

## **Note on a meeting between the Office of Nuclear Regulation (ONR) and invited Non-governmental Organisations (NGOs) at the Grand Connaught Rooms, London, on the 1st May 2013**

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## **Attendees**

### **NGOs**

Angela Paine	Shroud Green Party
David Lowry	Nuclear Waste Advisory Associates (NWAA)
Jill Sutcliffe	Low Level Radiation Conferences
Jo Brown	Parents Concerned About Hinkley
John Busby	Advisor to stop Hinkley
Lydia Meryll	Socialist Environment and Resources Association
Michael Taylor	Communities Against Nuclear Expansion (CANE)
Peter Wilkinson	Wilkinson Environmental Consulting (Chairman)
Phil Davies	SPRU/ University of Sussex, also NWAA
Reg Illingworth	Shepperdine Against Nuclear Development
Rita Holmes	Hunterston
Ruth Balogh	West Cumbria and North Lakes Friends of the Earth
Val Mainwood	Bradwell for Renewable Energy
Sue Aubrey	Stop Hinkley
Mark Whitby	Advisor to Stop Hinkley
Neil Crumpton	People against Wylfa B

### **ONR personnel**

Andy Hall	HM First Deputy Chief Inspector
David Senior	HM Deputy Chief Inspector
Frans Boydon	HM Superintending Inspector
Steve Griffiths	HM Superintending Inspector
Colin Potter	HM Principal Inspector
Peter Brazier	HM Inspector
Steve Newman	Freedom of Information Advisor
John Turner	HM Inspector
Sue Kelly	Deputy Head of ONR Communications
Marie Railton	Communication Team ONR

### **Environment Agency**

Alan McGoff

### **Nuclear Decommissioning Authority**

Bill Hamilton

## **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 and NDA attendees. He proposed that ONR personnel should take a vote of thanks and appreciation to the retiring Chief Inspector, Mike Weightman, but this was opposed by some NGOs and subsequently dropped.

He asked whether the attendees thought that the Nuclear Industries Association (NIA) should attend the NGO Forum. The consensus was no at this time as it may compromise open debate. It was agreed to review this issue at the next meeting.

### **New action – ONR to determine the extent of the role NIA may have at the NGO Forum and to report at the next meeting.**

Chairman went through the agenda and reminded the participants that this was the focus of the meeting today.

## **GENERAL ISSUES**

### **Ground Rules for the meeting and other housekeeping matters**

The Chairman reminded the attendees of the ground rules paper produced by Peter Burt and that they had agreed to abide by them. He sought agreement on the means of reporting proceedings, reminded NGOs about the claim forms for recovering expenses and other arrangements for the day. ONR sought approval for photographs to be taken for the purposes of the ONR's in-house magazine. Two NGOs objected and it was agreed that they would be avoided in any photograph taking.

### **Action Log**

The Chairman referred the participants to the action log prepared by ONR that captured actions from previous meetings. The actions were reviewed. (Post meeting note: The updated action log, including the new actions from this meeting, has been included as an attachment to these minutes). There were no matters arising from the review of outstanding issue.

## **KEY ISSUE OF THE DAY**

The Chairman invited Andy Hall to outline the key issues for the day, while indicating that the 'steam venting issue' raised by John Busby would be dealt with 'off-line' in a discussion with Andy Hall over lunch so as not to take up valuable forum time on a highly technical issue.

Andy Hall said that the main focus of this NGO Forum was openness and transparency and was an opportunity for NGOs to have input into how ONR may improve its performance in this area.

Andy also noted that Mike Weightman had announced his intention to retire at the end of May and that Colin Patchett was acting as Chief Nuclear Inspector. He went on to outline the topics for the afternoon plenary session.

During this session there was a discussion of the derivation of term ALARP and the Health and Safety at Work Act (HSAWA). Some NGOs felt uncomfortable with the interpretation of the ALARP principle in that they felt it intimated that discharges could be set at a high level if

it could be argued that to keep them lower would involve actions which were not reasonable and that it was therefore cost which dictated the level of discharges. This was refuted by ONR and EA who argued that all discharges were within authorised levels and it was a matter of keeping discharges as low as 'reasonably achievable' below the authorised level.

