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| ONR Procedure  The Processing of Applications for Relicensing Existing Licensed Nuclear Sites |



ONR Procedure

The Processing of Applications for Relicensing Existing Licensed Nuclear Sites

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| 3.1 | Fit for purpose review – type of document changed from Instruction to Procedure to align with ONR management system document hierarchy. Document ref. no. also changed to reflect this change. |

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# Introduction

This document informs the assessment of applications for replacement licences for sites licensed under the Nuclear Installations Act 1965 (NIA 1965).

NIA 1965, sections 1 and 3 to 6, sets out the legal requirement for nuclear sites to be licensed. Section 77 of the Energy Act 2013 created the Office for Nuclear Regulation (ONR) and amended section 1 of NIA 1965 to establish ONR as the “appropriate national authority” for nuclear site licensing. The Nuclear Installations Regulations 1971 define licensable installations in greater detail.

Before ONR can grant a replacement nuclear site licence it must consider whether the licence applicant meets the requirements laid down in NIA 1965, can satisfy ONR's policies on nuclear site licensing (ref. [1]), and is able to comply with the conditions which will be attached to the licence.

A nuclear site licence must:

* be granted to the primary user of the site
* clearly define the site and the licensable installation(s); and
* have attached to it the appropriate conditions

The need for relicensing can arise as a result of:

* where there is to be a change of operator, since NIA 1965 section 3(1) precludes nuclear site licences being transferred between corporate bodies;
* if the incumbent licensee wishes to install and operate a type of prescribed installation which is not covered by its current licence; and/or,
* where the site boundary is to be extended. **Note:** section 3(6) of NIA 1965 provides for the variation of a nuclear site licence to exclude parts of a site if certain criteria are satisfied. There is no parallel power to vary the licence to enlarge a licensed site.

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# Prerequisites for Relicensing

Assessment of a relicensing application will address a number of areas. These are set out in the table below. A more detailed description of ONR’s expectations in each area is contained in ref. [1].

