

NORTHWATCH

April 2, 2022

Radioactive Waste Policy Review
Uranium and Radioactive Waste Division
Natural Resources Canada
580 Booth Street, Ottawa K1A 0E4

Sent by email radwastereview-examendechetsradioactifs@nrcan-rncan.gc.ca

Re. **Northwatch Comments on Natural Resources Canada's
Draft Policy on Radioactive Waste Management and Decommissioning**

Northwatch has participated extensively through the seventeen month review process for the development of a radioactive waste policy for Canada. In 2021 we participated in numerous online engagement sessions with Natural Resources Canada in cooperation with Nuclear Waste Watch, and in Joint Engagement Tables convened by Natural Resources Canada. Northwatch made a series of detailed written submissions to Natural Resources Canada in 2021 on topics related to the radioactive waste policy and its development.

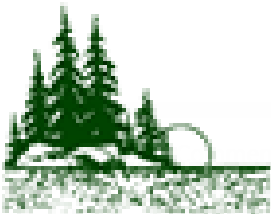
In 2022 we participated in the single Joint Engagement Table convened by Natural Resources Canada, and have engaged with our colleagues through Nuclear Waste Watch in a detailed discussion of the draft policy, and contributed to an alternative policy statement provided to Natural Resources Canada by Nuclear Waste Watch and sent under separate cover.

As a summary statement, Northwatch strongly supports the very summary statement of the draft policy, as presented as “Key commitments in the draft policy” on the draft policy page or the Review micro-site:

The draft Policy for Radioactive Waste Management and Decommissioning comprises a set of policy principles for radioactive waste management and decommissioning that sets out the federal government's direction. These principles advance three key federal commitments:

- *health, safety, security and protection of the environment*
- *openness, transparency and public engagement*
- *global excellence in the fields of radioactive waste management and decommissioning*

Unfortunately, we found that both the strength and clarity of these “Key commitments” are less evident in the draft policy itself.



On the positive, we appreciated the following aspects of the draft policy and the review process:

- the draft policy recognizes the important role of Indigenous peoples and references Canada's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples Act
- the draft policy includes transportation as a related activity
- the draft policy more detailed than the 1996 half-page policy it will replace
- the draft policy acknowledges that Canada has made international commitments it must adhere to
- the draft policy provides a basis for continued policy debate
- unlike the case of the 1996 "Framework", Natural Resources Canada engaged with interested Canadians and Indigenous peoples in the development and review of the draft policy

We want to express our appreciation to the staff at Natural Resources Canada for their efforts to be open and accountable throughout this process. We recognize that the safety and security of radioactive wastes is a matter with high level of public interest and concern associated with it, and that the volume and diversity of input may have been challenging to integrate into the first draft. We therefore appreciate this opportunity to provide comments on the draft policy, and trust that the input being provided by Northwatch and others will be given due consideration. We look forward to reviewing a revised draft and request that there be a second comment opportunity before the policy is finalized.

Our comments on the draft policy are provided in table format in the following section of this submission.

Our key areas of concern – and areas where we request that Natural Resources Canada make substantive changes prior to releasing a second draft for comment – include the following:

- While we fully support the policy statements with respect to “openness, transparency and inclusive engagement”, these principles should be expressed more broadly, i.e not limited to the “development of ...infrastructure”; these principles of “openness, transparency and inclusive engagement” should apply to all aspects of radioactive waste management. The policy should provide tangible examples of how that openness and transparency should be demonstrated, such as through open public access to radioactive waste inventories, waste characterization, the status and conditions of various waste containment systems, the design specifications of various waste containment systems so as to allow third party review, and access to data on site conditions, including all monitoring results; in summary, we are concerned that the policy statements with respect too openness and transparency are too broadly stated to be meaningful
- The policy's “vision” of reviewing legislation on a regular basis would be better supported with an actual timeline for review; we note that the Nuclear Fuel Waste Act (NFWA) has not been reviewed since it's passing in 2002 and the Nuclear Safety Control Act (NSCA)

has not been the subject of a public review since its passage in 1997; the policy statement must be strengthened in order to address these deficits

