



Oral presentation

Submission from the Old Fort William Cottagers' Association

In the Matter of the

Canadian Nuclear Laboratories

Application for the renewal of the Nuclear
Research and Test Establishment Operating
Licence for the Chalk River Laboratories

Commission Public Hearing

January 23-25, 2018

Exposé oral

Mémoire de Old Fort William Cottagers' Association

À l'égard des

Les Laboratoires Nucléaires Canadiens

Demande de renouvellement du permis
d'exploitation d'établissement de recherche
et d'essais nucléaires pour les Laboratoires
de Chalk River

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Old Fort William Cottagers' Association

Comments on the Canadian Nuclear Safety Commission's proposed new site license for Chalk River Laboratories December 11, 2017

It has been determined that many license conditions (as many as half of the current conditions) and several hundred "compliance verification criteria" have been deleted from the Canadian Nuclear Safety Commission's (CNSC) proposed new site license for Chalk River Laboratories (CRL). These considerable changes are very concerning. The CNSC's stated mandate is to "protect health, safety, security and the environment" and the CNSC is the sole regulator, at present. How then can the CNSC justify such a license which would benefit only CNL (Canadian Nuclear Laboratories) and give CNL far too much freedom to act without sufficient regulation and oversight? The consequences to the environment could be enormous.

OFWCA strongly requests that the license for CRL contain detailed, stringent regulations.

This is definitely not the time for the CNSC to modify, eliminate, or substantially weaken any of the current regulations, which is what the CNSC appears to be proposing for this new license. All reporting and record keeping requirements should also be maintained. In fact, OFWCA would like to see some regulations strengthened, and others added to this license.

Although it is understood that neither the NSDF nor "revitalization" activities such as setting up small modular reactors (SMR) at CRL are supposed to be part of the current discussion, these subjects will be referred to in that all such activities must be regulated and monitored by the CNSC.

OFWCA strongly objects to CNL being granted a 10-year license.

A 10-year license has not been granted before for CRL. OFWCA questions why it would even be considered now. Why would the license be longer than CNL's actual contract which comes up for renewal in three years - in 2021? We can see no rationale for a 10-year license when there is no precedent for it. We strongly urge CNSC to limit a new license to a maximum of three years or to extend the current license for a maximum of three years ending in 2021. In three years time, CNL's contract and the license for CRL could both be reviewed. CNL's performance should be measured at that time.

Why OFWCA believes that strict regulations are important.

1. A private consortium (CNEA) is running CNL. The mandate for private companies is to make profits. The main priority of the consortium therefore is not safety nor the health of the environment. As well, four of the five companies involved are not Canadian, and when the contract terminates these companies and their CEOs will no longer have any real concern for CRL or the Ottawa River. And the fifth company, SNC Lavalin, certainly does not have a stellar reputation. Judging by CNL's track record to date, regulation and oversight are essential with this consortium.

2. OFWCA has learned, in the recent Auditor General's report, that AECL's staff has shrunk from 3400 to 40 in recent years. This is concerning. Is AECL being undermined? As AECL is the owner of Chalk River Laboratories and the waste, shouldn't AECL actually be the licensee? Given the current problems at AECL, it is essential that CNSC perform its role as regulator with the highest standards.

3. CNL will be engaging in activities regarding waste management and "revitalization" which all require stringent regulation. The creation of a disposal facility has been a key element in CNL's objectives, and we believe that CNL is failing in this regard. This consortium designed the worst possible facility to be situated in the worst possible location and then presented the public with a draft EIS that was full of errors, lacked specificity, and a great deal of necessary information. CNL has had to recently remove intermediate-level waste from the proposal. CNL's track record indicates that all of CNL's activities, now and in the future, must be regulated in the strictest possible way. Any future waste facility, or expansion of any waste facility, and all "revitalization" projects (such as establishing SMRs at CRL) must go through an environmental assessment process with public participation before being granted approval and all activities must be regulated and have continuous CNSC oversight.

Mistrust of this consortium could not be higher due to CNL's own failings to date.

Examples of changes or deletions in the new proposed license.

There are literally pages of deletions. OFWCA requests that stringent regulations be maintained in the new license in all areas. The following areas are highlighted for example only. The importance of regulations is certainly not limited to these areas or examples.

1. Operating Performance.

Among the numerous regulations slated for deletion, we find under **New Nuclear Facilities** many regulations in the current license have been deleted in the new license, for example:

4.2 New Nuclear Facilities

The licensee shall only carry out construction and/or operation activities of any new nuclear facility at the CRL site with the prior approval of the Commission.

How can the CNSC delete this regulation? The construction and/or operation of any new nuclear facility at CRL must go through the full environmental assessment process and receive approval of the CNSC. This regulation must be reinstated in a new license.

Is the CNSC deleting this regulation to enable CNL to build a new disposal or storage facility for radioactive waste and/or to establish and operate SMRs at CRL by bypassing the necessary environmental assessment and approval process? This would be entirely unacceptable.

2. Environmental Protection.

There is a long list of regulations that are being *deleted* under Environmental Protection, including the following two:

10.2 Release of Radioactive Substances

The licensee shall control, monitor and record releases of radioactive nuclear substances from CRL such that the releases do not exceed the limits specified in Appendix A to this licence.

10.3 Release of Hazardous Substances

The licensee shall control, monitor and record releases of hazardous substances.

These regulations are being *replaced* by a vague condition:

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

Who would be determining these action levels - CNL?

If excessive releases of radioactive substances occurred due to an extreme event, such as weather, would a complete report be submitted to the commission?

And if a worker on the proposed NSDF were exposed to radiation that exceeded action levels, would a full report be made to the CNSC that would include both the cause and future preventive measures?

