

## Public Debates

**Case Study** Siting of a HAW Repository      **Country** Czech Republic

### Background Information

The Czech Waste Management Agency, SURAO, 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 SURAO 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. SURAO therefore postponed all its activities involving geological investigations at these sites.

At the request of the government SURAO 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, but only Boletice was studied, in order to analyse local geological and technical conditions.

A new siting programme, including public participation, was initiated by SURAO 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 SURAO. 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.

At the end of 2012 the Ministry of Trade and Industry and RAWRA agreed with the state owned enterprise, DIAMO/GEAM, all formalities and requirements concerning an application to establish an exploration area at Kraví Hora, and the Ministry of Environment issued a permit to carry out a geological survey in June 2013. 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. The Ministry of Industry and Trade and SURAO introduced the new strategy of the siting process in January 2013 without any dialogue with the WG.

### 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. This is currently undergoing revision, with publication planned by the end of 2013.

The milestones for DGR development proposed in the 2002 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 the Ministry of Industry and Trade about the implementation of relevant legislative changes in the context of strengthening the position of municipalities in the siting process for a deep repository.

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?**

Thirteen moderated public meetings and debates were held in the first half of 2012, with a number of others later in the year. Technically a meeting should be held in each of the 39 communities affected by the seven potential sites.

### **Status**

Following the decision to begin detailed exploration at Kraví Hora in 2013, it is unclear how many more meetings will take place.

### **Objectives and outcomes of stakeholder engagement**

The objectives of the public debates were as follows:

- To inform the public about the current situation in the process of site selection for a deep repository focusing on the need to carry out geological surveys in the localities;
- To discuss the possibility of establishing cooperation between RAWRA and the municipalities regarding their active involvement in the site selection process and the design of the geological survey at the localities;
- To collect and answer the questions that most concern the local citizens.

### **Involved Stakeholders**

These were public meetings, so anyone could attend. One expert was included and a few decision makers.

### **Implementer of the participation process**

SURAO

### **Financing**

The majority of the costs of these events were covered from SURAO financial resources as the organization responsible for deep geological repository development in the Czech Republic. Some of the costs were covered under the IPPA project (which includes a public debate scheduled in 2013).

### **Points to consider**

Initially, some of the members of the public criticized the choice of moderator. In their view, he was not completely impartial and independent. The moderator had too often entered into discussions with his own contributions and opinions. This was rectified for subsequent debates. There was relatively strong interest in participating in the debates from the public, as all participants had the

opportunity to openly and freely express their views or ask questions of the representatives from RAWRA.

### Further tools used in this case study

Working Group on Dialogue, Government Seminar

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