**New Action – ONR to provide some examples of section 3 HSAWA prosecutions.**

## **PLENARY SESSION**

The key issue of the day was discussed in plenary session. A summary of the discussion of the issue is set out below

### **Openness and Transparency (O&T)**

The Chair summarised the main issues raised in a paper by Peter Burt which resulted from the meeting held between ONR and two NGO representatives and the Chairman a few weeks previously to discuss FOIs and the openness and transparency issue generally.

These were:

1. An absence of trust which stems from the perceived lack of clarity in respect of O&T in ONR activities.
2. How O&T is interpreted differently by ONR and NGOs.
3. The FOI route is cumbersome and resource-intensive within ONR. It also raises issues around exclusions justified by commercial and security confidentiality which in themselves are contentious.

There was some discussion around the topics of national security and of commercial confidentiality and how these impact on O&T.

David Lowry provided an example relating to GDA where he believed that ONR staff were not delivering the ONR's 4 year strategy statement regarding O&T.

The Chair asked ONR if it felt that it was delivering under the Freedom of Information (FOI) Act. David Senior replied that O&T is a priority for ONR and it was determined to improve. However, he pointed out that putting in multiple FOI requests was probably not the most efficient way of getting information to NGOs. He proposed that a better way may be through constructive dialogue which would allow a better and more flexible way of matching up expectations.

Steve Newman reported that ONR had received 92 FOI requests last year, more than ever before. He also pointed out that the FOI Act provided an opportunity for internal review and also appeals. He provided reference to the FOI ACT and the guidance set out on the timescales for the FOI process including the review and appeals processes.

Angela Paine asked who made the decision to sell the land at Oldbury and Wylfa. Andy Hall replied that this was not within ONR vires and was a commercial decision by Government (NDA and DECC). Mark Whitby suggested ONR should enable concerned public to understand how the nuclear industry was being managed and be aware of how NGO's might respond. Mark asked whether NDA had read the full Diet report on Fukushima.

**New Action: ONR to report on whether it held the Diet report and taken its findings into account in the stress reports.**

**Post meeting note: Colin Potter reported that ONR did have a full Diet report in English and that it had been taken into account.**

David Lowry asked why all the FOI releases are not published on its website. ONR replied that in some cases there were practical reasons why this had not been done but generally if it has been published there should be no reason why it is not released.

David Lowry asked if ONR could charge GDA applicants for dealing with FOI requests. It was pointed out by ONR and EA that this is not possible and that grant in aid funding is provided for this. Dr Lowry asked about copper corrosion and whether copper was suitable for use in a GDF. Frans Boydon advised that ONR had been in communication with both the NDA and DECC over copper canister development for waste packages in a GDF. He went on to say that no definitive design has been proposed yet. When it is, if copper is the material that is proposed, then ONR would expect that choice to be justified in the safety case taking into account all available evidence including the recent evidence that he cited. At that time ONR will then decide whether an adequate safety case has been made.

### **Break Out Session – Openness and Transparency**

The attendees were divided into 4 groups and discussed the following aspects of O&T:

(Note: The key points and actions are provided against each)

#### **1. Accountability**

ONR needs to understand who needs what information and why they need it. It also needs to be clear in balancing expectations of what ONR can do with the resources it has regarding the delivery of the O&T aspect of its strategy. There may be ways to address the streamlining of information as well as influencing the licences to put more information on their web sites to reduce ONR workload. This may include the work ONR does when participating in consultations.

Three issues emerged and were captured to take forward:

1. ONR should produce a plan of its internal structure identifying who does what
2. Provide clarity on its independence from the industry and government
3. Provide reassurance that its restructuring programme will deliver greater O and T

#### **2. Level of trust in ONR**

This would be improved if NGOs understood the legal framework within which ONR operates and that ONR is clear what it can and cannot do and why. This will help NGOs to decide who to address their concerns to.

ONR needs to make clear how it makes decisions and how it interacts with other agencies when doing so and how it retains its independence in the process.

The information it publishes should be in plain English so that stakeholders can understand it.

The Chair pointed out that he felt that it would help improve the trust in ONR if it were clear how decisions that are based upon the risk of exposure to radiation are made and how HPA, EA, ONR and NDA are involved in making them.

