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Defence
Safety Authority



Office for
Nuclear Regulation

LETTER OF UNDERSTANDING

BETWEEN

THE OFFICE FOR NUCLEAR REGULATION

AND

THE DEFENCE NUCLEAR SAFETY REGULATOR

Issue Date: 3 February 2026

AIM

1. This Letter of Understanding (LoU) sets out the working arrangements between the Office for Nuclear Regulation (ONR) and the Defence Nuclear Safety Regulator (DNSR) to deliver the strategic intent (set out in the Memorandum of Understanding (MOU) between MOD and ONR) to secure and maintain safe and assured delivery of the UK's defence nuclear capability.
2. The LoU meets this purpose by setting out:
 - a. the high-level intentions for coherent, consistent, and comprehensive regulation of the Defence Nuclear Enterprise (DNE), which is achieved by working in a joined-up manner,
 - b. each organisation's role and responsibilities,
 - c. an approach to regulation where joint lessons are learned through exchange of information and regulatory experience and through shared training,
 - d. Mechanisms for effective communication and engagement.
3. Both organisations accept that this LoU is not legally binding and does not create any form of partnership or legal rights or obligations. It is a statement of their shared intention to work together in the spirit of cooperation in pursuance of all relevant matters.

PRINCIPLES FOR WORKING TOGETHER

4. Effective and efficient regulation is achieved by ONR and DNSR working closely to ensure coherent, consistent, and comprehensive regulation of all DNE activities. ONR and DNSR commit to the following principles for working together:
 - a. mutual understanding of our respective regulatory philosophies, responsibilities, statutory obligations, and powers;
 - b. acceptance that each regulator may seek and accept mutual assurance from the other;
 - c. efficient and effective use of resources through appropriate targeting of activity, based on a common understanding of risks;
 - d. wherever possible and where appropriate, presenting a joined up regulatory approach and view to ensure clarity and reduce level of regulatory interaction for duty holders;
 - e. openness and transparency, taking due cognisance of security requirements, to build trust and mutual understanding whilst sharing information, knowledge and learning from experience.

MANAGEMENT RESPONSIBILITIES

5. The ONR's Director of Regulation, Operating Facilities Directorate, and the Head of DNSR are responsible for ensuring that the respective organisations deliver the commitments made within this LoU. This includes a responsibility to deliver the necessary resource to deliver LoU commitments, and to promote a culture that encourages mutual trust and understanding between ONR and DNSR.

REGULATORY SCOPE / ARRANGEMENTS FOR SITES

6. The Nuclear Installations Act 1965 (NIA 65) establishes a licensing regime which is regulated by ONR. The Energy Act 2013 (TEA 13), Part 3, established ONR as the statutory nuclear regulator. ONR is the enforcing authority for applicable provisions of TEA 13 across the following purposes in the DNE:
 - a. nuclear safety, in relation to licensed sites,
 - b. nuclear site health and safety.
7. Nuclear sites are subject to the Health and Safety at Work Act (HSWA) 1974, its relevant statutory provisions (RSP) and other relevant health and safety legislation as laid down in the MOD-ONR MoU. ONR is the statutory enforcing authority for the referenced legislation on licensed sites.
8. There are two notable legal exemptions on the licensed nuclear sites. There are:
 - a. The Atomic Weapons Establishment (AWE) Act 1991 specifically excludes from imposing licence conditions on those aspects that affect the design of nuclear devices, other than a reactor or nuclear devices intended to simulate the properties of a nuclear device.
 - b. Section 1(1)(a) of the NIA 65 excludes from licensing requirements 'a reactor comprised in a means of transport' (RCiMT), in this case, nuclear powered submarines.
9. Authorised sites are sites which are operated by the MOD, (a Crown body), or where Disapplication's, Exemptions or Derogations (DEDs) exist in statutory legislation required the site to be authorised (see Table 1 – Regulation of DNE sites and activities, and as such are not subject to the UK licensing regime). Principles for where the disapplication's for Crown or RCiMT apply to Defence and its activities are set out in MOD Policy¹.
10. Defence has a requirement to operate nuclear powered submarines outside of Licensed and Authorised Sites; i.e. at sea and at Operational Berths both within the UK and abroad. DNSR also regulates these activities via "Authorisation", using Authorisation Conditions (AC), Further Authorisation Conditions (FAC) and

¹ Approach to Regulation in the Context of Disapplication's from the Nuclear Installations Act, 1965 (as amended), available on the MCWE (Maritime collaborative Working Environment)

Transport Conditions (TC).

