

Special Circumstances Protocol

Through the Port Hope Area Initiative (PHAI), Canadian Nuclear Laboratories (CNL) is cleaning up historic low-level radioactive waste in Port Hope.

A Special Circumstances Protocol has been developed for situations where the cleanup of waste is not practical, reasonably achievable or desired. These situations are referred to as “special circumstances” or “constraints.”

CNL leads the Special Circumstances process and consults with Atomic Energy of Canada Limited (as the representative of the Government of Canada) before applying an exemption from PHAI activities to a property. CNL must seek the approval of the Municipality of Port Hope if an exemption is to be applied to a municipally owned property.

CNL may apply a Special Circumstances exemption for:



Environmental constraints, which apply to features including endangered species such as butternut trees, and areas of natural scientific importance or environmental sensitivity

Social/heritage constraints, which apply to social/heritage features of significance to the community, specifically, mature trees and historic buildings

Access constraints, which apply to a situation where an owner denies CNL access to a part or all of the property or where the location of the historic low-level radioactive waste cannot be safely accessed.

Property owners may request a Special Circumstances exemption for:

Property owner access refusal, where an owner denies CNL access to a part or all of their property.

Property owner directed remediation, where an owner chooses to leave historic waste on their property in order to preserve a special feature.

CNL will then engage a qualified subject matter expert to assess if the request meets the requirements of the Special Circumstance Protocol. For trees, such criteria may include age, health, height, girth, species and community recognition.

To support the application of a special circumstances, CNL will conduct a risk assessment to confirm that the continued presence of historic low-level radioactive waste on the property is protective of human health and the environment. However, if a property owner denies CNL access to part or all of their property or chooses to leave historic waste on their property, an exemption to the risk assessment in the process will be made.

Notification of Special Circumstances application

CNL will inform the property owner of its intention to apply a Special Circumstances exemption during the design phase, prior to the owner signing the Remediation

& Restoration Agreement, or at the time the constraint is identified, which may be during PHAI work on the property.

For more information about the Special Circumstances Protocol or to indicate a preference to preserve a special feature on your property, please contact CNL.

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