



**Licensing of Inutec Limited**

**Licensing Part of the Magnox Limited Winfrith Licensed Nuclear Site to Inutec Limited**

Project Assessment Report ONR-SDFW-PAR-16-013  
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## EXECUTIVE SUMMARY

### Licensing Part of the Magnox Limited Winfrith Nuclear Licensed Site to Inutec Limited

#### Permission Requested

Inutec Limited made an application on 8 April 2016, under section 3(1) of the Nuclear Installations Act 1965 (NIA 65) for a nuclear site licence for the B4 and A50 plots of the Winfrith nuclear site, currently licensed to Magnox Limited.

#### Background

Inutec Limited is a tenant organisation on the Winfrith site and its business is to process, store and consign radioactive wastes that are principally generated off site. Inutec Limited has also indicated that it may store radioactive waste for gradual disposal.

Magnox Limited holds a nuclear site licence for the Winfrith site which includes land and facilities currently leased to Inutec Limited, known as the B4 Complex. The Winfrith site is owned by the Nuclear Decommissioning Authority (NDA) who has contracted Magnox Limited to decommission the Winfrith licensed site to an agreed Interim End State (IES) by the mid-2020s.

Inutec Limited intends to continue its operations indefinitely at its current location and has nearly concluded negotiations with the NDA to purchase the freehold to the B4 plot and for additional land known as the A50 plot. Simultaneously, Inutec Limited has requested that ONR grant it a nuclear site licence for the B4 and A50 plots.

ONR has assessed Inutec Limited's business activities against those prescribed in section 1 of the NIA 65 and Nuclear Installations Regulations 1971 (NIR71) regulation 3, 6(c). ONR has determined that the quantity of radioactive matter held by Inutec Limited routinely exceeds the bulk quantity threshold. ONR has concluded that Inutec Limited is undertaking a licensable activity, namely operating a facility designed or adapted for storage of bulk quantities of radioactive matter. ONR has therefore concluded that Inutec Limited will require a nuclear site licence if it is to continue its business activities at Winfrith.

On 13 October 2016, Magnox Limited applied to ONR under section 5(1) of NIA 1965 for revocation of its current nuclear site licence № 100 and re-licensing of the site to exclude the B4 and A50 plots. The application requests that the revocation and re-licensing occur concurrently with the grant of the new nuclear site licence for Inutec Limited. ONR's assessment and determination of Magnox Limited's application for a new nuclear site licence can be found in Project Assessment Report (PAR) ONR-SDFW-PAR-16-014.

The revocation of the Magnox Limited extant nuclear site licence, the granting of a new nuclear site licence to Magnox Limited and the granting of a new nuclear site licence to Inutec Limited, will create two licensed nuclear sites within the current Winfrith site boundary.

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

The ONR assessment focused on Inutec Limited's application for a nuclear site licence in its own right. It has been informed by a series of interactions with Inutec Limited that took place both prior to and following its submission for a site licence. In deciding the scope of assessment and inspection, ONR noted that:

- Inutec Limited is managing a long-standing operation on the Winfrith site and has mature arrangements that are designed to be compliant to Magnox Limited's nuclear site licence compliance arrangements.
- Inutec Limited's operation handles relatively small quantities of radioactive materials when compared to other UK nuclear operations. The scope for

radiological consequences to workers and members of the public is limited by the nature of the operations and type and quantities of materials held by Inutec Limited.

ONR therefore adopted a proportionate approach when assessing Inutec Limited's application.

The current and previous ONR Nominated Site Safety Inspectors for Winfrith have worked closely with an ONR licensing specialist, a Nuclear Liabilities Specialist Inspector and a Leadership and Management for Safety Specialist Inspector to form their views on Inutec Limited's application.

ONR's assessment focused on 3 key themes:

- The Licensee organisation
- The site
- Licensable activities

### **Matters arising from ONR's work**

All issues identified during ONR's licensing assessment and inspection work that needed to be addressed prior to the granting of the licence have been resolved. No issues preventing the issue of the requested application arose from my assessment of Inutec Limited's submission.

### **Conclusions**

ONR has assessed Inutec Limited's application for a nuclear site licence for its undertakings on the Winfrith site against a number of relevant standards and criteria. ONR is content that Inutec Limited has met the requirements of the Nuclear Installations Act 1965 and guidance outlined in ONR publication entitled "Licensing Nuclear Installations".

Currently NDA and Inutec Limited have exchanged a contract for the sale and transfer of freehold to the B4 and A50 plots at Winfrith. In addition, an application has been made to the Secretary of State for Business, Energy & Industrial Strategy on behalf of the NDA for this land to be de-designated in accordance with the Energy Act 2004, this is expected to occur between the 4 to 8 February 2019. It is therefore considered that Inutec Limited has met the requirement to demonstrate security of tenure.

ONR therefore considers that Inutec Limited is a suitable applicant to be granted a nuclear site licence.

### **Recommendations**

On the basis of the application submitted by Inutec Limited and ONR's assessment, it is recommended that:

- The Head of ONR's Decommissioning, Fuel & Waste (DFW) Sub-Division approves this PAR.
- The Chief Nuclear Inspector grants nuclear site licence № 102 to Inutec Limited for its operations at Winfrith.

Following the grant of nuclear site licence № 102 by the Chief Nuclear Inspector to Inutec Limited, it is recommended that:

- A person with delegated authority within ONR signs and issues licence instrument number 501, a LC 25(4) Specification for Inutec Limited to Submit records of High-Activity Sealed Sources to ONR.

- A person with delegated authority within ONR signs and issues licence instrument number 502, a LC 11(2) Specification for ONR Approval of the Inutec Limited Emergency Plan.
- A person with delegated authority within ONR signs and issues licence instrument number 503, a LC 13(2) Approval of the Inutec Limited Terms of Reference for the Nuclear Safety Committee.

