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**From:** Northwatch <northwatch@northwatch.org>  
**Sent:** December 20, 2019 8:43 PM  
**To:** Consultation (CNSC/CCSN)  
**Subject:** Northwatch Feedback on Comments Submitted on Draft Regulatory Document REGDOC-2.11.2, Decommissioning  
**Attachments:** Northwatch feedback on Comments regulatory document REGDOC-2.11.2, Decommissioning\_20December2019.pdf

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

Sent by email [cnscconsultation.ccsn@canada.ca](mailto:cnscconsultation.ccsn@canada.ca)

Re. Feedback on Comments Submitted on Draft Regulatory Document REGDOC-2.11.2, Decommissioning

Please find Northwatch's preliminary feedback on comments submitted on Draft Regulatory Document REGDOC-2.11.2, Decommissioning

Brennain Lloyd

Northwatch

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# NORTHWATCH

December 20, 2019

Canadian Nuclear Safety Commission  
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Ottawa, Ontario, Canada K1P 5S9

Sent by email [cnscconsultation.ccsn@canada.ca](mailto:cnscconsultation.ccsn@canada.ca)

Re. **Feedback on Comments Submitted on  
Draft Regulatory Document *REGDOC-2.11.2, Decommissioning***

On December 2, 2019 the Canadian Nuclear Safety Commission posted a notice on their web site, indicating that they were inviting feedback on comments submitted on a draft Regulatory Document 2.11.2 until December 20<sup>th</sup>.

Comments had been submitted by eight nuclear corporations (six of them submitting the same comments with different cover letters), one municipality, one individual, and one nuclear industry consultant on the draft *REGDOC-2.11.2, Decommissioning* between July 16, 2019 and October 16, 2019.

As summarized in the CNSC notice, "the draft regulatory document sets out requirements and guidance regarding the planning, preparation, execution and completion of the decommissioning of Class I nuclear facilities, uranium mines and mills, and nuclear substances and radiation devices activities licensed by the CNSC in Canada".

Due to the extremely short comment period and other concurrent demands on available time and resources, Northwatch is submitting preliminary comments only at this time, with an intention to supplement this submission in the near future. We appreciate the CNSC's confirmation that they "welcome feedback on any regulatory document at any time" and so will proceed on that basis.

## Northwatch Feedback on Comments Submitted between July 16 and October 16, 2019

As is frequently the case with CNSC comment opportunities, the nuclear industry collaborated in preparing their comments, and several nuclear energy corporations submitted the same comments in table format, repeating them in each submission, each with a cover letter. Given this practice, Northwatch's feedback with focus on the submission of Ontario Power Generation as a proxy for the nuclear industry's coordinated lobby.



**Nuclear Industry Comments**

In their cover letter, OPG prefaced their table-format submission with three points which they characterized as broadly summarizing their primary comments.

OPG Summary	Northwatch Feedback
<ul style="list-style-type: none"> <li>the REGDOC should clarify the timing of submissions and the type of documents required for submissions (a Storage with Surveillance Plan versus a Detailed Decommissioning Plan for the Storage with Surveillance Phase);</li> </ul>	<ul style="list-style-type: none"> <li>We agree that the timing, type and content of required documents should be clearly set out, as should the method of public consultation prior to their finalization, and the methods for reporting on predicted versus actual outcomes over various time frames</li> </ul>
<ul style="list-style-type: none"> <li>the REGDOC should acknowledge that certain decommissioning activities can take place under an operating licence;</li> </ul>	<ul style="list-style-type: none"> <li>We agree that the REGDOC should set out very clearly under which decommissioning activities – if any – can take place under an operating license, and provide clear direction on how the public and Indigenous peoples are consulted on those decommissioning activities; this is particularly important to clarify in cases where there are long license period and only preliminary decommissioning plans in place at the time of the last license review (last as in the license review previous to the decommissioning activities commencing).</li> </ul>
<ul style="list-style-type: none"> <li>the REGDOC should have better alignment with the definitions and guidance of CSA N294; and,</li> </ul>	<ul style="list-style-type: none"> <li>This is an instance where the CNSC must clarify that the CSA standards must comply with the regulatory framework, rather than the regulatory framework having to comply with industry-driven standards, such as those of the CSA</li> </ul>
<ul style="list-style-type: none"> <li>the REGDOC should provide additional guidance for each decommissioning strategy, and not just deferred decommissioning.</li> </ul>	<ul style="list-style-type: none"> <li>We agree that the REGDOC should provide additional detail for each decommissioning strategy, including more detailed criteria and conditions that must be met in selecting a decommissioning strategy</li> </ul>

In the following section, Northwatch provides preliminary feedback on select areas of comment provided by Ontario Power Generation. The absence of a point of feedback in this preliminary submission – or in a followup submission – does not indicate agreement with Ontario Power Generation’s position or statement.

