



VIA EMAIL

March 29, 2016

Mr. Brian Torrie
Director General
Regulation Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
Ottawa ON K1P 5S9

Dear Mr. Torrie:

Re: Comments on the Canadian Nuclear Safety Commission (CNSC) REGDOC 2.9.1, *Environmental Protection: Environmental Policy, Assessments and Protection Measures*

AREVA Resources Canada Inc. (AREVA) appreciates CNSC's continued engagement efforts on REGDOC 2.9.1, *Environmental Protection: Environmental Policy, Assessments and Protection Measures*. The following are AREVA's general comments on the draft REGDOC. Also included, in Attachment A, are detailed comments which identify a need for clarification or provide recommendations for your consideration.

Environmental Assessment (EA) Terminology

AREVA understands REGDOC 2.9.1 has been written with an objective to clarify how the CNSC undertakes environmental assessment to inform its decision making under the Nuclear Safety and Control Act (NSCA) and also its recommendations under the Canadian Environmental Assessment Act 2012 (CEAA 2012). In REGDOC 2.9.1, the term "environmental assessment" is used to refer to an assessment of the environmental effects of a designated project that is conducted in accordance with CEAA 2012 and also the assessment made under the NSCA to prevent unreasonable risk to the environment. While the content of the evaluation made for either purpose may in practical terms be fully congruent, AREVA encourages the CNSC to change the terminology from "Environmental Assessment under the NSCA" to "Environmental Protection Assessment" as proposed by the CNSC in 2013, or develop an alternative distinct term. Distinguishing terminology reduces the risk of the public confusing the legislative process under CEAA 2012, for which "environmental assessment" is defined and has a common understanding amongst Canadians, with the process used by the CNSC to inform decision making under the NSCA, under which the term "environmental assessment" has not been defined.

Existing Standards and Processes

AREVA has previously stated our position on the effective use of existing standards in our May 2015 comments on Discussion Paper DIS-14-02, *Modernizing the CNSC's Regulations*. The CNSC, industry and the public participate in the development of the CSA standards and thus, where CSA requirements and guidance are used in REGDOC 2.9.1, they should be referenced directly. The rationale for any deviation from the CSA standards should be made clear and open to feedback through the CSA standards development process, or alternative consultation process.

Similarly, where existing CNSC processes and REGDOCS exist, they should be simply referenced in REGDOC 2.9.1, and not paraphrased or modified. For example, section 2.4 on *Public and Aboriginal engagement* and section 3.2.2 *Determining and organizing opportunities for public and Aboriginal participation* should simply refer to REGDOC 3.2.2 *Aboriginal Engagement* and RD/GD 99.3, *Public Information and Disclosure*. Referencing existing processes ensures a consistent approach and reduces the risk of the document requiring administrative revisions therefore, increasing the quality of the document.

AREVA welcomes continued engagement on this document and is willing to participate in further discussions, including workshop, or respond to any questions regarding this submission. Please contact the undersigned at tammy.vanlambalgen@areva.ca or (306) 343-4569.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tammy Van Lambalgen'.

for:

Tammy Van Lambalgen
Vice President, Corporate Affairs & General Counsel

cc: UMMD
Jean Leclair
ARC Distribution

Attachment A: AREVA Detailed Comments

Section	Page	Comment	Rating
General		Terminology used. The CNSC should distinguish between evaluations under CEAA 2012 and those made to inform decisions under NSCA by replacing the term “Environmental Assessment under NSCA “ with “Environmental Protection Assessment” (EPA) as first proposed by the CNSC in 2013.	Major
General		It is unclear where REGDOC 2.9.1 varies in requirements and guidance from the CSA Standards referenced, making it difficult to determine where the REGDOC document aligns with the CSA standards, and where the CNSC has modified requirements, added requirements, modified guidance and/or modified definitions. For example, the definition of “groundwater protection” is inconsistent with N288.7. Where CSA requirements and guidance have been adopted, they should be referenced or adopted verbatim, where alternative requirements, guidance and definitions have been developed, the rationale for the deviation from the standards should be made clear and subject to feedback in the consultation process.	Major
2.1	5	“ <i>The applicant or licensee shall demonstrate that:</i> ” Not all bullets under this sentence are “shall”. For example, the reference to BATEA should be considered as guidance. Therefore, the “shall” is not correct for this list.	Major
2.4	6	This section on “ <i>Public and Aboriginal Engagement</i> ” should simply reference REGDOC 3.2.2 <i>Aboriginal Engagement</i> .	Major
3	7	A sentence should be added in the first paragraph to clarify that some facilities have an approved environmental assessment prior to CEAA 2012.	Clarification
3.2	8	Replace “ <i>An EA under the NSCA is carried out at every phase of the lifecycle or the facility or activity</i> ” with “... <u>for every phase</u> ...”.	Clarification

