



| PROJECT ASSESSMENT REPORT                        |   |                  |             |
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| <b>Title:</b>                                    | Approvals under Licence Condition 23(4) for Hunterston B, Heysham 2 and Sizewell B power stations |                  |             |
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**Review of regulation under Licence Condition 23**

**Approvals under Licence Condition 23(4) for Hunterston B, Heysham 2 and Sizewell B  
power stations**

Project Assessment Report ONR-OFP-PAR-15-036  
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## EXECUTIVE SUMMARY

### Title

Approvals under Licence Condition 23(4) for Hunterston B, Heysham 2 and Sizewell B power stations.

### Permission Requested

This project assessment report presents the basis and rationale for issuing approvals under Licence Condition 23(4) of the nuclear site licenses for Sizewell B, Hunterston B and Heysham 2 power stations.

This will constitute the first of two tranches of approvals to be issued to EDF Energy Nuclear Generation Ltd (NGL) power stations, pursuant to specification numbers 548 <sup>[5]</sup>, 552 <sup>[6]</sup> and 602 <sup>[7]</sup> respectively served on Sizewell B, Hunterston B and Heysham 2 power stations on 8 March 2016.

### Background

NGL power stations are operated in accordance with limits and conditions of operation (referred to by NGL as LCOs) that are set down within Technical Specifications; these typically specify the plant configuration and availability requirements, protection settings and parameter values that define a safety envelope beyond which the plant shall not be intentionally operated.

In accordance with Licence Condition (LC) 23(4), a subset of limits and conditions (referred to in NGL's LC14 arrangements as Nuclear Safety Requirements (NSR)) were approved by ONR (Nuclear Installations Inspectorate at the time), following the progressive extension of Sizewell B Technical Specification methodology to NGL's seven Advanced Gas-cooled Reactor stations (AGRs) after 2000. Any subsequent alteration or amendment to an NSR requires primary power approval in accordance with the requirements of LC 23(5). ONR granted such approvals to a specified subset of limits and conditions in order to secure a continued regulatory footprint, following the transition from AGR station Operating Rules to Technical Specification LCOs.

In 2015, the operating reactors sub-programme undertook a review of ONR's regulatory oversight of LC 23 approvals <sup>[1]</sup>. This review recommended that ONR should refocus its regulatory oversight away from individual limits and conditions and instead permission, using derived powers, only changes to Operating Rules which have the highest nuclear safety significance through arrangements under LC 22(1); it is considered that ONR's regulatory oversight will be more risk-informed and will ensure ONR has improved agility to employ its specialist resource in a more discretionary manner. In effect, this will result in the withdrawal of all NSRs from Technical Specifications at each power station.

The review further recommended the need to retain a risk-informed regulatory footprint, embodied through adjustments to the existing LCO application statements. Application statements constitute conditions of operation that set out the protocols for operational compliance with Technical Specifications. In order for NGL to implement this change and request approval of changes to the Technical Specifications, ONR served new specifications in March 2016, in accordance with condition 23(4) of each nuclear site licence. These specifications required NGL to submit to ONR modified chapters to the Technical Specifications, and supersede those issued to each power station following the introduction of NSRs.

In compliance with these specifications, each power station will submit to ONR requests to approve those new chapters, which will prevent further amendment without ONR's approval.

Specifications and approvals will be served and granted in two phases:

- Tranche 1: Specifications already served upon Hunterston B, Heysham 2 and Sizewell B in March 2016; this PAR considers the subsequent requests for approval.
- Tranche 2: Specifications to be issued to Hinkley Point B, Heysham 1, Hartlepool, Dungeness B and Torness in May 2016, with consideration of associated approvals in July 2016.

The approval licence instruments will withdraw all previously issued approvals extant at that time for each station.

