



**Licence Condition Compliance Enforcement  
AWE Shortfalls against Licence Condition 14 (Safety Documentation) Compliance**

Project Assessment Report ONR-OFP-PAR-16-023  
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## 1 EXECUTIVE SUMMARY

### 1.1 AWE Shortfalls against Licence Condition 14 (Safety Documentation) Compliance

1.1.1 This report provides an assessment of ONR enforcement options through the use of ONR's Enforcement Management Model (EMM) following escalating concern from ONR in relation to identified Atomic Weapons Establishment shortfalls against Licence Condition 14 (Safety Documentation) compliance and makes recommendations for remedial actions to return compliance to an adequate level.

### 1.2 Background

1.2.1 In the preparation of this Project Assessment Report (PAR) ONR has considered six instances of shortfalls against Licence Condition (LC) 14 (Safety Documentation) compliance dating back to July 2015. ONR has applied proportionality in response to this protracted non-compliance by escalating attention accordingly. This is the second time in a year that the ONR EMM process has been applied at AWE against LC14 non-compliance. The recommendation from the first EMM was the issue of a letter, duly issued to AWE in January 2016, which gave notice that ONR would be revisiting site to review compliance in specific areas. Despite this notification, evidence shows that the shortfalls have persisted.

### 1.3 The ONR Assessment Process and Findings

1.3.1 The EMM process forms an Initial Enforcement Expectation (IEE) based upon specific criteria. In this instance the IEE was the issue of a letter to AWE. Consideration is then made of dutyholder factors such as the previous compliance history of the licensee. This was the main factor that then modified the IEE to an Indicated Enforcement Action (IEA) of a Notice.

1.3.2 ONR has a variety of primary powers that incorporate the option to issue an enforcement Notice. This assessment considers the type of notice that would be most suitable. In this specific situation the resulting ONR regulatory requirement is for the licensee to achieve sustained LC 14 compliance.

1.3.3 I consider that the most appropriate Notice in this instance is the issue of two Specifications (one for each of the Aldermaston and Burghfield nuclear licenced sites) against LC13 (Nuclear Safety Committee) Section 1 Sub-Section c, that will require AWE's Nuclear Safety Committee (NSC) to consider and provide independent advice to the licensee regarding remediation of the LC14 shortfalls. Under the Specifications, the remediation process will be required to be monitored by AWE using its Internal Regulation (IR) function.

1.3.4 ONR has concurrent concerns around the operation of the NSC and the internal credibility of AWE IR. The issue of such Specifications gives the opportunity to the NSC to demonstrate its competence, engages AWE IR in the process to raise its visibility and enables ONR to clearly benchmark NSC and IR performance against established LC standards (through meeting minutes and observed safety case outputs). The onus will be placed upon AWE to monitor its own performance. The ONR overhead required ensuring improved compliance should therefore be reduced.

## **1.4 Matters arising from ONR's work**

- 1.4.1 ONR requirements will be communicated to AWE in writing prior to the issue of the Specifications in the expectation that AWE will respond with an appropriate programme of work. The Specifications will then refer to this programme.

## **1.5 Conclusions**

- 1.5.1 The ONR response to AWE's shortfalls under LC14 should be the issue of Specifications against Licence Condition 13 (Nuclear Safety Committee) for the Aldermaston and Burghfield nuclear licenced sites.
- 1.5.2 The ONR requirements together with target delivery dates to address AWE's shortfalls in LC14 compliance need to be communicated to AWE prior to issue of the Specifications.
- 1.5.3 Either the ONR requirements and dates supplied to AWE, or a revised and agreed remediation programme produced by AWE will form the basis for the consideration and advice required from the AWE NSC under the Specifications.

## **1.6 Recommendations**

- 1.6.1 A letter should be issued to AWE identifying ONR expectations regarding remediation of AWE's current shortfalls in compliance against LC14. The letter shall specify regulatory requirements within a reasonable timescale and require a formal response from AWE.
- 1.6.2 It is expected that AWE will request engagement with ONR to agree the formal scope of the LC14 remediation programme underpinning the Specifications, although this is not required to progress the action.
- 1.6.3 Specifications LI534 (same reference for each site) should be issued against LC13(1)(c) to AWE for the Aldermaston and Burghfield nuclear licenced sites requiring the NSC to consider and advise on the LC14 compliance remediation activities and programme underpinned by the established scope from 1.6.2 (above), or, in the absence of AWE response, from 1.6.1 (above).
- 1.6.4 An associated Issue should be recorded on the ONR Issues database to monitor progress to conclusion under the Specifications.

## LIST OF ABBREVIATIONS

AWE	Atomic Weapons Establishment
EMM	Enforcement Management Model
NSC	Nuclear Safety Committee
ONR	Office for Nuclear Regulation
RGP	Relevant Good Practice
SAP	Safety Assessment Principle(s)
SFAIRP	So far as is reasonably practicable
TAG	Technical Assessment Guide (ONR)
TIG	Technical Inspection Guide (ONR)

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## **2 PURPOSE OF REPORT**

- 2.1 This report provides an assessment and justifies the recommended ONR enforcement action arising from ONR application of its enforcement management model following escalating concern from ONR in relation to AWE's compliance shortfalls with Licence Condition (LC) 14 (Safety documentation) and makes recommendations relating to how adequate compliance will be achieved.

