



ONR GUIDE			
THE PURPOSE AND USE OF PERMISSIONING			
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1. INTRODUCTION

- 1.1 Permissioning is undertaken by ONR across its core purposes of nuclear safety, security, transport and conventional health and safety. This guide sets out the principles that inspectors should apply when permissioning dutyholder undertakings. Within this context, this refers to the permissioning/licensing of dutyholder activities and/or approvals of dutyholder arrangements/plans to allow their implementation.

2. PURPOSE OF PERMISSIONING

- 2.1 The permissioning process enables ONR to apply regulatory control to certain dutyholder undertakings, and to respond to dutyholders who require permission to commence, continue, modify or cease specified activities under relevant legislation. This is typically against the requirements of the Energy Act, 2013 and its applicable provisions including:

- Licensing, re-licensing and de-licensing nuclear sites;
- Assessment of proposals to satisfy the conditions attached to a nuclear site licence, or to satisfy the arrangements made by licensees in compliance with the [licence conditions](#) (LCs);
- Issue, change or withdrawal of licence instruments;
- Approval of security arrangements under the Nuclear Industries Security Regulations 2003 (NISR);
- Approvals under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (CDG) Class 7 2009.

- 2.2 It is noted however that there are other legal provisions that allow for a permissioning regime to be applied to certain dutyholder undertakings including:

- Relevant Statutory Provisions of the Health and Safety at Work Act (HSWA) including the Control of Major Accident Hazards (COMAH) Regulations 2015 and issue of licenses under the Explosives Regulations 2014 and Control of Asbestos Regulations 2014.
- Consents under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning Regulations (EIADR) 2018;

- 2.3 Through this legislation, ONR exercises appropriate regulatory control and oversight on such undertakings in accordance with the principles of the [ONR Enforcement Policy Statement](#).

- 2.4 The permissioning process can also be applied to assist with making judgements on:

- The adequacy and implementation of dutyholder's arrangements and documents (e.g. security plans, emergency plans);
- Dutyholder's design and management systems for satisfying legal compliance.

3. SCOPE

- 3.1 The scope of this guide is limited to nuclear safety permissioning. Guidance relating to permissioning within ONR's other functions is detailed as follows.

- 3.2 **Transport:** For transport, the ONR is the Great Britain Competent Authority for the civil inland surface transport of Class 7 (radioactive material) dangerous goods. This statutory duty is given to ONR through CDG¹. This regulatory framework differs from that established for nuclear installations safety due to the need to preserve consistent

¹ Except where transport of for defence purposes. In these cases, the Defence Nuclear Safety Regulator (DNSR) is the Competent Authority for Transport matters.

regulatory standards across international boundaries. Therefore ONR has a separate guide for transport permissioning (Ref. 1).

- 3.3 **Security:** For security, the NISR require dutyholders to comply with an approved security plan². Where a dutyholder wishes to make changes to the standards, procedures or arrangements within that plan, then ONR's approval to amend the plan is required before they are implemented using similar principles outlined in this guidance.
- 3.4 **Conventional Health and Safety:** ONR regulates conventional health and safety on nuclear sites (licensed and authorised defence sites). ONR follows the Health and Safety Executive's (HSE) [approach to permissioning regimes](#) to permission certain conventional (non-nuclear) high risk hazardous activities undertaken on nuclear sites. This specifically includes sites where the COMAH Regulations are applicable, and those sites requiring a licence granted under the Explosives Regulations.
- 3.5 The purpose of the COMAH Regulations is to ensure all necessary measures are taken to prevent major accidents involving dangerous substances and to limit the consequences to people and the environment of any major accidents which do occur. The COMAH Regulations are enforced by a Competent Authority (CA), which for nuclear sites comprise ONR acting jointly with the appropriate environment agency. The site operator must notify the CA if the quantity of dangerous substances at its establishment will equal or exceed thresholds defined within the Regulations (the Regulations do not apply to substances which create a hazard from ionising radiation if present on a nuclear establishment).
- 3.6 Under the terms of the [Memorandum of Understanding](#) between ONR and HSE on effective cooperation in the regulation of conventional health and safety HSE Explosives Unit ONR warranted inspectors act as ONR in the licensing and regulation of explosives manufacturing/storage. In the spirit of cooperation between ONR and HSE under Section 96(1) the Energy Act 2013 ONR have access to wider HSE specialist inspector resource support to assist with nuclear site regulatory assessment.
- 3.7 Asbestos licensing is a statutory function of HSE, administered and overseen by HSE's Asbestos Licensing Unit (ALU). This permissioning regime issues asbestos licences to carry out licensable work with asbestos, as defined at Regulation 2 of the Control of Asbestos Regulations. An asbestos licence is granted to contractors (working on others premises) or to persons (working on their own premises) undertaking higher risk asbestos work. Licensable work is determined with consideration of the type of asbestos material and how it has been applied; where work is not sporadic or of low intensity; or where the risk assessment cannot clearly demonstrate that the asbestos control limit will not be exceeded. ONR recognise licences granted by HSE's ALU and regulate notifiable work with asbestos undertaken on nuclear sites. ONR will provide regulatory intelligence concerning the work activities of asbestos licensees to ALU to inform ALU's oversight of the said asbestos licensee. ONR access the notification database administered by ALU to retrieve data relevant to ONR's work on nuclear sites.
- 3.8 **Safeguards:** For Safeguards, the ONR regulates compliance with The Nuclear Safeguards (EU Exit) Regulations 2019 (NSR19)³. NSR19 does not create a permissioning regime for Safeguards. However, it does require operators to provide ONR with key safeguards information at specified timescales. The requirements relate

² ONR is not the statutory regulator for Defence sites. Where the site is used for Defence purposes, the Defence Nuclear Security Regulator (DefNucSyR) undertakes regulation of security.

³ Safeguards regulation in the UK remains the responsibility of Euratom, under EC Directive 302/2005 until the end of the UK's transition period with the European Union, the 1st of January 2021.

to construction and active commissioning of new qualifying nuclear facilities, and modification to existing facilities. As part of the permissioning process for safety, the proposal should be circulated to ONR Safeguards so as to ensure the operator has met their requirements under NSR19.

- 3.9 **Nuclear Safety:** For nuclear safety, the nuclear site licence and attached LCs provide the principal legal basis for regulation by ONR of nuclear safety on nuclear licensed sites. The LCs place conditions on the site licence holder (licensee) that are considered necessary or desirable in the interests of nuclear safety.
- 3.10 The LCs include powers which may be used by ONR inspectors with the delegated authority to intervene and control arrangements made by the licensee in the interests of nuclear safety and operations undertaken by the licensee on their licensed site (operations are defined in LC 1).
- 3.11 These powers are known as “primary” powers as they are provided to ONR through the Nuclear Installations Act 1965 (NIA), Section 4 – *Attachment of conditions to the licences*.
- 3.12 Using primary powers to control arrangements and operations on a nuclear licensed site provides ONR with the ability to apply a “permissioning regime”. ONR has found over the years that it is not always appropriate to use primary powers to put into effect regulatory control of an operation. Nevertheless it remains desirable in the interests of nuclear safety for ONR to control and have oversight of some of the licensees’ arrangements and operations or proposed operations.
- 3.13 In these cases regulatory control and oversight may be achieved through the use of a flexible permissioning regime via powers provided from the licensees’ arrangements for complying with the LCs.

4. PURPOSE

- 4.1 The purpose of this document is to provide guidance to inspectors on the role and use of permissioning in regulating nuclear safety on a nuclear licensed site. The scope of the document covers what arrangements should be made to allow them to work effectively and how the arrangements may be used in the interests of safety.
- 4.2 This guidance is intended to inform and promote a consistent and enabling approach to permissioning given the non-prescriptive nuclear safety regulatory regime operated by ONR.
- 4.3 In developing the original version of this guidance, extensive consultation was undertaken with the Legal Advisory Team. This background information has been captured and can be referred to in Revision 0 of this guidance (Ref. 2).

5. TYPES OF PERMISSIONING

- 5.1 Permissioning should always be proportionate to the hazard/risk associated with the proposed activities/plans. Dutyholders undertakings of highest hazard/where risks may be least well controlled will always attract a greater degree of regulatory interest than low consequence, routine activities. In recognition of this ONR takes a flexible approach to permissioning and utilises a number of tools to support this.
- 5.2 Permissioning can be broken down into three main types: Primary Powers, Derived Powers and Enhanced Implementation Monitoring and Control (EIM&C). These can be used in isolation or in combination with one another to establish the necessary regulatory control.

6. PRIMARY POWERS

- 6.1 Primary powers are created through attaching conditions to the Site Licence as required by Section 4 of the NIA. The six primary powers (Specification, Approval, Consent, Direction, Agreement and Notification) are explicit in the wording of the standard 36 LCs and are therefore legally binding on all licensees.
- 6.2 Due to the legal status of primary powers, the situations in which they can be used, the requirements for placing, and the mechanism for releasing are clearly documented in ONR's process. As a result, they are inflexible and often inappropriate for controlling lower risk activities.

7. DERIVED POWERS

- 7.1 The licensee is required to make and implement arrangements under many LCs. Through some of these LC arrangements, the licensee can choose to provide administrative 'powers' to ONR through which ONR derives the ability to permission selected activities on the licensed site. Such powers provided by the licensee for ONR are termed "derived powers".
- 7.2 In particular, this is to control operations using arrangements made under LCs 19-22, 35 and 36, which may include the licensee implementing a particular proposal, undertaking an activity, or progressing from one stage of a project to the next.
- 7.3 Construction, design and inactive commissioning may not pose an immediate nuclear safety hazard. ONR may, however, choose to permission these phases of a facility's lifecycle to get regulatory control in the development of plant operations (e.g. to prevent the foreclosure of options). This approach ensures the licensee has reduced risks so far as is reasonably practicable at the point the hazard could be realised.
- 7.4 Use of derived powers provides ONR with the flexibility to exercise proportionate regulatory control and to discharge this control in an efficient and effective manner. In addition, it allows the licensee (following consultation with ONR) the flexibility of updating the powers as circumstances change and encourages effective self-regulation.
- 7.5 Licensees' arrangements generally differ, and the derived powers conferred under them may also differ. In response to a licensee's request, the permissioning of activities on a licensed site using derived powers is predominantly done by ONR issuing derived power LIs, by persons with delegated authority (Ref. 3). The activities most likely to require permissioning by exercise of derived power LIs are those of greater safety significance.
- 7.6 This level of regulatory control requires a formal written response from ONR (i.e. LI letter). Agreements are the most frequently used derived power LIs with Acknowledgements and Notifications rarely used, but all types of derived power LIs are set out below.
- *Agreement* - may be used, for example, to enable the ONR by LI to Agree⁴ to the commencement of an on-site activity. This activity will be justified by the licensee through the production of a safety justification, which will be subject to ONR assessment, the level of which will be determined by the risk and potential consequence.

⁴ This is different to 'Agree' under primary powers where ONR may agree to concede to a certain course of action described under LC 23(6), LC 28(7) or LC 30(2).

- *Acknowledgement* - may be used, for example, to enable the ONR by LI to Acknowledge receipt of a licensee's proposal to implement a specified activity (and so by implication the licensee can proceed).
- *Specification* - may be used, for example, to enable the ONR by LI to Specify an activity for its Agreement, or identify other regulatory hold-points within a proposal. If regulatory hold-points are specified, ONR must agree the release criteria for a hold-point, and the method of release of the hold-point. This power could be used, for example, if the safety significance or categorisation of the licensee's proposal did not require seeking ONR permission before proceeding, but that in any event ONR considers that the matter is of such potential safety significance that intervention is justified.
- *Notification* - may be used for example, to enable the ONR by LI to Notify the licensee that ONR has received a safety case submission with the option of indicating that either: (a) ONR intends to take no formal action on the proposal and that by implication the licensee may proceed, or (b) ONR intends to assess the licensee's proposal in the interests of safety. In the latter case the licensee's arrangements must require that the on-site activity does not commence until ONR indicates that it is content. In addition the licensee's arrangements may provide for the ONR to notify the licensee under the arrangements of a need to take action or provide information in relation to matters affecting safety on the site.

7.7 The ONR management system contains standard LI templates agreed by the Legal Advisory Team for the types of derived (and primary) power LIs most frequently employed by ONR, and referred to above. The list of persons who may exercise those powers is set out in the ONR Delegated Authorities document (Ref. 3). Where it is intended to issue a LI in exercising a derived power not covered by a standard template (see Appendix A), advice must be sought from the Legal Advisory Team before it is issued.

8. ENHANCED IMPLEMENTATION MONITORING AND CONTROL (EIM&C)

- 8.1 In addition to LI's, the permissioning of activities on a licensed site can also be done by EIM&C. This is a term referred to within ONR that is generally employed where:
- A LI is not deemed proportionate to control lower safety significant proposals. EIM&C may be used to permission and/or ensure that the implementation of the proposal complies with their extant arrangements;
 - A LI has been issued to initially permission an activity following assessment of the proposal and the ONR inspector determines that it should also be subject to EIM&C to ensure that the licensee's arrangements are controlling its implementation.
- 8.2 The mechanism for doing this is by defining regulatory hold points. How these hold points are established and released should be identified within the licensee's arrangements and considered adequate by ONR.
- 8.3 As the use of EIM&C is generally used to permission licensees' activities that are deemed to be of lesser safety significance such that it would be disproportionate to use a LI (see Section 10 for further guidance), then the release of EIM&C hold points can also be accepted by those persons with the delegated authority to exercise derived power LI's (Ref. 3).

9. LEGAL STATUS OF PERMISSIONING

- 9.1 Use of primary powers represents ONR invoking legally recognised mechanisms for the permissioning of nuclear safety significant activities on the licensed site. Licensees are required by law to comply with the conditions attached to the site's Licence. Failure to comply with a primary power is an offence under the Energy Act 2013.
- 9.2 The use of derived powers provided by licensees' arrangements has no statutory basis. They are working level administrative arrangements which are put in place by a licensee as part of its LC compliance. The inclusion, or use, of derived powers in LC compliance arrangements does not limit or prevent ONR using the primary powers available to it by the wording of the LCs.
- 9.3 If the licensee does not comply with the requirements of decisions made under derived powers, or they do not provide an appropriate level of control, the ONR will consider whether action should be taken under the primary powers to ensure compliance with the LC. ONR should also consider whether it is appropriate to take other enforcement action in proportion to the safety significance of the non-compliance through application of ONR's enforcement management model (EMM) (Ref. 4).

10. GENERAL GUIDANCE FOR INSPECTORS

- 10.1 Where deemed appropriate, the control of licensees' activities can be achieved through regulatory "hold-points". These define the point in a proposed activity or stage in a project beyond which the licensee shall not proceed until released by ONR. These hold-points are summarised as follows:
- Regulatory hold-points instituted by the use of primary powers where ONR has identified the need to Specify (e.g. LC 22(4)), Notify (e.g. LC 21 (8)) or Direct (e.g. LC 22 (5)) the licensee not to continue with an activity⁵. The hold-point is only released by the use of a primary power's Consent LI issued by ONR. The list of persons who may exercise these powers is set out in the ONR Delegated Authorities document (Ref. 3). The modification, revision or withdrawal of a primary power in accordance with LC 1 (3) (Ref. 1) shall be processed in a similar manner to its issue. If only a part of a previously issued LI is changed the new LI shall clearly identify which part of the preceding one remains in force and which part is superseded.
 - Regulatory hold-points established using derived powers and requested by the licensee as set out in the licensee's arrangements. These are released through the use of a derived power LI issued by ONR. The list of persons who may exercise these powers is set out in the ONR Delegated Authorities document (Ref. 3).
 - Regulatory hold-points established using mechanisms set out in the licensee's arrangements. These are released through EIM&C measures as defined in the arrangements (e.g. letters, records of meetings or other suitable means of recording that ONR is content for the activity to commence). Release of these hold points should be accepted by those with the delegated authority to exercise derived power LI's (Ref. 3).
- 10.2 In advance of receiving a formal permission request/submission, the lead ONR inspector must ensure there is a clear understanding of the proposed activity being requested and how the supporting documents and practices are intended to justify it.

⁵ Out with standard permissioning regimes, ONR will also issue a LI where it identifies the need to do so under other LCs or there is a legal requirement (e.g. Approval under LC 13(2)).

Once the request is sufficiently understood, the allocated inspector should determine an appropriate permissioning strategy.

- 10.3 Licensees' arrangements may provide ONR the flexibility to determine the most appropriate flexible permissioning strategy (i.e. derived power LI or EIM&C). In these circumstances and in determining the most effective strategy for a specific activity in accordance with the principles of the [ONR Enforcement Policy Statement](#), the ONR inspector should take into consideration the:
- Risk and hazard potential
 - Complexity
 - Novelty
 - Margins of safety
 - Capability of the equipment
 - Effect on any principal/significant systems, structures or components
 - Previous regulatory history
- 10.4 In determining a specific permissioning strategy, the ONR inspector should record its justification in Part 1 of a Permissioning Decision Record (located within ONR's business management system). For larger projects with multiple hold points this may be complemented by an overarching permissioning strategy document as described in Reference 5.
- 10.5 Permissioning strategies should typically be determined in advance of receiving the formal submission and include: the selected release mechanism of any identified regulatory hold-point; and, the specialist advice being sought by assessment/inspection to inform the permissioning decision (but does not necessarily need to identify the detailed scope or format of any specialist advice being sought). In addition to specialist inspector assessment advice, the ONR inspector may also judge it necessary to undertake a readiness inspection to assess implementation of a licensee's LC arrangements to inform the permissioning decision. In determining this, the guidance contained within Reference 6 should be considered.
- 10.6 When permissioning via EIM&C it may be most effective to permission through inspection alone; however, this should be considered in certain circumstances where the proposed activity:
- Is largely based on compliance with existing (or similar) arrangements;
 - Does not contain novel/complex aspects or result in high risk/hazard consequences;
 - Is part of a series of previously granted permissions such that it is proportionate for an inspection to cover the delta; or,
 - Is required urgently.
- 10.7 One permissioning strategy option identified in the Permissioning Decision Record template is to receive a licensee's safety submission for 'information only' (i.e. ONR intends to take no formal action on the proposal and therefore by implication the licensee may proceed under its own arrangements). Where an inspector judges that this is the most effective strategy in Part 1 of the Permissioning Decision Record then there is no requirement to complete Part 2.
- 10.8 For proposed regulatory hold-points, the ONR inspector should engage with the licensee at regulatory interface meetings at the working level (e.g. Level 4) to inform the licensee of the type, scope and timing of the hold-point. This should include what evidence must be delivered to demonstrate that the basis for proceeding has been met. Consideration should also be given to the involvement and role of other regulators (e.g. Defence Nuclear Safety Regulator, Environmental Agencies and/or the licensee's internal regulator in accordance with formal [agency agreements](#)).

- 10.9 Licensees may opt to convey permissioning requests via a site wide permissioning schedule (also known as a hold point control plan or document) to identify all forthcoming regulatory hold points. This can be used to aid discussions between the licensee and ONR and agree the permissioning requirements for each regulatory hold point.
- 10.10 The format and content of deliverables should be clear. This typically includes adequate documentation to justify the safety of the proposal in keeping with its safety significance. For large or complex submissions, an ONR assessment period of some months may be needed, and in these cases permissioning using a LI may be appropriate.
- 10.11 Where permissioning is being used to control stages of a project (e.g. construction, commissioning, modifications and decommissioning activities), any hold-points should be identified in advance, and recorded in an appropriate document such as an overarching strategy by the licensee, which is made available to ONR. The document should summarise the basis for the engagement with ONR, other regulators and stakeholders as appropriate, and the licensee, and should be reviewed and revised as necessary to ensure the agreed approach provides an appropriate level of regulatory control for the duration of the project or programme. Under these arrangements the transparency and management of the regulatory hold-points can be monitored through established regulatory interface meetings.
- 10.12 When employing EIM&C, a record of the justification for hold-point release should be recorded by the ONR inspector in Part 2 of a Permissioning Decision Record to ensure a clear auditable trail for the permissioning decision (Note that completion of Part 2 is not required for LI regulatory hold points as this is done via a Project Assessment Report (PAR)). As a minimum, this can refer out to other relevant documentation that justifies the decision (e.g. Intervention Record). The regulatory decision (once accepted by the delivery lead) should also be communicated to the licensee, as identified in its arrangements and may take the form of:
- Letters (not being LIs), or other written communications;
 - Minutes of a quorate regulatory interface meeting(s) with appropriate terms of reference (and recorded in the associated ONR Contact Record);
 - Information recorded in an ONR report, which is accepted for issue.

11. GUIDANCE FOR INSPECTORS ON ASPECTS OF LICENSEES' ARRANGEMENTS FOR PERMISSIONING

- 11.1 Exercising a flexible approach to permissioning activities is with the agreement of the licensee and at the discretion of ONR. Both ONR and the licensee must be content with the powers derived in the licensee's LC compliance arrangements, and the arrangements made by the licensee to manage and respond to interventions made by ONR as part of the accepted process.
- 11.2 Licensees' arrangements for the provision of permissioning should be clearly described in documents, which are acceptable to ONR for the purpose of facilitating regulatory control using these powers. This should include the use of LIs and may allow for ONR to exercise EIM&C. ONR inspectors engaged in permissioning should ensure they are familiar with the licensee's arrangements.
- 11.3 These arrangements should include:
- A procedure for categorising modifications, experiments or change proposals according to their safety significance. Generally, ONR should permission the highest safety category change proposals prior to implementation.

- The flexibility for ONR to have the opportunity to permission proposals of lower safety significance, which ONR may decide to utilise should it be considered necessary. However, in most cases, licensees are permitted to proceed with the lowest classification proposals under their extant arrangements, without specific intervention by the ONR under these derived powers.
- A requirement for the provision of adequate documentation to justify the safety of the proposed modification, experiment, or other change.
- A procedure to enable the identification, number and type of hold-points needed to ensure the safety of a project or activity, which may include the proposal of 'candidate' regulatory hold-points by the licensee for ONR's consideration and acceptance. The procedure should also include the mechanism for release of hold-points.
- A requirement to define the scope of an activity covered by a hold-point, and produce supporting evidence to ONR to enable release of each hold-point. The licensee should be responsible for producing the documents defining the evidence to be furnished to ONR.
- A requirement for the identification of hold-points where permissioning requires the involvement of another regulator (e.g. Defence Nuclear Safety Regulator, Environmental Agencies and/or the licensee's internal regulator).
- A procedure for the licensee's governance of the change proposal. This may include the requirement to submit to a Nuclear Safety Committee (NSC) established under LC 13(1), or other suitable body advising on safety (e.g. Independent Nuclear Safety Assessment).
- A requirement for a site-wide permissioning schedule describing the proposed regulatory hold-points across a particular site (specifically where sites are multi-facility). The schedule should cover the licensee's main activities, submission dates and evidence to be furnished to ONR and be consistent with the licensee's permissioning arrangements. Separate, more specific summary documents may also be required for large or complex projects.

12. MANAGEMENT OF PERMISSIONING WITHIN ONR

- 12.1 The management of interventions within ONR is described in Management System instructions and guides (Ref.'s. 5 & 7). Permissioning is managed within the framework outlined in these documents, and is subject to scrutiny through sub-division board oversight and normal programme management consideration. Sub-divisions should therefore make effective use of a combination of permissioning regimes to provide appropriate regulatory oversight of matters potentially affecting safety on the site. When considering if it is appropriate to exercise regulatory control using a primary power or flexible permissioning, persons having delegated authority for making primary power decisions (Ref. 3) should be consulted.
- 12.2 The use of permissioning hold points should be identified prior to commencement of a project, to indicate points which are deemed most significant for safety (however, ONR may choose to exercise primary powers at any point). The correct balance of applying permissioning regimes will depend on specific circumstances, the level of control required and the licensee's extant arrangements, which will be the subject of consideration by ONR, following discussions with the licensee. This process may include advice from the Legal Advisory Team.
- 12.3 Within ONR, the sub-division board should provide governance to ensure that activities managed through permissioning provide the necessary level of regulatory control and

oversight, and deliver the planned interventions necessary to support ONR's strategies and plans for the particular sites being regulated. The sub-division board is responsible for allocating lead inspectors, advising on permissioning strategies, resource allocation, ensuring adequate governance for permissioning and sanctioning any change control.

- 12.4 The lead ONR Inspector is responsible for implementing permissioning in accordance with the permissioning strategy and regulatory processes (Ref.'s 5 & 8). This includes the requirement for early consultation with supporting specialist inspectors and associated professional leads to agree a proportionate sample of evidence and the appropriate specialist output (Ref.'s 8 & 9).
- 12.5 The permissioning process informs a decision on whether or not to grant permission for a proposed activity. This involves gathering evidence typically in the form of advice from specialist inspectors via assessment/inspection (Ref.'s 9 & 6) but may include other considerations (Ref. 10). All permissioning decisions should be made in accordance with regulatory guidance (Ref. 10) and include consideration of advice from the licensee's Nuclear Safety Committee (or other suitable body advising on safety) and views of other regulators, ONR functions and internal regulatory functions as appropriate. In exceptional circumstances the division/sub-division may decide to subject a permissioning decision to the enhanced decision making process in accordance with Appendix B.
- 12.6 Where permissioning is used to control licensees' activities, the recommended permissioning decision must be recorded in accordance with ONR management processes. In the case of primary and derived power LIs, this will be in the form of a PAR justifying the recommended decision and issuing a LI. The ONR inspector leading the permissioning assessment is responsible for ensuring that the LI has been through due process by completing the LI check sheet (Form QCLI2 located within ONR's business management system) and countersigned by an independent inspector as 'checker'. The authority to exercise derived (or primary) powers needing a LI is in accordance with the delegation of authorities in ONR (Ref. 3).
- 12.7 For EIM&C, the recommended permissioning decision should be justified in Part 2 of a Permissioning Decision Record to ensure a clear auditable trail for the permissioning decision. As the use of EIM&C is generally used to permission licensees' activities that are deemed to be of lesser safety significance such that it would be disproportionate to use a LI, then the release of EIM&C hold points can also be accepted by those persons with the delegated authority to exercise derived power LI's (Ref. 3).

13. REFERENCES

1. Transport Permissioning Assessment – TRA-PER-GD-001.
2. Flexible Permissioning Including the use of Derived Powers – NS-PER-GD-001 Revision 0 (CM Ref. 2013/149261).
3. Administrative Arrangements for Delegated Authorities within the Office for Nuclear Regulation – NS-PER-GD-013.
4. Enforcement - ONR-ENF-GD-006.
5. Project Inspection in ONR – ONR-INSP-GD-060.
6. General Inspection Guide – ONR-INSP-GD-064.
7. Guidance for Intervention Planning and Reporting – ONR-INSP-GD-059.
8. Guidance on Production of Reports – NS-PER-GD-015.
9. Guidance on Mechanics of Assessment – NS-TAST-GD-096.
10. Guidance on the Demonstration of ALARP – NS-TAST-GD-005.

APPENDIX A – LIST OF ROUTINE LICENCE INSTRUMENTS

List of routine licence instruments for which the format and contents have been agreed with the government legal department.

A. 'Specification' and initial 'Approval' of Licensees' Arrangements

- LC 2(2) Marking of the site boundary
- LC 4(3) Restrictions on nuclear matter on the site
- LC 6(3) Documents, records, authorities and certificates
- LC 7(2) Incidents on the site
- LC 10(2) Training
- LC 11(2) Emergency Arrangements
- LC 12(3) Duly Authorised and other suitably qualified and experienced persons
- LC 14(2) Safety Documentation
- LC 15(2) Periodic Review
- LC 17(2) Quality Assurance
- LC 18(2) Radiological Protection
- LC 19(2) Construction or Installation of New Plant
- LC 20(2) Modification to design of plant under construction
- LC 21(2) Commissioning
- LC 22(2) Modification or experiment on existing plant
- LC 24(5) Operating Instructions
- LC 28(2) Examination, Inspection, Maintenance and Testing
- LC 32(2) Accumulation of radioactive waste
- LC 35(3) Decommissioning
- LC 36(3) Control of Organisation Change

B. 'Approvals' of alterations or amendments to licensees 'Approved' arrangements

- LC 2(3) Marking of the site boundary
- LC 4(4) Restrictions on nuclear matter on the site
- LC 6(4) Documents, records, authorities and certificates
- LC 7(3) Incidents on the site
- LC 10(3) Training
- LC 11(3) Emergency Arrangements
- LC 12(4) Duly Authorised and other suitably qualified and experienced persons
- LC 14(3) Safety Documentation
- LC 15(3) Periodic Review
- LC 17(3) Quality Assurance
- LC 18(3) Radiological Protection
- LC 19(3) Construction or installation of new plant
- LC 20(3) Modification to design of plant under construction

LC 21(3) Commissioning
LC 22 (3) Modification or experiment on existing plant
LC 24(6) Operating instructions
LC 28 (3) Examination, inspection, maintenance and testing
LC 32(3) Accumulation of radioactive waste
LC 35(4) Decommissioning
LC 36(4) Control of organisation change

C. 'Specification' and 'Consent'

LC 22(4) Modification or experiment on existing plant
LC 30(3) Periodic Shutdown

D. 'Specification' and 'Approval', and 'Agreement'

LC 23(4) Operating rules
LC 23(5) Operating rules
LC 28(4) Examination, Inspection, maintenance and testing
LC 28(5) Examination, Inspection, maintenance and testing
LC 28(7) Examination, Inspection, Maintenance and Testing (operational sites)
LC 28(7) Examination, Inspection, Maintenance and Testing (non operational sites)
LC 30(2) Periodic Shutdown

E. 'Notification' and 'Consent'

LC 21(8) Commissioning

F. 'Approvals'

LC 13(2) Nuclear Safety Committee
LC 13(3) Nuclear Safety Committee
LC 13(11) Nuclear Safety Committee
LC 13(12) Nuclear Safety Committee

G. 'Specifications'

LC 6(5) Documents, records, authorised certificates
LC 13(1)(b) Nuclear Safety Committee
LC 13(1)(c) Nuclear Safety Committee
LC 13(9) Nuclear Safety Committee
LC 14(4) Safety documentation
LC 16(4) Site plans, designs and specifications
LC 17(4) Quality Assurance
LC 23(2) Operating rules
LC 24(3) Operating instructions

LC 25(3) Operational records

LC 25(4) Operational records

H. 'agreement', 'acknowledgement' or 'specification' derived from implementation of licensees' arrangements

LC 19(1) Construction or installation of new plant

LC 20(1) Modification to design of plant under construction

LC 21(1) Commissioning

LC 22(1) Modification or experiment on existing plan

LC 35(1) Decommissioning

LC36 (2) Change to organisation, structure or resource

I. 'Withdrawal of Approval'

LC2(2), LC3(3), LC4(3), LC6(2), LC6(3), LC7(2), LC10(2), LC11(2), LC12(3), LC13(2), LC14(2), LC15(2), LC17(3), LC18(2), LC19(2), LC20(2), LC21(2), LC22(2), LC23(4), LC24(5), LC28(2), LC28(4), LC32(2), LC35(3), LC36(3).

Please note availability of specimen format and content of Licence instrument template 'Format and Content of an initial 'Approval' of operating rules and withdrawal of approval of previous operating rules' (D.3A) from the management system, when considering withdrawing an Approval.

APPENDIX B – ENHANCED DECISION MAKING PROCESS

The hazards and risks posed by duty holders' proposed activities vary widely across the areas in which ONR regulates. Many nuclear licensed sites and operations are complex with a range of interlinked factors that could challenge nuclear safety/security if ill-conceived or executed. This has implications for ONR's permitting decisions as in many cases there is a degree of uncertainty in the information being taken into consideration. ONR's decision making takes account of uncertainty by, where possible, understanding its origin, magnitude, what can be done to reduce it and its potential affect.

As a result, there may be situations where regulatory decisions are multi-faceted, potentially contentious and/or deemed to be of the highest significance with a number of strategic factors to consider. In these circumstances the enhanced decision-making process may be employed to provide an additional level of assurance. This process should be used in exceptional circumstances, where regulatory decisions:

- Could result in an increase in risk (albeit temporarily), in order to achieve long-term risk reduction/elimination;
- Rely significantly on EMM Strategic Factors;
- Are likely to attract external scrutiny, media coverage; or
- Are likely to be subject to significant challenge by the licensee.

This process may be invoked by either the decision maker (nominally the superintending inspector/delivery lead with delegated authority for the regulatory decision/PAR acceptance review); or the division director. The decision to invoke the process can be taken anytime throughout the permitting assessment process, but should be made prior to formal signed acceptance of the PAR. Invoking the process does not impact the permitting assessment process, which should be implemented in accordance with the extant process.

Once invoked, the decision maker should identify appropriate consultees. These should typically include another superintending inspector and an independent inspector as agreed with the division director (nominally the most relevant professional lead or other superintending inspector).

Once the decision maker is in a position where they have completed their acceptance review and are ready to formally accept the PAR, then they should circulate it (unsigned) via e-mail to the consultees. The covering e-mail should:

- Explain why the enhanced decision making process has been invoked;
- Explain any specific/relevant rationale for selecting the consultees;
- Request a written response within agreed timescales (nominally five working days).

The consultees should provide a written unambiguous view on whether the proposed decision is supported or not, plus any associated reasoning. **The process is not an additional acceptance review of the PAR; it is only a view on the decision.** In the interests of independence and to avoid "group-think", the consultees should not confer or share their response with one another until the last response has been sent to the decision maker.

The decision maker should use the responses to inform their acceptance review decision. The minimum level for endorsement of the decision is a positive response from each of the consultees. Any difference of opinion should be resolved by auditable means. The division director should be advised if no agreement can be reached and may decide to convene a review panel to discuss the areas of differing opinion. This could include an oral briefing to the consultees from the relevant contributors of the topic area(s) in question. This will provide the panel with the opportunity to discuss and understand the work done/conclusions reached and resolve differences to form an aligned view.

The decision maker either signs-off the PAR as acceptance reviewer, or rejects the PAR if the decision is not endorsed and commissions further work as required by either ONR/licensee.

Use of the enhanced decision making process and its outputs should be referenced within the acceptance review check-sheet.