

Annex 1: ORDIMIP Case Study

The following case study was prepared by Stéphane Baudé (Mutadis). It was discussed by the French and the Romanian NSG.

The Regional Observatory of Industrial Waste of Midi-Pyrénées (ORDIMIP): a regional agreement-building process for the implementation of a repository for ultimate and special industrial waste

The French 13th July 1992 Law on waste elimination and classified facilities for environment protection prescribes the elaboration of Regional Plans for Elimination of Special Industrial Waste (PREDIS), which should include the implementation of a regional repository for ultimate and special industrial waste, to be implemented and operated by a private firm.

In the French Midi-Pyrénées region, the development of a PREDIS and the implementation of a repository involved, from 1992 until 2002, a stepwise decision-making process which consisted of the following steps: preliminary studies and development of specifications for a repository, call for proposals and evaluation of the proposed projects, local dialogue on a repository project, follow-up of the building operations, and follow-up of the repository operations.

This process was supported by an extensive dialogue process at regional and local level which went far beyond the official consultation procedure provided for by the law. This dialogue process relied in particular on an ad hoc body at the regional level, the Regional Observatory of Industrial Waste in the Midi-Pyrénées (ORDIMIP), which gathered a broad range of concerned local and regional stakeholder (local governments, territorial divisions of State administrations, industries and business organizations, NGOs, experts, trade unions ...). Through the different steps of the decision-making process, the ORDIMIP allowed all concerned stakeholders to carry out together various tasks such as working out a shared diagnosis on industrial waste and its management, formulating recommendations for a regional policy for industrial waste management policy, and following up the implementation of a repository.

Although it had no decision powers, the ORDIMIP constituted from 1993 to 2000 the steering organ in the process of setting up a repository, from the preliminary studies to the final phase of follow-up of the repository operations, and played a key role in the evaluation of the six proposed repository projects.

This section presents the process of creation and implementation of a final repository for ultimate and special industrial waste, with a focus on the role played by the ORDIMIP. In the first part, the context in which the ORDIMIP was created is presented. The second part focuses on the inner organization of the ORDIMIP. Finally, the role played by the ORDIMIP through the different steps of the decision-making process is analyzed.

The case study relies on a study of the ORDIMIP²¹ carried out by the research centre "Labor, Organization, Power" (CERTOP) of the University Toulouse 2 Le Mirail.

²¹ "L' ORDIMIP, Observatoire Régional des Déchets Industriels de Midi-Pyrénées, Evaluation d'une expérience de concertation", synthesis report.

The origins of the ORDIMIP

The process of elaborating a repository project for ultimate and special industrial waste in the Midi-Pyrénées region was triggered by new legal requirements introduced by the 13th July 1992 Law on waste elimination and classified facilities for environment protection.

This law notably prescribed that a Regional (or interregional) Plan for Elimination of Special Industrial Waste (PREDIS) would be produced in all French regions. This Plan is produced under the authority of the Prefect of the region (representative of the State at the regional level). The PREDIS should include a prospective assessment of the flows and types of waste, make a list of the existing waste processing and storage facilities, formulate proposals to prevent increase of the production of waste and to reduce the quantity of ultimate²² waste produced. According to the 1992 Law, the objectives fixed by the PREDIS should include the creation of a repository for ultimate or special²³ industrial waste. The choice of the Ministry of the Environment was to have these repositories developed and operated by private companies.

The 1992 Law also included specific requirements concerning consultation of the stakeholders. The production of the PREDIS should involve a Regional advisory committee composed of representatives of the State, the concerned public organisations, the concerned local communities, industries involved in the production of waste and NGOs. In addition, at the local level, local dialogue bodies must be created: a Local Information Commission (CLI) must be set up before the company which develops a project of repository applies for an operating license. Once the operating license is given to the company, the CLI becomes a Local Commission of Information and Monitoring (CLIS²⁴).

In 1992, the region Prefect of Midi-Pyrénées took the decision to fulfil the requirements of the new law on waste elimination and classified facilities for environment protection with the support of an ad hoc multi-stakeholder regional dialogue body in a favourable regional context.

The management of industrial waste was a major concern for the different categories of concerned stakeholders, and the necessity to find a long-term solution for the management of industrial waste in the region was recognised by all categories of stakeholders (regional council, regional divisions of State administrations, industries, NGOs and trade unions). In effect, there was no reprocessing or storage facility in the region for industrial waste. Industrial waste was therefore sent to distant reprocessing or storage facilities, thus incurring additional risks and costs linked to waste transportation.

Beyond the concern of reducing the costs of industrial waste management, the waste-producing industries had become increasingly aware of the environmental consequences of their activities and had collectively reflected on these issues. In particular, the Regional Chamber of Trade and Industry had set up working groups on environmental issues and the chemical and metallurgy industries formed a regional association: the anti-pollution employers' association for Midi-Pyrénées (APOMIP). The management of industrial waste

²² The 1992 Law defines ultimate waste as "waste which is not apt to be reprocessed in the current technical and economical conditions".

²³ Special industrial waste, as defined in the 1992 Law, is industrial waste which cannot be stored in facilities managing other categories of waste because of their hazardous character. The State Council defines by decree the list of materials defined as special industrial waste.

²⁴ Although they have the same French acronym, CLIS, the CLIS defined by the 13th July 1992 Law are different from the Local Committee for Information and Follow-up attached to the Bure underground laboratory.

was a major concern for environmental NGOs. From the end of the 1980's, a regional federation of environmental NGOs, the Midi-Pyrénées Union for Nature and Environment (UMINATE), developed information and education actions in the field of household and industrial waste management not only for the public and for environmental NGOs. The Regional Council also took initiatives in the issue of industrial waste management before the issuing of the 1992 Law. From the beginning of the 1980's, the Regional Council supported various actions in the field of household waste management and was involved in the creation of the Regional association for waste recovery in Midi-Pyrénées. This association notably organised a conference on industrial waste management in 1989. During this conference, the idea of creating a regional body gathering all categories of actors concerned by industrial waste management was considered for the first time.

