

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent Bruce Power

Subject Environmental Assessment Guidelines for the
Proposed Refurbishment for Life Extension and
Continued Operation of the Bruce A Nuclear
Generating Station

Date July 14, 2005

RECORD OF PROCEEDINGS

Proponent: Bruce Power Inc.

Address/Location: P.O. Box 3000, B06 Tiverton, Ontario N0G 2T0

Purpose: Environmental Assessment Guidelines for the proposed refurbishment for life extension and continued operation of the Bruce A Nuclear Generating Station

Proposal received: October 22, 2004

Date(s) of hearing: May 19, 2005

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

Members present: L.J. Keen, Chair A.R. Graham
C.R. Barnes M. J. McDill
J.A. Dosman M. Taylor

General Counsel: J. Lavoie
Secretary: M.A. Leblanc
Recording Secretary: S. Gingras

Applicant Represented By	Document Number
<ul style="list-style-type: none">• D. Hawthorne, President and Chief Executive Officer• R. Mottram, Vice-President of Projects• J. Hilbig, Nuclear Safety and Licensing Manager• D. Moffet from Golder Associates	CMD 05-H10.1 CMD 05-H10.1A
CNSC Staff	Document Number
<ul style="list-style-type: none">• I. Grant• P. Webster	CMD 05-H10
<ul style="list-style-type: none">• G. Riverin• P. Thompson	
Intervenors	Document Number
See Appendix A	

Date of Decision: May 19, 2005

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1. Introduction

Bruce Power Inc. (Bruce Power) has indicated its intent to apply to the Canadian Nuclear Safety Commission (CNSC¹) for the restart of reactor Units 1 and 2 at the Bruce A Nuclear Generating Station (NGS) and extension of their projected operating life until 2043. Bruce Power has also indicated that it may consider refurbishing Units 3 and 4 of the Bruce A NGS at a later date with a view to extend their operational life to 2043. Furthermore, Bruce Power may seek authorization at a future date to use Low Void Reactivity Fuel (SEU Fuel or New Fuel) in the Bruce A NGS reactors to enable maximum power operation.

Before the Commission would be able to make licensing decisions in respect to the proposed project, the Commission must, in accordance with the requirements of the *Canadian Environmental Assessment Act* (CEAA)², make a decision on an environmental assessment (EA) of the proposal. The Commission is the sole responsible authority for the EA³.

In carrying out its responsibility under the CEAA, the Commission must first determine the *scope of the project* and the *scope of the assessment*. To assist the Commission in this regard, CNSC staff prepared a draft Environmental Assessment Guidelines document (EA Guidelines) after consulting with other government departments, the public and other stakeholders. The draft EA Guidelines contains draft statements of scope for the approval of the Commission. The draft EA Guidelines also contain recommendations and instructions for the approach to be used in completing the EA, including for the conduct of further public and stakeholder consultations. The draft EA Guidelines are attached as Appendix A to CNSC staff document CMD 05-H10.

Issues:

In considering the EA Guidelines, 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.

The Commission also considered whether it would, at this time, request the federal Minister of the Environment, pursuant to section 25 of the CEAA, to refer the project to a mediator or a review panel.

Public Hearing:

The Commission, in making its decision, considered information presented for a public hearing held on May 19, 2005 in Ottawa, Ontario. The public hearing was conducted in accordance with

¹ In this *Record of Proceedings*, 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 S.C.,(1992). c.37

³ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

the *Canadian Nuclear Safety Commission Rules of Procedure*. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 05-H10) and Bruce Power (CMD 05-H10.1 and CMD 05-H10.1A). The Commission also considered oral and written submissions from intervenors, which are listed in Appendix A of this *Record of Proceedings*.

2. Decision

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 CEEA, approves the *EA Guidelines (Scope of Project and Assessment), Environmental Assessment of a Proposal for the Refurbishment for Life Extension and Continued Operations of Bruce A Reactors at the Bruce A Nuclear Generating Station*, attached as Appendix A to CMD 05-H10.

The Commission also decides that it will not, at this time, refer the project to the federal Minister of the Environment for his referral to a mediator or review panel.

