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## NOTES ON DISCUSSION DOCUMENT 1

The stated aim of DD1 is to invite comment from Canadians. My concern is that they/we will not be as forthcoming as we might, and that the NWMO will move forward with a recommendation that's not as widely supported as it should. Might public engagement be increased by directly raising a question that's not well posed in the paper, and by fitting a discussion of this question into the second and third documents?

The question is, very simply, 'What's the problem'? In other words, why should anyone take the trouble to participate? What's the scope and severity of the need, at this time, for a publicly supported recommendation to government of one from among several long-term approaches to spent-fuel management? If there are various aspects to the need for action, what are they and how might we weigh them?

What's missing, I suggest, is a **needs assessment**. Instead, the need to act is very largely assumed in a document which is preoccupied with choice among alternatives. Without a reasonably clear awareness of the underlying necessity for action, Canadians cannot be expected to devote much time and energy to choice among alternative courses of action which tend in themselves to be mind-numbing.

Indeed, as we heard at dinner last month, it could be that substantial public engagement will have to await site selection by the Minister after the NWMO recommendation is in. There are a lot of implications to this view. One is that a recommendation in favour of geological disposal or centralized storage is required to get people going, which is not something that's likely to come from a proposal for continued on-site storage. In any event, you would seem to be faced with a paradox: an all but final outcome of the process you are striving to endow with early public input is a precondition for any such input. Or is the situation so unpromising? Might a clear needs assessment, put out by the NWMO in 2004, help to generate the public attention and involvement which the Organization is working so hard to encourage?

To elaborate on the matter of needs, the opening message from the Chairman refers variously to legislated obligations, expectations of the legislation, and legislative requirements including those specifying the time frame for a NWMO recommendation to the Minister. But the reasoning behind the Act and now the efforts of the NWMO is not made clear nor, in what's necessarily a brief statement, is it sketched out. The President's Foreword asks whether the Document has 'captured well the essence of the problem', which seems to be a problem in management choice. Both the Chairman and the President are no doubt anxious to avoid pre-empting public consultation by defining the

problem themselves. Their reticence does however make for a rather abstract and disembodied introduction to the task at hand.

As to the Executive Summary, which is a faithful representation of the larger text, aspects of 'the problem' do start to appear: we're looking at up to 3.6 million used fuel bundles which contain very dangerous material if not properly managed; these bundles are safely managed in wet or dry storage at reactor sites; on-site storage is regarded as an interim solution while also being one of three specified long-term management approaches; Canada and other countries are en route to a long-term management approach; and to this end the NWMO in collaboration with Canadians will develop an approach that's socially acceptable, technically sound, environmentally responsible, and economically feasible. The problem thus becomes one of developing through dialogue, and then applying, an analytical framework for the assessment of alternative management approaches. All the questions on page 8 relate to comparative evaluation of alternative management approaches. The necessity for Canadians to make a selection in the first place is pretty well taken for granted. If there's no clear necessity, why should any large number of us take the trouble to get involved?

Accordingly, I'd suggest the NWMO invite Canadians themselves to define the underlying need as they reflect on what the Organization and fellow citizens are saying about alternative management approaches. Different people will have different questions for a needs assessment. My short list goes something like the following.

Does our mounting stock of used nuclear fuel bundles present us with a need to act? What are the main elements of the need? How urgent are they, especially when NPPs are designed to retain spent fuel beyond the end of their service lives? When there's no widespread political issue or social movement among Canadians to move used nuclear fuel out of the concerned communities? When commercial nuclear power is an infant industry (in Canada since 1968), and decisions on long-term disposal over the next few years could commit us to environmental consequences tens and possibly hundreds of thousands of years hence? Are we not rushing to finality, especially when technology and international institutional development promise new options for disposition? Or are there physical security threats which should move us to select without delay from among alternative management approaches? Ditto for health, environment, and nuclear safety? In effect, what was/is the reasoning behind the Nuclear Fuel Waste Act? Why the short time for the Organization to get established and to come forward with a recommendation to the Minister without there also being a clear statement of the need for prompt action? Might Canadians actually be faced with a need to rededicate to nuclear power?

There's something of a contrast between the opacity of the process which generated the Act, and the transparency with which the NWMO is endeavouring to implement it. In the absence of any great public interest in used fuel management, the genesis of the Act would seem to have featured confidential interaction between government and the nuclear industry. If the NWMO is to rouse Canadians to an awareness of the necessity to participate in its work, it may want to consider disseminating some of the thinking that went into the Act.

Necessity and choice are interconnected. To minimize necessity, which is what the NWMO would in effect seem to be doing in not urging Canadians to a vigorous assessment of need, is to maximize the opportunity for attention to the procedural and substantive dimensions of choice. It is to say we're determined to do full justice to the process of selecting from among alternative management approaches. It is to say we're in the domain of management, not the domain of foreseeable breakdown, however distant, and crisis. On the other hand, when necessity clearly has the upper hand, we normally narrow the force of procedural requirements, move more promptly towards decision, and accept a greater measure of risk in the outcome. A fairly substantial needs assessment would seem to have informed the Act in its requirement for the Organization to recommend by November 2005. As I see it, the NWMO is duly emphasizing the importance of choice variables in a process whose legislated rapidity also suggests an underlying necessity.

As framed by the drafters of the Act, might the problem have come down to energy security? Might the problem have been, and still remain, one of commencing now to mobilize public support for the construction of new nuclear generating capacity which takes years to bring on line, which we may quite simply not be able to do without, and which also happens to be environmentally benign when climate-change effects are compared with those of the major alternatives? Specifically, might strengthened public support for the nuclear option depend upon it becoming clear that the nagging problem of waste, if it has not been 'solved', is being dealt with to the satisfaction of most? If we've got a serious energy problem and if Canadians are leery about nuclear power, why risk getting ourselves into still deeper trouble by spooking everyone with a frank statement of the need to choose? In the circumstances, wouldn't it be better to have a deliberation on waste management which mutes necessity? The answer to this last hypothetical is that a deliberation on choice in the absence of a needs assessment risks being unproductive.

Or might it be that when necessity has been considered and the management alternatives have been thrashed out publicly under the sponsorship of the NWMO, it turns out there's actually no great felt need to make a choice among management alternatives? That we are in a position to store nuclear fuel waste on-site indefinitely, which is tacitly to say that we prefer not to rededicate to the nuclear option? I don't think so. We do have a serious energy security problem in Ontario. Shouldn't the NWMO tap into this level of concern in its endeavour to generate not merely a recommendation but a publicly supported recommendation?

Discussion Document 1 states (page 20) that 'where the NWMO feels that assumptions around future energy scenarios are critical to the assessment of alternatives, these will be reported'. In my view, the NWMO could well consider broadening the scope of its deliberations to include energy-security and other aspects of the underlying need for a choice that will otherwise remain abstract and may be of no great concern to most Canadians.

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