

Ottawa, Ontario

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3 --- Upon commencing on Friday, May 20, 2005
4 at 8:30 a.m.

5
6 **Opening Remarks**

7 **M. LEBLANC:** Bonjour mesdames et messieurs.
8 Bienvenu à cette audience de la Commission canadienne de
9 sûreté nucléaire. The Canadian Nuclear Safety Commission
10 will continue its public hearings with two hearings today.

11 Mon nom est Marc Leblanc. Je suis
12 secrétaire de la Commission et j'aimerais aborder certains
13 aspects touchant le déroulement de l'audience.

14 During today's business we have
15 simultaneous translation. It is available to facilitate
16 communication in either of Canada's two official
17 languages.

18 Des appareils de traduction sont
19 disponibles à la réception. La version française est au
20 poste 8 and the English version is on channel 7. If you
21 would please keep the pace of speech relatively slow so
22 that the translators have a chance of keeping up.

23 Les audiences sont enregistrées et
24 transcrites textuellement. Les transcriptions se font

1 dans l'une ou l'autre des langues officielles, compte tenu
2 de la langue utilisée par le participant à l'audience
3 publique.

4 Les transcriptions devraient être
5 disponibles sur le site web de la Commission dès la
6 semaine prochaine.

7 To make the transcripts as meaningful as
8 possible we would ask everyone to identify themselves
9 clearly before speaking. As a courtesy to others in the
10 room, please silence your cell phones.

11 Madame Keen, présidente et première
12 dirigeante de la CCSN, va présider les audiences publiques
13 d'aujourd'hui.

14 Madame Keen.

15 **THE CHAIRPERSON:** Bonjour and welcome to
16 the continuation of the hearings of the Canadian Nuclear
17 Safety Commission.

18 I would like to begin by introducing the
19 members of the Commission that are with us this morning.

20 On my right are Dr. Moyra McDill and Dr.
21 Christopher Barnes. On my left are Mr. Alan Graham, Mr.
22 Michael Taylor and Dr. James Dosman.

23 As well as the Secretary of the Commission,
24 Marc Leblanc, I also welcome General Counsel of the
25 Commission, Jacques Lavoie, to the front.

1 I also would like to begin by acknowledging
2 that we have two guests with us today.

3 First of all, I would like to introduce Mr.
4 Jeffrey Merrifield, who is a Commissioner with the United
5 States Nuclear Regulatory Commission. Commissioner
6 Merrifield has spent some time in Canada. Most lately he
7 visited the Gentilly-2 facility yesterday and was the head
8 of delegation for the United States at the recent review
9 meeting of the convention on nuclear safety, which we
10 discussed yesterday.

11 Welcome, Commissioner Merrifield. Thank
12 you for joining us this morning.

13 Alors, j'aimerais également introduire une
14 de mes collègues, Madame Diane Laurin. Madame Laurin est
15 aussi un chef d'un tribunal administratif du Gouvernement
16 du Canada. She is the head of the Canadian Forces
17 Complaints Commission. I have the opportunity to spend
18 time with her as head of tribunals, so we are also
19 observing each other's hearings to see how hearings could
20 be improved in Canada as a tribunal head, so I welcome
21 Diane aussi.

22 I would like to now begin these series of
23 hearings.

24 First of all, I would like to note that the
25 Commission is still on enhanced security status, as are

1 many of the facilities that we regulate. As such, I will,
2 as necessary take measures to ensure that security matters
3 of a sensitive nature are not discussed in public and, as
4 such, I will take measures to call an in-camera session at
5 any time if I feel it is necessary for the Commission to
6 be able to discuss those security matters.

7
8 **04-H21 / 04-H21.1**

9 **Atomic Energy of Canada (AECL) :**

10 **Financial guarantee for decommissioning**

11 **AECL's Chalk River Laboratories Site,**

12 **including the MAPLE Reactors and the New**

13 **Processing Facility**

14 **THE CHAIRPERSON:** On the agenda today is
15 Hearing Day Two on the matter of the financial guarantee
16 for decommissioning of the AECL Chalk River's Laboratory
17 site, including the MAPLE reactors and the new processing
18 facility.

19 On September 16, 2004 the Canadian Nuclear
20 Safety Commission commenced a public hearing on this
21 matter.

22 Following the proceedings, the Commission
23 determined that additional information was needed before
24 it could reach a final decision. The Commission decided,
25 pursuant to Rule 14 of the CNSC Rules of Procedure, to

1 adjourn the public hearing to today's date.

2 Presentations were made on September 16,
3 2004 by AECL under Commission Member Documents 04-H21.1
4 and 04-H21.1A, and by Commission staff under CMD 04-H21.

5 Two groups of interveners, Concerned
6 Citizens of Renfrew County and Sierra Club of Canada also
7 made presentations on that day.

8 A Notice of Adjournment was published on
9 October 5, 2004, where the Commission requested that more
10 information be provided by CNSC staff and AECL.

11 Supplementary information has been filed by AECL and CNSC
12 staff and has been made available to the public.

13 The public was invited to participate
14 either by oral presentation or written submission and May
15 6, 2005 was the deadline set for filing by interveners.

16 The Commission has received 17 requests for
17 intervention.

18 May 12 was the deadline for filing of
19 supplementary information. I note the supplementary
20 submission was filed by AECL.

21 On that basis, I would like to start
22 today's hearing by calling on the presentation from Atomic
23 Energy of Canada Limited outlined in CMD 04-H21.1B and
24 04-H21.1C. As such, I turn over to Dr. Fehrenbach,
25 Vice-President of the Nuclear Laboratories Business Unit.

1 Dr. Fehrenbach, welcome. The floor is
2 yours, sir.

3
4 **04-H21.1B / 04-H21.1C**

5 **Oral presentation by Atomic**

6 **Energy Canada Limited**

7 **DR. FEHRENBACH:** Thank you, Madam Chair.

8 Thank you for the opportunity to make a
9 short presentation on behalf of AECL prior to answering
10 any questions related to the financial guarantee for
11 decommissioning AECL's Chalk River Laboratory site.

12 For the record, my name is Dr. Paul
13 Fehrenbach, Vice-President of the Nuclear Laboratory's
14 Business Unit. I am accompanied today by: Mr. Michael
15 Robins, Vice-President and Chief Financial Officer for
16 AECL; Dr. William Kupferschmidt, General Manager,
17 Decommissioning, Waste Management and Site Projects; and
18 Mr. Glenn Archinoff, Chief Regulatory Officer for the
19 Nuclear Laboratory's Business Unit.

20 Others will be introduced as they are
21 called upon.

22 I am pleased, Madam Chair, to report that
23 we have made very good progress since last September in
24 providing the information required by the Commission in
25 reaching a final decision on the financial guarantee.

1 I would like to recognize the role of CNSC
2 staff in helping to define and refine the requirements for
3 a preliminary decommissioning plan for the unique
4 circumstances of the Chalk River Laboratories site.

5 In fact, it took much effort on both sides
6 to determine how best to deal with this unique site, a
7 site where decommissioning activities are being undertaken
8 while many facilities are still in operation and will be
9 for many years to come.

10 To give you a sense of the effort involved,
11 AECL and CNSC staff met formally six times in the past six
12 months in addition to regularly scheduled AECL-CNSC
13 meetings where this item was on the agenda.

14 Following the Day One Hearing last
15 September, we were asked to provide a comprehensive
16 preliminary decommissioning plan, or CPDP as I will try to
17 refer to it. The fundamental purpose of the CPDP is to
18 identify the long-term strategy, assumptions, technical
19 approach, scope and timing that apply to addressing the
20 nuclear legacy at the Chalk River site and a framework for
21 communications and public consultation.

22 We were also asked to make specific
23 commitments to provide additional information in response
24 to requests from CNSC staff.

25 We have fulfilled all of these requirements

1 on schedule, the major item being our submission of the
2 CPDP in 2005 March.

3 In addition, the CPDP has been posted in
4 both official languages on our web site.

5 As a result of these submissions, CNSC
6 staff recommends acceptance of the proposed financial
7 guarantee arrangement for the purposes of the licences of
8 the Chalk River labs, MAPLE reactors and new processing
9 facility.

10 CNSC staff is also recommending that the
11 Commission accept the staff's preliminary assessment that
12 the CPDP, together with the commitments for further
13 submissions, constitute an acceptable preliminary
14 decommissioning plan for Chalk River.

15 We realize however there is an additional
16 important consideration that needs to be addressed related
17 to funding. The CPDP is consistent with international
18 trends to accelerate decommissioning activities to
19 minimize the legacy left to future generations.

20 To implement the plan, there is a
21 requirement for increased funding for the early years of
22 the plan compared to current levels.

23 There is also a corresponding increase in
24 the overall estimated liability.

25 We have therefore been working closely with

1 Natural Resources Canada to secure the necessary funding
2 to implement the plan.

3 Funding sources will likely include a
4 combination of the Federal Contaminated Sites Fund
5 announced in last year's federal budget, proceeds from the
6 sale of the AECL managed inventory of heavy water, and
7 extra funds sought by NRCAN as required to implement the
8 CPDP.

9 As I said, we are working closely with
10 NRCAN to put the funding mechanisms in place to ensure a
11 smooth transition when the plan becomes effective in April
12 2006.

13 I would like to take a few more minutes to
14 assure Commissioners that we have not just spent our time
15 planning decommissioning. We have actually been busy
16 undertaking decommissioning and remediation projects.

17 The complexity of our operations means that
18 we are carrying out decommissioning and remediation at the
19 same time as we are building new facilities, all in an
20 operating site environment.

21 Over the past five years AECL and the
22 Government of Canada have invested more than \$150 million
23 on decommissioning and waste management initiatives on the
24 Chalk River site. This has included the launching of
25 several new projects that are putting into place state of

1 the art storage facilities for low-level radioactive solid
2 wastes as well as for historic reactor fuels and
3 radioactive liquids.

4 These projects, which are at various stages
5 of implementation, have received the appropriate
6 regulatory approvals and opportunities for public input as
7 part of the environmental assessment process.

8 In the individual consultations that were
9 held on the projects shown on this slide, stakeholders
10 asked us to provide them with a better understanding of
11 how these projects roll up under the big picture.

12 In this regard, we would like to thank some
13 of those who will be speaking later for their active
14 participation in these projects. We value their input and
15 look forward to continuing these discussions on the
16 broader scale of future consultation activities going
17 forward.

18 The groundwater treatment project is known
19 as the wall and curtain groundwater treatment system.
20 This system provides treatment for a plume of strontium-90
21 and has been operating successfully for over six years
22 intercepting the leading edge of the plume before it
23 enters the wetland.

24 The unique feature of this system is that
25 it is passive and requires minimal operator intervention.

1 The modular above ground storage project,
2 or MAGS, aims to improve the storage practice for low-
3 level solid wastes previously placed in sand trenches.

4 To date, a waste compactor and two above
5 ground storage structures have been constructed and placed
6 in service. A third building with added shielding is the
7 subject of an ongoing environmental assessment study and
8 is scheduled for construction next summer.

9 The fuel packaging and storage project is
10 dealing with some of the oldest fuels stored at the Chalk
11 River site. The storage structures for these fuels are
12 reaching the end of their operational lives. The FPS
13 project will build the systems required to safely retrieve
14 and repackage the fuel and store it in a monitored above
15 ground storage vault based on AECL's proven Macstore
16 technology.

17 The environmental assessment study for this
18 project is under way. The draft guidelines for the EA
19 study were recently received from the CNSC and preliminary
20 engineering work is progressing well. The project is
21 scheduled for completion in December of 2010.

22 The liquid waste transfer and storage
23 project deals with the consolidation of radioactive liquid
24 wastes that are currently stored in 21 tanks across the
25 site.

1 The project has submitted its environmental
2 assessment study report to the CNSC and awaits formal
3 approval.

4 Within a few weeks, prequalified vendors
5 will be asked to submit proposals for the detailed
6 engineering and construction of this infrastructure.

7 Fieldwork is scheduled to begin next
8 summer. The project is scheduled for completion in
9 November of 2008.

10 Transfer of the wastes to the new facility
11 will commence the following spring.

12 In conclusion, Madam President and
13 Commissioners, I would like to emphasize that we have met
14 the requirements placed on AECL by the Commission at the
15 September hearing. AECL is pleased that CNSC staff are
16 recommending acceptance of our proposed financial
17 guarantee arrangement and of the CPDP.

18 We particularly want to emphasize the
19 following points:

20 First, we have revised our Chalk River site
21 preliminary decommissioning plan to make it a
22 comprehensive preliminary decommissioning plan
23 incorporating risk-informed methodologies. It was
24 developed in consultation with NRCAN and with much
25 dialogue with CNSC staff.

1 We would again like to acknowledge the
2 participation of CNSC staff, which we believe has resulted
3 in a plan that meets not only our own requirements and
4 expectations but also those of our regulator and our
5 stakeholder. While the CPDP is a plan, as we have just
6 shown, we are already executing a number of significant
7 projects to address components of the plan.

8 Second, we have provided a framework for
9 communications and public consultation which will provide
10 ongoing opportunities for the community and stakeholders
11 to be involved in formulating the strategy for managing
12 nuclear legacy liability at Chalk River. This document,
13 along with the CPDP, was provided to Chalk River
14 stakeholders in mid-April, which includes many of those
15 present today, Concerned Citizens of Renfrew County,
16 Sierra Club, Greenpeace, et cetera, as well as local
17 community representatives. This was a continuation of our
18 communication with stakeholders. For example, following
19 the 2003 site licence renewal at Chalk River, we hosted
20 the visit of representatives from the Concerned Citizens
21 of Renfrew County and the Sierra Club at Chalk River to
22 discuss our preliminary decommissioning plans, our
23 environmental monitoring plan and an acceptable process
24 for timely information exchange.

25 Finally, in large measure, the CPDP

1 represents the culmination of a major initiative that we
2 undertook in 2003 in concert with other government
3 agencies.

4 The goal was to develop a conceptual
5 technical strategy for managing the nuclear legacies on
6 our sites that would be consistent with modern
7 international standards and practices, ensure the health,
8 safety and security of the public and employees while
9 protecting the environment, and address regulatory
10 requirements and expectations.

11 We believe we have achieved these goals and
12 we look forward to implementing the strategy.

13 I would be pleased to answer any questions.

14 **THE CHAIRPERSON:** Thank you, Dr.
15 Fehrenbach.

16 Before we open the floor to questions to
17 AECL we will turn to the CNSC staff. This is moving to
18 the presentation by CNSC staff as outlined in CMD
19 documents 04-H21.A and 04-H21.B.

20 I will turn to Mr. Barclay Howden, Director
21 General of the Directorate of Nuclear Cycle and Facilities
22 Regulation. Mr. Howden, you may proceed, sir.

23
24 **04-H21.A / 04-H21.B**

25 Oral presentation by CNSC staff

1 **MR. HOWDEN:** Thank you.

2 Madam Chair, Members of the Commission, for
3 the record my name is Barclay Howden.

4 With me today are: Mr. Greg Lamarre,
5 Director of the Research Facilities Division; Mr. Bob
6 Lojk, Director of the Waste and Geosciences Division; and
7 the rest of the licensing team for this issue.

8 Following the direction in the Notice of
9 Adjournment of the September 16, 2004 Commission hearing,
10 CNSC staff is here today to provide the Commission with an
11 update on the resolution of outstanding issues related to
12 the CRL site preliminary decommissioning plan.

13 CNSC staff has reviewed AECL's revised
14 preliminary decommissioning plan for the CRL site and has
15 formed a position on the licensee's submission and made
16 recommendations for your consideration.

17 I will now turn the presentation over to
18 Mr. Lamarre who will outline these for you.

19 **MR. LAMARRE:** Thank you, Mr. Howden.

20 For the record, my name is Greg Lamarre.

21 The primary purpose of this presentation is
22 to outline staff's position on the supplemental
23 information provided by AECL in support of their
24 preliminary decommissioning plan for the CRL, Chalk River
25 Laboratory, site.

1 A secondary purpose of the presentation is
2 to reconfirm staff's recommendation to the Commission to
3 accept AECL's proposal for a financial guarantee for the
4 decommissioning of the CRL site, including the MAPLE
5 reactors and the new processing facility.

