



Department for
Energy Security
& Net Zero

Nuclear Safeguards: Consultation on proposed changes to the Nuclear Safeguards (EU Exit) Regulations 2019 and the Nuclear Safeguards (Fees) Regulations 2021

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August 2025



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Any enquiries regarding this publication should be sent to us at: nuclearsafeguards@energysecurity.gov.uk

Introduction

The government conducted a statutory post-implementation review (PIR) of the 2019 Nuclear Safeguards Regulations¹ during 2023. The resulting report² made several recommendations for the amendment of the Nuclear Safeguards (EU Exit) Regulations 2019 (“**NSR19**”)³.

This consultation seeks views on the government’s proposed amendments to NSR19 which aim to give effect to those recommendations. Additionally, views are sought on changes to the Nuclear Safeguards (Fees) Regulations 2021⁴ (“**Fees Regulations**”), most of which follow from the proposed amendments to NSR19.

The objective of the proposed changes is to improve the effectiveness, operability, clarity and consistency of terminology used in the UK’s nuclear safeguards regime, while guaranteeing that the UK can continue to meet its international nuclear safeguards and non-proliferation obligations. The amendments should provide greater clarity on expectations and requirements.

The amendments will be made by regulations which will be known as the Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations 202X.

This consultation is open to all. We invite responses from those with an interest in the civil nuclear industry – especially those subject to NSR19 – though we generally welcome views from:

- Industry operators
- Interested public bodies
- The Devolved Administrations
- Non-governmental organisations
- Research and education bodies
- Members of the public
- Your responses will help shape amendments to NSR19 and the Fees Regulations, to improve their operability and effectiveness.

¹ The term “2019 Nuclear Safeguards Regulations” refers collectively to: (a) the Nuclear Safeguards (EU Exit) Regulations 2019 (<https://www.legislation.gov.uk/ukxi/2019/196/contents>); and (b) the Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019 (<https://www.legislation.gov.uk/ukxi/2019/195/contents>).

² https://www.legislation.gov.uk/ukxi/2019/195/pdfs/ukxi0195_en_001.pdf

³ <https://www.legislation.gov.uk/ukxi/2019/196/contents>

⁴ <https://www.legislation.gov.uk/ukxi/2021/1406/contents/made>

Contents

Introduction	3
General information	5
Why we are consulting	5
Consultation details	7
How to respond	7
Confidentiality and data protection	7
Quality assurance	8
The proposals	9
Regulations proposed to be removed	10
Transitional provisions	10
Other regulations	11
Regulations proposed to be amended	13
Changes to basic technical characteristics requirements	13
Changes to particular safeguard provisions	15
Changes to record retention period	16
Changes to accountancy and control systems, and plans	17
Changes to special reporting requirements	17
Changes to weight units	18
Changes to notification timings	18
Changes to waste reporting	20
Changes to exemptions	20
Other proposed changes	21
Consequential amendments	23
Transitional provisions	25
Public Sector Equality Duty	27
Consultation questions	28

General information

Why we are consulting

Nuclear safeguards are a fundamental component of global nuclear non-proliferation. Through various accountancy and control, reporting requirements, and verification processes, safeguards assure and demonstrate that civil nuclear material is accounted for and controlled and is not unlawfully diverted into military use.

Nuclear safeguards are a key priority for government and are essential for a safe and secure civil nuclear industry. In turn, the civil nuclear industry plays a major role in the government's push to accelerate to net zero⁵ and reach clean power by 2030. Nuclear safeguards also ensure the UK meets its international safeguards and non-proliferation obligations.

NSR19 is a crucial component of the UK's legal framework for its nuclear safeguards regime. In addition to the Fees Regulations, other relevant nuclear safeguards legislation includes the:

- Energy Act 2013⁶, as amended by the Nuclear Safeguards Act 2018⁷,
- Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019⁸,
- Nuclear Safeguards Act 2000⁹,
- Nuclear Safeguards (Notification) Regulations 2004¹⁰,
- Nuclear Safeguards and Electricity (Finance) Act 1978¹¹.

The 2023 PIR report on the NSR19 identified areas of the regulations that are working well, along with other areas that could be amended to improve the current nuclear safeguards regime.

It also noted areas that could be removed as they are no longer required, such as provisions put in place to smooth the transition from the Euratom safeguards regime. Other proposals reflect evolving policy positions which are discussed further in 'The Proposals' section below.

This consultation seeks views on the operability and effectiveness of the proposed amendments to NSR19 and the associated Fees Regulations. This is to comply with sections 76A(8)(a) and (b) and 112(1D)(a) and (b) of the Energy Act 2013, and as part of good policy making; seeking the views of parties interested in the policy to help inform decision making.

⁵ <https://researchbriefings.files.parliament.uk/documents/CBP-9888/CBP-9888.pdf>

⁶ <https://www.legislation.gov.uk/ukpga/2013/32/contents>

⁷ <https://www.legislation.gov.uk/ukpga/2018/15/contents>

⁸ <https://www.legislation.gov.uk/uksi/2019/195/contents>

⁹ <https://www.legislation.gov.uk/ukpga/2000/5/contents>

¹⁰ <https://www.legislation.gov.uk/uksi/2004/1255/contents>

¹¹ <https://www.legislation.gov.uk/ukpga/1978/25/contents>

Your response will help shape the amendments to NSR19 and the Fees Regulations. We look forward to continuing to work closely with industry and other stakeholders during this consultation.

Consultation details

Issued: 29 August 2025

Respond by: 24 October 2025

Email: nuclearsafeguards@energysecurity.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Consultation reference: Nuclear Safeguards: Consultation on proposed changes to the Nuclear Safeguards (EU Exit) Regulations 2019

Audiences: Government invites responses from industry operators, the Devolved Administrations, non-governmental organisations, interested public bodies, research and education bodies, and members of the public.

