



## **Supplementary Information**

### **Written submission from CNSC Staff**

In the Matter of the

**Ontario Power Generation Inc.**

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Applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology

**Commission Public Hearing**

**January 2024**

## **Renseignements supplémentaires**

### **Mémoire du personnel de la CCSN**

À l'égard d'

**Ontario Power Generation Inc.**

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Applicabilité de l'évaluation environnementale et de l'enveloppe des paramètres de la centrale à la technologie de réacteur sélectionnée pour le projet de nouvelle centrale nucléaire de Darlington

**Audience publique de la Commission**

**Janvier 2024**

## **CNSC staff update on Consultation and Engagement with Indigenous Nations and communities on the Applicability of the Darlington New Nuclear Project (DNNP) Environmental Assessment to OPG's Chosen Technology**

### **1. Context**

CNSC staff are submitting this report to the Commission to provide an update on CNSC staff's efforts with regards to consultation and engagement activities with Indigenous Nations and communities on the applicability of the Darlington New Nuclear Project (DNNP) Environmental Assessment (EA) to OPG's chosen technology, as requested by the Commission at the January 23-25, 2024 Public Hearing.

The information included in this report should be considered in addition to the consultation and engagement activities, processes and recommendations described in CNSC staff's Commission Member Document (CMD<sup>1</sup>) and presentation<sup>2</sup> to the Commission in relation to the applicability of the DNNP EA to the BWRX-300 reactor technology.

Information about specific meetings, key comments and concerns raised by Indigenous Nations and communities and consultation and engagement activities related to the applicability of the DNNP EA to OPG's chosen technology from May 2022 to June 2023 are included in CNSC staff's CMD 24-H2 submitted to the Commission. This report provides an update on CNSC staffs continued consultation and engagement with all identified Indigenous Nations and communities, as listed in the CMD, since the finalization of the CMD in July 2023 to January 2024.

### **2. Background**

CNSC staff have been engaging and consulting with the identified Indigenous Nations and communities (listed in **Appendix A**) regarding the DNNP on an ongoing basis since the start of the DNNP EA and regulatory review process, concerning both the DNNP and Darlington site. This includes on the renewal of the DNNP Licence to Prepare Site in 2021, the review process prior to and during the hearing regarding the applicability of the DNNP EA to OPG's chosen technology; and the Licence to Construct (LtC) application for the DNNP submitted to CNSC on October 31, 2022. CNSC staff provided regular updates and information about opportunities for involvement and engagement in the DNNP regulatory review processes. All identified Indigenous Nations and communities have been encouraged to participate in each phase of the regulatory review process, including the Commission's public hearing process, to advise the Commission of any concerns they may have with respect to the DNNP.

CNSC staff have awarded funding through the CNSC's Participant Funding Program (PFP) at multiple stages<sup>3</sup> to support interested Indigenous Nations and communities and the public in participating in the consultation and regulatory review process. CNSC staff made documentation and reports related to the DNNP, including OPG's Environmental Impact Statement Review Report and Plant Parameter Envelope documents and CNSC staff's CMD available for review and comment. In addition, CNSC staff tracked,

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<sup>1</sup> CMD 24-H2 – Submission from CNSC Staff - Applicability of the DNNP EA to the BWRX-300 Reactor Technology

<sup>2</sup> CMD 24-H2.A - Presentation from CNSC Staff - Applicability of the DNNP Environmental Assessment to the BWRX-300 Reactor

<sup>3</sup> Information regarding the participant funding awarded is included in CNSC staffs CMD, Section 3.3 Participant Funding Program

responded to and considered all issues, concerns and comments raised by Indigenous Nations and communities in CNSC staff's review process of OPG's documentation. All comments received were also shared with OPG, and OPG was encouraged to have discussions regarding these comments with Indigenous Nations and communities.

### **3. CNSC Staff Responses to Comments Submitted on OPG's PPE and EIS Review Documents and the applicability of the DNNP EA to OPG's Chosen Technology**

Specifically, for OPG's PPE and EIS Review documents, CNSC staff made both reports available for review by Indigenous Nations and communities and the public and sought comments and feedback through the CNSC's "Let's Talk Nuclear Safety" consultation platform. This opportunity for comment was open from November 2022 to March 2023. Following the receipt of comments on both documents, CNSC staff worked to track, respond to, and consider all comments received in staff's technical assessment and review of OPG's reports and documentation, which helped to inform CNSC staff's recommendations to the Commission regarding the applicability of the DNNP EA to OPG's chosen technology.

CNSC staff received oral and/ or written comments from the following Indigenous Nations and communities in relation to the PPE and EIS review comment period:

- Curve Lake First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation
- Saugeen Ojibway Nation
- Métis Nation of Ontario
- Six Nations of the Grand River

CNSC staff invited all identified Indigenous Nations and communities to the DNNP public workshop held on April 4, 2023<sup>4</sup>. Curve Lake First Nation, Hiawatha First Nation, the Mississaugas of Scugog Island First Nation and Six Nations of the Grand River attended and participated in the workshop.

From April 2023 to December 2023 CNSC staff conducted follow-up, consultation and engagement with all Indigenous Nations and communities who submitted comments, with regards to their comments, issues and concerns submitted to the CNSC as part of the public review period of OPG's EIS Review and PPE documents, as well as those issues and concerns raised by Indigenous Nations and communities in relation to the DNNP as part of regularly scheduled meetings as per existing Terms of Reference for Long-term engagement, correspondence and other discussions.

CNSC staff's follow-up consultation activities included providing responses and disposition of all comments received by Indigenous Nations and communities in writing, as well as through meetings with CNSC technical experts and licensing leads to discuss the comments received and provide responses.

**Appendix B** of this report provides information about the key themes and concerns raised by Indigenous Nations and communities related to the applicability of the EA to the chosen technology, as well as

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<sup>4</sup> Additional information about the DNNP public workshop can be found in CNSC public document, DNNP Workshop Summary Report

information about how CNSC staff have dispositioned the comments and worked with each Indigenous Nation and community and OPG to address them to the greatest extent possible.

#### **4. Key Correspondence with Indigenous Nations and communities and Updates on the DNNP (August 2023 to December 2023)**

Since the finalization of CNSC Staff's CMD in June 2023, the following key correspondence was sent by CNSC staff to all identified Indigenous Nations and communities in relation to the DNNP:

