

CM9 Record Ref.: 2022/18193

**Minutes of the ONR NGO Forum
held at 1000–1245 on 5 November 2021
Meeting held over Zoom**

In Attendance (ONR):

Mark Foy (MF) - ONR Chief
Executive/Chief Nuclear Inspector
Donald Urquhart (DU) - Executive Director
of Operations
Mike Finnerty (MFin) - Deputy Chief
Inspector
Katie Day (KD) - Director of Policy &
Communications
Rachel Grant (RG) - Head of Policy
Inês Osborne - Executive Advisor

Environment Agency:

Alan McGoff (AM) - Manager, Reactor
Assessment and Radiological Monitoring
Team

Secretariat:

Daniel Jones – Communications Manager

In Attendance (NGO):

Sue Aubrey (SA) - Stop Hinkley
Katy Attwater (KA) - Stop Hinkley
Dr Ruth Balogh (RBa) - Friends of the
Earth (West Cumbria and North Lakes)
Peter Banks (PBa) - Blackwater Against
New Nuclear
Prof. Andrew Blowers (AB) - Blackwater
Against New Nuclear
Frank Boulton (FB) - Medact
Richard Bramhall (RB) - Low Level
Radiation Campaign
Peter Burt (PB) - Nuclear Awareness
Group (acting co-chair)
Paul Collins (PC) - Stop Sizewell C
Neil Crumpton (NC) - People Against Wylfa
B
David Cullen (DC) - Nuclear Information
Service
Rod Donnington-Smith (RDS) - Cumbria
Trust
Alison Downes (AD) - Stop Sizewell C
Rita Holmes (RH) - Ayrshire Radiation
Monitoring Group
Allan Jeffrey (AJ) - Stop Hinkley
Tor Justad (TJ) - Highlands Against
Nuclear Transport
Ian Ralls (IR) - Friends of the Earth Nuclear
Network
Mike Taylor (MT) - Together Against
Sizewell C (TASC)
Pete Wilkinson (PW) - Together Against
Sizewell C (TASC)
Chris Wilson (CW) - Together Against
Sizewell C (TASC)

NGO guest attendee:

Tom Burke CBE – Chair, E3G

1 WELCOME AND INTRODUCTIONS

- 1.1 Katie Day (KD) and Peter Burt (PB) welcomed all attendees to the meeting. KD took the opportunity to update the Forum on the project being undertaken by the Safety Directors' Forum (SDF) to produce a 'Good Practice Guide' for Site Stakeholder Group/Local Liaison Committee meetings. KD advised that ONR had asked the SDF to share the draft document with Forum members as soon as possible. PB updated on work to deliver a presentation on 'nuclear ethics' and confirmed that he remained on track to deliver this at the next meeting of the Forum in March 2022.
- 1.2 KD advised that, ahead of March's meeting, she would review meeting options with the NGO co-chair and they would discuss whether it may be possible to hold a face to face meeting, although KD acknowledged this would be dependent on the COVID-19 situation at the time.

2 UPDATE FROM ONR CHIEF EXECUTIVE AND CHIEF NUCLEAR INSPECTOR

- 2.1 Mark Foy (MF) commenced by reflecting on his first five months in the new combined role of Chief Executive and Chief Nuclear Inspector. MF explained that a new management structure was now in place and that there had been a number of personnel changes over recent months. MF noted the appointments of Donald Urquhart to the role of Executive Director of Operations, and Sarah High to the role of Deputy Chief Executive; he advised that he considered these appointments would provide him with the support needed for him to undertake his new combined role.
- 2.2 MF noted that the transition to the new leadership team had been a smooth one. He felt that stability in ONR and in the continued effective regulation of the industry had been maintained, and commented that feedback from stakeholders and dutyholders, suggested that most had found it to be a seamless transition.
- 2.3 Peter Banks (PBa) asked what the interface was between Simon Coldham (ONR's Chief Information Officer) and Paul Fyfe (ONR's Security and Safeguards Director).
- 2.4 MF explained that Simon Coldham had responsibility for delivery of ONR's IT, whereas Paul Fyfe's team had responsibility for regulation of civil nuclear security, including cyber security and the control of sensitive nuclear information (SNI). MF explained that as ONR holds SNI, we must also comply with the relevant regulations. MF confirmed that an independent review had been completed to look at how ONR manages SNI, which had been shared with Paul Fyfe who was content with arrangements.
- 2.5 Dr Ruth Balogh (RBa) asked where the ONR NGO Forum sat within ONR's corporate governance arrangements.