## LIST OF ABBREVIATIONS

AR	Assessment Report
CNSI	(ONR) Civil Nuclear Security Inspector
BEIS	Department for Business, Energy & Industrial Strategy
EA	Environment Agency
EPR2018	Environmental Permitting (Amendment) (No. 2) Regulations 2018
HASS	High-Activity Sealed Radioactive Sources and orphan sources
HIRE	Hazard Identification and Risk Evaluation
IES	Interim End State
Inutec SAT	Inutec Safety Assessment Team
LC	Licence Condition
LCCA	Licence Condition Compliance Arrangements
LNI	Licensing Nuclear Installations
NDA	Nuclear Decommissioning Authority
NIA65	Nuclear Installations Act 1965 (As Amended)
NICoP	Nuclear Industry Code of Practice
NLSI	Nuclear Liabilities Regulation Specialist Inspector
NIR71	Nuclear Installations Regulations 1971
NSC	Nuclear Safety Committee
NSL	Nuclear Site Licence
ONR	Office for Nuclear Regulation
OSC	Operational Safety Case
PAR	Project Assessment Report
PBN	Public Body Notification
REPPIR	Radiation (Emergency Preparedness and Public Information) Regulations 2001
SAP	(ONR) Safety Assessment Principles for Nuclear Facilities
SEMP	Safety and Environmental Management Prospectus
SHEQ	Safety, Health, Environment, and Quality
TAG	(ONR) Technical Assessment Guide
TIG	(ONR) Technical Inspection Guide
ToR	Terms of Reference
USP	Urgent Safety Proposals

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## **1 INTRODUCTION**

1. Inutec Limited made an application on 8 April 2016 [1], under section 3(1) of the Nuclear Installations Act 1965 (NIA 65) [2] for a Nuclear Site Licence (NSL) for the B4 and A50 plots of the Winfrith nuclear site, currently licensed to Magnox Limited.

### **1.1 BACKGROUND TO THE LICENCE APPLICATION**

2. Inutec Limited is a private limited company wholly-owned by Tradebe Environmental Services Limited, which is the UK parent undertaking of the Tradebe group of companies, an international waste management business. Inutec Limited has been a tenant on the licensed Winfrith site for many years.
3. Inutec Limited operates a business on the Winfrith site which processes, stores and consigns radioactive wastes that are principally generated by other nuclear industry operators off the site. Inutec Limited has also indicated that it may store radioactive wastes for decay purposes prior to disposal.
4. Magnox Limited holds a nuclear site licence for the Winfrith site which includes land and facilities currently leased to Inutec Limited, known as the B4 Complex. The Nuclear Decommissioning Authority (NDA), which owns the site, contracts Magnox Limited to decommission the Winfrith site on its behalf to an agreed Interim End State (IES) by the mid-2020s.
5. Inutec Limited intends to continue its operations indefinitely at its current location and has agreed with the NDA to purchase the freehold to the B4 plot and for additional land known as the A50 plot. Simultaneously, Inutec Limited has requested that ONR grant it a nuclear site licence for the B4 and A50 plots [1].
6. The Office for Nuclear Regulation (ONR) has assessed Inutec Limited's business activities [3] against those prescribed in section 1 of the NIA 65 [2] and Nuclear Installations Regulations 1971 (NIR71) regulation 3, 6(c) [4]. ONR has also determined that the quantity of radioactive matter held by Inutec Limited routinely exceeds the bulk quantity threshold [5]. ONR has concluded that Inutec Limited is undertaking a licensable activity, namely operating a facility designed or adapted for storage of bulk quantities of radioactive matter. ONR concluded that Inutec Limited will require a nuclear site licence if it is to continue its business activities at Winfrith [3].
7. On 13 October 2016, Magnox Limited applied to ONR under section 5(1) of NIA 1965 for revocation of its current nuclear site licence № 100 and re-licensing of the site to exclude the B4 and A50 plots [6,7]. The application requests that the revocation and re-licensing occur concurrently with the grant of the new nuclear site licence for Inutec Limited. ONR's assessment and determination of Magnox Limited's application for a new nuclear site licence can be found in Project Assessment Report (PAR) ONR-SDFW-PAR-16-014 [8].
8. The revocation of the Magnox Limited's extant NSL, the granting of a new nuclear site licence to Magnox Limited and the granting of a new nuclear site licence to Inutec Limited, will create two adjacent nuclear licenced sites within the current Winfrith site boundary.

### **1.2 TARGET DATE FOR LICENCE TO BECOME EFFECTIVE**

9. Currently NDA and Inutec Limited have exchanged a contract for the sale and transfer of freehold to the B4 and A50 plots at Winfrith. In addition an application has been made to the Secretary of State for Business, Energy and Industrial Strategy on behalf of the NDA for this land to be de-designated in accordance with the Energy Act 2004 [9], this is expected to occur between the 4 to 8 February 2019 [10]. It is therefore



considered that Inutec Limited has met the requirement to demonstrate security of tenure.

10. Grant of a new NSL to Inutec Limited will be coincident with revocation of Magnox Limited's extant NSL № 100 and granting a new NSL №100A to Magnox Limited.

