

Note on a meeting between the Office for Nuclear Regulation (ONR) and invited Non-governmental Organisations (NGOs) at the Grand Connaught Rooms, London, on the 5th November 2013

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Attendees

NGOs

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)
Paul Dorfman	Nuclear Consulting Group
Peter Burt	Nuclear Information Service
Peter Wilkinson (Chairman)	Wilkinson Environmental Consulting
Phil Davies	SPRU/ University of Sussex, also NWAA
Prof Andrew Blowers	Chairman, Blackwater against New Nuclear
Sean Morris	Nuclear Free Local Authorities
Rita Holmes	Hunterston Site Stakeholder Group
Ruth Balogh	West Cumbria and North Lakes Friends of the Earth
Val Mainwood	Bradwell for Renewable Energy
Sue Aubrey	Stop Hinkley
Neil Crumpton	People against Wylfa B

ONR

Nick Baldwin	ONR Chairman
John Jenkins	ONR CEO
Andy Hall	HM First Deputy Chief Inspector
Mark Bassett	HM Deputy Chief Inspector
Frans Boydon	HM Superintending Inspector
Donald Urquhart	HM Superintending Inspector
Dave Watson	HM Superintending Inspector
Peter Brazier	HM Principal Inspector
Steve Newman	Freedom of Information Advisor
John Turner	HM Inspector
Tara Barker	Head of ONR Communications
Claire Lyons	Deputy Head of ONR Communications
Marie Railton	Communication Team ONR

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 attendees. He proposed that NGOs should try and be positive and constructive in the meeting and that issues they raised should be focused and meaningful to enable ONR to respond to.

He asked whether the NGO attendees thought that there should be a review of his tenure as Chairman. The NGOs present agreed that P Wilkinson should retain the chairman's position for a further year. Peter Burt recommended that the NGOs develop a more formal process of selection and appoint for year. John Jenkins commented the ONR was content for this to happen.

New Action: NGOs to have developed process for selection and appointment of NGO Forum Chairperson.

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 and the May meeting behaviours. Some NGOs felt that if left unchecked, these behaviours could undermine the trust that had been built up between NGOs and ONR. The concept of a disciplinary process was discussed but it was recognised that this may prove difficult to implement. Peter Burt proposed that the NGOs ought to be self policing and, where there was a persistent breach, suitable sanction should be applied.

New Action : Lydia Meryll to explain the above concern to Jo Brown (this was undertaken during the course of the day).

V Mainwood proposed an amendment to the Ground Rule of 'Suspending'. Following a period of discussion the Chairman placed an action for Phil Davies, Peter Burt and Ruth Balogh to prepare revised wording which would be out to the Forum later in the day for agreement.

New Action: Phil Davies, Peter Burt and Ruth Balogh to prepare revised wording.

Action Log

The action list was not discussed in the Forum as time to revisit the issue later in the day ran out. For action at the next meeting.

KEY ISSUE OF THE DAY

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

Andy Hall introduced the Chief Nuclear Inspector's (CNI) report which had been made public that morning. He noted that it is ONR's first CNI report and that it will be part of ONR's Annual Report. He explained the layout of the report and noted that copies of the CNI report and a guide to nuclear regulation in the UK were available to the meeting attendees and was also now generally available on ONR's website.

He noted that there were several significant challenges, namely;

- the changes in the nuclear industry and regulator
- technical challenges at Sellafield, reactor aging and life extensions
- the capability of the supply chain to support the nuclear industry
- organisational resilience in the industry and regulators
- integration of safety and security into licensees arrangements

Andy Hall drew the Forum's attention to table 1 of the CNI report which sets out ONR's regulatory priority of the sites it regulates as well as to the sections of the report that dealt with nuclear safety, security, radioactive materials transport, emergency preparedness and response, safeguards, research and Fukushima (lesson learnt).

Overall, Andy noted that ONR is satisfied with the safety and security performance of the majority of the sites that ONR regulates; all sites have the potential to improve their performance in line with the established principle of continuous improvement.

The NGOs raised the following concerns:

David Lowry asked why there was not a section on stakeholder engagement and why the report was not provided to the NGO Forum members prior to the meeting. Andy Hall replied that the report is focused on licensee performance and not on stakeholder engagement. Further, that ONR had not requested early release of the CNI report but had put the report on No 10's publication list.