- 2.6 MF explained that as an external engagement group it did not fall under ONR's corporate governance arrangements. MF noted that ONR has an integrated senior leadership team (SLT) and feedback from NGO meetings is shared amongst all SLT members.
- 2.7 MF updated on ONR's response to the pandemic. He confirmed that the regulatory footprint on sites was now nearly back to pre-pandemic levels, and noted the pandemic plans that industry had in place had worked well. MF confirmed that sites were continuing to provide ONR with COVID-19 data. He advised he had no concerns at the present time regarding resource levels on regulated sites.
- 2.8 MF moved to update on some key regulatory matters. He confirmed that retrievals from the Pile Fuel Cladding Silo at Sellafield were due to start shortly. He also advised that a safety case had been received to request ONR's permission to commence retrievals from the Magnox Swarf Storage Silo. Subject to permission being granted by ONR, retrievals from this facility will commence later next year. MF explained that retrievals from the two facilities would represent a significant achievement for Sellafield and a number of other organisations that have worked to deliver major hazard and risk reduction on the site, including ONR.
- 2.9 In relation to Hunterston B, MF advised that we were currently looking at the proposed defuelling arrangements for the site. He also added that the AGR Operating programme (AGROP) is looking at defuelling across the operating fleet. He confirmed that ONR was considering safety cases concerning graphite ageing at the Heysham 1, Heysham 2, Hartlepool and Torness sites.
- 2.10 With regards to Sizewell B, MF confirmed that we were content with the safety case presented by EDF Energy, and that permission had been given for the reactor to return to service.
- 2.11 MF confirmed that ONR had delivered an assessment of Licence Condition 36 (Organisational Capability) at the Atomic Weapons Establishment (AWE) following a restructure, and we were satisfied that appropriate controls had been demonstrated. He explained that ONR had recently raised concerns regarding a stack (in effect, a metal chimney) on the site, noting this had now been removed.
- 2.12 In relation to Hinkley Point C, MF advised that ONR inspectors had recently travelled to the Creusot Forge facility in France to look at components intended for the Hinkley Point C site, and were satisfied with the quality of manufacture.
- 2.13 MF noted that the draft Bill to provide legislation for a 'Regulated Asset Base' (RAB), intended to support the funding of new nuclear projects, had recently entered parliament. He confirmed that, in relation to Sizewell C, we are continuing to look at the site licence application and expect to make a decision next year (2022).
- 2.14 MF confirmed that two separate teams were currently in the UK to provide independent assessments of the UK's safeguards arrangements. He advised

that the International Atomic Energy Agency (IAEA) team had visited the Urenco UK and Sellafield sites. He confirmed that he did not anticipate any issues arising regarding ONR's regulation of safeguards.

- 2.15 MF advised that we had not yet received a formal request to undertake a Generic Design Assessment (GDA) of the Rolls-Royce Small Modular Reactor (SMR) design, but did anticipate receiving a request from government in due course.
- 2.16 MF advised that the CNI themed inspection focusing on 'ageing management' is ongoing, with ONR conducting inspections on several different types of sites. He added that the UK would be taking part in the forthcoming European Nuclear Safety Regulators Group (ENSREG) topical review of fire safety, and advised that there will be opportunities for different stakeholders to provide comments into ENSREG regarding the review.

Action 21.23 – ONR to notify NGO Forum of opportunities to provide input into ENSREG regarding the topical review.

