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Oral presentation

Written submission from the Ottawa Chapter of the Council of Canadians

In the Matter of the

Canadian Nuclear Laboratories (CNL)

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

Commission Public Hearing
Part 2

May and June 2022

Exposé oral

Mémoire du Conseil des Canadiens, chapitre d'Ottawa

À l'égard des

Laboratoires Nucléaires Canadiens (LNC)

Demande des LNC visant à modifier le permis du site des Laboratoires de Chalk River pour autoriser la construction d'une installation de gestion des déchets près de la surface

Audience publique de la Commission
Partie 2

Mai et juin 2022

Canada

Canadian Nuclear Laboratories' Application to Amend Chalk River Site Licence for Construction of a Near Surface Disposal Facility

Submitted by: The Council of Canadians Ottawa Chapter

April 11, 2022

Introduction

The Ottawa Chapter of the Council of Canadians advocates for social and environmental justice and Indigenous sovereignty in the Ottawa Valley region. Our work takes place on unceded Algonquin Anishinabe territory.

Since 2019, the Ottawa Chapter has collaborated with many other citizen groups opposed to the construction of an above-ground radioactive waste mound at Chalk River, close to the Ottawa River.

In April 2021, we and other groups presented our concerns to the City of Ottawa's Standing Committee on Environmental Protection, Water and Waste Management, leading to the unanimous adoption of a resolution of concern by Ottawa City Council.

The Ottawa City Council notably expressed these concerns: stopping current and future import or transfer of nuclear waste from other provinces; increasing safeguards to protect the river during site demolition and waste transfer activities; and preventing precipitation from entering the NSDF. (See full text of the resolution in Appendix 5.)

This submission focuses on serious environmental concerns and regulatory issues with the current application, including the transfer/transportation of radioactive waste from other locations to Chalk River in the context of the project.

Summary

The Canadian Nuclear Laboratories' proposed construction of a near surface disposal facility (NSDF) at Chalk River Laboratories raises serious environmental concerns.

The current application before the Canadian Nuclear Safety Commission (CNSC) fails to meet the standards set in several regulations governing nuclear safety, and consequently, the license must be denied or the matter should be sent to Cabinet for the consideration of significant environmental effects, pursuant to section 52 of the *Canadian Environmental Assessment Act*.

Issue 1: CNL failed to adhere to the Section 3(1) of the General Nuclear Safety and Control Regulations

Section 44 of the *Nuclear Safety and Control Act* (S.C. 1997, c. 9) authorizes the Canadian Nuclear Safety Commission to make regulations regarding various aspects of nuclear energy, including the packaging, transport, management, storage, disposal and abandonment of a

nuclear substance (subsection (1)(b)). Pursuant to this Act, the *General Nuclear Safety and Control Regulations* were approved on May 31, 2000. Section 3 of these regulations states, in part, that:

> 3 (1) An application for a licence **shall** contain the following information:
>
> (c) the name, maximum quantity and form of any nuclear substance to be encompassed by the licence;
>
> (j) the name, quantity, form, origin and volume of any radioactive waste or hazardous waste that may result from the activity to be licensed, including waste that may be stored, managed, processed or disposed of at the site of the activity to be licensed, and the proposed method for managing and disposing of that waste;

The portion of the NSDF license application that addresses these statutory requirements is available in Annex 1 of this submission. It contains a table, which addresses section 3(1)(c) of the regulations on page 6, and section 3(1) (j) on pages 7-8. Regarding Section 3(1)(j), the table states "Information on the radiological and non-radiological waste inventory is provided in Section 3 of the NSDF Safety Case [A-6]."

The full 622-page Safety Case is available at: https://www.cnl.ca/wp-content/uploads/2021/03/Near_Surface_Disposal_Facility_Safety_Case_Rev_2.pdf. The section of the Safety Case referred to in the license application above, "3.3 Waste Inventory" is available in Annex 2 of this submission. This section includes a "NSDF Reference Inventory and Licensed Inventory" in Table 3-22 with a list of radionuclides and a "maximum activity" for each. For hazardous wastes, Table 3-23 lists "Key Non-Radiological Constituents of Potential Concern" and a "Maximum Estimated Leachable Quantity" for each.

