

Environment Agencies' Statement on Radioactive Waste Advisers

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Cyfoeth Naturiol Cymru Natural Resources Wales

Environment Agency

NIEA Northern Ireland Environment Agency www.daera-ni.gov.uk

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2.2	5 February 2024	Removal of reference to EU Basic Safety Standards Directive
2.3	May 2026	Document migrated into SEPA accessibility format.

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1. Executive Summary

1.1. This Statement is issued jointly by the Environment Agency (EA), the Northern Ireland Environment Agency (NIEA), Natural Resources Wales (NRW) and the Scottish Environment Protection Agency (SEPA) to set out how we will comply with our legal responsibilities relating to radiation protection experts.

1.2. The Statement provides information on our expectations of Radioactive Waste Advisers and how the UK-wide scheme will be operated for the recognition of Radioactive Waste Advisers.

1.3. Radioactive Waste Adviser (RWA) is the term that we use to describe a specialist in radioactive waste management and environmental radiation protection. A Radioactive Waste Adviser fulfils some of the functions of a radiation protection expert. The remaining functions are fulfilled by other specialists in radiation protection that are required by separate legislation overseen by other regulators. This Statement only applies to the environment agencies' responsibilities, namely the Radioactive Waste Adviser part of the radiation protection expert.

2. Introduction

2.1. This Statement fulfils part of the UK's requirement to ensure that arrangements are in place for the recognition of radiation protection experts. It only meets the requirement in relation to public exposures from radioactive waste management and environmental radiation protection; other arrangements are in place for radiation protection experts in relation to occupational exposures.

2.2 This Statement is issued jointly by the Environment Agency (EA), the Northern Ireland Environment Agency (NIEA), Natural Resources Wales (NRW) and the Scottish Environment Protection Agency (SEPA), hereafter referred to collectively as the "environment agencies".

2.3. The Statement specifies the environment agencies' requirements for Radioactive Waste Advisers to advise permit holders on radioactive waste management and environmental radiation protection.

2.4. The Statement is supported by guidance issued by the environment agencies on Radioactive Waste Advisers. The Statement and guidance will be updated and amended as required.

2.5. To simplify the description of the different legislation that applies to radioactive waste management in England and Wales, Scotland and Northern Ireland, throughout this document we use the term "Radioactive Waste Legislation" (RWL). This term refers to the Environmental Permitting Regulations 2016 (as amended) (EPR 2016) (Ref. 1), the Radioactive Substances Act 1993 (RSA93) (Ref. 2) and the Environmental Authorisations (Scotland) Regulations 2018 (EASR) (Ref. 3). Furthermore, any references to a "permit" means a permit issued under EPR 2016 for England and Wales, an authorisation issued under EASR and/or a registration or authorisation issued under RSA93 in Northern Ireland.

3. Background

3.1. The Requirement for Radiation Protection Experts

3.1.1. The RWL places specific requirements on permit holders and requires them to seek advice from a radiation protection expert in carrying out these tasks.

3.1.2. The environment agencies have a legal duty to ensure these requirements on permit holders are fulfilled (Refs. 1, 3 and 4).

3.2. Role of a Radiation Protection Expert

3.2.1. The international definition of a radiation protection expert is very broad. It defines a radiation protection expert as:

"an individual or, if provided for in the national legislation, a group of individuals having the knowledge, training and experience needed to give radiation protection advice in order to ensure the effective protection of individuals, and whose competence in this respect is recognised by the competent authority".

3.2.2. In the United Kingdom the role of the radiation protection expert is implemented by different roles specified in different legislation and regulated by different organisations. These include experts who can advise employers about occupational exposures (Radiation Protection Advisers), instrument calibration and maintenance, radioactive waste management and transport of radioactive materials. This Statement only applies to the Radioactive Waste Adviser part of the radiation protection expert.

3.3. How we developed this Statement

3.3.1. During the development of the original Statement published in May 2011 we engaged with representatives of the nuclear industry, non-nuclear industry, professional societies, potential Assessing Bodies, other regulators, consultants and non-departmental public bodies who have an interest in Radioactive Waste Advisers. They provided extensive input that we used to inform us and develop the Statement.

3.3.2. A public consultation (Ref. 5) was held during the period October 2010 to January 2011 and the feedback from consultees was used to further develop this Statement. The

environment agencies published a response on 19 April 2011 titled "Qualified Experts for Radioactive Waste Management: Consultation Response Document" (Ref. 6).

3.3.3. This Statement and associated guidance have been developed taking into account the consultation responses and other input from stakeholders.

