



DRAFT

Process Improvement Initiatives for Screening Environmental Assessments at the CNSC

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Process Improvement Initiatives for Screening Environmental Assessments at the CNSC

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1. Introduction

In this Section This section contains the following topics:

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Background Since 2005, Canadian Nuclear Safety Commission (CNSC) staff has been conducting a thorough program review of its Screening-level Environmental Assessment (EA) process, both at the staff-level and at the Commission Tribunal (Commission) level.

The objective of the EA program review was to identify areas where improved efficiencies could be implemented while ensuring the continued transparency and openness of the current EA process.

As a result of this review process, staff identified a number of improvement initiatives to help streamline Screening EAs at the CNSC, and the ensuing licensing process.

Intent of this Document The *Process Improvement Initiatives for Screening Environmental Assessments at the CNSC* aims to provide all parties involved in a Screening-level EA at the CNSC with clearly defined processes to follow and tools to work with in order to complete the EA effectively and efficiently.

The proposals in this document are intended to help the CNSC:

- implement a more efficient and effective decision-making process that reflects the requirements of the *Canadian Environmental Assessment Act* for Screening-level EAs;
 - formalize a new integrated EA process for complex Screening-level EAs; and
 - formalize a streamlined EA process for smaller and less complex Screenings.
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1.1 Change Drivers for EA Initiatives

Commission Direction on EA Initiatives

The initiatives described in this document follow changes that were approved by the Commission in June 2003 and documented in the February 2004 “Guidelines for Environmental Assessments Pursuant to the Requirements of the *Canadian Environmental Assessment Act*”.

They also follow the Commission’s recommendations issued in the March 2005 “Minutes of the Canadian Nuclear Safety Commission’s Public Meeting”.

Major Projects Management Office (MPMO)

The Major Projects Management Office (MPMO) was recently established to improve the performance of the federal regulatory system for major natural resource projects, in collaboration with other federal departments and agencies.

The MPMO will track and monitor all aspects of major resource project developments from the environmental assessment stage, to regulatory permitting and authorizations required for operations to commence, through to follow-up monitoring.

The MPMO indicated its intent to track complex Screenings, comprehensive studies and review panels and requested that regulatory agencies improve their processes to achieve a 24-month regulatory process, from the initiation of an EA to the issuance of a licence.

Other GOC Streamlining Commitments

Streamlining the CNSC’s EA process (as well as the ensuing licensing process) is also supported under a government-wide regulatory streamlining umbrella aiming to improve the Government of Canada’s regulatory performance.

In fact, the MPMO and the related investments in the regulatory system are complementary to a number of other initiatives announced in the Federal Budget (2007).

For example, the Government of Canada:

- implemented a new regulatory policy, the Cabinet Directive on Streamlining Regulation
 - committed to reducing the regulatory and administrative paper burden on small business by 20 percent
 - committed \$22 million over two years to enhance its environmental law enforcement capacity.
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1.2 Current CNSC EA and Licensing Process

CNSC Screenings

At the CNSC, over 85% of all EAs being carried-out are Screening-level EAs.

Because the Commission must make most of the licensing decisions at the CNSC, the Commission is also Responsible Authority (RA) under the CEA Act. A CNSC Designated Officer may also be an RA under the CEA Act.

An EA is triggered when a proposed project requires that the CNSC Commission (or a Designated Officer) perform one of the following:

- issue a licence
- amend a licence
- give an approval pursuant to a licence condition.

Within the Screening category of EAs, projects can have different levels or degrees of technical complexity and of anticipated impacts on the environment.

Examples of Screenings

Some CNSC projects are larger and more complex, such as the refurbishment of a power reactor or the mining and milling of an ore body, while others are relatively small such as the demolition of a small structure or the diversion of a clean waste stream to municipal landfill.

For example, the [Decommissioning of heavy water upgrading plant](#) at Chalk River Laboratories is a smaller and lower-risk project than the larger, more complex proposed [Pickering B Refurbishment and Continued Operation](#) project. Both are nonetheless initiated as Screening-level EAs under the CEAA.

Length of Screenings

The CNSC completed over 25 screenings since 1998, the duration of which ranged from 8 months to 6 years 11 months.

Number of Completed EAs	Length of Time Taken to Complete EAs
5	between 8 and 11 months
10	under 2 years
5	under 3 years
3	under 4 years
1	over 6 years

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1.2 Current CNSC EA and Licensing Process, Continued

Length of Screenings (continued)

There are over 24 ongoing screenings as of June 2008 at the CNSC. Some began back in November 2001 while some were triggered very recently.

Number of Ongoing EAs	Length of Ongoing Screenings
1	began 4 months ago (February 2008)
5	began between 1 year and 1 year 6 months ago (2007)
3	began 2 years 6 months ago (2006)
5	began over 3 years ago (2005)
5	began over 3 years 6 months ago (2004)
2	began 5 years 6 months ago (2003)
4	began over 6 years ago (2001-2002)

Examples of Actual EA Timelines

While the extra time may be warranted for more intricate or multi-jurisdictional screening-level EAs, it is not necessarily the case for many of the screenings conducted at the CNSC.

Examples of actual timelines for completed CNSC EAs are included in [Appendix D](#).

1.3 Overview of Current Process

Current CNSC EA Approach for Screenings

The CNSC currently applies a “one-size fits all” approach to its Screening-level EAs which does not account for project complexity.

No distinction is made between complex and smaller, lower-risk projects, and there is no adjustment of the EA decision-making process or public participation process in consequence.

Current Commission Hearings

Two different hearings are usually held by the Commission to review and make a decision on a Screening-level EA:

- First EA hearing at the Guidelines stage
 - to issue a decision on the scoping information contained in the guidelines; and
- Second EA hearing at the Screening Report stage
 - to make the EA decision for the project

After an EA decision is made by the Commission with a finding that the project is unlikely to cause significant adverse environmental effects:

- a Third Commission hearing is held
 - to consider potential licensing actions for the proposed project.

For each proposed project, when there are two EA hearings and a one-day licensing hearing, the hearing process alone can take between **300 and 435 days**. A breakdown of these timelines can be found in [Appendix B](#).

Public Participation Opportunities under Current Approach

During the conduct of the EA

CNSC staff typically leads consultation events for a large number of its EAs. Public consultation periods of 30 calendar days occur

- at the Guidelines stage; and
- at the Screening Report stage.

The CNSC may hold additional open houses or information sessions in the communities where the project is proposed to take place.

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1.3 Overview of Current Process, Continued

Public Participation Opportunities under Current Approach
(continued)

Proponent consultations

The CNSC encourages proponents to consult the public on their proposed projects. Proponent-led consultations typically occur during the conduct of technical studies (between the Guidelines stage and the Screening Report stage).

Proponents may also hold open houses, fairs, and information sessions or have public displays and brochures available for information at various stages, including prior to the initiation of a project.

At both EA hearings of the Commission

Other opportunities for public participation include those provided to intervenors at Commission hearings – first at the EA stage, and again for a potential licensing hearing. The Commission currently holds public hearings for the EA:

- at the Guidelines stage; and
- at the Screening Report stage.

At licensing hearings of the Commission

The Commission may then hold another public hearing for the licensing of a project, if the EA decision was that the project is unlikely to have significant adverse environmental effects.

Members of the public and other interested parties are often granted the opportunity to intervene in writing or orally before the Commission at public licensing hearings.

Current EA Guidelines

The EA Guidelines prepared by CNSC staff are currently presented for decision at a public hearing of the Commission. The Guidelines contain two major elements:

- Project-specific Scoping Information; and
- General EA instructions for proponents.

Between 2003 and 2004, after the coming into force of the amended CEAA, the Commission had a great deal of input into the current EA guidelines. All this information and input has been incorporated into what is now a standardized set of directives for proponents and a consistent methodology used by staff to develop the project-specific Scoping information.

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1.3 Overview of Current Process, Continued

Current EA Guidelines (continued)

Since 2004, the Commission has made no significant changes to either the scoping information, or the guidance contained in the Screening EA Guidelines for most of the CNSC's EAs. A list of Screening-level EAs and the scope of the Commission's changes is available for reference in [Appendix A](#).

The combined public participation and hearing process for a Commission decision on EA guidelines currently takes between **140 to 220 days** in total. A breakdown of these timelines is available in [Appendix B](#).

Technical Review of EA Information

Once a proponent submits their EA technical studies, CNSC technical specialists must review the information provided in the proponent's Environmental Impact Statement (EIS) and all other technical documents, to ensure that the information is accurate and detailed enough for Staff to develop the EA Screening Report.

This technical review of the EA information forms the basis for Staff's EA recommendation to the Commission or to the Designated Officer.

If Staff has any questions about the proponent's EIS, the proponent is engaged in a dialogue to help clarify some of the information, or possibly, to conduct further technical studies.

This stage of the EA process can take between **90 to 145 days**, including the 30-day review period for other RAs or FAs, as appropriate. A breakdown of these timelines is available in [Appendix B](#).

Technical Review of Licensing Information

If a proponent submits the licensing technical documents after the EA is completed, it follows that CNSC staff's review of the licensing documentation occurs in a separate phase of the process.

Although some of the CNSC's technical licensing requirements contain similar information as for the EA, a complete review of the proponent's submission, including the new and more detailed information pertaining to licensing only, must be conducted by Staff.

Depending on the breadth and detail of the previously assessed EA technical studies, the review of the licensing information may take from **60 to 90 days**. A breakdown of these timelines is available in [Appendix B](#).

