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ONR GUIDE			
LC 13 NUCLEAR SAFETY COMMITTEE			
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NOT PROTECTIVELY MARKED**INTRODUCTION**

1.1 Many of the licence conditions attached to the standard nuclear site licence require, or imply, that licensees should make arrangements to comply with regulatory obligations under the conditions. ONR inspects compliance with licence conditions, and also with the arrangements made under them, to judge the suitability of the arrangements made and the adequacy of their implementation. Most of the standard licence conditions are goal-setting, and do not prescribe in detail what the licensees' arrangements should contain; this is the responsibility of the duty-holder who remains responsible for safety. To support inspectors undertaking compliance inspection, ONR produces a suite of guides to assist inspectors to make regulatory judgements and decisions in relation to the adequacy of compliance, and the safety of activities on the site. This inspection guide is one of the suite of documents provided by ONR for this purpose.

2 PURPOSE AND SCOPE

2.1 This guidance has been prepared as an aid to inspection activities carried out at nuclear installations to help ONR judge the licensee's compliance with the requirements of Licence Condition (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.

2.2 The guidance provided is split into three main elements:

- Purpose of the Licence Condition
- Guidance on arrangements to comply with LC 13.
- Guidance on inspecting licensee implementation of arrangements

2.3 It should be noted that assessing the adequacy of a licensee's implementation of its arrangements to comply with LC 13 will not necessarily give ONR an indication of the effectiveness of a Nuclear Safety Committee (NSC) in fulfilling its guidance and advisory role as an integral part of a licensee's nuclear safety governance arrangements but good implementation of these arrangements will contribute towards the NSC's effectiveness.

2.4 The NSC has an important role to play in taking an independent view of the 'health' of nuclear safety in the licensee organisation by taking a broad view of the totality of safety-related activities. Accordingly, some broad principles have been identified which underpin ONR's expectations regarding the role, effectiveness and functioning of a NSC to assist Inspectors in judging how well a licensee's arrangements work in practice. These are set out in Section 6 of this Technical Inspection Guide.

3 LICENCE CONDITION 13: NUCLEAR SAFETY COMMITTEE

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

- a) All matters required by or under these conditions to be referred to a nuclear safety committee
- b) 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;

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- c) Any matter on the site affecting safety on or off site which the Executive may specify; and
 - d) Any other matter which the licensee considers should be referred to a nuclear safety committee.
- 3.2 LC 13(2). The licensee shall submit to ONR for approval the terms of reference of any such nuclear safety committee and shall not form a nuclear safety committee without the aforesaid approval.
- 3.3 LC 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 ONR has approved such alteration or amendment.
- 3.4 LC 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.
- 3.5 LC 13(5). The licensee shall furnish to ONR 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 ONR notifies the licensee that it does not agree to the appointment.
- 3.6 LC 13(6). The licensee shall ensure that the qualifications, current posts held and previous relevant experience of any 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 is reasonably practicable, independently.
- 3.7 LC 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.
- 3.8 LC 13(8). The licensee shall send to ONR within 14 days of any meeting of any such committee a full and accurate record of all matters discussed at that meeting including in particular any advice given to the licensee.
- 3.9 LC 13(9). The licensee shall furnish to ONR copies of any document or any category of documents considered at any such meetings that the Executive may specify.
- 3.10 LC 13(10). The licensee shall notify ONR as soon as practicable if it is intended to reject, in whole or in part, any advice given by any such committee together with the reasons for such rejection.
- 3.11 LC 13(11). Notwithstanding paragraph 7 of this condition, where it becomes 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 ONR.
- 3.12 LC 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 has considered and ONR has approved such alteration or amendment.

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- 4.1 This purpose of this condition is to ensure that the licensee sets up a properly constituted nuclear safety committee (NSC) which can consider and advise on all matters which may affect safety on or off the licensed site. The committee must be comprised of suitably qualified and experienced persons to perform this task and to provide a source of authoritative advice to the licensee. The NSC should not be required to 'agree', 'endorse' or 'approve' any matters put to it since that might undermine its purely advisory role.
- 4.2 The terms of reference (TOR) of the NSC and the arrangements for dealing with urgent safety proposals (USPs) are so important that they always require formal approval by ONR. ONR will need to be satisfied that the TOR for any proposed NSC is appropriate for the particular installation and phase of activity concerned.
- 4.3 LC 13(1) identifies the matters which should be referred to a NSC. ONR has a primary power in LCs 13(1)(b), 13(1)(c) and (indirectly) in LC 13(1)(a) to 'specify' other matters for reference. ONR 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.
- 4.4 Arrangements for USPs must be submitted to ONR for approval under LC 13(11). 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 USP is likely to fall within the classification covered by 'incidents' in LC 7: Incidents on the Site. Arrangements under LC 13(11) should ensure that the licensee obtains timely 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. ONR should be informed of such USPs as soon as practicable.

