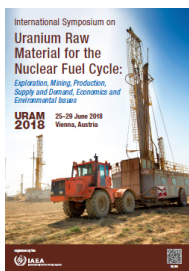


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PERSPECTIVES ON SOCIAL COMMUNICATION IN THE BRAZILIAN NUCLEAR LICENSING PROCESS AND CHALLENGES ON STAKEHOLDER ENGAGEMENT: CAETITÉ URANIUM MINING CASE

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INTRODUCTION

According to the Brazilian system of laws and regulations, uranium and thorium mining and milling facilities are considered as nuclear installations, being subject to both licensing process: (i) a Nuclear Licensing Process performed by the Brazilian Nuclear Energy Commission –CNEN and (ii) an Environmental Licensing Process performed by the Brazilian Institute for the Environment and Renewable Natural Resources –IBAMA, with the participation of state and local environmental agencies. The nuclear licensing process is individualized in steps (starting with siting up to the decommissioning phase), encompassing the submission of reports/documents and, in case of subsequent approval, the emission of specific authorizations for each step. Proactive stakeholder's engagement activities are taking into account, such as the performance of Public Hearings, foreseen by law just within the environmental licensing.

In the nuclear licensing process, the main activities of the regulatory body are the safety assessments of the applicant documentation and regulatory inspections. It is worth mentioning that the nuclear regulation establishes that no nuclear installation shall operate without a license, as well the necessary review and assessment process including the specification of the documentation to be submitted to nuclear regulatory body at each phase of licensing. Additionally, there is a system of regulatory inspections and the corresponding enforcement mechanisms that include the authority to modify, suspend or revoke the license. Nuclear installations shall also have an authorized Radiation Protection Supervisor certified by the nuclear regulatory body.

In the town of Caetité (State of Bahia) is located the only uranium mine in operation in Brazil named Uranium Concentrate Unit (URA), which activities are developed by the Brazilian state-owned company named Brazilian Nuclear Industries (INB), including the development of environmental and radiological protection monitoring programs [1]. During the uranium mining and milling operations some events had occurred and their impacts on social media reflect the concerns, demands and challenges surrounding the perspectives on social communication and accountability. Also, in the event presented in this paper, is possible to perceive that despite the environmental monitoring programme conducted by the operator did not demonstrate any contamination, the local community did not yet feel confident about the operation of the uranium mining facility.

DESCRIPTION

NUCLEAR REGULATORY BODY ACTIONS ON COMMUNICATION AND TRANSPARENCY

In the last decades, Brazil has been developing initial actions in terms of opening and transparency of information, using as framework the 1988 Constitution, however, even before a legal mechanism concerning Access Information, some measures were taken in the way to facilitate the citizen access to public data: [2]

- Files Law (n° 8.159, 1991);
- Habeas Data Law (n° 9.504, 1997);
- Fiscal Responsibility Law (Complementary Law n° 101, 2000) –financial data;
- Transparency Portal - activated in 2004 –made available on the internet the budget and expenditure data of

the Executive

- Transparency Portal for the States and Towns (2006);
- Agreements System of the Federal Government (SINCOV –2007);
- Providers Registration System (SICAF –2008).

In 2003, was enacted in Brazil the Law n° 10.650 [3], concerning, specifically, the public access to environmental information data that are available in public and member institutions of the National System of the Environment (SISNAMA) [4], however, the nuclear licensing information data was not included. A significant progress has been made in recent years with the enactment of the “Information Access Law” n° 12.527/11 [5] and its regulation by the Decree 7.724 [6], where all the public institutions must provide specific information in their websites and, also, must create the “Information Service to Citizens”(ISC), in order to answer any questions proposed by the general public, promoting a significant change in the conception of public information and in the transparency culture [2]. Similarly, legal advances were also made in relation to the rights to information and the availability and publishing of open data, establishing a new concept of open data policy for governmental institutions (Normative Instruction n° 4/2012, Decrees n° 8.638/2016 and n° 8.777/2016) [7].

Despite the majority of the documentation related to the nuclear licensing process are considered as “classified”[8], the nuclear regulatory body provides information concerning environmental, effluent and waste monitoring, inspections, reports, denouncements, among others, when requested by the “Information Service to Citizens” and “Talk to Us, officially or by “Courts”.

