

Minutes of the Canadian Nuclear Safety Commission (CNSC) Meeting held Wednesday, January 15, 2003, beginning at 3:11 p.m. in the Public Hearing Room, CNSC Offices, 280 Slater Street, Ottawa, Ontario.

Present:

L.J. Keen, Chair

C.R. Barnes

J. Dosman

Y.M. Giroux

A. Graham

L. MacLachlan

M.J. McDill

M.A. Leblanc, Secretary

I. V. Gendron, Senior Counsel

C.N. Taylor, Recording Secretary

CNSC staff advisers were J. Blyth, C. Maloney, R. McCabe, R. Stenson, R. Barker, D. Chaput, P. Webster, I. Grant, A. Nicic, G. Turcotte.

Adoption of the Agenda

1. The agenda, CMD 03-M2.A, was adopted as presented.

DECISION

Chair and Secretary

2. The President took the Chair and the Secretary of the Commission acted as Secretary of the meeting with C.N. Taylor acting as recording secretary.

Constitution

3. With the notice of meeting having been properly given and a quorum of Members being present, the meeting was declared to be properly constituted.
4. Since the meeting of the CNSC held December 13, 2002, Commission Member Documents CMD 03-M1 to CMD 03-M10 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

Minutes of the CNSC Meeting Held December 13, 2002

5. The Members approved the minutes of the December 13, 2002 Commission meeting (reference CMD 03-M3) with one change. The record on the information item concerning the Advanced CANDU Reactor (paragraph 30 to 34) was modified to acknowledge the contribution of AECL representatives to the discussion.

DECISIONSignificant Development Report

6. As noted in CMD 03-M4, there were no significant developments to report for the regular period of December 14, 2002 to January 6, 2003.
7. Significant Development Report (SDR) no. 2003-1 (CMD 03-M4.A) was submitted by staff on January 15, 2003. Staff reported on the following with reference to this CMD.
8. Staff reported on the status of the sale of British Energy plc's share in Bruce Power Inc. to a consortium consisting of Cameco Corporation, TransCanada Pipelines and BPC Generation Infrastructure Trust (equal shares of 31.6%). The sale is likely to close on February 14, 2003.
9. Staff indicated that it is seeking independent expert advice on options for an acceptable amount and form of the operational financial guarantee to be provided by the consortium in the long term. A proposed long-term solution will be presented to the Commission at the time that the applications for renewal of the operating licences for Bruce 'A' and Bruce 'B' NGS come before the Commission (both licences expire on October 31, 2003). The licence renewal hearings are likely to begin in May or June 2003. Staff noted that, in the interim, letters of guarantee from each of the three principal consortium owners will be obtained and, in staff's view, this would not pose an unacceptable risk in the short term. Until the sale is completed (expected mid-February 2003), British Energy plc's share of the guarantee will continue to be provided by the U.K. Government. Bruce Power Inc. confirmed that letters of guarantee from the three principal partners in the consortium will be in place immediately prior to the close of the sale to ensure there is no gap in coverage for the guarantees.
10. With respect to the form of the longer-term financial guarantee for Bruce 'A' and 'B', the Members indicated that the Commission expects to be presented with options for providing the operational

financial guarantee that are more secure than those put forward in the past.

11. The Members requested staff to notify the Commission of the formal closure of the sale (i.e., expected on or about February 14, 2003) including confirmation of the status of the operational financial guarantee at that time. The Members also requested that staff keep the Commission informed of any significant issues that arise concerning the financial guarantee.

ACTION

12. Also with reference to CMD 03-M4.A, staff and representatives of Cameco Corporation described an incident involving the collapse of ground between two headings at the Eagle Point Mine. There were no personal injuries in the event. Cameco explained that the collapse was the result of a mine engineering design error and that it has taken steps to ensure similar errors do not occur. Cameco Corporation also noted that it has examined the rest of the mine and has identified one other area where the pillar between headings will be closer than planned. Cameco stated that it will take measures to prevent a similar ground failure at that location. Representatives from Saskatchewan Labour reported that they have investigated the event and are satisfied with the corrective actions taken by Cameco. Staff stated that the incident did not result in any radiological hazard to the workers.

