



SCOTTISH ENVIRONMENT PROTECTION AGENCY

**CONSULTATION ON PROPOSALS TO AMEND THE RADIOACTIVE SUBSTANCES ACT
1993 FEES AND CHARGES (SCOTLAND) SCHEME**

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Contents

1 INTRODUCTION	3
Foreword	3
The purpose of this consultation	3
Charges approval process	4
How to respond	4
2. SUMMARY OF CHANGES TO THE CHARGING SCHEME FOR HASS	5
3. SCOPE OF NON HASS RELATED CHANGES TO THE CHARGING SCHEME ...	5
4. FINANCIAL IMPACT	5
5. BENCHMARKING OF RSA CHARGES	6
ANNEX 1: Current and Revised Charges	7
ANNEX 2: Respondee Information Form	9

INTRODUCTION

Foreword

The Radioactive Substances Act Fees and Charges (Scotland) Scheme was introduced in 1993 (the RSA scheme). Charges recover our year on year operating costs from authorisation and registration holders. In 2005 new regulations were introduced which extended the Radioactive Substances Act 1993 (RSA93) for high activity sources. The High-Activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 (the HASS Regulations) came into force on 20 October 2005. The HASS Regulations applied to all **new** high-activity sources from 1 January 2006 and were extended to include **existing** high-activity sources from 1 January 2008.

The HASS Regulations introduced the following new measures:

- i) Amendment of RSA93 to require application for variation of registrations and authorisations to take account of HASS activities
- ii) A requirement for SEPA to ensure the adequate security of premises where high-activity sources, or other sealed 'sources of a similar level of potential hazard' (SSLPH), are held
- iii) A requirement for SEPA to keep records of all registered persons keeping or using high-activity sources and a record of the sources they hold.

As a result SEPA's regulatory, monitoring and administrative effort and costs have increased substantially and the current RSA scheme no longer recovers our costs therefore, we are proposing to amend our charges from October 2009 to:

- i) more accurately reflect current regulatory effort, particularly in relation to processing applications
- ii) recover the costs of new work for the additional regulatory and reporting workload arising as a result of the HASS Regulations

The purpose of this consultation

This consultation seeks your views on proposed amendments to the Radioactive Substances Act 1993 Fees and Charges (Scotland) Scheme. It proposes amendments to application fees, some subsistence charges and introduces new charges for the revocation or variation of authorisations and registrations and for disposal facilities for Low Level Waste (LLW) to near surface facilities (repositories) and disposal of High Volumes of Very Low Level Waste (HVLLW) to specified landfill sites.

Your responses to this consultation will inform the development of the final scheme, which will be submitted to the Scottish Government for final approval by Scottish Ministers. Subject to approval the revised scheme will be implemented in April 2010.

Copies of all the responses received (except those where the individual or organisation requested confidentiality) will be made available to the public on request and a summary of the main issues will be placed on SEPA's website.

The charges approval process

Any significant changes to a charging scheme are subject to approval by the Scottish Government and Scottish Ministers. Before submitting proposals to the Scottish Ministers we must consult with interested parties.

Consultation documents are produced and usually made available for comment over a 12 week period. The Scottish Government and the Scottish Ministers consider the comments received on the consultation, while having regard to our requirement to set charges to recover relevant costs and expenses. The Scottish Government places copies of the consultation responses in their library and SEPA publishes a summary of comments received (as well as its response to those comments) on the SEPA website.

Fees and charges increases at or below the annual increase in Retail Price Index (RPI), are not subject to consultation.

How to respond

We would like your views on these proposed amendments, the reasons behind your views and, where possible, any evidence you have that supports them.

The consultation period closes on 15 March 2010.

