

NuSAC Paper		NuSAC(2008)P11	
Date:	3 July 2008	Open Gov. Status:	Open
Type of Paper:	DISCUSSION	File Ref:	TRIM 1.14.2.10
Exemptions:	None		

NUCLEAR SAFETY ADVISORY COMMITTEE

Update on the Regulatory Nuclear Interface Protocol

by

Chris Snaith

**Health and Safety Executive
Nuclear Directorate**

Status: For information, to provide some detail about the recently agreed Protocol, following updates in the Chief Inspector's Report whilst under development.

Background:

1. This Protocol was signed on 29 April 2008 by 14 top managers from across the nuclear sector and is an agreement on ways of working which has arisen from a joint initiative between members of the nuclear Safety Directors' Forum (SDF) and nuclear safety (and security) regulators (Nuclear Directorate and Defence Nuclear Safety Regulator, DNSR).
2. There were two key drivers for its development:-
 - (i) To facilitate pan-industry strategic discussion of major cross-cutting issues.
 - (ii) Recognition that on occasions the differing perspectives and priorities of the organisations led to inefficiencies and misunderstandings, which were not to the benefit of nuclear safety and security and therefore society.
3. These are addressed respectively by the 6-monthly SDF/Regulators' Forum with the Desired Outcome of "aligned expectations", and the adoption of the values/behaviours/interactions framework, with the Desired Outcome of "no surprises" – by having clear and common expectations through constructive early and ongoing dialogue, and compatible plans.
4. The Protocol describes how the nuclear dutyholders and regulators will work together in order to achieve their shared **Vision Statement**: ***"to enable the safe, secure, effective use and control of nuclear technology and material for the overall benefit of society"***. This reflects that dutyholders and regulators have distinct roles, Missions and objectives, but allows them to unify around its overall intent.

5. At the core of this agreement are the values and behaviours which underpin the delivery of this shared Vision – they are built on many elements of signatory organisations’ existing frameworks and so reflect much existing good practice. However by having a single set of shared and agreed values and behaviours for all parties they provides the opportunity for either/each party to challenge anyone who does not appear to be “living the values”. It also emphasises our complementary roles and the value in agreeing objectives for each and every engagement.

6. It needs to be made clear that by agreeing this Protocol ND and DNSR give away none of their authority or regulatory responsibility – rather the reverse, it enhances them. Effective safety regulation requires a robust relationship between the regulators and the regulated, in which there can be a degree of tension. The Protocol provides the basis for this robust relationship, clearly setting out a shared vision and the ways of working that everyone has agreed to adopt to deliver this vision. And importantly, it should allow all of the organisations to work more efficiently and effectively by encouraging more proactivity and clarification of expectations, avoiding time-wasting misunderstandings.

What it means in practice

7. Essentially dutyholders and regulators will each gather feedback on their own and the other party’s compliance with the desired ways of working after Level 1 – 3 meetings and after significant regulatory interventions (significant projects which need to be agreed between dutyholder and regulator on a case-by-case basis, but for instance which would include Consent for start-up after outage or a major plant modification). Many organisations are using a standard form for consistency, but some are gathering this systematic feedback in other ways. Overview reports will be prepared by the dutyholders (SDF) and by ND and DNSR jointly, and shared at the 6-monthly liaison forums in order to ensure lessons are being learnt.

8. The 6-monthly liaison meetings between SDF and senior managers from ND and DNSR are another new commitment with the purpose of:

- discussing strategic issues affecting the industry;
- considering how these strategic issues and other pressures and considerations can be managed to minimise any adverse impact on the UK's nuclear safety and security performance; and
- reviewing, and where necessary improving, the effectiveness of the RNIP arrangements, including the achievement of the desired Behaviours, and monitoring ongoing performance in relation to implementing this Protocol.

9. Due to the short time available, other regulators and key players were not actively engaged with the development process, but as we gather

experience we will ensure that opportunities for wider involvement are considered with the relevant parties.

10. The key documents associated with this Protocol are attached:

Signed Protocol - Document at heart of the Protocol - covers the purpose of these arrangements, the key elements and lists all of the signatory organisations.

Short values/behaviours table - Illustrating the desired values/behaviours [referenced in Protocol] and on which feedback will be sought following Level 1-3 meetings and after significant regulatory interventions.