Some NGOs felt that the KPMG report on Sellafield operations over the last 5 years challenged ONR's assessment of Sellafield licensee performance.

Phil Davis questioned why the top 5 ONR priority sites showed no improvement. Andy Hall replied that these represented ONR's top priorities and would receive increased regulatory attention. He said that when the licensee's performance improved the site would move down the priority list. ONR still believes that the sites are safe and secure otherwise it would have issued improvement notices.

Andy Hall provided a definition of diversion in response to Lydia Meryll's question which was the use of civil reactor fuel via reprocessing to weapons grade plutonium.

Jo Brown thought that Hinkley Point A ought to be priority 1 as well as Sellafield. Andy Hall replied that the hazards at a decommissioning site were significantly lower than those at operational sites and hence ONR had prioritised the site accordingly.

Andy Blowers suggested that the CNI report could be improved by providing a summary report for each site; that the report did not reflect that Sellafield is a national priority and that it should comment on the sites for waste disposal. Andy Hall noted that each site's safety performance is regularly reported at the Site Stakeholder Group (SSG) meetings; that discussions with NDA and Government are taking place to address Sellafield legacy ponds and silos and that ONR will ensure that other developments such as new build would not divert its attention. Lastly he noted that ONR is working with NDA and other bodies on radioactive waste disposal but noted that, as yet, no site had been identified for intermediate level waste which significantly limited what ONR could do.

Post meeting note: Information about individual sites is available on the ONR web pages at <http://www.hse.gov.uk/nuclear/regulated-sites.htm>

Lydia Meryll asked if ONR was able to influence DECC. Andy Hall replied that ONR was independent of Government but could and did provide advice to Government when asked.

Neil Crumpton noted that given Sellafield's priority, the report should be clear on ONR's goals, enforcement activities and schedule for achieving a reduction in priority from 1 to 2 for Sellafield. Andy Hall noted that UK regulations are goal setting but that the Annual Plan sets

out what ONR intend to do; that ONR's powers are derived from the HSAWA and NIA 65(as amended) and that the milestones and progress against them is provided by Sellafield at the regular SSG meetings. Andy Hall said that the government had made it clear that financial considerations are not limiting the prioritisation of the Sellafield site.

Sean Morris asked whether a review of REPPIR regulations was taking place. Andy Hall replied that REPPIR was the responsibility of DECC and that ONR was not aware of any review.

Several NGOs wanted to know how ONR took long-term effects such as sea level rise into account in regulating new build sites. Andy Hall noted that the licensee was required to take a conservative approach to preparing the safety case for such a facility and that all foreseeable risks need to have been considered. Further, that ONR requires the licensee, every 10 years, to rejustify that the site is safe to continue to operate for a further 10 year period.

David Lowry asked why the CNI did not cover research on security and whether the change of management at Sellafield was acceptable to ONR. Andy Hall replied that the research does not currently include security but will provide feedback on the situation at the next meeting.

New Action: ONR to provide a brief update on the status of security research.

Mark Bassett told the Forum that ONR had expressed its concern to Sellafield and NDA that it expected greater stability in the Sellafield Executive in the future. He also mentioned that ONR had set out its expectation in discussions with NDA regarding the options for contract renewal at Sellafield. Nick Baldwin declined David Lowry's request to share this with NGOs because the information was commercial and that this was one of the three cases where ONR would not be able to be as open and transparent as it would normally be.

Mike Taylor asked how ONR learnt about issues identified for potential sites from local people. He mentioned the wide area of interests covered by the Sizewell B enquiry. Andy Hall replied that anyone can express their concerns to ONR which will be considered. This includes GDA where ONR has encouraged the requesting party to publish its safety case as a result of NGO's requests.

Val Mainwood asked whether ONR would be prepared to respond to the NGO report they had commissioned on the top priority risks at Sellafield. Andy Hall replied that ONR do want to engage with the NGOs on this given the commercial confidentiality of the issues.

Ruth Balogh noted the constructive dialogue that W Cumbria FoE were having with ONR over 'Towards a Safer Cumbria' with a view to publication. ONR confirmed they are continuing this process.

On the subject of Gender and Ethics Andy Hall reported that in ONR's administrative roles there is a ratio of two females to one male whereas in nuclear inspector roles the ratio is 28 females to 215 males. Furthermore, ONR would wish to see a better balance and is actively encouraging more women from a range of different backgrounds to join ONR.

