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New Licence

Nouveau permis

Additional Information

Renouvellement d'un permis

**Ontario Power
Generation, Inc. (OPG)**

**Ontario Power
Génération Inc. (OPG)**

**Application for a Licence
to Construct a BWRX-
300 Reactor at the
Darlington New Nuclear
Project Site (DNNP)**

**Demande de permis de
construction d'un
réacteur BWRX-300 sur
le site du projet de
nouvelle centrale
nucléaire de Darlington
(PNCND)**

Commission Public Hearing
Part 2

Audience publique de la Commission
Partie 2

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Summary

This Supplemental CMD provides additional information to CMD 24-H3, on the following:

- Regulatory position on CMD 24-H3-Q
- Regulatory responses to themes identified from interventions
- Update on Indigenous Consultation and engagement activities
- An erratum

Résumé

Ce CMD complémentaire fournit des informations supplémentaires à celles présentées dans le CMD 24-H3, sur les points suivants :

- La position réglementaire concernant CMD 24-H3-Q
- Les réponses réglementaires aux thèmes identifiés dans les interventions
- Mise à jour sur les activités d'engagement et de consultation des populations autochtones
- Un erratum

Signed/Signé le

12 December 2024 / 12 Décembre 2024

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Land Acknowledgment

Canadian Nuclear Safety Commission (CNSC) staff would like to acknowledge that the Darlington New Nuclear Project (DNNP) is situated within the lands and waters of the Michi Saagiig Anishinaabeg, the Gunshot Treaty (1787-88) and the Williams Treaties (1923). In 2018, the Williams Treaties First Nations (WTFN) Settlement Agreement with Canada and the Province of Ontario was signed, which recognized the pre-existing Treaty rights of the WTFN. This includes Curve Lake First Nation (CLFN), Hiawatha First Nation (HFN), Alderville First Nation, the Mississaugas of Scugog Island First Nation (MSIFN), Chippewas of Beausoleil First Nation, Chippewas of Georgina Island First Nation and the Chippewas of Rama First Nation.

Plain Language Summary

Commission Member Document (CMD) 24-H3.F is a supplemental CMD to CMD 24-H3 – CNSC Staff Assessment and Recommendations on OPG's Application for a Licence to Construct a BWRX-300 Reactor at DNNP. This supplemental CMD provides CNSC staff regulatory positions on questions from the Commission raised in CMD 24-H3-Q, CNSC staff responses to themes identified from interventions, an update on Indigenous Consultation and engagement activities, and an erratum.

The information presented in this CMD does not alter CNSC staff recommendation to the Commission described in CMD 24-H3 to issue a Licence to Construct.

Referenced documents in this CMD are available to the public upon request, subject to confidentiality considerations.

1. OVERVIEW

OPG submitted its preliminary application for a Licence to Prepare Site at Darlington in 2006. The project was referred to a Joint Review Panel (JRP) under the Canadian Environmental Assessment Act (1992). The JRP addressed themes including aquatic biota and habitat, radiological and non-radiological emissions, human health, land use and management, and the management of nuclear wastes. It concluded in its review of the evidence to support the proposed project and issued its report on the EA for the DNNP, stating that: “The Panel concludes that the Project is not likely to cause significant adverse environmental effects, provided the mitigation measures proposed and commitments made by OPG during the review and the Panel’s recommendations are implemented.” These recommendations and commitments span the lifecycle of the project, focusing on the site preparation, construction, and operations phases.

The Commission is considering the application from Ontario Power Generation, (OPG) for a Power Reactor Construction Licence (PRCL) for the DNNP site. OPG submitted an application to construct a class IA nuclear facility, which includes one BWRX-300 reactor and associated facilities at the DNNP site, with a proposed licence term of 10 years. OPG currently holds a Power Reactor Site Preparation Licence (PRSL) 18.00/2031.

CNSC staff recommendations are outlined in CMD 24-H3, CMD 24-H3.B, and CMD 24-H3.C. This supplemental CMD provides CNSC staff regulatory positions on CMD 24-H3-Q [1], CNSC staff responses to themes identified from interventions, an update on Indigenous Consultation and engagement activities, and an erratum.

1.1 Overview of Regulatory Approach

Given the iterative nature of reactor design evolution, the validation of safety assessments and predictions, as well as changes to the facility design will be part of ongoing oversight and monitoring activities throughout the licence period should the project proceed. As summarized in CMD 24-H3, CNSC staff identified commitments for construction which must be completed prior to the removal of a regulatory hold point (RHP). CNSC staff are proposing three (3) RHPs at specific project milestones to align with key stages in OPG’s proposed construction schedule:

- RHP-1: Installation of Reactor Building Foundation
- RHP-2: Installation of the Reactor Pressure Vessel
- RHP-3: Fuel-Out Commissioning.

In CMD 24-H3 APPENDIX D.2, CNSC staff summarized commitments made by OPG to provide additional information. These commitments are grouped into two distinct groups, those that are linked to RHPs and those that are not. The use of RHPs allows design progression and OPG to conduct construction activities while ensuring OPG has satisfied the necessary conditions set out in the licence and

LCH before proceeding past a certain point. This allows for agile and effective regulation while always ensuring safety.

- Commitments linked to RHPs are described in a CNSC staff document *BWRX-300 Licensing Regulatory Commitments* (LRC). These LRCs identify requirements for construction activities, to be completed prior to the removal of a RHP.
- The second group of commitments are those that are needed to demonstrate ongoing compliance but are not tied to an RHP. All commitments will be tracked using the CNSC management system and are subject to the Compliance Verification Criteria (CVC) detailed in the draft LCH.

2. REGULATORY POSITION ON CMD 24-H3-Q

Upon completion of the Part 1 Hearing, the Commission requested additional information described in CMD 24-H3-Q [1], which touch upon the Physical Design and Safety Analysis Safety and Control Areas (SCAs). CNSC staff's regulatory position to each question are provided below.

Question 1: How has the Transient Reactor Analysis Code “GE Hitachi” (TRACG) computer code been validated for use on the BWRX-300 reactor design? The Commission notes that the BWRX-300 design has a smaller reactor core than traditional boiling water reactors (BWR).

TRACG is a system thermal hydraulic code, used for design and deterministic safety analysis. As described in CMD 24-H3 section 2.4.2.3.4.1, the computer codes used for design and safety analysis, including TRACG, are qualified in accordance with NEDO-11209-A, “GE Hitachi Nuclear Energy Quality Assurance Program Description” that complies with American Society of Mechanical Engineers (ASME) [NQA-1 Quality program](#) and Canadian Standards Association (CSA) [N286.7-16](#). The term computational modeling refers to the use of computers to simulate and study complex systems using mathematics, physics and computer science. A model contains multiple variables that characterize the system being studied. Simulation is completed by adjusting the variables and observing the outcomes. TRACG is a best-estimate code for the analysis of BWR transients based on a multi-dimensional two fluid model for the reactor thermal hydraulics and a three-dimensional neutron kinetics model. TRACG has been extensively validated against separate effects tests, component performance data, integral system effects tests and full-scale BWR plant data from normal operation, in-reactor tests and incidents. Transients are changes in the reactor coolant system temperature, pressure, or both, attributed to a change in the reactor's power output. Detailed documentation of the TRACG qualification is contained in the TRACG Qualification Report. The TRACG application for BWRX-300 is documented in NEDC-33987, which includes references to source of experimental data, supporting reports, and overall validation process matrix and framework.

CNSC staff has been reviewing the TRACG validation documentation and evaluating the code qualification for the BWRX-300 design and deterministic safety analysis (DSA) as part of its technical review of OPG's application. The USNRC has also carried out an extensive review of TRACG code qualifications for BWR transient analysis and has approved the analysis methods for various applications including for analysis of AOO and stability analysis for the Economic Simplified Boiling Water Reactor (ESBWR). The CNSC and USNRC conducted a joint review of the BWRX-300 Containment Evaluation, which included aspects of the use of the TRACG code.

Currently, CNSC staff review is focussed on novel and safety important features of BWRX-300 such as natural circulation through the core, and the Isolation Condenser System (ICS) which is credited for emergency decay heat removal and overpressure protection. The radial core size of BWRX-300 with 240 fuel assemblies, the same as the KKM plant in Switzerland, is not considered to be a novel feature. The height of the core is the same as many operating BWRs that use the same fuel design, Global Nuclear Fuel Mark 2 (GNF-2). According to OPG, the validation basis of the TRACG code is not considered to be affected by the size of the core as indicated in the BWRX-300 Containment Evaluation, which included aspects of the use of the TRACG code. CNSC staff will confirm this as the design progresses and more detailed information is available.

What is the status of CNSC staff's assessment?

In CMD 24-H3, CNSC staff concluded that OPG committed to comply with Canadian code validation expectations for all codes used in the analysis and design of the BWRX-300. CNSC staff expect OPG to provide additional TRACG qualification documentation, specifically focused on the BWRX-300 design, that addresses the design differences between the BWRX-300 and previous designs as the design progresses. Since the Part I Hearing, OPG presented validation details for the TRACG BWRX-300 application supported with new experimental data for accurate prediction of void fraction in the unpartitioned large-diameter chimney, and stability analysis. The tall chimney downstream of the core is a novel feature which provides the primary driving force for natural circulation due to its low coolant density.

CNSC staff review of the coolant flow rate through the core by natural circulation is ongoing. The CNSC staff review of code validation for ICS thermal hydraulic performance and reactor stability analysis is also currently underway. The experimental data supporting TRACG code validation will be part of CNSC staff review of the safety analysis for DNNP as required for the release of Regulatory Hold Point 1 (RHP-1). The information presented here continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Question 2: What instabilities may occur in the reactor core and chimney during start-up and how does the BWRX-300 design mitigate these potential instabilities?

Reactor core instabilities are power oscillations (i.e. fluctuations). The type of instability that can lead to divergent oscillations and challenge fuel safety limits

occurs inside fuel bundles. The neutronic/thermal-hydraulic stability phenomena are discussed in section 4.8 of the PSAR. OPG considers two types of instabilities for BWR applications: Type 1 and Type 2. Type 1 instability can occur at low reactor power, low flow rate and low-pressure conditions typical for start-up. Type 2 instability can occur at high reactor power levels, high pressure and high void fraction in the core and is considered to pose a more serious risk to fuel integrity due to coupled neutronic feedback.

Type 1 instabilities experienced during start-up do not result in a reactivity/power response since the coolant in the core remains a single-phase liquid during these oscillations. Type 1 flow oscillations are characterized by initiation of vapor production in the chimney region due to flashing leading to a reduction in hydrostatic head in the chimney which increases the driving force and results in an increase in coolant flow rate. This in turn will result in a reduction in coolant enthalpy (total heat content of a system) entering the chimney, and increased coolant density in the chimney, which will reduce the driving force for coolant flow. These high-flow, low-flow oscillations will continue with an oscillation period that is consistent with about twice the liquid transit time in chimney. The magnitude of the flow oscillations is typically very small, and Type 1 oscillations do not result in a change in core moderator density. Therefore, there is no power response and, as a result, the Fuel Cladding Integrity Safety Limit under the low power start-up conditions is maintained.

Should OPG proceed to the Licence to Operate (LTO) phase, OPG will be required to provide, in its LTO application, start-up procedures that can minimize or prevent Type 1 oscillations. These start up procedures would include prevention measures such as forced circulation through the core using Shutdown Cooling System pumps and keeping the reactor power low during the reactor heat up process.

Type 2 instability during normal operations, and certain AOO, such as loss of Feedwater heater, has the potential to cause significant fuel heat up due to large periodic oscillations in neutronic power and core coolant flow rate, with an oscillation period that is consistent with about twice the vapour transit time in the core. Three modes of oscillations can occur; core-wide (in-phase), regional (out-of-phase) and single channel. Due to the small size of the BWRX-300 core leading to tight neutronic coupling, OPG claims that the BWRX-300 core is not considered to be susceptible to regional oscillations and CNSC staff are currently assessing these claims. Core-wide oscillations can be detected by the Average Power Range Monitor and suppressed by reactor scram due to high neutron flux. Single channel oscillations are not detectable and need to be precluded.

The TRACG thermohydraulic code, which also has 3D neutron kinetics models, is used for time-domain stability analysis of BWRX-300. The TRACG code has been validated against separate effects and integral effects tests, in-reactor tests, and instability incidents for operating BWRs.

What is the status of CNSC staff's assessment?

CNSC review of the stability analysis method is in progress. As described in CMD 24-H3 section 2.5.2.5.4.4, OPG will be required to confirm that a special stability detection and associated trip system will not be required for operations, prior to the removal of RHP-1. Since the Part 1 Hearing, OPG gave a presentation on its instability analysis and its basis. CNSC staff has requested that OPG provide the required additional information to confirm sufficiency of the stability analysis. A detailed stability analysis report specific for BWRX-300, including the basis for the stability analysis acceptance criterion and validation of the analysis method has not yet been provided to CNSC staff. As a part of BWRX-300 safety demonstration and confirmation of the existence of sufficient safety margin for instability, OPG has committed to provide additional information on this topic under RHP-1. As the design progresses, CNSC staff will review the relevant documentation and determine its adequacy. The information presented here continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Question 3: How was the TRACG code used to model instability within the BWRX-300 reactor core during start-up? The Commission is seeking specific information on what assumptions were used in that modelling and how the void distribution within the GNF-2 fuel assembly was considered.

As described in previous questions, the TRACG code is used for time-domain stability analysis of BWRX-300. Time domain analysis is crucial for understanding the transient and steady-state responses of systems. It helps engineers understand how a system behaves during the initial period after a disturbance and how it settles into a stable state.

The TRACG code can be used to simulate Type-1 oscillations that can occur during start-up, even though Type-1 instability is not considered to be a primary concern for fuel safety due to low power conditions during start-up and lack of neutronic feedback since the Type-1 instability is dominated by the chimney behaviour. No vapour formation in the core is expected during Type-1 oscillations, i.e., the void fraction in the core remains (near) zero.

The void fraction in the coolant flow is one of the most important variables from a core-fuel design and reactor safety perspective because it affects nuclear reactivity and thermal hydraulic characteristics of the reactor by altering reactor power, coolant flow, pressure, and temperature.

Type-2 instabilities that can occur during normal operation and certain AOO involve high power, high pressure, and high void fraction in the core. The TRACG code has been validated to predict void fraction in the core for operating BWRs and the phenomena and analysis method would not be any different for BWRX-300. This is because the void fraction distribution is a function of the pressure drop across the core and the power distribution. The void fraction predictions would not change regardless of whether the flow is driven by forced circulation as in operating BWRs or natural circulation as with the BWRX-300. The critical heat flux and axial pressure drop data as a function of flow rate and

channel power and its axial distribution were obtained from full-scale tests for the GNF-2 fuel which has been in use in operating BWRs since 2007.

What is the status of CNSC staff's assessment?

CNSC staff review of TRACG predictions of void fraction in the core and in the chimney are currently underway. CNSC staff is evaluating the sufficiency of the TRACG validation experimental database for these phenomena prediction accuracy. The experimental data supporting TRACG code validation will be part of staff's review of the safety analysis as required for the removal of RHP-1. The information presented here continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Question 4: Has the GNF2 fuel assembly been optimized for use in a reactor core with natural circulation, and if so, how? The Commission notes that the GNF2 fuel assembly was designed for reactors with forced circulation of coolant through the reactor core and that the proposed BWRX-300 design would employ natural circulation.

Forced circulation applies to when the coolant is pumped through the core, while in natural circulation, the flow through the core is due to a density difference between the fluid in the region localized between the core shell and the reactor vessel, and the core region. The GNF2 fuel has been used extensively in forced circulation reactors since 2007. Following the General Electric Standard Application for Reactor Fuel (GESTAR II) framework for GNF2 fuel, as referenced in the PSAR, the BWRX-300 employs a fuel design that has been approved by the USNRC, and has been proven by extensive operational history of BWRs presently operating in the United States. As a regulator, the CNSC's primary concern is safety and focused on the adequacy of fuel rather than the optimization.

Fuel adequacy has been assessed by CNSC staff as per [REGDOC-2.5.2 Design of Reactor Facilities](#). Information submitted in Section 4 of the PSAR demonstrates that sufficient margins exist on the thermal hydraulic design of the GNF2 fuel bundle with regard to maintaining adequate heat transfer from the fuel to the reactor coolant system during normal operation and AOs.

Thermal hydraulic design of the core is discussed in section 4.4 of the PSAR and in CMD 24-H3. OPG has provided documentation concerning the validation of the principal design tool for the core, TRACG, as well as experiments that have determined thermal hydraulic characteristics of the GNF2 bundle that are important to safe operation.

TRACG has been extensively qualified against separate effects tests, component performance data, integral system effects tests and full-scale BWR plant data. A detailed documentation of the TRACG qualification is contained in the TRACG Qualification Report (PSAR reference 4.4-7).

CNSC staff review determined that important thermohydraulic phenomenon relating to hydraulic resistance across the core and void fraction distribution in the core through the core appear to be well represented by TRACG and have been

verified against full scale experiments on the GNF2 bundle design (PSAR section 4.4.6, references 4.4-3 and 4.4-4).

What is the status of CNSC staff's assessment?

CNSC staff confirmed the adequacy of the GNF2 bundle design and have no concerns over the design of the GNF2 fuel bundle. The information presented continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Question 5: How was the onset of the boiling transition modelled for the GNF2 fuel assembly? What ability would OPG have to detect boiling conditions along the fuel assembly during reactor operation and what risk exists for fuel dry-out?

In Chapter 4 of the PSAR, OPG describes the development of a Fuel-Product Specific Critical Channel Power Correlation obtained by tests on full-scale, electrically heated bundle spanning operational power ranges and bounding AOO transients for the GNF2 bundle design. CNSC staff note the critical power is the fuel bundle thermal power at the onset of boiling transition. Immediately after critical heat has been reached in the reactor, boiling becomes unstable and transition boiling occurs, where heat transfer efficiency from the fuel surface to the coolant is decreased, and the risk of dry-out conditions and risk of accident increase. This is due to the formation of an insulating vapor film on the surface. CNSC staff reviewed OPG's evidence that the critical power predicted by this correlation show negligible bias and an uncertainty of less than 4%. Maintaining the bundle power below the critical power during steady-state operation and AOOs precludes the onset of boiling transition and satisfies the design limit so that no significant fuel damage occurs (i.e., the Fuel Cladding Integrity Safety Limit). This limit ensures no fuel rods are susceptible to boiling transition with a 95% probability at a 95% confidence level.

There is no direct measurement indicative of boiling transition in the fuel assemblies in the core. Instead, core monitoring precludes boiling transition and calculates critical power for all fuel channels. Core monitoring is a function of the plant computer system that provides three-dimensional core power monitoring and is described in section 4.7 of the PSAR. Core monitoring provides confidence to operators that the plant is operating in conformance to acceptable limits on core power, which are described in section 4.4.

CNSC staff's position is that the design provisions of the GNF2 fuel bundle are adequate as required by [REGDOC-2.5.2 Design of Reactor Facilities](#) section 6.1.1, and that the Defence Line 3 (DL3) safety systems described in the PSAR provide evidence that boiling transition is avoided during normal operation and AOO.

What is the status of CNSC staff's assessment?

CNSC staff review on this topic is described in CMD 24-H3 section 2.5.2.5.4.2. CNSC staff's position is that the design provisions of the GNF2 fuel bundle are adequate. CNSC staff's expectation is that the core monitoring and safety systems

described in sections 4.7 and 7.3 of the PSAR will be tested and commissioned prior to the loading of the fuel in the DNNP reactor core if the project proceeds to the operation stage. The information presented here continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Question 6: The Commission is seeking additional information on the power coefficient of reactivity during different reactor power levels. How would reactor power control be maintained for conditions where the power coefficient of reactivity may be positive?

As per [REGDOC-1.1.2 Licence Application Guide: Licence to Construct a Reactor Facility](#), to the extent practicable, the application should describe how the design meets the design basis requirements for reactivity coefficients. As the design progresses, detailed information will be needed to continue to confirm that regulatory requirements are met [ref].

Section 6.1 “Reactor Core/Reactivity Coefficients” of [REGDOC-2.5.2 Design of Reactor Facilities](#), clearly describes expectations for the design regarding the power coefficients of reactivity.

In particular, [REGDOC-2.5.2 Design of Reactor Facilities](#) describes that the design calculation should cover and be supported by the calculated nominal values for power coefficients of reactivity with uncertainty analyses for nominal values. [REGDOC-2.5.2 Design of Reactor Facilities](#) does not have specific requirements on the sign or magnitude of the reactivity coefficients including the power coefficient of reactivity, however, it does state that: “If a reactor design has a positive power coefficient of reactivity for any operating state, the design authority should demonstrate that operation with a positive power coefficient is acceptable by showing that a bounding value of power coefficient of reactivity has been calculated for all permitted operating states and used in control, stability, and safety analyses [...]”

As indicated in the PSAR, section 4.3.1.1, “Reactivity Feedback Bases”, the dominant coefficients are the Doppler, moderator temperature, and the moderator void reactivity coefficient. Also associated with the BWR is the power reactivity coefficient, which is a combination of these reactivity coefficients. [REGDOC-2.5.2 Design of Reactor Facilities](#) requires that the design calculations cover and be supported by the calculated nominal value of power coefficient of reactivity with uncertainty analyses. The PSAR also states that the fuel reactivity acceptance criteria are established in GESTAR and that each of the following fuel parameters must be negative throughout the life of the core:

- Doppler reactivity coefficient for all operating conditions
- Core moderator void reactivity coefficient resulting from boiling in the active flow channels for any operating conditions
- Moderator temperature coefficient for temperatures equal to or greater than “hot standby”

- Power coefficient, as determined by calculating the reactivity change resulting from an incremental power change from a steady-state base power level for all operating power levels above “hot standby”.

In practice, it means that below “hot standby”, the power coefficient of reactivity is expected to be positive. This occurs because at certain moderator temperatures, the moderator coefficient of reactivity becomes positive.

According to OPG, the term “hot standby” is defined as the reactor state in which the temperature of the coolant and fuel is near operating temperatures (i.e., >260 degrees Celsius (°C)) and pressures (i.e., ~ 7 Megapascal (MPa)), at very low thermal power, and represents the end of the startup region, or the beginning of power ascension.

As such, the “hot standby” conditions may be traversed, during a normal startup, during a normal reactor shutdown, or during an unplanned shutdown (like a forced outage) in which the cause is known and a return-to-service is expected.

Based on the information reviewed to date by CNSC staff, it is expected that for conditions, where the power coefficient of reactivity may be positive (that is, below “hot standby”), the reactor power control would be maintained by using either start-up procedures on the ascent to power operations or by using normal shutdown procedures.

In such cases, operator actions would be supported, particularly, by the Wide-Range Neutron Monitoring (WRNM) system which can be used for indicating that the core has been successfully shutdown post rod insertion and for controlling reactor flux rate of change during a reactor startup.

In addition to operating procedures, and operator intervention, safety systems will automatically compensate, for example, via anticipatory scram (DL2) on short reactor period or scram (DL3) at ~15% reactor power in STARTUP mode.

What is the status of CNSC staff’s assessment?

OPG has provided preliminary information on the power coefficients of reactivity. This information will be confirmed by CNSC staff as the design progresses as part of an LTC should the project proceed. Operating procedures such as startup procedures are not yet available and would be reviewed later by CNSC staff, as a part of a LTO application should the project proceed to that stage. The information presented here continues to support CNSC staff recommendations and conclusions described in CMD 24-H3.

Questions 7: The Commission is seeking specific information on the design and validation of the Distributed Control and Information System (DCIS), including detailed information on: software certification and verification, fail-over from System A to back-up System B, and transfer of control from the main control room (MCR) to the secondary control room (SCR).

The Distributed Control and Information System (DCIS) is the overall BWRX-300 I&C system. The DCIS implements all BWRX-300 instrumentation and

control functions, including the transfer of control from the main control room (MCR) to the secondary control room (SCR), when necessary.

According to Chapter 7 of the PSAR, the DCIS architecture and general system requirements will meet [International Electrotechnical Commission \(IEC\) standard 61513 – Nuclear power plants: Instrumentation and control important to safety – General requirements for systems](#), which complies with [CSA N290.14-15 Qualification of digital hardware and software for use in instrumentation and control applications for nuclear power plant. IEC 61513](#) requires the activities associated with the development, implementation and operation of the system follow a safety life cycle. The safety life cycle includes a systematic approach to implement “top-down” design and “bottom-up” integration for verification and validation to ensure that safety I&C requirements are met. For safety class software, it is developed in compliance with the IEC standards that are commensurate with its safety class. The information provided by OPG on the design of the DCIS is preliminary.

Software certification and verification

Certification of a digital I&C platform or device, including its software, generally asserts that a computer-based system or device has certain properties, and/or has been developed according to a particular process or standard. A certification alone, such as a third-party certification, is not a safety demonstration since it is not necessarily specific to the given application or plant environment.

CNSC currently does not require safety class software to be certified by a third party and the CNSC does not certify digital I&C platforms or devices. This is in line with our performance based regulatory framework where the applicant must demonstrate that they meet or exceed regulatory requirements. CNSC staff will carry out compliance verifications to ensure that regulatory requirements are met. It is up to the applicant to decide whether they will pursue a third-party certification. Nevertheless, CNSC staff recognize that certification by a third-party may provide useful information about computer-based systems or devices related to safety. This can contribute to the safety demonstration. According to [CSA N290.14-15](#) section 6.4.3.4, if third-party certifications are used by the applicant to support the safety demonstration, the applicant shall assess the certifications to determine if they can be used in part or entirely to satisfy the relevant requirements. Regardless of certification, CNSC staff conduct compliance verification to verify if regulatory requirements and committed safety standards have been met during the life cycle of the system.

Based on [IEC 61513](#), the system life cycle model includes a verification step after each software development phase to ensure that all requirements of the previous development phase have been implemented completely, consistently and correctly. CNSC staff’s compliance verification for software verification will include but will not be limited to, verification planning, software verification methods and tools, coverage of software verification, traceability of verification results back to the design requirements, independence of verification, and documentation of verification.

Fail-over from System A to back-up System B

In terms of standby safety functions, the BWRX-300 Defence Line (DL) 3 Safety Class 1 (SC1) primary protection system (PPS) adopts a fail-safe design. This means that when power to the system or when a communication signal is lost, the safety functions, such as the reactor scram and ICS functions, are automatically initiated to trip the reactor and remove decay heat. In addition, the single failure criterion (SFC) is met by using a two-out-of-three voting logic. This means that the safety function is maintained when there is a failure in one of the three redundant channels.

The SC1 PPS is fully independent of the SC2 diverse protection system (DPS) which performs the DL4a protection functions in a diverse I&C platform. The DPS also adopts a two-out-of-three voting logic. The DPS will actuate when its protective setpoints are exceeded regardless of the success or failure of PPS. The independence between the PPS and the DPS ensures that each system can independently implement its safety functions without relying on any signal from the other system. The diversity between PPS and DPS means that under the very low probability of passive common cause failures (CCFs) of the PPS (i.e., CCFs that prevent the initiation of the safety function when demanded), the DPS can still independently fulfill its required safety function. This meets the independence and CCFs expectations of [REGDOC-2.5.2 Design of Reactor Facilities](#). CNSC staff will verify the independence and diversity of the PPS and the DPS during the detailed design phases and the onsite commissioning tests as part of the future regulatory compliance verification activities should the Commission issue a LTC.

The DL2 controllers (for example, the reactor pressure or level controllers) that implement SC3 control functions are triple modular redundant to prevent random I&C component failures from causing plant transients. These controllers are continuously operating during normal operation. When the operating controller fails, the self-diagnostic function will normally detect the fault and the backup controller will take over the control function to avoid the actuation of protection systems, such as the PPS and the DPS. The complete failure of the DL2 SC3 control system will be separately mitigated by the DL2 SC3 protective function (such as the anticipatory trip system), the fully independent DL3 SC1 PPS and the DL4a SC2 DPS, which meets the defence-in-depth (DID) expectation of [REGDOC-2.5.2 Design of Reactor Facilities](#).

CNSC staff will verify that the diagnostic function is able to detect faults on an operating controller and successfully switch over control function to a backup controller during the factory acceptance test and onsite commissioning tests as part of the future regulatory compliance verification activities should the Commission issue a LTC.

The DL3 SC1 primary protection system and the DL4a SC2 diverse protection system each independently provide the protection functions without relying on any signal from the other system. This meets the applicable requirements of [REGDOC-2.5.2 Design of Reactor Facilities](#).

Transfer of control from the MCR to the SCR

According to [REGDOC-2.5.2 Design of Reactor Facilities](#) section 8.10.2, suitable provisions outside the MCR should be made for transferring control to the SCR whenever the MCR is unavailable. Section 7.6.1 of PSAR indicates that the MCR to SCR control transfer functions are located in a suitable location determined through human factor engineering analysis, either in the SCR or a location accessible via the qualified access path. CNSC staff conclude that either option can meet the regulatory expectation and therefore is acceptable for a LTC. CNSC staff will verify that the control transfer function can meet its design function during commissioning tests as part of the future regulatory compliance verification activities of a LTC if the project proceeds to that stage.

What is the status of CNSC staff's assessment?

CNSC's conclusions as outlined in CMD 24-H3 remain unchanged; the preliminary I&C design information provided in the PSAR and its supporting documents meets requirements. OPG's I&C design has not progressed to the validation phase yet. Should the Commission issue a LTC, CNSC staff will assess the software verification and validation through compliance verification, when the design progresses into the detailed and plant specific design phases.

3. Responses to Interventions

The CNSC received over eighty interventions from the public, Indigenous Nations and communities, civil society groups, and nuclear industry organizations concerning OPG's application. CNSC staff seek to address the key themes identified in interventions below.

CNSC staff note that the key themes raised by Indigenous Nations and communities are described in Section 4 of this CMD. Additional details regarding CNSC staff's responses to interventions submitted by Indigenous Nations and communities, as well as proposed approach to addressing the issues and concerns raised, are included in the issues tracking tables in APPENDIX A.

Adequacy of the Safety Case

Several interventions expressed concern and questions regarding the safety case of the DNNP. A safety case is an integrated collection of arguments and evidence to demonstrate the safety of a facility and the meeting of all applicable regulatory requirements. The safety case forms part of the licensing basis that OPG must adhere to. The licensing basis sets the boundary conditions for acceptable performance at a nuclear facility. It establishes the basis for the CNSC's compliance program, which is designed to ensure that the licensee continues to meet requirements and conduct the licensed activity within the licensing basis.

[REGDOC-1.1.2 Licence to Construct a Reactor Facility](#) describes that a construction safety case includes requirements for preparing the site, designing and constructing the facility, and fuel-out commissioning.

The DNNP LTC Safety Case is the collection of documents of OPG's application, and supporting documents for plant design, safety analysis, construction and commissioning. The plant design and safety analysis are described in the PSAR and supporting documents. CNSC staff assessed OPG's application and concluded that OPG demonstrated that the safety analysis, that is part of the safety case, is adequate. As the safety analysis progresses, CNSC staff will continue to verify adequacy of the safety case.

The main elements of DNNP LTC safety case include physical design, safety analysis, and the construction program. They are described as follows:

Physical Design (Plant Design)

Physical design is an important element for the safety case. OPG submitted physical design information to CNSC in the PSAR and supporting documents.

CNSC staff reviewed the DNNP physical design against regulatory requirements outlined in [REGDOC-2.5.2 Design of Reactor Facilities](#) and other applicable national and international codes and standards.

CMD 24-H3 provides detailed information regarding CNSC staff review of the DNPP plant design. CNSC staff concluded that OPG provided adequate information, and as summarized in Appendix D.2, OPG committed to provide additional detailed information as the design progresses.

Safety Analysis

Safety Analysis is an important tool to demonstrate that a plant design meets CNSC regulatory requirements regarding safety objectives. The safety analysis consists of hazard analysis, deterministic safety analysis (DSA) and probabilistic safety analysis (PSA). The DSA and PSA are used to demonstrate that technical nuclear safety objectives (in terms of Dose acceptance criteria and safety goals) are met. The requirements and guidance for conducting DSA and PSA are described in CNSC regulatory documents [REGDOC-2.4.1 Deterministic Safety Analysis](#) and [REGDOC- 2.4.2 Probabilistic Safety Analysis for Nuclear Power Plants](#).

OPG's PSAR includes descriptions of Hazard Analysis, DSA and PSA. CNSC staff reviewed the preliminary safety analysis results and concluded that OPG met regulatory requirements and OPG will be required to provide additional details as the BWRX-300 safety analysis progresses. As summarized in Appendix D.2 of CMD 24-H3, OPG committed to provide additional information for CNSC staff review as part of the RHP-1 and RHP-2, and to ensure the adequacy of the safety case.

Construction Programs

The construction program is an important element for a LTC safety case. Construction of the reactor facility is to be carried out in a safe manner and with sufficient quality as per [REGDOC-1.1.2 Licence to Construct a Reactor Facility](#). In addition, [REGDOC-2.3.1 Conduct of Licensed Activities: Construction and Commissioning Programs](#) sets out detailed requirements and guidance for the construction programs and activities. CNSC staff reviewed OPG construction programs and concluded that OPG has an acceptable management system in place to manage the activities. Further development of detailed management system documented is expected, to ensure OPG and its contract partners manage construction activities.

CNSC staff will carry out regulatory compliance verification activities to ensure the safety and quality of the construction activities should the Commission issue a LTC.

Conclusion on the Safety Case

CNSC staff assessed OPG's application including a review of the DNNP EA, the safety case for the BWRX-300 reactor as described in the PSAR, and its supporting documentation. As described in CMD 24-H3, CNSC staff concluded that OPG has provided sufficient information to support a recommendation that the Commission issue a LTC.

SCA: Physical Design

Licensing and Design completeness

Several interventions expressed concern and questions regarding the completeness of the design and the licensing process. As a lifecycle regulator, the CNSC regulates nuclear activities and facilities over the entire lifecycle. As such the CNSC has several mechanisms through licensing and compliance verification activities at each stage to ensure that the environment and the health and safety of people are protected over the lifespan of a project.

As described in the regulations and further outlined in Regulatory Documents, a complete design is not required at the LTC stage. Applicants must provide adequate design information for the Commission to determine the regulations and safety objectives will be met, and that the facility can be constructed safely. This aligns with international experience, International Atomic Energy Agency (IAEA) expectations and benchmarking with other nuclear regulators.

For the LTC stage, an applicant is required to have a sufficient level of detailed design information of the reactor to demonstrate that it can be safely constructed and will be safe to operate. As the design progresses, CNSC will ensure that regulatory requirements continue to be met through ongoing compliance verification.

Should the Commission issue a LTC, Licence Condition (LC) 15.3 and the associated CVC in the draft LCH will require OPG to complete all Licensing Regulatory Commitments LRCs. CNSC staff will perform compliance verification activities to confirm OPG has completed all commitments and that OPG remains within its licensing basis.

As part of the CNSC staff commitment to transparency, CNSC staff are committing to the following communication approach for RHPs to ensure the Commission, Indigenous Nations and communities and interested parties remain informed on the status of the DNNP:

- Through Annual reporting: [Regulatory Oversight Reports – Nuclear Power Generating Sites](#)
- By maintaining the [CNSC website](#), to include status updates of the project and the status of the RHPs
- By informing the Commission and Indigenous Nations and communities when a RHP is removed
- By messaging CNSC subscribers and by using social media posts informing when a RHP has been removed
- By providing updates through the regular Power Reactor Status Report to the Commission as required.

SCA: Environmental Protection

Predictive Environmental Risk Assessment (ERA)

Several interventions expressed concern and questions regarding the protection of the environment. CNSC staff rely on ERA to aid in its review of impacts to the environment from nuclear facilities. As described in CMD 24-H3 section 2.8.2.1, prior to commencement of any construction related activities on the DNNP site, OPG must submit for CNSC staff review and acceptance, a predictive ERA to evaluate any environmental and human health risks from proposed licensed activities. A draft version of the predictive ERA was submitted in September 2024, with the final version to be submitted by December 15, 2024 as per Commission's request in CMD 24-Q [1]. OPG is engaging Indigenous Nations and communities to review and provide comments and input on the draft predictive ERA before it is finalized. CNSC staff are currently undertaking their review of the predictive environmental risk assessment, but no major concerns regarding unreasonable risk to people or the environment have been noted at this time.

If the predictive ERA identifies any new or elevated risks to receptors due to construction related activities, OPG will be required to address those risks and update its mitigation measures through its adaptive management process, including updating its Environmental Monitoring & EA Follow-up Monitoring (EMEAF) program and Environmental Management Protection Plans (EMPP) as needed prior to beginning construction activities. Both the EMEAF and the EMPP are written notification documents in the draft LCH.

Should a LTC be issued, OPG will be required to implement approved environmental monitoring programs throughout the construction phase to validate predictions of risk from the ERA and EA conclusions and ensure the effectiveness of mitigation measures. CNSC staff will continue to report on OPG's environmental protection performance directly with Indigenous Nations and communities and to the Commission, public and interested groups through the [CNSC website](#) and [Regulatory Oversight Reports – Nuclear Power Generating Sites](#).

SCA: Emergency Management and Fire Protection

Several interventions expressed concern and questions regarding land use and emergency planning. It is important to note that land use planning is distinct from emergency planning and was considered during the site evaluation and is completed as part of the EA and the issuance of the LTPS.

Land Use Planning

The JRP issued a recommendation requiring the CNSC to work with appropriate stakeholders, including OPG, EMO, municipal governments and the Province of Ontario on land use planning around nuclear generating stations. This recommendation was closed when the province issued the Public Policy Statement, which guides planning decisions in Ontario. The CNSC continues to provide expert advice to the Municipality of Clarington and notes that no Sensitive Land Uses, including residential dwellings should be developed within 3km of the Darlington facility. CNSC will continue to provide this expert advice to ensure ongoing regulatory oversight of the DNNP.

Emergency Planning

Emergency planning is considered during the site evaluation and all the licensing phases based on the progress of the reactor design and is commensurate with the risk of the licensed facility. For example, during site evaluation and site preparation for a new reactor facility, basic information on the emergency planning is required. For the LTC phase, emergency planning will be confirmed as the design progresses and OPG is required to submit additional safety analysis information as required for RHP-1. For the License to Operate, all emergency planning requirements within [REGDOC 2.10.1, Nuclear Emergency Preparedness and Response](#) must be met. As described in CMD 24-H3, nuclear emergency planning at the DNNP is not required during the construction phase given that no nuclear fuel will be on site.

Emergency planning zones (EPZs) are a planning tool used for the offsite preparedness that are established by the province or territory in case of a nuclear emergency. These zones cover the offsite area beyond the exclusion zone, that should be considered for the prompt implementation of protective actions (i.e. evacuation, sheltering and Potassium Iodide pills (KI) to protect the public in the unlikely event of an offsite release from an accident. EPZ size determination is based on safety analysis to identify a spectrum of potential accidents that could have offsite impacts with consideration of social, geographic and demographics

factors. In Ontario, Emergency Management Ontario (EMO) is responsible for determining the final EPZ sizing for the DNNP. EPZ sizing is an iterative process based on the progression of the design and arrangements between the response organizations. The final sizing will be determined prior to submission of a Licence to Operate. CNSC will continue to work closely and collaboratively with EMO in the determination of appropriately sized EPZ.

For the DNNP, EMO is working closely with OPG to develop the DNNP implementation plan that is in accordance with the Provincial Nuclear Emergency Response Plan (PNERP) Master Plan. This implementation plan will detail the off-site protective strategies and response arrangements that are specific to the DNNP site. The CNSC will continue to verify that emergency planning measures can be effectively implemented and that regulatory requirements are met to protect the public and the environment.

SCA: Waste Management

A number of interventions expressed concern and questions regarding waste management.

For construction, OPG is required to demonstrate its program for both hazardous and radioactive waste is adequate as described in [REGDOC-1.1.2 Licence Application Guide: Licence to Construct a Nuclear Power Plant](#). The proposed licence does not permit radioactive material on site and would only authorize the construction of the DNNP and not the operation of it. OPG has met the requirements for waste management for the LTC application. As described in CMD 24-H3, OPG has not applied for a waste management facility related to the DNNP. If this application is received, it will be subject to the CNSC's licensing process and Consultation with Indigenous Nations and communities. CNSC staff note that the DNNP Environmental Assessment assessed the full life cycle of the DNNP, including radioactive waste management.

Intervenors raised concerns and questions about the need for interim storage for radioactive waste generated by the DNNP, and its possible integration into the DNNP site. Additionally, questions and concerns were raised about broader strategies and plans for the long-term management of radioactive waste in Canada, in particular, the plan for a deep geological repository currently being implemented by the Nuclear Waste Management Organization (NWMO). Under Canada's national framework for radioactive waste management, waste owners are required to manage this waste in a safe and secure manner, and to arrange for its long-term management.

As described in CMD 24-H3, there will be no nuclear fuel stored on site nor any generation of radioactive waste throughout the duration of the proposed LTC.

Long-term management of Intermediate-Level Waste (ILW) and High-Level Waste (HLW) is the responsibility of the NWMO. OPG is required to make annual contributions to fund the long-term management projects of the NWMO. Should the project proceed to the LTO phase, the licensee will be required to include the costs of long-term waste management in the financial guarantee.

JRP Recommendations 52 and 53 required OPG to make provisions for on-site storage of all radioactive waste for the duration of the DNNP, in the event that a suitable off-site solution for the long-term management for used fuel waste is not found. These recommendations remain open. Should this project proceed to the LTO phase, OPG will be required to provide a robust plan for the storage of both hazardous and radioactive waste. CNSC staff will review the submission for this commitment ensuring the necessary lifecycle planning for waste management is incorporated including ensuring industry best practices for waste management are implemented.

Decommissioning

A number of interventions expressed concern and questions regarding decommissioning. CNSC is a life cycle regulator, CNSC staff ensure that the licensee has a decommissioning plan as per [REGDOC-2.11.2 Decommissioning](#) in order to ensure the site can be safely decommissioned to the desired end-state at any point. CNSC staff determined that OPG has adequately described the proposed activities for decommissioning the facility. The provided 'as-built' Preliminary Decommissioning Plan (PDP) sufficiently describes the end-state, the proposed strategy, the major phases of activity, and anticipated hazards for the decommissioning of the DNNP at the end of the construction phase (prior to radioactive waste generation). OPG has also provided a credible cost estimate for the activities listed in the PDP.

SCA: Safeguards and Non-Proliferation

Risk of nuclear weapons proliferation

A number of interventions expressed concern and questions regarding the proliferation risk of nuclear weapons. Safeguards and Export Controls are part of Canada's commitment to the peaceful use of nuclear energy under the [Treaty on the Non-Proliferation of Nuclear Weapons](#). Safeguards consist of a set of measures to provide confidence that nuclear material remains in peaceful use. Measures include the tracking of nuclear material inventories and reporting of safeguards-relevant information. The IAEA verifies the compliance of states' obligations with respect to safeguards under the Treaty and provides confidence to the international community that nuclear materials in a state remain in peaceful use.

Licensees must:

- provide access and assistance to IAEA inspectors carrying out verification activities
- provide access and assistance to the IAEA for installation and maintenance of IAEA equipment
- submit reports to the CNSC on the inventory and transfer of nuclear material subject to safeguards
- submit other information as required by applicable safeguards agreements; and

- take all necessary measures, in general, to facilitate Canada's compliance with applicable safeguards agreements.

The CNSC implements a licensing and compliance program to ensure that imports and exports of nuclear and nuclear-related dual use items conform to regulatory requirements, as well as to Canada's nuclear non-proliferation policy and international obligations and commitments. Under the [Nuclear Non-proliferation Import and Export Control Regulations](#), Canadian importers and exporters must obtain and comply with licences controlling the international transfer of nuclear and nuclear-related dual-use items. This supports Canada's nuclear non-proliferation policy's objective, which is to assure Canadians and the international community that Canada's nuclear exports do not contribute to the development of nuclear weapons or other nuclear explosive devices. OPG has demonstrated an awareness of and intent to comply with CNSC import and export licensing requirements for controlled nuclear substances, equipment, and information and that it has adequate measures in place to achieve the non-proliferation objectives. Overall, CNSC staff conclude that OPG meets the regulatory requirements related to safeguards, import and export.

Other Items of Interest

Supportive Interventions

Several of the interventions were supportive of the DNNP. Many cited the value of the nuclear industry: from meeting Climate Change goals and energy needs, to contributing to the economy.

Business case for nuclear

Several interventions were critical of the rationale for OPG to propose a SMR given the examples of cost overruns and the availability of renewable energy sources.

4. Indigenous Consultation and Engagement

4.1 Introduction

This supplemental report provides an update on CNSC staff's efforts with regards to Consultation and engagement activities with Indigenous Nations and communities on OPG's LTC application as well as recommendations related to the Duty to Consult and, where appropriate, accommodate. Information included in this report should be considered in addition to the information in CNSC staff's Indigenous Consultation Report for the Darlington New Nuclear Project Licence to Construct Application (the Consultation Report), submitted as a supporting document to CMD 24-H3.

This supplemental report provides an update on CNSC staff's continued Consultation and engagement efforts with Indigenous Nations and communities, as listed in the Consultation Report, from June 2024 until December 2024. It also includes updated issues tracking tables, Rights Impact Assessments (RIAs), CNSC staff conclusions on OPG's Indigenous Engagement activities and CNSC staff recommendations related to the Duty to Consult, and where appropriate, accommodate as it relates to OPG's LTC application for the DNNP

CNSC staff made efforts to collaboratively draft key sections of this report with Indigenous Nations and communities, including issues tracking tables, summary of Consultation and engagement activities, and the assessment of potential impacts to rights. The Indigenous Nation and community specific Consultation and engagement activities sections (sections 4.2.1 to 4.2.5) specify which sections of the report were shared with each Indigenous Nation and community based on their particular rights, interests and level of Consultation and engagement with CNSC staff in relation to OPG's LTC application.

4.1.1 Issues related to the CNSC's policy, mandate and authorities and response to interventions from Indigenous Nations and communities

CNSC staff's view is that some of the issues and concerns raised by Indigenous Nations and communities, including through their interventions, are not specific to OPG's LTC application. This includes concerns regarding:

- The CNSC's mandate and life-cycle approach to regulation, including for waste management
- The legislation used to assess potential impacts from the project on the environment and on Aboriginal and Treaty Rights and
- The potential waste management facility for the DNNP

CNSC staff view is that these concerns have been adequately addressed to the extent possible for the DNNP LTC application and based on the CNSC's current policies, mandate and regulations. For example:

- Waste management requirements that OPG is required to comply with, for this LTC, are specified in [REGDOC-1.1.2 Licence Application Guide: Licence to Construct a Nuclear Power Plant](#) – this includes requirements for both hazardous and radioactive waste. The current licensing phase does not permit radioactive material on site and would only authorize the construction of the DNNP and not the operation of it. CNSC staff's view is that OPG has met the requirements for waste management for this current LTC application. CNSC staff have not received an application for a waste management facility, or a modification of an existing facility related to the DNNP. If this application is received, it will be subject to the CNSC's licensing process and Consultation with Indigenous Nations and communities. CNSC staff note that the DNNP Environmental Assessment assessed the full life cycle of the DNNP, including radioactive waste management.

- As noted by the Commission in the Record of Decision on the applicability of the EA, “the Commission notes that the EA that was conducted under CEAA 1992 remains valid. This is so regardless the age of the EA, and the changes to the environment, society, and legislation, which have occurred since the JRP issued its 2011 report. The Commission further notes that the follow-up and mitigation aspects of the EA process are meant to provide mechanisms for adapting overtime to address both internal and external changes”.

Cumulative and Legacy effects:

CNSC staff are also aware that some Indigenous Nations and communities have raised concerns regarding the CNSC’s approach to assessing and addressing cumulative and legacy effects on rights, including a differing view on the baseline that is considered when assessing potential impacts on rights.

CNSC staff note that cumulative effects were assessed during the EA. In the Commission’s Record of Decision for the applicability of the EA, the Commission concludes that residual significant adverse cumulative effects associated with the proposed deployment of the BWRX-300 reactor are bounded by the EA. The Commission also acknowledges that there has been an evolution over time, in what may be expected, in terms of a cumulative effects assessment on Indigenous and treaty rights.

Based on this, and concerns raised by the Michi Saagiig Nations, CNSC staff assessed and considered cumulative effects on rights for the DNNP LTC application, based on information currently available to CNSC staff. CNSC staff sought feedback from the Michi Saagiig Nations regarding the cumulative effects on rights and have worked to include the context of historical, cumulative and legacy impacts on their rights in the assessment in this supplemental CMD. The CNSC considers the current conditions of a site to be the baseline for assessing potential impacts on rights, however, the CNSC takes into consideration how historical and current cumulative effects may already impact those conditions, or how future foreseeable projects may have an impact and interact with existing baseline conditions. This information, from the perspective of Indigenous Nations, is important context that is taken into consideration into completing Rights Impact Assessments (RIAs) and CNSC’s approach to Consultation.

The Michi Saagiig Nations are encouraged to share their views on this through their oral and written interventions. Additionally, CNSC staff committed to providing funding and support to the Michi Saagiig Nations for a cumulative effects assessment and working with the Michi Saagiig Nations to incorporate the outcomes of the study into the oversight, monitoring and future regulatory phases of the DNNP, should it proceed.

United Nations Declaration on the Rights of Indigenous Peoples Act:

CNSC staff are aware that some Indigenous Nations and communities have concerns regarding the CNSC's approach to implementing UNDA/UNDRIP, including broader policy concerns and requests related to Action Plan Measure #34.

CNSC staff considered and incorporated the principles of UNDRIP in the Consultation process for the DNNP LTC by striving to achieve consensus on the key issues and encouraging Indigenous Nations and communities to express their views directly to the Commission regarding their process and position on their Free, Prior and Informed Consent (FPIC) as it related to the DNNP. The CNSC is currently using the following sources of guidance on FPIC:

- Principles Respecting the Government of Canada's Relationship with Indigenous Peoples, principle #6:
"The Government of Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their Rights, including their lands, territories and resources."
- Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act – FPIC section:
"More specifically, FPIC describes processes that are free from manipulation or coercion, informed by adequate and timely information, and occur sufficiently prior to a decision so that Indigenous Rights and interests can be incorporated or addressed effectively as part of the decision making process - all as part of meaningfully aiming to secure the consent of affected Indigenous peoples.
FPIC is about working together in partnership and respect. In many ways, it reflects the ideals behind the relationship with Indigenous peoples, by striving to achieve consensus as parties work together in good faith on decisions that impact Indigenous Rights and interests. Despite what some have suggested, it is not about having a veto over government decision making".

CNSC staff's Consultation Report includes additional detail regarding how the CNSC is following current Government of Canada direction and policy on the implementation of UNDA/UNDRIP.

Regarding Action Measure #34, the CNSC is not specifically named in that measure and is not currently in a position to initiate or lead that measure. It is currently being led by Natural Resources Canada and the Canada Energy Regulator.

Proposed approach for addressing these concerns:

CNSC staff view is that these concerns have been adequately addressed to the extent possible for the DNNP LTC application and based on the CNSC's current policies, mandate and regulations. CNSC staff are aware that some Indigenous Nations and communities have expressed that these issues remain outstanding. CNSC staff are committed to working with the Indigenous Nations and communities who have raised these concerns throughout the Consultation process, including those outlined in their interventions to the Commission, to discuss and address broader policy and mandate issues and concerns.

Based on feedback from the Michi Saagiig Nations regarding the CNSC's policy, mandate and authorities, CNSC staff recommend that the Commission direct CNSC staff to continue to make efforts on the following commitments:

- CNSC staff are committed to continuing long-term engagement and collaboration with the Michi Saagiig Nations, through the existing terms of reference for long-term engagement, which could include creating a plan with the Michi Saagiig Nations to outline how they want to engage, collaborate and consult with the CNSC on future projects, policy discussions and work plans.
- CNSC staff are committed to having policy discussions with the Michi Saagiig Nations to solicit their feedback regarding the CNSC's approach to Consultation, engagement, regulatory framework, UNDA/UNDRIP implementation and phased licensing approach.
- CNSC staff are committed to supporting Indigenous Nations and communities by either providing information about the appropriate contacts and channels for addressing broader concerns or coordinating meetings between the CNSC, the First Nations with other federal departments, as appropriate. For example, this could include discussions with Natural Resources Canada on UNDA policy and approach to addressing legacy issues.
- CNSC staff are committed to supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities in their territory, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.

Additional details regarding CNSC staff responses to interventions submitted by Indigenous Nations and communities, as well as CNSC staff's proposed approach to addressing the issues and concerns are raised, are included in the issues tracking tables in APPENDIX A.

4.2 Update on CNSC staff's Consultation and engagement efforts

Since June 2024, CNSC staff continued to make efforts to consult, engage, collaborate and share information with all the identified Indigenous Nations and communities (as listed in the Consultation Report). CNSC staff aimed to have a flexible and customized approach to Consultation, being mindful to each Indigenous Nation and communities' specific rights, interests and needs. CNSC staff made efforts to consult and engage through multiple phone calls, correspondence, and meetings with leadership and community representatives (Table 1 to Table 5 below).

Specifically, for OPG's LTC application, CNSC staff have undertaken Consultation and engagement activities or offered opportunities for Consultation and collaboration on:

- Issues, interests or concerns raised by the identified Indigenous Nations and communities
- CNSC staffs technical review, assessments and recommendations
- CNSC staff's presentations and submissions to the Commission
- Potential impacts on Aboriginal and/or Treaty rights and potential measures, commitments and/or conditions to work towards addressing impacts and concerns identified by the Nations

CNSC staff's goal with the Consultation efforts leading up to the Part 2 Hearing was to strive to achieve consensus on the key issues and concerns raised by the Indigenous Nations and communities and on the measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nations perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required.