11. ONR will still regulate against the conventional health and safety requirements under the HSWA as there is no general Crown exemption from the HSWA and MOD is bound by the general duties it imposes and by regulations made under it, except where specific exemptions apply. The Health and Safety Executive (HSE) retains responsibility and authority for those areas that ONR does not enforce (e.g. non-Authorised parts of defence sites and UK Operational Berths). The ONR is also the enforcing Authority for the Ionising Radiation Regulations (IRR) and Radiation Emergency Preparedness and Public Information Regulations (REPPIR) at all Authorised Sites and UK Operational Berths.
12. DNSR is responsible for regulating the through-life safety of the Nuclear Weapon (NW) and the Naval Reactor Plant (NRP). DNE sites and activities are regulated in accordance with Table 1 – Regulation of DNE sites and activities, below.

SITE/ACTIVITY	DNSR Authorised	ONR Licensed	ONR Regulate compliance with HSWA, IRR and REPPIR
Rolls-Royce - Neptune		✓	✓
Rolls-Royce – Nuclear Fuel Production Plant		✓	✓
Devonport Licensed Site		✓	✓
Devonport – 5 Basin	✓		✓
HM Naval Base Devonport Authorised Site(s) – Berths	✓		✓
HM Naval Base Devonport Authorised Site(s) – 3 Basin	✓		✓
BAE Systems Marine Ltd Devonshire Dock Complex	✓ (activities only)	✓	✓
BAE Systems Marine Ltd Devonshire Dock Quay	✓		✓
AWE Aldermaston	✓	✓	✓
AWE Burghfield	✓	✓	✓
HM Naval Base Clyde • Faslane Valiant Jetty	✓		✓

SITE/ACTIVITY	DNSR Authorised	ONR Licensed	ONR Regulate compliance with HSWA, IRR and REPPIR
<ul style="list-style-type: none"> • Coulport EHJ • Faslane Ship lift • Faslane Nuclear Support Hub • Coulport TSA 			
Vulcan Naval Reactor Test Establishment	✓		✓
Rosyth Royal Dockyard 2 Dock & Active Waste Accumulation Facility		✓	✓
Rosyth Royal Dockyard Non-tidal Basin	✓		✓
UK Nuclear Powered Warship Berths	✓		✓ (IRR & REPPIR only)
Overseas facilities made available under GTGA (includes with France under TEUTATES Treaty)	✓		
Defence Nuclear Material transport	✓		
Naval Reactor Plant Design Through Life	✓		
Nuclear Weapon Design Through Life	✓		

Table 1 - Regulation of DNE sites and activities

13. Under the terms of the MOD-ONR MoU, and the legal requirements of the AWE Act 1991 Amendment Order 1997, ONR does not seek to influence the design of the submarine NRP or the nuclear weapon. Notwithstanding the constraints mentioned above in relation to the design of the NRP and the nuclear weapon, in general terms, design, supply and manufacture of items that may affect nuclear safety otherwise fall within the legitimate interest of ONR.
14. The Energy Act part 3, Section 6 of HSWA and implied requirements within the standard licence conditions permit ONR to carry out inspection and enforcement activity in relation to organisations that supply facilities or plant and equipment that may affect nuclear safety on a licensed site. Where appropriate, ONR and DNSR will undertake joint inspections and share any enforcement decisions made, this

continues to support DNSR, who have primary interest in the quality of supplied components for the NW and the NRP.