4. Environment Agencies' Statement on Radioactive Waste Advisers

4.1.1. In order to fulfil our obligations, we require permit holders to appoint Radioactive Waste Advisers where necessary. We have also put in place arrangements to recognise the capacity to act of Radioactive Waste Advisers.

4.2. Radioactive Waste Advisers

4.2.1. A permit holder must appoint suitable Radioactive Waste Advisers if the permit is for the accumulation, disposal or management of radioactive waste.

4.2.2. The permit holder is responsible for ensuring that any Radioactive Waste Adviser appointed is "suitable" to give relevant advice on the permit holder's business.

4.2.3. The environment agencies consider a suitable Radioactive Waste Adviser (or Corporate Radioactive Waste Adviser) to be:

A Radioactive Waste Adviser (or Corporate Radioactive Waste Adviser) who has "the specific knowledge, experience and competence required for giving advice on the particular radioactive waste management and environmental radiation protection issues for which the permit holder is making the appointment".

4.2.4. The permit holder must appoint the Radioactive Waste Adviser(s) in writing, and this appointment should include the scope of advice which the Radioactive Waste Adviser is required to give.

4.2.5. The RWL requires the permit holder to consult a Radioactive Waste Adviser on the following matters and will have due regard to the advice provided by the Radioactive Waste Adviser:

- Achieving and maintaining an optimal level of protection of the environment and members of the public; and
- Accepting into service adequate equipment and procedures for measuring and assessing exposure of members of the public and radioactive contamination of the environment; and

- Checking the effectiveness and maintenance of equipment as described in the point above and ensuring the regular calibration of measuring instruments.

4.2.6. The Radioactive Waste Adviser's advice is expected to cover, where relevant to radioactive waste management and environmental radiation protection, but not be limited to:

i) Optimisation and establishment of appropriate dose constraints;
ii) Plans for new installations and the acceptance into service of new or modified radiation sources in relation to any engineering controls, design features, safety features and warning devices relevant to radiation protection;
iii) Appropriate radiation monitoring instrumentation;
iv) Quality assurance;
v) Environmental monitoring programme;
vi) Arrangements for radioactive waste management;
vii) Arrangements for prevention of accidents and incidents;
viii) Preparedness and response in emergency exposure situations;
ix) Investigation and analysis of accidents and incidents and appropriate remedial actions;
x) Preparation of appropriate documentation such as written procedures.

4.3. Corporate Radioactive Waste Advisers

4.3.1. The environment agencies recognise that there are some nuclear site permit holders who might want to implement their obligation for appointing Radioactive Waste Advisers on a site by sharing the duties amongst more than one individual. This option is only available to nuclear site permit holders but is not mandatory for them. Under these circumstances the group of individuals providing the Radioactive Waste Adviser function will be known as a "Corporate Radioactive Waste Adviser" and can only advise on the nuclear site's own permit. A single legal entity with more than one nuclear site may choose to submit a single set of Corporate Arrangements. The Corporate Arrangements should specify which sites the arrangements apply to.

4.3.2. In order to be recognised as a Corporate Radioactive Waste Adviser the permit holder must have sufficient infrastructure to identify, develop and maintain the knowledge and

experience of individuals within their organisation so that they can collectively fulfil all the expectations of an individual Radioactive Waste Adviser.

4.4. Demonstration of Competence

4.4.1. Competence is a term that is used in various ways in different disciplines. In order to align as closely as possible with other relevant uses of the term in radiation protection, we define competence for Radioactive Waste Advisers as:

"The combination of knowledge, training and experience that equips an individual or group of individuals to provide expert advice on radioactive waste management and environmental radiation protection."

4.4.2. To be recognised as a Radioactive Waste Adviser an individual must be able to demonstrate that they are competent in radioactive waste management and environmental radiation protection.

4.4.3. Working with the radiation protection profession, we have produced a Radioactive Waste Adviser syllabus which gives details of the competence in different topic areas that we expect for an individual to be a competent Radioactive Waste Adviser.

4.4.4. Similarly, to be recognised as a Corporate Radioactive Waste Adviser, the collection of individuals must be able to jointly demonstrate that they are competent in radioactive waste management and environmental radiation protection and can demonstrate competence with the Radioactive Waste Adviser syllabus.

4.4.5. The Radioactive Waste Adviser syllabus will be maintained by the Approval Board.

4.4.6. The environment agencies expect Radioactive Waste Advisers to maintain and develop their knowledge and experience through continuing professional development.

