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### DRAFT COURT PROCEDURE

Main hearing and site examination for the case on permits for facilities for an integrated system for final disposal of spent nuclear fuel and nuclear waste

### THE COURT

Judges Anders Lillienau, chairman, and Monica Daoson, Technical Judges Jan-Olof Arvidsson and Ingrid Johansson as well as special members Mikael Lif and Agneta Melin

### RECORDING CLERK

Court Clerk Ann-Britt Storhannus and drafting lawyer Susanne Kleman

### APPLICANT

The Swedish Nuclear Fuel and Waste Management Company (*Svensk Kärnbränslehantering AB*), Box 3091, 169 03 Solna

Counsel: Lawyers Bo Hansson, Per Molander and Martin Johansson, Mannheimer Swartling Advokatbyrå AB, Box 1711, 111 87 Stockholm

### TIME AND LOCATION

Tuesday 5 September–Friday 8 September, Stockholm  
Monday 11 September–Thursday 14 September, Stockholm  
Monday 2 October–Friday 6 October, Oskarshamn  
Monday 9 October–Friday 13 October, Östhammar  
Monday 23 October–Friday 27 October, Stockholm

Session location in Stockholm: Quality Hotel Nacka, Värmdövägen 84, Nacka (busses depart frequently from Slussen to Sickla station/Sickla bro)

Session location in Oskarshamn: Forum, Södra Långgatan 15-17, Oskarshamn

Session location in Östhammar: Ladan in Gimo, Idrottsgården, Gymnasievägen, Gimo

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This notification is sent to opponents in the case and to the legal file custodian.

First read pages 2–4.

The draft court procedure starts on page 5.

Doc.Id 496327

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Box 1104 131 26 Nacka strand	Augustendalsvägen 20	08-561 656 40 E-mail: mmd.nacka.avdelning4@dom.se www.nackatingsratt.domstol.se	08-561 657 99	Monday – Friday 08:00-16:30

## COMMENTS ON THE PROCEDURE FOR THE MAIN HEARING

The main hearing with site examination in the fall of 2017 for the application by the Swedish Nuclear Fuel and Waste Management Company (SKB) will take place during five weeks and be carried out at several locations. The application concerns complex activities and the examination is very extensive.

Information is given here about how it is proposed that the main hearing will be carried out. Following is a draft of the court procedure, which the opponents are given an opportunity to comment on. The court intends to finalize the court procedure and send it to the parties in July 2017 in connection with public notification of the main hearing.

Opponents are also given the opportunity to report if they intend to participate in the main hearing. Advance notice is not required in order to participate, but the information requested now facilitates the court's planning.

When the opponents estimate the amount of time required for oral presentation, it is based on the court having received the documents regarding the case, including the opponents' comments. The opponents are therefore asked to consider the following:

- At the main hearing, opponents are given the opportunity to present their views on the application by giving a more general account of the content of the submitted documents. The parties may, regarding technical matters, refer to submitted documents (see Chapter 22, Section 20 of the Environmental Code). The Court will, however, take into account that complex activities are being addressed.
- Long recitation from submitted documents must be avoided.
- Supporting notes, for example in point form, can be an aid.
- Presentations with images, using for example PowerPoint, may be made.

During the main hearing, the possibility of deviating from the court procedure will be very limited (see the rules on lawful absence in Chapter 32, Sections 6 and 8 of the Code of Judicial Procedure). The reason is that deviations lead to a longer and thus less efficient main hearing for all involved. Should a party now request a deviation from the court procedure, concrete reasons must be given.

### **You are given an opportunity to comment as follows.**

1. You are given an opportunity to provide comments to the court on the draft court procedure.
2. You are asked to inform the court:
  - a. if you intend to provide comments at the main hearing and, if so, on what days and during what parts of the court procedure you intend to provide comments
  - b. about how much time you expect you will need for each respective point
  - c. about how many people you expect to participate with in the main hearing, including how many you expect to participate with in Oskarshamn and Östhammar

*Information under 2 is not required for short presentations (approximately 5 minutes).*

### **Important information about the possible need for an interpreter**

3. You must inform the court if you intend to provide comments *in a language other than Swedish* and in that case during which point in the court procedure.