REGULATION OF THE NUCLEAR WEAPONS PROGRAMME (NWP)

- 15. For the NWP, where the AWE sites are both Licensed and Authorised, then ONR has legal vires up to the point of where the fissile material is in proximity to explosives, but DNSR is responsible for regulating the through life safety of the nuclear weapon.
- 16. For the NWP, ONR will lead on regulation of nuclear and radiological hazards on Licensed Sites, including assessment of nuclear safety in relevant facilities, and DNSR will take assurance from this regulation that the through life safety of the NWP is not compromised by site-based activities.
- 17. DNSR will regulate nuclear weapon design, assembly, disassembly, surveillance and storage, and provide assurance to ONR to support their judgements and decisions in discharging their statutory responsibilities as regulators of the site Licensees.

ONR	DNSR
Regulation of nuclear safety on Great Britain (GB) nuclear sites (Licenced Sites and any sites during their NIA 65 period of responsibility)	Regulation of product safety through authorisation of Approval and Design Authority (DA) functions discharged by MOD, supported by AWE as the DA
Regulation of nuclear safety, including IRRs and REPPIR on or around GB nuclear sites, Defence Authorised Sites, nuclear new build construction sites and HSWA section 6 (supply chain) design and manufacture of items intended exclusively or primarily for use on a nuclear site	Regulation of nuclear safety through life of the Nuclear Weapon (NW) and Competent Authority to ONR on the Nuclear Weapon

Table 2 – ONR and DNSR responsibilities of the NWP

REGULATION OF THE NAVAL NUCLEAR PROPULSION PROGRAMME (NNPP)

- 18. For the NNPP, ONR will lead on regulation of nuclear and radiological hazards on Licensed Sites, including assessment of nuclear safety in relevant facilities, and DNSR will take assurance from this regulation that the through life safety of the reactor is not compromised by site-based activities.
- 19. DNSR will regulate reactor plant design, build, maintenance, and storage, and provide assurance to ONR to support their judgements and decisions in discharging their statutory responsibilities as regulators of the site licensees. DNSR will lead for permissioning of plant hold points in staged commissioning from closure of the reactor following core load, but ONR may permission the same activities for reasons relating to its authority.
- 20. The responsibilities of both organisations with respect to the DNE are summarised in Table 2 - ONR and DNSR responsibilities, below:

ONR	DNSR
Regulation of nuclear safety on Great Britain (GB) nuclear sites (Licenced Sites and any sites during their NIA 65 period of responsibility)	Regulation of nuclear safety through life ² of the submarine Naval Reactor Plant (NRP). The Defence Competent Authority (CA) to ONR in respect of the designs of propulsion reactors and nuclear weapons and transport of Defence nuclear material, including approval of packages to be used for such transport
Regulation of nuclear safety, including IRRs and REPPIR on or around GB nuclear sites, Defence Authorised Sites, nuclear new build construction sites and HSWA section 6 (supply chain) design and manufacture of items intended exclusively or primarily for use on a nuclear site	REPPIR and IRRs for Nuclear Powered Warships (NWP) at sea and at foreign Operational Berths
Regulation of radiological protection and emergency response (solely IRRs and REPPIR), on UK Operational Berths	Defence Competent Authority for transport of DNE related Class 7 goods (including radiological waste)
	Regulation of nuclear safety on DNSR Authorised Sites and activities including packaging and transport operations

Table 3 – ONR and DNSR responsibilities of the NNPP

² CADMID cycle — Concept, Assessment, Demonstration, Manufacture, In Service and Disposal which includes activities within the Supply chain.

PERMISSIONING

21. For the permissioning of licensee activities on defence sites ONR will seek views from DNSR prior to issuing a licence instrument. Where relevant to do so, DNSR may also seek the equivalent from ONR prior to permissioning certain activities. As part of the permissioning assessment process, both organisations may also seek written mutual assurances on specific technical aspects of a licensee's/ Authorisee's safety case that are related to the other's area of regulation to inform assessment conclusions.
22. There may be occasions where technical assurance between DNSR and ONR is required for reasons other than permissioning. Any such requests for technical assurance should be flagged up in writing at the earliest stage possible.

