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Environmental Permitting Regulations (England and Wales) 2010

How to Comply with your Standard Rules Environmental Permit for the Keeping and Use of Category 5 Sealed Radioactive Sources

Version history

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1.0	May 2010	
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A Quick Guide

This document provides guidance to holders of a standard rules environmental permit for the keeping and use of Category 5 sealed radioactive sources, about the meaning of the rules for this standard facility.

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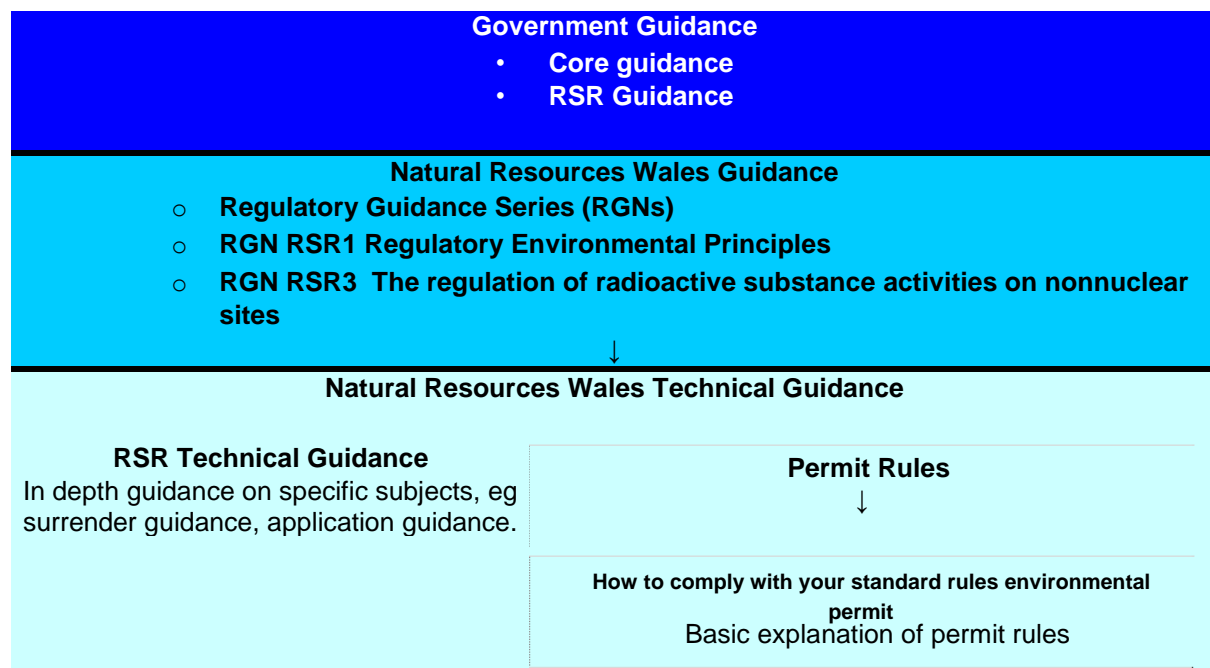
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Introduction

This guidance note is about how you ensure that you keep and use Category 5 radioactive sealed sources safely and securely. It explains in general terms your permit rules so that you understand what you need to do to comply with those rules and the permit in which they are referred to. Its structure is consistent with the current templates for Environmental Permitting Regulations (EPR) Radioactive Substances Regulation (RSR) permits; however, it is also relevant to existing holders of registrations issued under RSA93.

You may use this guidance to help understand your responsibilities under the permit, to assist you in making an application and in complying with the rules of your environmental permit, when issued.

How our Radioactive Substances Regulation (RSR) guidance fits together



The Government has produced guidance on the Environmental Permitting (England and Wales) Regulations 2010 ('the Core Guidance') which describes the general permitting and compliance requirements. Specific guidance on Radioactive Substances Regulation (RSR) has also been produced (Environmental Permitting Guidance Radioactive Substances Regulation (RSR)) which confirms how RSR should be applied and implemented, and how particular terms should be interpreted in England and Wales. Where specific requirements for RSR differ from those in the Core Guidance, the RSR Guidance sets out those differences. Therefore you should read the RSR Guidance in conjunction with the Core Guidance.

We have provided guidance on generic Natural Resources Wales policy stating what we intend to do and how we apply key terms and technical matters for the activities we regulate under the Regulations (the “Regulatory Guidance” series - RGNs).

