

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 6th November 2012

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Attendees

NGOs

Peter Smith	Stop Hinkley Campaign
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)
Peer Burt	Nuclear Information Services
Peter Wilkinson	Wilkinson Environmental Consulting (Chairman)
Phil Davies	SPRU/ University of Sussex, also NWAA
Andrew Blowers	Chairman of Blackwater Against New Nuclear (Banng)
Reg Illingworth	Shepperdine Against Nuclear Development
Sean Morris	Nuclear Free Local Authorities
Deborah Wilson	Nuclear Information Services
Richard George	Greenpeace UK
Rita Holmes	Hunterston

ONR personnel

Nick Baldwin	Chairman ONR Board
Andy Hall	Acting HM Chief Inspector
John Jenkins	Acting Business Head of ONR
Les Philpott	Director of Finance and Business Services
Frans Boyden	HM Superintending Inspector
Charles Temple	Head of ONR Emergency Preparedness and Response and Radiological Projection
Colin Potter	HM Principal Inspector
Peter Brazier	HM Inspector
Sue Kelly	Head of ONR Communications
Marie Railton	Communication Team ONR

Environment Agency

Robert Smith	Environment Agency
Alan McGoff	Environment Agency (from 13:05 onwards)

WELCOME AND OBJECTIVES

The meeting began on time at 1100 and participants were welcomed by the Chairman. A one minute silence was kept for Crispin Aubrey. The Chairman reminded the participants that the focus of the meeting was on the key areas of the agenda and that other matters including those raised relating to Hinkley power station should be taken outside the meeting. The Chairman outlined the papers available, including action points from the previous meeting in November.

GENERAL ISSUES

Ground Rules for the meeting

The ground rules paper produced by Peter Burt was discussed. The participants agreed that subject to a minor amendment they were useful in helping to ensure that constructive dialogue took place in these meetings. The Chairman suggested that the NGO Forum may wish to adopt these ground rules for this and subsequent meetings. There was some discussion on how to apply the rules. The Chairman also agreed that he would try to administer the application of these rules. On this basis and that the agreed amendment would be made the Chairman moved to adopt the ground rules. There were no objections to this proposal.

Action Log

The Chairman referred the participants to the action log prepared by ONR that captured actions from previous meetings. He asked that the participants review the log and inform Marie Railton if there are any actions that need to be carried over to the next meeting.

KEY ISSUES OF THE DAY

The Chairman invited Andy Hall to outline the key issues for the day.

Fukushima and Stress Test Progress

Andy Hall advised that the ONR report on the implementation status of his Fukushima Report recommendations after 12 months was issued in October 2012 and that is now on the ONR website.

He also provided updates on the work being carried out regarding Emergency Preparedness by Government (local and national), ONR and Licensees; the review of ONR's Safety Assessment Principles; the development of ONR's research index to include chemical plant; the acquisition and deployment of emergency equipment by EDF at various locations in the UK.

He also referred to the status of the Licensees responses in the October implementation report. He noted that significant progress had been made but, that in 33% of cases, their proposals/plans needed further development or provision of evidence/information before ONR would be able to assess whether the matter had been adequately addressed. ONR's expectation is that all Licensees would complete the work as soon as possible. He also noted that this work was now moving from a separate project to being incorporated into ONR's normal business. It would be prioritised as part of the overall scope of ONR's work.

Generic Design Assessment (GDA)

Andy Hall reported that of the 31 issues, 13 were now closed out. He reported that the Requesting Party (RP) wanted to close out the remainder by the end of November 2012. He also said that issues would only be closed if the RP provided suitable and sufficient evidence to ONR that the case for closure of the issue could be made. It was emphasised that only after ONR had agreed that the evidence was adequate would ONR issue a closure letter.

Emergency Planning

Andy Hall reported that ONR was engaged in the planning and delivery of site, regional and national exercises. He referred to ONR's mission of protecting people and society from the hazards of the nuclear industry both home and overseas, in the later case, by providing advice to Government for dissemination to UK nationals overseas.

Radioactive Waste

Andy Hall pointed out to the participants that the safe storage of radioactive waste in a suitable facility was integral to making the case for the safe, through-life management, storage and disposal of radioactive wastes.

Openness and Transparency

Andy Hall said that ONR was working hard at improving its openness and transparency within the bounds of the relevant legislation. The transformation to a statutory corporation, he believed, may well be helpful in delivering its aspirations in this area.