5 GUIDANCE ON ARRANGEMENTS FOR LC13

- 5.1 The following paragraphs provide ONR's views on what the licensee's arrangements should include to comply with LC 13.
- 5.2 The arrangements should:
- Address all LC 13 requirements;
 - Be controlled and approved under a management system compliant with the requirements of LC17, and in date;
 - Contain a schedule listing responsibility and the documentation required for each clause of LC 13.
- 5.3 The Inspector should:
- Examine the licensee's arrangements for LC 13 and confirm that they refer to any relevant Approvals issued by ONR with respect to terms of reference for the NSC and procedure for urgent safety proposals. These arrangements should recognise that, once approved, documentation and procedures are frozen unless further submissions are made and approvals are granted.

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- Check that the arrangements include the licence condition requirement to provide ONR with any document or category of documents that ONR Specifies.
- 5.4 The arrangements should define the role of the NSC and demonstrate that:
- The NSC has an advisory function rather than an executive function;
 - The composition of the NSC is suitable for the hazards being managed by the licensee. The composition may vary from time to time to reflect the differing hazards present as the site progresses through its life;
 - The NSC is capable of giving advice to the licensee for all of the plants on a site. The NSC 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 for example 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 issues for example emergency arrangements, incident reporting.
- 5.5 The arrangements should include arrangements for membership of the NSC which ensure that the independent members are not direct employees of the licensee, or contracted to it for other purposes.
- 5.6 The Inspector should confirm that the arrangements require that ONR is provided with the name, qualifications, and particulars of current posts held and previous relevant experience for each NSC members.
- 5.7 The arrangements should address the full TOR of the NSC and include a requirement to submit them to ONR for approval. The Inspector should check that the TOR do not require the NSC to 'agree' or 'endorse' any matters and that the NSC's advisory status is not undermined.
- 5.8 The arrangements should include procedures which address the requirement for:-
- Preparation of papers and reports for presentation to the NSC;
 - Presentation of papers to the NSC;
 - Responding to advice from the NSC;
 - Rejection of advice from the NSC;
 - Progressing actions placed by the NSC; and
 - Handling the NSC's documentation.
- 5.9 The Inspector should discuss any deficiencies with the responsible person identified in the procedures.
- 5.10 The arrangements should address all matters, arrangements or documents referred to the NSC for consideration and advice as specified in LC 13(1). If they do not, the Inspector should discuss this with the responsible person since ONR has the power in 13(1)(b) and 13(1)(c) to 'specify' other matters for reference.
- 5.11 The arrangements should include procedures for special arrangements to deal with USPs. In the case of these special arrangements, the Inspector should check that the procedures include a requirement to ensure a quorum of members of the NSC is available (including independent members) to give advice. The arrangements should stipulate that ONR will be informed of such USPs as soon as possible and include the requirement to submit them to ONR for approval.

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NOT PROTECTIVELY MARKED**6 GUIDANCE ON INSPECTION OF ARRANGEMENTS AND THEIR IMPLEMENTATION**

- 6.1 ONR considers that assessing a licensee's arrangements to comply with LC 13 will not necessarily give an indication of the full effectiveness of the NSC in fulfilling its guidance and advisory role as an integral part of a licensee's nuclear safety governance arrangements.
- 6.2 The NSC has an important role to play in taking an independent view of the 'health' of nuclear safety in the licensee organisation by taking a broad view of the totality of safety-related activities. An effective NSC should be able to look at the bigger picture in relation to the licensee's activities and, in so doing, make an important contribution to a licensee's governance of nuclear safety.
- 6.3 Some broad principles have been identified which underpin ONR's expectations regarding the role, effectiveness and functioning of a NSC. These are set out below and then each principle is discussed in more detail in the following sections.

Nuclear Safety Committee Principles

1. The NSC should be an integral part of the licensee's nuclear safety governance arrangements.
2. NSC membership should be appropriate to the lifecycle phase of the installation.
3. The licensee should agree with the NSC the schedule of matters that it intends to present to the NSC for consideration or advice.
4. The licensee should ensure that there is a code of conduct for NSC meetings.
5. The licensee should formally document the NSC process as part of its management system.
6. The NSC should take a holistic view of the licensee's activities that have the potential to influence nuclear safety.
7. The licensee should periodically review the effectiveness of the NSC.

Principle 1

The NSC should be an integral part of the licensee's nuclear safety governance arrangements.

