



Record of Decision

DEC 21-H102

In the Matter of

Applicant	<u>Canadian Nuclear Laboratories Ltd.</u>
Subject	Application to Renew the Waste Nuclear Substance Licence WNSL-W1-2311.02/2021 for the Port Granby Project
Date of Decision	December 13, 2021

RECORD OF DECISION – DEC 21-H102

Applicant: Canadian Nuclear Laboratories Limited

Address/Location: 286 Plant Road, Chalk River, Ontario, K0J 1J0

Purpose: Application to Renew the Waste Nuclear Substance Licence WNSL-W1-2311.02/2021 for the Port Granby Project

Application received: April 8, 2021

Hearing: Public Hearing in Writing – Notice of Hearing in Writing published on February 1, 2021. Revised Notice of Hearing in Writing published on April 28, 2021

Date of decision: December 13, 2021

Panel of Commission: Dr. T. Berube

Licence: Renewed

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1.0 INTRODUCTION

1. On April 8, 2021, Canadian Nuclear Laboratories Ltd. (CNL) submitted an application to the Canadian Nuclear Safety Commission¹ (CNSC), under subsection 24(2) of the [*Nuclear Safety and Control Act*](#)² (NSCA), for the renewal of the waste nuclear substance licence (WNSL-W1-2311.02/2021) for its Port Granby Long-Term Low-Level Radioactive Waste Management Project (Port Granby Project). The Port Granby Project is located in the Municipality of Clarington, Ontario and on the traditional territory of the Wendat, Mississauga, Haudenosaunee, Anishinabek Nation, and the territory covered by the Williams Treaties First Nations. CNL has requested a licence renewal for a period of one year with no changes to the licensed activities. The current licence, WNSL-W1-2311.02/2021, authorizes CNL to possess, package, transport, transfer, manage and store nuclear substances associated with the Port Granby Project. The current licence expires on December 31, 2021.
2. The Port Granby Project and the nearby Port Hope Long-Term Low-Level Radioactive Waste Management Project (Port Hope Project) are both part of the Port Hope Area Initiative (PHAI). Implemented by CNL, the PHAI manages the clean-up of historic low-level radioactive waste contamination in Port Granby and Port Hope, Ontario and its emplacement in new long-term waste management facilities (LTWMFs) located in each community.
3. The Port Granby Project is being conducted in 3 phases:
 - Phase I – transition phase: possession and management of the nuclear substances at the existing Port Granby waste management facility (WMF) previously licensed to Cameco (2011-2012)
 - Phase II – implementation phase: construction of the LTWMF, construction and operation of a waste water treatment plant (WWTP), and remediation of the Port Granby WMF (2012-2022)
 - Phase III – post-closure phase: long-term monitoring and maintenance of the LTWMF and WWTP (2022-foreseeable future).

At the time of this hearing, the project is nearing the end of Phase II. CNL is requesting that the Commission renew the current Port Granby Project licence for a 1-year period to align the expiry date with that of the current Port Hope Project licence, which expires on December 31, 2022. During the proposed 1-year licence period, CNL plans to complete landscaping and demobilize the infrastructure used for the remediation of the WMF, prior to transitioning to Phase III. CNL is proposing no changes to the terms and conditions of the existing Port Granby Project licence. CNL has indicated that, should the Commission renew the Port Granby Project licence for the proposed 1-year period, CNL would, in a future application to the CNSC for the Port Granby Project's

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² Statutes of Canada (S.C). 1997, c. 9

transition to Phase III, seek to consolidate the Port Granby Project and Port Hope Project licences.

Issues

4. The Commission must consider whether and what requirements, if any, the [Impact Assessment Act](#) (IAA) imposes in relation to CNL's licence renewal application. Satisfying any such requirements can be a prerequisite to licensing.
5. Pursuant to paragraph 24(4)(a) and (b) of the NSCA, the Commission must be satisfied that:
 - a) CNL is qualified to carry on the activities that the renewed licence would authorize; and
 - b) in carrying on that activity, CNL will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
6. As an agent of the Crown, the Commission recognizes its role in fulfilling its constitutional obligations and upholding the honour of the Crown, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact Aboriginal and treaty rights.³ As such, the Commission must determine what engagement and consultation steps and accommodation measures are called for, respecting Indigenous interests.

