

ONR – NGO Teleconference**Responding to NGO concerns and questions about Hinkley Point C (HPC) and
COVID-19 response****3 April 2020****Office for Nuclear Regulation present:**

Adrienne Kelbie (AK) – Chief Executive (chair)

Mike Finnerty – Deputy Chief Inspector

Katie Day – Director Policy & Communications

NGO representatives present:

Prof. Andy Blowers (AB) – Blackwater Against New Nuclear

Peter Burt – Nuclear Awareness Group/Nuclear Education Trust

Sean Morris – Nuclear Free Local Authorities

Roy Pumfrey (RP) – Stop Hinkley

Dr Jill Sutcliffe (JS) – Low Level Radiation and Health Conference (ONR/NGO co-chair)

Secretariat:

Daniel Jones – ONR Communications Manager

1 WELCOME AND INTRODUCTIONS

- 1.1 Adrienne Kelbie (AK) thanked all attendees for joining the call and explained that ONR is unable to use external videoconferencing. AK explained that ONR recognised the public interest in COVID-19 and the issues at Hinkley Point C (HPC). AK advised that ONR was keen to explain ONR's approach to regulating and respond to specific points already raised, but would not respond to questions about government policy issues.
- 1.2 Andy Blowers (AB) advised that he had a short call scheduled with Stephen Speed of BEIS where he hoped to discuss HPC.
- 1.3 KD confirmed notes, as did Sean Morris (SM). A joint meeting note would be pursued very early next week.
- 1.4 PB thanked ONR staff for all their work and acknowledged the great pressure on everyone. He explained that NGOs involved in the call were there in the 'spirit of co-operation' and outlined the relevant skills colleagues were prepared to offer ONR during this period. PB also noted that it was a shame that Dr David Lowry had not joined the meeting and that NGO's shared his concerns that the information requested had not been provided. He added that the issues David had raised were very important and needed to be responded to as quickly as possible.
- 1.5 AK thanked NGOs for their offer of expertise, and noted DL's position. She explained that this meeting was an important and helpful part of ONR's response, and that the various NGO written communications will receive responses as soon as possible.

2 HOW ONR IS REGULATING HINKLEY POINT C DURING THE CORONAVIRUS

- 2.1 Mike Finnerty (MF), Deputy Chief Inspector and Director of ONR's New Reactors Division, commenced by advising that ONR vires remained unchanged. He confirmed that ONR's role was to continue to ensure the safety and security of the nuclear estate, through ONR's regulatory influence and a range of enforcement tools if necessary.
- 2.2 In relation to HPC and COVID-19, MF advised that ONR continues to use its influence to ensure the licensee (NNB GenCo Ltd) is following latest Public Health England (PHE) guidance. MF explained that if ONR isn't satisfied with the arrangements in place and the necessary improvements could not be secure, we would engage with the relevant local authority and/or police force who are the enforcing authorities under the new emergency public health regulations.
- 2.3 MF provided an overview of ONR's activities over recent weeks. He explained when the COVID-19 situation began to materialise, ONR engaged at various management levels at HPC to ensure the site was taking all steps to control risks as low as reasonably practicable.
- 2.4 He explained that HPC is a construction site and that the licensee cannot stop all activities with immediate effect. MF cited as an example, the pouring of concrete for nuclear safety operations, explaining that if such activities ceased immediately, it would be very difficult for ONR to establish the integrity of the pour at a later date.
- 2.5 MF advised that HPC is and will continue to reduce the number of teams on site. He explained that ONR has asked the licensee to ensure they focus only on priority areas with the necessary assurance in place such as surveillance. This would need to meet minimum staffing levels to satisfy ONR on the quality of the build.
- 2.6 MF confirmed the HPC workforce of 4,600 is being reduced to under 2,000 and that this would naturally create more space on site to ensure social distancing guidelines could be adhered to. MF confirmed that when the social distancing measures were introduced, ONR had discussions with the site to understand what measures they were putting in place to comply with PHE guidance.
- 2.7 MF acknowledged there had been some issues with social distancing on the site, and referenced the pictures that had been published in the media, showing workers in close proximity to one another in the canteen area and other locations on site.
- 2.8 MF confirmed that the site has put measures in place to implement PHE guidance and referenced several examples, including: amending bus routes, so that buses will only pick up/drop off workers at designated park and ride areas; introducing marshalling to ensure social distancing rules were being observed; and staggering break times on site.
- 2.9 MF confirmed that ONR is engaging with the HPC site safety representatives and internal assurance team (as per routine practice). They are able to provide real-time information from the site and offer additional insight.

