



August 16th, 2011

Ref.: Information on the environmental impact assessment on a “planned repository for final disposal of nuclear waste” in Romania, close to the border with Bulgaria

Dear Chair of the Implementation Committee,

Following your letter dated 23 June 2011, I would like to hereby provide the following information concerning the indicated project:

The Romanian environmental authorities have not received, until the date of the present letter, any application for the environmental agreement (the EIA decision) for the construction of a final repository for nuclear waste on the territory of Romania.

Nevertheless, we believe that as the Nuclear Power Plant (2 units) is operating in Cernavoda, and, probably, in the future, 2 more units may be built there, it is obvious that a final repository will become necessary.

In accordance with the international principles of safe management of radioactive waste, countries are responsible for managing such waste in order to protect human health and the environment, both nationally and internationally. As a consequence of the above, at international level, technical solutions have been indentified for the final disposal of treated and conditioned radioactive waste. Countries that do not have permanent storage programs keep radioactive waste in interim storage for an indefinite duration. Repositories for low and medium activity are technical structures with multiple barriers usually made on the surface or near surface. Technical barriers are made to prevent and delay the release of radioactivity into the environment.

In Romania the import of radioactive waste is prohibited by law. In accordance with Ordonanța Guvernului (Government Ordinance - O.G.) no. 11/2003 on the safe management of radioactive waste, the creation of such a repository is the responsibility of the Romanian Nuclear Agency and for Radioactive Waste (AN&DR). The Romanian national legislation applicable to nuclear/radioactive waste storage is presented in the annex. The competent national authority in the nuclear field, exercising regulatory powers, authorization and control is the National Commission for Nuclear Activities Control (CNCAN). The nuclear licensing procedure for a radioactive waste repository, according to CNCAN Order no. 400/2005 (Article 9, paragraph 1) provides that CNCAN issues the following final authorizations /permits:



- a) on the location/site;
- b) on the construction;
- c) on the operation;
- d) on the closure;
- e) on the active institutional control

According to Art. 37, paragraph (3) of Law 111/1996, the environmental agreement (the EIA decision) is a prerequisite for issuing the location/site permit by CNCAN. According to Article 12 of the CNCAN Order no. 400/2005, the technical documentation to support the process of issuing the location/site authorization includes obtaining the environmental agreement.

CNCAN can issue, however, partial and temporary location/site permits that do not require an environmental agreement. Such permits allow however only for the investigation and thorough characterization of the site.

I would like to underline, once again, that the Romanian environmental authorities have not received, until the date of the present letter, any application for the environmental agreement (the EIA decision) for the construction of a final repository for low and intermediate radioactive waste. Consequently, the EIA procedure did not begin and of course there are no construction works undertaken.

At the same time, I confirm that in the future, a final repository for low and intermediate activity waste will be designed and constructed so as to ensure long-term storage of such waste, which contain predominant short-lived radio-nuclides and limited amounts of long-lived radio-nuclides which result from the operation, maintenance and decommissioning of nuclear units in operation (U1 and U2), and of those that will be put into operation at Cernavoda NPP (U3 and U4 units). Exploratory studies on the best site for such a repository have been conducted for years and have tentatively identified the Saligny locality (at a distance of approx. 40 km from the border with Bulgaria) as such site. These exploratory studies have included:

- 56 drilling wells for the site investigation, both within the saturated and unsaturated area;
- an experimental polygon for the best solution to improve the geotechnical soil quality of the foundation;
- installation of a Campbell Scientific station, which allowed monitoring of meteorological parameters and moisture, as well as the soil matric/matrix potential.

This favorite site can be declared a final location for which the CNCAN final authorization will be issued only after completion of the EIA procedure and after the developer will obtain the environmental agreement (the procedure within which the environmental assessment of different locations will be done).



Based on technical documentation developed and analyzed independently by a team of experts from the International Atomic Energy Agency (IAEA), in February 2008, in accordance with Law no. 111/1996 on safe deployment, regulation, authorization and control of nuclear activities, republished, CNCAN issued a partial site authorization for the Saligny locality. The validity of this authorization was extended, based on a revised technical documentation, and will expire in February 2012.

