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Chair

Mr. Leon Benoit

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• (1500)

[English]

The Chair (Mr. Leon Benoit (Vegreville—Wainwright, CPC)): Good afternoon, everyone. I'd like to start by wishing each member of the committee a happy new year. May 2008 be a very productive year indeed. And most of all I wish Canadians across the country a happy new year.

We're here today at a specially scheduled meeting resulting from four members of the Liberal Party calling for a meeting under Standing Order 106(4). I'll read the letter they sent:

We the undersigned members of the Standing Committee on Natural Resources request that a meeting of our Standing Committee be convened, pursuant to Standing Order 106(4), in order to hear from the Minister of Natural Resources and, separately, the President of the Canadian Nuclear Safety Commission concerning nuclear safety issues, including safety issues at the Chalk River nuclear reactor.

This is in order.

We're here today to deal with this issue. I do want to say from the start that Ms. Bell has indicated that she will move a motion later, which has been given proper notice and is in order. We'll deal with that after we're finished with this issue.

I'd like to start by going directly to the members who have called for this meeting. If you could, please tell us what you have in mind and move a motion so we can start discussing the issue.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Thank you, Mr. Chair, and happy new year to you and to the committee staff and everybody here.

It's not a secret why we requested this emergency meeting. It started off with the crisis at Chalk River and the shortage in the supply of isotopes. It escalated when the minister fired off a letter to the regulator threatening to fire her, and the regulator responded with another letter, responding to the accusation of the minister.

I think what we're witnessing is an unprecedented and unusual tension between the minister and the regulator, and I think it's our duty as parliamentarians, as a committee that represents Parliament, to get to the bottom of this and to hear from the minister. He has an obligation and a ministerial duty to be accountable to Parliament through this committee. We also have the opportunity to hear from Ms. Keen, who is also accountable to Parliament. There are a lot of pending questions, unanswered questions. The minister has not been seen for a while. Ms. Keen, I'm sure, also has opinions and questions that she wants answered.

We would like to give this committee an opportunity to hear from both individuals as quickly as possible, so I'm asking committee members to support this motion. Perhaps we can agree on a time that is agreeable to everybody, within this week or as quickly as possible.

• (1505)

The Chair: I'd have to hear your motion so we can start the discussion on it. If you have a suggestion on time, certainly I'd like to hear that too.

Mr. Omar Alghabra: The motion is to invite the Minister of Natural Resources, Gary Lunn, and the president of the Nuclear Safety Commission to be present in front of this committee and to address this committee concerning nuclear safety issues, including safety issues at the Chalk River nuclear reactor. The timeframe is within the next two days, either tomorrow or Thursday.

The Chair: Thank you.

We have heard the motion. We know what we're here for. I'm open for discussion on the motion.

Mr. Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you, Mr. Chair, and I wish everyone a happy new year as well. The good feelings are all around here.

We want to show our cooperation with the opposition. As Mr. Alghabra has asked for a meeting, we would also like to have one as soon as possible, so we're going to suggest that we actually have a meeting tomorrow, Wednesday, if the opposition is agreeable to that. I understand that the opposition may be interested in a meeting longer than two hours. If they're interested in a two-hour meeting, we would certainly be willing to schedule that from ten to twelve tomorrow. If they want to double the length of that meeting, we would be more than willing to meet from ten to twelve and from one to three, and allow the clerk and the chair to set the schedule of witnesses as they find the opportunity to do that.

The Chair: Thank you, Mr. Anderson.

Mr. Trost.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): I don't see anyone really debating this thing, so we may as well call the question. We are not arguing in opposition to Mr. Alghabra's motion, so let's call the question, and then we can move on to decide the times and so on.

The Chair: We have two other members on the list, starting with Ms. Bell and then Madame DeBellefeuille.

Ms. Bell.

Ms. Catherine Bell (Vancouver Island North, NDP): Thank you, Mr. Chair.

I would also like to wish everyone a happy new year and say welcome back.

We also agree this is a very serious issue and one that needs to be investigated thoroughly. I am quite happy to support the motion today to invite the Minister of Natural Resources and the president of the Canadian Nuclear Safety Commission to be before us. I would be happy to meet tomorrow. That would be great.

The Chair: Is there any further discussion? Have we reached agreement already?

Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair.

First, I would like to wish everyone a happy New Year.

I support the proposal that we schedule the minister from 10:00 a.m. to noon, as the parliamentary secretary has suggested, and Ms. Keen from 1:00 p.m. to 3:00 p.m.

If it is necessary to hear from other witnesses, would members of the committee be open to calling representatives of Atomic Energy of Canada or a staff member from the office of the Auditor General, for example? At the end of the day tomorrow, could we as a group decide whether we need to hear from other important witnesses in order to deal with any outstanding questions?

