

REGDOC-2.11.2: Comments received in advance of the workshop with industry

REGDOC-2.11.2: Commentaires reçus en vue de l'atelier avec l'industrie

Note: Comments submitted, including names and affiliations are intended to be made public, in the official language in which they are received.

Remarque : Les commentaires reçus, y compris les noms et les affiliations, seront rendus publics, dans la langue officielle dans laquelle ils auront été reçus.

	Organization / Organisation	Section	Comment / Commentaire	CNSC Response / Réponse la CCSN
1.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	General	<p>MAJOR</p> <p>Industry has concerns regarding overarching PDPs/DDPs for a site with multiple facilities.</p> <p>Suggested change</p> <p>Licensees believe that interdependencies between planning envelopes or facilities, location or site, can be included as required content for the facility PDPs/DDPs, thus avoiding the production of a separate document with repeat content being produced for CNSC review/approval.</p> <p>Impact on industry</p> <p>Recognizing the interdependencies in this REGDC would avoid duplicate efforts and ensure consistency.</p>	This is in alignment with IAEA GSR Part 6, <i>Decommissioning of Facilities</i> that indicates that a site strategy be developed for sites with more than one facility.

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2.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	2.2, 4 and 6.1	<p>MAJOR</p> <p>Industry has concerns with the timing of decommissioning activities as discussed in various sections. For instance:</p> <ol style="list-style-type: none"> 1) The discussion of Class I and Class II licensee decommissioning strategies in Section 4 does not give consideration to sites like CNL. 2) Not all facilities end decommissioning activities “with the release of the facility or location from CNSC regulatory control” (e.g., Elliot Lake) as indicated in the final bullet of section 2.2. 3) Most significantly, section 6.1 says a DDP should be submitted two to five years prior to permanent shutdown. This timing is impractical. The process for producing a DDP makes it unlikely that one could be submitted prior to shutdown. Surveys (typically done after shutdown) and end-state condition assessments are required to inform the safety assessment. In turn, the safety assessment is required to support the development of the decommissioning plan, maintenance plans, risk identification and mitigation, etc. However, in response to the Region of Durham (item 15 in the CNSC disposition table) CNSC staff indicates that, “As outlined in Section 6, the CNSC expects the detailed decommissioning plan , storage with surveillance plan, safety assessment and waste management plan during the preparation for decommissioning phases (i.e. <u>prior to the execution of decommissioning phase</u>) [emphasis added]. Also, section 2.2 of the REGDOC says, “Execution of decommissioning begins when decommissioning activities commence, which may include decontamination...” Thus, the DDP should be produced before execution, not prior to shutdown. <p>In addition, for deferred decommissioning, the first two paragraphs say a DDP is to be produced that documents activities during the SWS period. Section 6.3 identifies that a storage with surveillance plan can be submitted in addition to a DDP (or as part of the DDP). In either case, a DDP is</p>	<ol style="list-style-type: none"> 1. A new sentence was added to the section to address the comment. 2. Change made to state “...in the future, or if...”. 3. The text was changed to “prior to the execution of decommissioning.” The second paragraph was removed.

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			<p>required for deferred decommissioning, which may be no more detailed than a PDP with a very detailed SWS plan. Given this, industry should be given the option to continue to produce a PDP with an SWS plan for deferred decommissioning as the information submitted to the regulator will be the same.</p> <p>Suggested change</p> <p>To ensure the timing in the REGDOC is practical and its applicability to legacy sites is clear, licensees urge the CNSC to:</p> <ol style="list-style-type: none"> 1) Clarify in the 1st paragraph of section 4 that legacy sites are not subject to the timing constraints. 2) Amend the final bullet in 2.2 to read, “Decommissioning ends with the release of the facility or location from CNSC regulatory control, even if the CNSC subsequently authorizes the site for any other licensed activity in the future <u>or</u> If unrestricted release cannot be achieved, institutional controls are required to be in place.” 3) Revise the 1st paragraph and delete the 2nd paragraph in section 6.1 to read, “Prior to the execution of decommissioning, the licensee shall submit a DDP to the CNSC for acceptance. <u>Since work plans are defined from the safety assessment and then developed into the DDP, For</u> licensees of a Class I nuclear facility, the licensee should typically submit a DDP to the CNSC two to five years prior to <u>starting decommissioning activities</u> permanent shutdown. The DDP shall ... a licence authorizing decommissioning. <p>If permanent shutdown takes place before a DDP has been prepared and accepted, the licensee shall prepare one as soon as possible.”</p>	

