



Environmental Assessments at the CNSC

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What is an Environmental Assessment?

An Environmental Assessment (EA) is a planning tool that federal departments and agencies use to identify the possible environmental effects of a proposed project and to determine if those effects can be mitigated. An EA is conducted before a project is allowed to proceed.

When considering certain licensing decisions, the Canadian Nuclear Safety Commission (CNSC) has EA obligations and responsibilities under the *Canadian Environmental Assessment Act (CEAA)*, which is the basis for federal EAs in Canada.

What are the different types of Environmental Assessment?

There are three types of EAs: screenings, comprehensive studies and review panels. Each offers a systematic approach to documenting the environmental effects of a proposed project and determining the need to eliminate or minimize (mitigate) the adverse effects if any, to modify the project plan or to recommend further assessment.

A **screening** is usually conducted for projects that are unlikely to cause significant adverse environmental effects.

A **comprehensive study** is typically conducted for a large, complex project with the potential for significant adverse environmental effects and that may also generate significant public interest or concern.

Quick Facts

- An Environmental Assessment (EA) is a planning tool to identify and minimize the possible environmental effects of a proposed project, conducted before the project is allowed to proceed.
- In accordance with the *Canadian Environmental Assessment Act* and its regulations, CNSC manages EAs to make sure nuclear projects are safe for the environment.
- The CNSC's EA process is slightly different than EA processes at other federal departments and agencies because the Commission Tribunal makes most EA decisions.
- The CNSC manages approximately 25 EAs every year.
- EAs provide an opportunity for public and Aboriginal participation, which strengthens the quality of the EA.



A proposed project can be referred to a **review panel** or mediator if it is determined it will likely have significant adverse environmental effects, if its potential effects are uncertain, or if public concern warrants a referral.

What is a review panel?

A review panel is a group of experts who are selected for their knowledge and expertise to conduct an EA and submit recommendations to the Minister of the Environment and to the Responsible Authority (RA) for their consideration in subsequent decision-making. The RA is the federal department or agency that has a regulatory role with respect to the project and must ensure that the EA is completed.

A joint review panel is used for a project that requires a decision from the federal government and another level of government or government agency, such as the CNSC. Typically, a joint review panel is established under a Memorandum of Understanding that is reviewed by the public before it is finalized.

What triggers an Environmental Assessment?

Under the CEAA, an EA is triggered when a federal department or agency:

- proposes a project
- provides financial assistance to an applicant (proponent)
- sells, leases or otherwise transfers the control or administration of federal land
- provides a licence, permit or approval

For the CNSC, an EA is typically triggered because a licence must be amended, approved or issued. These licences can be to prepare, construct, operate, decommission or abandon a site.

What type of CNSC projects need an Environmental Assessment?

For the CNSC, an EA may be conducted for the following typical projects:

- nuclear power plants
- heavy water production plants
- uranium mines and mills
- processing and research facilities
- radioactive waste management facilities

Why is an Environmental Assessment important?

The EA process provides a coordinated, thorough review of environmental, socio-economic and cultural issues associated with a proposed project. An EA enables the decision maker to consider environmental factors, as well as the views of potentially affected Aboriginal groups and the public, and therefore could help minimize or avoid potential adverse environmental effects.

An EA can also determine alternative actions, methods or locations, and other means of carrying out a project to help minimize any potential adverse environmental effects.

EAs provide an opportunity for public and Aboriginal participation. Groups and/or individuals can provide important information on local and traditional knowledge about a proposed project's site and potential environmental effects, as well as voice concerns and ask questions. This in turn, strengthens the quality of the EA.

What is looked at during an Environmental Assessment?

EAs consider environmental features or qualities that a community values. This involves assessing both environmental components (i.e. air, water and land) and human components (i.e. human health, traffic and aboriginal interests).

What is the CNSC's regulatory process?

The CNSC's EA process is slightly different than EA processes at other federal departments and agencies because the Commission Tribunal makes most EA decisions.

When a proponent submits a licence application for the CNSC's consideration, the CNSC must determine if an EA is required and if so, decide on the type of EA (screening, comprehensive study or review panel) to be conducted. If an EA is required, the EA decision must happen before any licensing action.

