



**ONR – NGO Forum**  
**Video conference meeting**  
**27 November 2020 (1000-1230)**

**Office for Nuclear Regulation present:**

Mark McAllister (MM) - Chair  
Adrienne Kelbie (AK) – Chief Executive (Forum co-chair)  
Mark Foy (MF) – Chief Nuclear Inspector  
Donald Urquhart (DU) – Deputy Chief Inspector and Director, Operating Facilities  
Katie Day (KD) – Policy and Communications Director  
Jo deBank (JdeB) – Senior Communications Manager

**Environment Agency:**

Alan McGoff (AM) – Nuclear New Build Lead

**NGO representatives present:**

Peter Burt (PBurt) – Nuclear Awareness Group/Nuclear Education Trust (Forum co-chair, in the absence of Dr Jill Sutcliffe on this occasion)  
Katy Attwater (KA) – Stop Hinkley  
Sue Aubrey (SA) – Stop Hinkley  
Peter Banks (PB) – Blackwater Against New Nuclear  
Prof. Andy Blowers (AB) – Blackwater Against New Nuclear  
Richard Bramhall (RB) - Low Level Radiation Campaign  
Jo Brown (JB) – Parents Concerned About Hinkley  
Paul Collins (PC) – Stop Sizewell C  
Neil Crumpton (NC) – People Against Wylfa B  
David Cullen (DC) – Nuclear Information Service  
Rod Donington-Smith (RDS) – Cumbria Trust  
Alison Downes (AD) – Stop Sizewell C  
Rita Holmes (RH) – North Ayrshire Radiation Monitoring  
Allan Jeffery (AJ) – Stop Hinkley  
Tor Justad (TJ) – Highlands Against Nuclear Transport  
Dr David Lowry (DL) – Nuclear Waste Advisory Associates  
Sean Morris (SM) – Nuclear Free Local Authorities  
Ian Ralls (IR) – Friends of the Earth Nuclear Network  
Jo Smolden (JS) – Stop Hinkley  
Michael Taylor (MT) - Together Against Sizewell C  
Trish Whitham (TW) – Nuclear Information Service  
Pete Wilkinson (PW) – Together Against Sizewell C  
Chris Wilson (CW) – Together Against Sizewell C

**Apologies:**

Dr Jill Sutcliffe – Low Level Radiation and Health Conference

**Safety Directors' Forum:**

Adam Hearnden  
Dr Elizabeth Atherton  
Celia Wighton

**Secretariat:**

Daniel Jones – ONR Communications Manager

**1 WELCOME AND INTRODUCTIONS**

- 1.1 Peter Burt (PBurt) welcomed everyone to the meeting and on behalf of Forum congratulated Adrienne Kelbie on her award of a CBE in the recent honours list.
- 1.2 PBurt paid tribute to Phil Davies who was a member of the ONR NGO Forum and who had recently passed away following a period of illness. PBurt commented how Phil had written a defining study on the Magnox Fleet of nuclear reactors during his career. A minute's silence was observed by all in memory of Phil.
- 1.3 Katie Day (KD) confirmed to the Forum that the minutes from the last meeting had now been agreed by the co-chairs and thanked those who had commented on them. KD also thanked those who had taken the opportunity to complete the online feedback following September's meeting. KD acknowledged that some had expressed concern at how questions were answered and responded to by ONR and confirmed that along with the co-chairs we would look at the Terms of Reference to ensure it was clear what matters were within ONR's locus to address at future meetings of the Forum. KD also responded to some feedback from NGOs regarding the citation used to announce AK's CBE; KD advised that ONR had no involvement in the wording of the citation itself and clarified that "services to the nuclear industry" reflected her significant contribution to raising awareness of diversity and inclusion, pressing for greater transparency with the public across the industry and leading ONR to deliver effective regulation to protect society.
- 1.4 Adrienne Kelbie (AK) also took the opportunity to welcome NGO colleagues to the meeting and introduced the ONR Chair Mark McAllister to the Forum, who was attending to observe. In response to questions about the citation, AK reiterated that she was a public servant committed to ensuring the safety and security of the nuclear sector.

