



ONR GUIDE			
The Processing of Licence Applications for New Nuclear Sites			
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1. INTRODUCTION

- 1.1 Section 1(1) of the Nuclear Installations Act 1965 (NIA 1965) empowers the Office for Nuclear Regulation (ONR), as the “appropriate national authority” (created by the Energy Act 2013), to grant nuclear site licences. That licensing function is exercised by the Chief Nuclear Inspector. This guidance informs the assessment of applications for licences for new nuclear sites; the process is described in How2 ‘License new nuclear site’.
- 1.2 This guidance deals with sites on which there are no existing nuclear installations that require a nuclear site licence, but on which the licence applicant wishes to first construct or install a new nuclear installation and then commission and operate it.

2. PURPOSE AND SCOPE

Responsibilities

- 2.1 A licensing Project Assessment Report (PAR) will be produced to support a decision on whether to grant a nuclear site licence to an applicant. The PAR will be prepared either by a Project Inspector or a Licensing Specialist. Input will be sought from relevant parties, including the nominated site inspector, specialist inspectors and ONR Civil Nuclear Security (ONRCNS). Where necessary, the PAR will refer out to, and summarise the findings from, specialist Assessment Reports (ARs) dealing with issues underpinning a recommendation on whether or not to grant a nuclear site licence, such as assessment of the safety management prospectus or the Nuclear Baseline and the site-specific technical safety case, etc. The licensing specialist will liaise with the Government Legal Department and other regulators, as appropriate to the particular project, and will draft and prepare the nuclear site licence.

Background

- 2.2 Before ONR can grant a nuclear site licence it must be satisfied with the safety case for the proposed installation and the suitability of the site. ONR must also consider whether the licence applicant meets the requirements laid down in NIA 1965, can satisfy ONR's policies on nuclear site licensing, and is able to comply with the conditions which will be attached to the licence. ONR will also assess the applicant's organisational capability, to ensure that it is able to lead and manage for safety (see para 7.1).
- 2.3 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 such conditions as ONR deems necessary in the interests of safety and as ONR sees fit with respect to the handling, treatment and disposal of nuclear matter.
- 2.4 ONR's consideration of an application for a nuclear site licence will lead to the submission to the Chief Nuclear Inspector of a site-specific licensing PAR with a recommendation as to whether or not a new licence should be granted. The PAR is to be approved by the head of the licensing function and the relevant ONR Programme lead.

- 2.5 NIA 1965, sections 1 and 3 to 6, sets out the legal requirement for nuclear sites to be licensed and establishes ONR as the licensing authority. NIA 1965 allows ONR to attach conditions to site licences and to revoke licences and de-license sites, where appropriate. The Nuclear Installations Regulations 1971 (SI 1971/381) define licensable installations in greater detail.
- 2.6 ONR's licensing policies are summarised in *Licensing Nuclear Installations*, which is available at <http://www.onr.org.uk/nuclear/licensing-nuclear-installations.pdf>.

3. TIMING OF LICENSING

Early Licensing

- 3.1 ONR considers that there are advantages in granting a nuclear site licence as soon as possible in order to strengthen regulatory oversight and control. Further information on the timing of licensing is contained in *Licensing Nuclear Installations*, paras 74-76.

4. PREREQUISITES FOR LICENSING

Assessment of a licence 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 *Licensing Nuclear Installations (LNI)*.

All sites	
The Licensee	NIA 1965 requires that a site licence may only be granted to a corporate body. Advice should be sought from the Department for Business, Energy & Industrial Strategy (DBEIS) as to the acceptability of applicants from outside the UK. LNI paras 79-82
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. Consequently, a nuclear site licence cannot be issued until the licence applicant can nominate a specific site and provide a suitable map of the proposed boundary. Annex 3, LNI The suitability of the site will be assessed by reference to the prevailing siting criteria and characterisation requirements. LNI paras 63-70, 109
Security of Tenure	The licence applicant must have full rights of access to and adequate control of the site so that it can satisfy the demands placed on it by NIA 1965 and the site licence. LNI para 111
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. LNI paras 131-132

