

Necessary steps for Bulgaria in accesses to information and public participation in the preparation of radioactive waste policy

(or: What is needed to prevent court cases)

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Sofia, 18 October 2010

1. INTRODUCTION

My name is Jan Haverkamp. I am 50 years old, academic environmental engineer with specialisations in air-pollution control, environmental and communication psychology and nuclear reactor physics. Further areas of attention: environmental economy and law.

- I work since 1986 in Central Europe - DDR, Czecho-Slovakia, Romania, Ukraine, Albania, Croatia; emigrated 1997 to the Czech Republic.
- Since 1999, I am working for Greenpeace on energy issues – Czech Republic, Central Europe, since 2007 as EU policy campaigner dirty energy working from Brussels (though still living in Prague).
- I work since 2002 on the Belene nuclear power plant and I am member of the steering committee of the Aarhus Convention in the Nuclear Sector initiative.

Bulgaria has been criticised repeatedly for a lack of a consistent policy for radioactive waste. The issue recently received a lot of attention during the discussions about further EU support for the decommissioning of the unsafe nuclear reactors Kozloduy 1 to 4, when the EP rapporteur Rebecca Harms (Greens) requested part of the support to be spent on waste management.

Many in the European Parliament as well as the European Commission preferred, however, that Bulgaria solve this problem separately.

At this moment, the European Commission prepares in a written procedure the draft of a Euratom nuclear waste directive that will among others prescribe Member States to prepare national radioactive waste programmes or strategies.

Bulgaria therefore needs to develop a coherent policy for radioactive waste. The European Nuclear Energy Forum concluded in 2008 that policy on nuclear safety needs to be based on **Best Available Technology (BAT)** and **Best Regulatory Practice (BRP)**. This also is valid for radioactive waste policy.

Given the fact that radioactive waste, especially middle- and high-level radioactive waste, is because of its radioactivity more hazardous than ordinary toxic hazardous wastes, it is logical that radioactive waste policy has to be at least as stringent as toxic hazardous waste policy.

In this presentation, I will highlight some basic principles concerning the role of the public in the establishment of a nuclear waste policy.

2. ACCESS TO INFORMATION

In the preparation of a radioactive waste policy, the public authorities have on the basis of the Aarhus Convention article 4 and 5 a duty to actively publish basic information – that means not only on request of the public. The Bulgarian responsible authority for radioactive waste or the Bulgarian nuclear regulatory agency should publish for the purpose of public participation in the planning of a radioactive waste policy at least:

- A full inventory of existing radioactive waste per category, including an overview of content of the waste according to the different radioisotopes involved, form, current owner, current geographical position and detailed volumes.
- A detail estimate of to be the expected radioactive wastes from currently operational and licensed activities, including nuclear energy generation, hospitals and other medical use, industrial use and research.
- A detail overview of closed and currently operational radioactive waste storage sites and their safety situation.
- A detail overview of companies and institutes involved in management of radioactive waste.
- A detail overview of existing policies for radioactive waste storage and management.

Besides that, the responsible authorities should give active access to all draft plans and programmes for management of radioactive waste. This should include:

- a list of investigated possible sites for radioactive management operations and their characteristics;
- a list and detail description of proposed management technologies;
- a list and detail description of considered alternatives in management technologies.

Because of the long time-scales involved (depending on isotope composition, for low-level waste centuries, for middle- and high-level waste millennia), containment of radioactive waste never can be 100% guaranteed. The information should therefore not only be available in Bulgarian for Bulgarian citizens, but also at least in English for citizens, institutions and organisations from neighbouring states and beyond.

Besides that, because radioactive waste concerns an emission from industrial, medical and/or research activities, on the basis of the Aarhus Convention art. 4(4), the responsible authorities as well as the involved companies and institutions should give on request full access to all information related to radioactive waste based on public interest. Exceptions for access to information, as formulated under article 4(4) of the Aarhus Convention, may be granted only in a restrictive way. Each exception should be argued with valid reasons. Refusal of access to information can be appealed to in court.

