

**Nuclear Waste Management Regional Forum
Ottawa, Ontario
July 26, 2005**



**Submitted to:
Nuclear Waste Management Organization
September 13, 2005**



EXECUTIVE SUMMARY

The major themes that arose from discussions at the Québec Nuclear Waste Management Regional Forum were: distrust of nuclear technology, energy and industry; distrust in the Nuclear Waste Management Organization's (NWMO) current process; insufficient timeframes to obtain First Nations' views and needs; consultation and First Nation involvement; responsibility for protecting traditional territories; source reduction of nuclear fuel waste; and accountability of governments and the nuclear industry to First Nations and the Canadian public for the management of nuclear fuel waste.

There was a general consensus that as First Nations, participants had a responsibility to protect their traditional territories. They felt strongly that the producers of nuclear fuel waste had the responsibility to manage it safely with accountability to First Nations and the public in general.

Participants felt that the NWMO and the Federal Government would not provide an adequate response to any concerns raised in the process being coordinated by the Assembly of First Nations (AFN). Participants were unanimous in stating that their participation in the current process could not be construed as legal 'consultation' in any way.

Many participants felt that the industry-dominated structure of the NWMO precluded any meaningful discussion about the issues, and that the outcome of the current process was already decided upon. The "Adaptive Phased Management" approach based on centralized containment and isolation of Canada's used nuclear fuel in a deep geological repository was perceived by the participants as being NWMO's primary choice given that the nuclear industry has long favoured the deep geological disposal concept.

Participants identified the risks of nuclear fuel waste management as a great concern. They felt that the entire nuclear energy chain needed to be considered because of the potential impacts to the environment, the people's wellbeing and their way of life. Furthermore, the participants felt a distrust of the science and technology in management approaches identified.

Participants felt that their responsibilities for the land and waters dictated that they look to alternatives to nuclear energy production as a means of halting the creation of more nuclear fuel waste. They felt strongly that no new nuclear reactors be built in Canada, and no refurbishments should be undertaken on existing nuclear reactors. There was agreement that renewable sources of electricity should be pursued diligently instead of nuclear energy.

INTRODUCTION

The Québec Nuclear Waste Management Regional Forum was held on July 26, 2005 in Ottawa, Ontario as part of the AFN's Dialogue on Nuclear Fuel Waste Management. The purpose of this and other Regional Forums was to bring together interested First Nations representatives to share information and have discussions on the current process being undertaken by the NWMO and other issues surrounding the management of nuclear fuel waste.

OBJECTIVES

The objectives of the Regional Forum were to bring together regional representatives with an interest in nuclear fuel waste and the environment to network and share information; furthermore, to identify and articulate key issues surrounding nuclear fuel waste management. These recommendations will provide direction to the AFN in developing a draft strategy to protect the long-term social, environmental, legal and cultural interests of First Nations, as set out in AFN Resolution 51/2003.

METHODOLOGY

There were a total of thirteen participants at the Québec Regional Forum. They included Chiefs, Band Councils representatives, youth representatives, and environmental technicians. Guidance was given to participants by an Elder at the beginning and closing of the day.

Initially, the AFN contacted Band Councils, the Assembly of First Nations of Québec and Labrador (AFNQL), the AFN Youth Representative and AFNQL Youth Council. First Nations in close proximity to the nuclear reactor site or who had significant concerns regarding nuclear fuel waste management issues were also specifically approached.

Participants were provided with AFN's fact sheets on the Nuclear Fuel Waste Dialogue and Nuclear Fuel Waste Management, as well as AFN's Phase II Regional Forums Summary Report, AFN's Resolution no. 39/2005 titled "Nuclear Waste Management Organization Dialogue Process", copies of the *Nuclear Fuel Waste Act* and NWMO's Executive Summary Draft Study report "Choosing a Way Forward – The Future Management of Canada's Used Nuclear Fuel" in addition to other reference materials relating to nuclear waste management issues.

OPENING OF FORUM:

The Québec Regional Coordinator began this forum by asking the Elder to do an opening prayer. Following the opening prayer, the Coordinator continued the session with a review of the agenda and overview of the objectives for the day, participants then engaged in an introductory roundtable.

