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PART I

ANALYSIS OF NWMO DISCUSSION DOCUMENT  
OF AUGUST, 2004- "UNDERSTANDING THE CHOICES"

THE NUCLEAR WASTE MANAGEMENT ORGANIZATION (NWMO) DISCUSSION DOCUMENT "UNDERSTANDING THE CHOICES", AFTER A SHORT "FOREWORD" FROM THE NWMO PRESIDENT, BEGINS WITH A 9 PAGE "EXECUTIVE SUMMARY". THIS IS FOLLOWED BY A MORE EXTENSIVE (3) PARTS ENTITLED:

- 1.) FOUNDATIONS OF THE ASSESSMENT
- 2.) A PRELIMINARY COMPARATIVE ASSESSMENT
- 3.) TOWARDS A MANAGEMENT APPROACH

"FIGURES AND TABLES", AND (5) APPENDICES. ROUND OFF THIS 110 PAGE DISCUSSION PAPER.

AS WE ARE TALKING ABOUT CANADA HERE, THIS NWMO PAPER BEGINS WITH AN EXAMINATION OF THE VALUES AND PRIORITIES OF CANADIANS, AS WELL, HOW NWMO HAS USED THIS UNDERSTANDING TO BUILD AN ASSESSMENT FRAMEWORK, AND ALSO TO COMPARE NUCLEAR WASTE MANAGEMENT APPROACHES.

IN PART I OF "UNDERSTANDING THE CHOICES", NWMO REPORTS BACK ON THE DIRECTION IT HAS RECEIVED FROM ITS' ENGAGEMENT AND RESEARCH ACTIVITIES TO DATE

THE NWMO APPROACH TO CANADIAN VALUES AND PRIORITIES IS REFLECTED IN ITS' (3) THREE "CORE AND PARALLEL ACTIVITIES". THAT IS,

- 1.) LAUNCHING OF A NATIONAL CITIZENS DIALOGUE, WORKING WITH THE CANADIAN POLICY RESEARCH NETWORK (CPRN), AND 462 UNAFFILIATED CANADIANS FROM ALL WALKS OF LIFE;
- 2.) WORKING WITH ABORIGINAL PEOPLE ON PLANNING FOR A VERY LONG TIMEFRAME, INVOLVING THE PRINCIPLES INHERENT IN ABORIGINAL TRADITIONAL KNOWLEDGE;
- 3.) CREATING A NWMO "ROUNDTABLE ON ETHICS" TO HELP DEVELOP NWMO ACTIVITIES WITHIN AN "ETHICAL AND SOCIAL FRAMEWORK". THIS ROUNDTABLE HELPS DIRECT NWMO ACTIVITIES, ASSESS MANAGEMENT APPROACHES, AND PROVIDES A CONSTANT REMINDER OF THE ETHICAL IMPERATIVE. SUCH AN ETHICAL IMPERATIVE IS ESSENTIAL, AS THE NWMO DISCUSSION DOCUMENT INDICATES:

"THROUGHOUT THE DIALOGUE WE HAVE HEARD AN EMERGING SENSE THAT THE ASSESSMENT OF MANAGEMENT APPROACHES WILL NECESSARILY INVOLVE DIFFICULT DECISIONS ABOUT PRIORITIES.

(2)

AND THE CONDITIONS UNDER WHICH TRADE-OFFS AMONG OBJECTIVES WOULD BE APPROPRIATE

TENSIONS DO, AND WILL CONTINUE, TO EXIST.

NWMO HAS BEEN TOLD TO CONSIDER SIX(6) ISSUES:

- 1.) A MORE PRECISE DESCRIPTION OF THE NATURE OF THE HAZARD POSED BY USED NUCLEAR FUEL TO HUMAN HEALTH AND THE ENVIRONMENT;
- 2.) A MORE PRECISE ACCOUNT OF THE NATURE OF THE RISK POSED BY TRANSPORTATION OF USED NUCLEAR FUEL;
- 3.) CLARIFICATION OF WHAT "SOCIAL ACCEPTABILITY" OR "PUBLIC CONFIDENCE" WILL ENTAIL;
- 4.) HOW THE ASSESSMENT IS AFFECTED BY THE VOLUME OF USED NUCLEAR FUEL, WHICH ULTIMATELY NEEDS TO BE MANAGED;
- 5.) OPPORTUNITIES TO REUSE OR RECYCLE NUCLEAR FUEL;
- 6.) OPPORTUNITIES TO SITE A DEEP DISPOSAL REPOSITORY IN GEOLOGIC MEDIA OTHER THAN THAT NOTED IN THE "NUCLEAR FUEL WASTE ACT";

IN PART II OF "UNDERSTANDING THE CHOICES", NWMO PROVIDES FULLER DESCRIPTIONS OF THE APPROACHES ON WHICH NWMO WILL FOCUS ITS STUDY. THIS INVOLVES HOW THE FRAMEWORK TO ASSESS THE APPROACHES HAS EVOLVED SINCE AN EARLIER NWMO DOCUMENT "ASKING THE RIGHT QUESTIONS". FINALLY, NWMO PRESENTS A PRACTICAL DEMONSTRATION OF THE FRAMEWORK THROUGH A PRELIMINARY ASSESSMENT OF THE MANAGEMENT APPROACHES.

