

**MINUTES**  
**FROM THE MEETING**  
**OF THE BOARD OF DIRECTORS OF THE**  
**NUCLEAR WASTE MANAGEMENT ORGANIZATION (NWMO) /**  
**SOCIÉTÉ DE GESTION DES DÉCHETS NUCLÉAIRES (SGDN)**

**convened in Toronto, ON**  
**on November 13, 2008**  
**commencing at 9:00 a.m.**

Present

Gary Kugler	Director, Chairman
Pierre Charlebois	Director
Donn Hanbidge	Director
Ron Jamieson	Director
Sharon MacFarlane	Director (via conference call)
Ken Nash	Director, President & CEO
Josée Pilon	Director
Deborah Poff	Director
Ian Ross	Director

Staff in attendance

Angelo Castellan	Chief Financial Officer (except item 2)
Jo-Ann Facella	Manager, Social Research and Dialogue (items 6-11)
Frank King	Vice President, Science & Technology (except item 2)
Pat Moran	Director, Legal Services and Corporate Secretary (except item 2)
Gillian Morris	Assistant Board Secretary (except item 2)
Pat Patton	Manager, Engagement & Aboriginal Relations (items 6-11)
Kathryn Shaver	Vice President, Corporate Affairs (except item 2)

Guests

Niigani Working Group:	(item 9)
Gordon Williams	Chair
Donna Augustine	
Tasha Kaye	
Chris Lafontaine	
Mary Magiskan	
Michael McGuire	
Thomas Mattinas	
Mary Richard	
Jim Sinclair	

Dr. Alan Hooper	Chair, Independent Technical Review Group (item 12)
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1. Approval of Agenda and Constitution of Meeting

Dr. Kugler chaired the November 13, 2008 Board meeting.

Notice of the meeting having been given to all of the Directors of the Company in accordance with the by-laws and a quorum being present, the Chairman declared the meeting duly constituted for the transaction of business and called the meeting to order at 9:00 a.m.

The agenda for the November 13, 2008 meeting was approved.

2. In Camera Session

Mr. Ian Ross, Chair of the Human Resources and Compensation Committee (HRCC) presented the committee's report on the September 9<sup>th</sup> HRC&C meeting *in camera*.

The Board Chair proposed additions to Board committees as follows:

**IT IS HEREBY RESOLVED THAT:**

effective November 13, 2008, the following persons are appointed to the Committees of the Board of Directors, as indicated, until such time as their successors are elected or appointed:

- to the Audit, Finance and Risk Committee:
  - Donn Hanbidge
- to the Siting Committee:
  - Pierre Charlebois
- to the Human Resources and Compensation Committee:
  - Deborah Poff

The motion was made, seconded and unanimously passed.

The Board reviewed the results of its first self-evaluation process. Generally, the results were satisfactory, while it was noted that there were certain areas that would be expected to show continuing improvement as NWMO gained experience as an implementing organization. The Board agreed that it would carry out an evaluation of Committee performance in 2009 and that it would carry out the next Board evaluation along with director evaluations the following year.

The Chair of the HRCC reviewed the topic of external director remuneration with the Board noting that the scope of the work and the size of the NWMO has dramatically increased over the last year and will continue to grow. Mr. Ross reviewed the remuneration at comparator organizations and it was agreed that the remuneration for external directors should be more closely aligned with the comparator group.

**IT IS HEREBY RESOLVED THAT:**

effective January 1, 2009:

The annual retainer for External Directors be set at \$25,000. An External Director is defined as a Director of the Board of the NWMO who is not also an employee of NWMO, an NWMO Member or a provincial government.

The motion was made, seconded and unanimously passed.

3. Minutes of Previous Meeting

Copies of the minutes of the meeting of the Board of Directors held on September 25, 2008, having been sent to each member of the Board, were approved with minor edits.

4. Business Arising from the Previous Minutes

Mr. Moran reviewed the outstanding actions arising from the previous Board meeting.

