

Multi-party dialogues Fall 2008 - Saskatoon session report

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Stratos Inc.

nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



Nuclear Waste Management Organization

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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
- Saskatoon, September 29, 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 24 participants, as well as staff from NWMO and Stratos, attended the session held in Saskatoon, Saskatchewan on September 29, 2008 (see Appendix A for a list of 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 have a sound technical basis, with consideration for environment, safety, and security. Some participants stated that a rigorous assessment of both the natural and engineered aspects of a site is necessary to ensure safety and security before construction.

A key theme that emerged in this discussion was the importance of defining the long-term fate and use of the used fuel and the site, including more clarity regarding the question of permanent disposal vs. future re-processing of used fuel, and the related long-term liability. Some participants emphasized the importance of maintaining access to the fuel to allow for long-term monitoring and corrective action.

Social Considerations

Many participants expressed the importance of ensuring that, at the outset of a siting process, the basic principles of the process (i.e. transparency, accountability and stewardship) are clearly defined, and that the process and criteria that will ultimately lead to a siting decision are well understood.

Participants agreed that the siting process should be based on early dialogue at many levels and not only at the 'local' level in potential host communities. Transportation corridors, the geographical extent of potentially affected aquifers, treaty obligations, and economic considerations were identified as factors that will necessitate engagement at national, provincial, regional and community levels. These factors will also help determine how a community is defined. Some participants also stated that the process needs to accommodate minority views and those of future generations.

Public education was identified by participants as an integral component of the siting process. Participants agreed that in order for communities to make informed decisions, all information and communication needs to be presented in plain language. Additionally, participants offered strong support for communities to be given the appropriate resources (e.g. funding and access to experts) to build their capacity in order to make these informed decisions. Community involvement in decision-making throughout the site selection process, participants noted, is required to gain and build trust with people and communities. Some participants noted that the siting process should clearly present the potential benefits to a community of hosting the storage facility, indicating that clarity related to the long-term benefits (not only compensation) is required.

Some participants stressed the importance of engagement, consultation and accommodation with Aboriginal peoples. Participants also noted that the siting process should acknowledge and be integrated with existing local/municipal planning processes as well as traditional processes.

It became evident that participants held different viewpoints about how the NWMO should start its site selection discussion. It was the generally held perspective of the Aboriginal participants that the NWMO should start by building relationships with a wide range of Canadians and communities, and by having discussions in which all options are kept open. In contrast, participants from municipality groups preferred starting with more focused discussions, possibly with a narrower range of communities, in which possible siting scenarios would be presented for consideration.

There was a perception among some participants that the process would naturally lead to the selection of a community in a remote location. Other participants felt that it was important for the site selection process to also fully consider urban areas as potential host communities.

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

Participants made a variety of observations and suggestions regarding the statements on objectives. Generally, participants indicated that the statements describe key values or principles, rather than objectives.

Participants suggested a range of additional objectives / principles for consideration including the following:

- Accessibility to the used fuel to ensure the ability to monitor and to take corrective action in the future if needed
- Transparency
- Stewardship

One participant also suggested that the NWMO consider adding a principle or commitment that the used fuel will not be used for nuclear weapons, and implementing this principle by involving the United Nations. Another participant suggested a principle to ensure the availability of long-term resources required to manage the used nuclear fuel, even if not deemed a priority by society.

Characteristics

Participants offered several specific suggestions for modifying the statements on characteristics, including the following:

- Strengthening the statement "Respect all Aboriginal rights, treaties and land claims" by explicitly recognizing and affirming the duty to consult and accommodate Métis Nations and First Nations
- Ensuring that rights for "all" are respected by stating that all characteristics apply to everyone
- Defining the term "precautionary principle" and clarifying its implementation
- Adding a statement concerning future opportunities for reuse or recycling

Some participants suggested that an arm's-length oversight function was required to ensure that the NWMO is living up to its statements of objectives and characteristics during the siting process and beyond.

Other Related Messages

In addition to the specific suggestions described above, participants also offered the following views and suggestions on framing the discussion for the siting process:

- Broader contextual issues, including the future of nuclear power, need to be part of the siting discussion.
- To build trust and transparency, the NWMO needs to close the communication loop with those who have provided input by, for example, ensuring that information and ideas emerging from its engagement activities are shared and communicated back to participants.
- Canada needs to draw and learn from international experience in dealing with nuclear waste, especially concerning problems encountered and involvement of indigenous people.