Decision Item – Unlicensed Uranium Tailings Management Sites

13. Following its meeting on December 12 and 13, 2001, the Commission granted temporary exemptions from the licensing requirements of the *Nuclear Safety and Control Act* (NSCA) and regulations to unlicensed uranium tailings management sites in Canada to allow the licensing processes to be completed (reference: Minutes of CNSC Meeting held December 13 and 14, 2001, Annex B). The Commission requested staff to provide annual status reports on the exemptions granted by the Commission. With reference to CMDs 03-M5 and 03-M5.A, Staff provided the first annual status report.
14. Staff noted that 13 previously unlicensed sites are now licensed under the NSCA, that applications for licences have been received for 2 sites, and that letters of intent to apply for licences have been received from the owners of the remaining 5 sites. Staff also identified the Contact Lake Site which had not been previously identified.

Dyno Mine Site – Ontario

15. Staff recommended that the Commission, pursuant to Section 7 of the NSCA, extend the exemption for one of the aforementioned sites (the Dyno Mine Site in Ontario) until December 31, 2004 to allow the licensing process to be completed (the current exemption was to expire on December 31, 2003). Staff expressed its view that the requirements of Section 11 of the *General Nuclear Safety and Control Regulations* have been satisfied for the purpose of the proposed exemption. Staff also stated its conclusion that an environmental assessment under the *Canadian Environmental Assessment Act* (CEAA) is not required prior to the Commission making a decision on the exemption.
16. Through questioning, the Members sought and received further information from staff on the location of the Dyno Mine Site, its proximity to human habitations and points of access, as well as the physical condition of the tailings retention structures and mine shaft caps. In its responses, staff expressed its view that, while licensing is necessary to control the site in the longer-term, the site will not pose a significant risk to health and safety or the environment during the proposed exemption period. The site is reasonably stable and therefore conditions are not expected to significantly worsen over the exemption period. The Members also requested and received from staff, following the public portion of the meeting, additional maps and figures depicting the location of the site.
17. Following the public portion of the meeting, the Commission deliberated and decided to grant, pursuant to section 7 of the NSCA and section 11 of the *General Nuclear Safety and Control Regulations*, an extension of the exemption from licensing the possession, management and storage of nuclear substances at the Dyno Mine Site until December 31, 2004 as recommended by staff. **DECISION**

Contact Lake Mine Site – NWT

18. The Contact Lake site is not the subject of an existing exemption from licensing under the NSCA and associated regulations. Staff recommended that the Commission, pursuant to Section 7 of the NSCA, exempt the Contact Lake Mine Site (NWT) from licensing under the NSCA for a period of approximately two years (until December 31, 2004). Staff expressed its view that the requirements of Section 11 of the *General Nuclear Safety and Control Regulations* have been satisfied for the purpose of the proposed exemption. Staff also stated its conclusion that an

environmental assessment under the *MacKenzie Valley Resource Management Act* (MVRMA) is not required prior to the Commission making a decision on the exemption.

19. Through questioning, the Members sought and received further information from staff on the location of the Contact Lake Mine Site, the stability of the tailings, and the proximity of the site to human habitation (permanent and seasonal). In its responses, staff expressed its view that, while licensing is necessary to control the site in the longer-term, the site is reasonably stable and is not expected to significantly worsen during the proposed exemption period. Staff also considers that the site will not pose a significant risk to health and safety, or the environment during the proposed exemption period. The Members requested and received from staff, following the public portion of the meeting, additional maps and figures depicting the location of the site.
20. Following the public portion of the meeting, the Commission deliberated and decided to grant, pursuant to section 7 of the NSCA and section 11 of the *General Nuclear Safety and Control Regulations*, an exemption from licensing the possession, management and storage of nuclear substances at the Contact Lake Mine Site until December 31, 2004 as recommended by staff.

DECISION

Gunnar and Lorado Mines Sites – Saskatchewan

21. With reference to the recently reported findings of the Government of Saskatchewan on these sites (including a conclusion that there is an immediate threat to human health and the environment at the sites), as referenced by staff in CMD 03-M5, the Members sought information on when remedial actions would be taken to mitigate those risks. Staff responded that a proposal for remediation may go before the Saskatchewan Cabinet within the week. Mr. John Schisler of Saskatchewan Environment noted that the current risks centre on the public access to the site and the number of tourists being brought to the site by local outfitters. Mr. Schisler stated that warning signage has been improved and that outfitters will be educated on the hazards and asked to not take their clients to the sites for tours. Mr. Schisler also stated that, in the short term, budgets permitting, an effort will be made to better secure the remaining buildings from entry.
22. In response to a question from the Members on the current radiation hazards, staff stated that the dose rates in the buildings and on the tailings are high enough to warrant measures being taken to protect the public.