- *On August 10, 2023*, CNSC staff sent an invitation to all identified Nations and communities to CNSC staff's September 2023 Darlington Open House held in Oshawa, Ontario. CNSC staff were available to discuss the regulatory process and oversight for the Darlington Nuclear Generating Station, Darlington Waste Management Facility and the DNNP. The open house also provided an opportunity to answer any questions and discuss any comments or concerns related to the DNNP with CNSC staff. In the invitation, CNSC staff offered to meet directly with each Indigenous Nation and community to discuss the DNNP, if interested.
- *On October 4, 2023*, CNSC staff sent an invitation to the October 31<sup>st</sup>, 2023, CNSC staff public webinar on the DNNP. The focus of the webinar was to present an overview of the CNSC's review of submissions from OPG and their conclusions, as well as to give updates and information on the January 2024 public Commission hearing, including on how to participate.
- *In October 2023*, CNSC staff followed up with the Indigenous Nations and communities (Chippewas of Georgina Island First Nation, Beausoleil First Nation, Chippewas of Rama First Nation, Alderville First Nation and Mohawks of the Bay of Quinte) who had not recently responded to opportunities for consultation and engagement on the DNNP. Phone calls and emails were conducted to offer to meet to discuss the regulatory review process for DNNP and to receive any comments or questions.
- *On October 18, 2023*, CNSC staff provided notification regarding the availability of the stage 3 of PFP funding for DNNP (specific to supporting participation in the DNNP Licence to Construct regulatory review process) to all identified Indigenous Nations and communities. CNSC staff also provided a reminder of the October 31<sup>st</sup>, 2023 public webinar on the DNNP and offered to meet directly with identified Indigenous Nations and communities.
- *In November 2023*, CNSC staff conducted follow up phone calls and sent emails as a reminder of the availability of the stage 3 of PFP funding for DNNP (specific to supporting participation in the DNNP Licence to Construct regulatory review process) to all identified Indigenous Nations and communities who had not yet applied for funding. CNSC staff also offered to meet to discuss the DNNP, next steps in the regulatory review process, how to get involved and the CNSC's role.
- *In January 2024*, CNSC staff sent an email reminder regarding the public Commission hearing regarding the applicability of the EA to OPG's chosen technology for the DNNP to the Indigenous Nations and communities who were not intervening in the hearing. CNSC staff also provided a summary of CNSC staff's CMD and offered to meet to discuss the DNNP and next steps in the regulatory process.

## 5. Key consultation and engagement activities with Indigenous Nations and communities

Since the finalization of CNSC Staff's CMD in June 2023, CNSC staff have carried out and participated in the following consultation and engagement activities with interested Indigenous Nations and communities in relation to the DNNP:

### 5.1. Curve Lake First Nation (CLFN) and Hiawatha First Nation (Hiawatha FN)

Note – CNSC staff have combined monthly meetings with CLFN and Hiawatha FN as per the Terms of reference for long-term engagement with each community.

- At each monthly meeting from June 2023 to January 2024, CNSC staff, CLFN and Hiawatha FN discussed the DNNP regulatory process and CLFN and Hiawatha FN concerns and comments. CNSC staff have offered to have DNNP specific meetings to discuss Hiawatha FN's written comments and CLFN and Hiawatha FN oral comments on OPG's EIS review and PPE documents. CNSC staff and CLFN and Hiawatha FN have also had frequent discussions on the approach to assessing potential impacts on rights from the proposed construction of the DNNP. Additional information on this will be included in the documentation for the DNNP Licence to Construct, should it proceed.
- CLFN and Hiawatha FN have raised concerns about the DNNP contributing to the cumulative effects of the Darlington and Pickering Nuclear Generating Stations and asked how this was assessed during the EA. On November 16, 2023, CNSC staff discussed the CNSC's approach to assessing cumulative effects and provided information about how cumulative effects were considered during the DNNP EA.
- In the November 16, 2023 monthly meeting, CLFN and Hiawatha FN raised concerns about the approach to assessing impacts to rights and current gaps in knowledge and regulatory frameworks that limit the ability to identify impacts on rights.
- In November 2023, CLFN and Hiawatha FN submitted an intervention that reiterated their concerns regarding the approach to Rights Impact Assessments (RIA) and included additional new concerns regarding the approach to consultation to date, the regulatory process and legislative framework and potential impacts from the DNNP on the environment. CNSC staff continue to discuss these additional concerns and comments raised, including during the December 2023 and January 2024 monthly meetings with CLFN and Hiawatha FN. CNSC staff are committed to continuing to follow-up and work with CLFN and Hiawatha FN to address their concerns and comments raised to date.
- On December 11, 2023, CNSC staff had in-person meetings with Hiawatha FN leadership and CLFN representatives, in their respective communities. CNSC staff provided an overview and updates regarding all nuclear facilities and activities in their Treaty territories, including the DNNP. CNSC staff, Hiawatha FN and CLFN discussed the DNNP, upcoming milestones and the comments and concerns that both First Nations had raised to date. These discussions included updates from each First Nation on the specific commitments that they are discussing with OPG in order to address the concerns being raised in relation to potential impacts of the DNNP on their rights and interests.
  - CNSC staff re-iterated that CNSC staff are supportive of providing funding to support the completion of a Williams Treaties First Nations Indigenous Knowledge and Land Use study that can help inform an adaptive management approach to OPG's EA follow up and monitoring program. CNSC staff reiterated that they expect OPG and the First

Nations to find solutions and a path forward on the requested studies and mitigation measures and that the CNSC would be monitoring this closely as per the requirements of REGDOC 3.2.2: Indigenous engagement and informing the Commission of any updates as part of the January 2024 Commission hearing.

#### 5.2. Mississaugas of Scugog Island First Nation (MSIFN)

- Following the April 2023 DNNP public workshop, CNSC staff followed up with MSIFN and offered to meet directly with MSIFN to continue discussing their comments on OPG's EIS review and PPE document and next steps in the regulatory process. MSIFN noted that they did not have any additional questions for the CNSC at that time but requested that the CNSC provide a written response to their comments. On August 29, 2023, CNSC staff provided a written response on the comments and offered to meet to discuss any questions or concerns.
- On August 24, 2023, MSIFN sent an email to CNSC staff asking questions regarding the waste management plans for DNNP. CNSC staff provided written responses on September 21, 2023. A meeting was held to discuss the questions and concerns further on October 17, 2023.
- On October 10, 2023, MSIFN raised concerns about the DNNP EA follow up program, asking if it remains valid. On November 3, 2023 CNSC staff provided a written response and offered to meet to discuss further.
- On November 20, 2023, CNSC staff and MSIFN had an in-person meeting with leadership, in their community. CNSC staff provided an overview and updates regarding all nuclear facilities and activities in MSIFN's Treaty territory, including the DNNP. CNSC staff and MSIFN staff and leadership discussed the DNNP, upcoming milestones and the comments and concerns that MSIFN had raised to date. This included discussions around MSIFN's concerns about the RIA process, consent and the Environmental Monitoring and Follow up Program. In addition, MSIFN leadership and the CNSC discussed the specific commitments that MSIFN are discussing with OPG in order to address their concerns in relation to potential impacts of the DNNP on their rights and interests. CNSC staff re-iterated that CNSC staff are supportive of providing funding to support the completion of a Williams Treaties First Nations Indigenous Knowledge and Land Use study that can help inform an adaptive management approach to OPG's EA follow up and monitoring program. CNSC staff reiterated that they expect OPG and MSIFN to find solutions and a path forward on the requested studies and mitigation measures and that the CNSC would be monitoring this closely as per the requirements of *REGDOC 3.2.2: Indigenous Engagement* and informing the Commission of any updates as part of the January 2024 Commission hearing.
- In November 2023, MSIFN submitted an intervention that reiterated their concerns regarding the RIA, waste management, follow up program requirements, consent and included additional new concerns regarding the approach to consultation during the EA conducted starting in 2007 and leading up to the DNNP EA hearings in 2011. CNSC staff continue to discuss these additional concerns and comments raised during regularly scheduled meetings as per the MSIFN-CNSC Terms of Reference for long-term engagement. CNSC staff are committed to continuing to follow-up and work with MSIFN to address their concerns and comments raised to date.
- In October 2023 to January 2024; CNSC staff and MSIFN discussed the approach to assessing potential impacts on rights from the potential construction of the DNNP. Additional information

on this will be included in the documentation submitted to the Commission for the DNNP Licence to Construct, should it proceed.