## **2 APPLICATION ASSESSMENT PROCESS**

### **2.1 ASSESSMENT APPROACH**

11. ONR has issued guidance that sets out the approach that is taken when considering a request for a NSL in Licensing Nuclear Installations (LNI) [11]. Section 2 of LNI deals with licensing new installations, with paragraphs 101-119 of that Section dealing with assessment of the application, and paragraphs 120-130 dealing with consultation. ONR has issued more detailed instructions on licensing a new nuclear site in The Processing of Licence Applications for New Nuclear Sites [12].
12. In order to determine the Inutec Limited's application, ONR used a number of relevant standards and criteria as follows:
  - Safety Assessment Principles for Nuclear Facilities (SAP) [13]
  - ONR Technical Assessment Guides (TAG) [14]
  - ONR Technical Inspection Guides (TIG) [15]
13. The licensing process requires ONR to assess the licence applicant's case for the grant of a NSL. In deciding the scope of assessment and inspection, ONR noted that:
  - Inutec Limited is managing a long standing operation on the Winfrith site and has mature arrangements that are designed to be compliant to Magnox Limited's NSL compliance arrangements.
  - Inutec Limited's operation handles relatively small quantities of radioactive materials when compared to other UK nuclear operations. The scope for radiological consequences to workers and members of the public is limited by the nature of the operations and type and quantities of materials held by Inutec Limited.
14. ONR has therefore adopted a proportionate approach when assessing Inutec Limited's application and defining the assessment and inspection strategy.
15. The ONR Nominated Site Safety Inspectors for Winfrith have worked closely with an ONR licensing specialist, a Nuclear Liabilities Specialist Inspector and a Leadership and Management for Safety Specialist Inspector to form their views on Inutec Limited's application.
16. The ONR assessment focused on 3 key themes:
  - The Licensee organisation.
  - The site.
  - Licensable activities.
17. In relation to the licensee organisation, ONR guidance [12] requires that a 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. ONR's assessment of Inutec Limited's organisation has concentrated on the adequacy of its arrangements for managing health and safety, as demonstrated through its Safety and Environmental Management Prospectus (SEMP) and the adequacy of Inutec Limited's arrangements for compliance with Licence Condition (LC) 36, Organisational Capability.

18. In relation to the site, particular focus has been given to ensuring that Inutec Limited can demonstrate security of tenure of the B4 and A50 plots. This is because it is ONR's policy to ensure that a licensee has full rights of access to and control of the site so that it can satisfy the demands placed upon it by the licence and NIA65. ONR has also considered the site boundary to ensure that Inutec Limited has full rights of access to its site.
19. Inutec Limited will be purchasing contaminated land and facilities from NDA and will be required to accept title and risk to the associated radiological liabilities. ONR has assessed Inutec Limited's decommissioning strategy to ensure that it has the capability to deal with its liabilities in due course.
20. Magnox Limited currently provides a number of services to Inutec Limited that will continue post licensing. However Magnox Limited's end state determination for Winfrith [16] is to decommission the site to an interim end state by around 2023. As Magnox Limited proceeds towards interim end state, it will progressively withdraw these services. ONR has assessed Inutec Limited's ability to progressively become a self-sufficient nuclear site licensee well before Magnox Limited's Winfrith site reaches its interim end state.
21. In relation to licensable activities, upon grant of a NSL to Inutec Limited, it will immediately become responsible for the nuclear safety of an ongoing operation and directly responsible for compliance to its own NSL conditions. It therefore needs to demonstrate that it has adequate Licence Condition Compliance Arrangements (LCCA). ONR has therefore undertaken a series of pre-licencing inspections to determine the suitability of Inutec Limited's LCCA.

## **2.2 INVOLVEMENT OF STAKEHOLDERS**

22. ONR has considered Public Body Notification (PBN) in regard to this licence application. The application does not involve any change to activities on the site, nor is there any change in the total area subject to the nuclear site licensing regime. ONR concluded PBN is not appropriate in these circumstances.
23. NIA 65 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. ONR has consulted the Department for Business, Energy & Industrial Strategy (BEIS) to confirm Inutec Limited's Nuclear Liability Insurance.
24. BEIS requested ONR confirm that Inutec Limited's radioactive inventory would meet the criteria for a prescribed (low risk) nuclear site as defined by the Nuclear Installations (Prescribed Sites) Regulations 1983 [17]. ONR confirmed to BEIS that it considered that Inutec Limited had adequate arrangements to manage its nuclear inventory such that it meets the criteria for the lower level of nuclear liability insurance [18].
25. ONR has also consulted BEIS concerning arrangements for Nuclear Liability Insurance. BEIS has confirmed that Inutec Limited has nuclear liability insurance arrangements in place to comply with section 19(1) of the NIA65 [19].
26. ONR has a statutory responsibility to consult the Environment Agency (EA) before granting a NSL (section 3(2), NIA 1965). This licensing exercise involves the simultaneous grant of a new licence to Inutec Limited and the re-licensing of Magnox's Winfrith Site with a reduced footprint resulting from the transfer of some land to form the Inutec site. Because of the close connection between the two sites, only one consultation of the EA has been undertaken to cover both licensing projects.

27. The EA has been informed that ONR has completed its assessment of Inutec Limited's application for a NSL [20]. The EA replied to ONR on the 21 March 2018 [21] confirming the requirements for changes to the environmental permits required if Inutec Ltd held a NSL and its alignment to ONR granting a NSL. Since this letter the ONR, EA, NDA, Magnox Limited, and Inutec Limited have held regulatory progress meetings and at the meeting in December 2018 [10,22] the EA confirmed they would be able to complete the required changes in permits to occur concurrently with the NSL coming into force on the 11 February 2019 and therefore had no objections to ONR granting the NSL.

### **3 THE ORGANISATION**

28. The assessment of relevant aspects of Inutec Limited's organisation is summarised in the following sections.

#### **3.1 ORGANISATIONAL CAPABILITY**

29. The assessment of Inutec Limited's organisational capability has concentrated on the adequacy of its arrangements for managing health and safety, as described in its SEMP and the adequacy of Inutec Limited's arrangements for compliance with LC36, Organisational Capability. An ONR Leadership for the Management of Safety Specialist Inspector has produced an Assessment Report (AR) [23] and findings are summarised in the following sections.

##### **3.1.1 SAFETY MANAGEMENT PROSPECTUS**

30. ONR guidance [11] requires the applicant to develop a safety management prospectus which documents and demonstrates the adequacy of its arrangements for managing nuclear safety. Inutec Limited has provided a Safety and Environment Management Prospectus (SEMP) that includes its environmental management arrangements [Table 1]. The ONR Leadership for the Management of Safety Specialist Inspector has assessed [23] this SEMP [Table 1] against ONR guidance [14] by considering the following principles:

- Activities carried out on the licensed site.
- Leadership.
- Governance.
- Organisational structure and resources.
- Decision making.
- Management system.
- Organisational learning.

