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**CMD: 19-H4.B**

**Date signed/Signé le : SEPTEMBER 23, 2019**

Reference CMD(s)/CMD(s) de référence : 12-M47, 14-M7, 18-M30, 18-H103,  
19-H4, 19-H4.A

A Licence Renewal

Un renouvellement de permis

**Canadian Nuclear  
Laboratories Ltd.**

**Laboratoires Nucléaires  
Canadiens Ltée**

**Whiteshell  
Laboratories**

**Laboratoires de  
Whiteshell**

Commission Public Hearing

Audience publique de la Commission

Scheduled for:  
October 2-3, 2019

Prévue pour :  
les 2-3 octobre 2019

Submitted by:  
CNSC Staff

Soumise par :  
Le personnel de la CCSN

## Summary

This supplemental CMD presents updated information about:

- Canadian Nuclear Laboratories application for the Nuclear Research and Test Establishment Decommissioning Licence for the Whiteshell Laboratories
- A recommended licence condition related to security.

In this CMD, CNSC staff present the text of a new recommended licence condition related to security requirements.

Annex A of this CMD consists of a summary of key issues raised by intervenors and CNSC staff responses.

The following action is requested of the Commission:

- accept CNSC staff's recommendation to include the licence condition in the proposed licence:
  - complete the implementation of all security arrangements as outlined in the corrective action plan, *Implementation Plan: Tiered Response Force (TRF) 119-508710-PLA-010*, no later than May 1, 2020.

The following items are attached

- The updated proposed licence NRTEDL-W5- 08.06/2029
- Section 12.2 of the draft licence conditions handbook

## Résumé

Le présent CMD supplémentaire présente une mise à jour concernant :

- La demande des Laboratoires Nucléaires Canadiens pour le permis de déclassement de l'établissement de recherche et d'essais nucléaires pour les Laboratoires de Whiteshell
- Une condition de permis recommandée liée à la sécurité.

Dans ce CMD, le personnel de la CCSN présente le libellé proposé pour une nouvelle condition de permis ayant trait aux exigences de sécurité.

L'annexe A de ce CMD contient un résumé des principales questions soulevées par les intervenants et les réponses du personnel de la CCSN.

La Commission pourrait considérer prendre la mesure suivante :

- accepter d'inclure dans le permis proposé la condition suivante exigeant de CNL de :
  - compléter la mise en œuvre de toutes les mesures de sécurité décrites dans le plan de mesures correctrices 119-508710-PLA-010, *Implementation Plan: Tiered Response Force (TRF) 119-508710-PLA-010*, au plus tard le 1<sup>er</sup> mai 2020.

Les pièces suivantes sont jointes :

- Le permis proposé, NRTEDL-W5-08.06/2029
- Section 12.2 de l'ébauche du Manuel des conditions de permis

**Signed/signé le**  
September 23, 2019



Haidy Tadros

**Director General**  
Directorate of Nuclear Cycle and Facilities Regulation

**Directrice générale de la**  
Direction de la réglementation du cycle et des installations nucléaires

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## EXECUTIVE SUMMARY

The current Whiteshell Laboratories (WL) licence, NRTEDL-W5-08.05/2019 [1], expires on December 31, 2019. Canadian Nuclear Laboratories (CNL) has applied to renew the licence for a period of 10 years, until December 31, 2029. Canadian Nuclear Safety Commission (CNSC) staff performed an assessment of CNL's application and performance since 2008. CNSC staff's assessment, as well as staff's conclusions and recommendations to the Commission are found in commission member document (CMD) CMD 19-H4 [2] and CMD 19-H4.A.

CNL maintained a security program at WL that met the requirements of the *Nuclear Security Regulations* (NSR) and CNSC regulatory documents from 2009 to 2017. In 2017, CNSC staff identified a deficiency in the security arrangements at the WL site that led to enforcement actions being taken including an Order. As a result, CNL's 2018 performance in the SCA of Security at WL site was evaluated as "below expectations" (BE).

CNSC staff's summary of CNL's performance assessment of the Security SCA, including the rationale for the proposed revised licence conditions is discussed in CMD 19-H4.A. CNL's corrective action plan to address the gaps identified is also found in CMD 19-H4.A. The contents of CMD 19-H4.A has prescribed information and is not publicly available.

CNL has partially completed the implementation of the changes and is making steady progress towards completing all the remaining actions. CNSC staff recommend a licence condition related to Security be added to the standard set of licence conditions. It is CNSC staff's position that the addition of the licence condition will strengthen the regulatory oversight and ensure a timely implementation of the corrective action plan by CNL.

CNSC staff received eleven interventions with regards to CNL's application to renew the decommissioning licence for WL. Certain interventions contained recommendations and comments that CNSC staff have addressed in Annex A of this CMD.

The new information does not change CNSC staff conclusions and recommendations found in CMD 19-H4 [2], and CMD 19-H4.A.

## **PART ONE**

This Commission Member Document (CMD) consists of two parts:

Part One consists of the recommended licence condition related to security.

Part Two consists of the updated proposed licence, and Section 12 .2 from the draft LCH.

Annex A provides CNSC staff's response to the interventions received with regards to CNL's application to renew the decommissioning licence for WL.



## 1. OVERVIEW

### 1.1 Background

CNL is authorized to decommission the Whiteshell Laboratories (WL), comprising both nuclear and non-nuclear facilities in accordance with CNSC issued Nuclear Research and Test Establishment Decommissioning Licence NRTEDL-08.05/2019 [1]. On November 15, 2018 CNL requested a 10-year renewal of the WL licence in order to continue on-going decommissioning activities. Canadian Nuclear Safety Commission (CNSC) staff performed an assessment of CNL's application and performance over the licence period from 2009 to 2018. CNSC staff's assessment, as well as conclusions and recommendations to the Commission are found in commission member document (CMD) 19-H4 [2] and CMD 19-H4.A. CMD 19-H4 [2] was made available for public comments. CNSC staff reviewed and prepared responses to the interventions received.

The Security SCA covers the programs required to implement and support the security requirements. In 2017, CNSC staff identified a deficiency in the security arrangements at the WL site that led to enforcement actions, including an Order. The Security Program at WL was rated "below expectations" (BE) in 2018. In June 2019, the Commission was briefed in an *in-camera* session on CNSC staff's evaluation of the security program as well as the events that have led to the BE rating. Details of CNSC staff's assessment, conclusions and recommendations to the Commission on the Security SCA are found in CMD 19-H4.A. This CMD contains prescribed information and is not publicly available.

The purpose of this document CMD 19-H4.B, is to provide the Commission with a recommended new licence condition for the Security SCA at the Whiteshell site. This proposed facility-specific licence condition does not replace the standard licence condition; rather, it would be an additional condition that would require CNL to fully implement its corrective action plan to address gaps in their security program at the Whiteshell site in a timely manner.

### 1.2 Highlights

CNL has provided CNSC staff with a corrective action plan with specific implementation dates. The plan referenced in and appended to CMD 19-H4.A as CNL document *Implementation Plan Tiered Response Force (TRF) 119-508710-PLA-010*, is focused on addressing all of the gaps in CNL's security program identified by CNSC staff. Given that CMD 19-H4.A contains complete details on the security matters the information contained in it is deemed prescribed information and is not publicly available.

In order to maintain CNL's focus on implementation of the corrective actions and to provide the Commission and the public with assurance, CNSC staff propose a facility-specific licence condition be added to the standard set of licence conditions for this licence. It is CNSC staff's position that upon full implementation of the corrective actions, the rating of the Security SCA will improve.

Eleven interventions were submitted to the Commission with regards to CNL's application to renew the decommissioning licence for WL. These interventions are addressed in Annex A of this CMD.

CNSC staff noted the following errata in Table 6 and Table 7 (page 41) of staff CMD 19-H4 [2] after it was published. In Table 6, the releases to water are reported in becquerels per month (Bq/month) and not Bq/week. The number corresponding to Cs-137 should be 1.20E+06, not 1.22E+00. In Table 7 the Gross Alpha Particulates (Pu-239) release limits for the period 2009 to 2015 should be 5.8E+08, not 7.6E+14.

## 2. MATTERS FOR CONSIDERATION

Pursuant to the subsection 24(5), of the *Nuclear Safety and Control Act*, The Commission has the authority to include in a licence any condition it considers necessary for the purposes of the Act.