- On January 11, 2024, MSIFN submitted a letter to the CNSC outlining their comments and concerns with the CNSC's RIA framework. CNSC staff responded to this letter on January 24 2024 and offered to meet to further discuss the RIA process and collaborating on a path forward for the RIA and consultation on the DNNP.

### 5.3. Chippewas of Georgina Island First Nation (CGIFN)

- In December 2023, CGIFN applied for funding through the CNSC's PFP to attend the DNNP hearings in January 2024 in person as an observer to learn more about the process, review relevant documents and meet with CNSC staff to discuss the DNNP and their involvement in the regulatory review process moving forward.
- On January 11, 2024, CGIFN and CNSC staff had an introductory meeting to discuss the CNSC's role, the DNNP regulatory process and CGIFN's interest in participating. CGIFN requested that quarterly meetings be held with CNSC Staff and requested the CNSC continue to share information about the DNNP and other projects and activities of interest. No DNNP project specific concerns were raised during the meeting, or to date, by CGIFN. CNSC staff are committed to continuing to follow-up and work with CGIFN to address any concerns or questions they may have with regards to the DNNP.

### 5.4. Saugeen Ojibway Nation (SON)

- In April 2023 CNSC staff received comments from the SON on OPG's EIS review and PPE documents, including requests for a strategic assessment of SMRs, implications of the DNNP being the first proposed grid scale SMR in Canada and the potential for waste from the DNNP to be transported and stored in their territory. CNSC staff provided a written response to these concerns, outlining the regulatory requirements and the CNSC's position on each comment and concern. CNSC staff offered to discuss these concerns further with the SON directly.
- The SON raised similar concerns through their intervention for the DNNP hearing regarding the applicability of the EA to OPG's chosen technology. CNSC staff have offered to meet to discuss these concerns further as part of the SON-CNSC staff monthly meetings.
- To date, the SON have not responded to offers to have a DNNP specific meeting with CNSC staff. However, discussions regarding more general concerns raised by the SON (such as waste management, siting of a deep geological repository, approach to regulating SMRs, applicability of the Impact Assessment Act to the DNNP, strategic assessments and funding) have been discussed as part of regularly scheduled meetings between the SON and CNSC staff as per the SON-CNSC Terms of reference for long-term engagement. CNSC staff are committed to continuing to follow-up and work with the SON to address their concerns and comments raised to date.

### 5.5. Mohawks of the Bay of Quinte (MBQ)

- On October 26, 2023, CNSC staff spoke to MBQ and provided information about the DNNP regulatory review process, the role of the CNSC and opportunities to participate. MBQ requested that information and updates continue to be provided over email and that they would indicate if they were interested in meeting to discuss further. To date, MBQ have not expressed any issues or concerns related to the DNNP.

CNSC staff note that not all identified Indigenous Nations and communities (Chippewas of Rama First Nation, Beausoleil First Nation, Alderville First Nation and Mohawks of the Bay of Quinte) have expressed interest directly to CNSC staff requesting more in-depth consultation and engagement regarding the DNNP, nor have they raised any project specific concerns to date. However, CNSC staff remain committed to continuing to follow-up and providing opportunities for ongoing consultation and engagement related to the DNNP with all identified Indigenous Nations and communities.

#### **6. CNSC staff commitments to addressing the issues and concerns raised by Indigenous Nations and communities in relation to the DNNP**

CNSC staff acknowledge that issues and concerns related to the Licence to Construct application, and the DNNP in general, have been raised to date by number of the identified Indigenous Nations and communities. CNSC staff remain committed to discussing these issues and concerns, and to working to address them to the extent possible with all interested Indigenous Nations and communities, in collaboration with each Nation and OPG, as appropriate, should the DNNP proceed.

As discussed during the January 23-25, 2024 Commission hearing, CNSC staff are committed to:

- Conducting collaborative *Rights Impact Assessments (RIA)* with potentially impacted Williams Treaties First Nations, and OPG as appropriate, to support the CNSC in better understanding and assessing concerns regarding the potential construction and operation of the DNNP and the associated impacts on their rights and interests. The RIA process and outcomes would be documented in the CMD for the Licence to Construct hearing, should it proceed. The RIAs would provide proposed measures to address, mitigate and/or accommodate any specific project related impacts identified by the Williams Treaties First Nations to help inform the Commission's decision-making process on the DNNP Licence to Construct application, should it proceed.
- Working with interested Williams Treaties First Nations and OPG on supporting an *Indigenous Knowledge and Land Use study specific to the DNNP* to help gather more specific Indigenous Knowledge information and data regarding Williams Treaties First Nations rights and interests that could be potentially impacted by the DNNP and other projects in the treaty territory. The results of these studies can then help to inform an adaptive management approach and EA follow-up monitoring program, such that the DNNP project and related activities would be protective of their rights and interests.
- CNSC staff are supportive of OPG and potentially impacted Williams Treaties First Nations working collaboratively on the scoping and implementation of a *cumulative effects study*. CNSC staff are open to supporting this study to help inform the EA follow-up monitoring program and future RIAs as appropriate.

## **Appendix A: Identified Indigenous Nations and Communities**



CNSC staff identified the following Indigenous Nations and communities who have Indigenous and/or Treaty rights in the in the area where the DNNP is proposed:

Williams Treaties First Nations:

- Alderville First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- The Mississaugas of Scugog Island First Nation
- The Chippewas of Beausoleil First Nation
- The Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation

CNSC staff identified the following Indigenous Nations and communities who have expressed an interest in the DNNP:

- Saugeen Ojibway Nation
- Mohawks of the Bay of Quinte
- The Métis Nation of Ontario
- Six Nations of the Grand River

**Appendix B– CNSC staff responses provided to Indigenous Nations and communities regarding issues and concerns raised related to the applicability of the Environmental Assessment to OPG’s chosen technology for the DNNP**

ID #	Issue or concern raised related to the applicability of the Environmental Assessment to OPG’s chosen technology for the DNNP	CNSC’s response
Mississaugas of Scugog Island First Nation (MSIFN)		
MSIFN #1	MSIFN commented that, although OPG stated certain environmental effects would be reduced with the selection of the BWRX-300 reactor, there remain environmental effects that are of concern to MSIFN.	<p>CNSC staff provided written responses to MSIFN’s comments submitted on OPG’s EIS review and PPE documents in a letter on August 29, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with MSIFN as well. CNSC staff noted that they continue to remain open to meeting with MSIFN to further discuss comments, concerns, or the contents of the response letter. MSIFN also attended the April 4, 2023 DNNP public workshop, where some of their comments and concerns were discussed.</p> <p>CNSC staff’s response noted that, even if the Commission determines that the BWRX-300 is bounded by the EA, OPG will still be required to demonstrate that the deployment of the BWRX-300 reactors will remain protective of human health and the environment, pursuant to the <i>Nuclear Safety and Control Act</i> in a future proceeding. CNSC staff indicated that CNSC staff will present its recommendations following the technical review of OPG’s application for a licence to construct a single BWRX-300 reactor in a future Commission proceeding, should the project proceed.</p>
MSIFN #2	MSIFN commented that the environment and surrounding land use has changed significantly since the EA, and that OPG must consider such changes in their EIS Review	CNSC staff provided written responses to MSIFN’s comments submitted on OPG’s EIS review and PPE documents in a letter on August 29, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with MSIFN directly. CNSC staff noted that they continue to remain open to meeting with MSIFN to further discuss their comments, concerns, or the contents

