

ENERGY ACT 2004

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

Made under sections 3, 4 and 16 of the Energy Act 2004

SPRINGFIELDS SITE SUMMARY

This summary is not part of the direction

This summary is only intended to provide background information in respect of the Springfields Nuclear Site. It sets out the nature of the operations carried out at the site and the cleaning-up or decommissioning work that may be carried out there.

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 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 Springfields site, situated near Preston, is the home of BNFL's fuel manufacturing operations. Fuel manufacturing represents the vast majority of the operations on site and is the core activity of UK Fuels Business (UKFB). The site's main product streams are Advanced Gas-Cooled Reactor (AGR) fuel, Magnox fuel, Uranium Hexafluoride (Hex) and enriched intermediate products. It is planned that the production of Hex and Magnox fuel will cease before the production of AGR fuel and enriched intermediate products. The other key site activities include clean-up in the form of decommissioning various facilities and processing of uranic residues.

Significant decommissioning work has already been undertaken and completed on the site, however the major tranche of site decommissioning will be carried out after the cessation of Hex conversion and Magnox fuel production on the site.

1. Citation and Interpretation

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

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 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) The NDA shall comply with the directions set out in Schedule 4.

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 Springfields Nuclear Site (the principal nuclear site)	Land situated at Salwick in the Borough of Fylde in the County of Lancashire, shown outlined in red on drawing referenced AA 214180H dated 1 January 1999 and entitled "Springfields Licensed Site Boundary", Site Licence Number 30G Annex "A" ¹	(c) the cleaning-up of the principal nuclear site ²
2	Magnox Fuel Manufacture	Magnox fuel production	(a) operation, pending decommissioning
3	Uranium Hexafluoride ("Hex") Production	Conversion of uranium ore/concentrate to hexafluoride	(a) operation, pending decommissioning
4	Component Manufacturing Plant	Production of Magnox cans, Oxide cans and grids, Pressurised Water Reactor ("PWR") and VVER grids	(a) operation pending decommissioning
5	Oxide Fuels Complex	Advanced Gas-Cooled ("AGR") fuel production and enriched intermediate production (uranium dioxide powder and granules)	(a) operation, pending decommissioning
6	Uranium Residue Processing Facilities	Retrieval and processing of natural and enriched uranium residues	(d) operation for treatment of hazardous material
7	Miscellaneous Waste Management Facilities	Processing, storage, transport and disposal of waste	(d) operation for treatment, storage, transport and disposal of hazardous material

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.

8	Pipes, conduits and other apparatus	Including: mains water, communications, electrical and sewage 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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SCHEDULE 2

Installations in respect of which decommissioning is postponed until the specified time

1. Such installations necessary for the production of Magnox Fuel as required in item 2 of Schedule 1 until such duty ceases in accordance with Schedule 4, or in accordance with any modification to this Direction or any other Direction given by the Secretary of State under section 16(3) of the 2004 Act.
2. Such installations necessary for the production of Hex as required in item 3 of Schedule 1 until such duty ceases in accordance with Schedule 4, or in accordance with any modification to this Direction or any other Direction given by the Secretary of State under section 16(3) of the 2004 Act.
3. Such installations necessary to operate the Component Manufacturing Plant (i.e. production of Magnox cans, Oxide cans and grids, PWR and VVER grids) as required in item 4 of Schedule 1, until such duty ceases in accordance with Schedule 4, or in accordance with any modification to this Direction or any other Direction given by the Secretary of State under section 16(3) of the 2004 Act.
4. Such installations necessary to operate the Oxide Fuels Complex (i.e. production of AGR fuel and enriched intermediate products) as required in item 5 of Schedule 1 until such duty ceases in accordance with Schedule 4, or in accordance with any modification to this Direction or any other Direction given by the Secretary of State under section 16(3) of the 2004 Act.
5. All installations necessary to operate the technology centre on the principal nuclear site until such duty ceases in accordance with any modification to this Direction or any other direction given by the Secretary of State under section 16(3) of the Energy Act 2004.
6. 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).
7. 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.