Territorial extent: The Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations 202X will extend to England & Wales, Scotland, and Northern Ireland.

How to respond

Respond online at: <https://energygovuk.citizenspace.com/energy-security/nuclear-safeguards-regulations-proposed-changes>

or

Email to: nuclearsafeguards@energysecurity.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email bru@energysecurity.gov.uk

The proposals

This consultation seeks views on the government's proposed amendments to NSR19 and to the Fees Regulations, most of which follow from the proposed amendments to NSR19.

The objective of the proposed changes is to improve the effectiveness, operability, clarity and consistency of terminology used in the UK's nuclear safeguards regime, while guaranteeing that the UK can continue to meet its international nuclear safeguards and non-proliferation obligations. The amendments should provide greater clarity on expectations and requirements.

The 2023 PIR report set out the government's recommendations and objectives for amendments to NSR19. This followed the statutory post-implementation review and feedback from stakeholders including the UK's independent civil nuclear regulator, the Office for Nuclear Regulation ("ONR").

In 2024, detailed work started on giving effect to those recommendations through the process of drafting amending regulations. A draft of these is published alongside this consultation document for information.

Implementation of the recommendations made in the PIR Report relating to the removal of the following regulations and schedules has not been pursued as originally envisaged due to a change in our policy position.

Regulation 9(2), which covers the operation of an accountancy and control plan, will be retained. This is because it could give protection from enforcement to operators if, in particular circumstances, ONR waived the requirement to comply with a procedure or arrangement set out in an operator's accountancy and control plan. Compliance with such procedures and arrangements is normally required by regulation 9(1).

Regulation 25, which sets out the requirements of carriers and temporary storage agents handling qualifying nuclear material covering receipting requirements and record retention, will be kept (with proposed amendments as detailed below). Circumstances have been identified where adherence would be required, since other legislation regulating such activities does not cover the requirements in the same way.

For Schedule 1, Part 1 (the questionnaires to declare the basic technical characteristics of a qualifying nuclear facility), full removal is not possible within the existing legislative framework. Some of the parts are key to defining the associated obligations in the regulations, such as the interaction between regulation 3 and Schedule 1, Part 1. Omitting this part of Schedule 1, and instead referring to content hosted on ONR's website, which would be updated at ONR's discretion, is not permitted by the current legislative framework (as specific powers would be required).

As an alternative, amendments are proposed for Schedule 1, Part 1 as detailed in the Changes to Basic Technical Characteristics section below. It is proposed Schedule 1, Part 7, which includes the form for reporting ore exports and shipments is removed. This is no longer required due to the related regulation 28 being proposed for removal.

In addition, minor changes are proposed to Schedule 1, Parts 2 and 3, to reflect proposed definition changes for some terminology. The remaining parts of Schedule 1 (Parts 4-6 and 8-12) would remain, with no changes.

After further review, it was thought that fully removing Schedule 2, which outlines the components of an accountancy and control system, would not achieve the desired improvement of providing clarity for operators on what constitutes a component of an accountancy and control system and aiding compliance with this requirement.

Instead, we propose Schedule 2 is kept and updated to better reflect what is considered a component of an accountancy and control system. This is explained further in the Changes to Accountancy and Control systems and plans section below.

Some proposed changes to NSR19 will also need to be reflected in the associated Fees Regulations. We will also take this opportunity to address comments made by the Joint Committee on Statutory Instruments (JCSI), when the Fees Regulations were originally made¹².

More detail is included in the appropriate section below. Note that changes to the Fees Regulations will involve both addition and deletion of relevant material. Where additions are made to Schedule 2 of the Fees Regulations, fees may be payable by the operator, in line with government policy on cost recovery.

Regulations proposed to be removed

The NSR19 regulations in Table 1 and Table 2 have been identified as no longer being necessary. This includes most of the transitional provisions which enabled the smooth transition from the Euratom safeguards regime to the current UK safeguards regime. Or regulations where removal would bring legislative provisions in line with the UK's nuclear safeguards operational context. We propose the following are removed:

Transitional provisions

Table 1

Regulation	Rationale for removal
3(1) Declaration of basic technical characteristics to ONR of qualifying nuclear facilities existing before commencement date (31/12/2020) within 30 days of commencement day.	These regulations were in place specifically to ensure the ONR received key information following the switch from the Euratom Safeguards regime to the current UK safeguards regime. They are no longer necessary as this switch has now taken place, and the relevant one-off information was provided at the time by operators.
7(2) An accountancy and control plan for the qualifying nuclear material in a qualifying nuclear facility must be sent to ONR within the period of 30 days beginning on 1st January 2021.	
13 An initial book inventory to be sent to ONR within 15 days of commencement day initial inventory of all the qualifying nuclear material in	

¹² [Twenty-Sixth Report of Session 2021–22 - Joint Committee on Statutory Instruments](#)

Regulation	Rationale for removal
<p>each material balance area of a qualifying nuclear facility on commencement day*</p> <p><i>*Removal of this requirement will also result in consequential amendments to regulation 12(1) and 19(2)(a), which reference regulation 13; and regulation 13 being removed from the list of offences at regulation 43.</i></p>	
<p>Schedule 4 Transitional Provisions*</p> <p><i>*Paragraph 8 of Schedule 4 (excluding paragraph 8(1)(c) and (3), see Table 2) will be retained, the rationale for this is outlined in the record retention section below.</i></p>	<p>These provisions were in place specifically to help smooth the transition from the Euratom safeguards regime reporting requirements to the current UK safeguards regime reporting requirements. These were time limited provisions, the majority of which have now expired and are no longer required (except for paragraph 8).</p>