All sites	
Prescribed Activities	<p>The type of installation(s) needs to be briefly identified; licences should include in Part 2 of Schedule 1 a description of, for example, the reactor type for which the site is being licensed.</p> <p>LNI paras 14-15</p>
Organisational Capability	<p>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 (see para 7.1)</p> <p>LNI paras 88-92, 108</p>
Safety Case	<p>A licence applicant is expected to submit a Site Justification Report (SJR) with its licence application produced in line with the applicant's Licence Condition 14 (LC 14) arrangements. The SJR should be based on suitable and sufficient characterisation of the site and demonstrate why the licence applicant considers that the site is suitable to support safe nuclear operations for the planned nuclear installations.</p> <p>A detailed pre-construction safety case will not be required at the time of licensing, but the licensee should have an acceptable programme for developing its safety submissions and addressing outstanding matters in a timely manner.</p> <p>LNI paras 67-70, 105-108</p>
Decommissioning Arrangements	<p>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 licence is granted.</p> <p>LNI para 113 and SAPs DC1 to 9</p>
Conceptual Security Plan	<p>Significant progress in developing the conceptual security plan should be evident; ONRCNS will advise.</p> <p>LNI paras 120-121</p>
Mandatory Consultation	<p>NIA 1965 s.3(2) requires ONR to consult the appropriate environment authority prior to granting a nuclear site licence.</p> <p>LNI para 123</p>
Discretionary consultation	<p>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.</p> <p>However, NIA 1965 s.3(8) excludes discretionary Public Body Notification where a consent for a generating station is required under the Electricity Act 1989 or would be required but for an order under the Planning Act 2008 giving development consent. More information is given in NS-PER-IN-002</p> <p>LNI paras 124-127</p>

All sites	
Adequate Licence Condition Compliance Arrangements	<p>The licence applicant should be able to demonstrate that it has developed, and possesses the capability to implement, adequate licence condition compliance arrangements to manage safety at the point of licence granting. This includes arrangements to manage the construction phase of the site and the procurement aspects. If a licence is granted at the earliest opportunity in order to bring the site and the licensee under regulatory control, some licence condition compliance arrangements may be rudimentary, but the applicant should provide a plan for producing fully developed LC arrangements.</p> <p>LNI paras 96-97</p>
Nuclear Safety Committee	<p>Licence Condition 13 requires the licensee to form a Nuclear Safety Committee, but prevents its formation until its terms of reference have been approved by ONR. The terms of reference may be assessed, but ONR approval of them will not be granted. until after the licence has been granted.</p>
Emergency Arrangements	<p>Licence Condition 11 requires a licensee to have adequate arrangements for any accident or emergency on the site. It is unlikely that fully developed arrangements will be required until nuclear matter is brought onto the site (see Annex 1).</p> <p>LNI paras 118-119</p>
Nuclear Liability Insurance	<p>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 DBEIS. Section 3(9) of NIA 1965 allows for this provision to be deferred until nuclear matter is brought onto the site. The applicant should engage with DBEIS in advance of submitting its application. The process for assessing suitability of cover may be lengthy.</p> <p>LNI paras 129-130</p>

Additional requirements for New Nuclear Power Plants	
National Nuclear Policy Statement	<p>The proposed site must conform to UK Government siting policies for new nuclear power plants (see para 7.3 below).</p>
Generic Design Assessment (GDA)	<p>Where GDA has been conducted, the design to be installed on the site must have progressed sufficiently far through the GDA process for there to be reasonable confidence that a Design Acceptance Confirmation (DAC) is likely. However, issue of a DAC is not a pre-condition for licensing, nor is it a guarantee that a site licence will be granted.</p> <p>LNI paras 67-69</p>