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

8. All installations necessary to operate the facilities as required in Schedule 1 (under a section 3(1) designation) until such time as the facilities are no longer needed in order to fulfil NDA operational or clean-up functions.

SCHEDULE 3

Additional Responsibilities under section 4 of the 2004 Act

1. To operate and manage the technology centre on the principal nuclear site.

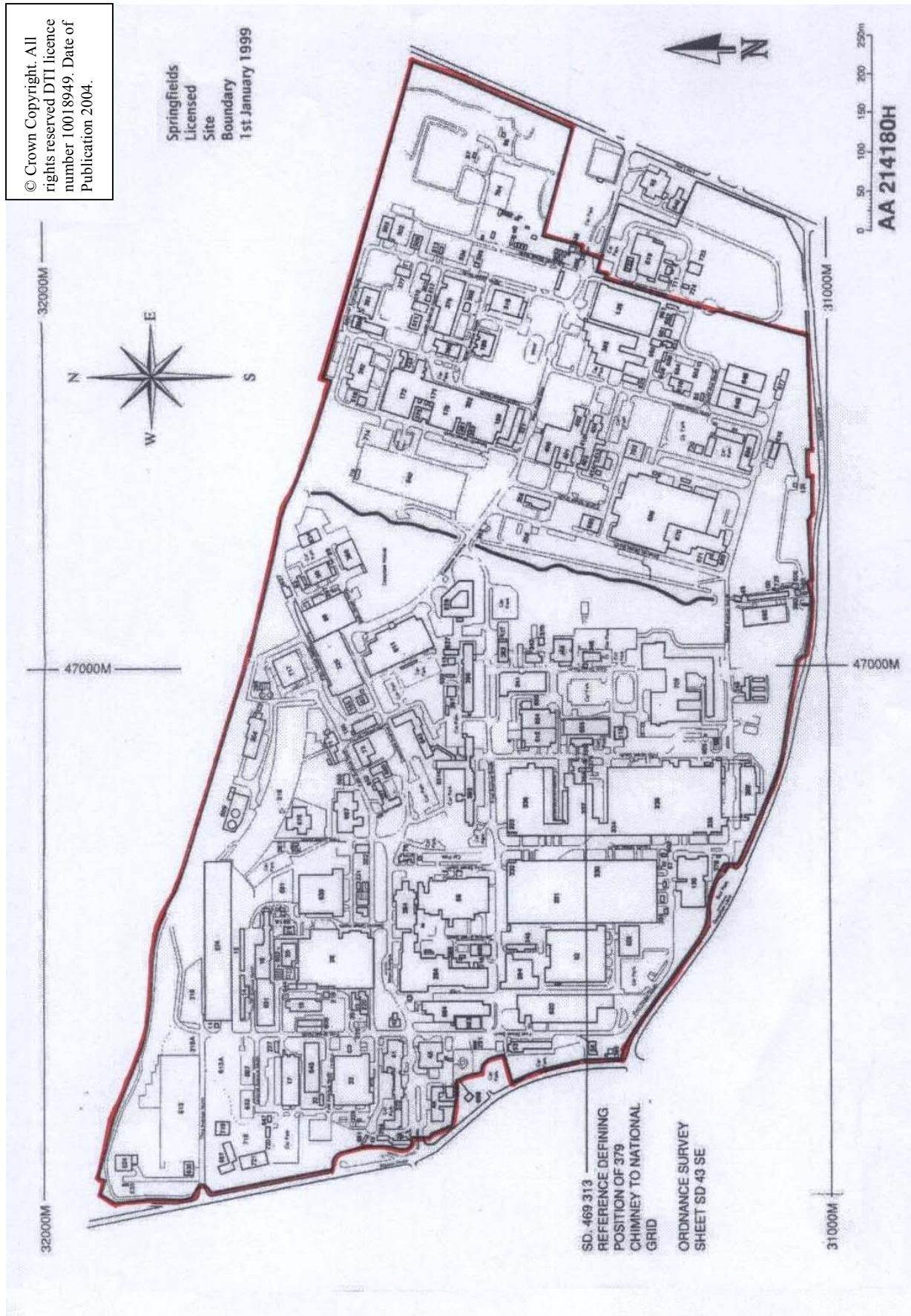
SCHEDULE 4

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

1. The NDA shall continue to manufacture Magnox fuel to provide such fuel as is necessary to operate the Magnox Power reactors.
2. The NDA shall continue to manufacture Hex to complete existing contracts.
3. The NDA shall continue to manufacture AGR fuel to provide such fuel as is necessary to operate the AGR Reactors until the agreements (including any new agreements) under which such fuel is supplied are terminated.
4. The NDA shall continue to manufacture enriched intermediate products (uranium dioxide powder and granules) until the agreements (including any new agreements) under which such products are supplied are terminated.

ANNEX A

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ENERGY ACT 2004

**NDA Designation of Springfields (Modification
Direction No. 1)**

Made under sections 5(4) and 16(3) of the Energy Act 2004

Whereas the Secretary of State, in exercise of the powers conferred upon her by section 3 of the 2004 Act, made directions on 3 December 2004 giving the NDA responsibilities in relation to certain nuclear sites;

Whereas the Secretary of State designated the Springfields Nuclear Site for the purposes of section 3 of the 2004 Act, which direction came into force on 1 April 2005 (the "NDA Designation of Springfields");

Whereas, under section 16(3) of the 2004 Act, the Secretary of State has given the NDA specific directions in relation to the manufacture of Hex at the Springfields Nuclear Site;

And whereas, the person with control of the Springfields Nuclear Site is Springfields Fuels Limited, a publicly owned company;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by section 5(4) of the 2004 Act, hereby makes the following Direction.

