

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Zircatec Precision Industries Inc.

Subject Environmental Assessment Screening for the
Proposed SEU CANDU Fuel Production at
Zircatec's Facility in Port Hope, Ontario

Hearing
Date January 9, 2008

RECORD OF PROCEEDINGS

Applicant: Zircatec Precision Industries Inc.

Address/Location: 200 Dorset Street East, Port Hope, Ontario L1A 3V4

Purpose: Environmental Assessment Screening for the Proposed SEU CANDU Fuel Production at Zircatec’s Facility in Port Hope, Ontario

Application received: May 19, 2006

Date(s) of hearing: January 9, 2008

Location: Holiday Inn Oshawa, 1011 Bloor St. East, Oshawa, Ontario

Members present: L.J. Keen
A.R. Graham
C.R. Barnes

Secretary: M.A. Leblanc
Recording Secretary: S. Gingras
Legal Counsel: L. Thiele

| Applicant Represented By | Document Number |
|---|-----------------------------|
| <ul style="list-style-type: none"> • T. Gitzel, Senior Vice-President and Chief Operating Officer for Cameco Corporation • A. Oliver, Vice President, Fuel Services Division for Cameco Corporation • M. Longinov, Manager of the Occupational Health and Radiation Safety Department at Zircatec • N. Hamilton, Director of Fuel Operations for Zircatec • A. Pant, General Manager of Zircatec | CMD 08-H2 CMD 08-H2.A |
| CNSC staff | Document Number |
| <ul style="list-style-type: none"> <li style="width: 50%;">• P. Thompson <li style="width: 50%;">• K. Francis <li style="width: 50%;">• B. Torrie <li style="width: 50%;">• V. Khotylev <li style="width: 50%;">• H. Rabski <li style="width: 50%;">• C. Clement | CMD 08-H2.1 CMD 08-H2.1A |

Date of Release of Decision: February 18, 2008

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Introduction

1. Zircatec Precision Industries Inc. (Zircatec) has applied to the Canadian Nuclear Safety Commission (the Commission¹) to seek approval for the production of slightly enriched uranium (SEU) CANDU fuel, at its facility located in Port Hope, Ontario.
2. The authorization of this activity requires an amendment to Zircatec's operating licence pursuant to subsection 24(2) of the *Nuclear Safety and Control Act*² (NSCA).
3. Before the Commission can decide on the proposed licence amendment, the Commission must, in accordance with the requirements of the *Canadian Environmental Assessment Act*³ (CEAA), make a decision on an Environmental Assessment (EA) screening of the proposal. The Commission is the sole responsible authority (RA⁴) for the EA. Health Canada, Natural Resources Canada, Indian and Northern Affairs Canada and Environment Canada identified themselves as federal authorities (FAs) for the purpose of providing expert assistance to CNSC staff during the EA.
4. The EA Guidelines were presented to the Commission for approval on June 22, 2007. The Commission issued a decision on August 3, 2007, approving the EA Guidelines. The Commission indicated that an EA Screening was required and would be considered in a public hearing. The EA Guidelines were used in delegating the conduct of technical studies for the screening of this project to Zircatec, pursuant to section 17 of the CEAA. Zircatec provided the technical studies which underwent a review by experts at the CNSC and other relevant government departments. The resulting EA Study Report was then used by CNSC staff for the preparation of the draft EA Screening Report (Screening Report). Stakeholders, including the FAs, were provided an opportunity to review the draft Screening Report prior to its finalization and submission to the Commission for this hearing and decision.
5. This *Record of Proceedings* describes the Commission's consideration of the Screening Report and its reasons for decisions on the results. The Screening Report of Zircatec's proposal for the production of SEU CANDU fuel is attached as an appendix to CMD 08-H2.

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² S.C. 1997, c. 9

³ S.C. 1992, c. 37.

