



April 7, 2022

**The Regional
Municipality
of Durham**

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Administrative Officer

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Mr. Jim Delaney
Director, Uranium and Radioactive Waste Division
Natural Resources Canada
580 Booth Street, Ottawa, Ontario K1A 0E4
Sent via e-mail:

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Dear Mr. Delaney,

**Re: Region of Durham Response to Canada's Draft Policy for
Radioactive Waste Management and Decommissioning**

Thank you for the opportunity to meet and discuss the content of the draft policy for Radioactive Waste Management and Decommissioning on March 31, 2022.

Durham Region staff are pleased that Natural Resources Canada (NRCan) has undertaken engagement with Canadians to modernize this policy. Please find below our staff level recommendations.

Timelines for policy review and relationship to other legislation

The draft policy is intended to “establish the overall principles to guide radioactive waste management and decommissioning. Legislation, particularly the *Nuclear Safety and Control Act*, the *Impact Assessment Act* and the *Nuclear Fuel Waste Act*, as well as other Acts, associated regulations and other policy tools would further support the implementation of the draft Policy. These policy tools are regularly reviewed and updated by the federal government, as required, to ensure that they remain relevant and effective.”

It is recommended that this section be updated to include minimum timelines for evaluating the effectiveness of the policy to ensure that the policy is being applied and conformed to as intended.

The draft policy could also clarify its relationship with other related legislation or the roles of federal ministries and agencies related to the management of radioactive waste and decommissioning. For example, the vision statement includes prevention and minimization of radioactive waste, however, it is unclear how the policy will ensure that waste

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producers and owners design for minimization and reduction from the outset, nor how federal ministries and agencies will contribute to achieving this vision.

It is recommended that the *Nuclear Safety and Control Act*, the *Impact Assessment Act* and the *Nuclear Fuel Waste Act*, as well as other Acts, associated regulations and other policy tools would be updated to align with this policy and identify how they will support the implementation of the policy. When Canada's Radioactive Waste Management and Decommissioning Policy is updated, it should initiate a review and update to these Acts, regulations and other policy tools, such as the Canadian Nuclear Safety Commission's (CNSC) Regulatory Documents.

Formal recognition of host communities

It is recommended that the draft policy be revised to recognize host communities explicitly as respected partners in delivering solutions for radioactive waste and in managing the decommissioning process by specifically naming "host communities" throughout the policy.

Host communities incur operational costs and policy demands not faced by other communities throughout the lifecycle of a nuclear facility. For example, over the next decade, eight licensing hearings are anticipated related to the nuclear facilities in Durham Region including the decommissioning of the Pickering Nuclear Generating Station, the largest decommissioning project in the world to date. The documents related to the regulatory processes are long, complex, and technical. Host communities have often been required to hire experts to assist them in identifying impacts and opportunities related to proposed waste storage or decommissioning approaches and projects. Therefore, engagement must be ongoing throughout the lifecycle of nuclear facilities.

For example, it is recommended that the text of section 2.4 be revised to read:

2.4 plan radioactive waste management and decommissioning projects in an open and transparent manner, with early **and ongoing** input from Indigenous Peoples, provinces, territories, **host communities and other** interested communities, scientific experts and other interested persons in Canada;

As we mentioned at our meeting on March 31, 2022, while public engagement is encouraged through the availability of participant funding for CNSC hearings and federal impact assessments, the eligibility criteria specifically exclude municipalities as they are another level of government. Formal recognition of the role of nuclear host communities is the first action toward ensuring that impacted communities are treated as respected partners.

Guidance on the engagement process

While the second principle of the draft policy on Radioactive Waste Management and Decommissioning is a federal commitment to “openness, transparency and inclusive engagement”, the policy does not provide minimum standards for engagement nor provide waste producers and owners with guidance on how and when to engage.

It is recommended that the policy should provide guidance for federal nuclear agencies and owners/operators of nuclear facilities on how and when to engage with host jurisdictions in accordance with the policy principles and to ensure consistency in the treatment of host jurisdictions. Meaningful engagement of existing nuclear host communities should include discussions about options for long-term waste management, including transportation methods and routes.

Definitions and clarity of terms

Some of the language used in the draft policy on Radioactive Waste Management and Decommissioning is vague and can be widely interpreted depending on the audience. Terms such as “an appropriate timeframe,” “well underway,” “optimal protection,” “open and transparent” and “practicable” are used without being previously defined in the policy. Additionally, critical definitions related to radioactive waste management and decommissioning such as “interim storage” and “long-term storage” are missing from the policy, including the duration of these phases in years. All terms used in the policy should be defined to ensure that Canadians are fully informed, and to clarify what projects fall under the federal *Impact Assessment Act* (IAA) project list.

The first principle of the draft policy is “health, safety, security and protection of the environment”. This principle should be corrected to read “health, safety, **and security of people** and protection of the environment”. A key component of human security is the protection of the community’s well-being. It is recommended that the term “security” be defined in the policy to include the human security lens.

Demonstration of global excellence

The third principle of the draft policy focuses on “global excellence” in radioactive waste management and decommissioning, which is aligned with NRCan’s policy objective – “to stimulate and facilitate progress on the safe, effective, and environmentally acceptable management of radioactive waste in Canada”. However, none of the subpoints (3.1 to 3.4) direct how this will be accomplished within Canada.

It is recommended that the policy indicate how “global excellence” will be achieved domestically with this policy and the role of the federal government and waste producers and owners.

We appreciate the opportunity to participate in the draft policy review and look forward to further discussions. If you have any questions about this

submission, please contact [REDACTED]
[REDACTED]

Respectfully submitted,

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cc. [REDACTED]
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