31. The ONR Leadership for the Management of Safety Specialist Inspector considered that the SEMP [Table 1] provided an adequate description of most of the above principles. Whilst some minor shortfalls were identified, the ONR Leadership for the Management of Safety Specialist Inspector considered these to be not significant enough to warrant withholding a licence.
32. The assessment noted that the make-up of Inutec Limited's Board includes a number of non-executive directors who have a direct or indirect interest in the parent companies. Further, one of the executive directors was seconded-in part-time, from one of the parent companies. This is significant as one of the key points from a governance perspective is that the board of the site licence company can operate without 'undue interference from the parent companies'. The ONR Leadership for the Management of Safety Specialist Inspector concluded that the current arrangements are adequate taking account of the relatively low risk on the site, with the most significant hazard coming from storage facilities.

33. As the Board has not been fully constituted at the time of the assessment, the ONR Leadership for the Management of Safety Specialist Inspector recommended that a pre-licensing readiness inspection was undertaken, including attendance at a Board meeting and interviews with directors to confirm they understood their responsibilities. The ONR Leadership for the Management of Safety Specialist Inspector and the current nominated site inspector observed the Inutec Limited Board of Directors meeting and also interviewed two members of Board [24]. The inspectors judged that the Board of directors met the requirements of ONR's assessment guidance [14]. The inspectors also judged that the Board members interviewed demonstrated the expected levels of knowledge in regards to their health and safety responsibilities.
34. The ONR Leadership for the Management of Safety Specialist Inspector also recommended that organisational learning should be included on the forward inspection programme. The Nominated Site Safety Inspector has confirmed that organisational learning will form part of routine compliance inspections following the grant of a NSL to Inutec Limited in accordance with the Decommissioning, Fuel and Waste: Inspection Planning Guidance 2018 – 2021 [25]. The Nominated Site Safety Inspector has confirmed that this recommendation will be implemented as part of the Integrated Intervention Strategy during the first year should a nuclear site licence be granted to Inutec Limited.
35. In conclusion, the ONR Leadership for the Management of Safety Specialist Inspector concluded that the SEMP does not fully comply with ONR guidance in some areas, but was of the opinion these shortcomings are not significant enough to withhold grant of a licence.

### **3.1.2 NUCLEAR ORGANISATIONAL BASELINE**

36. The ONR Leadership for the Management of Safety Specialist Inspector has assessed [23] Inutec Limited's Nuclear Baseline [Table 1] against ONR guidance [14] and the Nuclear Industry Code of Practice (NICoP) [26].
37. The ONR Leadership for the Management of Safety Specialist Inspector found that the original Nuclear Baseline [Table 1] contained a number of shortfalls against the requirements of the guidance. However, the document meets the fundamental expectations of a baseline in that it provides an assessment of the organisational risks to nuclear safety. The ONR Leadership for the Management of Safety Specialist Inspector considered that the detail included in the baseline and supporting documents is adequate for the purposes of licensing.

### **3.1.3 ADEQUACY OF ARRANGEMENTS TO MANAGE CHANGE**

38. Inutec Limited has incorporated its arrangements to manage change in its (LC) 36, Organisational Capability compliance arrangements [27]. The ONR Leadership for the Management of Safety Specialist Inspector assessed [23] against ONR guidance [14] and the Nuclear Industry Code of Practice (NICoP) [26].
39. Inutec Limited's arrangements originally supplied had not been updated to take account of the transition of Inutec Ltd from tenant to licensee. Revised arrangements were submitted by the applicant and these were assessed as broadly compliant with the NICoP. The initial revised arrangements did not meet ONR guidance for 'significant' changes' but this has now been addressed. These issues have been addressed and the revised arrangements are deemed adequate by ONR for implementation post-licensing.

### 3.1.4 ADEQUACY OF FINANCIAL RESOURCES

40. Inutec Limited is a private limited company wholly-owned by Tradebe Environmental Services Limited, which is the UK parent undertaking of the Tradebe group of companies an international waste management business.
41. Licensing Nuclear Installations [11] paragraph 84 requires that where another corporate body (Tradebe Group) owns the licence applicant (Inutec Limited) the strategic control of funding and other resources exercised by a parent company should not impede a licensee's access to adequate resources to meet its safety obligations, including decommissioning. Assessment of Inutec Limited's decommissioning arrangements are discussed in Section 5.4.
42. Inutec Limited had revised its arrangements for its Board of Directors [28] in order to ensure that an adequate operating budget will be agreed with the parent company and funds can be made available at short notice to address urgent safety requirements should they arise. The ONR lead on governance at the time has been consulted and considered the revised arrangements as adequate [29].

### 3.2 NUCLEAR SAFETY COMMITTEE

43. LC 13(1) requires a Inutec Limited to establish a Nuclear Safety Committee (NSC) to consider and advise on safety matters. LC13(2) prevents a licensee forming a NSC until its Terms of Reference (ToR) have been submitted to, and approved by, ONR.
44. Under LC13(11), a licensee may produce arrangements for consideration of urgent safety proposals (USP). Where this is the case, the arrangements must be considered by the NSC and then approved by ONR.
45. Prior to submitting its application dossier, Inutec Limited provided ONR with draft NSC ToR and USP [30]. A former ONR Winfrith Nominated Site Safety Inspector provided comments [31] that Inutec Limited has incorporated to the documents supplied in its application dossier.
46. A final readiness intervention was undertaken for Licence Condition 13 and assessed by ONR as being adequate [32] against the expectations of ONR guidance for Licence Condition 13.
47. Inutec Limited wrote to ONR requesting that the Terms of Reference for the Nuclear Safety Committee When Convening for Normal Business are Approved under LC13(2) of the proposed Nuclear Site Licence [33] and attached the NSC ToR to the letter. These NSC ToR were compared with the draft of the NSC ToR updated as part of its nuclear site licence application dossier (Table 2) and during the readiness intervention and found to be identical.
48. Although Inutec Limited has provided arrangements for the NSC to consider USPs in its application dossier (Table 1 and Table 2), ONR is unable to approve these under LC 13(11) before they have been considered by the NSC. This requires NSL grant followed by ONR approval of the NSC ToR so that the Inutec Limited NSC can form. Inutec Limited has confirmed to ONR [34] that its NSC will meet and consider the arrangements for the NSC to consider USPs at its first NSC which will take place in the period between the NSL being granted and the NSL coming into force. This should allow ONR to approve the arrangements for the NSC to consider USPs under LC 13(11) prior to the NSL coming into force.
49. It is therefore recommended that, following the grant of nuclear site licence № 102 by the Chief Nuclear Inspector to Inutec Limited, a person with delegated authority in ONR then signs and issues licence instrument 503 which will Approve under Licence