- 2.17 Following a request for an update on the Taishan power station, MF confirmed that unit 1 remained shutdown, and that some fuel had been removed for analysis. He advised that ONR anticipated discussing this further with Chinese and French regulators in the near future.
- 2.18 MF reminded the Forum that we were still inviting comments from interested stakeholders on our updated reference papers for Coastal Flood Hazards and Meteorological Hazards for Nuclear Sites.
- 2.19 Katy Attwater (KA) asked why ONR had only conducted one CNI themed inspection since 2017.
- 2.20 MF advised that such inspections are intended to provide him with additional assurances regarding key safety and security (and now safeguards) matters. He explained that the themed inspections lend themselves to some of the themes emerging from the CNI report, but that he didn't expect such themed inspections to occur on a strict annual basis.
- 2.21 Mike Taylor (MT) asked about a transformer failure at the Heysham 1 site and the failure of the thermal sleeve at Sizewell B.
- 2.22 MF advised that inspections by EDF Energy had confirmed that a number of thermal sleeves at Sizewell B had become displaced and that both EDF Energy and ONR needed to understand why it had occurred, so that steps could be taken to ensure that it didn't happen again. Donald Urquhart (DU) added that the sleeve did not, however, fall into the control rod channel.
- 2.23 On Heysham 1, DU advised that we had investigated the incident and were satisfied that there were no safety implications due to the loss of grid connection. However, there were some opportunities for learning that came out of this, which his inspectors were pursuing.

Post meeting note – ONR has looked closely at EDF Energy’s response to this event, and will also review the report from the National Grid when it is complete and, if necessary, will look to influence any improvements required. The event itself didn’t have any implications for nuclear safety as all three operating reactors shut down appropriately (one of the reactors at Heysham 2 was shut down in an outage at the time).

- 2.24 Ian Ralls (IR) asked whether ONR was currently assessing any SMR designs. MF confirmed that ONR was not currently undertaking any assessments of SMRs. He advised that ONR had done some high level work to look at some SMR designs around 18 months earlier but none of these had yet been submitted for a GDA. He confirmed that the Department for Business, Energy & Industrial Strategy (BEIS) have asked ONR to plan for two SMR designs entering the GDA process within the next 12-months. One GDA assessment is expected to be on the Rolls-Royce designed SMR, but detail of the second design has yet to be confirmed.
- 2.25 Prof. Andy Blowers (AB) asked how ONR can plan for a GDA with no site specific proposals.
- 2.26 MF advised that GDA looks at a generic design and its suitability to be deployed in the UK, subject to site specific conditions that could be considered later.
- 2.27 IR commented that there is lots of hype around SMRs, yet ONR has not actually been asked to complete a GDA of any design.
- 2.28 Further questions were asked about ENSREG and its role. Tor Justad (TJ) commented that, with ONR no longer having a voice in ENSREG following the UK’s exit from the European Union, this would seem to be disadvantageous for the country.
- 2.29 MF explained that ENSREG was comprised of national sovereign regulators from across Europe. He advised that whilst the UK was now an observer, ENSREG were keen for ONR to continue to have a voice and contribute to meetings.
- 2.30 David Cullen (DC) asked MF if he could share any information on the subject matters discussed with AWE.
- 2.31 MF confirmed that ONR had discussed the role of the AWE board and how the board would support the licensee to improve performance. He advised that under the previous governance arrangements, the previous board could have been more proactive. DU added that they had also discussed periodic reviews of safety.
- 2.32 Alison Downes (AD) asked about the decommissioning timeline for the Dungeness A (DNA) and B (DNB) sites. Rita Holmes (RH) asked what was going to happen to the partial fuel element found in bunker 1 at the Hunterston A site.

- 2.33 MF advised that the timelines for decommissioning DNA and DNB will be protracted. He explained that the Nuclear Decommissioning Authority's (NDA) original approach to decommissioning was 'safe storage', however, they were now looking to decommission sites earlier and more quickly, noting the pilot approach being taken at the Trawsfynydd site. MF advised that the approach at Trawsfynydd would help to inform that for other sites. With regards to DNA he confirmed it would be 'tens' of years before the site is decommissioned, and longer for DNB as the site still needs to be defuelled.
- 2.34 MF advised that the fuel element that was located in the bunker at Hunterston A would not be processed. He felt the most appropriate option would be for it to be removed and taken to Sellafield.
- 2.35 Chris Wilson (CW) asked if the issue that affected the Taishan unit 1 reactor is not resolved, could ONR still issue a site licence for Sizewell C.
- 2.36 DU explained that the issuing of a site licence will bring an organisation into the nuclear safety and security regulatory regime. He advised that this was very different from giving permission to construct, commission, fuel and operate a reactor. A Nuclear Site Licence (NSL) would be issued if ONR is satisfied that the applicant could appropriately discharge the duties that come with a NSL. He added that Hinkley Point C is some time away from being fuelled, so any lessons that emerge from Taishan would be learned before fuelling takes place. This would also apply to Sizewell C, should the development eventually go ahead.

