

Multi-Party Dialogues Fall 2009 – Synthesis Report

NWMO SR-2009-10

December 2009

Stratos Inc.

nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



Nuclear Waste Management Organization

22 St. Clair Avenue East, 6th Floor

Toronto, Ontario

M4T 2S3

Canada

Tel: 416-934-9814

Web: 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 Dialogue Reports

The work of the NWMO is premised on the understanding that citizens have the right to know about and participate in discussions and decisions that affect their quality of life, including the long-term management of used nuclear fuel. Citizens bring special insight and expertise which result in better decisions. Decisions about safety and risk are properly societal decisions and for this reason the priorities and concerns of a broad diversity of citizens, particularly those most affected, need to be taken into account throughout the process. A critical component of APM is the inclusive and collaborative process of dialogue and decision-making through the phases of implementation.

In order to ensure that the implementation of APM reflects the values, concerns and expectations of citizens at each step along the way, the NWMO plans to initiate a broad range of activities. For each of these activities, reports are prepared by those who designed and conducted the work. This document is one such report. The nature and conduct of our activities is expected to change over time, as best practices evolve and the needs and preferences of citizens with respect to dialogue on nuclear waste management questions is better understood.

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 Multi-Party Dialogue on the Proposed Process to Select the Site for
Managing Canada's Used Nuclear Fuel for the Long-Term**

Consolidated Report

Submitted to:

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

December 23, 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



OUR VISION

A world where decision makers at all levels integrate sustainability into their actions to improve ecological and human well-being.

OUR MISSION

To provide business, governments and organizations with expert advice, information, and tools that will assist the development and implementation of more sustainable policies and practices.



We encourage you to print on recycled paper.
Stratos uses 100% post-consumer content recycled paper.

TABLE OF CONTENTS

1	PURPOSE AND CONTEXT	1
2	STEPS IN THE SITE SELECTION PROCESS.....	1
2.1	STRENGTHS OF THE PROPOSED PROCESS.....	2
2.2	CAVEATS	2
2.3	OTHER COMMENTS ABOUT THE PROCESS OVERALL	3
2.4	COMMENTS ABOUT THE SPECIFIC STEPS.....	5
2.5	ADDITIONAL COMMENTS.....	10
3	GUIDING PRINCIPLES.....	11
3.1	GENERAL COMMENTS.....	11
3.2	COMMENTS ON SPECIFIC PRINCIPLES	11
3.3	PROPOSED NEW PRINCIPLES	13
3.4	OTHER COMMENTS ON PRINCIPLES	14
4	PROPOSED CRITERIA – SAFETY AND COMMUNITY WELL-BEING.....	14
4.1	SAFETY	14
4.2	COMMUNITY WELL-BEING.....	17
5	PARTNERSHIP AND COMMUNITY SUPPORT.....	19
5.1	GENERAL COMMENTS.....	19
5.2	DEFINITION OF COMMUNITY TO INCLUDE REGION AND ABORIGINAL PEOPLES	20
5.3	DEMONSTRATION OF COMMUNITY WILLINGNESS	20
5.4	COMMUNITY SUPPORT.....	22
5.5	INFORMATION TO SUPPORT COMMUNITY DECISION MAKING	23
5.6	TRANSPORTATION COMMUNITIES.....	23
5.7	SURROUNDING COMMUNITIES AND REGIONS	24
5.8	BENEFITS.....	25
6	THIRD-PARTY REVIEW.....	27
6.1	MANDATE.....	27
6.2	COMPOSITION	28
6.3	COMMUNITY ACCESS TO EXPERTISE	28
6.4	ADVISORY COUNCIL	29
6.5	OTHER COMMENTS	29
7	ANNEX A - AGENDA.....	30

1 Purpose and Context

The Nuclear Waste Management Organization (NWMO) undertook 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. The purpose of these dialogues was to test and improve a draft process for site selection for used nuclear fuel presented in NWMO's discussion document *Moving Forward Together: Designing the process for Selecting a Site* (Discussion Document). These dialogues collectively represent one of several inputs that NWMO will use to refine its proposed site selection process, which will be released in 2010.

NWMO retained Stratos Inc. to design, organise, facilitate and report on these dialogues, which were held in Saskatoon, Ottawa, Toronto and Saint John in September and October 2009.

The dialogues brought together individuals from a wide range of perspectives, including representatives from Aboriginal organizations, business associations, municipal groups, non-government organizations, academia, the nuclear industry, and professional associations. A total of 96 participants, as well as staff from NWMO and Stratos, attended the four sessions. This report is a culmination of individual session reports from each dialogue session. These session reports provide a more detailed account of the discussion and can be reviewed separately at www.nwmo.ca.

The dialogues were not designed to seek consensus. This report reflects both common perspectives and areas for improvement to the draft site selection process identified and discussed by participants, as well as the variety of views expressed during the dialogues.

Sections 2 to 6 of this report provide the results of the dialogues organized by the sections of the NWMO Discussion Document *Moving Forward Together: Designing the process for Selecting a Site*.

2 Steps in the Site Selection Process

Individual participant comments with respect to the steps in NWMO's proposed site selection process ranged from "the process needs some fine tuning but the major elements are there" to "much work needs to be done before NWMO can consider starting the site selection process". However, across the four dialogues there was general support for the proposed steps, with a substantial degree of commonality on improvements to be made and issues to be better addressed, with differing perspectives on a number of details for the design.

2.1 Strengths of the proposed process

Specific strengths of the proposed process identified by a good number of participants include:

- the fact that the Discussion Document reflects input from previous dialogues;
- the proposal that communities drive the process and are able to exercise choices throughout;
- early and continuing funding to communities to help them consider and evaluate involvement in the process;
- the emphasis on safety; and
- the overlay of a timeframe, albeit a loose one.

Other strengths identified by more than one participant include:

- the evident application of a sustainability lens to the project; and
- the emphasis on transparency.

However, three major caveats were also expressed:

- Earlier involvement of provincial governments and regulatory authorities
- Greater geographical focus
- A greater role for other affected communities beyond the willing host community

2.2 Caveats

Earlier involvement of provincial governments and regulatory authorities

Most participants agreed that the provinces and regulators need to play a larger role earlier in the process and that NWMO needs to explain more clearly how the provinces, and regions within provinces, will be involved in the site selection process. In their view, the Discussion Document currently downplays their involvement. The provinces have overall responsibility for development under their jurisdictions, specific regulatory powers, and are also responsible for regional development, municipal governments, the provision of some infrastructure, and Crown lands. In addition, both provincial and federal governments need to start thinking about the design of the environmental assessment and regulatory frameworks for the repository. Because these frameworks will govern the safety, environmental and other criteria that NWMO will be required to apply to the project, it is essential that these processes and requirements be agreed to earlier in the proposed process by the Canadian Nuclear Safety Commission (CNSC) and other federal and provincial authorities.

