



**Written submission from
Northwatch**

**Mémoire de
Northwatch**

In the Matter of

À l'égard de

Cameco Corporation

Cameco Corporation

**Revised preliminary decommissioning plan
and financial guarantee for Cameco
Corporation's Port Hope Conversion
Facility**

**Plan préliminaire de déclassement et la
garantie financière révisés pour l'installation
de conversion de Port Hope de Cameco
Corporation**

Hearing in writing based on written
submissions

Audience par écrit fondée sur des mémoires

December 2023

Décembre 2023

NORTHWATCH

December 18, 2023

Commission Registrar
Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046,
Station B Ottawa, ON K1P 5S9

CMD 23-H-107

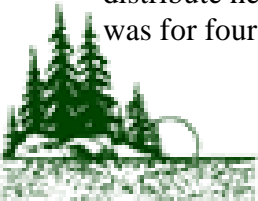
Re. **Supplementary Comments on Cameco Corporation's Port Hope Conversion Facility Preliminary Decommissioning Plan and Financial Guarantee 2022**

On December 4th Northwatch submitted our second set of comments on this matter to the Canadian Nuclear Safety Commission, having previously submitted comments in response to the November 10th 2023 "Notice of Request for Confidentiality" which set out that Cameco Corporation had requested that its Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 be kept confidential.

In response to our December 4th comments on *Cameco Corporation's Port Hope Conversion Facility Preliminary Decommissioning Plan and Financial Guarantee 2022* which had been transmitted by email that morning, Northwatch received (at 6:27 pm) acknowledgement of our submission, the Record of Decision on Cameco's request for confidentiality, and an indication that a revised Notice of Hearing in Writing would be issued shortly and that the revised Notice would extend the deadline for filing interventions to December 18, 2023. This submission is being filed accordingly.

The Record of Decision indicated that the Panel of the Commission has rendered its decision on the request from Cameco for confidentiality of the preliminary decommissioning plan, the decision being that the complete document "*Port Hope Conversion Facility Preliminary Decommissioning Plan 2022*" will remain confidential. The Decision indicated that "yes" the subject "information will be protected" and set out that the "Measure(s) to be Taken" were that 'only the non-confidential (redacted) version or summary shall be disclosed'.

While that initial communication indicated that a revised *Notice of Hearing in Writing* would be issued "shortly" to extend the deadline for filing interventions to December 18, 2023, that notice was not received until December 14th at 4:31 pm Eastern. We confirmed that it had been posted to the Commission's web site under Hearing Documents by that time but have found no indication of it having been distributed more broadly, such as through the CNSC's email distribution list which we had previously understood to be the standard method used by the Commission to distribute hearing notices. The Notice received on December 14th established that the deadline was for four days later on December 18th (two full business days).



Northwatch's Interest

Northwatch is a public interest organization concerned with environmental protection and social development in northeastern Ontario. Founded in 1988 to provide a representative regional voice in environmental decision-making and to address regional concerns with respect to energy, waste, mining and forestry related activities and initiatives, we have a long term and consistent interest in the nuclear chain, and its serial effects and potential effects with respect to northeastern Ontario, including issues related to uranium mining and refining, nuclear power generation, and various nuclear waste management initiatives and proposals as they may relate or have the potential to affect the lands, waters and/or people of northern Ontario.

Northwatch has a dual mandate that includes public interest research, education and advocacy to promote environmental awareness and protection of the environment, and the support and promotion of public participation in environment-related decision-making.

Northwatch's interest in the "Port Hope Conversion Facility Preliminary Decommissioning Plan 2022" rests on Cameco having publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron.

Cameco's revised preliminary decommissioning plan and financial guarantee for their conversion facility in Port Hope is of direct interest to residents of the north shore of Lake Huron, given Cameco's intent to use the site of Cameco's uranium refinery just west of Blind River as the dumping ground for all of their Port Hope decommissioning wastes.

Northwatch's Procedural Objections

We make the following procedural objections related to this matter:

- We object to *Cameco Corporation's Port Hope Conversion Facility Preliminary Decommissioning Plan and Financial Guarantee 2022* being deemed confidential, for the reasons set out in our submission of December 4th, none of which have been reduced by subsequent decisions or information provided by the CNSC or by Cameco. Those reasons included:
 - o The Port Hope Conversion Facility is the site of nuclear operation that began in the 1930s and is the scene of almost a century of radioactive and site contamination; the community of Port Hope and Lake Ontario have been impacted by these operations
 - o The decommissioning and cleanup of this site after closure is a matter of public interest
 - o Cameco has publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco

uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron

- The nuclear risk and the potential for contamination of the proposed site of the waste deposition on the north shore of Lake Huron is a matter of public interest, and of particular concern to the public and Indigenous peoples along the transportation route and in the region of the proposed site
- Cameco is proposing that public access be limited to a summary of the Preliminary Decommissioning Plan which does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes
- We object to a redacted copy not being provided in accordance with the Commission decision of December 4th 2023 which determined that while “information will be protected” the measures to be taken included that a “non-confidential (redacted) version or summary” was to be disclosed
- We object to the Commission providing only four days between issuing the Revised Notice of Hearing in Writing and the deadline for comment set out in that Revised Notice
- We object to the Revised Notice of Hearing not having been distributed in a proper manner, including through the CNSC’s regulator method of distributing notices via their email distribution list

Northwatch’s most fundamental objection to Cameco’s preliminary decommissioning plan for their Port Hope operations – including the Port Hope Conversion Facility – is that it is not as much a decommissioning plan as it is a declaration of intent to create a large radioactive waste disposal site on the North Shore of Lake Huron, with associated transportation of radioactive wastes, but has failed to consult or engage with the affected public or to disclose any of the design, operations, impacts, mitigation measures, or other important aspects of this intended operation.

What follows are Northwatch’s supplementary comments. This submission should be read as including and incorporating all of our submission of December 4th 2023 as previously submitted and now appended to this submission.

Insufficient Information About the Preliminary Decommissioning Plan and Financial Guarantee

In light of the Commission’s decision of December 4th, Northwatch requested a redacted copy of *Cameco Corporation’s Port Hope Conversion Facility Preliminary Decommissioning Plan and Financial Guarantee 2022* which omitted any "prescribed information and controlled nuclear information".

