

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

Date: Wednesday 15th September 2021

Time: 10am – 12pm

Location: Videoconference

Attendees: SEPA (Chair, Sec + 3 staff), Scottish Government x 2, IPEM, NHS Greater Glasgow & Clyde, NHS Tayside, SRPA, AURPO, SSERC x 2, SRP, Oil & Gas UK, PHE, EA, ONR x 2, NIEA and Metropolitan Police.

Apologies: HSE

1. Welcome, introduction and 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 – **CLOSED, agenda item at this meeting.**

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

Update at 35th meeting - SEPA sought further information into the difficulties of source disposal routes. SSUERC, NHS and AURPO reported difficulties obtaining guarantees from waste contractors that the disposal would go to landfill. Special uplifts do not seem to be available. Would like landfill operators to be made aware that they are authorised to receive this waste.– Please e-mail SEPA with specific examples of the difficulties in sealed source disposal.

Update at 36th meeting – SEPA had previous discussion with SESA when EASR18 was being drafted. SESA had no concerns of the legislation causing any disposal difficulties. SNNILG has received 3 responses outlining the conversation of source disposal with 3 landfill operators. One response was yes with conditions attached, second response is no we cannot dispose and third response is maybe but would need to check waste acceptance criteria. Some NHS and Local Authorities have a no landfill clause in their waste contracts. A concern was also raised around the 2025 landfill ban and whether this will add to disposal issues. SEPA will raise this with our Waste Policy team.

Action: SG to confirm whether a transition period will be included in the Section 104 Order – **ONGOING**, In June this year, the UK Parliament agreed a section 104 order which allows EASR to be extended for premises outwith 12 nautical miles. This allows the extant RSA'93 authorisations and registrations to be replaced with EASR18 permits. We are currently planning the process we will use to migrate these permits and will provide an update to SNNILG via the secretariat as soon as this is possible and within the relevant dates required.

3. SEPA regulatory update

Cyber attack recovery

At the last meeting we reported that SEPA had been the subject of a serious and complex cyber-attack which significantly impacted our contact centre, internal systems, processes and communications. Our recovery from the attack continues and we continue to work towards achieving our priorities of

- Protecting Scotland's environment
- Providing priority services to individual and businesses across Scotland.

As we build back our level of service continues to increase. The service status is regularly updated on our website.

For radioactive substances we were quickly able to restart the determination of applications for both EASR authorisations and RSA certificates. Since the last meeting we have also reinstated our on-line process for notifications. The usual RS enquiries and RS notifications mailboxes have also been reinstated and we are able to accept information sent to these addresses. Handling official sensitive material remains a challenge and the requirement for EASR applications and TFS notifications for sealed sources to be sent via a secure email remains. Whilst the internal process for handling applications is more complicated it has not significantly impacted determination times. Things are progressing and we hope to address the official sensitive issues in the near future. We also expect that 2021/22 invoices will be sent out in the coming weeks.

There is further information can be found on our website in the Application form and the Application Information Note section: [Application forms | Scottish Environment Protection Agency \(SEPA\)](#)

Standard Conditions Revision

SEPA undertook a public consultation last autumn regarding our proposed revision of Standard Condition C.4.1 with a view to removing sub-section (a), which required that any overseas transfer had to be done in accordance with an authorisation under the Transfrontier Shipment of Radioactive Waste and Spent Fuels 2008. There were no objections to the proposed revision. Progress has been delayed due to the cyber-attack, but we have now published the consultation response document on Citizen Space and informed all authorised persons that the revision will come into effect in December 2021. A new version (version 2.0) of the Standard Conditions and its associated guidance document will be placed on SEPA's website shortly.

In addition, we took the opportunity to revise the information requirements in Schedule 3 of the Standard Conditions relating to Condition F.1.2.c, which sets out the information to be provided to SEPA if you have a source which is normally kept outwith Scotland and you wish to bring it into Scotland. We have removed the third point relating to description of the sources to be brought. We identified this as needing changed in 2019 and have waited for this opportunity as we deem this change to be administrative in nature. Because we deem this change to be administrative, the revision came into force the day after it was published on our website.

