

MEMORANDUM OF UNDERSTANDING

Between

**THE OFFICE FOR NUCLEAR REGULATION
THE HEALTH AND SAFETY EXECUTIVE
THE HEALTH AND SAFETY EXECUTIVE NORTHERN
IRELAND
THE ENVIRONMENT AGENCY
THE NATURAL RESOURCES BODY FOR WALES
THE SCOTTISH ENVIRONMENT PROTECTION AGENCY
THE DEPARTMENT OF AGRICULTURE, ENVIRONMENT
AND RURAL AFFAIRS NORTHERN IRELAND
THE DEPARTMENT FOR BUSINESS, ENERGY AND
INDUSTRIAL STRATEGY**

on

**THE IMPLEMENTATION OF ARRANGEMENTS FOR SHARING INFORMATION
ON AND REPORTING INCIDENTS TO THE INTERNATIONAL ATOMIC ENERGY
AGENCY**

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Introduction

1. This Memorandum of Understanding (MoU) is between:
 - i. the Health and Safety Executive (HSE);
 - ii. the Health and Safety Executive Northern Ireland (HSENI);
 - iii. the Office for Nuclear Regulation (ONR);
 - iv. the Environment Agency (EA);
 - v. the Natural Resources Body for Wales (NRW);
 - vi. the Scottish Environment Protection Agency (SEPA);
 - vii. the Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA); and
 - viii. the Department for Business, Energy and Industrial Strategy (BEIS).
2. HSE, HSENI, EA, NRW, SEPA, and DAERA are collectively referred to as “the agencies”, and the “appropriate agency” means the agency initially informed of the reportable incident.
3. In this MoU the term “reportable incidents” refers to events meeting the International Atomic Energy Agency (IAEA) reporting threshold i.e. events classed as International Nuclear and Radiological Events Scale of Level 2 and above or events which attract international public interest.
4. In this MoU the term “duty-holder” refers to organisations or individuals with responsibilities for reporting events into the agencies as specified by legislation.
5. ONR, BEIS and the agencies agree to use best endeavours to comply with the terms and spirit of the MoU.

Scope

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6. This MoU relates principally to how BEIS, ONR and the agencies make use of the International Nuclear and Radiological Events Scale (INES) to fulfil the requirements for the reporting and sharing of information regarding reportable incidents, including the loss, theft or discovery of high-activity sealed sources, other radioactive sources and radioactive material of concern.
7. BEIS has the responsibility for operating the UK INES reporting scheme to the IAEA and has appointed ONR to provide the UK INES National Officer (UKINO) and all international reporting under the INES Scheme will be undertaken by that role. Other agencies will identify reportable incidents falling within their activities when they occur and report these to the UKINO. The UKINO will be responsible for promptly notifying the IAEA of any reportable incidents.
8. This MoU explains how ONR and the agencies collaborate to deliver appropriate consistency of reporting under the INES Scheme within Great Britain and Northern Ireland. The operation of the INES Scheme is described in the Appendix to this MoU.

9. Although it is recognised that there will be areas of overlap between the requirements of other legislation for the sharing of information, this MoU relates solely to the application of the INES Scheme and does not replace any existing requirements for the agencies to report internationally.
10. It is anticipated that the identification of reportable incidents by the agencies will be met by reporting requirements under legislation and that there will be no additional reporting requirements placed on duty-holders as a result of implementing this MoU.

Objectives

11. In accordance with relevant legislation, and international obligations the goals of ONR, BEIS and the agencies are together to:
 - a. identify and share information on reportable incidents; and
 - b. have systems in place that enable the reporting of such events internationally in a consistent and timely manner.
12. The purpose of this MoU is to provide the high level framework for how BEIS and the regulatory activities of ONR and the agencies 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.

Legislative Environment

13. The European Council Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation (BSSD). Article 99.3 of the BSSD requires the sharing of information with other Member States, relevant third countries and relevant international organisations regarding the loss, theft or discovery of high-activity sealed sources, other radioactive sources and radioactive material of concern and regarding related follow-up or investigations, without prejudice to relevant confidentiality requirements and relevant national legislation.
14. INES level 2 events and above include the loss, theft or discovery of high-activity sealed sources, other radioactive sources and radioactive material of concern and so the international reporting of these events under the INES scheme also ensures compliance with the BSSD for the sharing of information under such circumstances.
15. Under the INES Scheme, the UK has appointed an INES National Officer whose role includes coordinating the reporting of events to the IAEA which meet the reporting threshold. The UK INES National Officer (UKINO) is a BEIS appointment and is currently provided by ONR.

