

## PROGRESS TOWARDS A CONVENTION ON THE SAFE MANAGEMENT OF RADIOACTIVE WASTE

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### INTRODUCTION

The Convention on Nuclear Safety (1) was prepared during the period 1992 to 1994 and after consideration by a Diplomatic Conference in June 1994 was opened for signature at the General Conference of the IAEA in September 1994. The matter of the safety of radioactive waste was discussed many times during the development of the convention but it was eventually decided to restrict the coverage to matters concerned with nuclear safety of land-based civil nuclear power plants and those aspects of radioactive waste management directly connected with and carried out on the same site as the power plant. In the preamble to the convention, however, item (ix) affirms "the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement".

In September 1994, the General Conference of the IAEA also passed a resolution inviting the Board of Governors and the Director General to commence preparations for a convention on the safety of radioactive waste management. The Director General therefore organized a preparatory meeting of experts from member states to discuss the basic concepts and the possible scope of such a convention and to examine working methods and the procedures for its preparation. This meeting which took place in February 1995 prepared a paper entitled "Inventory of Issues Raised" and proposed that the appropriate mechanism would be the setting up of an open-ended group of legal and technical experts to prepare the convention.

The Safety Series document at the fundamentals level on the principles of radioactive waste management was approved by the Board of Governors in March 1995 (2) and all the initial preconditions for starting work on the convention were then fulfilled.

### MEETINGS OF THE GROUP OF EXPERTS

#### **First Meeting**

The first meeting of the group of legal and technical experts was held in July 1995. There were 128 participants from 53 countries and observers from 4 international organizations. The meeting elected Professor Alec Jean Baer from Switzerland as its Chairman.

In an introductory general discussion, experts agreed that the Convention on Nuclear Safety was to be considered as a model. The intention was to develop a "sister" convention on radioactive waste safety: notably it should also be an "incentive" convention and should follow a similar structure; it should contain a reporting requirement to a meeting of Contracting Parties and rely for its implementation on a peer review process thus acknowledging the sole national responsibility for radioactive waste management activities. It should so far as possible take over where the Convention on Nuclear Safety ceases to apply so as to avoid any gaps in coverage. It was also noted that consideration should be given to including the substance of the Code of Practice on the International Transboundary Movement of Radioactive Waste (3).

In the preliminary discussions there was agreement that the convention should apply to the full range of radioactive wastes as described in the Waste Management Fundamentals, namely "liquid", "gaseous" and "solid form" wastes but it was recognized that the scope would need careful definition, especially in determining what materials would be excluded or otherwise be deemed to not be covered by the convention. Materials presenting difficulties in this respect included those wastes containing low activity concentrations of radioactive materials, especially if these were only naturally occurring radioactive materials. Another difficulty of a different kind was whether the convention would apply to the storage of spent fuel not intended for disposal as waste or for which the intention was not yet firm. Although it was clear that such spent fuel did not fall under the definition of "waste" i.e. material for which no further use is foreseen, it was also clear that the safety provisions during interim storage should be the same whatever the destination of the spent fuel when retrieved from storage. A further item needing resolution was the point at which materials originating from military applications and becoming wastes would come under the convention coverage.

During the discussions the technical articles of the Convention on Nuclear Safety were reviewed in some detail. A number of provisions were found that could readily be transferred to the new convention by appropriate adjustments and changes of wording. For some, however this was not the case and there were some aspects of waste safety that had no counterpart in the Convention on Nuclear Safety.

The meeting also considered the suitability for incorporation in the convention of each of the principles in the Safety Fundamentals document (2) and the Safety Standard on the establishment of National Systems (3). There was no substantial dissent from the general message embodied in the major statements of principle but it was clear that care would be needed over the wording to be used to express them in a convention.

The meeting concluded by requesting the Chairman to produce a first draft for consideration at the next meeting.

## **Second Meeting**

The second meeting of the open-ended group of technical and legal experts on the Convention on the Safety of Radioactive Waste Management took place from 4 to 8 December 1995. The meeting was attended by participants from 52 countries and observers from 3 intergovernmental organizations.

The meeting carried out a detailed review of a first draft of the convention, which had been prepared by the Chairman taking into account comments from "Friends of the Chair"- a small group based on geographical distribution. General agreement was obtained that this draft provided a very good basis for discussion, and the meeting proceeded to review the document on an article-by-article basis. The group agreed that the title of the draft convention should be identical to that used in the Preamble to the Convention on Nuclear Safety, namely "Convention on the Safety of Radioactive Waste Management". It was also agreed that the title should not specifically refer to spent fuel.

During the course of the meeting, various delegations submitted general position papers in addition to preparing detailed drafting comments for improvement to particular articles. These were considered to be very constructive in tone, and the meeting was characterized by a willingness to appreciate differing points of view and to suggest compromise wording where necessary to overcome particular areas of concern. A good example was the proposal to simplify and combine various definitions.

The meeting agreed that the Chairman should prepare a revised second draft , based on the numerous proposals and comments made during the course of the meeting, for distribution to Member States by mid February 1996. This would then form the basis for the deliberations of the next meeting of the open-ended expert group, which has been scheduled for 25-29 March 1996 in Vienna. Once the Group has an agreed text this will be considered by a Diplomatic Conference before being endorsed by the IAEA Board of Governors and opened for signature.

## CONCLUSIONS

Based on the adoption of the Convention on Nuclear Safety as a model, the general style, format, content and procedures of the Convention of the Safety of Radioactive Waste Management have been agreed by the Group of legal and technical experts responsible for preparing a draft. There remain many specific questions to be resolved but the meetings so far have been characterized by a willingness to seek solutions and expedite progress so the prospects remain encouraging.

## REFERENCES

1. IAEA, Convention on Nuclear Safety, Legal Series No. 16, Vienna 1964.
2. IAEA, The Principles of Radioactive Waste Management, Safety Series No. 111-F Vienna 1995.
3. IAEA, Establishing a National System for Radioactive Waste Management, Safety Series No. 111-S-1, Vienna 1995.