NWMO, IN EARLY 2004, ASSEMBLED AN "ASSESSMENT TEAM", A MULTI-DISCIPLINED GROUP OF PEOPLE WHOSE PRELIMINARY FINDINGS ARE SET OUT IN THE NWMO DISCUSSION DOCUMENT. THESE FINDINGS INCLUDE THE STRENGTHS AND LIMITATIONS OF THE THREE METHODS OF STORAGE SET OUT IN THE "NUCLEAR FUEL WASTE ACT", THAT IS:

- 1.) AT REACTOR STORAGE
- 2.) CENTRALIZED STORAGE (EITHER ABOVE-GROUND OR SHALLOW BELOW GROUND);
- 3.) DEEP GEOLOGICAL REPOSITORY;

IN PART III OF "UNDERSTANDING THE CHOICES" NWMO TAKES STOCK OF WHAT THEY HAVE LEARNED TO DATE, AND IDENTIFY A PATH FORWARD

(3)

FOR THE NEXT PHASE OF THE NWMO STUDY.

THE PATH FORWARD- "WHAT NEEDS TO BE CONSIDERED? THE ASSESSMENT FRAMEWORK IS SET OUT IN TABLE E-2 OF THE NWMO DISCUSSION PAPER (ON PAGE 10). THE ORIGINAL 10 QUESTIONS FROM EARLIER NWMO WORK, HAVE BEEN SYNTHESIZED INTO (8) OBJECTIVES, AND ASSOCIATED GUIDING PRINCIPLES AND INFLUENCES-THIS CONSTITUTES THE ASSESSMENT FRAMEWORK.

NWMO NOW, WITH A NOVEMBER 15,2005 DEADLINE TO PRESENT ITS RECOMMENDATIONS TO THE MINISTER OF NATURAL RESOURCES, IS ENGAGING CANADIANS ON THE MANY ELEMENTS OF THE ASSESSMENT OF MANAGEMENT OPTIONS. THIS INCLUDES THE PUBLIC, RESIDENTS OF NUCLEAR SITE COMMUNITIES, ABORIGINAL PEOPLE, AND INTERESTED ORGANIZATIONS AND INDIVIDUALS.

PART II

INITIAL COMMENTARY ON NWMO DISCUSSION DOCUMENT OF AUGUST,  
2004 - "UNDERSTANDING THE CHOICES" - 10 QUESTIONS COMMENTED  
UPON BY WESTERN ABORIGINAL LEADER ANDREW KIRKNESS, MANITOBA

QUESTION #1:

WHERE SHOULD NUCLEAR WASTE BE STORED IN CANADA?

COMMENTARY:

THE PRIMARY ISSUE IS SAFETY. BURYING  
IT DEEP IN THE EARTH IN THE CANADIAN  
SHIELD WOULD APPEAR TO BE THE SAFEST  
SOLUTION.

QUESTION #2:

WHAT STEPS SHOULD BE TAKEN BY GOVERNMENT TO ENSURE SAFETY FOR  
HUMAN HEALTH AND THE ENVIRONMENT, INsofar AS NUCLEAR WASTE?

COMMENTARY:

USING THE LATEST TECHNIQUES, SUCH AS  
CONTAINMENT IN GLASS, THE WASTE SHOULD  
BE ISOLATED, MONITORED, SECURED AND  
STORED AWAY FROM THE WATER TABLE, AND  
EARTHQUAKE ZONES

QUESTION #3

NWMO'S ACKNOWLEDGMENT OF ABORIGINAL TRADITIONAL KNOWLEDGE  
IS COMMENDABLE. HOWEVER, WHAT IS NWMO PREPARED TO LISTEN TO,  
AND ADD TO THE FINAL REPORT?

"CONSULTATION" OFTEN DOES NOT WORK FOR  
ABORIGINAL PEOPLE. THE PRINCIPLES OF THE  
SUPREME COURT "SPARROW" DECISION SHOULD BE  
FOLLOWED - REGARDING "CONSULTATION" WITH  
ABORIGINAL PEOPLE ABOUT TRADITIONAL KNOWLEDGE.  
THIS MUST INVOLVE A FUNDED ONGOING  
ABORIGINAL MECHANISM FOR ABORIGINAL INVOLVEMENT  
REGARDING NUCLEAR WASTE

COMMENTARY (CONT.)

SUCH AN ABORIGINAL MECHANISM - INVOLVING TECHNICAL/TRADITIONAL HUMAN RESOURCES - COULD INVOLVE AMENDMENTS TO THE "NUCLEAR FUEL WASTE ACT". LONG-TERM MANAGEMENT APPROACHES MUST INCORPORATE, FOR FUTURE GENERATIONS, PRINCIPLES OF STEWARDSHIP OF THE LAND.

