



UNPROTECTED/NON PROTÉGÉ

SUPPLEMENTAL/COMPLÉMENTAIRE

CMD: 18-H103.A

Date signed/Signé le : JUNE 21, 2018

A Licence Renewal

Un renouvellement de permis

**Canadian Nuclear
Laboratories**

**Laboratoires Nucléaires
Canadiens**

Whiteshell Laboratories

**Laboratoires de
Whiteshell**

Hearing in writing based solely on
written submissions

Audience fondée uniquement sur des
mémoires

Scheduled for:
July 2018

Prévue pour :
Juillet 2018

Submitted by:
CNSC Staff

Soumise par :
Le personnel de la CCSN

Summary

This CMD presents supplementary information with respect to:

- Canadian Nuclear Laboratories' application for the renewal of the Whiteshell Laboratories Decommissioning Licence NRTEDL-W5-8.04/2018.

In response to the written interventions received, Canadian Nuclear Safety Commission (CNSC) staff have prepared this CMD to address the key concerns raised in the interventions.

The information does not change CNSC staff's conclusions and recommendations presented in CMD 18-H103.

Résumé

Le présent CMD présente de l'information complémentaire concernant :

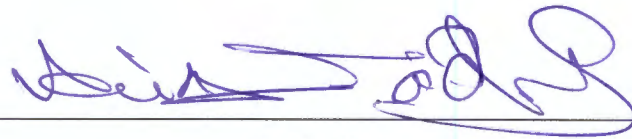
- Demande des Laboratoires Nucléaires Canadiens concernant le renouvellement du permis de déclasser des Laboratoires de Whiteshell NRTEDL-W5-8.04/2018.

En réponse à certains mémoires reçus, le personnel de la Commission canadienne de sûreté nucléaire (CCSN) a préparé ce document pour clarifier les principaux sujets de préoccupation soulevés dans certaines interventions.

Les renseignements n'affectent pas les conclusions et les recommandations du personnel de la CCSN formulées dans le CMD 18-H103.

Signed/Signé le

June 21, 2018



Haidy Tadros

Director General

Directorate of Nuclear Cycle and Facilities Regulation

Directrice générale de la

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1. BACKGROUND

Canadian Nuclear Laboratories (CNL) has applied for the renewal of the Whiteshell Laboratories (WL) Operating Licence NRTEDL-W5-8.04/2018 for a period of one year [1]. CNSC staff reviewed the application, and presented its assessment, conclusions and recommendations to the Commission in a Commission Member Document, CMD 18-H103 [2].

Members of the public were invited to intervene on this matter as part of the public hearing process. Four written interventions [3, 4, 5, 6] received for this application raised concerns with respect to the following:

- Licensee organization and management
- Indigenous engagement between CNL and local First Nations and Métis communities

CNSC staff have assessed the comments and recommendations in the interventions against the CNSC mandate, and the scope of the current licensing request.

CNSC staff's assessment of the interventions is captured in section 2.

Referenced documents in this CMD are available to the public upon request.

2. CNSC STAFF'S ASSESSMENT

2.1 The Concerned Citizens of Manitoba Intervention

The Concerned Citizens of Manitoba (CCM) intervention [3] expresses concerns with the qualifications of the current licensee (CNL) to effectively manage the site. No new information is presented in this intervention. CNSC staff have previously addressed these concerns in the staff CMD. CNSC staff also recently addressed the same arguments in CMD 18-H2.A during the Chalk River Laboratories licensing renewal in January 2018. CNSC staff's conclusion remains, that under Government-owned, Contractor-operated (GoCo) arrangements, CNL has adequate management and organizational structure to ensure safe performance of the activities that the proposed licence will authorize.

CCM also expressed concerns for the future potential *in situ* decommissioning of the WR-1 reactor. CNSC staff are of the position that this concern is outside of the scope of CNL's current request for renewal of the WL licence for a period of one year [1]. This proposed licence will not authorize, nor has CNL requested [1], the authorization of decommissioning of the WR-1 reactor with an *in-situ* end-state. These concerns are currently being considered by CNSC staff and are informing the Environmental Assessment (EA) process for the proposed decommissioning with an *in-situ* end-state for the WR-1 Reactor. These concerns

will be addressed by CNL during a planned future EA and licensing process anticipated in 2019.

2.2 The Canadian Environmental Law Association Intervention

The Canadian Environmental Law Association (CELA) intervention [5] supports the proposed licence renewal but expresses concerns for future Commission decisions around the decommissioning of the WR-1 reactor. These concerns are outside of the scope of the current licensing request and will be addressed by CNL during a planned future EA and licensing process anticipated in 2019.

2.3 Sagkeeng First Nation's Intervention

Sagkeeng First Nation's (SFN) intervention [4] supports the current licensing action, but requests that the CNSC considers a number of additional licence conditions.

The first three of SFN's concerns are based on historic grievances of both a specific and general nature. These concerns, which are captured below and further described in section 3, *Indigenous Relations*, are currently being considered and are informing the EA process for the proposed decommissioning with an *in-situ* end-state of the WR-1 Reactor.