On the subject of Advocacy Andy Hall noted that it is ONR's job to enforce the law and can't change it. If NGOs disagree with the law then they need to influence the policy makers. He noted that ONR is limited in its ability to act to shut down a site where a risk exists. He explained that it would not be legal except where the risk is not being managed safely; in which case ONR would act. He explained to further NGO questions that a site's safety case must demonstrate that it is safe to operate the site and ONR assesses the case and decides whether or not to accept the licensee's safety case. The decision is supported by technical assessment and, where appropriate, by technical support contractors, academia and the licensee.

David Lowry asked what relationship ONR had with Government and Parliamentary Committees particularly in relation to the impending change in ONR's legal status.

Nick Baldwin responded by saying that ONR has a policy team that is engaged with DECC and DWP. It is focused on ensuring that the text of the Energy Bill that affects ONR is fit for purpose and that ONR will be able to perform the functions required of it. In reality, he noted, the Energy Bill will enable an allocation of existing powers to ONR.

Break Out Sessions – Emergency Planning and GDA Issues

The attendees were divided into two groups and discussed Emergency Planning and GDA Issues:

(Note: The key points and actions are provided against each; flip chart notes are appended to these minutes)

1. Emergency planning

There was general concern about the roles and responsibilities of the organisations involved in emergency planning as well as the way in which the NGOs can influence emergency planning decisions. The NGOs observed that DECC, ONR and Local Councils were not joined up.

Donald Urquhart said that ONR was clear on its duties and offered to run through ONR's processes to explain its role. He also noted that a review of REPPIR is planned.

Val Mainwood thought that there should be a defined population that ought to be included in consultation regarding emergency planning.

Pete Wilkinson asked for an NGO to volunteer to update the NGO paper to DECC regarding ONR's role in emergency planning with respect to safety and security. Peter Burt replied that rather than do this, he would take an action to produce a list of key emergency planning issues in bullet point form for the next NGO Forum

New Action: Peter Burt to produce a list of key emergency planning issues for the next NGO Forum

2. GDA

The NGOs were concerned that political pressure would influence ONR and wanted to know how it will deal with this regarding the prioritising of its work. Dave Watson noted that ONR had produced a 'lessons-learnt' paper from the GDA process. ONR agreed to attach this to these minutes. Further concern was raised regarding how long term issues such as waste management and waste storage at site in the absence of a national Geological Disposal Facility are addressed by GDA. Dave Watson responded by noting that waste over the lifetime of the plant is taken into consideration.

David Lowry noted ONR's effort to supply him with GDA documentation but still wants the primary references. Dave Watson referred him to the ONR GDA closure reports where he believed these references are supplied. These were also available on the ONR website.

Andy Hall noted that it is reactor vendors who approach DECC to request a GDA. DECC and ONR would subsequently have to agree how to proceed and the prioritisation that may need to be done subsequently.

Pete Wilkinson asked if the NGOs wanted further discussions on GDA. It was agreed that Lydia Meryl would formulate questions on GDA for ONR following consultation with other NGO colleagues, including Paul Dorfman who will write separately to Lydia.

New Action: Lydia Meryl would formulate questions on GDA for ONR following consultation with other NGO colleagues.

PLENARY SESSION

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

Waste Management

The issue of Magnox Fuel Element Debris (FED) dissolution at some Magnox sites was discussed. Andy Hall noted that dissolution was already being carried out at Dungeness A in accordance with Environment Agency (EA) discharge authorisations. Some NGOs felt that local stakeholders should be provided with more information in order to make informed decisions.

Andy Hall said that all the new-build waste generated over a station's planned operation lifetime of 60 years could be stored within the station's Interim Store if absolutely necessary if no other waste management options materialised.

New Action: ONR agreed to ask EA to provide environmental monitoring data of sites where dissolution of FED is taking place.

Secondary action: The Chair asked that NGOs send any waste management issues to him so he could coordinate these with issues Andy Blowers had raised earlier.

Mike Taylor asked what the plan was for the AGR fuel after the Thorp plant shutdown. Mark Bassett replied that Thorp would stop reprocessing in 2018 and that the remaining AGR fuel would be stored in ponds at Thorp. There is sufficient space to accommodate a seven year extension of AGR operations.

