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Safety Commission

Commission canadienne de  
sûreté nucléaire

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Public Hearing Room  
14th floor  
280 Slater Street  
Ottawa, Ontario

Salle des audiences publiques  
14e étage  
280, rue Slater  
Ottawa (Ontario)

Commission Members present

Commissaires présents

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Mr. Dan Tolgyesi  
Dr. Moyra McDill  
Ms Rumina Velshi  
Mr. André Harvey

M. Michael Binder  
M. Dan Tolgyesi  
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Mr. Marc Leblanc

M. Marc Leblanc

General Counsel:

Avocate générale :

Ms Lisa Thiele

M<sup>e</sup> Lisa Thiele

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Ottawa, Ontario / Ottawa (Ontario)

--- Upon commencing on Thursday, May 8, 2014  
at 3:20 p.m. / La réunion débute le jeudi  
8 mai 2014 à 15 h 20

**Opening remarks**

**THE PRESIDENT:** Are you going to say at least, "bonjour"?

--- Laughter / Rires

**THE PRESIDENT:** Okay. I think it's been two long days and you have the benefit of closing the last two submissions now. So if we sound like we are a bit -- what's the right word -- not under the weather but information overload, you're probably right.

So welcome to the continuation of the meeting of the Canadian Nuclear Safety Commission.

And I'm not going to introduce the Members of the Commission for anybody who hasn't been logging on for the last two days probably would not be on right now, I would guess.

So I would like to start, jump right into the next item on our agenda which is a

presentation from CNSC staff of the regulatory framework program 2013-14 annual report, as outlined in CMD 14-M27 and 14-M27.A.

And I understand that Mr. Torrie will start the presentation. Please go ahead.

**CMD 14-M27/14-M27.A**

**Oral presentation by CNSC staff**

**MR. TORRIE:** Thank you, Mr. President and Members of the Commission.

My name is Brian Torrie. I'm the Director General of the Regulatory Policy Directorate.

With me today are Ms Lynn Forrest, Director of Regulatory Policy Analysis Division and Mr. Colin Moses, Director of the Regulatory Framework Division.

We're pleased to be here today to present the Annual Report on the CNSC's Regulatory Framework Program.

Although we are regularly before you at meetings to discuss specific regulatory documents, this report provides us with an opportunity to highlight the important work we are

doing to engage in broader regulatory initiatives in the federal government and to discuss our forward plans which help to ensure that CNSC continues to have a modern, robust and comprehensive regulatory framework.

Our report will provide an overview of the Regulatory Framework Program and its objectives, describing some of the improvements that we have put in place over the past year to enhance the engagement of our stakeholders.

We will then provide an overview of our activities this past year, starting with a description of our involvement in the Government of Canada's broad regulatory reform initiatives, discussing their impact on the CNSC.

We will conclude with a summary of our accomplishments this past year and give a preview of some of the work we will be doing over the next year.

At the highest level the objectives of the CNSC Regulatory Framework Program can be summarized as the follows -- summarized as follows:

- Number one, meeting our

objectives as a federal regulator under the Cabinet Directive on Regulatory Management that we'll explain later;

- Implementing the Government of Canada Regulatory Reform Initiatives that pertain to regulatory or, sorry, nuclear regulation;

- And number three, developing clear documented and accessible regulatory expectations in support of the CNSC's licensing and compliance activities.

The Regulatory Program Directorate is responsible for the management of this program, however, we rely heavily on internal and external partners to accomplish these objectives.

The Regulatory Framework Steering Committee, made up of directors general from across CNSC, is responsible for program oversight and direction. This approach helps ensure our publications present a consistent whole of CNSC perspective.

In addition, we leverage the extensive set of nuclear standards produced by the CSA group which provides details on how to meet our regulatory requirements.

Finally, we could not meet our

objectives of clear requirements without the input of our stakeholders whether through formal consultations, workshops or other engagement activities.

Over the past year the viable input we received from a broad range of stakeholders including all groups of licensees, environmental non-governmental organizations, international experts and the Canadian public, have helped ensure our expectations are well understood, pragmatic and comprehensive.

I will now turn the presentation over to Ms Forest to provide further information on CNSC's regulatory framework and stakeholder engagement.

**MS FORREST:** Thank you, Brian.

The CNSC's regulatory framework is governed by the *Nuclear Safety and Control Act* which gives us the statutory authority to establish a regulatory framework. I think you maybe have seen this triangle before. It's on our website.

The *NSCA* is supported by legally-binding requirements established in regulations. The CNSC's regulations set out

high-level expectations.

More detailed requirements, however, are included in licenses and certificates which in turn may reference other regulatory documents or standards. In regulatory documents the CNSC also provides guidance on how licensees may meet the regulatory expectations.

Although not legally binding, there is a clear expectation that licensees consider CNSC's guidance in developing their programs.

When alternate ways to meet the requirements are proposed, licensees must demonstrate how their proposal is equivalent to the guidance provided by the CNSC in meeting the regulatory objectives.

Consistent with the expectations of the aforementioned Cabinet directive on regulatory management, the CNSC has implemented a life cycle approach to managing the regulatory framework, including regulations and REGDOCs.

Upon identification of an issue that might warrant clarification or development of regulatory expectations, we analyze the issue, reviewing current practice, international guidance

and the results of research programs to determine the most appropriate approach to address the issue.

We then use the analysis to inform the development of proposed regulatory requirements and guidance.

Our documents are implemented then in the CNSC's Licensing and Compliance Programs using a graded approach that considers the risks and complexity of the regulated facilities or activities.

The CNSC is committed also to regularly reviewing its expectations to ensure they remain effective and continue to reflect modern regulatory approaches and state-of-the-art knowledge. Regulations and documents are subject to reviews at least every five years and more often, should circumstances warrant it.

The Commission then oversees the work of the CNSC staff through each phase of this life cycle. The Commission has authority for making and amending regulations under the NSCA in accordance with the government's regulation-making process. In addition, the Commission approves all regulatory documents that impose new requirements

and issues license amendments to reference new documents as appropriate.

CNSC staff also provide annual updates to the Commission such as the one we are presenting today to ensure Commission Members are kept abreast of the work to modernize the CNSC's regulatory framework.

The Cabinet Directive on Regulatory Management supports the government's commitment to protect and advance the public interest in health, safety and security and the quality of the environment through an effective, efficient and accountable regulatory system. Now, as a federal agency, the CNSC is responsible for identifying interested and affected parties and for providing them with opportunities to take part in open, meaningful and balanced consultations at all stages in the regulatory process.

The CNSC's engagement and consultation practices are grounded in its commitment to transparency and fairness at all times. The CNSC, as you know, has established systematic processes that provide formal opportunities for stakeholders to provide input and we follow-up with opportunities for

stakeholders to comment on the comments of others.

The CNSC is flexible in its consultation approaches. We listen to stakeholders. We learn from experience and, most importantly, we strive for continuous improvement.

So our processes ensure that our stakeholders are engaged at every stage of the life cycle. Discussion papers allow us to consult early in cases where we're considering new or different regulatory approaches or when we're considering amendments to our regulations. Feedback received is valuable input as we look for the most efficient and effective regulatory intervention or approach.

CNSC undertakes an extensive formal consultation process with all stakeholders. Following consultations, CNSC posts all comments received to allow stakeholders to review and provide feedback.

All consultations are posted on our website as well as the CNSC's Facebook page and are sent to stakeholders through our subscription service. The subscription service is now up to 2,300 stakeholders including representatives of all stakeholder groups.

In addition, we use the Government of Canada's "Consulting With Canadians" service and that ensures as broad as possible audience reach.

