

Minutes of the Canadian Nuclear Safety Commission (CNSC) Meeting held Wednesday and Thursday, December 13 and 14, 2001, beginning at 4:45 p.m. in the Public Hearing Room, CNSC Offices, 280 Slater Street, Ottawa, Ontario.

Present:

L.J. Keen, Chair  
C.R. Barnes  
Y.M. Giroux  
A.R. Graham  
L.J. MacLachlan

M.A. Leblanc, Secretary  
I.V. Gendron, Senior Counsel  
C.N. Taylor, Recording Secretary

Commission staff advisers were J. Blyth, K. Pereira, J. Harvie, I. Malek, W. Grant, P. Hawley, F. Rinfret, B. Ecroyd, A. Vachon, J. Waddington, G. Turcotte, C. Clement and R. Stenson.

#### Adoption of the Agenda

1. The agenda, CMD 01-M86.A was adopted as presented.

#### 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. On November 15, 2001, the Commission decided to postpone all of the items listed in the meeting agenda for that day until the Commission Meeting on December 13 and 14, 2001.
5. Since the meeting of the CNSC held October 3, 2001, Commission Member Documents CMD 01-M69 to CMD 01-M88 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

Minutes of the CNSC Meeting Held October 3, 2001

6. The Members approved the minutes of the October 3, 2001 meeting of the Commission (reference CMD 01-M73) without change.

**DECISION**

Business Arising

7. Members received for information the report on business arising from previous meetings of the Atomic Energy Control Board; reference CMD 01-M74.
8. Members received for information the report on business arising from previous hearings and meetings of the CNSC; reference CMDs 01-M75 and 01-M87. The Chair pointed out two corrections to the due dates recorded in CMD 01-M87. Those corrections included: for Cameco Corporation – Blind River (page 2) the due date is changed to read January 17, 2002; and for Cameco Corporation – Port Hope (page 3) the due date is changed to read January 17, 2002.

Significant Development Report

9. Members reviewed with CNSC staff Significant Development Reports numbered 2001-8 and 2001-9 (reference CMDs 01-M76, 01-M76.A and 01-M88).
10. With reference to section 2 of CMD 01-M76.A and section 1 of CMD 01-M88, staff summarized progress with respect to the review of security at all licensed facilities and activities.
11. With regard to section 2 of CMD 01-M88, staff noted that the Comprehensive Study environmental assessment of the proposed decommissioning of the AECL Whiteshell Laboratories in Manitoba is complete and that the Canadian Environmental Assessment Agency will be conducting a formal public consultation on the report before the matter is referred to the Minister of the Environment for decision. Staff will assist the Agency in terms of suggesting where documents may be placed for convenient public access during the review.
12. With regard to section 1 of CMD 01-M76.A and section 3 of CMD 01-M88, staff elaborated on the differences between the power reactor stations with respect to the measurement of feeder pipe thickness, and detection of cracks and leaks in piping. Staff noted that feeder thickness is not a concern in the short term and that

feeders are being replaced as necessary when they fall below a specified thickness. Staff explained that although cracking has only been detected at Point Lepreau, discussions are continuing with Bruce Power and Ontario Power Generation to ensure adequate measures are being taken at their facilities. With respect to Members' questions on the replacement of feeder pipes at Point Lepreau, the Commission was informed by staff that this would be done as necessary during planned maintenance periods using the same type of piping materials. The Commission was further informed that using the same piping materials will not be a long-term problem as the licensee is planning to replace the feeders during a major refurbishment of the reactor that is planned to commence in 2006.

