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**RADIATION (EMERGENCY PREPAREDNESS AND PUBLIC INFORMATION) REGULATIONS
2001 (REPPIR)
CHAPELCROSS OFF-SITE EMERGENCY PLANING AND PRIOR INFORMATION AREA**

Dear Mr Grierson,

As you are aware, ONR has been reviewing the Local Authority's off-site emergency planning area⁽¹⁾ and the area within which Magnox Ltd must provide prior information to the public⁽²⁾ around the Chapelcross nuclear licensed site.

This process was initiated by the Report of Assessment (RoA), sent to ONR by Magnox Ltd, which indicated a substantial reduction in the radiological hazard at the Chapelcross site compared to when the power station was operating (and the current emergency planning and prior information areas were determined⁽³⁾).

In our letter of 8th August 2012, we acknowledged receipt of your letter and associated documentation submitted to ONR in accordance with REPPIR regulations 5 and 6 and informed you that, in accordance with regulation 9(1), ONR would be assessing the report in order to review the extent of the area within which the local authority must prepare an adequate off-site emergency plan and within which Magnox Ltd must supply, as a minimum, the prior information specified in Schedule 9 to REPPIR.

This letter is to notify you that:

REPPIR off-site emergency planning

1. In accordance with the requirements of REPPIR regulations 5 and 6, Magnox Ltd has reviewed its Hazard Identification and Risk Evaluation and submitted a Report of Assessment relating to the Chapelcross Site to ONR in August 2012;
2. ONR has completed its assessment of the RoA;
3. ONR has concluded that the RoA satisfies the requirements of regulation 6(4) and Schedule 5 to REPPIR;
4. ONR concurs with your findings that a radiation emergency (as defined in regulation 2(1) of REPPIR) is no longer reasonably foreseeable at the Chapelcross site;



5. REPPIR regulation 9(1) requires ONR to identify the area in which, in its opinion, any member of the public is likely to be affected by a reasonably foreseeable radiation emergency. Noting ONR's conclusion that a radiation emergency (as defined in REPPIR) is no longer reasonably foreseeable at the Chapelcross site, there is no longer the legal provision within REPPIR for ONR to continue to specify an off-site emergency planning area. As a consequence, the area previously specified (and referred to as the 'detailed emergency planning zone' in Dumfries and Galloway Council's current Chapelcross Off-Site Emergency Plan dated 23rd July 2014) is no longer required under REPPIR;
6. Consequently and correspondingly, there is no longer a requirement for Dumfries and Galloway Council to continue to prepare, test and review a REPPIR off-site emergency plan in respect of the Chapelcross site; and

Provision of prior information to the public

7. On the basis that a radiation emergency (within the meaning of REPPIR) is no longer reasonably foreseeable at the Chapelcross site, there is no longer the legal provision within REPPIR for ONR to specify an area in which Magnox Ltd must provide prior information to the public. Therefore REPPIR regulation 16(1) no longer applies.

Following the conclusions above, and the effective removal of the REPPIR off-site emergency planning and prior information areas, ONR notes that:

8. As a radiation emergency (within the meaning of REPPIR) is no longer reasonably foreseeable at the Chapelcross site, Magnox Ltd is not required to prepare an operator's emergency plan under regulation 7(1);
9. However, ONR would emphasise that, for as long as work with ionising radiation to which REPPIR applies is carried out on the Chapelcross site, Magnox Ltd remains legally obliged to assess changes to that work, and to periodically review and report assessments as required by regulations 5(1), 5(2), 6(2), 6(3) and 6(4) of REPPIR;
10. The determination set out by ONR in its Project Assessment Report (ONR-COP-PAR-14-005, available on the ONR website) and summarised in this letter, does not affect the requirement for Magnox Ltd to maintain compliance with relevant duties provided through other legislative routes (e.g. the general duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the safety and welfare of employees and other persons; and under other safety legislation including the Ionising Radiation Regulations (in particular, regulation 12 contingency plans)). Equally, it does not affect the duty of Magnox Ltd to comply with the conditions – in particular, LC11 - attached to the Chapelcross Site Licence. ONR will continue to seek assurance that Magnox Ltd remains compliant with these wider duties through its normal inspection activities. I would add, however, that it is ONR's expectation that you will review your compliance arrangements to ensure they remain adequate and appropriate in light of this determination and, in making any changes that may be necessary, that relevant regulatory due processes be followed.

I have copied this letter to Chapelcross Employee Safety Representative and Dumfries and Galloway Council.

Yours sincerely,


Superintending Inspector (Nuclear Installations)



(1) The Chapelcross REPPiR off-site emergency planning area is the area for which Dumfries and Galloway Council is required, when applicable under REPPiR regulation 9(1), to produce an off-site emergency plan for the protection of persons who are, or potentially may be, located in this area in the event of a radiation emergency. The plans will include public information and a range of countermeasures and other protection measures relevant and proportionate to the radiological hazards associated with the Chapelcross nuclear licensed site at appropriate locations within all or part of this area.

(2) The Chapelcross REPPiR off-site prior information area is the area within which the operators are required, when applicable under REPPiR regulation 16(1), to supply to members of the public as a minimum, in an appropriate manner and without their having to request it, the information specified in Schedule 9. The operator shall also make that information publicly available.

(3) The current REPPiR off-site emergency planning area is identified as the 'Detailed Emergency Planning Zone' (DEPZ) and is a circular area of radii 2 km in the Council's current Chapelcross Off-site Emergency Plan: dated 23rd July 2014.

Distribution

Dumfries and Galloway Council:

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Chapelcross Employee Safety Representative:

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