Record 2008-04

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: November 14, 2008 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 14, 2008.

Advisory Council Members Present:

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

Regrets:
David Cameron
Daniel Rozon

NWMO Staff in Attendance:

Ken Nash	President & CEO
Kathryn Shaver	Vice President, Corporate Affairs
Frank King	Vice President, Science & Technology
Gillian Morris	Assistant Board Secretary
Jo-Ann Facella	Manager, Social Research and Dialogue (Items 4, 5, 9)
Anda Kalvins	Director, Environment (Items 5, 6, 9)
Pat Patton	Manager, Engagement & Aboriginal Relations (Items 4, 5, 6)
Jamie Robinson	Director, Communications

Guests:

Niigani Working Group:	(Item 6)
Gordon Williams	Chair
Donna Augustine	
Tasha Kaye	
Chris Lafontaine	
Mary Magiskan	
Michael McGuire	
Thomas Mattinas	
Mary Richard	
Jim Sinclair	
Tammy Coté	Policy Analyst, Environmental Stewardship, Assembly of First Nations (Item 6)
Alan Hooper	Chair, Independent Technical Review Group (Item 7)

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:10 a.m. The Agenda was reviewed and approved. Upon the request of Mr. Crombie, Dr. Fred Gilbert agreed to chair the afternoon portion of the meeting.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the minutes of the previous meeting, convened on September 8, 2008.

UPDATES FROM NWMO

3. President's Report

The President reported on key areas of activity for the organization:

Building Relationships
Mr. Nash reported on the relationship-building activities since the last Advisory Council meeting. The focus of recent engagement to discuss the design of the siting process activities was a series of multi-party dialogues. It was reported that the dialogues were well attended by a cross-section of opinion leaders who expressed their thoughts and expectations. Mr. Nash also reported on meetings with Aboriginal groups and recent meetings with Natural Resources Canada.

Research and development
It was reported that Dr. Hooper, the Chair of the International Technical Review Group had submitted the Group's first report to the NWMO Board of Directors. Dr. Hooper would be reporting to the Advisory Council under Item 7.

Financial Surety
Mr. Nash reported that Natural Resources Canada continues its review of NWMO's funding formula.

Adapting plans
Mr. Nash discussed the topic of NWMO adapting its plans to accommodate additional waste from new nuclear build. He reported that a number of waste organizations internationally are also considering this issue. NWMO is planning to publish papers on this topic on the website early in 2009. He noted that the issue of managing additional fuel bundles was also discussed during the multi-party dialogues.

OPG Low & Intermediate Level Waste (L&ILW) Repository
Mr. Nash reported on the completion of the fourth borehole at the Bruce site with results as expected. NWMO is currently searching for a new Vice President who will oversee the construction of the L&ILW project on behalf of OPG. The environmental assessment guidelines for this project are being reviewed by the Minister of the Environment.

Building organizational capacity
The transition process for staff to become employees of NWMO continued with only a small number of staff opting to remain with OPG. NWMO is on target to employ close to 80 people by the end of the year and faces the challenge of securing additional office space.

Update on nuclear waste management in Canada and internationally
On November 5, the Canadian Nuclear Safety Commission (CNSC) held a special meeting on nuclear waste management in Canada which was available by webcast. Kathryn Shaver presented on behalf of NWMO. Frank King presented the work on the OPG L&ILW repository. Mr. Nash reviewed the status of site selection for a number of international programs.

The Council was invited to discuss the President's report. Discussion ensued as Council members discussed: Chalk River's plans for its historic waste; updates of the NWMO cost estimates; municipal engagement plans; and plans for NWMO to brief the new Minister of Natural Resources. In response to Council questions, Mr. Nash confirmed that NWMO would be conducting further research on sedimentary rock. Council discussed the importance of full government outreach and opportunities to broaden these initiatives.

Council members noted their participation in the November 13 site tour of the Darlington plant and waste management facility, with a presentation on new nuclear build.

