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| ONR Project Assessment Report  Sellafield Limited - Restrictions on nuclear matter on the site - Withdrawal of Approval 49 granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence No. 31B on 21 June 1985 |



ONR Project Assessment Report

Project Name: Sellafield Limited - Restrictions on nuclear matter on the site

Report Title: Withdrawal of Approval 49 granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence No. 31B on 21 June 1985

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# Executive Summary

**Title**

Withdrawal of Approval 49 granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence No. 31B on 21 June 1985.

**Permission Requested**

The licensee (Sellafield Limited) has written to the Office for Nuclear Regulation (ONR) requesting ONR withdrawal of Approval 49 granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence (NSL) No. 31B on 21 June 1985.

**Background**

Approval 49 is a Licence Instrument (LI) which was granted on 21 June 1985 under Condition 36(1) attached to NSL No. 31B. At that time, Licence Condition 36 (LC36) was “Storage of Fuel Elements”. The LI granted approval for the Fuel Element Preparation Rooms in Calder Hall to be used as Fuel Element Stores.

On 1 April 2017, NSL No. 103 came into force for the Sellafield Site. This is the extant NSL for the Sellafield Site.

Approval 49 has been carried over to NSL No. 103 by its inclusion in Schedule 3 of NSL No. 103. Schedule 3 defines that Approval 49 should be regarded as an Approval granted under Condition 4(3) of Schedule 2 attached to NSL No. 103. Licence Condition 4 (LC4) of Schedule 2 attached to NSL No. 103 is “Restrictions on Nuclear Matter on the Site”.

On 13 June 2018, the licensee wrote to ONR to state that the Fuel Element Preparation Rooms in Calder Hall are no longer used for the storage of Fuel Elements and therefore Approval 49 is redundant. This letter did not:

* Meet ONR’s requirements for a letter requesting a LI.
* Include adequate justification for the withdrawal of Approval 49.

In relation to the first point, ONR’s guidance is that withdrawal of an Approval in accordance with Condition 1(3) of Schedule 2 attached to a NSL shall be processed in a similar manner to its issue. Hence the withdrawal requires a LI to be granted.

ONR provided advice and guidance to Sellafield Limited relating to its 13 June 2018 request letter and Sellafield Limited sent a satisfactory withdrawal request letter and justification on 27 April 2022.

**Assessment and inspection work carried out by ONR in consideration of this request**

Sellafield Limited’s justification for the withdrawal of Approval 49 is that since June 2018, fuel elements have no longer been stored in the Fuel Element Preparation Rooms in Calder Hall. I have confirmed that in October 2019 this claim was verified by the European Atomic Energy Community (Euratom), the nuclear safeguards regulator at the time, accompanied by ONR nuclear safeguards representatives. I am therefore content with the validity of Sellafield Limited’s justification of its withdrawal request.

I have consulted with an ONR colleague who has confirmed that there is no interest/ action required from the perspective of The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2018 (EIADR) before granting the withdrawal.

I have consulted with the Environment Agency since granting of this withdrawal is a matter of mutual interest with the Environment Agency. The Environment Agency has no objection to the granting of the withdrawal.

I have prepared LI 542 according to ONR’s procedures. If granted, this LI will withdraw Approval 49 from NSL No. 103.

**Matters arising from ONR's work**

None noted.

**Conclusion**

I conclude that ONR should grant LI 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence No. 31B on 21 June 1985, from NSL No. 103.

**Recommendations**

I recommend that:

* The Sellafield Compliance, Intelligence and Enforcement (SCIE) Delivery Lead accepts this Project Assessment Report (PAR) to confirm support for the ONR technical and regulatory arguments that justify granting Sellafield Limited LI 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to NSL No. 31B on 21 June 1985, from NSL No. 103.
* The SCIE Delivery Lead accepts this PAR approving its release for publication, after redaction where appropriate.
* The Director of Regulation – Sellafield, Decommissioning, Fuel and Waste Division signs LI 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to NSL No. 31B on 21 June 1985, from NSL No. 103.

# List of Abbreviations

DG ENER European Commission Directorate-General (Energy)

EIADR The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2018

EURATOM The European Atomic Energy Community

LC Licence Condition

LC4 Licence Condition 4 (under NSL No. 103) “Restrictions on Nuclear Matter on the Site”

LC36 Licence Condition 36 (under NSL No. 31B) “Storage of Fuel Elements”

LI Licence Instrument

MBA Material Balance Area

NSL Nuclear Site Licence

ONR Office for Nuclear Regulation

PAR Project Assessment Report

POCO Post Operational Clean Out

RI Regulatory Issue

SCIE Sellafield Compliance, Intelligence and Enforcement

Contents

[Executive Summary 4](#_Toc119419525)

[1. Permission Requested 8](#_Toc119419526)

[2. Background 8](#_Toc119419527)

[3. Assessment and Inspection Work Carried out by ONR in Consideration of this Request 9](#_Toc119419528)

[4. Matters Arising from ONRs Work 11](#_Toc119419529)

[5. Conclusions 11](#_Toc119419530)

[6. Recommendations 11](#_Toc119419531)

[References 12](#_Toc119419532)

# Permission Requested

1. The licensee (Sellafield Limited) has written [1] to the Office for Nuclear Regulation (ONR) requesting ONR withdrawal of Approval 49 granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence (NSL) No. 31B on 21 June 1985.

