
STATUTORY INSTRUMENTS

2019 No. 196

The Nuclear Safeguards (EU Exit) Regulations 2019

PART 7

Qualifying nuclear facility with limited operation and exemption

Declaration of basic technical characteristics, stock list and accounting records for qualifying nuclear facility with limited operation

31.—(1) An operator of a qualifying nuclear facility with limited operation may apply to the ONR for paragraphs (5) to (8) of this regulation (“the regime with limited operation”) to apply to that qualifying nuclear facility.

(2) An operator must make such an application by sending to the ONR—

- (a) the form set out in Part 11 of Schedule 1;
- (b) the basic technical characteristics of the qualifying nuclear facility with limited operation, using the questionnaire set out in section I-H of Part 1 of Schedule 1; and
- (c) an initial stock list of the qualifying nuclear material by category.

(3) The ONR may grant the operator’s request for the application of the regime for limited operation, if satisfied that the operator satisfies the definition of an operator of a qualifying nuclear facility with limited operation and that the particular circumstances in which the qualifying nuclear material is to be used or produced mean that it is unnecessary for the operator to comply with all the requirements of these regulations.

(4) The ONR must inform the operator in writing of its decision, under paragraph (3), within the period of 60 days beginning with the day on which the ONR receives the documents referred to in paragraph (2).

(5) An operator which is permitted to comply with the regime for limited operation must—

- (a) inform the ONR of a change in the basic technical characteristics of the qualifying nuclear facility within the period of 30 days beginning with the day on which the change is completed;
- (b) take a physical inventory of the qualifying nuclear material in the qualifying nuclear facility in each calendar year beginning on 1st January, with the period between two successive physical inventory takings not exceeding 14 months, and inform the ONR of the results of this inventory within the period of 30 days of the day on which it is taken in the form specified by the ONR to the operator in writing;
- (c) inform the ONR of any change to the inventory of qualifying nuclear material according to a format and within the timescale specified by the ONR to the operator in writing.

(6) Acting on the basis of the information submitted under paragraphs (2) or (5), the ONR may by written notice to the operator impose additional requirements concerning the form and frequency of the reports.

(7) The ONR may withdraw a permission granted under paragraph (3), in writing, having reviewed—

- (a) the compliance of the operator with—
 - (i) the definition of an operator of a qualifying nuclear regime with limited operation, or
 - (ii) the requirements set out in paragraph (5) or imposed by the ONR under paragraph (6); and
- (b) the activities of the operator and of the relevant qualifying nuclear facility.

(8) The requirements set out in regulations 4, 12 to 15 and 21 to 24 do not apply to an operator of a qualifying nuclear facility with limited operation while that operator is permitted by the ONR to comply with this regulation.

Exemption

32.—(1) The requirements of these Regulations do not apply to a person who holds only end products which are used for non-nuclear purposes and which incorporate qualifying nuclear material that is, in practice, irrecoverable.

(2) The requirements of these Regulations do not apply to an operator of a qualifying nuclear facility, which—

- (a) is—
 - (i) a primary or a secondary school, as defined in section 5(1) and (2) of the Education Act 1996⁽¹⁾;
 - (ii) a 16 to 19 Academy, as defined in section 1B of the Academies Act 2010⁽²⁾; or
 - (iii) a sixth form college, as defined in section 91(3A) of the Further and Higher Education Act 1992⁽³⁾; and
- (b) holds an amount equal to 0.01 effective kilograms or less of uranium or thorium where, in the case of uranium, the isotopes 235 and 233 comprise 1% or less of the total mass of uranium held.

(1) 1996 c. 56. Section 5 has been amended but in a manner which is not relevant to these Regulations.

(2) 2010 c. 32. Section 1B was inserted by Education Act 2011 (c.21) section 53(7).

(3) 1992 c. 13. Section 91(3A) was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) section 269(4), Schedule 8 paragraph 13(3).