

RADIOACTIVE WASTE ADVISER APPROVAL BOARD MEETING

6 MAY 2015, BVSC, 138 Digbeth, Birmingham B5 6DR

1. Attendees and changes in membership

Chair	Jo Nettleton	EA. Deputy Director: Head of Radioactive Substances Regulation.
	Jim Gemmill	SEPA. Radioactive Substances Policy and Nuclear Regulation Unit Manager
	David Bruce	NIEA. Acting Chief Inspector. (via telecon)
	David Bennett	EA. E&B manager
	Kate Griffith	EA. RWA secretariat
	Angela Wright	SEPA. RWA secretariat (via telecon)
	Linda Peake	NIEA. RWA secretariat (via telecon)
	Laurence Austin	EDF Energy. NILG representative
	Peter Farrell	Magnox. NILG representative
	Penny Wade	SNNILG representative

Jo Nettleton has been appointed as Head of Radioactive Substances Regulation for the EA, replacing Joe McHugh. Peter Farrell has replaced Ian Warner as a NILG representative. NRW were unable to provide a representative on this occasion.

2. Actions from the last meeting in October 2014

5.1 - Kate Griffith to seek a new SULG representative for the Approval Board. SULG had been contacted, but were unable to provide a representative able to attend this meeting. To be discussed at SULG's meeting in June, and representative confirmed for the next Approval Board meeting.

5.2 - Jim Gemmill to seek agreement from NILG for Peter Farrell to replace Ian Warner on the Approval Board. Complete.

5.3 - Angela Wright to draft a letter to HSE and DoH informing them of the Approval Board's decision. Complete.

5.4 - Kate Griffith to arrange the date and time for next meeting. Complete

3. Update on CRWA applications

Springfields – no progress with application since last Approval Board meeting

Magnox – corporate RWA arrangements approved

Sellafield – application submitted, see below

EDF – application submitted December 2014, Isabelle Watson from SEPA is lead assessor, with Jo Moakes from the EA. Currently progressing.

Urenco – Application received March 2015, and passed on to the relevant EA inspector.

General discussion about corporate applications followed. Guidance is available on the information that permit holders must provide when making a CRWA application, but there is no indication of the likely timescales for processing applications. Peter Farrell

though that some guidance for corporate applicants on how long approval would take would be helpful.

The environment agencies could set a deadline for the initial phase of the application process, where an application is submitted to the RWA secretariat, then passed on to the appropriate environment agency lead regulator to make an initial assessment and let the applicant know whether there is sufficient information to proceed. This could be seen as analogous to permit applications being “duly made”, and should not take more than 2-3 weeks.

An increase in the number of corporate applications could be expected as the deadline for applications (30 June 2016) approaches. Although all nuclear permit holders (including some MoD sites) could apply for corporate RWA status, the view of the industry representatives was that it was likely that some smaller sites would choose to rely upon individual RWAs. Jo Nettleton and Jim Gemmill thought it would be helpful to consult the nuclear industry about timescales for RWA approval and gather intelligence from our own staff about the number of corporate RWA applications that could be expected.

Actions

6.1 - Laurence Austin to seek the view of EARWG (Environment Agencies Requirements Working Group), particularly concerning the timescales and likely applicants for CRWA.

6.2 - Kate Griffith/David Bennett and Angela Wright to consult with nuclear inspectors in the EA and SEPA on the likely number of applications for corporate RWA status. (UK nuclear sites are only regulated by SEPA and EA, so no need to contact NRW about this).

4. Eligibility for CRWA

Only permit holders on nuclear licensed sites can apply for Corporate RWA status. Angela Wright explained that there was extensive consultation when the RWA scheme was being developed, and the nuclear sector had responded asking for corporate RWA arrangements to be available, but there had been no request from non nuclear operators for similar arrangements.

Culham had approached their local EA inspector, and also Angela Wright and Peter Farrell asking why only nuclear operators were eligible to apply for corporate RWA status. Jo Nettleton and Jim Gemmill agreed that a review of the RWA scheme, covering both corporate and individual arrangements would be appropriate. This would be discussed at the next Approval Board.

Actions

6.3 - Angela Wright to draft a letter to Culham for Jo Nettleton to sign explaining that only nuclear operators can apply to be corporate RWAs.

6.4 - Kate Griffith to ensure that the agenda for the next Approval Board meeting includes the review of RWA arrangements, including whether CRWA could be extended to non nuclear operators.

5. Consideration of Sellafield CRWA application

For this item the Approval Board were joined via telecon by Rob Allott and Nancy Lawton, the lead EA regulators for Sellafield Ltd who had assessed the CRWA application, and by Trish Dunlop, Martin Clough and Simon Booth from Sellafield Ltd.

