



## **Supplementary Information**

### **Presentation from Duncan Noble**

In the Matter of the

#### **Canadian Nuclear Laboratories (CNL)**

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Application from the CNL to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility

#### **Commission Public Hearing Part 2**

**May 30 to June 3, 2022**

## **Renseignements supplémentaires**

### **Présentation de Duncan Noble**

À l'égard des

#### **Laboratoires Nucléaires Canadiens (LNC)**

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Demande des LNC visant à modifier le permis du site des Laboratoires de Chalk River pour autoriser la construction d'une installation de gestion des déchets près de la surface

#### **Audience publique de la Commission Partie 2**

**30 mai au 3 juin 2022**

# CNL Near Surface Disposal Facility: Presentation to the Canadian Nuclear Safety Commission

Duncan Noble  
June 2022  
CMD 22-H7.119

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# Introduction

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- ▶ Engineering Physics grad, MBA, worked in climate change consulting for > 20 years
- ▶ Summer student at CRNL in 1980
- ▶ Engineer at AECL Mississauga 1981-1983
- ▶ I recognize the benefits the nuclear industry has brought to our society e.g.,
  - ▶ Radiation treatments for cancer and other diseases, and
  - ▶ Supporting the phase out of fossil fuels like the coal phase out in Ontario
- ▶ Like all professional engineers, I am obliged to “regard the practitioner's duty to public welfare as paramount” (PEO Code of Ethics, section 77 of the Professional Engineers Act, R.S.O. 1990, c. P.28)
- ▶ This obligation applies to me. It also applies to any professional engineers involved in the design, review, and assessment of the proposed Near Surface Disposal Facility

# Lack of Genuine Consultation with Indigenous Peoples

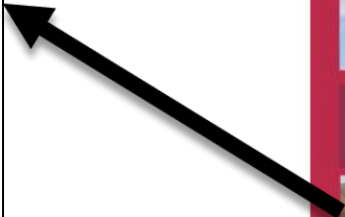
▶ Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.

## PRINCIPLES

Respecting the Government of Canada's Relationship With Indigenous Peoples

The Government of Canada recognizes that:

- All relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.
- Reconciliation is a fundamental purpose of section 35 of the Constitution Act, 1982.
- The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.
- Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.
- Treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.
- Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.
- Respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.
- Reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.
- Reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships.
- A distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.



# Conflicts of Interest

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- ▶ 2017 Expert Panel review recommended CNSC not be in charge of Environmental Assessment for nuclear projects
- ▶ Expert Panel also noted that CNSC is widely perceived to be a captured regulator
- ▶ High potential for real and/or perceived conflicts of interest

EXPERT PANEL  
Review of Environmental  
Assessment Processes

COMITÉ D'EXPERTS  
Examen des processus  
d'évaluation environnementale



# Timing: Modernizing Canada's Radioactive Waste Policy

## Next steps: Canada's Radioactive Waste Policy Review

2020 - 2022 timeline



**November 2020**

Virtual Engagement Hub was launched



**November 2020 - May 31, 2021**

Engagement Phase



**Winter 2021/2022**

Release of the draft policy for comments and What We Heard: Modernizing Canada's Policy for Radioactive Waste Management and Decommissioning