For regulations, of course, we follow the government's consultation process and publish proposals in the Canada Gazette, Part 1.

Now, in 2013 the CNSC introduced increased flexibility and more opportunities for stakeholder engagement. For all new projects we now publish a web page with a scope and purpose and basic contact information. This alerts the stakeholders who can provide feedback even at this early stage of the project.

In considering regulatory approaches, the CNSC always considers the potential impacts on stakeholders and looks for the most effective manner in which to achieve its regulatory objective without compromising safety. So questions have been added to the internal analysis forms that we use and to requests for stakeholder input directly requesting feedback on impacts to the stakeholders.

The CNSC recognizes also the limitations of written comments and the value in

face-to-face conversations. So meetings are now held during and after the formal consultation periods on a case-by-case basis in order to clarify the proposals and to enable the CNSC to have a conversation that enables us to better understand the written feedback that we have received.

In addition, for complex issues, revised regulatory documents and comment disposition tables are provided to stakeholders who commented on them in the first place, for additional review to ensure that the comments were understood and adequately addressed. And this process often includes face-to-face meetings. It can be phone calls and written email conversations.

The last improvement on the slide is that the CNSC now provides final drafts of documents to stakeholders at least 60 days before they are presented to the Commission for approval. This allows for one last check-in and, of course, in the rare occasion that issues remain at this point, changes may be made up to just before the Commission meeting.

So now I'm moving into describing

the regulatory program activities of this past year as they pertain to regulatory reform.

Consistent with our program objectives we have been focused on two main areas of effort, working with our federal partners to implement pan-governmental regulatory reform initiatives and continuing to deliver on the comments as outlined in the CNSC's Reg Framework plan with a particular focus on implementing the CNSC's document framework with the publication of REGDOCs, continuing to modernize the regulatory framework and of course codifying the lessons learned from the Fukushima Nuclear Accident in our regulatory requirements and guidance.

So on the regulatory reform, working with federal regulatory partners at the Major Projects Management Office affectionately known as the MPMO, and the Northern Project Management Office which is another mouthful, which is also affectionately known as the NPMO, the CNSC continues to implement the Government of Canada's regulatory reform initiatives.

So responsible resource development, you may remember, was introduced by the government in the budget bill of 2012. It's

aimed at modernizing Canada's regulatory system for major projects.

So work continues on this project, following the new *Canadian Environmental Assessment Act* in 2012. The CNSC has been working with its partners to amend what they call the regulations designating physical activities and that's nickname is "The Project List" which lists the projects that are subject to EAs under the *Act*.

The amended *Regulations* came into force in October 2013. This new project list ensures that federal environmental assessments are focused on major projects with the greatest potential for significant adverse environmental impacts.

Now, again, in July 2013 CNSC's new *Administrative Monetary Penalties Regulations* came into force. These are known as *AMPs* and they have provided the CNSC with an additional enforcement tool to promote compliance and to improve environmental protection.

By setting out the list of violations that are subject to *AMPs* under the *NSCA* the method and criteria by which the penalty

amounts will be determined and the manner in which the notices of violation must be served.

In addition, in March 2014, more recently, the CNSC announced the signing of a Memorandum of Understanding between Fisheries and Oceans Canada and the CNSC. This MOU transfers to the CNSC responsibility for reviewing the impacts of nuclear projects on fisheries in accordance with or under the *Fisheries Act*, in accordance with the *Fisheries Act*. DFO remains the legal permitting authority, but CNSC conducts the reviews. This move moves the CNSC closer to the government's objective and our objective of one project, one review.

And finally, the action plan to improve northern regulatory regimes seeks to make the review of northern projects more predictable and timely, reducing duplication, strengthening environmental protection and respecting consultation obligations with Aboriginal groups.

The CNSC has ensured that any amendments to northern legislation respect the CNSC's jurisdiction. The legislative amendments in the Northwest Territories that resulted in the devolution of the NWT in April of this year,

clarified the CNSC's role in environmental assessments.

Also, the CNSC has been similarly seeking to clarify its role in the Yukon as part of the review. There is a review going on right now of the *Yukon Environmental Socio-economic Assessment Act*, commonly known as *YESAA*.

Notwithstanding, we don't have any projects in either the NWT or in the Yukon at this point, but readiness is always a good thing.

Continuing with regulatory reform, the CNSC continues to meet its obligations to implement the government's red tape reduction action plan. So a number of these initiatives are listed here.

One-for-One and small business loans are aimed at reducing administrative burden costs on business from changes in regulations. So the CNSC right now and throughout the past year has been calculating the impacts of these initiatives on its upcoming regulatory amendment projects of which we have a few.

The next one, Forward Regulatory plans, is a requirement to ensure that stakeholders have an opportunity to review planned

changes to regulations, just to regulations; that is, over the following two years. The CNSC's forward plan is posted in the required format, of course, on our web page but I would like to know that the CNSC has gone further than that and has posted its entire five-year regulatory framework plan including all the documents since 2012-13. That's in a different format, of course, but it's more broad.

And in 2013 the CNSC posted service standards for what the government calls high volume regulatory authorizations, in accordance with government requirements. And we will be posting service performance for 2013/14 fiscal by the June 1, 2014 deadline.

Now, these standards that fell under the high volume regulatory authorizations which is anything over 100 permits per year included issuance of nuclear substances, Class II, import/export and certification of exposure device operators.

ACR Online, the annual compliance reporting online, is a department-specific initiative that the CNSC committed to implementing to enable nuclear substances and prescribed

equipment licensees to fill out and submit these ACRs, or annual compliance reports, online rather than in current paper form. So on this one the initial pilot was released in 2013 and further system development is ongoing to roll it out to more stakeholders.

The government requires each department and agency to count its stock of administrative requirements in regulations to establish an administrative burden baseline so as at March 31, 2014 whatever regulations are in place at that point that's the date we calculate the burden. The CNSC has undertaken an initial count and we will post the required information by September 2014.

Finally, departments and agencies are required to post interpretation policies on their websites. These documents or this interpretation policy will help businesses understand how and where they can obtain information from regulators and how to comply with regulations.

For example, the CNSC makes available regulatory documents, licence application guides. We have fact sheets. We have

FAQs, newsletters and various other tools to help stakeholders have access to current information provided in plain language where possible. And this is the CNSC's form of interpretation.

Interpretation policies should also provide information on when regulators will respond to questions in writing from stakeholders about requirements to be met.

The CNSC's policy, we've drafted one. It'll be finalized and posted by the required date in October of 2014 and the Treasury Board process requires that stakeholders will be asked to comment on the policy and propose areas for improvement and then the CNSC will consider the feedback and has until 2017 to amend the policy as required, or if required.

So that's it for the government's regulatory reform initiatives.

I'll now turn the presentation over to my colleague, Colin Moses, to describe our work on the CNSC's own regulatory framework.

**MR. MOSES:** Thank you.

As Ms Forest noted, an important element of our program includes a regular review and development of the CNSC's regulations.

Like all regulatory documents, regulations established under the *NSCA* are scheduled for regular reviews. At the conclusion of each review CNSC staff determined whether amendments to regulations are needed or whether the current set of requirements are sufficient to ensure the continued safety of regulated facilities and activities.

Over the course of the past year, CNSC staff managed several projects which will help to ensure that our regulations continue to reflect modern best practices and developments in international guidance.

The first was the publication of the CNSC *Administrative Monetary Penalties Regulations* or *AMPs*, as was mentioned on an earlier slide.

In addition, CNSC staff progressed on their work to amend the *Packaging and Transport of Nuclear Substance Regulations* to introduce ambulatory reference to the latest edition of the *IAEA Regulations*. The drafting of these regulations is complete and we expect to publish in the *Canada Gazette*, Part 1 for consultation this summer.