Panel

7. Pursuant to section 22 of the NSCA, the President established a panel of the Commission consisting of Dr. Timothy Berube to consider the licence renewal application. A [notice of hearing in writing and participant funding](#) was published on February 1, 2021. A [revised notice](#) with updated deadlines for submissions was published on April 28, 2021. The Commission, in conducting the public hearing based on written materials only, considered written submissions from CNL ([CMD 21-H102.1](#)), CNSC staff ([CMD 21-H102](#)), together with the written submissions from 5 intervenors (see Appendix A for a list of interventions).

³ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74

CNSC Participant Funding Program

8. Pursuant to paragraph 21(1)(b.1) of the NSCA, the Commission has established a Participant Funding Program (PFP) to facilitate the participation of Indigenous Nations and communities, members of the public and stakeholders in Commission proceedings. In [April 2021](#), up to \$30,000 in funding to participate in this licence renewal process was made available through the CNSC's PFP. A Funding Review Committee (FRC), independent of the CNSC, reviewed the funding applications received and made recommendations on the allocation of funds. Based on the recommendations from the FRC, the [CNSC awarded](#) a total of \$23,596.44 to three applicants. These applicants were required to submit a written intervention respecting CNL's application.

2.0 DECISION

9. The Commission is satisfied that the application to renew the licence is not a project that is designated in the [Physical Activities Regulations](#)⁴ under the IAA nor a project carried out on federal lands.
10. The Commission is satisfied that its consultation obligations have been properly discharged for this application. CNSC's engagement with Indigenous Nations and communities who may have interest in the proposed licence renewal satisfy the Commission's engagement and consultation responsibilities with respect to this licensing action. The efforts made by CNSC staff are key to the important work of the Commission toward reconciliation and relationship building with Canada's Indigenous peoples.
11. Details of the Commission's rationale are provided in more detail in the following sections of this *Record of Decision*. Based on the consideration of the matter, the Commission is satisfied that the licensee is qualified to carry out the authorized activities and that the licensee will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to subsection 24 (4) of the *Nuclear Safety and Control Act*, renews the Waste Nuclear Substance Licence issued to Canadian Nuclear Laboratories Ltd. for its Port Granby Project located in the Municipality of Clarington, Ontario for one year. The renewed licence, WNSL-W1-2311.00/2022, is valid until December 31, 2022.

12. The renewed licence contains no changes to the authorized activities or terms and conditions.

⁴ SOR/2019-285

3.0 APPLICABILITY OF THE IMPACT ASSESSMENT ACT

13. In coming to its decision, the Commission was first required to determine whether any requirements under the IAA applied to the project and whether an impact assessment of the proposal was required. CNSC staff's review of the application concluded that the proposed licence renewal is not captured in the IAA's [Physical Activities Regulations](#), and that a federal lands review is not required as the continuation of authorized activities meets the exemption criteria specified in Part 1 of Schedule 1 of the [Designated Classes of Projects Order](#). Based on the information provided for this hearing, the Commission is satisfied that an impact assessment under the IAA is not required.

4.0 ISSUES AND COMMISSION FINDINGS

14. In [March 2012](#), the Commission issued waste nuclear substance licence WNSL-W1-2311.00/2021 for the Port Granby Project with an expiry date of December 31, 2021. The licence was amended twice since its issuance. In [October 2014](#) when the Commission approved the transfer of the licence from AECL to CNL and in [April 2019](#) when the Commission approved the addition of WWTP effluent limits and a formatting change. The current licence is WNSL-W1-2311.02/2021. In [April 2021](#), CNL applied to renew the licence for a 1-year period. Although CNSC Designated Officers have decision-making authority for waste nuclear substance licences per the [CNSC's licensing framework](#), the Commission decided to retain decision-making authority over the Port Granby Project licence in [December 2014](#).
15. As part of its decision-making process, the Commission considered a number of relevant issues and submissions relating to CNL's qualification to carry out the licensed activities over the proposed licence period as well as the adequacy of CNL's proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.
16. The Commission decision focuses on the issues relevant for this application, specifically:
 - the completeness of the licence application
 - CNL's performance over the current licence term
 - Indigenous consultation and engagement
 - Other matters of regulatory interest
 - Licence length and conditions

4.1 Completeness of Application

17. In order to be complete, CNL's licence application must meet the requirements of the NSCA, the [General Nuclear Safety and Control Regulations](#) (GNSCR), and other applicable regulations made under the NSCA. CNL's application provided clause-by-clause responses to these requirements, describing how CNL would continue to meet them over the proposed licence term. In addition, CNSC staff reported that CNL's application included all required information. The Commission is satisfied that CNL's licence application is complete.