CNSC staff also heard concerns from the Michi Saagiig Nations regarding the need to ensure OPG's commitments are enforceable and that OPG will be held accountable if they do not meaningfully work with the Michi Saagiig Nations. In response to this, CNSC staff proposed Licence Condition 15.4, and the CVC included in the draft LCH. CNSC staff shared the proposed LC and draft LCH with CLFN, HFN and MSIFN on October 1, 2024, and encouraged feedback on the proposed condition, either through the intervention process or by sharing comments directly with CNSC staff to consider and incorporate. The proposed LC was also discussed at the November 18, 2024, meeting with the Michi Saagiig Nations, CNSC staff and OPG. On December 4, 2024, CNSC staff heard from CLFN, through their review of CNSC staff documentation, about the need to have stronger language in the LC and LCH. CNSC staff are aiming to work with CLFN to better understand these concerns and how to address them. CNSC staff have not received any further comments to date on the proposed LC and draft LCH but

encourage the Michi Saagiig Nations to share their views as part of the Part 2 Commission hearing, should they wish. In APPENDIX B, CNSC staff have included updated text under the compliance verification criteria section for the proposed LC 15.4 in the draft LCH. More information about these efforts and the commitments made are included in section 4.3 of this CMD.

CNSC staff note that throughout Section 4 of this CMD, CNSC staff refer to the need to have an assessment of potential impacts on rights completed by December 2024. CNSC staff note that this is for CNSC staff to file the information for consideration by the Commission in advance of the Part 2 Hearing. However, CNSC staff encourage the Michi Saagiig Nations to provide their assessment and views on potential impacts to their Rights as it relates to the OPG's LTC application in their written or oral submissions for the hearing, if they wish.

CNSC staff note that the recommendations made in this report are based on the information provided to CNSC staff to date. CNSC staff acknowledge the opportunities for Indigenous Nations and communities to express their views to the Commission during the public hearing process. The hearing process is an important part of the Consultation process for OPG's LTC application. The Commission considers and incorporates information provided by the Indigenous Nations and communities through their oral and written intervention as well as CNSC staff and OPG submissions.

Details about the Consultation and engagement efforts with the Indigenous Nations and communities are included in sections 4.2.1 through 4.2.5 below. Key correspondence sent to or received by Indigenous Nations and communities is included in APPENDIX C.

4.2.1 Curve Lake First Nation (CLFN)

Based on feedback from CLFN, CNSC staff are prioritizing efforts to consult, engage and build relationships with CLFN's Consultation committee, leadership and community. Information about Consultation activities conducted with CLFN since June 2024 is included in Table 1 below. Additional details about issues, concerns and requests raised by CLFN as well as CNSC staff's responses and effort to address the concerns is included in the issues tracking table in APPENDIX A.3 and in section 4.3 of this supplemental CMD.

Table 1 Summary of the Consultation activities with CLFN since submission of the CNSC's Consultation Report in June 2024

DATE	CONSULTATION ACTIVITY
June 17, 2024	<p>CNSC staff shared information that the CNSC would now be having a two-part hearing for OPG's LTC application. CNSC staff provided information about the dates of the hearings and opportunities to intervene. In response to concerns raised by Indigenous Nations and communities regarding the timelines for Consultation, CNSC staff noted that the supplemental report would be due in December 2024, to provide additional time to consult and collaborate.</p> <p>CNSC staff also shared information about an opportunity to attend a DNNP webinar on July 8th which focused on providing an overview of the application, CNSC staffs' review and results of the CNSC's assessment. CNSC staff noted that they were planning to discuss and consult on this information directly with CLFN at the tri-party meeting with OPG on July 11, 2024.</p>
June 27 2024	<p>CNSC staff shared the Notice of Hearing for OPG's LTC application. CNSC staff provided information about dates related to interventions and highlighted that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.</p>
July 10, 2024	<p>CNSC staff attended and had a booth at a CLFN Harvesters Symposium. Although this activity was not specific to the DNNP, it provided CNSC staff with more insights into the community views and priorities.</p>
July 11, 2024	<p>CNSC staff, CLFN and OPG had an in-person DNNP specific Consultation meeting.</p> <p>CNSC staff and OPG staff provided information about OPG's LTC application and upcoming hearings, including information about CNSC staff's recommended approach to licensing using hold points for the LTC. CLFN confirmed that the detailed technical/reactor design aspects of the DNNP was not a priority for them at this time as the higher priority was focusing on the work to develop the plan and design for the proposed Indigenous Knowledge Study (IKS), as well as a Cumulative Impacts Assessment, Follow-Up Programs, Monitoring Programs, Rights Assessment, offset/restoration/compensation programs, etc. However, CLFN indicated that although they will leave it the CNSC's technical experts to assess the technical aspects of the project, they will still need to understand the technical aspects of the project and would like to work with OPG and CNSC staff on that.</p> <p>CLFN highlighted the importance of consulting with CLFN's Consultation committee, Chief and council and the community; that it is insufficient to simply rely upon interactions with staff, support staff, and external consultants. In response to this request, CNSC staff organized a meeting between CLFN leadership, CNSC leadership and the Commission Registry to discuss the CNSC hearing process.</p> <p>CLFN acknowledged that this is also a progressive journey, and it will take time to build relationships at all levels. CLFN indicated that OPG and CNSC staff should attend a future meeting with the Consultation committee, which may then lead to a meeting with leadership and Consultation with the community (potentially through an open house, workshop etc.). In response to this, CNSC staff attend a meeting with CLFN's Consultation committee on September 9, 2024.</p> <p>All parties were supportive of beginning this work in the short term in advance of the DNNP hearings but acknowledged that this is a long-term commitment which will need to continue through the life cycle of the DNNP, should it proceed. In response to this, CNSC staff proposed Licence Condition 15.4 to ensure</p>

	OPG is required to conduct ongoing engagement. CNSC staff also proposed commitments for CNSC staff to conduct ongoing Consultation and engagement. Additional information about these commitments is included in Section 4.3.6
July 18, 2024	<p>CNSC staff and CLFN debriefed from the DNNP meeting on July 11th and discussed next steps for Consultation for the DNNP, leading up to the Part 2 hearing.</p> <p>CNSC staff discussed the approach to assessing potential impacts on rights from OPG's LTC application. CNSC staff reiterated that discussions and Consultation have been ongoing on this topic, with a path forward discussed in January 2024 that CNSC staff would share an initial draft RIA with CLFN for review (first shared in April 2024). CNSC staff noted that they are open to taking a different approach but that the assessment would need to be completed by December 2024. CNSC staff indicated that they can re-share the previous correspondence and draft RIA with CLFN for their information and consideration, as they consider what approach they would like to take to doing this assessment. Additional information regarding CLFN's concerns with the RIA process is included in section 4.3.5.1.</p>
July 19, 2024	<p>CNSC staff reshared correspondence related to the RIA for OPG's LTC application and the draft RIA originally shared with CLFN in April 2024.</p> <p>CNSC staff noted that they could proceed with the RIA previously shared with CLFN that included a severity assessment and decision matrix approach, or a narrative based assessment could be done instead. CNSC staff reiterated that Staff would need to conduct an assessment and make recommendations to the Commission by December 2024 to support the Commission's assessment of the project's potential impacts on CLFN's rights as part of meeting the CNSC's Duty to Consult obligations.</p> <p>CNSC staff indicated that they are open to taking a different approach to this assessment to ensure that CLFN's concerns with regards to the territory, rights and interests as it relates to the OPG's LTC application are accurately communicated to the Commission to support their decision-making process, together. CNSC staff's reiterated that the goal is to conduct the assessment in a way that is respectful and considerate of CLFN's concerns, perspectives and views and ensures the Commission receives clear and accurate information about the Nation's concerns and how they can be meaningfully addressed as part of the decision-making process.</p>
August 15, 2024	<p>At the August monthly meeting between CLFN and CNSC staff, Consultations and discussions were had related to OPG's LTC application.</p> <p>CNSC staff and CLFN discussed the September 9th, 2024, presentation to CLFN's Consultation committee, the plan for CNSC staffs' presentation at the Part 1 hearing and discussed the opportunity for additional Consultation activities with CLFN (such as additional meetings with the Consultation committee, meeting with leadership, and a community open house) and reiterated a commitment and openness to conduct these activities in collaboration with CLFN.</p> <p>CNSC staff noted that they were open to receiving feedback from CLFN on what activities would be a priority for CLFN.</p> <p>CLFN indicated that their view was that the work being done for OPG's LTC application was engagement rather than Consultation. CNSC staff commented its view is that the activities conducted have been Consultation, as since 2022, CNSC staff have been seeking CLFN's views with regards to the DNNP's potential impacts on their rights and interests and seeking feedback with regards to potential mitigation and/or accommodation measures to address any identified impacts or concerns. CNSC staff noted that all of these efforts and discussions are part of CNSC staff working to provide the information to the Commission to consider and assess whether the Duty to Consult has been discharged for the DNNP LTC application. CNSC staff noted that they have aimed</p>

	<p>to have a flexible approach to Consultation and have provided opportunities for CLFN to work collaboratively with CNSC staff on developing an approach to Consultation specifically for the DNNP. CNSC staff reiterated that they continue to be open to receiving feedback on what specific activities CLFN would consider to be Consultation and incorporate that feedback into the approach to Consultation for the DNNP.</p> <p>CNSC staff requested feedback from CLFN on how they would like to proceed with conducting a RIA for OPG's LTC application. CNSC staff noted that the assessment will need to be done by December 2024 to be included in the CNSC staff supplemental submission to the Commission in advance of the Part 2 hearing. CNSC staff noted that a draft had been shared with CLFN in April 2024, but that CNSC staff are open to taking a different approach to doing the assessment. However, CNSC staff will need to receive feedback from CLFN on how they would like to proceed, if they prefer a different approach. No specific feedback was received during the meeting.</p>
August 27, 2024	<p>CNSC staff shared draft slides and speaking notes for CNSC staff's presentation at the Part 1 hearing on OPG's LTC application on October 2nd, 2024, for CLFN's review and comment.</p> <p>CLFN provided feedback and edits on September 11, 2024, most of which were incorporated into the presentation.</p>
September 9 and 10, 2024	<p>On September 9, 2024, CNSC staff attended a meeting with CLFN's Consultation committee. CNSC staff gave a presentation on an overview of the CNSC, the relationship between CNSC and CLFN, updates on the DNNP, issues and concerns that have been raised by CLFN to date related to the project and commitments made by CNSC staff to date to address the concerns raised.</p> <p>On September 10, 2024, CNSC staff and CLFN sampled manoomin (wild rice) together on Chemong Lake, near their community, as part of the CNSC's Independent Environmental Monitoring Program (IEMP). Although this was not specific to DNNP, it provided an opportunity for CNSC staff to learn about the cultural importance of manoomin and how to harvest manoomin as well as build relationships.</p>
September 19, 2024	<p>At the monthly meeting between CNSC staff and CLFN, Consultation was conducted on OPG's LTC application. Specifically, CNSC staff discussed the different options for assessing the potential impacts on rights from OPG's LTC application and reporting to the Commission by December 2024. The following options were discussed:</p> <ul style="list-style-type: none"> • Continue with draft RIA (shared with CLFN in April 2024) • Consider different reporting and assessment style – for example, use of different terminology, narrative based assessment rather than quantitative severity assessment with decision matrix • Other option proposed by CLFN– CNSC staff are open to taking a different approach but need feedback from CLFN <p>CLFN reiterated their concerns with the baseline that the CNSC considers when conducting a RIA and that CLFN has not collected all the information necessary to conduct a fulsome assessment. CNSC staff indicated the RIA is meant to provide a framework that allows flexibility to understand the community's concerns. CNSC staff indicated that the RIA can be narrative based and indicated that CNSC staff want to work with CLFN to ensure their perspective is accurately reflected in the document.</p>

	CNSC staff noted that they want to work with CLFN to understand whether CLFN's key concerns have been mitigated or whether their view is that additional mitigation measures and commitments are required. CNSC staff highlighted that the RIA will need to be submitted by December 2024, to inform the Commission as part of its decision making on the DNNP LTC application.
September 25, 2024	CNSC staff provided a reminder of DNNP Part 1 hearing occurring on October 2, 2024. CNSC staff provided the agenda and link for the webcast.
October 1, 2024	CNSC staff sent an email indicating that OPG and CNSC staff had submitted supplemental information in advance of the Part 1 Hearing. CNSC staff indicated that the CNSC staff supplemental included an updated proposed licence which includes a new licence condition for OPG with regards to ongoing Indigenous engagement. CNSC staff noted that they are recommending this condition which would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the life cycle of the facility, should the Commission grant a licence. The draft LCH specifies the requirement for OPG to collaborate with Michi Saagiig Nations on the ongoing studies and assessments OPG has committed to. CNSC staff noted that they welcome any comments or feedback from CLFN on the proposed licence condition. This could be done through CLFN's intervention or staff would also be open to receive any comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 Hearing.
October 8, 2024	In response to questions and concerns raised by some of the Michi Saagiig Nations around the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP, CNSC staff provided information to CLFN, as confirmed by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), regarding whether the WTFNs settlement agreement addressed specific claims to the lakebed. CIRNAC confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff noted that they are open to receiving more information to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any concerns as it relates to the DNNP in collaboration with CLFN and OPG, as appropriate. At the time of submitting this supplemental CMD, no response was received to this correspondence.
October 10, 2024	CNSC staff emailed CLFN with information about expected timelines for CLFN's review and input into CNSC staff documents for the Part 2 Hearing. CNSC staff also provided information about the proposed next steps for the RIA. CNSC staff indicated that they remain open to receiving feedback and direction from CLFN about the approach to conducting an RIA. CNSC staff proposed that if no feedback was received, CNSC staff would proceed with a narrative assessment, rather than the more detailed quantitative assessment that was shared for CLFN review in April 2024. A narrative assessment would focus on summarizing the key concerns CNSC staff have heard to date in relation to OPG's LTC application from CLFN and commitments made by OPG and CNSC staff to date to address those concerns. CNSC staff would share this narrative based assessment with CLFN and invite CLFN to review and

	provide feedback and input including CLFN perspectives on whether the mitigation measures and commitments adequately address CLFN key concerns or if there are potential impacts that CLFN feels need additional mitigations or commitments.
October 17, 2024	<p>At the monthly meeting between CNSC staff and CLFN, Consultation was conducted on OPG's LTC application. Specifically, CNSC staff and CLFN discussed:</p> <ul style="list-style-type: none"> • CNSC staff October 10th email and the proposed path forward for assessing potential impacts on rights from the DNNP LTC application and expected timelines for when CNSC staff would send documents for CLFN's review. • CLFN's views and perspectives on whether the mitigation measures and commitments made to date adequately address CLFN key concerns related to the DNNP LTC application or if there are potential impacts that CLFN feels need additional mitigations or commitment. <p>CNSC staff indicated that since no feedback was received from CLFN on a preferred path forward on the RIA in advance of the Part 2 Hearing, CNSC staff would draft a narrative assessment based on information currently shared by CLFN with CNSC staff for CLFN's review, feedback and input, as outlined in the October 10th, 2024, email. CLFN indicated that they preferred a narrative approach over assigning a severity to the potential impacts from a project. CLFN indicated that they would work to have a focused session in November 2024 to discuss the RIA and solicit a narrative to include in the RIA.</p> <p>CLFN confirmed that their two main outstanding concerns are related to the RIA and the CNSC's implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act. CNSC staff and CLFN committed to continuing the discussions on these topics at the November 18th DNNP meeting.</p>
October 24, 2024	In response to CLFN's request for Consultation activities to occur between CLFN and CNSC leadership, CNSC's Vice-President of Regulatory Affairs sent Chief Knott an introductory email, requesting an opportunity to meet one-on-one to discuss CLFN's relationship with the CNSC, get feedback on CLFN's interactions with CNSC staff to date and discuss how the CNSC can support addressing any current challenges or concerns related to DNNP. No response has been received to date.
October 28, 2024	<p>CNSC staff shared an initial draft of supplemental submission, including draft section of assessing potential impacts on rights with CLFN for their review. CNSC staff shared Sections 4.1, 4.2, 4.2.1, 4.3, 4.3.5.1 and 4.4.</p> <p>CNSC staff noted that CNSC staff have not made conclusions in this version of the report, in order to first ensure that staff have accurately understood and reflected CLFN's concerns, views and Rights. CNSC staff's plan is to make updates to the report based on CLFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. CNSC staff indicated that they plan to share the second version of the report for CLFN's review at the end of November.</p> <p>CLFN reviewed and provided feedback on November 21.</p>

November 15 and November 25, 2024	<p>On November 15, 2024, CNSC staff shared draft speaking notes and presentation slides for CLFN’s review and feedback. On November 25th, CNSC staff shared an updated supplemental CMD, with edits made in response to CLFN’s comments. CNSC staff also shared an updated issues tracking table for CLFN’s review.</p> <p>CLFN reviewed and provided feedback on the speaking notes on December 4, 2024, and the supplemental CMD on December 6, 2024.</p>
November 18, 2024	<p>On November 18, 2024, CNSC staff, OPG and the 4 Michi Saagiig Nations met to consult on the DNNP LTC application. Additionally, CNSC staff, the Commission Registry, CLFN and HFN met to discuss the CNSC hearing process and options for the involvement of the Nations in the January 2025 DNNP Hearing.</p> <p>Meeting to discuss the CNSC hearing process (OPG was not present):</p> <p>CLFN started the day with a smudging ceremony and opening remarks from Chief Knott and Chief Carr. CNSC staff appreciated starting the day off in a good way.</p> <p>CNSC staff, CLFN and HFN discussed the Nations previous experience with the Commission hearing process and opportunities for improvement. This feedback included:</p> <ul style="list-style-type: none"> • Importance of providing time and space for smudging ceremonies and opening remarks and ensuring that the First Nations protocols are followed for their part of hearing • The importance of using a circle layout. It is not appropriate for the First Nations to have to look up at the people who will make decisions about their lands. The Registry indicated that the Security team had raised concerns about the use of this layout for the Commission’s security. However, the Registry was open to exploring options where this could be considered further. • The option of having a Part 3 Hearing, separate for the rights holders. The Registry indicated that at this time, a separate hearing would not be possible. CLFN and HFN indicated that a separate hearing might not be required, if the Registry is able to make some changes to the Part 2 Hearing. CLFN and HFN discussed the option of having a certain time block for the right-holders and having the protocols followed for that part of the hearing. For example, if that time block was only open to the rights-holders to attend in person then that could address the security concerns with the circle layout. • CLFN and HFN confirmed that often, they do not feel heard at the hearings and raised concerns with CNSC staff only taking their feedback into consideration because it doesn’t fit the current processes. CLFN and HFN encouraged the Commission to ask questions directly to the First Nations, rather than only to OPG and CNSC staff. <p>CLFN confirmed that for the hearing, the Nations likely will not have a completely consolidated presentation. CLFN noted that they would need around 10-15 minutes and indicated that having an hour dedicated to the 4 Michi Saagiig Nation presentation would work for them.</p> <p>Meeting to consult on the DNNP LTC application (OPG was present):</p>

	<p>CNSC staff's goal for the meeting was to strive to achieve a consensus on the key issues and concerns related to the DNNP LTC application. CNSC staff sought to understand the views and perspectives of each Michi Saagiig Nation on whether the mitigation measures and commitments made to date by OPG and the CNSC adequately address the key concerns related to the DNNP LTC application or if there are potential impacts or concerns that the Nations feel need additional Consultation, discussions, mitigations, commitments or accommodations in advance of the Commission Hearing in January 2025 and a Commission decision on the LTC.</p> <p>CNSC staff went over a list of potential topics to discuss at the meeting, based on feedback received from the Nations:</p> <ul style="list-style-type: none"> • Implementation of UNDA • RIA • Jurisdiction of the lakebed • Permitting and offsetting • Opportunities to improve ongoing engagement and Consultation • Scope of current LTC application and waste management • Oversight and Monitoring, including the Michi Saagiig Nations request for regulatory hold point and an Indigenous advisory committee • Mitigation and accommodation measures, including how to communicate the recommendations to the Commission. <p>The discussions focused on oversight and monitoring, permitting and offsetting, jurisdiction of the lakebed and opportunities to improve ongoing Consultation and engagement. CNSC staff note that the CNSC's interpretation of Michi Saagiig Nations perspectives on these topics and proposed measures to address the concerns are outlined in Section 4.3 of the supplemental CMD.</p>
November 26, 2024	<p>In response to concerns raised by the Michi Saagiig Nations regarding the DNNP Fisheries Act Authorization (FAA), CNSC staff followed up with CLFN via email to confirm whether CLFN was interested in having the Department of Fisheries and Oceans (DFO) attend the next monthly CNSC/CLFN meeting to discuss the FAA and CLFN's concerns. CLFN confirmed this would be of interest.</p> <p>This meeting is currently scheduled for December 19, 2024.</p>
December 9, 2024	<p>On December 9, 2024, AFN, CLFN, MSIFN, CNSC staff and staff from the CNSC's Commission Registry and Legal Services had a meeting to discuss the CNSC's hearing process, including the preferred approach the Part 2 DNNP hearing.</p> <p>CNSC staff heard the following feedback from the Michi Saagiig Nations:</p> <ul style="list-style-type: none"> • Importance of providing time and space for smudging ceremonies, opening remarks and closing remarks • Importance of using a circle layout

- Importance of creating a welcoming environment, as not everyone is comfortable with a quasi-judicial hearing process. This could include the Michi Saagiig Nations having enough space for all participants, having access to Wi-Fi and having coffee provided.
- Recommend that the Commission ask the Michi Saagiig Nations questions directly, as they should be able to express their views or counter information provided by OPG and CNSC staff

The CNSC's Commission Registry committed to following up with the Michi Saagiig Nations in a timely matter to confirm the set up and approach of the Part 2 hearing, taking into consideration the feedback that they have received.

CLFN's key views or perspectives with regards to OPG's LTC application, OPG's engagement and Consultation conducted by the CNSC:

CLFN shared the following views, through their review of the draft supplement CMD:

CLFN appreciates the opportunity to have been engaged on this project to date and specifically the Licence to Construct. The lands where OPG DNNP is proposed, is only of the possession of OPG due to the fact that the Darlington Generating Station was constructed without the Consultation of the Rights Holders, including Curve Lake First Nation. We feel that true Consultation and accommodation require more than what has been provided thus far. CLFN would like to see more genuine incorporation of Indigenous perspectives into the decision-making process. Our current assessment is that the approach taken by CNSC and OPG has not fully met the standards of meaningful Consultation or accommodation (yet), as there has been limited evidence of concrete changes in response to our requests prior to licences being issued. There are commitments made to work together on requests, but these actions are only taken after licences are granted due to the lack of time allocated to the Duty to Consult and Accommodate by the regulator and industry in Canada. We encourage a more substantive dialogue that considers and addresses cumulative impacts, Rights impacts, waste consideration, specific sever impacts to the lakebed, incorporating legislative requirements (UNDRIPA, FPIC), and actively responds to the concerns raised by CLFN and the other Mississauga Nations.

CLFN is committed to continue working together with CNSC and OPG in good faith throughout the life cycle of the Consultation, accommodation, regulatory and relationship building processes. CLFN is committed to continued engagement and Consultation in advance of the Hearing Part 2 including assessing potential impacts on Rights to identify additional commitments, mitigations and a path forward to addressing the concerns related to OPG's LTC application.

4.2.2 Hiawatha First Nation (HFN)

Information about Consultation activities conducted with HFN since June 2024 is included in

Table 2 below. Additional details about issues, concerns and requests raised by HFN as well as CNSC staff's responses and proposed commitments to work to address the concerns is included in the issues tracking table in APPENDIX A.4 and in section 4.3 of this supplemental CMD.

Table 2 Summary of the key Consultation activities with HFN since submission of the CNSC's Consultation Report in June 2024

DATE	CONSULTATION ACTIVITY
June 17, 2024	<p>CNSC staff shared information that the CNSC would now be having a two-part hearing for OPG's LTC application. CNSC Staff provided information about the dates of the hearings, opportunities to intervene and indicated that the CNSC's staff supplemental report would be due in December 2024, to provide additional time to consult and collaborate.</p> <p>CNSC staff also shared information about an opportunity to attend a DNNP webinar on July 8th which focused on providing an overview of the application, CNSC staff review and results of CNSC staffs' assessment. CNSC staff noted that they were planning to discuss and consult on this information directly with HFN at the tri-party meeting with OPG that occurred on July 10, 2024.</p>
June 27 2024	<p>CNSC staff shared the Notice of Hearing for OPG's LTC application. CNSC staff provided information about dates related to interventions and highlighted that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.</p>
July 9 2024	<p>In advance of the June 10, 2024, DNNP Consultation meeting, CNSC staff joined HFN for relationship building activities, which included having a meal together, visiting Serpent Mounds and learning about the community and history of HFN.</p>
July 10 2024	<p>CNSC staff organized a DNNP specific Consultation meeting with OPG and HFN. Leading up to the meeting, the goal of the meeting was to consult on technical aspects of OPG's LTC application, discuss the hold points approach to regulation that CNSC staff recommended, discuss HFN's key concerns and commitments made by OPG and CNSC staff to work to address the concerns.</p> <p>On July 9, HFN sent a revised agenda, requesting to do round tables where each attendee would have a chance to share information about themselves and their views on the relationships and on the project. During the meeting, HFN raised concerns regarding the timing of the DNNP regulatory process and the sequencing of the Indigenous Knowledge study.</p> <p>CNSC staff appreciated the opportunity for an open and transparent discussion with HFN about their concerns with regards to the project. Following the meeting, CNSC staff offered to have additional meetings to consult on the items in the original agenda for the meeting, including on CNSC staffs technical review of the LTC application and recommendations made in the Commission Member Document and potential approaches for addressing outstanding issues and concerns raised by HFN. HFN did not response to that offer and did not request further meetings on those topics.</p>
July 18, 2024	<p>At the monthly meeting between CNSC staff and HFN, Consultation was conducted on OPG's LTC application.</p> <p>Specifically, CNSC staff and HFN discussed how Indigenous Knowledge can be used for the DNNP process to help with the planning and mitigation measures relating to the project, when it is shared by the Indigenous Nations and communities. CNSC staff noted that there are still opportunities for the CNSC staff and the Commission to consider and incorporate Indigenous Knowledge into the DNNP regulatory process. For example, CNSC staff indicated a preference to work collaboratively with HFN to conduct a RIA which would incorporate any concerns, views or Indigenous Knowledge shared with the</p>

	<p>CNSC. HFN commented that they are open to discussing options and solutions with both OPG and CNSC staff. HFN and CNSC staff agreed to having a working meeting at the next monthly meeting (August 15) to discuss this further as well as the different opportunities for Consultation in advance of the DNNP hearings and anticipated timelines.</p> <p>HFN indicated they are concerned about how their position on whether the Duty to Consult and accommodate will be considered and integrated into the decision-making process. HFN commented that the CNSC and OPG should ask for HFN's view on whether the Duty to Consult has been adequately discharged and if not, what the path forward is for ensuring adequate Consultation takes place.</p> <p>CNSC staff indicated that one of the goals of the Consultation process is to come to a mutual understanding of any potential impacts to rights and potential mitigation and/or accommodation measures to address those impacts, as well as on whether the Duty to Consult and, where appropriate, accommodate has been met. CNSC staff noted that staff did not include conclusions or recommendations related to Duty to Consult in the Consultation Report that was posted in June 2024 as CNSC staff wanted to work with HFN on additional Consultation activities leading up to the Part 2 Hearing and on the associated reporting before making recommendations to the Commission on Consultation and the Duty to Consult. CNSC staff indicated that a supplemental submission will be submitted in mid-December 2024, which will include CNSC staff's assessment and recommendations to the Commission on whether the Duty to Consult and, where accommodate, has been discharged. If at that time, CNSC staff and HFN have differing views on the conclusions and recommendations, both views will be reflected in the report to the Commission and HFN will have an opportunity to provide their views directly to the Commission through the oral and written interventions.</p>
August 15, 2024	<p>At the monthly meeting between CNSC staff and HFN, Consultation was conducted on OPG's LTC application.</p> <p>CNSC staff requested feedback on the RIA and the approach HFN would like to take for assessing potential impacts on rights from OPG's LTC application. CNSC staff noted the past conversations and efforts on the initial RIA draft, which was shared with HFN in April 2024. HFN commented they looked at the draft RIA and had some issues with the approach. HFN noted that it was a very western approach to doing an assessment. HFN noted that they have not done an in-depth review as they did not want it to influence how they write about their rights and indicated it needs to be conveyed in the way HFN was taught to using their worldview. CNSC staff noted that they are open to taking a different approach to doing the assessment, but CNSC staff will need feedback from HFN on how they would like to proceed.</p> <p>CNSC staff indicated that they are looking for a way forward as they will need to make a recommendation in December 2024 to the Commission regarding the potential impacts on rights from OPG's LTC application and mitigation or accommodation measures required to address any identified impacts. CNSC staff are looking to collaborate with HFN on the assessment and recommendations to ensure that the Commission receives clear and accurate information about HFN's concerns and how they can be meaningfully addressed as part of the decision-making process.</p> <p>CNSC staff provided information about when they expect to share documents for HFN's review leading up to the Part 1 and Part 2 Hearings. HFN raised concerns about the language used in CNSC staff documents in that it is often viewed by the Nation as being advantageous to the CNSC. CNSC staff reiterated</p>

	<p>that they are committed to working with HFN, by sharing drafts of the documents, to ensure the CNSC staff documents provide balanced and factual information and are reflective of HFN's views.</p> <p>CNSC staff noted they are open to conducting additional Consultation activities leading up to the Part 2 Hearing and requested any feedback from HFN on what activities they feel are important to work towards meeting the Duty to Consult. HFN requested more information about the federal permits required for the DNNP and raised concerns regarding a lack of direct discussions with Fisheries and Oceans Canada (DFO) regarding the DNNP and Fisheries Act Authorizations (CNSC staff provided information in relation to these topics to HFN on September 5).</p> <p>HFN also suggested having an in-person meeting in September 2024. HFN indicated that if CNSC staff are going to assess potential impacts on rights, they should experience being on the land with the rights-holders. HFN suggested having a meeting, getting dinner together and then going salmon fishing in Port Hope. This was originally scheduled for September 26th but was then cancelled by HFN.</p>
August 27, 2024	<p>CNSC staff shared draft presentation slides and speaking notes for CNSC staff's presentation at the part 1 Hearing on OPG's LTC on October 2nd, 2024, for HFN's review and comment.</p> <p>HFN provided initial feedback via email and then met on September 12, 2024, to provide specific feedback and edits.</p>
September 5, 2024	<p>CNSC staff followed up on the concerns raised by HFN at the August 15th, 2024, meeting regarding the permitting process for the DNNP, including concerns with the Fisheries Act Authorization (FAA).</p> <p>CNSC staff provided information about permits required for DNNP. CNSC staff also reached out to DFO to flag HFN's concerns about the FAA and their request for meeting with DFO. DFO indicated that they are currently reviewing preliminary information provided by OPG regarding the construction of in-water structures. DFO noted that they had not yet received a FAA application from OPG for this phase of the project. CNSC staff shared this information with HFN and provided contact information for Staff at DFO who could answer additional questions or meet with HFN to discuss further. CNSC staff also offered to have DFO attend a future monthly meeting. No response was received to this correspondence.</p>
September 18, 2024	<p>CNSC staff received a letter from HFN indicating that 4 Directions consulting no longer represented HFN. Due to this the September 19th, 2024, monthly meeting, where the agenda was to discuss options for proceeding with RIA was canceled by HFN.</p> <p>A separate meeting was scheduled with Chief Carr and HFN representatives on October 4, 2024.</p>
September 25, 2024	<p>CNSC staff provided a reminder of DNNP Part 1 Hearing on October 2, 2024. CNSC staff provided the agenda and link for the webcast.</p>
October 1, 2024	<p>CNSC staff sent an email indicating that OPG and CNSC staff have submitted supplemental information in advance of the part 1 Hearing.</p> <p>CNSC staff indicated that the supplemental included an updated proposed licence which includes a new licence condition on Indigenous engagement. CNSC staff noted that they are recommending this condition which would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the construction phase, should the Commission grant a licence. The draft LCH specifies the requirement for OPG to collaborate with the Michi Saagiig Nations on the ongoing studies and assessments OPG has committed to.</p>

	CNSC staff noted that they welcome any comments or feedback from HFN on the proposed licence condition. This could be done through HFN's intervention or Staff would also be open to receiving any comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 Hearing.
October 4, 2024	CNSC staff had a meeting with HFN Consultation staff and Chief Carr. HFN noted that they are working to find new support for the nuclear files in their territory and to include Chief Carr on meetings and emails for now. CNSC staff provided an update on the DNNP and next steps, focusing on the desire to work collaboratively with HFN to assess potential impacts on rights, document concerns, work to ensure concerns related to potential impacts on rights have been mitigated or accommodated, where possible and then collaboratively report the information and recommendations to the Commission.
October 8, 2024	In response to questions and concerns raised by HFN around the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP, CNSC staff provided information, as confirmed by CIRNAC, to HFN regarding whether the Williams Treaties First Nations (WTFNs) settlement agreement addressed specific claims to the lakebed. CIRNAC confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff noted that they are open to receiving more information to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any concerns as it relates to the DNNP in collaboration with HFN and OPG, as appropriate. HFN responded on October 9, 2024, and provided additional information regarding their views on their Treaty Rights.
October 10, 2024	CNSC staff emailed HFN with information about expected timelines for HFN's review and input into CNSC staff documents for the Part 2 Hearing. CNSC staff also provided information about the proposed next steps for OPG's LTC RIA. CNSC staff indicated that they remain open to receiving feedback and direction from HFN about the approach to conducting an RIA. CNSC staff proposed that if no feedback was received, CNSC staff would proceed with a narrative assessment rather than the more detailed quantitative assessment that was shared for HFN review in April 2024. A narrative assessment would focus on summarizing the key concerns CNSC staff have heard to date in relation to OPG's LTC from HFN and commitments made to date by OPG and proposed by CNSC staff in an effort to address those concerns. CNSC staff would share this narrative based assessment with HFN and invite HFN to review and provide feedback and input including HFN perspectives on whether the mitigation measures and commitments adequately address HFN key concerns or if there are potential impacts that HFN feels need additional mitigations or commitments.
October 17, 2024	At the monthly meeting between CNSC staff and HFN, Consultation was conducted on OPG's LTC application. Specifically, CNSC staff and HFN discussed: <ul style="list-style-type: none"> • CNSC staffs October 10th email and the proposed path forward for assessing potential impacts on rights from the DNNP LTC application and expected timelines for when CNSC staff would send documents for HFN's review.

	<ul style="list-style-type: none"> • HFN's views and perspectives on whether the mitigation measures and commitments proposed to date by OPG and CNSC staff adequately address HFN's key concerns related to the DNNP LTC application or if there are potential impacts that HFN's feels need additional mitigations or commitment. <p>CNSC staff indicated that since no feedback was received from HFN on a preferred path forward on the RIA, CNSC staff would draft a narrative assessment based on information currently shared with CNSC staff for HFN's review, feedback and input, as outlined in the October 10th 2024 email.</p> <p>HFN indicated that their main outstanding concerns are related to provincial permitting, offsetting, the jurisdiction of the lakebed and concerns that they are not aware of the full DNNP picture or engaged early enough on some aspects of the project. More information about these concerns are included in Section 4.3 and the issues tracking table in APPENDIX A.</p> <p>CNSC staff and HFN committed to continuing the discussions on these topics at the November 18th DNNP meeting.</p>
October 24, 2024	The CNSC's Vice-President Regulatory Affairs sent Chief Carr an introductory email, requesting an opportunity to meet one-on-one to discuss HFN's relationship with the CNSC, get feedback on HFN's interactions with CNSC staff to date and discuss how CNSC staff can support addressing any current challenges or concerns related to DNNP. No response has been received to date.
October 28, 2024	<p>CNSC staff shared an initial draft of supplemental submission, including draft section of assessing potential impacts on rights to HFN for their review. CNSC staff shared Sections 4.1, 4.2, 4.2.2, 4.3, 4.3.5.2 and 4.4</p> <p>CNSC staff noted that CNSC staff have not made conclusions in this version of the report, to first ensure that staff have accurately understood and reflected HFN's concerns, views and rights. CNSC staff's plan is to make updates to the report based on HFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. CNSC staff indicated that they plan to share the second version of the report for HFN's review at the end of November.</p> <p>No response was received.</p>
November 18, 2024	<p>On November 18, 2024, CNSC staff, OPG and the 4 Michi Saagiig Nations met to consult on the DNNP LTC application. Additionally, CNSC staff, the Commission Registry, CLFN and HFN met to discuss the CNSC hearing process and options for the involvement of the Nations in the January 2025 DNNP Hearing.</p> <p>Meeting to discuss the CNSC hearing process (OPG was not present):</p> <p>CLFN started the day with a smudging ceremony and opening remarks from Chief Knott and Chief Carr. CNSC staff appreciated starting the day off in a good way.</p> <p>CNSC staff, CLFN and HFN discussed the Nations previous experience with the Commission hearing process and opportunities for improvement. This feedback included:</p> <ul style="list-style-type: none"> • Importance of providing time and space for smudging ceremonies and opening remarks and ensuring that the First Nations protocols are followed for their part of hearing.

- The importance of using a circle layout. It is not appropriate for the First Nations to have to look up at the people who will make decisions about their lands. The Registry indicated that the Security team had raised concerns about the use of this layout for the Commission's security. However, the Registry was open to exploring options where this could be considered further.
- The option of having a Part 3 Hearing, separate for the rights holders. The Registry indicated that at this time, a separate hearing would not be possible. CLFN and HFN indicated that a separate hearing might not be required, if the Registry is able to make some changes to the Part 2 Hearing. CLFN and HFN discussed the option of having a certain time block for the right-holders and having the protocols followed for that part of the hearing. For example, if that time block was only open to the rights-holders to attend in person then that could address the security concerns with the circle layout.
- CLFN and HFN confirmed that often, they do not feel heard at the hearings and raised concerns with CNSC staff only taking their feedback into consideration because it doesn't fit the current processes. CLFN and HFN encouraged the Commission to ask questions directly to the First Nations, rather than only to OPG and CNSC staff.

Meeting to consult on the DNNP LTC application (OPG was present):

CNSC staff's goal for the meeting was to strive to achieve a consensus on the key issues and concerns related to the DNNP LTC application. CNSC staff sought to understand the views and perspectives of each Michi Saagiig Nation on whether the mitigation measures and commitments made to date by OPG and the CNSC adequately address the key concerns related to the DNNP LTC application or if there are potential impacts or concerns that the Nations feel need additional Consultation, discussions, mitigations, commitments or accommodations in advance of the Commission Hearing in January 2025 and a Commission decision on the LTC.

CNSC staff went over a list of potential topics to discuss at the meeting, based on feedback received from the Michi Saagiig Nations:

- Implementation of UNDA
- RIA
- Jurisdiction of the lakebed
- Permitting and offsetting
- Opportunities to improve ongoing engagement and Consultation
- Scope of current LTC application and waste management
- Oversight and Monitoring, including the Michi Saagiig Nations request for regulatory hold point and an Indigenous advisory committee
- Mitigation and accommodation measures, including how to communicate the recommendations to the Commission.

	The discussions focused on oversight and monitoring, permitting and offsetting, jurisdiction of the lakebed and opportunities to improve ongoing Consultation and engagement. CNSC staff note that CNSC staff's interpretation of the Michi Saagiig Nations perspectives on these topics and proposed measures to address the concerns are outlined in Section 4.3 of the supplemental CMD.
November 15 and November 25, 2024	On November 15, 2024, CNSC staff shared draft speaking notes and presentation slides for HFN's review and feedback. On November 25 th , CNSC staff shared an updated supplemental CMD. CNSC staff also shared an updated issues tracking table for HFN's review. CNSC staff also offered to meet to discuss the documents or HFN's outstanding concerns to work to come to a consensus on the key issues and whether HFN has any further requests for accommodation. CNSC staff also acknowledged that HFN will have the opportunity to share their views and make recommendations directly to the Commission at the Part 2 Hearing. No response was received.
November 26, 2024	In response to concerns raised by the Michi Saagiig Nations regarding the DNNP Fisheries Act Authorization (FAA), CNSC staff followed up with HFN via email to confirm whether HFN was interested in having DFO attend the next monthly CNSC/HFN meeting to discuss the FAA and HFN's concerns. This meeting is currently scheduled for December 19, 2024.

4.2.3 The Mississaugas of Scugog Island First Nation (MSIFN)

Additional details about issues, concerns and requests raised by MSIFN as well as CNSC staff's responses and proposed commitments to work to address the concerns is included in the issues tracking table in APPENDIX A and section 4.3 of this supplemental CMD.

Table 3 Summary of the key Consultation activities with the MSFIN since submission of the CNSC's Consultation Report in June 2024

DATE	CONSULTATION ACTIVITY
June 17, 2024	CNSC staff shared information that the CNSC would now be having a two-part hearing for OPG's LTC application. CNSC Staff provided information about the dates of the hearings, opportunities to intervene and indicated that the CNSC's staff supplemental report would be due in December 2024, to provide additional time to consult and collaborate. CNSC staff also shared information about an opportunity to attend a DNNP webinar on July 8 th which focused on providing an overview of the application, CNSC staff review and results of CNSC staff assessment. CNSC staff noted that they were planning to discuss and consult on this information directly with MSIFN at the tri-party meeting with OPG on July 17, 2024.
June 19 and June 20, 2024	CNSC staff and MSIFN discussed the proposed approach to RIAs while in-person for the Pickering Hearing on June 19, 2024. On June 20, 2024, CNSC staff provided a written response to MSIFN's comments and concerns raised regarding CNSC staffs proposed approach to RIAs that were included in MSIFN's June 10, 2024, comments on the DNNP issues tracking tables. CNSC staff reiterated the reason for conducting the RIA and the commitment of CNSC staff to collaborate with MSIFN on the assessment. CNSC staff requested that MSIFN confirm how MSIFN would like to proceed or whether MSIFN has any other proposed approaches to assessing potential impacts on rights to be included in CNSC staff's

	supplemental CMD for the Part-2 Hearing for the DNNP LTC, which is to be submitted to the Commission by December 2024. CNSC staff offered to set up a meeting to discuss this topic further. No response was received.
June 27, 2024	CNSC staff shared the Notice of Hearing for OPG's LTC application. CNSC staff provided information about dates related to interventions and highlighted that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.
July 15, 2024	<p>CNSC staff, MSIFN, including Chief LaRocca and members of MSIFN Council and OPG had a Consultation meeting specifically on OPG's LTC application.</p> <p>CNSC staff and OPG provided an overview of the DNNP Hearings, CNSC staff review of the LTC application and timelines for additional Consultation activities.</p> <p>MSIFN noted that they would like a coordinated approach to meeting with CNSC, OPG and with leadership with the other Michi Saagiig communities. CNSC staff indicated that they are flexible with the approach on Consultation and engagement and will follow the direction of each Nation. CNSC staff requested MSIFN and the other Michi Saagiig Nations consider sending a letter or email to the CNSC which clarifies how MSIFN, and the other Nations, would like to be consulted with the DNNP in terms of a collective approach or per individual Nation approach.</p> <p>MSIFN raised concerns about the waste facility and OPG noted that an additional waste facility is not within the scope of OPG's LTC and related 2 Part Hearing. Should OPG submit an application, it would go through the Commission's decision-making process and separate Consultations with MSIFN and other Nations.</p> <p>MSIFN noted they are supportive of the approach of working to progress the Indigenous Knowledge and cumulative effects studies in parallel with the regulatory process for DNNP, and not to delay the timelines for the DNNP. MSIFN indicated that they are working on a governance framework with the other Michi Saagiig Nations prior to beginning work on the studies, the studies could take multiple years to complete, and they want to ensure that the commitments are binding on OPG through a project specific agreement as well ensure the CNSC has oversight of OPG's commitments. In response to this request, CNSC staff have proposed Licence Condition 15.4 to require that OPG continues to engage with Indigenous Nations and communities. The draft LCH specifies the requirement for OPG to follow through with their commitment to MSIFN and the other Michi Saagiig Nations.</p> <p>MSIFN raised concerns about the hearing process, CNSC staff shared concerns with the CNSC's Registry who sent a letter to Chief LaRocca requesting a meeting to discuss how to make the hearings more accommodating and respectful of the Michi Saagiig Nations and their leadership. In response to this, CNSC staff organized a meeting for December 9, 2024, between MSIFN and the CNSC Commission Registry.</p>
August 16, 2024	<p>At the monthly meeting between CNSC staff and MSIFN, Consultation was conducted on OPG's LTC application.</p> <p>CNSC staff inquired how MSIFN would like to move forward on the RIA or assessment of potential impacts on rights from OPG's LTC application. MSIFN indicated they would like to proceed with further input from their legal counsel and cannot comment at that time. MSIFN indicated Chief and Council do not agree with how CNSC staff recommendations related to potential impacts on rights to the Commission is laid out right now and MSIFN indicated they do not believe it is possible for CNSC staff to write an appropriate recommendation within the expected timeframe.</p>

	<p>MSIFN commented the process just for creating a framework for the Indigenous Knowledge study took months. MSIFN noted that they do not have the time or resources needed to have the assessment completed in time for the DNNP Hearing, as this is a multi-year process.</p> <p>CNSC staff acknowledged these concerns and reiterated that the CNSC is open to supporting a longer-term study but have been transparent with MSIFN that CNSC staff need to make a recommendation to the Commission about the potential impacts on rights, based on the available information, by December 2024. CNSC staff noted that a draft had been shared with MSIFN initially in April 2024, but that CNSC staff are open to taking a different approach to doing the assessment. However, CNSC staff will need to receive feedback from MSIFN on how they would like to proceed if they prefer CNSC staff take a different approach.</p> <p>CNSC staff indicated that they are open to having another meeting with MSIFN and their legal counsel to discuss the approach to assessing potential impacts to rights but that a path forward will need to be decided on as soon as possible as CNSC staff will need to make a recommendation to the Commission by December 2024. CNSC staff noted that the goal was to ensure MSIFN's views and MSIFN's concerns regarding the RIA are included in the recommendation to the Commission. This meeting occurred on September 3, 2024.</p> <p>CNSC staff inquired on further Consultation activities MSIFN would be interested in conducting with CNSC staff prior to part 2 of the DNNP Hearing. MSIFN confirmed they are open to further Consultation activities but need to determine internally what needs to be done.</p> <p>MSIFN inquired on the emergency diesel generators at DNNP and expressed an interest in learning more about emergency management at the DNNP site. CNSC staff provided a response in writing to questions raised about this topic on October 10, 2024.</p> <p>MSIFN indicated there is a jurisdictional issue with construction on the lakebed. MSIFN indicated Nations have spoken with OPG on this issue and noted the jurisdictional issue needs to be resolved before anything can move forward. MSIFN requested that CNSC staff look into this issue and provide a response to MSIFN. A response was provided by CNSC staff in writing on October 8, 2024 (information regarding the response included in the October 8 row below).</p>
August 27, 2024	<p>CNSC staff shared draft slides and speaking notes for CNSC staff's presentation at the Part 1 Hearing on October 2nd, 2024, for MSIFN's review and comment.</p> <p>MSIFN provided feedback and edits on September 11, 2024, for the slides and September 18, 2024, for the speaking notes. CNSC staff worked to incorporate and address MSIFN's comments and feedback in the presentation and speakers notes.</p>
September 3, 2024	<p>CNSC staff and MSIFN, including their legal representation, met to discuss the options for assessing potential impacts on rights from OPG's LTC application and reporting to the Commission by December 2024.</p>

	<p>CNSC staff provided context around the Commission’s obligation as an Agent of the Crown to consult potentially impacted Indigenous Nations, including MSIFN, to understand their rights in the project area, how they are practiced historically and currently, how the project could impact the exercise of their rights and how potential impacts could be potentially mitigated and accommodated.</p> <p>CNSC staff provided an overview of the different options available to assess and understand how the project could potentially impact MSIFN’s rights and report that to the Commission.</p> <p>CNSC staff asked MSIFN representatives for their feedback on the preferred method of Consultation going forward, including a preferred approach to assessing, documenting and communicating the project’s potential impacts on the rights and interests and measures to address those concerns. CNSC staff indicated that they are open and flexible on the approach and would like some specific feedback and guidance from MSIFN on how CNSC staff can collaborate on a path forward.</p> <p>MSIFN raised concerns around rights determination, the phased licensing approach, the Duty to Consult and the nature of the Williams Treaties First Nations having shared rights. Additional information about this is included in the issues tracking table in APPENDIX A.</p> <p>No response was received from MSIFN regarding their preferred path forward for the RIA during or after the meeting. MSIFN responded on October 2nd, indicating that they would provide their views on the RIA in their intervention.</p>
September 25, 2024	CNSC staff provided a reminder of DNNP Part 1 Hearing on October 2, 2024. CNSC staff provided the agenda and link for the webcast.
October 1, 2024	<p>At the monthly meeting between CNSC staff and MSIFN, CNSC staff consulted on the DNNP LTC application. CNSC staff followed up on the September 3rd, 2024, meeting and asked whether MSIFN was planning on providing feedback to CNSC staff on the preferred approach to assessing the potential impacts on rights from OPG’s LTC application. MSIFN indicated that they were working with their legal counsel and were aiming to provide a response in writing. CNSC staff also highlighted that CNSC staff have proposed a new licence condition based on MSIFN concerns about the need for OPG’s commitments to be binding. CNSC staff committed to sharing a link to the proposed licence condition.</p> <p>Following the meeting, CNSC staff followed up on an action from the meeting, to provide a link to the CNSC staff supplemental submission to the Commission which included the recommended licence condition for OPG with regards to ongoing Indigenous engagement. CNSC staff noted that they are recommending this condition which would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the construction phase, should the Commission grant a licence. The draft LCH specifies the requirement for OPG to collaborate with the Michi Saagiig Nations on the ongoing studies and assessments OPG has committed to.</p> <p>CNSC staff noted that MSIFN could comment on the proposed licence condition as part of their intervention and that CNSC staff would also be open to receiving comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 Hearing. At the time of submitting this supplemental CMD, no comments were received.</p>
Oct 2 and Oct 9, 2024	CNSC staff followed up from the October 1 st , 2024, meeting with MSIFN to ask when MSIFN was planning on providing a written response outlining MSIFN’s preferred path forward for the assessment of potential impacts to rights and their concerns in relation to OPG’s LTC application.

	<p>MSIFN indicated that the written response would be included in MSIFN's intervention submission to the CNSC for the DNNP Part 2 LTC Hearing, which will be submitted by the November 4th deadline.</p> <p>CNSC staff responded on October 9, 2024, and reiterated that CNSC staff's preference was to receive feedback from MSIFN about their preferred path forward for the RIA in advance of the intervention deadline so that CNSC staff and MSIFN could collaborate on the assessment and recommendations to the Commission.</p> <p>CNSC staff noted that if no feedback was received, CNSC staff propose proceeding with a narrative assessment rather than the more detailed quantitative assessment that was shared for MSIFN's review in April 2024. A narrative assessment would focus on summarizing the key concerns CNSC staff have heard to date in relation to OPG's LTC from MSIFN and commitments made by OPG and recommended by CNSC staff to the Commission to date to aim to address those concerns. CNSC staff would share this narrative based assessment with MSIFN and invite MSIFN to review and provide feedback and input including MSIFN's perspectives on whether the mitigation measures and commitments made and recommended to date adequately address MSIFN's key concerns or if there are potential impacts that MSIFN feels need additional mitigations or commitments. No response was received. However, CNSC staff acknowledge that MSIFN has included information about their concerns regarding the RIA in their written intervention and encourage MSIFN to share their views on the potential impacts to their Rights orally at the Part 2 Hearing, should they wish.</p>
October 8, 2024	<p>In response to questions and concerns raised by MSIFN at the August 16, 2024, meeting about the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP, CNSC staff provided information, as confirmed by CIRNAC, to MSIFN regarding whether the WTFNs settlement agreement addressed specific claims to the lakebed. CIRNAC confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time.</p> <p>CNSC staff noted that CNSC staff are open to receiving more information to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any concerns as it relates to the DNNP in collaboration with MSIFN and OPG, as appropriate. At the time of submitting this supplemental CMD no response was received to this correspondence.</p>
October 10, 2024	CNSC staff emailed MSIFN with information about expected timelines for MSIFN's review and input into CNSC staff documents for the Part 2 Hearing.
October 10, 2024	CNSC staff provided a written response to MSIFN questions regarding the diesel generators for the DNNP and offered to meet to discuss this topic further. At the time of submitting this supplemental CMD no response was received.
October 24, 2024	The CNSC's Vice-President of Regulatory Affairs sent Chief LaRocca an introductory email, requesting an opportunity to meet one-on-one to discuss MSIFN's relationship with the CNSC, get feedback on MSIFN's interactions with CNSC staff to date and discuss how the CNSC can support addressing any current challenges or concerns related to DNNP. At the time of submitting this supplemental CMD, no response was received to this request.