**2 UPDATE FROM THE CHIEF NUCLEAR INSPECTOR (CNI)**

- 2.1 Mark Foy (MF) began by providing an overview of the findings from the Chief Nuclear Inspector's annual report which was published on 11 November 2020. MF confirmed that he was satisfied that the industry remains safe and secure. He added that where shortfalls had been identified, ONR had taken action to improve performance.
- 2.2 MF confirmed that three of the four themes in this year's report were the same as last year which included management of ageing facilities, conventional health & safety (CHS) and delivering a holistic approach to nuclear security. He confirmed that the next CNI inspection will focus on ageing management; in relation to CHS he advised there had been a number of industry wide improvements, but there had still been too many CHS events, particularly electrical related incidents. He also confirmed that many sites now had Security Assessment Principles (SyAPs) aligned plans in place.

- 2.3 MF highlighted a fourth theme in this year's report relating to COVID-19 and advised that once the country had emerged from the difficulties of the current pandemic, ONR will be looking at resilience across the industry for dealing with any future pandemics, that could potentially be more onerous.
- 2.4 MF advised that in relation to EDF Energy NGL (EDF Energy), the issue of graphite (cracking and weight loss) across the AGR fleet of reactors continues to occupy ONR attention. He also confirmed that at the AWE and DRDL sites, progress had been made in improving safety performance, while recognising there is much still to do before the sites achieve routine levels of regulatory attention.
- 2.5 In relation to activities at Sellafield, MF advised that there was good work being done, noting that we will soon start to see radioactive waste being removed from the two legacy silo facilities, significant milestones, but cautioned that emptying the silos of waste would take a number of years to complete. He also commented on the good work done to transport material from Dounreay, noting that many agencies had come together to make this possible. He recognised the successful defueling of two reactors at the Wylfa site too.
- 2.6 In response to questions put forward in advance of the meeting relating to Small Modular Reactors (SMRs), MF advised that ONR was not currently assessing any SMR designs. However, he did advise that ONR had completed high level technical assessments of 7 Advanced Modular Reactor (AMRs) designs 12 months ago, part of the BEIS AMR competition and that we had provided feedback to vendors. He added that ONR was working to ensure it has the capability to undertake an assessment of an SMR design if required, although he acknowledged that he has no firm information on when/if ONR will be required to do this, which includes working with other national regulators.
- 2.7 MF in response to a question submitted in advance, confirmed that companies who submit SMR designs for assessment, will need to provide details on what they intend to do to manage waste that is generated from these reactor designs.
- 2.8 Following questions in relation to the publication of ONR's '*Approach to Regulating Innovation*', MF confirmed that he recognised it was not ONR's role to lead on innovation across the industry. He advised that as a regulator some may consider ONR a barrier to innovation and he was keen to advise that was not the case, commenting that innovation can enhance safety and security. He confirmed that ONR would work to ensure appropriate innovation was adopted by industry, aligned to the high standards of safety and security required.
- 2.9 Turning to the recent announcement that the Atomic Weapons Establishment (AWE) is to be re-nationalised, MF confirmed that the licensee will be required to submit a risk assessment to ONR as part of its Management of Change submission to provide assurance that the proposed change will be adequately controlled and will not have any nuclear safety implications, as required by Licence Condition 36. This will be assessed by ONR. Donald Urquhart (DU) added that ONR is actively engaged with the Ministry of Defence (MoD) and AWE, commenting that if the changes are done well, it could have a significantly beneficial impact on safety at the AWE sites.

