



UK Government

# Nuclear Safeguards: Proposed amendments Nuclear Safeguards (EU Exit) Regulations 2019 and the Nuclear Safeguards (Fees) Regulations 2021

Summary of responses received and Government Response



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# 1. Introduction

Nuclear safeguards are a cornerstone of the global non-proliferation regime, ensuring that states meet their international legal obligations through verification and reporting processes and provide reassurance to the international community. Non-proliferation and safeguards support and underpin both the operations and international trade of a successful civil nuclear industry that is central to delivering clean power by 2030.

The UK is responsible for its own nuclear safeguards arrangements and has established a nuclear safeguards regime designed to ensure our international commitments on safeguards are fully and efficiently met. The Nuclear Safeguards (EU Exit) Regulations 2019<sup>1</sup> (NSR19) are a crucial component of the UK's legal framework for its nuclear safeguards regime. A statutory Post Implementation Review on NSR19<sup>2</sup> published in 2023 identified areas of the regulations that are working well, along with other areas that could be amended to improve the current nuclear safeguards regime. Recommendations from the review were translated into proposed amendments to NSR19.

The proposed changes have several purposes. These include the removal of regulations related to the transition from Euratom which are no longer applicable or do not apply to the UK context. They also seek to provide additional clarity on requirements for operators and greater alignment with the International Atomic Energy Agency to ensure the UK can meet our international obligations. This includes the move to the IAEA design information questionnaires which will achieve international harmonisation and streamline processes for collaboration with other countries. We have aimed to minimise operator requirements in line with recommendations in the final report from the Nuclear Regulatory Review 2025, and balance them against the changes required to bring greater efficiency to the whole process of safeguarding nuclear material.

A consultation sought views on the government's proposed amendments to NSR19 between 29 August and 24 October 2025. Additionally, views were sought on changes to the Nuclear Safeguards (Fees) Regulations 2021<sup>3</sup> ("Fees Regulations"), most of which follow from the proposed amendments to NSR19. This document summarises the feedback received and sets out the government's updated position on the proposals contained within the consultation on NSR19. Please note this document does not attempt to repeat the context and background for the proposals set out in the consultation document. The consultation document and government response should be read in conjunction.

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<sup>1</sup> [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#)

<sup>2</sup> [https://www.legislation.gov.uk/ukia/2023/188/pdfs/ukia\\_20230188\\_en.pdf](https://www.legislation.gov.uk/ukia/2023/188/pdfs/ukia_20230188_en.pdf)

<sup>3</sup> [The Nuclear Safeguards \(Fees\) Regulations 2021](#)

We thank all respondents to the consultation for sharing their views on the proposals, which we have carefully considered and respond to here. Following the consultation, the government has carefully re-considered its proposals in light of the feedback received and, where appropriate, has undertaken further policy development to address concerns raised whilst not compromising on the effectiveness of the proposed measures. Finalised amendments are detailed in this document, and a Statutory Instrument will be laid in Parliament to amend NSR19 and the Fees Regulations. The Government intends that they will come into effect from July 2026.

## Summary of responses

The consultation was published on GOV.UK and we received 13 responses, of which 4 were received via Citizen Space and 9 were submitted via email. The proposals were broadly supported by respondents.

### Consultation response by type or organisation

Respondent type	Number of responses
Site operators	8
Other	5

As respondents represented a range of interests and were not obligated to answer all questions when submitting a response to the consultation, some questions received more responses than others.

We appreciate the effort and time put into the views presented by the range of contributors. All the responses have been recorded and carefully considered. Please note that this document does not attempt to respond individually to every comment received during the consultation period but responds to the most significant issues that respondents raised, pertinent to the consultation topic.

## 2. Analysis of responses and government response to stakeholder feedback

### 2.1 Regulations proposed to be removed

#### Consultation position

The consultation proposed removing provisions related to the transition from the Euratom safeguards regime to the current UK safeguards regime that are no longer necessary. Additional removals were proposed to ensure that legislative provisions are in line with the UK's nuclear safeguards operational context.

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

#### Feedback to question 1

Eleven respondents provided views in response to question 1.

Of those respondents that gave an answer to this question, they were unanimous in their agreement to removing these regulations due to their no longer being relevant.

#### Government response

The government welcomes the support of respondents and will proceed with the proposed removal of all suggested provisions.