- While Northwatch supports the notion of an independent regulator, the independence of the Canada's nuclear regulator is currently in question, for a variety of reasons, including: a) the CNSC provides in-camera services to the nuclear industry with financial benefits to the CNSC in doing so (e.g. NWMO service agreement), b) the CNSC reports to a Minister whose department mandate includes promotion of the nuclear sector; the regulator should report to the Minister of the Environment or directly to Parliament; c) there is a pattern of staff migration between the CNSC (the regulator) and the industry with no evidence of "waiting periods" or protocols to protect the public interest; and d) there are myriad issues with the operations of the CNSC related to the lack of transparency, openness and traceability of decisions and accountability of nuclear operations
- Canada's policy must include prohibition of reprocessing of radioactive wastes, for several reasons, including a) Reprocessing creates additional and very significant environmental hazards specific to this activity, b) Reprocessing creates additional radioactive wastes with are even more challenging to manage than conventional CANDU irradiated fuel waste, c) Reprocessing introduces proliferation risks and exposes Canadian society and subject communities to new and very serious security risks. The draft policy statement is incredibly weak with respect to the reprocessing of radioactive wastes. At minimum, the introduction of Canada to a plutonium economy by permitting reprocessing must be subject to a specific policy review which gives due consideration to security, proliferation and environmental risks. The current statement must be removed from the current draft policy.
- While the policy recognizes the importance of radioactive wastes being characterized, inventoried and documented, it speaks only to the role of the waste producers and owners; the policy must delineate a corollary role for government and/or an independent agency in consolidating radioactive waste inventories, in verifying both the waste characterization and the waste inventories, and in ensuring that the waste characterization and inventories are a) maintained, b) subject to third party review and c) are publicly available and accessible
- Northwatch supports the development of an integrated strategy for radioactive wastes and strongly supports the federal government's recognition of the importance of having sound and detailed radioactive waste inventories (which include detailed characterization and are verified by third parties and the government) but we **STRONGLY** disagree with the notion that it is the role of the industry to develop the strategy. As reported in Canada's National Report for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the CANDU Owners Group (and industry association) began the development of an Integrated Radioactive Waste Strategy several years ago, and since 2021 the Nuclear Waste Management Organization has had a project underway to also develop an Integrated Radioactive Waste Strategy. The Canadian Nuclear Energy

Alliance, operating as Canadian Nuclear Laboratories, also reports having authored its own Integrated Waste Strategy. The federal government should lead the development of an Integrated Radioactive Waste Strategy, and in the process engage with the public, Indigenous peoples and waste owners and producers and other interested parties on the content and application of the Integrated Radioactive Waste Strategy. That process can certainly accept the draft strategies as developed by COG, CNL and NWMO as inputs to the federal strategy.

- Northwatch strongly supports the principle that radioactive waste generated in Canada must be managed into perpetuity in Canada, and that radioactive wastes from other countries are not to be received in Canada. The import of radioactive wastes should not be permitted, and the case of disused sources should not be presented in the policy as the first exception to an otherwise seemingly sound policy on disallowing the import of radioactive wastes.
- While the policy notes both the need for transparency and independence and the importance of ongoing stewardship, the policy does not identify what many throughout the review have promoted as an important element to Canada’s radioactive waste policy and regulatory landscape: the establishment of an independent agency for radioactive waste. Northwatch presented on this topic to the Joint Engagement Table in March 2022 and provided Natural Resources Canada with our presentation materials, which included examples from other jurisdictions of key elements of such an independent agency. A strengthened policy environment must be coupled with strong regulatory environment and oversight from an independent agency for radioactive waste management and decommissioning. That agency must have capacity and expertise, operate transparently and openly, and provide a public role in oversight and decision-making. Under such a regime waste producers and owners would still be expected to develop proposals for their facilities and operations, but these would be subject to public review and a regulatory decision-making process, overseen by the independent agency.

Section-by-Section Commentary on Draft Policy

Northwatch Commentary on Natural Resources Canada’s Draft Radioactive Waste Policy

