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VIA EMAIL

Mr. Brian Torrie
Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
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Dear Mr. Torrie:

Cameco Corporation's Comments on draft REGDOC 3.1.2, Reporting Requirements for Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills

Cameco Corporation (Cameco) has reviewed and prepared the following comments on the draft REGDOC 3.1.2, *Reporting Requirements for Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills* (the REGDOC). The REGDOC sets out requirements and guidance for reports and notifications that licensees must submit to the Canadian Nuclear Safety Commission (CNSC) including the types of reports, their frequency and the applicable timeframe for reporting.

Cameco welcomes the development of the REGDOC, which should be a useful resource for identifying our reporting requirements and the associated reporting timelines. The final REGDOC will help clarify and streamline Cameco's reporting requirements and provide clear expectations for what information is to be submitted to the CNSC. The following comments are intended to further improve the reporting requirements outlined in the draft REGDOC.

Maintaining a Risk-Based Approach

Cameco supports CNSC's intention in this REGDOC to "...establish a modern, risk-informed approach to reporting requirements" as described in the Preface. This approach, however, is contradicted by the Guidance subsection in *Section 2 Reporting Requirements* that describes reportable situations or events in Table A to include situations and events "regardless of their safety significance" and includes "...other types of notifications or situations...even though they do not meet the definition of an event."

An example in Table A of a non-risk-based reporting requirement is the Guidance associated with s. 29(1)(g) of the *General Nuclear Safety and Control Regulations* (GNSCR) that makes the fact that union is in a legal strike position reportable whereas the GNSCR itself requires the reporting of “threatened or planned work disruption”. In the absence of an indication from the union that it intends to cause a work disruption, the reporting threshold of the regulation is not met and the Guidance appears to expand clear, risk-based regulatory requirements without a legal basis.

Another example in the Table A Guidance is s. 29(1)(f) of the GNSCR. This lists reportable events that may have no risk when the regulation restricts reporting to situations where the failure of any component or system “could have a serious adverse effect...” or “...contribute to serious risk to...” If the intention is to require licensees to report all the enumerated events regardless of risk, then the Guidance creates non-risk-based reporting. If the intention is to limit reporting to the events specified in s. 29(1)(f), then the Guidance creates confusion, is unnecessary and should be deleted.

Non-risk-based reporting may also be created in the “specific reporting provisions” described in Table A under the authority of s. 24(5) of the *Nuclear Safety and Control Act* (NSCA) for situations and events “that can be reasonably assumed to be of regulatory interest that are not otherwise specified in this document...” This language could capture minor and very low risks events or situations and is contrary to the Licence Conditions Handbook (LCH) concept of a “material violation”, which is defined to be a violation that “impacts the ability of the licensee to carry out its licensed activities in a way that takes into consideration the protection of the environment, health and safety of persons, maintenance of national security and measures required to implement international obligations to which Canada has agreed.”

We recommend that the REGDOC be revised to eliminate all references to reporting that is not risk-based to be consistent with the intent of the REGDOC, the legislation and LCHs. We also recommend that all guidance that could be interpreted to expand reporting beyond the scope of regulatory requirements and to circumvent clear legislative intent should be deleted.

Incorporating Codes of Practice

The REGDOC should be revised to refer to codes of practice when describing radiation protection and environmental protection action levels. For instance, *Section 4.3 Action level reports* can be strengthened by adding the following statement: “Uranium mines and mills licensees are to follow the reporting procedures referenced in the environmental protection program code of practice if an action level is reached (refer to UMMR 4(2) for the contents of a proposed code of practice).”

In addition, the reporting time period in Table A, Section 13a, could be updated to refer to the code of practice, which may or may not be 60 days.

Aligning Reporting Requirements and Public Disclosure

On page 5 of the REGDOC, the statements “[I]licensees should use the situation or event...as an input to their public disclosure protocol” and “[e]ach report should be unclassified...so that it can be made available to the public upon request” both fail to recognize the distinction between information that relates to a legitimate public interest and information that must be reported and

has no public interest. For example, section 29(1)(i) of the GNSCR requires the reporting of any death at a nuclear facility. If a death is due to natural causes, and is unrelated to a public health or safety or environmental protection issue, then the death should not be publicly disclosed as part of a licensee's public disclosure protocol as it does not relate to a licensing decision or to a public health and safety or environmental issue.

