

## Seminar

**Case Study** Siting of a HAW Repository

**Country** Czech Republic

### Background Information

The Czech Waste Management Agency, RAWRA, conducted initial site selection activities, which covered the whole territory of the Czech Republic, using a set of safety-related (geological) and administrative criteria. On the basis of those findings RAWRA proposed six potential sites for further investigation at the beginning of 2003. The six potential sites comprise 32 individual communities. However, the site investigations were interrupted in 2004 and subjected to a five year moratorium because of local public opposition. RAWRA therefore postponed all its activities involving geological investigations at these sites.

At the request of the government RAWRA also analysed the geological conditions at the Czech Republic's five existing military training areas (MTA) in terms of their suitability for hosting a radioactive waste repository. It was hoped to identify areas with reduced potential for conflicts in terms of the attitude of the general public. Two sites were proposed as suitable.

A new siting programme, including public participation, was initiated by RAWRA in 2009 after the end of the moratorium. A "Working Group for Dialogue about Geological Repository" (WG) was established under the auspices of the Ministry of Industry and Trade (MIT) and the Ministry of Environment (ME) in November 2010, as part of the new programme.

Prior to 2013, the sites under consideration were the six potential sites selected in 2004 plus one new area which was selected in 2011 by RAWRA. This site, Kraví Hora, close to a former uranium mine, is situated in an area between two north-south faults and containing significant uranium veins. The selection was based on the assumption that the local inhabitants would not be so opposed to the development, in light of their fifty-year experience of uranium mining. Work performed to date indicates a relative homogenous and only slightly fractured rock environment, although its suitability for the construction of a deep geological repository will have to be confirmed by further geological investigation work. One of the two selected MTAs may be considered for the next step in the siting process as well.

At the end of 2012 the Ministry of Trade and Industry and RAWRA agreed with the state own enterprise DIAMO/GEAM all formalities and requirements concerning an application to establish an exploration area at Kraví Hora, and to carry out a geological survey. DIAMO has been involved in uranium mining in this area for around fifty five years and is one of the major employers in the region, and therefore well known by the local people. Because of this, the Ministry of Industry and Trade expects the site selection process can be accelerated. These events have negatively affected the situation in other locations and public confidence has been badly shaken. RAWRA will now have to reconsider its approach to the whole site selection process. This issue will be discussed at the next meeting of the Working Group for Dialogue (March 12, 2013). The role of the Working Group in this process also has to be re-examined.

Phase of decision making process

Project level: Site selection

Formal framework of decision making process

The long-term policy of the state is formalised in a basic strategic document entitled “Concept of Radioactive Waste and Spent Nuclear Fuel Management in the Czech Republic”. This Policy, adopted by the Czech Government on May 15, 2002 (Government Resolution No. 487/2002), is a fundamental document which defines the radioactive waste and spent fuel management strategies of the Government and its agencies until around 2025, and includes a forward look to the end of the 21st century.

The milestones for DGR development proposed in this document were:

- 2018 - two sites to be included in the national land use plan
- 2025 - confirmation of the final site
- 2030 - construction of a confirmatory underground research laboratory
- 2050 – construction of the DGR
- 2065 - operation of the DGR

In 1997 the Atomic Act (18/1997) ‘On the peaceful uses of nuclear energy and ionising radiation and amendments to certain other acts’ entered into force. This stipulates the following general principles for the management of radioactive waste in the Czech Republic:

- The state guarantees safe disposal of all radioactive waste.
- All owners of radioactive waste shall bear all costs associated with its management from the time of origin to its disposal.
- To provide for activities associated with radioactive waste disposal, the Ministry of Industry and Trade shall set up a Radioactive Waste Repository Authority as a State organization - established on 1st June 1997 as the result of Ministry of Industry and Trade Decision

The legislative framework for public participation in decision-making process is as follows:

- General principles of public participation are based on the Aarhus Convention on Access to Information (Notification No 124/2004 Coll. of International Agreements), which deals with the access to Information, public participation in decision-making process and access to justice in environmental matters;
- Act No. 500/2004 Coll., Code of Administrative Procedure
- Act No. 106/1999 Coll., on Free Access to Information, as amended.
- Requirements to provide information on environmental and natural resources pursuant to Act No. 123/1998 Coll., on the Right to Information on the Environment;
- Requirements under Act No. 62/1988 Coll., on geological works in connection with detailed geological survey work at localities;
- Requirements under Act No. 44/1988 Coll., on the Protection and Utilization of Mineral Resources. (The Mining Act), in reading of subsequent regulations – establishing the protected deposit area for Special interventions affecting the Earth’s;
- Requirements for public participation in the decision making processes on planned construction, activities, technologies, and development concepts whose implementation could seriously affect the environment in accordance with Act No.. 100/2001 Coll., on the assessment of environmental impact;
- Requirements to provide information and public participation under the Act No. 183/2006 Coll., on town and country planning and building code (Building Act) in connection with the process of the deep repository siting;
- Public participation requirements in the process of deep repository construction accordance with Act No. 61/1988 Coll., on Mining Operations, Explosives and the State Mines Administration.
- Act No. 18/1997 Coll., on Peaceful Utilisation of Nuclear Energy and Ionising Radiation (the Atomic Act);

- Act No. 22/2004 Coll., on Local Referendum and on Amendments to Certain Acts, in the wording of Act No. 234/2006 Coll.

Act No. 118/2010 Coll., on Regional Referendum and on Amendments to Certain Acts;

The Working Group can make recommendations and suggestions to government about the design and implementation of relevant legislative changes in context of the strengthening position of municipalities in the process of deep repository siting.

