

SCHEDULE 4

Regulation 53

Transitional provisions

Declaration of basic technical characteristics

1. An operator of a qualifying nuclear facility, which exists on commencement day, may satisfy the requirement of regulation 3(1) (to provide the ONR with a declaration of basic technical characteristics) by providing to the ONR, within the period of thirty days beginning on commencement day written confirmation that the information concerning basic technical characteristics which was provided by the operator to the Commission under Article 3 of Commission Regulation (EURATOM) 302/2005 is still correct on commencement day.

Initial book inventory

2. An operator of a qualifying nuclear facility, which exists on commencement day, may satisfy the requirement of regulation 13 (to provide the ONR with an initial book inventory, by sending to the ONR) within the period of 15 days beginning on commencement day, a physical inventory listing (set out in Part 4 of Schedule 1) which shows the position on commencement day and has been generated from the nuclear material management system at the qualifying nuclear facility.

Inventory change report

3.—(1) An operator of a qualifying nuclear facility, which exists on commencement day, must send two inventory change reports to the ONR, under regulation 14 within the period of 15 days beginning on the day on which the end of the month occurs, which began before and ends on or after commencement day—

- (a) the first report must set out any inventory changes which have occurred or become known to the operator during the period from the start of the month to commencement day; and
- (b) the second report must set out any inventory changes which have occurred or become known to the operator during the period from commencement day to the end of the month.

(2) Sub-paragraph (1) does not apply if commencement day does not fall on a day which is not the last day of a month.

Material balance report

4. An operator of a qualifying nuclear facility, which exists on commencement day, must carry out the first physical inventory for each material balance area, in accordance with regulation 15(3), within a period of 14 months beginning on the day on which the last physical inventory was carried out under Article 13 of Commission Regulation (EURATOM) 302/2005.

Stock list for conditioned and retained waste held on commencement day

5. If during the period of twelve months ending on commencement day an operator of a qualifying nuclear facility that is used to treat or store retained or conditioned waste has sent a stock list to the Commission under Article 31(1) of Commission Regulation (EURATOM) 302/2005 the operator is to be treated as having complied with regulation 29(2).

Advance notification or report

6.—(1) Where—

- (a) an advance notification or report is required or permitted;

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- (b) the notification or report relates to a matter which occurs on or after commencement day; and
- (c) an operator of a qualifying nuclear facility sent to the Commission, before commencement day, an advance notification or report in respect of that matter under the Article of Commission Regulation (EURATOM) 302/2005 set out in the first column of the table;

the advance notification or report, which was sent to the Commission, is to be treated, for the purposes of these Regulations, as having been sent by the operator to the ONR under the relevant regulation set out in the second column of the table.

<i>Relevant provision of Commission Regulation (EURATOM) 302/2005</i>	<i>Relevant provision of these Regulations</i>
1. Information on new qualifying nuclear facilities (Article 4 and 24)	Regulation 3(2)
2. Advance notice of changes to the basic technical characteristics of a qualifying nuclear facility Article 4	Regulation 3(3)
3. Programme of activities Article 5	Regulation 4
4. Special Report Article 14	Regulation 16(1)
5. Advance notification of exports of qualifying nuclear material Article 20 and Annex VI	Regulation 21(1) and (2) and the form set out in Part 5 of Schedule 1
6. Advance notification of imports of qualifying nuclear material Article 21 and Annex VII	Regulation 22(1)-(3) and the form set out in Part 6 of Schedule 1

(2) To the extent that, in the period of six months before commencement day, an operator sent a special report to the Commission under Article 14 of Commission Regulation (EURATOM) 302/2005, then the operator must comply with regulations 16(3) and 17(3) in respect of that special report.

Advance notification on or after commencement day

7.—(1) If—

- (a) the activities listed in sub-paragraph 3(1)(b) or (c)(i)-(iii) occur on or after commencement day; and
- (b) paragraph 7 of this Schedule does not apply

the operator must, unless the ONR has previously agreed in writing to a shorter notice period, make the declaration to the ONR on or after commencement day and not later than 200 days prior to the date on which the activity occurs.

(2) In the case of a new qualifying nuclear facility, which comes into existence on or after 1st January 2021, as described in regulation 7(3), the operator must, unless the ONR has previously agreed in writing to a shorter notice period, send an accountancy and control plan to the ONR no later than 200 days prior to the day on which qualifying nuclear material is first received at the facility.

Accountancy and control of qualifying nuclear material

8.—(1) An operator of a qualifying nuclear facility or other person who, on commencement day, was required to keep records by the following Articles of Commission Regulation (EURATOM) 302/2005—

- (a) 8 (operating records),
- (b) 9 (accounting records),
- (c) 24(2) (extraction of ores),
- (d) 30(2) (waste) or
- (e) 26 (carriers and temporary storage agents)

must retain those records for a period of at least five years commencing with commencement day.

(2) An operator must, if requested by the ONR, make the records, referred to in paragraph (1), available for inspection by the ONR at the relevant qualifying nuclear facility and provide the ONR with copies. The records may be made available in electronic form if they are kept in this form by the operator.

(3) An operator must keep the accounting records retained under sub-paragraph (1) up to date.

Operator of qualifying nuclear facility with limited operation

9.—(1) Where, on commencement day, an operator—

- (a) does not qualify for an exemption under regulation 32 of these Regulations;
- (b) benefits from a derogation granted by the Commission in respect of a particular qualifying nuclear facility or qualifying nuclear material, under Article 19 of Commission Regulation (EURATOM) 302/2005 or Article 22 of Regulation (EURATOM) 3227/76; or
- (c) operates a qualifying nuclear facility—
 - (i) in which less than one effective kilogram of qualifying nuclear material is produced, processed, stored, handled, disposed of or otherwise used; and
 - (ii) which is not a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant nor a separate storage installation

the operator shall be treated as benefitting from regulation 31(8) for a period of twelve months commencing on commencement day.

(2) An operator to whom paragraph (1) applies must, during the twelve month period commencing on commencement day, comply with the requirements of these Regulations, as adapted by regulation 31(8), and may, with the consent of the ONR substitute, for some or all of the forms required by these Regulations, the forms and information which the operator would have been required to send to the Commission during that 12 month period had these Regulations not commenced.