Information: the main hearing will be held in Swedish. The court will arrange for any interpreters.

### **When must comments be given?**

Your comments must be in writing and submitted to the court no later than **17 May 2017**. *Time extensions cannot be expected*. Comments must include that they are regarding case number M 1333-11.

The Land and Environmental Court readily accepts submissions that are not too extensive via e-mail in PDF format. If a document is sent via e-mail it does not also have to be sent in another manner. Give case number M 1333-11.

### **Other information**

1. The court intends in the public notification in July to provide the opportunity for those wanting to attend site examination of facilities to register their name and personal ID, see the information under the next heading. The public notification will state how to register.
2. The court intends in mid-August to provide opponents the opportunity to:
  - a. inform as to which people intend to participate in the main hearing (*Note: this is optional*)
  - b. notify if an opponent intends to make image presentations (e.g. PowerPoint)
  - c. notify interest for lunch, so that advance restaurant bookings can be made.
3. For questions regarding the court procedure contact Judge Anders Lillienau, telephone 08-561 657 20.

### **ADVANCE REGISTRATION FOR SITE EXAMINATION**

Entrance to the central holding storage for spent nuclear fuel Clab in Oskarshamn in connection with the site examination requires advance registration of all participants according to the Swedish Radiation Safety Authority's Regulatory Code on Physical Protection of Nuclear Facilities (SSMFS 2008:12). Participation requires *advance registration with name and personal ID* with SKB no later than Friday 15 September.

For site examination of the Cannister Laboratory in Oskarshamn *advance registration with name and personal ID* with SKB no later than Friday 15 September is required.

For site examination of the Äspö Hard Rock Laboratory *advance registration with name and personal ID* with SKB no later than Friday 15 September is required. The tunnel facility is not wheelchair accessible.

For site examination of the location for the spent nuclear fuel repository *advance registration with name and personal ID* with SKB no later than Friday 15 September is required.

**OVERALL PLAN FOR THE MAIN HEARING**

<b>Time and Location</b>	<b>Main Issues and Divisions</b>
<p>Tuesday 5 September– Thursday 14 September <i>Stockholm</i></p>	<p>Introduction, method selection, site selection, post-closure safety, EIS and public consultation. Here is described in detail the KBS-3 system, <i>radiation safety issues after closure</i> and related environmental impact issues.</p> <p>However, radiation safety issues during construction and operation are not presented, nor are local environmental impacts in Oskarshamn and Forsmark regarding e.g. noise, impact on the aquatic and natural environments, species protection, Natura 2000 issues, and environmental quality standards.</p>
<p>Monday 2 October– Friday 6 October <i>Oskarshamn</i></p>	<p>Further presentation of interim storage and encapsulation as well as local environmental impacts regarding e.g. noise, impact on the aquatic environment and <i>radiation safety issues during construction and operation</i>. Site examination held in Oskarshamn (Clab/Clink, the Canister Laboratory and the Äspö Hard Rock Laboratory).</p> <p>NOTE: <u>Those who only participate this week</u> are given the opportunity to comment on the entire application but SKB will only make short statements about what was addressed in Stockholm (the KBS-3 system).</p>
<p>Monday 9 October– Friday 13 October <i>Östhammar</i></p>	<p>Further presentation of the spent nuclear fuel repository as well as local environmental impacts regarding e.g. noise, impact on the aquatic and natural environments, species protection, Natura 2000 issues, and environmental quality standards and <i>radiation safety issues during construction and operation</i>. Site examination held at Forsmark.</p> <p>NOTE: <u>Those who only participate this week</u> are given the opportunity to comment on the entire application but SKB will only make short statements about what was addressed in Stockholm (the KBS-3 system).</p>
<p>Monday 23 October– Friday 27 October <i>Stockholm</i></p>	<p>Closing discussion on conditions.</p> <p>Dealing with remaining issues from previous weeks.</p> <p>Summary and conclusion.</p> <p>Extra time.</p>

## DRAFT COURT PROCEDURE

Week 1, Stockholm.