CNSC staff recommend the following facility-specific licence condition be added to the Whiteshell site licence:

LC 12.2 (Security);

- The licensee shall complete the implementation of all security arrangements as outlined in the corrective action plan *Implementation Plan: Tiered Response Force (TRF) 119-508710-PLA-010*, no later than May 1, 2020.

This licence condition would not replace the existing licence condition (licence condition 12.1) related to Security. It would be an additional facility-specific condition.

The licence conditions handbook (LCH) will detail the compliance verification criteria associated with the new licence condition.

## 3. OVERALL CONCLUSIONS AND RECOMMENDATIONS

CNSC staff's conclusions and recommendations consider an overall assessment of WL's compliance with the NSCA and its Regulations during the licence period (2009-2018). For the safety and control area of Security the addition of the licence condition at the Whiteshell site will strengthen the regulatory compliance and ensure a timely implementation of the corrective action plan.

### 3.1 Conclusion

As stated in section 5 of CMD 19-H4 [2], CNSC staff's conclusion is that with respect to paragraphs 24(4)(a) and (b) of the *Nuclear Safety and Control Act*, CNL:

1. is qualified to carry out the activity that the licence will authorize the licensee to carry out,
2. will, in carrying out that activity, make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

## 3.2 Recommendations

CNSC staff recommend the following licence condition be added to the licence:

LC 12.2 (Security):

- The licensee shall complete the implementation of all security arrangements as outlined in the corrective action plan: *Implementation Plan: Tiered Response Force (TRF) 119-508710-PLA-010*, no later than May 1, 2020.

## REFERENCES

- [1] NRTEDL-W5-08.05/2019, Nuclear Research and Test Establishment Decommissioning Licence (e-Doc 5492696).
- [2] CMD 19-H4, Canadian Nuclear Laboratories Ltd., Whiteshell Laboratories Licence Renewal (e-Doc 5756806).

## PART TWO

Part Two consists of:

Proposed licence, (e-Doc 5962032)

Section 12.2 from page 42 of the draft Licence Conditions Handbook (e-Doc 5961981)

## ANNEX A – SUMMARY OF INTERVENTIONS

Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF		
ISSUE/CONCERN RAISED	INTERVENER RECOMMENDATIONS	CNSC STAFF’S RESPONSE
<b>Canadian Environmental Law Association (CELA) CMD-19-H4.5 (e-Doc 5988265)</b>		
<p>CELA submits that the Commission should only approve the CNL licence renewal for a period of one year after enhancements to the licence and Licence Conditions Handbook (LCH) are completed and the deficiencies identified are remedied.</p>	<p>CELA submits the Commission should follow the precedent of last year’s licensing decision and only grant a licence extension for a period of one-year as there has not been a material change in the circumstances regarding the Whiteshell site and the federal environmental assessment between August 1, 2018 and present (September 6, 2019).</p>	<p><b>CNSC Response #1</b></p> <p>The requested 10-year period is consistent with the activities, progress and schedule that CNL has made to date. CNSC staff confirm that CNL has mature programs in place and that the overall performance during the current licence period was satisfactory.</p> <p>A 10 year licence period will enable CNL to progress in decommissioning other facilities while a final decommissioning approach for WR-1 is determined. Whiteshell Laboratories contains many structures and facilities in addition to the Whiteshell Reactor 1 (WR-1). Decommissioning of these facilities are separate and independent from that of WR-1.</p> <p>A 1-year licence period to align with a potential Commission Hearing on WR-1 would not be appropriate, as a hearing date has not yet been established, and any potential hearing on WR-1 is unlikely to occur within a 1-year period.</p> <p>CNSC staff recommend the Commission renew the Whiteshell Laboratories Nuclear Research and Test Establishment Decommissioning Licence for a 10 year period.</p>

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<p><b>Discrepancies in scope of licence must be remedied prior to granting of licence and clarified in the CNSC's draft licence and LCH.</b></p> <p>CNSC maintains that the matter before the Commission in the current CMD does not include ISD of the WR-1 reactor, and that ISD of WR-1 is currently undergoing an environmental assessment under CEAA 2012. However, according to CELA submissions made by CNL in its CMD contemplate a different scope, namely, a decommissioning undertaking which will be completed in its entirety within the span of the sought after 10-year licence.</p> <p>CELA requests the CNSC provide further explanation and text within the licence and LCH which expressly sets out how the EA decision on the decommissioning of the Whiteshell reactor will be reviewed in light of CNL's decommissioning licence in place at the time.</p>	<p>CELA submits that there is presently no language in the draft licence nor LCH for the requested 10-year licence that limits its scope to exclude the Whiteshell reactor. Thus, it must be made a requirement of licensing that upon the release of the EA decision, the licence or LCH be reopened for a licence review accompanied by a full public hearing, with adequate public notice, and both oral and written intervention opportunities.</p>	<p><b>CNSC Response #2</b></p> <p>As outlined in CMD 19-H4 the matter before the Commission does not include in situ decommissioning of the WR-1 reactor. The request for the proposed in-situ decommissioning will be considered in a separate Public Hearing of the Commission. Licence condition G.2 in the proposed Whiteshell Laboratories Nuclear Research and Test Establishment Decommissioning Licence states: <i>"The licensee shall give written notification of changes to the facility or its operation, including deviation from design, operating conditions, policies, programs and methods referred to in the licensing basis."</i></p> <p>The LCH also states that <i>"Changes that may affect the licensing basis, including any change that is not captured as a change to a document listed in the LCH (e.g., construction of new facilities/buildings, transitioning any facility/building from one phase of its life cycle to another, or infrastructure improvements at WL), requires written prior notification to the CNSC to verify they are in accordance with the licensing basis."</i></p> <p><i>For any change that is outside the licensing basis defined in subsection G.1 of the LCH, the licensee shall obtain Commission approval before proceeding with the change."</i></p> <p>CNSC staff confirm that ISD of WR-1 is outside of the current licencing basis and would require Commission approval.</p>

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<p><b>Ten-year licence reduces public involvement and potential for licence review.</b></p> <p>CELA maintains that there should be an opportunity for the public to weigh in on future decommissioning licensing decisions in light of the EA's findings. Further, as a public hearing before the Commission provides greater procedural rights and protections than a Regulatory Oversight Report and its meetings (which in the majority of instances, excludes the public from oral presentations), CELA submits a ROR would not be a sufficient stand in.</p>	<p>CELA maintains that there should be an opportunity for the public to weigh in on future decommissioning licensing decisions in light of the EA's findings.</p>	<p><b>CNSC Response #3</b></p> <p>CNSC staff confirm that ISD of WR-1 is not included in the current matter before the Commission.</p> <p>There is an ongoing and separate process for the completion of an Environmental Assessment and licencing review for <i>in situ</i> decommissioning of WR-1. This process will include a public hearing of the Commission.</p> <p>CNL's ongoing decommissioning activities and performance will continue to be reported through Regulatory Oversight Report and its meetings and discussed at public meetings.</p>
<p><b>Approval of Low Level Waste (LLW) trenches final safety assessment should be a prerequisite to this licence application.</b></p> <p>CELA submits that CNL indicates in its CMD that 21 of the 25 LLW trenches in its Waste Management Area were identified as being able to be left in situ, pending a final safety assessment. CNL proposes that the final safety assessment for this undertaking will be developed and presented to the CNSC for acceptance during the next licensing period. The development of a final safety assessment is one of the activities CNL proposes to undertake within the scope of this 10-year licence as part of its LLW decommissioning work.</p>	<p>The Preamble to Draft Licence Condition 4.1 should be updated to state a final safety assessment for the LLW trenches has not be approved. Further, as part of the LCH's verification criteria, a date for submission of a safety assessment, which includes the trenches, should be stipulated.</p>	<p><b>CNSC Response #4</b></p> <p>Following the safety case submission for in-situ decommissioning of the LLW trenches, which will include institutional control measures, CNSC will review the documentation against applicable regulatory requirements and the licensing basis. Should the in-situ decommissioning safety assessment demonstrate that it is outside of the current licensing basis, Commission approval would be required.</p>

Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF		
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<p><b>The proposed decommissioning activities may include undertakings, which require an impact assessment as a “Physical Activity” under the <i>Impact Assessment Act</i>.</b></p>	<p>The CNSC should opine on the issue of whether the in situ decommissioning of the 25 LLW trenches constitutes a “Physical Activity” per s 28(b) of the <i>Physical Activities Regulations</i>, and thus requires an impact assessment</p>	<p><b>CNSC Response #5</b></p> <p>At present, CNL has not provided a Safety Assessment (SA) for the <i>In Situ</i> disposal of the LLW waste trenches. Once the SA is submitted, the CNSC will assess whether this activity is already included in the licensing basis for the existing facility. If it is determined that this is not the case, this activity would be considered new and require a licence amendment.</p> <p>As part of existing practice, for all licence applications with potential environmental interactions, a science-based and technical environmental review is carried out by CNSC staff. Based on their review of a licence application, CNSC staff determine what type of environmental review is required, subject to CNSC’s regulatory framework</p>
	<p>CELA requests the CNSC contact the newly formed Impact Assessment Agency of Canada for clarification and advice as to whether the proponent needs to file an initial project description to trigger the <i>IAA</i> process, if found to be applicable.</p>	<p><b>CNSC Response #6</b></p> <p>Refer to CNSC responses #4 and #5.</p>



<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
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<p><b>The licensee's insufficient alignment with CNSC decommissioning guidance materials.</b></p> <p>CELA notes that the CNSC is currently seeking public comments on the draft REGDOC-2.11.2, <i>Decommissioning</i> ("RegDoc 2.11.2"). Therefore, CELA requests that the CNSC clarify in its Record of Decision how it will ensure the CNL's LCH will comply with the requirements of this new decommissioning RegDoc once it is released and in force.</p>	<p><i>Revised decommissioning Regulatory Document:</i></p> <p>Upon the finalization of draft RegDoc 2.11.2 <i>Decommissioning</i>, the CNSC should require CNL to update its decommissioning plans and related documents to ensure compliance with the most up to date CNSC guidance.</p>	<p><b>CNSC Response #7</b></p> <p>CNSC will follow the standard practice for implementation of new regulatory documents. Once REGDOC-2.11.2, <i>Decommissioning</i> is published CNL will be requested to perform a gap analysis against their existing program and provide an implementation plan to CNSC staff. REGDOC-2.11.2 would then be added to the LCH.</p> <p>CNSC staff confirm that processes are in place for the implementation of new regulatory requirements.</p>
	<p><i>Decommissioning Strategy:</i></p> <p>CELA requests the Commission clarify the decommissioning strategies selected by CNL for each of its proposed decommissioning activities described in its licence application. This information should be included within CNL's primary licensing documents (<i>i.e.</i> Licence Application and CMD), as the most readily accessible public documents.</p>	<p><b>CNSC Response #8</b></p> <p>The decommissioning strategy for the WL site is provided in the overview decommissioning plan Whiteshell Laboratories Detailed Decommissioning Plan Volume 1 – Program Overview. This document also includes the decommissioning strategy for specific facilities. Additional details regarding the decommissioning strategy for each facility is contained in the facility specific volumes (Volumes 2-12).</p> <p>The CNL licence application and CMD indicates that they plan to safely accelerate decommissioning, reducing the original deferment period. CNSC has provided certain decommissioning documents to the public upon request.</p>

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	<p><i>Surveillance Planning:</i></p> <p>CELA requests that the details of the licensee's surveillance plan be clearly set out in their licence application and CMD. We also request that the Commission review the proponents most recent surveillance plan to ensure conformance with draft RegDoc 2.11.2. In the event there is non-conformance, CELA asks that the CNSC include in its written decision a description of the extent of this non-conformance and prescribe timelines for remedying any gaps.</p>	<p><b>CNSC Response #9</b></p> <p>REGDOC 2.11.2 is not currently an approved document. Once REGDOC 2.11.2 is published, CNL will be requested to perform a gap analysis against their existing decommissioning program and prepare an implement plan for the REGDOC.</p> <p>CNL document RC-1291-R1 <i>The Monitoring and Surveillance Plan for the WR-1 Deferment Period</i>, is included in the draft LCH and provides details on the current storage with surveillance plan.</p> <p>Furthermore, licence condition 3.1 Operating performance in the proposed licence condition handbook requires storage with surveillance plan(s) to be prepared for all Class I facilities undergoing deferred decommissioning.</p> <p>CNSC staff does not recommend the inclusion of any discussion related to draft REGDOC-2.11.2 in the Commission's Record of Decision.</p>
	<p><i>Institutional Controls:</i></p> <p>The CNSC should require the licensee to update their Detailed Decommissioning Plan to ensure compliance with the CNSC's current regulatory guidance, G-219 and draft RegDoc 2.11.2</p>	<p><b>CNSC Response #10</b></p> <p>REGDOC 2.11.2 is not currently an approved document. Once REGDOC 2.11.2 is published, CNL will be requested to perform a gap analysis against their existing decommissioning program and prepare an implement plan for the REGDOC.</p>

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		<p>CNSC Regulatory document G219, <i>Decommissioning Planning for Licenced Activities</i>, is included in the Licence Conditions Handbook for WL.</p> <p>CNSC requires a detailed Decommissioning Plan (DDP) include a description of any requirements for institutional controls as per CSA N294 <i>Decommissioning of facilities containing nuclear substances</i>.</p> <p>CNSC staff do not recommend that the Commission require DDPs to be updated to ensure compliance with draft REGDOC-2.11.2 at this time.</p>
	<p><i>Post-Closure Activities:</i></p> <p>In furtherance of its capacity as a regulator acting in the public interest, the Commission should include a requirement for public input within its description of post decommissioning activities to ensure alignment with international standards.</p>	<p><b>CNSC Response #11</b></p> <p>The CNSC is committed to regular, structured and formalized engagement with the public and Indigenous groups to discuss activities and issues related to the CNSC regulated facilities.</p> <p>Institutional controls following decommissioning may be part of the decommission plan as a safety measure, or to enhance confidence in the continuing safety of the site after decommissioning has been completed. Any proposed reliance on institutional controls to ensure long-term safety must be provided in a safety assessment.</p> <p>For the WL site, a Commission Hearing would be required for a request for a licence to abandon the site. Otherwise, if the site does not meet clearance criteria for abandonment, a CNSC licence would continue to be required.</p>

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	<p><i>Public Disclosure:</i></p> <p>All plans related to CNL's Whiteshell decommissioning activities should be publicly available and posted online on their designated Whiteshell website</p>	<p><b>CNSC Response #12</b></p> <p>Detailed Decommissioning Plans may contain proprietary or confidential information that prohibit their release. Redacted copies of the DDPs may be obtained through the Access to Information Office of AECL. Details on how to make an access to information request is found on AECL's website.</p> <p>CNSC staff require that the public be engaged in decommissioning activities. CNSC staff recommend that CNL should respond to this request.</p>
	<p><i>Public Disclosure:</i></p> <p>The CNSC should cease reliance on CSA standards for any matters relevant to nuclear licensing, and instead conduct all standard setting and guidance within the CNSC's processes.</p>	<p><b>CNSC Response #13</b></p> <p>The CNSC maintains an efficient and streamlined regulatory framework by making appropriate use of industry standards.</p> <p>The CNSC participates actively in developing these standards. They are an important tool in ensuring the safety of nuclear facilities and operations.</p>
	<p><i>Prescribed Timelines:</i></p> <p>Draft Licence Condition G.3 should be updated to read, "the financial guarantee for decommissioning shall be reviewed and revised by the licensee within a period not exceeding 5 years, or; at a time less than five years when required by the Commission or person authorized by the Commission, or; following a revision to the cost estimate for decommissioning if it significantly impacts the financial guarantee."</p>	<p><b>CNSC Response #14</b></p> <p>The requested text regarding financial guarantees is contained in the compliance verification criteria of the draft LCH.</p> <p>The language in the licence condition reflects the current standard text used in Class I licences.</p> <p>CNSC staff do not recommend revision of this standard licence condition.</p>

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	<p><i>Public Disclosure of CNL's 'Environmental Data Management System':</i></p> <p>CNL's Environmental Data Management System should be publicly available to facilitate the public's access to information regarding environmental releases and emissions. The Commission, in exercising its authority as a public interest regulator, should require this System to be publicly disclosed to advance the public's right to know.</p>	<p><b>CNSC Response #15</b></p> <p>Environmental monitoring results are submitted to the CNSC through annual compliance reporting. This data is presented to the Commission at public meetings of Regulatory Oversight Reports.</p> <p>CNSC staff recommend that CNL should respond to this request.</p>
<p><b>Granting a ten-year licence is contrary to the precautionary principle</b></p>	<p>The Commission must ensure its decision-making aligns with the precautionary principle and only licence decommissioning activities that prioritize environmental protection, and human health and safety.</p>	<p><b>CNSC Response #16</b></p> <p>CNSC staff confirm that CNL has mature programs in place and that the overall performance during the current licence period was satisfactory.</p> <p>CNSC staff conclude that CNL has and will continue to make adequate provision for protection of the environment.</p> <p>CNSC staff recommend the Commission renew the Whiteshell Laboratories Nuclear Research and Test Establishment Decommissioning Licence for a 10 year period.</p>

