

Comments on NWMO's Draft Implementation

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To: Ms. Anda Kalvins, [www.nwmo.ca](http://www.nwmo.ca)

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From: G. Dalzell

Have we identified the right objectives? Have we missed key areas?

In reading the document "Implementing Adaptive Phased Management 2008-2012," overall I would say yes, you have identified the right objectives. It is clear that those extensive consultations and dialogues you had paid off. The objectives reflect those through consultation.

I am concerned that you have included the last one, "proceed with the collaborative design of a process for site selection," within the same time period from 2008-2012. Four years is not a long time for this particular objective to be met. I would have expected this objective to take longer (5-6 years) in light of your efforts for engagement, etc.

In respect to the Strategic Objectives, they are positive. I do have some issues with seeking to build long-term relationships with interested Canadians and aboriginal people. Developing long-term relationships with disinterested Canadians is equally important.

I would have liked to see included those Canadians who may not yet be interested by identifying and empowering them. You need to target and reach out to a wider range of Canadians at the earliest stages to catch their attention and get them interested; yes, even if you are controversial because there is nothing wrong with getting people engaged and worked up so they will take interest and be involved. I am worried this strategic could result in not establishing long-term relationships because you will only focus on the "interested Canadians" like me and interested communities. This is a concern for all Canadians. They need to be engaged as well.

I am hoping under the principal objective of the NWMO engagement program, you will be proactively reaching out to build those "trusting relationships with communities," NGOs and others not yet identified as interested parties.

#6 Design and implement a siting process that is responsive to Canadians' expectations for implementing APM. Four and a half years seems tight for this one.

Re the “communities of interest,” are you focusing on those four nuclear provinces? I am concerned that too much focus will be placed on these Provinces or communities and not enough on all those Canadians out there from the non-nuclear provinces.

The goal of the engagement program should be to build awareness, understanding and support among all Canadians, not just the four nuclear provinces. You could shut out or ignore all those millions of Canadians out there from these non-nuclear provinces, such as Québec, BC, who have strong views on nuclear power, waste issues.

Certainly, I would agree the four nuclear provinces is an excellent place to start.

In respect to engagement, I strongly encourage you to target all the Provincial and Canadian Environmental Networks as part of your efforts under engagement/communications. You must identify and reach out to all the anti-nuclear groups out there, as challenging as this will be. Such groups as People against Pt. Lepreau (Beth McLaughlin) Moncton, Conservation Council New Brunswick, etc., need to be engaged even if you do not like their message or can be challenging to deal with.

Conservation Council of New Brunswick (David Coon, Policy Director) needs to be engaged and more importantly listened to. You might as well start with Dr. Margaret Coldicot, Physicians Against Nuclear Energy, one of the most vocal critics of nuclear power. If you want to engage people, do not be afraid of creating some controversy. The media will soon be engaged, and more people will follow the topic. Do not solely focus on the groups or communities who have a favourable position. I agree it’s a good place to start, but keep in mind those with opposing positions. The idea is to get people engaged and to hear from them. Can’t just focus on a friendly audience.

Use dialogue method instead of debating method when setting up multi-party dialogues. These dialogue methods were used to engage the public in the Climate Change deliberation.

Building knowledge – Technical and Social Research

Yes, you have set out appropriate activities.

I am pleased to see there will be an annual report documenting alternative technologies for long-term management of used fuel, including reprocessing, participating and transmutation.

I was surprised to read, “By June 2009 we will develop the capability to review transportation options to a used fuel long-term management facility for various locations in the four nuclear provinces.”

Why are you focusing on just these provinces? Does this imply that one of these four Provinces will be the location of such a facility?

In any event, I consider this NWMO technical research and development program critically important. I was surprised that such activities will be completed during this period up to 2012. To be sure, I am pleased to see these activities within this time frame, considering how important it is with getting this nuclear waste facility developed.

I would have preferred to see a more specific reference to universities in New Brunswick, as well as these other nuclear Provinces. Under Building Knowledge – Technical and Social Research, it states, “NWMO strives to develop effective working relationships with universities and the specialist consulting community within Canada.”

How are these universities and consulting community going to be selected?

The University of New Brunswick needs to be involved, as well as Saint Thomas University, who have capacities in the social work, community development and social science areas. Will there be open competitions?

#### RE Social Research

I consider this area just as important as the Technical side. Yes you have set out appropriate activities for the period 2008-2012.