4. Program Updates

Engagement and Social Research Update
Ms. Shaver updated Council on the engagement activities since its last meeting. The recent multi-party dialogues to discuss the design on the siting process yielded rich discussion and input from a broad cross-section of people. Other activities planned included a public attitude telephone survey, e-dialogues through Royal Roads University and other web-based activities. Dialogues on the design of the siting process will also be held with other organizations upon request.

It was reported that municipal associations from the nuclear provinces will hold their first joint meeting with NWMO in December. The meeting is expected to be attended by representatives from ten organizations from the nuclear provinces.

Pat Patton reported on the workshop convened for NWMO engagement and technical staff to gain a better understanding and practical examples of Traditional Aboriginal Knowledge. Council member, Marlyn Cook, reported that she attended the Traditional Knowledge workshop and found it very exciting for traditional people to interact with scientists and that it was a well planned and enjoyable day. She noted there is great value to both perspectives and noted in the past decisions have been made without

Aboriginal involvement. Ms. Shaver reported that several meetings have been arranged for December with Ontario Aboriginal organizations.

The production of the latest NWMO DVD was completed and will be sent to Council members when available. This is a pilot initiative, with comments welcomed to guide future refinements.

Technical Research and Development Program Update
Frank King provided an update on NWMO's technical research and development program. Included in the report was mention that NWMO is negotiating a joint research program with Sweden, Finland and the U.K., with field work to be conducted in Greenland, with the objective of studying glacial impact on local hydrology.

On December 8, NWMO will provide its annual update on the Adaptive Phased Management technical program to the Canadian Nuclear Safety Commission (CNSC). A presentation will also be made on the OPG's L&ILW DGR site characterization program.

Additional staff have been hired in the technical program and two additional personnel will be joining in the geosciences area in November, and another in January.

The Council was invited to discuss both the engagement and technical updates. Council members inquired as to the status of the protocol with the CNSC. It was reported that the development of the protocol with the CNSC continues to progress. In response to Council questions regarding the study on microbial activity in copper containers, Mr. King agreed to send a report to Council. The Council commented on the International Technical Review Group (ITRG) recommendation of further research on sedimentary rock, noting this had been an area previously recommended by Council. The Council asked to be kept informed on the skills and expertise NWMO is hiring in the technical program. NWMO undertook to provide an update.

5. Findings from the Citizens Panels

Mr. Jaime Watt of Navigator joined the meeting to present the findings from the Citizens' Panels convened in Saskatchewan, Ontario, Quebec and New Brunswick. Mr. Watt reported that Navigator has been working with NWMO over a number of years and has seen changes in public opinion on nuclear over that time.

Mr. Watt outlined the four phases of the Citizens' Panels and described the reports that are available. He reviewed the feedback from the four phases of the panels and summarized what was learned. The panel participants reached very broad agreement that NWMO is going in the right direction in its outreach and believed that NWMO is listening to the input it receives.

The Council was invited to discuss Mr. Watt's report. Council sought clarification on the methodology used to select participants. Council discussion surrounded the following topics:

- citizen perspectives on timelines for APM implementation;
- the importance of retrievability to some citizens;
- the trend towards a more favourable opinion about nuclear power among citizens; and

- citizen interest in knowing more about the international dimension of the nuclear waste issue.

The Council Chair thanked Mr. Watt for his informative report.

6. <u>Meeting with Niigani</u>

Mr. Crombie welcomed Niigani, the working group of the NWMO Aboriginal Elders' Forum, and noted his appreciation for their wisdom and their valuable contributions to NWMO's work.

The Niigani Chair, Gordon Williams thanked Mr. Crombie and noted Niigani's pleasure in being invited to attend the meeting.

Ms. Tammy Coté with the Assembly of First Nations and who is working on projects with NWMO, was also invited to join the meeting.

