

Charging consultation for radioactive substances activities under the Environmental Authorisation (Scotland) Regulations 2018

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1 Objective

This consultation sets out the proposed changes in the charging scheme to allow the implementation of the Environmental Authorisations (Scotland) Regulations 2018 (EASR) for radioactive substances activities (RSA).

2 Background

In 2017, Scottish Government and SEPA consulted on the proposed Integrated Authorisation Framework. This covered how different sets of existing regulations (PPC, CAR, waste and RSA) would be transferred to the new regulations.

The first regulated activities which will come under the new Environmental Authorisations (Scotland) Regulations (EASR) are the radioactive substances activities. The initial consultation in January 2017 outlined what types of authorisation would be brought in (<http://www.gov.scot/Resource/0051/00512902.pdf>).

A second consultation by SEPA in 2017 provided more detail with related questions. In this consultation we provided indicative charges in section 2.4 (https://consultation.sepa.org.uk/regulatory-strategy/iaf-draft-regulations/supporting_documents/Consultation%20on%20SEPA%20Guidance%20under%20the%20Integrated%20Authorisation%20Framework.pdf) for the new activities, and existing activities that would have some small changes. This second consultation was not a formal consultation on charges and only provided as an aid.

In addition last year we consulted on the 2018 SEPA Environmental Regulation Charging (Scotland) Scheme, this revised all charges based on information we had gathered over the first two years of the new scheme and implemented a number of changes first identified in 2015, and we have used this as the basis for the proposed changes.

This new consultation is the formal charging consultation for the new activity categories for radioactive substances under EASR and we are seeking your views on these charges.

We are also consulting on the charges for radioactive substances activities at nuclear sites. This charge will remain the same for 2018/19 as it is currently and will be subject to inflationary increases in following years.

Overall we believe the initial charges will reflect the work for the new activity categories and authorisation tiers. However these are estimates and as the work beds in we expect there will be further changes. Therefore in 2020 we will review the charges again.

3 Proposed charges

The following details the proposed charges for radioactive substances activities regulated under the new EASR. SEPA is required to consult under Environment Act 1995. SEPA's Privacy Policy web page is here ([link](#)).

3.1 Background

The new regulations provide new tiers of authorisation, some of which are going to be used for the first time. We have used specialists to identify the most appropriate charge based on their experience of similar activities.

Overall, most categories of existing licensed activities will map across to a new activity with little change in charging. However some activities have been split or have been put to a different authorisation level.

3.2 Implementation and timeframes

Our current charges will apply for the entire financial year to ease implementation and to allow continuity of charges.

For all new applications after the new regulations come into force, we will either apply:

- 1) The existing charges based on the most apt description until the charging scheme is amended. Or
- 2) Once the charging scheme is amended, the new categories or most apt category which has been identified.

Authorisations which were issued prior to 1/4/2016 are subject to the phasing in of the 2016 and 2018 charging schemes. This phasing will continue for those authorisations that are subject to phasing even when they receive a new authorisation under EASR.

3.3 Large and Complex Activity Charges for “Band B/C Activities”

Within our current charging scheme we have a provision to charge for “large and complex” activities for application and subsistence work. Historically we have not applied it to non-nuclear “Band B/C” RSA activities (charges for Band A facilities are charged on a day rate). Our intention is to apply the “large and complex activity” charges since our experience has shown that we have a small number of applications / project work which requires much more work than a “normal” application or on going subsistence work within the general activity description. This should reduce any potential cross-subsidising.

Given that the majority of these larger projects are undertaken by our RSA specialists we intend charging at the Band A rate (£950/day).

The intention is to use for applications / projects where there is significant technical input, high level of scrutiny by public and/or private stakeholders and/or government organisations.

The application of an hourly charge is not a change to the scheme but the use of a different hourly rate is.

3.4 Authorisation charges

The following table summarises and maps the activities / charges under the 2018 charging scheme and the proposed charges (after phasing or for new activities) that will amend the scheme once the EASR comes into force.