23. With specific reference to the staff's reported concurrence with the above-noted "immediate threat" identified by Saskatchewan Environment, the Members sought further information from staff on the nature of that threat. Staff responded that controlling public access to the site will address much of the threat, particularly in regard to conventional hazards associated with the degrading condition of the buildings. Staff expressed the view that the longer-term threat to the environment can be addressed in the remediation plans to be prepared as part of licensing. Mr. Schisler of Saskatchewan Environment concurred with CNSC staff on the need to keep people off the site through education and other means, such as signage. Mr. Schisler noted that some of these measures have been initiated, including improved signage and the provision of information to local planning and environment committees and outfitters. Funding is also being sought to secure the buildings from access.
24. In response to a follow-up question from the Members on the environmental effects that have been occurring over several decades at Gunnar and Lorado, staff and Mr. Schisler of Saskatchewan Environment stated that the environmental impacts, while requiring remedial action, are not getting worse with time. The structures on the sites, however, are deteriorating and require the more immediate attention.
25. In response to further questions from the Members, Mr. Schisler of Saskatchewan Environment indicated that the cost of remediating the sites is currently estimated to be between \$25 million and \$30 million. Mr. Schisler also noted that, while the previously leased sites are now fully in the control of the provincial Crown, there are private entities still in existence with ties to the Lorado site.
26. While recognizing that negotiations between the federal and provincial governments are underway with respect to the remediation of the Gunnar and Lorado Mine Sites, the Members encouraged the Saskatchewan Government (through its representative at the meeting Mr. Schisler) to proceed with all reasonable haste in bringing these sites into a safe and environmentally acceptable state under CNSC licence. The current exemption from CNSC licensing expires on December 31, 2004.
27. With reference to future annual status reports on the unlicensed uranium mine sites, the Members requested that staff provide more information and evidence on the risks posed by each site, including relevant monitoring results and maps that show the relative

locations of the sites to areas of human activity or settlement, as well as potentially sensitive features of the environment.

ACTION

Decision Item – Waste Areas Owned by the Crown, Historic Contaminated Lands, Landfills and Devices containing Radium Luminous Compounds

28. Following its public meeting of December 13 and 14, 2001, the Commission requested staff to provide annual status reports on exemptions granted by the Commission in the above referenced areas (reference: Minutes of CNSC Meeting held December 13 and 14, 2001). With reference to CMD 03-M6, staff provided the first annual status report.
29. Staff reported that the environmental conditions have remained constant and that there have been no significant expressions of public interest.
30. Staff also noted that, while satisfactory progress has been made on the licensing processes associated with the exemptions, additional time will be required to complete the licensing of the five temporary low-level waste storage mounds constructed by the Low-Level Radioactive Waste Management Office. Those mounds include: Passmore Consolidation Mound; Lakeshore Road Storage Mound; Fort McMurray Landfill Mound, Fort Smith Nuisance Grounds Mound; and Tulita Consolidation Mound. The exemptions were scheduled to expire on December 31, 2002. On December 19, 2002, a Panel of the Commission granted a 90-day extension to the exemption for these waste mound sites (effective January 1, 2003 until March 31, 2003) to allow time for the request for a longer extension to come before the full Commission at this meeting.
31. In this regard, staff recommended that the Commission, pursuant to section 7 of the NSCA, extend the exemptions for the above-identified waste mound sites until June 30, 2004. Staff expressed the view that the requirements of section 11 of the *General Safety and Control Regulations* have been fulfilled for the purpose of the exemptions and that there are no requirements to conduct environmental assessments for the extensions under either the CEAA or the MVRMA, as applicable.
32. With reference to reported public concerns about the Tulita mound, staff noted that the concerns relate largely to the visibility of the mound in the community at the airport. Mr. Glen Case of the Low-Level Radioactive Waste Management Office further described the history of the mound and stated that options for relocating the

mound are being discussed through the Tulita Uranium Working Group.

