

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: September 16-17, 2013 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. EDT On September 16 and 17, 2013

Advisory Council Members Present:

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

NWMO Staff Present:

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

Contributing Staff:

Mahrez Ben Belfadhel Director, APM Geoscience
John Fraser Director, Community Engagement
Lisa Frizzell Director, Corporate Affairs
Chris Hatton Director, APM Repository Design Development
Mike Krizanc Communications Manager
Elena Mantagaris Director, Government & External Relations
Bob Watts Director, Aboriginal Community Relations

Guest

Suzanne Barrett Writer for Advisory Council

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 agreed as written.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the record of the previous meeting, convened on May 27 and 28, 2013.

Council members had a number of suggestions on the record of meeting for May 27-28, 2013. Staff undertook to make changes and send back to Council for review. (*)

A Council member addressed his request for further details regarding NWMO static drop-testing of the transportation canister in relation to the UK test involving a high speed train in testing a stationary cask. (*)

STANDING ITEMS AND UPDATES FROM NWMO

3. President's Report

Mr. Nash reported on recent activities in the NWMO work program noting:

- NWMO is in a very busy period as staff work to prepare for the first tranche of reporting out on Phase 1 assessment results and decisions on narrowing down and identifying the smaller number of communities identified for further study in the APM site selection process;
- a number of key staff are working to support the Joint Review Panel hearings for the OPG low and intermediate level waste deep geological repository (L&ILW DGR);
- work continues to develop the 2014-2018 NWMO business plan;
- a very productive meeting was held with the Council of Elders in August. A number of Advisory Council members attended this meeting;
- NWMO recently met with the Ontario Minister of Northern Development and Mines;
- internally NWMO is planning for Phase 2 of Step 3 in the siting process;
- technical work continues with the safety case for a DGR in sedimentary rock on schedule for submission to the Canadian Nuclear Safety Commission (CNSC) by the end of the year;
- in Canada, AECL continues its restructuring and discussions on cooperation among waste owners continue; and
- internationally, the U.S. draft legislation has been prepared following the Blue Ribbon Commission recommendations. In the U.K., a consultation document was recently published, laying the foundation for a restart of the site selection process.

Council members discussed:

- the hearings on the OPG Low and Intermediate Level Waste DGR;
- OPG's recent announcement of an agreement with the Saugeen Ojibway Nations; and
- the status of AECL's waste management plans.

4. Debrief on Council of Elders Meeting

At Council's request, members discussed the August 27-28, 2013 Council of Elders meeting that was attended by several members. Council members shared their observations from the meeting.

Council members reported they were very impressed with the new Council of Elders and found it to be an extremely productive meeting. Members noted the cohesion in the Council of Elders, and the excellent Chairing by Elder Donna Augustine. Council members agreed that the Council of Elders has a large volume of work to accomplish with priority on reviewing its Terms of Reference.

Council members held an *in camera* session to discuss their future participation in the Elders' Council meetings. In considering their appropriate role, they agreed that members' comments should be for information only and not expressing views or direction. Out of respect for the Council of Elders, it will be confirmed with Donna Augustine (the Chair of Council of Elders) regarding appropriate Advisory Council attendance and participation in future Council of Elders meetings (*). An action was assigned to management to arrange for this follow up. Council also expressed interest in exploring additional opportunities for future exchanges with the Council of Elders.

5. APM Program Overview and Risk Assessment

As context for Council's advice and discussion, management highlighted key areas of business risk relevant to near-term activities in APM implementation and risks related to the work on the OPG L&ILW DGR. Council members discussed the recent developments with OPG's agreement with the Saugeen Ojibway Nations. Another Council member sought clarification on references to the APM technical program in the area of buffer designs for the repository.

6. Site Selection Process and Building Relationships

Kathryn Shaver updated the Council on the status of the communities engaged in the site selection process. Council members received updates on the status of the APM siting process, the external landscape, engagement report and the media analysis. Council members were invited to discuss the reports.

