OPINION OF THE COMMISSION

of 14 December 1994

concerning the plan for the disposal of radioactive waste from the Chooz B nuclear power station (France) in accordance with Article 37 of the Euratom Treaty

(Only the French text is authentic)

(94/833/Euratom)

The general data concerning the plan for the disposal of radioactive waste from the Chooz B nuclear power station were provided by the French Government to the Commission, in accordance with Article 37 of the Euratom Treaty, by letter received on 24 May 1994.

On the occasion of the meeting of the group of experts set up pursuant to the Treaty, which took place on 15 and 29 September 1994, in Luxembourg, the representatives of the French Government provided further complementary information and details.

On the basis of the data thus obtained and having consulted the group of experts, whose report is annexed to this document, the Commission drew up the following opinion :

1. The distance from the installation to the closest point on the territory of another Member State is approximately 3 kilometres to Belgium ; Luxembourg is some 70 kilometres away and Germany and the Netherlands are 100 kilometres away.

2. In normal operation of the power station, liquid and gaseous effluent discharges are not liable to give rise to exposure, significant from the point of view of health, of the population of another Member State.

   Nevertheless, while recognizing the inclusion in French effluent discharge authorizations of a requirement that discharges shall be not only within the limits set out in the authorizations but shall also be as low as reasonably achievable (the Alara principle), the Commission invites the French Government to examine the direct application of this principle in the process of establishing the numerical discharge limits in the authorizations of liquid and gaseous effluent discharges.

   In particular the Commission welcomes the present bilateral discussions on liquid effluent discharges between the French and Belgian authorities which the French Government anticipates will result in an agreement on discharge limitations corresponding to those laid down in the Decision of the Commission of the Moselle of 27 March 1986.

3. Solid radioactive wastes will be stored on the power station site prior to transport to a final storage site approved and supervised by the French competent authorities.

   Irradiated fuel elements will be stored at the plant site prior to transfer for processing, again at an installation approved and supervised by the French competent authorities.

4. In the case of an unplanned release of radioactive effluents which could be occasioned by an accident of the type and magnitude of the source term considered in the general data, doses liable to be received in another Member State will not be significant from the health point of view.

   However, the Commission believes that in certain more severe accident situations, involving discharges to atmospheres or into the Meuse, the doses to the population could reach levels requiring countermeasures by the competent authorities.

In such circumstances, the Belgian frontier being only some 3 kilometres distant, the rapid implementation of coordinated Franco-Belge emergency plans would be very important. It is recommended, therefore, that in the framework of the discussions already initiated between the Belgian and French authorities, the existing provisions should be reinforced to ensure that the relevant Belgian authorities receive as rapidly and as in as much detail as the French authorities the specific data necessary for the information and protection of the population.

Such specific provisions would be in addition to existing bilateral arrangements with Belgium, Luxembourg and Germany and those at Community level (under the Council Decision of December 1987 on the early exchange of information in the event of a radiological emergency) and at world level under the Vienna Early Notification Convention administered by the IAEA.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste from Chooz B nuclear power station is not liable, either in normal operation, or in the case of an accident of the type and magnitude considered in the general data, to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

Nevertheless, as regards discharges in normal operation, the Commission invites the French Government to reexamine the application of the Alara principle in establishing the numerical discharge limits set out in the discharge authorizations.

Moreover, unplanned releases in more severe situations than those envisaged in the general data could lead to exosure in the territory of another Member State calling for countermeasures. For the implementation of such measures, specific emergency procedures should be perfected at bilateral level between France and Belgium.

The Commission is therefore pleased to encourage the pursuit of the current bilateral negotiations with Belgium on liquid effluent discharges and on emergency procedures.

This opinion is addressed to the French Republic.

For the Commission
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Member of the Commission