

Note on a meeting between the Office for Nuclear Regulation (ONR) and invited Non-governmental Organisations (NGOs) at the Grand Connaught Rooms, London, on the 24th April 2014

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Attendees

NGOs

David Lowry	Nuclear Waste Advisory Associates (NWAA)
Jo Brown	Parents Concerned About Hinkley
John Busby	Advisor to Stop Hinkley
Michael Taylor	Communities Against Nuclear Expansion (CANE)
Trish Whitham	Nuclear Information Service
Peter Wilkinson (Chairman)	Wilkinson Environmental Consulting
Phil Davies	SPRU/ University of Sussex, also NWAA
Prof Andrew Blowers	Chairman, Blackwater against New Nuclear
Sean Morris	Nuclear Free Local Authorities
Rita Holmes	Hunterston Site Stakeholder Group
Ruth Balough	West Cumbria and North Lakes Friends of the Earth
Val Mainwood	Bradwell for Renewable Energy
Neil Crumpton	People Against Wylfa B
Barrie Botley	Kent Against a Radioactive Environment (KARE)
Ian Ralls	Friends of the Earth Nuclear Network

ONR

Nick Baldwin	ONR Chairman
John Jenkins	ONR CEO
Andy Hall	ONR Chief Nuclear Inspector
Les Philpott	ONR D/CEO
Mark Foy	ONR Deputy Chief Inspector
Kulvinder McDonald	ONR Superintending Inspector
Donald Urquhart	ONR Superintending Inspector
Peter Brazier	ONR Principal Inspector
Colin Tait	ONR Principal Inspector
Sue Kelly	ONR EP&R Stakeholder Manager
William Turner	ONR Inspector
Claire Lyons	ONR Communications Director
Julie Wareing	ONR Communications Manager

WELCOME AND OBJECTIVES

The meeting began on time at 1030 and participants were welcomed by the Chairman. He outlined the papers available and introduced the ONR attendees. He noted Sue Aubrey's apology for her absence. He noted that the meeting was to discuss two main issues - Emergency Planning and Radioactive Waste Management.

The Chairman suggested that when dealing with the issues the meeting could record the NGO and ONR positions setting out the potential disparity in views and enable both parties to see what options existed for closing the gap and hence providing a way forward. The meeting attendees all supported this idea.

The Chairman also reminded the attendees that all should observe the ground rules established for the NGO Forum.

He reminded the attendees that the NGOs were to develop a more formal process of selection and appointment for the NGO Forum Chair and that Peter Burt had agreed to do this.

Chairman went through the agenda and reminded the participants of the issues under discussion. The meeting accepted the agenda without change.

MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were accepted.

Ruth Balough noted that she had not had a response from ONR to a letter she had written in October regarding the safety of nuclear waste in Cumbria.

Mark Foy noted that Andy Lindley was now the Programme Director for ONR's Sellafield programme and that he would discuss with Andy Lindley how to take the ONR response forward.

Action: Mark Foy to discuss with Andy Lindley how to take the ONR response forward

REVIEW OF OUTSTANDING ACTIONS

5.1 Ongoing.

5.4 Action complete. Closed.

5.6 Nothing received by ONR. NGOs to refer action back to Lydia.

5.7 Action complete. Closed.

Several NGOs were not happy with the response to action 5.7 and thought that the Environment Agency (EA) should have been present to answer questions on the RIFE report. The NGOs requested that the EA be invited to the next NGO Forum.

Action: Chairman to invite EA to next ONR NGO Forum.

NB: This matter has been addressed in subsequent correspondence between the ONR CEO and NGOs in which it was made clear that ONR does not wish to preside over a forum which hosts other regulators.

David Lowry was not happy with ONR's response to action 5.4. He stated that it did not add to ONR's response to its last action.

Andy Hall explained that security research was not commissioned by ONR but by Government and that ONR uses information from Government for its purposes. David Lowry

thought that ONR should carry out independent research. Ruth Balough asked what input ONR has to the Government security agenda.