4 Major Activities in a Siting Process

Breakout groups discussed the major activities in a siting process. Each group presented its findings to the plenary. Many participants envisioned a process involving a series of steps that would progressively define a smaller and smaller group of potential host communities. These steps included: broad engagement and public education, solicitation for expressions of interest, communities stepping forward to express interest in the process (with option to opt out), and application of criteria leading to a shortlist of communities.

Some of the common themes and characteristics of the major activities that emerged from the groups' conversations included the following:

- **Start with Good Information** – Participants generally agreed that materials need to be developed and delivered that are unbiased, written in plain language, and have relevant, useful information for communities. Such information could be designed to help communities explore the question “Why would we want to do this?” Participants expressed the need for science-based information written in a way that is accessible to all communities of interest.
- **Engage & Educate All Levels** – Although there was no consensus on where to start, participants generally agreed on the importance of educating the broad Canadian public initially, and then working more specifically at the provincial, regional, and potential host community levels.
- **Develop & Define Key Principles** – Many participants identified the importance of defining the underlying principles that are central to the site selection process such as fairness, knowledge-based decision-making, and capacity for future generations to make their own decisions. Some participants invited NWMO to consider the possibility of enshrining these principles in law to demonstrate long-term commitment. The discussion revealed a tension between the need to give future generations decision-making power and the need for stability by giving decisions some permanence.
- **Provide Support to Communities** – Many participants indicated that a key activity in the site selection process will be to provide support to communities that help them through the process of determining if they want to express an interest in being a host community. A fundamental aspect of this support is providing external and independent advice and direction to communities to validate information that is being presented to them. Some participants suggested creating independent local advisory councils.

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

Two breakout groups discussed the question of who should be involved in the site selection process. Participants emphasized the importance of engagement at the individual and grassroots level as a starting point for the site selection process. More specifically, these participants stated that in order for NWMO to gain the confidence and trust of the people, it will need to build relationships with individuals and not exclusively engage with those it has identified as leaders or representatives. Participants felt that the people themselves will identify their own leaders. Some participants noted that associations (such as municipal associations or Aboriginal associations) will be helpful in terms of information dissemination and dialogue, but warned that the views held by some individual members will not be evident at the association level. Participants also indicated that NWMO needs to be mindful of the differences and nuances between engaging with municipal, Aboriginal, and Métis organizations and their grassroots.

Participants recognized that different groups and jurisdictions may have different levels of influence in decision-making depending on their distance from the potential repository sites and other factors. Participants also discussed the issue of a community's ability to change its decision during the process. Both of these issues were raised primarily in the form of the following questions for NWMO's further consideration:

- How does a community that expresses interest at one point have the opportunity to opt out at a later point?
- When a community says "no", how firm or permanent is that expression of non-interest?
- To what distance from the site of the potential repository site does the right to say "no" extend? Should communities along transportation routes have the right to a veto?
- What is hierarchy of decision-making power between federal, provincial, and municipal levels of government when it comes to siting?

6 Ensuring a fair site selection process

In breakout group discussions, participants identified several factors and considerations to ensure a fair site selection process.

Two ideas were put forward to ensure fairness by providing proper sequencing and predictability in the siting process:

- The site selection process should be stepwise – starting with provincial acceptance, followed by regional acceptance and then community acceptance. This is to ensure that communities do not spend time participating in a process until the required level of support or approval by higher level jurisdictions, such as the province, has been obtained. Once decision-making reaches the community level, some participants noted that community acceptance requires grassroots discussions.
- Communities should be made aware of basic eligibility criteria (e.g. access by road, no fly-in communities) early on in the process, to know that it makes sense to proceed further.

In gauging public understanding, some participants suggested that there needs to be a feedback loop so that the community can see that its concerns are being heard and addressed.

Many participants agreed that a fair process would be one in which communities had access to information, funding, and third-party expertise to build the capacity required to participate effectively in the siting process. Some participants stated that a community should determine its own needs for additional capacity. One participant warned of the difficulties of non-experts hiring experts.

Some participants stated the need for baseline studies, to ensure an objective basis for comparison when assessing future impacts.

Participants discussed the question of how a community would achieve consensus, and suggested that a practical approach (“reasonable consensus”) needs to be defined early on in the process. It was recognized that definitions of “reasonable consensus” will vary between communities. Options for determining consensus identified by participants included: a plebiscite, a vote by elected leadership, a vote by informal leadership, or a survey.

To ensure transparency, participants offered the following range of suggestions for the NWMO:

- Ensure broad engagement including door to door communication.