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<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
<b>Concerned Citizens of Renfrew County and Area CMD 19-H4.6 (e-Doc 5988276)</b>		
<b>Accelerated Rate of Decommissioning and Transport of Waste to Chalk River Laboratories.</b>	CNL's new strategic plan for the decommissioning of the Whiteshell Laboratories (WL), which marks a drastic departure from AECL's original approach, should be revised with a view to moving back to a more gradual and phased decommissioning approach.	<p><b>CNSC Response #17</b></p> <p>Decommissioning strategies are not prescribed by the CNSC. Proponents must propose their preferred strategy as part of their DDP. Any proposed decommissioning strategy will be assessed by the CNSC against regulatory requirements to ensure the protection of health and safety of the public and the environment, and human health and safety.</p> <p>Generally, the strategy and scheduling of decommissioning had been fundamentally unaltered, since the renewal in 2008. The work planned to be executed, as detailed in the overall DDP, remains the same. As outlined in staff CMD 08-H24, AECL (now CNL) revised the decommissioning schedule to reduce the deferment period so that activities could be completed in a shorter timeframe.</p>
	The pace at which the WL site is currently being decommissioned should be decelerated, decommissioning activities should be stretched over a longer time horizon, in moving back toward the original decommissioning approach to decommissioning the WL site.	<p><b>CNSC Response #18</b></p> <p>Refer to CNSC Response #17</p> <p>CNSC staff do not recommend that the Commission require that decommissioning activities should be stretched over a longer time period.</p>

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	Ongoing transfers of WL decommissioning waste to CRL should be halted and the WL waste should revert to being stored at WL.	<p><b>CNSC Response #19</b></p> <p>In accordance with Canada's <i>Radioactive Waste Management Policy Framework</i>, waste producers and owners are responsible for the funding, organization, and management for their waste. That is waste owners are responsible for finding safe, practicable, and environmentally acceptable solutions for the long-term management of radioactive waste.</p> <p>CNL's current Whiteshell Licence permits WL transfer the nuclear substances that are required for associated with or arise from the operation or decommissioning activities.</p> <p>CNL's Chalk River Laboratories (CRL) Nuclear Research and Test Establishment Operating Licence permits CRL to process, store or dispose of waste received from offsite clients when there is an identified treatment, or storage, or disposal facility suitable to address the waste.</p> <p>CNSC's regulatory oversight extends to both sites.</p> <p>CNSC staff do not recommend that the Commission require transfers of waste from Whiteshell Laboratories to Chalk River Laboratories be halted.</p>

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	<p>Priority should be given to identifying and developing sites for national facilities for the final disposal of radioactive waste from federal sites.</p>	<p><b>CNSC Response #20</b></p> <p>As noted above, in accordance with Canada's radioactive waste policy, waste producers and owners are responsible for the funding, organization, and management for their waste. This policy recognizes that arrangements may be different for each of the waste categories.</p> <p>CNSC staff recommend that CNL/AECL should respond to this.</p>
	<p>CNL should be granted a temporary licence of 1-year duration only during which time they should be requested to come up with a revised WL decommissioning approach and strategy along the lines of the original strategy and approach reflected in Detailed Decommissioning Plan, Vol.1, and the initial environmental assessment (Comprehensive Study Report).</p>	<p><b>CNSC Response #21</b></p> <p>See CNSC staff response #1.</p> <p>CNSC staff find that CNL's proposal to move forward on decommissioning activities is generally inline with the current licence, with the exception of the proposed WR-1 ISD. As outlined in staff CMD 08-H24, AECL (now CNL) revised the decommissioning schedule to reduce the deferment period so that activities could be completed in a shorter timeframe. Generally, the strategy for decommissioning had been fundamentally unaltered, the work planned to be executed, as detailed in the overall DDP, remains the same. As noted elsewhere, the proposal for WR-1 ISD will be considered by the Commission in a separate hearing.</p> <p>CNSC staff recommend the Commission renew the Whiteshell Laboratories Nuclear Research and Test Establishment Decommissioning Licence for a 10 year period.</p>



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<b>Northwatch CMD 19-H4.4 (eDoc 5988365)</b>		
<p><b>Setting of Precedents:</b></p> <p>Northwatch states that the WL decommissioning project has the potential to be precedent-setting, particularly in the realm of federal decision making with respect to decommissioning of nuclear facilities in Canada (including, potentially, facilities in northeastern Ontario).</p> <p>Northwatch holds that the CNSC decisions on many of the issues associated with CNL's proposed decommissioning approach project have potential implications for northern Ontario in the event that practices, policies and/or regulatory decision-making with respect to the management of radioactive wastes become precedent-setting or normative in Canada.</p>	No specific recommendations provided.	<p><b>CNSC Response #22</b></p> <p>The current decision under consideration before the Commission is limited to renewing the existing decommissioning licence for Whiteshell Laboratories, permitting CNL to continue the decommissioning activities that were previously approved under the current licence. As such, no new precedent is being set.</p>
<p><b>Radioactive Waste Management and Dispositioning:</b></p> <p>Northwatch holds that accelerating the decommissioning process results in handling and transporting wastes with higher level of radioactivity than stated in the 2003 approved decommissioning approach, and</p>	No specific recommendations provided.	<p><b>CNSC Response #23</b></p> <p>Radioactive materials are routinely shipped, in Canada and around the world, safely and in accordance with regulations. Appropriate packages and shielding would be required to maintain the dose rate at the surface of the packages within regulatory requirements.</p>

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<p>may likely lead to handling waste twice-once to move it to Chalk River Laboratories and again to move it into a permanent location.</p> <p>Northwatch states that contrary to CNL's claim, the proposal for accelerated decommissioning does not reduce hazard, but instead simply transfers hazard from one site to another, generating costs and risks in the process.</p> <p>Northwatch submits that although CNL intends to complete all decommissioning work within the proposed ten-year licence period, their planning is incomplete and there are still many approvals required.</p>		<p>As outlined in staff CMD 08-H24, AECL (now CNL) revised the decommissioning schedule to reduce the deferment period so that activities could be completed in a shorter timeframe. Generally, the strategy for decommissioning had been fundamentally unaltered, the work planned to be executed, as detailed in the overall DDP, remains the same.</p> <p>Following the completion of decommissioning, a Commission Hearing would be required for a request to abandon the site. Otherwise, if the site does not meet clearance criteria for abandonment, a CNSC licence would continue to be required.</p>
<p>Northwatch maintains that the upward trend in doses in 2017 and 2018 reinforce concerns about CNL's decision to accelerate the decommissioning program, and raise concerns about the potential for exposure during transportation, particularly of Emergency Responders, other highway users, and bystanders (Page 89).</p>	<p>No specific recommendations provided.</p>	<p><b>CNSC Response #24</b></p> <p>Dose to workers is remains low.</p> <p>The very small increase in dose is commensurate with the work being undertaken by CNL and does not represent an increased risk to the health and safety of workers.</p>

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<p><b>Transportation Safety Issues, First Responders and Radiological Emergencies and CNL's Proposed Use of Nuclear Waste Management Organization's Used Fuel Transportation Package</b></p>	<p>The Commission should engage directly communities - including residents, municipal councils and First Responders - along the transportation route, inviting their participation in a hold-point hearing specific to the certification of the modified Used Fuel Transportation Package and a risk assessment of the radioactive waste transportation.</p>	<p><b>CNSC Response #25</b></p> <p>Nuclear substances are being safely and routinely transported throughout the world every day in accordance with strict international regulations that all countries, including Canada, have adopted. The CNSC is open to discussing how CNSC regulates the packaging and transportation of radioactive materials with any communities interested in learning more, upon request. Ensuring that communities with an interest in CNSC regulated activities and facilities are well-informed is a priority for the CNSC.</p> <p>Under the Transport Canada Transportation of Dangerous Goods (TDG) Regulations, shippers of low-specific-activity material and fissile material are required to have an approved emergency response plan in place in the event of an emergency involving the transport of their radioactive material.</p> <p>The TDG Regulations also require the shipper to display a 24-hour emergency telephone number on all shipping documents that accompany a consignment of dangerous goods (including class 7 radioactive material). The purpose of those requirements is to ensure that appropriate technical assistance is immediately available to emergency first responders.</p> <p>All emergency vehicles (police, fire and ambulance) in Canada receive the Emergency Response Guidebook that is produced by Transport Canada, the US Department of Transport and Mexico's Secretariat of Transport and</p>

