

**How the Advisory Council of the
Nuclear Waste Management Organization
Intends to Fulfill its Mandate**

22 January 2005

The Legislation

The Nuclear Fuel Waste Act (*An Act respecting the long-term management of nuclear fuel waste*) aims:

“to provide a framework to enable the Governor in Council to make, from the proposals of the waste management organization, a decision on the management of nuclear fuel waste that is based on a comprehensive, integrated and economically sound approach for Canada.”

The Act requires the waste management organization, at the end of three years, to submit a study setting out its proposed approaches for the management of nuclear fuel waste and to recommend one of those approaches for adoption.

The Act also establishes an Advisory Council charged with the responsibility of examining the study and giving written comments on it to the Nuclear Waste Management Organization (NWMO). The NWMO, for its part, is required to submit those comments to the Minister along with its study. Section 12 of the legislation, which discusses the study, imposes an obligation on the Advisory Council to comment on the approaches for the management of nuclear fuel waste contained in the study. While it does not specifically require the Council to comment on the NWMO’s recommendations, that requirement can be reasonably inferred from the obligation to comment on ‘the study’ and ‘the approaches’, which will of course contain the recommendations.

The NWMO Study

The NWMO's study is obliged to examine at least the following approaches: deep geological disposal; storage at nuclear reactor sites; and centralized storage, either above or below ground. The examination of other approaches is not precluded by the legislation. For each proposed approach the NWMO must include the following:

- Detailed technical description
- Specification of an economic region for implementation
- A comparison of benefits, risks and costs with those of the other approaches
- The associated ethical, social and economic considerations
- A description of the waste management services to be offered by the NWMO
- An implementation plan (description of activities, timetable, means of avoiding or minimizing significant socio-economic effects on a community's way of life or its social, cultural or economic aspirations, and a program of public consultation)
- A summary of comments arising out of consultation with the general public and with aboriginal peoples
- A financial formula to cover the costs
- A cost-sharing formula allocating costs to waste producers
- The form and amount of any financial guarantees provided by the nuclear energy corporations

Finally, the study is required to recommend one of the approaches thus described.

This, then, is the nature of the study on which the Advisory Council is obliged to provide written comments.

The Advisory Council's Approach

The legislation creating the Nuclear Waste Management Organization and its Advisory Council is very broad. Within the framework of the legislation, we – as members of the Advisory Council - see our responsibilities in the following way.

As part of our obligation to examine and give written comment on the NWMO's study at the end of the three-year period, we believe it is appropriate for the Council to learn about the ongoing work of the NWMO and for the Council to express its views about that work as it is being done. Accordingly, members of the Advisory Council decided at its establishment in October 2002 to meet regularly with NWMO management and to offer ongoing advice about the conduct of their undertaking. To date we have had 13 formal meetings with NWMO staff as well as 4 meetings with members of the NWMO Board of Directors. Our work is recorded in the minutes posted on the Organization's web site. At the end of the three-year process, we intend to post the Tracking Matrix we

used to assist us in tracking our activities and in supporting the preparation of our written comments on the NWMO study.

In fulfilling its legislative obligations, the Advisory Council will offer written comments and observations on the work and study of the NWMO.

The Council will review and comment on the **comprehensiveness** of the NWMO study. Did it properly consider all of the available reasonable alternative approaches? Did it thoroughly cover the three required options? Does the report adequately address all of the elements stipulated in the legislation with respect to each of the options?

The Council will review and comment on the **fairness and balance** of the study. Has the analysis supporting the report given appropriate weight to all relevant evidence, neglecting none of significance? Does the study give adequate consideration to diverse points of view and recognize the interests of minority positions? Is there any evidence of bias or partiality in the analysis and recommendations? Does the recommended policy choice emerge logically out of the careful and considered weighing of the pros and cons of the respective alternatives?

The Council will review and comment on the **integrity of the NWMO process**. Did the process provide sufficient opportunity for public engagement? Were aboriginal people, concerned stakeholders, and potentially or actually affected communities given real opportunities to make their views known? Were these views responsibly considered and appropriately taken into account? Were available sources of expertise and specialized experience sought out and utilized effectively? Were 'state of the art' processes of public consultation, ethical reflection, socio-economic analysis, technical and scientific study, financial forecasting, and impact assessment employed? Was international comparative experience adequately considered?

The Council will review and comment on the **transparency of the process**. Did the NWMO make its plans and timetable clear to the interested public? Did it share information with citizens in a timely fashion so that they had the capacity to participate effectively in the process? Did it simplify technical data and complex scientific matters honestly and effectively to assist in the development of public understanding? Did the Organization allow sufficient time for comment, input and reaction from stakeholders and the general public?

In conclusion, there is one other issue that requires comment. The legislation is silent on the question of the quantity of nuclear fuel waste that is to be managed by the recommended approach. In its examination and selection of management approaches, the NWMO will have to address the matter of capacity, and therefore of quantity. How much nuclear waste is it assumed that any given management approach will be able to handle? This question is tied to the larger policy question of the future of nuclear energy in Canada.

The Advisory Council would be critical of an NWMO recommendation of any management approach that makes provision for more nuclear fuel waste than the present generating plants are expected to create, unless it were linked to a clear statement about the need for broad public discussion of Canadian energy policy prior to a decision about future nuclear energy development. The potential role of nuclear energy in addressing Canada's future electricity requirements needs to be placed within a much larger policy framework that examines the costs, benefits and hazards of all available forms of electrical energy supply, and that framework needs to make provision for comprehensive, informed public participation.