### 2.2 Changes to the Basic Technical Characteristics requirements

#### Consultation position

The consultation proposed changes to NSR19 related to the declaration of Basic Technical Characteristics (BTC) to align with international standards for the reporting of this information, in turn enabling enhanced international collaborations. These changes were:

- Replacement of BTC questionnaires with IAEA Design Information Questionnaires (DIQs).
- An adjusted time period for reporting design information changes to the Office for Nuclear Regulation (ONR) from 30 to 15 days.

- The addition of a new provision 3(A3) for requiring design information to be submitted to ONR at 3 set stages when a qualifying nuclear facility is repurposed, and requirement to amend Accountancy and Control Plans if relevant changes are made to design information notified under this new regulation. It was also proposed that non-compliance would be an offence.

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

### Feedback to question 2

Twelve respondents provided views in response to question 2. Within these were a variety of opinions regarding different aspects of the proposals.

Five respondents were in favour of the move from BTCs to DIQs, viewing this as offering greater consistency and alignment with international standards. There was a general consensus from operators that they would require a longer transition period than the 2 years suggested in the consultation to move from BTCs to DIQs. This was for a variety of reasons which included the need to update operator management systems, training packages and facility arrangements; the time burden for operators in transitioning to the new system; and differences in the information being requested. There was also specific concern regarding the DIQ included in the draft Regulations requiring additional information to the IAEA version, and the additional burden that would place on operators. Some operators also noted that there may be some confusion over the correct DIQ form to use and not all information requested is relevant to specific facility types.

Five were content with the proposed change from 30 days to 15 in declaring changes in design information to ONR, whilst respondents opposed to the proposals noted several different concerns including resource impacts and time required for internal approval and document management systems. Some operators challenged that not all new design changes will have long lead-in times that will allow completion of declarations to ONR within the proposed timeframe.

With regards to the new provision 3(A3), a number of respondents requested clarity on the definition of repurposing and flagged concern that non-compliance would be an offence.

### Government response

In order to align with international standards, the Government will proceed with the transition from BTCs to DIQs. This will contribute to international regulatory harmonisation in the longer-term as we look to the future development of advanced nuclear technologies. In addition, we have noted the concern regarding additional information requirements included in the draft Regulations accompanying the consultation and would like to reassure industry that only

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standard DIQ information will be required and the amended Regulations have been updated to reflect this. Regarding deciding the correct DIQ form to use and information required, we encourage operators and ONR to liaise throughout the process to agree the most appropriate template as done currently for BTCs. ONR have also advised that 'non-applicable' is an acceptable answer for information fields where relevant.

In recognition of the concerns raised by operators on the transition period offered for the move to DIQs, we undertook further engagement and policy development. In line with the preferences of those operators who accepted invitations for further discussion there will be a transition period, as provided for in the statutory instrument, structured as follows: for the first 12 months only BTCs will be accepted for the reporting of all design changes, apart from newly qualifying facilities which will be able to submit DIQs in the first 12 months to avoid duplication of effort. For the following 2 years, all design changes must be reported via DIQs. At the end of the 3-year period, all qualifying nuclear facilities that have not submitted a DIQ in the preceding 24 months must submit one to ONR. During the transition period, ONR encourage operators to share forward plans and draft DIQs with respective ONR inspectors to enable an iterative review process to ensure an efficient and smooth transition. IAEA guidance on design information is also readily available<sup>4</sup> and can be provided by ONR upon request.

On notification periods, we have noted the significant concern raised by operators regarding the proposed 15-day timeline to report to ONR safeguards significant changes to previously submitted design information following a change being made to the facility. As the UK must meet the 30-day timeline to meet our international obligations the proposed timeline will now be extended to 23 days for operators to submit new design information to ONR, in recognition of operator feedback. This will enable ONR to have one working week to review submitted documentation, operators to provide amendments when requested, and provide accurate and timely reporting to the IAEA and meet the UK's international obligations.

The Government recognises stakeholder feedback on the definition of 'repurposing' for the new 3(A3) provision and will now proceed in line with ONR's interpretation of 'repurposing' to mean the change in type of facility. We trust that this makes clear that repurposing does not mean making minor changes but rather, for example, a fuel fabrication facility changing to become a storage facility, or an existing storage facility being converted into a waste processing facility.

