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ONR GUIDE			
CNC RESPONSE FORCE			
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OFFICIAL**1. INTRODUCTION**

- 1.1 The Office for Nuclear Regulation (ONR) has established a set of Security Assessment Principles (SyAPs) (Reference 7). This document contains Fundamental Security Principles (FSyPs) that dutyholders must demonstrate have been fully taken into account in developing their security arrangements to meet relevant legal obligations. The security regime for meeting these principles is described in security plans prepared by the dutyholders, which are approved by ONR under the Nuclear Industries Security Regulations (NISR) 2003 (Reference 1).
- 1.2 The term 'security plan' is used to cover all dutyholder submissions such as nuclear site security plans, temporary security plans and transport security statements. NISR Regulation 22 dutyholders may also use the SyAPs as the basis for Cyber Security and Information Assurance (CS&IA) documentation that helps them demonstrate ongoing legal compliance for the protection of Sensitive Nuclear Information (SNI). The SyAPs are supported by a suite of guides to assist ONR inspectors in their assessment and inspection work, and in making regulatory judgements and decisions. This Technical Assessment Guidance (TAG) is such a guide.

2. PURPOSE AND SCOPE

- 2.1 This TAG contains guidance to advise and inform ONR inspectors in exercising their regulatory judgment during assessment activities relating to a dutyholder's arrangements to facilitate a CNC armed response force. It aims to provide general advice and guidance to ONR inspectors on how this aspect of security should be assessed. It does not set out how ONR regulates the dutyholder's arrangements. It does not prescribe the detail, targets or methodologies for dutyholders to follow in demonstrating they have addressed the SyAPs. It is the dutyholder's responsibility to determine and describe this detail and for ONR to assess whether the arrangements are adequate.

3. RELATIONSHIP TO RELEVANT LEGISLATION

- 3.1 The term 'dutyholder' mentioned throughout this guide is used to define 'responsible persons' on civil nuclear licensed sites and other nuclear premises subject to security regulation, a 'developer' carrying out work on a nuclear construction site and approved carriers, as defined in NISR. It is also used to refer to those holding SNI.
- 3.2 NISR defines a 'nuclear premises' and requires 'the responsible person' as defined to have an approved security plan in accordance with Regulation 4. It further defines approved carriers and requires them to have an approved Transport Security Statement in accordance with Regulation 16. Persons to whom Regulation 22 applies are required to protect SNI. ONR considers policing and guarding to be an important component of a dutyholder's arrangements in demonstrating compliance with relevant legislation.

4. RELATIONSHIP TO IAEA DOCUMENTATION AND GUIDANCE

- 4.1 The essential elements of a national nuclear security regime are set out in the Convention on the Physical Protection of Nuclear Material (CPPNM) (Reference 4) and the IAEA Nuclear Security Fundamentals (Reference 3). Further guidance is available within IAEA Technical Guidance and Implementing Guides.

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- 4.2 Fundamental Principle K of the CPPNM refers to the production of contingency plans to respond to unauthorised removal of nuclear material or sabotage of nuclear facilities. The importance of being able to respond, and respond effectively is reinforced by Essential Element 11: Planning for, preparedness for, and response to, a nuclear security event, specifically – 3.12 a) Developing arrangements and response plans for ensuring rapid and effective mobilisation of resources in response to a nuclear security event; and, effective coordination and cooperation.
- 4.3 A more detailed description of the elements is provided in Recommendations level guidance, specifically Nuclear Security Series (NSS) 13, Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5) (Reference 5). Sections 4 and 5 of this document contain specific measures for armed response forces in the prevention of theft or sabotage against nuclear facilities and nuclear material in use and storage. In particular, paragraph 4.15 states that provision should be made for detecting unauthorised intrusion and for appropriate action by sufficient guards and/or [armed] response force to address a nuclear security event.