Table : Prerequisites for relicensing

|  |  |
| --- | --- |
| **The Licensee** | A replacement licence will be needed when there is to be a change of operator, since NIA 1965 section 3(1)(b) precludes nuclear site licences being transferred between corporate bodies. |
| **Site identification and suitability** | Nuclear site licences are granted on a site-specific basis and define the boundary of the licensed area by reference to a map incorporated into the licence. Any change to the licensed area will require a new site map which should show the new site boundary and any delicensed areas.  A change to the prescribed installations may require assessment of sites suitability by reference to the prevailing siting criteria and characterisation requirements |
| **Security of Tenure** | The licence applicant must have full rights of access to, and control of, the site so that it can satisfy the demands placed on it by NIA 1965 and the site licence. In considering an application for an extension to the site boundary ONR will require evidence of security of tenure for, and full rights of access to, the area to be brought within the licensing regime. |
| **Justification** | European Basic Safety Standards Directives require member states to ensure that the benefits of using ionising radiation outweigh the possible risks. UK government policy is that this is determined by Ministers. This may apply if any change is proposed to the activities on the original licence. |
| **Prescribed Installations** | The type of installation(s) needs to be briefly identified because licences include, at part 2 of Schedule 1, a description of the type of installation for which the site is being licensed. A replacement licence will be needed if the incumbent licensee wishes to install and operate a type of prescribed installation which is not covered by its current licence. |
| **Organisational Capability** | A licensee should be fully in control of activities on its site, understand the nuclear safety and security implications of its activities and how to control them, and be an intelligent customer for any work it commissions externally.  Whether the applicant proposes no change, proposes to defer significant change for implementation under the new licence using LC 36 arrangements, or proposes to  effect significant change at the point of licensing, we will conduct a targeted and proportionate examination of organisational capability. |
| **Safety Case** | The licence applicant will need to demonstrate that the plant can be operated safely. ONR will assess any new safety cases submitted in support of the application in accordance with established procedures.  A change in prescribed activities may require a Site Justification Report (SJR), produced in line with the licensee’s LC 14 arrangements. |
| **Decommissioning Arrangements** | ONR requires that facilities should be designed so that they can be safely decommissioned. The applicant must show that an adequate decommissioning programme exists before the replacement licence is granted. |
| **Security Plan** | Security implications of any change to either the activities or site area must be considered and, where appropriate, revised arrangements should be assessed by ONR Civil Nuclear Security. |
| **Mandatory Consultation** | NIA 1965 s.3(2) requires ONR to consult the appropriate environment authority prior to granting a nuclear site licence. |
| **Discretionary consultation** | NIA 1965 s.3(4) provides ONR with a discretionary power of public body notification. Where this power is invoked, the licence cannot be granted until the process has been completed. More information is given in ref. [2]. |
| **Adequate Licence Condition Compliance Arrangements** | The licensee should already possess a fully developed set of licence condition compliance arrangements for the site. The extent of ONR’s assessment will depend upon the nature of the change giving rise to the need for relicensing. |
| **Nuclear Safety Committee** | LC 13 requires the licensee to form a Nuclear Safety Committee (NSC) but prevents its formation until its terms of reference have been approved by ONR. If there is a change of licensee the terms of reference for the new NSC may be assessed, but approval may not be granted, until after the licence has been granted. If there is no change of licensee, the existing approval may be carried forward using schedule 3 of the new licence. |
| **Emergency Arrangements** | LC 11 requires a licensee to have adequate arrangements for any accident or emergency on the site. The adequacy of the arrangements should be assessed against any changes proposed in the relicensing application.  The licensee may wish to carry the existing arrangements forward to the new licence. |
| **Nuclear Liability Insurance** | NIA 1965 places an absolute liability upon the licensee as regards injury to persons and damage to property arising from nuclear occurrences on the site. A licensee must make provision to meet third party claims. This provision is enforced by BEIS. |
| **Role and Duties of the Nuclear Decommissioning Authority (NDA)** | The NDA has specific, statutory duties under the Energy Act 2004, NIA 1965 and HSW Act. De-designation of NDA land may be a feature of a re-licensing exercise. |

# The Licence Application

The applicant must submit a written application to the Chief Nuclear Inspector, supported by sufficient information to enable ONR to assess the prospective licensee and to assess the potential impact of any proposed changes to the site boundary or activities on the site. Evidence required in support of an application should address the elements set out in the table above in so far as they are affected by the change in the basis of the licence and may include, as necessary:

* a Safety Management Prospectus (SMP) (this could comprise a suite of documents rather than a single volume) (**Note:** where the proposed changes are small, a ‘route map’ or summary, highlighting the areas affected, would be acceptable);
* a brief description of the installations to be licensed, especially any new or changed installations;
* confirmation that the types of activities undertaken at the site are deemed “justified” in the context of the Justification of Practices Involving Ionising Radiations Regulations;
* a revised map of the site;
* details of any changes in ownership of the site and the proposed arrangements for achieving security of tenure for the licensee ;
* where there is to be a change of the licensed corporate body, the terms of reference for the new Nuclear Safety Committee ;
* an analysis of the impact of the change on the licensee’s licence condition compliance arrangements;
* an explanation of the impact of the proposed changes on safety cases and/or new safety cases for new or changed activities and, if required for new prescribed installations, a Site Justification Report;
* impact on security and safeguards;
* details of licence instruments to be carried forward to the new licence; and
* a post-relicensing implementation plan.

# The Assessment Process

Early engagement with the licensee is an important factor in any licence application.   
The site inspector and a licensing specialist should discuss the scope and content of the application before it is submitted. Where necessary, depending upon the nature of the proposed changes, the discussions may include ONR Civil Nuclear Security and Safeguards (CNSS).