On the matter of non-compliance being an offence, we would like to make clear that ONR has a hierarchy of enforcement for non-compliance with NSR19 obligations, with prosecution being at the highest end. In the case of non-compliance, a number of escalatory stages would be progressed through, with prosecution only being used at the end of this process<sup>5</sup>. This is in alignment with all provisions under regulation 3 of the NSR19.

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<sup>4</sup> <https://elearning.iaea.org/m2/course/index.php?categoryid=293>

<sup>5</sup> onr-enf-pol-001-onr-enforcement-policy-statement-1.docx

## 2.3 Changes to the Particular Safeguard Provisions

### Consultation position

The consultation proposed changes to the Particular Safeguard Provisions (PSP) regulations to increase alignment with the UK's safeguards operational practices, facilitate effective use by ONR and operators, and clarify considerations for assessing whether a Particular Safeguard Provision (PSP) is required. These changes were:

- Replacing 'basic technical characteristics' with 'information' to ensure the appropriate PSP is in place.
- Relevant international agreements to be considered when applying a PSP and related obligations arising from these agreements be listed in potential PSP inclusions.
- ONR enabled to amend a PSP and provide written notice to the operator, with which they must comply.
- ONR enabled to withdraw a PSP when no longer appropriate or required.
- Non-compliance with following a PSP to become an offence, correcting an earlier oversight.

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

### Feedback to question 3

Twelve respondents provided views in response to question 3. Of these, 9 agreed, 2 disagreed and the other provided commentary.

Those in agreement welcomed the alignment with the UK's international obligations and the flexibility for ONR to amend or withdraw PSPs.

A common concern amongst respondents related to the implementation of PSPs without prior engagement between ONR and operators to assess the operator's ability to meet the demands of the PSP. Some operators were concerned that we proposed making non-compliance an offence and the implications of this. Some respondents highlighted a concern that the exact amount of the new charge for operators to cover ONR amending or withdrawing a PSP was not specified.

## Government response

The intent of a PSP is that it is a negotiated document that contains tailored facility specific rules for the implementation of nuclear material accountancy and control in a facility, taking into account any operational or technical constraints. They therefore allow international obligations to be met where there are requirements in the Facility Attachments (agreed between the IAEA and the State Regulatory Authority, ONR) which are targeted to the specific facility.

Whilst the current regulations provide for the use of PSPs, there is no provision for amending or revoking them, leaving the potential for unsuitable or unnecessary PSPs to remain in place.

Should ONR need to issue a PSP they would work with an operator to create a PSP which would be designed as a helpful compliance measure. Regarding concerns about ONR engagement prior to the imposition of a PSP, ONR will always need to engage with an operator during consideration of a PSP.

Regarding concern that failure to comply with a PSP is now an offence, as stated in the consultation document this amendment is to correct a previous oversight where the legislation did not meet the general principle whereby when a duty is imposed, a sanction is also required. We would like to reiterate what was said in the response to question 2, that ONR has a hierarchy of enforcement which it uses proportionately.

The Government response to concerns regarding new charges associated with the amendment listed in this section will be covered in section 2.11 'Consequential Amendments' as this is the section of the consultation which proposed changes to the Fees Regulations.

## 2.4 Change to the record retention period

### Consultation position

The consultation proposed an extension in the retention period for operating and accounting records, transport and temporary storage records and retained or conditioned waste records from 5 to 30 years for operators (including qualifying nuclear facilities with limited operation ("QNFLO")), to ensure a comprehensive data set if required for any issues.

As these records will be retained by operators, it was proposed that requirements for carriers and temporary storage agents remain unchanged to avoid adding unnecessary burden.

**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?**

## Feedback to question 4

Eleven respondents provided views in response to question 4. Of these, 7 agreed, 2 disagreed and 2 did not know/did not state an answer.

Several respondents raised concerns about how they should manage records which no longer exist/have been destroyed due to the amount of time that has passed since they were created, given the significant increase from 5 to 30 years.

One operator pointed out that the proposed change refers to regulation 6(4), which refers to information specified in regulation 2(a) which states “the operating and accounting records required by regulations 10 and 11”. Regulation 10 has seven record types to retain, some of which (10(1)(e)) are over and above what the question asks for. They recommend references to regulation 10 being clarified or removed to resolve this issue.

