

Note on a meeting between the Office for Nuclear Regulation (ONR) and invited Non-governmental Organisations (NGOs) at Manchester Town Hall, Manchester, on 10 November 2014

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Attendees

NGOs

David Lowry	Nuclear Waste Advisory Associates (NWAA)
Peter Wilkinson (Chairman)	Wilkinson Environmental Consulting
Peter Burt	Nuclear Information Service
Prof Andrew Blowers	Chairman, Blackwater against New Nuclear
Sean Morris	Nuclear Free Local Authorities
Rita Holmes	Hunterston Site Stakeholder Group
Ruth Balogh	West Cumbria and North Lakes Friends of the Earth
Neil Crumpton	People Against Wylfa B
Geoff Betsworth	The Cumbria Trust
Jill Sutcliffe	Low Level Radiation Conferences
Councillor Hackett	Manchester City Council

ONR

John Jenkins	ONR CEO
Andy Hall	ONR Chief Nuclear Inspector
Mark Foy	ONR Deputy Chief Inspector
Peter Brazier	ONR Principal Inspector
Colin Tait	ONR Principal Inspector
Claire Lyons	ONR Head of Communications
Julie Wareing	ONR Communication Team

WELCOME AND OBJECTIVES

The meeting began on time at 11.00 and participants were welcomed by the Chairman. He introduced the ONR and NGO attendees. He noted he had received apologies from Val Mainwood, Jo Brown, Lydia Meryll, Mike Taylor and Ian Ralls.

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

MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were accepted and it was agreed that the style should be retained.

The chairman led a review of the action tracker

REVIEW OF OUTSTANDING ACTIONS

5.1 Ongoing.

5.3 Ongoing

5.6 Ongoing.

6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 Closed

With reference to 6.3, John Jenkins and Andy Hall provided explanations to Ruth Balogh and David Lowry on the matters of research for security and how ONR would provide information on security matters to Government via the ONR Security Committee which both Centre for the Protection of the National Infrastructure (CPNI) and the Civil Nuclear Constabulary (CNC) attend. CPNI would in turn report to the Home Office. John Jenkins also clarified that ONR would presume to disclose this via ONR's web site where it can. John Jenkins noted that CPNI reported to the Home Office and not to DECC and so were not part of the Government's nuclear new build programme.

With reference to 6.4, David Lowry asked whether the use of contractors by ONR would be a challenge to its independence. Andy Hall replied that ONR is sensitive to the potential for a conflict of interest and ONR therefore uses different contractors to those employed by industry. Further, he assured the NGOs that no contractor takes regulatory decisions; only ONR will do this. David Lowry requested that ONR demonstrate that its work was independent from Government, particularly in respect of the construction of new nuclear plant. Mark Foy added that ONR is neutral on New Build and only seeks to ensure any reactor design will be suitable, safe and secure to build in the UK.

REVIEW ONR CEO EMAIL, FORUM PROCEDURE AND BEHAVIOUR

The Chairman referred to papers relevant to these matters and asked for NGO feedback.

John Jenkins added that the continued repetition of questions that are not in ONR's areas of responsibility is not helpful to either the NGO Forum or ONR and hence there was a need to review the ways of working and the implementation and adherence to the NGO Forum ground rules.

Ruth Balogh noted that it might be helpful to make a distinction between the formal and informal elements of discussion and added that it would be unfortunate if the NGO Forum became an occasion for an 'informal chat'.

John Jenkins replied that he was not suggesting that it should be informal but a respectful information exchange. Ruth Balogh noted that the discussions were likely to be somewhat adversarial but John Jenkins reiterated that he hoped that participants would welcome the Forum taking a balanced view of any issues raised.

David Lowry referred to Jo Brown and noted that both NGOs and ONR have difficulty with the way she presents her concerns but he suggested that this was not an adequate reason for the issue to be dismissed. David Lowry argued that Jo Brown feels that no one is listening to her and that, for some NGOs, there is a perception that ONR is hiding behind the 'rules and policies'.

