

March 12, 2020

Mr. Rafael M. Grossi
Director General
International Atomic Energy Agency
Vienna International Centre
PO Box 100
1400 Vienna, Austria

Dear Mr. Grossi,

The Canadian Nuclear Safety Commission announced on February 25 that CNSC President Rumina Velshi has been named to Chair the International Atomic Energy Agency's Commission on Safety Standards. We are deeply concerned about this appointment for the reasons explained below.

Firstly, we submit that the head of a national regulatory body with a documented history of failing to meet IAEA safety standards should not chair the IAEA Commission on safety standards. According to the recently released report [1] from the IAEA peer review of Canada's nuclear safety framework,

- CNSC regulations “do not comprehensively cover all IAEA Fundamental Safety Requirements.”
- CNSC “has no systematic approach to conduct a gap analysis between the new IAEA requirements and its regulatory framework.”
- Canada's style of legislative practice “may create difficulties to find exact wording when searching where and by what provision individual requirements of the IAEA Safety Standards are addressed.”

A concrete example of the CNSC's disregard of IAEA safety standards is its decision to allow three nuclear waste disposal plans to proceed to environmental assessment even though all three projects clearly contravene IAEA safety standards. The proposed facilities include: a giant, above-ground mound for permanent storage of one million tons of mixed radioactive and non-radioactive wastes including long-lived radionuclides such as plutonium-239, americium-243, zirconium-93,

nickel-59, carbon-14 and many more as well as the planned entombment in concrete of two shut-down reactors beside major rivers that provide drinking water for millions of Canadians.

All three facilities would leak radioactive contaminants into the environment for millennia. The CNSC dismissed warnings from scientific experts about serious flaws in the three proposals during the project description phase of the environmental assessments. Hundreds of substantive concerns about the projects have been voiced by federal and provincial government departments, First Nations, civil society groups, municipalities, retired scientists, and concerned citizens. Nevertheless, the environmental assessments have been in progress for close to four years, far longer than the normal one-year period allowed for non-nuclear projects. The CNSC has changed the timelines more than once to give the proponent extra time to attempt to address concerns, and there are still no clear final deadlines for completion of the assessments. We and many of our colleagues brought our concerns about these proposed projects to the attention of your predecessor in April, 2018 (see letter to Dr. Yukiya Amano) [2] .

The CNSC has also been working to make “in-situ decommissioning” an acceptable strategy for shut-down nuclear reactors despite clear guidance from the International Atomic Energy Agency that the strategy should only be used in emergency situations such as during a severe accident. The recent IAEA peer review said Canada should "revise its current and planned requirements in the area of decommissioning to align with the IAEA guidance". However the CNSC continues to work to expand the meaning of “exceptional circumstances” and include in-situ decommissioning as an acceptable strategy for “legacy” reactors.

The Canadian Nuclear Safety Commission is widely perceived in Canada to be subject to regulatory capture, as noted by the Expert Panel on Reform of Environmental Assessment in April 2017.* This problem of regulatory capture on the part of CNSC was highlighted in [Environmental Petition 427, "Nuclear Governance Problems in Canada"](#) [3], to the Auditor General of Canada, in June 2019. The nuclear industry publication, *Nuclear Energy Insider*, recently promoted Canada as an excellent place to

develop small modular reactors, partly because of Canada's "benign regulatory environment". [4]

In our experience the CNSC prioritizes the needs of industry over protection of the public from the adverse effects of man-made ionizing radiation that is routinely released from all nuclear facilities. According to CNSC staff, the CNSC commissioners did not ever refuse to grant a license in the agency's 17 year history to 2017. [5]

We believe the leader of a "captured" regulatory agency that fails to meet IAEA guidance on nuclear waste management and works to weaken safety standards for nuclear reactor decommissioning in their domestic application should not be eligible to chair the IAEA commission on international safety standards.

We would like to point out that we believe that Ms. Velshi may be in a conflict of interest situation in her current position as President of the Canadian Nuclear Safety Commission. Prior to her appointment as head of the CNSC, Ms. Velshi worked for seven years at Ontario Power Generation, in senior management positions. Therefore she may not qualify as "independent" according to *IAEA General Safety Guide No. GSG-12 (Organization, Management and Staffing of the Regulatory Body for Safety)*, which spells out in considerable detail the need for independence of the regulatory body in order to ensure that regulatory judgements can be made, and enforcement actions taken, without any unwarranted pressure from interests that may conflict with safety. We submit that Ms. Velshi's perceived lack of independence from the nuclear industry makes her unsuitable to serve as the chairperson of the IAEA's commission on safety standards.

