

ENERGY ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Nuclear Regulation

Chapter 1: The ONR's purposes

Section 70: Nuclear security purposes

358. This section sets out the ONR's nuclear security purposes. Key areas which these purposes cover include ensuring the security of nuclear premises and of nuclear materials and certain software or equipment stored or used at such premises (see *subsections (1)(a) and (b)*). These purposes apply to civil nuclear premises only, so do not relate to premises which are controlled or operated wholly or mainly for the purposes of the department of the Secretary of State for Defence or to transports of nuclear material for the purposes of that department.
359. Civil nuclear premises are civil nuclear sites or premises where nuclear material is used or stored (see the definition of "civil nuclear premises" in *subsection (3)*). "Nuclear material" is defined in *subsection (3)* of this section as any fissile material in the form of a uranium or plutonium metal, alloy or compound. However, this definition of "nuclear material" can be added to by regulations made by the Secretary of State under the definition of nuclear material in *subsection (3)*. Therefore, the security purposes of the ONR in this respect are not fixed but can be expanded to cover other materials that need protection from a security perspective.
360. The nuclear security purposes also include the purpose of ensuring the security of "civil nuclear construction sites" and of nuclear material which is being transported, or expected to be transported, anywhere within the United Kingdom (including its territorial waters), to or from civil nuclear premises in the United Kingdom, or on ships registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 operating anywhere in the world (see *subsections (1)(d) and (g) and subsection (3)*). The definition of "civil nuclear construction site" is to be found in *subsection (3)* of this section. It includes the purpose of ensuring the security of civil nuclear sites under construction which are located within 5km of an existing nuclear site. The intention here is to capture within the ONR's purview regulatory responsibility for security sites which are in the vicinity of an existing nuclear site. This includes the eight sites which have been identified for possible nuclear new build in the *National Policy Statement for Nuclear Power Generation*. This purpose also extends to the ONR having responsibility for ensuring the security of "sensitive nuclear information" (as defined in *subsection (3)*).