- 6.4 The NSC fulfils an important role in providing the licensee Executive with advice on nuclear safety related matters as part of the licensee's nuclear safety governance arrangements and there should be a clear 'line of sight' from the NSC to the Executive via the NSC Chairman.
- 6.5 ONR's requirement is that the NSC acts in a purely advisory capacity and that it will not have an executive function. Executive/decision making responsibility is the responsibility of the relevant licensee governance committees. It is acceptable for the NSC to give advice in such a way that it influences the management of safety, not least if it chooses to reject safety submissions.

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- 6.6 NSC meeting minutes should clearly identify which matters have been considered by the NSC and, where the NSC has been asked for advice, what that advice is. A process should be in place to ensure that NSC advice is regularly received and reviewed by the licensee Executive (or an appropriate Executive governance committee) and, where necessary, acted upon. The process should include a mechanism to provide feedback to the NSC Chairman of the outcome of the Executive's sentencing of NSC advice.
- 6.7 In the event that the Executive chooses to ignore the NSC's advice, its reasons for doing so must be clearly recorded in the minutes of the relevant Executive or governance committee meeting, and the reasons shared with the NSC Chairman. The NSC Chairman should share the reasons with the NSC members. The licensee must be able to explain to ONR why the NSC's advice is not being followed.
- 6.8 Although the role of the NSC is connected with the licensee's management of safety, the NSC should have no direct responsibility for independent nuclear safety assessment, checking or peer review.
- 6.9 The NSC terms of reference that are submitted for approval by ONR should only consider matters related to nuclear safety, in accordance with LC 13. Matters relating to security or the environment alone should not be included within the approved terms of reference (but see 6.11) because ONR has no regulatory authority under the nuclear site licence to approve the licensee's arrangements in these areas.
- 6.10 ONR appreciates that a licensee may wish to have a more integrated approach to considering safety, security and environment using the knowledge and experience of its NSC members. It is not ONR's desire to preclude the licensee from convening a single meeting at which safety and non-safety matters are considered. If the licensee wishes to do this, it should submit for approval only those parts of the meeting's terms of reference that relate to nuclear safety.
- 6.11 This does not preclude consideration of other matters, including environment and security, inasmuch as they have the potential to impact on nuclear safety, but the licensee should take care not to distract the main purpose of the meeting from a consideration of safety matters by appointed NSC members. Consideration of matters relating solely to environmental or security matters should be taken outwith the formally conducted NSC meeting. In such instances, the NSC meeting may be formally closed when it has concluded its business and a separate meeting convened to consider security or environmental matters.
- 6.12 Key features which the Inspector should look for are:
- Confirmation that the role the NSC plays as part of the licensee's nuclear safety governance arrangements is clearly understood by the licensee Executive and Board, and that this role is operating effectively.
 - A process which ensures that the NSC Chairman informs the licensee Executive of the advice given by the NSC. This should be a two-way process which allows the NSC Chairman to inform the Executive and to receive feedback regarding the advice given.
 - A relationship between the NSC Chairman and the licensee Safety Director (where these are not the same person) which ensures that the Safety Director is fully up to date with matters considered by the NSC and is capable of providing independent advice to the licensee Executive and Board.

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- 6.13 The NSC should initially be set up at an early stage in the life of a site (this could be in 'shadow' form before a licence is granted). As the proposed nuclear installation advances through various stages of its life such as licensing, construction, commissioning, operation, defueling and eventual decommissioning the composition of the NSC may change to reflect the differing expertise required for each phase.
- 6.14 In the case of multi-plant sites, where the installations have a multitude of complex nuclear facilities, the licensee may choose to form several NSCs to reflect this. Where this is the case, each NSC must be independently constituted and act in an autonomous way. ONR would expect to see a degree of common membership to help ensure a more consistent overview of the site's activities and clear spans of oversight.
- 6.15 Membership of the NSC should be commensurate with the lifecycle phase of the facilities or installation since the knowledge and experience required of the NSC members may be different according to the difference lifecycle phase i.e. construction, commissioning, operation, defueling and decommissioning.
- 6.16 Large nuclear installations may include facilities that are undergoing more than one lifecycle phase at any given time and, in such instance the licensee should be able to demonstrate that the NSC membership is qualified to provide authoritative advice in relation to all matters presented to it for consideration and advice.
- 6.17 The NSC Chairman should be demonstrably competent to hold the position and should be formally appointed on behalf of the licensee Board. The Chairman can be part of, or independent from, the licensee organisation.
- 6.18 NSC members should be demonstrably competent to hold the position and should be formally appointed on behalf of the licensee Executive based on an identified requirement and on the committee's overall technical expertise. The appointment should ensure that the committee maintains appropriate technical coverage to support the licensee's work profile.
- 6.19 ONR encourages more extensive external membership of the NSC to bring a truly independent view and a wider perspective including learning from outside the licensee organisation.
- 6.20 A NSC member is not independent if they benefit or are likely to benefit from the licensee in any way other than by their fees as NSC members. For clarity:
- Any NSC member who is an employee or director of the licensee is not regarded as independent.
 - As long as they are not the sole independent member, retired staffs from the licensee who no longer have an executive function are acceptable
 - Individuals who are contractors and consultants to the licensee are not independent.
 - Individuals from a firm or consultancy that is doing work for the licensee may be independent but only if suitable internal barriers keep them strictly separate from that work.
- 6.21 Where a licensee organisation is part of a wider group of companies it may wish to appoint suitably qualified and experienced individuals from a 'sister' company as