These categories are not sufficient to satisfy the section (3)(1)(j) requirements of "the name, quantity, form, origin and volume of any radioactive waste or hazardous waste." "Maximum activity" and "maximum estimated leachable quantity" are not sufficient substitutes. "Maximum quantity" is covered by Section 3(1)(c). For Section 3(i)(j), actual information on name, quantity, form, origin and volume is required. Tables 3-22 and 3-23 would be the appropriate place for this information, but it does not exist, nor is it provided anywhere else in the licence application. The unavailability of the required information is concerning, because the name, quantity, form, origin and volume of hazardous material is essential to knowing the environmental and health risks the project poses. As the regulations are mandatory, failure to adhere to them requires that the license be denied.

The Commission presently has an opportunity to set a precedent for environmental protection, and to send an important message to applicants regarding the seriousness of their obligations under the *General Nuclear Safety and Control Regulations*. Denying the license and/or sending the matter to Cabinet to consider likely adverse environmental effects, would be consistent with the purpose of the *Nuclear Safety and Control Act*, which is to provide for:

> (a) the limitation, to a reasonable level and in a manner that is consistent with Canada's international obligations, of the risks to national security, the health and safety of persons and the environment that are associated with the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information; and
>
> (b) the implementation in Canada of measures to which Canada has agreed respecting international control of the development, production and use of nuclear energy, including the non-proliferation of nuclear weapons and nuclear explosive devices

Issue 2: The CNL is failing to adhere to the Transportation Regulations

CNL is also failing to meet its obligations under the *Transportation of Dangerous Goods Regulations* (SOR/2001-286). This issue was raised during the CNSC's Fall Webinar Series: *Proposed NSDF and In Situ Decommissioning Projects*, specifically at *Fall Series #1: Transportation of Radioactive Waste*, which was held on October 12, 2021. During that webinar, questions arose concerning instances of improper classification and placarding of transported radioactive waste by CNL. On December 17, 2021 CNSC provided a "Webinar Questions" document, which is available in Appendix 3.

Questions 6 and 18 discuss CNL's non-adherence to transportation regulations. Specifically, Question 18 asks about Event #17 - Transport of Dangerous Goods Radioactive Consignment Classification Error, shown in Table F-2: Reportable events at CRL in 2020, in the *Regulatory Oversight Report for Canadian Nuclear Laboratories Sites:2020*. The CNSC responded: "[i]n this case, the error was the package was classified as an "Excepted Package", when the package should have been classified as Radioactive Materials."

It is important to note that this error was only reported because an unidentified "consignee" detected it. Given that CNL is both consignor and consignee for radioactive waste shipments from Whiteshell Laboratories to Chalk River, CNL is unlikely to report its own classification errors.

Also note CNSC's response to Question 19, in which it says that: "[g]iven CNL's licence application is limited to the construction of the NSDF and does not include activities to

transport off-site waste to the CRL site for emplacement in the NSDF, it is not within the scope of this licensing stage."

That response misunderstands the interdependent nature of the Environmental Assessment and the licensing decision. It fails to appreciate that the Commission must make a decision on the environmental assessment of the NSDF prior to its decision on licensing of construction, and the environmental assessment is supposed to cover all licensing stages, including operation, decommissioning and abandonment as well as construction.[1]

However, contrary to the requirements of the EA, when it comes to assessment of transportation risks in CNSC's Environmental Assessment Report (e.g. page 362 of 590 in CMD 22-H7), CNSC merely cites the following statement by CNL: "CNL clarified that the transportation of waste from external sites to the NSDF is outside the scope of the EA and is managed by Transport Canada's Transportation of Dangerous Goods Regulations and CNSC's Packaging and Transport of Nuclear Substances Regulations."

