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| ONR Project Assessment Report  **Hinkley Point C**  Approvals of (i) Nuclear Safety Committee Terms of Reference; and (ii) Arrangements for consideration of urgent safety proposals |



ONR Project Assessment Report

**Project Name**: Hinkley Point C

**Report Title**: Approvals of (i) Nuclear Safety Committee Terms of Reference; and (ii) Arrangements for consideration of urgent safety proposals

**Dutyholder/ Applicant**: NNB Generation Company (HPC) Ltd

**Report Issue No**.: 1

**Publication Date**: May-24

**Document ID**: ONRW-2019369590-8775

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# Executive Summary

**Permission requested**

This Project Assessment Report (PAR) relates to a request from NNB Generation Company (HPC) Limited (NNB GenCo) for the Office for Nuclear Regulation’s (ONR’s) approval of amended terms of reference (ToR) of the Nuclear Safety Committee (NSC) under Licence Condition (LC) 13(3), and of its arrangements for consideration of Urgent Safety Proposals under LC 13(12) of nuclear site licence 97A.

**Background**

LC 13 requires the licensee to set up a properly constituted NSC which can consider and provide advice on matters which may affect safety on or off the licensed site. ONR exercised its powers under LC 13(3) to approve the current ToR of NNB GenCo’s NSC in September 2018 via Licence Instrument (LI) 512.

LC 13(11) requires that where it becomes necessary to obtain the consideration of, or advice on, Urgent Safety Proposals (USPs) (which would normally be considered by a NSC) the licensee may only do so in accordance with appropriate arrangements made by the licensee, considered by the NSC and approved by ONR. ONR issued its approval under LC 13(12) for the current arrangements in September 2018 via LI 513.

On 18 April 2024 NNB GenCo submitted a request to ONR for its Approval under LC 13 of a revision of the ToR for the HPC NSC, as well as changes to the arrangements for the committee’s consideration of USPs.

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

I have assessed the proposed amended ToR for NNB GenCo’s NSC, including the arrangements for USPs against ONR’s inspection guidance for LC 13. I am satisfied that they adequately meet the requirements and describe how the arrangements work under the site licence including: the conditions for when the USP process can be used; the steps in the process; the primary roles and responsibilities; and how ONR will be kept informed. I am satisfied that the licensee’s NSC has undertaken suitable consideration of these arrangements.

**Matters arising from ONR’s work**

There are no matters arising from this assessment.

**Conclusions**

This PAR presents the findings of my assessment of the amended ToR for NNB GenCo’s NSC and arrangements for consideration of USPs. I have assessed the revised document and am I am satisfied that the revised ToR and arrangements for consideration of USPs adequately address the requirements of LC 13 and relevant expectations set out in ONR guidance.

**Recommendation**

On the basis of the request submitted by NNB GenCo and the conclusions of this PAR, I recommend that the Director of the New Reactors Division signs LI 527 to approve under LC 13(3) NNB GenCo’s amended NSC ToR, and LI 528 to approve under LC 13(12) NNB GenCo’s amended arrangements for the consideration of Urgent Safety Proposals.

List of abbreviations

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| Term/Acronym | Description |
| EPR | European Pressurised Reactor |
| HPC | Hinkley Point C |
| INR | Internal Nuclear Regulator (NNB GenCo) |
| LC | Licence Condition |
| LI | Licence Instrument |
| NNB GenCo | NNB Generation Company (HPC) Ltd |
| NSC | Nuclear Safety Committee |
| ONR | Office for Nuclear Regulation |
| PAR | Project Assessment Report |
| TIG | Technical Inspection Guide |
| ToR | Terms of Reference |
| USP | Urgent Safety Proposal |

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# Permission requested

1. On 18 April 2024 [1], NNB Generation Company (HPC) Ltd (NNB GenCo) requested the Office for Nuclear Regulation’s (ONR) approval under Licence Condition (LC) 13 of amended terms of reference (ToR) of the Hinkley Point C (HPC) Nuclear Safety Committee (NSC), and of its arrangements for consideration of Urgent Safety Proposals (USPs). That request was accompanied by the proposed revised ToR and USP arrangements [2]. This report considers ONR’s assessment of NNB GenCo’s request and provides the basis for ONR’s decision to provide the relevant approvals under LC 13.

# Background

1. NNB GenCo was granted a nuclear site licence for the HPC site in November 2012. ONR approved the original ToR of the HPC NSC shortly after licence grant, and approved the USP arrangements as an appendix to the extant ToR in March 2014.
2. NNB GenCo requested approval for amendments to the NSC ToR and USP arrangements in August 2018. ONR subsequently issued approvals for the ToR and USP arrangements in September 2018 via Licence Instruments (LI) 512 and 513 respectively [3]. These ToR and USP arrangements are current.

# ONR consideration of this request

## Licensee’s case for ONR’s approval under LC 13

1. In its request for ONR approval of changes to the current ToR and USP arrangements [1], NNB GenCo asserted that the proposed updates are minor, specifically:

* an appointment period has been introduced for Independent Members to enhance governance in line with good practice and align with the NNB GenCo Board approach;
* ‘Formal Advice’ is defined in the ToR;
* text is introduced to formalise the link to NNB GenCo Board; and
* the latest corporate ToR template has been adopted, with minor typographical updates to align with current company practice and improve readability; the latter changes extend to the text covering USPs, which otherwise is unaltered from the current version.