1. Interpretation


Words and expressions used in this Direction that are defined or used in the NDA Designation of Springfields have the same meaning as in that direction.

2. Direction

- (1) Schedule 4 of the NDA Designation of Springfields is modified as follows.
- (2) In item 2, after the words "complete existing contracts" insert "and the UO₃ to UF₆ Conversion Services Agreement entered into on 14 March 2005 by British Nuclear Fuels plc and Cameco Corporation. In respect of this contract, the approval of the Secretary of State will be required for the following:
 - an extension of the term beyond 31 July 2016;
 - any change or variation to the contract that would cause the physical quantity of Hex to be manufactured under the contract to be altered;
and
 - any changes or variations that would adversely alter the economic case for the continued manufacture of Hex."

3. Commencement

This Direction is made on 1/4/2005 and shall come into force on 1/4/2005.

Signed: 
A. LAYTON

On behalf of the Secretary of State for Trade and Industry

ENERGY ACT 2004

NDA Designation of Springfields (Modification Direction No. 2)

ENERGY ACT 2004

NDA Designation of Springfields (Modification Direction No. 2)

Presented to Parliament by the Secretary of State for Energy and
Climate Change pursuant to sections 3, 4 and 5 of the Energy Act 2004.

INTRODUCTION AND SUMMARY

This introduction and summary is not part of the direction

The Secretary of State, in exercise of the powers conferred by section 3 of the Energy Act 2004 (the “2004 Act”), made Directions on 3 December 2004 giving the NDA responsibilities in relation to certain nuclear sites.

The Secretary of State designated the Springfields Nuclear Site for the purposes of section 3 of the 2004 Act in a Direction which came into force on 1 April 2005, and that Direction was modified by the NDA Designation of Springfields (Modification Direction No. 1).

The person with control of the Springfields Nuclear Site is Springfields Fuels Limited, which has consented to this modifying Direction (and which is a subsidiary of Westinghouse Electric UK Holdings Limited).