**Tuesday 5 September, 10:00–18:00**

### *INTRODUCTION*

1. Opening at 10:00. The court procedure will begin at 10:30.
2. Attendance is noted.
3. Any obstacles to the main hearing.
4. Review of the court procedure, carrying out of the main hearing, time for site examination.
5. Presentation of the procedure for the case, the issue of coordination with other cases, handling of the species protection case (M 4617-13) and harbour case (M 6009-16), Natura 2000 issues, etc.
6. SKB submits all motions.
7. Opponents present their main point of view (support/oppose) to SKB's motions as well as present any of their own motions.
8. SKB presents their view of any motions.
9. Any clarification of parties' points of view.

### *Lunch 12:00–13:00*

10. The Swedish Radiation Safety Authority (SSM) presents relevant regulations in the Nuclear Activities Act and on the review according to the Nuclear Activities Act (step-by-step review, etc.).
11. The parties have the opportunity to ask SSM questions.
12. SKB presents their task and goal/purpose for the activity applied for. Background: nuclear power, the research-development-demonstration process, the Swedish waste program and international view. Radioactivity, radiation and types of waste.
13. Opponents have the opportunity to ask questions.
14. SKB presents the facilities included in the court application, the documentation for the court application, and the scope and limits of the application. Overview presentation of all the activity applied for. Film.
15. Opponents have the opportunity to ask questions.

**Wednesday 6 September, 09:00–17:00**

*METHOD SELECTION, SITE SELECTION AND SAFETY AFTER CLOSURE*

16. SKB presents method selection.

The path to geologic deposition, the KBS-3 method and the three safety barriers - the canister, the buffer and the bedrock.

17. SKB presents site selection.

The siting process, knowledge about the locations, the significance of the bedrock for safety and choice of Forsmark for the spent nuclear fuel repository and Oskarshamn for encapsulation.

18. Opponents have the opportunity to ask questions.

*Lunch 12:00–13:00*

19. SKB presents analysis carried out of safety after closure.

20. Opponents have the opportunity to ask questions.

**Thursday 7 September, 09:00–17:00**

21. SSM presents the results of its examination regarding method selection, site selection and safety after closure.

22. Opponents present their points of view regarding method selection, site selection and safety after closure.

*Lunch 12:00–13:00*

23. Continuation of point 22.

**Friday 8 September, 09:00–17:00**

*EXTRA DAY*

Week 2, Stockholm.
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**Monday 11 September, 10:00–18:00**

*CONTINUATION OF METHOD SELECTION, SITE SELECTION AND SAFETY AFTER CLOSURE*

24. SKB's reply to points of view presented regarding method selection, site selection and safety after closure.

*Lunch 12:00–13:00*

25. Continuation of point 24.

**Tuesday 12 September, 09:00–17:00**

*EIS AND PUBLIC CONSULTATION*

26. SKB presents the EIS process and the public consultation that was carried out. Delimitation, report on alternatives, the consultation process, summary of environmental impacts, and implementation of the Esbo consultation. Local environmental impacts at each respective location are presented during the main hearing in Oskarshamn respective Östhammar.
27. Opponents have the opportunity to ask questions.
28. Opponents present their points of view regarding the EIS and public consultation.
29. The court presents points of view submitted via Esbo consultations (summary).

