

# First Nations Nuclear Fuel Waste Dialogue

## Working Group



## Meeting #2 Report

Submitted to the Nuclear Waste Management Organization on November 30, 2004

## INTRODUCTION

The Assembly of First Nations (AFN) entered into a 3 year contribution agreement with Natural Resources Canada (NRCan) in September 2003 to carry out a First Nations dialogue on the issue of nuclear fuel waste management in Canada. The objectives of the dialogue are as follows:

1. Raise awareness within First Nations communities and territories about nuclear fuel waste management and the potential impacts on their communities;
2. Build independent First Nations capacity to engage in discussions and decision making on the issue of nuclear fuel waste management;
3. Promote dialogue within First Nations and between First Nations and NRCan regarding long-term management of nuclear fuel waste;
4. Facilitate First Nations engagement on the issue of nuclear fuel waste management within the broader Canadian society.

To carry out the dialogue, Regional Coordinators (Northern Ontario, Southern Ontario, Western and Northern Canada and Quebec and Atlantic) will travel extensively within their respective areas, meeting with First Nations communities and organizations to discuss the issue, gather feedback and develop a strategy to protect First Nations rights and interests as per AFN Resolution 51/2003. Direction and support for their work will come from the Dialogue Coordinator, Program Manager, Regional Chiefs Panel on the Environment and the Nuclear Fuel Waste Dialogue Working Group.

To enhance the dialogue process the AFN entered into a funding agreement with the Nuclear Waste Management Organization (NWMO) in June 2004. The funding provided in this agreement is specifically earmarked for activities that enhance the dialogue process such as: coordinating a First Nations art contest to promote youth involvement in the dialogue, hosting of Regional Forums, establishment of a Regional Chiefs Panel on the Environment, development of a First Nations video on nuclear fuel waste management and providing written critiques of NWMO milestone documents by a First Nations working group (this report).

For the purposes of this report the term “dialogue” is preferred to the term “consultation”. The Supreme Court of Canada in decisions such as *Guerin*, *Sparrow* and *Delgamuukw* have made it clear that the federal government, as part of its fiduciary duty to First Nations, is obliged to consult with First Nations when their interests are affected. There continues to be considerable disagreement and misunderstanding between First Nations and the federal government regarding the form and content of “consultations”. To avoid any possible future misunderstandings this report and the dialogue activities being coordinated by the AFN will use the term “dialogue” as opposed to consultation. The following report on the findings of the Working Group does not represent a consultation.

## **WORKING GROUP OBJECTIVES AND STRUCTURE**

The working group has two primary functions, both of which will serve to enhance the AFN's dialogue on nuclear fuel waste management. First, the working group meets to critique milestone documents released by the NWMO and release a summary report on those discussions. Secondly, the working group provides suggestions for the AFN dialogue on nuclear fuel waste management.

The purpose of this report is to summarize the issues raised during the second meeting of the Working Group. For each of the issues raised a corresponding recommendation is provided. The Working Group requests that the NWMO provide a written response to each of the recommendations and specific details on how each of the recommendations will be addressed. This type of two way communication is in keeping with the NWMO's stated intentions of addressing information gaps and unresolved issues provided since the release of Discussion Document 1 (Document 2 – pg. 85).

The purpose of bringing attention to these issues is so that the NWMO can refine its approach to better suit and reflect the interests of First Nations. First Nations may also find the issues raised as part of the Working Group meetings useful in their evaluation of activities being carried out by the NWMO.

The second meeting of the nuclear fuel waste dialogue working group was held in Ottawa, October 27, 2004.

