



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Summary Record of Proceedings and Decision

In the Matter of

Applicant

Atomic Energy of Canada Limited

Subject

Application for Amendment of Waste Nuclear
Substance Licence for the Port Hope Long-Term
Low-Level Radioactive Waste Management
Project

Public Hearing
Date

October 24, 2012

RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited (AECL)

Address/Location: Chalk River, Ontario, K0J 1J0

Purpose: Application for Amendment of Waste Nuclear Substance Licence for the Port Hope Long-Term Low-Level Radioactive Waste Management Project

Application received: July 19, 2012

Dates of public hearing: October 24, 2012

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: M. Binder, Chair R. Velshi
 M. J. McDill A. Harvey
 D.D. Tolgyesi

Secretary: M.A. Leblanc

Recording Secretary: S. Dimitrijevic

Senior General Counsel: J. Lavoie

Applicant Represented By			Document Number
<ul style="list-style-type: none"> • J. Miller, Vice President of AECL • C. Fahey, General Manager of PHAI Office • D. McCauley, Natural Resources Canada • G. Case, Director of AECL • D. Campbell, Designer Manager of Port Hope • B. Taylor, Manager of AECL • J. Herod, Acting Manager • A. Ferguson Jones, Project Manager for MMM Group Ltd 			CMD 12-H10.1 CMD 12-H10.1A CMD 12-H10.1B
CNSC staff			Document Number
<ul style="list-style-type: none"> • P. Elder • D. Howard • M. Kostova 	<ul style="list-style-type: none"> • K. Bundy • R. Lane 	<ul style="list-style-type: none"> • J. LeClair • M. Rinker 	CMD 12-H10
Other Representatives			
<ul style="list-style-type: none"> • Ministry of Environment of Ontario, represented by H. Boehm and J. Gilmore 			
Intervenors			
See appendix A			

Licence: replaced

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INTRODUCTION

1. Atomic Energy of Canada Limited (AECL) has applied to the Canadian Nuclear Safety Commission¹ for an amendment to the Waste Nuclear Substance Licence for its Port Hope Long-Term Low-Level Radioactive Waste Management Project (Port Hope Project) to release the hold point to authorize Phase II of the project and extend the expiry date to December 31, 2022. The current licence, WNSL-W1-2310.00/2014, expires on December 31, 2014.
2. The Port Hope Project is a component of the Port Hope Area Initiative (PHAI), which is a community-based project established by the Government of Canada and the Municipalities of Port Hope and Clarington to develop and implement a safe, long-term management solution for historic low-level radioactive waste (LLRW) in the Port Hope area. The PHAI also includes the Port Granby Project. The Municipalities of Port Hope and Clarington are located on the north shore of Lake Ontario, about 100 kilometres east of the City of Toronto.
3. The LLRW is the result of radium and uranium refining and processing activities carried out by the former company Eldorado Nuclear Limited and its predecessors during the period 1933 to 1955. The LLRW currently exists within licensed facilities for waste consolidation and temporary storage and waste management, as well as in miscellaneous unlicensed sites, including the Port Hope Harbour, the former municipal landfill site and numerous small-scale sites. The Port Hope Project also includes the remediation of five industrial waste sites that are the result of other historic manufacturing activities, not related to Eldorado Nuclear Ltd. uranium and radium refining.
4. The Port Hope Project is conceived as a three-phase project. Phase I is the transition phase that includes possession and management of the nuclear substances at the Welcome Waste Management Facility (WWMF). Phase II is the implementation phase that includes construction of the long-term WMF (LTWMF), integration of the waste from the WWMF and cleanup and remediation of the off-site historic waste within the Municipality of Port Hope. Phase III is the post-closure phase, involving long-term monitoring and maintenance of the LTWMF. The Port Hope Project is now in its third year of Phase I.
5. The current licence, WNSL-W1-2310.00/2014, includes a hold point described in licence condition 1.4, which restricts AECL from conducting the Phase II project activities until the supporting documentation specified in Appendix C of the current licence is submitted and accepted by the Commission. With its decision in 2009 on the issuance of the current licence, the Commission directed AECL to appear before the Commission to present the required technical information prior to initiating Phase II construction or remediation activities.

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.

6. With this application for an amendment of the current licence, AECL submitted all the documentation required for authorization of Phase II of the project. Removal of the hold point would allow AECL to complete Phase I and proceed with Phase II of the project, which is anticipated to last seven to ten years. Phase III of the project is not encompassed within this application and would require separate licence amendment.

