

Background information to the RISCOM Process:

The Oskarshamn model in Sweden 1992-2000

Background Information:

Phase of decision making process

The Swedish nuclear utilities through their jointly owned company, Swedish Nuclear Fuel and Waste Management Company (SKB), were in the siting process for a high level waste repository and an encapsulation plant. The municipality of Oskarshamn was one of the main targets since 1992 for siting of both these facilities. This was the starting point of extensive engagement in the final disposal program. In 1995 SKB sent a request to the municipality asking for permission to carry out a feasibility study for deep geological disposal. After more than one year of internal discussion the municipality council approved the feasibility study with a number of conditions in 1996. The municipality then formed its own organisation to follow SKBs work and to make sure that all relevant issues were addressed by SKB. After the feasibility studies, Oskarshamn was one of the remaining three municipalities where SKB proposed to complete extensive site investigations.

This report deals with the early stage of the site selection process –from 1992 until the decision by the municipality in the year 2000 to allow SKB to start site investigations with deep drilling. However, the municipal work followed the same model also after that decision during the site investigation.

Formal framework of decision making process

The Swedish site selection process for a high level waste repository has included the following steps, all the way based on municipal voluntariness:

1992. Eight municipalities proposed for feasibility studies. Two of them stepped out after referenda

2000. Three municipalities were proposed for site investigations, two agreed. Östhammar and Oskarshamn

2002-2008 Site investigations with deep drilling

2002-2010. Formal EIA Process conducted by SKB as required by Swedish law.

2009. SKB announced Östhammar to be the chosen site

2011. SKB License application, to be reviewed and decided on by the Environmental Court, the regulatory body SSM, Swedish Government and the municipality (having a veto possibility)

The industry (SKB) has the responsibility by law to develop proposals related to disposal methods and siting of facilities. The licensing authorities are independent experts who

review and approve/disapprove the proposals put forward by the industry. It was the position of Oskarshamn that they also have the role to aid the municipality throughout the process (“the authorities are our experts”). An authority approach where they are waiting on the side-lines until the license application is available was not acceptable as it would put undue burden on the municipality to take technical decisions. The municipality has the expertise on local conditions and how it likes to form its future.

Objectives of the process

The overall goal was to prepare the municipality for a possible decision if SKB should be allowed to start site investigations. The municipality was to be ***empowered to take a well informed decision*** whether to accept site investigations or not. If site investigations were to be accepted, the municipality should give conditions attached to such an approval. As this was to be a political decision taken by the municipality council, active involvement in the process of municipal politicians from all political parties was crucial. As any such decision had to be transparent and in harmony with the views of the citizens, engagement of citizens and stakeholder groups in the municipality was also necessary.

Autonomy and integrity were cornerstones for the municipality during the entire process. It was a prerequisite that participative events and processes must be organized in such a way that they were not, and could not be perceived as being, part of consensus forming or joint decision making with SKB.

Which tool was used?

For the Municipality of Oskarshamn there were two leading themes for its participation – complete openness of plans and results and participation with the possibility to influence, but without any form of consensus building with SKB. These two themes were expanded into what is referred to as the seven guiding principles of the ***Oskarshamn model***:

1. Full openness, participation and influence
Public insight and involvement requires total openness from all parties involved.
2. The EIA the framework
The EIA process provides the structure under which other activities take place. Participation by all key stakeholders, while maintaining integrity and independence is crucial
Comment: This was before the formal EIA Process (to be done by SKB). An EIA Forum was launched following core EIA principles.
3. The municipality council the local client
Thereby local politicians get involved, their knowledge increase and they get prepared for coming decisions. The municipality thus organized the waste project to vitalize and empower the established form for representative democracy for this critical issue.
4. The public as a resource

Ultimately high quality decisions in regard of the nuclear waste problem must include the concerned citizens

5. The environmental groups as a resource
Environmental groups contribute to transparency in the process with competence and critical views.
6. The regulatory authorities “our experts”
Firstly, they should have the role of “peoples experts”, since the municipality cannot build up its own independent expertise. Secondly, it is important that they can explain their regulations and other requirements, and what they mean in concrete terms, e.g. in the site selection process.
7. Stretching of SKB and the regulators to clear answers
In a transparent process it must be possible to evaluate factual claims, value laden issues and the authenticity of experts and stakeholders in the decision making process. “We ask until we get clear answers”.

