



March 29, 2016

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

### **Canadian Nuclear Association Comments on REGDOC 2.9.1: Environmental Protection, Environmental Policy, Assessments and Protection Measures**

The Members of the Canadian Nuclear Association are committed to ensuring the safety of employees, the public and the environment and these commitments are central to all actions our members undertake.

This draft REGDOC represents the consolidation of two documents, a process we appreciate; however, it raises some points that require further clarification:

- The REGDOC fluctuates between “requirements” and “guidance”. A more consistent approach would be beneficial.
- The REGDOC attempts to paraphrase other REGDOCs and standards, which create inconsistencies in both terminology and interpretation. This should be fixed by simply citing the other documents.
- The REGDOC refers to environmental assessments (EAs) as those either under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) or the *Nuclear Safety and Control Act* (NSCA), but “environmental assessment” has a specific definition under both CEAA 2012 and provincial EA legislation. Consequently, there is a material risk that this REGDOC as drafted will raise expectations not commensurate with the risk associated with the activities in question by confusing EAs under the federal or provincial legislation with what we referred to in the previous version of this document as “Environmental Protection Assessments” (EPA) under the NSCA. We would like to see the language used in this REGDOC to fully recognize the difference in legislative, procedural and technical requirements by using the term EA for that which is required under CEAA, 2012 or provincial EA legislation and an “environmental protection assessment” under the NSCA.
- The CNA would also support the call to consolidate the licenses of major facilities and assessments under a single licence requirement. Class 2 facilities or activities situated within a Class 1 site should not be subject to additional reviews given the level of the site review.

- CNA members appreciate the recognition that there are varying levels of risk associated with different nuclear facilities and activities. However, the grades identified in the statement “a graded approach” are undefined. In addition, there appears to be no consideration of the possibility that an EA might not be required. Further, the REGDOC requires an ERA whenever a “significant” change occurs, but there is no guidance on what constitutes a “significant” change. It is our view that a significant change is one with environmental impacts that extend beyond the current licensing basis or analysis. We suggest it be defined as such.
- CNA members believe that the transition from EA follow up to ongoing environmental management and ERA should be outlined in REGDOC 2.9.1.

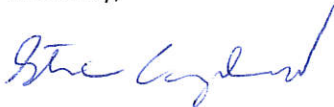
The CNA would also like to provide the following comments on the Impact Statement:

- CNA members object to the argument that “the CNSC must give consideration to values and principles that are difficult to quantify in a dollar value” as a justification for not doing a strict quantitative assessment of the costs and benefits. While the value of principles may be difficult to quantify the implementation costs are not. This approach is seen frequently in CNSC Regulatory Documents and it is not consistent with best practice at other federal agencies. There are numerous examples where new regulations were clearly required, but where the regulatory agency was still required to conduct a cost-benefit analysis to ensure that the resulting requirements were fiscally responsible. In addition even in regulation there is more than one approach that can be taken and cost is one of the elements that should be considered when selecting the appropriate approach. The Commission cannot reasonably be expected to balance cost against benefit in their decision making if the information is not provided.
- Some of the proposed requirements such as fish toxicity testing are already required under other existing federal or provincial legislation. It is unreasonable to have a requirement under CNSC that would require a duplication of effort. This document should make it clear that there will not be an additional requirement imposed by CNSC where other jurisdictions already have controls and reporting in place.

CNA members believe that although some progress has been made further consultation is necessary to continue to improve the REGDOC. CNA members have many more specific comments on the REGDOC, which we think could be best addressed through a stakeholder workshop.

Thank you for providing us an opportunity to provide comments. Please feel free to contact me at 613-237-4262 should you require additional information.

Sincerely,



Steve Coupland  
Director, Regulatory and Environmental Affairs