



REGULATORY
STANDARD

**Environmental Protection Policies,
Programs and Procedures at Class I
Nuclear Facilities and Uranium Mines and
Mills**

S-296

March 2006

TYPES OF REGULATORY DOCUMENTS

Regulatory documents support the Canadian Nuclear Safety Commission (CNSC) regulatory framework. By expanding on expectations set out in general terms in the NSCA and associated regulations, regulatory documents provide one of the core management tools upon which the CNSC relies to fulfill its legislated obligations.

The regulatory documents most commonly published by the CNSC are *regulatory policies*, *regulatory standards*, and *regulatory guides*. At the highest level, regulatory policies provide the direction for regulatory standards and guides, which serve as the policy “instruments.” A fourth type of regulatory document, the *regulatory notice*, is issued when warranted. Because the information in a *regulatory notice* must be conveyed with relative urgency, the development process is faster than that applied to the other documents.

Regulatory Policy (P): The regulatory policy describes the philosophy, principles or fundamental factors on which the regulatory activities associated with a particular topic or area of concern are based. It describes why a regulatory activity is warranted, and therefore promotes consistency in the interpretation of regulatory requirements.

Regulatory Standard (S): The regulatory standard clarifies CNSC expectations of what the licensee should do, and becomes a legal requirement when it is referenced in a licence or other legally enforceable instrument. The regulatory standard provides detailed explanation of the outcomes the CNSC expects the licensee to achieve.

Regulatory Guide (G): The regulatory guide informs licensees about how they can meet CNSC expectations and requirements. It provides licensees with a recommended approach for meeting particular aspects of the requirements and expectations associated with their respective licensed activities.

Regulatory Notice (N): The regulatory notice notifies licensees and other stakeholders about significant matters that warrant timely action.

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Ce document est également disponible en français sous le titre Politiques, programmes et procédures de protection de l'environnement aux installations nucléaires de catégorie I et aux mines et usines de concentration d'uranium

Document availability

The document can be viewed on the CNSC Internet website at www.nuclearsafety.gc.ca. Copies may be ordered in English or French using the contact information below:

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ENVIRONMENTAL PROTECTION POLICIES, PROGRAMS AND PROCEDURES AT CLASS I NUCLEAR FACILITIES AND URANIUM MINES AND MILLS

1.0 PURPOSE

The purpose of this Regulatory Standard, when incorporated in a licence or other legally enforceable instrument, is to help assure that licensees implement adequate environmental protection policies, programs and procedures, other than for licences to abandon, at Class I nuclear facilities and uranium mines and mills, in accordance with the *Nuclear Safety and Control Act* (NSCA)^[1] and regulations.

2.0 SCOPE

This document sets out the environmental protection policies, programs and procedures that licensees shall implement at Class I nuclear facilities and uranium mines and mills, when required by the applicable licence or other legally enforceable instrument.

3.0 RELEVANT LEGISLATION

The following provisions of the NSCA and Regulations are relevant to this standard:

Subsection 24(4) of the NSCA prohibits the Commission from issuing, renewing, amending or replacing a licence, unless in the opinion of the Commission, the applicant is (a) qualified to carry on the activity that the licence will authorize the licensee to carry on, and (b) will, in carrying out that activity, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed;

Subsection 24(5) of the NSCA provides that a licence issued by the Canadian Nuclear Safety Commission (CNSC) may contain any term or condition that the Commission considers necessary for the purposes of the Act;

Paragraph 3(g) of the *Class I Nuclear Facilities Regulations* stipulates that an application for a CNSC licence, other than a licence to abandon, shall contain, in addition to other information, “the proposed environmental protection policies and procedures;” and

Paragraph 3(c)(v) of the *Uranium Mines and Mills Regulations* stipulates that an application for a licence in respect of a uranium mine or mill, other than a licence to abandon, shall contain, in addition to other information, “the proposed environmental protection policies and programs.”

4.0 DEFINITIONS

The Glossary at the end of the document defines the special terms used in this regulatory standard.

5.0 ENVIRONMENTAL PROTECTION POLICIES, PROGRAMS AND PROCEDURES

5.1 Objective

The objective of the environmental protection policies, programs and procedures is to establish adequate provision for protection of the environment at Class I nuclear facilities and uranium mines and mills. This shall be accomplished through an integrated set of documented activities that are typical of an Environmental Management System (EMS).

5.2 Environmental Management System (EMS) Requirements

The licensee shall perform the following tasks:

1. Establish, implement and maintain an EMS that meets the requirements set by the Canadian Standards Association's ISO 14001:2004, *Environmental Management Systems—Requirements with Guidance for Use*.^[4]

Certification to ISO 14001 by an authorized registrar, or other independent third party, is not considered by the CNSC as meeting the requirements of this standard. The CNSC, in exercising its responsibilities as outlined in the Act, will evaluate all licensees' programs in relation to the requirements of this standard.

2. Ensure that the scope of the EMS is consistent with the definitions of "environment," "environmental effect" and "pollution prevention" provided in the Glossary.¹
3. Conduct internal audits (clause 4.5.5 of ISO 14001:2004) at planned intervals so that all elements of the EMS are audited on at least a five-year cycle.
4. Conduct a management review (clause 4.6 of ISO 14001:2004) annually.

¹ As a federal agency, the CNSC has adopted certain key concepts in environmental protection from other federal statutes that are not defined in the NSCA and Regulations. To prevent misinterpretation of these concepts, which relate to similar concepts in ISO 14001:2004, expanded definitions are provided for the terms "environment," "environmental effect" (impact) and "pollution prevention" (prevention of pollution) in the Glossary.

GLOSSARY

EMS

Environmental Management System.

Environment

Expanding on clause 3.5 of ISO 14001:2004, the environment refers to the components of the earth, including:

- (a) land, water, and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in (a) and (b).^[7]

Environmental effect

Expanding on “environmental impact” from clause 3.7 of ISO 14001:2004, environmental effect includes:

- (a) any change that an activity, substance, equipment, facility or prescribed information may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*; ^[6]
- (b) any effect of any change referred to in (a) on:
 - health and socio-economic conditions;
 - physical and cultural heritage;
 - the current use of lands and resources for traditional purposes by aboriginal persons; or
 - any structure, site, or thing that is of historical, archeological, paleontological, or architectural significance; or

whether any such change or effect occurs within or outside Canada [adapted from ^[5]].

Pollution prevention

Expanding on “prevention of pollution” from clause 3.18 of ISO 14001:2004, pollution prevention means the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste and reduce overall risk to the environment or human health.^[7]

REFERENCES

1. *Nuclear Safety and Control Act and Regulations*. Canadian Nuclear Safety Commission, Ottawa, 2000.
2. *Class I Nuclear Facilities Regulations*. Canadian Nuclear Safety Commission, Ottawa, 2000.
3. *Uranium Mines and Mills Regulations*. Canadian Nuclear Safety Commission, Ottawa, 2000.
4. *Environmental Management Systems – Requirements with Guidance for Use*, National Standard of Canada CAN/CSA-ISO 14001:04 (ISO 14001:2004). Canadian Standards Association, Mississauga, 2004.
5. *Canadian Environmental Assessment Act (CEAA)*. Canadian Environmental Assessment Agency, Ottawa, 2003.
6. *Species at Risk Act*. Environment Canada, Ottawa, 2003.
7. *Canadian Environmental Protection Act (CEPA)*. Environment Canada, Ottawa, 1999.