- 2.10 MF updated on the current situation at Hinkley Point B. He confirmed that valid safety cases would need to be in place before either reactor could return to operation. DU added that the safety case would need to demonstrate that worker and public safety is assured.
- 2.11 MF confirmed that ONR had no role in identifying a site for a future Geological Disposal Facility (GDF) but confirmed ONR would license a future GDF site. He added that currently the legal framework does not allow licensing of disposal facilities, advising that the UK government intends to update the law to include licensing of disposal facilities. He also advised that there is no legal definition on what is meant by the term 'bulk quantities' in relation to radioactive matter. MF confirmed that ONR had launched a consultation to seek views on how we will interpret 'bulk quantities' when applying the revised legislation to make a decision to licence a future GDF. He explained that while a GDF was still some way off, ONR was doing the 'groundwork' now so matters are clear to the public.
- 2.12 MF updated on the SSAC project, confirming that ONR will be ready to regulate nuclear safeguards from the 1 January 2021, when the Withdrawal Agreement is set to end. He commented that ONR had recently held an industry day for stakeholders to understand and hear any comments/feedback from them. He also confirmed that the IAEA had expressed no concerns about the UKs and ONR's ability to fulfil the role from 1 January 2021.
- 2.13 MF thanked everyone for listening to his presentation and invited questions.
- 2.14 Mike Taylor (MT) commented that ONR oversight of Detailed Emergency Planning Zones (DEPZ) around Hunterston and Sizewell B appears to conflict with best practice recommended by BEIS e.g. 3-4 kms and asked how this will be tackled
- 2.15 MF responded by confirming that the setting of a DEPZ around a nuclear site was now a matter for the local authority, advising that ONR no longer had responsibility for setting these zones.
- 2.16 David Cullen (DC) asked if the proposed CNI inspection on ageing facilities would also cover the defence sites.
- 2.17 MF confirmed that the planned CNI inspection on ageing facilities would cover defence sites as well as civil nuclear sites.
- 2.18 David Lowry (DL) asked in ONR's pandemic review, have you looked again at the practicalities of an enforced evacuation in the wake of an accident involving significant radiation release while the area around a plant like Hinkley is in lockdown.
- 2.19 MF advised that he would expect local authorities to work hand-in-hand with licensees and other response organisations to implement appropriate evacuation plans if such a scenario were to arise.
- 2.20 DL asked who is funding ONR to enhance its capability and skills base in readiness to undertake Generic Design Assessments (GDA) of SMRs/ANTS, and how much ONR had received for doing this skills capability upgrade. AK confirmed that the Department for Business Energy & Industrial Strategy (BEIS) were funding these costs. ONR confirmed with regards to SMR funding amounts – under phase one,

£5m was allocated to ONR and £2m to the Environment Agency; and under phase two £5m has been announced for UK nuclear regulators.

- 2.21 Ian Ralls (IR) asked if detailed analysis of AMR designs was available outside of ONR. IR also asked if breeder reactors are being seriously considered. In response, MF advised that detailed analysis of AMR designs was unlikely to be available, he indicated that this was due to a combination of intellectual property issues and the lack of maturity of many AMR designs. MF also advised that government had made no decision on the type of reactor that may be put forward for assessment by ONR. He added that he considered a breeder type reactor design was still several years away.
- 2.22 Tor Justad (TJ) referred to the contact ONR had had with international bodies relating to SMRs and asked for details on which countries ONR had met with, and which SMR designs had been discussed. He also asked with regards to SMRs how would the waste issues differ from the waste currently being stored.
- 2.23 MF advised that ONR had held discussions with the US and Canadian regulators on SMRs/AMRs and the options for cooperation in future design assessment. He confirmed that individual design assessments ongoing in these countries had not been discussed, they were more on the concept of closer collaboration. He also confirmed that should an SMR/AMR design be submitted for assessment, ONR would expect to see fully developed solutions for dealing with waste and that the challenges would depend on the technology proposed.
- 2.24 Rita Holmes (RH) asked how much information we should expect from a site closure director regarding reportable security events, explaining that an incident reported at Hunterston A had a code. RH advised that she had asked how coding should be assessed by lay persons and was told that coding was not straight forward and complicated. RH asked if ONR could say more on this.
- 2.25 MF advised that ONR was considering what further information we can put out into the public domain regarding security related matters.

**Action 20.16** – ONR to look at providing further details to RH on the interpretation of security event categories and criteria codes for the reporting of security related events.

[**Post meeting note:** Further information on security classifications and codes provided to RH on 14.12.2020. Circulated to all attendees on 11.1.2021]

- 2.26 DC asked how much notice ONR was given of the renationalisation of AWE. He also commented that in the CNI report, it seems that work on Periodic Reviews of Safety is a real sticking point for progress on safety at AWE. He asked if MF could comment on what, institutionally, is preventing the licensee from fulfilling their duties in a timely fashion. DC also asked what ONR could do to ensure that there isn't a loss of focus on this and further failures in this area.
- 2.27 In relation to DC's first point, MF confirmed that MoD had shared their thinking with ONR several months previously regarding the restructure plans at AWE. DU added that MoD had wanted to know if the changes would have any effect on how we regulate the site. In relation to the second point, MF advised that ONR was working with AWE to ensure this does improve and that the recent change at the most senior

level at AWE is likely to have a beneficial impact. DU added that AWE was now taking action to strengthen its capabilities in certain areas.