In making our request, we acknowledged that Cameco holds the view that the Preliminary Decommissioning Plan contains "prescribed information and controlled nuclear information" but noted that Cameco has provided no explanation of the basis for that view and that we had

reviewed the information that is to be provided in the PDP and had identified no content which the disclosure of would create a security risk or even place Cameco at a risk of losing proprietary or competitive advantage (such as patented processes or technology).

We requested that we be provided with a redacted copy of the Preliminary Decommission Plan but were refused a redacted copy without explanation, other than a non-specific response which referenced CNSC's Rules of Procedures and claimed that the PDP documents contain information that must remain confidential for several reasons but did not state those reasons with respect to the preliminary decommissioning plan for the Port Hope Conversion Facility other than to say that Cameco treats and considers the information to be confidential.

In their response Cameco stated:

Cameco is not required to provide a redacted version of the PDP. We develop public summaries for all of our technical documents, including the PDP as these documents contain information which must remain confidential for several reasons.¹

The request for confidentiality was made pursuant to the following paragraph(s) of rule 12 of the [CNSC Rules of Procedure](#):

12(1) (b) the information is confidential information of a financial, commercial, scientific, technical, personal or other nature that is treated consistently as confidential and the person affected has not consented to the disclosure

The PDP is protected for the following reasons:

- *The Preliminary Decommissioning Plan is considered confidential and proprietary in its entirety, as it contains confidential information of a financial, commercial, scientific and technical nature and is treated consistently as confidential by Cameco Corporation.*
- *The confidential commercial, financial and technical information that is consistently treated as confidential by Cameco Corporation and was provided to the CNSC with the expectation of confidentiality. Cameco Corporation does not consent to the disclosure of this information.*
- *The document contains prescribed information pursuant to s. 21 of the General Nuclear Safety and Control Regulations and controlled nuclear information, which is also prescribed information, pursuant to the Nuclear Non-proliferation Import and Export Control Regulations, as the document contains details of the facility design, including materials of construction, layout and dimensions of process equipment, control systems and proprietary technology.*
- *The document contains information the disclosure of which could reasonably be expected to prejudice Cameco's competitive position, as the document contains details of Cameco's business practices, including the rationale underlying cost estimates and assumptions related to preliminary decommissioning planning and cost estimating that would be beneficial to Cameco's competitors.*

¹ Email response from Cameco on 14 December 2023, subject line "Re: Resend: Northwatch Request for redacted copy of the preliminary decommissioning plan for Cameco Corporation's Port Hope Conversion Facility"

This matter has been ruled on by the Commission, who accepted the summary document as a CMD for the hearing in writing.

The third point (above) is of particular interest, in that it indicates that the document contains the very same information that is required for the public to review and make informed comment on the plan, i.e. the “details of the facility design, including materials of construction, layout and dimensions of process equipment”. This point also claims that there is “proprietary technology”, but the proprietary details could be excluded in a redacted copy.

The fourth point (above) indicated that the documents are being kept confidential because it includes “the rationale underlying cost estimates and assumptions related to preliminary decommissioning planning and cost estimating”, which is the very information required by the public to review and comment on the validity of the financial guarantee.

Upon Cameco’s refusal to provide a redacted copy of the PDP, Northwatch requested information from Cameco about the information in the Preliminary Decommissioning Plan which Section 6.1.1. of REGDOC-2.11.2 sets out as required.

Cameco responded with very summary responses to a subset of the information items Northwatch had requested. Several of their responses referred back to the Summary Document, or to other documents which were also of a very general nature, such as Cameco’s “Fuel Services Division Waste Management Overview”².

Significant Omissions in the Summary of Preliminary Decommissioning Plan

The summary plan released by Cameco excludes significant and fundamental information about the decommissioning plan.

For example, Northwatch requested details of the decommissioning strategy and Cameco responded:³

The strategy carried forward in the PDP is a combination of “prompt removal” and “in-situ confinement”. The uranium contaminated building materials, equipment and soils from prompt removal decommissioning will be subjected to in-situ confinement by placement in a engineered disposal site. At the conclusion of the decommissioning project, the existing licensed property, could be released for a wide range of commercial, industrial and retail land uses that make use of any buildings and structures to remain.

This is described at a high level in the summary.

² As posted at file:///C:/Users/brenn/Downloads/FSD-waste-mgmt-public-summary-2017.pdf

³ Email response from Cameco on 14 December 2023, subject line “Re: Resend: Northwatch Request for redacted copy of the preliminary decommissioning plan for Cameco Corporation’s Port Hope Conversion Facility”

Northwatch reviewed the summary of the decommissioning plan and confirmed that there is no mention of in-situ decommissioning or “in-situ confinement” in the summary.

In contrast to a strategy of “in-situ confinement” the summary plan stated definitively there will be no on-site disposition, as follows:

The PHCF PDP considers all of the above activities with the exception of ongoing monitoring and maintenance of any institutional controls. This activity will not be required as all structures and contaminated material will be removed from the PHCF as part of the decommissioning process and transferred to a single engineered containment facility. The costs of this facility are included in the BRR PDP.

Disposal Costs Not Included in the PHCF Financial Guarantee

The summary preliminary decommissioning plan for the Cameco Blind Rive Uranium Refinery indicates that the current estimated cost for final decommissioning of the Blind River Refinery, including the construction, licensing and perpetual maintenance of a long-term waste management facility is \$57.5 million while the preliminary decommissioning plan for the Cameco Conversion Facility in Port Hope is estimated at \$138.2 million.

After a series of exchanges with Cameco with respect to transportation and disposal costs and how they are apportioned between the Port Hope and Blind River financial guarantees Northwatch has come to the conclusion that there are no costs for the disposal of the decommissioning wastes included in the financial guarantee for the Port Hope Conversion Facility. We would appreciate the Commission directing Cameco to clearly set out their calculation of costs in the financial guarantee for the Port Hope Conversion facility, including the costs of waste disposition, so this conclusion could be confirmed or corrected. If it is confirmed, we would ask that the Commission require Cameco to amend their preliminary decommissioning plan and financial guarantee in order to clearly include these costs on a per facility basis.