Consistent with our efforts to continue modernizing our regulations, staff have also published discussion papers seeking input on proposed amendments to the *Radiation Protection Regulations* which include changes to the emergency dose provisions as recommended by the Fukushima Task Force and to address a number of areas for clarification in other regulations, including changes with respect to the submission of offsite emergency plans, as also suggested by the task force.

Finally, staff have projects underway to review and update the *Nuclear Non-proliferation Import and Export Control Regulations* as well as to address outstanding issues raised by the Standing Joint Committee for the scrutiny of regulations.

We are charged by Parliament to identify opportunities to clarify federal regulations. This latter is nearing completion and is on track for presentation to the Commission in June.

All regulatory documents published by the CNSC are now aligned with the document framework shown here. The documents are organized

into three broad categories:

The first outlining expectations specific to different regulated facilities and activities, generally in the form of guidance on applying for a licence.

The second provides requirements and guidance in specific technical areas according to the safety and control area framework.

And the third covers all remaining areas that warrant clarity through our regulatory framework.

The CNSC Regulatory Framework plan outlines our planned activities in each of these 25 series. As you will recall, with the launch of the CNSC's efforts to modernize and clarify our regulatory requirements in 2008, we developed an extensive plan to review all existing regulatory documents and to document our expectations in a number of different areas. This work, while useful in privatizing our efforts, had us on track to develop a regulatory document library of well over 150 documents.

Recognizing the risks of duplication overlap and potential stakeholder confusion with this approach, CNSC staff developed

a more coherent structure to the CNSC's library of regulatory documents that was shown on the previous slide.

In the past year we have been making systematic progress on implementing this vision. As you can see on the slide, with details provided in our full Regulatory Framework Plan, we remain on track for the publication of initial editions of our complete library of regulatory documents by 2017-18.

The CNSC published seven regulatory documents and two discussion papers in the fiscal year 2013-14.

Consistent with our commitment to transparency, the CNSC also published four "What We Heard" reports which outline feedback received from earlier discussion papers covering fitness for duty with a focus on substance testing, safety culture, groundwater protection and effluent releases. We supplemented this last report with a workshop to which we invited all stakeholders who had commented on the discussion paper.

These topics continue to be very complex with differing views from stakeholders. The feedback received through these early

consultations will help us to develop proposed regulatory requirements and guidance. As we move forward on these important topics, we will continue to solicit feedback from our stakeholders both through formal public consultations on draft documents and through targeted meetings as necessary.

I'll now move on to highlight our recent regulatory document publications.

Firstly, the CNSC published REGDOC-2.3.2 which lays out our expectations for severe accident management programs at nuclear reactors. Managed as part of the CNSC's Fukushima omnibus regulatory document project, this publication updates and replaces the existing regulatory guide G-306 to incorporate related lessons learned from the Fukushima nuclear accident.

Addressing aging management, REGDOC-3.6.3 in the "Fitness for Service" series of documents was published in March 2014. Leveraging the experience gained in implementing RD-334, this document introduces extensive regulatory guidance which explains how licensees can comply with our requirements for the

management of aging at nuclear power plants. The final publication now includes consolidated regulatory requirements from RD-334 and new regulatory guidance.

REGDOC-2.9.1 which was published in September of 2013, provides regulatory requirements and guidance for environmental protection policies, programs and procedures at Class I nuclear facilities and uranium mines and mills. As part of the Fukushima omnibus project, this document incorporates requirements from S-296 and guidance from G-296, updated to address lessons from the CNSC Fukushima Task Force.

Published in October 2013, REGDOC-2.12.1 updates the requirements in RD-298 which provides regulatory expectation for onsite nuclear response courses at high-security sites.

Continuing with the security series of regulatory documents, REGDOC-2.12.2 is a new document published in April 2013 which provides regulatory guidance on the requirements included in the *Nuclear Security Regulations* for the granting of site access security clearances for unauthorized entry to protected areas.

The final document in the 2.12

series of documents is 2.12.3 which provides the minimum security measures for sealed sources while they are in storage or during transport. This document was published in May, 2013.

Finally in March, 2014, the CNSC published REGDOC-3.5.2 which outlines how and where administrative monetary penalties fit into the CNSC's approach to graduated enforcement and describes how penalties amounts are calculated.

CNSC Staff also remain focused on implementing all improvements identified by the CNSC's Fukushima Task Force as per the commitments in the CNSC's own Fukushima Action Plan.

As reported to you in August, 2013 and this past March, we have completed improvements to a number of existing documents in our Framework to address lessons learned, using this opportunity to reissue these documents to align with our document framework.

At the same time, we continue to develop our expectations for accident management and emergency preparedness using draft documents for consultation this past August. We are refining these documents further to stakeholder comments and expect to present them to you for

approval this summer.

CNSC Staff are also actively engaged with the CSA Group's Nuclear Standards Program and their efforts to implement any identified improvements as a result of the Fukushima Daiichi accident that apply to CSA standards.

The work of the Regulatory Framework Program will continue in 2014-15. Following the Commission's recent approval, upcoming publications include the final two documents in the Fukushima Omnibus Project, REGDOCs-2.4.1 and 2.4.2, as well as a revision to the nuclear power plant design document, 2.5.2.

In addition, following extensive consultations with stakeholders, we are pleased to be publishing REGDOC-3.1.1 which provides reporting requirements for nuclear power plants.

Continuing our work to modernize our regulations, Staff will be finalizing miscellaneous amendments to the *Nuclear Security Regulations* and to the *Nuclear Substance and Radiation Devices Regulations* that address all outstanding concerns raised by the Standing Joint Committee on the Scrutiny of Regulations, as well

as extensive revisions to the *PTNSR*.

With respect to REGDOCs, CNSC Staff are finalizing documents covering such important and diverse subjects as training, commissioning, accident management and emergency preparedness.

In fiscal year 2014-15 we will also be enhancing our guidance to stakeholders, publishing updates to our Licence Application Guide for Nuclear Substance and Radiation Devices Licences, as well as a new document outlining the certification process for Class 2 radiation safety officers and information on the CNSC's licensing process for major facilities.

Continuing to engage our stakeholders, we will be launching public consultations for many documents, including *Fitness for Duty of Workers at Nuclear Power Plants* which leverages the information gained from our earlier discussion paper on drug and alcohol testing, environmental assessments of the CNSC further to the enactment of the *Canadian Environmental Assessment Act (2012)*, and Aboriginal engagement which outline our expectations for licensees and proponents on

engaging with Aboriginal communities.

In addition, we're reviewing our regulatory framework needs in a number of areas, including small reactor facilities, radiation protection, waste and decommissioning and regulatory fundamentals, including cost/benefit analysis, to ensure our Framework continues to reflect state-of-the-art knowledge and best regulatory practice.

I'll now turn the presentation back to Mr. Torrie to conclude.

**MR. TORRIE:** Thank you. To conclude, the fiscal year 2013-14 was a busy year for the regulatory framework where we implemented many improvements to the Plan and to the management of the overall program. CNSC remains connected and in line with government regulatory improvement initiatives and has implemented a number of improvements with a particular focus on actively seeking opportunities to engage and consult with all interested parties.

We have continued to modernize the framework through the development of new regulatory documents and regulatory amendments to ensure that the CNSC's framework continues to

reflect the latest developments in domestic and international lessons learned and guidance.

The CNSC's Regulatory Framework Plan outlines this year's activities and looks forward over the next year to develop and maintain a long-term plan for our regulatory framework.

This work plan will remain flexible and adaptable to the latest developments in federal and nuclear regulation.