EASR Notifications

Notifications for source holdings expire after 3 years, this means that operators who made Notification when the EASR Regulations came into force in September 2018 are now due to submit a new Notification for their source holdings as their existing Notification will have or is due to expire.

Notifications can be made online and to do this go to the SEPA website:

From the Applications page, go to the Online Applications section and click on the managed and orphan source radioactive substances

or direct to <https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/radioactive-substance-notifications/>

Using the online form, you can notify us of new:

- sealed sources in IAEA category 5 that exceed 200 kBq;
- tritium sources that exceed 20 GBq;
- electrodeposited sources

Data Returns & authorisation information requirements

The restriction on submitting data returns for this year (those due by 28 February 2021) has lifted so these can be sent to RS Notifications, for those who haven't already done so. We would prefer for these submissions to be made using the data return forms on our website (<https://www.sepa.org.uk/environment/environmental-data/submit-data/>). If you have a HASS or non-HASS permit you need to complete & submit the sealed source form for your non-HASS sources (even if it's a nil return), and for those with non-nuclear permits/registrations the waste data return form should be completed and submitted. Data return submissions are not required for cat 5 Notifications. You also don't need to complete and submit forms for any activity that you are not authorised for (e.g. don't submit a nil return sealed source form if you are not authorised for sealed sources).

All annual data returns are due by 28th February each year and should be emailed to RS Notifications mailbox (RSnotifications@sepa.org.uk). Additionally, other permit/registration requirements to notify SEPA should also be emailed to RS Notifications unless an alternative route is specified in the authorisation.

For source movements, we now only require to be notified of the destination and duration and not description of the source(s).

Fees

In the last quarter of 2020, we consulted with all operators regarding our proposed revision of some application fees and the subsistence fees. The revision was required as our fees need to reflect the costs incurred resourcing the RS Unit. The application fee for non-HASS permits was increased, we introduced a fee for EASR Transfer applications and we have introduced new fees for subsistence. Subsistence differs significantly to that under RSA93 as there is now a set fee per authorisation tier: Registrations are £1275 and Permits are

£1530. The changes were authorised by Scottish Government and as of 1st April 2021, these new fees are applied and invoicing for subsistence fees will commence this month.

Application fees can now be paid by credit/debit card using the online system, as well as BACS:

[Scottish Environment Protection Agency : Web Payments \(sepa.org.uk\)](https://sepa.org.uk)

Proof of payment is still required with the application whichever payment method is used.

Inspections

SEPA's inspection programme has restarted with both face to face and remote inspections. Initially the focus was on HASS sites but we are now starting to look at other source holders and permit holders. There has been a range of how companies have fared over the last 12-18 months some have been very quiet whilst others have been very busy. On the plus side it appears that in the main source checks, accountancy and maintenance has continued and adaptations have been made to continue with staff training and RPA visits often using remote approach. Most sites inspected have been assessed as compliant however there are a couple of points that it is worth bringing to your attention:

Sites not having access to their EASR permits. A hard copy was sent to registered office and an electronic copy sent to the site. There have been various reasons for the site copy being inaccessible, sometimes due to staff changes or difficulties access the EGRESS switch platform. Personnel on a site must have access to and be familiar with their permits so that they know what conditions they need to comply with. If the electronic copy is unavailable, then a copy of the permit sent to the registered office should be obtained. SEPA currently can't resend electronic copies.

RPS's need to become familiar with the new EASR conditions. Whilst most of the conditions require similar behaviours and procedures there are a few subtle differences. For example the requirement to submit sealed source annual returns.

Some sites noted a backlog with monitor calibrations/leak tests/training etc, mainly due to people being on furlough and backlogs with RPA visits/at calibration places.

4. SEPA Policy Update

Radioactive Substances & Nuclear Decommissioning Policy Review

There have been pre-consultation discussions between UK and Scottish Government, Nuclear Decommissioning Authority, Health Protection Agency and the regulators which are still ongoing. SEPA is not aware of the current schedule for public consultation.

Amendment of the conditions allowing receipt of radioactive waste and contaminated items

SEPA is still considering next steps following our consultation last year on receipt of radioactive waste from overseas. The cyber-attack has limited our progress but we aim to be in a position to implement the proposals shortly.