Northwatch’s conclusion rests on Cameco’s explanation that the financial guarantees for each facility are separate and that there is no cost for disposal included in the financial guarantee for the Port Hope Conversion Facility.

Cameco’s initial response to a question from Northwatch had been that “the Port Hope financial guarantee is for the decommissioning of the Port Hope site, including transport to and disposal within a common engineered disposal site”.⁴ However, in subsequent exchanges with respect to the calculation of transportation costs and the mode and volume of transportation, Cameco initially responded that “the Port Hope PDP includes a waste disposal provision of \$16.6 million that covers the costs for transport to the engineered disposal site and placement within the site

⁴ Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

during the operational phase of the disposal facility⁵ but then later stated that calculation of \$16.6 million “assumed that there is no cost for disposal other than transportation.”⁶ Costs of disposal of the decommissioning wastes must be included in the financial guarantee for the Port Hope Conversion Facility for a number of reasons, including but not limited to regulatory requirements and reasonable contingency planning.

*REGDOC-3.3.1, Financial guarantees for decommissioning of nuclear facilities and termination of licensed activities*⁷ sets out clearly that disposal costs are to be included in the financial guarantee:

10. Requirements for Costs To Be Included

Cost estimates must include all decommissioning activities from operations, during shutdown to the final release from regulatory control. The cost estimate for decommissioning must address the cost of the following principal activities, if applicable:

- preparation for final shutdown
- facility shutdown activities
- additional activities for safe enclosure (if applicable)
- decontamination and dismantling activities
- waste processing, storage and disposal, including used fuel
- project management, engineering and site support
- site clean-up, landscaping and restoration (if required)
- long-term management of radioactive waste and used fuel (if applicable)
- long-term monitoring and maintenance of the site and institutional control (if applicable)
- miscellaneous expenditures

The applicant or licensee must estimate the cost for all activities included in their decommissioning plan.

Cameco’s omission of waste disposition costs from the financial guarantee for the Port Hope Conversion Facility fails to meet this regulatory requirement.

Cameco’s omission of waste disposition costs from the financial guarantee for the Port Hope Conversion Facility rests entirely on three suppositions, the first being that their plan to send all decommissioning wastes from Port Hope to Blind River will be accepted and approved, the second being that the three facilities will continue to operate as divisions of the same company,

⁵ Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

⁶ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

⁷ As found at <https://nuclearsafety.gc.ca/eng/acts-and-regulations/consultation/comment/regdoc3-3-1.cfm#sec9> on 18 December 2023

and the third being that the costs can be allocated at the whim of the owner/operator rather than being assigned on an operational basis.

The first supposition, that their plan to send all decommissioning wastes from Port Hope to Blind River will be accepted and approved, is unsupported and unsupportable. There is no indication of Indigenous or public support for this plan, and Cameco and CNSC have failed to properly consult or engage with Indigenous people or the public on this proposition. It is an understatement to say that it is highly unlikely that a plan to dispose of large volumes of radioactive wastes immediately beside Lake Huron and adjacent to a Robinson-Superior treaty community in the heart of the treaty territory will gain acceptance.

The second supposition, that the three facilities will continue to operate as divisions of the same company, is also unsupported. Corporations in the natural resource and energy sector regularly go through re-organization and redistribution of assets, and the Commission cannot assume that Cameco is any different. Under the present arrangement, there are no costs assigned to waste disposition in the financial guarantee for the Port Hope facilities. Should Cameco sell off some of its assets, such as the Blind River refinery, these facilities could become stranded, with no financial guarantees in place to cover their decommissioning costs.

The third supposition, that costs can be allocated at the whim of the owner/operator rather than being assigned on an operational basis, is inconsistent with regulatory requirements. As noted above REGDOC-3.3.1 sets out clearly that disposal costs are to be included in the financial guarantee.

Transportation Costs and Rationale

While we appreciated the time and attention Cameco staff invested in replying to our questions about the preliminary decommissioning plan, we were troubled by what we saw as gaps and inconsistencies. For example, in exchanges with respect to the calculation of transportation costs and the mode and volume of transportation, Cameco initially responded that “the Port Hope PDP includes a waste disposal provision of \$16.6 million that covers the costs for transport to the engineered disposal site and placement within the site during the operational phase of the disposal facility”⁸ but then later stated that calculation of \$16.6 million “assumed that there is no cost for disposal other than transportation.”⁹

These responses are inconsistent.

Northwatch posed a question about the planning assumptions used to calculate the transportation costs, including mode of transport and duration of the transportation campaign and was provided

⁸ Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

⁹ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

only a very general response that “the mode of transport is assumed to be road and/or rail, following existing routes for road between Port Hope and Blind River and the applicable rail networks for rail”¹⁰ which did not indicate that there was any degree of planning specific to the anticipated waste types and waste volumes to be generated through the decommissioning process.

Cameco’s Vision in Motion project includes dispositioning of wastes from the conversion facility at a site in Port Hope. Cameco’s response to our questions about transportation containers indicated that there is currently shipment of marginally contaminated waste from all of the Ontario operations to a hazardous waste landfill in the United States.¹¹

Cameco has not provided information in their summary decommissioning plan or in their responses to Northwatch’s questions which provide a rationale for the long distance shipments of the decommissioning wastes from Port Hope for disposition in a conceptual waste “cell” to be constructed west of Blind River on the north shore of Lake Huron. Nor has Cameco addressed the additional risks and the carbon impacts of that transportation. Cameco has provided no supporting argument for their selection of a distant location in Robinson-Huron territory as a waste disposal site, particularly in light of their current practice and future plans of dispatching radioactive wastes to other established and licensed facilities more proximate to the PHCF.

Inadequate Financial Guarantee for Long Term Care and Maintenance

The summary preliminary decommissioning plan for the Cameco Conversion Facility indicates that there is a provision in the Blind River PDP for care and maintenance of the waste management facility in perpetuity (i.e. the waste facility presumed to be constructed at the Blind River location in which Cameco’s conversion facility and fuel manufacturing wastes are to be deposited).