October 28, 2024	<p>CNSC staff shared the initial draft of the supplemental submission, including draft section of assessing potential impacts on rights with MSIFN for their review. CNSC staff shared Sections 4.1, 4.2, 4.2.3, 4.3, 4.3.5.3 and 4.4</p> <p>CNSC staff noted that CNSC staff have not made conclusions in this version of the report, in order to first ensure that staff have accurately understood and reflected MSIFN's concerns, views and rights. CNSC staff's plan is to make updates to the report based on MSIFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. CNSC staff indicated that they plan to share the second version of the report for MSIFN's review at the end of November.</p>
November 18, 2024	<p>On November 18, 2024, CNSC staff, OPG and the 4 Michi Saagiig Nations met to consult on the DNNP LTC application. CNSC staff's goal for the meeting was to strive to achieve a consensus on the key issues and concerns related to the DNNP LTC application. CNSC staff sought to understand the views and perspectives of each Michi Saagiig Nation on whether the mitigation measures and commitments made to date by OPG and CNSC staff adequately address the key concerns related to the DNNP LTC application or if there are potential impacts or concerns that the Nations feel need additional Consultation, discussions, mitigations, commitments or accommodations in advance of the Commission Hearing in January 2025 and a Commission decision on the LTC.</p> <p>CNSC staff went over a list of potential topics to discuss at the meeting, based on feedback received from the Nations:</p> <ul style="list-style-type: none"> • Implementation of UNDA • RIA • Jurisdiction of the lakebed • Permitting and offsetting • Opportunities to improve ongoing engagement and Consultation • Scope of current LTC application and waste management • Oversight and Monitoring, including the Michi Saagiig Nations request for regulatory hold point and an Indigenous advisory committee • Mitigation and accommodation measures, including how to communicate the recommendations to the Commission. <p>The discussions focused on oversight and monitoring, permitting and offsetting, jurisdiction of the lakebed and opportunities to improve ongoing Consultation and engagement. CNSC staff note that CNSC staffs interpretation of the Michi Saagiig Nations perspectives on these topics and proposed measures to address the concerns are outlined in Section 4.3 of the supplemental CMD.</p>
November 19, 2024	<p>On November 19, 2024, MSIFN sent a letter to CNSC staff in response to the draft supplemental submission CNSC staff had shared on October 28, 2024 for review and feedback.</p> <p>MSIFN indicated that their concerns were not being taken seriously and this decision has negatively impacted their relationship with the CNSC. MSIFN indicated that they would not be responding to the supplemental submission on an item-by-item basis but will address two main concerns: 1) scoping of the decision criteria and 2) misinterpreting the CNSC's legal obligations. MSIFN indicated that the CNSC has not conducted its Consultations with</p>

	<p>MSIFN in good faith and has not upheld the Honour of the Crown. MSIFN indicated that they do not believe holding more meetings with CNSC staff will be productive and therefore cancelled a meeting between leadership (Vice-President of Regulatory Affairs and Chief LaRocca). On November 22, 2024, the CNSC's Vice-President of Regulatory Affairs sent Chief LaRocca a direct response highlighting the importance of the relationship to the CNSC and the desire to have two-way dialogue on MSIFN's concerns. On November 28, 2024, CNSC staff sent an additional response to MSIFN to clearly articulate staff's views on how factors such as UNDA and cumulative and legacy impacts have been considered in the DNNP and what specifically CNSC staff considered not to be specific to the DNNP LTC application, which includes broader topics such as the CNSC's legislative framework, mandate, authorities, legislation, and policies. This response also provided information and examples about how CNSC staff have been conducting Consultations in good faith and have actively listened to MSIFN's concerns and worked on developing meaningful responses, commitments and actions to address the concerns.</p> <p>CNSC staff also made updates to the draft supplemental CMD based on the concerns raised in the letter. For example, CNSC staff updated Section 4.1.1 to clarify how UNDA and cumulative effects has been considered in the DNNP LTC application and what specifically CNSC staff view as not specific to this one decision. CNSC staff also updated the language used in both the supplemental CMD and presentation to specify that the Commission decision will need to uphold Aboriginal and/ or Treaty rights, rather than consider.</p> <p>CNSC staff sought feedback and provided space within the supplemental CMD for MSIFN to include their view on whether a consensus on the project and key issues and concerns was reached. MSIFN did not provide any feedback on this, but CNSC staff encourage MSIFN to share their views and position on Free, Prior and Informed Consent as it relates to the DNNP LTC directly with the Commission at the Part 2 Hearing, should they wish, for the Commission to consider in the decision-making process.</p>
November 15 and November 25, 2024	<p>On November 15, 2024, CNSC staff shared draft speaking notes and presentation slides for MSIFN review and feedback.</p> <p>On November 25th, CNSC staff shared an updated supplemental CMD, with edits made in response to MSIFN's comments. CNSC staff also shared an updated issues tracking table for MSIFN's review. CNSC staff acknowledged the concerns raised in MISFN's November 19, 2024, letter but indicated that staff were continuing to share documents for MSIFN's review as part of CNSC staffs' commitment to working collaboratively.</p> <p>On November 27, 2024, MSIFN acknowledged the updated report, however no comments were received.</p>
November 26, 2024	<p>In response to concerns raised by the Michi Saagiig Nations regarding the DNNP Fisheries Act Authorization (FAA), CNSC staff followed up with MSIFN via email to confirm whether MSIFN was interested in having the DFO attend the next monthly CNSC/MSIFN meeting to discuss the FAA and MSIFN's concerns. MSIFN indicated a preference to revisit the discussions with DFO in the new year.</p>
December 9, 2024	<p>On December 9, 2024, AFN, CLFN, MSIFN, CNSC staff and staff from the CNSC's Commission Registry and Legal Services had a meeting to discuss the CNSC's hearing process, including the preferred approach the Part 2 DNNP hearing.</p> <p>CNSC staff heard the following feedback from the Michi Saagiig Nations:</p>

	<ul style="list-style-type: none"> • Importance of providing time and space for smudging ceremonies, opening remarks and closing remarks • Importance of using a circle layout • Importance of creating a welcoming environment, as not everyone is comfortable with a quasi-judicial hearing process. This could include the Michi Saagiig Nations having enough space for all participants, having access to Wi-Fi and having coffee provided. • Recommend that the Commission ask the Michi Saagiig Nations questions directly, as they should be able to express their views or counter information provided by OPG and CNSC staff <p>The CNSC's Commission Registry committed to following up with the Michi Saagiig Nations in a timely matter to confirm the set up and approach of the Part 2 hearing, taking into consideration the feedback that they have received.</p>
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4.2.4 Other WTFN

Information about correspondence and opportunities for Consultation activities conducted with other Williams Treaties First Nation since June 2024 is included in **Table 4**. To date, these First Nations have not expressed interest to CNSC staff for more in-depth Consultation regarding OPG's LTC application. Additionally, no issues and concerns related to OPG's LTC Application have been raised directly with CNSC staff to date.

CNSC staff note that all of the Williams Treaties First Nations are encouraged to participate in the Part 2 Hearing to share their views and concerns directly with the Commission, should they wish. This is an important part of the Consultation process for the DNNP LTC application, and any information shared at the Hearing will be considered by the Commission in their decision making on the DNNP LTC application.

CNSC staff remain committed to continuing to provide opportunities for Consultation, engagement, project updates and information sharing with these Nations related to the DNNP, should the project proceed.

Table 4 Summary of the key Consultation activities with other WTFN since submission of the CNSC's Consultation Report in June 2024

DATE	WILLIAMS TREATIES FIRST NATION	CONSULTATION ACTIVITY
June 17, 2024	AFN Beausoleil First Nation Chippewas of Georgina Island First Nation Rama First Nation	CNSC staff invited Indigenous Nations and communities to the July 8, 2024, DNNP webinar, which provided an overview of the application, CNSC's regulatory review process and the results of CNSC staff's assessment of the OPG's LTC application. CNSC staff offered to meet directly with the Indigenous Nations and communities to discuss the DNNP LTC application, opportunities for Consultation and engagement or the CNSC's regulatory processes. No response was received.

June 27, 2024	AFN Beausoleil First Nation Chippewas of Georgina Island First Nation Rama First Nation	CNSC staff shared the Notice of Hearing for the OPG's LTC application. CNSC staff provided information about dates related to interventions and offered to meet to discuss OPG's LTC application and next steps in the regulatory process. No response was received.
July 23 and 26, 2024	AFN Beausoleil First Nation Chippewas of Georgina Island First Nation Rama First Nation	CNSC staff conducted phone calls and followed up in writing to share that the CNSC had posted the CMD and Consultation Report for OPG's LTC application. CNSC staff also offered to set up a meeting to discuss the CNSC's role and mandate as it relates to the Project, updates on the DNNP, and answer any questions the Nations may have and how they would like to be engaged and consulted moving forward. No response was received.
August 20, 2024	AFN	CNSC followed up on the June 26, 2024, email to AFN to ask whether they were available to meet to discuss the DNNP and next steps for the regulatory review process and Consultation. No response was received.
September 5, 2024	AFN	CNSC staff and AFN had a meeting focused on AFN's application to hire an internal support staff under the CNSC's Indigenous and Stakeholder Capacity Fund. CNSC staff also discussed the DNNP and asked whether AFN was interested in more in-depth Consultation regarding the OPG's LTC application. CNSC staff noted that they understood AFN was planning on intervening at the Part 2 Hearing with the other Michi Saagiig Nations and indicated that Staff were available to meet to consult and discuss any issues and concerns that AFN may have. AFN indicated that at this time they do not have the capacity to engage further with CNSC staff but were looking to build a relationship and be more involved in the CNSC's general regulatory processes moving forward if they are able to hire capacity support.
September 25	AFN Beausoleil First Nation Chippewas of Georgina Island First Nation Rama First Nation	CNSC staff provided reminder of DNNP Part 1 Hearing on October 2. CNSC staff provided the agenda and link for the webcast. CNSC staff offered to meet directly with the Nation. No response was received.

October 11, 2024	AFN	<p>AFN requested funding to support their participation in the Part 2 Hearing on OPG’s LTC application. CNSC staff confirmed that this would be possible and provided an application, which included an option to apply for funding to support AFN’s participation in Consultation meetings and activities with CNSC staff, if AFN was interested.</p> <p>CNSC staff also inquired to see whether AFN would like to meet with CNSC staff to discuss the DNNP and regulatory process. At the time of submitting the supplemental CMD, no response to the offer to meeting was received.</p>
November 6 th , 15 th and 25 th , 2024	AFN	<p>On November 6, 2024, CNSC staff followed up with AFN regarding their intervention for the DNNP LTC Part 2 Hearing. CNSC staff offered to share draft documents for AFN’s review, feedback and input. Information regarding CNSC staff’s responses to issues raised in AFN’s intervention is included in the issues tracking table in APPENDIX A.</p> <p>On November 15, 2024, CNSC staff shared draft speaking notes and presentation slides for the Part 2 Hearing. CNSC staff also offered to set up a meeting to discuss any feedback.</p> <p>On November 25, 2024, CNSC staff shared the updated supplemental CMD and AFN specific issues tracking table for Alderville First Nation’s review and feedback. CNSC staff also offered to to set up a meeting to discuss the concerns AFN has raised in their intervention, CNSC Staff’s proposed approach to addressing the concerns and whether AFN has any additional requests for mitigation or accommodation</p> <p>No response was received to these correspondences.</p>
November 18, 2024	AFN	<p>On November 18, 2024, CNSC staff, OPG and the 4 Michi Saagiig Nations met to consult on the DNNP LTC application.</p> <p>CNSC staff’s goal for the meeting was to strive to achieve a consensus on the key issues and concerns related to the DNNP LTC application. CNSC staff sought to understand the views and perspectives of each Michi Saagiig Nation on whether the mitigation measures and commitments made to date by OPG and CNSC staff adequately address the key concerns related to the DNNP LTC application or if there are potential impacts or concerns that the Nations feel need additional Consultation, discussions, mitigations, commitments or accommodations in advance of the Commission Hearing in January 2025 and a Commission decision on the LTC.</p>

		<p>CNSC staff went over a list of potential topics to discuss at the meeting, based on feedback received from the Nations:</p> <ul style="list-style-type: none"> • Implementation of UNDA • RIA • Jurisdiction of the lakebed • Permitting and offsetting • Opportunities to improve ongoing engagement and Consultation • Scope of current LTC application and waste management • Oversight and Monitoring, including the Michi Saagiig Nations request for regulatory hold point and an Indigenous advisory committee • Mitigation and accommodation measures, including how to communicate the recommendations to the Commission. <p>The discussions focused on oversight and monitoring, permitting and offsetting, jurisdiction of the lakebed and opportunities to improve ongoing Consultation and engagement. CNSC staff note that CNSC staffs interpretation of the Michi Saagiig Nations perspectives on these topics and proposed measures to address the concerns are outlined in Section 4.3 of the supplemental CMD.</p>
<p>December 9, 2024</p>	<p>AFN</p>	<p>On December 9, 2024, AFN, CLFN, MSIFN, CNSC staff and staff from the CNSC’s Commission Registry and Legal Services had a meeting to discuss the CNSC’s hearing process, including the preferred approach the Part 2 DNNP hearing.</p> <p>CNSC staff heard the following feedback from the Michi Saagiig Nations:</p> <ul style="list-style-type: none"> • Importance of providing time and space for smudging ceremonies, opening remarks and closing remarks • Importance of using a circle layout • Importance of creating a welcoming environment, as not everyone is comfortable with a quasi-judicial hearing process. This could include the Michi Saagiig Nations having enough space for all participants, having access to Wi-Fi and having coffee provided. • Recommend that the Commission ask the Michi Saagiig Nations questions directly, as they should be able to express their views or counter information provided by OPG and CNSC staff

		The CNSC's Commission Registry committed to following up with the Michi Saagiig Nations in a timely matter to confirm the set up and approach of the Part 2 hearing, taking into consideration the feedback that they have received.
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4.2.5 Interested Indigenous Nations and communities

CNSC staff remain committed to continuing to provide opportunities for engagement, project updates and information sharing with all interested Indigenous Nations and communities related to the DNNP, should the project proceed.

Since June 2024, no new issues and concerns related to OPG's LTC application have been raised by interested Indigenous Nations and communities directly to CNSC staff.

Six Nations of the Grand River requested a meeting to receive an update on the DNNP in October 2024. No other interest has been expressed by these Indigenous Nations and communities for more in-depth engagement with CNSC staff regarding OPG's LTC application to date.

Update on concerns raised by the Saugeen Ojibway Nation regarding waste management related to the DNNP:

CNSC staff note that as of June 2024, CNSC staff's understanding was that Saugeen Ojibway Nation (SON) had outstanding concerns with regards to the potential for waste from the DNNP to be transported and stored in their territory. CNSC staff are aware that OPG has communicated to SON that they do not plan to store DNNP waste in SON territory. CNSC staff note that OPG submitted a letter to the Commission Registry on November 13, 2024 that indicated that:

“Consistent with the accepted Environmental Assessment, the two options for the storage of the DNNP Low and Intermediate Level Waste (L&ILW) were:

- Construction of on-site licensed interim storage structures at Darlington; and
- Off-site transportation to a licensed facility.

Consistent with the Environmental Assessment and, after consideration of both options, OPG is not actively pursuing the option of interim storage of L&ILW generated by the project at OPG's Western Waste Management Facility (WWMF) located within the traditional territory of the Saugeen Ojibway Nation (SON)”

CNSC staff acknowledge that OPG has not submitted an application for a waste management facility for the DNNP to date. CNSC staff are committed to continuing to engage and share information with the SON regarding the DNNP and waste management.

Table 5 Summary of the key engagement activities with the interested Indigenous Nations and communities since submission of CNSC staff's Consultation report in June 2024

DATE	INDIGENOUS NATION OR COMMUNITY	CORRESPONDENCE OR ENGAGEMENT ACTIVITY
June 17, 2024	Saugeen Ojibway Nation Mohawks of the Bay of Quinte Métis Nation of Ontario Six Nations of the Grand River	CNSC staff sent an invitation to the Indigenous Nations and communities to the July 8, 2024 DNNP webinar, which provided an overview of the application, CNSC's regulatory review process and the results of CNSC staff's assessment of OPG's LTC application. CNSC staff offered to meet directly with the Indigenous Nations and communities to OPG's LTC application, opportunities for engagement or the CNSC's regulatory processes. No response was received.
June 27, 2024	Saugeen Ojibway Nation Mohawks of the Bay of Quinte Métis Nation of Ontario Six Nations of the Grand River	CNSC staff shared the Notice of Hearing for OPG's LTC application. CNSC staff provided information about dates related to interventions and offered to meet to discuss OPG's LTC application and next steps in the regulatory process. No response was received.
July 23, 26 and 31 2024	Mohawks of the Bay of Quinte Six Nations of the Grand River	CNSC staff conducted phone calls and followed up in writing to share that the CNSC had posted the CMD and Consultation Report for OPG's LTC application. CNSC staff also offered to set up a meeting to discuss the CNSC's role, the DNNP, any questions the Indigenous Nations and communities may have and how they would like to be engaged moving forward. No response was received from Mohawks of the Bay of Quinte. Six Nations of the Grand River requested a meeting to receive an update on DNNP. This meeting was scheduled for October 9, 2024.
September 25, 2024	Saugeen Ojibway Nation Mohawks of the Bay of Quinte Métis Nation of Ontario Six Nations of the Grand River	CNSC staff provided a reminder of DNNP Part 1 Hearing on October 2. CNSC staff provided the agenda and link for the webcast. CNSC staff offered to meet directly with the Nation. No response was received.
October 4 and 7, 2024	Saugeen Ojibway Nation	On October 4, 2024, the SON asked whether CNSC staff's supplemental CMD would be shared before the November 4 intervention deadline. On October 9, 2024, CNSC staff responded and indicated that CNSC staff are currently working on drafting the contents of the supplemental report and are aiming to send community specific sections of the supplemental report to Indigenous Nations and communities before November 4 th 2024 for their review and comment,

		<p>including the SON. However, the report will be finalized after this date, around mid-December, to incorporate feedback received from interventions.</p> <p>CNSC staff noted that they were open to discussing this further and would appreciate an update from the SON with regards to their discussions and engagement with OPG in relation to the DNNP and the SON's concerns regarding OPG's plans for waste management as it relates to the proposed project. No response was received to this correspondence.</p>
October 9, 2024	Six Nations of the Grand River	<p>CNSC staff had a meeting with Six Nations of the Grand River, which included engagement and information sharing related to the DNNP.</p> <p>CNSC staff provided information about the conclusions made in Staff's CMD and opportunities to intervene in the Part 2 Hearing. No concerns specific to OPG's LTC application were raised.</p>
October 28, 2024	Saugeen Ojibway Nation	<p>CNSC staff shared a draft of sections of CNSC staff supplemental CMD for SON's review and feedback and offered to set up a meeting with SON, should they like.</p> <p>No response was received.</p>

4.3 Assessment of Potential Impacts on Rights

4.3.1 Introduction

The common law duty to consult and, where appropriate, accommodate Indigenous Nations and communities applies when the Crown contemplates actions that may adversely affect potential or established Aboriginal and/or Treaty rights. The Commission, as an Agent of the Crown, must ensure that all licence decisions under the [Nuclear Safety and Control Act](#) (NSCA) and decisions under other applicable legislation, uphold the honour of the Crown and uphold Indigenous peoples' potential or established Aboriginal and/or Treaty rights, pursuant to section 35 of the [Constitution Act, 1982](#).

As outlined in the Consultation Report, CNSC staff determined that the Williams Treaties First Nations are owed the Duty to Consult and, where appropriate, accommodate for OPG's LTC application. The Commission will be required to determine whether the Duty to Consult, and where appropriate, accommodate has been fulfilled for this decision. In order to support the Commission's decision-making, CNSC staff are assessing and making a recommendation to the Commission on the potential impacts on Aboriginal and/or Treaty rights as a result of OPG's LTC application and potential mitigation measures, commitments and/or accommodations including those recommended by the Indigenous Nations and communities.

RIAs are an analytical tool that can be conducted to assess if there are any significant adverse impacts to Aboriginal and/or Treaty rights due to a proposed project or activity and support the CNSC in fulfilling its Duty to Consult obligations. RIAs are a more recent best practice being utilized across the Federal Government for major projects, decisions and actions that could potentially impact Aboriginal and/or Treaty rights. The goal of RIAs is to pull together information and put a specific focus on a project's or decision's potential impacts on rights. The intention of the RIA is to identify potential mitigation and/or accommodation measures that could help to avoid, reduce, or accommodate for any identified impacts and communicates the process, outcomes and recommendations in a collaborative way to the Commission as part of its decision-making process.

The CNSC's approach to RIAs is in line with best practices and approaches already developed and used by other Departments and Agencies, including the Impact Assessment Agency of Canada Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples [2].

CNSC staff acknowledge that some of the Michi Saagiig Nations have raised concerns with regards to the Crown assessing potential impacts on their rights and their view that this comes across as paternalistic. The CNSC's general approach to conducting RIAs is meant to be flexible and tailored based on the regulatory process, type of project and to each Indigenous Nation or community. CNSC staff's goal when completing RIAs is to work collaboratively with the Indigenous Nations and communities who may be impacted by the decision, to ensure their views, perspectives, concerns and conclusions are accurately reflected in the RIA and recommendations to the Commission.

4.3.1.1 CNSC Staff's effort for collaboration on RIAs regarding OPG's Licence to Construct application

CNSC staff have been actively seeking and providing opportunities for discussions on potential impacts to Aboriginal and/or Treaty rights with the Indigenous Nations and communities since receiving OPG's LTC application in 2022. In response to concerns raised through the Consultation process by CLFN, HFN and MSIFN about the potential for the application to impact their rights and interests, CNSC staff offered to conduct collaborative RIAs and initially presented to CLFN, HFN and MSIFN on the CNSC's proposed approach to RIAs in Summer and Fall 2023.

Since that time, CNSC staff have had multiple discussions with CLFN, HFN and MSIFN about the proposed approach to RIAs. Specific details regarding meetings and correspondence on this topic with these First Nations can be found in CNSC staff's Consultation Report and sections 4.2.1, 4.2.2 and 4.2.3 of this supplemental CMD.

In April 2024, CNSC staff shared a draft RIA with CLFN, HFN and MSIFN, with a goal of taking a quantitative/analytical approach to identifying and assessing potential impacts on rights including the potential severity of impacts. CNSC staff did not receive any comments on these RIAs but heard concerns from CLFN, HFN and MSIFN about CNSC staff proposed approach to the RIAs. Detailed information about CNSC staff responses to issues and concerns raised by CLFN, HFN and MSIFN related to the approach to the RIAs can be found in the issues tracking tables in APPENDIX A.

CNSC staff made efforts to work with CLFN, HFN and MSIFN to understand their preferred path forward on the RIAs. CNSC staff clarified that CNSC staff would be assessing and making a recommendation to the Commission in advance of the Part 2 Hearing related to the potential impacts to Aboriginal and/or Treaty rights from OPG's LTC application, however, CNSC staff were open to taking a different approach to the assessment based on feedback from the Michi Saagiig Nations.

CNSC staff held multiple meetings with CLFN, HFN and MSIFN as well as provided clarity in writing with regards to different options to conduct collaborative RIAs and capture their key concerns with regards to the potential impact of OPG's LTC application on their rights and interests. In October 2024, CNSC staff communicated to CLFN, HFN, MSIFN that if no feedback was received from them regarding their preferred approach to conducting an RIA in advance of the Part 2 Hearing, CNSC staff proposed proceeding with a narrative assessment rather than the more detailed quantitative/analytical assessment that was shared for review in April 2024. A narrative assessment would focus on summarizing the key concerns CNSC staff heard to date in relation to OPG's LTC application and commitments made by OPG and recommended by CNSC staff to address those concerns. CNSC staff heard concerns from the three First Nations about the RIA process and a preference for the Crown not to conduct an RIA on behalf of the Nations, however, CNSC staff did not receive feedback from CLFN, HFN and MSIFN regarding their preferred approach to conducting an assessment in advance of the Part 2 Hearing. Based on this, on October 28, 2024, CNSC staff shared the narrative based assessment with CLFN, HFN and MSIFN to review and provide feedback and input including their perspectives on whether the proposed mitigation measures and commitments made to date adequately address their key concerns or if there were potential impacts or concerns that CLFN, HFN or MSIFN request additional mitigations or commitments.

CNSC staff's goal throughout the Consultation and RIA process was to strive to achieve a consensus on key issues and concerns and how to meaningfully address them.

4.3.2 Project Context and Scope of Assessment

OPG submitted an application for a LTC for the DNNP to build one BWRX-300 reactor at the Darlington Nuclear site. The site consists of the existing Darlington Nuclear Generating Station (DNGS), a tritium removal facility and a waste management facility. The DNGS began operating in 1990 and the site has restricted access for the public. The portion of the site for the DNNP is the eastern third of the overall Darlington site. OPG and the Government of Ontario intends to construct up to four (4) BWRX-300 reactors, but to date has only applied for a LTC to build a single unit. During the construction phase, the DNNP will not produce any radiological releases or radiological wastes.

OPG's application describes the DNNP as a multi-year construction project for a single BWRX-300 and associated support structures at the DNNP site. The proposed construction of the BWRX-300 would be completed in a phased approach, with major activities summarised in CMD 24-H3 Table 1-1: Major Activities in Each DNNP Project Phase.

4.3.3 Conclusions from the DNNP EA and the Commission's decision on the applicability of the EA to the chosen technology

The DNNP was subject to an Environmental Assessment (EA) conducted by a JRP under the Canadian Environmental Assessment Act (CEAA 1992) [3]. In August 2011, the JRP concluded in its review of the evidence to support the proposed project and issued its report on the EA for the DNNP, stating that:

“The Panel concludes that the Project is not likely to cause significant adverse environmental effects, provided the mitigation measures proposed and commitments made by OPG during the review and the Panel's recommendations are implemented.”

The Commission, in making its decision on the applicability of the EA to the chosen technology, considered information presented for the Public Hearing held from January 23 to 25, 2024 in Ajax, Ontario. In April 2024, the Commission issued its *Record of Decision* where it determined that the BWRX-300 reactor technology was not fundamentally different than the technologies considered in the EA, and that a new EA was not required.

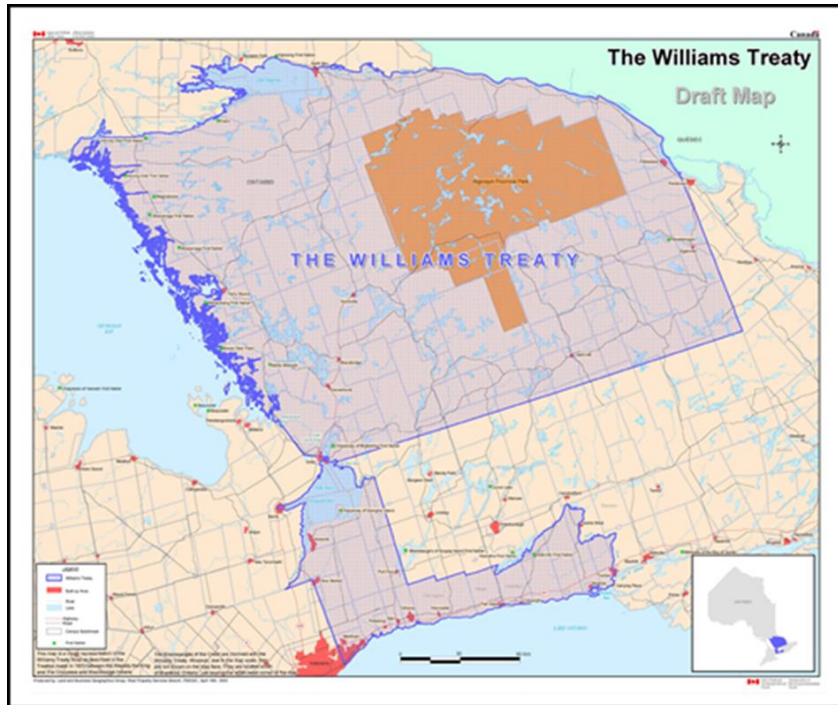
Potential impacts on rights were considered during the EA by the CNSC, the CEAA and the JRP. At the time of the EA and JRP Hearings, no concerns about potential impacts on rights were raised by the Williams Treaties First Nations, and the JRP's assessment based on the EA and information brought forward during the hearing process was that they did not expect the DNNP to result in significant adverse effects on current use of land and resources for traditional purposes by “Aboriginal” persons as per section 6.4 of the JRP environmental assessment report for the DNNP.

CNSC staff have acknowledged that Consultation and engagement expectations and requirements have changed since the EA was conducted, including the signing of the [Williams Treaties Settlement Agreement in 2018](#), which recognized the pre-existing Treaty rights of the WTFN. In addition, CLFN, HFN and MSIFN have now more recently raised concerns regarding the potential for the construction of the DNNP to lead to impacts on their rights and interests, including the perspective that the DNNP will perpetuate impacts to rights that have not yet been adequately addressed

In response to these concerns, CNSC staff offered to collaborate on RIAs specifically in relation to OPG's LTC application, with CLFN, HFN and MSIFN, at this stage of the process to gather available information, analyze potential impacts to rights 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 recommendation to the Commission about potential impacts on rights and interests from the DNNP. This proposed approach is part of CNSC staffs' commitment to consider current best practices as part of the DNNP regulatory and Consultation processes and efforts to support a collaborative approach to assessments and informing decision-making for the Project.

4.3.4 Context and Potentially Impacted Rights

The DNNP site is located on Michi Saagiig Anishinaabeg lands and waters and the WTFN territory. The WTFN consist of the Mississauga Nations of Hiawatha, Alderville, Curve Lake and Scugog Island as well as the Chippewa Nations of Georgina Island, Beausoleil and Rama. The lands where the DNNP is proposed are covered by the Johnson-Butler Purchase, also referred to as the “Gunshot Treaty” (1787-88), the Williams Treaties (1923), and the lands that are subject to the WTFN settlement agreement of 2018.



In 1923, the Williams Treaties were signed between these seven First Nations and the Federal and Provincial Crown with the spirit and intent to share the lands and resources of southern Ontario with the European settlers.

The Williams Treaties of 1923 were intended to resolve longstanding claims from the seven First Nations communities of settlers encroaching on their traditional lands. Instead, the conclusion of these treaties created continuing injustices and the inability to freely exercise harvesting.

Unbeknownst to the Mississauga and Chippewa communities, the interpretation of the Crown was that the Williams Treaties extinguished all harvesting rights outside of the reserves of each First Nation.

It was not until 2018, 95 years later, that a settlement agreement was reached between the seven First Nations who were signatories to the Williams Treaties of 1923 and the Governments of Canada and Ontario. The settlement agreement formally recognizes certain rights, including the pre-existing Treaty harvesting rights of the Williams Treaties Signatories to hunt, trap, fish and gather for food, social and ceremonial purposes within portions of their traditional territories and treaty areas. The Settlement Agreement also included a Statement of Apology for the Impacts of the 1923 Williams Treaties from the Government of Canada on those signatory Nations.

The Government of Canada's Statement of Apology for the Impacts of the 1923 Williams Treaties recognizes that the Crown's actions did not honour the longstanding treaty relationship that already existed, and continues to exist, with the WTFN communities.

4.3.5 Issues concerns and potential impacts raised by the Michi Saagiig Nations

Through the Consultation process for OPG's LTC application, CNSC staff have heard concerns from CLFN, HFN and MSIFN about the potential for construction of the DNNP to impact their rights and interests as well as concerns with regards to the RIA methodology and gaps in the Michi Saagiig Nations ability to assess potential impacts to rights. Information about these issues and concerns are outlined in sections 4.3.5.1, 4.3.5.2 and 4.3.5.3 below. CNSC staff also acknowledge that AFN has raised more general concerns through their intervention for the Part 2 Hearing, as outlined in section 4.3.5.4. CNSC staff note that the information provided below is CNSC staff's interpretation of concerns raised by the Michi Saagiig Nations.

4.3.5.1 Curve Lake First Nation

Concerns related to the CNSC's definition of baseline:

CLFN is of the view that there are fundamental issues with how the CNSC considers and scopes the baseline when conducting any environmental assessment or RIA. CLFN considers the baseline to be before any initial development of the Darlington site occurred and that any potential impacts should be assessed based on, and in comparison, to that baseline, as opposed to the existing baseline (i.e. the current state of the Darlington site before the DNNP is constructed, if approved). CLFN notes that the Darlington site is a fenced in and restricted site with no traditional activities taking place within the boundaries of the site. Their community members have already been excluded from the DNNP site which has impacted their ability to exercise their Aboriginal and Treaty rights on these lands. CLFN provided the example that prior to the construction of the Darlington Nuclear Generating Station and the urbanization of the area, CLFN members used to have access to that shoreline to practice their rights and was a location used for these practices by a number of CLFN families and community members. CLFN notes that if that was the baseline being considered in the assessment, there would be severe impacts on their rights as the construction of the DNNP would lead to

ongoing and longer-term inability for the Nation to reestablish their rights practices in the project area.

Concerns related to the approach to cumulative effects assessment and consideration of legacy impacts:

CLFN raised concerns that the CNSC's approach to assessing impacts to rights from OPG's LTC application does not capture the cumulative and legacy impacts of the Darlington and Pickering sites. CLFN's view is that assessing potential impacts from the DNNP on the current, already developed baseline is not an accurate way to understand impacts to their Aboriginal and Treaty rights.

Concerns related to assessing the potential severity of impacts on CLFN's rights:

CLFN has concerns that the approach to assessing impacts to rights is from a western scientific perspective of trying to mitigate impacts to reduce the severity of the impacts. CLFN's view is that assigning a severity rating to the impact diminishes their Aboriginal and Treaty rights. CLFN notes that from their perspective a proposed Government decision or activity either impacts their Treaty rights or it doesn't.

Concerns related to the gaps in information currently available to assess and address impacts on CLFN's rights:

CLFN is concerned that there remain significant gaps in the ability for CNSC, OPG and CLFN to fully identify, understand and comprehensively address potential impacts of the DNNP to their inherent, Aboriginal and Treaty rights. CLFN asserts that a comprehensive RIA fully informed by their knowledge, history, culture, land and water use and perspectives is required to be able to fully identify, understand and comprehensively address impacts to CLFN's rights. CLFN's view is that an effective RIA requires additional sources of information that have yet to be gathered and analyzed through an Indigenous and Rights-based lens including, but not limited to:

- regional or territorial Indigenous Knowledge Studies.
- comprehensive cumulative impacts assessments.
- Rights-informed approaches to mitigations, compensations and restorations, and
- Rights-based offsets, needs, requirements, and improvements.

Concerns about potential impacts on Aboriginal and Treaty rights:

CLFN has raised concerns about impacts to the Inherent, Aboriginal and Treaty rights of the Michi Saagiig Anishinaabeg. These potential impacts from the proposed construction of the DNNP include, but are not limited to:

- Impacts to fishing, hunting, and harvesting,
- Impacts to spiritual landscapes, and
- Impacts to species and places of cultural significance

CLFN has indicated that the long-term nature of the impacts to rights needs to be considered. CLFN notes that the site will remain inaccessible, potentially for hundreds of years even after decommissioning of the facilities.

CNSC staff's response:

CNSC staff's response to CLFN's concerns are included in section 4.3.5.6 below as well as in the issues tracking table in APPENDIX A.3.

CNSC staff, CLFN and OPG have worked to address the concerns raised, including that OPG's LTC application may impact their Inherent, Aboriginal and Treaty rights. Efforts have been made to collaborate on the specific mitigation measures, commitments and accommodations to address the concerns. Since the concerns raised and measures proposed to address the concerns are similar between the Michi Saagiig Nations, section 4.3.6 outlines the proposed measures that have been committed to for all the Michi Saagiig Nations.

4.3.5.2 Hiawatha First Nation

Concerns related to the CNSC's definition of baseline:

HFN is of the view that there are fundamental issues with how the CNSC considers and scopes the baseline when conducting any environmental assessment or RIA. HFN considers the baseline to be before any development of the site and that any potential impacts should be compared to that baseline, as opposed to the existing current baseline. HFN notes that their members have already been excluded from the project site and Darlington area more generally which has been a major impact on their ability to exercise their Aboriginal and Treaty rights.

Concerns related to the approach to cumulative effects assessment and consideration of legacy impacts:

HFN raises concerns that the CNSC's approach to assessing impacts to rights does not capture the cumulative and legacy impacts of the Darlington and Pickering sites. HFN's view is that assessing potential impacts from the DNNP on the current, already developed baseline is not an accurate way to understand impacts to their Aboriginal and Treaty rights.

Concerns related to assessing the potential severity of impacts on HFN's rights:

HFN has concerns about that the approach to assessing impacts to rights is from a western scientific perspective of trying to mitigate impacts to reduce the severity of the impacts. HFN's view is that assigning a severity rating to the impact diminishes their Aboriginal and Treaty rights. HFN notes that an activity either breaks the Treaty or it doesn't.

Concerns related to the timelines and piecemeal approach for DNNP:

HFN has raised concerns regarding the speed of which the DNNP regulatory process is proceeding, as the Indigenous Knowledge study is not expected to be done prior to decisions being made on the OPG's LTC application. HFN has highlighted the importance for both OPG and CNSC staff to consider and

incorporate Indigenous Knowledge in the decisions that are being made now for the DNNP to the greatest extent possible.

HFN has expressed their views that there has been a piecemeal approach to the DNNP. HFN has indicated that at times they feel that they do not have a holistic and full picture of the project. HFN has indicated that they still learn about things too late in the process, which makes it difficult to meaningfully participate and influence decisions that are being made.

Concerns related to the gaps in information currently available to assess and address impacts on HFN's rights:

HFN is concerned that there remain significant gaps in the ability for CNSC, OPG and HFN to fully identify, understand and comprehensively address impacts to Inherent, Aboriginal and Treaty rights by the DNNP. HFN asserts that a RIA is required to be able to fully identify, understand and comprehensively address impacts to HFN's rights. HFN's view is that an effective RIA requires different sources of information to be gathered and analyzed through an Indigenous and Rights-based lens including, but not limited to:

- regional or territorial Indigenous Knowledge Studies.
- comprehensive cumulative impacts assessments.
- Rights-informed approaches to mitigations, compensations and restorations, and
- Rights-based offsets, needs, requirements, and improvements.

Concern about offsetting:

HFN has raised concerns about the limited offsetting locations that the provincial ministries have required OPG consider for the DNNP and have indicated that they do not line up with what HFN would like to see. HFN has indicated that the province is requiring OPG to choose offsetting locations that are very commercialized, and HFN's members would be unlikely to want to exercise their Treaty rights in those areas.

Concerns about potential impacts on HFN's Treaty rights:

HFN has raised concerns about impacts to the Inherent, Aboriginal and Treaty rights of the Michi Saagiig Anishinaabeg. These potential impacts from the proposed construction of the DNNP include, but are not limited to:

- Impacts to fishing, hunting, and harvesting,
- Impacts to spiritual landscapes, and
- Impacts to species and places of cultural significance

HFN has raised concerns regarding OPG potentially purchasing the lakebed, where construction activities would take place should the Commission grant a construction licence. HFN has expressed the view that the Michi Saagiig Nations should be provided with the first opportunity to purchase the lakebed, as their treaties and the Williams Treaties First Nations Settlement agreement specifically

did not address claims to the waters. HFN expressed concern that the province did not have a formal process in place to ensure that the Nations were provided with first opportunity to purchase Provincial Crown land, shoreline or the lakebed, when available.

CNSC staff's response:

CNSC staff's response to HFN's concerns are included in section 4.3.5.6 below as well as in the issues tracking table in APPENDIX A.

CNSC staff, HFN and OPG have worked to address the concerns raised, including that OPG's LTC application may impact their Inherent, Aboriginal and Treaty rights. Efforts have been made to collaborate on the specific mitigation measures, commitments and accommodations to address the concerns. Since the concerns raised and measures proposed to address the concerns are similar between the Michi Saagiig Nations, section 4.3.6 outlines the proposed measures committed to for all the Michi Saagiig Nations.

4.3.5.3 The Mississaugas of Scugog Island First Nation

Concerns regarding the timing of the RIA:

MSIFN has expressed their view that a RIA process should have occurred in conjunction with OPG's Environmental Impact Statement which was completed for the DNNP in 2009. MSIFN also emphasizes that MSIFN and other interested Williams Treaties First Nations have not been part of designing the current RIA process and have not been provided with adequate time to coordinate the work and gather the information required to participate in the RIA process for the DNNP. MSIFN is of the view that CNSC staffs' request for MSIFN to participate in the DNNP RIA process should have come earlier to provide adequate time to collaboratively design a project-specific RIA. MSIFN is of the view that the first step in any Consultation should be seeking a consensus with potentially affected First Nations on the project description.

Concerns regarding the United Nations Declaration on the Rights of Indigenous Peoples Act:

MSIFN notes that UNDRIP should be given substantial consideration in interpreting section 35(1) of the Constitution, especially in light of the recent adoption of the UNDRIP Act, 2021 which underscores the recognition of Indigenous peoples as sovereign entities.

MSIFN is concerned that the current regulatory framework does not ensure OPG's compliance with the requirements and standards set forth in UNDRIP or the United Nations Declaration Act. MSIFN requests that the CNSC mandates OPG to obtain MSIFN's consent for the DNNP before advancing project activities.

Concerns regarding cumulative effects and factors considered in the RIA:

MSIFN has concerns regarding cumulative effects and accurately capturing impacts to the environment and Treaty rights over time relating to the DNNP.

MSIFN notes that a description of the past state of each of the identified Valued Components (VC) should be included in the baseline description of each VC, inclusive of Indigenous Knowledge of that past state, demonstrating how the state of the VC has evolved over time, not just the state of each VC at the time of the project. Current best practices for environmental assessments in Canada now encompass health, social, and economic impacts alongside environmental factors, together with enhanced focus on Aboriginal rights and Indigenous knowledge. The IAA 2019 also considers how climate change could impact the project's feasibility and environmental impact over its lifespan, as well as the project's potential contributions to or mitigations of climate change. Considering this, MSIFN strongly recommends that OPG and CNSC consider and assess the selected BWRX-300 technology through current Federal Impact Assessment Act (IAA) requirements.

Additionally, MSIFN has concerns regarding the volume of CNSC regulated sites and activities within their territory including but not exclusive to the proposed DNNP. MSIFN feels that any examination of cumulative effects should be holistic and also consider the impacts created by related and nearby CNSC regulated activities.

Concerns regarding Indigenous Knowledge and Michi Saagiig Nation governance:

MSIFN objects to CNSC staff's recommendation in October 2023 to MSIFN that they work with CNSC staff on a Rights Impact Assessment for the DNNP LTC. MSIFN's view is that the methodology and approach are being unilaterally put forward by CNSC staff. MSIFN has engaged legal counsel to advise it on these matters, including advising on potential joint governance and decision-making for Indigenous Knowledge and methodologies and approaches for assessing impacts of projects on rights and interests. MSIFN notes that its intervention at the Hearing will reference its objections and recommendations. MSIFN in collaboration with representatives of Alderville, Curve Lake and Hiawatha First Nations are working with a consulting firm to provide a discussion paper on Michi Saagiig Nation governance and decision-making with respect to Indigenous Knowledge decision-making which may inform future decisions.

Concerns regarding waste management:

MSIFN is concerned that OPG has not created a decommissioning plan for the DNNP. There is still no long-term plan for the safe management and storage of nuclear waste in Ontario, and MSIFN must live with the risk of temporarily storing this excess waste in their Treaty Territory, at the DWMF, without ever having provided their consent. MSIFN has indicated that they object to the regulatory process advancing with waste management scoped out of the LTC application. MSIFN has indicated that they have engaged legal counsel to advise it on these matters and notes that its intervention at the Hearing will reference its objections and recommendations.

Concerns regarding the long-term protection of the Beneficial Action Areas:

MSIFN has also raised concerns regarding the lack of guarantee for long-term protection of the Species at Risk habitat, including for bank swallows on site. MSIFN has repeatedly requested OPG for easements and legal protections for planned Beneficial Action Areas/Habitat Creation on DNNP site.

Concerns around the jurisdiction of the lakebed:

MSIFN has indicated that a key concern is OPG's potential purchase of the lakebed lands for the Condenser Cooling Water (CCW) system. MSIFN has expressed the view that the Michi Saagiig Nations should be provided with the first opportunity to purchase the lakebed.

Concerns regarding potential impacts on Aboriginal and Treaty Rights:

MSIFN maintains their perspective that the DNNP, if approved, will result in effects that will either directly or indirectly impact MSIFN member's Inherent, Aboriginal and Treaty rights. MSIFN's view is that the DNNP will contribute to cumulative effects on their Aboriginal and Treaty rights. However, CNSC staff note that MSIFN has not provided specific information with regards to how the project could impact the exercise of their rights and interests with the CNSC to date.

CNSC staff response:

CNSC staff's response to MSIFN's concerns are included in section 4.3.5.6 below as well as the issues tracking table in APPENDIX A.

CNSC staff acknowledge MSIFN's concerns with regards to DNNP waste management. However, CNSC staff note that should the Commission grant a LTC, no nuclear waste will be generated or stored on site during the construction phase, as there is no licensed activity in the construction licence that permits nuclear materials to be on-site. Additionally, CNSC staff note that a potential waste facility is out of scope for this Hearing, as construction of a radioactive waste storage facility is not proposed as part of this application. Should OPG propose the construction of a radioactive waste storage facility in the future, a separate application and subsequent licensing decision and Consultation activities will be required. OPG will be required to characterize 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. As a lifecycle regulator, CNSC's regulatory requirements increase in scope as the applicant progresses through each licensing phase. CNSC staff will continue to evaluate and assess OPG's programs against regulatory requirements should the applicant progress through each licensing phase, including OPG's nuclear waste management program.

CNSC staff, MSIFN and OPG have worked to address the concerns raised, including that OPG's LTC application may impact their Inherent, Aboriginal and Treaty rights. Efforts have been made to collaborate on the specific mitigation measures, commitments and accommodations to address the concerns. Since the concerns raised and measures proposed to address the concerns are similar

between the Michi Saagiig Nations, section 4.3.6 outlines the proposed measures committed to for all the Michi Saagiig Nations.

4.3.5.4 Alderville First Nation

CNSC staff included AFN on all correspondence, funding support and Consultation opportunities since the initial notification of the expected application in May 2022. Prior to receiving AFN's intervention for the Part 2 Hearing, AFN had not raised any concerns specific to the licence application with CNSC staff.

AFN's intervention highlights concern regarding capacity, the CNSC's approach to Consultation, implementation of UNDA, timelines for the RIA, hearing process, status of the Indigenous Knowledges study and the need for the CNSC to hold OPG accountable to its commitments. However, no specific concerns regarding potential impacts on their Aboriginal and/or Treaty rights were raised. Additional information about the concerns raised in AFN's intervention and CNSC staff's response and proposed approach to address the concerns are included in the AFN specific issues tracking table in APPENDIX A.

4.3.5.5 Other WTFN

CNSC staff have included the other WTFN in correspondence and Consultation opportunities since the initial notification of the expected application in May 2022.

To date, the Chippewas of Beausoleil First Nation, the Chippewas of Georgina Island First Nation and the Chippewas of Rama First Nation have not expressed interest to CNSC staff for more in-depth Consultation regarding OPG's LTC application. Additionally, no concerns specific to the application or any concerns around the potential impacts on their Aboriginal and/or Treaty rights have been raised with CNSC staff. CNSC staff did not obtain information through OPG's engagement or CNSC staff's Consultation that identified any potential impacts to their Aboriginal and/or Treaty rights as a result of the Project, to date.

CNSC staff remain committed to continuing to provide opportunities for Consultation, project updates and information sharing related to the DNNP with these Nations, should the project proceed. CNSC staff are also open to discussing opportunities for the other WTFNs to be involved in the oversight and monitoring, should they express interest in being more engaged related to the DNNP in the future.

4.3.5.6 CNSC Staff's responses to key concerns raised by the Michi Saagiig Nations

In this section, CNSC staff have included response to some of the key concerns raised by the Michi Saagiig Nations through the Consultation process. CNSC staff's detailed responses and efforts to address each First Nations' concerns outlined above are included in the CLFN, HFN, MSIFN and AFN specific issues tracking table in APPENDIX A. Additionally, information about the recommended mitigation measures and commitments in response to these concerns are included in the section below.

RIA methodology, timing and approach:

CNSC staff acknowledge that some of the Michi Saagiig Nations have raised concerns with regards to the Crown assessing potential impacts on their rights and their view that this comes across as paternalistic. CNSC staff have aimed to have a flexible approach to assessing the potential impacts on rights from OPG's LTC application, with the goal of conducting the assessment collaboratively with the Michi Saagiig Nations. CNSC staff have had multiple discussions and correspondence with CLFN, HFN and MSIFN regarding the proposed approach for a RIA to work to understand their views on how to assess the potential impacts on rights, with the goal of conducting the assessment in a way that is flexible, adaptive, respectful and considerate of their concerns and views. This includes offering different approaches to understanding, responding to and addressing CLFN, HFN and MSIFN's concerns about potential impacts from OPG's LTC application and commitments by OPG and recommendations by CNSC staff to address them. CNSC staff's goal has and continues to be to work collaboratively with each Nation to ensure their issues and concerns are meaningfully addressed and considered as part of the Commission's decision-making process for the DNNP LTC.

Throughout the Consultation process for the DNNP LTC application, CNSC staff worked to understand whether the Michi Saagiig Nations were comfortable with the regulatory review process for the DNNP proceeding in parallel to work being progressed on the Indigenous Knowledge Study, cumulative effects assessment and other commitments made by OPG and CNSC staff. CNSC staff acknowledge the concerns raised by the Michi Saagiig Nations regarding the current lack of a completed Indigenous Knowledge and Land Use study. CNSC staff note that CNSC staff have been having discussions with many of the Williams Treaties First Nations for many years about how the CNSC could support and Indigenous Knowledge study (IKS), either collectively or individually. CNSC staff offered funding, and support to complete these studies, and remain committed to making funding available when requested

CNSC staff also discussed different options with CLFN, HFN and MSIFN, including whether they would prefer to explore the option of delaying the process to provide more time for the studies to be started and to conduct the OPG's LTC application RIA collaboratively. However, the Michi Saagiig Nations either indicated that they were not asking to delay the project at this time or that they were comfortable with the regulatory process proceeding in parallel with the Indigenous Knowledge study and cumulative effects assessment. It is on this basis that, as part of the Duty to Consult and, where appropriate, accommodate, CNSC staff worked to understand and assess the potential impact to Aboriginal and/or Treaty rights from OPG's LTC application and have made a recommendation to the Commission in this supplemental report regarding the potential impacts to rights of the LTC application and measures to address any identified impacts, based on the information available and shared with CNSC staff at this time. CNSC staff encourage the Michi Saagiig Nations to share their views with regards to their rights and the potential for OPG's LTC application to impact their rights

directly with the Commission through their oral and written interventions, should they wish.

Approach to Consultation for the DNNP LTC application

CNSC staff aimed to have a flexible and customized approach to Consultation, being mindful and sensitive to each Indigenous Nation and community's specific rights, interests, cultural protocols, capacity and needs. CNSC staff sought input and feedback from the Michi Saagiig Nations on how they would like to be consulted specifically for the DNNP LTC application and what would be meaningful for them. CNSC staff are planning to have discussions with each of the Michi Saagiig Nations, should they wish, to go over lessons learned from this Consultation process to understand what worked well and what can be improved from their perspectives for future regulatory and Consultation processes.

CNSC staffs' view is that efforts have been made to have meaningful two-way dialogue to understand each Nation's concerns and potential impacts on their rights and explore possible mitigations, accommodations and commitments, in direct response to concerns raised by the Michi Saagiig Nations. Additional information about changes made or commitments proposed to work to address issues and concerns are outlined in the section below and the issues tracking tables.

Baseline used in the CNSC assessment, Cumulative and legacy effects

The CNSC considers the current conditions of a site to be the baseline for assessing potential impacts on rights, however, the CNSC takes into consideration how historical and current cumulative effects may already impact those conditions, or how future foreseeable projects may have an impact. This information, from the perspective of the Indigenous Nation is important context that is taken into consideration into the RIAs and CNSC's approach to Consultation.

Jurisdiction of the lakebed

Upon being informed by CLFN, HFN and MSIFN of their specific concerns regarding OPG's potential purchase of the Lake Ontario lakebed in relation to OPG's LTC application, CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time.

CNSC staff shared this information with CLFN, HFN and MSIFN and indicated that CNSC staff are open to receiving more information from the Michi Saagiig Nations to better understand the specific claims being raised and advanced with regards to rights in the region, including jurisdiction over the lakebed of Lake Ontario, and will work to address any related concerns as it relates to the DNNP in collaboration with the Michi Saagiig Nations and OPG, as appropriate.

CNSC staff understand that OPG is continuing discussions with the WTFN's and the Provincial Ministry of Natural Resources and Forestry to discuss different options to work to address the concerns regarding the potential purchase or use of an easement of the lakebed.

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The CNSC's approach to Consultation and engagement with Indigenous peoples is mindful and incorporates the principles articulated in UNDRIP. Specifically, for the DNNP LTC application, CNSC staff have been striving to achieve a consensus on the LTC, key issues and concerns raised by the Michi Saagiig Nations and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nations' perspectives on whether the mitigation measures and commitments made by OPG and proposed by CNSC staff adequately address key concerns they have with regards to OPG's LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required. Concerns raised by Indigenous Nations and communities, including related to consent or lack of consent for the DNNP LTC application, are considered as part of the public hearing and the Commission's decision-making process.

CNSC staff encourage potentially impacted Indigenous Nations or communities to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed OPG LTC Application, should they wish, through their written and/or oral interventions. This will help assist and inform the Commission's decision-making for this matter.

4.3.6 Mitigation Accommodation, Monitoring and Follow-up Measures

CNSC staff have heard concerns regarding the approach to assessing potential impacts, general concerns about the potential for OPG's LTC application to impact rights and concerns that the Michi Saagiig Nations are currently unable to use the land and resources at the Darlington site, not by choice, but because it is inaccessible to the First Nations. However, no further information was received from Michi Saagiig Nations to date on their rights and how they are practised (both historically and currently), their views on the existing constraints on the exercise of their rights or potential impact pathways of OPG's LTC application. CNSC staff acknowledge the Michi Saagiig Nations concerns and views expressed regarding current information gaps regarding their rights, interests and land use is impacting their ability to complete a fulsome assessment of the potential impacts on their rights from OPG's LTC application.

CNSC staff's understanding is that this information is not readily available to the Michi Saagiig Nations due to the Crowns misinterpretation of the Williams Treaties for 95 years which led to an inability to freely exercise harvesting rights outside of each First Nation's reserve lands. CNSC staff acknowledge that within this time period, much of the Williams Treaties First Nations Territory was developed, including the Darlington Nuclear Site typically without their direct involvement or Consultation. CNSC staff's understanding is that WTFN communities are rediscovering their Rights and cultural practices due to

generations of repression and fear. Therefore, only recently are the WTFNs re-connecting with the land, re-discovering the connection to the land and waters.

