

# THIRTY THIRD MEETING OF THE SCOTTISH NON-NUCLEAR INDUSTRIES LIAISON GROUP (SNNILG) – MINUTES

**Date:** Wednesday 11<sup>th</sup> March 2020      **Time:** 10:30 am

**Location:** SEPA Office, Strathallan House, Castle Business Park, Stirling FK9 4TZ

**Attendees:** SEPA (Chair, Sec + 3 staff), ONR, DAERA, PHE, IPEM, NHS Greater Glasgow & Clyde, NHS Tayside, SRPA, AURPO, SSERC x 2, and EA.

Apologies were received from Scottish Government and HSE.

## 1. Welcome and Introductions

SEPA welcomed everyone to 33rd meeting – introductions & apologies as noted above.

## 2. Actions Arising

**Action: SEPA to invite a member of the Home Office project Operation Fieldfare to attend the next SNNILG – ONGOING will try for 34<sup>th</sup> SNNILG.**

**Action: SEPA to ask the RS Science function if there are any plans to review the sewage dose assessment tool – CLOSED, see SEPA update item.**

**Action: SEPA to highlight the issues of secondary wastes generated because of patients dying following radionuclide administration to the review of the Medical and Dental Guidance Notes – CLOSED, this has been included in the review.**

## 3. SEPA Update

### EASR Implementation

SEPA continues to review its existing policies, guidance and procedures to support the full implementation of EASR. We are also taking the opportunity to address relevant recommendations from the IAEA's IRRS Review last October.

### Offshore issues

SEPA continues to review the applicability of radioactive substances legislation to offshore activities, and to develop guidance regarding offshore operational and decommissioning activities.

### IAEA Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

SEPA has been contributing to the UK's 7<sup>th</sup> National Report on the Joint Convention, which is due for submission to IAEA in October.

### Radioactive Substances Policy Review

UK Government's Department for Business, Energy and Industrial Strategy (BEIS) has begun a wide-ranging review of radioactive substance policy. SEPA has commented on an early draft of a consultation paper, primarily to improve the clarity on the scope and intent of the text, and to ensure that the current

regulatory and policy landscape in Scotland is accurately reflected. We understand that BEIS intends to consult in the summer, and to publish a final policy paper later in the year.

### **Scottish Higher Activity Waste Policy Review**

SEPA is providing support to the Scottish Government for its planned review Scotland's Higher Activity Waste Policy 2011.

### **NDA Strategy IV**

SEPA is engaging with the NDA on its development of its fourth strategy, due to be published by April 2021.

### **Dalgety Bay**

MOD have appointed a contractor to undertake the remediation works at Dalgety Bay. Remediation works can only be undertaken during the late Spring/early Autumn due to weather and available daylight conditions. SEPA will begin the process of permitting the contractor/sub-contractor to undertake the site works when the expected application arrives in the coming days/weeks. In the interim, the current restrictions/signage and routine monitoring remain in place and will remain so during the works to provide the public with an appropriate level of protection. Additionally, SEPA continues to conduct checks on areas outwith the monitored area and monitors sediment movement by aerial survey.

### **SEPA Discharge to Sewer Tool**

Users of the SEPA sewer assessment tool should be aware that this is being updated in the next few months to add new nuclides and additional sewage treatment plants. A new version of the tool will be uploaded to the SEPA website with appropriate update notes when completed. SNNILG will be kept informed of progress.

**IRRS mission** – SEPA provided an update on the IRRS mission. SEPA attended a number of the interview sessions held by the IAEA team during the October visit. A number of these related directly to the non-nuclear community. The IAEA were very interested in these areas and included visits to non-nuclear premises during the mission. The full report will be available in due course. SEPA had a small number of recommendations. The most relevant of which related to our resources and staff training programme and the requirement to more explicitly incorporate IAEA safety standards in regulatory guidance, The work in conjunction with the CTSA's was considered as demonstrating good practice.

### **Inspection programme**

SEPA has published an outline of its programme of inspections for radioactive substances activities, which is available on the [website](#).

## **4. Regulation of Radioactive waste from the Offshore Oil & Gas Industry**

In February 2019, SEPA wrote to Offshore Operators, Descalers, RPA/RWA Contractors and Oil & Gas UK asking them to provide the monitoring methodologies they use to assess levels of NORM contamination in items for disposal and the criteria used to determine what is considered 'clean' (free of NORM) and NORM contaminated.

