

Unclassified

NEA/RWM/FSC(2010)3

Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

28-Jun-2011

English - Or. English

NUCLEAR ENERGY AGENCY
RADIOACTIVE WASTE MANAGEMENT COMMITTEE

Forum on Stakeholder Confidence (FSC)

**REGIONAL ELECTED AUTHORITIES AS STAKEHOLDERS IN RADIOACTIVE WASTE
MANAGEMENT: THEIR NEEDS, INTERESTS AND ASPIRATIONS**

COOPERATING WITH REGIONAL ELECTED AUTHORITIES

Proceedings of two Topical Sessions

Theme 4 (Tools & Processes to Help Society Prepare and Manage Decisions)

Issy-les Moulineaux, 15 September 2009 and 14 September 2010

Regional Elected Authorities (REAs) may have a strong influence in the way processes to designate a site move forward in some countries. Regional authorities of different types exist in all countries and are part of the dense weave of administrative and governmental systems. The FSC held two Topical Sessions, in 2009 and 2010, to explore the role of REAs as stakeholders and partners in radioactive waste management. Cases discussed include those of Canada, France, Germany, Spain, Sweden, Switzerland and the UK.

Please address any queries regarding this document to claudio.pescatore@oecd.org

JT03304647

Document complet disponible sur OLIS dans son format d'origine
Complete document available on OLIS in its original format



NEA/RWM/FSC(2010)3
Unclassified

English - Or. English

FOREWORD

The Forum on Stakeholder Confidence (FSC) was created in 2000 under a mandate from the OECD Nuclear Energy Agency's Radioactive Waste Management Committee to facilitate the sharing of international experience in addressing the societal dimension of radioactive waste management (RWM). It explores means of ensuring an effective dialogue amongst all stakeholders, and considers ways to strengthen confidence in decision-making processes.

As part of its programme of work the FSC investigated the theme of "Regional Elected Authorities as Stakeholders in RWM". A short survey of FSC members found that regional governments emerge as stakeholders with their own role and potentially specific interests and aspirations. They are closer to local concerns and interests than are national or federal chambers. At the same time, regional citizens and their representatives may not feel the same involvement or investment in RWM issues as do local stakeholders directly connected with a site, and regional opinions may diverge from local ones. Regional elected authorities (REAs) are additional hubs of public discussion and therefore potential platforms of participation.

A first topical session was held on September 15, 2009 during the FSC's tenth regular meeting. The session, chaired by Mariano Molina of ENRESA, was organised to understand the needs and aspirations of regional elected authorities in the context of siting RWM facilities. Five FSC members, from Canada, France, Germany, Switzerland and the UK, presented case studies of regional administrations.

A second topical session was then held on September 14, 2010, focussing on different manners of cooperation between REAs, RWM institutions and civil society. Again chaired by M. Molina, this session included cases from Spain and France, and welcomed a representative of a Regional Council from Sweden.

These proceedings include a summary of key message, introductory material by the Chair for each session, a detailed case summary by each speaker, and discussion and conclusions by the Chair and by Ms. Julia Kiss of PURAM who acted as rapporteur. Slides used by each speaker are reproduced in annex.

To learn more about actual arrangements in each FSC country, readers of these proceedings will wish to consult the 2010 report "Partnering for the Long -term Management of Radioactive Waste" as well as proceedings and summaries from FSC National Workshops and Community Visits. These may be downloaded for free or purchased via the FSC homepage: www.oecd-nea.org/fsc.

TABLE OF CONTENTS

FOREWORD	2
TABLE OF CONTENTS	3
KEY FINDINGS	4
TOPICAL SESSION 1:	6
REGIONAL ELECTED AUTHORITIES AS STAKEHOLDERS IN RWM: THEIR NEEDS, INTERESTS AND ASPIRATIONS	6
1. INTRODUCTION TO THE FIRST TOPICAL SESSION (2009)	6
2. OVERALL DESCRIPTION OF THE FIRST SESSION	7
3. AUTHORS' SUMMARIES	8
4. OVERVIEW OF FSC COUNTRY UPDATE INPUT ON REAs AND SUBGROUP DISCUSSIONS	16
TOPICAL SESSION 2:	18
COOPERATING WITH REGIONAL ELECTED AUTHORITIES	18
5. INTRODUCTION TO THE SECOND TOPICAL SESSION (2010)	18
6. OVERALL DESCRIPTION OF THE SECOND SESSION	18
7. AUTHORS' SUMMARIES	19
8. SUBGROUP DISCUSSION REPORT	23
ANNEX 1 : AUTHORS' SLIDES FROM TOPICAL SESSION 1	25
Elizabeth Atherton (NDA, United Kingdom)	26
Sébastien Farin (Andra, France)	32
Stefan Jordi (BfE, Switzerland)	38
Beate Kallenbach-Herbert (Oeko Institut, Germany)	46
Jo-Ann Facella (NWMO, Canada)	49
ANNEX 2 : AUTHORS' SLIDES FROM TOPICAL SESSION 2	56
Mariano Molina (ENRESA, Spain)	57
Catharina Blom (Uppsala Regional Council, Sweden)	61
Sébastien Farin (Andra, France)	66

KEY FINDINGS

In 2009 and 2010, two topical sessions were organized by the OECD NEA RWMC's Forum on Stakeholder Confidence addressing the role of Regional Elected Authorities (REAs) in radioactive waste management siting processes. A short survey was conducted, eight case studies from seven countries were presented, and the material was discussed in small groups. On these bases, the following key findings were identified by the Chair, Mr. Mariano Molina (ENRESA) and the rapporteur, Ms. Julia Kiss (Puram):

- Regional authorities, as part of the administrative system of all countries, are usually involved in the processes for siting RWM facilities. In those countries with federal systems, or where a strong decentralisation of government decisions exists, or where a significant devolution process has been undertaken, regional authorities usually are elected bodies. They have to be regarded as relevant stakeholders who need to be addressed.
- The role of REAs in siting procedures is generally acknowledged. Besides their formal competences, stated in the law, REAs are the elected representatives of many of the populations and communities surrounding the candidate sites. The topical session recognised the necessity of involving REAs in more informal procedures of siting processes and other stages.
- It was a common opinion that REAs, where they exist, have to be involved in the early stages of siting processes as is practiced with other stakeholders. Good examples of this approach were given in the presentations of the first topical session. REAs have a special role in all the five cases presented where many of them enjoy formal competences as well as dedicated informal arrangements for discussion.
- Regional Authorities' contributions to the following areas are identified as most important and valuable:
 - Helping the RWM implementer to understand and address regional issues (the industrial and economic infrastructure, the educational and cultural history, and the needs and expectations of the area). This can be of mutual interest: the region gets involved in education and training of professionals; those involved in the technical tasks of the siting are using the infrastructure, etc.
 - Providing potential platforms of participation. REAs are additional hubs of public discussion and therefore may offer new opportunities for engaging citizens. This phenomenon was recognised by the second topical session that also acknowledged their qualities as mechanisms to enhance participation.
 - Acting as process "drivers". As trustworthy authorities REAs seem to be a good driver in those cases where siting processes are led by a governmental body. Confidence in REAs provides a powerful, extra basis for achieving more participatory schemes and thus more robust decision-making.
 - Filling the role of "opinion leader". REAs play an important role in the development of public perception and public opinion in the affected area. In countries with no elected regional authorities this role tends to lie to a larger degree with the municipalities.
 - Establishing joint governance practices. On a long-term basis REAs jointly with the municipalities will be the key elements of governance if the RWM facility becomes operational.

- As manifested by the majority of participant countries, municipalities usually are the closest level of identification for most of the citizens. The relative role of municipalities and REAs in participatory siting processes needs to be properly defined and balanced.

A clear link is found between information provided by these Topical Sessions and the cases presented in the 2010 FSC report *Partnering for Long-term Management of Radioactive Waste; Evolution and Current Practice in Thirteen Countries* (accessible through www.oecd-nea.org/fsc).

TOPICAL SESSION 1:

REGIONAL ELECTED AUTHORITIES AS STAKEHOLDERS IN RWM: THEIR NEEDS, INTERESTS AND ASPIRATIONS

1. INTRODUCTION TO THE FIRST TOPICAL SESSION (2009)

The topical session was opened by its Chair, Mariano Molina (ENRESA, Spain) who provided a short introduction to the topic and described the goals of the session. He recalled that Theme 4 under the current FSC programme of work centres on “Tools and Processes to Help Society Prepare and Manage Decisions through Stakeholder Involvement”. A key question under Theme 4 is to know who is a stakeholder in a RWM process and by extension to map the different ones to be involved. The FSC has come to the conclusion that Regional Elected Authorities (REAs) could have a strong influence in the way processes to designate a site move forward in some countries. Regional Authorities exist in all countries and are part of the dense weave of administrative and governmental systems. In some cases, regional authorities are a part of the scheme of the central administration that has delegated its functions but retains the capacity of final decision-making. In other cases, regional authorities have their own constitutionally legitimated competences (which in some defined circumstances may be overruled by national administration). Usually, these regional authorities are *elected* bodies.

Regional elected authorities (REAs) may have key functions and responsibilities like the implementation and supervision of industrial and environmental regulations at regional level, or the planning, design, construction and maintenance of infrastructure that could be crucial for the operation of RWM facilities. Most of the time, they are also promoters and coordinators of economic measures destined to foster local well-being.

A second key point is that, compared to central or national administration, REAs are closer to the people living in the affected regions – in a geographical sense but potentially also regarding the understanding of residents’ attitudes towards the planned project. Thus they may play an important role in the development of local public perception and public opinion.

Therefore, the subject has come to be under consideration by means of this topical session devoted to exploring the roles, needs and aspirations of REAs in a given RWM process.

Five speakers presented case studies from Canada, France, Germany, Switzerland and UK, in which the needs, interests and aspirations of particular regional administrations during the siting phase of RWM facilities were depicted. On the invitation of the Chair, some of the questions addressed were the following: What are REAs’ institutional roles and main interests? How do they serve as intermediaries between the local and the national level for decision making? What about the critical paths in decision making: can REAs block a decision?

Finally it was announced that a second session would be held in a future FSC meeting to explore means of co-operation with REAs to better develop siting processes.

2. OVERALL DESCRIPTION OF THE FIRST SESSION

The topical session was articulated around five country presentations and a discussion among participants. The FSC previously made a short survey of the role of REAs in the different countries represented. The responses obtained provided a wide spectrum of different national concerns and situations. The rapporteur, Julia Kiss (Puram, Hungary), presented an overview of FSC Country Update input on Cooperation with Regional Authorities. Details of the Country Update survey are given in Section 4 of this report.

The presentations are listed below:

- **An Overview of Key Roles and Responsibilities for Geological Disposal** by Elizabeth Atherton (NDA, United Kingdom).
- **The Role and Interest of Local Actors in HLW Management Decision-making** by Sébastien Farin (Andra, France).
- **The Role of the Cantons and Regions in the Sectoral Plan Procedure** by Stefan Jordi (BfE, Switzerland).
- **Role of the Federal States (*Laender*) in the Site Section Process for a HAW/Spent Fuel Repository in Germany** by Beate Kallenbach-Herbert (Oeko Institut, Germany).
- **Canadian Regional Authorities as Stakeholders in RWM: Needs, Interests and Aspirations** by Jo-Ann Facella (NWMO, Canada).

The presentations addressed many perspectives of the topic. On the one hand, there were countries with a strong level of competences devolved to the REAs who play a significant role in the siting and licensing process. Paramount is the case of Germany where the licensing functions are on the side of the States Governments (*Laender*). Switzerland, also a federal State, highlighted the role of cantons and the role that the Swiss law attributes to them in a RWM process by means of a sectoral plan. Canada and UK gave insights into their running processes where a significant step is to try to involve and contact all affected administrative tiers and to sort out which of them could have a significant say in advanced procedural stages while keeping the processes as open and inclusive as possible. France presented the diverse Councils and administrative bodies participating in the current R&D in the area of Meuse/Haute Marne. After each of the presentations there was a short round of questions to the presenters with a high level of participation.

The discussion among FSC members after the presentation was organised in two subgroups in order to promote easier participation in the debate.

Below, a summary by each author is presented, followed by a report of the subgroups' discussion as well as information shared in the Country Update survey. Conclusions suggested by the Chair and rapporteur are presented, and authors' slides are then reproduced.

3. AUTHORS' SUMMARIES

The slide presentations are reproduced in Annex 1.

3.1. An overview of key UK roles and responsibilities for geological disposal

Elisabeth Atherton (NDA-UK)

Policy Context

The Managing of Radioactive Waste Safely (MRWS) Paper was published in 2008. It sets out a framework for implementing geological disposal for the UK's higher activity radioactive wastes. The Paper sets out the roles and responsibilities of different organisations and stakeholders that will be involved geological disposal. The Scottish Government does not support geological disposal, their preferred option is near-site near-surface storage; Scotland is going to consult on its policy in the near future.

Site Assessment Process

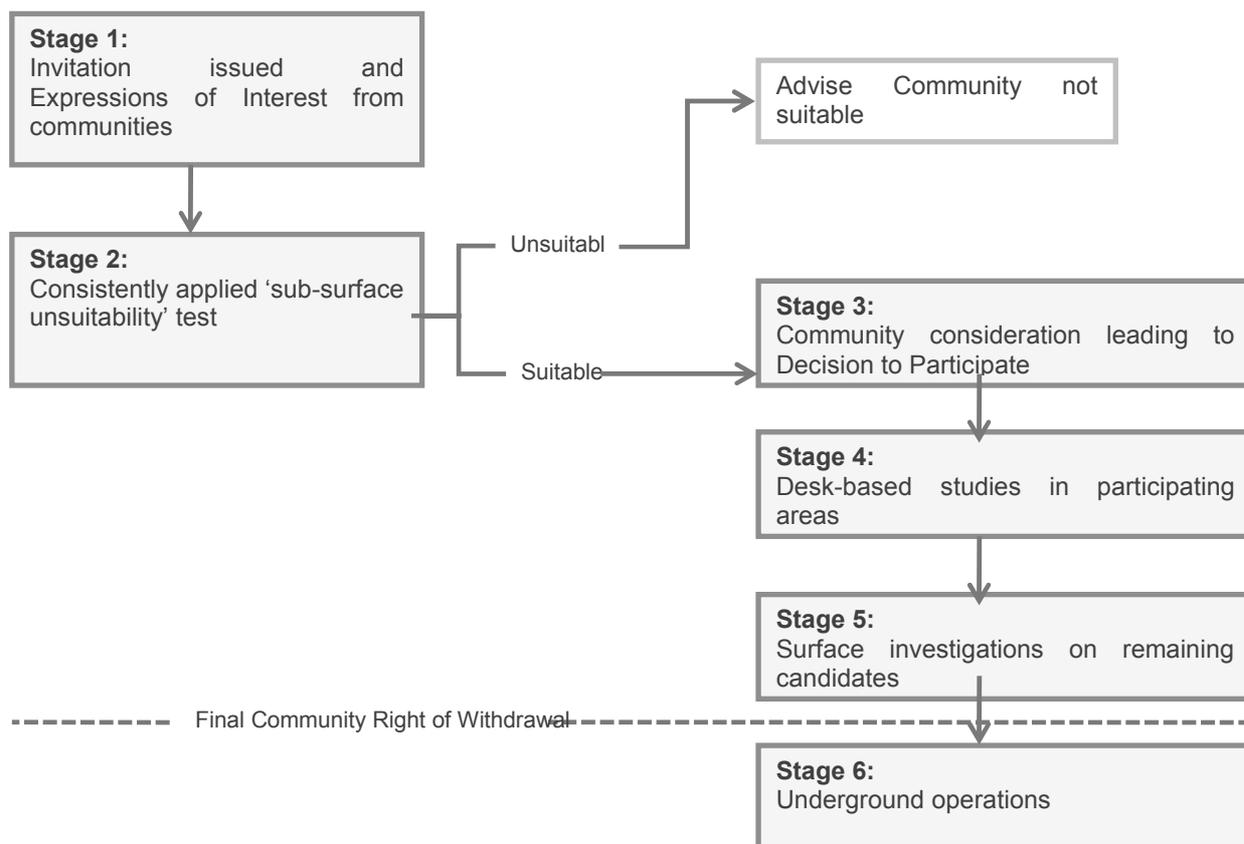


Figure 1 outlines the site assessment process that has been set out in the UK. It is a staged process based on volunteerism and community partnership. At the same time as issuing the White Paper, the Government sent an invitation out to all local councils asking them whether they would like to participate in the site assessment process. To date there have been three expressions of interest.

Stage 2 of the process will involve a sub-surface unsuitability test carried out by the British Geological Survey. This will identify the areas within the community which are geologically unsuitable for geological disposal. After this stage the community will consider whether they wish to participate in future stages of the process.

Stage 4 will involve the Nuclear Decommissioning Authority undertaking desk based studies in the participating areas. At the end of this stage there will be a staged decision making process. The Community Siting Partnerships will make recommendations to their local decision making bodies, who will then decide whether to participate in future stages of the program. The Government will then make a decision on which sites should be investigated during Stage 5.