The relevant programme should nominate a project lead and allocate the resources necessary to assess the application. The project lead will co-ordinate the assessment effort, involving specialist inspectors as necessary, and be responsible for production of the relicensing Project Assessment Report (PAR). A nominated licensing specialist will assist the project lead and help to co-ordinate the inputs required for production of the relicensing PAR. The PAR will refer out to, and summarise the findings from, specialist assessment reports dealing with issues underpinning a recommendation to grant a nuclear site licence. The licensing specialist will liaise with the Government Legal Department and other regulators, as required by the project, and will draft and prepare the nuclear site licence.

The relicensing process requires the assessment of the applicant’s case for a replacement nuclear site licence. In accordance with ONR’s policy on proportionate regulation the main assessment effort will be focused on those areas where changes are taking place, or which are problematic for other reasons.

The overall aim of the assessment will be to ascertain the impact of the proposed changes and the adequacy of the licensee’s arrangements to deal with them.

If there is to be a change of licensee, or a material change in the licence applicant's organisational structure, plant or processes, a systematic review of the impact of the proposed changes on the safety arrangements for the site may be required.

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# Principle Areas of Assessment

Through assessment of the applicant's submission and other relevant information, such as the outcomes from team inspections, ONR should satisfy itself that the applicant will:

1. be the primary user of the site, with adequate security of tenure and rights of access;
2. be in day-to-day control of nuclear activities on the site; and
3. have sufficient capability to meet operational safety demands and to discharge its obligations under NIA 1965.

## Organisational Capability

The organisational capability of existing licensees will have been assessed and reviewed as part of normal business and the results of previous inspections may be used.   
New applicants should be assessed in accordance with ref. [3].

ONR expects an applicant to have a Safety Management Prospectus (SMP), documenting and demonstrating the adequacy of its arrangements for managing health and safety.   
The prospectus is that part of a licensee's safety case which deals with safety management issues; it may consist of a single document or a suite of documents. The prospectus should provide a clear statement about the company, its structure, and how it proposes to operate. Assessment guidance on the function and content of a SMP can be found in ref. [4].

The SMP should be complemented by an adequate and up to date organisational Nuclear Baseline. The principal purpose of the Nuclear Baseline is to provide a demonstration that the licensee has suitable and sufficient organisational structures, staffing and competencies in place to effectively and reliably carry out those activities which could impact on nuclear safety. Assessment guidance on the function and content of a Nuclear Baseline can be found in ref. [5].

## Licence Instruments

Relicensing affords an opportunity for a review of existing licence instruments. The site inspector and licensee should discuss this in advance of the application and identify which should be carried forward and which should fall on relicensing. Approvals and Directions should form schedule 3 of the new licence; other licence instruments should be listed in the PAR and be brought forward in the appropriate paragraph of the new licence.

## Licence Condition Compliance Arrangements

The extent of ONR’s assessment or inspection of the adequacy of a licence applicant’s proposed arrangements will depend on the nature of the change giving rise to the need for a replacement licence. In many instances the applicant will want existing compliance arrangements to be carried forward unchanged to the new licence, and any proposals to make changes subsequently can be handled as normal business. If a team inspection of compliance arrangements is not deemed necessary, it will be sufficient to draw on the evidence provided by previous site inspection reports.

Areas requiring particular emphasis in the relicensing PAR are Decommissioning and Emergency Arrangements. The site inspector should comment on the adequacy of the licensee’s arrangements, post relicensing, in both these areas.

Minor shortcomings in a licensee’s arrangements do not necessarily preclude the grant of a licence, providing that the site inspector believes the deficiencies can be resolved through normal regulatory activity after the grant of the licence.

## Security of Tenure

It is ONR’s policy to ensure that a nuclear licensee has rights of access to, and control of, its site. ONR will therefore require evidence of security of tenure to show that sufficient consideration has been given to this issue. Where the licensee does not own the freehold of the site such evidence normally consists of a lease or some other legally binding contract or documentation setting out the relationship between the licensee and the owner of the site.

