

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: September 13, 2007 Meeting

Record of discussion of the meeting of the Advisory Council to the
Nuclear Waste Management Organization (NWMO) /
Société de gestion des déchets nucléaires (sgdn)

Convened at 22 St. Clair Avenue East, Toronto, Ontario,
commencing at 9:00 a.m. EST. on September 13, 2007.

Present

Advisory Council:

Hon. David Crombie	Chairman
David Cameron	Member
Helen Cooper	Member
Gordon Cressy	Member
Fred Gilbert	Member
Eva Ligeti	Member
Derek Lister	Member
Donald Obonsawin	Member
Daniel Rozon	Member

In Attendance:

Ken Nash	President (Except Item 13)
Kathryn Shaver	Vice President, Corporate Affairs (Except Item 13)
Gillian Adshead	Assistant Board Secretary (Except Item 13)
Frank King	NWMO Staff (Item 8 only)
Mike Krizanc	NWMO Staff (Item 7 only)
Pat Patton	NWMO Staff (Items 5 and 7 only)
Cynthia Summers	NWMO Staff (Items 4 and 5 only)

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:10 a.m.

The Agenda was reviewed and approved as written with the addition of an item requested by Dr. Lister.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the minutes of the previous meeting, convened on April 16, 2007.

3. Dr. Lister's Report on Switzerland

Dr. Lister provided the Council with a briefing on his visit to the Nagra underground facility in Switzerland and the status of nuclear waste management plans in that jurisdiction.

DISCUSSION WITH NWMO

4. President's Report

The Chairman invited the President to review with the Council the government decision and NWMO's next steps as it transitions into the implementation phase of work.

Mr. Nash welcomed the Advisory Council to their first meeting at the new NWMO offices at 22 St. Clair Avenue East and reported that there are now 25 full-time equivalent NWMO staff.

The President reviewed the government announcement received on June 14 that selected NWMO's recommendation of Adaptive Phased Management. He noted that shortly following the announcement, the Deputy Minister of Natural Resources Canada delivered a copy of the Order in Council and a letter from the Minister.

The President reviewed with the Council, the items discussed at the June 14 Board meeting. He noted that NWMO has begun to re-engage governments, industry, NGOs, Aboriginal organizations and other interested individuals and organizations to offer in-person briefings on NWMO's near-term activities. The Aboriginal engagement program continued with meetings of the Elders' Forum, Niiganii and the summer student program. Mr. Nash noted NWMO had developed a new brochure to support its engagement. Copies were provided to the Advisory Council with an invitation to provide comments and areas for refinement.

The President reported that, much of the staff's time has been devoted to developing the draft business plan and budget. Work also continued on the funding formula and an expert panel has been formed for its review. The funding formula will be refined over the next few months and will be finalized in the in the 2007 annual report.

Work continued to review NWMO's oversight mechanisms. A review of the Advisory Council membership is underway to ensure a broad range of Council expertise for the next phase. The President also reported that NWMO will propose a plan for independent technical oversight for discussion with the Board.

The Council was invited to comment on the report by the President and staff. Council discussed the report and asked questions regarding the Alberta government's decision to build nuclear plants and how this might affect NWMO's work. The President noted that NWMO would need to consider this development as NWMO moves forward.

5. Engagement Update

The Chairman invited NWMO staff to provide a review of NWMO's recent engagement activities.

Pat Patton reported on the work of Niigani (the Aboriginal Working Group). It was noted that Niigani's recent focus has been on further developing its mission statement and assisting NWMO with the design of the Aboriginal summer program. The Niigani mission statement was discussed at length at the August Elders' Forum meeting. At the Elders' Forum it was agreed that the governing principle for Niigani should be "protection of Mother Earth". A clearer picture of how Niigani and the Elders' Forum might help NWMO going forward emerged from the Forum.

Ms. Patton reviewed NWMO's project to Explore Two-Way Communication with Aboriginal People which came to a close at the end of August with the students completing their report on the project. Over the summer, time was spent in three communities and the students also attended the Youth Outdoor Wellness Camp in northern Saskatchewan. In addition to these community visits they presented the results of the project to the Elders and Youth at the Elders' Forum.

