
Personal information redacted

From:
Sent: September 16, 2019 11:28 PM
To: Consultation (CNSC/CCSN)
Subject: Invitation to comment on draft REGDOC-2.11.1, Waste Management, Volume III: Assessing the Long-Term Safety of Radioactive Waste Management
Attachments: Comments on REGDOC 2.11.1, Vol. 3 - CCRCA.pdf

Dear Sir or Madam,

Our group wishes to respond to the updated invitation to comment on draft REGDOC-2.11.1, *Waste Management, Volume III: Assessing the Long-Term Safety of Radioactive Waste Management*, Version 2.

Our comments are attached.

Regards,

Ole Hendrickson, Ph.D.

for Concerned Citizens of Renfrew County and Area

Comments on REGDOC-2.11.1, Waste Management, Volume III: Safety Case for Long-Term Radioactive Waste Management, Version 2

Ole Hendrickson, Ph.D., for
Concerned Citizens of Renfrew County and Area

September 16, 2019

Section 3 of the *Nuclear Safety and Control Act* refers to limitation of risks of nuclear substances to persons and the environment “in a manner that is consistent with Canada’s international obligations.” Section 9(a)(iii) of the *Act* lists as an object of the Commission to “achieve conformity with measures of control and international obligations to which Canada has agreed.”

One such international obligation is the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*, a 1997 International Atomic Energy Agency (IAEA) treaty to which Canada is a Party.

The *Joint Convention* should be the starting point for this regulatory document on long-term radioactive waste management. The IAEA’s extensive collection of related safety requirements and safety guides – particularly those for pre-disposal management and disposal of radioactive waste - should be drawn upon and referenced throughout the regulatory document.

The *Joint Convention* is mentioned nowhere in the regulatory document. IAEA safety requirements and safety guides are not referenced (although it is noted under “Additional Information” that some “may be useful to the reader”).

This raises doubt that this regulatory document has been prepared “in a manner that is consistent with Canada’s international obligations,” or that it conforms to “international obligations to which Canada has agreed.”

A detailed comparison of the IAEA’s requirements and those contained in REGDOC-2.11.1, *Waste Management, Volume III: Safety Case for Long-Term Radioactive Waste Management*, Version 2 is beyond our ability. However, we note the regulatory document lacks general principles or objectives – such as the objective of the *Joint Convention* that “individuals, society and the environment are protected from harmful effects of ionizing radiation, now and in the future.”

Instead, the regulatory document would allow the licensee or licence applicant to prepare its own safety case that would state

“the safety principles to be applied, the safety requirements, objectives, and criteria to be met, and the safety standards to be used .” (Section 6.1)

Allowing nuclear industry proponents to state the safety principles, objectives and standards that they would use in developing a radioactive waste management facility is an astounding abdication of responsibility by the CNSC - and by the Government of Canada, as the signatory to the *Joint Convention*.

Even the rather weak principles found in section 4.2 of the CNSC’s December 2006 Regulatory Guide G-320, *Assessing the Long Term Safety of Radioactive Waste Management*, and in section 5.0 of the July 2004 Regulatory Policy P-290, *Managing Radioactive Waste*, are lacking in the draft regulatory document, which is intended to supersede both of these existing documents.

Our final comment is that the CNSC’s use of “regulatory documents” rather than legally binding regulations is inconsistent with IAEA requirements. For example, Requirement 19: Facility Operation of the IAEA’s General Safety Requirements for *Predisposal Management of Radioactive Waste* (GSR-5) states:

Predisposal radioactive waste management facilities shall be operated in accordance with national regulations and with the conditions imposed by the regulatory body.

There are currently no regulations specific to radioactive waste management under the *Nuclear Safety and Control Act*. Furthermore, the CNSC apparently does not intend to impose controls on radioactive waste management facilities, but would give licensees free rein in this area as well. The draft regulatory document says

“The licensee or applicant shall establish limits, controls and conditions using the safety case” (Section 6.7).

If the CNSC persists in this “deregulatory” approach, it will generate ongoing conflict with domestic civil society groups and damage Canada’s international reputation.

Given the fundamental flaws in this draft regulatory document, we do not intend to provide further comments.