

NUCLEAR SAFETY DIRECTORATE - BUSINESS MANAGEMENT SYSTEM

SITE INSPECTION AND ENFORCEMENT

GUIDANCE: LC 13 NUCLEAR SAFETY COMMITTEE

T/INS/013

ISSUE 001

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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 Licensee's compliance with the requirements of LC 13. 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 13 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 13 inspections should be carried out as these matters are covered in individual inspectors' 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 13.
- 3) Guidance on inspection of arrangements.
- 4) Guidance on inspection of implementation of arrangements.

2. Licence Condition

2.1 LICENCE CONDITION 13 - NUCLEAR SAFETY COMMITTEE

13(1) The licensee shall establish a nuclear safety committee or committees to which it shall refer for consideration and advice the following:-

1) all matters required by or under these conditions to be referred to a nuclear safety committee;

2) such arrangements or documents required by these conditions as the Executive may **specify** and any subsequent alteration or amendment to such specified arrangements or documents;

3) any matter on the site affecting safety on or off the site which the Executive may **specify**; and

4) any other matter which the licensee considers should be referred to a nuclear safety committee.

13(2) The licensee shall submit to the Executive for **approval** the terms of reference of any such nuclear safety committee and shall not form a nuclear safety committee without the aforesaid **approval**.

13(3) The licensee shall ensure that once **approved** no alteration or amendment is made to the terms of reference of such a nuclear safety committee unless the Executive has **approved** such alteration or amendment.

13(4) The licensee shall appoint at least seven persons as members of a nuclear safety committee including one or more members who are independent of the licensee's operations and shall ensure that at least five members are present at each meeting including at least one independent member.

13(5) The licensee shall furnish to the Executive the name, qualifications, particulars of current posts held and the previous relevant experience of every person whom he appoints as a member of any nuclear safety committee forthwith after making such appointment. Notwithstanding such appointment the licensee shall ensure that a person so appointed does not remain a member of any nuclear safety committee if the Executive **notifies** the licensee that it does not agree to the appointment.

13(6) The licensee shall ensure that the qualifications, current posts held and previous relevant experience of the members of any such committee, taken as a whole, are such as to enable that committee to consider any matter likely to be referred to it and to advise the licensee authoritatively and, so far as practicable, independently.

13(7) The licensee shall ensure that a nuclear safety committee shall consider or advise only during the course of a properly constituted meeting of that committee.

13(8) The licensee shall send to the Executive within 14 days of any meeting of any such committee a full and accurate record of all matters discussed at the meeting including in particular any advice given to the licensee.

13(9) The licensee shall furnish to the Executive copies of any document or any category of documents considered at any such meetings that the Executive may **specify**.

13(10) The licensee shall **notify** the Executive as soon as practicable if it is intended to reject, in whole or in part, any advice given by such committee together with the reasons for such rejection.

13(11) Notwithstanding paragraph (7) of this condition, where it become necessary to obtain consideration of, or advice on, urgent safety proposals (which would normally be considered by a nuclear safety committee) the licensee may do so in accordance with appropriate arrangements made for the purpose by the licensee, considered by the relevant nuclear safety committee and **approved** by the Executive.

13(12) The licensee shall ensure that once approved no alteration or amendment is made to the **approved** arrangements described in paragraph (11) of this condition unless the relevant nuclear safety committee has considered and the Executive has **approved** such alteration or amendment.

3. Purpose of Licence Condition

3.1 This Condition is to ensure that the licensee sets up a senior level committee which can consider and advise on all matters which may affect safety on or off the licensed site. The committee must have members who are adequately qualified to perform this task and to provide a source of authoritative advice to the licensee.

3.2 Independent members required by Condition 13(4) should not be in the employment of the licensee. Employees of other licensees or other organisations with significant nuclear safety expertise may be appropriate. As long as they are not the sole independent member, retired staff from the licensee who no longer have an executive function are acceptable. Information about committee members required by Condition 13(5) should provide sufficient detail for a proper judgement of their suitability to be made by the Executive. HSE's requirement is that the committee be purely advisory; it should not be considered to have any executive function which is the licensee's alone. It is not unusual for the committee to give advice in such a way that it does influence the management of

safety, not least in that if submissions are rejected, the licensee has to tell NII why the committee's advice is not being followed. So although the role of the nuclear safety committee (NSC) is connected with the licensee's management of safety, it should have no direct responsibility for independent nuclear safety assessment, checking or peer review.