A broad consensus therefore already existed in the region on the two main objectives of the decision-making process set up by the region's Prefect to fulfil the requirements of the 1992 law: developing a repository for ultimate and special industrial waste and organising a broad multi-stakeholder dialogue on the regional industrial waste management policy, including the development of a repository.

The structure and rules of operation of the ORDIMIP: flexible tools and procedures to facilitate multi-stakeholder dialogue

In 1992, after consulting key stakeholders (the Regional Council, industries, and NGOs), the region Prefect took the decision to create the ORDIMIP as a key tool for developing both the Regional (or interregional) Plan for Elimination of Special Industrial Waste (PREDIS) and a repository for ultimate and industrial waste. The legal form of a not-for-profit association was adopted for the ORDIMIP.

Objectives and guiding principles of the ORDIMIP

The ORDIMIP aimed to enable broad, continuous and thorough dialogue among stakeholders at a regional level and build a common understanding of the issues related to industrial waste management in the region. Three specific operational objectives were defined and included in the statutes of the ORDIMIP adopted during the first General Meeting of the association in February 1993. The first goal was to carry out an assessment of the production and elimination of industrial waste, notably ultimate industrial waste. The second objective was to contribute to the development of the PREDIS. In this regard, a more specific mission was given to the ORDIMIP: "defining a technically, economically, sociologically and ecologically relevant concept" for a repository. The last operational objective of the ORDIMIP was to "define communication actions ... to ensure information of the public".

Several key principles guided the creation of the ORDIMIP and the setting-up of the associated stepwise decision-making process for the production of the PREDIS and the development of a repository. First of all, the process was intended to create an open multi-stakeholder dialogue forum at the regional level, with a flexible participation offer allowing all types of stakeholders to engage in the process with varying degrees of intensity. Another key principle was the independence of the dialogue body. These requirements of flexibility, openness and independence were among the rationales of the choice of the region Prefect to go beyond the consultation obligations fixed by the 1992 law, which only provided for the creation of a regional advisory commission. A regional advisory commission was indeed created to fulfill the requirements of the 1992 law, but its role was essentially formal. During the whole decision-making process, the commission functioned only to provide official

validation of the work of the ORDIMIP, thus being the junction point between the ad hoc ORDIMIP process and the statutory decision-making process as provided for by the law.

Structure and rules of operation

The membership of the ORDIMIP is divided into five colleges, corresponding to five different categories of actors: local and regional elected representatives, State administrations, firms and employers' organisations, consumers' associations and environmental NGOs, and qualified persons (experts, researchers, journalists, trade union representatives ...). These colleges correspond to the five categories of participants of the regional advisory commission defined in the 1992 Law. Membership of the ORDIMIP is voluntary and free, under the condition of belonging to one of the five above-mentioned categories of actors.

The structure and rules of operation of the ORDIMIP were partly determined by its nature of association. As in all associations, the decision-making bodies of the ORDIMIP are its General Meeting, its Administration Board (two meetings per year until 1997, one meeting per year from 1998) and its Executive Committee. The members of the Administration Board are elected by the general Meeting and the Executive Committee is chosen among the members of the Administration Board. The statute of the ORDIMIP includes specific provisions intended to ensure balance between the five colleges. The Administration Board is composed of 7 members of each college (35 members in total). The Executive Committee must be composed of 5 members belonging to the five colleges²⁵. The initial status of the association also included a specific two-stages voting procedure for the General Meetings: the first stage was a vote within each college to determine the vote of the college, the second stage was a vote of the 5 colleges in which each college had one voice. In 2002, the voting procedure for the General Meeting was changed to a simple majority vote of those present or representing other members. However, upon request of at least one member, a vote by college using the two-stage procedure can be organized.

In addition to the General Meeting, the Administration Board and the Executive Committee, the initial status also gave provision for the creation of four working groups: "assessment of waste flows", "prospective and economic analysis", "reprocessing and storage techniques, regulations" and "communication - sociology". These working groups are open to all members of the ORDIMIP. They have the capacity to commission external studies (e.g. prospective assessment of the industrial waste flows in the region, assessment of the costs of industrial waste management); a call for tender is then organized by the Administration Board.

After the issuing of a call for projects of repository by the ORDIMIP in March 1995 (with a deadline on 31st December 1995), a Technical committee was created in February 1996 in order to assess the six proposed projects of repository. This Technical Committee was composed of 12 members chosen among the 5 colleges.

The average annual budget of the ORDIMIP was 114 000 euros between 1993 and 2000. This budget covered the operating costs, including the hiring of a communication officer and the commission of external expert studies. The ORDIMIP was funded by the State, the Regional Council, the European Commission (in particular through the FEDER fund), the Water Agency of Adour Garonne and the Environment and Energy Management Agency (ADEME).

²⁵ The President of the ORDIMIP is a qualified person, the General Secretary is a representative of the Regional Direction of Industry, Research and Environment (regional division of State administration), the Treasurer is a representative of a firm or of an employers' organisation, and the two Vice-presidents belong to the colleges of associations and of local or regional elected representatives.

In addition to this, an in-kind contribution was made by the Regional Direction of Industry, Research and Environment, which carried out the secretariat work for the ORDIMIP.

