

Multi-party dialogues Fall 2008 - Ottawa session report

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Stratos Inc.

nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



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Nuclear Waste Management Organization

The Nuclear Waste Management Organization (NWMO) was established in 2002 by Ontario Power Generation Inc., Hydro- Québec and New Brunswick Power Corporation in accordance with the *Nuclear Fuel Waste Act (NFWA)* to assume responsibility for the long-term management of Canada's used nuclear fuel.

NWMO's first mandate was to study options for the long-term management of used nuclear fuel. On June 14, 2007, the Government of Canada selected the NWMO's recommendation for Adaptive Phased Management (APM). The NWMO now has the mandate to implement the Government's decision.

Technically, Adaptive Phased Management (APM) has as its end-point the isolation and containment of used nuclear fuel in a deep repository constructed in a suitable rock formation. Collaboration, continuous learning and adaptability will underpin our implementation of the plan which will unfold over many decades, subject to extensive oversight and regulatory approvals.

NWMO Social Research

The objective of the social research program is to assist the NWMO, and interested citizens and organizations, in exploring and understanding the social issues and concerns associated with the implementation of Adaptive Phased Management. The program is also intended to support the adoption of appropriate processes and techniques to engage potentially affected citizens in decision-making.

The social research program is intended to be a support to NWMO's ongoing dialogue and collaboration activities, including work to engage potentially affected citizens in near term visioning of the implementation process going forward, long term visioning and the development of decision-making processes to be used into the future. The program includes work to learn from the experience of others through examination of case studies and conversation with those involved in similar processes both in Canada and abroad. NWMO's social research is expected to engage a wide variety of specialists and explore a variety of perspectives on key issues of concern. The nature and conduct of this work is expected to change over time, as best practices evolve and as interested citizens and organizations identify the issues of most interest and concern throughout the implementation of Adaptive Phased Management.

Disclaimer:

This report does not necessarily reflect the views or position of the Nuclear Waste Management Organization, its directors, officers, employees and agents (the "NWMO") and unless otherwise specifically stated, is made available to the public by the NWMO for information only. The contents of this report reflect the views of the author(s) who are solely responsible for the text and its conclusions as well as the accuracy of any data used in its creation. The NWMO does not make any warranty, express or implied, or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any information disclosed, or represent that the use of any information would not infringe privately owned rights. Any reference to a specific commercial product, process or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or preference by NWMO.

**NWMO-Stratos Multi-Party Dialogues
- Ottawa, October 1, 2008 -**

Summary Report

Submitted to:

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1 Introduction

Purpose & Context

A series of dialogues on the design of the process to select a site for the long-term management of Canada's used nuclear fuel was held across the four nuclear fuel cycle provinces in September – October 2008.

The purpose of the dialogue sessions was to seek input, among a diverse cross-section of Canadians in each nuclear cycle province, on the critical elements of a fair, ethical, and effective siting process. The dialogue sessions are an important input, among several inputs, to the development of NWMO's draft proposal for the siting process, to be released in 2009.

The Nuclear Waste Management Organization (NWMO) retained Stratos Inc. to design, organise, facilitate and report on these dialogues.

Individuals with a wide range of perspectives were invited, including those from Aboriginal organizations, business associations, municipal groups, non-governmental organizations (NGOs), academia, nuclear industry, and professional associations. While many of the participants were affiliated with organizations, they were asked to participate as individuals. A total of 20 participants, as well as staff from NWMO and Stratos, attended the session held in Ottawa, Ontario on October 1, 2008 (refer to Appendix A for a list of the participants).

To facilitate conversations on the design of the process to select a site, NWMO has published a document entitled *Moving Forward Together: Designing the Process for Selecting a Site*. The document draws on the past study process in which many Canadians were involved, proposes objectives to guide the future work, and identifies a number of considerations, challenges and opportunities for discussion. The document also presents six discussion questions, which formed the basis for the agenda used in the dialogue session (see Appendix B).

Organized according to the agenda, this report provides a summary of perspectives and ideas expressed and exchanged during the dialogue. The dialogue session was not intended to reach consensus among participants, though the report notes areas of general agreement.