One other noted that the rationale for this change is to bring the regulation in line with the site licence condition 6.2 and that this assumes qualifying nuclear facilities with limited operation (QNFLO) have site licences, which is not the case. Clarity is therefore needed for these to ensure there is no disproportionate burden placed upon them.

## Government response

The Government plans to proceed with an amended version of these changes. We have noted the concerns regarding backdated records and wish to clarify that the amendment applies to records in existence when the Regulations come into force and there is no expectation for the records that have been deleted to be retrieved. We will therefore amend the transitional provision in paragraph 8 of Schedule 4 of the Regulations to provide that the duty to retain records will only apply to any records still retained immediately before the Nuclear Safeguards (EU Exit and Fees) (Amendment) Regulations [2026] come into force.

To note, we have not expanded the scope of records that must be retained, but only the time period.

As per regulation 31, QNFLO are not currently exempt from the requirements of this regulation (29). It is unlikely they would have Qualifying Nuclear Material (QNM) in a separate retained waste account and by the nature of the facility would most likely just account for all QNM that they hold on the main account.

## 2.5 Changes to the provisions on accountancy and control systems, and plans

### Consultation position

The consultation proposed additions to the Components of an Accountancy and Control System to provide greater clarity on components considered necessary for an accountancy

Nuclear Safeguards: Government Response to consultation on proposed changes to the Nuclear Safeguards (EU Exit) Regulations 2019 and the Nuclear Safeguards (Fees) Regulations 2021 and control system to meet NSR19 obligations. The additions would also ensure consistency with other related Accountancy and Control Plan regulations.

**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?**

## Feedback to question 5

Twelve respondents provided views in response to question 5. Of these, 5 agreed, 4 disagreed and another 3 gave commentary.

Several operators noted a concern that the wording “adequate number of staff” was not prescriptive enough. They were therefore concerned with adequately fulfilling this requirement.

The mention of security within the proposed additions to Schedule 2 was also raised a number of times, with operators stating that security is a separate area covered by other ONR disciplines and should not be included on this list.

## Government response

It is a standard and accepted notion in the areas of nuclear safety and security that operators are best placed to assess the adequate number of staff required to fulfil their obligations. The same approach is being utilised here for safeguards: ONR will not prescribe the appropriate number of staff, but rather will use an outcomes-based approach with the number of qualified staff required to meet obligations being decided by operators. This gives operators greater autonomy in deciding how best to fulfil their obligations.

One respondent questioned whether a transition period would be allowed for this change. Given that the amendments are to align with other Accountancy and Control Plan regulations and there are no additional obligations being imposed, a transition period is considered unnecessary.

We accept the comment that security is already covered by other disciplines, and the importance of maintaining the delineation between those disciplines. We will therefore make a change to Schedule 2 – list of components includes security – and remove the reference to security whilst maintaining the reference to resilience. The Government will proceed with the proposed amendments and incorporate this change.

## 2.6 Changes to regulations on special reporting requirements

### Consultation position

The consultation proposes to remove the requirement for operators to send a special report to ONR in the case of an unexpected increase in QNM, removing the duplication of requirements on operators as accidental gains remain reportable via the ONR Incident Notification Profess.

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

Feedback to question 6

Eleven respondents provided views in response to question 6. Of these, 10 agreed and 1 disagreed.

Those who agreed felt that the proposed changes to reporting accidental gains were pragmatic and proportionate. There was a request for clarity around INF1 reporting from 2 respondents, as the reporting of unexpected gains is required in this process.

Government response

By removing the legal requirement for operators to report accidental gains, we are aligning the legislation with the requirements of the IAEA. As regards the INF1 reporting requirements, the removal of this legal requirement from the regulations is not related to the requirements of the domestic regulator.

## 2.7 Changes to weight units and categories of qualifying nuclear material

Consultation position

To ensure consistency and alignment with the UK's safeguards agreements, it was proposed to clarify the QNM weight units to grams to a maximum of 3 decimal places. The consultation also proposed disapplying regulation 20(1) if the DIQ specifies a different unit of measurement and design information declarations under NSR19 are not subject to the notification rules in paragraph 3.

