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User of the Site & Licensing for New Build

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Scope of Presentation

- User of the Site
- Overview of licensing and NII expectations
 - What is required of licensee organisation?
 - When should things happen?
 - How to go about it?

User of the Site

- NIA65:
 - Prohibits use of a site to install / operate a nuclear reactor unless a licence has been granted for that site
 - A licence can only be granted to a corporate body, and is not transferable
 - Implements international conventions on liability which require that the “operator” of the facility has sufficient funds to meet 3rd party claims
- It follows that the licence applicant must be a company which will be a user of the site



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Security of Tenure

HSE / NII policy: applicant needs security of tenure and control of the site commensurate with duties under NIA65 and the licence.

If the applicant is not the site owner, evidence of security of tenure is required via a lease or other legally binding documentation

Licensee will need arrangements under LC3 to control sub-leasing and 'parting with possession'

Duties of contractors and others

- A contractor, along with the licensee, can be guilty of an offence regarding breach of licence conditions
- Contractors and other bodies on the licensed site have duties under the Health and Safety at Work Act (HSWA)
- The licensee cannot absolve itself of duties under HSWA and subsidiary legislation by delegating work to contractors

Licensee Organisation (1/4)

- See HSE/NII Guide: The Licensing of Nuclear Installations
<http://www.hse.gov.uk/nuclear/notesforapplicants.pdf>
- The licensee must be a defined entity
 - even if it sits within a larger organisation
- **Safety Management Prospectus - SMP**
 - SMP is akin to ‘Organisational Safety Case’
 - further guidance is under development

Licensee Organisation (2/4)

- Organisational “**Nuclear Baseline**”
(key part of SMP)
 - Defines the organisational structures, resources and competencies needed within the licensee to maintain nuclear safety
 - Identifies vulnerable areas and contingency plans: e.g. singleton expertise
 - Shows that the structures, resources and competencies are adequate
- Should evolve from first licensing to operations
- HSE Guidance being produced (*draft issued*)
 - existing licensees have been consulted
 - Will be made available on HSE website

Licensee Organisation (3/4)

- Licensee must achieve ‘**Intelligent Operator**’ status:-
 - Understand the hazards of its activities and how to control them
 - Possess detailed knowledge of the safety case for the plant
 - Be an intelligent customer for any work undertaken on its behalf
- Intelligent Customer roles should be identified in the Baseline
- Be in control of all activities on its site(s)

Licensee Organisation (4/4)

- Adequate arrangements for **Nuclear Site Licence compliance** (from the date of granting the licence)
- 2 elements to adequacy:
 - make arrangements
 - implement the arrangements
- Arrangements can be proportionate to hazards during build programme
- Where relevant, compliance arrangements should encompass the whole licensee not just the site – this includes the Board and Executive Team
 - E./g., LC12 - Competence

When?

- SMP has to be completed and acceptable to NII prior to licensing
- Pre-Construction Safety Report (PCSR) has to be submitted and acceptable to NII prior to licensing
- An organisational Nuclear Baseline must be defined and populated prior to licensing
 - This initial Baseline should, as a minimum, line up with the PCSR (i.e. the licensee needs to understand its safety case)
 - Also expect plans for developing the Baseline

When?

- The Baseline must evolve in line with and ahead of the build and commissioning programme (e.g. the baseline needs for commissioning should be fully staffed prior to commencement)
 - NII may place regulatory hold points on “organisational build” as well as plant build
- Licensee must have a fully staffed ‘operational baseline’ of suitably qualified and experienced staff prior to consent for operation
- Licensee should have plans to achieve Design Authority capability prior to operation

How to go about it?

- Make and maintain contact with NII
 - (in advance of formal licence application !)
- Novel/complex proposals for organisational structures will need more time to consider and may need revision – factor this into plans
- Set out proposals/options for the licensee – including Board/Executive Team
- Provide confidence in the adequacy of the end point and show how you will get there
 - i.e. proposals should include plans and programmes for evolving the baseline to the end point of being a ‘fully operational’ licensee

How to go about it?

- Look at NII Safety Assessment Principles on Leadership and Management for Safety
- Use the safety case and Design Authority capability to help define baseline needs for breadth and depth of knowledge/expertise
- Use NII relevant guidance but recognise it is generic – it will not give all the answers for specific situations
- Understand all licence conditions and that some apply throughout the licensee's organisation from Board level downwards (e.g. suitably qualified and experienced people; management of change)
- If unclear or in doubt - ask