Dialogue Opening

Ken Nash, President of the NWMO, welcomed participants to the dialogue session and provided an overview of the history of the NWMO, its mandate, and the Adaptive Phased Management (APM) approach recommended by the NWMO and selected by the

Government of Canada on June 14, 2007. He explained that the NWMO's next step is the development of a draft site selection process in 2009, and that ideas exchanged during the dialogue sessions will serve as input to this process. Finally, Mr. Nash indicated that a report capturing the views heard in the dialogues would be shared with participants following the sessions.

2 What is Important in a Siting Process

To initiate the dialogue, all participants shared with the plenary group their thoughts on what is important in a siting process. Participants offered their perspectives on technical and social considerations, as well as general comments on the design of the process.

Technical Considerations

Participants agreed that the siting process should take into consideration the protection of both the environment and the health of the communities and the workforce, including protection from potential long-term effects.

Some participants suggested that the site selection process should limit transportation of waste over long distances to reduce risk. Additionally, a few participants recommended that the siting process should also consider keeping the waste at the current on-site locations.

Social Considerations

Participants generally agreed that the siting process should be based on a willing community which welcomes the facility. Some participants felt that the site selection process should set a high threshold by which "willingness" is defined, such as a level of support significantly higher than 50% (e.g. 70%).

Participants stated that the process should be a democratic one in which all Canadian communities, including northern communities, Aboriginal people, and youth are involved. Further, participants identified that the site selection process should be inclusive, involving not only those immediately impacted but also those more broadly affected. Some participants suggested that at the outset of the site selection process, stakeholders that are likely to be affected should be identified.

Some participants proposed that two parallel engagement processes are required: one for Aboriginal people, and one for non-Aboriginal Canadians. These participants noted that the site selection process should incorporate the duty to consult with Aboriginal peoples. Additionally, it was suggested that the process needs to go beyond the regulatory duty to consult, to a more meaningful engagement and involvement of the Aboriginal community.

Effective communications was identified by many participants as an important element of the siting process. Participants indicated that relevant communication should take into account cultural and language considerations, noting the diverse information needs across the Canadian population. It was also suggested that the communications approach should employ a wide range of new and traditional methods, including blogs and door-to-door relationship building, to reach various audiences.

Some participants emphasized the importance of incorporating the education of the media into the siting process in order to enhance their role of providing informed perspectives and objective information to Canadians.

To enhance transparency and ensure informed decision-making, participants suggested that clear and balanced information should be integral to the siting process, and that the NWMO should have this material prepared and available prior to launching the site selection process.

Throughout the discussion, participants emphasized the need for the siting process to have long-term sustainability. The siting process should be capable of “staying on track” over the long-term, and should include mechanisms to ensure that scientific and other knowledge is shared and carried forward. Some participants also recommended that communities need to be prepared to embark on the site selection process as part of their own long-term planning processes.

Participants stressed the importance of defining performance measures for the site selection process, as well as clearly defined site selection criteria, in order to be able to measure the success of the process. It was suggested that the site selection process should be fair, such that people are treated fairly and *believe* that they have been treated fairly. Further, some participants indicated that the final decision in the site selection process should be evidence-based. Even with an ideal process, some participants predicted that not everyone will be satisfied with the final outcome and the choice of host community.

There were divergent perspectives as to whether potential host communities and the transportation route communities should be involved in the same or separate selection processes, or have similar levels of influence on decision making. As part of this discussion, however, some participants indicated that the siting process design should identify who has veto power, so that veto power is not simply given to those with the “loudest voices”.

3 Testing the Set of Objectives, Ethical Principles and Characteristics

In plenary, participants reviewed the framework of objectives, ethical principles and characteristics presented in the NWMO document *Moving Forward Together: Designing the Process for Selecting a Site*. This framework was developed based what NWMO heard in conversations with Canadians during the study phase of its work.

Objectives

Some participants requested clarification on key terms such as “well being of communities”, “environmental integrity”, and “fairness” as these terms are subject to interpretation.