The open membership of the ORDIMIP and its particular structure and rules of operation enabled a wide range of local and regional actors to take part in its works. This was made possible in particular by flexible participation opportunities allowing the participants to adjust their participation to their resources and concerns. The possible forms of participation ranged from simple membership (during the 1993-2000 period, the ORDIMIP counted a maximum of 360 members, of which about 80 to 100 members regularly took part in the General Meetings of the ORDIMIP), to a deeper engagement in the works of the ORDIMIP: participation in one or several working groups (about 30 to 40 members regularly took part in the working group meetings) and/or participation in the animation of the structure through the Administration Board and the Executive Committee (about 20 members regularly took part in the meetings of these two bodies).

Broad participation and shared ownership of the ORDIMIP among the participants was also facilitated by the negotiated and adaptable character of its rules of operation. The ORDIMIP structure and rules of operation were designed in close consultation with key stakeholders (regional division of State administrations, industries, NGOs, elected representatives) and were agreed on by the ORDIMIP members during the kick-off general meeting on 12th February 1993. Between 1993 and 2000, these rules of operations were updated several times in order to answer emerging needs.

The role of the ORDIMIP through the different steps of the decision-making process

The decision-making process at stake in this study had two complementary objectives: the issuing of a Regional Plan for Elimination of Special Industrial Waste (PREDIS) and the creation of a regional repository for special and ultimate industrial waste.

This process was a stepwise decision-making process which was initiated with a national decision, the vote of the Law on waste elimination and classified facilities for environment protection by the Parliament on 13th July 1992, and progressively unfolded to the regional level then to the local level from 1993 up to now. Six different steps can be clearly identified in this process. The first one was the creation of the ORDIMIP, which has been dealt with in the previous section, the other steps were respectively the preliminary studies and the development of specifications for a regional repository, the issuing of a call for proposals and the evaluation of the proposed projects, the local dialogue on a project of repository in the town of Graulhet, the follow-up of the building operations, and the follow-up of the operation of the repository.

1. Preliminary studies and development of specifications for a regional repository (February 1993 - March 1995)

This first step started after the creation of the ORDIMIP in February 1993 and ended with the issuing of a project of Regional Plans for Elimination of Special Industrial Waste and of specifications for a repository for ultimate industrial waste.

The activity of the ORDIMIP during this phase strongly relied on the four working groups. They allowed the participating members to produce a shared diagnosis on the production of waste in the region and the possible options for their elimination. The first working group ("assessment of waste flows") carried out an analysis of the waste production and life cycle in the region and assessed the future evolution of the waste production during the next 10 years. The second working group ("prospective and economic analysis") carried out an economic

analysis of the different options for waste elimination. The activities of these two working groups notably relied on expert studies carried out by external technical consultancies. The third working group ("reprocessing and storage techniques, regulations") carried out an analysis of the waste processing and storage techniques and of the existing regulations for waste elimination. These works allowed the participants of the ORDIMIP to share information, build a common diagnosis on industrial waste issues in the regional context and develop common ownership of these issues. The further steps of the ORDIMIP works could thus be grounded on a shared knowledge base considered reliable by all categories of stakeholders.

In parallel, the fourth working group ("communication – sociology") developed and implemented the communication strategy of the ORDIMIP, which relied, on the one hand, on a newsletter and, on the other hand, on local information meetings.

Beyond the production of knowledge on industrial waste management technologies and regulations, the third working group was also in charge of drafting two key documents: the "Proposals for special industrial waste management in the Midi-Pyrénées region", which is a draft version of the PREDIS, and the "Specifications for a reprocessing and/or storage of ultimate industrial waste". These documents build on the studies and diagnosis carried out previously by the three first working groups. The first document offers a vision of the industrial waste flows and life cycle in the region, while the second document focuses on the desired characteristics of a repository. The specifications also included a set of technical and social assessment criteria as well as provisions for the follow-up of a project of repository, notably the creation of a Local Information Commission (CLI) attached to the repository project as early as possible. Finally, the specifications also included a description of further steps of the decision making process, in which the ORDIMIP plays a central role in the assessment of the repository projects, then as a support to the local dialogue organized through the CLI.

The "Proposals for special industrial waste management in the Midi-Pyrénées region" and the "Specifications for a reprocessing and/or storage facility for ultimate industrial waste" were first examined by the members of the ORDIMIP during the General Meeting of 21st June 1994. After the introduction of amendments, the two documents were validated during the General Meeting of 20th September 1994. They were then examined and approved by the Regional advisory committee, thus ensuring compliance with the statutory decision making process requested by the 1992 Law.

2. Call for projects and evaluation (1995-1996)

This step of the decision-making process led to an intense activity of the ORDIMIP. It begins with the General Meeting of 22nd February 1995, during which the members of the ORDIMIP decided to open the call for projects of repository and agreed on the communication plan which was to support this step of the process.

The call for projects was publicized in the media from March 1995, with a deadline set for the end of 1995. The communication campaign included the commission of an opinion poll, the issuing of several articles in the local newspapers and the distribution of a magazine called "Outlook on the Environment". The communication activities were carried out by the fourth working group with the support of a consultancy and a communication officer hired by the ORDIMIP.

Precise rules of operation and procedures for the assessment of the projects were set out in a new document, the "Consensual charter of the ORDIMIP", validated during the General Meeting of 30th October 1995.

Six different projects were proposed by different waste management firms in five different locations (two projects were located in the town of Graulhet). A Technical committee was elected by the members of the ORDIMIP during the General Meeting of 12th February 1996 in order to assess these proposals. This committee was composed of twelve members: one of the two pilots of the second and fourth working group, and ten members of the third working group (two members for each of the five colleges), which drafted the specifications for a repository. Each of the project leaders was heard by the Technical Committee. In addition, local hearings were organized in situ near the proposed sites in order to gather additional information on the local issues, and hear the critiques and concerns of the local actors. All the local actors who asked to be heard were given the opportunity to express themselves.