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			<p>Impact on industry</p> <p>The timing in this REGDOC is impractical and does not always reflect what will actually happen leading up to permanent shutdown. Unclear direction makes it difficult to comply.</p>	
3.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	1.2. 2.1 and 2.2	<p>MAJOR</p> <p>The document does not reflect the difference in complexity between mines and mills in comparison to power plants in the Scope and many of its sections. Nor is its expectations always clear for Class II licensees or licensees with unique organizational/ownership structures.</p> <p>For instance, the draft cites numerous activities that licensee are required to perform prior to the shutdown of a facility (e.g. maintaining the financial guarantee, development of the decommissioning strategy and a PDP). However, there are organizational realities (such as the Bruce Power lease from Ontario Power Generation) in which the owner of a facility is required to meet the decommissioning obligations. This is not clearly reflected in this document.</p> <p>Also, are the following passages only linked to the licensed areas, or is it broader:</p> <ul style="list-style-type: none"> ● “For licensed sites with more than one facility or location for which the licensee is responsible, the licensee shall submit an overarching PDP to ensure that interdependencies between planning envelopes or facilities, locations or sites are taken into account.” ● “For licensed sites with more than one facility preparing to undergo decommissioning for which the licensee is responsible, the licensee shall submit an overarching site DDP to ensure that interdependencies 	<p>No change made, the requirements of this REGDOC are for the licensee, irrespective of the owner of the facility.</p> <p>1. No change made. The applicable lifecycle stages for Class II licensees are described below this list.</p> <p>2. The last paragraph of section 2.2 refers to the need to have a licence to decommission prior to conducting decommissioning activities. It does not refer to preliminary decommissioning plans. No change made.</p> <p>4. The use of “phase” aligns with both CSA and IAEA GSR Part 6, <i>Decommissioning of Facilities</i>.</p>

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			<p>between the individual DDPs (planning envelopes or facilities) are taken into account. “</p> <p>Su Amend the Scope to include the following, “<u>Where the licensee is not the owner of the facility, the obligations contained within this REGDOC remain with the owner, who may request support of the licensee to discharge the obligations.</u>”</p> <p>Also, clarify:</p> <ul style="list-style-type: none"> ● What lifecycle Class II licensees are subject to in section 2.1 ● In the last paragraph of section 2.2. whether larger, more complex licensees are required to have separate decommissioning plans for the Class II licences they hold (e.g., the Class II licence that Bruce Power has yet to integrate into its PROL). ● Whether section 2.2 should say decommissioning ‘stages’ rather than ‘phases’ to avoid the potential to confuse phases of decommissioning with lifecycle phases.ggested change <p>Impact on industry</p> <p>While the Bruce Power-OPG lease is somewhat unique at the moment, it may not always be. For regulatory clarity, it is important that decommissioning obligations are fully understood. While this is clear in current Power Reactor Operation Licenses, it is not in this draft REGDOC, which will be a document referenced often in future years by all stakeholders interested in decommissioning obligations. The inclusion of a brief, clarifying line in the Scope would easily remedy this.</p>	
4.	Bruce Power, BWXT,	5.1 and 5.1.1	MAJOR	No change made. The CNSC reviews PDPs and financial guarantees as part of the conditions of a licence.

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	Cameco, CNA, CNL, CANDU Owners Group, Hydro- Québec, Kinetrics, NB Power, NWMO, OPG, Orano		<p>Industry is concerned with the language related to cost and financial guarantees as per section 5.1.1 and item 52 in the CNSC comment disposition table regarding implied acceptance of the cost estimates.</p> <p>The PDPs currently contain a summary of the cost estimate and separate standalone detailed cost estimates are provided to the CNSC staff. Section 5.1.1 identifies the cost estimate and financial guarantee can be a standalone document, which brings concern the stand-alone cost estimates will require acceptance by CNSC staff. It is the accountability of the Commission to accept the financial guarantee and associated cost estimate.</p> <p>Also, this section could better align with the language in <i>N294</i>.</p> <p>Suggested change</p> <p>For clarity, the CNSC is urged to:</p> <ol style="list-style-type: none"> 1) Clarify acceptance of the PDP is for compliance to the REGDOC 2.11.2. <p>Amend the 1st sentence in 5.1.1 to align with <i>N294</i> so it reads, “A PDP for a nuclear facility with a Class I or uranium mines and mills licence may shall include:, as applicable</p> <p>Impact on industry</p> <p>Layers of acceptance when accountability for acceptance of the financial guarantee is at the Commission may be a barrier to financial guarantee renewal.</p>	
5.	Bruce Power, BWXT,	General	MAJOR	This is in alignment with IAEA GSR Part 6, <i>Decommissioning of Facilities</i> that indicates that a site strategy be developed for sites with more than one facility.