[*English*]

The Chair: Mr. Alghabra.

Mr. Omar Alghabra: Thank you, Mr. Chair.

First, let me clarify that we are saying we would have the minister from ten to twelve and Ms. Keen.... We now know that the minister is available tomorrow, which is good. I just want to make sure we allow flexibility. I am hopeful that Ms. Keen will also be available tomorrow or Thursday.

I want to respond to Ms. DeBellefeuille's request as well. We will be happy to consider other witnesses after we hear from the two primary witnesses, and then we will decide, based on the responses we get and the questions that may linger, who else we may want to invite.

The Chair: Mr. Anderson.

Mr. David Anderson: I wasn't suggesting a specific order. I think it would probably be reasonable to hear the minister last. My suggestion was that we turn it over to you and the clerk to determine the schedule of the witnesses so we can best accommodate them.

• (1510)

The Chair: Mr. Proulx.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

The proposal is quite acceptable, in my view. The minister's appearance will start things off. From what his parliamentary secretary has just told us, the minister is available tomorrow morning. The clerk can also check if the president is available tomorrow afternoon. If she is not, we could hear from her the following day.

As Mrs. DeBellefeuille mentioned, once we have heard from the minister and Ms. Keen, we can decide which other witness we might be interested in hearing from.

[*English*]

The Chair: I am not certain about the minister's availability and what time he is available tomorrow. Maybe Mr. Anderson knows or we can check that out.

The clerk is checking to see whether Ms. Keen will be available some time tomorrow.

Mr. Trost.

Mr. Bradley Trost: There are two points. I don't want to get tied down on the logistics of who goes first and who doesn't. Our clerks and our staff are very good people. Let's let them sort it out. There are different schedules for different people, so let's not go in endless circles on that.

Omar had said in his little presentation that he thinks Ms. Keen has questions for Minister Lunn. The one thing I will note is that if Ms. Keen wants to ask Minister Lunn questions, the only way he can answer them is to hear them first. That's just a general point that I think needs to be made. Whatever happens, we don't need to go in circles about small procedural matters. Chad will work it out very well in a fair manner for everyone.

The Chair: Okay.

Mr. Alghabra.

Mr. Omar Alghabra: Ultimately, the committee is asking the questions, and both witnesses will be answering the committee's questions. I may have misspoken when I said the commissioner has questions; I meant the commissioner has questions to answer. It's our questions she'll be answering.

Thanks.

The Chair: I think we've reached agreement that we will hold a meeting tomorrow, starting at ten in the morning, subject to availability of witnesses. Is there anything to add to that?

Is it also agreed, by the way, that we hold two hours in the morning and two hours in the afternoon? Is that agreed as well?

Some hon. members: Agreed.

The Chair: Okay, so we've got agreement on that.

The next step is to find out when the witnesses are actually available. What's the will of the committee on that? Do you want to leave it with the clerk and myself, as chair, to deal with that?

Mr. Alghabra, did you have another point to make?

Mr. Omar Alghabra: I can respond to that.

I think it's really important that we get the minister first—and we want to have Ms. Keen also—because the minister is going to raise some questions about Ms. Keen's conduct, I assume, and we want him to raise these points with us so we can ask Ms. Keen to respond to these questions. So it's really important. After all, the minister is accusing Ms. Keen of incompetence. So we want him to come here, answer our questions, and also tell us what his concerns are so we have the opportunity to ask Ms. Keen to clarify these points.

The Chair: Mr. Alghabra, that's interesting. I read the letter you sent, and there was no mention of that as an issue we were to discuss at all. Of course, the committee can decide to expand the issue, but I'm somewhat surprised that wasn't in the letter.

Mr. St. Amand.

Mr. Lloyd St. Amand (Brant, Lib.): As we sit here now, Mr. Chair, Mr. Anderson has confirmed that the minister is available tomorrow. So let us proceed—

The Chair: Sometime tomorrow.

Mr. Lloyd St. Amand: I understand Mr. Anderson to have said that the minister is available tomorrow.

We're not yet certain about Ms. Keen's availability. Logic dictates that we proceed tomorrow morning, ten o'clock, with the individual that we know is available being Minister Lunn.

The Chair: Now, we had Monsieur Proulx, and then Ms. Bell, followed by Madame DeBellefeuille.

• (1515)

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chair.

I think that it is most important to begin by knowing the minister's position and hearing his explanations. We could then use those explanations, his concerns and his statements as a basis for our questions to Ms. Keen.