6 Our presentation has six sections: First,
7 a background including a brief description of the site and
8 the requirements as detailed in the Notice of Adjournment
9 from the September 16 Commission hearing; next, a
10 description of CNSC staff's expectations and requirements
11 for the outstanding work on AECL's preliminary
12 decommissioning plan for the Chalk River site; a
13 description of AECL's preliminary decommissioning plan
14 deliverables to date and commitments in future; CNSC
15 staff's assessments of AECL's deliverables; staff's
16 conclusions; and, finally, our recommendations to the
17 Commission.

18 The Chalk River Laboratory site is a
19 nuclear research and test establishment that encompasses
20 many licensed nuclear facilities, including the MAPLE 1
21 and 2 reactors and the new processing facility.

22 The Chalk River site is a complex facility
23 for the purposes of decommissioning planning.

24 The Chalk River site contains both
25 operational and decommissioning facilities, which add to

1 the complex nature of decommissioning planning.

2 In the Notice of Adjournment and Request
3 for Supplemental Information dated October 5, 2004, the
4 Commission requested that first staff provide on or before
5 November 15, 2004 a detailed listing and description of
6 the requirements and expectations that AECL had to fulfil
7 before the CRL site PDP could be considered acceptable.

8 Next, AECL was to respond by March 18, 2005
9 on how it met or was planning to meet each of CNSC staff's
10 requirements and expectations.

11 Third, staff was to provide by April 18,
12 2005 its preliminary assessment of AECL's submissions,
13 including the revised preliminary decommissioning plan,
14 their commitment and work plan for how AECL would address
15 the outstanding deliverables and the licensee's plan for
16 consulting with the public and the periodic review and
17 updating of the CRL site PDP over time.

18 As requested by the Commission, staff
19 outlined in its November 10, 2004 letter to AECL a list of
20 11 specific deliverables that needed to be addressed and
21 incorporated into AECL's CRL site PDP in order for the
22 plan to meet staff's requirements.

23 These deliverables were contained in staff
24 CMD 04-H21.A.

25 The 11 deliverables were selected such that

1 if appropriately addressed and accepted by staff, the four
2 outstanding implementation components on this slide would
3 be addressed.

4 CNSC staff and AECL discussed the specifics
5 of each of these 11 deliverables during a series of
6 meetings between January and March 2005.

7 AECL's March 18 submission to CNSC staff
8 contained:

9 First, a revised CRL PDP that incorporated
10 seven of the 11 CNSC staff requirements.

11 Second, supplementary information that
12 included AECL's commitment to address the outstanding CNSC
13 staff requirements by December 1 of this year.

14 In addition, AECL committed to provide
15 annual status reports on the progress of the operational
16 timelines against the decommissioning plan.

17 Finally, AECL provided a framework for a
18 communications and public consultation plan dated March
19 2005.

20 CNSC staff reviewed the documentation
21 submitted on March 18 by AECL, including the revised PDP
22 for the Chalk River site, as well as the supplemental
23 information, against the four previous outstanding
24 implementation components of the PDP as detailed in
25 CMD 04-H21.

1 Staff concludes that the long-term plan
2 presented in the Chalk River PDP supported by the
3 submission of the remaining deliverables, including the
4 annual status reports, will meet staff's expectations
5 regarding a preliminary decommissioning plan for the Chalk
6 River site.

7 CNSC staff therefore concludes first that
8 the information submitted by AECL meets staff's
9 expectations as detailed in CMD 04-H21.A.

10 The majority of the 11 deliverables were
11 incorporated into the revised preliminary decommissioning
12 plan by AECL.

13 In addition, AECL's plan to address the
14 remaining deliverables is acceptable.

15 Furthermore, AECL's plan for consulting
16 with the public and the periodic review and updating of
17 the Chalk River PDP is acceptable in that it meets the
18 requirements of Regulatory Guide G-217 Licensee Public
19 Information Programs.

20 Next, staff concludes that, as detailed in
21 CMD 04-H21, the proposed financial guarantee arrangement
22 is acceptable.

23 Staff notes that if AECL's status as an
24 agent of Her Majesty in Right of Canada were to change the
25 issue of an acceptable financial guarantee should be

1 revisited by the Commission for the subject of AECL
2 licences.

3 Finally, staff concludes that for the
4 purposes of the Chalk River Laboratories MAPLE 1 and 2
5 reactors and the new processing facility licences the
6 licence conditions requiring financial guarantees have
7 been met.

8 Staff therefore recommends to the
9 Commission first to accept staff's assessment of the
10 information provided by AECL on March 18, 2005, namely
11 that the revised preliminary decommissioning plan, along
12 with AECL's commitments for future submissions,
13 constitutes an acceptable preliminary decommissioning plan
14 for the Chalk River site.

15 Next, staff recommends that the Commission
16 consider the matter of an acceptable preliminary
17 decommissioning plan for the Chalk River site as part of
18 the overall review and assessment of key program areas at
19 the time of licence renewal hearings in 2006.

20 CNSC staff will closely monitor AECL's
21 progress on outstanding deliverables as per AECL's
22 commitments.

23 Finally, CNSC staff recommends that the
24 Commission accept staff's conclusions that the financial
25 guarantee arrangement in the form of the Minister's letter

1 submitted by AECL for decommissioning of the Chalk River
2 facilities is acceptable and that this satisfies the
3 conditions of the Chalk River Laboratories MAPLE reactors
4 and new processing facility licences with respect to the
5 submission of a financial guarantee.

6 Should AECL status as an agent of Her
7 Majesty in Right of Canada change, the acceptability of
8 the current financial guarantee arrangement for
9 decommissioning should be revisited.

10 This concludes my presentation. I will now
11 hand over the floor to Mr. Howden.

12 Thank you.

13 **MR. HOWDEN:** Madam Chair, that concludes
14 our presentation. Staff is available to respond to
15 questions.

16 **THE CHAIRPERSON:** Thank you, Mr. Howden.
17 The floor is now open for questions from Commission
18 members. Mr. Taylor, would you like to start?

19 **MEMBER TAYLOR:** Thank you, Madam Chair.

20 My first question is would staff remind us
21 what the four deliverables that have not yet been
22 delivered are?

23 **MR. LOJK:** For the record, my name is Bob
24 Lojk.

25 Essentially, the significant deliverables

1 that are left are the provision of an operational timeline
2 for planned decommissioning activities. It does not mean
3 that the entire timeline is missing. It just means that
4 certain components have to be fleshed out.

5 The second part essentially is to develop
6 and submit a cost estimate, a model of the cost, for major
7 support and enabling facilities. We have been made privy
8 to the Cabinet confidential information that was used to
9 prepare a cost estimate and we have seen the numbers, we
10 have just not been provided with a formal submission per
11 your requirements. So as far as staff is concerned, it is
12 quite acceptable. That is the cost model - the cost
13 estimates, I'm sorry.

14 Number 10 is to develop and submit a cost
15 model to estimate the cost of the major support and
16 enabling facilities. This does not mean that the cost of
17 the support and enabling facilities has not been provided.
18 It just means that the cost model that they had previously
19 used, which included only certain components, now they are
20 planning to actually create a new model that will allow
21 them to update their costs on a five year basis, as we
22 have asked them to do.

23 The total decommissioning plan and costs
24 are all assembled. The mechanisms for maintaining that
25 have yet to be worked out. That is the reason that staff

1 finds the trailing items not to be critical in this
2 context.

3 **MEMBER TAYLOR:** Thank you.

4 **THE CHAIRPERSON:** Mr. Graham.

5 **MEMBER GRAHAM:** Thank you.

6 The question I have is with regard to you
7 gave three sources of - the question is to AECL - funding
8 I believe that you will be drawing on. Those three
9 sources that you will draw on, will they be a dedicated
10 fund that they will only be used for decommissioning
11 purposes? If they are not all used in one year or in the
12 year that you get them, like from the sale of heavy water,
13 will you put them into a fund that they can't be used for
14 operational costs and so on?

15 **DR. FEHRENBACH:** I will ask Mr. Michael
16 Robins to respond to that please.

17 **MR. ROBINS:** For the record, my name is
18 Michael Robins. I am the CFO of Atomic Energy of Canada.

19 Yes, all of the funds that are appropriated
20 to AECL for the purpose of decommissioning are put into a
21 segregated fund. At the end of this year we had
22 \$27 million that was left over from last year that was in
23 the segregated fund that is being put into use in the
24 2004-2005 fiscal year. That is the way that we will
25 continue to operate when the funds will come in.

1 In fact, we have a very transparent way of
2 representing our financial statements in the annual report
3 where we segregate all of the decommissioning activities
4 separate from the other activities of AECL. So it is very
5 transparent for the public and our shareholder and the
6 funds are kept in a separate account.

7 **MR. FEHRENBACH:** I would add to that,
8 Commissioner Graham, that we have organized ourselves such
9 that we have set up a separate liability management unit
10 within Dr. Kupferschmidt's organization, which will be
11 responsible for the management of those funds for
12 decommissioning purposes.

13 **MEMBER GRAHAM:** I guess the question I
14 should ask is, this funding, it is used strictly for
15 decommissioning but yesterday in another area we heard
16 about a plume moving and the restoration of a tank and so
17 on, new tanks. Would the building of a new tank, would
18 that be taken out of that fund or would only the
19 demolition of the old ones and the disposition of the old
20 ones be out of that fund? How do you segregate those
21 funds so that they are completely dedicated to
22 decommissioning?

23 **DR. FEHRENBACH:** All of that work is
24 considered the decommissioning work, both the preparatory
25 work - once it falls into Mr. Kupferschmidt's purview. I

1 would ask Dr. Kupferschmidt to elaborate on that, if he
2 would.

3 **DR. KUPFERSCHMIDT:** Bill Kupferschmidt, for
4 the record.

5 For any facilities that are built for
6 operational purposes, that is obviously the responsibility
7 of site operations. However, when the facilities are no
8 longer deemed operational, they then migrate to my
9 responsibility and therefore become - it is my
10 responsibility through the access to these funds to deal
11 with them.

12 For example, for tanks that are no longer
13 being used for operational purposes, they are then
14 transferred to me. It is my responsibility to
15 decommission those or to remediate them.

16 **MEMBER GRAHAM:** But a new tank or a new
17 storage building for waste management and so on, do those
18 come out of that fund or not?

19 **DR. FEHRENBACH:** I guess we use the
20 division, Commissioner, that dealing with what we call
21 historic or legacy waste, things that already exist, then
22 it comes out of that fund.

23 Certainly, new operational waste would be
24 treated in our operational budget and those funds would
25 not be covered out of the decommissioning funds.

1 **MEMBER GRAHAM:** The contaminated site fund
2 that has been announced, you haven't received any money
3 from that yet but you will be making an application for
4 that I would presume.

5 **DR. KUPFERSCHMIDT:** It is Bill
6 Kupferschmidt, for the record.

7 We are in the process of making
8 application.

9 **MEMBER GRAHAM:** It is specific projects
10 that you would apply for. Those specific projects, are
11 they the top priority projects and will they be shared
12 with CNSC staff as you go along?

13 **DR. KUPFERSCHMIDT:** I am not quite certain,
14 Commissioner, what you mean by being shared with the
15 Commission.

16 **MEMBER GRAHAM:** I guess if you present a
17 list for funding, is CNSC staff going to have a chance to
18 agree that those are the top priorities and those are the
19 ones you should be going after first rather than something
20 that may not have as high a priority? By "sharing" I
21 guess is getting a consensus of which projects are the
22 most urgent and the ones that you should go after for
23 funding.

24 **DR. KUPFERSCHMIDT:** I believe that is,
25 Mr. Commissioner, one of the reasons why we have committed

1 to providing a yearly update, for example, on the progress
2 that we are making. That obviously would be the process
3 of dialogue with the Commission and the staff as we are
4 moving forward for itemizing. But we will have our own
5 internal, as we do right now, prioritisation process to
6 ensure that the highest priority programs are being
7 undertaken.

8 **DR. FEHRENBACH:** I would add to that,
9 Commissioner, that the projects, which have been submitted
10 for funding under the contaminated sites fund, are those
11 same projects which are on the comprehensive preliminary
12 decommissioning plan which we have just submitted to
13 staff. Yes, that plan is the principal instrument which
14 informs our application. That is the plan for which we
15 are requesting funding.

16 **THE CHAIRPERSON:** Dr. Barnes.

17 **MEMBER BARNES:** The preliminary
18 decommissioning plan, as we see it here, has basically no
19 information on costs and expenses or on staffing.
20 Correct? To AECL. When you are saying you are using this
21 as -

22 **DR. FEHRENBACH:** I will ask Dr.
23 Kupferschmidt to respond to that please.

24 **DR. KUPFERSCHMIDT:** Mr. Commissioner, the
25 plan that is submitted does not have any reference in it

1 to costs, nor to staffing. That is correct.

2 **MEMBER BARNES:** Is there a reason for that?

3 **MR. ROBINS:** This is Mike Robins.

4 The plan that was submitted on the 18th of
5 March was the plan which drives the financial estimates
6 that we have for determining the liability that we are
7 going to be putting on our books. We are in the midst of
8 reviewing this with the Auditor General, who has
9 undertaken some significant scrutiny of both the plan from
10 an engineering perspective as well as the valuation that
11 is being put on.

12 As noted earlier, the final numbers will be
13 available to the staff in September after the scrutiny is
14 completed, but we plan to recognize this liability on our
15 books effective March 31. We estimate that the costs will
16 be somewhere in the neighbourhood of \$2 billion.

17 **MEMBER BARNES:** A question to staff. Was
18 it always your expectation that when we had this document,
19 as we have it today, that in fact it wouldn't come with
20 any figures on budgets or resource deployment staffing and
21 those sorts of issues.

22 In a sense, these were the, as I took it,
23 these were essentially the four remaining deliverables
24 that aren't here, but on the other hand assuming that they
25 should have been there, was it your initial expectation

1 that kind of information would be in the decommissioning
2 plan.

3 **MR. HOWDEN:** Barclay Howden speaking, for
4 the record.

5 Our expectation is that those numbers will
6 eventually be available because that is what we expect
7 with a preliminary decommissioning plan. I think AECL has
8 given a number out, which from our understanding, is a net
9 present value number that is being given out.

10 At this point, from the costing and
11 estimates point of view, one of the deliverables is the
12 final cost model which we do not have at the moment. We
13 consider it a work in progress at the moment, Dr. Barnes,
14 with the commitment from AECL to deliver it to us December
15 1, 2005 officially, but they have indicated that they will
16 send it to us early, such that we can do some review, and
17 back and forth.

18 From our point of view, in terms of the
19 information that we have seen, our staff has met with AECL
20 and has looked at - they have given us some of the range
21 ideas of what the costs are. Some are unit costs. Some
22 things are compared to international work that is going on
23 as benchmarking. From what we have seen, we have a high
24 level of confidence that the cost estimates that they will
25 provide will be good quality cost estimates within a plus

1 or minus range.

2 But at this moment in time, until we
3 receive that official submission, we can't comment
4 formally on accepting that those are accurate costs, but
5 what we have seen is we are very confident that the costs
6 that will come in will be quite accurate.

7 **MEMBER BARNES:** If I come back to part of
8 the reason for Day Two, the delay, was that there was
9 insufficient information. There were specifically 11
10 deliverables that were expected. Correct?

11 Now we have the new plan but the majority,
12 as I read it, of the four deliverables are essentially -
13 to me the essence of the plan or at least the underpinning
14 of the plan - to see whether there is a real capability of
15 delivering this plan. These are sort of the engineering
16 specifications, the kind of repairs to the site that will
17 be done over a particular period of time depending on the
18 components of the sites but, in a sense, is totally
19 lacking the capabilities to deliver these plans as we
20 presently have them here.

21 I am still slightly mystified whether you
22 expected in Day Two here for us to receive that kind of
23 information that, it seems to me, we could really see
24 whether this plan was feasible or not. So, on the one
25 hand, it seemed to me, that was a deliverable, therefore

1 there was an expectation on our part that we would receive
2 that information. You are now saying that is a
3 deliverable, one of the four deliverables or a combination
4 of the four that remain, that we will see sometime in '05,
5 in fact, I think it spills over into the first quarter
6 '06, and yet we are to accept this CPDP without that, to
7 me, very important information.

8 I mean, not only do we not have that, we do
9 not have any specific financial information on the revenue
10 side. We heard from AECL as to kind of where those funds
11 would go to, but again no real outline of the kind of
12 requested budgets.

13 There is no financial information contained
14 in this document at all. So I ask, is it appropriate to
15 bring it back to the Commission for approval without that,
16 lacking that information?

