

NORTHWATCH

November 14, 2017

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

Sent by email: consultation@cnsccsn.gc.ca

**Re: Feedback on Comments Received with Respect to
Draft REGDOC-3.2.1, *Public Information and Disclosure***

On August 15, 2017 the Canadian Nuclear Safety Commission (CNSC) released a draft REGDOC-3.2.1, *Public Information and Disclosure*, formerly RD/GD-99.3, and invited comments by September 28, 2017.

The Canadian Environmental Law Association (CELA), Greenpeace Canada and Northwatch, welcomed the opportunity to review and comment on the Draft RegDoc 3.2.1 *Public Information and Disclosure* and made a joint submission on September 28, 2017.

On October 23, 2017 the CNSC issued an invitation to provide feedback on comments received, which are [posted](#) on the CNSC web site, by November 14th.

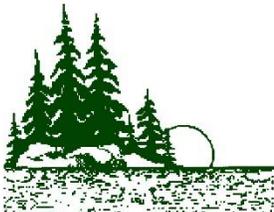
Northwatch has reviewed the submissions made by Areva, Nordion, and Cameco and the joint submissions prepared by and submitted by each of Bruce Power, Canadian Nuclear Laboratories, Energy NB Power, and Ontario Power Generation.

The submissions made by Areva, Nordion, and Cameco focussed primarily on the CNSC proposal to modify Section 2.2.4 of the REGDOC. This was also one of the (same) six comments submitted by each of Bruce Power, Canadian Nuclear Laboratories, Energy NB Power, and Ontario Power Generation, and was the only item on which those submissions made actually comment rather than requesting clarification.

The item in the draft REGDOC 3.2.1 reads as follows:

2.2.4 Public information strategy and products

The public information program shall provide open and transparent means and access for the public to obtain desired operational, environmental and safety information about the licensed facility or activities. As part of this program, if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), the ERA and a summary of the PSA must be posted on the licensee's website.



Each of the submissions by the nuclear industry similarly argued that the requirement to post the full text of environmental risk assessments on licensee websites does not address “the public’s need for contextual information in a usable, reader-friendly format”, or “meet the very intent of this REGDOC, which the 3rd bullet on page 5 describes as ensuring “information is presented in a manner that is understandable to the public, preferably using plain, non-technical language” and proposed – as an alternative – that a summary be posted instead, and that “As appropriate, licensees could provide fuller versions of the assessments - redacted to satisfy any legal disclosure obligations - to individual stakeholders upon request”.

We disagree. Further, we find industry’s argument that these documents should not be made available through a public posting to be pejorative and disrespectful of the capacity and abilities of many outside the industry to evaluate complex technical information such as may be found in these documents. Additionally, we would note that at least two of these proponents have previously provided Northwatch with Environmental Risk Assessments, and the documents were important to our review of license applications.

Where we may have some degree of agreement with industry on this point is that on the mechanism to make these documents publicly available. We agree that the licensee’s websites might not be the most appropriate platform, or at least not the sole platform.

As set out in the joint submission of Northwatch, CELA and Greenpeace, an online registry maintained by the Canadian Nuclear Safety Commission would be the preferred mechanism for housing this information. The registry could contain a standard set of information for each licence, including Environmental Risk Assessments and Probabilistic Safety Assessments in full and summary forms, as well as the proponent’s licence, general location(s), substances and purpose (ie. medical, manufacturing, industrial, recycling, waste disposition, etc.) and other documents prepared in support of license applications, environmental assessments, or other reviews. From preliminary decommissioning plans to financial guarantees, the online portal should also house all documents referenced in CMDs, license applications and draft documents currently open for comment. The CNSC website could be more valuable as an information depot, with links to documents, repositories and licensee information.

This database could be similar to the NRC’s ADAMS online registry which exists in the United States. Currently, the CNSC website severely lacks this functionality and its document management system is opaque. The licensee’s web sites are extremely variable in terms of quality, comprehensiveness, and organization. While we full support the licensees maintaining web sites which makes the information available, performance to date has been variable at best, and such provision is not a substitute for a well constructed, well maintained and well populated central registry.

Northwatch has reviewed the submission made by Lake Ontario Waterkeeper and support their observations and recommendations. We also reconsidered the joint submission made by the Canadian Environmental Law Association, Greenpeace Canada and Northwatch and found that it continues to be a sound representation of our views on this matter, and would commend it to the Commission even more heartily in light of our review of the submissions by the nuclear industry organizations.

Should a workshop on REGDOC 3.2.1 be convened, as is sometimes the practice of the CNSC, we respectfully request that such a workshop not be exclusive to the CNSC and the nuclear industry. Such a workshop – and any such workshops – should be open to a range of stakeholders and public interests, including organizations such as Northwatch and other non-governmental organizations who have identified an interest in the regulation of the nuclear industry in general and more particularly in the public disclosure and transparency and fostering public engagement in federal regulatory processes and industry oversight

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Brennain Lloyd', is written over a light grey rectangular background.

Brennain Lloyd
Northwatch Project Coordinator