Although my colleagues across the table are hinting that the order is not important, I think it is important to start with the minister. He will set the tone for our meetings, and for the questions that we will be putting to the president afterwards.

Thank you.

[*English*]

The Chair: Thank you, Monsieur Proulx.

Ms. Bell.

Ms. Catherine Bell: Thank you, Mr. Chair.

If it's going to be the pleasure of the committee to hear from the minister first—and I don't know if we're going to vote on that—seeing as the minister is available and we don't know about Ms. Keen, if the times were to be changed I would have no problem accommodating hearing from the minister in the afternoon. If he's still on the west coast, I know it takes quite some time to get here. But regardless, I think it would be best to hear from the minister first.

To answer Ms. DeBellefeuille's previous question about more witnesses, I actually have a motion that I'll be bringing up to hear

from other witnesses, such as AECL and people from NRCan. So I would like to just note that for the time being, and just let you know, as a matter of process and timing, I suppose, that we can use the day wisely tomorrow.

The Chair: I would assume, Ms. Bell, that when you're talking about other witnesses, you're talking about when our committees convene when we come back. Otherwise, to schedule—

Ms. Catherine Bell: That would depend on what we decide when I bring it up.

The Chair: Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

Like my colleagues, I feel that it is important for us as members of Parliament to meet and put questions first to the member of Parliament responsible for natural resources. That is the minister, of course. It seems logical to me to start with him. We want to hear his side and ask him questions.

Like Ms. Bell, I would be prepared to stay on Parliament Hill and hear from Ms. Keen on Thursday if the minister's availability is better in the afternoon than in the morning. All of us around the table agree that the matter is very important. We have all rearranged our schedules in order to shed light on it. If the minister is available in the afternoon only, I am sure that we would all be ready to schedule Ms. Keen on Thursday.

We should be able to come to an agreement quite easily, Mr. Chair.

[*English*]

The Chair: *Absolument. Merci.*

Mr. Anderson.

Mr. David Anderson: I'm not sure that everyone had made plans to be here all week. They understood that we were going to be having a meeting, but I'm not sure everyone understood that there would be two or three of them.

I would just like to reiterate that we're interested in working with the opposition. I don't have the specifics of the minister's schedule for tomorrow. To me, it seems to make a lot more sense that he would follow and wrap up the discussion and the debate. We would hear from Ms. Keen first, and then the minister could be asked questions about her commentary. We'll talk to him and see what his schedule is and try to accommodate that for tomorrow.

The Chair: Thank you, Mr. Anderson.

Mr. Alghabra.

Mr. Omar Alghabra: Mr. Chair, just to remove any confusion, I'd like to make a minor amendment to my motion to say that first we hear from the minister and then we hear from the commissioner. Thus, when we vote on it, we'll be very clear about the order of the witnesses.

The Chair: Mr. Alghabra, you, of course, can't amend your own motion, so that's out of order.

Mr. Trost.

Mr. Bradley Trost: I just want to make a point. For some of the members who are from Ontario and Quebec, you guys can just zip.... If you're planning on dragging this thing out, be cognizant of some of the members. Ms. Bell is from the west coast. I'm from Saskatchewan. If we're going to start doing this, I'd appreciate the courtesy of getting it cleared up. Some of us can't just zip back from our constituencies for an evening meeting or drive to areas in and around Ottawa.

For members from western Canada—and I'm sure from Atlantic Canada as well—coming back in the middle of January is very serious. It takes away a lot of our work with our constituents.

I'd ask my colleagues to try to be respectful. I understand we have business here, and I want to pay full attention to it, but we need to bring that into the equation as well.

• (1520)

The Chair: It certainly is important. I have a flight back scheduled for tomorrow night. The committee isn't going to change its schedule based on that, but there are probably a lot of members who have flights scheduled. So let's get some certainty to this.

Is there any more discussion? Are we ready for the vote on the motion?

Mr. St. Amand.

Mr. Lloyd St. Amand: I would like to slightly amend the motion that is before us, Mr. Chair, so that there's no confusion.

The motion clearly indicates that first the minister and then the president of the Canadian Nuclear Safety Commission will be questioned by the committee. However, in case there's any measure of confusion whatsoever, I want to make it clear for all of us that we're moving that the minister appear first, that he be questioned, and that after the minister has appeared, then Ms. Linda Keen appear to be questioned.

The Chair: What exactly, then, is your amendment?

Mr. Lloyd St. Amand: It is that the Minister of Natural Resources be our first witness tomorrow and that Ms. Linda Keen follow the minister.

The Chair: Mr. Anderson, on the amendment.

Mr. David Anderson: I would like to further amend it and suggest that if the opposition is going to insist on this, the minister have a half an hour at the end of the meeting to respond to any comments Ms. Keen may have made.