5. Report from the Audit, Finance and Risk (AFR) Committee

Mr. Ian Ross, Chair of the Audit Finance and Risk Committee reported on the recent meetings of October 30 and November 10. He reported that the Committee reviewed several major items and presented a number of resolutions for the Board's consideration, as recommended by the Committee, as follows:

**Five-Year Business Plan**

Mr. Ken Nash made a presentation on the draft Business Plan and Budget, indicating that some of the numbers had been refined since the first draft. The Committee indicated that it would be useful to have a text-based document with more detail, in addition to the presentation slides. The revisions are reflected in the revised business plan which will be discussed under Agenda Item 13.

**Delegation of Financial Authority**

The AFR Committee reviewed a proposal to increase the delegation of financial authority of the CEO to \$10 million. The Committee agreed this level is appropriate and recommended it to the Board. The CEO will table a proposal with the Committee for delegating this authority to senior management at a later date.

**IT IS HEREBY RESOLVED THAT:**

The President and CEO of the NWMO is hereby authorized for, and on behalf of the NWMO from time to time to authorize financial transactions on behalf of the NWMO in accordance with the approved business plan and budget of the NWMO up to and including a total value of \$10,000,000 (\$Cdn) per transaction. These transactions include but are not restricted to project approvals, purchase requisitions, purchase orders and contracts. Such contracts include but are not limited to:

- Contracts to subcontract any of its activities to third parties or to a Member;
- Contracts to retain experts, professional advisors and consultants; and
- Contracts for the rental or lease of office facilities to be used by or for the NWMO.

The motion was made, seconded, and unanimously passed.

**Low and Intermediate Level Waste Deep Geological Repository Services Agreement (DGR Services Agreement)**

The AFR Committee Chair reported that the Committee reviewed a draft of the DGR Services Agreement at the October 30 meeting. The Committee was advised that this agreement was still under negotiation and that there were a number of outstanding issues. The Committee asked management to report on progress at a special conference call meeting on November 10. At that meeting, a new draft was reviewed and it was reported that progress was made on many issues.

Mr. Moran provided an update on the remaining issues to be resolved in the DGR Services Agreement. He advised the Board that the agreement included a provision to ensure that the agreement did not create any financial risk to New Brunswick Power Nuclear's and Hydro-Québec's interests.

The Board discussed in detail the outstanding issues and the timeline for finalizing the agreement. Mr. Nash said the agreement struck a compromise and a balance between NWMO's need for freedom to operate and OPG's desire for control of the project and it would be important to closely monitor how the agreement was operationalized to ensure success. Mr. Charlebois agreed that there should be no impact to NWMO's implementation of APM, especially given the stake OPG has in the success of APM. A Board member asked that New Brunswick Power and Hydro-Québec have an opportunity to see the final draft.

Mr. Ross reported that the Audit, Finance and Risk Committee is of the view that with satisfactory resolution of the issues outlined to the Board, the DGR Services Agreement can be executed. The Committee recommended that management be given authority to execute the Agreement, subject to satisfactory resolution of the remaining issues.

**IT IS HERBY RESOLVED THAT:**

The Board authorizes the CEO to enter into an agreement for NWMO to provide L&ILW DGR services subject to satisfactory resolution of the outstanding issues.

The motion was made, seconded, and passed, with Pierre Charlebois, Donn Hanbidge and Ken Nash abstaining.

**Lifecycle Liability Management Services Agreement (LLM Services Agreement)**

Mr. Ross reported that the Audit, Finance and Risk Committee also reviewed a draft of the LLM Services Agreement at the October 30 meeting. The Committee was advised that this agreement was also still under negotiation and that there were a number of outstanding issues. The Committee asked management to report back in the November 10 conference call. On November 10, a new draft was reviewed and it was reported that progress was made on many issues.

Mr. Moran reported that the LLM Services Agreement is generally structured in a similar way to the DGR Services Agreement. He noted that as issues are resolved in the DGR agreement, the resolutions will be mirrored in the LLM agreement.

Mr. Ross stated that the Audit, Finance and Risk Committee is of the view that with satisfactory resolution of these issues, the LLM Services Agreement can be executed. The Committee recommended that management be given authority to execute the Agreement, subject to satisfactory resolution of the remaining issues.

