STATUTORY RULES OF NORTHERN IRELAND

2011 No. 289

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances Exemption (Northern Ireland) Order 2011

Made - - - -	*26th July 2011*
Coming into operation	*1st October 2011*

The Department of the Environment in exercise of the powers conferred by Sections 8(6), 8(7), 8(8), 11, 15(2) and 15(3) of the Radioactive Substances Act 1993(**1**) makes the following Order.

PART 1

General

Citation and commencement

1. This Order may be cited as the Radioactive Substances Exemption (Northern Ireland) Order 2011 and comes into operation on 1st October 2011.

Interpretation

2.—(1) In this Order—

"the Act" means the Radioactive Substances Act 1993;

"Ba-137m eluting source" means a source which consists of Cs-137 in a sealed container which is designed and constructed to allow the elution of Ba-137m, and which is radioactive material or radioactive waste solely because of that Cs-137;

"Bq" means becquerels;

"Chief Inspector" means the Chief Inspector within the meaning of Article 4 of the Radioactive Substances Act 1993;

"Class A gaseous tritium light device" means such a device where the activity of the device does not exceed 2 x 10^{10} Bq of tritium;

(**1**) 1993 c.12

"Class B gaseous tritium light device" means such a device installed or intended to be installed on premises and where the activity—

(a) in each sealed container in the device does not exceed $8x10^{10}$ Bq of tritium; and

(b) of the device does not exceed $1x10^{12}$ Bq of tritium;

"Class C gaseous tritium light device" means such a device installed or intended to be installed —

(a) in a vessel or aircraft; or

(b) in a vehicle or other equipment used or intended to be used by the armed forces of the Crown;

"disposal permit" means—

(a) an authorisation under the Act to dispose of waste;

(b) a permit under the Environmental Permitting (England and Wales) Regulations 2010(**2**) in relation to the radioactive substances activity described in paragraph 5(2)(b) of Part 2 of Schedule 23 to those Regulations;

"electrodeposited source" means an article where radionuclides are electrodeposited onto a metal substrate and which is radioactive material or radioactive waste solely because it contains Ni-63 or Fe-55;

"gaseous tritium light device" means a sealed source in a device which is an illuminant, instrument, sign or indicator which—

(a) incorporates tritium in one or more sealed containers constructed to prevent dispersion of that tritium in normal use; and

(b) is radioactive material solely because it contains that tritium;

"landfill" has the meaning given to that term in article 2(g) of Council Directive 1999/31/EC on the landfill of waste(**3**);

"luminised article" means an article which is made wholly or partly from a luminescent substance in the form of a film or a paint and which—

(a) is radioactive material or radioactive waste solely because it contains Pm-147 or H-3; and

(b) which is not a sealed source;

"recovery" has the same meaning as given to that term in Article 3(15) of Directive 2008/98/EC of the European Parliament and of the Council on waste(**4**);

"relevant river" means a part of a river which—

(a) is not a part of the sea; and

(b) which at the time of any disposal into it of aqueous radioactive waste from a sewage treatment works or directly from premises, has a flow rate which is not less than $1m^3s^{-1}$;

"relevant sewer" means—

(a) a public sewer; or

(b) a private sewer which leads to a public sewage treatment works that—

(i) has the capacity to handle a minimum of $100m^3$ of sewage per day; and

(ii) discharges treated sewage only to the sea or to a relevant river,

(**2**) S.I. 2010/675

(**3**) O.J. L 182, 16.7.1999, p.1, as last amended by Directive 2008/98/EC of the European Parliament and of the Council (O.J. L 312, 22.11.2008, p.3).

(**4**) O.J. L 312, 22.11.2008, p.3.

and "sewer", "public sewer" and "private sewer" have the same meanings as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006(**5**);

"relevant standard conditions" has the meaning given in paragraph 2 of Schedule 2;

"sea" includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;

"sealed source" means a radioactive source containing radioactive material where the structure is designed to prevent, under normal use, any dispersion of radioactive substances, excluding such a source where it is an electrodeposited source or a tritium foil source;

"stored in transit" means the storage in the course of transit of radioactive material or radioactive waste, but does not include any storage of such material or waste where it is removed from its container;

"Table 1", "Table 2", "Table 3", "Table 4" or "Table 5" means the table with that number in Schedule 1;

"a tritium foil source" means an article which—

(a) has a mechanically tough surface into which tritium is incorporated; and

(b) is radioactive material or radioactive waste solely because of that tritium;

"uranium or thorium compound" means a substance or article which is radioactive material or radioactive waste solely because it is or contains metallic uranium or thorium or prepared compounds of uranium or thorium, and in respect of which metal or compound the proportion of—

(a) U-235 in the uranium it contains is no more than 0.72% by mass; and

(b) any isotope of thorium it contains is present in the isotopic proportions found in nature;

"waste permitted person" means, in respect of the radioactive waste where the term appears, a person who holds—

(a) an authorisation under the Act to dispose of or accumulate that waste;

(b) a permit in respect of that waste under the Environmental Permitting (England and Wales) Regulations 2010 in relation to the radioactive substances activity described in paragraph 5(2)(b) or (c) of Part 2 of Schedule 23 to those Regulations;

"week" means any period of seven consecutive days; and

"year" means a calendar year.

