

Issues database and summary note: The Regulatory Issues Resolution Process (RIRP) for regulatory review of RWMD's work relating to implementing geological disposal

The Environment Agency (EA) and the Office for Nuclear Regulation (ONR) are operating a joint Regulatory Issues Resolution Process (RIRP) when they assess the Nuclear Decommissioning Authority's Radioactive Waste Management Directorate's (RWMD) submissions supporting implementation of geological disposal. At present, prior to any formal application for a permit or licence to develop or operate a geological disposal facility (GDF), the Regulators role is to provide oversight of RWMD, on matters within our regulatory remits to ensure they understand our regulatory requirements, without compromising our independence or ability to make regulatory decisions in the future. We provide this oversight through an ongoing programme of work to assess RWMD's geological disposal programme (the Technical and Organisational [T&O] scrutiny programme).

At this stage, we are not making regulatory decisions. Through the T&O scrutiny programme we provide advice and comment relevant to RWMD's work, and we monitor progress in addressing our findings. We summarise matters that we have made RWMD aware of, and how they have addressed them, in our annual reviews of the T&O scrutiny programme. Our T&O scrutiny programme aims to ensure that such matters are addressed adequately by RWMD, and within appropriate timescales.

The RIRP complements this dialogue with RWMD through the T&O scrutiny programme. We operate our RIRP where we find something that has the potential to affect our ability to make regulatory decisions in the future, and we record and track it via the RIRP. The RIRP captures those issues that may impact on future regulatory decisions, that cannot be easily resolved through our routine dialogue with RWMD. The RIRP does not capture all matters that we identify as a result of our scrutiny work, which are progressed through the T&O scrutiny programme.

The RIRP process

Before we issue a permit or licence we will need to be satisfied that regulatory issues relevant to our permitting or licensing at that stage have been adequately addressed. The RIRP is designed to ensure RWMD addresses regulatory issues in a timely manner.

The RIRP provides a means of:

- documenting regulatory issues and the basis of them, and communicating them in a simple clear way.
- defining the Regulators' expectations of what RWMD needs to do to resolve them, by when.
- monitoring progress and providing an audit trail towards resolution. This is important because the GDF programme, and some associated regulatory issues, will continue over a period of decades.

To help prioritise our regulatory issues, we categorise them as a Regulatory Query (RQ), Regulatory Observation (RO), or Regulatory Issue (RI). Figure 1 shows how we make this distinction.

An RQ is a regulatory finding that can be resolved in the current context but that if not resolved would not significantly delay the GDF programme. We will encourage RWMD to address RQs in a timely manner to improve its future submissions. We may convert the RQ to a Regulatory Observation or Regulatory Issue when it becomes clear that it needs to be addressed to progress the GDF programme (e.g. in the current context and stage of GDF implementation), or to enable us to make regulatory decisions.

An RO is a regulatory finding that cannot (or is inappropriate to) be resolved in the current context, because it requires further investigation or information to resolve it that can only be obtained or achieved at a later stage in the GDF programme (for example, in a site-specific context). However, this might not preclude RWMD starting work to progress its resolution. We shall convert the RO to a Regulatory Issue if it becomes clear that it needs to be addressed in the current context in order for us to make regulatory decisions.

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We raise an RI if we find RWMD has not demonstrated that a regulatory requirement has been met, or if we identify a regulatory issue that, if not resolved, would significantly delay the GDF programme or our ability to make a regulatory decision.

We use standard forms to describe the regulatory issue; to outline why we consider it needs to be resolved; to define actions RWMD needs to take to resolve it; and to define the timescales for addressing the regulatory issues and actions required to resolve them. We expect RWMD to provide responses using the forms, attaching any other documents or explanatory material required. We will consider RWMD's responses and evaluate the adequacy of its actions in addressing the issue within the specific context and circumstances.