Condition 13(2) the Terms of Reference for the Nuclear Safety Committee when convening for normal business.

### **3.3 ADEQUACY OF SITE SECURITY PLAN**

50. The ONR Civil Nuclear Security Inspector (CNSI) for Winfrith has been consulted concerning the adequacy of Inutec Limited's site security plan [35]. The CNSI inspector has confirmed that [36] Inutec Limited is meeting the requirements in The Nuclear Industries Security Regulations 2003 (as amended) [37] and that Inutec Limited's post-licensing Nuclear Site Security Plan and Counter Terrorism Contingency Plan / Security Contingency Plan is fit for purpose. The CNSI will formally approve Inutec Limited's Nuclear Site Security Plan to coincide with the grant of a NSL.

## **4 THE SITE**

51. Inutec Limited has requested that ONR grants it a nuclear site licence for the B4 and A50 plots on the Winfrith site. This land is situated in the south-east corner of the current Magnox Limited Winfrith nuclear licensed site and is abutted by the Dorset Innovation Park (formerly known as the Dorset Green Technology Park).

### **4.1 SITE LOCATION AND BOUNDARY**

52. Licence Condition 2 (4) requires the licensee to mark the site boundary by fences or other appropriate means, and that these shall be properly maintained. Given Inutec Limited is not currently the licensee, the extent of its proposed site has been marked by the signs covered. The proposed boundary was inspected [38] as per the site map provided to ONR [39]. ONR has also compared the revised site plan supplied by Inutec Limited [40] with the proposed site plan supplied by Magnox Limited [41] and has confirmed that both maps are contiguous and that no orphaned land has been created.
53. Inutec Limited and the current licensee Magnox Limited demonstrated adequate means of marking the proposed nuclear site boundary. There were, however, some minor discrepancies between the proposed Inutec Limited nuclear licensed site boundary and the map originally provided to ONR. These were attributed to drafting errors arising from quirks of the current licensed area. Relicensing Magnox Limited affords the opportunity to remove such quirks and this matter is discussed in ONR's assessment and determination of Magnox Limited's application for a new NSL [8].
54. Inutec Limited has provided a revised map of its proposed site at Winfrith [Table 2]. The ONR Licensing Specialist Inspector has verified that this map meets the requirements set out in Annex 3 of Licensing Nuclear Installations [11,42]. ONR has also compared Inutec Limited's revised map [Table 2] against the site map provided by Magnox Limited [43] and have confirmed that the proposed inter-site boundary is identical on both maps. Inutec Limited's map [Table 2] will form part of the new nuclear site licence № 102.
55. ONR has verified that the new inter-site boundary markers have been installed to ensure compliance to LC 2(4) [32].

### **4.2 SECURITY OF TENURE**

56. It is ONR's policy to ensure that a licensee has full rights of access to and control of the site so that it can satisfy the demands placed upon it by the licence and NIA65. Licensing Nuclear Installations [11] paragraph 108 requires Inutec Limited to demonstrate security of tenure for the land it has requested a NSL for.
57. Inutec Limited has requested a NSL for the area of the Winfrith nuclear licensed site that it currently leases from NDA known as the B4 Complex. It has additionally

requested that the NSL includes land from part of the A50 area. Inutec Limited is seeking to purchase the freehold to this land and associated facilities from the NDA. Inutec Limited's acquisition of the freehold to the B4 and A50 plots will demonstrate Security of tenure.

58. The Winfrith site is designated to the NDA under the Energy Act 2004 [44] and therefore the NDA holds the freehold to Winfrith. The NDA can only dispose of land if a de-designation direction has been issued by the Secretary of State for Business, Energy and Industrial Strategy. The NDA requires a de-designation direction before it can transfer the freehold of any land it owns.
59. The NDA must demonstrate that it has discharged its responsibilities before a subsequent de-designation direction can be issued. As the land being transferred to Inutec Limited does not meet ONR's delicensing criteria [45], the NDA can only demonstrate that it has discharged its responsibilities if it transfers the land to a corporate body that ONR considers suitable to hold a NSL.
60. NDA and Inutec Limited have exchanged a contract for the sale and transfer of freehold to the B4 and A50 plots at Winfrith [46]. In addition an application has been made to the Secretary of State for Business, Energy and Industrial Strategy on behalf of NDA for this land to be de-designated in accordance with the Energy Act 2004 [9], this is expected to occur between prior to the 1 February 2019. It is therefore considered that Inutec Limited has met the requirement to demonstrate security of tenure.
61. The contract between NDA and Inutec Limited for the sale and transfer of freehold to the B4 and A50 plots at Winfrith allows Inutec Limited to use the existing roads on the Winfrith site at all times and for all purposes until 31 August 2020 [46]. Inutec Limited has negotiated the future access in perpetuity to its intended site via the Dorset Innovation Park for both routine access and emergency access [47]. ONR has concluded that Inutec limited has demonstrated that it will have full access to its proposed licensed site.

