

Dounreay Stakeholder Group

Report on online seminar by David Broughton (DSG Co-opted member of the public)

Seminar Title: Aarhus Convention and Nuclear

Format: European Roundtable on information and public participation in the field of Radioactive Waste Management

Organiser: Nuclear Transparency Watch

Dates: 13th to 15th January 2021

Introduction

1. This was a European and European Union (EU) focussed event and many of the presenters were familiar with one another and had worked together on various committees and working groups. This made it a little difficult at first for the author to understand the relationships between the various groups, their reasons for existence and their funding bases.
2. While not purporting to full accuracy this is what the author thinks the groups are;
 - The Nuclear Transparency Watch (NTW) was the organiser and is funded by the EU. It was formed in 2012 and published a report in 2015 outlining its fundamental principles.
 - Access for public information and communication
 - Participation and consultation
 - Justice in decision making
 - Effective transparency
 - Resources to participateIt has full time staff and a chair which the author is not sure whether that is full time or not. The NTW's remit is to observe, assess and help nuclear operators and civil society to abide by the rules of the Aarhus Convention for transparency and participation by civil society in nuclear matters and particularly in radioactive waste strategy development.
 - The Aarhus Convention (AC) is the EU convention requiring operators and governments to be transparent with civil society in providing information, participation and justice during development of major projects that would have significant effect on the environment and civil society.
 - Most European countries have committee frameworks and working groups that operate under these two top institutions. Most of the presenters and chairs at this seminar were leaders or members of such groups.
3. The author anticipated that there would be a limited number of items on the agenda that would be of interest to himself and DSG. This turned out to be incorrect and there was interesting information in most sessions and this is reported with the author's comments.
4. There were 175 participants including 10 from the UK.

Purpose of Seminar

5. The purpose of the seminar was give EU countries the opportunity, if they so wished, to present what they had done and what they were doing in the field of communication etc. with civil society in their countries on radioactive waste management in the spirit of the AC.
6. Although the UK is not now in the EU there was a presentation from Radioactive Waste Management (RWM) from the UK. The author is unsure whether RWM is a member of NTW. (Perhaps NDA may be able to advise?)

General Facilitation Observations

7. The seminar was conducted via “Zoom” and was extremely efficiently managed both from the point of chairing from five countries and technically for slides and timekeeping.
8. The standard of spoken English was superb. There was continuous translation if required and the author only needed this once for a French presentation.
9. While the author may be making, in present times, this non politically correct observation; over a third of the presenters or chairs were women which was a higher proportion than the author’s previous experience of such seminars and they were very expert. This may or may not indicate their specific abilities or interests in this allying of technical expertise to communication with civil society. (note: the seminar used the term “civil society” more than “stakeholders”)
10. Apart from the absence of informal discussion during meals and evenings and making useful contacts that way, the “Zoom” meeting was perfectly suitable and efficient in not requiring any travel or associated time and expense for participants. It will be clearly a method continued in the future.

General Radioactive Waste Observations

11. Although the presentations and discussions featured on the broad aspects of radioactive waste management for all categories from Low Level Waste (LLW) to Higher Activity Waste (HAW) and Spent Fuel (SF) all presentations eventually focussed down on their countries’ programmes for creating a deep Geological Disposal Facility (GDF) for HAW.
12. The EU countries’ presentations were mainly on the activities their countries were undertaking on participation with civil society in progressing GDF projects particularly siting and the interaction between local and national levels of civil society.
13. There was a balance of presentations from operators, regulators and also NGOs which had been involved with failed initiatives or current programmes.
14. There was therefore, from the author’s point of view, a strange landscape evolving during the seminar. The five EU countries (Germany, France, Denmark, Sweden, Czech Republic) and the UK presentations were focussed on their programmes for creating over different, but long, timescales their GDF projects. However, as much as Scotland purports to want to be part of the EU, it has an opposite policy of not supporting a GDF project. Taking an extreme view the author could say that the majority of the seminar was therefore of no interest to Scottish participants or the DSG!
15. The UK presentation specifically referred to England and Wales only.
16. Whatever the relevance to Scotland on the GDF issue, there was very interesting information on the programmes being undertaken on public dialogue with reference to committees, government interactions and financing that should be of use to UK wide nuclear operators and sites.
17. Although the author was a member of the Committee on Radioactive Waste Management (CoRWM) from 2007 to 2012 and a member of DSG since then to the present and has tried to keep up to date (with much help from the DSG secretary’s news headlines!) the author was unprepared and surprised how far and in depth the five EU countries had progressed with their public participation programmes to advance their GDF projects.