Additional requirements for New Nuclear Power Plants	
Generic Siting Envelope	<p>ONR will expect a party requesting GDA to specify the 'Generic Site Envelope' within which the plant is designed to operate safely.</p> <p>The licence applicant will need to undertake suitable and sufficient characterisation of its site and demonstrate in its SJR why the licence applicant considers that the site is suitable to support safe nuclear operations for the planned nuclear installations.</p> <p>For site specific external hazards where there is little or no margin to the Generic Site Envelope (which includes external hazards not included in the Generic Site Envelope), the SJR should justify the position and provide a statement on how adequate protection will be provided.</p> <p>The SJR should also justify any cases in which the Generic Site Envelope external hazards values are not to be adopted in the site specific design.</p> <p>LNI paras 71-73</p>
Approved Funded Decommissioning Programme	<p>The Energy Act 2008 requires licence applicants for new nuclear power stations to have in place an approved (by DBEIS) Funded Decommissioning Programme (FDP) before using the site for licensable activities (ie start of installation - first nuclear-related concrete). An approved FDP does not need to be in place prior to nuclear site licence grant, if licensing takes place before first nuclear-related concrete. Experience has shown that applicants for a nuclear site licence wish to pursue approval of the FDP in parallel with nuclear site licensing. In such cases, ONR will undertake work to both advise DBEIS on the FDP and to progress its nuclear site licence assessment concurrently.</p> <p>LNI para 128</p>

5. THE LICENCE APPLICATION

- 5.1 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 the proposed site. Evidence required in support of an application should address the elements set out in the table above and may include supporting evidence as set out in paras 98 to 100 of LNI.

6. THE ASSESSMENT PROCESS

Actions prior to Receipt of Application

Cost Recovery

- 6.1 ONR recovers its regulatory costs from licence applicants and licensees. Work done by ONR to provide advice to a prospective applicant in advance of submission of an application, including GDA, can be recovered under The Health and Safety and Nuclear (Fees) Regulations 2016. Following receipt of a licence application, the charges for assessing and processing the application should be levied under s.24A, NIA 1965. If an applicant decides, after submitting an application, not to proceed, it should withdraw the application formally. ONR will continue to charge a proportion of its overheads until the application is withdrawn.

Project Management

- 6.2 Applications to license new nuclear sites are major projects for ONR and require a disciplined Project Management approach to ensure effective and efficient use of resources. It is essential that any prospective licensee communicates with ONR in advance of the application and ONR will have undertaken extensive discussions with the applicant to advise on the licensing process and regulatory expectations. These discussions will inform the establishment of workstreams, jointly owned by the applicant and the regulators; each workstream will be an area of assessment necessary for reaching a decision on the grant of a nuclear site licence. The discussions will also allow an estimate to be made of the total ONR resource required for assessment, inspection and support activities. A Programme Manager from within ONR will oversee this work to ensure appropriate governance.
- 6.3 A Project Inspector and a Site Inspector should be nominated to lead the assessment process. They, with assistance from the Licensing Unit, will prepare and develop an Intervention Strategy. The intervention strategy will set out the intervention approach and reporting structure that will be adopted by ONR specialist inspectors to feed into overarching "Cornerstone" ARs, which will reflect any matters arising from each workstream. It should contain a requirement for the applicant to carry out its own readiness review. Depending on the scale of the project, an interface protocol may be agreed with the applicant.
- 6.4 A programme to carry out all the necessary assessment and inspection activity will be prepared. This will set out detailed guidance to inspectors and set out the requirements for the preparation of the underlying ARs and overarching Cornerstone ARs, which will be required for preparation of the overall licensing PAR. It will also require peer review of whole process by a suitable person within ONR. The principal areas for assessment are described in section 7.

7. PRINCIPAL AREAS OF ASSESSMENT

Organisational Capability

- 7.1 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:
- i. be the primary user of the site, be in day-to-day control of nuclear activities on the site; and

- ii. have sufficient capability to meet operational safety demands and to discharge its obligations under NIA 1965.

ONR requires that the licensee is fully in control of activities on its site, understands the nuclear safety and security implications of its activities and how to control them, and is an intelligent customer for any work it commissions externally. The licence conditions require suitably qualified and experienced staff to undertake all activities which may affect safety on the site.

ONR expects an applicant to develop 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. Further guidance is available in NS-TAST-GD-72 '*Function and Content of a Safety Management Prospectus*'.

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. See NS-TAST-GD-065 '*Function and Content of the Nuclear Baseline*'.

