

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: November 8, 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 November 8, 2007.

Advisory Council Members Present:

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

Regrets:

David Cameron

NWMO Staff in Attendance:

Ken Nash President (Except Item 11)
Kathryn Shaver Vice President, Corporate Affairs (Except Item 11)
Gillian Adshead Assistant Board Secretary (Except Item 11)
Elizabeth Dowdeswell Special Advisor to the Board (Item 4 only)
Doug Wright Director of Policy & Planning (Item 4 only)
Angelo Castellan Chief Financial Officer (Item 5 only)
Jo-Ann Facella NWMO Staff (Item 8 only)
Pat Patton NWMO Staff (Items 6 and 9 only)
Cynthia Jourdain NWMO Staff (Item 6 only)

Guests:

Hon. Charles Caccia (Item 7 only)

Members of Niigani (Item 6 only):

Gordon Williams Chairman, Niigani
Billy Two Rivers
Elmer Courchene
Mary Richard
Jim Sinclair
Mary Magiskan
Donna Augustine
Thomas Mattinas
Mike McGuire
Chris Lafontaine

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:05 a.m.

The Agenda was reviewed and approved as written.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the minutes of the previous meeting, convened on September 13, 2007 with one minor editorial change.

DISCUSSION WITH NWMO

3. Staff Report

The Chairman invited the President to review with the Council NWMO's recent activities.

The President updated the Council on NWMO's activities since the September 13, 2007 Advisory Council meeting, highlighting the following:

- NWMO continues building relationships and providing briefings on request. The President outlined NWMO's numerous briefings of Aboriginal groups, government officials, nuclear organizations and municipal groups. NWMO continues, on request, to make presentations to colleges and universities. Dialogues planned for the new year will invite further input on NWMO's planning process and strategic objectives;
- NWMO recently participated in the CARL workshop in Sweden which explored the role and importance of municipal engagement. NWMO also participated in the International Conference on Geological Repositories in Switzerland which took stock of international developments that have taken place in recent years in the field of geological disposal of radioactive waste;
- NWMO continues to work towards finalizing the funding formula for submission to the Minister of Natural Resources in March 2008;
- NWMO signed a fourth international collaboration agreement in technical research with Andra, France's national radioactive waste management agency;
- The President intends to bring to the Board for approval the Terms of Reference for the independent technical oversight group at its November 9 meeting;

- NWMO's staffing level, currently at 25 full time equivalents, is expected to grow to 50 full time equivalents by the end of 2008; and
- NWMO continues to monitor changes in the nuclear industry and their potential impacts on NWMO.

The President invited comments or questions on his report and Council discussion ensued. The Council posed questions and sought clarification with respect to specific engagement activities, in particular, the upcoming citizens' panels and multi-party dialogues.

4. Collaborative Development of a Process for Selecting a Site

Doug Wright, NWMO staff member, invited the Council's input on the draft discussion document under development to engage citizens in the development of an appropriate siting process. Challenges in developing the document included balancing the level of detail required and communicating the messages in a clear manner. The document will not be standalone and will have links to other sources of information.

Liz Dowdeswell presented preliminary thoughts on engagement for the design of the site selection process. She outlined the key assumptions on which engagement for the design of the process for selecting a site would be planned and proceed, the overall approach that is being considered, and the nature of the resources that will be required. She noted that her thoughts are preliminary and it will be an iterative process as NWMO refines its engagement plans in the upcoming months. Ms. Dowdeswell noted that NWMO's challenge will be to engage those who will focus on developing the process and not divert discussions to other siting related issues. She noted the main means of engaging will be through NWMO's website, the citizens' panels, and through an additional set of dialogues focused in the four nuclear provinces.

The Council was invited to comment on Ms. Dowdeswell's preliminary thoughts on engagement as well as the draft discussion document presented by Mr. Wright.

A Council member cautioned that while recognizing the potential to fully utilize computer-based means of engagement, NWMO should not rely exclusively on web-based communication. The internet does not necessarily engage a broad enough base of the population. It was also suggested that NWMO should not lose sight of print as a useful media and that in certain cases it will be more effective. Another member suggested that while NWMO must engage the public, it should also engage process experts to provide input into the development of the siting process. Another Council member suggested involving those with expertise from the Ontario public sector. The Council was supportive of NWMO conducting multi-ministry/departmental information sessions for purposes of briefing governments.

