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The Response of the United Church of Canada to
the Nuclear Waste Management Organization Final Report,

Choosing a Way Forward:

The Future Management of Canada's Used Nuclear Fuel

November 14, 2005

The United Church of Canada (UCC) has had policy, educational and advocacy involvements over twenty-five years arising out of the Church's concern about issues related to nuclear power including nuclear fuel wastes. Our active participation in the Nuclear Waste Management Organization (NWMO) study process has included involvement in public dialogue sessions and workshops, and formal submissions to NWMO, mandated and endorsed by the Justice, Peace and Creation Advisory Group of the Justice, Global and Ecumenical Relations Unit within the General Council of the United Church of Canada.

The United Church sees the NWMO study to date as one step in a series of broad public consultations that are necessary.

The United Church has been concerned throughout the NWMO process by the exclusion of aspects from discussions and assessments that were repeatedly raised by participants. As a necessary first step, social acceptability must be addressed in the full context of the issues in which it is perceived by society, including the full complex of problems in the nuclear fuel cycle starting with the mining and tailing issues; the risks of proliferation of military applications for nuclear materials including depleted uranium; and the question of the future role of nuclear power in Canadian energy and export policies.

The NWMO has acknowledged that the role of nuclear power generation in Canada should be subject to assessment and public process. The United Church urges the government to hold a broad public discussion on Canadian energy policy prior to a decision about future nuclear energy development, including refurbishments, and to have meaningful public participation on a decision about the future of nuclear energy before planning implementation of any long-term management approach for the waste.

The United Church recommends that the public and nuclear industry workers have input into the setting of regulations with respect to acceptable risk from ionizing radiation. We ask the government to determine 'acceptable' risks and set standards, compliance periods, etc. within a public, transparent process that considers short-term and very long-term environmental impacts and a full range of health impacts including fatal cancers and serious genetic defects. Workers should be protected by whistleblower legislation. Public participation in how the risk is defined and the level of risk that is acceptable should be prior to Phase 1 of an implementation plan and remain an essential component in any implementation plan.

The United Church strongly recommends greater inclusion, understanding, and valuing of Aboriginal Traditional Knowledge and the previous experience of First Nations with uranium and the nuclear power industry prior to a decision on any long-term management approach for the waste. Regardless of the management plan selected, it should include an explicit commitment to respect Aboriginal rights, treaties and land claims.

The United Church supports the NWMO initiatives to raise public awareness of the nuclear issues and their start toward addressing the problem of getting accurate information on the nature of the hazard, the controversies, and the uncertainties. The study report reveals that more work is needed to get correct information and communicate information accurately. The cooperative dialogue process that NWMO has promoted should continue.

The United Church has concerns about the recommended option.

In recommending the adaptive management approach, Option 4, NWMO acknowledges some of the short-comings and uncertainties in each of the three options required to be explored under the *Nuclear Fuel Waste Act*. The NWMO does *not* recommend Option 1, deep geological disposal. However, the United Church is concerned that the adaptive Option 4 may allow nothing other than stepwise implementation of the deep geological disposal, by a restrictive implementation plan and exclusion of changes at each decision point that could alter the course to the repository concept.

The adaptive approach *could* offer an opportunity to further explore management options by remaining open to continuous learning *and* directional change while moving through a series of public decision points. For the adaptive management approach to be something other than implementation of deep geological disposal:

- the importance of social acceptability must be upheld as a fundamental decision-making criterion;
- site selection must not be biased by *early* placement of the waste in centralized storage at the site;
- decision points must have sufficient choice to allow change in the core concept and reversal of course of action;
- public participation must be meaningful and remain broad, engaging communities directly impacted *and* those indirectly impacted as taxpayers, electricity rate-payers, and citizens.

As well as the watching brief recommended by NWMO, the United Church recommends that Canada support research on the rapid reduction of the inherent hazards of nuclear waste in a manner that does not generate more environmental problems and wastes, or add to the proliferation risk.

The NWMO study emphasizes retrieval of nuclear fuel waste as a potential resource. The United Church sets priority on monitoring and retrievability for the purpose of employing potential hazard reduction techniques and allowing mitigation of harm when containment is breached; feasibility of retrieval and timely, effective mitigation following containment breach is not addressed in the NWMO study. Transparent public discussion cannot occur without these issues being addressed. It is surely better ethically to have been open with the public than to have people find that dangers still exist which could and should have been addressed in the planning process.

The United Church is concerned by the absence of independent decision makers because the recommendation comes from the Board representing only waste producers and is passed to the Minister on Natural Resources, responsible for AECL. It is encouraging that the NWMO Board of Directors' has committed to review its membership. The United Church recommends that the Minister of Natural Resources present the NWMO recommendation to Health Canada and Environment Canada for formal review, and to Parliament for debate and vote.

The United Church warns against the potential misuse of the recommendation.

There have been repeated indications of the intentions of NRCan and the nuclear industry to use the recommendation from the NWMO process to promote nuclear power. The United Church wants to make clear the central role that the limiting of the quantity of used nuclear fuel (to the levels projected for the life of the current facilities) has had in the assessments, analysis, public engagements and conclusions of the NWMO. Exploration of the impact of future nuclear waste production on all factors in the assessments of the management options and its impact on social acceptability were excluded from consideration. It would be unacceptable to misconstrue the selective, very limited exploration of future used fuel scenarios in the NWMO study in order to promote nuclear power. Further, misrepresentation of the recommendation as a solution to the problem of nuclear fuel waste would be an abuse of the NWMO process and misuse of the recommendation. The broad public discussion on energy policy is a necessity prior to a decision about future nuclear energy developments.

The United Church has asked the Prime Minister

- to initiate a federal and provincial government process of open public debate on Canada's energy policy and the place of nuclear power in Canada's future energy mix as an initial step in addressing nuclear waste management;
- to require that nuclear fuel waste be considered within the context of the process that produces it, acknowledging all the other wastes and problems, and the full costs;
- to acknowledge that none of the options under consideration are capable of solving the problem of nuclear wastes' long-term hazards and that the recommendation from NWMO is a plan by which a strategy for the longer-term management might be developed;
- to ensure that the NWMO study and recommendation is not used to promote nuclear power expansion;
- to require that the recommendation coming from the Minister under the *Nuclear Fuel Waste Act* be formally reviewed by Health Canada and Environment Canada and be put before Parliament for open debate;
- to establish a mechanism whereby the public and workers in nuclear-related industries have input into the setting of regulations with respect to acceptable risk from ionizing radiation.

Further, the United Church has urged the government to amend the *Nuclear Fuel Waste Act* of 2002 to establish the waste management organization at arm's length from the industry with a broadly representative Board of Directors, funded by the waste producers; to change the Minister named in the act from the Minister of Natural Resources to the Minister of the Environment to avoid conflict of interest; and to require meaningful participation of broad civil society throughout this likely precedential decision-making process on a matter of national policy.