17 **MR. HOWDEN:** Barclay Howden speaking, for
18 the record.

19 In terms of the Notice of Adjournment that
20 was done by the Commission back in September, what was
21 requested was a resubmission of the PDP with a plan
22 forward for any parts that were not yet completed. That
23 is what we have tried to present to you today.

24 In terms of the PDP that has been presented
25 to us, and I am going to pass for more details to Mr. Lojk

1 in a moment, is in our opinion the level of detail
2 required for a PDP that has been presented is sufficient.
3 Thus, we have drawn the conclusion that it is technically
4 feasible.

5 We also are of the opinion that the
6 financial guarantee as proposed by AECL, with the
7 government backing, is satisfactory at the moment.
8 However, without the cost estimates to you, clearly that
9 is something you will have to weigh.

10 I will pass it to Mr. Lojk.

11 **MR. LOJK:** For the record, Bob Lojk.

12 I would just like to point out the
13 difference between the first appearance of staff before
14 you in September and now and what happened in the
15 intervening period.

16 As Mr. Fehrenbach pointed out, there were
17 extensive meetings culminating in an all day meeting where
18 the staff that actually made the decisions and looked at
19 the decisions and reviewed the documents sat down with
20 their counterparts in AECL and looked at very, very
21 detailed cost estimates, hundreds of sheets of
22 spreadsheets that list every single nut and bolt and
23 everything else that could be accommodated and detailed
24 and listed.

25 Consequently, while staff didn't get a

1 chance to look at the total number - we did have some
2 ideas of them, but we were able to see that in fact AECL
3 had looked at every reasonable component and piece of this
4 decommissioning plan, which is an assurance that we didn't
5 have back in September, due perhaps to a communication
6 problem or whatever. But at that time, we were not
7 confident that they in fact had accounted for everything.

8 When we sat down and looked in detail
9 through their books, through their cost estimates, through
10 their spreadsheets, we had a high degree of confidence
11 that in fact they had looked at everything and are fully
12 aware of the liabilities that exist.

13 Consequently, staff felt at that time,
14 given what was going on, that in fact AECL knew what the
15 liabilities were, which is what my group wanted to see,
16 that they recognize the liabilities, that they weren't
17 assuming that certain things would be done by others or
18 whatever, or they were leaving anything behind. So as far
19 as our people who reviewed the documents were concerned,
20 these documents are backed with spreadsheets, very, very
21 detailed spreadsheets.

22 Consequently, we were in a position to
23 support the submission by AECL saying we understand that
24 they will fill in some of the missing details, they will
25 provide, after they do their own accounting and budget

1 preparations, the numbers that support this. Given the
2 government's letter of guarantee, we felt that we were
3 sufficiently prepared to come before you.

4 **MEMBER BARNES:** Madam Chair might want to
5 overrule me if this point of questioning is inappropriate,
6 but I am just going to again ask the question.

7 We are given a preliminary decommissioning
8 plan which is quite thick and it has all kinds of
9 technical information. It has a schedule over basically a
10 century. It specifies all the particular sites and the
11 activities, et cetera. Right?

12 If we are talking about the
13 decommissioning, for this to be a reality we have to
14 understand the financial costing of that and, as I asked
15 Mr. Fehrenbach yesterday on a separate issue, whether the
16 appropriate resources are going to be deployed, and that
17 means technical resources, human resources, financial
18 resources, it is clear to me that you - in fact, you have
19 just said that staff has seen these spreadsheets right
20 down to individual nuts and bolts - I will allow a certain
21 exaggeration there. So I wonder why that information, at
22 least some summary of it, isn't being brought forward
23 today in this public forum.

24 I think it is very hard for a Commission to
25 see whether this is a reality, if this plan has any

1 reality to it, if it doesn't have that important component
2 of the financial resources that are required to implement
3 it.

4 Again, I may be out of order here, but I
5 read that the second phase, the implementation plan, will
6 be received, is that right, in March of '06 or
7 thereabouts? Do you intend at that time to bring it back
8 to the Commission or is that a document that would simply
9 go back to staff and we would see that in due course
10 whenever the next reporting by AECL would come back to the
11 Commission?

12 **THE CHAIRPERSON:** Mr. Howden, before you
13 speak, rather than overruling Dr. Barnes, I am actually
14 going to reinforce the point that he is making.

15 What you are asking us to do is accept
16 seven out of the 11. We realize that the Commission asked
17 you to come back in May, so we accept the timing. The
18 timing is the timing asked for by the Commission, so we
19 accept that.

20 But I believe that the Commission made it
21 clear that we wanted to have you list all the necessary
22 attributes, which you have listed, the 11 attributes, and
23 the Commission would expect that not only were you
24 satisfied but you would be in the position to share on
25 both parties with us that information to be able to assess

1 this.

2 I can draw parallels to other projects
3 where we have accepted, for example Whiteshell, the
4 Government of Canada guarantee in terms of a fund. We
5 haven't asked for a segregated fund, but we still had a
6 very good idea of what the amount was. I realize that is
7 a different site and a different timing and this is a much
8 more complex site, but I think what Dr. Barnes' and I
9 believe Mr. Graham's questioning is is that in fact in
10 order to feel that there is sufficient funds being
11 requested from, as you said, a variety of sources, some
12 which you can bank on, some which not, the Commission
13 needs to know that there is sufficient funds being
14 requested and we are not in a position to do that.

15 I will put aside the concerns that we will
16 probably have, and I will have, about other parts of this,
17 including the public information plan, but just on the
18 financial area, that we need to know this. I think we
19 must be very blunt about this. People don't like to spend
20 money on waste. It doesn't generate revenues. It doesn't
21 offer an opportunity for a lot of profile and launching of
22 new ideas.

23 The Commission is very supportive of AECL
24 getting this money. We are not neutral about waste. We
25 think that we want AECL to be given the money by the

1 Government of Canada as well as being guaranteed it.

2 As, Dr. Fehrenbach, you mentioned
3 yesterday, you wish to move forward in a timely manner on
4 all your waste management obligations. We think that you
5 are working with a hand tied behind your back if there is
6 not a clear support for waste, which is essential for us
7 to feel.

8 Part of this pressure is not being just
9 exerted on AECL but is being exerted on the shareholder to
10 come forward with the monies necessary to do that. I
11 think we should be straightforward about that. We need to
12 know that there is not only just a *grosso moto* acceptance
13 of this liability but that they really understand this
14 liability and that they understand that the provisions, as
15 you have discussed and as we have discussed, of the
16 principles of waste management, is prompt and timely
17 decommissioning. That is what we want you to be able to
18 push to get, to be frank.

19 That is the issue.

20 I don't know if anyone from Natural
21 Resources Canada is with us today. I guess not.

22 You can see where we are going,
23 Dr. Fehrenbach. We believe that you have the plan, I
24 think. We believe that you have an idea of what you need
25 to have. We just want to make sure that the shareholder

1 is paying attention to the money needed.

2 Dr. Fehrenbach.

3 **DR. FEHRENBACH:** Thank you, Madam Chair.

4 Let me try and provide some reassurances,
5 if I may.

6 First of all, these liabilities we are
7 speaking about are the liabilities of the Government of
8 Canada. They have been reviewing the estimates we have
9 prepared. Until they have approved them, we are not at
10 liberty to make the total estimate public. However, as
11 Mr. Robins has indicated earlier, it is in the
12 neighbourhood of \$2 billion at present value. So there is
13 an indication to you of the range of estimate.

14 Mr. Robins can elaborate further in a
15 moment on the uncertainties associated with that estimate
16 that the government is currently reviewing.

17 More importantly I think, for purposes of
18 moving forward with a risk-informed approach to dealing
19 with these liabilities, we have applied for funding for
20 the first five years of this plan. As I indicated in my
21 opening remarks, for the past five years the investment
22 that the government has been making in waste management,
23 dealing with these legacy liabilities, is about
24 \$150 million.

25 For the next five years we have applied for

1 double that to deal with the liabilities with the Chalk
2 River Laboratories. That is about \$300 million. We have
3 a plan, Commissioner Barnes, for ramping up with
4 resourcing over the next five years to deal with those
5 according to the plan's requirement in terms of activities
6 and human resources required to carry out those
7 activities. So those things exist.

8 **MR. ROBINS:** If I may. It is Mike Robins.
9 I would like to address your issue on timing.

10 The plans were submitted on March 20.
11 Since that time, as noted, there are very complex and
12 comprehensive analyses of the plans and the costing will
13 take some time.

14 Our internal audit organization has been
15 actively engaged in concurring the numbers and the Auditor
16 General is actively engaged now in the course of reviewing
17 the audit of our books to support the valuation that we
18 have put on the numbers.

19 It is a rigorous process that we are going
20 through to validate the liability.

21 NRCan has been actively involved and as
22 well communications with the Comptroller General of Canada
23 have been active and there is an awareness of the
24 activities that are being undertaken.

25 We are doing the due diligence around the

1 numbers and we will be representing those in our financial
2 statements that will be issued before the end of June.

3 **MEMBER BARNES:** If I can just make a
4 further comment then.

5 I think from my perspective, I fully
6 understand that this is an extremely complex site. This
7 is a huge task that AECL faces. It is going to be
8 underpinned with public resources for the most part and
9 the acquisition of those resources by you will be repeated
10 over a long period of time. In order to access those, you
11 will need some kind of plan and we are looking at that
12 plan today.

13 I draw a distinction between your issue of
14 securing those resources from government, those
15 negotiations, against what I would view is a requirement
16 by the Commission to look at the technical requirements of
17 the plan to see whether those technical requirements are
18 actually married in some kind of reality to a financial
19 and resourcing underpinning. We do this all the time and
20 we see other requests for activities from major utilities
21 and so on. So I really think that the plan that we have
22 before us, if it is for approval, is quite naked. It is
23 missing important components. I am not sure how it can be
24 approved except in some provisional way without these
25 other components. I really don't.

1 Let me also turn to another key issue I
2 had, although, Madam Chair, you have already referred to
3 it.

4 In the supplementary information that was
5 provided in the letter from Mr. Sotirov to Mr. Martin, the
6 last bullet is that AECL was asked to provide a public
7 consultation plan for periodic review and updating of the
8 PDP. I certainly couldn't see that within the PDP.

9 It may depend on what you interpret as the
10 words "public consultation", but because this is one of
11 the most major decommissioning activities, we looked at
12 the Whiteshell yesterday, which is really quite miniscule
13 compared to what you are looking at here, there will be a
14 great deal of attention on this site internationally and
15 nationally, and particularly for the people that live in
16 that area. I would have thought that this requirement was
17 also to address not just the reporting mechanism back to
18 this Commission but also to the public as a whole.

19 To staff, do we have this information? Am
20 I missing something in the documents that we could call a
21 public consultation plan?

22 **MR. HOWDEN:** Barclay Howden speaking.

23 Dr. Barnes, at the back end of the
24 preliminary decommissioning plan, there is a separate plan
25 called a Framework for Communications and Public

1 Consultation Plan. In CMD 04-H21.1B, it is the last about
2 six or seven pages.

3 **MEMBER BARNES:** Okay. Thank you.

4 **THE CHAIRPERSON:** Dr. Dosman.

5 **MEMBER DOSMAN:** Madam Chair, my comments
6 and concerns are really on the same issue. Although much
7 has been discussed, there are the issues of the
8 operational timeline, the development of the cost model
9 and the cost model of support and enabling facilities.

10 I gather from AECL that there are two
11 issues. Am I correct? One is the sheer time that it has
12 taken to develop these models accurately. Then the other
13 issue that AECL mentioned is insuring that the financial
14 resources would be available.

15 Am I correct, that those have been two
16 impediments to completing the plan to the degree that the
17 Commission might like to see?

18 **DR. FEHRENBACH:** Commissioner, I don't
19 think those have been the impediments into completing the
20 plan as I understood the way you expressed it.

21 I think at the end of the Day One Hearing
22 there was the requirement that you placed on both the
23 staff and ourselves to bring together our understandings
24 of what was required to put in the plan. That has been
25 achieved. We believe that we have been able to provide a

1 timeline, a complete description of everything that needs
2 to be done, everything on the site that is there now, and
3 the scope of work, the enabling facilities that are
4 required to proceed.

5 As discussed, we have shown and shared with
6 the staff the basis for our estimating of the resources
7 required. We have provided a fairly detailed plan for the
8 next five years going forward, and we have applied for the
9 funding to execute that plan.

10 We are fully prepared to provide the
11 manpower necessary, some of which will be internal
12 manpower, some of which will be contracted for particular
13 activities over the course of the plan. So I don't think
14 that pulling together the information has been the
15 difficulty once we understood the details of the
16 information required.

17 **MEMBER DOSMAN:** I can see, building on the
18 previous hearing day, that progress has been made in staff
19 clearly outlining the expectations and AECL attempting to
20 meet expectations. I guess I am also, as has been
21 discussed by our President and Commissioner Barnes, I am
22 left with verbal assurances that there may be certain
23 costs and so on that have been developed, but in making a
24 decision on this matter this additional information would
25 be quite helpful.

1 Let me ask AECL how confident are you that
2 such information could be provided in a relatively timely
3 manner.

4 **MR. ROBINS:** It is our expectation - this
5 is Mike Robins speaking -- that by June 30, when we have
6 to file our annual report, we will have assurances that we
7 will be able to value the costing model that has been
8 presented and provide the best estimate, to management's
9 ability, of the cost of completing this plan as filed with
10 the CNSC on March 20. It is just taking some time to
11 apply all the costs to validate it, do our due diligence
12 and gain assurance with the external auditors that these
13 financials will be fairly stated as of that date. That is
14 a time consuming effort.

15 As Dr. Fehrenbach alluded to, going out
16 many years is difficult. There are vagaries in the
17 specifics of the dollar values when you go out in long
18 term, so there is a need to get assurance and comfort that
19 the estimates that we put in place will in fact cover it
20 over the long term. That is the valuation process that we
21 are undertaking now.

22 June 30 is the date that we are looking to
23 be able to finalize our valuation, and that will be
24 supportive of the submission in September.

25 **MEMBER DOSMAN:** Madam Chair, may I ask CNSC

1 staff, having seen the information that you have seen and
2 so on, how confident is CNSC staff that AECL will be able
3 to provide the remaining items and model and plans that
4 would be required for a more complete assessment?

5 **MR. HOWDEN:** Dr. Dosman, we can say with a
6 high level of confidence that AECL will meet their
7 commitments beyond the seven out of 11 that have been
8 done. The seven of 11 that have been done are major,
9 major accomplishments. The current version of the PDP is
10 much improved than it was before.

11 So we are working toward two dates of
12 December 1, 2005 for the formal submission of the costing
13 model, but we are clearly going to get it earlier. March
14 31, 2006 for the operational plan, which is a five-year
15 plan which is to be updated on a yearly basis.

16 I would just like to make two points beyond
17 that. One is licence renewal is coming next year and at
18 such time the program will be up for review as we normally
19 do at licence renewal. That is one point for you.

20 The second thing is, I would like to point
21 out that the PDP is a living document. This thing doesn't
22 get done once and get set on the shelf. It has to be
23 adjusted as required with time. We expect it will adjust
24 with time because there are uncertainties. As the
25 uncertainties are assessed and become less uncertain, we

1 would expect changes.

2 We expect updating to be done on a minimum
3 frequency of every five years or if something else changes
4 that requires it to be. I just wanted to provide you with
5 that additional information.

6 **THE CHAIRPERSON:** Dr. McDill, do you have
7 any questions.

8 **MEMBER McDILL:** Thank you.

9 One of the major concerns last day was
10 trying to achieve I think the words that Dr. Fehrenbach
11 used were something along the lines of a greater
12 convergence of understanding. I think we are on the way
13 there. Congratulations. My compliments to both parties
14 on that.

15 I have a similar concern to Dr. Barnes with
16 respect to public input. I noticed that it is listed as
17 sources of uncertainty in estimating decommissioning
18 liability. I am just wondering if between that comment
19 and the issue of understanding whether or not this
20 convergence, I am going to use your term, is going to
21 extend to the public of understanding of what is there.

22 **DR. FEHRENBACH:** That's our plan and we
23 would hope that will be the end result, yes.

24 **MEMBER McDILL:** Thank you.

25 My next question is I guess to staff and to

1 AECL.

2 There is a very long figure, Figure E-3,
3 which starts with "Planning, design and construction,
4 operation, shutdown, decommissioning..." and then ends with
5 "...institutional control." Is staff satisfied that the
6 blue bar that ends with "institutional control" is
7 complete in all cases? Is there anything missing there
8 that doesn't belong?

