



**QUARTERLY REPORT TO  
WEST CUMBRIA SITES STAKEHOLDER GROUP**

**1 JULY TO 30 SEPTEMBER 2010**

This report provides a summary of the outcome of our regulatory activities at Sellafield, Windscale, Calder Hall, the Metals Recycling Facility at Lillyhall and the Low-Level Waste Repository (LLWR) near Drigg during July to September 2010.

Our nuclear regulators attend meetings of the WCSSG and most of its sub-committees. We are happy to respond to questions raised there, or you can contact us at our Penrith office:

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We are always looking to improve our reporting and would be happy to hear your views on the format and content of this report.

NOTE: For further information on decommissioning, the '*Brief to West Cumbria Sites Stakeholder Group, Decommissioning Sub-Group [June to August, 2010]*' can be found at [EA Report September 2010](#)

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## EXECUTIVE SUMMARY

This report presents a summary of our work associated with Sellafield, Windscale, Calder Hall, the Metals Recycling Facility at Lillyhall and the Low Level Waste Repository (LLWR) at Drigg from July to the end of to September 2010.

Key points include:

- Continued investigation into the disposal of suspect Low Level Waste packages to the Lillyhall landfill site.
- European Commission Article 35 visit verification visit of monitoring arrangements.
- Design of combined import/export facility in which parts of the plant which are used for transfer of HAW and temporary storage of aqueous waste may be in the water table.
- Enforcement notice for vessel vent condensate leak.
- Two significant nuclear safety events safety events at the Magnox Swarf Storage Silos facility.

## 1 INTRODUCTION

This report presents a summary of our work associated with Sellafield, Windscale, Calder Hall, the Metals Recycling Facility at Lillyhall and the Low Level Waste Repository (LLWR) at Drigg from July to September 2010. The report covers progress against our regulatory strategy which steers our work at nuclear sites. Our strategy sets out among other things;

- Our long term objectives
- Our expectations of the operator
- How our strategy links with the Environment Agency vision and goals

### **Our role as the Environment Agency**

We aim to prevent pollution, to enhance the environment, and contribute to the sustainable development of the UK.

The operation and clean up of nuclear sites generates radioactive and non radioactive waste. Our role as the environmental regulator is to ensure that the management and disposal of those wastes have little or no impact on people and the environment, both now and in the future. We achieve this by both direct regulation and partnership working with, for example, the site operators, the Nuclear Decommissioning Authority (NDA) and the Nuclear Installations Inspectorate (NII).

By working in this way we aim to ensure that the operator is complying with the limits and conditions of the permits that we issue under the Environmental Permitting Regulations 2010 (EPR 10) (this has replaced the Radioactive Substances Act 1993 and the Environmental Permitting Regulations 2007); and that site operators and NDA are taking environmental protection and the reduction of risks to the environment fully into account in their planning and decision making.

If you would like to know more about our role as the regulator on nuclear sites, please go to: [www.environment-agency.gov.uk/business/sectors/32517.aspx](http://www.environment-agency.gov.uk/business/sectors/32517.aspx).

## 2 PERMITS

### **2.1 Radioactive Substances EPR Permit Requirements Review**

As part of the better regulation regulatory data agenda we are currently seeking to review and rationalise the permit information requirements. This quarter we have established broad

agreement with Sellafield on the detail of what can be done in the short-term and will seek to deliver this before the end of the calendar year.

We continue to work with Sellafield Ltd on determining how the sampling requirements resulting from the permit can be rationalised. Many of these changes can be made by changes to Sellafield Ltd's Techniques Document – which details how Sellafield Ltd complies with its Radioactive Substances permit.

## **2.2 Variation to Sellafield Environmental Permit (BM4317IX)**

A variation (EPR/XP3433TV/V003) to the EPR 10 Permit (BM4317IX) was made effective on 2 August 2010. See previous report (Mar-Jun) for more detail.

