

**The Radioactive Substances Act 1993 (Application for an Authorisation to Dispose of Solid Low Level Radioactive Waste from Dounreay) (Scotland) Direction 2005**

The Scottish Ministers hereby direct the Scottish Environment Protection Agency, under Section 23(1) of the Radioactive Substances Act 1993 to refuse the application from the United Kingdom Atomic Energy Authority for an authorisation to dispose of solid low level radioactive waste on or from Dounreay, Thurso, Caithness, KW14 7TZ to British Nuclear Fuel plc's facilities at Drigg and Sellafield.

Signed by



A member of the staff of the Scottish Ministers

On Tuesday 10 May 2005

## **Explanatory Note**

*(This note is not part of the Direction)*

### **Introduction**

1 The Scottish Ministers have considered the authorisation which the Scottish Environment Protection Agency (SEPA) was minded to grant and which was submitted to the Scottish Ministers on 9 February 2005 for their consideration. SEPA recognised that, whilst its intention was to grant the authorisation, it was not able to take account of a number of matters which related to government policy.

### **Background**

2 The application for an authorisation to dispose of Low Level Waste (LLW) from Dounreay followed from the joint audit by SEPA and the Nuclear Installations Inspectorate (NII) in 1998. The audit made a number of recommendations on LLW at Dounreay, including the need to develop a long term strategy for its disposal and to address storage limitations in the interim, including a suggestion to dispose of LLW to the National Low Level Waste Facility at Drigg.

### **Decision**

3 The decision to direct SEPA to refuse the application takes account of the application with supporting documentation, the views of SEPA and all relevant representations made in respect of it. The reasons for the decision are summarised in paragraphs 4 and 5 below.

4 There have been a number of developments in the 7 years since the audit at Dounreay which have influenced the decision to direct SEPA to refuse the authorisation. Principal among these are the current Review of LLW Policy which is being undertaken jointly by the Scottish Executive, the UK government and the other devolved administrations and the recent publication of the UKAEA Dounreay Solid Low Level Waste Strategy Development - Overall Strategy (9 March 2005) for managing its LLW in the long term. Other factors were the creation of the Nuclear Decommissioning Authority (NDA), in which the Scottish Ministers and Scottish Parliament have a role with regard to matters affecting the operation and decommissioning of nuclear sites in Scotland; use of the LLW Facility at Drigg; concerns about the transportation of waste from Dounreay; the decommissioning of Dounreay and other sites. The NDA has brought a strategic UK-wide perspective to the management and decommissioning of public sector civil nuclear sites and has amongst its responsibilities both Dounreay and the LLW Facility at Drigg. The Scottish Ministers do not wish to pre-empt the outcome of the LLW Review which will address many of these issues including the capacity of the Facility at Drigg, transportation of waste and on-site disposal. Ministers also recognise that the long term strategy which will now be implemented for Dounreay LLW is the creation of an on-site disposal facility.

5 It has long been proposed, and has been stated publicly on many occasions, including in the Dounreay Site Restoration Plan, that the best practicable environmental option in the long term for LLW produced at Dounreay would be a disposal facility on the site. This is recognised in the current Review of LLW policy and explicitly stated in the recently published Dounreay LLW Overall Strategy document. Ministers support this long stated intent that LLW produced at Dounreay should be dealt with by a facility onsite and believe that it is essential that all involved now proceed to develop this proposal.

6. Ministers recognise that this decision will require LLW to continue to be stored on site until such time as a disposal facility is available. LLW has been stored on site for some time in compliance with safety and environmental requirements. It is envisaged that arrangements will need to be made to ensure that this can continue until the Overall Strategy for Dounreay is implemented and Ministers will keep these matters under review.