General Civil Society Observations

18. All the EU countries used the term “municipalities” to refer to their local regions. These municipalities roughly equate to the UK’s counties or smaller borough councils.
19. These municipalities would appear to have well established communication arrangements between their local citizens and both civil and business interests. The author gathered the view that the radioactive waste management developers were able to avail themselves of these structures to introduce discussion on their developing ideas for radioactive waste management and the long term goal of a GDF.
20. The EU countries also had as required by the AC national structures to facilitate the dialogue and communications at the municipality level. These national bodies provide impartial and

independent advice to both individual citizens and municipal groups. They are funded by the governments.

21. The arrangements noted above have been in existence for varying times in different countries but generally in the last 20 to 10 year periods.
22. Although the overall impression was that the EU countries were well organised and participation and transparency were functioning properly there were presenters who gave a different perspective. They were usually concerned that the governments or radioactive waste management operators had preconceived ideas and retained the right to overrule the local civil society's views.

Comparison between GDF programmes in the UK and the EU countries

23. As noted in para.17 above there has been substantial progress in the five EU countries of introducing the concepts and requirements for a GDF to their citizens. It would appear to the author from the presentations and discussions at the seminar that apart from specific NGOs and the Green Party there is general acceptance by civil society that HAW should be disposed of in a GDF.
24. Considerable time and money has been spent on setting up in the five EU countries the national and municipal communication groups and their lines for communication and information dissemination. The municipal events, groups and information sharing are not isolated from a national perspective. The national institutions feed down information and give independent advice alongside local initiatives. There appears to the author then that there is a more national and municipal solid framework for exploring the GDF issue in the five EU countries than the UK. This might explain also why there appears to be more acceptance at a national level that the GDF concept is the correct way to proceed at present.
25. There also appeared to be a stronger understanding by national civil society than in the UK that a municipality was providing a national service to the country if it hosted a GDF and would be generously rewarded for it.
26. The UK presentation by RWM outlined its proposed structure and programme for developing a GDF. The author considers it similar to the earlier one that collapsed in 2013 though in the new proposed programme a higher tier local authority cannot veto a local council or borough decision to participate. (Cumbria County Council vetoed Copeland and Allerdale).
27. There did not appear to the author that there were proposals in the UK programme to set up a strong national framework for independent information and help to local groups and to inform the general public outside the areas which might be interested in early participation in a GDF programme. This seems markedly different from the EU approach.
28. There appeared from this seminar that there was considerable liaison and communication of technical and stakeholder issues between the EU countries both individually and through formal committees. The NDA DSG representative and the regulators' DSG representatives may be able to inform DSG how locked in, or not, the UK is to these useful fora.
29. As regards the establishment of groups, both national and local, as noted above and the progress towards constructive dialogue with communities possibly interested in hosting a GDF and complementary facilities; the author judges that England and Wales are between 4 and 10 years behind the EU countries presenting at this seminar. Scotland is not involved in the processes.

Conclusions from the Seminar

30. The concluding remarks were made by the Chair of Nuclear Transparency Watch (Ms Nadja Zeleznik) and the Head of the EU unit concerned with nuclear energy, nuclear waste and decommissioning (Ms Zuzana Petrovicova).
31. The EU has directives and treaties that help to direct research and initiatives and Euratom funds these.
32. The groups and studies on the subjects discussed at this seminar are on the EU website.
33. Transparency in research and building the knowledge base is key.
34. NGOs can help in increasing public awareness and should be funded accordingly.
35. Gaining trust is key.

36. Experts need open minds to the views of civil society.
37. Civil society needs time and funding to understand, debate and form consensus on these complex issues.