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

Feedback to question 7

Eleven respondents provided views in response to question 7. Of these, 7 agreed with the proposed amendments, 1 disagreed and 3 added commentary.

There were 3 mentions of greater clarity on decimal places and rounding errors. One operator wanted to confirm that, should a different unit be required by a DIQ or elsewhere, the number of decimal places required to be reported will also be specified. One operator suggested that the legislation should specify whether rounding should be done before or after summing, to avoid inconsistencies between operators. Another queried whether this will require a change to

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accountancy systems, with the costs and testing that would entail. They also suggested the proposed change to decimal places could lead to inconsistencies between source data and accounting entries.

## Government response

This amendment is to provide a clearer position to the operator that for nuclear material accounting purposes, all weights are expected to be reported in grams and weights can be reported up to a maximum of 3 decimal places. This is not changing the requirement and is fully in line with our Voluntary Offer Agreement (VOA) requirements under Code 10 of the subsidiary arrangements. All reporting should be in the unit of grams and can be reported up to a maximum of three decimal places.

In places, the DIQ occasionally asks for quantities in different units e.g. kilograms or tonnes, but that does not impact on nuclear material accountancy declarations. There should be no changes needed to nuclear material accounting systems as the requirements have not changed. Parts 2, 3, and 4 of Schedule 1 already limit reporting to 3 decimal places and, typically, it is good practice to round after summing actual values.

## 2.8 Changes to notification timings

### Consultation position

The consultation proposed a number of adjustments to the notification timings required of operators to ensure sufficient time for assessment and assurance tasks to be undertaken by ONR in meeting UK obligations:

- For exports, increasing the number of days for advanced notification to ONR to 'at least 15 days' from 'at least 7 days' before the qualifying nuclear material is packed
- For imports, increasing the number of days for advanced notification to ONR to 'at least 9 days' from 'at least 4 days' on which the qualifying nuclear material is unpacked
- Reduce the number of days to notify ONR of a BTC change for a QNFLO to 15 days from 30 days
- Increase the number of days from 5 to 28 for notifications related to regulations 46(1)(a) concerning (a) the receipt of a relevant item or QNM in respect to which the Secretary of State has issued advice under regulation 44 and (b) the production, processing, derivation or fabrication of a relevant item from another relevant item or from relevant QNM.
- Increase the number of days to at least 32 days (before the proposed date of transfer) from at least 30 days for notifications related to regulations 46(1)(b) about proposed transfer of a relevant item by an operator or other person.

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

**Feedback to question 8**

Eleven respondents provided views in response to question 8. Of these, 5 agreed with the proposals, and 7 disagreed.

The principal point of contention with those who disagreed with the proposals was the change in the number of days operators have to report to ONR – an increase from at least 7 to at least 15 for exports; an increase from at least 4 to at least 9 for imports, and a reduction from 30 days to 15 for reporting a change to the BTC of qualifying nuclear facilities with limited operations. Several operators were unhappy with the proposed changes changing the number of days operators have to notify ONR would be a challenge for them and did not understand why ONR needed more time to report the information to the International Atomic Energy Agency (IAEA).

No issues were raised with proposals extending notification timelines for operators under 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.

**Government response**

The current notification timings for imports and exports do not allow ONR sufficient time to verify and/or query operator returns. The updated timings will give ONR at least one working day on top of the international obligation: NSR19 currently states that ONR must be notified of exports 7 days before the nuclear material is packed for shipment but the Voluntary Offer Agreement requires at least 10 days before leaving the last facility, leaving inadequate time to verify data, resolve any arising queries and submit the finalised data to the IAEA. Similarly, the UK must meet its international obligation in reporting the import of nuclear material at least 2 days before it is unpacked, with the current timeline leaving inadequate time for verification activities and resolving of issues. In addition, timelines must also factor in that the IAEA also retains the right to complete physical checks.

After consideration of the feedback from operators, we have amended the timings to:

- For exports, increasing the number of days for advanced notification to ONR to ‘at least 13 days’ from ‘at least 7 days’ before the qualifying nuclear material is packed
- For imports, increasing the number of days for advanced notification to ONR to ‘at least 7 days’ from ‘at least 4 days’ on which the qualifying nuclear material is unpacked

We recommend that operators engage with ONR as early as possible on exceptional occasions where the new timelines may not be met to enable collaboration on how to proceed.

