



Office for Nuclear Regulation

Note on a meeting between the Office for Nuclear Regulation (ONR) and invited Non-governmental Organisations (NGOs) at Manchester Town Hall, Manchester, on Thursday 29 October 2015.

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Attendees

NGOs

Peter Wilkinson (Chair)	Wilkinson Environmental Consulting
David Lowry	Nuclear Waste Advisory Associates (NWAA)
Peter Burt	Nuclear Information Service
Prof Andrew Blowers	Blackwater against New Nuclear
Sean Morris	Nuclear Free Local Authorities
Rita Holmes	Hunterston Site Stakeholder Group
Neil Crumpton	People Against Wylfa B
Geoff Betsworth	The Cumbria Trust
Jill Sutcliffe	Low Level Radiation Conferences
Pete Roche	NWAA and Scotland campaign group
Mike Taylor	Communities Against Nuclear Expansion

ONR

Nick Baldwin	Chair of ONR Board
Les Philpott	ONR Acting Chief Executive
Richard Savage	ONR Acting Chief Nuclear Inspector
Mark Foy	ONR Deputy Chief Inspector
Andy Lindley	ONR Deputy Chief Inspector
Julie Wareing	ONR Communications team

Welcome and objectives

The meeting commenced at 11.00 and participants were welcomed by the Chair. He noted apologies from Ruth Balogh and Jo Brown.

The Chair reminded the attendees that all should observe the ground rules that would be discussed later in the meeting under the agenda item 'feedback from working group'.

The Chair requested that NGO hold any emerging issues back to discuss within the agenda item, and indicated that some may fit into the list of topics determined by the NGO working group.

Previous actions

The previous actions were discussed later in the meeting but for the purposes of the notes have been included ahead of the main agenda item notes.

2404/01 – Ongoing – process for selection of Chair ongoing – for discussion in 'feedback from working group'.

2404/03 – Action closed

2404/06 – Action closed

1011/01 and 1011/05 – Les Philpott explained that due to change in CEO and CNI, this action had not been completed.

Action – ONR to speak to EDF/NDA/MOD to influence improvement of SSG/LLC meetings.

1101/02 – Action closed, agenda item

1101/03 – David Lowry agreed that the GDA website provided sufficient information, but he would like to see more information on security to provide confidence in security arrangements. Action closed.

1011/04 – Andy Blowers informed the group that DECC do invite ONR to the forum.

Action – Julie Wareing to speak to DECC regarding ONR's attendance at their NGO forum.

Mark Foy advised the group that during the last meeting Ruth Balogh had asked ONR to provide information on how other national regulators, in particular the Canadian regulator, engaged with NGOs on new build. He reported that the Canadian Nuclear Safety Commission do not involve NGOs in assessment, but they have involved them in certain document development and that it has helped CNSC to clarify public messages. The US Nuclear Regulatory Commission treat NGO's as a member of the public and they contribute to debate and discussion via a well defined structure of public meetings.

Sellafield strategy

ONR Deputy Chief Inspector and Programme Director for the Sellafield Programme, Andy Lindley gave a presentation on ONR's new strategy for regulating Sellafield.

The presentation covered the following:

- National priority and ONR Board's top priority
- Brief history of the legacy facilities at Sellafield and ways of working

- New regulatory strategy and six key stakeholders (G6) aligned with common goal to accelerate hazard and risk reduction
- Eight key themes in strategy (prioritisation; diversions and distractions; blockers and bureaucracy; incentives; fit for purpose solutions; communications; risk balance; effective use of resources)
- Independent regulation and collaborative working
- Restructure of ONR Sellafield programme
- Management of risk from legacy facilities
- Examples of collaborative working bringing benefits in hazard reduction

The Chair conveyed his thanks to ONR for a fascinating presentation and invited questions/comments from NGOs.

A summary of the key points follows:

David Lowry asked if any records are available of G6 meetings, why Nuclear Management Partners (NMP) is not included, and why security is not a theme of the new strategy. Andy Lindley explained that there were no formal terms of reference* and no notes taken of G6 meetings, which works well. Any actions are taken forward by another group who work out the detail of strategic decisions. NMP are not part of G6. Adrian Freer, ONR Deputy Chief Inspector and Programme Director for Security is a G6 member in his own right, and security is prominent across all of the key themes, having equal attention to safety. Andy Lindley provided two examples of security issues that have been considered by the G6 group and committed to provide written examples.