Andy Hall responded by noting that ONR can only enforce the laws with which it has been empowered. In Jo Brown's case, ONR is not the regulatory body with vires to address her particular concern. John Jenkins added that ONR does acknowledge the concerns raised by Jo Brown but that it must adhere to the prioritisation of its work to remain within the organisation's capacity which means, in this case, not pursuing the matters raised by Jo Brown any further.

David Lowry asked why ONR had changed status. Andy Hall noted this was a recommendation from the Stone Report commissioned by DECC to ensure that ONR was fit for purpose for new build and the future nuclear industry.

Andy Blowers noted that he held ONR and other regulators in high esteem. He felt ONR works to the best of its ability within the constraints imposed upon it, that he respects the work carried out by ONR and that he thought that the balance of the NGOs should too. Further, he noted that he felt that on some issues, NGOs and ONR were on the same side e.g. radioactive waste management. He felt that perhaps there was a cultural issue. Jo Brown goes to the Forum that Andy Blowers co-chairs and he felt that Jo Brown should be shown respect and that all parties should try and behave in a way that allows them to meet and discuss issues sensibly. John Jenkins replied by saying that he found Andy Blower's comments helpful and that if we behave as set out in the ground rules, we can avoid the tensions which occasionally arise and that we can get more out of the Forum.

Neil Crumpton noted that he felt that NGO members could not hold other members to account. John Jenkins noted that all the attendees, ONR and NGO alike, agreed to the Ground rules, should abide by them and should self-police them.

Peter Burt noted that where ONR identified issues that it could not discuss, it may be helpful to explore why this was the case and to explore the reasons behind ONR's response. Peter Burt also felt that the Forum could do more to examine the role, purpose and composition of the site stakeholder groups. ONR could help bring people together e.g. NGO and Industry. Andy Hall noted that ONR can only endorse what the law says. The Chairman noted that in the past ONR has facilitated discussion and asked whether ONR would consider doing more of the same. Peter Burt noted that this is not always possible for ONR but that this should be discussed further to determine areas for Site Stakeholder group engagement where ONR and NGOs could discuss and participate. Andy Hall believed that this may be worth pursuing and that this could be a subject that a working group of ONR and NGOs could address. David Lowry noted that the case for use of thalidomide varied between the UK and the US and he felt that it was important that ONR was aware and took cognisance of other international bodies. Andy Hall noted that it was important for international bodies to work together and if risks are identified, he would expect the regulator to react. David Lowry replied that he expected that ONR would act in a questioning, challenging fashion and not just accept what bodies such as the International Atomic Energy Agency (IAEA) said. Andy

Hall noted that IAEA has committees for generating its standards, which have international representation. He explained that the UK has, in many cases, contributed an input to the development of IAEA standards. Andy Hall also explained how the IAEA standard for radiation safety is interpreted by the EU as a nuclear safety directive, which results in the UK developing its own regulations to comply with the Directive. David Lowry was concerned that the International Commission on Radiation Protection, (ICRP), World Health Organisation (WHO), IAEA, Euratom and European Union organisations were staffed by the same people who also think the same and work together and that they work to avoid any issues that would counter nuclear industry development.

The Chairman drew a diagram (see attached) to illustrate how divergent positions on issues are often underpinned by common interests and needs, and it is important to find the common areas between ONR and NGOs on which meaningful and fruitful engagement can be held. Ruth Balogh thought that the Site Stakeholder groups (SSGs) could be improved. She noted that of the current NDA-supported SSGs, only 2/12 seemed to work well. Her view of ONR at site level was that it was very good and very responsive to SSG questions. Peter Burt noted that NDA/ EDF and Ministry of Defence all set up and operate their SSGs differently. He felt that ONR does not think it has the power to enforce SSG best practice models on the nuclear operators. He did agree with Ruth Balogh that at site level, ONR inspectors were very good and suggested that some issues may be able to be addressed at local level. Andy Hall noted that ONR would, where it identified it, share good practice across SSGs and would consider how and who engages with SSGs to do so.