		<p>of the response letter. MSIFN also attended the April 4, 2023 DNNP public workshop, where some of their comments and concerns were discussed.</p> <p>CNSC staff’s response noted that Condition G.3 of OPG’s site preparation licence (PRSL) 18.00/2031 [3] requires that OPG monitor land use in a 10-kilometre radius surrounding the Darlington site, and work with the Municipality of Clarington and the Region of Durham to prevent sensitive developments in these areas. Under that licence condition, OPG is required to notify the CNSC if there are sensitive land uses proposed within 3 kilometres of the Darlington site. Furthermore, OPG is required to provide CNSC with an annual report summarising licensed activities conducted under the PRSL, which includes a summary of OPG’s activities under licence condition G.3.</p>
MSIFN #3	MSIFN commented that the natural environment on the DNNP site has changed significantly over the last decade.	<p>CNSC staff provided written responses to MSIFN’s comments submitted on OPG’s EIS review and PPE documents in a letter on August 29, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with MSIFN directly. CNSC staff noted that they continue to remain open to meeting with MSIFN to further discuss their comments, concerns, or the contents of the response letter. MSIFN also attended the April 4, 2023 DNNP public workshop, where some of their comments and concerns were discussed.</p> <p>CNSC staff’s response noted that OPG’s EIS Review report provides a description of the changes to the local and regional environment, with respect to the terrestrial and atmospheric components assessed under the DNNP EA. OPG has continued to carry out terrestrial environment studies since the completion of the EA. OPG’s EIS Review report states that as of 2022, the terrestrial environment characteristics remain similar to those described in the EA, with the exception of several changes to species listed as species at risk (SAR) under the federal <i>Species at Risk Act</i> or the province of Ontario’s <i>Endangered Species Act</i> (ESA).</p> <p>CNSC staff’s response noted that project activities that have an adverse effect on identified SAR or their habitat, under federal or provincial jurisdiction, require approvals and implementation of appropriate compensatory measures from responsible authorities—for example, Environment and Climate Change Canada</p>

		<p>(ECCC) and the Ontario Ministry of the Environment, Climate, and Parks (MOECP). CNSC staff reviewed the studies provided by OPG on several species at risk, including bats, bank swallows, other mammals, and vegetation on the DNNP site, and concluded that the measures proposed to mitigate the effect on these species are adequate.</p>
<p>MSIFN #4</p>	<p>MSIFN raised concerns about solid radioactive wastes, airborne radioiodine emissions, and their overall effects on the general environment, as well as human and non-human biota.</p>	<p>CNSC staff provided written responses to MSIFN’s comments submitted on OPG’s EIS review and PPE documents in a letter on August 29, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with MSIFN directly. CNSC staff noted that they continue to remain open to meeting with MSIFN to further discuss comments, concerns, or the contents of the response letter. MSIFN also attended the April 2023 DNNP public workshop, where some of their comments and concerns were discussed.</p> <p>CNSC staff’s response acknowledged that the volumetric inventory of solid radioactive wastes, and the predicted airborne emissions of radioiodines during normal operations are slightly higher than the values in the EA. CNSC staff have reviewed OPG’s analyses and concluded that the contribution of releases to the overall radiological dose to human and non-human biota, due to normal operations of the BWRX-300, is a fraction of the regulatory dose limit for members of the public and is not expected to constitute a hazard to human or non-human health.</p>
<p>MSIFN #5</p>	<p>MSIFN raised concerns regarding the applicability of the PPE approach and what is considered a fundamental difference between chosen reactor technologies.</p>	<p>CNSC staff provided written responses to MSIFN’s comments submitted on OPG’s EIS review and PPE documents in a letter on August 29, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with MSIFN directly. CNSC staff noted that they continue to remain open to meeting with MSIFN to further discuss comments, concerns, or the contents of the response letter. MSIFN also attended the April 2023 DNNP public workshop, where some of their comments and concerns were discussed.</p>

		<p>CNSC staff's response noted that the PPE identified a set of design parameters and associated limiting values from each of the reactor technologies under consideration by the Government of Ontario at the time. It described a bounding scenario for the DNNP in which the selection of a reactor technology would fit, and provided a basis for the development of the EA.</p> <p>CNSC Staff's response noted that in 2011, both the CNSC and the JRP accepted the PPE as a bounding envelope of plant design and site characteristics and have established the PPE within the licensing basis for the DNNP. CNSC staff's assessment of the PPE and EIS Review reports focused on determining whether the predictions and conclusions of the EA remain valid, taking into consideration the BWRX-300 technology selected by OPG. CNSC staff reviewed OPG's analysis of the BWRX-300 against the PPE to determine whether any of the 198 parameters fall within or outside the PPE. For parameters that were outside the PPE, CNSC staff reviewed OPG's analysis to determine whether the parameter would impact or alter the conclusions of the EA. CNSC staff conducted a technical review of OPG's EIS Review against the DNNP EA to evaluate potential changes in environmental effects introduced by the BWRX-300.</p>
<p>MSIFN #6</p>	<p>On August 24, 2023, MSIFN requested clarity on CNSC's perspective on how the EA and the regulatory process for the applicability of the DNNP environmental assessment (EA) and plant parameter envelope to selected reactor technology address Low level waste, Intermediate level waste, High level waste / used nuclear fuel and nuclear waste storage requirements on and off site.</p> <p>MSIFN raised concerns that the planning processes for nuclear waste for the DNNP are not clear and transparent in the context of the regulatory processes around the applicability of the DNNP EA and the plant parameter</p>	<p>On September 21, 2023, CNSC staff provided a written response to MSIFN. CNSC staff provided information about what was reviewed during the environmental assessment, noting that the Joint Review Panel concluded that radioactive and used fuel waste is not likely to result in significant adverse environmental effects, taking into account the implementation of controls and measures required under the CNSC regulations for radioactive waste management.</p> <p>CNSC staff's response also provided information about the process for determining the environmental impact of the DNNP with the selection of the BWRX-300, and how waste produced by the BWRX-300 is assessed by the PPE. CNSC staff indicated what the waste management requirements will be throughout the licensing stages, should the DNNP proceed.</p> <p>CNSC staff's response provided information about the CNSC's approach for implementing the United Nations Declaration on the Rights of Indigenous Peoples</p>