The “Environment Agencies Guidance on Corporate Radioactive Waste Advisers” details 5 pieces of information that applicants must provide in order to show that their corporate arrangements are adequate for CRWA recognition. A “Corporate Arrangements Decision Document”, showing how Sellafield's proposed arrangements meet these requirements, with comments from the Environment Agency assessors, had been circulated to the Approval Board, together with Sellafield's key draft procedures. The information presented showed how Sellafield will identify the posts that will be part of the CRWA, and ensure that suitable, competent individuals are appointed to these posts and their competence maintained. The arrangements build upon the existing arrangements for qualified experts, and identify the Suitably Qualified Experienced Persons who will fulfil the different parts of the RWA syllabus. They also demonstrate how continuity of competent advice will be maintained.

Rob Allott and Nancy Lawton recommended that Sellafield corporate arrangements be approved and the RWA Approval Board upheld this recommendation.

Action

6.5 - Kate Griffith to draft a letter for Jo Nettleton to sign confirming approval of Sellafield Ltd's corporate RWA arrangements.

6. Update on RWA/RPA/MPE project

Kate Griffith gave an update. The DoH and HSE are drawing up an options paper looking at the ways in which the recognition of the three qualified experts could be harmonised or simplified.

Currently those applying to RPA2000 for RWA recognition who already have an RPA certificate are only required to demonstrate competence in the additional parts of the syllabus not covered by the RPA scheme. Members of the Approval Board asked whether a reciprocal arrangement would be put in place so that applicants with a current RWA certificate only have to demonstrate competence in the additional parts of the syllabus when applying for RPA recognition. Jo Nettleton and Jim Gemmill explained that this was a matter for HSE. Penny Wade agreed to ask David Sutton from RPA2000 if they had been approached about this matter.

7. RPA2000 update and discussion on potential action for permit holders who do not have an RWA on 1 July 2016

RPA2000 set a deadline of 31 December 2014 for submission of portfolios if the applicant wanted to guarantee assessment was made before their grandfather rights (GFRs) elapsed in June 2016. This applied only to those making an application to renew GFRs (new applicants were prioritised), and was a way for RPA2000 to spread the work out rather than being inundated with applications just before the deadline. Angela Wright and Kate Griffith had a short telecon with RPA2000 representatives earlier in the year. The number of applications RPA2000 had received from those seeking renewal of their GFRs had been lower than expected (115 as of February 2015, with a few more since). 785 people had been given GFRs and it had been previously thought that about 400 of these might seek renewal. 8 applications had been received from new applicants.

After the last Approval Board meeting EA inspectors had been asked to highlight to non-nuclear operators that grandfather rights would elapse in June 2016, and that to comply with their permit conditions, they would need to ensure that another RWA was appointed if the current appointee did not renew their RWA status. Jo Nettleton and Jim Gemmill wanted data to be gathered about permit holders plans for seeking RWA advice after GFRs elapse.

Kate Griffith reported that some permit holders had asked their local inspector what enforcement action would be taken if there was no appointed RWA when grandfather rights elapse in 2016. The regulators present noted that any enforcement action would be in accordance with the relevant Environment Agency's enforcement and sanctions statement. If compliance at a site is otherwise good, and the previously appointed RWA has submitted an application to RPA2000 and is waiting for it to be approved, or the permit holder can show that they are seeking to appoint an alternative RWA then it is likely that this would be seen as a relatively minor issue. If there are other non-compliances at the site then it is likely that that the issue would be regarded as more significant.

Linda Peake reported that most RWAs in Northern Ireland had either already applied for renewal of their grandfather rights or would do so shortly and NIEA did not anticipate any problems.

Action

6.6 – Kate Griffith and Angela Wright to ask EA and SEPA inspectors to gather data on how permit holders intend to ensure that they have an appointed RWA after grandfather rights elapse.

8. AOB

Angela Wright explained that when the RWA scheme was set up it was intended that the RWA Approval Board should periodically review the syllabus. She would approach

RPA2000 after their meeting in September to see whether there were areas of the syllabus that applicants had particular difficulty in meeting.

Action

6.7 - Angela Wright to contact RPA 2000 re the RWA syllabus

9. Date, chair and location of next meeting

Noted that NRW had said previously that they did not wish to host meetings or provide support to the secretariat. It was agreed that the EA would provide the chair and secretariat for the next 6 months. The number of corporate RWA application was expected to increase as the deadline for submission approached, and arising from this meeting there were a number of other issues for discussion. It was therefore decided to hold the next meeting in the latter half of September, with an additional meeting if necessary in November to consider CRWA applications.

Action

6.8 - Kate Griffith to arrange a venue in Birmingham for an Approval Board meeting in September, and a provisional date for November to consider CRWA applications.

KG – 23rd June 2015