At the end of the hearings, the projects and the results of the hearings were presented to the members of the ORDIMIP and discussed during a General Meeting on 2nd and 3rd October 1996. After this, an evaluation report summarizing the conclusions of the assessment process was sent to the region Prefect. The evaluation carried out by the ORDIMIP was not a selection or ranking process. It consisted of an examination of the six projects according to the criteria set out in the specifications and a synthesis of the debates of the General Meeting and of the hearings. It did not include recommendations on a preferred option.

This step of the decision-making process was closed with the presentation and discussion of the process of project evaluation during the General Meeting of 5th December 1996. Following local protest movements, three projects out of six were abandoned or frozen by the proposing companies.

3. Local dialogue on the projects of repository on the site of Graulhet (1997-1999)

Two of the three remaining projects of repository were located in the town of Graulhet and were merged later on into a joint project developed by a joint venture, Occitanis. In Graulhet, the local government was in favor of hosting a repository, as the local development project of the town was mainly based on waste management activities, with already existing facilities like a wastewater treatment plant. Moreover, the perspective of hosting a repository did not trigger local protests.

The last project had less local support: protest already existed against the nuisances caused by a household waste dump and were reactivated by the project of repository. The company which developed this project decided to continue its work without interacting with the ORDIMIP. It applied for an operating license before the regional prefecture in December 1998 and received a negative answer.

In February 1997, on the request of the ORDIMIP and of the two companies developing a repository project in Graulhet, the Department Prefect set up a Local Information Commission (CLI). This was made in compliance with the provisions of the specifications developed by the ORDIMIP. The CLI is chaired by the Department Prefect and gathers directly concerned elected representatives (mayor of Graulhet and of the neighboring towns, Department Council and Region Council), NGOs (of local, department and regional scope), the concerned regional and department divisions of State administrations and the companies which developed the repository project. The ORDIMIP was also member of the CLI, in an advisory capacity, with a double role of technical expert and of methodological support to local information and dialogue. The role of the ORDIMIP in the CLI was precisely defined in the specifications for a repository and in the "consensual charter" of the ORDIMIP.

The CLI pursued three complementary objectives: carrying out upstream local dialogue on the repository project, informing the local public, and checking the reliability of the site. This last function led the CLI to develop a comprehensive work programme including geological,

hydrological, ecological and economic studies. The members of the CLI met about 10 times per year between its creation and the application for an operating license. The activities of the CLI notably led to adaptations of the technical characteristics of the project (i.e. restoration of the clay barrier, which was not included in the initial project).

The company Occitanis, developer of the Graulhet project, applied for an operating license in December 1999. The operating license was given by the Department Prefect in July 1999.

4. Follow-up of the building operations and of the operation of the repository, update of the Regional Plan for Elimination of Special Industrial Waste (1997-...)

After the issuing of the operating license in July 1999, the CLI was transformed into a Local Commission of Information and Monitoring, as provided for by the 1992 Law. The objectives of the CLIS were to follow up the building operations, to follow up the operation of the repository after the opening of the repository (which occurred in 2002) and to inform the public.

The ORDIMIP continued to play a similar role as in the CLI, as a member with an advisory capacity.

During this period, the ORDIMIP also contributed to the elaboration of a final version of the Regional Plan for Elimination of Special Industrial Waste (PREDIS). In 1997, the competence for the elaboration of the PREDIS was transferred from the prefecture to the Regional Council of Midi-Pyrénées at the request of the latter²⁶. Following this transfer, the Regional Council gave a mandate to the ORDIMIP to draft an updated version of the PREDIS taking into account the latest information available.

This update mobilized an ad hoc working group of the ORDIMIP, composed of members of the first and third working groups ("assessment of waste flows" and "reprocessing and storage techniques, regulations"). This working group met 12 times between January 1998 and September 1999. It carefully reviewed and updated the PREDIS in order to include the newest available qualitative (changes in the regulations, new pieces of information on waste production ...) and quantitative data.

The updated version of the PREDIS was sent to all members of the ORDIMIP in October 1999 and their remarks were integrated in a final draft at the end of 1999. The Regional Advisory Commission gave a favorable opinion on the document in January 2000. The procedure of official validation of the PREDIS was then initiated. The PREDIS was finally approved by a vote of the Regional Council on 20th December 2001.

Conclusion

Between 1993 and 2001, the ORDIMIP played a key role in the emergence of a robust solution for industrial waste management in the Midi-Pyrénées region through the elaboration of a Regional Plan for Elimination of Special Industrial Waste and the implementation of a repository for special and ultimate industrial waste.

The ORDIMIP complemented the statutory decision-making process provided for by the 13th July 1992 Law on waste elimination and classified facilities for environment protection and transformed its nature (see hereunder the schematic representations of the statutory decision-making process of the 1992 Law and of the actual decision-making process implemented in the Midi-Pyrénées region). Thus, the decision-making thus went beyond simple dialogue and

²⁶ The 1992 Law gave the Regional Councils the possibility to take the responsibility of developing the PREDIS if they so wish.

consultation and consisted of the co-construction of a solution by all categories of concerned stakeholders. The ORDIMIP was however not a decision-making body. It was a place for collective intelligence which accompanied and prepared the decisions taken by the responsible public decision-makers and by private operators (i.e. the company which developed the repository project in Graulhet). It also successfully articulated two levels of dialogue: the regional level (through the ORDIMIP) and the local level (through the local commission in Graulhet).