He then welcomed debate on the key issues. The following notes summarise the debate.

There was a general discussion around the protection of nuclear workers abroad, in particular, uranium miners, when considering the justification process for new nuclear build in the UK. Andy Hall pointed out that ONR can only act where it has powers to do so. The justification decision was not ONR's to make and it was only able to offer advice on this matter. Further discussion considered Irish and Norwegian concerns with potential New Build in Anglesey. Andy Hall said that agreements had been put in place between UK and Ireland and between UK and Norway to address these concerns. ONR's implementation to full disclosure of information on these matters unless prohibited by law has helped address these concerns.

There was a general discussion on the responsibility for land use planning. Andy Hall pointed out that it was the Local Authority's responsibility to make planning decisions and that ONR's role is as consultee to the process. He went on to explain that this role is limited to providing advice on developments that are near nuclear power stations. He noted that action was being taken to clarify this planning role by devolved and national Governments.

There was a general discussion around how the issue of obsolescence for the EPR reactor design was regulated. Andy Hall explained that it is the responsibility of the Licensee to demonstrate that a reactor is safe to operate. This achieved over the lifetime of the reactor by ONR requiring the Licensee to produce a Periodic Safety Review every 10 years. This must make the case for continued operation. If the case cannot be made then ONR would not permission the reactor to operate.

PLENARY SESSION

Each of the key issues of the day was discussed in plenary session. A summary of the discussion of each issue is set out below in the order they took place. Note: Openness and Transparency was not discussed during the plenary session.

Radioactive Waste

There was a discussion on the long term storage of radioactive wastes on nuclear licensed sites around the uncertainty on when a disposal facility may be available. NGOs were critical of what they saw as complacency about long term, interim storage of wastes which may be required to be stored on site indefinitely. NGOs also felt that storage issues in the face of on-going uncertainties about the creation of a national nuclear waste repository were being largely ignored.

ONR was asked to provide details of which NGO's would be part of its Technical Advisory Panel. ONR reported in the meeting that although this work was planned it had not yet been started and consequently a list of participating organisations was not available yet.

There was some discussion around the issue of so many organisations being involved with radioactive waste and the lack of clarity of their roles and responsibilities. It was suggested that ONR may wish to consider the role it plays and making this more transparent to the NGOs. This matter has been the subject of 'DECC papers' produced by the NGOs. The Chairman undertook to send copies of these papers to ONR.

ACTION: Peter Wilkinson to send DECC papers to Marie Railton. Action carried out.

There was some discussion on the merits of holding a conference on disposal. It was reported, by Jill Sutcliffe, that Neil Smart from the Nuclear Decommissioning Authority was supportive of the idea to look at better ways of sharing information and communicating. Andy Hall noted that it was not ONR's responsibility to define how disposal should be done; this will be the responsibility of the licensee, RWMD, in due course. The discussion returned to the matter of interdepartmental working on radioactive waste and disposal; more specifically the making of the case for licensing new build nuclear power stations. Andy Hall made the point that it was government policy to pursue the underground disposal of spent fuel and higher activity wastes that could not be disposed of in the Low Level Waste Repository (LLWR). He also said that ONR required the licensee to ensure that all radioactive wastes arising from a new build reactor were managed safely for a period of up to 100 years. Arising from this discussion was the issue of the openness and transparency of what ONR does. The participants discussed how ONR might be able to give the NGO's (and other stakeholders) the confidence that issues of concern, such as spent fuel and radioactive waste management throughout the lifecycle of a reactor or chemical plant, were being taken into account in the work it does. Andy Hall reminded the participants that ONR's focus is the regulation of the safety and security, accumulation and management of radioactive waste on a nuclear site and it can only act where it has powers to do so. He did recognise that Mike Weightman's leverage model gave ONR the capability to influence in areas where it is unable to regulate. He emphasised it was important for ONR to remain demonstrably independent of government and that it was unable to make policy. The Chairman noted that in his opinion ONR did not perhaps recognise the power and influence it has.

There was some discussion around the issues raised in Mike Weightman's Fukushima report regarding the arrangements for the long term storage of wastes. Andy Hall said that no significant shortfall in licensee's current arrangements had been identified but that ONR would use the operational experience gained from the Fukushima event to think about how to address those events that may be on the limit of creditability. Frans Boyden noted that an EU directive on waste management was being produced which the United Kingdom would have to comply with.

