



# Environmental Protection

# **Environmental Protection:**

# **Environmental Assessments**

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**Environmental Protection: Environmental Assessments**  
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## Preface

This regulatory document is part of the CNSC's Environmental Protection series of regulatory documents. The full list of regulatory document series is included at the end of this document and can also be found on the CNSC's website at [nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents](http://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents)

The CNSC regulates the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information. This is done in a manner consistent with Canadian environmental policies, acts and regulations, and with Canada's international obligations, in order to protect the health, safety and security of Canadians and the environment.

This part of regulatory document REGDOC-2.9.1, *Environmental Assessments*, describes the conduct of environmental assessments (EAs) under the *Nuclear Safety and Control Act* (NSCA) and under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

The CNSC considers an EA under the NSCA to be an assessment of information required under the NSCA and its regulations to make a determination if the applicant will, in carrying out an activity, make adequate provisions for the protection of the environment and the health and safety of persons. The EA under the NSCA is a component of the CNSC licensing process and is carried out as part of the CNSC's review of all licence applications. No decision is rendered on the EA itself, as the information is intended to support the regulatory decision being sought under the NSCA.

In May 2013, the Commission supported making the CNSC's regulatory process more transparent, specifically with regard to the conduct of EAs under the NSCA. To improve transparency in the EA under the NSCA, the CNSC will document the EA findings based on the information that applicants must submit to meet the appropriate regulatory requirements (with a focus on radiation and environmental protection). As appropriate, the CNSC will also provide an earlier opportunity for Aboriginal and public involvement in the licensing process. The CNSC's licensing process ensures that applicants meet all regulatory requirements before the Commission considers a regulatory decision.

As regulatory requirements extend beyond environmental protection, the CNSC will determine, in accordance with this regulatory document, the scope and depth of EA documentation provided to Aboriginal groups and the public, and the appropriate participation opportunities. Part A of this document describes the EA conducted under the NSCA.

In addition to regulatory requirements under the NSCA for environmental protection, the Commission must also meet the requirements of the CEAA 2012 for designated projects. On July 6, 2012, the CEAA 2012 came into force as part of the Government of Canada's Responsible Resource Development plan. In accordance with the CEAA 2012, the CNSC is now the sole federal responsible authority for conducting EAs for designated projects regulated under the NSCA and described in the *Regulations Designating Physical Activities*. Therefore, before considering a regulatory decision under the NSCA, the Commission must decide if the proposed project is likely to cause significant adverse environmental effects.

The CNSC supported revisions to the CEAA 2012 on the basis that it has extensive experience conducting EAs under the former CEAA (S.C. 1992, c.37), and that EAs are conducted under the NSCA for projects not designated under the CEAA 2012. Since 2000, under the former CEAA, the CNSC rendered decisions on all screenings (approximately 57), and conducted two review panels and five comprehensive studies. The CEAA 2012 does not lessen the CNSC's environmental assessment or

protection mandate, but rather recognizes its existing robust regulatory framework for environmental protection along with its ability and capacity to conduct EAs.

For designated projects, in addition to the NSCA's requirements, applicants are also responsible for meeting requirements under the CEAA 2012. Much of the information required for an EA under the CEAA 2012 is also required under the NSCA and its regulations. Part B of this document describes the EA process adopted by the CNSC to meet the requirements of the CEAA 2012.

To support its legislative mandate, the CNSC will conduct EAs in accordance with the processes outlined in this regulatory document. The information gathered during EAs helps the Commission determine if an applicant will adequately provide for the protection of the environment and the health and safety of persons. Regardless of the requirement for an EA under the CEAA 2012, the applicant must meet applicable regulatory requirements under the NSCA for the protection of the environment and the health and safety of persons.

Technical requirements and guidance for conducting EAs are being developed. They will be made available to all interested parties for review and comment before they are incorporated into the next revision of this document. This regulatory document complements several other regulatory documents that are currently under development concerning Aboriginal engagement, site suitability for new nuclear reactors, and the CNSC licensing process and requirements.

**Important note:** Where referenced in a licence either directly or indirectly (such as through licensee-referenced documents), this document is part of the licensing basis for a regulated facility or activity.

The licensing basis sets the boundary conditions for acceptable performance at a regulated facility or activity, and establishes the basis for the CNSC's compliance program for that regulated facility or activity.

Where this document is part of the licensing basis, the word "shall" is used to express a requirement to be satisfied by the licensee or licence applicant. "Should" is used to express guidance or that which is advised. "May" is used to express an option or that which is advised or permissible within the limits of this regulatory document. "Can" is used to express possibility or capability.

Nothing contained in this document is to be construed as relieving any licensee from any other pertinent requirements. It is the licensee's responsibility to identify and comply with all applicable regulations and licence conditions.

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## Environmental Protection: Environmental Assessments

### Part A: Environmental Assessment under the NSCA

#### 1. Purpose

Part A of this regulatory document provides the requirements and guidance related to the conduct of an environmental assessment (EA) under the *Nuclear Safety and Control Act* (NSCA).

#### 2. Background

Protecting the environment is part of the mandate of the Canadian Nuclear Safety Commission (CNSC).

The CNSC regulates the development, production and use of nuclear energy in Canada, as well as the production, possession, use and transport of nuclear substances, prescribed equipment and prescribed information. The CNSC requires that the environmental effects of all regulated activities are evaluated and taken into account when licensing decisions are made. The CNSC considers an EA to be an assessment of information required under the NSCA and its regulations to make a determination if the applicant will, in carrying out an activity, make adequate provisions for the protection of the environment, and the health and safety of persons. This is done in a manner consistent with all Canadian environmental policies, acts and regulations and with Canada's international obligations.

In May 2013, the Commission supported improving the transparency of the CNSC's regulatory process, specifically with respect to the conduct of EAs under the NSCA. In order to improve transparency of EAs under the NSCA, the CNSC will document EA findings based on the information that applicants must submit to meet the appropriate regulatory requirements (with a focus on radiation and environmental protection). As appropriate, the CNSC will also provide earlier opportunities for Aboriginal and public involvement in the licensing process.

The EA under the NSCA is a component of the CNSC licensing process (see Appendix A) and is carried out as part of the CNSC's review of all licence applications. Improving transparency will help facilitate the identification of Aboriginal and public issues earlier in the licensing process, and will inform interested parties and the Commission, or a designated officer (DO), as the case may be, of a project's potential environmental effects. No decision will be rendered on the EA itself, as the information is intended to support regulatory decision-making under the NSCA.

The CNSC licensing process ensures that applicants meet all regulatory requirements before a regulatory decision is considered.

##### 2.1 Relevant legislation

The NSCA prohibits the Commission from issuing, renewing, amending, transferring or replacing a licence unless, in the opinion of the Commission, the applicant is qualified to carry out the activity that the licence will authorize; and will, in carrying out that activity, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Furthermore, the NSCA provides that a licence issued by the CNSC

may contain any term or condition that the Commission considers necessary for the purposes of the Act.

The requirements for an appropriate consideration or assessment of human health and environmental effects (e.g., environmental risk assessment) for all nuclear-related activities regulated by the CNSC are provided for in regulations made under the NSCA. These regulations include the following:

- *General Nuclear Safety and Control Regulations*
- *Class I Nuclear Facilities Regulations*
- *Uranium Mines and Mills Regulations*
- *Class II Nuclear Facilities and Prescribed Equipment Regulations*
- *Packaging and Transport of Nuclear Substances Regulations*
- *Nuclear Substances and Radiation Devices Regulations*
- *Radiation Protection Regulations*

An applicant is responsible for meeting the applicable requirements of the NSCA and its regulations. The CNSC conducts a technical review of all licence applications and supporting technical submissions to ensure adequate provision will be made for the protection of the environment and the health and safety of persons. During the technical review, the CNSC ensures the applicant appropriately considers relevant standards and policies, such as the following:

- CSA N288.1, *Guidelines for Calculating Derived Release Limits for Radioactive Material in Airborne and Liquid Effluents for Normal Operation of Nuclear Facilities*, 2008
- CSA N288.4, *Environmental Monitoring Programs at Class I Nuclear Facilities and Uranium Mines and Mills*, 2010
- CSA N288.5, *Effluent Monitoring Program at Class I Nuclear Facilities and Uranium Mines and Mills*, 2011
- CSA N288.6, *Environmental Risk Assessment at Class I Nuclear Facilities and Uranium Mines and Mills*, 2012
- CAN/ISO 14001, *Environmental Management Systems – Requirements with Guidance for Use*, 2004
- REGDOC-2.9.1, *Environmental Protection: Policies, Programs and Procedures at Class I Nuclear Facilities and Uranium Mines and Mills*, 2013
- CNSC P-223, *Protecting the Environment*, 2001

The applicant is responsible for addressing all issues identified by the CNSC before a recommendation for a regulatory decision is presented to the Commission or a DO.

