

TRANSPOSITION NOTE

IMPLEMENTATION OF THE JUSTIFICATION OF PRACTICES AND PUBLIC EXPOSURES ASPECTS OF THE BASIC SAFETY STANDARDS DIRECTIVE 2013/59/EURATOM (BSSD)

Environmental Permitting (England and Wales) Regulations 2016

The Department for Business, Energy and Industrial Strategy (BEIS) has overall responsibility for coordinating UK transposition of the BSSD. A number of government departments, and the devolved administrations, are making regulations to transpose various aspects of the BSSD and each will complete a Transposition Note relating to the regulations they are making.

BEIS is implementing the **justification of practices** and **public exposures** aspects of the BSSD through four sets of regulations:

- the Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018, which amend the Justification of Practices Involving Ionising Radiation Regulations 2004 (S.I. 2004/1769) which set out a UK-wide framework for the making of justification decisions;
- the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018, which amend the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) which set out the environmental permitting regime for radioactive substances activities;
- the Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (Amendment) (England) Regulations 2018, which amend the Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (S.I. 2005/3467) and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379); and
- the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018¹, which makes UK-wide provision for matters not covered by existing statutory regimes.

The table below sets out how articles in the BSSD are transposed by the **Environmental Permitting (England and Wales) Regulations 2016 as amended by the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018**. Unless otherwise stated, the references in the table refer to the 2016 Regulations.

Article	Objective	Implementation
2.1	Scope Directive applies to planned and existing exposure situations involving members of the public,	EPR 2016
2.2 (a), (c)		Regulation 8, 12, 35 and Schedule 23 Part 2, Part 6

¹ This instrument will be made on a separate date.

and (c)(ii)	including in particular transport, storage, use, and disposal of radioactive material; processing of materials with naturally occurring radionuclides.	
4	Definitions Sets out relevant definitions.	Regulation 8, 12, 35 and Schedule 23 Part 2, Part 6
5 (b)	General principles of radiation protection	Schedule 23 Part 4, paragraph 1
5 (c)	Protection to be optimised when members of the public are exposed to ionising radiation (public exposures). Dose limits to apply.	Schedule 23 Part 4, paragraph 1 & 2
6.1 (b)	Dose constraints for occupational, public and medical exposure	Schedule 23 Part 4, paragraph 2
6.2	Dose constraints to be established to optimise protection in public exposure situations.	Schedule 23 Part 4, paragraph 2
12	Dose limits for public exposure Effective dose and equivalent dose limits to apply for public exposures from authorised practices.	Schedule 23 Part 4, paragraph 1
13	Estimation of the effective and equivalent dose Standard values and relationships to be used to estimate effective and equivalent doses.	Schedule 23 Part 4, paragraph 2(2)
14.2	Requirements for radiation protection education, training and information Arrangements to be made for education, training and re-training to allow for recognition of radiation protection experts.	Radioactive waste advisers: Schedule 23 Part 4, paragraph 7 <u>statement on radioactive waste advisers</u>
23	Identification of practices involving naturally-occurring radioactive material Identification of classes or types of practice involving naturally-occurring radioactive materials leading to exposure.	Schedule 23, Part 2, paragraphs 2 & 4
24.1	Graded approach to regulatory control	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6

	Practices to be subject to regulatory control for the purposes of radiation protection, by way of notification, authorisation and inspection.	
25.1 and 25.2	Notification Practices to be notified, including existing exposure situations managed as planned exposure situations.	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
26.1 (a) – (c)	Exemption from notification Practices which may be exempted from being notified. Exemption limits expressed as quantities or activity concentrations. General exemption criteria to be followed.	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
26.2		Regulation 8, 12 and 35 and Schedule 23 Part 6
27.1 (a)	Registration or licensing Practices requiring registration or licensing.	Regulated as a “use” of radioactive substances: Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
28 (b)- (f)	Licensing Practices requiring licensing.	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
29.1 and 29.2	Authorisation procedures Information to be provided on the nature of the practice and the radiological risk involved. Conditions to be included in a licence, including on radioactive discharges.	Schedule 5 paragraphs 2 & 4: <u>application forms</u> and Schedule 23 Part 4, Section 1
29.3		Schedule 5 paragraph 12 and Schedule 23 Part 4, Section 1
29.4		Schedule 5 paragraph 12 and <u>Statutory Guidance re discharges</u>
30.1	Release from regulatory control The disposal, recycling or reuse of radioactive materials to be authorised or otherwise meet the specified criteria for release from regulatory control. Clearance levels expressed as activity concentrations. Dilution not to be allowed.	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
30.2 (a)		Schedule 23 Part 2, paragraphs 5 & 6
30.2 (b)		Schedule 23 Part 2, Part 6
30.3		Schedule 23 Part 2, paragraphs 5 & 6
30.4		Schedule 23 Part 2 paragraph 6A, Part 4 paragraph 8, Part 6 paragraphs 2, 6 & 21
65.1	Operational protection of members of the public Criteria for operational protection of members of public in normal circumstances for practices subject to licensing, including criteria for discharges.	Regulation 8, 12 and 35
65.2		Schedule 23 Part 4, Section 1, <u>Statutory Guidance re discharges</u> and <u>public dose assessment principles</u>
65.3		Regulation 8, 12 and 35 and Schedule 23 Part 4, Section 1