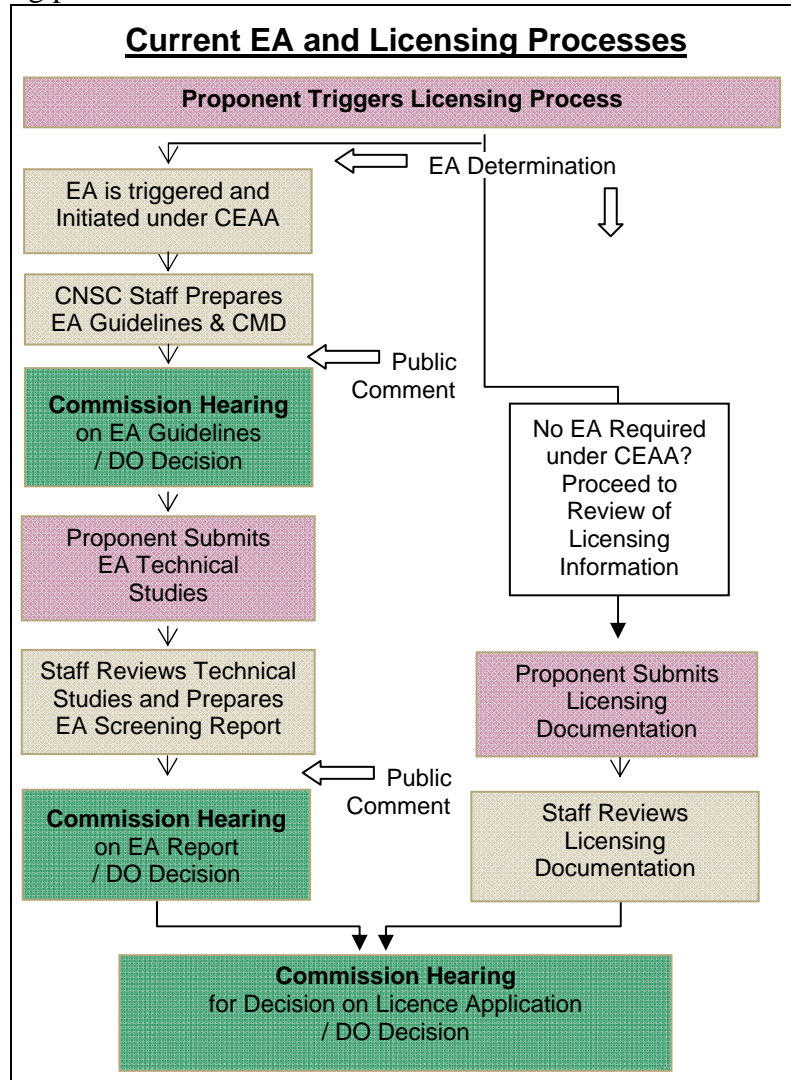
1.4 Current Process Diagram

Separate EA and Licensing Review Process

Environmental assessment and licensing activities are currently conducted separately at the CNSC, both at the staff level and at the Commission level.

Diagram

In order to fulfill its decision-making requirements as a Responsible Authority under the CEA Act, the Commission put in place the EA and licensing process illustrated below.



1.5 Issues with Current CNSC Approach to Screening EAs

Strengths of Current Process

The Screening-level EA process currently used at the CNSC evolved over time to become a robust, predictable process that is well understood by stakeholders and provides many opportunities for public consultation.

In fact, the level of public consultations for screenings sometimes exceeds that provided for comprehensive studies at the CNSC, and the strength of staff's review of EA technical information has led to better environmental planning and an easier transition to licensing.

Lack of Flexibility of Process

These strengths, however, are offset by a lack of flexibility in the process, with long timelines from the initiation of an EA to a Commission decision on the Screening Report, even for projects of low complexity or with few environmental interactions.

Resources

Proponent Resources

Proponents have informed CNSC staff that many small projects are often not initiated (or have been indefinitely postponed) because the CNSC's EA process is onerous from a time and resource perspective.

These small projects could often bring improvements to the environment and to the health and safety of workers or the public, but they are not a priority from a proponent's operations, compliance or business stand point. Proponents prefer to apply their few EA and technical resources on major projects with greater perceived benefits.

CNSC Resources

Similarly for many small projects, CNSC resources (staff and the Commission) are being applied to managing an EA process that is better suited to large-scale, complex projects with potential for significant interactions with the environment.

Continued on next page

1.5 Issues with Current CNSC Approach to Screening EAs, Continued

Public Participation

CNSC staff and the Commission typically receive few or no comments on the majority of small projects at the EA stage, and in some cases, public hearings of the Commission have attracted very little attention from stakeholders.

For a large number of complex Screening-level EAs, comments received by Staff during consultations at the EA Guidelines and the Screening Report stages are similar (if not identical) to those filed as hearing interventions in the context of each EA Commission hearing.

Typically, this duplicate information does not add significant new evidence to be considered by the Commission, particularly when all public comments are already part of the record in staff's EA submissions to the Commission.

Summary of other Issues

For each Screening-level EA and the ensuing licensing decision, there are

- 3 Commission hearings, which take up between 10 to 14 months overall.
- 5 public participation opportunities per project, regardless of complexity for a total of 5 to 9 months for consultation and comment review.

In terms of Commission Input and Public Participation,

- There are typically few or no public comments on smaller-scale projects at the EA guidelines or at the Screening Report stages.
 - There have been no significant Commission changes to EA guidelines for screenings since early 2004.
 - There has been low or no public interest in Commission hearing for smaller-scale projects (e.g. AECL's Fuel Packaging and Storage Facility, and the Heavy Water Upgrading projects)
 - Identical comments are often filed for the EA and re-filed as interventions for the hearings on the screening report and licensing decision, adding no new information for the Commission to consider.
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1.5 Issues with Current CNSC Approach to Screening EAs, Continued

Timelines for Current Approach

Each of the steps below corresponds to stages of the screening process. The stages (numbered 1 to 20) are further detailed in Appendix B. Note that stages 2 and 5 are omitted from this table. They represent two stages (described later in this document) for the new process initiatives.

Current Approach
1. EA is Initiated 45 days (legislated timelines)
3. Traditional EA Guidelines 60 days
4. Public Participation on Guidelines 40-75 days
6-8. EA Guidelines Hearing 100-145 days
10. Technical Review of EA Information 90-145 days
11. Preparation of Draft Screening Report 60 days
12. Public Participation on Screening Report 40-75 days
13-15. EA Screening Report Hearing 100-145 days
17. Technical Review of Licensing Info. 60-90 days
18-20. Licensing Hearing 100-145 days
Total = 695 to 985 days

Examples of actual timelines for completed CNSC EAs are included in [Appendix D](#).

1.6 Introduction to Change Initiatives

Fundamental Basis for Change Initiatives

Considering the government-wide regulatory streamlining initiatives explained above, the lessons learned from screenings conducted by the CNSC since 2003 and feedback from some stakeholders on the strengths and weaknesses of the current EA process, staff is proposing that the Commission implement a number of changes to the Screening-level EA process such that **its complexity is commensurate with the complexity of the project** being considered.

Change Initiatives

The first five points are the pre-requisite change initiatives and tools needed for the new Integrated approach for complex screenings and the Streamlined approach for smaller EAs to unfold efficiently.

1. Criteria for Smaller or Lower-Risk Projects (section 2.1)
2. Criteria for Public Participation in Screenings (section 2.2)
3. New Commission Decision-Making Process for EAs (section 2.3)
4. New Scoping Information Document (section 2.4)
5. New Online EA Guidance Document for CNSC Screenings (section 2.5)
6. Integrated Approach for Complex Screenings (section 3)
7. Streamlined Approach for Smaller Screenings (section 4)

Each change initiative is further explained in the following sections.

Note on the Integrated Approach

CNSC staff has already incorporated the efficiencies to be gained with the Integrated Approach into three project plans submitted to the MPMO for the larger and more complex Joint Panel Reviews of:

- Ontario Power Generation's Deep Geologic Repository
- OPG's New Nuclear Power Plant at Darlington
- Bruce Power's New Nuclear Power Plant project

Although the Integrated approach is not a "new concept", it is proposed in this document because it can be applied to very large and complex projects that require Joint Panels. It could, therefore, be applied to a screening-level EA, no matter what its complexity level.

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1.6 Introduction to Change Initiatives, Continued

Outcome of Initiatives

The proposed change initiatives described in the following sections of this document aim to:

- Adjust the CNSC's Screening EA process such that its rigour is commensurate with the complexity of the proposed project.
 - Ensure a consistent and predictable EA process.
 - Optimize the efficient use of time and resources for CNSC staff, the Commission, the public and proponents.
 - Enable the CNSC to meet its timeline commitments to the MPMO and fulfill the requirements of the Government of Canada on streamlining regulation.
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2. Pre-requisites for Screening Process Initiatives

Contents

This section contains the following topics:

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2.3 New Commission Decision-Making Process for EAs	22
2.4 New Scoping Information Document	25
2.5 Online EA Guidance Document for CNSC Screenings	27

Proposal Pre-requisites

In order for the new Screening-level EA approaches to unfold appropriately, a number of elements must first be agreed upon and used consistently. Those elements are the pre-requisites for the EA screening proposals. They are summarized below and further described in this section.

Criteria for Smaller or Lower-risk Projects

At the initiation of a Screening-level EA, CNSC staff must first determine whether the proposed project falls under the smaller or lower-risk category of projects – and thus undergo the [Streamlined Approach for Small Screenings](#) or, proceed through the [Integrated Approach for Complex Screenings](#). To this end, Staff is proposing the use and consistent application of criteria for determining the nature of a proposed project.

Public Participation Criteria

The level of public participation must then be ascertained, based on the type of project (smaller or more complex), and the decision on the appropriateness of public participation must be made by the Responsible Authority (RA), under the CEAA, at the earliest stage of the EA process.

New EA Decision-Making Process

In order to enhance the effectiveness of the EA process while achieving the CNSC's efficiency goals for Screenings, a new Decision-making process for CEAA-related decisions should be adopted and implemented at the CNSC. This new decision-making process would replace most of the EA hearings for Screenings, and be supported by new tools for the use of the Commission Members in making EA-related decisions.

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2. Pre-requisites for Screening Process Initiatives, Continued

Tools

One such tool is the new [Scoping Information Document](#), which will essentially replace the current EA guidelines. It will contain all the project-specific information needed for the conduct of each new CNSC Screening-level EA, as well as a “Commission Decision” section with every legal requirement under the CEAA for RA decisions in Screenings.

This “Commission decision section” of the document is intended to effectively replace the typical “CNSC Record of Proceedings” which is usually issued 30 to 45 days after a hearing.

Another tool is the new Online EA Guidance Document for Screenings, which will provide proponents with transparent and consistent information regarding CNSC requirements for the conduct of an EA and the drafting of an appropriate Environmental Impact Statement. This guidance is already available as part of the current guidelines but will be enhanced and made available online.

Next Steps

Once all the pre-requisite elements are in place at the CNSC, Screening-level EAs can begin undergoing either one of the proposed EA approaches, or more specifically:

- The [Integrated Approach for Complex Screenings](#); or
 - The [Streamlined Approach for Small Screenings](#).
-

2.1 Criteria for Smaller or Lower-Risk Projects









Smaller or Lower-Risk Projects

Smaller or Lower-risk projects typically have very few or no project-environment interactions, and very low levels of public interest, if any at all. A screening-level EA for such small projects also requires that very few technical studies be conducted, if any, and therefore, requires less time for CNSC staff to review the technical information.

