



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Canadian Nuclear Safety Commission Report on Public Proceedings and Decisions 2002-2003

THE COMMISSION MEMBERS



Linda J. Keen
President and Chief Executive Officer, Canadian Nuclear Safety Commission, Ottawa, Ontario

Ms. Keen was appointed a full-time Commission Member, effective November 1, 2000. She assumed duties as President and CEO of the CNSC on January 1, 2001.



Christopher R. Barnes
Professor, School of Earth and Ocean Sciences, University of Victoria, Victoria, British Columbia

Dr. Barnes has been a Commission Member since January 23, 1996.



James A. Dosman
Director of the Centre for Agricultural Medicine, University of Saskatchewan, Saskatoon, Saskatchewan

Dr. Dosman has been a Commission Member since May 30, 2002.



Yves M. Giroux
Engineer, Québec City, Québec

Dr. Giroux has been a Commission Member since January 11, 1995.



Alan R. Graham
Businessperson, Rexton, New Brunswick

Mr. Graham has been a Commission Member since January 1, 1999.



Letha MacLachlan
Environmental and Resources Law, Calgary, Alberta


Ms. MacLachlan has been a Commission Member since January 9, 2001.



J. Moyra J. McDill
Professor, Department of Mechanical and Aerospace Engineering, Carleton University, Ottawa, Ontario

Dr. McDill has been a Commission Member since May 30, 2002.

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Message from the President

It is with great pleasure that I am reporting, in my capacity as President of the Commission, on the achievements of the tribunal component of the CNSC during 2002-2003. The CNSC is an independent agency of the Government of Canada and a quasi-judicial administrative tribunal that reports to Parliament through the Minister of Natural Resources.

The *Nuclear Safety and Control Act* (NSCA) provides for the appointment of up to seven Commission members who constitute the tribunal component of the CNSC. The NSCA designates one Member as President and Chief Executive Officer. In exercising its authority under the NSCA, the Commission tribunal component establishes regulatory policy, makes licensing decisions, establishes legally binding regulations and implements programs to realize the CNSC's mission to protect health, safety, security and the environment and to respect Canada's international commitments on the peaceful use of nuclear energy.

With the support of the Secretariat, whose responsibility is to plan the business of the Commission, the CNSC tribunal continues to improve its public hearing and meeting processes to facilitate and encourage public involvement in the proceedings. The Commission tribunal held 21 public hearings concerning the licensing of major nuclear facilities, and eight public meetings this past year. The hearing process continues to add significant value to promote openness and transparency through participation by applicants and public intervenors, and through the publication of detailed Records of Proceedings, including reasons for decision, in both official languages within six weeks of the close of the hearings. The Commission renders decisions based on the submissions of proponents, intervenors and CNSC staff.

In the past year, the Commission has become more effective and efficient through improved management of the hearing process, including improved scheduling of proceedings and the use of electronic means such as video and teleconferencing to improve accessibility and public participation. As President of the Commission, I have made greater use of panels of the Commission to deal more efficiently and with more certainty on matters such as rule variances, where involvement of the whole Commission tribunal was not considered essential or timely.

Significant decisions and proceedings held by the Commission in 2002-2003 are listed in this Annual Report. I would like to thank the Commission Members for their dedication in carrying out the business of the Commission. Their sense of duty has been vital to the significant progress made during 2002-2003, and I look forward to reporting further improvements in the 2003-2004 Annual Report.

Sincerely,



Linda J. Keen

Canadian Nuclear Safety Commission

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The Commission is an independent administrative tribunal which reports to Parliament through the Minister of Natural Resources Canada. It consists of up to seven Commission Members appointed by the Governor in Council. The President is a full-time member, and other members are appointed as part-time members.

The Commission establishes regulatory policy on matters relating to health, safety, security and the environment, makes licensing decisions, establishes legally binding regulations and implements programs. In doing so, the Commission takes into account the opinions and concerns of interested parties. For licensing matters, the Commission reviews recommendations prepared by CNSC staff and considers the views of the proponent, intervenors and other interested parties before making a final independent decision. To facilitate openness and transparency, the business of the Commission, to the greatest extent possible, is conducted in public hearings or meetings.

The Commission is supported by a Secretariat which plans the business of the Commission and gives technical and administrative support to the President and other Commission Members.

The Commission continues to improve its public hearing and meeting processes to facilitate and encourage public involvement in the proceedings. To further improve the transparency of decision making on licensing matters, the Commission held, for the first time, public hearings on the scoping of Environmental Assessment Guidelines under the *Canadian Environmental Assessment Act*, where members of the public and non-governmental organizations were provided with the opportunity to make written and oral submissions.

The Commission also improved the scheduling of public hearings and meetings to increase the efficiency of the proceedings, and introduced the use of teleconference and video-conference to improve accessibility to the proceedings. The Commission issued several licences with longer terms than in the past to licensees who met stringent criteria set out in a Commission Member Document (CMD 02-M12), with provisions for interim reporting in most cases. These longer licence periods will enable licensees to plan and conduct their affairs with more certainty while allowing CNSC staff to focus more on compliance activities. To increase efficiency, the President of the Commission made greater use of her authority to establish panels of the Commission to deal with matters, including rule variances, where involvement of the Commission as a whole was not considered necessary. The Commission also approved the delegation of authority to CNSC staff to approve regulatory documents, such as guidelines and standards, when specific criteria are met.