3. Issues and Commission Findings

3.1 Application of the CEEA

The CEEA requires that an EA be completed if there is both a prescribed action by a federal authority (commonly referred to as a “trigger”) and a “project”. In this case, the “trigger” prescribed in the *CEEA Laws List Regulations* is the need for the CNSC to amend the licence to allow the restart of Units 1 and 2 at the Bruce A NGS. The operation of the Bruce A NGS is an activity in relation to a physical work and, as such, is a “project” for the purposes of the CEEA. The project is also not of a type listed on the *Exclusion List Regulations* of the CEEA.

The Commission therefore concludes that an EA of the proposed project is required pursuant to the CEEA.

3.2 Type of Environmental Assessment Required

Screening vs. Comprehensive Study, Review Panel or Mediation:

CNSC staff explained that the project is not of a type identified in the *Comprehensive Study List*. Therefore, CNSC staff concluded that, pursuant to subsection 18(1) of the CEEA, the CNSC is required to ensure that a screening environmental assessment of the project is performed and a Screening Report is prepared before the Commission can make a licensing decision(s) under the NSCA to allow the project to proceed in whole or in part.

Another available type of assessment under the CEAA is a review panel or mediator appointed by the federal Minister of the Environment. The Commission may request such a referral at any time during the environmental assessment pursuant to section 25 of the CEAA. In this regard, CNSC staff stated that it is not aware at this time of any potential environmental effects or public concerns associated with this project which CNSC staff considers would warrant having the project referred to a mediator or review panel. CNSC staff is of the view that the issues identified or anticipated to date can be adequately addressed in a screening level assessment.

In their interventions, Lake Ontario Waterkeeper, Citizens for Renewable Energy, Great Lake United, the Canadian Coalition for Nuclear Responsibility, Citizens for Alternatives to Chemical Contamination, C. Beverly Sawyer, Greenpeace Canada and Nuclear Information and Resource Service disagreed with this CNSC staff recommendation and requested that the Commission refer the project to a review panel. Lake Ontario Waterkeeper, Citizens for Renewable Energy, the Canadian Coalition for Nuclear Responsibility cited what they consider to be sufficient public concern as a basis for their request.

In considering these interventions, the Commission sought further information on how CNSC staff assessed the level of public concern for the purpose of considering the need for a review panel. In response, CNSC staff explained that it attended several of the public open houses and a workshop on the proposal that were hosted by Bruce Power and observed that the comments received from the public at those events were few and generally positive. Furthermore, CNSC staff, with reference to its disposition of public comments on the draft EA Guidelines in Appendix B of CMD 05-H10, considers that all of the relevant issues and concerns can be adequately addressed within a screening assessment of the proposed scope. CNSC staff noted that, in the event new issues or concerns arise, the Commission would remain able to request a review panel or mediation at any time during the course of the assessment.

In its intervention, the Canadian Coalition for Nuclear Responsibility requested a panel review on the basis of the complexity of the project, the magnitude of the work, potential for radioactive contamination and the lack of detailed plans for long-term management of wastes. Nuclear Information and Resource Service also requested a review panel on the basis of the risks of accidents, security issues and environmental justice issues.

In considering this intervention, the Commission is of the view that, although the proposed project would be a major and complex undertaking, a reasonably accurate assessment of the likelihood and significance of the environmental effects should be possible. The Commission notes that there has been considerable experience within the Canadian nuclear industry and CNSC with many of the types of refurbishment, operating and waste management activities that would be required to complete the project. As such, the Commission was not persuaded that a referral to a panel review on the basis of likely significant or uncertain environmental effects can be justified at this time.

Based on this information, the Commission concludes that a Screening EA of the project is required pursuant to the CEAA. The Commission further decides that, at this time, it will not refer the project to the Minister of the Environment for mediation or a review panel. The Commission concurs with CNSC staff that the issues and concerns identified to date can be

addressed in a screening-level assessment. The Commission requests that CNSC staff inform the Commission in a timely manner of any significant issues or public concerns that arise during the conduct of the EA and which may warrant further consideration of the need for a review panel or mediator.

Federal or Joint Federal-Provincial Process:

CNSC staff reported that it had consulted with the Ontario Ministry of the Environment and confirmed that there are no provincial environmental assessment requirements under the Ontario *Environmental Assessment Act* that are applicable to the proposal. The Commission therefore concludes that a joint EA with the Province of Ontario is not required in this case.