Other regulations

Table 2

Regulation	Rationale for removal
<p>3(2)(c)(iii) Declaration of basic technical characteristics</p> <p>This provision relates to when the basic technical characteristics of new qualifying nuclear facilities, whose main activity is the extraction of ores, must be declared to the ONR by.</p>	<p>Removal would align with the UK's nuclear fuel cycle activities, as the UK does not extract ores.</p>
<p>26 Intermediaries</p> <p>This regulation relates to the information intermediaries involved in contracts for the supply of qualifying nuclear material must keep, and how long the information must be kept for.</p>	<p>This is not necessary for the current UK safeguards operational context, as the record retention requirements of operators under NSR19 and licensees as part of their licence conditions are sufficient.</p>

Regulation	Rationale for removal
<p>27 Accounting records for ores*</p> <p>This regulation relates to the accounting records operators of qualifying nuclear facilities, whose main activity is the extraction of ores, must keep and how long these records must be kept for.</p> <p><i>* Paragraph 8(1)(c) of Schedule 4 will also be removed.</i></p>	<p>Removal would align with the UK's nuclear fuel cycle activities, as the UK does not extract ores.</p>
<p>28 Ore shipments and export reports.</p> <p>This regulation relates to the information operators of qualifying nuclear facilities, whose main activity is the extraction of ores, must inform ONR of using the form in Schedule 1, Part 7.</p>	<p>Removal would align with the UK's nuclear fuel cycle activities, as the UK does not extract ores.</p>
<p>41 ONR to provide an annual report to the Secretary of State</p>	<p>This requirement was put in place to enable oversight of the implementation of our newly established regime following EU Exit.</p> <p>The safeguards function is now fully integrated as an ONR regulatory function and is reported on in the Chief Nuclear Inspectors Annual Report¹³ alongside ONR's other regulatory functions under paragraph 24 of Schedule 7 to the Energy Act 2013¹⁴.</p> <p>Removal would avoid duplication with the Chief Nuclear Inspectors Report which covers similar information.</p>
<p>Schedule 1, Part 7 Report of ore exports/shipments (regulation 28)</p> <p>This form relates to regulation 28, which is being proposed for removal.</p>	<p>Removal would align with the UK's nuclear fuel cycle activities, as the UK does not extract ores.</p>

Question 1: Do you agree with the proposed removal of the provisions outlined in Tables 1 and 2? Do you have any further comments?

¹³ <https://www.onr.org.uk/publications/regulatory-reports/chief-nuclear-inspectors-annual-reports/>

¹⁴ [Energy Act 2013](#)

Regulations proposed to be amended

There are NSR19 regulations identified where changes would help to improve their operability or provide clarity on expectations and requirements. The following amendments are being proposed.

Changes to basic technical characteristics requirements

Changes are being proposed to the regulation relating to the declaration of basic technical characteristics ("**BTC**"). This is to help the efficiency with which the International Atomic Energy Agency ("**IAEA**") and ONR can review safeguards measures and approaches at qualifying nuclear facilities. In addition to aligning with the international standard for the reporting of this information.

We propose a new provision, regulation 3(A3), is added for instances where a qualifying nuclear facility is being repurposed, meaning there is a change in the purpose or type of qualifying nuclear facility; the category of qualifying nuclear material at the qualifying nuclear facility; or a change in the design capacity or maximum inventory of the facility. We will also be proposing that non-compliance with this new provision is made an offence and will be added to regulation 43 (offences).

This newly proposed provision would require declaration of design information to ONR at three stages, like the declaration requirements for new qualifying nuclear facilities (regulation 3(2)). This would provide ONR with a suitable time window to review the proposed repurposing design information, which in some instances can be complex.

The first stage when operators of qualifying nuclear facilities being repurposed would need to declare to the ONR the preliminary design information is as soon as the decision to make the change has been taken.

The second stage is no later than 200 days from when the repurposing started. Operators must declare design information to ONR for the facility being repurposed, based on the final design using the relevant questionnaire in Schedule 1, Part 1.

The third stage is no later than 200 days before the day on which qualifying nuclear facility being repurposed first receives qualifying nuclear material, or for a qualifying nuclear facility that only treats or stores conditioned or retained waste, when the treatment or storage begins.

An additional change is proposed to the timescale for declaration to ONR of changes to declared information (regulation 3(3)), reducing the timing to 15 days from 30 days. The same change to the timescale is proposed for declaration to ONR of changes to declared information by qualifying nuclear facilities with limited operation ("**QNFLO**") under regulation 31(5)(a).

This proposed change would provide ONR with an improved time window to conduct their assessment and assurance tasks and ensure they can meet our international obligations in line with our reporting requirements to the IAEA.

At present we are required to report changes related to BTCs to the IAEA alongside the first Inventory Change Report after the change has been made. If an operator completed a change on 31st of the month, with the current 30-day window to report that change to ONR, they could issue that updated BTC on 29th of the following month. ICRs must be sent to the IAEA within 30

days of the end of the month in which the change occurs, so this would need to be sent on the following day, meaning ONR would not have sufficient time for suitable review and assessment activities.

We are also proposing the NSR19 BTC questionnaires in Part 1 of Schedule 1 are replaced with the IAEA Design Information Questionnaires (“**DIQs**”). Continued use of the BTC questionnaires following our transition from the Euratom regime was a time-limited agreement reached with the IAEA.

The DIQs sometimes categorise facilities differently to the BTCs, so there is not always a like-for-like swap between the two types of questionnaires, though every facility scenario is included. In general, the DIQs require very similar information to that required by the BTC questionnaires, but are structured and phrased differently. There are also some instances where there are new additional questions and/or sections. An example of this is the specific DIQ section on post-operational information which captures details on decommissioning.