## **2.3 Pile Fuel Cladding Silos (PFCS) gaseous waste**

Sellafield Ltd is moving towards active commissioning of the PFCS passive off-gas ventilation system. NII has consulted us regarding licensing of this system. We reviewed the associated environmental implications with Sellafield Ltd in March 2009. We raised issues relating to how the gaseous effluent discharges would be accounted for and also the potential for fugitives releases due to the low positive pressure that may arise in the silos. Sellafield Ltd addressed these matters to our satisfaction and has notified us of the forthcoming changes to the gaseous discharge accountancy arrangements, as required under its environmental permit. We have undertaken a review of Sellafield Ltd's latest documentation in support of the off gas system implementation and this raised no further issues. We note the environmental benefit of this modification relating to more efficient argon usage. We have therefore confirmed to NII and Sellafield Ltd that we have no objections to the implementation of the new Passive Off-Gas System.

## **2.6 Studsvik Metals Recycling Facility, Lillyhall Environmental Permit Review**

During July we carried out a Periodic Review of Studsvik Metals Recycling Facilities Environmental Permit. This review identified that the current permit was largely fit for purpose subject to some minor updates to the Compilation of Environment Agency Requirements (CEAR). The review also highlighted the operators intent to seek a variation to their authorisation over the coming month to allow the transfer of some waste residues back to the originating sites.

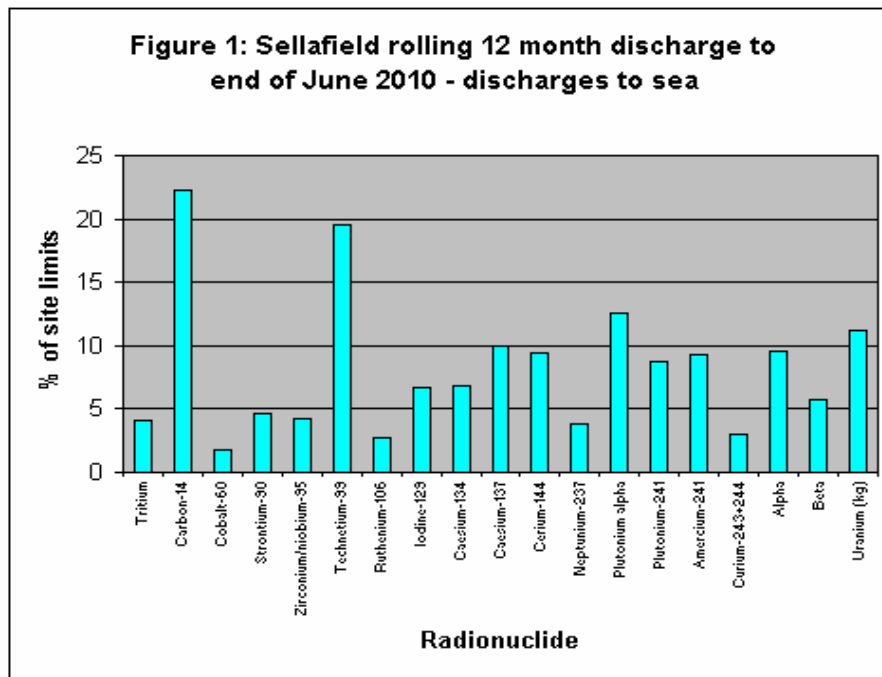
# **3 DISCHARGES & THEIR RADIOLOGICAL IMPACT**

## **3.1 Radioactive Discharges**

We aim to ensure that the public and the environment are protected from the radiation exposure that may result from the discharge and disposal of radioactive waste.