In short, at the EA stage, CNSC accepted CNL's claim that transportation issues should be dealt with separately. At the licensing stage, CNSC said that these issues were already dealt with. There has never been, be it at the EA stage or the licensing stage, sufficient evidence before the Commission as to how CNL will adhere to the Transportation of Dangerous Goods Regulations, and for this reason, the license should be denied.

Issue 3: CNL will not adhere to the Record Retention Requirement of the Class I Nuclear Facilities Regulations

Retention of records related to the results of classification is a requirement of section 14(2) of the *Class I Nuclear Facilities Regulations* :

> **Records to Be Kept and Retained**
> 14 (2) Every licensee who operates a Class I nuclear facility shall keep a record of... (d) the nature and amount of radiation, nuclear substances and hazardous substances within the nuclear facility;

CNL claims that this requirement does not apply to the NSDF project, as seen in Table B-1, C*oncordance Table for Class I Nuclear Facilities Regulations,* in the S*afety Case Near Surface Disposal Facility (NSDF*) 232-03610-SAR-001 Revision 2 (https://www.cnl.ca/wp-content/uploads/2021/03/Near_Surface_Disposal_Facility_Safety_Case_Rev_2.pdf). They say (on page 569 of 622, available in Appendix 4): "14 - Records to be kept and retained - Not applicable to the NSDF Project." No justification for this claim is given.

Contrary to the CNL claim, the Regulations do apply to the NSDF mound. Section 1 of the Regulations provides definitions of key terms. It states:

[1] *Impact Assessment Act* (S.C. 2019, c. 28, s. 1), s(22).

> "Class I nuclear facility means a Class IA nuclear facility and a Class IB nuclear facility…
> Class IB nuclear facility means any of the following nuclear facilities:…
> (e) a facility for the disposal of a nuclear substance generated at another nuclear facility."

The proposed NSDF is exactly the type of facility outlined in section e, and therefore the record keeping requirements do apply.

It appears that CNL has not met the record keeping requirements of the *Class I Nuclear Facilities Regulations* when it comes to radioactive waste that would go in the NSDF. This raises questions as to whether CNL has the required records of "the nature and amount of radiation, nuclear substances and hazardous substances" in waste that it has shipped from Whiteshell Laboratories to Chalk River. It also raises concerns about CNSC's lack of enforcement of the *Class I Nuclear Facilities Regulations*.

Remedies

The immediate remedy available to the CNSC is denial of the license. This would ensure a potentially dangerous project does not continue until issues of safety and regulatory compliance are addressed. Additionally, the matter can be submitted to Cabinet pursuant to section 52 of the *Canadian Environmental Assessment Act*.[2] It is worth noting that while this legislation was repealed in 2019, it nevertheless applies to the matter at hand, given that the Environmental Assessment began prior to the date of repeal. The Act states:

> Decision Making
> **Decisions of decision maker**
> **52 (1)** For the purposes of sections 27, 36, 47 and 51, the decision maker referred to in those sections must decide if, taking into account the implementation of any mitigation measures that the decision maker considers appropriate, the designated project
> **(a)** is likely to cause significant adverse environmental effects referred to in subsection 5(1); and
> **(b)** is likely to cause significant adverse environmental effects referred to in subsection 5(2).
> **Referral if significant adverse environmental effects**
> **(2)** If the decision maker decides that the designated project is likely to cause significant adverse environmental effects referred to in subsection 5(1) or (2), the decision maker must refer to the Governor in Council the matter of whether those effects are justified in the circumstances.
> **Referral through Minister**
> **(3)** If the decision maker is a responsible authority referred to in any of paragraphs 15(a) to (c), the referral to the Governor in Council is made through the Minister responsible before Parliament for the responsible authority.

[2] *Canadian Environmental Assessment Act*, 2012 (S.C. 2012, c. 19, s. 52).

Governor in Council's decision
(4) When a matter has been referred to the Governor in Council, the Governor in Council may decide
(a) that the significant adverse environmental effects that the designated project is likely to cause are justified in the circumstances; or
(b) that the significant adverse environmental effects that the designated project is likely to cause are not justified in the circumstances.