9 I did notice one where institutional
10 control, for example, on I guess it is Figure E-3, D,
11 institutional control is at the beginning of the bar and
12 there is none at the end. This is a big, complicated
13 figure and I wonder if staff could comment.

14 **MR. DOLLINAR:** For the record, my name is
15 George Dollinar.

16 I believe you are referring to the fourth
17 bar down on the page. I believe that should be a darker
18 shade of blue indicating a planning phase. The IC periods
19 have a triangular end to them.

20 **MEMBER McDILL:** Would there be a blue bit
21 at the end of the package for disposal or not in that
22 case, a light blue bar?

23 **MR. DOLLINAR:** No, the package for disposal
24 item shown there is a facility. It gets decommissioned
25 and there is no institutional control following that.

1 That facility is removed after the packaging is completed.

2 **MEMBER McDILL:** The only things, I
3 shouldn't say the only things because they are significant
4 in their presentation, the major items in which
5 institutional control will still exist at the end is again
6 mostly on page D of Figure E-3, which is the landfill,
7 cover and dispose *in situ* with institutional control
8 monitoring, Iris facility, the very last bar, and there is
9 also one pointing to the high level waste repository,
10 which of course is still a matter of ongoing concern.

11 **MR. DOLLINAR:** That's correct.

12 **MEMBER McDILL:** Thank you.

13 **THE CHAIRPERSON:** I think we will go right
14 now to the interveners. I just think that it is maybe
15 appropriate right now to say that I think that the
16 Commission members have shown a great deal of satisfaction
17 with the progress that has been made since September in
18 terms of the content side of the comprehensive
19 decommissioning plan. There is a realization that this is
20 a complex site and that this is a living document.

21 The Commission has not only in the case of
22 AECL but in other licensees shown a great deal of interest
23 in making sure that these plans are comprehensive at the
24 beginning and that they have the necessary bells and
25 whistles on them to make sure that they are brought up on

1 a regular basis, and both content and finance to have
2 done.

3 I still believe that the Commission, and we
4 will listen right now to the interveners in terms of other
5 issues that they may bring forward, but I will come back
6 at the end to the issue of ensuring that the Board of
7 Directors and the shareholder understand the concerns that
8 the Commission has with regard to decommissioning and
9 handling of waste in general. We will come back to
10 discuss how exactly the Commission puts that forward in a
11 way that is understood very clearly that we need these
12 numbers finalized. We need them public. We need them to
13 be supported. We need somebody to say that they accept
14 this liability seriously for 60 years of the federal
15 government being involved in this. We just really do need
16 this. That is one of our jobs.

17 We will come back at the end after we have
18 heard the inputs from the interveners about this to decide
19 how we go about that next.

20 We will now then move on to the
21 interventions. I would just like to mention for
22 interveners that we have read your written presentations
23 fully and they will be duly considered. The opportunity
24 now is for you to give a summary. We have allocated about
25 10 minutes for each of these oral presentations, to give

1 us a summary of your written presentation and the matters
2 that you wish to put before us.

3 We will start with CMD 04-H21.4. We have
4 with us M. Thierrin, who is President of the Ottawa-Vanier
5 Greens. Bonjour et bienvenu ici, M. Thierrin.

6 **M. THIERRIN:** Merci, Madame Keen.

7 **THE CHAIRPERSON:** I will give you the
8 floor, sir.

9

10 **04-H21.4**

11 **Oral presentation by the**
12 **Ottawa-Vanier Greens**

13 **MR. THIERRIN:** Actually, I have just
14 recently won the nomination contest in Ottawa-Vanier as
15 the federal candidate for the upcoming election, which may
16 be in winter now.

17 Really, our constituency is starting to pay
18 attention to Chalk River because, yes, it is 150
19 kilometres upstream roughly from where we live.

20 Certainly the three points that I want to
21 hammer a bit today is the decommissioning as presented
22 today and certainly as it will be refined through planning
23 and further discussions. Will it meet a minimum criteria
24 for social acceptability?

25 I will emphasize later on the public

1 consultation that AECL has been kind enough to start. I
2 think there are pieces missing, but I would like to
3 contribute to add a few pieces there.

4 The report really talks a lot about
5 technical feasibility to an extent and also financial
6 capability. I am really glad that Mr. Barnes emphasized,
7 from what I see as well, some gaps in the financial
8 capability outlined in their report. I appreciate
9 certainly the decisions that have taken place over the
10 past few minutes to try to elaborate, well, what does that
11 mean, and so on.

12 One thing I found very interesting is -
13 let's go back 24 hours, 24 hours ago a government was
14 about to fall because of an extra expense of \$4.9 billion.
15 So I look at this figure of \$4.9 billion, which was
16 basically the deal made by the Liberal Party and the NDP
17 Party to ensure its survival so that we can enjoy a winter
18 election. When I look at the previous report and the
19 figures outlined more recently by AECL about the current
20 estimated cost of decommissioning as \$2.2 billion and I
21 look at those two figures together, a government almost
22 fell for an expense of \$4.9 billion.

23 We are saying right now that, for example
24 in the public communication strategy that is outlined by
25 AECL, well, we are going to contact a few local

1 newspapers, we are going to contact the *Pontiac Journal*,
2 we are going to contact the *Shawville Newspaper* and so on.
3 That is going to be basically the extent of our public
4 consultation.

5 Wake up, people. There are bigger
6 communities downstream. You have a facility that is built
7 partly on bedrock but also partly near a marsh that floats
8 into the Ottawa River. Who lives downstream on the Ottawa
9 River? One of the major arteries of the beginning of this
10 country is the Ottawa River. Why is the capital on the
11 Ottawa River, the cities of Montréal, Laval, Lévis,
12 Québec, Trois-Rivières?

13 The public consultation plan should
14 definitely include newspapers like *Le Devoir*, *La Presse*,
15 *Le Droit*, closer to here, *The Ottawa Citizen*, possibly the
16 *Globe and Mail* because the *Globe and Mail* wants to be a
17 national newspaper, *The National Post* and others.

18 When we are talking about \$2.2 billion, and
19 that is probably only a very minimalistic cost because we
20 are talking about a facility that will need 400 years of
21 nurturing, it seems to me that there should be a public
22 consultation document that should be about this thick
23 instead of just seven pages.

24 I appreciate certainly the fact that the
25 communications person from AECL sent me a nice little

1 email over the past week saying that she would provide our
2 green party association with as much documentation as we
3 want in the near future about their future plans and so
4 on, keep us involved and so on. We really appreciate
5 this.

6 I don't want to sound negative. I want to
7 say, let's work together. How can we in Ottawa, or other
8 groups in other provinces or downstream, whether it is
9 Nova Scotia, Quebec and so on, how can other people help
10 you do a really full-fledged public consultation process?

11 For example, on page 1 of the consultation,
12 at the bottom it says that there should be enough
13 notification of public information sessions. Just if you
14 extend the breadth of your consultations, there should
15 also be maybe visits. Visits to maybe schools or
16 community centres or whatever in Ottawa, in Montreal, in
17 other places, to have a truly - like, don't hide yourself
18 in Chalk River. You are not adding to your credibility by
19 hiding in Chalk River. You need to visit us. It is not
20 up to us to have to travel three or four hours to go to
21 your facility to tour it and so on. Certainly, that
22 should be part of it, but it is also up to you to say,
23 okay, we are going to have a public consultation session
24 in a community centre in Ottawa and see how many people
25 show up and how many people are really concerned.

1 I am still thinking of two years ago, this
2 really stupid, stupid, stupid, stupid publicity campaign
3 that appeared on Ottawa buses. There were pictures of
4 smiling children. Next to it it said "Support ITER". Can
5 you explain to me exactly what the relationship is between
6 the ITER fusion project that I think Japan or France it is
7 going to be built at now and smiling children?

8 If you want an example of how not to do
9 public education, that is one good example. So please
10 treat us with intelligence in the various communities
11 where we live, whether it is Ottawa or other places, that
12 are on the shorelines of the Ottawa River.

13 It seems to me that besides having greater
14 public consultation there also ought to be a full-fledged
15 panel, a full-fledged environmental panel as well. We are
16 talking about an extremely complex site here. We are
17 talking about a site that has already been managed, or
18 mismanaged according to some people, for the last 50
19 years. We are talking about a huge potential - probably
20 already a white elephant. I'm not sure. It depends on
21 what your view on nuclear energy is I guess. We have
22 different views here and I am not going to talk about the
23 pros and cons of nuclear energy at this point.

24 Certainly, the decommissioning of the waste
25 and the disposal or process of the waste coming out of

1 this historical facility needs to be really considered and
2 also provide it as an opportunity to educate us, educate
3 people, educate communities, educate other groups and
4 educate but also allow for other perspectives to be shown,
5 because that is what a true public consultation is. It is
6 not just where some people educate other people, they are
7 not really listening to what other people are saying.

8 I think there really is a need for a full
9 public consultation and/or I think if we had a full
10 environmental panel of course that could also include
11 quite a degree of societal type of consultation as well.
12 I think we would be very satisfied if AECL and CNSC were
13 to go in this direction.

14 I think part of why this type of thing is
15 needed is also when I come back now to the financial
16 capability.

17 We right now have a Commission that was
18 conducted its hearings in Ottawa not too long ago and has
19 now in Montreal. Part of the reason why this Commission
20 exists is because we have been one little empire within
21 the government. Various people were talking with one
22 another without really having proper reporting channels
23 and so on.

24 Perhaps in the natural resources sector of
25 the Canadian government things are very different than

1 they were in Public Works. Perhaps the fact that AECL is
2 essentially a Crown corporation within roughly that same
3 boundary as natural resources, and CNSC is also within
4 that boundary, so you have - you know what I am saying.
5 There are basically two bodies within the same overall
6 boundaries that are basically telling one another, yes, we
7 are supporting your financial guarantee. It is only if
8 you get privatised that we would want to have more
9 specific financial figures listed in detail in the
10 documents.

11 For example, I appreciate that AECL has
12 already costed things at \$2.2 billion, but in no documents
13 that I have seen so far have I seen a breakdown of what -
14 allow me or allow the public or allow people with perhaps
15 more expertise than I have to examine those documents to
16 decide, okay, \$2.2 billion, how is it broken down and for
17 how long does that go? Is that for truly the full 400year
18 cycle that we are talking about here?

19 Also, let's not forget that through about
20 10,000 years, I'm not sure what type of low level or high
21 level waste exactly is at Chalk River, but I would imagine
22 that some of that toxicity - not toxicity, but nuclear
23 activity, the shelf life of some of these materials will
24 very likely surpass 400 years. If it is \$2.2 billion. I
25 would like to see for the public - it is not appropriate I

1 think for AECL or CNSC to have discussions with senior
2 levels of the government, which was what was alluded to in
3 the last 15-20 minutes, because this should really be
4 under greater public scrutiny-what mechanisms, I'm not
5 sure.

6 But when I hear that - I will make it
7 short; I will finish in one minute or less - I will say
8 that I am happy that there are discussions with the
9 Auditor General and I am wondering whether there are also
10 discussions with the sustainability commissioner who works
11 with the Auditor General and whether perhaps AECL and/or
12 CNSC would entertain asking the Auditor General and/or the
13 sustainable Commission to decide whether they are
14 satisfied with what is happening right now and also
15 whether they would like to feel that the complexity and
16 the dynamism of the full 400-year process that is entailed
17 here, if that process does not deserve a full panel
18 assessment by the Environment Evaluation Agency of the
19 government.

20 **LA PRÉSIDENTE:** Merci beaucoup, messieurs.

21 Are there questions from the Commission
22 members for M. Thierrin?

23 Dr. Barnes.

24 **MEMBER BARNES:** I think it would be useful
25 to ask AECL if you have any further comment on the

1 communication plan relative to the points being raised?
2 Are you looking too closely to your site as opposed to
3 reaching out to a wider public community.

4 **DR. FEHRENBACH:** Thank you, Commissioner.

5 We are prepared to engage and include all
6 those interested in the topic in our communication plan.
7 I think it has been alluded to already, when we became
8 aware of the interest of this particular group we offered
9 to send them whatever documentation they require and
10 involve them in further communication.

11 There is one other point though that I
12 would like to respond to for clarification, that is, to
13 keep in mind that what we are talking about here is a plan
14 not a project. There are individual projects to be
15 undertaken within that plan and during that plan and each
16 of those projects are subject to environmental assessment
17 processes which will, by themselves, involve further
18 public consultation. So each of the major projects that
19 take place during the plan will involve further public
20 consultation.

21 **MR. THIERRIN:** Can I respond? No?

22 **THE CHAIRPERSON:** Mr. Graham.

23 **MEMBER GRAHAM:** I was going to bring it up
24 at a later date, but with regard to the communications
25 plan I did have a series when I read this the other day

1 preparing for this meeting.

2 I guess communications is that you will
3 have to not only communicate well but you will have to
4 gain the trust of all of the stakeholders that will be
5 involved with them. One of the things that comes across
6 is that the past is behind you, you have to look to the
7 future. In gaining that trust, I would like to hear from
8 Dr. Fehrenbach that even if some of these stakeholders may
9 be critical of you or critical of times, that chain of
10 communications and that area of communications will
11 continue because I think it is only through that type of
12 open dialogue that you will get a good communications
13 package going. Really you will receive criticism, but I
14 think it is very important to get assurances that even if
15 you do get it that you will keep the line of
16 communications open.

17 **DR. FEHRENBACH:** Thank you, Commissioner.

18 Yes, I can respond affirmatively to that.
19 In fact, I guess it is fair to point out that we already
20 attract occasional criticism and are proceeding
21 nonetheless with a broader public consultation and
22 communication program. Yes, we would continue in spite of
23 criticism.

24 **THE CHAIRPERSON:** Further questions to
25 this?

1 Mr. Thierrin, do you have a comment you
2 wish to make now?

3 **MR. THIERRIN:** One is that the reason why
4 we are arguing in favour of a full environmental panel is
5 because there are cross-impacts of the different - I mean
6 these are very complex sites. I have seen the maps in
7 different buildings and so on, different facilities,
8 different decommissioning sites. There is going to be a
9 cumulative or cross-impact of these sites on one another.

10 I don't think it is having a fragmented
11 process of one little environmental assessment here,
12 another one here, another one here. Why not look at the
13 whole picture so that as a society - I mean as a society
14 we have to live with the stuff. Whether I am a green
15 party member or not, we have to live with the consequences
16 of the past 50 years, so let's really have a full process,
17 because small environmental assessments are very time
18 consuming.

19 I am probably one of the few people in this
20 room who is not paid to be here today, so you want to be
21 sensitive to the needs of community associations or small
22 riding associations and so on, if you want us to
23 participate meaningfully into this.

24 Yes, you may hear very far more vitriolic
25 criticisms than you are hearing from me today from other

1 people, but try to withstand that and say, okay, this is a
2 legacy of having huddled in secret for 50 years. That is
3 the normal process. But if you can go through that
4 process and after that entertain really good solid
5 discussions about how as a society we are going to be
6 paying for this because as a taxpayer I will be paying for
7 that \$2.3 plus billion.

8 **THE CHAIRPERSON:** Thank you very much,
9 Mr. Thierrin.

10 We will now then move to the oral
11 presentation, CMD 04-H21.3B by Mrs. Elizabeth May, who is
12 the Executive Director of Sierra Club. I believe it is
13 the first time you have been with us, Mrs. May. Thank you
14 very much for coming.

15 The floor is now yours, ma'am.

16
17 **04-H21.3B**

18 **Oral presentation by**

19 **Sierra Club of Canada**

20 **MS MAY:** Thank you, Madam Chair. I
21 appreciate the opportunity to present to you orally, and I
22 appreciate that you have fully read and no doubt memorized
23 our written brief.

24 I want to speak briefly to our four summary
25 points and get into a bit more detail about a few of them

1 than what is in the written brief.

2 The bottom line position of the Sierra Club
3 of Canada, and I can't say this strongly enough, is that
4 you simply can't approve what you have before you. You
5 don't have enough information, it is not adequate and it
6 is not adequate on a number of points.

7 I think the Commissioners in earlier
8 questioning made it clear that they share some of our
9 concerns about the complete absence of any financial
10 information in this document at all.

