

1 ASN ACTIONS TO PROMOTE GREATER TRANSPARENCY

The TSN Act of 13 June 2006 constituted a major innovation, by defining transparency and the right to information on nuclear matters: “Transparency in the nuclear field consists in the set of provisions adopted to ensure the public’s right to reliable and accessible information on nuclear security” (Article 1). ASN considers that it is its responsibility to enforce the TSN Act’s provisions concerning transparency.

ASN first of all undertakes to enhance its own actions with regard to transparency. It also supports actions to promote transparency in the local information committees (CLIs) and the High Committee for Transparency and Information on Nuclear Security (HCTISN). Finally, as part of its nuclear licensee regulation role, ASN aims to develop compliance with the transparency obligations contained in the TSN Act.

35 YEARS OF ASN: FROM PUBLIC INFORMATION TO TRANSPARENCY

Informing the public about nuclear safety and radiation protection is one of ASN’s fundamental duties. It is also a traditional role that has evolved in line with changes in French society. With each institutional change concerning the organisation of civil nuclear regulation in France, ASN’s public information duty has been reiterated.

To carry out this role, ASN focuses on adapting its operating procedures and the information media it uses to meet the expectations of the general and professional publics, in order to go a step further than the transparency requirements contained in the TSN Act.

Therefore, in 2008:

- ASN placed two new series of documents on its website, one dealing with its regulation of the radiotherapy sector and the other detailing the stages involved in its decision-making process.

Since 2002, the ASN website has been publishing the “follow-up letters” to all the inspections carried out (more than 700 per year) by its inspectors on basic nuclear installations (BNIs). Since 1 July 2008, ASN has extended this publication to the follow-up letters to radiotherapy inspections (more than 150 per year) and eventually aims to publish all the follow-up letters to inspections on small-scale nuclear facilities (industrial, research, medical).

When taking the most important decisions concerning nuclear safety or radiation protection issues, ASN relies on the opinions and recommendations of the advisory committees at its disposal. ASN decided to make these documents accessible to the public on its website. This publication applies to the advisory committees which held their meetings after 1 October 2008.

The ASN website also has an English version (www.french-nuclear-safety.fr) designed to meet the information needs of an international audience.

- ASN implements its policy of “reporting” by officially presenting to Parliament its *ASN Report on the state of nuclear safety and radiation protection in France*.

This report, required by the TSN Act, was presented for the first time by the ASN Commission, on 8 April 2008, to the Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST) and to the press. It was also presented to the Senate on 9 April 2008.

ASN has developed participation of the stakeholders (elected officials, representatives of environmental protection associations, industries and administrations, etc.) in the drafting of general regulatory texts.

During the months of May and June 2008, ASN gave web users an opportunity to express their opinion on ASN policy concerning the dismantling and decommissioning of nuclear installations in France. This approach triggered large-scale participation. All the comments were posted on the www.asn.fr website. During the summer of 2008, ASN produced a new version of the draft document presenting the dismantling and decommissioning policy for nuclear installations in France, taking account of these contributions. Finally, ASN aims to learn the lessons of the environmental events that occurred in the summer of 2008 in the SOCATRI plant, by defining an environmental radioactivity index, together with the HCTISN.

ASN PROMOTES THE DEVELOPMENT OF ACTION BY THE CLIs AND THE HCTISN

ASN supports the action of the Local Information Committees (CLIs)

After discussion with the CLIs, ASN in 2007 sent the Government a draft which led to decree 2008-251 of 12 March 2008, specifying the creation and operating processes for both the individual CLIs and the CLI federation. It set the end of 2008 as the deadline for compliance by the existing CLIs and for creation of CLIs in those BNIs which did not yet have one.

ASN provides the CLIs with financial support. In 2008, ASN devoted about 600,000 euros to the CLIs and their federation. It is ASN’s firm desire to see the CLIs expand their actions for the benefit of transparency and the citizens, by being able to obtain rapid funding through the BNI tax, as stipulated in the TSN Act.

ASN is supporting the actions of the CLIs, regularly informing them about what it is doing and involving them in its



Presentation of the ASN Report on the state of nuclear safety and radiation protection in France in 2007 to the OPECST on 8 April 2008

regulatory work, in particular by inviting them to take part in ASN inspections.

ASN has declared itself in favour of developing diversified expertise enabling the CLIs to fully exercise the prerogatives granted to them under the TSN Act.

ASN and the Federation of Local Information Committees: the National Association of Local Information Committees (ANCLI)

Regular discussions are organised between ANCLI and ASN concerning topical issues and subjects concerning the CLIs (preparation of the TSN Act implementing decree, financing, organisation of the CLI conference, etc.) or of interest to them (National Radioactive Materials and Waste Management Plan (PNGMDR), management of post-accident situations, preparation of the iodine tablets distribution campaign and so on).

ASN is working with the High Committee for Transparency and Information on Nuclear Security (HCTISN)

Chaired by Mr Henri Revol, former Côte d'Or senator and former Chairman of the Parliamentary Office for the Evaluation of Scientific and Technological Choices, the HCTISN comprises forty members. The ASN Chairman is a member of the High Committee.