There now follows summarised details of the presentations given

Germany

38. By 2025 all nuclear power stations will be switched off.
39. The author gained the impression from all four presentations on Germany that as usual there was attention to detail and thoroughness. This was driven by a desire to “get it right this time”. All parts of the site selection process have and will have the same level of national, local and NGO involvement and transparency.
40. The site selection process started in 2017 and a decision on a site for a GDF is planned for 2031. The process is in three phases all with the same transparency and involvement of stakeholders. The first phase was a blank map of Germany. The second phase was above ground investigations and the third phase due to finish in 2031 will include the underground investigations.
41. Statutory public consultations started in October 2020 but there had been many previous interactions with civil society:
 - 90 online meetings
 - 70 explanation videos
 - Storymaps
 - 4 presentations/year on Konrad mines and Morleben facilities
42. A progress statement was made on 28th September 2020 which named the areas expected to have favourable geological conditions. 55% of Germany’s surface area is considered suitable. This has led to sub area conferences starting on 17 October 2020 and which will continue in February, April and June 2021.
43. The number of areas under consideration are:
 - 74 salt geologies
 - 9 crystalline rock geologies
 - 9 clay rock geologies
44. There is a new National Citizens’ Oversight Committee for HAW and the GDF programmes. Members are elected by government and citizens. Some NGOs are yet to be convinced this committee will create the transparency, participation and embody the ethical principles required.
45. This committee wishes to see accuracy in dominance to time and sees itself as a facilitator and mediator of conflicts by forewarning of problems.
46. All the German presenters stated that for the GDF the geological criteria and safety were the priorities and the resolution of the social issues start after those criteria have been satisfied.

Denmark

47. Radioactive waste is from a research reactor operating from 1950 to 2000. Denmark has no nuclear power plants so little waste but there is political and civil society anxiety and some confusion owing to decommissioning.
48. The process for finding a site or sites for disposal of radioactive waste did not get off to a good start. Six localities were identified but the local communities were not informed. The disposal programme was transferred to the Ministry of Higher Education and Science but still did not include stakeholders until late.
49. Now new arrangements have been introduced:
 - Established access to information for stakeholders via internet links
 - Formed a “National Contact Forum” which has wide representation and is a one stop shop for information and advice to local groups and dialogue
 - Formed an independent expert panel to answer questions from the public. The ministry did not take part in the selection of members.

50. These initiatives have gained a little more trust since the poor start and are about to start more detailed discussions on the processes for stakeholder involvement and how they will work.
51. A report is awaited on a study of Denmark and Greenland on where to look further for suitable sites.
52. General comments made were;
 - “Understanding” is as important as “knowing”
 - We live in an era of emotions and “alternative facts”. We need to note the serious emotions of stakeholders and need common ground on facts as near as consensus as possible.

United Kingdom

53. A UK presentation was given on the basis of England and Wales by Mr. Mike Brophy, Head of Stakeholder Engagement at RWM.
54. The presentation consisted of the proposals for a new initiative to identify a site for the GDF following the collapse of the previous programme (Managing Radioactive Waste Safely, MRWS) in 2013.
55. The programme is not operating in Scotland or Northern Ireland.
56. As before the programme will be on a consent based approach and anybody can propose a area for consideration. This would then trigger public discussion.
57. The public discussion would include forming a “Working Group” with an independent chair. It would be anticipated that this group would operate in a 6 to 12 month period and would identify the membership for a “Community Partnership”.
58. Note: a Working Group has already been formed in Copeland, Cumbria, in November 2020.
59. The Community Partnership would comprise of around 12 people with representation from RWM and at least one relevant principal local authority. It would have the funding of £1M for local studies and £2.5M if borehole investigations occur. It was not clear to the author whether additional money was to be made available as the Government would provide funding for engagement not the local council, but the presenter mentioned the Community Partnership using money to:
 - Enhance community wellbeing
 - Enhance the environment
 - Develop new jobs
60. The Community Partnership would retain flexibility as to how it worked and set up its own sub committees.
61. The same site selection process will be used as previously. An overview type geological review has already been carried out in a simple manner identifying medium and high geological formations’ suitability which would merit further investigations. It is anticipated that it would take 15 years to complete site characterisation. After that there would be a test of public support. The presenter gave no details of how this would be conducted only saying it would be more comprehensive than the previous MRWS initiative. If a “Willing Community” emerged this would be an important milestone and would be reached in possibly 20 years time.
62. Withdrawal from the programme would be made by the member of the principal local authority member of the Community Partnership.
63. Note: Subsequent to this presentation it was announced on 15th January 2021 in the UK media that Allerdale, Cumbria would set up a Working Group.
64. The author noted that apart from the two Working Groups that have been set up in the last two months, all the processes mentioned were similar to the failed MRWS programme and were proposals at this stage. There appear to be no substantive moves by Government, through NDA and RWM, to set up the coordinated national and local infrastructures as in Germany or Denmark.