This section outlines OPG's commitments and CNSC staff's recommended mitigation and accommodation measures proposed in response to the issues, concerns and general potential for OPG's LTC to impact the Michi Saagiig Nations Aboriginal and Treaty Rights. This includes commitments made by both OPG and CNSC staff to work to address the concerns related to the identified gaps in information and to ensure the WTFN rights and interests remain protected, should the project proceed, as additional information is shared with the CNSC by the First Nations.

In CNSC staff's CMD 24-H2 CNSC staff confirmed that they expect no significant residual adverse environmental effects from the deployment of up to four BWRX-300 reactors, provided the mitigation measures identified in the EA are implemented, as required by OPG's EA follow-up program.

Measures related to the aquatic environment, surface water and shoreline protection:

CNSC staff understand that potential impacts from construction of the DNNP to fish, water, the shoreline and aquatic environment have been identified as concerns by the Michi Saagiig Nations through their engagement with OPG. CNSC staff are aware that OPG has been having discussions with the Michi Saagiig Nations to understand, respond to and work to address their concerns as well as seek input into the development of mitigation, compensation and offsetting measures.

From a biophysical standpoint, potential impacts to these environmental components are being managed by mitigation measures to ensure that no significant residual adverse environmental effects are expected. The Joint Review Panel Environmental Assessment Report, OPG's Environmental Impact Statement from 2009, OPG's EIS Review Report provide information regarding the mitigation measures that have been identified for each environmental component [4]. Monitoring and follow up plans are also included in OPG's Environmental Monitoring and Environmental EA Follow up Program. The objective of this program is to verify predictions of environmental effects, determine the effectiveness of mitigation measures in order to modify or implement new measures and support the implementation of adaptive management measures to address any previously unanticipated adverse environmental effects. Licence Conditions 15.1 and 15.2 will ensure the mitigation measures will continue to form part of the licensing basis for the DNNP into the construction phase, should the Commission grant a construction licence.

As an example, OPG committed to monitoring for and mitigating adverse effects on fish during construction activities. The loss of nearshore aquatic habitat and biota is anticipated during such activities as in-water work for shoreline protection, and the construction of the intake and discharge structures. However, the nearshore habitat is distinctive as the high energy, unstable environments,

with wind and wave action tend to limit species diversity. OPG will have to acquire a Fisheries Act Authorization (FAA) from the Department of Fisheries and Oceans Canada before conducting any activities with the potential to harm fish and/or fish habitat (in water works, construction and operation of the condenser cooling water system etc.) as captured in OPG commitment DP-14.1. OPG submitted an FAA application on November 20, 2024. OPG will have to implement offsetting or compensation measures, commensurate with observed fish losses, which will be outlined in their authorization and approved by DFO and in Consultation with potentially impacted First Nations.

OPG has also indicated that they are actively engaging with the WTFN in the development of the compensation plan, as well as the design of the intake and discharge structures.

Additional commitments and measures by OPG in an effort to address the Michi Saagiig Nations concerns and potential impacts on their Aboriginal and Treaty rights:

In OPG's Environmental Monitoring and EA Follow up program, OPG recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western and regulatory perspective, it may not fully address the impact of the DNNP on Aboriginal inherent and treaty rights as they are understood today. OPG indicates that they endeavor to continue to work with Indigenous Nations and communities having a historical relationship with the site to appropriately identify the impacts of the Project on them and to achieve feasible mitigation measures and/or accommodation.

OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge and ceremony, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making.

OPG has made commitments on the record in its Darlington New Nuclear Project Indigenous Engagement Report November 2023 - September 2024, pages 9 through 16 to the Michi Saagiig Nations in an effort to mitigate and accommodate their concerns and potential impacts on their Aboriginal and treaty rights.

Based on concerns raised from the Michi Saagiig Nations about the need for OPG's commitments to be binding, as outlined in CNSC staff's supplemental CMD 24-H3.B, CNSC staff recommended a site-specific condition in the proposed DNNP LTC and draft LCH. Licence Condition (LC) 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence period, should the Commission grant a LTC. Additionally, it would require OPG to continue to collaborate with the Michi Saagiig Nations on the various studies and assessments OPG has committed to.

By including these requirements in the proposed licence and draft LCH, it will support the Commission in fulfilling the Duty to Consult and, where appropriate, accommodate. Additionally, it will ensure that CNSC staff have a mechanism for

regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities.

Since the submission of CNSC staff's supplemental CMD 24-H3.B, in response to more recent concerns raised by the Michi Saagiig Nations, CNSC staff have updated the text under the compliance verification criteria section for the proposed LC 15.4 in the draft LCH which is contained in APPENDIX B. This updated text is represented by yellow highlights.

In response to concerns raised by the Michi Saagiig Nations regarding the need for the CNSC to have oversight over OPG's commitments made, CNSC staff have included the following commitments in the draft LCH under LC 15.4:

- OPG is supporting an Indigenous Knowledge Study and Cumulative Effects Study with the Michi Saagiig Nations. OPG notes the Michi Saagiig Nations are coordinating amongst themselves regarding the scope and governance of the Indigenous Knowledge study. OPG supports this effort through capacity funding and looks forward to the results. MSIFN have taken the lead on coordinating these efforts and a scoping exercise was planned to be completed in September 2024.
- OPG is supporting and working with the Michi Saagiig Nations to develop an Environmental Monitoring Augmentation Plan, which would incorporate the Indigenous worldview into OPG's current environmental monitoring programs. Through this, OPG will identify opportunities to expand and strengthen processes and recognize ways in which OPG can ensure its work does not only meet standards but exceeds them.
- OPG has committed supporting the scoping and implementing of an independent review of international best practice for waste management, as requested by MSIFN.

Based on concerns raised by the Michi Saagiig Nations regarding permitting, offsetting and the jurisdiction of the lakebed, CNSC staff have added a requirement in the LCH for OPG to provide an update on the following commitments, through its Indigenous Engagement Reporting, required in the LCH for LC 15.4:

- OPG is committed to ongoing discussions and efforts for collaboration on aquatic offsetting and terrestrial restoration in collaboration with the Michi Saagiig Nations. This work is a requirement of regulatory agencies including Central Lake Ontario Conservation authority (CLOCA), Ministry of Environment, Conservation and Parks (MECP), and Department of Fisheries and Oceans Canada (DFO).
- OPG is working with the WTFN's on their recommendation for an instrument to protect the Beneficial Actions Areas, which OPG indicates may be achievable through the proposed project agreement.
- OPG is continuing discussion with the WTFN's and the Provincial Ministry of Natural Resources and Forestry to discuss different options to work to address the concerns regarding the potential purchase of the lakebed.

CNSC Staff recommended additional mitigation and monitoring measures

In addition to OPG's proposed mitigation measures, follow up and monitoring activities and commitments described above, CNSC staff propose the following additional mitigation and monitoring measures in response to the Michi Saagiig Nations concerns with regards to potential impacts on their rights and interests as the result of the proposed construction of the DNNP.

CNSC staff note that these commitments are proposed in response to concerns raised by the Michi Saagiig Nations at the time of submitting this supplemental CMD. CNSC staff encourage the Michi Saagiig Nations to share their views on these proposed commitments and/ or additional requests for accommodation at the Part 2 Hearing. CNSC staff encourage the Commission to consider and adjust the direction to CNSC staff and OPG related to mitigation measures, accommodation and the proposed LCs and draft LCH based on feedback that is received from the Michi Saagiig Nations through their interventions at the Part 2 Hearing, as appropriate.

CNSC staff recommend that the Commission direct CNSC staff to implement the following commitments specific to OPG's LTC application:

- CNSC staff are committed to the ongoing collaboration with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study to gather more information and data regarding the Michi Saagiig Nations rights and interests as it relates to the DNNP and surrounding territory. This includes providing funding, informational, and other support to complete these studies as appropriate. CNSC staff have been informed that the Michi Saagiig Nations are working on a governance framework for the studies and that the work on the studies will not begin until after a framework is in place. CNSC staff are able to provide funding and support for the study when requested by the Michi Saagiig Nations.
- CNSC staff commit to supporting and ongoing collaboration with the Michi Saagiig Nations on completing a cumulative effects study, which could include a cumulative effect on rights analysis as it relates to the nuclear sector in their traditional and treaty territories.
- CNSC staff are committed to continuing to work with the Michi Saagiig Nations to determine how they want the results of these studies, when provided to CNSC and OPG, to be incorporated, considered and reflected in the CNSC's regulatory processes and ongoing oversight of the DNNP, should the project proceed. CNSC staff commit to adjusting the approach to oversight of the DNNP as new information is shared with regards to the Michi Saagiig Nations knowledge, land use, rights and interests. As outlined in the draft LCH this could include but is not limited to OPG incorporating the outcomes of these studies into its Environmental Monitoring and Environmental Assessment Follow-Up Plan. The knowledge and information could also help inform the CNSC's Independent Environmental Monitoring Program (IEMP) as well as help inform CNSC compliance and oversight activities for the DNNP. However, CNSC staff have not specified the exact timing,

mechanisms or approach as this process needs to be driven by the Michi Saagiig Nations and in collaboration with OPG.

- CNSC staff are committed to collaborating with the Michi Saagiig Nations to update RIAs as new information is gathered and provided by both the Michi Saagiig Nations and OPG and to providing updates to the Commission at future phases of the regulatory review and licensing process for the DNNP, such as a potential Licence to Operate, should the project proceed.
- CNSC staff are committed to collaboratively monitoring OPG's implementation of its proposed mitigation measures and commitments with the Michi Saagiig Nations. CNSC staff are committed to working with the Michi Saagiig Nations to verify the commitments and measures specific to them and report the results and relevant updates to the Commission as appropriate. CNSC staff propose that this is done through a formal working group between OPG, CNSC staff and the 4 Michi Saagiig Nations. CNSC staff propose having quarterly meetings to discuss progress being made on the commitments, any issues or concerns and whether the mitigation measures are working as expected or if adjustments need to be made to ensure that the Nations rights and interests continue to be protected, and the commitments are upheld. The details of the working group and its implementation and structure will be collaboratively developed with the Nations and OPG should the project proceed.
- CNSC staff commit to providing information to the Michi Saagiig Nations regarding the status of regulatory hold points. CNSC staff will also provide notification to all the Indigenous Nations and communities identified in the Consultation Report when a decision has been made on whether to release a hold point.
- CNSC staff commit to collaborating with the Michi Saagiig Nations on the CNSC's Independent Environmental Monitoring Program in relation to the Darlington site, which would include the DNNP, should it proceed. This includes providing opportunities for the Michi Saagiig Nations to review and provide input into the sampling plans, participate in sampling and conduct ceremony and walk the land prior to conducting sampling. CNSC staff will work with the Michi Saagiig Nations to ensure that their land use, values and knowledge systems are reflected and considered in the CNSC's environmental sampling, as appropriate and where possible.

Proposed approach to reporting on commitments to the Michi Saagiig Nations and ongoing engagement related to the DNNP:

As per the draft LCH for LC 15.4, OPG will be required to continue to submit a report, annually, on the engagement activities specific to the DNNP to CNSC staff, to ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and progress on implementing and fulfilling the commitments made to the Michi Saagiig Nations. CNSC staff encourage OPG to provide opportunities to the Michi Saagiig Nations to review or collaborate on the draft report prior to submitting the report to the CNSC. CNSC staff propose using the

formal working group to discuss and verify the content of these reports, the reporting frequency and any issues and concerns, with the Michi Saagiig Nations.

To ensure that the Commission has a mechanism to receive updates on progress being made on CNSC staff's commitments, ongoing engagement and accommodation measures, CNSC staff recommend that the Commission direct CNSC staff to include an update on this work in an appropriate reporting channel, for example through a Regulatory Oversight Report (ROR) or a yearly engagement update report. CNSC staff commit to having a specific section dedicated to consultation and engagement on the DNNP in the chosen report. CNSC staff recommend that the Commission encourage the Michi Saagiig Nations to include their perspectives on OPG's and CNSC's efforts for continued engagement and progress made on implementing the commitments, through collaborative reporting with CNSC staff or through an intervention to the Commission. CNSC staff acknowledge concerns raised by some Michi Saagiig Nations about the use of the ROR for reporting on the DNNP to the Commission, specifically that the ROR reports on information a full calendar year previous to when the report is submitted and presented to the Commission. In response to this, CNSC staff commit to providing the most current information available related to the progress being made on CNSC staff's commitments and accommodation measures to the Michi Saagiig Nations for the DNNP in the annual update report to the Commission.

CNSC staff also acknowledge that new issues, concerns or challenges may arise with regards to the implementation of the commitments made by OPG and the CNSC, that the Michi Saagiig Nations may wish to raise directly with the Commission in a timely manner. CNSC staff propose that an escalation procedure is collaboratively developed with the Michi Saagiig Nations, as part of the DNNP engagement and oversight working group. This could include steps to resolve the issues, such as efforts at the working level, CNSC Director/ Executive and Nation Leadership level and/ or direct notification to the Commission.

4.3.7 Analysis and Recommendations Regarding Potential Impacts on Rights from OPG's Licence to Construct Application

In response to concerns raised by CLFN, HFN and the MSIFN regarding the potential for OPG's LTC application to impact their Aboriginal and Treaty rights, CNSC staff proposed conducting RIAs. The goal of the assessment was to work collaboratively with the Michi Saagiig Nations to understand their rights in the area of the DNNP site, how they exercise their rights (currently and historically) and how the project could impact their rights and interests.

CNSC staff acknowledge the Michi Saagiig Nations' concerns and views expressed regarding current information gaps regarding their rights, interests and land use is impacting their ability to complete a fulsome assessment of the potential impacts on their rights from OPG's LTC application. CNSC staff also acknowledge that the Michi Saagiig Nations have concerns with the CNSC's approach to conducting the RIA and the perspective expressed by the Michi Saagiig Nations that the approach comes across as paternalistic. CNSC staff

recommend that the Commission direct CNSC staff to implement the mitigation measures described above, in an effort to address these concerns. Detailed responses to each of the Michi Saagiig Nations concerns are included in the issues tracking tables in Appendix A.

CNSC staff worked to ensure that the Michi Saagiig Nations were supportive of the approach of moving forward with the completion of the studies and knowledge gathering in parallel to the ongoing regulatory and approvals process for the DNNP. The Michi Saagiig Nations confirmed to CNSC staff that they were comfortable with this approach but required OPG and CNSC to uphold their commitments to address each Michi Saagiig Nations concerns and requests. CNSC staff note that they have recommended that commitments are included in the draft LCH for LC 15.4 as well as that the Commission direct staff to implement additional measures, to provide a mechanism to ensure oversight on the commitments being made, should the project proceed.

CNSC staff considered all information shared to date by the Michi Saagiig Nations along with the scope of the application, proposed construct activities, the conclusion of the environmental assessment and mitigation measures identified in the EA and required by OPG's EA follow up program which will continue to form part of the licensing basis for the DNNP into the construction phase, should the Commission grant a LTC (as per LC 15.1 and 15.2). CNSC staff acknowledge that the application has the potential to impact Aboriginal and/or Treaty rights. However CNSC staff are satisfied that when considering the factors above and the additional mitigation and accommodation measures and commitments by OPG and CNSC staff outlined in section 4.3.6 that the potential impacts to Aboriginal and treaty rights have been appropriately assessed, mitigated and accommodated, should the Commission grant a LTC.

CNSC staff encourage the Michi Saagiig Nations to provide their views regarding the potential impacts on rights and mitigation or accommodation measures to address the impacts on their rights and interests, directly with the Commission through their interventions at the Part 2 Commission hearing, should they wish. This will continue to inform the Commission's decision on OPG's LTC application.

4.4 OPG's Indigenous Engagement

CNSC staff determined that OPG's LTC application raised the legal Duty to Consult and, where appropriate, accommodate, potentially affected Indigenous Nations and communities. As such, OPG was required to follow [REGDOC-3.2.2 Indigenous Engagement](#). To assist the CNSC in meeting its Duty to Consult and, where appropriate, accommodate, the CNSC will consider engagement undertaken by OPG, including with respect to avoidance, mitigation or other measures and commitments adopted or proposed by OPG in an effort to accommodate and address the concerns raised by potentially impacted Indigenous Nations and communities. This consideration does not mean that the Consultation undertaken by CNSC staff stops or is replaced by OPG's engagement, but rather that both occur concurrently and aim to complement each other to ensure the

CNSC's Consultation obligations are fulfilled for OPG's licence application and related decision by the Commission

In September 2024, OPG submitted an update to its DNNP Indigenous Engagement Report (IER), covering the period from November 2023 to September 2024 to the Commission and CNSC staff on the record for the Part 1 Hearing in October 2024. CNSC staff reviewed this version of the IER and will continue to monitor and assess OPG's engagement related to the DNNP. CNSC staff and OPG continue to meet frequently, at the executive and working level, for CNSC staff to receive updates from OPG and discuss its Indigenous engagement activities.

CNSC staff note that as per OPG's IER submitted in September 2024 (referenced above) OPG has continued efforts for engagement and to advance its commitments to the Michi Saagiig Nations regarding the Indigenous Knowledge Study (IKS), Cumulative Effects Study, Environmental Monitoring Augmentation Plan, Offsetting and Restoration, Permitting, Commercial Participation, Framework Agreement, Project Agreements and waste and have outlined plans for continued engagement on many of these topics of interests. OPG notes in its IER that currently, the Michi Saagiig Nations are coordinating amongst themselves regarding the scope and governance of the IKS, which would outline how the IKS will inform the cumulative effects assessment. CNSC staff note that OPG has been working with the WTFNs to incorporate Indigenous knowledge at this time. For example, OPG indicates that the current work being undertaken for aquatic and terrestrial offsetting has provided space for knowledge sharing, and incorporation of that knowledge into a new process for identification of appropriate lands and waters to be restored.

CNSC staff note that through proposed LC 15.4, OPG will be required to continue to engage with all Indigenous Nations and communities identified in the Consultation Report and report to the CNSC on that engagement throughout the construction phase of the DNNP, should the Commission grant a licence. CNSC staff encourage OPG to collaboratively develop an approach to engagement that meets the needs of all parties.

CNSC staff note that, to date OPG's engagement and reporting in relation to the LTC application has been in accordance with [REGDOC 3.2.2 Indigenous Engagement](#). CNSC staff note that OPG has made a number of specific commitments to address the concerns, comments and requests from the Michi Saagiig Nations. CNSC staff will continue to monitor OPG's engagement activities and implementation of all regulatory commitments outlined in the draft LCH under the site-specific LC 15.4, should the Commission grant a LTC. CNSC staff are committed to working collaboratively with the Michi Saagiig Nations on regulatory oversight and follow-up activities related to their concerns and OPG's commitments to each Michi Saagiig Nations, to ensure their rights and interests are protected.

4.5 Overall Recommendations Related to Indigenous Consultation and Engagement

CNSC staff aimed to conduct a thorough, transparent, flexible, and collaborative Consultation process for OPG's LTC application. OPG has made a number of specific commitments to address the concerns, comments and requests from the potentially impacted Indigenous Nations and communities and CNSC staff's view is that to date, OPG has met the requirements and guidance of [REGDOC 3.2.2 *Indigenous Engagement*](#).

CNSC staff proposed several mitigation and accommodation measures in response to concerns raised by the Michi Saagiig Nations and recommend that the Commission direct staff to implement the measures. CNSC staff also proposed LC15.4 and the associated CVC in the draft LCH to ensure there is a mechanism for oversight and enforcement of OPG's commitments to the Michi Saagiig Nations. CNSC staff worked to understand the Michi Saagiig Nations perspectives on the proposed measures and encourage Indigenous Nations and communities to share their views or request additional measures for consideration by the Commission at the Part 2 Hearing.

CNSC staff acknowledge that some Indigenous Nations and communities have outstanding issues and concerns regarding the CNSC's approach to Consultation, policies, mandate and authorities. CNSC staff's view is that these concerns have been adequately addressed and considered to the extent possible for OPG's LTC application. However, CNSC staff proposed commitments to work to address and make progress on these concerns and recommend that the Commission direct CNSC staff to continue to make efforts on those commitments.

CNSC staff are of the view that, based on information currently available to CNSC staff, the potential impacts of OPG's LTC application on Aboriginal and/or Treaty rights have been appropriately assessed, considered and mitigated based on the commitments and accommodation measures proposed by OPG and CNSC staff.

Based on the information to date and acknowledging the opportunities for Indigenous Nations and communities to express their views to the Commission during the public hearing process, CNSC staff recommend to the Commission that they determine the Duty to Consult, and where appropriate, accommodate under section 35 of the Constitution Act as having been discharged in an appropriate and adequate manner.

Should the Commission grant a LTC and accept the recommendations of CNSC staff, CNSC staff and OPG will be required to conduct ongoing engagement, collaboration and Consultation throughout the licence period and implement the commitments, mitigations and accommodations identified. This includes but is not limited to collaboration on oversight and compliance activities, incorporation of Indigenous knowledge, support through the CNSC's funding programs addressing concerns as they arise to work to ensure the Michi Saagiig Nations rights and interests are protected.

5. Erratum

Environmental Protection

Following the posting of CMD 24-H3, an erratum was identified.

CNSC staff's CMD 24-H3 Table 2-4: *Estimated Airborne Releases for Radionuclides for a Single BWRX-300 Reactor* provides estimated doses from airborne releases during normal operation that only considers the air immersion and air inhalation exposure pathways. These values do not consider the dose from other exposure pathways, including ingestion of local food.

The total dose for a single BWRX-300 which considers all pathways is estimated to be 3.05E-04 mSv/yr or 0.305 µSv for the receptor receiving the greatest dose, which is an infant residing at a dairy farm located approximately 6.8 km north-west of the DNNP site and assumed to reside at that location full time.

CMD 24-H3 incorrectly stated that the estimated dose to public from a single BWRX-300 was slightly higher than the dose to public from DNGS. The estimated dose to the public from the normal operation of a single BWRX-300 is approximately half of the 0.6 µSv/yr dose recorded in 2022 and 0.7 µSv/yr dose recorded in 2023 from the operation of the existing DNGS site [5].

CNSC staff note that there are layers of conservatism incorporated within the dose estimation for the BWRX-300. As such, the conclusion from CMD 24-H3 remains the same, the combined doses from one BWRX-300 at the DNNP remain a very small fraction of the 1.0 mSv per year regulatory limit for the public defined in the [Radiation Protection Regulations](#).

Table 7: Corrected estimated dose to public for a single BWRX-300 reactor

RADIONUCLIDE	DOSE CONTRIBUTION (mSv/YEAR)
Carbon-14 (C-14)	1.61E-04
Noble Gases	2.68E-06
Radioiodines	1.37E-04
Particulates	1.71E-06
Tritium	3.31E-06
Total	3.05E-04 (0.000305 mSv or 0.305 µSv)

6. Conclusion

The information presented in response to CMD 24-H3.Q [1], the carefully considered views presented in the interventions, the recommendation on the Duty to Consult, and the corrected information, do not alter CNSC staff conclusions to recommend the Commission issue a LTC.

References

1. Canadian Nuclear Safety Commission, *CMD 24-H3.Q - Questions from the Commission Following the DNNP Part 1 Hearing*.
2. Government of Canada, *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*.
3. Department of Justice Canada, *Canadian Environmental Assessment Act 1992*.
4. OPG, *NK054-REP-07730-00029 - Environmental Impact Statement New Nuclear - Darlington Environmental Assessment, dated September 2009*.
5. OPG, *N-REP-03443-10031_000 2023 Results of Environmental Monitoring Program*.

Glossary

For definitions of terms used in this document, see [REGDOC-3.6, Glossary of CNSC Terminology](#), which includes terms and definitions used in the [Nuclear Safety and Control Act](#) and the [Regulations](#) made under it, and in [CNSC regulatory documents](#) and other publications.

Additional terms and acronyms used in this CMD are listed below.

°C	Degree Celsius
AFN	Alderville First Nation
AOO	Anticipated Operational Occurences
ASME	American Society of Mechanical Engineers
BWRX-300	Boiling Water Reactor X-300
CCF	Common Cause Failures
CCW	Condenser Cooling Water
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CLFN	Curve Lake First Nation
CLOCA	Central Lake Ontario Conservation Authority
CSA	Canadian Standards Association
DBA	Design Basis Accident
DCIS	Distributed Control and Information System
DFO	Department of Fisheries and Oceans Canada
DID	Defence-in-depth
DL 1-4	Defence Line
DNGS	Darlington Nuclear Generating Station
DNNP	Darlington New Nuclear Project
DPS	Diverse Protection System
DSA	Deterministic Safety Analysis
DWMF	Darlington Waste Management Facility
ESBWR	Economic Simplified Boiling Water Reactor
FAA	Fisheries Act Authorization
FPIC	Free, Prior and Informed Consent
GE-H	General Electric-Hitachi
GESTAR II	General Electric Standard Application for Reactor Fuel
GNF-2	Global Nuclear Fuel Mark 2
HFN	Hiawatha First Nation
HLW	High-Level Waste
I & C	Instrumentation and Control
ICS	Isolation Condenser System
IEC	International Electrotechnical Commission
IKS	Indigenous Knowledge Study
ILW	Intermediate-Level Waste
JRP	Joint Review Panel
LC	Licence Condition
LRC	Licensing Regulatory Commitments

LTC	Licence to Construct
LTO	Licence to Operate
MCR	Main Control Room
MECP	Ministry of Environment, Conservation and Parks
MSIFN	Mississaugas of Scucog Island First Nation
mSv / μ Sv	Millisievert / Microsievert
MPa	Megapascal
NO	Normal Operations
NSCA	Nuclear Safety and Control Act
NWMO	Nuclear Waste Management Organization
OPG	Ontario Power Generation, Inc.
PRSL	Power Reactor Site Preparation Licence
PRCL	Power Reactor Construction Licence
PSA	Probabilistic Safety Assessment
PSAR	Preliminary Safety Analysis Report
RB	Reactor Building
RHP1,2,3	Regulatory Hold Point 1,2,3
RIA	Rights Impact Assessment
RPV	Reactor Pressure Vessel
SA	Safety Analysis
SCA	Safety and Control Areas
SC1,2,3	Safety Class 1, 2, 3
SCR	Secondary Control Room
SFC	Single Failure Criterion
SON	Saugeen Ojibway Nation
TRACG	Transient Reactor Analysis Code General Electric Hitachi
WRNM	Wide-Range Neutron Monitoring
WTFN	Williams Treaties First Nations

APPENDIX A: ISSUES TRACKING TABLES

A.1 Issues Tracking Table for Alderville First Nation (AFN) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – All issues and concerns included in this table were raised by AFN in their intervention CMD 24-H3.62 for the Part 2 hearing. No issues and concerns specific to the DNNP were raised by AFN directly to CNSC staff prior to receiving the intervention. CNSC staff shared a draft version of the table for AFN's review on November 25, 2024. No response was received.

ID #	CONCERN OR ISSUE	THEME	RELEVANT CORRESPONDENCE (SEE APPENDIX B OF THE CONSULTATION REPORT OR APPENDIX C OF THE SUPPLEMENTAL CMD FOR DETAILS)	OPG RESPONSE	CNSC RESPONSE	STATUS OF ISSUE OR CONCERN
AFN #1	<p>AFN raised concerns regarding their personnel capacity and funding capacity.</p> <p>AFN notes that the timing of when funds are available is also important. This particular LTC consultation process is both highly complex and of significant importance as the impacts on our Nation will be ongoing and potentially severe. To prepare a proper submission for participation in the Hearing Part 2 required considerable expense. At the time of writing, AFN has not had the capacity to apply for funding.</p> <p>AFN indicated that due to capacity and funding constraints and the importance of our governance structures, AFN has not been able to prepare a fully completed submission. However, we do not want the Commission to interpret this as implicit consent to the consultation process.</p>	Capacity and funding	November 7 email chain regarding PFP	CNSC staff are aware that OPG has established a framework agreement with Alderville First Nation, which allow for dedicated time and capacity funding to support ongoing, regular engagement on OPG's operations.	<p>CNSC staff acknowledge the capacity challenges that AFN has raised, including their comment that they have not had the capacity to apply for funding.</p> <p>In May 2023, the CNSC launched the Indigenous and Stakeholder Capacity Fund to support Indigenous Nations and communities in their efforts to build capacity and knowledge so that they can effectively participate in the full life-cycle of CNSC's regulatory processes, programs and initiatives.</p> <p>Although the CNSC did not receive an application from AFN for the ISCF stream 1 Indigenous Capacity Support in 2023, AFN did apply for funding in 2024. On November 4, 2024, the CNSC awarded AFN with funding for hiring an internal staff resource for up to 2 years.</p> <p>Specifically for DNNP, CNSC staff included AFN on all notices regarding the availability of funding through the CNSC's Participant Funding Program (PFP). The CNSC has demonstrated flexibility in working to provide AFN funding to support their capacity and participation. For example, on October 11, 2024, AFN inquired about whether they could still apply for funding to support their participation in the Part 2 hearing and for a Joint Legal Retainer with the other Michi Saagiig Nations. CNSC staff were able to work with AFN on an application, highlighting that AFN could also apply for funding to support meeting with the CNSC and other consultation activities. AFN submitted their final application on November 5 2024</p>	<p>CNSC staff's view is that both CNSC and OPG have made efforts to address these concerns, as outlined in the response column.</p> <p>CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application. CNSC staff are committed to continuing to support AFN through capacity funding</p>

					<p>and the CNSC shared a contribution agreement on November 21, 2024.</p> <p>CNSC staff are committed to working with AFN to support building internal capacity through the ISCF. CNSC staff look forward to building a relationship with AFN and continuing to provide opportunities for AFN to be consulted and engaged on CNSC licensing and regulatory processes.</p>	
AFN #2	<p>The CNSC's consultation and hearing process has treated AFN as a stakeholder not a right's holder and has not been culturally appropriate.</p> <p>It is imperative that our Indigenous perspectives are not just sought but are integrated into the consultation, review and decision-making process throughout the entirety of the DNNP and future nuclear projects. For some aspects of projects, such as waste, our consent is also required. The Indigenous Advisory Committee and Monitor Program established by the Canadian Energy Regulator under the authority of the Ministry of Natural Resources Canada is a model that we are requesting the CNSC adopt to help meet its legal requirement of meaningful consultation and consent.</p>	Indigenous Consultation	Multiple emails offering to meet and consult on the DNNP LTC application, included in appendix B of the Consultation Report and Appendix C of the supplemental submission	N/A	<p>CNSC staff have made efforts to consult with AFN on OPG's Licence to Construct application, since providing initial notification of the expected application in May 2022. CNSC staff have aimed to have a flexible and customized approach to consultation, being mindful and sensitive to each Indigenous Nation and communities specific Rights, cultural protocols, interests, capacity and needs. the CNSC has sought input and feedback from the Williams Treaties First Nations on how they would like to be consulted specifically for OPG's Licence to Construct application and what would be meaningful for them. CNSC staff are planning to have discussions with each of the First Nations to go over lessons learned from this consultation process to understand what worked and what can be improved from their perspectives for future regulatory processes.</p> <p>CNSC staff have made efforts to learn more about each of the Michi Saagiig Nations history, community, culture and protocols. For example, CNSC staff have attended community events, visited and learned about sacred sites, spent time on the land together, learned how to harvest manoomin and participated in ceremonies. CNSC staff have adapted approaches of meetings based on feedback from First Nations to be more culturally appropriate and incorporate protocols of the First Nation. This has included opening prayers, smudging, teachings and talking circles.</p> <p>CNSC staff are always open to incorporating cultural protocols into consultation activities and provide space for this to occur, should the First Nations wish. CNSC staff are committed to continuing to learn and building relationships, with the goal of leading to a true understanding and two-way dialogue.</p>	<p>CNSC staff's view is that the concerns about consultation has been and will continue to be addressed through the responses and commitments of CNSC staff, to the extent possible specific to the LTC application. Details regarding CNSC staff's efforts for consultation are included in the Consultation Report and the Supplemental CMD.</p> <p>CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from AFN.</p>

					<p>CNSC staff note that the details regarding the key correspondence, offers for consultation and meetings held with AFN are included in Section 4.2.4 of this supplemental submission as well as Section 4, 4.4 and 4.4.1 of CNSC staff’s Consultation Report submitted in June 2024. CNSC staff acknowledge AFN’s concerns regarding their capacity, however CNSC staff note that AFN had not expressed interest to CNSC staff for more in-depth consultation regarding OPG’s Licence to Construct application. Additionally, no issues and concerns related to OPG’s Licence to Construct Application or approach to consultation had been raised directly with CNSC staff, prior to the submission of their intervention.</p> <p>CNSC staff are committed to seeking additional feedback from AFN to understand how they would like to work together in the future, including their preferred approach to consultation.</p> <p>CNSC staff are committed to working with AFN to determine their preferred approach to ensuring their perspectives are integrated into the consultation, review and decision-making process throughout the entirety of the DNNP, should it proceed and future nuclear projects. CNSC staff remain open to developing consultation plans with AFN for future projects, should that be of interest in AFN.</p> <p>CNSC staff also note that AFN and other Indigenous Nations and communities have the opportunity to have their perspectives considered in the decision-making process directly by the Commission, through the intervention and hearing process.</p> <p>Regarding the request for a model similar to the Indigenous Advisory Committee and Monitor Program – currently, the CNSC does not have the authority or funding to set up a specific Indigenous Advisory Committee for the DNNP LTC project. However, CNSC staff are committed to collaborating with each Michi Saagiig Nation (individually or collectively) regarding the oversight and monitoring of the DNNP, should it proceed, as well as reporting back to the Commission. This is included as a proposed commitment in Section 4.3.6 of the supplemental CMD.</p>	
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					CNSC staff are open to discussing different options for this. CNSC staff are proposing that this would include setting up a working group between the four Michi Saagiig Nations to work collaboratively on the oversight of the commitments made to the Nations.	
AFN #3	The CNSC's consultation process has not upheld the Declaration nor has our consent been sought by the CNSC, nor have we given consent, during the LTC process.	United Nations Declaration on the Rights of Indigenous Peoples Act	N/A	N/A	<p>The CNSC's approach to consultation and engagement with Indigenous peoples is mindful and incorporates the principles articulated in the UNDRIP. Specifically, for the LTC application, CNSC staff have been striving to achieve a consensus on the LTC, key issues and concerns raised by the Michi Saagiig Nations and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nation's perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required. Concerns raised by Indigenous Nations and communities, including related to consent or lack of consent for the DNNP LTC application, are considered as part of the public hearing and the Commission's decision-making process.</p> <p>CNSC staff have been actively working with Michi Saagiig Nations to understand their position on the project, including related to consent or lack for consent for the DNNP LTC application.</p> <p>Additionally, as outlined in CNSC staff's Consultation Report, potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed DNNP License to Construct Application, are encouraged to use the opportunity through their written and/or oral intervention. This will help assist and inform the Commission's decision-making for this matter.</p> <p>CNSC staff have proposed mitigations and commitments specifically in response to the concerns raised and requests made by the Michi Saagiig Nations, as outlined in Section 4.3.6 in CNSC staff's</p>	CNSC staff's view is that UNDRIP and UNDA has been appropriately considered and incorporated into the DNNP LTC application process. However, CNSC staff acknowledge that AFN has outstanding concerns regarding the CNSC implementation and the CNSC's mandate, role, regulations and processes, in light of UNDA CNSC staff will continue to work with AFN, as well as Natural Resources Canada, as appropriate on these broader concerns and recommendations as they relate to UNDA, the UNDA Action Plan, as well as the CNSC's mandate and regulations.

					<p>supplemental CMD 24-H3.F. CNSC staff are also aware that OPG has made specific commitments to address the concerns of AFN.</p> <p>The CNSC is also committed to continuing to evolve its approaches to align with best practices and guidance that emerge through whole-of-government implementation of UNDA, and the <i>UNDA Action Plan</i>, including those that relate to FPIC. This includes initiating formal consultation on proposed updates and amendments in 2024-2025 to the CNSC's REGDOC-3.2.2: <i>Indigenous Engagement</i> to provide nuclear proponents and licensees with further guidance and clarity with regards to how their approach to engagement and partnership with Indigenous Nations can align with the principles of UNDRIP.</p> <p>Additional information regarding how the CNSC has considered UNDA/ UNDRIP is included in Section 1.2 of CNSC staff's Consultation Report.</p> <p>In addition to the effort described above to address AFN's concerns, CNSC staff have recommended that the Commission direct Staff to continue to make efforts on the following commitments:</p> <p>Setting up broader policy discussions with AFN and other Michi Saagiig Nations to solicit their feedback and have discussions regarding the CNSC's approach to consultation, engagement, regulatory framework and UNDA implementation</p> <p>Setting up meetings and discussions with CNSC staff, AFN and Natural Resources Canada on UNDA policy.</p>	
AFN #4	The requested Rights Impact Assessment timelines imposed by the CNSC are incompatible with our ability to conduct a proper impact assessment.	Rights Impact Assessment	N/A	N/A	<p>CNSC staff acknowledge the concerns raised by AFN and the Michi Saagiig Nations regarding the RIA timelines. CNSC staff note that AFN has not raised concerns specific to the application or any concerns around the potential impacts on their Aboriginal and/or Treaty Rights directly with CNSC staff, prior to the submission of the intervention. However, CNSC staff have included an assessment of the potential impacts on rights from the LTC application in CNSC staff supplement CMD 24-H3.F. and have shared a draft with AFN for their review and feedback.</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application.</p>

					<p>CNSC staff acknowledge that Michi Saagiig Nations have raised concerns with regards to the Crown assessing potential impacts on their rights and their view that this comes across as paternalistic. CNSC staff have aimed to have a flexible approach to the RIA and encouraged the Michi Saagiig Nations to share information about their rights, how they are exercised (historically and currently), their views on the existing constraints on the exercise of their rights or potential impact pathways of OPG’s Licence to Construct application. Additional information about CNSC staff’s assessment, including efforts to collaborate on the DNNP LTC RIA, can be found in CNSC staff’s supplemental CMD 24.H3.F.</p> <p>In order for the Commission to make a decision on whether to grant a LTC, they will need to determine whether the Duty to Consult has been fulfilled. Based on this, CNSC staff are assessing and making a recommendation to the Commission regarding the potential impacts on rights from this decision based on the information available in advance of the Part 2 hearing, as part of the Crown’s legal Duty to Consult and where appropriate accommodate.</p> <p>CNSC staff conducted an assessment based on information available to date and made the following commitments to work to address the concerns raised regarding the RIA timelines and gaps in information needed to conduct a fulsome assessment:</p> <ul style="list-style-type: none"> Collaborating with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory; and Collaborating with the First Nations to update Rights Impact Assessments at future potential licensing phases to consider, reflect and incorporate the outcomes of the studies in the decision-making process. Collaborating on the oversight and monitoring of the DNNP and site to ensure AFN’s Rights and interests remain protected as new information is shared by the 	<p>However, CNSC staff acknowledge that AFN has outstanding concerns and are committed to working collaboratively with AFN to ensure that AFN’s Rights are protected over the lifecycle of the DNNP, should the project proceed.</p>
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					<p>Nations with regards to their knowledge, land use, Rights and interests</p> <p>Supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.</p>	
AFN #5	To the best of our knowledge the CNSC has not started an Indigenous Knowledge study.	Indigenous Knowledge	N/A	N/A	<p>CNSC staff have been having discussions with many of the Williams Treaties First Nations for many years about how the CNSC could support an Indigenous Knowledge study, either collectively or individually. CNSC staff have offered funding and remain committed to making funding available when requested. CNSC staff note that supporting an Indigenous Knowledge study has been in engagement workplans with multiple WTFNs for a number of years. CNSC staff have proposed a commitment to the Michi Saagiig Nations regarding the support for an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory.</p> <p>This commitment has been outlined in the CNSC Consultation Report and the Part 1 hearing presentation. The Commission directed CNSC staff to support the collaborative work on the Indigenous knowledge study through the Record of Decision for the Determination of Applicability of Darlington New Nuclear Project Environmental Assessment to OPG's Chosen Reactor Technology. CNSC staff have also proposed this commitment for the Commission to</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column. CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application</p>

					<p>consider in Section 4.3.6 of this supplemental CMD 24-H3.F.</p> <p>CNSC staff's understanding is that MSIFN has contracted a firm to draft a framework for Indigenous Knowledge research specific to OPG nuclear facilities, incorporating traditional governance structures from each participating Nation to assist the Mississauga WTFNs in moving forward. Once a framework is in place, each Nation will determine how to proceed in the best way for their community.</p> <p>CNSC staff are able to provide funding and support for the studies when requested by the First Nations. For example, on November 4, 2024, the CNSC awarded funding to Hiawatha First Nation to support community monitoring and MSIFN to support hiring staff to assist with the Indigenous Knowledge Study, Cumulative Effects Assessment, and Rights Impact Assessment.</p>	
AFN #6	<p>AFN should have been invited to participate in the Hearing Part 1 as other government ministries were invited to do. From AFN's perspective CNSC's and OPG's Hearing submissions on the DTCA went from misleading to incorrect. Without allowing the rights holding First Nation's an opportunity to speak at the Hearing, these inaccuracies went unchallenged</p>	Hearing Process	November 6 email to AFN	N/A	<p>CNSC staff note that the Part 1 and Part 2 are both parts of the same hearing, and that all issues are open to be discussed and addressed at Part 2. CNSC staff are aware that the Commission Registry is considering adjustments to the hearing process for the DNNP Part 2 hearing, in an effort to make it more respectful and considerate for AFN and other First Nation participants.</p> <p>CNSC staff have been supportive of the Michi Saagiig Nations working with the Registry to incorporate ceremony and cultural protocols into the Commission hearing process and ensure that the Nations are treated as rights holders as part of the decision making and regulatory process. Based on feedback received from the Michi Saagiig Nations through previous hearing processes, CNSC staff have worked with the First Nations and the Commission Registry to set up meetings to discuss this topic further.</p> <p>CNSC staff encourage AFN to raise concerns regarding the hearing process with the CNSC Commission Registry during the meeting between the Michi Saagiig Nations and the Registry, currently scheduled for December 9, 2024.</p> <p>CNSC staff shared draft documents for review by Indigenous Nations and communities who had raised</p>	<p>CNSC staff's view is that this concern has been addressed to the extent possible at this time for the DNNP LTC application.</p>

					<p>concerns with the CNSC regarding OPG's LTC application. This included draft versions of CNSC staff's Consultation Report, which much of the Part 1 presentation was based on, as well as draft slides and speakers notes specific to the consultation activities conducted with CLFN, HFN and MSIFN. CNSC staff incorporated feedback received into the documents before they were finalized and presented to the Commission. All of the information presented by CNSC staff was factual and based on existing records and information provided and confirmed by the Nations and OPG. CNSC staff also highlighted in the presentation that the Indigenous Nations and communities will be provided an opportunity to respond to CNSC staff's presentation and submissions and speak directly to the Commission at the Part 2 hearing.</p> <p>CNSC staff also note that no conclusions or recommendations regarding the Duty to Consult and, where appropriate, Accommodate, were made or included in the Part 1 presentation in order to provide additional time to collaborate and consult with Indigenous Nations and communities.</p> <p>As AFN has now become more engaged in the LTC regulatory process, CNSC staff offered to share drafts of staff's supplemental report, an issues tracking table, draft slides and speaking notes for the CNSC's Part 2 presentation with AFN for their review and input before their finalization. No response to this offer was received from AFN, however, CNSC staff shared drafts of the documents with AFN for their review and feedback and offered to set up meetings to discuss further.</p> <p>At the time of submitted the supplemental CMD, no response was received.</p>	
AFN #7	The onus to ensure proper consultation with AFN has been placed on us to negotiate terms, including the signed Letter of Intent ("LOI") with OPG. We believe OPG's intentions to work with us meaningfully are sincere. However, we are not aware of any	Oversight	N/a	N/A	<p>Throughout the consultation process, including in the interventions from the Michi Saagiig Nations, CNSC staff heard concerns regarding the need for OPG's commitments to the Nations to be binding and for there to be opportunities for the Nations to be involved in the oversight and monitoring of the commitments to ensure their rights and interests are protected. Based on this, CNSC staff have recommended a site-specific</p>	CNSC staff have proposed Licence Condition 15.4 in an effort to address this concern.

	<p>CNSC process that will hold OPG accountable if this does not happen.</p> <p>We are requesting the Commission order the creation of regulatory holdpoints with an enforcement mechanism to ensure that OPG is meeting its consultation obligations and upholding the intent of the negotiated LOI.</p>				<p>condition in the proposed DNNP construction licence and draft Licence Conditions Handbook. This is outlined in CNSC staff's supplemental CMD 24-H3.B. Licence condition 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence phase, should the Commission grant a construction licence. Additionally, it will require OPG to continue to collaborate with Michi Saagiig Nations on the various studies and assessments OPG has committed to.</p> <p>By including these requirements in the proposed licence and draft Licence Conditions Handbook, it will support the Commission in fulfilling the Duty to Consult and, where appropriate, accommodate. Additionally, it will ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities.</p> <p>CNSC staff remain open to discussing the approaches and different options to ensuring the commitments are upheld. As noted, CNSC staff have recommended the use of a Licence Condition and Compliance Verification Criteria in the Licence Condition handbook as the mechanism for this.</p>	
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A.2 Issues Tracking Table for the Mississaugas of Scugog Island First Nation (MSIFN) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff updated this table based on new concerns raised by MSIFN since the submission of the Consultation Report in June 2024. CNSC staff have also included the key themes raised in MSIFN's intervention, CMD 24-H3.8 and the CNSC's response to the key themes. CNSC staff shared this table with MSIFN for their review on November 25, 2024. No response was received.

Note (included in June 2024 submission) – CNSC staff shared this table with MSIFN for their review on February 29, 2024. On March 28, 2024 MSIFN provided feedback and edits. CNSC staff shared an updated version on May 23, 2024 for MSIFN's validation and views on the status of the concern. MSIFN responded with comments on the CNSC's revisions on June 10, 2024.