**Wednesday 13 September, 09:00–17:00**

*CONTINUATION OF EIS AND PUBLIC CONSULTATION; PLANNING ISSUES*

30. SKB's reply to points of view presented regarding handling of the EIS and carrying out the public consultation.

*Lunch 12:00–13:00*

31. Planning issues.
  - issues that need to be further examined in week 5
  - planning of week 3 in Oskarshamn and week 4 in Östhammar
  - site examination of Clab
  - site examination of the Canister Laboratory
  - site examination of the Äspö Hard Rock Laboratory

**Thursday 14 September, 09:00–17:00**

*EXTRA DAY*

Week 3, Oskarshamn
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**Monday 2 October, 13:30–18:00**

*INTRODUCTION – INTERIM STORAGE AND ENCAPSULATION*

32. Opening at 13:30 in the meeting room. The court procedure continues at 14:00.
33. Review of the court procedure, carrying out the main hearing, planning of the site examination of Clab.

34. SKB enters all motions, with special focus on the motions assignable to Clab/Clink.
35. Opponents that have not yet participated in the main hearing present their view of SKB's motions (support/oppose) and present any of their own motions.
36. SKB presents their view of any motions.
37. SKB presents an overview of the Swedish system for management of radioactive waste, the KBS-3 system and the facilities included in the court case (see points 12, 14, 16, 17 and 19 above). Film.
38. Opponents have the opportunity to ask questions.

**Tuesday 3 October, 08:30–17:00**

39. SKB presents an overview of the conditions for the site and surrounding area.
40. SKB presents the application for activity for Clab and Clink, including follow-up activity. This includes the environmentally hazardous activity, aquatic activities and radiation safety aspects during construction and operation for Clab and Clink.
41. Opponents have the opportunity to ask questions.

*Lunch 12:00–13:00*

42. SKB presents, for the activities applied for (including follow-up activities), impacts on people and the environment. EIS for interim storage and encapsulation of spent nuclear fuel.
43. SKB presents proposed conditions and undertakings assigned to the activities at Clab/Clink.
44. Opponents have the opportunity to ask questions.
45. Opponents present their points of view regarding points 39–40 and 42–43.
46. Opponents that only participate in the main hearing this week are given the opportunity to give their points of view on the entire application.

**Wednesday 4 October, 08:00–17:00**

*SITE EXAMINATION – CLAB/CLINK AND THE CANNISTER LABORATORY*

47. Meet at 08:00 outside the court meeting room. Review of the site examination.
48. Transportation to Clab.  
Site examination Clab/Clink (inside Clab and outside at the location where the encapsulation part would be built).

*Lunch in connection with the site examination*



49. Transportation to the Canister Laboratory.  
Site examination of the Canister Laboratory.  
Return transportation to the court meeting room.

**Thursday 5 October, 08:30–17:00**

*CONTINUED COURT PROCEDURE AND SITE EXAMINATION OF THE ÄSPÖ HARD ROCK LABORATORY*

50. Possible continuation of points 45 and 46.
51. SKB's reply to points of view presented.
52. Planning issues  
- issues that need to be further examined in week 5 in Stockholm.  
- planning week 4 in Östhammar

*Lunch 11:30–12:30*

53. Transportation to Äspö.  
Site examination of the Äspö Hard Rock Laboratory.  
Return transportation to Oskarshamn.

**Friday 6 October, 08:30–12:00**

*EXTRA DAY*

Week 4, Östhammar
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**Monday 9 October, 12:30–17:00**

*THE SPENT NUCLEAR FUEL REPOSITORY*

54. Opening at 12:30 in the meeting room. The court procedure continues at 13:00.
55. Attendance is noted.
56. Review of the court procedure, carrying out the main hearing, handling issues regarding the species protection case and harbour case.
57. SKB presents all motions, with special focus on the motions assignable to the spent nuclear fuel repository.
58. Opponents that have not yet participated in the main hearing present their points of view regarding SKB's motions (support/oppose) and present any of their own motions.
59. SKB presents their view of any motions.