Post-meeting note - Terms of reference have now been agreed.

Action – Andy Lindley to provide examples of security issues considered by the G6 group

Post-meeting note: A note was circulated to attendees on 5 November – action closed.

Pete Roche asked about Highly Active Liquor (HAL) tanks and questioned why ONR had allowed Sellafield to go outside of the specification for reducing stocks. Andy Lindley explained that following an electrical problem at one of the waste vitrification plants, Sellafield faced two options – to either shut down reprocessing or extend the specification limit for a short period of time. ONR considered these options and considering a number of factors, judged it beneficial to continue reprocessing and allow a short transition across the specification limit. Vitrification of HAL stocks is now continuing in line with the original specification.

Post-meeting note: the HAL stocks are now back below the original specification target value.

Neil Crumpton commented that ONR seems to be project managing the acceleration of hazard and risk reduction and asked if there would be more emphasis on licensee and NDA. Andy Lindley explained that that responsibility for taking the work forward rests with Sellafield Ltd and the NDA and that recently Sellafield Ltd took over the chair of the G6 strategic forum.

Neil Crumpton commented that ONR's independence may help influence other stakeholders and asked if the regulator makes regular presentations to Ministers or liaises through DECC officials. Andy Lindley explained that he has personally given presentations to the previous minister and senior DECC officials are well aware of the ongoing work and visit the Sellafield site, periodically accompanied by ministers regularly. He also responded that ONR's

influence is having a positive impact with Sellafield employees on site, who have adopted a 'can do' attitude following a number of events to promote new ways of working to staff.

Les Philpott explained that in addition to specialist interactions with DECC officials; he and Nick Baldwin had met with Andrea Leadsom to discuss ONR work, particularly Sellafield as its top priority.

Peter Burt disagreed with an earlier statement that indicated that it is not the job of the regulator to accelerate work, explaining that if risk is increasing and operators are not performing and delaying work, it is something that ONR should be considering at strategic level in order to hold the operator to account. Andy Lindley commented that it can be very difficult to find any tools to make a third party accelerate something, and additional pressure can sometimes have a counter-effect. The most effective way is to create the right environment by removing blockers and diversions and provide incentives, supported by a strong regulatory framework.

Peter Burt asked if this regulatory approach and collaborative working may be adopted in other areas to tackle similar issues. Richard Savage explained that the ONR Sellafield programme has taken the lead with this regulatory approach, enabling effective regulation to demonstrate strategic improvements, while still ensuring compliance with the law and holding the operator to account. He informed NGOs that ONR is considering how this model can be applied in ONR's Defence programme, to influence the right people in licensees and government, to make strategic safety improvements.

David Lowry referenced a previous Public Accounts Committee (PAC) meeting where Sellafield Ltd and NDA did not give the committee a report compiled by KPMG, which would have helped their case.

In referring to the earlier discussion on reduction of HAL and ONR's explanation of a number of factors which needed to be considered, David Lowry questioned whether it was appropriate for ONR to consider the financial implications of stopping reprocessing at Sellafield. He referenced a previous incident at the Thermal Oxide Reprocessing Plant (THORP) and an admission by British Nuclear Fuels Limited (BNFL) that a similar accident could still occur even with safety recommendations implemented. He also requested a copy of ONR's response to BNFL's admission.

Andy Lindley explained that it is for ONR to make a judgement considering all of the evidence presented. There were many factors to consider in making the decision not to stop reprocessing; the financial implications were just one factor. It is stated in the Regulators' Code that regulators should conduct their activities in a way that promotes compliance but supports those they regulate to grow, but for ONR safety and security is the highest priority. Allowing a short increase of the limit was considered the best option in the long-term.

Mark Foy explained that it is government policy to reprocess spent fuel and a safety case exists to support this approach. He added that currently there is no policy for long-term storage of spent fuel, which would require a safety case to be developed. He emphasised that the Regulators' Code stated the need for regulators to support organisational growth, but that it highlighted the need for legal compliance and hence continued safety and security were paramount.