GDA/ Stress Tests

The two areas identified as the focus for NGOs were the ability of the ONR to meet government's required close-out date for the F-DAC of the end of November which many NGOs felt was unrealistic and the lack of openness and transparency which NGOs felt hampered their ability to satisfy themselves that the process by which closure was achieved was robust.

The improved progress on closing GDA issues was noted. The Requesting Party (RP) is planning to get the remaining issues closed by the end of November. This relies on them providing ONR with suitable and sufficient information to ONR in time to be enable it to close out the issue and ultimately to issue a Design Acceptance Confirmation (DAC) by the end of the year. Colin Potter also added that the Assessment Findings arising from the GDA

process were being incorporated into the work of the site licensing teams work, reviewing the New Build potential Licensee's arrangements.

This prompted a discussion on the disclosure of information relating to ONR's decision to close an issue for which information had been requested under the FOI Act. It was suggested that ONR's position looked like protectionism regarding commercial confidentiality. In particular, NGOs argued that ONR appeared to be protecting the interests of privatised industry over those of the public interest and that, when answering an FOI request, they should apply the 'public interest test' to determine the legitimacy of the decision to redact information. This test was required under the FOI Act and ONR should indicate that the test had been applied and then justify their decision to stakeholders or to the party requesting the FOI. Andy Hall countered this perception by saying that ONR must act within the law but went on to make the point that it did consider each FOI request on a case by case basis. ONR did agree to make sure that, to the best of its ability, it would apply its principle of being as open and transparent as it could within the constraints of the FOI Act and to demonstrate more clearly that it was doing so.

Emergency Planning

(note: Alan McGoff joined the meeting at this point)

The Chairman noted that this discussion was effectively a follow on to the DECC meeting with NGOs. He agreed to provide Marie Railton with the papers from the meeting.

ACTION: Peter Wilkinson to send DECC papers to Marie Railton. (see also above)

A presentation on UK nuclear emergency planning was given by Sean Morris, UK and Ireland Secretary Nuclear Free Local Authorities. In summary he noted that although emergency planning covered some sensitive areas he felt that NGOs could still make a useful contribution and should be brought into this process with government and ONR in some way. One example of this was detailed local knowledge. Charles Temple noted that the local off site plan worked on a multi agency approach. ONR acts in the role of observer and its experience is that the local agencies do work together to deliver the plan. There was some discussion on the development of emergency plans for new build sites. Charles Temple pointed out that it is for the licensee to develop the on site emergency plan. Where an off site risk is identified, it's the responsibility of the local authority to put a suitable plan in place and it must consult with the local service providers to ensure they are able to support it. He went on to note that ONR is seeking to harmonise the detailed emergency planning zone (DEPZ) definition with EU guidance and also considering the aspect of extendibility of the DEPZ.

The Chairman asked how the decision on the DEPZ was made, and whether the DECC / LA/ ONR process needed strengthening and opening up to scrutiny. Charles Temple said that ONR was acting to improve the openness and transparency of emergency planning.

ONR reported that there had been emergency exercises at Bradwell and Hunterston (table top only) that had tested the extendibility of the emergency planning arrangements and that the outcome had been encouraging. He noted that there is a need for clarity of the extendibility arrangement for the transition between on site and off site DEPZ and beyond to where there is a need for civil contingencies act measures to be taken. Rita Holmes, the chair of the Hunterston Site Stakeholder Group reported that she had been unaware of the Hunterston exercise which prompted more discussion on the openness and transparency issue. It was proposed by Peter Burt that ONR could produce a schedule for the ONR/ LA reviews of the emergency planning arrangements. Charles Temple added that a spread

sheet was being developed by ONR with this information and would be made available to NGOs.

Breakout sessions – Key Points

(The flip charts produced by the break out groups have been typed up, as produced, during the event, and are set out below along with any additional information or actions that arose during the feedback session that followed.)

GDA/ Stress Tests

The following issues were raised and discussed:

Stress Tests

- The safety of existing stations
 - 400 issues still outstanding
 - Remote control rooms
 - Amount of equipment
 - Mobile plant

GDA

- 13 issues still outstanding
- Outstanding question - how long before core meltdown of an EPR reactor if nothing is done.
- What is happening with the GE/ Hitachi ABWR? ONR has not been approached yet.
- Given the limited component life of say, steam generators, how does ONR have confidence in station design life?
- Regarding FOI of GDA
 - Stop redacting everything.
 - The more that's published the better
 - Opportunity to ask questions of the vendor
 - Legal opinion on presumption of publishing, advice to be brought to next meeting.
 - MoU or similar for handling FOI / GDA with NGO's.