Table 3

Regulation	Proposed change
3(3)and 31(5)(a)	Reduce the number of days, within which operators have to declare to ONR, changes in design information in updated DIQs, to 15 days from 30 days.
3(A3)	<p>Add a new provision requiring operators to declare to ONR at set points, where a change results in a change in the purpose, type, design capacity or maximum inventory of the facility or category of qualifying nuclear material at the qualifying nuclear facility.</p> <p>Non-compliance with this provision would also be made an offence under regulation 43.</p>
Schedule 1, Part 1 (BTC Questionnaires)	<p>Replace the BTC questionnaires with the equivalent IAEA DIQs, to bring the UK in line with IAEA expectations on reporting design information, and to ensure the UK continues to meet its international obligations.</p> <p>The proposed new questionnaires are included in the Schedule to the draft Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations 202X</p>
8(1)	As a consequence of adding regulation 3(A3), we are amending 8(1) to ensure that operators are required to amend their accountancy and control plan if relevant changes are made to design information notified under regulation 3(A3). The current regulation only applies to changes arising from information notified under reg 3(3).

Question 2: Do you agree with the proposed changes to the Basic Technical Characteristics requirements? Do you have any further comments?

Changes to particular safeguard provisions

Under Euratom’s safeguards regime, particular safeguard provisions (“**PSP**”) were utilised when a qualifying nuclear facility needed to have further safeguards requirements, in addition to those covered by the regulations, to help compliance with requirements set out in international agreements or a ‘facility attachment’ agreed with the IAEA.

Some changes are being suggested to the PSP material in NSR19 to better align with the UK’s current safeguards operational practices, allow effective use of PSPs by both ONR and operators, and provide greater clarity on what matters are considered and taken into account when determining the need for a PSP.

To correct an oversight in the original implementation, non-compliance with regulation 5(3), which requires operators to follow particular safeguard provisions, will be added to the list of offences under regulation 43(1). This is because a PSP may be used to implement the UK’s obligations arising from its Voluntary Offer Agreement (“**VOA**”) with the IAEA or its Nuclear Cooperation Agreements (“**NCAs**”). These obligations are specified as relevant international agreements¹⁵ and must be adhered to.

The proposed changes would allow ONR to use a PSP as originally intended. The link between a PSP and our international obligations would be clearer, as consideration of obligations under a relevant international agreement would be set out in the regulations. The changes would also allow the amendment, or withdrawal, of a PSP.

The changes could also allow greater flexibility and by being more relevant and effective, may reduce burdens on operators. We propose the following changes are made to the PSP regulations:

Table 4

Regulation	Proposed change
5 (1)	Amendment, replacing ‘basic technical characteristics’ with the wider term ‘information’, so a wider suite of information linked to requirements for nuclear material accountancy is considered by ONR when deciding on whether a PSP is required. This would enable the most suitable PSP to be put in place, benefiting both operators and ONR. Amendment, specifying that the term ‘information’ includes the information provided by an operator under Parts 2 (regulations 3-20), 3 (regulations 21- 24) or 6 (regulations 29-30) of NSR19 or regulation 31.
5(1)(b)	Add to the list of factors to be taken account of when applying a PSP, to include obligations under a relevant international agreement (regulation 19).
5(4)(i)	Add to the list of what a PSP may include to make it clearer it also includes international obligations arising from the UK’s VOA with the IAEA and NCAs with key partners.

¹⁵ As defined in s112(1A) of the Energy Act 2013 and specified in the Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019:
<https://www.legislation.gov.uk/ukSI/2019/195/contents>

Regulation	Proposed change
5(3)	<i>N.B. No changes will be made to 5(3) itself, but 5(3) will be added to the list of Offences, at regulation 43.</i>
5(5)	Add a new provision enabling ONR to amend a PSP, taking account of obligations under a relevant international agreement and other factors.
5(6)	Add a new provision requiring ONR to provide the operator with written notice of an amended PSP, with which the operator must comply.
5(7)	Add a new provision enabling ONR to withdraw a PSP where ONR considers it to no longer be necessary or appropriate.

Question 3: Do you agree with the proposed changes to the Particular Safeguard Provisions regulations, including making non-compliance with 5(3) an offence? Do you have any further comments?

Changes to record retention period

It is suggested the retention period for operating and accounting records, transport and temporary storage records and retained or conditioned waste records is increased from the current 5 years to 30 years for operators. This change would relate to regulations 6(4), 25(4), 29(3), and paragraph 8(1) of schedule 4 (the sole transitional provision to be retained).

This is to align with site licence condition 6.216, which mandates a 30-year information retention period for operators. In addition, this enables a more comprehensive dataset for addressing any arising issues.

This proposal would affect the retention period for the records of qualifying nuclear facilities with limited operation (“QNFLO”) under regulation 31, as the regulations at issue apply to QNFLO.

We do not anticipate any disruption for operators by extending the record retention period, since as mentioned above, operators are already expected to keep records for 30 years.

The requirements for carriers and temporary storage agents will remain unchanged as to change them would add an unnecessary burden when the records are already being retained by operators.

Paragraph 8 of schedule 4 is being retained as the information to which it relates remains relevant, but with the omission of paragraphs (1)(c) (relating to the extraction of ore and addressed above) and (3) as this is historic data and so does not need to be updated.

Question 4: Do you agree with the proposed change to the retention period for operating and accounting records, transport and temporary storage records and retained or conditioned waste records? Do you have any further comments?

¹⁶ <https://www.onr.org.uk/media/gixbe2br/licence-condition-handbook.pdf>

Changes to accountancy and control systems, and plans

We propose a change to the regulations on accountancy and control systems and accountancy and control plans. This is to ensure consistency with other related accountancy and control plan regulations; and to provide greater clarity on all the components considered necessary for an accountancy and control system.