For such projects, the type, breadth and length of the EA decision-making process as well as the level of [public participation](#) during the EA should be adjusted in consequence.

Criteria for Lower-Risk Projects

For the purposes of a Screening-level EA, CNSC staff proposes that a “smaller or lower-risk project” meet all of the following criteria.

It does not trigger a provincial or territorial requirement for an EA (i.e., the EA is not multi-jurisdictional).	
It is related to an existing licensed facility and represents an incremental project to the overall facility. <ul style="list-style-type: none"> – The existing facility and its projects have had, very low levels of interest or public concern. – The existing facility has undergone previous EAs; or the site is well characterized, as are its programs. – There is an adequate environmental performance record for the existing licensed activities. 	  
It is based on technology that is known to the proponent and CNSC staff.	
It does not introduce any new project-environment interactions that do not already exist.	
It would likely require only those mitigation measures for which the proponent has a demonstrated familiarity (i.e., no unfamiliar risks).	
The project does not have an impact on established or asserted Aboriginal or Treaty rights and titles. It does not trigger the Crown’s duty to consult with Aboriginal People, following section 35 of the <i>Constitution Act</i> .	

If a proposed project does not meet all the above-mentioned criteria, the project will undergo the [Integrated Approach for Complex Screenings](#).

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2.1 Criteria for Smaller or Lower-Risk Projects, Continued

Examples of Lower-Risk Projects

The projects below have been or are currently being assessed by the CNSC through a Screening-level EA and fall under the criteria for smaller, lower-risk projects.

Proponent	Project
AREVA Resources Canada Inc	– <u>Continuation of mining and milling at McClean Lake operation: Development of Caribou deposit</u>
	– <u>Ferric sulphate production at McClean Lake</u>
Atomic Energy of Canada Limited (AECL)	– <u>Proposed construction and operation of a bulk materials landfill</u>
	– <u>Decommissioning of the NRX Ancillary Buildings</u>
	– <u>Proposed construction and operation of a fuel packaging and storage facility at Chalk River Laboratories.</u>
	– <u>Decommissioning of heavy water upgrading plant at Chalk River Laboratories</u>
GE-Hitachi	– <u>Proposed addition of a low enriched uranium fuel bundle manufacturing line</u>
Ontario Power Generation (OPG)	– <u>Guaranteed Defuelled State of Pickering A Units 2 and 3</u>

Public Interest in these Projects

CNSC staff and the Commission have received few or no comments on the majority of these small projects at the EA stage of the process, and in some cases, public hearings of the Commission have attracted very little attention from stakeholders.

2.2 Criteria for Public Participation in Screenings








Assessing the Need for Public participation

Pursuant to subsection 18(3) of the CEAA, the need for and level of public participation in Screening-level EAs is left to the Responsible Authority's discretionary judgment.

In recommending to the Commission the scope of public participation for each project, CNSC staff derives some of its guidance from the *Ministerial Guideline on Assessing the Need for and Level of Public Participation in Screening-Level EAs under the CEAA*.

Public Participation Criteria

The CNSC provides public participation opportunities when some or all the elements below are present in a Screening-level EA.

<ul style="list-style-type: none"> ▪ There is existing or likely public interest <ul style="list-style-type: none"> – in the project – its location, or – how it could affect the community 	
<ul style="list-style-type: none"> ▪ There is a history of involvement by some stakeholders. 	
<ul style="list-style-type: none"> ▪ The project could generate conflict between environmental and social or economic values of concern to the public. 	
<ul style="list-style-type: none"> ▪ The project could have significant adverse environmental effects. 	
<ul style="list-style-type: none"> ▪ There is a potential for the existence of cumulative impacts that may need to be mitigated. 	
<ul style="list-style-type: none"> ▪ The direct and indirect environmental effects of the project and their significance are uncertain. 	
<ul style="list-style-type: none"> ▪ The project could have an impact on established or asserted Aboriginal or Treaty rights and title. It may trigger Crown's duty to consult with Aboriginal People, following section 35 of the <i>Constitution Act</i>. 	

Use of Criteria

The public participation criteria above would be used by CNSC staff to recommend to the Commission the need for, the type and the breadth of public participation opportunities to be provided on a project-per-project basis.

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2.2 Criteria for Public Participation in Screenings, Continued

Types of Participation Opportunities

While the Ministerial Guideline document provides criteria to help ascertain whether public participation is appropriate in the circumstances, it does not provide direction on the types of opportunities or form they should take for each project.

Regardless of the type of project, CNSC staff posts appropriate notices on the CNSC's external website, as well as on the Canadian Environmental Assessment Registry (CEAR), as per CEEA requirements, to indicate the availability of EA documents for public comment.

CNSC staff also recommends that proponents always provide information to the public on their proposed projects.

Aboriginal Consultation

Proponents are strongly encouraged to present their proposed project to Aboriginal groups who may be affected by it, or who express interest or concerns over the proposal, at the earliest possible stages of the project (i.e. the planning stages). Early discussions and consultations by proponents help to ensure that relevant issues are identified and addressed as soon as possible, before the CNSC becomes involved with the proposal.

At the initiation of an EA, CNSC staff considers the potential effects of the proposal on the current use of lands and resources for traditional purposes by Aboriginal Peoples, as required under the CEEA. Based on this criterion alone, CNSC staff often engages Aboriginal communities in EAs, and initiates contact with all appropriate parties.

In cases where the Crown's duty to consult with Aboriginal Peoples is identified and triggered during the initial stages of an EA, CNSC staff and the Aboriginal community may consider a meeting to discuss some of the linkages that could be drawn between the Aboriginal consultation process and the EA participation process required under the CEEA.

2.3 New Commission Decision-Making Process for EAs

Current Hearings for EA Decisions

The CNSC's current process for EA decisions is based on the Commission's Rules of Procedure which are derived from requirements for licensing decisions under the *Nuclear Safety and Control Act*.

Although the *Canadian Environmental Assessment Act* (CEAA) stipulates a number of substantive legal requirements for an RA, it has no mandated decision-making process requirements for Screening-level EAs.

Therefore, after fully considering the legal requirements of the CEAA to formulate the initiatives and recommendations contained in this document, CNSC staff is proposing to change the current decision-making process:

- No hearing for Decision on Scoping Information (Guidelines) (i.e. decisions 1-6 below)
 - One hearing for the EA decision of complex screenings (i.e. decisions 7-8) and the consideration of licensing documentation.
-

RA Decisions for Screening-level EAs

Pursuant to the CEAA, an RA must make a number of decisions for Screening-level EAs, some of which must be made before the conduct of EA technical studies. These decisions include:

Decision	CEAA
1. The scope of the project	subsection 15(1)
2. The factors to be considered in the conduct of the EA	subsection 16(1)
3. The scope of the factors to be taken into consideration in the conduct of the EA	subsection 16(3)
4. A recommendation to the Minister of the Environment to refer the project to a mediator or a review panel at that time	section 25
5. The delegation of any part of the screening (i.e. conduct of technical support studies), the preparation of the screening report, or any part of the design or implementation of a follow-up program	subsection 17(1)
6. Whether public participation is appropriate in the circumstances	subsection 18(3)

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2.3 New Commission Decision-Making Process for EAs, Continued

RA Decisions for Screening- level EAs (continued)

The decisions below must also be made by the RA when considering the EA Screening Report and an EA decision.

7. Ensuring that a screening of the project is conducted and a screening report is prepared	subsection 18(1)
8. Taking a course of action in respect of the project	subsection 20(1)

New Decision- Making Process

The first 6 decisions noted in the table above should be made by an RA at the stage of the EA currently referred to as the “Guidelines stage”. The “guidelines” decision is currently made by the Commission in a public hearing, after which a record of proceedings is issued by Secretariat (taking a total of **100 to 145 days**).

CNSC staff is proposing the following process for all Screening-level EAs at this same stage:

1. A new Scoping Information Document will be prepared by CNSC staff at the initiation of a new EA. Among other information, it will contain a “decision section” with every CEEA-related RA decision to be made by the Commission at the current “guidelines stage” (decisions 1 to 6 in the table above).
2. Staff submits this Scoping Information Document to the Secretary of the Commission with a proposed timeframe for the Commission’s decision.

The proposed timeframe, from the receipt of the Scoping Information Document by the Secretariat to the issuance of the Commission decision, is **21 calendar days**.

3. The Commission obtains the Scoping Information Document and makes its decision.
4. The Document and the decision are sent to the proponent and a notice of their availability is posted on the CNSC’s external website as well as on the CEAR.

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2.3 New Commission Decision-Making Process for EAs, Continued

New Decision-Making Process (continued)

In continuing with the new decision-making process for Screening-level EAs at the CNSC, Staff is also recommending that the EA Screening-Report for small, lower-risk projects undergoing the new Streamlined EA Approach, be considered through a similar Commission process.

1. The Screening Report is prepared by CNSC staff along with a clear section indicating every CEAA-related RA decision to be made by the Commission at this stage of the Screening (decisions 7 and 8 in the table above).
2. Staff submits this Screening Report Document to the Secretary of the Commission with a proposed timeframe for the Commission's decision.

The proposed timeframe, from the receipt of the Screening Report by the Secretariat to the issuance of the Commission decision, is **30 to 45 calendar days**.

3. The Commission obtains the Screening Report and makes its EA decision.
 4. The Screening Report and the decision are sent to appropriate parties and a notice of their availability is posted on the CNSC's external website as well as on the CEAR.
-

2.4 New Scoping Information Document

What is Scoping Information?

Scoping Information is always project-specific and developed for each new EA at the CNSC.

It is used by proponents to ensure that the technical studies are appropriately focused and reflect specific CNSC requirements, and the requirements from other Responsible Authority (RAs), if applicable.

It is current practice for Staff to present this scoping information as part of the larger, less specific EA guidelines document, for a Commission decision during an EA Guidelines hearing.

How is Scoping Information developed?

Although actual “scoping information” cannot be developed ahead of time, the Commission has provided Staff with some directives on the methodology to be used in the development of scoping element.

This methodology has been used by staff in drafting scoping information since early 2004, and the Commission has made very few and minor changes to the scope of screening-level EAs since then (see [Appendix A](#)).