Some participants felt that such earlier and more visible involvement of provincial and federal regulators (i.e. prior to the proposed regulatory review) would help reassure potentially interested communities by providing information and clarity on regulatory requirements. These bodies also provide assurance through their "observation" of the

process. This suggestion would also help ensure that the ecosystem interests are represented in steps 1 through 7.

Greater geographical focus

Many participants argued that geophysical and logistical constraints preclude certain areas of the four nuclear provinces as suitable sites. In these participants' view, NWMO should be more directing and develop additional criteria to focus the site selection process from the beginning. Through information provided by NWMO, participants understood that available geophysical data is insufficient and expensive to acquire. As such, participants felt that these criteria need to include safety considerations and also be socio-economic in nature and could include population density, transportation/logistics, and the community's familiarity with nuclear issues. This additional level of screening would reduce the risk of creating false expectations and wasted community resources.

In a similar vein, several participants believed that a repository on Crown land was a likely outcome and suggested that NWMO develop a process to address this particular scenario – one that places less emphasis on finding a willing host community and more emphasis on defining and following the regulatory process. Participants recognized that there are few areas that do not overlap with Aboriginal interests, including Crown lands in the four nuclear cycle provinces, and that these interests will need to be addressed.

A greater role for other affected communities beyond the willing host community

Several participants argued that surrounding communities, including Aboriginal communities, should be involved earlier in the process than Step 4 as proposed in the Discussion Document, recognizing that this would likely require a substantial engagement effort from NWMO. NWMO should provide more information in the Discussion Document on how it plans to make broader communities in a region aware of its mandate. NWMO will need to use a variety of outreach techniques to engage these communities.

2.3 Other comments about the process overall

A number of participants stated that the process could be improved by a more explicit description of roles of interested communities, regulators, NWMO, and waste owners, and their respective accountabilities. They asked what standards NWMO would use at each step of the process to identify go/no go decisions and who would be accountable for these decisions. Some participants wanted criteria to inform the closure of each step to ensure that communities move through the process in a comparable and accountable manner.

A number of participants felt that the process needs to be as clear as possible on who makes decisions and on what basis at each step. This could be achieved in part by

developing standards for the information to be conveyed to potentially interested communities, interested communities, and those expressing willingness. These standards would provide one level of assurance that a community is indeed “informed” as it moves through each step of the process.

Several participants did not see evidence of the *adaptive* aspect of Adaptive Phased Management in the description of the steps. They asked for language to be added to the Discussion Document explaining how adaptability and the ability to manage change, such as the emergence of a promising reprocessing technology, will be addressed throughout the site selection process.

Some participants argued that NWMO has leaned too far towards a “grassroots” approach to site selection by leaving too much authority in the hands of interested communities. They suggested that a better balance between a participatory and a directing approach was required, particularly with respect to transportation issues. Some participants argued that the process, as currently articulated, gives municipal councillors significant decision-making power and questioned whether these individuals have the capacity to make such a significant decision in the national interest.

A few participants stated that the process is flawed because NWMO is overseen by the owners of the waste who have a strong interest in finding a community willing to host the facility. In their view, NWMO cannot undertake this process objectively.

The following suggestions for improving the site selection process were made by a few participants over the course of the dialogues:

- The definition of “willingness” in the text should be developed further. If the process is a long one, communities may need to reiterate their interest or willingness repeatedly. It is important to understand clearly what such interest and willingness need to look like at each step.
- National and provincial interests need to be better reflected in the process. These interests include tax-payers, ratepayers, and national organisations. The site selection decision will affect all Canadians and as such the process needs to accommodate these broader communities of interest as well.
- NWMO should better describe the various interests involved in waste retrieval and how the concept might be put into practice.

Some participants stated that the Discussion Document seems like it was “written to get buy-in rather than to inform”. They suggested that it be presented in a more factual style with definitions of terms up front and a description of potential harms and benefits. Others argued for the Discussion Document to also clearly outline the benefits to interested and willing communities to attract communities.

2.4 Comments about the specific steps

Many participants asked NWMO to provide greater detail about the proposed steps in the site selection process, in particular the timelines around steps 1, 2, 3 and 4. In their view, the parallel and iterative nature of these steps needs to be made clearer, as should the main decision points.

Several participants also expressed concern about the possible length of the selection process, especially for steps 2 to 6. They were concerned that the process could stall and trust could be lost within communities over time due to changes in political leadership and loss of institutional memory.

Step 0

Some participants in three of the four sessions felt strongly that NWMO needs to do more work on exclusion criteria before triggering Step 1. The early identification of excluded areas was seen both as a cost saving measure for NWMO and a way to reduce potential burden and stress for communities. It would be most helpful if this information was presented on maps. The maps could include a broad range of geographical aspects (physical, economic, political, cultural), such as population density, groundwater resources, and significance to Aboriginal peoples, to inform the identification of unsuitable areas. Some participants noted that more specific and explicit site selection criteria would allow communities to screen themselves informally in order to decide whether they even wanted to consider the site selection process. To avoid having non-excluded regions feel targeted, some participants recommended that NWMO clearly communicate the identification of exclusion areas as being driven by safety considerations. Some participants noted the Ontario Power Authority process for selecting wind resource generation sites as a possible useful model. A few participants suggested that NWMO consult stakeholders to define the criteria for exclusion areas.

Another step identified by many participants before Step 1 is for NWMO to seek confirmation from a province that it is willing to consider a repository on its territory before engaging interested communities. A few participants mentioned that one province, Quebec, has stated its opposition to the location of a national repository within its borders and it would not make sense for communities to step forward in such a case. In addition, the regulatory framework governing transportation of fuel, and construction and operation of the repository needs to be agreed to at the beginning of the process.

Step 1

Participants appreciated that the process begins with broad awareness-building activities and that progression through each step is driven by interested communities. They agreed that the Canadian public, including youth, women and Aboriginal People, need to become more aware of nuclear waste management. They were concerned that this lack of awareness might lead some communities to engage in the process without fully

understanding the implications. Conversely, this lack of awareness might breed “ignorance and fear”, driving some communities away from the process prematurely.

Participants expressed general support for a process that would require communities to progressively demonstrate higher levels of commitment to the project through each step. They argued that NWMO should be open and clear in all its communications and flexible and aggressive in funding public/community participation.

A number of participants proposed that this step be divided into two, with Step 1a focusing on broad public information in each province and a Step 1b on providing specific information to communities to help them determine interest.