John Jenkins thanked the NGOs for their feedback on ONR inspectors and noted that for the AGR power reactors EDF and not the NDA took the lead for the stakeholder groups. He said that he would pass this feedback on SSGs to NDA and EDF who have the power to change the format.

ACTION 1011/01: John Jenkins to discuss the issue of SSGs with NDA and EDF

TASK AND FINISH

The Chair referred to the two papers; NGO/ONR working (by Ruth Balogh, Rita Holmes Peter Burt, and Phil Davies) and the NGO paper from Ruth. Ruth Balogh noted that the **process** by which issues are dealt with is often side-lined in the debate associated with nuclear power – i.e. content sometimes masks the important issue of process. She felt that, in order to move forward constructively, more attention should be given to the process. She felt that the process ought to facilitate better use of time for debate by using smaller groups with better facilitation and focus to get ideas on how to move forward. She believes that within the forum, a considerable amount of expertise exists and the Forum should identify how it could make better use of this. Peter Burt added it was difficult for NGOs and ONR to extend the debate beyond the Forum since this was additional work so some discussion is needed on what more can usefully be done. He suggested that virtual discussions using IT/video may offer additional communication channels.

He proposed that a steering group be setup between ONR and NGOs to decide the processes that determine how both groups operate on days we meet and how we operate in between. The Chairman added that he thought that the steering group could focus on content as well as process. Ruth Balogh asked how the steering group would work. She noted that there would be different communications processes for the steering group and the NGO Forum. John Jenkins felt that it was important to do the task and finish aspect first. Andy Hall added that it would make the meetings more productive by ensuring that there was a clear, joint understanding of any issue brought forward for discussion at the Forum. David Lowry noted that NGOs and ONR were busy people and that any additional meetings needed to be value for money. Sean Morris noted that the DECC NGO Forum decide what will be discussed at the next meeting as part of the regular agenda. This allows pre-planning for the

next meeting to take place and results in more meaningful discussion. He felt that the ONR NGO Forum lacked this preplanning. Sean Morris noted that the process needs to be done properly and that the DECC Forum works well. Andy Blowers noted that the DECC Forum is a very different focus – more political. He thought that pre-planning was vital to identify the issues, follow up and develop discussion at the meeting such that the issues are progressed. Mark Foy questioned the need for the additional group given the DECC model. Further discussion followed which considered the status the steering group would have in respect of the larger forum, if ONR and NGOs had time in which to undertake the additional work involved and if, in the case of the NGOs, whether the additional time commitment would be remunerated.

The Chairman summed up the discussions and then asked the Forum whether they supported the formation of a steering group. John Jenkins for ONR supported the idea. The NGOs supported the idea. There were no dissenters.

The Chair actioned the authors of the report to feedback to the Forum with details of how a task and finish group / steering group might work so that the NGO Forum could sanction it. However, the Forum addressed this immediately and agreed the following steps in meeting:

The group should be set up and report at the Forum meeting.

Terms of reference (TOR) should be agreed that address process and content of the Forum's work and deliberations. This would include explaining why an issue would or would not be taken forward by ONR NGO Forum (because it had been agreed by the Steering Group that it should be addressed elsewhere).

Attendees were proposed and accepted: They were Peter Wilkinson (Chair); two ONR representatives – Mark Foy and Colin Tait; two NGO representatives - Peter Burt and Ruth Balogh.

The Chair thanked the Forum for the positive response and noted that the steering group should consider the process for appointing the Forum Chair.