Andy Hall replied that ONR did discuss its requirements with Government and agreed to provide a list of what input ONR had provided. Neil Crumpton asked what ONR would do if the Government research did not meet ONR's needs. Andy Hall replied that ONR would then do the research itself. David Lowry reiterated his request for ONR to provide the NGO Forum with a list of current research. Andy Hall agreed to look into this request and report at the next NGO Forum.

Action: ONR to consider NGO Forum request for a list of current security research topics and provide the outcome to next NGO Forum meeting.

To a question relating to the extension of the Hinkley Point B licence, Andy Hall provided a summary of the licensing process. He noted that a licence is for the lifetime of the facility; that activities Licensee intend to carry out, need to be demonstrated to ONR, to be safe to the workers and public, by the safety submissions it makes.

KEY ISSUE OF THE DAY

The Chairman invited Andy Hall to outline the key issues for the day.

Andy Hall said that ONR was taking a forward look at the NGO Forum. It had asked for input from the NGOs and he thanked those that had responded. He noted that ONR will consider this input and determine how NGO events may evolve in the future. Processes could be developed that would identify and analyse the views of ONR and the NGO's, assisting both parties to find a means to close the gap between them, where one exists

He went on to explain ONR's new status and to share the new ONR mission statement with the NGOs.

He noted that there were two items for discussion and a further five issues that had been raised by NGOs, which would be dealt with first:

1. Emergency planning
2. Radioactive waste management.
3. Additional issues
 - a. No regulatory Link
 - b. Fraser Nash Support to ONR
 - c. Minimum standards for SSGs
 - d. Disciplined staff
 - e. Openness and Transparency – Vulcan / Dungeness

a. No regulatory Link (between New Build licensing and GDF licensing)

Phil Davies is not satisfied with ONR's answer and produced a paper that set out his concerns. This stated that, according to a statement from the International Committee for Radiation Protection (ICRP) that the risks from nuclear power need to be considered from the cradle to grave. He equated this to a requirement that consideration of the entire nuclear fuel cycle be taken into account i.e. from the mining of uranium through to the emplacement of radioactive wastes in a geological disposal facility. He further thought that the role of the EA should be expanded to cover this and the regulation processes amended and reformed.

The Chairman noted that this was beyond ONR's vires. David Lowry thought that ONR should lobby Ministers to change the legislation. Mark Foy noted Mr Davies comments highlighting that ONR does work closely with EA, thus avoiding dual regulation and reducing the regulatory burden. He also emphasised that UK regulators do not have any scope for regulating the nuclear industries of other nation states such as those in which uranium mining takes place.

Neil Crompton wanted to know what ONR's position would be if the Licensee reported that they couldn't manage the radioactive waste they were generating due to lack of storage space. Mark Foy said that through its normal regulatory activities, ONR would have early warning of the potential for this and would seek an industry solution to the problem. If necessary, ONR would intervene to ensure that the waste was stored properly and that the risks to the public from the associated activities were As Low As Reasonably Practical (ALARP). If the issue was significant, he stated that ONR would report the matter to Ministers. Ruth Balough said that the licensing of new build should be related to the management of radioactive waste. Mark Foy noted that the licensing process does take waste management into account and that the Licensee must continue to show that storage of any generated waste is acceptable.

b. Fraser Nash Support to ONR

Mark Foy confirmed that Fraser Nash is part of the Technical Support Contract (TSC) support framework for ONR, similar to Jacobs, and that the use of TSC contractors by ONR will increase in the future. He stressed that ONR is fully aware of the potential for conflict of interest and the need to demonstrate the independence and integrity of ONR as a regulator. He added that he was confident that ONR could demonstrate the integrity of its TSC contractor arrangements, via the process used for selection, the criteria, pre-conditions and checks carried out. Mark Foy explained that ONR would always be the intelligent customer for TSC work, able to take full ownership of the work done on its behalf and would be responsible and accountable for the regulatory decisions it made. He also noted that the details and factors considered around major regulatory decisions were readily available on ONR's website as part of its policy of openness and transparency.

The Chairman asked if the NGOs were satisfied with ONR's checks and balances regarding the use of TSC contractors such as Fraser Nash.

There was a discussion about how many TSC contractors there are. David Lowry asked ONR to provide a list and a copy of their contracts so the NGOs could see what assurance arrangements were in place.