Council discussed the upcoming steps in the APM site selection process and NWMO's plans to eventually narrow the communities down to one or two. A Council member asked a question about the comprehensiveness of government briefings. Staff responded that NWMO held regular meetings with ministry staff and elected officials, including opposition briefings. It was noted that further fall briefings were scheduled.

7. Phase 1 Preliminary Assessments: Preparing for decisions on First 8 Communities

Staff reported to Council on activities to finalize Phase 1 assessments for the first 8 communities since the last Council meeting. Ms. Shaver reported on the status of each community and how the narrowing down process is unfolding. She discussed the assessment reports which contain both a technical component and community well-being component. An report will be published for each of the eight communities whose

preliminary assessments have been completed. Ms. Shaver noted that the Advisory Council's advice on the format of the reports had been incorporated and a preface has been added to each report.

David Crombie reported on his attendance with the Mayors of the first 8 communities to complete the preliminary assessments. He reported that the Mayors were impressed with the APM siting process and felt that the process has been fair.

Staff delivered presentations which reviewed the results of various components of the assessments including geosciences and the socio-political findings for each of the 8 communities. Management reviewed its recommendations for the smaller number of communities with strong potential, selected to go forward for further study and to continue in the process. Staff also reviewed the status of the other 12 preliminary assessments underway.

A Council member asked if the technical findings in the reports, including areas of residual uncertainty to be addressed through further study, had been discussed with the Geoscientific Review Group (GRG). Staff reported that the GRG had reviewed the geosciences reports and areas identified for further study. In responding to Council questions on how transportation factored into these assessments, staff reviewed the technical considerations, nature of community discussion to date, and what was planned for a broader focus in Phase 2. In addressing questions about securing access to Crown land, staff reviewed the steps involved in working with provincial ministries to secure access to Crown land for purposes of early assessments. Council members discussed and provided advice on the process for releasing the results to the communities.

Kathryn Shaver provided an overview of activities planned for Phase 2 of Step 3 which will begin in 2014 through 2017. The initial phase will focus on limited scientific and technical surveys and field studies including initial exploration of transportation considerations. The second phase will involve intensive fieldwork and limited borehole drilling, with broadened dialogue exploring the potential for partnerships and expanding regional engagement. Ms. Shaver reported that there would be continual stock-taking by both the community and the NWMO in Phase 2, with a view to identifying communities with strongest potential to carry on to subsequent studies. As findings suggest communities are not well suited to meeting detailed siting requirements, those communities will transition out of the process.

8. Recognizing Community Contributions

Management reviewed a further refined proposal for recognizing community contributions in the siting process. Announcement of this recognition initiative is planned for Fall 2013, as decisions are communicated for the first eight communities. Ms. Shaver reported that the further program design had been guided by recent discussion with the Municipal Forum and the Board of Directors, and the considerations raised at the last Advisory Council meeting.

Council members discussed how the funds would be used and managed in communities and supported the concept of communities establishing reserve funds, with the funds being under the direction and oversight of community Councils. On the amount of contribution, Council members had varying opinions but some strongly recommended the Board consider a slightly higher amount than proposed which would be a stronger demonstration of recognition from NWMO. A Council member reported that financial recognition of this type had been the topic of discussion at an international high level

waste conference, and that there was overwhelming support from the ethics community for this type of recognition.

In communication messages about the uses for funds, Council agreed with providing a broad scope so that communities can direct funds according to their own priorities but provided some suggestions on wording. Council also felt that communications should emphasize communities' strong contributions to the NWMO process, and the genuine contribution to the learning process. Council members noted that recognizing these communities may set precedents for the future phases of siting investigations.

9. Communicating the Decisions

Staff reviewed with Council the draft Communications Plan for releasing the assessment findings for eight communities. Council comment was sought on the process proposed for the announcements and the text developed for supporting material.