OVERVIEW OF ISSUES

SELLAFIELD

David Lowry noted the recent pictures of the spent fuel ponds at Sellafield and asked if this was a new concern that the NGO Forum should be aware of. Andy Hall replied that this is not new and that the legacy ponds and silos at Sellafield were a national priority to address. He noted that ONR's new Sellafield strategy recognises this and it is reflected in ONR Board's decision that this is ONR's highest priority. He noted that progress was improving citing the current on-going removal of material from one of the legacy ponds that was reducing the risk of criticality. Andy Blowers asked whether ONR felt that enough resources were being allocated to Sellafield. John Jenkins noted that the first movement of fuel or waste was the most difficult but that ONR was pleased that the material moves were now underway. This provided confidence that Sellafield could deliver its remediation programmes ensuring that progress would continue to adequately address these legacy facilities. He also noted some recent successful projects that Sellafield had delivered such as Finishing Line 3 and the B6 filter gallery. Mark Foy noted the success of the ONR Sellafield strategy in empowering the G6 group of Sellafield stakeholders (NDA, ONR, EA, DECC, ShEx, SL) to work together to focus on the remediation of the high hazard facilities.

Andy Hall added that Andy Lindley (Programme Director Sellafield Programme in ONR) is focused on influencing starting the remediation of legacy facilities at Sellafield sooner than scheduled in the plan. Andy Blowers noted that NDA should have published the photographs of the spent fuel pond pictures themselves along with information about what was being done to address them.

The Chair asked about the progress with the vitrification of High active Liquid (HAL) waste at Sellafield and progress of Evaporator D. Mark Foy replied Sellafield had successfully driven the HAL stock down over the last 10 years in line with the Specification, but challenges exist in the future due to the limited capacity of the existing evaporators and delay in provision of Evaporator D. He added that regulatory decisions on future potential non-compliance with the Specification would need to be informed by the circumstances at the time. He also noted that he was not aware of the in-service dates for Evaporator D.

The Chairman suggested that Sellafield might be a topic for the steering group or could be the subject of an update to the Forum. Mark Foy suggested that Andy Lindley present to the Forum an update on Sellafield and ONR's Sellafield strategy.

ACTION 1011/02: ONR (Andy Lindley) to present and update on Sellafield and ONR's Sellafield strategy.

NEW BUILD

David Lowry asked that ONR arrange for the GDA documents that describe the on-going regulatory assessment of the Hitachi GE reactor be made available and that ONR should be open and transparent in respect of the work it does in Japan. Mark Foy noted that the majority of documents are already made available by ONR on its website as part of its approach to GDA. He advised that the GDA process consists of 4 main steps, and that the Hitachi GE reactor is currently at Step 3, where ONR undertakes a review of the safety arguments of the design and the relevant safety systems. Step 3 assessment by ONR is due for completion in the latter half of 2016. For each technical area, an assessment report is written for each step of the GDA process, as well as a summary report that recommends whether to move on to the next step or not. He noted that it was not until the end of Step 4 that ONR would issue a Design Acceptance Confirmation (DAC), ONR's confirmation that it is satisfied that the generic reactor design is safe to build in the UK. Finally he noted that all this information, assessment reports and any issues arising are published on the ONR's GDA website. David Lowry challenged the close out of the EPR issues noting that John Large didn't believe it was possible to close out all the issues in the time claimed.

