



July 30, 2014

VIA EMAIL

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

Dear Mr. Torrie:

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

AREVA Resources Canada Inc. (AREVA) appreciates the opportunity to comment on REGDOC 2.9.1, *Environmental Protection: Environmental Assessments* (REGDOC 2.9.1). This correspondence provides AREVA's general position on REGDOC 2.9.1. With respect to specific comments, AREVA has had the opportunity to review, and endorses, the submission of Cameco Corporation dated July 30, 2014:

The Overall Process for the Development of REGDOC 2.9.1:

In early 2013, when CNSC staff introduced this subject to the CNSC Commission in Commission Member Document CMD 13-M8 (CMD) CNSC staff was proposing an "Approach to Conduct an Environmental Protection Assessment (EPA) Process". AREVA was concerned with the process and approach by CNSC staff at that time, which was reflected in correspondence from AREVA and Cameco (Mooney and Van Lambalgen to Binder, March 7, 2013). In response correspondence (Binder to Mooney and Van Lambalgen, March 20, 2013) we were assured that:

"With respect to your concerns regarding details about the EA and the EPA processes, CNSC staff's presentation clearly indicated that existing tools would be used to complete the EPA process. As proposed by the CNSC staff, the information necessary to satisfy the requirements of an EPA can be obtained by completing or updating a site-specific Environmental Risk Assessment (ERA). ERAs have been used since the *Nuclear Safety and Control Act* (NSCA) came into force in 2000, to ensure all obligations for the protection of human health and the environment, under the NSCA and its regulations, are being met."

We believe that the environmental assessment process outlined in Part A of REGDOC 2.9.1 is a significant departure from what was proposed in the initial CMD and from the corresponding direction provided by the CNSC Commission. Not only has the process evolved to a full environmental assessment, but does no longer contemplates completing or updated site-specific Environmental Risk Assessments.

Part A : Environment Assessments under the NSCA:

During the past decade, AREVA's McClean Lake Uranium Mine and Mill has undergone multiple environmental assessments that were triggered by the interpretation of *Canadian Environmental Assessment Act, 2002* and the *Nuclear Safety & Control Act* (NSCA) often for projects having no environmental effects or which improved the facility's environmental performance. The lengthy environmental assessment process that was triggered under the *Canadian Environmental Assessment Act, 2002* resulted in delayed or cancelled projects, and utilized significant internal and governmental resources.

AREVA's concerns, along with many other companies from the mining industry were raised with the Federal Government and a national discussion on natural resource development in Canada was launched. At the conclusion of these discussions the Government of Canada introduced its Responsible Resource Development Plan (the Plan) which lays out the national initiatives to ensure continued competitive and responsible resource development in Canada. One of the key components of the Plan was regulatory reform and consequently the Government of Canada enacted the *Canadian Environmental Assessment Act, 2012* (the CEEA 2012) which, among other things, improved efficiency and implemented a much higher threshold for projects to require an environmental assessment process.

It is our submission that the environmental assessment process proposed in Part A of REGDOC 2.9.1 undoes much of the improvements implemented by the CEEA 2012 and is contrary to the Federal Government's direction under its Responsible Resource Development Plan. The processes outlined in Part A of REGDOC 2.9.1 have the potential to greatly increase the regulatory burden on licencees and increases the disparity between the environmental assessment requirements of the uranium mines and mills from other resource developers, without justification. Lastly, but importantly, it also has the risk of continuing to decrease Canada's competitiveness as a uranium producer in the world market.



AREVA appreciates the CNSC's effort to develop its regulatory documents in a transparent manner. Given the level of concern regarding the concepts proposed in the Document, we respectfully request that there be further opportunity to engage in fulsome discussions regarding this initiative. If you require additional information or clarification regarding this submission, please feel free to contact the undersigned at 306-343-4569 or [tammy.vanlambalgen@areva.ca](mailto:tammy.vanlambalgen@areva.ca).

Sincerely,

A handwritten signature in blue ink that reads 'Lambalgen'.

Tammy Van Lambalgen  
Vice President Regulatory, CSR & General Counsel

Enclosures



March 7, 2013

VIA EMAIL

Dr. Michael Binder  
President  
Canadian Nuclear Safety Commission  
280 Slater Street  
PO Box 1046, Station B  
Ottawa, ON K1P 5S9

Dear Dr. Binder:

**Re: Provide Policy Direction for Canadian Nuclear Safety Commission (CNSC) Staff for a Proposed Approach to Conduct an Environmental Protection Assessment (EPA) Process Under the *Nuclear Safety and Control Act* and an Environmental Assessment Process under the *Canadian Environmental Assessment Act, 2012* (CMD:13-M8)**

Further to the above, Cameco Corporation (Cameco) and AREVA Resources Canada Inc. (AREVA) has reviewed the CNSC staff Commission Member Document (CMD), and as detailed below, we have concerns regarding the process that led to this matter being put before the Commission, as well as some preliminary comments on it.