5. RELATIONSHIP TO NATIONAL POLICY DOCUMENTS

- 5.1 The SyAPs provide ONR inspectors with a framework for making consistent regulatory judgements on the effectiveness of a dutyholder's security arrangements. This TAG provides guidance to ONR inspectors when assessing a dutyholder's submission demonstrating they have effective processes in place to achieve SyDP 9.1 – CNC Response Force, in support of FSyP 9 – Policing and Guarding. The TAG is consistent with other TAGs and associated guidance and policy documentation.
- 5.2 The HMG Security Policy Framework (SPF) (Reference 5) describes the Cabinet Secretary's expectations of how HMG organisations and third parties handling HMG information and other assets will apply protective security to ensure HMG can function effectively, efficiently and securely. The security outcomes and requirements detailed in the SPF have been incorporated within the SyAPs. This ensures that dutyholders are presented with a coherent set of expectations for the protection of nuclear premises, SNI and the employment of appropriate personnel security controls both on and off nuclear premises.
- 5.3 The Classification Policy (Reference 6) indicates those categories of SNI, which require protection and the level of security classification to be applied.

6. ADVICE TO INSPECTORS

- 6.1 Dutyholders are responsible for designing a Physical Protection System (PPS) that achieves the required outcome as detailed in Annexes C and D to SyAPs. These PPS outcomes are graded according to the categorisation for theft or sabotage of the Nuclear Material/Other Radioactive Material (NM/ORM) and associated facilities being protected.
- 6.2 In certain circumstances, dutyholders may only be able to demonstrate their security arrangements meet the required PPS outcome by incorporating the deployment of an armed response force, which may be provided by the Civil Nuclear Constabulary (CNC). Accordingly, this TAG informs the regulatory assessment of a dutyholder's

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arrangements to facilitate and support an effective CNC armed response where it is an integral part of achieving a PPS outcome.

- 6.3 In designing a PPS incorporating an armed response force, account should be taken of the current threat and the malicious capabilities postulated in the extant Nuclear Industries Malicious Capabilities Planning Assumptions (Reference 8) document. Additionally, account should be taken of the target identification for theft and sabotage, any relevant vulnerability assessments, the consequential risks associated with the site/move and any other relevant factors. As part of this process a site's CNC Operating Procedures will be formulated and agreed in order to deliver the PPS outcomes whilst meeting the intent of the CNC Gold Strategy and CNC Force Concept of Operations.

Regulatory Expectation

- 6.4 The regulatory expectation placed upon the dutyholder is that they will demonstrate in their security plan how their security arrangements incorporate and facilitate CNC armed response deployment that is capable of achieving the required PPS outcome. This should include CNC involvement in all relevant operational/plant aspects that may impact on the effectiveness of the armed response.

FSyP 9 - Policing and Guarding	CNC Response Force	SyDP 9.1
Dutyholders should facilitate CNC deployment that is appropriate to achieve the required security outcome.		

7. STATUTORY RESPONSIBILITIES OF THE CNC

- 7.1 CNC activity is driven by certain regulatory responsibilities derived in part from the Energy Act 2004. Dutyholders should understand that *in extremis* these requirements can take precedence over other extant arrangements and agreements.
- 7.2 Two pertinent sections of the Energy Act 2004 (Section 54 which concerns the statutory powers and obligations of the CNC in general and Section 56 which covers the jurisdiction of the CNC in particular) are included at Appendix 1.

8. CNC COMPLEMENT

- 8.1 The size, composition and disposition of the armed response capability should be agreed between the dutyholder and the CNC using a collaborative approach, to ensure that the required security outcome is achieved. For any unresolved dispute between the CNC Operational Unit Command and the dutyholder, the CNC Deputy Chief Constable and ONR Director of Civil Nuclear Security Programme will arbitrate. Once agreed, dutyholders should reflect the CNC operational tasks and numbers in their security plan as soon as possible.
- 8.2 CNC minimum staffing levels at a site should not be compromised by the deployment of officers to fulfil tasks or duties not covered in the security plan because doing so could prejudice the fulfilment of its primary function. The dutyholder should be clear on

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the priorities and potential mitigation on receipt of any request to deploy CNC officers from their primary duties.