ONR should review, with the assistance of the Government Legal Department, the legal documentation to ensure that it provides the applicant with the required levels of control and access. Where a new lease or a land transfer is being negotiated to form part of the licensing basis it will be necessary to ensure that it becomes effective at the same date and time that the new nuclear site licence comes into force.

The nominated ONR site inspector should walk the proposed boundary of the nuclear licensed site to verify that the map provided by the applicant for attachment to the licence accurately represents the physical boundary; the verification should be referenced in the PAR. The Ordnance Survey grid reference of a significant point on the site shown on the map will be checked by the ONR licensing specialist.

## Sub-leases, etc.

ONR Consent under LC 3 is not necessary for a new lease / property licence in favour of a third-party tenant where it forms part of the basis on which the site licence is to be granted. However, such leases etc. should be reviewed in accordance with the assessment guidance in ref. [6], involving the nominated Government Lawyer as necessary.

If pre-existing leases, property licences etc. are to be carried forward to the new licence a list of current leases should be submitted by the licence applicant for checking against ONR’s records. This is to ensure that all property transactions are covered by either a LC 3 Consent or a ‘deemed’ consent (i.e., a lease was accepted as part of the basis for the granting of a previous nuclear site licence).

## Post-Relicensing Implementation Plan

The licensee should prepare itself, as appropriate, for the changes which will occur as a direct result of relicensing. These may include:

* New fencing and signage (LC 2).
* Record keeping and (where appropriate) handover of records to new licensee.
* Staff Training (LCs 10 and12) where change of personnel is involved.
* Revised Emergency Arrangements (LC 11).
* Revised Security Arrangements (SyAPS).
* Revised arrangements (where appropriate) for control and oversight of tenant activities on the site (LC 26).

## Role of the Nuclear Decommissioning Authority (NDA)

Before any NDA land can be sold or transferred it must be ‘de-designated’: this is achieved by a De-designation Direction granted by the Secretary of State for Business, Energy and Industrial Strategy. If relicensing involves a sale or transfer of NDA freehold property, the NDA will need to obtain a de-designation direction before the transaction can proceed and prior to the date of relicensing. ONR may be asked to provide a letter of support for the application if it is satisfied that any contamination has been satisfactorily dealt with. ONR’s ‘no danger’ criterion does not necessarily need to be met, e.g., in circumstances where land is to be transferred to another licensee and is deemed to be fit for its next use

## Consultation and Notification

### Environmental Authorities

NIA 1965 s.3(2) places a statutory obligation on ONR to consult the appropriate environment authority before granting a licence. The application of this statutory requirement is through arrangements set out in Memoranda of Understanding with the environment authorities.

ONR’s Licensing Specialist will consult the appropriate environment authority, in relation to a licence application, to seek confirmation that it has no objection to the granting of that licence. Information will also be sought on the environment authority’s intention to issue new authorisations under the Environmental Permitting (England and Wales) Regulations 2016 (for English and Welsh sites) or the Environmental Authorisations (Scotland) Regulations 2018 (for Scottish sites) for the disposal of radioactive wastes. This will assist in any necessary co-ordination between the regulatory bodies in the timing of the grant of a nuclear site licence and the issue of waste disposal authorisations.

### Public Body Notification

There is a discretionary power under the NIA 1965 for ONR to direct a licence applicant to serve notice on certain public bodies local to the site in question. In practice, for relicensing activities that do not involve a change in prescribed installations, ONR is unlikely to invoke this power. Further information on public body notification is provided in ref. [2].