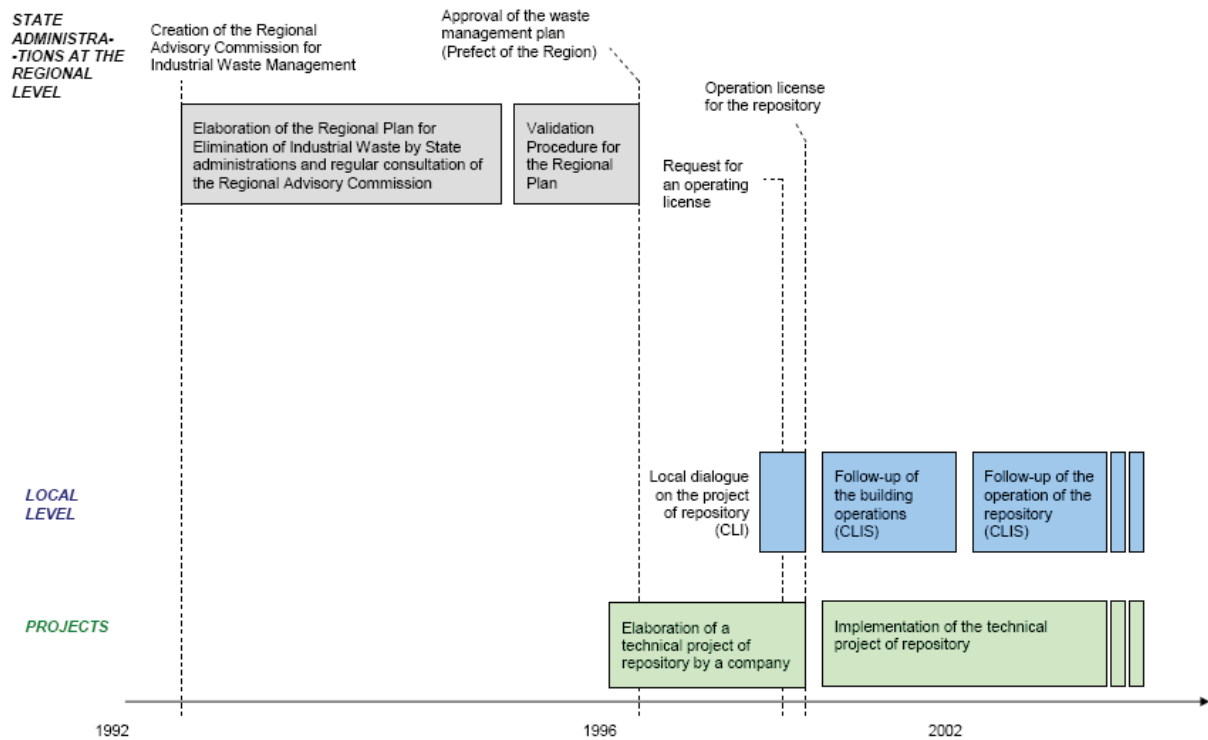


Figure 1 – Statutory decision-making process as provided for by the 1992 Law

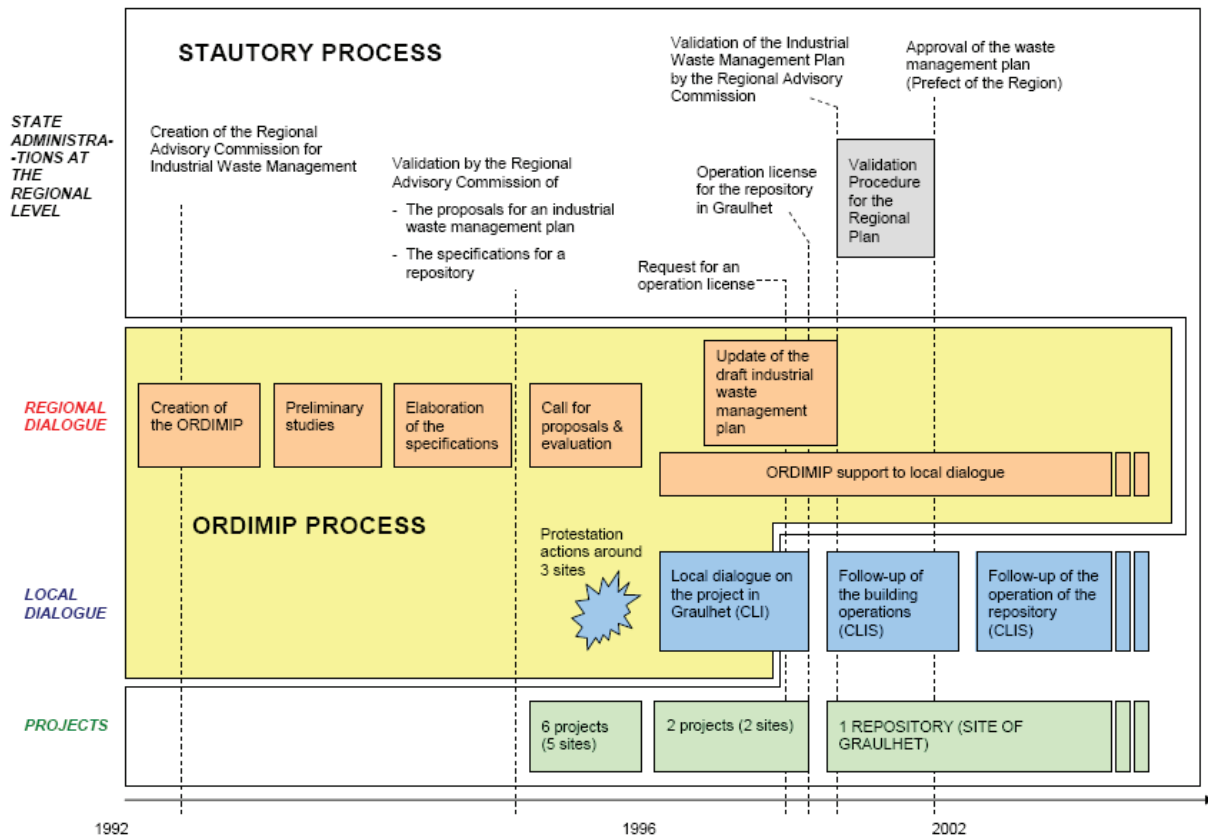


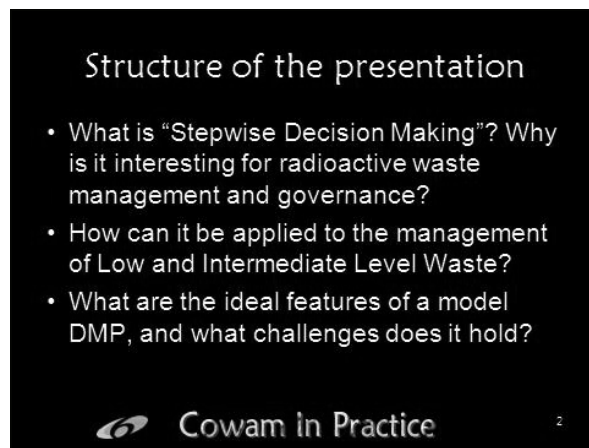
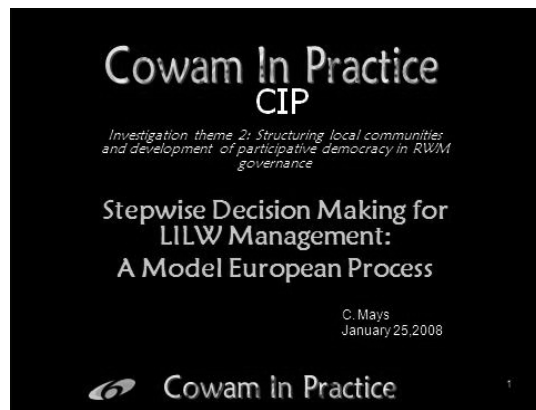
Figure 2 – Actual decision-making process implemented with the ORDIMIP

Several key factors contributed to the success of this decision-making process. First, a common objective, the creation of a repository for ultimate industrial waste in the region, was shared by all participants. The structure and rules of operation of the ORDIMIP, which was open to a broad range of stakeholders, offered flexible ways to engage in its activities and granted a strict balance between the five colleges, facilitating engagement and trust in the process. The shared ownership and actual autonomy of the ORDIMIP allowed by its association form were also a factor of trust. Internal transparency (existence of precise and written rules and efficient and rapid information-sharing among the members) as well as external transparency of the ORDIMIP, which regularly informed the public of the progress of its work, also contributed to the trustworthiness of the ORDIMIP process. The progressive construction of a shared technical heritage relying on internal and external capacities of expertise allowed all categories of participating stakeholders to become empowered and actually take part in the construction of a viable solution for the management of industrial waste. Time was also an important factor for the success of the ORDIMIP. In effect, the Region Prefect allowed the ORDIMIP process to develop over a much longer time period than the duration of four years fixed by the 1992 Law. This however allowed the region to develop a solution which was supported by a broad range of stakeholders and to actually create a repository²⁷. Finally, the capacity of the ORDIMIP to carry out self-assessment of its work at key stages of the process and to adapt its rules of operation in order to fulfill emerging needs was a factor of both effectiveness and trust.

