

NORTHWATCH

December 4, 2023

Commission Registrar
Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

CMD 23-H-107

Re. Cameco Corporation's Port Hope Conversion Facility Preliminary Decommissioning Plan 2022

The Canadian Nuclear Safety Commission is inviting the public to comment in writing on the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility but is refusing to make the revised decommissioning plan and financial guarantee available to the public.

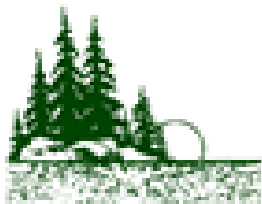
Northwatch is submitting these preliminary comments while objecting to this process and to the refusal of Cameco and the Commission to make the preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility.

Hearing in Writing

On October 6, 2023 the Canadian Nuclear Safety Commission issued a notice that it intends to conduct a hearing in writing on the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility and has invited persons who have an interest in this matter to comment, in writing, on Cameco's application by December 4th.

Northwatch requested the Preliminary Decommissioning Plan for Cameco's Port Hope Conversion Facility on October 12, 2023 and posed further questions with respect to the review schedule and currency of the PDP on October 17th. Northwatch was refused a copy of the Preliminary Decommissioning Plan on the ground that it contains "information that Cameco is of the view should not be disclosed".

On November 10th, 2023 at 5:01 pm Northwatch received from the Canadian Nuclear Safety Commission a "Notice of Request for Confidentiality" setting out that Cameco Corporation has requested that its "Port Hope Conversion Facility Preliminary Decommissioning Plan 2022" be kept confidential. The Notice further stated that the comment period was limited to six days with comments required by November 16th. Northwatch received a response to our questions with respect to the review schedule and currency of the PDP sent on October 17th one month later, on November 17th.



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Objections to Confidentiality

Northwatch continues to object to “Port Hope Conversion Facility Preliminary Decommissioning Plan 2022” being deemed a confidential document, and to the related notice and comment period, for the following reasons:

- The Port Hope Conversion Facility is the site of nuclear operation that began in the 1930s and is the scene of almost a century of radioactive and site contamination; the community of Port Hope and Lake Ontario have been impacted by these operations
- The decommissioning and cleanup of this site after closure is a matter of public interest
- Cameco has publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron
- The nuclear risk and the potential for contamination of the proposed site of the waste deposition on the north shore of Lake Huron is a matter of public interest, and of particular concern to the public and Indigenous peoples along the transportation route and in the region of the proposed site
- Cameco is proposing that public access be limited to a summary of the Preliminary Decommissioning Plan which does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes
- The information that should be made available to the public includes but is not limited to:
 - o A full and detailed inventory of the anticipated decommissioning wastes, including a full characterization of the wastes and any radioactive, toxic, combustible and flammable qualities of the waste
 - o A full and detailed estimate of the waste volumes, by category and characteristic
 - o A detailed description of the proposed waste management facility which Cameco had indicated will be the end point for the decommissioning wastes and will be located on the north shore of Lake Huron; the description should include design and dimensions and technologies to be employed, the monitoring plan and mitigation measures, and the method for waste retrieval in the event of facility failure
 - o Any other information which Cameco has included in its 2022 preliminary decommissioning plan

Clearly, Indigenous peoples and members of the public who have an interest in the preliminary decommissioning plan cannot comment on the plan if it is not available to them. In effect, by permitting Cameco Corporation to keep the preliminary decommissioning plan confidential, the Commission is rendering the opportunity to comment on the plan moot and void.

Northwatch's Interest

Northwatch is a public interest organization concerned with environmental protection and social development in northeastern Ontario. Founded in 1988 to provide a representative regional voice in environmental decision-making and to address regional concerns with respect to energy, waste, mining and forestry related activities and initiatives, we have a long term and consistent interest in the nuclear chain, and its serial effects and potential effects with respect to northeastern Ontario, including issues

related to uranium mining and refining, nuclear power generation, and various nuclear waste management initiatives and proposals as they may relate or have the potential to affect the lands, waters and/or people of northern Ontario.