	<p>envelop. MSIFN requested information about the requirement for consent from treaty rights holders.</p>	<p>Act, free, prior and informed consent. CNSC staff reiterated that throughout all aspects of the licensing process for the DNNP, CNSC staff will ensure that MSIFN has meaningful opportunities to participate, to ensure all issues and concerns are considered. CNSC staff are committed to working with MSIFN and OPG to address the concerns they have with regards to waste management for the DNNP.</p> <p>CNSC staff and MSIFN met to discuss the response on October 17, 2023. No additional questions or concerns were raised at this meeting.</p>
<p>MSIFN #7</p>	<p>On October 10, 2023 MSIFN raised concerns about OPG using EA data collected in previous projects that were covered by outdated EA regulations. MSIFN requested that CNSC staff confirm if the EA follow-up program from the DNNP EA is still valid and how it compares to current requirements and expectations for EA follow-up programs.</p> <p>MSIFN expressed concerns about the scope and expectations of an EA follow up program under CEAA 1992 versus the Impact Assessment Act 2019.</p>	<p>On November 3, 2023, CNSC staff provided a written response to MSIFN’s concerns. CNSC staff’s response indicated that the EA follow-up program is still valid and CNSC staff are ensuring OPG completes the actions required. CNSC staff confirmed that follow-up programs are updated and revised based on the results of environmental monitoring, updated codes and standards, the identification of new species at risk, and when directed by a Responsible Authority (RA). The CNSC noted that CNSC staff will ensure the implementation of OPG’s EA Follow-Up Programs through the introduction of specific licensing requirements, including licence conditions or inclusion of specific requirements in a Licence Conditions Handbook.</p> <p>CNSC staff also discussed this topic with MSIFN leadership on November 20, 2023. CNSC staff reiterated that they can only require what is required under the relevant legislation. However, CNSC staff expects OPG to ensure that their follow-up monitoring program includes collaboration with MSIFN and other potentially impacted Indigenous Nations and communities and is in line with current best practices and expectations. CNSC staff encouraged MSIFN to inform OPG directly regarding their expectations for what should be included in the EA follow-up program, and flag any concerns with the CNSC. Through CNSC’s long-term engagement Terms of Reference with MSIFN, CNSC is committed to involving MSIFN in the oversight and monitoring of the DNNP during the licensing term should the project proceed.</p> <p>CNSC staff are aware that OPG has shared the Environmental Monitoring and EA Follow Up Plan (EMEAF) for the DNNP with interested Indigenous Nations and communities, sought feedback on the plan as well as interest in participating in follow up programs. CNSC staff are also aware that OPG notes in their EMEAF plan</p>

		<p>that they “endeavour to apply Indigenous and Traditional knowledge into the framework for this EMEAF Plan as well. OPG welcomes all information that can be used to provide insight and continues discussion with Indigenous Nations and communities to better integrate Indigenous and Traditional knowledge into the project and follow up and monitoring activities.”</p>
<p>MSIFN #8</p>	<p>MSIFN commented that the Williams Treaties First Nations were never consulted when the Darlington Nuclear Generating site and waste management facility was established. MSIFN requested that the CNSC to mandate OPG to obtain MSIFN’s consent for the DNNP.</p>	<p>CNSC staff discussed MSIFN’s request for requiring consent at the November 20, 2023 in-person meeting with leadership. CNSC staff explained that CNSC’s own consultation approach, and Indigenous engagement requirements for proponents as per REGDOC 3.2.2 <i>Indigenous Engagement</i>, are designed with the goal of achieving consensus with potentially impacted Indigenous Nations and communities by meaningfully addressing concerns and potential impacts to rights and interests, and bringing forward the views of Indigenous Nations and communities to the Commission, to help inform their decision-making process.</p> <p>CNSC staff explained that under the CNSC’s current regulatory framework, including the <i>Nuclear Safety and Control Act</i>, the CNSC does not have a legislative or regulatory tool to require licensees or proponents to commit to a specific approach for consent on their projects and activities with potentially impacted Indigenous Nations and communities. CNSC staff noted that it is ultimately up to the proponent to choose to work with potentially impacted Indigenous Nations and communities to develop a specific approach to achieving consent which CNSC can then support and encourage. Additionally, CNSC is supporting whole-of-government work underway to implement the <i>United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)</i>, and the UNDA Action Plan released in 2023. The action plan action plan measure 32, which speaks to developing guidance for implementing Free, Prior and Informed Consent for natural resource related decisions, which is being led by Natural Resources Canada. In addition, CNSC staff are actively working on updating guidance and requirements for proponents and licensees with regards to Indigenous engagement through proposed updates and amendments to REGDOC 3.2.2: <i>Indigenous engagement</i>, which include changes to bring the guidance and requirements in line with the principles of UNDRIP.</p> <p>CNSC staff have been having on-going discussions regarding with MSIFN about their concerns regarding the lack of consultation when the Darlington Nuclear Generating</p>

		<p>site and waste management facility were originally established and constructed. CNSC staff provided a written response to this concern, in June 2023. CNSC staff’s response noted that CNSC ensures that Indigenous Nations and communities have meaningful opportunities to participate in all aspects of environmental reviews and licensing processes for a given project, to ensure all issues and concerns are considered throughout the full life-cycle of regulatory oversight of operating and proposed nuclear facilities. The CNSC reiterated their commitment to working with MSIFN on continuing to address any ongoing concerns they have with regards to the nuclear sector activities in MSIFN territory. Through the Terms of Reference for long-term engagement between MSIFN and CNSC, CNSC is dedicated to continued consultation and engagement to ensure that MSIFN’s territory, community and environment are protected through collaborative environmental monitoring, enhanced communication and information sharing.</p>
<p>MSIFN #9</p>	<p>MSIFN raised concerns that they were not meaningfully consulted and did not receive funding to participate during the EA. MSIFN is concerned about the change of EA and consultation requirements when considering CEAA 1992 to IAA 2019.</p>	<p>CNSC staff’s CMD provided information regarding the consultation that was conducted throughout the EA process for the DNNP. CNSC staff are committed to discussing and responding to this concern in more detail with MSIFN.</p> <p>CNSC staff note that starting in 2007 and throughout the EA process for the DNNP, both the CNSC and the Canadian Environmental Assessment Agency of Canada (CEAA) consulted with potentially impacted or interested Indigenous Nations and communities, including the Williams Treaties First Nations. Consultation efforts during this process included letters, emails, telephone calls, and meetings at key points, including an invitation to review and provide comments on OPG’s EA and licence to prepare site application in 2009, as well as opportunities to apply for funding through CEAA’s Participant Funding Program. CNSC and CEAA staff provided many opportunities for the Indigenous Nations and communities to submit comments on the project and discuss potential concerns, including any potential impact on rights. CNSC staff encouraged Indigenous Nations and communities to submit information to the Joint Review Panel (JRP) and to participate in the public hearings. During the EA process, no project specific concerns or impacts to rights were identified by the Indigenous Nations and communities.</p>



