

The ANCLI White Paper on Local Governance of Nuclear Sites

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1. Introduction

The 1981 Mauroy circular, *Information Commissions attached to Power Stations*, was an important regulatory step, which enabled local communities to come together to discuss nuclear issues with the site operators and official inspectorates. However the Local Information Commissions (CLI), have encountered numerous obstacles, both practical and legislative, in fulfilling their role as information providers and, particularly, as monitors.

It is now acknowledged in France both by members of commissions at local level and by public authorities that CLI would benefit from a more statutory role in the decision-making process as well as from a specific legal statute associated with independent resources. The forthcoming Nuclear Safety and Transparency Bill should establish a new legal and institutional framework for local commissions.

2. Objectives and methodology

The National Association of CLI (ANCLI) gathers and represents the CLI at national level. In Spring 2005, in the perspective of the Nuclear Safety and Transparency bill the ANCLI initiated a participatory process involving about 30 delegates from a dozen CLI (elected representatives, NGOs, local experts...) in order to raise a common expertise and make recommendations on this new legal statute, on the basis of their own return of experience. Mutadis, as a facilitator, was hired by ANCLI in order to support the group activities with a structured dialogue methodology. The White Paper is structured around four main subject areas:

- Structure and status of CLIs, local powers
- Role of CLIs and ANCLI in the national and international decision-making process
- Local communities' access to specialist expertise
- Waste management

The findings are the result of two days' discussion and consultation on 13 April and 3 May 2005. Each half-day was dedicated to a particular theme. This thematic division reproduces the subjects identified in the European COWAM project on the improvement of decision-making procedures relating to the management of radioactive waste.

Work on each subject area was divided into three phases :

- The subject was introduced through short presentations describing the context and setting out key challenges
- Participants contributed to a one hour debate in plenary, in order to draw up a more detailed inventory of current issues
- A second one hour session (or more) was given over to the drafting of recommendations for the White Paper.

The fourth topic, radioactive waste management, was tackled separately from the other three (status, local role; national and international roles; access to expertise), and was discussed in the expectation of a new bill in this area in 2006.

3. Main conclusions

After reviewing current conditions in each of these areas in this paper, ANCLI (<http://www.ancli.fr>) puts forward recommendations to improve transparency and the participation of CLIs in monitoring nuclear sites. The first two subject areas are directly within the scope of the forthcoming Nuclear Safety and Transparency bill. At the end of the White Paper, two amendments to the bill are proposed, concerning the remit and funding of local CLIs and, nationally, ANCLI.

After 20 years' experience in monitoring and providing information, CLIs now wish to redefine their remit more clearly as a 'Broad mission of communication, monitoring and expertise concerning the operation of nuclear sites and their impact on public health, the environment and the economy, throughout their operational lifetime and beyond'.

Although the Commissions do not have the power of decision, they do have the power of discussion. They disseminate reliable information from diverse sources to facilitate public debate, but they may also give their own opinion and even make recommendations to assist site operators and public authorities in their decisions, by representing the concerns of the local area.

Thus, CLIs reaffirm their local powers and ability to best assure the continued monitoring of nuclear sites and any other nuclear issues in their area. In particular, this local authority allows them to balance different risks as well as political and economic decisions which have a bearing on their region's future. It implies a certain autonomy on the part of CLIs in the exercise of their scrutiny functions, evaluating all the factors impacting both on the local community and the site, without being constrained by a narrow legal or administrative framework.

Consultation must respond to similar pressures no matter what type of nuclear activity is being considered. Local communities want their Commissions to have similar powers, whether they are considering the establishment of a power station or a military installation; whether the activity precedes any construction of a nuclear site (for example, an underground research laboratory) or results from its prior existence (for example, dismantling a power station or monitoring a waste repository). The Nuclear Safety and Transparency Bill must accord a statutory basis and financial assurances to all CLIs. Within limits, it must of course allow CLIs to adapt this framework to local circumstances. ANCLI supports the funding proposals in this Bill and requests that they extend to all nuclear sites, irrespective of their function (energy generation, research, waste storage, etc.) so that all CLIs will be able to exercise their full functions.