The CNSC is responsible for ensuring an EA is carried out and the Commission Tribunal is responsible for determining if a project is likely to cause significant adverse environmental effects. As the RA, the CNSC notifies other federal departments and agencies to determine if they have a responsibility to conduct an EA (they would also be a RA) or can contribute expert knowledge or information. A federal department or agency that contributes expert knowledge or information is called a Federal Authority (FA).

The CNSC ensures that all its licensing decisions under the *Nuclear Safety and Control Act* and EA decisions under the *Canadian Environmental Assessment Act* uphold the honour of the Crown and consider Aboriginal peoples' potential or established Aboriginal or treaty rights pursuant to sections 35 of the *Constitution Act, 1982* (together, the Aboriginal Interests).

How are the provinces and territories involved in an Environmental Assessment?

The CNSC ensures that provincial and territorial departments are notified of the proposed project, as both federal and provincial/territorial EA legislation may apply. Most provinces and territories have EA cooperation agreements with the federal government that aim to prevent duplication by ensuring a project is subject to only one EA that will enable both levels of government to meet legal requirements.

Insofar as its statutory functions allow, the CNSC supports a whole-of-government approach to Aboriginal consultation, with an aim to coordinating consultative efforts with other federal, provincial, and/or territorial regulatory departments and agencies through a one-window approach, with respect to EA and licensing activities.

How is the scope of an Environmental Assessment determined?

The CNSC, other potential RAs and FAs determine how the EA will be conducted and the scope of what should be assessed, including issues and impacts that are likely to be important. The project scope, factors to be considered in the EA, and the scope of these factors are outlined in the Scoping Information Document produced by CNSC staff. In some jurisdictions (e.g. Saskatchewan) a similar document referred to as the “Environmental Impact Statement Guidelines” is used. The Commission Tribunal reviews and approves the Scoping Information Document.

What is an Environmental Impact Statement?

Once the Commission Tribunal approves the Scoping Information Document, the proponent uses it to conduct technical studies, from which it develops an Environmental Impact Statement (EIS). The technical studies and EIS consider the proposed project’s implications and ensure that any measures to protect the environment as a result of the project are implemented.

The proponent submits the results of the technical studies and EIS to the CNSC for analysis and evaluation to ensure the EIS is adequate, accurate and complete. Based on the comments, the EIS is accepted or revised, or additional studies are carried out.

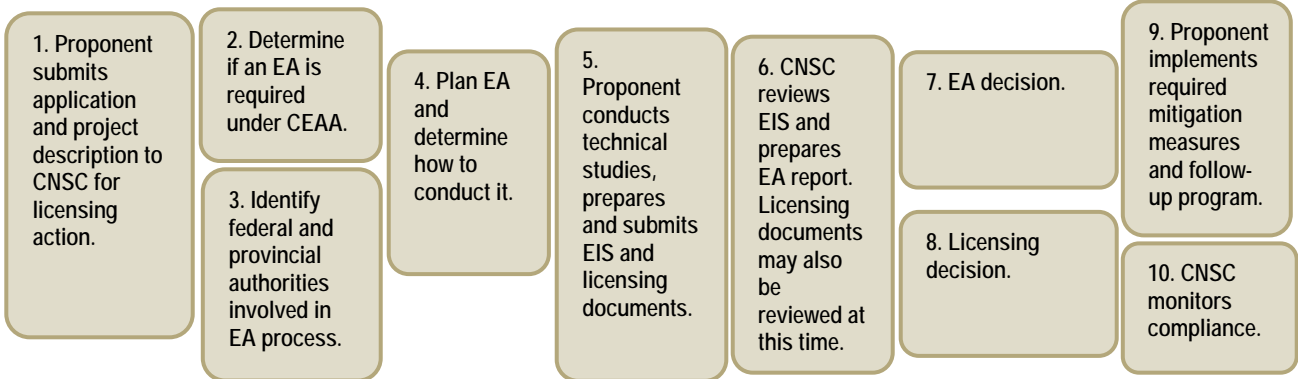
What does the CNSC do with the results of the technical studies and Environmental Impact Statement?