I'd also like to take this opportunity finally to recognize the hard work of CNSC Staff within my own directorate and across the organization who have been working diligently to move this Plan forward.

So that completes the CNSC Staff Annual Report to the Commission on the activities of the CNSC's Regulatory Framework Program. We remain available to answer your questions.

Thank you.

**THE PRESIDENT:** Thank you. It's open for questions and I would like to start with Ms Velshi.

**MEMBER VELSHI:** Thank you. Do you look to see what other regulators, what other Canadian regulators have as far as REGDOCs and are

they best practices, or do you share learnings with each other?

**MS FORREST:** So it's Lynn Forrest here. Yes, we absolutely do. When we're looking at the early analysis of any of our issues, we look at the different kinds of regulatory instruments that are available to us and we select whichever intervention is appropriate.

I don't think that quite answers your question: Do we look at what other regulators use as opposed to REGDOCs? Yes, we're very involved with the Regulatory Affairs Sector of Treasury Board and through the Community of Federal Regulators we share each other's systems.

And I can assure you that even recently I became familiar with the fact they may call them different things, but many of the regulators are using the same sort of triangle structure where they have legal instruments and then they have these regulatory documents, whatever they may be called, to support them.

Some of the other departments have different things like a Ministerial Order and things like that, but we're pretty consistent with CFIA and some of the others.

**MEMBER VELSHI:** So it wasn't so much just the framework, but even some of the tools that they use whether it's on stakeholder engagement, whether it's on impact assessments that you do.

**MS FORREST:** Oh yes. Okay.

**MEMBER VELSHI:** And do you share those. And also if you can share with us where does the CNSC kind of stack up within regulators in this particular area?

**MS FORREST:** Well, consistent with our vision I guess of being the best in the world, we actually do quite a bit of looking at what other organizations are doing.

In particular, I'll mention to you the cost/benefit analysis one for instance that we're working on right now. We're aware that the United States is working and the U.K. is working on this similar project and we've had conference calls and made an agreement to share the information amongst ourselves.

On stakeholder engagement, we're always looking at what other organizations are doing, not just in Canada.

I'm trying to think of some other

examples, but we always do -- small modular reactors, we're looking at how those are regulated in other countries or where they're going and this is early going for everybody. And, yes, we're trying to make sure we're aligned or at least ahead of them.

**MEMBER VELSHI:** And do other regulators come to the CNSC? So, for instance, over the last year or so you've very much changed the process around stakeholder engagement and giving them multiple opportunities for input. I mean, you got complimented earlier today if you were watching the hearing this morning with McMaster.

Again, is this something that gets shared with others and so they can learn from our success?

**MR. MOSES:** Colin Moses, for the record. Absolutely. Part of the Community of Federal Regulators includes functional communities, so it's regulators who are involved in specific activities that relate to regulation; for example, compliance and enforcement. So we're involved in those activities to share lessons learned across communities.

We've also hosted a number of different regulators who have come to look at our own practices for consultation and get some feedback on that. One area of particular interest is our practice of publishing all comments received up for feedback from stakeholders, which is pretty unique across the federal government, in fact, many are surprised that we do that and we explain the process that we do that and share that with them and we're held as a poster child in their own organizations for how to better consult with stakeholders.

**MEMBER VELSHI:** Great, thank you.

In your cycle of how these REGDOCs get developed, the last one was after it's issued you review and then revise, is there a systematic way for stakeholders to submit their comments once a REGDOC has been issued?

For instance, on the website, is there a form that they can complete and say, here is where you need to provide interpretation, or this isn't clear, or this is missing, or whatever so that it helps you on where it needs to get updated, but is there a systematic way of doing that?

**MR. MOSES:** Absolutely. On our website we don't have a specific form for providing that feedback, but we do provide contact information and my group manages our consultation email account which is available on our website.

We also encourage stakeholders, both through our stakeholder outreach sessions and on the website to provide feedback on the use of any of our regulatory documents.

My group also collects any such feedback so that we can consider those, decide whether it's an issue that needs to be looked at right now, or at the very least to capture that, so that when we do open a document four or five years from now we have that information available to learn from that.

The other thing is, when we disposition comments, we make changes as appropriate to reflect their comments, but in some cases the information that we have, or our current practice is, we don't make changes to those regulatory documents as a result of that feedback, but when they come up for review we go back and look at, well, what did stakeholders have to say on this issue originally so that can inform how we

scope our projects to modernize our Framework.

**MEMBER VELSHI:** So in my previous life having a form has been very helpful, it sort of targets the kind of feedback you want to solicit as well, makes it easier for the end user to provide that. So it may be something for consideration.

**MS FORREST:** I'd just like to say that I think that's a really good idea and we'll take that into consideration.

This year we had a very successful presentation at the Canadian Nuclear Association Regulatory Affairs Workshop and opened their eyes to the number of opportunities that they have -- it was on stakeholder engagement -- and the number of opportunities that they have to actually interact with us.

We walked them through our Regulatory Framework Plan and said, you can see what documents are coming down for review five years from now, so you can get ready, you can intervene at any point in time.

And I remember someone from one of the mining companies saying, "I think I should pay more attention to your website going forward

because there are a lot of things going on and a lot of opportunities for comment, but I like the idea of the phone."

Thank you.

**THE PRESIDENT:** But normally we consult on documents and the end game or the vision is we're going to fully online, so you will -- you can comment on every word, on every line right online.

I'm not sure we're there yet, but I think that's the -- that's where we're talking about government online.

All our regulatory documents will be online and you should be able to not only to comment, you can do cross-references as you're going, et cetera.

**MR. TORRIE:** Yeah, I would just add to that, even though it will all be online, that face-to-face consultation will always be important and it's a big part of our consultation, focused meetings or stakeholder groups. To address their concerns face to face has been really effective in reaching a consensus on issues.

**THE PRESIDENT:** Dr. McEwan.

**MEMBER MCEWAN:** No questions.

**THE PRESIDENT:** Monsieur Harvey?

**MEMBER HARVEY:** Just a few questions.

First, I would say that I'm quite impressed looking that overall picture because we normally have a certain number of documents in front of us we approved and when you look the entire picture and you see the number of documents that have been produced and the other ones that will have to be produced, I want to congratulate you. And I'm mostly impressed by the fact that it's moving.

I've been working in Ministry and maybe a number of Ministries, and it's so difficult to move with only one document.

I started in my career working on the air quality regulation in Quebec, and the modifications have been completed after my -- I've been in retreat, so it took about 23 years to modify the --

**THE PRESIDENT:** We have some example like that, too.

--- Laughter / Rires

**MEMBER HARVEY:** So congratulations

for that.

And my question is, I suppose many, if not all, the agencies and Ministries of the government have to do the same kind of exercise to reform the system, so where are we in the parade?

We're far from the end, so are we in front of the parade? Could the CNSC use as an example among all those Ministries and agencies for such exercise?

**THE PRESIDENT:** Don't be shy, guys.

**MR. MOSES:** Yeah. I mean, honestly, I think --

**MEMBER HARVEY:** It's not quite frequent that we --

**MR. MOSES:** Colin Moses, for the record.

So just more of an aside, but I'm participating right now in a regulatory leadership program. It's a joint program offered by Carleton and Ottawa U and includes directors involved in regulatory activities across the organization.

So one of the things that lets me do is compare and contrast how we do against the

performance of other regulators and the challenges that they face. And based on that -- those discussions, which are Chatham House, so tend to be very frank, we're doing a really good job and I think we compare very favourably to the work of other regulators.

I think everybody has their own challenges, their own successes and their own files that take 30 years to accomplish. And I think, as the President noted, the CNSC has those same files.

But I think we are, comparing against federal regulators, doing a very good job.