Council discussion ensued as Council members acknowledged the breadth of activity and dialogue that NWMO has under way with Niigani and the Elders. Council member Donald Obonsawin reported that he had attended the Elders' Forum, along with one of NWMO's Directors. He suggested that it was good practice to have Board, Council and staff represented at key NWMO meetings. He provided positive feedback at the strong role that the youth are taking in the Forum and that the discussions held regarding the Niigani mission statement were very valuable. He also agreed with Elders' Forum members that the Forum should meet more than once a year to ensure continuity and momentum.

Council noted the positive advances NWMO has made in engaging Aboriginal people and the significant time investment that has been required thus far. Council members suggested that the time required to build relationships will be one of NWMO's greatest challenges as well as defining the scope of those relationships.

Cynthia Summers reported to the Council on the recent meetings with the Association of Municipalities of Ontario (AMO). NWMO met with the AMO Board of Directors in June where it was suggested that NWMO attend the AMO annual conference. As a result, NWMO hosted a booth at the conference which provided an opportunity to speak to many of the delegates. 262 people stopped by the NWMO booth and left their names and contact details for further information. Many of the conference participants were not aware of the government decision, and expressed the opinion that NWMO should be communicating the approved plan. Council agreed that AMO and such organizations in other provinces are appropriate organizations to keep engaged on this issue. Staff reported that NWMO also met with the Canadian Association of Nuclear Host Communities, which contributed further suggestions for NWMO's engagement plans.

Staff reported that NWMO has hosted a number of international delegations to exchange information including Australia, Germany and China. NWMO also continues to get requests from universities to make presentations on its work.

6. Review of the Draft Business Plan and Budget

The President outlined the key elements proposed for the NWMO's draft Business Plan. Council members were asked to provide input on proposed strategic objectives for the plan and the work programs described.

In introducing the draft Plan, the President noted that a key area of Council input is required on the engagement program, to be addressed as Item 7. He remarked that the challenge for NWMO is determining who to engage, how to engage, and how much can NWMO accomplish with its current staffing levels.

The Council was invited to comment on the draft plan and its direction:

- There was considerable Council discussion around changes in the external landscape, such as new nuclear build, and how NWMO might best stay abreast of these developments that may have implications for the volume, type or location of used fuel in the future. Council agreed that NWMO must acknowledge the need to prepare for a variety of eventualities, including social and technical evolutions in NWMO's operating environment, and suggested that this be made more explicit in the business plan. It was recognized that implementation will unfold over several decades and that a fundamental tenet of Adaptive Phased Management is the ongoing incorporation of new learning and knowledge to guide decision-making at each phase of that implementation. In light of NWMO's legislated mandate to manage all of Canada's used nuclear fuel, it will be important to have in place an active process for the ongoing monitoring and review of new developments, and adjustment of the implementation path as may be required in light of new information.
- Council discussed extensively the importance of peer review processes for the technical program and the form of such peer reviews. Transparency, openness and independent peer reviews are seen as essential for public confidence in the technical and scientific work of NWMO. As part of this, ensuring alignment with best practices internationally is seen as essential. In addition to international peer reviews, as proposed by NWMO, members stressed the importance of engaging Canadian experts and demonstrating support and credibility of the technical program within Canada's scientific community. NWMO was urged to consider the role of Canadian peer review and the possible role for recognized national bodies for establishing the credibility of the program within Canada.
- With respect to the technical program Council also suggested that the research on crystalline and sedimentary rock should be completed in parallel. Council sought clarification on some specific elements of the proposed technical workplan for 2008.
- With respect to engagement, Council underscored the ongoing cycle of engagement, as NWMO seeks to build and maintain awareness of its work with all levels and parties of government and interested organizations and individuals. NWMO was urged to reflect in the business plan the amount of effort that will be required to sustain continued programs of briefings and engagement, including at federal and provincial levels of government, MPs, MPPs and MLAs.

- Council also discussed various models NWMO might use to obtain advice on specific areas of engagement (e.g. municipal/community) and whether that could best be obtained by forming formal roundtables or by ad-hoc advice from experts.
- Council suggested possible representatives from other NWMO oversight mechanisms might participate on the Advisory Council. Members expressed support for the proposed development of a youth engagement strategy as part of the 2008 workplan. Members emphasized that Aboriginal people should be engaged on all aspects of NWMO's plans.

A member of Council cautioned NWMO to ensure that the strategic objectives only relate to issues over which NWMO has control. Council advised that NWMO should refine its draft performance measures and incorporate meaningful feedback mechanisms in the draft business plan. Council also suggested a number of refinements to the language used in the draft business plan to ensure clarity.

