

Nuclear Decommissioning Authority (UK) Response to *Moving Forward Together: Designing the Process for Selecting a Site*

1. Does the framework of objectives, ethical principles and requirements provide a sound foundation for designing the process for selecting a site?

The proposed framework provides a comprehensive list of important attributes that should be taken into account when designing the process for selecting a site. It is recognised that this document represents an early stage in the national discussion process and therefore must avoid appearing to pre-empt the discussion by providing prescriptive detail. Nonetheless, some of the concepts in the proposed framework could benefit from further explanation to be meaningful to prospective participants in the discussion process.

In terms of the proposed objectives, it would be particularly useful to explain (or remind) what is meant by “communities with a shared interest” and by “environmental integrity”.

The roles of democratically elected bodies and of national organisations that guard the public’s interests (e.g. the regulatory bodies) in the process could usefully be made clearer in the description of the framework, although they could be interpreted to be covered. Similarly the ethical principles emphasise collective entities, i.e. groups, communities and generations, with little specific consideration of individuals. This could be interpreted as favouring a utilitarian ethical principle over an egalitarian one whereas modern international health and environmental protection standards reflect a strong egalitarian ethical principle.

2. How can we ensure that the process for selecting a site is fair?

In considering inter-generational equity, the process for selecting a site should have as a guiding principle that the current generation would not be requiring future generations to accept a greater imposed risk than it is willing to accept today.

With respect to those who will be involved in the siting process, it will be important to ensure that all groups and individuals have access to the relevant information and are provided with the opportunity to influence the decisions that have to be made in implementing the process. The practical consequence of this is that information should be available at various levels of detail and in various presentational forms according to the users’ requirements. It will be very important that the information provided should include a description of uncertainties, or a lack of knowledge, and how this has been dealt with in carrying out any assessments in support of the siting process.

Consideration could usefully be given to the establishment of a role for an independent oversight body to scrutinise and report on the implementation of the siting process, particularly in respect of its fairness. Once potential host communities have been identified they should have access to relevant expert bodies or individuals to help them, if required, to evaluate relevant technical information. Funding may legitimately be required to support the continued engagement of such communities in the process, including this possible provision of specialised advice. In relation to these suggestions, it is important that the role to be played by the independent, national regulatory bodies is clear to all participants in the process.

3. From what models and experience should we draw in designing the process?

We agree with the statement that the process for Canada should be designed by Canadians to take account of national legislation, policies and culture and the corresponding roles and accountabilities of participating organisations and communities. We are strongly of the view that there is not an international model that can be applied universally. However, provided that this is kept in mind, we believe that there is much that can be learned from international experience.

The UK has identified very similar principles and challenges to those presented in the NWMO document, also following an extensive public and stakeholder engagement process. Therefore we can recommend drawing on the description of the equivalent UK site selection process, which is based on partnership and voluntarism, given in the UK Government White Paper¹ and the supporting NDA Technical Note².

The model and experience of establishing siting partnerships for an ILW/LLW disposal facility in Belgium have provided valuable inputs to the development of the UK siting process, and appear highly relevant to the framework proposed for Canada. The siting processes for geological disposal facilities for spent fuel in Sweden and Finland are well-advanced and have taken account of many of the same socio-political issues that appear in the NWMO document. In Sweden the concept of environmental justice and its application to long-lived environmental hazards such as radioactive waste have been discussed in reports by the advisory body KASAM; this has clear relevance to the fairness of the siting process.

In the UK we have found the model and experience of OPG and the Kincardine community in siting a geological disposal facility for ILW/LLW of great interest, and this clearly is relevant.

4. Who should be involved in the process for selecting a site, and what should be their role?

In the early stages of designing the process it will be important to ensure that every organisation and individual who wishes to contribute has an opportunity to do so. The current document appears designed to afford exactly that opportunity.

It is difficult for an organisation outside Canada to comment on the detailed organisational roles and responsibilities. However, it will be important to establish legitimacy for the process that is developed: this implies a need for the involvement of democratically-elected representative bodies such as national government and of relevant national organisations, in particular those responsible for the protection of human health and the environment.

In the UK the involvement of local government organisations (specifically the Local Government Association's Nuclear Legacy Advisory Forum) in the early stages of developing the site selection process has been beneficial in ensuring that local community representatives can explore the relevant issues and collectively come to a view on how they wish to influence the development of the process in a coherent manner.

¹ Managing Radioactive Waste Safely: A Framework for Implementing Geological Disposal, A White Paper by Defra, BERR and the devolved administrations for Wales and Northern Ireland, June 2008.

² A Proposed Framework for Stage 4 of the MRWS Site Selection Process, NDA Technical Note 8150715, June 2008.

Once potential host communities have been identified, as the process progresses, they will have an important role in defining key aspects that a successful and fair process must address, such as their socio-economic aspirations, what represents well-being for the community, or how the needs of future generations should be met.

In many countries the national regulatory bodies play an important role in scrutinising the relevant assessments presented by the waste management organisation in support of implementation of the site selection process. Typically this responsibility is discharged at one or more previously agreed stages of the site selection process but practice varies between different countries.

As noted in an earlier response, consideration could be given to an independent advisor body having responsibility for oversight of implementation of the process, in particular in respect of its fairness.

5. What information and tools do you think would facilitate your participation?

The response to this question will depend strongly on the organisation or individual making the response. The NDA will be interested in the development and implementation of the process, and will endeavour to provide any inputs, such as this one, when requested. However, the important answers to this question will come from Canadian organisations and individuals.

In a strictly general sense we have noted in an earlier response the need for information to be provided in a variety of ways to maximise accessibility, and for uncertainties to be recognised and explained. We have also noted the potential need for funding to enable the informed participation of local communities and the need for clear explanations of the roles and responsibilities of the different organisations that are involved, in particular where an organisation can be relied upon to provide independent, expert review of assessments and proposals made by the waste management organisation.

We have noted that the standardised collection of information on sites in customised geographical information systems is viewed as beneficial to the transparency of the process and this might be worth considering.

6. What else needs to be considered?

As noted above, the proposed framework appears to provide comprehensive coverage of the important, high-level issues to be considered. The responses to the previous questions have identified some aspects that were not specifically mentioned and are likely to be important to participants at some stage.