

**Holding a Technical Dialog with Local Stakeholders:  
Test Case at the La Hague Reprocessing Plant - 11060**

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**ABSTRACT**

In 2009 and 2010, IRSN lead a pilot action dealing with the decommissioning of a workshop located on the La Hague fuel reprocessing plant site operated by Areva in North-western France. Its purpose was to experiment ways for IRSN and local actors to engage in technical discussions, in order to enable the latter to review the operator's decommissioning application and take a stand. This action confirmed the challenge that is faced in such situations given the knowledge gap between experts and local actors, the conflict between transparency and confidentiality which is inherent to technical topics, and the difficulty for an official expertise institute to hold a dialog with outsiders during an ongoing reviewing process it is taking part in. This action also allowed finding solutions such as setting up regular technical meetings, drafting information access agreements, and setting up a carefully designed frame to hold the discussions.



*Areva's reprocessing plant in La Hague, France*

**INTRODUCTION**

As the French public expert in the nuclear field, the Institute for Nuclear Safety and Radioprotection (IRSN) has for several years advocated the need to engage citizens on technical issues pertaining to radioactive waste management. This belief in the usefulness of citizens' involvement to enhance nuclear safety has led IRSN to initiate numerous pilot actions in cooperation with local actors.

In 2009 and 2010, IRSN embraced a new pilot action dealing with the decommissioning of the HAO High Activity Oxide (HAO) workshop<sup>1</sup>, located on the La Hague fuel reprocessing plant site operated by Areva in North-western France. The purpose of that action was to experiment ways for IRSN and local stakeholders to engage in technical discussions with a concrete objective in mind: contributing to enable the local actors to take a stand on the operator's decommissioning application. A pilot action was especially useful here, because the challenges are many when it comes to nuclear or technical matters and engaging with citizens. The first is the knowledge gap that exists between experts and local actors. The second is the conflict between transparency and confidentiality requirements, which is inherent to technical topics. The third is the difficulty for an official expertise institute to hold a dialog with outsiders during an ongoing reviewing process it is taking part in, since it is legally forbidden for IRSN to discuss any case publicly while it is under review.

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<sup>1</sup> Also known under the name « INB 80 » (*Installation Nucléaire de Base N°80 – Nuclear Installation N°80*)

The aim of this paper is to explain the challenges of such a technical dialog between experts and local actors, to outline the way we worked as a group to overcome them and to analyze the successes and difficulties we encountered.

## **CHOICE OF THE TOPIC, CHOICE OF THE PARTNERS**

The rationale may seem odd, but the HAO topic was chosen because it was done and over with, the key aspect being here that the administrative authorization to decommission the workshop had already been granted, and the application wasn't under review anymore. One might question the interest of such an exercise, since nothing was actually at stake anymore, on a decision-making point of view at least. The interest was the following: tackling a closed topic allowed us to elude one of the three challenges for the time being – the third one – to concentrate on the first two and think meanwhile with hindsight of how we could operate were the application still under review. We shall see later that this angle had its limitations. On top of that practical aspect, we believed that the closed file was an interesting choice for a second reason : it had many topics in common with a file soon to be submitted to public enquiry: the decommissioning of the remainder of the UP2-400 plant (the HAO workshop is a part of UP2-400, the first to be decommissioned). Therefore, we surmised that even though the actual HAO case was closed, we would be able to draw from it many valuable technical and methodological information, which would be useful to the local stakeholders to get ready for studying the decommissioning application of UP2-400.

Our partner in this endeavour has been the Local Liaison Committee<sup>2</sup> (LLC) set beside the La Hague reprocessing plant. Such committees have existed in France since the late 1970s. They have had an official existence since 1981 and their existence has been mandatory next to each nuclear installation since the 2006 Nuclear Security and Transparency Act. Their role is to keep a watch over the installations and to inform the local population regarding nuclear safety and radioprotection matters. Their members, all volunteers, come for 50 % of them at least from the ranks of elected officials (city, county, and region) and for at least 10 % of them from each of the three following categories: representatives of environmental protection NGOs, representatives from nuclear operators' labor-unions, and qualified persons. The La Hague LLC was created in 1981 and has existed in its current form since 2008. It has been very active over the years, especially (but not only) on radioecological topics.

