

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: September 15, 2009 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 15, 2009.

Advisory Council Members Present:

Hon. David Crombie Council Chairman
David Cameron
Marlyn Cook
Fred Gilbert
Rudyard Griffiths
Eva Ligeti
Dougal McCreath
Donald Obonsawin

Regrets:

Derek Lister

NWMO Staff Present (except item 9):

Ken Nash President & CEO
Gillian Morris Assistant Board Secretary

Contributing Staff:

Anda Kalvins Director, Environment (item 12)
Elena Mantagaris Manager, Government and External Relations (item 10)
Pat Patton Director, Engagement & Aboriginal Relations (item 5, 9, 10)
Jamie Robinson Director, Communications (except item 9)
Sean Russell Acting VP, APM Technology (except item 9)

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:00 a.m. The Agenda was reviewed and approved.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the minutes of the previous meeting, convened on May 27, 2009.

UPDATES FROM NWMO

3. President's Report

The President reported on key areas of activity for the organization. Staff have been working to finalize the Business Plan for 2010. Mr. Nash noted that 2010 will be a significant year for NWMO as Adaptive Phased Management (APM) moves into siting and finalizes the licensing submission for the Low and Intermediate Level Waste Deep Geological Repository (L&ILW DGR).

Highlights from the President included updates on:

- the diverse engagement program on the draft site selection process;
- work on a project execution plan for the site selection phase;
- the launch of the siting process;
- work to refine the design for the DGR in crystalline and sedimentary rock and further development of the safety cases;
- work to adapt the funding formula to accommodate new build nuclear reactors;
- work on the L&ILW DGR which continues to proceed as planned;
- meetings with Saugeen Ojibway Nations;
- growth of staff - over 100 people now employed and expansion to new office accommodation at 2 St. Clair Ave. E.;
- the increased interest from province of Ontario on NWMO's expenditures; and
- international developments.

The Council was invited to discuss the President's report.

4. Program Updates

Staff were invited to provide the Council with updates on recent activities in NWMO's engagement and technical research programs.

Engagement and Social Research Update

Mr. Robinson reported that the engagement program was primarily focused on the public review of the draft site selection process and ongoing building of relationships with

municipal, Aboriginal organizations and government officials. Highlights of the report included updates on:

- the work of the Municipal Forum and other municipal briefings;
- provincial and federal government relations;
- media relations;
- Aboriginal engagement; and
- engagement in Quebec.

The Council was invited to discuss Mr. Robinson's report. Council emphasized the importance of provincial governments being well informed and prepared in advance of the launch of the siting process and provided suggestions to NWMO for expanding its discussions with the Ontario government.

Council also discussed the resolution passed by the Quebec National Assembly and agreed that communities will ultimately determine willingness to be involved. Council felt it was important to respect the resolution and yet to ensure Quebec is briefed.

Technical Research and Development Program Update

Mr. Sean Russell reported on developments in the APM technical program which included:

- technical support of engagement activities;
- a contract being issued to update the APM conceptual design and cost estimates;
- a number of meetings held with the Canadian Nuclear Safety Commission;
- the extension of an agreement with SKB of Sweden to participate in joint underground research and demonstration of repository technology in crystalline rock;
- additional staff being hired in repository engineering, geosciences, and safety assessment; and
- a meeting of the Independent Technical review Group (ITRG).

The Council was invited to discuss Mr. Russell's report. The Council discussed the process for issuing the contract to update the conceptual designs and cost estimates. The Council also discussed some of the technical aspects of the draft safety assessment plan. Council emphasized the importance of NWMO providing a consistent technical message to the public. Council also discussed how NWMO might leverage other international research to verify its technical approach.

One of the Council members suggested a half hour session to assist Council members understand some of the technical design aspects of the project.

Council discussed the Canadian Nuclear Safety Commission's staffing and capability to handle the work underway on the L&ILW DGR. It was noted that Dr. Binder, the President of the CNSC will attend the November Board meeting.