The CNSC ensures that regulatory requirements are met and maintained through the CNSC compliance process. More information on compliance verification and enforcement activities is on the CNSC Web site at <http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/compliance-verification-and-enforcement/index.cfm>

### **3. Environmental Assessment Process**

This regulatory document outlines the EA process under the NSCA presented in table 1 and described in this section. Unless otherwise stated, the term EA in this section refers to an EA under the NSCA. With respect to timing, the conduct of the EA is completed within the CNSC licensing review and decision process.

**Note:** Should it be identified that the proposed project is subject to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the EA process outlined in part B shall apply.

**Table 1: Key steps in the environmental assessment conducted by the CNSC**

Step	Action
1	Applicant conducts pre-project consultation
2	Applicant submission of a licence application
3	Determination of participation opportunities
4	Notice of participation opportunities
5	EA guidance and requirements provided to the applicant
6	Conduct of EA technical studies
7	Technical review of applicant submissions
7.1	External review of EA-related submissions (where appropriate)
8	Document the EA findings
8.1	External review of EA conclusion report (where appropriate)
9	Decision on licence application

### **Step 1: Applicant conducts pre-project consultations**

The CNSC recognizes that applicants may begin to determine the feasibility of a project well before submitting a licence application. Early communication with the CNSC is recommended, to help applicants:

- understand the regulatory requirements
- determine the scope of any technical support studies required
- understand the CNSC's licensing (including EA) process
- submit a complete licence application

### **Step 2: Applicant submission of a licence application**

The licensing process begins when the CNSC receives a licence application or a written notification. All new applications or amendments to existing licences require a licence decision by the Commission or a DO.

### **Step 3: Determination of participation opportunities**

Aboriginal and public participation opportunities are determined on a case-by-case basis.

As an EA is integrated within the licensing process, the following opportunities may be provided to support the licensing process:

- opportunity to review and comment during the CNSC technical review of the applicant's EA-related documentation contained in the licence application (step 7.1)
- opportunity to review and comment on the EA Conclusion Report (step 8.1)

The CNSC may also determine other activities, such as open houses and workshops, to be appropriate. These EA participation opportunities may be provided in addition to those provided during the licensing process (e.g., intervening in the hearing). The CNSC will post a notice on the CNSC Web site and distribute the notice to the CNSC subscription list before participation opportunities are conducted.

An assessment of the EA criteria, described in Appendix B, may be completed to support the determination of participation opportunities.

The availability of the CNSC's Participant Funding Program to help facilitate public and Aboriginal groups' involvement in an EA shall be determined on a case-by-case basis (e.g., review of EA-related documentation). For further information on this program, please see <http://www.nuclearsafety.gc.ca/eng/the-commission/participant-funding-program/index.cfm>

#### **Step 4: Notice of participation opportunities**

A notice providing the participation opportunities and project-specific information will be posted on the CNSC Web site, as appropriate. The CNSC subscription list will be notified when this notice is published. A formal notice will also be sent to identified Aboriginal groups, when deemed appropriate.

#### **Step 5: EA guidance and requirements provided to the applicant**

The CNSC will provide project-specific guidance concerning the regulatory requirements, as appropriate, or upon request. The scope of the technical studies required for the EA process will generally be based upon the information that is required in the license application to meet the requirements of the NSCA and its regulations.

The CNSC also has the authority, in accordance with paragraph 3(1)(m) of the *General Nuclear Safety and Control Regulations*, to require additional information to enable the Commission to determine whether adequate provision will be made for the protection of the environment and the health and safety of persons. Additional information may include such factors as a consideration of cumulative effects or alternative means to carry out the project.

To ensure the applicant understands all appropriate EA requirements, the applicant is encouraged to seek CNSC guidance at the earliest possible stage of the licensing process (e.g., step 1).

#### **Step 6: Conduct of EA technical studies**

The applicant will submit EA-related documentation (e.g., licence application, supporting EA technical studies) to meet the requirements identified by the CNSC. Additional guidance is available from the CNSC during the conduct of the technical studies to ensure all regulatory requirements are met.

#### **Step 7: Technical review of applicant submissions**

During this stage, the CNSC will review the licence application and any supporting EA technical studies to ensure that the application meets all EA requirements. The scope and duration of the technical review will vary, depending on the type of regulatory decision being sought.

The applicant is responsible for addressing all issues identified by the CNSC.

**Step 7.1: External review of EA-related submissions**

If Aboriginal groups and the public are to be provided an opportunity to review EA-related documentation (determined in step 3), a notice will be posted on the CNSC Web site and distributed to the CNSC subscription list. Where applicable, identified Aboriginal groups will be sent the relevant documents and informed of the timelines and process to submit comments. The review by Aboriginal groups and the public will occur concurrently with the CNSC technical review.

External review may also involve other federal, provincial or territorial departments as appropriate.

The applicant will address concerns raised during the external review period, if needed and as determined by the CNSC.

**Step 8: Document the EA findings**

The EA findings will be represented in the licensing Commission Member Document (CMD) by an EA conclusion summary. The EA conclusion summary is based on the applicant's licence application and any supporting EA technical studies; and the results of the technical review, including the external review as appropriate.

For more complex projects, the CNSC may prepare an EA Conclusion Report, documenting the EA findings in more detail. This report would be appended to the licensing CMD. The need for and scope of the EA Conclusion Report is determined by the CNSC, based on, but not limited to, the following factors:

- Regulatory requirements
- Previous EAs
- Potential environmental effects and interactions
- Aboriginal and public interests, concerns and knowledge

The EA criteria, described in Appendix B, may also be evaluated to support the determination of the need for and scope of the EA Conclusion Report.

Proposed projects that would likely include an EA Conclusion Report are: uranium mining and milling production increases, major facility expansions, power plant refurbishments, and major site remediation.

**Note:** The Commission or DO may also determine the scope and level of EA documentation for a specific licence application.

**Step 8.1: External review of EA conclusion report**

If Aboriginal groups and the public are to be provided an opportunity to review the EA Conclusion Report, a notice will be posted on the CNSC Web site (determined in step 3), forwarded to identified Aboriginal groups, where appropriate, and distributed to the CNSC subscription list, in addition to any other project-specific consultation activities.

The CNSC may require applicants to address concerns raised during the external review period, if needed and as determined by the CNSC.

**Step 9: Decision on licence application**

CNSC staff recommendations related to a licence application, certificate or approval are reviewed and decided upon by the Commission or a DO.

The EA findings will be documented in CNSC staff's recommendations (e.g., CMD), along with any proposed modifications to the applicant's relevant policies, programs or procedures, or measures that will be taken to prevent or mitigate effects on the environment and the health and safety of persons. No decision will be rendered on the EA documentation itself, as the information is intended to inform the regulatory decision being sought under the NSCA.

Following a hearing, a decision is rendered by the Commission. The nature of the hearing will be determined on a case-by-case basis, and may take into account the views, concerns and opinions of interested parties (e.g., through written or oral interventions). A notice regarding the hearing details will be published on the CNSC Web site in advance of the hearing.

After the Commission has rendered its decision, the *Record of Proceedings, Including Reasons for Decision* is issued through the Commission's Secretariat and posted on the CNSC Web site.

