

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent Dalhousie University

Subject Environmental Assessment Guidelines for the
Proposal to Decommission the Dalhousie
University SLOWPOKE-2 Reactor in Halifax,
Nova Scotia

Hearing Date March 24, 2009

RECORD OF PROCEEDINGS

Proponent: Dalhousie University

Address/Location: Room 321, Henry Hicks Academic Administration Building,
Halifax, Nova Scotia B3H 4H6

Purpose: Environmental Assessment Guidelines for the proposal to
decommission the Dalhousie University SLOWPOKE-2 Reactor in
Halifax, Nova Scotia

Date of hearing: March 24, 2009

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St.,
Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

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Introduction

1. Dalhousie University's SLOWPOKE-2 Reactor (DUSR) facility is part of Dalhousie's Trace Analysis Research Centre. The current non-power reactor operating licence, NPROL-17.03/2013, is valid until June 30, 2013. In November 2004, the Canadian Nuclear Safety Commission¹ (CNSC) received a notice from Dalhousie University of its intent to de-fuel and decommission the DUSR facility. At that time, Dalhousie University had provided a brief outline of the project to initiate the environmental assessment (EA) process. The EA process was subsequently put on hold at the request of the proponent in May 2006. In July 2008, Dalhousie University notified the CNSC of its intention to proceed with decommissioning and CNSC re-started the EA process.
2. The proposed decommissioning activities in the EA include but are not restricted to the following:
 - site preparation: all items in rooms 1870 and 1871 that are not required for the de-fueling and decommissioning process will be removed from the facility;
 - preliminary survey of rooms 1870 and 1871 to identify areas with potential radioactive contamination;
 - de-fueling of the reactor and disposal of the fuel;
 - dismantling of reactor components and checking to identify reusable, contaminated, hazardous and clean components;
 - packaging and transportation of contaminated parts ; and
 - disposal of other radioactive and non-radioactive waste outside the reactor vessel.

A more detailed project description is contained in Dalhousie University's Preliminary Decommissioning Plan referenced in CMD 09-H100.1.

3. Before the Commission is able to make a licensing decision in respect to the proposed project, pursuant to the *Nuclear Safety and Control Act*² (NSCA), it must, in accordance with the requirements of the *Canadian Environmental Assessment Act*³ (CEAA), make a decision on an environmental assessment (EA) of the proposal. The proposed project is not of the type identified in the CEAA *Comprehensive Study List Regulations*⁴, therefore, pursuant to subsection 18(1) of the CEAA, the CNSC is required to ensure that a screening EA of the project is performed and a Screening Report prepared.

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 S.O.R./94-638.

4. The Commission is the sole Responsible Authority (RA) for the EA⁵. As a RA, under the CEAA, the Commission prepares scoping information to provide guidance on the scope of the project and on the scope of the assessment that will be conducted, describes the basis for the assessment and communicates the assessment process to stakeholders. To assist the Commission in this regard, CNSC staff prepared a draft Scoping Information Document (EA Guidelines) in consultation with other government departments, the public and stakeholders. Environment Canada (EC) and Health Canada (HC) identified themselves as federal authorities for the purpose of providing expert assistance to CNSC staff during the EA.
5. The “*Proposed EA Guidelines (Scope of Project and Assessment) for the Proposed Decommissioning of the SLOWPOKE-2 Reactor Facility, Dalhousie University, Halifax, Nova Scotia*” contains draft statements of scope for the approval of the Commission. The proposed EA Guidelines also contain recommendations and instructions for the approach to be used in completing the EA. The proposed EA Guidelines are presented in the CNSC staff document CMD 09-H100.

Issues

6. In considering the EA Guidelines and pursuant to subsections 15(1), 16(3) and 17(1) of the CEAA, the Commission was required to decide respectively on the:
 - a) adequacy of the *scope of the project* for which the EA is to be conducted;
 - b) completeness of *the scope of the factors* to be taken into consideration in the conduct of the EA;
 - c) delegation of the technical studies ; and
 - d) process (public or closed hearing) to be followed for the consideration of the EA Screening Report.

Hearing

7. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to hear this matter.

⁵ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

8. In making its decision, the Commission considered information presented for a hearing held on March 24, 2009 in Ottawa, Ontario. The hearing was conducted in accordance with the Commission's process for determining matters under the CEAA. During the hearing, the Commission received written recommendations from CNSC staff (CMD 09-H100) and written submission from the University of Dalhousie (CMD 09-H100.1).

Decision

9. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

the Canadian Nuclear Safety Commission, pursuant to sections 15 and 16 of the CEAA, approves the *Proposed EA Guidelines (Scope of Project and Assessment) for the Proposed Decommissioning of the SLOWPOKE-2 Reactor Facility, Dalhousie University, Halifax, Nova Scotia*.

10. The Commission decides that, based on information included in CNSC staff's recommendation on the fact that there is no potential significant environmental effects or public concern associated with the project, it will not, at this time, refer the project to the federal Minister of the Environment for his referral to a mediator or review panel. The Commission notes that it may make such a referral at any time during the course of the EA process if warranted.
11. The Commission decides that it will delegate the conduct of technical support studies to the proponent, Dalhousie University and the writing of the EA Screening Report to CNSC staff.
12. Finally, the Commission decides that, based on the low level of risk of the SLOWPOKE-2 reactor decommissioning project as well as the low level of public concern in respect to the proposed project, it will consider the completed EA Screening Report in the context of a closed session of the Commission.