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

#### Sizewell B

Engineering Change (EC 357144) <sup>[2]</sup> proposes to introduce LCO 3.0.0 to a revised applicability statement. NGL has stated that the key features of this new application statement are:

- It provides an explicit link between the Technical Specification LCOs and the Operating Rules described as “conditions and limits necessary in the interests of safety” and re-states the requirement to operate the plant within these operating rules.
- It requires that amendments to Technical Specifications will be controlled as modifications using the EC process. A specific point identifies the need for any Category 1 Technical Specification change to be referred to the ONR for acknowledgement or agreement.
- It reinforces the fact that failure to comply with the rules for using Technical Specifications (i.e. any part of LCO 3.0) will constitute a breach under LC23 and that such an event would be investigated in accordance with arrangements made under LC 7.

In my opinion, the proposed revision to LCO 3.0 will strengthen ONR's footprint on the station's obligations to operate in accordance with the protocols set out with the Technical Specification LCOs; it further emphasises that the licensee is compelled to follow its arrangements made under LC 22(1) to control any modification to any LCO. Continued visibility of lower category modifications will be assured through proactive sampling during routine compliance inspection. It has been separately agreed during ONR's review <sup>[1]</sup> that any proposed modification to an LCO classified as Category 1 will be treated in the same manner as a proposal to implement a modification to a Category 1 safety case; i.e. a derived power acknowledgement or agreement.

I consider that the proposal to amend the LCO Applicability Statement and delete Chapter 2 NSRs for Sizewell B accords with the principles set out in ONR's review of regulation under LC 23 <sup>[1]</sup>, and ensure an appropriate risk-informed regulatory footprint is retained.

#### Hunterston B and Heysham 2

EC 357620 <sup>[3]</sup> and EC 357652 <sup>[4]</sup> for Hunterston B and Heysham 2 respectively both propose to re-issue Technical Specifications Chapter 1, Section 1.3 (the LCO Application Statements) and associated commentary, with the inclusion of a new LCO Application Statement, A0 for each station. NGL has stated that this provides an explicit link between the Technical Specification Application Statements and the requirements of the Site Licence. It also

includes a requirement that any proposed change to Technical Specifications deemed to be a Category 1 Plant Modification will be submitted to ONR for acknowledgement or agreement.

In my opinion, the proposed revision to LCO Application Statements will strengthen, consistent with the approach adopted for Sizewell B, ONR's footprint on the station's obligations to operate in accordance with the protocols set out with the Technical Specification LCOs; it further emphasises that the licensee is compelled to follow its arrangements made under LC 22(1) to control any modification to any LCO. Similar to the approach adopted for Sizewell B, any proposed modification to an LCO classified as Category 1 will be treated in the same manner as a proposal to implement a modification to a Category 1 safety case.

I consider that the proposal to amend the LCO Application Statements and delete Chapter 2 NSRs for Hunterston B and Heysham 2 accords with the principles set out in ONR's review of regulation under LC 23<sup>[1]</sup>, and ensure an appropriate risk-informed regulatory footprint is retained.

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

During the assessment of NGL's request for approval for Heysham 2 power station, a textual discrepancy in the Technical Specification Chapter 1 revision number (Revision 1), against the revision quoted in Specification 602 (Revision 3), was identified by the licensee. This discrepancy is recorded in the licensee's application letter<sup>[1]</sup>. Accordingly, Specification 603 is issued for Heysham 2 to specify the correct revision of Chapter 1 and legitimise the associated approval.

There are no other matters arising from ONR's work in relation to the granting of approvals under LC 23(4) to Sizewell B, Hunterston B and Heysham 2.

### **Conclusions**

I conclude that the licensee's proposals to amend the Technical Specifications applicability / application statements for Sizewell B, Hunterston B and Heysham 2, and delete the NSRs will accord with the principles set out in ONR's review of regulation under LC 23<sup>[1]</sup>, and ensure an appropriate risk-informed regulatory footprint is retained. This approach ensures better alignment with ONR's mission, providing effective and efficient regulation of the nuclear industry, whilst holding it to account on behalf of the public.