INTERVENTION PLANS

23. Intervention plans are developed by the respective organisations to verify compliance with regulatory requirements, influence behaviours and permission nuclear related activities. Where regulatory vires interface or where considered beneficial, integrated intervention plans for sites regulated by both organisations may be developed, to maintain coherent, consistent, and comprehensive regulation. Intervention planning and information exchanges will be conducted through the Defence Nuclear Regulator Strategic Coordination Group (DNRSCG) and nominally developed annually.
24. Intervention plans will:
 - a. identify regulatory leads for activities,
 - b. scope out regulatory activity intended to address nuclear safety issues,
 - c. identify outputs and deliverables; for example, single reports or letters signed by both organisations.

EMERGENCY PLANNING AND ARRANGEMENTS

25. Both organisations will consult with one another on proposed dates, scope, and scale of scenarios for sites demonstrating the adequacy of their on-site emergency arrangements. Although both organisations will undertake assessments of emergency arrangements separately, they will, where practical, take mutual assurance from each other's assessments.
26. For licenced sites, ONR will lead on feedback following the assessment of an on-site emergency exercise. For other sites, DNSR will lead. Parties will support the lead organisation as appropriate in the formulation of feedback following an exercise.
27. For Level 2 and 3 REPPiR tests, ONR will lead for the assessment of the Local Authority demonstration of all off-site emergency plans. DNSR will provide input to ONR and provide feedback to the Authorisee/duty holder on the Military/MOD

Coordinating Authority contribution to the off-site arrangements.

28. For transport of Defence Nuclear Material field demonstrations, DNSR will be the lead assessor for the MOD response.

INFORMATION SHARING

29. Information will be shared between ONR and DNSR in accordance with the provisions set out in the MoD-ONR MoU.

COMMUNICATION AND ROUTINE ENGAGEMENT

30. The respective organisations recognise the importance of routine communication and engagement to maintain a joined-up approach and working. Early engagement will seek to ensure that coherent, consistent, and comprehensive regulation is applied, minimising delays and regulatory risks arising.
31. Routine engagement will be delivered through the following forums, and by other means as and when required.

Meeting	Chair	Frequency	Purpose
Level 0 Senior Regulatory Interface Meeting	Co-chaired DNSR-Hd	Annual	A senior strategic engagement forum with membership of ONR, DNSR and Senior MOD representatives from DNO, DSA and Directorate of Defence Safety (DDS).
Defence Nuclear Regulatory Stakeholder Committee (DNRSC)	DNSR-Hd	Bi-annual	A senior stakeholder forum to discuss/consult on the DNSR Annual Report, understanding risks, issues and progress within the regulated community. The DNRSC is held between the Regulator, duty holder, duty holder-facing organisations, industry and other government departments.
Defence Nuclear Regulator Strategic Coordination Group	Co-chaired	Bi-annual	A strategic forum to support effective alignment of defence regulatory approaches, between the Office for Nuclear Regulation, Defence Nuclear Safety Regulator, Environment Agency and the Scottish Environmental Protection Agency, within the Defence Nuclear Enterprise.
Level 2 and Level 3 Nuclear Emergency Response (NER) Demonstrations			Interactions between DNSR and ONR inspectors during L2 and L3 NER demonstrations, which continue to foster coherent, consistent, and comprehensive regulation of NER requirements.
Site level interactions	Various	As required	Regular site interactions between DNSR and ONR inspectors which continue to foster coherent, consistent, and comprehensive regulation of defence sites.

TRAINING AND EXPERIENCE

32. Further engagement with the ONR Training Academy, enabling a consistent approach to regulation and roles and responsibilities of each regulator and training in the complexities of the DNE.
33. Joint lessons will be shared and learned through the exchange of information and regulatory experience.
34. ONR will be invited to present on the DNSR Inspectors Course.
35. Both organisations should support the secondment of staff from their respective organisations.

REVIEW OF LETTER OF UNDERSTANDING

36. This LoU comes into effect once signed by both organisations.
37. This LoU will be jointly reviewed and updated as appropriate at least once every three years or at earlier intervals as decided by the organisations.