Niigani members and Council members introduced themselves. Niigani members were invited to discuss their thoughts which included the following:

- Niigani has a good working relationship with the NWMO;

- Elders stressed the importance of Treaties and noted that there is great value in holding broad dialogues with Aboriginal peoples in the four nuclear provinces. They noted that in these dialogues people need the opportunity to discuss nuclear waste management within the broader issues associated with the nuclear cycle in order to have meaningful discussion on the long-term management of used nuclear fuel in particular. Dialogue should be held specifically on the NWMO's work;

- One suggestion was to locate regional offices in the four nuclear provinces;

- They suggested that the NWMO be clear in its definition on NWMO's corporate relationship / policy on the use of Elders;

- They noted the important role of Aboriginal Traditional Knowledge, but emphasized the need to respect the intellectual property;

- They emphasized the importance of ceremonies, and reminded the NWMO that only Aboriginal people should lead such ceremonies and offered to provide cultural training to the Advisory Council as they have done for NWMO staff and to conduct a traditional ceremony with the Council at a future meeting;

- One member noted his belief that nuclear waste might be neutralized in the future;

- They also reminded the Board that Aboriginal people generally have only modest means, and the NWMO must be careful to recognize that reality to avoid taking advantage of an impoverished people;

- They suggested that specific dialogue and consultation process with Aboriginal people should be run in parallel with NWMO's engagement with the Canadian public in general at each stage of implementation;

- Elders and youth of Niigani stressed the importance of knowledge transfer across the generations, so that understanding of the issue is maintained. Enhanced involvement of Aboriginal youth was requested, as a Niigani member felt youth are not yet prepared to carry on the work of the Elders without adequate training in the transfer of knowledge. They suggested that a plan be developed to ensure this transfer due to the age of Elders;

- They urged that early consideration be given to the responsibility for the duty to consult and felt that there should be clarity on NWMO's role and the Crown's role. Niigani does not believe the duty to consult obligation should wait until a site is selected; and

- Niigani members commented very positively about the nature and approach of the NWMO in working with Aboriginal peoples. They noted that in their experience they have not worked with other organizations that have used this approach. That is to involve Elders early in the planning process while also involving Aboriginal organizations at the national and provincial levels and recognizing that local, community-based people also need to be involved in the engagement process.

Mr. Gordon Williams invited the Council to discuss Niigani's remarks. Dr. Gilbert, taking the chair for Mr. Crombie, opened the floor for Council comments. Members acknowledged the importance of understanding Traditional Knowledge. Council commented on Niigani's views regarding consultation and agreed that the next steps are critical. Council members discussed youth engagement and believe NWMO has been given a clear message that further involvement of Aboriginal youth is required. It was also noted that the issue of neutralizing the waste or being able to use it as a resource is something the Council has also discussed at length. Dr. Gilbert noted that APM is about giving NWMO the time to recognize that there might be other management approaches down the road, and the importance of staying abreast of new developments.

Several Council members encouraged Council members to hold further meetings with Niigani.

The President reiterated that NWMO values the advice of Niigani and NWMO must determine how the advice can best be incorporated into its work. Mr. Nash noted that at the next meeting NWMO would report back to Niigani.

A Council member suggested that a ceremony for the production and use of nuclear energy and the gifts of Mother Earth should be conducted at a nuclear facility such as Darlington.

7. Independent Technical Review Group

Dr. Alan Hooper, Chair of the Independent Technical Review Group (ITRG) joined the Council meeting to discuss the ITRG's report on NWMO's technical program.

Dr. Hooper reported that the ITRG met in September to receive presentations on NWMO's technical program and gather information. While the group looked at the totality of NWMO's program, an analysis of the detailed technical work was not conducted. He reported that NWMO responded to the 150 questions posed by the ITRG.

Dr. Hooper presented the findings of the ITRG which were based on the evaluation factors derived from the Terms of Reference issued by the NWMO Board of Directors. He highlighted areas of recommendation to NWMO for further work as well as where the ITRG was complimentary to the NWMO program. In summary Dr. Hooper reported that nothing of significance was missing from NWMO's technical program and that the ITRG was very impressed with the program.

The Council was invited to discuss Dr. Hooper's report. Council discussion ensued and covered the following topics:

- research on sedimentary rock;
- next steps for the ITRG and NWMO's disposition of ITRG recommendations;
- ITRG composition and expertise;
- the need to increase internal capability with additional technical staff as implementation proceeds; and
- engaging the Geological Survey of Canada.

