



# Office for Nuclear Regulation (ONR) Site Report for Devonshire Dock Complex, Barrow

Report for period 1 October 2020 – 31 December 2020

## 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 to members for the BAE Systems Marine Limited Local Liaison Committee (LLC) and are also available on the ONR website (<http://www.onr.org.uk/llc/>).

Site inspectors from ONR usually attend BAE Systems Marine Limited LLC meetings where these reports are presented and will respond to any questions raised there. Any person wishing to inquire about matters covered by this report should contact ONR.

## TABLE OF CONTENTS

|   |                           |   |
|---|---------------------------|---|
| 1 | INSPECTIONS .....         | 3 |
| 2 | ROUTINE MATTERS .....     | 3 |
| 3 | NON-ROUTINE MATTERS ..... | 5 |
| 4 | REGULATORY ACTIVITY ..... | 5 |
| 5 | NEWS FROM ONR.....        | 6 |
| 6 | CONTACTS .....            | 7 |

## 1 INSPECTIONS

### 1.1 Dates of inspection

The ONR Inspectors visited the site on the following dates during the report period 1 October 2020 – 31 December 2020:

- 22<sup>nd</sup> October 2020
- 18 – 19<sup>th</sup> November 2020
- 7 – 10<sup>th</sup> December 2020
- 9<sup>th</sup> December 2020

## 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 the 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 the Devonshire Dock Complex, Barrow covered the following:

#### LC13 – Nuclear Safety Committee (NSC)

This intervention at the BAE Systems Marine Limited (BAESML) licensed site at Barrow was undertaken as part of a planned series of inspections during 2020/21. The intervention was conducted remotely due to the COVID-19 pandemic. The purpose of this inspection was to judge the extent to which the licensee complies with Licence Condition (LC) 13, which requires the licensee to have a Nuclear Safety Committee to provide it with nuclear safety advice.

The inspection found that the NSC is operating in accordance with its approved Terms of Reference, is providing challenge and advice, and the improvements identified by the licensee and ONR have been satisfactorily addressed since relicensing of BAESML in 2018. Observed strengths included periodic review and tracking of NSC members qualifications and experience, provision of NSC guidance (including behaviours and challenge), surveillance by the licensee independent Nuclear Assurance function and self-assessment of NSC effectiveness.

Based on the evidence sampled during the intervention ONR judged that measured against ONR's expectations for LC13 (Nuclear Safety Committee), the intervention rating is **GREEN** (no formal action), with identification of four areas of good practice, four regulatory

observations (areas for improvement), closure of one Level 4 regulatory issue and no new regulatory issues.

LC19 Construction or Installation of new plant & LC20 Modification to design of plant under construction.

ONR conducted a licence condition (LC) 19 “Construction or installation of new plant” and LC20 “Modification to design of plant under construction” compliance inspection. This focused on the adequacy of the Licensee’s arrangements, and that it was appropriately implementing them, to control the construction or installation of new plant, and modifications to the design of plant, that may affect safety.

From the evidence presented by the Licensee during this LC19 and LC20 inspection, ONR judged that the Licensee’s existing arrangements are adequate and have been appropriately implemented to control the construction or installation of new plant, and modifications to the design of plant, that may affect safety. An ONR Regulatory Issue was raised to track/monitor the Licensee’s progress against minor shortfalls identified during the inspection, relating to role of the Engineering Manager and the licensees Compliance Principles Matrix.

Based on the evidence sampled, overall, ONR judged that the licensee’s arrangements for LC19 and LC20 are adequate and have been appropriately implemented. The intervention rating is **GREEN** (no formal action).

LC10 Training and LC12 Duly Authorised and other suitably qualified and experienced persons.

BAESML have been improving their arrangements for Licence condition 10 and 12 in response to previous ONR findings. Through 2020, the programme of improvements has been delayed and BAESML have been reliant on temporary arrangements for a period beyond that originally expected. The purpose of this inspection was to gain confidence that that at the current time, the expectations of LC 10 and 12 are being met and to confirm that BAESML have a clear understanding of the arrangements they are making and a clear plan for their implementation.

ONR judged that whilst there are improvements required in the stability and visibility of the training and competence arrangements, there was no specific risk relating to the nuclear safety of operations underway or planned. The inspection team identified the importance of the operational readiness review process, in providing assurance that individuals undertaking nuclear safety important roles are competent to do so.

As such, ONR rated the implementation of the arrangements for compliance with the licence conditions as follows: Licence Condition 10 **AMBER** and Licence Condition 12 **AMBER**. The inspection team concluded that the existing regulatory issues adequately cover the issues identified during this inspection, and as such it is not necessary or advantageous to raise further regulatory issues at this time.

Compliance with the Regulatory Reform (Fire Safety) Order 2005.

This intervention was a planned Compliance Inspection undertaken in two parts. The initial intervention was completed remotely followed up with a site inspection. Both aspects of this intervention focused on the life safety requirements of the Regulatory Reform (Fire Safety) Order 2005.