3. PUBLIC PARTICIPATION

Under the Aarhus Convention article 7, which deals with public participation in the formulation of plans and programmes, full public participation is foreseen in the formulation of a radioactive waste strategy or programme. According to EU Directive 2001/42/EC this should happen in the form of a **Strategic Environmental Assessment (SEA)**. In order to enhance the quality of the decisions taken on the basis of a Bulgarian radioactive waste strategy, the strategy should give a full **justification** of all technologies, sites, steps and time-lines involved.

The interested public has to be defined as the widest possible group – not only inhabitants and organisations of citizens in the proposed geographical areas of concern, but indeed all residents of Bulgaria and the surrounding countries and beyond, because complete enclosure of the the waste for

the necessary time-frames can never be 100% guaranteed and therefore every radioactive waste site poses an environmental risk on international level.

It is advisable that **stakeholder meetings** are organised in a format that allows the public to express its views, concerns and submit its questions without interference of the authorities involved, nor from persons or undertakings producing radioactive waste. These views, concerns and questions should according to art. 6(8) of the Aarhus Convention be taken into due consideration and the public has the right to appeal against a strategy that does not do so.

4. INDEPENDENCE OF NUCLEAR REGULATOR AND RADIOACTIVE WASTE AUTHORITY

A crucial issue for the establishment of a credible and acceptable radioactive waste policy is that all authorities involved in its formulation and assessment are fully independent from persons and undertakings involved in the production of radioactive waste as well as in the promotion and operation of nuclear technology, including nuclear energy. This is necessary to guarantee a maximum level of nuclear safety in radioactive waste management for current and future generations.

This principle is not only valid for the Bulgarian Nuclear Regulatory Agency, which is already bound to independence by art. 5(2) of Directive 2009/71/EURATOM, but the principle should also be adopted for the State Enterprise “Radioactive Waste” - the Bulgarian radioactive waste authority .

5. VOLUNTARISM FOR MUNICIPALITIES INVOLVED

The vast majority of radioactive waste is and has been created by the production of nuclear energy – electricity that has been used by all of Bulgarian society and beyond, if not always with the consent of all. Radioactive waste management sites, however – be they temporary or long term, for low-, middle- or high-level waste – are situated in geographically restricted areas, which basically sacrifice themselves for the choices made by others.

It is therefore established practice (e.g. in Sweden, Finland, the United Kingdom, Spain, Slovenia) that municipalities chosen for management sites are not forced or coerced to accept these sites, but have been put forward on the basis of voluntary choice. Indeed, in countries where this was not the case (for instance the Czech Republic, the Netherlands, Belgium or Germany), strong NIMBY reactions seriously hampered possibilities to find sites.

Municipalities participating in site choice procedures should have the right to stop at any moment their participation in the development of radioactive waste management sites.

It is important that voluntary involvement of municipalities in radioactive waste management siting is carried by the entire population. This means that referenda should be foreseen and that the entire process of preparation should be followed by representative partnership structures.

6. THE TRICKY ISSUES OF COMPENSATION AND CHOICE OF EXISTING NUCLEAR SITES

Because certain municipalities will volunteer to sacrifice themselves for hosting waste management operations, it is reasonable that they be compensated for this. However, at no moment, the issue of compensation should interfere with the content of the debate about suitability and safety of the installations and management procedures. This is an issue that has already led to problems in several countries, e.g. Slovenia and the UK.

It also has to be noted that not only the municipalities that host radioactive waste management installations run risks, but also surrounding municipalities. It is therefore important that also these remain at all times involved in the process and receive compensation.

Municipalities with existing nuclear installations tend to be less critical towards the issue of siting of radioactive waste management installations. We have seen in Finland, Sweden, the UK, Belgium, and Slovenia that for that reason, host municipalities were chosen that already had nuclear installations on their territory, although their geological and environmental conditions were not necessarily the most optimal ones. Although public support is of crucial importance, it has to be assured that under no circumstances, safety and long term security loose their primacy.

Any radioactive waste policy will have to deal with these issues in a way that maximises radioactive safety – not only for this generation but also for generations to come.