11 Let me be clear. Even if there were
12 complete spreadsheets that suggested that we knew where
13 every bolt was going to be purchased and what it was going
14 to cost, the levels of uncertainty around those estimates
15 are quite significant. That is what I would like to go
16 through because right now AECL may say they have their
17 documents and certainly the staff of the CNSC have seen
18 those estimates and spreadsheets, but within the evidence
19 before us, within AECL's presentation of the comprehensive
20 preliminary decommissioning plan, there are identified a
21 number of large uncertainties about total cost. That
22 would make it very difficult to proceed, both in the
23 absence of any financial information and knowing that
24 financial information is predicated on a very uncertain
25 perspective future for the decommissioning, including such

1 things as how the public responds to the plans.

2 AECL's own information tells us that could
3 cost a billion dollars more if public concerns led to a
4 different timetable for cleanup. These are large-scale
5 uncertainties impacting the plan.

6 I would also like to say a little bit about
7 Sierra Club of Canada's experience in waste management
8 issues. I didn't touch on this in our written brief, but
9 we are members of something called the Green Budget
10 Coalition. We worked for many years to obtain what we now
11 see as contaminated sites funding within the federal
12 budget. We met with Prime Minister Martin when he was
13 finance minister repeatedly, we met with Minister Manley
14 when he was finance minister and ultimately under Minister
15 Goodale and the 2004 budget. We were successful in seeing
16 one of our demands - and this is a coalition of 20
17 environmental groups, national groups from across Canada,
18 who put together a short list of things we want to see in
19 the budget.

20 The toxic legacy, both radioactive and
21 organic chemical, of the federal government is
22 significant. We finally saw \$3.5 billion put forward in
23 the 2004 budget. The \$3.5 billion was also matched with a
24 \$500,000 commitment to those sites that were considered of
25 mixed jurisdiction. But relevant to this issue is

1 \$3.5 billion for all the toxic waste sites across Canada
2 that are in federal jurisdiction.

3 Obviously, a site that needs \$2 billion for
4 cleanup is a huge - it is more than half of all available
5 federal funds for toxic waste cleanup. It is not
6 reasonable to assume that we have enough money for toxic
7 waste cleanup in this country. More to the point that the
8 Chair made earlier, it is hard to get that kind of money.

9 So what we have before us is not a
10 commitment of funds but in fact a financial guarantee in a
11 letter that just restates the obvious from former Minister
12 Dhaliwal.

13 I want to stress that an admission of
14 liability is not the same thing as a commitment to
15 funding. It is not a commitment to funding of money on
16 hand, nor is it a commitment to find the funds as they are
17 needed for any particular toxic waste cleanup. An
18 admission of liability is what that is. It is an
19 admission of liability, not a commitment of funding.

20 Our fundamental point in this morning's
21 hearing is that there is no transparent funding mechanism
22 for the remediation of the Chalk River site that is
23 independent of political influence. The proposal before
24 us is merely a reinstatement of the federal government's
25 responsibility under the *Financial Administration Act* for

1 cleaning up Chalk River. This goes to our fundamental
2 point that we need an independent and separate fund to be
3 established so that the cleanup activities can be carried
4 out in a way that this Commission can have confidence will
5 actually occur.

6 Our second point relates to the need for a
7 public consultation process to gather input. Again, I
8 have mentioned earlier AECL acknowledges that subsequent
9 public demands for a more prompt cleanup of the Chalk
10 River site could lead to increased costs of remediation.
11 So it seems illogical to proceed with an assumption of a
12 financial guarantee from a letter which is merely an
13 admission of liability and to go ahead with an estimate of
14 \$2 billion when the proponent itself is admitting that
15 could be off by a factor as large as \$1 billion based on a
16 public consultation process.

17 I want to also go briefly to what is
18 described as a framework for a communications and public
19 consultation plan and put to you very strongly that this
20 is completely and wholly inadequate if not offensive.
21 This is a framework for a communications plan. There is
22 nothing here.

23 Commissioner McDill mentioned the question
24 of public trust. There are several words in here which
25 immediately violate any trust to demonstrate the severity

1 of the disconnect, whether it is cultural or political,
2 that AECL fails to understand about public consultation.

3 Let me tell you the two things that are
4 immediately a problem.

5 The smaller point is that the description
6 of stakeholders designates to all citizen groups, all
7 environmental groups and all public interest groups the
8 misnomer special interest groups. Special interest groups
9 are those with a pecuniary interest in the outcome. They
10 then go on to describe the Concerned Citizens of Renfrew
11 County as a special interest group. This is your local
12 community group. These are local citizens. But more
13 fundamental is that the notions of public consultation,
14 and I second the points that was made by the first
15 intervener from the Green Party, that what you don't do is
16 just advertise in a local community. This is a
17 significant large issue where we don't know from AECL's
18 own information whether radioactive material from the site
19 is already reaching the Ottawa River. There are
20 significant issues for all those downstream and finding
21 out who your critics are and promising to contact them in
22 future is a process for managing critics, not informing
23 the public.

24 If you are interested in informing the
25 public, you put the public notices in *The Ottawa Citizen*

1 and in *Le Droit* and so on.

2 The code word here that I want to let you
3 know about because you may not be aware, on page 5 the
4 consultation proposal refers to open houses. Open houses
5 are not adequate public consultation. They are a new and
6 clever and very expensive device developed by public
7 communications consulting firms. I know they are very
8 expensive, but what you end up doing is opening up a room
9 with separate stations around the room and members of the
10 public who come in, walk from expert to expert, ask the
11 question and have it answered. The key element of this
12 that is anti-democratic in our view is that the public
13 that comes to these sessions never hears their neighbour's
14 questions, never hears someone who is very knowledgeable
15 challenge the answer that is given.

16 We have just recently gone through this in
17 Sydney, Nova Scotia on the tar ponds cleanup issue where
18 the local Crown corporation ran open houses and then
19 reported to the Minister of Public Works that there were
20 only a handful of people who shut up and they were all
21 satisfied. Fortunately, there was a petition circulating,
22 and over 4,000 people signed it, saying that they were not
23 satisfied and didn't want the incineration plant. That
24 issue has now gone to a full panel review.

25 A full panel review is another one of our

1 key - and I know I should close soon - and fundamental
2 recommendations because a full panel review under the
3 Canadian Environmental Assessment Act is conducted by an
4 independent panel such as yourselves, because it allows
5 people who are present to hear the questions and the
6 answers, because it provides independent advice and
7 because at this point it is our reading of the *Canadian*
8 *Environmental Assessment Act* that such a full review is
9 absolutely mandated by the Act.

10 The environmental assessment process speaks
11 to an environmental assessment as early as possible in the
12 process and before irrevocable decisions are made.

13 We know that individual projects within the
14 cleanup at Chalk River will go through screenings and go
15 through the environmental assessment process, but now is
16 the time to say with a project of this magnitude, which we
17 know will be of at least - given the estimates we have
18 from AECL today, we know it will be a minimum \$2 billion.
19 It is likely to be more but it will be a minimum of
20 \$2 billion. We are beginning now down that road. Now is
21 the time to see the entire issue go to a full panel review
22 before the Canadian Environmental Assessment Agency. That
23 would be another way to ensure that there is adequate
24 public consultation, because what you have before you is,
25 with all respect - and I am sure that there are some

1 consultants who told AECL this would be a wonderful thing
2 to put in their package, but it made me see red because I
3 have been through these and they are not public
4 consultation. They are a sham propaganda exercise.

5 I suppose I have made myself clear on that
6 point.

7 **THE CHAIRPERSON:** I would ask you to wrap
8 up.

9 **MS MAY:** Yes.

10 **THE CHAIRPERSON:** Thanks, Mrs. May.

11 **MS MAY:** Again, I just would want to
12 reiterate that there are three key points today.
13 Admission of liability is not an adequate financial
14 guarantee. You have no adequate financial information
15 before you and if you did we want to see that in a
16 separate fund that is designated for the purpose, and
17 there must be an environmental assessment through a full
18 panel review.

19 Thank you for your attention.

20 **THE CHAIRPERSON:** Thank you very much. Are
21 there any questions for Mrs. May?

22 Mr. Graham.

23 **MEMBER GRAHAM:** My question is to AECL and
24 that is with regard to funding. That was the concern of
25 my first questions this morning and again it comes up in

1 Ms May's presentation.

2 I realize that the commitments in the
3 budget are very new, but what ongoing discussions has
4 there been with NRCan as far as assurances that you are
5 going to have money going into your fund every year from
6 NRCan or from some government agency other than what you
7 have been able to glean from the sale of your own heavy
8 water and so on?

9 Have you any commitments yet as to funding
10 from the Government of Canada?

11 **MR. ROBINS:** This is Mike Robins.

12 We have ongoing discussions with NRCan
13 officials at all levels and assurances and active
14 participation in the Contaminated Site Fund and assurances
15 from NRCan that they will be going to Cabinet for
16 additional funding to meet the obligations that will be
17 reflected in the financial statements of AECL and the
18 Government of Canada. There is a clear understanding from
19 the officials of NRCan of the obligations of Canada to
20 support this effort.

21 **MEMBER GRAHAM:** In the next say immediate
22 short term, the next five years and so on, have you put
23 together a package, a specific amount of funds, that you
24 will need for the next five years? I am not looking for
25 the wording that they support you. Support can come in

1 many ways and hard cash is probably the best support.

2 I am wondering if there has been a project
3 put forward for funding for the first say five years of
4 decommissioning so that you can start building the fund.

5 You submit a budget to government and you
6 get your budget approved. In that I presume there is some
7 decommissioning money but that certainly isn't going to be
8 sufficient to meet the graphs and the timelines that you
9 have put forward so could you enlighten us on that?

10 **THE CHAIRPERSON:** Could we just restate
11 that rather than Mr. Graham making a statement that that
12 isn't sufficient? That is a question. Thank you.

13 **DR. FEHRENBACH:** Yes. Let me try and
14 repeat what we thought we said earlier, that we have made
15 specific requests for specific projects, not only for
16 Chalk River but for the total amount of work in the
17 preliminary decommissioning plan for all of the wastes we
18 are managing and obsolete facilities we are managing on
19 behalf of the Government of Canada for a five year funding
20 package. That is currently working its way through the
21 various approval systems as we speak. We fully expect it
22 to be in place for the beginning of the plan April 1st,
23 2006.

24 **MEMBER GRAHAM:** Without getting into the
25 specifics of dollars, does the requests that have gone

1 forward to government for funding meet the guidelines and
2 the plan that you have presented to us?

3 **DR. FEHRENBACH:** Yes, Commissioner, it
4 does. The project is put forward and the request for
5 funding reflect exactly the plan that we have presented
6 here and has been recommended by the CNSC staff.

7 **THE CHAIRPERSON:** Are there further
8 questions?

9 Yes, Dr. Barnes.

10 **MEMBER BARNES:** Just to press Mr. Robins a
11 little further, those are really generic responses. Is
12 there any indication when NRCan would submit that to
13 Cabinet? You didn't give a timeframe for that.

14 **THE CHAIRPERSON:** I just would like to make
15 sure that we are not getting into areas which are not
16 permitted, so answer, Dr. Fehrenbach, with discretion.

17 **DR. FEHRENBACH:** Thank you, Madam Chair. I
18 will invite Mr. Robins to respond to Commissioner Barnes.

19 **MR. ROBINS:** We have been informed that
20 there is a plan to go to the Government of Canada in the
21 fall for incremental funding to meet the needs of this
22 plan as submitted.

23 **THE CHAIRPERSON:** Further questions or
24 comments?

25 Yes, Dr. McDill.

1 **MEMBER McDILL:** Going back again to
2 Figure E-3, I wonder if perhaps staff and AECL might
3 comment on, for example, in the contaminated grounds on
4 E-3, page C, there is an assessment monitoring,
5 preparation of submission of a safety case, how an
6 environmental assessment will be positioned in that?

7 Staff first perhaps.

8 **MR. HOWDEN:** Barclay Howden.

9 In terms of the process, if AECL goes
10 forward with a licence amendment normally what we do is,
11 to move these types of projects to do the environmental
12 assessments that are required, and I don't know what is
13 required for this particular one, there would be a
14 submission of a letter of intent which basically then
15 starts the process, allows us to determine whether there
16 is a trigger. If there is a trigger, then determine
17 whether there is a project. If there is a project, then
18 an environmental assessment goes forward.

19 The type of environmental assessment that
20 goes forward depends on what the project is being
21 proposed.

22 **MEMBER McDILL:** Maybe I could ask AECL to
23 comment.

24 **DR. FEHRENBACH:** Paul Fehrenbach, for the
25 record. I would ask George Dollinar to respond to that

1 question please.

2 **MR. DOLLINAR:** George Dollinar, for the
3 record.

4 I would echo the comments of Barclay
5 Howden. That is our understanding of the process as well.

6 **MEMBER McDILL:** I realize trying to scope
7 things out for many years is a huge challenge, but for the
8 purposes of helping the public to understand what has to
9 happen, is there a place on figures like this where that
10 kind of thing could be identified to the public so they
11 could see where these things might occur?

12 I realize that I am asking a difficult
13 question. Perhaps AECL could comment because I know that
14 there has to be a licence and a project, but the public is
15 not as clear on that.

16 **DR. KUPFERSCHMIDT:** Bill Kupferschmidt, for
17 the record.

18 That certainly is something that would be
19 possible. I guess I would also like to get on the record
20 that in fact it is our plan during - once we secure the
21 approval of the Commission for the CPDP, that we would in
22 fact engage in a formal process with regard to
23 communicating all of this with the public in the local
24 areas.

25 That was part of our original plan.

1 **MEMBER McDILL:** And perhaps some non-local
2 areas as well.

3 **DR. KUPFERSCHMIDT:** Perhaps, yes.

4 **THE CHAIRPERSON:** Further questions?

5 Thank you very much.

6 We will then now move to the presentation
7 by the Ottawa Riverkeeper which is CMD 04-H21.5.

8 We have had the benefit, Ms Brown, of your
9 written interventions before. Welcome to the Commission.

10 The floor is yours now.

11

12 **04-H21.5**

13 **Oral presentation by the**

14 **Ottawa Riverkeeper**

15 **MS BROWN:** Thank you, Madam Chair.

16 I appreciate the opportunity to speak
17 because I actually speak with people living in the Ottawa
18 Valley on a daily basis, people living from Chalk River to
19 Montreal, the very people who are drinking water from the
20 river and eating fish from the river, fishermen who have
21 pulled fish from the river with deformities that have
22 caused concern to them and also created many questions.

23 I would like to stress a couple of points
24 today, the first one being the determining of the
25 priorities for the decommissioning and site remediation.

1 How were these top priorities for remediation determined?

2 How can these priorities for
3 decommissioning and remediation be determined without an
4 appropriate cost model? Has an ecological risk assessment
5 been completed and if so the public should be privy to
6 this information for this information is determining on
7 behalf of the public what acceptable risks are.

8 An ecological risk assessment should
9 consider risks associated with all potential sources of
10 pollution, including the known radioactive plumes that are
11 moving through the groundwater and the surface waters.

12 We cannot continue to evaluate
13 environmental impacts at the Chalk River site in a
14 piecemeal fashion. Ottawa Riverkeeper fears that billions
15 of taxpayers' dollars could potentially be sunk into
16 wasteful and ineffective remediation.

17 So determining these priorities, we believe
18 that there is a lot of unknown risks and lack of
19 information that the public needs to have access to.

20 The decommissioning plan does not provide
21 adequate detail about the handling of the wastes. For
22 example, where will the contaminated pool water be
23 disposed of and where will the contaminated soils be
24 stored? Are the risks associated with these
25 decommissioning projects higher than the risks associated

1 with the status quo. Without knowing the economic costs
2 associated with decommissioning and remediation projects
3 as well as the environmental costs with the status quo,
4 how can we make an educated decision that will protect the
5 public as well as our environment?

6 Although the AECL has reported on public
7 consultation, we believe that there is still a lack of
8 information. The scope of the contamination at the Chalk
9 River site and the associated risks to human health and
10 the aquatic environment are unclear. The potential impact
11 on the environment is unclear.

12 We have concerns that precautionary
13 decisions cannot be made without complete information.
14 For example, there has been a full evaluation of all the
15 wastes occurring at the site. There has been continual
16 emphasis on radionuclides but what about the mercury, the
17 lead and the persistent organic pollution such as PCBs?
18 The public has major concerns with these wastes and they
19 may have more repercussions than the radionuclides.