5. Update on Security Requirements for Radiological Sources guidance

The Metropolitan Police gave an overview of the changes to the guidance following the recent update. Please contact your CTSA or RedBook live for advice on the changes and how to meet the new standards.

6. Scottish Government update

Scottish Government Radioactive Waste and Nuclear Decommissioning Policy Team

Following on from the Scottish Parliamentary election in May this year there is a new Ministerial Team with portfolio responsibility for the teams work.

- Michael Matheson MSP is the Cabinet Secretary for Net Zero, Energy and Transport
- Mairi McAllan MSP is the Minister for Environment and Land Reform

We have had several changes to our senior management. Kevin Quinlan has taken over as our Director and Aiden Grisewood has taken over as deputy director.

Our team leader Pat McAuley has accepted a new role elsewhere in Scottish Government. His replacement, Dan Couldridge, took up his position on the 26th of May.

Tony McFadden, who was a Nuclear Graduate Intern who had been assisting the team, left at the end of March 2021 when his 6 month secondment ended.

BEIS led Policy Review (Command Paper 2919)

BEIS have continued work with the devolved administrations and stakeholders on the development of the policy review on managing radioactive substances and nuclear decommissioning. The Scottish Government has provided comments and input to the development of the documents and process. The timing of the publication of the consultation was moved back to account for elections in Scotland and Wales and is now likely to be some time after the parliamentary summer recesses.

The Scottish Government will continue to feed into this work and provide further updates to this group as this develops.

Designation Directions for Decommissioning Hunterston B and Torness nuclear sites

We have recently been engaging with BEIS and NDA in relation to Designation Directions, made jointly by UK and Scottish Ministers under the Energy Act 2004, regarding future decommissioning work at the Hunterston B and Torness nuclear sites. The Directions provide the basis for the NDA to undertake preparatory work before taking ownership of the Hunterston B and Torness sites, for decommissioning including giving the NDA with the necessary powers to be able to advise the UK and Scottish Governments regarding the future decommissioning of those sites.

Scottish Ministers agreed the Directions and these were laid at both the UK and Scottish Parliaments on 23 June.

Scottish Higher Activity Waste (HAW) Policy Review

We are currently taking stock of the initial work undertaken by the team on the early stages of the HAW policy review and will look to move this forward in due course.

Section 104 Order for Offshore Area

The Order was laid in the UK Parliament on 8 June 2021. The debates in the House of Parliament and House of Lords for this order were initially scheduled for October but were brought forward and took place in both houses on 21st July 2021. Some questions were raised in both houses but the Order passed with no opposition.

ONR – 7th Joint Convention report

Engagement also continues on the work being led by ONR on the 7th Joint Convention report (to the International Atomic Energy Authority on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management) with the policy team ensuring that Scottish policies and priorities are captured as required. The next meeting has been moved to June 2022, due to Covid-19. We will provide a further updates after this meeting.

7. Updates from Regulators

ONR Safeguards – please see attached presentation

ONR Transport – please see attached presentation

Environment Agency

EA are doing blended inspections (a mixture of remote and face to face) going forward.

The [Covid regulatory position statements](#) are extended until Dec 2021, mainly because of hospitals catching up with work that was postponed because of COVID-19.

The MOU with MOD is being replaced by “general arrangements” with the Environment Agency which are currently being finalised. We are reviewing the approvals that we issue to MoD instead of permits. These will be reissued and will be more closely aligned with our permits, and will reflect the current activity that is carried out at the sites.

EA have been developing a revised RSR Objective and set of RSR Principles. These will replace the RSR Objective and RSR Fundamental Principles that were originally published in our 2009 document Regulatory Guidance Series RSR1: Radioactive Substances Regulation: Environmental Principles. This is part of a programme of review and reform of our external facing guidance intended to reduce duplication and meet modern digital publishing standards. The RSR principles will include a principle on security of radioactive substances for the first time. The new objective and principles should be published in the next few weeks.

The Regulatory Horizon Council (RHC) has published its fusion report which recommends that the Environment Agency and HSE should continue to regulate fusion including UKAEA - STEP (UK Atomic Energy Authority - Spherical Tokamak for Energy Production) reactor anticipated to be constructed in the 2030s. [Regulatory Horizons Council report on fusion energy](#)

Implementation of the Transboundary Contamination Direction, which replaces Article 37, is ongoing.