Additional feedback session notes:

Action: ONR agreed to seek a legal opinion in favour of release of information following a FOI enquiry and share it at the next NGO Forum.

Emergency Planning

The following issues were raised and discussed:

- Identifying and harnessing local knowledge in the formation of the Emergency plan.
- Review of ONR acceptance criteria for determining the adequacy of the off site plan.
- Review detailed DEPZs
- Establish register of local NGOs for consultation on off site emergency plans.
- Investigate possibility of NGOs obtaining observer status at off site emergency planning exercises.

- Consider how information on the emergency planning arrangements is made available within the DEPZ and further out in the extended zone?

Additional feedback session notes:

Action: ONR to investigate report of 8 Hinkley Point B workers requiring treatment at Harwell in 2009 outside meeting.

Radioactive Waste

The following issues were raised and discussed:

- New Build Wastes
 - Neglect of the issue by all
 - The uncertainty of the GDF as part of Government policy.
 - Societal context unknown
 - Need to take greater involvement and action
- Sizewell B
 - Illustrates practical and technical issues - storage in casks, how long, in what stores.
- ONR
 - No licence until proper solution for radioactive waste.
 - Where does radioactive waste management come in the licensing process?
 - Also issue of decommissioning as part of the licensing process
 - Radioactive waste is a big issue for new build but depends on the design etc.
 - At present not sufficient is known/ Government policy is obtuse.
 - All sites to produce a radioactive waste management case / EU waste directive is likely to require some sort of national plan for radioactive waste.
 - ONR must be open on the radioactive waste management component.
 - A progressive staged process
 - There may be a danger of confusion of roles – ONR cannot be responsible for Government policy.

Additional feedback session notes:

David Lowry asked what role ONR expected to play in the security aspect of the funded decommissioning plan assessment (FDP) for New Build

Colin Potter replied that ONR was a consultee to the Secretary of State and that it would provide comment on the FDP. ONR security staff would provide input to ONRs overall response. ONR expected that DECC would publish ONRs input to the FDP assessment when they published the FDP.

Openness and Transparency

The following issues were raised and discussed:

- Is it ONRs role to say whether industry is safe?
 - ONR should be accountable for this decisions
 - Be willing to explain its decisions

- ONR has a neutral stance
- Does ONR concentrate on the technical perspective-need to consider human perspective?
- Where it is not ONR's role or responsibility there should be better sign posting between Government and Regulators.
- Commenting on international issues – Japanese nationals post Fukushima
 - Do we need to make the vires of ONR clearer?
- **FOI**
 - Greater internal challenge needed
 - FOI – is it always the best option?
 - Commercial markings
 - Do we get blanket markings?
 - Are the ground rules of the GDA process clear?
- ONR cannot stop specific activities happening but must ensure that the risks are ALARP (as low as reasonably practical)
- Should ONR influence and question more - especially protecting people?

Additional feedback session notes:

Some discussion took place around whether gender balance played a part in the justification decisions reached for New Build. ONR was asked whether it considered gender balance and ethics in the work it does.

Prior to closing the meeting the Chairman asked whether there were any questions that participants had wanted to ask that had not been covered during the day?

Mike Taylor asked ONR to confirm that the stress test work at Sizewell B will be published. Andy Hall replied that the Chief Inspector's implementation report, published at the end of October, does provide details of Sizewell B matters but also went on to point out that the report also highlights that there are some areas of development still in progress.

It was noted that information of the new ECC at Sizewell had been released.

The Chairman also noted that the Technical Advisory Panel had not been finalised but that ONR had an action to do so. ONR would provide feedback to the NGO Forum once it had decided on which NGO's would be invited to attend. Andy Hall was then invited to close the meeting.

Closing

During his closing remarks Andy Hall thanked the participant for the lively debate. He had found the meeting personally useful and was pleased with the input of views. He considered whether or not ONR was sufficiently challenging in determining FOI exemption cases within the bounds of the FOI Act. Lastly he asked the participants of the meeting to provide feedback on the event to ONR.