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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 147**

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

**PART 7**

**Exemption from authorisation under section 13: NORM waste**

**Exemption from authorisation under section 13 for NORM waste**

**19.**—(1) A person (“A”) is exempt from authorisation under section 13 in respect of the disposal on premises of NORM waste with a NORM waste concentration that does not exceed 10 Bq/g where A receives the waste—

- (a) from another person under a disposal permit held by that person or under an exemption from holding such a permit that applied in respect of the transfer from that person; and
- (b) for the purpose of its disposal by A on those premises.

(2) A person (“B”) to whom paragraph (1) does not apply is exempt from authorisation under section 13 in respect of the disposal on or from premises of—

- (a) NORM waste with a NORM waste concentration that does not exceed 5 Bq/g where—
  - (i) the quantity of radionuclides in the total amount of such NORM waste disposed of per year by B on or from those premises does not exceed  $5 \times 10^{10}$  Bq and B complies with the conditions in article 20(1); or
  - (ii) subject to paragraph (3), the quantity exceeds that number and B complies with the conditions in article 20 which apply to B; or
- (b) subject to paragraph (3), NORM waste with a NORM waste concentration that exceeds 5 Bq/g but does not exceed 10 Bq/g where B complies with the conditions in article 20.

(3) The exemptions in paragraphs (1), (2)(a)(ii) and (2)(b) do not apply to a person in respect of premises in respect of which that person holds an authorisation under section 13 for the disposal on or from those premises of NORM waste with a NORM waste concentration which exceeds 10 Bq/g.

**Conditions in respect of NORM waste**

**20.**—(1) A person (“B”) to whom article 19(2)(a) or (b) applies must—

- (a) keep an adequate record of the NORM waste which B disposes of on or from any premises under that article;
- (b) where the disposal route in sub-paragraph (c)(i) or (ii) is used, ensure that where practicable any marking or labelling of the waste or its container is removed before B disposes of that waste;
- (c) dispose of the NORM waste in respect of which that article applies—
  - (i) subject to paragraph (3) where it applies, by burial in landfill (or transfer to a person for such burial);

- (ii) by incineration (or transfer to a person for such incineration), but only to the extent that—
    - (aa) none of the incinerated waste has a NORM waste concentration in excess of 5 Bq/g; and
    - (bb) the quantity of radionuclides in the total amount of NORM waste incinerated per year does not exceed  $1 \times 10^8$  Bq; or
  - (iii) to a waste permitted person; and
  - (d) 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 B in respect of that article are complied with.
- (2) Paragraph (3) applies to a person (“B”) to whom article 19(2)(a)(ii) or (b) applies where B intends to dispose of NORM waste under one of those exemptions by burial in landfill.
- (3) B must—
- (a) make a written radiological assessment of the reasonably foreseeable pathways for the exposure of workers and the public to radiation in respect of the disposal of that waste at the place of disposal;
  - (b) be satisfied that the assessment demonstrates that radiation doses are not expected to exceed—
    - (i) 1mSv per year to workers at the place of disposal; and
    - (ii) 300 $\mu$ Sv per year to the public;
  - (c) provide that assessment to SEPA at least 28 days before the first disposal is made; and
  - (d) not dispose of that waste or continue to do so if SEPA objects in writing to that assessment.