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independent NSC members. In such instances, ONR would expect to see an appropriate balance to the membership to ensure true independence.

- 6.22 The aim of the NSC should be to provide the best available consideration and advice. Suitable internal members should be appointed who, despite their dependence on the licensee, feel unconstrained and able to advise the licensee authoritatively and, so far as practicable, independently.
- 6.23 Information about NSC members provided by the licensee should include sufficient detail for a proper judgement of their suitability to be made by ONR.
- 6.24 Internal NSC members may send a deputy to attend meetings in their absence but deputies should not count toward the quorum of the meeting. The intention to provide a deputy should be discussed with the NSC Chairman in advance of the meeting.
- 6.25 Key features which the Inspector should look for are:
- An NSC membership which is appropriate to the lifecycle phases(s) of the installation which has an appropriate balance of internal and independent members who are able to bring diverse and relevant external experience, and provide a robust, informed independent challenge .
 - A method of demonstrating the competence of individual NSC members and the overall competence of the NSC membership.
 - Arrangements to periodically review the competence of the NSC membership.

Principle 3

The licensee should agree with the NSC the schedule of matters that it intends to present to the NSC for consideration or advice.

- 6.26 There should be a valid schedule of matters that the licensee intends to submit to the NSC for consideration and advice. This should be in sufficient detail to allow the NSC members to understand the nature and timing of submissions and what is expected of the NSC i.e. for advice or consideration. The schedule should be periodically reviewed and updated.
- 6.27 The schedule should be underpinned by a process that ensures that forthcoming matters for consideration and advice are identified in good time and that submission owners are aware of and agree to the timescales required for preparation and presentation of their submissions.
- 6.28 The NSC Secretariat should manage the schedule of matters which may be derived from a variety of sources including:
- Papers scheduled as part of site activities requiring NSC advice and guidance, as requested by document originators or project managers.
 - NSC requests for information based on operations updates, previous papers, nuclear industry incidents etc.
 - Responses to NSC actions from previously presented papers.
- 6.29 The schedule should be regularly reviewed to ensure that it remains up to date and valid.
- 6.30 Submissions made to the NSC should consist of:
- Papers for consideration. These are issued to the NSC to request advice on aspects of nuclear safety. These may be supported by a short presentation

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from the submission owner or author providing a succinct high level outline of the paper.

- Papers for information. These are issued to the NSC to further their understanding on a specific aspect of site operations. Advice is not sought about papers for information and cannot be given. However, the NSC may identify points for consideration.
- Presentations. These are provided to the NSC for their information to further their understanding of a specific matter. Advice should not be sought for these presentations and cannot be given.

6.31 Key features which the Inspector should look for are:

- A valid schedule of matters for consideration by the NSC which is representative of nuclear safety related matters arising on the site and has been proactively reviewed and agreed by the NSC.
- Arrangements to periodically review and update the schedule in consultation with the NSC.
- Efficient and effective management of the schedule by the Secretariat.

Principle 4**The licensee should ensure that there is a code of conduct for NSC meetings**

6.32 NSC meetings should be conducted in a consistent and professional manner which:

- Encourages all members to contribute on an equal basis.
- Promotes open, constructive and robust challenges to papers.
- Avoids or defends against 'groupthink'.
- Challenges presenters in a robust but respectful and non-aggressive manner.

6.33 The NSC Chairman should ensure that he or she provides a comprehensive summary of the outcomes at the end of the meeting so that all members have a clear and consistent view of the status of papers, advice given and actions placed. This should include acknowledging formally any disagreements or differences of professional opinion arising at the meeting.

Principle 5**The licensee should formally document the NSC process as part of its management system.**

6.34 The activities of the NSC are an integral part of the NSC's nuclear safety governance arrangements and should be documented as such in the licensee's management system.