The Springfields site, situated near Preston, is the home of Westinghouse’s fuel manufacturing operations in the UK. As a result of a transaction entered into in March 2010, Westinghouse’s subsidiary Springfields Fuels Limited now occupies and operates the Springfields site under a long-term lease. Fuel manufacturing represents the vast majority of the operations on site and is the core activity of Springfields Fuels Limited. The site’s main product streams are Advanced Gas-Cooled Reactor (AGR) fuel, Magnox fuel, Light Water Reactor fuel, Uranium Hexafluoride (Hex), and intermediate products. The types of fuel manufactured may be expanded in the future under Springfields Fuels Limited’s operation of the site. As planned, the production of Magnox fuel has now ceased. The other key site activities include clean-up in the form of decommissioning various facilities and processing of uranic residues.

In summary, the Direction—

- (a) makes modifications to the designated responsibilities set out in Schedule 1, including designating responsibility with respect to facilities for the manufacture of nuclear fuel, which includes the previously separately designated Oxides Fuel Complex and Component Manufacturing Plant, and designating pipes, conduits and other apparatus for the purposes of decommissioning and the operation for treatment, storage, transport and disposal of hazardous material;
- (b) makes certain modifications to Schedule 2 (installations in respect of which decommissioning is postponed until the specified time);
- (c) gives the NDA certain further additional responsibilities for the purposes of Schedule 3, in particular securing the design, construction and operation of appropriate facilities for the treatment, storage, transportation and disposal of hazardous material as per Schedule 1; and
- (d) removes the general/specific Directions given under section 16(2) of the 2004 Act, which were previously set out in Schedule 4.

1. Citation and Interpretation

(1) This Direction may be cited as the NDA Designation of Springfields (Modification Direction No. 2).

(2) In this Direction “the 2004 Act” means the Energy Act 2004 and references to sections are to sections of that Act.

(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 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 the Direction, the meaning attributed to such word or expression in the 2004 Act or the Direction respectively will prevail.

(4) 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 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.
(5) The following words and expressions as used in this Direction shall have the meaning set out below:-	
“active components”	means components from nuclear facilities (including inspection tools, reactor coolant pumps and control valves) which have been and remain contaminated (whether radioactively or chemically) as a result (within the meaning of section 36) of nuclear activities such that they must be treated in facilities designed for the purpose of treating such components;
“components for nuclear fuel”	means the constituent parts of nuclear fuel including, tubes, grids and braces but excluding that part of the fuel which comprises uranium;
“intermediate products”	means products which are produced or used during the production of Uranium Hexafluoride (“Hex”), the manufacture of nuclear fuel or the processing of uranium residues on the Springfields Nuclear Site (“the principal nuclear site”);

“intermediate services”	means services which are performed on the principal nuclear site in support of Hex production, the manufacture of nuclear fuel or the processing of uranium residues;
“NDA Designation of Springfields”	means the Direction made by the Secretary of State for Trade and Industry in relation to the Springfields Nuclear Site on 3 December 2004, which came into force on 1 April 2005, and modified by the NDA Designation of Springfields (Modification Direction No. 1), which also came into force on 1 April 2005;
“nuclear fuel”	means fuel manufactured from uranium ore or from uranium which is the product of reprocessing and any uranium residue recovery process, for use in one or more of the following types of nuclear-fission reactor: <ul style="list-style-type: none"> (a) Advanced Gas Cooled Reactors; (b) Light Water Reactors; (c) Fast Reactors; (d) Heavy Water Reactors; (e) High Temperature Reactors.

2. Direction

Under sections 3, 4 and 5 the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3 below.

3. Modification of the NDA Designation of Springfields and Designation

- (1) The NDA Designation of Springfields is modified as follows—
 - (a) for Schedule 1 of the NDA Designation of Springfields substitute Schedule 1 of this Direction;
 - (b) for Schedule 2 of the NDA Designation of Springfields substitute Schedule 2 of this Direction;
 - (c) for Schedule 3 of the NDA Designation of Springfields substitute Schedule 3 of this Direction; and
 - (d) omit—
 - (i) sub-paragraph (3) of paragraph 3; and
 - (ii) Schedule 4.
- (2) To the extent not already designated to the NDA in the NDA Designation of Springfields, the sites, installations and facilities in column 2 of Schedule 1 to this Direction and described in column 3 shall be designated to the NDA for the purposes set out in column 4.
- (3) The installations listed in Schedule 2 of this Direction shall not be decommissioned until the time specified set out in Schedule 2.