NWMO PRESENTATION:

The NWMO representative's PowerPoint presentation began with a brief introduction of the issue, an overview of their mandate, assessment tools used by NWMO to do their comparative

assessment of options required for study in *Nuclear Fuel Waste Act*, descriptions of the methods selected for review, and a more detailed explanation of the fourth option called "Adaptive Phased Management Approach". Following NWMO's presentation, the participants were invited to take part in an open discussion with NWMO's representative.

According to NWMO's representative, their mission is to develop a socially acceptable, technically sound, environmentally responsible, and economically feasible management approach for the long-term management of Canada's used nuclear fuel.

When it comes to site selection, NWMO is seeking a willing host community. The site selection will focus on Ontario, Québec, New Brunswick and Saskatchewan; the four provinces which are directly involved in the nuclear fuel chain. For this rationale, NWMO is focusing its dialogues with the citizens of Ontario, Québec, New Brunswick and Saskatchewan.

The Canadian public is invited to submit comments to NWMO's Draft Study. The deadline for submission is August 31, 2005. The NWMO must submit their report to the Minister of Natural Resources Canada by November 15, 2005. NWMO's final report will include its final recommendations for the long-term management of nuclear fuel waste in Canada. Once the Government of Canada makes a decision on the preferred approach in dealing with the nuclear fuel waste management, the NWMO will then become the implementing agency.

ITEMS TO INCLUDE IN REPORT REQUESTED BY PARTICIPANTS:

- ❖ A representative from the Assembly of First Nations of Québec and Labrador's Sustainable Development Institute asked NWMO representative's why the NWMO had been telling other First Nations that the Innu People were interested in being a host community for Canada's nuclear fuel waste. The NWMO representative's response was: "the NWMO has not said that the Innu people have agreed or are interested. I need to assure you that the NWMO is not promoting that". Unfortunately, this is untrue. Mike Krizanc from NWMO mentioned on more than one occasion that Securad were negotiating with the Innu of Québec. At the Atlantic Policy Congress of First Nation Chiefs' nuclear waste management dialogue on July 12, 2005 in Membertou, Nova Scotia, Mr. Krizanc stated that the Innu people are interested in taking the waste and that they are close to signing a deal. The Québec Regional Coordinator informed Mr. Krizanc that he had been misinformed. In the fall of 2004, the AFN's Northern Ontario Regional Coordinator was invited by the Chief of Eabamatoong First Nation in Ontario to attend an Elder's meeting and was informed by the Matawa Tribal Council that Tony Hodge from NWMO had recently gone to their community and in his discussion he indicated that the Innu from Québec were interested in a storage facility siting. The Coordinator advised the Elders Working Group members that they were misinformed.

A group of scientists, under the name of Securad, Inc., a private company, are working on a project to develop a facility for the "Monitored Retrievable Disposal" (MRD) of nuclear fuel waste in a deep geological repository in the province of Québec. Securad, Inc. met with Innu leaders to discuss their proposal to site a facility for the long-term management of nuclear fuel waste. The Innu leaders were told that their territory would be suitable for the disposal of radioactive waste. In return, they informed Securad, Inc. that they were not interested in their project.

Although NWMO's representative apologized on behalf of their organization, the Secretariat of the Assembly of the First Nations of Québec and Labrador's Sustainable Development Institute's representative requested that NWMO write an official letter to be addressed to the four Innu Chiefs recognizing and apologizing for what was said by NWMO's representatives.

It was also requested that NWMO send a copy of this letter to all the First Nation Chiefs in Canada.

- ❖ A representative from Wolinak explained that the people of his community are concerned for their safety and have greater concerns with the potential risks deriving from terrorist attacks, accidents or malfunctions that may occur at Gentilly-2. Their community is located in close proximity to the nuclear power plant.