Section 52(3) refers to responsible authorities listed in section 15. The authority listed in section 15(a) is the Canadian Nuclear Safety Commission, and therefore, a referral to the Governor in Council for this matter would be made through the Minister of Natural Resources. The decision maker must decide if the project is likely to cause significant adverse environmental effects referred to in subsection 5(1) or 5(2). These sections state:

Environmental effects

- **5 (1)** For the purposes of this Act, the environmental effects that are to be taken into account in relation to an act or thing, a physical activity, a designated project or a project are
    - **(a)** a change that may be caused to the following components of the environment that are within the legislative authority of Parliament:
        - **(i)** fish and fish habitat as defined in subsection 2(1) of the *Fisheries Act*,
        - **(ii)** aquatic species as defined in subsection 2(1) of the *Species at Risk Act*,
        - **(iii)** migratory birds as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*, and
        - **(iv)** any other component of the environment that is set out in Schedule 2;
    - **(b)** a change that may be caused to the environment that would occur
        - **(i)** on federal lands,
        - **(ii)** in a province other than the one in which the act or thing is done or where the physical activity, the designated project or the project is being carried out, or
        - **(iii)** outside Canada; and
    - **(c)** with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on
        - **(i)** health and socio-economic conditions,
        - **(ii)** physical and cultural heritage,
        - **(iii)** the current use of lands and resources for traditional purposes, or
        - **(iv)** any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

Exercise of power or performance of duty or function by federal authority
(2) However, if the carrying out of the physical activity, the designated project or the project requires a federal authority to exercise a power or perform a duty or function conferred on it under any Act of Parliament other than this Act, the following environmental effects are also to be taken into account:

- **(a)** a change, other than those referred to in paragraphs (1)(a) and (b), that may be caused to the environment and that is directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of the physical activity, the designated project or the project; and

- **(b)** an effect, other than those referred to in paragraph (1)(c), of any change referred to in paragraph (a) on
  - **(i)** health and socio-economic conditions,
  - **(ii)** physical and cultural heritage, or
  - **(iii)** any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

A number of these situations are met, and therefore this matter should be submitted to the Minister. For example, subsections 5(1)(a)(i)and (ii) refer to changes to fish, fish habitats, and aquatic species. Given the proposed location for the NSDF, a leak or spill would easily reach the Ottawa River and have devastating consequences to fish, their habitats, and a number of aquatic species. Relatedly, subsection 5(1)(b)(ii) refers to changes to the environment that cross provincial boundaries. As the Ottawa River divides Ontario and Quebec, any contamination of the Ontario side will undoubtedly adversely affect the Quebec side.

Note that the section does not call for certainty of a change to the environment; but rather changes that <u>may</u> be caused. The aforementioned changes are certainly possibilities, and as a consequence, the matter should be submitted to the Minister.

<u>Conclusion</u>

Public projects concerning nuclear waste must balance practical and economic concerns with environmental and public health objectives. In pursuit of the latter, the federal government has implemented several series of mandatory regulations which must be adhered to. In the case of the Chalk River Near Surface Disposal Facility, Canadian Nuclear Laboratories has failed, and will continue to fail, to meet these requirements. It is acknowledged that the standard of review for administrative decisions is not perfection, but rather reasonableness.[3] However, considering the lack of compliance with mandatory regulations, it would be unreasonable for the CNSC to grant a license at this time. Instead, the license should be denied, and the matter referred to Cabinet.

[3] *Canada (Minister of Citizenship and Immigration) v Vavilov,* 2019 SCC 65, at para 91.

Table of Authorities

Legislation

Canadian Environmental Assessment Act, 2012 (S.C. 2012, c. 19, s. 52)

Class I Nuclear Facilities Regulations (SOR/2000-204)

General Nuclear Safety and Control Regulations (SOR/2000-202)

Impact Assessment Act (S.C. 2019, c. 28, s. 1).

