

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: October 18, 2004 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)

held at Toronto, Ontario, commencing at 11:00 a.m. and concluding at 6:00 p.m. on
October 18, 2004.

Present

Advisory Council:

David Crombie	Chairman
David Cameron	Member
Helen Cooper	Member
Gordon Cressy	Member
Fred Gilbert	Member
Eva Ligeti	Member
Derek Lister	Member
Donald Obonsawin	Member
Daniel Rozon	Member

NWMO:

Elizabeth Dowdeswell	President (Items 1- 7)
Kathryn Shaver	Corporate Secretary (Items 1- 7)
Jo-Ann Facella	(Items 4-5)
Tony Hodge	(Item 3-5)

Invited Guests:

Andrew Brook	NWMO Roundtable on Ethics (Items 4-5)
Arthur Shafer	NWMO Roundtable on Ethics (Items 4-5)
Margaret Somerville	NWMO Roundtable on Ethics (Items 4-5)
Joanne Barnaby	Joanne Barnaby Consulting (Item 5)
David Hallman	United Church of Canada (Item 5)
Mary Lou Harley	United Church of Canada (Item 5)

PART I

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 11:00 a.m.
The agenda was reviewed and approved.

2. Minutes of Previous Meeting

On motion duly made, seconded and unanimously carried, the minutes of the Advisory Council meeting held on June 22, 2004, a copy having been sent to each member of the Council, were approved with one point of clarification.

PART II

REPORTS FROM THE PRESIDENT

3. NWMO's Engagement Activities

General Public

The President provided an update on the NWMO's public engagement activities, planned to invite dialogue around discussion document 2, *Understanding the Choices*.

The President reviewed the nation-wide NWMO Community Information and Discussion Sessions:

- Sessions are being delivered in 34 locations, allowing NWMO to invite the input from Canadians from regions in every province and territory. Sessions are designed to ensure opportunities for the general public to learn about the NWMO study and to provide comments on the key issues raised in the discussion document.
- NWMO advertised the dialogues in advance.
- The level of public participation in many of the early locations visited was low. However, it was noted that each session provided an opportunity for in-depth discussion with those in attendance on NWMO work and key issues at the heart of the NWMO study.
- The President reiterated the invitation for Council members to observe a session, to hear the nature of the public comments first-hand, referring Council members to the calendar of dates and locations previously forwarded and updated on the NWMO website.

The Chairman invited Advisory Council questions and discussion:

- Council members inquired as to the nature of advance advertising of the Community Information and Discussion Sessions, to consider whether additional approaches might be worth pursuing to increase attendance, such as profile on televised newscasts.
 - The President responded that notices were issued in both print media and on local radio in advance of both the scheduled Information Sessions, and again in advance of the Discussion Sessions.
 - Advertisements in local papers run at least two weeks in advance of the activity, and a second time the week of the event. Local newspapers with the largest circulation for each area are chosen.
 - Advertisements on radio begin two weeks prior to the event and run up to the date of the NWMO session.
 - For national coverage, the full calendar of dates and venues ran in an advertisement in the Globe and Mail in September.
- Local media are contacted by NWMO in advance of each scheduled session to encourage additional participation and coverage. NWMO sends out media information kits two weeks prior to the event. This is followed by personal calls from NWMO four to six days prior to the public session.
- The full schedule and location information is also available on the NWMO website.

- The President noted that NWMO had arranged for national profile of the Community Sessions through scheduled radio segments on CBC radio. Council suggested NWMO consider pursuing additional radio opportunities, such as the CBC “Ideas” program, as another vehicle for expanding reach to a broader audience.

- Council members inquired about the notice provided to local officials. The President reported that NWMO sent letters in advance of each session to provincial MPPs/MLAs and federal MPs for the community. Letters introduced the NWMO and outlined the purpose of the community session. The officials were provided with an executive summary of the discussion document, and were invited to attend.

- A Council member inquired as to whether NWMO had considered contacting previous participants, noting that many attendees at the NWMO National Citizens’ Dialogue convened in 2004 had expressed interest in further opportunities to learn more and to remain engaged in the NWMO work. The President confirmed that NWMO contacted all participants of the National Citizens’ Dialogue who had provided their names, to invite their attendance at the Community Information and Discussion Sessions.