With regards to the time period for reporting a change for QNFLOs, the proposed timeline of 15 days is now confirmed as 23 days. To avoid repetition, please see Question 2 in this document for the Government response to concerns raised regarding the proposed 15-day time period.

The amendments extending timelines under Part 13, regulation 46(1)(a) and (b) for operators received no challenge and as such will be implemented as proposed.

## 2.9 Changes to waste reporting

The consultation proposed a new obligation where within 30 days of receipt of a written request from ONR, an operator is required to submit the most recently updated stock lists of conditioned and retained waste.

**Question 9: 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?**

### Feedback to question 9

Eleven respondents provided views in response to question 9. Of these, 8 respondents agreed with the proposals, 1 disagreed and 2 did not know.

Issues were raised concerning details of the reporting such as confirming whether the list requested would be from the previous 31 March and not from the date of the request, and that the latter could contain estimates. The likely frequency of reporting requests was raised, as well as the format, given that this will be determined by the system each operator currently uses. Clarity was sought on what will be considered retained waste versus conditioned waste for final disposal facilities. In addition, the issue of conditioned waste being potentially stored for more than 30 years was raised, and whether increasing the period of time to maintain records to 30 years would therefore be adequate.

### Government response

The proposed changes to the regulation on stock records are intended to provide clarity on expectations, not to introduce additional requirements. The principle is that operators are already obligated to update stock lists on an annual basis on the date of the first physical inventory taking and the amendment only provides clarity on the time period within which this stock list must be provided to ONR should it be requested, i.e. within 30 days of the receipt of a written request from ONR. ONR could potentially request stock lists for checking against operator declared nuclear material accounting reports – the amount of conditioned and retained waste both on the nuclear material account and in the stocklist should be the same. Frequency of requests is driven by the alignment between the nuclear material account and stock lists, with lower frequency expected where alignment is clearly established.

## 2.10 Changes to exemptions

### Consultation position

The consultation proposed expanding the exemption from NSR19 requirements of persons who only hold end products for non-nuclear purposes and which incorporate QNM that is, in practice, irrecoverable to include those who hold both end products (which are exempt) and other material subject to safeguards. This exemption would only apply with respect to the end products and related requirements remain in place for other QNM held.

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

#### Feedback to question 10

Eleven respondents provided views in response to question 10, all in agreement with the proposed changes.

Two operators wanted further clarification of ‘qualifying nuclear material that is, in practice, irrecoverable’. Specifically, one said further discussion was needed on final radioactive waste disposal facilities and the application of safeguards arrangements to this. In addition, one other had a concern about determining when material enters this category saying that many operators use end products for nuclear purposes.

#### Government response

The full relevant text here states that “the requirements of these Regulations do not apply to a person who holds only end products which are used for non-nuclear purposes and which incorporate qualifying nuclear material that is, in practice, irrecoverable”. This amendment is very specific, for example for the use of uranium counterweights in the air industry.

This is a requirement under Article 13 of our VOA and only applies to non-nuclear use. If the products are to be used for nuclear purposes, then there is no exemption from the IAEA safeguards system.

For the definition of ‘irrecoverable for the time being’ and the potential for operator and ONR interpretation to differ, ‘irrecoverable for the time being’ is a justified assessment to be made by the operator, with termination of safeguards requiring ONR and IAEA agreement. ‘Time being’ is an IAEA term designed to recognise that scientific advancements in the future may render material previously viewed as irrecoverable (due to time, cost, effort, lack of technology) now recoverable. By its nature, this time period cannot be defined.

## 2.11 Consequential amendments and changes for clarity and consistency

### Consultation position

Further amendments were required elsewhere in both NSR19 and Schedule 2 of the associated Fees Regulations<sup>6</sup> as a consequence of amendments proposed in questions 1 to 10. Additional amendments were also proposed in the interest of clarity and consistency, including to amend language and definitions used in NSR19 to align with the IAEA's 2022 Safeguards Glossary<sup>7</sup>, to improve consistency and clarity throughout NSR19, and address the comments made by the Joint Committee on Statutory Instruments (JCSI) when the Fees Regulations were originally made.

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

#### Feedback to question 11

Nine respondents provided views in response to question 11, raising a variety of issues.

Some respondents included comments that had been submitted in response to other questions and their associated proposed amendments.