We have also written the Radioactive Substances Regulation Environmental Principles (REPs) (RGN RSR1) to set out our overall approach to RSR. This forms a consistent and standardised framework for the assessments and judgements that we make when regulating radioactive substances. This framework includes permitting and compliance where we regulate directly, as well as where we act as consultees, advisors or otherwise have influence. We have also provided regulatory guidance on “The regulation of radioactive substances activities on non-nuclear sites” (RGN RSR3).

You should use the guidance in the following ways

You can use this guidance to understand your permit and the rules and limits we consider necessary to regulate your activity, and to identify in broad terms what you should do to comply with the permit. This guidance refers to other documents for more information. This note does not provide detailed technical guidance nor does it set out specific technical standards or measures.

The RSR non-nuclear permit rules describe what we want you to achieve but do not normally tell you how to do this. They are generally intended to give you a degree of flexibility. This document sets out the permit rules for sites where security restrictions apply and then provides guidance on how to comply. Reference to a table in the permit rules refers to the table you will find in your permit.

In broad terms the standard rules are based on the following approach:

- you must have suitable management arrangements, including sufficient competent persons and resources to comply with your permit;
- you must have suitable arrangements and measures in place to maintain the security and integrity of sealed sources;
- you must make and keep records demonstrating compliance and provide information to us as requested;
- you must submit information to comply with the reporting and notification requirements to us.

The rules are structured as follows

- Part 1 Management
- Part 2 Operations
- Part 3 Information
- Part 4 Interpretation

Information security

Your permit will be marked “Restricted” in accordance with the Government Protective Marking System. The unauthorised disclosure of the information it contains could facilitate the commission of serious crime – in particular by terrorists. It is for use only by those people within your organisation who need reasonable access to it, to ensure compliance with the conditions of the permit, and trusted contacts who advise you – such as your Radiation Protection Adviser. In particular, to ensure compliance with the objectives of the Government Protective Marking System you must:

- not copy it to other third parties without consulting us.
- lock it in a lockable cabinet or container when it is not in use.
- make those who access it aware of the marking and the need to protect the information from unauthorised disclosure and loss.
- If you move it around, use a sealed envelope and not mark the envelope “Restricted”. If you post it, use “Royal Mail Special Delivery Next Day”.
- not e-mail it.

Rules

1 Management

1.1 General management

Rule 1.1.1

The operator shall manage and operate the activities:

- (a) in accordance with a written management system that is sufficient to achieve compliance with these rules; and
- (b) using sufficient competent persons and resources.

How to comply

This rule means that you must put in place the management arrangements to ensure that you comply with each permit rule. If your business is large or complicated it may be best to have a formal environmental management system (EMS). We strongly support systems which either:

- meet the ISO14001 standard; or
- are registered under EMAS (European Community Eco Management and Audit Scheme).

For smaller and simpler activities it may be enough to have a basic management system instead of a fully certified EMS. We do not necessarily expect you to set up a stand-alone system. It may be integrated with any other management system that you already have in place.

In operating your management system, we expect you to:

- Plan – establish the processes necessary to achieve compliance with the permit rules
- Do – implement those processes
- Check – monitor those processes to ensure that compliance is being achieved
- Act – take action to improve those processes where failures or weaknesses are identified.

We expect your management system, as a minimum, to include:

- definition of roles, responsibilities and authorities;
- identification of resources required;
- identification of training needs;
- procedures for procurement, operation and maintenance of sealed sources and associated equipment;
- record-keeping arrangements;
- arrangements for checking compliance.

Rule 1.1.1(b) means that all your staff must have clearly defined roles and responsibilities, with instructions covering what they should and should not do in their job. Staff who manage, supervise or work with sealed sources must:

- understand the conditions of the permit;
- have the skills and ability to carry out their job;
- be given sufficient time to carry out their work in accordance with these rules.

Rule 1.1.2

The operator shall maintain records demonstrating compliance with rule 1.1.1.

How to comply

Under this rule you must make and keep records which show what sort of management system you have and how you have met each of the rules. You must also make and keep records which show what you have done to make sure your staff have the right skills to do their jobs, including:

- the date and content of training they received;
- who provided the training; and
- how that training met their needs.

Section 3 of the rules tells you how to keep the records.

Rule 1.1.3

Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.