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## Part B: Environmental Assessment under the CEAA 2012

### 4. Purpose

Part B of this regulatory document provides the requirements and guidance regarding how environmental assessments (EAs) are conducted by the CNSC pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

### 5. Background

The CEAA 2012 came into force on July 6, 2012, and is the legal basis for the federal EA process in Canada.

In accordance with paragraph 15(a) of the CEAA 2012, the CNSC is the sole federal responsible authority (RA) for conducting an EA for designated projects regulated under the NSCA and described in the *Regulations Designating Physical Activities* (e.g., new uranium mine or mill, new nuclear power plant) made pursuant to subparagraph 84(a)(i) of the CEAA 2012. The Minister of the Environment may also designate a project not identified in the *Regulations Designating Physical Activities* if the project may cause adverse environmental effects or there are public concerns related to those effects.

When an EA is required under the CEAA 2012, the Commission must render an EA decision in accordance with section 52 of the CEAA 2012 before a regulatory licensing decision can be made under the NSCA to allow a project to proceed. Should the Commission determine that a designated project is not likely to cause significant adverse environmental effects in accordance with subsection 52(1) of the CEAA 2012, the Commission, in accordance with section 53, must establish through the licensing process, the mitigation measures and follow-up activities the applicant of the proposed project must take. In cases when the Commission concludes that a project is likely to cause significant adverse environmental effects, the Commission, in accordance with section 52(2) of the CEAA 2012, must refer the matter of whether those effects are justified in the circumstances to the Governor in Council.

#### 5.1 Projects on federal lands and projects outside Canada

Under section 67 and 68 of the CEAA 2012, when an EA is not required, an authority (e.g., CNSC, Atomic Energy of Canada Limited or the Department of National Defence) is still required to determine the likelihood of significant adverse environmental effects that might result from a project being carried out on federal lands or outside Canada. A finding that such environmental effects are not likely or that they are likely but justified in the circumstances, in accordance with a Governor in Council decision, allows the authority to carry out the project or exercise any power or perform any duty or function under an Act of Parliament other than CEAA 2012, such as the NSCA, that could permit the project to be carried out, in whole or in part.

For further information on how to meet the requirements of section 67 and 68, applicants should contact the CNSC at the earliest possible stage of project planning. The Canadian Environmental Assessment Agency's *Operation Policy Statement – Projects on Federal Lands and Outside Canada under the CEAA, 2012*, published in June 2013, may also provide useful guidance.

This policy statement can be found at [ceaa-acee.gc.ca/default.asp?lang=En&n=22CA364E-1](http://ceaa-acee.gc.ca/default.asp?lang=En&n=22CA364E-1)

## 5.2 Other environmental assessment regimes

The CEAA 2012 may not apply in certain parts of Canada (e.g., Nunavut, Northwest Territories, Yukon), where there are settled land claim agreements with associated EA processes. In such cases, CNSC staff may, if requested by another jurisdiction, act as technical advisors during the EA process and be active participants at all stages. The Commission does not have a decision-making role in the EA; however, it retains decision making on all licensing matters under the NSCA.

## 5.3 Environmental assessment and licensing

The EA process under the CEAA 2012 and the CNSC licensing process may be completed via either an integrated or sequential approach, as shown in Appendix C. Early involvement of the CNSC (i.e., the planning stages) is essential to determine the appropriateness of integrating the EA and licensing processes. Since EAs can be used as planning tools by applicants, a sequential EA and licensing process may be preferred for some projects.

### 5.3.1 Integrated environmental assessment and licensing process

Integration of the EA and licensing processes requires the EA to be conducted at the same time as the review of the applicant's licensing information. This enables the CNSC to present its recommendations regarding the EA and the licensing application to the Commission at the same hearing. Successful integration of the licensing process with the EA depends on the applicant's ability to submit all licensing information to the CNSC's satisfaction within the EA timelines.

### 5.3.2 Sequential environmental assessment and licensing process

A sequential process is an option that may be followed, for example, when an applicant uses the EA to determine the feasibility of a project. Upon completion of an EA, the onus is on the applicant to submit all necessary licensing documentation in order to fulfill the CNSC's licensing requirements to undertake project activities. The licensing process ensures that proposed project activities are within the bounds of the completed EA prior to the consideration of a regulatory decision. Should significant time lapse between the EA decision and the submission of the corresponding licence application, CNSC staff may require the applicant to update the EA to take into consideration new science, changes in the environment and any new technology.

## 5.4 Aboriginal consultation

Aboriginal groups whose potential or established Aboriginal or treaty rights may potentially be adversely affected by the proposed project will be consulted throughout the EA process as per CNSC's *Codification of Current Practice: Commitment to Aboriginal Consultation*.

The CNSC establishes project-specific Aboriginal consultation processes, based on guiding principles of Canada's case law and best consultation practices as outlined in *Aboriginal Consultation and Accommodation – Updated Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*. These processes offer opportunities for CNSC staff and Aboriginal peoples to meet and discuss issues, and are meant to be as accessible as reasonably possible to Aboriginal peoples.

The consultation activities for a given project may vary with the circumstances such that, for example, CNSC staff may work more closely with Aboriginal peoples where the potential for

more serious adverse effects on Aboriginal interests arising from a Commission decision appears to be a possibility.

The CNSC, as the Crown Consultation Coordinator, will support a whole-of-government approach to Aboriginal consultation, with the aim of coordinating consultation activity efforts and providing a one-window approach to sharing information with, and addressing concerns raised by interested Aboriginal groups. The EA process under the CEAA 2012 is flexible and intended to address concerns raised related to the project.

Early engagement by the applicant is an important part of good governance, sound policy development, and decision-making. The applicant therefore should demonstrate that engagement with the appropriate parties has been integrated into project planning. Early engagement by applicants helps to ensure that relevant issues are identified and addressed as soon as possible.

Additional requirements and guidance are found in the CNSC regulatory document RG/GD-99.3, *Public Information and Disclosure*.

### **5.5 Participant funding**

The CNSC's Participant Funding Program gives members of the public, Aboriginal groups and other stakeholders the opportunity to request funding in support of their participation in the CNSC's regulatory decision-making process.

Participant funding for a given EA under the CEAA 2012 is decided on a case-by-case basis. Should participant funding be made available, a notice regarding the funding opportunity will be posted on the CNSC's Web site, and the CNSC subscription list will be notified when the notice is posted there. Aboriginal groups may be notified directly by the CNSC.

## **6. For further information on the CNSC's Participant Funding Program, please see <http://www.nuclearsafety.gc.ca/eng/the-commission/participant-funding-program/index.cfm> Environmental assessment process**

Under the CEAA 2012, the means by which an EA is conducted is at the discretion of the Commission. This section describes the EA process conducted by the CNSC in accordance with the CEAA 2012. The timelines associated with each step discussed in the subsequent text are provided in appendix D. Should a proposed project be subject to EA legislation of another jurisdiction (e.g., province), the steps presented below and associated timelines in appendix D may be subject to change. Unless otherwise stated, the term EA in this section refers to an EA under the CEAA 2012.

**Table 2: Key steps in the environmental assessment process conducted by the CNSC under the CEAA 2012**

Step	Action
1	Applicant conducts pre-project consultation
2	Applicant submission of a licence application and project description
3	EA determination
4	Federal, provincial and territorial coordination/delegation
5	Notice of commencement*
6	Determination of participation opportunities*
7	Establishment of EA timelines
8	EA guidelines
8.1	External review period
8.2	Drafting and submission of a CMD on EA guidelines
9	Commission hearing on the EA guidelines
9.1	Finalizing and issuing of the EA guidelines
10	Conduct of EA technical studies
11	Technical review
11.1	External review period
12	EA report*
12.1	External review period
12.2	Drafting and submission of the CMD on the EA report
13	Commission hearing on the EA report
14	Commission decision on the EA*

\*legislative requirements under the CEAA 2012

For major resource projects such as new nuclear power plants, uranium mines or fuel processing facilities, Natural Resources Canada's Major Projects Management Office (MPMO) is responsible for ensuring the effective and efficient coordination of the work of all federal departments and agencies that have a role to play in the regulatory process.

