



Oral presentation

Exposé oral

**Written submission from
David McNicoll**

**Mémoire de
David McNicoll**

In the Matter of the

À l'égard des

Canadian Nuclear Laboratories (CNL)

Laboratoires Nucléaires Canadiens (LNC)

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

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

**Commission Public Hearing
Part 2**

**Audience publique de la Commission
Partie 2**

May and June 2022

Mai et juin 2022

Ms Rumina Velshi
President and CEO
Canadian Nuclear Safety Commission
c/o Commission Registry (via enclosure in the required form)

Re: • Notice of Public Hearing
by the Canadian Nuclear Safety Commission (CNSC - October 28, 2021, Ref.2022-H-07)
• Application by Canadian Nuclear Laboratories (CNL) – Part 2 - Starting on May 31, 2022
to amend its Chalk River Laboratories' site license (CRL) to authorize construction of a Near
Surface Disposal Facility (NSDF)
• Participation in this Public Hearing by a member of the public (McNicoll, David)

Sunday, April 10, 2022

Dear President Velshi, Commission Members and interested citizens

I have an interest in this Public Hearing and appreciate the opportunity to participate (Pursuant to rule 19 of the Canadian Nuclear Safety Commission Rules of Procedure).

Simply stated, I do not support the requested licence amendment. I do offer several personal comments without prejudice and would be willing to participate in an oral submission if the Commission so chooses.

Yours truly

David McNicoll

cc. Members of Ottawa City Council, Open letter

Personal Comments

1 It rather overstates it but I was born on December 3, 1943 on planet Earth. My birthplace was near the junction of three sweet-water rivers on unsundered, unceded Aboriginal land. I love this place.

2 This junction, is also known by various, legal fictions such as Ottawa, Ontario (south shore of the Ottawa river) and Canada under the rule of law. Elected citizens have broken this land into thousands of created zones for *development*.

3 In the late 1970s I met William Commanda (Ojigkwanong) and eventually came to appreciate his vision for this junction (Asinabka/Chaudière Falls), which included a park with a Peace Institute. In his view it has been a sacred spot for thousands of years. In my view his vision is still valid and just.

4 Notwithstanding the continuing acknowledgements of many elected citizens that this land is still unceded, this junction is currently being developed for condominiums, under this rule of law. The application before the CNSC would continue that development.

5 In the 1980s, Janice Dowling and myself did a great deal of canoeing including portions of the Ottawa River and its tributaries.

In May 1986 we were canoeing up the Ottawa River when, one night, we used a tarp to collect rainwater. When we reached Renfrew, Ontario we read a newspaper warning citizens not to drink rainwater because of a nuclear incident in Chernobyl. Thus I learned that radioactivity is potentially global. I note that both the Applicant's document (CMD-H7.1) and the CNSC's staff document (CMD-H7) do not appear to treat radioactivity as a global flow with real data over time.

6 Further I note that both documents (CMD-H7.1 and CMD-H7) do not approach the global nuclear industry as such. I would have preferred some overview of the status of Canadian Energy systems as well as the status of global nuclear systems (For example: Schneider, M. September 2021. *The World Nuclear Industry Status Report 2021, wnistr2021-lr.pdf*).

7 I offer no comment on the CNSC document (CMD-H7, which includes the embedded *Environmental Assessment Report*), in part because I do not accept it as a document of adequate democratic science.

8 In 2017-2019 the Government of Canada held a consultation on the Ottawa River which, based on the original Private Members's Motion M104, was to consider the formation of an Ottawa River Watershed Council.

Ultimately, following an amendment to M104, the Ministry of Environment and Climate Canada (MECCC) released a simple policy document to conclude the matter (*An Examination of Governance, Existing Data, Potential Indicators and Values in the Ottawa River Watershed*. ISBN: 978-0-660-31053-4).

I offer no comment on the policy document except to note that it is not led by adequate science. In any event, after the consultation, one is left with no proposed Council, no hydrological cycles to export to

the global community and all human enterprise not tracked (nuclear facilities, dozens of hydro dams and several operating mines)

This is a critical, rate-determining comment. If one chooses to not track water, one can't track biodiversity or climate change. Nor can one track global radioactivity as such.

This is the current practice of Canada, notwithstanding the current federal mandate letters. Put a different way, there is a tension between the rule of law (if it directly or indirectly tries to avoid reality) and earth system science which tracks matters over time. Thus Environmental Assessment (now federally Impact Assessment) is still just a point in time.

9 Of course citizens should represent their feelings and attitudes on matters of importance. To my appreciation the consideration of watershed planning during the consultation by MECCC never rose through Ottawa City Council. Not helpful for the citizens of Ottawa who might easily assume due diligence is being shown by their elected citizens.

10 Finally, the recent release by Natural Resources Canada of a policy document *Modernizing Canada's Policy for Radioactive Waste Management and Decommissioning* is labelled – Draft for Public Comment. Given the current state of waste management in Canada it would seem to indicate that the application before you today is premature.