How to comply

Under this rule, you must make it easy for your staff to read your permit. For security reasons, you must not display your permit in areas open to the public.

2 Operations

2.1 Permitted activities

Rule 2.1.1

The operator is only authorised to carry out the activities specified in table 2.1 below (“the activities”).

How to comply

Under this rule, you can keep and use any radioactive source on the premises shown on the permit, provided that:

- each source, and all of them together, are within Category 5; and
- you use them only for Justified Practices (this includes any existing Justified Practice listed in the Government guidance on justification or any new Justified Practice listed on the Register of Justified Practices¹ – you are not constrained to those Justified Practices that you specified on your application for a standard rules permit) or for work activities not subject to the requirement for justification (mainly activities involving the use of naturally occurring radioactive material, such as the use of depleted uranium as shielding in source containers).

Before you applied to us for a standard rules permit, you would have decided whether the sources you want to keep meet the definition of Category 5. Please see the guidance on reporting, in section 3 below, which explains what you should do if we change D values and therefore change our definition of Category 5 sources.

2.2 The site

Rule 2.2.1

The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.

How to comply

You must only keep and use sealed sources within the area of land shown on the site plan. If you wish to expand that area, you will need to apply for a variation. If

¹ These documents are available from
Link Removed

you wish to reduce the area, you will need to apply for a partial surrender. RSR RGN 3 and the relevant parts of the application form give advice on these processes.

2.3 Source security and integrity

Rule 2.3.1

The operator shall, so far as is reasonably practicable, prevent:

- a. unauthorised access to any sealed source;
- b. loss or theft of any sealed source;
- c. damage to any sealed source by fire or other means.

How to comply

Under this rule, you should have arrangements to stop people, other than those with a legitimate need, having access to your sources, and to ensure that your sources aren't lost or damaged whilst they are being used or stored.

You should consider the need to review how you:

- control access to your sources;
- secure the places where they are kept, particularly when they are not supervised – you should use a locked container, kept in a locked room when not in use; and
- use signs to warn people where your sources are.

We expect you to take all reasonable care to ensure the safety and security of the sources. Both physical measures (e.g. keeping 'under lock and key') and administrative measures (e.g. recording the location of sources) should be applied. For more information about controlling risk, read:

- the information sheet on controlling radioactive substances (sheet irp8) that we wrote with the Health and Safety Executive (HSE). You can get this from the HSE's website:

- the guidance on flood risk for small users

You should ensure that all equipment associated with keeping and using sealed sources, including sources and source containers, is maintained in good condition. This will help avoid your sources being damaged, lost or stolen. You must, as a minimum, follow any advice on maintenance and inspection provided by the manufacturer, supplier or installer, or maintain to an equivalent standard. You should also keep essential spare parts on the site or make sure you can get spares quickly if you need them. You should keep a record of the maintenance you carry out.

If you do damage or lose a source, you must:

- implement your accident procedure;
- take action to prevent the accident happening again; and

- change your procedures if you can learn anything from the accident that would help you avoid or manage it better in future.

2.4 Identification of sources

Rule 2.4.1

No article which incorporates or is a sealed source shall be kept or used unless it is legibly marked with a unique identification number, the word radioactive and the ionising radiation symbol, so far as is reasonably practicable.

How to comply

Under this rule, you must - if this is reasonably practicable - mark your sources and the equipment they are a part of, so that your staff and other people know they are radioactive or include a radioactive source. Most sources will be suitably marked by their makers. If they are not, it may not be safe to mark them yourself. However, you should always give them a unique number so that you can identify them and use that for your records.

You must also - if this is reasonably practicable - mark any container you use, so that your staff and other people can tell that its contents are radioactive. This will also help you to comply with rule 2.3.1. The outside of the container must show clearly:

- its identifying number;
- the identification number of the source it contains;
- the name and radioactivity of each radionuclide (not including decay products) contained in the source on the day you received it;
- the word 'Radioactive'; and
- the ionising radiation symbol which meets BS 3510:1968 or ISO 361:1975.

3 Information

3.1 Records

Rules 3.1.1 – 3.1.4

3.1.1 All records required to be made by these standard rules shall:

- a. be legible;
- b. be made as soon as reasonably practicable;
- c. if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
- d. be retained until notified in writing by Natural Resources Wales that records no longer need to be retained.