Following its creation on 18 June, the High Committee held five meetings in 2008. It defined its operating procedures and dealt with several topical subjects such as plutonium transfers between the United Kingdom and France and the consequences of the incident that occurred in July in the SOCATRI plant. At the request of the Minister for Ecology, Energy, Sustainable Development and Spatial Planning, the

High Committee made a number of proposals for developing information and transparency concerning radioecological monitoring of the groundwater located beneath nuclear sites and former nuclear waste repositories.

ASN supports the actions decided on by the High Committee and is particularly responsive to any requests for information from it.

ASN ENSURES FULL IMPLEMENTATION OF THE RIGHT TO INFORMATION CONCERNING NUCLEAR SAFETY AND RADIATION PROTECTION

The right to information concerns all ASN fields of activity, but particularly:

- information of the general public: concerning events occurring in BNIs or during radioactive material transport, concerning discharges and releases from BNIs;
- information of the workers concerning their individual radiological exposure;
- information of patients concerning medical procedures, in particular the radiological aspects

ASN considers that its responsibility is to ensure correct implementation of these new measures by the licensees it regulates.

ASN and information issued by the licensees

In addition to their voluntary public information actions, the nuclear licensees have a number of legal obligations that are either general, or specific to the nuclear sector. The TSN Act for instance requires all BNI licensees to produce an annual report on their actions with regard to nuclear safety and radiation protection (Article 21 of the TSN Act). The yearly

report must be published no later than 30 June of the following year.

During the course of 2008, the licensees published their reports for 2007. Generally speaking, ASN considers that these reports at the very least dealt with the various issues mentioned in the Act and that their presentation and vocabulary are on the whole well-suited to reading by a wide audience. However, changes are needed to bring them closer into line with the actual objectives of the Act.

This is why ASN has produced a guide for drafting of these annual public information reports, containing a number of recommendations for the licensees, aimed at ensuring that these reports do indeed meet the objectives of the Act, provide information that is sufficiently complete and accessible to the general public and that the population is made more aware of publication. This guide was the result of discussions with the licensees and various representatives of the target audiences.

ASN and access to information in the possession of the licensees

Prior to the TSN Act of 13 June 2006 (Article 19), access to documents and information concerning nuclear matters was obtained through a range of general mechanisms. The TSN Act set up an arrangement for public access to information that was the first of its kind and was a significant innovation in that it created a right of access to information that was directly binding upon the licensees, who are now required to communicate the information in their possession to any person who so requests, whether said information was either received or drawn up by them, on the risks related to their activities and to the safety or radiation protection measures taken to prevent or mitigate these risks.

This arrangement is consistent with the principle of licensee primary responsibility: as the licensee is responsible for the

safety of its installation, it is also responsible for providing information about the risks inherent in it and the measures taken to prevent or mitigate any consequences. As with the other rights of access mentioned above, the TSN Act contains measures to protect public safety as well as industrial and trade confidentiality.

This new right is a major development of the legal framework governing transparency in the nuclear field. There is at present no equivalent applicable to other fields.

ASN is making efforts to ensure greater transparency by the nuclear licensees and is monitoring enforcement of this new right, which is as yet little used, no doubt owing to a lack of familiarity with it. ASN made a proposal to the CADA (Administrative Documents Access Commission), which has to be referred to prior to any dispute, whereby it would provide it as and when necessary with technical recommendations concerning the communicability of the documents covered by a request brought before this commission.

ASN will systematically remind the licensees of these new requirements. In 2007, it was brought to the attention of all the stakeholders. In 2008, ASN informed AREVA that its view of the implementation of Article 19 of the TSN Act needed to be less restrictive.

ASN and public information procedures

Nuclear projects are often subject to a public debate procedure. The TSN Act and its implementing decree of 2 November 2007 further enhanced public information and consultation with regard to BNI procedures.

ASN has also prepared a trial public consultation procedure for projects concerning the environmental impact of a BNI but which are not subject to the public inquiry process. This trial should take place during the course of 2009 with a number of volunteer licensees.

Article 19 of Act 2006-686 of 13 June concerning transparency and security in the nuclear field (known as the "TSN Act")

I – Any person is entitled to obtain, from the licensee of a basic nuclear installation or, when their quantities are higher than thresholds laid down by decree, from the persons responsible for transporting radioactive substances or holding such substances, the information held, whether it has been received or drawn up by them, on the risks related to ionising radiations that can result from this activity and on the safety and radiation protection measures taken to prevent or reduce these risks or exposures, under the conditions defined in Articles L. 124-1 to L. 124-6 of the Environmental Code.

II. - Pursuant to this Article, disputes relative to refusals to communicate information are brought before the administrative court in accordance with the procedures set forth by the previously mentioned Act No. 78-753 of 17 July 1978.

III. - The provisions of Chapter II of Title I of the previously mentioned Act No.78-753 of 17 July 1978 do not apply to information communicated pursuant to this Article.