BACKGROUND (PDF pages 3 & 4)	Northwatch comments on the Policy preamble and background (pages 3 & 4)
<p>Protecting the health, safety and security of people and the environment is the federal government’s top priority when it comes to nuclear energy and radioactive waste. To this end, the federal government is committed to continuous improvement with respect to ensuring that safe solutions are in place for managing radioactive waste and decommissioning for generations to come. All radioactive waste in Canada is currently being safely managed in compliance with Canadian legislation and in accordance with international standards at facilities that are licensed by Canada’s independent nuclear regulator—the Canadian Nuclear Safety Commission (CNSC).</p>	<ul style="list-style-type: none"> - The first two sentences are “policy” statements that should be in the next section, i.e. in the actual policy, rather than in the background / preamble - The last sentence is a claim rather than a policy statement or principle and should be removed
<p>Recognizing that radioactive waste can remain hazardous for very long periods of time, waste producers and owners must manage and dispose of radioactive waste in a manner that protects human health, safety, security and the environment over the long-term. Federal oversight and regulation ensure that this takes place, as the federal government is responsible for nuclear matters. In the area of radioactive waste management and decommissioning, like in other areas of the nuclear field, the federal government has developed and maintains a framework of policies for radioactive waste management and decommissioning.</p>	<ul style="list-style-type: none"> - This is an important policy statement - The term “dispose” should not appear in the policy; the running definition is “no intention to retrieve” but that in itself is too ambiguous, and given the imprecision in current projects (e.g. NWMO’s APM) with respect to closure horizons, etc. - The last sentence is a claim rather than a policy statement and is premature at best
<p>The Government of Canada’s vision for radioactive waste management and decommissioning is as follows:</p>	
<ul style="list-style-type: none"> - Radioactive waste is prevented or minimized, as far as practicable, as people in Canada continue to benefit from the use of nuclear technology in the energy, medical and industry sectors; 	<ul style="list-style-type: none"> - the first part of the sentence is sound - the second part of the sentence is promotional; the radioactive waste policy should not be a promotional tool for nuclear power
<ul style="list-style-type: none"> - All radioactive waste and decommissioning activities and all radioactive waste management facilities and sites are safely managed by waste producers and owners, and regulated by the nuclear regulator (CNSC) to protect human health, safety, security and the environment over the long term; 	<ul style="list-style-type: none"> - this is fine as a “vision” statement, but there are many instances of current management status that could not be defended as “safe”, e.g. some uranium mine tailings, deterioration at irradiated fuel bays, status of some waste types at various facilities, etc.
<ul style="list-style-type: none"> - Radioactive waste producers and owners, governments, Indigenous peoples, scientific experts, and other interested Canadians and communities regularly collaborate on and contribute, in an open and transparent manner, to the planning, development, review and implementation of an integrated strategy for radioactive waste management and decommissioning for Canada; 	<ul style="list-style-type: none"> - this is a sound principle, and belongs in a vision statement; it may lack credibility, however, given that the current arrangement is that the federal government has assigned the lead in development of an integrated radioactive waste strategy to the nuclear industry and has not yet made public how that industry input is going to be considered within the

	context of a publicly led review and engagement process
- By 2050, key elements of Canada’s radioactive waste disposal management infrastructure are in place, and planning is well under way for the remaining facilities necessary to accommodate all of Canada’s current and future radioactive wastes;	- this timeline is not ambitious enough; this suggests that a blind eye will continue to be turned to current containment deficits (e.g. irradiated fuel bays) and that the status quo is acceptable for 28 years
- Canada’s advances in technology and approaches to radioactive waste management and decommissioning, its consistent fulfillment of international commitments and obligations, and its contributions to international discourse and practices in these areas establish the country as a centre of expertise and leadership; and	- this is not a priority, and does not add to the policy or its statement of principles; meeting international commitments should be a given, and should not require stating; there are no benefits to Canadians to Canada being perceived as “leader”; this is a statement based on hubris
- Canada’s commitment to implementing the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i> and the related Action Plan will be respected with regard to radioactive waste management and decommissioning.	- this is weak; Canada’s commitment to UNDRIP should drive Canada’s approach, and be reflected in all management and decommissioning policies and practices
To achieve its vision, the Government of Canada is modernizing its <i>Policy Framework for Radioactive Waste</i> . This draft <i>Policy for Radioactive Waste Management and Decommissioning</i> comprises a set of policy principles for radioactive waste management and decommissioning that will guide the federal government’s direction.	- This is weak; it should do more than “guide” the federal government’s direction - The policy should be more broadly titled to include commitments to waste avoidance and minimization, i.e. “Canada’s Radioactive Waste Policy”
These principles advance three key areas to be prioritized in terms of federal government commitments:	- This should be strengthened; they should be more than “prioritized”; these principles should be embedded in all regulations, policies, practices, strategies and guidelines related to radioactive waste
(i) health, safety, security and protection of the environment;	- this is an appropriate first principle
(ii) openness, transparency and inclusive engagement to encourage the timely development of the necessary infrastructure for effectively dealing with all of Canada’s radioactive waste and decommissioning activities; and	- “openness, transparency and inclusive engagement” is an appropriate principle the principles should be expressed more broadly, i.e not limited to the “development of … infrastructure” the principles of “openness, transparency and inclusive engagement” should apply to all aspects of radioactive waste management, including waste inventories, characterisation, status of containment systems, and site conditions, including all monitoring results