Licence condition compliance arrangements

- 7.2 Following the grant of the licence ONR may use relevant site licence conditions to specify hold points beyond which construction or commissioning cannot continue. They may also be used to ensure suitable organisational development during construction. For example, LCs 14, 23 and 36, and hold points under LCs 19 and 21, may be deployed to regulate areas of the technical safety case and organisational capability which are not fully developed at the point of licensing.

Location

Site suitability

- 7.3 The UK's current position on siting policy is set out in the *Seventh National Report on Compliance with the Obligations of the Convention on Nuclear Safety* (see DBEIS website) in relation to Article 17 of the Convention "Siting". For new nuclear power stations, Government Policy on the acceptability of sites is determined on the basis of Strategic Siting Assessment Criteria¹. Where a National Nuclear Policy Statement has been designated by the Government, any proposed site for a nuclear power station is only acceptable for regulatory consideration if it has been named as a strategically suitable site in the Policy Statement.

The IAEA's Safety Requirements document '*Site Evaluation for Nuclear Installations*' [NS-R-3 (Rev.1)²] sets out the elements of a site evaluation for a nuclear installation and reviews the site characteristics pertinent to safety. Paragraphs 115-119 of the '*Safety Assessment Principles for Nuclear Facilities*' (2014 edition) provides the

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585921/BEIS_Document_Template_CNS_7TH.pdf

² <https://www-pub.iaea.org/MTCD/Publications/PDF/Pub1709web-84170892.pdf>

overarching approach to the regulatory assessment of siting, with further information in the subsequent siting SAPs.

Legal

- 7.4 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 licence applicant does not own the freehold of the site this evidence will usually consist of a lease or other legally binding contract or documentation setting out the relationship between the licensee and the owner of the site. The lease must of sufficient length to cover the whole period of licensable activity on the site, from construction to de-licensing.

ONR should review the legal documentation, with the assistance of the nominated lawyer in the Government Legal Department, 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 it becomes effective no later than the date and time that the new nuclear site licence comes into force. Ideally, the area to be licensed should not include any public roads or rights of way.

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 Ordnance Survey grid reference of a significant point on the site shown on the map will be checked by the ONR Licensing Unit.

Sub-leases, etc.

ONR Consent under Licence Condition 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 guidance in NS-TAST-GD-087 - *Control of Property Transactions on Licensed Sites*, involving the Government Legal Department as necessary.

8. CONSULTATION AND NOTIFICATION

Environment Agency / Scottish Environment Protection Agency / Natural Resources Wales

- 8.1 NIA 1965 s.3(2) places a statutory obligation on ONR to consult the appropriate environment authority before granting a nuclear site licence. The application of this statutory requirement is through arrangements set out in Memoranda of Understanding with the environment authorities.
- 8.2 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 s.3(4) of NIA 1965 for ONR to direct a licence applicant to serve notice on certain public bodies local to the site in question. Further guidance is available in NS-PER-IN-002 - *'Licensing Procedures: Public Body Notification'*.

Rights & obligations of other public bodies

- 8.3 The granting of a nuclear site licence has the potential to create obligations for 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 DBEIS on the applicant's financial standing and the response should be referenced in the licensing PAR. DBEIS should also be requested to confirm that the licensee's provision for nuclear liability insurance is satisfactory and this should be referenced in the PAR. ONR should also 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.

Planning Consents

- 8.4 There are no legal dependencies between nuclear site licensing and planning consents granted under the relevant planning law. However, both the nuclear site licensing and planning processes need to be based on the current characteristics of the site and its surroundings and how these may vary over the full lifetime of the proposed power station (for example, due to climate change or population growth). Nuclear site licence and planning applications therefore need to be based on consistent information relating to the site and its surroundings. In addition an overlap between ONR's assessment of a nuclear site licence application and examination of a planning application by the relevant authority is required so that ONR can discharge its obligations to the relevant planning authority.
- 8.5 Under the Planning Act 2008, new nuclear power stations of capacity exceeding 50 megawatts in England or 350 megawatts in Wales are Nationally Significant Infrastructure Projects (NSIPs). For such projects, prospective developers must obtain a Development Consent Order (DCO), approved by the Secretary of State, following a recommendation from the Planning Inspectorate, before they can commence construction as defined in the DCO.
- 8.6 Planning consent and a nuclear site licence are both still needed for new nuclear power stations which do not qualify as NSIPs. In such a case, ONR will seek policy and legal advice.