Northwatch has a dual mandate that includes public interest research, education and advocacy to promote environmental awareness and protection of the environment, and the support and promotion of public participation in environment-related decision-making.

Northwatch's interest in the "Port Hope Conversion Facility Preliminary Decommissioning Plan 2022" rests on Cameco having publicly stated that their decommissioning plan (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron.

Cameco's revised preliminary decommissioning plan and financial guarantee for their conversion facility in Port Hope is of direct interest to residents of the north shore of Lake Huron, given Cameco's intent to use the site of Cameco's uranium refinery just east of Blind River as the dumping ground for all of their Port Hope decommissioning wastes.

Preliminary Decommissioning Plans for Port Hope Conversion Facility and Fuel Manufacturing

Cameco's plan first came to light – for Northwatch and other intervenors from northeastern Ontario - during the licensing hearing in 2021, when the license review hearing for the Blind River refinery was held in Port Hope on the day following the hearing on the license renewal application for Cameco's Port Hope Conversion Facility and Fuel Manufacturing. Cameco's plan to use the North Shore in this manner came up as if in passing during discussion of the Port Hope facilities.

[Northwatch raised this](#) during the Blind River uranium refinery license a decade later – the first opportunity – in the November 2011 hearings, objecting to both the overly vague nature of the [preliminary decommissioning plan for the Blind River refinery](#), but even more strenuously to what Cameco described then as their "*common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low level radioactive waste management cell at the Blind River site.*" The only rationale Cameco provided in the summary PDP was that "*this location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.*" Northwatch objected to Cameco's "strategy" of creating a massive radioactive waste facility on the shore of Lake Huron and transferring the decommissioning wastes from the Port Hope conversion facility and the Cameco Fuel Manufacturing facility in Port Hope to northeastern Ontario.

Cameco has publicly stated that their [decommissioning plan](#) (as summarized by Cameco) includes the relocation of the decommissioning wastes to a radioactive waste facility which Cameco proposes to construct on the site of the Cameco uranium refinery in Algoma District, in the territory of Mississauga First Nation and Robinson-Huron Treaty Area, on the north shore of Lake Huron. The nuclear risk and the potential for contamination of the proposed site of the waste deposition on the north shore of Lake Huron is a matter of public interest, and of particular concern to the public and Indigenous peoples on the transportation route and in the region of the proposed site.

Facility	Cameco Conversion Facility [PDP is HERE]	Cameco Fuel Manufacturing [PDP is HERE]	Cameco Uranium Refinery [PDP is HERE]
Description	<p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.</p> <p>A separate financial guarantee is set aside for the PDP from each facility. A provision is in the Blind River PDP for care and maintenance of the waste management facility in perpetuity.</p>	<p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support.</p>	<p>The BRR secured area of 11.3 hectares is located about 5 kilometers to the west of the Town of Blind River, and less than 2 kilometers to the south of the Mississauga First Nation.</p> <p>Decommissioning of the facility requires the development of detailed decommissioning plans and the licensee to submit an application for and to obtain a decommissioning licence from the CNSC. This level of detail required for a decommissioning licence may only be determined once the operations have ceased.</p> <p>All of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site. This location is proposed because the licensed facility in Blind River has available land, an excellent operating record and strong community support. In addition to the decommissioning licence approvals required for each of the facilities described above, this proposed waste management cell would also require a waste nuclear substance licence that would follow the CNSC licensing process, which includes public participation.</p>
Planning and Consultation	<p>The planning for the decommissioning of the Cameco PHCF is an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment, Conservation and Parks (MECP); • other provincial ministries; • the Municipality of Port Hope and Town of Blind River; • Indigenous rights holder communities; and • other interested stakeholders 	<p>The planning for the decommissioning of CFM is an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment and Conservation and Parks (MECP); • other provincial ministries; and, • the Municipality of Port Hope; and, interested stakeholders and indigenous communities 	<p>The planning for the decommissioning of the Cameco BRR will be an ongoing and complicated process that involves consultation with:</p> <ul style="list-style-type: none"> • the CNSC; • other interested federal departments; • the provincial Ministry of Environment, Conservation and Parks (MECP); • other provincial ministries; • the Town of Blind River; and, • the Mississauga First Nation.