		<p>All potentially impacted or interested Indigenous Nations and communities, including MSIFN were provided with the opportunity to apply for funding to support participation in the EA. CNSC staff had multiple phone calls with MSIFN and discussed the funding opportunities available. When the funding deadline passed, CNSC staff followed up and talked to MSIFN representatives offering an extension, however MSIFN did not end up applying for funding. Similarly, although opportunities were provided to MSIFN to comment on the project, the EA and LTPS application, no comments were received from MSIFN at the time.</p> <p>In relation to the applicability of the Impact Assessment Act, 2019, CNSC staff note that the DNNP EA was conducted and approved under the Canadian Environmental Assessment Act of 1992, which was the governing legislation at the time. The Impact Assessment Act, 2019 does not apply to the DNNP as a decision has already been rendered by the JRP and the Government of Canada on this proposed project under the former Act.</p> <p>Additionally, CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the current phase of the DNNP regulatory review process. To date, this has included:</p> <ul style="list-style-type: none"> <li>- Providing early notification in May 2022 about the expected regulatory process for the applicability of the EA to OPG’s selected technology and the Licence to Construct application for the DNNP and offering opportunities for early engagement with the identified Indigenous Nation and community to discuss the DNNP and how each Indigenous Nation and community would like to be consulted and engaged moving forward and what would be meaningful for them.</li> <li>- Having a comment period on OPG’s EIS review and PPE documents and specifically requesting feedback from the identified Indigenous Nations and communities to consider their knowledge and perspectives in our technical review and work to address concerns to extent possible.</li> <li>- Offering to conduct collaborative RIAs with potentially impacted Williams Treaties First Nations, at this stage of the process in response to recent concerns raised by CLFN, Hiawatha FN and MSIFN about the potential for the</li> </ul>
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		<p>DNNP to impact their rights and that the Williams Treaties Settlement Agreement was signed after the EA was conducted.</p> <ul style="list-style-type: none"> <li>- Providing multiple stages of participant funding to support involvement in the DNNP regulatory process.</li> </ul> <p>CNSC staff will continue to consider and implement best practices for consultation and engagement on the licence to construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p>
<p><b>Curve Lake First Nation (CLFN) and Hiawatha First Nation (Hiawatha FN)</b></p>		
<p>CLFN and Hiawatha FN #1</p>	<p>Hiawatha FN and CLFN raised concerns about the need to include Indigenous world views, cultural keystone species and impacts to Michi Saagiig rights in the regulatory process for the DNNP project.</p> <p>Hiawatha FN and CLFN commented on the need to include cultural keystone species in all monitoring aspects of the DNNP. Hiawatha FN and CLFN requested that OPG provided more information about expected impacts, monitoring and work to reduce disruption related to wetlands, amphibians, reptiles, wildlife, butterflies, bats, invertebrate and birds of cultural significance.</p> <p>Hiawatha FN and CLFN noted that any impacts to the environment regardless of their Western-perceived severity, represent potential and often real impacts to Inherent, Aboriginal and Treaty Rights.</p>	<p>CNSC staff have continued to have on-going discussions with CLFN and Hiawatha FN regarding the approach to considering Indigenous world views, cultural keystone species and impacts to Michi Saagiig rights in the CNSC’s regulatory processes, including for the DNNP. CNSC staff acknowledge that this is a long-term goal and must be done in collaboration and based on the specific timeline for each Indigenous Nation and community.</p> <p>CNSC staff have worked with CLFN and Hiawatha FN to incorporate Indigenous knowledge in the CNSC’s Independent Environmental Monitoring Program (IEMP). For example, during the 2023 Darlington IEMP campaign, CLFN requested that CNSC staff test manoomin (wild rice) harvested from Chemong Lake east of CLFN and shared the spiritual and cultural importance of manoomin to their community. CNSC staff are committed to continuing to collaborate on the CNSC’s IEMP to consider and incorporate Indigenous Knowledge and cultural keystone species, as appropriate and available.</p> <p>During regularly scheduled monthly meetings with CLFN and Hiawatha FN, CNSC staff reiterated the commitment to providing funding and support for an Indigenous Knowledge and Land Use study with other interested Williams Treaties First Nations. The results of these studies could then help inform an adaptive management approach to OPG’s EA follow-up monitoring program, so that the DNNP project and related activities, should it proceed, would be protective of rights and interest.</p>

		<p>In a meeting in January 2024, CNSC staff acknowledged and discussed Hiawatha FN and CLFN’s concern that from their perspectives, any potential impacts on the environment, even with mitigation measures applied, represents an impact on their rights. CNSC staff reiterated at this meeting that CNSC staff are committed to working collaboratively to conduct a RIA for the DNNP licence to construct application. CNSC staff indicated that the goal of the RIAs will be to gather available information, analyze potential impacts to rights based on our current understanding and identify any potential mitigation and/or accommodation measures that could help to avoid, reduce, or compensate for any identified impacts in order to make a collaborative recommendations to the Commission about potential impacts on rights and proposed measures to mitigate and/or accommodate any potential impacts as a result of the DNNP.</p> <p>Additionally, CNSC staff are aware that OPG is working with interested Williams Treaties First Nations to support an Indigenous Knowledge and Land use study. OPG has indicated to the CNSC that they have committed to continuing to make updates to their environmental protection program, as additional Indigenous Knowledge is shared.</p> <p>CNSC staff confirmed that OPG collaborated with CLFN and Hiawatha FN to better understand their concerns regarding potential impacts on the environment. CNSC staff are aware that OPG has been engaging with CLFN and Hiawatha FN on permits of interest, including the Endangered Species Act permit. CNSC staff are aware that OPG has agreed to undertake monitoring recommendations made by Hiawatha FN and CLFN and work with them to create and implement collaborative monitoring plans, including monitoring activities related to bats at the Darlington site. OPG has indicated to the CNSC that they are committing to enhancing their environmental protection and follow-up monitoring programs, based on the information collected through the Indigenous knowledge study.</p>
<p>CLFN and Hiawatha FN #2</p>	<p>Hiawatha FN and CLFN raised concerns regarding the cumulative effects of the DNNP, as well as legacy impacts of the existing</p>	<p>CNSC staff discussed these concerns with CLFN and Hiawatha FN at the November 16, 2023 CNSC staff-CLFN/ Hiawatha FN monthly meeting. CNSC staff provided information about how cumulative effects are assessed for projects regulated by the</p>

