

# **Protocol for the Port Granby Project Environmental Assessment and Licensing Activities**

Revision 1.0

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Date: December 15, 2008

## **PROTOCOL FOR THE PORT GRANBY PROJECT ENVIRONMENTAL ASSESSMENT AND LICENSING ACTIVITIES**

### **PREAMBLE**

WHEREAS Canada has entered into a Legal Agreement for the cleanup of radioactive waste in the Port Hope area and, through Natural Resources Canada (NRCan), is responsible for the oversight of and funding for the Port Hope Area Initiative (PHAI);

AND WHEREAS Atomic Energy of Canada Limited (AECL) has applied for and will be the licensee on behalf of the Crown;

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC) has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act* (NSCA) and its regulations and is responsible for assessing the licence application and for issuance of a licence to AECL to allow the project to proceed.

AND WHEREAS the CNSC is a quasi-judicial administrative tribunal;

AND WHEREAS nothing in this Protocol fetters the powers of Designated Officers, Inspectors or the Commission when it comes to making regulatory decisions or taking regulatory action in the public interest, transparently and independent of any undue influence;

AND WHEREAS nothing in this Protocol is to be construed or interpreted as affecting the jurisdiction and discretion of the CNSC in any assessment of any application for licensing purposes under the NSCA;

AND WHEREAS all parties to the Protocol understand that, there will be no compromise in the protection of the health, safety and security of Canadians, as well as the environment. The parties also recognize the independence of the CNSC, as the Canada's federal nuclear regulator, will be maintained.

### **1.0 PURPOSE OF THIS PROTOCOL**

The purpose of the Protocol for the Port Granby Project environmental assessment and licensing activities is to establish the administrative framework, target timelines and service standards for the remaining activities of the federal regulatory processes in relation to the Port Granby Project, including the environmental assessment and the submission of the technical information to support an application for a Waste Nuclear Substance Licence and the regulatory review of this technical information.

The Protocol and the attached Annexes I and II establish the milestones, current target timelines, which supersede all previous timelines established in preceding agreements, and the service standards for each milestone remaining in the environmental assessment and licensing of the Port Granby Project.

These have been established on the basis of a number of assumptions, some of which relate to activities of participants to this project that are not signatories to this agreement. Should events unfold in a manner that is different from what has been assumed, the milestones will have to be revised, following the processes outlined in this Protocol.

## **2.0 CONTEXT**

In March 2001, a Legal Agreement was executed between the Crown, as represented by NRCan, and the Municipality of Clarington, the Town of Port Hope, and the Township of Hope for the Port Hope Area Initiative (PHAI). The latter two municipalities subsequently amalgamated to form the Municipality of Port Hope.

The Legal Agreement defines the scope, process, responsibility and timeline for cleaning up historic low-level radioactive waste situated in the Port Hope area. These wastes arose from the activities of a former federal Crown Corporation (Eldorado Nuclear) and its private sector predecessors.

Article 2 of the Legal Agreement laid out the PHAI project in three phases:

Phase 1: The planning phase, involving environmental assessment and regulatory review of the PHAI,

Phase 2: The implementation phase, involving facility construction and contaminated sites remediation, and

Phase 3: The post-closure phase, involving ongoing monitoring and maintenance of the PHAI-built facilities over the long-term.

Funding for the activities identified in this Protocol leading to the end of the Phase 1 activities has been assured by NRCan.

During Phase 1, for the purposes of the environmental assessment and licensing, the PHAI scope was divided along municipal boundaries into two distinct projects: the Port Hope Project and the Port Granby Project. This Protocol focuses on the environmental assessment and licence document submission and regulatory review for the Port Granby Project. The federal regulatory process in relation to the Port Hope Project is outlined in a separate Protocol.

An application for a Waste Nuclear Substance Licence for the Port Granby Project was submitted in December 2004. The scope of the application included the construction and operation of long-term waste management facility (LTWWMF) in Port Granby, the clean-up of low-level radioactive wastes at the existing Port Granby Waste Management Facility and the placement of these wastes in the LTWWMF.