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		<p>Communications. This guidebook provides information and guidance to first responders, allowing them to quickly identify the specific or generic hazard of the material involved in the incident and to protect themselves and the general public during the initial response phase. With the information provided on the transport documents, first responders can easily find the proper immediate response within the guidebook. Also, all first responders in Canada receive basic HazMat training which includes radioactive material emergency management training.</p>
<p><b>Scope of Licenced Activities</b></p>	<p>The Commission renew the decommissioning licence for a two-year period, based on the 2003 approved decommissioning plan, and insert hold points for each major decision point within the next two years, including: licensing of a modified Used Fuel Transportation Package, completion of the remaining Detailed Decommissioning Package, and any outstanding risk assessments.</p>	<p><b>CNSC Response #26</b></p> <p>With respect to the certification of the Used Fuel Transportation Package (UFTP), the CNSC has a robust certification process. Applications for certification of packages, such as the UFTP, are assessed by CNSC Certification Officers who must be accredited as professional engineers. CNSC specialists carry out a technical review of the information and applicable test results submitted as part of the application to ensure that the package design meets all the requirements specified in the Packaging and Transport of Nuclear Substance Regulations 2015.</p> <p>CNSC staff recommend the Commission renew the Whiteshell Laboratories Nuclear Research and Test Establishment Decommissioning Licence for a 10 year period.</p>

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<p><b>CNL Application Content</b></p> <p>Northwatch states that CNL's application sets out only very limited information about the volume and characterization of radioactive wastes which are on-site at Whiteshell and which are to be managed during the decommissioning process. The CNL CMD provides additional information, which according to Northwatch, is also incomplete and does not negate the requirement to provide this information in the licence renewal application.</p> <p>Northwatch holds that CNL's strategy to move waste from WL to permanent storage should be more detailed.</p> <p>Northwatch submits that the CNL's CMD does not provide information regarding the type, location and storage means of SLOWPOKE'S decommissioning waste. In general, Northwatch is not satisfied with the level of details CNL provided in its CMD on the wastes that resulted from various decommissioning activities.</p>	<p>The CNSC should require CNL to provide information, which at minimum summarizes the volume, origin, form, quantity and name of any radioactive waste or hazardous waste that may result from the licensed activities; the proposed method for managing and disposing of that waste must be included, as per the regulatory requirements. In addition, the CNSC should ensure that CNL provides information at least equivalent to that required of Saskatchewan Research Council.</p>	<p><b>CNSC Response #27</b></p> <p>CNL is responsible for finding safe, practicable, and environmentally acceptable solutions for the long-term management of radioactive waste in accordance with Canada's <i>Nuclear Waste Policy Framework</i>. CNSC staff have reviewed CNL's waste management program documents including waste characterization procedures. CNSC staff have confirmed that CNL has a mature waste management program and past performance continues to be satisfactory.</p> <p>The WL DDP – Volume I Program Overview summarizes the site waste inventory. Facility specific waste volumes provided in the facility specific DDPs (Volumes 2-12) and supporting work plans.</p> <p>The radioactive waste from decommissioning of WL will go to licensed waste management facility at Chalk River Laboratories.</p> <p>Chalk River Laboratories has a licence to possess, manage and store the radioactive waste, including the decommissioning waste from WL.</p> <p>Actual waste volumes generated during decommissioning projects are provided in end-state decommissioning reports.</p>

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<b>Accessing Information Related to Review</b>	The Commission should provide clear guidelines to all licensees that information related to the public interest is to be publicly available.	<b>CNSC Response #28</b> The CNSC encourages licensees and applicants to provide as much information as possible on their activities.
<b>Duty to Consult</b>	The Commission should engage directly with Indigenous peoples along the transportation route, inviting their participation in a hold-point hearing specific to the certification of the modified Used Fuel Transportation Package and a risk assessment of the radioactive waste transportation.	<b>CNSC Response #29</b> Please see response #26 above. The CNSC is open to discussing how CNSC regulates the packaging and transportation of radioactive materials with any communities interested in learning more, upon request. Ensuring that communities with an interest in CNSC regulated activities and facilities are well-informed is a priority for the CNSC.  CNSC staff do not recommend any hold points with regards to certification of packages.
<b>Local Government District of Pinawa CMD 19-H4.8 (e-Doc 5988376)</b>		
The Council of the Local Government District of Pinawa (CLGDP) supports CNL's renewal application for the Nuclear Research and Test Establishment Decommissioning Licence for the Whiteshell Laboratories and would appreciate strong support from CNL for the future development of both nuclear and non-nuclear opportunities for the Whiteshell Laboratories site.	The Council of the Local Government District of Pinawa (CLGDP) supports CNL's renewal application for the Nuclear Research and Test Establishment Decommissioning Licence for the Whiteshell Laboratories. However, the CLGDP would appreciate the addition of a condition regarding protecting infrastructure and assets that they believe will help to ensure the success of future economic development activities.	<b>CNSC Response #30</b> Economic development is outside the mandate of the Canadian Nuclear Safety Commission.  CNSC staff do not recommend that the Commission include a licence condition to preserve infrastructure and assets to support future economic development.

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	<p>In particular, the retention of electrical equipment, transmission towers and lines that connect to the Manitoba Hydro Grid for future nuclear and non-nuclear development. Similarly, the CLGDP requests the preservation of non-electric infrastructure such as roads, parking lots, water treatment plant, firefighting equipment, etc. The CLGDP also requests CNL's collaboration with the region to retain the shielded facility that includes five fully functional hot cells for supporting the development of Demonstration Small Modular Reactors as well as development of nuclear research programs with Manitoba educational institutions. Furthermore, the CLGDP holds that the robust environmental monitoring system at Whiteshell laboratories should be maintained and shared with any future nuclear development at the site.</p>	
<b>Sagkeeng Anicinabe CMD 19-H4.4 (eDoc 5985925)</b>		

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<p><b>Sagkeeng Territory and Values in the Whiteshell Laboratories-Affected Area</b></p> <p>Inadequate consideration of impacts of the facility to date and in the decommissioning and closure scenario on Sagkeeng values, current use of lands and resources for traditional purposes, culture, and Treaty rights. This includes no consideration of impacts on Sagkeeng rights or interests in the CNL Licence Renewal Application or CNSC staff materials, and lack of sharing by CNSC staff of Sagkeeng’s perspective, faithfully compiled by Sagkeeng, with the Commission through the Environmental Protection Review Report. The information provided in this submission by Sagkeeng is designed in part to correct this shortfall, and we also recommend measures to improve consideration and management of impacts on the human environment moving forward.</p>	<p>Sagkeeng P1 The CNL summary of “traditional knowledge and land use studies” (TKLUS) in Section 18.2.1.8.11 should be given no weight by the Commission in its deliberations.</p>	<p><b>CNSC Response #31</b></p> <p>Sagkeeng has provided the full text of the TKLUS as Annex 3 of their intervention CMD 19-H4.4. The Commission reviews and considers all information provided by Interveners.</p> <p>The CNSC greatly respects the rights and interests of, and values its relationship with, the Sagkeeng Anicinabe (Sagkeeng). CNSC staff are committed to working collaboratively with Sagkeeng representatives and leadership to meaningfully address any concerns or issues in relation to CNSC-regulated facilities and/or activities of interest in their traditional territory.</p> <p>As discussed in the EPR Report, although Sagkeeng provided its consent to collaborate with CNSC staff on the inclusion of a summary of their TKLUOS within the EPR Report, after reviewing CNSC staff’s summary, Sagkeeng representatives communicated to CNSC staff that the TKLUOS is specific to and only applies in the context of the WR-1 environmental assessment process. CNSC staff have the utmost respect for the knowledge shared by Sagkeeng through the TKLUOS and for Sagkeeng’s direction on how their knowledge should be used and reported on. As the WR-1 project is out of scope of the WL site licence renewal and the EPR Report, CNSC staff concluded that in order to respect Sagkeeng’s preferences it would not be appropriate for CNSC staff to include a summary of the TKLUOS within the EPR Report.</p>