### **4.3 JUSTIFICATION OF PRACTICES INVOLVING IONISING RADIATION**

62. Justification is a principle of radiation protection embodied in successive European Basic Safety Standards Directives. It requires member states to ensure that the benefits of using ionising radiations in a particular situation outweigh the detriment to health that may be caused. Government policy is that Justification is a matter determined by Ministers. ONR requires positive determination that a licence applicant's proposed activities are justified prior to granting of a nuclear site licence.
63. The requirements for Justification have been translated into UK law by the Justification of Practices Involving Ionising Radiation Regulations 2004 [48]. Statutory guidance on the application of these Regulations [49] makes clear that waste management and disposal operations are an integral part of the practice generating the waste and that it is wrong to regard them as a free-standing practice that requires its own justification, as set out by the ICRP.
64. Therefore, Inutec Limited is not considered to be proposing a new practice, and is therefore not required to have a separate Justification under the 2004 Regulations [48].

## **5 LICENSABLE ACTIVITIES**

65. Inutec Limited is a long-standing tenant at Winfrith that has been undertaking licensable activities [3]. Before a NSL may be granted to Inutec Limited in its own right, Inutec Limited is required to produce an adequate safety case and possess an adequate suite of LCCA.

## 5.1 SITE SAFETY CASE

66. Inutec Limited has a fully developed Operational Safety Case (OSC), summarised in the Live Safety Case Summary for B4 Complex Winfrith [Table 1], that was assessed by ONR in 2013 [50]. In reviewing the OSC, the assessor considered that Inutec Limited's operations that may affect safety continue to be supported by an adequate safety case. The OSC was also found to identify the limits and conditions necessary in the interests of safety to ensure that these operations are conducted within a safe operating envelope. The assessor did identify several potential improvements to the OSC and Inutec Limited has confirmed that all identified improvements have been implemented [51]. Since the adoption of this OSC in 2013, Inutec Limited has implemented one change to plant and facilities and two organisational changes [Table 1].
67. The Nominated Site Safety Inspector and a Nuclear Liabilities Specialist Inspector undertook a series of inspections against LC23 Operating Rules, LC14, Safety Documentation and LC15, Periodic Review [52]. The inspectors confirmed that Inutec Limited has appropriately implemented the OSC and that the limits and conditions for safe operation of its plant are clearly derived in accordance with ONR guidance [14].
68. However, the inspection did identify improvements that should be made to Inutec Limited's LCCA for LC14 and LC15 post licensing. Inutec Limited has accepted that it will make and implement these improvements within six months of grant of the NSL [53]. ONR has added two actions to regulatory issue 4720, Post Nuclear Site Licence Grant Actions to monitor Inutec Limited's progress to complete these actions.
69. ONR has concluded that Inutec Limited has an adequate safety case which identifies the limits and conditions necessary in the interests of safety. Inutec Limited has also undertaken to implement its own safety case handbook post licensing. Based on this evidence, ONR considers that Inutec Limited is able to demonstrate that its plants can operate safely.

## 5.2 ADEQUACY OF LICENCE CONDITION COMPLIANCE ARRANGEMENTS

70. Licensing Nuclear Installations [11] paragraph 109 requires Inutec Limited to demonstrate that its arrangements for complying with the nuclear site licence conditions are adequate and that they are being implemented effectively before the licence is granted.
71. Inutec Limited initially provided a Licence Condition Compliance Matrix within its application dossier [Table 1]. This document was then revised and replaced by a document titled Compliance with the Nuclear Site Licence [Table 2]. The latter document demonstrates that Inutec Limited has developed a full complement of LCCA.
72. ONR undertook a series of pre-licensing inspections in order to confirm that Inutec Limited had made and was implementing these arrangements [52, 54, 55, 56, 57] in order to confirm that Inutec Limited would have adequate arrangements at the point of licensing. In addition to the licence conditions considered in conjunction with the safety case [Section 5.1] the following licence conditions and regulations were inspected:
- LC4 Restrictions on nuclear matter on the site
  - LC5 Consignment of nuclear matter
  - LC10 Training
  - LC12 Duly authorised and other suitably qualified and experienced persons
  - LC17 Management Systems
  - LC26 Control and Supervision of Operations
  - LC24 Operating Instructions
  - LC28 Examination, inspection, maintenance and testing



- LC32 Accumulation of radioactive waste
  - LC34 Leakage and escape of radioactive material and radioactive waste
  - LC36 Organisation Capability
  - Carriage of Dangerous Goods (CDG) and Use of Transportable Pressure Equipment Regulations 2009
  - Workplace (Health, Safety and Welfare) Regulations 1992
  - Control of Asbestos Regulations 2012
  - Dangerous Substances and Explosive Atmospheres Regulations 2002
73. Overall the inspections found that Inutec Limited had made and was implementing suitable arrangements, however some minor shortcomings were identified that were recorded as regulatory issues. Subsequent to these inspections, Inutec Limited has improved its arrangements. ONR is now satisfied that Inutec Limited has made appropriate improvements to its arrangements and that they are now adequate for implementation when the NSL comes into force and has closed the associated regulatory issues.
74. Section 4.6 of Inutec Lt's SEMP [Table 1] deals with internal challenge and assurance. The SEMP identifies that the Safety, Health, Environment, and Quality (SHEQ) Management team is supported by the Inutec Safety Assessment Team (Inutec SAT). The Inutec SAT has a responsibility to carry out other audits as might be requested by the SHEQ Manager, including LC compliance assurance audits.
75. ONR has requested that Inutec Limited provide its arrangements to demonstrate how licence condition compliance is assured through its management system [58]. Inutec subsequently provided its Safety and Environmental Monitoring procedure [59]. ONR noted that Inutec Limited has commenced periodic LCCA audits.
76. ONR has concluded that Inutec Limited has adequate LCCA for its operations and that the LCCA are being implemented effectively.