Participants offered a range of suggestions on the type of information to be provided as part of awareness-building activities in Step 1:

- The history of nuclear waste management, NWMO’s mandate and work, and the origins and progress of the proposed site selection process
- The nature of the hazard posed by used fuel, and the uncertainties and unknowns associated with the proposed disposal concept and with different transportation modes
- The potential scenarios for the repository site, including receiving foreign nuclear waste, and used fuel from new nuclear power plants, as well as limitations regarding policy decisions taken by the federal government on nuclear fuel and guarantees provided by NWMO on these issues
- Experience from other communities in Canada that have gone through similar processes involving large projects; and the experience of communities in other countries with waste nuclear fuel, including successes and failures
- The nature of socio-economic benefits, and the environmental impacts and risks
- Information reflecting the diversity of views (e.g. an “alternative reading list” for the interested public)

NWMO should also consider preparing material for use in schools that would be vetted for inclusion in Resources for Rethinking (www.r4r.ca), an initiative that aims to enhance the quality and scope of sustainability education resources.

Step 2

Some participants proposed the need for a broader vehicle to involve the community once, or even before, elected authorities decide to engage in the process. Some participants proposed that this vehicle could be a Community Liaison Committee that encompasses different community interests and would be able to draw on information from NWMO and governments as well as benefit from NWMO’s proposed third-party review. Some participants suggested that there should also be an explicit ‘check-in’ to

determine broad community interest at the end of Step 2, and at each subsequent step up to step 4, through such means as a canvassing of the community, before it proceeds to the next step. The process that an Aboriginal community might follow to make its decision to participate and proceed at each step, however, will likely be different, based on its own decision making process, and would differ across different First Nation and Métis communities.

A few participants proposed the concept of a "demonstration of interest by residents" (a non-binding precursor to the more formal "demonstration of willingness") that could take the following form: i) If the community satisfies the initial screening criteria at step 2, the accountable authority would be required to engage its citizens and show broad support for moving through the process. ii) If the demonstration of interest is successful, an MOU could be signed to document the community's support for the process (but not necessarily for the project) and the terms for moving forward. iii) Provincial level municipal associations could have a role to support interested communities in determining both the method by which they could demonstrate their interest and their willingness, and in the development of the terms of the MOU, enabling consistency across interested communities.

Some participants argued that the initial screening criteria should include third-party review.

Step 3

Participants agreed that the proposed regional study of social, economic, and cultural effects described in the Discussion Document is an appropriate step for involving surrounding communities, but some felt that this study should be moved to step 3 of the site selection process to ensure earlier engagement of these communities.

A few participants argued that the evaluation of factors beyond safety, by its nature, would engage an interested community more than the technical evaluation of safety, which is beyond their expertise. Therefore, they saw value in conducting the evaluation of factors beyond safety first and using the results to inform their decision on whether to conduct the detailed technical evaluation proposed in Step 4.

A few participants stated that a step should be added between or in parallel with Steps 3 and 4 to include an initial environmental screening by regulatory authorities. While this approach could entail multiple environmental assessments (EAs), as more than one community would likely be in the process at this stage, it would add the rigour of a regulatory process at an earlier stage in the site selection process and would demonstrate goodwill by NWMO and the government. Others warned that this approach could lead to more generic, less useful, EAs and could be perceived as an effort to fast-track the process.

Step 4

A number of participants recommended that the formal environmental assessment start earlier in the process, possibly at Step 4. The EA process may reveal information that is important for communities in their decision-making. While it was recognized that a full-fledged panel review would not be possible early in the process, an EA could still be initiated early on and become more rigorous in subsequent steps.

A few participants stated that it is important for the detailed site evaluations to address potential risks to ecological components, especially in areas where humans may not be present. Such an evaluation would require definition of acceptable levels of impact and the involvement of the appropriate government regulators.

Some participants felt strongly that the interested communities themselves (i.e. not just NWMO) need to undertake a concerted educational effort to let their citizens know where they are in the process (e.g. through TV and newspaper articles). These participants felt that this approach could help lower resistance and conflict within and around the interested community.

Regarding support to communities for their studies, the criteria for funding an organization should include having the capacity to use funds effectively. Funding should be available to groups with a range of perspectives in all potentially interested communities, and NWMO should treat communities consistently, while avoiding duplication in the activities that are funded. A few participants suggested basing the system on the intervener funding model used in provincial and federal environmental assessment processes.

A few participants suggested that an ethical analysis of the implementation of the process needs to be explicitly added to the study of social, economic, and cultural impacts at step 4. This approach was recommended to address the potential for, or perception of, bribes and political interference, and also to protect vulnerable communities.

A few participants expressed concerns about capacity limitations for the conduct of scientific and technical analysis at the regional level – especially in small markets where there are only one or two companies that typically do this work, and at the national level – in the case where multiple communities are being evaluated concurrently. NWMO may need to help build such capacity in the future.

Step 5

Most participants agreed that Step 5 was the appropriate time for a community to demonstrate a compelling willingness to host the project, but some would like NWMO to provide more detailed criteria to define willingness.

A few participants recommended that the environmental assessment process occur after a community has expressed substantial support for the repository but before it has reached a final agreement with NWMO, and that the assessment be used as a planning tool to help design the project, not just as a means of assessing its impacts. A few participants suggested there is a need for an explicit mechanism to determine overall community willingness, whether this is by referendum or other means, with an agreed threshold (e.g. 66% or higher support) or other indicators of support. However, there was no agreement on the threshold, and some participants noted the value in retaining flexibility to accommodate the individual processes of the wide variety of communities which may come forward, including Aboriginal communities.

Step 6

The nature of the formal agreement to be negotiated between the community and NWMO should be spelled out more clearly. This agreement should include provisions for information-sharing and should be made public. It is likely that the province would need to be involved at this step. NWMO may also need to consider whether a regional authority would need to be set up to become a signatory to a site selection agreement. A few participants stated that if a final agreement is signed before the EA process is undertaken, then there needs to be an escape clause allowing a community to opt out should new and significant information emerge during the EA process. These participants were concerned that a willing community may not find out how the project may fully impact them until the environmental assessment (EA) and other regulatory processes are complete in Step 8. The concern is that the community would have already ratified its formal agreement with NWMO, given up its right to withdraw, and the centre of expertise and demonstration project would be underway.

Some participants believed that the formal agreement should include more parties than just NWMO and the willing host community, using a regional approach which includes all communities incurring risk or receiving benefits from the project.

Several participants urged NWMO to include more information in the Discussion Document on how site selection will be done at Step 6 – specifically, how technical, social, economic, and cost criteria will be considered when deciding between more than one candidate community and who will make the decision. One suggestion for improving the Discussion Document was to have a dedicated text or graphics box explaining the decision making process.

Step 7

Several participants argued that a more detailed description of the centre of expertise and the underground demonstration facility, including their purpose, be provided in the Discussion Document. Participants felt that the work at these facilities will be an important step in convincing communities of the safety case for this project. A few

participants asked whether any used fuel would be brought to the underground demonstration facility.

This step describes NWMO being “in partnership with the community”. Some participants requested that the wording be modified to clarify that NWMO alone remains the proponent from a regulatory perspective.