20 We believe that there is a need for more
21 pollution prevention in the plans. The plan fails to
22 describe how waste from the new facilities such as the
23 MAPLE reactors and the new processing facility will be
24 managed to minimize future decommissioning liabilities.
25 Even those the new facilities are specifically mentioned

1 as being covered by the financial guarantee proposal,
2 there is essentially no mention of them in the plan.

3 All of this lack of information I think
4 leads us to the need for a public consultation and full
5 panel review under the *Canadian Environmental Assessment*
6 *Act*. The public needs to hear from independent scientists
7 and needs to know what the risks are to their river as
8 well as to their human health. Until you can prove to the
9 public that all the impacts are currently being contained
10 within the vicinity of Chalk River, the Chalk River site,
11 I think it is very important to consult with the general
12 public on a watershed level.

13 If risk assessments have been completed,
14 they cannot be considered properly until the public is
15 involved in determining what the acceptable risks are.

16 I would like to say once again that we
17 think the public consultation to date has been inadequate
18 given the fact that there still are so many unanswered
19 questions. I think to gain the trust of the public, the
20 process must be transparent and the only way to ensure
21 this is a full panel review.

22 That is all I have to say. Thank you.

23 **THE CHAIRPERSON:** I would like to make it
24 clear that this is not an environmental assessment process
25 that we are engaged in today. There are many processes

1 that we use with Atomic Energy of Canada. They have many
2 licences with us and they have many processes with us.
3 This is not an environmental assessment. There has been a
4 number of calls for areas which may be appropriate within
5 a broader process, but what we are talking about today,
6 and I would just ask Commission members to help me with
7 this, is that we will be talking about the preliminary
8 decommissioning plan for this site and the financial
9 guarantees.

10 There was opportunities yesterday for us to
11 talk about the mid-term review and there are lots of
12 opportunities for us to talk broader, but I think we must
13 stick to the hearing today on that topic. But that isn't
14 to quell questions if Commission members have some
15 questions for Ms Brown.

16 Mr. Graham.

17 **MEMBER GRAHAM:** Just a question to CNSC
18 staff, and I don't want to get into licensing or any other
19 aspect but with regard to this. It is public relations
20 and communications and so on. It is the availability of
21 information. My question to CNSC staff is, is the
22 information available on an ongoing basis publicly on the
23 effects of the plumes that are reaching the Ottawa River
24 of whatever or the effects of various ongoing studies that
25 are being done onsite at Chalk River so that the public

1 can be part and have an educated participation in the
2 communications when the decommissioning goes forward?

3 **MR. HOWDEN:** Barclay Howden speaking.

4 I will start off. There is quite a bit of
5 information that is being made available to the public
6 that was not available before. Certainly the PDP has been
7 put on their web site. Also, there are annual reports for
8 releases. Environmental effects are now being made
9 available as well.

10 I just want to ask Mr. Lamarre to make a
11 quick comment and then Dr. Thompson about the
12 environmental effects report that was done recently.

13 **MR. LAMARRE:** Thank you, Mr. Howden.

14 For the record, my name is Greg Lamarre.

15 Just to confirm what Mr. Howden said, those
16 documents are certainly available, the Environmental Risk
17 Assessment, the Ecological Effects Review. Also, I would
18 like AECL to possibly comment on how they consulted with
19 the public on those two particular documents.

20 **MEMBER GRAHAM:** Without getting into a lot
21 of discussion and debate, really, all I want to know is
22 that is the public going to be informed as you go forward
23 and as the decommissioning goes forward, are the public
24 going to be informed not only about the decommissioning
25 plan as decommissioning a specific site or so on, but also

1 all of the other ongoing things that may be, as I say,
2 assessment of plumes and so on and what the effects of
3 that tritium might be or what amounts of tritium may be
4 reaching the water or the Ottawa River and so on?

5 I realize what the environmental impact
6 reviews said, but what I am wondering is is ongoing
7 information to the general public so that the
8 communications can be open and effective.

9 **MR. LAMARRE:** Greg Lamarre for the record.
10 Yes, I can confirm that is in fact the case. When we look
11 at what is coming up in the near term, just as an example,
12 the two day licence renewal for Chalk River early next
13 year, we will be dealing with those types of issues that
14 you are talking about which we see as compliance issues
15 against environmental release requirements. The public
16 will obviously have a very open opportunity to participate
17 in those hearings.

18 In addition, as we have also heard through
19 the environmental assessment process, decommissioning
20 projects per se will also have that public consultation
21 aspect to it. So, yes, to answer your question
22 succinctly, that public consultation and communications
23 will continue.

24 **MEMBER GRAHAM:** It is the availability of
25 results I think is the thing that I'm - that the public

1 get that.

2 **DR. KUPFERSCHMIDT:** Madam Chair, if I could
3 just add a comment? Thank you.

4 Bill Kupferschmidt for the record.

5 Commissioner Graham, from our perspective I
6 think we have quite an amazing record with regard to
7 making information available on our web site with regard
8 to our environmental performance. We have been doing so
9 for a number of years. In fact, with the changes in our
10 disclosure policy we are in fact making even more
11 information available on our web site. We are, through
12 our communications program, communicating with the various
13 stakeholders in the area and recognizing the comments we
14 made before, in fact, a recognition that we probably would
15 like to extend that to a broader base as well. I think we
16 have had a really solid track record of doing so. We had
17 as well I think even gone beyond that over the last year
18 and we are committed to doing so going forward.

19 **DR. FEHRENBACH:** I would just add that in
20 addition we are always open to answering questions that
21 anybody has at any time.

22 **THE CHAIRPERSON:** Mr. Taylor.

23 **MEMBER TAYLOR:** Thank you, Madam Chair.

24 I think I would like to comment on this
25 communications business.

1 It seems to me that people are having
2 integrity when we talk about putting reports on web sites
3 and things, but if I'm a guy sitting in the middle of the
4 Ottawa River in my fishing boat and I pick out a fish that
5 doesn't look too good and I immediately think is that
6 because of some stuff that is coming out of AECL, the
7 first thing I would do is not go look at some very
8 technical report on a web site. I would go in the pub and
9 talk to my friends about my concerns about this sort of
10 thing. Unless it is clear to me that the right thing to
11 do is go to AECL and get the information or the CNSC or
12 somebody, I am going to stay like that and worry about it.

13 I think a lot of this discussion about
14 putting things on a web site is fine and is a necessary
15 thing to do, but we have to go further than that. We have
16 to make it clear to people where, if they have a concern,
17 they can go and look for it or where they are going to get
18 the answer. I am not hearing that that is being done.

19 **THE CHAIRPERSON:** Further? Dr. Barnes.

20 **MEMBER BARNES:** Ms Brown in her
21 presentation refers to some of the priorities and the
22 radioactive waste plumes and so on. I just wanted to ask
23 a wider question maybe to staff or to AECL if they wish to
24 comment.

25 In the CPDP document, certainly the second

1 part is broken down into planning envelopes, which is
2 fine, so it takes the individual components of the site
3 and addresses how they will be treated. Also, with
4 reference to things like plumes and wider issues, some of
5 these are hot spots but overall, since we are looking at a
6 site that has to be monitored for decades, there will be
7 some migration of these groundwaters, et cetera, perhaps
8 beyond the existing plume tracks. I was also looking to
9 see to what extent in this CPDP there was information on
10 sort of site-wide groundwater monitoring so that one can
11 see the hotspots in the context of the wider site
12 groundwater network.

13 There is reference to there being over
14 2,000 shallow wells drilled over a period of time on the
15 site, but that tends to be in the context of
16 decommissioning the wells. This would be particularly on
17 page C-4. Could I get from staff that -- have I missed
18 something in this decommissioning plan that there is a
19 strategy for long-term groundwater monitoring? I don't
20 recall seeing a map in this. Am I looking for too much
21 detail at this time?

22 I would have thought that there was a kind
23 of hierarchy of analysis of decommissioning here: one, to
24 have an overarching concern for the site overall, and
25 within that how the particular hotspots are looked at. We

1 have had information from AECL, some of the pictures of
2 the Waterloo curtains and so on, but they are very site
3 specific and I am not sure that we have some confidence
4 that there is a network overall of groundwater monitoring
5 for the site.

6 **MR. HOWDEN:** Barclay Howden speaking.

7 I would suggest AECL can provide you the
8 details of the groundwater monitoring.

9 But from our perspective, groundwater
10 monitoring right now is an operational issue in terms of
11 being able to monitor what is going on at the moment.

12 The secondary piece of information that it
13 does provide is it does provide characterization info for
14 when you go to the decommissioning and input this
15 information to what decommissioning plans that you have to
16 do.

17 I will ask Dr. Thompson to comment on
18 whether we are satisfied with the groundwater monitoring
19 at the moment, but I would try to characterize it right
20 now as more of an operational issue.

21 I would like to make a comment. This leads
22 to what I thought was a very good point by the intervener.
23 When do you make the decision to continue managing the
24 thing on a continual basis in an operational mode and when
25 do you make a decision to actually decommission it and

1 take it out of service?

2 To us that is a very important point
3 because it determines what we have been talking - another
4 point that she raised was how do you determine your
5 priorities as you go toward decommissioning?

6 What we are looking at on that point is
7 there are some implementation aspects to this thing and
8 that is the reason that we insisted on having the five
9 year operational plan for decommissioning to go forward
10 and to be updated on a yearly basis so that we know that
11 the high priority items are being tackled, AECL can go to
12 their shareholder and get money on that particular aspect.

13 In terms of the groundwater monitoring, I
14 would like to ask Dr. Thompson to comment on its adequacy
15 for the moment.

16 **MEMBER BARNES:** Before Dr. Thompson adds, I
17 wasn't addressing this to today's operational groundwater
18 systems. I was looking for that in the context of
19 long-term decommissioning.

20 **MR. HOWDEN:** I will ask her to take that
21 into the context of her reply.

22 **DR. THOMPSON:** Patsy Thompson, for the
23 record.

24 Essentially, what is in the plan submitted
25 by AECL is a process for identifying priorities and for

1 planning remediation and other work that may be needed to
2 properly decommissioning either contaminated areas or
3 structures.

4 The current groundwater monitoring program
5 was a licence condition in AECL's previous licence in
6 terms of developing the program. Once that program was
7 acceptable to staff it has been implemented and has been
8 implemented as per the agreement.

9 For the future decommissioning activities,
10 the process would be the one similar to what has been used
11 for the Whiteshell decommissioning as well as the recent
12 example for Cluff Lake where an environmental assessment
13 is conducted, performance objectives for the
14 decommissioning activities have been set and then any
15 monitoring program, such as groundwater monitoring, would
16 be then a requirement based on the expectations of the
17 performance of the decommissioning activity to verify that
18 the environmental performance committed to in the
19 environmental assessment is being adhered to.

20 So at this stage, in the preliminary
21 decommissioning plan, we wouldn't expect to see details of
22 a groundwater monitoring program essentially because the
23 actual physical work that needs to be done and the
24 remediation and any follow-up plan can't be determined
25 right now. But the process will ensure that any

1 monitoring that is required will be based on the needs for
2 follow up.

3 **THE CHAIRPERSON:** I would just like to
4 reinforce that I think this is an important point. One of
5 the reasons we talked about needing a comprehensive
6 decommissioning plan was that we needed to ensure that we
7 understood the effects of one part, one decommissioning
8 component or project, on the whole site and on an ongoing
9 view of this. I think we can't lose this. We can't lose
10 sight of the fact that we have ongoing operations, we have
11 a decommissioning plan, and that there is some broader
12 impact on not only the environment but radiation
13 protection and I think a number of other aspects. So I
14 would ask for some focus of that to be done when the staff
15 are looking at this plan and ensure that there is not a
16 gap between the ongoing operations and the decisions that
17 are made ongoing and the plan and in particular plans for
18 decommissioning, that we don't lose sight of the fact that
19 our custodianship is for the broader health and safety and
20 protection of the environment not just specifics.

21 What I would like to do now is just then
22 take a 15-minute break. Thank you very much, Ms Brown.
23 We will come back with the rest of the interveners in 15
24 minutes.

25 Thank you.

1 --- Upon recessing at 10:46 a.m.

2 --- Upon resuming at 11:05 a.m.

3 **THE CHAIRPERSON:** If I could ask you to
4 take your seats please.

5 We will now move on to our next oral
6 presentation, 04-H21.2B, which is an oral presentation by
7 the Concerned Citizens of Renfrew County. We welcome
8 again Mr. Hendrickson.

9 Thank you very much for being with us, sir.
10 The floor is yours.

11

12 **04-H21.2B**

13 **Oral presentation by Concerned**
14 **Citizens of Renfrew County**

15 **MR. HENDRICKSON:** Thank you, Madam Chair,
16 Commission members, ladies and gentlemen.

17 My name is Ole Hendrickson. I am a
18 researcher for Concerned Citizens of Renfrew County. We
19 have been intervening in hearings on the Chalk River Labs
20 for quite a number of years now.

21 I have made a lot of points in my written
22 submission. I am going to try to cover some but
23 definitely not all.

24 We have concerns that this preliminary
25 decommissioning plan fails to provide an acceptable

1 costing basis for determining the adequacy of a financial
2 guarantee for the Chalk River site.

3 One of its notable deficiencies is that it
4 doesn't provide options for managing decommissioning
5 waste, including high-level waste. It tends to
6 overemphasize the underground disposal option and thereby
7 give perhaps inadequate consideration to activities such
8 as waste site remediation and aboveground storage.

9 In particular, the plan proposes disposal
10 in a shallow rock cavity. The social and environmental
11 acceptability of such a facility is questionable. It
12 would likely fail to meet a goal of long-term
13 stabilization containment and isolation of waste and would
14 risk exposing future generations to harmful levels of
15 radioactive contaminants or other toxic substances, heavy
16 metals such as arsenic.

17 There is some history on this that I want
18 you to be aware of.

19 The Deep River disposal project back in the
20 '80s and early '90s was the most expensive environmental
21 screening ever done under the *Canadian Environmental*
22 *Assessment Act*. It cost over \$30 million. It showed that
23 creating a shallow rock cavern next to the Ottawa River
24 would allow radioactive waste and heavy metals to begin
25 migrating into the river in a matter of decades.

1 Mayors and Reeves on both sides of the
2 river downstream from that proposed project site passed
3 resolutions, the MRC Pontiac passed a resolution opposing
4 that.

5 The process finally broke down in
6 negotiations between Natural Resources Canada and the Town
7 of Deep River when the town of Deep River was asking for a
8 long-term guarantee of jobs at the Chalk River site. So
9 the whole thing collapsed after spending in excess of
10 \$30 million on a very expensive public consultation
11 process. I don't think we want to repeat that sort of
12 history. There is a history of public opposition to a
13 disposal site right next to the Ottawa River.

14 Returning to the plan that we have before
15 us, another failing, in our view, is that it doesn't set
16 positive environmental goals or objectives. We need to
17 know better where we are going with the Chalk River site.
18 It has to consider the possible long-term negative
19 environmental consequences of things like disposal
20 facilities.

21 As all the other interveners have said
22 today, public consultation is really key to this and it,
23 in our view, is a federal government responsibility. The
24 decommissioning liabilities at Chalk River predate AECL's
25 existence as a Crown corporation. We have heard that a

1 major investment of public funds is anticipated for
2 decommissioning activities and there is considerable
3 uncertainty, in our view, regarding the acceptability of
4 some of the options in the plans such as the shallow rock
5 cavity.

6 We strongly feel that locally oriented
7 public consultation strategies are unacceptable. We do
8 believe it is necessary for consultations to be done
9 through a federally managed process and a panel review
10 under the *Canadian Environmental Assessment Act*. I think
11 it is time to start asking who is the responsible
12 authority? Is it going to be NRCan, which is, as we have
13 heard, going to put lots of money into this? Is it the
14 Canadian Nuclear Safety Commission as the licensor?

15 I think that sort of issue needs to be
16 under discussion.

17 In the absence of a transparent process, we
18 feel that the option of long-term monitored retrievable
19 aboveground waste storage may not have received fair
20 consideration. As a small local public interest group, we
21 do not have the resources to represent the broader public
22 interest in these kinds of matters.

23 Waste management is the biggest single
24 element in dealing with nuclear liabilities. We
25 acknowledge that there are very important efforts under

1 way at CRL to upgrade waste management practices and site
2 infrastructure but the sum of those efforts really cannot
3 be considered as the basis for a comprehensive
4 decommissioning plan.