### **Present:**

Ron Perley	Union of New Brunswick Indians (UNBI)
George Kemp	Federation of Saskatchewan Indians (FSIN)
David Peerla	Nishnawbe Aski Nation (NAN)
Serge Goupil-Ashini	Assembly of First Nations – Quebec and Labrador (AFNQL)
Anna Stanley	University of Guelph Ph.D candidate
Paul Johanson	Nuclear Waste Dialogue Coordinator
Melissa Gus	Regional Nuclear Waste Dialogue Coordinator -Southern Ontario
Lillian Trapper	Regional Nuclear Waste Dialogue Coordinator -Northern Ontario
Nancy Bobbish	Regional Nuclear Waste Dialogue Coordinator -Quebec and Atlantic
Dawn Pratt	Regional Nuclear Waste Dialogue Coordinator Western and Northern Canada
Heather Coman-Albert	Administrative Support Staff – Nuclear Dialogue

## **SECTION 1. DISCUSSIONS ABOUT THE AFN DIALOGUE**

A number of suggestions were made by Working Group members on how to improve the AFN dialogue on nuclear fuel waste management. Some of these suggestions are summarized below.

It was suggested that at the next meeting of the Working Group there should be experts in field of nuclear fuel waste management who could make presentations and be available for questions afterward. For the next meeting of the Working Group, all efforts will be made to have outside experts present at the meeting.

Working Group members also felt that the AFN should work to secure funding and/or partnerships to secure technical experts to support the AFN dialogue. This was viewed as an important initiative, given the complexity of information being dealt with and the volume of historical information that can only be accumulated through a lifetime of study and involvement.

The Working Group also felt that there was a need to broaden the current discussions to an international level, given the global implications of the nuclear industry. Members were particularly interested in learning more about the experiences of indigenous peoples from around the world. Examples raised were, the Aboriginal peoples of Australia, the Saami of Scandinavia and native peoples in the USA.

It was also suggested that the AFN should consider the possibility of making joint statements with the Inuit Tapiriit Kanatami (ITK) and Metis National Council (MNC) on strategic areas where common ground is shared. The AFN will explore possibilities for joint statements or other collaborative work with ITK and MNC where appropriate.

The Working Group also requested a conference call with the NWMO's Aboriginal Subcommittee to discuss their work and opportunities for improved First Nations influence on the process being led by the NWMO.

## **SECTION 2. CRITIQUE OF NWMO DISCUSSION DOCUMENT #2 “UNDERSTANDING THE CHOICES”**

Overall the Working Group found that Discussion Document 2 failed to build substantively on the approach presented in Discussion Document 1. In fact, from a First Nations perspective, the approach outlined in Discussion Document 2 regressed in addressing the rights and concerns of First Nations. A summary of the specific issues related to the approach outlined in Document 2 are provided below.

Many of the issues raised during the review of Discussion Document 1 at the first meeting of the Working Group remain very relevant to the review of Discussion Document 2. The reader is encouraged to review the first report of the Working Group for further information.

### **Issue #1 – Need for unbiased information and a First Nations/Aboriginal oversight body**

The information contained in Document 2 was found to be presented in a manner that portrayed historical and current events in a manner that was favourable to the nuclear industry. It was expressed that this was due to the industry dominated structure of the NWMO. This situation presents the need for information that is not filtered through the lens of industry, particularly where it concerns First Nations experiences with the nuclear industry. First Nations must have an unbiased source of information if they are to be effectively engaged on this issue.

As with Document 1, Document 2 lacked key information on the history and ongoing effects of the nuclear industry on Aboriginal peoples. For example, there was no discussion surrounding the effects of uranium mining on the community of Serpent River, in northern Saskatchewan, or the concerns of First Nations living near nuclear power facilities in Quebec and New Brunswick. First Nations made numerous submissions during the Seaborn Panel hearings and it was expressed that this input should be presented in the NWMO’s documentation in a clear and transparent manner. Inadequate information hinders discussion and does not do justice to those who have been affected by the nuclear industry.

Concern was also raised over the wording of some information. For example, in the Public Attitude Research (pg. 33) one of the traits presented was, “Ensures the nuclear waste is isolated from human contact forever”. This trait is leading and speculative because industry can not ensure that this waste will be isolated from human contact forever. Whatever technology is eventually used for disposal or storage, it will be untested over the necessary time frames to ensure that the waste will be isolated.

