



CNL-CNSC Administrative Protocol for the Nuclear Power Demonstration Closure Project

Revision 2 – July 2020

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Summary of changes

| Section | Changes | Date |
|---|--|---------------|
| Part I, Section 1 - Managers | Updated titles | November 2017 |
| Part I, Section 1 - Executive Management Committee | Updated membership and removed names | November 2017 |
| Part I, Section 3 and 7 and Part II, Section 2 | Added clarification that appendix A will be maintained as a separate document from this protocol | November 2017 |
| Preamble, Purpose | Updated information including anticipated submission dates | July 2020 |
| Part I | Administrative updates | July 2020 |

CNL-CNSC Administrative Protocol for the Nuclear Power Demonstration Closure Project

Preamble

Canadian Nuclear Laboratories (CNL) intends to fully decommission and close the Nuclear Power Demonstration (NPD) Waste Facility, located in Rolphton, Ontario. This facility is a former nuclear power demonstration station, which produced electricity and was operated from 1962 to 1987, at which time it was shut down and placed in long-term safe storage with surveillance.

Via a licence amendment, CNL is proposing to change the previously approved decommissioning approach for the NPD reactor from complete dismantlement to *in situ* disposal of the nuclear waste at the site, including the NPD prototype reactor¹ and its components, systems and structures.

Canadian Nuclear Safety Commission (CNSC) staff have determined that, in accordance with the *Canadian Environmental Assessment Act, 2012* and the *Nuclear Safety and Control Act* and their associated regulations, an environmental assessment (EA) and a licence amendment to the current NPD waste facility decommissioning licence are required for the NPD Closure Project.

Both the EA and the licence amendment application will be subject to decisions made by the Commission.

To facilitate the preparation and review of documents required for these two decisions, the CNSC and CNL have mutually decided to formally document the various steps in this administrative protocol.

Important note

Nothing in this protocol fetters the powers, duties or discretion of CNSC designated officers, CNSC inspectors or the Commission respecting regulatory decisions or taking regulatory action. Also, this protocol does not change in any way any applicable laws or regulations, application requirements or hearing process as set by the *CNSC Rules of Procedure*².

Purpose

The purpose of this protocol is to outline the administrative framework, milestones and service standards for the EA and licensing activities in relation to the proposed NPD Closure Project, including CNL's submission of the technical information in support of a licence amendment application for *in situ* decommissioning, and CNSC staff's review of this technical information. This protocol aims to provide efficient project management for the regulatory review of information submitted by CNL in support of the NPD Closure Project.

The milestones included in this document have been established using a number of assumptions, some of which relate to the activities of project participants that are not signatories to this protocol. If events unfold differently from what has been assumed in this protocol, the milestones will be revised accordingly.

The remainder of this protocol is divided into three parts:

¹ This facility is a Class IA facility as defined in section 1 of the *Class I Nuclear Facilities Regulations*, SOR/2000-204.

² *Canadian Nuclear Safety Commission Rules of Procedure*, SOR/2000-211.

- Part I – Definition of the framework (parties, duration, communication/timing, issue resolution, reporting, external communications and future revisions)
- Part II – Requirements for the NPD Closure Project (EA, licence amendment, and details added as project progresses)
- Part III – Approval by signatories

Appendix A of this protocol specifies timelines for CNSC staff review of the EA and licensing submissions.

Part I – Framework

1. Parties

The signatories to this protocol have the following roles and responsibilities:

- The CNSC is the responsible authority under the *Canadian Environmental Assessment Act, 2012* for this project and is responsible for making a recommendation to the Commission for the EA under this Act.
- The CNSC has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act* and its regulations. The CNSC is responsible for assessing the application from CNL for the NPD Closure Project and for making a recommendation to the Commission.
- CNL is the licensee for the NPD Waste Facility under the current decommissioning licence. CNL is responsible for submitting adequate and complete information associated with the proposed NPD closure project as per regulatory requirements.

Managers

For this protocol, the following managers represent each party:

- Director, Canadian Nuclear Laboratories Regulatory Program Division, Directorate of Nuclear Cycle and Facilities Regulation, CNSC
- Director, WR-1 & NPD Reactor Decommissioning, CNL

The CNSC and CNL will identify an alternate if a primary manager is unavailable.

Executive Management Committee

The CNSC and CNL will form an Executive Management Committee, comprised of senior management representatives who will receive and review progress reports and resolve issues.

The members of the Executive Management Committee are as follows:

- Director General, Directorate of Nuclear Cycle and Facilities Regulation, CNSC
- Director General, Directorate of Environmental and Radiation Protection and Assessment, CNSC
- Vice President, Environmental Remediation Management, CNL
- Director, Safety, Licensing and Engineering, Environmental Remediation Management, CNL

The CNSC and CNL will identify an alternate if a primary Executive Management Committee member is unavailable.

2. Duration

This protocol will come into effect on the date of the last signature to this protocol. It will terminate on the latter date that the Commission announces its EA and licensing decisions on the NPD Closure Project.