### **3.0 PARTIES & CHAMPIONS**

The parties to the Protocol have the following roles and responsibilities with respect to the environmental assessment and licensing of Port Granby Project:

- Canadian Nuclear Safety Commission (CNSC) has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act* (NSCA) and its regulations and is responsible for assessing the licence application and for issuance of a licence to AECL to allow the project to proceed and pursuant to paragraph 5(1)(d) of the *Canadian Environmental Assessment Act* (CEA Act), the CNSC is a Responsible Authority (RA).
- Natural Resources Canada (NRCan) – on behalf of the federal Government, provides funding and policy direction for the Port Hope Area Initiative - Port Granby Project and pursuant to paragraph 5(1)(b) of the CEA Act, NRCan is a RA, and for the purposes of the environmental assessment, has assumed the lead RA role.
- Atomic Energy of Canada Limited (AECL) – is a Crown corporation, owned by the Government of Canada and is the designated proponent on behalf of Canada for completing the project. AECL is the licence applicant for the Port Granby Project.

Champions of this Protocol representing each party are as follows:

Don Howard

Director, Wastes and Decommissioning Division, CNSC

Marcia Blanchette

Advisor, Uranium and Radioactive Waste Division, NRCan

Christine Fahey

Senior Director, PHAI Transition Project, AECL

Each party will identify alternates in the event that the primary Champion is unavailable.

### **4.0 EFFECTIVE LIFE OF THE PROTOCOL**

This Protocol will come into effect upon the date of the signing of the Protocol by all three parties to the Protocol. This Protocol will terminate on the date that the Commission Secretariat announces the Notice of Hearing in respect of the application for issuance of a licence to AECL for the Port Granby Project.

## **5.0 TIMELINES**

The dates and target timelines for each milestone remaining in the environmental assessment and the submission of the technical information to support application for a Waste Nuclear Substance Licence and the regulatory review process is detailed in Annexes I and II.

In addition to the exchange of submission and response correspondence described in Annexes I and II, the parties agree to meet, as necessary, to clarify intentions and facilitate common understandings, with the aim of achieving the target timelines.

## **6.0 REPORTING**

The Champions will jointly produce a one-page dashboard-style report on a monthly basis demonstrating progress, status of activities and items of concern/risk to completion. The report shall be submitted to the Executive Management Committee (Section 9.0) within 3 working days of the end of each calendar month that falls within the life of this Protocol.

## **7.0 EXTERNAL COMMUNICATIONS**

Throughout the duration of this Protocol, all parties agree that communications will be open and transparent and that information destined for public release will be coordinated through the designated Champions (or alternates, where designated) with support from each party's communications division. Further, these communications will be done in coordination with, and in consideration of, each party's communications protocols.

## **8.0 ISSUES RESOLUTION**

The parties to this Protocol will use their best efforts to resolve any differences of opinion in the interpretation or application of this Protocol in an effective and timely manner.

Issues relating to the environmental assessment and submission of the technical information to support application for a Waste Nuclear Substance Licence and the regulatory review will be resolved through direct discussions and collaboration between the Champions. Those that cannot be resolved will be jointly referred to the Executive Management Committee.

In the event that issues remain outstanding after discussion by the Executive Management Committee, they will be referred to the signatories of this Protocol.

## **9.0 EXECUTIVE MANAGEMENT COMMITTEE**

The parties to the Protocol agree to form an Executive Management Committee comprised of senior management representatives from the three parties to the Protocol. The Executive Management Committee will receive and review the monthly dashboard reports and will also serve to resolve issues. Where an issue cannot be resolved through

the Champions, the Executive Management Committee agrees to meet within three working days of notification of the dispute with the intention of expeditiously resolving the impasse.

The members of the Executive Management Committee are set out as follows:

Peter Elder  
Director General  
Directorate of Nuclear Cycle and Facilities Regulation  
Canadian Nuclear Safety Commission

Dave McCauley  
Director  
Uranium and Radioactive Waste Division  
Natural Resources Canada

Joan Miller  
Vice-President & General Manager  
Decommissioning and Waste Management  
Atomic Energy of Canada Limited

Each party will identify alternates in the event that the primary committee member is unavailable.

## **10.0 MAJOR PROJECTS MANAGEMENT OFFICE INITIATIVE**

The Parties to this Protocol acknowledge that the Major Projects Management Office (MPMO), a division of NRCan, has been engaged to assist with ensuring that the Port Granby Project progresses in a timely and predictable manner.