(2) In this Order, where any radionuclide carries the suffix "+" or "sec—

(a) that radionuclide represents the parent radionuclide in secular equilibrium with the corresponding daughter radionuclides which are identified in column 2 of Table 5 adjacent that parent radionuclide; and

(b) a concentration or activity value given in respect of such a parent radionuclide is the value for the parent radionuclide alone, but already takes into account the daughter radionuclides in column 2 that are present.

(3) In this Order, where any reference is made to radioactive material or radioactive waste possessing a concentration or quantity of radioactivity which does not exceed the value shown in a particular column in Table 1 or Table 4, that value is not exceeded if—

(a) where only one radionuclide which is listed or described in the relevant table is present in the material or waste, the concentration or quantity of that radionuclide does not exceed the concentration or quantity specified in the appropriate entry of that column in that table; or

(**5**) The Water and Sewerage Services (Northern Ireland) Order 2006.

(b) where more than one radionuclide which is listed or described in the relevant table is present, the sum of the quotient values of all such radionuclides in the material or waste, as determined by the summation rule following that table that applies to that column, is less than or equal to one.

(4) References in this Order to a section are to that section of the Act.

Interpretation: NORM

3.—(1) In this Order, "NORM waste" means a substance or article which is solid radioactive waste under—

(a) section 1B; or

(b) section 1C, where—

(i) the waste arises from the remediation of land; and

(ii) except where paragraph (2) applies, that land was contaminated by the process described in section 1C.

(2) Land is not contaminated under paragraph (1)(b)(ii) where the land is on a site in respect of which a nuclear site licence is or has been in force and the contamination occurred—

(a) when that licence was in force; or

(b) before that licence was granted, when the site was used for the purpose of installing or operating an installation described in subsection (1) of section 1 (restriction of certain nuclear installations to licensed sites) of the Nuclear Installations Act 1965(**6**) or in regulations made under that subsection.

(3) In this Order, "NORM waste concentration" means, in respect of radionuclides contained in NORM waste, the sum of the concentrations of the single radionuclide with the highest concentration in each of the natural decay chains beginning with—

(a) U-238;

(b) U-235; and

(c) Th-232.

Tables of radionuclides and descriptions of radioactive material and radioactive waste

4.—(1) Schedule 1 (tables of radionuclides and descriptions of radioactive material and radioactive waste) has effect.

(2) Schedule 2 (relevant standard conditions under Parts 2 and 3 of this Order) has effect.

PART 2

Exemption from registration under section 7 and authorisation under section 14

Exemption from registration under section 7

5.—(1) A person ("A") is exempt from registration under section 7 (registration of users of radioactive material) in respect of—

(a) subject to paragraph (2), the radioactive material described in article 7, where A complies with the relevant standard conditions, and any conditions in article 8 that apply to the material;

(**6**) 1965 c. 57.

(b) radioactive material stored in transit.

(2) A is not exempt from registration under paragraph (1)(a) in respect of a high-activity source where A takes possession of it.

Exemption from authorisation under section 14

6.—(1) A person ("A") is exempt from authorisation under section 14 (accumulation of radioactive waste) in respect of—

(a) subject to paragraph (2)(a), radioactive waste described in article 7—

(i) where A has received the waste for accumulation (with a view to its subsequent disposal by A) on premises on which A manages, treats or disposes of radioactive waste mixed with substantial quantities of waste which is not radioactive waste, provided that A disposes of the radioactive waste as soon as is practicable; or

(ii) except where paragraph (i) applies, where A complies with any conditions in article 8 that apply to that waste and the relevant standard conditions;

(b) subject to paragraph (2), radioactive waste consisting of a sealed source, an electrodeposited source or a tritium foil source, which—

(i) contains a quantity of radionuclides which exceeds the value specified in column 2 of Table 2 in respect of the relevant type of source; and

(ii) immediately before it became radioactive waste, was radioactive material in the form of a sealed source, an electrodeposited source or a tritium foil source (as appropriate),

where A complies with the relevant standard conditions; or

(c) radioactive waste stored in transit.

(2) A is not exempt from authorisation—

(a) under paragraph (1)(a) or (b) in respect of a high-activity source where A accumulates it and it is waste when A takes possession of it; or

(b) under paragraph (1)(b) where A has received the waste for the purpose of A disposing of it.

Radioactive substances exempted under articles 5 and 6

7.—(1) Subject to paragraph (2), articles 5 and 6 apply to—

(a) a substance or article described in an entry in column 1 of Table 2 which contains a quantity of radionuclides that does not exceed the value specified in column 2 of Table 2 in respect of that substance or article; or

(b) any substance or article which is not described in an entry in column 1 of Table 2.

(2) Paragraph (1) does not apply to NORM waste with a NORM waste concentration which is less than or equal to 10 Bq/g.

Conditions in respect of the total quantity or concentration of radioactive substances on any premises

8.—(1) Paragraph (2) applies to a person ("A") to whom article 5(1)(a) or 6(1)(a) applies in respect of an article described in article 7(1)(a).

(2) A must ensure that, in respect of the total amount of such substances or articles on the premises (including any such article which is on the premises and which is mobile radioactive apparatus), the quantity of radionuclides does not exceed the value for that substance or article in column 3 of Table 2.