<p>Activities</p>	<p>Stage II Activities are anticipated to generate approximately 83,000 m³ of contaminated materials that could be incorporated into a conceptual long term waste management facility to be constructed at that time. The PDP assumes that all of Cameco’s Ontario operations will undergo a similar decommissioning process in the proposed scenario and a single engineered containment cell will be constructed at the Blind River Refinery site. Consolidating the waste from Cameco operations in a single engineered containment cell reduces construction and maintenance costs of containment cells in multiple locations and reduces the environmental footprint and number of locations which require on-going monitoring post-closure. The construction and operation of this facility is described in the BRR PDP. A separate financial guarantee is set aside for the PDP from each facility.</p> <ul style="list-style-type: none"> • Waste Management Strategy – includes: <ul style="list-style-type: none"> ◦ disposition of qualifying waste at the Port Hope LTWMF; ◦ disposition of radioactive waste at a Waste Management Facility to be engineered and constructed in Blind River; <p>The \$138.2 million includes allocations of \$37,090,000 for demolition, \$8,914,000 for soil excavation, fill replacement and landscaping, \$20,625,000 for waste management and disposal, and \$71,571,000 for project related costs including regulatory activities, Indigenous consultation, public consultation, engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.</p>	<p>The PDP assumes that uranium contaminated building materials, equipment and soils would be placed into a conceptual long-term waste management facility (LTWMF) to be constructed at the Blind River Refinery site. The PDP assumes that BRR will undergo a similar decommissioning process in the proposed scenario. The construction and operation of this facility is described in the BRR PDP.</p> <p>These activities are anticipated to generate approximately 1,900 m³ of contaminated materials from CFM that would be incorporated into the conceptual Blind River LTWMF.</p> <p>The current estimated cost for final decommissioning of the Cameco Fuel Manufacturing is \$10.8 million, which represents a decrease of \$10.2 million from the PDP and financial guarantee approved during the 2012 licence renewal. The \$10.8 million includes allocations of \$3,246,048 for demolition and waste management and \$7,553,952 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds</p>	<p>The uranium contaminated building materials, equipment and soils would be placed into an onsite encapsulated mound that would be licensed in perpetuity as a long-term waste management facility (LTWMF), which would also contain decommissioning material from Cameco’s Port Hope facilities. The PDP considers the decommissioning of the existing BRR facility and the construction, licensing and maintenance in perpetuity of the Blind River LTWMF.</p> <p>Part II Activities are anticipated to generate approximately 45,000m³ of contaminated materials from the BRR that would be incorporated into the conceptual on-site Blind River LTWMF.</p> <p>The BRR PDP also documents the expectations for the on-site LTWMF that would contain decommissioning wastes from Cameco’s Ontario operations licensed by the CNSC (PHCF, CFM and BRR). The conceptual design of the waste storage cell includes a base liner containment system, a leachate collection system and a final cover system. The conceptual design has been sized to provide a total capacity of 148,000 m³ including a contingency allowance.</p> <p>The current estimated cost for final decommissioning of the Blind River Refinery, including the construction, licensing and perpetual maintenance of a long-term waste management facility is \$57.5 million, which represents an increase of \$9.5 million from the PDP and financial guarantee approved by the Commission in 2017. The \$57.5 million includes allocations of \$15,500,000 for demolition, \$13,365,000 for the on-site waste management facility construction and monitoring, and \$28,635,000 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.</p>
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Northwatch Objections to Port Hope Conversion Facility Preliminary Decommissioning Plan

Northwatch's most fundamental objection to Cameco's preliminary decommissioning plan for their Port Hope operations – including the Port Hope Conversion Facility – is that it is not as much a decommissioning plan as it is a declaration of intent to create a large radioactive waste disposal site on the North Shore of Lake Huron, with associated transportation of radioactive wastes, but has failed to consult or engage with the affected public or to disclose any of the design, operations, impacts, mitigation measures, or other important aspects of this intended operation.

