



October 11, 2013

Mark Dallaire
Director General
Regulation Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
Ottawa, ON
K1P 5S9

Dear Mr. Dallaire,

Canadian Nuclear Association Comments on Regulatory Document-2.10.1 Nuclear Emergency Preparedness and Response

The Canadian Nuclear Association (CNA) has approximately 100 member companies, representing 60,000 Canadians [1] employed directly, or indirectly, in exploring and mining uranium, generating electricity, and advancing nuclear medicine. This RegDoc will apply to our members who possess a Class IA or Class IB licence, along with all uranium mines and mills. As such, the proposed regulations have wide ranging implications within our membership.

CNA staff has reviewed Regulatory Document 2.10.1 [2] and have comments that we wish to provide to CNSC staff for their consideration. Prior to giving comments on specific items in the Regulatory Document, the CNA suggests that CNSC staff consider the tradeoff of benefits by incorporating Nuclear Emergency Preparedness and Response regulations for different license classes into one document. While we appreciate the efficiencies achieved in issuing a single RegDoc, we would caution that this could be interpreted as a 'one-size-fits-all' approach. Or in practice it could become that the approach and requirements for a Nuclear Power Plant (Class IA) become the default requirements for all affected licensees, regardless of the risks each individual facility contains.

Emergency preparedness and response requirements should reflect the frequency, probability and the severity of the risks associated with the very different license classes this RegDoc will apply to. These differences should be clearly described and detailed in the Regulatory Document.

This is important to do, not just for the understanding of non-technical industry specialists who may also read this document, but also from a practical perspective, to clarify the differences in the probabilities and severities of the risks associated with the wide range of nuclear facilities up front. We believe that the document should be structured so that the regulations and requirements for Class IA, Class IB and Uranium Mines and Mills are very clearly differentiated and explained to add clarity

We are supportive of many of the items contained in this document; however there are three areas that raise significant concern to our membership. These are centered on the following observations.



1. Overlap and uncertainty caused by jurisdictional conflict between the contents of RegDoc-2.10.1 and various Provincial requirements and requirements to support offsite response organizations.
2. Maintaining a clear distinction between Design Basis accidents and Beyond Design Basis accidents.
3. Requirements to submit plans to CNSC prior to their being implemented, and timelines for providing information to CNSC staff.

Specific comments on these items are provided in Appendix A to this letter.

While the CNA and its membership finds the majority of requirements contained in RegDoc-2.10.1 to be acceptable, there are several key areas that cause us concern. These should be reviewed and modified accordingly so as to: allow the best focused response by licensee's in any emergency situations, not create confusion concerning requirements for Design Basis and Beyond Design Basis Accidents, and to be aligned with the Government of Canada's Cabinet Directive on streamlining regulation.

The CNA thanks you for your consideration of this matter and is pleased to discuss with you any items that require clarification. Should you or your staff required additional information please do not hesitate to contact me at 613-237-4262.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Poruks', is written over a horizontal line.

Peter Poruks, Ph.D.
Manager of Regulatory Affairs
Canadian Nuclear Association

Cc.

Heather Kleb, M.Sc. Interim President and C.E.O. Canadian Nuclear Association

References

[1] Canadian Manufactures and Exporters, 2012, *Nuclear, A Canadian Strategy for Energy, Jobs and Innovation*, 2012.

[2] Canadian Nuclear Safety Commission, *Nuclear Emergency Preparedness and Response*, RegDoc-2.10.1, 2013 August.

[3] Treasury Board of Canada Secretariat, *Cabinet Directive on Streamlining Regulation*, BT22-110/2007, 2007.



Appendix A Detailed Comments on Proposed Regulatory Document 2.10.1

Emergency preparedness and response requirements should reflect the frequency, probability and the severity of the risks associated with the very different license classes this RegDoc will apply to. For example, the emergency response teams that would respond to a fire at a nuclear power plant (Class IA) are very different from the response teams that would be employed by a uranium mine or mill in response to the risk of a forest fire in Northern Saskatchewan.

We do agree that “an EP program should be developed in a manner that is commensurate with the complexity of the facility’s associated undertakings, as well as the probability and potential severity of the emergency scenarios associated with the operation of the licensed facility”, but we do not believe that the document currently reflects the range in complexity and emergency scenarios associated with the different licensee types.

The CNA agrees that the range of Emergency Preparedness program requirements could conceivably be addressed in a single RegDoc, but **we recommend that the range of licensees be addressed in an itemized fashion and in a manner that is reflective of the frequency, probability and severity of risks associated with each licence type.**

We are supportive of many of the items contained in this document; however there are three areas that raise significant concern to our membership. These are centered on the following observations.

1. Overlap and uncertainty caused by jurisdictional conflict between the contents of RegDoc-2.10.1 and various Provincial requirements and requirements to support offsite response organizations.
2. Maintaining a clear distinction between Design Basis accidents and Beyond Design Basis accidents.
3. Requirements to submit plans to CNSC prior to their being implemented, and timelines for providing information to CNSC staff.

