



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent Cameco Corporation

Subject Proposed Project-Specific Guidelines Scoping
Document for the Eagle Point Water
Management Project, Rabbit Lake Operation

Hearing Date April 21, 2011

RECORD OF PROCEEDINGS

Proponent: Cameco Corporation

Address/Location: 2121 – 11th Street West, Saskatoon, Saskatchewan, S7M 1J3

Purpose: Proposed Project-Specific Guidelines Scoping Document for the Eagle Point Water Management Project, Rabbit Lake Operation

Application received: July 8, 2011

Date of hearing: April 21, 2011

Location: Canadian Nuclear Safety Commission (CNSC) 280 Slater St.,
14th. Floor, Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: M.A. Leblanc
Recording Secretary: D. Major

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Introduction

1. In July 2010, Cameco Corporation (Cameco) notified the Canadian Nuclear Safety Commission¹ (CNSC) of its intention to establish a new reverse osmosis mine water treatment plant (RO plant) and discharge system at the Eagle Point uranium mine located at Cameco's Rabbit Lake Operation, on the western shore of Wollaston Lake in northern Saskatchewan.
2. In order to accommodate planned mine development, Cameco has identified the need for a RO plant and discharge system to provide additional capacity for handling predicted mine water inflow volumes.
3. Before the Commission is able to make licensing decisions in respect of the proposed project, pursuant to the *Nuclear Safety and Control Act*² (NSCA), it must make a decision on an environmental assessment (EA) of the proposal in accordance with the requirements of the *Canadian Environmental Assessment Act*³ (CEAA). The Commission is a Responsible Authority (RA)⁴ for the EA.
4. As a RA under the CEAA, the Commission must first determine the *scope of the project* and the *scope of the assessment for the project*. To assist the Commission in this regard, CNSC staff prepared an Environmental Assessment Scoping Information Document (EASID) (formerly EA Guidelines) in consultation with other government departments, the public and other stakeholders.
5. The proposed EASID "*Project-Specific Guidelines Scoping Document for the Preparation of an Environmental Impact Statement – Eagle Point Water Management Project, Rabbit Lake Operation*" contain draft statements of scope for the approval of the Commission. The draft EASID also contains recommendations and instructions for the approach to be used in completing the EA, including the conduct of public and stakeholder consultations.

Issues

6. In considering the EASID, the Commission was required to decide, pursuant to subsections 15(1) and 16(3) of the CEAA respectively:
 - a) the *scope of the project* for which the EA is to be conducted; and
 - b) the *scope of the factors* to be taken into consideration in the conduct of the EA.

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² Statutes of Canada (S.C.) 1997, chapter (c.) 9.

³ S.C. 1992, c.37.

⁴ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

7. The Commission considered whether it would, at this time, recommend to the federal Minister of the Environment, pursuant to section 25 of the CEAA, to refer the project to a mediator or a review panel.
8. The Commission also considered whether it would, pursuant to subsection 17(1) of the CEAA, delegate the conduct of technical support studies to Cameco and the writing of the technical Report to CNSC staff or the proponent.
9. Furthermore, the Commission undertook to decide whether or not the Commission's consideration of the completed EA Screening Report (Screening Report) would be by way of a public hearing or closed session held by the Commission.

Hearing

10. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application.
11. In making its decision, the Commission considered information presented for a hearing held on April 21, 2011 in Ottawa, Ontario. The hearing was conducted in accordance with the Commission's process for determining matters under the CEAA. During the hearing, the Commission considered written submissions from CNSC staff (CMD 11-H103) and Cameco (CMD 11-H103.1).

Decision

12. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

the Canadian Nuclear Safety Commission, pursuant to sections 15 and 16 of the CEAA, approves the Environmental Assessment Scoping Information Document "*Project-Specific Guidelines Scoping Document for the Preparation of an Environmental Impact Statement – Eagle Point Water Management Project, Rabbit Lake Operation*".

13. The Commission decides that it will not, at this time, refer the project, pursuant to section 25 of the CEAA, to the federal Minister of the Environment for his referral to a mediator or review panel. The Commission notes that it may make such a referral at any time during the course of the EA process if warranted.
14. The Commission decides that it will delegate the conduct of technical support studies to the proponent, Cameco.

15. Finally, the Commission decides that it will consider the completed EA Screening Report in the context of a closed session of the Commission, unless circumstances or findings warrant the matter being considered at a public hearing of the Commission.