⁴ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

Issue

6. In considering the Screening Report, the Commission was required to decide:
- a) whether the Screening Report is complete; that is, whether all of the factors and instructions set out in the approved EA Guidelines and subsection 16(1) of the CEAA were adequately addressed;
 - b) whether the project, taking into account the mitigation measures identified in the Screening Report, is likely to cause significant adverse environmental effects;
 - c) whether the project must be referred to the federal Minister of the Environment for referral to a review panel or mediator, pursuant to paragraph 20(1)(c) of the CEAA; and
 - d) whether the Commission will proceed with its consideration of an application for a licence under the NSCA, consistent with paragraph 20(1)(a) of the CEAA.

Public Hearing

7. The Commission, in making its decision, considered information presented for a public hearing held on January 9 in Oshawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*⁵. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 08-H2 and CMD 08-H2.A) and Zircatec (CMD 08-H2.1 and CMD 08-H2.1A). The Commission also considered oral and written submissions from intervenors (see Appendix A for a detailed list of interventions).

⁵ S.O.R./2000-211.

Decision

8. Based on its consideration of the matter, as described in more detail in this *Record of Proceedings*, the Commission decides that:

- a) the Environmental Assessment Screening Report appended to CMD 08-H2 is complete; that is, all of the required assessment factors were addressed during the assessment;
- b) the project, taking into account the mitigation measures identified in the Environmental Assessment Screening Report, is not likely to cause significant adverse environmental effects;
- c) it will not refer the project to the federal Minister of the Environment for his referral to a federal Environment Assessment review panel or mediator;
- d) it will proceed to consider the application for licence amendment under the provisions of the *Nuclear Safety and Control Act*, consistent with paragraph 20(1)(a) of the *Canadian Environmental Assessment Act*.

Issues and Commission Findings

9. The findings of the Commission are based on the Commission's consideration of all the information and submission available for reference on the record for the hearing.

Completeness of the Screening Report

10. In its consideration of the completeness of the Screening Report, the Commission considered whether the assessment had adequately addressed an appropriately defined scope of project and assessment factors.
11. CNSC staff reported that the draft Screening Report was reviewed by a technical review team comprised of CNSC staff, personnel from other federal departments (the FAs) and the provincial Ministry of the Environment (MOE). The details of these comments are included in the draft Screening Report. CNSC staff reported having evaluated and incorporated them into the report.
12. Based on the Commission's review of the Screening Report, the Commission concludes all of the required factors were addressed during the assessment.
13. The Commission also concludes that the EA Screening Report is complete and compliant with the requirements of the CEAA.

Likelihood and Significance of Environmental Effects

14. This section contains the Commission's findings with respect to whether the project is likely to cause significant adverse environmental effects, taking into account the identified mitigation measures.

Adequacy of the Assessment Methods

15. In its submissions, Zircatec reported that it commissioned a consultant in April 2007 to prepare a study whose objectives were to summarize the available environmental data from the past ten years, evaluate the potential radioactive dose to people and the impact on non-human biota from three operation scenarios, as well as evaluate the potential radioactive dose to people from transportation. Zircatec added that absolute and incremental doses were calculated for each age group at each receptor location for current and future production scenarios.
16. CNSC staff indicated that the assessment of the direct effects of the project on the environment was carried out in a stepwise manner by identifying assessment issues and Valued Ecosystem Components (VECs), establishing spatial and temporal boundaries and criteria to be used in the assessment of the significance of environmental effects on the VECs, as well as identifying potential interactions between the project and the environment during construction and operation and during identified relevant malfunctions and accidents. CNSC staff indicated that the proposed VECs were identified for this project based on the Cameco SEU Blending Project.
17. With the intent to ensure there has been a comprehensive assessment of the potential environmental impacts of this project, the Commission sought further clarification on the location of the sampling wells. Zircatec noted that it undertook an environmental review for this project and used external experts to develop a strategy to determine the impacts on the environment. Zircatec noted that it had performed analysis of its air and dispersion modelling to verify the adequacy of the sampling locations for soil. With regards to well and groundwater sampling, Zircatec noted that it has a detailed mapping of its wells and that the monitoring wells and the groundwater in particular should not be affected from the proposed SEU and BDU lines, as there is no direct contact between these processing lines and the groundwater.
18. Zircatec provided detailed information on receptor locations, noting that new sampling wells were installed in the summer of 2007. Zircatec indicated that the groundwater contamination is generally very low, but that there was some elevated groundwater contamination located in one area of the facility, which is in a shallow overburden and indicative of historical operations. Zircatec stated that the impact of this contamination was confined to a very limited area, and that it was stable over time. Zircatec expressed its confidence that the current sampling protocols are consistent with good engineering practices.