As such, the Commission can continue to expect that staff will develop this scoping information as follows:

- The scope of the project and the scope of the factors – will continue to be determined in a manner that is consistent with the Cabinet Directive on Implementing the CEAA.
 - The factors to be considered in the screening EA – will continue to include all the CEAA-legislated factors and, with the discretion allowed for in paragraph 16(1)(e) of the CEAA, the need for and requirements of a follow-up program.
-

New Scoping Information Document

CNSC staff is proposing a new [Scoping Information Document](#) that will be entirely project-specific and also contain all the CEAA-related decisions to be made by an RA for a Screening-level EA.

This document will help proponents in the conduct of their technical studies, as well as provide the Commission (or a Designated Officer) with an easy-to-follow decision-making tool for CNSC Screenings.

Because of the project-specific nature of the new Scoping Information Document, where public participation is appropriate in the circumstances (e.g. for complex screenings), it is expected that public comments will be better focused on issues that fall specifically within the scope of the EA.

Continued on next page

2.4 New Scoping Information Document, Continued

Content of New Scoping Document

The new Scoping Information Document contains all the CEAA-based decision requirements by an RA, as well as additional CNSC process information to help RAs with their CEAA-related decisions. In general, the new Scoping Information Document contains:

- The scope of project
 - The factors to be considered in the EA
 - The scope of those factors
 - The type of project being assessed (complex or smaller Screening-level EA)
 - The scope of public participation
 - The potential delegation of technical studies, or any part of the conduct of the screening EA
 - The potential referral of the project to a review panel at this time
-

2.5 Online EA Guidance Document for CNSC Screenings

New Online Guidance Document for Screenings

In addition to the new project-specific Scoping Information Document, a more generic [EA Guidance Document for Screenings](#) will be made available online to inform proponents and other stakeholders of the CNSC's requirements for the completion of an EA Screening Report.

This guidance document aims to help proponents develop their Environmental Impact Statement (EIS) based on a series of predictable and transparent CNSC requirements for Screening-level EAs.

All of the changes and recommendations made by the Commission since 2003 with regard to the CNSC's current EA guidelines have been taken into consideration for the new Scoping Information Document, as well as in the drafting of this more generic **EA Guidance Document for Screenings**.

As with any process, changes may occur over time. The **EA Guidance Document** will be updated as needed, based on procedural changes or further process improvements for CNSC Screenings.

Content of New Guidance Document

The new **EA Guidance Document for Screenings** contains a number of requirements for conducting technical studies, including:

- describing the project and the existing environment
 - identifying project-environment interactions and adverse effects
 - determining whether those interactions could result in a significant adverse environmental effect, taking into account mitigation measures
 - determining the potential for cumulative effects
 - determining the temporal and spatial scope of the EA, etc.
-

3. Integrated Approach for Complex Screenings

In this section The Integrated Approach section contains the following topics:

Topic	See Page
3.1 Integrated Process Overview	29
3.2 Diagram of Integrated Approach	31
3.3 Application of the Integrated Approach	32
3.4 Responsibilities for Integrated Approach	34
3.5 Commission Decisions	36
3.6 Efficiency Gains	37

Introduction The **Integrated Approach** focuses on the concurrent or parallel review of technical EA information and licensing documentation. This approach aims to provide the Commission with one consolidated document containing the EA Screening Report and the Licence Application Assessment Document for the proposed project.

The outcome would be sequential decisions by the Commission, the first on the EA under CEAA, and the next on the licence under NSCA, should the Commission make a positive EA decision.

The Integrated Approach is proposed to apply to **all complex Screening-level EAs** conducted by the CNSC, as long as the conditions for implementing this approach are met by proponents and the CNSC.

Consistent with MPMO and Panel Review Agreements This Integrated Approach for Complex Screenings is equivalent to the approach endorsed by the Commission for the larger and more complex Joint Review Panels for

- Bruce Power’s New Nuclear Power Plant project;
- Ontario Power Generation’s Deep Geologic Repository project; and
- OPG’s New Nuclear Power Plant project in Darlington.

It is also consistent with project plans submitted to the MPMO for those Joint Review Panels.

3.1 Integrated Process Overview

Commission Decision Process

First Commission Decision

The Commission would be requested to decide on the CEAA requirements included in the Scoping Information Document:

- the scope of the project
- the scope of the factors, etc.

This is identical to the recommended process for this stage of the Streamlined Approach (see section 4.1).

Second Commission Decision – in a public hearing

The second Commission Decision would be sought in a public hearing of the Commission since staff would submit a CMD containing the EA Screening Report and the Licence Application Assessment Document for the proposed project. The Commission would be requested to make two decisions:

1. The EA Decision (ss. 20(1) of the CEAA) – Is the project likely to cause significant adverse environmental effects that cannot be mitigated?

... and if the project is deemed by the Commission to be unlikely to cause significant adverse environmental effects:

2. The adequacy of the licensing information – Does the Commission have sufficient information on record to proceed to making a licensing decision?

Pending a positive EA outcome for the project, and if the Commission deems that there is enough evidence on the record to consider the licensing action, the Commission will have a subsequent decision to make on the:

- amendment of the licence, or
- issuance of a new licence.

Third Commission Decision

CNSC staff is proposing that the licensing decision be made **1 to 30 days** after the EA decision is made.

If, however, the Commission deems that there is insufficient evidence to support licensing, areas where additional information is identified and required, will be sent to the proponent for action. Once all additional information is received from the proponent, staff will analyse it and prepare another CMD containing the assessment of the new information, the licence recommendation and, as the case may be, the proposed licence.

Continued on next page

3.1 Integrated Process Overview, Continued

**Time Frame for
Commission
Decisions**

CNSC staff would prepare the EA and licensing documents for the consideration of the Commission and submit them to the Secretary of the Commission with a request for a decision within a specified time frame.

Proposed time frames for each Commission decision:

- First Commission Decision – 21 calendar days
- Second Commission Decision – 100 to 145 calendar days
- Third Commission Decision – 1 to 30 calendar days

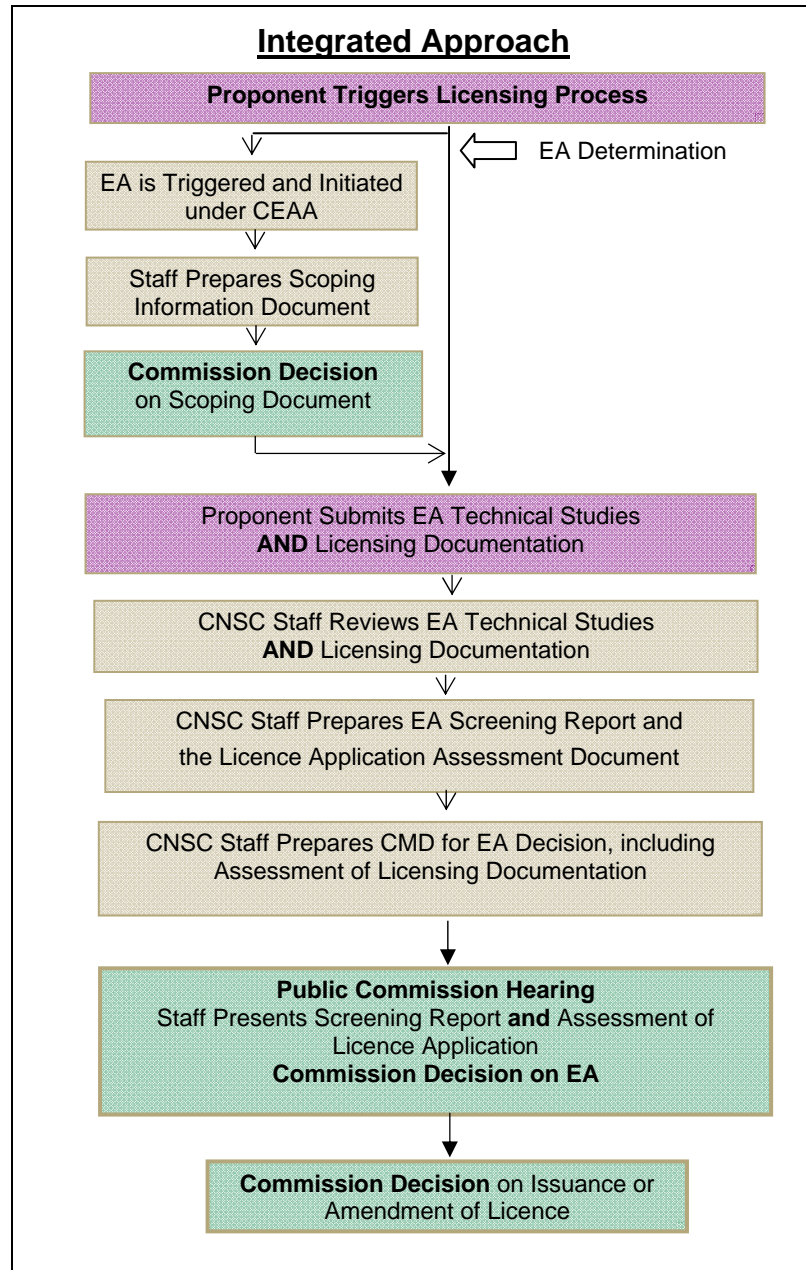
Since the Second Commission Decision would be sought in a public hearing, the hearing timelines prescribed under the CNSC’s rules of procedure (under the NSCA) would apply for this stage of the Integrated Approach.

A breakdown of timelines for the Integrated Approach is provided in [Appendix B](#).

3.2 Diagram of Integrated Approach

Diagram of Integrated Approach

This diagram illustrates the Integrated Approach for Screening-level EAs at the CNSC.



3.3 Application of the Integrated Approach

When to Use

The **Integrated Approach** can be applied to all complex Screening-level EAs, as long as the proponent is willing to:

- submit sufficient technical information to satisfy both the EA and licensing requirements under the CEAA and the NSCA
- provide the technical licensing documentation concurrently with the Environmental Impact Statement and the EA technical studies to allow parallel technical review and assessment by Staff
- risk-manage the Commission's EA decision for their proposed project
 - If the Commission's EA decision does not favour continuing on with the proposed project as it is presented, the time and resources invested by a proponent in completing the pre-licensing requirements could be lost, or at the very least, put on hold until the requirements of the EA are satisfied.
- provide additional EA or licensing information, if requested by the Commission at the time of the EA Screening Report decision.