3.3 Consultations on the Draft EA Guidelines

As part of its review of the adequacy of the draft EA Guidelines and, in particular, to assess the level of public concern about the project for the purpose of considering the aforementioned options for mediation or review panel, the Commission took account of 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:

With respect to public consultation on the draft EA Guidelines, 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*. CNSC staff further reported that Bruce Power had already commenced consultation activities as part of the planning process for the assessment.

In response to the Commission's questions on the nature and extent of consultations that have taken place with the area First Nations, Bruce Power reported that it has been meeting regularly with the Chippewa of Nawash First Nation to discuss all issues of interest to them. Bruce Power reported that the Chippewa of Nawash First Nation has been actively involved in all recent EA processes involving the Bruce site, particularly in respect of the follow-up activities. CNSC staff added that it also actively sought the comments of the area First Nations on the draft EA Guidelines. No comments were provided by those First Nations.

CNSC staff reported that it reviewed Bruce Power's proposed Communication and Consultation Plan for the conduct of the EA and found it to be acceptable. CNSC staff added that Bruce Power has already begun consulting with the public and interested stakeholders on the project.

Government Consultation:

CNSC staff reported that, in accordance with the CEAA *Federal Coordination Regulations*, CNSC staff has consulted on the draft EA Guidelines, and will continue to consult during the course of the EA, with the relevant federal authorities (Health Canada, Environment Canada, Natural Resources Canada and the Fisheries and Oceans Canada). CNSC staff noted that no other federal departments identified themselves as Responsible Authorities for the EA, or as expert federal authorities for the purpose of providing technical assistance.

Consideration of Comments:

CNSC staff noted that all comments received during the above consultations were taken into consideration in the preparation of the draft EA Guidelines presented to the Commission for approval at this hearing. Information on the disposition of each comment was attached as Appendix B of the draft EA Guidelines (attached to CMD 05-H10).

Conclusion on the EA Guidelines Consultations:

Based on this information, the Commission is satisfied that the public and other stakeholders have been adequately consulted during the preparation of the draft EA Guidelines. The Commission is also 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.

3.4 The Scope of the Project

“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 section 3.5.

CNSC staff recommended that the project consist of the following elements:

- activities required to refuel Bruce A Units 1 and 2;
- activities required to allow Units 1 and 2 to be brought to operational status;
- activities required to extend the planned operational life of Units 1 and 2 to allow continued generation of power for an extended period to the end of a potential Bruce Power lease in 2043;
- activities required for the possible extended operational life of Units 3 and 4 and operation of these units through 2043; and
- activities required for the potential use of New Fuel in all four Units at Bruce A.

In its intervention, Women’s Legacy stated that it considered that the current EA Guidelines do not address the contamination and waste storage issues in the area. Similarly, Greenpeace

Canada expressed the view that the total cumulative development proposed for the Bruce site, including the expansion of Ontario Power Generation (OPG) Western Waste Management Facility (WWMF) and OPG's proposal for a geological repository at the Bruce site, are interconnected and should be included in the scope of the project. The Lake Ontario Waterkeeper also recommended that the management of the spent New Fuel waste at the WWMF should be included in the project scope.

In response to questions from the Commission on whether the scope included the potential environmental impacts of the waste that would be generated, CNSC staff explained that the activities involved in the production and handling of the wastes that will arise as a result of the proposed undertakings are included in the scope of the project. The subsequent storage of those wastes at the adjacent Western Waste Management Facility (WWMF) operated by Ontario Power Generation, however, has not been proposed as part of the project in the EA Guidelines. CNSC staff explained that the WWMF is a separately licensed facility that is designed for this purpose and was the subject of a separate environmental assessment under the CEAA. Recognizing the need to consider any incremental effects that may occur at the WWMF as a result of the project, CNSC staff explained that this would be captured in the scope of the assessment in the context of cumulative effects. The scope of the assessment is discussed further in section 3.5 of this *Record of Proceedings*. The Commission accepts this response of CNSC staff. The Commission further concludes that any other waste management or disposal facility that may be built in the future in the vicinity of the Bruce NGS site would be a separate undertaking and is not sufficiently interdependent or linked to the Bruce Power proposal that it should be considered part of a single project for this EA. A separate EA for that type of project under the CEAA would be required, including a consideration of cumulative effects with other activities in the area.

