

# **ENERGY ACT 2004**

## **Directions to the Nuclear Decommissioning Authority (the NDA) in respect of the Drigg Nuclear Site**

Made under sections 3 and 16 of the Energy Act 2004

## **DRIGG SITE SUMMARY**

*This summary is not part of the direction*

This summary is only intended to provide background information in respect of the Drigg Nuclear Site. It sets out the nature of the waste disposal, cleaning-up or decommissioning work that may be carried out on the site. However, subject to Ministerial agreement it is for the NDA, following consultation, to determine what the cleaning-up or decommissioning objectives for the site will be and to describe these objectives in its strategy.

Under the Energy Act 2004 where the NDA has been given a responsibility it can secure the discharge of such responsibility by others.

Operations at Drigg cover two separate work streams, the remediation of old magazines containing Plutonium Contaminated Material (PCM) and the ongoing disposal of Low Level Waste (LLW).

In the 1940s Drigg was a Royal Ordnance Factory and the storage of PCM at Drigg between 1959 and 1967 is a legacy of early military operations at Windscale and other nuclear sites. This waste is now being packaged and despatched to the Engineered Drum Stores at Sellafield, before processing through the Waste Treatment Complex.

In 1957 the site was developed for the disposal of LLW. The bulk of the material handled at Drigg comes from Sellafield, the rest is made up of materials from other BNFL sites, nuclear power stations, hospitals, research sites and other industries. The majority of waste are compacted and containerised before transfer to Drigg. Wastes that cannot be compacted are placed directly into the disposal containers. At Drigg the waste is immobilised within the disposal containers by the addition of grout in the Drigg Grouting Facility before being placed in the engineered concrete vaults. The use of high force compaction, grouting and vault storage are methods used to try to ensure that the Drigg capacity is maximized so that it can operate as a national disposal facility for LLW until at least 2050, subject to continued authorisation by the Environment Agency.

# 1. Citation and Interpretation

The Direction may be cited as the NDA Designation of Drigg.

Words and expressions used in this Direction that are defined in the Energy Act 2004 “the 2004 Act” have the same meaning as in that Act.

For ease of reference the following definitions from the 2004 Act are set out:-

“cleaning-up” and “decommissioning”	in relation to a site or installation, includes— (a) the treatment, storage, transportation and disposal of hazardous material and of other matter and substances that need to be dealt with or removed in or towards making the site or installation suitable to be used for other purposes; and (b) the construction of buildings and other structures to be used in connection with the cleaning-up or decommissioning of the site or installation;
“facility”	includes a business or other undertaking and installations, vehicles or other property comprised in or used for the purposes of a business or other undertaking;
“hazardous material”	means— (a) nuclear matter; (b) radioactive waste; and (c) any other article or substance that has been and remains contaminated (whether radioactively or chemically) as a result (within the meaning of section 36 of the 2004 Act) of nuclear activities;
“installation”	includes buildings, structures and apparatus (whether or not fixed to land);
“NDA facility”	means a facility which— (a) is being or has been used for or in connection with the storage, disposal or treatment of hazardous material; and (b) is a facility for the operation of which the NDA has or has had a responsibility;
“nuclear installation”	means— (a) an installation which is situated in or on a principal nuclear site but is not comprised in an NDA facility;

(b) pipes, conduits and other apparatus which are not situated in or on a principal nuclear site but are connected to an installation falling within paragraph (a);

“principal nuclear site”	means the whole or a part of a site of any of the following descriptions— (a) a site in respect of which a nuclear site licence is or is required to be in force; (b) a site in respect of which such a licence would be required to be in force if the licensing requirements of the 1965 Act applied to the Crown; (c) a site not falling within paragraph (a) or (b) in or on which there is an NDA facility; (d) a site on which there is an installation used for practical research into the production of energy by the fusion of atomic nuclei; (e) a site which has been a site falling within paragraphs (a) to (d) but which, without being such a site, remains contaminated (whether radioactively or chemically) as a result of nuclear activities carried on while it was such a site or before it became one;
“site”	includes— (a) land within the United Kingdom; (b) an area of territorial waters adjacent to the United Kingdom; (c) the seabed and subsoil in any such area;
“treat”	in relation to any matter or substance, includes processing and reprocessing (including any use as a material in a process for the manufacture of nuclear fuel), and cognate expressions are to be construed accordingly.

