

ENERGY ACT 2004

Directions to the Nuclear Decommissioning Authority (the NDA) in respect of the Hunterston A Nuclear Site

Made under sections 3, 4 and 6 of the Energy Act 2004

HUNTERSTON A SITE SUMMARY

This summary is not part of the direction

This summary is only intended to provide background information in respect of the Hunterston A Nuclear Site. It sets out the nature of the cleaning-up or decommissioning work that may be carried out on the site. However, subject to the agreement of the Secretary of State and the Scottish Ministers 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 that such a responsibility is carried out by others.

Hunterston A is the site of a closed Magnox power station that operated from 1964 and ceased generating electricity in 1990. Magnox reactors, named after the magnesium alloy used to make the fuel can containing the uranium fuel, were built in the late 1950s and 1960s and were the first commercial nuclear electricity generating stations in the UK.

Defuelling (which has been completed at the Hunterston A Site) is the first major activity following permanent cessation of electricity generation. This is followed by Care and Maintenance Preparation, which Hunterston A is now undertaking.

During this phase there is a significant amount of dismantling, demolition and waste management work. It is planned that the reactor building and the major plant within it will not be dismantled during this phase, as deferring dismantling will result in a considerable reduction in radioactivity levels.

1. Citation and Interpretation

The Direction may be cited as the NDA Designation of Hunterston A.

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) and in accordance with sections 6(2) and 6(3) this Direction is given:

- (a) by the Secretary of State in respect of Part I and in respect of Part II of Schedule 1 in so far as the designation is for the purpose of decommissioning and transportation;
- (b) by the Secretary of State acting jointly with the Scottish Ministers in respect of Part II of Schedule 1 in so far as the designation is for the purpose of disposal; and
- (c) by the Secretary of State having consulted the Scottish Ministers in respect of Part II of Schedule 1 in so far as the designation is for the purpose of storage or non-processing treatment.¹

3. Designation

(1) The sites, installations and facilities in column 2 of Parts I to II 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 time specified 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

Signed:

On behalf of the Scottish Ministers

¹ Non-processing treatment is defined in section 6(4) as: “treatment that does not consist in the processing or reprocessing of spent or irradiated nuclear fuel”. The references to treatment in column 4 of Schedule 1 are to non-processing treatment.

SCHEDULE 1**Designated Responsibilities****PART I**

No	Site/Installation/Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	The Hunterston A Nuclear Site (the principal nuclear site)	Land situated near Hunterston in the District of Ayrshire in the Strathclyde Region shown outlined in red on drawing referenced PS\NLIC\HUNTA\95\02, dated 13/01/98 and entitled "Hunterston A Nuclear Site Licence Area", Nuclear Site Licence Number Sc12 - Annex "A" ²	(c) the cleaning-up of the principal nuclear site ³

PART II

No	Site/Installation/Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	Waste Management Facilities	Processing, storage, transport and disposal of waste	(d) operation for treatment, storage, transport and disposal of hazardous material
2	Very Low Level Waste	Five pits located in the made ground to the west of the main site, between the nuclear licensed site and the foreshore	(e) store and dispose of hazardous material
3	Fuel Route Plant & Buildings	Fuel transfer system, cooling ponds, flask handling and dispatch used in fuel management	(d) operation for the treatment, storage, transport and disposal of hazardous material

² Nuclear site licences are granted under section 1(1) of the Nuclear Installations Act 1965 c.57.

³ 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.

		associated with defuelling	
4	Miscellaneous Contaminated Plant & Buildings	Plant and buildings including but not limited to: active waste treatment systems, active drains, active laboratories, laundries, etc	(d) operation for treatment, transport and disposal of hazardous material
5	Pipes, conduits and other apparatus	Including but not limited to: cooling water intake and outflow, sewage and storm water interconnectors with Hunterston B, electrical and site security systems, active effluent discharge line and fire water ring main 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 decommissioning is postponed until the specified time

1. All such installations as are needed to support operations on the Hunterston B power station until such time as the agreements under which such installations are so utilised are terminated.
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 network⁴ 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 designated for operation by this Direction until such time as the facilities are no longer needed in order to fulfil NDA operational or clean-up functions.

⁴ 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. To manage the 'Rock Armour' on the foreshore adjacent to the principal nuclear site.

ANNEX A

