

Meeting:	NuLeAF Steering Group, 12 th September 2018
Agenda Item:	6
Subject:	Update on national developments in radioactive waste management
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Purpose:	This paper provides an update on recent developments in radioactive waste management and Nuclear Decommissioning Authority (NDA) operations

Introduction:

This paper updates members on recent developments in radioactive waste management and NDA operations. It covers:

- NDA update;
- Proportionate Regulatory Controls (PRC) update;
- LLWR Update;
- David Loudon;
- Nuclear Safeguards consultation and Brexit Update;
- ONR Annual Report;
- Nuclear Sector Deal Published; and
- Meeting with SCCORS.

Recommendation:

This report is for noting.

1. NDA update

1.1 NDA has published a consultation document on its proposals for a single **Radioactive Waste Strategy** for all wastes produced on the NDA estate¹.

The aim of the Strategy is to provide:

- a framework for making decisions flexibly, to ensure safe, environmentally acceptable and cost-effective solutions that reflect the nature of the radioactive waste concerned;
- a consolidated position and greater clarity of strategic needs in this area;
- promotes cross-category waste management opportunities;
- support a risk-based approach to waste management; and

¹ <https://www.gov.uk/government/consultations/nda-radioactive-waste-management-strategy>

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- an integrated programme for a suitable and timely waste management infrastructure to support the NDA mission.

It seeks to build on successes in Low Level Waste (LLW) management. The programme will be taken forward in phases with an initial focus on LLW/ILW (Intermediate Level Waste) boundary wastes – i.e. wastes for which the level of radioactivity and other characteristics mean there may be different ways to manage them. There will also be an early focus on packaging and the waste management culture within the organisation.

NuLeAF has drafted a response which will be circulated in advance of the Steering Group meeting, and there will be an opportunity to discuss the Strategy and consultation with NDA during the afternoon session of the meeting. There will also be an opportunity for members to feedback comments on the draft NuLeAF response, with the deadline for this being the 22nd October. The consultation itself closes on the 31st October 2018.

1.2 The NDA has published its **Annual Report and Accounts 2017-18²**. The report notes the issues and challenges posed by the various inquiries into the failed Magnox contract process. It highlights progress in dealing with some of the high hazard facilities and in the transfer of Spent Nuclear Fuel (SNF) to Sellafield.

Looking forward the report notes that priorities for the coming year will be to:

- Establish new arrangement for the management of the Magnox sites;
- Move Bradwell into care and maintenance;
- Conclude the transfer of materials from Dounreay to Sellafield;
- Complete preparations for the Geological Disposal Facility (GDF) siting process; and
- Remove the final piece of Magnox fuel from the last Magnox reactor at Wylfa.

1.3 The National Audit has published its latest report into its findings on the **NDA's Progress in reducing hazards at Sellafield**, following on from an earlier report published in 2015. It notes that *'work to reduce risk and high hazard at Sellafield has taken an encouraging turn for the better. In recent years, Sellafield Limited has met significant milestones in retrieving hazardous waste from its legacy ponds and silos. While delays and cost overruns are still evident for major projects at Sellafield, the NDA has made progress with reducing these since we last reported. However, the Department for Business, Energy & Industrial Strategy, UK Government Investments, the NDA and Sellafield Limited have more work to do to measure, evaluate and communicate progress more effectively'*.

² https://www.gov.uk/government/publications/nuclear-decommissioning-authority-annual-report-and-accounts-2017-to-2018?utm_source=ff953236-e0d4-4ef6-b876-41e3d98186d3&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

It also concludes that *'To sustain progress in the near term, the NDA and central government will need to clarify the NDA's role and to find the right balance between scrutinising decisions and enabling the leadership at Sellafield to exercise its legal duties, professional expertise and maintain motivation. To inform its longer-term strategy, the NDA must review the constraints that it says prevent further and faster progress with reducing high hazard at Sellafield'*.

1.4 The NDA held its annual **Stakeholder Summit** in Berkeley on the 10th and 11th July. NuLeAF was able to encourage a good level of local authority participation and, working with the international **Group of Municipalities with Nuclear Facilities (GMF)**, ensured a significant number of international local government delegates from across Europe attended. In addition to the main event, NuLeAF and GMF members heard from NDA Chief Executive Davis Peattie as well as Ann McCall of Radioactive Waste Management (RWM) and a representative of the Östhammar community in Sweden on their experiences of a GDF siting process. A dinner for NuLeAF and GMF members was also held, and NuLeAF is grateful to the NDA and LLWR with their support for this.