ID#	ISSUE OR CONCERN	THEME	RELEVANT CORRESPONDENCE (SEE APPENDIX B OF THE CONSULTATION REPORT OR APPENDIX C OF THE SUPPLEMENTAL CMD FOR DETAILS)	OPG RESPONSE	CNSC RESPONSE	STATUS OF ISSUE/ CONCERN
Issues and Concerns raised since the submission of the Consultation Report in June 2024						
MSIFN #21	MSIFN objects to the regulatory process advancing with waste management scoped out of the license to construct application. MSIFN has	Waste Management	N/A	OPG has indicated to MSIFN that a waste facility is not within the scope of the DNNP LTC and upcoming hearings. This activity	Waste management requirements that OPG is required to comply with, for this LTC, are specified in REGDOC-1.1.2 – this includes requirements for both hazardous and radioactive waste. The	CNSC staff are of the view that the concerns regarding OPG's

	<p>engaged legal counsel to advise it on these matters and notes that its intervention at the hearing will reference its objections and MSIFN expressed concern about the absence of confirmed plans for managing used nuclear fuel generated by DNNP SMRs using low-enriched uranium fuel, and the absence of confirmed plans for low and intermediate level nuclear waste generated on site.</p> <p><i>Included in MSIFN's intervention</i></p> <p>MSIFN raised concerns in their intervention CMD 24-H-3.81, that to realize the DNNP each component part is dependent on each other, therefore all of the components must be combined and dealt with as a single project phasing the assessment into segments may be inappropriate when the latter phases impact the rights of the Indigenous group. The most pressing aspect of the Project and its impact on MSIFN's rights is nuclear waste. Issuing the LTC without consideration of this vital aspect is, in our submission, wrong. the DNNP is missing crucial decisions on the plan for nuclear waste.</p>	/ phase licensing		<p>would go through a separate licensing and Commission's decision-making process. OPG notes that the LTC discusses the fuel characteristics and waste management strategy. Further detail on fuel and waste management will come out in subsequent stages of licensing if the project proceeds. There is an overall waste management strategy and safety case, submitted as part of the LTC, that covers these topics.</p> <p>Also, the waste table established with WTFN in August 2024 will further address concerns expressed by the Nations on this subject.</p>	<p>current licensing phase does not permit radioactive material on site and would only authorize the construction of the DNNP and not the operation of it. Radioactive waste management would be captured in future licensing phases such as a License to Operate. CNSC staff's view is that OPG has met the requirements for waste management for this current LTC application. The CNSC has not received an application for a waste management facility or a modification of an existing facility related to the DNNP. If this application is received, it will be subject to the CNSC's licensing process and consultation with Indigenous Nations and communities.</p> <p>CNSC staff note that the DNNP Environmental Assessment assessed the full life cycle of the DNNP. The Joint Review 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.</p> <p>Additional information about the CNSC's position on the phased licensing approach to waste management and what is required at this stage are found in ID MSIFN # 11 and 19 below.</p>	<p>waste management have been addressed within the CNSC's mandate and regulatory requirements for a Licence to Construct. CNSC staff are committed to ongoing discussions and consultation regarding OPG's nuclear waste management program at future potential licensing processes and/or stages (I.e. Licence to Operate)</p>
MSIFN #22	<p>MSIFN raised concerns that the CNSC Hearing process, in general, is not very accommodating or respectful to the Nation or Chief</p> <p><i>Included in MSIFN's intervention</i></p> <p>The WTFNs were not participants in the Hearing Part 1 on October 2, 2024. Despite other governmental agencies being invited to participate, the treaty-holding Nations were sidelined. CNSC staff stated in their Hearing submission that part of the CNSC's Indigenous consultations was the invitation to the WTFNs to participate in the Hearing Part 2</p> <p>This conduct is indicative of the colonial gatekeeping position the CNSC has implemented during consultation. As title holders we should be a party to the licensing applications especially as many of the Hearing submissions directly affected us, MSIFN <i>should</i> have been a party to the Hearing. Instead, we are reliant on the good graces of the CNSC to decide which aspects of the process we should and should not be invited to.</p>	Commission Hearing Process	N/A	N/A	<p>CNSC staff note that the Part 1 and Part 2 are both parts of the same hearing, and that all issues are open to be discussed and addressed at the Part 2 hearing in January 2025.</p> <p>Based on feedback received from MSIFN through previous hearing processes, CNSC staff have worked with the MSIFN and the other Michi Saagiig Nations and the Commission Registry to set up meetings to discuss this topic further.</p> <p>The goal of the meeting was for the Nations to discuss their previous experience at CNSC hearings and opportunities make adjustments to make the hearings more culturally appropriate and respectful to the First Nations. CNSC staff are aware that the Commission Registry is considering adjustments to the hearing process for the DNNP Part 2 hearing, in an effort to make it more respectful and considerate for MSIFN and other First Nation participants.</p> <p>CNSC staff encourage MSIFN to raise concerns regarding the hearing process with the CNSC Commission Registry during the meeting between the Michi Saagiig Nations and the Registry, currently scheduled for December 9, 2024.</p> <p>CNSC staff shared draft documents for review by Indigenous Nations and communities who had raised concerns with the CNSC regarding OPG's Licence to Construct application. This included</p>	<p>CNSC staff's view is that this concern has been addressed to the extent possible in relation to the DNNP LTC application.</p>

	There were inaccurate statements regarding Indigenous consultation that were submitted during the Hearing. As MSIFN was not invited to participate, we were unable to correct those statements.				<p>draft versions of CNSC staff's Consultation Report, which much of the Part 1 presentation was based on, as well as draft slides and speakers notes specific to the consultation activities conducted with CLFN, HFN and MSIFN. CNSC staff incorporated feedback received into the documents before they were finalized and presented to the Commission.</p> <p>All of the information presented by CNSC staff was factual and based on existing records and information provided and confirmed by the Nations and OPG. MSIFN indicates that inaccurate statements were made regarding the Indigenous Knowledge study and funding. More information about CNSC staff's response to these items are found in ID MSIFN #26 and MSIFN #27.</p>	
MSIFN #23	<p>MSIFN indicated there is a jurisdictional issue with construction on the lakebed. MSIFN indicated Nations have spoken with OPG on this issue and noted the jurisdictional issue needs to be resolved before anything can move forward. MSIFN noted that this was first raised in April and OPG indicated that they would have further discussions with the Nations about it but that has not yet happened.</p> <p>MSIFN indicated CNSC should look at jurisdictional issues and let the Nations and OPG know what they have discovered. Currently the lakebed is a grey zone and MSIFN is unsure if the Williams Treaty Settlement speaks to that. The issue needs to be resolved prior to any construction and the Nations will be looking into it.</p> <p><i>Included in MSIFN's intervention</i></p> <p>The CNSC recognized our jurisdiction over the water [MSFIN references the CNSC's land acknowledgement] The waters and lakebeds in the WTFNs have never been ceded. As such MSIFN claims jurisdiction to the lakebed and water at the DNNP. Any activity which impacts those lands and water requires consultation, not simply a process of sharing information, and consent of MSIFN.</p>	Lakebed Jurisdiction	October 8, 2024 email to MSIFN	OPG is continuing discussion with the WTFN's and the Provincial Ministry of Natural Resources and Forestry to discuss different options to work to address the concerns regarding the potential purchase or easement of the lakebed.	<p>Based on MSIFN's request, CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time.</p> <p>CNSC staff indicated to MSIFN that they are open to receiving more information from MSIFN to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with MSIFN and OPG, as appropriate. No response was received to this.</p> <p>CNSC staff note that the CNSC is not a rights-determining body and does not have the authority to confirm, establish or deny the existence of Indigenous and/or treaty rights as claimed or asserted by Indigenous Nations and communities. CNSC staff remain open to and reiterate the offer expressed in the October 8th, 2024, email and through meetings with MSIFN, to consult on this specific issue.</p> <p>In response to concerns raised from the Michi Saagiig Nations on this topic, CNSC staff have included a requirement in the Licence Condition Handbook for Licence Condition 15.4 for OPG to provide updates on the status of and engagement done on the potential purchase or use of an easement of the lakebed.</p>	In progress – CNSC staff to receive updates through ongoing oversight, should the Commission grant a construction licence
MSIFN #24	MSIFN raised concerns that there has been very little movement on OPG's Environmental Monitoring Augmentation Program. MSIFN indicated there are numerous issues that require mitigation (Bank swallows' habitat, potential fisheries issues, construction timing issues and windows) but not enough details have been	Environment	N/A	The Environmental Monitoring Augmentation Plan will be informed by the Indigenous Knowledge Study and a governance framework for the IKS is currently in progress. The IKS is being led by the Michi Saagiig Nations and funded by OPG.	CNSC staff are aware that OPG is committed to supporting and working with the Michi Saagiig Nations to develop an Environmental Monitoring Augmentation Plan, which would incorporate the Indigenous worldview into OPG's current environmental monitoring programs.	In progress – CNSC staff to receive updates through ongoing oversight, should the Commission grant a construction licence

	<p>shared with them for the Nation to determine what mitigation measures are appropriate. <i>Included in MSIFN's intervention</i></p> <p>For example, MSIFN indicates that OPG has continued to ignore MSIFN's request to apply a binding conservation easement for the three on site habitat creation areas. The purpose of these creation areas is intended to create habitat for Bank Swallow and SAR Bats, but without protection measures, such as conservation easements, OPG may be able to destroy these creation areas once established. Effectively, the <i>ESA</i> permit application for Unit 1 site preparation activities does not prevent OPG from removing these beneficial areas in the future by or include a restrictive covenant</p>			<p>OPG also engages with the Michi Saagiig Nations at least twice monthly on topics ranging from the Bank Swallow artificial nesting test structure, Environmental Assessment Follow Up activities, predictive Environmental Risk Assessment, Endangered Species Act permit applications for in-water works (design and construction of shoreline protection and intake/discharge), including Request for Review application under the Fisheries Act, and any other topics of interest to the Nations.</p> <p>OPG has also proposed the establishment of an environment table with the Michi Saagiig Nations to further collaboration on environmental topics. This table is currently in the discussion phase.</p>	<p>CNSC staff have proposed Licence Condition 15.4 to require OPG to continue ongoing Indigenous engagement specific to DNNP.</p> <p>The proposed Licence Condition Handbook (LCH) outlines the following requirement for OPG to continue to collaborate and engage with MSIFN and other Michi Saagiig Nations on “Scoping the extent, timing and content of an Environmental Monitoring Augmentation Program”.</p> <p>The proposed LCH also indicates that “The licensee, in collaboration with the Michi Saagiig Nations, shall incorporate the outcomes of these studies, where appropriate, into the licensee’s Environmental Monitoring and Environmental Assessment Follow-Up Plan. The licensee shall include an update on any progress made on these specific commitments in their report on the engagement activities (as described below). The report shall include any relevant information and context regarding the current status of, timelines, and progress made on the agreed upon studies and commitments.”</p> <p>CNSC staff are also aware that OPG is having ongoing discussions with the WTFNs about their request for an instrument to protect Beneficial Action Areas on-site. Based on concerns raised by MSIFN, CNSC staff have included a requirement in the Licence Condition Handbook for Licence Condition 15.4 for OPG to provide updates on the status of and engagement done on the beneficial action areas.</p> <p>ID MSIFN #6 below includes at additional information about SAR.</p>	
<p>MSIFN #25</p>	<p>MSIFN inquired on the emergency diesel generators at DNNP. MSIFN raised the following questions:</p> <ul style="list-style-type: none"> what are the potential safety risks of these emergency generators, particularly in the case of a malfunction or failure? What is the plan for ensuring the generators are always operational during emergencies? What is the timeline for response if the generators fail during an emergency? What are the long-term plans for the generators? Will they be regularly upgraded to ensure they are using the most sustainable technology? What environmental factors could impact the placement of the generators along the Lake Ontario shoreline, and how are these factors being addressed? Could the CNSC please provide specific regulations or guidelines for the placement of 	<p>Emergency Management</p>	<p>E-mail from MSIFN on September 17, 2024 CNSC email to MSIFN on October 10, 2024</p>	<p>The BWRX-300 reactor is designed with passive safety features, allowing it to control, cool, and contain the reactor and fuel without requiring active electrical power. Additionally, systems important to safety are supported by battery backup where necessary, as determined by analysis. The SDGs themselves are based on a proven design widely used in nuclear, medical, and industrial facilities, demonstrating high reliability, operability, and maintainability.</p> <p>To ensure standby diesel generators (SDGs) are operational during emergencies, routine testing and maintenance will be conducted. Testing frequency will align with manufacturer recommendations, plant safety analysis, technical specifications, and maintenance schedules to meet predetermined availability requirements. Final details regarding testing frequency will be</p>	<p>The standby generators provide power to essential instrumentation to allow for monitoring and lighting so these functions would be lost if they were to fail. CNSC staff note that in the event of a failure, the BWRX-300 is passive by design, meaning the reactor is capable to control, cool and contain an accident without any active electrical power.</p> <p>Testing these generators provides confidence that they will be functional when called upon. Testing and frequency depend on the type of equipment the proponent will purchase, which will be decided using many factors such as manufacturer recommendations, technical specifications for the equipment, and reactor safety would establish the test durations and frequency. Finer details on testing this are not developed at this stage of licensing. Also, DNNP plans to have 2 standby diesel generators (SDGs) for redundancy purposes and enhance availability/reliability.</p> <p>If a loss of offsite power (grid) occurs the standby diesel generators (SDGs) (permanent onsite) are expected to auto start, and essential loads would be picked up within 2 minutes. Onsite batteries have capabilities to provide power for 72 hours.</p>	<p>CNSC staff provided responses to these questions and offered to have further dialogue, if there were additional questions or concerns. MSIFN has not raised additional concerns on this topic at this time and CNSC staff’s view is that the concern has been adequately addressed in relation to the LTC application.</p>

	<p>generators in proximity to nuclear facilities? Additionally, please include access and accessibility requirements to the generators.</p>			<p>established following the development of purchase specifications, detailed plant design, and reactor safety review. This approach ensures that the SDGs are maintained and reliable when needed. Plant design is such that there is sufficient redundancy to ensure SDG availability requirements during maintenance activities.</p> <p>In the event of a loss of offsite power, the reactor's safety design ensures an automatic shutdown. The standby diesel generators (SDGs) are designed to start automatically, restoring essential loads within a predetermined timeframe and with sufficient fuel to operate for up to 1 week without external intervention. If the SDGs do not start as expected, trained plant personnel can manually intervene to attempt to restore power. The plant's passive design incorporates redundant systems, including onsite batteries that can supply power for up to 72 hours. Additionally, the plant is equipped with permanent connections to facilitate the use of portable generators, allowing the batteries to be recharged and critical safety equipment powered until SDG backup or offsite power is restored. The 72-hour battery capacity provides sufficient time for site personnel to address the loss of SDG availability during an event. The plant's design ensures reliable backup power and operational safety under such circumstances.</p> <p>The SDGs are based on a proven and reliable design widely used across industries, including nuclear, medical, and industrial facilities. They are designed to ensure high reliability, operability, and maintainability over the long term. All applicable testing and maintenance requirements are incorporated into plant design to ensure SDG continued operability and performance. Routine operator surveillance, engineering review of SDG operation as well as plant automation will identify component failures, or equipment degradation allowing for timely repairs or replacements. While the current SDG design is robust, OPG will evaluate</p>	<p>Sufficient fuel (1 week) should be available to refuel the SDGs and recharge the batteries. Similarly, if these SDGs were to fail and a complete loss of onsite AC power occurs, batteries can provide power for 72 hours and permanent connections will be installed to have means for portable generators to be hooked up and recharge the batteries until long-term service is re-established. Details on timing for emergency response personnel to hook up the portable generators have not been provided. However, the 72 hours of battery life should be more than sufficient to cater for this activity.</p> <p>Once the SDGs are in place, OPG will have to adhere to all applicable Institute of Electrical and Electronics Engineers (IEEE) testing and monitoring activities. If any indication demonstrates that such generators are not fit for service then they will be repaired/overhauled or replaced accordingly.</p> <p>All natural external hazards relevant to the DNNP site and the BWRX-300 have been assessed to prevent and mitigate their effects on Safety Class 1 (SC1) Structures, Systems and Components (SSC) and Safety Class 3 (SC3) SSCs such as standby diesel generators. The external hazards considered in the BWRX-300 design include Seismic Events (e.g. earthquake), Extreme Weather Conditions (e.g., extreme temperature, extreme precipitation, wind, tornadoes, etc.) and Extreme Hydrological Conditions (e.g. extreme lake levels, coastal flooding, onsite flooding, etc.) and climate change hazards. These external hazards are assessed based on geotechnical, seismological, hydrological, hydrogeological, and meteorological reference data of the DNNP site including climate change projection data to addresses changes in natural external hazards due to climate change. Significant safety margins are included in the evaluation of the design basis external hazards and the associated design aspects to ensure a conservative design. Note also that the BWRX-300 does not rely on electrical power to safely shutdown and cool the reactor in the event of a design basis accident.</p> <p>All natural external hazards relevant to the DNNP site and the BWRX-300 have been assessed to prevent and mitigate their effects on Safety Class 1 (SC1) Structures, Systems and Components (SSC) and Safety Class 3 (SC3) SSCs such as standby diesel generators. The external hazards considered in the BWRX-300 design include Seismic Events (e.g. earthquake), Extreme Weather Conditions (e.g., extreme temperature, extreme precipitation, wind, tornadoes, etc.) and Extreme Hydrological Conditions (e.g. extreme lake levels, coastal flooding, onsite flooding, etc.) and climate change hazards. These external hazards are assessed based on geotechnical, seismological, hydrological, hydrogeological, and meteorological reference data of the DNNP site including climate change projection data to addresses changes</p>	
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				<p>opportunities for upgrades to incorporate more sustainable and advanced technologies as they become available, ensuring the generators continue to meet operational and environmental standards over their lifecycle. The BWRX-300 reactor and the Darlington New Nuclear Project (DNNP) site are designed to address a broad range of natural external hazards, including seismic events, extreme weather (e.g., high winds, extreme temperatures, heavy precipitation, tornadoes), extreme hydrological conditions (e.g., lake level fluctuations, flooding), and the impacts of climate change. These hazards have been rigorously analyzed using site-specific geotechnical, seismological, hydrological, and meteorological data, as well as climate change projections. The plant design incorporates significant safety margins to ensure reliable performance under these challenging conditions. The BWRX-300 reactor employs a passive safety system that does not depend on electrical power for a safe shutdown. This design ensures that critical safety functions—control, cooling, and containment (3C's)—are maintained even in the absence of external or onsite power. Together, these features ensure the safety of the plant and the surrounding community, even during extreme natural events.</p> <p>SDG, enclosure, and placement on site is such that the SDG is protected from in plant as well as external events, maintenance activities can be performed in an efficient manner and that access via plant personnel can be completed in a timely manner.</p>	<p>in natural external hazards due to climate change. Significant safety margins are included in the evaluation of the design basis external hazards and the associated design aspects to ensure a conservative design. Note also that the BWRX-300 does not rely on electrical power to safely shutdown and cool the reactor in the event of a design basis accident.</p>	
MSIFN #26	<p><i>Included in MSIFN's intervention CMD 24-H3.81</i></p> <p>MSIFN indicates that the WTFNs have stressed the need and requirement for IK with CNSC and OPG for years. Despite years of discussion and promises of an IKS and LUS specific to the DNNP, a funding opportunity for the IKS was only put forward in April 2024. The CNSC incorrectly reported the existence of the studies during the Hearing.</p>	Indigenous Knowledge	N/A	N/A	<p>CNSC staff have been having discussions with many of the Williams Treaties First Nations for many years about how the CNSC could support and Indigenous Knowledge study (IKS), either collectively or individually. CNSC staff have offered funding and remain committed to making funding available when requested.</p> <p>CNSC staff's response to the questions raised at the Part-1 hearing were in reference the commitment by both OPG and CNSC staff related to supporting the IKS. CNSC staff did not intend to suggest that an IKS currently exists, rather that CNSC staff and OPG are committed to supporting the study that will be carried out</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staffs view is that this has been addressed to the extent possible in relation to</p>

	<p>MSIFN also indicated that they have raised concern about the lack of this study many times. There is currently no Indigenous Knowledge Study that CNSC or OPG are supporting with. MSIFN has told OPG that we would not be moving forward with any other studies until a Michi Saagiig guiding framework is in place.</p>				<p>by the Michi Saagiig Nations once a governance and guiding framework is in place.</p> <p>CNSC staff acknowledge that MSIFN has now indicated that they will not be moving forward with the studies until a guiding framework is in place. CNSC staff understand that this framework and the studies need to be done on the First Nations timelines.</p> <p>CNSC staff acknowledge MSIFN's concerns about the lack of a completed IKS at this time. CNSC staff have worked to understand whether MSIFN and other Michi Saagiig Nations are okay with the DNNP regulatory process occurring in parallel to work being progressed on the IKS and cumulative effects study. MSIFN has confirmed that this is the preference of their leadership. This position was confirmed at the May 13, 2024 meeting, notes for this meeting are included in an appendix in MSIFN's intervention for the DNNP Part 2 hearing.</p> <p>In order to work to address concerns regarding the IKS not currently being available, CNSC staff remain open to working with MSIFN and other WTFNs to understand how they would like their IK reflected and considered in CNSC processes in the interim period prior the completion of the studies as well as in the long-term. At the Part 1 hearing, CNSC staff noted that any Indigenous knowledge that is shared with the CNSC or the Commission will be considered in the decision-making process for OPG's LTC application.</p> <p>In addition to the efforts described above, CNSC staff have recommended that the Commission direct staff to implement the following commitments:</p> <p>CNSC staff are committed to collaborating with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory. CNSC staff have been informed that the Mississauga Nations of the Williams Treaties First Nations are working on a governance model for the studies and that the studies could take multiple years to complete. CNSC staff are able to provide funding and support for the studies when requested by the First Nations.</p> <p>CNSC staff are committed to working with the Michi Saagiig Nations to determine how they want the results of these studies, when provided to CNSC and OPG, to be incorporated, considered and reflected in the CNSC's regulatory processes and ongoing oversight of the DNNP, should the project proceed. CNSC staff commit to adjusting the approach to oversight of the DNNP as new information is shared with regards to the Nations knowledge, land use, Rights and interests. As outlined in the draft LCH this could include, but is not limited to incorporating the outcomes of</p>	<p>the DNNP LTC application.</p>
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					these studies into the Environmental Monitoring and Environmental Assessment Follow-Up Plan. The knowledge and information could also help inform the CNSC’s Independent Environmental Monitoring Program (IEMP) as well as help inform CNSC compliance and oversight activities for the DNNP. However, CNSC staff have not specified the exact timing, mechanisms or approach as this process needs to be driven by the Michi Saagiig Nations.	
MSIFN #27	<p><i>Key theme raised in MSIFN’s intervention CMD 24-H3.81</i></p> <p>MSIFN raises concerns the CNSC has not committed to supporting a broader RIA study or IKS and that funding and support have been requested without a response or commitment from CNSC regarding the funding proposal submitted on June 14, 2024.</p> <p>MSIFN raised concern regarding the timelines of when funding was made available to participate in this public hearing available through its Participant Funding Program. MSIFN indicates that to participate in Hearing #2 written submissions were due on November 4th, 2024. MSIFN participant funding was not confirmed until a week before.</p> <p>This left us in a precarious situation: wait for funding confirmation and risk not having a properly researched and written submission or proceed with the expense of preparing the submission with no guarantee of funding. On October 28, 2024, one week prior to this submission's deadline, we finally received a commitment of the requested funds.</p> <p>MSIFN's responsibility to protect our citizen's treaty and aboriginal rights is a top priority. We made the decision to proceed with a proper submission without the CNSC providing funds appropriately ahead of the submission deadline</p> <p>MSIFN notes that when funding was initially made available, only one hearing was planned. MSIFN was awarded funding to participate in the Hearing Part 1, and later had to request the opportunity to apply for additional funding to participate in the Hearing Part 2 and retain legal counsel, once details were released.</p>	Funding	N/A		<p>Indigenous and Stakeholder Capacity Fund:</p> <p>CNSC staff note that MSIFN submitted a funding application for stream 1 of the Indigenous and Stakeholder Capacity Funding on June 14, 2024, which included a request for funding to hire and train one full-time staff that is a community member to support MSIFN on all nuclear-related files and to coordinate and participate in activities with the CNSC including assisting with the Indigenous Knowledge Study, Cumulative Effects Assessment, and Rights Impact Assessment for a period of two years. The application was approved for the full amount on November 4, 2024.</p> <p>Participant Funding Program (PFP) for DNNP LTC:</p> <p>CNSC staff note that the PFP opportunity for the DNNP LTC was open from October 10, 2023 to December 8, 2023. MSIFN received their contribution agreement on February 19, 2024.</p> <p>To clarify, the scope of this PFP was not to participate in the Part 1 hearing, but rather to support MSIFN in reviewing the LTC, gathering feedback on the application and summarizing the findings and recommendations in a written report to the CNSC.</p> <p>The CNSC made PFP available in advance of a decision being made on the applicability of the EA, with the goal of providing additional time to review the available documents. As indicated in the contribution agreement, in the case that the Commission rendered a positive decision on the applicability of the EA, the funding was also to cover the additional objectives of having MSIFN review CMDs, submit a written intervention and participate in the Commission hearing in-person.</p> <p>CNSC staff acknowledge that the change to having a 2-part hearing could result in additional funding requirements, such as additional funding to observe the Part 1 hearing, participate in additional consultation activities, review additional documents and retain legal counsel. On September 11, 2024, MSIFN applied for additional funding.</p> <p>CNSC staff acknowledge the additional funding decision was delayed until October 28, 2024 and acknowledge the challenging position that this put MSIFN in. CNSC staff note that since the funding was, in part, for a joint legal retainer between the 4 Michi Saagiig Nations, the Funding Review Committee was aiming to</p>	CNSC staff’s view is the concern around funding as been addressed to the extent possible at this point, in relation to the LTC application

					have all of the applications from the four Nations submitted prior to making a decision, which caused a delay in the decision due to the differing timing of when each Nation submitted a funding application to the CNSC. CNSC staff note that Commission Registry demonstrated flexibility by providing an extension to MSIFN to submit their intervention.	
MSIFN #28	<p><i>Key theme raised in MSIFN's intervention CMD 24-H3.81</i></p> <p>MSIFN raised concerns regarding the CNSC's approach to Indigenous Consultation, including:</p> <p>The approach to consultation was unilaterally developed and forced upon MSIFN. MSIFN notes that a consultation protocol was not established for the DNNP and that this misstep has tainted every consultation action since.</p> <p>MSIFN has not been invited or permitted to be a participant during decision making phases including higher strategic consultation processes. the mischaracterizing MSIFN as a stakeholder rather than a rights holder.</p> <p>Need for an adequate mandate to engage in meaningful dialogue, and must not limit itself to listening to and recording the concerns of Indigenous peoples before transmitting those concerns to decision-makers. Unfortunately MSIFN's experience with the DNNP consultation has been little more than receiving information and reporting our concerns. There has not been meaningful dialogue.</p> <p>The timelines for the DNNP consultation were unilaterally established by the Crown to meet their and OPG's needs. They do not meet MSIFN's requirements. The consultation timelines should be based on the First Nations' process not on the Crown's objectives. The capacity of MSIFN must be appreciated and accommodated</p> <p>MSIFN notes that the Commission must look at the consultation activities and decide if, from MSIFN's perspective not the CNSC's perspective, these actions meet the common law standard of meaningful consultation. MSIFN's position is that they do not. We have negotiated directly with OPG for this phase of the project to overcome the Crown's failings.</p>	Indigenous Consultation	Multiple correspondence, included in the appendix B of the Consultation Report and Appendix C of the supplemental CMD		<p>CNSC staff have aimed to have a flexible and customized approach to consultation for the DNNP LTC, being mindful and sensitive to each Indigenous Nation and communities specific Rights, interests, capacity and needs.</p> <p>In May 2022, CNSC staff provided initial notice that CNSC expected OPG to submit a LTC application for the DNNP. CNSC staff's notice indicated that CNSC staff were initiating engagement prior to receiving OPG's licence application with the goal of collaborating to develop a mutually agreeable consultation and engagement process early on in the regulatory process with each Indigenous Nation and community. It was not until MSIFN submitted comments on the confidentiality request on September 24, 2024 that any interest was expressed in developing a consultation protocol for the DNNP.</p> <p>Since the initial notification, CNSC staff continued to seek input and feedback from the Williams Treaties First Nations on how they would like to be consulted specifically for the LTC application and what would be meaningful for them.</p> <p>CNSC staff's goal with the consultation efforts leading up to the Part 2 hearing was to strive to achieve consensus on the key issues and concerns raised by the Indigenous Nations and communities and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nations perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required.</p> <p>CNSC staff's view is that efforts have been made to have meaningful two-way dialogue and explore possible accommodations and commitments in response to concerns raised by MSIFN. CNSC staff have not only documented information about MSIFN's concerns, but rather have worked to address the concerns raised by:</p> <p>Recommending that the Commission direct CNSC staff to implement the mitigation measures proposed in Section 4.3.6 of CNSC staff's supplemental CMD 24-H3-F;</p> <p>Proposing Licence condition 15.4, in order to require OPG to continue to engage with Indigenous Nations during their licensing</p>	<p>CNSC staff's view is that the concerns about meaningful consultation has been and will continue to be addressed through the responses and commitments of CNSC staff, to the extent possible specific to the LTC application. Details regarding CNSC staff's efforts for consultation are included in the Consultation Report and the Supplemental CMD.</p> <p>CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from MSIFN</p>

					<p>term and ensure CNSC oversight and reporting on OPG’s commitments, should the project proceed.</p> <p>Providing opportunities for further discussion and two-way dialogue whenever CNSC staff provided written responses or shared the CNSC staff’s position on different questions or topics of interest or concern raised by MSIFN.</p> <p>Through the consultation process, CNSC staff specifically requested feedback from MSIFN about whether they feel any additional mitigation, commitments or accommodates measures were required to address their concerns regarding the LTC application and whether MSIFN would like to conduct additional specific consultation activities with the goal of fulfilling the Crown’s Duty to Consult and, where appropriate, accommodate. MSIFN indicated a preference to have consultation conducted collaboratively with the 4 Michi Saagiig Nations and CNSC staff organized the November 18th 2024 meeting based on this request. No additional requests for accommodation were made directly to CNSC staff, however CNSC staff acknowledge that MSIFN have included additional requests directly to the Commission through their intervention. CNSC staff encourage MSIFN to share their views on the mitigation and accommodation measures directly with the Commission at Part 2 of the hearing.</p> <p>CNSC staff acknowledge MSIFN’s concerns regarding the timelines not meeting MSIFN’s requirements. In response to concerns regarding the timelines raised by MSIFN and other Michi Saagiig Nations and in an effort to provide additional time for consultation, CNSC staff did not make a recommendation related to the Duty to Consult and, where appropriate, accommodate in the June 2024 submission of the CNSC Staff’s CMD and Consultation Report.</p> <p>Additionally, CNSC staff have worked to understand whether the Michi Saagiig Nations felt additional time was needed prior to a decision being made on the DNNP LTC application. In the September 3, 2024 DNNP specific meeting (notes include in MSIFN’s intervention), MSIFN indicated that they have never stated a desire to delay this decision, but feel the process is proceeding on a rushed timeline which doesn’t allow for thorough consultation. CNSC staff have also indicated that the Commission will need to make a determination on whether the Duty to Consult and, where accommodate, has been fulfilled. The Commission will consider the perspectives and recommendations shared by both MSIFN, other First Nations and CNSC staff.</p> <p>CNSC staff also acknowledge MSIFN’s concern that have negotiated directly with OPG for this phase of the project to overcome the Crown’s failings at the common law standard of meaningful consultation. CNSC staff note that as per the requirements and guidance of REG DOC 3.2.2, OPG is expected</p>	
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					to engage with Indigenous Nations and communities and work to address their issues and concerns, including through mitigation measures to address potential impacts on rights, in support of the CNSC’s consultation obligations. As outlined in the CNSC’s Notice of Hearing for the DNNP LTC hearings published on June 27, 2024 and CNSC staff’s consultation report, while the Crown cannot delegate the Duty to Consult and is ultimately responsible for ensuring the discharge of the Duty to Consult, and where appropriate, accommodate, is fulfilled, the Commission will consider the engagement undertaken by OPG when determining whether consultation has been adequate. The information collected by OPG, including measures proposed by OPG to avoid, mitigate, or offset potential adverse impacts from the DNNP are used to support the CNSC in meeting its consultation obligations. This consideration does not mean that the consultation undertaken by CNSC staff stops or is replaced by OPG’s engagement, but rather that both continue concurrently.	
MSIFN #29	<p><i>Key theme raised in MSIFN’s intervention CMD 24-H3.81</i></p> <p>MSIFN raised concerns that REG DOC 3.2.2 was not developed in collaboration with MSIFN and is not specific to SMRs. MSIFN has requested the Commission commit to the CNSC undertaking a full strategic review, along side Indigenous Nations, of the CNSC’s regulatory framework for Indigenous engagement to identify and fill regulatory gaps and updates to the CNSC REGDOC 3.2.2 to reflect UNDRIP and FPIC</p>	CNSC Regulatory Framework	N/A	N/A	<p>CNSC staff note that consultation and engagement with Indigenous Nations and communities was conducted when REGDOC 3.2.2 was originally developed and published in 2016. REGDOC 3.2.2 is applicable to all nuclear projects and applications which raise the Duty to Consult and, where appropriate, accommodate.</p> <p>The CNSC is currently working to update and modernize REGDOC 3.2.2 <i>Indigenous Engagement</i>. This work involves a cross-functional working group of CNSC staff members, as well as input from Indigenous Nations and communities, the nuclear industry and members of the public and eventually a decision on and approvals of the revised REGDOC by the independent CNSC Commission. CNSC staff received detailed feedback in the Summer/Fall 2023 early engagement period on the proposed changes to the REGDOC. This includes feedback from MSIFN. The feedback was analysed by CNSC staff, who published a What We Heard Report (cnscccsn.gc.ca) in the Fall, 2024. The feedback has been incorporated in the draft updated REGDOC that will undergo formal consultation in the spring 2025.</p> <p>The formal consultation on the document is much more in depth than the early engagement and all Indigenous Nations and communities, industry and members of the public will have the opportunity to participate and provide comments in the Spring 2025. Capacity support to participate in the formal consultation process will be provided through stream 2 of the Indigenous and Stakeholder Capacity Fund. CNSC staff will publicly communicate when the funding applications are available in the coming months.</p>	CNSC staff’s view is that this issue will be addressed through the consultation process on the updates to REG DOC 3.2.2, as outlined in the CNSC response column.

					<p>The updated REGDOC is anticipated to be published in Q1 of 2026-2027.</p> <p>CNSC staff are committed to continuing to keep MSIFN informed of the consultation process on REG DOC 3.2.2. CNSC staff are open to having discussions with MSFIN and other Indigenous Nations and communities regarding the CNSC’s regulatory and policy framework. CNSC staff’s goal is to ensure that the updated REGDOC reflect and incorporates the principles of UNDRIP and helps to support the Government of Canada’s implementation of the UNDA.</p>	
MSIFN #30	<p><i>Key theme raised in MSIFN’s intervention CMD 24-H3.81</i></p> <p>MSIFN notes that the Crown must consider the impacts of the current DNGS and the PNGS in relation to the future impacts of the DNNP. From MSIFN’s perspective this has not been done, especially in light of the new waste considerations for the PNGS. The WTFNs were not duly considered in the original decisions of the two nuclear stations, they were not meaningfully consulted during the 2009 EA and the current consultation process is an affront to their status as title holders. The Crown’s conduct continually denies MSIFN’s inherent jurisdiction. The Crown must consult with the Indigenous treaty nations to understand, assess and determine the cumulative impacts of their projects. MSIFN’s concerns on cumulative impacts have not been adequately addressed, particularly with waste.</p> <p>MSIFN has raised concerns that CNSC staff’s draft supplemental submission indicated that cumulative effects on rights were out of scope for the LTC application.</p>	Cumulative effects	Letter from MSIFN November 19 and CNSC staff response November 28		<p>CNSC staff note that cumulative effects were considered and assessed in the EA and EIS Review process. Additional information regarding the cumulative effects assessments conducted from the DNNP are found in ID MSIFN# 18.</p> <p>CNSC staff wish to clarify that cumulative and legacy impacts are considered by CNSC staff when assessing potential impacts on rights. Cumulative and legacy impacts are not out of scope for this decision.</p> <p>The CNSC considers the current conditions of a site to be the baseline for assessing potential impacts on rights, however the CNSC takes into consideration how historical and current cumulative effects may already impact those conditions, or how future foreseeable projects may have an impact This information, from the perspective of Indigenous Nations, is important context that is taken into consideration into completing RIAs and CNSC’s approach to Consultation.</p> <p>For the LTC RIA, CNSC staff sought feedback from MSIFN on how to include and consider their perspectives on historic and cumulative effects as part of the RIA. CNSC staff encouraged MSIFN to work collaboratively with CNSC staff on the narrative of their key concerns regarding cumulative effects to ensure that the Commission has the context of the current state of the territory, existing limitations on the ability of MSIFN to exercise their rights and how the potential construction could impact the current conditions. To date, CNSC staff have not received feedback in from MSIFN on these perspectives. However, CNSC staff have considered and reflected the fact that MSIFN citizens and other WTFN are currently unable to use land and resources at the Darlington site, not by choice, but because it is inaccessible to the First Nations in the assessment included in CNSC staff supplemental CMD.</p> <p>CNSC staff have acknowledged that detailed information may not be readily available at this time but have made efforts to work with MSIFN to gather and incorporate information that is available at this time to support the decision-making process.</p>	<p>CNSC staff’s view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staffs view is that this has been addressed to the extent possible and that historical and cumulative effects have been considered in relation to the DNNP LTC application.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns and are committed to working collaboratively with MSIFN to discuss the CNSC’s approach to cumulative effects assessment, legacy impacts and the baseline that is considered by the CNSC when conducting assessments. CNSC staff proposed continuing to work through these broader</p>

					<p>In addition to the effort described above to address MSIFN’s concerns, CNSC staff have recommended that the Commission direct staff to continue to make efforts on the following commitments:</p> <p>Supporting a cumulative effects assessment and working with MSIFN to incorporate the outcomes of the study in CNSC’s regulatory processes and ongoing oversight of the DNNP, should the project proceed.</p> <p>Working with MSIFN, Natural Resources Canada and OPG on the broader concerns regarding historical and legacy impacts</p> <p>CNSC staff are committed to supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities in their territory, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.</p>	<p>issues through the existing Terms of Reference for Long Term engagement as well as with Natural Resources Canada and OPG.</p>
MSIFN #31	<p><i>Key theme raised in MSIFN’s intervention CMD 24-H3.81</i></p> <p>MSIFN notes that that it is necessary to ensure MSIFN’s rights are adequately recognized and protected through CNSC regulations or policies that hold proponents including OPG accountable; The CNSC must retain an element of control over OPG’s adherence to any of its commitments to MSIFN which is best done by including such compliance as a condition of the order. MSIFN requires the Commission to create holdpoints to ensure OPG meets its promises under the negotiated LOIs. This ensures compliance by OPG but permits the continued development of the DNNP while protecting MSIFN’s rights. Such a condition, while novel for Indigenous rights, is exactly the same approach used by the CNSC to ensure technical compliance. This negotiated approach is a stop-gap measure to prevent delays in the current licensing application but must be replaced with a permanent regulatory process to ensure proponent compliance. MSIFN has taken a very practical approach to ensure protection of its rights in the immediate matter while providing a</p>	Monitoring and oversight	October 10 email from CNSC staff	N/A	<p>Throughout the consultation process, including in the interventions from the Michi Saagiig Nations, CNSC staff heard concerns regarding the need for OPG’s commitments to the Nations to be binding and for there to be opportunities for the Nations to be involved in the oversight and monitoring of the commitments to ensure their rights and interests are protected. Based on this, CNSC staff have recommended a site-specific condition in the proposed DNNP construction licence and draft Licence Conditions Handbook. This is outlined in CNSC staff’s supplemental CMD 24-H3.B.</p> <p>Licence condition 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence phase, should the Commission grant a construction licence. Additionally, it will require OPG to continue to collaborate with the Michi Saagiig Nations on the various studies and assessments OPG has committed to.</p> <p>By including these requirements in the proposed licence and draft Licence Conditions Handbook, it will support the Commission in fulfilling the Duty to Consult and, where appropriate, accommodate. Additionally, it will ensure that CNSC staff have a mechanism for regulatory oversight of OPG’s engagement and commitments made to the Indigenous Nations and communities.</p> <p>At an MSIFN/CNSC meeting on October 1, 2024, CNSC staff indicated that based on feedback from MSIFN that OPG’s</p>	<p>CNSC staff have proposed Licence Condition 15.4 in an effort to address this concern.</p>

	<p>road map for the CNSC to alter its framework and approach for future applications.</p>				<p>commitments needed to be binding, CNSC staff have proposed licence condition 15.4. CNSC staff noted that any feedback on the proposed licence condition was welcome, either through MSIFN’s intervention or comments directly to CNSC staff. Following the meeting, CNSC staff shared a link to the CNSC staff’s supplemental CMD: 24-H3.B, which included the proposed condition and Licence Condition Handbook.</p> <p>CNSC staff remain open to discussing the approaches and different options to ensuring the commitments are upheld. As noted, CNSC staff have recommended the use of a Licence Condition and Compliance Verification Criteria in the Licence Condition handbook as the mechanism for this.</p> <p>CNSC staff are committed to collaborating with each Michi Saagiig Nation (individually or collectively) regarding the oversight and monitoring of the DNNP, should it proceed, as well as reporting back to the Commission. This is included as a proposed commitment in Section 4.3.6 of the supplemental CMD.</p> <p>CNSC staff are open to discussing different options for this. CNSC staff have proposed setting up a working group between the four Michi Saagiig Nations, CNSC staff and OPG to work collaboratively on the oversight of the commitments made to the Nations.</p>	
<p>MSIFN #32</p>	<p><i>Key theme raised in MSIFN’s intervention CMD 24-H3.81</i></p> <p>MSIFN raised concerns that the CNSC’s consultation to date has not upheld UNDRIP or the UNDA Action Plan. MSIFN indicates that there has been no request for consent, no seeking of consent, no mechanism to enforce the Proponent’s promises to MSIFN, no consultation on the process which seems to be ad hoc, and no real dialogue simply a one-way conversation. CNSC’s current process is outdated and does not align with the federal government nor NRCan’s legal obligations. MSIFN notes that The CNSC must recognize and respond accordingly to the SCC’s interpretation of the <i>UNDRIPA</i> as a pre-existing set of rights that must continue to animate Canadian law. MSIFN is concerned that current and near-future CNSC decisions including this LTC decision may not be informed by the Declaration as “domestic positive law.” Future aspirations of the CNSC should not prevent the Commission from requiring the CNSC from applying the law now.</p>	<p>UNDA and FPIC</p>	<p>Letter from MSIFN November 19 and CNSC staff response November 28</p>		<p>CNSC staff have updated the draft supplemental CMD based on MSIFN’s feedback.</p> <p>CNSC staff wish to clarify that UNDA is not out of scope of the DNNP LTC decision. CNSC staff have considered and incorporated UNDA/UNDRIP into this application by striving to achieve consensus on the key issues and encouraging Indigenous Nations and communities to express their views directly to the Commission regarding their process and position on their Free, Prior and Informed Consent (FPIC) as it related to the DNNP (detail below).</p> <p>The CNSC’s approach to consultation and engagement with Indigenous peoples is mindful and incorporates the principles articulated in the UNDRIP. Specifically, for the DNNP LTC application, CNSC staff have been striving to achieve a consensus on the LTC, key issues and concerns raised by the MSIFN and other Michi Saagiig Nations and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nation’s perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG’s LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required. Concerns raised by Indigenous Nations and communities, including related to consent or lack of consent for</p>	<p>CNSC staff’s view is that UNDA has been appropriately considered and incorporated into the LTC application process.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns regarding the CNSC implementation and the CNSC’s of UNDA. CNSC staff will continue to work with MSIFN, as well as Natural Resources Canada, as appropriate on these broader UNDA policy concerns.</p>

	<p>MSIFN raised absence of FPIC for project activities is notable within the CNSC’s Hearing submission despite MSIFN having raised this request on several occasions</p> <p>MSIFN has raised concerns that CNSC staff’s draft supplemental submission indicated that UNDRIPA is out of scope of the DNNP LTC application.</p>				<p>the DNNP LTC application, are considered as part of the public hearing and the Commission’s decision-making process.</p> <p>CNSC staff have been actively working with MSIFN and the other Michi Saagiig Nations to understand their position on the project, including related to consent or lack for consent for the LTC application. CNSC staff have been working to support communicating this position and included a section in the supplemental CMD for MSIFN to indicate their position on this, should they wish. No response was received.</p> <p>Additionally, as outlined in CNSC staff’s Consultation Report, potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed LTC application, are encouraged to use the opportunity through their written and/or oral intervention. This will help assist and inform the Commission’s decision-making for this matter.</p> <p>CNSC staff have proposed mitigations and commitments specifically in response to the concerns raised and requests made by MSIFN, as outlined in Section 4.3.6 in CNSC staff’s supplemental CMD 24-H3.F. CNSC staff are also aware that OPG has made specific commitments to address the concerns of MSIFN. CNSC staff have proposed Licence Condition 15.4 and the associated Compliance Verification Criteria in the Licence Condition Handbook as the mechanism to ensure oversight of OPG’s commitments to MSIFN.</p> <p>The CNSC is also committed to continuing to evolve it’s approaches to align with best practices and guidance that emerge through whole-of-government implementation of UNDA, and the <i>UNDA Action Plan</i>, including those that relate to FPIC. This includes initiating formal consultation on proposed updates and amendments in 2024-2025 to the CNSC’s REGDOC-3.2.2: <i>Indigenous Engagement</i> to provide nuclear proponents and licensees with further guidance and clarity with regards to how their approach to engagement and partnership with Indigenous Nations can align with UNDA.</p> <p>Additional information regarding how the CNSC has considered UNDA is included in Section 1.2 of CNSC staff’s Consultation Report.</p> <p>CNSC staff have made the following commitments to work to address MSIFN’s broader concerns with regards to the CNSC’s implementation on UNDA:</p> <p>Planning on setting up broader policy discussions with MSIFN and other Michi Saagiig Nations to solicit their feedback and have discussions regarding the CNSC’s approach to consultation, engagement, regulatory framework and UNDA implementation</p>	
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					Setting up meetings and discussions with CNSC staff, MSIFN and Natural Resources Canada on UNDA policy. Consulting with MSIFN on the updates to REGDOC-3.2.2: <i>Indigenous Engagement</i>	
MSIFN #33	<p><i>Key theme raised in MSIFN's intervention CMD 24-H3.81</i></p> <p>MSIFN has indicated that the CNSC should implement APM 34 similar to the CER as the CNSC has the authority to follow the CER's precedent and enable Indigenous governing bodies to exercise regulatory authority in conjunction with the nuclear decisions and matters given that the Commission has existing powers to (i) enter into arrangements, (ii) establish advisory, standing and other committees, and (iii) certify persons to carry out duties under the NSCA.</p> <p>MSIFN is seeking to have the CNSC commit to pursue a restructuring of its organization in a manner similar to that used by the CER to include Indigenous peoples so that it may better comply with Canada's legal obligations to Indigenous peoples. In MSIFN's view, NRCan should be providing further explicit direction, and if necessary, resources, to CNSC to develop Indigenous engagement model similar to what CER has implemented</p> <p>MSIFN has requested that the Commission commit to striking a task force to create an Indigenous Advisory Committee</p>	UNDA – APM 34	N/A		<p>CNSC staff note that as referenced by MSIFN, the Commission can enter into agreements and establish advisory, standing, and other committees, however, the Commission's power to certify persons to carry out duties under the NSCA refers to inspectors and Designated Officers. Regarding Action Measure #34, the CNSC is not named in that measure and is not currently in a position to initiate or lead that measure. It is currently being led by Natural Resources Canada and the Canadian Energy Regulator. Currently, the CNSC does not have the authority or funding to set up a specific Indigenous Advisory Committee. However, CNSC staff are committed to collaborating with each Michi Saagiig Nation (individually or collectively) regarding the oversight and monitoring of the DNNP, should it proceed, as well as reporting back to the Commission. This is included as a proposed commitment in Section 4.3.6 of the supplemental CMD.</p> <p>CNSC staff proposed the following approach to continue discussions on these important topics and work to address these concerns:</p> <p>setting up broader policy discussions with MSIFN and the Michi Saagiig Nations on the CNSC's approach to consultation, engagement, regulatory framework and UNDA implementation supporting MSIFN in raising their suggestions to NRCan to direct the CNSC to develop Indigenous engagement model similar to what CER has implemented. This could be done either by providing contacts to relevant NRCan staff or setting up a tri-party meeting.</p> <p>CNSC staff are open to discussing different options for collaborating with MSIFN on the oversight and monitoring for DNNP. CNSC staff have proposed setting up a working group between the four Michi Saagiig Nations to work collaboratively on the oversight of the commitments made to the Nations.</p>	<p>CNSC staff's view is that UNDA has been appropriately considered and incorporated into the DNNP LTC application process. However, CNSC staff acknowledge that MSIFN has outstanding concerns regarding the CNSC implementation and the CNSC's of UNDA. CNSC staff will continue to work with MSIFN, as outlined in the CNSC response column on these broader UNDA concerns.</p>
MSIFN #34	<p><i>Key theme raised in MSIFN's intervention CMD 24-H3.81</i></p> <p>MSIFN notes that the current RIA process has been inadequate and has amounted to the providing of information and seeking responses which falls short of the legal requirements of meaningful consultation. MSIFN has been clear since the CNSC first presented their desire for an</p>	Rights Impact Assessment	Multiple correspondence in Appendix B of the Consultation Report June 20 th email to MSIFN		<p>In October 2023, based on concerns raised from MSIFN and other Michi Saagiig Nations that the LTC application could impact their rights, CNSC staff presented the CNSC's general framework for RIAs to MSIFN. The goal was to discuss different options for assessing potential impacts on rights, collaboratively drafting the report and seek feedback from MSIFN on how they would like to collaborate on gathering information, assessing potential impacts and identifying mitigation and accommodation measures to</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p>

	<p>RIA on October 10, 2023, that neither the framework nor the timelines proposed are appropriate for this RIA and no consensus from MSIFN or the other WTFNs has been sought or given.</p> <p>Any RIA submitted during the DNNP LTC is precedent setting and has the potential to freeze the impact assessment at this particular point in time. This RIA would be the first impact assessment conducted since the WTFN's Settlement Agreement in 2018. It will therefore be precedent setting in terms of being the first RIA for both the DNNP and for the shared rights of the WTFNs. Due to the gravity of the requested RIA and the scope of the DNNP, MSIFN is unable and unwilling in the circumstances to provide an incomplete and inaccurate assessment simply to meet the CNSC's timelines.</p> <p>MSIFN believes that the CNSC has not taken our concerns seriously and has presented an inappropriate framework and timeline from which they refuse to deviate. As such, we are in our right not to conduct an RIA which in our opinion will be harmful to our rights. MSIFN requested a time extension to properly conduct a Rights Impact Assessment. We were denied.</p> <p>During a recent meeting between MSIFN and the CNSC, the CNSC staff seemed aggravated and alluded to MSIFN's actions as frustrating its process. MSIFN vehemently rejects any insinuation that we are frustrating the process.</p>		<p>October 30 email to MSIFN</p>		<p>address any potential impacts on rights and interests from the LTC application.</p> <p>Since that time, CNSC staff have continued to seek feedback on the preferred approach, as well as encourage MSIFN to share information about their rights, how they are exercised (historically and currently) their views on the existing constraints on the exercise of their rights or potential impact pathways of OPG's Licence to Construct application. Additional information about CNSC staff's assessment, including efforts to collaborate on the DNNP LTC RIA, can be found in CNSC staff's supplemental CMD 24.H3.F.</p> <p>CNSC staff acknowledge the concerns raised by MSIFN and the other Michi Saagiig Nations regarding the RIA scope and timelines, including the fact that the Indigenous Knowledge study and cumulative effects study will not inform the RIA for the DNNP LTC application. At a meeting between MSIFN and CNSC on May 13, 2024 (meeting notes included in MSIFN's intervention) CNSC staff outlined their view that there were two possible paths forward:</p> <ol style="list-style-type: none"> 1) that the IK study is done in parallel with the DNNP progressing through the regulatory process and the RIA is conducted in advance of the LTC hearing, prior to the IK study being completed. 2) the DNNP regulatory process is paused until the IK study is completed, then the RIA for the LTC is completed and hearing is held <p>MSIFN confirmed that leadership's preference was to conduct the IK study in parallel with the DNNP proceeding through the regulatory process.</p> <p>CNSC staff have not made a recommendation to delay the LTC regulatory decision and process in part based on the fact that MSIFN and other Michi Saagiig Nations have not raised concerns with the DNNP regulatory process proceeding in parallel with the work being progressed on the Indigenous Knowledge and Cumulative Effects studies.</p> <p>CNSC staff are aware that MSIFN has expressed concern with the timelines for the RIA and the preference for it be informed by the governance framework and studies, however CNSC staff are not aware of any specific request for an extension to complete the RIA in collaboration with CNSC staff. On October 30, 2024, CNSC staff requested clarity on this topic through email, but no response was received.</p> <p>CNSC staff's understanding was that MSIFN did not want to delay the LTC decision, based on this CNSC staff conducted an assessment in advance of the Part 2 hearing based on information available to date in order to support the Commission in fulfilling</p>	<p>CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns and are committed to working collaboratively with MSIFN to ensure that MSIFN's Rights are protected over the lifecycle of the DNNP, should the project proceed.</p>
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					<p>the Duty to Consult and where appropriate, Accommodate. Assessing potential impacts on rights and proposing mitigation or accommodation measures to address potential impacts is a core component of the Crown’s legal Duty to Consult, and where appropriate, Accommodate.</p> <p>CNSC staff have been seeking to collaborate with MSIFN to understand their concerns with the LTC application and measures to address and accommodate those concerns. CNSC staff are also working to address the First Nations request to ensure current best practices are considered. The CNSC’s approach to RIAs is consistent with best practices across the federal government, including the Impact Assessment Agency of Canada Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples. It has not been CNSC staff’s intention to force an RIA on the First Nations or freeze the assessment in a point in time, but rather to have open discussions about the preferred approach to assessing potential impacts on rights, communicating gaps and concerns to the Commission and working to address and accommodate potential impacts, as required by the Crown’s Duty to Consult and, where appropriate, accommodate.</p> <p>Although CNSC staff have included an assessment in the supplemental CMD, CNSC staff take the concerns raised by MSFIN seriously. In response to the concerns raised, CNSC staff have recommended that the Commission direct CNSC staff to implement the following measures:</p> <ul style="list-style-type: none"> Collaborating with Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory; Collaborating with the First Nations to update Rights Impact Assessments at future potential licensing phases to consider, reflect and incorporate the outcomes of the studies in the decision-making process. Collaborating on the oversight and monitoring of the DNNP and site to ensure MSIFN’s Rights and interests remain protected as new information is shared by the Nations with regards to their knowledge, land use, Rights and interests Supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could 	
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					<p>inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.</p> <p>CNSC staff also wish to note that CNSC staff are open to discussing different approaches to assessing potential impacts on rights and reporting for future phases of the DNNP, should it proceed, or other projects in the WTFN's territory. CNSC staff's view that an assessment of the potential impacts on rights at this time does not mean that the same approach will need to be taken for other projects.</p> <p>CNSC staff also want to clarify that it was not staff's intention to allude to MSIFN's actions as frustrating its process. CNSC staff's goal with the discussion and meeting on October 29, 2024 was to have an open discussion about the CNSC /MSIFN relationship and on the key outstanding concerns related to the LTC application in an effort to understand whether MSIFN felt additional mitigation or accommodation measures were required to address those concerns.</p>	
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ID#	ISSUE OR CONCERN	THEME	RELEVANT CORRESPONDENCE (SEE APPENDIX B OF THE CONSULTATION REPORT)	OPG RESPONSE	CNSC RESPONSE	MSIFN RESPONSE	STATUS OF ISSUE OR CONCERN
Issues and concerns included in the June 2024 Consultation Report							
MSIFN #1	<p>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. This includes concerns about:</p> <p>Radiological releases in water and the environment</p> <p>Human health and safety risks</p> <p>Amount of cooling water required, to be drawn from Lake Ontario</p>	Environmental effects	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	<p>OPG has been having discussions with MSIFN to better understand and work to address their concerns about potential environmental impacts.</p> <p>In OPG's Environmental Monitoring and EA Follow up (EMEAF) Plan, OPG notes that they endeavor to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures</p>	<p>CNSC staff note 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>	<p>MSIFN has not had significant discussions with OPG regarding the comments and feedback, as encouraged by the CNSC. Many concerns and questions raised by MSIFN in the March 20th, 2023, submission have yet to be addressed by OPG nor the CNSC. Comments that remain outstanding include:</p> <p>Impacts to water from usage as coolant and moderator in SMRs</p>	<p>The EA concluded that no significant residual adverse environmental effects are expected provided the mitigation measures identified in the EA are implemented, as required by OPG's EA follow-up program. The Commission's decision concluded that the predicted environmental effects associated with the</p>

	<p>Thermal effects to Lake Ontario from release of water with higher temperatures</p> <p>Localized fish impacts as a result of predicted thermal plume</p> <p>Climate change preparedness</p> <p>Fish impingement and entrainment</p>			<p>and/or accommodation. This includes OPG's commitment to greater inclusion of MSIFN in their Environmental Assessment follow up program and monitoring.</p> <p>OPG has committed to working with the Nations to design an Environmental Monitoring Augmentation plan to ensure that an Indigenous lens is applied to the existing monitoring program. This is slated to begin in Q2 of 2024.</p>	<p>CNSC staff have reviewed the EA, OPG's EIS Review, the updated PPE, as well as relevant supporting documentation. CNSC staff expect no significant residual adverse environmental effects from the deployment of up to four BWRX-300 reactors, provided the mitigation measures identified in the EA are implemented, as required by OPG's EA follow-up program. CNSC staff also conclude that OPG has adequately assessed changes to baseline environmental conditions for environmental components assessed in the EA.</p> <p>The Commission Decision on the hearing on the applicability the EA to OPG's chosen technology also indicated that BWRX-300 is not fundamentally different from the technologies assessed in the Environmental Assessment and a new EA is not required. The Commission concluded that the predicted environmental effects associated with the BWRX-300 reactor technology are bounded by the EA.</p> <p>CNSC staff confirmed that OPG has been collaborating with MSIFN to better understand their concerns regarding potential impacts on the environment. However, MSIFN notes that discussions are ongoing.</p> <p>As per REGDOC-3.2.2: Indigenous Engagement, CNSC staff will continue to monitor the OPG's Indigenous engagement activities, including with regards to monitoring and follow-up measures. CNSC staff are committed to collaborating with MSIFN on environmental monitoring and all other follow-up activities with regards to the</p>	<p>Environmental effects of intake and discharge structures offshore, and mitigations</p> <p>Decommissioning and end-of-life plans for DNNP site, including other OPG uses</p> <p>Preliminary Decommissioning Plan (PDP)</p> <p>Long-term protection of created SAR habitat on site via conservation easement or restrictive covenant</p> <p>Increased volume of solid waste generated, with no long-term plan for safe management and storage</p> <p>Impacts to aquatic SAR, proposed fish protection measures, and fish habitat compensation plans</p> <p>Habitat fragmentation and the East-West wildlife corridor</p> <p>MSIFN disagrees that there will be no significant residual adverse environmental effects from the deployment of up to four BWRX-300 reactors. The mitigation measures suggested thus far do not outweigh the negative environmental impacts of the project, and OPG is not willing to commit to protecting SAR habitat on the site long-term. Further, this conclusion is not reasonable given the lack of decommissioning plan.</p> <p>Further consultation and collaboration are required for OPG to fully understand</p>	<p>BWRX-300 reactor technology are bounded by the EA. CNSC staff's view is that these concerns have and will continue to be addressed through their responses and commitments of OPG and CNSC staff to the extent possible within the CNSC's mandate and regulatory requirements.</p> <p>However, CNSC staff acknowledge that MSIFN remains concerned about this issue and disagrees that there will be no significant environmental effects, including with respect to the Low & Intermediate Level Nuclear Waste Facility for which MSIFN has not been consulted and for which MSIFN and other WTFNs have not provided consent. CNSC staff are committed to working with OPG and MSIFN throughout the life-cycle of the project, should it proceed, to continue to find ways to address the concerns raised.</p>
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					DNNP and other nuclear projects within MSIFN territory	MSIFN's concerns regarding project impacts. OPG must respond with legally binding commitments.	
MSIFN #2	MSIFN has raised concerns regarding impacts to water from usage as a coolant and moderator in SMRs.	Environmental effects	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	<p>BWR light water coolant is also the moderator, this is different from the CANDU reactor design where the coolant and moderator are separated. The BWRX-300 has a closed coolant loop containing demineralized H₂O. This closed loop does not require any lake water and will not discharge any coolant to the lake. Lake water is used as the normal heat sink but is physically separated from the coolant/moderator loop.</p> <p>As mentioned, lake water is the normal heat sink and heat from the condenser is transferred to the lake through a cooling water loop which is completely isolated from the moderator/coolant loop.</p>	<p>CNSC staff note that that it will not be lake water that is used to cool the fuel or provide neutron moderation for the BWRX300. Demineralised water, either produced on-site in a dedicated Water Treatment Plant, or shipped in from an off-site treatment plant will be used as coolant/moderator.</p> <p>This water is not discharged to any receiving body during normal operations—it is intended to be continually recirculated.</p>	<p>The DNNP Circulating Cooling Water (CCW) systems will utilize a Once-Through Cooling system to extract heat from the condenser, using water from Lake Ontario. Water will be drawn through an offshore, lakebed intake structure into an onshore forebay (pumphouse) via a subterranean intake tunnel; pumped from the forebay through the main condenser and closed loop cooling water heat exchanger; then discharged back to the lake through a series of diffuser ports. The discharge of heated water from the CCW remains an issue for MSIFN.</p>	<p>CNSC staff's view is that this concern has and will continue to be addressed through the responses of OPG and CNSC staff, to the extent possible within the CNSC's mandate and regulatory requirements. However, CNSC staff are committed to working with OPG and MSIFN throughout the life-cycle of the project, should it proceed, to continue to find ways to address the concerns raised.</p> <p>MSIFN's view is that this concern has not been addressed.</p>
MSIFN #3	<p>MSIFN has raised concern regarding environmental effects of intake and discharge structures offshore, and mitigations.</p> <p>MSIFN requested more information about the construction of the intake and discharge structures offshore, including their size and location in Lake Ontario as well as anticipated environmental effects/mitigations.</p>	Environmental effects	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's</p>	<p>The construction of intake and outfall conduits will be done with a Tunnel Boring Machine (TBM). Two onshore shafts will be excavated to launch the TBM and build the two tunnels (intake and outfall). Excavated rock is removed from the tunnel and logistics are provided into the tunnel. The two onshore launch shafts are anticipated to be</p>	<p>CNSC staff note that OPG has yet to submit the final design of the intake and diffuser to the CNSC for review. CNSC staff currently expect OPG to submit this information in early summer 2024. However, to aid in siting of the intake and diffuser of DNNP, OPG conducted aquatic characterization studies in 2018 and 2019. Results of the characterization studies indicated high variability throughout the study area, it was determined there was no particular advantage to siting the intake and diffuser</p>	<p>MSIFN will need adequate time to review the final design of the intake and diffuser for the CCW system, including the requirement to design the outfall to ensure that it will not discharge heated water with an average temperature, beyond this mixing zone, greater than 2 degrees Centigrade above ambient, and the potential local impacts of heated water</p>	<p>Based on the information available to date, CNSC staff's view is that this concern will be addressed through the responses of OPG and CNSC staff.</p> <p>CNSC staff will ensure that OPG's activities continue to remain within the bounds of the EA and</p>

			outstanding concerns	approximately 14m in diameter and approximately 52m deep. The finished diameter of the offshore intake shaft is expected to be 6 m in diameter to provide adequate flow into the tunnel. The intake structure will minimize intake velocities	deeper than 15m or between gravel or sand substrate. The aquatic characterization indicated ideal siting for the intake and diffuser was >10m and <15m to avoid placement within the preferred spawning locations of round whitefish (<10m) and deeper benthic species (deepwater sculpin) to minimize impact on their preferred habitat. To mitigate the effects of increased thermal energy deposited into the lake, the outlet structure includes many “diffusers” intended to spread the heated water across a larger area. A turbulent mixing zone allows for further diffusion of the deposited heat. OPG is required to design the outfall to ensure that it will not discharge heated water with an average temperature, beyond this mixing zone, greater than 2 degrees Centigrade above ambient. This is to ensure protection of Round Whitefish larvae during their winter breeding periods. This requirement is documented in DNNP Commitment D-C-1.2.	less than 2 degrees Centigrade above ambient.	the required mitigation measures are implemented by OPG. CNSC staff remain committed to continuing to consult and engage with MSIFN throughout all phases of the project, should it proceed. CNSC staff are also committed to taking an adaptive management approach to the DNNP follow up and environmental monitoring with MSIFN. CNSC staff will work collaboratively with MSIFN to ensure OPG fulfils their commitments. MSIFN’s view is that this concern has not been addressed.
MSIFN #4	MSIFN raised concern regarding Impacts to aquatic SAR, proposed fish protection measures, and fish habitat compensation plans. MISFN asked whether OPG be creating any beneficial actions or offsetting as they are likely to impact two SAR species and whether a DFO Authorizations be required. MSIFN asked how there is no further concern for the fish species if entrainment of	Aquatic Environment	March 20, 2023 MSIFN’s comments on OPG’s EIS review and PPE Documents August 29, 2023 CNSC staff response letter April 23 2024 CNSC response to MSIFN’s outstanding concerns	The location and design of the intake will include screening and reduced intake (approach) velocities to mitigate fish impingement and entrainment with an emphasis on excluding Deepwater Sculpin and American Eel. Furthermore, the operation of the condenser circulating water and service water requires a smaller flow rate than the description in the EIS.	CNSC staff note that OPG will have to acquire a Fisheries Act Authorization (FAA) from the Department of Fisheries and Oceans Canada (DFO) before conducting any activities with the potential to harm fish and fish habitat (in water works, construction and operation of the condenser cooling water system etc.). OPG will be required to record number of fish, species, and age class of fish impinged and entrained and then propose and implement compensation measures for the fish lost. OPG will have to implement offsetting or compensation	MSIFN will need adequate time prior to the Leave to Construct Application to review and comment the FAA application pre-submission, including fish protection, mitigation, offsetting and compensation measures where MSIFN expects a collaborative process with OPG to design and implement such measures.	CNSC staff’s view is that this concern will be addressed through the responses of OPG and CNSC staff and through the consultation that will be required for the FAA by DFO and OPG, to the extent possible within the CNSC’s mandate and regulatory requirements.