5 Health and safety and environmental
6 protection are not just considerations that can be
7 addressed by ongoing operations. We find, for example,
8 the section of the plan that is entitled "Potential impact
9 on the environment" to not be adequate in this regard. It
10 says that decommissioning of structures and features on
11 the CRL site will have little or negative impact on the
12 natural environment, especially beyond the perimeter of
13 the supervised area. There is really no evidence to
14 support that. Some of the options, such as waste
15 incineration, which we have also fought against and has
16 ceased actually at the site, or the underground disposal
17 in a shallow rock cavity, could have negative
18 environmental impacts that extend beyond the site
19 boundary.

20 The section of the plan, which is entitled
21 "Other plumes", describes four plumes originating from the
22 active area, which is immediately adjacent to the Ottawa
23 River. Only one of those plumes, which is back from the
24 NRX fuel base, has been previously mentioned, to our
25 knowledge. Now we have, for the first time, heard about

1 three additional plumes, two from the NRU, which is an
2 operating reactor, and one from Tank 240.

3 What does the plan say? It says that in
4 general the strategy will be continued monitoring and
5 assessment of the need for capture, but based on current
6 information no provision is seen as necessary for capture
7 and treatment. The purpose of continued monitoring is
8 intended to be confirmatory in nature, providing data
9 showing that the plumes are evolving as expected and
10 impacts are acceptable.

11 This all raises questions in our mind: is
12 the current information adequate; does the existing
13 monitoring regime address aquatic biota immediately
14 adjacent to these plumes, such as freshwater mussels; what
15 is meant by "evolving as expected"; and, who determines
16 what impacts are acceptable and how is that determination
17 made?

18 In our view, preparing a site
19 decommissioning plan provides a unique opportunity to take
20 a comprehensive longer term look at the Chalk River site.
21 Properly done, it should describe an approach that reduces
22 hazards with an overarching objective to protect the
23 environment and ensure the safety of the public and
24 workers on the site.

25 We see some flaws in the strategic

1 approach, that is the term in the plan, to low-level
2 wastes. Ongoing activities are still generating waste.
3 The assumption in the plan is that these will be buried in
4 the waste management areas, many of which are right now
5 leaching radionuclides in an uncontrolled fashion. So
6 then each waste management area is just going to be
7 another facility which may, or in some cases may not,
8 eventually be cleaned up.

9 The strategic approach envisions three
10 phases. The first phase is a quote/unquote "sustainable
11 safe passive operational state" - lots of adjectives
12 there - followed by storage with surveillance and
13 establishment of final end state. It says that in that
14 final end state most of the low-level waste is expected to
15 be quote/unquote "managed in situ".

16 Managed in situ is clearly not an
17 acceptable end state. The goal of the decommissioning
18 process must be to bring the site to a state where active
19 management isn't required.

20 A cynic might say that this strategic
21 approach really has only one phase, which is to keep using
22 the waste management areas and let future generations deal
23 with them if they so choose. That is being too harsh.
24 Certainly, a more charitable view would say there are
25 possible mitigating actions, such as soil washing or

1 removal of some of the more contaminated source materials.
2 That is I think what needs - we need details in the plan
3 as to which waste management areas are candidates for
4 those mitigating actions and what are the most promising
5 actions to be taken.

6 There will clearly be a need to transfer
7 some wastes to surface facilities and costs for those
8 surface facilities should be developed prior to acceptance
9 of a financial guarantee.

10 The continuing reliance on waste management
11 areas and potential waste burial in a disposal facility is
12 disturbing, in our view. We must give a higher priority
13 to monitored aboveground retrievable storage facilities at
14 CRL.

15 We do support and will continue to support
16 aboveground facilities such as the modular aboveground
17 storage and/or the proposed shielded modular aboveground
18 storage facilities. We would like to see greater detail
19 in the plan on those facilities, including timetables, for
20 implementation and costing estimates.

21 We feel that aboveground monitored
22 retrievable storage has a higher social acceptability than
23 the current practice of belowground non-retrievable, or
24 retrievable only with difficulty, storage and is likely
25 to, at least in the medium term, result in greater levels

1 of environmental protection.

2 We are disappointed that the quote/unquote
3 "MAGS and SMAGS" facilities are not featured in
4 Figure E-3, which has been discussed a fair bit, the
5 operating plan for decommissioning the CRL site, showing
6 major activities and enabling facilities. Instead the
7 figure shows planning for the shallow rock cavity and the
8 intrusion-resistant underground structures beginning in
9 the current year, in 2005. This, in itself, this
10 planning, should be a trigger for an environmental
11 assessment, in our view. If those types of permanent
12 disposal facilities, and particularly the shallow rock
13 cavity, are being worked on, let's have the public
14 discussion on them.

15 We are also concerned that the plan doesn't
16 give sufficient attention to high-level waste. We have
17 made many interventions on the need for containment of the
18 shorter term, the 30-year fission products, such as
19 strontium and caesium. That continues to be a major
20 concern. But there are also large quantities of
21 long-lived alpha emitters at the site, which over the long
22 run posed the greatest risks. It is unlikely that society
23 will accept the plan that disposes of those long-lived
24 wastes in shallow burial sites where they could be
25 mobilized over longer timescales or result in harmful

1 exposure to future generations not aware of their
2 presence.

3 We need better characterization of those
4 wastes, the fuel waste, high-level liquid waste, the
5 molybdenum-99 production waste, the reactor components, and
6 so forth.

7 In particular, the high-level fuel wastes
8 are a major concern. If, as the plan suggests, extensive
9 processing, packaging and immobilization programs are
10 required for AECL's highly varied and non-CANDU type
11 wastes to be accepted into a used fuel repository, then
12 major facilities will be required at a significant
13 expense.

14 Some of these highly varied wastes are
15 currently in tile holes in Waste Management Area B and
16 water has entered some of those tile holes. I don't know
17 if they are the ones with fuel waste or not. There is a
18 proposed remediation program. We heard a bit about that
19 this morning. But it is clear that a longer term strategy
20 for dealing with these highly varied high-level fuel
21 wastes is an urgent priority and is a gap in the plan.

22 I think that public safety and
23 environmental protection must take precedents in
24 developing that high level fuel waste strategy.

25 The Nuclear Waste Management Organization

1 on Fuel Waste Management will have a general bearing on
2 what is done at Chalk River, but the specifics on how to
3 address the unique features of Chalk River's high-level
4 wastes must be addressed by AECL and not by the NWMO.

5 Just to emphasize, we think the plan should
6 provide maybe a medium-term strategy for monitored
7 retrievable aboveground storage of high level fuel waste
8 and more generally should describe current and anticipated
9 volumes and activities of high-level wastes at the labs,
10 the special challenges they pose for storage and how those
11 challenges will be addressed.

12 We have already heard quite a bit of
13 discussion on cost estimates and the need for more cost
14 estimates in the plan. There is a heavy reliance in the
15 plan on cost and waste models. I don't claim to be an
16 expert on this, but these models mainly apply to the
17 buildings and infrastructure on the site and less to the
18 waste management areas or affected lands. There isn't yet
19 an estimate for the cost of the major supporting and
20 enabling facilities necessary to carry out the
21 decommissioning activities described in the plan. We
22 don't have yet a range of decommissioning costs that might
23 be associated with alternative strategies.

24 These major uncertainties about overall
25 costs of the different decommissioning activities,

1 combined with uncertainties concerning environmental and
2 social acceptability of the decommissioning plan, makes
3 any determination of the adequacy of the financial
4 guarantee premature.

5 Thank you.

6 **THE CHAIRPERSON:** Thank you very much,
7 Mr. Hendrickson.

8 Are there questions from the Commission
9 members? Yes, Dr. Dosman.

10 **MEMBER DOSMAN:** I am just wondering,
11 Madam Chair, if I might ask AECL to comment on the
12 intervener's thoughts about general retrievable storage
13 versus belowground less retrievable storage.

14 **DR. FEHRENBACH:** Yes. Thank you,
15 Commissioner. I would like to comment on that.

16 First of all, we should separate our
17 discussion into low- and intermediate-level waste and
18 high-level waste, as did Mr. Hendrickson. I just want to
19 make sure that it is clear which I am talking about.

20 With respect to low- and intermediate-level
21 waste, we have assumed that ultimately to complete
22 decommissioning of the site by the time, 70 or 100 years
23 from now, and put it in a Greenfield state, we will want
24 to have had put the waste into a disposal facility that
25 requires no further action or institutional control. So

1 we have assumed for the moment the international best
2 practice for that disposal facility, which would be a
3 shallow rock cavern.

4 However, if the public is ultimately
5 uncomfortable with that, as will become evident through
6 the public consultation process and the environmental
7 assessment of that before a project like that would go
8 forward, we would certainly take that into consideration.
9 It is quite possible that some other solution would have
10 to be found.

11 In the meantime, we are engaging in
12 monitored retrievable storage for all of the low-level
13 waste. We have ceased burial of the low-level waste and
14 it is now being placed in the modular aboveground storage
15 structures that were mentioned.

16 With respect to high-level waste and spent
17 fuel, again it is assumed in our plan that the ultimate
18 end point will be disposal in a high-level or spent fuel
19 repository. It is still unclear at this particular point
20 in time what the recommendation will be from the Nuclear
21 Waste Management Organization, but it is expected that
22 there will be a mechanism and methodology recommended by
23 NWMO to the government for ultimate implementation in
24 Canada as a repository for high-level waste and we would
25 make use of that facility when it is available.

1 Mr. Hendrickson is quite right. There
2 would be enabling facilities required to package the
3 high-level waste and spent fuels from Chalk River for
4 ultimate emplacement in such a disposal facility. Those
5 enabling facilities are included in our plan, and costed.

6 In the meantime, we continue to proceed
7 with monitored retrievable storage of high-level wastes on
8 the site. Currently, we are using tile holes. We have a
9 project in place to allow us to move away from tile holes
10 into a dry storage, such as that of the Macstore. In
11 fact, we already have on site a number of canisters for
12 spent fuel, which we are storing from the NPD reactor. In
13 fact, all of the high-level wastes from the new MAPLE
14 reactors and new processing facility will be calcined and
15 stored in aboveground canisters. So monitored retrievable
16 storage is very much a part of the plan leading ultimately
17 to eventual disposal in a disposal facility.

18 **MEMBER DOSMAN:** Thank you, Dr. Fehrenbach.

19 **THE CHAIRPERSON:** Further questions?

20 Mr. Taylor.

21 **MEMBER TAYLOR:** Thank you, Madam Chair.

22 I would just like to ask this of staff.
23 There are a number of comments in the intervener's
24 submission that refer to elements missing from the
25 decommissioning plan or things that are not complete.

1 Having reviewed this submission, does the staff retain the
2 same opinion about the PDP?

3 **MR. HOWDEN:** Barclay Howden speaking.

4 I will ask Mr. Bob Lojk to comment please.

5 **MR. LOJK:** For the record, Bob Lojk. I
6 would like to answer that question.

7 We had considered the intervener's
8 submissions, which we found very good and they bring some
9 important points. The consideration that we looked at is
10 that this is a preliminary decommissioning plan. We had
11 asked the licensee, as we ask every other licensee, to
12 essentially not come up with the ideal option. At this
13 point, they have to come up with an option and we expect
14 it to be an expensive option that is doable in order to
15 ensure that it can be covered by that. For instance, if
16 in fact the NWMO decides on surface storage or whatever,
17 that is probably cheaper than them digging a hole several
18 hundred metres underground, and likewise with the shallow
19 rock cavern and other ways of disposing of waste.

20 What we are trying to look at, I think the
21 point we made, as Dr. Fehrenbach made, is that there is a
22 period where there is storage and there is a period where
23 there is disposal. Ultimately, we want the plan to cover
24 the disposal option.

25 There may be a decision at some later time

1 by this Commission that continued monitoring in a storage
2 facility may be the way to go, but eventually the
3 expensive option is to finally dispose of the material
4 somewhere. We find that international practice dictates
5 that material in areas such as ours, where you are subject
6 to glaciations and all that, if you want to minimize the
7 institutional controls and include increased security, it
8 dictates that it be buried below the surface.

9 The comments that were made about the
10 leakage and the contamination, underground structures, as
11 proved in many countries including Canada, can be designed
12 in such a manner that they are safe and don't give
13 anything out to the environment for a very long period of
14 time. Definitely, our requirements as a Commission staff
15 will be that whatever is built is built to a certain
16 standard that will be safe essentially in perpetuity.

17 So consequently, while the comments are
18 very good, we have addressed them and the PDP addresses
19 them.

20 **MEMBER TAYLOR:** If I may follow up, let's
21 take, for example, point 30 about reactor stacks and air
22 ducts. Are you saying that you expect such things to
23 appear in later more detailed plans?

24 **MR. LOJK:** No. 30, "Elements missing from
25 the decommissioning plan", these are associated with a

1 particular building. Like right now, there are stacks
2 sitting in Waste Area C that have been recognized as being
3 in there.

4 When staff went through the detailed
5 estimates for that, they were much more detailed than for
6 the preliminary decommissioning plan. For instance, each
7 area that was listed on the preliminary decommissioning
8 plan was supported by 30 or 40 pages of detailed, I will
9 call it, nuts and bolts but it didn't quite get down to
10 the nuts and bolts element.

11 From our point of view, from the survey
12 that we did, from the due diligence that we carried out,
13 in order to ensure a solid preliminary decommissioning
14 plan was in fact adequate, what we looked at appeared to
15 cover every single item within the bounds expected in a
16 preliminary decommissioning plan and not a final
17 decommissioning plan.

18 **DR. FEHRENBACH:** If I could, Commissioner,
19 just add to that answer.

20 Specifically, with respect to stacks and
21 air ducts, that information is included explicitly in
22 Attachment A of the CPDP. The stacks and ducts are also
23 included with their respective building numbers as part of
24 a facility with which they are associated.

25 **MEMBER TAYLOR:** Thank you.

1 **THE CHAIRPERSON:** Further questions? Thank
2 you very much.

3 Thank you for coming and thank you for your
4 presentation.

5 We will now move to the next submission,
6 which is an oral presentation by Greenpeace Canada as
7 outlined in CMD 04-H21.6.

8 We have Mr. Stensil with us.

9 Mr. Stensil, the floor is yours, sir.
10

11 **04-H21.6**

12 **Oral presentation by**

13 **Greenpeace Canada**

14 **MR. STENSIL:** Thank you very much.

15 Given that, Madam President, you indulged
16 me a little bit yesterday in terms of the length of my
17 presentation, I am going to try my best to be concise.
18 Please let me know how I am doing.

19 I will start with what we know.

20 We know this is a complex site. We know
21 that AECL is struggling with how to clean it up and
22 balance that with its business interests. We also know
23 behind the scenes the federal government is figuring out
24 the politics of how to deal with this massive liability as
25 well. We also know that AECL will be dealing with the

1 conflict of interest between its responsibility to clean
2 up the site and its primary business interest as what is
3 on the table right now for approximately 300 years.

4 The last thing we know is that
5 approximately once a year we all come together and we
6 figure out where we are at. Last September we got
7 together and not everything was on the table and we
8 decided to put it off. The year before that we got
9 together, all of the information was not available.

10 What I am going to suggest to you today,
11 this may seem like a long visit to the dentist but such is
12 processes that hopefully will work. I am going to
13 recommend to you today that the decision on this financial
14 guarantee be delayed until next year's licensing hearing.
15 Why? For the exact same reason as you did last September.
16 All the information was not there.

17 Last September we had a number in terms of
18 a financial estimate and we had a plan, which was judged
19 not to be quite up to par. This year, we have a plan
20 which has some problems, as Ole has pointed out, but we
21 don't have a number.

22 I would have to say, to go to the
23 regulatory guide, which as I said yesterday are handy for
24 interveners to be able to measure the CNSC against its own
25 rules, in terms of the acceptability of a financial

1 guarantee it states:

2 "Safe operation and
3 decommissioning include the
4 development of acceptable
5 decommissioning plan, the
6 provision of credible estimates of
7 the costs of implementing such
8 decommissioning plans and the
9 provision of corresponding
10 measures to ensure that the costs
11 of decommissioning will be met."

12 We don't have all of those so I would urge
13 that you cannot make a decision to accept this financial
14 guarantee as it stands.

15 I know staff stated that they have seen the
16 numbers, the secret Cabinet numbers that are lurking
17 around back in the bureaucracy. I know the Commission is
18 striving to be a transparent Commission. That is not the
19 way to present information to the public to be able to
20 make a judgment.

