



# Office for Nuclear Regulation (ONR) Quarterly Site Report for Berkeley

Report for period 1 July – 30 September 2018

## Foreword

This report is issued as part of ONR's commitment to make information about inspection and regulatory activities relating to the above site available to the public. Reports are distributed quarterly to members for the Berkeley Site Stakeholder Group and are also available on the ONR website (<http://www.onr.org.uk/llic/>).

A site inspector from ONR usually attends Berkeley Site Stakeholder Group meetings and will respond to any questions raised there. Any person wishing to inquire about matters covered by this report should contact ONR.

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## 1 INSPECTIONS

### 1.1 Dates of inspection

ONR's site inspector undertook inspections on the following dates during the quarter:

- 24-26 July 2018

## 2 ROUTINE MATTERS

### 2.1 Inspections

Inspections are undertaken as part of the process for monitoring compliance with:

- The conditions attached by ONR to the nuclear site licence granted under the Nuclear Installations Act 1965 (NIA65) (as amended);
- The Energy Act 2013;
- The Health and Safety at Work Act 1974 (HSWA74); and
- Regulations made under HSWA74, for example the Ionising Radiations Regulations 1999 (IRR99) and the Management of Health and Safety at Work Regulations 1999 (MHSWR99).

The inspections entail monitoring licensee's actions on the site in relation to incidents, operations, maintenance, projects, modifications, safety case changes and any other matters that may affect safety. The licensee is required to make and implement adequate arrangements under the conditions attached to the licence in order to ensure legal compliance. Inspections seek to judge both the adequacy of these arrangements and their implementation.

In this period, routine inspections of Berkeley covered the following legal requirements:

- Licence Condition 8 – *Warning Notices*.
- Licence Condition 28 – *Examination, Inspection, Maintenance and Testing*.

In general, ONR judged the arrangements made and implemented by the site in response to safety requirements to be adequate in the areas inspected. In respect of Licence Condition 28, a small number of test activities included on a maintenance schedule were not fully completed within the specified intervals, and these same activities were found to not have been carried out under the control and supervision of a suitably qualified and experienced person appointed by the licensee for that purpose. ONR is satisfied that there are no nuclear safety implications associated with this compliance shortfall and with the actions taken by the licensee to prevent a recurrence. Where necessary, ONR will take formal regulatory enforcement action to ensure that appropriate remedial measures are implemented to reasonably practicable timescales.

### 2.2 Other work

The disconnection of the Argon fire suppression system from the Berkeley vaults has undergone due process within Magnox Ltd (ML) and was judged by the licensee to be a second category modification. At this category, within Magnox Ltd's arrangements it is up to ONR to decide to intervene or not, using hold-points (or primary powers); normally ONR would not intervene at Category 2. In this instance the change has undergone a lot of scrutiny by Magnox Ltd and ONR, and Magnox Ltd has produced a safety case to disconnect the system which contends that risks have been reduced so far as is reasonably practicable. Furthermore there is precedent at Trawsfynydd in early 2017 when ONR decided that it was not necessary for Magnox Ltd to commission a similar fire suppression system to the FED vaults for the retrieval project, and a regulatory hold-point was released by ONR, thus endorsing this

position. ONR informed the site that it will not place any regulatory hold-points related to this work, and the licensee can continue to implement this modification.

ONR's site inspector met with the Trade Union safety representatives in July 2018; no safety matters were brought to the attention of ONR's inspector. The inspection of Warning Notices was conducted with the support of the safety representatives; their contribution had a positive impact upon the conduct of the inspection and its outcomes.

ONR inspectors attended Berkeley site's Annual Review of Safety in September. ONR judged that the licensee had undertaken a thorough and self-critical review of the site's nuclear safety performance over the last 12 months.

### **3 NON-ROUTINE MATTERS**

Licensees are required to have arrangements to respond to non-routine matters and events. ONR inspectors judge the adequacy of the licensee's response, including actions taken to implement any necessary improvements.