## **THREE CHALLENGES TO OVERCOME**

### **Bridging the knowledge gap**

The knowledge gap is the most obvious hurdle standing between experts and local actors. There is indeed a significant knowledge and cultural gap between most local stakeholders and the nuclear professionals. It prevents the former from getting a grip on many technical issues, but it also might prevent the latter from getting a grip on the lay-men concerns, or sometimes to admit the legitimacy of those concerns. Given this situation, both parts have to make an effort to understand and be understood.

On top of this, we must underline that local actors have limited time and financial resources to allot to such “extracurricular” activities. These stakeholders are volunteers, participating on their own time

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<sup>2</sup> In French, *commission locale d'information (Cli)*. Nowadays, about thirty French LLCs are federated within the Ancli (*Association nationale des commissions et comités locaux d'information* – National Association of local information commissions and committees).

and sometimes on their own dime. Some of them (if not many) may be retired, but others work, which makes it difficult to find time to get and stay involved. These practical constraints are a strong hindrance when it comes to competence building, and one which needs to be addressed.

For the purpose of this pilot action, IRSN didn't work with the LLC at large but with a small taskforce whose members had studied Areva's application for the decommissioning of the HAO workshop. Some of those persons have a scientific background, several actually holding PhDs. One of them is an epidemiologist, another is a university professor in nuclear physics, a third one is a retired naval engineer and another is a doctor in nuclear physics. Moreover, the taskforce members spent hours studying the operator's application. The product of their taskforce had been a series of 15 questions and eight remarks that were sent to the operator. Question n°2, for instance, was the following: "what are the radiological contamination criteria of places where plain decontamination is not achievable?"<sup>3</sup> As a result, the taskforce members were familiar with the matter at hand and the technical gap was partially bridged. It didn't disappear though. While the LLC members had a general idea regarding the operator's file and a precise idea on a few specific subjects, like radioactive discharges, or the environmental impact of the installation, they lacked a thorough knowledge of the installation, and many unanswered questions still remained.

A series of four meetings took place over a year. In order to minimize the time constraints for the LLC members, the working group gathered in Cherbourg, where the LLC is located, next to La Hague, rather than in Paris, where IRSN is located. One of the very first steps was to clarify the administrative process of a decommissioning procedure and all the actors involved, from the operators to the safety authority and the public expert. When does it start, who does what and at which point in the process...? This is one example of something that may sound obvious for the experts but appears extremely complex for outsiders. This stage allowed the local stakeholders to get their bearings, while the experts could get a sense of what the local actors knew and didn't know.

Once the background was set, the working group started testing the waters as to the best *modus operandi*. The result was some sort of *sui generis* process. Meeting after meeting, an iterative process of questions and answers took place. It allowed determining the level of knowledge and the interests of each party. During this back-and-forth process, the IRSN experts presented their report and the official position the Institute took on the HAO decommissioning case, which prompted questions from the LLC members. Then the LLC members presented the 15 questions they formalized during the reviewing process, which drew comments from IRSN's experts.

The outcome of this process was mutual learning. On the one side, the LLC members learned details from the plant's operation in general and the decommissioning case in particular. On the other side, the experts learned which were the preoccupations of the local stakeholders. Along the way, both parties learned to respect each other as well as each other's work.

The LLC members welcomed the answers they got from the experts and the powerpoint presentations they had been given. Definite progress had been made. Very quickly, though, they felt limited by the data they had access to, or more accurately the lack thereof. They appeared eager to obtain more information to gain a better understanding of the installation and the key questions in the decommissioning process. For instance, they were interested in getting access to IRSN's official expertise report. This brings us to the second challenge, which is the conflict between transparency and confidentiality. IRSN's report wasn't indeed designed to be public, and therefore potentially contained privileged information that the operator provided to the public expert but wouldn't want to be public.

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<sup>3</sup> In French : « *Quels sont les critères radiologiques de contamination de points dont l'assainissement complet est hors d'atteinte ?* »

## Transparency v. confidentiality

Information is a key commodity for the local stakeholders. If they are to try to bridge the knowledge gap with the experts, they need information. This means access to technical data from all the field's players, including the operators, obviously, but also the public authorities and the public expert. The local actors cannot be expected to take a stand on licensing processes without having access to all the relevant information.