Nuclear Safety and Control Act (S.C. 1997, c. 9)

Transportation of Dangerous Goods Regulations (SOR/2001-286)

Case Law

Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65

Appendix 1: NSDF License Application

Section	Requirement	CNL Response
General Nuclear Safety and Control Regulations [A-5]		
3	(1) An application for a licence shall contain the following information: (a) the applicants name and business address;	The applicants name and business address are found in Section II) of CRL, Nuclear Research and Test Establishment Operating Licence, NRTEOL-01.00/2018 [A-2].
3	(b) the activity to be licensed and its purpose;	CNL intends to prepare the site and construct the NSDF to dispose of low level radioactive waste generated during the decommissioning activities at CNL, as well as waste currently stored on-site and potential future waste streams. Further details are provided in Section 3 of the NSDF Safety Case [A-6].
3	(c) the name, maximum quantity and form of any nuclear substance to be encompassed by the licence;	Information is provided in Section 3 of the NSDF Safety Case [A-6].
3	(d) a description of any nuclear facility, prescribed equipment or prescribed information to be encompassed by the licence;	Information is provided in Section 3 of the NSDF Safety Case [A-6].
3	(e) the proposed measures to ensure compliance with the *Radiation Protection Regulations* and the *Nuclear Security Regulations and the Packaging and Transport of Nuclear Substances Regulations, 2015*;	Compliance with the Radiation Protection Regulations at CRL is ensured through implementation of the CNL Radiation Protection Program [A-7], [A-8], as per Safety and Control Area (SCA) "Radiation Protection" Licence Condition 7.1: Radiation Protection Program of the CRL LCH [A-9]. Compliance with the Nuclear Security Regulations is ensured through implementation of the CNL Security Program [A-10], [A-11] and the CNL Cyber Security Program [A-12], [A-13] as per SCA "Security" Licence Condition 12.1: Security Program of the CRL LCH [A-9].
3	(j) the name, quantity, form, origin, and volume of any radioactive waste or hazardous waste that may result from the activity to be licensed, including waste that may be	Information on the radiological and non-radiological waste inventory is provided in Section 3 of the NSDF Safety Case [A-6].

Section	Requirement	CNL Response
	stored, managed, processed, or disposed of at the site of the activity to be licensed, and the proposed method for managing and disposing of that waste;	

Appendix 2: Excerpt from the NSDF Safety Case

Table 3-22
NSDF Reference Inventory and Licensed Inventory

Radionuclide	Reference Inventory [3-82]		Licensed Inventory [3-62]	
	Total Activity (Bq) at Placement	Total Activity (Bq) at Closure	Maximum Activity (Bq) at Placement	Maximum Activity (Bq) at Closure
Ag-108m	2.73E+10	2.62E+10	2.73E+10	2.62E+10
Am-241	6.04E+10	9.74E+10	6.04E+10	9.74E+10
Am-243	5.26E+07	5.24E+07	5.26E+07	5.24E+07
C-14	1.71E+12	1.70E+12	1.71E+12	1.70E+12
Cl-36	3.97E+09	3.97E+09	3.97E+09	3.97E+09
Co-60	9.06E+16	1.47E+16	9.06E+16	1.47E+16
Cs-135	5.19E+08	5.19E+08	5.19E+08	5.19E+08
Cs-137	5.59E+12	3.17E+12	5.59E+12	3.17E+12
H-3	8.91E+14	2.79E+14	8.91E+14	2.79E+14
I-129	3.03E+10	3.03E+10	1.75E+10	1.75E+10
Mo-93	1.47E+05	1.47E+05	1.47E+05	1.47E+05
Nb-94	2.34E+10	2.34E+10	2.34E+10	2.34E+10
Ni-59	1.21E+09	1.21E+09	1.21E+09	1.21E+09
Ni-63	3.11E+11	2.59E+11	3.11E+11	2.59E+11
Np-237	1.74E+07	1.74E+07	1.74E+07	1.74E+07
Pu-239/240	8.77E+10	8.76E+10	5.07E+10	5.06E+10
Pu-241	1.67E+12	5.84E+11	1.67E+12	5.84E+11
Pu-242	6.32E+07	6.32E+07	6.32E+07	6.32E+07
Ra-226	3.65E+10	3.61E+10	3.65E+10	3.61E+10
Se-79	9.26E+07	9.26E+07	9.26E+07	9.26E+07
Sn-126	1.24E+08	1.24E+08	1.24E+08	1.24E+08
Sr-90	6.05E+12	3.35E+12	6.05E+12	3.35E+12
Tc-99	3.16E+11	3.16E+11	3.16E+11	3.16E+11
Th-230	5.30E+09	5.30E+09	5.30E+09	5.30E+09
Th-232	2.70E+10	2.70E+10	2.70E+10	2.70E+10
U-233	2.74E+08	2.74E+08	2.74E+08	2.74E+08
U-234	6.88E+10	6.88E+10	6.88E+10	6.88E+10
U-235	2.96E+09	2.96E+09	2.96E+09	2.96E+09
U-238	7.57E+10	7.57E+10	7.57E+10	7.57E+10
Zr-93	4.92E+11	4.92E+11	4.92E+11	4.92E+11