The Chair: We have to deal with this amendment first, of course, and if you—

Mr. David Anderson: You may consider that a friendly amendment.

The Chair: It is a subamendment. That's in order.

We are now dealing with Mr. Anderson's subamendment. Is there any discussion on that?

Ms. Bell.

Ms. Catherine Bell: Could he repeat that, please?

The Chair: Mr. Anderson, if you could, repeat your subamendment.

Mr. David Anderson: I understand Mr. St. Amand's amendment is that the committee would like to hear the minister first and Ms. Keen second. My subamendment simply says that if the committee is going to choose to do that, that the minister have at least half an hour after Ms. Keen's comments in order to respond to them.

The Chair: We'll have to put that together so it's in a form that we can go to a vote on.

While we're doing that, if anyone wants to discuss the subamendment, let's continue with that.

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thanks, Mr. Chair. Very quickly, through you to Mr. Anderson, I'm just trying to get a handle on the rationale. It's my understanding that a letter was sent by the minister to the head of the Canadian Nuclear Safety Commission alleging, effectively, that she's incompetent in the true sense of the word and is not able to or may not be able to continue in her responsibilities there.

I thought the logical flow here of having the minister come first and put his case to Canadians through us at this committee made eminent sense. Ms. Keen, who is on the reaction side of this equation, then has an opportunity to put her case, raise questions, and in fact respond to what might very well be, and I'm sure will be, very legitimate concerns manifested by the minister.

I just don't understand this idea of recalling the minister for half an hour to respond...to what exactly? What would the minister want to respond to if the minister has a solid case that warranted the writing of a letter to a regulator? What would the minister need to respond to if it's already been reduced to writing?

The Chair: Mr. Anderson, do you want to respond to that?

Mr. David Anderson: Well, I already said that we felt he should have the right to respond to the comments Ms. Keen makes here. If they would like him to do that, then she could go first and he would certainly respond to them. If they choose not to do that, then we think the minister should have the right to respond and to react to whatever comments she would make.

If there's some reluctance to do that, we have to start to wonder what the real purpose is of this meeting.

The Chair: Mr. Trost.

Mr. Bradley Trost: I think the rationale for why I would support that is purely from Ms. Keen's response in her letter. In her letter she essentially disputes things. If you look at the chronology and things put out by the CNSC, and the minister's letter, there's a dispute there. So she made accusations in her letter and the minister is now responding.

If she does again make more accusations in her testimony, those accusations would be left there. The minister should have the ability to respond to accusations. If we basically limit or very tightly force the minister to respond in his half hour only to her two hours of testimony, then we're not giving him an advantage to restate his case. I think it's only a matter of fairness.

I'm not a lawyer, but I have seen that they do go back and forth, on a bit of a rotation basis, when they're presenting evidence. Between opening arguments and closing arguments, there's a bit of back and forth. I think that would be eminently fair, that there be some balance of back and forth. That's why I would support it.

We want this to be as fair as possible across the board. If Ms. Keen is going to go first, we would probably have to suggest that she have the same response and to finish off.

• (1525)

The Chair: Yes, it would be very odd. Indeed, I don't know if I can remember a committee that refused time for a minister.

Monsieur Proulx.

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chair.

I am having a little difficulty following my colleagues Mr. Trost and Mr. Anderson. First, we are not in a court of law here and this is not a trial. Second, if we are giving the minister the right to respond, I assume that we should do the same for Ms. Keen. This is like playing "my dad can beat up your dad".

I think that we should spend two hours with the minister, who is the guy in charge of the Department of Natural Resources, Atomic Energy of Canada Ltd., and the Canadian Nuclear Safety Commission. After that, Ms. Keen can come and answer our questions.

I doubt if the minister is particularly worried about using the media. If he happened to be dissatisfied with the questions or answers from Ms. Keen, he could certainly arrange to talk to reporters about the points he does not agree with.

Because we have the time, and because everyone has made plans to stay in Ottawa for some time, I think that we should get the ball rolling. In principle, we should schedule the minister for two hours, and Ms. Keen for two hours as well, as the amendment suggests. The committee can then meet again to decide on other meetings.

[*English*]

The Chair: There are two more people on the list, and I assume you're speaking to the subamendment. We will then go to a vote on the subamendment, then to a vote on the amendment, and finally to a vote on the motion as it exists at that time.

Next on the list is Mr. Alhabra.

Mr. Omar Alhabra: Mr. Chair, I remember when Mr. Anderson, at the beginning, said he didn't care who's first and who's second. I remember when Mr. Trost, as well, said let's not get caught up in these issues. All of a sudden, now, they're really pushing. We have a logic to why we're asking for this order.