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

4. Commencement

This Direction is made on March 2010 and shall come into force on 1 April 2010.

Signed:

Minister of State, Department of Energy and Climate Change,
On behalf of the Secretary of State for Energy and Climate Change.

SCHEDULE 1**Designated Responsibilities**

No	Site/Installation/ Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	The Springfields Nuclear Site (the principal nuclear site)	Land situated at Salwick in the Borough of Fylde in the County of Lancashire, shown outlined in red on drawing referenced AA 214180H dated 1 January 1999 and entitled "Springfields Licensed Site Boundary", Site Licence Number 30G Annex "A" ¹	(c) the cleaning-up of the principal nuclear site ²
2	Installations for the manufacture of Magnox Fuel	Manufacture of Magnox fuel	(a) operation, pending decommissioning
3	Facilities for Uranium Hexafluoride ("Hex") Production	Conversion of uranium oxides to uranium hexafluoride and provision of intermediate products and intermediate services	(d) operation for treatment, storage, transport and disposal of hazardous material
4	Facilities for the manufacture of nuclear fuel including the Oxides Fuels Complex and Component Manufacturing Plant	Manufacture of nuclear fuel and components for nuclear fuel and provision of intermediate products and intermediate services	(d) operation for treatment, storage, transport and disposal of hazardous material
5	Facilities for processing uranium residues	Retrieval, receipt and processing of uranium residues and provision of intermediate products and intermediate services	(d) operation for treatment, storage, transport and disposal of hazardous material
6	Facilities for the treatment of active components from nuclear facilities	Treatment of active components allowing return and re-use in nuclear facilities or off-site disposal	(d) operation for treatment, storage, transport and disposal of hazardous material

7	Waste management facilities	Processing, storage, transport and disposal of waste	(d) operation for treatment, storage, transport and disposal of hazardous material
8	Pipes, conduits and other apparatus	Including but not limited to: mains water, communications, electrical and sewerage 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 treatment, storage, transport and disposal of hazardous material

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.

SCHEDULE 2

Installations in respect of which decommissioning is postponed until the specified time

1. Installations for the manufacture of Magnox Fuel as required in item 2 of Schedule 1, until such time as they are no longer needed in order to fulfill NDA operational functions.
2. Installations for the production of Hex as required in item 3 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
3. Installations for the manufacture of nuclear fuel as required in item 4 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
4. Installations for the processing of uranium residues as required in item 5 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
5. Installations for the treatment of active components from nuclear facilities as required in item 6 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
6. All installations necessary to operate the technology centre on the principal nuclear site, until such duty ceases in accordance with any modification to this Direction or any other direction given by the Secretary of State under section 16(2) of the Energy Act 2004.
7. 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 network¹ 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).
8. 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, or such earlier time as may be agreed with the person in occupation of such installations.
9. Subject to paragraphs 1 to 7 above, all installations necessary to operate the facilities as required in Schedule 1 (under a section 3(1) designation), until such time as the agreements (including any new agreements) under which such installations are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.

¹ 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 secure the operation and management of the technology centre on the principal nuclear site.
2. To secure the design, construction and operation of such facilities as may be appropriate to secure the treatment, storage, transportation or disposal of hazardous material as set out in Schedule 1 of this designation.

ENERGY ACT 2004

Made under sections 3, 4 and 5 of the Energy Act 2004

ENERGY ACT 2004

**NDA Designation of Springfields
(Modification Direction No. 3)**

Presented to Parliament by the Secretary of State for Energy Security and Net Zero pursuant to sections 3, 4 and 5 of the Energy Act 2004.

INTRODUCTION AND SUMMARY

This introduction and summary is not part of the direction

The Secretary of State, in exercise of the powers conferred by section 3 of the Energy Act 2004 (the "2004 Act"), made Directions on 3 December 2004 giving the NDA responsibilities in relation to certain nuclear sites.

