

**Scottish Government
Radioactive Waste and Nuclear Decommissioning Policy
March 2018 Updates**

Scottish Nuclear Sites Group

The next meeting is scheduled for Thursday 26 April 2018. This meeting will include a presentation by the Magnox Scottish Region Closure Director on a recent decommissioning project.

EURATOM

The Scottish Government continues to maintain protection of the environment and human health to robust international standards where we have devolved responsibility, including for radioactive substances, where some standards are currently set in Directives under the Euratom Treaty.

We continue to look to the UK Government to ensure the same for reserved matters. We shall continue to work, including in cooperation with the other three administrations in the UK, to assess the impacts of exiting from the Euratom Treaty, and to mitigate any negative effects on Scotland.”

As this is a constantly evolving item we would recommend regular checking of the Scottish Government website and in particular the news page for the latest updates

<http://news.gov.scot>

Nuclear Safeguards Bill

This Bill forms part of the measures required to be taken prior to the UK leaving Euratom. The Bill addresses critical nuclear safeguarding issues, to ensure that there are no doubts about ownership of and responsibility for nuclear materials. This will enable the UK to demonstrate compliance with international agreements.

Why do we need a Bill?

- The UK has committed, as a member of the International Atomic Energy Agency (IAEA) to have in place nuclear safeguards, which are processes that allow countries to show to the international community that civil nuclear material is only used for civil activities.
- The UK nuclear safeguards regime is currently provided primarily by the European Atomic Energy Community (Euratom).
- The EU and Euratom are uniquely legally joined so as a result of the intention to leave the EU the process for leaving Euratom commenced.

- The Bill enables the UK to set up a domestic safeguards regime to meet international commitments on safeguards, and nuclear non-proliferation, standards.
- The new domestic nuclear safeguards regime will be equivalent in effectiveness and coverage to that currently provided for by Euratom.
- The new regime will be run by the Office for Nuclear Regulation (ONR) which already regulates nuclear safety and nuclear security.

What will the Bill do?

- The measures in the Bill will amend the Energy Act 2013 to:
 - replace the ONR's existing nuclear safeguards purposes with a new nuclear safeguards purposes definition (the ONR will regulate the new nuclear safeguards regime using its existing relevant functions and powers);
 - create new powers for the Secretary of State, so he can put in place in regulations the detail of the domestic safeguards regime, such as accounting, reporting, control and inspection arrangements;
- The Bill will also create a limited power for the Secretary of State by regulations to amend the Nuclear Safeguards and Electricity (Finance) Act 1978, Nuclear Safeguards Act 2000 and the Nuclear Safeguards (Notification) Regulations 2004 this is so that references in legislation to existing international agreements can be updated once new international agreements have been reached.
- The UK has been a member of the IAEA since its formation in 1957 and will continue to apply civil nuclear safeguards in the UK.

Where are we at?

The Bill is currently at the Committee stage in the House of Lords and is undergoing scrutiny.

What happens after Committee Stage

If the Bill has been amended it is reprinted with all the agreed amendments. at the end of Committee Stage, the bill moves to report stage for further scrutiny.

Nuclear Safeguards Bill: Factsheet

Colleagues in the Department for Business, Energy & Industrial Strategy (BEIS) have produced a set of factsheets for ease of understanding.

The link to the factsheets is as follows:

<https://www.gov.uk/government/publications/nuclear-safeguards-bill-factsheets>

Basic Safety Standards Directive (BSSD)

Although the UK Government plans to take the UK out of the Euratom Treaty framework, we are still members at this time and are obliged to transpose this Directive, which will be a part of domestic law on leaving Euratom.

Background

The BSSD is a complex and wide ranging Directive. It lays down minimum radiation safety standards for medical patients, workers, and members of the public. The requirements cover planned exposure situations (e.g. nuclear medicine, nuclear power, and other industrial activities that use radioactivity) as well as existing exposure situations (e.g. the management of legacy radioactive contaminated land). The Directive also covers arrangements for responding to emergency exposure situations, ranging from spills in hospitals to major nuclear emergencies incorporating the lessons learned from the Fukushima nuclear accident.

Where are we at?

The Department for Business, Energy & Industrial Strategy (BEIS) have advised that they have transposed the majority of requirements of the BSSD by the transposition deadline of 6 February 2018.

The first set of the new Environmental Authorisations (Scotland) Regulations 2018, covering the core permitting rules and Radioactive Substances, will be completed and laid in the summer of 2018.

With regard to the Emergency Preparedness and Response it is their intention to lay the relevant regulations in the UK Parliament in Autumn 2018

Proportionate Regulatory Control (PRC)

This item makes proposals which will result in the final stages of decommissioning and clean up being regulated under the existing environmental and health and safety legislation that applies to radioactive and non-radioactive substances at all non-nuclear sites. This would be by the various environmental regulators across the UK rather than the Office for Nuclear Regulation (ONR).

In Scotland this would be SEPA.

This work is being led by BEIS and the current position is that the final version of the consultation document, was approved by the regulators and BEIS in December.

The Impact Assessment associated with the consultation was approved by the BEIS Chief Economist in January and is now being scrutinised by the Regulatory Policy Committee, which should provide a response by 2nd March. When the Impact Assessment is approved, the whole consultation package will undertake a write around to UK Government Ministers together with the respective Devolved Administration Ministers. All being well it is expected that the consultation will be published in late March/early April.

The consultation will run for a minimum of eight weeks up to a maximum of twelve weeks.

There are no nuclear sites in Northern Ireland, so the consultation will not directly affect Northern Ireland.

The consultation proposes amendments to primary legislation (the Nuclear Installations Act 1965) and legal advice is that the most straightforward approach would be to develop new secondary legislation in support of these amendments.

BEIS are also working with the Environment Agency and Natural Resources Wales to scope out possible amendments to the Environmental Permitting Regulations 2016 (England and Wales). SEPA is kindly supporting this work.