### **Recommendations**

I recommend that:

- The superintending inspector should sign this Project Assessment Report to confirm support for the technical and regulatory arguments that justify the granting of approvals under Licence Condition 23(4) to Sizewell B, Hunterston B and Heysham 2.
- The Operating Facilities programme director, in his capacity as Deputy Chief Inspector, who is authorised to act on behalf of ONR, should sign Licence Instrument Specification 603 to require Heysham 2 to submit the following operating rules:  
Heysham 2 power station: Chapter 1 – Section 1.3 Application Statement (Revision 1)
- The Operating Facilities programme director, in his capacity as Deputy Chief Inspector, who is authorised to act on behalf of ONR, should sign Licence Instrument approvals 549, 554 and 606 to enable Sizewell B, Hunterston B and Heysham 2 respectively to implement the operating rules set out below, as set out within the Technical Specifications:

Sizewell B power station: Chapter 2 Safety Limits  
Chapter 3 Operator Actions (OA) Applicabilities  
Chapter 3 Limiting Condition for Operation (LCO)  
Applicabilities

Hunterston B power station: Chapter 1 – Section 1.3 Application Statement

Heysham 2 power station: Chapter 1 – Section 1.3 Application Statement

## LIST OF ABBREVIATIONS

|       |                                       |
|-------|---------------------------------------|
| OFP   | Operating Facilities programme        |
| EC    | Engineering Change                    |
| ESPEC | Environmental Specification           |
| INSA  | Independent Nuclear Safety Assessment |
| LC    | Licence Condition                     |
| LCO   | Limiting Condition of Operation       |
| NGL   | EDF Energy Nuclear Generation Limited |
| NII   | Nuclear Installations Inspectorate    |
| NSC   | Nuclear Safety Committee              |
| NSR   | Nuclear Safety Requirement            |
| OA    | Operator Action                       |
| ONR   | Office for Nuclear Regulation         |
| PAR   | Project Assessment Report             |

## TABLE OF CONTENTS

|  |    |
|--|----|
| EXECUTIVE SUMMARY .....  | 2  |
| LIST OF ABBREVIATIONS .....  | 6  |
| TABLE OF CONTENTS .....  | 7  |
| 1 PROPOSED REGULATORY ACTION .....   | 8  |
| 2 BACKGROUND .....   | 8  |
| 3 ASSESSMENT AND INSPECTION WORK CARRIED OUT BY ONR IN<br>CONSIDERATION OF THIS ACTION ..... | 9  |
| 4 MATTERS ARISING FROM ONR'S WORK .....  | 11 |
| 5 CONCLUSIONS .....  | 11 |
| 6 RECOMMENDATIONS .....  | 12 |
| 7 REFERENCES .....   | 12 |

## 1 PERMISSION REQUESTED

1. This project assessment report presents the basis and rationale for issuing approvals under Licence Condition 23(4) of the nuclear site licenses for Sizewell B, Hunterston B and Heysham 2 power stations.
2. This will constitute the first of two tranches of Approvals to be issued to EDF Energy Nuclear Generation Ltd (NGL) power stations, pursuant to specification numbers 548<sup>[5]</sup>, 552<sup>[6]</sup> and 602<sup>[7]</sup> respectively served on Sizewell B, Hunterston B and Heysham 2 power stations on 8<sup>th</sup> March 2016.

