



ONR GUIDE			
<b>LC26 CONTROL AND SUPERVISION OF OPERATIONS</b>			
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**TABLE OF CONTENTS**

1	INTRODUCTION .....	2
2	PURPOSE AND SCOPE .....	2
3	LICENCE CONDITION 26: CONTROL AND SUPERVISION OF OPERATIONS.....	2
4	PURPOSE OF LICENCE CONDITION 26 .....	2
5	GUIDANCE ON ARRANGEMENTS FOR LC 26.....	3
6	GUIDANCE ON INSPECTION OF ARRANGEMENTS AND THEIR IMPLEMENTATION..	5
7	REFERENCES .....	6
8	QUESTION SETS.....	7
9	PRE-JOB BRIEFINGS GUIDANCE.....	11
10	DEFINITIONS, CONTEXT AND REGULATORY BACKGROUND.....	13

## 1 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 licence conditions. ONR inspects compliance with licence conditions, and also 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 licensee who remains responsible for safety. To support inspectors undertaking compliance inspections, 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 documents provided by ONR for this purpose.

## 2 PURPOSE AND SCOPE

2.1 The purpose of this guidance is to facilitate a consistent approach to Licence Condition 26 (LC26) Control and Supervision of Operations compliance inspection and to provide a framework for LC26 inspection activities, within which inspectors are expected to exercise their discretion.

2.2 The guidance should not be regarded as either comprehensive or mandatory.

2.3 The guidance provided is divided into four main elements:

- 1) Purpose of the Licence Condition
- 2) Guidance on arrangements for LC26
- 3) Guidance on inspection of arrangements
- 4) Guidance on inspection of implementation of arrangements.

## 3 LICENCE CONDITION 26: CONTROL AND SUPERVISION OF OPERATIONS

The licensee shall ensure that no operations are carried out which may affect safety except under the control and supervision of suitably qualified and experienced persons appointed for that purpose by the licensee.

## 4 PURPOSE OF LICENCE CONDITION 26

4.1 The purpose of the licence condition is to ensure that the licensee maintains responsibility for, and control over, the day-to-day activities on its site which may impact on nuclear safety. In doing this, the licensee is expected to ensure that this control is exercised through suitably qualified and experienced persons (SQEPs) and that the activities are also supervised by SQEPs. The "operations ..... which may affect safety" to which condition 26 applies clearly includes those referred to in condition 23 for which safety cases are required to be produced but, importantly, is more widely drawn to include all "operations" as defined in LC1.

4.2 The SQEPs required to control and supervise all such operations will be identified and appointed. For the control and supervision of operations in appropriate cases (generally those that are most safety significant), Duly Authorised Persons may be appointed under condition 12(2).

## 5 GUIDANCE ON ARRANGEMENTS FOR LC 26

- 5.1 This licence condition does not formally require the licensee to make and implement adequate arrangements, but to effectively comply with this condition we would expect the licensee to have established arrangements or procedures which identify the person responsible for ensuring compliance, and the means by which the licence condition is met. Such arrangements or procedures, which will help demonstrate compliance with the condition also facilitate inspection and enable compliance with this condition to be audited.
- 5.2 The following Oxford Dictionary definitions (see also Annex 3) assist with providing clarity in the context of ONR's LC26 expectations:
- To control:** To have power over; to limit or regulate  
**To supervise:** To watch and direct the performance of a task or the work of a person  
**Operation:** An organised action involving a number of people  
**Appointed:** Assigned a job or role to someone
- 5.3 There is established guidance related to control and supervision in the IAEA Safety Standards. Safety Guide NS-G-2.14 covers Conduct of Operations at Nuclear Power Plants (NPPs). It focuses on the Operations Department and the Shift nature of operations but also has memory joggers for pre-job briefings, work control procedures, and handovers that are relevant to wider application than just NPPs.
- 5.4 There is further related guidance in the requirements document for Management Systems (GSR Part 2 2013) and the Guidance for Safety Fundamentals and Safety Requirements. These address the organisation's management system and support its aim as stated by INSAG in INSAG-13 which is 'to improve the safety performance of the organisation through the planning, control, and supervision of safety related activities in normal, transient, and emergency situations'.
- 5.5 Control and supervision is a fundamental requirement on licensees' activities and there are a number of key areas where a licensee should possess core skills and posts which should be filled by a licensee's staff:
- All managers with operational responsibilities
  - Intelligent customers for externally commissioned work
  - In-house Design Authority
  - All staff in an operational supervisory capacity
  - All staff who issue permits to work on operational plant
  - Key safety advisors
  - All staff supervising contracts
  - Internal regulator/ assurance function
- 5.6 Also, where the organisation commissions external work to support its activities, there need to be clear arrangements in place defining the associated responsibilities, interfaces and standards needed to align with the organisation's own requirements and expectations.
- 5.7 When commissioning external work there should still be a clear line through the licensee's own line management from the Chief Executive down to plant/process operators for the planning, control, and supervision of safety related activities in normal, transient, and emergency situations.
- 5.8 The integration of these functions is the remit of the Safety Management System<sup>2, 3</sup>. The licensee's arrangements should therefore align with its high level management