Mark Foy noted that GDA is a rigorous process and that at the end of Step 4 for the AP1000, 51 issues were outstanding and that Westinghouse, as the requesting party, are currently remobilising its organisation to focus on closing them out, and is likely to require a significant investment. The EPR had followed a similar path. Andy Hall noted that for the EPR the issues were closed out over a period of 5 months at the end of Step 4. It should be noted that the issues were not new, but that EDF needed to document and submit to ONR the resolution of the issues to ONR's satisfaction. David Lowry noted that he had received the ONR /EDF email trail for the closure of the issues but not the submissions themselves which made public scrutiny difficult. Mark Foy said that ONR ensures that there is an auditable trail for the closure of each of the issues. The Chairman added that perhaps the Forum's concern was that the assessment findings were used as a vehicle to park issues and noted that at the point when the DAC for the EPR was issued, many technical concerns still remained unresolved, such as the control and instrumentation (C & I) issue. Mark Foy noted that some issues have arisen since the DAC was issued, as the design evolves, and Andy Hall noted ONR was satisfied that EDF can resolve the issues and cited the Sizewell B resolution of the C&I issues for that plant as an example. Mark Foy reiterated that ONR does not rush the assessments and the staged process allows the identification of the arguments and claims of the design to develop and for the substantiation case to be made by the requesting party as GDA progresses; by Step 4 the evidence should be in place. Mark Foy suggested that David Lowry visit the GDA website, review the evidence there and report to the Forum whether or not this satisfied his information requirements.

ACTION 1011/03: David Lowry to have a look at the GDA website and the evidence there and report to the next Forum whether or not this satisfied his information requirements.

IAEA MISSION

ONR reported that it had just completed the IAEA review of progress following its 2013 IRRS assessment. The mission observed that ONR had been in transition but that significant progress had been made since their last visit. They noted 26 findings of which 21 were closed on the basis of the evidence ONR provided to the IAEA. Of the remaining five, ONR has a good understanding of the issues and what it needs to do to address them. ONR will publish a full report in due course but noted that this would depend on receiving the IAEA report which would take at least 90 days. David Lowry asked about the five outstanding issues and why these had not been closed.

John Jenkins replied that the resolution was time bound and that all will be closed by 2019 when the IAEA are due to review ONR's performance again. They were predominantly Management system related.

It was also noted that the follow up IRRS mission this year was discretionary and that ONR was commended for its work in this area.

RADIOACTIVE WASTE MANAGEMENT

Andy Blowers noted that for new build, ONR's position is based on the assumption that the Government policy of using a Geological Disposal facility for the disposal of radioactive waste will be delivered. He did not believe that this position was suitably underpinned. He felt there needed to be more debate in dealing with radioactive waste material and ought to be a Forum item. He was also concerned that for new build the GDA process only covers on-site activities but not waste leaving the site. Mark Foy replied that the generic design assessment is not site specific. It is when the requesting parties move to licencing that ONR takes site specific design aspects into account. The requirement of radioactive waste management is for the licensee to demonstrate the provision of 100 years storage. They must demonstrate to ONR that it is safe to store the waste on site for a period of 100 years. Andy Blowers recommended that this subject ought to be one for the steering group. David Lowry asked what security considerations were taken into account. Mark Foy replied that Adrian Freer the ONR Programme Director for Security provides advice to Government if any shortfall is identified in duty holder's arrangements and seeks Government commitment to address this. The importance of joined up thinking between Government, local authorities and agencies when movement of radioactive waste is considered was noted. The Chair summarized the discussion and proposed that the storage of waste be considered by the steering group. The Forum agreed.

GDF

Andy Blowers noted that he felt as far as ONR was concerned that this was a matter for the DECC Forum to address. Andy Hall noted that ONR would get formally involved once a safety case was presented to it. He also said that the licensee has a duty to minimise the amount of radioactive waste on their site. The Chair asked if ONR looks at the disposal of waste. Andy Hall replied that ONR does not do so as it is the responsibility of Government; to do so could undermine the independence of ONR from Government and industry. David Lowry asked why reprocessing is allowed to continue. The Chair noted that this was Government policy. David Lowry thought that ONR should get involved in local communities including these along shipment routes for radioactive materials; he also asked whether the

GDF should facilitate the retrievability of wastes. John Jenkins reminded the Forum that there is not a proposed site for the GDF yet so there are no routes defined. Andy Blowers referred back to the DECC Forum and suggested that ONR may wish to attend when issues relevant to ONR were to be discussed. John Jenkins replied that ONR would consider this if it were invited.