The REGDOC also states that reports should be made in accordance with CNSC's *Guidance Document on Confidential Filings* when this document only applies to licensing applications and related proceedings for which decisions authorized by the NSCA are made by the Commission. This guidance document has no application to the reporting of events or situations that are not required by the NSCA or do not trigger a Commission decision, such as the reporting of the death of a worker by natural causes. The REGDOC should be revised to make it clear that not all reported information is subject to a licensee's public disclosure protocol.

Closely related is the statement on page 5, "[i]f, after further investigation, the licensee concludes a situation or event was not reportable, the licensee may provide the CNSC with a written statement that includes a justification of their conclusion." Cameco suggests that the REGDOC should include a complementary policy deferring all requirements for public disclosure until after a conclusion has been reached on whether a situation or event was, in fact, reportable.

Streamlining the REGDOC

We suggest the REGDOC can be streamlined by simply listing the applicable regulations within *Section 1.3 Relevant legislation* and then referring to Table A in Appendix A. The relevant provisions of the NSCA and associated regulations are clearly described in Table A.

We also recommend the following clarifications and/or corrections:

1. Preface: Provide clarification on how the REGDOC "...will be used to assess new licence applications for nuclear facilities and activities."
2. *Section 1.1 Purpose*: Clearly describe if and how reporting requirements currently outlined in a site's LCH will be updated once the REGDOC is published. Note if the REGDOC will supersede reporting requirements in an existing LCH and provide direction to licensees on how any transition in reporting will be completed.
3. *Section 2 Reporting Requirements*:
 - a. Page 3, 1a: replace "an event or a situation" with "an event or a situation *as set out in Table A of Appendix A*";
 - b. Page 4, Guidance, first paragraph: replace "licensing special" with "project officer";
 - c. Page 4, last bullet: replace "an unplanned spill or release" with an "unplanned spill or release *that is reportable under provincial or federal legislation*"; and
 - d. Page 5, 6th paragraph: replace "if a licensee...then a full report may not be necessary" with "if a licensee...then a full report *is not necessary*".
4. *Section 3 Annual Compliance Monitoring Report*, page 6, Guidance, paragraph 3: move this paragraph to Section 2, Reporting Requirements because flexibility, avoiding duplication and minimizing administrative burden apply to all notifications and reports in addition to the annual monitoring reports.
5. *Section 4.3 Action level reports*: the text here is a duplication of Table A of Appendix A, Entry 13 and, as such, we suggest s. 4.3 be deleted.

6. Table A of Appendix A:
 - a. Entry 10), the reporting of the discovery of counterfeit, fraudulent or suspect items does not include a legal authority for this requirement. In the absence of such an authority, this provision should be deleted.
 - b. Entry 12a), Guidance: correct the references: replace 11b) with 12b) and replace 23 with 23b);
 - c. Entry 23, Guidance: replace the reference to 23 with 23b)
7. Glossary: The definition of 'safety significance' conflicts with the definition in the International Atomic Energy Agency's (IAEA's) document SF-1, *Fundamental Safety Principles* [IAEA Safety Standards Series, 2006] where the term is restricted to radiation risks. The REGDOC definition broadens this since an event, situation, or dangerous occurrence may not be exclusively radiological in nature. Considering this and the fact that 'safety significance' is only used once in *Section 2 Reporting Requirements*, we suggest the phrase be replaced with the term 'risk' and removed from the glossary.

Reviewing Request for Information


Cameco has reviewed the potential impacts and implementation of this REGDOC as part of the request for information. If the suggestions in this submission are incorporated into the next version of the REGDOC, then we do not anticipate additional time or effort would be required to meet these requirements and guidance. The REGDOC closely follows what we currently report. As noted in the Request for Information on the Proposed Implementation of REGDOC 3.1.2., for the most part, this REGDOC brings together existing requirements for types of reports and notifications, and for the timing of each report and notification, which are spread throughout the NSCA and the regulations made under the NSCA.

Summary

We believe the draft REGDOC can be improved by maintaining a risk-based approach to reporting requirements, integrating codes of practice, aligning reporting requirements with public disclosure, and incorporating opportunities to streamline the document.

If you have any questions with respect to the above, then please contact the undersigned at (306) 956-6685 or liam_mooney@cameco.com.

Sincerely,



R. Liam Mooney
Vice President
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Cameco Corporation

c: R. Lojk, K. Murthy, H. Tadros, UMMD - CNSC
Regulatory Records - Cameco