Step 8

Most participants argued that provincial and federal regulatory bodies need to be involved before Step 8. They felt that this early involvement would be needed particularly with respect to coordinating the EA process. Participants suggested that the federal and provincial governments should agree on a process or framework for working together in advance of the start of the site selection process.

To be effective, an EA process will need to be customised to the proposed project design and specific community concerns. However, the EA process should also be carried out to the same standard regardless of where the repository is located.

2.5 Additional comments

Additional comments by some participants on the proposed steps included the following:

- The Discussion Document should note the possibility of no willing host coming forward. NWMO should explain at the beginning of the site selection process what would happen in such an eventuality (e.g. Should NWMO invite specific communities to come forward? Should the federal government make a decision based on a balance of convenience?).
- The Discussion Document needs to be clear about what design decisions have already been made, and which are still operating assumptions. This transparency is important, particularly in light of the frustrations that occurred during the environmental assessment of the disposal concept for used nuclear fuel proposed by Atomic Energy of Canada Limited (AECL) between 1989 and 1998.
- The Discussion Document should provide more guidance on how private land owners could participate in the process.
- Research documents available on the NWMO website that relate to elements of the site selection process should be referenced in the Discussion Document. An electronic version could make use of hyperlinks.
- The capacity of Canadian regulatory authorities is limited. Therefore, it is important to ensure that communities have access to their own sources of information and expertise to assess the project.
- The role of third-party review needs to be more explicitly described for each step of the process.

- The process is long and complicated and would benefit from better visual aids to communicate it more clearly.
- To help communities better understand and manage risks associated with the process, a parallel table or column describing these risks next to the steps should be added.

3 Guiding Principles

3.1 General comments

Most participants found the guiding principles to be appropriate, but some argued that NWMO should present a single list of principles instead of distinguishing between 'commitments' and 'operational principles'. In their view, the operational principles on pages 16 and 17 of the Discussion Document should not be presented as being in any way secondary to the four commitments at the top of page 16.

Some participants argued that for the sake of clarity NWMO should limit itself to fewer principles. Others stated that several principles could be combined or subsumed within other principles, while others proposed additional principles. Some participants also suggested that NWMO use its statement of values to organise the principles while another proposed that the Discussion Document explain how NWMO's ethical framework inspired the guiding principles.

One participant argued that the section on principles should include a discussion of the rights, responsibilities and accountabilities of the different parties. This section, for example, would describe the rights of potential affected communities (those experiencing the potential negative impacts of the project) as well as the responsibilities of the proponent – for example, to provide compensation to affected people.

A few participants argued that NWMO's project should specify that the repository be limited to waste from currently operating reactors to solve the problem of managing wastes from the energy Canadians have enjoyed.

3.2 Comments on specific principles

Informed and willing host community

In three of the four dialogues, several participants stated that a willing host community is not sufficient, and that this principle should be broadened to encompass a willing region and a willing province. Municipal decision-makers may be able to provide advice to NWMO on how a community "demonstrates willingness in a compelling way".

Focus on the nuclear provinces

Some participants argued that NWMO should not restrict itself to the nuclear provinces: other jurisdictions may become involved once waste transportation routes are considered. Also, one province has already stated that it will not host a repository for Canada's used fuel. Both of these factors may make it advisable to consider other provinces.

Right to withdraw

Several participants applauded this principle for ensuring community autonomy in decision-making but suggested that the Discussion Document provide more detail on how this right is to be exercised, including whether a community could re-enter the process after withdrawing?

Site selection process led by "interested communities"

While most participants agreed with this principle, some felt that there is too much emphasis on community-driven processes and asked that NWMO address the accountability of governments for finding a long-term solution for managing used nuclear fuel.

Definition of "interested community"

Several participants argued that the Discussion Document's definition of the word "community" may not be appropriate. The community may not be a physical community (i.e. a settlement) but multiple overlapping communities of interest. In a similar vein, some other participants argued that the language around the willing host community focuses too narrowly on a specific community and needs to be broadened to include the willing region, the neighbouring Aboriginal communities, and the province.

Special case of Crown land

Several participants were uncomfortable with NWMO's proposal that the Province represent populations living in unorganized territory. In addition, some participants were concerned that the reference to Aboriginal peoples in this principle may imply that NWMO was handing off engagement and consultation with Aboriginal peoples to the province.

In addition, some participants noted that:

- Although the province is the owner of Crown land, a municipality may be affected by its use, and have jurisdiction over aspects of its use.
- Crown land could also include federal lands, and not just provincial land.

Aboriginal rights, treaties and land claims

A number of participants asked for a range of additional elements to be addressed in this principle:

- Giving affected Aboriginal communities a veto over site selection (Other participants, however, disagreed with this proposal.)
- Respecting the duty to consult and accommodate, as defined by the Supreme Court of Canada decisions
- Providing compensation and future benefits for Aboriginal communities
- Supporting a treaty-based economy which gives Aboriginal communities a share of the economic activity on their lands

A participant noted that the duty to consult Aboriginal peoples exists for the federal government, but not for municipalities or corporations. There was concern about how these obligations would be addressed if NWMO enters into an agreement with an Aboriginal community. This participant advised that it would be preferable for partnership agreements to be between the Crown and the Aboriginal community.

Informing the process

A few participants suggested NWMO could set up an independent body to develop a compilation of relevant engineering and scientific information for interested communities. An alternative idea was for a university to play this role. This body could include nominees from learned domestic or international organizations. This body would be available to any community wanting to enter into any step of the site selection process and would help to ensure consistency of process across all communities. However, others cautioned that no single body could be credible to all, that communities would want a diversity of information sources, and that an organization funded by NWMO could be perceived as biased.

Regulatory review

The regulatory framework cannot be an after-thought: it needs to be developed in advance. The Discussion Document therefore needs to address regulatory requirements in greater depth.

3.3 Proposed new principles

Participants suggested the addition of the following principles.

Transparency

Some participants argued that the first guiding principle should be openness and transparency in all aspects of the process. One participant observed that transparency

could be highlighted by integrating the term into the title of an existing principle that already refers to transparency – for example, *Transparency* and *Informing the process*.

Cost effectiveness

Several participants argued that cost-effectiveness should be added as a principle and guide every part of the site selection process. In their view, NWMO needs to remember that it is spending ratepayers' money, not its own. Adding this principle would also imply that NWMO would not commit to exceeding regulatory standards because doing so is bound to be expensive and may not be necessary.

Transportation costs

Some participants asked NWMO to commit to transporting used fuel to the repository for the same cost per bundle regardless of point of origin.

A companion set of principles for the operation of the site

Several participants recommended that a second set of principles for the operation of the site be added to the Discussion Document. They argued that the current principles are focused on the site selection process and that the Discussion Document does not indicate what principles will continue to apply, or what new principles might apply, during project implementation and facility operation. While these participants did not propose a list of principles for operation, some suggested that these address matters such as ongoing community engagement, liability for non-performance, and support for monitoring during operation.