The Council discussed the potential to engage a variety of public audiences, including young people. Several Council members supported NWMO focusing dialogues on university students and expressed interest in new media that might be appropriate for reaching youth. Following discussion, Council requested that NWMO staff provide a presentation on new media at an upcoming meeting.

Council also suggested NWMO should give consideration to carefully articulating the scope and nature of the project and opportunities for enhancing community well-being to support discussions in future siting and implementation phases.

Ms. Dowdeswell indicated her appreciation for the suggestions made and confirmed that they would be taken into account in further development of the engagement plan.

5. Funding Formula

NWMO's Chief Financial Officer, Angelo Castellan presented the draft funding formula to the Council which will be submitted to the Minister of Natural Resources by March 2008 as required by the *Nuclear Fuel Waste Act*.

Mr. Castellan explained that the methodology had been reviewed by an independent expert panel from the fields of finance, economics, nuclear regulation, and international waste management. The panel made comparisons with international practice and judge the formula methodology and assumptions to be reasonable. Mr. Castellan summarized the work of the expert panel and noted that discussions on the funding formula had been initiated with federal government departments.

The Chairman invited Council discussion and questions that focussed on clarification and timelines for deposits to the trust funds.

6. Lunch with Niigani (Aboriginal Working Group)

Members of Niigani, the Aboriginal Working Group of the Elders' Forum were invited to attend the Advisory Council meeting to share their views and update the Council on their work.

The Chairman invited Mr. Billy Two Rivers to conduct the opening prayer. Mr. Crombie asked each Council member to introduce themselves to Niigani. The Chairman of Niigani, Gordon Williams in turn invited the Niigani members to introduce themselves. Mr. Williams introduced himself and spoke about Niigani's preparations for the meeting with the Council.

Presentations were made to Council by Elders Jim Sinclair, Elmer Courchene, Billy Two Rivers and youth member Mary Magiskan.

The presentations by Niigani covered a number of themes:

- their appreciation of the good work that Mr. Nash and the staff have done thus far keeping Niigani and the Elders' informed and expressed great respect for NWMO;
- the importance of truth and honesty in building the relationship between Niigani and NWMO;
- the importance of NWMO respecting Aboriginal rights, treaties and land claims;
- the importance of developing a resource/benefits-sharing agreement with the eventual host community/ies;

- the importance of independence in Niigani's work;
- emphasis on their main role as communicators, to ensure Aboriginal communities are informed and educated and able to make informed decisions;
- the importance of Aboriginal communities being involved in the decision making process;
- each of the Niigani members' is personally involved in this process and their reputation and respect among Aboriginal peoples is to be protected;
- their hopes that Niigani's work with NWMO can create a working model for future processes that others may follow in engaging Aboriginal people;
- the importance of being true to the Niigani Mission Statement "Protect and preserve all creation: air, land, water, plants, medicines, animals and human kind – guided by the seven universal teachings of love, trust, sharing, honesty, humility, respect and wisdom."; and
- the importance of Aboriginal youth being involved and providing an intergenerational perspective. Suggestions were made to hold a youth conference to interact with youth from across Canada, provide scholarships for Aboriginal youth, and promote enrolment in science programs. Niigani helped create NWMO's summer youth program which was very effective and helped to build relationships. It should be an on-going process throughout the years.

Niigani Chair Gordon Williams reviewed the history of Niigani, the purpose of its recent meetings and unveiled the artwork for the Niigani logo created by Aboriginal artist, Kevin Belmore from Thunder Bay.

Discussion with the Advisory Council ensued. Members of the Advisory Council stated that they conduct their work in the same spirit as Niigani in that their own credibility is also at stake. The Council also wishes to work autonomously in order to provide the best support to NWMO.

Niigani stressed that they would like to work cooperatively with the Advisory Council and charged the Council with communicating its messages to the Board. Niigani is able to help advance the coming together of the different parties and facilitate a process of transparency in making communities aware of any contracts or agreements that are made. Both Council and Niigani members expressed a desire to have future opportunities to meet.

Mr. Gordon Williams invited Elder Mary Richard to say a closing prayer. On behalf of the Advisory Committee, Mr. Crombie thanked the Niigani members for their presentations and attendance at the Advisory Council meeting.

The Niigani members withdrew from the Advisory Council meeting.

The Council members collectively reported that they were impressed with the Niigani group and their presentations and were particularly compelled by the comments related

to building a trusting relationship. The Council reiterated their support for meeting with Niigani again in the future.