ACTION – Andy Lindley to provide information on ONR's response to BNFL's admission that a similar accident could occur at THORP.

Post-meeting note: A note was circulated to attendees on 5 November – action closed.

Andy Blowers thanked Andy Lindley for his presentation and expressed his positive opinion on the proactivity of ONR, having significantly influenced driving the improvement programme forward. However, he raised concern that the culture of regulation appeared to have shifted, with emphasis on policy and facilitation of business growth, subsequently clouding ONR's independence which is concerning in relation to new build.

Richard Savage thanked Andy Blowers for his strong challenge and emphasised that ONR's independence is crucial if we are to uphold the law. ONR can work collaboratively with stakeholders but is clear on its responsibilities, regulatory decisions are absolutely independent. There are strong internal governance arrangements in place and ONR is open and transparent in publishing all assessment reports justifying its decision. He emphasised the importance of influence in new build, especially through the Generic Design Assessment (GDA) process which enables ONR to influence safety improvements at the earliest possible stage.

Mike Taylor asked ONR if there are any examples of dry cask fuel store being developed at Sellafield or in the rest of the UK. Mark Foy responded that there are no examples of cask storage in the UK, although a dry fuel store exists at Wylfa. He added that the approach being adopted by EDF at Sizewell B for its dry store is based on US technology that has been licensed by the US NRC.

Jill Sutcliffe asked what learning we are passing on so that we don't end up in a similar situation in future over the next five/six generations. Mark Foy explained that the proposals for new build waste are different to past practice, the waste will not be reprocessed but stored in geological disposal facility.

Sean Morris asked what role ONR will have in ensuring a smooth transition following the removal of NMP. Andy Lindley explained that licensees must inform ONR of any changes under Licence Condition 36. It is for the leadership and management for safety team to consider Sellafield Ltd's proposals to ensure that processes are adequate and that people are suitably qualified. Andy Lindley confirmed that there has been no cause for concern to date.

Sean Morris raised concern regarding potential NDA cuts following the outcome of the spending review, and questioned what might happen in terms of the projects to accelerate hazard and risk reduction. Andy Lindley explained that there has been a series of workshops considering the potential options for the spending review and legacy ponds and silos will remain a top priority.

Rita Holmes thanked Andy Lindley for his presentation and agreed that whilst there is broad agreement that money should go to Sellafield, NGOs do not want work to stop at a local level. She questioned whether an Improvement Notice in relation to Hunterston A is likely to be removed. Andy Lindley explained that an Improvement Notice is a legal notice with a requirement to complete a programme of improvement by a specific date. ONR can grant an extension if it judges that the licensee has done as much as practicably possible to address the requirements in the time specified.

Pete Wilkinson asked if there was potential for other constituency groups to join the G6. Andy Lindley responded that Sellafield Ltd are doing a lot of work to ensure that the SSG members are aware of the work and it has been agreed that the G6 is working effectively as it is.

Pete Roche indicated that in NDA's draft strategy, there was a strong commitment to close THORP in 2018, but the commitment to stop Magnox reprocessing was less certain, indicating 2020. Mark Foy explained that Sellafield Ltd must ensure that they try and reprocess all Magnox fuel by 2020 but if this is not possible they will need to explore a contingency option to prevent having wet legacy waste.

Peter Burt questioned if ONR has a review on plutonium options and if it could influence government against building a new MOX plant. Mark Foy explained that managing plutonium stocks is government policy but ONR would support DECC's development of policy in this area.

Pete Wilkinson closed the discussion in striking balance between the strong benefits being realised and maintaining independence as regulator of safety security. Mark Foy reiterated that safety and security is ONR's overriding priority and that the strategy applied at Sellafield is an alternative way of positively influencing improvements.

Feedback from working group

The Chair introduced the agenda item by explaining that the working group was set up at the last meeting to improve effectiveness of the ONR NGO forum. He thanked the working group for their efforts (Peter Burt, Ruth Balogh from NGO community and Mark Foy and Colin Tait from ONR).