**THE PRESIDENT:** Just to give you a little anecdote, so in the MPMO where departments were involved in environmental assessment, big project approval, we're not the big players. There's Department of Fisheries and Oceans, Environment Canada, Transport Canada, National Energy Board.

But I remember when we said early in the game that we introduced the notion of administrative monetary penalty, AMPs, and nobody was paying attention to this, right. And we said, look, somebody -- we do not want to shut down a

licensee, but we want to be able to slap their wrists with a little penalty, right.

So to shut us up, we went into legislation and we got AMPs.

I gotta tell you, then the Gateway came in. NEB got Gateway and every department in town now wants AMPs because they caught on some of the regulatory advantage of doing this.

So we've been copied, which is the best kind of compliment you can get, on many of the things that we're doing, including the five-year plan.

We didn't have to put the five-year plan, but we put it in so everybody knows what our plans are for the next years.

So those are -- I can tell you, have been in many, many departments and we're really doing well here.

**MR. TORRIE:** Yeah, I would just add to that because my other experiences have been at other departments like DFO and Indian Affairs. And it's kind of difficult to compare us to other departments because we're different as a Commission. We have hearings.

You don't have that kind of

transparency in other departments when they develop their regulations, when they develop their Reg Docs, so I think, as President Binder was saying, when we go around town, people are kind of a little put back a bit by the amount of transparency we have. And they don't really have the mechanisms to duplicate that, but they can learn from our experiences as they do.

But we're a bit different that way in terms of sharing best practices.

**THE PRESIDENT:** Just on the international comparison that you ask, that's really interesting.

So I was in Vienna when the DGR was going on, and it's webcast, right. So you can sit in Vienna and actually log on and show everybody the DGR.

Many of my regulator friends looked at me and thought you guys are crazy. You spend three weeks, you know, in public hearing like that.

So that was bad enough. But when I told them that we pay for some of those intervenors to come and give, they really couldn't believe it. And I said that's the Canadian way.

You know, we pay so people to come in and share with us their view.

So on international level, we are way, way -- in the consultation process, way, way in advance in practically every country I can think of, including the U.S.

In the U.S., if we're to compare the NRC to us, NRC doesn't do public hearings the way we do. The Environmental Protection Agency, EPA, does most of the big fights in the U.S. on any nuclear projects.

So it's very different and I think, internationally, we're doing quite well as a country.

Where were we?

Monsieur Harvey, c'est fini?

**MEMBER HARVEY:** Fini.

**THE PRESIDENT:** Mr. Tolgyesi.

**MEMBER TOLGYESI:** You just asked my question. I was looking where we stand at international level. I appreciate the answer, and I should congratulate you also.

Just one last comment that DFO is not necessarily the reference.

**MR. TORRIE:** Noted.

**THE PRESIDENT:** This is an ex-mining guy. He should know.

Anybody else? Any other questions?

Let me just say one more point.

I'm -- you know, we have this objective of being the best nuclear regulator in the world, and I'm getting a lot of kind of push back sometimes from staff. But I actually believe that we are well -- you know, I sound a bit presumptuous here.

When I came to this organization, I remember in one of the meetings, and I think I shared it with you, I asked how many regulatory documents we have in this. Nobody knew the answer.

I was very happy to see that somebody used 150 plus. I don't know where you guys dug this up, but maybe I can use this from now on, the 150 plus. And we're down to 56.

And if you look at slide 14, this is the framework.

And once we go through one cycle, we want to make sure that we can even reduce further. And I think we can use technology to

allow us to get -- you know, different documents will mean nothing. You can be -- you'll be able to do online cross-reference, so give us all the -- I don't know, all the requirement for environmental -- for any project and you can do horizontal read across many, many documents which you are not able to do right now.

In fact, one of the -- one of the suggestions, recent suggestions, from industry was -- and we never thought about that, but I thought it was a good suggestion -- to have, what do they call it, a common -- a common dictionary, a common --

**MR. TORRIE:** A glossary.

**THE PRESIDENT:** Glossary. Just glossary.

Just think about all the acronyms in our industry. So we are working on that.

And again, that will lend itself well for sort of online kind of glossary.

So I'm really proud of the work they have done here, so well done.

Thank you.

I'd like to move now to the final presentation, final item on the agenda, and it's

the -- an update on historic contaminated land exemption as outlined in CMD 14-M25 and 14-M25.A.

And I welcome Peter again. Mr. Elder, you're back on the podium.

**CMD 14-M25/14-M25.A**

**Oral presentation by CNSC staff**

**MR. ELDER:** Thank you. Good afternoon.

So again, I'm Peter Elder. I'm the Director-General of Directorate of Nuclear Cycle and Facilities Regulation. With me today is Don Howard, Director of the Waste and Decommissioning Division and Ron Stenson, who's the Senior Project Officer in that division.

We are here to inform the Commission on the results of a long process with respect to historic mildly-contaminated lands across Canada.

Since the coming into force -- sorry. My presentation is -- we're still on slide 1, anyway.

Since the coming in force of the *Nuclear Safety and Control Act* in 2000, CNSC staff

have been actively encouraging the appropriate government departments to better characterize these sites, which are mostly under the control of government departments.

Adequate information is now available to determine the regulatory requirements or the appropriate regulatory requirements for the sites.

So since I've been talking a lot today, I'm going to hand it over to Don Howard and then Ron.

**MR. HOWARD:** Good evening. For the record, my name is Don Howard.

CNSC staff has received detailed characterization for each of the sites in the Greater Toronto Area and the Northern Transportation Route which are currently under exemption.

CNSC staff is bringing a summary of their assessment to the Commission today and explaining their conclusions for the future CNSC oversight of these very low risk sites.

Mr. Stenson will now present staff's assessment and conclusions.

**MR. STENSON:** Thank you, and good

afternoon, Mr. President and Members of the Commission.

For the record, my name is Ron Stenson, and I'm a Senior Project Officer in the Wastes and Decommissioning Division.

I have overseen the programs affecting history low level radioactive contaminated sites across Canada since the year 2000.

CNSC efforts to better understand the nature of the risk at these sites have been reported to the Commission on many occasions in the last 13 years.

CMD 14-M25 and this presentation represent the final report on our efforts as we confidently conclude that these sites pose an insignificant risk to the public and require no formal CNSC regulatory control.

Next slide.

The presentation will begin with a short history associated with the sites. A description of the progress made will followed by CNSC staff's assessment of the information now available.

I'll then present our conclusions

for your consideration.

This slide tries to provide a chronological context of the mildly contaminated sites we have previously described.

In the early 1930s, Canada joined many industrialized countries in the world in believing in the benefits of the miracle that was radium. Radium paint was used in many applications, but most significantly on instrument dials and watch faces because it "glowed in the dark".

This industry use continued from the turn of the century until the 1960s in spite of the growing concern for health and safety for workers. The practice ceased when less hazardous alternatives were found.

In addition to its thermo-luminescent properties, the early radium industry believed that radium provided health benefits. Radium was used in toothpaste, in makeup. It was added to medicines for arthritis and rheumatism, mental illnesses, stomach cancer and impotence.

People were encouraged to drink radium-infused water for its health benefits.

This practice was quickly stopped in the 1940s when the health risks were formally recognized.

However, in the 1930s when radium was discovered, the market value of refined radium was \$70,000 per gram.

In 1942, the Port Radium mine was reopened as a uranium mine as Canada played in its part in supporting the Manhattan Project. The ore was shipped by barge and rail, following the same route as the radium ore during the 1930s.

As the bags of ore were transferred from land to water and back again, the land areas -- the small areas of land were contaminated with spilled ore. These sites became the Northern Transportation Route sites later listed as historic contaminated sites.