Stage 5 will involve some surface based investigations, including boreholes. At the end of this stage there will also be a staged decision making process where local communities will first decide whether to host the facility or not and then Government will identify the preferred site.

Stage 6 will involve the construction and operation of the facility.

Four Pillars of the Implementation

The White Paper outlines that the implementation of geological disposal will be underpinned by Four Pillars.

- Partnership with the Host Community

This will involve working with them closely to develop the design of the facility and how it is implemented.

- Implementation by the Nuclear Decommissioning Authority

The NDA has been given the responsibility for implementing geological disposal in the UK.

- Strong Independent Regulation

Regulations in the UK have been updated to enable the regulators to participate earlier in the site assessment process and scrutinise the work of the NDA earlier in the process.

- Independent Scrutiny by the new Committee on the Radioactive Waste Management (CoRWM)

CoRWM will provide independent advice to the Government about the NDA's program and will also scrutinise the work the Government themselves are doing.

Definitions and Roles

The White Paper furthermore outlines definitions of "community" and how different bodies will be involved in the geological disposal program. Government envisages that once a community has made a decision to participate in the site assessment process they will then establish a Community Siting Partnership, which will be made up of all the local stakeholders in the area. The White Paper outlines the sort of roles that the Community Siting Partnership will fulfil. The White Paper also outlines the roles and responsibilities of other organisations who will be involved in the Managing Radioactive Waste Safely program. All of these points are outlined in the slides reproduced in this volume.

West Cumbria MRWS Partnership

To date (September 2009) there have been three expressions of interest from Allerdale and Copeland Borough Councils supported by Cumbria County Council. These three Councils have set up the West Cumbria MRWS Partnership.

The aim of the partnership is to advise the decision making bodies on whether to make a decision to participate in future stages of the MRWS program. The Partnership has a wide membership including local authorities, trade unions, the Nuclear Legacy Advisory Forum (this is a special interest group of the Local Government Association), regional bodies and other civil society groups. There are also observing members at the Partnership these include the Government, The Nuclear Decommissioning Authority, CoRWM, the regulators and the Isle of Mann Government. The Partnership meets once every six weeks and provides a forum for local stakeholders and regional stakeholders to understand about the Managing Radioactive Waste Safely program and to ask questions to support their recommendations.

Governance

The geological disposal program is governed by a number of official level groups in the UK. The aim of these groups is to ensure that Government departments, the Nuclear Decommissioning Authority and others are joined up.

They bring together the Nuclear Decommissioning Authority, as the implementing body and the Department for Energy and Climate Change (DECC), which has policy for responsibility for geological disposal, the Treasury and the devolved administrations.

The various groups make recommendations to Ministers about how policy is being implemented and any changes that are needed. There are distinct groups which cover the NDA governance and government policy. However, there are links between the groups to ensure the policy feeds into the governance of NDA and visa versa.

Conclusions

The NDA and Government will continue with the siting process based on a voluntarism and partnership approach in the UK. The NDA is looking forward to working in partnership with the potential host communities to develop the Geological Disposal Facility in a safe, sustainable and publicly acceptable way.

3.2. The role and interests of local actors in HLW management decision-making of high-level and intermediate-level long-lived waste in France

Sébastien Farin (Andra-France)

Context

Ever since the mid-1990s, the French National Radioactive Waste Management Agency (Andra) has been present on a site in Eastern France, which straddles two districts, the Meuse and the Haute-Marne, and two regions, the Lorraine and the Champagne-Ardenne. In that sector of the Paris Basin, the Agency is also conducting various studies on the geological and reversible disposal of high-level and intermediate-level long-lived waste resulting mainly from nuclear power plants. In the pursuit of its activities, Andra has already excavated and fitted an underground laboratory at a depth of 490 m in a clay formation at Bure, and built a public exhibition space at nearby Saudron to display its demonstrators and prototypes.

Geological disposal forms an integral part of the French national management policy for all radioactive waste generated in France. It constitutes a broad national project, including legislation, national debates, etc. On the other hand, local actors, such as elected officials, consular chambers, etc., are also involved in the evolution of the project, as demonstrated by their participation in the debate on the reversibility of waste repositories. In general, all scientific, technical, environmental or socio-economic issues concern them very directly.

At this stage in time, the project is entering into a more concrete phase, and local actors are likely to get involved even more, especially with regard to the location of surface installations or to potential land-development incentives in relation to the implementation of the waste repository. The proposal for a more restricted zone in late 2009 in preparation for the implementation of the facility and of the public debate to be held in 2013, but before which Andra is required to propose an implementation site, should emphasise the implication of all stakeholders.

Local Actors

Due to the fact that the project would be straddling the Meuse and Haute-Marne Districts, each pertaining to two different regions (Lorraine and Champagne-Ardenne), the number of actors involved is doubled, as follows:

- the Regional Councils of both Lorraine and Champagne-Ardenne, at the regional level;
- the General Councils of Meuse and Haute-Marne, at the district level;
- the mayors of approximately 50 communes located within a 10-km radius around the underground laboratory or within the feasibility zone of the repository (250-km² (transposition zone));
- elected officials from communities of communes, mixed associations and townships within both zones, who are often the mayors of the communes quoted above, and
- economic actors of both districts (consular and interconsular chambers).

To such entities must be added the Information and Oversight Committee (CLIS) of the underground laboratory and two public interest groups responsible for managing the relevant incentive funds, which are allocated annually to both districts out of the revenues collected from a tax levied upon waste producers, such as EDF, AREVA and the CEA.

Interest of major actors in the project

General Councils are in close relationship with the territory and are specifically responsible for the management of goods and of the budget in every district. Both councils represent a significant support to the initial laboratory project and now to the future repository, from their early inceptions, since both districts volunteered to host the laboratory. Both districts support also the development of local projects with a view to generating jobs and to furthering economic development. Since the Presidents of both General Councils chair the public interest groups, they also contributed strongly to the local implementation of the major French radioactive-waste producers: AREVA already has an archiving centre at a few kilometres away from the underground laboratory; Électricité de France (EDF) is developing several local projects, such as archiving, fabrication of spare parts for nuclear facilities, while the CEA is preparing to implement a pilot project for biofuel production (Syndiese Project).

Pursuant to the *2006 Planning Act* prescribing Andra to design, implement and commission a deep geological waste repository by 2025, the project has now entered into its pre-industrial phase. Such evolution is reflected locally by numerous series of reflections on the preparation of the territory to host the project. More particularly, both districts are seeking to implement an interdepartmental zone in order to encourage and facilitate the implementation of industrial projects.

At the scale of communes and communities of communes, the scope of the project is more local in nature. The overall territory is organising itself with a view to benefiting from the spin-offs arising from the creation licence of the repository, and especially those associated with taxation and the development of transport and housing infrastructures.

Implication of the Local Information and Oversight Committee (CLIS)

The CLIS is composed of representatives from labour unions, associations and qualified persons that may be opposed to the associative project, or even opponent groups to the project; half of the members consist of elected officials. Chaired by a representative designated by the President of each General Council involved, the Committee is entrusted by law with an information and consultation mission. It is also likely not only to publish opinions and recommendations, but also to commission special assessments.

Since the appointment of the current president, the CLIS has created several topical committees on major project-related issues, such as reversibility, implementation, environmental health and information. It also plays a significant interfacing role between the project and Andra's neighbouring residents, while seeking to become a reliable source of reference information.

3.3. The role of the cantons and communes in the sectoral plan procedure (Site selection process in Switzerland)

Stefan Jordi (BfE-Switzerland)

In Switzerland, radioactive waste disposal is a national issue, but in the site selection procedure, the aim of which is to designate at least one suitable site for a deep geological repository, the cantons play an important role. Furthermore, it is the cantons that are primarily responsible for spatial planning.

The site selection procedure for deep geological repositories has been regulated within the framework of a sectoral plan. Sectoral plans are area planning instruments that permit the comprehensive co-ordination with the cantons of national activities that involve spatial development. The Swiss Federal Office of Energy (SFOE) has overall responsibility for this site selection process.

The sectoral plan process encompasses three stages. The first step concerns co-operation. The aims here are to incorporate the interests and needs of the cantons involved as early as possible. During this stage, the regional participation is established. The second stage is for hearings, a formal process in which the cantons, neighbouring countries, communes, organisations and parties concerned, as well as the general public, can put forward their views. In stage three the refinement process takes place. The aim here is to settle any remaining conflicts with the cantons. The Federal Council (Government) takes a decision at the end of each stage.

Within the scope of the formal hearings, all the cantons have the right to state their position on the outcome of each stage. The siting cantons work together with the federal government, provide support in implementing the site selection process and co-ordinate the procedure for making any modifications to the cantonal structure plans and co-operation with the communes.

Where necessary, they prepare their own expert reports (Cantonal Expert Group on Safety) in which they examine findings from the various process stages. The cantons co-ordinate their cantonal planning procedures with the sectoral plan procedure of the federal government and revise the cantonal structure plans if necessary. They support the SFOE in establishing and implementing regional participation and co-ordinating collaboration with the communes.

To ensure that their interests can be directly incorporated into the project, the cantons are integrated into the structure of the project organization. The Cantonal Commission is responsible for securing co-operation between representatives of the governments of the siting cantons and their neighbouring cantons and neighbouring countries. Co-ordination between the siting cantons is secured via the Committee for the Co-ordination of Siting Cantons. Other siting canton committees are the Cantonal Workgroup on Safety and the Cantonal Expert Group on Safety. They also participate in working groups dealing with spatial planning as well as information and communication. In addition, representatives of the cantons sit in the Technical Forum on Safety.

The siting regions concerned must be included in the procedure right from the start, i.e. in the definition of the consultation procedure and associated instruments.

During the build-up phase in stage 1, a process moderator nominated by the SFOE and the siting communes supports the siting regions in organizing regional participation. In establishing this participation, it has to be ensured that there is a balanced representation of the various interests and involvement of the communes concerned and the public.

In stage 2 at the latest, the communes of the siting region take over the organization and implementation of regional participation. Within the framework of this participation, they work together with the federal authorities and the waste producers and represent regional interests. The siting regions discuss proposals and express their views on the design and location of and access to the surface infrastructure.

In stage 3, the siting region proposes measures and projects for implementing the regional development strategy and draws up the rules for any compensation measures. Other tasks of the siting region relate to issues of preserving knowledge and exchanging information with the public.

3.4. Role of the Federal States (*Laender*) in the site selection process for a HAW/spent fuel repository in Germany

Beate Kallenbach-Herbert (OEKO-Germany)

“Regional elected authorities” play a central role in radioactive waste disposal in Germany as licensing authority for disposal facilities. This function rests with the competent ministry of the specific *Land* where the facility is to be built. It is formally linked to the decision on a plan at a specific site.

Conflicts may potentially arise from the distribution of competencies for regional planning and site selection. While regional planning is under responsibility of the *Laender* (and districts) site selection for a disposal facility is a national task. However, the Federal Government may restrict changes in regional planning to avoid conflicting objectives.

While roles and procedures for licensing of disposal facilities are defined in detail a formally agreed procedure for the site selection phase does currently not exist.

A procedure, recently published by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU)¹, defines the following framework:

- The existing approval procedure is amended by a stepwise approach considering a formally regulated site selection phase
- The Federal Office for Radiation Protection (BfS) is responsible for performing site selection
- BMU decides on the site that is chosen for the subsequent approval procedure
- The general public, the *Laender*, regions and communities will be involved in all stages of site selection

To transfer the proposed procedure into a legally binding process an amendment of the atomic law is suggested by the BMU. The acceptance of the majority of the *Laender* in the Federal Council (*Bundesrat*) is necessary for such amendment.

An example of a former site selection process is the selection of the Gorleben salt dome. It was selected by the *Land* of Lower-Saxony in agreement with the Federal Government. Advantages of this approach are e.g.:

- The Government of Lower-Saxony publicly supported and supports the decision
- No conflicting interests in regional planning and national waste management plans
- Disadvantages are e.g.:
- The choice of potential sites is restricted to one Federal State
- Other *Laender* are no longer interested in participating in long term waste management when one *Land* has taken over the responsibility.

Discussions in Germany on the disposal of high active waste and spent fuel currently focus on the necessity of a site selection process and the role of the Gorleben site. Objectives or aspirations of *Laender*

1 BMU: Site Selection and Approval Procedure for a disposal facility for Heat Generating Waste (publication on German), July 2009

other than Lower-Saxony in case they were affected by a siting process are not part of the current debate. The framework presented by BMU may be the basis for further elaboration on a procedure for involvement of the *Laender* during site selection

3.5. Regional authorities as stakeholders in RWM: needs, interests and aspirations

Jo-Ann Facella (NWMO-Canada)

The Nuclear Waste Management Organization was formed in 2002 in response to the Nuclear Fuel Waste Act. The NWMO took as its mission to “develop and implement collaboratively with Canadians a management approach for the long-term care of Canada’s used nuclear fuel that is socially acceptable, technically sound, environmentally responsible and economically feasible.” After a three year study involving dialogue with a cross-section of Canadians, a preferred management approach was recommended to government. This approach, called Adaptive Phased Management, was selected by government as Canada’s approach in June 2007. NWMO is now in the process of implementing Adaptive Phased Management. One of the first tasks in this implementation is the collaborative development of the siting process, currently underway. Once the design of the process for selecting a site has been confirmed, NWMO will launch the siting process

In the study phase of NWMO’s work, the need for ongoing engagement of key communities of interest, including regional authorities, was identified. In order to consider the regional perspective in decision-making, prior to identifying possible sites, the NWMO used a number of approaches. These approaches included conducting public attitude research across the country which could be reviewed by broad region and province, conducting a series of regional workshops with key opinion leaders and interested groups, and working with Aboriginal peoples to conduct dialogues at a regional level.

This work has continued through to the collaborative development of the siting process. More recent activities also include the formation of a Municipal Forum with representatives from municipal associations, an Elder’s Forum composed of Elders from across the country nominated by national and regional Aboriginal organizations, and a Roundtable of youth with members drawn from across the regions. All of these fora have been important in shaping the policies and plans of the organization.

In May 2009 the NWMO released a proposed process for selecting a site (*Invitation to Review a Proposed Process for Selecting a Site*) for broad review and discussion. This proposed process was designed to respond to the input received in dialogues conducted in Fall 2008 concerning how best to seek and select a willing host community. Although the proposed process is designed to be triggered by a single ‘community’ expressing interest in learning more about the project, subsequent steps in the process are designed to identify and involve regional authorities and others that would be affected by siting the facility in this location. This involvement is designed to centre on the conduct of a regional study to assess the distribution of risks, costs and benefits associated with the project. The regional study is designed to be completed before a decision is made on a preferred site and the regulatory review process is triggered. An approach to supporting participants in this process is also outlined in the proposed process document.

The importance and complexity associated with appropriately involving regional authorities in decision making is highlighted in the substantial discussion which has been raised in dialogues about the proposed process for selecting a site on this issue. It is related to key concepts such as the definition of “community” and roles and responsibilities in decision-making and is expected to continue to be an active topic of discussion as the siting process is refined and confirmed before being launched.

4. OVERVIEW OF FSC COUNTRY UPDATE INPUT ON REAS AND SUBGROUP DISCUSSIONS

As mentioned before, the first topical session on REAs was fired up with an overview of member countries' responses to a questionnaire. The aims of this short survey were to try to augment the understanding on how different countries organised their regional authorities as well as to, in a summary way, describe their roles and jurisdictions. Julia Kiss as rapporteur presented the main results. Among them:

Due to the big variety of countries and administrative systems the answers differed a lot. Grouping the countries seems to be useful in order to better understand similar and country specific data.

In those countries with a strong central power and strong municipalities the role of the regional authorities, generally not elected, is quite different to those where the main administration units are the federal states, counties, cantons, provinces etc. Basically, municipalities take the most of the informal decision making competences (voluntarism, veto rights, negotiation with the implementer) during the site designation process. A few examples of them could be the following:

- In **Sweden**, regional level (county boards) plays a small role in site selection, which does not include the licensing procedures. The municipalities have a power similar to those of regions. The national government has the veto right to overrule the decisions of the municipalities, but this right has not been played so far in radioactive waste siting procedures.
- Some 10 to 15 years ago there was a change of power in **Finland**. The competences of the regions were transferred to the municipalities. Regional elected authorities do not play a role during decision making, they remain passive.
- In **Japan** relevant mayors and governors are part of the siting process. There was a case where the mayors were favoring a RWM facility during its siting, but the Prefecture was against it and finally got through. In the country update no joint representation is mentioned, the agreement of the relevant mayors and governors is necessary.
- In **Hungary** public acceptance is essential for the site designation, which involves a set of communities gathering into an association. Regional level does not play a direct role in decision making.