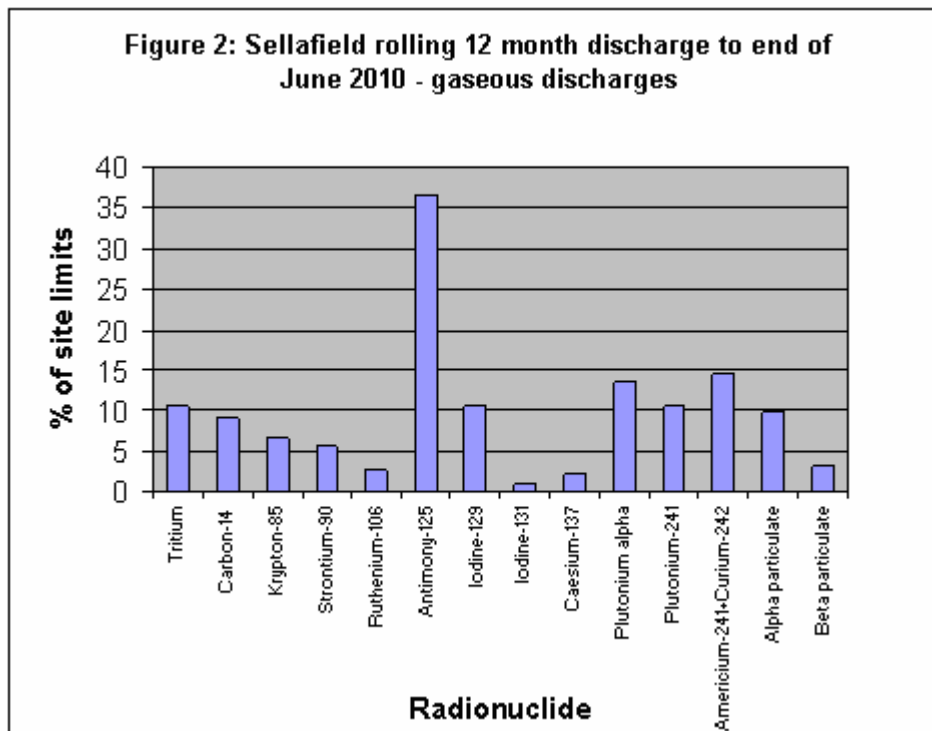
### **3.1.1 Discharges to sea**

Radioactive discharges to sea from Sellafield over the 12 months to the end of June 2010 are shown as a percentage of the authorised site limits in Figure 1. All discharges were well below the authorised limits.



### 3.1.2 Discharges to Air

Figure 2 gives the rolling 12 month discharges to air to the end of June 2010 as a percentage of the site limits. All discharges were well below the permitted limits. A new permit limit came into effect on 1 April 2010 for antimony-125 and hence this radionuclide is now back in compliance with its limit.

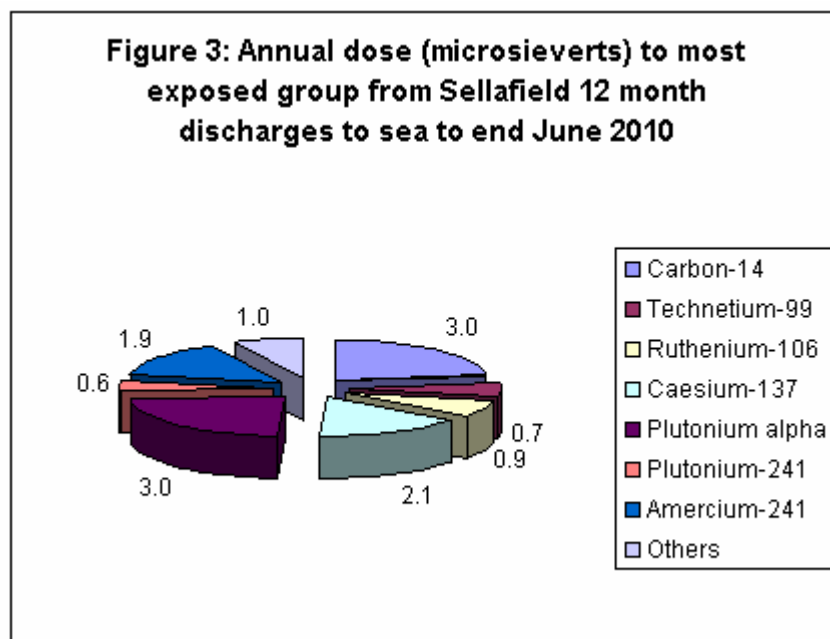


### 3.1.3 Disposals to Land

These figures are compiled on an annual basis, please refer to the April-June 2010 report for 2009/10 totals.

