



Llywodraeth Cymru
Welsh Government

PUBLICATION

The Transboundary Radioactive Contamination (Wales) Direction 2021

Directing Natural Resources Wales to consider transboundary radiological contamination when considering new or amended radioactive waste management plans

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Signed

In exercise of the powers conferred by regulation 62(1) of the Environmental Permitting (England and Wales) Regulations 2016^[1] (“the 2016 Regulations”), the Welsh Ministers direct the Natural Resources Body for Wales as follows.

The Welsh Ministers have consulted the Natural Resources Body for Wales (“the NRBW”) as required by regulation 62(3) of the 2016 Regulations.

This Direction is made for the purpose of ensuring that the NRBW considers whether plans to dispose of radioactive waste are liable to result in the radioactive contamination, significant from the point of view of health, of water, soil or airspace of notifiable countries. This consideration must happen before the NRBW determines an environmental permit application involving the implementation of a plan to dispose of radioactive waste. The same consideration will be required before the NRBW determines an application to

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vary such a permit, unless the proposed variation will not increase any authorised limits placed on radioactive waste disposal activities.

The NRBW must give the Welsh Ministers details of its public consultations on environmental permit applications and permit variation applications.

Title and commencement

1. The title of this Direction is the Transboundary Radioactive Contamination (Wales) Direction 2021 and comes into force on 6 August 2021.

Interpretation

2. In this Direction –

“application transboundary consideration” has the meaning given in paragraph 3(1);

“disposal” has the meaning given to it in paragraph 1 of Part 2 of Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2016;

“environmental permit” means an environmental permit involving any planned disposal of radioactive waste associated with the operations listed below, in gaseous, liquid or solid form in or to the environment—

- (a) the operation of nuclear reactors (except research reactors whose maximum power does not exceed 1 MW continuous thermal load);
- (b) the reprocessing of irradiated nuclear fuel;
- (c) the mining, milling and conversion of uranium and thorium;
- (d) U-235 enrichment of uranium;

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- (e) the fabrication of nuclear fuel;
- (f) the storage of irradiated nuclear fuel in dedicated facilities (except storage of irradiated nuclear fuel in casks licensed for transport or storage, on existing nuclear sites);
- (g) the handling and processing of artificial radioactive substances on an industrial scale;
- (h) the predisposal management, including storage, of radioactive waste arising from operations (a) to (g) and (i);
- (i) the dismantling of nuclear reactors^[2], mixed-oxide (oxides of uranium and plutonium) fuel fabrication plants and reprocessing plants (except research reactors whose maximum power does not exceed 50 MW thermal load);
- (j) the emplacement of radioactive waste above or under the ground without the intention of retrieval; or
- (k) the industrial processing of naturally occurring radioactive materials.

The NRBW required to consider potential transboundary radioactive contamination

3. Prior to determining an operator's application for an environmental permit, the NRBW must consider whether the planned disposal of radioactive waste is liable to result in radioactive contamination, significant from the point of view of health, of water, soil or airspace of any of the notifiable countries ("application transboundary consideration").

Prior to determining an operator's application to vary an environmental permit, the NRBW must consider whether the variation to the planned disposal of radioactive waste is liable to result in radioactive contamination, significant from the point of view of health, of water, soil or airspace of any of the notifiable countries ("variation transboundary consideration").

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A variation transboundary consideration is not required when the proposed variation to the planned disposal of radioactive waste envisages unchanged or more restrictive authorised limits and associated requirements than in the existing plan.

Application transboundary considerations and variation transboundary considerations are not required for trivial operations.

Communication of information to Welsh Ministers

4. When public consultation commences on the environmental permit application requiring an application transboundary consideration or a variation transboundary consideration, the NRBW must provide the electronic link to the public consultation webpage to the Welsh Ministers. All consultation responses must be taken into account by the NRBW before the application transboundary consideration or the variation transboundary consideration is made.

Content of public consultation

5. The NRBW's public consultation on the environmental permit application requiring an application transboundary consideration or a variation transboundary consideration must include the applicant's assessment of whether their plans to dispose of radioactive waste are liable to result in the radioactive contamination, significant from the point of view of health, of water, soil or airspace of any of the notifiable countries.

Requirement that the NRBW take into account transboundary considerations

6. The NRBW must take into account the outcome of the application

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transboundary consideration or the variation transboundary consideration required by paragraph 3 when determining the environmental permit.

Signed

Julie James MS/AS
Minister for Climate Change

[1] S.I. 2016/1154

[2] Decommissioning comprises all technical and administrative procedures, activities and measures taken after the final shutdown of a facility and up to the release of the site for unrestricted or other licence use. Within these activities “dismantling” comprises disassembling, cutting and demolition of contaminated or activated components, systems and structures including their packaging and transfer off-site.

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