Issue

7. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA):
 - a) if AECL is qualified to carry on the activity that the licence would authorize; and
 - b) if, in carrying on that activity, AECL would make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

Public Hearing

8. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a public hearing held on October 24, 2012 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the public hearing, the Commission considered written submissions and heard oral presentations from CNSC staff (CMD 12-H10) and AECL (CMD 12-H10.1). The Commission also considered written submissions from 36 intervenors (see Appendix A for a detailed list of interventions).

DECISION

9. Based on its consideration of the matter, the Commission concludes that AECL is qualified to carry on the activities that the licence will authorize. The Commission is of the opinion that AECL, in carrying on these activities, will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, replaces the Waste Nuclear Substance Licence, WNSL-W1-2310.00/2014, issued to Atomic Energy of Canada Limited for its Port Hope Long-Term Low-Level Radioactive Waste Management Project located in Port Hope, Ontario. The new licence, WNSL-W1-2310.00/2022, is valid from November 15, 2012 to December 31, 2022.

² Statutes of Canada (S.C.) 1997, c. 9.

³ Statutory Orders and Regulations (SOR)/2000-211.

10. The Commission includes in the licence the conditions as recommended by CNSC staff and set out in the draft licence attached to CMD 12-H10 authorizing Phase II of the project.
11. With this decision, the Commission directs AECL to prepare, annually, a status report on the progress of Phase II activities. The Commission also directs CNSC staff to provide every year a report on the Port Hope Project as part of the Nuclear Cycle and Facilities Regulation Annual Report. AECL and CNSC staff shall present their reports at public proceedings of the Commission. The public would be invited to provide written interventions in the context of these public proceedings.
12. The Commission accepts CNSC staff's recommendation regarding the delegation of authority as outlined in the draft Licence Conditions Handbook.
13. The Commission does not accept CNSC staff's recommendation regarding future licence amendments as outlined in the CMD 12-H10, and does not delegate to a CNSC staff Designated Officer the power to consider or authorize future licence amendments and Phase III of the Port Hope Project. The Commission will exercise these powers.

ISSUES AND COMMISSION FINDINGS

14. In making its licensing decision, the Commission considered a number of issues relating to AECL's qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.
15. The Commission determined that there was no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*⁴ (CEAA). The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.
16. The detailed findings of the Commission will be presented in a *Record of Proceedings, including Reasons for Decision*, to be published at a later date.



Michael Binder
President,
Canadian Nuclear Safety Commission

NOV 15 2012

Date

⁴ S.C. 1992, c. 37.

Appendix A – Intervenors

Intervenors	Document Number
Bill Wilkerson	CMD 12-H10.2
David Henderson	CMD 12-H10.3
Rob E. Milligan	CMD 12-H10.4
Stephen True-Love	CMD 12-H10.5
Marcel Hildebrand	CMD 12-H10.6
Paul Macklin	CMD 12-H10.7
Robert Kyle	CMD 12-H10.8
Thomas Behan	CMD 12-H10.9
Julie Mavis	CMD 12-H10.10
Robert Biron	CMD 12-H10.11
Tony Dekeyser	CMD 12-H10.12
John Morand	CMD 12-H10.13
Eugene Bourgeois	CMD 12-H10.14
John Miller	CMD 12-H10.15 CMD 12-H10.15A
Bree Nixon	CMD 12-H10.16
Ryan Mason	CMD 12-H10.17
Terry Moore	CMD 12-H10.18
Sanford & Helen Anne Haskill	CMD 12-H10.19
Andy Thorne	CMD 12-H10.20
Terry Homes	CMD 12-H10.21
Rosemary McDonald	CMD 12-H10.22
Aldo D'Agostino	CMD 12-H10.23
Steven Stefanski	CMD 12-H10.24
Brian Ikeda	CMD 12-H10.25
Rick Norlock	CMD 12-H10.26
Christine Stewart	CMD 12-H10.27
Adam McCue	CMD 12-H10.28
Dave Blakely	CMD 12-H10.29
Linda Thompson	CMD 12-H10.30
Denise Carpenter	CMD 12-H10.31
Laurie Carr	CMD 12-H10.32
Mark Mattson	CMD 12-H10.33
Derrick Kelly	CMD 12-H10.34
Faye More	CMD 12-H10.35
Dennis Hogarth	CMD 12-H10.36
Pat McNamara	CMD 12-H10.37