5. Development of the Site Selection Process

The Council was provided with an update on the development of the site selection process. NWMO has conducted a number of public events and activities to involve

citizens in the review of the document. In particular staff reviewed a distillation of what was heard from the public information sessions, dialogues and submissions to date.

a) Jamie Robinson summarized input received from the engagement activities to date:

- overall, input received has been positive and supportive of NWMO's work;
- specific issues raised included clarification on:
 - further definition of the project;
 - the benefits for the community;
 - the impacts of the project;
 - how an offer of crown land would be handled;
 - what would formal partnership agreements look like;
 - how will NWMO establish partnership with a community; and
 - how NWMO could launch the siting process.

Council members were invited to discuss the report. Council discussed a number of the specific comments received during the dialogues. One Council member encouraged NWMO to consider the role of local vs. regional municipalities in the siting process.

b) Overview of plans for fall dialogues

Mr. Robinson reported that NWMO will continue its engagement program to seek public review and input on the draft proposal for the site selection process throughout the fall. Mr. Robinson reviewed some the upcoming program elements:

- citizen dialogues;
- an e-dialogue facilitated by Royal Roads University;
- Aboriginal dialogues;
- a national survey of public opinion;
- briefing sessions with government departments;
- multi-party dialogues; and
- public information sessions.

The Council was invited to discuss the report. Council members discussed the upcoming Aboriginal dialogues.

6. Initiation of the Site Selection Process

Council perspective was sought on three key areas related to the implementation of Adaptive Phased Management. The President invited the Council to discuss and provide input on these key areas related to siting noting that the Council's advice and input would be provided to the Board of Directors.

a) How NWMO might approach the initiation of the site selection process

Mr. Nash noted that how NWMO approaches the initiation of the site selection process is a significant decision. NWMO needs to examine preliminary considerations including the readiness criteria, timing of the launch, and how it is communicated.

The Council was invited to provide its feedback on the initiation of the site selection process. Council discussed the following:

- NWMO's success will be determined by the quality of its partner and NWMO should consider the profile of what would define an acceptable partner and whether the partner is willing to accept NWMO's values;
- Council encouraged NWMO to ensure a clear distinction between the development of the siting process and the actual launch of the siting process;
- the importance of a clear launch date to indicate the transition to the actual siting process is needed;
- Council emphasized the importance of provincial governments being well informed and prepared in advance of the launch of the siting process and provided suggestions to NWMO for expanding its discussions with governments. A Council member advised that ensuring provincial politicians and officials are well briefed and are supportive of NWMO's work will be critical to success in the siting process;
- NWMO needs to consider how it would handle a large number of communities coming forward;
- Council had a lengthy discussion about how communities approach NWMO for information and at what point a community would be responsible to inform others in the region; and
- Council generally agreed a measured and gradual launch of the siting process would be appropriate.

b) How NWMO can prepare to address transportation-related aspects of APM implementation

Mr. Nash initiated the discussion on potential initiatives to mitigate risks associated with public concerns related to transportation of used fuel. He summarized the status of used fuel transportation internationally and in Canada; the regulatory framework; concerns and advice received by NWMO and commitments made by NWMO.

The Council was invited to discuss and provide input on transportation issues. The Council discussed current transportation of radioactive materials in Canada and the involvement of communities in those areas. Council suggested conducting a fictional / illustrative transportation route study to allow NWMO to work through the process. Council also suggested involving the Municipal Forum and communities in a possible study and learning from their experiences.

c) Initial consideration of how NWMO might address community well-being in the context of siting and APM implementation.

Mr. Robinson introduced the item of community well-being and how NWMO might put mechanisms in place for involvement of NWMO members in this area. Mr. Robinson reported that there are international practice examples in the area of community well-being involving funding to communities to participate in the siting process as well as substantial benefits to accept the project.

The Council was invited to discuss Mr. Robinson's report. Council discussed the following:

- community well-being also means protection from harm (not just benefits), and that NWMO should provide statements about the long-term safety of the project and protection of the community from harm;

- suggested a distillation of the international best practices might assist NWMO with this discussion;
- the importance of ensuring that any potential host not be a disadvantaged or “sick” community;
- varying views on the discussion of compensation and whether it should be set in advance of discussion with a community or negotiated once a specific community steps forward; and
- support of NWMO communicating that funds are available to allow a community to participate in the process.

7. Review of 2010 Business Plan

The President reviewed with the Advisory Council the directions proposed for APM implementation as set out in the draft 2010-2014 NWMO business plan.