Some significant decisions and/or proceedings held by the Commission in 2002-2003 include:

Commission Meeting: Nuclear Emergency Preparedness and Response

The Commission requested that CNSC staff prepare an action plan to examine and to inform the Commission of nuclear emergency preparedness and response in Canada. On May 23, 2002, the first phase of this initiative was held and included presentations by Health Canada, the Office of Critical Infrastructure Protection and Emergency Preparedness, and CNSC staff at a public meeting. Presentations consisted of an overview of emergency preparedness and response in Canada with emphasis on the responsibilities of these federal authorities, and also described proposed future steps for engaging other levels of government and stakeholders. Best practices workshops on nuclear emergency management were held in several cities located near nuclear generating stations. The results of these workshops will be presented to the Commission in May 2003.

Bruce Power Incorporated: Financial Guarantees

In September 2002, CNSC staff informed the Commission of financial difficulties at British Energy plc, the principal guarantor for Bruce Power Inc.'s financial guarantees. CNSC staff requested that Bruce Power Inc. provide assurance that the financial guarantees were valid to comply with a condition of their operating licence, and Bruce Power Inc. appeared before the Commission at three public meetings to provide information on this issue. On December 13, 2002, the Commission made a statement concerning the issue of financial guarantees for the Bruce-B NGS and requested Bruce Power Inc. to examine alternative means of providing the required financial guarantees. On February 11, 2003, the Commission found that the new financial guarantees provided by the new owners of Bruce Power Inc. are in an acceptable form for the purpose of the Bruce-B NGS operating licence. However, the Commission will re-examine the matter during licence renewal hearings later in 2003.

Nuclear Security: Review of CNSC Order 01-1

The Commission reviewed the provisions and operation of Emergency Order 01-1, which was issued following the September 11, 2001 terrorist attacks. On June 27, 2002, the Commission agreed to make specific exclusions to the Order; it decided that the Order will remain in place, and that it will be reviewed again by the Commission in May 2003.

Commission Licensing and Regulatory Proceedings

April 1, 2002 - March 31, 2003

April 18, 2002

- Ontario Power Generation Incorporated: Application for renewal of the operating licence for the Western Waste Management Facility (formerly known as Radioactive Waste Operations Site 2)
- COGEMA Resources Incorporated: Application for a Uranium Mine Site Preparation Licence for the Midwest Joint Venture Mining Facility Excavation Site
- COGEMA Resources Incorporated: Application for revocation of a Mining Facility Removal Licence for the Kiggavik-Sissons Project
- Extension of exemptions related to subsections 15(7) and 18(1) of the *Packaging and Transport of Nuclear Substances Regulations*

May 22, 2002

- McMaster University: Application to renew a licence to operate a Class IA Non-Power Reactor in Hamilton, Ontario
- Environmental Assessment Guidelines for the proposed modifications and additions to the Point Lepreau Solid Radioactive Waste Management Facility

June 27, 2002

- Rio Algom Limited: Application for a Radioactive Waste Facility Operating Licence
- Environmental Assessment Guidelines for the construction of the Darlington Used Fuel Dry Storage Facility
- Nuclear Security: Review of CNSC Order 01-1

July 11, 2002

- Scope of Environmental Assessment in relation to the Port Hope and Port Granby Long-Term Low-Level Radioactive Waste Management Projects

September 12 and 13, 2002

- New Brunswick Power Corporation: Application for renewal of the operating licence for the Point Lepreau Nuclear Generating Station
- Ontario Power Generation Incorporated: Application for renewal of the operating licence for the Bruce Heavy Water Plant
- Ontario Power Generation Incorporated: Application to designate the Western Waste Management Facility as a nuclear installation for the purposes of the *Nuclear Liability Act*

November 14, 2002

- Atomic Energy of Canada Limited: Application for a licence to decommission Whiteshell Laboratories
- Hydro-Québec: Application for renewal of the operating licence for the Gentilly-2 Nuclear Generating Station

December 12 and 13, 2002

- Canadian Light Source, University of Saskatchewan: Application for an amendment to its Particle Accelerator Operating Licence
- Bruce Power Incorporated: Environmental Assessment Screening Report for the return to service of Units 3 and 4 of the Bruce-A Nuclear Generating Station
- Possible referral to a CNSC Designated Officer of an application by Bruce Power Incorporated to authorize an amendment to the operating licence to permit refueling of Units 3 and 4 of the Bruce-A Nuclear Generating Station

January 15 and 16, 2003

- Ontario Power Generation Incorporated: Application for renewal of the operating licence for the Darlington Nuclear Generating Station
- Extension of exemptions related to unlicensed uranium tailings management sites
- Extension of exemptions for Waste Areas Owned by the Crown, Historic Contaminated Lands, Landfills and Devices containing Radium Luminous Compounds
- Delegation of Authority to Approve Regulatory Documents for Publication

February 11, 2003

- Bruce Power Incorporated: Acceptability of proposed financial guarantees

February 26 and 27, 2003

- Bruce Power Incorporated: Application for an amendment to its operating licence to authorize restart of Units 3 and 4 of the Bruce-A Nuclear Generating Station
- Ontario Power Generation Incorporated: Application for renewal of the operating licence for the Pickering Waste Management Facility

March 26, 2003

- New Brunswick Power Corporation (NB Power): Reorganization of NB Power by creating NB Power Nuclear Corporation (NB Power Nuclear) as a wholly owned subsidiary of NB Power