

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

Date: Wednesday 16th March 2022

Time: 10am – 12pm

Location: Videoconference

Attendees: SEPA (Chair, Sec), Scottish Government, IPEM, NHS Greater Glasgow & Clyde, NHS Tayside, SRPA, AURPO, SSERC x 2, SRP, Offshore Energies UK (OEUK), UK HSA, EA, HSE and NIEA.

Apologies: ONR Transport and Safeguards

1. Welcome, introduction and apologies

As noted above

2. Actions arising

Action: SEPA to contact Scottish Environmental Services Association, to open up discussion with landfill operators over taking small sealed sources. **Post meeting note: CLOSED update provided below.**

Action: SG to confirm whether a transition period will be included in the Section 104 Order – **CLOSED. A separate transition order was made at the same time as the consequential amendment order.**

3. SEPA update

Chief Executive's Resignation

Following conduct allegations, SEPA's CEO, Terry A'Hearn, has stepped down and left his position. SEPA has a clear Code of Conduct and takes conduct allegations very seriously indeed. To protect anonymity, SEPA is unable to comment further. Recruitment for a new Chief Executive will shortly commence and in the interim, Jo Green will continue as Acting Chief Executive, supported by SEPA's Agency Management Team.

Cyber-Attack

Since the December 2020 cyber-attack, we have worked with Scottish Government, Police Scotland, the National Cyber Security Centre (NCSC) and the Scottish Business Resilience Centre (SBRC), to a clear recovery strategy.

We've published [Our response and recovery from a major cyber-attack](#), and a range of voluntary independent audit reports on our response and recovery from Police Scotland, the Scottish Business Resilience Centre and Azets. You can view these reports at sepa.org.uk/cyber-attack.

Transboundary Radioactive Contamination (Scotland) Direction 2021

SEPA has made amendments to its application forms and guidance to implement the requirements of this Direction which have been updated on our website. The great majority of applications from non-nuclear users are unlikely to fall within the Direction's remit.

Q: Are sealed sources to be included as part of the "management of radioactive substances" in the definition of industrial processing and industrial scale? Some authorised persons with HASS may potentially then be in the scope of the Direction.

A: It is not the intention that they should be included. The application is for management of radioactive substances, not involving sealed sources. SEPA will consider whether the guidance needs updating to make this explicit or if the current wording is sufficient.

New action: SEPA to consider whether the EASR permit application guidance on the transboundary direction should be updated to confirm that sealed sources are not be included as part of the definition for "managing quantities of such radioactive substances".

Disposal of metallic radioactive sources to landfill under GBRs

SEPA continues to work to resolve issues around the disposal of metallic radioactive sources to landfill under GBRs. Due to staff changes in the Waste Policy Unit this has been held up.

Post meeting note 19/04/2022: SEPA has written to Resource Management Association Scotland (RMAS), Scottish Environmental Services Association (SESA) and Scottish landfill operators clarifying that the most appropriate disposal route for these radioactive sources is to landfill via the mixed municipal waste stream. A copy of the letter has been sent to SNNILG.

'Security requirements for radioactive sources' update

Work continues on the update of the 'Security requirements for radioactive sources' document and NaCTSO are close to finalising it, however, we do not have a publication date yet. The environment agencies are working together to ensure a co-ordinated approach to implementing the revised requirements and allowing sufficient time for people to introduce any new measures needed as a result of the revised requirements.

Operation Fieldfare

There have been no significant developments since the update given at the last SNNILG meeting.

SEPA's temporary regulatory position statements

SEPA is planning to withdraw the temporary regulatory position statements that it issued initially to address issues caused by Covid-19 and then extended to include issues caused by the UK's exit from the EU. If you believe that the TRPSs need to remain in place, please contact Angela Wright (angela.wright@sepa.org.uk) by 18 March with the reason that you think we need to retain them.

Application of EASR offshore

In November 2021, the UK government passed the legislation to apply EASR offshore; this means that EASR applies to all radioactive substances activities that we regulate wherever they are and RSA93 no longer applies. SEPA is in the process of transitioning all the offshore permits into EASR-

style permits and registrations. All registrations and authorisations under the Radioactive Substances Act 1993 for radioactive substances activities beyond 12 nautical miles from shore were deemed permits under the Environmental Authorisations (Scotland) Regulations 2018 on 25 November 2021. This transition will allow us to fully implement our “Regulatory position statement on the scope of SEPA’s regulation of radioactive substances in the offshore area” and the Standard Conditions for radioactive substances activities (Section K), in a similar manner to what was done with the onshore permits in 2019. Due to the complexities involved, the process is expected to take some time to complete.