Additions would be made to Schedule 2, which lists the Components of an Accountancy and Control System, to include all the components considered relevant. We propose the following changes are made:

Table 5

Regulation	Proposed change
Schedule 2 The Components of an Accountancy and Control System	<p>Add to the list of components of an accountancy and control system, to reflect that equipment, resources, system resilience and security, and the arrangements necessary to meet the obligations contained in NSR19, are necessary components of an accountancy and control system.</p> <p>In addition, amend paragraph 2 to make clearer that having an adequate number of suitably qualified staff, with clearly defined roles and responsibilities to meet the obligations contained in NSR19 is also considered a necessary component of an accountancy and control system.</p> <p>This is to better align with international standards on accountancy and control systems and to codify domestic expectations on what should be part of an accountancy and control system.</p>

Question 5: Do you agree with the proposed changes to the provisions on accountancy and control systems and plans? Do you have any further comments?

Changes to special reporting requirements

We propose for regulations 17(1)(a) and 17(2) the requirement for operators to send a special report to the ONR if there has been or might be an unexpected increase in qualifying nuclear material, is removed. This is to match the requirement for when a special report is required by the IAEA in line with our VOA reporting requirements, and ONR's incident reporting requirements.

Under our VOA (Article 66), the UK must make a special report to the IAEA as soon as possible if the ONR, as the State Regulatory Authority, believes that as the result of any unusual incident or circumstances there is or may have been loss of qualifying nuclear material. Or the containment of qualifying nuclear material has unexpectedly changed to a point where an unauthorised removal of qualifying nuclear material has become possible.

Under ONR's incident reporting policy operators are required to notify ONR of notifiable incidents as soon as possible. Notifiable incidents, which include accidental gains, are a sub-set of abnormal occurrences that meet ONR's incident notification criteria detailed in their guidance for notifying incidents to ONR¹⁷.

Operators would no longer need to provide special reports for accidental gains. This corrects a hangover from when the Euratom regime was operating, as this was required of operators under the Euratom regulations.

Instead, accidental gains would continue to be reported in line with the ONR Incident Notification Process using the duty-holder portal or the ONR Incident Notification Form (INF1), removing the duplication of requirements for operators.

Question 6: Do you agree with the proposed changes to the regulations on special reporting requirements? Do you have any further comments?

Changes to weight units

It is suggested changing how weight units for the quantity of qualifying nuclear materials is expressed, when providing information under NSR19. The change would amend regulation 20(1) to require the quantity of qualifying nuclear materials to be expressed in grams, to a maximum of three decimal places.

The purpose of the proposed change is to better align with reporting requirements under the UK's IAEA safeguards agreements and to ensure consistency. Currently operators must express quantities to at least the nearest gram, and may round down, when the first decimal is 0 to 4, and round up when the first decimal is 5 to 9. This can cause inconsistencies and on occasion require additional action by ONR.

In addition, we are inserting new paragraph 1A which disapplies the requirement of paragraph 1 to information provided under regulation 3 in so far as the DIQ specifies a different unit of measurement, e.g. occasionally tonnes are specified. If the DIQ does not specify a different unit of measurement, regulation 20(1) would apply.

Paragraph 4 clarifies that the requirements of paragraph 3 for notifications under the Regulations (regarding the total weight of elements and reporting specifications) do not apply to information supplied under regulation 3 in the declaration of design information.

Question 7: Do you agree with the proposed change to weight units and categories of qualifying nuclear materials? Do you have any further comments?

Changes to notification timings

We propose adjustments are made to the notification timings required of operators. These changes would provide ONR with an improved time window within which to conduct their assessment and assurance tasks.

Currently, for export or import information, ONR have a short and variable time window to conduct their assessment and assurance tasks before needing to submit the relevant information

¹⁷ <https://www.onr.org.uk/media/x44eqttb/onr-ol-proc-002-process-for-notifying-incidents-to-onr.docx>

to the IAEA. Therefore, we propose that the notification timings required of operators for the export and import advanced notifications are changed.

Under the proposed changes operators would have to provide ONR with advanced notification of exports (regulation 21(2)) at least 15 days before the qualifying nuclear material is packed. This would give ONR at least 5 days to undertake their assessment and assurance activities before having to send the information to the IAEA. Under our VOA the UK is required to notify the IAEA of exports no less than 10 days before the material is due to leave (Article 89(b)(i)).

The proposed changes for imports (regulation 22(2)) require operators to ensure that the advanced notification provided to ONR is received at least 9 days before the day on which the qualifying nuclear material is unpacked. This would give ONR adequate time to undertake their assessment and assurance activities before having to send the information to the IAEA.

Amendments are also proposed to Part 13, regulation 46(1)(a) and (b) about the time given to operators to notify the Secretary of State under regulation 45 about particular matters, where a specified international agreement applies, or may apply in future.

Regulation 46(1)(a) concerns the timescales for notifications to the Secretary of State about (a) the receipt of a relevant item or qualifying nuclear material in respect of which the Secretary of State has issued an advice under regulation 44 (Secretary of State may issue written advice); and (b) the production, processing, derivation or fabrication of a –relevant item from another relevant item or from relevant qualifying nuclear material.

We are proposing changing the notification timescale to 28 days (beginning with the day on which receipt or production takes place) from the current 5 days, to provide operators with more time to produce the required information.

For regulation 46(1)(b), which concerns notifications to the Secretary of State about proposed transfer of a relevant item by an operator or other person, the notification timescale would be changed to at least 32 days (before the proposed date of transfer) from the current at least 30 days.