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	<p>Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano</p>		<p>Industry has concerns regarding overarching PDPs/DDPs for a site with multiple facilities.</p> <p>Suggested change</p> <p>Licensees believe that interdependencies between planning envelopes or facilities, location or site, can be included as required content for the facility PDPs/DDPs, thus avoiding the production of a separate document with repeat content being produced for CNSC review/approval.</p> <p>Impact on industry</p> <p>Recognizing the interdependencies in this REGDC would avoid duplicate efforts and ensure consistency.</p>	
6.	<p>Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano</p>	4.1 and 5.2	<p>MAJOR</p> <p>This REGDOC continues to cite draft documents. It is confusing to suggest that licensees comply with REGDOCs that are still in draft form and potentially subject to change. These include <i>REGDOC 3.3.1, Financial Guarantees for decommissioning of nuclear facilities and termination of licensed activities</i> and <i>REGDOC 2.11.1, Vol. III, Safety Case for Long-Term Radioactive Waste Management</i>.</p> <p>Suggested change</p>	<p>The following draft REGDOCs will be presented to the Commission as a package to complete the CNSC's regulatory framework related to waste management:</p> <ul style="list-style-type: none"> ● 1.2.1, <i>Guidance on Deep Geological Repository Site Characterization</i> ● 2.11.1, <i>Waste Management, Volume I: Management of Radioactive Waste</i> ● 2.11.1, <i>Waste Management, Volume III: Safety Case for the Disposal of Radioactive Waste, Version 2</i> ● 2.11.2, <i>Decommissioning</i> ● 3.3.1, <i>Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities</i>

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			<p>References to draft REGDOCs should be removed. REGDOCs should only be cross-referenced in interdependent documents after they have been presented to the Commission and approved for publication.</p> <p>Impact on industry</p> <p>Draft guidance is subject to change. The path to (e.g., timing of) compliance is therefore unclear.</p>	
7.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	6.1.1	<p>MAJOR</p> <p>The current document does not align with <i>CSA N294</i>.</p> <p>Suggested change</p> <p>Add <u>“The detail and complexity of the DDP shall be commensurate with the facility being decommissioned”</u> as the first sentence of this section.</p> <p>Impact on industry</p> <p>Creates uncertainty for licensees.</p>	No change made. A section on graded approach was added to the REGDOC, making the quoted sentence redundant.
8.	Bruce Power, BWXT, Cameco, CNA, CNL,	6.2	<p>MAJOR</p> <p>Safety assessment for DDP is not the same as the safety assessment for the SWS</p> <p>Suggested change</p>	Section 8.3 outlines guidance of what should be included in the storage with surveillance plan. As stated in Section 8.3, Storage with surveillance plan, the storage with surveillance plan should be developed on the basis of the outcomes of the safety assessment. Finally, Section 8.2, Safety assessment for decommissioning, outlines the requirements of what the safety assessment shall ensure.

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	CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano		Provide clarification on the safety assessment requirements for the SWS stage. Impact on industry Uncertainty on how to satisfy safety requirements for the SWS.	
9.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	6.4	MAJOR The last paragraph references <i>REGDOC 2.11.1 Volume I</i> and not <i>Volume II</i> . Suggested change Add reference to <i>REGDOC 2.11.1, Volume II</i> to this section. Impact on industry Omission creates uncertainty for mines and mills.	The change was implemented as suggested.
10.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group,	7	MAJOR Licensees believe section 7 requires the following edits: 1) In the 1 st bullet, the reference to decommissioning in accordance with ‘written procedures’ is inconsistent with Section 6. This could be interpreted as CNSC approval being required for licensees’ procedures.	1. Text revised to say “...with the DDP and associated procedures” 2. Change made as suggested.

