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Written submission from Northwatch

Mémoire de Northwatch

In the Matter of the

À l'égard de

Canadian Nuclear Laboratories (CNL)

Laboratoires Nucléaires Canadiens (LNC)

**Progress Update for CNL's Prototype
Waste Facilities, Whiteshell Laboratories
and the Port Hope Area Initiative**

**Rapport d'étape sur les installations
prototypes de gestion des déchets, les
Laboratoires de Whiteshell et l'Initiative dans
la région de Port Hope des LNC**

Commission Meeting

Réunion de la Commission

August 22, 2018

Le 22 août 2018

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NORTHWATCH

July 23, 2018

Senior Tribunal Officer, Secretariat
Canadian Nuclear Safety Commission
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Sent by Email: cns.interventions.ccsn@canada.ca

Ref. 2018-M-04

Re. **Progress Update for CNL's Prototype Waste Facilities, Whiteshell Laboratories and Port Hope Area Initiative, CMD: 18-M30**

A "progress update" on several waste management and decommissioning projects either under way, proposed or not yet commenced by the Canadian Nuclear Laboratories are the subject of a report by the staff of the Canadian Nuclear Safety Commission, for presentation at the August 22nd meeting of the Commission.

Northwatch is a public interest organization based in northern Ontario with a long term interest in the management of low, intermediate and high level radioactive wastes, including wastes generated through nuclear operations and the decommissioning of nuclear facilities. Northwatch is an intervenor in environmental assessments currently underway for the proposed "in situ" decommissioning of close reactors at the Whiteshell nuclear site in Manitoba and the Nuclear Power Demonstration Project in Rolphton, Ontario, and in the environmental assessment of the proposed Near Surface Disposal Facility at the Chalk River National Laboratory in Deep River, Ontario.

Background

On June 12, 2018, notice was published that the August 2018 meeting of the Canadian Nuclear Safety Commission would include presentation by CNSC staff and Commission discussion of a "Progress Update for CNL's Prototype Waste Facilities, Whiteshell Laboratories and Port Hope Area Initiative".

The report, and a CNSC staff presentation, was purported to provide an overview of the CNSC's regulatory oversight and updates on Canadian Nuclear Laboratories' (CNL) major decommissioning projects – including Douglas Point, Gentilly-1, Nuclear Power Demonstration and Whiteshell Laboratories – as well as the Port Hope Area Initiative.

Those with an interest or expertise in the matters to be reported up on were invited to provide written comments, but would not be allowed to make oral submissions at the time of the Commission meeting. It was unclear from the notice whether the proponent whose activities were being reported on, Canadian Nuclear Laboratories, would be allowed presentation time, as has been the case in other Commission meetings where the public has been disallowed but proponents have been provided opportunities to address the Commission.

Commission Member Document 18-M30, titled “Progress Update for CNL’s Prototype Waste Facilities, Whiteshell Laboratories and the Port Hope Area Initiative” is self-described as providing “a progress update on Canadian Nuclear Laboratories’ (CNL) licensed decommissioning activities at three shut down power reactors (Douglas Point, Gentilly-1 and Nuclear Power Demonstration, also known as prototype waste facilities) and Whiteshell Laboratories, as well as licensed remediation activities under the Port Hope Area Initiative (PHAI)”

Northwatch Comments

The following remarks are provided by Northwatch in summary form, in the order of occurrence in the document of the matters upon which Northwatch is commenting. Due to limits on time and capacity, and the absence of any opportunity to provide oral submissions at the August 22nd meeting, these remarks are – for reasons of practicality – kept brief.

Northwatch’s comments and observations include the following:

- The descriptor in the document title of CNL’s projects as being “prototype waste facilities” is odd and potentially misleading; the majority of projects being referred to are nuclear reactors that have been non-operational but not decommissioned for decades; they are not “prototypes” of waste projects and to refer to them as such is counterproductive
- The report repeatedly uses terms such as “safe shut down” without definition or supporting information
- The report describes the current status of the three shut down power reactors (Douglas Point (DP) in Tiverton, ON, Gentilly-1 in Bécancour, QC and Nuclear Power Demonstration in Rolphton, ON) as being part of a “planned phase of a deferred decommissioning strategy for nuclear reactors” but there is no evidence of this “planning” having taken place with any public input
- In the case of the WR1 reactor, there was an opportunity for public input through an environmental assessment process, the outcome and decisions of which are not being “changed” in terms of the decommissioning approach for the WR-1 reactor
- Purportedly in order to have time to disposition comments received on the new proposed approach, in 2018, CNL applied for a licence renewal for a one-year term; the EA appears to be in a stall, the one year term can now be expected to expire with little to no progress being made, which raises multiple procedural and process issues about the CNL approach
- According to the report, CNL is currently decommissioning three shut down power reactors and a shut down nuclear research and test facility, and this CMD provides a brief description of the activities encompassed by “decommissioning” but without reference to particular policies, regulation guides or standards; as was discussed at the Pickering PROL license hearing in June 2018, the Canadian regulatory framework is

inadequate, containing both gaps and contradictions; the Commission's next step would be to engage with Indigenous peoples, the public, licensees and staff to develop a process and timeline for the review and development of a comprehensive regulatory framework to provide guidance and standards for decommissioning projects in Canada, now and into the future

- The CMD does not – but should – include full references; for example, the report cites a letter “dated October 23, 2015” in which the “CNL notified CNSC staff of its intent to accelerate and change the decommissioning approach for NPD and WL”; this letter is not included in the public registry for this project, appears from the brief description to be foundational to the project, but is without a full reference in the report
- The information provided to the Commission in this CMD with respect to the changing timelines for the three EAs underway for CNL projects (WR1, NPDP and NSDF) is a vague and ambiguous as the information that has been made available to public interest intervenors, i.e. that “the final EIS, originally expected in June 2018, and the public hearing, which had been tentatively planned for December 2018, will be delayed. Both the EA and the licence amendment application will be subject to decisions made by the Commission at a future date through a public hearing process; despite our inquiries, no information has been provided to public interest intervenors such as Northwatch with respect to the details of even subsets of the changing timeline, such as when intervenors can expect to receive responses to information requests or when CNL will complete the process of dispositioning public and agency comments and information requests; this makes continued participation in this environmental assessment review processes even more challenging than the standard ‘very challenging’ circumstances

We noted with interest that the Near Surface Disposal Facility being proposed by the Canadian Nuclear Laboratories for the Chalk River site is not included in this report, without explanation for its exclusion.

Overall, the document creates an impression that the position of the CNSD (staff) and the CNL (licensee) are indistinguishable. The overall tone of the document is one of generalization and of assurance, which may or may not be appropriate, but it leaves the reader questioning the authorship and intent of the report.

Thank you for your consideration.



Brennain Lloyd
Northwatch

