

REGDOC-1.2.1: Comments received in advance of the workshop with civil society organizations and members of the public

REGDOC-1.2.1: Commentaires reçus en vue de l’atelier avec des organisations de société civile et les membres du public

Note: Comments submitted, including names and affiliations are intended to be made public, in the official language in which they are received.

Remarque : Les commentaires reçus, y compris les noms et les affiliations, seront rendus publics, dans la langue officielle dans laquelle ils auront été reçus.

	Section	Organization / Organisation	Comment / Commentaire	CNSC Response / Réponse la CCSN
1.	1	Nortwatch	In response to a comment by the Saskatchewan Environmental Society, the comments table states that “The selection of a waste disposal site is not covered by the Nuclear Safety and Control Act (NSCA). Information on site selection is provided in IAEA SSG-14, <i>Geological Disposal Facilities for Radioactive Waste</i> , Appendix 1, and that the reference to CSA N292.0 <i>General principles for the management of radioactive waste and irradiated fuel</i> Review of the revised REGDOC confirmed that the CSA N292.0 is no longer included in the listed references, but is referred to twice in the document.	<p>What is the status of CSA N292.0 <i>General principles for the management of radioactive waste and irradiated fuel</i> in relationship to REGDOC 1.2.1?</p> <p>Which of the following – if any – set out legal / regulatory requirements:</p> <ul style="list-style-type: none"> - CSA N292.0 - IAEA SSG-14 - REGDOC 1.2.1
2.	1	Nortwatch	In response to a comment by the Saskatchewan Environmental Society, the comments table states that: “ <i>Reference to retrieval has been removed from the document. The cited CSA standard has been moved to “additional information”.</i> The project applicant may or may not include retrieval as an option during a phase (e.g. construction,	<p>Where is legal or regulatory guidance / requirements provided to prospective licences with respect to retrievability? For example:</p> <ul style="list-style-type: none"> - CSA N292.0 - IAEA SSG-14 - REGDOC 1.2.1 - Other

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			<p><i>operation, closure). This is consistent with the CSA standard cited.</i></p> <p>CSA N292.0 General principles for the management of radioactive waste and irradiated fuel makes multiple references to retrieval including in the definition “Repository — a facility, including its associated land, buildings, and equipment, where nuclear substances are emplaced, with no intention after closure of their future retrieval or transfer.”</p> <p>CSA N292.0 General principles for the management of radioactive waste and irradiated fuel makes multiple references to retrieval including in the definition “Repository — a facility, including its associated land, buildings, and equipment, where nuclear substances are emplaced, with no intention after closure of their future retrieval or transfer.”</p> <p>IAEA SSG-14 Section 1.2 states that “The term ‘geological disposal’ refers to the disposal of solid radioactive waste in a disposal facility located underground in a stable geological formation so as to provide long term containment of the waste and isolation of the waste from the accessible biosphere. Disposal means there is no intention to retrieve the waste, although such a possibility is not ruled out.” (pg 1) Section 1.13 adds that “In some States, post-closure retrievability is a legal requirement and constitutes a boundary condition for the options available, which must always satisfy the safety requirements for disposal” (pg3)</p>	<p>In what licencing / development stage(s) to those requirements apply?</p> <ul style="list-style-type: none"> - <i>Site selection</i> - <i>Repository design</i> - <i>Repository construction</i> - <i>Repository operation</i> - <i>Repository closure</i> - <i>Post closure</i> - <i>other</i>
3.	3 / 16	Northwatch	In response to comments from Northwatch (item 3) CNSC responded “If a proponent wishes to obtain a	Noting that REGDOC 1.2.1 is a “should” document rather than a “shall” document (guidance vs requirement):

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			<p>licence from the CNSC, they will need to demonstrate how they followed guidance (e.g. this document) and meet all applicable regulatory requirements. This document does not detail all of the information that would be required to support and application to licence a DGR.”</p> <p>Further, in response item 16, CNSC responds that “This is a guidance document only and does not set out any requirements.”</p>	<ul style="list-style-type: none"> - What are the regulatory requirements? - Where are these regulatory requirements set out? - What activities do they apply to, and at what stage in DGR development / licensing stages?
4.	16	Nortwatch	In response to Northwatch’s expression of frustration and the limited availability of CSA “standards”, the CNSC responded that “ <i>The notion that CSA standards are not generally available to the public is not accurate. The public can access all CSA Nuclear standards free of charge and can review them as they see fit.</i> ”	Please describe the CNSC staff experience that supports this conclusion. In how many instances are the CNSC staff required to rely upon screen-by-screen online-only review of regulatory, guidance, policy, legal, standards, policy or other directive documents or requirements?
5.	21	Nortwatch	<p>In response to a Northwatch comment that the REGDOC should explicitly set out what the pre-licensing requirements, CNSC responded that the revised section 2 explains the need for this type of REGDOC in the pre-licensing stage. This is consistent with international guidance and best practice consulted and listed in reference materials. We did not find that explanation. The CNSC response again stated that “This document provides guidance only”.</p> <p>The relationship between site characterization and site selection (that occurs in the pre-licensing period) is illustrated in the new Figure 1 of the revised document. Section 2.1 sets out when this information will be reviewed by the CNSC during the environmental assessment and licence application process.</p>	<p>Repeatedly, the CNSC response is that REGDOC is for guidance only.</p> <ul style="list-style-type: none"> - Which is it a REGDOC rather than a guidance document? - where are the standards / criteria by which the site characterization activities undertaken to support an application will be assessed?
6.	26-28	Nortwatch	Northwatch made several comments on the need for transparency and openness; CNSC replied that “As a	Northwatch has reviewed the revised Section 2 and did not find that it incorporated requirements for openness and transparency,

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			result of this comment, the text has been revised and moved to section 2.	including public access to data, models, model inputs, and interactions between the CNSC and applicants.
7.	92/98	Nortwatch	<p>CNSC responded (92) to a Northwatch comment on the lack of clarity with respect to shaft sinking and underground characterization with the statement that “The document does not include guidance on shaft sinking. Facilities for verification and characterization, which could include an underground research facility, are described in section 6. Section 5.3 is focused on site characterization activities that begin in a pre-licensing period (outside of CNSC’s regulated activities).”</p> <p>CNSC further stated (98) that “Data from other URFs (e.g. generic ones) could be used for this purpose. Site specific URFs are not prescribed by the CNSC”</p>	<p>Underground site characterization, i.e. beyond bore holes and requiring shaft or ramp access to the underground environment, are the larger part of site characterization.</p> <ul style="list-style-type: none"> - Why is it excluded? - Where is it addressed? <p>To the degree that DGR development is “standard”, it is standard practice to develop a URF to conduct site characterization to support predictions made at earlier stages of site investigations (eg. Finland, Sweden, U.S., Canada).</p> <ul style="list-style-type: none"> - What is the basis for this position being taken by CNSC staff?