Neil Crumpton asked if ONR had prepared any papers, or had talks or given advice, to Government departments or ministers on possible Generation IV technologies and waste management options given that scenarios of up to 75 GW by 2050 of nuclear capacity were being considered. Neil Crumpton also suggested, to facilitate informed public and political debate, that ONR should speak to the Secretary of State Ed Davey regarding his publicly expressed and potentially highly mis-leading comments that a (replacement) new-build nuclear programme would produce 'far less waste' compared to legacy waste arisings. Andy Hall replied that it had not because this was speculative matter for which ONR does not have a mandate.

Openness and Transparency

The Chair noted that he felt that ONR was doing as much as it can within the confines of the Data Protection Act and Freedom of Information Act and had made a good effort to live up to the openness and transparency statement in its strategy. David Lowry commented that the change in the HSE policy to remove the disability clause to increase the release of information had been a good result for ONR and NGOs. The Chair felt that the CNI report could cover more of the issues that ONR encounters during the conduct of its business which he felt would improve ONR's credibility. Peter Burt asked if in future more could be said about how ONR does things and how it makes decisions.

New Action: The Chair to write to Nick Baldwin to explain his concerns with the CNI report.

Lydia Meryll asked what role ONR had regarding the supply chain that supports a licensee, and more specifically how far does ONR go down the supply chain to check for safety. Andy Hall replied ONR can and does go as far as it feels it needs to in order to ensure safety is not compromised.

The Chair summarised by saying that he felt that openness and transparency could be revisited periodically but it was no longer necessary to take it forward as a major issue . The Forum agreed.

Low Level Radiation Risk

It was noted that this matter had been discussed at the DECC Forum with Department of Health and Public Health England and that a further meeting between DECC (Hergen Haye) the Chair and Andy Blowers was due to take place soon. David Lowry was concerned that no change would come about from the work in the DECC Forum due to pressures from military and commercial interests. Andy Hall added that he felt it was a good idea for DECC and the NGOs to meet and it was something ONR would support.

Sizewell B Steam Venting Presentation

John Busby gave a presentation on the above subject. In the conclusions of the presentation he requested three actions, performed in conjunction by SZB and EA.

- A simple means of detection of steam generator tubing leakage is needed.
- Monitoring of tritiated water precipitation and detection of activated corrosion particulates under vented steam plumes rather than an inventory.
- Records to be kept of steam venting duration, quantities of lost feed water and wind direction to allow monitoring under plumes.

Currently the EA produces an inventory of releases over a period. A Sandia report shows that contact with tritiated water is 25,000 times more harmful than that with the gaseous form of tritium, so that it would be more relevant to find evidence of droplet precipitation from the steam during an event rather than assemble an annual inventory of gaseous discharges.

Matters arising from the GDA Discussion.

Following on from the discussion on GDA, Phil Davies raised the broader question of the regulators licensing actual construction and operation of new nuclear plants, at a time when there was no agreement on a disposal route for their waste and spent fuel. David Watson had stated there was "no regulatory link" between the two processes. Phil pointed out that there were "two safety cases" involved, the case for the reactor, and the case for the repository, that the same regulators were involved in determining both, and questioned whether it was legitimate for them to proceed with one in the absence of the other.

Action already taken: Phil has written to ONR seeking clarification of David Watson's remark, and this has been provided and will be circulated for the next meeting

WAY FORWARD

Andy Hall said that the NGO Forum had provided questions and comments to which ONR will respond.

Future action: Peter Burt felt that the Forum ought to consider fewer issues, say two, in greater depth. He proposed spending the whole day on waste management and emergency planning. There was general agreement to this suggestion.

Rita Holmes added that it would be helpful if ONR would explain how it regulates MoD sites. Paul Dorfman suggested that the EA should be invited to future sessions on waste management.

CLOSE

The Chair closed the meeting by reiterating the need to comply with the ground rules. He reminded the attendees that the evaluation forms were available for NGOs to fill in.

Finally he thanked ONR for listening and said that he felt the meeting had been both valuable and productive.

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

Andy Hall added that improvements ONR makes are helped by debate; that he felt that the meeting had been engaging and the attendees had stuck to the ground rules and he looked forward to the next meeting next year.