



CNL-CNSC Administrative Protocol for the Near Surface Disposal Facility Project at Chalk River Laboratories

July 2016



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Summary of changes

Section	Change	Date

Administrative Protocol for the Near Surface Disposal Facility Project at Chalk River Laboratories

Preamble

Canadian Nuclear Laboratories (CNL) intends to construct and operate a Near Surface Disposal Facility (NSDF) for the disposal of waste currently in storage at Chalk River Laboratories, waste generated by CNL site decommissioning, and future waste streams. CNL's goal is to have the NSDF operational and ready to accept waste in spring 2020.

If approved, the NSDF would be a new Class 1B nuclear facility¹ for the disposal of low-level waste². 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 Commission approval are required to construct the facility.

Both the EA and the licence 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.

Purpose

The purpose of this protocol is to outline the administrative framework, milestones and service standards for the EA and licensing activities for the proposed NSDF, including CNL's submission of the technical information in support of the application for Commission approval to construct and the CNSC 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 NSDF.

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.

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.

¹ As defined in section 1 of the CNSC *Class I Nuclear Facilities Regulations*, SOR/2000-204

² As defined in the CNL document, *Project Description: Near Surface Disposal Facility at Chalk River Laboratories*. 232-509200-ENA-001 Revision 0, March 2016

The remainder of this protocol is divided into three parts:

- Part I – Definition of the framework (parties, duration, communication/timing, issue resolution, reporting, external communications and future revisions)
- Part II – Requirements for construction of the Near Surface Disposal Facility (EA, approval to construct, and details added as project progresses)
- Part III – Approval by signatories

Part I - Framework

1. Parties

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

- The Canadian Nuclear Safety Commission (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 environmental assessment (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 Canadian Nuclear Laboratories (CNL) to construct the Near Surface Disposal Facility (NSDF) and making a recommendation to the Commission.
- CNL is the licensee for the Chalk River Laboratories site, which hosts the NSDF. CNL is responsible for submitting adequate information to support the application as per regulatory requirements.

Managers

For this protocol, the following managers represent each party:

- Strategic Advisor, Directorate of Nuclear Cycle and Facilities Regulation, CNSC (André Régimbald)
- NSDF Regulatory Approvals Manager, CNL (Sharon Needham)

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 (Haidy Tadros)
- Director General, Directorate of Environmental and Radiation Protection and Assessment, CNSC (Mike Rinker)
- Strategic Advisor, Regulatory Operations Branch, CNSC (Peter Elder)
- Director of Low-Level Waste Facilities, CNL (Jim Buckley)
- Director of Radiation Protection and Environmental Protection, CNL (George Dolinar)
- NSDF Project Manager, CNL (Christine Fahey)

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 for the NSDF.

3. Communication/timing

As stated above, the CNSC has determined that Commission approval is required to construct the NSDF, as per the Chalk River Laboratories operating licence. CNL therefore needs to conduct an EA and submit the licensing documentation. This includes but is not limited to the detailed design requirements and safety case 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 the CNSC 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 targets.

Within three working days 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 sufficiency and 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 specifies timelines for CNSC staff to review CNL's submission and provide feedback to CNL.

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 related to the submission of the technical information and the regulatory review through direct discussions and collaboration between the managers.

The managers will hold monthly meetings to review progress and highlight any potential major issues or disputes. Additional meetings may be called for urgent matters as required.

If an issue cannot be resolved at this level, the managers will document the situation (typically with a brief factual summary of the issue and a paragraph representing each organization's view), and forward it 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 to this protocol

If an issue remains unresolved after step 2, it will be referred with documentation to the signatories to 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 shall be submitted to the Executive Management Committee within three working days of the end of each calendar month that 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.

Part II – Requirements for construction of the Near Surface Disposal Facility

Canadian Nuclear Laboratories (CNL) is to submit information to the Canadian Nuclear Safety Commission (CNSC) before CNSC staff can prepare a recommendation to the Commission on the environmental assessment and the approval to construct. 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.*](#)

2. Approval to construct

Pursuant to condition 4.5 of the Chalk River Laboratories nuclear research and test establishment operating licence, CNL will require an approval from the Commission to construct the Near Surface Disposal Facility (NSDF). Appendix A lists the licensing documentation that CNL is required to submit.

The regulatory review and associated licensing approvals for the operation of the NSDF 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:

- approval to operate the NSDF
- renewal of the Chalk River Laboratories operating licence

Part III – Approval by signatories

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


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

Date: 2016/07/25


Kurt Kehler
Vice-President, Decommissioning and Waste Management
Canadian Nuclear Laboratories

Date: 2016 July 19