Northwatch’s feedback includes the following points:

- While we agree that there should be consistency in definitions and terminology across documents – including across CNSC regulatory documents, standards, guidelines, policies, and other regulatory tools – we disagree that the regime for nuclear regulation in Canada should be developed to conform with the CSA standards; the CSA is an industry body which develops standards and guidelines which can improve practices and performance, but it is not a regulatory agency and does not set regulation; as such the CSA should conform to the regulatory regime, rather than the reverse (OPG Comment #2)
- The progression from Preliminary Decommissioning Plan to Detailed Decommissioning Plan to execution of the decommissioning activities needs to be much more clearly set out, including in multi-unit or multi-facility sites; at present, the REGDOC is overly general, and as OPG illustrates with the comments, the industry assumptions appear to be towards full flexibility, while the CNSC’s responsibility is to emphasize safety and engage with the public and Indigenous peoples to ensure that the health of workers, the community and the environment are protected (OPG Comment #7)
- Northwatch agrees that the Draft REGDOC lacks detail on the three identified decommissioning strategies, and that the CNSC understanding, expectations and assumptions with respect to each of these broad categories should be clearly set out in detail, with various scenarios illustrating application under different conditions / facility types; following this more detailed discussion piece being circulated by the CNSC, based on comments and feedback received, there should be a further opportunity for comment, including a workshop-style convening of interested parties (OPG Comment #9)
- Northwatch agrees that the discussion on in situ decommissioning in the draft REGDOC is problematic, albeit perhaps for reasons and analysis that differs from that of OPG; this is another area where CNSC needs to set out their position in much greater detail, with opportunity for testing of the technical basis for the CNSC position, and an opportunity for further feedback (OPG Comment #10)
- Northwatch strongly disagrees with the position taken by OPG in their 11th comment, i.e. that the CNSC should “ Amend the 9th bullet to read, “availability of a facility for the disposal (vs “management”) of irradiated fuel”; there is no such known facility at this time and despite the CNSC and OPG’s belief systems that a deep geological repository will be brought into operation within the next several decades, this is not yet certain, and even by the Nuclear Waste Management Organization (NWMO)’s 2005 “Adaptive Phased Management Plan” the decision to close the site could be centuries into the future;

changing the terminology from “management” to “disposal” is ideological rather than scientific, and should be left to OPG and NWMO’s promotional materials, rather than making its way into a regulatory document (OPG Comment #11)

- Northwatch agrees that Section 5.1 of the draft REGDOC is problematic and potentially contradictory; the section requires more detail, more explanation, and further consultation and opportunities for input after the CNSC has set out its current position in more detail (OPG Comment #14)
- Northwatch agrees with the OPG comment on draft REGDOC section 5.1 that the timing of the preparation of the detailed decommissioning plan may be problematic, in that it is being done too late in the process; we agree with this assessment, and are of the view that the Preliminary Decommissioning Plans are far too vague and generalized, and that a Detailed Decommissioning Plan should be prepared much earlier than is the current practice or is set out in the draft REGDOC; the same is true of the surveys, and the (OPG Comment #19)
- OPG appears to accept the CNSC insertion of “in situ” decommissioning as if it was a valid approach; Northwatch does not. The comments submitted by J.R. Walker on the matter of in situ decommissioning in Section .20 of his submission are adopted by Northwatch, and are recommended to both OPG and the CNSC (OPG Comment #27).
- Northwatch agrees with the OPG suggestion that “the public” be added to the second sentence of Section 9, but disagrees with the OPG suggestion that “protection” be removed in “protection of the environment” later in the same section (OPG Comment #30).
- Northwatch appreciates the industry’s acknowledgement that they do not currently employ “monitoring systems that provide early warning of the release of radionuclides”, but disagrees with the industry suggestion that the requirements for monitoring be deleted in response to this deficit; this section should be revised to make the requirements more explicit, and include specifics that the post-decommissioning monitoring regime should mirror that of the operational and decommissioning phases, and include ground and surface water monitoring, sediment, soil and air sampling, and any other relevant components of the pre-decommissioning and decommissioning period surveys; this section or a following section should also set out the requirements for contingency planning when the monitoring systems identify an outcome that was not predicted and which has the potential to be harmful to human health or the environment (OPG Comment #30).
- Northwatch strongly disagrees with the position being taken by the nuclear industry that Sections 10.1, 10.2 and 10.2.1 – which outline requirements for radiological and non-radiological surveys – do not pertain to decommissioning; this position is consistent with OPG’s refusal to make groundwater monitoring information from the Pickering site available to the Northwatch and Lake Ontario Waterkeeper, but is unacceptable. Having comprehensive surveys of radiological and non-radiological hazards is fundamental to

understanding site conditions and so developing, adjusting and implementing a decommissioning plan/strategy (OPG Comment #32).

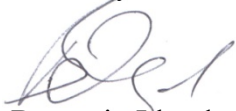
- The industry comments that they find “the phrase ‘Radionuclides and hazardous chemicals’ in the 2<sup>nd</sup> sentence of the 1<sup>st</sup> paragraph is unnecessarily alarming in this context”, and suggests replacing it with “constituents of potential concern”; alarming to who? This particular comment suggests that either a) the industry was really struggling to find things to say, or b) those preparing the comments were completely out of their depth. Realistically, any reader of this REGDOC is almost certainly going to have an awareness that radiological and chemical hazards are key concerns, and are more likely to be alarmed at the absence of that terminology than by its presence (OPG Comment #33).

### Conclusions

Thank you for consideration of these preliminary comments. As noted above, the CNSC draft Regulatory Document is in need of considerable revision. Our recommendation is that the CNSC issue a document setting out their disposition of comments and feedback on those comments as an interim next step, followed by a series of subject papers pertaining to various aspects of the this regulatory area, and that these be examined in workshop format by a range of interest-holders. Only after more development and engagement should the CNSC move to preparing a second draft regulatory document, which should then be the subject of a second consultation period.

Again, it is our intention to prepare and submit more detailed comments than was possible during this very short feedback period.

Sincerely,



Brennain Lloyd  
Northwatch