

# Multi-party dialogues Fall 2008 - Toronto session 1 report

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January 2009

**Stratos Inc.**

**nwmo**

NUCLEAR WASTE  
MANAGEMENT  
ORGANIZATION

SOCIÉTÉ DE GESTION  
DES DÉCHETS  
NUCLÉAIRES



**Nuclear Waste Management Organization**

22 St. Clair Avenue East, 6<sup>th</sup> Floor

Toronto, Ontario

M4T 2S3

Canada

Tel: 416-934-9814

Web: [www.nwmo.ca](http://www.nwmo.ca)

## **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.

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### 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.

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**NWMO-Stratos Multi-Party Dialogues  
- Toronto, October 3, 2008 -  
Session 1: Provence Room, Novotel Hotel**

Summary Report

Submitted to:

**Nuclear Waste Management Organization  
22 St Clair Ave. E.  
Toronto, Ont.  
M4T 2S3**

**January 21, 2009**

Prepared by:



**Stratos Inc.**  
1404-1 Nicholas Street  
Ottawa, Ontario  
K1N 7B7  
tel: 613 241 1001  
fax: 613 241 4758  
[www.stratos-sts.com](http://www.stratos-sts.com)



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## 1 Introduction

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### 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 14 participants, as well as staff from NWMO and Stratos, attended the session held in Toronto, Ontario on October 3, 2008 (see Appendix A for a list of participants). A parallel session was held in the *Alsace* room in the same venue and is summarized in a separate report.

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.

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## **2 What is Important in a Siting Process**

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To initiate the dialogue, all participants shared with the plenary group their thoughts on what is important in a siting process. Participants offered some perspectives on technical considerations, but the discussion focused on non-technical issues such as the impact of future nuclear energy generation in Canada on the siting process, informed community consent, building public confidence in the siting process, and fairness.

### **Technical**

Participants agreed that safety and security, both during transportation and storage at the site, are the most important issues in the site selection process. Some participants acknowledged that while assurance of safety over millennia is necessary, it is not possible to fully assure safety due to limitations in our ability to predict future safety of the repository. As part of the siting process, participants advised the NWMO to monitor changes in technology, and develop mechanisms for identifying and incorporating new information and technology into the siting process.

### **Future Nuclear Energy Generation**

Some participants stated that credibility and trust in the site selection process will be undermined if the future of the nuclear energy cycle in Canada is not well defined before moving forward on the siting process. Other participants stated that a clear indication about the potential for future nuclear waste generation (i.e. from new nuclear builds and refurbishment of existing nuclear generating plants) is required so that potential host communities can understand the quantity of used fuel they may be expected to store prior to expressing an interest in participating in the process.

### **Informed Community Consent**

Participants strongly agreed that the siting process must be based on host community support for siting the repository. Some participants further suggested that the community should not only be willing to site the repository, but should take the initiative to becoming a host (i.e. be welcoming, not just willing).

There was agreement, however, that the community's consent must be based on an understanding of all possible benefits, hazards, and legal and financial implications of hosting the repository. In support of this informed consent, several participants noted that the siting process should ensure that scientific information is translated into plain language, to enable communities and individuals to make their own informed decisions.

## **Public Confidence in the Siting Process**

Referring to past examples where siting processes have failed, several participants emphasized the importance of having public confidence in the siting process. To build this confidence, participants suggested several requirements including: transparency of the process, consultation and input during the process, demonstration that input received has had an impact on the direction of the process, and a systematic approach to public education. One participant suggested that the site selection process should have an accountability framework to assess the extent to which key NWMO values and principles are in place.

## **Fairness**

Fairness was identified as a key characteristic of the site selection process. It was suggested by some participants, that the process should ensure fairness among all stakeholders by defining ethical principles, though it was noted that it will be challenging to define ethical principles for implementing fairness (i.e. Fairness for whom? Fairness means different things to different people at different times. How does one presume fairness for future generations?). Generally, though, there was agreement that the process should ensure equity amongst stakeholders and communities. Some participants suggested that to demonstrate equity among communities, the site selection process should not pre-determine remote communities, rather it should allow for consideration of all communities, including those in urban areas.

Participants indicated that another demonstration of fairness in the site selection process would be consultation with Aboriginal neighbours and communities. More specifically, it was suggested that the process incorporate spiritual and traditional ceremonies to guide decision-making based on spiritual direction provided from the past and into the future.

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### **3 Testing the Set of Objectives, Ethical Principles and Characteristics**

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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 noted that the objectives, as presented in this framework, broadly reflect a single cross-Canada perspective, rather than capturing a full range of disparate viewpoints held across Canada.

Various participants made the following individual suggestions about additional objectives for consideration:

- The siting process should be designed to minimize division and disruption in communities, and the objectives should acknowledge that any community that goes through the site selection process, regardless if it becomes the host community or not, will be transformed.
- The community's oversight role throughout the siting process should be articulated within the framework of objectives.

#### **Other Related Messages**

In compiling input to the discussion document's framework, individual participants also provided the following suggestions:

- Adapt the ethical principles to recognize that there will always be both supporters and opponents to the siting of the repository.
- Consider introducing an independent regulatory oversight body that could provide neutral input and support to government, the public, and communities.

