

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Environmental Assessment Screening Report on
the proposed expansion of the Pickering Waste
Management Facility (Phase II)

Date May 28, 2004

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 700 University Avenue, Toronto, Ontario, M5G 1X6

Purpose: Environmental Assessment Screening Report on the proposed expansion of the Pickering Waste Management Facility (Phase II)

Application received: January 31, 2002

Date(s) of hearing: April 28, 2004

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th Floor, Ottawa, Ontario

Members present: L.J. Keen, Chair A.R. Graham
C.R. Barnes M. J. McDill

Counsel: K. Moore
Secretary: M.A. Leblanc
Recording Secretary: C. Taylor

Applicant Represented By	Document Number
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Intervenor	Document Number
Citizens for Renewable Energy	CMD 04-H7.2 CMD 04-H7.2A CMD 04-H7.2B

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1. Introduction

Ontario Power Generation (OPG) has indicated its intent to apply to the Canadian Nuclear Safety Commission (CNSC¹) for authorization to construct and operate Phase II of the Pickering Waste Management Facility (PWMF II) within the general site of the Pickering Nuclear Generating Station (Pickering NGS), Pickering, Ontario. The proposed project involves the construction, operation and maintenance of storage buildings for the dry storage of used fuel from the Pickering NGS, and the transfer of dry storage containers containing spent fuel from the existing Phase I facilities (PWMF I) to the new PWMF II storage buildings. The Pickering Waste Management Facility is a Class 1B Nuclear Facility licensed under the Canadian *Nuclear Safety and Control Act* (NSCA). For the project to proceed, the current Waste Facility Operating Licence for the facility (WFOI-W4-350.00) would require an amendment by the Commission.

In accordance with the *Canadian Environmental Assessment Act* (CEAA), the CNSC must prepare and make a decision on a screening environmental assessment (EA) of the proposed project before the Commission can make a decision on the licence amendment application. For this EA under the CEAA, the CNSC is the sole responsible authority.

On May 8, 2003, following a public hearing on the matter, the Commission approved the *Environmental Assessment Guidelines* (EA Guidelines) for the screening EA². The EA Guidelines defined the scope of the project and the scope of the factors to be considered in the EA. The EA Guidelines were used by CNSC staff in delegating to OPG, pursuant to section 17 of the CEAA, the preparation of an Environmental Assessment Study Report (EASR) and technical study support documents. A draft of the EASR and support documents underwent a review by the CNSC staff, other relevant federal and provincial government departments, and the public prior to finalization and submission to the CNSC in December 2003. The completed EASR was then used by CNSC staff in the preparation of the required Screening Report. The public and other stakeholders were provided an opportunity to review a draft Screening Report prior to its finalization and submission to the Commission for this hearing and decision. The Screening Report on the proposed expansion of the Pickering Waste Management Facility is attached as Appendix A to CMD 04-H7.

In its opening remarks during the hearing, CNSC staff noted an editorial change to the Screening Report attached to CMD 04-H7. The first sentence in the fifth paragraph of section 5.2 was modified to read as, “The buildings comprising Phase I of the PWMF have two functions: the processing of DSCs loaded with used fuel, and the storage of the DSCs.”

¹ In this *Record of Proceedings*, 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 Canadian Nuclear Safety Commission, May 8, 2003, *Record of Proceedings, Including Reasons for Decision, in the matter of Ontario Power Generation, Environmental Assessment Guidelines (Scope of Project and Assessment) for the Proposed Pickering Waste Management Facility Phase II*.

Issues:

In considering the Screening Report (as amended) (hereafter referred to as the Screening Report), the Commission was required to decide:

1. whether the Screening Report is complete; that is, whether all of the factors and instructions set out in the approved EA Guidelines and subsection 16(1) of the CEEA were adequately addressed;
2. whether the project, taking into account the mitigation measures identified in the Screening Report, is likely to cause significant adverse environmental effects;
3. whether the project must be referred to the federal Minister of the Environment for referral to a review panel or mediator (i.e., pursuant to paragraph 20(1)(c) of the CEEA); and
4. whether the Commission will proceed with its consideration of an application for a licence under the *Nuclear Safety and Control Act*, consistent with paragraph 20(1)(a) of the CEEA.

