

Office for Nuclear Regulation

An agency of HSE

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13th June 2012

Dear Councillor Knowles,

Subject: Managing Radioactive Waste Safely and Regulatory Independence

I refer to your letter of 31st May

I wish you well in your efforts to complete the partnership's work programme and I am pleased to be able to assist you in any way that I can.

Your questions mirror some of the reasons for setting up the Office for Nuclear Regulation (ONR) as an independent statutory body. Government is currently taking this forward in the Energy Billⁱ. In this respect, you may refer to the Government's Policy Briefⁱⁱ on the creation of an independent ONR, which touches on the questions that you have raised.

ONR's capacity to regulate the Geological Disposal Facility,

I am satisfied that our current team has adequate resources to cover the current work. One of the team's current pieces of work is to identify the resources needed to regulate the GDF over the next 10 to 20 years. While we do not yet know precisely how many we will need, we are mindful that we will have to compete in an increasingly competitive global skills market to secure the specialist staff that we will require. With the flexibility over our financial and employment arrangements that the Energy Bill will give to ONR, I am satisfied that we will be in the best position possible to meet our future resource requirements.

We will be working closely with the Environment Agency on regulation of the GDF, as we have done on the assessment of new reactor designs, to make most effective use of both regulators' resources.

The independence of ONR

Regulatory independence is a key criterion in the work to set up the statutory ONR. This means not only retaining the existing independence enjoyed by ONR's previous incarnations, but also enhancing it in a way better suited to the current and future regulatory challenges of the nuclear industry.

You asked for some specific examples of major enforcement decisions in the past. Some examples are:

- we insisted on major changes to the design of Sizewell B power station and for the prospective designs for new nuclear power plants that we are reviewing at present;
- we have successfully undertaken major prosecutions for lapses in nuclear safety barriers even when no harm to people has been involved, such as the THORP leak of liquors from primary containment;
- we prevented further building of Magnox swarf silos;
- Trawsfynydd Magnox reactors were shut down early in response to our safety concerns; and
- we required Dounreay to reverse major contractorisation plans when these threatened the licensee's intelligent customer capability.

It was in the 1990s that industry concerns over the effects of our regulatory decisions led to a change in our way of working. Decisions made late in a project were very expensive and do not provide as effective nuclear regulation as we would have liked. The response was not to soften our regulatory stance or standards but to influence the industry to develop and nurture a strong safety culture and for us to engage earlier in projects. This was to ensure that where regulatory issues were likely to stop or require significant change to a project, that we raise them early in the design stage to enhance the effectiveness of our regulation and reduce the impact of changes on construction projects. This has reduced the need for "major enforcement decisions" in the last few years. As an example of how this works, you may wish to look at our assessment of the generic designs for new reactors where we have publishedⁱⁱⁱ the issues raised with the designers well before we get to a formal regulatory stage. We are setting up the process for regulating the GDF in a similar manner.

You ask whether we will resist any pressure from Government to override our regulatory judgment on GDF matters. The simple answer is yes, that is what independent nuclear regulation is about. I can assure you that safety and security are our fundamental concerns. As always, we would take account of any representations from any stakeholder, including Government, according to what is "reasonably practicable" in the regulation we enforce. Our published guidance covers the way we address this concept. But I would not countenance any external pressure to overturn a properly made regulatory decision. By "properly made" I mean a decision based on our published regulatory principles; these being our Safety Assessment Principles (SAPs); the technical assessment guides that support the SAPs; and our Enforcement Management Manual (EMM).

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As part of our drive to become a more open and transparent regulator, we now publish^{iv} the project assessment reports (PARs) that support each of our regulatory decisions. I offer this as demonstration that, not only will we be independent in our regulatory decisions, but we will demonstrate such independence by publishing the reasons behind every such decision.

Your questions, while in themselves short, cover much of the essence of ONR's regulation. I have tried to give you my personal assurance on the questions you raise in a concise way, pointing to other resources as appropriate. I hope this satisfies your concerns.

However, if you have any further questions, or require further clarification, please feel free to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Mike Weightman". The signature is fluid and cursive, with a large loop at the end.

**Dr Mike Weightman, FEng, FInstP, CPhys, CEng
HM Chief Inspector of Nuclear Installations
and Executive Head of ONR**

References:

- i. <http://www.decc.gov.uk/en/content/cms/legislation/energybill2012/energybill2012.aspx>
- ii. <http://www.decc.gov.uk/assets/decc/11/policy-legislation/Energy%20Bill%202012/5311-ade-memoire-nuclear-regulation.pdf>
- iii. <http://www.hse.gov.uk/newreactors/index.htm>
- iv. <http://www.hse.gov.uk/nuclear/pars/index.htm>