21 The second point, in terms of measures to
22 ensure that the costs of decommissioning will be met, this
23 gets back to the nature of the financial guarantee and the
24 dependability of it. It was mentioned that there are some
25 memos to Cabinet that are happening and we are going to

1 get money from the Contaminated Sites Fund. We don't have
2 those on the table. I know last September I noted that in
3 2002 AECL president Robert Van Adel stated that the
4 Government of Canada has requested NRCan to do a two-year
5 study. It may not take two years but they have given them
6 up to two years to come back for an examination of whether
7 or not the current disposition of liabilities between AECL
8 and the Government of Canada, as they were formally
9 recognized, is an appropriate approach.

10 At the time that I put that forward,
11 respectfully, I was told that is not really within the
12 realm of the discussions that we should be having in front
13 of the CNSC. That was put forward today as evidence, that
14 there is a Cabinet memo happening and therefore this
15 financial guarantee will be acceptable.

16 That is something to consider there.

17 In terms of the implementation of this
18 financial guarantee, this is where I am going to say you
19 are going to need to go beyond just the guide for
20 financial guarantees whereas in the list of examples of
21 financial guarantees you have an express commitment from
22 government.

23 Given everything, given the complexity of
24 the site, given the transparency problems we have had,
25 given the defiance we have at times had with the

1 proponent, I think we need to look beyond just a simple
2 guarantee from the government that they will pay.

3 I will quote, now that we have a stack of
4 AECL decommissioning documents dating back to 2003. One
5 of the reasons is, there is the business interest of AECL
6 that they will always be managing. This is at the crux of
7 it, the heart of it.

8 If we go back to the decommissioning plan
9 from November 2003 it states:

10 "Over the longer term, beyond the
11 10-year timeframe, decommissioning
12 priorities and schedules will be
13 determined in part by..."

14 And amongst that list it says "resource
15 availability".

16 Last year, June 2004, there was a section
17 in terms of uncertainties, which has been removed in the
18 current one. However, it states:

19 "The availability of resources
20 involving human, facilities and
21 rate of funding will dictate the
22 total time required to complete
23 the decommissioning process."

24 As I said, I asked a question about this
25 last year. It is absent from the current decommissioning

1 plan. But there is still another statement that says:

2 "The plan for the CRL site also takes
3 into consideration financial constraints
4 presented by the current projected
5 availability of funds to conduct a
6 decommissioning program as reflected in the
7 AECL corporate plan. This necessarily
8 constrains certain activities and generally
9 results in long timeframes for
10 decommissioning CRL."

11 This is being business-driven. It is not
12 being driven necessarily by environmental and health
13 considerations if you look at this theme throughout all
14 these documents. That is why I am saying we need to look
15 at - even if there is an acceptance of a hundred year time
16 plan, we need to look at another method to ensure that
17 this is funded, that say at one point the government
18 decides to pull everything we are not left in the lurch.

19 I will put a little mental test to you.

20 We now have a prime minister that committed
21 in 1996 to cap AECL's funding at \$100 million. He wasn't
22 able to do it under the Chrétien years for certain
23 political reasons. He did it in this budget, in the main
24 estimates, for the first time. It is capped.

25 However, AECL admitted in front of the

1 Natural Resources Committee in early May I think that they
2 were looking for \$70 million in funding for the ACR, their
3 business interest, within this year, as well as they
4 believe for the next year.

5 They admitted here today that they are also
6 looking for another \$300 million for decommissioning over
7 the next five-year period. How do you think all this is
8 going to pan off in terms of when you look at the total
9 spend that they are asking for? There is an issue there.

10 Thus, as noted, although the regulatory
11 guide says we should accept a pure expression of
12 commitment from the government, we need to look beyond
13 that.

14 I will now move to another item which Mr.
15 Hendrickson noted, which is the solid rock repository.
16 This is the first time - I did notice it was in the 2004,
17 but this is an acknowledgement that the wastes on this
18 site may be there forever. We may be using the words
19 "low" and "intermediate" level wastes, but the reason why
20 radioactive wastes are controversial and a concern to the
21 public is that they are very long-lived. Intermediate-
22 level wastes can be very long-lived.

23 To me that poses the question of the
24 300-year institutional timeframe for monitoring and
25 whatnot. That raises the question of whether that is even

1 appropriate to state.

2 It also, I would venture to say, goes back
3 to my previous point about the current funding mechanism.
4 How much will this repository cost, which is projected to
5 be in about 2020?

6 We know that OPG is planning to make a
7 similar site at the Bruce facility, which will cost
8 approximately \$800 million.

9 If we do the calculus on this, does AECL
10 then expect the federal government between say 2016 and
11 2020 to spend an additional \$800 million or up to
12 \$1 billion on a rock repository? That is just the
13 repository, it is not necessarily the decommissioning
14 activities.

15 The rock repository also, as Ole stated,
16 raises questions of public concern and social
17 acceptability. This goes to the heart of the plan and I
18 would urge the Commission to think beyond simple licences
19 and the expectations of the guide.

20 We have a very complex site which may not
21 fit the procedure for EAs and everything else that we have
22 been given. We may want to put it to a larger review that
23 is independent, given the controversy, and strive to find
24 ways to gain social acceptance for this. That was the
25 precedent set by Seabourn.

1 I would even quote Le Bureau des audiences
2 publiques en environnement in Quebec recently. It became
3 obvious during hearings on the retubing of Gentilly-2 that
4 they had no option for dealing with the long-lived
5 intermediate level wastes. So they have demanded of
6 Hydro-Québec to come up with the socially acceptable
7 management option. That should become standard practice
8 here at the CNSC as well.

9 From there I will turn to public
10 consultation.

11 **THE CHAIRPERSON:** Just 30 seconds actually.

12 **MR. STENSIL:** Almost one page left.

13 I asked a question last year on public
14 consultation saying could AECL expand on it. There was a
15 one-word answer. No, not at this time. That is three
16 words.

17 We are now given a communications plan.
18 Here I am very sympathetic to the presentation of
19 Elizabeth May. As an intervener, as a member of the
20 public, I do not want to be sold a bunch of goods. We
21 want to be consulted on this, and if you want to find
22 social acceptance for something as building a repository
23 on the banks of the Ottawa River, it is not going to be
24 done through a communications plan. We are going to need
25 to look for a form of some independent mechanism to look

1 at this.

2 I am suggesting a panel review.
3 Potentially, that could be aligned to when the EA would
4 happen for the repository.

5 OPG's EA is supposed to take place in
6 approximately 2010. These are pretty quick timelines in
7 the grand scheme of things.

8 **THE CHAIRPERSON:** Thank you, Mr. Stensil.
9 Thank you very much. Perhaps during the questioning we
10 may allow some opportunities for you to expand on some of
11 these points.

12 Questions from the Commission members?

13 Actually, with regard to your point about
14 the public information plan, and correct me if I am wrong
15 here, you have talked about that really the way to do this
16 is a panel or something to similar to that. That doesn't
17 seem to me to meet the criteria as sort of an ongoing
18 consultation and engagement, which I think Ms May was
19 talking about.

20 Are there any particular comments that you
21 would like to make, suggestions that you would make, to
22 AECL, or recommendations to AECL or to us, with regard to
23 an ongoing, I would call it, engagement plan or
24 communications-consultation plan?

25 **MR. STENSIL:** To start I think the reason

1 why people are concentrating on the concept of a panel
2 review is it is there, it exists. We have done it for
3 major things in the past, such as the Berger Commission on
4 the McKenzie Valley Pipeline and AECL's proposal on waste.
5 And it allows an opportunity for independent experts and
6 scientists to weigh in on some of these issues where
7 certain community groups may not have the capacity. So
8 that builds trust, first of all.

9 Out of that process, this is what I would
10 venture to say, once you have had a fair airing of all of
11 these different items - like the solid rock repository is
12 suddenly on the map, it is not mentioned directly anywhere
13 in this document, although it will probably be the item of
14 the most public concern - once there is a fair hearing of
15 all that there could be recommendations that come out of
16 it on such a process, on a stakeholder process.

17 I know Ole in the past has talked about
18 guardianship communities or stakeholder communities that
19 would be involved in that in the long term if a decision
20 was made to accept the fact that these wastes will be here
21 for tens and hundreds of thousands of years. That is what
22 we are looking at. So in terms of building that sort of
23 social consensus, I don't think we have made that
24 mechanism yet and we need to put some hard thinking into
25 it.

1 **THE CHAIRPERSON:** Any other questions or
2 comments?

3 Thank you very much.

4 Right now I am going to move to a series of
5 written submissions that have been grouped together since
6 they reflect similar comments or requests to the
7 Commission. I will ask the Secretary of the Commission to
8 read the list of interveners which have these similar
9 comments and I will ask members if they have questions on
10 the issues that are raised in these letters.

11 M. Leblanc.

12

13 **04-H21.7 to 04-H21.18**

14 **Written submissions by**

15 **Various Intervenors**

16 **M. LEBLANC:** Merci.

17 The Commission has received 12 written
18 interventions, which reflect similar comments, concerns or
19 requests. These are outlined in Commission Member
20 Documents 04-H21.7 to 04-H21.18.

21 Interventions were submitted by: M. Michel
22 Henry, Tracey Lavigne, Gary Wallenwein, Richard Meloche,
23 David Heyood, Nancy Allen, Colin Massicotte, Shannon
24 Haggety, Sara Morley, George Daicos, John Monaghan and
25 from M. Louis Julien.

1 **THE CHAIRPERSON:** My question to the
2 Commission members is do you have any comments or
3 questions with regard to these similar Commission
4 documents?

5 Yes, Mr. Graham.

6 **MEMBER GRAHAM:** Just as a comment or just
7 as a question to AECL.

8 Again this comes back to
9 communications and so on and AECL gets copies of these
10 also for public record. In your public consultation, will
11 you directly communicating with each of these interveners
12 to address some of the questions that they have asked
13 within their interventions?

14 **DR. FEHRENBACH:** Paul Fehrenbach, for
15 the record.

16 Yes, we will include those interveners
17 on our subsequent communication process.

18 I guess I would also like to respond a
19 little bit to the perception that the only communication
20 plan we have is a web site. We certainly didn't want to
21 leave that impression. In fact, two things I would say.

22 First of all, we have an existing and
23 extensive outreach program throughout the region. We
24 advertise that we have a 1-800 number if anybody would
25 like to call us. If we here rumours we chase them down.

1 We meet regularly with representatives of the local
2 communities. We are out and about in the communities in
3 fairs, et cetera.

4 But beyond that, we have described,
5 for purposes of this particular exercise a framework for a
6 communications and public consultation plan for periodic
7 updating of the Chalk River comprehensive preliminary
8 decommissioning plan. In there we have outlined five or
9 six elements that the public consultation would consist of
10 including: public notices in newspapers and other
11 locations; questionnaires and comment forums and specific
12 events such as public information sessions; contact
13 information that would be included in all printed
14 information materials; public information sessions; as
15 well as a virtual consultation forum on our web site.

16 So we are taking great effort to enlarge
17 the consultation and communication effort of the
18 decommissioning plans going forward, not just a one-time
19 thing but going forward as they are updated.

20 As Mr. Howden mentioned earlier, the
21 decommissioning plan will be a living document and we will
22 keep the public informed and involved.

23 We will also be involving the people who
24 subscribe to the chain-mail interventions with respect to

1 each of the individual projects that come up when we are
2 inviting public comment on individual projects.

3 **MEMBER GRAHAM:** Just to clarify, you
4 mention at the very outset that you would be including
5 these intervenors on your list of communications, which I
6 think is a good move, but my question was not that.

7 I said will you be communicating with them
8 on their concerns that they have outlined in their letters
9 today regarding the disposition of plumes, the other
10 things with regard to burial of low-level waste?

11 If you read those interventions, I think
12 they have valid questions and valid concerns, and some of
13 them may be there because of lack of information.

14 I mean, we heard earlier today with regard
15 to -- they are only aware of -- one of the intervenors is
16 only aware of one of the plumes, and we have been talking
17 about at least two of them for quite some time, one from
18 the storage and one from the tank, but it is lack of
19 knowledge and so on.

20 So will you be communicating with regard to
21 these interventions and addressing some of their concerns
22 to them directly and setting the record straight or
23 getting their input before you go forward, not just
24 putting their names on a list to send them stuff, but also
25 have a meaningful communication?

1 **THE CHAIRPERSON:** I would just like to note
2 for the record that the document that Mr. Stensil was
3 speaking about was G-206 in case others were interested in
4 seeing some of the policy documents of the Commission in
5 order to check against our commitments to those areas.

6 Mr. Taylor.

7 **MEMBER TAYLOR:** Thank you, Madam Chair.

8 I have a question for staff which isn't
9 directly associated with the CMD, although it raises the
10 issues in my mind.

11 We have heard a considerable amount about
12 the complexity of the site, the concerns about combining
13 operations and decommissioning at the the same time.

14 Has the staff given thought to establishing
15 a permanent office at the site to perhaps enhance the
16 communication and oversight that staff can make?

17 **MR. HOWDEN:** Barclay Howden speaking.

18 The answer to that question is yes. Right
19 now, we are considering the establishment of an office at
20 Chalk River.

21 Some of the things we were looking at would
22 be to have a group cross-trained to cover various types of
23 facilities and activities. We would still need -- a group
24 like that would need lots of specialist support from
25 Ottawa here to undertake it.

1 As I think we mentioned to the Commission
2 during one of the SDRs earlier this year, we are doing a
3 review within my Directorate of the deliverance of our
4 regulatory programs and also, we are also doing some
5 additional work on our regulatory requirements,
6 specifically focused on the Chalk River site as the result
7 of some issues.

8 So no decisions have been made, but it is
9 being considered as part of our assessment of our
10 effectiveness of delivering regulatory programs, yes.

11 **MEMBER TAYLOR:** Thank you.

12 **THE CHAIRPERSON:** Dr. Barnes.

13 **MEMBER BARNES:** It is a reiteration of
14 other comments and certainly building on what Mr. Graham
15 said, in the material that you provided on public
16 consultation, on page 5 of that, at 2.6, you do specify
17 the areas -- the mechanisms for public consultation, but I
18 still feel that this is largely treating information as
19 sort of bits of facts, as it were, and largely a one-way
20 flow of information. I will just read them, "public
21 notices, questionnaires, comment forms, contact
22 information". These are rather static methods of so-
23 called consultation and most of those, I think, are
24 somewhat one-way.

1 It goes on a little better "public
2 information sessions". They typically, again, are very
3 local, and finally, "creating a virtual consultation forum
4 on the web" which again could be quite interesting.

5 I think, just to provide my own views, this
6 is looking at a very large complex decommissioning site.
7 I think it is going to set a benchmark potentially in
8 Canada. That sort of thing clearly is going to be decades
9 in length. It has the potential for attracting public
10 dialogue.

11 I think we all would agree that it is
12 important to develop and build public trust in a capacity
13 to dispose of waste, low, intermediate and high-level.
14 International as well as national attention will, I think,
15 be focused, likely to in surges over a period of time, and
16 I think AECL really should try and challenge itself to
17 developing new mechanisms of public consultation.

18 I think Elizabeth May touched on this when
19 she at least characterized -- we don't have the
20 information from you -- I don't expect it today on what
21 exactly you mean by public information sessions. We know
22 that it can be people providing information or, as she
23 indicated, a room where people simply go around and pick
24 up bits of information.

1 But a lot of people like to attend meetings
2 where they have specialists of pros and cons, a more
3 active debate where they can hear opinions and falsehoods
4 challenged in a more open forum. I think there are ways
5 here in which the whole process of looking at long-term
6 and short-term waste disposal or the sensible
7 decommissioning of sites like this can be achieved. I
8 think it benefits society if AECL really could take rather
9 more creative mechanisms here or identify creative
10 mechanisms.

11 **THE CHAIRPERSON:** Further comments?

12 Thank you very much. This completes the
13 record for the public hearing on the matter of the
14 financial guaranty for decommissioning AECL's Chalk River
15 Laboratories site, including MAPLE reactors and the new
16 processing facility.

17 I will propose that the Commission confer
18 with regards to the information we have considered today
19 and we will determine if further information is needed or
20 if the Commission is ready to proceed with its decision,
21 and we will advise accordingly.

22 Thank you very much.

23 We are going to take a break and we will be
24 back at 12:45 to start the next hearing. Thank you.

25 --- Upon adjourning at 11:55 a.m.