In response to Northwatch’s request for details of this provision, including the amount of the financial guarantee that has been calculated for perpetual care and maintenance, and the basis for that calculation:

- Cameco advised that the financial guarantee for the Blind River facility includes \$14 million for the engineered disposal site and landscaping¹² and that within the \$14 million for the engineered disposal site, there is a provision of \$2.5 million to purchase an annuity to cover the costs for care, maintenance and monitoring in perpetuity.

¹⁰ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹¹ Email response from Cameco on 12 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹² Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

- Cameco stated that this amount was determined based on the expected design, maintenance and monitoring requirements and was based on actual costs for similar facilities¹³
- Cameco clarified that all costs associated with construction and long-term maintenance of the engineered disposal site which is the end point of the decommissioning wastes from the Port Hope facility are included in the Blind River PDP.¹⁴

Northwatch queried the details of the annuity, its purchase and vendor, and learned that, according to Cameco:

- no annuity has been purchased, that the financial guarantees are set up as irrevocable letters of credit with Canadian banks payable to the CNSC should a triggering event occur (i.e. insolvency of Cameco) and that the annuity would be purchased by the CNSC or the party they would designate to complete the decommissioning on their behalf should the triggering event occur.¹⁵
- that the terms of the annuity include the terms of annual payments (to pay for care and maintenance into perpetuity) are unknown, but “would be determined at some point in the future when the guaranteed funds are released to the CNSC”¹⁶
- That there is no identified vendor of the annuity but the identification of the vendor and purchase of the annuity would fall to the CNSC and “would be determined at some point in the future when the guaranteed funds are released to the CNSC”¹⁷
- That there is no basis to which Cameco can point for determining the estimate of \$2.5 for the annuity; instead, Cameco’s extremely generalized explanation is that it “follows standard engineering cost estimation practices for developing direct and indirect costs” and are “based on knowledge and experience of Cameco’s operations as well as the knowledge and experience of the SNC-Lavalin”

The cost estimate for the annuity appears to not be based on comparable sites, wastes, or waste volumes or any other real-world evidence,¹⁸ but even more striking is that the annuity itself only exists as a possible future purchase of the CNSC and only after Cameco has become insolvent.

The net finding: in fact, there are no funds being set aside for the perpetual care of the proposed radioactive waste disposal facility that Cameco aspires to construct on the Blind River uranium refinery property as an end-point for the decommissioning wastes from the PHCF.

¹³ Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹⁴ Email response from Cameco on 6 December 2023, subject line “FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹⁵ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹⁶ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹⁷ Email response from Cameco on 8 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

¹⁸ Email response from Cameco on 12 December 2023, subject line “Re: FW: Northwatch Questions to Cameco Regarding the Financial Guarantee for the Decommissioning Of the Cameco Conversion Facility”

Requested Action

Northwatch requests that the Canadian Nuclear Safety Commission:

- As an immediate measure, reschedule the “hearing in writing” as a full public hearing which is webcast, a transcript is produced, and full reasons for the decision are issued
- Refuse to approve the preliminary decommissioning plan and financial guarantee for the Port Hope Conversion Facility
- direct Cameco to address the inadequacies of the decommissioning plan and financial guarantee as have been identified by Northwatch and others in the course of this review process
- direct Cameco to make the 2024 revised preliminary decommissioning plan for the Port Hope Conversion Facility available to those who have an interest in this matter, including Northwatch.
- Defer any decision-making with respect to Cameco’s Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 until such time as further revisions and have been made and the full version of the revised preliminary decommissioning plan has been made available and an appropriate review process is in place
- Combine reviews of the Port Hope Conversion Facility Preliminary Decommissioning Plan (2024) with a review of updated preliminary decommissioning plans and financial guarantees for the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery, given Cameco’s stated intention to integrate the long-term management plan for decommissioning wastes from the three facilities
- Make available to the public and Indigenous peoples the full (not summary) preliminary decommissioning plans for Port Hope Conversion Facility, the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery
- Issue a notice of a public hearing in full and a participant funding opportunity with sufficient time for interested parties to retain technical assistance and fully review and consider the three preliminary decommissioning plans and prepare comments within the review timeline

Summary

Cameco is proposing that they construct a large radioactive waste facility on the North Shore of Lake Huron, as indicated in the summary of the Port Hope Conversion Facility Preliminary Decommissioning Plan. The construction, operation and perpetual care (or abandonment) of such a facility is of significant concern to Northwatch and others with an interest in the health and well being of Algoma region and the Robinson-Huron Treaty Area including the North Shore of Lake Huron.

This concern has been heightened by the findings of Northwatch’s exchanges with Cameco in the course of preparing to comment on the preliminary decommissioning plan and financial guarantee for the Port Hope Conversion Facility. In the course of this investigation Northwatch has learned that:

- There is no allocation of funds for the long-term management of the decommissioning wastes included in the Port Hope Conversion Facility financial guarantee
- There is no annuity of long term fund in place or even planned for to cover the long term care and maintenance of a waste “cell” planned by Cameco on the north shore of Lake Huron at the current site of the Blind River uranium refinery to become the disposal site for radioactive decommissioning wastes from Cameco’s two uranium processing operations in Port Hope
- The summary misrepresents the actual preliminary decommissioning plan; for example, the summary excludes Cameco’s intent to employ in-situ decommissioning

The Commission must also question whether Cameco has adequately informed and engaged the signator nations to the Robinson-Huron Treaty and whether CNSC staff have met the duty to consult with respect to Cameco’s Port Hope Conversion Facility Preliminary Decommissioning Plan and Cameco’s intent to impose impacts on the North Shore of Lake Huron in carrying out the intended decommissioning activities.

We have observed in the past CNSC staff providing the Commission with an explanation to the effect of “the duty to consult did not apply because this was not a new activity”. Indeed, the preliminary decommissioning plan and financial guarantee and its review and potential approval is not a new activity; the Commission has provided its approval to similarly secret plans in the past. However, there was inadequate or no consultation of Indigenous people and the public more generally in those past instances, so the Commission and CNSC staff are not relieved of the Duty to Consult simply by having failed to carry out that duty in the past.