At the end of this route, the ore was refined at the Port Hope conversion facilities and radium from those same facilities were used in dial painting operations centred in the Greater Toronto Area, the GTA sites.

In 1948, the *Atomic Energy Control Act* created the Atomic Energy Control Board. The mandate under the Act was the promotion of

peaceful uses of nuclear technology, and it wasn't until the 1970s that the AECB took an active interest in these historic sites, resulting in the early industrial -- from the early industrial practices of the radium and uranium industries.

At that time, they took the leader of the Federal Provincial Territorial Task Force on Radioactivity. This task force was formed to identify and remediate the worst of these historic sites, and the members of the task force was -- the membership was quite broad, including most agencies in the federal and provincial governments.

However, in 1982, the Courts interceded and reminded the AECB that we were mandated to regulate remediation, not do remediation.

As a result, the government created the Low Level Radioactive Waste Management Office to assume the remedial activities under the guidance of Natural Resources Canada and, when required, the regulation of the AECB.

All of the sites currently on the historic contaminated sites list were below the AECB licensing criteria.

In 2000, the *Nuclear Safety and Control Act* was brought into force. The new Act made no provisions for existing unlicensed sites.

A number of changes in the Act and Regulations resulted in previously unlicensed sites potentially requiring some form of regulatory oversight.

At that time, CNSC staff already knew that the sites were safe, but required more information, better characterization to understand how to apply the NSCA at these locations.

In 2001, the Port Hope area initiative began and the unlicensed sites in Port would be managed under that program. Most of CNSC staff effort on contaminated lands was shifted to the GTA and NTR sites.

In 2006, staff -- CNSC staff requested that the Commission extend the existing exemptions from the requirement to hold a licence for the possession of nuclear substances at historic contaminated sites until 2016. This was granted, and is the subject of this CMD.

In 2008, after a standard review of the Regulations, risk-based activity concentrations were reintroduced into the

Regulations.

And in 2013, sufficient detailed characterization work was completed to allow a realistic picture of the radiologic risks at all of these sites.

For clarity, this map shows the location of the NTR and the GTA sites.

Next slide, please.

The next few slides will provide the progress made under the current regulatory regime.

So in 2000, the *Nuclear Safety and Control Act* replaced the *Atomic Energy Control Act*. Previously existing contaminated sites did not trigger the AEC Act, regulatory -- trigger regulatory oversight under the AEC Act, became technically licensable under the *Nuclear Safety and Control Act*.

The sites had not changed. The regulatory requirements had changed.

And at that time, CNSC staff identified three geographically distinct areas where previously known contaminated sites existed, Port Hope, Ontario, the Greater Toronto Area, Ontario, and the Northern Transportation Route in

Alberta and the Northwest Territories.

CNSC staff worked with NRCan in the low level office to identify the information needs required to determine the appropriate regulatory disposition of the sites. Gaps were identified and much of the remaining available information was over 20 years old and required more verification.

The work began to better characterize these sites.

The majority of the identified sites were in the Port Hope area, and in 2001 the Port Hope area initiative was launched.

Previous to the initiative, the sites were managed by the low level office and the local municipality under many formal programs. This continues to this day under the Port Hope area initiative.

By 2003, all of the GTA sites had been visited by CNSC staff and landowners were informed of the mild contamination on their sites. All of them were already aware.

They had agreed that if they were going to do any work that might intrude on the contaminated areas on their property that they

would inform the low level office and follow their advice.

Some sites have been subsequently removed from the list as remediation took place before the nature of the contaminants was better defined.

In 2006, when CNSC staff requested the 10-year extension of the existing exemptions, the landowners and the Toronto planning department were aware of the risks associated with intrusive activities at the sites and the necessary precautions to take if any work was planned.

It was very difficult to characterize the contamination at most of these sites. The only way to definitively characterize the sites would be to demolish the building.

Since no health hazard existed under current conditions, this was never an option. The sites remain under institutional controls as listed here.

By 2003, all landowners and permitting departments in the NTR had been aware of the contaminants on their properties. All of them were already aware.

By 2006, when CNSC staff requested

an extension to the exemption, many of the sites had already been remediated.

Some sites in Fort McMurray, Fort Fitzgerald, Fort Smith and Toledo had been cleaned up.

Detailed characterization work at NTR sites was slow. The remoteness of the sites makes work -- any work in these sites very expensive.

Given the already established low risk associated with these sites, it was difficult for the funding departments to find the work -- to fit the work into their annual priorities.

The sites remained under multiple institutional control as listed here.

By 2013, there was sufficient detailed monitoring information on the sites for CNSC to unconditionally verify that risks are very low at these sites.

Given what was previously presented, the next two slides summarize CNSC's staff assessment.

In 2008, activity concentrations were reintroduced into the Regulations. These realigned our Regulations with international

practice and provided CNSC staff with a risk-based benchmark for determining the regulatory requirements for these historic sites.

CNSC staff have concluded that none of the sites would exceed our licensing thresholds under realistic scenarios. In the case of the Northern Transportation Route, this would include casual access to lands such as hunting, hiking, playing sports or even short-term occupation in a camp.

In the case of the Greater Toronto Area, this would include occupation of the building or casual access to open lands.

Under a demolition scenario, it is assumed that the permitting agencies would assure that precautions are taken by workers and it should be noted that these precautions require -- would be no different than protecting workers from asbestos or lead paint, all of which are also associated with radium contamination in these buildings.

CNSC staff are confident that by stopping our direct involvement in these sites, we're not leaving a regulatory vacuum. There are other controls in place at these sites by agencies

whose mandate better fits the oversight of these sites.

The CNSC staff has interactions with these institutional control providers while dealing with licensed sites within the same jurisdiction.

CNSC staff remain -- pardon me. CNSC staff remain available to provide guidance on the sites. CNSC has the authority to intervene at any of these sites if any unforeseen circumstances arise and if at any time CNSC staff is required to intervene under the authority of the Act, staff will report these actions to the Commission.

Staff's conclusions.

CNSC staff conclude that CNSC oversight is not required for the GTA or NTR sites. Under no reasonable circumstance will a member of the public receive the public dose limit.

Appropriate controls by local authorities will ensure continued awareness and safety at these sites and there is no CNSC regulatory requirement under NSCA or the GTA at the GTA or NTR sites.

We are available to answer any

questions. Thank you.

**THE PRESIDENT:** Thank you. Let's start with Dr. McEwan.

**MEMBER McEWAN:** Thank you.

It's really interesting, I'm sure the historical synopsis you gave us could have run to about three hours to fit it all in.

For the NTR sites in particular, is there any chance that there could be concentration in the food chain? These are long-lived isotopes, they are going to be sitting there for a long time, is that a realistic risk or a practical risk that should be considered?

**MR. STENSON:** Ron Stenson, for the record.

The volume of material we are talking about is relatively small and very dispersed and the short answer would be no, it's not going to be an impact on food chains. The natives, the local natives eat the fish and they drink the water directly from the lake and the rivers and there has been no indication that this is a problem.

Under the Port Radium license and the work preceding it, the health assessment in

the community demonstrated that there was no impact from the local environment and that their native foods are not impacted by uranium contamination.

**MR. ELDER:** Peter Elder.

Just to add, there was reference to the changes in the *Nuclear Substance Regulations*, so those calculations -- so they are based on international practice on how you do clearance levels and what's appropriate to release from regulatory control. Those are based on actual calculations of worst-case scenarios in an environment when there is no control and the normal one is to demonstrate that any possible doses less than 10 microsieverts.

**MEMBER McEWAN:** So another question, just going to the demolition precautions that you mentioned for the GTA sites, so if there is demolition your argument I think was that those buildings would contain asbestos or something that would require preplanning for additional precautions by the contractors.