33. Following the public portion of the meeting, the Commission deliberated and decided to grant, pursuant to section 7 of the NSCA and section 11 of the *General Nuclear Safety and Control Regulations*, an extension of the exemption for the Passmore Consolidation Mound, Lakeshore Road Storage Mound, Fort McMurray Landfill Mound, Fort Smith Nuisance Grounds Mound, and Tulita Consolidation Mound until June 30, 2004 as recommended by staff.

DECISION

Decision Item – Delegation of Authority to Approve Regulatory Documents for Publication

34. With reference to CMD 03-M10, staff briefly reviewed the structure and purpose of regulatory documents at the CNSC and past practice for obtaining approvals from the President for their publication.
35. Staff recommended that the Commission delegate to specific staff positions the authority to approve regulatory documents subject to the criteria also set out in CMD 03-M10. In accordance with those criteria, regulatory documents that address the adjudicative functions, discretionary powers, policies and practices of the Commission, or that are judged to be controversial or of high public interest, would be reviewed and approved by the Commission. Regulatory documents that are administrative or technical in nature would be approved by the delegated staff positions. Staff expressed the view that this delegation would be more efficient.
36. Staff recommended that, if the Commission approves the proposed delegation, staff would provide an annual report to the Commission on all regulatory documents approved during the preceding year.
37. With respect to the four staff positions identified for this purpose, the Members sought clarification with respect to who would decide what position would exercise authority on a given document. In response, staff indicated that approximately 90% of the regulatory documents will come under the direct supervision of the Vice-President, Operations Branch. Staff also noted that all of the positions are members of Executive Committee and, as such, all would be aware of the matters coming forward.

38. Following the public portion of the meeting, the Commission deliberated and decided to delegate the authority to approve regulatory documents to the following staff positions, subject to the criteria and instructions set out in CMD 03-M10 and below:

- Vice-President, Operations Branch
- Vice-President, Corporate Services
- Executive Director, Office of Regulatory Affairs
- Executive Director, Office of International Affairs

The Commission authorizes the persons occupying these staff positions to approve those CNSC Regulatory Documents that relate to matters that fall predominantly under their individual scopes of responsibility at the CNSC. In the absence of the responsible designated officer, the regulatory document(s) to be addressed would be reviewed and approved by the Chief Executive Officer.

DECISION

39. The Commission also accepted staff's proposal to report annually to the Commission on the status of the CNSC regulatory documents.

ACTION

Information Item - Status Report on Power Reactors

40. With reference to CMD 03-M7, staff reported on the status of all power reactors. No further information was sought by the Members during the meeting.

Information Item – Update on Introduction of Limit on CNSC Certifications for Operations Personnel at Nuclear Power Plants

41. Following its meeting on December 13, 2001, the Commission requested staff to report in approximately one year on the progress being made in the establishment and implementation of a re-qualification testing program for certified shift personnel (reference Minutes of CNSC Meeting on December 13, 2001). With reference to CMD 03-M8, staff provided the requested status report.

42. Staff reported that the issues that were remaining in December 2001 were resolved in January 2002 to the satisfaction of both CNSC staff and the licensees and that a draft *Canadian Standard for the Requalification Testing of Certified Shift Personnel at Nuclear Power Plants* was produced. Since then, CNSC and licensee staffs have been working to finalize the Standard. Staff provided information on the status of a number of specific activities in this regard. Staff further reported that the

Interutility/CNSC Committee responsible for developing the standard is planning to meet in January 2003 to discuss problems encountered during the trial implementation of the Standard and determine ways to improve the Standard. Staff expects that the Standard will be finalized and that efficiency improvements to the licensees' programs will be in place by June 2003; thereafter, licensees will be responsible for the requalification of certified personnel under CNSC monitoring.

43. In response to questions from the Members, staff provided additional information on the types of simulator and written tests that will be employed, the methods of scoring, and the measures in place to protect the confidentiality of the examination contents.
44. With reference to statements made by staff concerning a number of differences in interpretation that arose between staff and licensees on the draft Standard, the Members asked whether a common understanding of the requirements now exists. Staff responded that, as a result of these issues, certain requirements have been made more specific and that potentially subjective wording has been clarified. Staff noted that this was not a major problem in the Standard.
45. With regard to future reporting to the Commission on this matter, staff suggested that reporting in another year may be appropriate. The Commission accepted this proposal and requests staff to provide a further status report in approximately January 2004.