9. SECURITY

ONR Civil Nuclear Security will expect significant progress in developing the conceptual security plan to have been made prior to site licensing. ONR does not regulate security on defence sites. For full details see <http://www.ONR.gov.uk/nuclear/ocns/ocnsdesign.pdf> .

10. PREPARING THE LICENCE

10.1 The ONR Licensing specialist and Administrative licensing support team will prepare the licence comprising:

- (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, e.g.:

"2. This licence is granted subject to the conditions contained in Schedule 2 attached to this licence."

- (c) If relevant, paragraphs concerning the application of s.19(1), NIA 1965, e.g.

3. Section 19(1) of the 1965 Act is to apply in relation to the site from whichever is the earlier of the following times:

(a) the time when nuclear matter (which is not excepted matter) is first on the site; or

(b) the time when nuclear matter (which is not excepted matter) is first in the course of carriage on behalf of the licensee (as licensee of the site); or

(c) the time when nuclear matter (which is not excepted matter) is first in the course of carriage to the site with the agreement of the licensee from a place outside the relevant territories,

and in the case of b) and c) is not on any other relevant site in the United Kingdom

4. For the purposes of paragraph 3, "nuclear matter", "excepted matter", "relevant territories" and "relevant site" have the meaning given to them in the 1965 Act.

- (d) A paragraph stating on what date, and at what time, the new licence is to come into force. N.B. If the time is omitted the licence will come into force on the date specified at the first instant after midnight.

10.2 Three Schedules will be attached to the licence as follows:

Schedule 1: Part 1 defines the site and Part 2 defines the prescribed nuclear installations for which the site is being licensed. The definitions used in the 1971 Nuclear Installations Regulations should be adopted so far as is practicable. Examples are shown in Annex 2.

Schedule 2: Is the standard suite of nuclear site licence conditions. Note that there is an alternative version of LC 3 which applies only to AWE sites

Schedule 3: The map of the site, conforming to the specification set out in Annex 3 of LNI.

The draft licence should be submitted to the Government Legal Department for review. Any amendments recommended by the Government Legal Department shall be incorporated into the final version of the licence.

11. DECISION

- 11.1 The Chief Nuclear Inspector, or a nominated 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. The Chief Nuclear Inspector and nominated senior managers may convene a review panel to discuss the outcome of ONR's assessment activities. The panel will receive an oral briefing from the main contributors to the licensing PAR, as well as the approvers of their reports. This provides the opportunity to discuss any matters arising and for the panel to challenge any of the work done or conclusions reached. Where indicated, all matters raised by this panel will need to be resolved prior to licence grant.
- 11.2 Where the Chief Nuclear Inspector identifies unresolved issues ONR's site inspector will inform the licence applicant. Any subsequent amendments to an application will be assessed proportionately in accordance with this procedure and guidance.
- 11.3 When satisfied with ONR's assessment, and the recommendation to grant a licence is accepted, the Chief Nuclear Inspector or nominated 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 Chief Nuclear Inspector will write to the applicant to notify the decision and will set out the reasons for rejection.
- 11.4 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.

12. ASSOCIATED DOCUMENTS

Nuclear Installations Act 1965

'Licensing Nuclear Installations' (<http://www.onr.org.uk/licensing-nuclear-installations.pdf>).

'Memorandum of Understanding between the Office for Nuclear Regulation and the Environment Agency on Matters of Mutual Interest in England'; (<http://www.onr.org.uk/documents/2015/mou-onr-ea-180815.pdf>).

'Memorandum of Understanding between the Office for Nuclear Regulation and the Scottish Environment Protection Agency (SEPA) on Matters of Mutual Interest in Scotland' (<http://www.onr.org.uk/documents/2019/mou-onr-sepa.pdf>).