The Secretary of State designated the Springfields Nuclear Site for the purposes of section 3 of the 2004 Act in a Direction which came into force on 1 April 2005, and that Direction was modified by the NDA Designation of Springfields (Modification Direction No. 1) and by the NDA Designation of Springfields (Modification Direction No. 2).

The person with control of the Springfields Nuclear Site is Springfields Fuels Limited, which has consented to this modifying Direction (and which is a subsidiary of Westinghouse Electric UK Holdings Limited).

The Springfields site, situated near Preston, is the home of Westinghouse's fuel manufacturing operations in the UK. As a result of a transaction entered into in March 2010, Westinghouse's subsidiary Springfields Fuels Limited now occupies and operates the Springfields site under a long-term lease. Fuel manufacturing represents the vast majority of the operations on site and is the core activity of Springfields Fuels Limited. The site's main product streams are Advanced Gas-Cooled Reactor (AGR) fuel, Magnox fuel, Light Water Reactor fuel, Uranium Hexafluoride (Hex), and intermediate products and intermediate services. The types of fuel manufactured may be expanded in the future under Springfields Fuels Limited's operation of the site. As planned, the production of Magnox fuel has now ceased. The site is being considered by Springfields Fuels Limited for further commercial opportunities to address the cessation of certain fuel manufacturing and intermediate products and services. The other key site activities include decommissioning and cleaning-up various facilities and processing of uranic residues.

In summary, the Direction—

- (a) makes modifications to paragraph 3 and designates for the purposes of section 3(1)(e) of the 2004 Act the circumstances in which the NDA is to have responsibility for securing the treatment, storage, transportation and disposal of hazardous material;
- (b) makes certain modifications to Schedule 2 (Installations in respect of which decommissioning is postponed until the specified time);
- (c) makes certain modifications to Schedule 3 (Additional Responsibilities under section 4 of the 2004 Act);
- (d) inserts a new Schedule 4 setting out the designated circumstances for the purposes of section 3(1)(e) of the 2004 Act.

1. Citation and Interpretation

(1) This Direction may be cited as the NDA Designation of Springfields (Modification Direction No. 3).

(2) In this Direction "the 2004 Act" means the Energy Act 2004 and references to sections are to sections of that Act.

(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 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 the meaning attributed to such word or expression in the 2004 Act will prevail.

(4) The following words and expressions as used in this Direction shall have the meaning set out below:-

"NDA Designation of Springfields"	means the Direction made by the Secretary of State for Trade and Industry in relation to the Springfields Nuclear Site on 3 December 2004, which came into force on 1 April 2005, and modified by the NDA Designation of Springfields (Modification Direction No. 1), which also came into force on 1 April 2005 and as modified by the NDA Designation of Springfields (Modification Direction No. 2) which came into force on [1 April 2010].
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2. Direction

Under sections 3, 4 and 5 the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3 below.

3. Modification of the NDA Designation of Springfields and Designation

(1) The NDA Designation of Springfields is modified as follows.

(2) In paragraph 1 ("Citation and Interpretation"), after the definition of "treat", insert:

"The following words and expressions as used in this Direction shall have the meaning set out below:-

"active components"	means components from nuclear facilities (including inspection tools, reactor coolant pumps and control valves) which have been and remain contaminated (whether radioactively or chemically) as a result (within the meaning of section 36) of nuclear activities such that they must be treated in facilities designed for the purpose of treating such components;
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"components for nuclear fuel"	means the constituent parts of nuclear fuel including, tubes, grids and braces but excluding that part of the fuel which comprises uranium;
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"intermediate products"	means products which are produced or used during the production of Uranium Hexafluoride ("Hex"), the manufacture of nuclear fuel or the processing of uranium residues on the Springfields Nuclear Site ("the principal nuclear site");
"intermediate services"	means services which are performed on the principal nuclear site in support of Hex production, the manufacture of nuclear fuel or the processing of uranium residues;
"nuclear fuel"	means fuel manufactured from uranium ore or from uranium which is the product of reprocessing and any uranium residue recovery process, for use in one or more of (but not limited to) the following types of nuclear-fission reactor: <ul style="list-style-type: none"> (a) Advanced Gas Cooled Reactors; (b) Light Water Reactors; (c) Fast Reactors; (d) Heavy Water Reactors; (e) High Temperature Reactors."