3.4 Other comments on principles

Other suggestions from individual participants included the following:

- The addition of a guiding principle on the environmental integrity of the project
- The incorporation of Aboriginal Traditional Knowledge (TK) into the process
- Giving surrounding communities a veto power in the site selection process
- Adding principles on community well-being, flexibility, the precautionary principle and adaptation, inter-generational and inter-community equity, volume of waste (no wastes from new reactors), and social safety

4 Proposed Criteria – Safety and Community Well-Being

4.1 Safety

General Comments

Participants agreed that safety must be paramount in the site selection process and approved of the prominence given safety in the Discussion Document. While participants

also generally agreed with the performance objectives and evaluation factors for the six safety-related questions, many felt that these read more like considerations than criteria because they do not provide a specific level of safety that the site has to meet. Several participants argued that NWMO should quantify the criteria so as to define specific thresholds and to provide a basis for terms such as *stable*, *suitable*, *long-term*, *unlikely*, and *sufficient*. Some participants suggested that NWMO identify a hierarchy among criteria and indicate which ones are essential.

While participants generally approved of the range of factors addressed on pages 28 to 30 of the Discussion Document, they identified security as a gap. Under safety question 2 (long-term stability of the site) some participants suggested that human-created disturbances, such as bombing, that could threaten the stability of the rock, be considered. Several participants recommended that NWMO address security concerns more explicitly (e.g. risk of terrorism, human intrusion into the repository, and theft), and that they should be added to the evaluation factors under question 4 (human intrusion). Some participants also suggested including security considerations under a new separate safety-related question.

Several participants suggested that the Discussion Document provide information on the nature of the hazard posed by used fuel and a description of risk scenarios that the site will protect against through its natural attributes and through the design of the repository. They argued that an understanding of the risks posed by the transportation and long-term storage of used fuel is necessary context for the presentation of safety criteria and will help communities understand what is meant by a safe site and why an underground facility is being proposed. While some participants wanted to see this information in the Discussion Document, others were open to NWMO simply providing references in the Discussion Document to other relevant NWMO documents, such as those describing the nature of the hazard.

In a similar vein, some participants suggested that NWMO use worst-case scenarios to evaluate each transportation route and to inform emergency preparedness protocols for potentially affected communities.

A few participants argued that there is an important community well-being aspect to safety beyond its technical aspects. It was suggested that the Discussion Document focuses on safety as a physical issue, but that it should also recognize the concept of *social safety*, as well as the mental health and social pathologies that may arise as a result of the project and the process.

Safety in the long-term

Several participants stated that our ability to ensure the long-term safety of the site is limited by our predictive methods and the very long-term hazards associated with used fuel. While the level of concern on this point varied among participants, most agreed

that the Discussion Document must be clear about the existence of uncertainties in the safety evaluation of the project.

A number of participants offered comments on a range of issues that they felt were important long-term safety considerations:

- Monitoring is crucial to measure the long-term performance of the repository. How will NWMO address deficiencies that are detected, such as a slow leak?
- A repository closure plan should be developed upfront and a performance bond should be posted that would fund any compensation expenditures.
- While retrievability and reprocessing are not permitted under current policy and are not economical, there should be some consideration of these options during the site selection process insofar as they are relevant to the site selection/safety criteria.
- Once the site is decommissioned, there needs to be a way of marking the site and passing on knowledge to future generations of the presence of the used nuclear fuel to ensure their safety.

Initial screening criteria

While participants generally agreed with the initial screening criteria presented on page 25 of the Discussion Document, several participants suggested that additional detail or information be provided to clarify this process and to facilitate self-screening by communities. Questions and suggestions related to this point included the following:

- How will initial screening criteria be measured?
- Are some safety criteria more important than others and will they be weighted? Are some of the criteria "pass/fail"?
- The initial screening process needs to take into account the uncertain status of certain areas where a province has not completed its assessment of protected areas, and where traditional lands have not been defined.
- Several participants stated that the least amount of handling and transportation would be best, especially in terms of social acceptability, even if the impacts of distance travelled on technical safety are marginal. A few participants noted that this approach may lead NWMO to consider more than one repository site or to give preference to a site that is close to most of the waste.

Other issues

Transportation - Some participants found the evaluation factors related to transportation to be weak or insufficient. The Discussion Document left them with the impression that NWMO may be underestimating the challenge of getting support from communities along the transportation route. They suggested that transportation factors be treated

with the same rigour as geological factors. They suggested that NWMO should define what "safe transportation" is, and characterize the risks.

Cost - While participants generally agreed with the prioritization of safety over cost, some also expressed an expectation that the site selection process consider the costs of transportation and that the Discussion Document provide additional clarity on how transportation costs will factor into evaluating an interested community. One participant proposed the addition of another set of site selection criteria dealing with financial viability as financial factors would determine the site selection decision if all technical and socio-economic considerations were equal.

Language - One participant asked that NWMO make greater efforts at communicating its technical criteria to a non-technical audience.

Process diagrams - A few participants recommended that the Discussion Document contain a clearer description of the stages of safety assessment and evaluation. Suggestions included providing a flowchart to convey the information provided on page 27 or a decision tree diagram that describes the sequence of criteria that a successful site must satisfy.

4.2 Community well-being

General Comments

There was broad support for the consideration of factors beyond technical safety to ensure that the project fosters well-being of the community. However, participants expressed a range of views on the proposed evaluation factors for community well-being.

Many participants stated that the community well-being criteria and evaluation factors represent a good first step at integrating sustainability factors into both community decision-making and in the selection of the willing host community. They felt that these factors will help communities understand the full range of potential impacts of the project.

Other participants felt that the evaluation factors need more definition and specificity in order to provide a framework by which interested communities can be compared. However, a few participants warned that being too specific could be viewed as paternalistic; they supported having community well-being defined by the community, possibly as an outcome of the visioning exercise proposed on page 33 of the Discussion Document.

Long-term community well-being

Some participants suggested that there needs to be more emphasis on long-term community well-being. NWMO should spell out the requirements of the different project phases – construction, operation, decommissioning – and develop associated criteria and evaluation factors to ensure the viability of the community during each phase.

Universities, as long-lived institutions, could have a role in maintaining the physical and social infrastructure required to support the project and community over the long-term. Involvement of youth was also mentioned by some as critical to long-term community well-being, and it was suggested that targeted engagement and investment in youth should be included in the factors. A community's capacity for effective long-term planning will be important. A few participants suggested that "community planning processes" be added under the first set of evaluation factors.

Mitigation and compensation

A few participants stated that the site selection process should not only assess potential impacts but also describe what mitigation or compensatory measures NWMO will deploy to maintain community well-being in the event of adverse impacts. These measures should be included in any agreement between the community and NWMO.