### Rights and obligations of other public bodies

The granting of a nuclear site licence has the potential to create obligations on other government departments (OGDs) should the licensee fail financially. For example, the government is the funder of last resort for decommissioning and waste management under the relevant international conventions. ONR therefore consults the Department for Business, Energy and Industrial Strategy (BEIS) on the applicant’s financial standing and the response should be referenced in the licensing PAR. BEIS should also be requested to confirm that the licensee’s provision for Nuclear Liability Insurance remains adequate and the response should be referenced in the PAR. ONR should consider whether it would be appropriate to:

* write to other government departments and Non-Departmental Public Bodies (NDPBs) which may have financial liabilities or other legal duties placed upon them by the granting of a nuclear site licence, and
* invite the consultees to draw to the attention of ONR anything which from the point of view of their own rights and obligations they believe should be considered before a licence is granted.

ONR’s inspection guidance on the ‘Regulation of GB’s Defence Nuclear Programme’ (ref. [7]) references a ‘General Agreement Between Ministry of Defence and Office for Nuclear Regulation for Regulation of the Defence Nuclear Programme’ and a ‘Letter of Understanding Between the Office for Nuclear Regulation and the Defence Nuclear Safety Regulator (DNSR)’. In line with this guidance, ONR will consult with DNSR on re-licensing proposals for defence nuclear licensed sites. For sites which are both licensed by ONR and authorised by DNSR, where relicensing would bring additional land within the licensed site boundary, it is desirable that re-authorisation occurs at the same time to bring the same land within the authorised site boundary.

### Preparing the Licence

The ONR licensing specialist and administrative licensing support team will prepare the licence, as described in Appendix B.

### Decision

The Chief Nuclear Inspector (CNI), or the Deputy Chief Nuclear Inspector (DCNI), will consider all the evidence and the recommendation in the site-specific licensing Project Assessment Report and any key supporting assessment reports before making a decision on the acceptability of the applicant’s case.

Where the CNI identifies issues which cannot be resolved without amendment to the licence application, ONR’s site inspector will inform the licence applicant. Any subsequent amendments to an application will be assessed proportionately in accordance with this procedure.

When satisfied with ONR’s assessment, and the recommendation to grant a licence is accepted, the CNI or delegated DCNI will sign the licence and return it to ONR’s Licensing specialist for distribution. However, if it is decided that the application must be formally rejected, the CNI will write to the applicant to notify the decision and will set out the reasons for rejection.

There is no statutory right of appeal against nuclear licensing decisions. However, the applicant may seek a review by ONR of the process by which the licensing decision was reached.

# References

|  |  |
| --- | --- |
| [1] | ONR, “Licensing Nuclear Installations”. |
| [2] | “NS-PER-PROC-001 - Licesning Procedures: Public Body Notifications”. |
| [3] | ONR, “NS-PER-PROC-002 - The processing of licence applications for new nuclear sites”. |
| [4] | ONR, “NS-TAST-GD-072 - Function and Content of a Safety Management Prospectus”. |
| [5] | ONR, “NS-TAST-GD-065 - Function and Content of the Nuclear Baseline”. |
| [6] | ONR, “NS-TAST-GD-087 - Control of Property Tranasctions on Licenced Sites”. |
| [7] | ONR, “NS-INSP-GD-056 – GB’s Defence Nuclear Programs”. |

# Appendix A – The NDA

**NDA’s Remit**

The NDA was created by the Energy Act 2004. The NDA is a corporate body and an employer. According to the Energy Act:

“(1) The principal function of the NDA shall be to have responsibility for securing:

1. the operation, pending the commencement of their decommissioning, of designated nuclear installations
2. the decommissioning of those and other designated installations
3. the cleaning-up of designated nuclear sites
4. the operation of designated facilities for treating, storing, transporting or disposing of hazardous material
5. he treatment, storage, transportation and disposal, in designated circumstances, of hazardous material; and
6. the decommissioning of designated installations comprised in NDA facilities.”

The NDA owns 16 licensed nuclear sites; and is responsible for a 17th (Harwell) which is ‘occupied’ by NDA under a lease granted to it by the UKAEA NDPB [[1]](#footnote-2). The NDA also owns the assets and liabilities on the sites designated to it, including Harwell, and secures and disburses the funding required to fulfil its responsibilities. The NDA is also responsible for oversight of EDF-NGL’s planning for and decommissioning of its nuclear power stations.