As stated by Cameco in the summary of the preliminary decommissioning plan “*all of Cameco's Ontario facilities licensed by the CNSC have their own PDP, each of which uses a common assumption that waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management cell at the Blind River site.*”

This is not a plan. This is an idea about a concept that Cameco might at some point pursue. But it is not a plan.

The only rationale provided for the selection of a site on the North Shore of Lake Huron is that “the licensed facility in Blind River has available land, an excellent operating record and strong community support”. That there is “available land” at the uranium refinery site is not a convincing argument, given the distance of 640 kilometres between the two locations; would Cameco actually argue that there is no “available land” closer than 640 kilometres away? As for the “strong community support”, Cameco's claim of this support is largely based on its ability to generate letters of support at the time of licensing (a definite proportion of which are recipients of donations from Cameco). There is no information publicly available about the citizen's advisory committee which Cameco was previously required to establish and support, and to the best of Northwatch's information there has been no actual testing of public support carried out by neutral third parties. Most importantly, Cameco has not disclosed to the local or regional public that they intend to convert the uranium refinery property into a large scale radioactive waste facility. There is no indication that there will be public support for such a plan or operation.

The summary of the PHCF PDP states that “a provision is in the Blind River PDP for care and maintenance of the waste management facility in perpetuity”. According to the Blind River PDP there is \$57.5 million in total for decommissioning costs, with no amount identified as being set aside for perpetual care:

The current estimated cost for final decommissioning of the Blind River Refinery, including the construction, licensing and perpetual maintenance of a long-term waste management facility is \$57.5 million, which represents an increase of \$9.5 million from the PDP and financial guarantee approved by the Commission in 2017. The \$57.5 million includes allocations of \$15,500,000 for demolition, \$13,365,000 for the on-site waste management facility construction and monitoring, and \$28,635,000 for project related costs including engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds.

A total decommissioning cost of \$57.5 million for the Blind River uranium refinery does not seem credible and the Blind River PDP summary description of financial arrangements makes no reference and provides no financial estimate for the “provision ... for care and maintenance of the waste management facility in perpetuity”.

In the summary of their preliminary decommissioning plan Cameco acknowledges that the “*planning for the decommissioning of the Cameco PHCF is an ongoing and complicated process*” and then goes on to list a number of entities with which Cameco purports to consult, including “*other interested stakeholders*”. Northwatch’s interests have been made known to Cameco over a period of decades, but Cameco has at no point in time directly communicated with Northwatch, other than in response to a contact with Northwatch has initiated. This includes communication with respect to Cameco’s preliminary decommissioning “plans” for their Port Hope facilities, which directly implicate the North Shore of Lake Huron as the recipient of a radioactive waste facility.

Specific to the decommissioning activities as outlined in the summary of the preliminary decommissioning plan for the Port Hope Conversion Facility Northwatch has the following comments:

- Cameco estimates that the Stage II will “generate approximately 83,000 m3 of contaminated materials that could be incorporated into a conceptual long term waste management facility to be constructed at that time”; this statement raises a number of questions:
 - o What is the characterization of the 83,000 m3 of contaminated materials in terms of radioactive or other contaminants?
 - o What is the characterization of the 83,000 m3 of contaminated materials in terms of its physical properties? i.e. combustible, liquid, flammable, solid, etc.
 - o “could” the wastes be incorporated or “will” they be incorporated into a “conceptual facility”
 - o What are the details for the “conceptual long term waste management facility” or what is the timeline for Cameco’s development or disclosing those details?
 - o Does the “concept” rely on particular physical attributes of the site and what are those attributes?
- Cameco states that “*the PDP assumes that all of Cameco’s Ontario operations will undergo a similar decommissioning process in the proposed scenario and a single engineered containment cell will be constructed at the Blind River Refinery site*”; is this “single engineered containment cell” the same or different than the “conceptual long term waste management facility” referenced earlier in the draft PDP? Note that these two descriptions imply very different stages of design development – what is the status or stage of design development for Cameco’s intended long term management facility(s) for decommissioning wastes from their Ontario operations?
- Cameco states in their summary PDP that “*consolidating the waste from Cameco operations in a single engineered containment cell reduces construction and maintenance costs of containment cells in multiple locations*” but provides no actual information to support this very generalized statement; note in particular that the summary PDP for the Port Hope Conversion Facility assumes transport of all decommissioning wastes a distance of 640 km but provides no

description of the transportation methods, impacts including carbon output, or financial estimates