In its intervention, Lake Ontario Waterkeeper suggested that the scope of the project be expanded to include: "the use of SEU-based fuel throughout Ontario and all activities performed in connection to the use of SEU fuel throughout Ontario including, but not limited to, the manufacture, transportation, and disposal thereof". In support of this suggestion, the Lake Ontario Waterkeeper argued that the proposed fabrication of the New Fuel at the Cameco Corporation and Zircotec Precision Industries Inc. facilities in Port Hope, Ontario are interdependent and linked to the use of SEU fuel at Bruce A NGS. The Lake Ontario Waterkeeper expressed the view that the proposed amended scope would be consistent with the purpose of the CEAA. In response to this intervention, CNSC staff explained that Bruce Power was not seeking authorization to fabricate SEU fuel, and that an environmental assessment was ongoing on a separate request by another licensee to fabricate such fuel. Furthermore, it is CNSC staff's understanding that other fuel manufacturers are available to provide SEU fuel if necessary, and that Bruce Power would continue to operate its reactors in the event that the SEU fuel was not available.

The Commission considered this position of the Lake Ontario Waterkeeper and was not persuaded that the scope of the project should be expanded as suggested. The Commission is of the view that, while the New Fuel will need to be fabricated at some location, it would not be imperative or inevitable to do so at the aforementioned facilities in Port Hope. Although

Cameco Corporation and Zircatec Precision Industries are preparing to meet a market demand for the New Fuel, the Commission is satisfied that such fuel could be supplied from elsewhere.

Similarly, while the New Fuel would need to be transported to the site, the Commission notes that this could be done by any number of routes and carriers. Therefore, while the Commission accepts that fuel fabrication and transportation activities would occur, the Commission concludes that specific physical works and activities of that type and the principal project are not sufficiently interdependent or linked to warrant their consideration within a single project. The Commission further notes that the proposed production of the New Fuel at Port Hope is undergoing a separate detailed screening environmental assessment and that the transport of material to and from that project site, as well as the use of the New Fuel in a general, non site-specific sense falls within the scope of that other screening EA.

Furthermore, the Commission notes that should the fuel fabrication and transport activities have the potential to affect the environment in the same time and physical space as the principal project (such as in the latter part of the transportation route), those effects would be taken into account within the *scope of the assessment* as part of the requirement to examine cumulative effects (refer to section 3.5 below for a further discussion of the scope of assessment).

Similarly, and as discussed above, the Commission notes that the WWMF is separately licensed and has undergone its own environmental assessment pursuant to the CEAA. The Commission also concludes that the WWMF operation is not sufficiently interdependent or linked to the Bruce Power project to warrant its inclusion in a single project for this assessment. The Commission is satisfied that the effects of the WWMF operations, and any other projects in the vicinity, will be captured in the cumulative effects part of the proposed *scope of the assessment*.

Another intervenor (Greenpeace Canada), noting that Bruce Power is only exploring the possibility of carrying out the project and has not formally applied to the CNSC for it, expressed the view that the project is only hypothetical and thus, in its view, is not a “project” as defined in section 2 of the CEAA. Section 2 of the CEAA states that “a project is any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to the physical work.”

The Commission was not persuaded by this intervention by Greenpeace Canada. The Commission strongly supports the use of environmental assessment as a planning tool that should be initiated as early as possible in the development of a project plan. The Commission does not consider that a licence application must be well developed or in place prior to an EA process commencing. Rather, the Commission is of the view that such timing would not maximize the benefits of using the EA process in the planning and design of the proposal.

Great Lakes United, the Canadian Coalition for Nuclear Responsibility and the Nuclear Information and Resource Service also expressed the view that each of the proposed project components (refurbishment and restart of Units 1 and 2, refurbishment for extended operation of Units 3 and 4, and use of New Fuel) should be the subject of three separate environmental assessments carried out pursuant to the CEAA. In considering this matter, the Commission examined the degree of interdependence, linkage and proximity between the activities. The

Commission concluded that, due to the very close proximity of the proposed activities in both time and space, and the extent to which the refurbishment activities and operating reactor units would share common systems and services, the three main project elements are sufficiently interdependent, linked and proximate to warrant their assessment as a single project.

Conclusion on the Scope of Project:

Based on the above information, the Commission accepts CNSC staff's recommendations concerning the *scope of the project* and approves the definition of the project scope as set out in section 7.0 of the draft EA Guidelines without change.

