

July 11, 2002

Minutes of the Canadian Nuclear Safety Commission (CNSC) Panel Meeting held Thursday, July 11, 2002, beginning at 9:00 a.m. at the CNSC Offices, 280 Slater Street, Ottawa, Ontario.

Present:

L.J. Keen, Chair

I. V. Gendron, Senior Counsel

C.N. Taylor, a/Secretary and Recording Secretary

CNSC staff advisers were: C. Maloney, R. McCabe, B. Barker, H. Humphries, D. Metcalfe, K. Pereira.

Natural Resources Canada representative was: S. Baillie-Malo.

Adoption of the Agenda

1. The agenda, CMD 02-M51 was adopted by the Panel with an acknowledgement that the CNSC staff would make one oral presentation covering both of the proposed projects and Environmental Assessment Guidelines.

Chair and Secretary

2. The President took the Chair with C.N. Taylor acting as the Secretary of the Commission and Recording Secretary.

Constitution

3. Pursuant to Section 22 of the *Nuclear Safety and Control Act*, the President of the Canadian Nuclear Safety Commission was designated, on April 22, 2002, as a panel of the Commission, for the purposes of discussing and confirming with other Responsible Authorities the scope of the environmental assessments to be undertaken pursuant to the *Canadian Environmental Assessment Act* in relation to the Port Hope and Port Granby Long-Term Level Radioactive Waste Management Projects.
4. With the notice of meeting having been properly given and a quorum being present, the meeting was declared to be properly constituted. (ref. CMD 02-M50)

Environmental Assessment Guidelines for the Proposed Long-Term Radioactive Waste Management Projects in Port Hope and Port Granby

5. The Panel confirmed that these are two separate projects requiring two distinct decisions.
6. With reference to CMD 02-M52 and CMD 02-M53, CNSC staff described the purpose of the long-term radioactive waste management projects that are proposed to be carried out by the proponent, the Low Level Radioactive Waste Management Office (LLRWMO). Staff described the intent of the projects as being to provide a local solution to a long standing issue of the presence of contaminated soils in and around the area of Port Hope, Ontario.
7. Staff indicated that screening environmental assessments of the projects must be completed under the *Canadian Environmental Assessment Act* (CEAA) and that the CNSC is one of three responsible authorities under that Act for the assessments. The other federal responsible authorities are NRCan and Fisheries and Oceans Canada. NRCan is the lead authority for these projects.
8. Staff noted that although the Ontario Ministry of the Environment has confirmed that an EA under the Ontario *Environmental Assessment Act* is not required, the Ministry of the Environment will continue to be consulted on the technical aspects of the EAs.
9. Staff, noting that the establishment of Environmental Assessment (EA) Guidelines is part of the process under the CEAA, presented the Panel with proposed EA Guidelines for the Port Hope and Port Granby Long-Term Low-Level Radioactive Waste Management Projects for the Panel's confirmation (the EA Guidelines were attached to CMDs 02-M52 and 02-M53).
10. Staff described the history of the area and the siting processes that have occurred to date, and in particular, the steps taken since the federal government established a Siting Task Force on Low-Level Radioactive Waste Management in 1988, and the events leading up to the establishment of principles of understanding and a legal agreement between the federal government and the municipalities of Hope Township, Port Hope (now amalgamated as Port Hope) and Clarington in 2000.

11. Staff described the content of the EA Guidelines, including information on the conduct of public consultations carried out in the preparation of the EA Guidelines and the key issues raised during that consultation.
12. Staff outlined the remaining steps in the EA processes, including: the conduct of environmental assessment studies and consultation activities by the proponent (LLRWMO) in accordance with the confirmed EA Guidelines; a technical review by the staffs of the responsible authorities and provincial advisors; and the preparation of environmental assessment Screening Reports for decisions by the responsible authorities (including the CNSC).
13. With reference to the proposed EA Guidelines, staff described the proposed *scope of project* and *scope of factors* to be considered in each of the EAs and recommended that the Panel confirm the EA Guidelines.
14. The Panel Member (hereafter referred to as the Panel) sought staff's opinion as to whether the Commission should consider at this time referring the project to the federal Minister of the Environment for his referral to a panel review or mediator pursuant to Section 25 of the CEAA. Staff responded that there is no evidence at this time to suggest that the potential environmental effects of the projects cannot be mitigated and that the public concerns cannot be adequately addressed in the screening assessments. CNSC staff therefore does not recommend the Panel consider such a referral at this time. Staff noted that the Panel has the ability to revisit this decision at any time during the course of, and at the conclusion of, the environmental assessment screening.
15. In response to a question from the Panel, staff confirmed that the specific decisions sought from the Panel at this time are confirmation of the *scope of project* and *scope of the environmental assessment factors* for both the Port Hope and Port Granby projects, as those terms are applied in the CEAA. Staff explained that, due to the required collaboration between three federal responsible authorities on the EA Guidelines, the decisions of the Panel in this regard would necessarily be conditional on substantive changes not being made by the other responsible authorities. Should substantive changes to the scope be introduced at any time, the Panel would need to review and confirm those changes.