2. Proportionate Regulatory Controls (PRC) Update

2.1 NuLeAF's Executive Director, along with a number of local authority officers, attended a stakeholder workshop on Proportionate Regulatory Controls in London on the 12th June 2018, held by the Department for Business, Energy & Industrial Strategy (BEIS) to help inform their **Consultation on the regulation of Nuclear Sites in the final stages of decommissioning and clean up.**

The meeting provided some clarification on a range of stakeholder concerns. Key points included:

- The Government does not anticipate that any changes to planning legislation or regulation are required, but that they will continue dialogue through NuLeAF regarding the need for supplementary planning guidance.
- That the timetable for any changes coming into force is not yet clear as this will require Parliamentary scrutiny and Ministerial clearance.

Discussions at the workshop, along with member comments, helped in the preparation of NuLeAF's consultation response which was submitted to Government in July³.

2.2 UK environmental regulators have jointly published the final version of **Management of radioactive waste from decommissioning of nuclear**

³ <http://www.nuleaf.org.uk/wp-content/uploads/2018/07/BEISRegulationofsitesconsultationfinal.pdf>
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sites: Guidance on Requirements for Release from Radioactive Substances Regulation⁴; the guidance known as the GRR.

The guidance is a joint publication by the Scottish Environment Protection Agency (SEPA), the Environment Agency (EA) and Natural Resources Wales (NRW). The text was reviewed after taking account of comments made during the consultation carried out in February 2016 and the learning from a subsequent two-year period of trial use by three nuclear sites.

The Guidance governs the arrangements for the management of any residual low-level radioactive material left on site following the ending of the nuclear site licence. It applies to all nuclear sites including those where decommissioning and clean up has already begun, and requires operators to:

- produce a waste management plan;
- produce a site-wide environmental safety case; and
- make sure the condition of their site meets standards for protection of people and the environment, now and into the future.

Operators must seek to 'optimise' the site, keeping the risks of radiation exposure to people as low as reasonably achievable while taking account of economic and social factors. The guidance also states that operators must '*engage early and widely with local communities, the general public and other regulators including planning authorities*'.

3. Low Level Waste Repository (LLWR) Update

3.1 A LLW National Waste Programme (NWP) Regulatory meeting was held in Penrith on the 11th June. It was attended by NuLeAF's Executive Director who gave an update on the work of the organisation including our engagement with BEIS on the GDF consultations and with NDA in preparing for the Stakeholder Summit.

The meeting also heard presentations on the 2018/19 Programme of Work for the NWP. Key areas of focus are:

- A project on packaging of LLW and ILW that can be managed as LLW that arises before 2050.
- A collaborative project to explore the potential barriers to disposability, or diversion, of a population of wastes which are identified as problematic on the basis of '*not being disposable at the LLWR*'.
- The production of an outline business case for the decay storage of a particular exemplar waste stream, as a method to provide the waste producer community with additional information to enable consideration and, where appropriate, implementation of decay storage as a waste management tool.

⁴ <https://www.gov.uk/government/publications/decommissioning-of-nuclear-sites-and-release-from-regulation/decommissioning-of-nuclear-sites-and-release-from-regulation>

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- Work with RWM and the NDA on an Integrated Radioactive Waste Programme with the aim of delivering, in 2018/19, a Radioactive Waste Baseline Review - a “snapshot in time” of radioactive waste management in the UK nuclear industry – which will help to identify gaps, barriers and opportunities.

3.2 It has been announced that **Dennis Thompson** will be stepping down from his role as the Managing Director of LLW Repository Ltd (LLWR) on the 28th September 2018. Dennis will take up a new role within the parent organisation AECOM while remaining as Chair of the SLC Board.

LLWR’s current Deputy Managing Director, Paul Pointon, will become Acting Managing Director with Executive Director Martin Walkingshaw taking on the role of Acting Deputy Managing Director. Both these appointments will be for a period of at least 6 months.

3.3 Finally, LLWR and its parent Site Licence Company (SLC) have published a **Joint Waste Management Plan (JWMP)** for the next 5 years. The aim is to show how the SLC is engaging with the National Low-Level Waste Programme to improve implementation and comply with the national LLW Strategy⁵.

4. David Loudon

4.1 David Loudon, the NDA’s Integrated Waste Manager, sadly passed away in early August. David had many years experience of working on radioactive waste management and led much of the work in revising the Low-Level Waste Strategy and developing the Radioactive Waste Strategy.

David spoke at a number of NuLeAF Steering Group and RWPG meetings and was always positive, friendly and supportive of NuLeAF’s work. He is a great loss to the industry and NuLeAF’s condolences have been passed to his family and NDA colleagues at this difficult time.