Attendees were provided with three papers, one providing feedback on the work of the group, revised terms of reference (including ground rules and TOR for the working group) and a list of prioritised topics for future discussion.

A summary of the key points of the discussion follows:

- NGOs suggested that one meeting per year (as per draft TOR) was not sufficient, considering that several topics for discussion require urgent discussion. The DECC NGO forum was cited, which meets three times per year with a supporting sub-group structure. Peter Burt noted that NGOs on the working group had suggested two-three meetings per year. Nick Baldwin informed attendees that ONR had recently announced the appointment of Adrienne Kelbie as ONR's new permanent Chief Executive. She will be reviewing ONR's framework of stakeholder engagements and will consider this recommendation.

Action – ONR to revise TOR to reflect recommendation of at least two meetings per year, for consideration by the new Chief Executive.

- NGOs questioned who has final decision on what to include in topic list and the priority that a specific topic should be given. Mark Foy explained prioritisation is indicative and up for discussion. Pete Wilkinson emphasised that the topic list is a working document and anyone can contribute, but encouraged NGOs to consider if their questions can be discussed within an existing broad topic.
- NGOs supported the idea of virtual attendance at NGO forums.
- The format of meetings was discussed with many NGOs favouring plenary rather than sub-group break-out discussions as it takes additional time and detracts from useful discussion. It was agreed that both methods can be appropriate and it should be dependent on subject matter.

ACTION – ONR to amend TOR to reflect format of meetings.

- Neil Crumpton suggested that the purpose of the group should be amended so that the fourth point 'ONR's work to influence improvement to the UK and global nuclear safety and security regime' should be the overriding purpose, with the other three points supporting. All agreed.

ACTION - ONR to amend TOR to reflect change to purpose.

- Les Philpott noted inconsistency between membership and reporting, with mention of both representing constituencies and expressing personal views. NGOs agreed that the wording should reflect NGOs representing constituencies.

ACTION – ONR to amend TOR wording under membership and reporting to provide a consistent view on NGOs representing their constituency/group.

- NGOs considered Ruth Balogh's proposal for facilitation of break-out groups and raised concern that volunteering as a facilitator may restrict their ability to speak openly and contribute to discussions. Following discussion, it was agreed that as a facilitator, NGOs would still be able to contribute as normal, but must have a degree of impartiality in managing the debate.
- There were a number of issues that were not resolved, including a process for appointing the Chair and reimbursement of NGO travel expenses, both of which are not included in the TOR. NGOs indicated that an NGO Chair is preferable, although the DECC forum works well with co-chairs.
- Three options were put forward for the new Chief Executive to consider (NGO Chair, co-chair and ONR Chair).

ACTION – Working group to agree proposed options for consideration by ONR Chief Executive

- The Chair raised a number of issues that had been put forward in advance of the meeting by NGOs for consideration. He encouraged NGOs to review the proposed topic list and identify if their issues could be incorporated into a broader topic area.
- GDA and new build were considered a high priority for discussion. It was agreed to combine the two topics and discuss them at the next meeting, including GDA, site specific issues, licensing, construction, problems with EPRs in other countries.

ACTION – Next ONR NGO forum to focus on new build

- Les Philpott expressed the importance of ensuring that any discussions support the purpose of the forum, both ONR and NGO's work to influence improvements in safety and security. It should not be a forum to simply answer NGO questions on a range of topics.
- David Lowry suggested further discussion around the earlier issue of business growth and reiterated that it is inappropriate for the regulator to consider this. Nick Baldwin, Les Philpott and Richard Savage explained that all regulators have a duty to consider business growth and the importance of complying with the law, but this would not be done at the expense of safety and security which is ONR's overriding priority.
- Jill Sutcliffe recognised the government commitment to sustainable development but explained that there is often a need to discuss these issues in order to fully understand ONR's position, which ONR attendees agreed that they were content with.
- The Chair explained that the original proposal for the working group was to improve effectiveness of the main Forum, the recommendation from the Forum was that the working group continue. NGOs agreed and the Chair asked for a volunteer to take over from Ruth Balogh. Sean Morris agreed to join the working group.

ACTION – ONR to include Sean Morris in all correspondence/meetings with working group.

