

ENERGY ACT 2004

Directions to the Nuclear Decommissioning Authority (the NDA) in respect of the Harwell Nuclear Establishment

Made under sections 3 and 4 of the Energy Act 2004

HARWELL SITE SUMMARY

This summary is not part of the direction

This summary is only intended to provide background information in respect of the Harwell Nuclear Establishment. It sets out the nature of the 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 and 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 that such a responsibility is carried out by others.

The Harwell site was originally developed as a Royal Air Force airfield, and became an establishment for atomic energy research in 1946 with the mission to provide the scientific basis for the UK's nuclear energy programme. As a result a diverse range of nuclear R&D facilities were built on the site, together with facilities to process, treat and store the various solid and liquid waste streams produced from the site's operation.

The main nuclear research facilities have now closed, and a programme of decommissioning and site restoration is underway with the aim of achieving progressive delicensing of the nuclear site to free it from regulatory control. This involves:

- Decommissioning all of the radioactive facilities and demolition of all redundant buildings and structures;
- Processing and storage of radioactive wastes pending ultimate disposal;
- The clean-up and remediation of areas of low-level radiological or chemical contamination.

1. Citation and Interpretation

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

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. Purpose

(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 installations listed in Schedule 2 shall not be decommissioned until the specified time set out in Schedule 2.

(3) Under section 4 the NDA is given the additional responsibilities set out in Schedule 3.

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**

No	Site/Installation/Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	The Harwell Nuclear Establishment (the principal nuclear site)	Land situated near Harwell in the Vale of White Horse District in the County of Oxfordshire shown outlined in red on drawing referenced WR-0604-060 dated 08/06/2004, Site Licence Number 44 (Variation No. 1) -Annex "A" ¹	(c) the cleaning-up of the principal nuclear site ²
2	Radiochemistry Laboratory	Radiochemical laboratories and shielded cells	(d) operation for the treatment and storage of hazardous material
3	Liquid Effluent Treatment Plant ("LETP") including site active drains and discharge pipeline	Facilities for the receipt, treatment, storage, discharge of liquid wastes arising from the Harwell site	(d) operation for treatment, storage, transport and disposal of hazardous material
4	Western Storage Area Groundwater Treatment Plant	Plant to remove chemical contaminants from groundwater	(d) operation for treatment of hazardous material
5	Solid Waste Treatment and Storage Complex	Facility for handling, treatment and storage of solid radioactive waste	(d) operation for treatment and storage of hazardous material
6	Post Irradiation Examination Facility ("PIE")	PIE concrete-shielded cells	(d) operation for treatment of hazardous material
7	Reactor Site Sludge Beds	Area adjacent to the principal nuclear site used for disposal of sewage sludge (i.e. a contaminated site)	(c) the cleaning-up of the contaminated site
8	ETSU Mound	Area adjacent to the principal nuclear site used for disposal of spoil from	(c) cleaning-up of the contaminated site

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

² Section 3(6) of the 2004 Act provides that unless the direction provides otherwise, the designation of a principal nuclear site for cleaning-up is to have the effect of including a designation to decommission every installation situated in or on that site.

		construction activities (i.e. a contaminated site)	
8	Pipes, conduits and other apparatus	Including but not limited to: mains water, the sewage treatment works and communications 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

SCHEDULE 2

Installations, in respect of which the designated responsibilities and designation purposes set out in item 1 of Schedule 1 are disappplied (paragraph 1 below) and installations in respect of which decommissioning is postponed until the specified time (paragraphs 2 to 4 below)

1. All installations (including nine glove boxes installed after 1 April 1986 and installations needed to store and manage intermediate level waste arising from work carried out under contract for NIREX since April 1986) at the principal nuclear site where decommissioning liability rests with Nirex under the terms of agreements entered into between Nirex and UKAEA.
2. All installations (whether or not fixed to the land) on the principal nuclear site including but not limited to: sewage, drainage, effluent discharge, electricity, water, gas or which form part of an electronic communications network³ operated by a person, other than the person in control of the principal nuclear site, for as long as such services are needed to supply the principal nuclear site or to provide services to users outside the principal nuclear site (i.e. cut across the site).
3. All installations utilised for or occupied by persons other than the person in control of the principal nuclear site until such time as the agreements (including any new agreements) under which such installations are occupied are terminated, or otherwise come to an end.
4. All installations necessary to operate the facilities as required in Schedule 1 (under a section 3(1) designation) until such time as such facilities are no longer needed in order to fulfil NDA operational or clean-up functions.

³ As defined in section 32(1) of the Communications Act 2003 (c. 21).