	<p>Deepwater Sculpin has been identified recently on site? What does OPG mean by “fish protection measures will be taken if needed at the intake structures”. MSIFN requests that fish protection measures be taken at the intake structures regardless of prevalence of SAR or other factors.</p>			<p>Residual adverse effects different than those in the EIS are not anticipated. The loss of aquatic biota due to lake infilling is anticipated to be less than predicted in the EIS because no lake infilling is required with the BWRX-300 and the footprint of the in-water structures would be smaller.</p> <p>OPG has had many discussions with MSIFN since this comment was made in early 2023 and continue to actively engage on the topics of intake/discharge design and construction planning as well as aquatic impacts and permitting.</p>	<p>measures, commensurate with observed fish losses, and will be outlined in their authorization and approved by DFO. DFO and OPG will be required to consult with MSIFN and other Indigenous Nations and communities on the Fisheries Act Authorization. CNSC staff commit to informing DFO and OPG of MSIFN’s interested to be consulted on this topic.</p> <p>Although entrainment of Sculpin has been identified at the existing DNGS, subsequent monitoring studies performed by OPG, and reviewed and accepted by CNSC staff, have not detected significant interactions with the DNGS intake structures (e.g., Deepwater Sculpin were not entrained at DNGS in 2004 or 2006 but were entrained in 2015/2016. Deepwater Sculpin population in Lake Ontario had been found to be recovering and densities and biomass may be similar to other Great Lakes (Weidel et al. 2017). Furthermore, the Deepwater Sculpin population in Lake Ontario may be nearing its carrying capacity (Weidel et al., 2019).</p> <p>This conclusion is expected to remain applicable to the intake and discharge structures for the DNNP (only one Deepwater Sculpin larva was collected in spring 2011 within the DNNP Site Study Area, and one Deepwater Sculpin larva was collected from larval tows in 2018 within the DNNP Site Study Area).</p> <p>OPG would be required to implement fish protection or adapt mitigation measures to continue to ensure that DNNP activities do not introduce significant environmental effects to aquatic biota.</p>		<p>CNSC staff will ensure that OPG’s activities continue to remain within the bounds of the EA and the required mitigation measures are implemented by OPG. CNSC staff remain committed to continuing to consult and engage with MSIFN throughout all phases of the project, should it proceed.</p> <p>MSIFN’s view is that this concern has not been addressed.</p>
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					For species that are listed as Endangered or Threatened under Schedule 1 of the federal Species at Risk Act, OPG is required to obtain permits from DFO prior to commencing any work and would be required to comply with direction from those regulatory authorities.		
MSIFN #5	MSIFN raised concern regarding habitat fragmentation and the East-West wildlife corridor.	Terrestrial wildlife and habitat	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	OPG has monitored the biodiversity on the DN site annually for more than 20 years (since 1997) to continually inform our biodiversity program. OPG is committed to maintaining access for wildlife and travel on the east-west wildlife corridor during DNNP site preparation and construction activities to the extent practicable; and to enhance the corridor function for the long-term. DN site annual biodiversity monitoring has observed that wildlife is present and travelling along the east-west corridor, despite roads and other site activities that may disrupt the landscape connectivity. OPG has been examining the use of the Darlington site by wildlife and potential ways to strengthen the corridor. OPG will collaborate with the WTFN on any design enhancements to the wildlife corridor.	<p>CNSC staff note that the CMD on the applicability of the EA to the chosen technology indicates the following "the interruption of wildlife travel along the east-west corridor across the Darlington Nuclear site was considered an adverse effect of the DNNP, and the EA identified incorporating, to the extent practicable, design measures to maintain access for wildlife travel on the east-west wildlife corridor during construction activities, and to enhance the function of the corridor for the long term as a mitigation measure. OPG has conducted annual biodiversity monitoring on the Darlington Nuclear site, including monitoring of wildlife traffic along the east-west corridor, and has noted the presence of wildlife despite roads and other major disturbances on the site. The mitigation measures identified in the EA would continue to address adverse effects on landscape connectivity and would apply to the deployment of the BWRX-300 reactors."</p> <p>CNSC staff note that OPG's proposed mitigation includes incorporating to the extent practicable in the DNNP design, measures to maintain access for wildlife travel on the east-west wildlife corridor during construction activities; and to enhance the corridor function for the long-term.</p>	<p>OPG has yet to provide MSIFN or other WTFNS with legally binding commitments to protect any lands required for mitigation measures for the long-term. Without legally binding commitments to protect lands, OPG cannot guarantee that such lands will indeed be protected for the long-term.</p> <p>The recent addition of the Low and Intermediate Level Nuclear Waste Facility creates significant additional land constraints for mitigation measures and ecological compensation approaches.</p>	<p>CNSC staff's view is that this will be addressed through the responses of OPG and CNSC staff, to the extent possible within the CNSC's mandate and regulatory requirements for a Licence to Construct application.</p> <p>CNSC staff will ensure that OPG's activities continue to remain within the bounds of the EA and the required mitigation measures are implemented by OPG. CNSC staff remain committed to continuing to consult and engage with MSIFN throughout all phases of the project, should it proceed.</p> <p>MSIFN's view is that this concern has not been addressed.</p>

<p>MSIFN #6</p>	<p>MSIFN raised concerns about impacts from the DNNP on Species at Risk (SAR) and with the Endangered Species Act permit for the DNNP. MSIFN raised concerns regarding the lack of guarantee for long-term protection of the SAR habitat on site. MSIFN requested that a conservation easement or restrictive covenant be placed on the created SAR habitat to ensure it is not destroyed during further site prep for reactors 2-4. MSIFN notes that currently, OPG does not have planned locations for beneficial action areas to compensate for SAR impacts as a result of these units, so MSIFN is unable to confirm whether appropriate compensation measures exist.</p>	<p>Species at Risk</p>	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	<p>OPG has been having ongoing discussions with MSIFN regarding their concerns with Species at Risk (SAR) and the <i>Endangered Species Act</i> (ESA) requirements (offsetting and habitat creation). OPG continues to have discussions on offsite restoration with the WTFNs.</p> <p>Through consultation with MSIFN and other WTFN during the ESA permitting process, OPG has made commitments to address MSIFN concerns that are in addition to the specific ESA permitting requirements.</p> <p>These include:</p> <p>A 40:1 ratio for replanting of the Category #2 butternut removed.</p> <p>A 3:1 ratio for replacement of trees removed under the ESA permit.</p> <p>Involve WTFN in developing monitoring plans and plans for site restoration and plantings. OPG has also committed to including MSIFN in follow-up monitoring activities</p> <p>Share with WTFNs the monitoring reports.</p> <p>Sourcing seeds locally for all plantings, if possible.</p>	<p>CNSC staff note that following the completion of the EA, the Bank Swallow and its habitat has been listed as threatened under both the federal Species at Risk Act [25] and the Ontario <i>Endangered Species Act</i> [24]. Project activities that have an adverse effect on the Bank Swallow populations or habitat (e.g., shoreline stabilisation) would require approvals and implementation of appropriate compensatory measures from both Environment and Climate Change Canada (ECCC) and the Ontario Ministry of the Environment, Climate, and Parks (MOECP). The Little Brown Myotis, the Northern Myotis, and the Tri-coloured Bat, as well as their habitat, are listed as endangered species under the Ontario <i>Endangered Species Act</i>. Project activities that have an adverse effect on the endangered Bat population or their habitat would require approvals and implementation of appropriate compensatory measures from the Ontario MOECP.</p> <p>CNSC staff note that OPG has been issued a permit in March 2024 for work affecting SAR species for units 2-4. Health of SAR species is assessed throughout the lifecycle of the facility through the cyclical nature of environmental risk assessments, which assess the potential health impacts to species around the facility by modelling impacts of contaminants of potential concerns alongside any physical effects (such as noise)</p> <p>CNSC staff work with partners in ECCC/MECP to review these plans, but species at risk permitting is ultimately the jurisdiction of the Province, given the project is occurring on provincial lands.</p>	<p>MSIFN notes that OPG's response should specifically say "Offsite Restoration Fund" for restoration outside of OPG's site control.</p> <p>The CNSC should be aware that the concern regarding long-term protection of SAR habitat remains outstanding and is further emphasized as OPG seeks ESA permits for SMR units 2-4. Currently, OPG does not have planned locations for beneficial action areas to compensate for SAR impacts as a result of these units, so we are unable to confirm whether appropriate compensation measures exist.</p> <p>The recent addition of the Low and Intermediate Level Nuclear Waste Facility creates significant additional land constraints for mitigation measures and ecological compensation approaches.</p>	<p>CNSC's view is that the concerns with regards to SAR have and will continue to be addressed through the responses and commitments of OPG and CNSC staff, within the CNSC's mandate and regulatory requirements. CNSC staff note that Units 2-4 are out of scope of the Commissions decision for this Licence to Construct application.</p> <p>CNSC staff will ensure that OPG's activities continue to remain within the bounds of the EA and the required mitigation measures are implemented by OPG. CNSC staff remain committed to continuing to consult and engage with MSIFN throughout all phases of the project, should it proceed.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns. CNSC staff are committed to working with OPG and MSIFN throughout</p>
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				Installing bluebird boxes in the new meadow creation area	CNSC staff are aware that OPG has been engaging MSIFN on permits of interest, including the <i>Endangered Species Act</i> permit ² . CNSC staff are committed to continuing to work with MSIFN and OPG to address their concerns and also collaborate on follow up activities and monitoring.		the life-cycle of the project, should it proceed, to continue to find ways to address the concerns raised. MSIFN's view is that this concern has not been addressed.
MSIFN #7	MSIFN expressed an interest in a Harvesting Agreement to have access to the Darlington Nuclear site, to ensure Treaty Rights are not lost.	Indigenous and/or Treaty Rights		<p>OPG recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western/regulatory perspective, it may not fully address the impact of the DNNP on Indigenous inherent and treaty Rights as they are understood today. OPG endeavors to continue to work with Indigenous Nations and communities, including MSIFN, to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodation.</p> <p>OPG has been engaging with MSIFN to better understand concerns about the DNNP specific impacts on MSIFN's¹ Indigenous and/or Treaty Rights, through regular and ongoing meetings.</p> <p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in 2024 to begin to develop a plan to</p>	<p>CNSC staff are committed to working collaboratively with MSIFN² to conduct a RIA for the DNNP Licence to Construct application . Through discussions between MSIFN and CNSC staff, it was determined that CNSC staff will draft the RIA and share with MSIFN for input and feedback. CNSC staff acknowledge MSIFN's concerns regarding the RIA time constraints limiting the understanding of MSIFN's Rights in relation to the Project and their concern that the WTFN's were not involved in designing the RIA framework. The goal of the RIA 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, mitigate or compensate for any identified impacts in order to make a collaborative recommendation to the Commission about potential impacts on Rights from the DNNP³.</p> <p>CNSC staff remain committed to collaborating with MSIFN and other interested WTFN on an Indigenous Knowledge and Land Use study specific to the DNNP to help gather more specific information and data regarding WTFN Rights and interests that could be potentially impacted by the DNNP and</p>	<p>This point should include reference to the extremely short timeline provided by the CNSC to complete the RIA, which will inevitably result in limited understanding of MSIFN's rights in relation to the project. MSIFN will consider working collaboratively with the CNSC to contribute to an RIA process that respects realistic timelines for an assessment with results that will impact MSIFN members for generations to come. MSIFN will not participate in an RIA process that does not respect realistic timelines. For the record, it should also be mentioned that the draft was completed by the CNSC, and not MSIFN. MSIFN and other WTFNs were not involved in designing the studyPlease ensure OPG is aware that the goal of the RIA and associated studies is to ensure the DNNP project will be protective of MSIFN's Rights and interests.</p>	<p>CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff's and MSIFN's perspectives.</p> <p>MSIFN will continue to object to the CNSC's unilateral approach to the RIA and absence of consultation in designing and implementing the RIA. MSIFN is considering all reasonable actions to ensure the CNSC</p>

				<p>undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study, an updated RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection</p> <p>OPG has also indicated support for on-site harvesting on seeds/ nuts, such as from Butternut trees, for offsite planting.</p>	<p>other projects in the treaty territory. The results of these studies could then help to inform an adaptive management approach and EA follow-up monitoring program, which will ensure the DNNP project and related activities would be protective of their Rights and interests.</p>		<p>does not advance the RIA as currently proposed.</p>
MSIFN #8	<p>MSIFN commented that it understood that the DNNP Project is subject to the Ontario Environmental Assessment Act, which typically has an expiry date for most projects. Please explain why there is no expiry date on the EA decision for DNNP, as well as how OPG justifies the project remaining within the original scope from 2011. The natural environment on the DNNP site as well as the surrounding land use has changed significantly over the last decade and must be taken into consideration.</p> <p>It should be noted that the project delay allowed significant ecological lands and SAR habitat to thrive and grow on site, which are now being impacted by project activities.</p>	Changes in baseline	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	<p>To address the passage of time, the changes in existing environmental conditions were reviewed as part of the EIS Review. For example, additional terrestrial and aquatic data was collected through a variety of studies conducted since the EIS. The results of the review of existing environmental conditions were independent of the reactor technology chosen and were considered in the assessment of effects on Valued Ecosystem Components (VECs) and new receptors. The assessment of effects considered mitigation measures to reduce or eliminate environmental effects.</p> <p>The listing of two fish species (Lake Sturgeon and American Eel) as endangered under Ontario's Endangered</p>	<p>Condition G.3 of OPG's site preparation licence (PRSL) 18.00/2031 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. CNSC staff's response also 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</p>	<p>Again, OPG does not currently have planned locations for the beneficial action areas required to compensate for SAR impacts from Units 2-4. We are unable to confirm whether compensation measures are adequate.</p> <p>The recent addition of the Low and Intermediate Level Nuclear Waste Facility creates significant additional land constraints for mitigation measures and ecological compensation approaches.</p>	<p>CNSC's view is that the concerns with regards to changes in the environment and surrounding land use since the EA have and will continue to be addressed through theresponses and commitments of OPG and CNSC staff, within the CNSC's mandate and regulatory requirements. CNSC staff note that Units 2-4 are out of scope of the Commissions decision for this Licence to Construct application.</p> <p>CNSC staff recognizes that MSIFN has outstanding concerns and is committed to working with OPG</p>

				<p>Species Act (ESA) did not alter the determinations made with respect to residual adverse effects of the project and do not change the overall determination of significance of residual adverse effects made in the EIS. Prior to commencing in-water works, these two species be included as part of the permitting process under the ESA.</p> <p>Due to the smaller footprint of the BWRX-300, there are opportunities for some on-site habitat to be retained for bats (new mammal species identified since the EIS) and bank swallows (change in conservation status since the EIS). Additional studies were completed since the EIS and the effects from dust, noise, and hydrology/hydrogeology were evaluated and anticipated to be minor. Any adverse effects of the DNNP will be subject to permitting/approval requirements under the relevant legislation.</p> <p>Note that the DNNP falls under Federal jurisdiction, thus it is subject to the Federal Environmental Assessment process and not the provincial EA process.</p> <p>The Environmental Assessment conducted under the Canadian Environmental Assessment Act remains valid and has no expiry date.</p>	<p>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 Species at Risk Act or the province of Ontario’s Endangered Species Act (ESA)³.</p> <p>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 (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 adequate⁴.</p> <p>Additional information about the CNSC’s view and proposed next steps to address MSIFN’s concern regarding SAR impacts are included in Row #6.</p>		<p>and MSIFN throughout the life-cycle of the project to continue to find ways to address the concerns raised.</p>
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MSIFN #9	<p>MSIFN raised concerns about airborne radioiodine emissions, and their overall effects on the general environment, as well as human and non-human biota in relation to the operation of the DNNP¹</p> <p>MSIFN understand that issues relating to radioactive materials will be assessed as part of a future license to operate application, and not during the license to construct. MSIFN is aware that the volumetric inventory of solid radioactive wastes, and the predicted airborne emissions, are slightly higher than the values reported in the EA. OPG and the CNSC must use this information to plan for the used nuclear fuel and emissions prior to granting a license to operate.</p>	Emissions	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p> <p>April 23 2024 CNSC response to MSIFN's outstanding concerns</p>	The total radioactivity in the airborne emissions for the DNNP will be lower than previously assessed in the EIS. The resulting dose is a very small fraction of the regulatory dose limit for members of the public and is not a risk to human or non-human health.	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. Furthermore, any potential approval of the DNNP Licence to Construct would not authorize or involve any radioactive materials. Issues relating to radioactive materials would be further considered and assessed as part of any potential future licence to operate application received by the CNSC for the DNNP.	MSIFN recommends that as a condition of the approval of the DNNP License to Construct, OPG be required to conduct a site specific Human Health and Ecological Risk Assessment with respect to predicted airborne emissions of radioiodines during normal operations.	<p>CNSC staff are of the view that the concerns have been addressed within the CNSC's mandate and regulatory requirements for a Licence to Construct application. CNSC staff are committed to ongoing discussions regarding radioiodine emissions at each licensing stage, should the project proceed.</p> <p>MSIFN's view is that this concern has not been addressed.</p>
MSIFN #10	MSIFN raised concerns regarding the applicability of the PPE approach and what is considered a fundamental difference between chosen reactor technologies.	Environmental assessment process	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 29, 2023 CNSC staff response letter</p>	The Plant Parameter Envelope process is technology neutral. What is important is the development of a set of parameters with which any selected technology under consideration can be bounded.	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.	MSIFN does not have the information needed to conclude that the DNNP will not lead to residual adverse impacts on the environment. As stated, OPG's plans are currently not finished for things such as SAR beneficial actions, fish impacts and	CNSC staff are of the view that the concern regarding the applicability of the PPE approach and the fundamental difference has been addressed as per the response column, as

			<p>April 23 2024 CNSC response to MSIFN’s outstanding concerns</p>	<p>Each parameter is defined as a minimum or maximum value. The parameter value is assigned based on the maximum or minimum value of all reactor technologies under consideration. Any other reactor technologies considered in future will be bounded by that limiting parameter.</p> <p>Any parameter where the BWRX-300 was the limiting technology, was updated to reflect the BWRX-300 value (there were 8 of these).</p> <p>The updated PPE does not alter the EIS conclusions.</p>	<p>In 2011, both the CNSC and the Joint Review Panel (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. In conclusion, when taking into consideration proposed mitigation measures, CNSC staff do not expect the DNNP to lead to residual adverse impacts on the environment, and determine that the EA is applicable to the chosen technology.</p> <p>CNSC staff note that the Commission’s Record of Decision Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 31) indicates that the validity of conducting the EA on a PPE basis has been upheld and is not in question at this time. The Commission also determined that the BWRX-300 is not fundamentally different from the technologies assessed in the EA.</p> <p>Additional information about the CNSC’s view and proposed next steps to address</p>	<p>offsetting, and decommissioning plans for the site.</p> <p>MSIFN and the CNSC must understand the proposed mitigation measures fully before the license to construct hearing.</p> <p>The recent addition of the Low and Intermediate Level Nuclear Waste Facility creates significant potential additional risks to the project for which there has been no meaningful consultation or early engagement. The additional land constraints for mitigation measures and ecological compensation approaches.</p>	<p>well as by the Commission decision on the January 2024 hearing.</p> <p>MSIFN’s view is that this concern has not been addressed.</p>
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					MSIFN's concern regarding SAR impacts are included in Row #6, fish impacts in row 4 and OPG's decommissioning plan in row 11.		
MSIFN #11	<p>MSIFN raised concerns about solid radioactive wastes and their overall effects on the general environment, as well as human and non-human biota in relation to the operation of the DNNP.</p> <p>MSIFN's concerns included:</p> <p>increased volume of solid waste generated, with no long-term plan for safe management and storage</p> <p>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 envelop.</p> <p>MSIFN requested information about the requirement for consent from Treaty Rights holders.</p> <p>Lack of decommissioning plan and long-term plan for safe management and storage of nuclear waste in Ontario</p>	Waste management	<p>March 20, 2023 MSIFN's comments on OPG's EIS review and PPE Documents</p> <p>August 24, 2023 email from MSIFN</p> <p>August 29, 2023 CNSC staff response letter</p> <p>September 21, 2023 CNSC staff response email</p> <p>April 23, 2024 CNSC staff response to MSIFN's outstanding concerns</p>	<p>OPG has been discussing and engaging with the MSIFN to better understand, respond to and work to addressing their concerns related to waste management, including providing support for MSIFN to conduct a Benchmark review of International Best Practices for the management and interim storage of used nuclear fuel with current OPG practices. MSIFN is in preliminary conversations with OPG regarding a term of reference for advancing this review.</p> <p>MSIFN representatives have toured both the DNNP lands and the Darlington Waste Management Facility. Additionally, OPG have provided opportunities to MSIFN, including Chief and Council to visit and tour the DNNP lands and/ or Darlington Waste Management Facility.</p>	<p>The Plant Parameter Envelope (N-REP-01200-10000 Rev. 5) analysis for the BWRX-300 identified that the solid volumetric activity (Bq/m³) would exceed the values assessed in the Environmental Assessment. This exceedance was found for some radionuclides, whereas others were below the values established for the EA. That is to say that whilst some radionuclides are higher in activity, the overall activity of all the radionuclides is still within the bounds of the EA. OPG has provided more comprehensive modeling of radionuclide production in the later revision of the Plant Parameter Envelope (N-REP-01200-10000 Rev. 6) using specific data from other Boiling Water Reactors. The revised analysis is now within PPE values for both waste activity (Bq/y) and volume (m³/y).</p> <p>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. Furthermore, any potential approval of the DNNP Licence to Construct would not authorize or involve any radioactive materials. Issues relating to radioactive materials would be further considered and assessed as part of any potential future licence to operate application received by the CNSC for the DNNP</p>	<p>It should be noted that MSIFN has requested, on multiple occasions, a funded review of international best practices for the management and storage of used nuclear fuel at OPG sites. We are in preliminary conversations with OPG regarding a terms of reference for advancing this review, however, OPG has yet to commit in writing to supporting this "benchmarking" study, and we have four months to go before the License to Construct hearing.</p> <p>MSIFN is interested in collaborating on the PDP and staying informed about plans and strategies for decommissioning the DNNP at each licensing stage.</p>	<p>CNSC staff are of the view that the concerns regarding OPG's waste management have been addressed within the CNSC's mandate and regulatory requirements for a Licence to Construct.</p> <p>CNSC staff are committed to ongoing discussions and consultation regarding OPG's nuclear waste management program at future potential licensing processes and/or stages (I.e. Licence to Operate) should the project proceed.</p> <p>MSIFN's view is that this concern has not been addressed.</p>

					<p>Joint Review 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.</p> <p>CNSC expect OPG to have a credible plan for the management of all radioactive wastes and that staff will evaluate OPGs proposed plans for the long-term management of wastes produced by the DNNP. This will be of particular focus should this project progress to the Licence to Operate phase. These plans will be incorporated in the Preliminary Decommissioning Plan (PDP), which is a living document that captures the plans and strategies for the eventual decommissioning of the DNNP³. The PDP is revised at each stage of the licensing process and captures the lifecycle planning for decommissioning and waste management. Throughout all aspects of the licensing process for the DNNP, CNSC staff will ensure that MSIFN have meaningful opportunities to participate and be consulted, to ensure all issues and concerns are considered.</p>		
MSIFN #12	<p>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</p>	Environmental monitoring and follow up program	<p>November 3, 2023 CNSC response email</p> <p>April 23, 2024 CNSC staff response to MSIFN's outstanding concerns</p>	<p>OPG has shared the DNNP Environmental Monitoring and EA Follow Up Plan (EMEAF) plan with MSIFN for their review, sought feedback on the plan as well as interest in participating in the EA follow up activities.</p> <p>OPG has been having ongoing discussions with MSIFN regarding the EMEAF plan and associated monitoring, including</p>	<p>The EA follow-up program for the DNNP is still valid and CNSC staff are ensuring OPG completes the actions as required. CNSC staff note that OPG is required to implement an EA Follow-Up program, as per the <i>Canadian Environmental Assessment Act</i> (CEAA) of 1992, under which the EA conclusions for the DNNP were accepted. 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</p>	<p>The federal government must uphold the honor of the Crown, which requires regulators and officials to act with honor, integrity, good faith, and fairness in all of its dealings with Indigenous peoples.</p> <p>The CNSC's expectation does not resolve our concern. On November 20, 2023, Chief LaRocca requested a gap analysis for the DNNP, given</p>	<p>CNSC staff's view is that these concerns have been addressed to the extent possible within the CNSC's mandate and regulatory requirements. CNSC staff note the Impact Assessment Act does not apply, as this project has already undergone an</p>

	<p>EA follow up program under CEAA 1992 versus the Impact Assessment Act 2019.</p> <p>MSIFN has requested that the CNSC orders a mandatory follow up program that follow the principles of the IAA framework</p>			<p>discussions on requirements for follow up programs under the IAA 2019.</p> <p>The EMEAF Plan notes that OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making.</p> <p>The EMEAF notes that OPG endeavours to reflect 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, including MSIFN, to better integrate Indigenous and Traditional knowledge into the project and ongoing monitoring and follow-up activities to ensure their Rights and interests remain protected.</p>	<p>new species at risk, and when directed by a Responsible Authority (RA). 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 (LCH).</p> <p>CNSC staff will include an explicit requirement in the LCH that requires OPG to follow through with their commitments with the Nations when updating the EA Follow-Up program.</p> <p>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 encourage 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 CNSC³. 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 proceed⁴.</p> <p>Although this project is not subject to the <i>Impact assessment Act</i> (2019), CNSC staff are aware that OPG has committed to collaboratively reviewing the environmental work done in 2009 and determine what needs to be updated to today’s standards. OPG is committing to conduct an environmental monitoring</p>	<p>the differences in impact assessment regimes.</p> <p>Furthermore, MSIFN has stated that an EA follow up program, completed according to the conditions of the IAA, could address gaps to the EA.</p> <p>MSIFN informed OPG directly on October 26, 2023. Furthermore, on November 20, 2023, Chief LaRocca mentioned that MSIFN will look to the regulator to ensure MSIFN’s concerns are met.</p> <p>Again, the CNSC’s involvement commitment does not meet our concern of ordering a follow up program that follows the principles of the IAA framework.</p> <p>On November 20, 2023, Chief LaRocca shared MSIFN’s perspectives, which include ordering a mandatory follow up program that follow the principles of the IAA framework; however, the CNSC has not addressed this concern.</p> <p>OPG has not provided any written commitments regarding a follow-up program, Indigenous Knowledge Study, cumulative effects assessment, or addressing gaps between the 2009 EA vs. current IA approaches. We are four months from the License to Construct hearing, with no</p>	<p>Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. Therefore, OPG is not required to undertake the requirements under the Impact Assessment Act.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns including that their request for the CNSC to order a follow up program that follows the principles of the IAA framework has not been addressed. CNSC staff are committed to working with OPG and MSIFN throughout the life-cycle of the project, should it proceed, to continue to find ways to address the concerns raised. CNSC staff are also committed to taking an adaptive management approach to the DNNP follow up and environmental monitoring with MSIFN. CNSC staff will work collaboratively with MSIFN to ensure</p>
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					<p>augmentation program to apply an Indigenous knowledge lens and involve interested WTFN in the on-site environmental monitoring. CNSC staff understand that OPG and the WTFNs, including MSIFN, are currently in the scoping phase of this project.</p> <p>CNSC staff remain committed to collaborating with interested WTFN on an Indigenous Knowledge study specific to the DNNP to help gather more specific information and data regarding WTFN Rights and interests that could be potentially impacted by the DNNP and other projects in the treaty territory⁵. The results of these studies can then help to inform an adaptive management approach and EA follow-up monitoring program, which will ensure the DNNP project and related activities would be protective of their Rights and interests. CNSC staff are committed to ensuring that MSIFN’s Indigenous Knowledge and perspectives are reflected in the follow-up and monitoring program⁶.</p>	<p>written commitments from OPG.</p>	<p>OPG fulfils their commitments.</p> <p>MSIFN’s view is that this concern has not been addressed.</p>
MSIFN #13	<p>MSIFN raised concerns that MSIFN and other WTFN were never consulted by the Crown or facility operators when decisions were made to build and operate the Pickering and Darlington Nuclear Generating Stations, the Darlington Waste Management Facility, or most other facilities regulated by the CNSC in our treaty lands.</p> <p>MSIFN requested that the CNSC to mandate OPG to obtain MSIFN’s consent for the DNNP⁴. This request has frequently been made by MSIFN. Given that there is no long-term plan for the</p>	<p>United Nations Declaration on the Rights of Indigenous Peoples</p>		<p>OPG has been working with MSIFN to better understand their concerns and work to address them to the extent possible. OPG is working towards establishing agreements with MSIFN and other interested WTFN, as well as developing a path forward to address WTFN’ requests for additional studies, inclusion in monitoring programs, and WTFN’ involvement in follow-up measures.</p>	<p>The CNSC’s consultation approach, and Indigenous engagement requirements for proponents as per REGDOC-3.2.2 <i>Indigenous Engagement</i>, are designed with the goal of striving to achieve 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>The proponent is encouraged to work with potentially impacted Indigenous Nations and communities to develop a</p>	<p>The Proponent’s response is missing information from its Indigenous Reconciliation Action Plan.</p> <p>The Crown’s response does not address MSIFN’s request that consent be considered before the construction of the first SMR. This concern was submitted to the CNSC on March 20, 2023, in MSIFN’s submission titled “Comment Submission: OPG’s Darlington New Nuclear Project (DNNP).”</p> <p>However, MSIFN is committed to assisting the</p>	<p>CNSC staff’s view is that these concerns have been addressed to the extent possible within the CNSC’s mandate and regulatory requirements. However, CNSC staff are aware that MSIFN is of the view that their concern and request for consent has not been addressed by either OPG or the CNSC. CNSC staff are</p>

	<p>management and storage of nuclear waste in Ontario. MSIFN must live with the risk of storing additional radioactive waste in its Treaty Territory because of a self-made energy crisis by the Ontario government.</p> <p>The regulatory process, as it currently stands, does not ensure OPG’s compliance with the requirements and standards set forth in UNDRIP or the UNDRIP Act. This includes the crucial principles of free, prior, and informed consent (FPIC) concerning land development and resource extraction, and the Rights of Indigenous peoples to self-determination and to maintain their distinct political, legal, economic, social, and cultural institutions.</p>				<p>specific approach for striving to achieve consensus and support, as appropriate.</p> <p>Potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed DNNP License to Construct Application, are encouraged to use the opportunity through their written and/or oral intervention. This will help assist and inform the Commission’s decision-making for this matter.</p> <p>Additionally, CNSC is supporting whole-of-government work underway related to the UNDA Action Plan released in 2023. The action plan measure 32 speaks to developing guidance for implementing Free, Prior and Informed Consent for natural resource and energy projects and 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: Indigenous engagement, which include changes to bring the guidance and requirements in line with the principles of UNDA.</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 site and waste management facility were originally established and constructed. The CNSC ensures that Indigenous Nations and communities have meaningful opportunities to participate in all aspects of environmental reviews and licensing processes for a</p>	<p>regulator and site operators with advancing projects in the right way. Communicated by Chief LaRocca on Nov 20, 2023, to CNSC staff.</p> <p>The Supreme Court of Canada in its recent C-92 Reference (Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5) states that UNDRIP “has been incorporated into the country’s positive law by the United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14 (“UNDRIP Act”), s. 4(a). This statute recognizes that the Declaration “provides a framework for reconciliation” (preamble); s. 5 of the same statute requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to take “all measures necessary to ensure that the laws of Canada are consistent with the Declaration”. The statute’s preamble expressly provides that the implementation of the Declaration in Canada “must include concrete measures to address injustices” facing, among others, Indigenous youth and children.”</p> <p>Therefore, UNDRIP is - now – incorporated in Canada’s positive law, and as a result the CNSC is obligated to act</p>	<p>committed to continuing to work with MSIFN and OPG to address their concerns and striving to achieve a consensus on the DNNP issues and concerns raised. CNSC staff note that these efforts will continue to be monitored and assessed as per REG DOC 3.2.2 and additional information about the status of this will be provided in advance of the Licence to Construct Part-2 hearing.</p> <p>MSIFN’s view is that this concern has not been addressed.</p>
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					<p>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 is committed 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>CNSC staff will continue to monitor OPG's Indigenous engagement activities related to the DNNP, should the project proceed, to ensure that OPG engages MSIFN on key topics of interest and is responsive to questions or concerns raised.</p>	<p>now to incorporate UNDRIP and "consent". The Supreme Court of Canada provides the guidance that the CNSC requires. It is the CNSC's duty to act on the Supreme Court's legal determination that UNDRIP is now the law.</p> <p>In particular, the CNSC is required by the incorporation of UNDRIP in Canada's positive law to "take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent." (UNDRIP Article 9).</p> <p>OPG has not provided any written commitments regarding a follow-up program, Indigenous Knowledge Study, cumulative effects assessment, or addressing gaps between the 2009 EA vs. current IA approaches. We are four months from the License to Construct hearing, with no written commitments from OPG.</p>	
MSIFN #14	MSIFN raised concerns that they did not receive participant funding from the Canadian Environmental Assessment Agency (CEAA) to participate in the environmental assessment and related consultation activities. Additionally, consultation with MSIFN appears to have been	Indigenous Consultation and engagement		OPG has been conducting ongoing engagement with MSIFN. In OPG's Indigenous Engagement Report, OPG indicates that they conducted early engagement on the technology selection process and on the EIS Review prior	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 WTFN. Consultation efforts during this process included	MSIFN questions whether, as the responsible authority, were the above-mentioned engagement activities made with the view of the CNSC's best efforts (e.g., sending letters, emails, telephone calls, and meetings at key points)	CNSC staff's view is that these concerns have been addressed to the extent possible within the CNSC's mandate and regulatory requirements. CNSC staff note the Impact

	<p>limited to the distribution of letters and documents.</p> <p>MSIFN raised concerns about the change of EA and consultation requirements when considering CEAA 1992 to IAA 2019 that have a direct impact on the MSIFN community and pre-existing treaty Rights of WTFNs⁴. This includes:</p> <p>Follow-up programs that include and go beyond the 2009 environmental assessment follow-up program, reflecting the current IAA.</p> <p>Assess the potential impacts linked to the BWRX-300 reactor technology through current federal IAA requirements, given that the chosen technology is fundamentally different from the specific reactor technologies assessed and bounded by the plant parameter envelope, as outlined in the JRP Environmental Assessment Report, all of which were predicated on CEAA 1992.</p> <p>Overlook gaps in the JRP EA and to establish safeguards in line with the IAA framework, given that the JRP EA did not include detailed inputs from impacted First Nations (including Indigenous Rights and knowledge) and related health, socio-economic, climate change, avoidance, mitigation, and compensation considerations.</p>			<p>to its submission to the CNSC.</p> <p>Based on a request from the WTFN, OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study, an updated RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection⁵.</p> <p>OPG has proposed that an environment sub-committee be formed to design the above-mentioned Environmental Monitoring Augmentation Plan as well as complete an assessment of the standards of 2009 and today, to understand where we can work together to meet and exceed current standards.</p>	<p>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, including all WTFN, 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 leadership and representatives 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 at the time. 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. In the Government of Canada’s response to the JRP EA report, the legal duty to consult was acknowledged and it indicated that consultation with Indigenous Nations and communities was</p>	<p>while engaging MSIFN and other WTFNs?</p> <p>The response from the CNSC raises the question of how the regulator addressed comments from MSIFN.</p>	<p>Assessment Act does not apply, as this project has already undergone an Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. Therefore, OPG is not required to undertake the requirements under the Impact Assessment Act.</p> <p>However, CNSC staff acknowledge that MSIFN has outstanding concerns. CNSC staff are committed to working with OPG and MSIFN throughout the life-cycle of the project, should it proceed, to continue to find ways to address the concerns raised. CNSC staff are also committed to continuing to improve the approach to consultation and engagement based on feedback from MSIFN and other Indigenous Nations and communities.</p>
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					<p>integrated into the EA and regulatory review process.</p> <p>CNSC staff note that the Commission’s Record of Decision Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 219) indicates “The task for the Commission in this determination is not to reassess the EA, or the adequacy of the EA, and this includes Indigenous consultation. When the EA was conducted, conclusions were drawn on the assessment and a licence issued on the basis that the duty to consult had been adequately discharged. It is not the task of the Commission to reassess this conclusion.”</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>CNSC staff have ensured that MSIFN and other WTFNs have had opportunities to be consulted and engaged at each phase of the regulatory process for the DNNP, including the renewal of the licence to prepare site, the applicability of the EA decision and the licence to Construct application. CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the current phase of the DNNP</p>		
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					<p>regulatory review process. To date, this has included:</p> <p>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.</p> <p>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’. On August 29, 2023, CNSC staff responded to some of the concerns and themes raised by MSIFN during this comment period and offered to meet to discuss the concerns further. CNSC staff 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.</p> <p>Offering to conduct collaborative RIAs with potentially impacted WTFN, 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.</p>		
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					<p>Providing multiple stages of participant funding to support involvement in the DNNP regulatory process.</p> <p>CNSC staff will continue to consider and implement best practices for consultation and engagement for the DNNP regulatory process and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>CNSC staff expect OPG to consider best practice and current standards in their follow up monitoring program as well as any Indigenous Knowledge study or other relevant studies.</p> <p>CNSC staff note that as per the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment, issued 22 April 2024, the Commission expects OPG to:</p> <p>work collaboratively with interested Williams Treaties First Nations to scope out the extent, timing and content of the following study and assessment:</p> <p>Rights Impact Assessment</p> <p>Indigenous Knowledge study</p> <p>work collaboratively with Williams Treaties First Nations to scope out the extent, timing and content of an updated Cumulative Impacts Assessment</p> <p>consider best practices and standards when scoping and undertaking the above-noted study and assessments</p>		
MSIFN #15	MSIFN raised concern that the BWRX-300 reactor technology is fundamentally different from the specific reactor technologies assessed and bounded by the plant	Regulatory requirements		OPG’s EMEAF Plan notes that OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and	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	OPG has not provided any written commitments regarding a follow-up program, Indigenous Knowledge Study, cumulative	CNSC staff are of the view that the concern regarding whether the BWRX-300 technology is

	<p>parameter envelope, as outlined in the JRP Environmental Assessment Report (JRP EA)</p> <p>As per the Joint Review Panel Recommendation #1¹, the selection of a reactor technology that is not one of the four designs considered in the EA required OPG to conduct a review to confirm the continued applicability of the assumptions and conclusions of the EA.</p> <p>Therefore, MSIFN requests that OPG and interested WTFN conduct a gap analysis between the JRP EA and the federal <i>Impact Assessment Act</i> (IAA) requirements³.</p>			<p>Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making. OPG endeavours 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.</p> <p>OPG is committing to enhance their environmental protection and follow-up monitoring program, based on the information collected through the Indigenous knowledge study that OPG has committed to supporting. OPG's goal is to build a comfort level between OPG and the communities that the DNNP is protective of the environment and their Rights.</p>	<p>does not apply to the DNNP as a decision has already been rendered by the JRP and the Federal Government on this proposed project under the former Act; the environmental assessment decision remains applicable. Based on CNSC staff's review of the EA and the PPE review, CNSC staff find that OPG's selected technology is within the bound of the EA considering the recommendations, mitigation measures and follow up program. The CNSC's Commission also determined that the BWRX-300 is not fundamentally different from the technologies assessed in the EA and a new EA is not required.</p> <p>CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the DNNP. This includes on the Licence to Construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>CNSC staff expect OPG to consider best practice and current standards in their follow up monitoring program as well as any Indigenous Knowledge study or other relevant studies.</p>	<p>effects assessment, or addressing gaps between the 2009 EA vs. current IA approaches. We are four months from the License to Construct hearing, with no written commitments from OPG.</p>	<p>fundamentally different has been addressed as per the response column, as well as by the Commission decision on the January 2024 hearing. CNSC staff note the Impact Assessment Act does not apply, as this project has already undergone an Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. Therefore, OPG is not required to undertake the requirements under the Impact Assessment Act.</p> <p>MSIFN's view is that this concern has not been addressed.</p>
<p>MSIFN #16</p>	<p>MSIFN raised concerns that the RIA process should have occurred in conjunction with the original 2009 OPG Environmental Impact Statement. They and other interested WTFNs have not been part of designing the proposed RIA and have far too little time to coordinate the intense</p>	<p>RIA Process</p>	<p>January 11, 2024 CNSC response email</p> <p>January 11, 2024 MSIFN letter regarding RIA</p>	<p>OPG has been engaging with MSIFN to better understand concerns about the DNNP specific impacts on MSIFN's² Indigenous and/or Treaty Rights, through regular and ongoing meetings.</p>	<p>CNSC staff acknowledge MSIFN's view that the RIA should have been conducted during the Environmental Assessment (EA) for the DNNP, which was completed in 2011. Potential impacts on Rights were considered during the EA by the CNSC, the Canadian Environmental Assessment Agency of Canada and the Joint Review Panel⁴. At the time of the</p>	<p>Please note OPG has not provided written commitment to supporting MSIFN or other interested WTFNs to undertake an Indigenous Knowledge Study (see below). The scope of such a study should include the full scope of the DNNP projects,</p>	<p>CNSC staff have offered and remain open to collaborating with MSIFN on completing the RIA for the DNNP Licence to Construct with the goal of supporting MSIFN in</p>

	<p>investigations required to provide meaningful inputs to the RIA as part of the current regulatory process for the DNNP.</p> <p>MSIFN wishes to make it clear that the request is not appropriate and should have come years earlier with time to collaboratively design a RIA process with the timeframe and resources required for such a significant undertaking. MSIFN notes that this is the first federal Crown determination for impacts on any project involving MSIFN and WTFN Rights since the 2018 Settlement Agreement. A Commission’s decision, based on the amount of traditional knowledge collected during a RIA, can easily jeopardize MSIFN and WTFN Rights if not properly conducted.</p> <p>MSIFN requested that the CNSC ensure OPG provides MSIFN, CLFN and HFN with information that has been requested to inform the assessment of impacts on Michi Saagig Rights</p>		<p>January 24, 2024 CNSC response letter</p>	<p>Based on a request from the WTFN, OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study³, an updated RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p>	<p>EA and JRP hearings, no concerns about potential impacts on Rights were raised by MSIFN and other WTFN, and the JRP’s assessment based on the EA and all facts and evidence brought forward during the hearing process was that they did not expect the DNNP to result in significant adverse effects on current use of land and resources for traditional purposes by “Aboriginal” persons as per section 6.4 of the JRP environmental assessment report for the DNNP. CNSC staff acknowledge that consultation and engagement expectations and requirements have changed since the EA, including the signing of the Williams Treaties Settlement Agreement in 2018, which recognized the pre-existing Treaty Rights of the WTFN. In addition, as part of the consultation process for the applicability of the EA to OPG’s chosen technology and the Licence to Construct application for the DNNP, MSIFN and other WTFN have now more recently raised specific concerns regarding the potential for the construction and operation of the DNNP to lead to new impacts on their Rights and interests. As a result, CNSC staff are offering to collaborate on RIAs specifically in relation to the DNNP Licence to Construct application , with potentially impacted WTFN, including MSIFN, at this stage of the process 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 recommendation to the Commission about potential impacts on Rights from the DNNP. This proposed approach is</p>	<p>inclusive of the recently announced Low & Intermediate Waste Facility – which under Canada’s Integrated Strategy for Radioactive Waste requires First Nation consent together with early and comprehensive consultation.</p> <p>MSIFN acknowledges that the CNSC remains committed to working collaboratively with MSIFN on this assessment. However, please acknowledge that WTFNs have not been part of designing the RIA, which is a new best practice across the Federal Government.</p>	<p>clearly articulating its concerns regarding potential impacts to its Rights and interests, measures to address those concerns and identify any existing information or data gaps.</p> <p>CNSC staff will continue to have ongoing discussions about the DNNP Licence to Construct specific RIA with MSIFN, the full assessment and conclusions will be submitted to the record prior to the Licence to Construct Part-2 hearing. The goal for the RIA will be to include information, perspectives and recommendations from both CNSC staff’s and MSIFN’s perspectives.</p>
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					<p>part of the CNSC’s commitment to consider current best practices as part of the DNNP regulatory and consultation processes.</p> <p>CNSC staff acknowledge MSIFN’s concern that the WTFN’s were not involved in designing the RIA framework and their concerns regarding the RIA time constraints limiting the amount of traditional knowledge that could be collected during the short timeframe. The RIA framework is meant to be flexible and was presented as a way to start discussions on the approach to assessing the specific concerns MSIFN has recently raised regarding the DNNP’s potential impacts on MSIFN Rights and interests. CNSC staff have continued to raise and discuss the approach to conducting an RIA, the expected timelines and how MSIFN would like to collaborate on the process for the DNNP. CNSC staff remain committed to working collaboratively with MSIFN on this assessment. In addition, CNSC staff are fully committed to working with MSIFN and other WTFN on supporting an Indigenous Knowledge and Land Use study specific to the DNNP to help gather more specific information and data regarding WTFN Rights and interests that could be potentially impacted by the DNNP and other projects in the treaty territory. As discussed, this approach would ensure that in the current RIA, both CNSC staff and MISFN would be able to summarize the specific concerns regarding any existing gaps or limitations in knowledge and data about Rights practiced, with the recommendation to move forward together, with OPG, to complete these studies. The results of these studies can then help to inform an</p>		
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					adaptive management approach and EA follow-up monitoring program, which will ensure the DNNP project and related activities would be protective of Rights and interests, as well as potential updates to the current RIA for the Licence to Construct application for the first DNNP unit as new information is provided by OPG and the Nations to help support the regulatory process and decision-making on future phases of the DNNP including any future licence to operate application or additional Licence to Construct applications for other DNNP units, as appropriate.	
MSIFN #17	Upon review of the “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 (EDOCS #7212032)”, MSIFN expressed disappointment and concern that the list of commitments raised by Michi Saagiig Nations have not been addressed. The concerns and requests outlined in MSIFN’s written intervention to the Commission, as well as in the joint oral intervention presented by MSIFN, Curve Lake, and Hiawatha First Nations on January 23rd, have not been acknowledged or documented in this CNSC staff update. The staff update and the summary of consultation and engagement fail to include the list of commitments sought from the Commission and neglect to articulate any impacts	Engagement and Consultation	February 16, 2024 MSIFN letter February 16, 2024 CNSC response email March 4, 2024 MSIFN letter	Not Applicable	CNSC staff and OPG were directed by the Commission on the final day of the DNNP hearing (January 25 th) by the Commission to provide additional information regarding engagement activities leading up to the January Commission hearing that covered the time period from when CNSC staff submitted the Commission Member Document for the DNNP hearing (September 2013) up until the hearing in January 2024. The Commission requested this information from CNSC staff and OPG to be submitted to them as soon as possible. The scope of the request did not include reiterating or summarizing the requests and submissions from any interveners including MSIFN as that information was already provided on the record to the Commission. For transparency CNSC staff wanted to ensure that MSIFN and other Nations had the information we were requested to submit to the Commission, and shared a copy of the report with MSIFN and other interested Indigenous Nations and Communities .	CNSC staff’s view is that this concern has been responded to and will be addressed through ongoing collaboration on relevant documents (i.e offering opportunities to collaborate on the RIA, issues tracking table, DNNP Consultation Report)

	<p>on Treaty Rights. The list of commitments and requests made by MSIFN, Curve Lake, and Hiawatha First Nations remains unaddressed by CNSC staff and must be addressed by the Commission.</p>				<p>As committed to with MSIFN, CNSC will be sharing CNSC staff documentation and reports related to MSIFN for the DNNP Licence to Construct application for review and input including CNSC's CMD section related to MSIFN, MSIFN specific issues and concerns tables, and the MSIFN specific RIA summary report.</p> <p>CNSC staff are currently working on updating those documents to reflect MSIFN's submissions to the Commission for the January DNNP hearing and will be providing those to MSIFN for review and input.</p>		
MSIFN #18	<p>MSIFN has raised concerns about the DNNP contributing to cumulative effects from the Pickering and Darlington Sites on their Treaty Rights and on the environment. MSIFN has requested CNSC and OPG to work collaboratively with MSIFN, CLFN and HFN to develop and undertake a Cumulative Effects Assessment</p>	Cumulative Effects		<p>Through recent discussions with the MSIFN and the other Mississauga Rightsholders, OPG is working with WTFN to develop a pathway in 2024 that will include a scoping exercise to develop an Indigenous Knowledge Study, which would include or lead to a cumulative effects study, a RIA and opportunities to identify and address the options for extended environmental engagement which would look at standards from the 2009 EA and the standards of today with actions to address the differences.</p> <p>OPG has also started discussions on augmenting its existing environmental monitoring plans which would incorporate an Indigenous Knowledge</p>	<p>The assessment of cumulative environmental effects in the EIS focused on past, present, and future projects within the surrounding area that had a potential to act cumulatively with the DNNP. A total of 34 other projects and activities within the study area was selected for consideration of their potential to contribute to cumulative environmental effects.</p> <p>All were screened to identify those expected to have effects similar to, and likely to overlap geographically and temporally with, the residual effects of the Project.</p> <p>Project-related residual adverse effects were identified as likely within the following four environmental components: Aquatic Environment, Terrestrial Environment, Land Use (visual landscape), and Socio-Economic Environment. Each Project-related residual adverse effect was assessed in combination with the overlapping effects of other projects and activities advanced through the screening step. In all cases, it was determined that no further mitigation</p>	<p>MSIFN and other interested WTFNs have yet to receive written commitments from OPG with regard to an Indigenous Knowledge Study or a parallel cumulative effects study, or a gap assessment and actions regarding the 2009 EA and the standards of today. The absence of such a commitment only four months away from the CNSC License to Construct Hearing indicates that MSIFN and interested WTFNs are unlikely to receive such commitments from OPG.</p>	<p>CNSC staff's view is that the cumulative effects concern has been and will continue to be addressed by OPG and CNSC staff, as described in the response column.</p> <p>CNSC staff are committed to working with MSIFN throughout the lifecycle of the project, should it proceed, to address their concerns and collaborate on assessing and addressing cumulative effects, as appropriate.</p>