### **5.3 EMERGENCY PREPAREDNESS AND RESPONSE**

77. Under Licence Condition 11(1), licensees are required to make and implement adequate arrangements for dealing with any accident or emergency arising on the site and their effects. Furthermore, Licence Condition 11(2) states that the licensee shall submit to ONR for approval such parts of the aforesaid arrangements as ONR may specify.
78. It is ONR policy that for licensed sites on which there is nuclear matter, specified parts of the emergency arrangements will be approved. To be legally valid for a new licensed site containing nuclear matter such as the Inutec Limited site, the issue of the specification, submission of the arrangements and issue of the approval must await the formal granting of the licence.
79. Furthermore, the licensee's NSC, which cannot be formed until the licence is granted and the NSC ToR approved, should consider the specified emergency arrangements prior to their submission to ONR for approval.
80. An ONR Inspector has assessed Inutec Limited's Emergency Plan INUTEC-P-203 (issue 4) [Table 2] against ONR's guidance on emergency arrangements [15]. The assessment [60] found that the emergency plan identifies the types of possible incidents on the site, as informed by the safety case and the Hazard Identification and Risk Evaluation (HIRE) report, and defines the level of response required to deal with them. The ONR Inspector considered that the Inutec Limited Emergency Plan adequately meets ONR's guidance [15].

81. ONR undertook an inspection to observe an emergency exercise rehearsal by Inutec Limited. Subsequently, ONR provided feedback to Inutec Limited on areas for improvement [61]. A further table-top exercise targeting the command and control of Inutec Limited's Emergency Control Centre was demonstrated to ONR, providing evidence of the necessary improvements in Inutec Limited's emergency arrangements [62].
82. ONR considers that Inutec Limited has provided an adequate emergency plan for its undertakings. It has also successfully demonstrated to ONR its proposed emergency arrangements. ONR considers that the proposed emergency plan will provide suitable and sufficient detail to enable Inutec Limited to deal with an on-site emergency should the need arise.
83. Since these initial pre-licensing inspections were carried out in 2016, the current nominated site inspector has continued with pre-licensing inspections and has confirmed that Inutec Limited continues to maintain suitable emergency arrangements for its operations [63].
84. In addition to LC11, Inutec Limited is required to comply with REPPIR2001. Inutec Limited's application for a NSL does not involve any modifications to its extant OSC. As a tenant on the Magnox Limited Winfrith nuclear licenced site, the operations covered by the Inutec Limited OSC formed part of the Magnox Limited Winfrith HIRE reported assessed by ONR [64] which concluded that there are no reasonably foreseeable radiation accidents on the Winfrith site that would result in a radiation emergency. Inutec Ltd does not therefore require an off-site emergency plan to comply with REPPIR2001. This will be subject to further ONR interventions following the planned updates to REPPIR in 2019.
85. It is therefore recommended that, following the grant of nuclear site licence № 102 by the Chief Nuclear Inspector to Inutec Limited, a person with delegated authority within ONR signs and issues licence instrument 502 which will Specify that Inutec Limited submit its Emergency Plan to ONR for Approval.

#### **5.4 ADEQUACY OF DECOMMISSIONING PROPOSALS**

86. ONR licensing guidance [12] requires that the applicant must demonstrate that it has a decommissioning programme before the NSL is granted. Upon grant of a NSL, Inutec Limited will become responsible for the decommissioning liabilities associated with the B4 and A50 plots. ONR has carried out a compliance inspection against LC35, Decommissioning, to confirm that Inutec Limited has met this requirement and to assess Inutec Limited's ability to deal with its decommissioning liabilities now and in the future [54].
87. Licence Condition 35(1) requires the licensee shall make and implement adequate arrangements for the decommissioning of any plant or process which may affect safety. ONR guidance [13] obliges the licensee to have a clear documented strategy that demonstrates that all plant will be decommissioned safely at end of life.
88. Licence Condition 35(2) requires that the licensee shall make arrangements for the production and implementation of decommissioning programmes for each plant. ONR guidance [13] requires the licensee to have a decommissioning programme for all facilities that identifies the necessary resources to achieve a systematic and progressive reduction in hazard to a defined end state within a justifiable timescale.
89. Inutec Limited's compliance arrangements for decommissioning [65] states that "The decommissioning strategy is to decommission plant as soon as that plant had no further value to its business" and " At end of site life, the site decommissioning end state is to meet the delicensing criteria". ONR considers that these statements satisfy

ONR's requirement that a licensee should have a clear documented strategy that demonstrates that all redundant, operational and proposed plant will be decommissioned safely at end of life.

90. Inutec Limited has a register of current plant, processes and buildings that identifies a financial provision for decommissioning. Inutec Limited has undertaken post licensing it should revise this register. This action has been recorded in ONR Issue 4720, Post Nuclear Licence Grant Actions, to ensure regulatory oversight of this matter.
91. Whilst Inutec Limited's arrangements require a decommissioning plan, this has not yet been developed. ONR considers this situation to be acceptable for now and have advised Inutec Limited that it should then develop a decommissioning plan in line with its arrangements. Inutec Limited has accepted this action which has been recorded in ONR Issue 4720.
92. Taking account of the nature of Inutec Limited's operations and the plant that it uses, in ONR's opinion Inutec Limited has demonstrated that its decommissioning arrangements meet the intent of ONR's guidance for decommissioning [13]. Upon grant of a NSL, Inutec Limited has undertaken to revise its decommissioning strategy and develop a decommissioning programme. ONR considers that Inutec Limited has demonstrated that it has met the decommissioning requirements detailed in Licensing Nuclear Installations [11].

## **5.5 SAFEGUARDS**

93. An ONR's Safeguards specialist [66] has been consulted and confirmed that there are no safeguards issues outstanding for the Magnox Winfrith site which need addressing prior to re-licensing [67].