#### **Recommendation #1**

The NWMO should fund an independent First Nations/Aboriginal Nuclear Waste Monitoring Agency that can monitor activities conducted by the NWMO, both in the recommendation of a management approach and through the implementation phase. This agency should be adequately funded to provide for the necessary resources (e.g., technical experts, economists, lawyers) and be organized and led by First Nations/Aboriginal peoples. This organization should be funded as long as the waste exists, given its threat to Aboriginal lands and way of life in perpetuity.

Note, the need for independent oversight bodies was also raised during the Citizen’s dialogues conducted by the Canadian Policy Research Network (CPRN). In these dialogues, the public expressed that their confidence in industry and government to fully disclose information in an open and transparent manner was low (Watling et. al. 2004). Although Document 2 mentioned oversight bodies in Part 3 “Towards a Management Approach”, it did not provide specific information on how or when that oversight body might be established, funded or utilized in their management approach.

## **Issue #2 – Aboriginal and treaty rights**

Although Discussion Document 2 does acknowledge that the issue of Aboriginal and treaty rights has been raised during their dialogue, Document 2 fails significantly because it does not provide a clear statement that Aboriginal and treaty rights will be respected during the work of the NWMO. Aboriginal and treaty rights are of paramount importance for First Nations and the failure of the NWMO to acknowledge these Constitutionally protected rights in its process is a significant oversight.

There continues to be a lack of analysis or consideration about the impact of all nuclear wastes on the use and availability of treaty lands. From a First Nations perspective, the availability of public or Crown lands is an issue of paramount importance. Land area availability is essential in order to ensure that First Nations peoples are able to practice Aboriginal and treaty rights as guaranteed by the Canadian Constitution. Each time land is sequestered for use, it is removed from the total land base, which was available at the signing of the treaties. Likewise, the current process does not address how the Crown will fulfill its legal duties to First Nations under the treaties. Without full recognition of Aboriginal and treaty rights, as guaranteed under s. 35 of the *Constitution Act*, no framework for the selection of a waste management approach will adequately address the concerns of First Nations.

Recognizing Aboriginal and treaty rights is particularly poignant given the repeated statement in Document 2 that “remote” areas, away from populated and developed centres will be the focus for deep geological disposal. Although these “remote” areas may be distanced from major urban centres, they are likely nearby First Nations communities and on First Nations traditional territories. Any proposal for a waste management facility will compromise those rights. The elevated status of “remote areas” is also in direct contradiction to the ethical principle of fairness on page 79 which states that fairness should be for “everyone affected and particularly to minorities and marginalized groups”.

The AFN made two submissions during the drafting of the *Nuclear Fuel Waste Act*, recommending that the Act respect Aboriginal and treaty rights guaranteed under the *Constitution Act, 1982*. These recommendations were not adopted.

### **Recommendation #2a**

Discussion Document 3 and the process being led by the NWMO should explicitly recognize that Aboriginal and treaty rights must not be violated by the work of the NWMO. This includes their recommendation to government and any subsequent implementation of activities approved by the Canadian government.

### **Recommendation #2b**

The NWMO should cease in characterizing the sites for a deep geological repository in the Canadian Shield as “remote”. This creates the illusion that these areas are uninhabited, which is misleading and discriminates against First Nations communities and rural peoples. It also assumes knowledge of future population growth patterns.

### **Issue #3 – Dilution of Aboriginal component in assessment methodology**

Concern was raised that the Aboriginal component in the NWMO approach had been distilled down from its initial set of 10 questions. In Document 1 “Aboriginal Values” was listed as one of the 10 key questions, with a weak statement on whether Aboriginal “perspectives and insights” have influenced the development of a management approach. In contrast, Document 2 combines the Aboriginal component into the eight objectives used in the assessment. This change in the assessment methodology was found by the Working Group to exclude the important and specific consideration of the rights, knowledge and experiences of First Nations.

