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Proportionate Regulation for the UK's first major site closure contract

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Structure

1. ONR – who we are and how we regulate
2. The changing landscape of civil nuclear clean-up and its regulation
 - The UK's first major site closure contract
 - Babcock Dounreay Partnership: Interactions & Perceptions in the first 12 months
 - US versus UK regulatory frameworks
 - Some lessons learned for future Tier 1 competitions
3. Regulatory Evolution
4. UK & US Collaborative Efforts

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- ONR formed on April 1 2011 as an agency of the UK Health & Safety Executive
- Inherits a 50 year legacy of robust Nuclear Safety regulation
- A transitional step pending legislation for a statutory body with greater independence from central government
- An **integrated** Nuclear Regulator for:

SAFETY

SECURITY

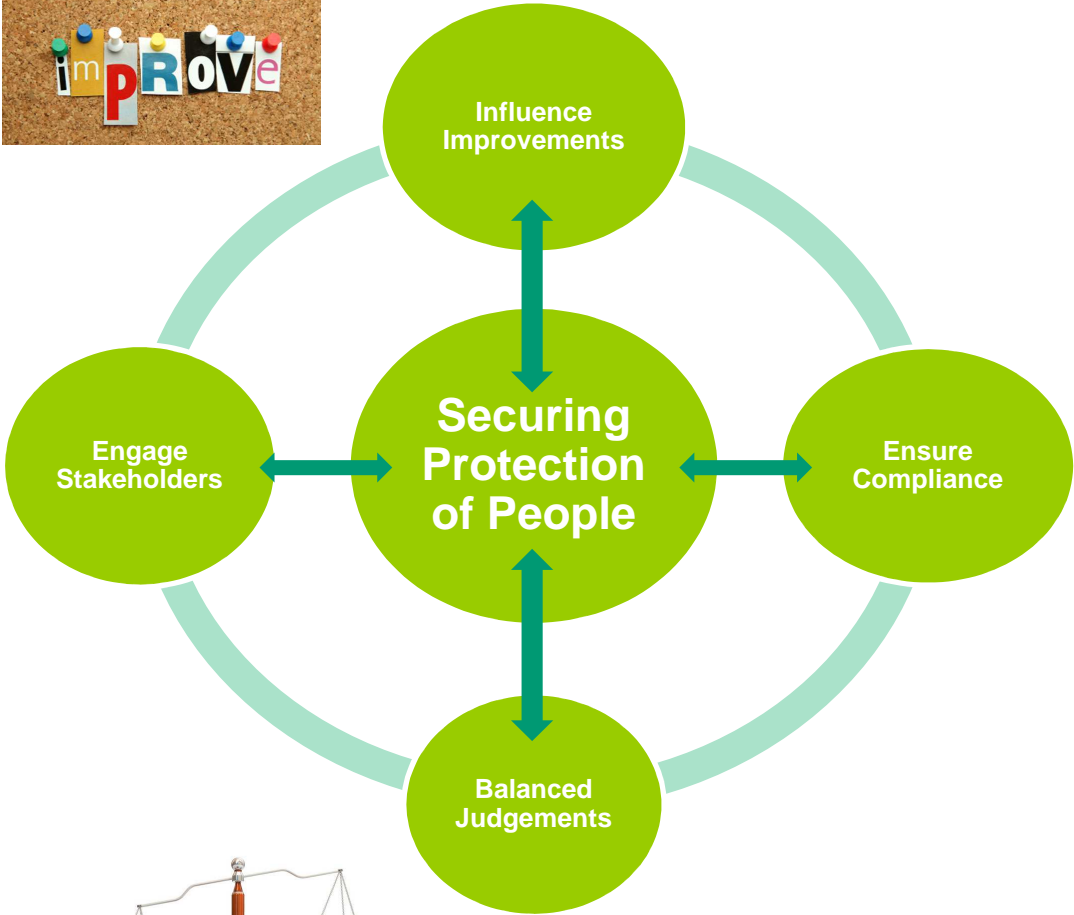
SAFEGUARDS

RADIOACTIVE MATERIALS TRANSPORT

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Nuclear Safety – Regulatory Framework



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The UK's first major site closure contract



- NDA policy for accelerated hazard reduction, D&D & site closure
- Significant political and societal attention remains More contractorized and delivery focussed licence holder
- Short term increase in risk to achieve interim end state
- Rapid transition from 'nuclear' to 'conventional' safety
- A need to review Regulatory Posture