Please send your written responses and the completed form in writing or by email to:

Susan Scott

Scottish Government
SEPA Sponsorship and Pollution Team
Victoria Quay
Area 1-J (N)
Edinburgh
EH6 6QQ

Email: SEPATeam@scotland.gsi.gov.uk

We would be grateful if you could clearly indicate which parts of the consultation document you are responding to, as this will aid analysis of the responses received. Please also submit the enclosed Respondee Information Form with your response.

All responses will be made public, unless a respondent specifically asks for their response to be treated confidentially. Though, confidential responses may still be included in any statistical summary of numbers of responses received or views expressed.

If you know of others with an interest who have not received a copy of the consultation, please refer them to our website or ask them to contact us, Tel: 01786 455925.

We look forward to receiving your comments.

SUMMARY OF CHANGES TO THE CHARGING SCHEME FOR HASS AND SSLPH

Regulation of HASS and sources of a similar level of potential hazard (SSLPH) is new and additional to the RSA workload and will therefore result in higher subsistence charges for approximately 230 licence holders with Section 7/10 registrations that fall into these categories.

HASS and SSLPH charges will not apply to 12 sites with Reduced Section 13/14 activities with an associated Section 7/10 registration.

HASS charges will apply to registrations for Storage in Transit sites. Currently there are only 6 premises to which these charges will apply.

SCOPE OF NON HASS RELATED CHANGES TO THE CHARGING SCHEME

Where SEPA (following a review of an authorisation or registration) or the operator initiates a variation, a full application fee will apply. This is because a variation will necessitate a complete review of all aspects of each authorisation or registration.

Revocation, cancellation charges and pro rata refunds for subsistence are not included in the existing scheme. In order to ensure cost recovery and consistency across charging schemes Section 17 (Revocation of Authorisation) and Section 12 (Cancellation of Registration) charges will be implemented to recover costs and any over payment of subsistence charges will be refunded pro rata.

Government has published its policy for the management of solid Low Level Waste (LLW) in the UK. SEPA will regulate disposal facilities for Low Level Waste (LLW) to near surface facilities (repositories) and disposal of High Volumes of Very Low Level Waste (HVLLW) to specified landfill sites in Scotland. LLW repositories will require an RSA93 authorisation and landfill sites specified for HVLLW will require an RSA93 authorisation in addition to any Part A PPC permit. The work involved for SEPA in regulating such disposal sites will be significantly more than for existing Section 13/14 activities and we are proposing to apply the RSA direct charge day rate (currently £842), as applied to premises holding a Nuclear Site Licence and/or MOD sites. The direct charge day rate will also apply for pre-application discussions. The Environment Agency applies charges for these activities and sites in England and Wales using their day rate.

The change of a company registered number will attract a full application fee as this will involve a review of the responsible company and certificate.

Differences in nomenclature between the charging scheme and the regulations and titles of authorisations and registrations has often caused confusion for customers therefore we will redraft the terminology in the charging scheme to reflect the authorisation and registration documents and make it clearer for customers and staff which level of charges apply.

FINANCIAL IMPACT

The HASS Regulations significantly extend SEPA's regulatory and reporting workload for existing and new sites with HASS and SSLPH and additional resource is required to undertake this work.

Implementation of the revised scheme will increase annual income from HASS and SSLPH sites by approx £118,000 per annum to recover the costs of the associated increased workload. In addition approximately £22,000 will be recovered from sites with registrations but no HASS or SSLPH sources to more accurately reflect the costs of current regulatory effort.

The additional income will be generated via the following charge increases;

- For approximately 50 registration holders with sources which fall within the limits for HASS, including 4 hospitals and 3 universities, charges will increase from £174 to £1,170 (an increase of £996). The main component of increased charges for these sites (£500) is the cost of establishing and maintaining the new HASS inventory (total cost £25,000).
- For approximately 178 registration holders with sources which fall within the limits for SSLPH, including 6 hospitals and 8 universities, charges will increase from £174 to £556 (an increase of £382).
- For approximately 200 registration holders without HASS or SSPLH sources, including 11 hospitals and 10 universities, charges will increase from 174 to £285 (an increase of £111),

A previous review of our regulatory work in 2003 identified efficiencies for sites where a single site authorisation or registration could replace many separate activity authorisations and registrations. This provided universities in particular with the opportunity to substantially reduce their charges. The uptake has been somewhat disappointing. 3 universities quickly took up the option and reduced their charges and we continue to highlight the option and benefits to others.