Indigenous peoples and members of the public who have an interest in the preliminary decommissioning plan and its potential impact on the North Shore cannot comment on a plan that is not available to them. The Commission must resolve this issue before proceeding with the review and approval of Cameco’s Port Hope Conversion facility preliminary decommissioning plan and financial guarantee.

Northwatch submits these comments while maintaining our objection to this hearing proceeding in the absence of the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation’s Port Hope Conversion Facility being available.

All of which is respectfully submitted on behalf of Northwatch.



Brennain Lloyd
Project Coordinator, Northwatch

Appendix 1 – Northwatch Initial Submission re CMD 23-H-107, dated 4 December 2023

Appendix 2 - REGDOC-2.11.2, Decommissioning, Section 6.1.1 (excerpt)

NORTHWATCH

December 4, 2023

Commission Registrar
Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

CMD 23-H-107

Re. Cameco Corporation's Port Hope Conversion Facility Preliminary Decommissioning Plan 2022

The Canadian Nuclear Safety Commission is inviting the public to comment in writing on the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility but is refusing to make the revised decommissioning plan and financial guarantee available to the public.

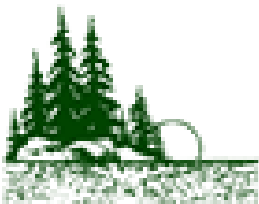
Northwatch is submitting these preliminary comments while objecting to this process and to the refusal of Cameco and the Commission to make the preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility.

Hearing in Writing

On October 6, 2023 the Canadian Nuclear Safety Commission issued a notice that it intends to conduct a hearing in writing on the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility and has invited persons who have an interest in this matter to comment, in writing, on Cameco's application by December 4th.

Northwatch requested the Preliminary Decommissioning Plan for Cameco's Port Hope Conversion Facility on October 12, 2023 and posed further questions with respect to the review schedule and currency of the PDP on October 17th. Northwatch was refused a copy of the Preliminary Decommissioning Plan on the ground that it contains "information that Cameco is of the view should not be disclosed".

On November 10th, 2023 at 5:01 pm Northwatch received from the Canadian Nuclear Safety Commission a "Notice of Request for Confidentiality" setting out that Cameco Corporation has requested that its "Port Hope Conversion Facility Preliminary Decommissioning Plan 2022" be kept confidential. The Notice further stated that the comment period was limited to six days with comments required by November 16th. Northwatch received a response to our questions with respect to the review schedule and currency of the PDP sent on October 17th one month later, on November 17th.



Box 282, North Bay ON P1B 8H2 | 705 497 0373 | northwatch@northwatch.org | www.northwatch.org

Objections to Confidentiality

Northwatch continues to object to “Port Hope Conversion Facility Preliminary Decommissioning Plan 2022” being deemed a confidential document, and to the related notice and comment period, for the following reasons:

- The Port Hope Conversion Facility is the site of nuclear operation that began in the 1930s and is the scene of almost a century of radioactive and site contamination; the community of Port Hope and Lake Ontario have been impacted by these operations
- The decommissioning and cleanup of this site after closure is a matter of public interest
- Cameco has publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron
- The nuclear risk and the potential for contamination of the proposed site of the waste deposition on the north shore of Lake Huron is a matter of public interest, and of particular concern to the public and Indigenous peoples along the transportation route and in the region of the proposed site
- Cameco is proposing that public access be limited to a summary of the Preliminary Decommissioning Plan which does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes
- The information that should be made available to the public includes but is not limited to:
 - o A full and detailed inventory of the anticipated decommissioning wastes, including a full characterization of the wastes and any radioactive, toxic, combustible and flammable qualities of the waste
 - o A full and detailed estimate of the waste volumes, by category and characteristic
 - o A detailed description of the proposed waste management facility which Cameco had indicated will be the end point for the decommissioning wastes and will be located on the north shore of Lake Huron; the description should include design and dimensions and technologies to be employed, the monitoring plan and mitigation measures, and the method for waste retrieval in the event of facility failure
 - o Any other information which Cameco has included in its 2022 preliminary decommissioning plan

Clearly, Indigenous peoples and members of the public who have an interest in the preliminary decommissioning plan cannot comment on the plan if it is not available to them. In effect, by permitting Cameco Corporation to keep the preliminary decommissioning plan confidential, the Commission is rendering the opportunity to comment on the plan moot and void.

Northwatch's Interest

Northwatch is a public interest organization concerned with environmental protection and social development in northeastern Ontario. Founded in 1988 to provide a representative regional voice in environmental decision-making and to address regional concerns with respect to energy, waste, mining and forestry related activities and initiatives, we have a long term and consistent interest in the nuclear chain, and its serial effects and potential effects with respect to northeastern Ontario, including issues

related to uranium mining and refining, nuclear power generation, and various nuclear waste management initiatives and proposals as they may relate or have the potential to affect the lands, waters and/or people of northern Ontario.

Northwatch has a dual mandate that includes public interest research, education and advocacy to promote environmental awareness and protection of the environment, and the support and promotion of public participation in environment-related decision-making.

Northwatch's interest in the "Port Hope Conversion Facility Preliminary Decommissioning Plan 2022" rests on Cameco having publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron.

Cameco's revised preliminary decommissioning plan and financial guarantee for their conversion facility in Port Hope is of direct interest to residents of the north shore of Lake Huron, given Cameco's intent to use the site of Cameco's uranium refinery just east of Blind River as the dumping ground for all of their Port Hope decommissioning wastes.

Preliminary Decommissioning Plans for Port Hope Conversion Facility and Fuel Manufacturing

Cameco's plan first came to light – for Northwatch and other intervenors from northeastern Ontario - during the licensing hearing in 2021, when the license review hearing for the Blind River refinery was held in Port Hope on the day following the hearing on the license renewal application for Cameco's Port Hope Conversion Facility and Fuel Manufacturing. Cameco's plan to use the North Shore in this manner came up as if in passing during discussion of the Port Hope facilities.

