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ONR/NGO Forum – 28 March 2019	
Title	CNI Report on the safety, security and safeguards performance of Great Britain’s nuclear industry
From	Mark Foy – Chief Nuclear Inspector
Date	Issued 22 March 2019
Status	For information

Appendix A: Response to suggestions for CNI Report content

1. Purpose

1.1 This paper provides an update on ONR’s timetable for production and publication of a comprehensive report on the safety, security and safeguards performance of GB’s nuclear industry. This paper also provides a response to suggestions made by NGO Forum members following the October 2018 meeting.

2. Background

2.1 ONR intends to publish the CNI Report late September 2019. This report will cover the period 2018/19 and will be a comprehensive analysis of ONR’s view of industry performance across our regulatory purposes during this period. It will provide the public and our wider stakeholders with a comprehensive analysis and insight on the outcome of our regulatory activity across the nuclear estate in addition to the wider transport of radioactive materials undertaken across the industrial and medical sectors. The report will also incorporate an analysis of events reported to ONR during the 2018 calendar year and provide an annual statement on progress against the research commissioned by ONR.

2.2 The report is currently being drafted and will be subject to external engagement with industry, BEIS, MOD and DWP to enable opportunity to comments on matters of factual accuracy, commercial sensitivities, national security and any other content that could contradict wider national policy.

2.3 Stakeholder engagement and communications handling to support the publication of the report is being developed.

2.4 We’d like to thank NGOs for their suggestions for content of this report; a response on each suggestion received is presented overleaf in Appendix A.

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Appendix A – Response to suggestions on CNI Report content

Date raised	Submitted by	Questions submitted by NGO Forum members on what they like to see covered in CNI report (Act 18.20)	CNI office comments
15.11.2018	Peter Burt	<p>I would like to make the following suggestions for the format of the report.</p> <p>a) The report should give a site-by-site breakdown of performance, with an entry for each regulated site showing:</p> <ul style="list-style-type: none"> - Enforcement record (regulatory notices, prosecutions etc commenced and closed out during the year). - Summary of significant regulatory issues which have emerged during the year. - Summary of significant actions which are the operator is required to undertake, and the timeframe for closing these out. - Summary of significant incidents reported during the year (as required for quarterly reporting to the Secretary of State) and total number of incidents (including trivial incidents) recorded during the year. - A brief assessment of openness and transparency for each site – this could be as simple in the first instance as the number of SSG / LLC meetings each year to which the public were entitled to attend, but would in due course hopefully evolve into a more sophisticated rating along the lines that Sean and I have discussed with you in the past. <p>This would be helpful in allowing the public to make comparisons between sites and in year-on-year performance.</p> <p>b) For each site, there should be a red / amber / green rating of annual performance (similar to the 'level of regulatory attention' requirement rating given in the current report).</p> <p>c) There should also be a league table, prepared quantitatively and scored using the above information, showing the performance of each site. Site operators will hate this but it will work wonders as an incentive for improving performance.</p> <p>d) The report should include three or four case studies giving examples of good and poor practice. This would be especially helpful for the nuclear security area. It would be useful, for example, to have a case study about a nuclear security exercise, with sensitive details omitted as necessary, to demonstrate the kind of steps that ONR takes to regulate this area.</p>	<p>a) The report will include regulatory attention levels for every licensed site and any other dutyholder receiving enhanced level of attention (by exception). For each site receiving enhanced level of attention, there will be comprehensive analysis as to the underlying reasons and the strategy by which we will seek to secure a return to routine attention where that is practicable. More specifically:</p> <ul style="list-style-type: none"> - All enforcement at enforcement letter, statutory notices and primary powers under the site licence will be reported, including where Directions have been issued by ONR - The report will reflect an event analysis for the 2018 calendar year and replace separate publications. We plan to provide increased narrative on how incidents have influenced forward intervention strategies - The report will not detail specific attendance of the public at SSG and LLC meetings - invitations are a matter for the secretariat. But we will provide statistics on our level of representation <p>b) As mentioned above, we will report regulatory attention levels. We will not be reporting RAG assessments of licensee annual performance because it is insufficiently evidence based as a reporting mechanism. We will however report the outcome of routine planned compliance inspections for each licensee.</p> <p>c) There will not be a league table presented. This approach is inconsistent with international practice, open to significant interpretation and may drive unintended outcomes by operators rather than focus on securing safe and secure outcomes on their sites</p> <p>d) The report will include case studies by which we consider significant progress towards safety and security improvements has been achieved. Broad performance of the industry in conduct of safety and security exercises will be presented to an extent permissible under national security constraints</p>
26.11.2018	Mike Taylor	<p>How does a regulated asset base finance model ensure that adequate financial resources are available by the developer to conform to ONR licencing throughout the site lifetime and beyond? eg With regard to ensuring the completion, once it is started, of a project funded through the RAB model, what level of due diligence review will there be of the investors to ensure their financial integrity ie do those investors have a guaranteed supply of funds to finance the project for the complete period of the build? It is already recognised that EDF are facing at least £10billion shortfall in decommissioning funds and will have to rely on operating income to fund decommissioning.</p> <p>What oversight is there of the projects once they are started to ensure satisfactory build quality and ensure there is no overspend with reference to RAB?</p>	<p>We will provide a brief overview of our interactions with Government and prospective licensees in relation to the RAB model, in the context of new build construction. Since the report is focussed on performance of the existing licensed industry and dutyholders regulated under NISR and other regulations, this will be limited at this time</p>
28.11.2018	Mike Taylor	<p>Regarding your CNI report, would you consider whether, as the subject of major concern to all is climate change, this maybe needs an independent industry report covering ONR and EA duties?</p>	<p>Climate change is not a matter covered under ONR's powers and remit defined under the Energy Act so there will be no specific mention in the report. This is a matter for discussion with the environment agencies</p>
21.12.2018	Peter Banks	<p>Although I cannot suggest how to cover this is it possible that something is included about the issues surrounding the November 2018 accident at Heysham?</p>	<p>Yes, the incident at Heysham will be mentioned in so far as is possible, reflecting the status of the ongoing investigation at the time of draft, so as not to prejudice the outcome of an ongoing investigation</p>