4.2 CNL's Performance at the Port Granby Project

18. In its consideration of CNL's past performance at the Port Granby Project, the Commission examined CNL's performance with respect to the CNSC's [safety and control area](#) (SCA) framework. CNSC staff submitted general information on CNL's performance in the following SCAs applicable to the Port Granby Project:

- Management System
- Human Performance Management
- Operating Performance
- Physical Design
- Emergency Management and Fire Protection
- Security
- Packaging and Transport

CNSC staff also submitted specific information related to the following SCAs, which CNSC staff deemed most relevant for the requested 1-year licence renewal:

- Radiation Protection
- Environmental Protection
- Conventional Health and Safety

The Commission focused its examination on the same three SCAs. The Commission considers the requested 1-year licence renewal, with no changes to the licensed activities, to be a low-risk activity. The Commission notes that CNSC staff did not report any notable performance issues or safety events related to the remaining applicable SCAs.

19. The Commission also considered CNL's response to reportable events. Over the current licence term, two events at the Port Granby Project met the specific risk criteria which required CNSC staff to report to the Commission through an event initial report (EIR). The first event pertains to the environmental protection SCA and the second event pertains to the conventional health and safety SCA. Both events are discussed in section 4.2.1 of this *Record of Decision*.

4.2.1 Safety and Control Areas

20. Throughout the current licence period, CNSC staff rated CNL “satisfactory” in all applicable SCAs. A rating of “satisfactory” means that CNL’s compliance with the SCA meets regulatory requirements and that any deviation from expectations is minor, with appropriate improvements planned and corrections made. CNSC staff based its SCA ratings for the Port Granby Project on regulatory oversight activities including, but not limited to, onsite and remote inspections. CNSC staff conducted over 30 compliance inspections at the Port Granby Project during the current licence period. CNSC staff reported that all findings resulting from these inspections were of low safety significance and did not affect the health and safety of workers, the public, the environment, or the safe operation of the facility. CNSC staff reported that CNL adequately completed all associated corrective actions. The Commission is satisfied that the information submitted with respect to all applicable SCAs demonstrates that CNL has adequate programs in place to ensure that the health and safety of workers, the public and the environment will be protected over the proposed licence term.

Radiation Protection

21. CNL is required to implement a radiation protection program, in accordance with the [*Radiation Protection Regulations*](#) (RPR), to ensure that radiation doses received by individuals are monitored, controlled and maintained as low as reasonably achievable (ALARA). CNL submitted that there is a radiation protection program in place at the Port Granby Project which is consistent with CNL’s corporate Radiation Protection Program. In its CMD, CNSC staff reported that CNL implemented and maintained a radiation protection program in compliance with the RPR throughout the current licence term. CNSC staff’s most recent inspection of the Port Granby Project radiation protection program was in October 2019. The Commission is satisfied that the information provided clearly demonstrates that CNL’s radiation protection program meets CNSC requirements.
22. No worker at the Port Granby Project received a radiation dose in exceedance of the CNSC’s regulatory limits during the current licence period.⁵ The maximum effective dose received by a nuclear energy worker (NEW) during the current licence period occurred in 2018 and was 3.13 millisieverts (mSv). CNSC staff reported that CNL has adequately controlled dose to NEWs at the Port Granby Project over the current licence term.
23. CNSC staff provided information about the one action level exceedance for effective dose to a NEW that occurred during the current licence period. CNL investigated the event which occurred in March 2018 and implemented revised radiation protection action levels for the PHAI sites to be more reflective of its work activities. CNSC staff reported that it was satisfied with CNL’s reporting and investigation of the event, and

⁵ The regulatory effective dose limit for a nuclear energy worker is 50 mSv per year, and 100 mSv over a 5-year period.

that the revised action levels continue to be appropriate for the work conducted at the PHAI sites.

