

NUCLEAR SAFETY DIRECTORATE - BUSINESS MANAGEMENT SYSTEM		
<b>TECHNICAL INSPECTION GUIDE</b>		<b>T/INS/012</b>
<b>LC 12: DAPs &amp; SQEPs</b>		ISSUE 002
Approved By: <i>L Creswell</i>	L Creswell	Issue Date: 09/06/2005
Open Government Status: Fully Open		Review Date: 09/06/2008

## 1. Purpose and Scope

1.1 This guidance has been prepared as an aid to inspection activities carried out by HM Nuclear Inspectors at Nuclear Installations in judging the Licensees compliance with the requirements of LC 12. This guidance provides a framework for these inspection activities within which the Inspector is expected to exercise his/her discretion. This framework is provided to facilitate a consistent approach to LC 12 compliance inspection.

1.2 The guidance is for use by all Nuclear Inspectors in NSD. The guidance does not indicate when or to what extent LC 12 inspections should be carried out as these matters are covered in individual inspector's inspection programmes.

1.3 The guidance provided is split into four main elements:

- 1) Purpose of the Licence Condition
- 2) Guidance on arrangements for LC 12.
- 3) Guidance on Inspection of Arrangements.
- 4) Guidance on Inspection of Implementation of Arrangements.

1.4 This guidance should be read in conjunction with T/AST/027 Assessment of Licensees' Arrangement for Training and Competence Assessment, T/AST/049 Principles for the Assessment of a Licensee's "Intelligent Customer Capability", and T/AST/052 Contractorisation.

## 2. Licence Condition

### 2.1 LICENCE CONDITION 12 - DULY AUTHORISED AND OTHER SUITABLY QUALIFIED AND EXPERIENCED PERSONS

12(1) The licensee shall make and implement adequate arrangements to ensure that only suitably qualified and experienced persons perform

any duties which may affect the safety of operations on the site or any duties assigned by or under these conditions or any arrangements required under these conditions.

12(2) The aforesaid arrangements shall also provide for the appointment, in appropriate cases, of duly authorised persons to control and supervise operations which may affect plant safety.

12(3) The licensee shall submit to the Executive for **approval** such part or parts of the aforesaid arrangements as the Executive may **specify**.

12(4) The licensee shall ensure that once approved no alteration or amendment is made to the approved arrangements unless the Executive has **approved** such alteration or amendment.

12(5) The licensee shall ensure that no person continues to act as a duly authorised person if, in the opinion of the Executive, he is unfit to act in that capacity and the Executive has **notified** the licensee to that effect.

### 3. Purpose of Licence Condition

3.1 LC 12 is a standard condition attached to all Nuclear Site Licences. Nuclear site Licensees are required to comply with the LC. How this compliance is achieved is for the Licensees to decide. However, NSD must judge the adequacy of this compliance. It carries out this function by compliance inspection.

3.2 LC 12's specific purpose is to ensure that only suitably qualified and experienced persons (SQEPs) perform duties which may affect safety. It is directly linked to the plant safety case. The safety of the plant is dependant on the individuals who design, construct, operate, maintain and modify etc. the plant. The Licensee is therefore required to provide arrangements to ensure that individuals that perform these activities and any other activities pertinent to safety are suitably qualified and experienced.

3.3 Licence Conditions 21, 26 and 28 specifically require the appointment of SQEPs. In the case of Conditions 26 and 28, this is for control and supervisory purposes; in the case of Condition 21 it is for the purposes of controlling, witnessing, recording and reporting commissioning tests.

3.4 Persons carrying out and directly supervising specified operations of the highest safety significance should be appointed as "duly authorised persons"

in accordance with Condition 12(2). Posts requiring duly authorised persons should be specified in the arrangements and a formal system for assessment, authorisation, notification and periodic re-authorisation and re-notification should be in existence. The register of all such persons should contain their names, and details of their authorised duties, qualifications, training and experience.

3.5 LC12(1) provides for the making and implementing of arrangements.

LC12(2) provides for the appointment of Duly Authorised Persons (DAPs).