- 2.28 DL asked how many of the 415 unresolved regulatory issues at the Hinkley Point C site that had not been resolved by the end of March 2020, as reported in CNI annual report, have been subsequently resolved in the period since; DL also asked if ONR could indicate the most challenging unresolved issues.
- 2.29 MF advised that he did not have that information immediately available to him so could not respond at this time.

**Action 20.17** – ONR to confirm how many of the 415 unresolved regulatory issues identified in the CNI report have how now been resolved and how many remain outstanding.

**[Post meeting note:** DL submitted a Freedom of Information request for this information prior to the Forum meeting and that has now been answered. Copy of ONR response circulated on 11.1.2021]

- 2.30 DL asked if ONR would be involved in the licensing of the transport plan to the GDF.
- 2.31 MF confirmed that ONR does regulate transport and gives approval for waste packages to be moved.
- 2.32 Sean Morris (SM) asked what affect issues around Brexit and COVID-19 might have on the new safeguards regime
- 2.33 MF advised that although the pandemic had prevented some of our newer safeguards inspectors being able to visit sites to get onsite experience, we were ready to deliver the domestic safeguards regime and operate the UK State System of Accountancy for, and Control of, Nuclear Materials from 1 January 2021.
- 2.34 Prof. Andy Blowers (AB) noted that the CNI had not mentioned New Build and asked if there were any comments he wished to make about developments and progress in this area.
- 2.35 MF confirmed that construction at Hinkley Point C (HPC) is continuing. He advised that ONR inspectors were now attending site more regularly and are currently focused on obtaining assurances on the quality of components being sent to the site. He advised that the UKHPR1000 was still in stage 4 of the GDA process which he expected would be completed early 2022. He also advised that in the case of Bradwell any potential licensee would need to demonstrate to ONR that they have the capability to operate the site.
- 2.36 Jo Brown (JB) asked if ONR would order the immediate shutting down of Hinkley B (HPB) AGR reactors to prevent an accident, which JB claims had been forecast by BEIS.
- 2.37 MF advised that as long as ONR is satisfied that the HPB reactors are safe to operate then there would be no reason for ONR to order their shutdown.
- 2.38 Mike Taylor (MT) commented that the GDA for the EPR reactor design runs out in 2022. MF advised that ONR consents to the commencement of construction against

the site-specific design contained in a pre-construction safety report. This allowed HPC construction to begin and a similar process would be followed for SZC. MT also asked if ONR could confirm that there is no site licence for Wylfa related to the AP1000. MF confirmed that the development at Wylfa Newydd never got to the stage of being given a site license.

- 2.39 DL suggested that you could regard the Tier 3 designation around Hinkley Point C (HPC) is from the poor COVID safety practices by EDF Energy, which he noted NGOs had raised and discussed with ONR in April and May.
- 2.40 MF stated that ONR had no input into the tiering arrangements around HPC. He also confirmed that ONR has now introduced its own testing regime to enable ONR inspectors to be tested for COVID-19 before visiting a site, which would reduce the risk of an infected inspector travelling to a licensed site. He also advised that there was no evidence linking transmission rates in the local Bridgewater area to HPC.
- 2.41 Neil Crumpton (NC) commented that he had heard that EDF Energy may look to produce hydrogen at Sizewell C (SZC), and noted the potential safety and security issues of them doing this. IR added will EDF Energy be 'cracking' fossil fuels with steam to produce hydrogen or electrolysing water.
- 2.42 MF advised that he was aware that EDF Energy were alert to other technologies and options to maximise the benefits from SZC, including hydrogen production. He stressed that should EDF Energy pursue hydrogen production, the associated hazards and risks would need to be considered in the safety case. He added that he wasn't aware of the technical details of what EDF Energy was considering.
- 2.43 Katy Attwater (KA) asked if there is a clear pathway and timeline for high and low level waste from Hinkley Point A, B and C through to safe storage based on accepted scientific information on rising sea levels.
- 2.44 MF advised that the HPC safety case does consider climate change, and that ONR considers the design to be safe. He added that a GDF would provide a pathway for safe storage of the waste, provision of which is being pursued by government.
- 2.45 KA commented that a GDF seemed to be disappearing over the horizon and that locally people were concerned about this, as HPC waste was now going to need to be stored on site for 200 years.
- 2.46 MF advised that he had recently spoken with the Chief Executive of Radioactive Waste Management (RWM) whose remit it is to deliver a GDF and that she is clear on government expectations and what RWM and the industry need to achieve to deliver a GDF in a timely manner.
- 2.47 KA commented that she has recently been involved in meetings with RWM and BEIS where plans regarding the GDF were presented and she has not been inspired with confidence as there has been no progress in the last 10 years. KA asked MF if there was no GDF available would ONR issue a licence to Hinkley Point C (HPC).
- 2.48 MF advised that at some point the GDF timeline will need to be reviewed to see if current assumptions hold fast, or whether they need to be reviewed. With regards to HPC, he added that ONR expected a GDF would be available to take waste from

that site, noting that spent fuel would require a period of onsite storage before transporting for disposal.