'Memorandum of Understanding between the Office for Nuclear Regulation and the Natural Resources Body for Wales on matters of Mutual Interest in Wales' (<http://www.onr.org.uk/documents/2015/nrw-mou.pdf>).

Licensing Procedure: The Processing of Applications for Replacement Licences for Existing Licensed Nuclear Sites – NS-PER-IN-004.

<http://www.onr.org.uk/operational/assessment/ns-per-in-004.pdf>

Standard suite of nuclear site licence conditions with explanatory text -

<http://www.onr.org.uk/documents/licence-condition-handbook.pdf>

ANNEX 1

Approvals under Licence Conditions 13 and 11

LC13 - Nuclear Safety Committee

A1.1 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. However such an approval cannot be granted until after a licence has been granted. Whilst draft terms of reference can be submitted and assessed during the licensing process they cannot be formally approved until after the granting of the new licence. The site inspector, or other nominated inspector, will prepare a PAR recommending approval of the terms of reference and arrange for the Chief Nuclear Inspector (CNI) or (more usually) a Deputy Chief Nuclear Inspector (DCNI) to grant the approval after the nuclear site licence has been granted and the new licensee has submitted its NSC terms of reference to ONR for approval.

A1.2 A period of 7 days will be programmed between the grant of a licence (its signature) and the date on which the Approval comes into force. This will allow for the formal submission by the licensee of its NSC terms of reference, consideration of the PAR by the CNI or a DCNI and granting of the Approval. The Approval will ordinarily come into force at the same point as the licence, so the NSC is able to meet formally thereafter and conduct its business.

A1.3 The licensee may produce arrangements for consideration of urgent safety proposals (USP) under LC13(11). Where this is the case, the arrangements must be considered by the NSC and then approved by ONR. It follows that the USP arrangements cannot be considered by the NSC until it is formally constituted. Therefore, the NSC will ordinarily meet as soon as its terms of reference are approved, and consider the USP arrangements. These will be advised formally to ONR and the site inspector, or other nominated inspector, will draft a PAR supporting approval of the arrangements for USPs for consideration and granting by the CNI or (more usually) a DCNI.

LC11 - Emergency Arrangements

N.B. As indicated in the table, it is unlikely that nuclear matter would be brought onto site immediately after the site licence came into effect. Consequently ONR is unlikely to seek to Approve (i.e. freeze) the licence applicant's arrangements as part of the initial licensing process. However if this is deemed necessary for any reason the following procedure should be adopted.

A1.4 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. To be legally valid the issue of the specification, submission of the arrangements and issue of the approval must await the formal granting 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. A specification under LC11(2) may be signed by a Superintending Inspector after granting of the licence and submitted to the new licensee together with the new licence and the approval of the NSC terms of reference. The supporting case for the LC11(2) specification will be prepared by the site inspector, or other nominated inspector.

A1.5 The supporting case for the subsequent LC11(2) approval, to be granted by the CNI or (more usually) a DCNI, will be prepared by the site inspector, or other nominated inspector. Reference to the report dealing with this issue will be part of the site specific licensing PAR.

A1.6 Where a LC11(2) approval is required the following activities will be completed in the 7 day period between the grant of the licence and it coming into force:

- the granting of the approval of the new licensee's NSC terms of reference; and,
- the granting by ONR of a Specification under Licence Condition 11(2)

A1.7 The licensee should then form and convene its first NSC as soon as possible and at that NSC:

- Consider and advise on the emergency arrangements specified by ONR.

A1.8 The licensee shall then submit its full and accurate record of all matters discussed at its first NSC in line with LC13(8).

A1.9 ONR will then arrange for the LC11(2) approval to be granted as soon as possible by the CNI or (more usually) a DCNI.

ANNEX 2, EXAMPLE 1

SITE LICENCE No.