1. The licensee further asserted that none of the changes proposed would impact nuclear safety and, except for an appointment period for Independent Members, will result in no changes to management of the NSC process.
2. A paper setting out the proposed changes was put for information to the January 2024 NSC [4]. The minutes of that meeting confirmed that the NSC members supported the amendments [5].

## ONR assessment of the licensee’s case

### The proposed changes

1. With its request letter, the licensee provided two versions of the proposed ToR and its Annex A (the USP arrangements) – one being a marked-up version of the extant ToR/Annex A to show the proposed changes, and one being the final revised version [2]. Having reviewed these, I am satisfied that the proposed text accurately reflects the changes shown in mark-up.
2. I concur with the view expressed in the request letter (and supported by the January 2024 NSC) that all the changes are of a minor nature and would have no substantive consequences for the effectiveness of the operation of the NSC. The proposed changes were also reviewed by one of the EPR sub-division’s organisational capability specialists who agreed that the changes are minor and acceptable [6].
3. A few comments on some proposed changes:

* The introduction of an appointment period for independent NSC members is in line with practice at the licensee’s Board. This provides for a review where the Chair may consider an extension, by mutual agreement with the member concerned. This change should have no substantive consequences for the work of the committee.
* ‘Advice’ to be notified to the Board and to ONR is now called ‘Formal Advice’, with a clarifying definition. This had previously been defined in a separate ‘NSC Work Instruction’, so its inclusion directly in the ToR is helpful.
* Throughout the revised text, “NNB GenCo (HPC)” has been replaced by “HPC GenCo”, which may presage a change in the company name.

1. I conclude that the proposed changes are minor and will not affect the proper functioning of the NSC when implemented.

### NNB GenCo internal governance

1. The proposals were presented to the January 2024 NSC ‘for information’. Ordinarily, I would have expected changes to the ToR or USP arrangements to have been submitted ‘for consideration and advice’, as this ensures the proposals are formally discussed. The minutes [5] show that this was questioned by one committee member, although it was accepted that in this case the changes were so minor, and would have no practical effect on the operation of the NSC, that formal deliberation was not warranted. The only substantive (but sensible) comment from the NSC was that the company should be careful that changes of independent members did not all take place at the same time. The minutes, nevertheless, confirm that the NSC supported the proposals.
2. I note that in the covering paper submitted to the January 2024 NSC [4], the Internal Nuclear Regulator (INR) supported the revised version of the ToR. INR noted that revisions do not change the principles on which the committee is operated or constituted, nor its position in the organisation. INR considered that the ToR continue to meet the expectations set out in LC 13.
3. I further note that the NSC paper also confirmed that the update had been considered by the Company Secretary, Legal Counsel and NNB GenCo Board Secretariat and feedback incorporated.
4. I conclude that NNB GenCo has applied a robust internal governance process to the development and acceptance of the proposed changes.

### Comparison with TIG 13

1. ONR’s guidance to inspectors on compliance with LC 13 is set out in Technical Inspection Guide 13 (TIG 13) [7]. This is currently at Revision 6, whereas the extant ToR and USP arrangements were approved in 2018 under the guidance of Revision 4 of TIG 13.
2. I have compared the changes to TIG 13 since the extant ToR/USP arrangements were approved, and I am satisfied that the TIG changes are minor and the changes do not undermine the ONR view expressed in 2018 that the ToR/USP arrangements conformed with the seven principles set out in that TIG. I note that the 2018 PAR commented that the wording of the ToR at that time was adequate for the activities taking place at that time. Having reviewed that wording, I consider that it is sufficiently broad as to remain valid for the current and future stages of the construction, installation and commissioning of the station.

# Matters arising from ONR’s work

1. No regulatory issues or concerns have arisen as a result of this work.

# Conclusions

1. This report presents the findings of my assessment of NNB GenCo’s request for approval of revised NSC ToR and USP arrangements. I am satisfied that the proposed changes have been subjected to the licensee’s due process. I have considered the proposed changes and I am content that the revised documents will satisfy ONR’s expectations for LC compliance set out in TIG 13.
2. I am therefore satisfied that ONR should issue approvals under LC 13(3) and LC 13(12) of the revised ToR and arrangements for consideration of USPs.

# Recommendations

1. On the basis of the request submitted by NNB GenCo and the conclusions of this PAR, I recommend that the Director of the New Reactors Division signs LI 527 to approve under LC 13(3) NNB GenCo’s amended NSC ToR, and LI 528 to approve under LC 13(12) NNB GenCo’s amended arrangements for the consideration of Urgent Safety Proposals.

References

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| [1] | *NNB GenCo, Request for Approval under Licence Condition 13 (2), 13 (3), 13 (11), and 13 (12) of Schedule 2 of Nuclear Site Licence 97A, CM9 2024/18492.* |
| [2] | *NNB GenCo, HPC NSC Terms of Reference\_Rev 002, CM9 2024/18491.* |
| [3] | *ONR, ONR-NR-PAR-18-001, Hinkley point C (HPC) Approval of amended Terms of Reference (ToR) for NNB GenCo Nuclear safety Committee, July 2018, CM9 2018/224997.* |
| [4] | *NNB GenCo, HPC NSC 081\_Front Sheet\_Revised HPC NSC ToR, CM9 2024/7214.* |
| [5] | *NNB GenCo, Minutes of Nuclear Safety Committee 081 held on 31st January 2024, CM9 2024/7184.* |
| [6] | *ONR email, CM9 2024/16393.* |
| [7] | *ONR, Technical Inspection Guide NS-INSP-GD-013 Revision 6.* |