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	Sagkeeng LCH1 CNSC require the Proponent to consult the interested Indigenous groups toward the implementation of a risk communication program, designed to improve Indigenous understanding of site and vicinity risk to the health and edibility of country food and water sources.	<p><b>CNSC Response #32</b></p> <p>As part of REGDOC-3.1.2, <i>Public Information and Disclosure</i>, proponents are required to develop a Public Information Program and identify key audiences that fall under the program, and to develop strategies and approaches to address the concerns of the identified population. Indigenous groups are one key audience identified and CNSC expects CNL to ensure information sharing and communication with interested Indigenous groups is completed effectively to improve knowledge and understanding of environmental safety and radiation protection.</p> <p>CNSC staff do not recommend incorporating the proposed requirement for a risk communication program into the draft LCH.</p>
	Sagkeeng A1 The CNSC to develop with Sagkeeng a consultation framework, including but not limited to for joint consideration of impacts on Sagkeeng Treaty and Aboriginal rights, to be implemented for all future decisions related to the Whiteshell Laboratories facility.	<p><b>CNSC Response #33</b></p> <p>The CNSC is committed to continue developing the on-going relationship with Sagkeeng and are open to exploring opportunities to enhance and formalize the engagement relationship to enable and outline meaningful, agreed upon consultation processes where appropriate.</p>

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	Sagkeeng LCH2 CNSC require, as an LCH directive/criteria, CNL to engage with affected Indigenous groups toward establishing relationship protocols in the form of one or more liaison committees separate from the existing Public Liaison Committee, including elements related to the role of Indigenous groups in site planning, assessment, management and monitoring.	<p><b>CNSC Response #34</b></p> <p>CNSC staff recommend CNL consider Sagkeeng's request for the creation of separate liaison committees for Indigenous groups and how this may fit within their Public Information and Disclosure Program, especially as the process on WR-1 decommissioning progresses.</p> <p>CNSC staff recommend that CNL respond.</p>
<p><b>Inadequate information on final full removal of WR-1 Reactor in licence Application</b></p> <p>Inappropriate focus in the CNL Licence Renewal Application document on CNL's proposed (but not yet approved) in-situ decommissioning (ISD) of the WR-1 reactor facility on site. As this is not approved, it should not be a focus of – or even referenced in - the Licence Renewal Application, and CNL</p>	Sagkeeng P2 The Commission ought to strike all references to CNL's proposed ISD from CNL's filings, including but not limited to CNL's Section 3.3.2.1.	<p><b>CNSC Response #35</b></p> <p>As outlined in CMD 19-H4 the matter before the Commission does not include in situ decommissioning of the WR-1 reactor.</p> <p>The request for the proposed in-situ decommissioning will be considered in a separate Public Hearing of the Commission.</p>

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<p>should be required to faithfully explain, in more detail, what the currently approved full removal option for the WR-1 Reactor will entail during this 10 year licensing period. This includes methods and timing planned for the packaging and transport of radionuclide contaminated materials from the WR-1 Reactor site. Currently, Sagkeeng does not have enough information on this topic to properly engage in the planned October 2019 hearing on the Licence Renewal.</p>	<p>Sagkeeng P3 That the Commission require the Proponent to provide the following information in a supplemental filing, prior to the October 2-3, 2019 hearing:</p> <ol style="list-style-type: none"> <li>a. Calculation of what volume and type of LLW, ILW and HLW is likely to come out of the full decommissioning and removal of the WR-1 Reactor facility;</li> <li>b. More information on the timing and methods for all three phases of decommissioning of the WR-1 Building (B100): <ol style="list-style-type: none"> <li>i. Complete remediation and removal of the building;</li> <li>ii. All activated and contaminated components removed, packaged and dispositioned at off-site facilities;</li> <li>iii. Facility structure decontaminated and demolished;</li> </ol> </li> <li>c. Identification of monitoring activities required during and after the completion of the three stages identified above (which are from Table 1.2 in the EPR Report, pg. 15 of 88); and</li> <li>d. Identification of the proposed end-state for the WR-1 Reactor facility under implementation of the full removal plan.</li> </ol>	<p><b>CNSC Response #36</b></p> <ol style="list-style-type: none"> <li>a) Details on waste volumes is contained in Whiteshell Laboratories Detailed Decommissioning Plan: Volume 6 - Whiteshell Reactor #1: Building 100, WLDP-26400-DDP-001 Revision 3 (e-Doc 4672060) section 7.3, Table 7-5.</li> <li>b) The decommissioning work packages for removal of WR-1 is discussed in Whiteshell Laboratories Detailed Decommissioning Plan: Volume 6 - Whiteshell Reactor #1: Building 100, WLDP-26400-DDP-001 Revision 3 (e-doc 4672060). A total of 11 Work Packages would be developed. <p>Each work package would describe the methods to be used to complete the work package, as well as identify industrial and radiological hazards associated with the work. The schedule for performing this work is provided in section 8.4 and Appendix E of Volume 6.</p> <p>The Monitoring and Surveillance Plan for the WR-1 Deferment Period, RC-1291-R1 (e-Doc #5018383) describes the monitoring activities. This plan is discussed in more detail above.</p> </li> <li>c) The proposed end state is described in Whiteshell Laboratories Detailed Decommissioning Plan: Volume 6 - Whiteshell Reactor #1: Building 100, WLDP-26400-DDP-001, Revision 3 (e-doc 4672060) section 5.6.</li> </ol> <p>CNSC staff recommend Sagkeeng contact CNL to obtain copies of relevant documents.</p>

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	Sagkeeng A10 CNSC to require CNL to file additional information about the methods and timing proposed for full removal of the WR-1 facility, in an addendum to the Licence Renewal Application, prior to the October 2-3, 2019 hearing.	<b>CNSC Response #37</b> Refer to CNSC Response #36.
<p><b>Lack of Consultation and Engagement of Sagkeeng by CNL</b></p> <p>Lack of any consultation whatsoever with Sagkeeng by CNL in relation to any aspect of the Licence Renewal prior to it being filed with the Commission. This lack of consultation is problematic in its own right, but also emblematic of the overall lack of consultation or other forms of engagement of Sagkeeng in the management and monitoring of the site at any time during its history. Sagkeeng has a right and a responsibility to be fully involved in planning for the use of this portion of our territory, especially given that past Crown decisions have caused long-term, potentially permanent, damage to the utility of this area for the meaningful practice of Sagkeeng rights and interests.</p>	<p>Sagkeeng L1 That a condition be added to the decommissioning license requiring CNL to fund a half-time equivalent liaison, to be employed by, and who will report to, Sagkeeng, and whose primary responsibility will be to facilitate, develop and improve communication and understanding between Sagkeeng and CNL and CNSC.</p>	<p><b>CNSC Response #38</b></p> <p>Communication and collaboration with Sagkeeng may be achieved through a variety of relationship models.</p> <p>CNSC staff recommend CNL work directly with Sagkeeng to determine an appropriate and mutually acceptable means to facilitate, develop and improve communication and understanding between Sagkeeng and CNL.</p>
	<p>Sagkeeng L2 Proposed Revision to CNSC staff proposed Condition G2:</p> <p>“The Licensee shall give written notification of changes to the facility or its operation, including deviation from design, operating conditions, policies, programs and methods referred to in the licensing basis. <b>This information will be provided to impacted Indigenous groups at the same time it is provided to CNSC.</b>”</p>	<p><b>CNSC Response #39</b></p> <p>Refer to CNSC Responses #32.</p> <p>CNSC staff recommend CNL work directly with Sagkeeng to develop an appropriate and mutually acceptable communication protocol.</p> <p>The existing language in the licence condition reflects the current standard text used in Class I licences.</p> <p>CNSC staff do not recommend revision of this standard licence condition.</p>