Wolinak were invited to a number of meetings organized by Hydro-Québec. On one occasion, they agreed to meet with Hydro-Québec. According to Hydro-Québec's "*Modification des installations de stockage des déchets radioactifs et réfection de la centrale nucléaire de Gentilly-2*" (December 2003) report, Wolinak's community leaders fully support the refurbishment Gentilly-2 however this is incorrect. Wolinak's representative said that Hydro-Québec misrepresented their concerns, recommendations, and its position pertaining to the idea of refurbishing Gentilly-2.

On December 15, 2004, the Grand Council of Waban-Aki Nation in collaboration with the Assembly of the First Nations of Québec and Labrador submitted a paper to the *Bureau d'audiences publiques sur l'environnement* (BAPE) stating their strong opposition on the expansion and modification of the nuclear waste storage facilities and the refurbishment of Gentilly-2.

- ❖ As stated in the Secretariat of the Assembly of the First Nations of Québec and Labrador's Sustainable Development Institute's document "Position of the Assembly of First Nations of Québec and Labrador on the energy issue in Québec" (January 11, 1005), the issue of nuclear energy development is not an option. Not only do they fully support the Grand Council of the Waban-Aki Nation's opposition to any new development at the Gentilly-2 nuclear power plant but they also support the Innu of the Lower North Shore who do not want to be associated to nuclear waste storage on their traditional territory. This document was presented to the Québec government in March 2005 by the Chiefs in Assembly of the AFNQL.

AFN PRESENTATION:

The Regional Coordinator's PowerPoint presentation began with an introduction of AFN's dialogue process, an overview of their mandate, information on Canada's nuclear fuel chain, current management practices of nuclear fuel waste, potential impacts on the environment and the people, Traditional Aboriginal knowledge, Québec's regional issues regarding energy and Gentilly-2 (Québec's nuclear power plant located outside of Bécancour), and a brief overview of AFN's preliminary dialogue results. Following the presentation, the participants were invited to take part in an open discussion. Key issues were recorded. The Québec Regional Coordinator compiled these findings and has summarized them in the following section.

RESULTS

There was a general distrust of the current process being undertaken by the Federal Government and the NWMO. Many were suspicious that their involvement in the Regional Forum would be perceived as consultation. Currently, this word has serious legal implications in the Canadian legal system as a component of Aboriginal rights litigation. The Supreme Court of Canada in decisions such as *Guerin*, *Sparrow* and *Delgamuukw* as well as *Haida Nation v. B.C.*

and *Weyerhaeuser and Taku River Tlingit First Nations v. Ringstad et al.* have made it clear that the federal government, as part of its fiduciary duty to First Nations, is obliged to consult with First Nations when their interests are affected. While the Crown's duty to consult cannot be delegated to third parties, the *Nuclear Fuel Waste Act* (2002, c. 23) makes it clear that the NWMO is not an agent of the Crown. Participants stated that their participation in the Québec Regional Forum could not possibly be perceived as a 'consultation' in any way. The following report of the Québec Regional Forum does not constitute consultation.

There was a sense amongst many participants that the outcome of the current process was predetermined and there were numerous questions pertaining to the use of their feedback and its true impact and purpose. Most felt that their recommendations would be ignored or manipulated by those with the decision-making authority on nuclear waste management issues.

Capacity to meaningfully engage in the process was highlighted again and again. Independent research and data collection on the effects of the nuclear energy chain as well as prior experiences of First Nations with the overall nuclear fuel chain were given as examples of initiatives that could be undertaken by First Nations.

The issues of low and intermediate-level waste, as well as future production of nuclear waste were emphasized. Participants raised renewable energy issues several times within the context of limiting further production of nuclear waste in the future.

THE FOURTEEN ISSUES THAT EMERGED FROM THE DISCUSSIONS ARE AS FOLLOWS:

❖ Environment

The worst problem directly related to the mass generation of nuclear energy is the production of radioactive waste. Radioactive waste come in many different forms including the following but not limited to: clothing of people in contact with radioactive materials; cooling water, used fuel rods, and old tools and parts from nuclear power plants; and uranium mine tailings. Such nuclear waste must be stored in such a way that it will not destroy or harm its surroundings. Man-made radioactive materials will represent an everlasting threat to the environment and to humanity.

