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Hinkley Point C Nuclear Power Station

1. Approval of Terms of Reference of NNB GenCo Nuclear Safety Committee and
2. Approval of NNB GenCo arrangements for Urgent Safety Proposals

Project Assessment Report ONR-NR-PAR-18-001 Revision 1
29th August 2018

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EXECUTIVE SUMMARY

Title

Approvals of amended Hinkley Point C Nuclear Safety Committee Terms of Reference and the licensee's arrangements for consideration of Urgent Safety Proposals under Licence Condition 13 of nuclear site licence 97A.

Permission requested

This Project Assessment Report relates to a request from NNB Generation Company Limited (NNB GenCo) for ONR's approval of amended Terms of Reference of the Nuclear Safety Committee under Licence Conditions 13(3) and of its arrangements for consideration of Urgent Safety Proposals under 13(12) of nuclear site licence 97A.

Background

Licence Condition 13 requires the licensee to set up a properly constituted Nuclear Safety Committee which can consider and provide advice on matters which may affect safety on or off the licensed site.

The Office for Nuclear Regulation (ONR) approved the original Terms of Reference (ToR) of NNB GenCo's Nuclear Safety Committee (NSC) in accordance with Licence Condition 13(2) in November 2012 using Licence Instrument No: 500. NNB GenCo subsequently notified ONR of a numbering error with its version control of the NSC ToR, and requested approval of amended ToR under Licence Condition 13(3). ONR issued this approval using Licence Instrument 502 in December 2013.

LC 13(11) requires that where it becomes necessary to obtain the consideration of, or advice on, urgent safety proposals (which would normally be considered by a NSC) the licensee may only do so in accordance with appropriate arrangements made by the licensee, considered by the NSC and approved by ONR. NNB GenCo submitted a request to ONR in March 2013 for approval of Urgent Safety Proposals arrangements as an Appendix to the extant ToR. ONR issued its approval for those arrangements in March 2014 using Licence Instrument 503.

On 1st August 2018 NNB GenCo submitted a request to ONR for its Approval under LC13 of a further revision of the Terms of Reference for the HPC NSC, including changes to the arrangements for the committee's consideration of Urgent Safety Proposals.

Assessment and inspection work carried out by ONR in consideration of this request

I have assessed the proposed amended Terms of Reference for NNB GenCo's NSC, including the arrangements for Urgent Safety Proposals against the requirements of Licence Condition 13. I am satisfied that they adequately meet the requirements and describe how the arrangements work under the Site Licence including: the conditions for when the Urgent Safety Proposals process can be used; the steps in the process; the primary roles and responsibilities; and how ONR will be kept informed. I am satisfied that the licensee's NSC has undertaken suitable consideration of these arrangements.

Matters arising from ONR's work

There are no matters arising from this assessment.

Conclusions

This PAR presents the findings of my assessment of the amended Terms of Reference for NNB GenCo's Nuclear Safety Committee. The revised Terms of Reference have been subjected to the licensee's due process. I have assessed the revised document and I consider it adequate to satisfy the requirements of Licence Conditions 13(3) and 13(11).

I am satisfied that the revised terms of reference for NNB GenCo's Nuclear Safety Committee adequately address the requirements of Licence Condition 13 and relevant expectations set out in ONR guidance.

Recommendation

On the basis of the request submitted by NNB GenCo and the conclusions of this PAR, I recommend that:

1. the Head of ONR's EPR sub-Division signs this PAR to confirm support for the ONR technical and regulatory arguments that justify issuing Licence Instruments LI512 and LI513,
2. the Head of ONR's EPR sub-Division signs this PAR approving it for publication, after redaction where necessary; and
3. the Head of the New Reactors Division signs HPC Licence Instrument 512 to approve under Licence Condition 13(3) NNB GenCo's amended Nuclear Safety Committee Terms of Reference, and Licence Instrument 513 to approve under Licence Condition 13(12) NNB GenCo's amended arrangements for the consideration of Urgent Safety Proposals.

LIST OF ABBREVIATIONS

HPC	Hinkley Point C
LC	Licence Condition
LI	Licence Instrument
NSC	HPC Nuclear Safety Committee
NNB GenCo	NNB Generation Company Limited
NSL	Nuclear Site Licence
ONR	Office for Nuclear Regulation
PAR	Project Assessment Report
TIG	(ONR) Technical Inspection Guide
ToR	(NSC) Terms of Reference
USP	Urgent Safety Proposals

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1 PERMISSION REQUESTED

1 NNB GenCo (HPC) Ltd (the Licensee) has requested (Ref. 1) the Office for Nuclear Regulation's (ONR) Approval of amended Nuclear Safety Committee (NSC) Terms of Reference (ToR), and the revised arrangements for the consideration of Urgent Safety Proposals (USP). This report considers ONR's assessment of the NNB GenCo's request and provides the basis for ONR's decision to provide the relevant Approvals under Licence Condition 13.