Public Hearing:

The Commission, in making its decision, considered information presented for a public hearing held on April 28, 2004 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*. During the public hearing, the Commission received written submissions and heard oral presentations from OPG (CMD 04-H7.1, CMD 04-H7.1A and CMD 04-H7.1B) and CNSC staff (CMD 04-H7 and CMD 04-H7.A). The Commission also considered an oral and written submissions from one intervenor, Citizens for Renewable Energy (CMD 04-H7.2, CMD 04-H7.2A and CMD 04-H7.2B).

2. Decision

Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission decides that:

- a) the Screening Report is complete and meets all of the requirements set out in the approved EA Guidelines and subsection 16(1) of the CEEA;
- b) the project, taking into account the mitigation measures identified in the Screening Report, is not likely to cause significant environmental effects;
- c) the Commission will not refer the project to the federal Minister of the Environment for his referral to a panel review or mediator; and

d) consistent with paragraph 20(1)(a) of the CEAA, the Commission will consider a licence application from Ontario Power Generation Inc.'s for the expansion of the Pickering Waste Management Facility.

3. Issues and Commission Findings

The Commission addressed the four issues identified in section 1 above under three main headings: (1) the completeness of the Screening Report; (2) the likelihood and significance of the adverse environmental effects; and (3) the nature and level of public concern. The Commission's findings in each of these areas are summarized below.

3.1 Completeness of the Screening Report

In its consideration of the completeness of the Screening Report, the Commission considered whether the assessment had addressed the full scope of the project and assessment factors previously approved by the Commission.

In this regard, CNSC staff stated that, in its opinion, the Screening Report and supporting EASR contain information on the full scope of the project and for all of the factors required for a screening EA under section 16 of the CEAA and as set out in the EA Guidelines approved by the Commission.

Citizens for Renewable Energy disagreed with this conclusion of CNSC staff and expressed the view that the need for the project had not been adequately demonstrated in the Screening Report. Citizens for Renewable Energy is of the view that the remaining free capacity of the fuel bays at Pickering NGS should be used until decisions about the future operations at Pickering NGS and the long-term management of nuclear fuel waste in Canada are made.

In response to this intervention, the Commission notes that an assessment of the need for the project was not required in the scope of this assessment. The purpose of the EA was to determine if the project, taking into account appropriate mitigation, would likely cause significant environmental effects. Matters concerning the future operation of Pickering NGS and long-term waste management are not within the scope of the project being assessed. The Commission further notes that a decision on whether to allow the PWMF II project to proceed would only be made following a subsequent public hearing on a licence application for the construction of the facility pursuant to the requirements of the NSCA.

Conclusions on the Completeness of the Screening Report:

Based on the Commission's review of the Screening Report, and the above information and considerations, the Commission concludes that the Screening Report is complete. The Commission finds that the report contains the required information on all of the project elements and factors specified by the Commission in the EA Guidelines, including those required under section 16 of the CEAA. The Commission concludes therefore that it is able to proceed to a

consideration of the likelihood and significance of the environmental effects of the project, the adequacy of the proposed mitigation measures, and the public concerns about the project.

3.2 Likelihood and Significance of Adverse Environmental Effects

This section contains the Commission findings with respect to the conclusions in the Screening Report; that is, whether the project, taking into account the identified mitigation measures, is likely to cause significant adverse environmental effects. In examining this question, the Commission first considered the adequacy of the study methods used to identify and evaluate the potential environmental effects, followed by a consideration of the predicted effects on each of the relevant components of the environment.

3.2.1 Adequacy of the Assessment Method

Adherence to the EA Guidelines:

With respect to the assessment methodology, CNSC staff reported that it found the environmental assessment to have been properly conducted in accordance with the study and consultation methods specified by the Commission in the approved EA Guidelines. This finding was based on expert reviews by CNSC staff and the other expert federal authorities involved in the EA.

Public Consultation Method:

The Citizens for Renewable Energy disagreed with this conclusion of the CNSC staff with respect to the adequacy of the method used to consult the public during the EA. The Citizens for Renewable Energy stated that it was not given adequate notice of opportunities to become engaged in the assessment and was not provided with the relevant documentation. Citizens for Renewable Energy added that, unlike the local municipalities, OPG did not provide Citizens for Renewable Energy with funding to assist with its participation. As such, Citizens for Renewable Energy is of the opinion that it was disadvantaged regarding its participation in the EA compared with other stakeholders.