If the minister wants to come and make a statement, he doesn't need this committee to respond. He can hold a press conference and respond. So he doesn't need this committee to come and respond to Ms. Keen's responses. But if he wants to come to committee, is he willing to also be subjected to more questions? Perhaps. But if he's coming here to make a statement, he doesn't need the committee to come and make a statement. He has the ability to hold a press conference. If he's willing, then half an hour may not be enough for all of us to ask questions. Maybe another two hours?

The Chair: Yes, Mr. Anderson, on that.

Mr. David Anderson: Actually, if the opposition wants to go along with the minister responding, we would be willing to have him stay as long as they would like him to stay.

The Chair: Without making a statement, just get right to questions by the members?

• (1530)

Mr. David Anderson: Sure.

The Chair: Sure.

Do we see agreement on that, then, that we allow the minister to come back for an hour, or whatever, after Ms. Keen? I think everybody would be happy. Is that agreed?

Yes, Monsieur Proulx.

Mr. Marcel Proulx: Mr. Chair, on a point of clarification, will we then allow Ms. Keen to come back after the hour for the minister? That wasn't clear in your comments, Mr. Chair.

The Chair: A little tongue in cheek, maybe, Monsieur Proulx?

Mr. Marcel Proulx: No kidding.

The Chair: Next we have Ms. Gallant.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): We already have agreement, Mr. Chairman. I don't need to make the comment. It's just that when I read the motion I thought we were going to be discussing looking into nuclear safety issues. I didn't realize it was going to be a "he said, she said", dissecting letters. I had no idea that there was already information on what the minister was going to focus on. I thought we were talking about the safety of Canadians and their health and well-being. Is all this discussion of who's going first, who's going second—he said, she said—relevant to this motion?

The Chair: We're starting to hear a lot of repetition.

Madame DeBellefeuille, and then we'll go to a vote on the subamendment.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Chair, I appreciate that the minister is making himself available to come back to the committee. I think that we should stick with what we decided together, to have a four-hour meeting: two hours with the minister and two hours with Ms. Keen.

After those two witnesses have appeared, we may find it necessary to hear from others, whether that be the minister or Ms. Keen again, representatives from Atomic Energy of Canada, or a representative from the Auditor General's office. So we should set aside a little time before the end of the second hour, or add half an hour to discuss additional witnesses.

If it is desirable for the minister to appear and it moves our work forward, I am ready to support the proposal. If we feel it necessary for Ms. Keen to come back to clarify any of her statements, we will get her back. But I feel that we should make that decision after the four hours of hearings, as we agreed at the start of the debate. Not today.

An Hon. Member That is a good point. Excellent.

[English]

The Chair: We will now go to Mr. Anderson.

Mr. David Anderson: To respond to that, Mr. Proulx made the point, and this is a quote, that the minister is the big boss of the department and the commission. It seems that if they believe that, they should be interested in hearing him last, I would think. It would seem to me that's the logical thing to have happen. Therefore, we will be supporting our subamendment.

The Chair: We will go to the vote on the subamendment.

Would the clerk read the subamendment and how it fits in with the motion?

The Clerk of the Committee (Mr. Chad Mariage): Mr. Chair, it would be inserted at the end of the motion and would read as follows... I've discussed it with the mover, and in order to reflect the conversation I've worded it this way:

That the minister be re-invited to the committee to respond to Ms. Keen's testimony and to answer further questions from the committee.

The Chair: Okay. We'll go to the vote.

(Subamendment negatived)

(Amendment agreed to)

The Chair: We will now go to a vote on the original motion as amended.

We should read it again—if you could, Clerk—with the amendment in there.

The Clerk: Mr. Chair, the motion reads as follows:

That the committee invite the Minister of Natural Resources and Ms. Linda Keen to appear, in that order, before the committee on nuclear safety issues, including safety issues at the Chalk River nuclear reactor.

(Motion as amended agreed to)

The Chair: I believe we have our agenda set.

Is there any other business before we go to Ms. Bell's motion?

Ms. Bell, please read your motion and speak to it. Then we'll go to any discussion on that.

Ms. Catherine Bell: Thank you, Mr. Chair.

Now that we've finished playing "Who's on first?", I think we can get to the substantive motion.