This intervention, along with previous interventions and engagement with the licensee, confirms an overall impression of a knowledgeable and experienced fire safety engineering

team which applies a robust approach to fire safety. Some areas for improvement have been identified regarding the condition of fire doors, the control of combustibles, the use of laydown areas, and the induction of personnel. The inspection outcome was rated as **GREEN**.

#### Covid-19 Compliance:

Through the pandemic, ONR has continued to predominately engage remotely with Devonshire Dock Complex. This has included receiving updates and documentation regarding Covid compliance. The site continues to review its arrangements in response to the changing environment, in-line with guidance published by Public Health England and close working with the Local Authority.

## **2.2 Other work**

A series of topic focussed Regulatory Engagement meetings were held during this period and these covered improvements to the site safety cases and their implementation and oversight of the site redevelopment project (SRP) work, including regulatory oversight of the construction of the new facilities on the licensed site.

At the quarterly Regulatory Interface Meeting (known as the level 3 RIF) ONR were, along with DNSR, EA and BAESM, able to agree the Hold Point Control Plan and SRP Overarching strategy documents. These documents set out an agreed position between regulators and the duty holder as to when ONR will engage with projects, where BAE will seek specific permissions to proceed and what engagement will take place to support these permissions.

On 10<sup>th</sup> December representatives from across ONR, BAESML and DNSR met remotely to continue the review of our working relationships, this reviewed the key areas for improvement that have been identified from previous workshops. All agreed that these workshops and the agreed areas of improvements have led to improved regulatory / licensee interfaces.

## **3 NON-ROUTINE MATTERS**

None in the 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.

No LIs, Enforcement Notices or Enforcement letters were issued during this period.

## **5 NEWS FROM ONR**

### **5.1 COVID-19**

We are continuing to obtain assurance that nuclear site licensees and other dutyholders are adequately resourced to continue to safely and securely carry out their activities.

We remain satisfied with industry's response at this time and there has been no significant change to dutyholders' safety and security resilience.

As COVID-19 restrictions change, our focus is on the preparedness for the weeks and months ahead and maintaining safe and secure operations.

All licensed sites are required to determine minimum staffing levels necessary to ensure safe and secure operations and contingency arrangements in the event that these levels are not met. This condition is specifically designed to ensure that industry can adequately manage and control activities that could impact on nuclear safety and security under all foreseeable circumstances, including pandemics.

ONR staff continue to work at home, primarily. We have considered our priorities, deferred non-critical activities, and are carrying out as much of our work as possible via videoconference, phone and email. We continue to inspect, assess and permission remotely where necessary to protect staff, workers on site, and the public around sites.

### **Enforcement action**

In December, we [announced](#) that The Atomic Weapons Establishment (AWE) had been fined £660,000 after pleading guilty to an offence under Section 3 of the Health and Safety at Work etc. Act (1974).

AWE was also ordered to pay costs of £9,945.71 during a virtual hearing at High Wycombe Magistrates Court.

It followed an electrical incident on 20 June 2019 at the AWE Aldermaston site which resulted in a contractor narrowly avoiding injury when a flash over of electricity occurred from a 415V electrical source. The incident was a conventional health and safety matter and took place in a 'non-nuclear' building, so there was no radiological risk to workers or the public.

\*\*\*

In October, we notified Sellafield Ltd that it would be prosecuted under Section 2 (1) of the Health and Safety at Work etc. Act (1974).

The charge related to an incident on Friday, 24 April 2020 at the Sellafield site where an employee sustained injuries while working on high voltage electrical equipment. This incident was also a conventional health and safety matter and there was no radiological risk to workers or the public.

The hearing took place at Carlisle Magistrates Court on 18 December 2020, where Sellafield Ltd was fined £320,000 and ordered to pay costs of £12,079.07 after pleading guilty to the offence.

### **Regulatory updates**

In October, we announced an Information Exchange Arrangement (IEA) with the Canadian Nuclear Safety Commission (CNSC).

The IEA is a bilateral agreement between our two organisations which provides a framework for the sharing of information, experience, and good practice to enable both parties to learn from and train each other on technical regulatory issues. It also allows for more effective communication between the two regulators.

The agreement had already been used to develop a Memorandum of Cooperation (MoC) between ONR and the CNSC which allows the sharing of best practices and experience around reviewing advanced reactor and small modular reactor (SMR) technologies.

\*\*\*

In November, our Chief Nuclear Inspector (CNI), Mark Foy, published his annual report detailing the performance of Great Britain's nuclear industry during 2019/20.

The CNI reports he is satisfied that overall the nuclear industry has continued to meet the high standards of safety and security required to protect workers and the public.

In areas where dutyholders have fallen short of these standards, the CNI is satisfied that these facilities remain safe and that ONR has intervened in a proportionate manner to ensure plans are in place to improve performance.