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	<p>Sagkeeng L3 Proposed Revision to CNSC staff proposed Condition G.4.</p> <p>The Licensee shall implement and maintain a public information and disclosure program. <b><u>This program will include a separate and detailed program for the engagement of interested Indigenous groups, developed in consultation with those groups.</u></b></p>	<p><b>CNSC Response #40</b></p> <p>See CNSC staff response #32.</p> <p>Should the Commission renew CNL's Whiteshell site licence, CNL will work towards enhancing its PIP and its focus on communications and collaboration with Indigenous communities with an interest in the Whiteshell site, including Sagkeeng.</p> <p>The language of the licence condition in the proposed licence reflects the current standard text used in most Class I licences.</p> <p>CNSC staff do not recommend revision of this standard licence condition.</p>
	<p>Sagkeeng L4</p> <p>Proposed Addition to CNSC staff proposed Condition 9.</p> <p>The Licensee will make efforts and provide evidence to CNSC on an annual basis of efforts to engage impacted Indigenous groups in the planning, implementation and reporting of the environmental protection program.</p>	<p><b>CNSC Response #41</b></p> <p>Licence condition 3.2 of the proposed licence establishes reporting to the Commission.</p> <p>REGDOC-3.1.2, <i>Reporting Requirements for Non-Power Reactor Class I Facilities and Uranium Mines and Mills</i> sets out common requirements and guidance for annual compliance and event reporting for all non-power reactor Class I facilities and uranium mines and mills.</p> <p>This REGDOC states that licencees must report on activities under the public information and disclosure program, including engagement activities with the general public and target audiences, including Indigenous communities.</p>

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<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
		CNSC staff do not recommend the addition of a separate licence condition for reporting on the engagement of Indigenous groups in the planning, implementation and reporting of the environmental protection program. CNSC staff feel this is adequately captured through licence condition 3.2 of the proposed licence, and REGDOC-3.1.2.
	Sagkeeng LCH3 A Proposed Revision to the Environmental Protection section of the LCH that requires CNL to fund and meaningfully engage interested Indigenous groups in the updated site-wide environmental risk assessment.	<p><b>CNSC Response #42</b></p> <p>Refer to CNSC Responses #32 and #39.</p> <p>CNSC staff do not recommend addition of this requirement into the draft Licence Conditions Handbook.</p>
	Sagkeeng A2 Communication by CNL, including capacity funding to support review and meetings with CNL if desired, with interested Indigenous groups, of the Annual Compliance Monitoring Reports and Progress Reports on the Environmental Assessment Follow-up Program for Whiteshell Laboratories.	<p><b>CNSC Response #43</b></p> <p>Refer to CNSC Responses #32 and #39.</p>
	Sagkeeng A3 A condition requiring CNL provide advance opportunities, no later than 60 days prior to starting work on the specified physical work or activity, for Indigenous groups to review and comment on each volume developed for inclusion in its Detailed Decommissioning Plan.	<p><b>CNSC Response #44</b></p> <p>Refer to CNSC Responses #32 and #39.</p> <p>CNSC staff do not recommend addition of a condition for Indigenous review and comment of Detailed Decommissioning Plans.</p>

<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
<p><b>Engagement Regarding End State Land Use</b></p> <p>The lack of engagement of Sagkeeng by CNL in the determination of appropriate desired end land use state(s) for the Whiteshell Laboratories facility needs to be corrected.</p>	<p>Sagkeeng A4 That CNSC require that any and all site clean-up and release criteria and definition of desired end-state[s] for the Whiteshell facility be developed collaboratively with impacted Indigenous groups.</p>	<p><b>CNSC Response #45</b></p> <p>Refer to CNSC Responses #32 and #39.</p>
<p><b>Increased Role for Sagkeeng in Environmental and Other Site Monitoring</b></p> <p>The lack of a current or envisioned role by CNL, and the lack of conditions required by the Commission, for Sagkeeng to have an active and ongoing role in the monitoring of effects from the site on our territory, also needs correction. It is recommended that Sagkeeng be provided with meaningful and advance opportunities to develop monitoring and mitigation measures with the Proponent and with CNSC.</p>	<p>Sagkeeng L5 Sagkeeng recommends that the Commission require as a Licence Condition that the Proponent expand its environmental monitoring programs to include impacted Aboriginal groups, and provide a report back to the Commission on an annual basis on how it has included each impacted Aboriginal group in its monitoring programs.</p>	<p><b>CNSC Response #46</b></p> <p>CSA N288.4-10, <i>Environmental Monitoring Programs at Class I Nuclear facilities and uranium Mines and Mills</i>, has been included in the Compliance Verification Criteria (CVC) of section 9.1 of the draft Whiteshell Laboratories Licence Conditions Handbook.</p> <p>CSA N288.4-10 (R2015) has detailed requirements for licensees to consult with, and include input from, the impacted Indigenous groups in its Environmental Monitoring program. CNL has committed to implement the new CSA standard N288.4-10 by January 01, 2020.</p> <p>Therefore, CNSC staff do not recommend the inclusion of the proposed licence condition on including each impacted Aboriginal group in monitoring programs.</p>
	<p>Sagkeeng A5 CNSC to require CNL to report on capacity training initiatives adopted by CNL to support interested Indigenous groups engaging in monitoring in and around the Whiteshell Laboratory.</p>	<p><b>CNSC Response #47</b></p> <p>CNSC staff expects CNL to provide updates and report on collaborative activities with Indigenous communities, including on its environmental monitoring program, as part of its Whiteshell Annual Compliance Reports or other reporting mechanisms as appropriate.</p>

<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
	Sagkeeng A6 CNSC to develop and fund a capacity training program for impacted Aboriginal groups to more deeply engage in community-led, CNSC-led and CNL environmental monitoring programs in relation to the Whiteshell Laboratories facility.	<p><b>CNSC Response #48</b></p> <p>The CNSC collaborates with Indigenous groups (including Sagkeeng) regularly to conduct environmental monitoring through the CNSC's Independent Environmental Monitoring Program (IEMP). The last collaborative IEMP sampling CNSC conducted with Sagkeeng was in 2017 and CNSC is committed to continuing to engage with Sagkeeng and other interested Indigenous groups on IEMP activities moving forward.</p> <p>The CNSC makes funding support through its PFP available for collaborative activities regarding the IEMP. However, the PFP is not set-up to be a long-term capacity-building program that supports ongoing training development.</p> <p>The CNSC will continue to work with Sagkeeng and other interested Indigenous groups relating to information sharing and monitoring, where appropriate.</p>
	Sagkeeng A9 That CNSC involve Sagkeeng Anicinabe in the conduct of any future implementation of its Independent Environmental Monitoring Program for the Whiteshell Laboratories facility.	<p><b>CNSC Response #49</b></p> <p>As mentioned in CNSC Response #48, the CNSC is open to continuing to collaborate with Sagkeeng as part of the IEMP, by request.</p>



<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
<p><b>Permanent Disposal of LLW at WL</b></p> <p>The Proponent's desire – which was not the subject of consultation with Sagkeeng - to keep radiation-bearing materials on site in the post-closure phase (e.g., in low level waste (LLW) trenches), and in closed off/fenced in facilities. This topic is related to the overall lack of consideration in the CNL Application and the CNSC staff's filings, of long-term implications for Sagkeeng if our members cannot properly re-engage within the Project-affected area or do not believe the area is safe. Sagkeeng's position is that if the area must be fenced off long-term or permanently, it must still be contaminated in a way that is unacceptable to our members.</p>	<p>Sagkeeng A7 Sagkeeng requests the CNSC require the involvement of Sagkeeng in the development and review of the final safety assessment "for the final in situ disposal of 21 or 22 of the underground LLW trenches", currently planned for sharing with CNSC staff for approval.</p>	<p><b>CNSC Response #50</b></p> <p>Refer to CNSC Responses #32 and #39.</p> <p>CNSC staff do not recommend a requirement for Sagkeeng involvement in the development of the final safety assessment for the LLW trenches.</p>
<p><b>Site Management and Monitoring in the Post Closure Phase</b></p> <p>Finally, it is not clear from the Licence Renewal Application how the site will be managed post-closure (planned for 2026 but could start as late as 2029).</p> <p>We need more information and a role for Sagkeeng in planning, monitoring and management for the Institutional Control period after closure.</p>	<p>Sagkeeng A7 CNSC to require CNL to engage impacted Aboriginal groups in the development of plans, policies and programs related to the Institutional Control period, starting at least two years prior to the end of the decommissioning period.</p>	<p><b>CNSC Response #51</b></p> <p>Institutional control of the Whiteshell site is not included in the current Whiteshell licensing basis and is not in scope of the current licence renewal request. A separate application will be required in advance of institutional control.</p> <p>This would include a separate regulatory and decision-making process, where CNSC staff would expect CNL and AECL to engage directly with interested Indigenous communities with regards to the proposed Institutional Control period.</p>

