

## **AGREEMENT UNDER SECTION 90(1) of the Energy Act 2013**

This Agreement is made between the Secretary of State for Transport (“the Secretary of State”) and the Office for Nuclear Regulation (“the ONR”) under section 90(1) of the Energy Act 2013. It relates to functions that ONR agrees to perform on behalf of the Secretary of State being functions that in the opinion of the Secretary of State can appropriately be performed by the ONR.

### **IT IS AGREED THAT:**

1. Subject to paragraphs 2 and 3, ONR shall perform the functions set out in Schedule 1 and Schedule 2 on behalf of the Secretary of State.
2. Nothing in this Agreement shall prevent the Secretary of State from carrying out any of the functions set out in Schedule 1 and Schedule 2. The Secretary of State shall, where practicable, give notice to ONR that he or she intends to exercise the relevant function.
3. This Agreement comes into effect on 03 November 2023. It will terminate on the expiry of three months written notice of termination given by either party to the Agreement to the other party.

Signed by:

Date: 03 November 2023



Katy Ware, Director, UK Maritime Services

A person duly authorised to sign on behalf of the Maritime and Coastguard Agency

Signed by:

Date: 03 November 2023



Mark McAllister, Chair of the Office for Nuclear Regulation

A person duly authorised to sign on behalf of the Office for Nuclear Regulation

## SCHEDULE 1

### FUNCTIONS TO BE PERFORMED BY THE ONR ON BEHALF OF THE SECRETARY OF STATE

The International Maritime Dangerous Goods Code (“the IMDG Code”) is published by the International Maritime Organisation. The latest edition, published in 2020, incorporates Amendment 40-20 and is mandatory for operations from 1 June 2022<sup>1</sup>.

The IMDG Code includes obligations related to the transport by sea of class 7 goods<sup>2</sup> to be discharged by the competent authority. The competent authority of the United Kingdom for the purposes of the obligations of the IMDG Code related to the transport of dangerous goods by sea is, by virtue of Merchant Shipping Act 1995, the Secretary of State.

The functions of the Secretary of State as Competent Authority set out below are, in so far as they relate to the transport by sea of class 7 goods, to be performed by the ONR.

For the purposes of this Agreement, a reference to a provision of the 2020 edition of the IMDG Code shall be deemed to be a reference to the corresponding provision in any subsequent edition of the IMDG Code.

<i>Provision of the 2020 Edition of the IMDG Code</i>	<i>Function(s) of the Competent Authority to be exercised by the ONR</i>
<i>PART 1</i>	
1.2.1 (definition of “confinement system”)	Agreement of the means of assembly of fissile material and packaging components specified by the designer as intended to preserve criticality safety.
1.5.2.3	Inspection of Radiation Protection Programme documentation.
1.5.3	All functions of the Secretary of State as the Competent Authority.
1.5.4	Approval of applications for special arrangement approval.
1.5.6	Receipt of notifications of non-compliance.
<i>PART 2</i>	
2.7.2.2.2	Multilateral approval of basic radionuclide values referred to in 2.7.2.2.1 for individual radionuclides not listed in Table 2.7.2.2.1.
2.7.2.3.3	Unilateral approval of Special Form radioactive material.

<sup>1</sup> Compliance with the IMDG Code is required on United Kingdom ships wherever they may be and on other ships while they are in United Kingdom waters by the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997. The IMDG Code is reviewed and amended on a two-year cycle and the regulations are supplemented by Merchant Shipping Notices which keep them in step with the current mandatory edition of the IMDG Code.