BENCHMARKING OF RSA CHARGES

SEPA charges are currently lower than equivalent Environment Agency (EA) charges because the EA reviewed charges immediately following implementation of the HASS Regulations. If approved the revised SEPA charges will reduce the gap with EA charges however, they will remain generally lower or in line with EA charges for the same activities.

We are proposing to introduce charges to recover the costs incurred for the revocation of authorisations and registrations and refund subsistence charges from the date of revocation making the RSA scheme the same as our other schemes. EA have adopted a different approach. They do not offer refunds nor do they charge for revocations on the basis that any overpayment of subsistence charges will be used to offset the costs of processing revocations.

The current, revised and equivalent 2009/10 EA fees and charges are listed in Annex 1.

ANNEX 1 CURRENT AND REVISED RSA CHARGES

Charge Band = Section in regulation	No of Authorisation /Registrations	Description	Fees and Charges	2009/10 SEPA £	2010/11 Revised £	2009/10 EA £
Section 13/14	240	Allows the accumulation and disposal of Radioactive Waste	Application	1,489	2,021	2,061
			Subsistence	1,568	1,612	1,718
			Revocation	0	593	0
			Variation	0	2,021	2,061
Section 13/14 + Section 7/10 (Open)		As above with no limitation on the additional registered material	Application	1,489	2,021	2,061
			Subsistence	1,568	1,612	1,718
			Revocation	0	593	0
			Variation	0	2,021	2,061
Section 13/14 + Reduced + Section 7/10 (Open)	12	Allows the keeping and use of radioactive material at a reduced activity level. Allows the accumulation and disposal of the radioactive waste generated from the radioactive material	Application	910	1,188	2,061
			Subsistence	173	285	282
			Revocation	0	593	0
			Variation	0	1,188	2,061
Section 7/10 Open	200	Section 7 allows the keeping and use of radioactive substances.	Application	384	354	745
			Subsistence	173	285	282
		Section 10 as Section 7 but mobile	Cancellation	0	507	0
			Variation	0	354	745
Section 7/10 Sealed		Sealed sources having an activity level defined as Category 5 by IAEA (i.e. very low levels of activities)	Application	384	425	671
			Subsistence	173	285	282
			Cancellation	0	507	0
			Variation	0	425	0
Section 7/10 Sealed HASS	50	Sealed sources having an activity level equal to or above the HASS activity levels.	Application	384	490	2,155
			Subsistence	173	1,170	1,416

			Cancellation	0	507	0
			Variation	0	490	745
Section 7/10 Sealed SSLPH	178	Sealed sources which have an activity level below the HASS threshold level but are above the IAEA Category 5 (i.e. SSLPH)	Application	384	490	1,557
			Subsistence	173	556	1,271
			Cancellation	0	507	0
			Variation	0	490	745

Notes

Section 13/14 + Section 7 (open) - all hospitals, universities and the majority of premises undertaking teaching and research would hold both a Section 13/14 and Section 7.

12 sites hold a reduced Section 13/14 + Section 7 (Open).

Section 7 Sealed; HASS and SSLPH are commonly found in premises undertaking radiography, an example would be industrial radiographers, hospitals and universities.

Section 10 Sealed (mobile); mainly industrial radiographers who take their sources to other premises to do their work and including companies based outwith Scotland with mobile industrial radiography sources.

Section 7/10 Open; both types of registration are very rare in Scotland.

ANNEX 2

RESPONDENT INFORMATION FORM

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions

I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes

No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No