ACTION

Information Item – Status Report on the Design and Implementation of an Environmental Effects Monitoring Program in the Vicinity of Cameco's Port Hope and Blind River Facilities

46. In its *Records of Proceedings, including Reasons for Decision* (dated February 18, 2002) concerning the renewal of operating licences for Cameco Corporation's Port Hope and Blind River uranium facilities (public hearings concluded on January 17, 2002), the Commission requested staff to present an information report to the Commission in approximately February 2003 on the status of the design and implementation of the environmental effects monitoring programs for the facilities.
47. With reference to CMD 03-M9, staff requested a delay in the reporting until the Commission Meeting scheduled for May 2003. Staff noted that the deferral of the reporting would allow time for staff to complete its review of the ecological risk assessment conducted by Cameco for the Blind River and Port Hope facilities

and to finalize pre-consultation on staff's proposed risk-based decision framework for environmental monitoring program requirements for Class 1 nuclear facilities and uranium mines and mills.

48. The Members accepted the proposed deferral of reporting and request that staff present an information report to the Commission in approximately May 2003 on the status of the design and implementation of the environmental effects monitoring programs for Cameco Corporation's Port Hope and Blind River facilities.

ACTION

Closing of Public Meeting

49. The public portion of the meeting concluded at 5:45 p.m. and the Commission moved in-camera to consider its decisions.

Chair

Recording Secretary

Secretary

ANNEX A

CMD	DATE	File No
03-M1	2002-12-13	(1-3-1-5)
Notice of Meeting held on Wednesday, January 15, 2003 in Ottawa		
03-M2	2003-01-07	(1-3-1-5)
Agenda of the meeting of the Canadian Nuclear Safety Commission (CNSC) held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, on Wednesday, January 15 2003		
03-M2.A	2003-01-10	(1-3-1-5)
Revised Agenda of the meeting of the Canadian Nuclear Safety Commission (CNSC) held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, on Wednesday, January 15 2003		
03-M3	2002-12-30	(1-3-1-5)
Approval of minutes of Commission meeting held December 13, 2002		
03-M4	2003-01-06	(1-3-1-5)
Significant Development Report no. 2003-1		
03-M4.A	2003-01-08	(1-3-1-5, 22-C1-126-3)
Significant Development Report no. 2003-1 - Supplementary Information		
03-M5	2002-12-23	(37-20-5-0, 37-30-13-0, 37-20-4-0, 37-25-0-0)
Status report on site conditions and progress on the licensing process of unlicensed uranium tailings management sites with staff recommendations - Oral presentation by CNSC staff		
03-M5.A	2003-01-09	(37-20-5-0, 37-30-13-0, 37-20-4-0, 37-25-0-0)
Status report on site conditions and progress on the licensing process of unlicensed uranium tailings management sites with staff recommendations - Oral presentation by CNSC staff - Supplementary Information		
03-M6	2002-12-23	(37-16-8-0, 37-16-8-1, 37-16-8-2, 37-16-8-3, 37-16-8-4, 37-24-0-0, 37-0-0-0)
Status report on site conditions and progress on the licensing process of waste management areas owned by the Crown, historic contaminated lands, landfills and radium-luminescent devices - Oral presentation by CNSC staff		
03-M7	2003-01-07	(1-3-1-5)
Status Report on Power Reactors Units for the Period of November 21, 2002 to January 6, 2003		

03-M8 2003-01-02 (13-1-2-3-0)

Status Reports - Update on the introduction of a limit of five years on CNSC certifications for operations personnel at nuclear power plants - Oral presentation by CNSC staff

03-M9 2002-12-30 (36-3-0-0)

Status report on the design and implementation of an environmental effects monitoring program in the vicinity of Cameco Corporation's Port Hope and Blind River Facilities (Request for Postponement of a report)

03-M10 2002-12-23 (20-1-18-0, 1-8-8-0)

Delegation of authority to approve regulatory documents for publication - Oral presentation by CNSC staff