It is our opinion at OFWCA that there should be nothing vague about environmental protection regulations. These regulations must be clearly spelled out, and it should not be left up to CNL to write its own rules. We request that all the regulations in the current license be included in the new license.

3. Emergency Management

It has been brought to our attention that all references to Provincial Nuclear Emergency Response Plan (PNERP) and several pages of compliance verification criteria, which are in the current license handbook, have been completely removed from the new handbook. OFWCA would like to have an explanation as to why these have been deleted. The communities in close proximity to Chalk River need to know precisely how CNL will respond to emergencies at CRL and what regulations they must conform to. It is not acceptable to us to just delete regulations from the new license. A nuclear emergency event remains entirely possible at CRL, even after March 2018 when the NRU will cease operations, as there is very dangerous high level waste at CRL. And the exposure will be considerable if CNL is allowed to start whole new programs which include small modular reactors.

4. Waste Management

The current license contains two waste management conditions which are deleted in the new licence:

12.1 Waste Management The licensee shall implement and maintain a waste management program documenting handling, processing, transportation, storage and safeguarding of nuclear wastes, including spent fuel and nuclear wastes mixed with other hazardous substance.

12.3 Nuclear Legacy Liabilities

The licensee shall ensure that nuclear legacy liabilities at the CRL site are addressed.

The new license has this very general statement in place of the above conditions.

11.1 Waste Management Program The licensee shall implement and maintain a waste management program.

As well, the new handbook does not include six essential waste management criteria contained in the current handbook. These deleted criteria include: documenting and identifying all radioactive and hazardous wastes, maintaining adequate records of waste inventory and their location, and ensuring that wastes are properly contained and cannot leak without detection.

Judging by the complete lack of any clarity in CNL's draft EIS regarding precisely what wastes would be disposed of in the proposed NSDF, we believe that all these regulations are absolutely necessary.

If these changes were made, how would all wastes be documented, identified, characterized, labelled etc.? How would waste inventories and their locations be kept? What records would be kept?

Would this not allow all types of wastes to just be dumped anywhere without any method of record, inventory or characterization? It seems that CRL might have a much worse situation than it has at present if there are not very careful regulations with regard to waste management: records, inventories, characterization of wastes etc. How would future generations be able to take over the care of these wastes?

What possibly could the rationale be for these eliminations? OFWCA would like an explanation. We believe that all conditions and criteria regarding waste management must be retained in the new license.

RE: 12.3 Nuclear Legacy Liabilities (above): “The licensee shall ensure that nuclear legacy liabilities at the CRL site are addressed”. Deleted in the new license.

Clean-up of legacy waste and remediation of the contaminated waste management areas at CRL should be maintained as a top priority. These important regulations regarding legacy wastes have been deleted. These wastes (3 reactor cores buried in management areas A and B, waste plumes of strontium-90 and tritium etc.) have been steadily contaminating the environment for decades.

Members of OFWCA and our neighbouring communities and beyond have understood that CNL would be responsible for remediating these legacy waste areas. In spite of the great opposition by OFWCA and many people living along the Ottawa River to CNL's proposals at CRL, people were relieved by the prospect that the legacy waste would be cared for.

Any new license for CRL should be underlining this requirement and not deleting it. The proposed new license seems to require only that the licensee "maintain a waste management program." Whereas the current license condition now reads that the licensee "shall ensure that nuclear legacy liabilities at the CRL site are addressed." How could this requirement be deleted and replaced by a very general requirement totally lacking in any specificity? And in the license handbook it reads "the licensee shall continue to a) monitor, mitigate and remediate the lands that have been contaminated by radioactive and hazardous substances." This particular regulation and other regulations, such as these, should remain in the new license.

We ask the CNSC to please provide a rationale for these extraordinary changes.

Is the clean up of legacy waste being deferred until a "proper" disposal facility is available?

If the clean up of legacy waste is being deferred then there are repercussions:

- a) Legacy wastes must be dealt with in the best possible manner before CNL brings more radioactive waste and mixed wastes to CRL from outside locations and before CNL engages in any new activities (like SMRs) that generate more radioactive waste.
- b) As intermediate-level waste will not be included in the proposed NSDF, how will CNL deal with ILW waste now? What are the plans? Strict regulations about containment, categorization, labeling, and monitoring of this waste must be included in a new license agreement.

A great deal of money has already been spent and we question if this money has been squandered. We have a proposal for a disposal facility that is inadequate, clean up of legacy wastes may be deferred, and there is no facility for intermediate-level waste. It seems CRL is no further ahead and more problems are being created by CNL than are being resolved.

It would be in Canada's best interest if CNL went back to the drawing board and designed an entirely new facility (for either storage or disposal), one that followed International Atomic Energy Agency standards and provided safe storage or disposal for both LLW and ILW that would be situated in a location at least 25km removed from the Ottawa River and did not threaten the Ottawa River and the environment in general with radioactive contamination.

This entire license renewal process needs major improvement and transparency.

This is an extraordinarily difficult process. The documents needed are hard to obtain as they are not posted on-line and certain pieces of information were missing in the documents. OFWCA requests that, in future, this process be much more transparent. The public needs to be fully informed about all the issues and the rationale for any considered changes.

Conclusion

CNSC must live up to being a regulator. All the conditions and regulations in the current license must be maintained. The new license, or the renewal of the current license, should be for a maximum of three years. CNSC's reputation is in jeopardy. It is currently considered by many as a "captured regulator". The proposed license as it now stands will further tarnish CNSC's reputation and it will lose any remaining credibility going forward. This is an important moment for CNSC to regain trust and improve its reputation.