Section	Page	Comment	Rating
3.2.2	8	Define “ <i>other official notification</i> ” in the following sentence: <i>The applicant or licensee should complete the ERA and develop their environmental protection measures prior to submitting the licence application or other official notification.</i>	Clarification
3.2.2	9	Modify the following sentence to include concepts of continual improvement and unreasonable risk: <i>This approach promotes <u>continual improvement and informed adaptive management to prevent unreasonable risk to the environment</u> and assists the licensee in identifying significant deviations, in implementing relevant environmental protection measures (including mitigation measures).</i>	Major
3.2.2	9	The “Note” should be moved under the Principles section.	Minor
3.2.2	10	The section on “ <i>Determining and organizing opportunities for public and Aboriginal participation</i> ” should refer to REGDOC 3.2.2 Aboriginal Engagement. This will allow for better consistency for any future revisions of these two REGDOCs.	Major
3.2.2	10	Provide more details and clarification on the preparation of an EA report.	Clarification
4.1	12	The definition of ERA is not consistent with CSA standard 288.6.	Major
4.1	13	“...on all biota (human and non-human).” replace with “...VECs, including human receptors.”	Major

Section	Page	Comment	Rating
4.1.1	14	Clarify that the following sentence refers to continual improvement. <i>The applicant or licensee shall demonstrate that applying mitigation measures to any residual physical disturbances or releases will protect the environment or the health of persons.</i>	Clarification
4.1.2	17	Suggest the following changes in red: <i>If the updated ERA indicates that the nature, extent and significance of environmental effects is greater than identified in the licensing basis, the environmental effects shall be evaluated in terms of “unreasonable risk” and the licensee shall evaluate adaptive management options. The licensee shall undertake investigations to identify the significance and cause(s) of the deviation and propose mitigation measures where necessary. The licensee shall identify any changes needed to the effluent and emissions monitoring measures.</i>	Major
4.2	19	Remove “ <i>action levels</i> ” from this bullet as action levels are not a compliance criteria: <i>verify the nature and quantity of releases against compliance criteria (such as limits and action levels)</i>	Major
4.2.2	21	The list of potential actions that could be implemented as a result of a failed toxicity test should be moved to the “Guidance” section. The only requirement is that the action(s) to be taken shall be established within the environmental monitoring and control measures. Listing what those actions could be is guidance.	Minor
4.4	26	Derived release limits do not apply to uranium mines and mills. Differentiate application in text.	Clarification
4.5.1	26	Suggest the following strikeout: “...changes to groundwater and any end use of groundwater”	Minor

Section	Page	Comment	Rating
4.6.3	31	Highlighting “Wastes” here seems out of place.	Minor
Appendix A	33	Appendix A “Environmental assessments under the Canadian Environmental Assessment Act, 2012” Suggest to integrate into main document or create a separate document.	Major
Appendix B	45	Appendix B “Characterization of the Baseline Environment for an Environmental Risk Assessment” Remove as providing CEAA 2012 guidelines not necessary to be in this REGDOC or clarify that this is applicable to an EA under CEAA 2012.	Major
Appendix C	51	Appendix C “Environmental Effects for an Environmental Risk Assessment” Remove as providing CEAA 2012 guidelines not necessary to be in this REGDOC or clarify that this is applicable for an EA under CEAA 2012	Major