Are you confident that every building would fit in that?

**MR. ELDER:** Peter Elder, for the

record.

What we have also gone back and confirmed is that there is a flag in the City of Toronto databases about these sites that say there is a radium hazard here, before you issue any type of demolition permit or construction permit there is then a mandatory Toronto Health Agency assessment.

So we were looking at this. When we had an actual case where that assessment was not done and we had to bring it back -- you know, we stepped in when we saw it wasn't done. The actual assessment did demonstrate the biggest risk on the site was the asbestos. It was more of how they managed the --

**THE PRESIDENT:** Okay. Now, I hate this exemption kind of a file because the highest risk is the planning office of the City of Toronto where this flag will be buried never to be seen. I don't know what will trigger it.

What I want to make sure is, if we are not going to be involved I would like maybe to put to my legal friend here, what is the legal mechanism where we send a note or a letter or unofficial thing "we are out of this, Toronto

you're on"?

Because what happened in this example, recent example, that Toronto forgot about it and we got involved again. Our inspectors had to go in there and tell them what to do. So all of a sudden this institutional control did not exist.

So I'm not sure I understand what you mean by institutional control. I understand it in Saskatchewan, the Government of Saskatchewan, I have a legitimate organization in there, I can send them a legal piece of paper and say "you are now it". That will deal with Gunnar and I don't know what you do in Elliot Lake and Loreda which is another kind of -- maybe I'm mixing apples and oranges, but that's the way my mind works when you guys come talking to me about a legacy.

So what am I missing here?

**MR. STENSON:** Ron Stenson, for the record.

The information we have on the sites, including the Toronto sites, indicates that even if there was no controls it's very unlikely that anyone would receive a dose. What we are

saying is that there are some other government agencies that are paying attention to these sites because their definition of "contaminant" and "hazard" are different than our definition. So they are paying attention to these sites because they are heritage buildings which we know contain other contaminants.

So we have gone to the people that are going to issue the permits for a demolition, that are going to review the issues of asbestos and lead paint and PCBs, and so on, and we have informed them that there is the potential for radium contamination in between some floor joists or something. It's a very small issue, but it's an issue that they should be aware of so that when somebody comes to them with a demolition plan then they say, "What are your precautions that you're putting in there to protect your workers from inhalation of anything" and if you protect against asbestos or you protect against dust you are going to protect against radium.

**THE PRESIDENT:** But when you say "we went and talked to them", that's all very nice. What I'm trying to say is there a paper trail, let me use that. Is a document that says

"we are out of it, you are it"?

**MR. STENSON:** We can certainly write a letter saying that because we have no more regulatory issue with the sites, and we will do that, but there was some interest in -- there was some interest in NRCan keeping us involved at the site as oversight so that they could say, "Well, you see, even the Canadian Nuclear Safety Commission thinks that this radium is safe."

**THE PRESIDENT:** NRCan are no dummies, they want to pass the buck here, I mean that's exactly what we are talking about.

**MR. STENSON:** And that's why we didn't ask for the exemptions to be removed back in 2008.

**THE PRESIDENT:** But we are now asking for that now?

**MR. STENSON:** We are.

**THE PRESIDENT:** Go ahead.

**MR. HOWARD:** If I can jump in, Don Howard for the record.

I think what we are asking for right now is that removing CNSC regulatory oversight, meaning that we will not go to the sites, we will not -- because basically what we

were doing on a yearly basis was visiting the sites, talking to the owner, reaffirming that they are aware and that any work to be done, you know, they should be cautious. So what we are proposing is that we will not do that. We will monitor and keep our website up to date as to any progress on these sites.

If there is demolition or work to be done on these sites it does involve the Low-Level Radioactive Waste Management Office and they can invoke a particular license, 2202 I believe it's called, where they can go in and do work under that CNSC license. And they do report to us annually under that report under that license so we can see what work they are doing.

So we are kind of keeping an eye on it, but we are not actively going out there and looking at the sites. We are relying on other municipal or provincial entities to ensure that the proper individuals are notified or reminded that there is mild contamination on those sites.

**THE PRESIDENT:** But keeping an eye on it, Don, as a regulator it's not like, you know, you are keeping an eye, a disinterested -- it's an interested party from something.

As a regulator, why don't you want to sever it completely and pass the buck to the low-level NRCan, you know, whatever, but it's now -- I just don't see the oversight as extricating ourselves from this file, if we want to extricate ourselves.

**MR. ELDER:** Yes. Peter Elder, for the record.

I think you are touching on point and saying I would agree that we need to -- our assessment is based on our regulations which are risk-informed that there is no value from the CNSC to regulate these sites.

I think we need to formally tell -- and we want to have the discussion with the Commission, if they agree, that we would informally tell the people who then have that oversight that we will no longer be looking at this one. We will be available for advice, like we would to anybody, but we will not -- we do not have any formal regulatory role of the sites.

That was the intent going back from the beginning to determine which sites we needed to regulate and which sites we didn't and I think we are at point to say on the sites we don't

need to regulate.

You know, one of the things we glossed over a bit, but in Port Hope we definitely are regulating it and it's these other sites that we need to I think I agree, if you support that the exemption is no longer needed, we will tell the people involved that there is no role for the CNSC on these sites.

**THE PRESIDENT:** You know the dilemma and why I'm sort of leery is in Port Hope we never found any health reason, but yet the government is putting \$1 billion-plus to clean it up under our license. So how did we get ourselves back into the major licensee is an interesting story all by itself.

**MR. ELDER:** Obviously that's off topic for today, but you would look in this as there are definitely parts in Port Hope that are and always have been licensable, it's then a question of saying do you license half a problem when you have -- you know, the same project is dealing with everything so we said we will look at the whole project. It didn't make any sense to look at half a project.

**THE PRESIDENT:** Again, I don't

want to belabour this, but you are trying to deregulate by stealth, just go away and nobody will notice, and all I'm saying, if that's a recommendation, if the Commission agrees, you have to do it more formally, I would argue.

Sorry, I interrupted Ms Velshi.

**MEMBER VELSHI:** So if we take the Saskatchewan institutional control as possibly the model for these two sites, what is the CNSC involvement in those?

**MR. ELDER:** Peter Elder, for the record.

On the Saskatchewan Institute's control the province will not accept it until we have formally said we are no longer involved.

**MEMBER VELSHI:** So can the same thing not be done here, that you let the City of Toronto know "We are no longer involved, you're it."

**MR. ELDER:** Peter Elder, for the record.

I think that's exactly what we are -- if the Commission gives that direction we will happily comply with that direction.

**MEMBER VELSHI:** So what is the

level of effort by CNSC staff for these two sites, approximately?

**MR. HOWARD:** Don Howard, for the record.

Greater Toronto Area is minimal, it's an inspector spending a couple of days in Toronto visiting each of the sites and talking with the owners.

Northern Transportation Route location requires a bit more, probably in the order of travel and inspections and everything about a week of an inspector's time, about a week to two weeks per year.

**MEMBER VELSHI:** What's the timeline for the Port Hope Area initiative completion?

**MR. HOWARD:** Don Howard, for the record.

Port Hope, this calendar year will be doing active commissioning on the new water treatment plants at both Port Hope and Port Granby. Once that is completed, then they will actually start moving some soil. So they will start remediating.

**MEMBER VELSHI:** But is there an

overall timeline by which they expect to complete the remediation?

**MR. HOWARD:** Don Howard, for the record.

When the licence was issued back in 2012, if memory serves me right, the schedule was to complete the project within seven years.