Some respondents noted concern regarding the adjusted timeline to 15 days from 30 days for the replacement, amendment and revocation of accountancy and control plan (Regulation 8 (1)), matching concerns with the same adjusted timeline for the provision of design information.

A number of respondents noted concern regarding new charges for operators to cover the cost of required ONR activities related to the amendment and withdrawal of PSPs (see section 2.3); the addition of regulation 3(A3) (see section 2.2); and the submission of the most recently updated stock lists of conditioned and retained waste (see section 2.9).

In addition, some respondents sought further clarification of definitions.

### Government response

In the interest of avoiding repetition, we will not address points raised in answer to this question that were also raised in response to other questions specific to those amendments.

The Government has decided that the adjusted timeline for accountancy and control plans will now be 23 days for submission of information to ONR, matching the revised timeline for

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<sup>6</sup> <https://www.legislation.gov.uk/ukxi/2021/1406/contents/made>

<sup>7</sup> <https://www.iaea.org/publications/15176/iaea-safeguards-glossary>

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BTCs/DIQs as discussed and responded to in Question 2. This will ensure that the timelines match, as per our original intention.

Government acknowledges the concerns expressed by operators regarding the new charges for the ONR activities associated with the NSR19 amendments above. ONR, as the UK's independent nuclear regulator, is committed to delivering value for money and striving for efficiency, as for all safeguards-related activities for which charges are applied. These amendments with consequential changes to charges (reporting of change in facility type; amendment/withdrawal of PSPs; and submission of stock lists once alignment with nuclear material accounts is clearly established) are expected to be occasional rather than frequent and so charges would be minimal. As such, the Government will proceed with these amendments to the Fees Regulations. A statutory Post Implementation Review of the Fees Regulations will be undertaken during 2026 and all stakeholders will be invited to contribute in due course.

Where respondents have asked what the changes to definitions are enabling, we would like to offer assurance that these changes are to ensure alignment with the terms and definitions as used by the IAEA and to enable international harmonisation. We encourage operators with questions specific to their facilities to engage with ONR where appropriate.

The definition of 'permanently stopped' refers to a closed down facility when operations have been permanently stopped and the nuclear material (including any retained waste) has been removed but the installation has not yet been decommissioned for safeguards purposes. This is a deliberate decision to stop operations as declared within the BTC/DIQ permanently. This is linked to the IAEA differentiation between a 'closed down' facility where operations have permanently stopped and all nuclear material has been removed, and a 'shut down' facility, where operations have stopped but the facility still contains qualifying nuclear material and could be restarted in a short time.

'Decommissioned for safeguards purposes' is defined in the IAEA Safeguards Glossary.<sup>8</sup> This definition not only requires the removal of QNM, but also the residual structures and equipment essential for use of the facility or location outside facilities (LOF) to have been removed or rendered inoperable. Regarding activities deemed 'relevant for safeguards', Article 13 of the UK's VOA<sup>9</sup> sets out that the circumstances for using material for non-nuclear activities under safeguards should be agreed with the IAEA.

After consideration of the feedback, we have further amended the definition of 'retained waste' proposed in the consultation. We have removed the words "the ONR is satisfied" in reference to material being irrecoverable, to better reflect the fact that operators make this judgement themselves. The rest of the changes to the definition are to align with the internationally recognised definition.

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<sup>8</sup> [https://www-pub.iaea.org/MTCD/Publications/PDF/PUB2003\\_web.pdf](https://www-pub.iaea.org/MTCD/Publications/PDF/PUB2003_web.pdf)

<sup>9</sup>

[https://assets.publishing.service.gov.uk/media/66c4a6fed10184fe9b13e44f/TS\\_56.2024\\_UK\\_IAEA\\_Agreement\\_Application\\_Safeguards\\_Non-Proliferation\\_Nuclear\\_Weapons.pdf](https://assets.publishing.service.gov.uk/media/66c4a6fed10184fe9b13e44f/TS_56.2024_UK_IAEA_Agreement_Application_Safeguards_Non-Proliferation_Nuclear_Weapons.pdf)

Nuclear material accountancy and control means that the quantity of qualifying nuclear material assigned to retained waste must be known. The waste should still be transferred to a specific area of the Material Balance Area where it can be retrieved. Principles of Safeguards are that material is controlled i.e. an expectation that the location of material in a facility is known. Hold-up in process lines does not mean it is retained waste – it is still process material that will be recovered either through cleaning cycles or during post-operational cleanout/decommissioning activities.