LC12(3) gives the power to the Executive to **specify** the arrangements or parts of arrangements for **approval**. This power would be used when first these arrangements were made, not for subsequent alterations. Specifications and Approvals are rarely used for this LC.

LC12(4) ensures that where the Executive has approved arrangements the Licensee must apply for **approval** to amend or alter those arrangements.

LC12(5) provides the power to the Executive to remove DAP status from individuals deemed unfit by a **notification**. This power is rarely used, removal of DAP status is generally achieved without recourse to primary powers.

#### 4. Guidance on Inspection of Arrangements

4.1 The following list of elements of arrangements provide NSD's views on what the Licensee's arrangements might be expected to contain to comply with LC 12. The list is neither exclusive nor exhaustive and will be subject to review and revision in light of operational experience. If licensees have generic model(s) for arrangements then it is for the site to justify any deviation from the model(s). **[note: not all licensees use generic models].**

4.2 Arrangements should be provided to comply with LC 12.

4.3 Arrangements should address the licence condition requirements.

4.4 Arrangements should include a systematic process to identify each task which may affect safety on or off site. This should be linked directly, where appropriate, to the requirements within the plant safety case. This should include a methodology for developing this list when new plant or processes

are developed or when staffing changes are made under LC 36. Ideally these arrangements should be similar too those made under LC 24 to identify operations that may affect safety.

4.5 Arrangements should ensure that for all tasks, of persons having duties which may effect safety, the core skills, qualifications, experience, competencies and responsibilities are clearly identified (as per management prospectus for new licensees). If Licensees choose to appoint contractors to such duties they should ensure that the contractors are SQEP to the same criteria and standards as in-house SQEPs for equivalent work.

4.6 Arrangements should include appropriate definitions of a DAP and SQEP. The LC tells us that all DAPs are SQEPs, and that some SQEPs are not DAPs, this needs to be brought out in Licensees definitions.

4.7 Arrangements should ensure that persons carrying out and directly supervising specified operations of the highest safety significance should be appointed as "duly authorised persons" in accordance with Condition 12(2).

4.8 Posts requiring duly authorised persons should be specified in the arrangements and a register kept of all such persons. This should contain their names, and details of their authorised duties, qualifications, training and experience.

4.9 Arrangements should ensure that systems are in place for appointing, authorising, notifying, assessing and periodically reassessing DAPs and SQEPs.

4.10 The Licensee should have arrangements to ensure that the performance of DAPs and SQEPs is assessed by line managers/supervisors on an appropriate periodic basis.

4.11 Arrangements should include procedures to structure the appropriate action and response to LC 12 (3), (4) & (5).

## **5. Guidance on Inspection of Arrangements**

5.1 Part 5 of this guidance is to assist inspectors in judging the adequacy of the licensees arrangements. The following list is neither exclusive or exhaustive it does however, provide a guide to aspects of LC 12 arrangements that can be examined during routine inspections.

5.2 Check that arrangements have been made to demonstrate compliance with the LC. NSD does not prescribe the form of these arrangements, they

may be found in a single document or located within a number of documents or procedures, however the Licensee should be able to readily produce these arrangements.

5.3 Check that the arrangements are valid and that the responsible persons identified are correct.

5.4 Confirm that the arrangements include a systematic process to identify each task which may affect safety on or off site whether carried out by Licensee's staff or others. Ideally the process should be developed from the requirements for suitably qualified and experienced persons within the plant safety case. Check that these include a methodology for developing this list when new plant or processes are developed.

5.5 Check that the arrangements establish the minimum qualifications, training and experience that is necessary to perform each task for which SQEP or DAP status is necessary.