- 2.10 MF advised that ONR had influenced HPC's internal regulator (Independent Nuclear Assurance (INA)) to undertake a specific inspection regarding the site's response to public health measures. A two day inspection had been undertaken, with initial feedback received. The site situation is much improved in two weeks, with early feedback that the licensee is doing everything reasonably practicable at this point.
- 2.11 ONR expects to receive the full report in days, and will assess it in detail to inform engagement with on-site safety representatives. ONR also continues to encourage EDF to be more transparent.
- 2.12 AK noted a number of queries submitted about ONR's role and approach with regards to enforcing Public Health England measures including social distancing. ONR is working with employers about their responsibilities under the Health and Safety At Work Act (1974) and will consider taking the appropriate regulatory action, guided by its Enforcement Management Model, and engage with the designated authorities for the new emergency health protection legislation if required.
- 2.13 Roy Pumfrey (RP) commented that he had concerns with site compliance. He explained that despite raising the matter with EDF, no response had been received and their communications did not address the action about fingerprint-scanning risks.
- 2.14 MF confirmed this issue has now been identified by the licensee an area to improve and is now taking action to turn them all off. In the meantime, marshals are enforcing the use of hand sanitizer before use.
- 2.15 RP commented that while the updated photographs released at HPC show social distancing measures being observed when staff are queuing in the canteen, they don't show any changes to the table types or configurations. He therefore still had concerns that social distancing was not being followed.
- 2.16 MF advised that canteen seating is fixed. Numbers on site have already been halved, and staggered breaks have been introduced, so congestion is far less and people are being asked to sit apart so as to observe 2 metre distance. [Post-meeting note: HPC has now implemented single-person occupancy on all tables in the canteen, to be effective from 6 April.]
- 2.17 RP commented that although buses would no longer be stopping in Bridgwater, staff would still be required to use cars to get to the designated park and ride sites. He also added that staff based in Wales were having to drive to Bristol.
- 2.18 MF said he was not familiar with the issue regarding staff based in Wales and would follow up on that point. He explained that the park and ride schemes would help enforce the social distancing rules, through the use of marshals at the car parks.
- 2.19 RP raised a concern regarding the large number of workers who would now be required to stay in worker accommodation, and the implications this would have on their mental health.

- 2.20 MF explained that staff had been consulted on, and were supportive of, these arrangements, and acknowledged the point about mental health as a matter of all employers. Temperature monitors are in use when workers move from the accommodation compound to the site.
- 2.21 AK advised that these measures will protect wider public health in the community, a matter that NGOs had been greatly concerned about.
- 2.22 RP and PB asked about the number of concrete pours, which needed to continue and, whether any will be stopped, and whether future pours would be delayed.
- 2.23 MF advised that ONR is engaging with the site to understand this. Though he did not know the specific numbers he was aware of the general situation. The site is preparing to put some tasks into a state to stop now and enable resumption at a later date. The site will not start new pours, but would continue with those in operation which focus on critical nuclear safety work, such as the concrete reactor containment structure.
- 2.24 AB sought further clarification on concrete pouring by asking why it could not be paused, commenting that the intention seemed to be to keep development going and not to close it down. He asked whether construction had to be maintained on the site.
- 2.25 MF explained that this was a policy matter for government and decision for EDF. AB commented that he felt it was difficult to justify maintaining continued construction at the site.
- 2.26 AB asked for clarification on the minimum number of staff that needed to be on site.
- 2.27 MF confirmed that at the moment the workforce is at around 2,000 but that we expect this to reduce further to around 1,000. He explained some of the workers remaining would be involved in construction and others in surveillance. [Post-meeting note: MF confirmed that there will be a planned shutdown over Easter – meaning that all non-essential work will be paused and put into a safe state. MF advised our understanding of the position regarding the number of workers on site over the holiday period is that, there would be circa 500 workers on site on 10/11 April, and circa 150 on 12/13 April]
- 2.28 AK added that there was no suggestion from ONR that EDF needed to cease construction for safety or security reasons.
- 2.29 AB commented that it still looks like an ‘untidy’ operation and felt ONR needed to look again at whether safety and security was being maintained.
- 2.30 Jill Sutcliffe (JS) noted the changing evidence in relation to COVID-19, commenting that some evidence now suggests 4.5 metres is a safe distance and that the virus can remain airborne for up to 30 minutes. JS emphasised that industry must stay responsive.
- 2.31 AK acknowledged the varying media reports relating to public health measures. ONR expects industry to follow PHE guidance and will reflect any changes to that.