The Commission considered this intervention by Citizens for Renewable Energy and is satisfied that Citizens for Renewable Energy, having participated in the Commission's public hearing on the EA Guidelines in April 2003, was aware of the environmental assessment early in the process. The Commission is also satisfied that Citizens for Renewable Energy was duly notified of this hearing, as well as the previous hearing on the EA Guidelines in accordance with the *CNSC Rules of Procedure*. The Commission further notes that a panel of the Commission considered and denied an earlier request from the Citizens for Renewable Energy to reschedule this public hearing³.

³Canadian Nuclear Safety Commission, February 18, 2004, Record of Proceedings, *Ruling on Request for Delay in Commencement of Hearing by Citizens for Renewable Energy concerning the Environmental Assessment Screening Report on Ontario Power Generation's proposed expansion of the Pickering Waste Management Facility Phase II Project*.

With respect to the public consultation methods used during the EA studies, the Commission is satisfied that OPG adequately fulfilled the public consultation requirements set out in the EA Guidelines, including making all relevant documents reasonably available to the public during the course of the EA. The Commission notes that OPG used an acceptable variety of methods to engage the public in the EA. Those methods included public Open Houses, liaison with local environment and health committees, interviews, an attitude survey, newsletters, local media reports, a web site, a 1-800 telephone information line, mail-back comment cards, and public peer reviews of documents at key stages. On the matter of the limited peer review funding provided by OPG, the Commission is satisfied that this did not prevent other individuals and groups (including the Citizens for Renewable Energy) from effectively participating in the EA process. The Commission further notes that the funding of participants in environmental assessment is available through the Canadian Environmental Assessment Agency's Participant Funding Program in respect of comprehensive studies and review panels.

Performance Assumptions and Accident Scenarios:

Further with respect to the adequacy of the EA method, the Citizens for Renewable Energy expressed the view that the EA relied on several unsubstantiated positive assumptions about the expected environmental performance of the facility. The Citizens for Renewable Energy is of the view that a thorough review of the environmental performance of the existing PWSF I was lacking in the assessment and that such a review would have provided a more accurate assessment of the potential effects of the proposed PWSF II. The Citizens for Renewable Energy also criticized the assessment for not examining what it considers to be worst-case accident and malfunction scenarios; such as if a damaged Dry Storage Container (DSC) were to fall into Lake Ontario, or were involved in an accident during transfer to the facility. The Citizens for Renewable Energy expressed the view that the *Precautionary Principle* should be applied in the assessment of these risks. On this basis, the Citizens for Renewable Energy recommended that the Commission refer the project to the federal Minister of the Environment for referral to a review panel for a more in-depth review.

In response to these concerns of Citizens for Renewable Energy, the Commission examined the assessment documentation and is satisfied that a reasonable amount of relevant information on the actual environmental performance of PWSF I, and similar operating nuclear waste management facilities in Canada, was used in this EA to predict the likely performance of the proposed PWSF II project. Furthermore, the Commission concludes that an adequate range of accidents and malfunctions was considered, including a highly conservative bounding accident scenario that contemplates the breach of a DSC and loss of its entire free inventory of volatile radionuclides to the environment. Refer to section 3.2.2 for a discussion of the Commission's findings with respect to the potential environmental effects of malfunctions and accidents.

Conclusion on the Adequacy of the Assessment Method:

Based on its review of the Screening Report and the above information and considerations, the Commission concludes that the EA method was adequate. With respect to the Citizens for Renewable Energy's request for a review panel, the Commission decided not to refer the project

to the Minister of the Environment for referral to a review panel. Refer to section 4 below for further discussion of the Commission's consideration of the need for a panel review.

3.2.2 Effects of the Project on the Environment

CNSC staff reported its conclusion from the Screening Report that the expansion of the PWWF, including a wide range of potential conventional and radiological malfunctions and accidents associated with the project, is not likely to cause significant adverse effects on the environment.

CNSC staff reported that, from a total of 119 potential interactions between the project and the environment, the evaluation initially identified 17 measurable changes that the project would likely cause in the environment. These potential changes were carried forward for more detailed evaluation which included consideration of identified Valued Ecosystem Components (VECs) and social components. The potential effects were considered for: radiation and radioactivity; atmospheric environment; hydrology, surface water and aquatic environment; terrestrial environment; geology, seismicity and hydrogeology (groundwater); land and resource use; socio-economics; physical and cultural heritage; and aboriginal issues.