- 2.49 DC asked with regards to the decision to renationalise AWE, what leverage ONR has to ensure the site does not lose focus.
- 2.50 MF advised that ONR was very conscious of the need to ensure the right focus continues at AWE and that inspectors have a range of options to leverage and influence matters. DU added that the MoD had made this decision, and that AWE Plc would now need to demonstrate that these changes are safe. He confirmed if ONR considered these changes could have a detrimental impact on safety, then ONR could stop them.
- 2.51 DL commented that from 1979, material has been taken out of the safeguards system on over 600 occasions, which has been authorised by government. DL asked if ONR would have the power to intervene and stop this when it takes over the regulation of safeguards from Euratom on 1 January 2021.
- 2.52 MF advised that as a weapon's state the safeguards regime is voluntary, and it was recognised certain materials would be exempt. He hoped there would be very few instances for such requests from government. He confirmed if such requests were made, ONR would need to discuss them with government and flag to the IAEA.

### **3 EFFECTIVENESS OF SSG/LLC/LCLC MEETINGS: AN UPDATE ON HOW THE PROJECT IS PROGRESSING**

- 3.1 PBurt welcomed the chair of the Safety Directors' Forum Adam Hearnden (AH), along with Dr Elizabeth Atherton (EA) and Celia Wighton (CW) to the meeting. He noted that this was the first time representatives from Industry had attended an ONR NGO Forum meeting, and that co-operation of this nature was to be welcomed. PBurt also provided some background information on how the project to produce a 'Good Practice Guide' on SSG/LLC/LCLC meetings had come about.
- 3.2 AH, EA, CW led a joint presentation in which they updated on the work so far completed by the project team, noting that they had reviewed a number of documents, and had also analysed a number of questionnaire responses that had been returned to them from members of various groups.
- 3.3 The SDF had noted five emerging themes from their research into these groups which included: variations in constitution and conduct; variations in inclusivity; security culture; lack of performance review; and clarity and accessibility of information.
- 3.4 The team outlined the project's next steps which included receiving feedback via completed SSG & LLC surveys from SDF representatives and NGO's; agreeing an engagement approach with the Nuclear Decommissioning Authority (NDA) and SSG Forum; and continuing to collate and analyse feedback. They concluded their presentation by sharing a timetable of activities, with the aim being to publish a completed 'Good Practice Guide' in June/July 2021.
- 3.5 DL commented that he thought this was a good proposal and agreed that security issues should be discussed at SSG/LLC/LCLC meetings. He asked the SDF team if



they could provide assurance that real security issues will be discussed at these meetings.

- 3.6 AH advised that the purpose of the study was to identify differences between the different groups and to identify good practice. He explained that this guide was not intended to prescribe a solution. In response to DL, he advised that it wouldn't be for the SDF to prescribe a solution on whether a local group was to look at security issues.
- 3.7 AH explained that these groups were not accountable to the SDF, so there is no authority to enforce, but through the guide the SDF would recommend good practice.
- 3.8 DL commented that he was astonished that it was not intended to standardise groups, expressing the view that if it couldn't do so, it is was a pointless exercise. He noted that certain groups are appalling, and others are very good. He asked how could it be ensured that all groups implement the 'Good Practice Guide'.
- 3.9 AH advised that the SDF was an information sharing organisation. EA added that sharing and learning are core values of the nuclear industry and she hoped the guide would help drive improvement. AH noted as example, that the Barrow LLC does not traditionally invite members of the public, but if others did, then he believes the Barrow group would also look to do that.
- 3.10 SM noted that SSG and LLC meetings were funded by the NDA and MoD and asked if there would be opportunities to engage with them.
- 3.11 AH advised that the NDA has an SSG Forum, so there is a mechanism to share good practice across all SSGs.
- 3.12 EA asked if it would be worthwhile to bring interested parties around the 'table' once a draft document has been produced. General agreement amongst Forum that this would be a good idea.