Mark Foy Replied that ONR would provide a list but not the contracts which are commercial in confidence.

Action: ONR would provide a list of TSC contractors and TSC tendering process it uses.

Jo Brown asked whether ONR would use Dr John Large as a contractor. Mark Foy replied that ONR required the TSC contractors to fill specific skill gaps e.g. radiation protection, structural integrity etc. They provide experts who carry out an assessment of a licensee's submission, write a report on this in the area of expertise, of which ONR subsequently takes ownership and added that where ONR wanted an independent view, it would consider consulting as appropriate. Ian Ralls asked if ONR contracted work to HSE. Mark Foy replied not for nuclear; only for specific conventional safety issues.

David Lowry again asked for the list of TSC contractors which Mark Foy confirmed ONR would provide along with the tendering process by which ONR gets contractors into the TSC. (see above action).

c. Minimum standards for SSGs

Mark Foy said that ONR's role was to provide support to SSGs by providing regular written reports, attending meetings to provide verbal updates and to answering questions from the public and stakeholder organisations. Ruth Balough asked whether ONR shared good practice with NDA and DECC. Mark Foy noted that it was not ONR's role to set the structure and format for SSGs but to service their needs. Ruth Balough felt that stakeholder groups themselves would benefit from discussing how these SSGs will work. Mark Foy said that ONR would be happy to participate but that ONR is not the initiating body for these discussions. The Chairman pointed out at the root of many of the issues raised by NGOs was an implicit expectation that ONR would act in an advocacy role, taking key concerns to other bodies and to government. Andy Hall replied that it was not appropriate nor correct for ONR to lobby others but to act as a regulator within its vires, to enforce the law and to enact it. Mike Taylor noted that NDA had set out guidance to SSGs. He suggested that NDA might ask each SSG if they fulfil the role NDA had set out for it.

d. Disciplined staff

Mark Foy noted that disciplining licensee staff is a matter for the licensee unless the issue relates to a significant safety matter which is then brought to the attention of ONR e.g. two Sellafield workers cautioned. Mark Foy noted that positive drink and drug test results are reported to ONR. David Lowry asked how many of these had there been. Mark Foy agreed to provide the number of positive drink/drug test results that had been reported to ONR.

Action: ONR to provide the number of positive drink/drug tests that had been reported to ONR.

e. Openness and Transparency – Vulcan / Dungeness

Dungeness

Mark Foy stated his belief that ONR had been completely open and transparent on the Dungeness B flooding issue indicating that it had published its intervention reports on the topic within a number of weeks of the site visits and that ONR had also submitted written and verbal reports to the SSG, which included regular updates on the flooding hazard. Jo Brown asked if the report included details of the sites' response. Mark Foy replied that it did, as did the subsequent follow up by ONR. He added that the report was available on the ONR website and agreed to provide the relevant link.

Action: ONR to provide link to Dungeness SSG report.

<http://www.onr.org.uk/llc/2014/dungeness-b-1.pdf>

Vulcan

ONR noted that Ministry of Defence (MoD) had made the decision to refuel HMS Vanguard. Vulcan is a MoD site and ONR has limited vires namely to ensure that the risks are ALARP and that their arrangements to comply with the Ionising Radiation Regulations 1999 (IRRs) and Radiation (emergency Preparedness and Public Information) Regulations 2001 (REPIR) are adequate. ONR noted that the fuel leak event did not meet Ministerial reporting requirements. Andy Blowers thought that if ONR were open and transparent then the information it holds should be available and easy to extract. ONR should be proactive in this. Mark Foy replied that if ONR does not hold certain information and it can only seek to influence other parties such as MoD to put information into the public domain, if it considers it appropriate. The Chairman noted that a presumption of disclosure for ONR was not easy to

achieve for bodies such as MoD where there are sensitive security issues. David Lowry noted the Freedom of Information (FOI) request he had submitted on this issue and stated he was not satisfied with the response from ONR. He noted that he had waited six months for ONR's response. He felt that ONR should not be so forgiving of MoD and expressed that in his opinion that there was organisational chaos between regulators. He stated that the regulators should not accept the MoD statement not to release information.