Environmental Protection

24. CNL is required, in accordance with the GNSCR, to take all reasonable precautions to protect the environment. Per the conditions of its licence, CNL is required to implement an environmental protection program to identify, control and monitor all releases of radioactive and hazardous substances from the Port Granby Project and the effects on the environment as the result of licensed activities. CNL provided information regarding the programs in place at the Port Granby Project to ensure the protection of the environment. CNSC staff provided information demonstrating how CNL implemented and maintained its environmental protection program in compliance with regulatory requirements over the current licence period. The Commission is of the view that the information demonstrates how CNL implemented and maintained the requirements of its environmental protection program and is satisfied that CNL's environmental protection program meets regulatory requirements.
25. CNL submitted that it has implemented effluent and environmental monitoring programs at the Port Granby Project. These programs are in place to ensure that releases of radioactive or hazardous substances from the Port Granby Project are within the limits described in its licence and to verify that public health is not impacted by these releases. CNSC staff submitted that the effluent and environmental monitoring programs implemented at the Port Granby Project meet regulatory requirements. CNSC staff reviewed the results of the monitoring programs and determined that the public around the Port Granby Project site is protected from the release of radioactive and hazardous substances. Results obtained from CNL's monitoring programs over the current licence term indicated an estimated dose to the public well below the regulatory limit of 1 mSv/year, as prescribed by the RPR. CNSC staff also reported that CNL has not exceeded its liquid effluent release limits since they were [approved by the Commission](#) in 2019.⁶ Based on this information, the Commission is satisfied that CNL has protected the public from releases associated with the Port Granby Project.
26. Through its [Independent Environmental Monitoring Program \(IEMP\)](#) CNSC took samples from publicly accessible areas around the Port Granby Project site in order to verify that the public and the environment around the site are safe. CNSC staff carried out IEMP campaigns around the Port Granby Project site in 2013, 2014, 2017 and 2019. CNSC staff reported that the results of the IEMP campaigns⁷, confirmed that radioactive substances in the samples were below federal and provincial environmental

⁶ In its [2011 licensing decision](#) for the Port Granby Project, the Commission determined that CNL could only establish effluent release limits for the Port Granby Project WWTP after the plant had accumulated at least one year of operating data. CNL commissioned the Port Granby Project WWTP in October 2016 and applied for Commission acceptance of the proposed liquid effluent release limits in [June 2018](#).

⁷ [IEMP results](#) for the Port Granby Project are available on the CNSC's website.

guidelines and standards. CNSC staff reported that the IEMP results confirmed that the public and the environment near the Port Granby Project are protected, and that there are no expected health impacts from CNL's operations.

27. There was one event pertinent to environmental protection during the licence period. On June 23, 2017, an unplanned discharge of no more than 7 cubic metres (m³) of untreated water occurred from the West Gorge Reservoir at the Port Granby WMF due to a pipe restriction. CNSC staff presented an EIR on the event to the Commission at the [August 2017 Commission meeting](#). Following the event, CNL staff investigated and determined that the event did not impact the environment. CNL also implemented corrective actions to prevent event reoccurrence. CNSC staff reported that CNL had responded appropriately to the event, noting that CNSC staff verified CNL's corrective measures in February 2018. The Commission is satisfied that CNL implemented appropriate corrective measures in response to this event.

