



Canadian Nuclear Laboratories

Douglas Point Waste Facility

Licence Amendment

Commission Hearing
November 25-26, 2020
CMD 20-H4.A

CNSC Staff Presentation



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Errata

CMD 20-H4, Table of Contents

Should list 5 Safety and Control Areas

– Conventional health and safety, and packaging and transport are missing

CMD 20-H4, section 4.7

Should reference licence condition 3.1



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- Purpose of Hearing
- Background
- Review of Licence Application
- Proposed Licence Changes
- Engagement and Participant Funding
- Conclusions and Recommendations



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PURPOSE OF HEARING



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Current DPWF Decommissioning Licence

WFDL-W4-332.02/2034

The current licence authorizes CNL to:

- Decommission the Douglas Point Waste Facility
- Possess, transfer, use, process, package, manage, and store nuclear substances
- Possess and use prescribed equipment and prescribed information

The current licence expires December 31, 2034



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Licensing Basis

- Sets boundary conditions
- Establishes a basis for the compliance program
- Changes that are beyond the licensing basis must be authorized by the Commission

**Licensee is required to operate within its
licensing basis at all times**



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Purpose of Hearing

Canadian Nuclear Laboratories (CNL) is requesting that the Commission:

- Amend CNL's Douglas Point Waste Facility decommissioning licence to proceed with Phase 3 (active) decommissioning

Commission is required to make decisions under:

- Section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012)
- The *Nuclear Safety and Control Act* (NSCA)



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Decision under CEAA 2012

Federal Lands Review in accordance with section 67 of CEAA 2012

CNL's licence amendment request

- Application reviewed under the federal lands provisions of CEAA 2012
 - Application was received in July 2019, before the coming into force of the *Impact Assessment Act* in August 2019

Federal lands reviews under CEAA 2012

- For projects not on the designated projects list but proposed on federal lands
- Scope focused on environmental effects on federal lands
- Commission must determine that the completion of the proposed project is not likely to cause significant adverse environmental effects

Subject to approval under CEAA 2012, the Commission is asked to proceed with a licensing decision under the NSCA

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Decision under the NSCA

- Record of Decision for CMD 18-H107 – “The Commission notes that should CNL seek to accelerate the decommissioning of any of the DP, G-1 or NPD sites, CNSC staff would submit a full assessment of all relevant SCAs for the Commission’s consideration at a separate public Commission hearing”
- CNL is proposing to decommission the Douglas Point Waste Facility following a staged approach over approximately 50 years
 - The current request proposes to reduce the deferment timeframe for some decommissioning activities at the Douglas Point Waste Facility. The earliest decommissioning activities are scheduled to begin in 2021
 - This request represents a change to the current licensing basis

Subject to approval under the NSCA, the Commission is asked to amend the licensing basis and to modernize the existing licence



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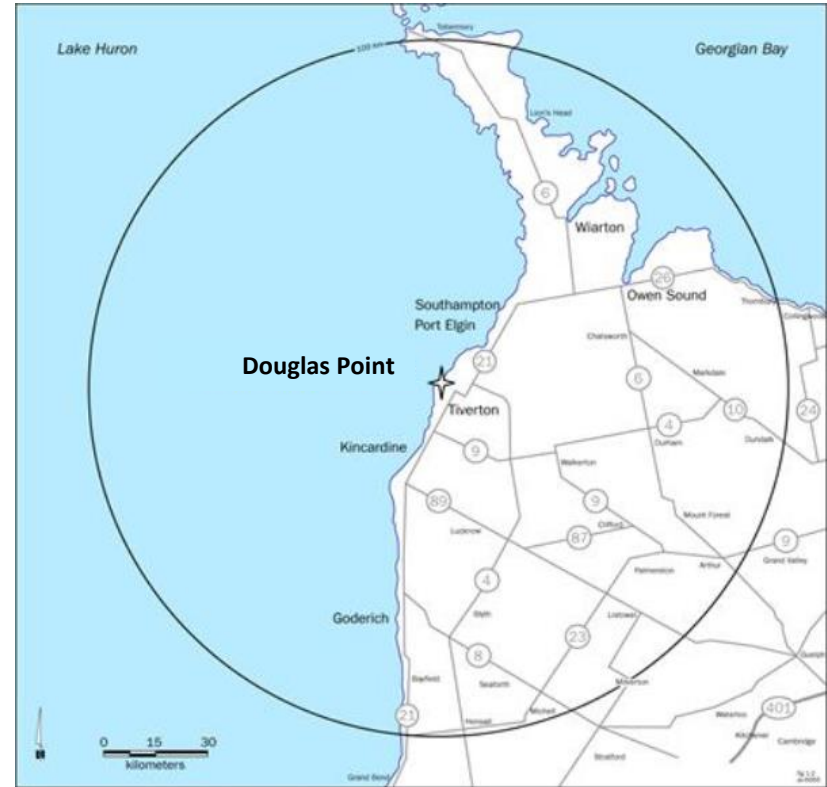
BACKGROUND



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Site Overview (1 of 2)

- 200 MWe Prototype CANDU reactor
- Was permanently shut down in May 1984
- The region within 100 km of the facility is primarily rural



Source: CNL



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Site Overview (2 of 2)

- Located within the Bruce Nuclear Generating Station site
- Owned by Atomic Energy of Canada Limited (AECL)
- Is being decommissioned by CNL



Source:



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Decommissioning Phases

- **Phase 1:** has already brought the facility to a safe, sustainable, shutdown state, suitable for a period of “*storage-with-surveillance*”
- **Phase 2:** is the current “*storage-with-surveillance*” phase of decommissioning
- **Phase 3:** is active-decommissioning



Source: CNL



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Licensing History

Date	Licensing Event	Licensee	Term
1988	Waste Facility Operating Licence (WFOL) issued	AECL	1 year
1989	WFOL renewed	AECL	2 year
1991	WFOL renewed	AECL	27 months
1994	WFOL renewed for an indefinite term	AECL	Indefinite
2014	WFOL replaced with a Waste Facility Decommissioning Licence (WFDL) covering the Douglas Point, Gentilly-1 and Nuclear Power Demonstration Waste Facilities	AECL	20 year
2014	Licence transferred from AECL to CNL	CNL	20 year
2018	The WFDL was separated into three licences, one for each waste management facility site	CNL	20 year



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Compliance History of Douglas Point Waste Facility

Compliance verification activities include desktop reviews, reviews of event notifications and response, review of follow-up reports, and onsite inspections

CNSC Staff Inspections at Douglas Point Waste Facility							
Year	2014	2015	2016	2017	2018	2019	2020
Number of Inspections	2	1	1	2	1	1	1

CNSC regulatory oversight is commensurate with the risk



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Summary of the current request

Licence amendment application (July 18, 2019):

- Overview Detailed Decommissioning Plan (DDP)
- Environmental Effects Review Report,
- Environmental Risk Assessment, and
- Storage with Surveillance Activities and Schedules

Supplementary submission (October 15, 2020):

- Indigenous Engagement Report



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Planning Envelopes

Planning envelope	Facility	Nuclear / non-nuclear	Proposed timeline
A	<ul style="list-style-type: none"> Turbine Building Administration Building Ancillary Facilities (<i>Carpenter's Shop, Water Treatment Area, Garage, Storage Area, and the Diesel Room</i>) Steam Bridge 	Non-nuclear	2021-2025
B	<ul style="list-style-type: none"> Purification Building Service Building (<i>including Ventilation Stack, Fuel Bays, and Active Liquid Handling System</i>) Weld Test Shop Resin Storage Tanks and Vault 	Nuclear	2022-2025
C	<ul style="list-style-type: none"> Reactor Building Clear-out 	Nuclear	2022-2030
D*	<ul style="list-style-type: none"> Spent Fuel Canister Area 	Nuclear	TBD
E*	<ul style="list-style-type: none"> Reactor Building 	Nuclear	TBD