Transformation social, economic, and cultural impacts

Several participants emphasized the potentially transformational nature of the project, and argued that the Discussion Document should elaborate on the phrase referring to 'potential to contribute to social and economic pressures' on page 31 and be more explicit about social and cultural impacts in the evaluation factors on page 32. Interested communities could also benefit from examples in the Discussion Document of lessons-learned and best practices from other communities that have hosted large projects. In a similar vein, other participants recommended adding "community *change management* processes" to the first set of evaluation factors.

Regional well-being

A number of participants stated that the evaluation of community well-being factors should be regional in scope, a scale which they believed would be more appropriate in terms of addressing ecological sensitivities and associated impacts on land use. This approach may also require a strategic environmental or sustainability study of the region – to understand the regional baseline and to identify where industrial development is possible without damaging the ecosystem.

Presentation of evaluation factors

A few participants suggested that the evaluation factors are not all of the same nature and that the purpose of each should be clarified. There were two views on this:

- The first two sets of factors (potential social, economic, and cultural effects; potential for the project's enhancement of sustainability) are determinants of well-being. The last three sets of factors (physical and social infrastructure, potential to avoid sensitive areas, potential to avoid effects of transportation) are site selection factors.
- The first two sets of factors are social, economic, and cultural evaluation factors; and last three sets of factors are community characteristics.

Other comments

A number of participants saw an opportunity for the project to also address broader community objectives such as poverty reduction, use of sustainable technology, and employment targets. Others suggested that communities be evaluated for the transparency of the relationship between the responsible authority and residents, including the degree to which information is shared and disseminated.

Some participants expressed a preference for the terms "technical safety" and "beyond technical safety" used in NWMO's presentation rather than "safety" and "beyond safety" used in the Discussion Document.

In addition to the improvements listed above, a few participants offered the following specific suggestions for improving the evaluation factors for community well-being on page 32 of the Discussion Document:

- Provide more detail on infrastructure factors.
- Broaden the evaluation factors by including "archeologically and historically sensitive areas".
- Provide more detail on the types of ecological factors to be considered (e.g. groundwater, wildlife, cultural resources).
- Clarify how long the transportation corridors would be used.

New criteria

Some participants suggested the addition of new criteria and evaluation factors to address impacts a community would have to manage as a result of participating in the site selection process.

5 Partnership and Community Support

5.1 General comments

Most participants expressed general support for the partnership approach proposed by NWMO, and the provision of resources to support activities that help the community in

its decision-making process. Participants suggested several modifications and additions to the approach.

Several participants were concerned that NWMO was proposing to assume too many roles in the site selection process, and that this would lead to confusion. They viewed NWMO primarily as the project proponent and did not think that NWMO could simultaneously play the role of capacity-builder or community partner, although they agreed that it can, of course, support such activities. In their view, NWMO should not ask the host community to co-sponsor its proposal at the regulatory review stage as its inherently controversial nature is bound to create tension, exacerbate existing internal divisions, or lead to possible conflicts with surrounding communities.

They argued that it would be more appropriate for NWMO to fund capacity-building and partnership activities through a third-party, such as a Regional Development Authority, or existing provincial agencies with such mandates. Such agencies already exist in Ontario, for example, and help municipalities assess the infrastructure implications of major new developments (e.g. roads, water treatment plants, schools, etc.). In their view, it would be more appropriate for NWMO to rely on existing community support processes than set up new ones. Existing processes may also be better placed to address the heterogeneous needs of different communities than a new organisation such as NWMO.

5.2 Definition of community to include region and Aboriginal peoples

Several participants argued for a broader definition of the term "community", one that would extend beyond strict municipal boundaries. They discussed the concept of a radius or concentric circles around the host community, based on exposure to risk, in which community support would be required. They also suggested that the "community", especially in the case of Aboriginal Peoples, would consist of a grouping of communities. They preferred the word "region" to "community" and suggested that boundaries of the region be defined by a combination of ecosystem, social, and economic factors.

Some participants noted that it will be important for NWMO to establish an early physical presence in interested communities to provide information, build relationships and learn about the community's interests. A few participants recommended that establishing a community office be a mandatory step, so that NWMO clearly presents itself as the proponent in the community, rather than an optional step as suggested on page 33 of the Discussion Document.

5.3 Demonstration of community willingness

Participants expressed a range of views on how a community should demonstrate its willingness in a compelling way. Some felt that the demonstration of willingness should be left entirely to the community, while others felt that the site selection process should

provide communities with guidance on this subject as communities will need to know what is expected of them before they begin Step 4C. This clarification might address matters such as:

- the definition of a minimum threshold for support; and
- how to deal with diversity of views and support, or with a silent constituency holding a certain view.

Several participants suggested that the site selection process be designed to periodically confirm a community's level of commitment to hosting the site. Rather than relying solely on the accountable authorities' decisions, multiple tests should be instituted throughout the process to ensure high awareness levels across the community and to assess the degree of willingness of the community's citizens. This proactive monitoring would help reduce the risk of low levels of awareness or political decision reversals jeopardizing the project.

Some participants noted that community residents should be involved in the design of the engagement process to assess and demonstrate willingness, and suggested the following approaches to building awareness and measuring communities' levels of commitment over time:

- A Community Advisory Board could be established to serve as an independent "listening post" to monitor the community's interest in the project. The Community Advisory Board would include independent representatives from various sectors, such as environmental, social, business, etc.
- A Youth Council could build the capacity of young people to understand the project and its potential impacts on their future.

Many participants felt that communities should avoid using tools such as referenda to measure support as they are potentially divisive and also exclude youth.

Most participants supported the proposal that an interested community conduct its own community visioning exercise. A strength of this proposal is that it provides a lasting benefit to all communities participating in the process, and not just for the selected community. Several communities already have integrated sustainability plans (they are a precondition for receiving federal infrastructure funding) that could form the basis for such a visioning exercise. Some participants, however, saw the need for the community to have more independence from NWMO in conducting its community visioning exercise, and for more explicit independence in the selection of expert advice and in the funding mechanisms for community resources.

Some participants warned that the community visioning exercise could be influenced by the community's interest in the project and its associated benefits. They stressed that it was important for the community's plan to be developed as independently of NWMO as

possible so that the plan informs interest in the project and not the other way around. One suggestion was for communities to conduct the visioning and long-term planning activities as early as possible, possibly ahead of declaring their interest at step 2 of the site selection process.