## 4 Major Activities in a Siting Process

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Breakout groups discussed the major activities in a siting process. Some participants identified issues that need to be resolved prior to releasing a public solicitation for communities to express interest.

### Issues Requiring Resolution

- Acknowledge and address the political legacy and history faced by NWMO in building a framework based on trust; this will provide the basis for further developing dialogue, communication and credibility with stakeholders.
- Determine who will be the final decision-maker in the site selection process. Should the NWMO be the one to decide the process or will it be the community's decision?
- Clearly define the objectives, characteristics and ethical principles of the siting process.
- Determine the criteria and principles against which progress and success of the siting process will be measured.

Two themes emerged from the discussion on siting activities:

- **Start with and build on good information** – Participants discussed a range of activities related to development and distribution of information. For instance, participants agreed that truthful, factual information needs to be provided in plain language, in ways that are accessible to different audiences. A few participants noted that, in the past, there has been inadequate information on the future steps ('forecasting') of NWMO's process, making it difficult for communities and other stakeholders to plan for participation. For participants, this fact underscored the need for ongoing communication, openness, transparency, and responsiveness on the part of NWMO to the input it receives during the site selection process. As a start, participants suggested that existing NWMO activities need to continue (e.g. website, dialogues, relationship building and public meetings). Participants also encouraged NWMO to take advantage of existing bodies and institutions to disseminate information.
- **Informed consent** – Several participants stated that informed consent is not only required but is paramount to the site selection process. Participants discussed approaches to determining the consent of a community (e.g. through referendum or elected council vote). Some participants suggested that further development and testing of the criteria for "community acceptance" is required.

Some participants also suggested that precedents for siting in Canada should be examined so that NWMO can learn from these experiences.

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

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Participants focused on key issues related to decision-making in a site selection process. One key message from the discussion was that some participants found it challenging to consider the APM as they viewed it as an abstract process potentially spanning decades, requiring significant, but undefined, financial resources. These participants indicated that such an abstract approach makes it difficult for stakeholders to provide constructive and informed input. Participants invited NWMO to consider giving more specific benchmarks or scenarios for stakeholders to respond to. However, participants advised that there is a risk to working with scenarios, as this approach could polarize a community. Some participants commented that NWMO could be required to select an economic region for consideration for hosting the repository. If this step was taken, this could help streamline the process by which stakeholders provide input into the site selection and decision-making processes.

Participants also discussed the demonstration of consensus. Some participants indicated that initially there needs to be broad support at the community level to go ahead, and that ultimately consent through a community referendum is required. Other participants noted that it is challenging to incorporate the decisions of future generations into the consensus-building process. Concerning the referendum question for a community, some participants asked who should script the question (NWMO?), and whether every community be asked the same question to even the playing field. Generally, participants acknowledged that no matter what the final outcome, the community will be transformed by going through the process of determining whether it will self-identify as a potential host or not.

Participants also discussed different approaches for involving transportation communities in the siting process, including: integrating them in a single site selection process, or developing a secondary or subsequent process once a site has been selected. No resolution on this discussion topic was reached by participants. However, some participants noted that consideration of transportation communities during the site selection process may favour sites closer to the current waste locations.

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## 6 Ensuring a fair site selection process

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Breakout group discussions on the question of how to ensure a fair site selection process explored the following ideas:

- **Truth & Reconciliation Process** – Some participants stated that the trust among certain stakeholders in the approach to managing nuclear waste in Canada has deteriorated since the submission of the Seaborn Panel report in 1998. These participants recommended that NWMO consider providing a forum for addressing these concerns through a process that is respected, funded, and open to all organizations and institutions. One participant invited NWMO to consider introducing a concept such as a “Truth and Reconciliation Commission” process to address legacy issues and past wrongs, thereby providing a more trusted framework for moving forward on developing and undertaking the siting process. A model that was suggested for consideration was the South African (Mandela) approach. A similar approach could also be taken at the local level to ensure that future relationships are built on trust.
- **Fairness** – Participants also expressed a concern with using “fairness” as an objective or key principle in the process. Alternative principles such as “equity”, “justice” or “integrity” were proposed by participants, as they are less open to interpretation.
- **Funding** – Participants noted that to make the engagement process fair, communities and their citizens need to be enabled through funding the development of their capacity. The siting process for Nova Scotia’s Halifax municipal waste site was offered as a successful example for funding capacity building.

Some participants suggested that it is necessary to ensure broad agreement on the framework for selecting a repository, given the longevity of the process to both find and maintain a suitable location for storing the used nuclear fuel. One participant suggested that the process should not solely be about finding a community that will consent to host the repository; rather the process should ultimately be about reaching a final conclusion whether it results in an affirmative or negative siting decision.

Participants discussed the “adaptive” component of adaptive phased management (APM). One participant noted that APM tends to be focussed on the technical portion and that social factors do not have the same priority. Other participants noted that NWMO has the opportunity to be flexible, and could consider transferring core elements of the siting process’s decision-making to an independent third party. NWMO was invited to consider these questions and concerns in developing the siting process.

