

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: May 9, 2011 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 May 9, 2011

Advisory Council Members Present:

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

Regrets:

Rudyard Griffiths

NWMO Staff Present:

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

Contributing Staff:

Mahrez Ben Belfadhel Director, APM Geoscience
Angelo Castellan VP Environmental Assessment and Corporate Support
Jo-Ann Facella Director, Social Research & Dialogue
Elena Mantagaris Manager, Government & External Relations
Pat Patton Director, Engagement & Aboriginal Relations
Jamie Robinson Director, Communications
Sean Russell Director, Repository Engineering
Peter Simmons Director, Municipal Engagement
Bob Watts Director, Aboriginal Community Relations
Derek Wilson Project Manager, OPG DGR, EPCM

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:00 a.m.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the record of the previous meeting, convened on March 7, 2011.

UPDATES FROM NWMO

3. President's Report

The President reported on recent activities in NWMO's work programs. He provided a high level overview of developments in the site selection process and in the external landscape.

Mr. Nash reported on the following items:

- engagement of the communities learning more about the APM site selection process;
- the APM technical program, specifically, the completion of the conceptual designs and cost estimates;
- work on transportation container handling systems which includes cooperation with international counterparts SKB and Posiva;
- the April 14th submission, on behalf of OPG, of the documents to support the site preparation and construction license for OPG's low and intermediate level waste repository;
- a staffing update, noting the addition of Mr. Robert Watts as an additional Director of Aboriginal Community Relations;
- ongoing liaison and collaboration with other waste owners;
- international developments including the status of the situation in Japan and SKB's submission for a construction license for its high level waste repository; and
- a summary of the NWMO Board of Directors' visit to SKB / Posiva to conduct site visits and discuss and learn about their used fuel management programs.

Council members discussed the recent changes in the Canadian political landscape and developments in the nuclear industry in general.

4. Review of External Landscape

The President reviewed the recent developments in Japan, noting that regulators around the world are asking nuclear plant operators to conduct reviews on the lessons learned and NWMO is also planning a review. Anticipating that developments in Japan might trigger questions from the public, Mr. Nash noted that staff had prepared questions and answers on the website. He outlined the ongoing tracking underway of any potential implications of Japan for the APM program.

A Council member remarked that as a part of NWMO's regular process, reviewing changes in the landscape is an integral part of NWMO's process on an ongoing basis. Council supported NWMO's review of the lessons learned as part of NWMO's ongoing process.

5. Process for Reviewing Advisory Council Membership

Kathryn Shaver reported that the current Advisory Council appointments run until December 31, 2011. The Board of Directors will be addressing Council membership for the next term at its September meeting. Ms. Shaver discussed the process and timelines for reviewing the membership of the Advisory Council and making new appointments. Appointments for the next phase will reflect the nature of work planned on APM, the expertise and advice required, and the requirements of the *Nuclear Fuel Waste Act*. Current Council members will be contacted to explore their interest in continuing on the Council.

In discussion, Council members reflected on the types of expertise for the Advisory Council that may be useful for the next phase of work on APM implementation. It was noted that NWMO's work for the next few years will continue to require the range of expertise presently reflected in Council membership. Council members offered suggestions on additional areas of expertise that the NWMO Board may wish to consider as it reviewed membership for the next term. In this context, members noted that a range of social sciences will be important, including ethics and expertise in managing project impacts in a community.

6. Update on APM Site Selection Process

Kathryn Shaver provided an overview of the APM site selection activities from recent months. In her report, she reviewed the eight communities that had expressed interest in learning more and have initiated activities to build understanding of APM and the site selection process. Work was reported to be underway to assist communities in establishing community liaison groups for ongoing learning and consideration of the project. In addition to participating in the Learn More programs to build understanding of the APM project, it was reported that NWMO had invited representatives from the communities to the Federation of Canadian Municipalities meeting in Halifax in June to meet with representatives from the two candidate communities from Sweden for their high level waste DGR. The communities also met privately with the Swedish communities.

Mahrez Ben Belfadhel discussed the initial screenings noting that the four completed screenings all had potentially suitable geology and all are situated in crystalline rock. Council members discussed with management the relative contributions of engineered and geological barriers in terms of isolating the used fuel. In light of Council interest in knowing more about the robustness of the engineered containers, management undertook to provide a briefing in September on NWMO's plans and approaches taken in other countries implementing multi-barrier systems, such as Sweden.

Peter Simmons reported on the recent open houses held in Ignace and the recent Municipal Forum. Pat Patton and Bob Watts outlined NWMO's ongoing relationship-building work, including engagement with Aboriginal organizations and Treaty representatives. Staff provided updates on government engagement.

Council discussed the activities and asked questions in a range of areas:

- Council discussed detailed geotechnical factors included in initial screenings of communities and asked to be provided with a hard copy of a screening report for reference.
- Council asked questions about the process by which communities might elect to proceed to the feasibility studies and discussed how transportation would be factored into feasibility studies.
- Council asked about the duration of the “expressions of interest phase” and Learn More program. NWMO indicated that this phase will continue into 2012, and a date has not yet been considered for closing this initial phase. Communities may continue to approach NWMO if they are interested in learning more about the APM project, without obligations to stay in the process.
- Council emphasized the importance of NWMO being clear about site selection criteria on which decisions will be based.
- Council members also emphasized that as communities elect to leave the process, or are removed by subsequent screening processes, it is important that NWMO maintain good relations with the communities. Council advised NWMO to work closely with communities to manage exit strategies as they are excluded through subsequent screening processes or elect to cease their involvement.

7. Approach to Feasibility Studies

Further to Council's request, Jo-Ann Facella discussed the approach to feasibility studies, planned to commence in 2012 upon request of communities.

Ms. Facella provided a high-level overview of how NWMO views the feasibility study process. She noted the plan is not prescriptive as it will evolve as work with communities becomes more in depth. Criteria are clear and established in advance of the process. The feasibility studies include a desktop component which may be followed by preliminary field investigations to increase confidence in potential suitability. She reviewed key milestones, activities and considerations in the process from 2011 to 2014. The focus of the feasibility studies in 2012 would be on desk-top studies supported by broadening engagement.

Council sought confirmation that feasibility studies will also look at the costs of implementing the project in the different communities and availability of infrastructure. Council discussed how the range of technical and social considerations will be considered in the holistic integrated assessment, noting that specific weights have not been assigned to individual criteria. Council members also explored with staff the concept of “willingness” and how this will be applied in the context of local, regional and transportation corridor support.

8. Re-Development of the Elders Forum

Kathryn Shaver introduced Robert Watts who recently joined NWMO as a new Director of Community Aboriginal Relations and will be working with Pat Patton on NWMO's growing engagement program with Aboriginal people. It was noted that Mr. Watts will be leading NWMO's engagement with Aboriginal people in Ontario, and will also lead NWMO's work with the Elders Forum.

Mr. Watts reviewed the process underway for the structuring of the NWMO Elders Forum for the next phase. He reported that in 2010 the Elders began to speak of the need for

some changes in the way the Forum operates to be flexible in order to respond to the needs of Aboriginal communities and to the NWMO's evolving work in site selection. Mr. Watts reviewed the discussion document that had been prepared, with input from some members of the Elders Forum, its working group and NWMO staff, as a basis for initiating dialogue and input from the Elders Forum members, followed by outreach to other organizations. He discussed NWMO's plan and timelines for consulting on the re-development of the Elders Forum during the course of 2011. Mr. Watts asked the Council members for their thoughts on the re-development.

Council members provided the following advice:

- Council suggested that it would be helpful for NWMO to look at precedents for structuring similar organizations, and suggested staff compile examples of how other similar groups have been constituted, such as the Aboriginal Healing Foundation;
- Council supported the idea of having an independent panel recommend Elders appointments to the Forum;
- Council members emphasized importance of a role for youth, with youth provided with a clear voice and responsibilities to ensure full participation;
- Council members emphasized the importance of having women representatives on the Forum, with perhaps even a male and female co-chair;
- Council members suggested that the Forum may work more effectively with a smaller membership which could meet more frequently, and thereby reduce the need for a working group within the Forum; and
- A Council member noted that the structuring of the Forum must consider carefully that Niigani was constituted by ceremony.

Council discussed how the consultations will be conducted and sought clarification on process and ultimate accountability for finalizing the report and recommendations for the structuring of the Elders Forum for the next phase. Staff confirmed that management will bring forward recommendations for decision by the NWMO Board following consultations with the existing Elders Forum and the National, Provincial, Regional and Treaty organizations involved in NWMO's work, government representatives and leaders of Aboriginal communities involved in the site selection process. NWMO was encouraged by Council to be clear in describing the decision making around the Elders Forum: that the Elders Forum and other organizations being consulted will provide input to a process, with decision-making on the path forward resting with the NWMO Board.

9. Review of NWMO Support to OPG L&ILW DGR (Ontario Power Generation's Low and Intermediate Level Waste Deep Geological Repository)

Angelo Castellan reported on planned activities in support of OPG's DGR project for low and intermediate level waste during the regulatory approvals phase. Mr. Castellan also reported on Aboriginal relations work related to the OPG DGR.

Council members noted their interest in following the panel process. There was interest in having details on provisions for participant funding, and knowing about the intervenors as they engage in the panel process. Council asked staff to follow up with OPG to see if it would be possible to receive a copy of OPG's hearing plan.

Derek Wilson provided the Council with an update on activities in the design and construction phase of the OPG L&ILW DGR project reporting on health and safety

statistics; progress on field investigations and detailed engineering; quality management for each of the engineering firms; and a financial summary of the project.

10. APM Cost Estimates

Further to the Advisory Council's request, Sean Russell provided an update on the cost estimates for APM which includes a deep geological repository and transportation system for Canada's used nuclear fuel.

Mr. Russell reviewed the background and history of previous cost estimates completed in 2003. He discussed the 2011 update of the conceptual design and cost estimate for APM in both crystalline and sedimentary rock. He discussed the various design concepts assumed for financial planning purposes only, emphasizing that the method adopted will be dependent on the actual site selected.

During Council discussion with staff, clarification was sought on design considerations for the repository and the supporting transportation system.

11. Upcoming Meetings

The next meeting of the Advisory Council is Monday, September 19, 2011 from 9:00 am – 4:00 pm EDT.

12. In Camera Session

It was determined that an in camera session was not required.

13. Other Business

In discussion of administrative issues and Council operations, members asked for an update on the status of the Canadian Revenue Agency's approach to taxation. Council asked to be kept updated on any developments relating to this matter.

Termination of Meeting

The Chairman declared the meeting terminated at 1:45 pm.

Dated the 19th day of September, 2011

Vice President, APM Engagement and Site Selection