SIGNATORIES

For the Office for Nuclear Regulation:

Daniel Hasted, Director of Regulation, Operating Facilities Directorate



Signature:

Date: 17 Feb 2026

For the Defence Nuclear Safety Regulator:

Matthew Lister, Head DNSR



Signature

Date: 3 February 2026

ANNEX A TO LETTER OF UNDERSTANDING

between

The Office for Nuclear Regulation

and

The Defence Nuclear Safety Regulator

on their

**RESPECTIVE ROLES AND RESPONSIBILITIES FOR TRANSPORT OF
RADIOACTIVE MATERIALS FOR THE DEFENCE NUCLEAR ENTERPRISE**

SCOPE

1. This Annex describes the principles of the relationship between the Office for Nuclear Regulation (ONR) and the Defence Nuclear Safety Regulator (DNSR) in respect of the transport of radioactive material (RAM) associated with the Defence Nuclear Enterprise (DNE)³.
2. This Annex also sets out the interface between the ONR, the DNSR and the Defence Land Safety Regulator in respect to transport of RAM associated with wider Defence activities.

BACKGROUND

3. The DNE encompasses all phases of the acquisition, operation, support and disposal of the United Kingdom's naval nuclear reactors and nuclear weapons. This programme requires the transport of RAM overland in Great Britain and by air in RAF aircraft into and out the UK and safety is of paramount importance. The Secretary of State for Defence (SofS (D)) is answerable to Parliament for the safety of the DNE.
4. For the purposes of this agreement the DNE includes any RAM transport activities associated with the defence nuclear programmes of friendly nations, to the extent that they take place in the UK⁴. This annex also recognises the wider transport of RAM in support of Defence activities that take place within the UK.
5. The legal situation relating to safety of RAM transport associated with the DNE is complex. Various modal dangerous goods transport legislation and regulation is applied within the UK and stipulates certain functions to be undertaken by 'the Competent Authority.' In the context of RAM transport this is either the ONR for Civil transport, the DNSR for the DNE or DLSR for wider Defence activities.

³ The DNE comprises of activities in support of the Defence Nuclear Propulsion and Nuclear Weapon Programmes

⁴ Inline with the definition given for "armed forces" in Reg 2 of Carriage of Dangerous Goods and Use of Transportable Pressure Equipment regulations 2009

TRANSPORT OF RADIOACTIVE MATERIALS (Class 7) - COMPETENT AUTHORITIES AND ENFORCEMENT AUTHORITIES

6. In respect of the transport of radioactive materials within Great Britain by road/rail and limited aspects by inland waterways the responsibilities of the competent authorities are as defined in Regulation 25 of the 2009 Regulations.
7. For the purposes of this Letter of Understanding, the key Competent Authority responsibilities are as follows:
 - a. DNSR, on behalf of the SofS(D), is the Competent Authority in relation to DNE RAM transport in the circumstances specified in Regulation 25 (3)(b) of the 2009 Regulations; DNSR will also act as the single point of contact for all interactions with ONR and liaise with appropriate stakeholders where required;
 - b. DLSR on behalf of the SofS(D), is the Competent Authority in relation to all other defence related RAM transport in the circumstances specified in Regulation 25 (3)(b) of the 2009 Regulations;
 - c. ONR is the Competent Authority for those functions in relation to the carriage of RAM transport for which the SofS(D) is not the Competent Authority (except for the function in sub-section I. 10.1.6 of ADR (register of driver training certificates)). Such functions include the approval by ONR of packages used for the transport of radioactive materials; this approval function extends to all modes of transport; and,
 - d. Competent Authority functions which are common to all classes of dangerous goods ("all class" functions) are the responsibility of the SofS for Transport. In practice this means that ONR will consult, and as appropriate will advise the Department for Transport (DfT) in all cases where the exercise of its Class 7 responsibilities has "all class" implications.
8. Enforcement responsibilities for the transport of dangerous goods are as set out in Regulation 32 of the 2009 Regulations. ONR is not identified as an enforcing authority within Regulation 32 as their enforcement authority is via the Energy Act 2013. In relation to the matters for which they are the Competent Authority, ONR and DNSR are responsible for ensuring proper enforcement of the 2009 Regulations in relation to the transport of Class 7 goods by road, rail (except to the extent that the Office of Rail Regulation or DfT is the enforcing authority) and inland waterways (to the extent that the 2009 Regulations apply to such transport).