Council asked Dr. Hooper if the Review Group was satisfied with the information available to it to enable a comprehensive review. Dr. Hooper confirmed this was the case. The Council asked how NWMO plans to ensure follow up on the recommendations in the report. Dr. Hooper noted that he will request that a review of the actions taken against their recommendations be on the agenda for the next ITRG meeting. Council members were pleased to see the ITRG recommendation for further research in sedimentary rock. It was noted that two areas the ITRG are planning to review in further detail are sedimentary research and monitoring / retrievability. Council pursued the ITRG recommendation for greater in-house technical resources of NWMO. The President confirmed that resourcing would be addressed accordingly.

Mr. King reported that NWMO agreed with the recommendations in the report and his technical team is developing a disposition document against the ITRG's report, which will go to the Board in February and will also be sent to both the ITRG and the Advisory Council.

On behalf of the Advisory Council, Dr. Gilbert thanked Dr. Hooper for his informative report.

8. Advisory Council Mandate

At the request of the Advisory Council, NWMO legal counsel, Pat Moran, reported back with an opinion regarding the scope of the Advisory Council's legal mandate. Specifically, Council sought clarification on any potential mandate it had to advise on matters beyond the long-term management of used nuclear fuel, to include NWMO activity in support of the OPG Deep Geological Repository for Low and Intermediate Level Waste (L&ILW DGR). Mr. Moran reported that the *Nuclear Fuel Waste Act* establishes a very specific mandate of the Council which is confined to the long-term

management of used nuclear fuel. The Council has no legal requirement or mandate to comment upon NWMO's work related to the L&ILW DGR.

The Council was invited to discuss the legal opinion. A Council member asked if the opinion disallowed Council from advising on the L&ILW DGR. Mr. Nash clarified that while the Council is not mandated to advise on the L&ILW DGR, it should be kept informed on the project and any impacts that may relate to Adaptive Phased Management (APM). Mr. Nash also noted that there are advisory groups already in place for the DGR.

Council agreed that it is important to continue to be advised on developments in the L&ILW DGR project, but the focus of their work would remain on the implementation of APM.

9. Design of Site Selection Process

Ms. Shaver reviewed with the Council the findings from the fall engagement activities on the design of the site selection process. A key component of the engagement was the multi-party dialogues, convened as full day sessions held in five different cities in the nuclear provinces and facilitated and reported by Stratos. Participants came from a broad cross-section of backgrounds including NGOs, public policy, nuclear, siting/project experience, Aboriginal, community, municipal government and research. During the dialogues, the groups reviewed and provided input on the design of the site selection process.

Jo-Ann Facella reviewed the themes which emerged from the dialogues and referred Council to the partial draft report prepared by Stratos. The Council discussed the findings from the fall engagement program including participant discussions concerning transportation and views on appropriate site characteristics. Council also discussed how NWMO might best take into account the results of these dialogues and the differing points of view which were expressed.

The Council requested information or research that NWMO has available regarding transportation. A Council member recalled viewing a video showing the testing of transportation containers under a number of scenarios and suggested this may be of interest to other members.

10. Next Meeting

February 3, **2009 Conference Call**
2:00 pm – 3:00 pm EST
Conference Call to comment on draft Annual Report

March 10, 2009 – Meeting #1
9:00 am – 4:00 pm EST
Tentative agenda items:

- Review of draft siting proposal and engagement plans
- Meet with IPSOS to discuss public attitude research

Two Council members expressed a preference to hold meetings on Mondays for future scheduling.

11. Other business

Council members held a discussion to follow up on the meeting with Niigani and to discuss how to respond to the presentations and ideas expressed by the group. Council members expressed a desire to have more scheduled time to meet with Niigani. Members agreed that an opportunity should be sought to meet on a day proceeding one of the 2009 Council meetings.

Council members agreed to meet with Niigani on March 9, the day before the next Council meeting.

12. *In Camera* meeting

The Advisory Council agreed that an in camera session was not required.

Termination of Meeting

The Chairman declared the meeting terminated at 3:30 pm.

Dated the day of , 2008

_____
Vice President, Corporate Affairs