**IT IS HEREBY RESOLVED THAT:**

The Board authorize the CEO to enter into an agreement for NWMO to provide lifecycle liability management services subject to satisfactory resolution of the outstanding issues.

The motion was made, seconded, and passed, with Pierre Charlebois, Donn Hanbidge and Ken Nash abstaining.

**Pension Plan / Supplementary Pension Plan / Statement of Investment Policies and Procedures**

Mr. Ross reported that the Audit, Finance & Risk Committee reviewed the proposed NWMO Pension Plan, Supplementary Pension Plan and Statement of Investment Policies and Procedures.

**Pension Plan**

The AFR Committee was advised that there would be some minor amendments to the plan text and these were described to the Committee. The Committee also reviewed letters from NWMO's actuary and from outside legal counsel, both of whom confirmed that the NWMO Plan was consistent with the OPG Pension Plan and in conformance with legislative requirements. The Committee determined that it would recommend approval of the NWMO Pension Plan to the Board.

**WHEREAS**, pursuant to an agreement between Nuclear Waste Management Organization ("NWMO") and Ontario Power Generation ("OPG") effective January 1, 2009, the NWMO acquired certain assets of OPG, and assumed certain liabilities of OPG relating to OPG's Nuclear Waste Management Division; and

**WHEREAS** the NWMO agreed to establish a separate pension plan that will provide benefits substantially similar to those provided under the Ontario Power

Generation Inc. Pension Plan (the "OPG Plan"), as well as assume accrued benefits under, conditional upon receiving assets from, the OPG Plan in respect of pension and benefits of the NWMO's employees who transferred from OPG and were members of the OPG Plan; and

**WHEREAS** the NWMO wishes to establish a pension plan known as the NWMO Pension Plan (the "Plan") in accordance with the Agreement:

**IT IS HEREBY RESOLVED THAT**, effective January 1, 2009, subject to the acceptance of the Financial Services Commission of Ontario, the Office of the Superintendent of Financial Institutions, Canada and the Canada Revenue Agency, as follows:

1. Nuclear Waste Management Organization hereby establishes the NWMO Pension Plan (the "Plan"), in the form and manner attached hereto.
2. The Transferred Members shall become Members of the Plan effective January 1, 2009.
3. In addition to providing benefits in respect of employment with the NWMO, the Plan will assume liabilities for the benefits accrued under the terms of the OPG Plan to December 31, 2008 by individuals who transferred employment from OPG to the NWMO pursuant to the Agreement. This assumption of liabilities is conditional upon receipt of an asset transfer from the OPG Plan as provided under the Agreement.
4. The NWMO will take the necessary steps to obtain regulatory approval for the Plan, including the filing of all required documents with appropriate governmental agencies, and to obtain approval to transfer assets from the OPG Plan to the Plan in accordance with the Pension Transfer Agreement entered into between the NWMO and OPG.

**IT IS FURTHER RESOLVED THAT**, any designated officer or other person is directed and authorized, for and in the name of the Corporation, to do or cause to be done any and all such acts and things as they deem necessary, desirable or proper in order to effect the purpose and intent of the foregoing resolutions.

The motion was made, seconded, and unanimously passed.

**Supplementary Pension Plan**

The AFR Committee reviewed the proposed NWMO supplementary pension plan and a letter from NWMO's actuary confirming that the NWMO plan was consistent with the OPG plan. NWMO legal counsel confirmed that there were no legislative requirements applicable to the supplementary plan.

NWMO plans to pursue a renewable letter of credit with its bank to secure the benefits for members of this supplementary pension plan. Per NWMO By-law No. 6, Section 14.9, Board of Director approval is required for the purpose of establishing this credit mechanism.

The AFR Committee determined that it would recommend approval of the NWMO Supplementary Pension Plan to the Board.