## 2 BACKGROUND

3. NGL power stations are operated in accordance with limits and conditions of operation (referred to by NGL as LCOs) that are set down within Technical Specifications; these typically specify the plant configuration and availability requirements, protection settings and parameter values that define a safety envelope beyond which the plant shall not be intentionally operated.
4. In accordance with Licence Condition (LC) 23(4), a subset of limits and conditions (referred to in NGL's LC14 arrangements as Nuclear Safety Requirements) were Approved by ONR (Nuclear Installations Inspectorate at the time), following the progressive extension of Sizewell B Technical Specification methodology to NGL's seven Advanced Gas-cooled Reactor stations (AGRs) after 2000. Any subsequent alteration or amendment to a Nuclear Safety Requirement (NSR) requires primary power approval in accordance with the requirements of LC 23(5). NII granted such approvals to a specified subset of limits and conditions in order to secure a continued regulatory footprint, following the transition from AGR station Operating Rules to Technical Specification LCOs. Also, for consistency, NSRs were subsequently also drafted and approved for Sizewell B.
5. In 2015, the operating reactors sub-programme undertook a review of ONR's regulatory oversight of LC 23 approvals<sup>[1]</sup>. This review recommended that ONR should refocus its regulatory oversight away from individual limits and conditions and instead permission, using derived powers, only changes to operating rules which have the highest nuclear safety significance through arrangements under LC 22(1); it is considered that ONR's regulatory oversight will be more risk-informed and will ensure ONR has improved agility to employ its specialist resource in a more discretionary manner. In effect, this will result in the withdrawal of all NSRs from Technical Specifications at each power station.
6. The review further recommended the need to retain a risk-informed regulatory footprint, embodied through adjustments to the existing LCO application statements. Application statements constitute conditions of operation that set out the protocols for operational compliance with Technical Specifications. In order for NGL to implement this change and request approval of changes to the Technical Specifications, ONR served new specifications in March 2016, in accordance with condition 23(4) of each nuclear site licence. These specifications required NGL to submit to ONR modified chapters to the Technical Specifications, and supersede those issued to each power station following the introduction of NSRs.
7. In compliance with these specifications, each power station will submit to ONR requests to approve those new chapters, which will prevent further amendment without ONR's approval.
8. Specifications and approvals will be served and granted in two phases:

- Tranche 1: Specifications already served upon Hunterston B, Heysham 2 and Sizewell B in March 2016; this PAR considers the subsequent requests for approval.
  - Tranche 2: Specifications to be issued to Hinkley Point B, Heysham 1, Hartlepool, Dungeness B and Torness in May 2016, with consideration of associated Approvals in July 2016.
9. The approval licence instruments will withdraw all previously issued approvals extant at that time for each station.

**3 ASSESSMENT AND INSPECTION WORK CARRIED OUT BY ONR IN CONSIDERATION OF THIS REQUEST**

10. In response to ONR’s review of regulation under Licence Condition 23, NGL has issued revisions to the Technical Specifications in order to assist in the implementation of this risk-informed regulatory footprint. The Technical Specifications currently adopted by Sizewell B differ slightly in structure and format to those adopted on the seven AGR stations. The table below outlines the approval status of the various chapters to the Technical Specifications:

| <b>AGR Power Stations</b>  | <b>Sizewell B Power Station</b>                                     |
|--|---|
| Hunterston B, Hinkley Point B, Heysham 1, Heysham 2, Torness, Hartlepool, Dungeness B. |   |
| Chapter 1, Section 1.3 – LCO Application Statements                                    | Chapter 2 Safety Limits   |
|  | Chapter 3 Limiting Condition for Operation (LCO) Applicabilities    |
|  | Chapter 3 Operator Actions (OA) Applicabilities                     |
| Chapter 2 Nuclear Safety Requirements  | Chapter 2 Nuclear Safety Requirements sub-sections 2.1, 2.2 and 2.3 |

11. As part of the first tranche of permissions, NGL has presented engineering change documents for Sizewell B <sup>[2]</sup>, Hunterston B <sup>[3]</sup> and Heysham 2 <sup>[4]</sup>. These documents have been verified and subject to independent nuclear safety assessment (INSA) and set out the basis with which NGL has proposed to implement a modified regulatory footprint in the context of parameters set out in paragraph 6.
12. NGL has proposed to delete Chapter 2 Nuclear Safety Requirements from the Technical Specifications for all eight stations. For the seven AGR stations (Heysham 2 and Hunterston B for the purposes of tranche 1), NGL is seeking approval of a revised version of Chapter 1, section 1.3. In the case of Sizewell B, the licensee has proposed to revise in a similar manner Chapter 3 LCO 3.0 applicability statement and for the Chapter 3.0 surveillance requirement OA 3.0 and Chapter 2 safety limits to remain approved.
13. Specific detail of proposed changes is presented below for each of the stations in tranche 1:

## Sizewell B

14. EC 357144 <sup>[2]</sup> proposes to introduce LCO 3.0.0 to a revised applicability statement. NGL has stated that the key features of this new application statement are:
  - It provides an explicit link between the Technical Specification LCOs and the Operating Rules described as “conditions and limits necessary in the interests of safety” and re-states the requirement to operate the plant within these operating rules.
  - It requires that amendments to Technical Specifications will be controlled as modifications using the EC process. A specific point identifies the need for any Category 1 Technical Specification change to be referred to the ONR for acknowledgement or agreement.
  - It reinforces the fact that failure to comply with the rules for using Technical Specifications (i.e. any part of LCO 3.0) may constitute a breach under LC23 and that such an event would be investigated in accordance with arrangements made under LC 7.
15. In my opinion, the proposed revision to LCO 3.0 will strengthen ONR’s footprint on the station’s obligations to operate in accordance with the protocols set out with the Technical Specification LCOs; it further emphasises that the licensee is compelled to follow its arrangements made under LC 22(1) to control any modification to any LCO. Continued visibility of lower category modifications will be assured through proactive sampling during routine compliance inspection. It has been separately agreed during the ONR’s review <sup>[1]</sup> that any proposed modification to an LCO classified as Category 1 will be treated in the same manner as a proposal to implement a modification to a Category 1 safety case. i.e. a derived power acknowledgement or agreement.
16. In summary, I consider that the proposal to amend LCO 3.0 and delete Chapter 2 NSRs accords with the principles set out in ONR’s review of regulation under LC 23 <sup>[1]</sup>, and will ensure an appropriate risk-informed regulatory footprint is retained.
17. NGL has also proposed, in consultation with the nominated site inspector, to retain the approval status of two other elements of the Technical Specifications, specifically for Sizewell B:
  - In common with other Pressurised Water Reactors using US-style Technical Specifications, Sizewell B Technical Specifications include a ‘Safety Limits’ section (Chapter 2). This places simple limits for the protection of the first two barriers to fission product release (the fuel/clad and the reactor coolant system). In normal operation and during frequent faults, it would not be expected that these Safety Limits would be violated. Consequently, when the Sizewell B Technical Specifications were first drafted, a restriction was included requiring that, following a violation of a Safety Limit, the plant would not be restarted unless this had been ‘sanctioned by the Health & Safety Executive’.
  - It has been judged by ONR that such a clause is not appropriate in the context of its regulatory vires; ONR does not have the power to exert such a sanction unless it specifically invokes a direction to shut-down under LC 31. Furthermore, such a restriction could theoretically be exerted by the licensee in accordance with derived power arrangements made under LC 22(1). In this format however, an approved operating rule does not give ONR any such derived power. It has been judged therefore that this clause may acceptably be removed.
  - The current Operator Action Applicability statement OA 3.0 itself has been reformatted for consistency with the other approved section of the Technical Specifications.

## Hunterston B and Heysham 2

18. EC 357620 <sup>[3]</sup> and EC 357652 <sup>[4]</sup> for Hunterston B and Heysham 2 respectively both propose to re-issue Technical Specifications Chapter 1, Section 1.3 (the LCO Application Statements) and associated Commentary, with the inclusion of a new LCO Application Statement, A0 for each station. NGL has stated that this will provide an explicit link between the Technical Specification Application Statements and the requirements of the Site Licence. It also includes a requirement that any proposed change to Technical Specifications deemed to be a Category 1 Plant Modification will be submitted to ONR for acknowledgement or agreement.
19. In my opinion, the proposed revision to LCO Application Statements will strengthen, consistent with the approach adopted for Sizewell B, ONR's footprint on the station's obligations to operate in accordance with the protocols set out with the Technical Specification LCOs; it further emphasises that the licensee is compelled to follow its arrangements made under LC 22(1) to control any modification to any LCO. It has been separately agreed during the consultation phase with NGL that any proposed modification to an LCO classified as Category 1 will be treated in the same manner as a proposal to implement a modification to a Category 1 safety case.
20. In summary, I consider that the proposal to amend the LCO Application Statements and delete Chapter 2 NSRs for Hunterston B and Heysham 2 accords with the principles set out in ONR's review of regulation under LC 23 <sup>[1]</sup>, and will ensure an appropriate risk-informed regulatory footprint is retained.