CNSC is committed to working collaboratively with the MPMO by having projects tracked and monitored and by developing project agreements, when appropriate.

**Step 1: Applicant conducts pre-project consultation**

The CNSC recognizes that applicants may begin to determine the feasibility of a project well before submitting a formal licence application and project description. Early communication with the CNSC is recommended, to help applicants:

- identify projects that must undergo an EA in accordance with the CEAA 2012
- develop an understanding of the CNSC's regulatory requirements
- understand the CNSC's EA and licensing processes (i.e., integrated EA and licensing vs. sequential EA and licensing) and associated timelines
- discuss whether EA guidelines are required for a proposed project
- identify potential involvement of other jurisdictions

**Step 2: Applicant submission of a licence application and project description**

For nuclear projects listed in the *Regulations Designating Physical Activities*, the applicant shall, in addition to the licence application, submit a project description that provides the information set out in the *Prescribed Information for the Description of a Designated Project Regulations*. An applicant may submit a project description prior to a licence application.

The CNSC may request additional information, even when the project description generally conforms to these regulations, if required to complete the EA determination.

**Step 3: EA determination**

A nuclear project shall undergo an EA if it meets the description of a designated project in the *Regulations Designating Physical Activities* or if it has been designated by the Minister of the Environment. Using the information provided in the project description, the CNSC will determine if the project is a designated project, and will complete an EA determinations memorandum that documents its findings.

If an EA under the CEAA 2012 is not required, the applicant must still meet CNSC licensing requirements, including an EA under the NSCA, as described in part A.

If an EA under the CEAA 2012 is required, the applicant will be notified by the CNSC.

**Step 4: Federal, provincial and territorial coordination/delegation**

The CNSC, as the sole federal RA for nuclear projects, will contact other provincial and territorial jurisdictions, as appropriate, to determine whether there are other jurisdictional EA requirements. Where applicable, the CNSC will work with other jurisdictions to determine if the EA requirements of all jurisdictions can be addressed through a single EA process to reduce duplication and provide regulatory efficiency. Relevant federal and provincial EA agreements provide direction regarding jurisdictional roles and responsibilities in the assessment of such projects.

In accordance with section 26 of the CEAA 2012, the CNSC may also delegate to another jurisdiction the conduct of an EA or any part thereof. In such cases, the responsibility for making a decision under subsection 27(1) of CEAA 2012 remains with the Commission. Delegation of EA-related matters for a given project will be determined on a case-by-case basis in accordance with section 26 of the CEAA 2012.

The CNSC will also contact other federal authorities (FAs), to determine if additional FA regulatory decisions are required to allow the project to proceed. Should additional FA regulatory decisions be required, the CNSC will engage the FA appropriately throughout the EA process. In accordance with section 20 of the CEAA 2012, the CNSC may also request an FA to provide specialist or expert information or knowledge to support the conduct of the EA.

**Note:** Early discussions with other federal, provincial or territorial authorities often occur as soon as an applicant's intent to seek regulatory approval for a proposed project is known.

#### **Step 5: Notice of commencement**

In accordance with section 17 of the CEAA 2012, the CNSC must ensure that "a notice of the commencement of the EA" (notice of commencement) is posted on the Canadian Environmental Assessment Registry (CEAR). The notice briefly describes the project and the jurisdictions involved, and provides CNSC contact information.

The CNSC will post a similar notice on the CNSC Web site, as well as provide a link to the CEAR. The CNSC subscription list will be notified when a notice of commencement is posted on the CEAR and on the CNSC Web site. Where appropriate, identified Aboriginal groups will be notified of the notice of commencement.

**Note:** In accordance with subsection 79(2) of the CEAA 2012, the CNSC, as the RA, must ensure that certain records and information relating to an EA are posted on the CEAR.

#### **Step 6: Determination of participation opportunities**

In accordance with section 24 of the CEAA 2012, the CNSC must ensure that the public is provided with an opportunity to participate in the EA. The breadth and timing of public participation is at the discretion of the CNSC.

To determine the specific breadth and timing of public participation opportunities during the EA process, the CNSC completes a public participation determination. This determination is completed in accordance with appendix B. The criteria have been divided into the following areas:

- public and Aboriginal interest criteria
- environmental characterization and potential impact criteria
- additional factors (e.g., other jurisdictions, participant funding)

Based on the assessment of the criteria, as outlined in appendix B, the CNSC determines the level of public participation to be very low, low, moderate, or high. Each level corresponds to public participation opportunities outlined in table 3. Additional participation opportunities may also be provided, as appropriate.

Aboriginal consultation activities are integrated to the extent possible in the EA process, which includes the involvement of Aboriginal groups in the participation opportunities outlined in table 3. For further information on Aboriginal consultation for EAs, please refer to section 5.4 above.

**Note:** During the conduct of the EA, if the CNSC becomes aware of new information, additional public participation activities may be considered for addressing any issues or concerns.

**Table 3: Public participation in the CNSC EA process**

<b>Public participation level</b>	<b>Participation opportunities</b>
Very low	<ul style="list-style-type: none"> <li>• Post the notice of commencement of the EA on both the CNSC Web site and the CEAR.</li> <li>• Post notices of availability of the EA guidelines*, for information only.</li> <li>• Recommend the Commission consider the EA guidelines* in an abridged hearing with no public interventions.</li> <li>• Post the notice of availability of the EA report and allow a 30-calendar-day review and comment period.</li> <li>• Recommend the Commission consider the EA report in a public hearing with written interventions.</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Post the notice of commencement of the EA on both the CNSC Web site and the CEAR.</li> <li>• Post the notice of availability of the EA guidelines*, for information only.</li> <li>• Recommend the Commission consider the EA guidelines* in an abridged hearing with no public interventions.</li> <li>• Post notice of availability of the EA report and allow a 45-calendar-day review and comment period.</li> <li>• Recommend the Commission consider the EA report in a public hearing with written interventions.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Post the notice of commencement of the EA on both the CNSC Web site and the CEAR.</li> <li>• Post the notice of availability of EA guidelines* and allow up to 30 calendar days for public comments.</li> <li>• Recommend the Commission consider the EA guidelines* in an abridged hearing with written public interventions.</li> <li>• Post the notice of availability of the EA report and allow 30–60 calendar days for review and comment.</li> <li>• Consider information sessions and other outreach activities if it is deemed that the public could benefit from such events.</li> <li>• Recommend the Commission consider the EA report in a public hearing with written and oral interventions.</li> </ul>
High	<ul style="list-style-type: none"> <li>• Post the notice of commencement of the EA on both the CNSC Web site and the CEAR.</li> <li>• Post the notice of availability of the EA guidelines* and allow 30 calendar days for public comments.</li> <li>• Recommend the Commission consider the EA guidelines* in an abridged hearing with written public interventions.</li> </ul>

Public participation level	Participation opportunities
	<ul style="list-style-type: none"> <li>• Allow 60 calendar days for public comments on the EA report.</li> <li>• Conduct information sessions and other outreach activities if it is deemed that the public could benefit from such events.</li> <li>• Recommend the Commission consider the EA report in a public hearing with written and oral interventions.</li> </ul>

\* These participation opportunities will apply only if EA guidelines are required.

### Step 7: Establishment of EA timelines

In order to establish project-specific timelines for CNSC-led activities, a project work plan will be developed in accordance with the EA timelines presented in appendix A. The time required to complete each milestone will be based on the information reviewed in steps 2 to 6 above. The estimated timelines will be communicated to the applicant to help facilitate project planning. The work plan may be subject to change and will be updated throughout the process.

### Step 8: EA guidelines

The CNSC's EA process may include project-specific guidance for the conduct of technical studies to meet the requirements of the CEAA 2012. This guidance is known as "EA guidelines". The CNSC will prepare EA guidelines on a project-specific basis, with the level of detail required being commensurate with the nature and scope of the project and environment.

