

ONR Regulation of Non-Licensed Naval Nuclear Sites

G/INS/005 - Issue 002

Issue Date:	1 st December 2011
Review Date:	1 st December 2014
Open Government Status:	Fully open
Approved by:	S Lewis

1. Purpose and Scope
 2. Policy
 3. Responsibilities
 4. Definitions
 5. Guidance
 6. Associated documents
- Table 1

1. Purpose and Scope

1.1 ONR has always exercised a regulatory interest in non-licensed naval sites on which nuclear-related activity takes place: these are now HM Naval Bases at Devonport and Clyde (including Faslane, Coulport and part of Rosyth) and the Vulcan Naval Reactor Test Establishment at Dounreay. ONR also has regulatory duties in relation to operational submarine berths (Z berths).

1.2 The development of greater joint working with the Defence Nuclear Safety Regulator (DNSR) and the emphasis on more effective ONR regulation within the Defence Facilities Division have led ONR's Naval Nuclear Propulsion Programme IMG to agree in 2006 that it was appropriate to establish a clearer strategy for the development of intervention plans for these sites. A workshop was held on 3 November 2006 as the first step in this. This guidance reflects the outcome of that workshop, with the intention of ensuring that a consistent, proportionate and effective joint ONR/DNSR approach is adopted with regard to ONR responsibilities at these sites.

2. Policy

2.1 The ONR NNPP regulatory strategy aims to adopt a holistic approach to the regulation of risks and hazards across the whole of the NNPP (licensed and non-licensed activity). This means, for example, that the ONR should not give disproportionate attention to risks arising from similar activities such as those at 9 dock on the licensed site at Devonport compared with those at the shiplift on the non-licensed site at Faslane. To achieve this will require particularly careful joint ONR/DNSR working and information exchange across all aspects of the NNPP.

2.2 The revised ONR/DNSR Letter of Understanding of November 2006 places much emphasis on joint working. It is expected that this will be a significant feature of intervention plans for non-licensed sites.

2.3 ONR regulation at non-licensed sites should not be used as a surrogate for the level of regulation associated with licensing since DNSR exercise an extensive regulatory presence through the Authorisation Condition (AC) compliance and permissioning processes, ACs mirroring ONR nuclear site licence site conditions.

- As a guide, the level of ONR regulation for non-licensed sites should be similar to that which would be exercised by HSE/HID for an equivalent major hazards industrial site, or that which would be exercised on an equivalent installation under IRRs etc on a licensed site. It is expected that ONR Inspectors will liaise closely with FOD/HID in the development of their intervention plans. A baseline 'contact' of one inspection period per quarter is expected at Vulcan and HM Naval Bases Clyde and Devonport, with less for operational Z berths. Contact in relation to operational Z berths depends on circumstances. For a 'steady state' Z berth in regular use, regulatory contact is likely to be limited to those in connection with the three-yearly REPPiR demonstrations, augmented by perhaps two additional watching brief contacts per berth during the year. However, there is no firm yardstick and circumstances with particular locations could be significantly different. See also [para 5.1](#).

- A number of aspects of the [MOD/HSE Agreement](#) are particularly important on non-licensed sites and Inspectors are expected to familiarise themselves with its contents, in particular:

- Limitations relating to classified information.

- Restrictions on access to submarines.

- The need for prior MoD consultation before releasing information about safety related incidents.

- Similarly, the regulatory vires for non-licensed sites are significantly different from those at licensed sites and Inspectors are expected to take additional steps to familiarise themselves with these, for example HASAWA, IRRs, REPPiR, MOHASAW, together with the role of DNSR and the way in which that role is exercised.

3. Responsibilities

3.1 Head of Unit 3A. Responsible for:

- Ensuring that intervention plans for non-licensed sites reflect this guidance, and their final approval.

- Ensuring that all 3A ONR Inspectors involved in non-licensed sites are sufficiently knowledgeable in relevant regulations and interface agreements.

3.2 Nominated Inspectors. Responsible for:

- Ensuring that their Intervention Plans are developed in conjunction and liaison with DNSR and, where appropriate, FOD/HID/EA/SEPA.

- Establishing any necessary reactive response in liaison with DNSR.

- Effective through-year liaison with DNSR and FOD/HID/EA/SEPA.

4. Definitions

4.1 DNSR. The Defence Nuclear Safety Regulator. On non-licensed sites that are formally 'authorised', DNSR exercises a non-statutory regulatory role similar to ONR's statutory licensing process with accountability to the Secretary of State for Defence through the Chairman of the Defence Nuclear Environment and Safety Board.

4.2 NRP. The nuclear reactor plant. This is taken by the ONR to be all structures, systems and components related to a submarine's nuclear steam-raising plant.

5. Guidance

5.1 **Legal position.** It is the policy of the Secretary of State for Defence to comply with all relevant safety and environmental legislation unless exemptions / disapplications / derogations apply. With the exception of visiting forces, non-licensed sites are subject to the Health and Safety at Work Act and all the regulations derived from it. There is no crown exemption from the requirements of the HASAWA (but NB position with regard to prosecution and Crown Censure, see Annex B para 14 of G/INS/004). That being the case, HSE Inspectors are statutorily required to enforce the relevant statutory provisions at these sites, a duty that by law cannot be abrogated to others. Enforcement is defined very broadly within the HSC/E Enforcement Policy Statement and allows HSE Inspectors considerable discretion in the way in which they carry out their enforcement duties (conditioned by the Enforcement Management Model). Recognising the role exercised by DNSR at these sites through Authorisation Conditions, NII practice in the exercise of its enforcement duties is to concentrate on a relatively low level of compliance inspection, complemented with joint ONR/DNSR reactive work as required and effective ONR/DNSR information exchange.