5.6 Check that the arrangements contain a satisfactory definition of a DAP and a SQEP. Below can be seen an example of such definitions:

**"A duly authorised person (DAP) is an individual who is in direct control or supervision of operations or activities that impact on the safety envelope of the plant, these would include operations that are intimately associated with Operating Rules or Safety Mechanisms. A DAP needs to have sufficient knowledge of the plant operations and its associated safety case to ensure that operations under his control and supervision are carried out safely."**

**"A suitably qualified and experienced person (SQEP) is an individual who has the requisite qualifications, training and experience to carry out tasks that may affect the safety of any operations or activities on the site. It is mandatory under the Licence to appoint a SQEP for the purposes of LC 21(5), 26 and 28 (6)."**

5.7 Confirm that where a person has duties outlined in LC12(1) and 12(2) then the arrangements require a written post profile which specifies the task requirements of the post including the minimum training and experience necessary. Check that necessary training is in accordance with LC10 arrangements and that there is consistent linkage with accessible and comprehensive records kept.

5.8 Confirm that the arrangements specify systems that cover the appointment of DAPs for control and supervision of operations that may affect plant safety. Check that they clearly state the duties for which DAP status is required.

5.9 Check that the arrangements specify the authorisation and notification system for DAPs. Confirm that this ensures a register of all DAPs is maintained on the site and that this covers names, authorised duties, qualifications, training and experience.

5.10 With respect to ensuring suitable interaction with the Executive, check that the arrangements:

- 1) cover a system for submission for approval to the Executive of those part or parts of the arrangements that may be specified [LC12(3)];
- 2) contain such controls that any consequent amendments only take place with the Executive's approval [LC(4)]; and
- 3) ensure that if the Executive has so notified, that in its opinion a person is unfit to act in that capacity, then a person will no longer act as a DAP [LC12(5)].

## **6. Guidance on Inspection of Implementation of Arrangements**

6.1 Part 6 of this guidance is to assist inspectors in judging the adequacy of the Licensee's implementation of their arrangements i.e. is the licensee doing what their arrangements say they should be. The following list is neither exclusive or exhaustive and will be subject to review and revision in light of operational experience. It does however, provide a guide to aspects of LC 12 that can be examined during routine inspections.

6.2 Ask the Licensee to clarify how they developed their requirement for SQEPs and DAPs for a selected number of posts.

6.3 Examine a sample of post profiles and establish that the duties, qualifications, experience and training requirements are clearly stated and that these are used when selecting candidates to the posts.

6.4 Examine a sample of job instructions and establish that the content of the tasks contained have been analysed and a post identified that will ensure the task is carried out by a suitably qualified and experienced person.

6.5 Check a sample of present post holder records and establish that the post holders meet the requirements for the posts as identified in the post profiles.

6.6 Check that a schedule exists listing posts and associated duties for which DAP status is needed e.g. Reactor Desk Operator, Person with key role in the Emergency Plan etc.

6.7 Check that the post profiles for the posts, identified as requiring a DAP status, specify the minimum qualifications, training and experience requirements.

6.8 Where the post requirements are determined by the use of authorisation and/or appointment panels, check that these panels consist of appropriate persons. Check a sample of post profiles, authorisation certificates and training records and establish that they meet the requirements specified.

6.9 Examine the register of DAPs and establish that all persons listed have valid authorisations. Check a sample against the training requirements for the post identified and check the records to establish that the Executive has been informed and has not objected to that person's appointment as a DAP.

6.10 Examine the procedures to establish that where NII have requested to approve arrangements that the appropriate procedures are in place, and remain valid. Discuss with the responsible person identified in the procedures the requirements of this condition to establish that control is being exercised.

6.11 Where a notification has been issued by the Executive to remove DAP status from an individual establish that the person concerned is no longer included on the register of DAPs and that the duties of that post are being completed by an alternative person on the DAP register.

6.12 When appropriate by informal interview check a number of DAP and SQEP post holders understanding of their responsibilities and authority. Ask them what courses/training they have received and check against their record where appropriate.

6.13 Examine records of Licensee's reviews of :

- 1) periodic re-assessment of DAPs and SQEPs performance.
- 2) adequacy of arrangements.
- 3) compliance with their arrangements

## **7. Other Sources of Information**

7.1 The inspector should be aware that other Regulations contain requirements for appointment of individuals with similar authorities and responsibilities as DAPS & SQEPs. These include the Ionising Radiations Regulations 1999 requirements for Radiological Protection Advisors (RPAs) and Radiological Protection Supervisors (RPSs).