Council members discussed:

- whether the NWMO materials will address the question of why a community was not selected to move forward in the process. Staff confirmed that this would be addressed;
- the timing of notifying neighbouring communities (Council members felt it should be as soon as possible after the host communities to ensure accurate and timely provision of information to those interested);
- a Council member strongly recommended a personal approach to delivering the assessment findings to communities;
- A Council member suggested NWMO pro-actively contact radio stations in the north to ensure facts are provided by NWMO;
- Council members agreed that the Council Chair should be contacted for formal comment, but members would still like to have speaking points for informal conversations. (*)

Council members also provided some editorial feedback on the communications materials for greater clarity.

10. Draft 2014-2018 Business Plan

An overview of the draft 2014-2018 NWMO Business Plan was provided for Council's information. Ken Nash discussed the overall business plan and budget for the upcoming five years. He discussed timelines and how they may be impacted by events beyond NWMO's control. Mr. Nash noted that the Business Plan would be discussed with the Board of Directors at their next meeting and then brought for approval at the December Board meeting.

Advisory Council members discussed container designs for APM. In the context of budgetary review, Council members sought confirmation that the financial resources for capacity building and siting engagement were fully provided for in the budget.

11. Applying Aboriginal Policy in Step 3 Phase 2 Site Selection

Mr. Nash discussed with Council how NWMO's Aboriginal Policy will be implemented in Step 3 Phase 2 of the site selection process. There will be a strong focus on Aboriginal communities in the regions being evaluated during Phase 2 assessments of site suitability that are planned for the 2014-2017 period.

Bob Watts reported that in Phase 2 NWMO plans to advance technical evaluation of suitable geological formations to a point of being able to understand whether a sound safety case can be built to store used fuel in the long term. NWMO intends to incorporate both science and Traditional Knowledge and Law into these assessments. Equally important, NWMO wishes to advance dialogue with Aboriginal and non-Aboriginal communities in each region to the point of being able to understand their willingness to host a repository and whether it is possible to establish mutually beneficial partnership agreements.

Council members discussed NWMO's plan:

- A Council member recommended that when developing partnerships, NWMO must look beyond just the interests of the project and focus on creating sustainable communities. This would be consistent with NWMO's focus on fostering community well-being. A Council member suggested NWMO understand the experiences of some mining companies;
- Members noted that the expectations and requests of a First Nation may differ from those of surrounding municipalities; and
- Council members found the early discussion on partnerships to be very interesting and wished to be kept abreast of thinking as it evolves regarding partnerships between Aboriginal and non-Aboriginal communities.

12. Proposed Capacity Building Program for Communities

Ms. Shaver and Mr. Watts reported that in Phase 2 NWMO will work with communities to broaden the dialogue and engagement locally, with surrounding communities, Aboriginal people and the broader region. Staff have developed a proposed framework for the resource program for Phase 2, building on the initial Learn More programs. Council was invited to provide advice on the program design and funding levels.

Council discussed the proposed capacity building program and suggested that within the general cost envelope, it will be important to retain some budgetary flexibility as experience may reveal that the response and need for resources may vary across the major grouping of communities and siting areas. Suggestions were offered by Council members on areas requiring clarification as publications are prepared.

13. Proposed US Legislation to Establish a Nuclear Waste Management Organization

Council members were provided with an information note on the draft legislation developed in the U.S. as deliberation continues on how to implement the recommendations of the Blue Ribbon Commission.

14. APM Technical Program

Chris Hatton provided an update on the NWMO technical program to Council members. He discussed NWMO's interface with the CNSC and the pre-project review, repository design development and container development. On request of Council members, Mr. Hatton described the study underway into design options including the copper coating process for containers.

15. Review of NWMO Support to OPG L&ILW DGR

The Council was provided with a written update on NWMO's work to support OPG's L&ILW DGR.

16. Topics of interest to Council

Council members were provided an opportunity to raise topics they may wish to see on the November meeting agenda.

17. Council's Work on the Triennial Report (*In Camera*)

The Council met on September 17th *in camera* to continue preparing their comments on the Triennial report due in March 2014.

Termination of Meeting

The Chairman declared the two-day meeting terminated at 3:00 pm on September 17th, 2013.

Dated the 27th day of November, 2013

Vice President, APM Engagement and Site Selection