**WHEREAS**, pursuant to an agreement between Nuclear Waste Management Organization (“NWMO”) and Ontario Power Generation (“OPG”) effective January 1, 2009, the NWMO acquired certain assets of OPG, and assumed certain liabilities of OPG relating to OPG’s Nuclear Waste Management Division; and

**WHEREAS** the NWMO agreed to establish a separate supplementary pension plan that will provide benefits similar to those provided under the Ontario Power Generation Inc. Supplementary Pension Plan (the “OPG Plan”) for the benefit of NWMO’s employees who transferred from OPG and were members of the OPG Plan; and

**WHEREAS** the NWMO wishes to establish a supplementary pension plan known as the NWMO Supplementary Pension Plan (the “Plan”):

**IT IS HEREBY RESOLVED THAT,**

- Effective January 1, 2009, Nuclear Waste Management Organization hereby establishes the NWMO Supplementary Pension Plan (the “Plan”), in the form and manner attached hereto.
- The Transferred Members shall become Members of the Plan effective January 1, 2009.
- The President be delegated the authority to secure a Letter of Credit to secure the benefits from this Plan for its members.

The motion was made, seconded, and unanimously passed.

**Statement of Investment Policies and Procedures (SIPP)**

Mr. Ross reported that the Committee received a presentation from its consultant on the options available to NWMO for investment strategies for the pension fund. They proposed a two stage approach – in the near term, pending transfer of pension funds from OPG, contributions collected would be invested on a cash or cash equivalent basis. In the longer term, once the pension funds are transferred from OPG to NWMO, they proposed a range of investment strategies for the Committee’s consideration. Based on input from the Committee, the consultant finalized the SIPP which the Committee is prepared to recommend to the Board for approval. The Committee’s recommendation is based on the fact that NWMO will have the opportunity to further

review the SIPP prior to the transfer of funds from OPG, which is expected in 2010 once regulatory approval is granted. NWMO will also have the opportunity to regularly review the SIPP on an ongoing basis, to ensure that the investment strategy continues to be appropriate.

**IT IS HEREBY RESOLVED THAT:**

the Board approve the Statement of Investment Policies & Procedures (effective January 2009), that will guide the selection of the investment manager, and the investment of NWMO pension funds.

The motion was made, seconded, and unanimously passed.

**NWMO OPG Ancillary Agreements**

Mr. Ross reported that the Committee was provided with drafts of four additional agreements which are required to complete the transition process. He outlined the agreements as follows:

- (a) The Asset transfer Agreement will identify the assets to be transferred to NWMO by OPG as part of the transition and will act as an umbrella agreement for the entire transaction.
- (b) The Pension Transfer Agreement sets out the process for transferring OPG pension funds to the NWMO Pension Plan.
- (c) The Pension and Benefits Cost Allocation Agreement sets out the process for settling the accrued supplementary pension liability and post-retirement benefits liability relating to the transferring employees. OPG will make a payment to NWMO equal to this liability on an accounting basis.
- (d) The Reciprocal Pension Transfer Agreement establishes the mechanism by which employees can transfer their pension credits when they move between NWMO and OPG in the future. This will be in place for two years and the question of whether to extend it will be based on review of NWMO's experience with employees transferring back to OPG.

Based on its review, the AFR Committee delegated to management the task of completing these agreements without the need for formal Board approval of those agreements.

6. Report from the Siting Committee

Mr. Ron Jamieson, Chair of the Siting Committee, provided a report to the Board on the November 12 meeting. The Committee discussed three issues:

- progress in drafting the proposal for the siting process;



- monitoring the UK Siting Process; and
- proposed revisions to the Charter for the Siting Committee.

It was reported that the Committee had received a briefing and had an extensive discussion on the UK siting process. Mr. Jamieson noted that the Board would discuss the progress in the NWMO collaborative design of the siting process under Agenda Item 10.

The Committee discussed updates to the Siting Committee Charter which sets out the purpose of the Committee and the general timeline for design of the siting process. The Committee recommended that the revised Charter be brought to the Board for approval. The Charter, with the proposed revisions was provided for Board approval.

The revisions proposed changes in three areas:

- revisions to the timeline for the siting design phase;
- removing specific references to the role of a Special Advisor; and
- changes to ensure consistency with other NWMO documents.

The Board discussed the Charter and reviewed minor proposed additional changes . With the Board's support, Mr. Jamieson moved that the revised Charter for the Siting Committee be approved.

**IT IS HEREBY RESOLVED THAT:**

the amended Charter for the Siting Committee be adopted.

The motion was made, seconded, and unanimously passed.

7. President's Report

The Chair invited Mr. Nash to update the Board on NWMO's activities since the September 25, 2008 Board meeting and provide an update on industry-wide developments.

*Building relationships*

Mr. Nash reported that the NWMO's relationship-building activities focused on the siting process design and were conducted through vehicles including the multi-party dialogues, meetings, and Aboriginal engagement. NWMO also recently met with the Associate Deputy Minister of Natural Resources Canada to provide a briefing on NWMO's work.

*Research and development*

The Chair of the International Technical Review Group submitted its first report to the NWMO and will be reporting to the Board under agenda item 12.

*Financial Surety*

NRCan continues its review of NWMO's funding formula.

### *Adapting Plans*

Mr. Nash reviewed NWMO's actions to adapt its plans to accommodate new nuclear build. A number of international organizations are also tackling the same issue and it is a topic that will be discussed at an upcoming meeting of international waste owners (EDRAM). NWMO is preparing several papers that will be posted on the website early in 2009. Mr. Nash noted that NWMO could be called to appear before the Bruce Power new build environmental assessment hearing in the fall of 2009.

### *Governance*

Mr. Nash reported that the Audit, Finance and Risk Committee had been very active reviewing the transition agreements. He also noted that a part-time performance assurance manager had been hired to set up the NWMO quality assurance program.

### *Building Organizational Capacity and Transition*

Mr. Nash reported that the transition to NMWO becoming an independent organization is proceeding as planned, consuming a significant amount of management's time. Letters were sent to all staff advising of the transfer and Mr. Nash was pleased to report that NWMO lost very few employees in the transition. A celebratory event for the transition is being planned for early in 2009. The new Vice President of Human Resources is in place and eight new staff will be joining NWMO before the end of the year, taking NWMO close to its target of 80 persons. NWMO continues to search for additional accommodation in the immediate area.

### *Low & Intermediate Level Waste DGR Project Update*

It was reported that the fourth borehole had been drilled to a depth of 800 meters with positive results. The first draft of an environmental assessment and safety assessment reports are completed as well as a study on a reference contracting strategy for the L&ILW deep geological repository. A meeting was also held with the mayors from Bruce County and a letter in support of the approval of the environmental assessment guidelines was signed and sent by the mayors.

### *Nuclear Waste Management in Canada & Internationally*

The Canadian Nuclear Safety Commission (CNSC) held a special meeting on nuclear waste management on November 5. NWMO and its member companies participated in the meeting which was also available by webcast.

Progress is being made on wider cooperation/coordination on nuclear waste in Canada. A further meeting is being held late in November and the participants will consider sponsoring a study to examine the options to deal with gaps in the long-term management of low and intermediate level waste.

Internationally, the United Kingdom issued its siting process and has received a site offer. The UK also launched a discussion document on funding of waste management, including used fuel from new reactors. In Switzerland, the government announced six specific areas of interest for a possible site. In the United States, the Department of Energy has applied to increase the capacity of fuel to be stored at Yucca Mountain. The Obama campaign has promised to look at alternatives to Yucca Mountain.

## 8. Management Reports

Management reports were provided to the Board in advance for review. The Board was invited to comment on the reports.

### *Engagement Report*

Ms. Shaver invited Board discussion and questions on the engagement report. She noted that, since the submission of her report, additional advances had been made in engaging Ontario Aboriginal organizations, and noted that NWMO's new DVD was completed.

The Board discussed the engagement report and asked questions regarding the timing of future public dialogues and the availability of the DVD. Ms. Shaver noted that a copy of the DVD would be sent to all of the Board Members when available. (\*) A Board member also asked for clarification between the definition of "new visitors" and "unique visitors" on the website statistics report. (\*)

### *Technical Report*

The Board was invited to comment or ask questions on the technical update.

### *Progress against 2008 Business Plan / Performance Objectives*

The Board was invited to comment or ask questions on the progress against the 2008 Business Plan and Performance Objectives.

### *Legal Report*

The Board was invited to discuss the legal reports. The Board discussed the Advisory Council mandate and the Lobbyist Registration Act.

## 9. Meeting with Niigani

Niigani, the working group of the Aboriginal Elders' Forum, joined the Board meeting. Board Chair, Dr. Kugler welcomed Niigani and thanked them for the meeting. Dr. Kugler introduced two new members of the Board: Donn Hanbidge and Pierre Charlebois. On behalf of the Board, he expressed his appreciation for Niigani's advice and guidance throughout the year and for their involvement in NWMO's multi-party dialogues and Elders' Forum. Dr. Kugler valued the opportunity to attend the summer Elders' Forum; this participation in the Forum impressed upon him the spirituality and deep respect that the Elders have for their traditional way of life and concern for the protection of Mother Earth. Dr. Kugler noted that he was looking forward to further discussion and advice on how NWMO and Niigani can continue to build their relationship.

The Niigani members were invited to introduce themselves and discuss their views with the Board.

- 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 nuclear power generation 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.

- Elders asked how their information has influenced Board decisions and the work of the NWMO. They emphasized that there are limitations on how much work they can do for Niigani, the Elders Forum and the NWMO in their respective provinces, as the knowledge of the work of the NWMO spreads and the need for support grows. One suggestion was to locate regional offices in the four nuclear provinces.
- They also suggested that there needs to be consideration given to developing a regional presence of Elders on the Elders Forum in order to provide a broader base of support for carrying on the work of the Elders and extending the presence of the NWMO.
- They noted the important role of Aboriginal Traditional Knowledge, but emphasized the need to respect the ownership of the intellectual property embodied in this knowledge.
- They emphasized the importance of ceremonies, and reminded the NWMO that only Aboriginal people should lead such ceremonies. Elders offered to provide cultural training to the Board, as they have done for NWMO staff, and to conduct a traditional ceremony with the Board at a future meeting.
- They also reminded the Board that Aboriginal people generally have only modest means, and the NWMO should recognize that reality to avoid taking advantage of an impoverished people.
- They suggested that Niigani might play a role in working with communities once the siting process evolves; in particular they suggested that having an Elder involved will be important.
- Elders and youth of Niigani stressed the importance of knowledge transfer across the generations, so that understanding of the issue is secured. 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 members commented very positively about the nature and approach of the NWMO in working with Aboriginal peoples and encouraged the Board to support the continuance of this unique approach. They noted that in their experience they have not worked with other organizations that have used this approach of involvement of 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.

Niigani Chair, Gordon Williams invited the Board Chair Dr. Kugler to comment on Niigani's discussion with the Board. Dr. Kugler again thanked the members of Niigani for meeting with the Board and voicing their opinions. Dr. Kugler also shares in the desire to understand how the advice given by the group can be best applied, noting that NWMO's work is a very long-term challenge. Dr. Kugler also agreed to the importance of continuing to work with Aboriginal youth.

*The Niigani members withdrew from the Board meeting.*

The Board discussed the issues raised by Niigani. Board members confirmed their interest in participating in traditional ceremonies and requested than an opportunity be sought in early 2009. The Board discussed the importance of engaging youth. The Chair noted that the Board will need to follow up with Niigani on the range of points raised in their presentation. (\*)

#### 10. Design of a Site Selection Process

Ms. Shaver reviewed with the Board the findings from the fall engagement activities. The main engagement activity was the multi-party dialogues which were full-day sessions held in five different cities and facilitated and reported on by Stratos. Some NWMO staff attended as active participants. 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 identified what they felt were key components of a siting process and provided advice and direction on how these might be appropriately incorporated in a site selection process.

