

October 2003

The Nuclear Decommissioning Authority

The Government is to establish a new Nuclear Decommissioning Authority (NDA) to deal with the legacy of dangerous waste left by the nuclear industry. Unfortunately the proposals as currently drafted offer a virtual blank cheque to the industry to continue producing yet more nuclear waste, and there are no overriding environmental objectives which could mean further unnecessary radioactive contamination of our environment.

The proposal first emerged in November 2001 when Patricia Hewitt, the Trade and Industry Secretary, announced that state-owned British Nuclear Fuels plc (BNFL) had liabilities which exceed its assets by £1.7bn. In other words, it was bankrupt. As a consequence the NDA is to be established to take control of the situation. A White Paper, "Managing the Nuclear Legacy", was published in July 2002¹, and a Draft "Nuclear Sites and Radioactive Substances Bill" was published for consultation in June 2003². The Bill to establish the NDA will be introduced in Parliament late in 2003, with the second reading in the New Year.

It is anticipated the NDA (a Non-Departmental Public Body) will be fully operational by April 2005 when it will take ownership of virtually everything owned by the United Kingdom Atomic Energy Authority (UKAEA) and BNFL, including Sellafield, Dounreay and the Magnox nuclear station sites³. But it will not directly manage the sites. It is also envisaged the NDA will eventually take over handling waste from Ministry of Defence operations e.g. decommissioned nuclear submarines.

The Bill is designed to introduce competition. Contractors, including the rump of BNFL and the UKAEA will compete for contracts to manage the sites and carry out individual decommissioning and clean up projects.

Despite its name, the NDA will oversee the following operations, all of which involve the production of yet more nuclear waste:-

- the continued operation of BNFL's ageing Magnox reactors until the last one, Wylfa, closes in 2010.
- The continued operation of the Magnox reprocessing plant at Sellafield until it closes around 2012.
- The continued operation of the Thermal Oxide Reprocessing Plant at Sellafield which reprocesses spent fuel from British Energy's Advanced Gas Cooled Reactors and foreign light water reactors.
- The continued operation of the Sellafield MOX Plant which is intended to manufacture plutonium fuel from weapons-useable plutonium extracted from spent nuclear waste fuel during the reprocessing process.

¹ http://www.dti.gov.uk/energy/nuclear/announce_pubs/conspubs/nuclear_legacy/whitepaper.pdf

² <http://www.dti.gov.uk/nuclearcleanup/pdfs/print-05publication.pdf>

³ Chapelcross, Dungeness A, Sizewell A, Hinkley A, Hunterston A, Berkeley, Bradwell, Trawsfynydd, Wylfa

If these were not enough to damage public confidence in the new body, since the White Paper was published, the proposed responsibilities of the NDA have been extended to cover waste liabilities (and potentially decommissioning) for the struggling privatised nuclear generator, British Energy as part of the Government's controversial bail-out. This means that rather than simply cleaning-up and decommissioning the legacy of an already problematic industry, the NDA could also facilitate the continuation or even expansion of the private nuclear sector as the Bill doesn't rule out the possibility of future new nuclear operators being given the same subsidies.

This failure to rule out the facilitation of nuclear activities from the NDA's role is compounded by the failure to include in the Bill an overarching objective or environmental principles for the NDA. If it did, then it would flow that the continued operation of the ageing, loss-making, Magnox reactors and the highly polluting reprocessing plants would cease. For example, if the Bill contained a principle that called for waste avoidance or minimisation then waste-making plants would shut.

If the NDA's strategy development is simply based on 'meeting regulatory requirements', and not on a clearly defined set of environmental principles, enshrined in legislation, this could lead to a myriad of problems arising and environmentally hazardous proposals being promoted. Policy will be developed 'on the hoof'⁴ with national policy effectively being pre-empted by specific regulatory/site decisions. This could lead to, for example:-

- Decommissioning used as an excuse for continuing or even increasing discharges of radioactivity into the marine environment.
- Continued production of nuclear waste compounding the problems the NDA is supposed to be being set up to deal with.
- Inappropriate methods of nuclear waste management, such as incineration, which leads to the dispersal of radioactivity throughout the environment.
- Unnecessary transports of nuclear waste from one site to another.
- Failure to prioritise those wastes which represent the biggest hazard.

Greenpeace believes that all the NDA's activities should give primacy to *environmental and sustainability concerns*, rather than commercial or economic ones e.g. concentration and containment of waste rather than dilution and dispersal during its operations. In order to create an organisation that can become a world-leader in decommissioning and nuclear clean up, the Bill needs to have ingrained in it a clear objective to protect health and safety, and the environment, from the harmful effects of radiation during the decommissioning and clean up of those nuclear sites, for which it is responsible.

⁴ See RWMAC (March 2003) Advice to Ministers on Management of Low Activity Solid Radioactive Wastes within the United Kingdom, (www.defra.gov.uk/rwmac/press/p030324.htm) paras 6.38, 6.13 and A3.21