system under LC17 which should be guided by the relevant good practice promulgated in the above IAEA Safety Guides.

- 5.9 The arrangements will thus need to cascade down into site level arrangements. In order to demonstrate that the licensee is in day-to-day control of work activities being carried out on the licensed site and can supervise them effectively, the licensee should ensure that it has within its own organisation:
- Sufficient SQEPs to undertake its own in-house work and to oversee and direct as necessary its delivery recognising the hazards, safety requirements, and risks associated with the undertaking.
  - Sufficient SQEPs to manage and supervise the work undertaken by contractors on site subject to the same recognition.
  - Sufficient Intelligent Customer and design authority capability to define all work specifications and to review and accept back the work delivered. The specifications should include the definition of appropriate standards and the duties incumbent upon the contractor in carrying out any on-site work.
  - Systems in place to enable it to check and monitor that any other body carrying out control and supervision activities both on and off site (off-site includes supply/manufacture/design etc.), is carrying out those activities in line with either the licensee's arrangements and standards, or with arrangements and standards deemed by the licensee to be compatible and equivalent.
  - Contractors (including sub-contractors) working on site should be using SQEPs and the licensee should satisfy themselves through their own SQEPs that the contractor's arrangements for demonstrating 'SQEPness' of the contract staff align with their own).
  - Sufficient SQEP capability for preparing (or managing preparation of) working level documentation and for establishing work controls appropriate to the safety significance of the activities being undertaken, and for monitoring /reviewing /authorising the implementation of these work instructions and controls.
  - Systems of checks and balances to provide the means of reporting back and addressing as appropriate any non-compliances.
- 5.10 The licensee's arrangements further need to cascade down into local arrangements /procedures that address control and supervision at the workforce for the range of activities that are undertaken on its site.
- 5.11 A licensee's operational activities can be split into a number of areas which will usually be subject to different arrangements, procedures and controls which therefore need to be integrated within the organisation's management system:
- Project work/new build/design
  - Routine operational work
  - Maintenance and test work (routine and reactive)
  - Plant modification/improvement work
  - Waste management work
  - Decommissioning and dismantling work
- 5.12 It is suggested that unless the inspection is a 'deep dive' into LC26, only one or two of these areas should normally be sampled for each inspection. Derived from established guidance<sup>2, 3, 4</sup>, it is suggested that the inspection should then consider whether there are arrangements in place in each of the selected areas which satisfactorily address:
- Assessment of risks and classification of safety significance of the sampled activities and with a corresponding graded approach to their control and supervision

- Clarity on the nuclear baseline of the roles and responsibilities for staff controlling and supervising the activities, and associated training and experience
- Sufficiency of baseline roles to support the required control and supervision
- Arrangements and standards for contract staff undertaking the activities
- Arrangements and standards for tenants on the site undertaking the activities.
- Work planning and co-ordination arrangements.
- Work instruction/documentation preparation
- Work authorisation arrangements.
- Work controls, instructions and handovers conducted at the workplace.
- Plant configuration management and communication/visibility of its status
- Intelligent customer and design authority capability within the licensee

## **6 GUIDANCE ON INSPECTION OF ARRANGEMENTS AND THEIR IMPLEMENTATION**

- 6.1 Although a licensee may have in place a comprehensive suite of documentation representing its arrangements for complying with LC26, the greater test of the adequacy of its provisions for control and supervision will lie in the implementation of these arrangements. It is therefore important to sample not only the scope and adequacy of the arrangements established to address all the areas identified above, but also how these arrangements are being directly applied in practice at the work place, ensuring discussions are held with various levels of management involved and also with the workforce physically undertaking the tasks at the workplace.
- 6.2 The elements that should be examined in any inspection on LC26 have been drawn out from licensees' relevant good practice, information from previous inspections and existing guidance, and include:
- Whether suitable and sufficient persons are appointed to control and supervise operations which may affect safety, commensurate with the nuclear safety risks and significance of the tasks being undertaken
  - Whether the SQEP capability of operators exercising direct control over the work has been established
  - Adequacy of demonstration of SQEP capability of team leaders/supervisors for the work
  - Adequacy of arrangements for the preparation of instructions for the work/task and determination of safety significance of the task and associated equipment should be considered
  - Whether a work planning system has been implemented and activities integrated within it
  - Effectiveness of authorisation systems which can be applied by individuals or groups within the work planning system
  - Adequacy of any learning factors affecting the successful and safe execution of the work pack, and briefing the workers on these factors
  - Content and conduct of briefing on the work pack
  - Adequacy of arrangements for release of plant to workers, clarifying and confirming plant configuration, including tagging/isolations/safety

measures/permits/lockouts etc., and confirming understanding of the nuclear safety significance of the work and associated equipment

- Confirmation that safety related information is available at the workforce
- Confirmation that front line supervision is effectively implemented at the workforce and is commensurate with the nuclear safety risks and significance of the tasks being undertaken
- Confirmation there are clear return to service arrangements, including details on plant configuration and any issues relating to plant status. Ensure adequate debrief is undertaken and learning is captured from the task
- Adequacy of arrangements for effective management of contractors/leaseholders where appropriate
- Confirmation that there is effective management of interfaces and communications between work teams during progression of the work

6.3 Annex 1 provides question sets which provide a framework for examining the implementation of the task(s) being sampled. These question sets are divided into lists for Control and Supervision separately and are preceded by a brief precis of some of the questions that are implicit in the discussions in Section 5 with respect to the arrangements.

6.4 Due to the importance of the pre-job brief in bringing together many of the facets of direct control related to carrying out the work, there is a prompt at Annex 2 for considering the content and conduct of this element of control and supervision based on established guidance and relevant good practice.

6.5 Annex 3 provides further regulatory background and information taken from HSE and ONR guidance. Definitions are also provided on the meaning of control, supervision, operations and what appointed means in the context of LC26.

6.6 Additional guidance on relevant good practice for implementation with respect to work handovers, shift logs, and plant configuration is available from IAEA guide NS-G-2.14 sections 4.13-4.20, sections 4.45-4.58, and sections 5.9-5.16 respectively. NS-G-2.14 guidance is written with reference to shift operations on NPPs but the principles underpinning it can be used to identify considerations that should be made to the same aspects of control and supervision on other types of plant.

## 7 REFERENCES

1. HSE/ONR Operational Experience: Advice Note 02/13 CM9 2013/421376
2. IAEA Safety Guide NS-G-2.14 Conduct of Operations
3. IAEA Safety Requirements GSR Part 2 2013 Leadership and Management for Safety
4. IAEA Safety Guide GS-G-3.1 Application of the Management System

## ANNEX 1

### 8 QUESTION SETS

#### ARRANGEMENTS

1. Which licensee document describes their principles and arrangements for achieving LC26 compliance and is its scope consistent with the expectations laid out in section 5 of this guide?
2. In the absence of a specific document how does the licensee demonstrate compliance with LC26? For example, does the licensee's Safety Management Prospectus (SMP) or other documented include a summary of its Safety Management System?
3. Does the SMP or equivalent cascade down into instructions/procedures which adequately address the areas identified in section 5 of this guide i.e. arrangements for identification and management of;
  - Hazards/risks
  - Categories of tasks in accordance with the risks
  - Interfaces and co-ordination of tasks between work areas
  - Safety roles and requirements for persons undertaking the work activities
  - Safety roles and requirements for persons controlling the work activities
  - Safety roles and responsibilities for persons supervising the work activities
  - Intelligent customer capability
  - Design authority functions
  - Contracting out of work, management of contract work on site, and management of tenant's activities as appropriate.
  - Standards and behaviors

#### IMPLEMENTATION - CONTROL:

1. Is there clear classification (safety significance) of the work being undertaken? What levels of oversight and direction are required for this in the licensee's compliance arrangements? Is the level of supervision being applied consistent with the safety significance? Are persons controlling and supervising operations appointed for that purpose in line with the safety significance of the tasks?
2. Are the line management associated with the work activity and their roles in respect of the activity satisfactorily defined on the nuclear baseline? Is their required training completed and in date?
3. Contracting out: is there sufficient Intelligent Customer (IC) capability within the licensee across a sufficient range of disciplines for defining work specifications including design work, and for reviewing and accepting the work delivered?
4. Design/design change control: do the Design/Change Processes incorporate checks and measures to prevent subversion of safety case requirements based solely on financial /expediency considerations. Are the Design Authorities appropriately qualified and familiar with the Safety Case?
5. Does the licensee have access to appropriate funding to support its day-to-day activities without taking shortcuts/invoking work-around etc.?
6. Who is carrying out the work – licensee staff, tenants, or contractors? Is there appropriate licensee presence at the work control front? Are the licensee's staff appropriately trained in respect of the nuclear safety implications of the work being

- undertaken and any necessary remedial actions that might be required? Are their training records in date?
7. Have staff undertaking the work been inducted in site operations and operations on the plant where the work is being carried out?
  8. If the work is being undertaken by tenants or contractors (including sub-contractors), what evidence is available that they are appropriately SQEP? Has the licensee specified the necessary SQEP arrangements within the lease or contract? Has the licensee reviewed the tenants'/contractors' arrangements to ensure that their SQEP capability aligns with its own standards and expectations?
  9. Do any leases/contract specifications include the standards, practices, and behaviours expected of the contractors when working on site to ensure compliance with licensee's arrangements? Are these reflected in the tenants'/contractors' work control documents or alternatively do their documents reference the licensee's arrangements and do the tenants/contractors understand these?
  10. Are the training records for the persons undertaking the work in date? Have they been adequately briefed on the work in hand and any relevant configuration/substitution arrangements?
  11. Management and work controls: Does the licensee have appropriate arrangements in place for integration of Safety Case requirements (such as Operating Rules, Safety Mechanisms requirements, Safety Actions etc.) into operational documentation for activities? Are the people preparing and authorising the Work Instruction packages or managing their preparation, appropriately SQEP?
  12. Do the work packages include both conventional and nuclear safety risk assessments commensurate with their safety significance? Are the assessments completed by SQEPs and have any identified risk control measures been incorporated into the work package documentation?
  13. Are the work instructions for the activity in date, appropriately authorised, and available if necessary at the place of work? Is the necessary supporting information (such as drawings etc.) available at the place of work?
  14. Are there adequate systems in place for planning work and co-ordinating work fronts? Do these satisfactorily reflect the safety case requirements of the work to be undertaken and any interactions with work packages in progress? Is there clarity on the interactions required between DAPs for different work areas which might affect or be affected by the task being sampled?
  15. Are there appropriate arrangements in place for authorising work, (either through individuals or through groups i.e. Plant Authorisation Groups)? Are authorised work instructions clearly marked to provide recognition of safety significance? Is there a single overall DAP authority or a hierarchy of DAPs associated with the overall plant or work area?
  16. Does the work allocation point provide clarity of plant conditions and configurations relative to the work? Do the safe systems of work and permit systems clearly reflect all relevant safety mechanisms or measures associated with the work and their status/availability? Are there any visual aids to provide clarity to the workers of the hazards and/or key safety features?
  17. Are there adequate provisions for the physical control of the work (lockout boxes, overrides, temporary fits, isolations, etc.) and do the work packages and any visual aids reflect the status of these provisions?



18. Is there clarity over who carries out the various roles, including funding decisions, design, commissioning, work planning, authorising and supervising? Are the roles and the training requirements clearly defined and are there any conflicts of interest between any of these roles particularly if any post-holders have dual roles?

### **IMPLEMENTATION - SUPERVISION**

1. Have the supervisors been trained in the characteristics of effective supervision including the behavioural and leadership aspects?
2. Do the training and appointment processes for persons supervising operations which may affect safety balance the classroom training with on the job coaching/mentoring to ensure the most effective learning strategy is achieved?
3. Is there a satisfactory balance in supervisor's duties to permit adequate observation and interaction with the work teams in comparison with paperwork and administration duties?
4. Do the supervisors undertake appropriate daily work meetings involving all relevant stakeholders (e.g. subject matter experts, contractors, health physics, control room personnel or equivalent, and the teams undertaking the work)? Do the meetings provide sufficient focus on nuclear safety status of the plant/facilities and of the nuclear safety significance of the work due to be undertaken in relation to the plant status?
5. Do the daily meetings address any possible contingencies, how they would be dealt with and by whom?
6. Do the immediate supervisors/team leaders carry out sufficiently detailed toolbox talks /pre-job briefs?
7. Is the nature and extent of supervision commensurate with the hazards and risks?
8. Do supervisors lead by example to create a good safety culture? Do they openly commend good practice and challenge inappropriate acts/behaviours?
9. How do supervisors ensure compliance with standards and procedures? Do they listen to feedback where work teams consider standards inappropriate or procedures poor?
10. Are there arrangements in place for supervisors to regularly review workplace conditions? Do these arrangements facilitate the adjustment or re-authorisation of work packages if necessary?
11. Are there satisfactory processes in place for supervisors to formally initiate revision of work packages in response to changing programme priorities taking due regard to safety? Is it evident that safety is given priority over other operational/ programme pressures?
12. Does the work team have clarity of its reporting responsibility? Is there clarity of various supervisors' roles with respect to safety and programme, and mechanisms for resolving conflicts?
13. Are authorised work packages closed each shift or day? If not how is it ensured that conditions applicable to the authorised work are still valid? Do handovers adequately reflect any changed conditions on the plant and summarise plant that has been worked on and completed, safety measures which are unavailable etc.?
14. Is debriefing done on return to service/ re-instatement of plant and equipment following the execution of work packages? Is there a satisfactory system of logs for handovers?

- Are the handovers undertaken in a satisfactory manner separate from distractions of on-going direct supervision, authorisation etc.?
15. Are the supervisors cognisant of minimum team requirements in respect of the plant/facility on which work is being undertaken? Are they positively managing and maintaining any minimum staffing requirements?
  16. Are the supervisors visible and available at the place of work?
  17. Do supervisors act promptly and effectively to safety concerns raised by the work teams? Do they engage with the work teams on ways to improve safety performance?
  18. Do supervisors at facility and senior management level reinforce expected behaviours with respect to control and supervision? Do they lead by example and are they available and visible on the plant? Do they encourage questions and concerns and act on them?
  19. Do managers allow sufficient time and resources to facilitate effective control and supervision?
  20. Do supervisors incorporate lessons learned from previous debriefs into their pre-job briefs and feed them into training programmes?
  21. Does the licensee have any performance measures for monitoring effectiveness of control and supervision? What are the current trends from any such indicators?

## ANNEX 2

### 9 PRE-JOB BRIEFINGS GUIDANCE

(The following guidance is based around NS-G-2.14 and licensee good practice)

#### 1. Briefing type.

1.1 The planner for the work should determine whether a formal (written) pre-job brief or a verbal brief is required for the work. It would be expected that a formal pre-job brief would be prepared for work involving significant co-ordination between work groups, complex, hazardous, or infrequent work, or safety significant work.

#### 2. Formal (Written) Briefs.

2.1 If a formal brief is required, this should be based on a documented discussion with relevant stakeholders the recorded outcome of which should then accompany the work pack. (Stakeholders would typically include the Subject Matter Expert, Contractors, Health Physics personnel, Control room or equivalent personnel, and the work team conducting the task).

2.2 There should be a procedure for the carrying out of these pre-job briefing discussions by the person organising the work. This should identify where formal written briefs would be expected and the need for them to accompany the work pack. The procedure should also identify who is required to attend the meetings, how the meeting should be conducted, and what content should be covered.

#### 3. Checklist for content of a formal pre-job brief discussion and record.

Identification of:

- The purpose and scope of the work and expectations.
- Applicable procedures, instructions, drawings and other information.
- Key aspects of the risk assessment/potential hazards associated with the work.
- Protective measures in place with respect to the hazards.
- Protective measures which are unavailable.
- Any relevant standards or behaviours that need to be applied.
- Nuclear safety aspects of the work including any relevant limits and conditions.
- Conventional safety issues.
- Any relevant dose control issues.
- Communication between other members of the work team and the supervisor.
- Interfaces with other work teams in the area of the work-front.
- Approximate time needed to perform the work.
- Possible disrupting factors, plant movements and operations that might impact the work.
- Contingency actions.
- Plant status changes to avoid.
- Factors to be monitored.
- Any feedback/learning from experience relevant to the work

#### 4. Informal (Verbal) Briefs.

4.1 Where the work is not complex or is of limited safety significance a less formal briefing might be appropriate. The supervisor/team leader should nevertheless still prepare for the brief by assuring himself of a full understanding of the information in the work pack, the relevant risks and hazards, and the protective measures against them. The brief should typically enable the supervisor/team leader to address the key areas suggested in the following bullet points:

## **5. Bullet point list for Verbal Briefs.**

- What experience does the team have of this work?
- What are the critical steps in carrying out the work?
- What mistakes could be made in undertaking the work?
- What is the worst thing that could happen and how would the team deal with it if it happened?
- Are there any Human Factors considerations the team could apply to minimise risk of errors?

## **6. Conduct of the Team pre-job Briefing.**

6.1 Whether they are formal or informal, pre-job briefings should be used by the supervisor/team leader receiving the work packs from the planner, at the start of each work period and for all operations other than daily, routine activities.

6.2 The briefing should where possible be carried out in a quiet location with minimal distractions as near to the task start time as possible. In some cases, it may best be undertaken at the location of the task or may involve a walk down of the task workplace.

6.3 The briefing should be interactive with the team and should cover an outline of the task and expectations before engaging in a more detailed briefing. This briefing should utilise the formal documented brief derived from the above checklist or the informal brief based on the verbal brief bullet points.

6.4 Three way communications should be encouraged during briefings, open questions should be used to check understanding of the tasks being undertaken and to confirm that individuals have fully understood the brief.

6.5 The end of the briefing should include a recap and opportunity for questions from the team.

## ANNEX 3

### 10 DEFINITIONS, CONTEXT AND REGULATORY BACKGROUND

1. There are a wide range of licence conditions other than just LC26 which impact on control and supervision including in particular LC3 Property Transactions, LC9 Instructions to Persons on Site, LC10 Training, LC12 Duly Authorised (DAPs) and other Suitably Qualified and Experienced Persons (SQEPs), LC17 Management Systems, LC19-22 Control of Construction, Modification and Commissioning, LC23 Operating Rules, LC24 Operating Instructions, LC27 Safety Mechanisms, LC28 Examination, Inspection, Maintenance and Testing (EIMT), and LC36 Organisational Capability.

2. It is not the purpose of an LC26 Inspection to examine the adequacy of the detailed arrangements and their implementation for all of these licence conditions. That will be the remit of separate dedicated inspections in the site inspection plan. However, evidence will be required from within these areas to support the licensee's demonstration that it is in control of its activities and is supervising them appropriately. This guidance is therefore intended to provide some suggestions of areas that might meaningfully be examined in relation to work activities being sampled in an LC26 inspection even though they overlap with various related licence conditions.

#### Oxford Dictionary Definitions.

- To control:** To have power over; to limit or regulate  
**To supervise:** To watch and direct the performance of a task or the work of a person  
**Operation:** An organised action involving a number of people  
**Appointed:** Assigned a job or role to someone

#### Context.

3. HSE/ONR guidance promulgated in 2013<sup>1</sup> identifies control as being largely procedural whilst supervision is largely behavioural.
4. Control is about ensuring that everything is carried out in conformity with the relevant plans, standards, instructions, etc., and involves the application of appropriately proportional constraints in the form of both procedural and physical measures.
5. Supervision is about oversight and guidance as necessary, and is largely concerned with managerial advice, communication, monitoring and influence, steering those carrying out the activities to perform in accordance with expected responsibilities and behaviours.
6. 'Operations' which may affect safety in relation to nuclear licensed sites are interpreted in Licence Condition 1 as including 'maintenance, examination, testing and operation of the plant, and the treatment, processing, keeping, storing, accumulating or carriage of any radioactive material or radioactive waste.
7. 'Appointed' in the context of control and supervision of operations means that persons should be identified through individual role profiles commensurate with the safety significance of the tasks being undertaken. Where there is a control and supervision requirement, roles should be identified through the nuclear base line and persons identified for these roles should be demonstrated as SQEP.
8. Some examples of formally appointed roles include;
- Duly Authorised Persons who are appointed in writing under LC12.

- Members of the nuclear safety committee who are appointed under LC13.
- Appointed persons to carry out conformity assessment procedures as identified in Pressure Systems Safety Regulations (PSSR) 2000.
- Principal Designer, Designer, Principal Contractor and Contractor as identified in the Construction (Design and Management) Regulations 2015 (CDM).

9. The licensee may choose to formally appoint other persons for certain activities which may not be a requirement under licence conditions; the number of persons appointed should be proportionate so as not to degrade the importance of key safety significant roles.

10. Construction Design and Management (CDM) requires that formal appointments are made in writing by the Client for the Principal Designer and Principal Contractor. This can be individuals or more commonly organisations. Where this is the case, they will still retain a responsibility under LC26 to oversee and control the overall construction work being undertaken.

#### **General:**

11. Whilst this licence condition does not specifically require the licensee to make and implement adequate arrangements for compliance, this LC does have strong links and interfaces with other LC's including LC10, 12, 17, 28 and 36 which do require the licensee to have adequate arrangements for compliance. In addition, the licensee may reference other supporting arrangements under other regulatory requirements such as Management of Health and Safety at Work (MHSW), Lifting Operations and Lifting Equipment Regulations (LOLER), Construction Design and Management (CDM), Pressure Systems Safety Regulations (PSSR) etc. The duties and liabilities placed upon the licensee through the Nuclear Installations Act 1965 (NIA65) require that the licensee is a corporate body which must secure the absence of injury to any person from occurrences involving nuclear matter on its site. The Licensee also has a duty under section 4 of NIA65 (as a relevant statutory provision of the Energy Act 2013), not to contravene any condition attached to its licence. To discharge these duties the licensee must be in day-to day control of the licensed site, and needs to have arrangements in place both to secure this control and to achieve compliance with the related licence condition.

#### **Regulatory background:**

12. The site licensee organisation is normally the corporate body which will operate the installation. Section 4(6) of the NIA65 provides that in the event of any contravention of any condition attached to a nuclear site licence, the licensee and any person having duties upon the site by whom the contravention was committed shall be guilty of an offence. Hence, even if the contravention is committed by a tenant or contractor, the licensee is also guilty. The licensee should, therefore, be in a position to exercise effective day-to-day control over all activities on the site whether undertaken by its own people, by contractors or by tenants.

13. The requirement to be in day-to-day control of the site is further derived from the duty placed on the licensee by Section 7 of the NIA65 to secure that no occurrences involving nuclear matter cause injury to any person or damage to property, and by Section 12 of NIA65 for liability to pay compensation for any such injury or damage caused by breach of that duty. Licensees cannot legally pass these duties or liabilities on to others and hence must be able to demonstrate that they are in control of the activities on the licensed site.

14. Where the licensee body is owned by a parent company, that parent company may set the strategic direction of its subsidiary body and maintain oversight of its business planning and performance monitoring, but may not usurp the licensee's authority over the day-to day operations of the prescribed installations. The licensee must have authority to control those operations including autonomy to shut down, stop operations or take other appropriate action

in the interests of safety without recourse to the parent company. It must also have access to sufficient funds to support its safety obligations with respect to its day-to-day activities.

15. Where the licensee leases its site or part of it, it is required to make and implement adequate arrangements to control all property transactions affecting the site to ensure that the licensee remains in overall control of the site.

16. In all circumstances, the licensee must supply the controlling mind and specify and drive the activities undertaken on its site to ensure that they are done to the appropriate standards and in line with its arrangements put in place to comply with the conditions of its licence. The licence is granted when the corporate body has demonstrated (inter alia) that it has adequate management structures, capability and resources to discharge the obligations associated with holding a site licence.

17. Through the licence conditions, ONR requires that the licensee is fully in control of activities on its site, understands the nuclear safety implications of its activities and how to control them, and is an intelligent customer for any work it commissions externally. The conditions require suitably qualified and experienced staff to undertake all activities that could affect safety on the site and the licensee must ensure that this requirement is implemented throughout its own organisation and also through its supply chain.

18. Under LC17, ONR requires a licensee to demonstrate the adequacy of its arrangements for managing safety through its safety management systems (usually documented through a Safety Management Prospectus), and show how the management controls are appropriate and sufficient.

19. A nuclear baseline, under LC36, is also expected as part of the licensee's safety management system to demonstrate that it has suitable and sufficient organisational structures staffing and competences in place to effectively and reliably carry out those activities which could impact on nuclear safety.

20. The licensee must have sufficient knowledge of the plant design and safety case for all plant and operations on the site to ensure that it is in control of the activities on its site, understands the hazards associated with the activities and how to control them, and will be an intelligent customer for any external work it commissions.

21. To ensure on-going control of the design of the plant throughout its life, there needs to be a formally appointed design authority.