Business Risk

The President introduced the business risk as an evolving topic that would be reviewed regularly by both, the NWMO Audit, Finance and Risk Committee and the Board of Directors. The President asked the Council for comment on possible risks and the priority assigned to those risks.

Council discussion ensued and several suggestions were made with respect to the types and levels of risk.

7. Review of Draft Engagement Plan

The Chairman invited NWMO staff to discuss the draft approach for engagement for 2007-2009 which includes suggested phases of engagement the detailed plans for the near-term.

Staff reviewed the specific phases of engagement being proposed beginning with NWMO re-establishing relationships with interested individuals and organizations - a broad-based approach focusing on the four nuclear provinces. The Council was reminded that the timelines for each engagement phase were presented as illustrative only, and may change if NWMO or the process determines that additional time is required to move to the next phase of engagement.

The Council was briefed on the details of NWMO's engagement for the near term and was asked for input for NWMO's initial discussions with individuals and organizations. It is NWMO's intention to discuss its draft strategic objectives and implementation issues in the upcoming meetings. Many organizations have been contacted and sent NWMO's brochure to offer meetings to re-introduce NWMO with its implementation mandate. The President noted that NWMO must also consider its staffing levels and what may be realistically achieved in these time frames.

The Council was briefed on the proposed outreach activities planned with Aboriginal groups in the upcoming year. NWMO will be meeting with the National and regional Aboriginal organizations and also working to develop communication materials

appropriate for Aboriginal communities. Specific events include another summer program, Elders' Forum meetings and meetings of the Aboriginal Working Group – Niigani. Citizens' panels will be formed in each of the nuclear provinces and will meet repeatedly over next two years to provide input to NWMO's work.

The Chairman invited the Council to discuss and provide their advice on the proposed engagement plan.

- Council emphasized the important role of continuity in NWMO's engagement program and ongoing opportunities for public involvement. NWMO was commended for its engagement with Elders and Niigani, and encouraged to develop similar dialogues with the broader range of organizations and individuals.
- Council expressed its concern that NWMO's draft timelines for different phases of engagement were ambitious. In particular, it was thought that longer periods of time may be more realistic for the introductory phase of engagement, and the phase initiating discussion around the development of a siting process. The first phase of building relationships and awareness is seen as key and members expect this to take considerable time.
- Council also noted that it may be difficult to set the timelines for additional phases until the first phase is completed. Another member expressed concern that the engagement timelines are difficult to assess until the scope of the engagement is fully understood. Council recommended that NWMO develop benchmarks for proceeding to each phase. It was suggested by a Council member that the engagement timelines should not be led by NWMO, but rather by those with whom NWMO is seeking to engage. This requires some flexibility on NWMO's part.
- Members expressed support for the proposed use of some discussion questions, noting the importance of inviting people to comment on what they see as the key issues and concerns for implementation, and how they may wish to be involved. At the same time, NWMO was encouraged to be responsive to discussion topics that may arise in the dialogues and meetings. NWMO noted that the proposed questions are merely guidelines and may or may not be used depending on the audience.
- Council also suggested that it may be difficult to characterize the distinction between phases of engagement focused on the implementation plan from the later engagement to guide the design of the site selection plan, and that NWMO may have difficulty separating the issues in its early discussions on implementation.
- Members suggested that NWMO will need to define to some degree the extent of its desired engagement. In part, this will be informed by the nature of interest and feedback received as NWMO initiates its first round of engagement. NWMO was encouraged to monitor different feedback mechanisms to learn gain a sense of the level of interest in engaging at this time. Council also suggested that NWMO will need a method to determine how to effectively build awareness and capacity to engage in a broadly-based strategy with available resources.

- The Council discussed municipal engagement at length and offered some suggestions on NWMO's program. It was suggested that NWMO should be meeting with municipal organizations in the four nuclear provinces and in addition consider other local and regional networks such as Boards of Trade, Chambers of Commerce, NGOs and professional organizations. The Council provided NWMO with some preliminary suggestions and offered to provide additional advice as may be required.
- Council recognized that ultimately NWMO's dialogue will need to be at the community level and engagement plans will need to identify how to move from beyond organizations to community-level engagement and be prepared to provide the information and dialogue that will be required by communities. In the early phases of implementation, NWMO may look to municipal organizations for guidance on what information will be required by a community. The Council was supportive of NWMO's efforts regarding the formation of citizens' panels to augment engagement activities.
- A Council member suggested that the office of the Commissioner of Official Languages may be able to provide assistance by advising NWMO on appropriate delivery of engagement activities in the official languages in different regions.
- There was also a discussion with respect to understanding the costs and benefits of being a willing host community.

