

NUCLEAR SAFETY DIRECTORATE - BUSINESS MANAGEMENT SYSTEM		
ANNEX TO BMM		BMM - ANNEX 5h
MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE DEPARTMENT OF TRADE AND INDUSTRY ON MATTERS OF MUTUAL INTEREST IN THE REGULATION OF CIVIL NUCLEAR LICENSED SITES		ISSUE 001
Approved By: <i>B J Furness</i>	B J Furness	Issue Date: 21/08/02
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Introduction

1 This Memorandum of Understanding sets out the principles agreed between the Health and Safety Executive (HSE) and the Office for Civil Nuclear Security (OCNS) of the Department of Trade and Industry (DTI) regarding the discharge of their responsibilities in relation to, respectively, health and safety and security at civil nuclear licensed sites. The purpose of the Memorandum is to promote and optimise the co-ordination of the regulatory activities of HSE and OCNS where they interface at civil nuclear licensed sites, through the development and maintenance of the closest practicable liaison and co-operative working arrangements between the two organisations.

Background

2 HSE's responsibilities in respect of health and safety at civil nuclear sites arise from its functions under the relevant statutory provisions of the Health and Safety at Work etc Act 1974 (HSWA), including in particular the granting of nuclear site licences under the Nuclear Installations Act 1965 (as amended), and the enforcement of the conditions attached to those licences. The conditions include requirements for licensees to prepare safety cases for the operation of nuclear plant on licensed sites, and to have adequate arrangements to prevent unauthorised persons from entering licensed sites.

3 OCNS acts as security regulator for the civil nuclear industry (a) under Directions issued by the Secretary of State for Trade and Industry under the Atomic Energy Act 1954 and Schedule 1 to the Nuclear Installations Act 1965 (as amended), and (b) under the provisions of the Nuclear Generating Stations (Security) Regulations 1996. The security regime's purposes are to prevent theft of nuclear material or sabotage of nuclear facilities, to safeguard sensitive nuclear technology and information and thereby to help prevent nuclear proliferation, and to safeguard other protectively-marked Government information held by the civil nuclear industry. In pursuit of these purposes, OCNS sets and promulgates standards to the nuclear industry in the areas of physical, personnel, information and IT security, and carries out inspections to check for compliance with these standards.

4 HSE and the DTI have a common interest in ensuring that security and safety arrangements are adequate and effective in preventing the theft or misuse of nuclear material, and actions by individuals or groups causing harm or damage. These arrangements contribute to the wider aims of protecting the health and safety of employees, contractors and general public from the hazards of ionising radiation, promoting the Government's nuclear non-proliferation obligations and the protection of national security.

5 Despite this commonality of interest, there is a potential for security and safety requirements to conflict if considered in isolation from each other.

Objectives

6 The objectives of this Memorandum are to facilitate the effective and consistent regulation of health and safety and security at civil nuclear licensed sites by ensuring that:

- (a) co-operative arrangements are developed and maintained between HSE and OCNS;
- (b) the possibility of conflicting requirements being placed on licensees or others working at nuclear sites is avoided; and
- (c) any operational or regulatory synergies are exploited as appropriate to optimise effectiveness and minimise duplication.

Principles

7 The following principles will be employed to assist in meeting the objectives above:

- (a) HSE will provide information to OCNS, derived from its knowledge of nuclear licensed sites and their safety cases, in order to enhance the latter's awareness of nuclear safety and radiological safety, both generally and in relation to vulnerable high-risk plant and systems at particular sites. OCNS will provide security information in its possession to HSE relevant to health and safety considerations at licensed nuclear sites, subject to any statutory or confidentiality restrictions.
- (b) HSE and OCNS will consult and exchange information at the earliest practicable stage in the consideration of relevant new projects or proposed changes at licensed nuclear sites, or following a significant breach of licence conditions or regulated security arrangements, with a view to identifying the necessary safety and security arrangements or changes before requirements are placed on licensees.
- (c) In order further to promote mutual understanding of health and safety and security issues, HSE and OCNS will explore the possibility of interchanges of personnel and joint training and exercises.
- (d) HSE and OCNS will exchange information and consult in the preparation of their plans of work.

Working arrangements

8 The following working arrangements will be employed:

(a) HSE/NSD will identify a post-holder through whom OCNS should direct contact on operational issues.

(b) Where appropriate HSE/NSD will facilitate liaison with other HSE specialists.

(c) HSE/NSD and OCNS will consider whether joint inspections and audits at licensed nuclear sites would be desirable and feasible.

Monitoring and review of the memorandum

9 The Memorandum and the arrangements made under it will be kept under review by both organisations. Without prejudice to the co-operative working arrangements described above, the HSE's Director of Nuclear Safety and the DTI's Director of Civil Nuclear Security, will meet annually, or at such shorter intervals as may be required, to discuss the working of the Memorandum and any outstanding issues or problems that may have arisen under it.

Signed:

Date: 3 April 2001

Michael Buckland-Smith
Director of Civil Nuclear Security

Laurence Williams
HM Chief Inspector of Nuclear
Installations and Director of Nuclear
Safety