



NUCLEAR WASTE MANAGEMENT ORGANIZATION SOCIÉTÉ DE GESTION DES DÉCHETS NUCLÉAIRES

May 27, 2015

File: NWMO-REG-00531-0201

**MR. BRIAN TORRIE**  
Director General  
Regulatory Policy Directorate  
Canadian Nuclear Safety Commission  
P.O. Box 1046, Station B  
280 Slater Street  
Ottawa, Ontario  
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Dear Mr. Torrie:

**NWMO Comments on CNSC Discussion Paper DIS-14-02, Modernizing the CNSC's Regulations**

The purpose of this letter is to provide NWMO comments on CNSC Discussion Paper DIS-14-02, Modernizing the CNSC's Regulations.

NWMO's detailed comments on DIS-14-02 are attached.

Please direct any questions to Ms. Lisa Lang, Senior Advisor, Regulatory Affairs, at (647) 259-4870.

Sincerely,

Paul Gierszewski  
Director, Safety & Licensing

Attach.

cc. K. Glenn – CNSC (Ottawa)  
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## **ATTACHMENT**

Attachment to NWMO letter from Paul Gierszewski, "NWMO Comments on CNSC Discussion Paper DIS-14-02, Modernizing the CNSC's Regulations"

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**NWMO Comments on DIS-14-02, Modernizing the CNSC's Regulations**

**NWMO Comments on DIS-14-02, Modernizing the CNSC’s Regulations**

Applicable Question	Comment	Proposed Change
<p>1. <i>Could the CNSC’s regulations be changed to make them more efficient and effective in ensuring protection of the health, safety, security and the environment? How?</i></p>	<p>NWMO thinks that creating a separate Regulation for long-term waste management facilities would be useful. In particular, if the new regulations were constructed as a complete standalone set at the same level as the current Class I Facility, Class II Facility and UMM Regulations, there would be no need to cross-reference multiple regulations. As an example of the current situation, we note that in the CNSC PMD 13-P1.2 (23 July 2013) provided to the OPG L&amp;ILW DGR Joint Review Panel, the CNSC states that the regulatory requirements come from GNSCR and CINFR, while guidance comes from the UMMR.</p> <p>Surface interim waste management facilities, e.g. WWMF, would continue to be covered under existing regulations, but deep geologic repositories, tailings ponds and surface disposal sites would be covered under the new regulation.</p>	<p>These regulations would focus on the unique aspects of these facilities, which are neither reactors nor mines, and share the common focus on long-term safe management of wastes. It is anticipated that this would largely serve as a collection of existing requirements into one regulation.</p> <p>One particular aspect would be to clarify the intent to release a facility from CNSC licensing (e.g., licence to abandon), which is different for a repository than for surface facilities.</p> <p>Related to this, several CNSC REGDOCs state that they are for nuclear power plants, but no equivalent document exists for repositories. Either repository-specific documents could be created, or these documents could be clarified in title and content on the extent to which they apply to repositories.</p>
<p>2. <i>Is the CNSC striking the right balance between performance-based regulation and prescriptive requirements? Are there specific regulatory requirements that do not seem to have the correct approach?</i></p>	<p>Generally yes. We think regulations should generally be performance-based, with clarifications and (where needed) prescriptive information provided in the REGDOCs.</p>	
<p>3. <i>Are you aware of opportunities for CNSC to reduce administrative burden, without compromising safety?</i></p>	<p>No specific suggestion.</p>	

Applicable Question	Comment	Proposed Change
<p>4. <i>Is the CNSC making effective use of existing standards? Are there additional opportunities for the CNSC to reference standards in its regulations?</i></p>	<p>See response to (5) below. A general concern with referencing standards in the Regulations is that the standards are updated on a regular basis and it would be important to make sure that the Regulations did not become outdated.</p>	
<p>5. <i>Is the relationship between CNSC regulations and obligations set forth in licences clear and straightforward? Would it be clearer to prescribe some standard licence conditions in regulations rather than in licences? If so, which ones?</i></p>	<p>We think that the regulations are generally appropriate and performance based. However, there is opportunity to improve the relationship between regulations and licence conditions through the intermediate REGDOCs.</p>	<p>In particular, consider organizing these REGDOCs along the lines of the Safety Control Areas (SCAs) that are now widely used in licences. The REGDOCs would provide specific expectations for each SCA relevant to the document topic.</p> <p>The expectation could in some cases be met through following a specified standard. This would provide clear linkage between regulations, licences (via the SCAs) and standards.</p> <p>The discussion should also be clear where it is a requirement or where it is guidance. An observation is that guidance seems to be frequently interpreted by CNSC as requirements.</p>
<p>6. <i>Are there opportunities where the CNSC can provide greater assistance to applicants and licenses [to] understand what they must do to comply with the CNSC’s regulatory requirements?</i></p>	<p>Currently the CNSC regularly offers CNSC101 presentations. There may be value in offering more detailed workshops to organizations; however we assume that can be arranged on a case-by-case basis.</p>	