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28 February 2006

The CEO of ARPANSA
619 Lower Plenty Road,
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Submission:
**On an Application for a Facility Licence under the Australian Radiation
Protection and Nuclear Safety Act 1998**

AliceAction is a community group based in Alice Springs, Northern Territory open to all members of the public concerned about local and global environment and social justice issues.

This submission will respond to some of the matters set out in regulation 41(3) of the ARPANSA Regulations that we understand the CEO of ARPANSA must consider when making a decision about granting an operating licence for the OPAL reactor. Principally, AliceAction wishes to highlight the fact that plans to deal with waste from the decommissioned and new reactors are sketchy at best. To licence the new OPAL reactor in this context would be highly irresponsible.

We understand from ANSTO's (the Australian Nuclear Science and Technology Organisation) application for an operating licence, that the long term storage of 'low' and 'long lived intermediate' level waste from the reactor is not considered the responsibility of ANSTO and therefore hinges on the Commonwealth Government finding a suitable site for a waste facility elsewhere in Australia. At this stage, a Commonwealth facility is planned for one of three proposed Defence Facility locations in the Northern Territory.

AliceAction understands that the OPAL reactor has already been constructed, but has not yet been provided with an operating licence. ARPANSA sought assurances of "substantial and evidential progress" for a 'low' and 'long lived intermediate' level waste facility prior to granting the siting and construction licences for the OPAL reactor. However although the OPAL reactor has now been constructed we believe that the Commonwealth Government is no closer to an assured site for storage of waste that will be produced by the operating reactor.

As residents of the Northern Territory we are aware of enormous public opposition to the waste facility being located in the NT. The groups who have come out in opposition to the location of this facility at the two proposed sites near Alice Springs include but are not limited to: the traditional owners of Harts Range, Mt Everard, and Alice Springs, the Alice Springs Town Council, the Central Land Council, tourism operators, local business people,

pastoralists, medical personnel, local environment groups, as well as the Territory government.

This opposition is not based on a “not in my backyard” approach but instead stems from broad and sophisticated concerns that can be summarized as follows:

- The Commonwealth Government's lack of even token, community consultation with residents of the Northern Territory and in particular, residents living close to the potential sites.
- The Commonwealth Government's apparent lack of concern for public opinion by deliberately not consulting with the Territory government prior to the announcement of the three potential NT sites. This was followed by the enactment of the *Radioactive Waste Management Act 2005* which gives the Commonwealth the power to do 'everything necessary' to establish a waste management facility including overriding legislation which seeks to protect state sovereignty, the environment and native title rights.
- The siting of the waste facility in Central Australia will negatively affect the tourism and pastoral industries, the mainstay of the Central Australian economy.
- Concerns about the ability of the Commonwealth Government to provide long term safe storage of waste over many thousands of years.
- The three proposed sites in the NT were not chosen during the national survey in the 1990's to select appropriate sites based on their scientific suitability. As a result, there is concern amongst the general public that these sites have been chosen because they are politically expedient, particularly as they are on Commonwealth Defence land, and that they are substandard sites that do not exemplify careful site selection. As far as we are aware, there has been no technical assessment of the suitability of the proposed sites. To date the Commonwealth Government has yet to explain the basis for the selection of these sites.
- The lack of sufficient justification by the Commonwealth Government or ANSTO to the Australian public about the necessity of the OPAL reactor, an issue closely tied to establishment of the waste management facility. The study undertaken by the Medical Association for the Prevention of War (MAPW) entitled “A New Clear Direction: Securing Nuclear Medicine for the Next Generation” found that the OPAL reactor was not required for medical purposes. This negates the major justification put forward by the Commonwealth Government and ANSTO, that Australia needs the OPAL reactor to supply the medical sector with radioisotopes.
- The memory of adverse health effects experienced by former Australian service people and Indigenous communities as a result of the nuclear weapons testing that occurred in Emu Fields and Maralinga in the 1950's, despite official safety assurances of the time. Negative health effects associated with radioactive materials continue to be felt by Indigenous communities and mine workers at current operational uranium mines in Australia (for example, Ranger uranium mine poisoning in 2005). Again, these health

effects occur at the same time as official pronouncements of the absolute safety of such operations.