Based on the partial site authorization, AN&DR, with the financial support of the European Union:

- monitors the weather and the main characteristics of groundwater in the unsaturated zone;
- upgrades the unsaturated zone monitoring;
- establishes the monitoring network for surface waters;
- upgrades the monitoring of groundwater (saturated zone);
- establishes the monitoring network of geomorphological characteristics;
- establishes the seismic characteristics monitoring network;
- undertakes radiological monitoring;
- monitors the atmosphere;
- monitors surface water;
- monitors groundwater in the unsaturated zone;
- monitors groundwater parameters in the saturated zone;
- monitors water chemistry;
- monitors geomorphologic parameters of the land;
- monitors seismic parameters.

All the above are conducted in accordance with the relevant national legislation, as well as the recommendations of the IAEA, such as the "Safety Requirements", "Safety Guide", "Technical Report Series", "Technical Documents" (see Annex 2).

In the near future AN&DR is going to prepare the necessary documentation for approval by the Local Council of Saligny, of the Plan Urbanistic Zonal (PUZ - Zonal Area Plan) that will include the surface of 40.11 hectares, corresponding to the repository.

Please find below information on how it will be regulated in terms of environmental protection this type of project:

The developer is required to undertake the environmental impact assessment in accordance with the provisions of Hotărârea Guvernului (Governmental Decision) no. 445/2009 on Environmental Impact Assessment of certain public and private projects. The



environmental agreement (the EIA decision) can be issued only after completion of the regulatory procedure laid down in Ministerial Order no.135/76/84/1284/2010 approving the methodology for the implementation of environmental impact assessment for public and private projects (Order of the Ministry of Environment and Forests, Ministry of Administration and Interior, Ministry of Agriculture and Rural Development and Ministry of Regional Development and Tourism). Once the procedure is finalized, the environmental authorities can issue the environmental agreement only for that alternative of the project which meets all requirements of the environmental protection.

Moreover, the construction cannot start until the construction authorization for the project (the development consent) is issued by the local public administration authorities. The environmental agreement is an integrant part of the construction authorization.

Recently, AN&DR has posted on its web site information regarding the work undertaken and their future intentions regarding authorization of such a repository. The AN&DR statements on future environmental authorization do not represent the point of view of the Romanian environmental authorities.

Hoping that this letter provides the necessary clarifications, please accept dear Chair, the assurances of my highest consideration,

**Daniela Pineta,
Focal Point
to the Espoo Convention**



Annex 1

Law no. 111/1996 on safe deployment, regulation, authorization and control of nuclear activities supplemented and amended;
CNCAN Order no. 14/2000 approving the fundamental rules of radiological safety;
CNCAN Order no. 56/2004 approving the fundamental rules for safe management of radioactive waste;
CNCAN Order no. 400/2005 on the approval of the general requirements for surface storage of radioactive waste;
CNCAN Order no. 156/2004 on the approval of the classification of radioactive waste;
CNCAN Order no. 276/2005 on the approval of monitoring radioactive emissions from nuclear and radiological facilities;
CNCAN Order no. 275/2005 on the approval of the environmental radioactivity monitoring in the vicinity of a nuclear or radiological installations.

Annex 2

Disposal of radioactive waste Specific Safety Requirements, Series No.SSR-5, 2011
Safety Assessment for Facilities and Activities General Safety Requirements Part 4, Series No.GSR Part 4, 2009
Siting of near surface Disposal Facilities, Series No. 111-G-3.1, 1994
The Management System for Facilities and Activities Safety Requirements, Series no.GS-R-3, 2006
The Management System for the Disposal of Radioactive Waste Safety guide, Series no. GS-G-3.4, 2008
Application of the Management System for Facilities and Activities Safety Guide, Series no.GS-G-3.1, 2006
ICRP Publication 81, Radiation protection recommendations as applied to the disposal of long lived solid radioactive waste
IAEA-ISAM, Safety Assessment Methodologies for near surface disposal facilities, 2004
IAEA-ASAM, Application of the Safety assessment Methodologies for near surface disposal facilities