[Northwatch raised this](#) during the Blind River uranium refinery license a decade later – the first opportunity – in the November 2011 hearings, objecting to both the overly vague nature of the [preliminary decommissioning plan for the Blind River refinery](#), but even more strenuously to what Cameco described then as their "*common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low level radioactive waste management cell at the Blind River site.*" The only rationale Cameco provided in the summary PDP was that "*this location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.*" Northwatch objected to Cameco's "strategy" of creating a massive radioactive waste facility on the shore of Lake Huron and transferring the decommissioning wastes from the Port Hope conversion facility and the Cameco Fuel Manufacturing facility in Port Hope to northeastern Ontario.

Cameco has publicly stated that their [decommissioning plan](#) (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron. The nuclear risk and the potential for contamination of the proposed site of the waste deposition on the north shore of Lake Huron is a matter of public interest, and of particular concern to the public and Indigenous peoples on the transportation route and in the region of the proposed site.

Facility	Cameco Conversion Facility [PDP is HERE]	Cameco Fuel Manufacturing [PDP is HERE]	Cameco Uranium Refinery [PDP is HERE]
Description	<p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.</p> <p>A separate financial guarantee is set aside for the PDP from each facility. A provision is in the Blind River PDP for care and maintenance of the waste management facility in perpetuity.</p>	<p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.</p>	<p>The BRR secured area of 11.3 hectares is located about 5 kilometers to the west of the Town of Blind River, and less than 2 kilometers to the south of the Mississauga First Nation.</p> <p>Decommissioning of the facility requires the development of detailed decommissioning plans and the licensee to submit an application for and to obtain a decommissioning licence from the CNSC. This level of detail required for a decommissioning licence may only be determined once the operations have ceased.</p> <p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support. In addition to the decommissioning licence approvals required for each of the facilities described above, this proposed waste management cell would also require a waste nuclear substance licence that would follow the CNSC licensing process, which includes public participation.</p>
Planning and Consultation	<p>The planning for the decommissioning of the Cameco PHCF is an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment, Conservation and Parks (MECP); • other provincial ministries; • the Municipality of Port Hope and Town of Blind River; • Indigenous rights holder communities; and • other interested stakeholders 	<p>The planning for the decommissioning of CFM is an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment and Conservation and Parks (MECP); • other provincial ministries; and, • the Municipality of Port Hope; and, interested stakeholders and indigenous communities 	<p>The planning for the decommissioning of the Cameco BRR will be an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment, Conservation and Parks (MECP); • other provincial ministries; • the Town of Blind River; and, • the Mississauga First Nation.

<p>Activities</p>	<p>Stage II Activities are anticipated to generate approximately 83,000 m3 of contaminated materials that could be incorporated into a conceptual long term waste management facility to be constructed at that time. The PDP assumes that all of Cameco’s Ontario operations will undergo a similar decommissioning process in the proposed scenario and a single engineered containment cell will be constructed at the Blind River Refinery site. Consolidating the waste from Cameco operations in a single engineered containment cell reduces construction and maintenance costs of containment cells in multiple locations and reduces the environmental footprint and number of locations which require on-going monitoring post-closure. The construction and operation of this facility is described in the BRR PDP. A separate financial guarantee is set aside for the PDP from each facility.</p> <ul style="list-style-type: none"> • Waste Management Strategy – includes: <ul style="list-style-type: none"> ◦ disposition of qualifying waste at the Port Hope LTWMF; ◦ disposition of radioactive waste at a Waste Management Facility to be engineered and constructed in Blind River; <p>The \$138.2 million includes allocations of \$37,090,000 for demolition, \$8,914,000 for soil excavation, fill replacement and landscaping, \$20,625,000 for waste management and disposal, and \$71,571,000 for project related costs including regulatory activities, Indigenous consultation, public consultation, engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.</p>	<p>The PDP assumes that uranium contaminated building materials, equipment and soils would be placed into a conceptual long-term waste management facility (LTWMF) to be constructed at the Blind River Refinery site. The PDP assumes that BRR will undergo a similar decommissioning process in the proposed scenario. The construction and operation of this facility is described in the BRR PDP.</p> <p>These activities are anticipated to generate approximately 1,900 m3 of contaminated materials from CFM that would be incorporated into the conceptual Blind River LTWMF.</p> <p>The current estimated cost for final decommissioning of the Cameco Fuel Manufacturing is \$10.8 million, which represents a decrease of \$10.2 million from the PDP and financial guarantee approved during the 2012 licence renewal. The \$10.8 million includes allocations of \$3,246,048 for demolition and waste management and \$7,553,952 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds</p>	<p>The uranium contaminated building materials, equipment and soils would be placed into an onsite encapsulated mound that would be licensed in perpetuity as a long-term waste management facility (LTWMF), which would also contain decommissioning material from Cameco’s Port Hope facilities. The PDP considers the decommissioning of the existing BRR facility and the construction, licensing and maintenance in perpetuity of the Blind River LTWMF.</p> <p>Part II Activities are anticipated to generate approximately 45,000m3 of contaminated materials from the BRR that would be incorporated into the conceptual on-site Blind River LTWMF.</p> <p>The BRR PDP also documents the expectations for the on-site LTWMF that would contain decommissioning wastes from Cameco’s Ontario operations licensed by the CNSC (PHCF, CFM and BRR). The conceptual design of the waste storage cell includes a base liner containment system, a leachate collection system and a final cover system. The conceptual design has been sized to provide a total capacity of 148,000 m3 including a contingency allowance.</p> <p>The current estimated cost for final decommissioning of the Blind River Refinery, including the construction, licensing and perpetual maintenance of a long-term waste management facility is \$57.5 million, which represents an increase of \$9.5 million from the PDP and financial guarantee approved by the Commission in 2017. The \$57.5 million includes allocations of \$15,500,000 for demolition, \$13,365,000 for the on-site waste management facility construction and monitoring, and \$28,635,000 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.</p>
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Northwatch Objections to Port Hope Conversion Facility Preliminary Decommissioning Plan

Northwatch's most fundamental objection to Cameco's preliminary decommissioning plan for their Port Hope operations – including the Port Hope Conversion Facility – is that it is not as much a decommissioning plan as it is a declaration of intent to create a large radioactive waste disposal site on the North Shore of Lake Huron, with associated transportation of radioactive wastes, but has failed to consult or engage with the affected public or to disclose any of the design, operations, impacts, mitigation measures, or other important aspects of this intended operation.