This would improve the time window for the Non-Proliferation Unit (NPU), Export Control Team in DESNZ to undertake their required assurance of the information provided.

Table 6

Regulation	Proposed change
21(2) Exports	Increase the number of days for advanced notification to ONR to 'at least 15 days' from 'at least 7 days'
22(2) Imports	Increase the number of days for advanced notification to ONR to 'at least 9 days' from 'at least 4 days'
31(5)(a) Declaration of basic technical characteristics, stock list and accounting records for qualifying nuclear facilities with limited operations	Reduce the number of days for notification to the ONR of a change to BTC in respect of a qualifying nuclear facility with limited operation to 15 days from 30 days (in line with the change to regulation 3(3))
46(1)(a) Form of notification	Increase the number of days provided in which to notify the Secretary of State from within a period of 5 days to within a period of 28 days

Regulation	Proposed change
46(1)(b) Form of notification	Increase the number of days' notice required to notify Secretary of State to at least 32 days from 30 days. This will result in operators needing to provide the notification 2 days earlier than previously required.

Question 8: Do you agree with the proposed changes to the notification timings required of operators? Do you have any further comments?

Changes to waste reporting

Waste will increasingly become a key area of focus as more facilities reach their end of life and enter decommissioning. This will require ONR and the IAEA to have an improved understanding of the waste held at the qualifying nuclear facility to ensure the appropriate safeguards measures are applied.

There is currently no clear mechanism or timing in place for the ongoing submission of up-to-date stock lists of conditioned and retained waste to ONR. Operators are currently required to keep track of their conditioned and retained waste holdings under regulation 29 (requirements for keeping accounting records for conditioned and retained waste) for at least 5 years.

We are proposing a change to regulation 29(2), creating a new obligation requiring operators to submit the most recently updated stock lists of conditioned and retained waste to ONR within 30 days of receipt of a written request. This would improve the current waste monitoring approach, giving ONR (and the IAEA) improved oversight of conditioned and retained waste holdings.

Question 9: Do you agree with the proposed change to the waste reporting required of operators? Do you have any further comments?

Changes to exemptions

We propose a change is made to the exemption - regulation 32(1) - which currently provides that NSR19 requirements do not apply to persons who only hold end products used for non-nuclear purposes, and which incorporate qualifying nuclear material that is, in practice, irrecoverable.

This change would expand the regulation 32(1) exemption to make it available to those who hold both end products (which are exempt) and other material which is subject to safeguards.

For a person who held both end products (which are exempt) and other material (which is subject to safeguards), the regulation 32(1) exemption would only apply with respect to the end products. The person would still be subject to safeguards and NSR19 reporting requirements for the other qualifying nuclear material that they held.

For those who only hold end products, the effect of the regulation 32(1) exemption would remain unchanged.

Question 10: Do you agree with the proposed change to exemptions? Do you have any further comments?

Other proposed changes

Some of the changes are proposals to amend language and definitions used in NSR19 to align with the IAEA's 2022 Safeguards Glossary¹⁸, as detailed in Table 7. We have also taken the opportunity to improve consistency and clarity throughout NSR19 and address the comments made by the JCSI when the Fees Regulations were originally made.

Table 7

Regulation	Proposed change
NSR19: Regulation 2 Interpretation <ul style="list-style-type: none"> - Decommissioned - Retained waste - Waste 	<p>Change 'decommissioned' to 'decommissioned for safeguards purposes'; and amend the definition by adding, before the words 'residual structures', the words 'operations have been permanently stopped, the qualifying nuclear material has been removed and'.</p> <p>To align with the definition in the IAEA's 2022 Safeguards Glossary.</p> <p>Replace the definition of 'retained waste' with "‘retained waste’ means waste containing qualifying nuclear material which is generated from processing or from an operational accident, which the ONR is satisfied is irrecoverable for the time being, but which is stored;’"</p> <p>To align with the definition in the IAEA's 2022 Safeguards Glossary.</p> <p>Replace the definition of 'waste' with "‘waste’ refers to waste containing qualifying nuclear material, in concentrations or chemical forms which make the qualifying nuclear material no longer useable for any nuclear activity relevant for safeguards, or which has become practicably irrecoverable."</p> <p>To align with the definition in the IAEA's 2022 Safeguards Glossary.</p>
NSR19: Regulation 3(3) Declaration of basic technical characteristics	<p>Change 'inform' to 'declare'.</p> <p>This is to be consistent with the language used in regulation 3(2).</p>
NSR19: Regulation 4(3) Programme of activities	
NSR19: Regulation 6(1) Accountancy and control of qualifying nuclear material	<p>Change 'maintain' to 'establish and maintain'.</p> <p>To align with language used in regulation 7(4).</p>
NSR19:	Change 'operating data' to 'source data'.