## **3 BACKGROUND**

- 3.1 Robust LC14 Arrangements are required to ensure that the processes that underpin adequate Safety Cases are in place, protecting both workers and the public. They are key to producing adequate Safety Cases under LC23 (Operating rules) and must be underpinned by adequate LC17 (Management systems) Arrangements. ONR are aware of licensee shortfalls in all three of these areas. Additionally, ONR believes that any enforcement action arising from this assessment should be used to provide an opportunity to enhance the effectiveness of the NSC and to further develop the effectiveness and standing of the licensee's independent internal regulation function.
- 3.2 ONR has recorded instances of shortfalls in AWE's compliance against Licence Condition (LC) 14 (Safety Documentation) dating back to July 2015. ONR has applied proportionality in its responses to this by escalating attention accordingly, but shortfalls have persisted and are not being addressed at an acceptable rate. The latest occurrence prompted a second running of the ONR EMM process this year. The outcome from the first EMM run was the issue of a letter.
- 3.3 The net effect of shortfalls in AWE's compliance with LC14 is that the Safety Cases generated by AWE require significant remediation effort by both AWE (for recycling) and ONR to ensure that adequate Safety Cases are implemented. This impacts on AWE's ability to deliver Safety Case improvements on-site to agreed programmes and also on the resource requirements placed upon ONR to ensure that fit-for-purpose Safety Cases are adequately implemented.

## **4 THE ONR ASSESSMENT PROCESS AND ASSOCIATED FINDINGS**

- 4.1 The key processes and requirements that inform enforcement action taken by ONR are derived from the ONR EMM <sup>[1, 2]</sup> and the Enforcement Policy Statement (EPS) <sup>[3]</sup>. These were instrumental in deriving the enforcement decision identified within this report.
- 4.2 The EMM process that underpins this PAR forms an Initial Enforcement Expectation (IEE) based upon defined, established and/or interpretive standards. Dutyholder factors (i.e. history, willingness and ability to comply etc.) are then applied to the IEE that may (or may not) modify the original IEE to a different Indicated Enforcement Action (IEA). Finally Strategic Factors (SF) are applied including how the IEA correlates to the requirements of the EPS.
- 4.3 The IEE from this application of the EMM is the issue of a letter to AWE. However, a letter was issued a year ago following the first application of the EMM and the problems persist. Consideration of dutyholder factors therefore modifies the IEE to an IEA of a Notice. Consideration of strategic factors produces a conclusion that the preferred Notice would be a Specification issued against LC13 (Nuclear safety committee) Section 1, Sub-section c <sup>[4]</sup> for the NSC to consider and advise on AWE's LC14 remediation programme. Two such Specifications will be required; one for Aldermaston nuclear licenced site and one for Burghfield nuclear licenced site. This approach has the benefit of addressing concurrent ONR concerns around the operation of the NSC and the internal standing of AWE IR. The issue of such Specifications gives the opportunity to the NSC to demonstrate its provision of

independent advice to the licensee, involves AWE IR in the process to raise its visibility and enables ONR to clearly benchmark NSC and IR performance against established LC standards (through meeting minutes and observed safety case outputs).

- 4.4 Use of the NSC to provide the oversight function will mean that LC14 remediation progress can be monitored by ONR through the NSC minutes already issued routinely to ONR (LC13(8) refers). Operationally, this is less onerous (to both AWE and ONR) than ONR monitoring progress through Regulatory Interface Meetings and it requires AWE to take ownership of the remediation process.
- 4.5 ONR can place appropriate hold-points on the LC14 remediation programme to formally assess the adequacy of what is being implemented by the licensee.

## **5 MATTERS ARISING FROM ONR'S WORK**

- 5.1 ONR requirements regarding the scope of the LC14 remediation programme will be communicated to AWE in writing. The Specifications will refer to the resulting LC14 remediation programme.

## **6 CONCLUSIONS**

- 6.1 The ONR response to AWE's shortfalls under LC14 should be the issue of Specifications against Licence Condition 13 (Nuclear Safety Committee) for the Aldermaston and Burghfield nuclear licenced sites.
- 6.2 The ONR requirements together with target delivery dates to address AWE's shortfalls in LC14 compliance need to be communicated to AWE prior to issue of the Specifications.
- 6.3 Either the ONR requirements and dates supplied to AWE, or a revised and agreed remediation programme produced by AWE will form the basis for the consideration and advice required from the AWE NSC under the Specifications.

## **7 RECOMMENDATIONS**

- 7.1 A letter should be issued to AWE identifying ONR expectations regarding remediation of AWE's current shortfalls in compliance against LC14. The letter shall specify regulatory requirements within a reasonable timescale and require a formal response from AWE.
- 7.2 It is expected that AWE will request engagement with ONR to agree the formal scope of the LC14 remediation programme underpinning the Specifications, although this is not required to progress the action.
- 7.3 Specifications LI534 (same reference for each site) should be issued against LC13(1)(c) to AWE for the Aldermaston and Burghfield nuclear licenced sites requiring the NSC to consider and advise on the LC14 compliance remediation activities and programme underpinned by the established scope from 7.2 (above), or, in the absence of AWE response, from 7.1 (above).
- 7.4 An associated Issue should be recorded on the ONR Issues Database to monitor progress to conclusion under the Specifications.

## 8 REFERENCES

1. *Enforcement Management Model*; Operational Version 3.2;  
<http://www.hse.gov.uk/enforce/emm.pdf>
2. *The Use of the Enforcement Management Model in ONR*; NS-ENF-GD-002;  
Rev 6; Dec 2016; <http://www.onr.org.uk/operational/inspection/ns-enf-gd-002.pdf>
3. *Enforcement Policy Statement*; ONR-ENF-POL-001; Rev 0; 1<sup>st</sup> April 2014;  
<http://www.onr.org.uk/documents/2014/enforcement-policy-statement.pdf>
4. *ONR Licence Condition Handbook*; January 2016;  
<http://www.onr.org.uk/documents/licence-condition-handbook.pdf>
5. *AWE - EMM1 - Post-B-Site PRS2 - Compliance Shortfalls with LC14 Arrangements - Feb 2017 - R Eales - Rev 2*; 2017/64709