<sup>2</sup> For the purposes of this Agreement, Class 7 goods has the meaning given by the IMDG Code

	<p>Definition of acceptable acceptance threshold in relation to leakage rates for sealed sources.</p> <p>Confirmation of which tests in ISO 9978:1992 relating to alternative volumetric leakage assessment are acceptable.</p>
2.7.2.3.4	Multilateral approval of the design for low dispersible radioactive material.
<i>PART 4</i>	
4.1.9.1.8.2	Issuing unilateral approval of an exemption from the requirement to hold Type B(U); Type B(M); and Type C packages until equilibrium conditions have been approached closely enough to demonstrate compliance with temperature and pressure
4.2.1.16.2	Approval of other value for the degree of filling of portable tanks.
<i>PART 5</i>	
5.1.5.1.2	Authorisation of transport into or through UK where shipment approval is not already authorised by a specific provision in a package design approval
5.1.5.1.3	Approval of provisions under which a consignment may be transported under special arrangement
5.1.5.1.4.1	Receipt of copies of certificates prior to the first shipment of any package requiring competent authority approval.
5.1.5.1.4.2	Receipt of notification of shipments of Type C and Type B(U) packages with an activity of greater than 3000 A1 or A2 (as appropriate) or 1000 TBq (whichever is the lower); Type B(M) packages; and shipments under special arrangement.
5.1.5.2.1	All functions of the Secretary of State as Competent Authority.
<i>PART 6</i>	
6.4.6.4	Approval to transport packages designed to carry 0.1kg or more of uranium hexafluoride and meeting specified conditions.
6.4.7.6	Confirmation that Type A package design and manufacturing techniques are acceptable if not in accordance with national or international standards
6.4.11.7	Specifying, in the certificate of approval for the package design that the package may

	be designed otherwise than for an ambient temperature range of -40°C to +38°C
6.4.22 <i>other than</i> 6.4.22.1(b)	All functions of the Secretary of State as competent authority.
6.4.22.1(b)	Unilateral approval of designs that meet the provisions of 6.4.6.1 - 6.4.6.3 unless multilateral approval is otherwise required by the IMDG Code
6.4.23 other than 6.4.23.19 and 6.4.23.20	Receipt and approval of all applications required to be made to the Secretary of State as competent authority.
6.4.23.19	Receipt of notification of serial numbers
6.4.23.20	Issuing multilateral approval by validation
<i>PART 7</i>	
7.1.4.5.2	Determining etc. special stowage provisions for packages or overpacks

## SCHEDULE 2

### FUNCTIONS TO BE PERFORMED BY THE ONR ON BEHALF OF THE SECRETARY OF STATE

The International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (“the INF Code”) is published by the International Maritime Organisation. The Code has been mandatory for operations since 1 January 2001<sup>3</sup>.

The INF Code includes obligations related to the transport by sea of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes which are to be discharged by the competent authority. The competent authority of the United Kingdom for the purposes of the obligations of the INF Code is, by virtue of Merchant Shipping Act 1995, the Secretary of State.

The functions of the Secretary of State as Competent Authority set out below are, in so far as they relate to the transport by sea of INF cargo, to be performed by the ONR.

For the purposes of this Agreement, a reference to a provision of the INF Code shall be deemed to be a reference to the corresponding provision in any subsequent edition of the Code.

<i>Provision of the INF Code</i>	<i>Function(s) of the Competent Authority to be exercised by the ONR</i>
<i>Chapter 8 – Radiological Protection</i>	
Depending upon the characteristics of the INF cargo to be carried and upon the design of the ship, additional arrangements or equipment for radiological protection shall, if necessary, be provided to the satisfaction of the Administration.	Approval of additional arrangements or equipment for radiological protection.
<i>Chapter 10 – Shipboard Emergency Plan</i>	
10.2 Such a plan shall be approved by the Administration 10.2.3 As a minimum the plan shall consist of...a detailed description of the action to be taken immediately by persons on board to prevent, reduce or control the release, and mitigate the consequences of the loss, of INF cargo following the incident;...	Approval of Shipboard emergency plans in accordance with 10.2 and 10.2.3. with regard to class 7 transport.

<sup>3</sup> Compliance with the INF Code is required on United Kingdom ships wherever they may be and on other ships while they are in United Kingdom waters by the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2000.