The EA guidelines also contain CNSC staff recommendations to the Commission on level of public participation in the EA (step 6), and CEAA-related decisions, such as additional factors to be considered, and the scope of all factors (outlined in step 9).

If the environmental impact statement (EIS) and supporting technical studies have already been completed and the CNSC deems that project-specific EA guidelines are not required, the process may advance to step 11, initiating the technical review of the applicant submissions. In this case, the CEAA 2012-related decisions outlined in step 9, will be made in an abridged hearing following the technical review (step 11), or will be confirmed by the Commission during the hearing on the EA Report (step 13).

**Note:** The need for EA guidelines is determined by the CNSC during step 1. Should EA guidelines not be required, interested parties shall be provided an opportunity to review the EIS and supporting technical studies.

#### Step 8.1: External review period

In accordance with section 20 of the CEAA 2012, the CNSC may request other FAs to review the EA guidelines. Comments received will be considered in the development of the EA guidelines.

Depending on the outcome of the public participation determination (see step 6), a public review period may be conducted in order to solicit the views of the public, Aboriginal groups and other stakeholders on the EA guidelines. Identified Aboriginal groups will be notified of the external review period, and provided with information on the timelines and process to submit comments. Comments received will be dispositioned and included in the CMD prepared in the next step.

**Step 8.2: Drafting and submission of a CMD on EA guidelines**

The CNSC prepares a CMD outlining the necessary EA-related decisions included in the EA guidelines for the project. The CMD is submitted to the Commission, along with the EA guidelines, and any public comments and associated dispositions as applicable, to inform the Commission's decisions.

**Step 9: Commission hearing on the EA guidelines**

The Commission will consider the EA guidelines in the context of an abridged hearing and make a decision on the following items related to the CEAA 2012:

- additional factors to be considered in the conduct of the EA (subsection 19(1)(j))
- the scope of the factors (subsection 19(2))
- whether community knowledge and Aboriginal traditional knowledge should be considered (subsection 19(3))
- whether the CNSC requires the applicant to collect any information or undertake any study for the purpose of conducting the EA or preparing the EA report with respect to the EA of the designated project (subsection 23(2)) (e.g., EIS)

The Commission also makes a decision in relation to the CNSC staff's recommended level of public participation based on the completed public participation determination.

For an abridged hearing, a "notice of hearing" is posted on the CNSC Web site prior to the scheduled hearing. This type of Commission hearing is generally held in a closed session and has limited or no public involvement. Should there be public involvement (i.e., written interventions) it will be indicated in the "notice of hearing", and identified Aboriginal groups will be formally notified.

Once the Commission has rendered its decision, the *Record of Proceedings, Including Reasons for Decision* is published on the CNSC Web site and the CEAR. Aboriginal groups and members of the public who have expressed an interest in a particular project may be directly notified of the decision. This notification will also be circulated to the CNSC subscription list.

**Step 9.1: Finalizing and issuing of the EA guidelines**

Should the Commission approve the EA guidelines, CNSC staff will ensure that any additional requirements identified by the Commission in the *Record of Proceedings, Including Reasons for Decision* are included.

The CNSC will then formally issue the final EA guidelines to the applicant.

**Step 10: Conduct of EA technical studies**

In accordance with subsection 23(2) of the CEAA 2012, the conduct of the technical studies and preparation of an EIS is typically delegated to the applicant. The EIS must meet the requirements of the EA guidelines, and the CEAA 2012.

The applicant shall submit the EIS and any supporting technical studies to the CNSC for a technical review.

**Step 11: Technical review**

The CNSC performs an in-depth technical review of the EIS and supporting technical studies. If certain areas need to be clarified, confirmed or improved based on the technical review, the applicant shall provide additional information to resolve these issues.

Once the CNSC is satisfied that applicants have adequately addressed all information gaps, the technical review is completed.

**Step 11.1: External review period**

The CNSC is also responsible for determining if FAs should be involved in the technical review to contribute any specialist or expert information or knowledge.

Based on the results of the public participation determination (see step 6), a public review of the applicant's EIS and supporting technical studies may be conducted. This public review and the CNSC's technical review may be conducted concurrently, and comments received within the scope of the EA may be submitted to the applicant for clarification.

The applicant shall address concerns raised during the external review period, if needed and as determined by the CNSC.

**Note:** During this time, the CNSC may undertake outreach activities, such as open houses, information sessions, or consultation activities with interested Aboriginal groups, to ensure that all interested parties have the opportunity to ask questions and share their comments with the CNSC.

**Step 12: EA report**

In accordance with paragraph 22(b) of the CEAA 2012, the CNSC must ensure that an EA report is prepared with respect to the EA. The EA report includes CNSC staff's conclusions regarding the potential environmental effects, the proposed mitigation measures and the significance of adverse environmental effects, as well as follow-up program requirements.

The CNSC will draft the EA report, synthesizing the applicant's technical information and taking into consideration the results of the technical review, including any comments received from other parties.

**Step 12.1: External review period**

In accordance with section 20 of the CEAA 2012, the CNSC may request other FAs to review the EA report. Comments received will be considered in the development of the EA report.

Depending on the outcome of the public participation determination, a public review period may be conducted to solicit the views of the public and Aboriginal groups on the EA report. Identified Aboriginal groups will be sent a notification, which outlines the timelines and process by which to submit comments. Comments received will be dispositioned and included in the CMD prepared in the next step.

The applicant shall address concerns raised during the external review period, if needed and as determined by the CNSC.

**Step 12.2: Drafting and submission of a CMD on the EA report**

CNSC staff will prepare a CMD summarizing the main conclusions of the EA report and outlining the decisions that need to be made in relation to the EA. The CMD and EA report are submitted to the Commission, along with any public comments and associated staff responses, to inform its EA decision.

**Step 13: Commission hearing on the EA report**

The Commission considers information during a hearing and then renders an EA decision.

For public hearings, a “notice of public Commission hearing” is posted on the CNSC Web site at least 60 days before the scheduled hearing. Identified Aboriginal groups will be sent the notice of public Commission hearing, and will be provided information on the process by which to intervene. This is to enable interested parties to request intervenor status from the Commission for the public hearing and to send their comments on the EA.

Public hearings are usually held at the CNSC headquarters in Ottawa, but the Commission may decide to hold such a hearing in a community in the vicinity of the proposed project.

The exact nature of the public hearing will depend on whether the project is following an integrated or sequential EA and licensing process. This will be detailed in the notice of public Commission hearing.

An EA decision will be taken only when the Commission is satisfied that it has sufficient information to do so.

**Step 14: Commission decision on the EA**

Following the public hearing, the Commission must render a decision on the EA whether the project is likely to cause significant adverse environmental effects, taking into account mitigation measures that were identified during the EA, before a licensing decision can be made to allow the project to proceed.

When the Commission concludes that a project is not likely to cause significant adverse environmental effects in accordance with subsection 52(1) of the CEAA 2012, the Commission, in accordance with section 53, must establish through the licensing process, the mitigation measures and follow-up activities that the applicant of the proposed project must take.

When the Commission concludes that a project is likely to cause significant adverse environmental effect in accordance with subsection 52(2) of the CEAA 2012, the Commission must refer to the Governor in Council the matter of whether those effects are justified in the circumstances.

After the Commission has rendered its EA decision, the *Record of Proceedings, Including Reasons for Decision* is issued through the Commission’s Secretariat and posted on the CNSC Web site and the CEAR. Identified Aboriginal groups and the CNSC subscription list will be notified when an EA decision is published.

**Note:** Should the conduct of the EA, or any part thereof, be delegated to another jurisdiction, as described in step 4, the Commission must render an EA decision before a regulatory decision can be made.

## Acronyms

CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</i>
CEAR	Canadian Environmental Assessment Registry
CMD	Commission member document
DO	designated officer
EA	environmental assessment
EIS	environmental impact statement
FA	federal authority
MPMO	Major Projects Management Office
RA	responsible authority

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### Appendix A: Conduct of an EA under the NSCA

The EA under the NSCA is a component of the CNSC licensing process, and is completed during the technical review of the licence application. CNSC staff will determine early in the review the participation opportunities to be provided during the licensing process, as discussed in section 3, step 3.