Based on the results of those evaluations, CNSC staff reported that, with the proposed impact mitigation measures taken into account, the project would not likely cause significant adverse environmental effects. The principle mitigation measures identified include: radiation shielding; storm water management (including erosion, sediment and contaminant controls); dust and noise attenuation during construction; and the visual screening of the facility from the adjacent recreational Waterfront Trail.

As described further below, the Commission sought further information during the hearing on the surface water and groundwater components.

Surface Water:

In its questioning during the hearing, the Commission sought further information on how surface water runoff from the site would be managed to prevent contamination of the adjacent wetland and Lake Ontario. In response, OPG noted that the site runoff will be directed to an existing drainage ditch that runs eastward from the site. The ditch roughly parallels the Lake Ontario shoreline and discharges to a wetland area adjacent to the Pickering NGS site. OPG noted that sediment controls and monitoring will be carried out along the drainage ditch to ensure that the discharge to the wetland will consist of essentially clean water. OPG further stated that during the operation of the facility, the only runoff from the site will originate from the roof of the buildings and surrounding paved areas which will not be significant sources of contamination and sediment. The Commission accepts this explanation and is satisfied with the proposed measures to mitigate impacts on surface water.

Groundwater:

In response to the Commission's questions about the measures necessary to protect and monitor groundwater contamination, OPG noted that the project has little potential to interact with the

groundwater environment. OPG stated that, with the proposed operating controls and monitoring of DSC performance and surface water runoff quality, any spills or leaks at the facility would be contained and corrected before they could enter the groundwater system. CNSC staff agreed with OPG's conclusion in this regard and noted that the groundwater protection measures would be examined in greater detail during the subsequent licence application review process.

Effects of Project Malfunctions and Accidents:

The Commission posed a number of questions to OPG and CNSC staff concerning how the environment could be at risk during abnormal conditions and accidents at the PWMF II project. Specifically the Commission sought further information on any vulnerability of the DSCs to corrosion (particularly on the base plate), severe fire, transport accident, and terrorist attack. The Commission noted that the intervenor, Citizens for Renewable Energy, had also raised concerns about these aspects in its submissions.

In response, OPG stated that the DSCs are designed to provide extremely robust containment of the fuel waste. OPG noted that scale model burn tests (at 800 degrees Celsius for 30 minutes) demonstrated a very large safety margin in the DSC design for fire events. OPG also stated that it has recently revised its base plate inspection procedures and is confident that the integrity of the containers from corrosion will be assured throughout the design lifecycle. CNSC staff noted that, while it is still reviewing the revised DSC inspection plans, it is satisfied that reasonable access to all of the containers can be gained for inspection purposes.

In response to the Commission's specific questions on the risk of terrorism as a possible initiator of abnormal conditions, including a question on whether a marine exclusion zone may be necessary, CNSC staff indicated that it is satisfied with the security measures in place for the proposed facility. In this regard, and as relevant to all of the other types of possible accidents and malfunctions contemplated, CNSC staff noted that the assessment of a highly conservative bounding accident scenario in this EA was illustrative. The scenario, which CNSC staff considers extremely unlikely under any conceivable circumstances, involves a breach of a DSC and release of the entire inventory of volatile radionuclides to the environment. CNSC staff reported that the consequence analysis of that theoretical scenario concluded that the maximum dose to a person would be in the order of 1 microsievert. This is well below the public dose limit of 1 millisievert per year.

In response to a follow-up question from the Commission, OPG stated that the project would not result in any change to the existing emergency response plans at the Pickering NGS site and therefore Emergency Management Ontario was not directly involved in the EA review.

The Commission accepts the above explanations on the potential effects of malfunctions and accidents at the PWMF II project and is satisfied that any such events would not likely cause significant adverse effects on the environment. The Commission notes that this conclusion, and the matter of the physical security of the site in particular, will be the subject of more detailed examination by the Commission during the anticipated future licensing hearings for the project pursuant to the NSCA.

Conclusions on the Effects of the Project on the Environment:

Based on its review of the Screening Report, and the above-noted information and considerations, the Commission concludes that the proposed PWMF II project, taking into account the identified mitigation measures, is not likely to cause significant adverse effects on the environment.

The following sections describe the Commission's findings with respect to the remaining assessment factors, including how the environment may impact on the project, how renewable and non-renewable resources could be affected, and whether the cumulative adverse effects of the project with other past, current or planned activities in the area would be significant.