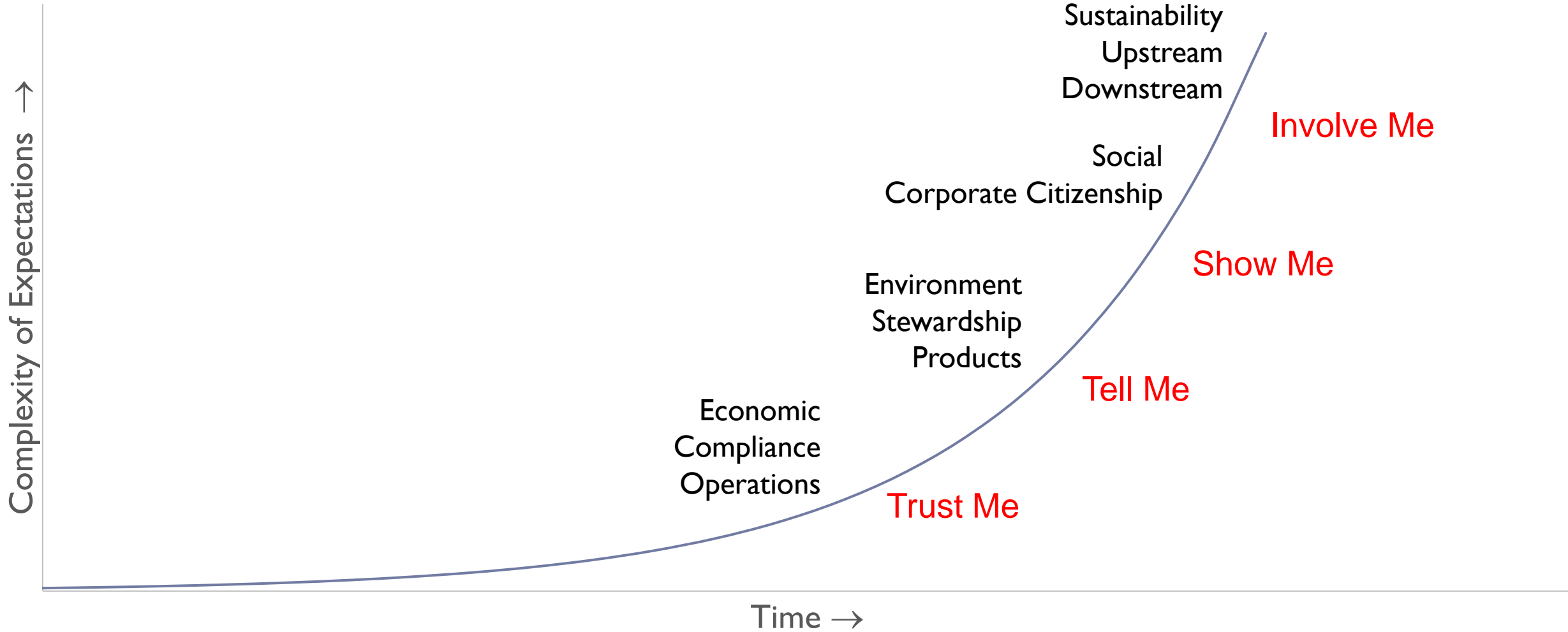


**2022**

Modernized Policy release

CNL NSDF

# Changing Stakeholder Expectations



Source: Five Winds International



# Inappropriate Site

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- ▶ The proposed site is partly surrounded by wetlands and the underlying bedrock is porous and fractured
- ▶ The proposed site for the NSDF is less than one kilometre from the Ottawa River, a drinking water source for millions of Canadians
- ▶ Downstream communities that rely on the Ottawa River include Ottawa-Gatineau and Montreal
- ▶ The site is tornado and earthquake prone; the Ottawa River itself is a major fault line

# Not a World-Class Design

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- ▶ There are several deficiencies in the proposed design that have been highlighted by independent reviews. These include, but are not limited to:
  - ▶ The International Atomic Energy Agency says that only Very Low Level Radioactive Waste (VLLW) can be put in an above-ground landfill-type facility
  - ▶ The International Atomic Energy Agency says radioactive wastes must be carefully stored out of the biosphere, not in an above-ground mound
  - ▶ The International Atomic Energy Agency says high-activity cobalt-60 is “intermediate-level waste” and must be stored underground
- ▶ If the nuclear industry wants to position itself as a responsible climate solution, it needs to demonstrate responsible stewardship across the entire supply chain, a world-class engagement/consultation process, and a world-class design

# Recommendations

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- ▶ **Do Not Authorize the Proposed NSDF Construction**
- ▶ **Modernize Radioactive Waste Policy First**
  - ▶ Modernized Policy to be Released in 2022
  - ▶ Governance Should Precede and Govern Operations
- ▶ **Restart the Engagement and Consultation Process**
- ▶ **Develop a Better Design**
  - ▶ Meet the concerns of Indigenous Peoples and Other Stakeholders
  - ▶ Goal: Be Recognized by Experts as a World-Class Design