²⁷ In most of the 9 regions where class 1 industrial waste repositories already existed, these repositories were extended. In all other regions, except in Midi-Pyrénées, none of the projects of repositories for ultimate industrial waste were brought to fruition.

Annex 2: Stepwise Decision Making for LILW Management: A Model European Process

The following is the presentation by Claire Mays to the Romanian NSG-2 meeting of January 2008. It prepared the subsequent participatory assessment of the Romanian context. The presentation condenses best practice information about stepwise decision making, gathered notably from NEA (2004) *Stepwise Approach to Decision Making for Long-term Radioactive Waste Management – Experience, Issues and Guiding Principles*²⁸. The "model implementation process" is based on prior work by Miller B., Richardson, P., Wylie, R. and Bond, A. for UK NuLeaf, as credited in the relevant slide below.



²⁸ Online: www.nea.fr/html/rwm/reports/2004/nea4429-stepwise.pdf

“Stepwise” decision making

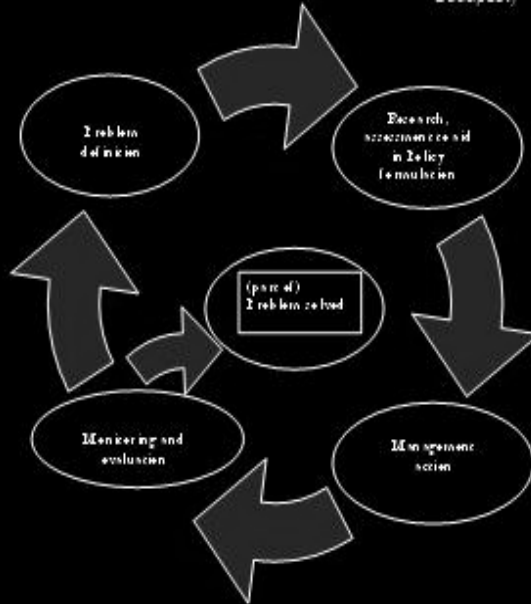
- In radioactive waste management (RWM), and specifically for planning, constructing and implementing a storage/disposal facility:
 - Many decisions of different natures (technical and societal) must be made
 - The decisions are of different sizes or importance, large and small
 - The entire decision making process (DMP) make take many years or even generations

“Stepwise” decision making 2

- In past times, technicians and officials often considered that the DMP was simple and straightforward, that a small group of people could decide, and that no consultation was needed
- Today it is recognized in most countries that some kind of “stepwise” DMP is best, so that:
 - the basis for decisions can be checked by the involved actors
 - decisions are made in proper order, building up from what is learnt at each stage
 - it is possible to “back up” one step (or more) if this is found to be necessary

