

**REGULATORY POSITION ON THE MANAGEMENT OF RADIOACTIVE
SUBSTANCES AT NUCLEAR SITES**

1. Background

- 1.1 Having regard to our **Principles for Regulatory Approach to EU Exit and COVID-19** of December 2020, we have adopted this temporary regulatory position on the basis that any non-compliance covered by this Temporary Regulatory Position Statement (see below) is unavoidable, solely as a direct result of the impact of COVID-19, and will not lead to significant environmental harm.
- 1.2 We have adopted this temporary regulatory position on nuclear sites. This Temporary Regulatory Position Statement will be published on [SEPA's Regulatory Approach hub](#) on our website.
- 1.3 SEPA is responsible for the regulation of environmental protection in Scotland, this includes the regulation of radioactive discharges and radioactive waste disposal from nuclear and other sites. The safe operation of nuclear sites is primarily the responsibility of the Office for Nuclear Regulation.
- 1.4 This Temporary Regulatory Position Statement replaces SEPA's Temporary Regulatory Position Statement on the Management of Radioactive Substances at Nuclear Sites, which applied from 30 March 2020.

2. SEPA position

- 2.1 This temporary regulatory position statement applies to authorisations for the management of radioactive substances on nuclear sites in Scotland, which includes Ministry of Defence sites, and the Dounreay Low Level Waste Facility and applies also to authorisations for the management of radioactive substances held by tenants located on nuclear sites.
- 2.2 SEPA expects that operators will ensure compliance with their authorisation and no environmental harm occurs.
- 2.3 Subject to the operator complying with the conditions set out in Section 3 of this temporary regulatory position statement (RPS), any failure by the operator to comply with the conditions of their authorisation will not be treated as a non-compliance for compliance assessment or enforcement purposes. This temporary RPS only applies where non-compliance with authorisation conditions is unavoidable and a direct result of emergency resulting from COVID-19 outbreak and will not lead to significant environmental harm.
- 2.4 This temporary regulatory position only applies to those matters authorised by and covered by conditions in RS Authorisation issued under EASR. It does not apply to any other regulatory requirements and does not detract from any other statutory requirements applicable to the holder of the environmental authorisation or their operations.
- 2.5 This temporary regulatory position applies from 15 December 2020 and will be periodically reviewed.
- 2.6 The operator should provide confirmation to SEPA in writing when returning to compliance with the conditions of their authorisation, within five days of having done so.

3. Conditions that apply

Specific conditions

3.1.1 You must:

- a. Manage radioactive substances in a manner that protects the public and the environment and take all appropriate measures to prevent or, where that is not practicable, to minimise environmental harm.
- b. Make best endeavours to comply with the conditions of your authorisation.
- c. Let us know as soon as possible if you think that you may not be able to comply with the conditions of your authorisation. You should advise both your site inspector and rsnotifications@sepa.org.uk of the circumstances and any alternative arrangements that you are putting in place in accordance with standard condition A9.
- d. Keep a record detailing the reasons why you are unable to comply with your authorisation conditions and the justification for alternative arrangements.
- e. Return to compliance with the conditions of your authorisation as quickly as possible.
- f. Contact SEPA at least weekly to keep us informed of any issues you may have with compliance.

General conditions

- 3.2 You must put in place and implement a written contingency plan to ensure that the conditions of this temporary regulatory position statement are met.
- 3.3 You must notify SEPA without delay if you cannot comply, or think you may not be able to comply, with the conditions in this temporary regulatory position statement.

- 3.4 You must take all such measures as are reasonably practicable to prevent and, where prevention not possible, minimise and mitigate any impacts on the environment which result from the non-compliance with the requirements specified above.
- 3.5 You must keep records to show that you have complied with the conditions in this temporary regulatory position statement for 12 months from the date this temporary regulatory position was issued – these must be made available to SEPA on request.
- 3.6 In the event that, due to changing circumstances, you become able to comply with the requirements of your environmental authorisation, you must return to compliance with the conditions of your authorisation as soon as possible, notwithstanding that this temporary regulatory position statement remains in place.
- 3.7 This temporary regulatory position statement applies only in Scotland.
- 3.8 This temporary regulatory position statement only applies where non-compliance is unavoidable and a direct result of emergency resulting from COVID-19 outbreak.
- 3.9 The terms of this temporary regulatory position statement may be subject to periodic review and may be varied or withdrawn at any time.
- 3.10 SEPA reserves its discretion to depart from this temporary regulatory position statement and to take appropriate action as necessary.