A revised “Concept of Radioactive Waste and Spent Nuclear Fuel Management in the Czech Republic”, which is in preparation, will also include a requirement to establish various advisory and/or working groups as one of the means of public participation. It will also be necessary to design an appropriate method of financing to ensure sufficient independence of these groups. These new measures, if adopted, will require a change in the Atomic Act No.18/1997 Coll. (as in the case of recent amendments covering financial contributions to municipalities in connection with the geological survey).

The recent decision to begin investigations at Kraví Hora in 2013 may impact upon these proposals.

#### Objectives of process

Enhanced quality of decision-making process and its transparency, improved trust and understanding between stakeholders.

### Which tool was used?

The seminar was designed primarily for Senators and Members of Parliament, representatives of relevant ministries (Ministry of Industry and Trade, Ministry of Environment) and the Radioactive Waste Repository Authority (RAWRA). However many representatives of municipal and regional governments from potential sites and NGOs also participated.

The seminar was held on April 24, 2012 (09:00 – 13:00). The issues discussed were as follows:

- The mission and work of the Working Group for Dialogue on the Deep Geological Repository;
- The current strategy of radioactive waste and spent nuclear fuel management (Concept);
- Legislative requirements and the motivation programme, plus proposals for legislative changes (the outcome of work by the legislative subgroup of the Working Group for Dialogue on the Deep Geological Repository);
- The process for deep geological repository siting from the perspective of the communities concerned and NGOs;
- Foreign experience (Sweden, France)

The discussion was held with the Czech Republic at an early stage of the geological investigation process, consisting of detailed geophysical and geochemical mapping. Site selection for a future deep repository is governed by the 2002 “Concept of Radioactive Waste and Spent Nuclear Fuel Management in the Czech Republic” according to which two localities must be selected (a main and a reserve locality) that provide the best geological conditions. The “Czech Republic’s Land Use Development Policy” document was approved by the Government in 2008 and is important in terms of the deep repository programme in that it stipulates that the two most suitable localities must be selected by 2018 with the involvement of the communities concerned.

An amendment to Atomic Act No.18/1997 Coll. was approved in June 2011, and includes a new requirement for a financial contribution to be made to the affected municipalities in connection with the geological survey. It means that communities in areas where geological research is carried out or where a candidate repository site is located, can receive a yearly contribution of up to 4 million Czech crowns. The financial resources will be provided to municipalities from the time of approval of

the exploration area. The start of the survey will depend on the consent of the respective municipalities.

Status

Completed

## Objectives and outcomes of stakeholder engagement

The main objective of the seminar was to present the Working group for Dialog and its work to Czech political representatives. The aim was to inform them on the need to strengthen the position (or rights) of communities in the process of site selection.

Some of the issues and conclusions of the discussion were as follows:

- To establish a partnership between municipalities and responsible state institutions; active public participation in the control of a deep geological repository siting process and the right of municipalities to withdraw from the process at every stage;
- To enforce legislative changes regarding strengthening the rights of communities in relation to their participation in administrative proceedings relating to deep geological repository - a binding attitude of the municipalities concerned;
- It is necessary to increase the political responsibility of the government and governmental parties due to public distrust in the state institutions and political representatives, thereby ensuring a continuous approach and long-term guarantees in field of NWM
- Insufficient financial contribution to municipalities in connection with the geological survey.

## Involved Stakeholders

Members of relevant government departments, local public and municipal representatives and some NGOs were all invited and participated.

## Implementer of the participation process details

The seminar was organized by Committee on Regional Development, Public Administration and Environment in collaboration with Economic Committee of the Chamber of Deputies of Parliament of the Czech Republic, RAWRA and UJV Rez a.s. and the Working Group for Dialogue.

## Financing

The expenses associated with the seminar were covered by the organising bodies.

## Points to consider

There was a relatively low direct participation by representatives of the Senate and Chamber of Deputies of the Parliament of the Czech Republic - about 6 senators and 4 MPs in total. Low participation in the seminars of this type is common, due to the large number of events taking place in parallel in the Parliament, so that some watch proceedings online through a Senate TV information channel. Unfortunately, the number who might have done this could not be determined.

Despite the relatively low participation of MPs and senators, the seminar met expectations in the sense of fulfilment of the resolution that the Working Group for Dialogue adopted during its 6th Meeting: *“In addition to continuing legislative efforts to strengthen the position of communities concerned in the process of deep repository siting, the Working Group will also deal with ways to ensure the transfer of information to the general public, political representatives and government and to enhance awareness of the whole Czech society on this issue.”*

The seminar enabled direct exchange of information, opinions and attitudes between political leaders and representatives of the communities concerned.

## Further tools used in this case study

Working Group on Dialogue; Public Debates

Other planned activities of the Working Group for Dialogue include:

- Collaboration in the organization of public hearings / discussions and seminars to extend discussions among the wider public
  - Public debates / hearings at local level - in the individual pre-selected localities
  - Public hearing / conference at national level
  - Discussion with experts - Inter-branch seminar / science shop
- Seeking support for the enforcement of legislative changes strengthening the position of local communities in the repository site selection process in all important organizations (e.g. a new Act on the Deep Geological Repository):
  - Negotiations with the responsible representatives of relevant ministries (Ministry of Industry and Trade, Ministry of Environment)
  - Addressing the relevant committees of both chambers of the Czech Parliament :
    - Chamber of Deputies - Economic Committee, the Committee on Public Administration and Regional Development
    - Senate - Committee on Regional Development, Public Administration and Environment, Committee on National Economy, Agriculture and Transport
  - Addressing all- Party Parliamentary Groups
  - *Cooperation with Association of Regions of the Czech Republic* – by presentation of the Working Group for Dialogue and its work at a meeting of the Association.
  - *Cooperation with Union of Towns and Municipalities of the Czech Republic*