Table 3-23
Key Non-Radiological Constituents of Potential Concern [3-84]

Chemical Name	Chemical Abstract System Number	Estimated Leachable Quantity (kg)	
		Lower	Maximum
1,1,2,2-Tetrachloroethane	79-34-5	3.1E+01	1.2E+02
1,1,2-Trichloroethane	79-00-5	3.1E+01	1.2E+02
1,4-Dichlorobenzene	106-46-7	3.1E+01	1.2E+02
Acetone	67-64-1	8.2E+02	3.2E+03
Anthracene	120-12-7	1.7E+01	6.8E+01
Antimony	7440-36-0	5.9E+00	2.3E+01
Arsenic	7440-38-2	2.6E+01	1.0E+02
Barium	7440-39-3	5.1E+02	2.0E+03
Benzene	71-43-2	5.1E+01	2.0E+02
Benzo[a]pyrene	50-32-8	1.7E+01	6.8E+01
Beryllium	7440-41-7	6.2E+00	2.4E+01
Bis(2-ethylhexyl)phthalate	117-81-7	1.4E+02	5.6E+02
Boron	7440-42-8	2.6E+03	1.0E+04
Cadmium	7440-43-9	2.6E+00	1.0E+01
Carbon tetrachloride	56-23-5	3.1E+01	1.2E+02
Chromium (Total)	7440-47-3	2.6E+01	1.0E+02
Chromium VI	18540-29-9	2.6E+01	1.0E+02
Chlorobenzene	108-90-7	4.1E+01	1.6E+02
Chloroform	67-66-3	5.1E+01	2.0E+02
Chrysene	218-01-9	1.7E+01	6.8E+01
Cobalt	7440-48-4	1.5E+03	6.0E+03
Copper	7440-50-8	1.5E+03	6.0E+03
Dioxin (TEQ)	9014-42-0	7.7E-06	3.0E-05
Ethylene dibromide	106-93-4	7.7E+01	3.0E+02
Fluoranthene	206-44-0	1.7E+01	6.8E+01
Fluorene	86-73-7	1.7E+01	6.8E+01
Fluoride (aqueous)	16984-48-8	NA	3.6E+02
Furan (TEQ)	110-00-9	7.7E-06	3.0E-05

Appendix 3: Webinar Questions

#	Question	Response(s)
6	CNL was transporting dangerous goods without placards that meet the requirements of the Transportation of Dangerous Goods Regulations. What were those dangerous goods?	The material being transported was historic low-level radioactive waste (LLW) associated with the Port Hope Area Initiative remediation activities. Placards were displayed on the vehicles as required by the regulations. However, placards displayed were Class 7 placards used in the United States. There is a minor difference between the placard used in the US for Class 7 and the placards used in Canada. The placard used in the US can be used in Canada but only when the shipment originates in the US.