As an example of how the NWMO approach fails to address First Nations issues, Document 2, under the community well-being objective notes:

*While the importance of factoring in and addressing the concerns of Aboriginal peoples is recognized in general, and specifically concerning this objective [community well being], the Assessment Team did not feel capable of anticipating the perspective of Aboriginal peoples. The perspective of Aboriginal peoples will need to be understood and brought in to the assessment in regard to assessing the methods on community well-being, as well as on each of the other objectives identified in this assessment.*

This statement appears to confirm that the Assessment Team was not sufficiently “multi-disciplinary” to address the issues raised by its own assessment objectives. However, it appears that the Assessment Team did feel qualified to remove Aboriginal “values” as a separate and specific consideration.

### **Recommendation #3**

Aboriginal issues should be treated as its own “objective” in the NWMO’s approach. The issues facing First Nations and other Aboriginal groups are unique (e.g., Aboriginal and treat rights) and can not be effectively consolidated with broader more general objectives.

### **Issue #4 – Inappropriate characterization and use of Aboriginal Traditional Knowledge**

The recognition of “Traditional Aboriginal Knowledge” in Document 2 and the Traditional Knowledge Workshop hosted by the NWMO is a positive step in the recognition of Aboriginal Traditional Knowledge (ATK). However, the repeated characterization of Aboriginal input as “perspectives and values” in Document 2 diminishes its importance, rather than affirming the invaluable experiences and knowledge that Aboriginal people possess.

Of particular concern was the inappropriate use of “seven generations” teachings. Seven generations teachings state that you must try to consider what the impact of your actions will be seven generations into the future, while recognizing with humility the difficulty in achieving this. Document 2 and accompanying assessment team report states that the first phase of the management approach corresponds approximately with seven generations. The use of seven generations teaching in this manner overlooks that the consequences of disposing used nuclear fuel waste will continue for many thousands of years. The Working Group felt that the inappropriate use of seven generations teachings was done simply to appear that the NWMO was incorporating ATK into its work, rather than looking critically at what those teachings truly say about the production and management of used nuclear fuel.

Another issue which clearly violated ATK principles was the characterization of areas of the Canadian Shield as “remote”. ATK holds that the environment must be considered holistically, as opposed to segregating parts of it into dispensable units that are somehow unconnected to the rest of the environment. Although the NWMO claims to have listened to the lessons that ATK holds (through its workshop on TK), selective and inappropriate use of ATK was noted by the Working Group as a major shortcoming of Document 2.

#### **Recommendation #4**

The NWMO should not attempt to use ATK (e.g., seven generations teachings) unless it has given Aboriginal representatives the opportunity to review the usage and interpretation of that knowledge, to ensure that it is being used in the spirit of those teachings.

#### **Issue #5 – Aboriginal representation on the Advisory Council**

The *Nuclear Fuel Waste Act* does not *require* that there be Aboriginal representation on the Advisory Council until an economic region is specified for the approach that the Governor in Council selects under s. 15 or approves under subsection 20(5). However, direct Aboriginal involvement on the Advisory Council would seem to be keeping with the intent of engaging Aboriginal peoples. In this regard, the current structure of the Advisory Council fails to properly engage First Nations.

The process which was used to ensure the Advisory Council membership reflects expertise in traditional Aboriginal knowledge, under s. 8(2)(b.1) of the *Nuclear Fuel Waste Act*, was not explained in Document 1 or 2. To allow for proper involvement by Aboriginal peoples, the individual or individuals with expertise in Aboriginal traditional knowledge should have been nominated by an Aboriginal organization or community, with clear rules for nomination and participation.

#### **Recommendation #5**

The NWMO should allow First Nations and other Aboriginal organizations to nominate representatives to sit on the Advisory Council. This should occur immediately, without waiting for an economic region to be specified.

## **Issue #6 – Timelines created by the *Nuclear Fuel Waste Act***

First Nations have repeatedly stated that the timelines laid out in the *Nuclear Fuel Waste Act* are insufficient for First Nations to properly engage on the issue. Developing the necessary capacity, communications and development of strategy on a complex issue such as nuclear fuel waste management, can not be rushed if it is to be considered a legitimate process. It was noted that the Seaborn Panel took nearly 10 years to complete its review of the AECL deep geological concept, yet under the *Nuclear Fuel Waste Act* the NWMO has three years to review three disposal/storage concepts and provide detailed recommendations on how to proceed.

