

December 20, 2019

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

Delivered via e-mail

Dear Sir or Madam:

Re: Reg Doc - 2.11.2, Decommissioning

CELA writes in response to the CNSC's consultation on Reg Doc 2.11.2, Decommissioning.

While we have reviewed the comments provided to date, we are not submitting comments on the comments. Instead of commenting on the comments, we write to suggest that the question of how to approach decommissioning of nuclear facilities in Canada requires a thorough examination in a public policy proceeding that the Commission should establish under its broad powers as set out below.

We are familiar with similar proceedings established by the Ontario Energy Board on matters of policy. This can include funding participants to prepare reports; the Commission establishing a panel to hold public roundtables on particular issues relevant to overall decommissioning policy; that panel attending host communities to hear residents' views in public venues; and attending in-person themed hearings or meetings on the policy questions held by the relevant advisory, standing or other committee to be established by the Commission, followed by a draft report and public comments on same.

The rationale for the suggestion that the Commission establish a policy proceeding on the topic of decommissioning is as follows:

- There is clearly no current venue for the very significant issues arising in respect of decommissioning to be examined and debated by the public;
- There is a huge public interest in this topic;
- There is a lack of policy direction and no regulatory framework for decommissioning planning at the moment;
- There is a lack of capacity of the public to properly engage despite their huge interest (compared to industry, for example);
- The ramifications of these questions are of future import for time frames ranging from decades to millennia; and
- The approaches to decommissioning will inevitably result in intergenerational equity issues arising out of the decisions made today.

In our experience it is often useful to hold these kinds of proceedings apart from the context of site-specific proposals.

We reference the authority of the Commission to take this approach based on section 21 of the Nuclear Safety and Control Act wherein the Commission is empowered to, among other things:

(b) establish and maintain programs to provide the Commission with scientific, technical and other advice and information;

(b.1) establish and maintain a participant funding program to facilitate the participation of the public in proceedings under this Act;

(c) establish and fix the terms of reference of, advisory, standing and other committees;

(e) disseminate objective scientific, technical and regulatory information to the public concerning the activities of the Commission and the effects, on the environment or on the health or safety of persons, of the development, production or use of nuclear energy or the production, possession or use of a nuclear substance, prescribed equipment or prescribed information.

We urge you to seriously consider this proposal and look forward to your response in this respect.

Yours very truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa McClenaghan
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