A presentation was also given by Mr. Colin Wales of the Cumbria Trust.

65. The Cumbria Trust was set up as an independent body after the collapse of the MRWS programme in 2013. The author gathered that this body takes a detailed view of all nuclear initiatives taking place in Cumbria and assesses the impacts on the communities and environment.
66. The *new* GDF programme and process is the same as the *old* failed one.
67. £3M would be available to West Cumbria as Public Relations type funding.
68. The Government does not fund independent scrutiny of nuclear reports and commentary to enable NGOs to obtain alternative views from the industry.
69. British Geological Survey (BGS) has done a mapping exercise of the geology of England (see para. 61) but Cumbria Trust objects to the fact that RWM is doing the narrative to accompany it.
70. The Lake District is excluded in any considerations of a GDF.
71. Cumbria Trust welcomes that RWM is to give extra help to community groups for information and explanation.
72. The presenter stated that it was right to still consider Cumbria for a GDF as Sellafield is there with the UK's largest stock of radioactive waste. Also many geologists consider there is suitable rock there and under the coastal sea.
73. After the MRWS failure there is a toxic attitude in parts of Cumbria and in some localities and communities. The question is whether this could impede further progress with the new process.
74. It is difficult to define a "Willing Community" and perhaps even more so than a "Community" itself.
75. The presenter congratulated RWM for its tremendously improved transparency. Also its experts were open and engaging.
76. The Cumbria Trust would like a German type panel that was not affiliated to Government. The Trust was concerned that the Government's position was community based, not national, and there was no formal infrastructure above the community level.

France

77. The *first presenter* represented an NGO (?) that was a public expert on nuclear and radioactive risks. It was fully independent and distinct from authorities and has its own research wing. The author was unsure of the basis of its funding.
78. It publishes technical reports and helps with the "clarification of controversies".
79. It has carried out the following activities:
 - 2 technical reviews on a GDF and alternatives
 - 22 public meetings
 - 7 presentations
 - 6 podcasts
80. It puts an emphasis to involve young people in debates and has developed a style of debating forms to use information to de-mystify the subjects and concerns.
81. The *second presenter* was from the national radioactive waste operator.
82. Public debate must be an instrument of action. In 2019 there had been 23 opening discussions and only 3 had encountered protests.
83. The presenter stressed the importance of regional and national commitment with the object of creating a concerned and vigilant population with and expectation of committed citizens.
84. Public debate is current but nuclear waste issues last for decades so continuity to participate over decades needs to be addressed. It would be hoped that such participation would create a "citizens' memory".
85. The presenter acknowledged that Government did not always take note of the outcomes of public debate.
86. The presenter hoped the French Ministry would accept its proposal for a Civil Society Commission composed of stakeholders and representatives of civil society which would put citizens at the heart of decision making.

87. France has many more local groups for many issues than other EU countries and these groups help to inform ordinary citizens.