- Cameco states in their summary PDP for the Port Hope Conversion Facility that “*The construction and operation of this facility is described in the BRR PDP*” but examination of the BRR PDP reveals that the BRR PDP provides only a one sentence description of the facility design (“*The conceptual design of the waste storage cell includes a base liner containment system, a leachate collection system and a final cover system*”) and does not disclose necessary details of design and does not describe operations, impacts, mitigation measures, or other important aspects of this intended operation.
- Cameco states in their summary PDP for the Port Hope Conversion Facility that the financial assurance of \$138.2 million “*includes allocations of \$37,090,000 for demolition, \$8,914,000 for soil excavation, fill replacement and landscaping, \$20,625,000 for waste management and disposal, and \$71,571,000 for project related costs including regulatory activities, Indigenous consultation, public consultation, engineering, construction management, radiological, and other monitoring as well an escalation provision and contingency funds*”; this does not seem a credible number, and Cameco has provided no supporting information; also excluded from this estimate is any estimate of transportation costs, which will be considerable given the intention to dispose of these wastes at a “conceptual” site located 640 km distant

Requested Action

Cameco is proposing that public access be limited to a summary of the Preliminary Decommissioning Plan which Northwatch argued in response to the “Notice of Request for Confidentiality” does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes.

For these reasons and those that may have been brought forward by others with an interest in this matter, Northwatch requests that the Canadian Nuclear Safety Commission:

- direct Cameco to make the preliminary decommissioning plan for the Port Hope Conversion Facility available to those who have an interest in this matter, including Northwatch.
- Defer any decision-making with respect to Cameco’s Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 until such time as the full version of the preliminary decommissioning plan has been made available and an appropriate review process is in place
- Combine reviews of the Port Hope Conversion Facility Preliminary Decommissioning Plan 2022 with a review of the preliminary decommissioning plans for the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery, given Cameco’s stated intention to integrate the long-term management plan for decommissioning wastes from the three facilities
- Make available to the public and Indigenous peoples the full (not summary) preliminary decommissioning plans for Port Hope Conversion Facility, the Port Hope Fuel Manufacturing operation and the Blind River Uranium Refinery
- Issue a notice of a public hearing in full and a participant funding opportunity with sufficient time for interested parties to retain technical assistance and fully review and consider the three preliminary decommissioning plans and prepare comments within the review timeline

Summary

Cameco is proposing that they construct a large radioactive waste facility on the North Shore of Lake Huron, as indicated in the summary of the Port Hope Conversion Facility Preliminary Decommissioning Plan. The construction, operation and perpetual care (or abandonment) of such a facility is of significant concern to Northwatch and others with an interest in the health and well being of Algoma region and the Robinson-Huron Treaty Area including the North Shore of Lake Huron.

The summary of the Preliminary Decommissioning Plan does not provide adequate information about the proposed approach to decommissioning or to the proposed dispositioning of the decommissioning wastes and adequate notice has not been provided.

The Commission must also question whether Cameco has adequately informed and engaged the signator nations to the Robinson-Huron Treaty and whether CNSC staff have met the duty to consult with respect to Cameco's Port Hope Conversion Facility Preliminary Decommissioning Plan and Cameco's intent to impose impacts on the North Shore of Lake Huron in carrying out the intended decommissioning activities.

Indigenous peoples and members of the public who have an interest in the preliminary decommissioning plan and its potential impact on the North Shore cannot comment on a plan that is not available to them. The Commission must resolve this issue before proceeding with the review of Cameco's Port Hope Conversion Facility Preliminary Decommissioning Plan 2022.

Northwatch submits these comments while maintaining our objection to this hearing proceeding in the absence of the revised preliminary decommissioning plan and financial guarantee for Cameco Corporation's Port Hope Conversion Facility being available.

All of which is respectfully submitted on behalf of Northwatch.



Brennain Lloyd
Project Coordinator, Northwatch