The MPMO will assist by:

1. Acknowledging that the roles and responsibilities, and milestones and service standards, as defined in this Protocol, provide a framework for monitoring and tracking progress;
2. Ensuring that the information contained in the monthly reports, prepared by the Champions, is advanced to the MPMO's Deputy Ministers Committee for information purposes; and
3. Facilitating access to the appropriate senior level committee established through the MPMO Initiative, if the issues resolution process defined in section 8 is unsuccessful. The President of AECL, or his delegate, may participate in committee meetings where the Port Granby Project is to be discussed at the invitation of the Chair of the Committee.

### 11.0 FUTURE REVISIONS OF THE PROTOCOL


Revisions of this Protocol will be coordinated by the Champions and must be approved by the parties who have signed the Protocol.

Revisions may include:


1. Adjustments to the time table;
2. Updates to Annex II on the milestones for licensing, following the Commission's decision on the EA; and
3. Other revisions as required.

### 12.0 PROTOCOL AGREEMENT


The parties hereto have signed the Protocol, in counterpart, on the dates indicated below.

  
\_\_\_\_\_  
Ramzi Jammal  
Executive Vice-President and  
Chief Regulatory Operations Officer  
Canadian Nuclear Safety Commission

08/12/16  
Date

  
\_\_\_\_\_  
Tom Wallace  
Director General  
Electricity Resources Branch  
Natural Resources Canada

08/12/16  
Date

  
\_\_\_\_\_  
William Pilkington  
Senior Vice President and  
Chief Nuclear Officer  
Atomic Energy of Canada Limited

08/12/17  
Date

**Annex I**

**Table 1:** Key Milestones, Description/Activity and Service Standards for the environmental assessment (EA) of the Port Granby Project

<b>Milestone</b>	<b>Description/Activity</b>	<b>Lead</b>	<b>Service Standard / Completion Date</b>
Submission of EA Addendum	Submission of disposition comments on EA Addendum	AECL	January 31, 2009
Review of EA Addendum	Review of Submission and Response Issued to AECL	NRCan CNSC	15 working days <sup>1,2</sup>
	Acknowledgement of receipt of federal request for clarification	AECL	3 working days for cursory review
	Response to federal request for clarification	AECL	20 working days
EA Screening Report	Finalize Draft Screening Report	NRCan CNSC	20 working days
	Prepare for Public Review	NRCan CNSC	10 working days
	Public and Government Review of Screening Report	NRCan CNSC	45 calendar days (approx. 30 working days)
	Disposition all comments	NRCan CNSC	20 working days
Process for Resolution	Review of outstanding issues by Champions	CNSC NRCan AECL	3 working days
	Joint referral to Executive Management Committee of unresolved issues	CNSC NRCan AECL	End of 3 <sup>rd</sup> working day following start of review by Champions
	Executive Management Committee	CNSC NRCan AECL	Convened within 3 working days of notification of dispute with intent to resolve

<sup>1</sup> Service standards to commence following the completion date.

<sup>2</sup> All working days are intended to be consecutive.

**Annex II**

**Table 2:** Key Milestones, Descriptions/Activity and Service Standards for the licensing of the Port Granby Project have been based on a July 2009 EA decision.

<b>Milestone</b>	<b>Description/Activity</b>	<b>Lead</b>	<b>Service Standard / Completion Date</b>
Submission of technical information to support application for a Waste Nuclear Substance Licence	Scope of Licensing Manual	AECL	September 2009 (2 months after EA Decision)
	Licensing Manual	AECL	November 2009 (4 months after EA Decision)
	EA Follow-Up Program Plan	AECL	December 2009 (5 months after EA Decision)
Review process of technical information to support application for a Waste Nuclear Substance Licence	Conformity Review	CNSC	3 working days <sup>2</sup> for cursory review
	Review of Submission and Response Issued to AECL	CNSC	20 working days
	Acknowledgment of receipt of CNSC comments	AECL	3 working days for cursory review
	Response or submission of revision to CNSC Comments	AECL	20 working days
	Review of resubmission or response received and Response Issued to AECL	CNSC	5 working days
Process for issues resolution	Review of outstanding issues by Champions	CNSC NRCan AECL	3 working days
	Joint referral to Executive Management Committee of unresolved issues	CNSC NRCan AECL	End of 3 <sup>rd</sup> working day following start of review by Champions
	Executive Management Committee	CNSC NRCan AECL	Convened within 3 working days of notification of dispute with intent to resolve

<sup>2</sup> All working days are intended to be consecutive.