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

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Participants discussed a range of broad issues related to factors, criteria and considerations to guide decision-making. Participants suggested that it would be helpful to have an “intermediate model” for siting that translates broad concepts into a more specific scenario to which stakeholders can react. For instance, one participant proposed two possible siting locations that could be modelled including: (i) existing nuclear communities, as they are familiar with having used nuclear fuel within their geographic boundaries, and (ii) areas from where the uranium originated.

Participants identified the following questions related to technical considerations:

- Who will evaluate the technical requirements that communities will need to meet?
- What are the assumptions used in defining the technical criteria?
- How complete are the models to be used in support of technical projections for locating the repository at a given site?

With regards to social considerations, participants identified the following issues:

- The need for hands-on education of community members as part of the site selection process (e.g. going to visit other sites)
- Bringing all actors (both those in support and those opposed) together into the process
- Involving Aboriginal peoples (First Nations and Métis) and integrating both traditional knowledge and science into the process

These participants also identified public education, which empowers communities to make informed decisions, as a key element in guiding decision-making.

Some participants felt that exclusionary criteria should be incorporated into the process. Others stated that it would be difficult to develop exclusionary criteria based on geology due to a lack of detailed baseline information.

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## 8 Information & Tools to Facilitate Stakeholder Participation

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Participants discussed information and tools that could facilitate participation in the siting process. The following suggestions and considerations were brought forward during the discussion:

- **Different needs** – The siting process should plan for and accommodate the diverse information needs of different stakeholders. This is particularly relevant for Aboriginal peoples.
- **Consultation as a tool** – Participants stated that Aboriginal peoples have the constitutional right to be consulted – government to government. They noted that the existing format for NWMO - Aboriginal communities' dialogue does not constitute a "consultation". Constitutional consultation requirements will need to be satisfied in the siting process.
- **Role of NWMO** – Participants discussed the role of NWMO in the siting process and several participants agreed that the NWMO should be the proponent, but not the decision-maker.
- **Role of Communities** – Most participants felt that the community cannot be and should not be the proponent.

Participants also identified some specific tools to facilitate stakeholder participation including following:

- Free access to information possessed by NWMO
- Financial and economic support to allow a community to have access to professional, third party expertise
- New mechanisms and tools that allow all interested stakeholders to be involved in the site selection process, including national organizations and not just those within the geographic vicinity of the community.

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## 9 NWMO's Future Challenges & Opportunities – Best Advice

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

- The process should acknowledge and address the policy issues related to both future nuclear energy generation and the quantities of spent nuclear fuel (existing and future) to be managed. Participants felt that these two issues cannot continue to be addressed separately.
- Consensus-building will be an essential component of the siting process. Participants stressed the importance of rebuilding trust with stakeholders. They said that this is an issue that must be seriously considered and addressed by the NWMO in order to successfully undertake the site selection process in the future.
- Consumers need to take responsibility for the energy they use. With this mindset, the siting process could allow consideration of smaller, dispersed sites rather than only one major site.
- The siting process is important to communities and to Canada. There is value in having Canadians empowered throughout the process.
- Participants encouraged NWMO to design the process with more specifics, particularly through the use of models. It is difficult to transition from overarching concepts into the actual details of the process without models or scenarios.
- Communities involved in the process need to understand the science behind the site selection process and the management of used nuclear fuel. Information must be presented in ways that can be easily understood by various audiences.
- NWMO should present information stating both the benefits and the risks of hosting a repository. Participants advised NWMO to avoid communicating to interested communities that there is no risk to hosting such a facility; rather NWMO should state what is clearly known and what still remains unknown. This approach will increase credibility of the NWMO with stakeholders.
- Participants invited NWMO to incorporate traditional ceremonies into the siting process and to create opportunities to have science be complemented by traditional knowledge in support of the decision-making process.
- Financial support should be provided to those wanting to express an interest in hosting the repository.
- Some participants noted that the process does not currently propose an alternative project, such as keeping the used fuel at the current reactor sites or other options to respond to a situation where no, or too few, communities self-identify.
- Finally, NWMO was encouraged to make progress on the siting process today, rather than postpone siting decisions for future generations.

## Appendix A – List of Participants

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<b>Name</b>	<b>Organization</b>
Mr. Lee Doran	Ecological Writings #1, Inc.
Mr. Mel Fruitman	Consumers Association of Canada
Mr. John Jackson	Great Lakes United
Ms. Anne Koven	Faculty of Forestry, University of Toronto
Ms. Anne Krassilowsky	Northwestern Ontario Municipal Association (NOMA)
Dr. Richard Kuhn	Guelph University
Ms. Brennain Lloyd	Northwatch
Ms. Theresa McClenaghan	Canadian Environmental Law Association
Mr. Michael McGuire	Niigani
Dr. Dan Meneley	University of Ontario Institute of Technology
Dr. Brenda Murphy	Wildfred Laurier University
Mr. David Nitkin	EthicScan Canada
Dr. Fergal Nolan	Radiation Safety Institute of Canada
Ms. Jo-Anne Usher	Canadian Nuclear Workers Council

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