

Regulatory Position Statement on Offshore Regulation of Radioactive Substances

August 2018

RS-POL-004



Background

The Environmental Authorisations (Scotland) Regulations 2018 (EASR) were made on 28 June 2018 and come into force for radioactive substances activities on 1 September 2018. The EASR replace the Radioactive Substances Act 1993, the Radioactive Substances Exemption (Scotland) Order 2011 and the High-activity Sealed Sources and Orphan Sources Regulations 2005.

The application of the requirements under the existing legislation in the offshore area is a matter reserved to the UK Parliament. The application of the EASR offshore therefore requires amendment of the Civil Jurisdiction (Offshore Activities) Order 1987 and the Continental Shelf Act 1964 so that both refer to EASR instead of the Radioactive Substances Act 1993.

The UK Parliament needs to make an Order under the Scotland Act 1998 to amend the Civil Jurisdiction (Offshore Activities) Order 1987 and the Continental Shelf Act 1964, so that EASR applies to radioactive substances activities carried out offshore. Until the Order is made, the EASR does not apply offshore and the existing legislation remains in force. The main consequence of this is that there will be different thresholds for high-activity sealed sources and clearance and exemption values, which will result in radioactive substances activities being subject to different requirements onshore and offshore.

To minimise the impact that this will have on persons carrying out a radioactive substances activity, SEPA has adopted a Regulatory Position Statement setting out how we will regulate radioactive substances activities in the offshore area.

Regulatory Position

1. The EASR list activity levels defining high-activity sealed sources in Table 4 of Schedule 8 that are the same as those in the Basic Safety Standards Directive¹. **For the offshore area, SEPA will adopt the EASR values for high-activity sealed sources instead of the values in the High-activity Sealed Sources and Orphan Sources Regulations 2005.**
2. The EASR list the concentration of radionuclides for NORM industrial activities in Table 1 of Schedule 8. **For the offshore area, SEPA will adopt the EASR values for NORM industrial activities instead of the values in the Radioactive Substances Act 1993.**
3. The EASR list the concentration of radionuclides above which radioactive substances are in scope of EASR in Table 2 of Schedule 8. **For the offshore area, SEPA will adopt the EASR values for determining what is in scope instead of the values in the Radioactive Substances Act 1993.**

¹ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation

Further information

This regulatory position statement applies only in Scotland. The terms of this regulatory position statement may be subject to review and be changed or withdrawn in light of regulatory or legislative changes, future government guidance or experience of its use.

If you need any further information on this regulatory position statement or any issues around it, please contact us at RSenquiries@sepa.org.uk