

Mr J Large
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Date: 9 December 2016

Dear Mr Large

Environmental Information Regulations Review Reference No. IR201610587 (Original Request Reference No. EIR201609529)

In response to your email, dated 26 October 2016, I am writing to advise you of the conclusions of my internal review of your Environmental Information Regulations (EIR) request dated 10 September 2016 relating to “the uncertainty of the le Creusot Forge source SZB components”. Your request for internal review sought a response regarding the correctness and conformity of ONR’s application of the exception under regulation 12(4)(d) citing the need for the regulator to maintain a ‘safe space’ in which to make its decisions.

In undertaking my review I have drawn the following conclusions:

1. ONR’s response should have explained the application of the public interest test in relation to the exception applied.
2. The application of the public interest test has correctly applied the term “safe space” in conformance with ICO guidance with regard to documents directly relating to the adequacy of the Sizewell B safety case
3. A contact record detailing the visit to le Creusot Forge by an ONR Structural Integrity Inspector reflects ONR’s independent views of the records held by le Creusot Forge rather than the adequacy of the Sizewell B safety case and does not meet the requirements for exception under 12(4)(d).
4. Guidance from the Information Commissioner’s Office (ICO) on the application of EIR regulation 12(4)(d) provides further explanation of the term “Safe Space” and that it is an argument about protecting the integrity of the decision making process.

I have recommended that ONR should:

1. Provide you with the specific Public Interest Test arguments for and against disclosure in relation to the exception applied. This is included as a separate document.
2. Consider releasing ONR Contact Record ONR-OFP-CR-16-227 Revision 0, “Creusot Forge anomalies – Sizewell B implications – AREVA Creusot Forge and ASN Dijon visit” since I judge this to represent a record of ONR’s views of the records held at Creusot Forge and not the licensee’s safety case.

I have passed on my recommendations to the staff that dealt with your original request and asked them to contact you, giving details of when they will be completed.

If you are not content with the outcome of this internal review, you have the right to complain directly to the Information Commissioner.

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Yours sincerely

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Our Reference:2016/482707

A handwritten signature in black ink, appearing to read "R. Freeman". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

pp Nick Blackburn
ONR Principal Inspector – Nuclear Safety