<p>(iii) global excellence in the fields of radioactive waste management and decommissioning.</p>	<ul style="list-style-type: none"> - Global excellence is fine, but the priority must be on addressing Canadian conditions; state of radioactive waste containment is more important than the status of those working in this sector
<p>Canada’s draft <i>Policy for Radioactive Waste Management and Decommissioning</i> would establish the overall principles to guide radioactive waste management and decommissioning. Legislation, particularly the <i>Nuclear Safety and Control Act</i>, the <i>Impact Assessment Act</i> and the <i>Nuclear Fuel Waste Act</i>, as well as other Acts, associated regulations and other policy tools would further support the implementation of the draft Policy. These policy tools are regularly reviewed and updated by the federal government, as required, to ensure that they remain relevant and effective. Likewise, the federal government would review its <i>Policy for Radioactive Waste Management and Decommissioning</i> as appropriate, to ensure that it aligns with International Atomic Energy Agency.</p>	<ul style="list-style-type: none"> - The “vision” of reviewing legislation on a regular basis would be better supported with an actual timeline for review; note that the NFWA has not been reviewed since its passing in 2002 and the NSCA not since 1997; similarly, the current approach to review of regulatory documents by the CNSC lacks transparency and traceability, and the adoption of industry set standards (CSA) is anti-democratic and opaque; the policy statement needs to be sufficiently strong and clear to address these deficits - The commitment to “aligning” policy with the IAEA policy needs to be restated to be clear that the intent is to meet the IAEA requirements but to not be constrained by them; i.e. Canada’s policies and regulations can be MORE protective than IAEA, but must be at least as protective

<p>MODERNIZING CANADA’S POLICY FOR RADIOACTIVE WASTE MANAGEMENT AND DECOMMISSIONING</p>	<p>Northwatch comments on the Draft Policy</p>
<p>The Government of Canada recognizes the many national benefits of nuclear technology, including zero-emissions electricity, medical, industrial and research applications. Protecting the health, safety and security of Canadians and the environment is the government’s top priority when it comes to nuclear technology and the resulting radioactive waste. Canada’s <i>Policy on Radioactive Waste Management and Decommissioning</i>, which is set out below, comprises a series of policy commitments and principles for</p>	<ul style="list-style-type: none"> - The first sentence is promotional of the very sources of nuclear waste, and is inappropriate in a radioactive waste policy - Statements that promote nuclear technology will delegitimize the policy - The statement that nuclear power produces “zero-

<p>radioactive waste management and decommissioning to support this priority. It also prioritizes the Government’s commitment to openness, transparency and inclusive engagement to advance the timely development of infrastructure for effectively dealing with all of Canada’s radioactive waste over the long term, as well as the country’s commitment to achieving global excellence in radioactive waste management and decommissioning.</p>	<p>emissions electricity” is blatantly false; such erroneous statements not only should not be included, but they signal that the policy itself is not responsible or realistic</p> <ul style="list-style-type: none"> - It is erroneous to state that “Protecting the health, safety and security of Canadians and the environment is the government’s top priority when it comes to nuclear technology...”; while we don’t accept them we recognize that some perceive there to be benefits to nuclear power and nuclear weapons that rationalize the investment, but it is patently false to state that the top priority of nuclear technology is the protection of health,safety and security
<p><i>1. Health, safety, security and environmental protection are the federal government’s top priorities with respect to radioactive waste management and decommissioning. The government is committed to ensuring that responsibilities are clearly delineated, and that the necessary policy and legislative framework are in place to establish requirements, guidance, licensing and compliance in these priority areas. This applies to waste arising both from normal operations and decommissioning, and from nuclear or radiological emergencies.</i></p>	<ul style="list-style-type: none"> - Northwatch supports this statement
<p>The federal government:</p>	
<p>1.1. ensures that radioactive waste management and decommissioning activities, including transportation, are carried out in a comprehensive and integrated manner that prioritizes the health, safety and security of people and the environment;</p>	<ul style="list-style-type: none"> - Northwatch supports this statement - further to our submission in May 2021 on transportation risk, Northwatch appreciates the inclusion of transportation in the policy
<p>1.2. has established a legislative and regulatory regime, centered on an independent nuclear regulator, to oversee and regulate radioactive waste management and decommissioning, including funding and operational responsibil</p>	<p>Northwatch supports this statement, but the independence of the regulator is currently in question; three factors must be addressed:</p>