There were no matters of significance to report during this period.

### **4 REGULATORY ACTIVITY**

ONR may issue formal documents to ensure compliance with regulatory requirements. Under nuclear site licence conditions, ONR issues regulatory documents, which either permit an activity or require some form of action to be taken; these are usually collectively termed 'Licence Instruments' (LIs), but can take other forms. In addition, inspectors may issue Enforcement Notices to secure improvements to safety.

There were no matters of significance to report during this period.

## 5 NEWS FROM ONR

### 5.1 Stakeholder Engagement

In August our Chief Nuclear Inspector Mark Foy and Deputy Chief Inspector Mina Golshan, hosted a webinar for stakeholders on the outcomes of the UK report to the Joint Convention. This is a new channel of communication which we have introduced, and further webinars are planned for November and February 2019. If you would like to find out more, please contact the ONR Communications team at [contact@onr.gov.uk](mailto:contact@onr.gov.uk).

The ONR/NGO engagement forum took place on 11 October in London. This is a forum to discuss strategic, cross-cutting regulatory matters. Site specific matters are normally addressed via Site Stakeholder Groups. We are always keen to engage with a range of stakeholders and groups on nuclear safety and security issues, so if you do represent a nuclear-interest Non-Governmental Organisation, and are not already involved through our forum or via a Site Stakeholder Group, then please get in touch with the ONR Communications team for further details, via [contact@onr.gov.uk](mailto:contact@onr.gov.uk).

### 5.2 Regulatory News

On 25 July we announced our decision to prosecute the Atomic Weapons Establishment for offences under Section 2 (1)\* of the Health and Safety at Work etc. Act (1974). This charge related to an electrical incident on 27 June, 2017, which resulted in injury to an AWE employee. The incident was a conventional health and safety matter and there was no radiological risk to workers or the public. At a court hearing on 18 September, AWE pleaded guilty to the charge and sentencing was adjourned until 9 November, 2018.

In a separate case brought by ONR, EDF Energy Nuclear Generation Ltd and Doosan Babcock Ltd pleaded guilty on 10 October, 2018) to offences under the Health & Safety at Work etc. Act 1974, section 3(1) and the Work at Height Regulations 2005, Regulation 4(1) respectively. The charges relate to an incident on 12 April 2017 at the Hinkley Point B nuclear power station, which resulted in a serious injury to a Doosan Babcock Ltd employee. Following a hearing at Taunton Magistrates Court, the case was committed for sentencing at Taunton Crown Court with an initial hearing date set for 16 November 2018, although this date is subject to change.

Both of these cases related to conventional, industrial-type incidents that would have been subject to regulation by the Health and Safety executive prior to ONR's creation four years ago, when we gained responsibility for such matters on licensed sites. There was no radiological risk to workers or the public.

Updates on each case will be published on our website [www.onr.org.uk](http://www.onr.org.uk).

We have recently published our [Statement of civil incidents](#) meeting the Ministerial Reportable Criteria (MRC) reported to ONR - Q2 2018 (1 April 2018 to 30 June 2018). Full details are available on our [website](#).

### 5.3 Corporate News

In July we published our second [gender pay report](#). The organisation-wide results show that ONR has a mean gender pay gap of 35.2%, which is wider than last year, although it is broadly similar to the rest of the UK nuclear industry and anticipated given our workforce profile, and that of the industries from which we have historically recruited. ONR is committed to addressing this issue and continues to focus on improving diversity and inclusion.

Our Chief Executive, Adrienne Kelbie, has agreed a three-year contract extension, taking her term of employment to January 2022.

The Department for Work and Pensions has started the process for recruiting a new ONR Chair (further details can be found on the [public appointments website](#)). Our current Chair, Nick Baldwin CBE, will remain in office until 31 March, 2019.

## 6 CONTACTS

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