

Meeting:	NuLeAF Steering Group, 15 March 2017
Agenda Item:	5
Subject:	Update on national developments in radioactive waste management
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Purpose:	To update on developments in the work of NDA and the wider national context

Introduction:

This paper provides a report on recent developments in NDA strategy and operations. It covers:

- New NDA Chief Executive Officer and Chair appointed;
- Report from Theme Overview Groups (TOGs) and other related meetings;
- Integrated Waste Management(IWM) Review and Forum;
- Proportionate Regulatory Controls (PRC) and Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (GRR) Update;
- Further ministerial changes at BEIS;
- Brexit and Euratom;
- Annual meeting with LLWR; and
- NDA stakeholder summit.

Recommendation:

This report is for noting. Views of the feasibility of a visit to Trawsfynydd in September 2017 are invited.

1. New NDA Chief Executive Officer and Chair appointed

It has been announced that **David Peattie** has been appointed as the new Chief Executive Officer of the NDA. He officially took over the role on the 1st March but it is understood that John Clarke will be continue to work for NDA for a limited time to facilitate the handover. Before taking on the role, Mr Peattie was Chief Executive Officer at Fairfield Energy where he oversaw work on North Sea decommissioning. Prior to that he served with British Petroleum in a number of senior management posts.

Tom Smith was appointed as Chair of the Nuclear Decommissioning Authority (NDA)¹ in December 2016 and also assumed the role on the 1st March 2017, taking over from Stephen Henwood. His appointment will run until 2020. Following a career in the diplomatic service, Mr Smith worked for a number of years in the rail industry, including as Chairman of the Association of Rail Operating Companies. He has served as a Non-Executive Director of the NDA from 2013.

NuLeAF Chair Cllr Brendan Sweeney has written to David Peattie requesting a meeting to discuss the work of NuLeAF and the relationship between the NDA and local authorities.

2. Report from Theme Overview Groups (TOGs) and related meetings

A meeting of the **Site Restoration Theme Overview Group (TOG)** was held in Penrith on the 13th December.

Key items discussed were:

- Plans to develop a '**Strategic BAT**' (Best Available Technique) to identify the optimum solution for subsurface structures and off-shore pipelines. Research for NDA has explored the complex range of international and national conventions and legislation governing the management of such structures, and concluded there is no legal reason why pipelines cannot either be left in situ or removed, based on what is identified as the best approach (BAT). The Strategic BAT will set out a framework to be used to underpin decisions taken on different sites across the NDA estate.
- A discussion on **administrative controls**, with a presentation from Shelly Mobbs on her research for NDA on **Administrative Controls for Protecting People and the Environment from Residual Contamination on a Decommissioning Site**. This followed on from the presentation and discussion between the RWPG and Shelly, held in October 2016, where RWPG members highlighted a number of limitations to the use of the planning system as a tool to manage sites. Discussion at the TOG meeting centred on the limitations of the planning systems and the challenges posed by the separation of radioactive waste planning and guidance from the mainstream land use and waste planning system.

A meeting of the **Integrated Waste Management TOG** was held in Penrith on the 15th December. NuLeAF's Director was unable to attend the meeting but the key agenda items were based around reports from LLWR and RWM.

¹ <https://www.gov.uk/government/news/tom-smith-appointed-chairman-of-the-nuclear-decommissioning-authority>

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- The **LLWR** report updated the Group on the latest waste figures, with 88% diversion from the LLWR site through compaction, recovery and alternative treatments. LLWR also highlighted a number of research projects they are supporting, including on short-lived ILW and on waste at the boundary between LLW and ILW. These studies will help inform the developing **Radioactive Waste Strategy** which will explore the management of such wastes and potential alternatives to current waste management routes.
- **RWM** provided a general update on planned work on geology and on the consultations on the community and land use planning aspects of the GDF siting process, along with a range of technical work on packaging.

A further Integrated Waste Management TOG is scheduled for the 9th March. The Executive Director will provide a verbal report on this meeting.

3. Integrated Waste Management (IWM) Review and Forum

The Department of Business, Energy and Industrial Strategy (BEIS) has commenced a review of radioactive waste infrastructure and policy. Led by Juliet Long, who is on secondment from the Environment Agency, the reviews cover all radioactive waste from across the UK, not just that generated by the NDA estate.