6.35 Procedural arrangements should be developed to provide the NSC Chairman, Members, Secretariat and those making submissions with guidance on how NSC business is conducted to implement the Terms of Reference.

6.36 Procedural arrangements should describe arrangements for:

- Establishing the NSC including:
 - Appointing the NSC Chairman
 - Assigning the Secretariat
 - Identifying and assessing the competence of proposed NSC members

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- Appointing NSC Members
- Managing NSC membership including arrangements for resignation of members or rescinding membership
- The NSC process including:
 - Management of NSC submissions
 - Performing independent review or internal challenge of submissions
 - Meeting preparation and conduct
 - Preparation, review and amendment of meeting minutes
 - Informing the licensee Board of advice given by the NSC
 - Management of formal advice generated by the NSC
 - Unscheduled meetings convened to consider Urgent Safety Proposals
 - Records requirements

6.37 Key features which the Inspector should look for are:

- Documented NSC arrangements that are an integral part of the licensee's management system.
- Implementation of NSC arrangements in accordance with documented arrangements.
- Independent review of the efficiency and effectiveness of the arrangements and a process to manage actions and continuous improvement.
- Engagement between the Secretariat and NSC members which ensures that their view of the adequacy of the arrangements is periodically sought and taken into account in the improvement process.

Principle 6

The NSC should take a holistic view of the licensee's activities that have the potential to influence nuclear safety.

6.38 The NSC should not limit its activities to the consideration of safety submissions provided by the licensee. It should take a broader view of the licensee's activities that have the potential to influence nuclear safety including, but not limited to, the following:

- Strategic plans to improve nuclear safety, the adequacy and proportionality of such plans.
- The adequacy of 'measures' of nuclear safety performance (e.g. the appropriateness of key performance indicators).
- The adequacy of progress with improving nuclear safety performance.
- Resourcing strategy including plans to significantly increase or decrease the size of the workforce.
- Proposals to outsource activities currently undertaken by the licensee or to bring in-house work currently contracted out.
- The effectiveness of the licensee's arrangements to manage organisational changes with a particular focus on:
 - Management of significant organisational changes
 - Cumulative effects of organisational changes
- The effectiveness of learning from events internal and external to the licensee organisation including significant international nuclear and non-nuclear events;
- The nuclear culture of the licensee organisation.

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- The 'health' of the supply chain in delivering nuclear safety related items or services.

6.39 Key features which the Inspector should look for are:

- Meeting agendas and minutes which indicate that the NSC has taken a broader perspective to nuclear safety.
- A schedule of matters for NSC consideration that includes some of the above items.

Principle 7**The licensee should periodically review the effectiveness of the NSC.**

6.40 The licensee should have a process in place periodically to carry out an independent, internal review of the efficiency and effectiveness of its NSC arrangements. That process should include, but not be limited to, factors such as:

- Quality of NSC procedures and guidance and the effectiveness of implementation.
- Accuracy of the forward submissions schedule and the criteria for establishing which matters are presented to the NSC for consideration or advice.
- Quality and timeliness of meeting submissions including what is expected of the NSC i.e. consideration or advice.
- Meeting conduct including:
 - Quality of meeting chairmanship
 - Pre-meeting preparation and contribution of individual members
 - Quality of discussion/debate relating to individual matters under consideration
 - Clarity of advice given by the NSC
- Accuracy and timeliness of meeting minutes.
- Appropriateness of actions and timeliness of close out.
- Arrangements for retaining meeting records.

6.41 The licensee may wish to consider inviting a member of another licensee NSC to review meeting conduct as a means of benchmarking NSC performance and sharing good practice.

6.42 The licensee should have arrangements in place to periodically review the collective competence of the NSC members and, where necessary, to adjust or enhance the membership as appropriate.

6.43 Key features which Inspectors should look for:

- A process to periodically review the effectiveness of the NSC which is independent of the NSC but ensures that all contributors to the NSC process are involved.
- A method of managing improvement actions which ensures that the actions are closed out in a timely manner and to the satisfaction of the NSC Chairman.

6.44 The Inspector may wish to consider attending an NSC meeting(s) as an observer to gain an appreciation of the NSC process and conduct of meetings. Meeting observations may be shared with the NSC Chairman as part of the licensee's improvement process.

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7 FURTHER READING

- 7.1 T/AST/050 – Periodic Safety Reviews (PSRs)
- 7.2 T/AST/051 – Guidance on the Purpose, Scope and Content of Nuclear Safety Cases
- 7.3 T/AST/080 – Nuclear Safety Advice and Challenge

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