First Nations have always felt a great responsibility to the land within their many diverse cultures and traditions. There have been many discussions initiated by First Nations people to address the primary question of how to protect Mother Earth from harm for the future generations.

Participants felt that the first step in dealing with the management of nuclear fuel waste was to immediately stop its production. Participants were in consensus that no new nuclear reactors should be built, that no refurbishments of existing nuclear reactors be undertaken, and that renewable forms of electricity be pursued as an alternative source.

❖ Risks

There was a general distrust of western-based science and technology. Participants expressed serious doubts in theories pertaining to risk.

Participants felt great opposition to the deep geologic repository in the Canadian Shield or Ordovician sedimentary rock ("Adaptive Phased Management" concept). It was with this 'option' that the doubt in technology was the strongest. Concerns over the length of time nuclear waste

will remain hazardous were dominant. Most participants questioned the structural integrity of the containers and the barriers in a deep disposal facility.

Nowhere was this more a concern than in the issue of protecting the water. Many First Nations are already dealing with the contamination of their waters from other forms of industry, and the risk of any leakage of nuclear waste into groundwater systems was deemed a completely unacceptable risk.

A participant mentioned the waste management, decontamination, decommissioning and dismantling of old nuclear power plants represent a never-ending story. As per example; following the 1986 accident the number four reactor at Chernobyl was encased in a giant concrete sarcophagus. The nuclear power plant was under a dome-like sarcophagus, also called "Shelter." Among the concerns about the sarcophagus are the large holes and cracks that have developed which could cause an additional release of radioactive material. The beginning of construction of a new shelter to cover the current one is expected to begin after stabilizing the structures of the old one.

Estimated costs were also questioned given the nuclear industries past record on estimating costs. There were also doubts as to the real benefits First Nations would derive if an approach were implemented on their lands. From past experiences, First Nations have had little or no benefits from development in their territories. Participants felt that the risks inherent in underground storage of nuclear waste far outweighed any perceived benefit of this option.

❖ **Current Process**

Participants generally agreed that their input was not likely to affect the outcome of the current process being undertaken by the NWMO. It was felt that the structure of the NWMO (as comprised of industry representatives) precluded any meaningful discussion about nuclear waste and its future management.

Given that participants felt the outcome was predetermined, the focus of discussions shifted to a forward-looking approach to equipping First Nation communities that may be affected by the on and off-site storage/disposal and transportation of nuclear waste in the future.

A participant had prior interaction with nuclear waste storage issues, given their community's proximity to the Gentilly-2 nuclear power plant, and indicated that information provided to them by the industry was often inadequate.

Education and awareness were identified as key activities that could be undertaken by the AFN. There was a strong sense that First Nations needed to be communicating with each other to present a 'unified front', as resources and capacity are often scarce. "We are neither scientists nor specialists..." Independent data collection and scientific expertise was identified as a necessity and stories of prior First Nation involvement with the nuclear fuel chain across Canada and internationally.

❖ **Mines**

Although uranium is used mainly as fuel for nuclear power reactors it is also used in medicine. A participant mentioned the applications of nuclear science in nuclear medicine, diagnostic procedures using radioisotopes and radiotherapy for cancer. We must always remember that there are dual uses of nuclear technology: peaceful and non-peaceful. The importance to strike a balance is necessary.

Participants strongly recommend that the industry and the governments (Provincial and Federal) deal with the past before moving forward. It will require on their part a stronger commitment to address the management of the nuclear fuel chain as a whole; meaning, they must deal with the low, intermediate and high level wastes. Hence, they must deal with the "front end" of the chain which deals with uranium mining before dealing with the "back end" which consists of the nuclear fuel waste.

Although NWMO's representative said that NWMO will not comment on uranium mines because it is not part of their study, a participant suggested that before talking about nuclear waste management, emphasis should be put on decommissioning current mining facilities. The governments, industry and NWMO's objective should be shutting down old mining operations with the broad objective of leaving the area in a safe and stable condition that is consistent with the surrounding physical and social environment.

