



ONR GUIDE			
Purpose and Scope of Permissioning			
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1. INTRODUCTION

- 1.1 This document lays out the principles and process for dealing with permissioning and the framework for exercising judgment in coming to permissioning decisions.

2. PURPOSE & SCOPE

- 2.1 The permissioning process enables ONR to control the activities of duty holders and to respond to duty holders who require permission to start, continue or cease specified activities under relevant legislation. By this means ONR exercises suitable, proportionate, targeted, regulatory oversight on such activities. Permissioning includes:

1. Licensing new sites, re-licensing and de-licensing;
2. Assessment of proposals to satisfy the conditions attached to a nuclear site licence, or to satisfy the arrangements made by licensees in compliance with licence conditions;
3. Issue, change or withdrawal of licence instruments;
4. Regulation under EIADR and NISR.
5. Taking account of safeguards matters.
6. Issue of transport approvals under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations.

The permissioning process can also be applied to help with:

1. Enabling judgements about permissioning – whether the relevant activities can proceed, stop or otherwise be subject to permissioning;
 2. Enabling judgements about whether duty holder's designs, management systems, plant, people and processes will lead to compliance with legal duties, relevant good practice and the duty holder's arrangements;
 3. Establishing whether the duty holder's arrangements are adequate.
 4. Allowing ONR to demonstrate that the permissioning process functions correctly.
- 2.2 The principles of consistency, proportionality, accountability, transparency and targeting will be used in all activities. Continuous improvement will be implemented with the aim of optimising effectiveness and efficiency. All permissioning inspection is carried out in line with the principles of the ONR Enforcement Policy [\[Ref 1\]](#)
- 2.3 Permissioning is founded in making judgements based on a proportionate sample of evidence to inform the decision.
- 2.4 Once the judgement has been made about whether the submission adequately demonstrates safety and / or that legal requirements have been met, then the output of the process is a management decision whether or not to grant permission. This is based on the professional judgements about the adequacy of the submissions and the outcomes that flow from such submissions.
- 2.5 Staff should adopt a constructive, enabling approach to permissioning when legal requirements have been met or the risk / compliance gap is such that it would be proportionate to grant a permission.

3. ROLES AND RESPONSIBILITIES

- 3.1 Resource allocation in compliance with corporate priorities is carried out through ONR's programme management arrangements and involves cooperation between the relevant Delivery Leads, Programme Managers and Professional leads [\[Ref 2\]](#).
- 3.2 Delivery Leads and Professional Leads also have defined roles [\[Ref 2\]](#) in the permissioning process.
- 3.3 For each permissioning activity an Allocated Inspector is responsible for undertaking permissioning activities in compliance with this and related processes. (e.g. NS-PER-GD-001, NS-TAST-GD-084 and NS-PER-IN-001).
- 3.4 Any flexible permissioning (see section 5.4) shall be carried out in accordance with the "Use of Flexible Permissioning" guide [\[Ref 3\]](#).

4. DEFINITIONS

ONR- Office for Nuclear Regulation - the statutory corporation concerned with enforcing the site licence and other provisions under its powers (HSA & TEA)

PLF – Professional Leads Forum

EIADR – Environmental Impact Assessment for Decommissioning Regulations 1999

PL – Professional Lead

Allocated inspector - The staff member carrying out the work.

Site inspector - an inspector nominated to lead and coordinate the regulatory contact with a particular site, part of a site or a number of sites for their regulatory function.

Project Inspector - Regulatory Project Officers whose work includes coordinating projects and programmes.

Delivery Lead - Usually a Superintending Inspector.

Auditable trail - The collection of records held on TRIM or referenced from TRIM that underpin how an outcome and the associated conclusions and recommendations have been derived.

Risk / Issue – These are conditions or events which challenge ONR's reputation or ability to do its work, or matters requiring regulatory attention.

Originator - The staff member requesting work, usually on behalf of the relevant management group.

Advice – guidance given to a duty holder to help them comply with the law or their own arrangements. Such advice is given in good faith in the light of current knowledge and understanding but is not binding on either party.

Assessment - applying specialist judgment in support of permissioning decisions and compliance inspection. .

Duty Holder - the body corporate with duties under the HSW Act, 1974, the Energy Act 2013, and other relevant legislation and/or applicable provisions, which makes permissioning submissions, usually under the NI Act licensing regime.

Submission - a formal request for permission under relevant legislation or licensees arrangements.

TRIM – HSE's document management system

SAPs – Safety Assessment Principles for Nuclear Facilities

EMM – Enforcement Management Model (NS-ENF-GD-002 and CNS-ENF-GD-001)

TAG / TIG – Technical Assessment Guide / Technical Inspection Guide.

ADR/RID/ADN – European modal requirements for the safe carriage of Class 7 (radioactive material) goods by road, rail and inland waterway

5. PROCESS

Introduction

5.1 Permissioning proposals are judged against the general requirements of:

1. The Health and Safety at Work etc Act (HSW) 1974, relevant statutory provisions made under the Act and other relevant safety legislation.
2. The Energy Act, 2013 and its applicable provisions
3. The EIADR regulations
4. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.

These will all be informed by safeguards considerations, liaison and/or consultation with other organisations - particularly environment agencies and for transport approvals, foreign Competent Authorities - under appropriate memoranda of understanding.

These judgments will be framed in legal requirements informed by SAPs, TIGs, TAGs, other standards (e.g. IAEA SSR-6) and relevant processes to ensure that the proposals satisfy the law and that permissioning decisions are reached on a proportionate, consistent basis. All permissioning activities are undertaken in response to programmes embodied in Management Group plans.