RQs, ROs and RIs remain open until withdrawn, superseded by a RO or RI, or resolved and confirmed closed by the Regulators. We regularly review progress towards resolving regulatory issues with RWMD.

We log the titles of these forms on our Regulatory Issues Database (RIDB), which is available via the joint regulators' web pages on the Environment Agency web site. We will make full copies of regulatory issues available on request (subject to any security considerations).

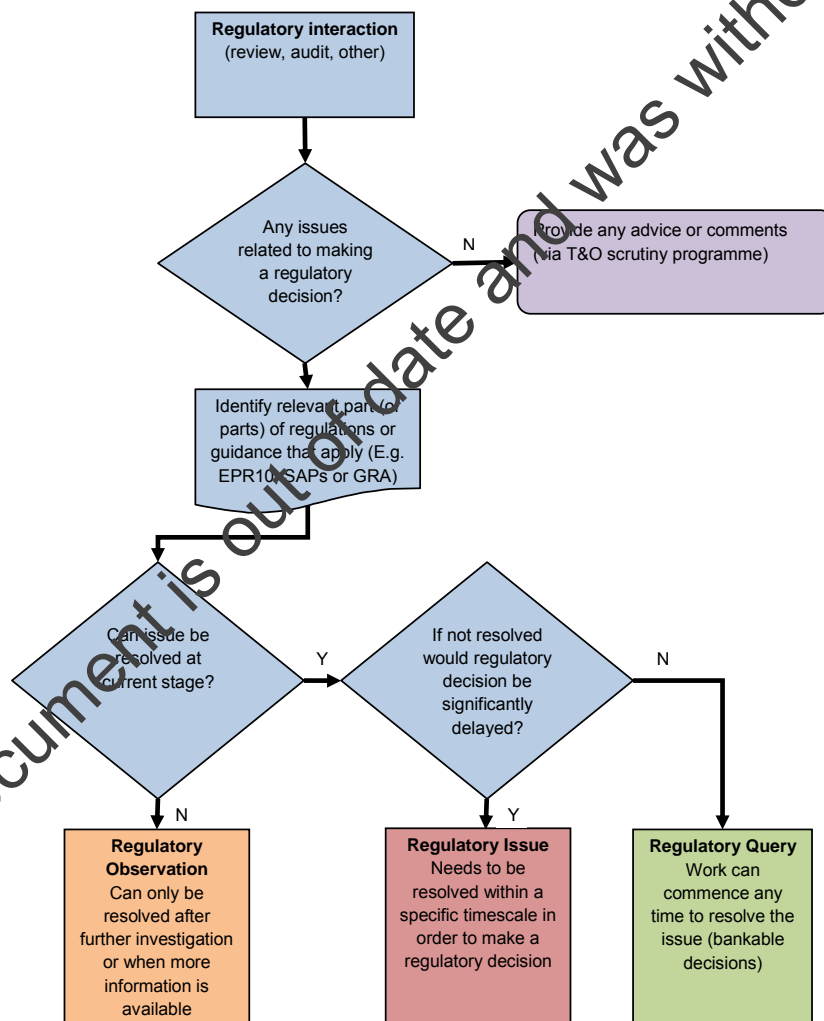


Figure 1.

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Environment Agency and Office for Nuclear Regulation Issues Database @ March 2013

Regulatory Issue Number	Title	Date raised
GDF_RI_001	Leadership & governance	May 2011
GDF_RI_002	Organisational capability	May 2011
GDF_RI_003	Control & assurance	May 2011
GDF_RI_004	Organisational learning	May 2011

Regulatory Observation Number	Title	Date raised
GDF_RO_001	Protection against non-radiological hazards	Feb 2013
GDF_RO_002	Optimisation (of disposal of higher activity wastes)	In preparation
GDF_RO_003	Lessons from Fukushima (with respect to assessment of external hazards for UK nuclear facilities)	In preparation

Regulatory Query Number	Title	Date raised
None to date		

This document is out of date and was withdrawn on 20/04/2018