3.2.3 Effects of the Environment on the Project

In addition to a consideration of how the project could adversely impact on the environment, the Commission required in the approved EA Guidelines that the scope of the assessment include an examination of how the environment itself could adversely impact on the project.

In this regard, CNSC staff reported that the assessment focused on severe weather (tornados), flooding, seismic events and aquatic and terrestrial wildlife.

CNSC staff stated its conclusion that the measures incorporated into the design and operation of the project would provide adequate protection against severe weather and seismic events. No interactions between aquatic and terrestrial life and the project were identified. Based on that assessment, CNSC staff stated its conclusion that there would not likely be any adverse effects of the environment on the PWMF II project.

Geotechnical and Seismic Considerations:

Citizens for Renewable Energy, in its intervention, expressed concern that fill materials of up to six metres deep was reportedly located on the site and that this could result in either unstable foundations, or the need to excavate and lower the facility to such an extent that it could be vulnerable to flooding from Lake Ontario during storms. Citizens for Renewable Energy expressed concern that any exposure of the waste to the lake could threaten the drinking water supply of millions of people in Canada and the United States.

In response to the Commission's questions about the geotechnical conditions of the site, OPG and CNSC staff stated that the fill materials referred to by the intervenor are associated with the location of the City of Pickering's former water treatment plant (previously demolished and the foundations backfilled). OPG noted that, while the site of the former water treatment plant was considered in the EA study (Site A), it was not identified as the preferred site for the PWMF II project. OPG further stated that, based on the geotechnical information available, the preferred site (Site B) was determined to be underlain at about 2 metres depth by a heavily consolidated, stiff glacial till that is suited for the type of slab foundation required for the facility. OPG also stated that the final elevation of the structure on the preferred site will be well above any

potential for flooding from Lake Ontario (i.e., approximately 10 metres above the lake level and approximately 30 metres back from the shoreline).

Noting that none of the borehole data used to make the above prediction were actually from the proposed site, the Commission questioned OPG on how it was able to reliably assess the geotechnical stability of the site. In response, OPG stated that, based on the data from four adjacent boreholes, OPG's long construction history on the Pickering NGS site, and the opinion of the geotechnical consultant engaged to do this part of the assessment, OPG is confident that the geotechnical conditions of the preferred site are generally as predicted in the EA. CNSC staff stated its agreement with the predictions of the geotechnical environment and noted that detailed site-specific engineering evaluations will need to be done in support of the detailed design and future application for a construction licence under the NSCA. CNSC staff expressed the view that the existing geotechnical information was adequate for the purpose of this EA stage of the project planning.

In its follow-up questions the Commission asked on how the destabilizing effects from saturated sand lenses typically found in this type of glacial till could have been taken into account without specific on-site investigation data. In response, CNSC staff stated that, while such sand lenses could be present, this would be confirmed and addressed in the detailed geotechnical site investigation and design stage. CNSC staff is of the view that standard engineering design methods to achieve compliance with the National Building Code would mitigate any potential instability of the site geology. OPG added that the 14 inch thick reinforced concrete slab foundation at PWMF I is performing as designed and that the final thickness of the slab for PWMF II will be determined on the basis of the detailed site-specific geotechnical data.

While the Commission is concerned that no attempt was made to confirm the stability of the geotechnical environment during the conduct of the EA study, the Commission is satisfied that there is enough information to reasonably support the conclusion that the project, with the engineering design mitigation available, is not likely to be adversely affected by the site geology. The Commission further notes that this will need to be confirmed through detailed on-site geotechnical studies prior to any construction authorization being granted by the CNSC. As a result, the Commission notes that OPG assumes any financial or project scheduling risks that could arise in the event that the site is ultimately found to be geologically unsuitable. OPG indicated its understanding of the licensing requirements and risks in this regard.

Conclusion on the Effects of the Environment on the Project:

Based on the above information and considerations, the Commission concludes that the environment is not likely to cause adverse effects on the project.

3.2.4 Effects on the Sustainability of Renewable and Non-Renewable Resources

The EA Guidelines require that the assessment take into account whether the project would affect the sustainability of renewable and non-renewable resources. CNSC staff reported that the small quantities of non-renewable resources (e.g., aggregates) would not have a measurable

effect on availability. Similarly, CNSC staff concluded that the effect of the project on renewable resources would be negligible.