A Forum has been established, involving NuLeAF along with BEIS, the devolved administrations, environmental regulators (Office for Nuclear Regulation along with the Environment Agency, Natural Resource Wales and SEPA), and the NDA. It met on the 14th February and NuLeAF's Director participated by phone.

Regarding infrastructure, the objective of this work is *'to ensure that the UK continues to have access to a robust and sustainable infrastructure that ensures proper protection of people and the environment and which enables delivery of our objectives for energy, climate change, defence, growth and healthcare.'* It will develop an assessment of the risks to effective management caused by the loss of individual components of waste infrastructure and the likelihood of this happening.

The radioactive waste policy review is seeking to establish a policy that:

- Addresses all forms of radioactive waste, irrespective of source;
- Ensures proper protection of people and the environment, including future generations; and
- Enables people and business to benefit from the responsible use of radioactive substances.

Underpinning this, the review will consider the classification and categorisation of radioactive wastes. The classification of wastes will aim to establish clear definitions of all waste types e.g. High Level Waste. The categorisation of wastes will look more widely at the physical and chemical properties of waste and the best approach to management and disposal. This could lead to some wastes currently earmarked for geological disposal being instead disposed of in a near-surface facility.

NuLeAF has long supported a more integrated approach to the management of radioactive waste and also expressed concern at the limitations of current infrastructure. However, any change in classification or in management and disposal routes must meet the highest standards of safety and environmental protection and be supported by any host community.

It is expected that an interim report on the review will be published in April 2017, setting out initial considerations and findings. A final report, with recommendations and an implementation plan, is expected in December 2017. NuLeAF will continue to engage and report back on members as the Forum's work develops.

4. Proportionate Regulatory Controls (PRC) and Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (GRR) Update

Over the past year NuLeAF has been involved in an on-going dialogue with the Government, Environment Agencies and the NDA on the options for the regulation of nuclear sites in the final stages of decommissioning and clean-up of nuclear sites. This work has three strands:

- **Proportionate Regulatory Controls (PRC)** which is assessing whether there is a need for legislative changes to be made to facilitate a new approach to clean up.
- **Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (GRR) Update** which is considering the scope for changes to regulatory requirements and the roles and responsibilities that regulators and others may have in long term management of sites after surrender of the permit.
- **Lead and Learn** wherein three NDA sites are exploring the scope for early decommissioning and the use of new approaches to waste.

Regarding **PRC**, it is now clear that a consultation on proposed legislative changes will be delayed and is expected to commence in late spring 2017. NuLeAF will develop a response in consultation with member local authorities.

In terms of the **GRR** work, the UK Government launched a discussion paper on 3rd November, inviting the views of stakeholders. The UK environment agencies have now published their response to the comments made by NuLeAF and 21 other organisations and individuals and this can be found on the SEPA website². Having analysed the submissions, the environment agencies have not identified the need for any substantive changes to their approach, although they do recognise that many of the comments have proved useful in improving the clarity of the final document.

Finally, the **Assessment of Strategic Options for the Site End State at Trawsfynydd** has now been published. Trawsfynydd is one of three '**Lead and Learn**' sites undertaking pilot work on the application of the GRR and the processes for early site clearance. The Options report was prepared by Galston Sciences and has been informed by a stakeholder engagement workshop in November 2016 which NuLeAF participated in.

The assessment considered two Strategic Options: Option 1 involved the removal of all radioactive materials and Option 2 involved leaving some slightly contaminated structures on site. The overall conclusion is that Option 2 performed the same or better on most factors but less well on socio-economic criteria. The full report is available on the NuLeAF website³.

At the December 2016 Steering Group, it was proposed that NuLeAF organise a site visit to Trawsfynydd around the September 2017 Steering Group, to enable members to discuss further the 'Lead and Learn' programme and the potential options for the management of residual contamination on this and other Magnox sites. Given the NDA's proposal for a two day 'stakeholder summit' (see item 7) in West Cumbria, also in September 2017, the views of member on whether the Trawsfynydd visit should be postponed to a later date are invited.

5. Further Ministerial Change at BEIS

Despite only being in position for a number of months, **Baroness Neville-Rolfe** has left her post as Minister of State for Energy and Intellectual Property (with responsibility for nuclear issues) and moved to the Treasury. NuLeAF understands that **Jesse Norman**, already a BEIS Minister, will take on her previous portfolio. It is not clear if this latest change may have an impact on the timetable for work on the GDF siting process.