Processes in countries with federal systems or which have devolved their REAs present a totally different picture. REAs have an outstanding role in the process, many times being crucial to their adequate development. Significant in this group were the opinions of the representatives of the following countries:

- In **Germany** the competent ministry of the respective federal state plays an important role as licensing authority for the construction, operation and closure of a disposal facility. A specific non-legally binding procedure has been recently developed for the particular case of the closure of the Asse repository: The influence of the county and the representation of the interests of the local public were strengthened by the implementation of a stakeholder group with county representatives chaired by the county head.
- **Swiss** cantons are very powerful; they provide planning permits for any work ahead. Together they can put a veto to an initiative. The "sectoral plan" defines the role of various stakeholders during site selection. Participation procedure called "regional participation" lead by the Swiss Federal Office of Energy provides the local authorities opportunity for representation. In the Wellenberg case, where a LILW repository was planned to be built during the 90s, the citizens of the canton (Nidwalden) expressed their opposition in a referendum, but the authorities were in favor of the site investigation. (Before the referendum compensation was directed to the community although

the referendum was for the whole of the canton). Canton inhabitants feared that negative stigma effects could develop.

- In the **US**, tribal veto right exists with the Houses of Congress able to override, as it happened for Yucca Mountain.
- In the **UK** the interaction on regional level is focused on local councils or bodies that represent local councils. The authorities that expressed an interest have established the “Partnership”. **Scotland**: 32 Councils in the country. A committee is responsible for contacting all local constituencies. The Scottish Government was working closely with local authorities organizations on the development of the Detailed Statement of Policy for higher activity radioactive waste.
- **France**: association of close municipalities called canton volunteered for the Bure URL. This decision had to be supported by the upper administrative tiers (districts, regions, etc). The willingness of the canton to host the URL of Bure helped to have a better acceptance but this stance seemed to decrease as the administrative ladder went up.
- In **Belgium** the site designation process of the implementer was backed by the Federal Government that addressed the involved communities. Nevertheless, as the legal process moves on, the Government of Flanders will step in as it is the one competent with some areas concerning the EIA procedure.
- **Spanish** Regional Authorities are very powerful with their own government and parliament; they can also influence the position of municipal representatives.
- **Canada**: a trend towards regional planning appears to come up. Some funding is available for larger entities so that people gain consciousness of thinking on a larger scale.

During the discussions some overall observations were sorted out that can provide universal trends concerning all countries involved:

- In most countries, citizens identify themselves more as a member of a municipality than a member of a region, except for Switzerland where the role of the cantons is very important in this respect. A rather similar pattern could be observed in the UK where the old inhabitants tend to converge to the municipality, while new ones tend to bend more for the region.
- The role of regional elected authorities differs from country to country as national administrative schemes are different. A second factor is the unspoken role REAs can play regarding to what extent they are reflecting their voters’ views and to what extent they are leading their voters’ attitudes. Any RWM siting process must be aware of the local and regional situations to better understand the position of corresponding authorities.
- From the subgroup discussions it was derived that the existence of a regional level might support the implementation of measures or processes for local public participation.
- In those countries with high level of confidence in the authorities the public interest in taking part in siting processes generally tends to be lower than in countries where people have less trust in their representatives. In the first case, regional authorities do not have such an important role as the one given to the municipal level.

TOPICAL SESSION 2:

COOPERATING WITH REGIONAL ELECTED AUTHORITIES

5. INTRODUCTION TO THE SECOND TOPICAL SESSION (2010)

The second topical session in this series was opened by the Chair, Mariano Molina (ENRESA, Spain). Reference was made to the Regular Meeting of the FSC in 2009 where the topic of Regional Elected Authorities (REAs) was addressed. The purpose of this second topical session on REAs was to explore how implementers, regulators, municipalities and other stakeholders can seize opportunities to cooperate with them. A specific point of concern was how to engage REAs to better develop siting processes.

Speakers at the topical session included the professional Director of the Regional Council of Uppsala in Sweden and representatives of the national RWM implementer in Spain and in France. Each depicted the needs, interests and aspirations of particular regional administrations during the siting phase of RWM facilities. Following indications given by the Chairman some of the questions addressed were: What are REAs' institutional roles and main interests? How do they serve as intermediaries between the local and the national level for decision making? Which cases can be referred to where REAs have contributed to move forward in a siting process? Which particular areas during a decision-making process could be best managed by REAs?

The topical session ended with discussion in five subgroups. These included not only FSC members, but also guests who had enrolled in the FSC *10-year Anniversary Colloquium* taking place the next day. Feedback from the small group discussions was presented in plenary by the rapporteur, Ms. Julia Kiss (Puram, Hungary).

Readers interested in more detail of country cases will consult the proceedings of the FSC national workshops and community visits, and the FSC 2010 report on partnership arrangements² between RWM institutions and local or regional actors (links provided in footnotes).

6. OVERALL DESCRIPTION OF THE SECOND SESSION

The topical session was articulated around three country presentations and a discussion among participants.

The presentations are listed below:

- **Cooperating with Regional Elected Authorities. Some cases in Spain** by Mariano Molina (ENRESA, Spain).

² Partnering for Long-term Management of Radioactive Waste. Evolution and Current Practice in Thirteen Countries (also available in French).

- **Cooperating with Regional Elected Authorities – Sweden** by Catharina Blom (Uppsala Regional Council, Sweden).
- **Cooperation with REAs of Meuse/Haute-Marne on development in economic, social or cultural fields – France** by Sébastien Farin (Andra, France).

Presentations addressed the potentialities of Regional Authorities playing a role in siting processes. All the three presenters depicted the competences and influences of their corresponding REAs in this area. The topical session surveyed situations ranging from a very short formal role of REAs (Spain) to two more influential roles with either a legislated mandate to REAs (France) or a self-imposed one (Sweden).

In Spain the implementer and REAs have co-operated in reinforcing confidence in already operating projects, but concerning new ones the roles to be played by these authorities should be reinforced.

SKB (the Swedish Nuclear Fuel and Waste Management Co.) is working to get a license for a spent fuel repository in Östhammar, in the county of Uppsala. The Regional Council is composed of the eight municipalities of the county and the County Council. The Council is engaged in a project to better inform the populations on the implications of the planned spent fuel repository and its economic and strategic significance.

France presented the roles of the diverse Councils and administrative bodies participating in the current R&D in the area of Meuse/Haute Marne.

After each of the presentations there was a short round of questions to the presenters with a high level of participation. Subgroup discussions are analysed in Section 8 of this document.

7. AUTHORS' SUMMARIES

The slide presentations are provided in Annex 2.

7.1. *“Cooperating with Regional Elected Authorities” - Spain*³

Mariano Molina (ENRESA, Spain)

Spain is administratively composed of 17 Autonomous Regions (CCAA), each of them having its own Parliament. This leads to a high degree of administrative decentralisation where, usually, the Central State has the competence of setting the general conditions for the development of a given area of activity and CCAA have the right of stating and managing the particularities under which those activities will be implemented. For instance, the Parliament has the duty of issuing the General Land Planning Act, while Autonomous Parliaments will draft and pass their local Land Planning Acts under that framework. Concerning RWM, policy definition, strategy drafting and licensing of nuclear facilities is a competence of the State granted by the Constitution as reaffirmed and legally interpreted by a resolution of the High Court. On the other side, CCAA have the right to be consulted prior to the issuing of the Nuclear Regulator report on a RWM application. Regarding RWM siting there are a lot of related issues that fall directly under the competence of CCAA as regional government:

- Enforcement and supervision of industrial safety policy.
- Town Planning and Housing.
- Planning and licensing of infrastructures in their own territory.

³ Further information may be found on www.oecd-nea.org/fsc in the proceedings of the FSC 2005 national workshop and community visit, Radioactive Waste Management in Spain: Co-ordination and Projects.

- Local socio-economic development.
- Basic legislation on environmental protection is a duty of the State but management of environmental protection is a competence of CCAA.

Whether REAs are a stakeholder or not in RWM siting processes use to be frequently a matter of debate. Experience shows that a series of “syndromes” normally attributed to local populations could also be observed in REAs: NIMBY, NIMEY, etc. While in the case of NIMBY there is usually a coincidence of local and regional attitudes, NIMEY at regional level more likely will be fuelled by the perception of offence in comparison with other regions. Benefit packages are important points affecting siting processes where attitudes of CCAA (in charge of promoting regional development) could be more lukewarm than those of villages involved. This overall picture promotes a view of REAs as a factual stakeholder, one with a relevant role to play.

ENRESA has attempted to integrate REAs into the different efforts to promote better understanding of particular RWM projects and to work together in fostering the well-being of affected communities. This model has worked out in three CCAA where ENRESA has implemented RWM and decommissioning projects: Cataluña, Andalucía and Castilla-La Mancha.

A general approach has been to work with CCAA on case by case basis. Nevertheless a common pattern has been to address three areas:

- How to inform elected regional leaders on the safety of RWM facilities and projects?
- How to discuss areas of common interest?:
 - Informing the public.
 - Preserving knowledge.
 - Deal with “territorial” issues affecting hosting and neighbouring communities.
 - Scoping socio-economic needs of affected areas and looking for synergies.
- How to improve the implementation of joint socio-economic programmes?

After some twenty-five years of co-operation with REAs four main areas of joint activity can be highlighted:

- Environment where the main focus has been on fostering the preservation of natural parks and dissemination of the local environmental values,
- Education and culture, including participation in the establishment of two University Departments specialized in RWM (LILW management and NPP decommissioning) and the restoration and visibility of local historical heritage,
- Social services directed to the improvement of health care centres and centres for the elderly and disabled,
- Amelioration of local infrastructure and economic development, based essentially on road improvement, assistance to local entrepreneurs and training of local workforce to match the needs of RWM facilities.

More and more, co-operation with REAs proves to be a satisficing path to achieve an increasing confidence in the tasks involved in RWM. Overall, REAs can help in:

- Defining the affected area (other than the hosting community).
- Achieving a proper knowledge of the safety implications of the facility.
- Defining and planning for shared needs.
- Coordinating and fostering infrastructure investment.
- Preserving knowledge, in a joint effort between ENRESA and universities.

- Accessing wider administrative areas by means of multilateral covenants or agreements with other authorities.
- Promoting bilateral activities between ENRESA and private stakeholders for the benefit of the area (university; entrepreneurs associations, etc.).
- Promoting co-operation between ENRESA and other regional actors.

7.2 “Regional Development and Economic Growth” – Sweden

Catharina Blom (Uppsala Regional Council, Sweden)

The county of Uppsala, located just north of Stockholm, is a prosperous region in Sweden. Life-science and energy are two of the most prominent fields of the two high-ranked universities – the University of Uppsala and the Swedish University of Agricultural Sciences. These two fields are also predominant among business and industry. The nuclear power plant in Forsmark, Vattenfall Research and Development, bio-energy plants and SMEs involved in R&D make Uppsala into an “energy region”. The University of Uppsala is a node in the EIT (European Institute of Technology and Innovation) KIC (Knowledge and Innovation Community) “InnoEnergy”.

Final disposal of high level nuclear waste – a long process

It has taken nearly 30 years to develop a method and find a place for the final disposal of spent nuclear fuel in Sweden. We have now come to “the beginning of the end”.

After a long site selection process there were two candidates left for hosting a repository – Östhammar and Oskarshamn. Active municipal support is a precondition for building a national repository. An investment of the size represented by a repository also would be of considerable importance for a small municipality like Östhammar or Oskarshamn which have about 21 000 inhabitants and 26 000 inhabitants respectively.

A couple of months before the final selection decision the two municipalities managed to reach an agreement with SKB (the Swedish Nuclear Fuel and Waste Management Co.) including a paragraph stating that 75 percent of “added value” generated by local development investments by SKB, would go to the municipality that would not get the repository – and 25 percent would go to the municipality that SKB would finally choose as the site for the repository.

In June 2009 SKB decided to choose Forsmark in Östhammar in the county of Uppsala as the site for spent nuclear fuel. Here the bedrock has the best quality.

Opinion poll 2008-2009

During the process of finding a suitable place for the final disposal Uppsala Regional Council carried out an opinion poll across the county of Uppsala and neighboring municipalities. The purpose was to obtain an independent picture of inhabitants’ attitude to a repository for spent nuclear fuel at Forsmark in Östhammar. The result was that almost 80 percent were for and 20 percent of the inhabitants were against a repository. People literally said: “Yes, in my backyard”.

It is important to stress that these figures could not be taken for granted. One must at all times be aware that people might change their minds. The positive attitude toward this infrastructure project has to be constantly maintained.

⁴ More information will become available on www.oecd-nea.org/fsc at the publication of proceedings of the FSC 2011 Sweden national workshop and community visit entitled: Actual Implementation of a Spent Nuclear Fuel Repository: Seizing Opportunities.

A durable relationship built on trust

One of the keywords when it comes to building a durable relationship is trust. Analysing this somewhat further you find the following corner-stones:

- Independence – it is of the utmost importance that public authorities like the Regional Council and the municipality are independent from the nuclear industry.
- Openness – with the Swedish Principle of Public Access to Information as a guiding star. This principle includes access to official documents for every Swedish citizen.
- Transparency – meaning not only to make information accessible but also to explain and engage in a continual dialogue.
- Participation in the decision-making process – involvement of citizens in the process of decision-making by a consultation procedure is required by Swedish law. The implementer is responsible for this.

Well-defined roles

A second issue is that of well-defined roles. SKB is the implementer, owned by the nuclear industry, and has to submit an application for the repository, presumably in the beginning of 2011. Various public authorities will give their opinion of the application and advise the government. The government decides if the repository will be built and will ask the municipality of Östhammar if it accepts a decision to build. In the end the inhabitants, via the Municipality Council of Östhammar, will have the final veto. Uppsala Regional Council has no formal role but supports the municipality of Östhammar in its decision whichever it might be.

Uppsala Regional Council

The Regional Council is the regional political body in the county of Uppsala. Its members are the eight municipalities of the county and the County Council. The Council's primary focus is on regional development and economic growth. The two most important tools for this are the Regional Development Strategy and infrastructure planning.

The Regional Council is responsible for an information project about the final disposal of spent nuclear fuel, financed by the Nuclear Waste Fund. The Nuclear Waste Fund is a government authority whose mission is to receive and manage the fees paid in by the nuclear power companies and owners of other nuclear facilities in Sweden. The fees are intended to finance future expenditures for managing and disposing of spent nuclear fuel and other waste products.

The aims of the repository project of Uppsala Regional Council

The aims of the Regional Council's repository project are twofold – the democratic aspect and the economic, or strategic, aspect.

The democratic aspect includes peoples' right to know what is being planned in their neighborhood and to participate in the decision-making process. The Uppsala Regional Council provides information on the societal issues involved in locating a repository in the region. The tools are conferences and open meetings, brochures, a web site, etc. We visit schools, carry out polls and work with the issue of competence supply.

A repository will be of great economic and strategic importance. It will certainly be an important engine for regional development. An estimated total of about 610 million euro will initially be invested in the disposal system. Some 500-600 people will be involved in construction work and some 200 more in the maintenance of the repository. Local companies will be involved in the call for tender processes, local and regional infrastructure has to be improved etc. A parallel can be drawn to the NASA space project or Ericsson mobile telephone development which both have resulted in numerous spin-off effects.

Closing thoughts

Cooperating with both municipalities and regional elected authorities is important in the Swedish process of establishing a repository for spent nuclear fuel. It is the inhabitants - via the Municipality Council of Östhammar - who have the final veto. The existing positive attitude towards a repository has to be constantly maintained in a constant on-going dialogue between the inhabitants and their political representatives. Perhaps the model for the repository process can be used to revitalize democracy also in other fields - a "school of democracy".

7.3. "The Role of the Government in Territorial Development of Meuse/Haute-Marne" - France⁵

Sébastien Farin (Andra, France)

National RWM implementer Andra is working in close relationship with stakeholders in the East of France to determine the precise footprint of an underground repository for high-level and long-lived nuclear waste, as confirmed by national Parliament. The actors include the two districts and the two corresponding larger administrative regions on whose border the siting zone is situated, and other elected or non-elected stakeholder organisms.

At this time, the repository remains an intangible prospect for many. Local players expect Andra to communicate the project calendar and other knowledge of how the project will develop, so that they can anticipate economic opportunities as well as infrastructure needs.

Regional and local elected officials requested some years ago that the nuclear industry players become active investors in the Meuse/Haute-Marne sector. A High-level Committee was set up at ministerial level in 2005. In discussion with industry producers, regional and local elected officials and Andra, four or more establishments (archives, warehouses) have been sited in the region, and local artisans have been helped to gain certification as suppliers to the industry.

Decentralised national government is also active in helping to develop the region. The Prefectures are applying the 1975 "Major Works" procedure that aims at managing the influx of workers and maintaining the economic momentum past the construction stage.

8. SUBGROUP DISCUSSION REPORT

After the presentations and a short time for questions were over, the meeting split into two discussion subgroups. Each of the subgroups was confronted with two questions, to focus the debate:

Q1. How can Regional Elected Authorities help support a RWM facility siting process?

