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File Reference: IPB/4/1/5/3  
Certificate Number: 028/96  
Enforcement Notice No. EN01

**SCOTTISH ENVIRONMENT PROTECTION AGENCY  
RADIOACTIVE SUBSTANCES ACT 1993, SECTION 21  
ENVIRONMENT ACT 1995**

**Enforcement Notice**

Name and address

To : **University of Dundee  
Nethergate  
DD1 4HN**

Full name of person authorised under section 108 of the Environment Act 1995 by the Scottish Environment Protection Agency (BLOCK CAPITALS)

I, **COLIN BAYES** being a person appointed by an instrument in writing made pursuant to section 108 of the Environment Act 1995 (hereafter referred to as the "authorised person") and empowered to serve this notice on behalf of the Scottish Environment Protection Agency

Address

of **Erskine Court, The Castle Business Park,  
Stirling FK9 4TR**

Telephone number: **01786 457700**

hereby give you notice that I am of the opinion that at

Location of premises or place of activity

**University of Dundee,  
Dundee, DD1 4HN and Ninewells Medical School, Ninewells Hospital, Dundee DD1 9SY (collectively "the Premises")**

Authorisation number

you as a person to whom authorisations (numbers **RSA/E/00192 and RSA/B/0070179**) issued under the 1993 Act relate, are likely to fail to comply with the following limitations or conditions subject to which the said authorisations have effect.

The matters constituting the likely failure to comply with the limitations or conditions in question are specified in the attached Schedule, which forms part of this notice, and I hereby require you to take the steps specified in the said Schedule.

**Signature :**

**Dated this      day of      2008**



(GUIDANCE NOTES NOT FORMING PART OF THE ENFORCEMENT NOTICE)

**RADIOACTIVE SUBSTANCES ACT 1993 (As Amended)**

**RADIOACTIVE SUBSTANCES (APPEALS) Regulations 1990 (SI 1990/2540)**

1. Failure to comply with an Enforcement Notice is an offence as provided by section 32(1)(d) of the Radioactive Substances Act 1993 and renders the offender liable, on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or both, or, on conviction on indictment, to a fine (with no specified limits) or to imprisonment for a term not exceeding five years, or both.

2. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in this Notice, or for failing to perform any other statutory or common law duty resting on you.

4. Your attention is drawn to the provision for appeal against this Notice to the Scottish Ministers. Details of the method of making an appeal are given below. See also section 26(1) of the Radioactive Substances Act 1993 and the Radioactive Substances (Appeals) Regulations 1990 (SI 1990/2504).

The appeal should be sent to:

The Scottish Ministers  
Environment and Rural Affairs Department  
Scottish Executive  
Victoria Quay  
Edinburgh  
EH6 6QQ

The appeal must be commenced by sending a written notice to the Scottish Ministers accompanied by the following:

- a. a full statement of the appellant's case;
- b. a copy of any relevant certificate of registration or authorisation;
- c. a copy of any relevant correspondence between the appellant and the Scottish Environment Protection Agency;
- d. a copy of any Notice which is the subject-matter of the appeal;
- e. a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

**A notice of appeal must be sent to the Scottish Ministers within TWO MONTHS from the date on which a copy of the Notice or Notices appealed against are sent to the appellant or within such longer period as the Scottish Ministers may allow.**

**The entering of an appeal does NOT suspend the operation of this Enforcement Notice.**

Any request of the appellant that an appeal may be withdrawn must be made to the Scottish Ministers in writing.

**SCOTTISH ENVIRONMENT PROTECTION AGENCY  
RADIOACTIVE SUBSTANCES ACT 1993, SECTION 21  
ENVIRONMENT ACT 1995  
Schedule to Enforcement Notice No: EN01**

Authorisation Number	Paragraph Number	Matters constituting the failure to comply with the conditions or making failure to comply likely	Steps to be taken to remedy matters specified in the previous column	Steps to be taken within period ending
<p>RSA/B/00707 179</p> <p>RSA/E/00192</p>	<p>3&amp;6</p> <p>3</p>	<p>In July 2007 the University of Dundee ("the University") permitted the disposal of a solid radioactive waste, namely a sealed radioactive source of Europium 152, by means other than that specified in paragraph 3 of Authorisation (reference IPB/3/5/2/13, certificate number RSA/E/005/98) ("the Original Authorisation") , in contravention of the Original Authorisation. The said source was removed from the Medical Sciences Institute Building , which forms part of the Premises, during laboratory refurbishment and disposed of from the Premises along with non-radioactive waste.</p> <p>As a result of the manner in which the said solid radioactive waste was disposed of, the University contravened paragraph 6 of the Original Authorisation in that it failed to make and retain a record of waste disposed of from the Premises.</p> <p>The Original Authorisation is no longer in force and the University now holds Authorisations reference numbers RSA/E/00192 and RSA/B/0070179 for the Premises which contains equivalent conditions and limitations to those the University contravened in the Original Authorisation.</p>	<ol style="list-style-type: none"> <li>1. The University shall review any existing procedures, and/or prepare and implement written procedures to prevent the unauthorised disposal of sealed radioactive sources from the Premises. These procedures shall include (but are not necessarily limited to) the following:               <ol style="list-style-type: none"> <li>(a) To identify all laboratories at the Premises that have equipment containing sealed radioactive sources;</li> <li>(b) Governing the movement of equipment containing closed radioactive sources during laboratory refurbishments at the Premises;</li> <li>(c) Arrangements to identify and segregate equipment containing sealed radioactive sources from non radioactive waste during laboratory refurbishment at the Premises.</li> </ol> </li> <li>2. The University shall submit a report to SEPA detailing any new procedures prepared and any improvements made to existing procedures in compliance with Step 1.</li> <li>3. The University shall implement a system so that all staff, including external contractors, with responsibilities for laboratory refurbishments shall be given training and/or refresher training on any new or revised procedures and paperwork systems implemented in order to comply with this Notice. This training shall be validated and recorded.</li> </ol>	<ol style="list-style-type: none"> <li>1) 2 Months from the date this Notice is served</li> <li>2) 3 Months from the date this Notice is served.</li> <li>3) 4 Months from the date this Notice is served.</li> </ol>

		<p>The lack of appropriate systems and procedures for identifying and segregating items containing radioactive waste from non radioactive waste during laboratory refurbishment make it likely that the University is likely to fail to comply with the paragraphs of the Authorisations specified in column 1 of this table which are specified in column 2 of this table.</p>	
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