3.5 The Scope of the Assessment

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.

Statutory Factors and CNSC Staff Recommendations:

CNSC staff explained that 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.

CNSC staff stated that the mandatory factors in subsection 16(1) of the CEAA are: the environmental effects of the project, including as may be caused by malfunctions or accidents and any cumulative environmental effects with other projects; the significance of the effects identified above; comments from the public that are received in accordance with the CEAA and its regulations; and measures that are technically and economically feasible that would mitigate any significant adverse environmental effects of the project.

In addition to these factors, CNSC staff recommended that the Commission include, pursuant to paragraph 16(1)(e), the following factors: the purpose of the project; consideration of traditional and local knowledge; 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.

Effects to Humans (Workers):

With respect to the potential effects of the project on workers, the Canadian Coalition for Nuclear Responsibility and Citizens for Alternatives to Chemical Contamination suggested in their interventions that health studies be performed on the workers involved in activities related to the refurbishment. Furthermore, the Canadian Coalition for Nuclear Responsibility suggested that the Commission ensure that all workers involved in refurbishment activities be informed about the health risks of radiation exposure. Greenpeace Canada also suggested that the EA

include a detailed disclosure of the safety and radiation protection exposures that will be used to ensure the safety of workers during the refurbishment.

The Commission concurs that an assessment of the potential effects of a project on the health of workers and the public should be within the scope of an EA. Upon examination of the proposed EA Guidelines, the Commission is satisfied that human health is adequately addressed in the proposed scope of the assessment. The Commission further notes that, if the project proceeds to the licensing review stage under the *Nuclear Safety and Control Act*, a further detailed evaluation of Bruce Power's radiation protection programs would be carried out by the CNSC to ensure Bruce Power has made adequate provisions for the protection of persons. Furthermore, if the project proceeds, the CNSC, in accordance with its regulatory mandate, would carry out ongoing rigorous compliance verification to assure the protection of workers and the public and the appropriate dissemination of health information. The Commission notes that the proposed EA scope also includes provisions for a follow-up program and that any requirements for follow-up action may be integrated into the CNSC's licensing process.

Assessment of Effects from Waste Heat and New Fuel:

In its intervention, Greenpeace Canada expressed the view that the EA should consider measures to mitigate radioactive and waste heat emissions. From its questioning of CNSC staff on the matter of thermal emissions, including how this could be affected by the use of New Fuel, the Commission is satisfied that the effects of any thermal plume are included in the proposed scope of the EA and related follow-up program.

Further with respect to the use of New Fuel, Bruce Power explained that, due to the low level of enrichment in the New Fuel, there would be no change in the rate of fuel waste generated, or in the existing requirements for fuel waste storage. The Commission is satisfied that assessment of this and other aspects of radioactive waste management is included in the proposed scope of the assessment.

Malfunctions and Accidents:

In its intervention, Greenpeace Canada stated that, in its opinion, the proposed assessment would not adequately address the possible environmental effects of a catastrophic accident at the Bruce A NGS. Greenpeace therefore suggested a change to the proposed wording in this part of the EA Guidelines from "events that have a reasonable probability of occurring" to "events that may occur" which is consistent with the wording of paragraph 16(1)(a) of CEAA.

In considering this proposed wording change, the Commission determined that the phrase "events that may occur" in paragraph 16(1)(a) of the CEAA does not require the Commission to consider all conceivable accidents and malfunctions regardless of how extremely remote the possibility of occurrence. The Commission also has the discretion to exclude from the assessment those events that may not occur. The Commission accepts that the proposed wording in the EA Guidelines provides additional clarity to the Commission's interpretation of the intent of the requirement and reflects a reasonable risk-informed approach to the conduct of the EA. The Commission instructs CNSC staff to take a reasonably conservative, risk approach to the

identification of accident and malfunction events for the assessment, taking into account the probability and consequences of the events at a facility, including how this could be affected by the age of the facility components.

Conclusion on scope of the Assessment:

Based on the above information and considerations, the Commission concludes that the scope of the assessment, as described in section 9 of the draft EA Guidelines, is appropriate for the purpose of the environmental assessment of the proposed project.

3.6 Environmental Assessment Structure and Approach

The draft EA Guidelines, in addition to defining scope, contains instructions relating to the structure and approach to be used in conducting and documenting the environmental assessment. Therefore, in its consideration of the acceptability of the draft EA Guidelines document, the Commission also considered the recommended structure and approach for the assessment.