5.2 Inspectors use the following to progress their work:

1. Samples of evidence appropriate to the matters under consideration sufficient to make a sound judgment of the adequacy of the submission.
2. Constructive dialogue with licensees / applicants / duty holders to resolve areas of uncertainty before coming to a decision recognising that:
 - o in some circumstances provisional or staged decisions may be necessary as agreed by the management group; and,
 - o the decision making process should not be compromised by time pressure subject to proportionality considerations.

3. Inspection of processes, plant and people to gain confidence that the arrangements to control and manage the Duty Holder's implementation are adequate.
- 5.3 Permissioning inspection also informs future programmes and plans by identifying:
1. Issues which need to be followed up and checked following permissioning;
 2. The key aspects of the permissioning decision which should be included in future plans;
 3. Weaknesses in the Duty Holder's capability (individuals, groups or processes).
 4. Further hold points or permissioning stages for multi stage projects

Guidance

- 5.4 ONR has found over the years that it is not always appropriate to use primary powers to put into effect regulatory control of an operation. In these cases regulatory control and oversight may be achieved through the use of "flexible permissioning" via powers provided from the licensee's arrangements for complying with the LCs and in line with the "Use of Flexible Permissioning" guide [\[Ref 3\]](#). Through some of these LC arrangements, the licensee can choose to provide powers to ONR through which ONR derives power to permission selected activities on the licensed site. Such powers provided by the licensee for ONR are termed "derived powers"
- 5.5 All permissioning work should be sanctioned in relevant programmes / sub programmes plans and be adopted within the overall programme plan. Any proposal to carry out a task not in the programme's plan needs to be cleared through the relevant Management Group(s) and may need formal change control [\[Ref 4\]](#).
- 5.6 Any submission should have completed its due process within the duty Holder's organisation before formal consideration by ONR. Any attached conditions and their resolution form part of the submission. However, it is acceptable to have early discussions to aid understanding and give advice. During these early discussions only matters of clarification should be addressed not matters of justification as this may draw inspectors into the duty holder's process and may compromise both the licensee's responsibilities and the inspector's independence.
- 5.7 The allocated Inspector must understand the proposal and how the supporting documents and practices are intended to justify it. To test acceptability, inspectors should take the information at face value and check if the conclusions flow from it - the prime criteria are logic and self-consistency.
- 5.8 Once the information is sufficiently understood, the allocated inspector can determine the work scope in consultation with the Originator (usually the project officer appointed by the relevant management group) and their Delivery Lead, Any significant impact on Programme resources should be progressed through change control [\[Ref 4\]](#) by the programme manager. The Delivery Lead and allocated inspector should agree the scope and identify relevant good practice, other **standards and criteria** that can be used for evaluation. These include
1. relevant law including licence conditions;
 2. SAPs, supported by TAGs and TIGs or other regulatory guidance (notably IAEA guidance);
 3. licensee's own standards and criteria;
 4. engineering codes;
 5. national / international standards;

6. international regulatory practice;
7. learning from other relevant high hazard industries;
8. other accepted relevant good practice.

5.9 Once scoped, the process can be thought of as addressing three questions:

1. are the right things being claimed - are the objectives right?
2. are these things being done correctly - is the execution right?
3. is enough being done ? e.g. does the submission demonstrate ALARP (NS-TAST-GD- 005)

The last question covers a variety of issues, including:

1. has enough been done to satisfy the objectives (above);
2. are the chosen standards and criteria appropriate and sufficiently satisfied (ALARP);
3. have claims been properly tested and checked – are they supported by proportionate arguments and evidence;
4. have all significant threats been identified (e.g SAP FA 2)
5. is the justification suitable and sufficient.

5.10 Claims should always be supported by documentary evidence with a cogent, logical, sufficient argument in support. The expectation is that the totality of the licensee's documents should be self-sufficient. Other sources of evidence used to demonstrate how the regulatory outcome has been derived may be taken into account - this should be made clear in any report.

5.11 Inspectors should attempt to resolve all issues as far as possible during the process and before they are converted to recommendations [Ref 5]. This gives a chance to clear up matters at an early stage and assists transparency by avoiding surprises. Where residual Risks / Issues represent no more than a trivial impact then they should be closed and the reasoning recorded. All facts, opinions and judgements should be recorded to provide evidence for corporate memory and the Auditable Trail [Ref 6].

Time Allocation

5.12 The time required should be determined by the work scope and the depth required warranted by its significance [Ref 6]. Judgement is needed as to when sufficient work has been done. Enough time needs to be secured to reach a satisfactory, sustainable outcome or, where priorities dictate, a record of why work is not completed satisfactorily. In all cases, the inspector must be confident in the justification and substance of the conclusions and recommendations before the work is formally closed out. The paper entitled '[The Mechanics of Assessment](#)', sets out a tried and tested approach and offers practical advice in dealing with duty holders.

Outcome

5.13 The permissioning process then informs the management decision on whether or not to grant permission or prevent or otherwise control the activities being considered. This will involve inputs, usually in the form of Assessment Reports [Ref 6] from the relevant disciplines which will be summarised in an overall report (i.e. a Project Assessment Report (PAR) or Decision Record [Ref 6]). These documents should justify the recommended permissioning decision and the work scope used to reach the recommendation.

6. REFERENCES

- 1) Enforcement Policy Statement
<http://www.onr.org.uk/documents/2014/enforcement-policy-statement.pdf>
- 2) Operating Model Generic Role Profiles ([R2A2](#))
- 3) Use of Flexible Permissioning ([NS-PER-GD-001](#))
- 4) [Change Control](#)
- 5) [Regulatory Issues Management](#)
- 6) Guidance on Production of Reports ([NS-TAST-GD-084](#))