

NORTHWATCH

Date: April 22, 2025

To: Canadian Nuclear Safety Commission

From: Northwatch

Re.: Feedback on Comments on REGDOC 2.10.1

Northwatch has reviewed the comment table of feedback received by the CNSC on REGDCO 2.10.1 and provides the following comments.

CNSC Approach

We appreciate that the CNSC did post the document of comments received and invited feedback on those comments.

However, we are concerned about that lack of consistency and predictability in the approach CNSC applies to review of draft documents and documents under revision, including in this instance. We strongly recommend that the CNSC adopt, public and follow standardized procedures. For example, in the case of Regulatory Documents (REGDOCs) the CNSC approach includes issuing a discussion paper, posting a draft REGDOC, posting a summary of comments received and / or comments received, inviting feedback on the comments received, holding a workshop with stakeholders, and / or publishing a revised version. However, the elements of this approach are not consistently applied and public notice has been uneven.

REQUEST: that the CNSC outline and then apply a standard approach, ensuring that in each instance the approach includes at least one multi-stakeholder / multi-sector workshop, the posting of comments with an opportunity for feedback, and notice through both the CNSC web site / social media and through distribution to the CNSC's communications list

CNSC Staff Migration to Industry

We note that at least two of the authors of industry comments were until relatively recently senior CNSC staff (with a third identified in an industry comment as the contact person for followup). We did raise this as a concern shortly after the flight of Karine Glenn from the CSNC to the Nuclear Waste Management Organization, which was an acute concern given Ms. Glenn's immediately prior role with respect to several regulatory documents that directly intersected with the NWMO's program.



We wish to go on the record again with a concern about the flight of Brian Torrie to the Canadian Nuclear Association, which is the major nuclear lobby group in Canada. Related to this, we note that industry comments are in some cases addressed to specific individuals in the CNSC whose contact information was not published; this suggests unequal access for the industry to the CNSC staff carrying this file.

REQUEST: that the CNSC make public the protocol which CNSC staff are adhered to in order to avoid conflict of interest when moving between the CNSC and the nuclear industry which the CNSC is to regulate, and when moving between the CNSC and government departments and agencies from which the CNSC is to be independent of; if such a protocol does not exist, we further request that such a protocol be developed with review and comment opportunities for the public and Indigenous peoples

Treatment of Northwatch's Comments

Northwatch's assessment is that there is unequal treatment of the comments received in how they are portrayed in the comment table. Generally speaking, we are concerned that industry comments may be given disproportionate weight, given the frequency that industry comments appear in both the "issue" column and the "suggested change" column, particularly compared to the relative infrequency in which comments submitted by public interest groups comments appeared in both columns. See, for example, comments by Northwatch on pages 35, 54 and 75. Northwatch's comments provided specific examples of changes being recommended, but the "suggested change" column is left blank. The same could be said, for example, of CELA's comments on 37, 57 and elsewhere. We have not quantified this observation, but share it as an expression of concern with a specific request that in revising the regulatory document the authors of the revised document rely on comments provided – including suggested changes and identified gaps – rather than on the "suggested change" column in the CNSC table, given that it does not adequately reflect the areas of revision required.

Public Interest Comments

Northwatch supports and commends the submissions made by the National Farmers Union and the Canadian Environmental Law Association.

Indigenous Interventions

Northwatch strongly supports the comments submitted by Algonquins of Pikwakanagan First Nation recommending that CNSC update the EPR Regulation to recognize affected First Nations as "offsite authorities" over their traditional territories and address the gap in the EPR Regulation with respect to Indigenous engagement across the various phases of emergency preparedness and response and the comments from Curve Lake First Nation

with respect to the unique Rights of Treaty Holders and the necessity of engaging and involving potentially affected First Nations in emergency preparedness and response

Feedback on Nuclear Industry Comments

Several nuclear industry organizations submitted the same or very similar comments. For purposes of providing feedback but avoiding repetition Northwatch is providing feedback on the comments table attached to the letter submitted by the Nuclear Waste Management Organization. While we have not done a line-by-line comparison of all of the similar comment tables submitted by the nuclear industry, we are satisfied that it is a representative sample and are providing feedback on this comment table accordingly.

