

**COMMENTS FROM SPAIN ON THE TECHNICAL REPORT OF THE
EUROPEAN COMMISSION ON VERIFICATION UNDER THE TERMS OF
ARTICLE 35 OF THE EURATOM TREATY, CARRIED OUT DURING 18-20
JUNE 2019 IN PALOMARES (ALMERIA)**

General comments to the Conclusions

In the follow-up to the recommendations of the technical report by the verification mission carried out by Euratom in April 2010, point 7.4 included the following paragraph regarding a possible remediation plan:

"Taking into account the very long half-lives of the radioactive contaminants in Zones 2, 3 and 6, the verification team recommends the remediation of the contaminated land.

Considering that within the contaminated areas, some locations give rise to potential radiation exposures for members of the public of more than 1 mSv per year, exceeding in certain zones 5 mSv per year, the team recommends applying the Spanish rehabilitation plan and cleaning up the concerned land to avoid any unacceptable radiological risks including those in the distant future: The Pu contaminated soil should be removed and safely deposited for long term storage. The team stresses the high importance of the cooperation of the US government with Spain to overcome the socio-economic consequences of the disaster.

The assistance of the U.S.A. to Spain for the management of the radioactive wastes generated by the remediation of the contaminated land is judged to be of primordial importance in order to provide a final solution to this problem knowing that Spain has no facilities for the final storage of these Pu contaminated materials."

Unfortunately, the situation has not changed since the 2010 mission, as rightly reflected in the conclusions of the 2019 technical report, which specifies that the remediation is:

"Not completed. Pending a binding remediation agreement with the United States, no remediation activities have taken place on any of the contaminated areas."

However, the final conclusions to the 2019 technical report not only fail to reiterate the 2010 recommendation cited above (given that the situation, as has been verified, has not changed), they also add in point 5 the following contradictory request for information:

"In addition, the Commission services request the Spanish authorities to inform about the progress on the final remediation plan of Palomares contaminated areas before the end of 2021."

With regard to this matter, the Spanish authorities would like to make clear:

- 1) Given that the circumstances have not changed, the 2019 technical report should have reiterated the views stated in the 2010 report, and expressly stipulated that:

"The assistance of the U.S.A. to Spain for the management of the radioactive waste generated by the remediation of the contaminated land is judged to be of primordial importance in order to provide a definitive solution to this problem, given that Spain has no facilities for the final storage of these Pu contaminated materials."

The failure to include this reference to the necessary collaboration of the U.S. authorities in a possible remediation plan could convey the wrong message: that the EU is abandoning its "polluter pays" principle.

- 2) The express request that the Spanish authorities present a progress report on the remediation plan to the Commission before the end of 2021 cannot be an item in the conclusions of this 2019 technical report on verification.

In the opinion of the Spanish authorities, article 35, paragraph 2 of the Euratom Treaty grants the Commission right of access to verify the operation and efficiency of facilities for the control of the level of radioactivity. The technical report offers a general overview of the regulatory requirements included in the provisions adopted for monitoring levels of radioactivity, and for evaluating the impact of discharges.

However, the remediation plan for Palomares is not a measure regarding which there can be assessment of whether or not it meets radiological protection standards—which is what the Commission can analyse—and therefore it is the understanding of the Spanish authorities that there is no basis for dealing with issues regarding this specific project. It is the view of the Spanish authorities that, based on article 35 of the Euratom Treaty, they are not required to prepare a progress report on the remediation plan before the end of 2021.

Nevertheless, in keeping with the principle of loyal cooperation, the Spanish authorities are willing to continue, as they have done until now, their dialogue with the Commission regarding all matters pertaining to Palomares, including the remediation plan.

Specific comments to the "Technical Report"

1) Page 28 – Paragraph 6.1.1

Where it says:

"This ratio that has been proven to be statistically valid just for soil samples, allows to obtain an accurate and fast estimation of the Pu-239 concentration, based on the statistical studies developed"

Comment:

The previous comment stated "... based on the statistical studies developed onsite". We consider it important to highlight that these tests were carried out with "onsite" data; i.e. with data collected at contaminated areas in Palomares, and not with generic data or data from the literature.

2) Page 36- Paragraph 7.3.2

Where it says:

"The verification team recommends that the CSN require recovery of the RERA laboratory plutonium measurement capability as soon as possible."

Comment:

CSN has requested this officially several times, most recently in April 2019, as explained in 7.3.2: "RERA intends to resume alpha spectrometry capability (Plutonium determination) in 2020."

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