- There is public concern about the implications of a dedicated facility for the storage of nuclear waste. To our knowledge there is no permanent repository for high level nuclear waste anywhere in the world. The actions of the Commonwealth Government to date do not instil confidence in the general public that this facility, if sited, will not be upgraded at some time in the future to a high level waste facility, with potential to accept waste from other parts of the world.
- The concern that the siting of the waste facility at extraordinary distances from the reactor is at odds with international best practice in that not only is the chance of transportation accidents vastly increased, but the ability of Australia's experts in nuclear science to closely monitor the facility is much reduced. In addition such siting promotes an "out of sight, out of mind" approach to the problem of nuclear waste which is highly irresponsible.
- The fact that the *Radioactive Waste Management Act* removes normal regulation in the areas of heritage, native title and environmental protection (in the form of both Territory and Commonwealth legislation) which apply to all other persons and industries. There could be no better evidence for the federal government's own lack of faith in the safety of this project than the fact that it has systematically removed even mundane levels of environmental and cultural protection regulation.

The huge community opposition to the waste facility will not diminish as the site selection process continues and in fact has been heightened by the government's lack of community or state government consultation and their heavy-weight tactics, best evidenced by the unprecedented powers given to government officials under the *Radioactive Waste Management Act*. ARPANSA should also note that the public opposition to the waste facility in the Northern Territory has advanced at a far greater rate than during the previous siting process in the South Australia. This should make clear to ARPANSA that there is not "substantial and evidential progress" towards a Commonwealth waste management facility at this time and it would be irresponsible of ARPANSA to issue an operating licence while this is the case.

When considering the operating licence application from ANSTO for the OPAL reactor, ARPANSA should also consider that the level of public opposition across Australia for both the OPAL reactor and a waste management facility demonstrate that the Australian public have not been convinced of the need for a new reactor or assured that proper due and careful considerations are being made by ANSTO, ARPANSA or the Commonwealth Government regarding the management of waste that will be produced by the reactor. The Commonwealth Government's new legislation (i.e. the *Radioactive Waste Management Act 2005*) clearly indicates that the Government at least is not planning to undertake proper and careful considerations in the establishment of the waste management facility.

The International Atomic Energy Agency suggest that international best practice for the siting of a nuclear reactor and the establishment of a radioactive waste management facility

should be with “community consent and a reasonable degree of social licence”. The actions of the Commonwealth Government and the grave public concerns expressed indicate that siting of a waste management facility is being undertaken in contravention of international best practice.

We therefore recommend that: **prior to granting the operating licence for the OPAL reactor, a public inquiry be undertaken by an independent authority to identify the social, environmental and economic costs and benefits of the OPAL reactor, and that a report outlining the findings of this inquiry be widely available to the general public for comment and consideration.**

We believe that as a result of the continued opposition to a Commonwealth waste facility for 'low' and 'long-lived intermediate' level waste, that ANSTO will not be able to meet its licensing obligations in relation to the long term storage of waste from the OPAL reactor. It is therefore extremely important that during this final application process (i.e. for an operating licence) ARPANSA ensure suitable arrangements are well advanced for the long term storage of waste before granting the operating licence for the reactor.

Considerable evidence has been provided in other submissions including the first round submission by Friends of the Earth Australia, citing ARPANSA's Nuclear Safety Committee, the 1993 Research Reactor Review, ARPANSA's Regulatory Branch, the Senate Select Committee (A New Research Reactor, May 2001) and the Senate Economics References Committee (A New Reactor at Lucas Heights, Sep 1999) who all clearly state that an operating licence for the reactor should not be granted by ARPANSA until significant progress on a Commonwealth waste management facility is undertaken. At this stage ANSTO do not even have clear plans for medium-term storage of the 'long lived intermediate' level waste, let alone final long term disposal plans.

We therefore support the recommendation made by Professor Jim Falk in his report on the public forum related to this application process. Namely:

“...that no operating licence should be granted for the OPAL reactor until such time as the applicant provides convincing evidence that a clear and definite means is available for the ultimate disposal of radioactive waste and spent fuel produced from the reactor (including the outcomes of conditioning, reprocessing and eventual decommissioning) and that there is a settled and approved selection of the site and design for any interim store which is to be utilised as a step in this process.”

Please be assured that there is clear public opposition to a national radioactive waste facility in the Northern Territory and that this opposition will only escalate as the site selection process continues. The long term management of waste from the OPAL reactor is therefore by no means assured and should be of grave concern to the CEO of ARPANSA when considering an operating licence for the OPAL reactor.

Yours sincerely
Sarah Hoyal and Renee Lees
On behalf of AliceAction: Environment and Social Justice Collective