7. Discussion with Charles Caccia

The Chairman introduced Mr. Charles Caccia who was invited to meet with the Council to provide his perspectives on implementation.

Mr. Caccia thanked the Council for opportunity to meet with them and provided a history of his correspondence with the NWMO. He noted that he and Dr. Ralph Kretz, a geologist at the University of Ottawa, jointly share an opinion and work together on this issue. Mr. Caccia tabled some background materials for Council.

Mr. Caccia reported that while he believes the NWMO Final Study Report is a valid and well formed document, he disagrees with the final recommendation of Adaptive Phased Management. Specifically Mr. Caccia believes that the issue of transportation as a social issue will be difficult and that the waste should be isolated in repositories at the reactor sites. He believes that the responses of affected communities and municipalities on the transportation routes are not predictable. He also expressed concerns with respect to impacts on human health on workers and persons involved in the transportation of materials. Mr. Caccia noted another benefit of on-site burial is continuity of employment, especially if the waste is retrievable.

The Chairman of the Advisory Council invited Council discussion.

The Council asked Mr. Caccia questions relating to: the moral dilemma created by his proposal in that the reactors sites were meant for temporary storage only; the international track record in transporting radioactive material; the assertion regarding the effects on human health and other aspects of risk and safety; and the geology at reactor sites.

Following discussion, the Council Chairman thanked Mr. Caccia for his perspectives.

8. Development of Transparency Policy

The Chairman invited Ms. Shaver to introduce the discussion of transparency. It was noted that throughout the Study phase, NWMO attempted to be transparent in deliberations, research, reporting of input and comment received. Commitments made during the Study phase are captured in the initial thinking. NWMO lists transparency as one of its primary values and continues its commitment to transparency. The NWMO is seeking the advice of the Advisory Council on the appropriateness of NWMO's early thinking on an initial set of principles for an NWMO transparency policy. She noted that this is an initial discussion and that management will return to Council before the policy is finalized.

Jo-Ann Facella discussed the initial principles proposed. She reviewed the need for transparency, common components of transparency policies among other organizations and the approach to transparency used by the NWMO during the study phase. The initial draft principles will help MWNO formalize and begin to extend the past practice of the NWMO into the future.

The Council Chairman opened the topic for discussion and input. Council agreed that it would be effective for NWMO to develop a general and inclusive statement of principle on transparency. However, the Council advised that there are certain elements of work that will need to remain confidential. For instance, NWMO would need to protect the confidentiality of on-going negotiations. There is also good reason to keep work that is in draft form confidential to provide space for internal contemplation. Careful consideration would also need to be given around the appropriate level of transparency concerning security arrangements. Council suggested NWMO might wish to publish the minutes of the NWMO Members meetings on the website.

The Council agreed that it will be critical for NWMO to be transparent with respect to the process of siting. It will be particularly important for NWMO to be transparent on required community commitments, and the potential risks and benefits.

9. Draft Protocol with Assembly of First Nations (AFN)

The Chairman invited Pat Patton to outline NWMO's work with the AFN. Ms. Patton explained that in May of 2007, an agreement was made with National Chief Phil Fontaine of the Assembly of First Nations to develop a Cooperation Protocol between the NWMO and the AFN.

The draft Cooperation Protocol represents the common goals of the NWMO and the AFN in promoting cooperation and dialogue between the NWMO and First Nations in the implementation of Adaptive Phased Management. It is designed to establish a joint process by which the NWMO and AFN will discuss issues of concern and potential options for consideration and/or adoption by both parties.

The AFN's role as a leading national Aboriginal organization in its involvement with the NWMO is to provide information and support to First Nations as they choose or choose not to, engage with NWMO. The intent is to provide support to the AFN as it develops the mechanisms by which the organization will build its internal capacity and assist First Nations on an ongoing basis.

Council discussion was invited on the draft protocol. Council urged NWMO to keep Niigani apprised as the protocol is developed. Questions were asked by Council with respect to how the AFN agreement will be operationalized and how it will remain in step with the work of Niigani. Council also asked that NWMO ensure that both groups are consulted on the development of the siting process and that Niigani continue to be involved with establishing relationships at the community level.

10. 2008 Meeting Calendar

Ms. Adshead reported that the date of the first Council meeting of 2008 has not yet been finalized. With the addition of the three new Council members, the schedule will be confirmed and communicated to all Members once the date is confirmed.

11. 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 3:15 pm.

Dated the day of , 2008

Corporate Secretary