

Policy Update Briefing for NuSAC Meeting: June 2006

1. Nuclear Site Delicensing: Assessment Guidance

HSE published its policy statement (on the interpretation of “no danger” in the Nuclear Installations Act) last August. It had been hoped that HSE’s Nuclear Safety Directorate would be able to publish its draft guidance for its assessors by the end of 2005. Due to the need to focus staff resources on higher priority work, the publication of the draft guidance has been delayed, however a draft version is now undergoing internal review. Once that review is complete, the draft document will be sent to NuSAC for its views. The draft will also be posted on the HSE website for wider stakeholder comment.

2. Licensing of Nuclear Waste Disposal Facilities

Following discussions in the context of the forthcoming CoRWM report HSE is of the view that it is appropriate to regulate activities associated with the disposal of both LLW and ILW disposal by means of a nuclear site licence, and will discuss with DTI the development of suitable regulations to facilitate this approach.

3. Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006

From previous briefings NuSAC will be aware that amendments were required to the EIADR 1999 in order to:

- Correct some typographical errors;
- Implement changes made to the EIADR99's parent directive; and
- Improve the clarity and administrative efficiency of the EIADR99 by only stopping the decommissioning project *on the part(s)* of a site where there's a change/extension that results in a Significant Adverse Effect on the Environment.

Following public consultation and the approval of the HSC, the regulations received ministerial approval and came into force on April 6th. HSE economists estimate that the amendment to remove the requirement to halt the whole project to resubmit an environmental impact statement every time there was a significant adverse environmental change on any part of the project could save the industry £10s millions over a typical decommissioning project.

4. Nuclear Decommissioning Authority

The National Audit Office is considering whether aspects of the work of the NDA may be suitable for inclusion in its future Audit Programme, and has had preliminary discussions with relevant Departments and Agencies including HSE.

5. Paris/Brussels Conventions

DTI intend to launch a consultation on changes to the relevant provisions of the Nuclear Installations Act to implement amendments to the Paris/Brussels convention around the end of 2006. HSE does not enforce the associated liability insurance and Government liability provisions of the Act.

7. Select Committee Inquiries

(a) Trade and Industry Select Committee

- (i) Inquiry into NDA and UKAEA

In December 2005, the Commons Trade and Industry Select Committee announced an inquiry into the NDA and the UKAEA. During the course of its inquiry the Committee considered a variety of issues including:

- The remit and activities of the NDA and UKAEA;
- The compatibility of current plans for the NDA and UKAEA with any increased reliance on nuclear power generation;
- The NDA and UKAEA's performance and accountability.

HSE submitted a short written memorandum in February (copy attached). Oral evidence was given by the UKAEA and NDA. No report has yet been issued although the uncorrected transcripts of the oral sessions are on the Parliament website.

(ii) The Energy Review

In June Mike Weightman and Les Philpott (jointly with the Environment Agency) gave oral evidence to the T&I Select Committee on the nuclear aspects of the Energy Review. Issues explored included:

- Prelicensing of new reactor designs;
- Credit for international design certification;
- NII Resources;

A copy of HSE's submission is attached. Other witnesses have included various representatives from the nuclear industry, academics, OCNS, OFGEM, CoRWM and the Sustainable Development Commission. Uncorrected transcripts of the oral evidence are available on the Committee website. An "interim" report is due to be published by the Committee "in the summer".

7(b) House of Lords EU Sub-Committee D

In December the House of Lords EU scrutiny sub-committee (Environment and Agriculture), announced an inquiry in to the (currently quiescent) European Commission proposals on Management of Radioactive Waste and the Safety of Nuclear Installations (the so-called "Nuclear Package"). Although there are no current indications that work on the Package is to be restarted, it is still a "live issue" and the sub-committee decided to take a close look at the arguments for and against the proposals, particularly in light of the renewed interest in possible new nuclear build. HSE submitted a written memorandum (attached) and the NII Chief Inspector provided oral evidence to the Committee on 15 March. The Committee aim to issue a report by the end of June.

9. Parliamentary Office of Science and Technology

POST is gathering information to allow the preparation of a briefing note on the issue of nuclear power station siting. HSE has provided information on the current UK siting policy and its history, and on the treatment of siting issues in the current and revised SAPs. POST were particularly interested in the role that NuSAC (and its predecessor advisory committees) had in advising the Government on the existing siting policy for new nuclear power stations.

10. Radioactively Contaminated Land

Defra (and the Scottish Executive) have been developing proposals for the regulation of radioactively contaminated land which would cover both nuclear licensed sites and non-licensed sites. Recent legal advice has suggested that this would cause a conflict with the financial liabilities placed on nuclear site licensees under the Paris/Brussels Conventions. As a consequence, Defra (and Scottish Executive) are now looking to introduce regulations for non-licensed sites only, while seeking a separate solution to the issue with regard to nuclear licensed sites.

11. CoRWM

CoRWM is due to finalise and publish its report to the Government in July. Draft recommendations have already been made public and are accessible on the Corwm website:

<http://www.corwm.org.uk/pdf/None%20-%20CoRWMs%20Draft%20Recommendations%2027%20April.pdf>

12. HSE's Energy Review Submission

The preparation of HSE's Expert report submission to the Government's energy review was project managed by Les Philpott, head of HSE Policy Group's Specific Interventions Division. The report was submitted to the Government on 28 June and is available on the HSE website. Hard copies of the report have been sent to all Committee Members.

HSE
Policy Group
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