I am concerned about how you plan to “apply the ethical framework developed for the study phase to guide implementation and report regularly on activities against this framework.”

Ref P 18: “Adapt and develop plans on how to go forward against the framework of the Strategic Objectives and with the guidance of our many advisors including ethicists.”

We need to know what are the ethical values and standards of these ethicists. The next process and activities need to consult the public as part of this engagement and consultation. What are the philosophical assumptions and value base of these ethicists advisors? This all needs to be determined by public input before you start engaging these advisors. Need more information on this ethical side.

I am not satisfied with this above cited activity.

#### Financial Surety

The activities in respect to develop and refine “a funding formula and trust fund deposit schedules that address financial surety and long-term program funding” are minimal. There is no activity cited that addresses one of the Funding Principals, namely Uncertainty Analysis. For example, NB Power could face unforeseen events related to

Pt. Lepreau Refurbishment and/or financial distress as they currently owe 3.1 billion dollars. The price of crude oil is preventing them from operating their 1174 MW Coleson Cove Power Plant as the cost of bunker C is too expensive. They are exploring using petroleum coke fuel source. Anyway, we want to see the owners (especially NB Power) to include this whole area analysis in their annual report for 2008-2012. These reports must include information on Uncertainty Analysis to help us understand whether they can meet their financial obligations. Obviously, we are pleased to see the polluter pay principle.

#### Review, Adjust and Validate Plans

This is what we want because we live in a changing world. Some would say the role of nuclear energy is changing, becoming more accepted as society realizes that nuclear power will play an important role in dealing with CO2 GHG emissions that are in the process of harming our planet.

Another recent development here in New Brunswick is the ongoing controversy over uranium mining exploration going on in this Province. Any past comfort and acceptance with nuclear energy here in New Brunswick is fast eroding with these mining companies staking people's property for possible future uranium mines for NB. They are doing a lot of harm to turn an accepting public against nuclear power here in NB.

If these mining companies don't get out of town, soon any public acceptance of role of nuclear, including the work of NWMO here in NB, will evaporate leaving a fearful and distressed population. See media references over last year on this subject. Good to see this strategic objective; you are going to need to use it here in New Brunswick. If any goes wrong with the current refurbishment of Pt. Lepreau, you will definitely be glad this objective is in place as it will be needed sooner rather than later. Hopefully not.

The expected regulatory regimes for CO2 emissions, such as Cap and Trade Carbon taxes, and emission reduction targets, will all fall under "environmental policies". Very pleased to read, "We are committed to reporting on developments in technology, societal expectations and energy and environmental policy on an ongoing basis through many communication routes." These reports will be what is needed. There is no report to the Minister of the Environment CCME. Such a report needs to be generated as environmental policies regulations, legislation is critically important.

Also, NWMO needs to provide reports to the Provincial Ministers and the Governments of these four nuclear provinces at least out of respect and recognition that much of the work and activities will be taking place in these Provinces at least for now. Why no such references to Provinces? No reference to CCME or NEGEGP groups.

P. 18 Under seek multiple opportunities, formal Legislations would be such formal means to confirm the social acceptability of your plan.

Here in New Brunswick there is general support for Pt. Lepreau, as well as another proposed nuclear facility. A motion of support would get passed in 10 minutes without any debate from the ruling Liberal Party under Premier Graham and his Energy Minister Jack Keir.

Even though this comes (NWMO Act, etc.) under Federal jurisdiction, you still need to “bring plans to formal venues (e.g., Standing Committees of the House of Commons),” but also Provincial Legislative Committees, such as ones under Energy or Environment. Also, City Council presentations for progress reports are essential, but are missing. These other jurisdictions seem to be left out of the loop.

In my view, these activities need to be added under “on an ongoing basis, we will seek multiple opportunities, formal and informal, to engage citizens” (please do not forget their democratically elected representatives and bodies).

### Governance Structure

Develop and maintain a governance structure to provide greater assurance oversight and guidance.

I have concerns and issues about the Board of Directors and its Advisory Council. What are these people’s qualifications, selection process?

Under Board of Directors, it “has been strengthened to add perspectives from outside the nuclear industry and capabilities in ethics,” another reference to ethics, but what is the philosophical assumptions, values, beliefs of these ethics specialists. Do they come from the Christian, Roman Catholic, Jewish, Muslim belief systems. There was no public consultation or input from society or citizens who have a wide range of ethical perspectives. Sounds like they were just chosen appointed by Board. This is same for the selection of the Board’s Advisory Council. This approach is counter to your commitment to transparency. I am not at all pleased with the Board being permitted “to strengthen itself to add perspectives from outside the nuclear industry.” Sounds like some back-room, non-consultative actions to me, contrary to your values cited. The public will soon identify this as a “closed shop,” back-room process.