Mark Foy replied that ONR will act where it considers it necessary to ensure the continued safety of the public, but this would be for the sites that ONR has the vires to regulate. ONR had expressed its disappointment to MoD on how this issue had been dealt with and had received assurance from Defence Nuclear Safety Regulator (DNSR) that this would not happen again.

Andy Hall added that this is a minor event, that the safety implications are effectively zero. Disclosure of information by ONR can only be granted for ONR's activities; it cannot be open and transparent for the activities of others. Mark Foy added that the ONR and DNSR were working closely to improve regulation.

Jo Brown asked about the problems at Hinkley Point B. Mark Foy replied that if ONR felt that safety was being compromised then it could shut down the reactor. Jo Brown raised her concerns about the articulated control rods and boiler failures and whether the reactors were indeed safe to operate. Mark Foy replied that ONR has been provided with suitable and sufficient justification by the Licensee in its safety submissions for the site and that the continued safe operation of Hinkley Point B has been demonstrated to ONR's satisfaction. He did note that in the future, some of the issues Jo Brown mentioned may curtail reactor operations due to the associated ageing issues if the Licensee cannot justify to ONR that the reactor remains safe to operate.

Sean Morris asked whether the ONR's written response on Vulcan was available yet. Mark Foy agreed to find out and for ONR to respond.

Action: ONR to provide status on its Vulcan written response.

PLENARY SESSIONS AND BREAK OUT GROUPS - EMERGENCY PLANNING

ONR (Donald Urquhart) gave a presentation on Emergency planning (copy of slides attached to minutes).

A break out session followed that divided the group into two to discuss the six questions posed by Peter Burt.

A summary of the key points follows:

The NGO's felt that the County Councils should be made to run consultations on Emergency Planning and that DECC held a lot of information that was not accessible to the NGOs.

Furthermore, some Local Authorities held much of the discussion on emergency planning in private session and thereby excluded the public; more information was needed in the public domain in order to facilitate ongoing public consultation.

NGOs were encouraged to look at ONR's determination of the Sizewell emergency planning zone which was due to be publicised on Friday. ONR suggested that NGOs make representation to DECC on extendibility issues. NGOs felt that, for New Build, there was a difference between what is legally required and what the public may legitimately expect.

Multiple authorities are involved in emergency planning but Government is only required to consult with the authority at the host location.

The NGOs remain concerned on the proximity of new site to existing ones e.g. Moorside and Sellafield and how the emergency planning arrangements take this into account.

In determining the emergency arrangements the NGOs suggested that deliberate acts that also incapacitate the emergency services should be considered in emergency planning.

PLENARY SESSIONS AND BREAK OUT GROUPS - RADIOACTIVE WASTE MANAGEMENT

ONR (Kulvinder McDonald) gave a presentation on radioactive waste management (copy of slides attached to minutes).

A break out session followed that divided the group into two to discuss the questions posed by the Chairman on Plutonium management, Material Consolidation and Sizewell B spent fuel.

A summary of the key points follows:

NGOs expressed concern on the security implications of reusing plutonium but recognised that only high level discussions were taking place currently between NDA and DECC on what options were available for Plutonium management. NGOs asked whether ONR has a role in trying to influence Government's decision on the way ahead. They also asked if the reuse of Plutonium, one of the options, would reduce the security issues compared to those of the Plutonium now. The NGOs felt it would be helpful if they knew what advice ONR was giving Government on Plutonium management.

The NGOs thought that NDA policy for consolidation of Intermediate Level Waste (ILW) and Fuel Element Debris (FED) wastes was being done for cost optimisation and that this was a short term piecemeal policy when there is no long term waste policy for ILW. They asked ONR if consolidation, by inter-site shipment, was more safe and secure as well as whether ONR agrees with the regionalisation approach to consolidating waste. They also felt that it would have been helpful if the EA were in attendance. The Chairman pointed out that if they wanted the EA to attend perhaps they should have invited them. (Note: The meeting agreed that the EA would be invited to the next NGO Forum). They thought that the primary driver for plutonium management should be to ensure its security. ONR noted that it is providing advice on transportation.