Other advice that some participants offered on this topic includes the following:

- There already exists some expertise in most communities that could be tapped as they embark on the process of evaluating their interest and willingness. This expertise may be found in relationships with nearby universities and colleges. Nevertheless, small communities may face substantial capacity issues which may prove challenging to overcome.
- Communities are unlikely to be internally-homogeneous. Rather, there will likely be groups who are in favour and others who oppose a repository. The Discussion Document should outline what support mechanisms will be created to support diverse voices within a potentially interested community to ensure a fully-informed discussion of the issues.
- The rules for community engagement (i.e. how a community expresses its interest or willingness; how it can withdraw) should be spelled out very clearly upfront.
- Willing host communities will likely face both boom and bust cycles through the project's life-cycle. The community visioning exercise should acknowledge the potential for these ups and downs in the community.
- NWMO should provide a list of best practice resources and tools for communities to choose from. Specific suggestions include informing citizens through local radio and television programming, and twinning communities with host communities in Europe for cross-disciplinary conversations between NGOs, scientists, and communities.

5.4 Community support

Some participants identified money and information as the two key determinants of successful community support. In their view, the key questions related to money are:

- Who gets funded?
- Who makes the funding decisions?
- What are 'reasonable' costs?
- What will be the funding criteria?
- Will there be sufficient funds if requests are more numerous than expected?
- How will the process guard against duplication of work?

While participants had a range of views on the role that the community, NWMO or government should play on these questions, there was agreement that the funder, whoever it is, needs to ensure the money will be well-spent. They recommended that NWMO establish a framework for funding that would include requirements for a business

plan, budget, accountability mechanisms, and audit process, and set-out expectations of how such resources would be used (e.g. “we expect you to consult all community members...”).

5.5 Information to support community decision making

Participants suggested that another determinant of successful community support will be the distribution of credible and consistent information. Some did not think that NWMO would be able to play this role (because, as a proponent, the information it releases would be seen as self-serving) and argued that NWMO look at setting up a separate arm’s length body to do so. Several participants felt strongly that NWMO should set up only one such body even if it was negotiating with different communities. One of the benefits of centralizing expertise for public distribution would be to ensure greater consistency of information. One of the roles this body could play would be to help moderate public discussions on the technical aspects of a repository; NWMO cannot control the flow of information but it should correct errors of fact and ensure that technically-sound and consistent information is available to the public. However, some participants argued that NWMO should not expect to establish a “single repository of all wisdom”; the issues around nuclear waste are controversial by their very nature and not all stakeholders will accept the information even if it is released by an independent third-party.

5.6 Transportation communities

Several participants viewed transportation as one of the major challenges for the site selection process as there is a risk that communities along a transportation corridor could frustrate the project. Many believed that the shortness of the section on transportation-route communities in the Discussion Document does not do justice to their potentially pivotal role in the site selection process.

An environmental assessment of possible transportation corridors may help define the relevant transportation communities. Some participants recommended that NWMO commit to informing these communities more proactively by providing a regional transportation risk assessment, which would identify, among other things, what upgrades to transportation infrastructure might be required. A few participants suggested that consultations with transportation communities should factor the future possibility that some fuel bundles could be retrieved and re-used (and therefore transported more than once). Some participants suggested as well that NWMO should consider what incentives can be created to encourage transportation communities to become involved in the process.

The majority of participants believed that transportation communities should have less decision-making power than the potential host community (in part because some participants believe that transportation risks have been exaggerated). One participant suggested the concept of overlapping communities of interest, whereby transportation

route communities would express their support as a group, rather than each needing to express majority support. Some participants believe that transportation communities will need their own funding support to assess the project's impacts and benefits on them.

Participants stated that NWMO will need to convince communities along potential transportation routes of the safety of transporting used nuclear fuel through their territory. Some participants felt that the Discussion Document needs to discuss in greater depth the considerations related to various transportation modes (e.g. costs and benefits, international models, infrastructure requirements, technology choices).

Other participants felt that it is difficult to discuss in the abstract what support the communities along potential transportation routes should receive. These communities may get some benefits but may also experience impacts for which they should be compensated. They should be involved in the assessment of the risks posed by the shipment of nuclear wastes. But if there is no measurable adverse impact, they should not get compensation.

Participants also stated that it is important that relevant authorities (e.g. Ministries of Transport for roads, and Transport Canada for ports) and transportation experts be engaged to address infrastructure requirements and transportation risks.

One participant suggested that the Discussion Document could reference examples of methods used by other countries to successfully transport used nuclear fuel.

5.7 Surrounding communities and regions

Many participants recommended that the support of surrounding communities needs to factor more strongly into the site selection process. Some participants suggested that NWMO or a community strike a *community of interests* panel with broad representation to ensure that the interests of surrounding communities are taken into account. Panel members should be responsible for engaging their respective constituencies and the panel's activities should be fully transparent.

A few participants felt that the section of the Discussion Document on surrounding communities places too much focus on Aboriginal peoples and should be broadened to include NGOs, youth, and underrepresented groups. Others disagreed with the distinction that NWMO makes between Aboriginal and other communities: in many cases, Aboriginal and non-Aboriginal communities are integrated or exist side-by-side and may be impacted in similar ways by the project's construction and operation. In any event, all communities are inherently different from each other and have their own needs. NWMO, therefore, will not be able to apply a cookie-cutter approach to community support.

A few participants asked that NWMO refer to the duty to consult in the section on involving Aboriginal Peoples.

Some participants argued that, while NWMO needs to engage the public broadly, it should support only those with a clear interest in the project (for and against). Because the identification of these interests is bound to be controversial, NWMO should consider channelling its funding through a third party who would decide whom to fund.

Some participants felt that the site selection process should involve ongoing consultation with major national interest groups, but gave diverging reasons for this inclusion: some thought that NWMO should fund national NGOs to continue participating in the process because they represent national interests that need to be reflected; others argued in favour of the continued involvement of such groups in order to reduce the risk that they would oppose and perhaps derail the process. However, some participants were not convinced that NWMO should fund these groups.

A few people felt that veto power, or “some right to say no”, should be given to potentially affected surrounding communities and communities along the transportation route. However, most felt that the interested or willing host community should have primary decision-making power, and expressed concern that the process would not work if just anyone could stop it.

5.8 Benefits

Participants broadly agreed that the communities most affected by the project should also be able to benefit from it. Several participants stated that the project’s benefits must be shared with the surrounding communities and that the equitable distribution of benefits is as important as their actual size. One way to distribute benefits would be to map the area surrounding a host community on the basis of anticipated impacts. The nature, extent and severity of these impacts should determine who qualifies as a surrounding community eligible for project benefits.

One group of participants offered a range of suggestions on how to ensure appropriate and lasting benefits to the community:

- Community benefits could take many forms including training, local procurement, compensation, and research. They should be foundational investments which will contribute to the long-term sustainable development of the community. NWMO and the community should define criteria to guide such expenditures to ensure that they will yield lasting benefits and that decision-makers will be accountable for them.
- R&D is important to economic development. The project needs an explicit R&D component in order to create desirable long-term jobs. Involving a university in the repository might help foster scientific research and create economic opportunities for the community.