To some, this suggested that the outcome is already known and the current process is not being conducted in good faith. It was also suggested that government is attempting to rush this process and create the illusion that a solution has been found. This would, in turn, support the government's commitment to nuclear energy and its interest in Atomic Energy of Canada Limited (AECL).

The *Nuclear Fuel Waste Act* states in Section 14(2) that “If the Minister is of the opinion that the study fails in a significant way to meet the requirements of sections 12 and 13, the Minister shall direct the waste management organization to revise the relevant portions of it and submit the revised study to the Minister ...”. In the opinion of the Working Group, the study will fail in a significant way if First Nations have not been given the appropriate time to engage on this issue.

### **Recommendation #6**

The NWMO should make a clear statement in Document 3 that to achieve their stated mandate “to develop collaboratively with Canadians a management approach for the long-term care of Canada's used nuclear fuel that is socially acceptable, technically sound, environmentally responsible and economically feasible” that First Nations must have sufficient time to study the issue and develop the necessary positions, regardless of timelines imposed by the *Nuclear Fuel Waste Act*.

## **Issue #7 – Structure of Assessment Team**

The Assessment Team, although well versed on the technical side of the issues would have benefited from a more diverse membership including ethicists, economists, lawyers and Aboriginally nominated representatives. This deficiency was demonstrated in the Assessment Team report which stated that: “...the Assessment Team did not feel capable of anticipating the perspective of Aboriginal peoples”. Although the Assessment Team was correct in noting this, it did not explain why Aboriginal representatives were not included in the Assessment Team.

### **Recommendation #7**

To ensure greater accountability in the assessment process, the NWMO should ensure that subsequent Assessment Teams have a more diverse membership. Membership should include Aboriginally appointed representation, independent ethicists, advocacy groups, etc. that could provide alternative viewpoints in evaluating management options.

## **Issue #8 – Consultation**

The issue of consultation continues to be an important one for First Nations peoples. The process outlined by the *Nuclear Fuel Waste Act* states in Section 12(6) that a plan for consultations must be provided by the NWMO with its final recommendation to government. This will be a crucial phase for First Nations and must be dealt with properly. The following recommendations are intended to help inform this process.

### **Recommendation #8a**

NWMO's Document 3 should clearly state that Aboriginal consultations can not be conducted through a "1 window" approach by dealing with National Organizations. Consultations must occur on a nation-to-nation level and therefore must occur between the federal government and First Nation communities.

### **Recommendation #8b**

Consultations with First Nations must not begin until there is approval of the proposed consultation plans by those First Nations who feel they will be impacted by the selection of a management approach. This must extend to First Nations who indicate they will be affected, not only those within the proposed economic region.

### **Recommendation #8c**

Proposed consultation plans must explicitly state how they will accommodate existing consultation guidelines held by First Nations communities and organizations. The consultation plan should also indicate how it will incorporate First Nations views raised during the consultation.

## **Issue #9 – Compartmentalization of nuclear waste issue**

There continues to be concern from a First Nations viewpoint that the issue of nuclear *fuel* waste management should not be evaluated in isolation from other very relevant aspects of the nuclear industry (e.g., mining wastes) and energy policy matters. This issue relates to both the technical and economic aspects of nuclear energy production.

For those with little previous knowledge on the issue, this Document 1 and 2 would create the illusion that nuclear energy is "clean", with the exception of the used nuclear fuel waste. Clearly this is not the case, as uranium mining and processing has had considerable environmental and social effects as demonstrated by the experiences at Serpent River First Nation in Ontario (Rekmans 2003), the Lac la Hache Band in Saskatchewan (Goldstick 1987), and the Dene of Deline in the Northwest Territories (Simmons 2004, WISE 1999). For many readers, knowing there are ongoing health and environmental concerns related to uranium mining and decommissioning would likely influence their confidence in the nuclear industry to carry out any of the waste management approaches listed in Document 1 and 2. Therefore, to allow for informed decision making on the part of the reader, it is necessary to include an inclusive view of all aspects of nuclear power production, rather than a narrow view of simply the end product.