19. With respect to the existing monitoring program, CNSC staff noted that, as part of its compliance program, it has requested Zircatec to provide justification for the location of the monitoring wells, the number of monitoring stations, and the frequency of the monitoring. As part of the Follow-Up Program, CNSC staff stated that there is an expectation that, if the project goes ahead, there will be modifications within the facility that would change the point of release of air emissions and would require a review of the Environmental Monitoring Program.
20. Based on its review of the Screening Report and the above information, the Commission concludes that the EA methods were acceptable and appropriate.

Effects of the Project on the Environment

21. CNSC staff explained that the EA considered the following components of the environment: atmospheric environment, radiation and radioactivity, worker health and safety, geology and hydrogeology, hydrology and surface water, aquatic environment, terrestrial environment, land use and transportation, physical and cultural heritage resources, socio-economics, and aboriginal interest.
22. CNSC staff also indicated that the EA considered the possible environmental effects related to construction, to normal operations, to transportation, to waste management and to malfunctions and accidents for each of the environmental components.
23. CNSC staff stated that the proposed construction and operation of the SEU Fuel Bundle Production project, taking into consideration a range of potential malfunctions and accidents associated with the project, is not likely to cause significant adverse effects on the environment, taking the identified mitigation measures into account.
24. Zircatec reported that estimated doses to Nuclear Energy Workers at the facility, residents and nearby workers were all below the CNSC dose limits. Zircatec also stated that incremental doses to people who live nearby are all within the range of natural variability in background dose. Zircatec stated that no significant potential ecological effects are expected to terrestrial or aquatic biota, taking future mitigation measures into consideration.
25. Zircatec indicated that estimated transportation doses to workers and the public were well below regulatory limits. In their intervention, S. and H.A. Haskill expressed concerns regarding the transportation of uranium. In response to comments requested by the Commission on this issue, CNSC staff explained that the scope of the project for the EA did include transportation of the incoming and outgoing radioactive material. However, the impacts of transportation of this material were not evaluated because Zircatec is required to comply with the Transport Canada *Transportation of Dangerous Goods Act*⁶ and the CNSC *Packaging and Transport of Nuclear Substances*

⁶ S.C. 1992, c.34.

*Regulations*⁷, and that the precautions required by these regulatory requirements make potential impacts to the environment insignificant.

26. The Commission enquired on the methods of waste disposal. Zircatec responded that recycling is done whenever possible and that contaminated waste is packaged and sent to facilities licensed to manage radioactive waste.
27. In their interventions, P. Lawson expressed concerns about uranium levels found in a worker's urine and J. Morand expressed concerns about the method of calculation of doses attributed to workers. The Commission asked for more information on urinalysis done on workers. Zircatec responded that there is an internal dosimetry program implemented which is based upon urinalysis for workers in areas where there is exposure through inhalation. CNSC staff responded that the Screening Report includes doses to workers that take into consideration the results of urinalysis and other sources of exposure. CNSC staff noted that, through its licensing and compliance activities, it regularly examines Zircatec's radiation protection program for completeness.
28. The Commission asked for more information on what seemed to be a discrepancy between reported total emissions of uranium in air for the 2002 to 2006 period and the year 2006. CNSC staff responded that fugitive emissions were included in the total uranium in air emissions for the first time in 2006, which increased the reported values. CNSC staff stated that the air monitoring results collected from the monitoring stations indicate very low levels of uranium in air that would not result in doses higher than the regulatory public dose limit. CNSC staff also pointed out that no directives were issued to Zircatec on matters of housekeeping or dust emissions because of the high level of cleanliness of the facility. Zircatec also indicated that for the slightly enriched uranium production line, the ambient air leaving the facility would pass through HEPA filters before being released to the environment. Zircatec stated that the current processes for controlling the uranium concentration in air ensure that the levels of contamination pose no risks to the employees or the public.
29. In response to a question from the Commission on this topic, the United Steel Workers stated that none of its members have expressed concerns regarding monitoring and contamination of the facility and its surroundings.
30. In her intervention, P. Lawson expressed concerns regarding a plume of dusty air coming from the Zircatec facility building. In response to a request for comments by the Commission on this issue, Zircatec explained that air flows are designed to obtain a negative pressure inside the building, which creates an inward flow when doors are open, and, therefore, very minimal contamination in air can leave the facility. Zircatec also pointed out that the contamination levels in the air inside the building are well below regulatory requirements for radiation exposure to workers.