- 8.3 The dutyholder, in concert with the CNC, should conduct a regular assessment of the CNC numbers and operational tasks in order to ensure that PPS outcomes are being met.

9. CNC – SUPPORT TO PROTECTIVE SECURITY

- 9.1 On a day-to-day basis, the CNC undertakes certain protective security duties on behalf of the Head of Site to meet the requirements of the approved security plan. This is a partnership approach in providing a protective security regime. All parties have an individual responsibility but they should collectively formulate a security response that enables Heads of Site to discharge their responsibilities under the NISR 2003.
- 9.2 Any proposed alteration to CNC operational activities that has the potential to affect the dutyholder's ability to achieve the required security outcome should not be implemented until the revised arrangements have been approved in an amendment to the security plan. A temporary change could be covered by a Temporary Security Plan or Temporary Security Arrangement as appropriate, however, in response to an incursion or an emergency, the Chief Constable CNC (or the Force Incident Manager (FIM)/Operational Unit Command) is authorised to do so in the exercise of their operational authority.
- 9.3 The deployment of CNC Authorised Firearms Officers (AFOs) will be in accordance with 'Authorised Professional Practice – Armed Policing' published by the College of Policing, CNC Firearms Policy, the CNC CT Measures Policy, and associated documents.
- 9.4 Op SHIELDING is the multi-agency, national working group which aims to provide an agreed framework for CTsAs to act as a conduit for host force engagement, as appropriate, in the protection of civil licensed nuclear sites within their force area. This operation provides a central focus for CT integrated planning. The CNC should participate in Op SHIELDING meetings.
- 9.5 Functional areas that may benefit from the establishment of formal protocols between the dutyholder and CNC (and in all likelihood the relevant Local Force) may include:
- Command and control arrangements and responsibilities
 - Information/intelligence sharing
 - Operational communication
 - Crime reporting, recording and investigation
 - Site access control
 - Patrolling and incident response
 - Post-incident response and recovery arrangements

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OFFICIAL**10. RESPONSIBILITIES OF DUTYHOLDERS**

- 10.1 The dutyholder should understand and acknowledge the role, capabilities, constraints and the statutory responsibilities of the CNC.
- 10.2 CNC operational numbers, tasks and response timings should be included by the dutyholder in relevant security plans.
- 10.3 Dutyholders should, as necessary, liaise closely with CNC on tactical and operational policing matters. When appropriate the dutyholder should liaise closely with other dutyholders who have a call on the same complement of CNC on tactical and operational policing matters.
- 10.4 The dutyholder should participate fully in a process to create and maintain integrated or aligned plans covering operational policing matters, whilst liaising with other dutyholders sharing the same CNC complement; these arrangements should be supported by a formal protocol.
- 10.5 The dutyholder should participate fully in creating and maintaining integrated plans for emergency response arrangements with the CNC and other relevant stakeholders (including local police forces and other dutyholders sharing the same CNC complement). These plans should clarify command and control arrangements in the event of a nuclear security event and be based upon a shared understanding of risks and threats. There is an expectation that these arrangements will be detailed in writing.
- 10.6 Dutyholders should provide an appropriate level of support to the CNC and local police forces in the discharge of their duties under the Coordinated Policing Protocol (Reference 9). The Coordinated Policing Protocol is a broad document and likely to form the basis of more detailed, site specific protocols and arrangements between the CNC and Home Office/Police Service of Scotland forces.
- 10.7 The dutyholder should participate fully in a process to create and maintain a Service Level Agreement (SLA), or similar, covering commercial and contractual obligations between the dutyholder and the CNC; the SLA should underpin performance management activity.
- 10.8 Dutyholders should have an assurance process to confirm that CNC operational numbers are being maintained, and tasks are being conducted in accordance with operational plans, by appropriately trained, qualified and physically capable AFO's. Where the minimum number given in the approved extant security plan is not met the dutyholder must complete regulatory reporting in accordance with Regulation 10 or 18 of NISR 2003.
- 10.9 Dutyholders should provide communications in order to enable operational liaison with and provision of advice by the FIM during emergency response, plus notifications of an increase in the Response Level or for the CNC to 'Stand To'.
- 10.10 The dutyholder should be confident that CNC operational communications and equipment are capable of delivering the required PPS outcome and have the necessary levels of resilience.