### 3.2 Radiation Doses

Radiation doses to the most exposed groups of people from liquid and gaseous discharges from the Sellafield and Windscale sites continue to be well below the statutory public dose limit of 1 milliSievert (mSv) per year. For example the assessed annual radiation dose for discharges to sea made during the 12 month period up to the end of June 2010 is about 13 microsieverts - Figure 3 gives the contributions to this dose from the various radionuclides.



### 3.3 Environmental Monitoring

#### 3.3.1 Beach Particle Monitoring

Monitoring for radioactive particles continued over the period at Drigg, Sellafield, Braystones and St Bees. Elevated find rates of alpha-rich particles have continued at Sellafield and Braystones due to the improved detection capability of the 'Synergy' detector system.

Responding to concerns expressed by St Bees Parish Council, we agreed with Sellafield Ltd that its vehicle-based beach monitoring programme should be revised to ensure that monitoring at St Bees is not carried out during the busy August tourist period this year. The Committee on Medical Aspects of Radiation in the Environment (COMARE) had recommended that monitoring be carried out at popular beaches during peak periods. We will now be considering future monitoring strategies to try to accommodate the interests of all stakeholders.

We have now received draft reports from the Health Protection Agency on health risks from Sellafield beach particles and are reviewing these. The broad conclusions are:

1. the overall health risks to beach users are very low and significantly lower than other risks that other people accept when using the beaches;
2. original HPA advice, that no special measures are necessary to protect the public, remains valid; and
3. regular monitoring of specified beaches should continue to provide regulators and the public with continued assurance that risks associated with Sellafield radioactive particles in the environment remain very low.

The results of the HPA risk assessment are to be presented at a multi-agency meeting on Sellafield beach particles at the Environment Agency's office at Penrith on 3 November 2010.

## **4 COMPLIANCE ASSESSMENT**

### **4.1 Low Level Waste Repository (LLWR)**

#### **4.1.1 Annual Review of Safety**

On 14 July we attended an Annual Review of Safety with LLW Repository Limited and HSE. LLWR had generally progressed well during the year with some key milestones being completed such as Vault 9 becoming fully operational for storage of waste and significant efforts to re-categorise some Plutonium Contaminated Materials as Low Level Waste. However, LLWR had also had a number of minor events during the year (e.g. pump failure, filter sample card blow out). None of these minor events had presented any environmental impact, although they were none the less taken seriously and investigated as necessary. We were satisfied in each case that LLWR had acted accordingly, taken steps to prevent any re-occurrence and taken on board wider learning.

#### **4.1.2 Environmental Safety Case Review**

During this period significant effort has gone into preparing for the review of the updated Environmental Safety Case the operators are due to deliver on 1 May 2011. Through this major submission the operators will aim to demonstrate that past disposals and continued disposal at the site remains safe now and into the long term future. Once received we anticipate completing review of this submission, including consultation on any resulting permit variation by around summer 2013. The submission will be made publicly available and we anticipate consulting late 2012 to early 2013, following completion of our detailed technical review of the submission. We will communicate details of our review further through the LLW Repository Sub-committee of the WCSSG. Through to delivery in May 2011 we continue to meet regularly with the LLW Repository Environmental Safety Case Team to clarify our expectations of the submission in line with our guidance for assessment for near surface disposal of Low Level Waste.

