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RADIATION (EMERGENCY PREPAREDNESS AND PUBLIC INFORMATION) REGULATIONS (REPPIR) 2001 – BERKELEY OFF-SITE EMERGENCY PLANNING AND PRIOR INFORMATION AREA

Dear Mr Bungard,

The Office for Nuclear Regulation (ONR) has reviewed the off-site emergency planning area⁽¹⁾ and the area within which prior information shall be supplied by the operator to members of the public⁽²⁾ around the Berkeley nuclear licensed site.

This review was initiated after Magnox Ltd submitted its 2016 Report of Assessment (RoA). The RoA concluded that there is no reasonably foreseeable event sequence associated with operation of the Berkeley Site that could lead to a dose to the public of 5mSv or greater, and therefore indicated that the current REPPIR Off-site Emergency Plan and the associated 1km Off-Site Emergency Planning Area for Berkeley Site are no longer required.

This letter is to notify Gloucestershire County Council, as the local authority responsible for preparing, reviewing and testing an Off-Site Emergency Plan under regulations 9(1) and 10(1) of REPPIR for the Berkeley nuclear licensed site, that:

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 Berkeley Site to ONR in 2016;
2. ONR has completed its assessment of these submissions;
3. ONR has concluded that Magnox Ltd.'s submissions satisfy the requirements of regulation 6(4) and Schedule 5 to REPPIR;
4. ONR concurs with the findings of Magnox Ltd. that a radiation emergency (as defined in REPPIR) is no longer reasonably foreseeable at the Berkeley 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 Berkeley Site, there is no longer the legal provision within REPPIR for ONR to continue to specify an off-site emergency planning area for that site;



6. Consequently and correspondingly, there is no longer a requirement for Gloucestershire County Council to continue to prepare, test and review a REPPiR Off-site Emergency Plan that takes into account a possible radiation emergency for Berkeley;

Provision of prior information to the public

The Council should also be aware that, on the basis that a radiation emergency is not reasonably foreseeable at the Berkeley 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. ONR has written to Magnox Ltd. to this effect and a copy of this letter is enclosed.

Full details about ONR's determination are given in its Project Assessment Report (ONR-TD-PAR-001) which will be available through the ONR website. Although this determination results in the effective removal of the REPPiR off-site emergency planning and prior information areas in respect to the Berkeley site, ONR advises that:

1. Whilst work with ionising radiation continues to be carried out on the Berkeley site, REPPiR will apply, and if any material change occurs in that work Magnox Limited are required to make a further assessment to take account of that change under regulations 5(1) and 5(2), and report the outcome of that assessment to ONR under regulations 6(2), 6(3) and 6(4).
2. Magnox Limited will continue to have duties to comply with all relevant health and safety legislation. In the case of accidents involving work with ionising radiation, regulation 12 of the Ionising Radiation Regulations 1999 requires Magnox Limited to have contingency plans to deal with radiation accidents, and nuclear site licence conditions specifically Licence Condition 11 requires them to make and implement 'on site' emergency arrangements.
3. 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 which concerns contingency plans). Equally, it does not affect the duty of Magnox Ltd. to comply with the conditions – in particular, LC11 - attached to the Berkeley 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 Magnox Ltd. will review its compliance arrangements to ensure that 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 Berkeley Site Closure Director.

Yours sincerely,

Notes:

(1) The Berkeley REPPiR off-site emergency planning area is the area for which Gloucestershire County 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 include public information and a range of countermeasures and other protection measures relevant and proportionate to the radiological hazards associated with the Berkeley nuclear licensed site at appropriate locations within all or part of this area.

(2) The Berkeley 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.



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