When Not to Use

1. If the proponent requires an EA decision in order to justify and build a business case for the proposed project.
 - If the EA is used as a business planning tool, and the decision is required in order to determine the physical and financial feasibility of the project, the current sequential EA and licensing approach serves this purpose well – with its two separate review periods for the technical information (first the EA, then the licensing documentation) taking place at two different times in the overall processes.
2. If the proponent cannot submit their technical licensing information concurrently with the technical EA documentation.
 - If the EA process were to be significantly delayed because a proponent could not produce the licensing information for staff review, the EA process would be conducted separately from the review of any licensing information.
 - A second separate process for the potential licensing of the project would take place once the licensing information is received, reviewed and assessed by Staff and presented to the Commission.

Continued on next page

3.3 Application of the Integrated Approach, Continued

Advantage of Integrated Approach

The technical documents submitted to the CNSC for an EA and for licensing contain a number of common elements.

Conducting the review of these documents in a strategic and coordinated way is more effective and efficient and places less strain on CNSC resources (staff and Commission) and others (proponents, intervenors, etc).

Common EA and Licensing Elements

Typical EA and licensing processes, although separate, have the following elements in common:

1. The proponent must submit technical documents in support of the proposal.
2. Under the NSCA and the CEAA, the effects of the project on the environment, health and safety of people must be described, and mitigation measures must be identified for each potential effect.
3. CNSC staff must review these documents and determine the likelihood of significant adverse environmental effects, and whether people and the environment would be protected.
4. The findings and recommendations of CNSC staff review are presented to the Commission for a decision.

Specific examples of similar CNSC information requirements for EAs (pursuant to the CEAA) and licensing submissions (under the NSCA) can be found in the *Class 1 Nuclear Facilities Regulations* as well as in the *Uranium Mines and Mills Regulations*.

Programs developed by proponents to support the activity to be licensed (such as a Radiation Protection Program, an Environmental Protection Program, a Criticality Safety Program) under the NSCA are often included in the EA submission to CNSC staff as a mitigation measure.

The concurrent review of these programs to support a decision under the CEAA and the NSCA is therefore an efficient and effective use of resources.

Some text from the *Class 1 Nuclear Facilities Regulations* is reproduced in [Appendix C](#).

3.4 Responsibilities for Integrated Approach

**Proponent
Responsibilities**

Proponents would be expected to discuss the possibility of using this process with CNSC staff at the time they are advised that their proposed project triggered a Screening-level EA.

Proponents must agree to submit their EA technical studies **as well as** all licensing documentation required within a time frame that allows the regulatory process (EA and licensing) to proceed in a timely manner.

If a proponent cannot or does not submit the NSCA-required licensing information to CNSC staff in a timely manner, an EA Commission decision will be sought by staff, as per the current approach. Licensing information will then be considered through a separate Commission process.

**CNSC Staff
Responsibilities**

If it is deemed by both CNSC staff and the proponent that this approach could be applied to a proposed project, CNSC staff will present the Commission with a justification for this process at the first decision stage of the EA.

CNSC staff will notify interested members of the public of this process, if public participation is deemed appropriate (as per [public participation criteria](#)), to enable meaningful and complete interventions on the EA and the Licence Application Assessment Document.

At the final Screening Report stage of the EA, staff will present the Commission with one consolidated Commission Member document containing the:

- EA Screening Report with the EA decision recommendation (including appropriate mitigation measures, if any); and
 - Licence Application Assessment Document for the proposed project.
-

**Public and
other
Stakeholders**

Members of the public and other stakeholders can be granted the status of “intervenor” at a public hearing of the Commission. Under the Integrated Approach, intervenors would have the opportunity to provide comments on both the EA Screening Report and the Licence Application Assessment Document, at the same time.

Under the current approach, similar comments are often filed in both separate EA and licensing instances. Through the Integrated approach, all the information would be available through one single intervention for the project. This would make for an efficient public consultation process.

3.5 Commission Decisions

**Commission
EA Decision:
Hearing**

Once the technical review is completed for the EA and the licensing information, staff will prepare the EA Report and a CMD for the Commission's consideration.

This CMD will contain all the EA information required to make an EA decision under subsection 20(1) of the CEAA, as well as staff's assessment of the proponent's licensing documentation.

CNSC staff would present all this information to the Commission at a hearing.

**EA Decision,
Then Licensing
Decision**

The Commission, after considering all the information (EA and licensing) pertaining to the proposed project, would be required to make and issue its EA decision pursuant to ss.20(1) of the CEAA (i.e. whether the proposed project should proceed to licensing, or not).

Should the EA demonstrate that the project is not likely to cause significant adverse environmental effects, taking into account mitigation measures, and should the Commission deem that the evidence on the record is sufficient for licensing purposes, another CMD would be submitted by CNSC staff after the EA decision.

This CMD would contain the licensing recommendation and possibly a copy of the proposed licence, based on the information already submitted and reviewed through the Integrated process.

The Commission, having already reviewed and discussed the technical licensing information, could make its decision shortly after the issuance of the EA decision.

**Commission's
Prerogative**

The **Integrated Approach** does not in any way fetter the Commission's prerogative to determine that the evidence presented during the EA/licensing consolidated hearing is insufficient to proceed to licensing. The Commission could request additional information to be considered in another hearing, or other type of proceeding, at a later date.

This decision-making process has been captured in the draft Joint Review Panel Agreements for OPG's Deep Geologic Repository and Bruce Power's New Power Plant project.

3.6 Efficiency Gains

Efficiency Gains through Integrated Approach

In comparison with the current approach for Screening-level EAs and the subsequent potential licensing of the project, the Integrated Approach provides efficiency gains in terms of assessing, presenting, commenting and approving technical EA and licensing information. Each stage of the Integrated Approach is described and illustrated in [Appendix B](#).

Current Approach	Integrated Approach	Difference
1. EA is Initiated 45 days (legislated timelines)	1. EA is Initiated 45 days (legislated timelines)	Same 0
3. Traditional EA Guidelines 60 days	2. Scoping Information Document 15 days	45 days
4. Public Participation on Guidelines 40-75 days	4. Public Participation on Scoping Information Document 0 - 75	40 to 0 days
6-8. EA Guidelines Hearing 100-145 days	5. Commission Decision on Scoping Information Document 21 days	79 to 124 days
10. Technical Review of EA Information 90-145 days	10. Technical Review of EA and Licensing Information 90-145 days	Same 0
11. Preparation of Draft Screening Report 60 days	11. Preparation of Draft Screening Report 60 days	Same 0
12. Public Participation on Screening Report 40-75 days	12. Public Participation on Screening Report 40 to 75 days	Same 0
13-15. EA Screening Report Hearing 100-145 days	13-15. Commission Hearing on <u>EA Screening Report and Licence Application Assessment Document</u> 100 to 145 days	Same 0
17. Technical Review of Licensing Info. 60-90 days	N/A Done above in Step 10.	60 to 90 days
18-20. Licensing Hearing 100-145 days	17-20. Licensing Decision 1-30 days	99 to 115 days
Total = 695 to 985 calendar days	Total = 373 to 612 calendar days	Difference of: 323 to 374 days

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3.6 Efficiency Gains, Continued

**Comparison
with MPMO
Commitments
for Panel
Reviews**

The CNSC's commitment to the MPMO for the Panel Review of a New Nuclear Power Plant project spans between 30 and 36 months from the receipt of the project description by the MPMO to the potential issuance of the first licence by the CNSC.

For complex or multi-jurisdictional screenings assessed under the Integrated Approach, it would take between 373 and 612 calendar days (or 12 to 20 months) to complete a screening-level EA and the licensing of a project. The current approach takes between 695 to 985 calendar days (or 23 to 32 months).

It should be noted that the timelines for multi-jurisdictional screenings are dependent on the process developed with the other jurisdiction involved in the project.

4. Streamlined Approach for Small Screenings

In this section The Streamlined EA Approach section contains the following topics:

Topic	See Page
4.1 Streamlined Process Overview	39
4.2 Diagram of Streamlined Approach	41
4.3 Efficiency Gains	42

Introduction The **Streamlined EA Approach** pertains to the EA process for smaller or lower-risk projects. The consideration of licensing information by the Commission is treated separately although the technical assessment by staff of EA and licensing information may be conducted in parallel.

Types of Screenings for the Streamlined Approach The types of projects that could be assessed with the streamlined approach must fall into the smaller or lower-risk category, as determined by using the established [Criteria for smaller or lower-risk projects](#).

In terms of licensing actions, these smaller types of projects may require approvals under a licence condition and some amendments to a licence are among the type.

Approvals pursuant to a licence condition

In order to improve the efficiency of the CNSC's licensing process for small lower-risk projects, the Commission has delegated to Staff the authority to approve certain activities to a licensed facility, pursuant to a licence condition.

The Commission delegates such approvals to Staff on the basis that the proposed activities

- a. are of such low risk that they do not require a hearing
- b. do not require the oversight of the Commission (e.g. condition 3.1 of Uranium Mining and Milling licences).

Some Amendments to a licence

The Commission has oversight authority in cases where licence amendments are sought by proponents for a licensed facility. These types of amendments

- a. are of such low risk that they are considered through an abridged hearing
 - b. require the oversight of the Commission (e.g. amendments of Power Reactor licences).
-

4.1 Streamlined Process Overview

New Decision-making Process

For these EAs, Staff would seek decisions from the Commission through an decision-making process as follows:

First Commission Decision

The Commission would be requested to issue a Decision Statement on the CEAA requirements included in the new Scoping Information Document (see [section 2.3](#) – decisions 1 to 6):

- the scope of the project – ss.15(1)
- the scope of the factors, etc. – ss. 16(3)

Second Commission Decision

The Commission would be requested to issue a Decision Statement pursuant to ss.20(1) (see [section 2.3](#) – decisions 7 and 8) on:

1. the likely environmental effects of the project; and
2. whether to proceed with the approval by Staff under the licence condition; or
3. whether to proceed with the licence amendment.

Third Commission Decision

The Commission would be requested to make its licensing decision following its decision on the EA.

Time Frame for Commission Decisions

CNSC staff would prepare the EA documents for the consideration of the Commission and submit them to the Secretary of the Commission with a request for a decision within a specified time frame.

Proposed time frames for each Commission decisions are:

- First Commission Decision: 21 calendar days
- Second Commission Decision: 30 to 45 calendar days
- Third Commission Decision: 1 to 30 calendar days

A breakdown of timelines for the Streamlined Approach is provided in [Appendix B](#).

Continued on next page

4.1 Streamlined Process Overview, Continued

Designated Officer Decisions

Designated Officers (DOs) are responsible for making the same decisions as the Commission when a Screening-level EA is being conducted for a project under their area of responsibility. The current DO process is unaltered by the Streamlined EA Approach.