SECRETARY OF STATE FOR DEFENCE: POLICY ISSUES

9. It is the policy of the SofS(D) that 'where defence has exemptions, derogations, or dis-applications from HS&EP legislation, we maintain Departmental arrangements that, so far as is reasonably practicable, produce outcomes at least as good as those required by UK legislation'⁵. In practice this policy is implemented by requirements in JSP 815: Defence Safety Management System, DSA02–DNSR:

⁵ Health, Safety, and Environmental Protection in Defence: A Policy Statement by the SofS for Defence
Issue 2

Defence Nuclear Safety Regulations of the Defence Nuclear Enterprise and the Defence Land Safety Regulator (DLSR) Dangerous Goods Manual.

INTERNATIONAL AGREEMENTS

10. In implementing existing international agreements ONR and DNSR act on behalf of the UK Government within their respective areas of responsibility.
11. In developing changes to international agreements and changes to the IAEA regulations, DfT maintains and develops UK land transport regulations and represents the UK in international forums covering dangerous goods in general. In practice, as explained at Paragraph 8 above, ONR advises DfT where ONR's exercise of Class 7 responsibilities impacts on DfT's "all class" functions. Additionally, ONR typically leads the UK delegation in RAM transport specific international forums including the IAEA. DNSR is consulted on proposed changes to international agreements and, on occasion, assists in representing the UK when requested to do so by DfT or ONR.
12. The ONR has delegations from other government bodies to act for them in approving package designs for the transport of radioactive materials. In practice, ONR exercises this responsibility through [Agency Agreements](#).
13. Additionally, ONR is also party to a Memorandum of Understanding (MoU) with the Department for Energy, Security and Net Zero (DESNZ). The MoU sets out details of the working relationship between DESNZ and ONR.
14. There is now a desire within the DNE to transport RAM by sea and therefore DNSR will seek a Memorandum of Arrangement (MOA) with the Maritime Coastguard Agency (MCA) similar to that which exists between ONR and MCA. ONR can provide sea approvals for DNE related packages under the MCA agreement⁶. DNSR shall support this in accordance with recent DNSR, ONR and MCA agreements⁷.

AGREEMENT

Regulatory Approach

15. It is agreed that it is desirable that all organisations regulate in a generally similar manner and generally expect from both civil and defence duty-holders similar standards of package design safety reports and management systems for nuclear and radiological safety. To facilitate this it is agreed that all parties will endeavour to:
 - a. Provide similar technical guidance to their own staff and to duty holders. To this end the ONR and the DNSR will share generic guidance provided to their

⁶ Agreement with Maritime and Coastguard Agency dated November 2023

⁷ DNSR NucTrans/26/01 [4054]: ONR, DNSR and MCA Sea Transport Workshop 7th February 2024
Issue 2

staff and to duty holders and will offer each other an opportunity to comment on such documents prior to issue, and prior to major changes to them.;

b. Provide mutual assurance in relation to the use of common packaging and carriers in support of RAM transport;

c. Develop and promote a common position on changes to UK legislation affecting RAM transport;

d. Develop and promote a common position on changes to IAEA Standards affecting RAM transport; and,

e. Exchange operational experience on a regular basis.

16. To facilitate clear lines of communication DNSR agree to provide an interface between ONR and the other areas of Defence Safety Authority.

Responsibilities in Certain Emergency Situations

17. In the event of an emergency involving RAM during transport then any necessary regulatory involvement would normally be provided by the Competent Authority which regulated the material prior to the incident. However, the other Competent Authority will be informed, and mutual support will be provided if requested.
18. In the event that it is necessary in an emergency to transport RAM of unknown origin, or RAM deposited with hostile intent, then if defence assets/packages are used to transport it, the DNSR will act as the competent authority/regulatory lead. If civil assets are used, the ONR will act as the competent authority/regulatory lead.

