

NORTHWATCH

July 24, 2017

Mr. Brian Torrie
Director General, Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street, PO Box 1046, Station B
Ottawa, ON K1P 5S9

Sent by email to cnscconsultation@canada.ca

Ref. REGDOC-2.13.1

Dear Mr. Torrie:

Re. **Northwatch feedback on comments received during consultation with respect to REGDOC-2.13.1, Safeguards and Nuclear Material Accountancy**

On June 30, 2017 the Canadian Nuclear Safety Commission (CNSC) invited the public to provide feedback by July 24th on the comments received during consultation on *REGDOC-2.13.1, Safeguards and Nuclear Material Accountancy*. Comments were submitted by New Brunswick Power, AREVA Resources Canada, Canadian Nuclear Association, Canadian Nuclear Laboratories, Nordion, Nuclear Waste Management Organization, Bruce Power, Ontario Power Generation, and Cameco Corporation.

Northwatch is a public interest organization concerned with environmental protection and social development in northeastern Ontario. Founded in 1988 to provide a representative regional voice in environmental decision-making and to address regional concerns with respect to energy, waste, mining and forestry related activities and initiatives, we have a long term and consistent interest in the nuclear chain, and its serial effects and potential effects with respect to northeastern Ontario, including issues related to uranium mining, refining, nuclear power generation, and various nuclear waste management initiatives and proposals as they may relate or have the potential to affect the lands, waters and/or people of northern Ontario. Northwatch's interest in the development and application of *REGDOC-2.13.1, Safeguards and Nuclear Material Accountancy* is primarily with respect to the effectiveness of the Regulatory Document in maintaining controls over nuclear materials and improving tracking and transparency with respect to the movement of nuclear materials, including and particularly across international borders.

We note that introductory sections of *REGDOC-2.13.1* places the RegDoc within the context of the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), describing the NPT as “the cornerstone of the global nuclear non-proliferation regime” and noting Canada's commitments under the NPT. We fully support the *Treaty on the Non-Proliferation of Nuclear Weapons*, and as an expression of that support have previously communicated concerns over the export of Canadian uranium to weapons states that blend their civilian and military programs. However, we equally note that the CNSC's responsibilities in terms of safeguarding nuclear materials and ensuring accountability is not limited to weapons non-proliferation,



Safeguarding and accounting for nuclear materials is extremely important in terms of protecting human health and the environment – important parts of the CNSC mandate - and ensuring appropriate management, control and oversight of nuclear materials to that end.

Northwatch has reviewed the comments submitted by the nine licensees from this perspective, and in light of our ongoing and increasing concern about tracking, transparency and accountability with respect to nuclear materials – including and particularly nuclear materials that are being managed as waste or for processing to divert from the waste stream.

It remains unclear the degree to which the proposed RegDoc-2.13.1 will address public concerns about the trafficking of nuclear materials and the lack of transparency with respect to the transportation and intended treatment and disposition of nuclear materials being moved between facilities for the purported purpose of waste treatment, diversion or disposal. We appreciate that in some instances the CNSC assigns topics in a matter that varies substantively from which public interest groups such as Northwatch expects. If, in this instance, the CNSC is intending to address safeguarding and accounting for particularly nuclear materials that are being managed as waste (or for processing to divert from the waste stream) through some other regulatory document, regulations or guidelines in addition to those which are currently in place, we request notice to that effect.

The following points are provided as feedback on the comments submitted by New Brunswick Power, AREVA Resources Canada, Canadian Nuclear Association, Canadian Nuclear Laboratories, Nordion, Nuclear Waste Management Organization, Bruce Power, Ontario Power Generation, and Cameco Corporation. The points are not necessarily provided in corresponding order (to the listing of licensees) and are limited due to constraints of time and capacity. They include but are not limited to the following:

- Like the Nuclear Waste Management Organization (NWMO) we are concerned about how this REGDOC would apply to any potential future centralized waste storage facilities, including a “deep geological repository”; given the lack of clarity on this point, we would expect that any application of this REGDOC to any future centralized waste storage facility would be set out in draft form for public comment, with a clear indication as to what aspects of the REGDOC would apply to the centralized storage facility and how that application would result in enhanced security and accountability
- Similar to the previous point, we are interested in how this REGDOC would apply to transportation of nuclear materials to any potential future centralized waste storage; given the lack of clarity on this point, we would expect that any application of this REGDOC to transportation of materials to any future centralized waste storage facility would be set out in draft form for public comment, with a clear indication as to what aspects of the REGDOC would apply to the centralized storage facility and how that application would result in enhanced security and accountability
- More generally, we are interested in how this REGDOC applies to the transportation of nuclear materials that are being managed as waste (or for processing to divert from the waste stream); given the lack of clarity on this point, we would expect that any application of this REGDOC to transportation of nuclear materials that are being managed as waste (or for processing to divert from the waste stream) should be set out in draft form for public comment, with a clear indication as to what aspects of the REGDOC would apply to the centralized storage facility and how that application would result in enhanced security and accountability

- We are concerned by Cameco’s characterization of potential requirement for licensees to install safeguards equipment as including requests from the IAEA that are “unreasonable or unachievable requests”; in our view, the licensees have ample opportunity to provide feedback to the CNSC, and negotiations over IAEA requirements should not be the subject of negotiation at the facility level
- We are concerned by the several instances where the licensees expressed resistance to or proposed release from requirements set out in the REGDOC, such as the first comment in the table that was submitted by several licensees (referred to later in our comments as the “licensees’ table”) wherein the comment objects to guidance being a requirement, and even to having to provide a rationale as to why the requirement is not being followed
- We agree with the REGDOC requirement that reports be provided by licensees to the Commission “in the event of interference with or an interruption to the operation of safeguards equipment, or the alteration, defacement or breakage of a safeguards seal, among other events” and disagree with the proposal in the licensees’ table that this requirement would not apply to the seals
- We support the requirement that licensees provide the IAEA access to their site(s), and disagree with the proposal in the licensees’ table that “required” be removed
- Comments 30 and 32 in the licensees’ table are contradictory, with the Comment 30 identifying cyber security as an urgent concern and Comment 30 effectively proposing that the address of cyber security concerns be deferred until some unspecified future time

Numerous licensees proposed that *REGDOC-2.13.1, Safeguards and Nuclear Material Accountancy* should be discussed further at an industry-CNSC workshop. While we agree with this proposal in general, i.e. that a workshop on the REGDOC could be helpful, we vigorously object to the workshop being 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 and nuclear materials.

Thank you for your consideration.



Brennain Lloyd
Northwatch Project Coordinator