Q2. Which are the main areas for cooperation between institutions and Regional Elected Authorities?

⁵ More detailed information can be found on www.oecd-nea.org/fsc in the proceedings of the FSC 2009 France national workshop and community visit: Repositories and host regions: Envisaging the future together (also available in French).

The discussion was started with the basic statement that countries vary greatly in the size of their administrative regions, and in the legal role given to these regions. In many cases, the regional level as defined in a given nation has no official decision making role.

However, in a few cases, there is conflict of opinion between the local level that welcomes the siting proposal and the region which may even have legislation to reject the site. This is the commonly observed “donut effect”, a ring of rejection around a centre of interest/acceptance. Two auxiliary features were assigned to this phenomenon: the actions and attitudes of the outer ring may change with time and politicians; even an officially opposed region often acquiesces to national law. Some country-specific examples:

- In the UK, the partnership approach means that the regional level must pragmatically engage itself in cooperation with the local levels that express a most dual interest.
- In Canada, it is early in the process, but the plan is that when local communities will come forward as volunteers, then a new phase of study and consultation must begin, identifying the larger region and the neighbouring communities that must certainly be involved. The waste will be transported over long distances and so there will be a challenge of involving vast regions.

It was agreed that the regional authorities are crucial in giving feedback from their region to the parties involved in the implementation of an RWM facility throughout each phase of the siting process. In this respect, REAs are key players in helping to achieve a better understanding of the needs of the region as a whole (particularly those that can be served by benefit packages).

REAs can also help in building up structured information on who is involved at what level, and provide a platform for dialogue and information exchange.

The second question received agreement on the fact that the Regional Elected Authorities are mainly interested in promoting regional development (jobs, industries, etc.). In some cases they have more mandates (e.g. Spain), in other countries they are less influential.

Concerning the implantation of the waste management facility, development in the siting region is of key importance for the implementer and associated business/ economic stakeholders. It can be achieved by inserting the benefit package as a particular aspect into the regional development programme.

The presence of the implementer clearly boosts key economic players’ activity. This is effective not only during the siting process but also the operational phase until monitoring is provided.

Balancing between different territorial interest groups and also different territorial attitudes is the other valuable “help” REAs can offer in cooperation with the implementer. Differentiation between local and regional competencies and keeping the roles clearly separated is vital and requires frequent dialogue between the different levels.

A role of the Regional Authorities over the longer term can also be important in regard to some other issues of RWM “core business”: for instance, keeping and guarding the facilities archives and also keeping track of the evolving attitudes and needs of the region. They can act as spokesperson for the requirements of the population towards the implementer and regulator regarding long-term tasks (for example, concerning monitoring or closure). In this respect, REAs work as an intermediate authority.

ANNEX 1 : AUTHORS' SLIDES FROM TOPICAL SESSION 1

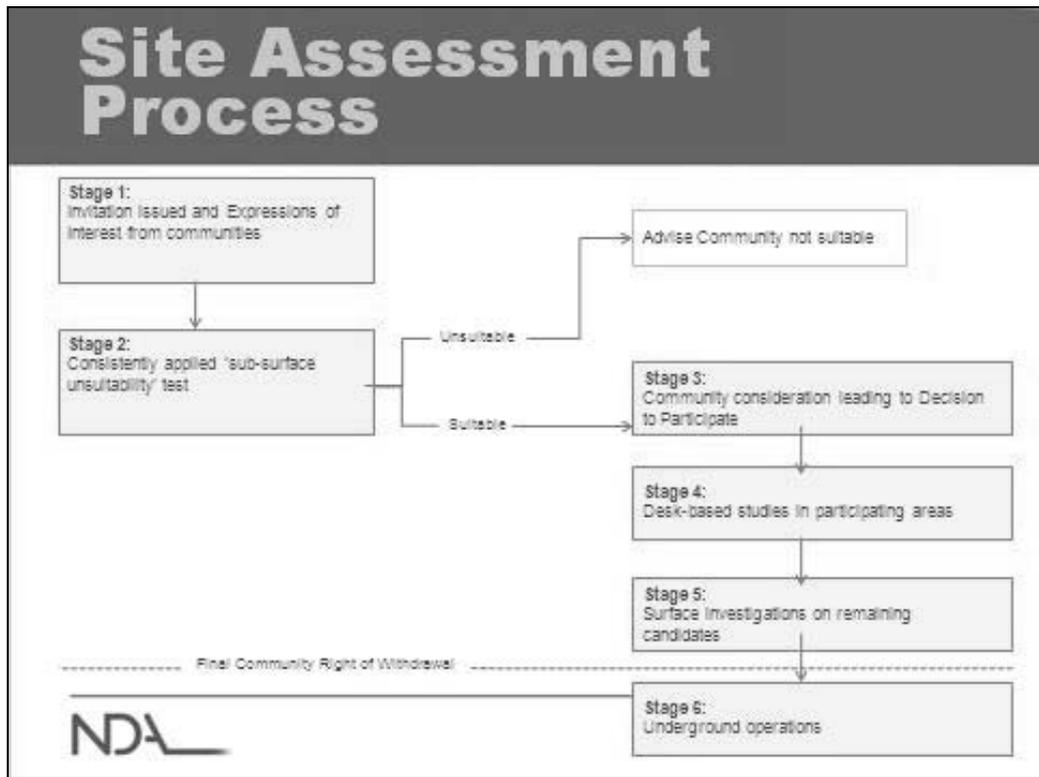
AN OVERVIEW OF KEY UK ROLES AND RESPONSIBILITIES FOR GEOLOGICAL DISPOSAL

Elizabeth Atherton (NDA, United Kingdom)



Policy Context

- **Managing Radioactive Waste Safely (MRWS) Policy published 2008**
- **Sets out framework for implementing geological disposal**
- **Sets out roles and responsibilities**
- **Scotland supports near site near surface storage**
- **Scotland are going to consulting on their policy**



Four pillars of implementation

- **Partnership with host community**
- **Implementation by the NDA**
- **Strong independent regulation**
- **Independent scrutiny by new CoRWM**

NDA 10869175

Definitions of Community

Host Community – a small geographically defined area including the population of that area and the owners of the land

Decision Making Body – will be Local Government and will make decision to participate and exercise right of withdrawal

Wider Local Interests – the next village, a neighbouring district or a community on the local transport routes

NDA

10889175

Community Siting Partnership

- **Developing advice and recommendations for Decision Making Bodies**
- **Consideration of, and contribution to the work to design, construct and operate a facility**
- **Obtaining specialist advice or research to inform its recommendations**
- **Ensuring the siting process is effective and focussed on making progress**
- **Provision of public information about its activities**

NDA

10889175

Community Siting Partnership

- **Engagement or consultation with potential Host Communities and Wider Local Interests**
- **Identifying and addressing divergent views within those communities**
- **Liaison and discussion with local bodies with remits related to the mission of the Partnership (e.g. Local Strategic Partnerships or NDA Site Stakeholder Groups)**
- **Building the capacity of its membership**

NDA

10889175

Roles & responsibilities

- **Government**
 - **Responsible for the policy**
 - **Will take final decisions on siting**
 - **Will engage stakeholders to ensure objectives of the MRWS programme are met**
- **The NDA**
 - **Planning and delivering the geological disposal facility as implementing organisation**
 - **Will engage with communities and other stakeholders**
 - **Provides interim storage of waste on its sites**
 - **Undertakes and commissions research and development to support optimised delivery of geological disposal and interim storage**

NDA

10889175

Roles & responsibilities

- **Communities**
 - Will work with the NDA and others in a partnership approach
- **Local government**
 - Will be fully engaged in a partnership approach
 - Responsible for local decision-making during the site selection process
- **Independent regulators**
 - Ensure robust, independent regulation in relation to statutory responsibilities
- **Committee on Radioactive Waste Management (CoRWM)**
 - Will provide independent scrutiny and advice to Government
 - Cover delivery of geological disposal and interim storage

NDA

10889175

West Cumbria MRWS Partnership

- **Set up by the communities who have expressed an interest (Allerdale, Copeland and Cumbria Councils)**
- **Advising decision making bodies on whether to make a decision to participate**
- **Members: local authorities, trade unions, NuLeAF**
- **Observing bodies: Government, NDA, CoRWM, regulators, Isle of Man Government**

NDA

10889175

Governance

- **Process being governed by a number of official level groups**
- **Ensure departments, NDA and others are joined up**
- **Bring together NDA as implementing body, DECC with policy responsibility, Treasury and Devolved Administrations**
- **Make recommendations to ministers**
- **NDA governance and Government Policy groups are distinct**
- **Links between the groups ensure policy feeds into governance and vice versa**

NDA

10889175

Conclusion

- **We will continue with siting process based on voluntarism and partnership approach**
- **We look forward to working in partnership with potential host communities**

NDA

10889175

ANDRA Major Local Actors

Two Regional Councils
Two General Councils

One Information and Oversight Committee (CLIS)

47 communes
(3 + 3) districts
2 local areas

ANDRA - FSC - September 2009

ANDRA Two Regions

REGION
CHAMPAGNE ARDENNE

REGION
Lorraine

CHARLEVILLE-MEZIERES
08 - ARDENNES
51 - MARNE
CHALONS-EN-CHAMPAGNE
10 - AUBE
TROYES
52 - HAUTE-MARNE

55 - MEUSE
METZ
57 - MOSELLE
NANCY
54 - MEURTHE-ET-MOSELLE
88 - VOSGES
EPIINAL

ANDRA - FSC - September 2009



The Roles of Regional Councils

Jurisdiction
 Regional Councils are responsible for studying all prospects regarding land planning, professional training (e.g., GIMEST Programme), etc.

Position with regard to the deep-repository project
 Both regions are conducting a study on the ecotouristic impact of the URL conducted jointly by both regions > no negative impact

No study on the current project

Reinforced interest in the GIPs following the adoption of the *Planning Act of 28 June 2006*, which validated deep disposal as the reference solution for the long-term management of HL/IL-LL waste

At least for the time being, the Vice-President of the Regional Council of Lorraine is also a member of the OPECST

➤ **With the regional elections planned in mid-2010, no prospect for a clear position is to be expected from the Executive of the Regional Council.**

5
ANDRA - FSC - September 2009



Two General Councils








Jurisdiction

General Councils are responsible for dealing directly with the territory and all aspects regarding its management, economy, etc.

They manage the funds of GIPs and participate actively in them

Position on the deep-repository project

Strong support for the development of both districts via local projects proposed by actors in the nuclear sector (Areva and EDF archives, CEABtL's Plant, etc.): e.g., launching in 2009 by the Meuse General Council of a reflection on the development of activities and jobs.

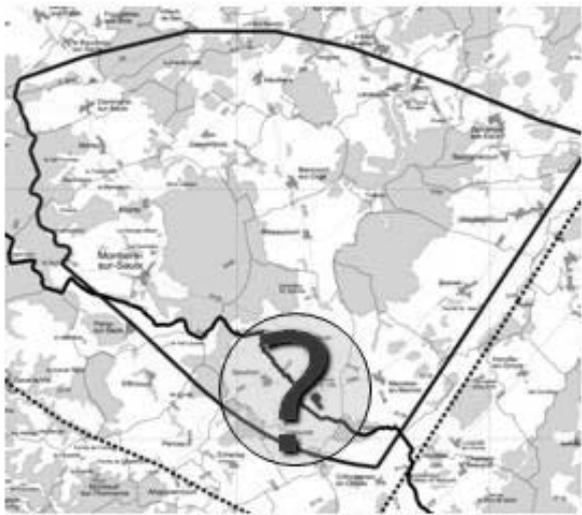
➤ **C. Namy, President of the Meuse General Council says:
 "We have to assume Bure."**

6
ANDRA - FSC - September 2009

 **Public Interdistrict Co-operation Establishment**

Creation of a public interdistrict co-operation establishment in order to protee the implication of districts in the deep-repository project and to create a common and unique management tool.



ANDRA - FSC - September 2009

 **CLIS** 

Jurisdiction
Pursuant to the *Planning Act of 28 June 2006*, the CLIS is entrusted with an information and consultation mission. Half of its membership consists of elected officials; it also gathers a few opponents.

Position on the deep-repository project

Pursuant to the *Planning Act of 28 June 2006*, the Statutes of the CLIS have been modified and the CLIS experienced launching problems. As soon as the situation was under control, its members quickly mobilised themselves and focuses on a few major issues; hence, reversibility, geothermics and the implementation of the repository were modified.

The CLIS must serve as the interface between the project and local populations. It also wishes to be a genuine source of information for the public.

ANDRA - FSC - September 2009

ANDRA The Other Local Actors Involved

At the scale of the communes, the notion of the territory is very local.

At the scale of the CLIS and the other townships, local areas or communities of communes, people have a more comprehensive perception of the territory, of its organisation and of its development, as well as on the method to distribute the project's spin-offs, such as road, railroad or housing development, etc.

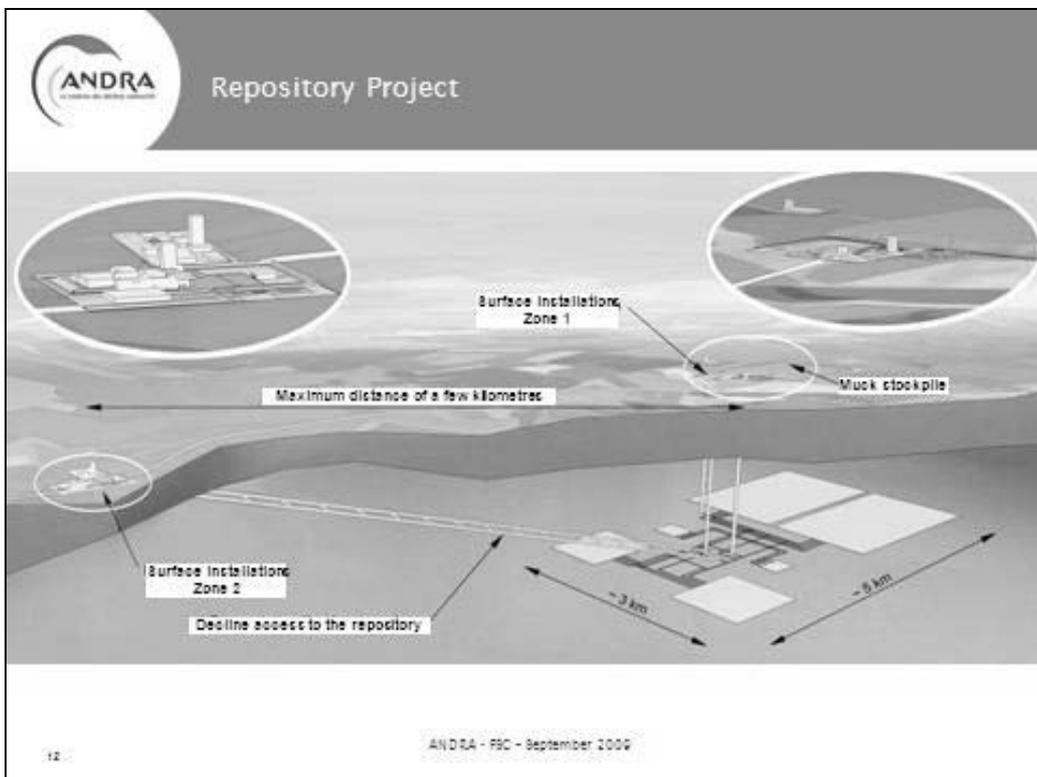
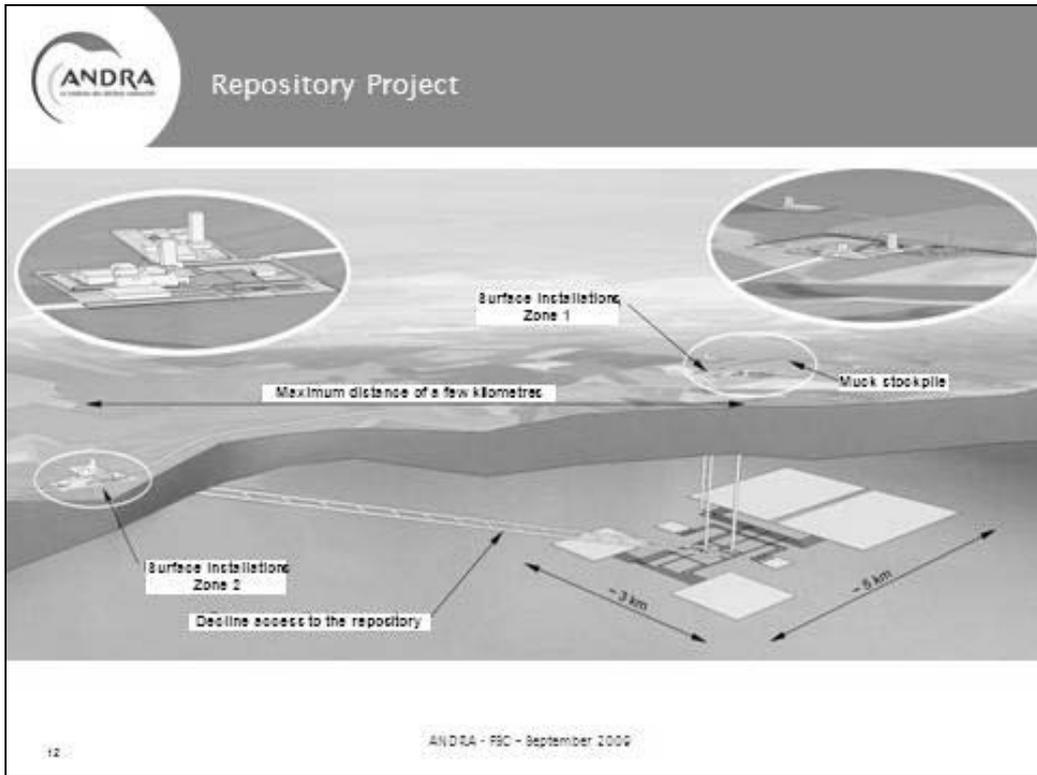
9 ANDRA - FSC - September 2009