HASS database

We are currently working on entering the backlog of HASS record forms onto the HASS database. Once this has been completed, we will be carrying out checks to ensure that people are completing the forms with all the required information and taking any regulatory action as appropriate for incomplete forms. Therefore, we suggest that you review your HASS record forms and ensure that they are correctly completed, our guidance on completion is available on our website here: [HASS record guidance \(sepa.org.uk\)](https://sepa.org.uk/hass-record-guidance).

Import of sealed sources from EU

We have received some queries over the processing times of declarations made under The Shipments of Radioactive Substance (EU Exit) Regulations 2019 for imports of sealed sources into the UK from EU. SEPA aims to acknowledge a declaration within 28 days and this information has been updated on our website.

Inspection

The Ops team are now carrying out in-person site inspections routinely with the aim of visiting every onshore site at least once a year. However, we intend to continue remote inspections for some sites, in particular offshore facilities, following the successful use of remote inspections during the COVID19 pandemic.

SEPA now has personnel trained for offshore travel again so we will begin to undertake in-person inspections of the offshore sites where the requirement arises.

Recent inspections have highlighted the need for sites to review their procedures and management processes to ensure all regulatory obligations are still being met, given the increased number of staff hybrid working.

Data returns

Good number of data returns have been received by the Feb 28 deadline. 95% of offshore and 65% for onshore submissions have been received. A reminder email has been issued with a final deadline of 31st March. Our preference is that the data return forms on our website are used to ensure the data can be captured in the same format. Please don’t delete tabs in the form that you think don’t apply to your circumstances, just submit the whole form.

Notifications

EASR Notifications are used to inform us of holdings of category 5 sealed sources, tritium sources and electrodeposited sources. Many who submitted Notifications in 2018/start of 2019 will now

need to re-submit a Notification as Notifications for holdings expire after 3 years. The website has been updated to provide additional information: [Radioactive substance notifications | Scottish Environment Protection Agency \(SEPA\)](#). SSERC has submitted new Notifications for schools throughout Scotland.

Website

A number of documents have recently been updated and published on the Applications page on our website ([Application forms | Scottish Environment Protection Agency \(SEPA\)](#)). In the Modular Application form Section 2 has been updated to include Transboundary Assessment questions, and Section 8 has additional guidance added to clarify question 1. The accompanying guidance document has been amended to reflect these changes.

Offshore registration application has been amended to provide further clarity, and a new variation option has been added to the onshore registration form. The Charging Definitions guidance and Application Information Note have been amended to reflect these changes.

4. Scottish Government update

Scottish Government Radioactive Waste and Nuclear Decommissioning Policy Team

BEIS led Policy Review (Command Paper 2919)

We are continuing to engage with BEIS and other organisations on the development of the draft policy framework and the process for consultation by providing comments and input regarding the policy and context in Scotland. The development process is a significant piece of work which is still ongoing and the consultation will launch this year.

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

UK Radioactive Substances Common Framework

We have been working with the UK Government and the other devolved administrations on a Common Framework Agreement regarding Radioactive Substances policy. The Framework establishes an agreed approach between the four UK administrations where powers have returned from the EU which intersect with policy areas of devolved competence and is intended to put in place a governance structure and shared ways of working in line with our current and future obligations. This is part of a wider programme of work to develop frameworks across a range of policy areas.

The draft framework has now been submitted to all four UK Parliaments for scrutiny and has been published online at the following link;

[Radioactive substances: provisional common framework - GOV.UK \(www.gov.uk\)](#)

Higher Activity Waste Policy (HAW) Review

Following on from the initial work done to consider issues around the Higher Activity Waste Radioactive Waste Policy 2011 (the 2011 Policy) and scope for a potential consultation exercise on

that document, we have now decided to focus our work on the implementation of the 2011 Policy and Higher Activity Radioactive Waste Strategy 2016 (the 2016 Strategy).

The first part of this is a technical work stream to be undertaken with the NDA to develop our thinking around near surface disposal concepts for Scotland. This will also include work to help us better understand the radioactive waste inventory in Scotland, including which radioactive waste is suitable for near surface disposal and that which is not. We are also taking forward work to take stock of and progress the programme of actions set out in the 2016 Strategy and to consider the issues and challenges that have arisen to date.

We will continue to engage with the members of this group to take this work forward.

5. Updates from Regulators

Environment Agency

EA has been made aware of some issues in the medical sector with supplies of radioisotopes. These issues not thought to be covid or EU exit related.

EA been working with UK wide working groups such as RWA Approval Board, Operation Fieldfare and NaTSCO.