8. Discussion on Technical Oversight

The President introduced the discussion on a mechanism for providing oversight for NWMO's technical program. He noted that the Board had held discussions over whether to embed a significant broadening of technical expertise into the Advisory Council. After a lengthy discussion, it was decided that a technical oversight group could complement the Advisory Council and advise the Board of Directors.

NWMO staff, Frank King, joined the meeting to present the proposal for independent oversight of the technical program. The NWMO Board will be reviewing Council's input and providing comment on the proposal at its September 27 meeting and will be asked to approve the proposal at the November Board meeting.

Staff reviewed the mandate, scope and proposed workings of the Independent Technical Review Group (ITRG). The Council was asked for its comments on the proposal and in particular what it might see as an appropriate way to link the technical group to the Advisory Council.

A Council member stressed the importance of the ITRG members having scientific credibility and also expressed concern that membership of more than six people might be required to provide the breadth and depth needed to review the NWMO program. The Council also asked that it review the proposed names for the group before they are appointed (*).

NWMO reported that while the intention of the group was to be predominantly international, the ITRG will contain Canadian representation. It was noted that the type

of expertise required is held by other countries who are working on similar programs, whereas in Canada, NWMO employs many of the leading experts.

9. Advisory Council – Status of Membership Review

The President outlined the process for the membership review of the Advisory Council. The Board agrees that the Advisory Council functions well and the goal is to build upon the success of the existing Council.

The President reported that interviews with all Council members had been conducted by the search firm to invite their perspectives on Council competency requirements and their respective interests in serving another term should they be invited to stay on. The President reported the results of these interviews and discussed desired competency areas.

The Board will be updated on the review process at its September meeting and will be asked to approve the revised Terms of Reference for the Advisory Council and, if possible, confirm new membership at its November meeting.

10. Update on Siting Process Project

Ms. Dowdesell, Special Advisor to the Board, joined the meeting to provide an update on the work underway to plan for the development of the siting process.

Currently the Special Advisor is reviewing lessons from other siting and innovative resource management projects in Canada and internationally. This work includes literature review of best practices, site visits, and the continuation of the informal conversations with practitioners.

The Special Advisor provided the Advisory Council with a detailed report on her recent visit, accompanied by several NWMO staff, to the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico. The WIPP facility is the world's first underground repository licensed to safely and permanently dispose of transuranic radioactive waste. Ms. Dowdeswell reported on her meetings at the WIPP facility and the insights revealed during the visit.

To further the preparatory work on the design of a collaborative siting process, NWMO convened a second round of conversations with a number of practitioners familiar with NWMO's work. Participants provided important insight into a principles-based approach and contributed pragmatic, specific suggestions about potential tools, models and methodologies.

Doug Wright, NWMO's Director of Policy and Planning, discussed with the Council proposed content for the draft discussion document that will be used during the collaborative siting design process. With NWMO being committed to an open process for designing the site selection process, he noted that the discussion document will be used to stimulate discussion and broad direction on the design of the process (not the process itself). The scope of proposed content was reviewed and the Advisory Council was asked for comment. The Council asked questions with respect to developing siting criteria and what questions might need to be answered. In addition Council discussed

the audience for the document and how effective it might be when NWMO is confronted with groups possessing wide varieties of knowledge levels. It was acknowledged that a group that had not previously engaged by NWMO might possess a very different level of understanding of NWMO's work than a group that has been previously engaged. The Council also suggested that NWMO would need to be flexible with time frames in order for NWMO to fully inform communities that express interest.

11. 2008 Meeting Calendar

The Council was asked to review the proposed list of 2008 Meeting dates with a view to identifying scheduling conflicts.

A number of conflicts were identified with the proposed schedule dates and the Assistant Board Secretary committed to following up with Members to re-schedule dates as needed.

12. Next Meeting

The Chairman outlined the dates and possible agenda items of the upcoming November meetings.

Council agreed on the proposed items for the next meeting.

13. In-camera Meeting

The Advisory Council convened without the presence of NWMO staff or management.

Termination of Meeting

The Chairman declared the meeting terminated at 3:30 pm.

() denotes action to be taken.*

Dated the 8th day of November, 2007

Corporate Secretary