With reference to sections 9.0 and 10.0 of the draft EA Guidelines, CNSC staff outlined the proposed structure, methods and sequence for completing and documenting the environmental assessment studies and Screening Report. This includes instructions for describing: the project (construction, modifications, normal operations, accidents and malfunctions, and decommissioning); the spatial and temporal boundaries of the assessment; the existing environment; the assessment and mitigation of environmental effects; the assessment of cumulative environmental effects; the significance of residual effects; the conduct of stakeholder consultations throughout the assessment; and the design and implementation of a follow-up program.

In its intervention, Greenpeace Canada requested that the approval of the proposed EA Guidelines be delayed pending the development by the CNSC of a regulatory approach governing the life extension of CANDU reactors. In response to the Commission's questions on this statement, CNSC staff assured the Commission that, while specific refurbishment regulations do not exist, the current *Nuclear Safety and Control Act* and its Regulations provide an adequate regulatory framework for this type of project. CNSC staff further stated that it has significant experience in applying the existing regulatory framework in the regulation of similar refurbishment projects. The Commission concurs that changes or additions to the CNSC regulatory framework are not necessary for this project and that this does not affect the EA Guidelines.

In its intervention, Citizens for Renewable Energy and Great Lakes United disagreed with the CNSC's practice of delegating environmental assessment studies to the proponent. Great Lakes United requested an independent review to alleviate what it perceives to be a lack of objectivity caused by this practice. In response to the Commission's request for comments on these interventions, CNSC staff explained that the CEAA permits the Responsible Authority to delegate studies to other parties, including the project proponent, and that this is an acceptable practice commonly done in most EA processes. CNSC staff further noted that all of the studies

completed by other parties are reviewed by the public and by specialists at the CNSC and other expert federal authorities before they are accepted and used in completing the final Screening Report. The Commission accepts these statements of CNSC staff and is satisfied that, with the appropriate independent review processes in place, the delegation of work on the EA to Bruce Power is acceptable and, in fact, allows for greater access to detailed operational information and experience that may be relevant to the assessment of potential effects and their mitigation.

Conclusion on the EA Structure and Approach:

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 draft EA Guidelines attached to CMD 05-H10, are acceptable.

The Commission requests that CNSC staff closely monitor the conduct of the studies to ensure that they are being carried out in accordance with the EA Guidelines.

4. Conclusion

The Commission has considered the information and submissions of the proponent, CNSC staff and the intervenors as presented for reference on the record for the hearing.

The Commission, pursuant to sections 15 and 16 of the CEAA, approves the *EA Guidelines (Scope of Project and Assessment), Environmental Assessment of a Proposal for the Refurbishment for Life Extension and Continued Operations of Bruce A Reactors at the Bruce A Nuclear Generating Station (Bruce A NGS)*, set out in Appendix A of CMD 05-H10.

The Commission also concludes that, at this time, it will not request the federal Minister of the Environment to refer the project to a mediator or review panel in accordance with the provisions of the CEAA.

The Commission requests CNSC staff to report to the Commission on any issues arising during the conduct of the EA that could justify the Commission giving further consideration to a referral of the project to the Minister of the Environment, or to amending the scope of the project or factors to be included in the EA.

Marc A. Leblanc
Secretary,
Canadian Nuclear Safety Commission

Date of decision: May 19, 2005

Date of release of Reasons for Decision: July 14, 2005

Appendix A – Intervenors

Intervenors	Document Number
Lake Ontario Waterkeeper, represented by M. Mattson	CMD 05-H10.2
Citizens for Renewable Energy, represented by Z. Kleinau	CMD 05-H10.3 CMD 05-H10.3A
Great Lake United, represented by D. Stack	CMD 05-H10.4
Canadian Coalition for Nuclear Responsibility	CMD 05-H10.5
Nuclear Information and Resource Service, represented by K. Kamps	CMD 05-H10.6
Greenpeace Canada, represented by S-P. Stensil	CMD 05-H10.7 CMD 05-H10.7A
Citizens for Alternative to Chemical Contamination, represented by M. Keegan	CMD 05-H10.8
Women's Legacy	CMD 05-H10.9
C.B. Sawyer	CMD 05-H10.10