***(Not within current licensing request)**



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REVIEW OF LICENCE APPLICATION



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CNSC Staff Assessment of CNL's Performance and Review of the Amendment Application (1 of 2)

- CNL's past performance - Satisfactory rating in all 14 Safety and Control Areas
- CNSC staff have assessed CNL's programs
- Documents in support of the application are complete and adequate provision is in place to safely execute the decommissioning project

CNL's programs related to all SCAs are assessed through ongoing oversight activities



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CNSC Staff Assessment of CNL's Performance and Review of the Amendment Application (2 of 2)

Safety and Control Areas (SCA)

<input checked="" type="checkbox"/> radiation protection	<input type="checkbox"/> operating performance
<input checked="" type="checkbox"/> conventional health and safety	<input type="checkbox"/> safety analysis
<input checked="" type="checkbox"/> environmental protection	<input type="checkbox"/> physical design
<input checked="" type="checkbox"/> waste management	<input type="checkbox"/> fitness for service
<input checked="" type="checkbox"/> packaging and transport	<input type="checkbox"/> emergency management and fire protection
<input type="checkbox"/> management system	<input type="checkbox"/> security
<input type="checkbox"/> human performance management	<input type="checkbox"/> safeguards and non-proliferation

Five SCAs were selected for discussion relevant to proposed decommissioning activities



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Radiation Protection

- CNL's Radiation Protection program meets the requirements of the *Radiation Protection Regulations*
- No action level has been reached or exceeded during the current licence period
- Review of action levels in December 2019 considered the proposed decommissioning activities
 - Revised action levels are appropriate and meet regulatory requirements

CNL's Radiation Protection Program meets CNSC expectations



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Conventional Health and Safety

- CNL's Conventional Health and Safety Program meets *Canada Labour Code Part II: Occupational Health and Safety*
- This program applies to all work performed at the Douglas Point Waste Facility
- CNL has safely completed storage with surveillance activities, hazard reduction campaigns, and demolition of non-nuclear buildings during the current licence period

CNL's Conventional Health and Safety Program meets CNSC expectations



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Environmental Protection (1 of 2)

- CNL's environmental protection program includes effluent monitoring and meets all regulatory requirements
- The program consists of monitoring airborne and waterborne releases of radiological and hazardous substances from the facility
- CNL uses Derived Release Limits (DRLs) to monitor and control releases from the Douglas Point Waste Facility
- Release limits (and action levels) will be required to be updated during the next licence period to reflect decommissioning activities
- As a result of decommissioning activities, a decrease in releases from the site is anticipated

CNL continues to implement and maintain an effective environmental protection program at the Douglas Point Waste Facility



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Environmental Protection (2 of 2)

Environmental Protection Review (EPR) Report

The proposed project is subject to the federal lands provisions of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

The environmental review process for the licence amendment included:

- Environmental Protection Review (EPR) under the *Nuclear Safety and Control Act* (NSCA)
- Federal Lands Review under section 67 of CEAA 2012

The EPR Report is appended to, and supports the recommendations in, CNSC staff's CMD.



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Waste Management (1 of 3)

CNSC staff have verified that CNL has a waste program in place that allows safe handling of radioactive waste.

CNL's waste management program:

- Covers the characterization, segregation and minimization of waste
- Considers conventional, hazardous, and radioactive waste
- Incorporates the principle of the waste hierarchy (“reduce”, “re-use”, “recycle”)

CNL's Waste Management Program meets CNSC expectations



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Waste Management (2 of 3)

Detailed Decommission Plans

CNL submitted a Program Overview Detailed Decommissioning Plan (DDP)

- Program Overview DDP provides overview of the proposed decommissioning programs and strategy; not associated with a specific planning envelope
- A separate volume of DDP will be created for each planning envelope
- CNSC staff review DDPs against:
 - CNSC Regulatory Guide G-219: *Decommissioning Planning for Licensed Activities*
 - CSA N294-14: *Decommissioning of Facilities Containing Nuclear Substances*

**Each DDP must be reviewed and accepted by the CNSC
prior to conducting decommissioning activities**



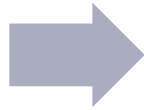
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Waste Management (3 of 3)

Detailed Decommissioning Plans, continued

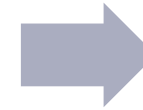
Preliminary Decommissioning Plan

- Planning for eventual decommissioning of the site
- Long term – extends to end-of-life of the site
- Revised every 5 years or when significant changes
- Impacts financial guarantee



Program Overview DDP

- Strategy for the whole site
- Safety Objectives defined
- Program administration and management defined
- Submitted with licence amendment application
- Assessed by CNSC staff



Planning Envelope DDP

- Specific to activities involved in decommissioning structures in each phase
- Identifies hazards and mitigation measures unique to the structures in each envelope
- Submitted to CNSC prior to starting the work
- Must be accepted by CNSC staff before undertaking the work



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Packaging and Transport

- CNL has implemented a packaging and transport program that ensures safety of packaging and transport of nuclear substances
- Shipments from the Douglas Point Waste Facility are compliant with the *Packaging and Transport of Nuclear Substances Regulations, 2015* and *Transportation of Dangerous Goods Regulations*
- Transport has been performed safely, and there have been no events related to transport during the current licence period

CNL's Packaging and Transport Program meets CNSC expectations



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PROPOSED LICENCE CHANGES



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CNSC Staff Proposed Licence (1 of 2)

- Proposed licence applies standardized wording of licence conditions which refer to licensee programs
- Regulatory documents and standards are in the LCH as compliance verification criteria



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CNSC Staff Proposed Licence (2 of 2)

- The proposed licence period of 10 years reflects the facility planning cycle:
 - Founded in the safety case associated with the requested activities
 - Commensurate with the hazards associated with the proposed activities
 - Aligned with completion of planning envelopes A, B and C

CNSC staff recommend a 10-year licence period



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ENGAGEMENT AND PARTICIPANT FUNDING



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Public Outreach

Event	Date
Notice of hearing published	February 18, 2019 May 25, 2020 (postponement) June 3, 2020 (postponement)
English virtual webinars	September 23, 2020 October 21, 2020
French virtual webinars	September 23, 2020 October 16, 2020
Community Mail-out	September 2020



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Consultation with Indigenous Groups (1 of 2)

Identified First Nations and Métis groups:

- Saugeen Ojibway Nation (SON)
 - Saugeen First Nation
 - Chippewas of Nawash Unceded First Nation
- Métis Nation of Ontario (MNO)
- Historic Saugeen Métis (HSM)

Consultation activities:

- Sent letters of notification in October, 2019
- Met in-person and remotely
- Provided updates and maintained open lines of communication



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Consultation with Indigenous Groups (2 of 2)

Topics of interest:

- Ongoing consultation, engagement, and collaboration
- Environmental monitoring
- Protection of lands, waters, and wildlife
- Indigenous and/or Treaty rights
- Transport and management of radioactive and hazardous wastes
- End-state planning
- Archaeology

CNSC staff also verified that CNL has met the requirements of REGDOC-3.2.2



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Participant Funding Program (PFP)

Independent Funding Review Committee recommended funding to:

Recipient Group
Canadian Environmental Law Association, Northwatch, Concerned Citizens of Renfrew County, and Nuclear Waste Watch
Historic Saugeen Métis
Métis Nation of Ontario
Saugeen Ojibway Nation
Benoit Poulet
Eugene Bourgeois / Anna Tilman
Dr. Sandy Greer

**CNSC made up to
\$97,158.56 available
through PFP**



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Main Themes in Interventions

- Completeness of CNL's application
- Proposed licence period
- Accelerated timeframe for decommissioning at the Douglas Point Waste Facility
- Waste inventory and characterization
- Transportation of waste offsite to Chalk River Laboratories
- Lack of a permanent disposal facility in Canada for both intermediate- and high-level waste
- Increased burden from storage of waste at Chalk River Laboratories

A disposition table of the comments made by intervenors is attached to this presentation



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CONCLUSIONS AND RECOMMENDATIONS



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Conclusions (1 of 2)

CNSC staff have concluded the following with respect to section 67 of the *Canadian Environmental Assessment Act, 2012*:

That the carrying out of the proposed project is not likely to cause significant adverse environmental effects, taking into account the proposed mitigation measures.