2 DETAILS OF THE REQUEST

2.1 Background

2 NNB GenCo was granted a Nuclear Site Licence (NSL) to install and operate a nuclear installation at its Hinkley Point C site on 26 November 2012. The NSL came into force on 3 December 2012.

3 The Office for Nuclear Regulation (ONR) approved the original ToR of NNB GenCo's Nuclear Safety Committee (NSC) in accordance with Licence Condition 13(2) in November 2012 using Licence Instrument No: 500 (Ref. 2). NNB GenCo subsequently notified ONR of a numbering error with its version control of the NSC ToR, and requested approval of amended ToR under Licence Condition 13(3). ONR issued this approval using Licence Instrument 502 in December 2013 (Ref. 3).

4 NNB GenCo submitted a request to ONR in March 2013 for approval of USP arrangements as an appendix to the extant ToR. ONR issued its approval for those arrangements in March 2014 using Licence Instrument 503 (Ref. 4).

2.2 Licence Condition 13 – Nuclear Safety Committee

5 As discussed in ONR's Technical Inspection Guide (TIG) to LC13 (Ref. 5) the purpose of this licence condition is to ensure that the licensee sets up a properly constituted NSC which can consider and provide advice 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.

6 The terms of reference (ToR) of the NSC and the arrangements for dealing with USP 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.

7 LC 13(1) identifies the matters which should be referred to a NSC. Such 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.

8 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 TIG states ONR's expectation that an initiating event for a 'genuine' USP is likely to fall within the classification covered by 'incidents' in LC 7: *Incidents on the Site*. The TIG also notes ONR's expectation that 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, and ONR should be informed of such USPs as soon as practicable.

2.3 NNB GenCo case for ONR's Approval under LC13

- 9 NNB GenCo draft proposals for revised and updated ToR were submitted for consideration and advice to the December 2016 NSC meeting (Ref. 14) to adapt the existing ToR into a new template and remove reference to an out of date supporting document. Subsequent to that meeting, NNB GenCo developed an amended draft ToR to include proposed amended arrangements for consideration of USPs. NNB GenCo considered that these amendments would provide flexibility in the consideration of USPs during HPC's construction phase, when such a highly complex project may be subject to unexpected change, and which requires the consideration of safety consequences to be undertaken urgently.
- 10 ONR's provided initial comments on the draft amendments in October 2017 (Ref. 6), which were generally positive, but with a significant reservation regarding the proposed changes to the arrangements for consideration of USPs. NNB GenCo's proposed arrangements under LC 13(11) would allow these arrangements to provide for consideration/advice on "*an urgent nuclear safety matter or an urgent business matter where the project schedule requires engagement at short notice*". The amendment also deleted the existing condition that these arrangements should not be used for matters of "operational convenience or commercial expediency".
- 11 To ensure corporate consistency in its advice to NNB GenCo on this important matter, ONR had held an ad-hoc internal meeting to discuss the NNB GenCo proposals and agree a corporate view. The notes of this meeting were shared with NNB GenCo (Ref.7). ONR advised NNB GenCo that:
- an NSC's arrangements for USPs shall not be used to consider/advice on urgent safety matters or business matters where the project schedule requires engagement at short notice. This is consistent with ONR's TIG.
 - the arrangements for compliance with LC13(1) may include the facility to secure a fully quorate meeting via the use of audio/video communications in order to permit the NSC to provide timely consideration of, or advice on, nuclear safety matters where the project schedule requires engagement at short notice.
 - under no circumstances shall a NSC convened under a licensee's arrangements for compliance with LC13 consider/advice on business matters.
 - considering its guidance relating to USPs, ONR judges it to be highly unlikely that new reactor construction activities undertaken prior to the first shipment of fuel to site will lead to an initiating event that warrants the NSC's consideration of, or advice on, an urgent safety proposal.
 - ONR judges that not until the new installation enters active commissioning is there any likelihood of an activity having the potential to initiate an event that warrants the NSC's consideration of, or advice on, an urgent safety proposal.
- 12 ONR's ad-hoc internal meeting also agreed that ONR should consider the merits of adding additional guidance in the TIG to assist the inspection of LC13 compliance during new reactor construction.
- 13 NNB GenCo subsequently amended its draft ToR taking into account ONR's views, and submitted the revised draft to the December 2017 NSC for consideration and advice. Advice from that NSC resulted in further amendments and a revised draft ToR was provided to ONR for consideration in advance of a formal request for ONR's Approval.
- 14 With regard to this latest revision, NNB GenCo noted (Ref. 8) that:

- *“We have tried to reflect the Committee’s points regarding maintaining the right culture and behaviours, particularly within a project environment, where we want to benefit from their advice while maintaining the schedule. When an urgent matter arises that would benefit from the NSC’s consideration and advice, we need to be able to engage them quickly and obtain their advice to inform our own decision making.*
- *“We recognise that we have the opportunity to call a Committee meeting at short notice, but arranging a time that is soon enough to maintain project schedule requirements and when enough members are available for the meeting to be quorate may not be possible. In these unlikely situations, we would invoke the Urgent Safety Proposals and call a short notice meeting with as many members as possible – including at least 1 independent NSC member and the NSC Chairman, to gain their independent view. In such circumstances, the matter would also be presented to the next normally constituted NSC meeting, as required by the USPs to ensure it had proper consideration by a quorate Committee”.*

15 ONR subsequently advised NNB GenCo in January 2018 (Ref.9) that:

- ONR notes that Appendix A “Urgent Safety Proposals” (USP) retains the provision of urgent nuclear safety related advice in the early design / construction phase in the programme delivery context and accept that this is appropriate at this stage of the project. ONR welcomes changes such as *“All endeavours will be made to consult a quorum of the NSC members”* and that if used the consideration of USP will consult *“at least the NSC Chairman, one independent NSC member or the NNB GenCo (HPC) Safety & Assurance Director and a representative from the HPC Project”*, which serve to strengthen the TOR/arrangements.
- As written, and during the construction phase of the project, ONR would expect NNB GenCo to use its USP arrangements infrequently and only where the nuclear safety link is demonstrable / clear and include evidence of using ‘all endeavours’ to urgently convene a quorate NSC. However, if ONR begin to see NNB GenCo frequently resorting to USP arrangements for issues that have ‘less-than-clear’ links to nuclear safety, or where the overriding driver is schedule alone, then this would be cause for concern. ONR will look to NNB GenCo’s regular (annual) review of NSC business to review use of the arrangements for USPs.
- In summary, ONR is content that the proposed updated ToR/USP arrangements are acceptable for the construction phase of the project.

16 Subsequent to this, NNB GenCo submitted the final version of the proposed changes to the ToR to the February 2018 NSC. At that meeting the NSC advised that it was content with the proposed changes (Ref. 10).

17 On 1st August 2018, NNB GenCo submitted a formal request to ONR for its Approval under LC13 of these revised ToR and the arrangements for Urgent Safety Proposals (Ref. 1).

3 ASSESSMENT OF NNB GENCO’S REQUEST FOR ONR APPROVAL

18 In view of ONR’s extensive previous engagement with NNB GenCo in this matter (discussed in Section 2.3 above), my assessment has been limited to ensuring that the version of the ToR submitted with its request for Approval, is consistent with the previous draft seen and commented on by ONR, and which the February 2018 NSC had advised was acceptable.

19 Having reviewed the submitted revised ToR, including the propose changes to the arrangements for the committee’s consideration of urgent safety proposals, I am satisfied that these correspond to the amended versions which ONR had previously

considered and commented on, as described in Section 2.3 above. It remains ONR's view (as expressed in Ref. 7) that it is unlikely that the arrangements for urgent safety proposals will need to be called upon during the construction and commissioning phase. However, ONR accepts that having such a provision available will provide NNB GenCo with assurance that, should the occasion arise, urgent safety proposals can be dealt with in timely manner.

- 20 In the light of ONR's previous consideration of the draft changes discussed above, I am content that NNB GenCo's case for ONR issuing its Approval for the new NSC ToR and Urgent Safety Proposals arrangements is acceptable.

4 PREPARATION OF THE LICENCE INSTRUMENTS

- 21 Approval of the current ToR and arrangements for USPs was via two separate Licence Instruments under Nuclear Site Licence 97:

- LI 502 – Approval of ToR under LC 13(3) – dated 13 December 2013
- LI 503 – Approval of USP arrangements under LC 13(11) – 27 March 2014

Site Licence No. 97 had been granted to NNB GenCo by the Health & Safety Executive, as were both of these Approvals.

- 22 A new nuclear site licence, No. 97A, was issued to NNB GenCo on 11 August 2016 (Ref. 11). The new licence carried across both of the above Approvals, meaning that they have the same effect as if they had been granted under the new licence. This new licence was granted by ONR.