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10.11 The dutyholder should facilitate and support CNC operational activity (including training and exercising) in order to ensure they are fully able to support the relevant PPS outcome(s).

Inspectors Should Consider:

- Does the security plan accurately articulate the site's CNCs complement and concept of operations?
- Is the security plan supported by adequate written agreements between the dutyholder and CNC?
- Is there effective and regular liaison and co-ordination between the dutyholder and the CNC at operational, tactical and strategic levels?
- Are the CNC command and control arrangements and patrol patterns integrated with the site's civilian guard force (CGF)?
- Does the CNC conduct appropriate 'on site' training and exercising in conjunction with the CGF and other elements of the site where appropriate?
- Are CNC communications with the CNC FIM, CGF, and local police appropriate?
- Are the CNC's operations supported by appropriate facilities?
- Are the CNC aware of all identified Vital Areas and is this knowledge adequately demonstrated within their concept of operations?
- Is there evidence to show that CNC can achieve the required PPS outcome under all foreseeable conditions? (for example, weather, patrolling pattern etc).
- Is there effective liaison between the dutyholder, the CNC, any adjacent nuclear sites and Home Office/Police Scotland forces and other relevant stakeholders?
- Have plans to reinforce/partially replace the local CNC complement been adequately developed and tested?
- Do appropriate management processes exist for the CNC and dutyholder to raise issues and risks that relate to the complementing, availability, deployment, training and support of the CNC?
- Are there arrangements in place to appropriately manage and mitigate any temporary shortfalls in CNC staffing levels?

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10. REFERENCES

1. **Nuclear Industries Security Regulations 2003.** Statutory Instrument 2003 No. 403
2. **IAEA Nuclear Security Series No. 13.** Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (**INFCIRC/225/Revision 5**). January 2011. www-pub.iaea.org/MTCD/Publications/PDF/Pub1481_web.pdf.
3. **IAEA Nuclear Security Series No. 20.** Objective and Essential Elements of a State's Nuclear Security Regime. http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1590_web.pdf
4. **Convention on the Physical Protection of Nuclear Material (CPPNM)**
<https://ola.iaea.org/ola/treaties/documents/FullText.pdf>
5. **HMG Security Policy Framework.** Cabinet Office.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316182/Security_Policy_Framework_-_web_-_April_2014.pdf
6. **NISR 2003 Classification Policy** – Trim Ref. 2012/243357.
7. **Security Assessment Principles** – Trim Ref 2017/124772
8. **ONR Nuclear Industries Malicious Capabilities Planning Assumptions.**
9. **Coordinated Policing Protocol between the Civil Nuclear Constabulary and Home/Scottish Police Forces** 13 August 2008.

Note: ONR staff should access the above internal ONR references via the How2 Business Management System.

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AFO	Authorised Firearms Officer
CGF	Civilian Guard Force
CNC	Civil Nuclear Constabulary
CNS	Civil Nuclear Security
CPPNM	Convention on the Physical Protection of Nuclear Material
CS&IA	Cyber Security and Information Assurance
CT	Counter Terrorism
CTSA	Counter Terrorism Security Advisor
FIM	Force Incident Manager
FSyP	Fundamental Security Principle
IAEA	International Atomic Energy Agency
NISR	Nuclear Industries Security Regulations
NM	Nuclear Material
NSS	Nuclear Security Series
ONR	Office for Nuclear Regulation
ORM	Other Radioactive Material
PPS	Physical Protection System
SLA	Service Level Agreement
SNI	Sensitive Nuclear Information
SPF	Security Policy Framework
SyAP	Security Assessment Principle
SyDP	Security Delivery Principle
TAG	Technical Assessment Guide

