

RADIOACTIVE WASTE ADVISER APPROVAL BOARD MEETING

25 November 2015, Priory Rooms, Birmingham

Attendees:

Jo Nettleton	EA. Deputy Director: Head of Radioactive Substances Regulation (Chair)
Jim Gemmill	SEPA. Radioactive Substances Policy and Nuclear Regulation Unit Manager
Keith Bradley	NIEA. Acting Chief Inspector. (via telecon)
David Bennett	EA. E&B manager
Kate Griffith	EA. RWA secretariat
Angela Wright	SEPA. RWA secretariat (via telecon)
Stephen Wilson	NIEA. RWA secretariat (via telecon)
Laurence Austin	EDF Energy. NILG representative
Peter Farrell	Magnox. NILG representative
Penny Wade	SNNILG representative
Sheila Liddle	SULG representative
Isabelle Watson	SEPA lead EDF regulator (via telecon)

Apologies: Andy Gibbs – NRW

1. Changes in membership, introductions

JN welcomed Sheila Liddle who had joined the approval board as the SULG representative, Stephen Wilson who had replaced Linda Peake as NIEA secretariat support and Keith Bradley, the current NIEA chief inspector.

2. Actions from the previous meeting in May 2015

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. **Completed**

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

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. **Completed**

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. **Completed**

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. **Completed**

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

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. (No formal data gathering exercise but issue had been raised with inspectors and permit holders.) **Completed**

6.7 - Angela Wright to contact RPA2000 re the RWA syllabus. **Completed**

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. **Completed**

3. Review of Approval Board constitution and confidentiality papers

The constitution is reviewed annually and was circulated to board members prior to the meeting. Paragraph 5.1 still refers to three rather than four Environment agencies but no representative from NRW was present to explain whether they would want to chair Approval Board meetings. AW noted that NRW's logo was not included on the RWA documents published on the SEPA website.

A paper on confidentiality prepared for the RWA approval board in February 2012 was circulated. There were no objections to the paper. It was agreed that the confidentiality paper would be incorporated into the constitution, and circulated to board members for comment. In the future the secretariat would ensure that any new board members receive a copy of the constitution prior to attending their first board meeting, and are asked to confirm that they agree to the terms.

Action 7.1:- AW/KG to redraft the constitution to incorporate the confidentiality paper into the constitution and circulate to the members for comment. Once agreed to be added to the SEPA website. **(3 months)**

4. Revisions to Magnox corporate arrangements

Magnox made a successful application for corporate RWA status, which was approved in 2014. In April 2015 the Research Sites Restoration Limited at Harwell and Winfrith became part of Magnox limited. Magnox want to amend the existing CRWA arrangements to cover these sites and have provided updated versions of the corporate arrangements decision document and supporting documents to the lead EA regulator Rob Macgregor. Rob had informed the secretariat by email that the regulatory plan for 2016/2017 included inspections of the Corporate RWA arrangements at the Harwell and Winfrith sites to ensure that these have been implemented at the sites and are working/fit for purpose. PF had copies of the revised Magnox documents and provided clarification on how CRWA arrangements would be extended to Harwell and Winfrith. PF left the meeting whilst the board considered whether to agree to the amended CRWA arrangements or require further scrutiny. It was agreed that we would approve the changes subject to the future inspections.

Action 7.2:- KG to draft a letter for JN to sign confirming that we were satisfied with the arrangements subject to the proposed inspections **(1 month)**

5. Update on status of other applications for CRWA

LA had provided a helpful update from EARWG.

Operator	CRWA Status
Magnox	Approved

Sellafield	Approved
EDF NGL	For consideration at this meeting
NNBGenCo	Submitted*
Springfield's (Westinghouse)	Re-submitted
URENCO	Submitted*
LLWR	Submitted
AWE	Intends to submit
Rolls Royce NNPI	Does not intend to submit
BAE Systems	Does not intend to submit
Rosyth Royal Dockyard	Does not intend to submit
GE Healthcare	Does not intend to submit
Devonport Royal Dockyard	Does not intend to submit

*Lead regulator expects application to be completed by end of February 2016

Action 7.3:- DB/JG to ensure that contact is made with nuclear permit holders not on the above list to see whether they intend to apply for CRWA **(2 months)**

6. EDF application for Corporate RWA

Copies of the corporate arrangements decision document and supporting information had been circulated in advance to the Approval Board. The lead regulator Isabelle Watson from SEPA, supported by Jo Moakes from the EA had reviewed the submission, and recommended approval. Gareth David and Matt Haslett from EDF joined the meeting by telephone to give a brief overview of the CRWA arrangements and answer questions. LA left the meeting during the questions and deliberation to avoid any conflict of interest. The board approved EDF's application for CRWA.