## **5.6 HIGH-ACTIVITY SEALED RADIOACTIVE SOURCES**

94. The European Council Directive 2003/122/Euratom on the control of High-Activity Sealed Radioactive Sources and orphan sources (The HASS Directive) sets out a framework for the regulatory control of such radioactive sources. The HASS Directive is implemented in England and Wales by means of the Environmental Permitting (Amendment) (No. 2) Regulations 2018 (EPR2018) [68].
95. This legislation requires that holders of High-Activity Sealed Radioactive Sources and orphan sources (HASS) keep formal records of all HASS held in their possession and to register these sources with the appropriate enforcing authority. This means that nuclear site licensees that are HASS users are required to notify the ONR whenever they come into possession of HASS, transfer it to another user, transfer it back to the manufacturer, or transfer it a Recognised Installation for long-term storage.
96. EPR2018 does not provide any regulatory powers regarding the registration of HASS sources located on licensed nuclear sites. To address this, a Specification under Licence Condition 25(4) need to be granted by ONR, to require Inutec Limited to provide the information to ONR on the HASS they hold, as required by the HASS legislation.
97. It is therefore recommended that, following the grant of nuclear site licence № 102 by the Chief Nuclear Inspector to Inutec Limited, a person with delegated authority within ONR then signs and issues licence instrument 501 which will Specify that Inutec Limited shall provide details of any high-activity sealed radioactive or orphaned sources brought onto the site, or consigned from the site, within one calendar month of the shipment date.

## **6 PREPARATION OF THE LICENCE**

98. A new nuclear site licence (№ 102) has been drafted. Part 2 of Schedule 1 lists the prescribed activities on the newly formed Inutec Limited site as “Installations designed or adapted for storage of bulk quantities of any 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.”
99. This draft has been reviewed by the Government Legal Department [69] and their advice has been incorporated into the final version of the licence,

## **7 CONCLUSIONS**

100. ONR has assessed Inutec Limited's application for a nuclear site licence for its undertakings on the Winfrith site against a number of relevant standards and criteria. [13, 14, 15]. ONR is content that Inutec Limited has met the requirements of the Nuclear Installations Act 1965 and ONR guidance outlined in “Licensing Nuclear Installations”.
101. NDA and Inutec Limited have exchanged a contract for the sale and transfer of freehold to the B4 and A50 plots at Winfrith. In addition an application has been made to the Secretary of State for Business, Energy and Industrial Strategy on behalf of the NDA for this land to be de-designated in accordance with the Energy Act 2004 [9], this is expected to occur between the 4 to 8 February 2019. It is therefore considered that Inutec Limited has met the requirement to demonstrate security of tenure.
102. ONR therefore considers that Inutec Limited is a suitable applicant to be granted a nuclear site licence.

## **8 RECOMMENDATIONS**

103. On the basis of the application submitted by Inutec Limited and ONR's assessment, it is recommended that:
- The Head of Decommissioning, Fuel & Waste (DFW) Sub-Division approves this PAR.
  - The Chief Nuclear Inspector grants nuclear site licence № 102 to Inutec Limited for its operations at Winfrith.
104. Following the grant of nuclear site licence № 102 by the Chief Nuclear Inspector to Inutec Limited, it is recommended that:
- A person with delegated authority within ONR signs and issues licence instrument number 501, a LC 25(4) Specification for Inutec Limited to Submit HASS Records to ONR.
  - A person with delegated authority within ONR signs and issues licence instrument number 502, a LC 11(2) Specification for ONR Approval of the Inutec Limited Emergency Plan.
  - A person with delegated authority within ONR signs and issues licence instrument number 503, a LC 13(2) Approval of the Inutec Limited Terms of Reference for the Nuclear Safety Committee.

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LC11 Emergency Arrangements, NS-INSP-GD-011 Revision 5. ONR, July 2017.

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**Table 1**  
**Inutec Limited Nuclear Site Licence Application Dossier Contents**

Document	Licensee Reference	ONR TRIM Reference
Letter to CNI requesting Nuclear Site Licence	Received	2016/160831
Safety and Environment Management Prospectus,	INUTECH(15)P014, Issue 2	2016/151065
Licence Condition Compliance Matrix	INUTECH(15)P013, Issue 2	2016/150974
Nuclear Baseline	INUTECH(16)P002 Issue 1	2016/151062
Live Safety Case Summary for B4 Complex Winfrith	B4 Winfrith/LSCS	2016/151051
Land Quality Management Report	INUTECH(15)P022, Issue 1	2016/151059
Emergency Plan	INUTECH-P-203, Issue 4 Draft F	2015/151043
Arrangements for the Nuclear Safety Committee	INUTECH/P/208 Issue 1	2016/151088
Terms of Reference for the Nuclear Safety Committee When Convening for Normal Business	INUTECH/F/341 Issue 1 Draft A - June 2015	2016/151076
Terms of Reference for the Nuclear Safety Committee When Convening to Consider Urgent Safety Proposals	INUTECH/F/342 Issue 1 Draft A	2016/151070
List of documents and status as at 8 April 2016		2016/151043

**Table 2**  
**Updated Nuclear Site Licence Application Dossier**  
**(Documents Issued During the Course of the Licence Application Assessment)**

Document	Licensee Reference	ONR TRIM Reference
Arrangements for Compliance with the Nuclear Site Licence	INUTECH/P/219, Issue 1	2016/331428
Tradebe Inutec Emergency Plan	INUTECH/P/203, Issue 4	2017/220217
Inutec Limited Licensed Site Boundary Licence No 102	INU20170220, Issue 3	2017/263884
Live Safety Case Summary	B4 Winfrith/LSCS, Issue 2, 2017	2018/408628
Terms of Reference for the Nuclear Safety Committee When Convening for Normal Business	INUTECH/F/341, Issue 1 Draft A, June 2015	2018/332443
Terms of Reference for the Nuclear Safety Committee when convening to consider Urgent Safety Proposals	INUTECH/F/342, Issue 1 Draft A, June 2015	2018/332443