#### **4.1.3 Permit Improvement Requirements**

During this period we have reviewed two key submissions LLW Repository Limited have made, as required by their permit. Requirements 7 and 8 of Schedule 9 of their permit require reports on groundwater monitoring and also trench cap and trench cut-off wall performance monitoring. We are broadly satisfied with the submissions and progress in these areas. With regards to trench cap performance monitoring the site has recently made significant improvements, installing a new perimeter drain and improved monitoring systems. We hope this will provide greatly improved data on the caps performance over the next year. In relation to groundwater monitoring, the operators have recently given us details of a full review of all monitoring undertaken on site and we will be reviewing the outcome of this review.

### **4.2 Studsvik Metals Recycling Facility, Lillyhall**

We have visited the site during the period and operations continue safely.

### **4.3 Sellafield Ltd (SL)**

#### **4.3.1 EC Article 35 verification visit**

From time to time, European Commission inspectors visit the UK to verify the radiological monitoring arrangements we have at nuclear sites for discharge and environmental monitoring. These verification visits are carried out under the provisions of Article 35 of the Euratom Treaty. The EC notified us earlier this year of its intention to visit the Sellafield site, which was arranged for 23-26 August 2010. The Environment Agency supported this visit by

preparing documentation for the EC team on our monitoring arrangements and the responses to recommendations from a previous visit in 2004. We presented our permitting and monitoring approaches at the opening meeting as well as joining the EC team as observers during its inspections. The verification visit was a great success with most of the recommendations from the previous visit closed out and only one new recommendation likely (5 year review of approved places methodology for assessing non-stack emissions on the Sellafield site).

#### **4.3.2 Combined Import/Export Facility (CIEF)**

CIEF will serve a number of Higher Activity Waste (HAW) stores and its design is currently being finalised. Sellafield Ltd has informed us that parts of the plant which are used for transfer of HAW and temporary storage of aqueous waste may be in the water table. This conflicts with current Environment Agency/NII joint guidance on waste stores. Redesign is problematic and potentially extremely costly because there are potentially wider implications associated with existing adjacent facilities and the construction of future adjacent waste stores. We are investigating options with Sellafield Ltd and internal groundwater colleagues and seeking policy advice in these particular circumstances.

#### **4.3.3 Magnox Swarf Storage Silos (MSSS)**

As previously reported we have concerns regarding the need for a robust leak containment strategy to be implemented ahead of waste retrievals at this facility due to the potential for further very significant leaks of radioactive liquor to occur to ground. A technical meeting with Sellafield Ltd, NII and NDA this quarter has helped to establish improved working relationships between all parties and started to increase our confidence in how Sellafield Ltd is taking matters forward. Since our intervention, this matter is now recognised as a site risk and NDA now consider that it should feature on their national risk register. This issue is also testing what criteria should be used to assess intervention approaches. We seek to engage our NDA national programme to help in this area.

#### **4.3.4 Magnox Operating Programme (MOP) and contingency**

MOP8 Revision 2 has been published on the NDA web-site. The revision sets out an extended (c/f revision 1) time-scale for completing the MOP. The baseline completion date is now March 2017, with the former completion date of March 2016 now a 'stretch' target. The revision emphasises that uncertainties and risks remain in the programme, and that these might well impact on the delivery of even the revised time-scale.

Sellafield Ltd's work to develop a contingency in the event that reprocessing ceases to be an available route for managing spent Magnox fuel is progressing, but the necessary due diligence assessment of the technical work to the end of 2009/10 has still not been completed. Together with the NII we have written to Sellafield Ltd setting out our concern that this delay might impact on the completion of the next phase of technical development of this project.

#### **4.3.5 Low Level Waste Team Inspection with the NII**

We carried out a joint inspection with the NII on Low Level Waste at Sellafield on 12-15 July 2010. The inspection did not find anything that required immediate regulatory action. There were a number of positive findings but also some areas, where improvements need to be made. We were impressed by the enthusiasm and commitment of Waste Operating Unit staff, in particular the waste advisers. There were good examples of the use of the waste management hierarchy, segregation of waste and house-keeping. However, there were areas where all of these were poor and require improvement.