The diversity of Local Commissions is an important factor in their success. It allows them to 'knock heads together' and to highlight local issues. The Nuclear Safety and Transparency Bill must give additional guarantees on public participation. It must also strengthen the participation of locally elected officials, giving them

responsibility for establishing a new Commission. By establishing fair and just rules of engagement, CLIs will be provided with the tools to construct a long-lasting collaboration between elected representatives and the public.

CLIs value their remit to provide expertise, and wish to emphasise that Government documents must be made accessible in order to fulfil this objective. Withholding documents on the grounds of commercial confidentiality or military secrecy must be the exception rather than the norm, and this decision should be validated in each case by the Transparency Commission, as the bill indeed specifies. At the same time, CLIs wish to consolidate their own bank of specialist skills by increasing in house resources, for example, ANCLI's Scientific Committee, as well as contracting external experts. Access to specialist expertise is vital when investigating specific local issues. In order to increase openness and transparency, CLIs also call for the current concentration of French nuclear safety experts within a small number of public bodies to come to an end. Universities and associated institutions could offer fertile ground for new groupings of specialists.

ANCLI's decision to publish a White Paper on the Governance of Nuclear Sites is the first phase in an action plan which will raise the national profile of CLIs. In the context of the passage of the Nuclear Safety and Transparency Bill in 2005, ANCLI hopes to redefine its remit and its relationship with other national and international stakeholders (Government Departments, specialist institutions, site operators, etc.). This plan has three main aims :

- To represent all CLIs attached to nuclear sites in France and to represent the members of CLIs
- To offer CLIs the technical resources and personnel necessary to their work.
- To put forward the views of CLIs nationally and internationally on any subject within their remit

The Bill should specifically refer to ANCLI. It must specify the resources which will be made available to it for its operation and give guarantees that the Association will be included in national and international communication and consultation structures. ANCLI would also like to play a role in European and international policy forums, to give its views on issues that go beyond national boundaries or are common to all 'nuclear' states in Europe. Equally, it would like to organise exchanges within Europe to learn from best practice abroad. This European role, as well as other international functions, is vital if we are to understand how other countries handle novel or unreported problems and to learn from these experiences in France.

A consideration of these issues is followed by an analysis of the role of local communities in consultation on radioactive waste management. A bill in this area is expected in 2006.

Research studies carried out since 1991, the national inventory of nuclear waste and European experience all suggest that the problem of waste is not limited to a country's identification of suitable sites to host its high level waste. A wide variety

of types of waste exists, as well as a variety of waste management technologies. The production of different types of waste and their management over the short, medium and long term is a problem that will affect all communities local to nuclear sites from now on. Whatever solution is arrived at (transmutation, storage or disposal) waste management sites will be a fact of life for the medium to long term. Local Commissions must operate at these sites, monitoring them and providing information.

As a national body representing local stakeholders on nuclear issues, ANCLI is particularly alert to the problems of waste management and the importance of developing new solutions. It supports a coherent strategy of waste management, implemented so as to avoid storage in unsafe conditions or locations prejudicial to the interests of the local population. It aims to foster democratic debate on this subject by providing information to illuminate the issues and by encouraging the Government to set up long term structures which will engage future generations in governance decisions.

In this context, ANCLI asked to be part of the consultation on the bill to be introduced in 2006. The Association made a major contribution in the national debate on radioactive waste management, led from September 2005 to January 2006 by the National Commission of Public Debate. This official debate is now over, and the Bill on radioactive waste management is expected to be debated in Parliament in the coming months. ANCLI intends to carry on the dialogue with the Government and the Parliament and has set up a Working Group to draw lessons from the national debate and establish in more details the CLIs' views and recommendations on governance in radioactive waste management.