3 OVERVIEW OF CHIEF NUCLEAR INSPECTOR'S ANNUAL REPORT 2020/21

- 3.1 DU confirmed that overall during 2020/21 the performance of the nuclear industry has been good. He added that, where shortfalls had been identified, ONR inspectors had intervened to take action.
- 3.2 DU moved to update on some of ONR's regulatory priorities for the year ahead. He provided an update on the CNI themed inspection, which is focusing on the management of ageing facilities at a representative sample of sites from across the sector, including: AWE Aldermaston and Burghfield, Sizewell B, Devonport Royal Dockyard, Hinkley Point A and Sellafield. He explained that ONR is still seeing examples where the management of ageing facilities is not of the standard we expect to see. DU explained that ONR was looking to stimulate an industry wide approach to sharing practices as regards the management of ageing facilities and that we hoped to publish a report on the outcome of the themed inspection in spring 2022.
- 3.3 DU confirmed that a regulatory priority for ONR would continue to be conventional health & safety (CH&S). He explained that a benchmarking exercise had been undertaken to evaluate CH&S performance in the nuclear industry against other high hazard industries. DU also confirmed that ONR was working on a cross-cutting industry strategy to increase oversight of CH&S. He added that, during 2021/22, ONR would continue to focus on construction and

decommissioning at nuclear sites, with increased attention on electrical safety, fire safety and working at height.

- 3.4 DU advised that a new regulatory priority for 2021/22 was 'leadership for safety and security culture', which is intended to increase the focus on the human performance elements of licensees' safety and security performance. He explained that it was important that industry leaders, and workforces, have appropriate skills and attitudes in these areas and are prepared to challenge if they have concerns regarding safety or security behaviours in their organisations.
- 3.5 In relation to this new priority, DU updated on the work we are doing with the University of Manchester to look at how safety culture can be assessed. He added that we would also be looking to ensure that internal assurance functions within organisations are empowered to challenge inappropriate behaviours.
- 3.6 DU advised that ensuring that the industry has adequate arrangements in place to deal with a pandemic even more challenging than the current COVID-19 pandemic remains a priority for ONR, but due to the ongoing situation with COVID-19, we have decided to defer this work until 2022/23. DU explained that this would allow time for the industry to continue its recovery from the COVID-19 pandemic and provide an opportunity for the industry to reflect and learn lessons before this review takes place.
- 3.7 DU confirmed that there had been good progress and significant improvement in the understanding, ownership, and management of security across the civil nuclear sector over the last year. He confirmed that most licensees have now submitted security plans that are aligned with our Security Assessment Principles.
- 3.8 DU advised that ONR is satisfied that regulatory strategies were continuing to drive improvements on regulated sites. He noted that Hunterston B, Capenhurst and Dounreay had all returned to 'routine' regulatory attention this year. He also added that there was a reasonable likelihood that AWE Burghfield would return to 'routine' regulatory attention in 2022.
- 3.9 PB asked asked if September 2026 was the target date for the opening of the MENSA facility at AWE.
- 3.10 DU advised that ONR had been clear with AWE that we didn't believe the Assembly Technology Centre could continue with active operations (i.e. those involving radioactive and fissile material) beyond 2026. Mike Finnerty (MFin) added that September 2026 was the date that active activities in the existing facilities needed to cease. DU confirmed by then, AWE will have needed to migrate its active activities out of the Assembly Technology Centre and into the MENSA facility.
- 3.11 DC asked if AWE will require regulatory approval to do this. MFin confirmed that ONR would need to approve active commissioning of the MENSA facility.