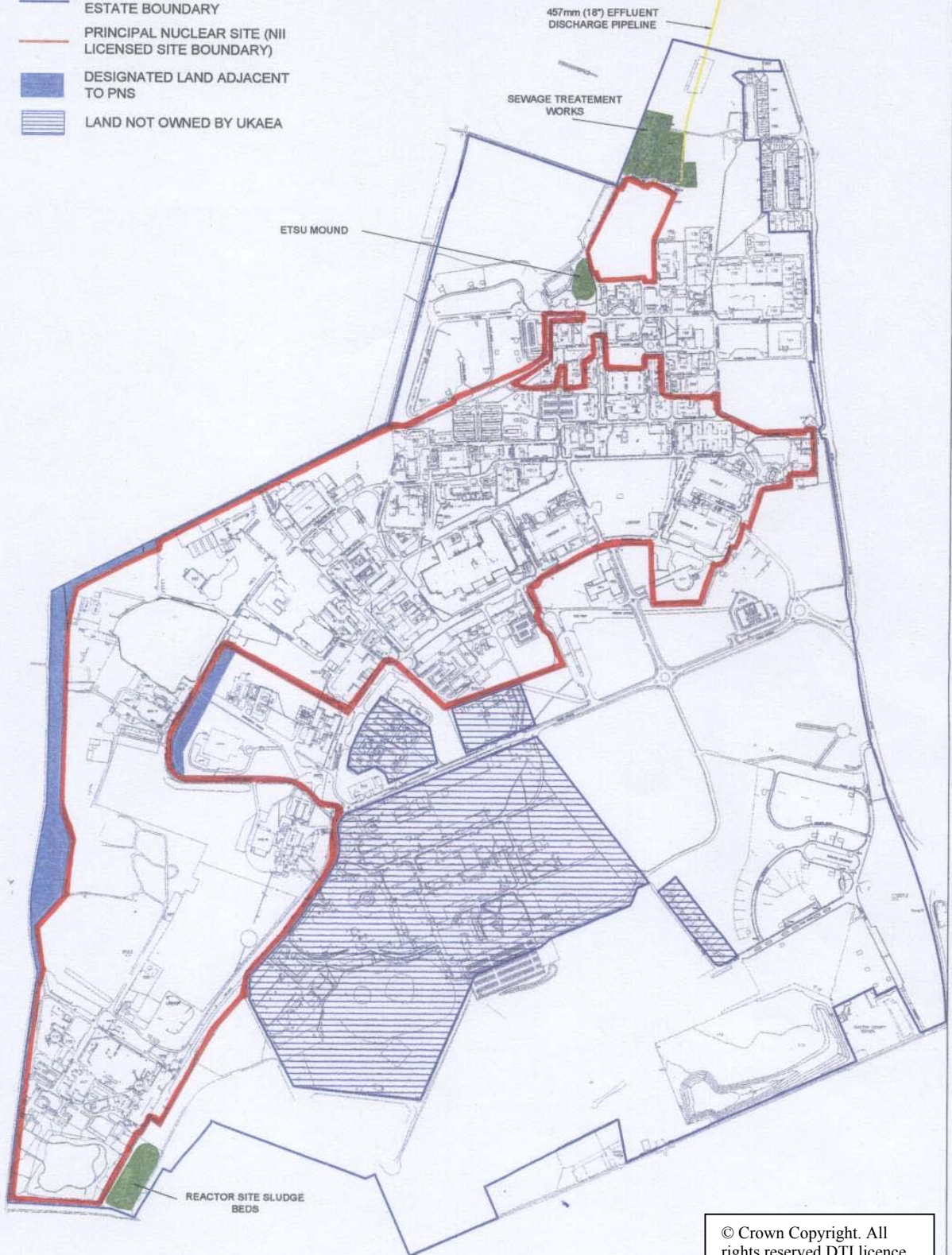
SCHEDULE 3

Additional Responsibilities under section 4 of the 2004 Act

1. The management of land owned by UKAEA adjacent to the principal nuclear site marked in solid dark blue on Annex A.

ANNEX A

- UKAEA HARWELL ESTATE BOUNDARY
- PRINCIPAL NUCLEAR SITE (NII LICENSED SITE BOUNDARY)
- DESIGNATED LAND ADJACENT TO PNS
- LAND NOT OWNED BY UKAEA



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***** ALL LEVELS ARE TO SITE DATUM WHICH IS 171 MM ABOVE NEWLYN *****		WR N°	WR-0604-060	DRAWN	ERD
TITLE	UKAEA HARWELL SITE DESIGNATION	SCALE	N.T.S.	DATE	08/06/2004