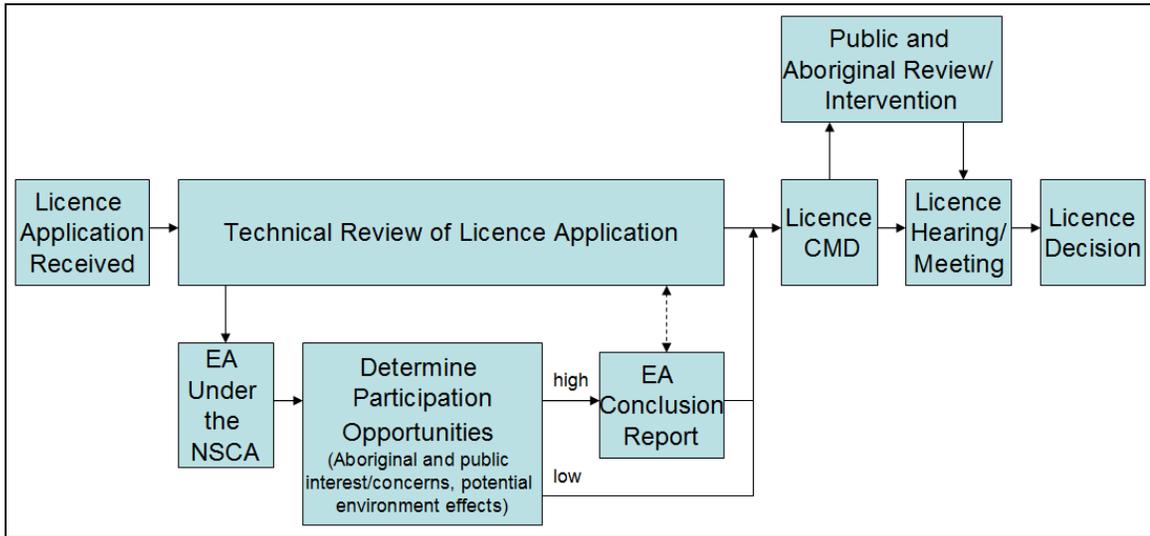


Figure 1. The EA under the NSCA is completed during the CNSC technical review of the licence application.

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## **Appendix B: Criteria for Determining Public Participation**

### **B.1 Overview**

#### **B.1.1 Purpose**

This appendix outlines the criteria-based approach used to support making the following determinations:

- the participation opportunities, and the need for and scope of the EA Conclusion Report under the NSCA
- the level of public participation for an EA under the CEAA 2012

The purpose of this appendix is to provide guidance to CNSC staff in making the appropriate EA determination and to ensure participation opportunities are identified early in the regulatory process. This information is also intended for all stakeholders, including the public and Aboriginal groups, to gain a better understanding of the process and criteria used by the CNSC in making the appropriate determination.

This criteria-based approach ensures that the CNSC implements a consistent, impartial, effective and transparent process that ensures Aboriginal groups and public participation in CNSC regulatory activities.

#### **B.1.2 Scope**

This appendix should be used by CNSC staff upon receipt of a licence application for a proposed project.

For EAs under the NSCA, this appendix may be used to support the determination of participation opportunities (section 3, step 3), and the need for and scope of the EA Conclusion Report (section 3, step 8) for EAs conducted under the NSCA.

For EAs under the CEAA 2012, this appendix should be used to complete the public participation determination (section 6, step 6), once it has been determined that an EA under the CEAA 2012 is required. The public participation determination will identify the participation opportunities to be provided during the conduct of the EA.

### **B.2 Assessment of criteria**

The specific criteria are provided below, along with a brief description of the factors that can be considered when assessing the criteria.

#### **B.2.1 Public and Aboriginal interest criteria**

This section is intended to describe each public and Aboriginal interest criterion. The criteria are provided in table 6, along with the assessment factors.

**Table 6: Public and Aboriginal interest criteria and related assessment factors**

No.	Criterion	Assessment factors
1	<p>There is an indication of existing or likely public or Aboriginal interest in:</p> <ul style="list-style-type: none"> <li>• the type of project</li> <li>• the location of the project</li> <li>• the ways the project might affect the community</li> </ul>	<ul style="list-style-type: none"> <li>• Examine the nature of public interest for previous projects in the area, as well as for similar types of projects elsewhere.</li> <li>• Determine whether information requests or other comments have been received as a result of, for example, notices on the CEAR, the CNSC Web site or other jurisdictions.</li> <li>• Review any information gathered by the applicant through its public consultation efforts.</li> </ul>
2	<p>The project is likely to generate conflict between environmental and social or economic values of concern to the public or Aboriginal groups.</p>	<ul style="list-style-type: none"> <li>• Review past projects of a similar type or location to determine whether there were value conflicts and, if so, how they were addressed.</li> <li>• Determine whether value conflicts have been expressed by potentially interested parties.</li> <li>• Determine whether the EA process will be able to reconcile competing interests by bringing together diverse sets of knowledge and expertise.</li> <li>• Explore whether the potential value conflicts can be addressed in the EA process.</li> </ul>
3	<p>The project could be perceived as having significant adverse environmental effects (including cumulative environmental effects and effects of malfunctions and accidents).</p>	<ul style="list-style-type: none"> <li>• Determine whether interested parties have expressed concern about potential significant adverse environmental effects from the project.</li> <li>• Review past projects of a similar type and location, identify whether significant adverse environmental effects were perceived and, if so, consider whether these concerns may arise again with the current project.</li> <li>• Consider whether there are other indications that the proposed project may be perceived to have the potential to cause significant adverse environmental effects.</li> <li>• Assess whether the public may benefit from more information about the proposed project to avoid misperceptions, or to clarify or substantiate perceptions.</li> </ul>
4	<p>There is potential to learn from community knowledge or Aboriginal traditional knowledge.</p>	<ul style="list-style-type: none"> <li>• Determine if communities or Aboriginal groups have provided knowledge in the past.</li> <li>• Assess whether there is potential to learn something new for this project from community knowledge or Aboriginal traditional knowledge.</li> <li>• Verify whether members of communities or Aboriginal groups have suggested traditional</li> </ul>

No.	Criterion	Assessment factors
		<p>knowledge that should be considered during the EA process.</p> <ul style="list-style-type: none"> <li>• Review any information gathered by the applicant through its Aboriginal engagement efforts.</li> <li>• Determine whether it is possible to obtain relevant information through the direct participation of members of a community or Aboriginal group.</li> </ul>
5.	<p>The proposed project is likely to have an impact on established or asserted Aboriginal or treaty rights and titles. The Crown's duty to consult with Aboriginal peoples is likely triggered.</p>	<ul style="list-style-type: none"> <li>• Identify Aboriginal groups that may be interested in the proposed project.</li> <li>• Determine whether any Aboriginal groups may be impacted due to project activities being carried out.</li> <li>• Identify Aboriginal groups that may be involved in litigation related to the proposed project.</li> </ul>

### B.2.2 Environmental characterization and potential effects criteria

This section is intended to describe each environmental characterization and potential effects criterion. The criteria are provided in table 7, along with the assessment factors.