				<p>worldview to be applied, e.g., site restoration.</p>	<p>measures (outside of in-design mitigation measures) were considered to be necessary to address potential cumulative effects.</p> <p>The EIS review described the updated status of the projects identified in the EA. The Review found no new adverse effects from the BWRX-300 deployment on these receptors or other environmental components that require further consideration in the cumulative effects assessment. Due mainly to a smaller footprint of the BWRX-300 SMR (when compared to DNNP), equal or smaller residual cumulative effects with other on-site and off-site projects have potential to occur. Furthermore, it is stated that the BWRX-300 does not include cooling towers and, therefore, the potential visual and related community cumulative effects do not need to be carried forward to determine their significance.</p> <p>CNSC staff look at the cumulative effects to the environment as part of ongoing reviews. This includes environmental risk assessments. These assessments are done every five years and would provide staff with an indication as to whether there is a change in the risk profile for the environment around the facility. Further, information on environmental monitoring at the facility as well as from regional monitoring and IEMP also inform staff's ongoing review related to cumulative effects.</p> <p>The RIA process will consider how cumulative impacts from all previous impacts and development in the territory could interact with the currently proposed project, as well their perspectives on how they would prefer to practice their Rights and interests. This context as provided by</p>		
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					<p>the Indigenous Nation and community, helps to inform the CNSC with regards to the current conditions of the territory including the current capacity of their territory to withstand additional new impacts as the result of the proposed project and how project specific impacts could interact with existing conditions and cumulative impacts in the territory. This is taken into consideration in the RIA as part of the magnitude of project specific impacts, and directly informs the assessment of the potential severity of project specific impacts as well as potential options for addressing, mitigating or accommodating those project specific impacts so as they do not contribute to any existing impacts on the Nation’s territory and Rights.</p> <p>CNSC staff note that in the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 216) the Commission directs CNSC staff to support the collaborative work on multiple studies and assessments, include a cumulative impacts assessment.</p> <p>CNSC staff are also open to supporting the scoping and implementation of a cumulative effects study, in collaboration with Mississaugas of Scugog Island First Nation, other interested WTFN and OPG, to help inform the DNNP environmental monitoring and follow up program and future RIAs as appropriate.</p>	
MSIFN#19	MSIFN indicated that the evaluation of alternative on-site locations for the used fuel dry storage facility is considered in the framework of the bounding	Waste Management		OPG has been discussing and engaging with the MSIFN to better understand, respond to and work to addressing their concerns related to waste	For this application CNSC has not received an application for waste management facility related to the DNNP. A DNNP Solid Radioactive Waste Management Strategy has been	The solid waste management strategy outlines OPG’s waste management program, including

	<p>site development, so long as OPG does not exceed its used fuel storage and processing specifications. MSIFN acknowledges that higher solid waste volumetric activity will be generated during the BWRX-300 operation. Therefore, OPG may exceed the specifications in the framework of the bounding site. Considering this, this issue should be further evaluated and mitigated through meaningful collaboration between WTFN and OPG.</p>			<p>management, including providing support for MSIFN to conduct a Benchmark review of International Best Practices for the management and interim storage of used nuclear fuel with current OPG practices. MSIFN is in preliminary conversations with OPG regarding a term of reference for advancing this review</p>	<p>submitted to CNSC staff for review. The Strategy document describes some of the lifecycle considerations for waste management, including interim storage. These considerations include:</p> <p>spent fuel casks will be transferred to an interim storage facility within the Darlington site.</p> <p>The interim storage facility should be as close as possible to the DNNP.</p> <p>The location and design of the interim storage facility depends on several considerations such as ground water table level, seismic efficiency, foundation and soil profile, security, as well as other environmental conditions. The location and design of the facility will ensure that it does not have a substantial affect on the environment, as well as ensuring that the facility is suited to withstand all conditions on site.</p> <p>The facility must also be designed to ensure sub-criticality of the used fuel is maintained and that radiation shielding is provided to ensure dose limits to both the workers and the public are maintained ALARA (As Low As Reasonably Achievable).</p> <p>Currently, waste generated at OPG nuclear generating sites is managed at waste management facilities that are licenced under separate CNSC licences. Any changes to the licensing basis of one of those licences, for example increased capacity, would require a licence amendment that would be subject to a CNSC licensing process. CNSC staff will ensure that MSIFN is kept informed of any proposed amendments and has opportunities to meaningfully participate in the regulatory process.</p>		<p>the requirements that it needs to be complied with. The data received by CNSC for radioactive wastes, for purposes of the LTC, is within the scenario described in the Environmental Assessment. The following information is from the Commission’s Record of Decision (pg. 34, paragraph 107.):</p> <p>“Based on the information on the record, the Commission concludes that the EA remains bounding, when considering the activity by isotope of solid radioactive waste being outside the bounds of the original PPE. The Commission finds that:</p> <ul style="list-style-type: none"> • the total volume of solid waste from the BWRX-300 reactor is less than that of the reactor designs specifically considered in the EA • the total volumetric activity for the BWRX-300 reactor
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					<p>CNSC staff also encourage OPG to conduct early engagement and collaboration with MSIFN, and other interested WTFN's on this topic.</p>		<p>technology is less than the EA bounding scenario</p> <ul style="list-style-type: none"> • the radionuclide makeup of solid waste from the BWRX 300 reactor is similar to other thermal reactor solid waste • OPG intends to account for the differences in radionuclide proportions for the BWRX-300 by adapting its approach to waste management” <p>The CNSC has not received an application for waste management facility related to the DNNP. If this application is received, it will be subject to the CNSC's licensing process and consultation with Indigenous Nations and communities, and will be assessed against the bounding scenario in the EA.</p> <p>CNSC staff are of the view that the concerns regarding OPG's waste management have been addressed within the CNSC's mandate</p>
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							and regulatory requirements for a Licence to Construct application. CNSC staff are committed to ongoing discussions and consultation regarding OPG’s nuclear waste management program at future licensing stages, should the project proceed.
MSIFN #20	<p>MSIFN raised concerns about the changing project description of the DNNP.</p> <p>MSIFN is concerned that OPG only recently informed them about their intention to apply to construct a low & intermediate level (LILW) waste facility at the Darlington site. MSIFN indicated that the DNNP represents many unknowns for the WTFN (WTFNs) as it is unclear what is being considered for the Licence to Construct application, and the intended addition of the nuclear waste facility on site by OPG is interpreted as major changes to the DNNP project description.</p> <p>MSIFN noted that it is difficult to understand what the potential impacts on the environment and their Rights are, when it is not clear what is in scope of the decision at the licence to construct hearing.</p>				<p>The decision that is in front of the Commission for the Hearing, is what is described in OPG’s license application, which is solely for the construction of 1 BWRX-300 and does not include construction of a new radioactive waste facility. The project description has not changed.</p> <p>The CNSC has not received an application for waste management facility related to the DNNP. If this application is received, it will be subject to the CNSC’s licensing process and consultation with Indigenous Nations and communities. While the principles in the Integrated Strategy for Radioactive Waste are focused on disposal projects, the CNSC is committed to consultation and engagement with MSIFN regarding potential projects involving interim waste storage on the DNNP site.</p> <p>CNSC staff are committed to working with MSIFN and OPG to ensure there is clarity with regards to the scope of the Licence to Construct, in advance of the Commission hearing.</p>	<p>The addition of the LILW waste facility will create additional project impacts, additional cumulative effects, restrict the lands available for ecological offsetting – to name a few of the impacts. It is far too late to engage impacted rights-holding First Nations when decisions have already been made by OPG and the CNSC. Contrary to CNSC staff’s view that this issue can be addressed by “future” discussions, this issue needed to be addressed before any decisions were made, and this is clear in Canada’s “Integrated Strategy for Radioactive Waste”, which CNSC staff should fully understand.</p> <p>Furthermore, OPG and the CNSC are ignoring basic implementing principles of Canada’s “Integrated Strategy for Radioactive Waste”, particularly Implementing</p>	<p>CNSC staff are of the view that this issue will be addressed through future discussions between CNSC staff, OPG and MSIFN.</p> <p>MSIFN is of the view that both OPG and the CNSC have ignored Canada’s “Integrated Strategy for Radioactive Waste” and its four principles, including Principle 1, which was completely disregarded by OPG and the CNSC prior to the decision to site the facility at the DNNP site: Principle 1 - Consent of the local communities and Indigenous peoples in whose territory future facilities will be</p>

						<p>Principle 1 which was completely disregarded by OPG and the CNSC prior to the decision to site the facility at the DNNP site. There have been no discussions with MSIFN or other First Nations about Principle 2, and there have been no discussions with MSIFN or other First Nations around land stewardship – including ecological stewardship and Indigenous Knowledge – around Principle 3. Finally, OPG and the CNSC’s objectives for Principle 4 have not in any way been balanced with Canada’s commitment to Reconciliation with Indigenous peoples.</p> <p>Implementing Principle 1: Consent of the local communities and Indigenous peoples in whose territory future facilities will be planned must be obtained: “Indigenous communities in siting areas must have early and meaningful engagement and ongoing involvement in all phases of any waste disposal project, regardless of size, through capacity building among Indigenous peoples, information sharing and collaboration. In addition, laws, regulatory processes and Indigenous consultation protocols, developed and implemented in areas where future facilities will be planned, should be respected.</p>	<p>planned must be obtained.</p> <p>MSIFN’s view is that this concern has not been addressed – both OPG and the CNSC have failed to adhere to the four principles of Canada’s “Integrated Strategy for Radioactive Waste”.</p>
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						<p>Implementing Principle 2: Design of facilities should prioritize the protection of water: “Protection of water is paramount, and therefore, any disposal facilities must meet the highest standards of environmental and water protection.”</p> <p>Implementing Principle 3: Long-term caretaking should be established for disposal facilities: “Indigenous communities with nuclear waste facilities should be part of conversations around land stewardship. This is consistent with expectations on waste generators and waste owners in the Policy to work in partnership with Indigenous peoples to gain a greater understanding of their Indigenous Knowledge and advice with regards to radioactive waste management and decommissioning projects.”</p> <p>Implementing Principle 4: We need to take action now and not defer to future generations: “This urgency to take actions must be appropriately balanced with Canada’s commitment to Reconciliation with Indigenous peoples.”</p>	
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A.3 Issues Tracking Table for Curve Lake First Nation (CLFN) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff updated this table based on new concerns raised by CLFN since the submission of the Consultation Report in June 2024. CNSC staff shared this table with CLFN for their review on November 25, 2024 and received feedback on December 6, 2024.

Note (included in June 2024 submission) – CNSC staff shared this table with CLFN for their review on February 9, 2024. On May 17th, CNSC staff shared an updated version of this table. On May 31, 2024, CLFN reviewed and provided edits on the table and discussions were had on the comments at a meeting on June 4th. CLFN reviewed and provided additional comments on the table on June 17, 2024

ID #	CONCERN OR ISSUE	THEME	RELEVANT CORRESPONDENCE (SEE APPENDIX B OF THE CONSULTATION REPORT OR APPENDIX C OF THE SUPPLEMENTAL CMD FOR DETAILS)	OPG RESPONSE	CNSC RESPONSE	STATUS OF ISSUE OR CONCERN
Issues and Concerns raised since the submission of the Consultation Report in June 2024						
CLFN #9	<p>CLFN has raised concerns about the jurisdiction of the lakebed where OPG is proposing construction activities.</p> <p>CLFN raised concerns that the provincial Ministry of Natural Resources does not have a process in place where the WTFNs are provided the first opportunity to purchase crown land / lakebed.</p>	Lakebed Jurisdiction	Email to CLFN on October 8 2024	OPG is continuing discussion with the WTFN's and the Provincial Ministry of Natural Resources and Forestry to discuss different options to work to address the concerns regarding the potential purchase of the lakebed.	<p>CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time.</p> <p>CNSC staff indicated to CLFN that they are open to receiving more information from CLFN to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with CLFN and OPG, as appropriate. No response was received to this yet.</p> <p>In response to concerns raised from the Michi Saagiig Nations on this topic, CNSC staff have included a requirement in the Licence Condition Handbook for Licence Condition 15.4 for OPG to provide updates on the status of and engagement done on the potential purchase or use of an easement of the lakebed.</p>	In progress – CNSC staff to receive updates through ongoing oversight, should the Commission grant a construction licence
CLFN #10	<p><i>Included in CLFN's intervention</i></p> <p>The framework and timelines for the RIA should not be imposed on CLFN or any other Michi Saagiig Nations. The requested Rights Impact Assessment timelines imposed by the CNSC are incompatible with our ability to conduct a proper impact assessment and inconsistent with the good faith</p>	Rights Impact Assessment	<p>Multiple correspondence, included in the appendix B of the Consultation Report</p> <p>Email from CNSC on July 19 2024</p> <p>Email from CNSC on October 10, 2024</p>	N/A	<p>In June 2023, based on concerns raised from CLFN that the LTC application could impact their rights and perpetuate impacts to rights that have not been adequately addressed, CNSC staff presented the CNSC's general framework for RIAs to CLFN. The goal was to discuss different options for assessing potential impacts on rights, collaboratively drafting the report and seek feedback from CLFN on how they would like to collaborate on gathering information, assessing potential impacts and identifying mitigation and accommodation measures to</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staffs view is that this has been</p>

	<p>principles as established by UNDRIP and the Honour of the Crown. CLFN asserts that a comprehensive RIA fully informed by our knowledge, history, culture, language, relations, land and water use is required to be able to fully identify, understand and comprehensively address impacts to CLFN's Rights. CLFN is of the view that an effective RIA requires additional sources of information that have yet to be gathered and analyzed through an Indigenous and Rights based lens including, but not limited to, regional or territorial Indigenous Knowledge Studies, comprehensive cumulative impacts assessments, Rights-informed approaches to mitigations, compensations and restorations, and Rights-informed offsets, needs, requirements, and improvements.</p>				<p>address any potential impacts on their Rights and interests from the DNNP LTC application.</p> <p>CNSC staff acknowledge that CLFN has raised concerns with regards to the Crown assessing potential impacts on their rights and their view that this comes across as paternalistic. CNSC Staff have aimed to have a flexible approach to the RIA and have continued to seek feedback on the preferred approach, as well as encourage CLFN to share information about their rights, how they are exercise (historically and currently) their views on the existing constraints on the exercise of their rights or potential impact pathways of OPG's Licence to Construct application. Additional information about CNSC staff's assessment, including efforts to collaborate on the DNNP LTC RIA, can be found in CNSC staff's supplemental CMD 24.H3.F.</p> <p>CNSC staff have made changes to the approach to conducting the RIA based on concerns raised from CLFN. For example, CLFN highlighted their concerns with trying to assign a severity level to the potential impacts. Based on this, CNSC staff conducted a narrative/qualitative assessment rather than a quantitative assessment with a severity analysis.</p> <p>CNSC staff acknowledge the concerns raised by CLFN and the other Michi Saagiig Nations regarding the RIA timelines and the preference to conduct an RIA based on Indigenous Knowledge Studies and Comprehensive cumulative impact assessments. Throughout the consultation process for the LTC application, CNSC staff worked to understand whether the Michi Saagiig Nations were comfortable with the DNNP potentially proceeding in parallel to work being progressed on the Indigenous Knowledge Study, cumulative effects assessment and other commitments made by OPG and CNSC. CLFN has indicated that they have not raised a concern with these activities occurring in parallel.</p> <p>In order for the Commission to make a decision on whether to grant a LTC, they will need to determine whether the Duty to Consult has been fulfilled. CNSC staff are assessing and make a recommendation to the Commission regarding the potential impacts on rights from this decision based on the information available in advance of the Part 2 hearing, as part of the Crown's</p>	<p>addressed to the extent possible in relation to the LTC application.</p> <p>However, CNSC staff acknowledge that CLFN has outstanding concerns and are committed to working collaboratively with CLFN to ensure that CLFN's Rights are protected over the lifecycle of the DNNP, should the project proceed.</p>
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					<p>legal Duty to Consult and where appropriate accommodate.</p> <p>CNSC staff have not made a recommendation to delay the LTC regulatory decision and process in part based on the fact that CLFN and other Michi Saagiig Nations have not raised concerns with the DNNP regulatory process proceeding in parallel with the work being progressed on the Indigenous Knowledge and Cumulative Effects studies.</p> <p>Instead, CNSC staff conducted an assessment based on information available to date in order to support the Commission in fulfilling the Duty to Consult. However, CNSC staff take the concerns raised by CLFN seriously. In response to the concerns raised, CNSC staff have recommended that the Commission direct CNSC staff to implement the following measures:</p> <p>Collaborating with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory;</p> <p>Collaborating with the First Nations to update Rights Impact Assessments at future potential licensing phases to consider, reflect and incorporate the outcomes of the studies in the decision-making process.</p> <p>Collaborating on the oversight and monitoring of the DNNP and site to ensure MSIFN's Rights and interests remain protected as new information is shared by the Nations with regards to their knowledge, land use, Rights and interests</p> <p>Supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory</p>	
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					processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.	
CLFN #11	<p><i>Included in CLFN's intervention</i></p> <p>CNSC staff characterize many of the concerns raised by CLFN as not specific to the decision before the Commission. This includes the baseline used to assess potential impacts from the project on the environment and on Aboriginal and Treaty Rights, CNSC's approach to cumulative effects assessment, and legacy impacts. Meaningful consultation to ensure that CLFN's constitutionally protected Aboriginal and Treaty Rights must include consideration of these points</p> <p>CLFN reiterates their concern with the CNSC's definition of baseline, without an understanding of the true baseline, it is not possible to understand the full extent of impacts on CLFN's Rights.</p> <p>CLFN also notes that cumulative effects from development in the traditional territory infringes upon CLFN's ability to meaningfully exercise our Rights. CLFN remains hopeful that the CNSC's regulatory approach to assessing impacts to Rights will evolve and consider the cumulative and legacy impacts of the Darlington and Pickering sites</p>	Impacts to Rights	N/A	N/A	<p>CNSC staff have made updates to the supplemental CMD based on CLFN's feedback.</p> <p>CNSC staff wish to clarify that cumulative and legacy impacts are considered by CNSC staff when assessing potential impacts on rights. Cumulative and legacy impacts are not out of scope for this decision.</p> <p>CNSC staff note that issue ID# CLFN #1 includes information about the CNSC's definition of baseline for RIAs and issue ID# CLFN #5 includes information about how the CNSC has assessed cumulative effects for the DNNP.</p> <p>The CNSC considers the current conditions of a site to be the baseline for assessing potential impacts on rights, however the CNSC takes into consideration how historical and current cumulative effects may already impact those conditions, or how future foreseeable projects may have an impact. This information, from the perspective of Indigenous Nations, is important context that is taken into consideration into completing Rights Impact Assessments (RIAs) and CNSC's approach to Consultation.</p> <p>For the DNNP LTC RIA, CNSC staff sought feedback from CLFN on how to include and consider their perspectives on historic and cumulative effects as part of the RIA. CNSC staff encouraged CLFN to work collaboratively with CNSC staff on the narrative of their key concerns regarding the baseline and cumulative effects to ensure that the Commission has the context of the current state of the territory, existing limitations on the ability of CLFN to exercise their rights and how the potential construction could impact the current conditions. To date, CNSC staff have not received feedback in writing from CLFN on these perspectives. CNSC staff acknowledge that during meetings CLFN has shared views about how their members have been excluded from the Darlington site since the construction</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staff's view is that this has been addressed to the extent possible and that historical and cumulative effects have been considered in relation to the LTC application.</p> <p>However, CNSC staff acknowledge that CLFN has outstanding concerns and are committed to working collaboratively with CLFN to discuss the CNSC's approach to cumulative effects assessment, legacy impacts and the baseline that is considered by the CNSC when conducting assessments. CNSC staff proposed</p>

					<p>of the Darlington Nuclear Generating Station, which has impacted their ability to exercise their Aboriginal and Treaty rights on these lands. CLFN has also indicated that their members used the area before the urbanization occurred. CNSC staff have reflected this information and considered it in the RIA. However, no further information was received from CLFN regarding historical and cumulative effects or how they wanted to communicate this information to the Commission.</p> <p>CNSC staff have acknowledged that this information may not be readily available at this time but have made efforts to work with CLFN to gather and incorporate information that is available at this time to support the decision-making process.</p> <p>In addition to the effort described above to address CLFN’s concerns, CNSC staff have recommended that the Commission direct staff to continue to make efforts on the following commitments:</p> <p>Supporting a cumulative effects assessment and working with CLFN to incorporate the outcomes of the study in CNSC’s regulatory processes and ongoing oversight of the DNNP, should the project proceed.</p> <p>Working with CLFN, Natural Resources Canada and OPG on the broader concerns regarding historical and legacy impacts</p> <p>Supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.</p>	<p>continuing to work through these broader issues through the existing Terms of Reference for Long Term engagement as well as with Natural Resources Canada and OPG.</p>
CLFN #12	<i>Included in CLFN’s intervention</i> It is the view of CLFN that adoption of UNDRIP into Canadian domestic	UNDA	N/A	N/A	The CNSC’s approach to consultation and engagement with Indigenous peoples is mindful and incorporates the principles articulated in the UNDRIP. Specifically, for	CNSC staff’s view is that UNDRIP and UNDA has been

	<p>law, and the principles upheld by UNDRIP requires the Commission’s decision to be consistent with UNDRIP, underscore the concerns raised by CLFN to date, as well as validate the requests being made by CLFN. CNSC should continue to evaluate its mandate, role, regulations and processes, in light of <i>UNDRIPA</i>. The CNSC's consultation process has not upheld the Declaration nor has our consent been sought by the CNSC, nor have we given consent, during the LTC process.</p>				<p>the LTC application, CNSC staff have been striving to achieve a consensus on the LTC, key issues and concerns raised by CLFN and other Michi Saagiig Nations and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nation’s perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG’s Licence to Construct application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required. Concerns raised by Indigenous Nations and communities, including related to consent or lack of consent for the DNNP LTC application, are considered as part of the public hearing and the Commission’s decision-making process.</p> <p>CNSC staff have been actively working with CLFN and the other Michi Saagiig Nations to understand their position on the project, including related to consent or lack of consent for the LTC application. CNSC staff have been working to support communicating this position and have included a section in the supplemental CMD for CLFN to indicate their position on this, should they wish.</p> <p>Additionally, as outlined in CNSC staff’s Consultation Report, potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed LTC Application, are encouraged to use the opportunity through their written and/or oral intervention. This will help assist and inform the Commission’s decision-making for this matter.</p> <p>CNSC staff have proposed mitigations and commitments specifically in response to the concerns raised and requests made by CLFN, as outlined in Section 4.3.6 in CNSC staff’s supplemental CMD 24-H3.F. CNSC staff are also aware that OPG has made specific commitments to address the concerns of CLFN.</p> <p>The CNSC is also committed to continuing to evolve it’s approaches to align with best practices and guidance that emerge through whole-of-government implementation of UNDA, and the <i>UNDA Action Plan</i>, including those that</p>	<p>appropriately considered and incorporated into the LTC application process.</p> <p>However, CNSC staff acknowledge that CLFN has outstanding concerns regarding the CNSC implementation and the CNSC’s mandate, role, regulations and processes, in light of <i>UNDA</i>. CNSC staff will continue to work with CLFN, as well as Natural Resources Canada, as appropriate on these broader concerns and recommendations as they relate to UNDA, the UNDA Action Plan, as well as the CNSC’s mandate and regulations .</p>
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					<p>relate to FPIC. This includes initiating formal consultation on proposed updates and amendments in 2024-2025 to the CNSC’s REGDOC-3.2.2: <i>Indigenous Engagement</i> to provide nuclear proponents and licensees with further guidance and clarity with regards to how their approach to engagement and partnership with Indigenous Nations can align with the principles of UNDRIP.</p> <p>Additional information regarding how the CNSC has considered UNDA is included in Section 1.2 of CNSC staff’s Consultation Report.</p> <p>However, CNSC staff are aware that CLFN has expressed that concerns regarding the CNSC’s approach to implementing UNDA remain outstanding. In addition to the effort described above to address CLFN’s concerns, CNSC staff have recommended that the Commission direct staff to continue to make efforts on commitments to address broader policy and mandate concerns including:</p> <p>Setting up broader policy discussions with CLFN and other Michi Saagiig Nations to solicit their feedback and have discussions regarding the CNSC’s approach to consultation, engagement, regulatory framework and UNDA implementation</p> <p>Setting up meetings and discussions with CNSC staff, CLFN and Natural Resources Canada on UNDA policy.</p>	
CLFN #13	<p><i>Included in CLFN’s intervention</i></p> <p>The CNSC’s consultation and hearing process has treated CLFN as a stakeholder not a right’s holder and has not been culturally appropriate</p> <p>In recognition of reconciliation and the principles of Nation-to-Nation dialogue, CLFN should have been invited to participate in the Hearing Part 1 as other government ministries were invited to do.</p>	Commission Hearing Process	N/A	N/A	<p>CNSC staff note that the Part 1 and Part 2 are both parts of the same hearing, and that all issues are open to be discussed and addressed at the Part 2 hearing in January 2025. CNSC staff are aware that the Commission Registry is considering adjustments to the hearing process for the DNNP Part 2 hearing, in an effort to make it more respectful and considerate for CLFN and other First Nation participants.</p> <p>CNSC staff have been supportive of CLFN and other Michi Saagiig Nations working with the Registry to incorporate ceremony and cultural protocols into the Commission hearing process and ensure that the Nations are treated as rights holders as part of the decision making and regulatory process. Based on feedback</p>	CNSC staff’s view is that this concern has been addressed to the extent possible in relation to the DNNP LTC application.

					<p>received from these First Nations through previous hearing processes, CNSC staff have worked with the First Nations and the Commission Registry to set up meetings to discuss this topic further.</p> <p>CNSC staff encourage CLFN to raise concerns regarding the hearing process with the CNSC Commission Registry during the meeting between the Michi Saagiig Nations and the Registry, currently scheduled for November 18, 2024 and December 9, 2024.</p>	
CLFN #14	<p><i>Included in CLFN's intervention</i> CNSC should work with CLFN and OPG to align on regulatory holdpoints and enforcement mechanisms to ensure that consultation and accommodation commitments and obligations are upheld</p>	Oversight	October 1 2024 email from CNSC staff to CLFN	N/A	<p>Throughout the consultation process, including in the interventions from the Michi Saagiig Nations, CNSC staff heard concerns regarding the need for OPG's commitments to the Nations to be binding and for there to be opportunities for the Nations to be involved in the oversight and monitoring of the commitments to ensure their rights and interests are protected. Based on this, CNSC staff have recommended a site-specific condition in the proposed DNNP construction licence and draft Licence Conditions Handbook. This is outlined in CNSC staff's supplemental CMD 24-H3.B.</p> <p>Licence condition 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence phase, should the Commission grant a construction licence. Additionally, the LCH outlines that OPG will be required to continue to collaborate with the Michi Saagiig Nations on the various studies and assessments OPG has committed to.</p> <p>By including these requirements in the proposed licence and draft Licence Conditions Handbook, it will support the Commission in fulfilling the Duty to Consult and, where appropriate, accommodate. Additionally, it will ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities.</p> <p>On October 1, 2024, CNSC staff shared CNSC staff's supplemental CMD: 24-H3.B, which included the proposed licence condition. CNSC staff noted that any feedback on the proposed licence condition was welcome, either through CLFN's intervention or comments directly to CNSC staff. On December 4, 2024, CNSC staff heard from CLFN, through their review of</p>	CNSC staff have proposed Licence Condition 15.4 in an effort to address this concern.

					<p>CNSC staff documentation, about the need to have stronger language in the LC and LCH. CNSC staff are aiming to work with CLFN to better understand these concerns and how to address them. CNSC staff have not received any further comments to date on the proposed LC and draft LCH but encourage the Michi Saagiig Nations to share their views as part of the Part 2 Commission hearing, should they wish.</p> <p>CNSC staff remain open to discussing the approaches and different options to ensuring the commitments are upheld. As noted, CNSC staff have recommended the use of a Licence Condition and Compliance Verification Criteria in the Licence Condition handbook as the mechanism for this.</p> <p>CNSC staff are committed to collaborating with each Michi Saagiig Nation (individually or collectively) regarding the oversight and monitoring of the DNNP, should it proceed, as well as reporting back to the Commission. This is included as a proposed commitment in Section 4.3.6 of the supplemental CMD.</p> <p>CNSC staff are open to discussing different options for this. For example, CNSC staff are proposing setting up a formal working group between the four Michi Saagiig Nations, CNSC staff and OPG to work collaboratively on the oversight of the commitments made to the Nations.</p>	
CLFN #15	<p><i>Included in CLFN's intervention</i></p> <p>The CNSC's consultation and hearing process has treated CLFN as a stakeholder not a right's holder and has not been culturally appropriate</p> <p>While we applaud CNSC's staff in evolving CNSC's consultation efforts, however CLFN Rights, values, culture and spirituality should not be simply documented. Rather, these need to be integrated into the consultation, review and decision-making process throughout the entirety of the DNNP and future nuclear projects. This should occur</p>	Indigenous Consultation	Multiple correspondence, included in Appendix B of the Consultation Report and Appendix C of the supplemental CMD	N/A	<p>CNSC staff have aimed to have a flexible and customized approach to consultation, being mindful and sensitive to each Indigenous Nation and communities specific Rights, interests, cultural protocols, capacity and needs. The CNSC has sought input and feedback from the Williams Treaties First Nations on how they would like to be consulted specifically for the DNNP Licence to Construct application and what would be meaningful for them. CNSC staff are planning to have discussions with each of the First Nations to go over lessons learned from this consultation process to understand what worked and what can be improved from their perspectives for future regulatory processes.</p> <p>CNSC staff have made efforts to learn more about each of the Michi Saagiig Nations history, community, culture and protocols. For example, CNSC staff have attended</p>	<p>CNSC staff's view is that the concerns about meaningful consultation has been and will continue to be addressed through the responses and commitments of CNSC staff, to the extent possible specific to the DNNP LTC application. Details regarding CNSC staff's efforts for consultation are</p>

	<p>through meaningful two-way dialogue and long-term accountability.</p> <p>It is not enough to simply disclose information and record feedback from impacted First Nations, but rather the Crown must demonstrate meaningful two-way dialogue that demonstrates a true intention to understand and address concerns and explore possible accommodations.</p>				<p>community events, visited and learned about sacred sites, spent time on the land together, learned how to harvest manoomin and participated in ceremonies. CNSC staff have adapted approaches of meetings based on feedback from First Nations to be more culturally appropriate and incorporate protocols of the First Nation. This has included opening prayers, smudging, teachings and talking circles.</p> <p>CNSC staff are always open to incorporating cultural protocols into consultation activities and provide space for this to occur, should the First Nations wish. CNSC staff are committed to continuing to learn and building relationships, with the goal of leading to a true understanding and two-way dialogue.</p> <p>CNSC staff's goal with the consultation efforts leading up to the Part 2 hearing was to strive to achieve consensus on the key issues and concerns raised by the Indigenous Nations and communities and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nations perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's LTC application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required.</p> <p>CNSC staff's view is that efforts have been made to have meaningful two-way dialogue and explore possible accommodations and commitments. CNSC staff have not only documented information about CLFN's Rights and concerns, but rather have worked to address the concerns raised by:</p> <p>Recommending that the Commission direct CNSC staff to implement the mitigation measures proposed in Section 4.3.6 of CNSC staff's supplemental CMD 24-H3-F;</p> <p>Proposing Licence condition 15.4, in order to require OPG to continue to engage with Indigenous Nations during their licensing term and ensure CNSC oversight and reporting on OPG's commitments, should the project proceed.</p> <p>Through the consultation process, CNSC staff specifically requested feedback from CLFN about</p>	<p>included in the Consultation Report and the Supplemental CMD. CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from Curve Lake First Nation.</p>
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					whether they feel any additional mitigation, commitments or accommodates measures were required to address their concerns regarding the LTC application. No additional requests for accommodation were made directly to CNSC staff, however CNSC staff acknowledge that CLFN made requests through their written intervention and will have the opportunity to discuss these requests directly with the Commission at the Part 2 hearing.	
Issues and Concerns included in the June 2024 Consultation Report						
CLFN #1	CLFN has raised concerns about the process for assessing impacts to Rights, outlined in the CNSC's RIA (RIA) Framework. CLFN is concerned about the CNSC's definition of current baseline conditions and cumulative effects. CLFN also fundamentally disagrees with assigning a severity to impacts on Rights. CLFN notes that indicating severity diminishes their Rights. CLFN reiterates that any potential impact on the environment, regardless of mitigation measures, will impact their Rights.	Impacts to Rights and RIA process	July 27, 2023 CNSC email re RIA January 5, 2024 CNSC email	OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study with interested WTFN including CLFN, which could include or lead to a cumulative effects study, a RIA (which is being conducted by the CNSC) and opportunities to identify and address the options for extended engagement with regards to environmental protection. In OPG's Environmental Monitoring and EA Follow up (EMEAF) Plan, OPG notes that they endeavor to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodation.	The baseline being considered in an RIA is defined as: the current environmental conditions, present-day exercise of Rights by the Indigenous Nation or community, and existing activities that have affected or could affect the conditions that support or limit the Indigenous Nation or community's meaningful exercise of Rights. The baseline for an RIA 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). This can include additional context such as the Nation's perspectives on the importance, value, uniqueness of an area as well as territorial capacity – which refers to the ability of the Indigenous Nation or community to exercise their Rights in their preferred manner. An RIA should also consider the historical and future context in which Rights are practiced when evaluating the magnitude of potential project impacts relative to the established baseline. This is approach is based on best practices and methodology for RIAs as established by the Impact Assessment Agency of Canada and the CNSC in collaboration with Indigenous Nations and communities and experts in RIA. The RIA framework uses a methodological approach to assessing impacts on Rights, with the goal of coming to a mutual understanding of the severity of any identified potential impacts on potential or established Rights and interests, as a result of a proposed project, as well as to identify any potential mitigation and/or accommodation measures that could help to avoid, reduce, or compensate	CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff's and CLFN's perspectives and positions.

					<p>for any identified impacts as a result of the proposed project or activity. CNSC staff acknowledge that CLFN often takes a more holistic approach, conceptualizing cumulative impacts on a spiritual, cultural, timescale (a different baseline, a bunch longer time horizon) and geographic (watershed and Treaty Territory) level.</p> <p>The RIA will include information about CLFN’s concerns about the process and perspectives on their Rights and interests to ensure that the Commission receives fulsome information from both CNSC staff’s and CLFN’s perspectives with regards to the project’s potential impacts on their Rights and interests and how the concerns can be addressed.</p>	
CLFN #2	<p>CLFN is concerned that there remain significant gaps in the ability of CNSC, OPG and CLFN to fully identify, understand and comprehensively address potential impacts to Inherent, Aboriginal and Treaty Rights by the DNNP.</p> <p>CLFN requests that CNSC and OPG evaluate opportunities for CLFN be able to gather the requisite information for a complete understanding of the potential and real impacts to the inherent, Aboriginal and Treaty Rights of CLFN. At a minimum, this could occur through the completion of a RIA that is informed by a territorial Indigenous Knowledge Study, a comprehensive cumulative impact assessment, and Rights-based requirements, needs and improvements, including Rights informed approaches to mitigations, compensations, and restorations.</p>	Impacts to Rights	July 27, 2023 CNSC email re RIA framework	<p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study with interested WTFN including CLFN, which could include or lead to a cumulative effects study, a RIA (which is being conducted by the CNSC) and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p> <p>OPG has made and is committed to continuing to make updates to their environmental protection program and EA follow-up monitoring program, as additional Indigenous Knowledge is shared.</p>	<p>CNSC staff have acknowledge CLFN’s concerns regarding the gaps in information that limit the ability for all parties to fully identify and understand potential impacts to Rights.</p> <p>CNSC staff and CLFN have had many discussions regarding the approach to the RIA for the DNNP Licence to Construct to ensure that the CNSC is able to better understand and assess these concerns based on the information available at this time.</p> <p>The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>The report will include information about CLFN’s concerns that have been identified and views regarding gaps in information, such as Indigenous Knowledge and land/water use data.</p> <p>CNSC staff have been offering to support an Indigenous Knowledge study with CLFN and other WTFN for many years and it has been in the CLFN-CNSC staff ToR for long-term engagement workplan since 2021. CLFN acknowledges that due to capacity constraints, despite best efforts from CLFN and funding opportunities made available by the CNSC, a plan for an Indigenous Knowledge study has not yet been initiated.</p>	<p>CNSC staff’s view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and CLFN’s perspectives and positions.</p>

					CNSC staff remain committed to supporting an Indigenous Knowledge study, while respecting CLFN's priorities, capacity and timelines. CNSC staff will take an adaptive management approach to the oversight of the DNNP and OPG's commitments and follow up and monitoring programs, should it proceed, to ensure Curve Lake First Nation's Rights and interests are protected.	
CLFN #3	<p>CLFN has raised concerns about potential impacts to Inherent, Aboriginal and Treaty Rights of the Michi Saagiig Anishinaabeg as a result of the DNNP. These impacts include,</p> <p>but are not limited to:</p> <p>Impacts to fishing, hunting, and harvesting,</p> <p>Impacts to spiritual landscapes, and</p> <p>Impacts to species and places of cultural significance.</p> <p>CLFN notes 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>CLFN raised concerns about how the DNNP may have potential impacts on the well-being of CLFN by increasing avoidance behaviours and fear towards the area around the Darlington site.</p> <p>CLFN raised concerns about impacts to accessing cultural and spiritual landscapes, or cultural activities such as fishing, harvesting, and hunting.</p>	Impacts to Rights	July 27, 2023 CNSC email re RIA framework	<p>In OPG's environmental monitoring and EA follow up program, OPG recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western/regulatory perspective, it may not fully address the impact of the DNNP on Indigenous inherent and treaty Rights as they are understood today. OPG endeavors to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodation.</p> <p>OPG has been engaging with CLFN to better understand concerns about the DNNP specific impacts on CLFN's Indigenous and/or Treaty Rights, through regular and ongoing meetings.</p> <p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study, a RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p>	<p>CNSC staff are committed to working collaboratively with CLFN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff note that in the Commission's Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment, issued 22 April 2024, the Commission directed CNSC staff to:</p> <p>Support OPG's collaborative work on the following study and assessments:</p> <p>RIA</p> <p>Indigenous Knowledge study</p> <p>Cumulative Impacts Assessment</p> <p>CNSC staff remain committed to supporting CLFN and other WTFN's on each of the above listed studies.</p>	CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff's and CLFN's perspectives and positions.
CLFN #4	CLFN has raised concerns about the need to include Indigenous world views, cultural keystone species and	Indigenous knowledge	N/A – discussed orally	OPG is working with CLFN and other interested WTFN to support and begin scoping an Indigenous Knowledge and	CNSC staff are committed to working collaboratively with CLFN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA will be to	CNSC staff's view is that the concerns regarding

	<p>impacts to Michi Saagiig Rights in the regulatory process for the DNNP project.</p>			<p>Land use study and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p> <p>OPG has shared the Environmental Monitoring and EA Follow Up Plan (EMEAF) with CLFN for their review, sought feedback on the plan as well as interest in participating in EA follow up programs.</p> <p>OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making.</p> <p>OPG endeavours 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 ongoing monitoring and follow-up activities to ensure their Rights and interests remain protected.</p>	<p>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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff have worked to incorporate Indigenous knowledge in the CNSC’s Independent Environmental Monitoring Program (IEMP). For example, during the 2023 Darlington IEMP campaign, CLFN and representatives 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 communities. 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>CNSC staff are working to collaboratively draft sections of the Licence to Construct Consultation Report with CLFN and other interested Indigenous Nations and communities to ensure that their knowledge, perspectives and cultures are meaningfully reflected in CNSC staff’s assessment and report to the Commission.</p> <p>CNSC staff provided comments from CLFN and other Indigenous Nations and communities to the CNSC’s technical specialists to consider when conducting the assessments of OPG’s documentation.</p> <p>CNSC also remains committed to supporting and Indigenous Knowledge and taking an adaptive management approach to the oversight and follow-up in relation to the DNNP, should it proceed, to ensure Curve Lake First Nation’s Rights and interests are protected.</p> <p>CNSC encourages OPG to continue to engage on the EMEAF Plan and incorporate Indigenous Knowledge where available.</p>	<p>incorporating Indigenous worldviews, cultural keystone species and impacts to Michi Saagiig Rights will continue to be addressed through the responses and commitments of OPG and CNSC staff, to the extent possible within the CNSC’s mandate and regulatory requirements.</p> <p>CNSC staff are committed to applying an adaptive management approach to the environmental monitoring, follow up and oversight of the DNNP, should the project proceed, to ensure that CLFN’s worldviews and knowledge is considered and reflected.</p>
<p>CLFN #5</p>	<p>CLFN raised concerns regarding the cumulative effects of the DNNP, as well as legacy impacts of the existing Darlington and Pickering Nuclear Power Generating Stations.</p>	<p>Cumulative and legacy impacts</p>	<p>N/A – discussed orally</p>	<p>OPG has worked collaboratively with CLFN to better understand their concerns regarding legacy impacts and cumulative effects.</p>	<p>CNSC staff reviewed OPG’s EIS Review and supporting documents and concluded that changes to the original 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</p>	<p>CNSC staff’s view is that the cumulative effects concern will continue to be addressed by OPG</p>

	<p>CLFN is concerned that there remain gaps in the cumulative impacts that have been assessed through the history of this project. CLFN indicated that their view of cumulative effects is different than the CNSC. CLFN notes that they are looking at a different baseline (pre-contact) when considering cumulative effects.</p> <p>CLFN recommends that CNSC and OPG undertake comprehensive cumulative effects study, of which a mutually agreed upon scope is determined in collaboration with CLFN.</p>			<p>OPG is also working with CLFN and other WTFN on developing a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study.</p>	<p>significant adverse cumulative effects associated with the proposed deployment of BWRX-300 are not likely to occur when taking into consideration proposed mitigation measures.</p> <p>CNSC staff look at the cumulative effects to the environment as part of ongoing reviews. This includes environmental risk assessments. These assessments are done every five years and would provide staff with an indication as to whether there is a change in the risk profile for the environment around the facility. Further, information on environmental monitoring at the facility as well as from regional monitoring and IEMP also inform staff's ongoing review related to cumulative effects.</p> <p>CNSC staff are working collaboratively with CLFN 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.</p> <p>CNSC staff note that in the Commission's Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment, issued 22 April 2024, the Commission directed CNSC staff to:</p> <p>Support OPG's collaborative work on the following study and assessments:</p> <ul style="list-style-type: none"> RIA Indigenous Knowledge study Cumulative Impacts Assessment <p>CNSC staff are also open to supporting the scoping and implementation of a cumulative effects study, in collaboration with CLFN, other interested WTFN and OPG, to help inform the DNNP environmental monitoring and follow up program and future RIAs as appropriate.</p> <p>CNSC staff acknowledge that CLFN has broader concerns regarding cumulative and legacy effects, including the baseline that is considered when conducting cumulative effects assessments. CNSC staff remain committed to having further discussions with CLFN on the broader concern, including scoping out a path forward</p>	<p>and CNSC staff, as described in the response column.</p>
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					for addressing the concerns and working with other jurisdictions as appropriate. As the broader concern is not specific to the DNNP Licence to Construct application, CNSC staff will work with CLFN through the regular meetings under the Terms of Reference for Long-Term engagement to discuss the path forward on this topic.	
CLFN #6	<p>CLFN is concerned that to date, information sharing, and engagement have occurred in relation to the DNNP, but meaningful consultation has not occurred.</p> <p>CLFN notes that within the context of consultation with First Nations, mutual understanding must be had regarding impacts on treaty Rights and possible accommodations. CLFN comments that at this time, no mutual understanding has been reached.</p> <p>CLFN is concerned that the CNSC and OPG have not considered or complied with the Gunshot Treaty (1877-87), the Williams Treaties (1923) or the Williams Treaties Settlement (2018). As such, it remains unclear as to how CNSC and OPG have meaningfully considered, consulted, and accommodated impacts to CLFN's Rights</p> <p>CLFN notes that the CNSC should adhere to the United Nations principles of Free Prior and Informed Consent (FPIC). CLFN is concerned about how they will be meaningfully consulted throughout the DNNP and during processes where key decisions or determinations which may have resulted in potential negative impacts to Rights.</p>	Indigenous consultation	DNNP #1 Intervention	<p>OPG has been conducting ongoing engagement with CLFN on the DNNP and has implemented a number of best practices, including early engagement on the technology selection process and on the EIS Review prior to its submission to the CNSC.</p> <p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study, a RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p> <p>DNNP team members are now required to participate in IR 101 training. This training includes a considerable amount of content on the Treaties in hopes of increasing literacy within the management team.</p>	<p>The CNSC understands the importance of building a strong and ongoing relationship with CLFN and ensuring that the consultation process is meaningful and addresses the concerns raised by CLFN. As an agent of the Crown, the CNSC has responsibility for fulfilling its legal Duty to Consult, and where appropriate accommodate. Through the consultation and accommodation process, the CNSC seeks to understand and accommodate Indigenous peoples when its decisions may have an adverse impact on potential or established Indigenous and/or treaty Rights. CNSC staff work in collaboration and consultation with potentially impacted Indigenous Nations and communities to assess potential impacts on Rights and propose mitigation or accommodation measures to address identified impacts.</p> <p>CNSC staff have been conducting ongoing consultation and engagement with CLFN regarding the DNNP, including on the renewal of the Licence to Prepare Site in 2021, the Licence to Construct application and the EIS review process. CNSC's approach to consultation and engagement are in line with best practices and are flexible based on the specific needs and requests of each potentially impacted Indigenous Nation and community. The CNSC has sought input and feedback from CLFN and other WTFN on how they would like to be consulted specifically for the DNNP Licence to Construct application and what would be meaningful for them. The CNSC remains committed to working with CLFN on finding a path forward to ensure that consultation and ongoing engagement related to the DNNP is meaningful, responsive and flexible. CNSC staff acknowledge that CLFN has broader concerns regarding the CNSC's approach to consultation, including the policy, regulatory and legislative framework that the CNSC works within. CNSC staff are also committed to discussions regarding the CNSC's approach to consultation. As the broader concern is not specific to the DNNP Licence to Construct</p>	<p>CNSC staff's view is that the concerns about meaningful consultation has been and will continue to be addressed through the responses and commitments of OPG and CNSC staff. CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from Curve Lake First Nation.</p> <p>Additionally, CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the RIA process, the full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2</p>

					<p>application, CNSC staff will work with CLFN through the regular meetings under the Terms of Reference for Long-Term engagement to discuss the path forward on this topic.</p> <p>CNSC staff are committed to working collaboratively with CLFN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff are committed to providing funding and support for an Indigenous Knowledge and Land Use studies with CLFN and other interested WTFN. The results of these studies could then help inform an adaptive management approach and EA follow-up monitoring program, which will ensure the DNNP project and related activities, should it proceed, would be protective of Rights and interests.</p> <p>CNSC staff and CLFN have a Terms of Reference for Long-term engagement and ongoing funding and capacity support for CLFN, which provides a forum identifying additional areas of interest and where CLFN and CNSC staff can collaborate and work together to understand, assess and meaningfully address their concerns. This includes working with OPG to identify meaningful mitigations, commitments and accommodations to address the concerns being raised by CLFN with regards to the DNNP’s potential impacts on their Rights and interests.</p> <p>Additionally, CNSC staff are aware that OPG is working with Curve Lake First Nation and other interested WTFN to support an Indigenous Knowledge and Land use study. OPG has committed to continuing to make updates to their environmental protection program and EA follow-up monitoring program, as additional Indigenous Knowledge is shared.</p> <p>CNSC staff will continue to monitor OPG’s Indigenous engagement activities related to the DNNP, should the project proceed, to ensure that OPG engages CLFN on</p>	<p>hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and CLFN’s perspectives and positions.</p>
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					<p>key topics of interest and is responsive to questions or concerns raised.</p>	
<p>CLFN #7</p>	<p>CLFN raised concerns about the legislative, regulatory and engagement processes that have been relied upon to contemplate, evaluate, and develop the DNNP project. CLFN has raised concerns that the DNNP regulatory process should include the standards and principles under the 2019 Impact Assessment Act. Additional standards of the IAA (2019) include a mandatory Follow-up Program inclusive of current IAA considerations (the current EMAMF is not inclusive of all IAA considerations), Gender-Based Plus Analysis (GBA+), decisions guided by Indigenous knowledge, and a comprehensive consideration of sustainability encompassing positive and negative impacts on the environment, economics, social aspects, and health.</p> <p>CLFN recommends that CNSC and OPG undertake a detailed gap analysis which would consider discrepancies between the 1992 CEAA, which was relied upon for the 2009 DNNP approval, and the 2019 Impact Assessment Act (IAA).</p>	<p>Regulatory requirements</p>		<p>OPG’s EMEAF Plan notes that OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making. OPG endeavours 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.</p> <p>OPG is committing to enhance their environmental protection and follow-up monitoring program, based on the information collected through the Indigenous knowledge study that OPG has committed to supporting. OPG’s goal is to build a comfort level between OPG and the communities that the DNNP is protective of the environment and their Rights.</p> <p>OPG has proposed that an environment sub-committee be formed to design the above-mentioned Environmental Monitoring Augmentation Plan as well as complete an assessment of the standards of 2009 and today, to understand where we can work together to meet and exceed current standards.</p>	<p>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 does not apply to the DNNP as a decision has already been rendered by the Joint Review Panel (JRP) and the Federal Government on this proposed project under the former Act; the environmental assessment decision remains applicable. Based on CNSC staff’s review of the EA and the PPE review, CNSC staff find that OPG’s selected technology is within the bound of the EA taking into account the recommendations, mitigation measures and follow up program.</p> <p>The Commission Decision on the hearing on the applicability the EA to OPG’s chosen technology also indicated that BWRX-300 is not fundamentally different from the technologies assessed in the Environmental Assessment and a new EA is not required. The Commission concluded that the predicted environmental effects associated with the BWRX-300 reactor technology are bounded by the EA.</p> <p>The requirement to implement the EA Follow-Up program required under CEAA 1992 is carried through to the proposed Licence to Construct, and documented in the proposed <i>Licence Conditions Handbook (LCH) for a Licence to Construct</i>. CNSC staff will include an explicit requirement in the LCH that requires OPG to follow through with their commitments with the WTFN’s when updating the EA Follow-Up program.</p> <p>CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the DNNP. This includes on the Licence to Construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>CNSC staff are working on a collaborative RIA with CLFN 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</p>	<p>CNSC staff’s view is that these concerns have been addressed to the extent possible within the CNSC’s mandate and regulatory requirements. CNSC staff note the Impact Assessment Act does not apply, as this project has already undergone an Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. The Commissions decision concluded that the predicted environmental effects associated with the BWRX-300 reactor technology are bounded by the EA. Therefore, OPG is not required to undertake the requirements under the Impact Assessment Act. However, CNSC staff are committed to continuing discuss the concerns with CLFN and OPG as well as consider potential additional ways to address the</p>

					<p>collaborative recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff are aware that OPG has committed to collaboratively, with CLFN and other interested WTFNs, reviewing the environmental work done in 2009 and determine what needs to be updated to today's standards. OPG is committing to conduct an environmental monitoring augmentation program to apply an Indigenous knowledge lens and involve interested WTFN in the on-site environmental monitoring. CNSC staff understand that OPG and the WTFNs, including CLFN, are currently in the scoping phase of this project.</p>	<p>concerns. CNSC staff are also committed to taking an adaptive management approach to the DNNP follow up and environmental monitoring with CLFN. CNSC staff will also work collaboratively with CLFN to ensure OPG fulfills their commitments.</p>
CLFN #8	<p>CLFN raised concerns regarding the potential impacts on the environment, including on species at risk, bats, surface and groundwater, air quality, aquatic habitat, and terrestrial environment. 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>CLFN noted that regardless of the western scientific approach that concludes that there are not expected to be significant residual adverse environmental impacts provided mitigation measures are implemented, the environment will still be altered. CLFN raised concerns regarding the incremental erosion of the environment, noting that individual projects and decisions may not seem significant, but it becomes a concern when viewed through a holistic lens.</p>	Environmental impacts	N/A – discussed orally	<p>OPG recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western/regulatory perspective, it may not fully address the impact of the DNNP on Indigenous inherent and treaty Rights as they are understood today. OPG endeavors to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodations.</p> <p>OPG has been having discussions with CLFN to better understand and work to address their concerns about potential environmental impacts including consideration for augmented monitoring.</p>	<p>CNSC staff have reviewed the EA, OPG's EIS Review, the updated PPE, as well as relevant supporting documentation. CNSC staff expect no significant residual adverse environmental effects from the deployment of up to four BWRX-300 reactors, provided the mitigation measures identified in the EA are implemented, as required by OPG's EA follow-up program. CNSC staff also conclude that OPG has adequately assessed changes to baseline environmental conditions for environmental components assessed in the EA.</p> <p>The Commission Decision on the hearing on the applicability of the EA to OPG's chosen technology also indicated that BWRX-300 is not fundamentally different from the technologies assessed in the Environmental Assessment and a new EA is not required. The Commission concluded that the predicted environmental effects associated with the BWRX-300 reactor technology are bounded by the EA.</p> <p>CNSC staff acknowledge CLFN's view that the DNNP will still result in changes to the environment; that the Western approach that leads to the conclusion of no significant residual adverse environmental effects provided mitigation measures are identified is in contrast to the Indigenous inherent and treaty Rights approach. There is also discussion needed to better explain what benefits from the DNNP would be applicable to CLFN. There is also discussion needed to define the baseline</p>	<p>CNSC staff's view is that the concerns regarding impacts to the environment have and will continue to be addressed through the responses and commitments of OPG and CNSC staff, to the extent possible within the CNSC's mandate and regulatory requirements.</p> <p>Additionally, CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the RIA process. The full assessment and conclusions will be submitted to the Commission prior to</p>

	<p>CLFN indicated that the Province and society will receive benefits from the DNNP, and that CLFN should see benefits as well.</p>				<p>upon which impact is determined. CNSC staff encourage OPG to work with CLFN to consider ways to address and mitigate their concerns regarding impacts and changes to the environment from the potential construction of the DNNP.</p> <p>CNSC staff acknowledges CLFN’s concern that any impacts on the environment, even with mitigation measures applied, represents a potential impact on CLFN’s Rights. CNSC staff are committed to working collaborative with CLFN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP Licence to Construct application .</p> <p>CNSC staff are committed to providing funding and support for an Indigenous Knowledge study with CLFN and other interested WTFN. The results of these studies could then help inform an adaptive management approach to OPG’s EA follow-up monitoring program, which will ensure the DNNP project and related activities, should it proceed, would be protective of Rights and interests.</p> <p>Additionally, CNSC staff are aware that OPG is working with Curve Lake First Nation and other interested WTFN to support an Indigenous study. OPG has 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 to better understand their concerns regarding potential impacts on the environment. CNSC staff are aware that OPG has been engaging CLFN on permits of interest, including the Endangered Species Act permit. CNSC staff are aware that OPG has agreed to undertake recommendations made by CLFN and work with them to create and implement monitoring plans, including related to bats.</p>	<p>the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and CLFN’s perspectives.</p>
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					CNSC staff will continue to monitor the OPG’s Indigenous engagement activities, including with regards to monitoring and follow-up measures.	
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A.4 Issues Tracking Table for Hiawatha First Nation (Hiawatha FN) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff updated this table based on new concerns raised by Hiawatha FN since the submission of the Consultation Report in June 2024. CNSC staff shared this table with Hiawatha FN for their review on November 25 2024. No response was received.