¹⁸ <https://www.iaea.org/publications/15176/iaea-safeguards-glossary>

Regulation	Proposed change
<p>Regulation 10(1)(a) Operating records</p> <p>NSR19: Regulation 29(1)(b) Stock list and accounting records for conditioned and retained waste</p>	<p>To make clearer what data is to be used, and to align with the defined term in regulation 2.</p>
<p>NSR19: Regulation 30(1)(a) Transfers of conditioned waste</p>	<p>Change ‘inform’ to ‘declare’.</p> <p>This is to be consistent with the language used in regulation 3(2).</p>
<p>NSR19: Regulation 30(1)(a)-(b) Transfers of conditioned waste</p>	<p>Change current text to require that all transfers of conditioned waste both in and out of relevant qualifying nuclear facilities be declared to ONR on specified forms.</p> <p>30 - (1) An operator of a qualifying nuclear facility that is used to treat or store conditioned waste must declare to the ONR—(a) shipments or exports of conditioned waste from the qualifying nuclear facility, using the form set out in Part 9 of Schedule 1; and (b) receipts or imports of conditioned waste to the qualifying nuclear facility, using the form set out in Part 10 of Schedule 1.</p>
<p>NSR19: Regulation 35 Communication with the ONR</p>	<p>Add ‘, signed, dated’ before ‘and sent’, and remove 35(a).</p> <p>This is to make clear how any questionnaire, form or other communication should be transmitted to ONR and setting out that it must be signed and dated. Email is the default mode of communication, unless other arrangements are agreed. This is to better align with modern business practice.</p>
<p>NSR19: Regulation 46(2)(b) Form of notification</p>	<p>Change current text to reflect that the required information should be provided via an electronic communications network, to the address published on the website of the Department for Energy Security and Net Zero.</p> <p>This is to better align with modern business practice.</p>
<p>NSR19: Regulation 49 (definition of “equipment”); Schedule 1 Note 10 (IC codes – definition of “balance adjustment”) in Parts 2 (ICR) and 3 (MBR)</p>	<p>Replace ‘plants’ with ‘facilities’; and ‘plant operator’ with ‘facility operator’ to make the language consistent.</p>

Regulation	Proposed change
Schedule 2, paragraph (15)	Replace “type” of qualifying nuclear material with “category”. This is the result of concluding that “category” (which is a defined term in the Regulations) was more appropriate where “type” is used in the DIQs. This proposed change has come about to ensure consistency throughout NSR19.
Fees Regulations: Regulation 4 Regulation 3 supplementary provisions	Change ‘and must not exceed’ to ‘so as to recover’. This is to address the JCSI’s comment on the “unusual or unexpected use of the enabling power”, when the Fees Regulations were originally made ¹⁹ . The JCSI pointed out that the original drafting could result in a fee ranging from zero up to the full cost of performing the functions. Instead, the provision is drafted simply by reference to cost recovery.

Consequential amendments

Further amendments to some regulations are being suggested because of the proposed changes elsewhere, as detailed in Table 8. This also includes proposed amendments to Schedule 2 of the associated Fees Regulations²⁰ to reflect the proposed changes in NSR19.

Note charges will apply for new regulations added to this Schedule, and removed regulations will no longer incur charges. The proposed changes are:

Table 8

Regulation	Proposed change
NSR19: Regulation 2 Interpretation - Closed down - Conditioned waste - Qualifying nuclear facility with limited operation	In the definition of ‘closed down’ add ‘for safeguards purposes’ after ‘decommissioned’. This is a result of the change to the substitution of the term ‘decommissioned’ in regulation 2.
	In the definition of ‘conditioned waste’, after ‘waste’ add ‘containing qualifying nuclear material’. This is to be consistent with language used in the definition of ‘waste’.
	In the definition of ‘qualifying nuclear facility with limited operation’ replace the words in paragraph (b) after ‘a critical facility’ with ‘a conversion facility, a fabrication facility, a reprocessing facility, an isotopic enrichment facility, a spent fuel encapsulation facility nor a separate storage facility’.

¹⁹ [Twenty-Sixth Report of Session 2021–22 - Joint Committee on Statutory Instruments](#)

²⁰ <https://www.legislation.gov.uk/ukxi/2021/1406/contents/made>

Regulation	Proposed change
	This is a result of the proposed change to Schedule 1, Part 1, replacing the BTC questionnaires with the equivalent IAEA DIQs.
NSR19: Regulation 3, 5, 6, 8, 31, 39	<p>Change references to ‘basic technical characteristics’ to ‘design information’.</p> <p>This is a result of the proposed change to regulation 3 as set out in the regulations to be amended sub-section ‘Changes to Basic Technical Characteristics requirements’.</p>
NSR19: Regulation 8(1) Replacement, amendment and revocation of accountancy and control plan	Change ‘30 days’ to ‘15 days’. This is for consistency with the proposed change to regulation 3(3), reducing the number of days, within which operators must notify ONR, of changes in design information.
NSR19: Schedule 1, Part 2 Inventory Change Report, and Part 3 Material Balance Report (MBR), Explanatory Note 10 (Inventory Change Code)	<p>In the entry for “Transfer to retained waste” for the words from “has been transferred” to “could be retrieved” substitute “the ONR is satisfied is irrecoverable for the time being, but which is stored”. This is to align the explanation with the definition of “retained waste”.</p> <p>In the entry for “Termination of use” in the words before paragraph (i), for “considered as irrecoverable for practical or economic reasons” substitute “in concentrations or chemical forms which make the nuclear material no longer usable for any nuclear activity relevant for safeguards, or which is considered as practicably irrecoverable, and”. This is to align the explanation with the definition of “waste”.</p>
Fees Regulations, Schedule 2, Column 1: Regulation 3(2), (3), and (5): Declaration of basic technical characteristics	<p>Add reference to 3(A3) in column 1, and in both columns change ‘basic technical characteristics’ to ‘design information’, which are the result of the proposed changes in NSR19.</p> <p>Adding regulation 3(A3) would introduce new charges for operators to cover the cost of required ONR activities when design information is declared for the repurposing of a qualifying nuclear facility, as set out in the regulations to be amended sub-section ‘Changes to Basic Technical Characteristics requirements’.</p>
Fees Regulations, Schedule 2, Column 1 and Column 2: Regulation 5(1) and (2): Particular safeguard provisions	<p>Add reference to 5(5) and 5(7) in column 1, and in column 2 add:</p> <ul style="list-style-type: none"> • “and any amendment or withdrawal” after ‘qualifying nuclear facility’ • “, or any subsequent amendment or withdrawal,” after ‘notice of the particular safeguard provisions’ • “or (7)” after ‘5(2),