⁷ S.O.R./2000-208.

31. In her intervention, P. Lawson also stated having heard about uranium pellets leaving the facility through drains and contaminating the environment. In response to comments requested by the Commission on this statement, Zircatec stated that no pellets are leaving the facility and that that would not be acceptable practice. Zircatec explained that all of the waste streams are monitored and processed, if necessary, before leaving the facility. Zircatec also stated that there is a continuous sewer monitoring device installed. Zircatec added that only sanitary sewer lines are below grade (below ground level), and that these lines are minimally contaminated and regularly monitored.
32. Considering that the Zircatec facility has been in operation for over 50 years and to address the concerns raised by P. Lawson in her intervention on this issue, the Commission sought further assurances that an adequate aging management program was in place to verify the structural integrity of the building and minimize the potential for leaks from aging components. Zircatec responded that all of the processes at the facility are above grade (above the ground), which allow for regular inspections and easy detection of failures. Zircatec also declared that it would be undertaking a sewer inspection process following the leakage incident at the Cameco facility located in Port Hope, as part of its preventive maintenance program.

Effect of the project on residents of the community

33. In their intervention, S. and H.A. Haskill expressed concerns regarding contamination to the farm located east of the facility. Several intervenors expressed numerous concerns regarding radioactive emissions, contamination in the surroundings of the facility, as well as health impacts on the public. Other intervenors expressed the view that insufficient health studies have been performed in the area.
34. In response to the Commission's request for comments on whether there had been any follow-up to the health studies performed in the area, CNSC staff indicated that health studies continue to be kept up to date, citing the recently published Eldorado study⁸ which was an update of the Nair study⁹. CNSC staff also noted that, in its opinion, the several health studies that have been performed over the years provide a comprehensive understanding of the health situation in Port Hope. CNSC staff noted its view that these health studies indicate there is no overall increase of cancer or other diseases in the area.

⁸ G. R. Howe et al. Final Report: Eldorado Nuclear Epidemiological Study Update Eldorado Uranium Miners' Cohort: Part I of the Saskatchewan Uranium Miners' Cohort Study. RSP-0205 (2006).

⁹ R. C. Nair, J.D. Abbatt, G.R. Howe, H.B. Newcombe, S.E. Frost. Mortality experience among workers in the uranium industry. p. 354-364 in: Proceedings of the International Conference on Occupational Radiation Safety in Mining, Toronto, October 14-18, 1984 (H. Stocker, ed.). Canadian Nuclear Association, Toronto, 1985.