DUAL USAGE

19. In the event that both civil and defence duty holders wish to make use of the same package design, or of variants of the same design, separate civil and defence approvals are necessary.
20. Where a previous approval has been provided, the approving Competent Authority will provide mutual assurance of the design and furnish the reviewing Competent Authority with any pertinent information. The reviewing Competent Authority will undertake an assessment of the Package Design Safety Report (PDSR) deltas (if any) and provide a separate approval.
21. Where an application for a joint approval is received, ONR and DNSR will exchange information on any such proposal and agree how the assessment will be conducted and the approvals granted. The DNSR and the ONR will jointly work towards a common regulatory approach to such applicants and will come to any necessary 'intra-government' agreement prior to informing the duty holder the decision of the agreed joint approach.
22. It is also agreed that any given common aspect of a Package Design Safety Report will normally be assessed by either the ONR or the DNSR on behalf of both organisations. This will likely result in a single approval signed by both ONR and DNSR. Compliance inspections and witnessing of physical testing of packages may well however be conducted by joint teams.
23. The following table sets out typical responsibilities. Individual cases may be handled differently by prior agreement.

Primary use	Secondary use	ONR	DNSR
Defence	None	No involvement	Act as primary approval body
Civil	None	Act as primary approval body	No involvement
Package having both civil & defence use ⁸		If an already approved package in accordance with principles in paragraph 21 If a joint approval requested the in accordance with principles in paragraph 22	
Defence	Civil	In accordance with principles set out in paragraph 21	Act as primary approval body

⁸ E.g. a 'Type B' radwaste package designed for both civil and defence use.

Packages for the bulk shipment of uranium ores and uranium hexafluoride	Act as primary approval body	In accordance with principles set out in paragraph 21
Packages for DNE RAM transported by sea, or by land and sea (if any)	Act as primary approval body	In accordance with agreements identified in paragraph 14
Emergency regulatory approvals/oversight for packages/operations to remove RAM of unknown or hostile origin from an incident site. See also paragraph 18 above	Where civil programme assets are used	Where defence assets (including AWE assets) are used

Transport Event Reporting

24. The Competent Authorities will require similar RAM transport event reporting requirements from duty holders; these will be based on the ONR INF1 requirements and DNSR's incident reporting criteria.

Defence/Civil material definition

25. Regulation 25 (3)(b) identifies that the SofS for Defence is the competent authority for:

“class 7 goods which—

(i) are, or form part of, an instrument of war;

(ii) are required for research into, or the development or production of, any such instrument or part of such instrument; or

(iii) are produced in the course of, or in connection with, such research, development or production.”

26. The definition of “instrument of war” is not provided and has no clear scope, for the purposes of this LoU the following delineation of responsibilities have been agreed.

	Material type/use	Transported by	CDG Directly applicable (Reg 17)	Regulator
1	RAM as part of the DNE – including waste.	Defence	No	DNSR
		Defence	Yes	DNSR
2		Civilian	Yes	DNSR
3	Non-DNE RAM directly utilised by military as “instrument of war”	Defence	No	DLSR
4		Civilian	Yes	DLSR

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	i.e. ammunition, weapon sights, luminous items for use with weapon systems.			
5	Waste produced directly in connection with a defence order for items identified in line 3 and 4 above.	Civilian	Yes	DLSR
6	Waste produced via a COTS/MOTS order for items identified in line 3 and 4 above.	Civilian	Yes	ONR
7	Civilian designed and produced items carried by military vehicles not for use as an "instrument of war" i.e. check sources for CBRN use, NDT equipment for EOD.	Defence	Yes	DLSR
8	Non-military use items transported to a defence site where the use is incidental to defence site purpose. i.e. Portable NDT sources for radiography of welds on a Naval vessel, NDG used on building sites on defence sites.	Civilian	Yes	ONR
9	All other items not falling within categories above.	Civilian	Yes	ONR