ACTION 1011/04: Andy Blowers to discuss with DECC Forum co-chair whether ONR ought to attend.

The Chair summarized the discussion and proposed that the GDF issue be parked as far as the ONR Forum was considered. The Forum agreed.

GDA

David Lowry noted that the GDA should not be allowed to impact on ONR's ability to drive hazard and risk reduction at Sellafield. Mark Foy stated that Sellafield was ONR's top priority and that this ensures it receives the appropriate level of focus and attention within ONR, including the requisite allocation of resource.

David Lowry felt that it may be helpful for an NGO representative to work directly with ONR to contribute to its assessment of a reactor technology during the GDA process. John Jenkins responded noting that ONR follows the Official Journal of the European Union rules and that its procurement process was a totally open process. It was suggested that experience from Sweden and Finland, where a similar model had been successful, ought to be considered by ONR, with a view to adding value to the assessment via an alternative, but constructive contribution, thus improving the robustness of the UK view on a particular reactor technology. Mark Foy suggested that the above be taken forward in the Steering Group.

The Chair summarized the discussion and proposed that the GDA issue be taken forward by the steering group. The Forum agreed.

EMERGENCY PLANNING

Peter Burt noted that this was a DECC Forum issue and should be parked as far as the ONR Forum was considered. The Forum agreed.

HEALTH CONSEQUENCES

In answer to Ruth Balogh question, ONR noted that it is the Environment Agency who have jurisdiction when radioactive material is discharged to the environment e.g. airborne via ventilation stacks or waterborne from liquid effluent discharge systems. ONR would only get involved in the event of an uncontrolled release such as Fukushima. Peter Burt noted that this subject was part of the DECC Forum agenda and that the constructive discussions there should continue. Andy Blowers agreed that this should be moved to the DECC Forum and would like ONR support to make this happen.

The Chair summarized the discussion and proposed that the health consequences issue be parked as far as the ONR Forum was considered. The Forum agreed.

SECURITY

Peter Burt noted that this subject had been discussed previously but felt it useful to determine what ONR could and could not discuss on security and how it could therefore determine how it ensures that security aspects are covered adequately.

Andy Hall noted that the applicable regulations are on the ONR website and that security arrangements are determined through the use of security plans and goal setting regulation. The National Objectives, Requirements and Model Standards (NORMS) set out ONR's expectations of a duty holder. David Lowry felt that more direction could be provided on sharing information with the public without compromising security and that Forum members should have input into how security plans are drawn up and how they should be tested.

The Chair summarized the discussion and proposed that the Security issue be taken forward by the steering group. The Forum agreed.

OPENNESS AND TRANSPARENCY

Peter Burt noted that ONR could be proactive in helping to improve the Site Stakeholder Groups using best practice learning and working with the NDA. Rita Holmes noted the membership of the SSG seemed to be an important factor in how well an SSG worked. Andy Blowers felt that the standardisation of the SSG processes should be addressed so that best practice can be promulgated.

ACTION 1011/05: ONR to consider how to use its experience of SSGs to work with NDA and others to improve overall SSG performance.

The Chair summarized the discussion and proposed that the Openness and Transparency issue be taken forward by the steering group. The Forum agreed.

CLOSE

The Chairman closed the meeting. He reminded the attendees that the evaluation forms were available for NGOs to complete. The Chairman summed up the meeting by saying he felt that the meeting had been helpful and a good use of its time. He had found John Jenkins letter helpful and that the review and sequencing of the issues that the NGO Forum would take forward via the steering group was helpful. He also noted the membership of the steering group (set out in main body of the minutes). Andy Hall agreed and was particularly pleased with the tone of the meeting and the positive attitude shown by ONR and NGO alike. John Jenkins thanked the Chairman and the attendees; he agreed with Andy Hall that the meeting had a more positive tone and that had helped get the most out the meeting for ONR and NGO alike. He also thanked Sean Morris for organising the venue.

Chairman's Diagram

