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By email to:  
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Dear Sir or Madam,

## **Nuclear Safeguards: Draft regulations consultation**

### **1. Introduction**

NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speak for the wider LGA.

Our remit encompasses all aspects of the management of the UK's nuclear waste legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including the Welsh and UK Government, the NDA and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

NuLeAF is a member of the BEIS **Euratom Exit Industry Forum** and we are engaged in work with the **International Atomic Energy Agency (IAEA)** and with a European network representing municipalities with an interest in nuclear decommissioning. We attended the BEIS workshop on nuclear safeguards held in Manchester on August 15<sup>th</sup>.

Our member local authorities have a significant interest in the new safeguards regime that will operate post-Brexit. However, neither NuLeAF or local authorities are directly engaged in safeguard arrangements or their scrutiny and we cannot claim to have detailed insight in their operation. As such we do not offer responses to the many questions posed in the

consultation, but rather our general view on the proposals and the critical success factors that the new regime will require.

## **2. Comments on the consultation**

We note that this consultation relates to nuclear safeguards rather than nuclear safety (the prevention of nuclear accidents) or nuclear security (the prevention of theft of nuclear material or the sabotage of facilities).

Nuclear safeguards consist of the reporting and verification processes that assure and demonstrate that civil nuclear material is not diverted unlawfully into military weapons programmes. Safeguard measures includes reporting, inspections and monitoring of nuclear facilities and materials. An effective safeguards regime is therefore a vital aspect of the overall management framework for nuclear materials and facilities.

In general, we support the proposals for future safeguards set out in the consultation in that:

- The Government is committed to a new regime that is, from day one, equivalent in effectiveness and coverage to that currently provided by Euratom, and which exceeds international standards.
- There is a commitment to maintain a close and effective association with Euratom in future.
- The Government has pledged to take account of best practice in future regulation making that reflects feedback on the practical, regulatory and operational needs of stakeholders.

At the same time, we would like to see some further clarification on certain points related to the transition to the new regime, either within these regulations or through other Government communication.

1. The consultation notes that the Government has reached agreement with the European Union (EU) on an implementation period, following Brexit, that will run until the end of 2020 and during which Euratom will continue to provide safeguarding arrangements for the UK. We note however that the draft Safeguard Regulations do not set a proposed commencement date for new arrangements due to the possibility of a 'no deal' Brexit. The document should be clearer what alternatives arrangement, if any, would be required if the UK and EU are unable to reach agreement on a future relationship.
2. We note that 2 of the 4 planned bilateral arrangements with 'priority countries' (USA, Canada, Australia and Japan) have now been reached but the other 2 are outstanding. The consultation states that the UK is on track to sign all 4 of these in time (p17), but this requires agreement with other nations and the timely ratification of arrangements through their internal political processes. We would therefore like to see more explanation on how a failure to reach agreement with any priority country would be addressed, even if this is viewed to be an unlikely eventuality.
3. Following the exit from Euratom, the Office of Nuclear Regulation (ONR) will become the UK's independent nuclear regulatory body as opposed to the European Commission. We note that some concerns have been expressed as to whether the Office of Nuclear Regulation will be able to recruit an appropriate number of highly specialised staff in time to support their new role, and also whether they will be

provided with adequate financial support to deliver a regime that is at least equivalent to that provided by Euratom.

I hope these comments are helpful.

Yours faithfully,

A handwritten signature in black ink that reads "Philip Matthews". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

**Philip Matthews**  
Executive Director  
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