**MEMBER VELSHI:** Thank you.

**THE PRESIDENT:** Back to whom you send the letter, is it purely the City of Toronto are also the Low-Level Office in NRCan? If you wanted to get us out of this business, to whom do we send this?

**MR. HOWARD:** Don Howard, for the record.

I think, well, NRCan definitely because they were mandated to look after historic waste in Canada. Obviously the Low-Level Office Toronto, and then with the Northern Transportation Route I would assume there will be some various municipal or even provincial agencies in that area that we would have to notify.

**THE PRESIDENT:** Hopefully also the federal Aboriginal Affairs and Northern Development, don't we? So you have to do some

discussion with --

**MR. HOWARD:** We will do some investigation and make sure we have covered all basis as to who we are going to notify.

**UNIDENTIFIED SPEAKER:** But they all know.

**THE PRESIDENT:** Mr. Tolgyesi...?

**MEMBER TOLGYESI:** On slide 9, you are talking about .1 millisievert per year for NTR and .2 for Greater Toronto Area.

What is this measurement for Port Hope?

**MR. STENSON:** Ron Stenson, for the record.

I don't have that information here.

I would say for the unlicensed sites that we are discussing in Port Hope it would be even less because it's measurable at barely above background. I don't have a formal number.

Also, we are not asking to step away from the Port Hope sites, we are going to continue to monitor the Port Hope sites, which are currently the unlicensed sites, under the Port Hope Area Initiative until they are cleaned up as

part of that initiative. We are only asking to step away from the Toronto and the Northern Transportation Route sites.

**MR. HOWARD:** Don Howard, for the record.

If I can jump in and add to that, in Port Hope basically Atomic Energy of Canada Limited is currently conducting a resurvey of all of the sites in Port Hope, so some sites may be cleaned up, other sites may not, depending on the characterization of the properties themselves.

So when you talk about doses to the public, again, I would agree in some sites, in some areas, yes, it's probably about background or above background, other areas might be slightly higher. So once we have done -- once AECL has done the resurvey and recharacterization of all of the properties, we will have a better picture and basically then we will have a clear picture of which parts or which properties need to be remediated and the soil moved to the long-term storage facility.

**THE PRESIDENT:** But correct me if I'm wrong, in Port Hope the measure of contamination is not the dose, it's the uranium in

soil which we now have the MOE, is a 28 parts per --

**MR. JAMMAL:** Correct. It's Ramzi Jammal here.

Your characterization is not just radiological, it includes chemicals. So you have multiple drivers than just the radium or uranium in soil.

But you are right, the key driver is concentration in soil. But again, radiologically it's not a significant issue. So the \$1 billion, it's not just for radiological consequences, you have arsenic and other characterizations that is driving the cleanup.

**MR. ELDER:** Peter Elder.

Just clarifying one more thing, the presentation on the slides were sort of the worst case scenario if someone went in without any controls. The appropriate controls remain in place in Port Hope, i.e., that you are not allowed to do -- any building permit in Port Hope will require a radiation survey first. So this is an estimate of what if -- the institutional control so if the City of Toronto forgets what is the worst possible situation. That's what we

presented.

The situation is different in Port Hope, there are very active controls and they will remain in place until after the cleanup.

**MEMBER TOLGYESI:** You said that in 2012 when we were licensing Port Hope -- that's 2012?

**MR. HOWARD:** I believe it was 2012.

**MEMBER TOLGYESI:** What was the license there, five years?

**MR. HOWARD:** Don Howard for the record.

The license was for the Port Hope long-term waste management facility and I believe it was issued -- it was anticipated the work would take seven years so we requested a 10-year license, just for contingency.

**MEMBER TOLGYESI:** Okay. So eventually if it's decontaminated, even if it takes longer, if it takes 10 years, when it will be finished what we will do is the same procedure as we do now for Toronto and for the Northern Transportation Route?

**MR. ELDER:** Peter Elder, for the

record.

I think there is also, in terms of Port Hope, plans as part of the project that after the cleanup every single property owner would get an individual letter saying the property had been cleaned up to appropriate levels, or did not require cleanup to meet the appropriate levels as well. Then we would look at that.

We have already had some discussions with AECL on what the format of that letter would be and whether it would include some sort of confirmation or language about the values in the cleanup have been confirmed by the regulator. So it would be a very formal process around Port Hope.

**THE PRESIDENT:** The facility they are building, it will be on the license forever.

**MR. ELDER:** The facility has a design life of 500 years --

**THE PRESIDENT:** Okay.

**MR. ELDER:** -- and we will be under license for that long, yes.

**THE PRESIDENT:** Just so you know, it's going to be the next Commissioner.

--- Laughter / Rires

--- Pause

**MEMBER HARVEY:** I'm trying to find the last slide recommendation, but as it is written at the beginning: "Aucune mesure n'est requise de la Commission." So I think what has been discussed used to be --

**THE PRESIDENT:** I think it's a recommendation here and we have to come up with a decision on this one.

**MR. JAMMAL:** Mr. Harvey, it's Ramzi Jammal, for the record, I can help you.

So staff is recommending the following from the Commission, is to accept the end of regulatory oversight of these facilities, if you accept, and then to put regulatory closure through notification of the appropriate authority for such sites and then that is accepted or not.

**MEMBER HARVEY:** Yes. And some sort, that's okay.

**THE PRESIDENT:** Some such language.

--- Laughter / Rires

**THE PRESIDENT:** We have counsel writing there.

--- Laughter / Rires

**THE PRESIDENT:** Anybody else?

So my last question is, so what about Elliott Lake and Gunnar, are they -- let me use Elliott Lake because it's Ontario. I understand Saskatchewan, I don't understand Elliott Lake and I don't understand Loredo.

So what are they? Are they exempt?

**MR. ELDER:** Peter Elder, for the record.

No, they have a license. They clearly meet the requirements, i.e., they need a license. So this was a case where we weren't sure whether they did or not.

And Ontario does not have a similar program.

**THE PRESIDENT:** Sorry, I know -- so Elliott Lake has a license?

**MR. ELDER:** Yes, and there are licensees, Denison --

**THE PRESIDENT:** What about Loredo?

**MR. ELDER:** And for Loredo there is a license, yes, the Saskatchewan Research Council has their license.

**THE PRESIDENT:** Sorry, so I'm

missing the wrong one. What is the Ontario one?

**MR. ELDER:** Oh, Deloro?

**THE PRESIDENT:** Deloro.

**MR. ELDER:** Yes, they also have a license.

**THE PRESIDENT:** Did they?

**MR. ELDER:** Yes.

**THE PRESIDENT:** I thought the Ontario government didn't want to have --

**MR. ELDER:** No, the Ontario government is fine to have licenses where they are the owner of the site, but we have shown them the Saskatchewan model and said, "If you don't want to be regulated by us, here is an option for you." So far they have not done anything to exercise that option.

Elliott Lake is a little bit -- the mining companies, the original mining companies actually still are the licensees, they are not historic, you know, there still are companies, Denison and Rio Algom, who are the actual licensees.

**THE PRESIDENT:** So there is no other exempted facility that you are actively monitoring?

**MR. STENSON:** Ron Stenson for the record.

There is still an active exemption on the Gunnar property which we will be addressing when we come to you in August.

**THE PRESIDENT:** Right. Okay. But that's in Saskatchewan, okay, so we know the endgame over there.

Okay. Thank you. I always get educated by you guys when you come here.

So this concludes the public meeting of the Commission; thank you.

Marc...?

**MR. LEBLANC:** I'm the only one with a device so I will return it. So we are good.

**THE PRESIDENT:** We're good.

--- Whereupon the meeting concluded at 4:50 p.m. /

La réunion s'est terminée à 16 h 50