



National Energy
Board

Office national
de l'énergie

THE APPLICATION PROCESS

ISSUE: APPLICATION PROCESS: HOW DOES THE NEB MAKE DECISIONS OR RECOMMENDATIONS?



An important part of the National Energy Board's (NEB or Board) job is to review and assess new project applications. Using the evidence that is placed before it, the NEB determines whether the project is in the public interest. A general overview of the process for the assessment of projects follows.

Pre-Application Phase

- A company may file a project description before it files an application. This is used for project-specific public and Indigenous engagement as well as for participant funding application.
 - [Participant Funding Program](#) (PFP) provides funding to facilitate the participation of the public in hearings or environmental assessments with respect to new or abandonment projects for pipelines or powerlines.

Applications to Construct and Operate

- When the company files its application for the construction and operation of a pipeline, the NEB reviews it to see if the proposed pipeline can be built and operated safely, and whether it is in the public interest. Under the *National Energy Board Act* (NEB Act), the Board must hear from directly affected people and groups (including Indigenous peoples), and may hear from those with relevant information or expertise. At the completion of the hearing process for major projects (i.e., pipeline projects greater than 40 km in length), the NEB makes a recommendation to the Federal Cabinet (with or without conditions). For smaller projects, at the completion of the hearing process the NEB may issue an approval along with any necessary conditions.

QUICK FACTS:

Key facts:

- The NEB assesses all pipeline applications for factors such as safety, environmental impacts, engineering integrity, emergency response capability, impacts on Indigenous peoples and landowners, and traditional land uses.
- Public hearings can be held when appropriate. The NEB wants to hear from those who are directly affected by a project proposal or who have relevant information or expertise.
- Application assessment is only one part of the NEB's role. Our regulatory oversight spans the entire life of a project.

- An environmental assessment (EA) is a review of the environmental effects likely to be associated with an energy project. This assessment is completed before the NEB makes a decision or recommendation on whether or not to approve an application.
- Major projects cannot be constructed until the detailed route has approved by the NEB. Once a major project has received an approval, the company is required to file an application for the detailed route of the project. The Board may approve the application if there is no opposition to it. If there is opposition, the Board must have a public hearing. In either case, the Board will review the information presented and decide whether the company has proposed the best possible detailed route and the most appropriate methods and timing for construction. Smaller pipeline projects do not require detailed route approval.
- Once a pipeline is operational, the NEB continues to regulate and oversee the safe and environmentally responsible operation of the facility until decommissioning and abandonment.

Abandonment of Facilities

- If a company wishes to abandon a facility, it must submit an application, which includes details on the company's proposed abandonment activities. In particular, the company must describe the safety and environmental impacts of the proposed abandonment activities, and also the consultations undertaken with affected landowners.
- The NEB reviews the application. If the application is approved, the Board may impose conditions and inspect the abandonment activities.
- The NEB holds companies responsible for having the funds available to address any issues during and after abandonment.