The Commission concurs with this assessment and therefore concludes that the project is not likely to have a significant effect on the sustainability of renewable and non-renewable resources.

3.2.5 Cumulative Effects of the Project

With respect to the requirements to examine the effects of the project, together with other past, current and future projects affecting the same environmental components (i.e., cumulative effects), CNSC staff reported that radiation and radioactivity was identified as the only assessment factor of potential relevance in this case. From its examination of that factor, CNSC staff concluded that, as a result of the project, there would not likely be any significant adverse cumulative effect in terms of the radiation doses received by members of the public or workers on the site.

Based on this information, the Commission concludes that the project is not likely to cause significant adverse cumulative environmental effects.

3.2.6 Conclusions on the Likelihood and Significance of Adverse Environmental Effects

Based on the considerations and reasons noted above, the Commission concludes that the proposed PWMF II project is not likely to cause significant adverse effects on the environment, taking into account the identified mitigation measures.

The Commission is also satisfied that the likelihood and significance of the effects has been identified with reasonable certainty.

Furthermore, the Commission is satisfied that the proposed scope of the follow-up program will be adequate for verifying and, if necessary, identifying where additional mitigation measures may be required during the project implementation.

3.3 Public Concern

With respect to public concern as a factor in its consideration of whether to refer the project to the Minister for a review panel or mediator, the Commission first examined whether the public had sufficient opportunity to become informed about the project and environmental assessment, and express their views on it. The Commission required, as set out in the approved EA Guidelines, that there be a comprehensive and ongoing public consultation program that engaged a variety of stakeholders through a variety of opportunities and events.

OPG and CNSC staff reported that the public, First Nations and interested stakeholders were actively consulted by OPG during the conduct of this assessment. CNSC staff noted that it also consulted directly with interested parties during the assessment, including through the use of the

CNSC website and through a public review of the draft Screening Report. The results of the consultation process were documented and key issues raised by the public and stakeholders were identified for consideration in the assessment.

CNSC staff summarized the general nature of public concerns as falling into the following general categories:

- the need for construction noise impact monitoring;
- the need for worker radiation dose monitoring;
- the need to consider the cumulative effects of long-term on-site storage of nuclear waste at the Pickering NGS site;
- the need for more assessment of security and threats of terrorism; and
- the need to involve the City of Pickering in the follow-up monitoring program.

CNSC staff reported that changes were made to the assessment and final Screening Report as a result of this input; however, the CNSC staff's overall conclusions on the likely significant adverse environmental effects of the project did not change.

OPG expressed the view that the feedback from the consultation program indicated that there is limited public concern about the proposed project. OPG also indicated that it considers that all of the concerns raised were adequately addressed in the assessment.

The Commission considered the concerns that were raised during the consultation program and how they were addressed by OPG and CNSC staff in the EA process. The Commission also considered the concerns expressed by Citizens for Renewable Energy in its intervention at this public hearing. As noted above in section 3.2.1, the Commission is satisfied that the methods used to consult with the public and ensure reasonable certainty in the assessment results were adequate. The Commission is also satisfied that the public concerns were adequately addressed in the completion of the Screening Report. The Commission considers that the remaining concerns are of a nature that can be addressed in the follow-up program and future licensing stages of the project.

The Commission therefore decides not to refer the project to the Minister of the Environment for referral to a review panel or mediator on the basis of public concern (i.e., pursuant to subparagraph 20(1)(c)(iii) of the CEAA).

4. Conclusion

The Commission has considered the information and submissions of the proponent and CNSC staff as presented for reference on the record for the hearing, as well as the information and submissions of the intervenor, Citizens for Renewable Energy.

The Commission concludes that the environmental assessment Screening Report attached to CMD 04-H7 (as amended) is complete and meets all of the applicable requirements of the *Canadian Environmental Assessment Act*.

The Commission concludes that the project, taking into account the appropriate mitigation measures identified in the Screening Report, is not likely to cause significant adverse environmental effects.

Furthermore, the Commission decides not to refer the project to the Minister of the Environment for referral to a review panel or mediator on the basis of public concern.

Therefore, the Commission, pursuant to paragraph 20(1)(a) of the CEEA, decides to proceed with the consideration of a licence application under the *Nuclear Safety and Control Act* which, if approved, would allow the project to proceed.

Marc A. Leblanc
Secretary,
Canadian Nuclear Safety Commission

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