

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: March 8, 2010 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 March 8, 2010.

Advisory Council Members Present:

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

Regrets

Donald Obonsawin

NWMO Staff Present:

Ken Nash President & CEO
Kathryn Shaver VP, APM Engagement and Site Selection
Pat Moran General Counsel and Corporate Secretary
Gillian Morris Assistant Board Secretary

Contributing Staff:

Jo-Ann Facella Director, Social Research & Dialogue
Anda Kalvins Director, Environment
Pat Patton Director, Engagement & Aboriginal Relations
Jamie Robinson Director, Communications
Sean Russell Director, Repository Engineering
Peter Simmons Director, Municipal Engagement

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 November 25, 2009.

SITING PREPARATIONS

3. Preparations to Initiate Site Selection Process

Ms. Shaver reviewed the “Learn More” program which raises awareness about APM and allows for communities and organizations to become informed about the APM program. Early interest in the program was generated through NWMO’s public dialogues, attendance at municipal conferences and speaking opportunities.

Mr. Simmons reported on the briefings held and enquiries received under the “Learn More” program. NWMO reiterates that the site selection process has not yet begun, and urges organizations and communities to take their time and build learning and capacity within their communities.

Mr. Robinson discussed some of the key questions and areas of interest raised by communities and associations in their meetings.

Council was invited to discuss the report. The Council discussed the following:

- how communities approached NWMO for briefings or information;
- what funding is available to communities to build capacity; and
- the importance of NWMO encouraging communities who enter siting process to inform and involve Aboriginal groups in their areas.

Ms. Shaver briefed the Council on NWMO’s preparations for siting, plans for 2010, and readiness considerations. A key step in preparing for the launch of the siting process will be the readiness review with the Board of Directors. She outlined some of the challenges facing NWMO in briefing all necessary provincial and federal ministers and staff in advance of the launch.

Council members suggested NWMO may also wish to brief relevant professional societies (such as civil engineers) and science and environmental journalists. Council members also encouraged NWMO to continue to inform a broad spectrum of Canadians in its work as siting begins, not only the interested communities. A Council member suggested that NWMO also seek to inform editorial boards and environmental reporters on its work.

4. Proposed Areas of Revision to Siting Process

Ms. Shaver introduced to the Council proposed areas of refinement in the Site Selection Process based on comments received in the 2009 dialogues. She reported that based on the 2009 public review of the proposed process for selecting a site, NWMO heard overall support for the process as proposed. A number of refinements were put forward and some suggestions for supplementary communication materials. She reported that the document is not a detailed document with rules and guidelines but a broader roadmap that provides a decision-making framework. The document will be complemented with fact sheets and other materials which are more detailed on specific topics.

Ms. Facella reviewed the key areas of refinement being proposed to the siting process based on feedback received from NWMO's dialogues.

The Council was invited to comment on the revisions to the siting process. The Council's comments surrounded several major topics:

Managing foreign waste:

- The Council suggested adding further clarity and firmness to emphasize that the repository being sited by NWMO will not accept foreign waste.

Involvement of regulatory authorities

- Council members discussed the involvement of regulatory authorities and suggested Environment Canada should also be mentioned.
- Council emphasized that it should be made clear that the regulators are independent and arms length from NWMO.

Volume of Used Fuel to be managed

- Council members suggested that further clarity is needed in discussing used fuel associated with planned reactor refurbishments. Council members proposed that NWMO be clear that this fuel should be included in the commitment of the community for management in the repository.
- Council members suggested that used fuel from new nuclear reactors should only be placed in the repository with the agreement of the community. It was suggested that used fuel from new reactors should be dealt with when you are negotiating with a host community and not at this time in the siting process as a decision has not been confirmed to build any new reactors at this time.
- Council members proposed that the specific volumes of used fuel to be placed in the repository should be agreed with the host community, after an open and transparent consultation process involving surrounding communities and others who are interested and potentially affected.
- With regard to the regulatory process, NWMO confirmed that a certain volume of used fuel would be required to be specified at the time of licensing the repository. The regulatory review processes and approvals, required by law before the project can proceed, will be based on a specific volume of used fuel and will involve an open and transparent consultation process.

Timing of the underground demonstration facility

- Council discussed the timing of the underground demonstration facility and its intent in demonstrating and providing additional data on the site.

The definition of the term “community”

- Council members identified the need for editing of the siting document to provide more clarity on the use of “community”. It was noted in some instances the term community was meant as “accountable authority”. Council pointed out some inconsistencies in the use of the term.

Involvement of Aboriginal communities in the siting process

- Council asked whether NWMO had considered Aboriginal processes for developing community consensus within the siting process.
- Council suggested that the editing process for the siting document include review to ensure potential host communities could be either non-Aboriginal or Aboriginal.
- Council also encourages NWMO to ensure that Aboriginal communities will be involved early in the process when a community steps forward.

