

To: [Consultation \(CNSC/CCSN\)](#)
Subject: Fwd: REGDOC-1.1.5, Licence Application Guide: Small Modular Reactor Facilities.
Date: December-09-18 12:09:55 PM
Attachments: [SMR guide \(REGDOC-1.1.5\) CCRCA comments final \(1\).pdf](#)

Dear Madam or Sir,

Our group's comments apparently were not received, probably because of the typing error.

Noting that CNSC welcomes feedback on any regulatory document at any time, we wish to resubmit.

Thank you,

Ole Hendrickson, for
Concerned Citizens of Renfrew County and Area

--- Original message ---

Subject: REGDOC-1.1.5, Licence Application Guide: Small Modular Reactor Facilities.

To: <cnsconsultation.ccsn@canada.ca.>

Date: Tuesday, 20/11/2018 12:18 PM

Dear Madam or Sir,

Please find attached feedback and comments from Concerned Citizens of Renfrew County and Area on REGDOC-1.1.5, *Licence Application Guide: Small Modular Reactor Facilities*.

Thank you for this opportunity.

Ole Hendrickson

on behalf of
Concerned Citizens of Renfrew County and Area
www.concernedcitizens.net

November 20, 2018

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

Via e-mail: cnscconsultation.ccsn@canada.ca.

**Concerned Citizens of Renfrew County and Area: Comments and feedback on
REGDOC-1.1.5: *Licence Application Guide: Small Modular Reactor Facilities***

To whom it may concern,

We have reviewed the draft document REGDOC-1.1.5, *Licence Application Guide: Small Modular Reactor Facilities*, along with stakeholder comments submitted during the earlier comment period, and would like to take this opportunity to provide our own comments and feedback on this document.

Our group, Concerned Citizens of Renfrew County and Area, notes that the multinational corporations (the “Canadian National Energy Alliance”) under contract to operate the federally-owned Chalk River Laboratories (CRL), located in Renfrew County, are targeting CRL as their preferred site for construction of one or more small modular reactors. We, the citizens of Renfrew County and Area along with our counterparts across the river in Pontiac County, Quebec are the ones who stand to be most affected by how well or poorly the CNSC does the job of regulating the new “small” reactors that the nuclear industry is currently promoting.

We wish to state at the outset that we do not feel the CNSC has done an adequate job of fulfilling its mandate to protect us and our environment in its drafting of this regulatory document.

We agree with an industry comment that REGDOC-1.1.5 does “not provide a straightforward alignment” with three existing regulatory documents that also are intended to “set out requirements and guidance for an applicant to review prior to submitting a licence application,” according to section 1.1, “Purpose and Scope.”

In particular, although this draft *Guide* states that it “is intended to be used in conjunction” with the current RD/GD-369: *Licence Application Guide, Licence to Construct a Nuclear Power Plant*, we note with concern that RD/GD-369 only “applies to

applications for a licence to construct a water-cooled nuclear power plant.” However, many small modular reactor concepts would use coolants other than water.

Far from addressing this discrepancy in a forthright manner, Appendix A.2 of the draft *Guide* invites SMR licence applicants to “propose alternative approaches” as to how CNSC would regulate their reactor designs. That CNSC would invite licensees to propose how they should be regulated is, in our view, rather astounding. This reveals a highly problematic lack of independence between the regulator and the industry it is supposed to regulate.

We find the dual nature of REGDOC-1.1.5 - both a guide for licence applicants and a CNSC regulatory tool – to be highly problematic. It blurs the line between guidance and regulation. A licensee can merely “tick boxes” in its application to indicate that it has “considered” CNSC guidance; CNSC staff can tell the Commission that all boxes have been ticked and recommend licence approval.

Previous commenters have noted the absence of a definition of the term “Small Modular Reactor” in the proposed *Guide*. This creates confusion regarding the scope and intent of REGDOC-1.1.5. We wonder if this omission is deliberate or accidental.

We note that CNSC intends to prepare a new REGDOC-1.1.2, *Licence Application Guide: Licence to Construct a Nuclear Power Plant* that will supersede RD/GD-369. However there is no timeline for this revision and there are no assurances that it will apply to “small” reactors or that it will retain the substantive content currently contained in RD/GD-369, given the general trend we have observed for CNSC to remove substantive content from regulatory documents and licenses.