Likewise, by compartmentalizing the issue with a narrow focus on used nuclear fuel, the reader is not informed of the economic costs of mine decommissioning, reactor refurbishment, management of low level radioactive waste, public subsidies to the nuclear industry, management of re-tubing wastes and loss or impairment of traditional gathering areas (hunting and fishing).

In its review of the AECL concept, the Seaborn Panel spoke to a number of issues outside of its original mandate, including energy policy, fuel reprocessing and military applications of nuclear technology. It was stated that: “these issues were very important to some participants, who believed that several or all of them greatly affected public acceptance of any waste management approach. For these participants, compartmentalizing aspects of nuclear power production created significant difficulties in the review. In their opinion, the scope of the review was limited and future steps in waste management could not be determined until after a public discussion of these subjects.” (CEAA 1998).

#### **Recommendation #9**

Document 3 should state that other aspects of the nuclear industry (e.g., mining wastes, plant decommissioning wastes, etc.) should be incorporated into the NWMO process, prior to making a recommendation, regardless of whether this requires additional time for study. Furthermore, the NWMO should recommend that government undertake a full review of energy policy in Canada, prior to making a decision on the management of nuclear fuel waste.

#### **Issue #10 – Translation of documents**

For many First Nations peoples, particularly elders, they are more comfortable communicating in their native language. To date, information released by the NWMO has not been translated into common First Nations languages such as Cree or Ojibway. Providing information in the appropriate languages is critical, and a matter of courtesy, when discussing issues that directly impact on First Nations lands, namely the consideration of deep geological disposal of high level radioactive waste in the Canadian Shield. Likewise, all materials released by the NWMO should have companion “plain speak” versions so that information is available for people of varying educational backgrounds.

It was also noted that the Background Papers commissioned by the NWMO have not been translated into French (although French Executive Summaries do exist). This omission limits French speaking individuals in their evaluation of the issue.

The NWMO has repeatedly stressed the importance of effective communications. Translation of documents into the necessary languages and plain speak versions should be considered an essential step towards effective communications.

#### **Recommendation #10a**

All NWMO documentation should be translated into common First Nations languages such as Ojibway and Cree. Likewise, all documentation released by the NWMO should be available in French and English.

**Recommendation #10b**

For key NWMO documents, background reports and technical information, “plain speak” versions should also be created.

**Issue #11 – Communication mechanisms**

The Working Group felt that the NWMO has not made a concerted effort to communicate broadly and effectively with the public. For this to be the case, it was felt that the NWMO would have utilized television to notify Canadians of this process. Relying on their website as their “primary” communications mechanism not only discriminates against First Nations communities who often have no, or poor internet access, but places the burden on individuals to research and discover the NWMO website, rather than being notified through a common communications medium such as television.

The NWMO Advisory Council suggested the use of television to improve wide-spread communications with the public during its May 2003 meeting. The AFN has also raised this issue with the NWMO on a number of occasions. The need for better awareness raising was also noted during the citizens dialogues and was noted in Document 2 (pg. 20).

**Recommendation #11**

The NWMO should run nation-wide advertisements on major, accessible television stations such as CBC to alert people of this important national level issue and how they can become involved. This would help instill confidence that the NWMO is truly attempting to reach out and communicate with the public, stakeholders and Aboriginal groups.

**Issue #12 – Presentation of information**

The Working Group felt that the presentation of information was often inappropriate and not accessible for most readers. Particularly, it was felt that the diagrams which described the relationship between the 10 principles and the 8 objectives were likely incomprehensible for many readers. The complexity and lack of explanation for each of the connections does not allow for people to understand the diagrams. It was also noted that the font on the diagrams was too small for a general public document.

