

Log of comments on draft specification for regulatory framework paper

CIRIA, Sep 06

Comments	Response
the paper seems fine to me.	ok
I have no argument with this.	ok
I (and my constituents on the C&EWG) are a little concerned about one part of this proposal - that is, item (i): the management of solid low level radioactive wastes (LLW), including the issue of what can be regarded as radiologically 'clean', and issues in the interpretation of the Radioactive Substances Act and its Exemption Orders;. You'll no doubt be aware that the CEWG has, over a period of several years, put in a very significant amount of work on this issue, and has consulted widely amongst all interested parties to produce a document that now has broad and growing support. There is a clear overlap with between the section of the proposed SD:SPUR document identified above and the CEWG COP, and with it comes the very real potential for differences in approach & guidance. This could only be detrimental as it would lead to a lack of clarity and to confusion both within the industry and more widely amongst stakeholders	The regulatory framework paper will provide an overview of all SD:SPUR relevant regulations, but will seek to avoid duplicating work already undertaken with the support of the regulators by referencing out to these sources.
We are not, in any way, averse to reviewing the Clearances Code of Practice (and indeed welcome any opportunity) to determine whether any changes can or should be made to it to satisfy stakeholders even further, but would not be at all supportive of anything that could lead us back to a point where there is confusion about what how what is very unsatisfactory legislation should be interpreted and applied. If necessary (and has been discussed in passing before with Jeff and others), we can arrange some form of session to review the CoP and consider changes to that, but I would like to see this aspect of the report clearly bounded so that it does not cover anything within the remit of the Clearances Code of Practice.	If and when issues arise we will seek to highlight these to stakeholders including the CEWG. There might, as discussed previously, be some value in supporting a stakeholder review of the CoP. We propose liaising with the CEWG at the outline contents stage to clarify any issues.
I welcome, and would be very interested in hearing, the views of other members of the PSG on this.	Yes
I am happy with this. I think it is important to ensure the soon-to-be-issued LLW policy reflected in the paper, which is covered in the spec.	Yes
My only comment is whether it will explicitly cover the issue of what is a 'waste' and what is a 'resource', as this has implications for the management of material. And it is an issue that has been raised in previous meetings.	The definition of 'waste' will be covered as well as developing work on the definition of 'waste recovery'.

<p>I have some misgivings about the scope and 'attainability' of the proposed paper on regulatory framework. Bear in mind that the origins of this work were to address the inconsistencies in regulatory views captured in the following quotation from the minutes of PSG meeting 7 (5th April 2006): "Some NII inspectors have voiced concerns that stockpiles of RSA exempt CDW represents an accumulation of radioactive waste".</p>	<p>This was one of a number of uncertainties raised during the site visits and subsequent PSG discussions. It is our intention to address these areas of uncertainty within the paper, whilst providing the regulatory context within which sites (working with the regulators) make decisions. We will check the accuracy of the information given in the paper with regulators and government departments but will not expect them to use the paper as a vehicle for providing formal guidance to operators.</p>
<p>This was somewhat broadened to the following (also lifted from the minutes of the above meeting): "Regulatory issues - This work would seek to clarify with the regulators the areas of uncertainty or inconsistency in interpretation, application or understanding of the regulations identified during the site visits. Broadly speaking work would seek to, (i) clarify the key areas of uncertainty; (ii) seek a co-ordinated response from the regulators (iv) disseminate the feedback from the regulators." What is proposed (see spec) is much broader:</p>	<p>Our ideas on the scope of the work have developed through discussions with Marion Hill (who will be authoring the paper), although the development of a regulatory framework paper has been discussed by the PSG previously. We hope that the work, as set out in the proposal, will result in the production of a comprehensive (not long) and updatable resource.</p>
<p>I am concerned that, whilst laudable, it will not prove practicable to cover all this scope in any kind of meaningful detail (including getting substantial regulator input) on the proposed timescale (viz: before the funding runs out). It seems that we would be requiring the NII and EA to make authoritative and referenceable statements on a wide range of issues that have not yet been presented to them in any detail and this will not prove possible on the timescale available.</p>	<p>Marion Hill is confident that she can prepare the first full draft and collect comments from the regulators by the end of the financial year and within the budget allocation. However, it is proposed that the production of the final paper be delayed until post March 2007 because there are a number of policy and regulatory developments expected towards the end of 2006 or early in 2007 that would be usefully included (e.g. UK LLW policy).</p>
<p>I favour getting authoritative statements on defined issues that will be of practical use in formulating decommissioning strategy and policy. Getting a definite statement on the issue of accumulating exempt waste is one such issue. If we can cover more, that's great, but we do need definite and authoritative statement, rather than wide ranging and general advice.</p>	<p>A number of relevant sources of information, with regulatory support, already exist (e.g. C&EWG CoP coverage of issues related to the interpretation of RSA and its Exemption Orders).</p>