QUESTION #4:

WHAT STEPS AND METHODS SHOULD BE TAKEN TO ENSURE SAFE TRANSPORTATION OF NUCLEAR WASTE?

COMMENTARY:

RAIL TO A DEPOSITORY SITE, MIGHT BE SAFER THAN TRUCKS. MONEY SHOULD BE SPENT TO PROVIDE STATE-OF-THE-ART MONITORING OF TRANSPORT VEHICLES (INCLUDING GPS) SO EVERY INSTANT OF TRAVEL IS MONITORED.

QUESTION #5:

WHAT SECURITY MEASURES, INCLUDING FACILITATION, MATERIALS AND INFRASTRUCTURE SHOULD BE ADOPTED GOVERNING CANADIAN NUCLEAR WASTE?

COMMENTARY:

AN INVENTORY OF EACH TYPE OF NUCLEAR WASTE SHOULD BE MADE - WITH SPECIFIC SECURITY MEASURES IMPLEMENTED FOR EACH TYPE OF WASTE, PARTICULARLY PLUTONIUM. THE TERRORIST THREAT REQUIRES GREATER EMPHASIS ON ARMED PROTECTION, ADEQUATELY MANNED, NUCLEAR WASTE FACILITIES

QUESTION #6

GIVEN THE LEGAL PROTECTION IN THE CANADIAN CONSTITUTION, UNDER SECTION 35, OF INDIAN TREATIES, WHAT STEPS SHOULD BE TAKEN NOW TO ENSURE THE PRESERVATION OF A CLEAN LAND, WATER, AND AIR ENVIRONMENT IN CANADA, INsofar AS NUCLEAR WASTE?

COMMENTARY:

TO AVOID LAWSUITS, INEVITABLE IN THE PRESENT REGIME, UNDERSTANDING MUST BE HELD BY THE NUCLEAR WASTE ⊕ NUCLEAR POWER INDUSTRY THAT ABORIGINAL PEOPLE HAVE A LEGAL CONSTITUTIONAL RIGHT TO THEIR TREATY ⊕ ABORIGINAL RIGHTS. THE SUPREME COURT OF CANADA, (IN THE OLDMAN DAM CASE, AND OTHERS) HAS AFFIRMED TREATY ⊕ ABORIGINAL RIGHTS INCLUDE A CLEAN AIR, WATER, AND LAND ENVIRONMENT

QUESTION #7:

GIVEN THE LONG HALF LIFE OF SOME NUCLEAR WASTE, WHAT STEPS SHOULD BE INCORPORATED IN THE ASSESSMENT FRAMEWORK OF NWMO, TO ENSURE A CAPACITY TO ADOPT TO CHANGING KNOWLEDGE AND CONDITIONS, OVER TIME?

COMMENTARY:

IT IS ESSENTIAL ABORIGINAL PEOPLE HAVE A FUNDED PERMANENT MECHANISM FOR INPUT INTO THE ONGOING ASSESSMENT FRAMEWORK OF NWMO. TIMES CHANGE, SITUATION CHANGE, BUT THE VALUE SYSTEM AND KNOWLEDGE OF ABORIGINAL PEOPLE DOES NOT CHANGE. PROFIT IS NOT THE ONLY CRITERIA HERE

QUESTION #8:

WHAT QUESTIONS SHOULD AN INDIAN, METIS, OR INUIT COMMUNITY ASK WHEN OFFERED LARGE AMOUNTS OF MONEY BY POWER PRODUCERS/ GOVERNMENT TO STORE NUCLEAR WASTE NEAR THEM?

COMMENTARY:

ENVIRONMENTAL SAFETY, NOT MONEY, IS CRITERIA #1 IN FAR AS NUCLEAR WASTE IS CONCERNED. THOUSANDS OF GENERATIONS WILL BE AFFECTED BY NUCLEAR WASTE - LONG AFTER INITIAL MONEY IS UTILIZED BY THOSE ABORIGINAL PEOPLE LIVING NEAR A REPOSITORY. SECOND, COMPETENT LONG-TERM MONITORING IS ESSENTIAL BY LOCAL ABORIGINAL PEOPLE

QUESTION #9: GIVEN TODAY'S TERRORISM THREAT. WHAT SHOULD HAPPEN TO BOMB GRADE PLUTONIUM-PART OF NUCLEAR WASTE?

COMMENTARY:

Pu-239, PROPERLY CONFIGURED, WILL EXPLODE. THE CURRENT TERRORISM THREAT CALLS FOR EXTRAORDINARY MEASURES. THE CANADIAN NUCLEAR SAFETY COMMISSION (CNSC) PROCEDURES SHOULD BE REVIEWED, INCLUDING PROCEDURES IN LIGHT OF A 9/11 ATTACK BY JETLINERS.

QUESTION #10:

WHAT SHOULD BE DONE TO ENSURE RESPECT FOR LIFE IN ALL ITS' FORMS, INCLUDING MINIMIZATION OF HARM TO HUMAN BEINGS AND OTHER