(2) For paragraph 3 ("Designation"), substitute:

"(1) The sites, installations and facilities in column 2 of Schedule 1 to this Direction 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 to this Direction 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) The circumstances in Schedule 4 to this Direction are designated for the purposes of section 3(1)(e) of the 2004 Act as circumstances in which the NDA has responsibility for securing the treatment, storage, transportation and disposal of hazardous material."

(3) For Schedule 2 (Installations in respect of which decommissioning is postponed until the specified time), substitute the Schedule set out in Schedule 1 to this Direction.

(4) For Schedule 3 (Additional Responsibilities under section 4 of the 2004 Act), substitute the Schedule set out in Schedule 2 to this Direction.

(5) After Schedule 3, insert the Schedule set out in Schedule 3 to this Direction.

4. Commencement

This Direction is made on 6th February 2024 and shall come into force on the day after which it is made.

Secretary of State for Energy Security and Net Zero.

SCHEDULE 1

Substitution of Schedule 2 to the NDA Designation of Springfields

“Paragraphs 3(1) and (2)

SCHEDULE 2

Installations in respect of which decommissioning is postponed until the specified time

1. Installations for the manufacture of Magnox Fuel as required in item 2 of Schedule 1, until such time as they are no longer needed in order to fulfil NDA operational functions.
2. Installations for the production of Hex as required in item 3 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
3. Installations for the manufacture of nuclear fuel as required in item 4 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
4. Installations for the processing of uranium residues as required in item 5 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
5. Installations for the treatment of active components from nuclear facilities as required in item 6 of Schedule 1, until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.
6. Pipes, conduits and other apparatus as required for any activities as set out in items 1 to 7 of Schedule 1 until such time as the agreements (including any new agreements) under which they are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in use of such pipes conduits and other apparatus.
7. All installations necessary to operate the technology centre on the principal nuclear site, until such duty ceases in accordance with any modification to this Direction or any other direction given by the Secretary of State under section 16(2) of the Energy Act 2004.
8. 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 network¹ operated by a person, other than the person in control of

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

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).

9. 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, or such earlier time as may be agreed with the person in occupation of such installations.
10. Subject to paragraphs 1 to 8 above, all installations necessary to operate the facilities as required in Schedule 1 (under a section 3(1) designation) and in accordance with the designated circumstances set out in Schedule 4, until such time as the agreements (including any new agreements) under which such installations are occupied are terminated or otherwise come to an end, or such earlier time as may be agreed with the person in occupation of such installations.”

SCHEDULE 2

Substitution of Schedule 3 to the NDA Designation of Springfields

“Paragraphs 3(1) and (3)

SCHEDULE 3

Additional Responsibilities under section 4 of the 2004 Act

1. To secure the operation and management of the technology centre on the principal nuclear site.
2. Pursuant to section 4(4) of the 2004 Act, to secure the design, construction and operation of such facilities on the principal nuclear site (including the design, construction and operation of new facilities not already in existence) as may be appropriate to secure the treatment, storage, transportation or disposal of hazardous material in accordance with the NDA’s designated responsibilities under paragraph 3(4) of this Direction.”

SCHEDULE 3

Insertion of new Schedule 4 to the NDA Designation of Springfields

“Paragraph 3(4)

SCHEDULE 4

Designated circumstances

1. For the purposes of paragraph 3(4) of this Direction, the designated circumstances are that:
 - a) the hazardous material comprises uranium (including reprocessed uranium); and
 - b) the hazardous material is to be converted to uranium hexafluoride on the principal nuclear site (whether in a facility designated in Schedule 1 or any new facility designed, constructed and operated pursuant to paragraph 2 of Schedule 3 to this Direction).”