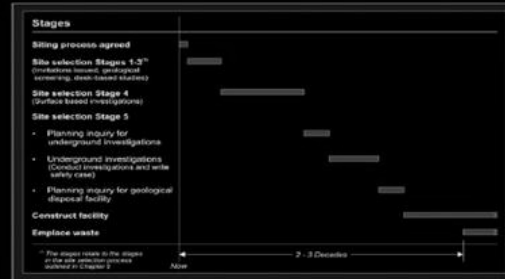
"Stepwise Iterative Process as a Learning Cycle"

With thanks to ANNAVARI (ISG, Budapest)



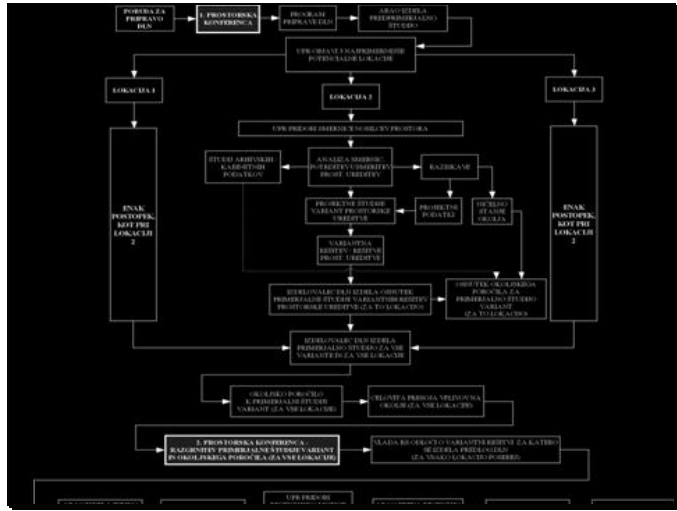
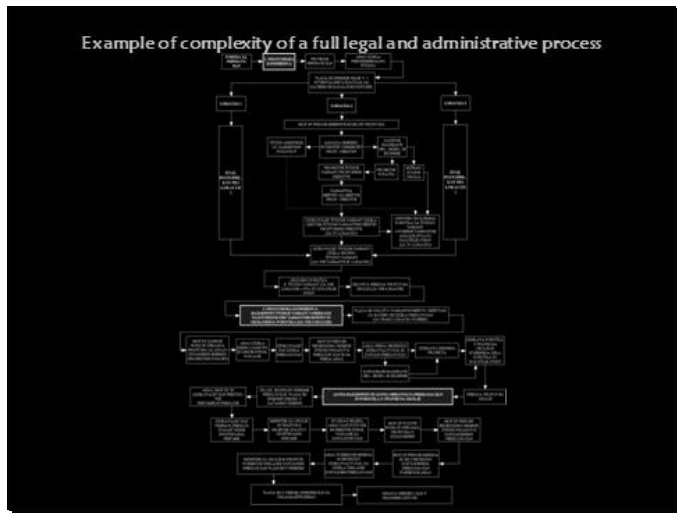
Example of time needed for a phased process. From: *Managing Radioactive Waste Safely: a framework for implementing geological disposal*. A public consultation by Defra, DTI and the Welsh and Northern Irish devolved administrations. 25th June 2007.

Figure 5: Indicative timescales for implementing a disposal facility, up to first waste emplacement (according to the proposals set out in this document).



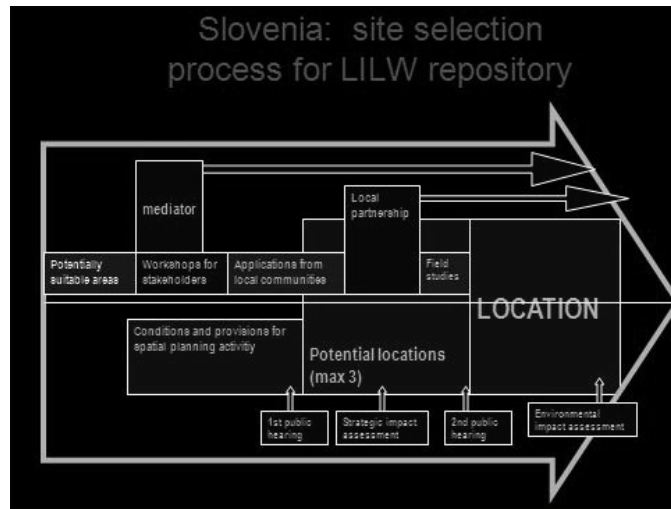
6.2 Figure 5 is purely indicative. As discussed in this document, the duration, sequencing and make-up of the different stages may be affected by a number of factors and/or scenarios over the coming years, as the MRWS programme proceeds.

Example of complexity of a full legal and administrative process



An example of a simplified map

- ARAO prepared a simplified map of the Slovenian site selection process
- Even in a simplified map there are many aspects that could be discussed, for instance:
 - How do the technical investigations and the public hearings and participation fit together? Is there mutual learning between the scientific and social sides?
 - Building on local partnership work, the NSG could review and prepare recommendations for what should be considered in the Environmental Impact Assessment
- Added value: clarify formal (opposable) steps and characteristics of the legal process



How might a “map” be used by the NSG? – Clarification of DMP

- In a structured discussion, NSG members can use a map to increase their understanding of the LILW governance:
 - clarify the decision steps which are foreseen by the laws
 - verify the requirements which must be met at each step to allow the DMP to move forward
 - identify the steps at which consultation takes place, and how local voices can be heard within the DMP

How might a “map” be used by the NSG? – Evaluation of DMP

- NSG members can also evaluate the DMP:
 - produce common criteria shared by NSG participants to assess their own DMP
 - compare the Romanian DMP with that in other countries
 - discuss whether parts of the DMP are satisfactory or unsatisfactory according to different stakeholders
 - discuss how to better use the formal DMP and informal opportunities
 - make recommendations for how certain steps might be improved

