

Working Together

Summary Note for the Sizewell SSG

October 2014

This is a response to the Sizewell SSG explaining how the Environment Agency and the Office for Nuclear Regulation will work together in the assessment of the Dry Fuel Store safety case.

Introduction

In June 2014, the Environment Agency (EA) reported to the SSG that, *"We will assess relevant parts of the store safety case in support of the Office for Nuclear Regulation's assessment"*. Following that report we were asked to clarify this comment (Action 2325 on the SSG Action Tracker).

This note describes how the EA and the Office for Nuclear Regulation (ONR) work together and indicates which parts of the Dry Fuel Store safety case will be of interest to the EA and how we will interact with ONR to ensure a comprehensive assessment takes place.

Memorandum of Understanding

Nuclear licensed sites are highly regulated. In the UK nuclear sites are principally regulated by the ONR for nuclear safety and by the EA for environmental protection. There is some overlap between these regulatory regimes, particularly around the regulation of radioactive waste. In 2002, the EA and ONR¹ signed a high level Memorandum of Understanding to clarify how the two regulators would work together where there was overlap.

The memorandum states that the goals of both organisations are, together:

- to deliver effective and efficient regulation of the nuclear industry in England and Wales²;

¹ The 2002 agreement was between the EA and the Health & Safety Executive (HSE) before the Office for Nuclear Regulation was formed as an independent agency of the HSE.

² The EA currently regulates nuclear licensed sites in Wales on behalf of Natural Resources Wales.

- to maintain and improve standards of protection of people and the environment from the potential hazards from ionising radiations; and
- to ensure that radioactive wastes are appropriately managed in both the short and long term, in accordance with legislation, UK Government policy, and international obligations.

The purpose of the Memorandum of Understanding is to set out how the regulatory activities of ONR and EA on nuclear licensed sites in England and Wales will be coordinated to achieve the above goals. Its objectives are to facilitate effective and consistent regulation by ensuring that:

- activities of EA and ONR in relation to nuclear licensed sites are consistent, coordinated and comprehensive;
- the possibility of conflicting requirements being placed on licensees, or others operating on nuclear sites, is avoided;
- synergies are exploited and the appropriate balance of precautions is attained;
- duplication of activity is minimised; and
- public confidence in the regulatory system is maintained.

The full version of the memorandum can be found on the HSE's website:

<http://www.hse.gov.uk/aboutus/howwework/frame-work/mou/ea-nuclear.pdf>

Working Arrangements

The memorandum sets out a number of working practices to enable efficient and effective joint regulation. On a general, day-to-day, operational level the memorandum requires:

- EA and ONR site inspectors to work together, share information and inspection plans;
- Engage in tripartite (EA, ONR and the site operator) discussions wherever possible;
- Consult with each other during regulatory decision making, particularly when there is a public consultation process;

- Encourage nuclear operators to have integrated arrangements to maintain nuclear safety and ensure protection of the environment; and
- Attend, report and respond to Site Stakeholder (also known as Local Liaison Committees) meetings.

The memorandum goes on to set out arrangements for more specific regulatory interactions for:

- Granting of Licences under the Nuclear Installations Act;
- Granting of Permits under the Environmental Permitting Regulations (these regulations superseded the Radioactive Substances Act Authorisations referred to in the original memorandum);
- Assessment and Review of Plant;
- Inspection of Sites;
- Investigation of Incidents;
- Enforcement Action; and
- Other Regulatory Action under Nuclear Site Licence or Environmental Permit provisions.

Dry Fuel Store Safety Case Assessment

The ONR assumes primary responsibility for assessing the Dry Fuel Store safety case with regard to nuclear safety and the issuing of Licensed Instruments for the new nuclear facility. Through the memorandum, the EA takes responsibility for assessing the effects of any radioactive waste disposal on the environment resulting from the proposed Dry Fuel Store. The EA also carries a secondary responsibility to check that the safety case is consistent with its environmental protection responsibilities, with specific regard to the creation, accumulation or disposal of radioactive waste.

Consequently, ONR will negotiate the submission of safety documents and the programme for review, licensing or plant modification.

ONR will then inform and consult with the EA on any assessment or review that relates to, or affects, the creation, accumulation or disposal of radioactive waste. As a consequence of that consultation:

- EA will advise ONR of those matters that are likely to conflict with environmental protection responsibilities.
- EA will advise if in its opinion the ONR's consent or agreement to the licensee's proposals would prejudice any legal process under environmental legislation.
- ONR will not issue a consent or other licence instrument that relates to, or affects, the creation, accumulation or disposal of radioactive waste without consultation with EA and taking full and meaningful account of any environmental issues.
- ONR will, to the extent that its legal powers allow, take account of any environmental issues raised by EA in seeking improvements of the operator.

Summary

Under the terms of the memorandum of understanding between the EA and the ONR, the EA assess any part of the Dry Fuel Store safety case that relates to, or affects, the creation, accumulation or disposal of radioactive waste - this is where the EA's regulatory powers overlap with those of ONR. ONR will alert us to these parts, though in reality we are well aware of these areas thanks to the on-going tripartite meetings on the design and development of the Dry Fuel Store. Additionally, EDF has submitted a report demonstrating that the DFS is using Best Available Techniques to minimise radioactive waste arisings. Once we have reviewed this document together with any parts of the safety case relating to radioactive waste generation we will advise ONR of our findings.