Issues and Commission Findings

Type of Environmental Assessment Required

Screening vs. Comprehensive Study, Review Panel or Mediation

16. The proposed project is not of a type identified in section 19 of the *Comprehensive Study List Regulations*⁵. Therefore, pursuant to subsection 18(1) of the CEAA, the CNSC is required to ensure that a screening EA of the project is performed and a Screening Report is prepared before a licensing decision to allow the project to proceed can be made by the Commission under the NSCA.
17. Based on information included in CNSC staff's submission, there are, at this point in time, no potential significant environmental effects or public concern associated with the project that would warrant having the project referred to a mediator or a review panel. The Commission concludes that, pursuant to the CEAA, a screening EA of the project is satisfactory.

Consultations on the Proposed Scoping Information Document

18. As part of its review of the adequacy of the proposed EASID and, in particular, to assess the level of public concern about the project, the Commission took into account the views of the public and other stakeholders. In this regard, the Commission considered whether the consultations carried out thus far by CNSC staff and the proponent provided the public and other stakeholders with adequate opportunity to become informed and express their views about the EA.

Public Consultation

19. With respect to public consultation on the proposed EASID, CNSC staff reported that it had established a public registry for the assessment, as required by Section 55 of the CEAA, including the identification of the EA in the Canadian Environmental Assessment Registry (CEAR) with the following number: 10-01-57776. Based on the public participation criteria and rationale provided in Appendix B of the proposed EASID, Cameco's proposal was determined to require a 'low level' of public participation. Public participation is conducted by CNSC staff using the following activities:

⁵ SOR/94-638.

- posting milestone activities throughout the EA process on the CNSC and CEAR Web sites;
- maintaining a list of documents pertaining to the EA and making the list available to interested parties upon request;
- providing interested parties with copies of specific documents on the aforementioned list upon request.

Government Consultation

20. CNSC staff reported that, in accordance with the *CEAA Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements*⁶, they have identified Health Canada as a Federal Authority (FA) for the EA for the purpose of providing technical assistance. CNSC staff have also identified Fisheries and Oceans Canada and Transport Canada as possible RAs for the project.
21. CNSC staff consulted with the Saskatchewan Ministry of the Environment, which has confirmed that the Saskatchewan *Environmental Assessment Act*⁷ does not apply to the proposed project.

Aboriginal Consultation

22. CNSC staff reported that it will engage with any interested Aboriginal group to share information and address concerns in relation to Cameco's proposed project. CNSC staff identified 16 Aboriginal groups who may have an interest in the project and these groups were provided project specific information. CNSC staff reported that no issues or concerns related to the project have been raised to date.

Conclusion on the EA Guidelines Consultation

23. The Commission is satisfied that the level of public and other stakeholders consultation has been adequate during the preparation of the draft EASID. The Commission is satisfied that CNSC staff has taken an active role in consulting the public. The Commission is satisfied that, for the purpose of considering whether to refer the project to the Minister for a review panel or mediation, it had sufficient information to assess the current level and nature of public concern about the project.

⁶ SOR/97-181.

⁷ Statutes of Saskatchewan, c.E-10.1

Process for Environmental Assessment Screening Report

24. The Commission determines the process to be followed for the EA Screening Report, including if the EA studies would be delegated to Cameco and if the Screening Report would be reviewed in the context of a public hearing or a closed session of the Commission.
25. CNSC staff recommended that, pursuant to subsection 17(1) of the CEAA, the technical studies required by CEAA be delegated to Cameco. Cameco will be provided with the EASID to carry out the EA studies and will have to submit later to CNSC staff a detailed Environmental Impact Statement (EIS) report. The report will undergo CNSC staff and other RA/FA review before CNSC staff prepares a draft Screening Report and submits it for public consultation for a period of 20 days. After the consultation, a final EA Screening Report will be prepared by CNSC staff and will be submitted to the Commission for consideration.
26. CNSC staff recommended that the final EA Screening Report be considered by the Commission in a closed session of the Commission. This recommendation is based on the EA track report and on the nature of the proposed project for which activities are expected to have limited environmental interactions on a site that is well characterized. CNSC staff noted that, if during the current EA, it became aware of changes to the above rationale, it will notify the Commission.
27. Based on CNSC staff's recommendation and considering the level of public interest for this project, the Commission decides to delegate the EA Screening studies to Cameco. The Commission decides that it will consider the completed EA Screening Report, possibly combined with a consideration of the licence amendment request, in the context of a closed hearing of the Commission, unless circumstances or findings warrant the matter being considered at a public hearing of the Commission.

