

# **Small User Liaison Meeting**

**10 June 2004**

## **Environment Agency - Policy update paper**

### **1. CoRWM**

HSE, SEPA and the EA have jointly briefed the Committee, to explain the Regulators' roles and responsibilities, and give our perspective on matters relevant to the Committee's work. This briefing meeting covered the following broad areas: the legal framework and regulatory system in Great Britain; regulatory objectives for radioactive waste management; the ways in which HSE / EA / SEPA regulate in partnership; specific issues for Scotland; stakeholder engagement processes; views on the long-term management of the UK's long-lived wastes; and other considerations e.g. the emerging findings of the EA's Drigg review, and issues around lightly-contaminated wastes. We are aware that other organisations, including Government departments and NGOs, have similarly provided CoRWM with an introductory briefing, at the Committee's request.

CoRWM's Inventory Working Group has also engaged with the Regulators on issues around the UK Radioactive Waste Inventory.

### **2. The Energy Bill**

The Energy Bill has completed all its stages in the House of Lords and has completed its Second Reading in the House of Commons. It is on track for receiving Royal Assent in mid-July 2004. The amendments to RSA 93 are intact. Approval for early commencement of the parts of the Bill enabling the NDA to be set up, and for the part amending RSA 93, has been granted. This will cause these parts of the Bill to come into effect quickly, once Royal Assent is given.

Chapter 4 section 68 of the Energy Bill relates to the transfer of authorisations and introduces a new section (16A) into RSA 93. The practical effect of this section will be to allow applications to be made to transfer authorisations to dispose of radioactive waste from nuclear sites. Such applications must be made jointly by the transferor and transferee. While the Bill will allow the transfer of authorisations from one operator to another but will not allow the change of any limit or condition at the same time.

### **3. Defra consultation on proposals for the Justification of Practices Involving Ionising Radiation Regulations 2004**

The Environment Agency has provided its formal response to Defra's consultation on the draft Justification Regulations. We said that we welcome the draft Regulations and support the timetable set for bringing them into force (August 2004). We recognised the effort that had gone into developing the Regulations to the present stage and said that we generally support their current content, with our comments being largely on detailed matters. We

commented that the associated guidance document, which has yet to be developed, will be important for interpreting the Regulations and should be published as soon as possible. The Regulations and the guidance document will need to form a clear and coherent package, but the timetable for introducing the Regulations should not be delayed if the guidance document is not ready.

#### **4. Proposed EU Directive on the management of spent nuclear fuel and radioactive waste**

The proposed EU Directive on the management of spent nuclear fuel and radioactive waste is designed to accelerate, by legal means, progress towards permanent solutions for long-term radioactive waste management. The Directive would require Member States to develop clearly defined programmes for radioactive waste and spent fuel management. Although originally aimed at ensuring the provision of disposal facilities by setting (challenging) dates, it has since been 'watered down' and would now require that Member States develop and implement programmes for long-term radioactive waste management, and that these programmes are peer reviewed by other States.

We understand that when considered in committee, the Member States did not support the proposal for a Directive and the Commission will be considering whether they should be issued as non-binding Recommendations.

#### **5. High Activity Sealed Sources (HASS) Directive**

The HASS Directive was published in the Official Journal in December 2003 and is consequently in force. The UK has until December 2005 to transpose its requirements into UK law. A Defra led group of government departments, regulators and lawyers has been working since Q3 of 2003 on transposition. Defra lawyers have prepared a provisional, and challenging, timetable for the development of regulations, under the European Communities Act. The ECA proposals will amend certain sections of the Radioactive Substances Act 1993 and possibly IRRs 1999 and other secondary legislation. The Agency will develop a register of high activity radioactive sources in England and Wales.

#### **6. OSPAR**

This year OSPAR will start to collect data on radioactive discharges from non-nuclear industries (medical, education/research and NORM industries). The initial focus will be on the oil/gas and medical sectors as these are currently viewed as the major contributors from the non-nuclear sector. For England and Wales the reports made to the Agency's Pollution Inventory would be used to compile any report to OSPAR: with the exception of the offshore oil/gas industry no additional reporting burden on Agency permit holders is foreseen.

#### **7. Drigg**

The Agency is nearing the end of its review of BNFL's operational and post-closure safety cases for the Drigg repository. Work will soon start on developing a revised authorisation; a Project Board is being established to oversee this work.

## **8. Radium wastes**

The Agency convened a meeting, in January, of government departments, regulators, devolved administrations and other interested parties (LMU, BNFL, UKAEA, AEAT, etc). The principal objective of the meeting was to resolve the impasse that has developed over the disposal of radium wastes (it is currently virtually impossible to dispose of radium waste unless the activity is low and readily dispersible). Conditioning of the radium waste, in particular containment, is a key issue. The facilities equipped and authorised to deal with radium wastes are few, and reducing in number as a result of nuclear decommissioning activities. A number of avenues for exploration were identified, but no solution to the problem is expected in the short-term.

## **9. Exemption Orders.**

Defra is considering amendment of the Testing Instruments EO to allow the inclusion of certain chemical agent monitors (CAMs), incorporating Ni-63 (<370 MBq) sources, within the scope of the EO. The Agency is being consulted on this matter and will respond shortly.

The Waste Closed Sources EO and the GTLD EO are to be considered against the requirements of the HASS Directive. It is foreseen that the WCS EO will require some amendment as it has already been identified that it conflicts, in places, with the Directive.

## **10. Import/Export Controls on the supply of radioactive sources**

The USA is leading a G8 initiative to introduce import/export controls that implement the IAEA (*Code of Conduct for the Safety and Security of Radioactive Sources*) requirement for such controls. The Agency is engaged in this G8 process, which is led by FCO and DTI. This is driven largely by counter terrorism concerns.

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