and allow closer interaction. Recent highlights included:

- a topic day on NDA RWMD's planning activities had been held jointly with the Committee on Radioactive Waste Management (CoRWM) (under Task 1);
- NDA RWMD had provided regulators with early draft DSSC documentation and received initial regulatory views, and follow-up meetings had been held and were planned to discuss those views further before the documents were finalised (under Task 3);
- the meeting arranged in response to action RIM2010/9 on MRWS site selection stage 4 had been held between NDA RWMD, EA, NuLeAF, CoRWM and DECC (under Task 6); and
- a topic day had been planned on development of the LoC process and updating the waste package specification (under Task 7).

5. Infrastructure planning developments

CLG had provided RIM Group members with a recent ministerial statement on planning reform, outlining the abolition of the Infrastructure Planning Commission, the future for national policy statements and transitional arrangements. DECC confirmed that no firm decision had been made on whether a geological disposal facility would require development consent under the new planning system.

Action RIM2010/16: RIM Group Secretary to include a further item on infrastructure planning developments on the agenda for the next meeting.

5A. Any other business: Scottish Government higher-activity waste consultation

SEPA updated the meeting on recent developments relating to the consultation.

Action RIM2010/17: SEPA to provide RIM Group members with a short note on recent developments relating to the Scottish Government higher-activity waste consultation.

6. **Interactions with non-Governmental organisations (NGOs)**

EA reported on a recent exchange of correspondence with Nuclear Waste Advisory Associates (NWAA).

Action RIM2010/18: EA to provide RIM Group members with a copy of its correspondence with NWAA.

EA was intending to expand its Issue Resolution Form (IRF) process to become a joint process with other regulators, and to make it more visible to NGOs and other stakeholders, in a similar way to that which was being used in the generic design approval (GDA) process for potential new nuclear power stations. HSE mentioned that the GDA process categorised any issues raised into:

(i) important regulatory issues requiring rapid resolution; (ii) regulatory observations that could be addressed at a later stage in the process; and (iii) technical queries for clarification. EA stated that it was essential that regulatory independence was not compromised on how issues such as these were handled. NDA RWMD was intending to meet with NWAA to ensure a good shared understanding of the issues, and would then be intending to provide a comprehensive response to NWAA. This response would be published, but NDA RWMD intended to publish its Generic DSSC first as this documentation would provide the basis for much of the response. It was noted that NDA RWMD was intending to present its Generic DSSC to the March 2011 meeting of the Partnership, and it was possible that its response to NWAA could also be covered at that time.

7. **Regulatory developments related to “bulk quantities” of radioactive material**

HSE explained that the Government had set out its position in the MRWS White Paper that a geological disposal facility will require a nuclear site licence under the Nuclear Installations Act 1965. HSE had initiated the process that would have led to consultation on prescribing disposal, but DECC were now leading on this as it needed to be aligned with separate changes required to implement the 2004 protocol to the Paris Convention on Third-Party Liability. Separately, HSE was intending to issue an interim statement on its interpretation of the meaning of ‘bulk quantities’ for storage (which is already prescribed), and was planning to consult on this in Autumn 2010.

DECC mentioned that there is a mechanism within the Paris Convention to allow exemptions for installations from the Convention requirements, but for those installations that are not exempted there is no threshold below which the Convention requirements would not apply. DECC’s view is that the licensing of any geological disposal facility will not be required soon, but it is sensible to proceed early with the prescribing of disposal, as there are other facilities for which this clarity will be needed.

8. Standing agenda item: interactions with CoRWM and the Partnership

NDA RWMD reported that NDA had engaged with CoRWM on its programme of work to revise NDA's strategy. NDA had also engaged with CoRWM on the production of CoRWM's annual report for 2009/10. NDA and NDA RWMD have been supporting Government on its response to CoRWM's report on its scrutiny of the current provision and future R&D needs for interim storage and geological disposal of higher-activity waste. CoRWM visited Sellafield on 14 July 2010; the visit included presentations from NDA.

Future meetings between CoRWM and NDA had been proposed to discuss:

- NDA work on higher-activity waste, reactor decommissioning waste and transport logistics topic strategies;
- NDA work on spent fuels, plutonium and uranium topic strategies;
- NDA RWMD's R&D plans and programme; and
- the geological disposal supply chain.

Action RIM2010/19: NDA RWMD to provide RIM Group members with its note summarising its recent interactions with CoRWM.

9. Any other business: mitigation plans for damaged packages

NDA RWMD mentioned that proposals were being developed for an over-pack to accommodate non-conforming 3 m³ boxes from the Hunterston A site, indicating that the need for such an over-pack had been identified as a requirement in the safety case for the operation of the site. NDA RWMD sought to clarify the potential regulatory requirement for mitigation plans for damaged packages.

Action RIM2010/20: NDA RWMD to provide HSE with further information on over-pack proposals.

Action RIM2010/21: HSE to respond to NDA RWMD on the regulatory requirement for mitigation plans for damaged packages.

10. Proposed date of next meeting

The next meeting is provisionally booked for Thursday 2 December 2010. NuLeAF suggested that Kendal may be an appropriate location for the meeting.

Summary of actions

RIM2009/21	SEPA	Provide minor drafting amendments for NDA RWMD's Permissions Schedule by 10 September 2010
RIM2010/5	NDA RWMD	Liaise with regulators to arrange an organisational development topic day within the regulatory scrutiny programme
RIM2010/10	HSE and NDA RWMD	Discuss HSE's siting criteria and their role in the siting process
RIM2010/12	RIM Group Secretary	Finalise and publish the minutes of the 24 March 2010 meeting on the NDA's website
RIM2010/13	HSE	Consider the legal implications of joint inspections with NDA RWMD
RIM2010/14	RIM Group members	Consider whether additional measures are necessary to ensure package disposability
RIM2010/15	NDA RWMD and regulators	Engage further on regulatory expectations for any future NDA wholly-owned subsidiary
RIM2010/16	RIM Group Secretary	Include a further item on infrastructure planning developments on the agenda for the next meeting
RIM2010/17	SEPA	Provide RIM Group members with a short note on recent developments relating to the Scottish Government higher-activity waste consultation
RIM2010/18	EA	Provide RIM Group members with a copy of its correspondence with NWAA
RIM2010/19	NDA RWMD	Provide RIM Group members with its note summarising its recent interactions with CoRWM
RIM2010/20	NDA RWMD	Provide HSE with further information on over-pack proposals
RIM2010/21	HSE	Respond to NDA RWMD on the regulatory requirement for mitigation plans for damaged packages
