

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: November 25, 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 November 25, 2009.

Advisory Council Members Present:

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

Regrets

Rudyard Griffiths

NWMO Staff Present:

Ken Nash President & CEO
Gillian Morris Assistant Board Secretary
Kathryn Shaver VP, APM Engagement and Site Selection

Contributing Staff:

Jo-Ann Facella Director, Social Research & Dialogue (items 6-10)
Anda Kalvins Director, Environment (item 10)
Sean O'Dwyer VP, Human Resources (item 4)
Pat Patton Director, Engagement & Aboriginal Relations (item 9)
Jamie Robinson Director, Communications (items 3-8)
Sean Russell Director, Repository Engineering (item 3-8)
Peter Simmons Director, Municipal Engagement (item 3-10)
Steve George NWMO (item 9)
Cynthia Jourdain NWMO (item 9)
Jessica Perritt NWMO (item 9)

Guests:

Alan Hooper Chair, NWMO Independent Technical Review Group (items 8, 9)

Niigani Members (item 9):

Donna Augustine
Chris Lafontaine
Micheal McGuire
Tom Mattinas
Krista Peterson
Mary Richard
Jim Sinclair
Gordon Williams

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 record of the previous meeting, convened on September 15, 2009.

UPDATES FROM NWMO

3. President's Report

The President provided an update on developments since the last Advisory Council meeting, including:

- the continuing engagement of provincial governments, the benefits of provincial support and the risk of not having it;
- a report on recent interest in the Learn More program and the visit from the Town of Ignace and the ensuing media coverage;
- work on the design and safety case for an APM DGR and pre-licensing with CNSC generally proceeding as planned;
- the opportunity to review progress on APM implementation before the House of Commons Standing Committee on Natural Resources on November 4;
- upcoming meetings with the Deputy Minister of Natural Resources Canada;
- technical work on OPG's L&ILW DGR which remains on track;
- work with Saugeen Ojibway Nations (SON) as part of the OPG DGR project;
- progress on cooperation between waste owners;
- a meeting with NWMO's U.S. counterpart in the Department of Energy; and
- a meeting with the NWMO's U.K. counterpart.

The Council was invited to discuss the President's report. Council discussed the NWMO's recent meeting with Saugeen Ojibway Nations as part of ongoing work on OPG's DGR project. Council agrees with the need to ensure support of NWMO's APM siting process from both provincial and federal governments and discussed how that might best be accomplished.

4. Program Updates

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

Engagement and Social Research Update

Kathryn Shaver reported on recent activities in the engagement program, including the following:

- completion of the multi-party dialogues; citizen panels; e-dialogue; national survey of public opinion;
- plans for the Saskatchewan regional information sessions;
- long-term relationship building activities with Aboriginal people and Elders Forum member participation in Aboriginal dialogues;
- briefings with municipal, provincial and federal governments; and
- communications and media relations.

Council members commented that provincial governments should recognize their responsibilities for supporting implementation of Adaptive Phased Management. The Council discussed Ms. Shaver's report and suggested several ideas for ensuring all staff and political levels within the provincial governments are informed in all four nuclear provinces. Council supported NWMO seeking an indication of support for NWMO's siting process from the provinces.

Peter Simmons provided the Council with an update on the recent meeting of the municipal forum. He noted that there has been recent interest in the Learn More program, offered as an information program in this period preceding the launch of the siting process. A Council member asked that NWMO ensure that interested municipalities are made aware of the importance of Aboriginal involvement in the project once the siting process begins.

Technical Research and Development Program Update

Mr. Russell reported on APM's technical program updating the Board on the following activities:

- continuing international collaboration through NEA meetings;
- progress meetings held to discuss updating the APM repository design, development and safety case;
- the annual update of NWMO's technical program with CNSC staff;
- continuation of technical staff supporting engagement activities; and
- submission of the 2009 Report of the Independent Technical Review Group (ITRG) to the NWMO Board of Directors.