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OFFICIAL**APPENDIX 1: OBLIGATIONS OF THE CNC****Energy Act 2004, Section 54 - The Civil Nuclear Constabulary**

- a. It shall be the function of the Police Authority to secure the maintenance of an efficient and effective constabulary, to be known as the Civil Nuclear Constabulary (“the Constabulary”).
- b. The primary function of the Constabulary is—
- (a) the protection of licensed nuclear sites which are not used wholly or mainly for defence purposes; and
 - (b) safeguarding nuclear material in Great Britain and elsewhere.
- c. The Police Authority may allocate to the Constabulary the function of carrying on such other activities relating to, or connected with, the security of—
- (a) nuclear material, or
 - (b) sites where such material is being, has been or is to be used, processed or stored, as the Police Authority thinks fit.
- d. The Constabulary shall have the function of carrying on such other activities as may be allocated to it by the Police Authority in accordance with directions given to that Authority for the purposes of this section by the Secretary of State.
- e. The Secretary of State may give the Police Authority directions restricting the exercise of its powers under subsection (3).
- f. Subject to the provisions of this Chapter, the Police Authority may do anything which appears to it to be likely to facilitate the carrying out of its functions, or to be incidental to carrying them out.
- g. Nothing in this section limits what a member of the Constabulary may do in the exercise of the powers and privileges conferred on him by section 56.

Energy Act 2004, Section 56 (Jurisdiction of the Constabulary)

1. A member of the Constabulary shall have the powers and privileges of a constable—
- (a) at every place comprised in a relevant nuclear site; and
 - (b) everywhere within 5 kilometres of such a place.
2. A member of the Constabulary shall have the powers and privileges of a constable at every trans-shipment site where it appears to him expedient to be in order to safeguard nuclear material while it is at the site.

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3. A member of the Constabulary shall have the powers and privileges of a constable at every other place where it appears to him expedient to be in order to safeguard nuclear material which is in transit.

4. A member of the Constabulary shall have the powers and privileges of a constable at every place where it appears to him expedient to be in order to pursue or to detain a person whom he reasonably believes—

(a) to have unlawfully removed or interfered with nuclear material being safeguarded by members of the Constabulary; or

(b) to have attempted to do so.

5. A member of the Constabulary shall have the powers and privileges of a constable throughout Great Britain for purposes connected with—

(a) a place mentioned in subsections (1) to (4);

(b) anything that he or another member of the Constabulary is proposing to do, or has done, at such a place; or

(c) anything which he reasonably believes to have been done, or to be likely to be done, by another person at or in relation to such a place.

6. This section has effect in United Kingdom waters adjacent to Great Britain as it has effect in Great Britain, but as if references to the powers and privileges of a constable were references to the powers and privileges of a constable in the nearest part of Great Britain.

7. In this section—

“detain”, in relation to a person, includes transferring him to the custody of another or to a place where he may be held in custody;

“relevant nuclear site” means a licensed nuclear site other than a designated defence site;

“trans-shipment site” means a place which a member of the Constabulary reasonably believes to be—

(a) a place where a consignment of nuclear material in transit is trans-shipped or stored; or

(b) a place to which a consignment of nuclear material may be brought to be trans-shipped or stored while it is in transit;

“United Kingdom waters” means waters within the seaward limits of the territorial sea;

and nuclear material is “in transit” for the purposes of this section if it is being carried (or is being trans-shipped or stored incidentally to carriage) before its delivery at its final destination.

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8. In subsection (7) “designated defence site” means a site designated by order made by the Secretary of State as a site which appears to him to be used wholly or mainly for defence purposes.

9. An order under subsection (8) must be laid before Parliament after being made.

10. Where an order designating a site for the purposes of section 76(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (jurisdiction of Atomic Energy Authority special constables) is in force immediately before the commencement of this section, that order shall have effect after the commencement of this section as an order made under and for the purposes of subsection (8).

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