	<p>Darlington Nuclear Power Generating Station. Hiawatha FN and CLFN are concerned that there remain gaps in the cumulative impacts that have been assessed through the history of this project.</p> <p>Hiawatha FN and CLFN recommend that CNSC and OPG undertake a comprehensive cumulative effects study, of which a mutually agreed upon scope is determined in collaboration with Hiawatha FN and CLFN.</p>	<p>CNSC. CNSC staff confirmed that the baseline considered by CNSC staff for cumulative effects is present day conditions, encompassing all past and present effects. CNSC staff acknowledged that the CNSC’s definition and approach to assessing cumulative effects is different than CLFN/ Hiawatha FN, as both Nations prefer to consider a different baseline (pre contact and pre-development) for any cumulative effects study.</p> <p>CNSC staff also confirmed that cumulative effects were considered in the DNNP EA. CNSC staff noted that the current review regulatory process for the DNNP is focused on OPG’s EIS Review and supporting documents in relation to the applicability of the EA to OPG’s chosen technology and OPG’s conclusion was that changes to the assessment of cumulative environmental effects for the DNNP have been adequately assessed in the EIS Review. CNSC staff concur with OPG’s assessment that residual significant adverse cumulative effects associated with the proposed deployment of BWRX-300 are not likely to occur.</p> <p>In June 2023, CNSC staff, CLFN and Hiawatha FN discussed the CNSC’s RIA framework, including how cumulative impacts on rights would be considered in the assessment. CNSC staff noted that RIAs should consider the conditions necessary to allow a community to continue to exercise its rights and how historical and current cumulative effects may already impact those conditions, or how future foreseeable projects may have an impact (i.e. Territorial capacity). CNSC staff are working collaboratively with CLFN and Hiawatha FN to incorporate concerns regarding cumulative impacts into the RIA process for the DNNP licence to construct application, to ensure that existing information and CLFN’s perspectives are documented and reflected in the RIA report to be submitted to the Commission as part of the Licence to Construct Commission hearing, should the project proceed.</p> <p>CNSC staff have also been having on-going discussions at regularly scheduled monthly meetings with CLFN and Hiawatha FN regarding their concerns about legacy impacts. CNSC staff have indicated that accommodating or addressing legacy impacts are currently outside the scope of the CNSC’s mandate and authorities in relation to the regulatory review and consultation processes for specific project applications. However, CNSC staff have indicated that CNSC staff takes these concerns seriously</p>
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		<p>and encourage CLFN and Hiawatha FN to continue to work with other federal and provincial authorities and OPG regarding these concerns as appropriate.</p>
<p>CLFN and Hiawatha FN #3</p>	<p>Hiawatha FN and CLFN raised concerns about the legislative, regulatory and engagement processes that have been relied upon to contemplate, evaluate, and develop the DNNP project. Hiawatha FN and CLFN raised concerns that the DNNP regulatory process should include the standards and principles under the 2019 Impact Assessment Act.</p> <p>CLFN and Hiawatha FN have raised concerns about how the consultation expectations and requirements have evolved since the EA and commented that they were not consulted during the EA. CLFN and Hiawatha FN also noted that the Williams Treaties Settlement Agreement was signed in 2018 and are concerned that this is not reflected in the CNSC's decisions and approach to consultation. CLFN and Hiawatha FN raised concerns that meaningful consultation on the DNNP has not occurred.</p>	<p>CNSC staff's CMD provided information regarding the consultation that was conducted throughout the EA process for the DNNP. CNSC staff are committed to discussing and responding to this concern in more detail with CLFN and Hiawatha FN.</p> <p>CNSC staff note that starting in 2007 and throughout the EA process for the DNNP, both the CNSC and the Canadian Environmental Assessment Agency of Canada (CEAA) consulted with potentially impacted or interested Indigenous Nations and communities, including the Williams Treaties First Nations. Consultation efforts during this process included letters, emails, telephone calls, and meetings at key points, including an invitation to review and provide comments on OPG's EA and licence to prepare site application in 2009, as well as opportunities to apply for funding through CEAA's Participant Funding Program. CNSC and CEAA staff provided many opportunities for the Indigenous Nations and communities to submit comments on the project and discuss potential concerns, including any potential impact on rights. CNSC staff encouraged Indigenous Nations and communities to submit information to the Joint Review Panel (JRP) and to participate in the public hearings. During the EA process, no project specific concerns or impacts to rights were identified by the Indigenous Nations and communities.</p> <p>All potentially impacted or interested Indigenous Nations and communities, including MSIFN were provided with the opportunity to apply for funding to support participation in the EA. CNSC staff had multiple phone calls with MSIFN and discussed the funding opportunities available. When the funding deadline passed, CNSC staff followed up and talked to MSIFN representatives offering an extension, however MSIFN did not end up applying for funding. Similarly, although opportunities were provided to MSIFN to comment on the project, the EA and LTPS application, no comments were received from MSIFN at the time.</p> <p>In relation to the applicability of the Impact Assessment Act, 2019, CNSC staff clarified that the DNNP EA was conducted and approved under the Canadian Environmental Assessment Act of 1992, which was the governing legislation at the</p>

	<p>time. The Impact Assessment Act, 2019 does not apply to the DNNP as a decision has already been rendered by the JRP and the Government of Canada on this proposed project under the former Act.</p> <p>CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the current phase of the DNNP regulatory review process. To date, this has included:</p> <ul style="list-style-type: none"> <li>- Providing early notification in May 2022 about the expected regulatory process for the applicability of the EA to OPG’s selected technology and the Licence to Construct application for the DNNP and offering opportunities for early engagement with each Indigenous Nation and community to discuss the DNNP and how each Indigenous Nation and community would like to be consulted and engaged moving forward and what would be meaningful for them.</li> <li>- Having a comment period on OPG’s EIS review and PPE documents and specifically requesting feedback from interested Indigenous Nations and communities to consider their knowledge and perspectives in our technical review and work to address concerns to extent possible.</li> <li>- Offering to conduct collaborative RIAs with potentially impacted Williams Treaties First Nations, at this stage of the process in response to recent concerns raised by CLFN, Hiawatha FN and MSIFN about the potential for the DNNP to impact their rights and that the Williams Treaties Settlement Agreement was signed after the EA was conducted.</li> <li>- Providing multiple stages of participant funding to support involvement in the DNNP regulatory process.</li> </ul> <p>CNSC staff will continue to consider and implement best practices for consultation and engagement on the licence to construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>The CNSC remains committed to working with CLFN and Hiawatha FN on finding a path forward to ensure that consultation and ongoing engagement are meaningful, responsive and flexible. CNSC staff will continue to consider and implement best</p>
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		<p>practices for consultation and engagement on the licence to construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>CNSC staff encourage OPG to consider and incorporate current best practices into their follow up monitoring program as well as Indigenous Knowledge /Land use studies and other relevant studies done collaboratively with the Indigenous Nations and communities.</p>
<p>Saugeen Ojibway Nation (SON)</p>		
<p>SON #1</p>	<p>SON commented that the EA fails to capture the implications of the DNNP as the first grid scale SMR in Canada and are of the opinion that this can only be accomplished through a full Impact Assessment or Strategic and Regional Assessment under the <i>Impact Assessment Act, 2019</i>. SON also note an intent to request that the DNNP, or commercial launch of SMR technology that is represented by the DNNP, be designated for a strategic and regional assessment.</p>	<p>SON requested the CNSC provide written responses to their comments. CNSC staff provided written responses to the SON's comments submitted on OPG's EIS review and PPE documents in a letter on November 28, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with SON directly. In addition, the SON were invited to the April 4, 2023 DNNP public workshop, however they did not attend. CNSC staff remain open to meeting with SON to further discuss comments, concerns, or the contents of the response letter regarding the DNNP.</p> <p>CNSC staff's response acknowledged that SON have additional concerns that are outside the scope of the DNNP and regarding SMRs more generally, including the promotion of nuclear energy by the federal and provincial government, the streamlining of SMR regulations, long-term waste management for SMRs, siting of a deep geological repository, as well as the potential increase of nuclear waste from SMRs for which the Nuclear Waste Management Organization will be required to plan. CNSC staff remain fully committed to working to address these concerns to the extent possible, within the CNSC's regulatory framework and mandate and are open to focused discussions on these topics either within or in addition to our regularly scheduled meetings between the CNSC and the SON.</p> <p>CNSC Staff's response acknowledged SON's comment and the CNSC provided information that the DNNP EA was conducted and approved under the <i>Canadian Environmental Assessment Act</i> of 1992, which was the governing legislation at the</p>

		<p>time of the assessment. Given that a decision was rendered on this proposed project under the former Act, the project is not subject to the IAA 2019.</p> <p>CNSC staff’s response noted that strategic Assessments under the IAA examine how the development or refinement of strategic-level initiatives, including policies, plans and programs, or issues could help facilitate the conduct of project-level Integrated Impact Assessments. Regional Assessments inform the planning and management of cumulative effects and inform project Integrated Impact Assessments. As per the IAA, the Minister of Environment may establish a committee—or authorise the Impact Assessment Agency—to conduct a strategic or regional assessment (as per sections 92, 93, and 95 of the Impact Assessment Act). The CNSC does not have the regulatory authority to initiate such an assessment under the NSCA or the IAA.</p> <p>CNSC staff’s response noted that the DNNP EA process resulted in a decision that determined the deployment of up to four large-scale reactors would not result in adverse environmental effects provided mitigation measures were properly implemented. Further, as noted as part of the Joint Review Panel’s recommendations, the Commission will need to determine whether the existing environmental assessment is applicable to the reactor technology selected for the project. CNSC staff’s response reiterated that CNSC staff are conducting a thorough technical review of OPG’s proposal, to ensure that it is safe for humans and the environment. CNSC staff are also committed to meaningful and ongoing consultation with Indigenous Nations and communities to address concerns and questions arising from the DNNP project including SON.</p>
SON #2	SON raised concerns that the EA did not consider the transportation and storage of wastes from the DNNP at the Western Waste Management Facility located in their traditional and treaty territory. SON commented that the EIS does not adequately analyze the impacts of these new sources of waste. It does not take into account the impacts of expanding the different waste	CNSC staff provided written responses to SON’s comments submitted on OPG’s EIS review and PPE documents in a letter on November 28, 2023. CNSC staff reiterated that they considered the comments and feedback in their technical review, provided the comments to OPG and have encouraged OPG to have discussions regarding these comments with SON directly. CNSC staff noted that they continue to remain open to meeting with SON to further discuss comments, concerns, or the contents of the response letter related to the DNNP.