#### **4.3.6 Processing of corroded fuel in Fuel Handling Plant (FHP)**

Significant improvements to skip-washing of corroded fuel in the FHP have been made by Sellafield Ltd, to the extent that the prospect of acceleration of corroded fuel processing now

seems realistic. This will potentially facilitate greater flexibility in/availability of FHP to support legacy pond exports.

## **5 INCIDENTS & EVENTS**

### **5.1 Disposal of LLW to Lillyhall Landfill Site**

During April 2010, Sellafield Ltd mis-consigned and disposed of a small volume of Low Level Waste (LLW) from the Sellafield Site to the Waste Recycling Group's (WRG) Lillyhall Landfill Site, Workington, Cumbria. The waste packages were quickly recovered and returned to the Sellafield Site. We have seized these packages and sent them for independent characterisation at one of our laboratories. We have continued our investigations into this incident and we continue to work closely with the Department for Transport (DfT) in the collection of evidence. The DfT issued an Improvement Notice on 16 July, this follows their concerns at failings of Sellafield Ltd to discharge duties regarding management system arrangements and material characterisation under Transport Regulations. We have written to Sellafield Ltd detailing a programme of evidence we require to demonstrate completion of the actions in the management investigation of the incident.

### **5.2 Magnox Swarf Storage Silos (MSSS) Nuclear Safety Events**

Over the past month there have been two significant nuclear safety events at the MSSS facility. The first was associated with the prevention of over-pressurisation within a silo. The second was associated with the loss of ability to detect hydrogen in a silo. The latter event was categorised as an INES 1 event. These have led to Sellafield Ltd suspending all non-essential operations temporarily. We will work with NII to understand the root causes associated with these recent events and to consider how any arising environmental protection are addressed.

The MSSS Liquor Activity Reduction (LAR) project has been promoted by Sellafield Ltd in the press as an excellent example of regulators working with Sellafield Ltd to condense permissioning timescales. From our perspective, through parallel working with Sellafield Ltd and NII, we were able to drive appropriate environmental improvement at the Effluent Distribution Tanks as well as significantly reducing the timescales of the regulatory permissioning of LAR. Unfortunately LAR has been suspended as a result of unexpectedly high gaseous releases and as a result of the incidents noted above.

### **5.3 Overflow of demineralised water, SIXEP**

Sellafield Ltd reported an overflow of demineralised water from a head tank into the SIXEP chiller room, with some of the water escaping into the Calder sewer. The water was confirmed as clean, with no contamination. We assessed the circumstances leading to the event, and its consequences, and have concluded that there were no non-compliances with the requirements of the EPR Permit. However Sellafield Ltd has been asked to review the adequacy of level protection facilities in the tank in question, and also the provision of associated inspection and maintenance arrangements, to ensure that failure of level control is, where reasonably practicable, prevented in future.

### **5.4 Magnox reprocessing NOx emission**

Sellafield Ltd reported an event whereby a visible NOx release was noted from the Magnox Head End Plant stack, associated with restart of the Magnox dissolver. The discharge appears to have been transient (5 minutes or so), and does not appear to have involved an elevated radiological release. We are in the process of investigating this event further.

### **5.5 Accumulation of UO<sub>3</sub> powder in ventilation duct**

Sellafield Ltd reported the discovery of an accumulation of UO<sub>3</sub> powder in the thermal denitration reactor ducting in the Magnox uranium finishing plant. This accumulation has subsequently been removed. The down-stream discharge to air is protected by a wet scrubber,

and there is no indication of an elevated aerial release. We are in the process of investigating this event further.

