

Advisory Council to the
Nuclear Waste Management Organization

Record of Discussion: September 8, 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. EDT. on September 8, 2008.

Advisory Council Members Present:

Hon. David Crombie Council Chairman
David Cameron
Marlyn Cook
Fred Gilbert
Eva Ligeti
Dougal McCreath
Donald Obonsawin
Daniel Rozon

Regrets:

Rudyard Griffiths
Derek Lister

NWMO Staff in Attendance:

Ken Nash President & CEO (Except Item 12)
Kathryn Shaver Vice President, Corporate Affairs (Except Item 12)
Frank King Vice President, Science & Technology (Item 4)
Gillian Adshead Assistant Board Secretary (Except Item 12)
Jo-Ann Facella Manager, Social Research and Dialogue (Items 8 and 9,
via conference call)
Anda Kalvins Director, Environment (Items 8 and 9, via conference call)
Pat Patton Manager, Engagement & Aboriginal Relations (Item 6)

Guests:

Mr. Eero Patrakka President, Posiva (Item 7)

ADVISORY COUNCIL BUSINESS

1. Constitution of Meeting / Approval of Agenda

The Chairman called the meeting to order at 9:00 a.m. The Agenda was reviewed and approved.

2. Minutes of Previous Meeting

The Advisory Council reviewed and approved the minutes of the previous meeting, convened on May 13, 2008.

UPDATES FROM NWMO

3. President's Report

The Chairman invited the President to update the Council on NWMO's recent activities.

Mr. Nash updated the Council on the following activities since the May 13, 2008 Advisory Council meeting:

- the Board and Council's participation in the June NWMO Aboriginal Elders' Forum;
- NWMO's work with the municipal associations;
- recent meetings with both Natural Resources Canada and the Canadian Nuclear Safety Commission;
- the status of the funding formula and future updates to the cost estimates;
- the June Board and Members' meetings in New Brunswick;
- NWMO's newly OPG appointed Board member (Donn Hanbidge, Chief Financial Officer for OPG);
- NWMO's infrastructure development for its transition to become its own employer; and
- recent industry and international developments.

The Council was invited to discuss the President's report. The Council discussed various elements of the NWMO workplan relating to revising cost estimates in future. Council discussed the importance of NWMO staying abreast of other industry plans for long-term management of nuclear waste.

Noting NWMO's broadened responsibilities in support of project management of OPG's Low and Intermediate Level Waste (L&ILW) repository, Council discussion ensued as to whether it has a role in advising NWMO on these additional matters and different services NWMO may provide. Recognizing that NWMO's mandate is growing beyond used fuel management, the Council identified the need for clarity on the legal scope of the Advisory Council mandate. The Council Chairman requested that NWMO report back on the legal interpretation of scope of Council's mandate under the *Nuclear Fuel*

Waste Act, to enable consideration of the appropriate breadth of its mandate for providing counsel.

4. Program Updates

The Chairman invited Ms. Shaver to provide the Council with an update on recent NWMO engagement activities.

Ms. Shaver reported that the Siting Discussion Document had been posted on the website and is available for public comment. She described the upcoming engagement activities to obtain input on the document, including the multi-party dialogue initiative in four provinces and supplementary activities which include an e-dialogue, public attitude research, a deliberative web survey, briefings on request, and written submissions.

Ms. Shaver reviewed a number of other activities since the Council's May meeting:

- completion of review of NWMO's implementation plan;
- meetings with municipal associations;
- communications activities including meetings with editorial boards;
- government briefings;
- social research projects focusing on community well-being; and
- a citizens' panel meeting.

The Chair invited Council comment and discussion on Ms. Shaver's report.

The Council sought confirmation that NWMO was continuing to engage environmental groups. NWMO outlined its dialogues for the Fall, which included invitations to a wide range of organizations, including environment groups. Council supported NWMO's continued delivery of government briefings and emphasized the importance of engaging all provincial governments in nuclear provinces.

Members discussed a number of key items including:

- perceived shifts in public attitudes towards nuclear energy;
- the amount of focus NWMO might place on the topic of transportation; and
- participation expected in the upcoming multi-party dialogues.

Emphasizing their desire to stay abreast of evolving public opinion, Council members suggested that it would be helpful to review stocktaking summaries of public opinion research regarding nuclear energy and waste and suggested adding this topic to the November Council agenda for discussion. A Council member noted that he was impressed with the amount of engagement work NWMO has conducted.