Jurisdictional Conflict

Provincial governments determine rules and requirements for Emergency Preparedness within their own jurisdictions. While our members accept full responsibility for identifying and complying with any other applicable legislation or standards there is danger that there could be divergences in requirements between the CNSC Regulatory Document and requirements mandated by the Provinces. Introducing new regulatory requirements where there is existing oversight by other governments and agencies is inconsistent with the Government of Canada’s Cabinet Directive on Streamlining Regulation [3] where cabinet stated that “... the federal government will require timelines, **policy coherence, and minimal duplications** throughout the regulatory process by consulting, coordinating and cooperating across the federal government , with other governments in Canada and abroad, and with businesses and Canadians.” The jurisdictional responsibilities, and in particular, the lines of communication, need to be clear.

An example of conflicting requirements is Section 2.3.4 (5) of the proposed RegDoc that would licensees to “... promptly and regularly provide recommendations to offsite authorities and the CNSC when protective action is required.” It is not within the jurisdiction of our members to provide such recommendations and this requirement should be removed from the RegDoc prior to its being finalized.

The RegDoc would benefit from the inclusion of an explanation of the jurisdictional responsibilities when it comes to hazardous substances. A brief discussion of and/or reference to the CNSC's Memorandum of Understanding with Environment Canada, with an explanation of their respective responsibilities under the Canadian Environmental Protection Act would be helpful.

The RegDoc is currently worded to include the statement "... under the administrative framework of the Federal Emergency Response Plan and the Federal Nuclear Emergency Response Plan, all levels of government, along with various agencies and organizations, have responsibilities for developing and implementing emergency plans to address nuclear emergencies with impacts outside the bounds of CNSC-licensed nuclear facilities". This would benefit from the addition of clarifying examples of the risks and severity of emergencies associated with unlicensed facilities.

Design Basis and Beyond Design Basis Accidents

This Regulatory Document needs to be reviewed, and where required rewritten, so that it is consistent in its use of the term "Accident Management" with the definition provided by the International Atomic Energy Agency (IAEA). Throughout the document "Accident Control" needs to be used when cross referencing Level 3 of Defence in Depth. Likewise "Accident Management" should be used when cross referencing Level 4 of Defence in Depth

It is critically important that this distinction be made and used consistently so that there is no confusion between Design Basis and Beyond Design Basis states. Using a term that is internationally acknowledged as referring to a Beyond Design Basis state that is inclusive of a Design Basis state has the potential to create significant confusion.

The requirements in the RegDoc include the consideration of multi-unit events and the inclusion of scenarios that involve both a nuclear or radiological emergency along with a conventional emergency. We believe that the document would benefit from an acknowledgement regarding the cross-industry coordination in response to such an event.

Requirements and Timelines for Submitting Information to CNSC Staff

The current requirements in the proposed Regulatory Document would require licensees to provide information to CNSC staff within overly constrictive timelines, and often before action is taken. Such rules are not only burdensome, but in certain cases could negatively affect safety and health.

This is the case with the wording of Section 2.3.8 (3) where it states "... licensees shall: submit the actual recover plans to the CNSC prior to commencing recovery efforts." Having this requirement in the Regulatory Document could cause delays in the recovery process and as a result could potentially adversely affect site health, safety, security and the environment. Some recovery efforts may be required to begin immediately after control of the event has been regained and it is reasonable that such activities could begin before a full recovery plan is produced, much less submitted to CNSC staff.

Similarly Section 2.3.2 (5c) stipulates a requirement to notify the CNSC "... within 15 minutes of activation of the Emergency Response Organization, and again within 15 minutes of initial notification to offsite authorities."



In the immediate moments during an emergency, all priority needs to be given to stabilizing the situation. Diverting staff engaged in managing the situation to meet this reporting timeline risks distracting key staff from matters more directly focused on responding to the emergency. Likewise there is no benefit to be gained by having two reporting requirements to the CNSC; the first initial notification and again after offsite authorities have been notified. The RegDoc should be modified to require notification of CNSC staff within 15 minutes of offsite authorities being notified.

Conclusion

While the CNA and its membership finds the majority of requirements contained in RegDoc-2.10.1 to be acceptable, there are several key areas that cause us concern. These should be reviewed and modified accordingly so as to: allow the best and focused response by licensee's in any emergency situations, not create confusion concerning requirements for Design Basis and Beyond Design Basis Accidents, and to be aligned with the Government of Canada's Cabinet Directive on streamlining regulation.

The members of the CNA embrace the requirements for emergency planning and continually plan, evaluate and practice their skills in order to maintain the highest levels of readiness. These skills are regularly practiced through test exercises in competitions with their peers in both Canadian and International events. Our members win awards for their emergency response capabilities.

In 2008, 2009 and 2010, Bruce Power finished first overall at the U.S. National SWAT Championships, an international competition that involved live-fire tactical events that tested fitness, weapons skills and team organization. This team has also entered and won first prize in the U.S. Department of Energy's Security Protection Officer Team Competition every year since 2006.

With respect to mining emergency response teams, they have competed annually in Saskatchewan's Industrial Fire and Rescue Competition. This includes testing: firefighting, first aid, proficiency skills, practical skills and simulated surface and underground mine problems. Cameco's McArthur River Mine team was this year's overall winner in the underground category for emergency response / mine rescue.

Achieving such recognition from their peers reflects the deep commitment our members hold for being ready for any emergency situation that may arise.

We thank you for the opportunity to comment on the proposed Regulatory Document. If you have any questions please do not hesitate to contact us.