35. In its intervention, the Port Hope Community Health Concerns Committee expressed concern that CNSC has dismissed Dr. Mintz's analysis of two Health Canada studies that demonstrates elevated disease rates in the Port Hope area. The Commission asked for comments from CNSC staff on this analysis. CNSC staff responded that it had considered Dr. Mintz's analysis along with other peer reviewers and that it agrees with Health Canada's conclusion that there was no overall evidence of increased cancer incidence in Port Hope from 1971 to 1997. CNSC staff stated that many of the elevations observed by Dr. Mintz were not statistically significant.
36. The Commission asked for comments from CNSC staff on the results of the radiobiological urine bioassays study¹⁰ referred to by this intervenor. CNSC staff explained that it collaborated with Health Canada to analyze the results of the study and came to the conclusion that the overall levels of uranium were very low and well within the normal variations of uranium in urine found around the world. CNSC staff also noted that very small amounts of uranium radioisotopes are found in the body years after exposure and that the ratios of isotopic abundances are difficult to calculate and interpret at these very low results.
37. In response to the Commission's comments that some residents do not accept the health studies that have been carried out to date, CNSC staff stated that it has hired a contractor to propose different ways of communicating information that matter to the public and in a manner that will address their issues.
38. In its intervention, the Port Hope Community Health Concerns Committee expressed concerns that the use of 93 % enriched uranium was allowed at the Zircatec facility without public discourse. In response, CNSC staff explained that the current licence authorizes Zircatec to prepare, in a laboratory setting, certain fuel materials, and that this authorization was granted around the year 1970. CNSC staff also noted that there are special provisions in the licence that require Zircatec to obtain written approval from CNSC before processing or storing enriched uranium in solution or containing 5% or more of uranium 235 (U-235) by mass.
39. This intervenor also stated its view that there is unexplained contamination with the uranium 236 (U-236) isotope in the workers' bodies. In response, Zircatec explained that U-236 originates from reprocessed spent fuel, and that the levels are extremely low with minimal impact on the overall radiation dose to the workers. CNSC staff commented that, when ingested, uranium stays in the human body for a long period of time, which makes the detection of U-236 in workers body not surprising. CNSC staff added that the values of ratios of isotopic abundances are very difficult to calculate at very low levels, which makes interpretation very difficult.

¹⁰ Radiobiological urine bioassays conducted by Dr. Axel Gerdes, Institute of Geo-chemistry, University of Frankfurt, Germany.

Conclusion on the Effects of the Project on the Environment

40. Based on its review of the Screening Report and the above-noted information and considerations, the Commission concludes that the proposed project, taking into account the identified mitigation measures, is not likely to cause significant adverse environmental effects.

Effects of the Environment on the Project

41. Zircatec reported that it commissioned a study to analyze external events. The analysis identifies scenarios that initiate within an external event and might end with abnormal fuel and water geometries for which the potential for an accidental nuclear criticality needs to be evaluated. Zircatec noted that external events analyzed include earthquakes, wind storms, fires/explosions, aircraft crashes, and floods. CNSC staff concurred with Zircatec that these external events are appropriate for consideration at Zircatec's Port Hope site and were included in the evaluation.
42. CNSC staff reported that the facility is constructed in accordance with the National Building Code, and that the new operating lines will also be designed and constructed in accordance with the code. CNSC staff also indicated that potential changes in climate conditions are not expected to affect the facility since it is built according to the National Building Code.
43. CNSC staff reported that the facility is built above the maximum flood elevation, and is therefore not expected to be at risk of flooding.
44. In its intervention, the Port Hope Community Health Concerns Committee expressed concerns about seismic activity in the area. In response to a request from the Commission for more information, CNSC staff explained that the assessment focused on seismic activity which could be sufficient to cause structural damage and cause a criticality accident. The probability is in the range of one in a million to one in ten million years.
45. Based on the above information, the Commission concludes that the environment is not likely to cause adverse effects on the project.