5.2 **ONR/FOD/HID liaison.** It is a BMS requirement for ONR inspectors to agree liaison arrangements with responsible FOD/HID Inspectors for the regulation of non-licensed sites. It is expected that ONR Inspectors will liaise with FOD/HID colleagues and maintain an effective information exchange throughout the year. T/INS/051 sets out specific requirements with regard to the regulation of 'conventional' safety at non-licensed sites.

5.3 **Hazards.** Reference has been made at para 2.1 to the need to adopt a holistic approach to risks and hazards across the whole of the naval programme. Without routine access by the ONR to relevant safety cases, it is not as easy ONR Inspectors to do this for non-licensed sites as it is for licensed activities, although information contained in evaluations and reports made under REPIR reg 4 and 6 will help. This is one of the reasons why effective and routine dialogue with DNSR is important. An idea of some of the hazards at non-licensed sites is given at [Table 1](#).

5.4 **Design issues.** By agreement/law, ONR will not seek to influence the design of the NRP/nuclear weapon, even if it has reason to believe that to do so may be justified in safety terms and even though these are the source of the principal hazards. Any concerns in these areas are dealt with by DNSR.

5.5 **Understanding of plant design.** Notwithstanding the above agreed limitations, it is an explicit and agreed aim of ONR NNPP Integrated Intervention Strategy to improve ONR's general understanding of the NRP and related issues. The reason for this is to help ensure that permissioning and other decisions required with regard to licensed facilities on nuclear licensed sites are made on the basis of as full an understanding of the source of the hazard as possible. This is another reason for encouraging effective joint ONR's

DNSR working. ONR Inspectors are also encouraged to take advantage of any opportunity for improving their NRP plant understanding (but noting the commitments in the MOD/HSE Agreement with regard to submarine access).

6. Associated documents

6.1 T/INS/051. The Regulation of Conventional Safety by ONR Inspectors.

6.2 The MOD/HSE Agreement, in particular Annex A and C, which are relevant to non-licensed sites. Is available via the [Public Services Sector Online Community](#).

6.3 ONR/DNSR Letter of Understanding November 2006.

Table 1

Nuclear Hazards at non-licensed sites

OPERATION/POTENTIAL HAZARD	COMMENT
HM Naval Base Clyde (Faslane, Coulport and parts of Rosyth 1 – plus other operational facilities)	
Operation of submarine reactors at full power.	Power operations may take place alongside at Faslane and Coulport. The jurisdiction of the Health and Safety at Work Act extends to the baseline of UK territorial waters, ie it includes the geographical boundary designated as falling under the statutory authority of the Queen's Harbour Master.
Maintenance.	This can include intrusive work on the NRP and in the reactor compartment.
Explosives handling.	This includes weapons handling.
Treatment, storage and disposal of radio-active waste (ILW and LLW).	ILW at Faslane only.
Submarine and ship movements.	Some submarine movements involve situations of limited manoeuvrability.
Shiplift operations.	Nuclear Fleet and Ballistic Missile submarines are periodically moved into the Faslane shiplift for maintenance and other operations.
Storage of DDLP submarines.	(DDL – De-fuel, De-equip and Lay-up Preparation). Several Polaris submarines are stored, pending disposal, on the non-licensed site at Rosyth.
HM Naval Base Devonport	
De-commissioning	De-commissioning of various facilities at Devonport.
Operation of submarine reactors at power.	Power operations may take place alongside in Naval Base berths and also at the 5 basin PRT berth. The jurisdiction of the Health and Safety at Work Act extends to the baseline of UK territorial waters, ie it includes the

OPERATION/POTENTIAL HAZARD	COMMENT
	geographical boundary designated as falling under the statutory authority of the Queen's Harbour Master.
Maintenance.	This can include intrusive work on the NRP and in the reactor compartment.
Explosives handling.	This includes weapons handling.
Treatment, storage and disposal of radio-active waste (ILW and LLW).	ILW (for example spent resins) and LLW.
Submarine and ship movements.	Some submarine movements involve situations of limited manoeuvrability.
Building/facility renewal.	Significant SRC building/dismantling works are in hand.
Storage of DDLP submarines.	(DDLP – De-fuel, De-equip and Lay-up Preparation). Several SSN submarines are stored, pending disposal, on the non-licensed site.
De-commissioning	De-commissioning activities in a number of areas.
Naval Reactor Test Establishment Vulcan	
Reactor power operations.	This includes a range of operational conditions.
ILW and LLW waste handling.	The Decontamination and Waste Treatment Facility, (care and maintenance status). Contains used resins.
Fuel storage.	Used fuel is stored at both STF and DSMP ponds.
MCP refurbishment.	Vulcan facilities are used to refurbish nuclear submarine main coolant pumps.
Operational berths (Z berths)	
Operational berths are situated at various locations around the UK.	These berths are used for port visits and operational activity. Apart from arrival and departure, the reactor plant will not normally be run at high power and reactor plant maintenance is not permitted. The ONR's main interest is with regard to REPPIR and IRRs.

1 The area of Rosyth designated Rosyth Royal Dockard is a nuclear licensed site. A further area where redundant submarines are stored is non-licensed and comes under the control of the Clyde Naval Base Commander.