## 2.12 Transitional provisions

### Consultation position

The consultation proposed that the updated regulations would apply for most changes from the date the amendments come into force. However, in order to minimise burden on operators and assist in management of the necessary changes, transitional provisions were suggested for the move from BTCs to DIQs.

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

### Feedback to question 12

Ten respondents provided views in response to question 12, of which 9 were commentary and 1 was simply to agree.

Respondents were supportive of a transition period for moving from BTCs to DIQs, with some supporting the proposed 2 years, and others suggesting 3 would be more realistic. One operator expressed concerns about the volume of forms they had to transition into the new system, that the new format would require information to be collated from outside their usual safeguards remit, and requested that operators and ONR agree on key documents to be changed.

### Government response

As detailed in section 2.2 in this document, we have carefully considered the feedback on the transition period for the move to DIQs and to avoid repetition please refer to Section 2.2 for details.

The Government believes that all other amendments are able to be addressed without need for a formal transition period as they are adjustments to current processes.

## 2.13 Further comments

### Consultation position

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

Nine respondents provided views in response to question 13.

Some respondents included comments that had been submitted in response to other questions and their associated proposed amendments.

Some respondents suggested amendments on topics unrelated to those proposed in the consultation such as noting that the move to DIQs was not widely communicated before the consultation, or requesting a longer transition period or longer, more in-depth consultation. Another operator emphasised the anticipated impact of the amendments on their workloads as staff need to be trained, and felt that the government had not given the cumulative effects of these proposals adequate attention.

ONR suggested the following two corrections to ensure that the legislative provisions are suitable for the UK operating context and accurately record field codes. In Schedule 1, Part 2, references to 'RD' (receipt, domestic) and 'SD' (shipment, domestic) in the entry for 'Advance notification' only should be removed as these are no longer required since the transition from the Euratom safeguards regime. ONR also proposed an update to Schedule 1 Part 2, paragraph 35 to ensure accurate referencing to other appropriate paragraphs to support accurate corrections to nuclear material accounts when delete, add or late lines are used in inventory change reports. ONR also suggested other additions to the regulations.

### Government response

In the interest of avoiding repetition, we will not address points raised in answer to this question that were also raised in response to other questions specific to those amendments.

We thank respondents who proposed additional amendments, but having given careful consideration to the proposals, we have decided not to take any of them forward. We have noted these views for the next Post Implementation Review of NSR19 which is due in 2028 and stakeholders will have multiple opportunities during that process to share opinions on the full scope of NSR19 and its implementation. Anonymised feedback will be shared with ONR.

We acknowledge that the move from BTCs to DIQs could have been communicated more in advance, although we do note that the continued use of BTCs post-EU Exit was only a temporary measure. We consider that the increase to the transition period from 2 to 3 years assists the move across to the new system.

We advise all operators to consult with ONR on all technical questions related specifically to their facility.

In the interest of accuracy, the Government will implement the two corrections suggested by ONR. Other suggestions from ONR for amendments will be noted and reviewed as part of the next Post Implementation Review.

## 2.14 Equality Impacts

The consultation sought views on the potential equality impacts (positive or negative) on anyone, including those with protected characteristics under the relevant legislation. Respondents did not raise any concerns. We also considered the Public Sector Equality Duty (PSED, or “the duty”), which applies in Great Britain (England, Scotland and Wales), and requires public authorities to have due regard to certain equality considerations when exercising their functions, like making decisions. Based on these, we do not believe there will be any equalities impacts arising from these amendments.

## Next steps for Government

The updated draft regulations will be submitted to the Parliamentary Business and Legislation Committee and the Joint Committee on Statutory Instruments where they will be scrutinised ahead of being laid before Parliament in spring 2026.

The next Post Implementation Review is due for completion in 2028. This will examine issues raised but beyond the scope of the 2023 PIR which could have significant impacts on operators and/or ONR; or needed substantial work to be undertaken to ensure the desired outcome would be achieved such as in the matter of regulation of pool accountancy or waste. Therefore, we will work with ONR and operators in the development of these proposals.

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