Public Participation

The lower-risk projects that could undergo a Streamlined EA Approach are by definition of very low public interest, or none at all.

The level and need for public participation, based on the criteria established in [section 2.5](#) of this document, in each Screening-level EA undergoing a Streamlined process, would be justified in the Scoping Information Document and approved by the Commission at that time.

Should CNSC staff become aware that the project was drawing some public interest over the course of the EA, the Screening Report would be made available for public comment. The public would be informed of the EA through the CEA Registry and the CNSC's external website.

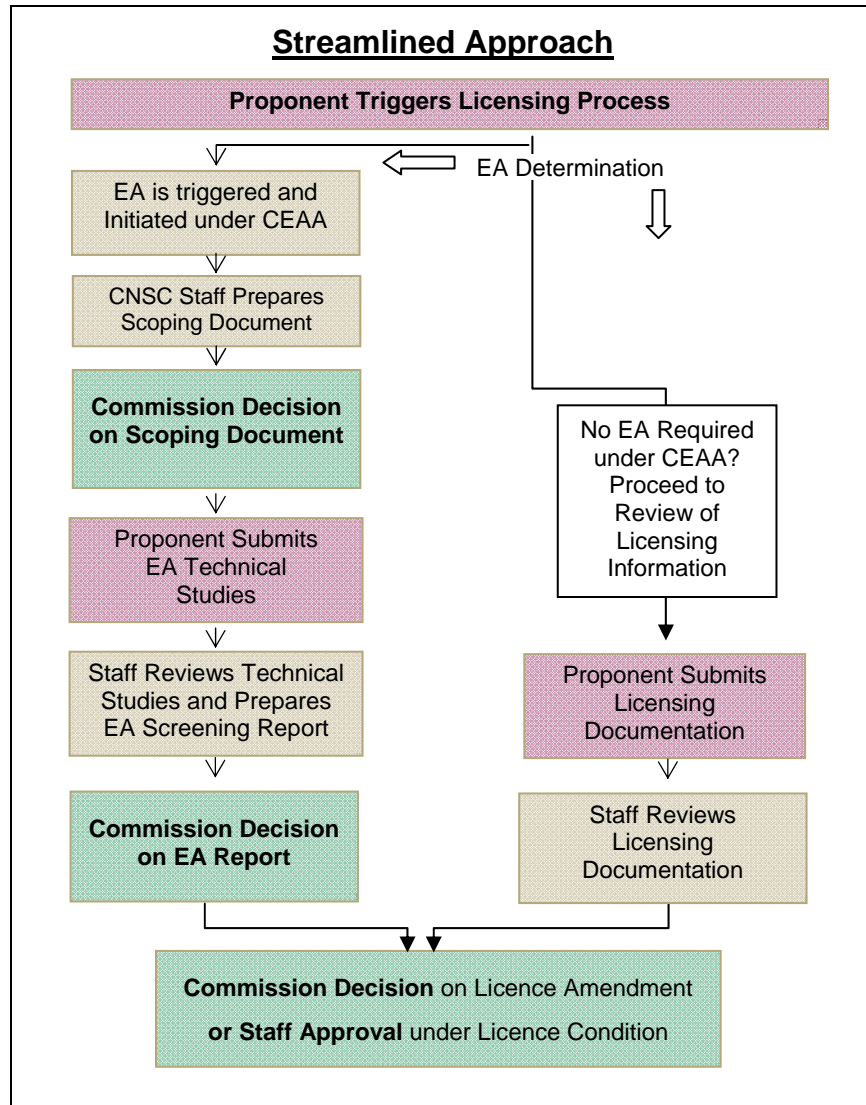
Any public comments received on the scoping information or on the EA Screening Report will be included in Staff's report to facilitate the Commission's decision on every aspect of the EA – and ultimately on whether to allow the project to proceed to licensing, or not.

As with any project, although public consultation activities by the proponent are discretionary, they are encouraged by the CNSC.

4.2 Diagram of Streamlined Approach

Diagram of Streamlined Approach

This diagram illustrates the Streamlined Approach for Screening-level EAs at the CNSC.



4.3 Efficiency Gains

Efficiency Gains through Streamlined Approach

In comparison with the current approach for Screening-level EAs and the subsequent potential licensing of the project, the Streamlined Approach provides efficiency gains at many stages of the process. Each stage (1 to 20) is further described and illustrated in [Appendix B](#).

Current Approach	Streamlined Approach	Difference
1. EA is Initiated 45 days (legislated timelines)	1. EA is Initiated 45 days (legislated timelines)	N/A 0
3. Traditional EA Guidelines 60 days	2. Scoping Information Document 15 days	45 days
4. Public Participation on Guidelines 40-75 days	4. Public Participation on Scoping Information Document 0	40 to 75 days
6-8. EA Guidelines Hearing 100-145 days	5. Commission Decision on Scoping Information Document 21 days	79 to 124 days
10. Technical Review of EA Information 90-145 days	10. Technical Review of EA <u>and</u> Licensing Information 30-45 days	60 to 100 days
11. Preparation of Draft Screening Report 60 days	11. Preparation of Draft Screening Report 30 days	30 days
12. Public Participation on Screening Report 40-75 days	12. Public Participation on Screening Report 0 to 30 days	40 to 45 days
13-15. EA Screening Report Hearing 100-145 days	13-15. Commission's EA Decision 30-45 days	70 to 100 days
17. Technical Review of Licensing information 60-90 days	N/A Done above in Step 10.	60 to 90 days
18-20. Licensing Hearing 100-145 days	17-20. Amendment or Approval of Licence 1-30 days	99 to 115 days
Total = 695 to 985 calendar days	Total: = 173 to 262 calendar days	Difference of: 523 to 724 days

5. Recommendations to the Commission

Intent of CNSC Process Improvements for Screenings

CNSC staff recommends that the Commission approve the initiatives described in this document and summarized below.

Each proposed change to the current EA process represents a considerable improvement in terms of Screening-level EA timelines, resulting in a more effective and efficient use of resources by all parties involved.

Every initiative in this document aims to improve efficiencies (time and resources) for Staff, the Commission, Proponents, and the public, as well as improve the effectiveness of the EA process.

There are 5 recommendations in total, starting with the process pre-requisites (1-3), then focusing on each approach (4-5).

Summary

Recommendation	Description
1	Approval of Criteria for Screenings
2	Adoption of a New Decision-Making Process for EAs
3	Approval of Scoping Information Document
4	Approval of Integrated Approach for Complex Screenings
5	Approval of Streamlined Approach for Small Screenings

First Recommendation

Approval of Criteria for Screenings

CNSC staff recommends the approval of the Criteria described in this document to establish the type and complexity of the proposed project and the level of public participation required for a Screening-level EA at the CNSC.

The Criteria described in this document are for:

- Smaller or Lower-Risk Projects (section 2.1); and
- Public Participation (section 2.5)

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5. Recommendations to the Commission, Continued

Second Recommendation

Adoption of a New Decision-Making Process for EAs

CNSC staff recommends the adoption of a **new decision-making process for Commission decisions on Screening-level EAs** at the CNSC.

This type of process would be used for all Screening-level EA decisions at the CNSC, *except* under the Integrated Approach, if an EA and licensing hearing was deemed appropriate for the type of project.

Third Recommendation

Scoping Information Document

CNSC staff recommends approving the use of a [Scoping Information Document](#) to assist Commission Members in making their first decision on scoping information, following the requirements of the CEEA.

This document would be used in conjunction with the Generic EA Guidelines.

Fourth Recommendation

Integrated Approach for Complex Screenings

CNSC staff recommends the approval of the **Integrated Approach** for more complex CNSC Screening-level EAs, or more precisely, for the following types of project:

- Those requiring *an amendment to a licence* under subsection 24(2) of the NSCA.
 - These types of amendments are for projects that may require public participation.
 - Those requiring the *issuance of a new licence* under subsection 24(2) of the NSCA.
-

Fifth Recommendation

Streamlined Approach for Small Screenings

CNSC staff recommends the approval of the **Streamlined EA Approach** for the Screening-level EAs of the following types of lower-risk project:

- Those requiring an approval by CNSC Staff under a licence condition; and
 - Those requiring an amendment to a licence under subsection 24(2) of the NSCA.
 - These types of amendments are for lower-risk projects that do not require public participation.
-

6. Appendices

In this section This section contains the documents that were referred to in “Process Improvement Initiatives on Environmental Assessment Screenings at the CNSC”. It contains the following topics:

Topic	See Page
A – Commission Changes to “EA Guidelines” since 2003	46
B – Current EA and Licensing Process Timelines	48
C – Information Requirements for EA and Licensing	53
D – Timelines for Actual CNSC Screening-level EAs	55

A – Commission Changes to “EA Guidelines” since 2003

Scoping Decisions

The table below contains a summary of the decisions made by the Commission Tribunal on the scoping information and the guidelines for screening-level EAs since 2003.

Analysis

There were no changes made to the scope of any screenings that went before the Commission after 2004.

Only minor changes were made to the guidelines in a few cases after 2004.