3.1.2 Records shall be made on the day of receipt or removal, as appropriate, of each sealed source showing:

- a. the radionuclide present, the date on which it was received and the radioactivity on that date;
- b. the identification number of the source and of any container in which it is kept or used; c. its location on the premises; and
- d. if it has been removed from the premises, the date of removal, the radioactivity on that date and the name and address of the person to whom it was transferred.

3.1.3 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by Natural Resources Wales.

3.14 The operator shall:

- a. retain records made in accordance with any previous relevant permit issued to the operator and related to the premises covered by these standard rules; and
- b. retain records transferred to the operator, which were made in accordance with any previous relevant permit related to the premises covered by these standard rules.

How to comply

Under these rules, you must:

- ensure all your records are clear and up-to-date;
- record and update the specified source details whenever you get a source, move a source or send a source to someone else;
- keep the records on the premises (so that they're available for our inspection) unless we agree to you keeping them somewhere else;
- keep records even if they were made under a condition in an earlier permit.

Records may be kept in hardcopy or electronic format. Electronic records must remain capable of being read until we notify you that they may be destroyed.

3.2 Reporting

Rules 3.2.1 – 3.2.3

3.2.1 The operator shall send all reports and notifications required by these rules to Natural Resources Wales using the contact details supplied in writing by Natural Resources Wales.

3.2.2 The operator shall send a report to Natural Resources Wales within one month of the end of each year. The report shall confirm, at the point of reporting, whether each radioactive source, and all radioactive sources taken together, kept and used on the site remain within source Category 5.

3.2.3 If, when these standard rules came in to effect, the operator kept or used only gaseous tritium light devices (GTLDs) the operator shall send a report to Natural Resources Wales within one month of the end of the year. The report shall confirm whether the operator continues to hold only GTLDs on the premises.

How to comply

Under rule 3.2.1, whenever you need to speak or write to us, you should use the contact details in the letter we sent you with your permit. We shall write to you if our details change.

Under rule 3.2.2, you must tell us, each year, that you still need only a standard rules permit. If you think that you need to keep sources which won't fall within Category 5, you should let us know straight away and not wait until you make your yearly report.

The D values you used to decide if a standard rules permit was suitable for you may change. If they do, we will republish our How to Apply guidance, but you don't need to review your holdings immediately. Your annual review should, however, use the D values in the current How to Apply guidance – and so you should visit our web site before doing your review. We expect that changes to D values will not take most standard rules permit holders beyond Category 5. If they do, you will need to apply for a bespoke permit.

If you kept only gaseous tritium light devices at the time we issued a standard rules permit to you, we will have been charging you a reduced yearly fee. Under rule 3.2.3, you must tell us if that has changed so that we can begin to charge the full fee.

3.3 Notifications

Rules 3.3.1 – 3.3.2, 3.3.4

3.3.1 Natural Resources Wales shall be notified without delay following the detection of:

- a. any malfunction, breakdown or failure of equipment or techniques or accident, which has caused or may cause a radioactive source to be damaged or lost; or
- b. a breach of the limits of activities specified in table 2.1.

3.3.2 Written confirmation of the occurrence of any of the circumstances set out in rule 3.3.1 shall be submitted within 24 hours.

3.3.4 If a sealed source has been lost or stolen, or theft of a sealed source has been attempted, or there are reasonable grounds for believing that such an event has occurred:

- a. the Police and Natural Resources Wales shall be notified without delay; and
- b. the circumstances, including any actions taken, shall be reported in writing to Natural Resources Wales as soon as is practicable.

How to comply

Under these rules, you must tell us if things go wrong. The phrase “without delay” emphasises that you must notify us about any such event as an immediate priority. You must then follow up promptly with a written report.

In the case of loss, theft, or attempted theft of a source, you must also notify the Police, without delay.

Rule 3.3.3

Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules: a. Where the operator is a registered company:

- (i) any change in the operator's trading name, registered name or registered office address; and
- (ii) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

b. Where the operator is a corporate body other than a registered company:

- (i) any change in the operator's name or address;
- and

(ii) any steps taken with a view to the dissolution of the operator. c. In any other case:

- (i) the death of any of the named operators (where the operator consists of more than one named individual); and
- (ii) any change in the operator's name(s) and address(es); and
- (iii) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

How to comply

Under this rule, you must tell us if the details of your organisation change so that we can update our records, advise you if the permit remains valid, or ensure the sources remain under control, as appropriate.