Czech Republic

88. The *first presenter* represented a group against a GDF
89. The site selection process has been going on for 20 years and demonstrated how to lose trust. A new start is needed to find a solution for HAW.
90. In 2011 a working group for dialogue was established and ran until 2016 when it was abandoned by civil society as its remarks were not taken into account by the ministries.
91. Between 2012 and 2016 the ministries kept changing their ideas for consultation and consent
92. 6 localities were identified and they all gave a clear “no” to participation as there was an absence of information and there were public protests.
93. In 2021 there are Parliament elections and an Act concerning participation and involvement is judged to be flawed and is unlikely to proceed. The concern is that the Act just allowed citizens to “look on”. A new start is required.
94. The group was concerned that the term “geological research” had been changed to “geological survey” which meant that there was no need for exploration permits. Such research is only likely to now occur after the Act or 2023, whichever is the sooner. (The author did not understand this point).
95. The general opposition to a GDF was because the Czechs are prominent owners and weekend users of holiday houses and cabins in the rural areas where the GDF sites have been identified.
96. However the presenter did acknowledge that SURAO (equiv. to RWM) was improving in its dealings with civil society.
97. The *second presenter* was from SURAO the national Radioactive Waste Management Operator.
98. It has operated LLW and ILW facilities since the 1960s.
99. It recommended 4 sites for a GDF reduced from 9 potentials and set up an Expert Advisory Board in 2018. This board has two observers from each of the municipalities.
100. It is proposed that from 2021 to 2030 local working groups will be set up at 4 sites. Rules of engagement etc. are being prepared.
101. Also operating from 2021 to 2030 will be a Board for selection of the final site for the GDF and a back up site. This is also under preparation and will be at Government Level and include relevant stakeholders.

Sweden

102. The *first presenter* was from the Swedish Radiation Safety Authority (SSM).
103. The Swedish public’s right for information has been law in Sweden since 1766.
104. Many environmental issues will be exposed by the development of a GDF by the operators and the public will have access to these.
105. Two sites have been identified for disposal of HAW, Osthhammer and Oskarshamn. The Government would grant a licence to these two sites then ask the municipalities if they wished to veto them. Already prior to licences the municipalities have said they will not veto them.
106. SKB (equiv. to RWM) has done much public participation using conventional processes that already exist in Sweden.
107. There is a Swedish National Council for Nuclear Waste. It has 11 members to advise Government and would appear to be equivalent to the UK’s CoRWM.
108. NGOs have received funding since 2005 and have participated in many functions since 2017.
109. The presenter suggested that successful dialogue requires:
- Clear definitions
 - Finance for participation
 - Time (30 years so far!)

110. The presenter also outlined the challenges as:
- Commercial risks
 - Preservation of trust
 - Keeping the interest of municipalities
 - Competent management as the loss of attractiveness of the nuclear industry to engineers and scientists
111. The *second presenter* was from MKG an NGO concerned with review of radioactive waste. MKG was created in 2004 and has received funding of Eu220,000/annum from 2005 until 2017.
112. SKB has undertaken consultation from 2002 to 2010 and continued with the National Council's environmental consultation from 2011 to 2017 which included extra time for consideration of the copper canisters that SKB intends to use for the disposals of HAW. Even so the National Council and environmental bodies are still seeking more information on these canisters.
113. The presenter was not impressed that SKB only needed to provide public information on dialogue and interests with the National Council and regulators. If other information could expose SKB to detriment then SKB is not under obligation to provide such information.
114. The presenter did acknowledge however that the Swedish legal system of regulation and public involvement is very well formalised and there is a strong appeal system.
115. During the 2020s there will be Eu500,000/annum available for information and participation at the two identified sites. Osthhammer uses some of its money to fund a local NGO.

Some Developments and Improvements in the EU

116. These observations were made in a round table discussion of the main presenters and chairs of the sessions
117. Much progress since early 2000s with more participation with people with different views.
118. There are "gaps" between countries and there is a role for trans-boundary discussions and participation.
119. The role of nuclear power generation in different countries leads to contentious issues and influences civil society.
120. Plutonium and NORM are "forgotten" legacies.
121. Euratom funding for research and participation has occurred but how is it to be maintained over decades. This subject is under review for new initiatives.
122. ENSREG, an EU group for heads of national regulators was formed in 2007 and has two working groups on radioactive waste management and transparency arrangements. It aims to get common understanding of EU rules, regulations and improvement programmes. It has observers but the author gathered that UK is not involved and so could be missing out on a wide range of information.
123. The German nuclear operator (IGD-TP) had a vision for a GDF by 2025 which is now a vision for 2040 and to be the 1st GDF in Europe. It raised the options of shared facilities for small states with small amounts of radioactive waste. It favoured the pooling of information and research knowledge within the EU but taking account of international experience also. The implementers of GDFs must focus all their activities both technical and with civil society to gain the required safety case approvals.