Criteria for inclusive evaluation of national DMP

Example of questions that may be asked:

- Discrepancies between formal (in principle) process and actual (practical) facts – *e.g.: what is under/on the table in the process so far ?*
- Influence of local stakeholders on DMPs – *e.g.: At the end of the day what has actually changed as a result of local actors' influence?*
- Safety and Participation – *e.g.: Have local actors & citizens contributed to increasing safety of RWM ?*
- Expertise - *eg: Has the DMP enabled pluralistic informed debates on RWM risks at local/national levels ?*

A Model Implementation Process for Siting and Building a LILW Facility in the UK Incorporating European Best Practice

Adapted from:

BILL MILLER, PHIL RICHARDSON, RICK WYLIE & ALAN BOND (2006). *The Implementation of a National Radioactive Waste Management Programme in the UK: Implications for Local Communities and Local Authorities*. A report for the Nuclear Legacy Advisory Forum (NuLeAF), June 2006

A model implementation process (1)

Stage A; Setting up:

- Establishment of an implementation unit by government (Commission + Operating Company)

Stage B; National Consultation:

- Development of site screening criteria, in dialogue involving all relevant stakeholders (regulators, LGA, scientific bodies, NGO's etc)
- Agreement of basic structure of benefit packages with input from funding departments

A model implementation process (2)

Stage C; Invitation and Local Dialogue:

- Commission publishes maps of screened areas and invites all relevant communities to become involved (with emphasis on nuclear sites)
 - Interested communities establish local committees with elected bodies, community groups and other interested stakeholders
 - Dialogue between Commission and local committees to inform decisions on whether to proceed. Input available from regulators and technical experts as required

A model implementation process (3)

Stage D; Desk-studies of volunteer communities:

- Commission and local groups examine potential siting areas to identify possible locations, using agreed site screening criteria
- Publication of list of possible facility siting areas based on co-operative screening
- Communities in potential siting areas sign agreement to continue to confirm mutual commitment by government and relevant local authority, on advice of working group

A model implementation process (4)

Stage E; Field investigation of short-listed sites:

- Implementing company carries out initial site investigation, with scrutiny by both local working group and Commission, with review by regulatory agencies
- Based on results, community decides whether in principle to accept a facility

A model implementation process (5)

Stage F; Detailed characterisation of preferred site(s):

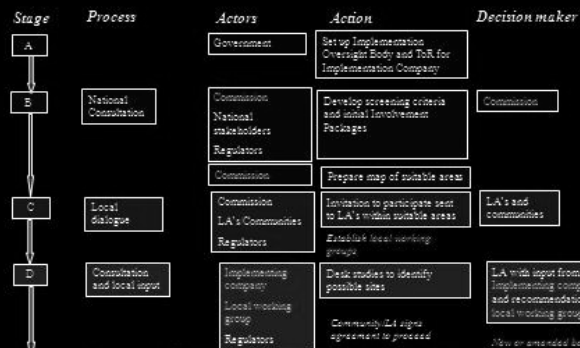
- Includes development of RCF if a repository is proposed
- Memorandum of Agreement signed by host community, Commission and other relevant local and national government bodies, ending ability to withdraw, subject to regulatory approval (MOA describes roles of relevant actors and details of benefits etc)
- Commission recommends preferred site to government, with comparison between multiple sites if necessary
- Host site approved by parliament

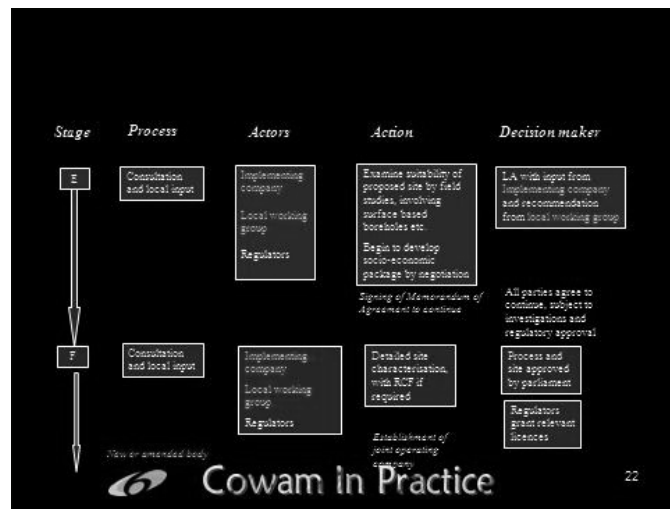
A model implementation process (6)

Stage F; continued:

Establishment of joint-owned Operating Company:

- Overseen by Commission, with control shared between local authority and implementing company.
- Operating Company builds and operates the facility





Best Practice features of the model DMP

- The model DMP is planned according to stages.
- The clear plan shows how technical and social decisions fit together.
- These stages help decisions to be taken in good order, each one based on learning from the previous stage.
- If necessary, steps can be revisited and adjusted, within the limits of practicality.
- There is input from appropriate stakeholders at each step, and each one knows his role and his influence.
- No one is forced into a decision without opportunity for study and agreement.

Challenging features of the model DMP

- Agreement must be achieved on decision sequences.
- Rules must be established for balancing between the need to revisit decisions and the need to "bank" progress and move forward.
- Time must be given to local stakeholders to learn new roles, build up knowledge, examine choices and communicate with their constituencies.
- Platforms and tools must be built to support the participation (research capacity, legal instruments, funding arrangements, consultation methods...).
- Government (national, local) must commit to consider inputs if they meet agreed quality criteria.
- A "driver" must keep the process moving. Platforms and institutions must be protected and focus must be kept on the long-term goals and the decisions at hand.