Mr. Frank King was invited to update the Council on recent activities in the NWMO program. Mr. King reported the following to Council:

- NWMO is hosting an international meeting of the NEA Radioactive Waste Management Committee on the subject of reversibility and retrievability in early October;
- NWMO is participating in the international technical committee for Äspö Hard Rock Laboratory in Sweden and co-funding a number of projects;
- Internally an update of NWMO's watching briefs reprocessing, partitioning and transmutation and alternative technologies for the long-term management of nuclear fuel waste has been initiated;

- NWMO staff are participating in the International High-Level Radioactive Waste Conference;
- a proposed protocol for a working relationship was discussed with the Canadian Nuclear Safety Commission (CNSC); and
- NWMO's independent Technical Review Group (ITRG) has been established with its first meeting taking place in September. The ITRG will be reporting to the Board and Council in November.

The Council discussed Mr. King's report. Council expressed interest in receiving the CNSC protocol once finalized. Council noted the importance of transparent communication of the regulatory steps to enable interested organizations to prepare in advance for this participation.

5. Business Planning

The Chairman invited the President to review with the Council NWMO's proposed 2009-2013 business planning assumptions.

Mr. Nash reviewed the timelines for the development of NWMO's site selection process reporting that NWMO proposes to develop a draft by early next year and then carry out a broad consultation on the draft process.

For reference planning purposes, the 2009-2013 business plan assumes a site selection process begins in 2010 at the earliest. It was noted that the milestones and path forward are adaptable and flexible. NWMO must consider the level of capacity building required and the necessary staff resources. NWMO will continue to examine the appropriate level of capacity building while moving forward to develop site selection process.

Determining appropriate staffing levels as NWMO grows will be a key challenge in light of the breadth of NWMO's geographical reach, a much larger area than many other countries engaged in siting processes to find an informed, willing host community. The business plan will be reviewed by the Board in September and finalized in November.

The Council Chair invited discussion and questions. Council reviewed and commented on:

- the budget allocation and the breath of consultations for the planning period;
- the L&ILW DGR project and NWMO's role in constructing that project; and
- the importance of addressing transportation considerations and the regulatory regime for transportation.

6. Aboriginal Engagement Update

The Chair invited Pat Patton to provide Council with an update on recent activities in the area of Aboriginal engagement.

Engagement Activities

Ms. Patton updated the Council on recent engagement activities. Her report focused on the June Elders' Forum. The focus of the Elders' Forum was to obtain input on the key principles in the development of NWMO's Aboriginal policy. Council Members Don Obonsawin and Marlyn Cook attended the event. Mr. Obonsawin noted the excellent presentation provided by Dr. Cook, and both members commented on the success of the event and were pleased to see the strong relationships NWMO has built with many Aboriginal people and the productive work being advanced with the Elders' Forum.

The Council discussed Ms. Patton's report including recent activities and projects with Aboriginal groups.

Protocols with Aboriginal groups

Ms. Patton outlined a proposed approach for developing ongoing engagement and potential protocols with Aboriginal organizations and communities. Council discussion was invited.

The Chair invited Council comments and questions. The Council flagged issues for consideration, such as the interrelationship between Aboriginal communities and non-Aboriginal communities in engagement programs and urged Aboriginal engagement at regional and local levels concurrently.

Council discussed the project in development with the Assembly of First Nations (AFN) and sought details on the plan to implement the work.

Draft Aboriginal Policy

Council reviewed and discussed preliminary directions for NWMO's draft Aboriginal Policy. Ms Patton welcomed Council comments that would be incorporated in the further drafting of the policy.

Council provided specific feedback for the policy and the structure of the document. Ms. Patton noted that the Policy was being developed with the advice and support of Elders and in response to citizens' questions seeking clarification regarding Aboriginal peoples' involvement in the NWMO process. Further reviews will be held and the Council will discuss the refined policy in the new year.

7. Update on Finland's Waste Management Program

The Chairman introduced guest speaker Mr. Eero Patrakka, President of Posiva, Finland's nuclear waste management organization. Mr. Patrakka was invited to review the Finnish program.

As Mr. Patrakka reviewed his presentation slides, Council discussed Finland's waste management program in areas such as:

- method and location of interim storage;
- the durability of site decision by government;

- geology in the two candidate sites;
- proximity of the site to population centres;
- the design of the repository;
- cost figures;
- proximity of the repository to sea level;
- societal considerations;
- transportation considerations;
- criteria for selecting site; and
- new reactor build.

The Chair thanked Mr. Patrakka for his presentation.

8. Workplan for the Collaborative Development of the Siting Process

The Chair invited Ms. Shaver to discuss areas of NWMO's workplan for the collaborative development of the siting process.

