ONR Transport Competent Authority Newsletter

January to June 2024

# Introduction

Welcome to the latest newsletter from our Transport Competent Authority (TCA).

The TCA is the enforcing authority and competent authority, under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG09), for the civil transport of Class 7 dangerous goods (radioactive material) by road and rail within Great Britain (GB).

The TCA also provides support to the other UK competent authorities with respect to transport by sea and air, and by land in Northern Ireland. We are also the enforcing authority for the Ionising Radiations Regulations 2017 (IRR17) with regards to civil transport.

The TCA provides generic guidance and support on how dutyholders can comply with the legal requirements via our [website](http://www.onr.org.uk/transport/index.htm) and stakeholder events.

For advice on specific transport activities, dutyholders should consult their Radiation Protection Adviser (RPA) and/or Dangerous Goods Safety Adviser (DGSA).

# Inspections and compliance activity

We undertake a programme of planned compliance inspections of dutyholders that have transport responsibilities. Inspections are undertaken in person at dutyholders’ premises, at the roadside or remotely.

During the past financial year, we have undertaken more than 60 transport compliance inspections of nuclear sector (e.g. site licensees) and non-nuclear sector (e.g. hospitals, universities, carriers etc.) dutyholders.

During these inspections, the following non-compliance themes were identified:

* Transport Radiation Risk Assessments (RRAs) not being suitable and sufficient.
* Failure to identify possible accident situations, their likelihood and potential severity.
* Not making an adequate assessment of whether radiation accidents can result in radiation emergencies (where the effective dose to any individual in the year following the accident is greater than 1mSv). This is required to determine the type of emergency arrangements required to be produced; a CDG09 emergency plan (where radiation emergencies are possible) and/or IRR17 contingency plans (where radiation emergencies are not possible).
* Inadequate management systems.
* Issues with appointment of and obtaining advice from suitably qualified and experienced Class 7 DGSAs.
* Inadequate training and refresher training.

We will continue to work with transport dutyholders and other stakeholders such as industry groups and professional bodies to raise awareness of these non-compliance themes and to increase understanding of the legal duties.

Furthermore, we have been made aware of carriers not having consent to transport High Activity Sealed Sources (HASS). It is a legal requirement under IRR17 Regulation 7 to have a consent to transport HASS.

Guidance relevant to transport compliance inspections is available on our [website](https://www.onr.org.uk/our-work/what-we-regulate/transport-of-radioactive-material/guidance-and-resources/).

‘When a transport inspector calls’ leaflet

We have produced a leaflet which explains what to expect when our inspectors visit your business to inspect transport compliance arrangements. This leaflet provides high level information on:

* Our regulation of the transport of Class 7 dangerous goods (radioactive material).
* What to expect before, during and after an inspection.
* Enforcement action that can be taken when non-compliances are found.
* Where to obtain further information about our regulation of civil transport of Class 7 dangerous goods.

The leaflet is published on our [website](https://www.onr.org.uk/media/mpnh5lml/when-transport-inspector-calls.pdf).

# Contingency and Emergency Planning

There is a requirement for dutyholders with emergency plans to test these every three years and report the findings to us. If you have tested your emergency plan recently, send your report to class7@onr.gov.uk.

On our website there is guidance on emergency [planning for transport incidents](https://www.onr.org.uk/transport/five-steps-transport-emergency-planning.docx) and [transport radiation risk assessment](https://www.onr.org.uk/media/ndunfeng/td-tca-gd-003.docx).

# Enforcement

Where non-compliances are identified during compliance inspections or following reported incidents, we will consider enforcement action in accordance with our [Enforcement Policy Statement (EPS).](https://www.onr.org.uk/documents/enforcement-policy-statement.pdf)

During the past financial year (April 2023 – March 2024), we have served one prohibition notice on a non-nuclear sector dutyholder and two improvement notices, one on a non-nuclear sector dutyholder and the other on a nuclear sector dutyholder. Information on these notices are [available on our website.](https://www.onr.org.uk/our-work/how-we-regulate/enforcement/)

Improvement notice – Swissport GB Ltd

Swissport GB Ltd, an air cargo handler, proactively reported to us that they did not have consent for transport of a specific category of radioactive material, HASS. This was a breach of Regulation 7 of the Ionising Radiations Regulations 2017 (IRR17), and therefore an offence under Section 33 of the Health and Safety at Work etc. Act 1974.

The organisation routinely transports HASS material to medical facilities across the country as these are commonly used for the diagnosis and treatment of diseases such as cancer.

In accordance with our EPS and Enforcement Management Model we issued an improvement notice that required Swissport GB Ltd to apply for consent from the Health and Safety Executive, who are the IRR17 appropriate authority.

Swissport GB Ltd, which transports this material from its facilities at Manchester and Heathrow airports, has now complied with the notice.