Hearing Date	CMD #	Project	Decision Summary
2003			
June 26	03-H23	Proposed Expansion of Hydro-Québec’s Gentilly-2 Waste Management Facility	No modifications were made to the scope, but modifications were made to the guidance
June 25	03-H20	Proposed construction of a Mining Facility at the Cigar Lake Project	A modification was made to the scope of the factors - this modification was incorporated into our standard EA guidance
July 16	03-H26	Operation of the McClean Lake Mine and Mill Facility	The Commission modified the scope of the factors in the same way as the previous Decision
Sept. 26	03-H33	Deloro Mine Site Cleanup Project	The Commission modified the scope of the factors in the same way as the previous Decision as well as an additional change that is now part of our standard EA guidelines
Nov. 27	03-H35	Proposed Blending of Slightly Enriched Uranium (SEU) and Blended Dysprosium Uranium (BDU) at the Conversion Facility in Port Hope	The Commission modified the definition of local and regional study areas (project specific) – which is the scope of the factors.
2004			
Sept. 15	04-H20	Proposed Key Lake Uranium Mill and McArthur River Mine production increase	No changes made to scope, minor changes to guidance

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A – Commission Changes to “EA Guidelines” since 2003, Continued

Hearing Date	CMD #	Project	Decision Summary
2005			
May 19	05-H10	Proposed Refurbishment for Life Extension and Continued Operation of the Bruce A Nuclear Generating Station	No changes made to scope or guidance
Dec. 21	05-M68	Rabbit Lake Solution Processing Project	No changes made to scope, minor changes made to guidance
2006			
Jan. 12	06-H12	Proposed Production Increase at Cameco Corporation’s Uranium Refinery in Blind River, Ontario	No changes made to scope, minor changes made to guidance
March 30	06-H110	Proposed Ferric-Sulphate Production at McClean Lake	No changes made to scope or guidance
March 30	06-H105	Proposed Installation and Operation of an Incinerator and the Continued Operation of a Recycling Facility	No changes made to scope or guidance
March 30	06-H108	Proposed Replacement of the Stanleigh Effluent Treatment Facility	No changes made to scope or guidance
2007			
Jan. 24	07-H2	Proposed Refurbishment and Continued Operation of Pickering B Reactors at the Pickering B Nuclear Generating Station	No changes made to scope, minor changes made to guidance
August 3	07-H15	Proposed SEU CANDU Fuel Production at Zircatec’s Port Hope Facility	No changes made to scope or guidance
Oct. 31	07-H148	Proposed Caribou Project at the McClean Lake Operation	No changes made to scope or guidance
Oct. 31	07-H147	Proposed Construction and Operation of a Bulk Materials Landfill at the Chalk River Laboratories	No changes made to scope, minor changes made to guidance

B – Current EA and Licensing Process Timelines

Breakdown of Timelines

In order to clarify how long the stages of the EA and licensing processes take, the breakdown of timelines below provides a general overview. Please note that all the timelines are calculated in **calendar days**.

A comparative diagram of the proposed approaches for screenings at the CNSC is included in Appendix B1 for a quick glance at the efficiency gains for each approach.

Stage	Description	Number of Days
1	EA is Initiated <ul style="list-style-type: none"> ▪ Produce, translate and post notice of commencement on CEA Registry (14 days) ▪ Federal Coordination (30 days) 	45 days
2	Scoping Information Document <ul style="list-style-type: none"> ▪ Preparation and submission of the scope of project, factors and scope of factors, using the Scoping Information Document (15 days). ▪ Internal approved copies of the Scoping Information Document must be submitted to Secretariat within this 15 day period. 	15 days
3	Full EA Guidelines <ul style="list-style-type: none"> ▪ Full Guidelines, including scoping information, as used in the current approach: consultation with technical specialists, review by other RAs or FAs (60 days) ▪ These are to be replaced by the Scoping Information Document and the Online EA Guidance Document on Screenings. 	60 days
4	Public Consultation on Scoping Information and/or Guidelines, if applicable <ul style="list-style-type: none"> ▪ Translation of document (21 days) ▪ Preparation of notices, postings, web uploads, mail outs, etc (10 days) ▪ Consultation period (30 days) ▪ Review and address comments (15 days) ▪ Finalize document, including RA and FA review (14 days) 	40 to 75 days
5	Commission Decision on Scoping Information Document <ul style="list-style-type: none"> ▪ Secretariat facilitates communication with Commission Members and requests approval of Scoping Information Document (7 days) ▪ The Commission makes its decision on the Scoping Information Document in 15 days. 	21 days

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B – Current EA and Licensing Process Timelines, Continued

Breakdown of Timelines (continued)

Stage	Description	Number of Days
6	CNSC Staff Prepares & Submit CMD <ul style="list-style-type: none"> ▪ Preparation of CMD, including finalized EA document and public comments (10 days) ▪ Internal review of CMD, LSU review, approval by DGs, acceptance by Secretariat, etc (30 days) 	40 days
7	Scheduled EA Hearing <ul style="list-style-type: none"> ▪ There is a 30-day period between the time the CMD is submitted and the scheduled hearing, if there are no public interventions at the hearing. (30 days) ▪ There is a 60-day period from the time the CMD is submitted and the hearing if there are public interventions. (60 days) 	30 to 60 days
8	EA Guidelines Hearing & Record of Proceedings <ul style="list-style-type: none"> ▪ Hearing (1 day) ▪ Record of Proceedings, including Reasons for Decision (30 to 45 days). 	30 to 45 days
9	Proponent Submits EA Technical Studies <ul style="list-style-type: none"> ▪ The clock stops for the time it takes proponents to complete their technical studies. It begins again when CNSC staff receives the complete information from the proponent. 	TBD
10	Staff Reviews the Proponent's EA Technical Information <ul style="list-style-type: none"> ▪ CNSC internal review of all EA technical documents provided by the proponent to support their EA conclusions. (45 days) ▪ If there are discrepancies or matters to be clarified, information is exchanged between CNSC staff and the proponent until staff is satisfied that the issues are resolved. This part of the process can be unpredictable in terms of timelines. (15 to 55 days) ▪ Once CNSC staff has completed its review of the document, it is also sent to other RAs and FAs for review, as appropriate. (30 days) 	90 to 145 days

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B – Current EA and Licensing Process Timelines, Continued

Breakdown of Timelines (continued)

Stage	Description	Number of Days
11	Screening Report <ul style="list-style-type: none"> ▪ Draft the Screening Report (30 days) ▪ Internal review and approval (30 days) 	60 days
12	Public Consultation on Screening Report <ul style="list-style-type: none"> ▪ Same as above in Step 4 	40 to 75 days
13	CNSC Staff Prepares & Submits Screening Report CMD <ul style="list-style-type: none"> ▪ Same as above in Step 6 ▪ With the Integrated approach, this step and Step 18 can be consolidated. 	40 days
14	Scheduled EA Hearing – from the time the CMD is submitted <ul style="list-style-type: none"> ▪ Same as above in Step 7 	30 to 60 days
15	EA Screening Report Hearing & Record of Proceedings <ul style="list-style-type: none"> ▪ Same as above in Step 8 	30 to 45 days

16	Proponent Submits Licensing Documentation	TBD
17	Staff Reviews the Proponent’s Licensing Information <ul style="list-style-type: none"> ▪ This step involves the review of all technical licensing documentation provided by the proponent. Some of this information was already reviewed as part of the EA process. (45 days) ▪ If there are discrepancies or matters to be clarified, information is exchanged between CNSC staff and the proponent until staff is satisfied that the issues are resolved. This part of the process can be unpredictable in terms of timelines (15 to 45 days) ▪ In the Integrated Approach, this step would be consolidated with staff’s review of EA documentation in step 10, and would be included in the 90 to 145 days needed to complete that review. 	60 to 90 days

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B – Current EA and Licensing Process Timelines, Continued

Breakdown of Timelines (continued)

Stage	Description	Number of Days
18	CNSC staff Prepares & Submits Licensing CMD <ul style="list-style-type: none"> ▪ Preparation of CMD, including supporting documents such as a draft licence (15 days) ▪ Internal CNSC review of CMD, LSU review, approval by DGs, acceptance by Secretariat, etc (30 days) ▪ In the Integrated Approach, the CMD prepared in step 13 would contain the EA Screening Report and the Licence Application Assessment Document for the proposed project. ▪ Should the Commission require more information after the EA hearing, this CMD should contain the information requested, a recommendation for a licence and a draft licence. (45 days) 	40 days
19	Scheduled Licensing Hearing <ul style="list-style-type: none"> ▪ Hearing without interventions (30 days) ▪ Hearing with public interventions (60 days) 	30 to 60 days
20	Record of Proceedings	30-45 days

Total Calendar Days for Current Processes

It can take between **535 and 750 days** to complete a screening-level EA (Steps 1 to 15) with public participation, a Guidelines public hearing, and a Screening Report public hearing.

If the Commission deems that the project is unlikely to cause significant adverse environmental effects, it can then proceed to consider licensing the project. This licensing phase (Steps 16 to 20) can take an additional **160 to 235 days**.

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Appendix B1 – Timelines for Current EA and Licensing Processes, Continued

Comparative Diagrams

The diagram below aims to illustrate the efficiency gains of each EA initiative described in this document.

Comparison of Approaches for Screening EAs at the CNSC (Calendar Days)	The diagram below aims to illustrate the efficiency gains of each EA initiative described in this document.																			
	1. EA is Initiated	2. Scoping Information CMD	3. Traditional EA Guidelines	4. Public Consultation, if appropriate (Scoping information)	5. Commission Decision on Scoping Information Document	6. CNSC Staff Prepares & Submit CMD	7. Schedule EA Guidelines Hearing	8. EA Guidelines Hearing & Record of Proceedings	9. Proponent Submits EA Technical Studies (and licensing information)	10. CNSC Staff Reviews EA Information (and licensing information)	11. CNSC Staff Prepares Screening Report	12. Public Consultation on Screening Report, if appropriate	13. CNSC Staff Prepares & Submits CMD	14. Schedule EA Hearing	15. EA Screening Report Hearing & Record of Proceedings	16. Proponent Submits Licensing Documentation	17. CNSC Staff Reviews Licensing Information (Moves to Step 10)	18. CNSC staff Prepares & Submits Licensing CMD	19. Schedule Licensing Hearing	20. Licensing Decision and Record of Proceedings
Current Approach with Commission Hearings	45	–	60	40 - 75	–	100 - 145		90 - 145	60	40 - 75	100 - 145		60 - 90	100 - 145 (Hearing moved to steps 13 to 15)	695 to 985					
# 1 – New Integrated Process for Complex Screening EAs	45	15	–	0 - 75	21	No Hearing – Decision in Step 5		90 - 145	60	40 - 75	Commission Hearing* 100 - 145 days		Licensing decision 1 - 30 days		373 to 612					
# 2 – Streamlined EA Process for Small Projects	45	15	–	0	21	No Hearing – Decision in Step 5		30 - 45	30	0 to 30	Commission's EA decision 30 - 45 days		Commission Amendment decision or Delegated Authority Approval 1 - 30 days		173 to 262					

* If a proponent is unable to provide CNSC staff with the required licensing documentation in a timely manner, a hearing will be held for the EA decision, followed by a licensing hearing, whenever appropriate in the circumstances.

C – Information Requirements for EA and Licensing

Context

The following requirements taken from the *Class 1 Nuclear Safety Regulations* show how information that is pertinent to an environmental assessment is also included in the CNSC's requirements for a licence application.

These examples of the similarities between EA and licensing requirements are not meant to replace the full CNSC licensing requirements described in the *Class 1 Nuclear Safety Regulations*.

They are only meant to show that if a project undergoes an EA, most of the environmental requirements below have already been fulfilled by the proponent at the time when a licensing submission is made to the Commission.