Effects of Accident and Malfunction Events

46. Zircatec reported that it commissioned a study estimating the potential offsite dose from a postulated criticality accident. Zircatec added that a bounding scenario for the analysis assumed that criticality could be achieved, and that the calculated conservative maximum dose that could be received by members of the public in a highly unlikely criticality event is 13.4 mSv. Zircatec stated that this dose is below the minimal exposure to the public over which plans for public evacuation must be in place, according to international standards and as required by the EA Guidelines.
47. CNSC staff indicated that Zircatec has implemented a Nuclear Criticality Safety Program and that provisions to prevent a criticality accident and to mitigate postulated accidents are in place and in compliance with applicable international and national standards.
48. The Commission enquired whether all possible scenarios have been examined regarding criticality accidents. Zircatec responded that, while the exact conditions to generate a criticality event are very unlikely to be met, plant and processes have been designed in accordance with CNSC requirements to prevent criticality accidents. CNSC staff concurred with Zircatec, and noted that the level of uranium enrichment is so low that, according to documents published by the International Atomic Energy Agency (IAEA)¹¹, criticality safety hazard is not considered significant.
49. In their intervention, S. and H.A. Haskill expressed concerns regarding the lack of buffer zone around the facility. In response to comments requested by the Commission on this topic, Zircatec explained that steps were taken to further reduce emissions by building a large berm to decrease the dose to residents living west of the facility. Zircatec stated that worst case scenarios were considered in the EA and that exposure to the public would be within regulatory limits.
50. Zircatec indicated that the maximum dose to members of the public from uranium dioxide in the event of a conservative and highly unlikely explosion and fire is less than the annual dose limit to a member of the public.
51. In their interventions, P. McNamara and the Port Hope Community Health Concerns Committee expressed the view that the Port Hope Fire Department was not sufficiently trained or equipped in the event of a radiological fire. The Commission enquired about fire training programs at the facility. Zircatec responded that the new SEU line would be integrated into its overall fire response program, and that the local fire department would be properly informed and educated to respond to such an event.

¹¹ Draft Safety Requirements: Safety of Fuel Cycle Facilities, DS-316, IAEA publications.
Draft Safety Guide: Safety of MOX Fuel Fabrication Facilities, DS-318, IAEA publications.
Draft Safety Guide: Safety of Conversion and Enrichment Facilities, DS-344, IAEA publications.

52. The Commission enquired whether railway accidents were taken into account. Zircatec responded that, since the rail lines are located away from the plant, and that analysis has been performed for fire and explosion on site, railway accidents have not been considered. Zircatec added that the basis for accident scenarios is based on recommendations for several accident scenarios from the IAEA, which do not include railway accidents.
53. The Commission enquired whether the hydrogen tank located on the facility was taken into account in accident scenarios. Zircatec responded that analyses performed by an external expert determined that, in the worst possible case, the tank would exhibit some damage, but that the eastern portion of the facility would be maintained and that a portion of the natural uranium production line would act as a buffer between the hydrogen tank and the proposed SEU line.
54. In response to a question from the Commission, CNSC staff explained that terrorist attacks were not specifically considered but that accidents and malfunctions analyzed would cover the worst impact on the community and would cover any impacts caused by terrorist attacks.
55. Based on the above information and considerations, the Commission concludes that accident and malfunction events are not likely to cause adverse effects on the environment.

Cumulative Effects

56. CNSC staff reported that likely cumulative effects were assessed with other projects and activities in the area. CNSC staff noted that the cumulative effects are likely to be short-term and localized, with no overlap between Zircatec and Cameco Port Hope facility sources. CNSC staff added that the follow-up program would be used to confirm the predictions made in the cumulative effects section of the Screening Report.
57. Based on the information received, the Commission concludes that, taking into account the identified mitigation measures, significant adverse cumulative effects are not expected to occur as a result of the project.

Follow-Up Program

58. CNSC staff reported that a follow-up program will address: the predicted air emissions; the neutron dose; the dose calculations for workers, members of the public and doses from natural background radiation; dose calculations for workers due to a criticality accident; groundwater monitoring program; ongoing monitoring of the discharge to the municipal and sanitary sewers; ongoing monitoring of the water in West Gage Creek; and a sediment quality study.

59. CNSC staff indicated that the CNSC licensing and compliance program will be used as the mechanism for ensuring the final design and implementation of the follow-up and monitoring program and for the reporting of the program results in the event the Commission authorizes the project to be carried out.
60. CNSC staff noted that the objectives and results of the follow-up program would be posted on the Canadian Environment Assessment Registry and would be used by CNSC staff to confirm the predictions made in the EA Screening Report.
61. The Commission is satisfied that the CNSC licensing and compliance programs responsible for ensuring the final design and implementation of the follow-up program will be adequate to verify and, if necessary, identify where additional mitigation measures may be required.

