

ENERGY ACT 2004

Directions to the Nuclear Decommissioning Authority (the NDA) in respect of the Dounreay Disposal Facility

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Presented to Parliament by the Secretary of State for Energy and
Climate Change pursuant to sections 3, 4 and 6
of the Energy Act 2004.

Laid before the Scottish Parliament in accordance with section 3(8)
of the Energy Act 2004.

DOUNREAY DISPOSAL FACILITY SUMMARY

This summary is not part of the direction

This summary is only intended to provide background information in respect of the facility at Dounreay at which low level waste will be disposed of (the “Dounreay Disposal Facility”). It sets out the nature of the operations that may be carried out at the facility.

Under the Energy Act 2004, where the NDA is given a responsibility it can secure that such a responsibility is carried out by others.

The Dounreay Disposal Facility is a facility for the disposal of low level waste which is to be designed, constructed and operated by the NDA. It is adjacent to the Dounreay Nuclear Establishment and will take low level waste from that site and from the Vulcan Naval Reactor Test Establishment.

The disposal of low level waste at the Dounreay Disposal Facility is considered to be the best practicable environmental option and consistent with the UK Government and Devolved Administrations Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom.

The location of the Dounreay Disposal Facility is adjacent to the existing licensed Dounreay site as there is not sufficient suitable space to construct it on the Dounreay site.

1. Citation and Interpretation

(1) This Direction may be cited as the NDA Designation of the Dounreay Disposal Facility.

(2) In this Direction—

(a) “the 2004 Act” means the Energy Act 2004, and references to sections are to sections of that Act;

(b) “Dounreay Disposal Facility” means the facility for the disposal of low level waste situated at Dounreay in the District of Caithness in the Highland Region, more particularly described in line 1 of Schedule 1;

(c) “Dounreay Nuclear Establishment” means the principal nuclear site situated at Dounreay in the District of Caithness in the Highland Region, as defined in the NDA Designation for the Dounreay Nuclear Establishment (as may be amended from time to time); and

(d) “Vulcan Naval Reactor Test Establishment” means the naval reactor test establishment situated at Dounreay in the District of Caithness in the Highland Region.

(3) The Interpretation Act 1978 shall apply to the interpretation of this Direction as it applies to the interpretation of an enactment, and words and expressions used in this Direction that are defined in the 2004 Act shall have the same meaning as in the 2004 Act. Where a word or expression is defined in both the Interpretation Act 1978 and the 2004 Act or in both the Interpretation Act 1978 and this Direction, the meaning attributed to such word or expression in the 2004 Act or this Direction respectively will prevail.

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

“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”	means the Nuclear Decommissioning Authority;

“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;

2. Direction

(1) This Direction is given by the Secretary of State acting jointly with the Scottish Ministers under sections 3 and 6(2)(d) in so far as the designation is for the purpose of giving the NDA responsibility for the operation in or on a nuclear site in Scotland of a facility for the disposal of hazardous material.

(2) This Direction is also given under section 4(4).

3. Designation

(1) The facilities and installations 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.

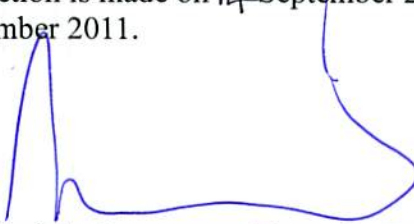
(2) The designated circumstances referred to in column 4 of Schedule 1 are set out in Schedule 2.

(3) The NDA is given the additional responsibilities set out in Schedule 3.

4. Commencement

The Direction is made on ~~14~~ September 2011 and shall come into force on 19 September 2011.

Signed:



On behalf of the Secretary of State for Energy and Climate Change

Signed:



On behalf of the Scottish Ministers

SCHEDULE 1**Designated Responsibilities**

No	Site/Installation/Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	The Dounreay Disposal Facility.	The Dounreay Disposal Facility situated on the land at Dounreay in the District of Caithness in the Highland Region, shown outlined in purple on drawing referenced LRD 110003, dated 13.01.11, attached at Annex A.	(d) operation for transporting and disposing of hazardous material. (e) the transport and disposal, in designated circumstances, of hazardous material.
2	Pipes, conduits and other apparatus.	Including but not limited to: water mains, communications, power, drainage, sewage and the sea discharge outfall not situated in or on the Dounreay Disposal Facility but which are connected to buildings, structures and apparatus in or on the Dounreay Disposal Facility.	(d) operation for transporting or disposing of hazardous material. (e) the transport and disposal, in designated circumstances, of hazardous material.

SCHEDULE 2

Designated Circumstances referred to in column 4 of Schedule 1

The designated circumstances in which the NDA may-

(a) transport hazardous material to the facilities designated in Schedule 1, and

(b) dispose of hazardous material at the facilities designated in Schedule 1,

are that the hazardous material comprises low level waste from the Dounreay Nuclear Establishment or the Vulcan Naval Reactor Test Establishment.

SCHEDULE 3

Additional Responsibilities under section 4 of the 2004 Act

To design, construct and operate the Dounreay Disposal Facility, and any facilities or other installations necessary for that purpose.



Dounreay Site
Restoration Ltd

Land Remediation Department

DSRL Lease Demise

Drawn by: NM
Checked by: JB
Date: 13/01/2011
Graphics Ref: LRD110003

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Dounreay Nuclear Power
Development Establishment

Scarbach Geo

Cast
Trem

HMS
Vulcan

Lower
Dounreay

Cnoc na h-Uiseig
Carn

Airfield
(disused)

Legend

- LLW Facilities
- DSRL Lease Demise
- Site Licence Boundary

0 87.5 175 350 525 700
Metres

ANNEX A