Action 7.4:- KG to draft a letter for JN confirming the approval of EDF's arrangements **(1 month)**

7. Update from RPA2000

KG and AW had a teleconference with RPA2000 chair and honorary secretary in October. By the end of December 2014 RPA2000 had received 104 applications and by mid-August 2015 this had risen to 133 applications. About 50 have been completed and assessment is taking an average of 177 days. RPA2000 is very confident that it will get through all applications submitted by end of December 2014 by the 30 June 2016 and assessors can cope with more, so some of the ones submitted in 2015 may also be completed.

The RWA syllabus was discussed at a recent meeting of RPA2000 assessors. So far no-one has failed to meet the requirements; about 10 applicants have been asked for further information but there has been no common theme. The assessors think that the syllabus "is not easy, but about right" and that allowing simulation helps. The assessors went through the syllabus topic by topic and have given us feedback on areas of repetition and overlap which could be improved.

Action 7.5:- KG to arrange telecon with RPA2000 for an update before the next Approval Board

8. Update on RWA/RPA/MPE project

The Approval Board had previously been approached by the HSE and Department of Health of to review the arrangements for RPAs and RWAs to see if there could be any harmonisation or simplification, and whether there were any commonalities with the MPE scheme. We had agreed to participate and had met with the HSE and DH, and have arranged a joint meeting with RPA2000 in January 2016. Any changes to the RWA scheme would be subject to consultation with professional societies.

9. Review of RWA arrangements

PF had forwarded comments from EARWG (Environment Agencies Requirements Working Group) on the Corporate RWA scheme and application process, which had been circulated prior to the meeting.

There were general comments indicating that in some cases the inspectors dealing with the applications did not fully understand the process, at least initially. It was agreed that SEPA and EA would ensure that their inspectors were fully aware of the process.

EARWG had raised 5 specific points about the CRWA assessment process

- i. *The required format of the application, and whether the “corporate arrangements document” submitted for final assessment at the board was intended to be an application form completed by the operator, or an assessment form for the lead regulator.* AW explained that applicants did not have to use the form when making an application but could if they wished. The form reflects the 5 essential pieces of information that applicants must provide as detailed in section 4.4 of the Guidance on Corporate radioactive Waste Advisors. It was agreed that the guidance would be amended to clarify this and the form added as an appendix.
- ii. *What is the timescale for applications to be processed?* This includes the time for initial lead assessor review, how long before an assessment panel an application needs to be submitted to be reviewed by that panel, expected time period post panel for feedback/approval. Timescales were discussed.
 - Applications are made to the RWA secretariat who carry out an initial check that all of the information is present and determine who the lead assessor will be. The application is then forwarded to the lead assessor. A maximum of 6 weeks was considered appropriate for this stage of the process.
 - The application is then forwarded to the lead regulator for detailed assessment – they recommend acceptance/rejection to the board, and may require additional information from the applicant. It was agreed that, going forwards, the lead regulator would make an initial assessment of the application and determine whether it is likely that significant further information will be required. They will discuss this with the applicant within 6 weeks of receipt.
 - At that time, the lead regulator and applicant will discuss and agree timescales for the full assessment. This may be subject to change, depending upon timeliness and quality of any further information required.
 - Once the lead regulator considers that the application is complete the summary documents are forwarded to the secretariat for review at the next board meeting. Note: The dates of approval board meetings will be published for the forthcoming year, to facilitate planning of applications and assessments. Final versions of the documents would be required at least 3 weeks before the approval board meeting.

- Once the application has been reviewed by the Approval Board written confirmation of the outcome will be provided within one month.
- iii. *What is the expected format of acceptance or rejection?* A letter to the applicant from the current chair of the Approval Board
 - iv. *What is the appeals process?* Paragraph 9 of the constitution details the appeals process. This should be incorporated into the Corporate Radioactive Waste Advisors guidance. If the applicant considers that the performance of the lead regulator making the detailed assessment is unsatisfactory the initial redress is via that Agency's complaints procedure.
 - v. *What is the position after the end of June 2016 if individual or corporate RWA arrangements are not in place.* This is a permit compliance issue and response would be in accordance with the EA's Enforcement and Sanctions statement and SEPA's enforcement policy.