My motion, which I think has been circulated in both languages, reads as follows:

That the committee, as a result of the Auditor General's report into Atomic Energy of Canada Limited (AECL) submitted to the Minister of Natural Resources in September 2007, December 2002 and November 1996: develop terms of reference for an independent investigation into AECL and the relationship between AECL and Natural Resources Canada; and, that the terms of reference be

set to include determining whether the current or previous Ministers of Natural Resources Canada, or their staff, inappropriately interfered with AECL; and, what actions this or previous Ministers took over the past ten years to address problems identified by the Auditor General or by any internal reviews that may have been completed; and, that the investigation be completed by an Officer of Parliament or by an independent eminent Canadian approved by this committee; and, that this committee report terms of reference for an investigation to Parliament within two weeks.

● (1535)

The Chair: Do you have any opening comments, Ms. Bell?

Ms. Catherine Bell: Yes, thank you, Mr. Chair. I have several opening comments.

We have heard from members of both parties that this is a very serious issue and we need to get to the bottom of it. It was even mentioned again today in this committee by members of the official opposition that they wanted to get to the bottom of this issue.

We need to look back into events and into the history, because the Auditor General has identified a systemic, long-term problem here. That is what led us up to the point of Bill C-38 in Parliament. I remember those many hours we sat in Parliament that night, coming to grips with the emotional, agonizing issue of the health and safety of hundreds of thousands of cancer patients, in contrast with public safety in the event of a nuclear disaster. It put parliamentarians in a very difficult position. We had to really almost guess who was right, who was telling the truth, what was going on, and it was a very agonizing decision. Some people felt it was an easy decision to make, but it was a difficult one. We took it very seriously, and we didn't shy away from it.

We made our decision, and I think we made the right decision at the time, but now we need to look back and see how we got to this point. How did we come to this point of weighing those two things?

Nuclear safety is a very important issue. It is one that the NDP takes very seriously. It is one that I take very seriously, and it is one that all Canadians are concerned about. I've had many letters and calls from people all across the country about the decision that was made at the time on both sides of the issue.

It is very important that we hear from the department, from AECL. The information that we glean from the minister and from the president of the Canadian Nuclear Safety Commission can be used by the independent investigator as well. This committee also doesn't have the time or the resources to do such a deep investigation over a long period of time. A lot of notes and correspondence that went back and forth over many years will need to be looked at. It is important that someone other than this committee do that, because from what we have seen today, with the going back and forth between the government party and the official opposition, this would be the wrong committee to hear such a thing. It needs to be independent.

We need to have this investigation to get to the bottom of this so that we can fix the problems and move forward for the safety and confidence of all Canadians.

● (1540)

The Chair: Thank you, Ms. Bell.

Mr. Anderson is the only person I have on the list so far to discuss this motion. Mr. Anderson.

Mr. David Anderson: Mr. Chair, we welcome the motion and discussion that comes from it, but I would just like to make a couple of observations.

First of all, we're already dealing with a fairly large issue in front of the committee over tomorrow and whatever time period we have following that in which the opposition has indicated they want to have more meetings.

Second, in order for us to actually do this motion, if the committee decided to support it, I don't think we're in a position right now to have enough information even to be able to develop the terms of reference. So if the committee is going to take this on, it means we will have another whole project before we can even get to the point of being able to develop the terms of reference and to move forward from there.

Third, we spent quite a bit of time setting our agenda just prior to Christmas, and this is going to significantly impact that. So I would just like to make a motion that we table this motion until we come back, when the House is back in session, and that the committee consider it as part of the regular agenda of the committee. I will make a tabling motion at this time on this.

The Chair: We have a motion to table, which is non-debatable. We will go directly to the vote.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: The motion is carried. This is tabled, and we will deal with it when the committee comes back to its normally scheduled meetings in a few weeks.

I believe we are finished our business.

Ms. Bell.

Ms. Catherine Bell: I do have another motion, which I've just presented to the clerk. I must apologize, we just got that in this afternoon.

The Chair: There has been no motion circulated. You'll have to read it into the record, Ms. Bell, slowly.

Ms. Catherine Bell: I will read very slowly.

I apologize to my colleagues from the Bloc and anyone else whose first language is French. We will get that translated, I'm sure.

The Chair: On a point of order, Mr. Anderson.

Mr. David Anderson: We have been given no notice at all of this motion. I'm wondering what the process is to allow it to come forward.

The Chair: Mr. Anderson, it is dealing with the issue that this committee is dealing with today. It is in order even without the normal notice. We will hear the motion and deal with it.

Ms. Bell.

Ms. Catherine Bell: Thank you, Mr. Chair.