We feel strongly that REGDOC-1.1.5 would more accurately be called a “Deregulatory Document” than a regulatory document.

A comparison of two *Licence Application Guides* is instructive in this regard. The current RD/GD-369 *Guide* contains details about nuclear criticality safety, accident management, fuel-handling and storage systems, documents and records, decommissioning and end-of-life aspects, and many other items relevant to licencing of a new water-cooled nuclear power plant, or indeed any type of nuclear power plant.

We strongly recommend that an SMR proponent be required to provide, in its licence application to construct an SMR, a detailed plan for the long-term management of all radioactive wastes that would be created by its proposed reactor design. This plan must provide assurance that these wastes will be isolated from the biosphere for the duration of their radiological hazard.

We would also insist upon clarity in licence applications as to how the *Nuclear Liability and Compensation Act* would be applied in the event of an accident.

In contrast, the proposed REGDOC-1.1.5 “*Guide*” is essentially devoid of guidance

on all these important matters. It consists of little more than a list of the 14 safety and control areas (SCAs) used to evaluate how well licensees meet CNSC's regulatory requirements and program performance expectations. For each SCA, the "Guide" endlessly repeats the following empty phrase: "Consult the CNSC's Regulatory documents Web page for a list of regulatory documents and CSA standards that may be applicable... depending on the proposed activity and type of licence being applied for."

The 14 safety and control areas developed by CNSC primarily reflect operational experience with existing nuclear reactors. These SCAs are poorly suited to assessing reactor designs for which operational experience is lacking in Canada. Similarly, as noted in an industry submission, CSA standards also reflect Canadian operational experience and will be unfamiliar to foreign companies that are proposing SMR designs. As virtually all SMR designs have been developed outside Canada, we suggest that CSA standards lack relevance in assessing the safety of these designs, and will represent a poor basis for ensuring public safety and environmental protection.

If the only "guidance" for SMR licence applicants contained in this so-called *Guide* is to consult other regulatory documents or CSA standards that "may" be applicable, this strongly indicates that REGDOC-1.1.5 is unhelpful and superfluous. Further, it begs the question as to whether the CNSC itself is fulfilling any useful public function in terms of assessing and managing the risks associated with the potential construction of any new nuclear power plants, including small modular reactors.

One wonders if there is a hidden agenda behind the preparation of this *Guide*, given its omission of virtually all the substantive guidance contained in RD/GD-369 – guidance that includes important matters relating to protecting the public and the environment from the risks associated with the use of nuclear energy and nuclear substances. One wonders if CNSC has forgotten Section 9 of the *Nuclear Safety and Control Act* in its haste to make things easy for the nuclear industry.

The federal government's Expert Panel on Environmental Assessment heard from Canadians that CNSC lacks independence and neutrality because of the close relationship between it and the industry it regulates. The Panel heard that CNSC promotes the projects it is tasked with regulating, and that it is subject to "regulatory capture". According to Wikipedia, "Regulatory capture is a form of government failure that occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating."

A recent and troubling illustration of CNSC's efforts to promote nuclear industry projects and advance the interests of the nuclear industry is its covert lobbying to exempt small modular reactors from the new federal *Impact Assessment Act*, which is intended to replace the current *Canadian Environmental Assessment Act*. This covert lobbying was exposed in a recent [Globe and Mail article](#) on November 6, 2018.

In the absence of checks and balances and higher level scrutiny of proposals to construct new nuclear reactors, REGDOC-1.1.5, *Licence Application Guide: Small Modular Reactor Facilities* could stand as the only means to evaluate these proposals, thereby omitting important questions of social, economic, technical and environmental acceptability.

The deficiencies in REGDOC-1.1.5, *Licence Application Guide: Small Modular Reactor Facilities* raise serious concerns that CNSC would be unable to carry out a scientifically and socially acceptable assessment of a proposal to construct a new nuclear power plant. Such an assessment must therefore be done independently of CNSC's licensing process.

Our group feels that it is critically important that proposals to construct any new nuclear reactors, including small modular reactors, should be assessed under the *Impact Assessment Act*. We will be urging the federal government to ensure that this is a legal requirement.