ANDRA In Summary 1/2

Local actors
 2 regions
 2 districts
 2 GIPs
 1 CLIS, 47 communes
 6 cantons
 2 local areas
 ~10 communities of communes

National actors
 Ministry
 ASN, IRSN
 CNE
 OPEST
 CNDP
 Waste producers

10 ANDRA - FSC - September 2009



THE ROLE OF THE CANTONS AND REGIONS IN THE SECTORAL PLAN PROCEDURE

Stefan Jordi (BfE, Switzerland)

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Bundesamt für Energie BfE
Office fédéral de l'énergie OFEN
Ufficio federale dell'energia UFE
Swiss Federal Office of Energy SFOE

The role of the cantons and regions in the sectoral plan procedure

02332271

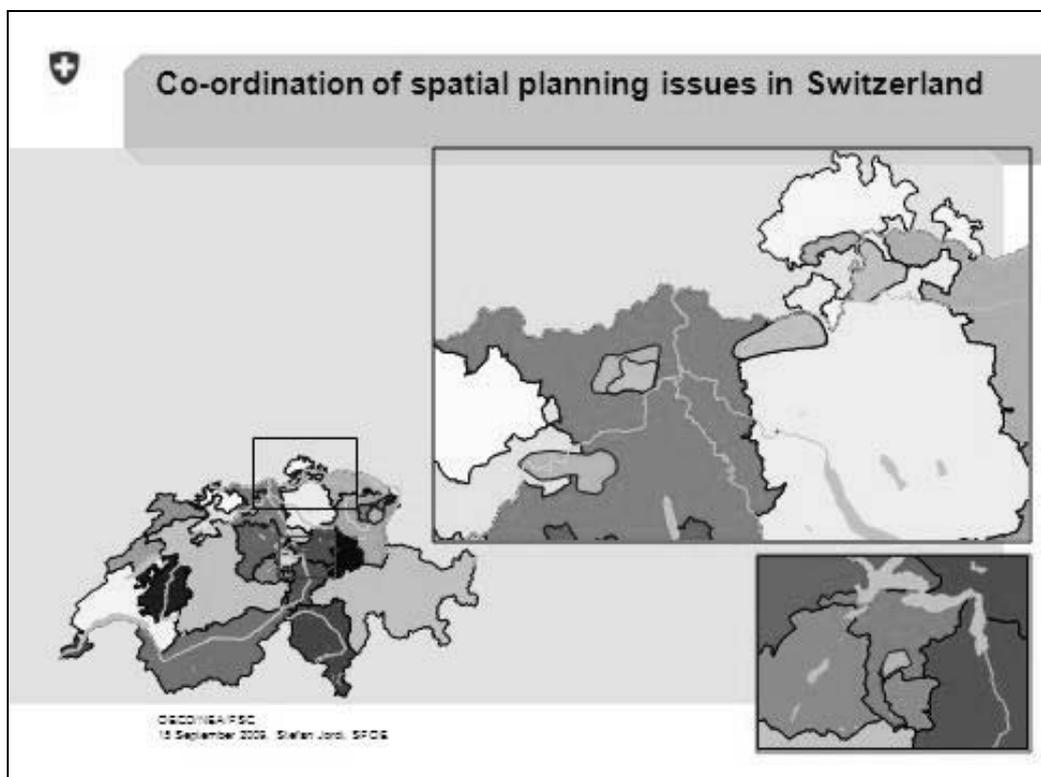
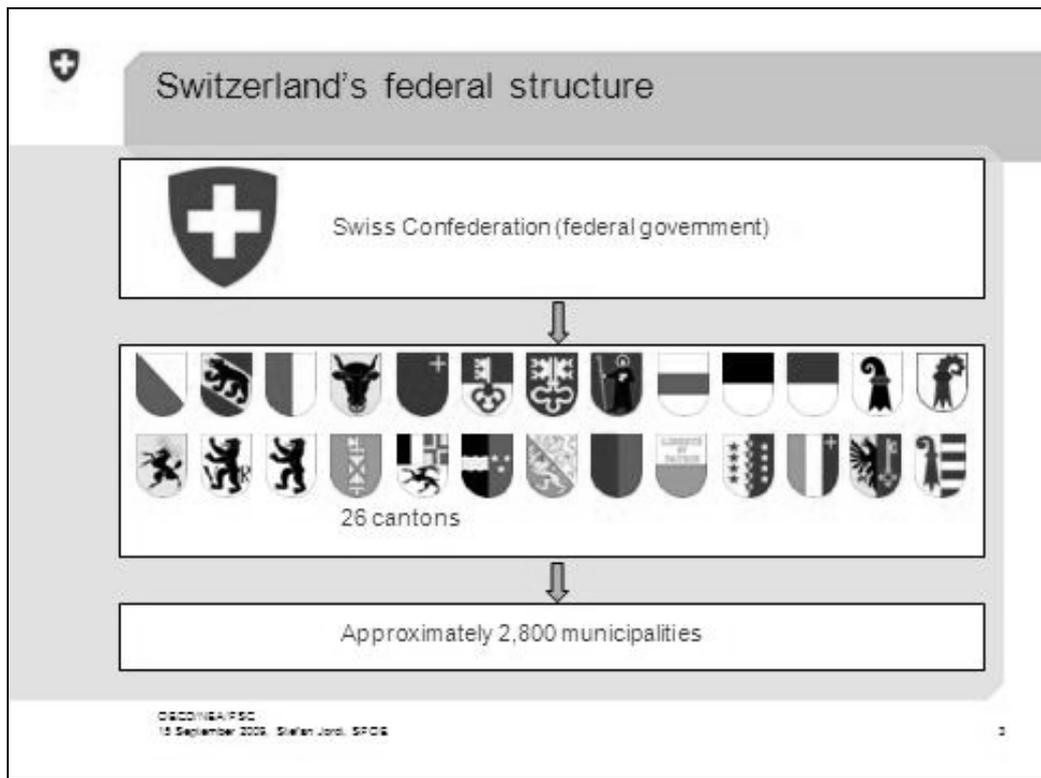
FSC / 15 September 2009 / Stefan Jordi, SFOE

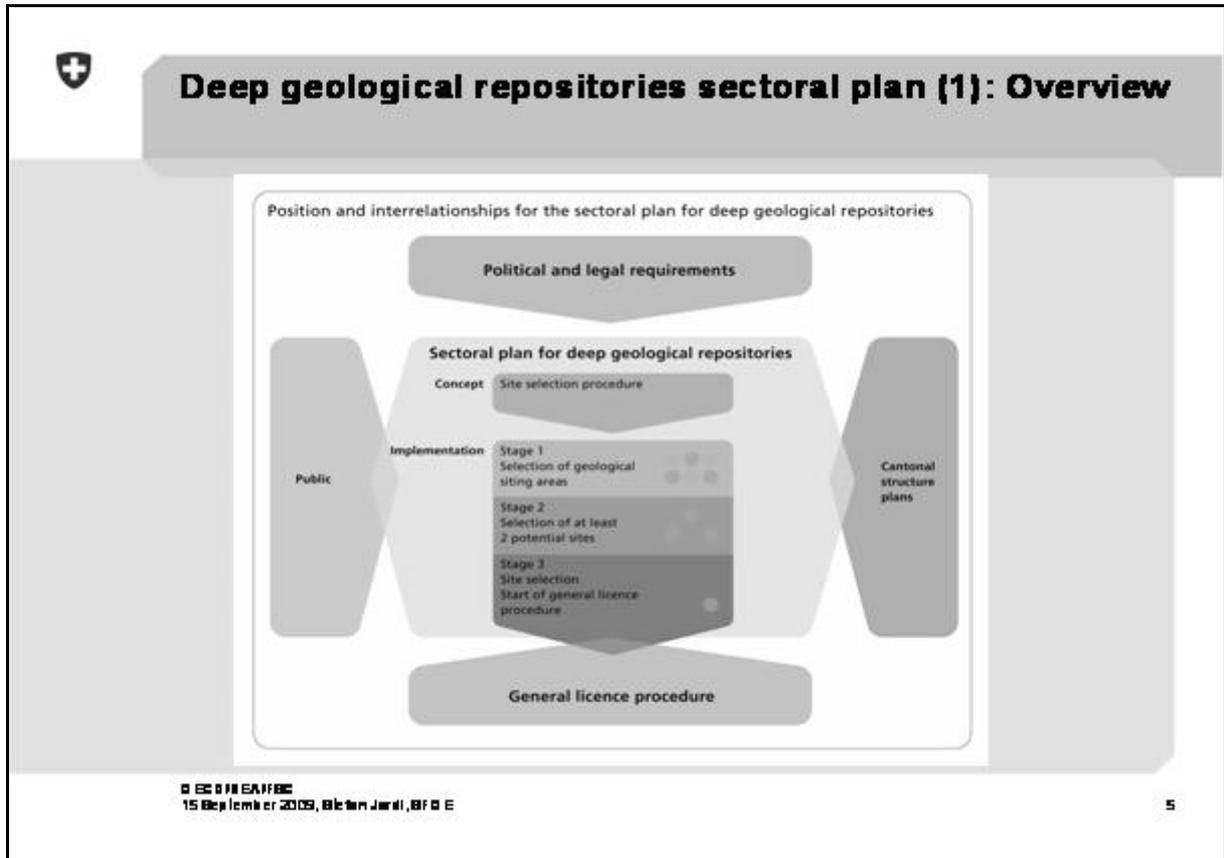
Overview

- Switzerland's federal structure
- Site selection procedure in accordance with the sectoral plan
- Co-operation with the cantons
- Co-operation with the regions
- Lessons learned

OECD/NEA/FSC
15 September 2009, Stefan Jordi, SFOE

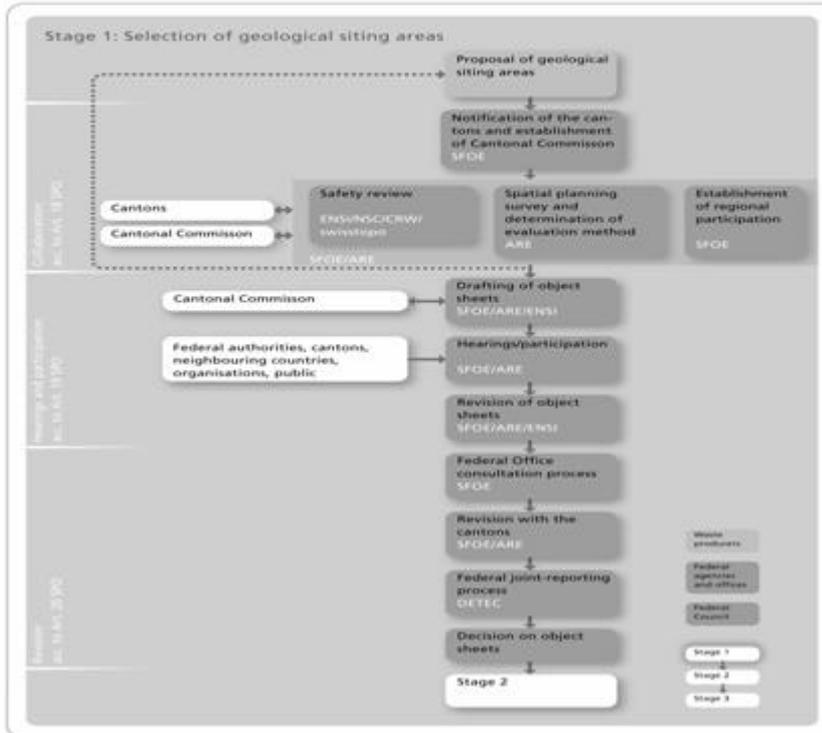
2







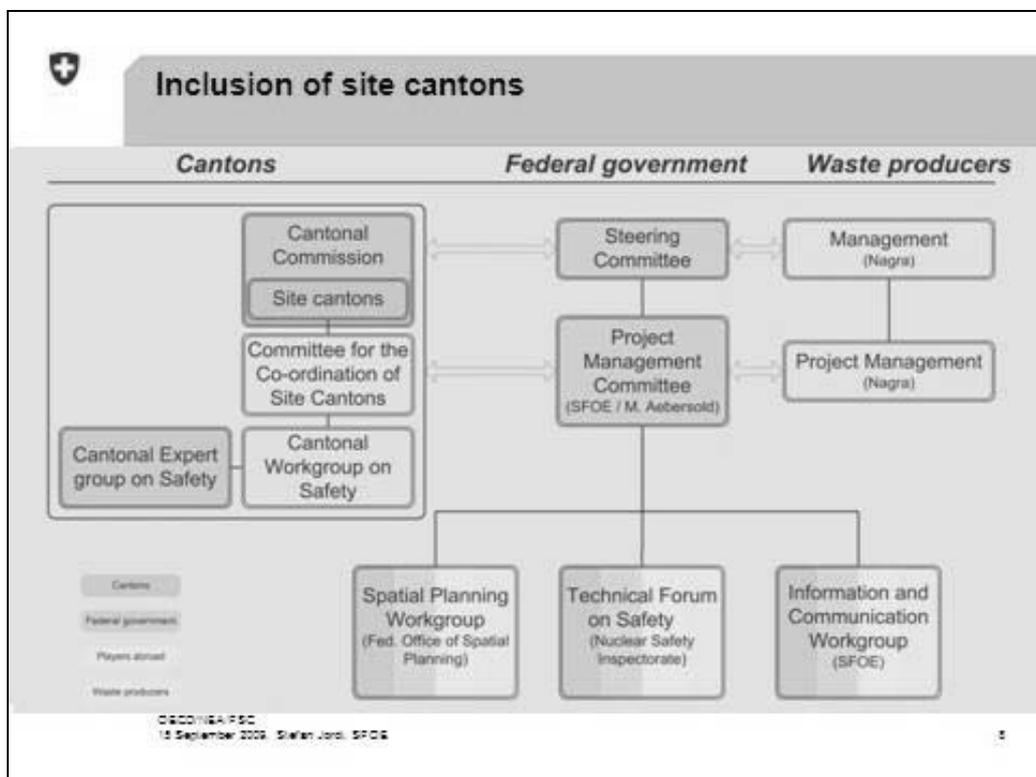
Deep geological repositories sectoral plan (2): Process stages



Activities of the cantons

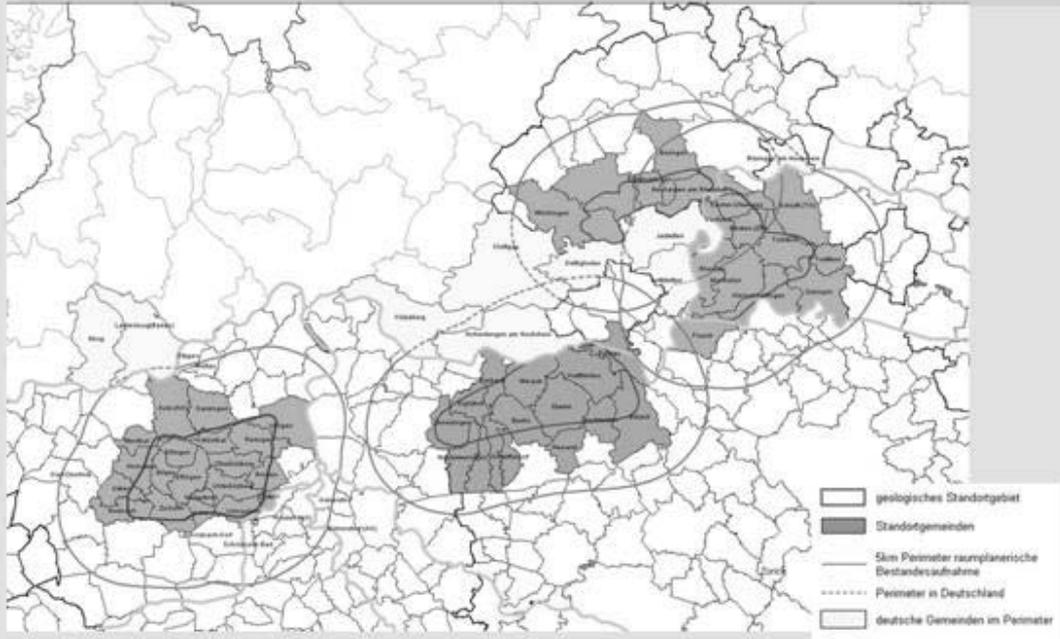
- All cantons**
 - Options for co-determination within the scope of formal hearings
- Site cantons**
 - Representation of their own interests
 - Participation in various committees and workgroups with:
 - Cantonal Commission
 - Various workgroups (e.g. Technical Forum on Safety, Information and Communication Workgroup)
 - Adaptation of spatial planning where necessary
 - Conducting formal hearings in their own canton
 - Co-ordination of co-operation between the federal government and the site municipalities
 - Supporting the federal government in building up and implementing regional participation