\*\*\*

In November, we also announced the appointment of a new member to the Chief Nuclear Inspector's Independent Advisory Panel (IAP).

Chris McDonald has joined the panel, which was set up in in 2016 to provide independent advice on technically complex nuclear matters by engaging with industry experts to inform our regulatory strategies and approaches.

Chris has a wealth of experience in industrial strategy and manufacturing research. He has a degree in Chemical Engineering and has been the CEO of the Materials Processing Institute since it was founded in 2014. Chris also has a proven record in the areas of innovation and low-carbon energy which will be of great benefit to ONR.

\*\*\*

In December, we became an Affiliated Organisation member of the Society for Radiological Protection (SRP).

We have actively participated and supported SRP for many decades. This affiliation formally recognises our involvement and contributions towards radiological protection and enhances the links between the two organisations.

\*\*\*

In November, we played a leading role in the first ever virtual IRRS Mission.

The virtual mission to Lithuania was conducted via the IAEA's International Regulatory Review Service and explored the feasibility of using modern communications tools for future missions.

The mission was led by ONR's Technical Director Dr Anthony Hart and supported by Superintending Inspector Colin Tait. Other countries taking part in the mission included Canada, Pakistan, Finland and the Netherlands.

\*\*\*

In December, we became **the** UK's nuclear safeguards regulator, in charge of the domestic safeguards regime and operating the UK State System of Accountancy for, and Control of, Nuclear Materials (SSAC).

Following the end of the transition period as laid out in the Withdrawal Agreement, ONR assumed its responsibilities at 23.00 on Thursday 31 December 2020.

This has been a major project for ONR, setting up a new team, new systems and new processes, led by Dr Mina Golshan.

Since being tasked by Government to establish a domestic safeguards regime after Brexit, we have developed a team of safeguards specialists, including inspectors and nuclear material accountants, and implemented a bespoke IT system, SIMRS (Safeguards Information Reporting and Management System).

Nuclear safeguards are measures to verify that countries comply with their international obligations not to use nuclear materials from their civil nuclear programmes to manufacture nuclear weapons.

The safeguards work remains a key priority for the organisation and sits in our Civil Nuclear Security and Safeguards Division.

### **Corporate updates**

In October, we announced that Chief Executive Adrienne Kelbie had been appointed a Commander of the Order of the British Empire (CBE) in the Queen's Birthday Honours List 2020 for services to the nuclear industry and to diversity and inclusion.

Adrienne said: "This honour is a tribute to the ONR team and all others who work tirelessly to create a more inclusive world and safe nuclear sector, as well as those on the long and sometimes arduous journey of leadership and self-development.

"Inclusion goes hand in hand with safety, because diverse teams are essential to improve decision making – therefore it's a non-negotiable in nuclear. That's why, as Chief Executive of ONR, I've been personally committed to visibly drive the inclusion agenda and encourage others to do so too."

\*\*\*

In December, we announced plans to align our leadership structure to other nuclear regulators around the world with a new combined post of Chief Nuclear Inspector/Chief Executive.

Chief Nuclear Inspector Mark Foy will take up the new combined post, subject to detailed government approvals, supported by current Deputy Chief Executive, Sarah High. A new senior regulatory role, Executive Director of Operations/Deputy Chief Inspector, will also be established. The exact timescales have yet to be confirmed, but the changes will come into effect later in 2021.

Under existing contractual arrangements, current Chief Executive Adrienne Kelbie CBE was always expected to step down as her extended term of office comes to an end in January 2022.

The change reflects ONR's successful transition into a mature and high performing organisation since becoming an independent Public Corporation in 2014.

\*\*\*

In December, we were delighted to announce that our Deputy Chief Inspector and Director of ONR's Sellafield, Decommissioning, Fuel and Waste Division, Dr Mina Golshan, had been awarded a Commander of the Order of the British Empire (CBE) in the New Year's Honours 2021, for 'services to nuclear regulation'.

Mina said: "I am very grateful to have been awarded this honour. It reflects the work of many talented and dedicated professionals that I am lucky to work with. It also shows the significance of ONR's role in securing safe nuclear operations for the protection and benefit of the society."

All our latest news is available on our website [www.onr.org.uk](http://www.onr.org.uk)

## **6. CONTACTS**

Office for Nuclear Regulation  
Redgrave Court

Merton Road  
Bootle  
Merseyside  
L20 7HS

website: [www.onr.org.uk](http://www.onr.org.uk)  
email: [contact@onr.gov.uk](mailto:contact@onr.gov.uk)

This document is issued by the Office for Nuclear Regulation (ONR). For further information about ONR, or to report inconsistencies or inaccuracies in this publication please visit <http://www.onr.org.uk/feedback.htm>.

© *Office for Nuclear Regulation, 2023*

If you wish to reuse this information visit [www.onr.org.uk/copyright.htm](http://www.onr.org.uk/copyright.htm) for details.

Published 1/23