He argued that all NGO concerns were, in essence, rooted in concern about the uncertainties around the effect of exposure to ionising radiation and appealed to ONR to take up this issue with the HPA. He indicated that a similar initiative was being pursued by NGOs through the DECC/NGO forum.

#### **3. Accessibility and Communication**

ONR has interfaces with Government, public and industry – the nuclear landscape. It needs to explain how it fits into the ‘nuclear landscape’ and how it deals with influences

from various parts of that landscape e.g. NDA competitions, EDF electricity generation business.

Issues captured from the flip charts were:

FOI requests cover Information that already exists and Information which has to be created  
Project assessment reports (FAQs's) often answer questions raised and provide important background to how decisions are arrived at

ONR receives 1000's of emails

ONR can refer many of these requests to the operator if it does not hold the relevant information

Inquiries are generally expensive to conduct and take a great deal of time.

**New Action – ONR to examine the wording in the Energy Bill relating to the practice of information sharing.**

#### **4. Security**

NGOs are concerned by the lack of post-incident reporting; answering the questions of what happened and why in a timely fashion.

ONR is an integrated regulator that looks at security across its vires; ONR CNS provides the independent regulatory expertise to do this.

There should not be an automatic assumption by ONR that any security information request would be rejected.

At the end of the session the Chair allowed Jo Brown to raise her concerns. These were that ONR should ensure that the national contract for decommissioning and waste management takes account of public safety and that public safety should be taken into account when making the decision to extend AGR lifetimes.

#### **PLENARY - ONR UPDATE**

ONR provided an update on 4 areas of its business:

- Transition of ONR to Statutory Corporation
- Radioactive waste management issues and progress with Sellafield remediation
- New Build Reactors, GDA and Utilisation of Plutonium
- Emergency Planning

#### **Transition of ONR to Statutory Corporation**

Andy Hall set out the changes in its vires and emphasised that ONR would act independently and remain independent from Government, but accountable to Ministers and to provide advice to Ministers.

He explained that the majority (>95%) of its funds are recovered from Licensees with the balance being provided from DWP.

The NGOs asked how the ONR Board would be selected to ensure independence. ONR replied that this is taken into account at appointment but in any case could not take place until after the Energy Bill had received Royal Assent. This work was part of the ONR Essentials for Vesting project.

**New Action- ONR agreed to provide an update on the Essential for Vesting project at the next NGO Forum.**

## **New Action – ONR agreed to consider how to take NGO input into account in the recruitment of the ONR Board members.**

### **Radioactive Waste Management Issues**

Mike Taylor was invited to lead this discussion and raised the issue of licensing new build reactors when the disposition of radioactive wastes arising from them is not determined, particularly those wastes destined for a Geological Disposal Facility (GDF).

Phil Davies sought clarification of ONR's views on this matter. Andy Hall explained what these are and that it is legal for ONR to grant the licence based upon Licensees having suitable and sufficient arrangements in place to manage the waste arising. The definition of 'suitable and sufficient' arrangements was questioned. NGOs find it unacceptable that the reference date of 2040 for a repository being available is still given credence and that in their opinion, as the Mike Taylor paper points out, the entire radioactive waste management programme is in disarray.

David Lowry explained his and the Chair's role on the Secretary of State's Geological Disposal Board. He commended the way in which DECC (Baroness Verma) had acted to make the Board effective.

There was some discussion about what would happen next now that the Government's Managing Radioactive Waste Safely (MRWS) process in Cumbria had stopped. Frans Boydon explained that this was a Department for Energy and Climate Change (DECC) process and that it would be managed by DECC going forward. He understood that DECC intend to look at the lessons learnt and then start the MRWS process again by looking for volunteer communities. ONR expect to be part of the new process to ensure that the solution proposed is safe and secure. ONR would have the role of clarifying the project and dispelling any false rumours. It was also stated that a variety of geologies may be suitable. Frans Boydon also noted that the likely impact of the GDF decision was to delay the depository which may result in licensed sites having to store wastes for longer. He said that ONR would ensure that the stores were suitable and sufficient to allow for this.