ITEMS REQUESTED BY COUNCIL

5. NWMO’s Response to Independent Technical Review Group (ITRG) Recommendations

Mr. Russell discussed NWMO’s disposition of the comments and recommendations of the 2009 ITRG Report. The ITRG’s comments were provided by the Chair of the ITRG to the Advisory Council at the November 25, 2009 Council meeting.

Council comment on the disposition report was invited. No comments were noted.

6. Advisory Council Mandate

At its November 2009 meeting, Council requested to have further discussion regarding its role in relation to NWMO’s work on OPG’s Low and Intermediate Level Waste Deep Geological Repository (L&ILW DGR).

Mr. Moran provided his legal opinion on the Advisory Council’s role, noting that there is no legal requirement for the Advisory Council to monitor and comment on NWMO’s work on the OPG L&ILW DGR.

The Council discussed Mr. Moran’s report and agreed that while it does not have an obligation to comment on the work on the OPG L&ILW DGR it is important that it be kept informed on both the technical and the engagement aspects the project due to its relevance and possible impacts on APM.

7. Used Fuel from New Nuclear Build

The Council requested time to discuss and review the evolution of its comments on APM in relation to the management used fuel resulting from new nuclear build.

As part of this discussion, Council noted:

- NWMO has been clear that the *Nuclear Fuel Waste Act* states that NWMO's responsibility covers all of Canada's used fuel and does not distinguish between the management of existing used fuel and used fuel from future new nuclear reactors;
- As NWMO moves forward in the siting process, it must continue to engage those beyond the volunteer host community on the issue of used fuel from new nuclear build;
- Council provided suggestions for changes to wording in the siting process and expressed a desire to see more clarity on wording related to management of used fuel from new nuclear build, as discussed under Agenda Item 4.

UPDATES FROM NWMO

8. President's Report

The President updated the Council on recent activities. Updates on the Engagement & Social Research program, the APM Technical program and OPG's L&ILW DGR program were included for information.

Council members were invited to discuss the reports provided. Council members discussed NWMO's work with the Canadian Nuclear Safety Commission and the CNSC's resourcing plans. Council members also discussed the borehole drilling work now completed for OPG's L&ILW DGR. The timelines for the decommissioning of the Pickering nuclear plant were also discussed in relation to when the used fuel might need to be moved.

ADVISORY COUNCIL OPERATIONS

9. 2009 Advisory Council Advice

Gillian Morris provided the Council with a summary of the advice provided by the Council in 2009. She noted that the report was shared with the Board of Directors at their February 18 meeting. The report is provided to Council for information.

10. Advisory Council Travel & Expense Policy

Mr. Moran reviewed the revised travel and expense guidelines for the Advisory Council which were revised to bring them in line with provincial directives. Mr. Moran highlighted the main areas of change to the policy. The Board of Directors reviewed and approved the new expense policy for both itself and the Advisory Council at its February 18, 2010 meeting.

11. Advisory Council Terms

Ms. Shaver reported that five of the Advisory Council members' terms will expire at the end of 2010 with the remaining members' terms expiring at the end of 2011. The Board

of Directors has proposed to extend all terms to the end of 2011 to permit completion of the Triennial Report and ensure continuity of membership over this period as Council provides its independent comment. At the end of 2011, Advisory Council membership will be reviewed in its entirety to ensure appointments align with APM implementation activities and requirements of the *Nuclear Fuel Waste Act*.

12. Upcoming Meetings

Mr. Crombie noted that due to a scheduling conflict he was now unavailable for the May 17 Advisory Council meeting. Council members requested that management re-schedule the meeting in May for a time when Mr. Crombie and the majority of members were available. The meeting has been rescheduled for:

Meeting #2
Thursday, May 27, 2010
9:00 am – 4:00 pm EDT

Ms. Shaver asked Council members to identify the priority of several requested presentations. Council agreed on a presentation schedule as follows:

- May 27 - Socio Economic benefits of APM
- September 13 – Technical 201 presentation
- December 1 – Closing the Nuclear Fuel Cycle in Canada (Derek Lister)

A Council member suggested that NWMO invite the US Secretary of Energy or representative from the Blue Ribbon Commission on Nuclear Waste to speak to the Council in 2011 once it has released its interim report.

Mr. Nash noted that NWMO's annual watching brief on reprocessing is now available and would be distributed to the Council members.

IN-CAMERA SESION

12. In camera Meeting

The Advisory Council met *in camera* to discuss its preparations for its comments for NWMO's first Triennial Report.

The Advisory Council discussed and finalized its annual letter to the Minister of Natural Resources.

Termination of Meeting

The Chairman declared the meeting terminated at 3:00 pm.

Dated the 27th day of May, 2010

Vice President, APM Engagement and Site Selection