3. Communication/timing

As stated above, the CNSC has determined that Commission approval is required to authorize the NPD Closure Project. CNL therefore needs to conduct an EA and submit the licensing documentation. This includes but is not limited to the detailed decommissioning plan and safety case for the new proposed end-state for NPD (*in situ* decommissioning) for consideration by CNSC staff to make a recommendation to the Commission and for the Commission to make a decision.

To meet the agreed upon deliverables as scheduled in Appendix A, CNL will need to submit complete, sufficient and high-quality information to CNSC staff as early as possible. This will allow adequate time for CNSC staff review and satisfactory resolution of issues. In addition to this correspondence, the parties will meet as necessary to clarify intentions and facilitate mutual understanding, with the aim of achieving the targets.

Within one week of receiving technical information submitted by CNL under this protocol, CNSC staff will first perform a cursory review (for conformity with the information requirements in respect of content completeness) to identify any obvious deficiencies and communicate any such problems to CNL.

CNSC staff will prepare and submit their Commission Member Document (CMD) to the CNSC Secretariat according to the timeline in Appendix A, on the basis that CNL has been proactive in submitting the information outlined in this protocol and that CNSC staff have deemed this information complete and sufficient, such that by the time CNSC staff prepare their CMD:

- CNSC staff have had sufficient time to perform their review
- all technical issues have been resolved

Appendix A to this protocol specifies timelines for CNSC staff to review CNL's submissions and provide feedback to CNL.

Appendix A will be maintained as a separate document from this protocol to facilitate revisions.

4. Issue resolution

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

The following review and dispute resolution mechanism will be used during the review to assist timely completion.

Step 1: Issue identification

It is the intention of both parties to resolve issues relating to the submission of the technical information and the regulatory review through direct discussions and collaboration between the managers.

CNSC and CNL staff will hold monthly meetings to review progress and highlight areas of potential disagreement. Additional meetings may be called for urgent matters as required.

If an issue cannot be resolved at the staff level, the managers will hold a meeting to discuss the matter and attempt a resolution. If an issue cannot be resolved at the managers' level, the situation will be documented (typically with a brief factual summary of the issue and a paragraph representing each organization's view) and forwarded to the Executive Management Committee within three working days of the impasse.

Step 2: Meeting of Executive Management Committee

Where the managers cannot resolve an issue, the Executive Management Committee agrees to meet within three working days of notification of the dispute, with the intention of expeditiously resolving the impasse. Issue resolution is to be documented by the Committee.

If an issue cannot be resolved at this level, it will be referred to the protocol signatories within three working days of the Executive Management Committee's meeting, supported by the original or revised documentation from Step 1.

Step 3: Meeting of signatories of this protocol

If an issue remains unresolved after step 2, it will be referred with documentation to the signatories of this protocol for resolution. A meeting will be called, typically within five working days, to resolve the issue and document its resolution.

5. Reporting

The managers will jointly produce a brief dashboard-style report on a monthly basis demonstrating progress, status of activities, and items of concern or at risk of incompleteness. The report will be submitted to the Executive Management Committee as agreed to by both parties while this protocol remains in effect.

6. External communications

Throughout this protocol's duration, all parties agree to open, transparent communications, and that information destined for public release will be coordinated through the managers (or alternates, where designated), with support from each party's communications division. Furthermore, these communications will be done in coordination with, and in consideration of, each party's current communication guidelines.

7. Future revisions

Revisions of this protocol that are limited to adjustments to Appendix A shall be coordinated and approved by the managers, and included in the monthly report to the Executive Management Committee. Significant material revisions of this protocol (beyond revisions to Appendix A) shall be coordinated by the managers and approved by the signatories of this protocol. The most recent agreed-upon change(s) to Appendix A should be reflected in the revised version only when the protocol is amended and/or reissued.

Appendix A will be maintained as a separate document from this protocol to facilitate revisions.

Part II – Requirements for the NPD Closure Project

CNL is to submit information to the CNSC before CNSC staff can prepare a recommendation to the Commission on the EA and the licence amendment application. This information will need to address the following areas:

1. Environmental assessment

CNL is required to prepare an environmental impact statement that meets the requirements of the [Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012](#).

CNL will require an approval from the Commission for the acceptance of the EA for *in situ* decommissioning of the NPD reactor.

2. Licence amendment application

The current decommissioning licence for NPD solely authorizes activities related to the “storage with surveillance” phase of the decommissioning project. Therefore, CNL will require a licence amendment from the Commission to authorize the NPD *in situ* decommissioning end-state. Appendix A lists the licensing documentation that CNL is required to submit.

Appendix A will be maintained as a separate document from this protocol to facilitate revisions.

The regulatory review and associated licensing approvals for the institutional controls required for the long-term care and maintenance of the NPD *in situ* decommissioning end-state will be addressed at a later licensing stage, and will require a revision to this protocol.

3. Details added as project progresses

For clarity, and as additional details related to this project and relevant to this protocol are developed and agreed to, the CNSC and CNL agree to document them in this section and make them part of the protocol. These details will be related to the licensing approval for long-term care and maintenance of the facility.


Part III – Approval by signatories

The protocol has been approved, on the dates indicated below.

Original signed by

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

July 16, 2020
 Date _____



 Joe McBrearty
 President and Chief Executive Officer
 Canadian Nuclear Laboratories

Date 2020 Aug 27