Some participants also suggested that the objectives explicitly include the following elements:

- Transparency
- Accountability
- Communication
- Education
- Inclusive decision-making

Characteristics

Participants provided the following suggestions concerning the statements on characteristics:

- There is a need to make a distinction in the framework between the desirable characteristics of a site (the end point) and the desirable characteristics of the process for selecting a site (the means).
- Regulatory obligations should be paramount, and should be respected in addition to treaties and land claims.
- The NWMO should consider whether a statement on the potential for future use of the wastes should be included within the characteristics.

Some participants emphasized the importance of the framework and of “getting it right”, as the framework will be the essential basis for measuring success against what NWMO has committed to.

4 Major Activities in a Siting Process

Breakout groups discussed the major activities in a siting process. Several participants identified a list of issues and questions to be resolved in the design of the siting process and prior to any solicitation for expressions of interest from communities. A summary of these questions is presented in the following table:

Issues Requiring Resolution
<ul style="list-style-type: none">• What should the starting point be? Should the NWMO start its site selection discussion with possible feasible host communities in mind, or with no pre-identified potential host sites?• What is meant by “community”?• How broad will the solicitation for expressions of interest call be? (e.g. whole province, eligible communities based on predefined geographical zones)• What are the communities expected to do? What is NWMO expected to do?• What information do communities need to decide whether or not make a bid? What would that decision-making process look like?• What if communities change their minds? Will there be a binding process and rules of engagement?• What are the liability considerations for the repository? Who owns the waste, manages the facility, and pays for the operation of the facility? Who is responsible for emergency preparedness?• Since NWMO owns and runs the process, could an independent ‘panel’ be created to adjudicate and address conflicts?• What criteria need to be considered? How should the information be packaged and disseminated?• How would multiple applicants be screened (i.e. staged process, triage, key milestones)?• How are transportation issues to be considered (i.e. up-front or later)?• What if there are no interested communities? Is there a “Plan B”?• How could NWMO demonstrate due diligence in the event of a court challenge?

Participants identified a range of activities for the siting process. Most of these activities were associated with the following five process steps:

Define the project – Communities will require a project description including the physical properties (of the waste), design issues, and the economic case for the project.

Define criteria – Various categories of criteria were identified. Some participants indicated the need to develop criteria by which to measure the success of the siting process. Some participants suggested the development of screening or triage criteria, based on geology and transportation considerations, to narrow the range of communities

to be involved in the process. Others suggested a set of criteria that would have to be met by the communities that have stepped forward. These could include the level of community support (willingness), labour force development and expansion (including infrastructure), and potential for benefit beyond the facility.

Informing communities and other interest early – A few participants suggested that NWMO conduct an early round of engagement to inform a broad range of communities and other interests (i.e. “go and talk about what you are going to talk about”) about the process and the project using a robust information package. Participants emphasized the importance of building bridges with opinion leaders in the wider community, public opinion makers, and public institutions.

Promote public awareness – It was suggested that a public awareness campaign be undertaken in all geological areas where the facility might be located. The media will play a large role in this campaign. Participants emphasized the importance of being prepared to manage responses to this awareness campaign (i.e. NWMO needs to collect, organize and address the responses submitted). Communication should be maintained at all levels throughout the process. Even as communities are narrowed down, participants advised NWMO to keep provincial and regional governments as well as the broader community informed of progress.

Invite expressions of interest – One of the last steps identified by several participants was the call for expressions of interest from communities. In some cases, participants suggested that a closing date not be established, so that the process remains open to any community up until the final siting decision has been made. Other participants felt that a fixed closing date should be set in order to ensure that progress through the process can be demonstrated.

Subsequent steps in the siting process were described in less detail. Following the solicitation for expressions of interest, some participants envisioned an assessment of interested communities based on more detailed criteria, eventually leading to the identification of one or two communities that would be subject to regulatory assessment and approval.