Schematic Powerpoint slide with overview of RNIP - [referenced in Protocol].

Overview and introduction - 2 page background narrative.

Contact: Chris Snaith

Head of Communications, Stakeholder Engagement and International Unit,
ND.

chris.snaith@hse.gsi.gov.uk, 0151-951-3740

Annex 1: **Separate pdf** of Signed Protocol (2 sides)

Annex 2: Short values/behaviours table [*part of Protocol*] (1 side)

Annex 3: **Separate Powerpoint slide** - schematic overview of RNIP [*part of Protocol*]

Annex 4: Overview and Introduction (3 sides)

Annex 2 - Regulatory Nuclear Interface Protocol - Behaviours for Effective Working

Responsive, Well-Informed and Innovative	Balanced and Proportionate
Listen first, be constructive and flexible.	All parties will act professionally, recognising the other parties' perspectives and responsibilities.
Seek to be well informed of the concerns and perspectives of other parties.	Make judgements and take action in a manner which is judged proportionate.
Share information strategically.	Require information and data only that is necessary to make the judgement.
Seek to learn from past experience and to innovate.	Submit comprehensive and convincing cases.
Operate such that there are "no surprises" for regulated and Regulator	
Consistent and transparent	Timely
Be consistent in the advice tendered, judgements and decisions made, where the situations are comparable.	Engage early to discuss the issues, requirements and significant assumptions.
All parties honour commitments when expectations have been aligned and agreed with relevant staff.	Realistically assess the work involved with production or assessment documentation and produce good quality reports.
Share with the other party the rationale for decisions and advice.	Where changes to plans are necessary, alert all parties and share context promptly.
Share information promptly and fully.	Record unambiguously what needs to be done, by whom, and the intended delivery date.
Be open about the regulatory approach and decisions.	
Agree who will speak/lead for each party on specific topics or projects.	

Annex 4:

Overview and Introduction to the Regulatory Nuclear Interface Protocol *a joint initiative between the nuclear Safety Directors Forum and the nuclear safety regulators*

In all the UK nuclear programmes, both civil and defence, there has always been a very strong focus on safety – safety behaviours, safety performance and safety analysis – indeed safety and security are widely recognised to be critical enabling functions to delivery.

Safety and security are the responsibility of those responsible for delivering the nuclear programmes: the nuclear Licensees, defence Authorisees and other dutyholders. But the nuclear safety and security regulators – the Nuclear Directorate of the Health and Safety Executive and the Defence Nuclear Safety Regulator, working closely with many other bodies – also have significant responsibility for the appropriate regulation of nuclear safety and security. There is therefore considerable dialogue, both formal and informal, between dutyholders and nuclear safety regulators. For many dutyholders, there is a structured framework of Level 1 – 4 meetings with the regulators.

The safety directors of the principal dutyholders in the nuclear programmes meet together regularly in the Safety Directors Forum – the SDF. Recently the SDF has expressed concern that while there is considerable dialogue with individual dutyholders, there has been less opportunity for strategic dialogue, across all dutyholders and programmes, on the major cross-cutting issues. When Mike Weightman, the Director of the HSE's Nuclear Directorate met with the SDF in early 2006, it was agreed that there should be regular strategic dialogue between the SDF and the nuclear safety regulators, and that this should be underpinned by what is now known as the Regulatory Nuclear Interface Protocol, the RNIP. This is not an entirely new idea or unique to the UK or the nuclear sector. Experience from other countries with nuclear programmes is that such a protocol is useful in clarifying the way in which regulators and dutyholders work for the benefit of people and society

The RNIP is an agreement between the nuclear dutyholders and the nuclear safety regulators. It was developed by a small working group of safety directors and senior regulators, and has been improved and endorsed at a meeting between the SDF, the heads of division of the HSE Nuclear Directorate and the Defence Nuclear Safety Regulator. It has been signed by the Chief Executives or Chairmen of most of the nuclear licensees, by the Director of HSE's Nuclear Directorate and by equivalent senior Ministry of Defence officials. It thus has wide senior agreement and support across all the nuclear programmes.

Effective safety regulation requires a robust relationship between the regulators and the regulated, in which there will often need to be a degree of tension; the organisations have distinct Missions and objectives but can unify around the RNIP's vision statement: *to enable the safe, secure, effective use*

and control of nuclear technology and material for the overall benefit of society.