The CNSC prepares a Screening Report or a Comprehensive Study Report (CSR) that summarizes the findings of the technical studies and EIS. These documents contain CNSC staff recommendations to the Commission Tribunal about the outcome of the EA (if there are expected adverse environmental effects that are likely to be significant), along with additional mitigation measures and follow-up programs that may be required.

The Screening Report or CSR is made available for public comment on the CNSC’s Web site (nuclearsafety.gc.ca) and on the Canadian Environmental Assessment Agency’s Web site (ceaa.gc.ca). Additionally, the CNSC directly sends project documentation to potentially impacted Aboriginal groups for review and requests information relating to any potential adverse impacts on potential or established Aboriginal or treaty rights. All comments received from the public and Aboriginal groups are part of the public record and the CNSC thoroughly reviews all submissions. Public comments and concerns along with explanations of how each was addressed in the Screening Report or CSR. These comments are issued to assist the Commission Tribunal, the proponent and other RAs in evaluating the environmental acceptability of the project.

Who makes the decision on the Environmental Assessment?

Once the review of the environmental impact information is complete for a Screening Report or CSR, a decision is made by the Responsible Authority on whether the project is likely to cause significant adverse environmental effects. Decisions on screenings are made by the Commission Tribunal. Decisions on comprehensive studies are made by the Minister of the Environment. When there is a Review Panel, the Panel makes recommendations to the Minister of the Environment who then makes the EA decision.



Can a proponent begin undertaking project activities immediately following a positive EA decision?

No. Before the proponent can undertake any project activities that are within the scope of the EA, a positive licensing decision is required. It is up to the proponent to submit all necessary documentation in order to fulfill CNSC licensing requirements before a licensing decision can be made. Only after a positive licensing decision is made can the proponent begin work.

Does the proponent have to carry out the project exactly as proposed in the EA?

No. The EA is a planning tool. As project activities may only be conceptual at the EA stage, changes in project activities may occur during the detailed design stage. The CNSC licence and compliance process ensures any changes are within the bounds of the EA prior to their authorization and commencement.

How does the CNSC ensure the environment is protected during project activities?

Following the completion of the EA, the CNSC licensing process identifies the appropriate licence conditions required to ensure adequate monitoring to protect the environment during project activities. For an existing licence, this is often achieved through revisions to existing licence conditions, site programs and facility manuals, which must be adhered to in accordance with the site licence.

The CNSC requires licensees to report to the CNSC on an annual basis (in some cases monthly or quarterly) on the monitoring results of site programs, including the mitigation measures undertaken. The CNSC may also require specific project activities that were identified in the EA as having the potential to cause negative environmental effects to be monitored and reported in an annual EA Follow-up Report.

In addition to respecting regulatory limits, licensees are required to implement the “as low as reasonable achievable” (ALARA) principle in decision making and normal operations. The ALARA principle is a commitment to keeping radiation exposure and dose levels to as low as reasonably achievable, social and economic factors being taken into account.

How and when do the public and Aboriginal groups get involved?

At the beginning of the EA process, the CNSC identifies members of the public, Aboriginal groups and not-for-profit organizations who may be affected by a proposed project or who may have an interest in a project, and determines the need for consultation. During the screening and comprehensive study EA processes, the public and Aboriginal groups may participate in one or more of the following activities:

- review of the Scoping Information Document produced by CNSC staff
- review of the EIS and technical documents produced by the proponent
- review of the Screening Report or Comprehensive Study Report produced by CNSC staff
- Commission Tribunal hearings
- CNSC-led public and/or Aboriginal consultation sessions
- proponent-led public consultation sessions
- province or territorial-led public and/or Aboriginal consultation sessions

What is participant funding?

The Canadian Environmental Assessment Agency administers a Participant Funding Program (PFP) which provides money to help members of the public, not-for-profit organizations and Aboriginal groups prepare for and participate in key stages of the federal EA process.

The CNSC will be launching its own PFP in 2011. The CNSC's PFP will be made available to stakeholders to participate in Commission proceedings that consider significant issues of interest to the public or to Aboriginal peoples in the vicinity of a proposed site or a currently licensed site.

For more information:

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