5 Who should be involved? What should their level of influence be in decision-making?

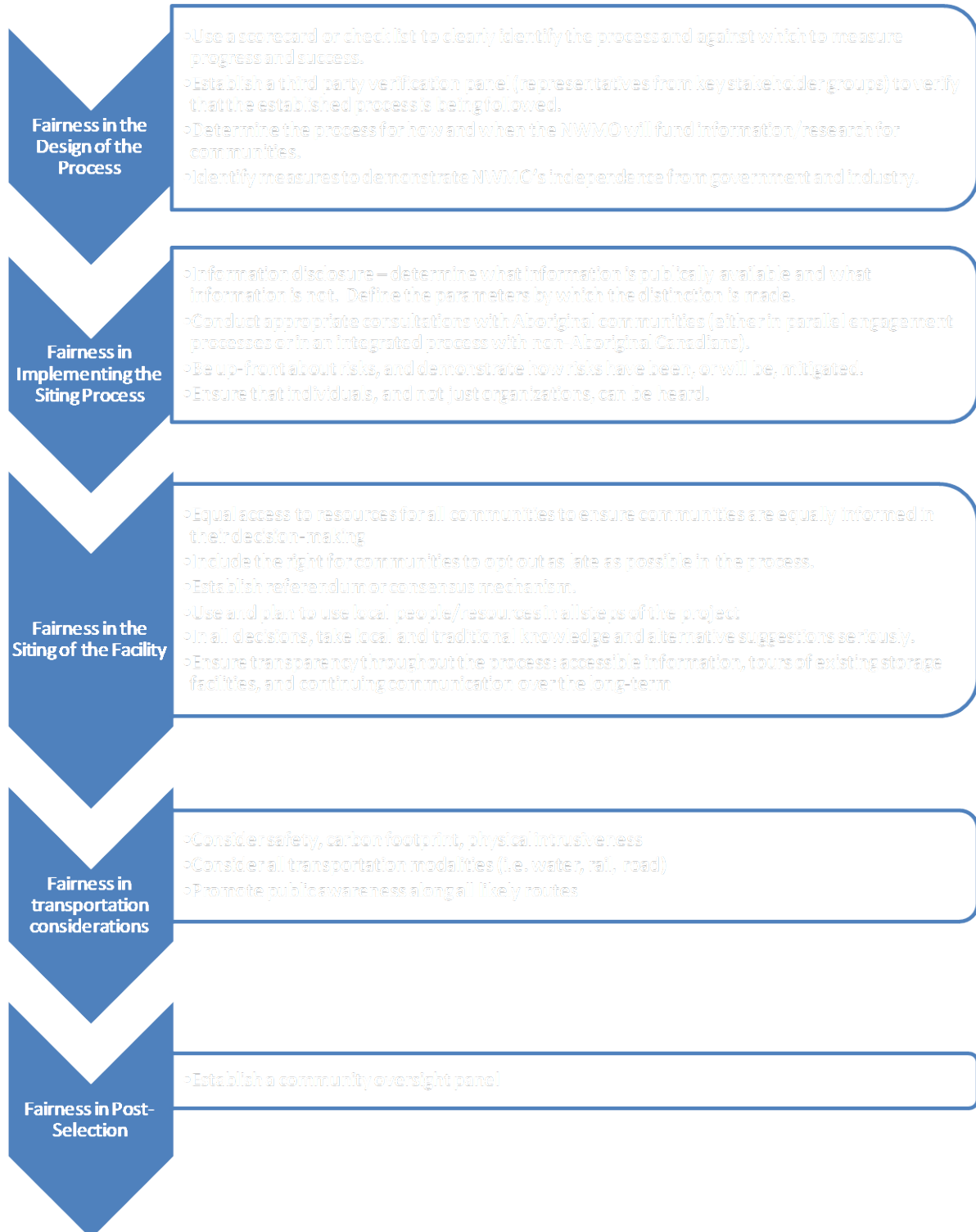
Participants identified several key players in the siting process and commented on the nature of their involvement in the siting process, as outlined in the following table.

