

Our Ref: IW/LC/RS/NUC/
FASLANE/
CORRESPONDENCE

Your Ref:

Commodore C Hockley
Naval Base Commander Clyde
HMNB Clyde
Faslane
HELENSBURGH
G84 8HL

If telephoning ask for:
Isabelle Watson

23 May 2008

Dear Commodore Hockley

**RADIOACTIVE SUBSTANCES ACT 1993 AS AMENDED (RSA93)
LETTER OF AGREEMENT, JUNE 1993
PORTABLE EFFLUENT BARGE [PEB] INCIDENT OF 20 FEBRUARY 2008**

I write further to the incident of 20 February 2008 in which a discharge of radioactively contaminated liquid was made from the PEB whilst effluent was being transferred from HMS Torbay.

SEPA notes that the estimated radioactive content of the discharge was primarily due to a relatively small quantity of tritium and that the discharge would have been significantly diluted at the point of discharge. Consequently SEPA believes that there will be no discernable environmental or public health impacts from the discharge. However, the incident is of utmost concern as it demonstrates a number of inadequacies in radioactive waste management practices at HMNB Clyde, Faslane.

In SEPA's opinion the incident represents a failure by MOD to act in accordance with a number of the conditions set down in our Letter of Agreement dated 18 June 1993 for liquid discharges. In particular SEPA considers that MOD's actions have not been in accordance with the conditions detailed in paragraphs 2, 4 and 5. Also due to the fact that a discharge was made via a non-standard route and that no sample was taken prior to the discharge MOD has not acted in accordance with the conditions detailed in paragraphs 6 and 7 and 8. The attached table provides details of the matters constituting the failure to act in accordance with the Letter of Agreement and steps which SEPA believes will remedy the failures outlined.

Additionally, SEPA is concerned that MOD are not acting in full accordance with the agreed provisions for engaging qualified experts. The qualified expert role is defined in Article 47 of the Basic Safety Standards Council Directive 96/29/EURATOM. SEPA requires that persons holding an authorisation under the Radioactive Substances Act 1993 have appointed suitable qualified expert(s) to fulfil the requirements in 96/29/Euratom. It is understood that the directive does not apply to Defence activities however the need for persons who are similarly qualified and experienced is recognised by MOD. MOD wrote to SEPA in this regard in November 2002. SEPA considers that MOD should review the requirements for a qualified expert in 96/29/Euratom and ensure that it has the appropriate expertise to match the essence of these requirements. MOD should also ensure that the advice from suitably qualified and experienced expert(s) can be effectively implemented.

Cont'd / . . .

Commodore C Hockley
HMNB Clyde, Helensburgh

22 May 2008

SEPA has not placed any timescales on the steps detailed as it may have done for civilian operator. SEPA considers that the steps identified should be addressed as soon as possible and requests a response from MOD indicating a timescale and an implementation plan for this work within four weeks of the date of this letter.

For incidents of this nature in the civil sector it is standard practice for SEPA to consider regulatory action such as an enforcement notice under section 21 of RSA93. In doing so SEPA's enforcement policy indicates that relevant factors such as previous performance and incidents of a similar nature should be taken account. Whilst it is not appropriate to serve MOD with an enforcement notice I would ask you to treat this letter with an equivalent priority and seriousness, particularly in light of SEPA's letter dated 19 November 2007 regarding the inadvertent discharge of effluent from HMS Superb.

I look forward to hearing from you soon. If you wish to discuss the detail of the steps please contact Isabelle Watson who is based in our East Kilbride office.

I am also copying this letter to Andrew McFarlane of DNSR for his information.

Yours sincerely

Byron Tilly

cc: Isabelle Watson
; DNSR
DNSR.