- Council members inquired about the format of the Community Information and Discussion Sessions:
 - The President reported that each informal information session is followed by a subsequent facilitated discussion session to understand the public’s views around the management approaches and the proposed assessment framework. The professional facilitators, while experienced in setting up such discussions, have remained flexible

- such that the program can be adapted to respond most effectively to the circumstances at each location.
 - To facilitate the collection of comments, NWMO also created a workbook with a questionnaire which may be mailed in or completed electronically on the NWMO website.
 - Further to previous Council advice, highlights from the discussion document are made available in a number of formats, including backgrounders on the different approaches, an Executive Summary of the document, and poster board displays that highlight the key issues.
 - Moderated E-dialogues, the first of which is delivered on October 26, 2004, will allow NWMO to explore through a different format issues of Risk and Uncertainty with panel members and the general public.
 - Reports from each session will be posted on the NWMO website.
- The President noted that at the specific suggestion of the Canadian Association of Nuclear Host Communities, locations of the Community Information and Discussion sessions will also be accessible to citizens from nuclear site communities, providing an opportunity to broaden awareness of the NWMO study and encourage comments from that important constituency. Further engagement activity specific to nuclear site communities will be undertaken after the Community Information and Discussion sessions have been completed.

Engagement of Aboriginal Peoples

The Chairman invited Tony Hodge to provide a report on activities under way to engage aboriginal peoples in the work of the NWMO.

- Mr. Hodge reported that NWMO is seeking to work collaboratively with national aboriginal organizations as well invite dialogue at the local level. NWMO wishes to invite opportunities for input on its discussion papers as well as build a long-term relationship and dialogue.
- Mr. Hodge reviewed the NWMO's work with national aboriginal organizations. Arrangements have been finalized with most organizations and work is already well under way to design and deliver public engagement on behalf of NWMO with their respective membership:
 - NWMO has formalized contracts for this work with the Assembly of First Nations, the Métis National Council and the Inuit Tapirit Kanatami. NWMO is in discussion with the other national organizations and hopes to confirm similar arrangements in the near future.
- NWMO's activities to engage aboriginal peoples at the local or regional levels were profiled:
 - Ontario Métis and Aboriginal Association (OMAA) will be delivering a regional dialogue in Ontario. Meetings are planned at some 30 malls and communities across Ontario.
 - The Sakitawak Métis Nation will convene a locally-led dialogue in the vicinity of the six operating uranium mines in northern Saskatchewan. East Coast First People's Alliance will be running a locally-led dialogue involving unaffiliated, non-status, off-reserve people in New Brunswick.

Other proposals are under review for locally-led engagement and are expected to be finalized shortly.

The Chairman invited Council discussion:

- Members of the Advisory Council's Sub-Committee on Aboriginal Engagement – Mr. Obonsawin, Dr. Gilbert and Mr. Crombie -- reiterated their advice that NWMO seek to engage aboriginal peoples at the local levels to benefit further from the input, experience, and traditional knowledge of aboriginal peoples. The Sub-Committee underscored the importance of reaching out both nationally and locally.
- The Sub-Committee encouraged NWMO to follow-up with provincial government departments for suggestions on engagement models that have worked well in the past in providing the basis for engagement with aboriginal peoples.
- The Sub-Committee recommended that aboriginal peoples be part of NWMO's broader outreach at the regional level as the study addresses implementation plans.
- The Sub-Committee commended Mr. Hodge on the range of activities under way on this important component of NWMO's engagement program.

Additional Engagement Activities

- The President outlined additional Fall 2004 public engagement plans, and general directions planned as part of the proposed 2005 Business Plan.
- Additional NWMO engagement activities are being planned to invite discussion and comment from nuclear site communities, so that NWMO may benefit from the input of individuals who have lived and worked near nuclear facilities.
- NWMO is continuing its bilateral meetings with interested stakeholders. The President noted that NWMO had benefited from discussions with Nuclear Waste Watch on Discussion Document 2 and the assessment team work.
- On December 6, 2004, NWMO will be partnering with the Public Policy Forum to lead a discussion around key implementation and governance issues. There was interest expressed by some Council members in observing the session. NWMO accordingly undertook to arrange for an observer place at the session for a Council member.