## **5.6 Leak Intervention Objectives**

Sellafield Ltd are seeking to develop objectives for the assessment of intervention options following a leak to ground. With the support of our NDA project team, Legal and Environment and Business colleagues, we have developed a position to respond to this development.

## **6 ENFORCEMENT**

### **6.1 Vessel vent condensate leak (Jan 2009)**

We have concluded our assessment of Sellafield Ltd's responses to the Enforcement Notice that we served last year relating to the vessel vent condensate drain leak. The assessment was supported by a team inspection of arrangements at Sellafield (reported previously). The assessment has confirmed that, while the Notice has not been complied with in its entirety, most of the requirements have been met, and improvements are being delivered in terms of site practices. We presented our conclusions in a meeting with senior Sellafield Ltd management, and have subsequently issued Sellafield Ltd with a Warning Letter which requires the remaining outstanding work to be completed to a defined formal programme.

The original vessel vent condensate leak event itself remains under investigation. We intend to conclude this investigation in the final quarter of 2010.

### **6.2 EARP mis-reporting**

We concluded our investigation into the under-reporting of data for both radioactive and chemical discharges from April 2009 to October 2009. We issued Sellafield Ltd with a Warning Letter covering the following breaches:

- Infrastructure: Engineering for prevention and control of emissions – CCS 3
- Infrastructure: plant and equipment – CCS 4
- General Management: management system & operating procedures – CCS 3
- Emissions: surface water – CCS 3
- Monitoring and records, maintenance and reporting: monitoring of emissions & environment – CCS 4
- Monitoring and records, maintenance and reporting: reporting & notification to EA – CCS 4

### **6.3 Sea-line 3 simultaneous failure of final filters**

We concluded our investigation into the simultaneous failure of filters in both banks of the final effluent filters for Sea Line 3 in February 2010. We issued Sellafield Ltd with an Enforcement Notice detailing a number of steps to be rectified by the end of November 2010. We also issued them with a Warning Letter covering the following breaches:

- Infrastructure: Engineering for prevention and control of emissions – CCS 3
- Infrastructure: plant and equipment – CCS 3
- General management: staff competency and training – CCS 3
- Emissions: surface water – CCS 3

## **7 PLANNING, STRATEGY AND NATIONAL INTERVENTIONS**

### **7.1 Decommissioning Strategy**

There is a need for greater clarity and certainty with the decommissioning strategy and plan. It is needed to ensure the right near term decisions are taken on the development of new waste management facilities over the coming decades. We will support the evolution of the site integrated waste strategy that provides the framework for optimised decision making.

We are also actively engaged on NDA strategy and decommissioning and clean up principles.

A future decommissioning capability deliver plan is to be produced over the next three years by Sellafield Ltd. From years 4-17 there is more significant investment planned to support the future programme. Initiatives such as utilisation of computer simulations and deployment of robotic capability are being investigated. In support of this development, Sellafield Ltd need to develop their confidence in its decommissioning inventory. We see this being achieved through an appropriate quality assured characterisation process. Understanding the inventory is fundamental to underpinning the successful planning and delivery of decommissioning.

## **7.2 Performance Improvement Action Plans (PIAP) and Milestones**

We are engaging with the Decommissioning Directorate over their developing performance plans. These are important documents as they will set out the means to accelerate and monitor progress with the decommissioning programmes. We continue to work with Sellafield Ltd, NII and NDA to develop and agree decommissioning milestones.

## **7.3 Sellafield High Hazard and Risk Reduction Programme (SHHaRRP)**

We have considered options to address our view that the programme delivery schedule is unacceptable and recommended a high level technical strategic review, carried out by a small team of international experts, to ensure all ideas are explored and innovation and energy is injected into plans for programme acceleration. Following a management decision, this high level review has been put on hold in favour of reviewing evidence for programme acceleration over the coming 9-12 months. We continue to consider options to support delivering hazard and risk reduction sooner, if the programme acceleration is not seen, including a high level strategic review.

