

Consultation on the storage of bulk Quantities

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Summary and Recommendation:

The Office of Nuclear Regulations (ONR) has issued a supplementary consultation following the original consultation on this matter, which took place in December 2011, to define a set parameter for the definition of 'Bulk Quantity'. Following feedback from the original consultation they propose to amend the original definition as outlined below.

It is recommended that members approve the proposed consultation response which recommends that the proposed changes are acceptable.

Background

The original consultation into the definition of a 'Bulk Quantity' took place in December 2011. The reason for the need to define what constitutes a 'Bulk Quantity' of radioactive material is because the current nuclear site licensing regime applies to a set of defined activities, which includes the storage of bulk quantities of radioactive matter. However, there is no clear definition of what constitutes 'bulk quantities' of radioactive matter. An example of a facility requiring such a license is Studsvik at Lillyhall.

Potentially this means that new facilities could open up on any industrial estate providing a service to store bulk quantities of radioactive material. Therefore the Council needs to be satisfied that these facilities pose no risk to the local community. The possible advantage is that more facilities offering recycling services will become available therefore reducing the amount of radioactive material sent to waste however, we also need to ensure that it does not result in the proliferation of radioactive waste and that it is dealt with near to the site of creation.

The definition of bulk quantities applies to storage only not to disposal.

Government has started work on the implementation of the 2004 protocol to the Paris Convention - this relates to the provision of third party liability provision for nuclear installations which is currently linked to nuclear licensing (this will be relevant to sites obtaining insurance for disposal). In the meantime ONR still has to enforce existing law.

Therefore ONR has to enforce the current law and guidance has been sought by a number of interested parties on what constitutes 'Bulk Quantities' for the purpose of section 1 of the National Installations Act (NIA) 1965.

In 2011, the ONR consulted on its proposed approach to the definition, in relation to storage of radioactive matter, of "Bulk Quantities" which ended on 12th December 2011.

In the original consultation the definition they proposed was:

an installation was designed or adapted to store a bulk quantity of radioactive matter if it was designed or adapted to store a quantity of such matter at or above 100x the levels set out in Schedule 2 to Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPIR)).¹

Within the Radiation (Emergency Preparedness and Public Information) Regulations 2001 there is a mathematical equation used to calculate the level of radiation emission. If the sum of this equation is equal to or greater than 100 then it will be classified as a 'Bulk Quantity' and will require a license.

Current Consultation

A supplementary consultation by The Office for Nuclear Regulation (ONR) on the application of 'bulk quantities' in relation to the storage of radioactive matter is currently in process and due to close on the 25th July 2012.

Based on feedback from the original consultation in December the ONR is considering amending its proposal in the Interim Position Statement in one key respect.

The ONR are now considering a revision to the original definition to broaden their interpretation of bulk quantities for this purpose and are proposing to amend their position to incorporate anything that falls below 100x REPPIR.

Taking the approach outlined in the original consultation would mean that, for example, an installation designed or adapted to store a quantity of radioactive matter at 75x REPPIR would not require a licence. This would be the case even if the relevant matter was volatile, in flammable form and likely to be subject to chemical processing.

The position they are consulting on amending to is as follows:

"to a position whereby installations which are designed or adapted to store a quantity of radioactive matter below 100x REPPIR are potentially licensable under the 1965 Act in addition to installations designed or adapted to store a quantity of radioactive matter at or above that

¹ Application of Bulk Quantities" in relation to the storage of radioactive matter.

threshold. Whether an installation requires a licence below the 100x REPIR threshold would be determined on a case by case basis.” (ibid)

The proposed amendment appears a logical solution and addresses concerns that Copeland Borough Council raised in the initial consultation as to the reasoning why the definition of “Bulk Quantities” was set at 100x REPIR.

Copeland Impacts

We need to be satisfied that the level they define a ‘Bulk Quantity’ at for the purposes of storage is set at a satisfactory level to ensure the safety of the local community.

However, we also need to be mindful that the level is not set so as to discourage investment in this sector as facilities such as Studsvik can be instrumental in the recycling and therefore reducing the amount of nuclear materials sent to radioactive waste disposal facilities.

In our original response on the definition of a ‘Bulk Quantity’ defined as anything over 100x REPIR Copeland Borough Council questioned how this level was defined and the rationale behind this level.