With respect to process, Cameco learned that this matter was going to be put before the Commission in February only when the agenda for that meeting was published. Thereafter, Cameco had to secure a copy of the CMD to see what was being proposed shortly before it was presented to the Commission. For a matter that has the potential to impact licensees, such as Cameco frequently and directly, this was less than ideal.

Recognizing that CNSC staff is going to prepare a regulatory document, Cameco intends to provide comments as part of that process. However, given that the Commission is considering this matter, after completing our review, the following initial comments are provided for your consideration:

- Cameco has concerns regarding a “public interest” trigger for an EPA process, even though the activity is within the licensing basis. Further, procedurally it is not clear how an application/proposed activities come to the attention of the public in these instances (i.e. section 3.2.2 refers to posting a notice when an EPA is triggered – how is public interest taken into account before that step?). In addition, to trigger the EPA process, the public interest in the project must be related to environmental risk; and

- Appendix B2 provides criteria for determining public and aboriginal interest, but an evaluation system for categorizing the criteria into Table 2 of Section 3.2.4 is not provided. Without that, the public interest triggers lack predictability and it is not clear to proponents the level of engagement to prepare for in their respective Public Information Programs.

As a party interested in reducing regulatory duplication while ensuring a more certain and predictable regulatory process, Cameco will participate in a consultative process with the CNSC to clarify the Environmental Assessment and EPA processes being proposed.

In closing, Cameco is supportive of the CNSC in its efforts to modernize the federal regulatory system as directed by the Responsible Resource Development Plan. However, we are disappointed with the level of engagement on this matter and with the inconsistent execution of change management process by the CNSC staff.

Please feel free to contact the undersigned with any questions that you might have with respect to the above.

Sincerely,



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R. Liam Mooney  
Vice-President  
Safety, Health, Environment, Quality &  
Regulatory Relations  
Cameco Corporation



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Tammy Van Lambalgen  
Vice-President  
Regulatory Affairs & General Counsel  
AREVA Resources Canada Inc.

HF:lp

c: R. Jammal, T. Jamieson, P. Elder, J. LeClair, B.R. Ravishankar, UMMD - CNSC  
A. Wong, H. Fan, K. Nagy, D. Ingalls, Regulatory Records - Cameco  
D. Huffman, V. Martin - AREVA



President

Président

MAR 20 2013

Mr. R. Liam Mooney, Vice-President  
Safety, Health, Environment, Quality and  
Regulatory Relations  
Cameco Corporation  
1131 Avenue W South  
Saskatoon, SK S7M 4E8  
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Ms. Tammy Van Lambalgen, Vice-President  
Regulatory Affairs and General Counsel  
AREVA Resources Canada Inc.  
817-45th Street West  
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Saskatoon, SK S7K 3X5  
Email: [tammy.vanlambalgen@areva.ca](mailto:tammy.vanlambalgen@areva.ca)

Dear Mr. Mooney and Ms. Van Lambalgen:

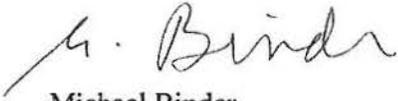
This letter is in response to your letter dated March 7, 2013 (enclosed), regarding Commission Member Document CMD 13-M8 which describes Canadian Nuclear Safety Commission's (CNSC) proposed approach to the Environmental Assessment (EA) and Environmental Protection Assessment (EPA) processes. In your letter, you raise specific concerns regarding the details of the processes, as well as more general concerns about the level of engagement leading up to the Commission presentation.

With respect to your concerns regarding details about the EA and EPA processes, CNSC staff's presentation clearly indicated that existing tools would be used to complete the EPA process. As proposed by CNSC staff, the information necessary to satisfy the requirements of an EPA can be obtained by completing or updating a site-specific Environmental Risk Assessment (ERA). ERAs have been used since the *Nuclear Safety and Control Act* (NSCA) came into force in 2000, to ensure all obligations for the protection of human health and the environment, under the NSCA and its regulations, are being met. The proposed EPA process formalizes this existing approach and will ensure that public and Aboriginal participation is conducted in a predictable, clear and transparent manner, with no additional regulatory burden.

While you express disappointment with the level of engagement on these processes, I can assure you there will be opportunity to provide comments. At this early stage of development, CNSC staff asked only for the Commission's endorsement of the proposed processes. The Commission was not asked to approve any specific details regarding the approaches to EA under the *Canadian Environmental Assessment Act* or the EPA process. As stated in the presentation, full documentation of the approaches will be provided in a regulatory document and there will be opportunities for you and other stakeholders to comment in advance of the document's final approval.

I hope you find this clarification useful. If you have any further concerns or questions, please feel free to contact me.

Yours sincerely,

A handwritten signature in cursive script that reads "M. Binder". The signature is written in dark ink and is positioned above the printed name.

Michael Binder

Enclosure: (1)

c.c.: Vincent Martin, President and CEO, AREVA  
Dale Huffman, Vice-President, Safety, Health, Environment & Quality, AREVA