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	Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano		<p>2) Regarding the 4th bullet, surveillance and maintenance plans for all SSC is not required and should focus on SSC important to safety.</p> <p>3) Suggested change</p> <p>Amend:</p> <p>1) The 1st bullet to read, “conduct decommissioning in accordance with the accepted DDP and written programs <u>procedures</u>”</p> <p>2) The 4th bullet to clarify that only SSCs important to safety require surveillance and maintenance plans by saying, “...surveillance and maintenance plans for <u>these</u> the SSCs.”</p> <p>3) Impact on industry</p> <p>Without these minor edits, there would be an increased regulatory burden if licensee procedures are subject to CNSC approval and surveillance and maintenance plans are required for SSCs not important to safety.</p>	
11.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	8.1	<p>MAJOR</p> <p>Licensees have the following concerns with section 8:</p> <p>1) In the 2nd full sentence on page 16, the term “assign” in “...institutional controls by may assign that responsibility...” does not include transfers.</p> <p>2) The actions in the bulleted list may not apply to all properties in institutional control. Mines and mills in institutional control do not rely on active controls to prevent unrestricted access.</p> <p>Suggested change</p> <p>The CNSC is urged to:</p>	<p>The following sentence was added to the end of Section 8:</p> <p>“Decommissioning ends with the release of the facility or location from CNSC regulatory control, even if the CNSC subsequently authorizes the site for any other licensed activity in the future. If unrestricted release cannot be achieved, institutional controls are required to be in place and the facility or location may need to remain under CNSC oversight.”</p> <p>Section 8.1 was re-titled to “Institutional control”</p> <p>The sentence was revised to:</p>

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			<p>1) Replace the term “assign” with “<u>assign or transfer, as the case may be</u>” or “<u>assign or transfer, as applicable</u>” Amend the sentence before the bullets with “<u>As applicable,</u>”</p> <p>Impact on industry</p> <p>For mines and mills, institutional control involves a transfer and not an assignment. This process must be included in the REGDOC in order for section 8.1 to apply to institutional control for mines and mills.</p> <p>As written, the REGDOC creates uncertainty for mines and mills in which access to sites in institutional control is not restricted.</p>	<p>“The licensee is responsible for implementing and maintaining the post-decommissioning plans and institutional controls unless that responsibility was transferred to a third party with their agreement and the Commission’s approval.”</p>
12.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	3	<p>Licensees believe references to relevant CSA and IAEA documents, in addition to <i>REGDOC 3.5.3, Regulatory Fundamentals</i>, are needed to help readers truly grasp the concept of a graded approach.</p> <p>Suggested change</p> <p>Add references to section 4.1.2 of <i>CSA N286-12, Management System for Nuclear Facilities</i>, the <i>N286 Commentary</i> and <i>IAEA GS-G-3.5, Annex I</i>. Also reference <i>N294, Decommissioning of Nuclear Facilities</i>, which asks for compliance to <i>N286</i> to ensure quality assurance linkages.</p>	<p>Comment noted, some of the suggested references have been added to the document</p>
13.	Bruce Power, BWXT, Cameco, CNA, CNL,	6	<p>The content for the permanent shutdown plan or stabilization activity plan has not been outlined/identified.</p> <p>Suggested change</p>	<p>There is no requirement in the REGDOC to have separate documents. No change made.</p>

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	CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano		It's likely this will not be two documents, but a combined stabilization activity plan from operation to a stable state for decommissioning.	
14.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group, Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano	6.1	<p>The 4th paragraph uses the acronym SWS without introducing it first.</p> <p>Suggested change</p> <p>As it has not been used previously, recommend spelling it out in full for clarity.</p>	This was removed in editing.
15.	Bruce Power, BWXT, Cameco, CNA, CNL, CANDU Owners Group,	Glossary	<p>Definitions are inconsistent with those in <i>REGDOC-3.6, Glossary of CNSC terminology</i>.</p> <p>Suggested change</p>	The REGDOC 3.6, <i>Glossary of CNSC Terminology</i> is outside the scope of this document but CNSC staff will consider your comments as part of the next revision of the Glossary. This will be done after the suite of five REGDOCs is published in order to incorporate the changes in definitions that were included in those documents.

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	Hydro-Québec, Kinetrics, NB Power, NWMO, OPG, Orano		There may be a need to provide more fulsome definitions in the current REGDOC, but they should align with those in REGDOC-3.6, Glossary.	Please note that we are always seeking greater alignment with IAEA definitions but the scope of workshop does not include comments on the glossary or other CNSC REGDOCs as well.