Regulatory Position Statements

Both RSR Regulatory position Statements for Covid-19 were extended in December but will be withdrawn on 31/3/2022

<https://www.gov.uk/government/collections/covid-19-regulatoryposition-statements>

<https://www.gov.uk/government/publications/accumulating-radioactivewaste-that-you-cannot-transfer-because-of-covid-19-rps-c13>

<https://www.gov.uk/government/publications/covid-19-and-exceedingpermit-limits-for-medical-use-of-radioactive-substances-rps-c15>

Transboundary Contamination Direction

Direction replaces previous arrangements under Euratom Article 37. List of activities is the same as A37, which could apply to some non-nuclear activities. No triviality clauses were provided in the Direction. Implementation via permit application process. EA applying a graded approach.

“industrial” defined by reference to REPIR Sch1 thresholds. Only applies for new permits or variations to increase limits where $>10 \mu\text{Sv}$ per year dose to the local representative person.

Relevant applications will require transboundary dose assessment. BEIS will inform EU/Norway of relevant consultations. Unlikely to impact many (if any) non-nuclear sites.

Permits

The permit template for sealed sources has been revised – operators who apply for new/varied permits will notice some minor changes. We have revised the templates for the “approvals” we issue to MOD instead of permits. We are awaiting final comments from MOD on the templates before we

reissue the all of the existing approvals but any new/varied applications will use the revised template

Application forms

Minor changes to our application form (Part A which is about the applicant). Applicants will be asked for a site plan showing the premises where sources are normally kept where they use mobile radioactive apparatus. We will make some further changes to reflect the transboundary direction and improve the clarity of our application form which asks for details of new or varied unsealed sources.

Cs-137 Irradiators

Along with other environmental regulators we provide support to the home office project. If permit holders in England no longer have a use for their irradiator but do not want to dispose of the source until they know whether a funded disposal route will be available then they are accumulating a waste sealed source. Permits only allow accumulation for a max of 6 months, so a variation will be required to extend this.

Changes to RSR webpages on GOV.UK

On 2 December we launched some changes to our webpages. We removed the non-nuclear RSR document collection and replaced it with some restructured pages to help users find information more easily. We published a revised RSR Objective and a set of RSR Principles on a new guidance page.

Changes to RSR webpages on GOV.UK

Restructured webpages for non-nuclear users.

Pages are still divided into non-nuclear and nuclear pages where necessary to reflect the different customer bases. Changes are designed to improve the experience of GOV.UK users by:

- providing detailed information when it is needed (for example, a new RSR applicant)
- providing short cuts to the documents for users who are familiar with the documentation

We now have these pages for non-nuclear users:

- Detailed guidance on when you need a permit, how to apply, how to change (vary), transfer or surrender your permit Non-nuclear RSR: environmental permits
- An overview of how you are regulated after you receive an RSR permit How you'll be regulated: environmental permits for RSR
- A document collection for all RSR application forms RSR environmental permit application forms
- A document collection for RSR technical guidance that is relevant to non-nuclear operators Nonnuclear RSR: technical guidance

Objective and Principles

We have published a revised RSR Objective and Principles on a new guidance page on GOV.UK. These have replaced the RSR Objective and RSR Fundamental Principles that were originally published in our 2009 document. Regulatory Guidance Series RSR1: Radioactive Substances Regulation: Environmental Principles, also known as “the REPs”. The PDF version of the REPs has now been withdrawn from our pages on GOV.UK The revised objective and principles are applicable to both nuclear and non-nuclear sectors and we apply them to all aspects of our regulation.

The main changes are:

- Clarifying the RSR objective, aligning it more closely to our remit set out in legislation and to the IAEA’s fundamental safety objective
- Refining some of the existing fundamental principles so that they clearly align our work to the three pillars of radiological protection: justification, optimisation and dose limitation
- Adding some new principles to reflect the duties placed on us and how we regulate radioactive substances today, such as protecting wildlife, considering non-radioactive pollutants in radioactive wastes and ensuring the security of radioactive substances on non-nuclear sites
- Focusing our principles on the regulation of radioactive substances so that for wider issues we are working within the EA’s corporate strategies, unless those wider issues have a particular application or resonance to RSR or we have a specific duty placed on us to apply that principle



RWA approval board: RWA syllabus

SEPA have own representation. Amendment proposed by Environment Agency nuclear inspectors in response to a series of mis-consignments of radioactive waste.

Topic	Current content	Proposed content
Radioactive waste disposal	Disposal options for radioactive waste including waste acceptance criteria	<ul style="list-style-type: none"> • selecting optimised disposal options for radioactive waste • Meeting waste acceptance criteria for receiving facilities/sites • Completion and quality assurance of consignment documentation

SNNILG comments showed the medical sector had reservations. The RWA approval board decided against implementing Sept. 2021. Circulate a revised proposal in the near future, together with some other minor amendments to the syllabus reflecting EU exit.