OSCD/NEA/FSC
18 September 2009, Stefan Joril, SFOE





Overview of site regions



OECD/NEA/FSC
15 September 2009, Stefano Jordani, SFO E

Inclusion of the involved municipalities

Stage 1

- Appointment of representatives in the Technical Forum on Safety
- Supporting the SFOE in building up regional participation

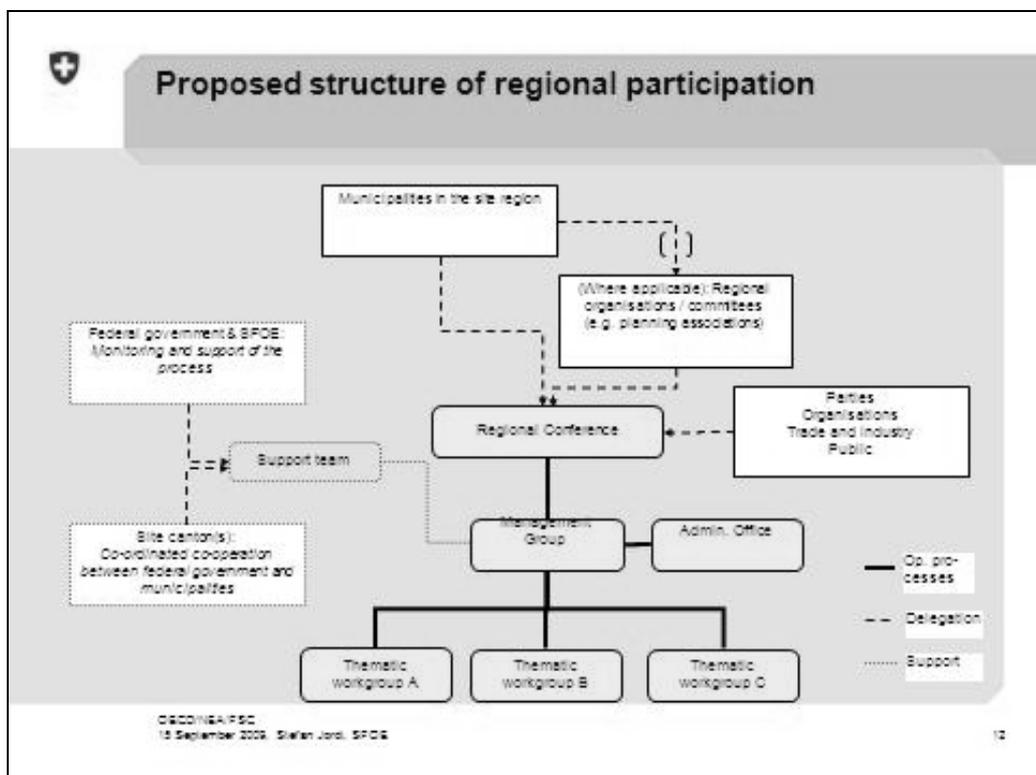
Stage 2

- Implementing regional participation
- Supporting the SFOE with the preparation of background studies on socioeconomic and ecological impacts
- Formulation of regional development strategies

Stage 3

- Regulating the issue of compensation together with the canton and waste producers

OECD/NEA/FSC
18 September 2009, Stefan Jori, SFOE





Lessons learned to date

- Provision of information to the public needs to be carefully prepared and coordinated with the involved local and regional authorities.
- Duties and responsibilities of the involved players need to be clearly defined.
- Flexibility remains essential despite the existence of clearly defined rules.
- Attention should be paid to sensibilities and past experiences.
- Process and “policy” should be kept separate to the greatest possible extent.

ROLE OF THE FEDERAL STATES (LAENDER) IN THE SITE SELECTION PROCESS FOR A HAW/SPENT FUEL REPOSITORY IN GERMANY

Beate Kallenbach-Herbert (Oeko Institut, Germany)

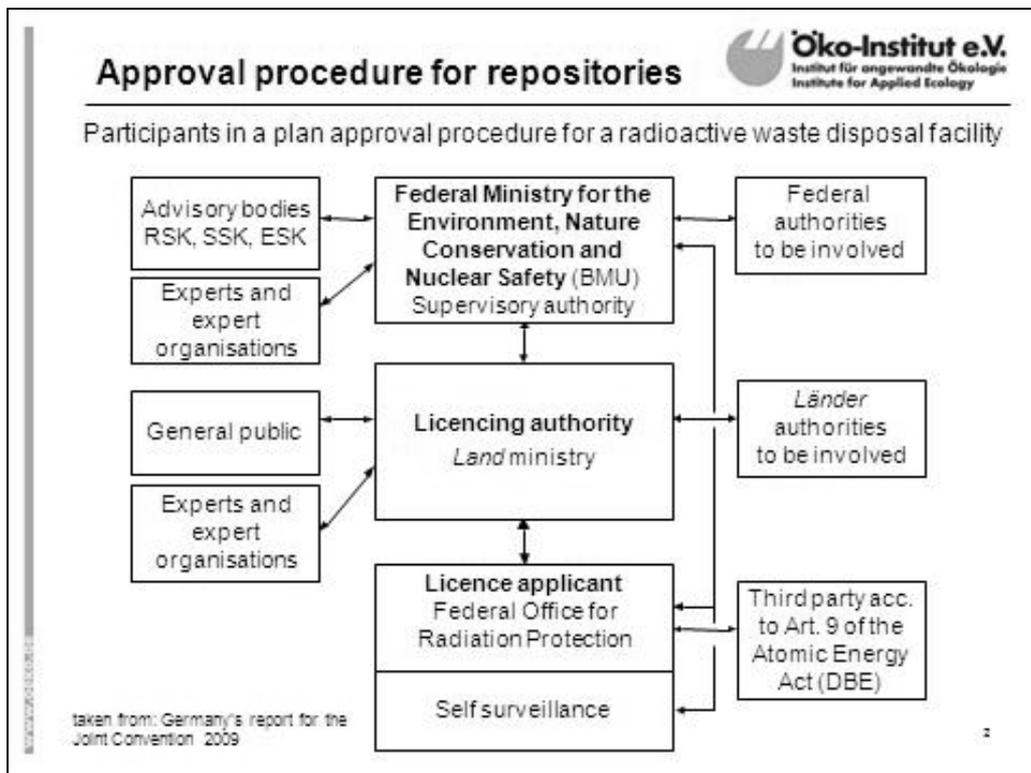


Oeko-Institut e.V.
Institut für angewandte Ökologie
Institute for Applied Ecology

Role of the Federal States (Laender) in the site selection process for a HAW/spent fuel repository in Germany

Presentation for the 10th session of the FSC
September 15 – 17, 2009, Issy-les-Moulineaux

Beate Kallenbach-Herbert



Competencies of the *Laender*



- The competent ministry of the *Land* as plan approval authority plays a central role in the approval procedure for a radio active waste repository
- The competency of the licensing authority (*Land* ministry) in the approval procedure is formally linked to the decision on a plan at a specific site
- Competencies of the *Laender* for regional planning may potentially conflict with federal objectives and interests regarding site selection and examination of alternatives:
 - *Laender* may stipulate sites for waste management facilities in their “regional-development plan” or “-programme”
 - Selection of a (potential) repository site is a national task
 - National Government can restrict changes in regional planning to avoid conflicting objectives

Status of regulations for site selection



- Currently no formally agreed procedure exists for the site selection phase
- A procedure, recently published by BMU, defines the following framework:
 - The existing approval procedure is amended by a stepwise approach considering a formally regulated site selection phase
 - BfS is responsible for performing site selection
 - BMU decides on the site that is chosen for the subsequent approval procedure
 - The general public, the *Laender*, regions and communities will be involved in all stages of site selection

Agreement of the majority of the *Laender* in the Federal Council (*Bundesrat*) is necessary for planned amendments of the atomic law

 **Öko-Institut e.V.**
Institut für angewandte Ökologie
Institute for Applied Ecology

Roles of *Laender* in former site selection

Selection of Gorleben site:

- The Gorleben salt dome was selected by the *Land* of Lower Saxony in agreement with the Federal Government
- Advantages
 - Government of Lower Saxony publicly supports the decision
 - No conflicting interests in regional planning and national waste management plans
- Disadvantages
 - Restriction of the choice of potential sites to one Federal State
 - Limited interest of other *Laender* to participate in the site selection process

2

 **Öko-Institut e.V.**
Institut für angewandte Ökologie
Institute for Applied Ecology

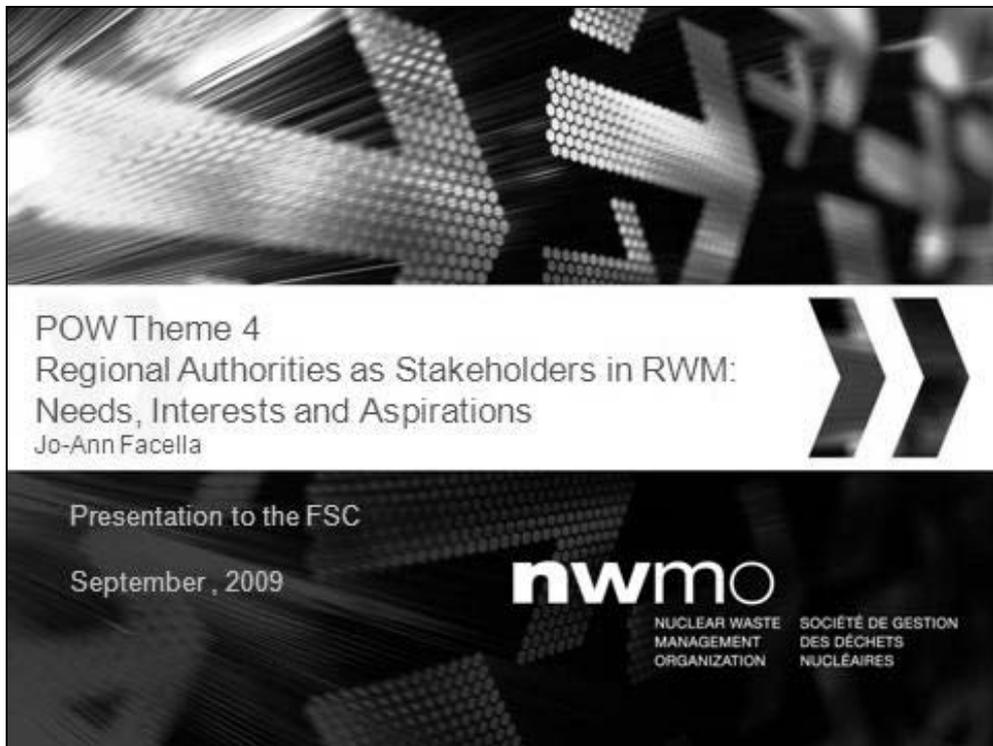
Final remarks

- No agreement between political parties exists about realisation of a repository for the disposal of HLW/spent fuel
- Discussions currently focus on
 - the necessity of a site selection process and
 - the role of the Gorleben site
- Objectives or aspirations of *Laender* other than Lower Saxony in case they were affected by a siting process are not part of the current debate
- The framework presented by BMU may be the basis for further elaboration on a procedure for involvement of the *Laender* during site selection

2

CANADIAN REGIONAL AUTHORITIES AS STAKEHOLDERS IN RWM: NEEDS, INTERESTS AND ASPIRATIONS

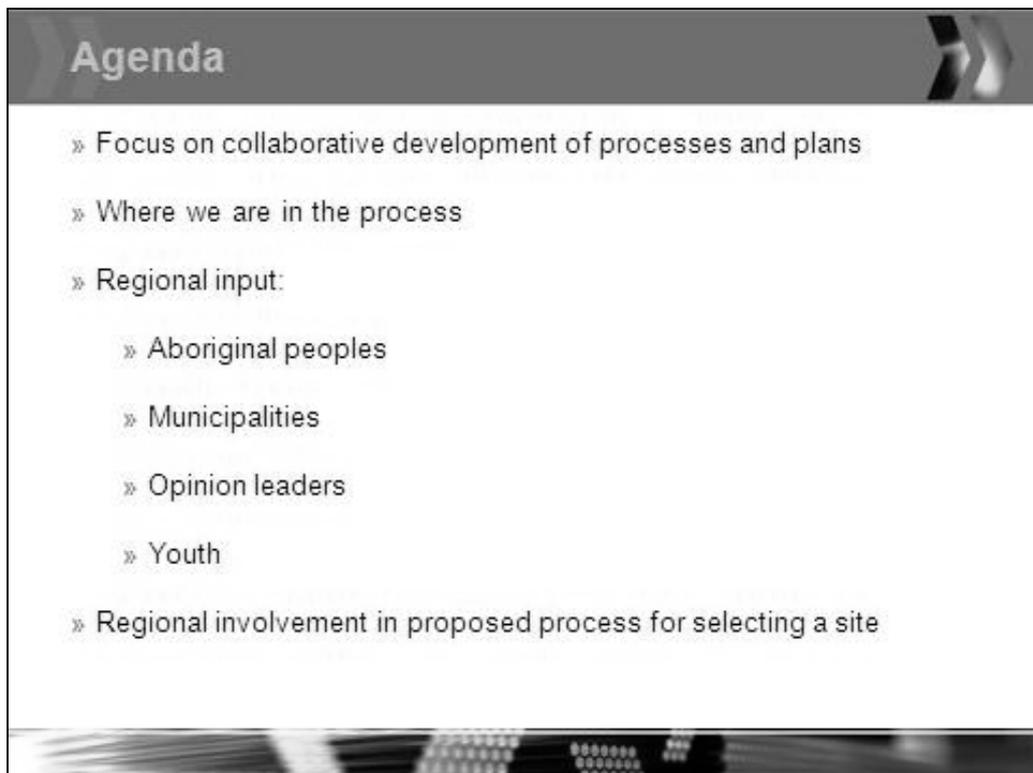
Jo-Ann Facella (NWMO, Canada)



POW Theme 4
Regional Authorities as Stakeholders in RWM:
Needs, Interests and Aspirations
Jo-Ann Facella

Presentation to the FSC
September, 2009

nwmo
NUCLEAR WASTE
MANAGEMENT
ORGANIZATION
SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



Agenda

- » Focus on collaborative development of processes and plans
- » Where we are in the process
- » Regional input:
 - » Aboriginal peoples
 - » Municipalities
 - » Opinion leaders
 - » Youth
- » Regional involvement in proposed process for selecting a site