The Council was invited to comment on the APM aspects of the 2010 Business Plan. The Council discussed the plan and were in agreement with the plan as written.

8. Update on AECL Plans for a DGR

As a follow up to the Council’s request at their May 2009 meeting, the President provided a status report on AECL’s plans for its low and intermediate level waste.

The Council had a lengthy discussion on AECL’s work and possible impacts to NWMO’s process. The Council proposed and passed a motion as follows:

IT IS HEREBY RESOLVED THAT:

The NWMO Advisory Council has a continued interest in AECL’s work on low and intermediate level waste particularly with respect to the risk it proposes to NWMO and asks that an update be brought forward to the Council’s November meeting

The motion was made, seconded and unanimously passed.

9. Aboriginal Traditional Knowledge

At its May meeting, the Council requested NWMO staff review how NWMO, in its work to date has sought to factor in Aboriginal Traditional Knowledge (ATK) .

Building on the work of David Cameron, and the Advisory Council discussion at that meeting, Jo-Ann Facella’s draft report was tabled that summarized the various ways that NWMO has attempted to integrate insight and perspective from ATK into its work plans, processes and policies. Pat Patton reviewed the highlights.

The Council was invited to discuss NWMO’s work to date.

The Council had a lengthy discussion and further discussed the importance of this area of work as the site selection process is conducted and offered some areas for consideration in determining how ATK is going to be integrated once the siting process is initiated. Council discussed that NWMO will need to consider:

- creating a summary that considers how ATK is part of the siting process;
- a description of how Aboriginal land might be recognized;
- ensuring an Aboriginal perspective is considered in the siting process;

- how NWMO will include knowledge that comes to it through traditional ceremonies;
- how NWMO and its siting partner will integrate ATK, recognizing that intellectual property must be protected as noted in the proposed process for selecting a site; and
- integration of ATK in NWMO communication materials.

Council members gave several suggestions:

- NWMO may need to work together with Aboriginal people of the selected site in conducting a spiritual survey of the land chosen as a site;
- NWMO might consider beginning meetings with a spiritual ceremony as appropriate as is done in some areas of New Zealand; and
- working with the First Nations in the area, a site blessing at the DGR site in Kincardine might be considered.

The Chair summarized the Council's discussion noting that the work reflecting on what NWMO has done to date is helpful and the Council would like to see NWMO further define the application of Aboriginal Traditional Knowledge in the siting phase of work.

10. Disposition of Youth Roundtable Recommendations

Members of NWMO's Youth Roundtable presented to Council at its May meeting. Council requested to be kept informed on the NWMO's next steps with the Youth Roundtable recommendations. Staff reviewed with Council how NWMO continues to address the individual recommendations made.

The Council was invited to discuss NWMO's responses to the Youth Roundtable recommendations. The Council was appreciative of the NWMO's work and commended the organization on the responses and the speed of the response to the recommendations. Council looks forward to meeting directly with the Youth Roundtable members in the first half of 2010 to review NWMO's implementation of its recommendations.

11. Status of International Programs

In response to Council's request, NWMO's backgrounder on the status of national used fuel / high level radioactive waste management programs was provided for information.

12. Planning for NWMO's Triennial Report

The *Nuclear Fuel Waste Act* requires NWMO to submit its first triennial report in March 2011. The *Act* requires that Advisory Council comments on NWMO's progress and plans be included in that report. The purpose of this item is to initiate Council discussion on a 2010 workplan to support the drafting of Council's independent comments for inclusion in NWMO's Triennial report due in March 2011.

The Council was invited to review planning for NWMO's Triennial Report. Council discussed the upcoming report and requested that *in camera* time be scheduled at its November meeting to have a thorough discussion on preparation for the Triennial report. The Council requested NWMO send a copy of the Council's final comments on the NWMO study and asked that an outline of the triennial report be available for discussion at the November meeting.

In Camera meeting

The Chair reported that an *in camera* session was not required.

10. Next meeting

The next meeting of the Advisory Council will be held in Toronto on November 25, 2009 from 9:00 am – 4:00 pm.

Termination of Meeting

The Chairman declared the meeting terminated at 3:45 pm.

Dated the day of , 2009

Vice President, APM Engagement and Site Selection