- 2.32 Sean Morris (SM) raised the issue of ‘hotspots’, asking how ONR would respond to news of any ‘hotspots’ that may emerge in the South West or South Wales that could potentially derive from HPC. He cited Newport, as an example, of where there is a ‘hotspot’, commenting that many workers come from South Wales to work on the HPC site.
- 2.33 MF advised that HPC are monitoring all people who go onto the site. He explained that all sites are required to have minimum staffing levels and if HPC or indeed any other site, could not maintain minimum staffing levels then that site would need to cease all activities. MF added that ONR had very clear arrangements under the site licence conditions for minimum staffing levels. Other authorities were monitoring impact on the population.
- 2.34 PB raised the issue of ONR vires. He explained that ONR has a duty to regulate conventional health and safety (CHS) on sites. As protecting workers and the public is a CHS, he didn’t understand why it was not within ONR vires to enforce under the new emergency regulations.
- 2.35 MF explained that there is overlapping legislation. He advised that COVID-19 was a public health issue and that responsibility under the new emergency legislation was designated to local authorities and police forces. He explained that if ONR considered a licensee was not doing what was required in line with that legislation, then we would raise those concerns with the relevant local authority and police.
- 2.36 He explained that if ONR identified instances where sites are failing to apply the relevant PHE guidance, they will consider taking action (guided by ONR’s enforcement management model) and engage with the enforcing authorities designated in the new emergency health protection legislation if required.
- 2.37 PB commented that he was not convinced local authorities and the police were the relevant authorities, noting that they don’t enforce on industrial premises and that he was not aware that the Health and Safety at Work Act had been suspended. PB asked ONR to look at this and felt that ONR seemed to be playing safe.
- 2.38 AK confirmed that ONR expects industry to apply the PHE guidance, and that we wanted to avoid enforcement action becoming necessary. However, should that be the case, ONR would work with relevant authorities.

3 OTHER QUESTIONS

- 3.1 PB commented that we had spoken about HPC, but asked what advice ONR was giving to other sites where construction projects were underway, such as AWE and Barrow.
- 3.2 MF confirmed that ONR was working in the same way across all relevant sites. He added that he remained in regular contact with other ONR regulatory directors in order to ensure good practices were being shared, and noted that the internal assurance inspection conducted at HPC is an approach that could be used at other sites.
- 3.3 PB asked if inspectors are continuing to visit sites.

- 3.4 MF advised that ONR inspectors are working from home as far as possible, but as designated key workers, they can visit sites if and when required. AK added that business continuity arrangements are in place to maintain the nuclear inspection regime.
- 3.5 RP commented that he had just learned that EDF would now run buses directly onto site, which allayed some of his earlier concerns.
- 3.6 AK also noted that ONR would continue to encourage EDF and other duty holders to engage with local communities to ensure questions could be asked and responded too.

4 SUMMARY AND CLOSE

- 4.1 AB said he recognised the impressive effort that was being made to protect workers and the public, but felt efforts were still being made to keep HPC construction going, which he considered carried risk. He asked why nuclear is being given such a privileged state during this outbreak? He emphasised that he did not understand why construction was still allowed to continue. He hoped to raise this matter with BEIS shortly.
- 4.2 He encouraged ONR to seek to influence government and EDF to ensure any work on the site was only related to control and maintenance. All NGO reps agreed with this view.
- 4.3 AK noted AB's views and understood his position. She confirmed that at present ONR was satisfied that the site was safe and secure and work continues to enable EDF to scale back activities on site.
- 4.4 AK thanked all for taking time to join the call and wished everyone well.
- 4.5 All NGOs appreciated the time given by ONR staff, and welcomed the opportunity for discussion.
- 4.6 KD asked NGO colleagues to help the team cope with a heavy volume of enquiries by always sending correspondence through the Contact ONR mailbox [contact@onr.gov.uk].

Post meeting note – ONR expressed thanks to Sean Morris (NFLA) for his assistance in preparing the meeting minutes.