



www.nuleaf.org.uk

c/o Suffolk County Council
Endeavour House
Russell Road
Ipswich IP1 2BX

Executive Director: Fred Barker
Tel: 01422 847 189
Mobile: 0780 390 5430
e-mail: fred.barker@nuleaf.org.uk

PA to Executive Director:
Tel: 01473 264833
e-mail: christine.delcorral@nuleaf.org.uk

HSE Nuclear Safety Directorate
Redgrave Court
Merton Road
Bootle
L20 7HS

25 May 2007

Dear HSE NSD,

CONSULTATION ON DRAFT GUIDANCE ON THE MANAGEMENT OF RADIOACTIVE WASTE ON NUCLEAR LICENSED SITES

I write on behalf of NuLeAF - the Nuclear Legacy Advisory Forum of the Local Government Association - to submit comments on the draft joint guidance.

The comments below take into account:

- Attendance at the stakeholder workshop on 18 April in Bootle
- The 2002 report of the joint RWMAC/NuSAC study of arrangements and requirements for conditioning, packaging and storage of ILW.

Before responding to the specific questions posed in the draft guidance, I thought it worth highlighting a number of welcome features of the draft guidance. These include the commitments to:

- Pursue early engagement and joint working.
- Seek agreements with the NDA to scrutinise the work of NDA(RWMD), thereby gaining regulatory oversight of its work.
- Review the way the Letter of Compliance system may evolve over time.
- Identify processes and schedules for resolution of problems.

These commitments should enable further progress to be made in addressing issues and concerns identified in the joint RWMAC/NuSAC study (paras 6.17, 6.19 and 6.26).

Special Interest Group on Nuclear Decommissioning and Radioactive Waste Management



With specific reference to the commitment to undertake reviews of the work of the NDA(RWMD) (p22, draft guidance), we wish to highlight that these reviews will be of considerable interest to any Siting Partnerships that are established to participate in the siting process for a geological repository. As such, we recommend that the regulators give early consideration to how these reviews can be most effectively presented, explained and discussed within a Siting Partnership to help build trust and confidence in regulatory assessments.

Q1 Future Extension of the Scope of this Guidance

The suggestion that there be guidance that addresses the management of other categories of radioactive wastes is supported. There may be advantages in extending the existing draft to include all radioactive waste management on licensed nuclear sites. This could, in principle, have benefits in terms of consistency of approach and transparency. However, in addition to redefining the "conditioning proposal", extended guidance would need to clarify how LLW management projects would be categorised for regulatory scrutiny.

Q2 Application of the Regulatory Categorisation in Annex A

The categorisation system is supported, as it is important that regulatory effort is focussed on wastes that are challenging or constitute a significant hazard. We assume that the categorisation system will be developed and refined in a way that addresses points raised at the April workshop on the need for greater clarity in meaning and definition of key terms.

Q3 Issues to Cover in Technical Guidance

There were two topics raised in the joint RWMAC/NuSAC study that should be addressed in the Technical Guidance:

- The first concerns the issue of 'interim' packaging (RWMAC/NuSAC paras 7.18, 7.19 and 7.24). At the time of the study, BNFL argued that it may be necessary in some cases to package wastes in a way that is unlikely to be "directly disposable". The joint Committees acknowledged that it may be necessary to adopt interim packaging arrangements for specific waste streams, but argued that such arrangements would require convincing and transparent case by case justification. Subsequent guidance referred to the need for Licensees to demonstrate credible plans to remove the "compliance gap" where interim packaging arrangements are proposed. Given the potential significance of this issue, it would be desirable for the guidance to explain the regulatory approach to such proposals.
- The second concerns the potential need for fast track variations in discharge authorisations to deal with unexpected problems in retrieving problematic wastes (RWMAC/NuSAC paras 7.12 – 7.13). The joint Committees were particularly concerned about this issue and recommended that it be reviewed. NuLeAF is not aware of whether, and if so how, this issue has been resolved. It may also be desirable for the guidance to explain the regulatory approach to situations where unexpected discharges may arise.

It would also be helpful for the Technical Guidance to include a module on transport, as suggested at the April workshop.

Q4 Improvements to the Guidance

It is suggested that the guidance could be improved in the following ways:

- The current paragraph on stakeholder engagement (para 2.5) is not sufficiently explicit about the need for timely engagement with local government, particularly where strategies might result in the need for facilities requiring planning permissions or inter-site transfers of radioactive waste. In some circumstances, local government will have a specific part to play in the permissioning process and its role should be explicitly recognised as such. The value of early engagement with local government planners should also be highlighted.
- The guidance does not currently address expectations about planning horizons/timetables for interim storage. This was an issue of concern highlighted in the joint RWMAC/NuSAC study (para 8.18) that could now be addressed in the guidance.

It may also be that Part I of the guidance should include a brief explanation to the topics identified above in relation to Q3.

I hope that these comments are of value.

Yours sincerely,

Fred Barker

Executive Director
NuLeAF