As stated by Cameco in the summary of the preliminary decommissioning plan “*all of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site.*”

This is not a plan. This is an idea about a concept that Cameco might at some point pursue. But it is not a plan.

The only rationale provided for the selection of a site on the North Shore of Lake Huron is that “the licensed facility in Blind River has available land, an excellent operating record and strong community support”. That there is “available land” at the uranium refinery site is not a convincing argument, given the distance of 640 kilometres between the two locations; would Cameco actually argue that there is no “available land” closer than 640 kilometres away? As for the “strong community support”, Cameco's claim of this support is largely based on its ability to generate letters of support at the time of licensing (a definite proportion of which are recipients of donations from Cameco). There is no information publicly available about the citizen's advisory committee which Cameco was previously required to establish and support, and to the best of Northwatch's information there has been no actual testing of public support carried out by neutral third parties. Most importantly, Cameco has not disclosed to the local or regional public that they intend to convert the uranium refinery property into a large scale radioactive waste facility. There is no indication that there will be public support for such a plan or operation.

The summary of the PHCF PDP states that “a provision is in the Blind River PDP for care and maintenance of the waste management facility in perpetuity”. According to the Blind River PDP there is \$57.5 million in total for decommissioning costs, with no amount identified as being set aside for perpetual care:

The current estimated cost for final decommissioning of the Blind River Refinery, including the construction, licensing and perpetual maintenance of a long-term waste management facility is \$57.5 million, which represents an increase of \$9.5 million from the PDP and financial guarantee approved by the Commission in 2017. The \$57.5 million includes allocations of \$15,500,000 for demolition, \$13,365,000 for the on-site waste management facility construction and monitoring, and \$28,635,000 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.

A total decommissioning cost of \$57.5 million for the Blind River uranium refinery does not seem credible and the Blind River PDP summary description of financial arrangements makes no reference and provides no financial estimate for the “provision ... for care and maintenance of the waste management facility in perpetuity”.

In the summary of their preliminary decommissioning plan Cameco acknowledges that the “*planning for the decommissioning of the Cameco PHCF is an ongoing and complicated process*” and then goes on to list a number of entities with which Cameco purports to consult, including “*other interested stakeholders*”. Northwatch’s interests have been made known to Cameco over a period of decades, but Cameco has at no point in time directly communicated with Northwatch, other than in response to a contact with Northwatch has initiated. This includes communication with respect to Cameco’s preliminary decommissioning “plans” for their Port Hope facilities, which directly implicate the North Shore of Lake Huron as the recipient of a radioactive waste facility.

Specific to the decommissioning activities as outlined in the summary of the preliminary decommissioning plan for the Port Hope Conversion Facility Northwatch has the following comments:

- Cameco estimates that the Stage II will “generate approximately 83,000 m3 of contaminated materials that could be incorporated into a conceptual long term waste management facility to be constructed at that time”; this statement raises a number of questions:
 - o What is the characterization of the 83,000 m3 of contaminated materials in terms of radioactive or other contaminants?
 - o What is the characterization of the 83,000 m3 of contaminated materials in terms of its physical properties? i.e. combustible, liquid, flammable, solid, etc.
 - o “could” the wastes be incorporated or “will” they be incorporated into a “conceptual facility”
 - o What are the details for the “conceptual long term waste management facility” or what is the timeline for Cameco’s development or disclosing those details?
 - o Does the “concept” rely on particular physical attributes of the site and what are those attributes?
- Cameco states that “*the PDP assumes that all of Cameco’s Ontario operations will undergo a similar decommissioning process in the proposed scenario and a single engineered containment cell will be constructed at the Blind River Refinery site*”; is this “single engineered containment cell” the same or different than the “conceptual long term waste management facility” referenced earlier in the draft PDP? Note that these two descriptions imply very different stages of design development – what is the status or stage of design development for Cameco’s intended long term management facility(s) for decommissioning wastes from their Ontario operations?
- Cameco states in their summary PDP that “*consolidating the waste from Cameco operations in a single engineered containment cell reduces construction and maintenance costs of containment cells in multiple locations*” but provides no actual information to support this very generalized statement; note in particular that the summary PDP for the Port Hope Conversion Facility assumes transport of all decommissioning wastes a distance of 640 km but provides no

description of the transportation methods, impacts including carbon output, or financial estimates

- Cameco states in their summary PDP for the Port Hope Conversion Facility that “*The construction and operation of this facility is described in the BRR PDP*” but examination of the BRR PDP reveals that the BRR PDP provides only a one sentence description of the facility design (“*The conceptual design of the waste storage cell includes a base liner containment system, a leachate collection system and a final cover system*”) and does not disclose necessary details of design and does not describe operations, impacts, mitigation measures, or other important aspects of this intended operation.
- Cameco states in their summary PDP for the Port Hope Conversion Facility that the financial assurance of \$138.2 million “*includes allocations of \$37,090,000 for demolition, \$8,914,000 for soil excavation, fill replacement and landscaping, \$20,625,000 for waste management and disposal, and \$71,571,000 for project related costs including regulatory activities, Indigenous consultation, public consultation, engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds*”; this does not seem a credible number, and Cameco has provided no supporting information; also excluded from this estimate is any estimate of transportation costs, which will be considerable given the intention to dispose of these wastes at a “conceptual” site located 640 km distant

Requested Action

Cameco is proposing that public access be limited to a summary of the Preliminary Decommissioning Plan which Northwatch argued in response to the “Notice of Request for Confidentiality” does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes.