Council members discussed Mr. Russell's report and in particular, an issue related to copper corrosion being researched in Sweden. Council also asked questions about the safety assessment plan released in October. A request was made by a Council member to receive a presentation in layman's terms on work being conducted in both crystalline and sedimentary rock.

Human Resources Hiring Update

In response to Council's request for information on NWMO's recent staff recruitment, Sean O'Dwyer reported on key staff hired over the last year. 36 staff were hired during the year for a total of 109 NWMO staff by the end of 2009.

5. Update on AECL DGR

To follow up on the request of Council at its September meeting, Mr. Nash provided an update on cooperation on Canada's low and intermediate level waste and AECL's work on a deep geological repository.

Mr. Nash outlined the discussions since June of 2008 with Hydro-Québec, New Brunswick Power, Atomic Energy of Canada Limited and Natural Resources Canada regarding enhanced cooperation on long-term management of low and intermediate level waste.

Council members had a number of questions concerning AECL's plans for long-term management of its waste. Members discussed risks of potential lack of coordination among waste owners. Council members discussed the advantages and disadvantages for NWMO in possibly playing a larger role in long-term radioactive waste management.

6. Interim report on Comments on the Proposed Site Selection Process

Jo-Ann Facella informed the Council that the majority of the engagement activities on the Proposed Site Selection Process were completed. Reports on the dialogues are being produced and sent to participants and will be posted on NWMO's website.

Ms. Facella reviewed the engagement activities held to date and summarized the main themes of what was heard during the dialogues. She reported that, generally, the proposed Site Selection Process was well received.

The Council was invited to discuss Ms. Facella's report. A Council member requested a copy of the report on the national survey of public opinion report when it becomes available.

7. Planning for the Next Steps of the Site Selection Process

Ms. Shaver discussed the planning for the next steps of the site selection process. She reported that NWMO will be concluding the two-year collaborative process of designing the APM site selection process at the end of 2009. The Council reviewed a proposed framework for 2010 at its September meeting and since then staff have been further articulating proposed plans taking into account suggestions from the Advisory Council, Municipal Forum and feedback from public dialogues. The next steps for 2010 include the issuance of the final siting process and providing opportunities for communities to learn more and gradually build understanding of the APM project.

Peter Simmons updated the Council on the recent meeting of the Municipal Forum which involves municipal representatives from the four nuclear provinces.

Ms. Ligeti noted that she attended the recent NWMO Municipal Forum meeting and suggested that the community benefits presentation provided there would be of interest to Council members. She noted that suggestions were given by the group on the site selection process and asked management to ensure the Council has an opportunity to see the document before it is finalized. Ms. Shaver noted that the Council will have an opportunity to review the document at its March meeting.

Council was invited to discuss the planning for the next steps of the site selection process.

8. Report from the Independent Technical Review Group (ITRG)

The Chair welcomed Dr. Alan Hooper, the Chair of the Independent Technical Review Group (ITRG) to present the 2009 report of the ITRG to Council members concerning its findings on NWMO's technical program.

Dr. Hooper presented the findings of the report noting that the NWMO technical program had undergone significant development in the past year. He reported that the ITRG believes that NWMO's planned technical program covers the full range of scientific and technical topics that are relevant to the current stage of implementation of the APM approach. He also reported that the recommendations by the ITRG in 2008 have either been implemented or their implementation is underway. Dr. Hooper took the Council through the findings in the 2009 report and identified a few areas requiring greater clarity on the objectives of the program activities.

The Council discussed the report with Dr. Hooper and asked questions regarding the requirement for accredited data. A Council member noted that relying only on accredited data may limit the expertise available to NWMO.

9. Meeting with Niigani

To follow up on a meeting in 2008 where both the Advisory Council and Niigani expressed interest in future opportunities to exchange views, Niigani members were invited to meet with Council to provide reflections on their 2009 work.