Council members complimented the NWMO for the impressive range of public engagement under way and acknowledged the commitment of staff time and resources to such a broad engagement program.

4. Discussion with NWMO Roundtable on Ethics

The Advisory Council Chairman welcomed members of NWMO's Roundtable on Ethics. Attending from the Roundtable were three of the six members: Andrew Brook, Arthur Shafer and Margaret Somerville. The Roundtable on Ethics, composed of individuals expert in the field of ethics in a variety of disciplines, was established by NWMO to assist the organization with the ethical and social considerations of management approaches.

Further to the Advisory Council's previous request, NWMO invited the Roundtable on Ethics to participate in the October Council meeting for a focused session on ethical aspects of the NWMO study.

On behalf of the Roundtable, Dr. Brook presented the Ethical and Social Framework that was developed by the Roundtable on Ethics, within which to consider the management of nuclear wastes. The development of the framework was prompted by the Seaborn Panel's recommendation concerning the need for an ethical and social framework. The Roundtable has suggested that the NWMO adopt this framework, publish it in NWMO documents and on the NWMO Website, and conduct its activities in the light of it. The framework document is presently available on the NWMO website. The Roundtable may refine the framework further as the work of the NWMO progresses.

Following the presentation, the Advisory Council Chairman invited discussion around the Roundtable's work.

A two-hour discussion ensued, during which Advisory Council members and Roundtable members engaged in dialogue on the ethical dimensions of the NWMO study.

Some of the perspectives expressed by individual Roundtable members included:

- The importance of embedding ethics at the inception of science, at the inception of a project and early in decision-making.
- The framework identifies certain important facts, including the fact that waste already exists, which shapes the ethical context. The ethical standard to be met by an approach for existing waste may not be the same as if waste did not already exist.
- A characteristic of this public policy issue is that some of the facts are uncertain. Ethical problems often arise from a conflict of underlying values in which choices must be made. Ethics requires that this conflict be made explicit, and when values are breached, this breach must be acknowledged and then justified in a structured way. Ethics provides a discipline for making the judgments which will need to be made to come to a decision.
- Conflict may not be limited to values. Although it may be easy for us all to agree on a set of objectives, there are likely deep contradictions in how we as individuals may interpret each of these objectives.

In their questions, Advisory Council members explored a range of areas with the Roundtable members and NWMO, such as:

- Elaboration and clarification around different components of the Roundtable's Ethical and Social Framework.
- How ethics can provide some discipline and rigour in assessing the options.
- How the NWMO has utilized the input of the Roundtable to date. The President noted that the Roundtable's work proceeded in parallel with the work of the Assessment Team. The Roundtable's work was fed into the preliminary assessment process regularly, consistent with the Roundtable's advice that ethics be embedded in all aspects of the assessment.

- The opportunities for NWMO to apply the Ethical and Social Framework going forward. The Roundtable suggested it will be important for decision-making to adopt an ethically-coherent point of view. In presenting its framework, the Roundtable has attempted to develop such an ethically-coherent point of view. Responsibility to apply the framework rests with the NWMO. The Roundtable will be reviewing Discussion Document 2 in the context of the framework, and will be providing comments to assist NWMO in its next phase of NWMO work, including implementation considerations.

- The extent to which NWMO has advanced the consideration of ethics in studying the long-term management approaches for used nuclear fuel.
 - Roundtable participants suggested that the Roundtable's framework is substantially different in nature over that of the Seaborn Panel. The Seaborn Panel received values as *inputs* to its process. In contrast, the Roundtable has attempted to formulate a coherent ethical point of view and to codify it in the framework document.
 - NWMO's findings of similar values to those advanced by the Seaborn Panel serves to strengthen and confirm the importance of those values and principles.
 - The Roundtable suggested that NWMO has advanced the process by embedding ethics in the full study which is more ethically sensitive than previous work in this area, building on but further advancing the findings of the Seaborn Panel.
 - It was suggested that NWMO's improved process of public engagement contributes to the consideration of ethics in the study process.