Status:

Objectives and outcomes of stakeholder engagement

It was possible to set up a process for clarification, knowledge building and empowerment with participation from municipalities, counties, SKB, authorities, and NGOs not having the aim to achieve consensus or agreement but with autonomy and independence kept by all parties. Not only that, the municipality was active and influenced the process. For example, it took initiative for an EIA Forum, following core EIA principles before EIA was included in Swedish law. It was also on the initiative of Oskarshamn that the selection of sites for site investigations were formally handled by reviews and finally approved by a government decision based on the procedure for handling the SKB Research & Development programmes.

The decision to accept the site investigations by the municipality council in 2002 was almost unanimous (votes were x yes, none voted against, one council member abstained). The decision had thirteen conditions attached to it directed towards the government, the regulators and the industry. They included full economical compensation for the municipality participation, that a repository would be only for Swedish spent nuclear fuel, active regulatory follow up of the site investigations and reporting to the municipality after each step in the site selection process, a systematic compilation by the authorities of research that does not agree with the results or conclusions presented by SKB, access to private land had to be subject to volunteer agreements between SKB and the private landowners, a complete site specific investigation program including a social science program must be presented to the municipality council for approval, the long term responsibility for a final repository must be regulated in Swedish law. The thirteen council conditions were distributed to four working groups for follow up and reporting on status to the council.

The Oskarshamn work received respect and support from all participating parties in the program including the Oskarshamn local public. The work in Oskarshamn also received international interest

over the years and numerous delegations with broad participation such as national politicians, local politicians, ministry representatives, authorities, regulators, industry representatives and researchers made their visits.

Involved Stakeholders

The parties of the EIA Forum were SKB, the Swedish Nuclear Power Inspectorate (SKI), the Swedish Radiation Protection Authority (SSI), the County administration and the municipality of Oskarshamn. The EIA forum met about four times per year and detailed minutes were published on the municipality web site. The local project involved politicians, community experts, various stakeholder groups, citizens living close to the potential repository and local environmental groups. Also neighbouring municipalities took part in the process. In events organized by the project also national bodies took part such as critical environmental groups, scientists in geology, tectonics, nuclear engineering, etc. Also foreign experts were invited to some of the events.

Implementer of the participation process details

Financing

After request from Oskarshamn, a government decision made it possible for the municipalities to receive funding from the national waste fund for their work.

Points to consider

Clarity in the party roles may seem trivial but it has proven to be a challenge for all parties to operate within their given role on a consistent basis. It requires integrity and at the same time an open and self-critical attitude about actions in each step. For example this meant for the municipality and for the regulators not to get too much involved in individual investigations led by the industry in order not to risk their independence. At the same time it required clarity about the expectations about what should be included in the license application. For the industry it means not to get too involved in judging the work of the regulator or the municipality but to respect their independence and to understand that their priorities are not always the same as the priorities set by the industry. The experience in Oskarshamn is that the continuous and open dialogue in organized forms (the EIA Forum) was an important moderating force for each party to play his role.

The principle that it should be possible to agree between the EIA partners, what were relevant and important issues to be dealt with by SKB, e.g. in the EIS report, still maintaining the independence for coming decisions, was a key element to the success of the EIA process, as for the Oskarshamn model as such.

Further tools used in this case study

The core element of the Oskarshamn model is municipality autonomy and integrity. The municipality was empowered to take a well informed decision whether to accept site investigations or not. The complex and controversial issue needed to be made as clear and concrete as possible for the political decision makers and the citizens. Given that purpose, the seven guiding principles were formulated. With them as point of departure, a number of various kinds of activities (“tools”) were organized during eighth years until approval of site investigation (also continuing after that decision), such as:

- The EIA-Forum served the function to reach agreement on what needed to be included in the EIA report, and to update all parties on progress of the work within each respective organization.
- Working groups consisting of municipal politicians and local stakeholders. The exact composition and tasks of the groups were adapted to different phases of the work. There were for example a safety group, a societal group, a municipality group and a neighbour (Misterhult) group mainly concerned with those living close to the investigated site
- Seminars and hearings of specific issues.
- Exhibitions manned by working group members in the main shopping arcade during Saturday shopping hours and at the country side shops
- Exhibitions manned by working group members at the municipality hospital, and the main industry lunch restaurants
- Distribution of questionnaires and discussions with spectators at ice hockey games, basket games etc.
- Debates and a simulated referendum at the Oskarshamn high school

All these activities took place under the umbrella of the Oskarshamn Model. In part, one can see the Oskarshamn model as an attempt to apply the RISCOM principles for transparency in practice. Many of the activities in Oskarshamn have served the purpose of clarifying facts and value aspects in issues such as the “zero solution”, reprocessing and transmutation, as well as the impact of ice ages on a repository.