Conventional Health and Safety

28. CNL submitted that it has a conventional health and safety program in place at the Port Granby Project to protect its workers from conventional safety hazards. CNL is required to implement a conventional health and safety program which is in compliance with the [Canada Labour Code](#) and the [Canada Occupational Health and Safety Regulations](#). CNSC staff submitted that its inspectors have routinely observed how workers at the Port Granby Project comply with conventional safety requirements including proper use of personal protective equipment, signage, and barriers. CNSC staff reported that, based on its oversight activities, CNL has adequately implemented and maintained its conventional health and safety program at the Port Granby Project in compliance with regulatory requirements. The Commission is satisfied that CNL has implemented a conventional health and safety program to manage workplace safety hazards and to protect personnel in compliance with the *Canada Labour Code* and the *Canada Occupational Health and Safety Regulations*.
29. CNL submitted that there were no incidents resulting in a reported lost-time injury to CNL staff at the Port Granby Project site over the current licence period, however there was one reportable lost-time injury to a contract worker. CNL reported that on January 9, 2019, a worker employed by a contractor for CNL was injured at the Port Granby Project site after becoming pinned by the unloading mechanism of a roll-off bin truck. CNSC staff presented an EIR on the event to the Commission at the [February 2019 Commission meeting](#). CNL investigated the cause of the event and suspended the use of similar trucks at all its Canadian operations while the investigation was ongoing. After the investigation, CNL developed corrective actions to prevent reoccurrence. CNSC staff verified that CNL had adequately implemented the corrective actions and reported that CNL's response to the event was appropriate. The Commission is satisfied that CNL's response was appropriate.

4.2.2 *Conclusions on CNL's Performance*

30. The Commission notes that CNSC staff completed over 30 inspections at the Port Granby Project during the current licence term and rated each applicable SCA as “satisfactory” throughout the licence period. The Commission also notes that CNL completed all corrective actions which arose from the inspections to the satisfaction of CNSC staff. The Commission is satisfied that CNL has adequate programs in place in support of the applicable SCAs to ensure that the health and safety of workers, the public and the environment are protected over the proposed licence term.
31. The Commission concluded that the information provided demonstrated that CNL has a radiation protection program in place that meets regulatory requirements and that CNL has appropriate measures in place to protect workers, the public and the environment from radiation hazards associated with the Port Granby Project. The Commission comes to this conclusion noting that:
 - CNSC staff have inspected CNL’s radiation protection program and the Commission agrees with staff’s analysis that the program meets the requirements of the RPR
 - The evidence shows that no worker at the Port Granby Project received a radiation dose in exceedance of the CNSC’s regulatory limits over the current licence term
 - CNL has adequately implemented corrective actions resulting from inspections and the March 2018 action level exceedance, as verified by CNSC staff.
32. The Commission is of the view that CNL’s environmental protection program has, and will continue to, protect the health and safety of persons and the environment around the Port Granby Project. The Commission based its decision upon the following:
 - CNSC staff’s inspection report of CNL’s environmental protection program which confirms that the program meets regulatory requirements.
 - Environmental monitoring results which demonstrate that the estimated dose to the public is well below the regulatory limit
 - The CNSC’s IEMP campaigns which confirmed that there are no expected health impacts from the Port Granby Project
 - CNL’s adequate response to the 2017 unplanned water discharge event, including the implementation of corrective measures, was appropriate.
33. The Commission is satisfied that the conventional health and safety program in place at the Port Granby Project is sufficient to protect the safety of workers and the public from conventional hazards over the proposed licence period. The Commission agrees with the recent CNSC staff inspections which demonstrate that CNL’s conventional health and safety program meets regulatory requirements. The Commission is satisfied that CNL implemented appropriate corrective actions in response to the 2019 contractor lost-time incident and notes that there were no incidents resulting in a RLTI to CNL staff at the Port Granby Project over the current licence period.

4.3 Indigenous Engagement

34. The common law duty to consult with Indigenous peoples is engaged when the Crown contemplates action that may adversely affect Aboriginal or treaty rights. The Commission as an agent of the Crown and as Canada's nuclear regulator, recognizes and understands the importance of building relationships and engaging with Canada's Indigenous peoples. The CNSC ensures that its licensing decisions under the NSCA uphold the honour of the Crown and its constitutional obligations pursuant to section 35 of the [Constitution Act, 1982](#).⁸
35. The duty to consult is engaged wherever the Crown has "knowledge, real or constructive, of the potential existence of an Indigenous right or title and contemplates conduct that might adversely affect it".⁹ Licensing decisions of the Commission, where Indigenous interests may be adversely impacted by its decision, will therefore engage the duty to consult, and the Commission must be satisfied that the duty has been met prior to making the relevant decision.
36. CNL is not requesting any changes to the authorized activities or terms and conditions of the current licence in its licence renewal application. As such, the Commission concludes that the renewal of existing authorized activities under this renewal application for a 1-year licence does not give rise to novel adverse impacts.
37. CNSC staff identified the following First Nation and Métis communities who may have an interest in CNL's licence renewal application due to the proximity of their communities, treaty areas and/or traditional territories to the Port Granby Project site or due to their previously expressed interest:
- Métis Nation of Ontario
 - Alderville First Nation
 - Beausoleil First Nation
 - Chippewas of Georgina Island
 - Chippewas of Rama First Nation
 - Curve Lake First Nation
 - Hiawatha First Nation
 - Mississaugas of Scugog Island First Nation
 - Mohawks of the Bay of Quinte
38. CNSC staff sent letters of notification and participation to the identified First Nations and Métis communities in April 2021. CNSC staff encouraged the Indigenous Nations and communities to participate in the Commission's hearing to advise and inform the Commission of any concerns they may have in relation to this licence renewal application. As part of its recently signed [Terms of Reference](#) with the Curve Lake First Nation (CLFN), CNSC staff also delivered a presentation to the CLFN in June

