

DETERMINATION ON: The request to extend the deadline for the submission of requests to intervene in respect of the Commission's decision on the scope of factors to be considered in the environmental assessment for Global First Power's Micro Modular Reactor project (ref. CMD 20-H102)

REQUESTORS: Canadian Environmental Law Association and Dr. M. V. Ramana

1. INTRODUCTION AND REQUEST

1. On January 27, 2020, the Commission published a *Notice of Participant Funding and an Opportunity to Submit a Written Intervention on the Scope of an Environmental Assessment* concerning a project proposed by Global First Power (GFP) (CMD 20-H102).¹ The proposed project includes the site preparation, construction, operation and decommissioning of a single modular reactor using micro modular reactor (MMR) technology and meets the definition of a "designated project" *Regulations Designating Physical Activities*.² The project is therefore subject to an EA under the *Canadian Environmental Assessment Act, 2012*³ (CEAA 2012), with the CNSC as the sole responsible authority. The original deadlines for submissions from CNSC staff and persons who wished to intervene in the matter of the scope of factors to be considered in the EA (EA scoping) were March 31, 2020 and April 30, 2020, respectively.
2. On March 24, 2020, in response to the Covid-19 pandemic, the Commission announced, via a *Revised Notice of an Opportunity to Submit a Written Intervention of the Scope of an Environmental Assessment*,⁴ that it would extend the timeline for its consideration of the EA scoping for GFP's proposed project. Specifically, the Commission announced that the decision, which was originally to be rendered in May 2020, would now be rendered in June 2020. Accordingly, the Commission also provided CNSC staff an additional 30 days to submit its submission with a postponed deadline of April 30, 2020, and provided persons who wished to intervene in this matter an additional 31 days to submit their submissions to the Commission with a postponed deadline of June 1, 2020.
3. On April 8, 2020, the Commission Secretary received a joint request from the Canadian Environmental Law Association and Dr. M. V. Ramana (collectively referred to as CELA in this Record of Determination) to extend the deadline for the submission of requests to intervene in the EA scoping matter by an additional 30 days from the revised deadline of May 31, 2020.⁵ Following receipt of the request, the Commission Secretary, Marc Leblanc, contacted the CELA representative on that same day via telephone and indicated that the Commission would provide GFP, as the party affected by such a decision, the opportunity to make representations regarding CELA's request, after which the Commission would render a determination on the request.

¹ e-Doc 6105188

² SOR/2012-147

³ S.C. 2012, c. 19, s. 1

⁴ <http://www.nuclearsafety.gc.ca/eng/the-commission/pdf/NoticeRevision1-GPF-MMR-CMD20-H102-e.pdf>

⁵ e-Doc 6284635

4. GFP submitted its response to CELA's request to the Commission Secretary via email on April 16, 2020.⁶ In its response, GFP indicated that it was sensitive to the Covid-19 pandemic situation, and respectful of the Commission's processes and the importance of public participation in those processes. GFP stated however, that "*...given all the circumstances, extending the public intervention deadline would introduce undue detriment to the MMRP (MMR project).*"

2. DETERMINATION

5. Pursuant to section 22 of the NSCA, the President has established herself as a standing Panel of the Commission to deal with procedural matters in relation to Commission proceedings. On this request, the Commission does not find that a 30-day extension is appropriate or reasonable.

3. ISSUES AND REASONS FOR DETERMINATION

6. The Commission states that, in March 2020, it made the decision to postpone the decision in the EA scoping in the context of its, and Canada's, response to the Covid-19 pandemic. The Commission agrees with the requestors that its scheduling of Commission proceedings has been affected by the Covid-19 pandemic, and notes that this is why this EA scoping proceeding has already been delayed by one month.
7. The Commission is of the view that the extension of the timelines to file submissions in the EA scoping proceeding is to the benefit of all, including of potential intervenors and CNSC staff.
8. The Commission notes that all documentation related to GFP's MMR project has been posted on the Impact Assessment Agency's (IAA) Registry⁷ since the beginning of the project. On July 15, 2019, the project description was posted on the IAA Registry, and Indigenous groups, members of the public and other stakeholders were invited to comment on the project description during a 60-day period between July and September 2019. Following the closing of this comment period, all information remained on the IAA Registry. As such, persons interested in this project have had several months to review information related to GFP's proposal. The Commission is of the view that CNSC staff's submission is only one document amongst many related to the proposed project that potential intervenors could review in respect to their submissions on the EA scoping, and that a 30-day period is adequate to file a request to intervene.
9. The Commission considered the information submitted by GFP in respect of the timeline extension request. GFP provided a well-reasoned position and rationale for its objection to an additional delay to the proceeding dates, based on potential harm to its interests.

⁶ e-Doc 6284646

⁷ <https://iaac-aeic.gc.ca/050/evaluations/proj/80182>

In light of this, the Commission is of the view that, on balance, fairness considerations weigh in favour of the timelines announced on March 24, 2020, and it will not extend these to a later deadline for the submission of requests to intervene in the EA scoping.

10. The Commission notes that the June 2020 EA scoping proceeding is one of several in the EA and licensing processes for GFP's proposed project. As such, the Commission understands that Indigenous groups, members of the public and other stakeholders will have further opportunities in the future to participate in the decision-making process concerning this project and to make additional submissions.
11. The Commission therefore denies the request to extend the deadline for the submission of requests to intervene in EA scoping, pursuant to the *Canadian Environmental Assessment Act, 2012*, for the Micro Modular Project proposed by Global First Power. The deadline to submit requests to intervene in this project remains **June 1, 2020**.

April 27, 2020

Rumina Velshi
President,
Canadian Nuclear Safety Commission

Date