

Policy Update Briefing for NuSAC Meeting: February 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 It had been hoped that HSE’s Nuclear Safety Directorate would be able to publish its draft guidance for its assessors by the end of 2005. Due to the need to focus staff resources on higher priority work, the publication of the draft guidance has been delayed, and a publication date is not currently identified. NuSAC will be alerted when the document is eventually published.

2. Low Level Waste Policy

The realisation of the large amount of Low Level Waste (LLW) to be produced as sites enter decommissioning has focused attention on LLW policy. Defra and the devolved administrations are expected to launch a public consultation on policy options on 28th February. The consultation, will be issued jointly by the UK Government, Scottish Executive, Welsh Assembly Government and in Northern Ireland, the Department of the Environment, and will ask:

- Whether there should be greater flexibility in the management of the wide range of low-level radioactive wastes, provided that the necessary level of safety is maintained.
- Should the Nuclear Decommissioning Authority be expected to consider other (i.e. non-NDA) nuclear and non-nuclear industry needs when making arrangements for the management and disposal of its own wastes?
- Should regional and local authority planners play a greater role in providing for the management of non-nuclear low level radioactive wastes generated within their own areas?

The consultation period runs until 31 May 2006. As a member of the Radioactive Waste Policy Group, HSE has provided advice on the preparation of the consultation document. HSE will be considering whether to also provide a response to the consultation. NuSAC will also wish to consider whether to respond to the consultation.

3. Proposed amendments to the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations (EIADR99)

Consultation on amendments to the regulations closed at the end of October 2005. From previous briefings NuSAC will be aware that amendments are required 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.

The consultation generated 13 comments in total, with the exception of one, these were all broadly supportive. In January, the HSC were advised of the result of the consultation and agreed that the proposed amending regulations be progressed. The regulations have now been submitted for ministerial approval and it is hoped that the revised regulations will come into force in April.

4. Nuclear Decommissioning Authority

The NDA consultation on its first strategy document ended mid-November. Both HSE and NuSAC made substantive submissions, which have been published along with other responses on the NDA website. NDA has now submitted their revised strategy to ministers for approval by end of March. HSE awaits the publication of the strategy (and the accompanying competition schedule) with interest. From previous briefings NuSAC is aware that HSE has expressed concerns that an ambitious competition schedule might prove beyond HSE's capacity to issue the necessary regulatory permissions, as well as challenging the industry's capacity to manage organisational change safely.

5. Paris/Brussels Conventions

HSE has been providing information to DTI on proposals for implementing changes to the Paris/Brussels Conventions (on nuclear liability and insurance). At first sight, there appears little of concern to HSE - wider consultation is to follow. HSE will ensure that NuSAC is informed when the wider consultation begins.

6. Insolvency of Nuclear Licensees

Following British Energy's financial problems, HSE policy and the Environment Agency have met with DTI and the Insolvency Service to discuss how to manage/prevent future financial problems of this kind. Our particular interest stems from the difficulties that would be presented to us as safety regulators if a licensee company was placed into Administration or insolvency.

7. Select Committee Inquiries

7(i) Trade and Industry Select Committee

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 will consider issues such as:

- 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 will be submitting a short written memorandum. It is not yet clear which witnesses the Committee will be calling to give oral evidence, however HSE does not anticipate being called.

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

In December the House of Lords EU scrutiny sub-committee (Environment and Agriculture), announced an inquiry into 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 has 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 is submitting a written memorandum and the NII Chief Inspector has been invited to take part in an oral briefing in March.

8. Irish TV Programme

NUSAC may wish to be aware of the docudrama to be show in Ireland which revolves around a fictional event at Sellafield. It is believed that the event is based on a plane crash onto part of the Sellafield site, but we have few details. Latest information is that the broadcast will air late March/early April.

HSE
Policy Group
February 20th 2006