I want to know how and who was selected, process public notice or consultations involved for both these Advisory Council and the “strengthening of Board to add perspectives from outside the nuclear industry.” I trust there are members from the ENGOs of each of these Provinces? Please advise with background summaries.

P. 19 The Advisory Council

“In 2008 three new members were appointed to the Advisory Council to extend its competence in the areas of geosciences, strategic communications and Aboriginal Traditional Knowledge.” How were they selected, appointed? I have no problem with these special areas of expertise as they are greatly needed, but what about the other areas on the social community capacity side, including the social justice, environmental public interest groups. I do not see them on this Advisory Council. Are they represented? They definitely need to be.

There are no action items for Governance Structure like there are for the other objectives. There needs to be appropriate activities for this section over the next 5 years.

#### P. 20 Technical Review Groups

This is excellent, one of the best actions the Board of Directors has undertaken. I like the fact that a Standing Independent Technical Review Group has been established. Doing these reviews to regularly inform the Board and Advisory Council is a very positive action. Very pleased to see this.

#### Re Peer Review

“In addition, the NWMO has sought and will continue to seek external parties involvement and review in the design and implementation of its work programs.”

I am again concerned such actions have been done without public consultation, input or notice, keeping in mind NWMO is guided by five fundamental values (p. 6) integrity, engagement, transparency. Sorry, you failed this test in respect to important actions taken so far respecting appointing members, expertise in these Advisory Councils. There was insufficient public notice consultation and input.

I am concerned that external parties will not include social science, community capacity, development areas.

Good at least to see “their minutes and any reports publicly available.”

The NWMO must take more action to report to the Community the process selection criteria, backgrounds of all these folks appointed by the Board of Directors. Too much behind-the-scenes, closed-door activity for my liking. Public trust, acceptance is critically important as you recognize, so public perception of transparency is key as well.

#### P. 21 Building an Implementing Organization with a full range of capabilities.

All the steps taken to build NWMO organization are valid. In such an exercise I can accept unilateral actions here re hiring right staff with proper expertise. Please hire experts who have Master of Social Work in Community Development when looking to

fulfill your mandate “focusing on social research and engagement activities.” As a professional social worker who specialized in group and community development, I know the excellent skill sets such professionally trained people can add to your community engagement dialogue work. You won’t be disappointed with that kind of professionally trained people working with you.

#### Collaborative Design and Initiation of a Siting Process

In reading this section, one cannot help but conclude that since New Brunswick and this region of greater Saint John is an informed and potentially willing community to host the long-term management facility; we could be such a community selected! Considering about 60% to 70% of people in this regional area accept nuclear power as an energy source, we could easily fall under the informed and willing community. That would ensure Premier Shawn Graham’s Self Sufficiency Agenda for transfer dependent New Brunswick. It falls under his agenda as “an energy hub.” You need to consult the Premier on his Self Sufficiency Agenda in respect to how this falls into it.

Activities: In 2008 we will:

Good to see actions being taken in a concrete way. All these activities from 2008-2012 are appropriate. Whether they are attainable by 2008, time will tell.

Looking forward to meeting with you in June to discuss.

Respectfully submitted,

Gordon Dalzell, BA, BSW, RSW

Chairperson Saint John Citizens Coalition for Clean Air

To: Dr. Anda Kalvins, [www.nwmo.ca](http://www.nwmo.ca)

From: G. Dalzell, Chairperson, Saint John Citizens Coalition For Clean Air

Date submitted: May 27, 2008

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Please provide us with any comments on our draft transparency policy.

There is a noticeable disconnect in the NWMO Transparency Policy (Draft) with the stated commitment and the rationale.

On the one hand, the commitment states:

“The NWMO is committed to making accessible to the public the information we create, receive and analyze in support of our work.”

The Rationale states:

“We will be open and transparent in our process, communications and decision, so that the approach is clear to all Canadians.”

Here you have begun to “narrow down” this commitment to restrict it to “the approach is clear to all Canadians.”

