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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 147**

**The Radioactive Substances Exemption (Scotland) Order 2011**

**PART 6**

**Exemption from authorisation under section 13: gaseous radioactive waste**

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**17.**—(1) Subject to paragraph (2), a person (“A”) is exempt from authorisation under section 13 in respect of—

- (a) gaseous radioactive waste where the only radionuclide contained in that waste is Kr-85, where that person complies with the conditions in article 18; or
- (b) subject to paragraph (3), gaseous radioactive waste—
  - (i) which is released from within a container at the time that the container is opened; and
  - (ii) that has been emitted by solid or liquid radioactive material within the container, where that person complies with the conditions in article 18(2).

(2) Paragraph (1) does not apply to waste where the person who generated that waste did not take all practicable measures available to minimise the quantity of radionuclides generated as waste.

(3) Paragraph (1)(b) does not apply in respect of any gas which arises as a result of a process applied by a person to the contained radioactive material.

**Conditions in respect of gaseous radioactive waste**

**18.**—(1) A person to whom article 17(1)(a) applies must ensure that in respect of the total amount of waste described in that sub-paragraph which is disposed of from the premises in a year, the total quantity of radioactivity does not exceed  $10^{11}$ Bq.

(2) A person to whom article 17(1) applies must—

- (a) to the extent that is reasonably practicable, in respect of gaseous radioactive waste to which that article applies—
  - (i) which arises in a building, cause the waste to be disposed of by an extraction system which removes the waste from the area where it arose and which vents the waste into the atmosphere; and
  - (ii) prevent the entry or, where paragraph (i) applies, the re-entry, of the gaseous radioactive waste into a building; and
- (b) allow SEPA access to such records or such premises as SEPA may request in order to determine that all of the conditions that apply to that person in respect of that article are complied with.