The Chair summed up the session by noting that NGOs were still concerned that New Build was proceeding despite the lack of a GDF solution. He felt that there was a potential mismatch between the new nuclear policy, the MRWS process and ONR's role in these. David Senior replied that ONR does exert influence at Government level and its remit is to ensure that radioactive waste is managed safely and that the right resources and the right finances are in place to do so.

### **New Build Reactors, GDA and Utilisation of Plutonium**

Frans Boydon noted that the new build and GDA topics had already been covered in the previous session so went on to talk about Plutonium.

He noted that the Government's position was to reduce the stockpile and thereby to reduce the safety and security hazard. Government (DECC) was exploring all options and that it had tasked the Nuclear Decommissioning Authority (NDA) to do this on its behalf. ONR is engaged with NDA and DECC in this work.

NDA has considered several options but the particular ones currently being explored further are:

1. To make it into MoX fuel.
2. To burn it as MoX in New Build Reactors (either commercially or specially built for the purpose).
3. To burn it as fuel in the Government's own reactor (PRISM or CANDU type)

Once this work was completed DECC would need to decide what the best option is and then to consult on it. ONR expects to be involved in the consultation process. There was general and universal opposition among NGOs present to the option of burning plutonium in Mox fuel. It was stated that use of MOX or High Burn up fuel in Sizewell B would affect the safety case which would need to be amended to justify the change.

An NGO member suggested that it was less than helpful that Government Ministers said that high burn up fuel used in the EPR had less footprint than standard fuels. He stated that the footprint was larger.

Ruth Balogh suggested that a further option, immobilization of plutonium, was possible and wanted ONR to ensure that this was considered by Ministers. David Lowry also wanted to ensure that the security and transport aspects of the options were taken into consideration by DECC.

Frans pointed out that ONR can help to get information to DECC and NDA, and that DECC's decision-making should be based on fully explored option, but that ONR cannot do DECC's optioneering or down selection.

**New Action- ONR agreed to ensure that Plutonium immobilization is considered by NDA and that NDA take transport and security factors into account in its down selection process.**

Bill Hamilton added that he believed that NDA had already done so in its initial Plutonium Strategy paper which is posted on NDA's website.

### **Emergency Planning**

Steve Griffiths asked the NGOs what their concerns were.

Mike Taylor noted that:

1. There was no agreement across stakeholders on the definition of an Emergency Planning Zone (EPZ)
2. Land Use Planning – the role of the Emergency Planning Officer in the planning process.

Steve Griffiths explained that ONR recognised both issues. He said that no longer would EPZ be based on a reference accident alone and the emphasis would be on feasibility of delivery and deliverability of the plan. He reported that a paper was being presented to the ONR Regulatory Strategy Group (RSG) that considered the next steps needed to define the EPZ and that the outcome of this would be a paper to the ONR Board.

Steve noted that, at Sizewell, the local community consultation on the EPZ was complete and that ONR expected to get the results of this within the next 10 days. ONR has discussed the options in the RSG paper with Local authority planners and councilors prior to submitting the paper to the RSG. Mike Taylor suggested that a key to this was a means must be found to prove that these plans work and that the role of the Local Authority Emergency Planning Officer had to be strengthened to avoid conflict with developers who otherwise could go to appeal if plans were turned down for emergency planning reasons. He suggested this setting of the EPZ had to be available in the public domain for this very reason.



David Lowry asked if the paper could be provided with the minutes but ONR declined saying that it must go through due process first and that ONR expected to communicate the results of the ONR Board's decision on the way ahead after June.

The Chair asked, given the focus on Sizewell, what was the situation across the rest of the nuclear licensed sites in the UK. Steve Griffiths replied that the circumstances at each site were different and that hence there were site specific answers.

### **Closing session**

The Chair led the closing session and thanked ONR for facilitating the meeting. Andy Hall replied saying that he was pleased with the good discussions that had taken place over a wide range of subjects. ONR would write up the minutes and circulate them.

Andy thanked the attendees for coming and their participation, Peter Wilkinson for chairing the meeting and Marie and Sue for organising the meeting.

The Chair closed the meeting, noting that the next NGO Forum would take place on the 5<sup>th</sup> November.