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Conclusions (2 of 2)

CNSC staff have concluded the following with respect to paragraphs 24(4)(a) and (b) of the *Nuclear Safety and Control Act (NSCA)*:

- CNL is qualified to carry on the activity that the licence will authorize the licensee to carry on
- CNL will in carrying out the licensed activities, has made, and will continue to 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



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Recommendations

CNSC staff recommend that the Commission:

- Make a determination that carrying out the proposed decommissioning activities at the Douglas Point Waste Facility is not likely to cause significant environmental effects in accordance with section 67 of the CEA 2012;
- Authorize the delegation of authority as set out in section 4.7 of CMD 20-H4 for licence condition 3.1 on reporting; and,
- Amend the Waste Facility Decommissioning Licence for the Douglas Point Waste Facility as per the proposed licence.



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INTERVENTION DISPOSITION TABLES



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Benoit Poulet (1/2)

CMD 20-H4.5

Comment/Recommendation	CNSC Staff's disposition
<p>BP1</p> <p>Determination of the safety and control areas presented in the CMD</p> <p>The intervener requests that CNSC staff explain how the Packaging and Transport Safety and Control Area (SCA) was selected as being relevant when no increase in the number of shipments is expected, and no supporting compliance verification or event information is being provided to support the CNSC staff determination.</p>	<p>CNL's current licence permits the transport of nuclear substances and if granted, the proposed licence amendment, would allow for the continuation of this activity. As a result, CNSC staff selected this SCA as relevant to highlight our assessment of CNL's compliance with relevant criteria, such as the <i>Transportation of Dangerous Goods (TDG) Regulations</i>. In addition, CNSC staff have found that the transport of radioactive material is of interest to the public, and wanted to acknowledge this in their CMD.</p>



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Benoit Poulet (2/2)

CMD 20-H4.5

Comment/ Recommendation	CNSC Staff's disposition
<p>BP2</p> <p>Compliance verification information to support rating the safety and control area</p> <p>The intervener requests that CNSC staff provide the compliance verification information upon which CNSC staff rated the SCAs as satisfactory.</p>	<p>The CNSC performs regulatory oversight of licensed facilities to verify compliance with the requirements of the <i>Nuclear Safety and Control Act</i> (NSCA) and associated Regulations made under the Act, each site's licence and licence conditions handbook (LCH), and any other applicable standards and regulatory documents.</p> <p>As described in slide 15 of this presentation, CNSC staff's regulatory oversight activities include inspections, desktop reviews and technical assessments of reports and submitted documents. These activities are reported to the Commission through Regulatory Oversight Reports. Compliance verification information related to the performance ratings at the Douglas Point Waste Facility (DPWF) are available in:</p> <ul style="list-style-type: none"> • CMD 20-M22, Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2019 • CMD 19-M24, Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2018 • CMD 18-M30, Progress Update for CNL's Prototype Waste Facilities, Whiteshell Laboratories and the Port Hope Area Initiative • CMD 16-M12, Status Update for CNL Prototype Waste Facilities and Whiteshell Nuclear Laboratories



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Métis Nation of Ontario (1/7)

CMD 20-H4.6

Comment/Recommendation

CNSC Staff's disposition

Duty to consult

Effects on Indigenous peoples and rights requires assessing impacts beyond the physical effects. There are rights beyond harvesting rights asserted by the MNO that should have been considered:

- The right to continue to exist as a distinct Métis community;
- The right to the protection of Métis culture, language, traditions and way-of-life;
- The right to continue to rely on the sustenance, cultural, social and economic resources within their traditional territories;
- The right to be meaningfully consulted and involved in decisions that will affect the use and future of their traditional territories; and
- The right to share in the benefits flowing from the development and use of Métis traditional territories.

CNSC staff are committed to meaningful consultation and engagement with Indigenous groups who may have an interest in CNSC-regulated facilities. CNSC recognizes the importance of understanding the impacts of a proposed project, or set of projects within the same area, on Métis culture, language, traditions and way-of-life. Given the nature of the proposed new activities at the DPWF site and their similarity to ongoing activities at the site (reducing hazards, tearing down non-nuclear buildings, and removing waste, within the existing industrial fenced-off site), CNSC staff do not expect new impacts to MNO's asserted rights in the area.

In accordance with the signed MNO-CNSC Terms of Reference, CNSC staff remain open to discussing concerns raised by MNO with respect to this Project and options for addressing such concerns. In particular, CNSC staff met with MNO on November 9, 2020 to discuss at a high-level the concerns raised in their intervention. CNSC staff and MNO committed to meeting in early 2021 to continue this discussion.

MNO1



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Métis Nation of Ontario (2/7)

CMD 20-H4.6

Comment/ Recommendation

CNSC Staff's disposition

Duty to consult

MNO submits that the Duty to Consult is owed and that the level of consultation was lower than it should have been.

CNSC staff agree that the Duty to Consult was raised by this licence amendment, as the application proposes new activities that may be of concern to potentially affected Indigenous groups. CNSC staff note that the Duty to Consult rests with the CNSC, not CNL, though information collected and measures proposed by licensees to avoid, mitigate or offset potential impacts may be used by the CNSC in meeting its consultation obligations.

CNSC staff consulted MNO's Georgian Bay Traditional Territory Consultation Committee (GBTCC) and coordinator through information-sharing, meeting to discuss and address concerns, and maintaining open lines of communication. No specific issues with respect to potential impacts to rights were raised prior to the submission of CNSC staff's CMD.

As indicated in response to MNO1, CNSC staff are committed to continuing to engage with the GBTCC to discuss concerns raised and collaborate on potential solutions to address the concerns raised by the MNO in their intervention.

CNSC staff are satisfied with the level of consultation and engagement to date and maintain that the proposed project will not result in any new adverse impacts to Indigenous and/or treaty rights.

MNO2



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Métis Nation of Ontario (3/7)

CMD 20-H4.6

Comment/Recommendation

CNSC Staff's disposition

MNO3

Duty to consult

It is acknowledged that the amendment is proceeding under section 67 of CEAA 2012, and therefore the requirements for consideration align with the items identified under this legislation, the original displacement of the Métis from the Project site since 1960 makes many of these specified effects not applicable

CNSC should take a reconciliatory approach to dealings related to the displacement of Métis from the site.

The direction provided by UNDRIP, as well as existing Canadian case law, indicates redress or compensation for the historical taking up of land, and displacement of the MNO, may be required.

The Commission's decision is on the proposed project and addressing historical activities is not within the scope of this project or the CNSC's mandate. CNSC staff recommend that MNO engage with the site land owner (AECL) to discuss MNO's concerns about the initial development of the DPWF site.

At the November 9, 2020 meeting, CNSC staff offered to provide the appropriate AECL contact information to MNO; MNO requested that CNSC staff facilitate the initial discussion with AECL and CNL on historical activities with regards to the Douglas Point site. In the spirit of reconciliation, CNSC staff are committed to ongoing engagement and collaboration with the MNO as the decommissioning of the Douglas Point site progresses.