#	Question	Response(s)
		United States, that will transit through Canada. In the past there have been some materials that have been returned to the United States as part of Canada's and the Unites States commitment to combat the threat of nuclear terrorism.
15	Are soil samples that may or may not be contaminated with radionuclides, but do not emit a measurable gamma field, required to be shipped TDG in order to obtain a lab assay?	There are instruments that will detect the presence of alpha and beta radiation. It is the duty of the consignor to determine if the samples meet the regulatory limits prior to transportation.
18	The 2020 CNL sites ROR refers to a "Transport of Dangerous Goods Radioactive Consignment Classification Error." How would CNSC detect such an error?	In this case, the error was the package was classified as an "Excepted Package", when the package should have been classified as Radioactive Materials, Low Specific Activity (LSA-I). It should be noted that the material was properly contained in a package that met the IP-3 standard. The consignee noted the classification error when they surveyed the package on receipt and noted that the surface dose rate slightly exceeded what was permitted by an excepted package. Consignor and consignee reported the error to CNSC as required by the regulations.
19	**A)** Could you speak more about why transportation scoped out of NSDF proceedings? you noted amount of waste (10% of total waste to be held at NSDF) and defining of NSDF as a 'construction' project - but as public didn't have say in this scoping, how exactly are you supporting this decision with evidence and regulations? how exactly is transport being excluded from consideration of any other aspect of NSDF operations?	**a)** Packaging and transport requirements apply to programs for the safe packaging and transport of nuclear substances and radiation devices to and from the CRL site; these requirements do not apply to movements of radioactive materials within the CRL site, and are not applicable to NSDF construction activities. Given CNL's licence application is limited to the construction of the NSDF and does not include activities to transport off-site waste to the CRL site for emplacement in the NSDF, it is not within the scope of this licensing stage. However, for transparency, information on the packaging and transport requirements and measures in place for the

Appendix 4: NSDF Safety Case Excerpt

Class I Nuclear Facilities Regulations, SOR/2000-204		
Paragraph	**Requirement**	**Demonstrated in CNL Documentation**
9 - 13	Certification of Persons	Not applicable to the NSDF Project.
14	Records to be kept and retained	Not applicable to the NSDF Project.

Appendix 5: Resolution passed by City of Ottawa Council, April 14, 2021

7.	RESOLUTION – CANADIAN NUCLEAR LABORATORIES CHALK RIVER NUCLEAR WASTE NEAR SURFACE DISPOSAL FACILITY

That Council:

1. Approve that the City of Ottawa urge the Canadian Nuclear Laboratories and its regulator, the Canadian Nuclear Safety Commission, to take action on the City of Ottawa's concerns related to the proposed Near Surface Disposal Facility (NSDF), Nuclear Power Demonstration (NPD) and related activities, including:

a. stopping current and future import or transfer of external Atomic Energy of Canada Limited (AECL) waste from other provinces (e.g. Manitoba);

b. increasing safeguards to protect the river during site demolition and waste transfer activities;

c. preventing precipitation from entering the NSDF;

d. providing the City of Ottawa with timely access to ongoing environmental monitoring data on the Ottawa River; and

e. committing to prompt notification of spill/release events to City of Ottawa, and;

2. Direct the Public Works and Environmental Services Department to provide an update to the Standing Committee on Environmental Protection, Water and Waste Management on City concerns being submitted through the NSDF Environmental Assessment process, and provide an annual update on radioactivity as part of the Drinking Water Summary Report that is issued to Council in fulfillment of the *Safe Drinking Water Act 2002*, and;

3. Request that the Minister of Environment and Climate Change initiate a regional assessment of radioactive disposal projects in the Ottawa Valley under the Impact Assessment Act, as amended in 2019, and;

4. Direct the Mayor to write to the Ministers of Natural Resources, Environment and Climate Change, Infrastructure and Crown-Indigenous Relations, as well as the Canadian Nuclear Safety Commission and the Canadian Nuclear Laboratories to express the City of Ottawa's concerns and call for action; and,

5. Direct the City Clerk to share Council's position and call to action with the Iroquois Anishinabek Nuclear Alliance as well as the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

CARRIED