- Additional agreed topics included safety and security of Intermediate Level Waste; security (personnel and expertise in ONR); security at and between nuclear sites; protecting sensitive information; safety and security of potential geological disposal facility; and dry cask fuel storage.
- It was agreed that it would be appropriate to invite Environment Agency and Radioactive Waste Management Ltd to a future forum on geological disposal.
- Richard Savage asked NGOs for feedback on how ONR could improve publication of its information. The ONR e-bulletin was referenced as a positive tool, providing useful links, and it was suggested that ONR could consult and conduct public engagement exercises in order to gain constructive feedback. It was also suggested that it would be beneficial if NGOs could obtain important documents that are commercially or security sensitive, and when this is not possible, ONR should try to provide more detail about why it is unable to disclose, or why a document is redacted.

ACTION – Julie Wareing to circulate a link to the ONR e-bulletin

Emerging issues

Mark Foy provided an overview on the recent problems identified with the Flamanville European Pressurised Reactor (EPR). In April 2015, Areva informed the French regulator (ASN) that anomalies had been detected in the Flamanville 3 reactor vessel steel (top and bottom closure domes) which had been manufactured in France, increased levels of carbon causing lower than expected mechanical toughness values. Tests results submitted by Areva to the French regulator indicate that it is likely a safety justification can be presented to support the case that the components are fit for purpose and can meet the required performance standard. Further tests, including non-destructive and destructive testing will be required to substantiate this and meet the exacting requirements of ASN; this NDT will be carried out the top and bottom domes that were originally designated for use on HPC.

ONR has been kept fully informed by NNB GenCo and ASN on this, the head of ASN personally wrote to ONR's Chief Nuclear Inspector to inform him of the technical issue. ONR technical specialists participate as observers in the relevant technical meetings held by ASN in Paris. We do not anticipate a similar problem arising in the UK, limited ingot capacity at the manufacturer gave rise to material quality issues at Flamanville and the manufacture of the domes for HPC will use larger ingots to ensure that carbon segregation does not occur.

ONR's intervention strategy, and its subsequent underpinning activities, includes ensuring that the lessons learned from the problems and issues arising elsewhere are identified and taken account of by the UK licensee in its safety case, detailed design and construction.

ACTION – Mark Foy to provide a written briefing note outlining ONR's involvement and consideration of issues with EPRs

NGOs raised concern about Chinese investment in new build, citing rumours that the regulators will fast-track the GDA process. Mark Foy explained that both regulators have engaged initially with the Chinese Joint Venture (CJV) to set initial expectations in relation to GDA and there will be a further workshop in December in which the regulators will set clear expectations in more detail about standards, process and openness and transparency about the GDA process. The regulatory regime will be exact same depth and rigour as for previous GDA's, and the CJV will be required to submit the same level of information as other Requesting Parties. They will not complete GDA process if they don't.

Mark Foy explained that the CJV are extremely well prepared and have conducted a significant amount of preparatory work to familiarise themselves with standards and learn

from previous/current GDAs. GDA is expected to take between four-five years which is dependent on quality and timely submissions from the Requesting Party.

Mark Foy explained that ONR is learning about these new reactors and is part of the Multinational Design Evaluation Programme (MDEP) which involves regulators from across the world that are involved in new build programmes. Each reactor technology has a working group within MDEP, which provides a large amount of information and access to countries assessment findings on particular reactor technology.

David Lowry commented on a recent press story regarding a security incident at Hunterston B and questioned ONR's involvement. Rita Holmes informed the group that the Hunterston SSG had received a reassuring letter from the Site Director. Mark Foy explained that both ONR security and the site inspector for Hunterston B are following up the incident.

The Chair requested that any other issues should be emailed to him or Julie Wareing for consideration by the working group.

Summary and close

The Chair commented that the meeting had been interesting and informative and hopes that the working group has set the ground work to make the forum more effective and constructive going forward and build on the existing relationship between ONR and NGOs.

NGOs expressed their thanks and best wishes to previous Chief Nuclear Inspector Dr Andy Hall who recently retired.

Les Philpott closed the meeting by thanking everyone for their time and positive contribution, expressing that all parties approach issues with compassion.