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Métis Nation of Ontario (4/7)

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Comment/ Recommendation	CNSC Staff's disposition
<p>MNO4</p> <p>Duty to consult</p> <p>MNO requests ongoing engagement on the decommissioning activities to ensure that its citizens are fully informed of the conclusions.</p>	<p>CNSC staff are committed to ongoing engagement and relationship-building with the MNO to ensure its citizens are well informed and that any concerns can be appropriately addressed. This commitment was codified in the CNSC-MNO long-term engagement Terms of Reference and GBTCC engagement plan signed in 2019.</p> <p>As part of RD/GD-99.3, <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>Furthermore, in accordance with CSA N294, <i>Decommissioning of facilities containing nuclear substances</i>, CNL must include in detailed decommissioning plans (DDPs), any public consultations undertaken in preparing the plan, including a summary of issues raised and how they were considered and dispositioned. CNSC staff review the DDP to ensure all components, including public consultation, are acceptable.</p> <p>CNSC staff expect CNL to continue engaging with the MNO throughout the remaining planned phases of decommissioning the DPWF.</p>



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Métis Nation of Ontario (5/7)

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Comment/ Recommendation	CNSC Staff's disposition
<p>MNO5</p> <p>Duty to consult</p> <p>MNO requests consultation on packaging and transport as it is a key concern of Métis citizens and environmental studies that intersect with Metis rights and interests.</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. CNSC staff are 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. At the November 9, 2020 meeting, CNSC staff committed to providing further information on packaging and transportation at a future meeting with MNO.</p> <p>Under the Transport Canada 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. Packaging and transport of nuclear substances, will be one of the subjects discussed at one of the upcoming engagement meetings between the MNO GBTTCC and CNSC staff as per the signed MNO-CNSC Terms of Reference.</p>



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Métis Nation of Ontario (6/7)

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Comment/Recommendation

CNSC Staff's disposition

MN06

Environmental Monitoring / Effluent Monitoring

Aspects of Métis rights can be monitored through existing monitoring plans such as CNL's Effluent Verification Monitoring Plan. These monitoring programs can be adapted to explore aspects of Métis rights and interests.

The DPWF has an effluent verification monitoring program that is compliant with CSA N288.5, *Effluent monitoring programs at Class 1 facilities and uranium mines and mills*. This CSA Standard addresses the design and operation of effluent monitoring programs and does not consider effluent interactions into the environment.

Based on CSA N288.4, *Environmental monitoring programs at Class I nuclear facilities and uranium mines and mills* and considering the minimal releases from the site, the DPWF does not require environmental monitoring program. The DPWF is located within the Bruce nuclear site The Bruce Power environmental monitoring program captures the small contribution of environmental releases from the DPWF.

CNSC staff are committed to ongoing collaboration on CNSC monitoring activities, including the Independent Environmental Monitoring Program with the MNO. In addition, CNSC staff encourage CNL to collaborate with the MNO on DPWF specific monitoring and follow-up activities, where possible.



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Métis Nation of Ontario (7/7)

CMD 20-H4.6

Comment/ Recommendation

CNSC Staff's disposition

MNO7

Environmental Monitoring / Effluent Monitoring

While threatened species are of great importance, species of importance to the Métis should also be considered.

Information presented in the Environmental Protection Review (EPR) Report represents information on terrestrial receptors at a very high level; therefore, specific species other than Species at Risk were not included in the EPR Report. More details concerning identified receptors can be found in CNL's 2019 ERA for DPWF, which was based on Bruce Power's 2017 ERA, as the DPWF is within the Bruce site.

CNSC staff, in their review of Bruce Power's 2017 ERA, confirmed that the assessment of risk to species groups (fish, amphibians, reptiles, wildlife) and particular species identified as important to the MNO in their June 2017 "Valued Components Monitoring Report" were included in the ERA. The MNO report was provided to the CNSC, but it is a confidential report, and therefore, it was understood that specific species of interest to the MNO or details from MNO's Valued Components Monitoring Report were not to be used in CNSC's reports unless directed and authorized by the MNO.

CNSC staff's review of Bruce Power's 2017 ERA concluded there were no unreasonable risks to the environment or human health from the release of contaminants from the Bruce nuclear site, on which the DPWF is situated. Therefore, CNSC staff can confirm that there are no unreasonable risks or impacts identified on Métis values or species of interest as identified in the MNO's Valued Components Monitoring Report as it relates to the ongoing decommissioning and operations at the DPWF.

CNSC staff continue to engage and collaborate with the MNO to ensure that Métis-specific valued components are assessed and reflected in relevant risk assessments and monitoring activities as it relates to the DPWF and the Bruce site in general.



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Historic Saugeen Métis (1/1)

CMD 20-H4.11

Comment/Recommendation	CNSC Staff's disposition
<p>HSM1</p> <p>HSM concerns are for safe decommissioning of the former Douglas Point Nuclear Generating Station with minimal imprint on the water and lands that support our community's asserted Aboriginal rights. HSM looks forward to continuing to be informed, consulted and engaged, and to maintaining the good relationship with CNL and continued dialogue on environmental monitoring, storm water management, land use, radiological and chemical hazards, and more.</p>	<p>CNSC staff are committed to ongoing engagement and meaningful consultation with the HSM, in accordance with the recently signed HSM-CNSC Terms of Reference.</p> <p>In addition, CNSC staff expect CNL to continue engaging with the HSM throughout the remaining planned phases of decommissioning the DPWF.</p>



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CMD 20-H4.A

Saugeen Ojibway Nation (1/5)

CMD 20-H4.12

Comment/Recommendation	CNSC Staff's disposition
<p>SON1</p> <p>Access to referenced documents</p> <p>The Program Overview Detailed Decommissioning plan provides a good overview, including commitments to safety and environmental compliance programs with reference to key CNL implementing programs and procedures. However, these referenced documents are not publicly available.</p> <p>CNL should make available the key implementation level programs, procedures, and reports that provide the details and results of the decommissioning efforts.</p>	<p>CNSC staff encourage licensees to make as many documents available to the public and Indigenous groups as possible, and to create summary documents for those reports that are confidential or proprietary.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Saugeen Ojibway Nation (2/5)

CMD 20-H4.12

Comment/Recommendation

CNSC Staff's disposition

SON2

Continued Consultation

SON will need to remain actively engaged as the decommissioning plans are developed and implemented.

CNSC staff are committed to ongoing engagement and relationship-building with the SON to ensure its citizens are well informed and that any concerns can be appropriately addressed, in accordance with the signed SON-CNSC Terms of Reference.

As part of RD/GD-99.3, 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.

Furthermore, in accordance with CSA N294, CNL must include in DDPs, any public consultations undertaken in preparing the plan, including a summary of issues raised and how they were considered and dispositioned. CNSC staff review the DDP to ensure all components, including public consultation, are acceptable.

CNSC staff expect CNL to continue engaging with the SON throughout the remaining planned phases of decommissioning the DPWF.