66	<p>Estimation of doses to the members of the public Arrangements to be made for estimating doses to members of the public from authorised practices.</p>	Schedule 23 Part 4, paragraph 2(2)
67	<p>Monitoring of radioactive discharges Where an undertaking is authorised to make radioactive airborne or liquid discharges, it must monitor, evaluate and report.</p>	Schedule 23 Part 4, paragraph 9
68	<p>Tasks for the undertaking Undertakings are to optimise protection to members of public and the environment, to check equipment and to take expert advice.</p>	Schedule 23 Part 4, paragraph 7
76.1	<p>Competent authority Independent competent authority to be designated to carry out tasks of Directive.</p>	EPR16
77	<p>Transparency Information on practices and regulation of radiation sources and radiation protection to be made available to members of the public.</p>	Regulation 46 and Schedule 27
79	<p>Recognition of services and experts Recognition of radiation protection experts (79.1(c)).</p>	Radioactive waste advisers: Schedule 23 Part 4, paragraph 7 and <u>statement on radioactive waste advisers</u>
82.1	<p>Radiation protection expert Radiation protection experts to give competent advice to operators, and criteria the advice should cover.</p>	Schedule 23 Part 4, paragraph 7
82.2 (f)		Schedule 23 Part 4, paragraph 7
82.2 (h)		Schedule 23 Part 4, paragraph 9
82.2 (i)		Schedule 23 Part 4, paragraph 7
85	<p>General requirements for unsealed sources Arrangements for managing, transferring, recycling and disposing of unsealed sources, including notification of loss.</p>	Schedule 23 Part 5, paragraph 5

86	<p>General requirements for sealed sources Arrangements for managing, transferring, recycling and disposing of sealed sources, including notification of loss.</p>	Schedule 23 Part 5, paragraph 5
87	<p>Requirements for control of high-activity sealed sources Arrangements for the safe management and disposal of high-activity sealed sources, including financial security.</p>	Schedule 23 Part 5, paragraph 5
88	<p>Specific requirements for licensing of high-activity sealed sources Criteria for licensing of high-activity sealed sources.</p>	Schedule 23 Part 5, paragraph 5
89	<p>Record keeping by the undertaking Record keeping requirements for operators for high-activity sealed sources.</p>	Schedule 23 Part 5, paragraph 5
90	<p>Record keeping by the competent authority Record keeping requirements of the competent authority for high-activity sealed sources.</p>	Schedule 23 Part 5, paragraph 6
91	<p>Control of high-activity sealed sources Criteria that activities involving high-activity sealed sources are to comply with.</p>	Schedule 23 Part 5, paragraph 5
92.3	<p>Detection of orphan sources Advice and assistance to be made available to persons who suspect the presence of an orphan source.</p>	Schedule 23 Part 5, paragraph 4
93.2	<p>Metal contamination Management of metal scrap installation to inform competent authority if orphan source is processed.</p>	Regulation 8, 12 and 35 and permit conditions
94.1	<p>Recovery, management, control and disposal of orphan sources Competent authority to make provision to control and recover orphan sources.</p>	Schedule 23 Part 5, paragraph 8

95	<p>Financial security for orphan sources Financial means to be in place to cover intervention costs relating to recovery of orphan sources.</p>	Schedule 23 Part 5, paragraph 8
96	<p>Notification and recording of significant events Arrangements for recording, reporting and investigating significant exposure events.</p>	Schedule 23 Part 5, Part 1, paragraph 20
100.3	<p>Programmes on existing exposure situations Existing exposures where legal responsibility can be assigned to be dealt with as planned exposures.</p>	Regulation 8, 12 and 35 and Schedule 23 Part 2, Part 6
104.1	<p>Inspections Systems of inspection to be established to enforce provisions of the Directive and to take corrective action where necessary. Requirements for inspection programmes and findings from inspections.</p>	Regulation 34(2) and Schedule 23 Part 5, paragraph 2 & 6
104.2		Schedule 23 Part 4, paragraph 5
104.3		Schedule 23 Part 4, paragraph 6
104.4		Regulation 46 and Schedule 27, paragraph 1
105	<p>Enforcement Competent authority to have power to require individual or legal person to take action to remedy deficiencies where exposure situation is not compliant with provisions of Directive.</p>	Regulations 36 to 44