Scope of the Project

28. "Scope" under the CEAA is expressed in two parts: the *scope of the project* (i.e., the physical works and activities proposed) and the *scope of assessment* (i.e., the scope of the factors to be considered in assessing the effects of the project). This section addresses only the issues relating to the *scope of the project*. The issues related to the *scope of assessment* are discussed below in the section entitled Scope of the Assessment.
29. Cameco proposes the following construction activities:
 - site preparation activities to support the construction of the Project;
 - construction of an RO plant;

- construction of a holding pond and associated piping system to feed the RO plant;
 - establishment of a new discharge point from the RO plant to Collins Bay adjacent to Eagle Point's surface facilities; and
 - installation of pipelines to connect the proposed RO plant to the existing water handling system.
30. Based on the information received, the Commission approves the definition of the project scope as set out in section 2.3 of the proposed EASID without change.

Scope of the Assessment

31. The other part of "scope" under the CEAA is the *scope of the assessment* – otherwise described in the CEAA as the scope of the factors that will be considered in assessing the environmental effects of the project.
32. The scope of a screening assessment under the CEAA must include the factors set out in paragraphs 16(1)(a) to (d) of the CEAA. Other factors may be included at the discretion of the Commission under paragraph 16(1)(e) of the CEAA.
33. The mandatory factors in subsection 16(1)(a) to (d) of the CEAA are:
- the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
 - significance of these effects;
 - the comments from the public that are received in accordance with the CEAA and its regulations; and
 - measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project.
34. As allowed by paragraph 16(1)(e) of the CEAA, CNSC staff recommended that the following additional factors be included in the EA:
- the need for, and requirements of, a follow-up program in respect of the project; and
 - the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.
35. In section 2.5 of the proposed EASID, CNSC staff described the geographic study areas (site, local and regional study areas) and the temporal boundaries for the project (defined as the construction, operating and decommissioning period for the project).

Conclusion on the Scope of the Assessment

36. Based on the above information and considerations, the Commission concludes that the scope of the assessment, as described in section 2.4 and 2.5 of the EASID, is appropriate for the purpose of the environmental assessment of the proposed project.

EA Structure and Approach

37. CNSC staff included in the EASID an extensive structure for the Screening Report. CNSC staff also stated that the Screening Report will present a conclusion as to whether the project is likely to cause significant adverse environmental effects, taking into account the appropriate mitigation measures. CNSC staff will make recommendations to the Commission related to the project when the EA report will be available, consistent with section 20 of the CEEA.
38. Based on the above information and considerations, the Commission is satisfied that the structure, approach and other instructions for conducting the environmental assessment, as described in the EASID attached to CMD 11-H103, are acceptable.


Public Concern on the Project

39. No specific concerns from the public or aboriginal groups were raised by the proposed project since its commencement was advertized on CNSC and CEEA Web sites on August 17, 2010.

Conclusion

40. The Commission has considered the submissions of CNSC staff as presented for reference on the record for the hearing.
41. The Commission, pursuant to sections 15 and 16 of the CEEA, approves the *Project-Specific Guidelines Scoping Document for the Preparation of an Environmental Impact Statement – Eagle Point Water Management Project, Rabbit Lake Operation*, presented in CMD 11-H103.
42. The Commission concludes that, at this time, it will not refer the project to the federal Minister of the Environment for referral to a mediator or review panel in accordance with the provisions of the CEEA.
43. The Commission decides that it will delegate, pursuant to subsection 17(1) of the CEEA, the conduct of technical support studies will be delegated to Cameco.

44. Furthermore, the Commission decides that the completed EA Screening Report will not be considered by the Commission for approval at a public hearing but in a closed session of the Commission, possibly combined with a consideration of the licence amendment request, unless circumstances or findings warrant the matter being considered at a public hearing of the Commission.
45. The Commission requests CNSC staff to report to the Commission on any issues arising during the conduct of the EA that could warrant the Commission giving further consideration to the above scope and process decisions.



APR 21 2011

Michael Binder
President,
Canadian Nuclear Safety Commission

Date