Ms. Velshi has stated that she intends to use her chairmanship "to champion the importance of greater harmonization of standards and ensure they support nuclear innovation while never compromising safety". We fear that Ms. Velshi's chairmanship could result in the lowering of international standards, with an emphasis on benefits to the industry and support of "innovation" at the expense of public protection. We note that the CNSC successfully advocated for exemption from environmental assessment for small modular reactors in Canada [6]; we would not like to

see such an exemption become part of the “harmonization” of international standards envisioned by Ms. Velshi.

We value IAEA safety standards; at the moment they are all that is of an official nature standing between Canadians and three nuclear waste disposal projects that would adversely affect the environment and public health in Canada for generations. We urge you to maintain the integrity of IAEA safety standards and to continue to emphasize the vital importance of ensuring independence and objectivity.

Please reconsider the appointment of Rumina Velshi to the chairmanship of the IAEA commission on safety standards.

Yours sincerely,

Gordon Edwards, Ph.D,
Canadian Coalition for Nuclear Responsibility

Éric Notebaert, MD, M.Sc.
Canadian Association of Physicians for the Environment

Ole Hendrickson, Ph.D
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** **Excerpt from the Expert Panel Report:** “A frequently cited concern was the perceived lack of independence and neutrality because of the close relationship the NEB and CNSC have with the industries they regulate. There were concerns that these Responsible Authorities promote the projects they are tasked with regulating. The apprehension of bias or conflict of interest, whether real or not, was the single most often cited concern by participants with regard to the NEB and CNSC as Responsible Authorities. The term “regulatory capture” was often used when participants described their perceptions of these two entities. The apprehension of bias on the part of these two Responsible Authorities eroded confidence in the assessment process.”*

<https://www.canada.ca/content/dam/themes/environment/conservation/environmental-reviews/building-common-ground/building-common-ground.pdf>

CC:

The Right Honourable Justin Trudeau, Prime Minister of Canada
The Honourable François-Philippe Champagne, Minister of Foreign Affairs
The Honourable Seamus O'Regan, Minister of Natural Resources

The Hon. Andrew Scheer, Conservative Party of Canada
Yves-François Blanchette, Bloc Québécois
Jagmeet Singh, New Democratic Party
Elizabeth May, Green Party of Canada, Parliamentary Caucus Leader

Sylvain Ricard, Auditor General of Canada
Andrew Hayes, Interim Commissioner of Environment and Sustainable
Development

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Links

1. REPORT OF THE INTEGRATED REGULATORY REVIEW SERVICE MISSION TO CANADA, International Atomic Energy Agency
https://www.iaea.org/sites/default/files/documents/review-missions/irrs_canada_2019_final_report.pdf
2. Letter to Dr. Yukiya Amano from five first nations and 39 civil society organizations in Canada, April 23, 2018
<https://concernedcitizens.net/2018/04/23/letter-to-iaea-director-general-from-first-nations-and-civil-society-groups/>

3. Environmental Petition 427 to Auditor General of Canada, June 2019.
Petition summary:
https://www.oag-bvg.gc.ca/internet/English/pet_427_e_43421.html
Full text of petition:
<https://concernedcitizens.net/2019/11/30/environmental-petition-nuclear-governance-problems-in-canada/>
4. Nuclear Energy Insider, promotional material for SMR's, Excerpt from the internet December 13, 2017.
<https://tinyurl.com/benign-regulatory-environment>
Excerpt from white paper:
<https://concernedcitizens.net/2020/03/03/nuclear-energy-insider-says-canada-has-a-benign-regulatory-environment/>
5. Email message from CNSC staff: "Number of licence refusals by CNSC commissioners" February 27, 2017.
http://ccnr.org/CNSC_licence_refusals_2017.pdf
6. Federal nuclear regulator urges Liberals to exempt smaller reactors from full panel review. Globe and Mail, November 6, 2018
<https://www.theglobeandmail.com/business/article-federal-nuclear-regulator-urges-liberals-to-exempt-smaller-reactors/>