Participant Funding Program:

Ms. Shaver reviewed the proposed program to support capacity-building. In this period preceding the siting process, the proposal would enable NWMO to respond to requests from communities and organizations interested in learning more about Adaptive Phased Management and community well-being considerations.

Ms. Facella was invited to discuss the program in detail. She noted that during NWMO's public engagement in 2007 and 2008, many participants emphasized the need for continued awareness building and encouraged NWMO to provide information around NWMO's mandate and Adaptive Phased Management. NWMO was urged to provide opportunities for communities and organizations to build their understanding of the implementation process and their capacity to be active participants in NWMO's future processes. The program proposal provides opportunity for geographic communities, other organizations and individuals. The program would be published and made transparent. NWMO would like the program to begin in early 2009.

The Council was invited to discuss the proposed participant funding program. The Council provided the following comments and advice to NWMO:

- Council strongly supported this type of program being offered as it provides important opportunities for learning and allows NWMO to understand and address issues and concerns early in the process;
- Council suggested that criteria or guidelines be developed for the selection of consultants by communities, in order to ensure minimum standards are met;
- Council encouraged NWMO to provide this as an on-going program for a period of time;
- NWMO might develop guidelines making it clear how to apply for the grant and some criteria for the grants; and
- Council urged making explicit the financial envelope available for the program.

Planning for 2009

Ms. Shaver outlined the timelines for the drafting and public review of the Draft Process for Site Selection. She also reviewed preliminary ideas for a possible 2009 engagement program as preparation for a dialogue in 2009 centered around the Draft Process for Site Selection.

Council discussion and comment was invited. Members offered a diversity of views on the breadth of the programs and scope of advertising and media required to support the engagement. Council suggested NWMO solicit some expert counsel in design of the engagement program, to advise on the objectives and tools. NWMO was cautioned against over-reliance on web-based outreach.

Review of U.K. Siting

Ms. Facella was invited to provide the Council with a summary of the key elements of the UK siting process, released earlier in the year.

Ms. Facella highlighted the key elements of the U.K. process. She reported that the U.K. process was government-led and that the government reserves the right to choose another path if voluntarism does not work. Their process is directed at known nuclear communities and all of the terms and conditions are left for negotiation between the party and authorities. Communities can withdraw far into process. She outlined the U.K.'s definition of community, engagement packages, community benefits packages and how they propose to assess their sites.

Council discussion was invited. The Council discussed issues relating to the U.K.'s implementation time frames and geological criteria.

Noting the value of third parties in building confidence in the process, Council members suggested that NWMO consider involving such independent organizations as the Canadian Geographical Survey the site selection process. A Council member cautioned that NWMO, in designing of the site selection process would have to carefully consider the appropriate timeframes over which a community could withdraw its interest in being a host for the project.

Council expressed interest in receiving further information about other siting case studies.

9. Discussion on Adapting Plans

The Chair invited Mr. Nash to discuss actions planned by NWMO in support of its commitment to continually review, adjust and validate plans in light of the changing external environment.

Mr. Nash reiterated that NWMO's mandate is to manage all used nuclear fuel in Canada. He emphasized the importance of NWMO maintaining neutrality on energy policy. NWMO has committed to continually review and adapt its plans to consider new build, technological developments and shifting public opinion.

The Chair invited questions and discussion regarding NWMO's workplan update on the changing environment.

The Council asked to review NWMO's annual work on the potential technical implications of reactor refurbishment and new nuclear build on Adaptive Phased Management and the work prepared on advances in reprocessing and other technologies. Council discussed NWMO's plans to estimate cost implications of new nuclear build.

10. Advisory Council Tracking Matrix

Ms. Shaver reviewed with the Council the NWMO’s tracking matrix to review how Advisory Council recommendations in the Final Study have been addressed to date by the organization. Council commented that they found this to be a useful tool for monitoring how their recommendations had been addressed by NWMO.

11. Next Meeting

NWMO staff informed Council that plans were underway to organize a nuclear site facility tour for the Council on November 13 as part of on-going Council orientation and education. The site tour will be followed by the annual Council dinner with the Board of Directors on the evening of November 13.

Meeting #4

November 14, 2008

9:00 am – 4:00 pm

Location: NWMO Office

12. In Camera meeting

The Advisory Council convened without the presence of NWMO staff or management.

Termination of Meeting

The Chairman declared the meeting terminated at 3:45 pm.

Dated the day of , 2008

Vice President, Corporate Affairs