The Commitment you make is to make “accessible to the public the information we create, receive and analyze in support of our work.” This commitment is much broader and all encompassing that just to “the approach is clear to all Canadians” which is much more narrow and restrictive.

There is, in my view, a disconnect and inconsistency here when you read your Commitment section you make “to the public.”

In terms of Implementation

Yes, I understand you will respect personal privacy, intellectual property rights and commercial confidentiality.

Now the implications of respecting the above will mean in practice you will not be able to keep your commitment, and further, one of your “values” will be compromised and devalued.

I can understand not publishing protected information under the national security area. Reasonable Canadians will understand and respect such restrictions.



The implementation has too many restrictions and limitations that will prevent the Transparency Policy from receiving full public trust and acceptance you are aiming for in this policy.

Remember, it's these values listed to guide your work that are central, the benchmark to test this policy.

Transparency is key as you know to have public acceptance, trust and engagement.

The value of transparency as stated, "we will be open and transparent in our process, communications and decision making."

How can that fundamental value be respected when you start listing limitations and restrictions such as commercial confidentiality.

The NWMO needs to apply the same approach as does the NB Provincial Dept. of Environment. They take the approach that all information received is within the public domain in many of their Public Participation regulations under Clean Air Act, Environmental Impact Assessment Regulations. The message to these commercial and industrial sources is, if you want to keep such information confidential, do not tell us. Do not expect such information will be kept confidential. The NWMO should not promise commercial confidentiality for your website. If they have confidential commercial secrets, then they just do not include it in their communications. These exceptions should be trade secrets. If that is the case, tell them to keep them to themselves. Otherwise, everything is up for posting or disclosure. That is more transparent.

Once this Transparency Policy gets implemented as written, it will be less than transparent. It will call into question your commitment and value because at the end of the day, there will be a significant amount of information that will never see the light of day.

#### Under Implementation

"We will respect" needs to be explained better. This will result in restrictions of what information will be available either through your website or under Right to Information Act.

There is no reference to information access under Right to Information Act, Provincial or Federal. This needs to be referenced in this policy.

#### Under How the Policy Works

The key sentence is



There are too many limitations, restrictions and conditions that impact on your commitment and rationale.

Let's take "legally privileged" information. What happens if you receive important information in the public interest, but the party does not provide that information without consent.

The Federal Court through an application under Right to Information Act or the NWMO Act or other legislations such as CEAA, could all be subject to challenges, administrative reviews from decisions.

The policy does not reference if there is any provision for the public to make such applications in respect to how the policy will work in practical ways later.

Are such options completely out of the question, or are they within the realm of possibility?

Again, under accountability, such processes could be included under that value. What can be more accountable than being accountability under oath answers questions that a judge would rule. These processes, including Public Hearings, such as under NEB Act, cannot be any more accountable. Quasi judicial processes are very accountable. Such reviews are missing here.

Transparency and accountability are tough values to follow with a vigilant media, informed and experienced knowledgeable citizens/stakeholders, ENGOs.

What about information that falls under Advice to Minister prepared by public servants accountable to their Minister. The policy needs to clarify where these types of information requests fall into this Policy with its listed values and commitments.

What will be posted on the website?

I am uncomfortable with need to have correspondent giving permission to post on website.

When correspondents send in correspondence, they need to clearly understand that such correspondence will be posted under this commitment you have made for transparency.

Your commitment clearly states, "the NWMO is committed to making accessible to the public the information we create, receive and analyze in support of our work."

You cannot have it both ways including all these limitations, restrictions, barriers and at the same time being fully transparent.

Again, another discrepancy and disconnect on policy objective versus practice and implementing of that policy.

If the correspondent does not give permission to post it on the website, what about access to the public in some other format or process? Would this be “client” information and automatically fall under “Protected information” unavailable to the public under any conditions? More clarification needed for “protected information apart from national security matters.”

#### Governing Documents

What about other governing documents, such as Right to Information Act?

The minutes from meetings of the Board of Directors is mentioned, which is what I would expect, but no such requirement for Advisory Council: only Records of Discussion from this Advisory Council Meeting – Why?

There needs to be an online Tracking Site in which people can access the process being made in terms of compliance, completion of tasks. The Canaport LNG Project has a special site that tracks progress on all the hundreds of environmental commitments, undertakings that proponent promised in the EIA. See FundyEngineering.com for such a tracking system that the public can access with a password.

Respectfully submitted,

Gordon Dalzell, Chairperson

Saint John Citizens Coalition for Clean Air