❖ **Transportation**

Before any transportation of nuclear fuel waste through their communities and traditional lands, participants insist that they be informed well in advance and have sufficient internal capacity to address a possible accident or spill. Many dangerous substances are already being shipped through these lands and it was felt that there was not enough awareness about transporting hazardous materials. Communication will be key in this process.

❖ **Naturally Occurring Events & Climate Change**

Participants felt that there could be no plan for the storage or management of nuclear fuel waste that would be completely immune from naturally occurring events like earthquakes and flooding.

On more than one occasion, participants wondered why the study of alternative energy sources was not required in NWMO's mandate given that this option would help address the nuclear waste production issue.

The discussion led to the 11th Conference of the Parties of the *United Nations Framework Convention on Climate Change* conference to be held in November 2005 in Montreal. It was suggested that First Nations take the opportunity to promote the use of alternative energy to replace nuclear energy at this international conference. The assumption that nuclear energy is the answer to global warming is nonsense. Some countries such as Germany, Sweden, and Belgium, are now phasing out the use of nuclear energy. On the contrary, Canada continues to entertain the proposal of refurbishing its old nuclear reactors and even building new ones.

❖ **Safety and Security**

There was a strong distrust in the safety and acceptability of the "Adaptive Phased Management" approach. Most First Nations have long held the belief that everything is holistic: humans and everything within their environments. Thus, there was strong opposition to the idea that nuclear fuel waste can be 'isolated' from the environment in this way.

It was also felt by many participants that First Nations lands are seen as 'remote' or 'sparsely populated'. The idea that their traditional territories were more suitable for a disposal site because they were not heavily populated was deemed a form of environmental racism. The recent proposition to dispose Toronto's garbage in northern Ontario and northwestern Québec was raised. Participants felt that nuclear fuel waste is no different, and were opposed to the

idea that their traditional territories be targeted as a waste disposal site. In learning from past experiences, Aboriginal people around the world have been disproportionately impacted by resource development and industrialization.

❖ **Responsibility of the Provincial & Federal Governments and the industry**

One participant stated that in the past, government and industry representatives have come into their community and said that they had 'consulted' them. Participants agreed that this occurred frequently and it was unacceptable to them. Furthermore, participants doubted that the Federal or Provincial government truly wanted to hear what they had to say about nuclear fuel waste management.

Raising awareness and education were identified as key activities that must be funded at sufficient levels by the Federal government, so that First Nations can engage in the nuclear waste management processes effectively. First Nations must not be rushed into a steep learning curve on education and decision making processes.

Participants stated that First Nations must be involved in any and all decision-making regarding their traditional territories as full and equal partners with the Federal and Provincial governments as well as the nuclear industry. Their input needs to be on equal footing with these other parties throughout the current and any future processes. Anything less than this arrangement renders the process invalid from a First Nations perspective.

In learning from past and current processes, participants stated that there must be a mechanism in place for full and clear communication between the governments and First Nations. It was expressed that when the Federal government receives the AFN's report on the Nuclear Fuel Waste Dialogue, there must be a proper and meaningful response to their concerns, ensuring that there is a real understanding about the information they are given. Only then can a positive working relationship begin to occur between First Nation governments and the Federal government towards the proposed next steps on this critical issue.

❖ **Gentilly-2 – Québec's nuclear power plant**

The *Bureau d'audiences publiques sur l'environnement* (BAPE) report released on May 5, 2005 recommends that Hydro-Québec be allowed to expand its temporary high-level nuclear fuel waste storage facilities but that it defer a decision on Gentilly-2 refurbishment and the expansion of high-level nuclear waste storage facilities until a federal plan for the management of radioactive waste in Canada is finalized.

The possibility that radiation could be released into the environment during an accident at the nuclear power plant has been a great concern. Hydro-Québec mentioned that iodine pills had been distributed to every resident within 8 kilometers in case of a disaster. Although taking potassium iodine pills in the immediate aftermath of radioiodine exposure can prevent thyroid cancer, the pills won't protect the people against other harmful effects of radiation exposure.

