Benchmarking challenges
Limits of Harmonization

WENRA Workshop on Regulatory Aspects of Decommissioning
Berlin, November 2019
Stefan Theis
Contents

01 WENRA policy statement
02 Rating and rating criteria
03 Mature regulatory systems
04 Novel regulatory systems
05 Generic license conditions
06 Single case country situations
07 Summary
1 WENRA policy statement

In order to develop a harmonized approach, we are making efforts to:

• .....;
• .....;
• develop common safety reference levels in the fields of reactor safety, decommissioning safety, radioactive waste and spent fuel management facilities in order to benchmark our national practices.

......
2 Rating criteria for SRL assessment

• C-rating: existing difference which has to be addressed in NAP

• B-rating: a deviation exists but no action is required because the justification has been accepted by the WG

• A general recommendation (rule, condition, guideline, principle, standard, etc.) that the regulatory body issues formally with reference to a legally binding document, decision, permission, or other formal authorization. These are not legally binding and enforced like regulations; however, they are used for granting licences and regulating licensees’ activities.
2 Rating criteria for SRL assessment

• A-rating: full compliance with SRL

• *A legally binding requirement*, such as a law, ordinance or regulation that is mandated and enforced, if necessary with the use of legal sanctions. These requirements are issued by the parliament, government, or regulatory body as authorized.

??? wording may be o.k. but what about applicability?

– … to any type of facility/application?
– … mandatory or on a case by case basis?
– How binding is a requirement for the regulator/licensing body?
– Is it ensured that it will be applied in the same way again?
3 Rating criteria for SRL assessment

– Very different national situations
  - Act
  - Regulatory guides
  - Decisions by the regulator
  - Ordinance
  - Royal decrees
  - Standard license conditions

Mature/evolutionary regulatory systems

Often a mixture of facility specific and subject specific regulation

Example:

• Regulations for NPPs including decommissioning
• Regulations for disposal facilities
• Regulation for SF- and waste storage
• Management system requirements for nuclear facilities
• Missing: design requirements for other facilities
• Missing: decommissioning requirements

WENRA decomm. workshop / Stefan Theis / November 2019
3 Rating criteria for SRL assessment
Mature/evolutionary regulatory systems

Example:

- Regulations or NPPs
- In the scope of these it says:
  “These regulations may be applied to other types of nuclear facilities as appropriate upon decision by the regulatory body.”

???

wording may be o.k. but what about applicability?

- … to any type of facility/application?
- … mandatory or on a case by case basis?
- How binding is a requirement for the regulator/licensing body?
- Is it ensured that it will be applied in the same way again?
4 Rating criteria for SRL assessment

- Very different national situations
  - Act
  - Ordinance
  - Regulatory guides
  - Royal decrees
  - Letters by regulator
  - standard license conditions

- novel regulatory systems

  can simply implement the SSRLs 1:1 in their new regulatory documents at the requested level

Example:

- Many C-ratings in decommissioning SRL-benchmarking
- New reg. guide on the decommissioning of nuclear facilities
5 Example: Generic license conditions

No act, no ordinance, no reg. Guide but a transparent, internal procedure at the licensing body to ensure that the same conditions are imposed on any licensee.
6 Single case countries

Not very relevant for decommissioning, as most countries have more than one facility to be decommissioned.

Relevant especially for disposal and sometimes for storage.

Example:

Country: The Netherlands
Facility: COVRA
Fact: Many SRLs are only addressed as individual license conditions of COVRA S.A.: B-rating
Justification:

No other storage facility will ever be built according to the NL WM plan. Therefore no need to harmonize with future licensing procedures. The NL parliament will not issue regulations which will never be needed

Benchmarking decision:

Existing conditions of the COVRA-license were accepted for B-rating
7 Summary

• Literal harmonisation is not always appropriate
• Ensured harmonized application is desired
• Clear criteria are formulated for the benchmarking rating
• Acceptable B-ratings must be justified
• Other open issues receive C-rating
• Under specific conditions C-ratings can be acceptable or downgraded to B-ratings
• Everything is transparently documented in parts 3 of the reports
Thank you for your attention...