Current 2018 Charging Scheme Categories					Proposed Charging Scheme Categories (after phasing)					
Column 1	Column 5	Column 6	Column 7	Column 8						
SEPA Reference Number	Legal Description	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	New Descriptions	Authorisation Type	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	Comments
10215	Any other non-nuclear RSA activity not described elsewhere in this table.	£0 (Band 0)	524	Y	Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a permit.	Permit	£2101 (Band 10)	1220	Y	These are placed in to capture activities which do not have a suitable description elsewhere or where SEPA believe we need to escalate / de-escalate the authorisation level for a particular site.
Split					Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a registration.	Registration	£630 (Band 8)	848	N	
Split					Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a notification.	Notification	£0 (Band 0)	0	N	
11990	RSA: Section 13 & 14 accumulation and disposal of radioactive waste - can include keeping and use of unsealed sources under Section 7 & 10.	£2101 (Band 10)	917	N	The management of unsealed radioactive sources that have an activity exceeding 10 GBq Tc-99m and 20 MBq in total of all other radionuclides and including specified discharge limits to the environment.	Permit	£2101 (Band 10)	917	N	
12000	RSA: Section 13/14 accumulation and disposal derived from the keeping and use of lower activity unsealed sources under Section 7 & 10 (less than 10GBq Tc99m and 20MBq of other isotopes).	£1261 (Band 9)	524	N	The management of unsealed radioactive sources that have an activity not exceeding 10 GBq Tc-99m and 20 MBq in total of all other radionuclides with no disposals other than those allowed by standard conditions G3 to G5.	Permit	£630 (Band 8)	524	N	
12010	RSA: Section 7 & 10 keeping and use of unsealed radioactive sources.	£388 (Band 6)	848	N	The management of radioactive material intended to be released into the environment and management of any associated radioactive waste.	Permit	£2101 (Band 10)	848	N	This is the main mapping of the RSA section 7 and 10 keeping and use of unsealed radioactive sources but it is recognised that some sites may go under another category.
					The management of radioactive material intended to be introduced into organisms (excluding human beings) and management of any associated radioactive waste.	Permit	£2101 (Band 10)	848	N	When SEPA manages the transition each licence will be assessed independently.

Current 2018 Charging Scheme Categories					Proposed Charging Scheme Categories (after phasing)					
Column 1	Column 5	Column 6	Column 7	Column 8						
SEPA Reference Number	Legal Description	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	New Descriptions	Authorisation Type	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	Comments
12020	RSA: Section 7 & 10 keeping and use of sealed sources having an activity level equal to, or above, the high-activity sealed radioactive source threshold level (HASS).	£488 (Band 7)	1220	N	The management of sealed sources including high-activity sealed sources (HASS).	Permit	£630 (Band 8)	1220	N	A higher application charge will be applied to reflect the financial provision aspects.
12030	RSA: Section 7 & 10 keeping and use of sealed sources having an activity level below IAEA Category 5 (i.e. SSLPH).	£488 (Band 7)	460	N	The management, other than disposal, of sealed sources in IAEA category 5 that exceed 200 kBq.	Notification	£0 (Band 0)	0	N	
12040	RSA: Section 7 & 10 keeping and use of sealed sources having an activity level below the high-activity sealed radioactive source threshold level but are above the IAEA Category 5 (i.e. SSLPH).	£488 (Band 7)	848	N	The management of sealed sources in IAEA categories 1 to 4 that are not HASS, and management of any associated waste.	Permit	£488 (Band 7)	917	N	There will be some increase in reporting requirements for these sites so charges have been increased to cover this. This along with all charges will be reviewed in 2020.
12051	RSA (Non Nuclear) - Zero Charge.	£0 (Band 0)	0	N						
New					The management, other than disposal, of sealed sources that are normally kept in the UK outwith Scotland.	Registration	£630 (Band 8)	848	N	Previously a full charged was applied and this has now been separated out for those activities outside Scotland but with the UK.
New					The management, excluding other than disposal, of a tritium source that contains an activity exceeding 20 GBq.	Notification	£0 (Band 0)	0	N	
New					The management, excluding other than disposal, of an electrodeposited sources.	Notification	£0 (Band 0)	0	N	
New					The management of NORM from the production of oil and gas at offshore installations where the total quantity of solid waste discharged to the marine environment per year does not exceed 2GBq each of Radium	Registration	£1261 (Band 9)	917	N	

Current 2018 Charging Scheme Categories					Proposed Charging Scheme Categories (after phasing)					
Column 1	Column 5	Column 6	Column 7	Column 8						
SEPA Reference Number	Legal Description	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	New Descriptions	Authorisation Type	Activity Application Charge (Band)	Activity Charge (£/yr)	Environmental Component	Comments
					226, Radium 228, Polonium 210 and Lead 210.					
New					The management of an orphan source.	Notification	£0 (Band 0)	0	N	
New					The management of radioactive waste resulting from decontamination of people following an incident.	Notification	£0 (Band 0)	0	N	
New					The management of radioactive waste from firefighting activities following an incident.	Notification	£0 (Band 0)	0	N	

3.5 Radioactive substances activities at a nuclear site

The current hourly charge for a nuclear site is £950 / day based on a 7 hour day. This charge will remain the same under the EASR.

3.6 Inflationary Increases

Charges under this scheme shall increase annually on 1 April in each year after the year the Scheme is made, in line with any increase in the Retail Prices Index published by the Office for National Statistics as at 30 September in the immediately preceding year.

4 Questions

Question 1: Do you have any comments on the timing and the continued phasing for certain authorisations?

Question 2: Do you have any comments on the proposed non-nuclear radioactive substances activities charges?

Question 3: Do you have any comments on our potential use of the hourly rate which is used for the radioactive substance activities at nuclear sites (formerly known as the Band A rate) for the "large and Complex" work to better reflect our charges?

Question 4: Do you have any comments on the radioactive substances activities at a nuclear site charge remaining the same for 2018/19 (£950/day)?

Question 5: Do you have any further comments?