The Interpretation Act 1978 shall apply for the interpretation of the Direction as it applies for the interpretation of an enactment, except that words and expressions used in the Direction that are defined in the 2004 Act shall have the same meaning as in the 2004 Act, and where any word or expression is defined in both the Interpretation Act 1978 and the 2004 Act, the meaning attributed to such word or expression in the 2004 Act will prevail.

References in the Direction to paragraphs and Schedules are to paragraphs of and Schedules to the Direction. References to sections are to sections in the 2004 Act.

## **2. Direction**

Under section 3(3) the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3 below.

### **3. Designation**

(1) The sites, installations and facilities in column 2 of Schedule 1 and described in column 3 shall be designated to the NDA for the purposes set out in column 4.

(2) The NDA shall comply with the directions set out in Schedule 2.

### **4. Commencement**

(1) The Direction shall come into force on 1 April 2005.

(2) This Direction is made on 3 December 2004.

Signed:

On behalf of the Secretary of State for Trade and Industry

**SCHEDULE 1****Designated Responsibilities**

<b>No</b>	<b>Site/Installation/Facility</b>	<b>Description</b>	<b>Designation purpose (paragraphs of section 3(1) of the 2004 Act)</b>
1	Drigg site (the principal nuclear site)	Land situated near Drigg in the Borough of Copeland in the County of Cumbria shown outlined in blue on drawing referenced 3B 103423A dated 23/10/89 1989 and entitled "Safety Services, Drigg Site, Nuclear Site Licence, Plan of Site Licence Boundary 1989 ", Nuclear Site Licence Number 29A – Annex "A" <sup>1</sup>	(d) to operate the low level waste facility at the principal nuclear site to store, treat, transport and dispose of hazardous material.
2	Plutonium Contaminated Material Retrieval Facilities	Magazine and drum retrieval facilities	(b) the decommissioning of all Drigg magazines
3	Pipes, conduits and other apparatus	Including but not limited to the Drigg Sealine not situated in or on the principal nuclear site but which are connected to buildings, structures and apparatus in or on the principal nuclear site	(b) decommissioning  (d) operation for transport and disposal of hazardous material