1. That CNL provide comprehensive reporting to SFN on a quarterly basis, on both adherence to licence conditions and the status of decommissioning plans, with SFN's reasonable costs related to understanding and responding to such reporting (including, but not limited to, community, technical expert and legal counsel) to be paid by CNL.
2. That within six months of a licence renewal being issued, CNL develop, jointly with SFN a community monitoring program to monitor any ongoing impacts on the environment (for land and water) in the area of impact, which includes, but is not limited to, the Winnipeg River and near downstream areas. Such monitoring program shall include training for SFN members in relevant contaminant monitoring techniques. CNL shall then oversee initiation of the developed program, and reporting filed prior to the end of the one-year renewal period.
3. That CNL fund a community health and well-being survey, to be conducted by an expert of SFN's choice, subject to CNL's approval, which approval will not be unreasonably withheld, to determine the impacts of WL on the health and well-being of SFN's resident population and conduct a preliminary analysis of the possibility of a 'cancer cluster' at SFN.

The following four licence conditions proposed by the SNF are outside of the scope of this one-year licence request.

4. That any alternative closure strategies for the site proposed or applied for in the renewal year be required to meet or exceed the environmental performance of the approved off-site disposal strategy.
5. That radioactive wastes from the WL site shall be disposed only at sites where locally affected communities, including municipalities and First Nations, have self-identified as willing hosts through a rigorous and transparent siting process.
6. All applications for the management of WL wastes be required to explicitly demonstrate that any long-term institutional controls are indeed absolutely necessary.
7. That any future changes to the licence, or issuance of any further licence with respect to WL, be subject to the free, prior and informed consent of Sagkeeng.

2.4 The Manitoba Métis Federation's (MMF) Intervention

The Manitoba Métis Federation's (MMF) intervention [6] is neutral on the current licensing request and stresses the MMF's expectation that both CNL and the CNSC will continue to engage with them moving forward. As discussed in section 3, the CNSC is committed to formalized standard engagement with all interested communities.

3. INDIGENOUS RELATIONS

Since April 2016, CNSC staff have kept informed and met with SFN, the MMF, and other interested Indigenous groups about CNL proposed decommissioning of the WR-1 reactor with an *in-situ* end-state (WR-1 Project). The WR-1 Project is currently undergoing a separate process from this requested licence renewal, and is also undergoing an environmental assessment under the *Canadian Environmental Assessment Act, 2012*. As part of this separate process, CNSC staff have sought to better understand the interests and concerns SFN and the MMF have in relation to the WR-1 Project and have worked in good faith to establish positive relationships based on trust and mutual respect. Through letters, e-mails, phone calls, teleconferences and face-to-face meetings, CNSC staff have provided SFN and MMF with information about the WR-1 Project; points of contact at the CNSC, CNL and Atomic Energy of Canada Limited; and opportunities to participate in the regulatory process, including the availability of participant funding. CNSC staff have also met with SFN and the MMF on several occasions to provide additional information on the regulatory process and to better understand concerns raised in relation to the WR-1 Project, including any potential impacts to Aboriginal and/or treaty rights.

Participant Funding Program (PFP) funds have been awarded to SFN and MMF in support of WR-1 Project. As this project is out of scope for this licence renewal, more details will be provided in staff's CMD on the WR-1 Project.

During face-to-face meetings in early 2018, CNSC staff met with SFN and MMF representatives, and have discussed and established a path forward to address their comments and concerns with respect to CNL's draft Environmental Impact Statement (EIS) for the WR-1 Project. In particular, and related to SFN's proposed licence condition no. 3 in their intervention regarding a community health and well-being study, during the March 2018 meeting, CNSC staff were asked to consider SFN's request for assistance in studying and investigating the cancer rates in SFN's community. With respect to this request, CNSC staff are currently pulling together existing information and data on cancer rates in proximity to the Whiteshell Laboratories area, and will continue to discuss and engage with SFN and MMF as the project progresses.

CNSC staff remain committed to strengthening their relationships with SFN, the MMF, and other interested Indigenous groups, and continuing to collaborate on issues or concerns related to the WR-1 Project, including any potential impacts to Aboriginal and/or treaty rights. CNSC staff encourage CNL to continue building their relationships with SFN and the MMF, and to consider opportunities for collaboration on issues of interest or concern in relation to the WR-1 Project and the Whiteshell Laboratories site generally. Taking into consideration CNSC staff's and CNL's commitment to continue structured and focused engagement and consultation activities with SFN, to address their concerns, as well as surveys and studies, it is CNSC staff's position that SFN's first three proposed licence conditions in their intervention are being addressed through these ongoing discussions, surveys and studies.

4. CONCLUSIONS AND RECOMMENDATIONS

CNSC staff's conclusion remains that under Government-owned, Contractor-operated (GoCo) arrangements, CNL has adequate management and organizational structure to ensure safe performance of the activities that the proposed licence will authorize.

The information presented in this CMD does not change CNSC staff's conclusions and recommendations of CMD 18-H103.

REFERENCES

1. Letter from D. Coyne to M. Leblanc, “Application for Renewal of the Whiteshell Laboratories Decommissioning Licence NRTEDL-W5-8.04/2018” (e-Doc 5481720).
2. CMD 18-H103, “Submission from CNSC Staff on a Licence Renewal for Canadian Nuclear Laboratories’ Whiteshell Laboratories” (e-Doc 5492816).
3. CMD 18-H103.2, “Written submission from Concerned Citizens of Manitoba in the Matter of Whiteshell Laboratories” (e-Doc 5544429).
4. CMD 18-H103.3, “Written submission from Sagkeeng First Nation in the Matter of Whiteshell Laboratories” (e-Doc 5544476).
5. CMD 18-H103.4, “Written submission from Canadian Environmental Law Association in the Matter of Whiteshell Laboratories” (e-Doc 5544560).
6. CMD 18-H103.5, “Written submission from Manitoba Metis Federation Inc. in the Matter of Whiteshell Laboratories” (e-Doc 5554971).