### Information Items

#### Integrated Improvement Program for Power Reactors in Ontario

13. Referring to CMD 01-M79, staff provided its semi-annual report on the status of the integrated improvement program (IIP) for power reactors in Ontario. Staff noted that all projects are progressing and are being completed at an increasing rate. In response to questions from the Members, staff noted that, of the remaining "red" projects (i.e., behind schedule), CNSC staff and the licensees are placing priority on those projects that involve special safety systems.
14. In addition, staff informed the Commission that arrangements have been made for an Operational Safety Assessment Team (OSART) assessment of the Pickering A station in the fall of 2002. In response to Members' questions on this review, staff explained that OSART is a service provided by the IAEA which brings together an international team of experts to evaluate the operational safety of a station. The Pickering A station was chosen at this time for practical scheduling reasons. Staff elaborated that OSART assessments are used periodically in Canada and that the general quality and credibility of the reviews has improved over the years. Staff explained that the degree of success of the OSART review at Pickering A will be used to consider whether OSART assessments will continue to be conducted at other Canadian stations. Staff also explained during the meeting that, with the exception of travel and accommodation costs, the costs of the OSART reviews are borne by the IAEA.

### Mid-term Report on Gentilly-2 Generating Station

15. In its presentation on CMD 01-M80, staff reported that the station has been operated safely and with adequate protection of the environment during the reporting period. Staff noted that the one area currently judged unacceptable involves Hydro-Quebec having to complete the restructuring of its quality assurance program to meet the new regulatory requirements. Staff noted that the specific shortcomings of the quality assurance documentation have been delineated and progress is being made. The Members were also informed by Hydro-Quebec representatives during the meeting that emergency exercises are conducted periodically and that they involve CNSC staff and local off-site authorities.

### Mid-term Report on Point Lepreau Generating Station

16. In its presentation on CMD 01-M81, staff reported that the licensee has safely operated the station during the reporting period and that no areas are rated as “unacceptable”.
17. Staff noted that training and qualification of staff, although remaining conditionally acceptable, has deteriorated somewhat due to lack of resources in NB Power. In response to Members’ questions on this issue, NB Power expressed the view that the issue was not one of deterioration in the training, but rather a slower than expected rate of improvement. NB Power further noted that additional resources are being assigned to correct this area. In response to Members’ questions, NB Power further explained that although competition for qualified staff is a challenge in the industry, the complement of staff continues to increase in several areas.
18. With regard to quality assurance, staff noted that it recently granted the licensee additional time to bring the program into compliance with the new requirements. A further licence amendment will be required once staff have reviewed a proposed detailed schedule for completion of the remaining work.
19. Noting similarities in problem areas between the various stations (such as in quality assurance and training), Members questioned staff on what is being done across the sector to facilitate and speed improvements. Staff indicated that although the rate of progress in some areas is not as fast as desired, there are a number of examples of where the industry and regulator are sharing knowledge and experiences for the benefit of the industry in general.

20. With respect to emergency response exercises at Point Lepreau, the Members were informed that the performance of off-site authorities has been satisfactory and that new communication technologies allow for direct communications to homes without the need to rely on the warden system as in the past.

#### Five-Year Limit on AECB Authorizations for Operations Personnel at NPPs

21. With reference to CMDs 01-M82 and 01-M82.A, staff summarized the history of the matter concerning the requalification testing of control room operators and shift supervisors at nuclear power plants. Staff reported that after many difficulties in reaching agreement between CNSC staff and all the utilities, agreement has been reached on the method of conducting tests to demonstrate the continuing competence of these individuals and that the standard may now be completed without undue delay.
22. In response to questions from the Members, staff confirmed that the unions have been involved and kept fully informed during the process. In response to the Members' enquiry during the meeting, Mr. M. Elliot of OPG expressed, on behalf of the industry in general, satisfaction with the progress that has been made in recent months on the preparation of the recertification standard.
23. The Members directed staff to report back to the Commission on the progress of the program after the pilot has been completed at the end of 2002.

**ACTION**

#### Regulatory Change Pertaining to Exemption from Class II Nuclear Facilities and Prescribed Equipment Regulations

24. With reference to CMD 01-M83, staff advised the Commission that changes to the regulations have been drafted and that these are now under consideration for amendment of the regulations. The purpose is to remove specific requirements in the regulations from application to certain types of particle accelerators.

#### Decision Items

25. Before moving to the decision items described in CMDs 01-M77, 01-M77.A, 01-M78, 01-M78.A and 01-M78.B, the Chair noted that a letter from five non-government organizations concerning the proposed regulatory exemptions was received on December 11, 2001. The Chair noted for the record that although the letter was received very late and not by the normal process, the parts of the

letter which relate to the decisions under consideration would be taken into account by the Commission.