NIEA – home working continues to be the norm and plans for hybrid working (mix of home and office) are being trialled. Continue to process RSA applications as normal. Inspections are at a reduced rate with some remote inspections. The two covid / Brexit RPSs have expired.

HSE Overview (post meeting update)

HSE Staffing – Will run another recruitment campaign for a new radiation Specialist Inspector in the coming months.

Inspection work: Radiation specialists: new consents, industrial radiography, NHS Trusts (nuc med and mobile CT), university lasers. IRRIs: freight forwarders and vets (so far freight forwarders have been found to have a poor level of IRR17 compliance).

HSE radiation inspections will continue to review Covid-19 arrangements of dutyholders even though restrictions have eased. Dutyholders still expected to have Covid-19 risk assessment in place and up to date with latest Government guidance.

HSE response to the findings of the IAEA IRRS Mission to UK in October 2019 ongoing. Developing new consent authorisation system – due to come in to force Oct 2022. From then all new consents will be reviewed and inspected before the work can begin. The backlog of historical consents will need to adopt new system but may not need to have this in place for Oct 2022 and their work can continue. HSE have set up an external working group - SRP, IPEM, AURPO, BINDT, Nuclear Forum to liaise about the new system.

Radiation Protection Adviser (virtual) workshop took place on 13 May 2021. Successful event with up to 160 delegates online. The workshop provided RPAs with feedback on inspection findings, guidance on IRR17 standards and expectations and an update on current regulatory positions regarding classification of nuclear medicine staff. Will look to organise other further RPA workshops in future.

Revised HSE statement on Radiation Protection Advisers came into effect on 1 September 2021. See HSE website for details.

HSE gave a presentation at recent AURPO virtual annual conference – slides available to members and upon request.

8. AOCB

The Home Office are leading a cross-government programme of work seeking to reduce the risks posed by High Activity Sealed Sources, specifically caesium-137 sealed sources used in irradiators; such as those used to irradiate blood by the NHS blood transfusion services, and those used to irradiate cells in biological research.

We aim to do this by facilitating the disposal and replacement of these caesium irradiators with alternative technologies where viable.

BEIS is responsible for implementing the disposal solution being developed by the Nuclear Decommissioning Authority and its subsidiaries, and for investigating suitable regulatory options to prevent new caesium irradiators from being obtained and used.

In December 2020 funding 'in principle' was secured for the next phase of work which will include undertaking enabling works for the bespoke disposal solution; developing an implementation plan; continuing research into alternative technologies; increasing

stakeholder engagement. This work has been scoped and costed and we aim to begin work in October.

In September 2020, Public Health England and the Home Office jointly held two roadshows with source users to present the latest research around alternative technologies to caesium irradiators - "users" mainly being those in healthcare and academic research settings. The Home Office have been considering how it can provide further support in this area.

Building on the work done in 2020 by PHE, the Home Office have secured funding for further lab based research into alternative technologies. This could begin around December / January subject to finding delivery partner and take around twelve months to complete. All findings will be shared with the user community in due course.

We will also be investigating options on how we might provide logistical and, subject to funding options, a financial support package for end users looking to dispose of their irradiators through this project and pay for a replacement. We will continue to update all stakeholders as and when significant updates are available.

The Home Office will be looking for opportunities to engage with as many organisations that have sources in scope over the next 12-18 months, this may be through a small number of events or through direct engagements. If anyone wishes to engage with the Home Office directly then please do email jsarc@homeoffice.gov.uk quote Fieldfare and one of the team will respond.

The Practitioner Group on the Impact of Radioactivity in the Environment

The Practitioner Group on the Impact of Radioactivity in the Environment (PGIRE) is an independent group operating under the auspices of the Nuclear Industry Liaison Group. Members of PGIRE are drawn from the UK regulatory organisations (EA, NRW, SEPA, NIEA, FSA, FSS, and ONR) with PHE providing an independent chair.

There will be an open meeting on 9 November 2021 to which interested members of your organisations are invited. A programme for the meeting is attached and information on how to join this meeting is in the flyer.

9. Date of next meeting

Provisionally Wednesday 16th March 2022