5. Nuclear safeguards consultation and Brexit update

5.1 BEIS has launched a **consultation on proposals for a new nuclear safeguards** regime that will come into force following the UK’s departure from the European Union and the Euratom Treaty⁶. If passed into law, the Government states that these proposed Regulations will allow the Office for Nuclear Regulation (ONR) to meet international obligations from day one of

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717735/LLWR_JWMP_March_2018_Issue_12.pdf

⁶ <https://www.gov.uk/government/consultations/nuclear-safeguards-regulations>

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exit, and to build, over time, a safeguards regime equivalent in coverage and effectiveness to that currently provided by Euratom.

The consultation closes on the 14th September 2018. BEIS held a stakeholder workshop on the consultation in Manchester on the 15th August which NuLeAF's Executive Director attended. While this is very much a technical consultation for regulators and those closely associated with the safeguards regime, NuLeAF plan to submit a limited, high level response.

5.2 Progress with the establishment of a new regulatory regime post-Brexit has also been made. Bilateral **Nuclear Co-operation Agreements (NCAs)** have now been signed with two of the four key non-EU partners: the USA and Australia, and negotiations are continuing with Japan and Canada to finalise agreements with those nations. In addition, the UK Government has published information on how civil nuclear sector will be regulated in the case of a 'no deal' scenario⁷.

5.3 Finally, the preparedness of the Office of Nuclear Regulation for Brexit was examined by the **UK Parliament's EU Energy and Environment Sub-Committee** on the 11th July. This led to the Committee Chair writing to the Minister for Business and Industry, Richard Harrington MP, on the 19th July to express concern over the ONR's preparedness⁸.

In his letter the Chair noted the progress that had been made by ONR in recruiting new staff and in addressing a number of other issues. However, he expressed concern about the lack of clarity on the funding of ONR's new responsibilities, and the challenging timescale for the training of new inspectors and the development of a new IT system for reporting to the IAEA.

6. Nuclear Sector Deal Published

6.1 The **UK Nuclear Sector Deal** was published on the 27th June⁹. It is intended to support and complement the Clean Growth Strategy and the Industrial Strategy and covers both new nuclear development and legacy waste management.

In terms of decommissioning there is recognition of the amassed world leading decommissioning expertise in west Cumbria and the scope for delivering further economic and employment benefits from this. The Sector Deal also sets a target that there will be a 20% saving in the costs of

⁷ <https://www.gov.uk/government/publications/civil-nuclear-regulation-if-theres-no-brexit-deal/civil-nuclear-regulation-if-theres-no-brexit-deal>

⁸ <https://www.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/Correspondence/Letter-from-Lord-Teverson-to-Richard-Harrington-190718.pdf>

⁹ <https://www.gov.uk/government/publications/nuclear-sector-deal/nuclear-sector-deal>

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decommissioning by 2030 compared to current estimates. It seeks to develop nuclear sector supply chain clusters to be delivered with LEPs in England and with the Welsh Government.

The Deal recognises that 'Local communities across England, Scotland and Wales are at the heart of the nuclear sector. They play a vital role in building, operating, maintaining and decommissioning our nuclear assets and are often located in some of the most remote and disadvantaged areas of the UK. Investment in the sector has the potential to transform the prosperity of regions and communities, by providing high-value and skilled employment chances, unlocking investment to support infrastructure and capital projects and growing manufacturing and industrial capabilities.'

7. ONR Annual Report

7.1 The Office of Nuclear Regulation (ONR) has published its annual report and accounts¹⁰. The report notes the progress being made in managing the high hazard facilities at Sellafield and also that the organisation's workforce has grown by 8% in the last year in response to concerns over its capacity to deal with the post-Brexit regulatory regime.

8. Meeting with SCCORS

8.1 NuLeAF's Director attended a meeting of SCCORS (Scottish Council Committee on Radioactive Substances) in Edinburgh on the 28th August. SCCORS is the equivalent to NuLeAF for Scottish local authorities, although its focus is to some degree different due to the policy regime and nuclear context north of the border.

SCCORS has now formally appointed Co-Convenors, Cllr Jim McEleny of Inverclyde Council and Cllr Michelle Campbell of Renfrewshire Council. Renfrewshire Council is providing secretariat support for the organisation. It is hoped that one of the Co-Convenors will be able to attend a NuLeAF meeting in the coming months.

¹⁰ <http://news.onr.org.uk/2018/06/annual-report-and-accounts-published/>

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