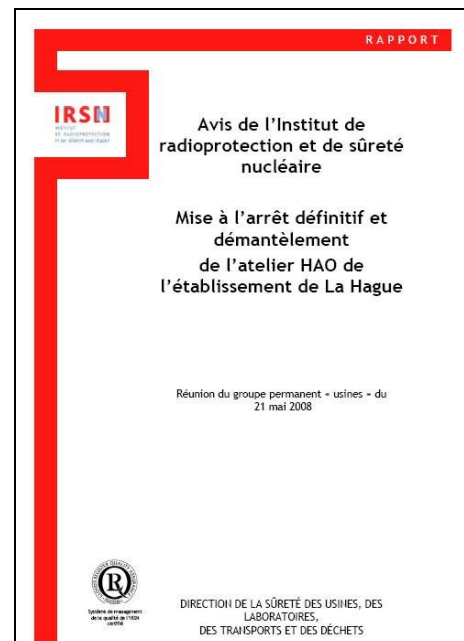
The necessity for the public to have access to information has been recognized officially in France and formalized into a *right* in the 1970s. The first law of this type, directed toward public authorities, was voted in July 1978. It still constitutes to this date the basis of the right to access to information in France, setting transparency as a rule and confidentiality as an exception actionable under precise circumstances only. The legal framework didn't evolve much in that field over the following decades, until the late 1990s, which brought about a new context. In 1998, the Aarhus Convention<sup>4</sup> created new transparency requirements for public authorities on all matters regarding the environment. It further restricted the conditions under which public authorities could deny the public access to information. Those dispositions were included in the European Union's law in 2003 as Directive 2003/4/EC and transposed into French law in 2005. In 2006, further progress was made in the nuclear field. That year, the Nuclear Security and Transparency Act<sup>5</sup> extended to nuclear operators the transparency requirements that had been existing until then for the administrations as for the risks of exposition to ionizing radiations and the measures of safety and radioprotection taken to prevent them.

Operators on their end have other constraints. They need to keep some information confidential for three main reasons. First, when it is instrumental to their industrial process. Second, when it may jeopardize their commercial strategy. Third, when information is classified for national security reasons.

Therefore, we are facing an obvious conflict between transparency and confidentiality. While the stakeholders need access to information if they are to try to understand technical matters, the operators need to protect their technology and strategic data. A middle ground has to be found for both sides to be satisfied and keep playing a part in the dialog process.

During the HAO pilot action, the LLC members were interested in the expertise report IRSN produced on Areva's decommissioning application. Today, when IRSN prepares an official report for the French Nuclear Safety Authority (ASN), it also prepares a detailed summary of a dozen pages meant for the public which is made available as soon as the reviewing process is over. Even though it isn't the entirety of the report, it is a way to provide substantial information to the public. When the HAO report was prepared, however, no summary had been written, since this policy had not been put into practice yet. The only available document was the report itself, which potentially contained protected data.

In this situation, choices had to be made. IRSN was intent on communicating the report to the LLC members but didn't want to divulge confidential information. After discussions with the LLC, Areva and ASN, a common ground was found. The report (minus the references) was given to the LLC's taskforce members, who signed a confidentiality



*IRSN's report transmitted to the LLC*

<sup>4</sup> The Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

<sup>5</sup> In particular art. 19 of the Act.

agreement. They had access to the report, could draw their conclusions and make those conclusions public, but they agreed not to give any other person access to the report itself. Another solution was considered but not selected, as it was a little bit more cumbersome to put into practice. The idea would have been to design a tripartite agreement between IRSN, the LLC and Areva. In this framework, IRSN and the operator would agree to give access to their data to the LLC taskforce members, while the taskforce members would agree not to share the documents with outsiders to the process. This type of agreement has been put into practice by LLCs on a couple of occasions at least: in Fessenheim and in Flamanville.

Those solutions involving confidentiality agreements don't allow direct access of the public to the technical information. Nevertheless, the use of go-betweens still is a way to circumvent the conflict between transparency and confidentiality requirements. In our case, getting access to IRSN report enhanced the back-and-forth process between the LLC taskforce and IRSN's experts.