<p>ities in accordance with approved waste disposal and decommissioning plans;</p>	<ul style="list-style-type: none"> - the CNSC provides in-camera services to the nuclear industry with financial benefits to the CNSC in doing so (e.g. NWMO service agreement) - the CNSC reports to a Minister whose department mandate includes promotion of the nuclear sector; the regulator should report to the Minister of the Environment or directly to Parliament - there is a pattern of staff migration between the CNSC (the regulator) and the industry; there is no evidence of “waiting periods” or protocols to protect the public interest - there are myriad issues with the operations of the CNSC related to the lack of transparency, openness and traceability of decisions and accountability of nuclear operations
<p>1.3. recognizes the importance of ensuring that all radioactive wastes are controlled and managed properly, and may accept responsibility for the management of historic radioactive waste liabilities for which the producer no longer exists and the current owner cannot reasonably be held responsible;</p>	<p>In general, Northwatch supports this statement, but is cautious that the “flexibility” expressed in this statement could result in the people of Canada assuming radioactive legacies which should be left with the owner / operator; the rigour of the financial guarantees system is in question if current circumstance indicates that such “flexibility” might be required in the future; further, we are aware of inconsistencies across provinces in terms of the return of uranium mining lands to the provincial crown, and flexibility to take on the responsibility for historic liabilities when the current waste owner cannot be held responsible might mean that the federal crown assumes additional responsibilities due to inaction or inadequate policies or practices on the part of the provincial crowns; this statement should be strengthened with the addition of a related commitment to ensuring that proper financial guarantees are in place and that cost-recovery from the owner – including provincial crowns – will be pursued</p>
<p>1.4. recognizes the long time scales associated with the management of radioactive waste and the associated obligations to ensure ongoing stewardship of radioactive waste</p>	<p>While Northwatch supports in principle a commitment to ongoing stewardship, we are concerned about the very general terminology of “appropriate entity” and were not</p>

<p>disposal facilities and sites once closed, so that they remain safe and secure for people and the environment in perpetuity. The federal government ensures that responsibility for maintaining institutional controls over the very long term is assigned to an appropriate entity, and that there is continuity of responsibility over successive entities if necessary, and, where no appropriate entity is available, it works with other levels of government to develop arrangements to ensure that such controls are maintained;</p>	<p>sufficiently assured by NRCan’s clarification to an email inquiry from Nuclear Waste Watch with respect to the definition of “An appropriate entity”. There are two remedies to this deficit:</p> <ul style="list-style-type: none"> - Ensuring that that adequate financial guarantees are in place - Establishing an independent agency arms length from the nuclear industry for the purpose of overseeing radioactive waste management, including and particularly over the longer term <p>The challenging time scales are effective reminders of the priority that must be placed on waste avoidance, i.e. ceasing production of radioactive wastes</p>
<p>1.5. ensures that the deployment of reprocessing technology in Canada, which allows for the extraction of fissile material from used nuclear fuel, is subject to policy approval by the Government of Canada to ensure that due consideration is given to all relevant factors, including ensuring the health, safety and security of people in Canada, as well as compliance with international safeguards and non-proliferation treaties, and respect for environmental considerations.</p>	<p>Canada’s policy must be the prohibition of reprocessing of radioactive wastes, for three primary reasons:</p> <ul style="list-style-type: none"> - Reprocessing creates additional and very significant environmental hazards specific to this activity - Reprocessing creates additional radioactive wastes with are even more challenging to manage than conventional CANDU irradiated fuel waste - Reprocessing introduces proliferation risks and exposes Canadian society and subject communities to new and very serious security risks <p>This policy statement is incredibly weak; at minimum, the introduction of Canada to a plutonium economy by permitting reprocessing must be subject to a specific policy review which gives due consideration to security, proliferation and environmental risks. The current statement must be removed from the current draft policy.</p>
<p>Waste producers and owners will:</p>	
<p>1.6. ensure optimal protection of human health, safety, security and the environment for present and future generations in their radioactive waste management and decommissioning activities, including transportation;</p>	<p>In general, Northwatch supports this statement, but notes that this role for waste producers and owners must be carried out within the context of a strong regulatory environment with oversight from an independent agency with capacity and expertise.</p>