Although it has the vires to hold nuclear site licences, the NDA’s strategy is to carry out its responsibilities by contracting out the operation of its sites to Site Licence Companies (SLCs).

# Appendix B – Drafting the Nuclear Site Licence

The ONR Licensing Specialist will prepare the replacement licence which will comprise of the licence document itself and three or four schedules, as follows:

(a) An opening paragraph setting out the powers under which ONR is granting the licence, defining the corporate body to which the licence is being granted, and referencing Schedule 1 to the licence, e.g.:

1. The Office for Nuclear Regulation, in pursuance of sections 1(1), 4(1), 4(2), 4(3) and 4(4) of the Nuclear Installations Act 1965 , hereby licenses (licensee), a company registered in England and Wales under number (No.) (hereinafter referred to as "the licensee") whose Registered Office is at (registered address), to use the site described in Part 1 of Schedule 1 attached to this licence (hereinafter referred to as "the site") for the purpose of installing and operating the nuclear installations described in Part 2 of that Schedule.

(b) a paragraph referencing the licence schedule containing the licence conditions:

2. This licence is granted subject to the conditions contained in Schedule 2 hereto.

(c) Where a replacement licence is being granted to the incumbent licensee, a paragraph revoking the existing licence, e.g.:

3. The Office for Nuclear Regulation, in pursuance of section 5(1) of the Nuclear Installations Act 1965, hereby revokes the nuclear site licence granted to the licensee in respect of the -------- site on (date). The revocation of Nuclear Site Licence No. -- shall take effect immediately prior to the coming into force of this licence.

**Note:** If the site is being relicensed to a new operator this paragraph will be omitted, and a separate revocation will be required in the name of the outgoing licensee.   
An example is shown in Appendix D

(d) Where a site is being relicensed to the incumbent licensee the extant licence instruments can be carried forward to the new licence. For Approvals and Directions this is achieved by including the following paragraph, e.g.:

1. Insofar as any approval or direction was given or made under previous licences of the site and is specified in Schedule 3 to this licence and could now be given or made under the condition attached to this licence which is specified in the last column of Schedule 3 on the same line as the number of the original approval or direction, that approval or direction shall not be invalidated by the revocation of Nuclear Site Licence No.--- but shall have effect for the purpose of this licence as if it had been given or made under such condition.

**Note:** Only Approvals and Directions specifically listed in Schedule 3 are carried forward. An example of a Schedule 3 is shown in Appendix C. Other licence instruments are carried forward in a fifth paragraph:

1. Insofar as any consent, agreement, notification or specification granted, given, made or deemed to have effect under any condition contained in Schedule 2 to Nuclear Site Licence No.--- was in force immediately prior to the coming into force of this licence and which could now be granted, given or made under a corresponding condition contained in Schedule 2 to this licence, that consent, agreement, notification or specification shall not be invalidated by the revocation of Nuclear Site Licence No.--- but shall have effect for the purpose of this licence as if it had been granted, given or made under such corresponding condition.
2. A requirement for the holder of the new licence to maintain records, e.g.:
3. Insofar as any requirement to preserve any document required, record made, authority or consent granted, approval given, or direction or certificate issued in pursuance of the conditions attached to, or having effect as if prescribed in, Nuclear Site Licence No. ---, was in force immediately prior to the coming into force of this licence, the requirement shall not be invalidated by the revocation of Nuclear Site Licence No. --- but shall have effect as if that requirement had been prescribed by this licence.
4. A paragraph stating the time and date when the new licence is to come into force.

**Note**: If the time is omitted the licence will come into force on the date specified at the first instant after midnight.