Douglas Point Waste Facility
CMD 20-H4.A

Saugeen Ojibway Nation (3/5)

CMD 20-H4.12

Comment/Recommendation	CNSC Staff's disposition
<p>SON3</p> <p>Radioactive Waste</p> <p>SON needs assurance that the specific methods being used during the building and system demolition will ensure that potentially radioactive contamination materials are identified and controlled. Detailed methods and controls will be put in-place for clearance of materials for reuse or disposal as non-radioactive.</p> <p>SON needs a clear understanding of these details to ensure radioactive waste is controlled and not released to its Territory.</p>	<p>Before CNL can undertake any decommissioning activities, CNL must provide CNSC staff with a DDP for review and acceptance. One of the requirements of a DDP is to characterize the system, structure or component being demolished. Characterization will be performed for each planning envelope in accordance with CNL's <i>Characterization Procedure for Facilities Decommissioning</i>, and any other guidelines available at the time when the decommissioning work will be performed. Characterization includes planning and conducting the hazard assessment and evaluation and documenting the results. A characterization report will document the most current radiological, chemical and industrial conditions that will be encountered during demolition.</p> <p>The CNSC requires a DDP be supported by a safety assessment. In accordance with CSA N294, a safety assessment must be performed to identify potential hazards to workers, the public, and the environment, from both routine decommissioning activities and credible accidents during decommissioning. The assessment must describe the relative importance of the potential hazards and identify the methods for mitigating the risks associated with such hazards. The assessment must also address the residual risks to the public, if any, after decommissioning is completed.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Saugeen Ojibway Nation (4/5)

CMD 20-H4.12

	Comment/Recommendation	CNSC Staff's disposition
<p>SON4</p> <p>Radioactive Waste</p> <p>Absent an acceptable low and intermediate waste disposal site, there is no clear direction on where the decommissioning LLW and ILW will be sent for processing, storage or disposal. Radioactive waste (ILW and LLW) will be shipped to an appropriate off-site waste management facility for processing/storage/disposal. The offsite waste management facilities will be designated in each DDP and Decommissioning Work Plans.</p> <p>SON should have a voice in the planned processing, interim storage and final disposal on all waste from the decommissioning.</p>	<p>The proposed waste disposition path for the Douglas Point waste is provided for in the DDP Volume 1: Program Overview as well as CNL's <i>Integrated Waste Strategy</i> document. The radioactive waste from the decommissioning of the DPWF will be dispositioned to the licensed waste management facility that is licensed to possess, manage and store the radioactive waste, including the decommissioning waste from the DPWF.</p> <p>Radioactive waste management facilities are regulated by the CNSC. CNSC decisions made with respect to these facilities, following consultation with Indigenous groups, consider the potential for impacts to Indigenous and/or Treaty rights in their respective vicinities.</p>	



Douglas Point Waste Facility
CMD 20-H4.A

Saugeen Ojibway Nation (5/5)

CMD 20-H4.12

Comment/Recommendation	CNSC Staff's disposition
<p>Site Closure</p> <p>Upon completion of the Phase 3 decommissioning and achieving the final end-state (i.e. site suitable for other industrial or commercial use), CNL will apply for a Licence to Abandon. It is stated that AECL will then attempt to transfer the DP site, including its title, to OPG, which has the first right to enter into a land transfer deal, or to a third-party. It is apparent that the planned termination is as an industrial site.</p> <p>SON5</p> <p>SON should continue its engagement with CNL, reviewing the criteria that will be used for terminating the license and the application of the MARSSIM approach for verifying a site acceptable for unconditional release.</p>	<p>CSA N294 sets out expectations and requirements for defining end-states, including the expectation that potential end-states should be discussed with stakeholders to obtain their input, views, and any concerns. Feedback from stakeholders should be considered along with technical and financial feasibility and regulatory requirements in making decisions on the end-state.</p> <p>CNSC staff encourage both CNL and AECL (the Crown landowner) to engage with the SON on end-state planning, which is beyond the scope of the present licensing decision.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Nuclear Workers Council (1/1)

CMD 20-H4.14

Comment/Recommendation	CNSC Staff's disposition
<p>CNWC1</p> <p>Contractor Management</p> <p>CNL has indicated they will use contractors to perform their decommissioning work. They have not indicated from where they will find this labour. How does CNL/CNSC determine whether or not a contractor is qualified?</p>	<p>As the site licence holder, CNL is responsible for the site operations, and for ensuring the work is carried out safely by suitably trained and qualified persons. CNL's management of its contractors has been inspected a number of times for various projects over many years, for example CNSC inspected the qualifications of contracted engineering services for facilities at the CRL site.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (1/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

Requested licence duration

Granting an amended 14-year licence would reduce the frequency of opportunities to review the licence alongside licensing objectives and yet-to-be-completed federal environmental assessments. Upon the completion of the federal EAs relied upon in this application, the Commission should issue a notice of hearing so that the public, experts and relevant government agencies can weigh in on the decommissioning activities contemplated within CNL's decommissioning plan.

Shorter-term licences should be relied upon as they provide more frequent opportunities to publicly reassess a licence in accordance with licensing purposes, including compliance with regulatory requirements like CNSC RegDocs and international guidance.

The current standard licence term for activities such as the one proposed in this application is 10 years. In this case, the licence term would also be aligned with the next major licensing decision for this site. As such, CNSC staff are recommending a 10-year licence. This would allow for completion of planning envelopes A, B, and C.

Where decommissioning of a facility takes longer than five years, the CNSC expects the DDP to be reviewed and, as necessary, updated every five years or as requested by the CNSC. The DDP should be reviewed and updated in light of incidents or events with relevant consequences for decommissioning, revised regulatory requirements, operational experience and lessons learned, and advances in decommissioning technology. Any revision to the DDPs must include any public consultations undertaken in preparing the plan, including a summary of issues raised and how they were considered and dispositioned.

CNL's ongoing decommissioning activities and performance will continue to be reported to the Commission through Regulatory Oversight Reports which are presented at public Commission meetings.

CELA1



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (2/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

Inadequate assessment of 'adverse environmental effects' for projects on federal lands per CEAA.

The intervener submits that the CNSC's section 67 environmental effects assessment is inadequate as it:

1. Fails to have regard to certain required principles when making an environmental effects determination;
2. Proposes mitigation measures which are too deficient in detail to be acceptable offsets for potential adverse environmental effects;
3. Ignores the differing complexities and hazard potentials specific to decommissioning undertakings;
4. Reaches a finding of 'no adverse environmental effects' without any prior public comment; and
5. Disregards the purpose of the Act requiring the application of the precautionary principle for matters of uncertainty and potential risk.

The intervention recommendation is that the Commission should not proceed with licensing until the deficiencies in the CEAA 2012, section 67 determination have been remedied.

CNSC staff exceeded the recommended approach for conducting a federal lands review under CEAA 2012 as documented in the guidance document titled, *Making a Determination under Section 67 of the Canadian Environmental Assessment Act, 2012*. In addition to completing the Environmental Effects Evaluation Form, CNSC staff also completed an environmental protection review under the NSCA. The detailed results of staff's assessment are presented in section 3 of the EPR Report (Addendum D to staff's CMD).

The public and Indigenous engagement activities conducted for the federal lands review are detailed in Appendix 1 of the Environmental Effects Evaluation Form of the EPR Report. Further, the Commission proceedings are another opportunity for the public and Indigenous groups to provide comments directly to the Commission.

The precautionary principle is inherent to the CNSC's Environmental Protection framework. CNSC staff conducted the federal lands review following the guiding principles outlined in the federal guidance document, including using the precautionary approach. Environmental protection and the avoidance of likely significant adverse environmental effects were not postponed for lack of full scientific certainty.

CNSC staff will review all DDPs to ensure the appropriate mitigation measures are identified and described for each planning envelope. The measures will be incorporated into regulatory mechanisms such as environmental monitoring programs and compliance monitoring.

CELA2



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (3/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

CNL's Licence Application and CMD fail to properly describe scope of licence

CNL's current licence authorizes storage with surveillance activities at the DPWF.

A lack of clarity on central aspects of the licence sought should not be accepted by the Commission for a number of reasons:

The decision before the Commission is to amend the licence to authorize dismantling of facilities within planning envelopes A-C. CNL would continue to perform storage with surveillance for planning envelopes D and E.

- These omissions can be easily remedied;
- They are likely to cause confusion among members of the public reading the Licence Application; and
- It sets a poor precedent for future decommissioning licence applications if such a degree of uncertainty is permissible

Should the Commission amend the licence to include dismantling of facilities within planning envelopes A-C, CNL will be required to develop DDPs for each of these planning envelopes prior to performing dismantling activities.

This relates to the use of the term 'final decommissioning', and 'dismantling and demolition of all remaining facilities' in descriptions of Phase 3 decommissioning.