16. The arrangements in the UK for reporting under the INES scheme have historically been limited to incidents occurring as a result of activities regulated by ONR. The arrangements addressed by this MoU will require the reporting of INES incidents occurring as a result of a wider range of activities in the UK, necessitating the coordination of reporting across all the agencies, in order to meet reporting obligations under the BSSD.

Working Arrangements

17. An Incidents Reporting Group (IRG) will be set up to agree, coordinate and monitor the detailed working arrangements required under this MoU.

18. The IRG will:

- a. advise on possible amendments to this MoU;
- b. develop and review working arrangements and manage the production of guidance;
- c. oversee the specification of training requirements for incident reporting;
- d. monitor performance at the operational level, and investigate the cause of any identified deficiencies in performance;
- e. identify opportunities to continually improve reporting arrangements.

19. Representatives nominated by ONR, BEIS and the agencies will collaborate within the framework of the IRG.

20. IRG will facilitate the resolution of any disagreement between ONR and the agencies for which a resolution could not be achieved through discussions at the local management level (see Resolution of Disputes).

21. ONR, BEIS and the agencies will produce and implement working arrangements setting out the specific joint arrangements for the identification, collection and reporting of reportable incidents and any relevant follow up investigations. The arrangements will cover agency responsibilities for incidents to be reported and timescales for reporting.

22. ONR, BEIS and the agencies will also establish specific arrangements within each agency necessary for the identification, collection and reporting of reportable incidents and any relevant follow up investigations.

23. It is the responsibility of ONR, BEIS and the agencies to ensure that all relevant staff understand and observe the principles set out in this MoU. ONR, BEIS and the agencies will identify the training needs required for the effective application of the MoU and ensure that appropriate training has been provided to the relevant staff.

24. 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:

- a. ONR, BEIS and the agencies 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 relating to the objectives of this MoU;
- b. ONR, BEIS and the agencies continue to consult each other at the earliest opportunity, and with the fullest of information, during the process of formal decision making on matters concerning the aims of this MoU that may affect others taking full account of all views;
- c. ONR, BEIS and the agencies engage, as appropriate, in joint working and, where appropriate to do so, engage with other stakeholders;
- d. ONR, BEIS and the agencies do nothing which inhibits ONR or the agencies in the exercise of their respective statutory powers, functions and duties, (including taking enforcement action);
- e. ONR, BEIS and the agencies provide, in a timely manner, all such information requested by the UKINO in pursuance of international reporting activities;
- f. ONR, BEIS and the agencies act in accordance with and, over time, review and improve the operation of this MoU as a basis for reporting incidents internationally and as a means of facilitating the mutual sharing of information needed to meet other reporting obligations at national and international level.

Provision of Services and Advice

25. ONR, BEIS and the agencies will provide advice to each other for the purpose and aims of this MoU. Unless agreement is made to the contrary, this advice will be provided at no extra cost to ONR, BEIS or the agencies.
26. Where allowed by relevant legislation, ONR, BEIS and the agencies may, by mutual agreement, enter into arrangements to pay for advice or services from each other.

Disclosure of Information

27. ONR and the agencies will follow the requirements all relevant legislation with respect to the disclosure of information shared under this agreement and any restrictions on the type of information that can be disclosed. ONR and the agencies are subject to the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004 or the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, as appropriate.
28. To encourage a consistent approach to disclosure, if either ONR or any agency is intending to disclose information relevant to this MoU, otherwise than in accordance with the INES Scheme or in response to a request for information under the legislation cited in the preceding paragraph, it shall make the other agencies and BEIS aware of its intentions prior to disclosure.

Resolution of Disputes

29. If ONR and agencies disagree concerning any matter addressed in this MoU, any incident involved will not be reported to the IAEA under the INES Scheme until the disagreement has been resolved, with the exception of events required to be reported immediately by the relevant agency to other international bodies.

30. ONR, BEIS and the agencies will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the rare occurrence where agreement is not possible at this level, the ONR Chief Nuclear Inspector and the equivalent role within BEIS and the agencies will meet to resolve the issues.

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Review of MoU

31. The MoU can be amended at any time to include other agencies as necessary for reporting incidents under the INES Scheme.