Three or four schedules will be attached to the licence as follows:

* **Schedule 1**: Part 1 defines the site and Part 2 defines the prescribed installations for which the site is being licensed. The definitions used in the Nuclear Installations Regulations 1971 should be adopted so far as is practicable. An example is shown in Appendix C.
* **Schedule 2**: Is the standard suite of nuclear site licence conditions. Note that there are 2 versions of Licence Condition 3 depending on whether the site is being operated privately or on behalf of the MoD.
* **Schedule 3**: For the carry forward of specific Approvals and Directions, an example is shown in Appendix C.
* **Schedule 4**: The plan of the site, conforming to the specification in Annex 3 of ref. [1]. **Note**: The plan will be numbered as schedule 3 if there are no Approvals or Directions to be carried forward.

# Appendix C – Example Schedules

Site Licence No: XX

**SCHEDULE 1**

**Part 1: The Site**

Land situated (location), (owned or leased) and occupied by the licensee and shown outlined in red on the licensee’s drawing referenced ………. and entitled (Title) and dated (date), which is annexed to this licence. The site is known as (site name as it appears on front of licence).

**Part 2: The Nuclear Installations**

Two thermal neutron reactors together with any machinery, equipment, appliance, or storage facility required for the operation thereof, being reactors designed to be fuelled with uranium dioxide enriched with the isotope U-235, moderated by graphite and cooled by carbon dioxide gas.

**Site Licence No.**

**SCHEDULE 3**

Continuing Valid Approvals and Directions Issued Under Licence Number XXB

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Licence Instrument No. | Date | Subject | Condition of Site Licence No. XXA | Corresponding Condition of Site Licence No. XXB |
| 15 | 18 July 2000 | **Approval** - Technical Specifications | 23(4) | 23(4) |
| 517 | 30 April 2007 | **Approval** – Approves an Alteration to the Emergency Plan | 11(3) | 11(3) |
| 523 | 7 April 2009 | **Approval** – Approval of Amendment to the Nuclear Safety Committee’s Terms of Reference and arrangements for consideration of, or advice on, urgent safety proposals | 13(3) and 13(12) | 13(3) and 13(12) |
| 526 | 25 August 2009 | **Approval** – Approves an alteration or amendment to part of the plant maintenance schedule | 28(5) | 28(5) |
| 529 | 27 November 2009 | **Approval** – Approval of an Alteration or Amendment to the Operating Rules | 23(5) | 23(5) |
| 532 | 25 January 2011 | **Approval** – Approval of an Alteration or Amendment to the HPB Operating Rules | 23(5) | 23(5) |
| 533 | 23 September 2011 | **Approval** – Approval of an Alteration or Amendment to the Operating Rules | 23(5) | 23(5) |

# Appendix D – Sample Revocation Notice

Site Licence No: XX

NUCLEAR INSTALLATIONS ACT 1965

REVOCATION OF NUCLEAR SITE LICENCE

Licensee

Name of Site

1. The Office for Nuclear Regulation, in pursuance of section 5(1) of the Nuclear Installations Act 1965, hereby revokes, subject to the granting and coming into force of Nuclear Site Licence No. --- referred to in paragraph 2 of this revocation, Nuclear Site Licence No. --- which was granted to *(Licensee)* on *(Date)* in respect of *(Name of Site).*
2. This revocation shall take effect immediately prior to the coming into force of Nuclear Site Licence No. --- granted to *(Licensee). (Licensee’s)* period of responsibility, within the meaning of section 5(14) of the Nuclear Installations Act 1965, under licence No. --- will cease at that time.

Dated

For and on behalf of the Office for Nuclear Regulation

Signed:

Chief Nuclear Inspector

A person authorised to act in that behalf

# Appendix E – Terms of Reference of the Nuclear Safety Committee

1 Licence Condition 13(2) prevents a licensee forming a Nuclear Safety Committee (NSC) until its terms of reference have been submitted to, and **approved** by, ONR. If during a relicensing application, a licensee elects not to seek carry forward of the approved terms of reference, it will need to submit new terms of reference for Approval by ONR. Whilst draft terms of reference can be submitted and assessed in parallel with the relicensing process, we have no power to **approve** them until there is a valid licence in place, which happens when the new licence is signed. The site inspector will prepare a case to the relevant DCNI, also covering the approval of procedures for the clearance of urgent safety proposals. Reference to the report dealing with this issue will be part of the site-specific licensing project report

2 Where a new Approval is required a period of 7-days will ordinarily be programmed between the grant of a licence (its signature) and the date on which the licence comes into force. This will allow for the formal submission by the licensee of its NSC terms of reference, consideration of the case by the DCNI and grant of the Approval.