Nuclear Waste Management Organization

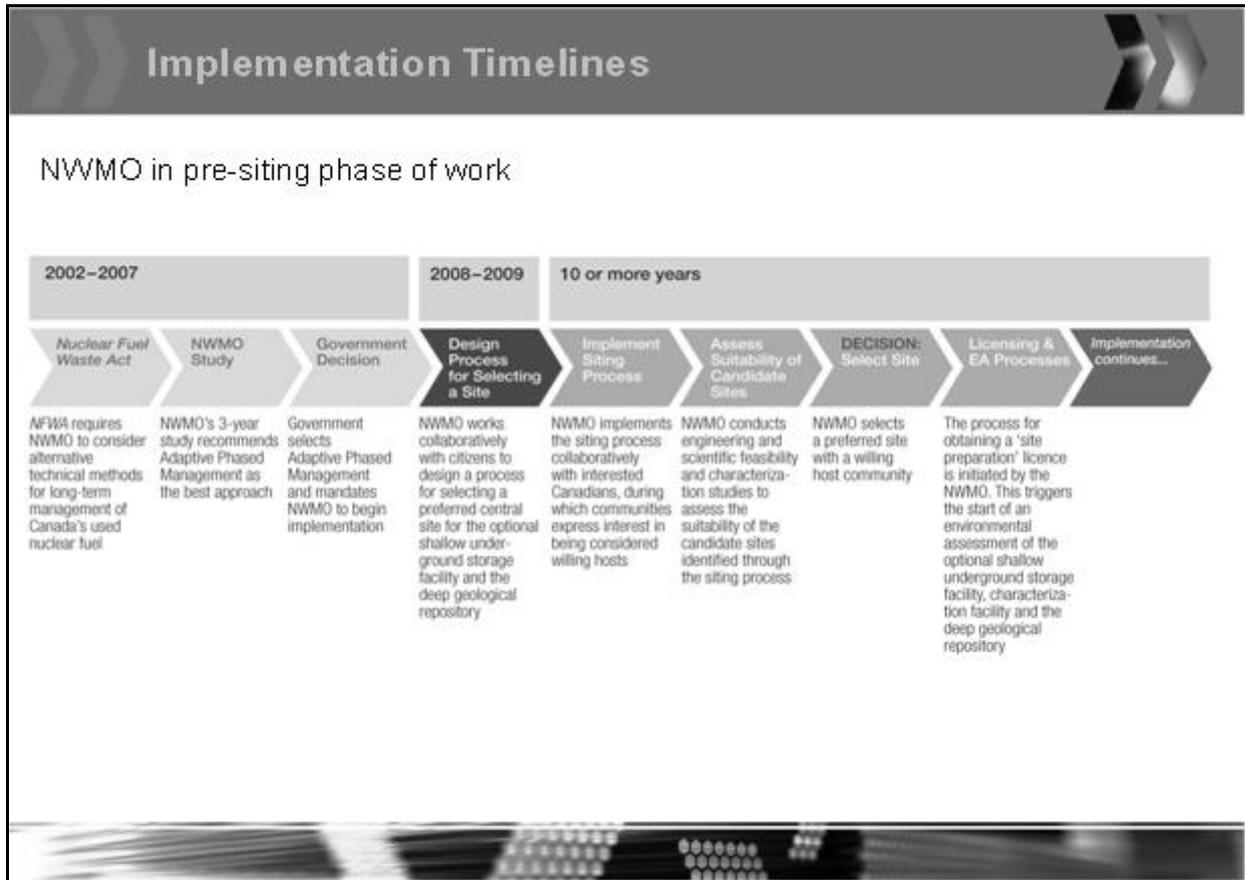
- » Collaborative development of processes and plans
- » Mission Statement

The purpose of the NWMO is to develop and implement *collaboratively with Canadians* a management approach for the long-term care of Canada's used nuclear fuel that is socially acceptable, technically sound, environmentally responsible and economically feasible

Adaptive Phased Management: Canada's Plan for the Long-Term Management of Used Nuclear Fuel

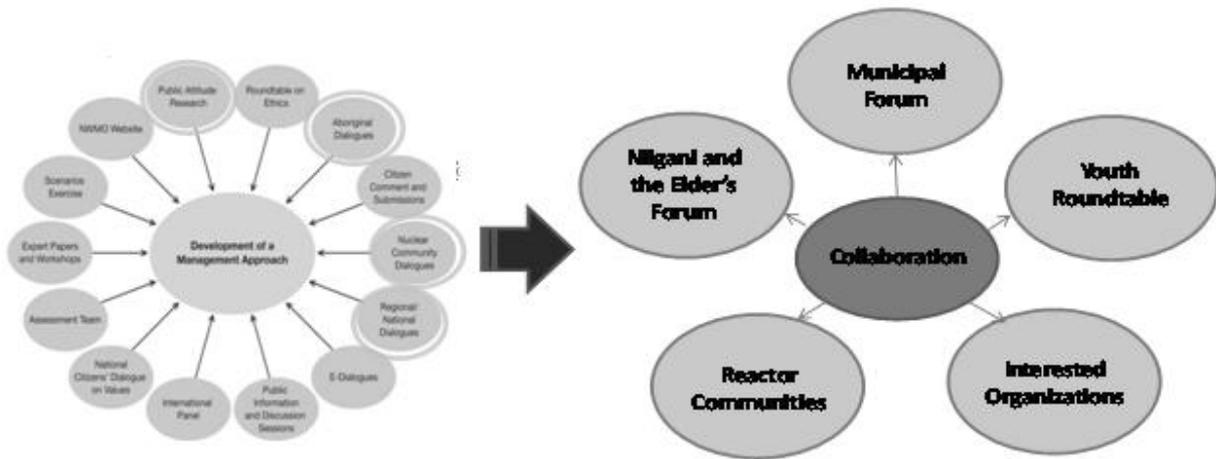
Plan approved by Federal government June 2007 requires ongoing collaboration

A Technical Method	A Management System
<ul style="list-style-type: none">» Centralized containment and isolation of used nuclear fuel in deep geological repository» Continuous monitoring» Potential for retrievability» Optional step of shallow underground storage	<ul style="list-style-type: none">» Flexibility in pace and manner of implementation» Phased and adaptive decision-making» Responsive to advances in technology, research, Aboriginal Traditional Knowledge, societal values» Open, inclusive, fair siting process - seek informed, willing host community» Public engagement and site selection focused in 4 nuclear provinces (NB, ON, QC, SK)



Regional Engagement

Earlier dialogues identified a need for ongoing engagement of key communities of interest, including regional authorities



Aboriginal Peoples

- » Ongoing briefings with national and regional organizations
- » Agreements to design and conduct own dialogues
- » Elder's Forum, multi-party dialogues
- » To date focus has included:
 - Incorporation of Traditional Knowledge and processes
 - Capacity building
 - Project description
 - Culturally appropriate communication
 - Rights
- » In proposed siting process, engagement of Aboriginal peoples supported by agreements which include resources to:
 - support capacity to participate
 - conduct independent research which builds on Traditional Knowledge
 - develop culturally appropriate communication materials and support dialogue

Page 7

Municipalities

- » Ongoing briefings with provincial governments, municipal associations
- » Municipal Forum, multi-party dialogues
- » To date focus has included:
 - Challenge of building awareness and understanding among citizens
 - Project description
 - Capacity building and development of tools for communities
 - Role of multiple levels of government
 - Accessible and appropriate communication
 - Emerging local and community level issues
- » In proposed siting process:
 - Interest is first expressed by local authorities
 - Authorities at other levels drawn in to the process
 - Regional study conducted at step 4
 - Resources provided to support capacity to participate, independent research, communication and dialogue

Opinion Leaders

- » Ongoing briefings upon request
- » Multi-party dialogues
- » To date focus has included ensuring:
 - Safety of long-term storage
 - Safe transportation
 - Frank and accurate discussion of risks as well as benefits
 - Fairness in decision-making
 - Inclusiveness in decision-making
 - Transparency in decision-making
 - Appropriate roles and responsibilities in decision-making
 - Scrutiny in the process, including role for third parties
 - Increasing awareness and understanding among citizens
- » Public attitude research to learn perspective in broader region
- » Continuing role in proposed siting process

Youth

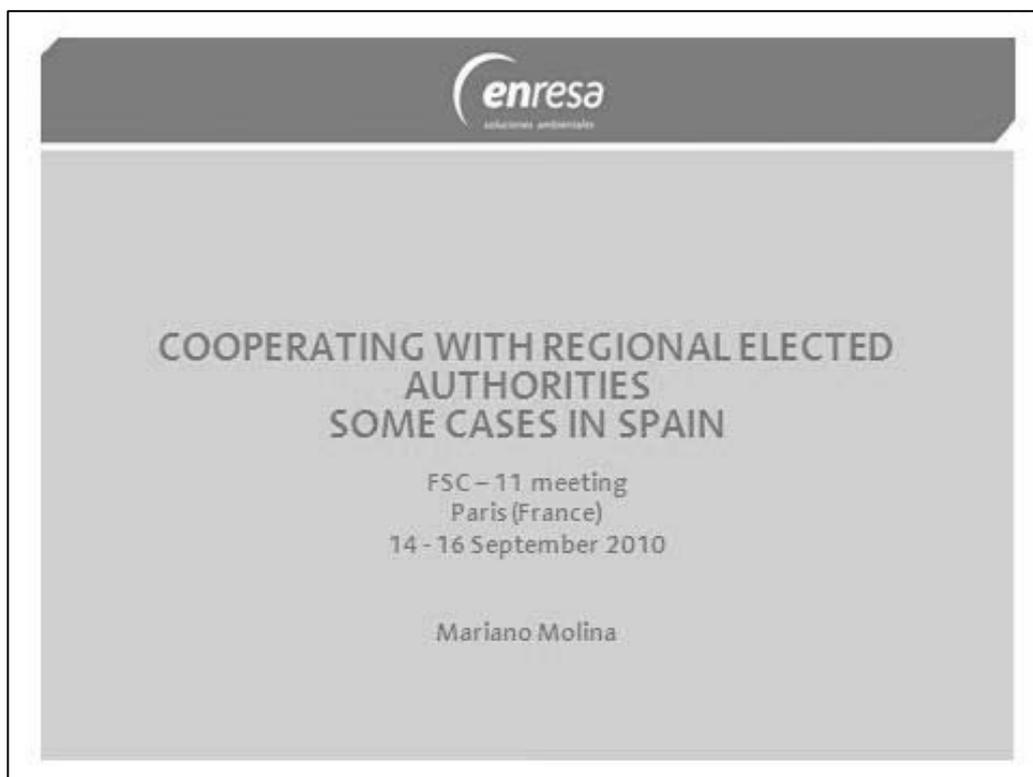
- » Youth Roundtable
- » Focus has included:
 - Content and messaging to increase accessibility to youth
 - Use of animation and graphics, layering of messages
 - Reaching youth with technology
 - Use of new media
 - Outreach in schools and community to raise awareness and foster discussion,
 - Use of tool kits, sponsorship, exhibits



ANNEX 2 : AUTHORS' SLIDES FROM TOPICAL SESSION 2

COOPERATING WITH REGIONAL ELECTED AUTHORITIES. SOME CASES IN SPAIN

Mariano Molina (ENRESA, Spain)



Cooperating with Regional Elected Authorities - SPAIN enresa

BACKGROUND

- 17 Autonomous Communities (CCAA)
- Each CCAA having its own Government and elected Parliament
- Elections to be held every 4 years. Not all at the same time
- CCAA's competences as stated in each Statute given by the National Parliament
- Usually, the Central State has the competence of setting the general conditions for the development of a given area of activity
- CCAA have the right of stating and managing the particularities under which those activities will be practically implemented

Cooperating with Regional Elected Authorities - SPAIN 

REAs as stakeholders in RWM (legally)

- Definition of RWM policy & strategy and licensing of nuclear facilities is a competence of the **State** (High Court Statement)
- CCAA has the right to be consulted prior to the issuing of the Nuclear Regulator report on a RWM application
- Application of industrial safety policy is a competence of CCAA
- Town Planning and Housing is a competence of CCAA
- Basic legislation on environmental protection is a competence of the **State**
- Management of environmental protection is a competence of CCAA
- Planning and licensing of infrastructures in their own territory is a competence of CCAA
- Local socio-economic development is a competence of CCAA

Cooperating with Regional Elected Authorities - SPAIN 

REAs as stakeholders in RWM (perceptions and attitudes)

- NIMBY: Regional coincidence with attitudes at local level
- NIMEY: Usually fueled by perception of comparative offense
- Shared regional sensibility to "nuclear"
 - Non existing NPPs (12 CCAA)
 - Existing NPPs but highly rejected (2 CCAA)
 - Existing NPPs but a more neutral attitude (3 CCAA)
- Strong divergence between REAs and Local Authorities on the interest of benefit packages, added value and socio-economic development if associated with RWM.

Cooperating with Regional Elected Authorities - SPAIN 

Are REAs a stakeholder? An example: CTS

Stated REAs stance

Highly opposed

- Castilla – La Mancha
- Cataluña

Opposed

- Extremadura

Most likely favorable under conditions

- Castilla – León
- Comunidad Valenciana



↓

A chance for a national consensus?

Cooperating with Regional Elected Authorities - SPAIN 

Some past experiences

- Cataluña (Vandellòs) and Andalucía (El Cabril + FUA Andújar)
- Case by case approach
- Visits to facilities (Regional MPs + members of regional governments)
- Discussions on areas of common interest
 - How to inform the public? How to preserve knowledge?
 - How to deal with "territorial" issues?
 - Scoping socio-economic needs of affected areas. Looking for synergies
 - Advising on particular demands. Helping and speeding up qualification of workforce
- Implementation of joint programs

Cooperating with Regional Elected Authorities - SPAIN 

Joint programs

- ENVIRONMENT
 - Conferences, publications, wildlife programs
 - Improvement of natural parks' infrastructure
- EDUCATION + CULTURE
 - Books for children, sports infrastructure
 - Establishment of two University Departments on RWM and Environment. University summer schools on RWM
 - Restoration + visibility of historical heritage
- SOCIAL SERVICES
 - Improvement of health centers, centers for the old and handicapped
- INFRASTRUCTURE + ECONOMIC DEVELOPMENT
 - Repair of roads
 - Assistance to local entrepreneurs
 - Training of local workforce

Cooperating with Regional Elected Authorities - SPAIN 

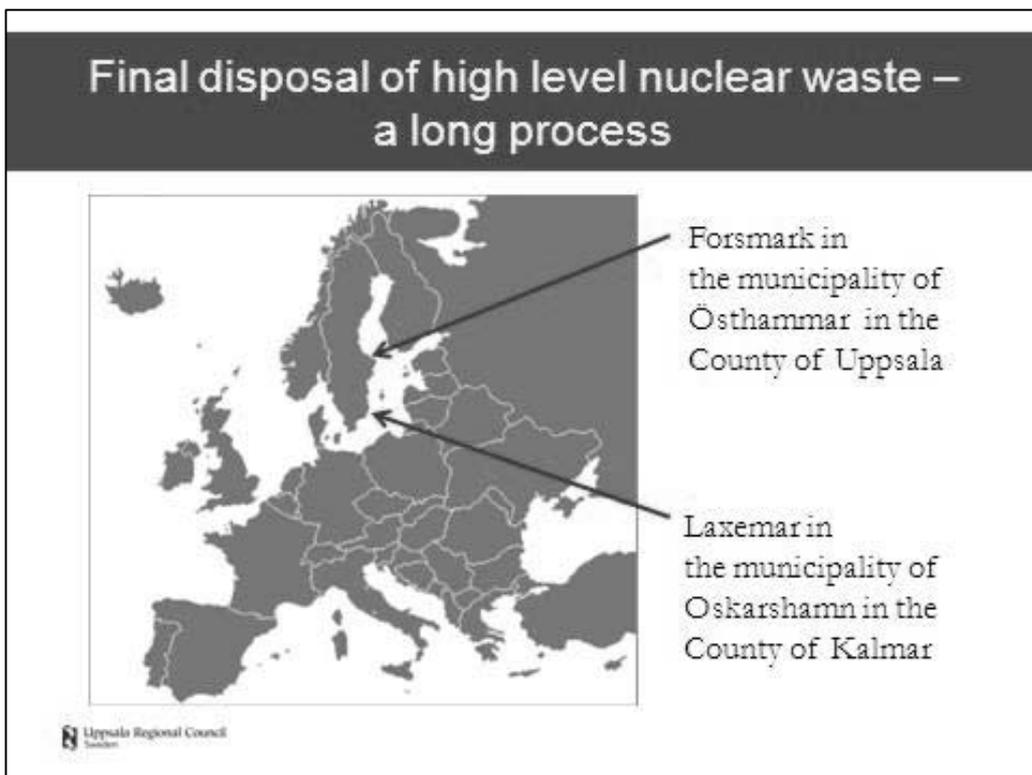
Some lessons learned

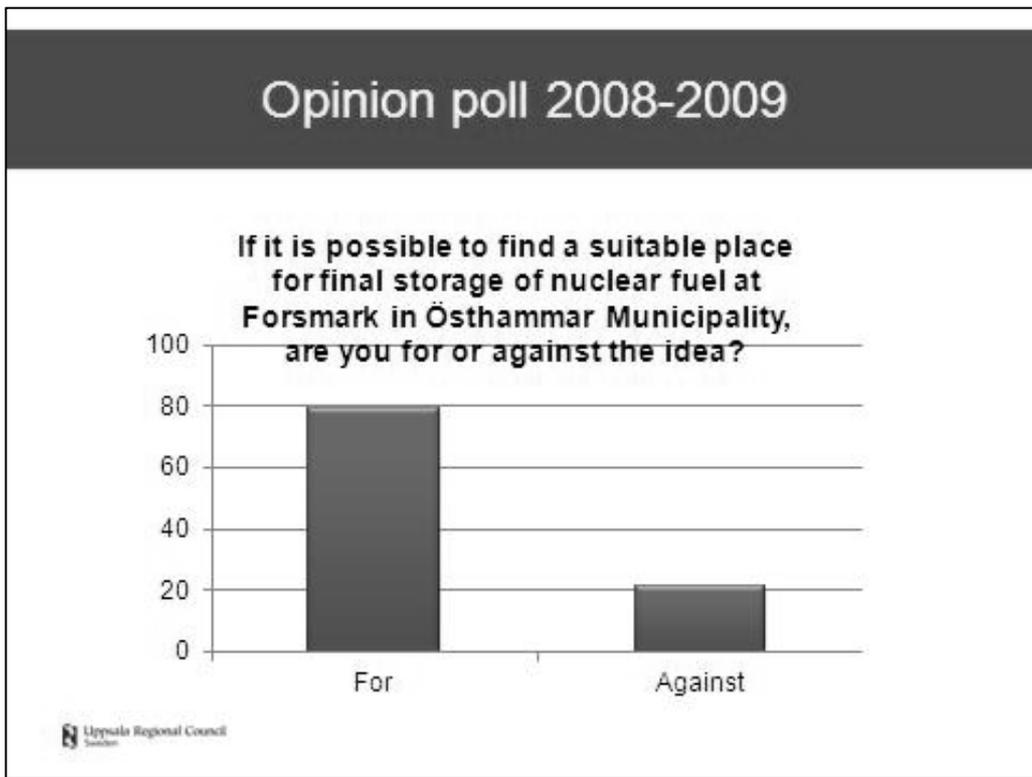
REAs can help in:

- defining** the affected area (other than the hosting community)
- achieving** a proper knowledge of what are the safety implications of the facility
- defining** and planning what shared needs are
- coordinating and fostering** infrastructure investment
- preserving knowledge**. ENRESA + Universities
- accessing** to wider administrative areas by means of multilateral covenants or agreements with other authorities
- promoting** unilateral activities between ENRESA and private stakeholders for the benefit of the area (University? Entrepreneurs Associations?)
- promoting** co-operation between ENRESA and other regional actors

REGIONAL DEVELOPMENT AND ECONOMIC GROWTH

Catharina Blom (Uppsala Regional Council, Sweden)



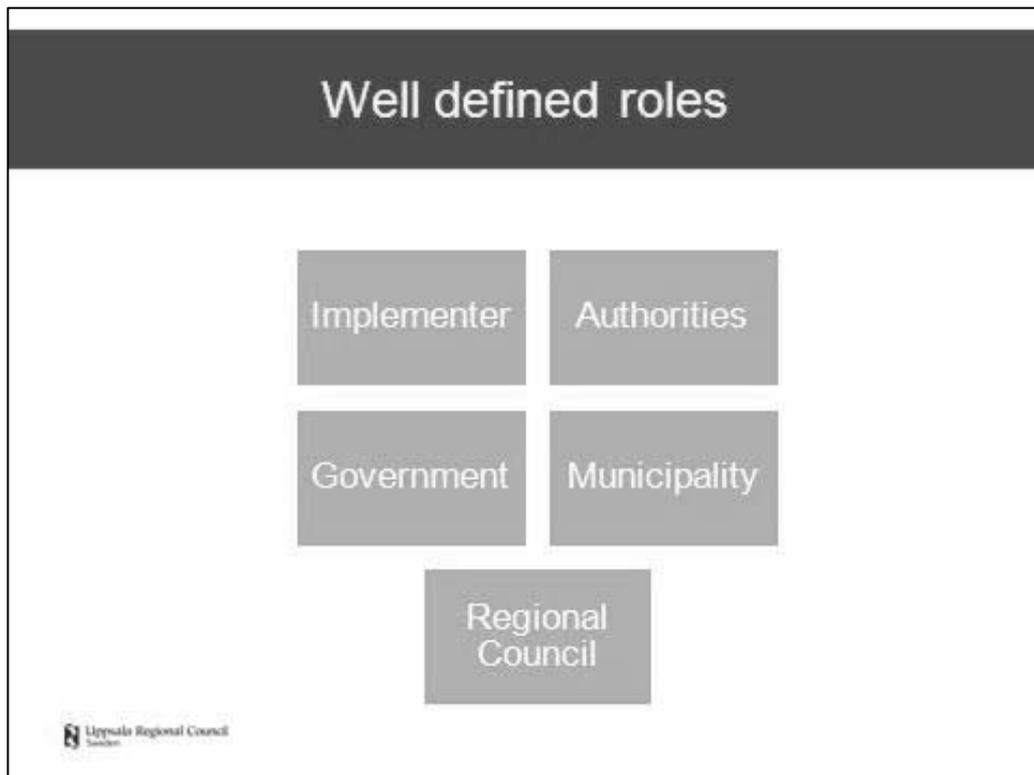


A durable relationship built on trust

1. Independence
2. Openness
3. Transparency
4. Participation in decision making process



Uppsala Regional Council



Uppsala Regional Council



1. Policies and Decision Making
2. Regional Development Program
3. Infrastructure
4. Welfare issues

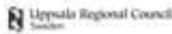
Final Disposal of Spent Nuclear Fuel

Uppsala Regional Council

The aims of the repository project of Uppsala Regional Council

The democratic aspect

To inform the region on the final disposal project
Target groups are politicians, companies and youth



The regional development aspect

Creating an interest for the project by highlighting the opportunities provided to the region.

The Repository – the Democratic Aspect

Open meetings

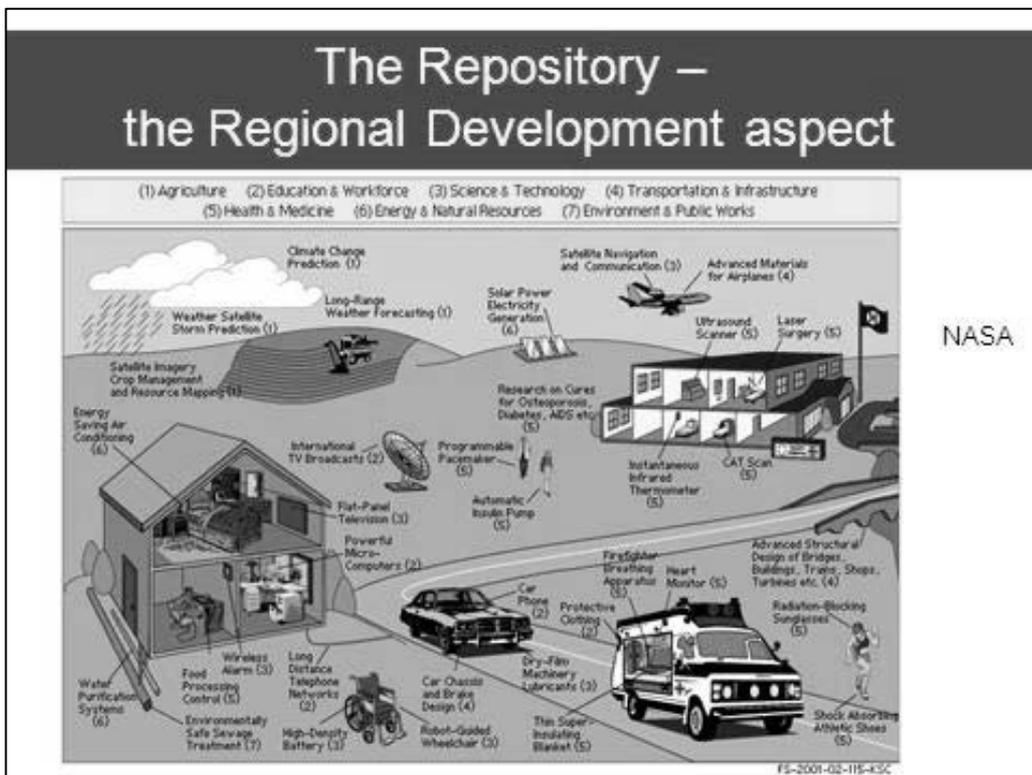
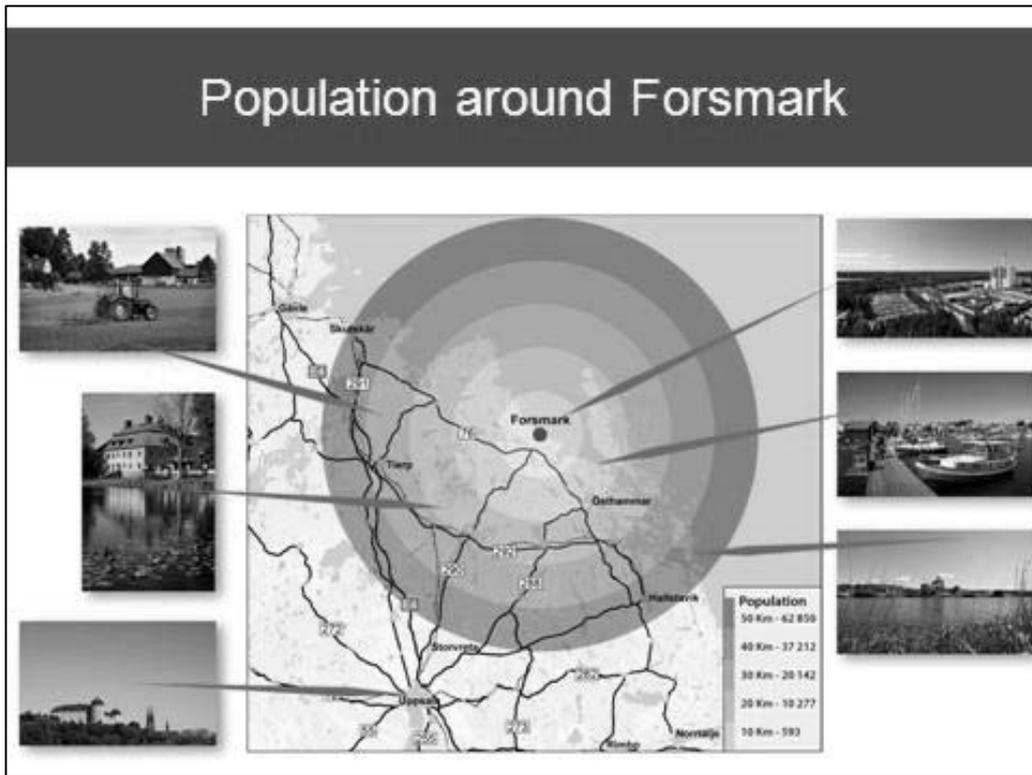
Webb

Schools

Opinion polls

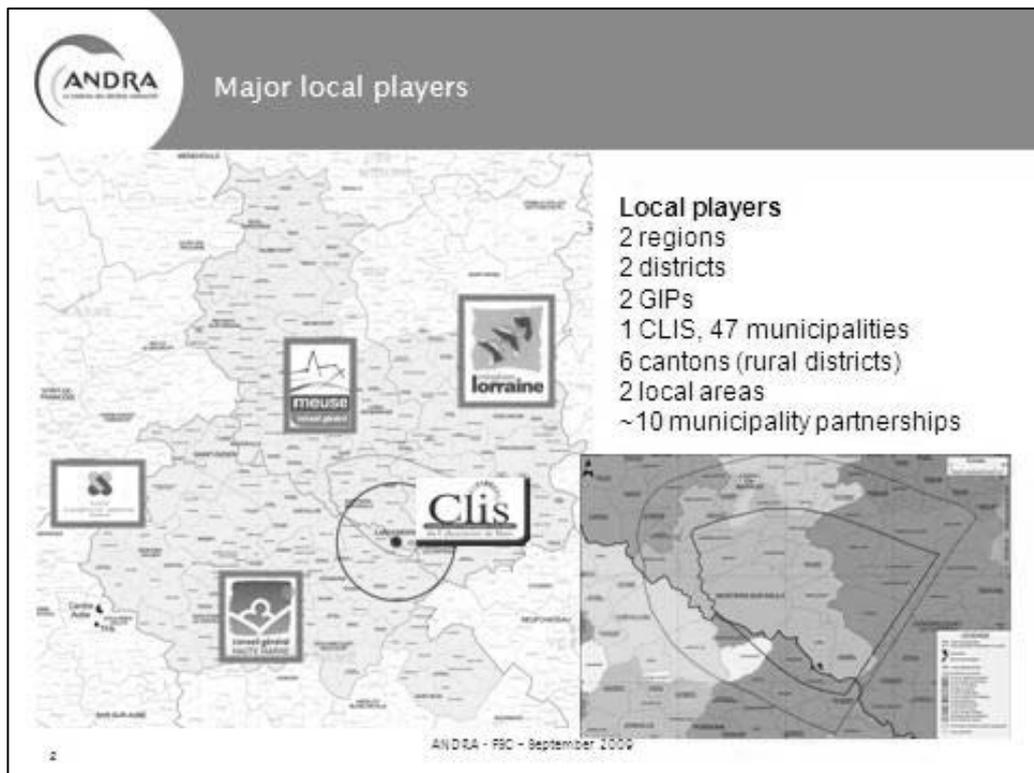
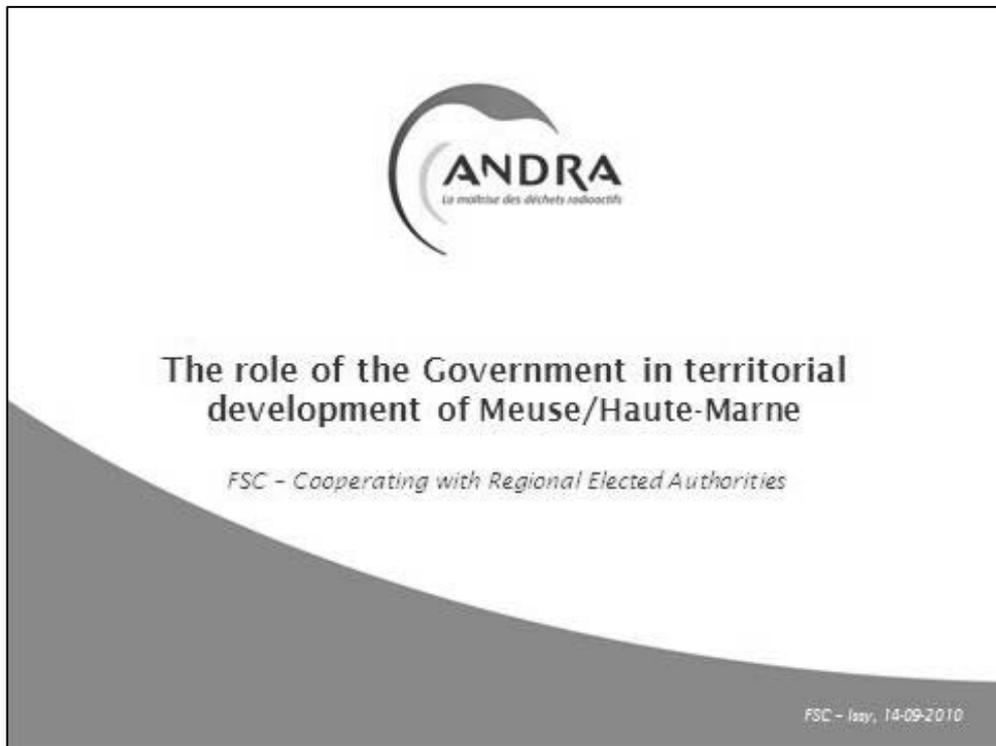
Competence supply





THE ROLE OF THE GOVERNMENT IN TERRITORIAL DEVELOPMENT OF MEUSE/Haute-MARNE

Sébastien Farin (Andra, France)





Local background

Local player expectations:
Knowing Andra's needs and the project's schedule, in order to forecast business development and job opportunities, and to anticipate requirements in professional training, housing, transport, etc.

The project is still not tangible enough at this time to ensure a genuine stand on the part of local players.

Perception on the deep-repository project
The project is considered to be as much of a development opportunity as it is a powerful lever to defend territorial needs.

5

ANDRA - FSC - September 2009



The role of Government – The High-Level Committee

The Government is committed to the project and to developing the area.

Through the "**High-Level Committee**", set up following a request from leading local elected officials wishing to see nuclear sector players become more involved locally in developing jobs and business. The committee gathers the Ministers in charge of Andra and leaders among producers, local elected officials and Andra.

Since it was set up in 2005, **several initiatives or projects have been launched locally:**

- The "three little pigs" – an EDF approach for controlling energy demand
- Building a facility for Areva archives
- Building a facility for EDF archives
- Building a storage facility for nuclear station spare parts (EDF)
- The French Atomic Energy Commission's (CEA) SYNDIESE project (a pilot, 2nd-generation bio fuel production plant)
- Fostering local industrial potential enhancement (being qualified to access the markets, etc)

4

ANDRA - FSC - September 2009



The role of Government - The "Major Works" procedure

The Government is committed to the project and to developing the area.

Through the **Prefect** and regional Governmental departments. For instance, the Prefect was Chairman of the CLIS prior to the 2006 Act.

More recently with the setting up of a "**Major Works**" procedure.

The principle

This is a central administration intervening procedure, introduced in 1975 to handle the constraints caused by the influx of hundreds of workers joining major land settlement works (such as the electronuclear programme) and to preserve the momentum induced by projects of national or international scope.

The objective

To foster new business around the project and contribute to the growth of public facilities and infrastructures to host the project, the workers during construction, and the populations during industrial commissioning, as well as facilitating local jobs for workers after completion.