



November 25, 2020

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**Subject: Canadian Nuclear Safety Commission Response to Letter to Minister of Natural Resources Regarding Nuclear Project Environmental Assessments at Chalk River, ON**

Dear Grand Chief Polson and Chief Haymond,

The President of the Canadian Nuclear Safety Commission (CNSC) was copied on a letter sent to the Minister of Natural Resources on August 26, 2020, regarding three environmental assessment (EA) processes occurring in and around the Chalk River site, for which the CNSC is the Responsible Authority. She has referred the letter to me for response. The purpose of this letter is for the CNSC staff to provide additional information regarding these projects, which include Canadian Nuclear Laboratories' (CNL) proposed Near Surface Disposal Facility (NSDF) project, and the Nuclear Power Demonstration (NPD) closure project, as well as Global First Power's (GFP) Micro Modular Reactor (MMR) project.

It is our understanding that the Minister of Natural Resources responded to your letter on November 5, 2020.

### **Consultation Process to Date**

As confirmed by the President of the Impact Assessment Agency of Canada (IAAC) in their letter dated June 10, 2020, the CNSC, as the responsible Crown Agency for these projects, is committed to continuing to carry out a meaningful consultation process with the Algonquin Anishinabeg Nation Tribal Council (AANTC), Kebaowek First Nation (KFN) and other AANTC member First Nations. To date, CNSC staff have endeavored to build a positive, constructive relationship with AANTC and

KFN to ensure that AANTC and KFN can be meaningfully involved in the regulatory review process for each of these projects. This includes multiple opportunities to participate, review, and comment on key documentation such as Project Descriptions, Commission Member Documents and draft Environmental Impact Statements, as well as multiple opportunities to apply for participant funding to support your participation and to bring your concerns forward to CNSC staff and the Commission.

In addition, since the letter that AANTC and KFN sent to the Prime Minister (May 14, 2020), which expressed similar concerns to the letter sent to the Minister of Natural Resources (August 26, 2020), CNSC staff have made repeated efforts to communicate and engage with AANTC and KFN. This includes over a dozen email communications and formal letters (one for each project) that outline a proposal to develop collaboratively a consultation framework for each project.

Regarding the MMR project and the recent Record of Decision (July 16, 2020) on the scope of the EA for the proposed project, the Commission recognized the concerns raised by KFN. While the Commission noted that it was satisfied with the engagement undertaken for the scoping decision, it directed CNSC staff to engage in meaningful discussions with KFN and AANTC to address your concerns and the consultation process in the conduct of the EA. In CNSC staff's letters to KFN and AANTC (August 20, 2020), staff shared a consultation approach for the next steps in the process for your consideration.

Proposed topics include the development of a mutually agreeable consultation protocol or Terms of Reference, an approach for assessing the project's potential impacts on the rights of KFN and AANTC member First Nations, participation in the technical EIS review period, and a collaborative approach to developing sections of the EA Report, specifically related to information on AANTC and KFN perspectives, knowledge, land use, concerns, and rights.

In accordance with s. 182 of the Impact Assessment Act (IAA), and as confirmed by multiple response letters from the Government of Canada, an EA of a designated project by the CNSC that commenced under the Canadian Environmental Assessment Act (CEAA) 2012, is continued under CEAA 2012 as if that Act had not been repealed. As such, the CNSC is the Responsible Authority for the three projects. CNSC staff are ready and willing to engage in dialogue to address the concerns that you have raised to the Prime Minister and Ministers. Progress on better understanding the impacts of the identified issues can only be achieved with the active participation of AANTC and KFN.

### **Proposed Path Forward**

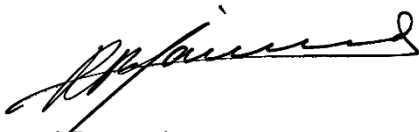
CNSC staff want to understand how we can work with AANTC and KFN to begin actively engaging one another and participating in the regulatory process for these projects, including participation in the Commission hearing processes for each project to ensure the Commission can hear your concerns as well. Further, we remain committed to working together to reduce potential barriers and want to work through these important issues. We look forward to receiving AANTC and KFN's comments on the consultation proposals that we provided this summer and to engaging in those important discussions.

In addition, we recognize that AANTC and KFN have expressed an interest in being actively engaged in the policy development process around Canada's radioactive waste policy, as well as Canada's Small Modular Reactor (SMR) Action Plan. We encourage you to continue to engage directly with Natural Resources Canada regarding these policy initiatives, as they are the lead department for the

initiatives and the related engagement processes. However, CNSC staff would be happy to explain our regulatory and oversight role regarding any specific radioactive waste or SMR project proposals, should you be interested.

CNSC staff look forward to working towards building a long-term relationship with the AANTC and KFN, as well as working together throughout the regulatory review processes for these three projects.

Yours sincerely,



Ramzi Jammal  
Executive Vice-President and Chief Regulatory Operations Officer  
Canadian Nuclear Safety Commission

c.c.: Honourable S. O'Regan (Minister of Natural Resources)  
N. Odjick, C. Beausoleil, AANTC  
Chief L. Haymond, S. Green, R. Van Schie, KFN