3.3 The NSC should initially be set up at an early stage in the life of a site (this could be before a licence is granted). As the proposed nuclear installation advances through various stages of its life such as licensing, construction, commissioning and eventual decommissioning, the composition of the NSC may change to reflect the differing expertise required for each phase.

3.4 In the case of multi-plant sites, where the installations are of differing technologies, there could be several nuclear safety committees to reflect this. Where this is the case, each NSC must be independently constituted and act in an autonomous way. There is, however, no objection to a degree of common membership which may help to ensure a more consistent overview of the site's activities.

3.5 The terms of reference of the NSC and the arrangements for dealing with urgent safety proposals are so important that they always require formal approval by the Executive. The Executive will need to be satisfied that the terms of reference for any proposed NSC should specifically address the requirements of Condition 13(11) and are appropriate for the particular installation and phase of activity concerned. The NSC should not be required to 'agree' or 'approve' any matters put to it since that might undermine its purely advisory role. However, as noted above if the advice is that submission is not acceptable this requires additional action from the licensee.

3.6 Condition 13(1) identifies the matters which should be referred to a NSC. There is power for the Executive in Conditions 13(1)(b), 13(1)(c) and (indirectly) in Condition 13(1)(a) to "specify" other matters for reference. However, NII would expect a licensee to include all relevant matters in the NSC's terms of reference so that such powers should rarely need to be exercised. Such relevant matters should include licence condition arrangements both before they have been introduced and after they have been revised, compliance statements for conditions not requiring arrangements, and safety cases.

3.7 Any arrangements for urgent safety proposals must be submitted to the Executive for approval. They must only be used for genuine "urgent safety proposals" and not matters of operational convenience or commercial expediency which should be dealt with through the appropriate NSC in the normal way. The

initiating event for any genuine "urgent safety proposals" is likely to fall within the classification covered by "incidents" in Condition 7. Any arrangements under Condition 13(11) should ensure that the licensee obtains advice from as many NSC members as practicable. These arrangements should also ensure that further advice is obtained from a properly constituted meeting of the committee at the earliest opportunity. The NII should be informed of such "urgent safety proposals" as soon as practicable.

3.8 LC13(1) directs the Licensee to establish a nuclear safety committee and requires that certain items are referred to the committee for consideration and advice. This clause also provides the power to the Executive to **specify** that certain matters are referred to the committee. The licensee's arrangements should recognise the powers in the licence and provide systems to cope with it.

LC13(2) requires the Licensee to submit for **approval** the terms of reference of the committee and does not allow the committee to be formed without this **approval**.

LC13(3) ensures that where the Executive has **approved** the terms of reference the Licensee must apply for **approval** to amend or alter those terms of reference.

LC13(4) ensures that the NSC is of a certain size and contains independent members.

LC13(5) ensures that the Licensee informs the Executive of the name, qualifications and experience etc. of those appointed to the NSC. It also gives the power to the Executive to **notify** the Licensee that certain individuals are not acceptable to the Executive and that these members should not be appointed. No reason need be given. This power is rarely used.

LC13(6) provides a duty on the Licensee to ensure that the qualifications and experience of the NSC taken as a whole is sufficient to carry out its duties.

LC13(7) ensures that all NSC advice is only given via a formally constituted meeting.

LC13(8) ensures that the meeting minutes are sent to the Executive within 14 days and that the minutes are a full and accurate record recording all aspects of NSC advice.

LC13(9) gives the power to the Executive to **specify** certain documents should be provided to the Executive.

LC13(10) ensures that if the Licensee intends to reject any advice provided by the NSC, the Executive must be notified and reasons given.

LC13(11) allows urgent safety proposals to be considered under separate arrangements **approved** by the Executive.