16. The Panel sought and received from staff and the NRCan representative further information on the organization, management structure, and local presence in the communities of the proponent (the LLRWMO).
17. The Panel questioned staff further on the role of the Ontario Ministry of the Environment (MOE) and emphasized the importance of proactively facilitating the full involvement of the MOE in the technical review.
18. The Panel questioned staff on the nature of the concerns raised with respect to wind effects and on how the potential health effects of airborne radioactive dust during excavation and movement of wastes would be mitigated.
19. The Panel sought clarification of the issues related to the concepts of “alternative means” and “alternatives to”. Recognizing that this is a subject that has, and may continue to cause some confusion for the public and other stakeholders, the Panel emphasized the importance of making this aspect of the assessment very clear in future consultations with the public.
20. The Panel asked for clarification of the role of Cameco Corporation and the possible use of the sites by Cameco. Staff explained that the sites will be available for some historic wastes on the Cameco property, but will not be available for current process wastes. Cameco will manage the sites in the interim, prior to the transfer of this responsibility to the federal government (LLRWMO).
21. The Panel sought and obtained from staff and from the NRCan representative during the meeting, further details on the principles of understanding reached between the federal government and the local municipalities. Staff noted that any proposed change to the project locations currently envisioned, or to the above-ground storage concept, would require amendment of the legal agreement before the revised project could proceed. Further the assessment of “alternative means” will require the approval of the municipalities before submission to responsible authorities.
22. In response to questions from the Panel, staff described the process currently implemented by the LLRWMO to identify, gather and transport contaminated soils to various consolidation sites in the area.

23. With reference to the request by the Municipality of Clarington for an extension in the review period for the draft EA Guidelines, staff explained that this was to allow for the comments of the municipality to come before a scheduled meeting of the Council for endorsement.
24. In response to a question from the Panel, staff described the level of public attendance at consultation activities to date.
25. The Panel questioned staff on the extent to which the International Joint Commission (IJC) was engaged in the process. The IJC is an identified stakeholder that will be consulted during the assessment.
26. The Panel noted that the environmental assessment will need to specifically consider the potential effect of the projects on the persons working on the sites and emphasized that this is an example of a health and safety issue that will also be considered fully in the CNSC licensing process.
27. The Panel asked staff about whether security at the sites had been considered for inclusion in the EA Guidelines. Staff responded that this had been considered, but that due to the nature of the project, staff considers that this would be fully addressed in the subsequent licensing processes.
28. The Panel expressed its expectation that the CNSC staff and the other responsible authorities will continue to work closely in a cooperative and collaborative manner with each other, and with the other stakeholders involved. The Panel made specific mention of the Ontario MOE in that regard. Staff responded that the level of coordination and collaboration has been excellent thus far and that this is expected to continue.
29. The Panel also emphasized the need for the responsible authorities, in overseeing the conduct of the environmental assessment studies by the proponent, to ensure that a broad or holistic view of the issues and concerns of the local public and stakeholders is respected and reflected in the assessments. The Panel noted that there are other licensed facilities within the study areas and expressed the need to ensure that the assessment is sensitive to both the science of the impact predictions, as well as to the long-standing community considerations. Staff acknowledged the need to maintain the community perspective in the conduct of the assessment.

30. The Panel moved in-camera to make its decisions at 10:20 a.m.

31. After considering the information presented to it for this meeting, including the information provided orally during the meeting as recorded above, the Panel concluded that, at this time, the projects do not warrant referral to the federal Minister of the Environment, pursuant to section 25 of the CEEA. The Panel notes that, as a responsible authority, it may propose such a referral at any time during the assessment.

DECISION

32. The Panel confirms the scope of the project as described in the EA Guidelines appended to CMD 02-M52 and CMD 02-M53.

DECISION

33. The Panel confirms the scope of the factors for the assessments as those described in the EA Guidelines appended to CMD 02-M52 and CMD 02-M53.

DECISION

34. The Panel confirms the description of the assessment methods and other instructions to be used in carrying out the environmental assessment as described in the EA Guidelines appended to CMD 02-M52 and CMD 02-M53.

DECISION

35. The Panel notes that the above decisions are conditional on the other responsible authorities not introducing substantive (i.e., more than editorial) changes to the scope as described in CMD 02-M52 and CMD 02-M53. Any substantive changes to the scope would need to be also considered by the Commission.

Chair

Recording Secretary

Secretary

July 11, 2002

ANNEX A

| CMD | DATE | File No |
|---|------------|-------------|
| 02-M50 | 2002-07-08 | (1-3-1-5) |
| Notice of Meeting | | |
| 02-M51 | 2002-07-08 | (1-3-1-5) |
| Agenda of the meeting of a Panel of the Canadian Nuclear Safety Commission to be held on Thursday July 11, 2002 | | |
| 02-M52 | 2002-07-08 | (37-26-0-0) |
| Confirmation of Environmental Assessment Guidelines for the Port Hope Long-Term Low-Level Radioactive Waste Management Project - Information and Recommendations of Nuclear Safety Commission Staff | | |
| 02-M53 | 2002-07-08 | (37-26-0-1) |
| Confirmation of Environmental Assessment Guidelines for the Port Granby Long-Term Low-Level Radioactive Waste Management Project - Information and Recommendations of Nuclear Safety Commission Staff | | |