



# Office for Nuclear Regulation (ONR) Site Report for Rosyth Royal Dockyard

Report for period 1 July – 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 Rosyth Local Liaison Committee and are also available on the ONR website (<http://www.onr.org.uk/llic/>).

Site inspectors from ONR usually attend Rosyth Local Liaison Committee 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.

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## 1 INSPECTIONS

### 1.1 Dates of inspection

The ONR site inspector undertook remote inspections on the following dates during the report period 1 July to 31 December 2020:

- 16 July 2020.
- 8 September 2020.
- 29 September 2020.
- 26 October 2020.
- 24 November 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 2017 (IRR17) and the Management of Health and Safety at Work Regulations 1999 (MHSWR99).

The inspections entail monitoring 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 covered the following:

#### Licence Condition (LC) 22– Modification or experiment on existing plant.

The remote inspection considered the adequacy of RRDL's revised arrangements under Licence Condition (LC) 22 (Modification or experiment on existing plant) in response to ONR findings raised following the previous LC19-22 inspection in 2019. The inspection considered the application of these arrangements to current low-level waste operations and provided advice and guidance on their adequacy against future phase II intermediate-level waste operations.

At the time of the inspection, the revisions made to RRDL's arrangements under LC 22 were presented to ONR as draft proposals. I considered evidence of RRDL's response to each of ONR's earlier findings to be positive.

No matters were identified as requiring immediate regulatory attention during the conduct of the compliance inspection. Whilst observations from the inspection were positive, the documentation sampled at the time of the inspection was not formally issued by RRDL, I therefore judged it inappropriate to apply a formal inspection rating to this intervention.

### LC 23 – Operating rules; and LC24 Operating instructions.

The inspection was completed remotely due to COVID-19 restrictions. It targeted a review of RRDL's LC 23 arrangements, sampling operating rules (ORs) derived using these arrangements and discussion of implementation via inspection of working level documentation. As the inspection was undertaken remotely, ONR could only take limited assurance based on evidence provided by the licensee during the inspection. Recognising this, ONR found no matters requiring immediate regulatory attention during the conduct of this LC 23 and LC 24 compliance inspection.

An AMBER rating (seek improvement) was assigned for LC 23 owing to shortfalls in the licensee's arrangements, when compared to regulatory expectations. This has contributed to a safety case being produced which identifies a suite of ORs that are out with regulatory expectations. I am however broadly satisfied that RRDL has taken appropriate steps to ensure compliance with these low-level operating rules. Improvement is required to support proposed future operations on the site and, to secure this, a recommendation and regulatory issue were raised.

A GREEN rating (adequate) was assigned for LC 24 given that the licensee's arrangements and subsequent implementation were broadly in-line with regulatory expectations for current work activities. Potential improvements were identified to strengthen these arrangements and an observation is raised for this purpose. The importance of close integration between LC 23 and LC 24 arrangement is recognised by the licensee and therefore delivery of these improvements will receive regulatory oversight via the regulatory issue.

### Nuclear reactors (environmental impact assessment for decommissioning) regulations [EIADR].

ONR undertook a remote compliance inspection of the Submarine Dismantling Project (SDP) at RRDL against the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (as amended) (EIADR). The inspection targeted the licensee's arrangements and procedures for compliance with EIADR, specifically the identification and assessment of any changes to the project that may impact on the environment since EIADR consent for SDP was provided by ONR.

The inspection concluded that the licensee does not have adequate arrangements for compliance with EIADR, which represents a significant shortfall against ONR's expectations. RRDL was unable to provide any evidence of how changes to the project had been assessed, citing a lack of formal arrangements. There is therefore a risk that RRDL will not meet the deadline for submission of the annual EMP in January 2021, which would represent a breach of the conditions attached to the EIADR consent.

Whilst the licensee has recognised this shortfall and has already taken action to address the gap, a regulatory issue was raised to track the licensee's progress with developing and implementing adequate arrangements. Based on the inspection findings, a rating of AMBER (Seek improvement) was awarded appropriate for compliance against EIADR.

### Covid-19 Compliance:

Through the pandemic, ONR has continued to engage remotely with Rosyth. 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 Scotland.

In September ONR undertook an on-site inspection of Rosyth's implementation of its Covid-19 arrangements. The inspection looked at the working at home policy, on-site Covid specific training and awareness, social distancing arrangements and the use and availability of

personal protective equipment. The inspection concluded that the site arrangements, on-site activities and staff were compliant with published Covid guidance.

## **2.2 Other work**

### L3 regulatory interface forum – Submarine dismantling project (SDP)

ONR attended the submarine dismantling project (SDP) level 3 regulatory interface forum remotely. The purpose for the meeting was to provide an update to ONR and other regulators on progress made to current phase 1 (low-level waste) operations and a forward look to phase II (intermediate-level waste) operations.

The licensee presented details of good safety performance reflecting significant hours worked with no loss time accidents.

An update on Phase II design progress was provided. The licensee continues to work towards development of technical solutions ahead of a MOD decision expected in early 2021.

The L3 RIF provided confidence in the licensee's ongoing safe delivery of the SDP programme.

### Level 2 regulatory interface forum – Post fleet non-operational date (pFNOD)

ONR attended the pFNOD level 2 regulatory interface forum remotely. The purpose of the meeting was to present ONR and other regulators with updates across the pFNOD programme at Rosyth and Devonport. The meeting was supported by SEPA, DNSR, Babcock and MOD project teams.

The MOD provided updates on the submarine dismantling project, defuel operations and wider strategic factors considered as part of the long term post-operational berthing programme. The programme remains challenging with complex interactions between Devonport, Rosyth and the MOD fleet programme.

ONR highlighted that pFNOD governance arrangements remain unclear, specifically around roles and responsibilities in terms of decision making. ONR asked that Babcock and MOD work together to develop clear arrangements that set out who decision making responsibilities sit with.

The L2 RIF provided confidence in the pFNOD programme and recognised the ongoing commitment by all parties to safety.

## **3 NON-ROUTINE MATTERS**

Licensees are required to have arrangements to respond to non-routine matters and events. ONR inspectors judge the adequacy of the licensee's response, including actions taken to implement any necessary improvements.

There were no such matters or events of significance during 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 take a range of enforcement actions, to include issuing an Enforcement Notice.

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

**Table 1**  
**Licence Instruments and Enforcement Notices Issued by ONR during this period**

| Date | Type | Ref No | Description |
|------|------|--------|-------------|
|      |      |        |             |

Reports detailing the above regulatory decisions can be found on the ONR website at <http://www.onr.org.uk/pars/>.

## 5 NEWS FROM ONR

### 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.

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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.

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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.

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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 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.

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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.

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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.

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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."

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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.

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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.”