- NWMO needs to determine project impacts upfront as much as possible in order to figure out what offsetting benefits it will offer.
- NWMO and the community should set up bodies to monitor the performance of the repository and the implementation of benefits plans.
- NWMO should support giving local people the opportunity to compete for the professional and skilled jobs involved in planning, constructing and operating the facility and not just manual jobs. One suggestion was to add “build capacity of local residents” to the list of resources that NWMO would provide to potentially interested communities.
- When considering community benefits, NWMO should look at international practice and emulate good examples, including those from the few communities that will be hosting similar facilities in other countries.

Other participants raised the following additional considerations:

- The site selection process must ensure that negotiations between NWMO and interested communities regarding project benefits not overshadow safety considerations. Participants acknowledged that community interest in becoming a host to the repository may need to be sparked by a discussion about benefits, but emphasized that a discussion of risks should not be “back-loaded”.
- NWMO must offer affected communities real benefits, but these must not be perceived as “bribes” to accept the project.
- The distribution of benefits must be broad, both across communities and over time.

A few participants believed that there may be pressure on the willing host community to accept waste from new nuclear plants, and suggested that the process needs to provide assurance to the community, either in the formal agreement with NWMO or through government policy, that this will not happen.

6 Third-Party Review

Most participants supported a role for third-party review in the process, though they had different views on the role it might play. Participants asked for greater clarity about how NWMO would implement its third-party review at the various steps of the process where it applies. Details might include the nature and purpose of the review, as well as authorities of the review body (i.e. could they stop a faulty process?)

Most participants saw benefits in establishing a review group to confirm the site evaluation results. Third-party expertise would be of greatest value in helping communities to understand complex information related to the project and site evaluations. They saw such a group as validating the technical work of NWMO, helping evaluate the relative merits of various sites if more than one willing host community emerged, and reassuring communities that were no longer being considered for the repository that the technical basis for their exclusion was sound and valid. This group may even be able to propose technical improvements to NWMO's project design.

The participants who argued against the first level of third-party review (proposed to assess the potential suitability of a site) believed it was redundant as regulatory authorities would be conducting the same review. At the very least, greater clarity was needed about the review body's relationship with regulatory authorities. These participants cautioned NWMO against "over-engineering" the process given the degree of regulatory oversight it will be subject to and warned of the risk that such a mechanism could create yet another forum for people to debate a variety of issues, or trigger yet another level of review.

One participant drew a distinction between NWMO soliciting a third-party review to give its proposal greater rigour and credibility and ensuring that communities received independent advice in order to make an informed decision. Many participants supported the idea of communities receiving the resources required so they could hire their own expertise.

6.1 Mandate

Most participants who spoke on the subject believed that a review body's mandate should be limited to scientific and technical matters, as this would help keep reviews as objective as possible. Arguing that safety was not exclusively a technical matter, a few participants, however, recommended that the proposed panel established to review site suitability be multi-disciplinary in nature and not limited to the consideration of technical factors only.

A different model raised by one participant could involve the creation of a public intervener, who would be well-versed in technical terminology and have the power to

engage technical expertise on the public's behalf – similar in spirit to the role of an ombudsman.

One participant recommended that the scope of such reviews be expanded from a *post facto* examination of site evaluation studies to include consideration of the technical criteria that will guide the site selection process.

Some participants cautioned NWMO to learn about the experience of technical advisory bodies that have been established in the past before it sets up its own third-party review: some of these bodies have strayed from their mandates and have not always remained accountable for their work. In other cases, members have been unable to achieve consensus even though their mandate was limited to technical matters.

6.2 Composition

Some participants argued against communities nominating members to a review body, even as they acknowledged that this would enhance public trust in the site selection process, because it might create a conflict of interest for these members, who would be called on both to defend their community's interests and present impartial advice about the repository. They argued that the group needed to be independent from the community in order to be able to speak independently about site selection decisions.

One participant noted that the quality of third-party reviews depends fundamentally on the quality of the individuals named to such review groups and their ability to work collaboratively. Much care will be needed in selecting a chair and in ensuring the appropriate composition for each group.

Some participants questioned whether the review group would be seen as independent if it was established by NWMO.

6.3 Community access to expertise

While some participants argued that each community should have its own advisory group, others thought it might be possible, and even desirable in ensuring consistency of information, to have a single body serve the needs of the different communities involved in the site selection process. In a related vein, one participant noted that such an advisory group might involve national NGOs while another suggested that universities might have a part to play in assembling and presenting technical information for communities in an accessible and credible manner.

Another participant noted that communities may find it difficult to contract independent expertise as most experts may have some ties with the nuclear industry (especially technical expertise).

6.4 Advisory council

Several participants agreed with the need for an advisory body that would oversee the process and be able to comment publicly on its integrity. They characterized this oversight body as follows:

- Independent
- Monitoring the process at each step
- Composed of representatives from NWMO, the community/region, and people from other communities
- A “keeper of the process”

They asked that NWMO broaden the membership of its Advisory Council beyond industry representatives (e.g. by including environmental members, international experts and community representatives). Some participants opposed the process oversight role proposed for the Advisory Council as long as its current composition is retained.

6.5 Other comments

Additional comments and questions from individual participants concerning third-party review included the following:

- What will be NWMO's and the community's obligations in reacting to third-party review findings, and could the findings of a third-party review halt the process?
- There is an opportunity to draw on the academic community and on other jurisdictions with experience in used fuel storage to ensure that it applies state of the art approaches to its project.

7 Annex A - Agenda

Objective

- To engage interested parties with diverse perspectives in the provinces involved in the nuclear fuel cycle in a dialogue to test and refine the proposed site selection process for Canada's long-term management facilities for used nuclear fuel

EVENTING SESSION (6:00 p.m. – 9:00 p.m.)

Greeting & Dinner

Opening Remarks (*Stratos*)

Overview of the Project & Proposed Site Selection Process

NWMO Panel Presentation

Plenary Discussion

Presentation of Next Day's Agenda

Stratos Overview

DAY SESSION (8:30 a.m. – 4:00 p.m.)

Introduction to Session (*Stratos*)

Proposed Steps & Guiding Principles

NWMO Panel Presentation, Breakout Groups Discussion & Reporting Back in Plenary

Break

Proposed Steps & Guiding Principles (continued)

Plenary Discussion

Proposed Criteria – Safety and Community Well-Being

NWMO Panel Presentation, Breakout Groups Discussion & Reporting Back in Plenary

Working Lunch

Partnership and Community Support for Decision-Making

NWMO Panel Presentation, Breakout Groups Discussion & Reporting Back in Plenary

Break

Approach to Third-Party Review

NWMO Panel Presentation, Plenary Discussion

Closing Remarks & Next Steps

Plenary Discussion, Participant Written Input, NWMO Closing Remarks