

**Working Agreement
between
the Scottish Environment Protection Agency
and
the Food Standards Agency
in Respect of
Arrangements under the Radioactive Substances Act 1993
as amended by the Food Standards Act 1999**

Introduction

1. This Working Agreement is between the Scottish Environment Protection Agency (SEPA) and the Food Standards Agency (FSA). The purpose of this Working Agreement is to set out working arrangements between SEPA and FSA to enable them to discharge their respective responsibilities and exercise their functions under, or in consequence of, the Radioactive Substances Act 1993 as amended by the Environment Act 1995 and by the Food Standards Act 1999.
2. Under the Radioactive Substances Act 1993, the operator of a site in Scotland licensed under the Nuclear Installations Act 1965 is required to apply to SEPA for an authorisation to dispose of radioactive waste, or for a variation to such an authorisation. Under the Radioactive Substances Act 1993, as amended by the Food Standards Act 1999, before determining such an application, SEPA is required to consult with the FSA, both on the application and before granting any authorisation, on that proposed authorisation.
3. Other statutory provisions regulating radioactive wastes exist for non-nuclear licensed sites. In addition, a number of environmental monitoring and radiological assessment activities are carried out by SEPA and FSA in consequence of provisions under the Radioactive Substances Act 1993 and the Food Standards Act 1999. These statutory provisions and activities require co-operation and prompt exchange of information between SEPA and the FSA.
4. The Working Agreement sets out agreed procedures for statutory consultation within Scotland on authorisations to dispose of radioactive waste under the Radioactive Substances Act 1993 as amended by the Food Standards Act 1999. Such co-ordination will improve the effectiveness and efficiency of the Agencies in carrying out their respective functions and to help avoid difficulties which may otherwise arise.

In particular, this Working Agreement is designed to ensure that:

- i. consultation arrangements during the determination of applications for authorisations are efficient and timely,
- ii. information on environmental monitoring, radiological assessments and compliance with standards for protection of the public is sent promptly on request by SEPA and FSA to each other, and
- iii. duplication of activity is minimised.

Consultation on Authorisations at Nuclear Licensed Sites

5. The procedure for consultation on authorisations/variations at nuclear licensed sites will be as follows:-

Application Stage

- a) on receipt of an application for an authorisation/variation, SEPA will send a validated copy plus supporting documents to FSA for comment, before SEPA decides whether to grant any authorisation;
- b) FSA will send its comments on the application to SEPA within an agreed time period;
- c) where FSA seeks clarification or requires additional information, FSA will ask SEPA to send a formal request for further information to the applicant. SEPA will send copies of the requests sent to the applicant, and their replies to FSA;

Public Consultation Stage

- d) as part of the public consultation stage, SEPA will send to FSA copies of any additional material not previously seen by FSA which SEPA sends out for public consultation.
- e) SEPA will send copies of consultation responses relevant to food protection to FSA;

Decision Document Stage

- f) in advance of its final determination, SEPA will send to FSA a copy of the authorisation certificates it is minded to grant, together with the final decision document it proposes to issue;
 - g) SEPA will ask FSA to ensure their relevant minister is content with the terms and conditions in the authorisation with respect to protection of the foodchain.
6. When consulted, FSA will respond within a reasonable time period as agreed with SEPA, usually within 56 days.
7. SEPA will notify FSA when they are undertaking a periodic review of nuclear site authorisations.

Environmental Monitoring

8. SEPA is responsible for determining the levels of radioactivity in the environment and for assessing the effects on human health and the environment. FSA has responsibility for the foodchain and will be consulted on areas relevant to this.
9. SEPA will carry out a programme of monitoring of radioactivity in the environment and the foodchain, and will undertake a programme of habit surveys around nuclear licensed sites. SEPA will consult FSA during development and periodic review of these programmes. FSA will also be consulted on the operator's monitoring as appropriate.

10. SEPA will supply to FSA, on request, relevant information which it has available and which would be of use to FSA for the purposes of determining radiological assessments.
11. SEPA will co-operate with the FSA on the collation of monitoring results within Scotland and will co-operate on the drafting, preparation and publication of relevant reports.

Radiological Assessments

12. FSA will provide SEPA with assessments of dose via ingestion arising from radioactive discharges or radioactivity in the environment, at times agreed by both parties.
13. FSA will inform SEPA as soon as possible if it considers there to be any concerns over radioactive discharges and will consult with SEPA on any additional monitoring or other action necessary to protect the foodchain.

Consultation on Non-nuclear authorisations

14. SEPA will provide information to FSA on a non-statutory basis on applications for authorisations to dispose of radioactive waste from non-nuclear premises. They will agree such information and timescales for comment if appropriate, taking into account the statutory period for the determination of such applications.

Administrative Arrangements

15. SEPA will send all correspondence referred to in this Working Agreement to the FSA's executive in Scotland.
16. SEPA and the FSA will maintain appropriate administrative arrangements to secure the exchange of information on planned revisions and variations to authorisations, environmental monitoring, radiological assessments, and compliance with standards for the protection of the public.

Financial Arrangements

17. Detailed arrangements for dealing with the recovery and repayment of FSA costs under or in consequence of the Radioactive Substances Act 1993 as amended by the Food Standards Act 1999 are set out in a separate Financial Agreement between SEPA and FSA.

Review and Responsibilities

- 18. A joint Review Committee will meet whenever one party requests a review of the operation of this Working Agreement. SEPA and FSA will provide the joint Secretariat and the chair will be taken alternately.
- 19. It is the responsibility of SEPA and FSA to ensure that all employees and contractors observe the provisions of this Working Agreement.
- 20. The operation of the provisions of this Working Agreement will be reviewed no later than 1ST April 2002.
- 21. This agreement is an expression of intent of the parties only, relating to the management of their joint working relationship, and, without prejudice to any requirement under legislation to perform any of the obligations contained in this agreement, it will not form the basis of any action or claim in law by one party against the other for enforcement, damages or otherwise.

Date of Effect

- 22. This Working Agreement will come into force on 18 December 2000.

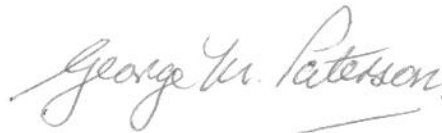
Date *15 December 2000*

Signed



M Patricia Henton
Chief Executive
Scottish Environment Protection Agency

Signed



Dr George Paterson
Director
Food Standards Agency Scotland