Jo-Ann Facella was invited to review the themes which emerged from the dialogues. Initial themes included:

- need for extensive pre-planning;
- need for a clear and concise project description in order to elicit interest by communities;
- the importance of clearly identifying the criteria which will be used to select a site at the inception of the process;
- consideration on the role transportation communities will play in the site selection process;
- the role for third parties; and
- discussion of what would constitute a "willing community".

Ms. Shaver outlined the next steps in the design of the site selection process and the preliminary design of the 2009 engagement program. She noted that NWMO would not be conducting any major public engagement initiatives until after the April 2009 Board meeting when the Board is scheduled to review the draft siting process.

The Board was invited to discuss the findings from the fall engagement program and, in the ensuing discussion, talked about some of the key themes emerging from the dialogues.

### Strategic Planning Issues

#### *Transportation Regulations*

Pat Moran provided the Board with an overview of regulatory requirements regarding transportation of nuclear waste. He reported that Canada has a robust and mature transportation regulatory system which is governed by the Nuclear Safety Control Act, Transportation of Dangerous Goods Act and Regulations, and the Marine Transportation Security Act and Regulations. It was noted that the provinces have regulations which have been harmonized with federal legislation.

A Board member remarked that further Board discussion would be required before NWMO conducted research on marine transportation.

#### *Geological Screening*

Frank King discussed the feasibility of NWMO conducting geological pre-screening of the four nuclear provinces to identify areas that might be well suited to a deep geological repository, prior to seeking an informed and willing host community.

Based on feedback from citizens in the multi-party dialogues, many believe that pre-screening is easily done – whether it is based on geology, transportation or other criteria and that this would be a desirable early step as pre-indication that its geology might be suitable.

Staff outlined the work being done to review the geology in the four nuclear provinces and addressed questions tabled by the Board. The Board also discussed the need to consider transportation in the design of the site selection process and possible transportation-related screening criteria.

### 11. Report from the Independent Technical Review Group (ITRG)

Dr. Alan Hooper, Chair of the ITRG, joined the meeting to discuss the preliminary 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 NWMO's overall 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, the findings of which were based on the evaluation factors that were derived from the Terms of Reference. He highlighted the areas of recommendation for further work as well as the areas 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 Board was invited to ask questions on the report. A Board member noted that the report provides comfort to the Board on the technical aspects of NWMO's program. A

Board member enquired as to how management plans to disposition the recommendations of the report. Mr. King noted that NWMO agrees with the ITRG recommendations and disposition of the comments will be reported at the February meeting of the Board, after which time the ITRG report and the disposition report will be posted on the NWMO website. The Board noted that overall the report was complimentary of the NWMO technical program.

12. 2009 Business Plan and Budget

The President introduced the 2009 Business Plan and Budget. The business plan addresses the three major work areas for NWMO beginning in 2009: Adaptive Phased Management (APM); Deep Geologic Repository (DGR) for Low and Intermediate Level Waste (L&ILW); and the provision of Lifecycle Liability Management Services. It was noted that the Plan is very similar to what the Audit, Finance and Risk Committee and the Board reviewed at its earlier meetings. Further written context was added to the plan at the request of the Audit, Finance and Risk Committee. The Chair commended management on the format change of the plan.

Mr. Castellan reviewed the changes in the plan with the Board for both the Adaptive Phased Management program and the Low and Intermediate Level Geologic Repository.

The President noted that NWMO's staffing numbers are still below those of NWMO's international counterparts, leaving NWMO at some risk in ensuring adequate resources for its programs.

**BE IT RESOLVED THAT**

the NWMO Board of Directors approve the 2009 five-year business plan, that includes a budget envelope of \$63,881,000 for 2009.

The motion was made, seconded, and unanimously passed.

13. Next meeting

The Board agreed that an additional *in camera* session was not required.

**Board of Directors Conference Call**

February 9, 2009

2:00 pm – 3:00 pm EST

Conclusion of Meeting

There being no other business, the Chair declared the meeting terminated at 3:40 pm

(\*) Denotes actions to be taken.

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Pat Moran  
Corporate Secretary

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Dr. Gary Kugler  
Chair