The protocol provides the basis for this robust relationship, clearly setting out a shared vision and the ways of working – the values, behaviours and interactions – that everyone has agreed to adopt to deliver this vision. But at this level people could easily interpret its meaning differently. So it is underpinned by 3 pillars which illustrate 3 of the key words or phrases in the vision statement.

The “*use and control of nuclear material*” pillar illustrates the wide range of nuclear material whose use must be controlled to ensure safety and security throughout their life-cycle: manufacture, operations, decommissioning and storage.

The “*benefit*” pillar embraces the wide variety of benefits to society as a whole of having effective arrangements in place to allow the safe and secure use and control of nuclear technology and material. It reflects both immediate personal and societal safety and security impacts and longer term socio-economic considerations, such as sustainable energy supplies and the need for industry to contribute to wealth creation for the benefit of the whole United Kingdom.

The most detailed pillar is the one which seeks to understand what is meant by “*effective*”. This concentrates on the vital importance of an effective relationship between the regulators and the regulated. These roles are complementary to one another, but to be effective they must be based on undertaking activities with each other, not for each other. It must always involve sharing information early, so that there are no surprises, and that where possible plans can be aligned. Sharing expectations to ensure common understanding is crucial in agreeing clear objectives for regulatory engagement. The relationship between regulators and regulated should be based on a shared set of values and behaviours. None of these are new – they are all drawn from values and behaviours documented by many of the dutyholders and the regulators. But what is new is that there is a single set of shared and agreed values and behaviours for all parties. And this provides the opportunity for either party, or indeed for other stakeholders, to challenge anyone who does not appear to be “living the values”. Naturally, from time to time, people will fall short of these agreed behaviours: the important thing will be to learn from this, to see things from the other parties’ perspective, and improve behaviour for future similar engagements, a process of continuous improvement.

The values and behaviours are intended to influence all regulatory engagement, including routine formal engagement typically at Level 1 to Level 3 regulatory meetings, and for significant other interactions, such as major modifications or consent for start-up. The values are unlikely to truly drive behaviour in regulatory interactions unless there is some form of measurement of compliance against them. So there is a need for both dutyholders and regulators to provide feedback from all such engagement.

There are many ways in which this could be done, but all organisations are encouraged (for consistency) to use the Feedback Form which is published with the protocol. It is intended that this form is completed separately by each party involved in the engagement, recording the agreed objective for the engagement (which must be agreed at the start of the engagement) and whether it was met, as well as a subjective numerical assessment of how their own, and separately the other party's, behaviours scored against the desired values. It will be for each organisation to develop a process to collate feedback using this form or another method.

As stated at the beginning, the objective of the RNIP was to provide a framework for senior level discussion of the strategic issues affecting the nuclear programmes between dutyholders safety directors and regulators. Every 6 months, at one of the routine meetings of the SDF, there will be a special session attended by all the HSE Nuclear Directorate Heads of Division (Deputy Chief Inspectors) and the Director of the Defence Nuclear Safety Regulator. Each meeting will provide an opportunity for discussion of a small number of specific strategic issues identified in advance by the SDF or the regulators. Each meeting also provides an opportunity to review the consolidated feedback of compliance with the RNIP values and behaviours. And, as reporting against the Safety Performance Indicator framework starts to mature in all sectors of the nuclear programmes, it also provides an opportunity to discuss the strategic issues that emerge from this reporting. Taken together, this will allow dutyholders and regulators together to consider whether we are delivering against the vision statement – whether we are indeed enabling the safe, secure, effective use and control of nuclear technology and material for the overall benefit of society – and even more importantly, what we can do together to enable it better.

This is a new initiative, and no doubt with experience will need some further development. There are of course several other safety and environmental regulators associated with the UK programmes. They are being kept informed of this initiative and in future consideration may be given to widening the attendance at the 6-monthly meetings, although there is a risk of the meeting becoming less effective if attendance is too large. In some ways this new meeting will complement the well-established EA/SEPA Nuclear Industry Liaison Group.

What is required of everyone working in the regulation of the nuclear programmes, both the regulators and the regulated, is to consider the values and behaviours, to assess where you are not living up to them, and to think about what you should do to improve your effectiveness.