CAETITÉ URANIUM MINE CASE

Some events occurred in Caetité uranium mining and milling site, and their impacts on social media reflect the concerns and challenges surrounding the perspectives on social communication and accountability. The historical occurrence of denouncements by non-governmental organizations (NGOs) and the population, and their publication in regional and national media, allows the development of factors that may lead to stigmatization of the inhabitants that live close to the uranium mining facility, public manifestations, increasing of denouncements and rejection of mining activities.

The last event occurred in August of 2015 and was related to a denouncement published in a national newspaper whose the headline was “Uranium contaminates water in Bahia”[9], which reported a finding of uranium, iron and manganese contents above the limit of Potability Level (Resolution n° 396 CONAMA/2008 and Order MS n° 2914/2011) in groundwater samples. On that specific event, a local farmer requested for INB/URA to sample and carry out chemical analysis of a groundwater well that was located inside of his own property. A first sample was collected by the operator in October of 2014 and a second one in March of 2015, however, the results exhibiting uranium, iron and manganese contents above the limit of Potability Level were just officially informed to the local farmer and the Mayor in May of 2015, seven months after the first sampling.

In the case of that specific event, despite the environmental monitoring program conducted by the operator did not demonstrate any contamination related with the mining operation in the locality, the location of the well is outside of the mining watershed and the information by the operator that the uranium concentration were linked to natural processes (region with 38 uranium anomalies) [10, 11], the environmental regulatory body determined the immediate suspension of water consumption in the wells of the region [12], and, specially, the local community did not feel confident about the operation of this uranium mining facility.

DISCUSSION AND CONCLUSION

The regulatory licensing process comprises a formal authorization related to specific legislative and regulatory requirements and procedural conditions that are usually clearly defined in scope and received at a specific time by a recognized government authority, although, requires sustained investment by proponents to acquire and maintain social capital within the context of trust-based relationships.

In view of past events, the concerns and demands in terms of stakeholder engagement and social communication, some aspects shall be included in further discussions, mainly about:

- credibility (as a social license perspective) is a continuous process of engagement and effort;
- a “License” does not mean an “universal” acceptance by the community thus the opposition and questioning shall be used as experiences of improvement and new considerations inside a licensing process management;
- despite the mining activities are implementing their Social Responsibility and Communication Programs, it is necessary a continuous evaluation of the community engagement, a real consideration of the stakeholder’s concerns, as well the appreciation of using approaches of social cartography to define local groups of stakeholders;
- consider that public perception of radiation risks has shown that scientific arguments are not enough to address social and political concerns;
- consider a social licensing perspective in all of the mining life cycle –from exploration to exploitation and decommissioning;
- development of strategies to avoid lack in communication of activities and events in the operation unit by the operator –improvement of transparency;

- applying effective communication in term of providing timely and complete information, as well, presenting information, also, by the stakeholder's point of view and interest;

Although the nuclear regulatory body has advanced in the communication and transparency culture, in searching of social legitimacy, it still presents a reactive behavior, often in response to judicial demands. Therefore, it is necessary the development and/or improvement of:

- proactive policy, improving the communication in terms of availability of information;
- coordination of programmes among the different regulatory authorities, including, also, the development of a forum for critical situations. Coordination among regulators is important to avoid duplication of efforts, omission and gaps or overlaps of competences;
- implementation of effective communication pathways among regulatory agencies and community;
- development of legal basis as well programs ensuring stakeholder engagement, transparency and communication, including:
 - o Planning (objective & strategy);
 - o Implementing;
 - o Evaluation and adjusting

Even though the development of actions in terms of information opening, it is essential the continuous evaluation and promotion of further efforts that address discussions about the development of transparency culture, enhancing of credibility and public confidence, timely and effective engagement and communication, among other aspects that will allow the construction of social participation practices as regular part of the decision-making process and effective stakeholder engagement and social communication approaches.

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Country or International Organization

Brazil

Primary author: Mr ROCHA SCISLEWSKI, Alexandro (Brazilian Nuclear Energy Commission (CNEN) / District of Caetité (DICAÉ/BA))

Presenter: Mr ROCHA SCISLEWSKI, Alexandro (Brazilian Nuclear Energy Commission (CNEN) / District of Caetité (DICAÉ/BA))

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