Once the DDPs are submitted, the CNSC will review each DDP against regulatory requirements, including verifying that public consultation was undertaken in preparing the plan. Only when CNSC staff have accepted the planning envelope specific DDP is CNL authorized to perform the dismantling activities. CNSC staff recommend the Commission amend the licence to include dismantling of facilities within planning envelopes A-C.

The intervention recommendation is that the Commission set an appropriate standard for such applications by refusing to consider CNL's Licence Application in its current form.

CNSC staff confirm that planning envelopes D and E will remain outside the dismantling authorization and CNL must continue to perform storage with surveillance activities that were previously approved under the current licence; further Commission decisions will be required under the *Impact Assessment Act* and the NSCA.

CELA3



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (4/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

CELA4

CNL's Licence Application and CMD fail to properly describe scope of licence

Throughout the Licence Application and the CNL CMD, CNL continuously fails to properly distinguish between the decommissioning activities they intend to complete under the amended licence if approved (Planning Envelopes A-C) and the decommissioning activities they seek to be authorized (final decommissioning of all remaining facilities of DPWF or Planning Envelopes A-C plus D and E). Proceeding with licencing in light of these deficiencies would set a poor precedent for the content and form allowable in decommissioning licence applications.

The intervention recommendation is that the Commission should not proceed with licensing given the deficiencies in CNL's Licence Application.

See response to CELA3.



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (5/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

CNL's Licence Application insufficiently demonstrates compliance with NSCA and its regulations and availability of supporting documentation

The intervener finds that a number of CNL's responses are unsatisfactory or deficient in terms of addressing the regulatory requirements.

The intervener states that the application should be updated to include a statement that identifies the changes compared to CNL's existing licence and decommissioning plans.

The intervener also states that CNL should be required to include a brief description of the current configuration of the DPWF, including a list of the non-nuclear buildings, structures, components and systems that have already been demolished and removed, and that all references to the DDP Volume 1 be made more specific.

The intervention recommendation is that the licensee should not be permitted to reference the entirety of a supporting document to demonstrate compliance with regulatory requirements. Section references or summaries should be provided.

The applicant is responsible for ensuring that the licence application contains sufficient information to meet regulatory requirements and to demonstrate that the applicant is qualified to carry on the licensed activity and will make adequate provision to protect the health, safety and security of persons and the environment.

As is common practice, CNL's application provides a list of the supporting documents. The supporting documents describe the safety policies, programs, processes, procedures, and other safety and control measures. There is no existing regulatory requirement that the application shall indicate the relevant sections of each supporting document.

CNSC staff have verified the documentation against applicable regulatory requirements and confirm the licence application meets regulatory expectations.

CELA5



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (6/14)

CMD 20-H4.17

Comment/Recommendation	CNSC Staff's disposition
<p>CEL A6</p> <p>CNL's Licence Application insufficiently demonstrates compliance with NSCA and its regulations and availability of supporting documentation</p> <p>The intervention recommendation is that the Commission should not proceed with licensing until the information which demonstrates compliance with the provisions of the <i>General Nuclear Safety and Control Regulations</i> is expressly set out in the text of the Licence Application.</p>	<p>See response to CELA5.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (7/14)

CMD 20-H4.17

Comment/Recommendation	CNSC Staff's disposition
<p>CEL A7</p> <p>CNL's Licence Application insufficiently demonstrates compliance with NSCA and its regulations and availability of supporting documentation</p> <p>The intervention recommendation is that the Commission should not proceed with licensing until the information which demonstrates compliance with the <i>Class I Nuclear Facilities Regulations</i> provisions is expressly set out in the text of the Licence Application.</p>	<p>See response to CELA5.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (8/14)

CMD 20-H4.17

	CNSC Staff's disposition
<p>CELAS</p> <p>CNL's Licence Application insufficiently demonstrates compliance with NSCA and its regulations and availability of supporting documentation</p> <p>The intervention recommendation is that the Commission should ensure that licensees, when referencing supporting documents made to demonstrate compliance with regulations including the <i>Nuclear Security Regulations</i>, provide full citations and page numbers.</p>	<p>See response to CELA5.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (9/14)

CMD 20-H4.17

Comment/Recommendation	CNSC Staff's disposition
<p>CEL A9</p> <p>CNL's CMD is vague, contains irrelevant information, and is overly reliant on supporting documents</p> <p>The intervention recommendation is that the Commission should not permit CNL to reference documents of central importance to their application without including a full citation and synopsis of relevant information directly in the text of its Licence Application. Doing so places an undue burden on members of the public and on the Commission by making this essential supporting documentation inaccessible.</p>	<p>See response to CELA5.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (10/14)

CMD 20-H4.17

Comment/ Recommendation

CNSC Staff's disposition

CNL's review of most SCA's fails to properly consider decommissioning

As part of its licence amendment application, CNL provided a Program Overview DDP. This overview DDP covers all planning envelopes and details regarding the support programs that will be in effect as the site is being decommissioned. It also describes individual facilities and their decommissioning approach, schedules, costs and funding, and proposed monitoring and surveillance.

The intervention recommendation is that the Commission should require CNL to submit a DDP for each planned group of decommissioning activities prior to the matter proceeding to a licensing hearing. At a minimum, this should be required for Planning Envelopes A-C as a prerequisite of licensing.

In accordance with CSA N294, large, complex facilities or decommissioning projects that will span long periods of time may be divided into decommissioning planning envelopes consisting of specific areas or parts of the facility, specific periods of the decommissioning, or both. In such cases, the DDP for each planning envelope should address all applicable provisions of the DDP, including the decommissioning strategy and schedule, potential hazards, end-state objectives and waste management plan.

Decommissioning strategies and schedules are not prescribed by the CNSC. Proponents must propose their preferred strategy and schedule as part of their DDP. Any proposed decommissioning strategy and schedule will be assessed by the CNSC against regulatory requirements to ensure the protection of health and safety of the public and the environment.

Generally, the strategy for decommissioning has been fundamentally unaltered, the work planned to be executed remains the same. As outlined in staff's CMD, CNL revised the decommissioning schedule to reduce the deferment period so that some activities could be completed in a shorter timeframe. The proposed licence will enable CNL to progress in dismantling facilities in planning envelopes A-C while maintaining storage with surveillance for planning envelopes D-E.

The proposed licence amendment requires that CNSC staff approve the DDP for each planning envelope. CNL cannot executing dismantling work on a phase without an approved DDP, which will require that all necessary information and detail is collected, reviewed and approved by CNSC staff before commencing decommissioning. See CNSC staff response to CELA3 for authorization to decommission.

CELA10



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (11/14)

CMD 20-H4.17

Comment/Recommendation	CNSC Staff's disposition
<p>CELA11</p> <p>Participation rights are constrained due to CNL's Licence Application and supporting CMD being too deficient in detail and analysis</p> <p>The intervention recommendation is that the Commission should require licence applications to provide synopses of information and full, detailed citations so that all reviewers can more easily access requisite information necessary to demonstrate statutory and regulatory requirements. This furthers the aims of the Commission per the NSCA, s 9(b) to publicly disseminate information and its obligations per s 40(5) to involve the public in licensing hearings.</p>	<p>See response to CELA5.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (12/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

CELA12

Participation rights are constrained due to CNL's Licence Application and supporting CMD being too deficient in detail and analysis

The intervention recommendation is that the Commission should require CNL to revise its Licence Application and supporting CMD to ensure both contain a reasonable amount of information, and are drafted in a way that supports effective dissemination of information to the public and enables meaningful, fair and effective public hearings.

See response to CELA5.