- 3.12 Neil Crumpton (NC) asked what implications the recent Australia, UK and US (AUKUS) deal would have for ONR.
- 3.13 MF advised that the details behind the AUKUS deal were not known yet, and that ONR's contribution had been minimal. He confirmed that he had been contacted by the Australian regulator who wanted to learn and understand more about ONR's operating model for regulating nuclear within the defence sector.
- 3.14 MT asked about the Sizewell B emergency response centre. MF advised that the centre is available to provide additional capability to sites in the south of the country, and that he expected this capability to be available to Hinkley Point C.
- 3.15 MF provided a short update on his Independent Advisory Panel and the valued contribution from the two NGO members. He asked the Forum to nominate a further individual to become a member of the IAP to ensure continued participation by two NGO representatives, given Dr David Lowry is currently unable to participate. The Forum members all wished David well for a full and speedy recovery.

4 UPDATE ON 'CLIMATE CHANGE' WORKSHOP

- 4.1 PB invited KD and KA to update on preparations for a workshop with the NGO community focusing on the topic of 'climate change'.
- 4.2 KD commented that she had welcomed the opportunity to meet with NGO representatives in the summer to consider the issues around climate change. KD advised that the working group hopes to be in a position to share a draft workshop proposal with the Forum before Christmas.
- 4.3 KA also gave a brief overview to the Forum of a graph which she had prepared (from her own research) titled 'when climate change meets nuclear'. This showed expected sea level rise (metres) on a vertical axis and time (years) on a horizontal axis; KA explained how the the graph is intended to provide a visual representation as to when the Hinkley Point sites (A, B, C) and Sizewell C site are likely to be impacted by sea level rise and storm surges. KD noted that ONR inspectors were reviewing the graph and comparing to data held. She envisaged the workshop would provide an opportunity to discuss it further.
- 4.4 RBa commented that she looked forward to taking part in the workshop. RBa expressed a view that climate change was not a future issue but was happening now, and pointed to the recent issues that have affected access to the Sellafield site due to rainfall levels.
- 4.5 MF gave assurance that we were taking this topic very seriously. AB noted that there had been a lot of work done at site specific level since ONR met with Stop Hinkley representatives and others to discuss climate change concerns in January 2020, which he hoped would be factored into this event.

5 TOM BURKE CBE – 'ENERGY CRISIS OR POLICY CRISIS'



- 5.1 PB welcomed Tom Burke (TB) who had been invited on behalf of the NGO community to address the Forum.
- 5.2 TB commenced his presentation by explaining that it is currently unclear if climate policy will succeed or not, despite there being an understanding of what needs to be done to address climate change.
- 5.3 TB suggested that if climate policy was to succeed, there would need to be a transformation of the energy system. However, he expressed a view that as long as existing nuclear reactors could operate economically and safely, he did not consider there was anything to be gained from closing them down early.
- 5.4 TB noted that ONR had a track record of successes, and suggested that there was broad confidence in the regulation of the industry. He commented that ONR had acquired 'trust' through lots of hardwork, which he considered was an asset worth preserving.
- 5.5 TB moved to look at the role of nuclear in achieving 'net zero' and whether it was worth the risk of building new nuclear power stations.
- 5.6 TB was sceptical that nuclear power could resolve climate issues on a global level, and didn't consider that nuclear power had a role to play. TB expressed frustration that government had failed to publish its analysis of the need for nuclear, which meant people were unable to contest it.
- 5.7 TB explained that he did not have confidence in government models, and noted that models have been incorrect. TB expressed a view that climate change drives focus on how the financial community can play a role, and noted the role that a green taxonomy can play in helping tackle environmental issues.
- 5.8 TB commented that he considered there to be a pattern with the current government of underfunding regulators, and noted the issues experienced by the Environment Agency, who he felt did not have the resources to perform. He also suggested there was an issue with government 'packing' the boards of public bodies with favourable appointments. He suggested there was a real issue for any regulator in 'standing up' to the government, which he felt could pose a threat to their regulatory independence and authority. He challenged ONR to consider how as a regulator it could be undermined by wider changing circumstances.
- 5.9 In response, MF advised that ONR was here to ensure reactors and other nuclear sites operated safely and securely. He confirmed that under the existing funding model, over 95% of ONR's work is charged back to industry. He advised that he was comfortable with the existing levels of resources available to ONR, and that governance arrangements ensure that ONR's independence is protected and that it would not be subject to political interference.
- 5.10 MF confirmed that there had been no interference from government in the 'make-up' of the ONR board, noting recruitment had been subject to Cabinet



Office rules and the diversity of experience amongst board members and the value that they bring. He added that ONR would robustly challenge any government interference. DU also added that no part of government had sought to influence regulatory decisions. He confirmed that ONR has internal processes in place to ensure we maintain independence, and that we could not countenance this being challenged.