# Background

1. Approval 49 [2] is a Licence Instrument (LI) which was granted on 21 June 1985 under Condition 36(1) attached to NSL No. 31B. At that time, Licence Condition 36 (LC36) was “Storage of Fuel Elements”. The LI granted approval for the Fuel Element Preparation Rooms in Calder Hall to be used as Fuel Element Stores.
2. Approval 49 has been carried over to NSL No. 103 by its inclusion in Schedule 3 of NSL No. 103 [2]. Schedule 3 defines that Approval 49 should be regarded as an Approval granted under Condition 4(3) of Schedule 2 attached to NSL No. 103. Licence Condition 4 (LC4) of Schedule 2 attached to NSL No. 103 is “Restrictions on Nuclear Matter on the Site”.
3. On 17 May 2018 [2022/45395], the licensee wrote to ONR to state that the Fuel Element Preparation Rooms are no longer used for the storage of Fuel Elements and therefore Approval 49 is now redundant.
4. On 5 June 2018 ONR raised Regulatory Issue (RI)-6401 “Status of Approval 49: Originally LC36(1) under Site Licence 31B "Fuel Element Preparation Rooms Calder Hall - Use as Fuel Element Stores" FE STORE DOC(85)2 - transferred to current Licence 103” to track the progression of the licensee’s request for the withdrawal of Approval 49. I will close this RI once the withdrawal LI requested has been granted.
5. On 7 June 2018, the licensee wrote to ONR to state that it has verified, by in-person visual assessment, that the Fuel Element Preparation Rooms contain no fuel elements [2022/13556].
6. The licensee wrote to ONR again on 13 June 2018, providing a letter to confirm that Approval 49 is no longer a part of the Calder Hall Safety Case [2018/196507].
7. This letter did not:

* Meet ONR’s requirements for a letter requesting a LI.
* Include adequate justification for the withdrawal of Approval 49.

1. In relation to the first point, ONR’s guidance is that withdrawal of an Approval in accordance with Condition 1(3) of Schedule 2 attached to a NSL shall be processed in a similar manner to its issue. Hence the withdrawal requires a LI to be granted.
2. ONR provided advice and guidance to Sellafield Limited relating to its 13 June 2018 request letter and Sellafield Limited sent a satisfactory withdrawal request letter and justification on 27 April 2022.

# Assessment and Inspection Work Carried out by ONR in Consideration of this Request

## Technical Arguments

1. RI-6401 specified three actions for the licensee to complete to justify the validity of the withdrawal request:

* Sellafield Limited to establish whether Approval 49 is a valid part of the Calder Hall safety case.
* If Approval 49 is still part of the current safety case, Sellafield Limited to confirm whether the relevant sections of the safety case have changed since the Approval was granted in 1985.
* Sellafield Limited to confirm whether, as of 2018, Approval 49 is still required in relation to Calder Hall defueling operations.

1. On 7 June 2018, ONR received a written response from the licensee [2022/13556] regarding the actions specified in RI-6401. The response states that Approval 49 no longer forms a valid part of the live safety case for Calder Hall. The response details that the approval to store fuel in the designated areas, granted by the Approval, was valid until 12 July 2016, when the last fuel element was removed from the Calder Hall Fuel Preparation Rooms. Within the same correspondence, the licensee stated that all fuel movements out of the facility had been registered with Nuclear Safeguards and the European Commission Directorate-General (Energy) (DG ENER) and that the Fuel Element Preparation Rooms had undergone the requisite fuel-free verification processes.
2. On 8 October 2019, Euratom, accompanied by ONR Safeguards representatives, conducted a safeguards inspection of the Calder Hall MBA (Material Balance Area) including the Fuel Element Preparation Rooms.
3. A “Material Balance Area” is defined [9] as an area in a qualifying nuclear facility in respect of which— (a) the quantity of qualifying nuclear material in each transfer into or out of the area can be determined; and (b) the physical inventory of qualifying nuclear material in the area can be determined when necessary in accordance with specified procedures, in order that quantity of qualifying nuclear material for safeguards purposes under the relevant Regulations ((The Nuclear Safeguards (EU Exit) Regulations, 2018)) can be established.
4. The Euratom inspection report (MEDOR(2020)664) [2022/45397] states that the MBA has been verified to contain no nuclear material [3].
5. On 20 April 2022, the licensee stated in an email to ONR (referencing the 2019 Euratom Inspection) that the whole of Calder Hall has been verified as fuel free [2022/45393].
6. The Calder Hall Post Operational Clean Out (POCO) Review Summary Report [2021/29222], dated March 2021, further states that the facility has been verified as fuel free and offers broader context on the facility providing assurance that there is no intention for the Calder Hall (including the Fuel Element Preparation Rooms) to be used for the storage of fuel elements in the future.
7. I am therefore content with the validity of Sellafield Limited’s justification of its withdrawal request.

