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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 147**

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

**PART 4**

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

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

**11.**—(1) A person (“A”) is exempt from authorisation under section 13 (disposal of radioactive waste) in respect of the disposal on premises of solid radioactive waste described in article 12(1) (a) where—

- (a) A receives the waste for the purpose of it being disposed of by A and on those premises;
- (b) in respect of those premises A manages, treats or disposes of substantial quantities of waste which is not radioactive waste; and
- (c) the radioactive waste will be disposed of by A as soon as is practicable and whilst dispersed in non-radioactive waste.

(2) A person (“B”) to whom paragraph (1) does not apply is exempt from authorisation under section 13 in respect of the disposal from premises of solid radioactive waste described in article 12 where B complies with the conditions in article 13 that apply in respect of that waste.

**Solid radioactive waste**

**12.**—(1) Solid radioactive waste referred to in article 11 means—

- (a) subject to paragraph (2), solid radioactive waste described in an entry in column 1 of Table 3 which does not contain a concentration of radionuclides that exceeds the value specified in column 2 of that Table in respect of that kind of waste; or
- (b) a sealed source, electrodeposited source or tritium foil source which is not described in sub-paragraph (a).

(2) Paragraph (1) does not apply to waste—

- (a) where, prior to the disposal of that waste, a person has diluted it with the intention of ensuring that paragraph (1)(a) is met; or
- (b) which is NORM waste with a NORM waste concentration which is less than or equal to 10 Bq/g.

**Conditions in respect of solid radioactive waste**

**13.**—(1) A person to whom article 11(2) applies in respect of a waste which is—

- (a) described in article 12(1)(a); and
- (b) not a sealed source, an electrodeposited source or a tritium foil source,

must ensure that the quantity of the waste or, as applicable, the quantity of any radionuclide which that waste contains, does not exceed the value specified in column 3 of Table 3 in respect of the

total quantity of that waste disposed of on or from the premises during the period stated in that column.

- (2) A person to whom article 11(2) applies must—
  - (a) keep an adequate record of the solid radioactive waste which the person disposes of on or from any premises under that article;
  - (b) dispose of the waste by a route identified in paragraph (3);
  - (c) where the disposal route in paragraph (3)(a) is used, ensure that where practicable any marking or labelling of the waste or its container is removed before the person disposes of that waste;
  - (d) where the waste is or was a high-activity source, notify the details of the disposal to SEPA within 14 days of the disposal (including the information required by Annex II of the HASS Directive), in such form as may be required by SEPA; and
  - (e) allow SEPA access to such records or such premises as SEPA may request in order to determine that all of the conditions that apply in respect of that article are complied with.
- (3) The routes referred to in paragraph (2)(b) are by transfer to—
  - (a) subject to paragraph (4), a person who disposes of substantial quantities of non-radioactive waste for burial in landfill, incineration or recovery and where the radioactive waste will be mixed with such non-radioactive waste for the purposes of such burial, incineration or recovery;
  - (b) a waste permitted person; or
  - (c) where the waste is a sealed source, an electrodeposited source or a tritium foil source, to a licensee of a nuclear site or to a person situated in another State who is lawfully entitled to receive such waste.
- (4) The route in paragraph (3)(a) only applies in respect of waste described in article 12(1)(a)—
  - (a) which is not a sealed source, an electrodeposited source or a tritium foil source; or
  - (b) which is such a source, where in respect of the total amount of such sources which are disposed of on or from the premises under article 11(2), the quantity of the waste or, as applicable, the quantity of any radionuclide which that waste contains, does not exceed the value specified in column 3 of Table 3 in respect of that source during the period stated in that column.