60. Appellants entitled to appeal in the species protection case present their motions for amendment.
61. SKB and the Uppsala County administrative board present their points of view on the motions for amendment in the species protection case.
62. SKB presents an overview of the Swedish system for management of radioactive waste, the KBS-3 system and the facilities included in the court case (see points 12, 14, 16, 17 and 19 above). Film.
63. Opponents have the opportunity to ask questions.

**Tuesday 10 October, 08:30–17:00**

64. SKB presents an overview of the conditions at the location and surrounding area.
65. Opponents have the opportunity to ask questions.
66. SKB presents an account of the activities applied for regarding construction and operation of the spent nuclear fuel repository at Forsmark, including the environmentally hazardous activity, aquatic activities, radiation safety issues during construction and operation as well as related follow-up activities.
67. Opponents have the opportunity to ask questions.

*Lunch 12:00–13:00*

68. Possible continuation of points 66 and 67.
69. SKB presents the EIS for the spent nuclear fuel repository at Forsmark. Presentation of delimitation, alternative designs and the zero option, as well as general environmental aspects.
70. Opponents have the opportunity to ask questions.
71. SKB presents an account of impacts in the form of noise. Transportation noise and noise from facilities (construction and operation).
72. Opponents present their points of view regarding points 64, 66, 69 and 71.

**Wednesday 11 October, 08:30–17:00**

73. SKB presents environmental impacts, including protected species, Natura 2000, and national interests in conservation of land and aquatic environments.
74. Appellants in case M 4617-13 explain their charges.
75. SKB's reply in case M 4617-13.

*Lunch 12:00–13:00*

76. SKB presents impacts on the aquatic environment, including applicable environmental quality norms for the aquatic environment and how the activities take these into account and the impact on protected areas, and possible need for permits according to Natura 2000 regulations (including cumulative impacts).
77. Opponents present their points of view regarding points 73 and 76.
78. Opponents that only participate in the main hearing this week are given the opportunity to give their points of view on the entire application.

**Thursday 12 October, 08:30–17:00**

79. Possible continuation of point 77.
80. SKB presents undertakings and conditions assigned to the construction and operation of the spent nuclear fuel repository.
81. Opponents present their points of view regarding point 79.
82. Planning of site examination of the area for the spent nuclear fuel repository.

*Lunch 12:00–13:00*

*SITE EXAMINATION – THE SPENT NUCLEAR FUEL REPOSITORY*

83. Meet at 13:00 outside the court meeting room.  
Transportation to Forsmark.  
Site examination of the location for the spent nuclear fuel repository.  
Return transportation to the court meeting room.

**Friday 13 October, 08:30–12:00**

84. SKB's reply to points of view presented.
85. Planning issues  
- issues that need to be further examined in week 5  
- planning of week 5 in Stockholm

Week 5, Stockholm
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**Monday 23 October, 10:00–18:00**

*SUMMARY AND CONCLUSION*

86. Opening at 10:00. The court procedure will begin at 10:30.
87. Remaining issues from week 1–4. Extra time.
88. Possible review of written motions.

*Lunch 12:00–13:00.*

89. Possible continuation of points 87 and 88.

**Tuesday 24 October, 09:00–17:00**

90. SKB presents all its proposals for protection measures, conditions and undertakings.

91. SKB presents its full assessment regarding protected species and Natura 2000 areas. Need for exemption/permit.

92. Opponents present their points of view regarding points 90 and 91.

93. Discussion about conditions.

*Lunch 12:00–13:00.*

94. Closing presentation in the admissibility issue.

95. Closing presentation in the species protection case.

96. Litigation costs

- aquatic activities at Clab/Clink
- aquatic activities at the spent nuclear fuel repository

97. The continued court procedure in cases M 1333-11 and M 4617-13

98. The court procedure ends.

99. Time for statement to the government

**Thursday 26 October, 09:00–17:00**

*EXTRA DAY*

**Friday 27 October, 09:00–17:00**

*EXTRA DAY*