

(Text in force on: 20/11/2013)

Decree of 3 October 2002 containing rules on the detection of radioactively contaminated scrap (Radioactively Contaminated Scrap (Detection) Decree)

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

On the recommendation of Our Minister of Housing, Spatial planning and the Environment of 28 December 2001, no. MJZ2001144238, made also on behalf of our Minister of Economic Affairs and the State Secretary for Social Affairs and employment, J. F. Hoogervorst;
Having regard to Sections 21 (1) and 32 (1) of the Nuclear Energy Act;
Having heard the Council of State (Recommendation of 18 April 2002, no. W 08.02.0014/V);
Having regard to the further report of the State Secretary for Housing, Spatial Planning and the Environment of 19 September 2002, no. MJZ2002078061, made also on behalf of our Minister of Economic Affairs and the State Secretary for Social Affairs and Employment, M. Rutte;

Have approved and decreed:

Article 1

In this Decree and the provisions based upon it the following terms are defined as follows:

detection equipment: equipment that measures ionizing radiation;

facility: facility as designated in the Environmental Law Decree;

turnover: the quantity of scrap metal brought into the facility;

Our Minister: Our Minister of Economic Affairs, Agriculture and Innovation;

radioactive scrap: scrap for the holding of which a licence is required under Section 15 or 29 of the Nuclear Energy Act, or under provisions pursuant to Section 34 of that Act, or the holding of which requires notification in accordance with the provisions pursuant to Sections 21, 32 or 34 of that Act.

Article 2

1. This Decree applies to facilities where scrap stainless steel, scrap aluminium or scrap iron is stored, processed, treated or transshipped.
2. Notwithstanding (1), this Decree does not apply:
 - a. to facilities with a turnover per calendar year of less than:
 1. 500 tonnes of scrap stainless steel,
 2. 1,000 tonnes of scrap aluminium, or
 3. 20,000 tonnes of scrap iron,subject to the proviso that in the case of facilities that have had a scrap metal turnover for at least two full calendar years the turnover shall be taken to be the average turnover for the last two expired calendar years;
 - b. to facilities where scrap stainless steel, scrap aluminium or scrap iron is transshipped in containers that are closed on entering the facility and not opened while present inside the facility.
3. Notwithstanding the opening of (2) and (2) a., Articles 7-9 shall remain applicable to facilities to which this Decree has previously applied in accordance with the aforementioned passage until such time as the burden of proof referred to in Article 8 (3) has been met.

Article 3

The person running the facility shall immediately measure the ionizing radiation coming from scrap metal being brought into the facility.

Article 4

1. Measurements as referred to in Article 3 shall be carried out using a portal detector or measuring equipment attached to a gripper.
2. Our Minister and Our Minister of Social Affairs and Employment may lay down rules concerning the detection equipment referred to at (1) and the way in which, as well as the conditions under which, the measurements shall be carried out.

Article 5

1. The person running the facility shall keep a register of the measurements referred to in Article 3.
2. Our Minister may lay down rules concerning the data to be recorded, the way in which the results of the measurements are to be recorded and the period for which the data are to be retained.

Article 6

1. The person running the facility shall ensure that the measurements referred to in Article 3 and the recording of the data referred to in Article 5 are carried out by or under the supervision of a person designated by him for this purpose in writing who meets the requirements laid down pursuant to (2).
2. Our Minister and Our Minister of Social Affairs and Employment may lay down rules concerning skills and capabilities that a person as referred to at (1) must have.

Article 7

1. The person running the facility shall furnish a financial security to cover the cost incurred in removing radioactively contaminated scrap metal that he holds at the facility.
2. The financial security shall be furnished in one or more of the following forms:
 - a. a suretyship or bank guarantee,
 - b. an insurance agreement,
 - c. participation in a fund set up for the purpose,
 - d. any other arrangement whereby the financial security in the opinion of Our Minister provides an adequate safeguard that the cost referred to at (1) will be covered.
3. The financial security shall be for a minimum of 110,000 euros.
4. If the cost incurred in removing radioactively contaminated scrap metal as referred to at (1) can reasonably be expected to differ substantially from the amount laid down at (3), Our Minister may require a higher or lower amount of financial security.
5. The financial security shall be payable to the State of the Netherlands.

Article 8

1. The financial security shall be maintained until such time as the person running the facility ends the storage, processing, treatment or transshipment of scrap at the facility, or no longer meets the requirements of Article 2 (2) a., and it is demonstrable that no radioactive scrap is present at the facility.
2. The person running the facility shall immediately notify Our Minister of:
 - a. the ending of the activities referred to at (1), and
 - b. any decrease in turnover as a result of which the requirements of Article 2 (1) a. are no longer met.

3. In the cases referred to at (2) the person running the facility shall also furnish written proof that no radioactive scrap is present at the facility.

Article 9

1. The person running the facility shall submit written proof of a financial security to Our Minister:
 - a. within six months of the date on which this Decree enters into force;
 - b. within four weeks of the facility's being transferred to him by another person.
2. The person running the facility shall notify Our Minister in writing of any change concerning the financial security that has been furnished no later than four weeks after that change.
3. Our Minister may lay down by regulation that the written proof must meet certain conditions stipulated therein.

Article 10

This Decree shall enter into force on the date to be stipulated by Royal Decree.

Article 11

This Decree may be cited as the 'Radioactively Contaminated Scrap (Detection) Decree'.

We order and command that this Decree with its Explanatory Memorandum be published in the Bulletin of Acts and Decrees.

The Hague, 3 October 2002

Beatrix

The State Secretary for Housing, Spatial Planning and the Environment,
P. L. B. A. van Geel
The Minister of Economic Affairs,
H. Ph. J. B. Heinsbroek
The State Secretary for Social Affairs and Employment,
M. Rutte

Issued this twenty-eighth day of November 2002

The Minister of Justice,
J. P. H. Donner