These and all other technical licensing requirements submitted to the CNSC for a licensing action to be considered by the Commission, must be thoroughly reviewed by Staff, as described in Step 17 (in grey) of [Appendix B](#).

Examples of Licensing Requirements for Class 1 Facilities

Licence to prepare a site

- A description of the site's susceptibility to human activity and natural phenomena, including seismic events, tornadoes and floods
- The proposed program to determine the environmental baseline characteristics of the site and the surrounding area

Licence to construct

- A description of the environmental baseline characteristics of the site and the surrounding area
 - The effects on the environment and the health and safety of persons that may result from the construction, operation and decommissioning of the nuclear facility, and the measures that will be taken to prevent or mitigate those effects.
 - The proposed location of points of release, the proposed maximum quantities and concentrations, and the anticipated volume and flow rate of releases of nuclear substances and hazardous substances into the environment, including their physical, chemical and radiological characteristics.
 - The proposed measures to control releases of nuclear substances and hazardous substances into the environment.
-

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C – Information Requirements for EA and Licensing, Continued

**Examples of
Licensing
Requirements
for Class 1
Facilities**
(continued)

Licence to operate

- The effects on the environment and the health and safety of persons that may result from the operation and decommissioning of the nuclear facility, and the measures that will be taken to prevent or mitigate those effects.
 - The proposed location of points of release, the proposed maximum quantities and concentrations, and the anticipated volume and flow rate of releases of nuclear substances and hazardous substances into the environment, including their physical, chemical and radiological characteristics.
 - The proposed measures to control releases of nuclear substances and hazardous substances into the environment.
 - The proposed measures to prevent or mitigate the effects of accidental releases of nuclear substances and hazardous substances on the environment, the health and safety of persons and the maintenance of security.
 - The effects on the environment and the health and safety of persons that may result from the activity to be licensed and the measures that will be taken to prevent or mitigate those effects.
-

D – Timelines for Actual CNSC Screening-level EAs

Overview of Completed Screenings

Below are a few examples of the actual time it took to complete some screening-level EAs at the CNSC.

Completed Screenings

- Construction and operation of facilities for refurbishment waste storage (RWS) at the Western Waste Management Facility.
- Restart of Bruce Nuclear Generation Station 'A' Units 3 and 4.
- Modifications to the Gentilly radioactive waste management facilities and refurbishment of the Gentilly-2 nuclear power station.
- Decommissioning of the fuel storage and handling bays at Chalk River Laboratories.

Completed Screenings

Construction and operation of facilities for refurbishment waste storage (RWS) at the Western Waste Management Facility

Start date: December 10, 2004

Type: Screening

Proponent : Ontario Power Generation (OPG)

Location : Bruce Power Site, Tiverton, Ontario

Latest update

- **March 2, 2006** - CNSC Announces Decision on Screening Environmental Assessment for Ontario Power Generation's Proposed Expansion of the Western Waste Management Facility
- February 15, 2006 – Hearing on EA Screening Report
- January 16, 2006 - Request for public comment - Draft Screening Report - Comment period closed
- November 28, 2005 - Request for public comment - Draft Screening Report
- January 28, 2005 - EA guidelines issued by the CNSC

Total Time for EA = 1 yr and 3 months

Continued on next page

D – Timelines for Actual CNSC Screening-level EAs, Continued

Completed Screenings
(continued)

Restart of Bruce Nuclear Generation Station 'A' Units 3 and 4

Environmental assessment start date: **September 11, 2001**

Type: Screening

Proponent: Bruce Power Inc.

Location: Tiverton, Ontario

Latest Update

- April 2005 - [2004 Annual Monitoring Report, Bruce A Units 3 & 4 Restart, Environmental Assessment Follow-up Program](#)
- August 1, 2003 - [Availability of the Whitefish Follow-up Workplan for the Environmental Assessment of the Bruce Nuclear Generating Station A Units 3 and 4 Restart](#)
- June 20, 2003 - [Availability of Follow-Up Program Documentation for the Environmental Assessment of the Bruce Nuclear Generating Station A Units 3 and 4 Restart](#)
- **January 6, 2003** - [CNSC announces decisions concerning Bruce Power Inc.'s Bruce Nuclear Generating Station A](#)
- September 30, 2002 - Request for Public Comment on Draft Screening Report: Comment Period Closed
- September 20, 2002 - [Notice – Public Hearing – December 12, 2002](#)
- August 15, 2002 - [Request for Public Comment on Draft Screening Report](#)
- April 5, 2002 - [News Release - CNSC announces decision on environmental assessment guidelines for the proposed restart of Units 3 and 4 at Bruce 'A' Nuclear Generating Station](#)
- January 11, 2002 - [Notice – Public Meeting – March 1, 2002 - ref. 2002-M-2](#)
- December 3, 2001 - [Request for public comment on the draft environmental assessment guidelines](#)

Total Time for EA = 1 yr and 3 months

Continued on next page

D – Timelines for Actual CNSC Screening-level EAs, Continued

Completed Screenings
(continued)

Modifications to the Gentilly radioactive waste management facilities and refurbishment of the Gentilly-2 nuclear power station

Start date: November 29, 2002

Type: Screening

Proponent: Hydro-Québec

Location: Bécancour, Québec

Latest update

- **December 22, 2006** – CNSC Announces Decision on Screening Environmental Assessment
- September 7, 2006 – Notice of Public Hearing on Screening Report
- May 23, 2006 - Request Public Comment on Draft Screening Report
- November 18, 2005 - Updated project description (below)
- November 18, 2005 - New Environmental Assessment Guidelines
- October 6, 2005 - CNSC announces decision on new Environmental Assessment Guidelines for the Gentilly-2 refurbishment project
- August 29, 2003 - Environmental Assessment Guidelines
- August 29, 2003 - CNSC Announces Decision on Environmental Assessment Guidelines for the Gentilly-2 Radioactive Waste Management Facility
- April 11, 2003 - Notice Public Hearing - June 26, 2003
- March 14, 2003 - Request for Public Comment on the Draft Environmental Assessment Guidelines - Comment Period Closed
- February 12, 2003 - Request Public Comment on draft EA Guidelines
- February 12, 2003 - Draft Environmental Assessment Guidelines

Total Time for this EA = 4 yrs and 1 month

Decommissioning of the fuel storage and handling bays at Chalk River Laboratories

Start Date: April 2000

Type: Screening

Proponent: Atomic Energy of Canada Limited

Location: Chalk River, Ontario

Latest Update

- **March 14, 2007** – CNSC Announces its Decision on Screening EA
- October 4-5, 2006 – Panel of the Commission
- May 29, 2006 - Request Public Comment - Draft Screening Report
- April 2000 - Project Description

Total Time for EA = 6 yrs and 11 months

Continued on next page

D – Timelines for Actual CNSC Screening-level EAs, Continued

Overview of Ongoing Screenings

A few examples of currently ongoing screenings and their timelines are also included below.

Ongoing Screenings

- [Decommissioning of heavy water upgrading plant at Chalk River Laboratories](#)
 - [Proposed construction and operation of a fuel packaging and storage facility at Chalk River Laboratories](#)
 - [Proposed increase in production at the Blind River Refinery](#)
 - [Proposed Pickering B refurbishment and continued operation](#)
-

Ongoing Screenings

Decommissioning of heavy water upgrading plant at Chalk River Laboratories

Start date: March 14, 2002

Type: Screening

Proponent: AECL

Location: Chalk River, Ontario

Latest update

- **May 15, 2008** – Commission Hearing on EA Screening Report
- March 14, 2008 – CMD submitted to Secretariat
- March 11, 2008 - [Notice of Public Hearing on the Screening Report \(PDF\)](#) :

A one-day public hearing will take place on May 15, 2008 at the Ajax Convention Centre (550 Beck Crescent, Ajax, Ontario) to consider the results of this proposed project's environmental assessment screening. Please refer to the [Notice \(PDF\)](#) for more information.

- January 2, 2008 – [Request for public comments -- comment period closes February 2, 2008](#)
- December 2004 – Receipt of EIS by Proponent
- April 2002 – Draft EA Guidelines

Total Time for EA = 6 yrs and 3 + months

Continued on next page

D – Timelines for Actual CNSC Screening-level EAs, Continued

Ongoing
Screenings
(continued)

Proposed construction and operation of a fuel packaging and storage facility at Chalk River Laboratories

Start date: **January 4, 2005**

Type: Screening

Proponent: Atomic Energy of Canada Limited (AECL)

Location: Chalk River, Ontario

Latest Update

- **May 15, 2008** – Commission Hearing on Screening Report
- March 11, 2008 - Notice of Public Hearing on the Screening Report (PDF) :

A one-day public hearing will take place on May 15, 2008 at the Ajax Convention Centre (550 Beck Crescent, Ajax, Ontario) to consider the results of this proposed project's environmental assessment screening. Please refer to the Notice (PDF) for more information.

- January 2, 2008 – Request for public comments -- comment period closes February 2, 2008
- July 8, 2005 – Environmental Assessment Guidelines issued by the CNSC

Total Time for EA = 3 yrs and 4 + months

Proposed increase in production at the Blind River Refinery

Start date: **July 4, 2005**

Type: Screening

Proponent: Cameco Corporation

Location: Blind River, Ontario

Latest Update:

- April 21, 2008 - Request for Public Comment - Draft Screening Report
- October 14, 2005 - Request for Public Comment - Draft Environmental Assessment Guidelines - Comment Period Closed
- August 25, 2005 - Request for Public Comment - Draft Environmental Assessment Guidelines

Total Time for EA = 2 yrs and 10 + months

Continued on next page

D – Timelines for Actual CNSC Screening-level EAs, Continued

(continued)

Proposed Pickering B refurbishment and continued operation

Start date: **July 28, 2006**

Type: Screening

Proponent: Ontario Power Generation (OPG)

Location: Pickering Nuclear Generating Station, Pickering, Ontario

Latest Update

- April 8, 2008 – Public Registry Document List
- **April 3, 2007** - CNSC Announces Decision on Environmental Assessment Guidelines for the Proposed Refurbishment and Continued Operation of the Pickering B Nuclear Generating Station
- December 5, 2006 - Revised Notice of Public Hearing
- November 20, 2006 - Notice of Public Hearing
- October 13, 2006 - Request for Public Comment on the Draft Environmental Assessment Guidelines - Comment Period Closed
- Request for public comment on the draft Environmental Assessment Guidelines

Total Time for EA = 1 yr and 10 + months