**Table 7: Environmental characterization and potential effects criteria**

No.	Criterion	Assessment factors
1.	The site has a high degree of environmental and program characterization.	<ul style="list-style-type: none"> <li>• Identify if the project is taking place on an existing licensed site.</li> <li>• Determine whether the project represents a incremental change to the site and/or a facility on site.</li> <li>• Find out if previous EAs or environmental risk assessments conducted at the site resulted in a high degree of environmental characterization.</li> <li>• Assess whether environmental and other related site programs meet CNSC expectations.</li> </ul>
2.	The direct and indirect environmental effects of the project are understood.	<ul style="list-style-type: none"> <li>• Identify whether there is a lack of information regarding the potential for environmental effects.</li> <li>• Find out if previous assessments have been conducted for similar projects.</li> <li>• Determine whether direct or indirect effects of similar past projects have been observed.</li> </ul>
3.	The applicant and the CNSC have a high degree of familiarity with the proposed technology and required mitigation measures included in the project.	<ul style="list-style-type: none"> <li>• Determine if the technology is new or unproven.</li> <li>• Determine if potential mitigation measures are new or unproven.</li> <li>• Review past performance of technology and mitigation.</li> </ul>
4.	The proposed project is not likely to pose any significant adverse effects on the environment or the health of workers and the public, including cumulative effects or effects that may arise as a result of accidents or malfunctions.	<ul style="list-style-type: none"> <li>• Identify whether there is a lack of information regarding the potential for significant environmental effects.</li> <li>• Determine what previous assessments have been concluded with respect to the significance of effects for similar projects.</li> <li>• Determine if the project involves replacing or improving an existing component of a facility.</li> </ul>

### B.2.3 Additional factors

This section is intended to describe additional factors that may be considered in making the applicable EA-related determinations.

If appropriate, the CNSC may consider other information, including but not limited to:

- whether the EA or licensing decision will be made by the Commission or a DO
- whether the proposed project involves other jurisdictions, responsible authorities or applicable public participation processes
- whether the potential for funding from the CNSC's Participant Funding Program or outputs from that funding warrants any additional public participation opportunities

### **B.3 Application of criterion**

Applying the criteria is a four-step process:

1. Document the rationale for determination:
  - a. Collect and evaluate information by using the assessment factors identified in tables 6 and 7 as guidance, along with any other relevant information.
  - b. Document a summary of the evaluation for each criterion in the "Rationale for determination" part of the "EA Determination Form".
2. Determine the score:
  - a. Using the results of step 1 above and applying professional experience and judgment, determine the score for each criterion and record it (i.e., enter a check mark) in the appropriate column in the "Public and Aboriginal interest criteria" and "Environmental characterization and impact criteria" parts of the determination form.
  - b. Determine the subtotals for these two sets of criteria and derive an overall total, as per the determination form.
3. Consider any additional factors:
  - a. In the "Additional factors" part of the form, document any additional factors considered and their impact on the overall conclusion.
4. Draw a conclusion:
  - a. Determine the total criteria score, reflecting the subtotals for the public and Aboriginal interest criteria and for the environmental characterization and effects criteria, and reflecting adjustments to the scoring from consideration of any additional factors.
  - b. Apply the corresponding conclusion (very low, low, moderate or high) in the determination form, as appropriate, to the EA process under the NSCA (section 3, step 3 and 8) or the EA process under the CEAA 2012 (section 6, step 6).

**EA Determination Form**

<b>Public and Aboriginal interest criteria</b>		<b>Very low</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>
1.	There is an indication of existing or likely Aboriginal groups' or public interest in: <ul style="list-style-type: none"> <li>• the type of project</li> <li>• the location of the project</li> <li>• the ways the project might affect the community</li> </ul>				
2.	The project is likely to generate conflict between environmental and social or economic values of concern to the public or Aboriginal groups.				
3.	The project could be perceived as having the potential for significant adverse environmental effects (including cumulative environmental effects and effects of malfunctions and accidents).				
4.	There is potential to learn from community knowledge or Aboriginal traditional knowledge.				
5.	The proposed project is likely to have an impact on established or asserted Aboriginal or treaty rights and titles. The Crown's duty to consult with Aboriginal peoples is likely triggered.				
Count number of check marks in each column:					
Multiply by:		x 0	x 1	x 2	x 3
Subtotal:					
<b>Total public and Aboriginal interest criteria</b>					

Environmental characterization and impact criteria		Yes (true)	Uncertain	No (false)
1.	The site has a high degree of environmental and program characterization.			
2.	The direct and indirect environmental effects of the project are understood.			
3.	The applicant and the CNSC have a high degree of familiarity with the proposed technology and required mitigation measures included in the project.			
4.	The proposed project is not likely to pose any significant adverse effects on the environment or the health of workers and the public, including cumulative effects or effects that may arise as a result of accidents or malfunctions.			
Count number of check marks in each column:				
Multiply by:		x1	x2	x3
Subtotal:				
Total public and Aboriginal interest criteria score				
Total environmental characterization and impact criteria score				
<b>Total criteria score</b>				

**Additional Factors:** (Describe what impact any additional factors identified may have on the overall conclusion.)

**Conclusion:**

Very low 0 to 5	<input type="checkbox"/>
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Low 6 to 10	<input type="checkbox"/>
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Moderate 11 to 20	<input type="checkbox"/>
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High 21 to 27	<input type="checkbox"/>
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<b>Rationale for determination</b>
<b>Public and Aboriginal interest criteria</b>
Criterion 1
Criterion 2
Criterion 3
Criterion 4
Criterion 5
<b>Environmental characterization and impact criteria</b>
Criterion 1
Criterion 2
Criterion 3
Criterion 4
<b>Additional factors</b>

### Appendix C:EA Under the CEAA 2012 and the CNSC Licensing Process

The EA process under the CEAA 2012 and the CNSC licensing process may be completed in an integrated or sequential approach. If an EA is completed in an integrated approach, the technical reviews are conducted concurrently to facilitate a single EA and licensing CMD, hearing/meeting and decision. If an EA is completed in a sequential approach, the EA decision must be rendered before the Commission considers a licensing decision.

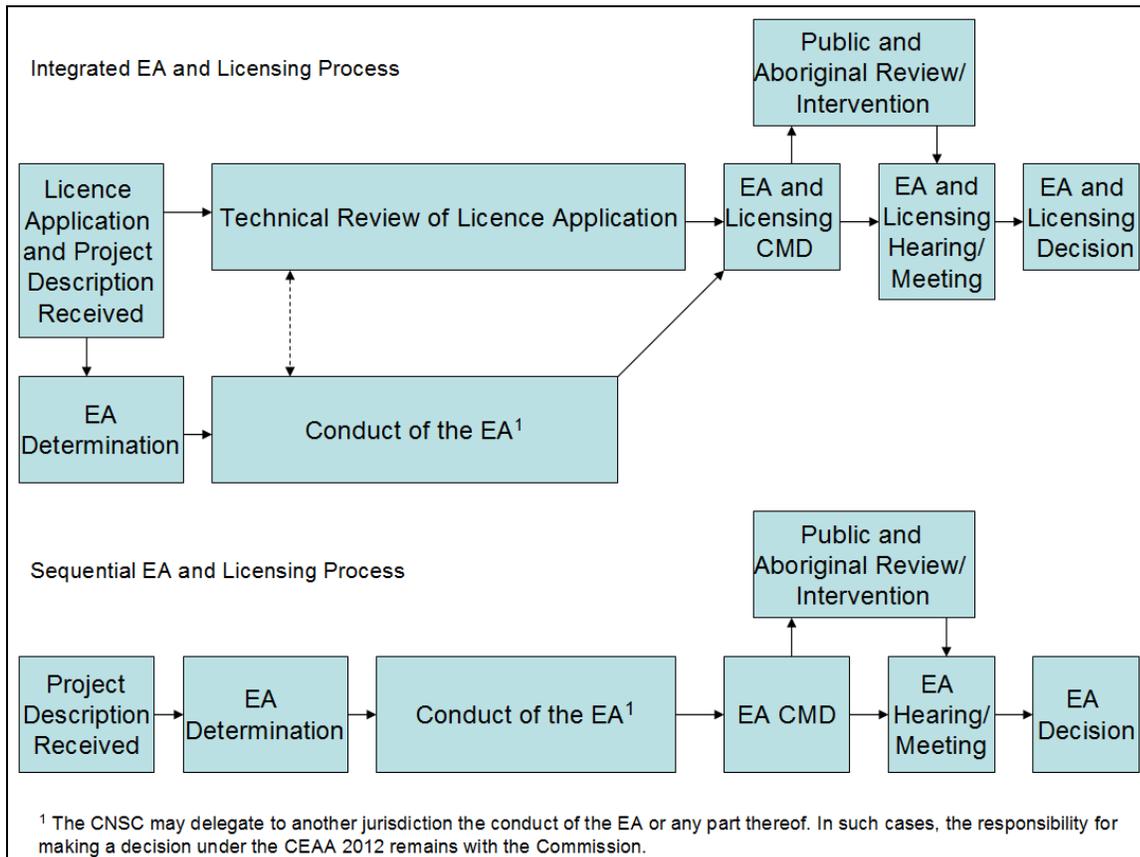


Figure 2. The integrated and sequential approach to conducting EAs under the CEAA 2012 with the CNSC licensing process.