It agreed that the "Environment Agencies Guidance on Corporate Radioactive Waste Advisors" would be amended to include the points above, circulated round the Approval Board for comment and published on the SEPA website. No external consultation was required as these were clarifications rather than fundamental changes to the application process. Paragraph 2.5 of the guidance should also be amended to make operators aware that CRWA applications can be made after 30 June 2016.

Action 7.6:- JN to confirm that the timescales are acceptable to the EA nuclear regulators

Action 7.7:- AW/KG to amend the guidance as above and circulate to board members, before publication on the SEPA website

Action 7.8:- PF to communicate these responses informally to EARWG members

Action 7.9:- AW to inform NILG organiser (currently Mike Baggs from the EA) when amended guidance is published on SEPA website.

10. Extension of corporate radioactive waste advisers to non-nuclear operators/prospective permit holders

In addition to the enquiry from Culham (action point 6.3 in previous minutes), it was noted that a CRWA application had been received from Cavendish Nuclear (who are not a nuclear site licence holder). There had been informal enquires from organisations in the non-nuclear sector wanting to apply for CRWA status. Discussion followed on the possibility of extending CRWA to the non-nuclear sector.

The CRWA provides advice to a permit holder at a specific site. Corporate arrangements are assessed by the RWA Approval Board for a particular site, and must be developed specifically for the permit holder. The CRWA must be a permit holder giving advice on compliance with their own permit, and are not intended for external consultants providing advice to a permit holder. However, extension of the CRWA arrangements to holder of permits for complex non-nuclear operations could be considered.

In the nuclear sector both SEPA and the EA have a time and materials charging scheme which means that costs can be recovered for the assessment CRWA applications. Extending CRWA to non-nuclear permit holders would require a method for cost recovery for each of the 4 environment agencies. JN and JG pointed out that section 37 of the Environment Act allows the Environment Agencies to recover costs, for example charging for pre-application advice. KB explained that costs would have to be recovered for any

additional work carried out by NIEA, but that he had no objection in principle to the extension of CRWA to non-nuclear permit holders who want to give advice on their own permit.

Enquiries had also been received about prospective nuclear permit holders applying for Corporate RWA status. The current UK Environment Agencies' guidance on CRWA states that "*Applications will only be accepted from those who either already have a permit issued by the relevant environment agency or who have applied for one so that the adequacy of Corporate Arrangements can be assessed during the application determination process*". However nuclear new build operators might in some cases want to seek the advice of the corporate RWA on complex issues such as plant design, prior to permit application. It was agreed that this issue would be further considered at the next approval board meeting.

Action 7.10:- DB, JG & KB/SW to consider how charging for CRWA assessment in the non-nuclear sector could be implemented, and report back at the next board meeting. **Would need input from NRW.**

Removal or rescinding of CRWA status was discussed and will be considered further at the next approval board meeting.

Action 7.11:- AW to ensure that the extension of CRWA to non-nuclear and prospective nuclear permit holders together with removal/rescinding of CRWA status is added to the agenda for the next meeting.

11. Communications

Need for permit holder to ensure that they have appointed suitable RWA(s) when grandfather rights elapse in June 2016 to be highlighted at the next SULG meeting on 8th December.

DB had raised the issue with nuclear team leader and KG was to follow up with a more detailed email.

PF suggested that NILG could be notified when the Approval Board meeting notes are published on the SEPA website, alerting operators to the forthcoming approval board dates.

Action 7.12:- KG to send follow-up email to EA nuclear team leaders.

Action 7.13:- AW to inform NILG when new documents added to SEPA's RWA webpage.

12. AoB

AW noted that the syllabus would be reviewed after grandfather rights elapse in June 2016, but the feedback from RPA2000 did not highlight any particular issues.

13. Forthcoming meetings

SEPA to chair the 2016 RWA Approval Board meetings and provide the secretariat. 2016 meeting dates:

- 17 March – Edinburgh – to review CRWA applications only
- 26 May 2016 – Penrith
- 9 June 2016 – venue TBC

Action 7.14:- AW to arrange dates and venue for these meetings