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Perceptions

- Not a critique or endorsement of BDP's performance as a PBO or the bid process
- Constructive reflection of *BDP – Dounreay – ONR* interactions to inform future competitions
- Structured and highly constructive interactions during bidding and after share transfer

**Babcock
Dounreay
Partnership**
A partnership between
Babcock | CH2M HILL | URS



NDA
Nuclear
Decommissioning
Authority

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Perceptions

Post share transfer - Positives

- New site management team proactively engaged
- Enabled ONR to mobilize the right level of regulatory resource
- Targeted use of reach-back expertise – positive regulatory interaction
- Site management team took positive measures to strengthen internal regulatory oversight
- Positive initiatives towards national and international benchmarking

Perceptions

Post share transfer – Challenges

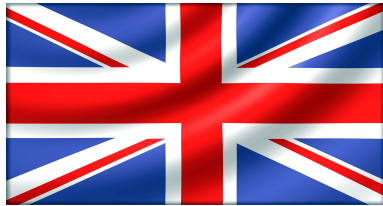
- Deep-rooted, long-standing attitudes on how to D&D onsite
- Much workforce unease over perceived motives of BDP
- Certain assumptions behind BDP's technological bid have changed now that PBO has bedded-in
- Intricacies of site compliance arrangements (sequential hold-point control) not a feature of US contractor experience.
- ONR monitoring of organizational capability – much greater regulatory interest

Perceptions

Post share transfer – Challenges Continued

- Transition of new ONR inspection team coincided with PBO transfer date – probably not good timing
- Unhealthy reliance on regulator to act as ‘intelligent customer’ and to provide undue technical direction
- An unhealthy ‘acquiescence’ to the regulator cultivated over many years – attitudes will not change quickly
- BUT: a strong and culture of challenge prevails – an essential building block for future regulatory posture

Adapting to the UK Nuclear Safety Regulatory Framework



- NDA as site owner and ONR as Safety Regulator are fully independent
- NDA does not self-regulate. Contractors embedded into site licence company and regulated by ONR
- ONR enforces and secures leverage under powers granted under criminal law
- Broadly non prescriptive Licence Condition Framework requires adequate arrangements. These will vary from site to site
- Safety management Systems benchmarked against IAEA GS.R.3 but not unilaterally prescribed



- US DOE as site owner also self-regulates Safety across its estate
- Contractor subject to Internal Oversight by EM (Fac Reps) & Federally by DOE's Office for HSS
- DOE inspects and secures leverage over contractor within the contractual framework
- DOE centrally prescribes Orders and Standards and oversees their consistent and compliant application
- DOE Integrated Safety Management System overseen centrally and broadly consistent across DOE sites

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Regulatory Evolution

An evolving regulatory posture

- Decommissioning, Fuel & Waste [DFW] program set up specifically to review regulatory posture in this area
- Empower licensees (contractors) to strengthen internal regulatory processes and Oversight capability
- Encourage upfront **early engagement**, relief from sequential external hold-point control
- Facilitate national and international benchmarking on good practice standards [D&D techniques, Conduct of Ops etc.]

DOE & ONR Collaborative Efforts

- Many synergies to explore given the recent US influence to the UK civil nuclear clean-up estate
- Major site closure contracts being awarded in UK for the first time – ONR is actively reviewing its regulatory posture in this area
- Fukushima emphasises the importance of international collaboration
- UK and US working towards Information Exchange Agreement to facilitate closer links – bilateral here in Phoenix this week



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Overall perceptions

- Challenging year for PBO and the site – but meaningful progress
- Positive & proactive engagement between BDP team and ONR
- Much learning to transpose into other PBO competitions
- Some problems from earlier PBO transfers have been largely avoided
- Evolving regulatory posture – crucial to timely, safe hazard reduction



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Resources

1. Office for Nuclear Regulation <http://www.hse.gov.uk/nuclear/>
2. Health & safety at Work Act et. (1974)
<http://www.hse.gov.uk/legislation/hswa.htm>
3. Safety Assessment Principles, 2006
<http://www.hse.gov.uk/nuclear/saps/index.htm>
4. Guidance on the demonstration of ALARP; T/AST/005
http://www.hse.gov.uk/nuclear/operational/tech_asst_guides/tast005.pdf

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