**Action 20.18** – EA to arrange meeting with NGOs and other interested parties once document has been drafted to update and gather views. EA to determine timeline for this meeting and to notify NGO colleagues who may wish to attend.

- 3.13 MF commented that he was aware that NGOs had been raising concerns regarding SSG/LLC/LCLC meetings for some time and noted that he felt it was a major step in the right direction that the SDF was now taking this forward.
- 3.14 RH, who is current chair of the Hunterston SSG, welcomed the work of the SDF and wished the team good luck.
- 3.15 TJ commented that he was a member of the Dounreay SSG, which he considered was well administered. He suggested that the proposed 'Good Practice Guide' should include some guidance on the 'style of meetings', which he felt would be helpful. He also advised that currently no expenses are paid to attend meetings, and he suggested this issue should also be looked at.
- 3.16 DC commented that if there is still no movement following the publication of the guide, then he does think ONR should use its licence conditions to address the issue.

- 3.17 MF noted the points made but was hopeful that the proposals from SDF will gain traction.
- 3.18 PBurt asked if ONR would be encouraging operators to go down the line of following the recommendations in the guide.
- 3.19 MF advised that ONR would look to see if it could influence licensees/operators once it is published.
- 3.20 DL commented on the different people who are involved with these groups, noting that some have socio/economic interests while others are more interested in 'green' issues. He suggested that there was a need to aggregate the different interests of stakeholders.
- 3.21 EA noted this and advised that the project was looking at who was represented on these different groups.
- 3.22 MT advised that in the case of his local SSG it had taken a few years to get local people onto the SSG. He emphasised the importance of local people being able to get involved and being able to access it.
- 3.1.1 AB commented that the paper produced by Sean Morris had been written in 2017 (Sean Morris, "Nuclear Site Stakeholder Groups and Local Liaison Committees – are they fit for purpose? And how should wider nuclear policy stakeholder management improve?" *Nuclear Free Local Authorities Briefing* No. 156 (March 2017)). He advised that he was astonished that the power relations on these groups was not understood and expressed a view that as long as the NDA was responsible there was a rather distorted impression. In his view NGO representatives should automatically be represented on these groups and questioned who is making the decisions. AB noted that these groups were located around sites at different stages of activity. He emphasised that membership was crucial and the need for the groups to be independent to ensure engagement.
- 3.23 EA advised that this was something the project would consider. EA agreed there are differences between sites and this must be taken into consideration.
- 3.24 Pete Wilkinson (PW) who is vice-chair of the Sizewell SSG advised that these groups were there for the community. He advised that the Sizewell SSG is open to the community. He noted there are issues in getting responses from industry. He emphasised the need to ensure these groups were in the heart of their community, and that they must let people have their say. PW expressed view that SSGs must keep a critical eye on industry.
- 3.25 EA noted comments and explained that the project would also be looking at work undertaken by European Commission and other international bodies.
- 3.26 PBurt thanked the SDF team and asked if NGOs could attend a future SDF meeting to share views.
- 3.27 AH noted PBurt suggestion, advising that he was sure there were areas where broader views would be welcome.

**Action 20.19** – ONR on behalf of SDF team to circulate questionnaire to NGOs following presentation.

[**Post meeting note:** Questionnaire circulated on 2.12.2020 to all NGO representatives on the ONR NGO Forum contact list.]

#### **4 UPDATE - RADIATION AND REASON: THE IMPACT OF SCIENCE ON A CULTURE OF CONFUSION**

- 4.1 PBurt welcomed NGO representatives Richard Bramhall and Pete Wilkinson to update the Forum and provide a brief overview of a report they had recently co-authored on behalf of the charity 'Children with Cancer UK', and encouraged NGOs to present papers to the Forum in future.
- 4.2 Richard Bramhall (RB) commented that in his view there was confusion between radiation and radioactivity, noting that there is a distinction. It was his view that some radiation was up to 10,000 more hazardous than existing safety standards. RB noted this was not uniform and explained the effects radiation could have on human tissue.
- 4.3 RB advised that 'Children with Cancer UK' had insisted on publication of report following the decision to allow mud dumping from the Hinkley Point C development in the Cardiff bay area.
- 4.4 PW commented that there was an unknown quantity of radiation circling the earth. He advised that in his view this uncertainty and the impact of low-level radiation must be taken into consideration and addressed before we allow nuclear new build activities.
- 4.5 PBurt asked ONR if this was an issue we could return to in a future session.
- 4.6 MF advised that ONR regulates against the existing standards laid down by Public Health England (PHE), and that PHE would give greater context to this topic. PBurt asked if it would be possible for PHE to attend a future ONR NGO Forum.
- 4.7 DL expressed view that this was not a scientific issue but a political issue, with standards set under political conditions, which DL suggested dated back to the 1950's when nuclear testing was permitted on the grounds it didn't harm health.