Conclusions on the Likelihood and Significance of Adverse Environmental Effects

62. Based on the considerations and reasons noted above, the Commission concludes that the proposed project is not likely to cause significant adverse environmental effects, taking into account the identified mitigation measures.
63. The Commission is satisfied that the likelihood and significance of the effects have been identified with reasonable certainty.

Nature and Level of Public Concern

64. With respect to public concern as a factor in its consideration of whether to refer the project to the federal Minister of the Environment for a review panel or mediator, the Commission first examined whether the public had sufficient opportunity to become informed about the project and the Environmental Assessment, and express their views on it.
65. Zircatec reported that it used several ways of communicating with the public, including an open house hosted with CNSC staff in Port Hope in February 2007, an information day at the municipal information centre, a community walk, a trade show, a fall fair and advertising.
66. CNSC staff reported that it established a public registry for the assessment. CNSC staff added that consultations included an open house in Port Hope and an opportunity for the public to comment on the draft EA Guidelines and the draft EA Screening Report. CNSC staff indicated that issues raised by stakeholders included transportation safety, radiation protection and health impacts, risks of flooding and their implications, fire safety, security and emergency response, and criticality accidents.

67. The Commission enquired about any land claims in the area. CNSC staff responded that it consulted with Indian and Northern Affairs Canada, who did not provide any indication of aboriginal land claims in the area. CNSC staff also sent a copy of the Screening Report to the aboriginal groups located in the area, and noted not having received any comments from them.
68. In response to a question from the Commission, CNSC staff indicated not being aware of any archaeological sites of significance in the area.
69. In its intervention, the Canadian Nuclear Workers Council expressed the view that there are many nuclear workers living in the Port Hope area, who are well aware of the facility and have no concerns with the proposed process. This intervenor also stated that it fully endorses and supports the very active health and safety culture promoted and established by the United Steel Workers and Zircatec.
70. In their interventions, the Port Hope Community Health Concerns Committee, J. Morand and P. McNamara expressed the view that a Panel Review of the project is necessary. J. Morand believes that there is significant public concern. P. McNamara is of the view that the CNSC is endangering the health, safety and well-being of Port Hope residents by not demanding a Panel Review.
71. In response to these intervenors' request for a Panel Review, the Commission is of the view that a Screening Report provides adequate opportunities for members of the public to voice their concerns and is an appropriate EA for this type of project.
72. Based on the information provided, the Commission is of the view that there was sufficient opportunity for the public to be informed and express its views on the project. The Commission decides not to refer the project to the Minister of the Environment for referral to a review panel or mediator under paragraph 20(1)(c) of the CEAA.

Conclusion

73. The Commission concludes that the environmental assessment Screening Report attached to CMD 08-H2 is complete and meets all of the applicable requirements of the *Canadian Environmental Assessment Act*.
74. The Commission concludes that the project, taking into account the appropriate mitigation measures identified in the Screening Report, is not likely to cause significant adverse environmental effects.
75. Furthermore, the Commission also concludes that, at this time, it will not request the federal Minister of the Environment to refer the project to a review panel or mediator in accordance with the provisions of the CEAA.

76. Therefore, the Commission, pursuant to paragraph 20(1)(a) of the CEAA, decides to proceed with the consideration of a licence application under the *Nuclear Safety and Control Act* which, if approved, would allow the project to proceed.

L. J. Keen, Presiding Member
Canadian Nuclear Safety Commission

Date of release of Decision: February 18, 2008

Appendix A – Intervenors

| Intervenors | Document Number |
|---|-----------------------------|
| United Steelworkers, Local 14193, represented by R. Stata | CMD 08-H2.2 |
| Patricia Lawson | CMD 08-H2.3 CMD 08-H2.3A |
| John Morand | CMD 08-H2.4 CMD 08-H2.4A |
| Pat McNamara | CMD 08-H2.5 |
| Canadian Nuclear Workers Council, represented by D. Shier and T. Fraser | CMD 08-H2.6 CMD 08-H2.6A |
| Sanford and Helen Anne Haskill | CMD 08-H2.7 |
| Port Hope Community Health Concerns Committee, represented by F. More | CMD 08-H2.8 |
| Bruce Power | CMD 08-H2.9 |