LC13(12) Where the arrangements for urgent safety proposals are approved by the Executive, these can not be altered unless approval is gained from the Executive.

4. Guidance on arrangements for LC 13.

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 13. 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 13.

4.3 Arrangements should address the licence condition requirements.

4.4 Arrangements should be readily available and should be up to date, signed by an appropriate senior manager and controlled under a system compliant with the requirements of LC17.

4.5 The arrangements should contain a schedule listing responsibility and documentation required for each licence condition clause. [Discuss any shortcomings with the responsible person identified in the procedures].

4.6 Examine the procedures and confirm that they refer to relevant Consent/ Approvals issued by the Executive with respect to terms of reference for the NSC and procedure for urgent safety proposals. The arrangements should recognise that once Approved, documentation and procedures are frozen unless further submissions are made and Approvals are granted. Check that they include licence instrument requirements that specify that copies of documentation considered and advised upon by the NSC will be furnished to the Executive.

4.7 The arrangements shall cover the role of the NSC including:

1) that the NSC has an overview function rather than an executive function;

2) that the NSC is set up at an early stage of the life of a site, even before a site licence is granted. The composition of the NSC will vary to reflect the differing requirements of expertise at a given stage of life; and

3) that an NSC or NSCs exist that are capable of giving advice to the licensee for all of the plants on a site. NSCs can deal with the whole site, individual plants, or groups of plants, providing the members have the appropriate range of expertise and experience. On multi-plant sites where there are installations of differing technologies, several NSCs may exist e.g. Magnox and AGR reactors on the same site and Magnox and oxide fuel reprocessing on a common site. Each NSC must be seen to be independently constituted and to act autonomously. There should also be an NSC that can deal with cross site-plant issues e.g. Emergency Arrangements, Incident Reporting.

4.8 The arrangements shall include procedures for membership of the NSC and ensure that the independent members are not direct or subcontract employees of the licensee. [Confirm that they ensure that the Executive is furnished with full and relevant details of each NSC member in the manner of a curriculum vitae (CV).]

4.9 The arrangements shall provide the full terms of reference for the NSC and ensure that it is submitted to the Executive for approval. [Check that they do not require the NSC to "agree" or "endorse" any matters and that the advisory status is not undermined although, as noted above, their advice can imply such an executive role].

4.10 The arrangements should include procedures which address systems for:-

- 1) preparation of papers and reports for presentation to the NSC;
- 2) presentation of papers to the NSC;
- 3) responding to advice from the NSC;
- 4) rejection of advice from the NSC;

5) progressing actions placed by the NSC; and

6) handling the NSC's documentation.

[Discuss any deficiencies with the responsible person identified in the procedures].

4.11 The arrangements shall address all matters for reference referred to in LC 13 (1). If they do not, discuss this with the responsible person since the Executive has power in 13(1)(b) and 13(1)(c) to "specify" other matters for reference. Check that for power reactor sites or those with major reprocessing plants that the terms of reference include requirements for:-

1) all arrangements made under LCs 12, 13, 14, 15, 19, 20, 21, 22, 28, 35 and 36 are referred to the NSC before they come into force;

2) any subsequent proposed changes to such arrangements are to be referred to the NSC for advice prior to implementation; and

3) in addition, any proposed changes to the arrangements required under LCs 4, 6, 7, 10, 11, 17, 24, 32, 35 and 36 are also to be referred to the NSC prior to implementation.

4.12 The arrangements shall include procedures for special arrangements to deal with urgent safety proposals. In the case of these special arrangements, check that the procedures have a system to ensure a quorum of members of the NSC is available (including independent members) to give advice. Discuss this with the responsible person if any clarification is necessary and confirm that the procedures ensure that the Executive is informed of such urgent safety proposals as soon as practicable.

