



October 5, 2023

Luke Moger
VP Environment, Permitting & Licensing
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Subject: Outcome of CNSC Staff Completeness Check of the September 5, 2023 Responses to Federal-Indigenous Review Team Information Requests for the Rook 1 Project

Dear Mr. Moger,

On September 5 2023, NexGen Energy Ltd. (NexGen) submitted responses to Information Requests (IRs) for the proposed Rook 1 Project [1]. Canadian Nuclear Safety Commission (CNSC) staff have conducted a completeness check of this submission to form a conclusion on whether the required information has been provided in order to proceed with the technical review of the IR response submission. CNSC staff have deemed the submission incomplete.

CNSC staff reviewed the responses to the 271 IRs, along with any relevant proposed revisions to the EIS and supporting technical documents, as provided by NexGen. There are five (5) responses to IRs that remain outstanding.

Overall Review

During the completeness check, CNSC staff reviewed each IR response for consistency with CNSC staff's expectations for NexGen's submission as outlined in our [November 16, 2022 letter](#) [2], including submitting:

- a revised EIS along with document revision history, in order for reviewers to locate the changes that have been made to the revised documents
- complete responses to all IRs and advice to proponent comments, while clearly indicating how responses to IRs and any subsequent changes were incorporated into the revised EIS

CNSC staff acknowledge that since the provision of this guidance, it was agreed that a revised EIS was not required for this submission, as long as NexGen provided the proposed revisions to the EIS and revisions to other supporting documents for review as part of the IR responses.

Detailed feedback is provided in the attached table, appended as appendix A.

Information Requests (IRs)

The main reasons for determining that 5 IR responses did not pass completeness included:

- response does not fully address each sub-question of the IR
- information provided is insufficient to allow a technical review
- the supplementary material or changes to EIS documents or Technical Support Documents provided as part of the response is/are insufficient to adequately meet the request

Overall, these responses did not include sufficient information to address the original IR.

CNSC staff found that some of the incomplete IR responses referenced detailed information to be provided at licencing. CNSC staff previously reinforced on several occasions our expectation that responses to IRs must include sufficient details for subject matter experts to complete their technical assessment. Responses that additional information will be provided during the licensing phase are not adequate. Summaries of detailed program information that will be provided at licencing are expected to be provided as part of the EIS and supporting documents, if required, for subject matter experts to determine whether significant adverse environmental impacts will be avoided, limited, or mitigated.

Additional Guidance

There are also several responses to IRs that note additional information will be updated in the final EIS. The final EIS is our review step to verify that accepted responses to IRs and proposed revisions to the EIS and any supporting documentation have been properly completed. The Federal-Indigenous Review Team (FIRT) must review this information before IRs can be resolved, which is required prior to a final EIS submission. Although these IRs passed completeness, it is expected that any additional information be provided in advance of a final EIS.

Information that has not been reviewed by the FIRT should not be included in the final EIS, or other supporting documents.

Indigenous engagement

CNSC staff recognize that NexGen has continued to put effort into engagement with identified Indigenous Nations and communities since the June 2022 submission. As per the requirements of REGDOC 3.2.2, *Indigenous Engagement*, the Indigenous Engagement Report (IER) is an evergreen document to be updated and submitted to CNSC staff as NexGen's engagement activities progress. CNSC staff have not received an updated version of the IER since June 2022, which contains information up to Spring 2022.

As has been communicated to NexGen, CNSC staff expect NexGen to provide any supplementary information along with the fulsome responses to IRs, and any supporting evidence. Further, section 4.2 of REGDOC 3.2.2 states: "It is essential that licensees submit all necessary and relevant information gathered pursuant to the engagement report, as this helps the CNSC to ensure an adequate Indigenous consultation process, to determine the appropriate level of Indigenous consultation activities, and to carry out an effective and efficient EA and/or licensing review".

The engagement information that has occurred between spring 2022 and the summer of 2023 is information that underpins CNSC staff's technical review of NexGen's engagement activities. Therefore, CNSC staff expect NexGen to submit an update on engagement activities as part of NexGen's next submission. This can be provided in the form of a fully revised IER, or whatever format NexGen chooses. This should include updated information on NexGen's engagement activities from Spring 2022 until the new submission date, as appropriate.

Commitments Report

As noted in the November 22, 2022 letter submitted along with the conclusion of the EIS Technical Review [2], CNSC staff have requested that NexGen submit a draft Commitments Report as part of its revised EIS documentation. This report would capture all the mitigation measures, follow-up program measures and commitments that are referenced in the Environmental Assessment (EA) documentation, in a single location for completeness and traceability. This report would remain an evergreen document that would continue to be updated during the remainder of the regulatory review process, as well as if the project is approved, after the public hearings and Commission decisions, in order to capture any additional commitments made by NexGen staff during public hearings and any actions directed by the Commission to NexGen.

This report has not been included with NexGen's responses to the the first round of responses. CNSC staff expect that NexGen will provide a draft Commitments Report with the next submission, as the FIRT must review this information before IRs can be resolved.

Expectations and Next Steps

CNSC staff expect NexGen to perform any additional work, make revisions to the submission and re-submit responses to IRs, along with any supporting documents that may have changed as a result of the revisions. Further, it is expected that the aforementioned information on Indigenous engagement be submitted along with this next submission. CNSC staff are available to hold a meeting with NexGen to further elaborate on the outcome of this completeness check, and the expectations for resubmission.

Upon resubmission of a complete EA package, CNSC staff will perform a subsequent completeness check of the remaining five (5) IRs and any additional supporting information. Should the next submission be deemed complete, the technical review will commence.

Should you have any questions, please do not hesitate to contact me, directly by phone at 343-542-7657 or by email at Nicole.Frigault@cnsccsn.gc.ca.

Sincerely,

Nicole Frigault
Environmental Review Specialist, Environmental Review Division

c.c.: CNSC: N. Kwamena, P. Burton, C. Cattrysse, A. Levine, R. Froess
NexGen: F. Halliday

Attachment: Appendix A: Rook 1 Completeness Check: Review of NexGen Responses to Information Requests (IRs) and Supporting Documents Received September 5, 2023 (e-Doc 7133112)

References:

- [1] Email, L. Moger (NexGen) to N. Frigault (CNSC), RE: Results of Federal Indigenous Review Team Technical Review of NexGen's Draft Environmental Impact Statement Submission, September 5, 2023 (e-Doc 7131610)
- [2] Letter, N. Frigault (CNSC) to L. Moger (NexGen), Results of the Federal-Indigenous Review Team technical review of the June 13, 2022 Draft Environmental Impact Statement Submission for the proposed Rook 1 Project, November 16, 2022 ([e-Doc 6915418](#))