

MEMORANDUM OF UNDERSTANDING
between
THE OFFICE FOR NUCLEAR REGULATION
and
THE NUCLEAR DECOMMISSIONING AUTHORITY

Introduction

- 1 This Memorandum of Understanding (MoU) is between the Office for Nuclear Regulation (ONR) and the Nuclear Decommissioning Authority (NDA).

- 2 ONR is a statutory body corporate established under Part 3 of the Energy Act 2013 (“EA 2013”). Its purposes are set out in sections 67 to 73 of the EA 2013 and include those relating to nuclear safety, nuclear site health and safety, nuclear security, nuclear safeguards and the transport of radioactive material and security thereof. ONR acts as the independent regulator of the UK civil nuclear industry and regulates specific civil nuclear sites through licences issued under the Nuclear Installations Act 1965.

- 3 NDA is a non-departmental public body created by the Energy Act 2004 (“EA 2004”) to lead the clean-up and decommissioning work at designated nuclear installations and sites on behalf of government. While the NDA has the power to apply for and hold a nuclear site licence under the EA 2004, it is not currently a nuclear site licensee and uses a group (subsidiary) operating model. Under that model, the NDA Group includes subsidiaries who hold licenses for those installations and sites for which the NDA has designated statutory responsibility.

- 4 The MoU relates principally to the parties' common interest in ensuring at a strategic level that decommissioning and clean-up of nuclear sites is driven forward safely, securely, cost effectively and in ways in which protect the environment.
- 5 This MoU aims to further that common interest by setting a framework for open, constructive and complementary working relationships which will assist in resolving matters of significant strategic or tactical importance and to agree activities to address such matters, as necessary.
- 6 It is recognised that ONR is the regulator of nuclear installations and sites which fall within the NDA Group, for which NDA has statutory responsibility. Each party recognises and will respect the independence of the other in their regulatory and statutory roles respectively. While the focus of this MoU is at the strategic rather than licence-holder specific level, both parties also recognise the importance of co-operation to avoid, or otherwise minimise, competing demands, to ensure synergies are exploited and to maintain public confidence in the industry.

Purpose and Objectives

- 7 The purpose of this MoU is to provide the high level framework for how the activities of ONR and NDA with respect to the decommissioning and clean-up of designated sites, installations and facilities, and the health and safety of workers and others, will be coordinated to achieve the common interest. Consistent with their respective statutory obligations, duties and functions, the ONR and NDA undertake to facilitate safe, timely, decommissioning and clean-up, in accordance with relevant policy, legislation and regulatory requirements and in support of delivery of NDA strategy. Such coordination should improve the effectiveness and efficiency with which public sector resources are deployed and avoid the difficulties which might otherwise arise.

- 8 The terms of this MoU do not override or pre-empt the ability of the parties to undertake their statutory duties or exercise their statutory powers. This MoU is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this MoU.

Working Arrangements

- 9 The ONR and NDA jointly commit themselves to the development and maintenance of shared strategic objectives including:
 - i) effective working relationships to promote, as appropriate, the UK's contribution to international law and agreements, and nationally to facilitate the safe and timely delivery of decommissioning and clean up at the NDA group nuclear licensed sites (being nuclear licensed sites operated by its subsidiaries) and in support of plans for development of future nuclear licensed sites as may be required to enable NDA to deliver its decommissioning and waste management mission;
 - ii) engaging in positive dialogue with regards to strategy, policy, practice, regulation, and research to support NDA to deliver its decommissioning and waste management mission; and
 - iii) implementing working arrangements which are consistent, so far as practicable, with both ONR's and NDA's general commitment to openness and transparency in their dealing with stakeholders and the NDA's statutory obligations of public consultation.
- 10 The aims of NDA as the strategic authority and ONR as an independent regulator may align and there may be benefit to both for there to be consistency of approach. Where appropriate, ONR and NDA will therefore seek to ensure consistency and avoid conflicting strategies.
- 11 ONR and the NDA will produce joint guidance as necessary to manage working arrangements in key areas where there are synergies.

- 12 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 NDA continue to develop and maintain a co-operative working relationship and, in doing so, build structured interactions at all levels on strategy and sharing good practice;
 - ii) ONR and the NDA engage, as appropriate in a timely manner, in joint working and similarly, where appropriate to do so, engage jointly with other nuclear site regulators, site licensees/operators and other stakeholders to achieve mutual aims;
 - iii) ONR and the NDA establish mechanisms and methods of working together which facilitate dialogue to achieve mutual aims;
 - iv) ONR and NDA provide, where appropriate and in a timely manner, all such information requested by ONR or the NDA in pursuance of common aims; and
 - v) ONR and the NDA act in accordance with and, over time, review and improve the operation of this MoU.

Disclosure of information

- 13 ONR and the NDA will follow the requirements of the EA 2013 and other relevant legislation with respect to the disclosure of information shared under this MoU. ONR and the NDA 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 NDA is intending to disclose information relevant to the other, where practicable, it shall make the other aware of its intention prior to disclosure.

Resolution of Disputes

14 ONR and NDA will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the occurrence where agreement is not possible at this level, the ONR Chief Executive and Chief Nuclear Inspector and the Chief Executive Officer of the NDA will meet to resolve the issues.

Review of the Memorandum of Understanding

15 ONR and the NDA will review this MoU at least once every five years or at earlier intervals as agreed by the parties. ONR and NDA will also review this MoU in the event of a material change, which the parties accept includes the exercise by the NDA of its power to apply for and hold a nuclear site licence.

Termination

16 Either ONR or the NDA may terminate this MoU on two months' notice in writing to the other party.

Signed: 8 March 2023



David Peattie
Chief Executive Officer

for the
Nuclear Decommissioning Authority



Chief Executive and
Chief Nuclear Inspector

for the
Office for Nuclear Regulation