### Unlicensed Uranium Tailings Management Sites

26. With reference to CMDs 01-M77 and 01-M77.A, staff outlined its rationale for the temporary exemption of eleven (11) tailings management sites from licensing under the *Nuclear Safety and Control Act*.
27. Staff noted that all of the sites will require some form of permanent control, but that only two of the sites (Gunnar and Lorado in Saskatchewan) will require significant rehabilitation work as part of the licensing requirements.
28. In response to questions from the Members on the level of public involvement thus far, staff explained that the public consultation on the proposed exemptions has been limited, but is expected to be extensive during the actual licensing process in the future. The Members queried staff on the appropriateness of the proposed duration of the exemptions. In response, staff expressed the view that current physical status of the tailings areas are well known to CNSC staff and that they will not pose a significant risk to health, safety and the environment for the duration of the proposed exemptions. Staff also explained that the proposed durations for the exemptions have been discussed with the potential licensees and that they reflect the time needed to complete the related evaluations, including environmental assessments in some cases.
29. In response to a question from the Members on financial guarantees, staff indicated that costs at most of the sites will be assured by the Crown. The other private owners have indicated their commitment to meet all of the regulatory requirements, including any requirements for financial guarantees.
30. The Members expressed concern that in some cases the licensing process is proceeding only on the basis of letters of intent to apply for CNSC licenses from the site owners, as opposed to formal applications. Staff responded that it considers the commitments of the owners in those cases to be genuine and that, if necessary, other legal means are available to compel the site owners to proceed with formal applications.
31. Staff further clarified that seven of the licence applications will need to come before the Commission at public hearings for licensing decisions. This is due either to the quantity of nuclear

substances present, or the need for decommissioning licences (as in the case of the Gunnar and Lorado sites). Staff further acknowledged that the other applications could be referred to the Commission for decision following the detailed assessments at the discretion of the Designated Officer.

32. Based on the information available, the Commission is satisfied that the granting of the proposed exemptions would meet the requirements of section 11 of the *General Nuclear Safety and Control Regulations*. Therefore, pursuant to section 7 of the *Nuclear Safety and Control Act*, the Commission grants the seven temporary exemptions from licensing as recommended by CNSC staff and summarized in section 10 of CMD 01-M77 and listed in Annex B of these minutes of meeting.

**DECISION**

33. The Commission, however, remains concerned that the current letters of intent to apply for CNSC licences from some site owners may not reflect an adequate level of commitment to licensing by those owners. The Commission is of the view that complete applications for all the subject sites should be submitted as soon as possible. Furthermore, the Commission notes that the licensing of the sites will take several months and is likely to be of considerable public interest, yet, to date, public information and consultation has been limited. Therefore, in order that the Commission and the public be kept informed of the progress on the physical conditions of the sites and the progress of the licensing processes, the Commission requires that staff report annually to the Commission on these matters. The reports will be presented at public meetings of the Commission, beginning in December 2002.

**ACTION**

**Waste Management Areas owned by the Crown, Historic Contaminated Lands, Landfills and Radium-Luminescent Devices**

34. With reference to CMDs 01-M78, 01-M78.A and 01-M78.B, staff described its rationale for recommending exemptions from licensing of ten (10) specific sites and activities that involved historic contamination or devices that existed prior to the coming into effect of the *Nuclear Safety and Control Act*, but which are not exempted from regulatory control under that Act. Staff recommended that the Commission grant temporary exemptions for six of the items (ranging from 10 months to 5 years in duration), and indefinite exemptions for the remaining four specific sites with the provision that current conditions at the sites are maintained by the property owners.