- Advisory Council's observations that in listening to Canadians, discussion on NWMO issues inevitably raises issues outside of the NWMO mandate on the future of nuclear power. The Roundtable members offered some personal perspectives:
 - It will be critical that the NWMO study consider the implications associated with a recommendation on a management option for future decisions, including the future of nuclear power.
 - While it is not NWMO's mandate to take a position on the future of nuclear power, on an ethical basis it is important that NWMO consider and report on the possible consequences of its recommendation, including future decisions around nuclear energy.
 - The Advisory Council questioned the Roundtable concerning what was meant/intended with the paragraph at the bottom of page 1 of the Ethical and Social Framework document, including the sentence: "A solution that is least-bad compared to the available alternatives and a solution that is good absolutely might be two very different things from both an ethical and a practical perspective." After some discussion, Roundtable members felt there had been some miscommunication with the words which had been used and committed to clarify the language used in this paragraph at its next meeting.

5. Invited Guest Speakers

Discussion on the ethical dimensions of the NWMO study was enriched by the participation of guest speakers. The Advisory Council sought some additional perspectives on ethical issues and principles from some invited guests who have been considering the NWMO's issues.

The Council Chairman welcomed guest speaker Joanne Barnaby. Ms. Barnaby addressed the topic of drawing on Aboriginal wisdom to formulate ethical guidelines for the NWMO. She reviewed highlights from the workshop on Aboriginal Traditional Knowledge that she had facilitated in September 2003 on behalf of NWMO.

- In the presentation she summarized the different areas addressed by the workshop, including traditional Aboriginal management systems of the past, and recommendations for incorporating these systems in the management of used nuclear fuel.
- Common to the world view of Aboriginal peoples across this country is an understanding that there is life in everything in nature; there is no such thing as an inanimate object. This understanding extends to the existence of a series of relationships between spirits and life forms, with two ways of spirit being: negative energy and positive energy. Both types of energy are necessary to sustain life. Human beings have the opportunity to create balance through our choices, both within ourselves and with other beings. And with this comes a great responsibility.
- Examples of traditional management principles addressed include: Respect, Honour, Conservation, Sharing with Reciprocity (giving to each other and to Mother Earth in conscious recognition of the gifts received from her and our stewardship responsibilities); and consideration of the prophecies.
- Management must look at the whole cycle of resource use, from harvesting through to addressing waste.

Ms. Barnaby encouraged NWMO to engage elders in the study process since there is much to be gained in the teachings of Traditional Knowledge.

The Council welcomed David Hallman and Mary Lou Harley, both of the United Church of Canada. Dr. Hallman presented some historical context on the United Church of Canada's engagement and advocacy positions on nuclear issues. Dr. Harley reviewed the Church's approach to contributing comments to the NWMO.

- The United Church is involved in the issue as part of society that has given rise to the problem and, therefore, bears responsibility for a solution. The Church starts from the understanding of the inter-relatedness of all creation and the ecological framework which God created. The Church is looking to contribute to Canada's efforts to move towards an approach which is sustainable and just.
- The Church is of the opinion that we should be reducing our reliance on nuclear power and fossil fuels.
- The Church notes that NWMO has sought to integrate ethics in its process and has sought to understand Canadian values. Two concerns were expressed about NWMO's approach to values.
 - The values that one brings to assessing the management options will influence the assessment of the options. It is important for values to be made explicit in any assessment. There is insufficient transparency concerning

how the values have been embedded in the NWMO's framework and how they will be applied.

- An ethical process must bring forward all relevant information to the study. In this regard, how narrowly or broadly NWMO bounds the issue will determine in part how ethical the recommendation is. For public trust, it is important to frame the issue of waste management in a way that takes into account implications for the future of nuclear power. The Church sees these issues as inseparable. A full and open debate on the life cycle of nuclear energy is required.
- A better documentation of the facts, what is known and unknown, is required. Our state of knowledge is insufficient, there are too many uncertainties.
- The Church recommends that used nuclear fuel remain retrievable, and favours ongoing research into ways to reduce the hazard of used nuclear fuel. The United Church will be submitting a series of submissions to the NWMO in the context of ethical principles in which it will detail its position.