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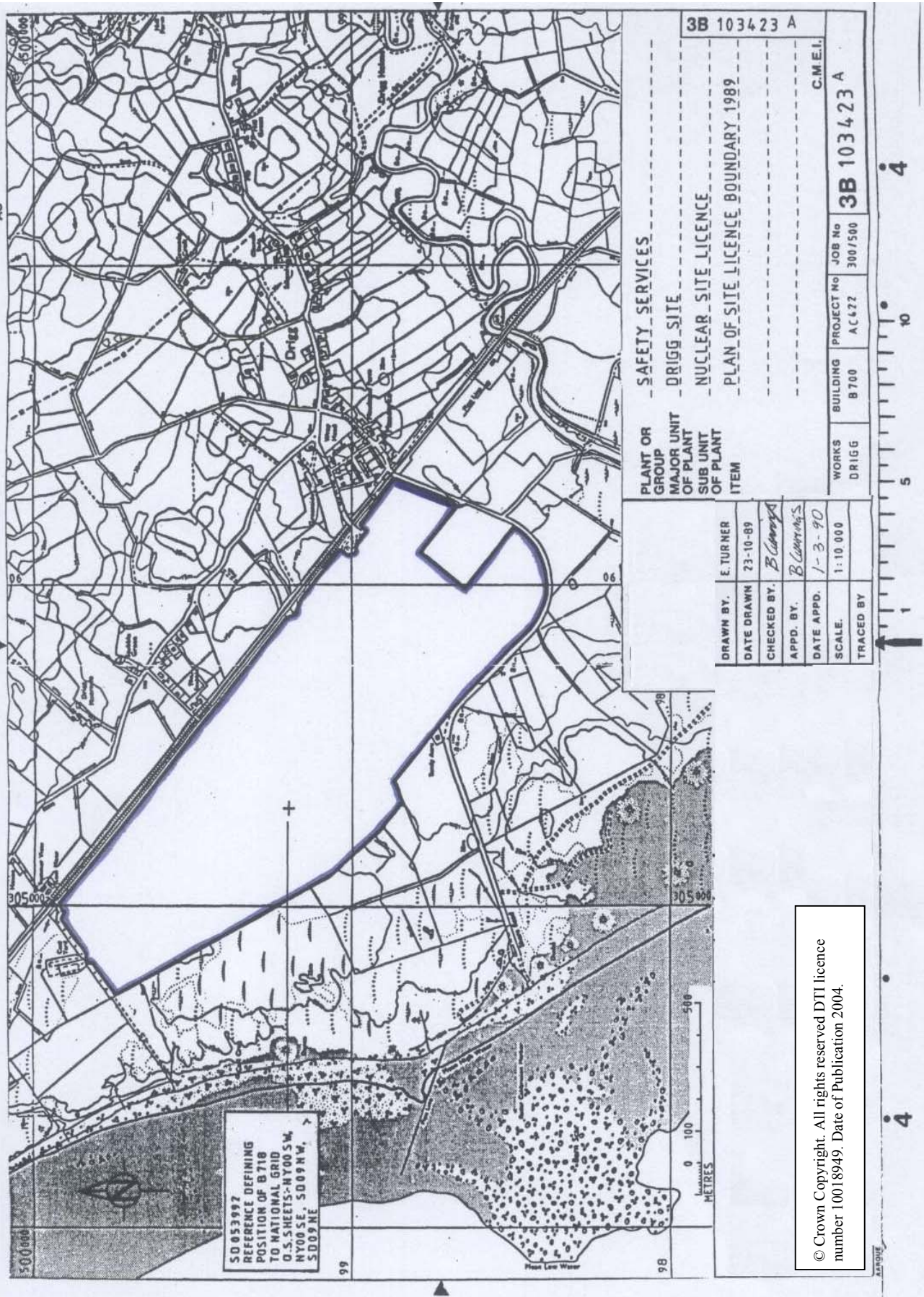
<sup>1</sup> Nuclear site licences are granted under section 1(1) of the Nuclear Installations Act 1965 c.57.

## **SCHEDULE 2**

### **General/Specific Directions given under section 16(3) of the 2004 Act**

1. The NDA shall continue to operate the low level waste facility as required by item 1 of Schedule 1 as a national repository.

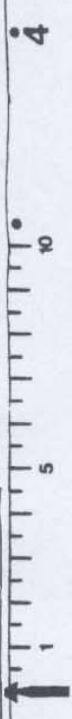
ANNEX A



SD03997  
 REFERENCE DEFINING  
 POSITION OF B718  
 TO NATIONAL GRID  
 U.S. SHEETS: HY00 S W,  
 NY00 SE, SD09 NW,  
 SD09 NE

PLANT OR GROUP	SAFETY SERVICES	3B 103423 A
MAJOR UNIT OF PLANT	DRIGG SITE	
SUB UNIT OF PLANT	NUCLEAR SITE LICENCE	
ITEM	PLAN OF SITE LICENCE BOUNDARY 1989	
WORKS	BUILDING PROJECT No	JOB No
DRIGG	B 700 AC422	300/500
		3B 103423 A
		C.M.E.I.

DRAWN BY.	E. TURNER
DATE DRAWN	23-10-89
CHECKED BY.	B. Cameron
APPD. BY.	B. Cameron
DATE APPD.	1-3-90
SCALE.	1:10,000
TRACED BY	



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