	<p>generation from the SMR at DNNP. The WWMF is identified as the preferred recipient for radioactive waste, yet there is no assessment of the impact of the increased amounts in both radioactivity and volume on the environment (or on the operating licence) of the WWMF.</p>	<p>CNSC staff's response indicated that as part of the Joint Review Panel Environment (JRP) Assessment process for the DNNP, the Panel reviewed OPG's plans for the management of spent fuel and low and intermediate-level waste and determined whether OPG's plans will result in significant residual effects on the human environment after mitigation measures are applied.</p> <p>CNSC staff's response indicated that the Panel concluded that radioactive and used fuel waste is not likely to result in significant adverse environmental effects, considering the implementation of controls and measures required under the CNSC regulations for radioactive waste management. The Panel also issued two recommendations and OPG states in its commitments report that OPG remains committed to implementing the recommendations from the JRP for waste management (DNNP Commitments Report, NK054-REP-01210-00078), D-C-9.1).</p> <p>CNSC staff's response noted that CNSC staff are tracking this commitment and will only close the commitment if OPG has demonstrated they have adequately addressed the recommendation from the Panel. To be accepted at the WWMF, waste must meet defined waste acceptance criteria and be within the authorised limits of the licence for the facility. CNSC staff note that the WWMF is licensed for storage of low-level and intermediate-level waste, and each waste stream has defined acceptance criteria specified in OPG procedures, bound within limits authorised by its operating licence. OPG will be required to provide detailed analysis of all radioactive waste streams generated from BWRX-300 operations to ensure that they meet the acceptance criteria to be transported and stored at the WWMF. The CNSC will review OPG's plan to ensure it provides for the safe management and transportation of all radioactive waste streams. If the Commission determines that the EA is applicable to the BWRX-300 technology and the DNNP project progresses through the licensing stages, CNSC staff will evaluate OPG's proposed plans for the long-term management of wastes produced by the DNNP.</p> <p>CNSC staff also reiterated information regarding licensing requirements for OPG's waste management in writing to the SON on January 15 2024. CNSC staff's response acknowledged that SON remains concerned regarding the possibility of wastes from the DNNP being transported and stored in their territory and the potential impacts</p>
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		<p>on the SON’s rights from that activity. CNSC staff’s response noted that OPG has not yet made a decision about where waste generated by the DNNP will be stored, should it proceed, and that is not within the scope of the decision to be made by the Commission on the applicability of the EA or with regards to the Licence to Construct application, should the project proceed.</p> <p>CNSC staff’s response noted that no nuclear waste will be generated from the construction of the DNNP, as there is no licensed activity in the construction licence that permits nuclear materials to be on-site. OPG will be required to characterise the nuclear wastes, identify the waste streams, handling requirements and hazards, transportation and storage locations in the Licence to Operate application phase, should the DNNP proceed.</p>
<p>Six Nations of the Grand River (SNGR)</p>		
<p>SNGR #1</p>	<p>SNGR commented that although the chosen technology is smaller than what was assessed in the EA, it appears as though the selected reactor technology is fundamentally different, and that the environment has likely changed since 2009.</p>	<p>CNSC staff discussed this comment with SNGR at a meeting in March 2023. SNGR also attended the April 2023 DNNP public workshop, where their comments were discussed as well.</p> <p>CNSC staff explained that OPG assessed whether the technology was within the bound of the EA through the plant parameter envelope and they had to consider the differences between the larger reactors and the BWRX-300 technology.</p> <p>CNSC staff confirmed that CNSC staff are not relying on data solely from 2009 to make a decision. OPG has indicated to the CNSC that they have been updating their baseline work. OPG has considered the monitoring data that has been ongoing at the Darlington site, as well as undertaking targeted studies.</p> <p>CNSC staff noted that some of the environmental conditions have not changed significantly since the time of the completion of the EA, but there are some differences that OPG has to note and share with the CNSC for assessment. For example, Bank Swallows and some species of bats were not considered Species at Risk in 2009 but are now. OPG has had to conduct additional work and consider new mitigation measures and/ or habitat protection.</p>

		CNSC staff have frequently followed up with SNGR to offer to meet to discuss the DNNP at key regulatory stages and to provide more information about the CNSC conclusions on the review and remain open to meeting with SNGR should they be interested in doing so.
<b>Métis Nation of Ontario (MNO)</b>		
MNO #1	MNO expressed concerns about what the security considerations for this technology are and who is responsible for ensuring security.	<p>CNSC staff discussed this concern with MNO during a meeting in March 2023. CNSC staff indicated that Canada has rules, obligations, commitments and regulations about non-proliferation and international obligations we must meet, based on the Treaty on the Non-Proliferation of Nuclear Weapons.</p> <p>CNSC staff provided information about the licensee obligations around security. When licensees possess this material, they must ensure that they maintain security and support Canada’s obligations. The licensees implement the non-proliferation treaty and the CNSC enforces it. Additionally, the International Atomic Energy Agency conducts inspections at least once a year to verify what the licensees and Canada is reporting is accurate.</p> <p>CNSC staff provided information about the BWRX-300 reactor fuel, noting that it uses slightly enriched fuel, but Canada does not produce enriched fuel. Canada produces fuel for current CANDU reactors in Canada (i.e. what is at the Darlington NGS currently), from uranium mines in northern Saskatchewan. CNSC staff noted that then fuel pellets are created in Peterborough and Port Hope, which are sent around the world. CNSC staff indicated that the fuel can then be enriched internationally and imported to the Darlington site, inspected and placed in the reactor, if DNNP proceeds to a license to operate.</p>
MNO #2	MNO raised concerns about potential impacts from the project on the lake water quality and fish. MNO expressed concerns about whether OPG and the CNSC would monitor the impacts of the project.	<p>CNSC staff discussed this concern with MNO during a meeting in March 2023.</p> <p>CNSC staff provided information about OPG’s well-established monitoring program at the Darlington Nuclear Generating Site where they collect water, fish and air samples. Specifically, for DNNP, OPG collected baseline information in 2009 for the original Environmental Assessment. CNSC staff noted that OPG has been updating their baseline data, collecting a series of samples to show whether or not the baseline has changed since 2009. In addition to requirements for OPG to monitor</p>

		<p>and sample the environment on and around the Darlington site, the CNSC, in collaboration with Indigenous Nations and communities has and will continue to conduct sampling in publicly accessible areas near the Darlington site through the CNSC's Independent Environmental Monitoring Program (IEMP).</p> <p>CNSC staff have frequently followed up with MNO and attended monthly meetings to offer to meet to discuss the DNNP at key regulatory stages and to provide more information about the CNSC conclusions on the review. MNO has not requested additional DNNP meetings at this time.</p>
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