<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
<b>Consultation on the Comprehensive Study Report (CSR)</b>	No specific recommendation provided.	<p><b>CNSC Response #52</b></p> <p>The CNSC and CNL (and previously AECL) have consulted and engaged with Sagkeeng regarding activities at the Whiteshell site at various points throughout the licensing term of the facility. A communications protocol with AECL-Whiteshell was established with Sagkeeng in 1999 and Sagkeeng was consulted for the original decommissioning licence in 2002 as documented in the Whiteshell decommissioning environmental assessment comprehensive study report.</p>
<b>Engagement on the Licence Renewal by CNSC</b>		<p><b>CNSC Response #53</b></p> <p>As CNL's current licence renewal application is not proposing any changes to what was approved in 2002, CNSC staff do not foresee any novel impacts on Indigenous or treaty rights in relation to the licence renewal application and the Commission's decision. However, CNSC are committed to ongoing engagement and collaboration with Sagkeeng on areas of interest and concern. Currently, Sagkeeng is being consulted and engaged in the EA process for the proposed WR-1 in-situ decommissioning Project, CNSC staff's CNL regulatory oversight report for 2018, and this licence renewal.</p> <p>In addition, Since 2016, with the commencement of the proposed In Situ Decommissioning of the Whiteshell Reactor #1 (WR-1) project CNSC staff have put forward a significant effort to engage and consult with Sagkeeng to gain further knowledge regarding Sagkeeng's rights and</p>

<b>Annex A: SUMMARY OF KEY ISSUES RAISED BY INTERVENERS AND RESPONSES FROM CNSC STAFF</b>		
<b>ISSUE/CONCERN RAISED</b>	<b>INTERVENER RECOMMENDATIONS</b>	<b>CNSC STAFF'S RESPONSE</b>
		<p>interests and build a relationship based on respect, recognition, trust and partnership.</p> <p>In addition, CNSC staff are committed to exploring opportunities to formalize its engagement relationship with Sagkeeng and do its part as Canada's nuclear regulator to enhance the Nation to Nation relationship and reconciliation with Sagkeeng. CNSC staff look forward to continuing to build its relationship with Sagkeeng and ongoing respectful and constructive collaboration with regards to the Whiteshell site and related projects and activities.</p>
<b>Failure to include Sagkeeng TKLOUS in CNSC staff Environmental Protection Review Report.</b>	No specific recommendation provided.	<p><b>CNSC Response #54</b></p> <p>See CNSC Response #31.</p>



## NUCLEAR RESEARCH AND TEST ESTABLISHMENT DECOMMISSIONING LICENCE

### WHITESHELL LABORATORIES

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- I) **LICENCE NUMBER:** **NRTEDL-W5-8.06/2029**
- II) **LICENSEE:** Pursuant to section 24 of the *Nuclear Safety and Control Act*, this licence is issued to
- Canadian Nuclear Laboratories Ltd**  
**Laboratoires Nucléaires Canadiens Ltée**  
**286 Plant Road**  
**Chalk River, Ontario**  
**K0J 1J0**
- III) **LICENCE PERIOD:** This licence is valid from January 1, 2020 and remains in effect until December 31, 2029 unless otherwise suspended, amended, revoked or replaced.
- IV) **LICENSED ACTIVITIES:**
- This licence authorizes the licensee to:
- a) operate and decommission the Whiteshell Laboratories (hereinafter “WL”) located in Pinawa, Province of Manitoba as further described in the Whiteshell Laboratories *Licence Conditions Handbook* (LCH) ,
  - b) produce, possess, process, refine, transfer, use, package, manage, and store the nuclear substances that are required for, associated with or arise from the activities described in a),
  - c) possess, use, produce and transfer prescribed equipment that is required for, associated with, or arises from the activities described in a),
  - d) possess, use and transfer prescribed information that is required for, associated with, or arises from the activities described in a),

- e) carry out the site preparation, construction or construction modification or undertaking that is required for, associated with or arise from the activities described in a).

**V) EXPLANATORY NOTES:**

- (i) Nothing in this licence shall be construed to authorize non-compliance with any other applicable legal obligation or restriction.
- (ii) Unless otherwise provided for in this licence, words and expressions used in this licence have the same meaning as in the Nuclear Safety and Control Act and associated Regulations.
- (iii) The Whiteshell Laboratories Licence Conditions Handbook (LCH) provides compliance verification criteria used to verify compliance with the conditions set out in this licence, including information regarding delegation of authority and applicable versions of documents and a process for version control of codes, standards or other documents that are used as compliance verification criteria.

**VI) CONDITIONS:**

**G GENERAL**

- G.1 The licensee shall conduct the activities described in Part IV of this licence in accordance with the licensing basis, defined as:
- (i) the regulatory requirements set out in the applicable laws and regulations;
  - (ii) the conditions and safety and control measures described in the facility's or activity's licence and the documents directly referenced in that licence; and
  - (iii) the safety and control measures described in the licence application and the documents needed to support that licence application;
- unless otherwise approved in writing by the Canadian Nuclear Safety Commission (hereinafter "the Commission").
- G.2 The licensee shall give written notification of changes to the facility or its operation, including deviation from design, operating conditions, policies, programs and methods referred to in the licensing basis.
- G.3 The licensee shall maintain a financial guarantee for decommissioning that is acceptable to the Commission.
- G.4 The licensee shall implement and maintain a public information and disclosure program.

**1 MANAGEMENT SYSTEM**

1.1 The licensee shall implement and maintain a management system.

**2 HUMAN PERFORMANCE MANAGEMENT**

2.1 The licensee shall implement and maintain a human performance program.

2.2 The licensee shall implement and maintain a training program.

**3 OPERATING PERFORMANCE**

3.1 The licensee shall implement and maintain an operating program, which includes a set of operating limits.

3.2 The licensee shall implement and maintain a program for reporting to the Commission or a person authorized by the Commission.

**4 SAFETY ANALYSIS**

4.1 The licensee shall implement and maintain a safety analysis program.

4.2 The licensee shall implement and maintain a nuclear criticality safety program.

**5 PHYSICAL DESIGN**

5.1 The licensee shall implement and maintain a design program.

5.2 The licensee shall implement and maintain a pressure boundary program.

**6 FITNESS FOR SERVICE**

6.1 The licensee shall implement and maintain a fitness for service program.

**7 RADIATION PROTECTION**

7.1 The licensee shall implement and maintain a radiation protection program, which includes a set of action levels. When the licensee becomes aware that an action level has been reached, the licensee shall notify the Commission within seven days.

**8 CONVENTIONAL HEALTH AND SAFETY**

8.1 The licensee shall implement and maintain a conventional health and safety program.

**9 ENVIRONMENTAL PROTECTION**

9.1 The licensee shall implement and maintain an environmental protection program, which includes a set of action levels. When the licensee becomes aware that an action level has been reached, the licensee shall notify the Commission within seven days.

**10 EMERGENCY MANAGEMENT AND FIRE PROTECTION**

- 10.1 The licensee shall implement and maintain an emergency preparedness program.
- 10.2 The licensee shall implement and maintain a fire protection program.

**11 WASTE MANAGEMENT**

- 11.1 The licensee shall implement and maintain a waste management program.
- 11.2 The licensee shall implement and maintain a decommissioning plan.

**12 SECURITY**

- 12.1 The licensee shall implement and maintain a security program.

**13 SAFEGUARDS AND NON-PROLIFERATION**

- 13.1 The licensee shall implement and maintain a safeguards program.

**14 PACKAGING AND TRANSPORT**

- 14.1 The licensee shall implement and maintain a packaging and transport program.

SIGNED at OTTAWA, \_\_\_\_\_.

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Rumina Velshi, President  
on behalf of the Canadian Nuclear Safety Commission

## Licence Condition 12.2: Security Arrangements

The licensee shall complete the implementation of all security arrangements as outlined in the corrective action plan: Implementation Plan: Tiered Response Force (TRF) 119-508710-PLA-010, no later than May 1, 2020

### Preamble:

This licence condition requires the licensee to create, train, equip and maintain a Tiered Response Force (TRF) capable of countering the Design Basis Threat (DBT).

### Compliance Verification Criteria:

#### Licence Documents that Require Notification of Change

Document Number	Document Title	e-Doc	Prior Notice
119-508710-PLA-010 (prescribed information)	Implementation Plan: Tiered Response Force (TRF)	N/A	Y

### Guidance:

None provided.