⁸ *Constitution Act, 1982*, Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.).

⁹ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 at para 35.

2021 to provide further information on the licence renewal application. CNSC staff reported that it had not received any specific concerns from any Indigenous Nations or communities regarding CNL's licence renewal application.

39. CNL contacted the identified First Nations, Métis communities, and the Port Granby Citizen Liaison Group directly to inform them of CNL's licence renewal application for the Port Granby Project. CNL also posted information pertaining to its application on its website and social media. CNL did not inform the CNSC of any concerns expressed by Indigenous Nations and communities through CNL's engagement activities. The Commission encourages CNL to continue engagement with Indigenous Nations and communities regarding the Port Granby Project.
40. In its intervention ([CMD 21-H102.4](#)), the CLFN stated that it had no immediate concerns with CNL's licence renewal request and acknowledged the work done by CNSC staff to engage with the CLFN's Consultation Department since 2020. The CLFN also raised several recommendations on how CNSC staff could convey information in its submissions to be more inclusive of the identities and rights of Indigenous Nations and communities. The Commission encourages CNSC staff to follow up with the CLFN to address these recommendations.
41. In its intervention ([CMD 21-H102.6](#)), the Mohawks of the Bay of Quinte (MBQ) expressed the desire to be engaged in the long-term plans for the Port Granby Project site. The Commission notes that the Port Granby Project is currently in Phase II, and that the long-term monitoring and maintenance of the Port Granby Project site would be undertaken in Phase III. CNL is to come back before the Commission prior to the transition to Phase III, at which point it is intended that Indigenous Nations and communities, and members of the public would be invited to participate.
42. Overall, the Commission is satisfied that this application for a 1-year licence renewal of previously authorized activities will not cause novel adverse impacts to any Aboriginal or treaty rights. The Commission appreciates CNL and CNSC staff's efforts to engage with Indigenous Nations and communities who may have an interest in the licence renewal. The Commission notes in its decision that CNSC staff contacted each interested Indigenous Nation and community and encouraged their participation in the hearing in writing process. The Commission notes that CNL also reached out directly to the Indigenous Nations and communities to inform them of CNL's licence renewal application. The Commission acknowledges the efforts of Indigenous Nations and communities to engage with both CNL and CNSC staff, as well as their efforts to contribute to the hearing process.

43. Efforts made by CNC staff with regard to Indigenous engagement are key to the important work of the Commission toward reconciliation and relationship-building with Canada's Indigenous peoples. The Commission is satisfied that, for this licence renewal application, the Commission's responsibility with regard to the duty to consult has been satisfied. The Commission expects CNSC staff to continue to build meaningful long-term relationships with Indigenous Nations and communities as part of the CNSC's reconciliation efforts.

