

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: September 18, 2018 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 September 18, 2018

Advisory Council Members Present:

Donald Obonsawin, Vice Chair
Monic Gattinger
Sue Hartwig
Derek Lister
Dougal McCreath
Linda Thompson
Diane Kelly (items 3-17)
Joseph Cavalancia
Dean Jacobs

Regrets

David Cameron, Council Chair

NWMO Staff Present:

Laurie Swami	President and CEO (items 1-17)
Mahrez Ben Belfadhel	VP Site Selection (items 1-18)
Jo-Ann Facella	Director, Social Research & Dialogue (items 1-17)
Lisa Frizzell	VP Stakeholder Relations (items 1-17)
Joe Gaboury	Director Aboriginal Relations (items 1-17)
Gillian Morris	Board Secretary (items 1-18)
Doug Taylor	VP & General Counsel (items 1-18)
Derek Wilson	Chief Engineer & VP Contract Management (Items 1-17)

1. **Constitution of Meeting / Approval of Agenda**

On behalf of the Chair David Cameron, Vice-Chair Donald Obonsawin chaired the September 18 meeting. The meeting was called to order at 9:00 a.m. The agenda was agreed upon as written.

The Vice-Chair acknowledged Toronto and NWMO are located in Indigenous Territory, the Dish with One Spoon Territory.

Mr. Obonsawin also welcomed Dr. Monica Gattinger to the NWMO Advisory Council.

2. **Safety Moment**

The Board Secretary provided a safety moment outlining the emergency procedures for evacuation in the case of an emergency.

3. **Minutes of Previous Meeting / Action Items**

The draft minutes and in camera minutes from the June 25, 2018 meeting were reviewed and approved by Council members.

A Council member suggested the Council might be interested in reading a report written by the UN Scientific Committee on the Effects of Atomic Radiation and asked the Board Secretary to circulate it to Council (*).

Council also discussed the recent appointment of a new Parliamentary Secretary to Natural Resources Canada.

4. **President's Report**

The President provided a report on recent developments and NWMO activities which included the following:

- an update on safety at NWMO;
- ongoing work towards site selection and relationship development in the siting communities;
- the status of borehole drilling;
- the importance of NWMO's visibility strategy and the recent hiring of NWMO's new Government Relations Director;
- discussions in Canada on the need for an integrated waste strategy;
- how NWMO needs to evolve as an organization and develop project management skills as it moves toward site selection; and
- recent changes in the Provincial and Federal governments.

Council members discussed Canada's response to an International Atomic Energy Agency (IAEA) recommendation on a Canadian integrated waste strategy.

A Council member talked about NWMO's plans for the future Centre of Expertise, how the scope will be developed and the ongoing partnership discussions with communities. A Council member suggested NWMO's eventual move to a small community could be quite disruptive and NWMO should examine previous examples and best practices of these types of moves from other industries or provincial government ministries.

5. **Update on APM Site Selection & Risk Review**

Mahrez Ben Belfadhel provided the Council with an update on the status of engagement in the APM Site Selection process.

Dr. Ben Belfadhel reported on developments in the Ignace area and the work underway to gain permission for additional borehole drilling. Staff outlined the status of Indigenous relations in the area. Management reviewed engagement activities in all of the siting areas.

Derek Wilson provided the Council with an update on site assessment activities underway in the APM Siting Process. He reported that there was minimal site assessment work pending receipt of permission for borehole drilling.

Council members discussed the delays in borehole drilling and possible impacts to the NWMO's overall timelines. The Council met in camera to discuss risks.

6. **Presentation on Reprocessing/Recycling Used Nuclear Fuel**

In response to a request by Dr. Peter Ottensmeyer to present to the NWMO Advisory Council, Dr. Ottensmeyer joined the meeting to discuss his perspectives on reprocessing/recycling used nuclear fuel.

Dr. Peter Ottensmeyer presented his views on reprocessing/recycling with key points of his presentation being that he believes:

- NWMO should adopt the method of using Fast Neutron Reactors (FNRs) to dispose of spent CANDU reactor fuel as its main plan (vs. building a deep geological repository) and redirect the trust fund monies to this endeavour;
- FNR's should be built within the next 10 years; and
- Canada should re-direct money and resources being used on APM to recycling as recycling can be done more cost efficiently.

Council members discussed the presentation and while they didn't disagree that the theory of using used fuel in FNRs is reasonable, there are practical issues related to the time frames and the number of reactors you need to "recycle" all of the CANDU fuel bundles. Canada currently has no FNRs and Council felt it very unlikely Canada would develop the fleet of reactors required in a meaningful timeframe.

Council members noted that the retrievability aspect that is embedded in APM allows for adaptation to recycling fuel should it become a reality in the future.

Council members discussed the economics presented that concluded that recycling fuel could be done at a fraction of the cost of building a DGR. Council members felt that the economics were not well defined as to what factors were considered in the cost analysis.

7. **Update on Partnership & Stocktaking** *(In Camera)*

Mahrez Ben Belfadhel discussed the status of partnership discussions and stocktaking activities in the APM siting communities.

8. **Trans Mountain Pipeline Decision**

NWMO's General Counsel provided the Board with a summary of the recent court decision related to the Trans Mountain Pipeline. He reported that the Federal Court of Appeal rejected the pipeline expansion based on two reasons:

- the Crown failed to adequately discharge its duty to consult; and
- the National Energy Board made a critical error by not including project-related marine shipping in the scope of the project.

The General Council summarized some of the lessons learned from this decision:

- the project scope has to be very broad and look at all the issues. There can't be any gaps – a key aspect is transportation and cross-province transportation, considering life span of project.
- Consultation must be a two-way meaningful dialogue; and
- Mitigation measures may not be bound by statute or jurisdiction. Errors can be made by regulators which will have impacts on proponents. NWMO has to be cognizant of underlying opposition to the project.

Council members observed that the proponent's actions were not called into question – it was the regulator and the crown's actions which were in question. Council members felt that an important lesson for NWMO to consider is that NWMO can do everything right and there can still be a negative decision.

Council members also noted that the courts did not look at larger policy decisions on marine protection (ie. At other marine protection programs that the government has in place). NWMO will need to do undertake an assessment of the policy and regulatory framework and understand on what basis the decision will be made.

Another observation from Council was that NWMO needs to function on the assumption that the project will be legally challenged.

9. Progress on Triennial Report Recommendations

Management provided an update on work underway to address the Advisory Council's recommendations in the 2014-2016 Triennial Report. Dr. Ben Belfadhel noted that management will review the status of all of the Council's recommendations in December to ensure clarity on the closure of this work.

Council also discussed the idea of writing an interim internal summary report at the end of each year to assist in the writing of the Triennial Report every three years.

Ethical & Social Framework

Management provided the Council with an update on work underway to address the Advisory Council's recommendations concerning updating the NWMO's Ethical and Social framework in order to increase its relevance to the site selection phase of the Adaptive Phased Management process.

A Council member asked if there had been an external review of the framework. Management noted it had been reviewed with a member of the original panel who is an expert in the field.

Evaluation System for NWMO Youth Engagement

Management reported that in March 2018, the Advisory Council reviewed a draft youth engagement reporting scorecard to provide an at-a-glance quantitative view of performance against desired outcomes, and over time, a view of performance trends. Ms. Facella updated the results of NWMO's Municipal and Indigenous youth engagement to date.

Council members discussed NWMO's progress on engaging youth. A Council member asked if NWMO was targeting youth in the areas where NWMO had signed learning agreements. Management noted it was different in each area as it was up to the

communities to decide what youth engagement would take place. A Council member asked NWMO to check with the NWMO Council of Elders and Youth to provide advice on engaging Indigenous youth (*). A Council member asked to specifically and separately report engagement activities undertaken with Indigenous youth (*). Another Council member asked what the outcome of the Canadian Nuclear Association's work was to augment school's curriculum with nuclear education (*).

Progress on Developing a Participatory Approach to Engaging on Safety

Management provided an update to the Advisory Council on progress in implementing the work plan for engaging the public and communities in addressing safety concerns. Ms. Facella provided a summary of progress since May 2018. She reported that safety continues to be the focus of many conversations in communities and, increasingly, communities are setting the agenda for these conversations, their focus, questions to be addressed and the format for discussions.

10. NWMO's Work on Consent *(In Camera)*

Management provided the Council with an update on the work NWMO is undertaking related to consent in the site selection process.

11. NWMO Work Post Site Selection *(In Camera)*

Management shared with the Advisory Council how NWMO is developing readiness to begin activities on the selected site, beyond 2023.

12. Planning for the Annual Meeting with the Board of Directors

On December 4th the Board and Advisory Council will hold its annual discussion on strategic issues. The Advisory Council provided input on topics it would like to review with the Board. Management noted that feedback will be provided to the Board at its upcoming meeting. In order to facilitate this discussion, management has suggested topics but encouraged Council input and ideas for this exchange.

Council members suggest that the topic of partnerships (a modified version of topic of one suggested by management) as well as reprocessing would be of interest to Council for discussion with the Board. Management noted it will review the Council's feedback provided on possible discussion topics with the Board.

13. Report from the Municipal Forum

Linda Thompson provided a report on her participation at the July 12 NWMO Municipal Forum Meeting. In her report she mentioned the President's attendance at the Wabigoon Women's Circle. Council members asked to have the same briefing on the Women's Circle at the next meeting (*).

Ms. Thompson reported that the Municipal forum discussed the upcoming municipal elections, upcoming conferences, the evolving external landscape and the complexities of Indigenous treaties. Council members also asked management to share with Council mapping of Indigenous treaties in Ontario (*).

14. **Building Relationships**

The Council was provided with updates on the following:

- recent Council of Elders' meetings;
- the external landscape;
- progress on youth engagement; and
- an analysis of media reports.

15. **Transportation Engagement Update**

Management provided an update on recent transportation engagement activities. Council members asked about NWMO's transportation exhibit. Management reported that a new mobile exhibit is under development.

16. **APM Technical Update**

Council was provided with an update on the work underway in the APM technical program.

A Council member asked about the process for copper coating. Management confirmed that NWMO will be using a cold spray process to copper coat containers, but that a final decision on moving to the Mark II container will be determined by the end of the year.

17. **Upcoming Meeting of the Advisory Council**

The next meeting of the NWMO Advisory Council will be Tuesday, December 4, 2018 and will include the annual joint meeting with the Board of Directors.

18. **In Camera Session**

The Council met in camera with some management present and then met without management present.

Termination of Meeting

The Chair declared the meeting terminated at 3:15 pm.

Dated the 4th day of December, 2018

Donald Obonsawin
Advisory Council Vice-Chair