Issues and Commission Findings

Consultations on the Draft EA Guidelines

13. As part of its review of the adequacy of the draft EA Guidelines and, in particular, to assess the level of public concern about the project, the Commission took into account the public and other stakeholders views. In this regard, the Commission considered whether the consultations, carried out thus far by CNSC staff and the proponent, provided the public and other stakeholders with adequate opportunity to become informed and express their views about the EA.

Public Consultation and Concerns

14. With respect to public consultation on the draft EA Guidelines, CNSC staff reported that a public registry was established for this environmental assessment, as required by section 55 of the CEAA, and is identified in the Canadian Environmental Assessment Registry (CEAR) with the following number: 05-01-12199. The draft EA Guidelines were also posted for public review on the CNSC web site. No comments were filed by members of the public.
15. CNSC staff reported that the EA Guidelines require that the screening assessment include notification of, and consultation with, potentially affected stakeholders, including federal, provincial and local governments, the general public, non-governmental organizations, affected First Nations and Aboriginal communities and neighbouring residents and local businesses. Dalhousie University will submit a consultation program appropriate to the scope of and interest in this project. The Environmental Impact Statement (EIS) to be submitted by Dalhousie University will have to contain a summary review of the comments received for the project during the EA. CNSC staff added that there will also be opportunity for the public to comment at the time of the EA Screening Report review.

Government Consultation

16. CNSC staff reported that EC and HC sent some comments on the proposed guidelines in relation to the scope of the factors with respect to radioactive waste management, potential for terrorist activities as well as accidents and malfunctions. CNSC staff assessed all the comments and incorporated minor changes in the EA Guidelines accordingly. CNSC staff added that the Nova Scotia Ministry of Environment determined that there is no provincial requirement for an EA under Nova Scotia's *Environmental Assessment Regulations*⁶.
17. CNSC staff noted that the EIS prepared by Dalhousie University will be reviewed by CNSC and the two identified federal authorities, namely EC and HC.

Environmental Assessment Studies and EA Screening Report

18. CNSC staff recommended that, pursuant to Subsection 17(1) of the CEAA, the technical studies required by CEAA, be delegated to Dalhousie University who will be provided with the guidelines to carry out the EA studies. Dalhousie University will further submit a detailed Environmental Impact Statement (EIS) to CNSC staff.

⁶ N.S. Reg. 348/2008

19. CNSC staff reported that it will prepare a draft EA Screening Report and will submit the report to the Commission for consideration and decision prior to consideration for licence application from Dalhousie University in relation to the DUSR facility decommissioning project.
20. CNSC staff recommended that the final EA Screening Report be considered by the Commission in a closed session. This recommendation is based on the low level of risk associated with the proposed project as well as on the low level of public concern observed during the EA Guidelines consultation.

Scope of the Project

21. The physical works involved in this project, as reported by CNSC staff, are listed in paragraph 2 of this Record of Proceeding.
22. CNSC staff noted that the preliminary decommissioning plan submitted by Dalhousie University will be included in the assessment.
23. CNSC staff concurred with Dalhousie University's proposed project description and with the potential interactions with the environment that have been identified for this project. CNSC staff noted that Dalhousie University will update, if required, these interactions when performing the assessment studies.

Scope of the Assessment (scope of the factors)

24. The mandatory factors in subsection 16(1) of the CEAA are: the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out; the significance of these effects; the comments from the public that are received in accordance with the CEAA and its regulations; and the measures technically and economically feasible that would mitigate any significant adverse effect of the project.
25. CNSC staff included in the draft EA Guidelines a list of factors to be considered pursuant to subsection 16(1) of the CEAA to assess the project effects on the environment, including effects of malfunction and accidents and cumulative effects. The guidelines also provide the proposed format of the EA Screening Report and identify specific information requirements and the methodology to be used in the assessment.

Conclusion

26. Based on information provided by CNSC staff on public consultation, the Commission is satisfied of the adequacy of the consultation with the public and other stakeholders during the preparation of the draft EA Guidelines.
27. The Commission is satisfied with the information received from CNSC staff and accepts their recommendations concerning the *scope of the project* and the *scope of the assessment* as described in section 3.1 and 3.3 of the draft EA Guidelines without change. The Commission concludes that the proposed guidelines are appropriate for the purpose of the environmental assessment of the proposed project. Therefore, pursuant to sections 15 and 16 of the CEAA, the Commission approves the *Proposed EA Guidelines (Scope of Project and Assessment) for the Proposed Decommissioning of the SLOWPOKE-2 Reactor Facility, Dalhousie University, Halifax, Nova Scotia* presented in CMD 09-H100.
28. The Commission decided that, at this time, it will not refer the project to the federal Minister of the Environment for referral to a mediator or review panel in accordance with the provisions of the CEAA.
29. The Commission decided that, pursuant to subsection 17(1) of the CEAA, the conduct of technical support studies will be delegated to Dalhousie University.
30. Furthermore, the Commission decided that the completed EA Screening Report will be considered by the Commission for approval in a closed session.



Michael Binder
President,
Canadian Nuclear Safety Commission

24/3/09
Date