## Appendix D: Environmental Assessment Timelines under the CEAA 2012

The timelines presented below show the number of days estimated for each step of the EA process conducted by the CNSC in accordance with the CEAA 2012. All days are considered as calendar days. Should the conduct of the EA, or parts thereof, be delegated to another jurisdiction, expect similar timelines where agreed to by other jurisdictions.

**Table 4: EA timelines under the CEAA 2012**

Step	EA process
1. Applicant conducts pre-project consultation	—
2. Applicant submission of a licence application and project description	—
3. EA determination*	—
4. Federal, provincial and territorial coordination	30
5. Notice of EA commencement	5
6. Determination of participation opportunities	5
7. Establishment of EA timelines	5
8. EA guidelines	15–45
8.1 Extended review period	0–30
8.2 Drafting and submission of a CMD on EA guidelines	20–44
9. Commission hearing on EA guidelines	21
9.1 Finalize and issue EA guidelines	0–45
10. Conduct of EA technical studies	TBD
11. Technical review	75–195
11.1 External review	↔
12. EA report	40–75
12.1 External review period	30–60
12.2 Drafting and submission of a CMD on the EA report	20–55
13. Commission hearing on EA report	30–140

Step	EA process
14. Commission decision on the EA	1-30
Total days	272-730

— Time required to complete this step is not included in the EA process, as the process is not formally triggered until after the EA determination is rendered.

\* Although this time is not included in the overall timelines, 5-10 days is required to make an EA determination upon receipt of all necessary information.

↔ Time required to complete this step is included in the previous step.

TBD Time required to complete this step is determined by the applicant.

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## Glossary

### **Aboriginal**

Section 35 of *Canada's Constitution Act, 1982*, identifies Aboriginal peoples of Canada as the Indian (First Nations), Inuit and Métis peoples of Canada.

### **applicant**

The organization that submits an application and will be authorized by a licence from the CNSC to prepare a site. The applicant will have the overall responsibility, and the controlling and coordinating authority, for overseeing the safe and satisfactory completion of all site preparation work. The applicant is usually the responsible organization that will oversee the construction and operation of the facility or the operating organization. Where this is not the case, responsibility for the facility and its safety nevertheless continues to reside with the applicant, which must supervise the activities of an operating organization that operates the facility.

### **direct effect**

A consequence of a cause–effect relationship between a project and a specific environmental component.

### **environmental assessment**

An assessment of the environmental effects of a project that is conducted under the *Nuclear Safety and Control Act* and its Regulations, or under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and its Regulations.

### **environmental assessment report**

A report prepared in accordance to the requirements of the CEAA 2012 presenting the views of the responsible authority regarding a project's environmental effects, mitigation measures and the significance of any adverse effects after taking the mitigation measures into account.

### **environmental impact statement**

A document that presents the findings of an environmental assessment.

### **indirect effect**

A secondary environmental effect that occurs as a result of a change that a project may cause in the environment. An indirect effect is at least one step removed from a project activity in terms of cause–effect linkages.

### **cumulative effect**

The environmental effects that are likely to result from a project in combination with the environmental effects of other past, existing and future projects or activities.

### **licensing basis**

A set of requirements and documents for a regulated facility or activity comprising:

- the regulatory requirements set out in the applicable laws and regulations
- the conditions and safety and control measures described in the facility's or activity's licence and the documents directly referenced in that licence
- the safety and control measures described in the licence application and the documents needed to support that licence application

**subscription list**

A collection of email addresses used by the CNSC to send material to multiple recipients.

## References

1. *Canadian Environmental Assessment Act, 2012*, Ottawa, Canada, 2012
2. Canadian Nuclear Safety Commission, *Codification of Current Practice: Canadian Nuclear Safety Commission (CNSC) Commitment to Aboriginal Consultation*, Ottawa, Canada, 2011.
3. Minister of the Department of Aboriginal Affairs and Northern Development Canada, *Aboriginal Consultation and Accommodation – Updated Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*, March 2011.
4. *Regulations Designating Physical Activities*, Ottawa, Canada, 2012
5. *Prescribed Information for the Description of a Designated Project Regulations*, Ottawa, Canada, 2012

## Additional Information

Additional information may be found in:

1. Canadian Environment Assessment Agency, *Operation Policy Statement – Projects on Federal Lands and Outside Canada under the CEAA, 2012*, Ottawa, Canada, 2013
2. Canadian Nuclear Safety Commission (CNSC), REGDOC-2.9.1, *Environmental Protection: Policies, Programs and Procedures*, Ottawa, Canada, 2013
3. CNSC, P-223, *Protecting the Environment*, Ottawa, Canada, 2001
4. CNSC, RD/GD-99.3, *Public Information and Disclosure*, Ottawa, Canada, 2012
5. CNSC, *Participant Funding Program*, Ottawa, Canada, 2012  
<http://www.nuclearsafety.gc.ca/eng/the-commission/participant-funding-program/index.cfm>
6. CSA Group, N288.1, *Guidelines for Calculating Derived Release Limits for Radioactive Material in Airborne and Liquid Effluents for Normal Operation of Nuclear Facilities*, Toronto, Canada, 2008
7. CSA Group, N288.4, *Environmental Monitoring Programs at Class I Nuclear Facilities and Uranium Mines and Mills*, Toronto, Canada, 2010
8. CSA Group, N288.5, *Effluent Monitoring Program at Class I Nuclear Facilities and Uranium Mines and Mills*, Toronto, Canada, 2011
9. CSA Group, N288.6, *Environmental Risk Assessment at Class I Nuclear Facilities and Uranium Mines and Mills*, Toronto, Canada, 2012
10. International Organization for Standardization, CAN/ISO 14001, *Environmental Management Systems – Requirements with Guidance for Use*, Geneva, 2004

## CNSC Regulatory Document Series

Facilities and activities within the nuclear sector in Canada are regulated by the Canadian Nuclear Safety Commission (CNSC). In addition to the *Nuclear Safety and Control Act* and associated regulations, these facilities and activities may also be required to comply with other regulatory instruments such as regulatory documents or standards.

Effective April 2013, the CNSC's catalogue of existing and planned regulatory documents has been organized under three key categories and twenty-five series, as set out below. Regulatory documents produced by the CNSC fall under one of the following series:

### 1.0 Regulated facilities and activities

Series	1.1	Reactor facilities
	1.2	Class IB facilities
	1.3	Uranium mines and mills
	1.4	Class II facilities
	1.5	Certification of prescribed equipment
	1.6	Nuclear substances and radiation devices

### 2.0 Safety and control areas

Series	2.1	Management system
	2.2	Human performance management
	2.3	Operating performance
	2.4	Safety analysis
	2.5	Physical design
	2.6	Fitness for service
	2.7	Radiation protection
	2.8	Conventional health and safety
	2.9	Environmental protection
	2.10	Emergency management and fire protection
	2.11	Waste management
	2.12	Security
	2.13	Safeguards and non-proliferation
	2.14	Packaging and transport

### 3.0 Other regulatory areas

Series	3.1	Reporting requirements
	3.2	Public and Aboriginal engagement
	3.3	Financial guarantees
	3.4	Commission proceedings
	3.5	Information dissemination

**Note:** The regulatory document series may be adjusted periodically by the CNSC. Each regulatory document series listed above may contain multiple regulatory documents. For the latest list of regulatory documents, visit the CNSC's Web site at [nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents](http://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents)