



ONR GUIDE			
Licence Condition 12 - Duly authorised and other suitably qualified and experienced persons			
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1. INTRODUCTION

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

2. PURPOSE AND SCOPE

2 The purpose of this guidance is to promote a consistent approach to a Licence Condition 12 (LC 12) compliance inspection and to provide guidance to inspectors in carrying out their duties in this area. The guidance should not be regarded as either comprehensive or mandatory. Further guidance is also available in the relevant TAG (NS-TAST-GD-027).

3 Inspectors may also take account of relevant requirements in The Nuclear Safeguards (EU Exit) Regulations 2019 (NSR19) and the associated ONR Guidance for Nuclear Material Accountancy, Control and Safeguards (ONMACS). For roles that fulfil safeguards and safety functions, LC 4 roles for example, there may be overlap with safeguards requirements and expectations. Guidance on the safeguards-relevant aspects of LC 12 is provided in the Safeguards appendix of this document.

3. LICENCE CONDITION 12: DULY AUTHORISED AND OTHER SUITABLY QUALIFIED AND EXPERIENCED PERSONS

(12)1 The Licensee shall make and implement adequate arrangements to ensure that only suitably qualified and experienced persons perform any duties which may affect the safety of operations on the site or any other duties assigned by or under these conditions or any arrangements required under these conditions.

(12)2 The aforesaid arrangements shall also provide for the appointment, in appropriate cases, of duly authorised persons to control and supervise operations which may affect plant safety.

(12)3 The Licensee shall submit to ONR for approval such part or parts of the aforesaid arrangements as ONR may specify.

(12)4 The Licensee shall ensure that once approved no alteration or amendment is made to the approved arrangements unless ONR has approved such alteration or amendment.

(12)5 The Licensee shall ensure that no person continues to act as a duly authorised person if, in the opinion of ONR, he is unfit to act in that capacity and ONR has notified the Licensee to that effect.

4. PURPOSE OF LICENCE CONDITION 12

- 4 The purpose of LC 12 is to ensure that only suitably qualified and experienced persons (SQEPs), appointed or otherwise, perform duties which may affect the safety of operations. The safety of operations is dependent on the individuals who design, construct, operate, maintain, modify and decommission it. The Licensee is therefore required to establish, and implement, arrangements to ensure that individuals who perform these activities, and any other activities pertinent to safety, are **competent**.
- 5 LC12 also specifically provides for the appointment of Duly Authorised Persons (DAPs) to control and supervise operations which may affect safety. Their roles are therefore subject to additional management controls covering areas such as the processes of appointment and assessment.
- 6 Linked to LC12 are LC21 and LC26. LC21 specifically requires the appointment of a SQEP for the purpose of controlling, witnessing, recording and assessing the results of commissioning tests. LC26 specifically requires that no operations (including commissioning) which may affect safety are carried out unless under the control and supervision of a SQEP specifically appointed for that purpose by the Licensee.
- 7 LC 12 arrangements are essentially underpinned by 2 key elements:
- A suitable competence management process encompassing all individuals influencing safety, and
 - Additional processes for appointing designated individuals for specific roles required by other licence conditions
- 8 ONR has the ability, through LC 12(5), to request the Licensee to discontinue the use of certain persons as a DAP if ONR is of the opinion that the person is unfit to act in that capacity.

5. GUIDANCE ON ARRANGEMENTS

- 9 LC 12 arrangements should ensure that only competent persons can assume SQEP and DAP roles. Competent persons are those that have successfully demonstrated an appropriate level of competence associated with their job/role (LC10) and demonstrated their competence through formal assessment of their knowledge and skills. A training programme may form a key part of the competency achievement and demonstration (LC 10).
- 10 TAG 27 (Ref. 1) provides details on ONR's expectations for both competence management and training. These should determine the competence requirements for any given safety related job/role, and show how an individual has been assessed to ensure competent, and keep supporting records.
- 11 As part of the Licensee's LC36 arrangements, the Licensee shall ensure that jobs/roles that could affect safety are identified, placed on the nuclear baseline and associated with SQEP or DAP requirements. This identification should then lead on to defining the responsibilities and competence requirements for that specific job/role. Where there is a gap between current competence and required competence, some form of development programme should be identified to close that gap; this may include training. Where an individual has been identified as not fully competent, yet is performing the job/role, then licensees should have established and implemented

appropriate mitigation (e.g. restricted duties or direct supervision) to ensure safety is not prejudiced.

- 12 The arrangements should take account of contractors and clearly state if contractors will hold SQEP / DAP positions. If contractors will hold SQEP / DAP positions, the Licensees arrangements shall appoint contractors in line with the Licensees' arrangements and ensure that the competence of the contractor is equal to that expected of Licensee staff.
- 13 The arrangements shall ensure that if any parts Specified and Approved by ONR can only be altered or amended with the further Approval of ONR.
- 14 The arrangements are required to have a means of revoking DAP status of any person that Licensee deems unfit to act in the capacity of a DAP, or if ONR notifies the Licensee that it does not consider that person fit to act in the capacity of a DAP.

6. GUIDANCE ON INSPECTION OF ARRANGEMENTS

- 15 The guidance contained in this section is provided to assist inspectors in judging the adequacy of the Licensee's arrangements. A list has been provided below of LC12 compliance requirements that might be examined during routine inspections carried out on the basis of sampling. The list is neither exclusive nor exhaustive.
- 16 This part of the guidance identifies key elements. The inspector should normally inspect against these key elements, as they are closely aligned to the wording of the licence condition, or are important regulatory expectations to the goal setting aspects of the licence condition. This part of the guidance also identifies supporting elements which the inspector may also choose to cover within the inspection scope.
- 17 Inspectors should endeavour, through a sampling approach, to review the arrangements against the following elements and identify which elements have been considered¹:

KEY ELEMENTS

- i. The arrangements should include appropriate definitions of SQEP and DAP, such as:
 - a. *"A suitably qualified and experienced person (SQEP) is an individual who has the necessary competence² to perform the duties which may affect safety as defined as part of their job/role; as demonstrated by their training and experience".*
 - b. *"A Duly Authorised Person (DAP) is an individual who has direct control and supervision of operations or activities which may affect plant safety. A DAP needs to have sufficient knowledge of the plant and its associated safety case, to ensure that operations under their control and supervision are carried out safely".*
- ii. The arrangements shall ensure that only suitably qualified and experienced persons are authorised to fulfil DAPs or SQEP jobs/roles identified on the LC36

¹ This will enable a record to be made of the elements inspected and allow a consist approach towards inspection of the Licensee. This will also allow information to be easily collated for OPEX

² Competence is defined as Knowledge and Skill.

nuclear baseline and should define the competence(s) necessary for that job/role.

- iii. The arrangements should provide for a formal appointment process for DAPs that should be conducted at the point when the individual is judged to be competent for that specific DAP role, and reassessed on a regular basis. The appointment and reassessment process should involve some form of competence assessment on the competence defined for that job/role, for example, through an independent panel interview and testing of knowledge of the safety case.
- iv. The arrangement should take into account individuals who are appointed to a DAP/SQEP role with competence gaps, their duties shall be restricted to only those which they are competent for until they have reached the required competence for that DAP role.
- v. The arrangements should make provision for submission of part or parts of the Licensee's arrangements to ONR for approval as specified by ONR.
- vi. The arrangements should ensure that there is a process for revoking DAP status. The arrangements shall include a process for revoking DAP status if ONR notify the Licensee that it deems a DAP is unfit to act in a DAP capacity (LC 12(5)).

SUPPORTING ELEMENTS

- i. The arrangements for LC 12 should be aligned to arrangements for LC 36; this includes definitions and job/role identification. LC12 arrangements should also be linked to LC10 training arrangements where training has been identified as the means to address competency shortfalls. The arrangements should also be aligned with those made under LC26 to ensure that suitably qualified and experienced persons are appointed to roles which may affect safety, or control and supervisory roles, before operations commence.
- ii. The arrangements should state whether contractors are able to fulfil SQEP / DAP jobs/roles and if so, those arrangements should ensure that contractor competence is of an equal standard to that required of Licensee staff. The Licensee should be able to obtain and produce these competence records as required, and if appointment is required, this should be conducted under the Licensee's arrangements.
- iii. The arrangements should ensure that there is a register of DAP roles that includes associated responsibilities/duties and persons holding those roles.

7. GUIDANCE ON INSPECTION OF IMPLEMENTATION OF ARRANGEMENTS

- 18 The guidance contained in this section is provided to assist inspectors in judging the adequacy of the Licensee's implementation of their arrangements. A list has been provided below of LC12 arrangements that might be examined during routine inspections carried out on the basis of sampling. The list is neither exclusive nor exhaustive.
- 19 This part of the guidance identifies key elements. The inspector should normally inspect against these elements, as being closely aligned to the wording of the licence

condition, or as being important regulatory expectations to the goal setting aspects of the licence condition. This part of the guidance also identifies supporting elements, which the inspector may also choose to cover within the inspection scope.

- 20 Inspectors should endeavour, through a sampling approach, to review the implementation of the arrangements against the following elements and identify which elements have been considered³:

KEY ELEMENTS

- i. Check that there is a formal process in the arrangements to identify SQEPs and DAP jobs/roles (this may be a part of LC36 arrangements).
- ii. Check that SQEP and DAP jobs/roles have written job/role profile descriptions that identify the associated responsibilities, competencies and training requirements – this may be identified through LC10 arrangements (refer NS-INSP-GD-10 – Training)
- iii. Check that SQEP and DAP job/roles holders, of the sample identified above, are suitably qualified and experienced by:
 - a. Checking job/role holder competence assessment to ensure that the competence and experience the individual has, meets the competence and experience requirements identified for that job/role.
 - b. Check training/assessment records to determine if an assessment of competency has been completed and that it includes the application of the individual's knowledge and experience relating to nuclear safety activities that are relevant to the role.
 - c. If an assessment panel is involved, check that the questions are challenging and relevant to the duties, e.g. understanding of normal operations, fault conditions and required response, and decision making protocols. The panel should consist of competent assessors and an independent member, where appropriate.
 - d. Reviewing the training records to determine if staff are meeting training objectives, requirements and targets for their job/role as set out in the training programme. If this is not the case, check that there is an appropriate development plan in place to ensure staff will meet training objectives, requirements and targets.
 - e. Check that the competency of duly authorised and other suitably qualified and experienced persons' to fulfil their role is reassessed.
- iv. If contractors fill SQEP or DAP roles, check that their competence is being managed in line with Licensee expectations. For appointments, check that this is being managed in accordance with the Licensee's arrangements.
- v. Through sampling, check that SQEPs/DAPs understand their responsibilities and authority for the specific job/role they are undertaking.

SUPPORTING ELEMENTS

³ This will enable a record to be made of the elements inspected and allow a consistent approach towards inspection of the Licensee. This will also allow information to be easily collated for OPEX

- vi. Check that LC10 and LC 12 arrangements align with the LC 36 arrangements in particular the nuclear baseline and confirm that any changes to SQEP/ DAP roles are managed and alignment maintained.
- vii. Check that there is a DAP register (or equivalent) that lists roles and associated responsibilities/duties, contains the name of the appointed person holding that role and is up-to-date.
- viii. If DAPs are appointed in writing, check that the DAPs have the appointment letters and that these are in date. Check if the letter identifies any limitations that currently apply to them and how these limitations are being managed.
- ix. If individuals are undertaking training and development, or transitioning into/between roles, check how the individuals' competency is being managed and developed for the role they will be taking up.
- x. Check that there is a suitable method for Licensee self-assessment against LC12 compliance, with any identified gaps being addressed in a timely manner.

8. FURTHER READING

- 1 Training and Assuring Personnel Competence – NS-TAST-GD-027
- 2 Licensee management of records – NS-TAST-GD-033
- 3 Licensee use of contractors and intelligent customer capability - NS-TAST-GD-049
- 4 Technical Inspection Guide 10 – Training – NS-INSP-GD-10
- 5 Function and Content of the Nuclear Baseline – NS-TAST-GD-065
- 6 Organisational Capability - NS-TAST-GD-48

APPENDIX – SAFEGUARDS

Many of the expectations for LC 12 arrangements in this guidance are applicable to compliance with NSR19 and expectations within ONMACS [\[link\]](#). NSR19 does not contain explicit requirements regarding appointment of competent safeguards staff, only that defined roles and responsibilities be assigned and communicated. However ONR has produced guidance in the form of ONMACS that sets out ONR expectation that only demonstrably competent, or SQEP, individuals perform roles with direct operational responsibility for nuclear material in a particular facility.

Safeguards roles are only considered relevant to LC 12 where the role affects both safeguards and safety. For this reason the inspectors should carefully consider the scope of any joint inspection that focuses on these types of roles. Where such an inspection is appropriate the inspector should consider both the safeguards guidance in Fundamental Safeguards Expectation (FSE) 3 of ONMACS and the subsequent Material Accountancy and Control Expectations (MACEs) 3.1, 3.3, & 3.4, and the LC 12 inspection guidance in this TIG. The main overlaps are listed below. A fundamental caveat is that LC 12 is a legal requirement for licensees, whereas ONMACS represents relevant good practice for operators, except where it reiterates a requirement of NSR19.

FSE 3 – There is a fundamental expectation that all personnel whose activities have the potential to impact on Nuclear Material Accountancy, Control and Safeguards (NMACS) are demonstrably competent (i.e. SQEP to carry out their work and responsibilities in respect of the NMACS system). This expectation aligns with LC 12 for roles which may affect safety, hence dual purpose roles should meet the expectations for both purposes.

MACE 3.1 – ONMACS states that role profiles and competency analysis should be carried out, which may result in appointment of personnel to whom specific responsibility for custody of (i.e. direct responsibility for) QNM is assigned in terms of operations in a particular facility area. This responsibility is assigned by those with authority for the operational areas concerned, these personnel are identified as a Nuclear Material Custodian (NMC) in arrangements for many operators. The term has some parallel with “DAP” for safety. The key linking expectation with LC12 is that only SQEP personnel carry out the NMC role and that they be proven SQEP by way of assessment against a set of learning objectives identified through task analysis. This general approach aligns with some of the Key Elements in sections 6 and 7 of this TIG.

MACE 3.2 – This MACE sets expectations for analysis of roles and identifying learning objectives. It is more relevant to LC10, (see the safeguards appendix in NS-INSP-GD-010), however task analysis is referred to in Key Elements of this TIG as the competencies of SQEP individuals should be checked during inspection.

MACE 3.3 – There is an expectation that formal assessment and periodic reassessment is carried out to ensure that staff in NMACS roles meet the defined role competence requirements. This aligns with expectations in this TIG that licensees assess individuals prior to, and during, appointment to a SQEP or DAP role.

MACE 3.4 – ONMACS places an expectation that training records should be available for personnel with defined NMACS roles. Reviewing training records is suggested in this TIG as part of LC 12 inspection, and so where the roles are dual purpose this activity may provide safeguards-relevant assurance.

Safeguards relevance has also been highlighted in an appendix of the LC 10 TIG, NS-INSP-GD-010. Since LC 10 and LC 12 are closely linked, this guidance may also be useful if considering a joint inspection between ONR Safety and Safeguards.