35. Staff and Mr. R. Zelmer, Director of the Low Level Radioactive Waste Management Office (LLRWMO), explained to the Members that the contamination in the subject buildings and structures is generally fixed to the structures, not presently accessible to persons and was principally caused by the past use of radium at the sites.
36. The Members queried staff on the proposed indefinite exemptions and responsibilities for reporting significant land-use changes to the CNSC. In response, staff explained that the federal government, through LLRWMO, has the responsibility for the long-term management of the sites and that the LLRWMO has the formalized assistance of other local government agencies and authorities. Mr. Zelmer of the LLRWMO further explained that all of the owners of the properties are well aware of the potential hazards and their responsibilities with respect to any planned changes. Mr. Zelmer further explained that LLRWMO staff, together with CNSC staff, conduct regular inspections of the sites to ensure the controls remain effective. In response to follow-up questions of the Members, Mr. Zelmer acknowledged that the control of unlicensed contaminated sites depends to a degree on the education of the owners and a trust relationship involving the owners, the LLRWMO and CNSC. Some minor examples of where materials were moved without prior notice were cited by Mr. Zelmer.
37. In response to further questions of the Members, Mr. Zelmer expressed the view that although it is possible other contaminated site may be discovered in the future, the LLRWMO is now fairly confident that the properties and structures of concern are known to it.
38. In response to a question of Members about the sites along the northern transportation route, Mr. Zelmer of the LLRWMO briefly described the involvement of the LLRWMO with northern communities and working groups in the investigation, remediation and monitoring of sites in the north. Reference was also made to a phased clean up of sites on the northern transportation route under the direction of Natural Resources Canada (NRCan). Staff elaborated briefly on the related monitoring of the environment that is carried out by Environment Canada and the Territorial Government.
39. The Members received further information from the representatives of the LLRWMO (Mr. Zelmer) and NRCan (Mr. D. McCauley) on the recent rapid growth in the resources available to carry out the work of the LLRWMO, and the administrative relationship

between the LLRWMO and NRCan.

40. Members further examined during the meeting the staff's rationale for the proposed indefinite exemptions. Staff explained that the sites do not currently pose a significant risk and that no changes in the status of the sites are currently foreseeable. The LLRWMO representative (Mr. Zelmer) also noted the current lack of permanent sites for storing much of the waste that would arise from remediation activities and the uncertain timeframes for establishing such facilities. Staff stressed that the granting of the indefinite exemptions would not result in the cessation of regular oversight of the sites by CNSC staff and the other government authorities. Staff also explained that the LLRWMO has a CNSC licence under which any significant future remediation work at unspecified sites can be carried out.
41. Based on the information presented, the Commission is of the opinion that the identified activities and sites require some form of limited exemptions from the licensing requirements under the NSCA. The Commission, however, is not satisfied that there is sufficient justification for granting exemptions of indefinite duration. At those locations for which staff has proposed indefinite exemptions, the Commission considers that it is appropriate for the Commission to reconsider in five years time how the current system of institutional controls has performed in managing the residual risks at those locations. Therefore, pursuant to section 7 of the *Nuclear Safety and Control Act*, the Commission grants the temporary exemption from licensing as proposed by CNSC staff in CMDs 01-M78 and 01-M78.A for items enumerated 1), 2), 3), 4), 9), and 10). For those proposed exemptions enumerated in CMDs 01-M78 and 01-M78.A as 5), 6), 7), and 8), the Commission grants the exemptions for a period of five years ending on December 31, 2006. The specific exemptions are listed in Annex C to these minutes of meeting.
42. The Commission is of the view that the proposed licensing actions should proceed as quickly as possible and with appropriate public consultation. Therefore, to ensure the Commission and the public are kept fully informed of the physical and environmental conditions at the sites to be licensed, and of the progress of the licensing processes, the Commission requires that staff report annually to the Commission on the status of the exemptions enumerated as 1), 2), 3), 4), 9), and 10) in CMDs 01-M78 and 01-M78.A and Annex C to these minutes. The reports will be presented at public meetings of the Commission, beginning in December 2002. The Commission acknowledges that the public

**DECISION**

will also have opportunities to participate in future site-specific licensing hearings and environmental assessments where applicable.

**ACTION**

Closing

43. The public meeting concluded at 10:02 a.m. December 14, 2001 and continued in camera.

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*Chair*

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*Recording Secretary*

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*Secretary*