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (13/14)

CMD 20-H4.17

Comment/Recommendation	CNSC Staff's disposition
<p>CELA13</p> <p>Participation rights are constrained due to CNL's Licence Application and supporting CMD being too deficient in detail and analysis</p> <p>The intervention recommendation is to ensure that the Commission has the information necessary and legal basis to proceed with a licensing decision, CNL's Licence Application should be rejected and returned to the licensee, with the requirement that the Licence Application, supporting CNL CMD, and detailed decommissioning plans (DDPs), Volume 2, 3, and 4 for planning envelopes A, B, and C, respectively (the three planning envelopes for which decommissioning activities are to be completed under the amended decommissioning licence) be revised. Until sufficient supporting information (including citations) is submitted for consideration, the licensing matter should not proceed.</p>	<p>See responses to CELA5 and CELA10.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, Nuclear Waste Watch and Northwatch (14/14)

CMD 20-H4.17

Comment/Recommendation

CNSC Staff's disposition

CELA14

IAEA guidance regarding 'proper management' of decommissioning waste not duly considered

The intervention recommendation is that the Commission should require CNL to more clearly recognize, in their Licence Application and CMD, that their waste disposal strategy relies upon yet-to-be determined federal environmental assessments. The CNSC Staff CMD should also be updated to review how international guidance requiring the 'proper management' of waste produced during decommissioning is fulfilled given the limitations of Canada's radioactive waste policy.

In accordance with Canada's *Radioactive Waste Management Policy*, 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.

The DPWF has purpose built canisters for the storage of irradiated fuel known as the Spent Fuel Canister Area (SFCA). The SFCA will remain in storage-with-surveillance as long as the fuel remains on-site. Storage-with-surveillance activities include the regular monitoring and maintenance of these canisters.

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. CNSC's regulatory oversight extends to both sites.



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (1/6)

CMD 20-H4.18

	Comment/Recommendation	CNSC Staff's disposition
CCRC1	<p>Licensing basis – inclusion of the integrated waste strategy</p> <p>Inclusion of the CNL Integrated Waste Strategy as part of the licensing basis for the DPWF would appear to constitute CNSC approval of this and the waste disposal plans it contains. If the CNSC does not consider the CNL Integrated Waste Strategy to be an approved document, it should be removed from the DPWF Licence Conditions Handbook.</p>	<p>Not all licensee documents referenced in the LCH require CNSC acceptance. Documents listed in the LCH under Compliance Verification Criteria, such as the <i>Integrated Waste Strategy</i>, are criteria used by CNSC staff to verify and oversee compliance with the licence condition. The <i>Integrated Waste Strategy</i> is a guiding document, which describes the strategic approach to waste management for all CNL sites. The purpose is to support integrated management of waste across CNL sites. As such, it is a living document and is updated as processes and management changes are implemented, and waste routes are optimized.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (2/6)

CMD 20-H4.18

	Comment/Recommendation	CNSC Staff's disposition
CCRC2	<p>Canada's Radioactive Waste Policy Framework and decommissioning of the DPWF</p> <p>AECL retains ownership of the lands, assets and liabilities associated with CNL's licences. The DPWF is owned by AECL and was operated for AECL by Ontario Hydro. Noting that AECL's Douglas Point property is completely surrounded by OPG's Bruce site, and the long history of cooperation between AECL and OPG's predecessor Ontario Hydro, why not coordinate decommissioning and waste management activities by CNL and OPG on the Bruce site.</p> <p>CNL should coordinate decommissioning and waste management activities with OPG and Bruce Power.</p>	See response to CELA14.



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (3/6)

CMD 20-H4.18

Comment/Recommendation	CNSC Staff's disposition
<p>Financial Guarantee</p> <p>Why does the CNSC consider a letter that is over five years old and was signed by a minister from a previous government to be an acceptable financial guarantee for the DPWF decommissioning costs?</p> <p>CCRC3</p>	<p>Expressed commitments from a Canadian federal government is an acceptable financial guarantee instrument to cover all aspects of decommissioning a facility or site for which the government has assumed liability. This is stipulated in the proposed REGDOC 3.3.1, <i>Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities</i>.</p> <p>AECL, as an agent of the federal government, oversees and is responsible for the decommissioning activities at the DPWF. The current financial guarantee for the DPWF stems from the Canadian Government, and does not have an expiry date, therefore an updated letter is not required at this time. AECL reaffirmed that the current financial guarantees in place remain valid for all AECL owned sites, including the DPWF, in a recent letter submitted to CNL and CNSC on August 25, 2020 (which is referenced in the proposed LCH).</p>



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (4/6)

CMD 20-H4.18

	Comment/Recommendation	CNSC Staff's disposition
<p>CCRC4</p>	<p>Detailed Decommissioning Plan for the DPWF and Planning Envelopes</p> <p>CCRCA has the impression that CNL deliberately confuses what they actually want to do under the amended licence (Planning envelopes) with what they say they want to do (decommissioning the DPWF in its entirety).</p> <p>CCRCA recommends that the Commission require CNL to prepare and submit a revised licence amendment application with detailed decommissioning plans for Planning envelopes A, B, C - the three planning envelopes for which decommissioning activities are to be completed during the licence period. This will ensure that all the necessary information and details are provided for CNL's proposed activities during the proposed licence period.</p>	<p>See response to CELA10.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (4/6)

CMD 20-H4.18

	Comment/Recommendation	CNSC Staff's disposition
CCRC5	<p>Detailed Decommissioning Plan for the DPWF and Planning Envelopes</p> <p>CCRCA recommendation that CNL complete a DDP for this Planning Envelope and submit it with a revised licence application entails preparation of a detailed characterization report “in advance of the preparation” of this DDP. This will allow the Commission to “carefully review” CNL’s waste characterization, before providing a licence for the decommissioning activities associated with this Planning Envelope.</p>	<p>See response to CELA10.</p> <p>In accordance with CSA N294, the CNSC expects characterization surveys (including physical, chemical, mechanical, biological, and radiological hazards) be designed by a systematic planning process and that characterization be undertaken prior to the submission of each DDP.</p> <p>Before CNL can undertake any decommissioning activities, CNL must provide CNSC staff with a DDP for review and acceptance.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Concerned Citizens of Renfrew County and Area (6/6)

CMD 20-H4.18

Comment/Recommendation

CNSC Staff's disposition

Waste characterization and decommissioning of the DPWF

Proper waste characterization is needed before CNSC considers a decommissioning licence for the DPWF and should also include estimates of individual radionuclides and details on how these estimates are made.

In the absence of carefully reviewed and accurate waste characterization data, the precautionary principle must be followed. This means that all of the nuclear components of the DPWF must be treated as radioactive waste unless CNL can prove otherwise.

CCRCA recommends that the Commission require licensees seeking decommissioning licences to consider what happens to waste after the point where it is removed from the facility being decommissioned. The Commission should also direct CNSC Staff to address the limitations of its current "Safety and Control Areas" approach to the licensing of waste facilities and decommissioning activities.

See responses to SON4 and CELA14.

In accordance with Canada's *Radioactive Waste Management 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.

Each of the 14 SCAs that CNSC staff use to evaluate licensees is supported by sub-topics or Specific Areas. Decommissioning Plans is a Specific Area under the Waste Management SCA. In particular, CNSC staff review detailed decommissioning plans against CNSC Regulatory Guide G-219: *Decommissioning Planning for Licensed Activities* and CSA N294.

With respect to waste characterization, in accordance with CSA N294, the CNSC expects CNL to provide the strategy for managing all wastes from decommissioning. This plan should include estimates of the waste quantities expected and a waste management strategy including disposition of the various waste streams.