## Regulatory Arguments

### Consultation

1. I have consulted [4] with an ONR colleague in Safeguards who has confirmed (2023/18623) that the fuel free verification of the MBA containing Calder Hall covered all buildings associated with the reactor and its functions. As the MBA has been verified as fuel free, there is no further interest/ action required from the perspective of Safeguards before granting the withdrawal.
2. I have consulted [5] with an ONR colleague who has confirmed (2023/12038) that there is no interest/ action required from the perspective of The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2018 (EIADR) before granting the withdrawal.
3. I have consulted [6] with the Environment Agency since granting of this withdrawal is a matter of mutual interest with the Environment Agency. The Environment Agency has no objection to the granting of the withdrawal (2023/11017).

### Licence Instrument

1. Clause 3 of Licence Condition 1 (LC1) “Interpretation” allows for the withdrawal (either wholly or in part) of an Approval. In addition, ONR Guidance Document NS‑PER-GD-001 Issue No. 6 states that the withdrawal of an Approval in accordance with LC 1(3) shall be processed in a similar manner to its issue. Hence the withdrawal requires a LI to be granted. I have therefore prepared LI 542 according to ONR’s procedures.
2. I note that a “Withdrawal of Approval” under LC4(2) is in the list of Routine LIs (see Appendix A of NS-PER-GD-001 [7]) for which the format and contents have been agreed with the government legal department. Therefore, consultation with government legal department relating to the withdrawal of Approval is not needed.
3. ONR’s Scheme of Delegation specifies that withdrawal of Approvals must be signed by a Deputy Chief Nuclear Inspector, or above. LI 542 has been prepared accordingly.

# Matters Arising from ONRs Work

1. None noted.

# Conclusion

1. I conclude that ONR should grant LI 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to Nuclear Site Licence No. 31B on 21 June 1985, from NSL No. 103.

# Recommendations

1. I recommend that:

* The SCIE Delivery Lead accepts this PAR to confirm support for the ONR technical and regulatory arguments that justify granting Sellafield Limited LI 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to NSL No. 31B on 21 June 1985, from NSL No. 103.
* The SCIE Delivery Lead accepts this PAR approving its release for publication, after redaction where appropriate.
* The Director of Regulation - Sellafield, Decommissioning, Fuel and Waste Division signs Licence Instrument 542 which will withdraw Approval 49, which was granted under Condition 36(1) of Schedule 2 attached to NSL No. 31B on 21 June 1985, from NSL No. 103.

# References

1. SL-2022-245 Request for Withdrawal of Licence Instrument 49 (Calder Hall) [Permissioning & Approvals: Information: PR-01164 - Power Apps (dynamics.com)](https://wired.crm11.dynamics.com/main.aspx?appid=58b7bb57-c806-ec11-b6e5-00224841dad4&pagetype=entityrecord&etn=can_permissioning&id=8a8687ce-7037-462a-a33e-0daf6f570fe1)
2. PR-01164 - NSL 103, Approval 49 & NSL 31B LC36 [Permissioning & Approvals: Information: PR-01164 - Power Apps (dynamics.com)](https://wired.crm11.dynamics.com/main.aspx?appid=58b7bb57-c806-ec11-b6e5-00224841dad4&pagetype=entityrecord&etn=can_permissioning&id=8a8687ce-7037-462a-a33e-0daf6f570fe1)
3. Euratom Inspection Report MEDOR(2020)664 [Permissioning & Approvals: Information: PR-01164 - Power Apps (dynamics.com)](https://wired.crm11.dynamics.com/main.aspx?appid=58b7bb57-c806-ec11-b6e5-00224841dad4&pagetype=entityrecord&etn=can_permissioning&id=8a8687ce-7037-462a-a33e-0daf6f570fe1)
4. Safeguards Consultation - 2023/18623
5. EIADR Consultation - 2023/12038
6. Environment Agency Consultation - 2023/11017
7. ONR Guide - *The Purpose and Use of Permissioning - NS-PER-GD-001 Revision 6 October 2022* <http://www.onr.org.uk/operational/assessment/index.htm>
8. *Safety Assessment Principles for Nuclear Facilities*. 2014 Edition, Revision 1. January 2020. <http://www.onr.org.uk/saps/saps2014.pdf>.
9. The Nuclear Safeguards (EU Exit) Regulations 2018. <http://www.legislation.gov.uk/ukdsi/2018/9780111175545/contents>
10. *LC4 – Restrictions on Nuclear Matter on Site* NS-INSP-GD-004 Issue 4.1. ONR, February 2022. <https://www.onr.org.uk/operational/tech_insp_guides/ns-insp-gd-004.docx>
11. *Management of Radioactive Material and Radioactive Waste on Nuclear Licensed Sites* NS-TAST-GD-24 Issue 7.1. ONR, September 2019. <http://www.onr.org.uk/operational/tech_asst_guides/index.htm>