I move the following:

That Atomic Energy Canada Limited (AECL), the Canadian Nuclear Safety Commission (CNSC), and Natural Resources Canada (NRCan), produce the following documents in order that the Committee has a better understanding of the ongoing problems at the National Research Universal Reactor at Chalk River Labs:

Atomic Energy of Canada Limited

Documents that relate to:

the Root Cause analysis submitted to CNSC Public Meeting on January 9, 2008;

the SDR (and the one page summary) submitted to CNSC Public Meeting on December 6, 2007;

all correspondence between AECL and CNSC relating to upgrades to the national research universal reactor after 2005;

all correspondence between AECL and NRCan related to upgrades to the NRU reactor after 2005;

all correspondence between AECL and NRCan regarding Chalk River between August 28, 2007 and January 10, 2008;

the Auditor General's Special Examination Reports from 2002, and 1996;

Canadian Nuclear Safety Commission

Documents that relate to:

all correspondence between CNSC and AECL relating to upgrades to the National Research Universal (NRU) reactor after 2005;

all correspondence between CNSC and NRCan related to upgrades to the NRU reactor after 2005;

all correspondence between CNSC and NRCan regarding Chalk River between August 28, 2007 to January 10, 2008;

any Auditor General's Special Examination Reports on CNSC;

documents relating to 7 upgrades required of the NRU after 2005, the status of the upgrades and whether or not they were completed;

Natural Resources Canada

Documents that relate to:

any correspondence between the Ministry (including the Minister) regarding upgrades to the NRU at Chalk River since 2005;

any briefs on safety and/or upgrades to the NRU since 2005;

any internal documents on the status of the upgrades to the NRU since 2005;

any correspondence received from AECL and/or CNSC on problems with the NRU.

● (1545)

Mrs. Cheryl Gallant: A point of order.

The Chair: Before we go to the point of order, Ms. Gallant, listening to this and looking at the list of documents, it has occurred to me that some of these documents almost certainly would not only be confidential but would be dealing with security issues, involving security of a nuclear power plant. The committee, of course, has a right to ignore that and to go ahead and ask for this information to come to committee, but I would just ask that the committee consider that carefully before we pass such a motion.

Ms. Gallant, a point of order.

Mrs. Cheryl Gallant: That was part of the point of order. Anything, of course, that is submitted to a committee becomes public knowledge.

But in addition to the fact that NRU is part of our critical infrastructure and those details, if made public, might jeopardize its security, there are also proprietary issues. AECL is a limited company, and we would not want their proprietary information available to their competitors.

The Chair: Thank you, Ms. Gallant, for pointing that out. I think it is important that we consider that.

I am looking for the committee to determine where we go with this. A very broad list of documents has been requested, and I am looking for your direction.

Ms. Bell.

Ms. Catherine Bell: With respect to the comments from Ms. Gallant, what I am doing with my motion is requesting the documents. From what I read here, most documents that committees seek are provided voluntarily by the organizations from which we request them. If they are of a sensitive nature that would not allow them to be made public, then I'm sure the organizations would let us know.

The Chair: Ms. Bell, I can't ask you to make an amendment. That wouldn't be in order. But somehow, if that could be made clear in this motion, it would be helpful.

Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

I understand what the NDP is asking. In the documentation on the Chalk River file, specifically in the letter that Ms. Keen has made public, there is in fact a summary of the correspondence between the Canadian Nuclear Safety Commission and Atomic Energy of Canada Ltd. In my opinion, a good deal of the material that my colleague is asking for could be made available to the committee without fear of breaching confidentiality and releasing confidential information on nuclear security. Summaries are available. We just have to get the documents for the members of the committee.

I for one would be inclined to support Ms. Bell's proposal, while still asking her to be flexible. Documents that are deemed to be against the rules would not be released, but those that are not and that could be of assistance to members of the committee should be made available in both official languages with no problem.

• (1550)

[*English*]

The Chair: Yes, Ms. Gallant.

Mrs. Cheryl Gallant: Ms. DeBellefeuille mentioned a letter that Ms. Keen made available. To which letter was she referring?

The Chair: Go ahead, Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: I mean the letter that Ms. Keen made public in response to the minister's letter in which he raised doubts about her competence and her judgment in managing the Chalk River laboratory issue.

The letter, including appendices, is 40 pages in length. It is available in both official languages on the Canadian Nuclear Safety Commission's website.

[*English*]

The Chair: Mr. Anderson, you're next on the list.

Mr. David Anderson: I'm disappointed, Mr. Chair, that we didn't have some advance notice on this motion. It looks to me as though the NDP has gone fishing here and that their intention is to throw as broad a net as they possibly can to see what they come up with.

It's going to take a lot of time and money to find this information. The resources of three agencies are going to have to be diverted to trying to find these documents.

We're going to be opposing this, but I wish we'd had a little bit of notice. Some of this material we might have been able to bring before the committee if we'd had some notice on it. We'll be opposing it primarily because of the fact that it was just sprung on us, and it looks more like a fishing expedition than an interest in specific information here.