### **The challenges of holding a technical dialog during a reviewing process**

The third and last challenge we need to deal with may seem like a mere technicality, but it still needs to be overcome for the dialog between IRSN and the public to be able to take place. Under the French legal framework, it is indeed forbidden for IRSN to discuss any case publicly while it is under review by the Institute, until ASN has officially taken a stand and closed the procedure. The problem is that the stakeholders mainly need IRSN's input precisely when the case is under review, since it is at that time that they are to take a stand, and not once the process is over. Therefore, a solution must be devised to allow discussing an ongoing case without disclosing the specifics of IRSN position on said case, in accordance with French legislation.

For the HAO pilot action, as mentioned above, the initial chosen option was to avoid the problem by studying a closed case. This allowed us to discuss technical issues, since the procedure allowing the decommissioning of the HAO workshop was officially closed. Meanwhile, we intended to discuss as well the way we could hold the same kind of dialog had the proceedings not been closed. We believed that even though the case was closed, it would still hold an interest for the LLC for two reasons. First, because technical issues that existed in the HAO case may be relevant for the rest of the UP2-400 plant. For instance, the impact of the decommissioning on waste production or the discharges may be approached the same way in both cases. Second, it may allow the LLC to progress on a methodological point of view in the way they tackle a review process, or in the way they monitor the plant's activity. For example, in gaining knowledge on the administrative procedures linked to the implementation of modifications by the operator, the LLC may decide to follow more closely certain types of modifications, or to keep a watch on the way the operator puts into practice the demands of the safety authority on precise points.

Despite this belief, however, we soon found the limits of the "cold case" approach. The LLC taskforce recognized some merits to the exercise. Its members drew from the discussions technical details and explanations on the plant that they found very valuable. Nevertheless, the members of the LLC board, who had not been working closely on the topic, found only mild interest in this approach. They declined hearing at the LLC general assembly about the IRSN-LLC work on the HAO case, about the way we worked together on the HAO file and tried to draw conclusions on how we would be able to work together on future cases. The LLC board explained that HAO was old news, that the focus wasn't on the HAO workshop anymore but rather on the rest of the UP2-400 plant. At that point, indeed, the decommissioning of the rest of UP2-400 was under review, and the public enquiry<sup>6</sup> process was about to start. With the LLC poised to take a stand during this process, the LLC's focus had deliberately shifted from HAO to the rest UP2-400.

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<sup>6</sup> The « public enquiry » process (*enquête publique*) is a mandatory procedure which consists in giving access to the public to a file documenting large scale projects involving potential risks or impact on the public, so as to inform the population and gather remarks and comments.

This new turn of events forced us to tackle immediately the question of how to proceed with a double challenge: first, the legal prohibition to discuss an ongoing case, second, the fact that on many aspects of the case, IRSN's position was not complete yet, hence the difficulty to discuss it, even if we had been allowed to.

The solution put together to address the new context was to try to talk about the file without talking about the file. Concretely, that meant keeping the discussions to generic aspects or topics in which the LLC would be interested, without addressing specifics, which is a tricky exercise. In the case of waste treatment, for instance, IRSN didn't give the local stakeholders a position – that was still being drafted at that time – on the choices of Areva, but explained the different types of processes that can be used, with their pros and cons. Another question dealt with “the methods used to calculate the provisional radioactive effluent discharges linked to the decommissioning”. On that topic, the experts explained that the methods still were under investigation at IRSN, but that they were the same as those used for the decommissioning of HAO, and were as such described in the report transmitted to the taskforce. Those were two different ways to circumvent the interdiction.

## **CONCLUSION**

As a conclusion, keeping alive a technical dialog between local stakeholders and nuclear professionals is not an easy task. It requires a long-term and consistent effort from both parties. Bridging the knowledge gap takes time and money, both resources being of limited supply, especially for the local stakeholders. It also requires that the local stakeholders have access to relevant information when they need it, and not after the fact. Even if the conflict between transparency and confidentiality remains, there are ways to circumvent it, such as confidentiality agreements or multiparty covenants. Finally, there are ways for a dialog to take place at each point of the reviewing process: not only after the fact, to explain decisions that have already been made, but also before and during this process. This requires some level of trust between both sides, as well as a fair amount of tweaking, at least to begin with, but is effective and rewarding. It allows the local stakeholders gaining a better insight on the operator's files. It also allows the nuclear professionals widening their analysis spectrum, hence contributing to enhancing safety.