4.13 The arrangements shall:-

1) cover a system for submission to the Executive for approval of the NSC terms of reference;

2) contain such controls that any consequent amendments only take place with the Executive's approval and recognise HSE's ability to object, without giving a reason, to any member;

3) furnish the name, qualifications and particulars of each NSC member to the Executive as required by LC13(5);

4) ensure that the minutes of the NSC are sent to the Executive with 14 days of the meeting and where specified NSC papers will be furnished as required by LC 13(8); and

5) ensure the Executive will be informed of any intention to reject NSC advice together with identifying the person responsible for ensuring that the Executive is so informed.

5. Guidance on inspection of arrangements

5.1 Part 5 of this guidance is to assist inspectors in judging the adequacy of the licensee's arrangements. 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 hit list of aspects of LC 11 that can be examined during routine inspections.

5.2 Check that arrangements have been made to demonstrate compliance with the LC.

5.3 Examine the arrangements documentation layout and check that it is consistent. Review the arrangements to establish validity, whether any changes have been made since the last review and whether the identified responsible persons are correct. Note whether instructions, methods and quality assurance rules claimed in procedures have been followed and whether any changes have been correctly incorporated and validated.

5.4 Check that arrangements ensure suitably qualified and experienced staff are available for duties required by this licence condition.

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. 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 hit list of aspects of LC 13 that can be examined during routine inspections.

6.2 Sample/check that the terms of reference for the NSC are in accord with LC13 (1) (a) to (d). Examine the procedures to establish that they continue to meet the requirements of this clause and are current and validated. Confirm that the terms

of reference are approved by the Executive and discuss any shortcomings with the responsible person identified in the procedures. Check that any amendments or alterations have subsequently received approval.

6.3 For multi-plant sites, check that appropriate NSCs are established, and by examining a sample of NSC minutes, check that the committee has considered the appropriate business for which it was formed.

6.4 Discuss with the licensee the project plan for a site under development and agree an appropriate stage at which an NSC should be established. Check that a suitable committee is also formed to manage construction installation e.g. Plant Construction Committee (PCC), commissioning e.g. Site Commissioning Committee (SCC) and decommissioning e.g. Site Decommissioning Committee (SDC) as appropriate; and that terms of reference for such committees include the receipt and consideration of advice from the NSC.

6.5 Examine the appropriate section of NSC minutes applicable to a plant being inspected and check that relevant safety cases receive appropriate consideration and advice by the NSC under the relevant licence condition. In particular, note whether the NSC requests more information, conditionally comments or rejects the proposed safety case. Where necessary take appropriate follow-up action under LC 13(10). Discuss with assessors the standard and content of recent safety cases and, with their assistance if required, check the NSC advice and how it was implemented. Both good and, if available, bad examples should be followed up to establish what lessons can be learned.

6.6 Check that the membership of the NSC is in accordance with LC 13(4). Review a sample of NSC meeting minutes and confirm that at least five members were present at each meeting with at least one independent member.

6.7 Request from the licensee a current listing of persons available to serve on the NSC. Examine the files held by the Executive and check that details have been furnished in accordance with LC 13(5). If they are not satisfactory inform the responsible person identified in the procedures and if the situation is not resolved, request the removal of such persons from the NSC availability list after consultation with NSD line management. Likewise, if any objection has been raised by the Executive, ensure that the affected member is removed from the list.

6.8 Examine the current list of persons available to serve on the NSC and establish, with advice from line management that a broad range of skills and expertise is represented. Check a sample of NSC minutes and establish that for the meetings convened that such a range has been utilised.

6.9 Check with the responsible person identified in the procedures that the requirements of LC 13(7) are being carried out. Confirm by sampling minutes of NSC meetings that this duly occurred.

6.10 Check that the minutes of NSC meetings are being received by the Executive in accordance with LC 13(8). Discuss any shortcomings with the responsible person identified in the procedures.

6.11 Check whether the Executive has been notified of any urgent safety proposals considered under arrangements for LC 13(11) and that it has occurred within the timescales stated in such arrangements. Confirm that consultation took place from a quorum of members of the NSC and that reports of such consultation were submitted to the next properly convened NSC meeting.

7. Other Sources of Information

T/AST/050 - Periodic Safety Reviews (PSRs)

T/AST/051 - Guidance on the Purpose, Scope and Content of Nuclear Safety Cases