<p>1.7. fund, plan, develop and operate their radioactive waste management facilities and disposal management sites, as well as the decommissioning, clean-up and closure of these facilities and sites;</p>	<p>In general, Northwatch supports this statement, but notes that this must be coupled with strong regulatory environment, oversight from an independent agency with capacity and expertise, transparency and openness, and a public role in oversight and decision-making. It must be specifically noted that waste producers and owners can develop proposals for their facilities and operations, but that these are subject to public review and a regulatory decision-making process. This decision-making process must include full environmental assessment processes, which begin in the early stages of planning and include standard features of EA, such as disclosure of related studies, a public registry, and the engagement of the public and Indigenous people.</p>
<p>1.8. prevent and minimize, as far as practicable, the production of radioactive waste in their operations, and in the decommissioning and, as applicable, closure of their facilities and sites;</p>	<p>In general, Northwatch supports this statement, but questions the qualifier of “as far as practicable”. Further, Northwatch notes that Canada has no policy or standard for setting end-state objectives for the closure of nuclear facilities. This gap should be addressed, and should be linked to statements in this policy related to closure.</p>
<p>1.9. characterize, classify and document their radioactive waste in order to define and implement waste management and decommissioning solutions that are commensurate with their risks in both the short and long term;</p>	<p>This is an important element of the policy, but must have a corollary role identified for government and/or an independent agency in consolidating radioactive waste inventories, in verifying both the waste characterization and the waste inventories, and in ensure that the waste characterization and inventories are a) maintained, b) subject to third party review and c) are publicly available and accessible</p>
<p>1.10. decommission facilities and sites within an appropriate timeframe to avoid transferring the responsibility to future generations, recognizing that alternative approaches may be justified, subject to approval by the regulator.</p>	<p>This statement is overly ambiguous. What is an “appropriate” time frame? What is the criteria for selection of the “appropriate time frame”, i.e. is priority assigned to worker health vs shifting land uses vs cost-reductions, etc.? The latter portion of the statement “recognizing that alternative approaches may be justified, subject to approval by the regulator” should be removed as it reduces clarity and suggests that</p>

	an approval by a “regulator” can override policy
<p>2. The federal government is committed to openness, transparency and inclusive engagement with Indigenous peoples, provinces, territories, interested communities, scientific experts, waste producers and owners, and other interested persons in Canada to encourage the timely development of the necessary infrastructure to effectively manage all of Canada’s radioactive waste and decommissioning activities.</p>	<p>The first part of this statement is very important in its general application to nuclear matters and to radioactive waste and decommissioning, ie. That “the federal government is committed to openness, transparency and inclusive engagement with Indigenous peoples, provinces, territories, interested communities, scientific experts, waste producers and owners, and other interested persons in Canada” but it is important as a general statement and practice, and should not be limited to the “development of the necessary infrastructure to effectively manage all of Canada’s radioactive waste and decommissioning activities.” Further, the waste owners and producers are given an expansive role in the previous section, and should not be included in this statement, as they have already been afforded a role through other sections of the policy.</p>
<p>The federal government:</p>	
<p>2.1. acknowledges, respects and honours that First Nations, Inuit and Métis peoples have unique status and rights in Canada, as recognized and affirmed in the <i>Constitution Act, 1982</i>, and that the honour of the Crown guides the conduct of the Crown in all of its dealings, including consultation and engagement processes, and that the conduct of the Crown will be guided by any framework, measure or action plan developed by Canada for Indigenous reconciliation, consultation or engagement purposes and that is relevant to radioactive waste management and decommissioning, including any framework, measure or action plan developed as a result of the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i>;</p>	<p>Northwatch supports this statement and what we trust to be its respectful intent. However, the qualifier “and that is relevant to radioactive waste management and decommissioning” is problematic, as it could be taken to be limiting of the general statement and presumed respectful intent.</p> <p>This can be remedied by either removal of that qualifier, or by restating it as “<u>including on all matters related</u> to radioactive waste management and decommissioning”</p>
<p>2.2. requires and oversees the development, by waste producers and owners, of an integrated strategy for radioactive waste management and decommissioning, recognizing the importance of having waste producers and owners document and report on their radioactive waste inventories, as well as having them advance comprehensive and integrated radioactive waste management and decommissioning solutions in a timely manner to avoid shifting responsibility for these activities to future generations;</p>	<p>Northwatch supports the development of an integrated strategy for radioactive wastes and strongly supports the federal government’s recognition of the importance of having sound and detailed radioactive waste inventories (which include detailed characterization and are verified by third parties and the government). However, Northwatch STRONGLY disagrees with the notion that it is the role of the industry to develop the strategy. As reported in Canada’s National Report for</p>