From the information we received as the result of our letter, the criteria used to determine levels of NORM contamination was largely dependent upon advice given by the RPA/RWA engaged by the authorisation holder.

Three criteria emerged:

- 3 counts per second above background,
- 1 count per second above background, and
- any sustained rise above background.

We received some information but it did not sufficiently justify the methods used for either quantifying or characterising the NORM contamination. Consequently we will be writing to operators asking for further information.

## **5. Security Requirements for Radioactive Sources booklet**

NaCTSO has undertaken a review of the security booklet dated April 2011 and have circulated to a very limited number of stakeholders for comment. SEPA has reviewed and submitted some comments to NaCTSO. Some of these comments were discussed including the need for more regular reviews the security classification of the document and the possible inclusion of cyber security measures.

There is still an opportunity for users of the document to submit comments and this should be done to the SNNILG group secretary for SEPA to submit to NaCTSO.

A new individual has taken the lead for these matters at NaCTSO and the organisation itself has undergone some significant changes of late but it is hoped that this matter will be progressed in the near future.

**New action: SNNILG representatives to send any comments on the Security Requirements for Radioactive Sources document to the SNNILG secretariat by Friday 24<sup>th</sup> April**

## **6. Transfrontier Shipment (TFS) arrangements**

There has been confusion over which TFS regime for Shipments of Radioactive Substances is in force. Until 31st December 2020 the EC Regulation (EURATOM) No 1493/93 on shipments of radioactive substances between EC Member States is still in force. Consents issued prior to 31st December 2020 will continue to be valid until their specified expiry date. From 1st January 2021 the Shipments of Radioactive Substance (EU Exit) Regulations 2019 will apply and will revoke EC Regulation (EURATOM) No 1493/93. Declarations for shipments from 1st January 2021 will need to be made on new forms under these regulations. Please contact us to discuss the processing time of any NEW declarations to confirm whether they should be made under EC Regulation (EURATOM) No 1493/93 or the Shipments of Radioactive Substance (EU Exit) Regulations 2019.

As with above, until 31st December 2020 The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 are still in force. Consents issued prior to 31st December 2020 will continue to be valid until their specified expiry date. From 1st January 2021 The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019 will apply and will revoke The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008. Applications for shipments from 1st January 2021 will need to be made on new forms under these regulations. Please contact us to discuss the processing time of any NEW applications to confirm whether they should be

made under Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 or Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019.

**New Action: SEPA to send link to the new TFS regulations to SNNILG who are then asked to provide any comments on the Shipments of Radioactive Substance (EU Exit) Regulations 2019 to the SNNILG secretariat by Monday 4<sup>th</sup> May to feed into the BEIS review of this regime**

## **7. EASR data returns**

The EASR data returns were due by 28th February. Around 50% received so far, with offshore RSA data submitting 85%. Reminders will be issued 17th March with a new deadline of end of March to respond. All data returns received after the deadline will be marked as minor non-complaint in CAS. If data returns are still outstanding by the end of the calendar year then the minor will be escalated to a major non-compliance.

Representatives raised issues with waste contractors changing collection frequency last minute which caused reporting issues as some waste had decayed out of scope so needing to be removed from collections bins. Other users noted some issues with filling in the sheet and will contact SEPA directly to explain.

## **8. Scottish Government update**

### **Scottish Government Radioactive Substances Team**

The Radioactive Substances and Nuclear Decommissioning Team in Scottish Government is now fully staffed after a period of transition. Pat McAuley has joined as the head of team, filling the post vacated by Charles Stewart Roper. James Fox has taken on Ewan Young's role as policy advisor responsible for community engagement. James and Pat report to Thekla Garland, the new head of the Environmental Quality Unit. Martin Macdonald remains in post as the senior policy advisor in the team.

### **BEIS Policy Review**

The team's immediate focus is to ensure Scottish-specific aspects are reflected in the policy review being taken forward by the Department for Business, Energy and Industrial Strategy. Its main objective is to tie together the UK's many policies on radioactive substances and nuclear decommissioning into a single, comprehensive document. BEIS will launch a consultation on its proposals with a view to publishing its response and the paper later this year. The Scottish Government have provided comments on BEIS' draft policy paper.

### **Scottish Higher Activity Waste Policy Review**

In 2011, the Scottish Government committed to review Scotland's Higher Activity Waste Policy at least every 10 years. As a result, preliminary work on planning for the review due in 2021 is now being taken forward.