The Advisory Council Chairman thanked all of the guest speakers for their informative presentations, and opened up the meeting for general discussion. This provided an opportunity for Council members and Roundtable members to ask questions and pursue informal discussion with the guest presenters.

A range of topics was discussed:

- Advisory Council members asked about the teachings of traditional Aboriginal knowledge. Ms. Barnaby spoke about the factors affecting choices traditionally.
 - There is great emphasis on preserving balance amongst all life forms and in understanding their inter-relationships. There is a holistic consideration of the impacts on all life, not just humans.
 - There is consideration of impacts on future generations, including seven generation teachings. Leaders consider the implications of their choice on future generations, for a minimum of seven generations.
- Advisory Council members initiated further discussion around the inter-relatedness of the management of used nuclear fuel and the broader discussion of the future of nuclear power.
 - The United Church view is that a decision on the management of used nuclear fuel cannot be separated from a broader discussion on the future of nuclear. Any options for used fuel management will bear in some way on the future of nuclear energy. The Church believes it is incumbent on NWMO to acknowledge the possible consequences of its recommendation in its study and to outline a process by which concerns or issues relating to those possible consequences can be appropriately considered and addressed. The evaluation of options should consider the full context as perceived by society – the issue of waste management cannot be examined in isolation to the exclusion of broader implications for the future of nuclear energy in Canada.

- In addition, to fully consider the implications of each management approach, the Church also recommends that NWMO review the options against different possible future scenarios in terms of fuel volumes, types, security implications, and potential new players. The Advisory Council expressed interest in understanding the range of future scenarios that the United Church and others feel should be considered in assessing the robustness of different options.
- There was further discussion around risk.
 - Guest presenters from the United Church stressed that in informing Canadians about the issue it is important to provide the facts where possible around the hazard and human health implications, providing transparency in the data sources used. Similarly it is important to make explicit the areas of uncertainty and risk, including areas of controversy.

The Chairman thanked the guest presenters and expressed Council's interest in their ongoing contributions to the NWMO study.

6. Assessment of Management Approaches

The President provided an overview of the analysis of the management options in progress through to December 2004.

- NWMO will be testing the robustness of management approaches against different possible future scenarios, to understand how different volumes or types of used fuel might impact on the relative strengths of the options.
- NWMO will be convening a workshop on the nature of the hazard of used nuclear fuel, toxicity and the timescales involved.
- NWMO will be continuing to explore the issues around whether used nuclear fuel should be regarded as waste or potential resource.

Dr. Rozon provided some data to further inform Council's consideration of the issue of whether CANDU fuel should be considered waste or a potential resource. Dr. Rozon expressed his view that if the sole purpose for reprocessing is to recover the uranium in the used CANDU fuel, given its very low U-235 content and the considerable supplies of depleted uranium already available around the world, then there is not an economic case for considering reprocessing as a waste management option for Canada's used nuclear fuel.

Council members expressed their appreciation to Dr. Rozon and Dr. Lister for their respective technical contributions to the Council which members felt was very helpful in understanding and considering the implications of the management approaches. Dr. Rozon proposed to look further into the question of economic incentives for reprocessing and report back to the Council.

7. Upcoming Meetings

The Advisory Council resolved to schedule an additional meeting for 2004, the key purpose of which will be to convene in camera to plan for and discuss the independent Council comments. In addition, the Chairman requested that NWMO provide a progress report on its engagement with aboriginal peoples at that meeting. The following date was confirmed for the next meeting: November 25, 2004, 8:30 am -1:00 pm EST in Toronto.

At the Council's request, NWMO will set the meeting dates for the first six months of 2005 to allow for advance planning on part of Council members.

PART III

ADVISORY COUNCIL BUSINESS

The Advisory Council convened a closed session, in camera with the Chairman.

Termination of Meeting

The Chairman declared the meeting terminated at 6:00 p.m.

Informal discussion continued over dinner with members of the Roundtable on Ethics.

Dated the 22nd day of January, 2005
Corporate Secretary