4.4 Public Information

44. CNL is required, per condition G.4 of its licence, to implement and maintain a public information and disclosure program to ensure that information related to the health, safety and security of persons and the environment, and other issues related to the Port Granby Project are effectively communicated to the public. CNL submitted that it has a public information program in place to ensure that the public is notified of relevant activities at the Port Granby Project. CNSC staff submitted that CNL's public information program is guided by [REGDOC 3.2.1 Public Information and Disclosure](#). CNSC staff completed an inspection of CNL's public information program for the PHAI in 2019 and determined that the program meets regulatory requirements.
45. In the intervention by the Canadian Association of Nuclear Host Communities (CANHC) ([CMD 21-H102.3](#)), the CANHC requested that it continue to be kept informed of environmental and health and safety issues at the Port Granby Project, if they arise. The CANHC also requested to be engaged as the Port Granby Project transitions to Phase III. The Commission notes that CNL is to come back before the Commission prior to the transition to Phase III of the Port Granby Project, at which point it is intended that Indigenous groups and members of the public would be invited to participate.
46. The Commission is satisfied that CNL's public information and disclosure program is effective and will continue to communicate information related to the Port Granby Project to Indigenous Nations and communities, and the public throughout the proposed licence term. The Commission highlights that CNSC staff recently completed an inspection of CNL's public information and disclosure program and found that it met regulatory requirements. The Commission also notes that Indigenous Nations and communities, as well as the public, have the opportunity to provide feedback on CNL's performance and activities when CNSC staff presents its periodic Regulatory Oversight Report for CNL Sites to the Commission.

4.5 Financial Guarantee and Cost Recovery

47. CNSC staff reported that the financial guarantee in place for the future decommissioning of the Port Granby Project is adequate. CNSC staff explained that financial guarantee provisions for licensed sites that are owned by Atomic Energy of Canada Ltd. (AECL), and operated by CNL under the Government-owned, Contractor-

operated model, are the Government of Canada's liabilities. As reference in CNSC staff's CMD 21-H102, Natural Resources Canada last expressed this commitment to the CNSC in July 2015. In August 2020, AECL confirmed that the 2015 provisions remained valid. Based on the commitment from Natural Resources Canada in 2015, the confirmation of provisions provided by AECL in 2020, and CNSC staff's assessment, the Commission is satisfied that the financial guarantee provisions for the Port Granby Project remain sufficient.

48. CNSC staff submitted that the Port Granby Project is exempt from the [Canadian Nuclear Safety Commission Cost Recovery Fees Regulations](#) under section 2(e) which states that the *CNSC Cost Recovery Fees Regulations* do not apply to

“a department or agency of the federal government, a provincial government or the government of a city, town or regional municipality if the department or agency that applies for or holds a licence from the Commission in respect of a contaminated site that is abandoned on the coming into force of these Regulations and the contamination did not result from the activities of the applicant or licensee”.

The Commission recognizes that the *CNSC Cost Recovery Fees Regulations* do not impose any requirements on the Port Granby Project.

4.6 Licence Conditions and Licence Length

49. CNL has requested that its licence for the Port Granby Project be renewed for a period of 1 year to align with the licence renewal of the Port Hope Project in 2022. CNL is not requesting any changes to the authorized activities, terms and conditions, or format of the existing licence. CNSC staff recommended that the Commission accept CNL's request for a licence period of 1 year, with an expiry date of December 31, 2022. CNSC staff also recommends no change to the current licence format.
50. The Commission is satisfied that the 1-year licence term is appropriate, given CNL's plans to pursue an amalgamated licence with the Port Hope Project in 2022. The Commission accepts CNL's application and CNSC staff's recommendation that the authorized activities and terms and conditions of the renewed licence remain unchanged from those of the current licence.

5.0 CONCLUSION

51. The Commission has considered CNL's application to renew the Port Granby Project waste nuclear substance licence for a 1-year period. The Commission has also considered the information and submissions of CNL and CNSC staff, as well as the written interventions submitted for the hearing. Based on its consideration of the evidence on the record the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, renews the waste nuclear substance licence issued to CNL for the Port

Granby Long-Term Low-Level Radioactive Waste Management Project located in the Municipality of Clarington, Ontario. The renewed licence, WNSL-W1-2311.00/2022, is valid until December 31, 2022.

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Dr. Timothy Berube
Member,
Canadian Nuclear Safety Commission

December 13, 2021

Date

Appendix A – Intervenors

Intervenors	Document Number
Labourers' International Union of North America (LIUNA)	CMD 21-H102.2
Canadian Association of Nuclear Host Communities	CMD 21-H102.3
Curve Lake First Nation	CMD 21-H102.4 CMD 21-H102.4A
Canadian Nuclear Association	CMD 21-H102.5
Mohawks of the Bay of Quinte	CMD 21-H102.6