❖ **Alternative energy sources**

We, as First Nations people, are expected to take care of our sacred Earth Mother; that is a responsibility given to us from time immemorial. The need to pursue alternative sources of energy, reduce our energy consumption, and ensure that future generations enjoy a safe and healthy environment is imperative.

The idea of renewable energy was raised during the discussion, since participants felt that nuclear fuel waste should be halted. Various alternative energy sources identified were wind, solar, wood, geothermal, biomass along with conservation measures. This raised the need for a full and public debate on energy policy and the production of nuclear generated electricity. It was also questioned why low and intermediate-level nuclear fuel waste could not be considered when it is also hazardous to Mother Earth and to all living things. Participants felt that it was a huge mistake not to have considered all the impacts of the nuclear fuel chain.

Participants felt that the integrity of Mother Earth should not be compromised for short-term financial gain. She deserves respect and protection.

❖ Consultation

A participant raised the issue of consultation. Participants stated explicitly that they viewed the Regional Forum as an information session only. Reasons for this statement were based on the legal implications of the word 'consultation'.

The AFNQL have a consultation protocol in place for any development being proposed in the territories of the AFNQL Nations. This information is available on their website at www.iddpnql.ca along with other research protocols.

❖ Timeframes

Participants felt there was insufficient time to develop the necessary capacity to engage effectively on this issue due to the inadequate timeframes put in place by the *Nuclear Fuel Waste Act*.

❖ Independent Scientific Review & Advice

Some of the participants mentioned that they only recently learned about nuclear fuel waste management and the issues it entails. They did not know that such a problem existed and stated that it is an enormous amount of information to comprehend in such limited timeframes.

Participants clearly stated that First Nations need their own, adequately funded, independent scientific review and advice in the area of nuclear fuel waste to make properly informed decisions. Participants requested more information sessions and more education on nuclear fuel waste management issues. The AFNQL Youth Coordinator raised the need for education on the nuclear fuel waste issues because they will be the ones who will inherit this problem in the future. Participants felt that substantial time and resources should be allocated to educating our youth – the leaders of tomorrow.

❖ A glimpse into what can happen

Late July, 2005 Kincardine, Ontario Town Council gave its support to the establishment of an underground nuclear waste storage facility at the Bruce nuclear plant. This will make the small town Canada's first permanent dump site for radioactive material. The proposed site will be located 1 mile from Lake Huron. Ontario Power Generation Inc. (OPG) proposes sinking shafts 660 meters deep into a limestone formation below the Bruce generating station. In the limestone would be carved 20 vaults capable of storing low and intermediate-level nuclear waste produced by Ontario's nuclear reactor for the next 30 years.



Under the agreement, OPG will pay Kincardine and four area municipalities \$35.7 million over 30 years. Construction is unlikely to begin before 2013, with the site projected to be in operation by 2017.

Nevertheless, OPG's public process failed to include the First Nations whose territories on which the Western Waste Management Facility (WWMF) is located at the beginning of the strategic planning phase. With strong resurgence, the First Nations have only begun exchanging information among themselves and with OPG.

CONCLUSIONS

In conclusion, the current process being undertaken was not seen as meaningful or respectful to First Nations. The timeframes and parameters for discussion as set out in the *Nuclear Fuel Waste Act*, as well as the close relationship between government and the nuclear industry precluded a full and open discussion of the issues surrounding nuclear fuel waste management.

Participants expressed the need for:

- ✓ proper and meaningful consultations with First Nations is paramount;
- ✓ open and respectful communications between governments (Federal and Provincial), the nuclear industry and First Nations;
- ✓ education, awareness and independent scientific and legal advice for First Nations is a necessary precursor to engagement in nuclear waste management issues;
- ✓ full participation in all aspects of decision-making processes and consent to any activity affecting traditional territories is required for First Nations to ensure control over their own future.

In order to achieve the above-mentioned, First Nations will need independent resources to evaluate the necessary information in order to make informed decisions on the issues surrounding the long-term management of nuclear fuel waste.

NEXT STEPS

The AFN will use the information contained within this Summary Report, pursuant to AFN Resolution 39/2005, to make recommendation to the NWMO.

Participants requested a follow-up to this Regional Forum.

