



MINISTRY OF DEFENCE

Daniel Applegate
Director

Defence Safety and Environment Authority

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Reference:

DSEA-CPA-04-03

DA-02-12

Date

14 February 2012

DELEGATION OF AUTHORITY AND RESPONSIBILITY – HEAD OF THE DEFENCE NUCLEAR SAFETY REGULATOR

Reference : D/VCDS&2nd PUS/3/3/16 dated 8 Feb 2012

1. As Director of the Defence Environment and Safety Authority (DSEA), I have principal responsibility within Defence for safety and environmental protection policy, standards and regulation outside aviation. Under the authority given to me by 2nd PUS at Reference, I hereby appoint you as the Defence Nuclear Safety Regulator, and I define your authority and responsibilities in this Letter of Delegation¹.

2. SofS's Policy Statement requires that "where there are exemptions or derogations from either domestic or international law applicable to Defence, we introduce standards and management arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by legislation"; this requirement applies to the regulation of safety and environmental protection. You are to regulate nuclear and radiological safety and environmental protection in Defence Nuclear Programmes (DNP)², focussing predominantly on activities which are beyond the remit of statutory regulators. You are to maintain a regulatory regime aligned as closely as reasonably practicable with that required by UK legislation. You have the ultimate authority to make regulatory decisions including the giving or withholding of permission for activities in the DNP which may present nuclear or radiological risk to the workforce, the public or the environment.

¹ I will provide a separate Letter of Delegation for business matters.

² The DNP is conducted worldwide by Navy Command and Defence Equipment & Support TLBs and Defence contractors employing military, MOD civilian or contractors' personnel. The DNP uses significant items of Defence equipment, the design of which is within the scope of regulation. In general, it is not expected that hazards associated with enemy or hostile action are to be scoped within the safety and environmental protection regime.

3. Your specific responsibilities with respect to the DNP are set out at **Annex**.
4. Operating as one of a federated grouping of regulators within the DSEA you are to be guided by the general direction and objectives set by me as DSEA Director. You are to ensure that the resources placed at your disposal are used to deliver optimal regulatory outcomes. You are to identify and bring to my attention any circumstances which prevent you from satisfactorily resolving any potential constraint on your ability to discharge your duties under these delegations, or where safety or environmental protection is significantly threatened by inadequate resources (human or financial); this is to include your own resources for discharging your regulatory responsibilities.
5. You may delegate your authority personally, and in writing, to competent individuals within your own organisation. Please send me copies of any letters of delegation you issue.
6. Please acknowledge receipt of this letter, confirming that you understand and accept the extent and terms of your delegated authority.

DANIEL APPLGATE

Director Defence Safety and Environment Authority

Annex:
DSEA regulatory responsibilities

Copies to:
REDACTED Section 40
REDACTED Section 40
REDACTED Section 40
REDACTED Section 40

DSEA regulatory responsibilities

Within their delegated area of responsibility, each DSEA regulator is to:

- a. understand and, where appropriate, influence safety and environmental protection legislation and statutory regulatory regimes where relevant to DSEA's remit; examine emerging proposals relevant to Defence, assess their impact and consider the need for and where necessary apply for Defence exemptions;
- b. understand and, where appropriate, influence Departmental policy which may affect safety and environmental protection, including the SofS's Policy Statement;
- c. develop and promulgate safety and environmental protection regulatory regimes for Defence activities on a domain basis; where practicable, each regime should maximise coherence with its statutory equivalent (or near-equivalent) and with other MOD regulatory regimes (including those of the MAA);
- d. maintain and implement processes, consistent with the regulatory regime, to inspect and audit Defence activities for compliance with regulatory policies, requirements and standards;
- e. maintain and implement processes, consistent with the regulatory regime, to certify, license, authorise, approve, agree and/or permission Defence activities; where appropriate, MOD regulatory permission is to be necessary prior to conducting a Defence activity. If such permission is withheld or withdrawn, the activity is to cease where this is provided for in the regulatory regime;
- f. maintain and implement processes, consistent with the regulatory regime, to enforce MOD regulatory policies, requirements and standards; the imposition of significant sanctions is to be reported to Director DSEA, 2nd PUS and, where appropriate, SofS;
- g. maintain and implement processes, consistent with the regulatory regime, to investigate any incident or emergency occurring during the conduct of Defence activities;
- h. develop and promulgate guidance to those conducting Defence activities to facilitate their compliance with legislation, statutory and MOD regulatory policies, requirements and standards;
- i. promote and foster appropriate culture and continuous improvement in safety and environmental protection by those conducting Defence activities;

- j. contribute to the production of an annual DSEA report to 2nd PUS which includes: a summary of safety and environmental protection performance within DSEA's remit (scrutinising duty-holders' assurance reports as necessary), the identification of issues (with associated regulatory risk) and an account of the health of MOD regulation; based on this, 2nd PUS will report to the Defence Board, the Defence Audit Committee and SofS;
- k. notwithstanding the annual report, alert Director DSEA if any serious issue threatens safety or environmental protection within DSEA's remit;
- l. promote and foster peer relationships with relevant statutory regulators and Government departments; establish liaison arrangements; where appropriate, develop and maintain joint regulatory regimes to secure complete regulation of Defence activities;
- m. promote and foster peer relationships with relevant foreign regulatory authorities or Government agencies.