**Recommendation #12**

Information must be presented in a manner that is easily understood, is clear and presented in a suitable font size. The NWMO should consider contracting a “plain speak” specialist to assist with this process.

**Issue #13 – Waste volume scenarios**

A key question in the evaluation of management alternatives for used nuclear fuel waste is: “How much waste will need to be dealt with?” Document 2 (pg. 86) states that they (NWMO) “have heard from both the public and experts that the assessment of management approaches might be influenced by the volume of used nuclear fuel which we are planning to manage.” Consideration

of waste volume scenarios should have been an integral part of the study from its inception with clear and transparent information presented on this topic.

Document 2 failed to deal with the issue of importation of waste. This is an important factor since the *Nuclear Fuel Waste Act* does not prohibit the importation of used nuclear fuel waste to Canada from other countries. For a comprehensive understanding of the issue there needs to be full disclosure of information and discussion of potential waste volume scenarios (including importation of waste). This is especially important given that people have advocated for an international repository for nuclear fuel waste and given the increasing trend towards global trade agreements.

Document 2 states (pg. 41): “While no international treaty currently forbids the trans-boundary movement of used fuel, the Assessment Team noted that most countries believe in the self-sufficiency principle under which they are responsible for any waste they produce.” In reality, trans-boundary movements of used nuclear fuel occur regularly in Europe and Asia as part of reprocessing efforts, often invoking considerable protests and resistance. Trans-boundary movement of nuclear fuels have also occurred between Canada and the USA. In 1999 a small quantity of mixed oxide (MOX) fuel was flown by helicopter from the USA to Canada when a blockade near Garden River First Nation drew attention to the proposed shipment. Although these trans-boundary shipments are not currently part of waste disposal projects, they do point to the willingness of governments to ship high level waste across international boundaries.

### **Recommendation #13**

The NWMO should provide clear and detailed information to the public on different waste volume scenarios, including those related to the potential importation of waste and scenarios involving the phase-out of nuclear power in Canada.

### **Issue #14 – Timelines for continued monitoring**

The monitoring timeline presented on pg. 49 of Document 2 proposes that extended monitoring for the deep geological repository concept would last for approximately 70 years after the operation of the facility concludes. This relatively short timeline for monitoring would not instill confidence in nearby residents, despite the claim on pg. 64 that “No significant long-term operations are required under a geological repository, making it likely that the facility would be largely forgotten in the long term.” Forgetting about the presence of used nuclear fuel does not ensure community safety and is not in keeping with the expressed desires heard during the CPRN study (Watling et. al. 2004) which found Canadians placed a high value on accessibility and adaptability.

### **Recommendation #14**

The NWMO should openly acknowledge that nearby residents will require continued monitoring as long as the waste is dangerous to assure the community of the health of their environment (assuming this is possible). The NWMO should retract its statement that the facility would be “largely forgotten”.

## **Issue #15 – Concept of voluntarism**

Document 2 (pg. 56) it states: “Indeed, the opportunity for public participation in the locating of a centralized storage or a geological repository facility was seen as a positive attribute with regard to fairness, assuming that the siting process would be a voluntary one.” This statement is very optimistic given the history of resistance on the issue of nuclear fuel waste disposal in Canada. Furthermore, there are no criteria provided for what constitutes voluntarism. Does this involve a referendum for nearby communities, veto power for communities in the area, or does it simply require the approval of a local municipality?

### **Recommendation #15**

The NWMO should define the term voluntarism, including how voluntarism would be determined and agreed upon.

## **Summary**

The current approach being taken by the NWMO, as reflected in Discussion Documents 1 & 2 does not adequately address the rights and needs of First Nations. Overall, Document 2 was found to favour industry related positions and has regressed with respect to how Aboriginal issues will be dealt with. The Working Group requests that the NWMO provide a written response to the issues and recommendations raised above. By responding to the issues raised above, First Nations will gain an insight into how their concerns are to be treated by the NWMO.

## References

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