NUCLEAR INSTALLATIONS ACT 1965

NUCLEAR SITE LICENCE

(Licensee's Name)

(Name of Site)

1. The Office for Nuclear Regulation, in pursuance of sections 1(1), 3(9), 3(10), 3(11), 4(1), 4(2), 4(3) and 4(4) of the Nuclear Installations Act 1965 (hereinafter referred to as the "1965 Act"); with the consent of the Secretary of State to the provision in paragraph 3 made in pursuance of Section 3(9) of the 1965 Act; and having consulted the appropriate environment authority in pursuance of section 3(2) of the 1965 Act, hereby licenses (*Company Name*), a company registered in England and Wales under number (*number*) (hereinafter referred to as "the licensee") whose Registered Office is (*registered address*) to use the site described in Part 1 of Schedule 1 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.

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

3. Section 19(1) of the 1965 Act is to apply in relation to the site from whichever is the earlier of the following times:

- (a) the time when nuclear matter (which is not excepted matter) is first on the site; or
- (b) the time when nuclear matter (which is not excepted matter) is first in the course of carriage on behalf of the licensee (as licensee of the site); or
- (c) the time when nuclear matter (which is not excepted matter) is first in the course of carriage to the site with the agreement of the licensee from a place outside the relevant territories.

and in the case of b) and c) is not on any other relevant site in the United Kingdom.

4. For the purposes of paragraph 3, "nuclear matter", "excepted matter", "relevant territories" and "relevant site" have the meaning given to them in the 1965 Act.

5. This licence shall come into force on (Date).

Dated:

For and on behalf of the
Office for Nuclear Regulation
Signed:

Chief Nuclear Inspector
A person authorised to sign in that behalf

ANNEX 2, EXAMPLE 2

Site Licence No: --

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 (Ref.) entitled (Title) and dated(date), which is annexed to this licence. This site is known as (site name as it appears on front of licence).

Part 2: The Nuclear Installations

Two thermal neutron reactors, being reactors designed to be fuelled with uranium dioxide of low enrichment with the isotope U^{235} moderated and cooled by water, together with any machinery, equipment, appliance, or storage facility required for the operation thereof.

ANNEX 2, EXAMPLE 3

Site Licence No: --

SCHEDULE 1

Part 1: The Site

Land situated (*location*) occupied by the licensee and owned by the licensee or leased to the licensee and shown outlined in red on the licensee's drawing referenced (*Ref.*), dated(*date*), and entitled ("*Title*") which is annexed to this licence.

Part 2: The Nuclear Installations

(1) Installations designed or adapted for any treatment of uranium whether enriched or not such as to increase the proportion of the isotope U-235 contained therein.

(2) Installations designed or adapted for the carrying out of any process (not being a process carried out solely for the purposes of chemical or isotopic assay or metallographic investigation) involved in:

(a) the production from:

(i) enriched uranium,

(ii) any alloy, chemical compound, mixture or combination containing enriched uranium,

of any alloy, chemical compound, mixture or combination containing enriched uranium.

(b) the production, from any alloy, chemical compound, mixture or combination containing enriched uranium, of enriched uranium.

(3) Installations designed or adapted for storage of :-

(a) fuel elements referred to in Regulation 3(1) of the Nuclear Installations Regulations 1971;

(b) irradiated nuclear fuel; or

(c) bulk quantities of any other radioactive matter which has been produced or irradiated in the course of the production or use of nuclear fuel,

other than storage incidental to carriage and in the case of irradiated nuclear fuel other than storage incidental to any of the excepted purposes referred to in Regulation 3(5) of the Nuclear Installations Regulations 1971.

ANNEX 3

Template for Contents of Licensing Project Assessment Report

1. Introduction

- purpose of the report (basis for decision by Chief Inspector on licence application)
- background to the licence application – overview of site / 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 DBEIS / 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 arrangements for managing change
- nuclear safety committee
- adequacy of Site Security Plan

4. The site

- site location and boundary, including:
 - where appropriate, conformity with National Nuclear Policy Statement
 - site suitability, including compliance with Government siting criteria and SAPs
 - security of tenure

5. Licensable activities

- status of safety cases/safety submissions
- adequacy of licence condition compliance arrangements
- adequacy of decommissioning proposals (LC35)

6. Recommendation

summary of grounds for recommending grant of licence notes on format & content of licence, including clearance of draft by Treasury Solicitor.