Our comments and observations include the following:

- We agree with the observation in the NWMO cover letter that there is a lack of clarity in the draft regulatory document and the need for clearer definition
- We are interested in NWMO's assertion in their cover letter that identifying "all possible accidents" is "unrealistic"; we agree that the list might be "endless" but are curious as to how an accident that is possible is also unrealistic
- We strongly disagree with the industry comment that REGDOC 2.10.1 must align with CSA N1600; we have no objection to CSA being footnoted with an explanation as to how the two documents relate, but to set the REGDOC up as to rely upon, reference or be subject to a CSA standard is inappropriate and unacceptable; we note again for the record that the CSA standards are industry products and while they may provide helpful guidance to industry they are most definitely not a substitute for regulatory documents
- Northwatch supports the nuclear industry's recommendation of a workshop "to help industry understand how CNSC sees how this regulatory document will be implemented by all nuclear facilities" but disagrees with an industry-only workshop; Northwatch has also requested that there be a multi-stakeholder workshop to further consider and discuss REGDOC 2.10.1
- Northwatch agrees that additional clarity is required with respect to roles and responsibilities of on to emergency workers who are offsite but disagrees that the application should be limited to only licensees' workers on-site
- Northwatch agrees that the term "unacceptable impact" requires clarification; while industry's expressed concern is that the term "unacceptable impact" is too broad, our concern is that it will be scoped too narrowly
- Northwatch is very interested in the nuclear industry's view that a list of "all possible accidents" would be "endless, unrealistic, and impractical"; their jargonistic suggested resolution that it be "based on... creditable accidents to support nuclear

safety principles” also lacks definition, clarity or certainty; this definition and scoping of “possible accidents” should be developed with input from the public, Indigenous people and independent experts

- The industry’s argument for a “graded approach” for conducting evacuation time estimate studies (ETES)” should be rejected; it strongly suggests bias against rural areas and those with lower density populations, despite those same areas being subject to the risk of having nuclear activities in their area; further, the purpose and meaning of the reference to “the advancement of new nuclear technologies” is unclear, but may be intended as a reference to the nuclear industry’s expectation that new reactors are going to be sited in rural and low population density areas which is a direct argument against their logic that ETES can be done less frequently because these are areas of little change (in population, road-use, etc.); the industry argument that frequency should be reduced because the “regulatory requirement places a significant financial burden on licensees, in areas that see very low population growth or demographic changes” strongly suggests an urban arrogance and disregard for the safety of more rural populations; this request by industry should be firmly rejected
- Industry comments that wording be reinserted to scope application to "scenarios that can be practically eliminated" is without merit; it is the risk associated with a scenario that should be the determinant, not whether it can be “practically eliminated”
- We agree with industry questioning the detailed requirements for CNSC offices on-site and off-site; while we strongly support CNSC having a role and presence on-site and off-site, we found this level of specificity with respect to the CNSC desks and office equipment to be inconsistent with the general vagueness and lack of specificity for most other aspects
- Northwatch disagrees with downgrading #6 and 7 in s.2.2.4 to a “should” statement
- We strongly disagree with downgrading point 4 in s.2.2.6 to reduce the requirement to account for personnel within 30 minutes, limiting it to only site personnel within the protected area and making “accounting for personnel outside the protected area commensurate with the scale of the emergency”; the industry argument for reducing this requirement is that the “current wording makes it highly likely licensees will be non-compliant with this REGDOC”; in the case of this section being applied, the incidents of non-compliance will be useful information in post-accident report and evaluation
- industry is objecting to requiring radiation protection training for offsite agencies being administered by the licensees, arguing that it is “not realistic or sustainable

- and the training/awareness sessions must be tailored commensurate with the risks”; we share industry’s view that industry might not be the appropriate body to deliver this training; industry may or may not share our view that the training should be broadly available, should be extensive, should be delivered by an independent third party with deep expertise in both the subject matter and in adult education and training; it is also Northwatch’s view that the licensees should pay for this program, as the potential for accidents occurring is directly tied to their operations
- Northwatch agrees with the industry comment that guidance for training of contractors and offsite agencies (e.g., firefighters/police/paramedics/hospital staff) is too generic and ambiguous; see our comment above
- We disagree with the industry recommendation to remove reference to extended planning distance; an unsupported claim by industry that “Very large cost for licensees to provide ITB agents in areas where they may not be required” is an inadequate rationale

Conclusions

As per our initial submission on the draft REGDOC 2.10.1, as part of this review of REGDOC 2.10.1, following feedback on the comments received (current stage) the next step should be the convening of a workshop to further review and consider comments and feedback. Following the workshop, CNSC should issue a revised draft for a final round of comments.

Given the passage of time since the comments were submitted and in light of the feedback period on the comments now coming to a close, it would be reasonable to focus the workshop on key areas, and to include in the workshop presentation by CSNC staff of revisions under consideration. These potential revisions should be circulated to workshop participants in advance.