Regulation	Proposed change
	<p>which are the result of the proposed changes in NSR19.</p> <p>These additions would introduce new charges for operators to cover ONR activities resulting from amending or withdrawing a PSP, as proposed in the regulations to be amended, sub-section 'Changes to the Particular Safeguard Provisions'.</p>
Fees Regulations, Schedule 2, Column 2: Regulation 17(2) and (3): Unusual occurrences	Remove reference to "increase", which is a result of the proposed change in NSR19, as set out in the regulations to be amended sub-section 'Changes to special reporting requirements'.
Fees Regulations, Schedule 2, Column 1 and 2: Regulation 28(2): Ore shipment and export reports	Remove this row, which is a result of the proposed removal of regulation 28 from NSR19, as set out in the regulations proposed to be removed section.
Fees Regulations, Schedule 2, Column 1 and Column 2: Regulation 29 (4): Stock list and accounting records for conditioned and retained waste	<p>Add reference to 29(2) in column 1, and in column 2 add:</p> <ul style="list-style-type: none"> • "Request, receipt and consideration of stock lists of conditioned and retained waste." <p>These are the result of the proposed changes in NSR19. The addition of 29(2) would introduce new charges for operators to cover ONR activities related to the submission of the most recently updated stock lists of conditioned and retained waste, as set out in the regulations to be amended sub-section 'Changes to waste reporting'.</p>
Fees Regulations, Schedule 2, Column 2: Regulation 39(1), (2), (3) and (4): Inspections by the ONR	Change 'basic technical characteristics' to 'design information', which is a result of the proposed change in NSR19.

Question 11: Do you have any further comments to make about the proposed consequential amendments, and other changes for clarity and consistency purposes?

Transitional provisions

In general, the updated regulations will apply from the commencement date. However, the proposed changes to the requirements of NSR19, as set out in the Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations 202X, may be smoothed by transitional provisions. These may minimise the burden on operators and help them to better manage the necessary changes that may be required as part of the amendments.

In particular, operators of existing qualifying nuclear facilities might benefit from transitional arrangements in relation to the proposed changes to Schedule 1, Part 1. The proposal to use the UK Design Information Questionnaires (DIQ), instead of the Basic Technical Characteristics

(BTC) questionnaires, to provide ONR with design information, as outlined in the Changes to Basic Technical Characteristics requirements' section.

For example, for existing qualifying nuclear facilities in respect of which operators have previously submitted BTC questionnaires, there could be a period (for example, two years) in which to transition to the DIQ format. During that period, any updates to previously declared information would be provided using the DIQ. Any new or additional information required by the DIQ which had not previously been submitted would also be required at this time. At the end of the transition period, all existing facilities who had not yet submitted a DIQ would be required to do so. This would require additional changes to the draft regulations.

In the case of a new qualifying nuclear facility that comes into existence on or after the commencement date the changes to NSR19, the requirement to use the new DIQs could immediately apply.

Feedback is sought on potential transitional provisions in relation to the proposed changes to Schedule 1, Part 1 (Declaration of Design Information). As well as any other areas of the updated regulations that may benefit from transitional provisions, such as the changes to record retention, notification timings or waste reporting.

Question 12: Do you have any comments about or suggestions for transitional provisions that may be included in the amended regulations?

Question 13: Do you have any further comments to make on the regulations?

Public Sector Equality Duty

The Public Sector Equality Duty (PSED) is a legal obligation (Section 149 of the [Equality Act 2010](#) which requires public authorities, in exercising their functions, to take account of the need to eliminate conduct prohibited under the Act, advance equality of opportunity and foster good relations between people who share a relevant 'protected characteristic'.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race (includes ethnic or national origins, colour or nationality)
- religion or belief (includes lack of belief)
- sex
- sexual orientation
- marriage and civil partnership ((only applies to the first aspect of the PSED – eliminating unlawful conduct)

Question 14: Do you think the draft regulations could have equality impacts (positive or negative) on anyone, including those with protected characteristics under the relevant legislation? If so, please describe them.

Consultation questions

1. Do you agree with the proposed removal of the provisions outlined in Tables 1 and 2? Do you have any further comments?
2. Do you agree with the proposed changes to the Basic Technical Characteristics requirements? Do you have any further comments?
3. Do you agree with the proposed changes to the Particular Safeguard Provisions regulations, including making non-compliance with 5(3) an offence? Do you have any further comments?
4. Do you agree with the proposed change to the retention period for operating and accounting records, transport and temporary storage records and retained or conditioned waste records? Do you have any further comments?
5. Do you agree with the proposed changes to the provisions on accountancy and control systems and plans? Do you have any further comments?
6. Do you agree with the proposed changes to the regulations on special reporting requirements? Do you have any further comments?
7. Do you agree with the proposed change to weight units and categories of qualifying nuclear materials? Do you have any further comments?
8. Do you agree with the proposed changes to the notification timings required of operators? Do you have any further comments?
9. Do you agree with the proposed change to the waste reporting required of operators? Do you have any further comments?
10. Do you agree with the proposed change to exemptions? Do you have any further comments?
11. Do you have any further comments to make about the proposed consequential amendments, and other changes for clarity and consistency purposes?
12. Do you have any comments about or suggestions for transitional provisions that may be included in the amended regulations?
13. Do you have any further comments to make on the regulations?
14. Do you think the draft regulations could have equality impacts (positive or negative) on anyone, including those with protected characteristics under the relevant legislation? If so, please describe them.

Associated Documents

Text of Draft Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations 202X

This consultation is available from: www.gov.uk/government/consultations/nuclear-safeguards-eu-exit-regulations-2019-and-the-nuclear-safeguards-fees-regulations-2021-proposed-changes

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