## **7.4 Sellafield Ltd Intermediate Level Waste (ILW) Strategy**

Sellafield Ltd presented and provided their developing ILW Management Strategy to us (EA/NII) in July 2010. A striking aspect of the strategy is that ILW arisings from future site decommissioning are predicted to be twice the site's current unconditioned and conditioned ILW stocks and the ways in which these future wastes will be managed are currently poorly defined. Therefore there is significant potential for environmental improvement and costs savings through the optimisation of the forward strategy. We will continue to work with Sellafield Ltd, NII and NDA with the objective of realising these outcomes.

## **7.5 Meeting with CORE regarding UK Discharge Strategy**

We were thanked by CORE for taking the time to discuss with them the latest Sellafield discharge predictions in the context of OSPAR and the UK Discharge Strategy.

## **7.6 National Nuclear LLW Strategy**

We are continuing to engage with the NDA, LLW Repository Limited, the wider nuclear industry and local authorities regarding the implementation of initiatives to deliver the National Nuclear LLW Strategy which was recently published by the NDA. We are linking into this work through the LLW Strategy Group and directly with NDA and LLW repository Limited.

# **8 COMMUNICATION**

## **8.1 Streamlining Engagement**

We have been encouraging streamlining of regulator, Sellafield Ltd and NDA engagement for some time, as part of the better regulation agenda and to ensure our time is spent most wisely. Sellafield Ltd is reviewing arrangements and developing schemes to streamline arrangements within the decommissioning area. We continue to work with Sellafield Ltd, NII

and NDA to address this and are pressing for early adoption of new arrangements and increased use of other engagement tools (e.g. information portals, telephone conferencing, meeting optimisation etc). Sellafield Ltd has recently developed a decommissioning e-room to facilitate engagement, which is an important step towards improved sharing of information.

## **8.2 LLWR Discussions with Head Office**

During September key staff from LLW Repository Limited visited our Head Office near Bristol to discuss key strategic issues for the site. In particular discussions addressed the Environmental Safety Case due for delivery May 2011 and LLW Repository Limited's progress with National LLW initiatives.

## **9 OTHER AREAS OF WORK**

### **9.1 Voluntary severance programme**

Sellafield Ltd have provided us with management of change document relating to the Voluntary Severance Programme on the site. The loss of staff from three Directorates/functions have been categorised as major changes: Decommissioning, Spent Fuels Management and EHS&Q. We have considered the documentation and have submitted a response to Sellafield Ltd, requesting assurance that the changes will not:

- Impact on Sellafield Ltd's ability to accelerate the delivery timescales for the Sellafield High Hazard and Risk Reduction Programme.
  - Repeat problems of chronic degradation of Sellafield's infrastructure or lead to further waste legacies issues which we consider occurred during staffing reductions in the 1990s.
- We have also requested assurance that succession plans for key environmental posts will be effective.

### **9.2 Deferral of Windscale decommissioning projects**

Following a Sellafield funding and prioritisation review, a number of projects at Windscale are to be deferred on the basis of risk. Whilst we would prefer these projects progressed without delay, we have acknowledged that there is a balance to be struck, to allow focus of resource and effort to SHHaRRP whilst maintaining other decommissioning fronts. The environmental implications of this decision will need to be addressed in terms of safe guarding against degradation of inventories and assets, and minimising loss of capability and knowledge. Sellafield Ltd will be required to demonstrate this through an environment case review.

### **9.3 Particle Exclusion Work**

Sellafield Ltd have produced a programme of work resulting from the 'Demonstration of BPM for solids exclusion from Sellafield Sea Discharges Engineering Brief'. We have discussed this programme of work with them. The main areas of improvement aim to improve the exclusion of solids from liquid discharges from the following plants/systems: the Segregated Effluent Plant (SETP); the Low Active drain; the Break Pressure Tank and Sea Line 3; the Laundry and the Lagoon.