<p>NWMO</p>	<ul style="list-style-type: none"> • Adopt high level of standards (not just the minimum) • Should be guided by direction taken by communities and elected officials
<p>Potential Willing Host Communities and other Self-declared Participants (both stakeholders & communities)</p>	<ul style="list-style-type: none"> • Communities could be defined based on political jurisdictions that have decision-making power based in law • Host community (single community) or host region (multiple communities) could be considered • Must be well informed and consulted thoroughly • Require lead time, advance notice, and resources
<p>Other Potentially Affected Communities (e.g. immediate neighbours, transportation route communities, downwind/ down river communities, etc.).</p>	<ul style="list-style-type: none"> • May be defined by ecosystem boundaries, or as contiguous communities • Need to be involved; generally need to be in agreement • Degree of influence to be determined
<p>First Nations</p>	<ul style="list-style-type: none"> • Require a separate parallel engagement process • Duty to consult • Ensure participation of individual Aboriginal people as well as Aboriginal associations / organizations
<p>Youth</p>	<ul style="list-style-type: none"> • Require appropriate educational materials, particularly as potential communities are narrowed down
<p>Related groups & the general public</p>	<ul style="list-style-type: none"> • Degree of influence to be determined

In discussing the use of consensus decision-making in the siting process, it was suggested that the threshold for consensus be determined by the community and/or their leaders. However, some participants stated that the willingness of a community needs to be based on "strong" consensus, suggesting that a standard or threshold for consensus be established.

6 Ensuring a fair site selection process

Participants discussed and identified measures to ensure a fair site selection process, throughout the life-cycle of the process, including the following elements:



7 Considerations, Factors and/or Criteria Guiding Decision-making

Participants discussed a range of factors, criteria and considerations that should guide decision-making. The criteria that participants identified as most relevant included:

- safety and security, especially geotechnical suitability;
- degree of community support – the community's ability to demonstrate willingness; and
- economic viability, especially as determined by the site's remoteness or ease of access.

One participant summarized these selection criteria by stating that the process will select the willing community where the facility will be the safest, most secure, and economically viable.

The use of modelling was discussed by several participants as a way of exploring different siting options in terms of the following factors and considerations:

- Transportation options (water, highway, rail)
- Economic impacts on community (weighing the impact)
- Infrastructure requirements and accessibility
- Labour force availability

It was also suggested that the siting process itself could be modelled to explore the impact of variables such as the number of communities that have expressed willingness, and the timelines for communities to express interest (with and without a closing deadline).

The models would be used to develop different scenarios that would be helpful for communities in considering the project and making decisions, and to make decisions about the siting process itself.

8 Information & Tools to Facilitate Stakeholder Participation

Participants provided a brief overview of the information required to facilitate stakeholder participation by stating that two broad categories of information are required:

1. Information on the site selection process, including measures and criteria for fairness, and a description of a third party panel to oversee the process
2. Information on the project, including the technical requirements, risks, and benefits

More detail was provided on approaches and tools to facilitate stakeholder participation. As shown in the following table, participants identified tools and approaches for engaging and involving the general public and a broad range of interests, and potential host communities more specifically.

General Public and other Interests - Approach & Tools -	Potential Host Communities - Approach & Tools -
<ul style="list-style-type: none">• Approach, and communicate with, municipal organizations, Aboriginal organizations, and University groups• Create a mobile information centre.• Create new information and media approaches (videos, document overviews, simplified documents with lots of visuals, etc.)• Engage local media	<ul style="list-style-type: none">• Identify independent advisors• Provide funds for education (e.g. tuition scholarships, summer courses, co-op placements)• Offer conflict resolution training• Sponsor site-specific or site-related research• Provide financial assistance for community participation• Establish a mechanism for petitioning complaints during the siting process• Create a process to respond to questions raised at points throughout the siting process• Encourage use of local resources during site selection process• Use various communication modalities to maximize effectiveness and efficiency

9 NWMO's Future Challenges & Opportunities – Best Advice

In the closing plenary discussion, participants were invited to share their “best advice” with the NWMO, drawing on what they heard and learned in the dialogue. Participants offered a range of advice to the NWMO, including the following suggestions:

- Identify clear and transparent criteria for decision-making, through an iterative feedback processes.
- Consider creating a third party arbitration council or panel to help make decisions, work through conflicts, and provide unbiased direction in areas of controversy.
- Modify information and communication materials to be more accessible to various audiences, including the general public. Acknowledge regional differences in the perception and understanding of nuclear issues and create information tools to address these differences (e.g. Saskatchewan is familiar with uranium and has a more advanced understanding of nuclear waste; Ontario requires more information and explanation to address perceptions and fears related to safety).
- When engaging with Aboriginal communities, avoid relying on traditional communications materials (print, web), and focus instead on building personal relationships to help dissipate the fear and present the opportunities of the project.
- Acknowledge and address different viewpoints expressed by participants on key siting process concepts particularly about the starting point for the site selection process. Some participants felt that certain communities could be ruled out based on initial modelling and screening by the NWMO and that specific scenarios could then be presented for consultation with a narrower set of communities. Others felt that the process should be more participative and open, where a broad range of communities would be involved from the beginning of the process and therefore take ownership of the process.

Appendix A – List of Participants

Name	Organization
Mr. Russell Banta	Russell Banta Consulting Ltd.
Dr. Andrew Brook	Carleton University
Mr. Michael Buckthought	Sierra Club of Canada
Mr. Jim Chauvin	Canadian Public Health Association
Mr. Murray Elston	Canadian Nuclear Association
Dr. Scott Findlay	University of Ottawa
Mr. Pierre Guimond	Canadian Electricity Association
Mr. Jim Harvie	Canadian Nuclear Society
Mr. Jon Jennekens	
Dr. Bill Leiss	McLaughlin Center for Population Health Risk Assessment
Ms. Cheryl Maloney	Native Women's Association of Canada
Dr. James Meadowcroft	Carleton University
Mr. Gordon Peeling	Mining Association of Canada
M. Yves Poisson	Public Policy Forum
Mr. J. A. L. Robertson	
Mr. Mike Taylor	Canadian Nuclear Society - Ottawa Branch
Ms. Judy Watling	Policy Research Initiative
Ms. Shannon Watt	Federation of Canadian Municipalities
Mr. Gordon Williams	Niigani
Mr. Stuart Wuttke	Assembly of First Nations

Appendix B – Agenda

NWMO Dialogues on Designing the Process to Select the Site for Managing Canada’s Used Nuclear Fuel for the Long-Term

Objectives

- To seek input from individuals and organizations, which reflect a diverse set of perspectives, on the design of a siting process
- To invite/generate ideas about critical elements and issues in the design of a siting process

Time	Subject
8:00-8:30	Greeting & Registration
8:30-8:40	NWMO Welcome
8:40-9:00	Stratos Opening Remarks & Roundtable Introductions
9:00-10:30	<i>Plenary: What matters in a siting process?</i> <ul style="list-style-type: none"> • What is important in a siting process? • Testing the set of Objectives, Ethical Principles & Characteristics (Q1)
10:30-10:45	Refreshment Break
10:45-12:30	<i>Breakout Groups: Design Elements for NWMO Siting Process - Methods</i> <ul style="list-style-type: none"> • Major activities in a siting process • Who should be involved? What should their level of influence be in decision-making? (Q4) • Ensuring a fair site selection process (Q2)
12:30-13:00	Lunch (provided)
13:00-13:45	<i>Reporting Back in Plenary: Design Elements for NWMO Siting Process - Methods</i>
13:45-14:45	<i>Breakout Groups: Design Elements for NWMO Siting Process - Content</i> <ul style="list-style-type: none"> • Considerations / Factors / Criteria guiding decision-making • Information and tools to facilitate stakeholder participation (Q5)
14:45-15:15	<i>Reporting Back in Plenary: Design Elements for NWMO Siting Process - Content</i>
15:15-15:30	Refreshment Break
15:30-16:25	<i>Plenary: What are the NWMO’s future challenges & opportunities? What are the key considerations?</i> <ul style="list-style-type: none"> • Key challenges & opportunities in the design and implementation of a siting process (Q6) • Best advice to NWMO on design of a siting process (Q6)
16:25-16:30	<i>Plenary: Wrap-up</i>