NIEA Update

Most staff are continuing to work from home, as per NI Executive guidance. Plans are in place to change to a hybrid working pattern once guidance regarding working from home changes. This will involve staff attending the office approximately two days per week. The agency's Water Management laboratories are open with staff working on a rota basis.

RSA applications and variations are being processed as normal.

The 2021 – 2022 inspection programme has been mostly carried out remotely: a limited number of site visits have been carried out recently. It is planned to carry out the 2022 – 2023 programme as normal starting in April, providing no further covid-19 restrictions are introduced.

Two COVID-19 / EU Exit regulatory position statements for the non-nuclear sector have now lapsed. There was little use made of these RPSs. Any issues arising will now be considered for individual sites.

Work is carrying on to progress NIEA's regulatory transformation programme. A policy consultation is due to take place during May and a legislation consultation will be carried out before the end of 2022. The new regulations are due to be in place in September 2023.

HSE Overview

HSE Staffing – Ran a recruitment campaign for a new radiation Specialist Inspector – unsuccessful. Will review with recruitment and advertise again.

Inspection work - Coming towards end of current work year. Radiation specialists will have done approx. 150 inspections from new consents, industrial radiography, NHS Trusts (nuc med and mobile CT), university lasers. Will run RPA workshop event in coming months to give feedback on inspection findings and will feedback to specific sectors through SRP and IPPEM committees and at conferences etc. IRRIs: freight forwarders and vets coming to an end (freight forwarders have been found to have a poor level of IRR17 compliance), vets also continue to have a poor level of IRR17 compliance. Will feedback to transport and vet sectors and professional bodies.

RPA feedback workshop likely to be in person in HSE HQ in Bootle in May 22. As HSE community website is no longer working communication on this event will come out through HSE radiation e-bulletin. Can sign up to it by doing an internet search for HSE email eBulletins and select radiation.

Investigation work – a number of investigations progressing to prosecution stage at the moment so I will update on these as they complete. Where a prosecution takes place HSE will issue a press release then the radiation team will be able to discuss it at meetings and events to cover lessons learned and sector expectations.

Next work year – radiation specialists will continue with new consent inspections and will inspect all consent practices to ensure competence and consistency across all inspectors in preparation for new authorisation system coming online towards end of 2022. Will also continue to inspect a sample of high-power laser work across education and industry sectors. IRRIs will be inspecting the use of radioactive materials in schools and comms will go out in advance to the education sector as to what this will entail.

With Covid restrictions easing HSE inspections will no longer proactively review Covid-19 arrangements of dutyholders. Where any clear breaches of health and safety legislation in this area is identified Inspectors will take action.

HSE response to the findings of the IAEA IRRS Mission to UK in October 2019 ongoing. Still developing new consent authorisation system – it was due to come in to force Oct 2022 but this has slipped and it is likely it will be later in the year now or early 2023. 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 – they will be invited to adopt the new system. HSE have set up an external working group - SRP, IPEM, AURPO, BINDT, Nuclear Forum to liaise about the new system. Dutyholder guidance will be produced and workshops will be delivered.

Some recent legal advice the radiation team had pertaining to agency workers in NHS Trusts and Hospitals – where an agency provides trained medical staff to a hospital the agency do not need to have registration or consent for the practice the agency person is undertaking – the Trust are the employer working with radiation and they need to ensure that they comply with IRR17 when the agency member of staff is working for them. There will need to be co-operation between the hospital and agency supplying the member of staff.

Q: Is Anyone having any problems getting annual review of health with Appointed Doctors for Classified Persons? NHS GGC stated that they had not had any difficulties.

6. AOCB

Q: Is SEPA considering an exemption for medical use of unsealed sources similar to the EA where certain unsealed sources are exempt from needing a permit? A: We will consider this shortly as part of the wider EASR legislative review which is taking place to include water/PPC into EASR.

Q: At the IPEM RWA Update meeting last month, there was a presentation from the EA about updates to their IRAT tool and how to use it. Will SEPA be updating their Radiological Dose Assessment Tool to match IRAT? From a medical sector perspective this would be really useful as the new IRAT has new or improved modelling of some radionuclides used in medicine.

A: We are in the process of upgrading the SEPA WWTW tool at the moment. It will include new radionuclides that have been requested through the inspectors and an update to the Biota

assessment tool. If there are specific requests, please feed these through the SNNILG secretariat and we can see if these can be added into the tool.

7. Date of next meeting

Provisionally Wednesday 14th September 2022