### **NDA Strategy IV**

Engagement continues with the NDA on its fourth strategy which will be published in 2021. The policy team will continue to press for Scottish priorities to be reflected.

## 9. Other Regulator updates

### DAERA update

We have been working on the IRRS mission, conducting a self-assessment, identifying gaps and how to fill them. We have conducted a joint inspection with CTSA and HSENI. Hospitals use of radioactive substances is expanding while industrial users are shrinking.

### EA update

IAEA Nuclear Security Series No 11 (implementing guide for Security of Radioactive Material in Use and Storage and of Associated Facilities) has been reviewed by the IAEA and was reissued in December 2019, NSS11-G Rev1. This is available on the IAEA website at <https://www.iaea.org/publications/12360/security-of-radioactive-material-in-use-and-storage-and-of-associated-facilities>. We are discussing with the National Counter Terrorism Security Office how this may impact on advice to sites we regulate.

NSS11 is the primary Implementing Guide for the Nuclear Security Recommendations on Radioactive Material and Associated Facilities, NSS14. IAEA is now considering if to review NSS 14 and we attended the consultancy meeting to consider this. We consider that NSS14 could be reviewed to: take account of current issues and technological developments, put greater emphasis on some areas such as the role of law enforcement, cyber security and replacement technologies, and to ensure consistency with other publications in the Nuclear Security Series.

Flooding has dominated EA work for several months. As a result of learning from the recent winter floods we are looking to revise our advice to sites we regulate on the impact of flooding and the regulation of radioactive substances.

Covid-19 is now becoming a priority. Our own Business Continuity Management arrangements are being reviewed. A national technical cell is being set up to look at any regulatory issues that may arise e.g. storage and disposal of radioactive waste, should the Covid-19 outbreak worsen.

EA continue to input to Operation Fieldfare, regarding the use of alternative technologies in some sectors. Operation Fieldfare is now considering the supply chain for the disposal of radioactive sources identified by the programme, with a view to seeking expressions of interest for tendering for the disposal of those sources.

### ONR update

CDG Amendment Regulations 2019 - Regulations came into force on 21<sup>st</sup> April 2019. Regulations amend CDG09 (mainly Regulation 24 and Schedule 2). ONR will enforce CDG09 (last amended 2019). Class 7 requirements come into effect on 21<sup>st</sup> April 2020. During the implementation period ONR will continue to enforce CDG09 Regulation 24 and Schedule 2 (as amended 2011).

ONR Transport Emergency Guidance - ONR published non-statutory guidance in October 2019 which covers the new CDG requirements – ‘Guidance on emergency planning and notification for class7 transport’ now available on the ONR website: <http://www.onr.org.uk/transport/emergency-planning-notification-class-7.pdf> Potential for ONR to review / modify the guidance around August 2020 – we welcome any feedback!

ONR has developed guidance on IRR17 Radiation Risk Assessment because there has been a major shortfall identified during inspection of duty holders - availability and suitability of the RRA in relation to the transport of radioactive material. Difference in interpretation and expectations between duty holders and regulators in the wording of the ACoP. Advice provided to individual duty holders at time of inspection. More effective to document ONR's expectations – publish and communicate to aid compliance. RRA guidance launched in February at ONR Stakeholder event Guidance now available on the ONR website: <http://www.onr.org.uk/transport/irr17-reg-8-transport-guidance.pdf>

ONR held a Stakeholder Event on 6<sup>th</sup> Feb 2020. The event covered both CDG 2019 Amendments and RRA and was held in Redgrave Court. Around 80 stakeholders attended, bringing together regulators, duty holders and government departments. There was an opportunity for ONR to share our expectations on compliance with regulations and included a Q&A session which provided instant feedback to us on the topics discussed, highlighting where further guidance may be required and identifying opportunities for collaborative working. Presentations are available on the ONR website: <http://www.onr.org.uk/transport/transport-stakeholder-event-02-20.pptx>

There have been changes in ONR Non-Nuclear transport, Inspector rotation to build capability and resilience. The current team is:

Gavin Smith TCA lead, Anna Mayor (until End April 2020) Non-Nuclear Inspection Lead (outgoing), Geoff Frackelton Non-Nuclear Inspection Lead (incoming), Simon Clark Inspector, Chris Jones Inspector, Nicola Jaynes Inspector, Ian Davies-Kerwin Inspector.