	<p>the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Candu Owners Group (and industry association) began the development of an Integrated Radioactive Waste Strategy several years ago, and since 2021 the Nuclear Waste Management Organization has had a project underway to also develop an Integrated Radioactive Waste Strategy. The Canadian Nuclear Energy Alliance, operating as Canadian Nuclear Laboratories, also reports having authored its own Integrated Waste Strategy.</p> <p>What this radioactive waste policy must set out is that the federal government will lead the development of an Integrated Radioactive Waste Strategy, will engage with the public, Indigenous peoples and waste owners and producers and other interested parties on the content and application of the Integrated Radioactive Waste Strategy, will accept the draft strategies as developed by COG, CNL and NWMO as inputs to the federal strategy, and will carry out a review of the strategy and its implementation every five years.</p>
<p>2.3. recognizes and fulfills its obligations, as a waste producer and owner, for radioactive waste management and decommissioning activities associated with historic wastes for which no entity is responsible, and legacy wastes that were generated by federal entities in the formative years of Canadian nuclear research and development.</p>	<p>While Northwatch supports the federal government recognizing and fulfilling its obligations for historic wastes, the policy must also recognize the federal government's ongoing role as the waste producer and owner or radioactive wastes. Under a government-owned /contractor-operated model the federal government continues to be responsible for ongoing production and accumulation of radioactive wastes on its properties.</p>
<p>Waste producers and owners will:</p>	
<p>2.4. plan radioactive waste management and decommissioning projects in an open and transparent manner, with early input from Indigenous peoples, provinces, territories, interested communities, scientific experts and other interested persons in Canada;</p>	<p>Northwatch supports this policy statement, but finds it meaningless given experience to date in working with waste producers and owners. At minimum, the policy statement must include tangible measures with respect to how the waste producers and owners will operate in an "open and transparent manner"; examples of such measures include access to information, open publication of research papers, open publication of monitoring results, transparency</p>

	and reporting with respect to third party reviews, access to technical discussions and scientific exchanges, etc.
2.5. work in partnership with First Nations, Inuit and Métis communities to gain a greater understanding of their Indigenous Knowledge, approaches and advice in implementing the siting, construction, operation and monitoring of radioactive waste management and decommissioning projects;	Northwatch supports a policy statement that sets out that various waste owners will respect Indigenous peoples, but the statement as currently constructed sets out what Indigenous peoples will provide the waste owners but not what will be afforded Indigenous peoples; this portion of the policy should set out the provisions for shared decision-making between Indigenous peoples and Government, and how waste owners will work with Indigenous peoples as decision-makers, ensuring that their requirements are being met in terms of practices, protocols, information provision and capacity building
2.6. engage with Indigenous peoples, provinces, territories, interested communities, scientific experts and other interested persons in Canada to develop and maintain an integrated strategy for radioactive waste management and decommissioning activities that defines, reports on and sets out approaches for the long-term management, including disposal, of all of Canada's current and future radioactive wastes;	<p>Again, while Northwatch supports the development of an integrated strategy for radioactive wastes Northwatch STRONGLY disagrees with the notion that it is the role of the industry to develop the strategy. See our comments above.</p> <p>What this radioactive waste policy must set out is that the federal government will lead the development of an Integrated Radioactive Waste Strategy, will engage with the public, Indigenous peoples and waste owners and producers and other interested parties on the content and application of the Integrated Radioactive Waste Strategy, will accept the draft strategies as developed by COG, CNL and NWMO as inputs to the federal strategy, and will carry out a review of the strategy and it's implementation every five years.</p>
2.7. collaborate with one another to plan and develop waste management and decommissioning solutions that benefit from opportunities for integrated radioactive waste management and decommissioning approaches and infrastructure;	Northwatch recognizes that there will be benefits to the nuclear industry develop joint input into the development of an integrated radioactive waste strategy. We note that this is a common practice of the industry when providing comments on policy and regulatory-related matters, such as in the development and review of the CNSC Regulatory Documents, where standard practice is for the industry participants to submit the same comments with