- 5.11 MFinn also added that we had been clear with government that the industry needs to have the capability to deliver its ambitions.
- 5.12 MF advised that ONR is part of the 'UK Health and Safety Network', which includes a number of different domestic regulators. MF expressed view that being part of the network gave regulatory bodies greater ability to influence together, if necessary.
- 5.13 TB moved to look at the issue of public trust and asked how this could be maintained. He suggested that the RAB finance model intended to fund the Sizewell C development was a last resort for government. TB commented that a large number of people who will have to contribute to funding the project will receive no direct benefit from the development, or may in fact be opposed to nuclear power. He suggested that this could bring the 'trust' of regulators into focus.
- 5.14 MF expressed his view that ONR needs to be honest, open and transparent in what it does in order to maintain the trust and confidence of the public. He advised that ONR does engage with government to seek to inform policy, although it does this in a targeted way. On the topic of RAB, he confirmed that ONR had contributed to the discussion, but not in the capacity of a financial regulator. He confirmed that as part of our approach to being an open and transparent regulator, we are subject to peer reviews from outside organisations such as the IAEA.
- 5.15 IR expressed a view that the only reason for nuclear power was to enable nuclear weapons development. He felt there was no separation between civil and defence nuclear sectors.
- 5.16 Paul Collins (PC) asked in relation to funding, if ONR would need to go to government 'cap in hand' as the industry begins to wind down.
- 5.17 NC commented that government seemed to be prioritising SMRs. He also highlighted issues around 'fusion' and the potential for this to affect public trust.
- 5.18 MF in response to IR's point, confirmed that materials were not being diverted from civil to defence sectors to be used in weapons, and advised that funding for defence programmes was separate to funding for the civil nuclear sector.
- 5.19 MF added that ONR would maintain appropriate regulatory capability and capacity to reflect changing demands in the industry, and that he was confident that the current approach of industry funding the majority of ONR's work is appropriate and will remain sufficient for all phases of the lifecycle. He noted



that there may be opportunities to support current non-nuclear states with the development of their regulatory frameworks, should those states decide to deploy nuclear power, although, he confirmed that in most cases a state would go via the IAEA for assistance in setting up a regulatory regime.

- 5.20 TB commented that proceeding with Sizewell C could place matters into the hands of Chinese regulators and not UK regulators. He advised that NGOs and the public wanted a strong UK nuclear regulator, which must have public trust. He added that the weaknesses in the case for Sizewell C puts the trust of the regulator in jeopardy, and he encouraged ONR to ensure it protects its reputation so it doesn't lose public trust.
- 5.21 MF thanked TB for his contribution and emphasised that public trust and safety would remain paramount for ONR in its regulation of the industry.
- 5.22 KD thanked TB for his presentation, and for the different perspectives that he shared with the Forum.

6 ANY OTHER BUSINESS

- 6.1 Richard Bramhall (RB) asked for an update on some papers which he had recently shared with ONR relating to the issue of low level radiation and safe dosage rates. RB suggested this was new evidence. KD advised that the papers had been shared with regulatory specialists for review.
- 6.2 DC commented on the current financial difficulties of Babcock, and asked to what extent ONR was 'keeping an eye' on the situation.

Action 21.24 – ONR to provide DC with an update on work ONR is doing to assure itself that funding for the Devonport site continues to be made available.

[**Post meeting note:** Response to this question issued to DC on 24 November 2022.]

- 6.3 RH commented on the proposed Peel Ports development near Hunterston B, and asked that ONR take a stance on this development.
- 6.4 MF advised that he would have expected ONR to have been consulted if the development was in close proximity to the Hunterston site.

Action 21.25 – ONR to check if we have been consulted on the planned Peel Ports development.

[**Post meeting note:** ONR issued a written response (HPGE 2021/11061) to RH on 20.12.21 in response to the enquiry on 5 November and the written enquiry received from RH on 24 November.]

- 6.5 KD and PB closed the meeting by thanking everyone for their time and contributions.

The meeting closed at approx. 12.45

