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RADIATION (EMERGENCY PREPAREDNESS AND PUBLIC INFORMATION) REGULATIONS 2001 (REPPIR)

HUNTERSTON A OFF-SITE EMERGENCY PLANNING AND PRIOR INFORMATION AREA

Dear Mr Grafton,

As you are aware, the Office for Nuclear Regulation (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 Hunterston A nuclear licensed site.

This process was initiated by the Report of Assessment (RoA), sent to ONR by Magnox Ltd., which indicated a reduction in the radiological hazard at the Hunterston A site since the previous REPPIR submission (when the current emergency planning and prior information areas were determined⁽³⁾).

In our letter dated 11 December 2013, we acknowledged receipt of Mr Stubbs (Site Director) letter and associated documentation submitted to ONR in accordance with REPPIR regulations 5 and 6. We informed him 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. ONR has completed its assessment of Magnox Ltd.'s RoA submitted in October 2013 relating to the Hunterston A site. This was submitted following the review of the site's Hazard Identification and Risk Evaluation as required by REPPIR regulations 5 and 6;
2. ONR has concluded that Magnox Ltd.'s RoA satisfies the requirements of regulation 6(4) and Schedule 5 to REPPIR;
3. ONR concurs with the findings of Magnox Ltd. that a radiation emergency (as defined in REPPIR) is no longer reasonably foreseeable at the Hunterston A site;
4. 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 Hunterston A site, there is no longer the legal provision within REPPIR for ONR to continue to specify an off-site emergency planning area for the Hunterston A site;



5. Consequently and correspondingly, there is no longer a requirement for North Ayrshire Council to continue to prepare, test and review a REPPiR off-site emergency plan that takes into account a possible radiation emergency for Hunterston A⁽⁴⁾, and

Provision of prior information to the public

6. On the basis that a radiation emergency (within the meaning of REPPiR) is no longer reasonably foreseeable at the Hunterston A 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 in respect to the Hunterston A site, ONR notes that:

7. As a radiation emergency (within the meaning of REPPiR) is no longer reasonably foreseeable at the Hunterston A site, Magnox Ltd. is not required to prepare an operator's emergency plan under regulation 7(1);
8. However, ONR would emphasise that, for as long as work with ionising radiation to which REPPiR applies is carried out on the Hunterston A 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;
9. The determination set out by ONR in its Project Assessment Report (ONR-COP-PAR-15-003, 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 Hunterston A Site Licence. ONR will continue to seek assurance that Magnox Ltd. remains compliant with these wider duties through its normal inspection activities. However, 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 the Hunterston A Employee Safety Representative, North Ayrshire Council and the Hunterston B station director.

Yours sincerely,

Superintending Inspector (Nuclear Safety)

(1) The Hunterston A REPPiR off-site emergency planning area is the area for which North Ayrshire 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 protection measures relevant and proportionate to the radiological hazards associated with the Hunterston A nuclear licensed site at appropriate locations within all or part of this area.

(2) The Hunterston A 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) as an area represented by a single circle around the site with a radius of 2.4 km.

(4) The ONR assessment does not affect the status of the off-site emergency planning area (referred to as the 'detailed emergency planning zone' in North Ayrshire Council's current Hunterston Off-Site Plan) for Hunterston (which reflects the residual potential for a reasonably foreseeable radiation emergency from the Hunterston B site), which will remain as the area represented by a single circle around the site with a radius of 2.4 km.

Distribution

Magnox Ltd.:	[Redacted]
Hunterston A Employee / Safety Representatives:	[Redacted]
North Ayrshire Council:	[Redacted]
EDF Energy	[Redacted]
ONR:	[Redacted]
Department of Energy & Climate Change	[Redacted]
Nuclear Decommissioning Authority	[Redacted]
Food Standards Agency	[Redacted]
Maritime and Coastguard Agency	[Redacted]
SEPA	[Redacted]