**Action 20.20** – Co-Chairs to consider if it would be appropriate to invite PHE to attend a future meeting of the ONR NGO Forum to update on this issue, and/or how this item may be considered further at a future ONR NGO Forum, if appropriate.

#### **5 SUMMARY AND CLOSE**

- 5.1 PBurt thanked everyone for attending, and for covering such a wide range of topics.
- 5.2 AK noted that ONR staff had responded to over 25 questions and had been able to do so because of the way NGOs had put their questions using the comments box. She recognised the difficulty in balancing answering all questions in the time available, and engaging more deeply in fewer matters. She would welcome

suggestions for the next meeting, especially since it is unlikely that face to face engagement will be possible for many months.

- 5.3 On the topic of the SSG/LLC 'Good Practice Guide', AK encouraged NGOs to engage actively with the SDF on this matter, now it is receiving attention after many years of asking for good practice to be shared and learned from. AK closed by thanking everyone for attending and wished everyone well.

## **Annex A**

At the meeting on 27 November 2020, ONR was unable to provide verbal responses to the following two questions, due to the limited time available. ONR is pleased to provide responses below.

**Question (Rita Holmes)** - Has EDF NGL indicated anything with regard to the safety case due after this current operating period e.g. is there a chance it will decide not to ask for another 6 months?

**ONR response** - We can confirm that we have received a safety case (covering Reactors 3 & 4) from EDF Energy NGL (EDF) requesting permission for a further 6 months operation of the Hunterston B reactors, which we are currently assessing. ONR will only give permission for this period of operation if we are satisfied that it is safe to do so. Such a period of operation would be consistent with EDF's announcement that Hunterston B will enter into the defueling phase by 7 January 2022.

**Question (Chris Wilson)** - Follow up on the DEPZ question-what remedies available if we feel the local authority is not applying REPPiR?

**ONR response** - In making their decision the Local Authority (LA) must use as their minimum the radius set out in the operator's consequence report. The LA's role is then to add the 'lumps & bumps', necessary to make sensible variations to the radius using local knowledge to ensure a sensible DEPZ e.g. one that doesn't bisect specific properties or local communities unnecessarily. REPPiR states that:

*(5) In preparing an off-site emergency plan, pursuant to paragraph (1) or in reviewing such a plan pursuant to regulation 12(1), the local authority must consult—*

*(h) such other persons, bodies or authorities as the local authority considers appropriate.*

However, as you'll appreciate reading the text above, the discretion regarding who to consult lies with the LA and no-one else. REPPiR makes no provision for the public, or ONR, to countermand/veto the LA determination decision.

Accordingly, should any party seek to challenge the LA's decision, we would advise that they firstly approach the respective LA with their reasons/challenge which the LA could then consider. Should the party not be satisfied with the LA's response then lobbying via local councillors/MP's maybe one escalation approach.

While outside of ONR's area of expertise, it is our understanding that 'non-legal' attempts to resolve their concern with the LA would need to be demonstrated if a party were to seek leave to make a legal challenge (Judicial Review) against the LA decision. Further information on the judicial review process can be found on the Ministry of Justice website.

In parallel, the concerned party might also wish to sight ONR on such lobbying and the specific reasons for it. But sighting ONR does not imply that we can/will interfere or overturn the specific LA decision that the concerned party doesn't agree with.

That said, ONR oversight with regard to LA's following the Approved Code of Practice (ACoP) appropriately, is part of ONR's wider regulatory role. ONR has

already taken a sample from a cross-section of LA's to assure itself that LA's are following ACoP or equivalent and are therefore legally compliant. However, if specific evidence were provided to ONR to demonstrate non-compliance with REPPIR, ONR would need to consider this and come to a view on what, if any, action might be merited.