- Rather than disseminating different information to different audiences, make all information available to all people by providing it in different forms to make it useful to each audience.
- Recognize and support the challenge function of advocacy groups, who can test and identify inconsistencies in others' positions and information.
- Fully disclose any problems associated with a particular site. Communities will need to have all information including information concerning problems.

One participant also stated that potential host and transport route communities need to know that there is an end to the process, in terms of the volume of waste to be moved to and stored in the repository, including the broader question of continued nuclear energy production and associated wastes.

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

Breakout groups discussed technical and social criteria, factors and considerations that should guide decision-making in the site selection process.

Intergenerational sustainability of the process and ensuring a social license over the long term to host the facility in the community emerged as an important consideration for most participants. Several participants stated the need to "contain" or "enshrine" the agreement that the host community is party to as a way of ensuring stability and protecting decisions from political interference. To achieve this, some participants suggested defining a point of no return after which the decision is final, and/or enshrining the agreement in law. It was also suggested that the community must have the capacity required to preserve their memory and knowledge of what they agreed to.

Participants also identified the following range of other social factors and considerations guiding decision-making:

- Communities should have access to experts in order to be sure they are asking the right questions.
- Communities should know the amount of waste they are being asked to accept, including a potential cap.
- Destination communities should not hold full decision-making power. Communities along the transportation route should also have some say in the decisions that affect them.

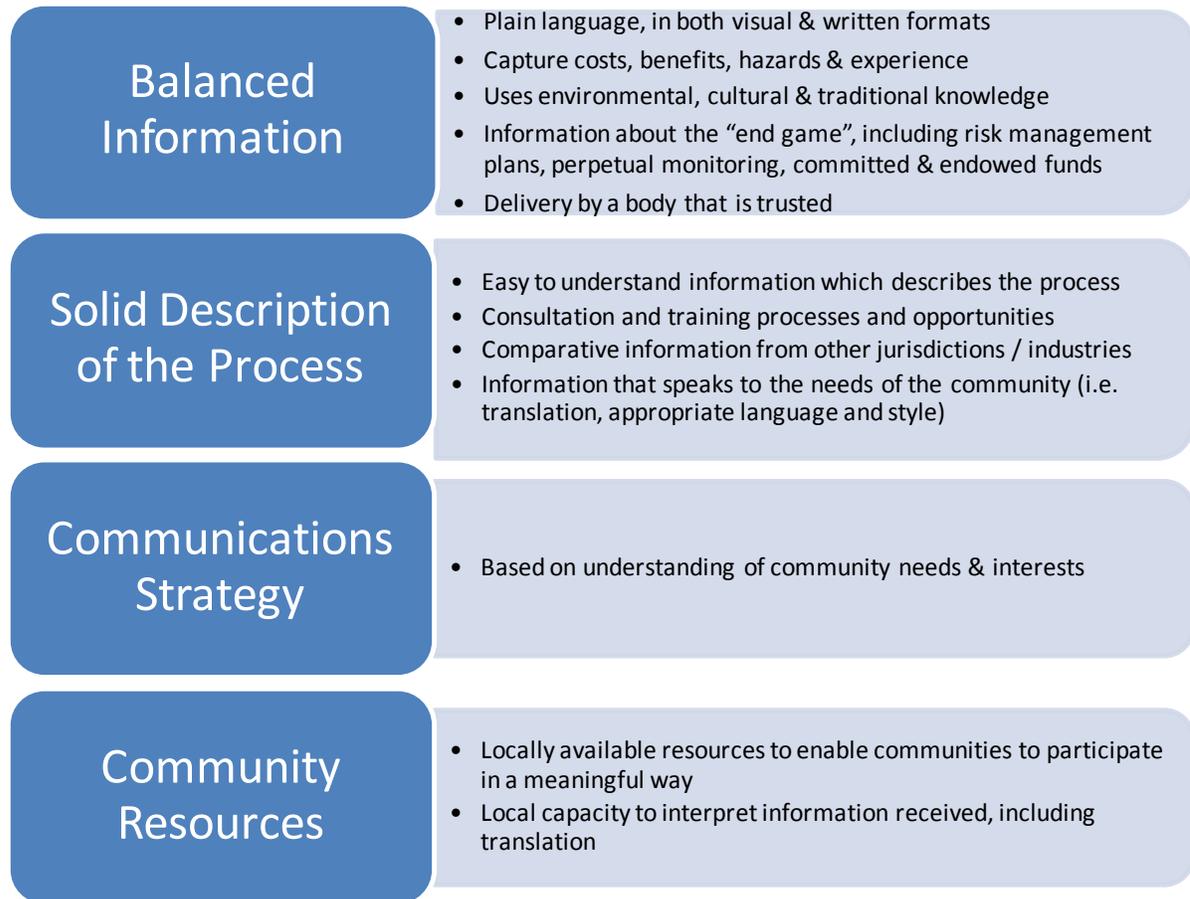
One participant stated that NWMO should be aware of the possibility that a community may base its decision primarily on economic benefits.