The meeting did agree that consolidation at Sellafield is the best option for ILW. The NGOs noted however the Public Accounts Committee report on Sellafield performance and that although a plan had been produced for Sellafield, the Licensee had not delivered it. The NGOs noted that in the case of the Low Level Waste Repository facility at Drigg there was a concern with coastal erosion and asked what was the long term plan for the safe management of the waste there.

The NGOs expressed concern on the safe storage of high burn up fuel at Sizewell B (SZB). ONR noted that if the burn up rates exceeded those in the existing safety case, SZB (EDF) would need to provide a new safety case to ONR to demonstrate this fuel was safe to store in the facilities at SZB. For the EPR, the NGOs noted that spent fuel would be produced up to 2080 and would then require a further 5/10 years in a cooling pond before being placed in dry casks in a mausoleum. It would eventually go to the Geological Disposal Facility (GDF), when one becomes available. It was noted however that the casks used for SZB storage will not be the ones that will go into the GDF and that future transfers and re-packaging will be required.

ONR explained that its key driver is always safety over commercial considerations. The NGOs were concerned that the GDF dates have slipped and it was noted that further

slippage may impact on the interim storage requirements. The NGOs suggested that ONR may wish to consider some anticipatory regulation regarding the delivery of the GDF due to its important role in the management of radioactive waste and spent fuel. It was noted that UK may require multiple repositories.

WAY FORWARD

The Chairman asked the attendees if the NGO Forum was achieving everything the group requires it to. He hoped to be able to manage the expectations of the group i.e. what actually happens against what is expected. He felt that perhaps the group should focus on improvements, and efficient and effective working relationships.

David Lowry felt that the meetings were useful, more so now the ONR was independent of the HSE. He felt that ONR could be bolder in its sharing of information with stakeholders, in acting proactively and in proposing changes to the regulatory regime.

Val Mainwood felt that the meeting was a ragbag of discussions, mainly around the same agenda items. She suggested that a status report should be written, summarising what had been achieved and what changes have been made; defining what the meeting can do and what it can't. This should then lead to setting out what issues remain to be addressed and to plan these effectively.

Ruth Balough thought that the NGOs could provide a better way of working, to determine better thought out positions and make better progress. She suggested that the NGOs should do some work on the format of the meeting.

Action: Ruth Balough to write a short note on a proposed alternative meeting structure for Chairman.

Mark Foy noted that, in considering alternatives, it would help ONR and the NGOs if the issues for discussion were put together earlier to enable both ONR and NGOs to prepare for the meeting.

Andy Hall said that the NGO Forum had covered some 'old ground'. Like Val Mainwood, he felt that the NGO's need to accept what ONR can and cannot do to better focus the discussions. In considering alternative approaches, Andy Hall suggested the use of smaller groups focused on specific issues. He also asked that the NGO's provide feedback on the new meeting format of a presentation on an issue followed by discussions.

Andy Blowers noted that some repetition is alright if the issue is evolving and that arising issues are OK and necessary but that they should be limited to 1 hour of meeting time. He felt that there should only be one large issue for discussion in one group. He suggested that this be balanced i.e. an ONR presentation and a NGO presentation focused on the issue, and actions needed to address it and to achieve the desired outcome.

Mike Taylor asked that ONR provide guidance on how the NGOs should proceed on stakeholder engagement on New Build sites. He felt that ONR should engage with various stakeholders around the site. Mark Foy noted that ONR had done this with Hinkley Point C and would be doing so for Sizewell C. Mike Taylor asked how ONR knew who to engage with. Mark Foy replied that ONR has a list of interested parties and will invite stakeholders, local authorities, and emergency services.

Phil Davies reiterated his request that at least 2 EA representatives attend, a further 1 representative from NDA and some one from CoRWM. Andy Hall agreed to think about the attendance of other parties.

Action : ONR to consider if there should be a forum including other parties.

CLOSE

The Chairman closed the meeting. He reminded the attendees that the evaluation forms were available for NGOs to complete. Finally he thanked ONR and said that he felt the meeting had been worthwhile.

Andy Hall thanked the attendees for coming and their lively participation, Pete Wilkinson for chairing the meeting and Claire and Julie for organising the meeting.

Andy Hall added that ONR will reflect on the meeting and the feedback it has received and wished the attendees a safe journey home.