	individual cover letters. While it would be interesting to hear more about the diversity of views and experiences, Northwatch accepts that it is industry’s prerogative to provide a common set of comments.
2.8. demonstrate a commitment to ongoing scientific, technical and safety learning, as well as collaboration, innovation and sharing of operational experience and research in radioactive waste management and decommissioning.	Northwatch supports this statement, but notes that the policy should be more explicit that the “sharing of operational experience and research” should include operating in an open and transparent manner and sharing these findings with government, the interested public and Indigenous peoples.
3. The federal government is committed to global excellence in the fields of radioactive waste management and decommissioning through international collaboration on effective technology, approaches and policies, by honouring its international commitments and respecting international guidance, and by providing international expertise as appropriate.	Northwatch supports this statement but would again note that the priority must be improving knowledge and practice with respect to radioactive wastes and its containment in Canada, rather than seeking status in international fora.
The federal government:	
3.1. is committed to providing international leadership and to collaborating on practices, research, science and guidance related to radioactive waste management and decommissioning, as well as to sharing its experiences with and learning from the global community, and to benchmarking against international approaches.	Northwatch supports this statement but would again note that the priority must be improving knowledge and practice with respect to radioactive wastes and its containment in Canada, rather than seeking status in international fora.
3.2. honours its international obligations in the area of radioactive waste management and decommissioning;	Northwatch supports this statement.
3.3. is committed to respecting international guidance in the area of radioactive waste management and decommissioning, recognizing that Canada’s domestic context may result in the implementation of alternative approaches that are protective of human health, safety, security and the environment, and that are approved by Canada’s nuclear regulator (the CNSC);	As per our comments on draft Policy Statement 1.1, while we support respecting international guidance, especially when it provide a high standard of care, the reference to “alternative approaches … as approved by the Canada’s nuclear regulator” should be removed as it reduces clarity and suggests that an approval by a “regulator” can override or the international guidance which the policy states Canada is committed to.
3.4. is committed to the principles whereby Canadian-generated radioactive waste must be disposed of in Canada, and radioactive waste generated in other countries are not to be disposed of in Canada, recognizing that	Northwatch strongly supports the principle that radioactive waste generated in Canada must be managed into perpetuity in Canada, and that radioactive wastes from

<p>exceptions may be made to allow for the repatriation of disused radioactive sources to Canada.</p>	<p>other countries are not to be received in Canada.</p> <p>We appreciate the response provided by Natural Resources Canada to Nuclear Waste Watch’s request for clarification with respect to Policy Statement 3.4 with respect to exceptions that may be made to allow for the repatriation of disused radioactive sources to Canada. However, we do not consider this to be an appropriate qualifier to be placed into this otherwise clear and important principle.</p> <p>Northwatch suggests that the more appropriate policy vehicle is one specific to disused radioactive sources. The policy should set out that sealed sources will not be provided for export from Canada to any jurisdiction that does not have the means to properly and safely manage the waste product as it transitions from product to waste. In summary: sealed sources are exported as a product; it should not be permitted to imported as a waste. Further, the Natural Resources Canada response stated that “They may then be returned to the manufacturer, in Canada or the country of origin” which is generally consistent with the National Report statement that “it has accepted that they be returned to a manufacturer qualified to receive and possess the disused sealed sources”. However, it has not been established – and Northwatch does not believe that it can be established – that the receiving manufacture is qualified or had the capacity to mange this waste in the long term. Therefore, this import of radioactive wastes should not be permitted, and should not be presented in the policy as the first exception to an otherwise seemingly sound policy on disallowing the import of radioactive wastes.</p>
---	---

Conclusion

In closing, Northwatch is of the view that the radioactive waste policy review process to date has been productive and overall positive. The next step is for Natural Resources Canada to issue a revised draft policy (Draft 2.0) for public comment.

Upon finalizing the policy for radioactive waste management and decommissioning the Government of Canada will be in a position to commence development of a strategy for radioactive waste. First steps will be collecting input from those industry organizations who have already produced or are in the process of producing an Integrated Radioactive Waste Strategy, such as COG, NWMO and CNL, and collecting initial input from Indigenous people and the interested public.

Northwatch looks forward to engaging in these next steps with Natural Resources Canada, the Government of Canada more generally, and our fellow review participants.

Thank you for your consideration.

Sincerely,

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the name of the sender.

Northwatch