In terms of technical considerations, many participants identified geological suitability as a “must have” criterion. A summary of other specific technical factors, as well as social factors, and exclusionary criteria is presented in the following table.

Technical Considerations / Factors / Criteria	Social Considerations / Factors / Criteria	Exclusionary Criteria
<ul style="list-style-type: none"> • Solid, stable, geological formation • Correct groundwater regime • Crown ownership of the land • Transportation infrastructure • Amenable for security • Environmentally suitable • Available water source • Access to power 	<ul style="list-style-type: none"> • Skilled (or trainable) and stable workforce to build and operate facility • Technical expertise • Consensus in community • Right to say no, up to point of no return • Multi-generational approval process • Traditional land use study completed to identify significant sites including: sacred sites, gathering and cultural sites, sites of burial, sites of wintering, old towns • Awareness of evolving Aboriginal law, such as requirements concerning duty to consult 	<ul style="list-style-type: none"> • Designated protected area • Sites of cultural/spiritual significance

8 Information & Tools to Facilitate Stakeholder Participation

Participants identified the following tools and requirements to help a community think through its interest and willingness to become a host community:



As in previous discussions, many participants expressed support for communities taking a consensus approach to expressing willingness, and that a municipal resolution was not sufficient. Some participants stated that a community must decide itself on how consensus is to be reached, including how to involve a broad range of interests in the process. With this approach, many participants believed that the NWMO could then have confidence in the level of community support.

Another specific suggestion of a tool to aid decision-making was for the potential host community to integrate the hosting of the storage facility into its community planning process.

9 Closing Plenary Discussion

In the closing plenary discussion, participants were invited to share their thoughts on the question: “How can communities consider being involved prior to saying no?”

Participants offered a range of suggestions, including the following:

- Use an iterative process and avoid doing a hard sell at the outset.
- Begin dialogue at the broad level and use urban and rural municipal associations and Aboriginal organizations to disseminate information.
- Reduce the political stigma of becoming involved.
- Share information on what the rest of the world is doing so people understand that this is not a unique Canadian experience.
- When and if presenting the opportunities of the project up front, be sure to present information in a balanced way to help ensure the objectivity and credibility of the process and of the NWMO.
- Be truthful in presenting information to people – be straightforward about the relevant challenges and risks.
- Recognize the role of those with opposing viewpoints and build capacity in this area so that there can be debate and dialogue which will ultimately lead to a better outcome.
- At every opportunity, give people choices.
- Respect the duty to consult Métis Nations.

Appendix A – List of Participants

Name	Organization
The Hon. Allan Blakeney	University of Saskatchewan
Mr. Brian Brunskill	Helix Geological Consultants Ltd.
Ms. Janice Curry	Power Workers Union of Canada
Mr. Robert Doucette	Métis Nation Saskatchewan
Mr. Allan Evans	Prairie Centre Policy Institute
Mr. Joseph Hnatiuk	Saskatchewan Nature and Ecotourism Association
Mr. Walter Keyes	Canadian Nuclear Society - Saskatchewan Branch
Mr. Chris Lafontaine	Niigani
Mr. Larry Lechner	Association of Professional Engineers and Geoscientists of Saskatchewan
Mr. Jamie McIntyre	Cameco
Mr. Steve McLellan	The Saskatchewan Chamber of Commerce
Mr. Laurent Mougeot	Saskatchewan Urban Municipalities Association
Mr. Joe Muldoon	Saskatchewan Research Council
Dr. James Penna	Inter-Church Uranium Committee Educational Co-operative
Mr. Michael Pierre	Centre for Indigenous Environmental Resources
Mr. Peter Prebble	Saskatchewan Environmental Society
Ms. Mary Richard	Niigani
Ms. Pamela Schwann	Saskatchewan Mining Association
Mr. Jim Sinclair	Niigani
Mr. Kent Smith-Windsor	Saskatoon & District Chamber of Commerce
Mr. Doug Steele	Saskatchewan Association of Rural Municipalities
Ms. Donna Tingley	Natural Resources Conservation Board (NRCB)
Mr. Pieter Van Vliet	Van Vliet Consulting Inc.
Mr. Malcolm Wilson	Office of Energy and Environment

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 (Q 2)
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>