

MEMORANDUM OF UNDERSTANDING
between
THE OFFICE FOR NUCLEAR REGULATION
and
THE ENVIRONMENT AGENCY
on
MATTERS OF MUTUAL INTEREST
in
ENGLAND



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Introduction

- 1 This Memorandum of Understanding (MoU) is between the Office for Nuclear Regulation (ONR) and the Environment Agency.
- 2 The MoU relates principally to the regulation of nuclear safety, security, transport, and environmental protection on nuclear licensed sites and other sites where both ONR and the Environment Agency have regulatory functions¹.

Purpose and Objectives

- 3 ONR is the UK regulator for nuclear safety, security and safeguards, for radioactive materials transport on road and rail and for non-nuclear safety on nuclear sites. ONR enforces a range of legislation including the Nuclear Installations Act 1965, the Health and Safety at Work etc Act 1974 and the Nuclear Industries Security Regulations 2003. The Office for Nuclear Regulation's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.
- 4 The Environment Agency is a non-departmental public body set up to protect and improve the environment and make it a better place for people and wildlife. It is the regulatory body responsible for environmental protection on nuclear sites and in respect of radioactive material more generally across England. The Environment Agency enforces legislation including the Environmental Permitting (England and Wales) Regulations 2010 and the High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005.
- 5 Whilst ONR and the Environment Agency have separate regulatory purposes, there is both a legislative and operational need for communication, consultation and joint working to deliver the respective outcomes.
- 6 In accordance with legislation, Government policy and international obligations, the goals of both ONR and the Environment Agency are together:
 - i) to deliver effective and efficient regulation of the nuclear industry in England, and ensure international safeguards obligations for the UK are met;
 - ii) to maintain and improve standards of protection of people and the environment from the potential hazards from ionising radiations; and
 - iii) to ensure that radioactive wastes are appropriately managed in both the short and long term.

¹ Working arrangements concerning COMAH sites are detailed in the Competent Authority Memorandum of Understanding of which ONR and EA are signatories.

- 7 The purpose of this MoU is to provide the high level framework for how the regulatory activities of ONR and the Environment Agency will be coordinated to achieve the above goals. Such coordination should improve the effectiveness with which public sector resources are deployed and avoid the difficulties which might otherwise arise.
- 8 Shared objectives, to comply with the provisions of the Regulators' Code are to facilitate better regulation by ensuring that:
 - i) activities of the Environment Agency and ONR are consistent and coordinated;
 - ii) early engagement with those we regulate is encouraged to minimise uncertainties and impact from potentially conflicting requirements;
 - iii) synergies are exploited and the appropriate balance of precautions is attained;
 - iv) duplication of activity is minimised; and
 - v) public confidence in the regulatory system is maintained.

Working Arrangements

- 9 ONR and the Environment Agency will produce joint guidance as necessary to manage working arrangements in key areas where there are joint regulatory activities.
- 10 Working arrangements, both in general and those contained within joint guidance, are based on mutual trust and respect, and are guided by the following principles:
 - i) ONR and the Environment Agency continue to develop and maintain a co-operative working relationship and, in doing so, build structured interactions at all levels, including areas of strategy, work planning and programming, and operational regulation;
 - ii) ONR and the Environment Agency continue to consult each other at the earliest opportunity, and with the fullest of information, during the process of formal regulatory decision making on matters that may affect the other taking full account of each other's views;
 - iii) ONR and the Environment Agency engage, as appropriate, in joint working and, where appropriate to do so, engage with other nuclear site regulators, site licensees/operators and other stakeholders;

- iv) ONR and the Environment Agency do nothing which inhibits ONR or the Environment Agency in the exercise of their respective statutory powers, functions and duties, (including taking enforcement action);
- v) ONR and the Environment Agency establish mechanisms and methods of working together which facilitate dialogue and encourage better regulation;
- vi) ONR and the Environment Agency provide, in a timely manner, all such information requested by ONR or the Environment Agency in pursuance of ONR or Environment Agency regulatory activities;
- vii) ONR and the Environment Agency act in accordance with and, over time, review and improve the operation of this MoU as a basis for the regulation of nuclear licensed sites in England;
- viii) ONR and the Environment Agency do not issue, vary or revoke any licences or permits within the scope of their own regulatory powers that may affect the other, without prior consultation with the other, taking full and meaningful account of the other's regulatory locus;
- ix) Either the Environment Agency or ONR will, whenever possible, be identified as the body having the primary responsibility in relation to each of the regulatory interfaces under joint guidance; and
- x) The body having the primary responsibility will be the normal contact point for the operator for all matters relevant to that particular interface. This will not, however, remove the requirement for those we regulate to obtain all necessary permits, licences or other consents required from the Environment Agency or ONR.

Disclosure of information

11 ONR and the Environment Agency will follow the requirements of the Energy Act 2013, the Environment Act 1995 and other relevant legislation with respect to the disclosure of information shared under this agreement.

12 ONR and the Environment Agency are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. To encourage a consistent approach to disclosure, if either ONR or the Environment Agency is intending to disclose information relevant to the other, it shall make the other aware of its intention prior to disclosure.

Resolution of Disputes

13 ONR and the Environment Agency will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the rare occurrence where agreement may not be possible at this level, the ONR Chief Nuclear Inspector and the Environment Agency Deputy Director of Radioactive Substances Regulation will meet to resolve the issues with final escalation, if required, to the ONR Chief Executive and the Environment Agency Chief Executive.

Provision of Services and Advice

14 ONR and the Environment Agency will provide advice to each other for the purpose and aims of this MOU. Unless agreement is made to the contrary in writing, ONR and the Environment Agency will provide this advice at no cost.

15 Where allowed by relevant legislation, ONR and the Environment Agency may, by mutual agreement, enter into arrangements to pay for advice or services from the other.

Review of the Memorandum of Understanding

16 ONR and the Environment Agency will review this MoU not later than three years after it has been signed.

Termination

17 Either ONR or the Environment Agency may terminate this MoU, giving two months' notice in writing to the other party.

Signed



Paul Leinster
Chief Executive

on behalf of the Environment
Agency

Date: 12 August 2015



Les Philpott
Acting Chief Executive

on behalf of the Office for Nuclear
Regulation²

Date: 18 August 2015

² In accordance with the delegated authorities from the ONR Board to the Chief Executive