CCRC6



Douglas Point Waste Facility
CMD 20-H4.A

Sandy Greer (1/3)

CMD 20-H4.19

Comment/Recommendation	CNSC Staff's disposition
<p>SG1</p> <p>Long-term waste management strategy</p> <p>Concerns that HLW will be placed in the NWMO HLW disposal facility, which is the NWMO DGR. For, intermediate Level Waste (ILW) its destination is more ambiguous whether “until a geological disposal facility becomes available” also refers to a proposed DGR.</p>	<p>See responses to CELA14 and CCRC6.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Sandy Greer (2/3)

CMD 20-H4.19

	Comment/Recommendation	CNSC Staff's disposition
SG2	<p>Inadequate assessment of 'adverse environmental effects' for projects on federal lands per CEEA.</p> <p>The CNSC is assuming "no adverse impact" from physical stressors when they did not assess noise effects on wildlife due to a lack of benchmarks. CNSC should not make assertions regarding environmental safety when they lack information or benchmarks.</p>	<p>See response to CELA2.</p> <p>The effects assessment carried out for the atmospheric environment indicated that noise from decommissioning work will be localized, small in magnitude and short in duration. As such, it is highly unlikely that noise will pose adverse effects on non-human biota near the DPWF.</p>



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Sandy Greer (3/3)

CMD 20-H4.19

Comment/Recommendation	CNSC Staff's disposition
<p>Environmental Protection</p> <p>What defines an “effective and established” mitigation measure?</p> <p>CNSC should better define “effective and established” mitigation measures, using a very conservative lens. They should require all potentially required mitigation measures to be put in place before the commencement of decommissioning.</p> <p>SG3</p>	<p>CNSC staff adopted the term “effective and established mitigation measures” from the federal guidance document titled <i>Making a Determination under Section 67 of the Canadian Environmental Assessment Act, 2012</i>. Mitigation measures are considered effective and established if they meet all of the following criteria:</p> <ul style="list-style-type: none"> • have been implemented before in similar situations • are well understood and considered reliable • are ‘avoid’ or ‘reduce’ type mitigation measures <p>All mitigation measures identified for the DPWF decommissioning meet the three criteria above, and therefore, can be considered as “effective and established”. Mitigation measures are to be thoroughly described in a DDP for each of the project’s planning envelopes. The DDPs will need to be reviewed and approved by CNSC staff <u>before</u> the start of decommissioning activities under each planning envelope. The measures will be incorporated into regulatory mechanisms such as environmental monitoring programs and compliance monitoring.</p>



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Northwatch (1/3)

CMD 20-H4.20

Comment/Recommendation	CNSC Staff's disposition
<p>NW1</p> <p>Condition and characterization of the spent fuel</p> <p>The irradiated fuel waste has not been characterized and CNL's inventory of the irradiated fuel is a count-up rather than a characterization. And while it is certainly of interest to know the number, array, and general location of this waste (all of which is included above) this falls far short of the kind of characterization of these wastes required and expected at this point of time, when the licensee is proposing to move to "final" decommissioning.</p> <p>Northwatch states that CNL should provide a stand alone report which is made publicly available on the condition of the irradiated fuel and the status, condition, and performance to date of the storage containers and facility.</p>	<p>CNSC staff confirm that planning envelope D (the spent fuel canister area) will remain outside the dismantling authorization and CNL must continue to perform storage with surveillance activities that were previously approved under the current licence; further Commission decisions will be required under the <i>Impact Assessment Act</i> and the NSCA.</p> <p>The irradiated fuel is contained in purpose-built concrete canisters within the SFCA. These canisters will remain in storage-with-surveillance throughout the current licence period.</p> <p>Storage-with-surveillance activities related to the irradiated fuel include inspection of the physical condition of the canisters, and monitoring to assess the presence of fission products and/or moisture within the canisters. Radioactivity at the exterior of the canisters and in the surrounding area is routinely measured</p> <p>CNSC staff verify compliance with surveillance and monitoring requirements through inspection activities.</p>



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Northwatch (2/3)

CMD 20-H4.20

Comment/Recommendation	CNSC Staff's disposition
<p>NW2</p> <p>Long-term waste management strategy</p> <p>Northwatch raises the concern with the hypothetical long-term management plans of NWMO adaptive phased management and/or interim storage at the Chalk River site. While the storage / containment requirements extend out into perpetuity, a realistic alternative that CNL should be directed to consider is extended on-site storage.</p> <p>Northwatch proposes that CNL should propose an alternative plan for extended on-site storage of the fuel, alternative to off-site shipments and include comparative costs and benefits and transportation impacts.</p>	<p>See responses to CCRC6 and NW1.</p>



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Northwatch (3/3)

CMD 20-H4.20

	Comment/Recommendation	CNSC Staff's disposition
NW3	<p>Long-term waste management strategy</p> <p>CNL should collaborate with Ontario Power Generation in examine option for the long-term storage of high level waste on the Bruce Site.</p>	See responses to CELA14 and CCRC6.



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Evelyn Gigantes (1/1)

CMD 20-H4.21

Comment/Recommendation	CNSC Staff's disposition
EG1 Transportation and consolidation of low and intermediate level waste and its storage at the Chalk River site.	See responses to MNO5 and CELA14.
EG2 Concerned that Chalk River site already has additional waste in various forms and states.	CRL site activities are outside the scope of this licensing hearing.



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Anna Tilman (1/3)

CMD 20-H4.22

	Comment/Recommendation	CNSC Staff's disposition
AT1	Long-term waste management strategy	See responses to CELA14 and NW1.
AT2	<p>Accelerated rate of decommissioning</p> <p>The intervention states that CNSC should not grant a license allowing for accelerated decommissioning. CNSC should not grant a license for a plan that is based on facilities not yet in operation.</p>	<p>See responses to CELA10 and CCRC6.</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.</p>



Douglas Point Waste Facility
CMD 20-H4.A

Anna Tilman (2/3)

CMD 20-H4.22

Comment/Recommendation	CNSC Staff's disposition
<p>Inventory of radioactive waste</p> <p>There is no inventory of the amount and/or activity of specific radionuclides in any of the categories in either CNL's or CNSC staff's submission.</p> <p>The intervener requests that CNL prepare an inventory and that it be made public.</p> <p>AT3</p>	<p>Canada's radioactive waste inventory, which includes the DPWF, is publicly available in the national report for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. In addition, the inventory of the amount and/or activity of specific radionuclides is required and included in the DDPs. CNSC staff review the DDPs to ensure that they meet regulatory requirements.</p>



Douglas Point Waste Facility
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Anna Tilman (3/3)

CMD 20-H4.22

Comment/Recommendation

CNSC Staff's disposition

Waste characterization / classification

Different licensees have slightly different definitions for radioactive waste. How does CNSC define these terms, and make sure that licensees are not incorrectly classifying waste due to their mixed terminology? How do they categorize long half life radionuclides?

The intervener states that CNSC should not issue a license until the science behind determining release limits has been expanded significantly to ensure that there is no chance of radioactive materials being released to the public.

The Canadian radioactive waste classification system, as outlined in CSA N294, recognizes four main classes of radioactive waste: a) low-level radioactive waste; b) intermediate-level radioactive waste; c) high-level radioactive waste; and d) uranium mine and mill tailings.

The main consideration for defining waste classes is safety. The classification scheme does not substitute the specific safety assessment required for a waste management activity or facility. Waste is classified according to the degree of containment and isolation required to ensure safety with consideration given to the hazard potential of different types of waste and the timeframe associated with the hazard. A description for the various classes of wastes, along with the important parameters used for waste classification are provided in CSA N292.0.

Non-radioactive waste, or clean waste, is waste that meets the clearance levels stipulated in the *Nuclear Substances and Radiation Devices Regulations*. Once waste is confirmed as clean waste (i.e., below clearance levels), it is managed through conventional waste management techniques for recycling and disposal. Clean waste from the Douglas Point decommissioning activities would be subject to the waste acceptance criteria (WAC) of the chosen disposal facility and in compliance with the regulatory requirements of the appropriate authority.

Characterization serves to provide information relevant to the process control and assurance that the waste will be within the WAC of the waste receiver. CNL's *Characterization Procedure for Facilities Decommissioning* includes, but not limited to, training of staff performing characterization work, and determination of characterization techniques to characterize the materials.

AT4



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