# Competent Authority Approval

We are the GB competent authority for the civil transport of Class 7 dangerous goods. We also act on behalf of other civilian UK competent authorities in cases where competent authority approval is required. Our [‘Applicants Guide'](https://www.onr.org.uk/media/rdnn01ig/tra-per-gd-014.docx)
provides guidance to organisations applying to us for Competent Authority approval for new designs, renewal of existing approvals, validation of overseas approvals or modifications to approved designs.

On our website there are copies of the [regulatory reports](file:///C%3A%5CUsers%5CLTraynor%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CI23YQJ4N%5C%28https%3A%5Cwww.onr.org.uk%5Cour-work%5Cwhat-we-regulate%5Ctransport-of-radioactive-material%5Ccompetent-authority-approval%5Ccertification-of-transport-packages-and-special-form-radioactive-material%5C%29.) justifying competent authority decisions to grant approval, and any associated certificates of approval.

# Incidents and operational experience

We are notified of transport incidents via our incident notification (INF1) reporting process; these incidents, along with previously reported incidents, are reviewed on a regular basis. This information can then be used to identify any trends/themes to allow us to better target our regulatory resources/provide appropriate guidance.

ONR’s Incident Notification Guidance for Transport of Radioactive Material ([ONR-RIO-GD-005](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.onr.org.uk%2Fmedia%2Fajicp0ka%2Fonr-rio-gd-005-incidents-notification-guidance-for-transport-of-radiological-material-1.docx&wdOrigin=BROWSELINK)) provides information on our notification criteria (ranging from TS01 to TS09) for radioactive material transport incidents. During the past financial year, we were notified of more than 100 incidents, the majority of which were in relation to TS07 (where Class 7 goods have not been transported in full compliance with any appropriate specification or regulation, except as otherwise covered by TS05 or TS06), TS08 (a safety-significant abnormal occurrence during the loading, filling, carriage or unloading of Class 7 goods, provided it did not lead to a transport in breach of relevant statutory provisions, package specification or handling instructions.) and TS09 (the discovery of radioactive material in a shipment believed to be non-radioactive).

Incidents should be reported using the process identified on our [website](https://www.onr.org.uk/about-us/contact-us/notify-onr/).

# Changes to regulations and ONR guidance

Our guidance [NS-INSP-GD-069](https://www.onr.org.uk/media/bxsfq1f2/ns-insp-gd-069.docx) (Compliance Inspection of Transport Arrangements) has recently been updated.

The new Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024 came into force on 11 June 2024. These largely revoke and replace the previous Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 and are the new regulations which introduce the IMDG Code into UK law.

# Stakeholder engagement

We attend engagements to provide feedback on inspections, notifiable incidents, and enforcement action to a range of different stakeholder groups.

RAMTrans24 – May 2024

In May, we attended Radioactive Materials Transport (RAMTrans) 2024, the triannual conference dedicated to all aspects of packaging for the transport, storage and disposal of radioactive and nuclear materials. Organised by the Nuclear Institute, the forum allows expertise on industry successes and challenges to be shared among designers, operators, research organisations and regulators from around the world.

The conference featured several keynote speeches, along with international contributions from the Canadian Nuclear Safety Commission and also the Greek and Italian regulators.

We presented two presentations at the conference, the first about the essential components of a suitable and sufficient transport radiation risk assessment. This provided information on the common non-compliances revealed during dutyholder transport inspections and how putting in place robust arrangements from the outset reduces the potential for future enforcement action.

The second presentation was a keynote entitled 'It's good to talk – Communication and co-operation within the transport chain'. This outlined some of our key and regularly-seen concerns including foreign dutyholders (consignors and carriers) not understanding UK specific regulations, import agents or distributors failing to confirm that their carriers are compliant and carriers not confirming they have suitable Ionising Radiations Regulations 2017 consent.

Recent intelligence has shown that some dutyholders are not keeping updated with new regulations and so we are encouraging the industry to recognise the value of better communication, acting together to support organisations in increasingly complex transport chains to get things right first time.

If you believe we should be part of a stakeholder group/engagement, contact us by emailing contact@onr.gov.uk.

# International

The latest proposed revisions to new draft International Atomic Energy Agency Safety Standards Series No DS546 (Ageing Management and Maintenance of Packages for the Transport of Radioactive Material) is now available for [comment](https://www.onr.org.uk/working-with-others/public-participation/consultations/international-atomic-energy-agency-draft-documents/). If you have any comments, please send them to internationalstandard@onr.gov.uk.

# Frequently Asked Questions (FAQs)

Refer to our [webpage](https://www.onr.org.uk/our-work/what-we-regulate/transport-of-radioactive-material/frequently-asked-questions/) to see responses to FAQs:

Please note that we can only provide responses to FAQs which relate to legislation and guidance. For any other queries please contact your appointed RPA or DGSA.

# Feedback / Contact Us

What information do you think should be included within future TCA newsletters?

If you want to provide feedback, or need more information regarding the transport of Class 7 dangerous goods, our contact details are below:

**E-mail:** contact@onr.gov.uk