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32. ONR, BEIS and the agencies will review this MoU not later than three years after it has been signed.

Termination

33. Following full consultation with all parties, ONR, BEIS or the agencies may terminate this MoU on two months notice in writing to the other parties.

Signed

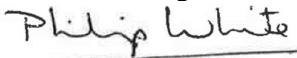
Name: Anthony Hart
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Date: 24/07/2018
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Name: Harvey Bradshaw
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Date: 20/06/2018
Environment Agency

Name: Philip White
Position: Director, Regulation

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Date: 10/09/2018
Health and Safety Executive

Name: Keith Morrison
Position: Chief Executive

Signed: 


Date: 27/07/2018
Health and Safety Executive Northern Ireland

Name: Ceri Davies
Position: Executive Director of Evidence, Policy and Permitting

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Date: 27/07/2018
Cyfoeth Naturiol Cymru / Natural Resources Wales

Name: Keith Bradley
Position: Chief Radiochemical Inspector

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Date: 18/06/2018
Department of Agriculture Environment and Rural Affairs, Northern Ireland

Name: Terry A'Hearn
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Date: 15/06/2018
Scottish Environment Protection Agency /Buidheann Dìon Àrainneachd na h-Alba

Name: Zilla Howell
Position: Deputy Director, Civil Nuclear Security and Safety.

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Date: 14/06/2018
Department of Business Energy and Industrial Strategy

Appendix: Description of the INES Scheme and how it provides a mechanism for sharing information on incidents at an International level

The International Nuclear and Radiological Event Scale (INES) is a tool for communicating to the public, in a consistent way, the safety significance of events associated with sources of radiation. INES was developed in 1990 by international experts convened by the International Atomic Energy Agency (IAEA) and the Organisation for Economic Co-operation and Development's Nuclear Energy Agency (OECD/NEA) to facilitate the communication of the safety significance of events at nuclear installations. Since 1990, the scope of the application of INES has been expanded to meet the growing need for communicating the safety significance of events giving rise to radiation risk.

At the international level, the INES administration is managed by the IAEA Secretariat through the Incident and Emergency Centre (IEC). The Secretariat also manages the Nuclear Events Web-based System (NEWS)* and Unified System for Information Exchange (USIE)** communication channels where INES National Officers can post relevant events. Although information sharing on INES is not mandatory, Member States in general agree that events rated at Level 2 or above, and events attracting international media attention need to be communicated internationally through the IAEA.

Events are classified on the scale at seven levels: Levels 4-7 are termed accidents and Levels 1-3 incidents. Events without safety significance are classified as Below Scale/ Level 0. Events that have no safety relevance with respect to radiation or nuclear safety are not classified on the scale.

Events are considered in terms of their impact on three different areas: impact on people and the environment; impact on radiological barriers and control at facilities; and impact on defence in depth.

Levels 2 and 3 cover more serious degradation of defence in depth or lower levels of actual consequence to people or facilities. Levels 4 to seven cover increasing levels of actual consequence to people, the environment or facilities.

Examples of INES Level 2 and above Incidents:

- Lost or stolen highly radioactive sealed source (Level 3)
- Found highly radioactive sealed orphan source, device or transport package with safety provision intake (Level 2)
- Inadequate packaging of a highly radioactive sealed source (Level 2)
- Exposure of a member of the public in excess of 10mSv (Level 2)

*NEWS is an IAEA-supported communication channel on the Internet. The system is run by the IAEA and co-sponsored by the Nuclear Energy Agency of the Organization of Economic Cooperation and Development (OECD/NEA) and World

Association of Nuclear Operators (WANO). As a communications tool, NEWS is linked to INES, the International Nuclear and Radiological Event Scale, used for rating of nuclear and radiological events according to their safety significance. NEWS provides authoritative information about nuclear or radiological events as reported to the system by participating INES National Officers worldwide. NEWS covers significant events reported at nuclear power plants, research reactors and nuclear fuel cycle facilities, and involving radiation sources or the transport of radioactive material.

**The IAEA Unified System for Information Exchange in Incidents and Emergencies (USIE) is an IAEA web portal for Contact Points of States Parties to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency and of IAEA Member States to exchange urgent information during nuclear and radiological incidents and emergencies, and for officially nominated INES National Officers to post information on events rated using the International Nuclear and Radiological Event Scale (INES).