- 23 ONR's instruction on the preparation of Licence Instruments (Ref.12) requires the use of two standard LIs for granting approval to the revised ToR under LC 13(3) and to revised arrangements for USPs under LC13(12). The ONR instruction also requires that the extant LIs (LI 502 and LI 503) are withdrawn. ONR's 'Administrative Arrangements for Delegated Authorities' (Ref. 13) specify that Approvals under LC 13 must be signed by a Deputy Chief Inspector, or above. Both LIs have been prepared in accordance with the ONR instruction.

5 MATTERS ARISING FROM ONR'S WORK

- 24 This assessment has concentrated on confirming that the wording of the submitted revised ToR was consistent with the advice that ONR provided on the previous draft and that the NSC had been consulted appropriately. No regulatory issues or concerns have arisen as a result of this work.

6 CONCLUSIONS

- 25 This report presents the findings of ONR's assessment of NNB GenCo's Nuclear Safety Committee terms of reference. The amended Terms of Reference have been subjected to the licensee's due process. The document has been assessed by ONR and considered adequate to satisfy the requirements of LC 13(3) and LC 13(11).

- 26 I am therefore satisfied that ONR should give its Approvals under Licence Condition 13(3) and LC 13(12) to the revised ToR and arrangements for consideration and advice on Urgent Safety Proposals.

7 RECOMMENDATIONS

- 27 On the basis of the request submitted by NNB GenCo and the conclusions of this PAR, I recommend that:

1. the Head of ONR's EPR sub-Division signs this PAR to confirm support for the ONR technical and regulatory arguments that justify issuing Licence Instruments LI512 and LI513,
2. the Head of ONR's EPR sub-Division signs this PAR approving it for publication, after redaction where necessary; and
3. the Head of the New Reactors Division signs HPC Licence Instrument 512 to approve under Licence Condition 13(3) NNB GenCo's amended Nuclear Safety Committee Terms of Reference, and Licence Instrument 513 to approve under Licence Condition 13(12) NNB GenCo's amended arrangements for the consideration of Urgent Safety Proposals.

8 REFERENCES

- 1 NNB GenCo letter NNB-209-RIO-002009 dated 1st August 2018. Request for approval under Licence Conditions 13(3) and 13(12) TRIM 2018/252377; Amended ToR Version 1.0 dated June 2018 at TRIM 2018/259118
- 2 ONR-HPC-PAR-12-060 – Approval of Nuclear Safety Committee Terms of Reference for Hinkley Point C in accordance with site licence condition 13 TRIM 2012/459577
- 3 ONR-HPC-PAR-13-066 Approval of Amended Nuclear Safety Committee Terms of Reference for Hinkley Point C in accordance with site licence condition 13. TRIM 2013/152629
- 4 ONR-HPC-PAR-13-045 Approval of Nuclear Safety Committee arrangements for Urgent Safety Proposals for Hinkley Point C in accordance with Licence Condition 13(11). TRIM 2014/119730
- 5 NS-INSP-GD-013 Revision 4. Technical Inspection Guide: LC13 Nuclear Safety Committee. TRIM 2016/284520
- 6 LC13 - HPC Nuclear Safety Committee Terms of Reference - Proposed Revisions. ONR email to NNB GenCo October 2nd 2017 TRIM 2018/241444
- 7 HPC Nuclear Safety Committee proposed revised Terms of Reference. ONR email to NNB GenCo October 17th 2017 TRIM 2018/241385
- 8 Updated HPC Nuclear Safety Committee Terms of Reference and Urgent Safety Proposals. Email from NNB GenCo 22nd December 2017. TRIM 2018/241472
- 9 Updated HPC Nuclear Safety Committee Terms of Reference and Urgent Safety Proposals. ONR email to NNB GenCo 11 January 2018 TRIM 2018/241319
- 10 NNB-102-MOM-000625 Minutes of 38th Nuclear Safety Committee February 14th 2018 TRIM 2018/84034
- 11 Scanned copy of Hinkley Point C Licence 97A. TRIM 2016/326764
- 12 ONR Instruction NS-PER-IN-001 Revision 8, Preparation and Issue of Licence Instruments; TRIM 2017/8970
- 13 ONR Guide: NS-PER-GD-013 Revision 1. Administrative Arrangements for Delegated Authorities within the Office for Nuclear Regulation. TRIM 2015/133276
- 14 NNB-102-MOM-000637 Minutes of 37th Nuclear Safety Committee, 7th December 2017 TRIM 2018/14133