

**Opening Remarks for:
President Michael Binder**



Standing Committee on Environment and Sustainable Development

Meeting to study Bill C-69

An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts

Wednesday, April 25, 2018

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Introduction

Good afternoon Madam Chair and Members of the Committee.

My name is Michael Binder and I am the President and CEO of the Canadian Nuclear Safety Commission, or the CNSC.

Thank you for inviting me to appear before you today to provide comments on the proposed Bill C-69.

The CNSC is an independent, quasi-judicial administrative tribunal. We regulate all things nuclear in Canada – from uranium mining, to nuclear reactors, to medical isotopes, to the decommissioning of nuclear sites, to the safe management of nuclear waste.

Under our enabling legislation, the *Nuclear Safety and Control Act*, or the NSCA, our mandate is:

- to regulate the use of nuclear energy and materials to protect health, safety, security and the environment,
- to implement Canada's international commitments on the peaceful use of nuclear energy, and
- to disseminate objective scientific, technical and regulatory information to the public.

It is a clear mandate. And I am extremely proud of the over 900 staff members who ensure, day in and day out, that Canada's nuclear sector operates safely and securely. They have diligently done so for over 70 years.

We are nuclear experts: over 80% of our professional employees have degrees in nuclear engineering, chemistry, physics, or environmental and radiation science. While most CNSC staff work here in Ottawa, we do have regional staff and onsite inspectors who live near the major facilities we regulate. I am confident this organization will ensure that Commission decisions are based on the best available science and continue to protect Canadians and our environment.

The CNSC is a unique regulator

The CNSC is a unique regulator. It is unlike any other energy regulator in Canada. As Committee Members surely know, in nuclear, an accident anywhere is an accident everywhere. That is why Canada has established a nuclear regulatory framework that is based on international obligations and treaty-level legal conventions. In my prepared remarks, I have provided you with a list of key conventions.

- *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*
- *Convention on Nuclear Safety (CNS)*
- *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (also known as the Joint Convention)*
- *Convention on the Physical Protection of Nuclear Material*
- *Code of Conduct of the Safety and Security of Radioactive Sources*
- *Code of Conduct of the Safety of Research Reactors*

The international nuclear regulatory community is committed to these conventions through frequent international collaboration, standards development, participation in multi-lateral organizations, organizing peer reviews, benchmarking activities, and continuous lessons learned from best practices.

The key requirement of the international nuclear safety and security regime is for countries to have an independent nuclear regulatory body whose decisions are based on the best available scientific and technical information and not subject to government or political review. Further, to ensure compliance with its international legal commitments, Canada must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the United Nations' International Atomic Energy Agency – the IAEA.

I have provided a list of peer reviews recently undertaken in Canada in my tabled remarks.

- The IAEA Integrated Regulatory Review Service mission in 2009 with a follow-up mission in 2011.
- The IAEA International Physical Protection Advisory Service (IPPAS) mission to Canada in 2015. A follow-up mission is being planned.
- Canadian nuclear power plants have hosted several IAEA Operational Safety Review Team (OSART) missions.
- Canada (Health Canada with the CNSC) will also host an Emergency Preparedness Review (EPREV) service mission in early 2019.

In line with this level of transparency and scrutiny at the international level, we apply rigorous domestic standards and regulatory requirements which we report on. The CNSC is the only energy regulator that publishes annual regulatory oversight reports that assess the safety performance of all its licensees.

We learned years ago that the public wants to be involved in our proceedings.

The CNSC has a robust public participation process that includes public hearings, often held in local communities, and a Participant Funding Program to support members of the public, stakeholders and Indigenous peoples who wish to participate in our regulatory decision-making process. Our hearings are also webcast live – we encourage you to watch us. This is riveting stuff!

Lastly, the CNSC is also unique in that our legislation, the NSCA, requires us to examine the environmental impact of a project in every licensing decision we make – big or small.

The proposed legislation

All of which brings me to the proposed Bill C-69. The CNSC has extensive experience in working on environmental assessments. The CNSC and its predecessor, the Atomic Energy Control Board, have conducted environmental assessments under the original Environmental Assessment and Review Process Guidelines Order of 1984, under CEEA 1992 and most recently under CEEA 2012.

Since 2000, the CNSC has conducted over 70 EAs and appropriately assessed the environmental impacts of all proposed projects. In every case, in the past and in moving forward, one thing remains constant – the CNSC was, and always will be, the responsible authority for nuclear safety and security.

It seems to me that the notion of environmental assessment as a planning tool has been forgotten. The implementation and operations of a nuclear project may take many - many decades. It is important that the nuclear life cycle regulator has the tools to make all the improvements and adjustments, including environmental considerations, throughout the life of the project.

Following its review of Bill C-69, the CNSC identified areas of the *Impact Assessment Act* that could benefit from increased clarity.

- We understand that the objective is to have “one project, one assessment”. And we agree. At the same time, to recognize the independence of the CNSC’s regulatory decision making, there must be a clear separation between the impact assessment and the licensing phase of a nuclear project. Furthermore, all conditions under an impact assessment should flow to the CNSC so they can be effectively managed throughout the project’s life cycle.
- It has been our experience in regulating uranium mines that harmonization with provinces in the licensing of uranium mines has been beneficial and efficient in avoiding duplication. We believe the new IA regime should allow for cooperation and substitution with provinces.
- We are also working with the government on the implementation process and timelines. It is important that we all know from the get-go the length of time to get project approval. From our experience, industry can accept a quick “yes” or “no” decision. What is unreasonable is to get a “maybe”. As an example, it has now been more than 15 years since Ontario Power Generation started its discussion with us about a Deep Geologic Repository or DGR. A joint review panel was set up under CEEA 1992, extensive public and Indigenous consultation and hearings were held; and a report was

submitted to the government in May 2015. A decision is still outstanding. Situations like this need to be avoided in the future.

- We are also participating in helping the government in coming up with an effective and reasonable designated project list. In our view, not all nuclear activities and facilities need to undergo a review panel process, for example: an isotope cyclotron in a hospital, a small research facility, or refurbishing a nuclear power plant to make it safer. All such projects should be left to the CNSC to regulate under the NSCA.

Conclusion: Support of Bill C-69 and its effective implementation

I would like to close by affirming that the CNSC supports the Government of Canada's proposed changes to policy and legislation to enhance the impact assessment process. We look forward to further collaboration with the new Impact Assessment Agency of Canada to clarify requirements and effectively implement the Act.

Thank you. I will be glad to answer any questions that you might have.