**Emergency arrangements**

3 It is ONR policy that at every licensed site specified parts of the emergency arrangements will be approved prior to a nuclear site licence coming into force. Where an existing site is being relicensed to the incumbent licensee the site inspector may choose to carry the existing approval forward to the new licence.

4 Where an existing site is being licensed to a new operator, specifications under Licence Condition 11(2) may be issued to require the submission of the site emergency arrangements to ONR for Approval [[2]](#footnote-3). To be legally valid the issue of the specification, submission of the arrangements and issue of the approval must await the formal granting (i.e. signing) of the licence. However preparatory work on the assessment of draft arrangements and on the wording of the specification and approval should be undertaken during the assessment of the licence application so that that only a formal exchange of documents is required in the few days allowed between the granting of the licence and the date it comes into force.

5 The case recommending that the DCNI should grant the Approval will be prepared by the site inspector. Reference to the report dealing with this issue will be part of the site-specific licensing project report.

6 Where a new Approval is required a period of 7 days will be programmed between the grant of a licence (its signature) and the date on which it comes into force. This will allow for:

* the issue by ONR of a Specification under Licence Condition 11(2), if required;
* consideration of the licensee’s proposed emergency arrangements by the first meeting of its Nuclear Safety Committee, which cannot be formally convened until the new licence has been granted;
* the submission by the licensee of its emergency arrangements to ONR;
* consideration by the appropriate DCNI of the case prepared by the site inspector, and granting of the Approval by the DCNI.

# Appendix F – Contents of Licensing Project Assessment Report

**1. Introduction**

* Purpose of the report (basis for decision by Chief Nuclear Inspector on licence application).
* Background to the licence application – summary of proposed site and installation and applicant’s submission.
* Timing: target date for licence to become effective.

**2. Application Assessment Process**

* Outline of approach taken in assessing the application (drawing on this guidance) under 3 key themes: organisation, location, activities.
* Involvement of stakeholders, including in particular:
  + outcome of statutory consultation with the appropriate environment agency;
  + liaison with BEIS / Scottish Executive on arrangements for Nuclear Liability Insurance;
  + where appropriate, outcomes of consultation / liaison with others, e.g. other regulators, Planning Inspectorate, Justification etc.

**3. The Organisation**

* Organisational capability.
* Safety management prospectus.
* Nuclear baseline.
* Adequacy of proposals for developing organisational capability over time (if appropriate).
* Nuclear safety committee.

**4. The site**

* Site location and boundary, including:
  + where appropriate, conformity with National Nuclear Policy Statement;
  + compliance with Government siting criteria and SAPs;
  + adequacy of Site Security Plan (SyAPs)
* security of tenure.

**5. Licensable installations**

* Status of safety cases.
* Adequacy of proposed licence condition compliance arrangements, including emergency arrangements.
* Adequacy of decommissioning proposals (LC35).
* Safeguards

**6. Recommendation**

* Summary of grounds for recommending grant of licence.
* Notes on format & content of licence, including clearance of draft by the Government Legal Department.

1. In practice the site is occupied by the nuclear site licence holder under a property licence granted by the NDA. [↑](#footnote-ref-2)
2. The power to issue an LC11(2) Specification need not be invoked if the licence applicant voluntarily submits the emergency arrangements, since the LC says “…ONR may specify”, rather than “...shall specify.” [↑](#footnote-ref-3)