The Chair: The list of documents being requested here is very long, and it is awfully short notice for the committee to consider it, but certainly the rules of committee allow this, so I have to move forward.

Mr. Trost.

Mr. Bradley Trost: The only comment I was going to make—and it is similar to what's already been made—is that I think this would be a much more acceptable motion if we could put something in there to explicitly state that for economic or security reasons, certain documents could be omitted, or portions of certain documents could be omitted, because the point Mrs. Gallant made was very valid.

I'm interested in seeing some of these documents too, but I don't want to see something that Westinghouse or GE then uses against AECL, or that goes into a training kit for terrorists when they want to do something someday.

I know these are abstract, theoretical points, because we don't know what's in there, but if we could put something—and similar views have already been noted—in the remarks about flexibility, if we could have a friendly amendment or something like that, it would make this much more palatable.

The Chair: Mr. Trost has suggested a friendly amendment here. Is the committee willing to proceed that way, to have a friendly amendment that would allow documents to be before it? Before I get the answer from the committee, of course, I'll have to ask the mover of the original motion, Ms. Bell.

Are you willing to have a friendly amendment put in with an explanation to indicate that if these documents are confidential or if there are matters of private economic concern to the private company, that they therefore not be required to be presented?

Ms. Bell, first I'll ask if you would be willing to accept a friendly amendment like that.

Ms. Catherine Bell: Thank you, Mr. Chair. Whether it's a friendly amendment or just a fact of life, that confidential information probably would have been stricken anyway from any documents that we requested. I assume they wouldn't divulge sensitive information.

• (1555)

The Chair: Actually, Ms. Bell, that's not the case. A committee can receive information that is otherwise confidential. That's why I think a friendly amendment like that would take care of that. But it's just a suggestion. There seems to be agreement, but we'd have to get your agreement to go ahead with it first.

Ms. Catherine Bell: Based on that, if there were an explanation, I would be happy to go along with that.

The Chair: Therefore, there could be exclusion on those grounds, with an explanation. Is that agreed?

We'll hear from Ms. Gallant and then Mr. McGuinty.

Mrs. Cheryl Gallant: Thank you, Mr. Chairman.

The reason we're all here is that a crisis did arise with respect to the supply of isotopes. It's my understanding that AECL is putting overtime into getting the second battery backup up and running.

While Mrs. Bell makes a wonderful case, and we certainly would like to see the documents that don't jeopardize safety or proprietary issues, we have to recognize that we don't want to be dealing with another crisis in the next little while. Therefore, with her permission, we could ask to have these documents maybe once the second battery backup is installed, so that we would not in any way be a part of creating more work and possibly causing another stoppage of this isotope production.

The Chair: Mr. McGuinty, go ahead, please, followed by Mr. Anderson.

Mr. David McGuinty: Thanks, Mr. Chair.

With respect quickly to Ms. Gallant's comments, I don't think it's the engineers who are installing the backup batteries who will be collating the materials that are sought here.

Just hearing the list and seeing it for the first time, my first reaction was that it appears as though the NDP would like to get through the back door that which it could not get through the front.

We agreed to table the first motion, which called for this committee to design the terms of reference for what is effectively a commission of inquiry into AECL.

I'd like to ask, through you, Mr. Chair, if Ms. Bell could help us understand. Are these materials now subject to a formal access to information request by the NDP to these specific organizations: AECL, CNSC, and NRCan? Are they subject to an ATIP request by the NDP?

Ms. Catherine Bell: No, they are not.

The Chair: Okay, we have an answer to that.

Mr. Trost.

Mr. Bradley Trost: I would just make one other comment.

One of the other problems with this motion is that it is really extensive. I tried to write down everything as Madam Bell went through it, in short note. It seems to have gone for everything. It's not that we want to table every one of her motions, but I would like some time to look through this list and go through it in thoroughness.

I'm going to make my argument and then make a motion at the end of my statement.

Would it be possible, while we're looking through this, to take some time and reflect and see what it is, so we can all read it?

I'm going to make a motion here that we table this motion to regular time so that we have time to reflect and look in detail at what we do or don't have here.

The Chair: We have a motion to table, which is not debatable, so we'll go to the vote on that motion.

(Motion agreed to)

The Chair: All right. Thank you, everybody, for your cooperation today. I will see you, then, at 10 o'clock tomorrow morning.

An hon. member: Do we have confirmation?

The Chair: We don't have confirmation yet. We will certainly work on that.

The minister had indicated that he's available for at least some time tomorrow, and we will find out as soon as we can.

We have a meeting scheduled for 10 o'clock.

The meeting is adjourned.

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