6. Brexit and Euratom

At the start of February 2017 the UK Government published its White Paper on the UK's 'exit from and new partnership with' the European Union. This

² <https://consultation.sepa.org.uk/operations-portfolio/grr/>

³ <http://www.nuleaf.org.uk/document-library/industry-projects-2>

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confirmed that in invoking Article 50, the intention was to leave Euratom as well as the European Union.

Founded in 1957, **Euratom (the European Atomic Energy Community)** provides the legal framework for civil nuclear power generation and radioactive waste management across the European Union. The Euratom Treaty sets out eight areas of activity: promotion of research, establishing and policing uniform safety standards, facilitating investment, ensuring a regular supply of ores and fuels (via the Euratom Supply Agency), applying safeguards, exercising rights of ownership over 'special fissile materials', creation of a nuclear common market and establishing relations with other countries and international organisation to foster progress in nuclear energy.

Overall, based on the current Brexit plan, the UK has two years to:

- design, resource and implement new UK safeguarding arrangements in line with accepted international standards;
- replace current safeguarding commitments under the Non-Proliferation Treaty (which are also predicated on Euratom membership); and
- identify and plan negotiation of replacement nuclear cooperation agreements with every country with which the UK has ongoing nuclear trade.

This timetable is likely to prove challenging and will require significant resources to be allocated within the civil service. In recent weeks there has been significant media coverage of the impact of leaving Euratom, largely in relation to the potential for delays to new nuclear power station development.

There may be scope for a transitional arrangement or for the UK to remain engaged in Euratom in some form. Switzerland, which is not in the European Union, is a 'participating associate state' within Euratom. However, as it stands the Government has maintained that exit from Euratom by 2019 is realistic and desirable. In response to a question in the House of Lords on the 9th February, Lord Prior of Brampton stated:

'This Government remains committed to the highest standards of nuclear safety, safeguards and support for the industry. Whilst membership of Euratom has served the UK well, the benefits of Euratom membership can be achieved through other means as well.'

The UK will remain publicly accountable on nuclear safety matters through our membership of the International Atomic Energy Agency (IAEA). The IAEA's legal frameworks for the nuclear sector are the basis on which the Euratom Community and the UK's own domestic regime is based; there is no intention to weaken the current standards. The UK's future nuclear safeguards

arrangements will continue to provide the quality, safety and robustness that currently exist under Euratom.'

NuLeAF will continue to monitor progress in this area and update members on significant developments.

7. Annual meeting with LLWR

As part of the Radioactive Waste Planning Group (RWPG) meeting on the 24th January 2017, NuLeAF hosted the annual meeting between local authorities and LLWR on Low Level Waste (LLW) arisings.

The meeting is intended to provide local authorities with advanced information on planned waste movements, and to enable a discussion around issues of mutual concern. It helps satisfy the engagement requirements of the Low Level Waste Strategy.

The meeting heard presentations from LLWR and representatives of Sellafield, NDA and Magnox and was followed by a useful discussion. The presentations are available on the NuLeAF website⁴.

8. NDA Stakeholder Summit and engagement

The NDA is planning to hold a stakeholder summit, with a focus on socio-economic issues. This will replace annual stakeholder meetings.

It is likely that the summit will be held in Cumbria over 2 days in September 2017. Plans are still in development but it is expected that there will be an opportunity to hear from and question the new NDA Chair and Chief Executive along with a Government Minister. It is also hoped to showcase a range of projects backed by NDA which have brought benefits to communities around nuclear licensed sites.

The NDA is keen to have a good representation from local government and will be working with NuLeAF to encourage both Members and officers from every local authority that hosts a decommissioning site to attend. It is anticipated that funding to cover travel and accommodation costs will be provided to those wishing to participate. Representatives of the Site Stakeholder Groups (SSGs) and the supply chain will also be in attendance.

The NDA is also in the process of reviewing its wider approach to stakeholder engagement. Bill Hamilton of NDA will be attending the March Steering Group and be providing more detail on these plans.

⁴ <http://www.nuleaf.org.uk/document-library/rwpg-notes/rwpg-meeting-notes-and-papers-2017>