4.4.7. We expect that a maximum period for validity of recognition of an individual's competence to act as a Radioactive Waste Adviser will be set at a period not exceeding five years.

4.4.8. The environment agencies will accept simulation to demonstrate competence if it is not possible for an individual to gain real experience of some of the syllabus requirements.

4.5. Administrative Arrangements

4.5.1. The environment agencies will set up an Approval Board to oversee the operation of the scheme for the recognition of Radioactive Waste Advisers.

4.5.2. The Approval Board will decide if applicant Assessing Bodies are suitable for assessing the competence of individuals wanting to act as Radioactive Waste Advisers.

4.5.3. It will also assess the adequacy of Corporate Arrangements for nuclear site permit holders to approve their own Corporate Radioactive Waste Adviser.

4.5.4. It will remove this approval if Assessing Bodies or Corporate Arrangements are not meeting the specified criteria.

4.5.5. The purpose of an Assessing Body is to recognise the competence of individuals to act as Radioactive Waste Advisers for the purpose of the Radioactive Waste Legislation in relation to radioactive waste management and environmental radiation protection.

4.5.6. The Approval Board will develop and publish procedures and information for applicant Assessing Bodies and Corporate Arrangements that will include:

- What is expected of an Assessing Body or Corporate Arrangements;
- What information needs to be submitted as part of the application for approval;
- How the approval process works; and
- How appeals can be made.

4.5.7. The Approval Board will maintain a publicly available list of all organisations it recognises as Assessing Bodies together with contact details for those Assessing Bodies.

4.5.8. The Approval Board's operation will be governed by a published Constitution that will be agreed by the environment agencies. This Constitution will provide further detail on the Approval Board's scope of interest and functions.

4.5.9. The Approval Board will be composed of senior officers, or their nominated representatives, from each environment agency. Members representing individual agencies must have sufficient delegated authority to effectively represent their agency and to make decisions on their agency's behalf.

4.5.10. The following agencies will ensure appropriate membership:

- Environment Agency (EA)
- Northern Ireland Environment Agency (NIEA)
- Scottish Environment Protection Agency (SEPA)
- Natural Resources Wales (NRW)

Representatives from the following industry sectors will be invited to participate as members in an advisory capacity:

- Nuclear industry
- Non-nuclear industry

4.5.11. Each representative will have knowledge and experience of the requirements of a Radioactive Waste Adviser and the type of work they might be involved in and/or competences in quality management.

4.6. Enforcement

4.6.1. Those permit holders that need to appoint a suitable RWA will have a condition in their permit requiring them to do so.

4.6.2. The arrangements in place for the permit holder to assess the suitability of Radioactive Waste Advisers appointed may be scrutinised by the environment agencies as part of the routine inspection process.

5. References

1. The Environmental Permitting Regulations 2016 (as amended)

2. The Radioactive Substances Act 1993

3. The Environmental Authorisations (Scotland) Regulations 2018

4. The Radioactive Substances (Basic Safety Standards) Regulations (Northern Ireland) 2003

5. Qualified Experts for Radioactive Waste Management: A Consultation by the UK environment agencies

6. Qualified Experts for Radioactive Waste Management: Consultation Response Document

6. Glossary

Approval Board

A Board consisting of representatives from the environment agencies and industry for the purpose of overseeing the Radioactive Waste Adviser scheme and approving Assessing Bodies and Corporate Arrangements.

Assessing Body

An organisation independent from the environment agencies that has been approved by the Approval Board to assess the competence of individuals to act as Radioactive Waste Advisers.

Competence

The combination of knowledge and experience that equips an individual or group of individuals to provide expert advice on radioactive waste management and environmental radiation protection.

Corporate Radioactive Waste Adviser

A group of individuals who collectively provide the Radioactive Waste Adviser function for a nuclear site permit holder.

Environment agencies

The collective term for the Environment Agency, the Scottish Environment Protection Agency, Natural Resources Wales and the Northern Ireland Environment Agency.

Nuclear site permit holder

A nuclear site permit holder is someone who has a nuclear site licence as defined in the Nuclear Installations Act 1965.

Permit

A permit issued under the Environmental Permitting Regulations (as amended) 2016, an authorisation granted under the Environmental Authorisations (Scotland) Regulations 2018 and/or a registration or authorisation issued under the Radioactive Substances Act 1993.

Radioactive Waste Legislation

The Environmental Permitting Regulations 2016 (as amended) (EPR 2016), the Radioactive Substances Act1993 (RSA93) and the Environmental Authorisations (Scotland) Regulations 2018 (EASR).