For these reasons and those that may have been brought forward by others with an interest in this matter, Northwatch requests that the Canadian Nuclear Safety Commission:

- direct Cameco to make the preliminary decommissioning plan for the Port Hope Conversion Facility available to those who have an interest in this matter, including Northwatch.
- Defer any decision-making with respect to Cameco’s Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 until such time as the full version of the preliminary decommissioning plan has been made available and an appropriate review process is in place
- Combine reviews of the Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 with a review of the preliminary decommissioning plans for the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery, given Cameco’s stated intention to integrate the long-term management plan for decommissioning wastes from the three facilities
- Make available to the public and Indigenous peoples the full (not summary) preliminary decommissioning plans for Port Hope Conversion Facility, the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery
- Issue a notice of a public hearing in full and a participant funding opportunity with sufficient time for interested parties to retain technical assistance and fully review and consider the three preliminary decommissioning plans and prepare comments within the review timeline

Summary

Cameco is proposing that they construct a large radioactive waste facility on the North Shore of Lake Huron, as indicated in the summary of the Port Hope Conversion Facility Preliminary Decommissioning Plan. The construction, operation and perpetual care (or abandonment) of such a facility is of significant concern to Northwatch and others with an interest in the health and well being of Algoma region and the Robinson-Huron Treaty Area including the North Shore of Lake Huron.

The summary of the Preliminary Decommissioning Plan does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes and adequate notice has not been provided.

The Commission must also question whether Cameco has adequately informed and engaged the signator nations to the Robinson-Huron Treaty and whether CNSC staff have met the duty to consult with respect to Cameco's Port Hope Conversion Facility Preliminary Decommissioning Plan and Cameco's intent to impose impacts on the North Shore of Lake Huron in carrying out the intended decommissioning activities.

Indigenous peoples and members of the public who have an interest in the preliminary decommissioning plan and its potential impact on the North Shore cannot comment on a plan that is not available to them. The Commission must resolve this issue before proceeding with the review of Cameco's Port Hope Conversion Facility Preliminary Decommissioning Plan 2022.

Northwatch submits these comments while maintaining our objection to this hearing proceeding in the absence of the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility being available.

All of which is respectfully submitted on behalf of Northwatch.



Brennain Lloyd
Project Coordinator, Northwatch

Appendix 2

REGDOC-2.11.2, Decommissioning

Section 6.1.1 Excerpt Describing Required Content of Preliminary Decommissioning Plans¹

6.1.1 Content of the preliminary decommissioning plan

A PDP for a nuclear facility with a Class I or uranium mines and mills licence shall include, as applicable:

- a description of the location of the facility, including:
 - a map of the facility and its specifications
 - geographic information
 - details regarding the surrounding environment
 - land uses
 - illustrations and maps of the facility in relation to the municipality
- the purpose and description of the facility, including:
 - primary SSCs
 - the building type and construction, including location of any hazardous building materials (e.g., asbestos, polychlorinated biphenyls)
 - the building services (e.g., power, heating, ventilation, sewer, water, fire protection)
 - laboratories and other hazardous handling areas
 - the type, quantity and form of radioactive and hazardous materials managed, stored, produced or used during operation
 - the design features used to reduce the spread of contamination and facilitate decontamination, dismantling and/or clean-up
- the anticipated post-operational conditions, including:
 - a summary of the shutdown process, including planned removal of stored inventories of hazardous or radioactive materials
 - the predicted nature and extent of contamination remaining in the primary SSCs (in list or table format with reference to applicable illustrations)
 - the predicted nature and extent of contamination on floors, walls and work surfaces, in ventilation systems, etc.

¹ REGDOC-2.11.2, as posted at <https://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc2-11-2/index.cfm> and as found on 18 December 2023

- an overview of the principal hazardous conditions anticipated
 - the identification of any separate planning envelopes
- the decommissioning strategy, including:
 - the final end-state objective
 - the rationale for:
 - the decommissioning strategy selected
 - interim end states
 - periods of storage with surveillance
 - any institutional controls
 - the assessment of alternative strategies (or a rationale for why alternatives do not exist or do not warrant consideration)
- the plan of the decommissioning work, including:
 - a work breakdown structure
 - a summary of the main steps for decontamination, dismantling and/or clean-up, and removal of each of the SSCs, preferably grouped into work packages
 - for each work package, an identification of those types of activities that could pose a significant hazard to workers, the public or the environment
 - the role of existing operational standard procedures for radiation protection, hazardous materials handling, industrial safety, and environmental protection in managing hazards
 - the specific activities for which additional protection/mitigation procedures will be required at the detailed planning stage (preparation for decommissioning phase)
 - a summary of the final dismantlement of the structures
 - a conceptual schedule showing the approximate year of facility shutdown and the approximate sequencing and duration of the decommissioning work packages and, where relevant, storage periods
- the hazardous monitoring and survey commitments, including:
 - a program for conducting periodic contamination surveys and the recording of contamination events during facility operation
 - a commitment to develop plans and protocols acceptable to the CNSC at the detailed planning stage for monitoring:
 - work hazards during decommissioning
 - personnel dosimetry

- environmental emissions and effluents
 - materials, sites and structures to be cleared from regulatory control
- a waste management strategy specifying:
 - the conservative quantities and characteristics of radioactive and chemically hazardous wastes expected to arise from the decommissioning (tied to specific work packages, if possible)
 - the anticipated final disposition of radioactive and chemically hazardous materials
 - a commitment to segregate as much material as possible for reuse and recycling
- a commitment to prepare a DDP for CNSC acceptance prior to decommissioning
- a commitment to periodically review and update the PDP, in accordance with section 6.1
- the physical state of the facility at:
 - the end of operations (permanent shutdown state)
 - the start of decommissioning (stable state for decommissioning)
- the records required for decommissioning, including a description of the facility's operational records that will be maintained to periodically update the PDP and prepare the DDP(s)
- a public consultation plan, including a public information program and avenues for public participation as per the requirements and guidance of REGDOC-3.2.1, *Public Information and Disclosure* [8]
- an Indigenous engagement plan as per the requirements and guidance of REGDOC-3.2.2, *Indigenous Engagement* [9]
- the conservative cost estimate of decommissioning and a financial guarantee, as described in REGDOC-3.3.1, *Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities* [6], specifying:
 - an estimate of the total present-value cost of the decommissioning
 - a reasonable basis for how cost estimates were derived
 - a description of how the required funds will be provided

Note: the cost estimate and financial guarantee could be maintained as part of the PDP or as a stand-alone document

Class II nuclear facilities and nuclear substances and radiation devices licensees may consult the above list for guidance, in accordance with a graded approach.