

March 29, 2016

CD# N-CORR-00531-18008

MR. B. TORRIE
Director General
Regulatory Policy Directorate

Canadian Nuclear Safety Commission
280 Slater Street
Ottawa, Ontario
K1P 5S9

Dear Mr. Torrie:

OPG Comments on Draft REGDOC 2.9.1 Environmental Policy, Assessments and Protection Measures

The purpose of this letter is to provide Ontario Power Generation (OPG) comments on Draft REGDOC-2.9.1, Environmental Policy, Assessments and Protection Measures, and to request further opportunity for review, once the draft has been revised.

OPG appreciates the opportunity to provide comments during the development of this regulatory document, and has reviewed this draft in conjunction with other licensees.

OPG supports the federal government's decision to make the CNSC the sole responsible authority for nuclear projects under the Canadian Environmental Assessment Act, 2012 and the certainty which that decision provides. CNSC's approach to align the draft REGDOC with the requirements contained in the CSA N288 series of standards is commendable because it can streamline requirements and provide regulatory certainty. However, there are numerous concerns with the current draft REGDOC which has lead to significant confusion. OPG believes that if the major concerns articulated below are addressed, much of our confusion will be alleviated.

Reference to CSA Standards

The draft REGDOC refers to a list of relevant CSA standards that are included in licensing requirements. The draft attempts to paraphrase the CSA standards and their requirements, or cites language and requirements that are different from the relevant standards. The use of differing terminologies and the introduction of new requirements will lead to regulatory uncertainty and could cause unnecessary burden. If the intent is to meet the requirements of the standards, OPG believes the REGDOC should just refer to the relevant standard for requirements.

Distinction of Environmental Assessment (EA) under Canadian Environmental Assessment Act, 2012 (CEAA) and Nuclear Safety and Control Act (NSCA)

The draft REGDOC refers to “environmental assessment (EA)” to be either under CEAA 2012 or NSCA. The distinction of an environmental assessment under the CEAA 2012 and an EA under the NSCA is not clear throughout the document. This will lead to confusion and uncertainty if environmental protection reviews under NSCA are also being called an EA. OPG suggests that the term EA should only be used when referencing the CEAA 2012, while an “EA under NSCA” should be called an “environmental protection assessment” for clarity.

Duplication of Requirements found in other CNSC REGDOCs

The draft REGDOC duplicates information found in other CNSC REGDOCs such as REGDOC-2.2.2, Personnel Training and REGDOC-3.2.2, Aboriginal Engagement. Overlapping REGDOC may lead to different requirements in future years as the document revisions become out of sync leading to confusion for licensees and stakeholders.

Distinction between the Requirements of an Environmental Assessment and an Environmental Risk Assessment

The scope of the draft REGDOC includes Environmental Assessments and Environmental Risk Assessments (ERA). The document refers to Appendix B (Characterization of the Baseline Environment for an Environmental Risk Assessment), and to Appendix C (Environmental Effects for an Environmental Risk Assessment) under the context of environmental risk assessment. However, the content and structure of Appendices B and C are not ERA requirements and do not align with CSA Standard N288.6 Environmental Risk Assessments. They go well beyond that of N288.6 and align with the requirements under CEAA. Given the discrepancy between N288.6 and Appendices B and C, it would appear that either the Appendices’ titles are incorrect, or the CNSC is proposing a significant change in expectations for ERAs. Please clarify the correct title for the Appendices. If the Appendices are in fact to be applied to ERAs to support the EAs under NSCA, the scope goes well beyond the requirements of N288.6 and would substantially increase regulatory burden.

Transition from EA to ERA

Once an EA has been completed under CEAA, any follow-up monitoring would be captured under the CSA N288 series of standards (N288.4, N288.4, N288.6), and the transition from EA follow-up to the ERA and other programs should be outlined in REGDOC-2.9.1. The rigor that an ERA provides (equivalent to that of an EA) should also be acknowledged.

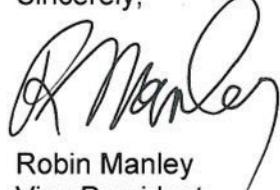
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OPG strongly urges the CNSC to consult with its stakeholders to help amend the proposed REGDOC. We believe a workshop with stakeholders would benefit all involved.

If you have any question or concerns, please contact Ms. Leslie Mitchell, Manager Regulatory Programs Strategy and Support, at (905) 89-6746, extension 5198, or by e-mail at leslie.j.mitchell@opg.com.

Sincerely,



Robin Manley
Vice President
Nuclear Regulatory Affairs and Stakeholder Relations
Ontario Power Generation

cc: M. Santini -CNSC (Ottawa)
F. Rinfret -CNSC (Ottawa)
K. Glenn -CNSC (Ottawa)