IRRS mission 14-25 Oct 2019. IAEA's press release:

<https://www.iaea.org/newscenter/pressreleases/iaea-mission-says-united-kingdom-committed-to-enhancing-safety-sees-areas-for-further-improvement>

ONR's regulatory framework was praised for its maturity, and highlighted as something which could be emulated by other countries' regulatory authorities. IAEA draft report produced which includes recommendations, 'suggestions' and 'good practices'. UK has commented on findings and awaiting IAEA publishing final draft. Final report expected Mid-April at the earliest.

ONR and HSE have published a new Approved Code of Practice (ACOP) and guidance PDF to assist duty holder compliance with the new Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPiR) <http://www.onr.org.uk/reppir-2019-update.htm>

The question was raised on whether future stakeholder events could be attended remotely e.g Skype or video recorded and made available. Attendance in Bootle can often be a challenge.

The question was asked whether ONR have any plans to publish a program of planned inspections. ONR representation not aware of any plans and the inspection frequency would depend on outcome of the previous inspection.

### **HSE update**

HSE Staffing – Acting Principal Specialist Inspector promoted to substantive PI, one Specialist Inspector is on maternity leave till July 2020, 4 Specialist Inspectors and 1 Radiation Portfolio Holder. Recruitment campaign for a new radiation Specialist Inspector based in South England was unsuccessful.

Latest inspection figures (work year to date): Specialist Inspectors – 78 inspections with a 69% Material Breach rate; Ionising Radiation Regulatory Inspectors (IRRI's) - 66 inspections with a 55% MB rate.

New work year specialist inspector's radiation workplan focussed on: industrial radiography, NHS trusts/medical, and new consents. IRRI's radiation workplan: freight forwarders and chiropractors (year 3 of cycle to follow up on year 1 initial inspections).

Main areas of non-compliance with IRR17 continues to be poor radiation risk assessments (not fully considering ACoP 70/71) leading to poor standard of contingency plans, engineering and safety systems being inadequate, and local rules being inadequate.

HSE were heavily involved in IAEA IRRS Mission to UK in October 2019. There has been a holdup on the release of the mission findings – indicative date for release is April 2020.

HSE radiation team holding a Radiation Protection Adviser workshop in Bootle on 13 May 2020. To provide RPAs with feedback on inspection findings, guidance on IRR17 standards and expectations. ONR will also make a presentation. Work shop currently oversubscribed with 80 attendees – plans afoot to run a further workshop later this year.

Requirements for the Approval of Dosimetry Services (RADS) is being updated at present – will be posted on HSE website.

## 10. AoCB

Q- If U/Th compounds are being used (or proposed to be used) by an authorised person who holds a non-nuclear permit (other than one for sealed sources), should that activity be covered by GBR #7 or the permit? *If the activities being undertaken are broadly similar (e.g. “research”, “teaching”), it is preferable that everything is covered by the permit. Inclusion in the permit will also allow the authorised person to be able to transfer any U/Th waste to a contractor as well as dispose of it with normal refuse or into the sewer.*

Q- Should disposal with normal refuse be included in the annual data return? *No.*

Q- If a mobile source under permit A is taken to a site which holds its own permit (Permit B), which permit is the applicable one? *EASR is very flexible and either permit can be used. However, it is important that both authorised persons understand which permit will be used and it is recommended that these arrangements are written down in order to avoid any confusion.*

Q- Can a mobile source have more than one “place where it is normally kept”? *Yes, provided that for IAEA category 1- 4 sources all such locations have been assessed by the CTSA and found to be suitably secure.*

Q- If a sealed source permit is being surrendered, does the authorised person need to inform SEPA of the person who the waste sources will be transferred in accordance with Standard Condition C.3.2? *Yes, although this could be accomplished via the surrender application provided that it meets the 28 day prior-to-uplift requirement.*

Some SNNILG members stated they are having difficulty getting landfills to accept small sealed sources for disposal. There are contractors who will uplift the sources, but the concern is the cost involved in this. SEPA was asked to take this to the relevant trade body, which would appear to be the Scottish Environmental Services Association, to open up discussion with landfill operators to start taking these types of sources.

**New Action: SEPA to contact Scottish Environmental Services Association, to open up discussion with landfill operators over taking small sealed sources.**

**Date of next meeting Wednesday 9th September 2020 10:30am at SEPA Stirling office.**