## **4 MATTERS ARISING FROM ONR'S WORK**

21. Examination of NS-PER-IN-001 – Appendix 3 (Preparation and issue of Licence Instruments) has revealed that on this occasion, a non-routine Licence Instrument format is required. The routine format does not provide sufficient text to withdraw any pre-existing approved operating rules associated with a previously issued specification under LC 23(4).
22. Government Legal office has proposed an additional template to address this circumstance; this has been adopted as a single licence instrument giving effect to an approval and withdrawal of all extant approvals.
23. During the assessment of NGL's request for approval for Heysham 2 power station, a textual discrepancy in the Technical Specification Chapter 1 revision number (Revision 1), against the revision quoted in Specification 602 (Revision 3), was identified by the licensee. This discrepancy is recorded in the licensee's application letter <sup>[4]</sup>. Accordingly, Specification 603 is issued for Heysham 2 to specify the correct revision of Chapter 1 and therefore legitimise the associated approval.
24. There are no other matters arising from ONR's work in relation to the issue of approvals under LC 23(4) to Sizewell B, Hunterston B and Heysham 2.

## **5 CONCLUSIONS**

25. I conclude that the licensee's proposals to amend the Technical Specifications applicability / application statements for Sizewell B, Hunterston B and Heysham 2, and delete Chapter 2 Nuclear Safety Requirements accord with the principles set out in ONR's review of regulation under LC 23 <sup>[1]</sup>, and will ensure an appropriate risk-informed regulatory footprint is retained. This approach ensures better alignment with ONR's mission, providing effective and efficient regulation of the nuclear industry, whilst holding it to account on behalf of the public.

## 6 RECOMMENDATIONS

26. I recommend that:

- The superintending inspector should sign this Project Assessment Report to confirm support for the technical and regulatory arguments that justify issuing of approvals under Licence Condition 23(4) to Sizewell B, Hunterston B and Heysham 2.
- The Operating Facilities programme director, in his capacity as Deputy Chief Inspector, who is authorised to act on behalf of ONR, should sign Licence Instrument Specification 603 to require Heysham 2 to submit the following operating rules set out within:

Heysham 2 power station: Chapter 1 – Section 1.3 Application Statement (Revision 1)

- The Operating Facilities programme director, in his capacity as Deputy Chief Inspector, who is authorised to act on behalf of ONR, should sign Licence Instrument Approvals 549, 554 and 606 to require Sizewell B, Hunterston B and Heysham 2 respectively to submit for approval the operating rules set out below, as set out within the Technical Specifications:

Sizewell B power station: Chapter 2 Safety Limits  
Chapter 3 Operator Actions (OA) Applicabilities  
Chapter 3 Limiting Condition for Operation (LCO) Applicabilities

Hunterston B power station: Chapter 1 – Section 1.3 Application Statement

Heysham 2 power station: Chapter 1 – Section 1.3 Application Statement

## 7 REFERENCES

1. TRIM 2015/322669 – Proposal to reform the use of primary powers under licence condition 23 – [REDACTED] – February 2016
2. TRIM 2016/151274 – Request for approval under licence condition 23(4) amendment to nuclear safety requirements – Sizewell B – 04 April 2016
3. TRIM 2016/166199 – Request for approval under licence condition 23(4) amendment to nuclear safety requirements – Hunterston B – 07 April 2016
4. TRIM 2016/167600 – Request for approval under licence condition 23(4) amendment to nuclear safety requirements – Heysham 2 – 19 April 2016
5. TRIM 2016/104511 – NGL Sizewell B – Licence Instrument Number 548 - Granted Under Condition 23(4) of Schedule 2 Attached to Nuclear Site Licence No.63 - Issued 8 March 2016
6. TRIM 2016/103413 – NGL Hunterston B – Licence Instrument Number 552 - Granted Under Condition 23(4) of Schedule 2 Attached to Nuclear Site Licence No. Sc.13 - Issued 8 March 2016
7. TRIM 2016/104313 – NGL Heysham 2 – Licence Instrument Number 602 - Granted Under Condition 23(4) of Schedule 2 Attached to Nuclear Site Licence No.60 - Issued 8 March 2016
8. TRIM 2016/159079 - EDF-NGL Government Solicitors agreement to non-standard licence instrument