The proposed amendment ensures that all installations, even those falling below the proposed ‘Bulk Quantity’ level will be examined. This gives a greater level of assurance that no potentially dangerous facilities will slip through the net.

Way Forward

A response to the consultation on the proposed amendment is attached, please refer to Appendix 1: Proposed Consultation Response. The draft response is concise as the proposed amendments appear a logical resolution to the situations.

The consultation closes on the 25th July; the members should consider any wider implications that may need to be incorporated in the proposed response.

Appendix 1: Proposed Consultation Response

Health and Safety Executive

Application of 'bulk quantities' in relation to the storage of radioactive matter for the purposes of Section 1 of the Nuclear Installations Act 1965 (NIA) and the Nuclear Installations Regulations 1971: supplementary consultation

Completing this questionnaire

You can move between questions by pressing the 'Tab' / 'Shift-Tab' or 'Page Up' / 'Page Down' keys or by clicking on the grey boxes with a mouse. Please type your replies within the rectangular grey boxes or click on the square grey boxes to select an answer (eg 'Yes' or 'No').

Respondent's details:

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Size of organisation:

Choose one option:

Not applicable	<input type="checkbox"/>	1 to 9 employees	<input type="checkbox"/>
10 to 49 employees	<input type="checkbox"/>	50 to 249 employees	<input type="checkbox"/>
250 to 1000 employees	<input checked="" type="checkbox"/>	1000+ employees	<input type="checkbox"/>
Self-employed	<input type="checkbox"/>		

Confidentiality

Please put a cross in the box if you do not wish details of your comments to be available to the public. (NB if you do not put a cross in the box they will be made public. This takes precedence over any automatic notes on e-mails that indicate that the contents are confidential.)

What is your type of organisation:

Choose one option

Industry	<input type="checkbox"/>	Local government	<input checked="" type="checkbox"/>
National government	<input type="checkbox"/>	Non-governmental organisation	<input type="checkbox"/>
Non-departmental public body	<input type="checkbox"/>	Trade union	<input type="checkbox"/>
Charity	<input type="checkbox"/>	Trade association	<input type="checkbox"/>
Academic	<input type="checkbox"/>	Consultancy	<input type="checkbox"/>
Member of the public	<input type="checkbox"/>	Pressure group	<input type="checkbox"/>
Other	<input type="checkbox"/>		

If 'Other' please specify:

In what capacity are you responding:

Choose one option:

An employer	<input type="checkbox"/>
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An employee	<input checked="" type="checkbox"/>
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Trade union official	<input type="checkbox"/>
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Health and safety professional/Safety representative	<input type="checkbox"/>
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Training provider	<input type="checkbox"/>
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Q1. Do you agree that we should address the potential anomalies from a risk perspective by changing the original proposal to have a single figure threshold?

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Please provide some comments to support your answer

In Copeland Borough councils response to the original consultation we agreed that setting a limit would give clarity to potential investors in this section.

Q2. Do you agree that option 3 above is a reasonable way to address this?

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Please provide some comments to support your answer

Setting a limit and ensuring that everything above that limit is licensed and anything below that did not require a licence did allow for the possibility of smaller installations with a greater hazard going unlicensed. Option 3 addresses this risk and adds greater safety to the process.

Q3. Do you think that option 3 above is a better overall approach to interpreting “bulk quantities” than the original single figure of 100 x REPIR Schedule 2?

Yes

No

Please provide some comments to support your answer

In Copeland Borough Council's original consultation response CBC raised concerns over the rationale behind the reasoning for the 100 x REPIR limit. The proposed amendment allows for flexibility within the guidelines and ensures that any bulk quantities that fall below this level which are however still more volatile will now be included. Therefore we believe that assessing each application on a case by case scenario gives greater certainty and security and therefore is a much safer and robust measurement.

Q4. Are you aware of any current installations that, having taken account of statutory exemptions, and exempting sealed sources, would fall into the discretionary range?

Yes

No

Please provide some comments to support your answer

Q5. Are any businesses contemplating making a commercial decision to enter into this area of work where the use of the discretionary range as described would have an impact?

Yes

No

Please provide some comments to support your answer

Are there any further comments you would like to make on the issues raised in this consultation document that you have not already responded to in this questionnaire?

Is there anything you particularly liked or disliked about this consultation?

Please send your response by 25 July 2012 to:

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Thank you for taking the time to complete this questionnaire