During 2009 Niigani and members of the Elders Forum have attended a number of dialogues which the NWMO has held with Aboriginal organizations on the Proposed Process for Selecting a Site and have gained insight into the issues and concerns raised by Aboriginal peoples.

Mr. Crombie welcomed Niigani and invited everyone to introduce themselves. The meeting began with an opening prayer conducted by Donna Augustine.

Both David Crombie and Derek Lister recognized Dr. Daniel Rozon, a long time member of the NWMO Advisory Council who passed away on Friday, September 25. He was a great contributor to the Council and his presence will be greatly missed by all of his friends at NWMO.

Niigani members were invited to discuss their work with the NWMO in 2009 and important considerations in NWMO's work with Aboriginal peoples. In particular they noted the importance of the role of leadership and community members in the site selection process and that they often discuss with political leadership the importance of the involvement of the people in their communities in understanding the issues before decisions are made. Niigani members also highlighted that they have a good relationship with the NWMO and they are pleased that all of NWMO's work is designed as a community-driven process. They noted that although the work has become more difficult as the site selection process is discussed they have remained involved and wish to continue to do so in order to help to keep doors open and discussion ongoing.

A number of other important items were noted:

- the importance of native culture, ceremonies and language;
- the importance of education for Aboriginal peoples;
- the importance of Aboriginal treaty rights;
- the need for the role of Niigani to continue and for Niigani members to participate in meetings between the NWMO and Aboriginal groups noting that Niigani helps to bridge the gap when native leadership changes regularly;
- that the ongoing commitment to dialogue and discussion between the NWMO and Aboriginal peoples continue in order that the Federal government is not solely in charge of the duty to consult;
- native peoples have to establish an economic base for their people based on their lands and Niigani has to make sure that it does its job and continues to assist in this process for the long term; and
- the importance of the involvement of Aboriginal youth.

An invitation was extended to Council to participate in ceremonies with Niigani.

The Council was invited to discuss Niigani's remarks. Members thanked the Elders and youth member for sharing their thoughts and wisdom. President Ken Nash thanked the Niigani members for their continued involvement through the dialogues held in 2009 and their commitment to assist and provide advice to the NWMO. A Council member acknowledged the challenges facing Aboriginal youth in Canada. Council agreed that it is important for Niigani to be involved with as many of NWMO's discussions as possible with Aboriginal groups in Canada.

Niigani members withdrew from the meeting

10. Aboriginal Engagement

Pat Patton briefed the Council on recent meetings in Saskatchewan, Moose Factory and Kenora, Ontario. The Council had a discussion about the protection of Mother Earth in the context of NWMO's work. Council also discussed Niigani's expectations from NWMO's process and how Aboriginals in Canada might broadly benefit from NWMO's process. Council discussed the importance of the relationship with Saugeen Ojibway Nations on OPG's low and intermediate level DGR and the effects it may have on NWMO's work with Aboriginal people.

11. Triennial Report

At the request of Council, a draft outline of the triennial report was provided to assist in a planning discussion on the preparation of Council comments on the triennial report.

Anda Kalvins reviewed the statutory requirements and Council's role of providing independent comments. She noted that the draft content must be complete by December 2010 and that Council may consider using an external writer.

Council had a short discussion on how they may wish to approach their comments but due to time constraints, agreed to hold a more in-depth discussion at the Council's March 2010 meeting.

12. In camera Meeting

Council members agreed that an *in camera* meeting was not necessary.

13. Upcoming Meetings

Upcoming Advisory Council meetings include:

Wednesday, February 3, 2010

2:00 pm – 3:00 pm EST

To invite comment on the Draft Annual Report

Meeting #1

Monday, March 8, 2010

9:00 am – 4:00 pm EST

To be followed by a meeting with the Board of Directors on the evening of March 8.

Termination of Meeting

The Chairman declared the meeting terminated at 3:35 pm.

Dated the 8th day of March, 2010

Vice President, APM Engagement and Site Selection