Note (included in June 2024 Submission) – CNSC staff shared this table with Hiawatha FN for their review on February 9, 2024 and an updated copy on May 17, 2024. On June 26, 2024 Hiawatha First Nation provided high level comments and confirmed that they would make additions to the table. Due to the timing of submission of the comments, CNSC staff were unable to make substantive updates to this version of the table. However, Hiawatha First Nation and CNSC staff confirmed that the comments would be incorporated and reflected in the supplemental submission, in advance of the Part 2 hearing on the DNNP licence to construct application. CNSC staff note that the issues and concerns listed in this table are the views that Hiawatha First Nation has previously expressed, through written and oral submissions to the CNSC.

ID #	CONCERN OR ISSUE	THEME	RELEVANT CORRESPONDENCE (SEE APPENDIX B OF THE CONSULTATION REPORT OR APPENDIX C OF THE SUPPLEMENTAL CMD FOR DETAILS)	OPG RESPONSE	CNSC RESPONSE	STATUS OF ISSUE OR CONCERN
Issues and Concerns raised since the submission of the Consultation Report in June 2024						
Hiawatha FN #9	Hiawatha First Nation has raised concerns regarding OPG potentially purchasing the lakebed, where construction activities would take place should the Commission grant a construction licence. Hiawatha First Nation has expressed the view that that the Michi Saagiig Nations should be provided with the first opportunity to purchase the lakebed, as their treaties and the Williams Treaties First Nations Settlement agreement specifically did not address claims to the waters. Hiawatha First Nation expressed concern that the province did not have a formal process in place to ensure that the Nations were provided with first opportunity to purchase Provincial	Lakebed Jurisdiction	CNSC email on October 8, 2024	OPG is continuing discussion with the WTFN’s and the Provincial Ministry of Natural Resources and Forestry to discuss different options to work to address the concerns regarding the potential purchase of the lakebed.	In response to concerns raised, CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff are open to receiving more information from Hiawatha FN to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with Hiawatha FN and OPG, as appropriate. In response to concerns raised from the Michi Saagiig Nations on this topic, CNSC staff have included a requirement in the Licence Condition Handbook for Licence Condition 15.4 for OPG to provide updates on the status of and engagement done on the potential purchase of the lakebed.	In progress – CNSC staff to receive updates through ongoing oversight, should the Commission grant a construction licence

	Crown land, shoreline or the lakebed, when available.					
Hiawatha FN #10	Hiawatha First Nation has raised concerns about the limited offsetting locations that the provincial ministries have required OPG consider for the DNNP and have indicated that they do not line up with what Hiawatha First Nation would like to see. Hiawatha First Nation has indicated that the province is requiring OPG to choose offsetting locations that are very commercialized, and Hiawatha First Nation's members would be unlikely to want to exercise their Treaty rights in those areas.	Permitting and Offsetting	CNSC email on September 5, 2024 CNSC email on November 26, 2024	OPG has obtained, or is in the process of obtaining, permits/authorizations from regulatory agencies (e.g., Central Lake Ontario Conservation Authority (CLOCA), Ministry of Environment, Conservation and Parks (MECP), and Fisheries and Oceans Canada (DFO) for potential adverse effects related to the aquatic and terrestrial environment for DNNP site preparation and construction activities. OPG has been regularly engaging and collaborating with the Michi Saagiig Nations on the topic of aquatic and terrestrial offsetting and restoration. The general expectation from regulators on offsetting is to compensate at the site of impact (i.e., DNNP lands) or as close as possible to the site of impact (e.g., within the same sub-watershed, same watershed, or proximity to the watershed). However, OPG has heard and acknowledges Hiawatha First Nation's concerns with this expectation of focusing the location of offsetting as close as possible to the site of impact as the proximity of these areas to commercialized or populated areas does not allow HFN and other Michi Saagiig First Nations to exercise their Treaty rights e.g., hunting with a rifle. OPG notes that planning discussions with the Michi Saagiig Nations on offsetting and restoration plans are ongoing (e.g., Beneficial Action Areas on and off on DN site, aquatic, and terrestrial restoration). OPG has also communicated the Michi Saagiig First Nation's concerns to the MECP for consideration to allow for greater flexibility on offset siting when issuing	CNSC staff note that it is OPG's obligation and duty to ensure that all permits have been acquired and that they are in compliance with those permits/authorisations. The CNSC enforces the conditions of those permits, collaboratively with the other relevant regulatory agencies. If OPG is granted a construction licence, OPG will be required to continue to provide the CNSC with copies of the permits and authorisations from all levels of government. CNSC staff continue to remain open to meeting with Hiawatha FN to discuss the permitting process further. In response to concerns raised from Hiawatha First Nation on this topic, CNSC staff have included a requirement in the Licence Condition Handbook for Licence Condition 15.4 for OPG to provide updates on the status of and engagement done on the permitting, offsetting and restoration.	In progress – CNSC staff to receive updates and monitor through ongoing oversight, should the Commission grant a construction licence

				the next Endangered Species Act permit.		
Hiawatha FN #11	<p>Hiawatha First Nation has raised concerns regarding the speed of which the DNNP regulatory process is proceeding, as the Indigenous Knowledge study is not expected to be done prior to decisions being made on the OPG's Licence to Construct application. Hiawatha First Nation has highlighted the importance for both OPG and CNSC staff to consider and incorporate Indigenous Knowledge in the decisions that are being made now for the DNNP to the greatest extent possible.</p> <p>In Hiawatha First Nations intervention, they indicate that to the best of our knowledge the CNSC has not started an Indigenous Knowledge study.</p> <p>Hiawatha First Nation has expressed their views that there has been a piecemeal approach to the DNNP. Hiawatha First Nation has indicated that at times they feel that they do not have a holistic and full picture of the project. Hiawatha First Nation has indicated that they still learn about things too late in the process, which makes it difficult to meaningfully participate and influence decisions that are being made.</p>	Indigenous Knowledge	N/A	<p>OPG is supporting an Indigenous Knowledge Study and Cumulative Effects Study with the Michi Saagiig Nations. OPG notes the Michi Saagiig Nations are coordinating amongst themselves regarding the scope and governance of the Indigenous Knowledge study. OPG supports this effort through capacity funding and looks forward to the results. Mississauga's of Scugog Island First Nation have taken the lead on coordinating these efforts and a scoping exercise is planned to be completed in September 2024.</p> <p>OPG is looking for opportunities for Indigenous Knowledge to be incorporated into its consultation process on a continuous basis. For example, the current work being undertaken for aquatic and terrestrial offsetting has provided space for knowledge sharing, and incorporation of that knowledge into a new process for identification of appropriate lands and waters to be restored.</p> <p>OPG has created an Indigenous engagement roadmap to identify in which steps of a process, different engagement activities need to take place. The goal of this model is to ensure engagement happens earlier and with appropriate consideration for impacts to Indigenous Nations and communities. This roadmap was shared with the Michi Saagiig Nations in August of 2024 for feedback. Once finalized, this document will be a guide</p>	<p>CNSC staff have been having discussions with many of the Williams Treaties First Nations for many years about how the CNSC could support an Indigenous Knowledge study, either collectively or individually. CNSC staff have offered funding and remain committed to making funding available when requested. CNSC staff note that supporting an Indigenous Knowledge study has been in the engagement workplan with Hiawatha First Nation.</p> <p>CNSC staff have had discussions with Hiawatha First Nation and have indicated that any Indigenous knowledge that is shared with the CNSC or the Commission will be considered in the decision-making process for OPG's Licence to Construct application, including in the assessment of potential impacts on rights.</p> <p>Based on concerns raised by Hiawatha First Nation and the other Michi Saagiig Nations, CNSC staff have recommended that the Commission direct CNSC staff to implement the following measures:</p> <p>CNSC staff are committed to collaborating with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory.</p> <p>CNSC staff are committed to working with the Michi Saagiig Nations to determine how they want the results of these studies, when provided to CNSC and OPG, to be incorporated, considered and reflected in the CNSC's regulatory processes and ongoing oversight of the DNNP, should the project proceed. CNSC staff commit to adjusting the approach to oversight of the DNNP as new information is shared with regards to the Nations knowledge, land use, Rights and interests.</p>	<p>CNSC staff's view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p> <p>CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application.</p>

				for project and OPG governance updates.		
Hiawatha FN #12	<i>Included in HFN's intervention</i> HFN indicated that at the time of writing their intervention they had not heard back from the CNSC regarding funding.	Funding	N/A	N/A	<p>CNSC staff note that the PFP opportunity for the DNNP LTC was open from October 10, 2023 to December 8, 2023. HFN received their contribution agreement on February 19, 2024.</p> <p>The scope was to support HFN in reviewing the LTC, gathering feedback on the application and summarizing the findings and recommendations in a written report to the CNSC.</p> <p>The CNSC made PFP available in advance of a decision being made on the applicability of the EA, with the goal of providing additional time to review the available documents. As indicated in the contribution agreement, in the case that the Commission rendered a positive decision on the applicability of the EA, the funding was also to cover the additional objectives of having HFN review CMDs, submit a written intervention and participate in the Commission hearing in-person.</p> <p>CNSC staff acknowledge that the change to having a 2-part hearing could result in additional funding requirements, such as additional funding to observe the Part 1 hearing, participate in additional consultation activities, review additional documents and retain legal counsel.</p> <p>CNSC staff acknowledge the delay in awarding the additional funding, as HFN's previous consultant had been involved in the funding applications. On September 20, 2024, CNSC staff followed up with HFN through email outlining all their funding agreements and to inquire on how they would like to proceed with the agreements (i.e to amend, retract or cancel the relevant funding applications/agreements).</p> <p>HFN responded and indicated that they would review the information and confirm priorities. CNSC staff have followed up via email and at meetings, however no approach for how to proceed with the application had been confirmed. CNSC staff and HFN leadership currently have a meeting scheduled for December 11, 2024 to discuss next steps related to funding.</p>	CNSC staffs view is that this has been addressed to the extent possible in relation to the DNNP LTC application.
Hiawatha FN #13	<i>Included in HFN's intervention</i>	Indigenous Consultation	Multiple emails included in Appendix B of the	N/A	CNSC staff have aimed to have a flexible and customized approach to consultation, being mindful and sensitive to each Indigenous Nation and communities specific Rights,	CNSC staff's view is that the concerns about consultation has

	<p>The CNSC's consultation and hearing process has treated HFN as a stakeholder not a right's holder and has not been culturally appropriate.</p> <p>It is imperative that our Indigenous perspectives are not just sought but are integrated into the consultation, review and decision-making process throughout the entirety of the DNNP and future nuclear projects. For some aspects of projects, such as waste, our consent is also required. The Indigenous Advisory Committee and Monitor Program established by the Canadian Energy Regulator under the authority of the Ministry of Natural Resources Canada is a model that we are requesting the CNSC adopt to help meet its legal requirement of meaningful consultation and consent.</p>		<p>Consultation Report and Appendix C of the supplemental CMD</p>		<p>interests, cultural protocols, capacity and needs. the CNSC has sought input and feedback from the Williams Treaties First Nations on how they would like to be consulted specifically for the DNNP Licence to Construct application and what would be meaningful for them. CNSC staff are planning to have discussions with each of the First Nations to go over lessons learned from this consultation process to understand what worked and what can be improved from their perspectives for future regulatory processes.</p> <p>CNSC staff have made efforts to visit and learn more about the First Nations history, community, cultural and protocols. For example, CNSC staff have attended community events, visited and learned about Serpent Mounds, spent time on the land together and participated in ceremonies. CNSC staff have adapted approaches of meetings based on feedback from Hiawatha First Nation to be more culturally appropriate and incorporate protocols of Hiawatha First Nation. This has included opening prayers, smudging, teachings and talking circles.</p> <p>CNSC staff are always open to incorporating cultural protocols into our consultation activities and provide space for this to occur, should the First Nations wish. CNSC staff are committed to continuing to learn and building relationships, with the goal of these leading to a true understanding and two-way dialogue.</p> <p>CNSC staff's goal with the consultation efforts leading up to the Part 2 hearing was to strive to achieve consensus on the key issues and concerns raised by the Indigenous Nations and communities and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nations perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's LTC application and work with the Indigenous Nations and communities, and OPG as appropriate, to collaboratively identify additional measures, as required.</p> <p>CNSC staff's view is that efforts have been made to have meaningful two-way dialogue and explore possible accommodations and commitments. CNSC staff have not only documented information about HFN's Rights and concerns, but rather have worked to address the concerns raised by:</p>	<p>been and will continue to be addressed through the responses and commitments of CNSC staff, to the extent possible specific to the DNNP LTC application. Details regarding CNSC staff's efforts for consultation are included in the Consultation Report and the Supplemental CMD.</p> <p>CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from HFN.</p>
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					<p>Recommending that the Commission direct CNSC staff to implement the mitigation measures proposed in Section 4.3.6 of CNSC staff's supplemental CMD 24-H3-F;</p> <p>Proposing Licence condition 15.4, in order to require OPG to continue to engage with Indigenous Nations during their licensing term and ensure CNSC oversight and reporting on OPG's commitments, should the project proceed.</p> <p>Through the consultation process, CNSC staff specifically requested feedback from HFN's about whether they feel any additional mitigation, commitments or accommodations measures were required to address their concerns regarding the DNNP LTC application. No additional requests for accommodation were made directly to CNSC staff, however CNSC staff acknowledge that HFN has made requests in their written intervention and encourage HFN to share their perspectives directly to the Commission at the Part 2 hearing.</p>	
Hiawatha FN #14	<p><i>Included in HFN's intervention</i></p> <p>The CNSC's consultation process has not upheld the Declaration nor has our consent been sought by the CNSC, nor have we given consent, during the LTC process.</p>	UNDA	N/A	N/A	<p>The CNSC's approach to consultation and engagement with Indigenous peoples is mindful and incorporates the principles articulated in the UNDRIP. Specifically, for the LTC application, CNSC staff have been striving to achieve a consensus on the LTC, key issues and concerns raised by the Michi Saagiig Nations and measures and commitments to meaningfully address them. CNSC staff made efforts to understand the Michi Saagiig Nation's perspectives on whether the mitigation measures and commitments made by OPG and CNSC staff to date adequately address key concerns specific to OPG's Licence to Construct application and work with the Michi Saagiig Nations, and OPG as appropriate, to collaboratively identify additional measures, as required.</p> <p>CNSC staff have been actively working with the Michi Saagiig Nations to understand their position on the project, including related to consent or lack for consent for the DNNP LTC application.</p> <p>Additionally, as outlined in CNSC staff's Consultation Report, potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed DNNP License to Construct Application, are encouraged to use the</p>	<p>CNSC staff's view is that UNDRIP and UNDA has been appropriately considered and incorporated into the DNNP LTC application process. However, CNSC staff acknowledge that HFN has outstanding concerns regarding the CNSC implementation and the CNSC's mandate, role, regulations and processes, in light of UNDA CNSC staff will continue to work with HFN, as well as Natural Resources Canada, as appropriate on these broader concerns and</p>

					<p>opportunity through their written and/or oral intervention. This will help assist and inform the Commission’s decision-making for this matter.</p> <p>CNSC staff have proposed mitigations and commitments specifically in response to the concerns raised and requests made by the Michi Saagiig Nations, as outlined in Section 4.3.6 in CNSC staff’s supplemental CMD 24-H3.F. CNSC staff are also aware that OPG has made specific commitments to address the concerns of AFN.</p> <p>The CNSC is also committed to continuing to evolve its approaches to align with best practices and guidance that emerge through whole-of-government implementation of UNDA, and the <i>UNDA Action Plan</i>, including those that relate to FPIC. This includes initiating formal consultation on proposed updates and amendments in 2024-2025 to the CNSC’s REGDOC-3.2.2: <i>Indigenous Engagement</i> to provide nuclear proponents and licensees with further guidance and clarity with regards to how their approach to engagement and partnership with Indigenous Nations can align with the principles of UNDRIP.</p> <p>Additional information regarding how the CNSC has considered UNDA is included in Section 1.2 of CNSC staff’s Consultation Report.</p> <p>In addition to the effort described above to address HFN’s concerns, CNSC staff have recommended that the Commission direct staff to continue to make efforts on the following commitments:</p> <p>Setting up broader policy discussions with HFN and other Michi Saagiig Nations to solicit their feedback and have discussions regarding the CNSC’s approach to consultation, engagement, regulatory framework and UNDA implementation</p> <p>Setting up meetings and discussions with CNSC staff, HFN and Natural Resources Canada on UNDA policy.</p>	<p>recommendations as they relate to UNDA, the UNDA Action Plan, as well as the CNSC’s mandate and regulations .</p>
<p>Hiawatha FN #15</p>	<p><i>Included in HFN’s intervention</i> The requested Rights Impact Assessment timelines imposed by the CNSC are incompatible with our ability to conduct a proper impact assessment.</p>	<p>Rights Impact Assessment</p>	<p>Correspondence included in Appendix B of the Consultation Report</p>	<p>N/A</p>	<p>In June 2023, based on concerns raised from HFN that the DNNP LTC Application could impact their rights, CNSC staff presented the CNSC’s general framework for RIAs to HFN. The goal was to discuss different options for assessing potential impacts on rights, collaboratively drafting the report and seek feedback from HFN on how they would like to collaborate on gathering information,</p>	<p>CNSC staff’s view is that commitments have been made to work to address these concerns, as outlined in the CNSC response column.</p>

			<p>CNSC email from October 10, 2024</p>		<p>assessing potential impacts and identifying mitigation and accommodation measures to address any potential impacts on rights and interests from the LTC application.</p> <p>CNSC staff acknowledge that some Michi Saagiig Nations have raised concerns with regards to the Crown assessing potential impacts on their rights and their view that this comes across as paternalistic. CNSC staff have aimed to have a flexible approach to the RIA and continued to seek feedback on the preferred approach, as well as encourage HFN to share information about their rights, how they are exercised (historically and currently) their views on the existing constraints on the exercise of their rights or potential impact pathways of OPG's Licence to Construct application. Additional information about CNSC staff's assessment, including efforts to collaborate on the DNNP LTC RIA, can be found in CNSC staff's supplemental CMD 24.H3.F.</p> <p>CNSC staff acknowledge the concerns raised by HFN and the other Michi Saagiig Nations regarding the RIA timelines and the preference to conduct an RIA based on Indigenous Knowledge Studies and Comprehensive cumulative impact assessments. Throughout the consultation process for the DNNP LTC application, CNSC staff worked to understand whether the Michi Saagiig Nations were comfortable with the DNNP potentially proceeding in parallel to work being progressed on the Indigenous Knowledge Study, cumulative effects assessment and other commitments made by OPG and CNSC.</p> <p>In order for the Commission to make a decision on whether to grant a LTC, they will need to determine whether the Duty to Consult has been fulfilled. CNSC staff are required to assess and make a recommendation to the Commission regarding the potential impacts on rights from this decision based on the information available in advance of the Part 2 hearing, as part of the Crown's legal Duty to Consult and where appropriate accommodate.</p> <p>CNSC staff have not made a recommendation to delay the DNNP LTC regulatory decision and process in part based on the fact that the Michi Saagiig Nations have not raised concerns with the DNNP regulatory process proceeding in parallel with the work being progressed on the Indigenous Knowledge and Cumulative Effects studies.</p>	<p>CNSC staff's view is that this has been addressed to the extent possible in relation to the LTC application.</p> <p>However, CNSC staff acknowledge that CLFN has outstanding concerns and are committed to working collaboratively with HFN to ensure that HFN's Rights are protected over the lifecycle of the DNNP, should the project proceed.</p>
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					<p>Instead, CNSC staff conducted an assessment based on information available to date in order to support the Commission in fulfilling the Duty to Consult. However, CNSC staff take HFN's concerns. In response to the concerns raised, CNSC staff have recommended that the Commission direct CNSC staff to implement the following measures:</p> <p>Collaborating with the Michi Saagiig Nations and OPG on supporting an Indigenous Knowledge study and cumulative effects assessment to gather more information and data regarding the Williams Treaties First Nations Rights and interests as it relates to the DNNP and surrounding territory;</p> <p>Collaborating with the First Nations to update Rights Impact Assessments at future potential licensing phases to consider, reflect and incorporate the outcomes of the studies in the decision-making process.</p> <p>Collaborating on the oversight and monitoring of the DNNP project and site as new information is shared by the Nations with regards to their knowledge, land use, Rights and interests to ensure their Rights and interests remain protected as new information is gathered.</p> <p>Supporting interested Michi Saagiig Nations in conducting a longer-term broader RIA covering all CNSC-regulated facilities, driven by the Nations and based on, but not limited to the Indigenous Knowledge study and cumulative effects assessment. CNSC staff view is that this would not be a project specific RIA and would take the form of a study and assessment of cumulative effects on the rights and interests of the Michi Saagiig Nations as it relates to the nuclear sector. The results of this study could inform future regulatory processes for nuclear projects and activities in their territory, should the First Nations wish to share and incorporate the information into project specific assessments in the future.</p>	
Hiawatha FN #16	<i>Included in HFN's intervention</i> The CNSC's consultation and hearing process has treated HFN as a stakeholder not a right's holder	Commission Hearing process	N/A	N/A	CNSC staff note that Part 1 and Part 2 are both parts of the same hearing, and that all issues are open to be discussed and addressed at Part 2 in January 2025. CNSC staff are aware that the Commission Registry is considering adjustments to the hearing process for the DNNP Part 2	CNSC staff's view is that this concern has been addressed to the extent possible at this

	<p>and has not been culturally appropriate.</p> <p>HFN should have been invited to participate in the Hearing Part 1 as other government ministries were invited to do.</p>				<p>hearing, in an effort to make it more respectful and considerate for HFN and other First Nation participants.</p> <p>CNSC staff have been supportive of the Michi Saagiig Nations working with the Registry to incorporate ceremony and cultural protocols into the Commission hearing process and ensure that the Nations are treated as rights holders as part of the decision making and regulatory process. Based on feedback received from the Michi Saagiig Nations through previous hearing processes, CNSC staff have worked with the First Nations and the Commission Registry to set up meetings to discuss this topic further.</p> <p>CNSC staff encourage HFN to raise concerns regarding the hearing process with the CNSC Commission Registry during the meeting between the Michi Saagiig Nations and the Registry, currently scheduled for November 18, 2024 and December 9, 2024.</p>	<p>time for the DNNP LTC application.</p>
<p>Hiawatha FN #17</p>	<p><i>Included in HFN's intervention</i></p> <p>The onus to ensure proper consultation with HFN has been placed on us to negotiate terms, including the signed Letter of Intent ("LOI") with OPG. We believe OPG's intentions to work with us meaningfully are sincere.</p> <p>However, we are not aware of any CNSC process that will hold OPG accountable if this does not happen. We are requesting the Commission order the creation of regulatory holdpoints with an enforcement mechanism to ensure that OPG is meeting its consultation obligations and upholding the intent of the negotiated LOI.</p>	<p>Monitoring and oversight</p>	<p>CNSC email on October 1, 2024</p>	<p>N/A</p>	<p>Throughout the consultation process, including in the interventions from the Michi Saagiig Nations, CNSC staff heard concerns regarding the need for OPG's commitments to the Nations to be binding and for there to be opportunities for the Nations to be involved in the oversight and monitoring of the commitments to ensure their rights and interests are protected. Based on this, CNSC staff have recommended a site-specific condition in the proposed DNNP construction licence and draft Licence Conditions Handbook. This is outlined in CNSC staff's supplemental CMD 24-H3.B.</p> <p>Licence condition 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence phase, should the Commission grant a construction licence. Additionally, it will require OPG to continue to collaborate with the Michi Saagiig Nations on the various studies and assessments OPG has committed to.</p> <p>By including these requirements in the proposed licence and draft Licence Conditions Handbook, it will support the Commission in fulfilling the Duty to Consult and, where appropriate, accommodate. Additionally, it will ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities.</p>	<p>CNSC staff have proposed Licence Condition 15.4 in an effort to address this concern.</p>

					<p>On October 1, 2024, CNSC staff shared CNSC staff's supplemental CMD: 24-H3.B, which included the proposed licence condition. CNSC staff noted that any feedback on the proposed licence condition was welcome, either through HFN's intervention or comments directly to CNSC staff. CNSC staff have not received any response or comments from HFN to date on the proposed LC and draft LCH but encourage the Michi Saagiig Nations to share their views as part of the Part 2 Commission hearing, should they wish.</p> <p>CNSC staff remain open to discussing the approaches and different options to ensuring the commitments are upheld. As noted, CNSC staff have recommended the use of a Licence Condition and Compliance Verification Criteria in the Licence Condition handbook as the mechanism for this.</p> <p>CNSC staff are committed to collaborating with each Michi Saagiig Nation (individually or collectively) regarding the oversight and monitoring of the DNNP, should it proceed, as well as reporting back to the Commission. This is included as a proposed commitment in Section 4.3.6 of the supplemental CMD.</p> <p>CNSC staff are open to discussing different options for this. For example, CNSC staff are proposing setting up a formal working group between the four Michi Saagiig Nations, CNSC staff and OPG to work collaboratively on the oversight of the commitments made to the Nations.</p>	
Issues and Concerns included in the June 2024 Consultation Report						
Hiawatha FN #1	Hiawatha FN has raised concerns about the process for assessing impacts to Rights, outlined in the CNSC's RIA (RIA) Framework. Hiawatha FN is concerned about the CNSC's definition of current baseline conditions and cumulative effects. Hiawatha FN also fundamentally disagrees with assigning a severity to impacts on Rights. Hiawatha FN notes that indicating severity diminishes their Rights. Hiawatha FN reiterates that	Impacts to Rights and RIA process	<p>July 27, 2023 CNSC email re RIA framework</p> <p>January 5, 2024 CNSC email</p>	<p>OPG has been having discussions with Hiawatha FN about the approach to conducting a RIA, based on the WTFN Indigenous Knowledge study OPG has committed to supporting.</p> <p>In the Environmental Monitoring and EA Follow up (EMEAF) Plan, OPG notes that they endeavor to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and</p>	<p>The baseline being considered in an RIA is defined as: the current environmental conditions, present-day exercise of Rights by the Indigenous Nation or community, and existing activities that have affected or could affect the conditions that support or limit the Indigenous Nation or community's meaningful exercise of Rights. The baseline for an RIA 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).</p> <p>This can include additional context such as the Nation's perspectives on the importance, value, uniqueness of an</p>	CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process. The full assessment and conclusions will be submitted to the Commission prior to

	any potential impact on the environment, regardless of mitigation measures, will impact their right.			to achieve feasible mitigation measures and/or accommodation.	<p>area as well as territorial capacity – which refers to the ability of the Indigenous Nation or community to exercise their Rights in their preferred manner. An RIA should also consider the historical and future context in which Rights are practiced when evaluating the magnitude of potential project impacts relative to the established baseline. This approach is based on best practices and methodology for RIAs as established by the Impact Assessment Agency of Canada and the CNSC in collaboration with Indigenous Nations and communities and experts in RIA.</p> <p>The RIA framework uses a methodological approach to assessing impacts on Rights, with the goal of coming to a mutual understanding of the severity of any identified potential impacts on potential or established Rights and interests, as a result of a proposed project, as well as to identify any potential mitigation and/or accommodation measures that could help to avoid, reduce, or compensate for any identified impacts as a result of the proposed project or activity. CNSC staff acknowledge that Hiawatha FN often takes a more holistic approach, conceptualizing cumulative impacts on a spiritual, cultural, and geographic (watershed and treaty territory) level.</p> <p>The RIA will include information about Hiawatha FN’s concerns about the process and perspectives on their Rights and interests to ensure that the Commission receives fulsome information from both CNSC staff’s and CLFN’s perspectives with regards to the project’s potential impacts on their Rights and interests and how the concerns can be addressed.</p>	the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and Hiawatha FN’s perspectives.
Hiawatha FN #2	<p>Hiawatha FN is concerned that there remain significant gaps in the ability of CNSC, OPG and Hiawatha FN to fully identify, understand and comprehensively address potential impacts to Inherent, Aboriginal and Treaty Rights by the DNNP.</p> <p>Hiawatha FN requests that CNSC and OPG evaluate opportunities for Hiawatha FN to be able to gather the requisite information for a complete understanding of the potential and real impacts to the</p>	Impacts to Rights	July 27, 2023 CNSC email re RIA framework	<p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study with interested WTFN including Hiawatha FN, which could include or lead to a cumulative effects study, a RIA (which is being conducted by the CNSC) and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p>	<p>CNSC staff have acknowledged Hiawatha FN’s concerns regarding the gaps in information that limit the ability for all parties to identify and understand potential impacts to Rights.</p> <p>CNSC staff and Hiawatha FN have had many discussions regarding the approach to the RIA for the DNNP Licence to Construct to ensure that the CNSC is able to better understand and assess these concerns based on the information available at this time. The goal of the RIA 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</p>	<p>CNSC staff’s view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to</p>

	<p>inherent, Aboriginal and Treaty Rights of Hiawatha FN. At a minimum, this could occur through the completion of a RIA that is informed by a territorial Indigenous Knowledge Study, a comprehensive cumulative impact assessment, and Rights-based requirements, needs and improvements, including Rights informed approaches to mitigations, compensations, and restorations.</p>			<p>OPG has made and is committed to continuing to make updates to the environmental protection program and EA follow up monitoring , as additional Indigenous Knowledge is shared.</p>	<p>recommendation to the Commission about potential impacts on Rights from the DNNP. The report will include information about Hiawatha FN’s concerns that have been identified and views regarding gaps in information, such as Indigenous Knowledge and land/water use data.</p> <p>CNSC staff have been offering to support an Indigenous Knowledge study with interested WTFN for many years and it has been in the Hiawatha FN-CNSC ToR for long-term engagement workplan since Hiawatha FN signed a ToR in May 2023. CNSC staff remain committed to supporting an Indigenous Knowledge and land use study and taking an adaptive management approach to the oversight of the DNNP and OPG’s commitments and follow up and monitoring programs, should it proceed, to ensure Hiawatha FN Rights and interests are protected.</p>	<p>Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and Hiawatha FN’s perspectives.</p>
<p>Hiawatha FN #3</p>	<p>Hiawatha FN has raised concerns about potential impacts to Inherent, Aboriginal and Treaty Rights of the Michi Saagiig Anishinaabeg, as a result of the DNNP. These impacts include,</p> <p>but are not limited to:</p> <ul style="list-style-type: none"> Impacts to fishing, hunting, and harvesting, Impacts to spiritual landscapes, and Impacts to species and places of cultural significance. <p>Hiawatha FN notes 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>Hiawatha FN raised concerns about how the DNNP may have potential impacts on the well-being of Hiawatha FN by increasing avoidance behaviours and fear towards the area, around the Darlington site.</p>	<p>Impacts to Rights</p>	<p>July 27, 2023 CNSC email re RIA framework</p>	<p>In OPG’s environmental monitoring and EA follow up program, OPG recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western/regulatory perspective, it may not fully address the impact of the DNNP on Indigenous inherent and treaty Rights as they are understood today. OPG endeavors to continue to work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodation.</p> <p>OPG has been engaging with Hiawatha FN to better understand concerns about the DNNP specific impacts on Hiawatha FN’s Indigenous and/or Treaty Rights, through regular and ongoing meetings.</p> <p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a</p>	<p>CNSC staff are committed to working collaborative with Hiawatha FN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff note that in the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment, issued 22 April 2024, the Commission directed CNSC staff to:</p> <p>Support OPG’s collaborative work on the following study and assessments:</p> <ul style="list-style-type: none"> RIA Indigenous Knowledge study Cumulative Impacts Assessment <p>CNSC staff remain committed to supporting Hiawatha FN and other WTFN’s on each of the above listed studies.</p>	<p>CNSC staff’s view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff’s and Hiawatha FN’s perspectives.</p>

	Hiawatha FN raised concerns about impacts to accessing cultural and spiritual landscapes, or cultural activities such as fishing, harvesting, and hunting.			cumulative effects study, a RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection.		
Hiawatha FN #4	Hiawatha FN has 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.	Indigenous knowledge	March 20, 2023 Hiawatha FN comments	<p>OPG is working with Hiawatha FN and other interested WTFN to support and begin scoping an Indigenous Knowledge and Land use study and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p> <p>In OPG’s Indigenous Engagement Report, OPG indicates that they have shared the Environmental Monitoring and EA Follow Up Plan (EMEAF) with Hiawatha FN for their review, sought feedback on the plan as well as interest in participating in the EA follow up programs.</p> <p>In OPG’s environmental monitoring and EA follow up program, OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making.</p> <p>OPG endeavours 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 ongoing monitoring and follow-up activities to ensure their Rights and interests remain protected.</p>	<p>CNSC staff are committed to working collaboratively with Hiawatha FN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff have worked to incorporate Indigenous knowledge in the CNSC’s Independent Environmental Monitoring Program (IEMP). For example, representatives from Hiawatha FN attended the IEMP sampling around the Darlington site in September 2023. CNSC staff are currently working with Hiawatha FN to review sampling plans for upcoming IEMP campaigns and are open to sampling locations or species of cultural significance. 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>CNSC staff are working to collaboratively draft sections of the Licence to Construct Consultation Report with Hiawatha FN and other interested WTFN to ensure that their knowledge, perspectives and cultures are meaningfully reflected in CNSC staff’s assessment and report to the Commission.</p> <p>CNSC staff provided comments from Hiawatha FN and other Indigenous Nations and communities to the CNSC’s technical specialists to consider when conducting the assessments of OPG’s documentation.</p> <p>CNSC also remains committed to supporting and Indigenous Knowledge and taking an adaptive management approach to the oversight and follow-up in relation to the DNNP, should it proceed, to ensure Hiawatha FN’s Rights and interests are protected.</p>	<p>CNSC staff’s view is that the concerns regarding incorporating Indigenous worldviews cultural keystone species and impacts to Michi Saagiig Rights will continue to be addressed through the responses and commitments of OPG and CNSC staff, to the extent possible within the CNSC’s mandate and regulatory requirements. CNSC staff are committed to applying an adaptive management approach to the environmental monitoring, follow up and oversight of the DNNP, should the project proceed, to ensure that Hiawatha FN’s worldviews and knowledge is considered and reflected.</p>

					<p>CNSC encourages OPG to continue to engage on the EMEAF Plan and incorporate Indigenous Knowledge where available.</p>	
<p>Hiawatha FN #5</p>	<p>Hiawatha FN raised concerns regarding the cumulative effects of the DNNP, as well as legacy impacts of the existing Darlington and Pickering Nuclear Power Generating Stations. Hiawatha FN is concerned that there remain gaps in the cumulative impacts that have been assessed through the history of this project</p> <p>Hiawatha FN recommends that CNSC and OPG undertake comprehensive cumulative effects study, of which a mutually agreed upon scope is determined in collaboration with Hiawatha FN</p>	<p>Cumulative and legacy impacts</p>		<p>OPG has worked collaboratively with Hiawatha FN to better understand their concerns regarding legacy impacts and cumulative effects.</p> <p>OPG is also working with Hiawatha FN and other WTFN on developing a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study.</p>	<p>CNSC staff reviewed OPG’s EIS Review and supporting documents and concluded that changes to the original 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 when taking into consideration proposed mitigation measures.</p> <p>CNSC staff look at the cumulative effects to the environment as part of ongoing reviews. This includes environmental risk assessments. These assessments are done every five years and would provide staff with an indication as to whether there is a change in the risk profile for the environment around the facility. Further, information on environmental monitoring at the facility as well as from regional monitoring and IEMP also inform staff’s ongoing review related to cumulative effects.</p> <p>CNSC staff are working collaboratively with 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 Hiawatha FN’s perspectives are documented and reflected in the RIA report.</p> <p>CNSC staff note that in the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment, issued 22 April 2024, the Commission directed CNSC staff to:</p> <p>Support OPG’s collaborative work on the following study and assessments:</p> <p>RIA</p> <p>Indigenous Knowledge study</p> <p>Cumulative Impacts Assessment</p> <p>CNSC staff are also open to supporting the scoping and implementation of a cumulative effects study, in collaboration with Hiawatha FN, other interested WTFN and OPG, to help inform the DNNP environmental</p>	<p>CNSC staff’s view is that the cumulative effects concern has been and will continue to be addressed by OPG and CNSC staff, as described in the response column.</p>

					<p>monitoring and follow up program and future RIAs as appropriate.</p>	
<p>Hiawatha FN #6</p>	<p>Hiawatha FN is concerned that to date, information sharing, and engagement have occurred in relation to the DNNP, but meaningful consultation has not occurred.</p> <p>Hiawatha FN notes that within the context of consultation with First Nations, mutual understanding must be had regarding impacts on treaty Rights and possible accommodations. Hiawatha FN comments that at this time, no mutual understanding has been reached.</p> <p>Hiawatha FN is concerned that the CNSC and OPG have not considered or complied with the Gunshot Treaty (1877-87), the Williams Treaties (1923) or the Williams Treaties Settlement (2018). As such, it remains unclear as to how CNSC and OPG have meaningfully considered, consulted, and accommodated impacts to Hiawatha FN's Rights</p> <p>Hiawatha FN notes that the CNSC should adhere to the United Nations principles of Free Prior and Informed Consent (FPIC). Hiawatha FN is concerned about how they will be meaningfully consulted throughout the DNNP and during processes where key decisions or determinations which may have resulted in potential negative impacts to Rights.</p>	<p>Indigenous consultation</p>		<p>OPG has been conducting ongoing engagement with Hiawatha FN on the DNNP and has implemented a number of best practices, including early engagement on the technology selection process and on the EIS Review prior to its submission to the CNSC.</p> <p>OPG is in discussions with representatives of the WTFN to develop a pathway forward that includes a scoping exercise in Q1 2024 to begin to develop a plan to undertake an Indigenous Knowledge Study, which could include or lead to a cumulative effects study, a RIA and opportunities to identify and address the options for extended engagement with regards to environmental protection.</p> <p>DNNP team members are now required to participate in IR 101 training. This training includes a considerable amount of content on the Treaties in hopes of increasing literacy within the management team.</p>	<p>The CNSC understands the importance of building a strong and ongoing relationship with Hiawatha FN and ensuring that the consultation process is meaningful and addresses the concerns raised by Hiawatha FN. As an agent of the Crown, the CNSC has responsibility for fulfilling its legal duty to consult, and where appropriate accommodate Indigenous peoples when its decisions may have an adverse impact on potential or established Indigenous and/or treaty Rights.</p> <p>CNSC staff have been conducting ongoing consultation and engagement with Hiawatha FN regarding the DNNP, including on the renewal of the Licence to Prepare Site in 2021, the Licence to Construct application and the EIS review process. CNSC's approach to consultation and engagement are in line with best practices and are flexible based on the specific needs and requests of each potentially impacted Indigenous Nation and community. The CNSC has consistently sought input and feedback from Hiawatha FN and other WTFN on how they would like to be consulted for the DNNP and what would be meaningful for them. The CNSC remains committed to working with Hiawatha FN on finding a path forward to ensure that consultation and ongoing engagement are meaningful, responsive and flexible.</p> <p>CNSC staff are committed to working collaborative with Hiawatha FN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff are committed to providing funding and support for an Indigenous Knowledge and Land Use studies with Hiawatha FN and other interested WTFN. The results of these studies could then help inform an adaptive management approach and EA follow-up monitoring program, which will ensure the DNNP project and related</p>	<p>CNSC staff's view is that the concerns about meaningful consultation have and will continue to be addressed through the responses and commitments of OPG and CNSC staff. CNSC staff remain committed to continuously improving the approach to consultation throughout the lifecycle of the DNNP (should the project proceed) based on feedback from Hiawatha FN.</p> <p>Additionally, CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process. The full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC</p>

					<p>activities, should it proceed, would be protective of Rights and interests.</p> <p>CNSC staff and Hiawatha FN have a Terms of Reference for Long-term engagement and ongoing funding and capacity support Hiawatha FN, which provides a forum identifying additional areas of interest and where Hiawatha FN and CNSC staff can collaborate and work together to understand, assess and meaningfully address their concerns. This includes working with OPG to identify meaningful mitigations, commitments and accommodations to address the concerns being raised by CLFN with regards to the DNNP’s potential impacts on their Rights and interests.</p> <p>Additionally, CNSC staff are aware that OPG is working with Hiawatha FN and other interested WTFN to support an Indigenous Knowledge and Land use study. OPG has committed to continuing to make updates to their environmental protection program and EA follow-up monitoring program, as additional Indigenous Knowledge is shared.</p> <p>CNSC staff will continue to monitor OPG’s Indigenous engagement activities related to the DNNP, should the project proceed, to ensure that OPG engages Hiawatha FN on key topics of interest and is responsive to questions or concerns raised.</p>	<p>staff’s and Hiawatha FN’s perspectives</p>
<p>Hiawatha FN #7</p>	<p>Hiawatha FN raised concerns about the legislative, regulatory and engagement processes that have been relied upon to contemplate, evaluate, and develop the DNNP project. Hiawatha FN has raised concerns that the DNNP regulatory process should include the standards and principles under the 2019 Impact Assessment Act. Additional standards of the IAA (2019) include a mandatory Follow-up Program inclusive of current IAA considerations (the current EMAMF is not inclusive of all IAA considerations), Gender-Based Plus Analysis (GBA+), decisions guided by Indigenous knowledge, and a comprehensive</p>	<p>Regulatory requirements</p>		<p>OPG’s EMEAF Plan notes that OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making. OPG endeavours 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.</p>	<p>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 does not apply to the DNNP as a decision has already been rendered by the JRP and the Federal Government on this proposed project under the former Act; the environmental assessment decision remains applicable. Based on CNSC staff’s review of the EA and the PPE review, CNSC staff find that OPG’s selected technology is within the bound of the EA taking into account the recommendations, mitigation measures and follow up program.</p> <p>The Commission Decision on the hearing on the applicability the EA to OPG’s chosen technology also indicated that BWRX-300 is not fundamentally different from the technologies assessed in the Environmental Assessment and a new EA is not required. The Commission concluded that the predicted environmental effects</p>	<p>CNSC staff’s view is that these concerns have been addressed to the extent possible within the CNSC’s mandate and regulatory requirements. CNSC staff note the Impact Assessment Act does not apply, as this project has already undergone an Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. The</p>

	<p>consideration of sustainability encompassing positive and negative impacts on the environment, economics, social aspects, and health.</p> <p>Hiawatha FN recommends that CNSC and OPG undertake a detailed gap analysis which would consider discrepancies between the 1992 CEAA, which was relied upon for the 2009 DNNP approval, and the 2019 Impact Assessment Act (IAA).</p>			<p>OPG is committing to enhance their environmental protection and follow up monitoring program, based on the information collected through the Indigenous knowledge study that OPG has committed to supporting. OPG’s goal is to build a comfort level between OPG and the communities that the DNNP is protective of the environment and their Rights.</p> <p>OPG has proposed that an environment sub-committee be formed to design the above-mentioned Environmental Monitoring Augmentation Plan as well as complete an assessment of the standards of 2009 and today, to understand where we can work together to meet and exceed current standards.</p>	<p>associated with the BWRX-300 reactor technology are bounded by the EA.</p> <p>The requirement to implement the EA Follow-Up program required under CEAA 1992 is carried through to the proposed Licence to Construct, and documented in the proposed <i>Licence Conditions Handbook (LCH) for a Licence to Construct</i>. CNSC staff will include an explicit requirement in the LCH that requires OPG to follow through with their commitments with the Nations when updating the EA Follow-Up program.</p> <p>CNSC staff have committed to considering current standards and best practices when conducting consultation and engagement for the DNNP. This includes on the Licence to Construct application and the ongoing monitoring, follow up and oversight, should the DNNP proceed.</p> <p>CNSC staff are working on a collaborative RIA with Hiawatha FN 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff are aware that OPG has committed to collaboratively, with Hiawatha FN and other interested WTFNs, reviewing the environmental work done in 2009 and determine what needs to be updated to today’s standards. OPG is committing to conduct an environmental monitoring augmentation program to apply an Indigenous knowledge lens and involve interested WTFN in the on-site environmental monitoring. CNSC staff understand that OPG and the WTFNs, including Hiawatha FN, are currently in the scoping phase of this project.</p>	<p>Commissions decision concluded that the predicted environmental effects associated with the BWRX-300 reactor technology are bounded by the EA. Therefore, OPG is not required to undertake the requirements under the Impact Assessment Act.</p>
<p>Hiawatha FN #8</p>	<p>Hiawatha FN raised concerns regarding the potential impacts on the environment, including on species at risk, bats, surface and groundwater, air quality, aquatic habitat, and terrestrial environment.</p> <p>Hiawatha FN commented on the need to included cultural keystone</p>	<p>Environmental impacts</p>	<p>March 20, 2023 Hiawatha FN comments</p>	<p>OPG’s EMEAF Plan recognizes that while the assessment of environmental effects from DNNP has been satisfied from the Western perspective, it may not fully address the impact of the DNNP on Indigenous inherent and treaty Rights as they are understood today. OPG endeavors to continue to</p>	<p>CNSC staff have reviewed the EA, OPG’s EIS Review, the updated PPE, as well as relevant supporting documentation. CNSC staff expect no significant residual adverse environmental effects from the deployment of up to four BWRX-300 reactors, provided the mitigation measures identified in the EA are implemented, as required by OPG’s EA follow-up program.</p>	<p>CNSC staff’s view is that the concerns regarding impacts to the environment have and will continue to be addressed through the responses and commitments of OPG</p>

	<p>species in all monitoring aspects of the DNNP. Hiawatha FN 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 notes 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>work with Indigenous Nations and communities to appropriately identify the Rights impacted by the Project and to achieve feasible mitigation measures and/or accommodation.</p> <p>OPG has been having discussions with Hiawatha FN regarding to better understand and work to address their concerns about potential environmental impacts including consideration for augmented monitoring. Reports and detailed summary of information on environmental studies requested by HFN were provided by OPG.</p>	<p>CNSC staff also conclude that OPG has adequately assessed changes to baseline environmental conditions for environmental components assessed in the EA.</p> <p>CNSC staff have acknowledged Hiawatha FN's concern that any impacts on the environment, even with mitigation measures applied, represents a potential impact on Hiawatha FN's Rights. CNSC staff are committed to working collaborative with Hiawatha FN to conduct a RIA for the DNNP Licence to Construct application . The goal of the RIA 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 recommendation to the Commission about potential impacts on Rights from the DNNP.</p> <p>CNSC staff are committed to providing funding and support for an Indigenous Knowledge and Land Use studies with Hiawatha FN and other interested WTFN. The results of these studies could then help inform an adaptive management approach to OPG's EA follow-up monitoring program, which will ensure the DNNP project and related activities, should it proceed, would be protective of Rights and interests.</p> <p>Additionally, CNSC staff are aware that OPG is working with Hiawatha FN and other interested WTFN to support an Indigenous Knowledge and Land use study. OPG has 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 Hiawatha FN to better understand their concerns regarding potential impacts on the environment. CNSC staff are aware that OPG has been engaging Hiawatha FN on permits of interest, including the Endangered Species Act permit. CNSC staff are aware that OPG has agreed to undertake recommendations made by Hiawatha FN and work with them to create and implement monitoring plans, including related to bats.</p> <p>CNSC staff will continue to monitor the OPG's Indigenous engagement activities, including with regards to monitoring and follow-up measures.</p>	<p>and CNSC staff, to the extent possible within the CNSC's mandate and regulatory requirements.</p> <p>Additionally, CNSC staff's view is that the concerns around impacts to Treaty Rights will continue to be discussed and addressed through the collaborative RIA process, the full assessment and conclusions will be submitted to the Commission prior to the Licence to Construct Part-2 hearing. The RIA will include information, perspectives and recommendations from both CNSC staff's and Hiawatha FN's perspectives</p>
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A.5 Issues Tracking Table for Saugeen Ojibway Nation (SON) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff note that no new issues were raised by SON with CNSC staff since the submission of the Consultation Report in June 2024. However, SON raised concerns through their intervention for the Part 2 Hearing.

Note – CNSC staff shared this table with SON for their review on February 29, 2024. On March 12, 2024, SON informed the CNSC that they decided not to provide written feedback on this document but would instead discuss questions or concerns at meetings with CNSC staff. CNSC staff shared an updated version of the table with SON on May 23th, 2024 and SON provided written feedback on June 7, 2024.

ID #	Concern or issue	Theme	Relevant Correspondence (see Appendix B of the Consultation Report or Appendix C of the supplemental CMD for details)	OPG Response	CNSC Response	Status of Issue or Concern
New Issues and Concerns raised in SON’s intervention						
	<p>SON has raised concerns with regards to OPG appearing to be unwilling to acknowledge that on-site storage of radioactive waste is a condition of the DNNP.</p> <p>SON has requested the Commission include a condition that requires all radioactive waste to be stored on site throughout he life cycle of the facility. SON submits that the Duty to Consult can only be discharged if a condition requiring the DNNP waste to remain outside of SON Territory are included in the LTC.</p>			<p>Consistent with the Environmental Assessment and, after consideration of both options, OPG is not actively pursuing the option of interim storage of L&ILW generated by the project at OPG’s Western Waste Management Facility (WWMF) located within the traditional territory of the Saugeen Ojibway Nation (SON).</p> <p>OPG commits to continuing to share information with the SON with respect to DNNP as they have expressed an interest in understanding the project. As always, OPG remains committed to sharing information related to nuclear waste that may impact the SON.</p>	<p>CNSC staff’s understanding is that OPG has committed to not storing or transporting waste from the DNNP to SON territory. CNSC staff are aware that OPG has communicated to the SON the plans for DNNP waste management is that high-level waste will remain at the Darlington site and Low & Intermediate Level waste will also remain at the Darlington site or transported to a licenced facility and would not be stored in the SON’s territory.</p> <p>On November 13, 2024, OPG sent a letter to the Commission Registry, titled “CNSC Notification that Darlington New Nuclear Project (DNNP) Low & Intermediate Level Waste (L&ILW) will not be stored in the Traditional Territory of the Saugeen Ojibway Nation”</p> <p>OPG indicates that they are not actively pursuing the option of interim storage of L&ILW generated by the project at OPG’s Western Waste Management Facility (WWMF)located within the traditional territory of the Saugeen Ojibway Nation (SON). OPG also indicated that The DNNP waste management strategy will not include interim storage of DNNP L&ILW waste at OPG's WWMF and will not proceed with any course of action without all regulatory authorizations to do so.</p> <p>CNSC staff are committed to continuing to engage and share information with SON regarding the DNNP. CNSC staff also propose working through the existing relationship and Terms of Reference for</p>	<p>CNSC staff’s view is that this commitment by OPG, if implemented, adequately addresses the concerns raised by the SON in relation to the DNNP.</p>

					long-term engagement to discuss SONs concerns with the CNSC's approach to phase licensing.	
Issues and Concerns included in the June 2024 Consultation Report						
SON #1	The 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 adequate assessment of the project can only be accomplished through a full Impact Assessment or Strategic and Regional Assessment under the Impact Assessment Act, 2019. The SON also note their 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.	Strategic Assessment of SMRs	April 3, 2023 SON comments November 28, 2023 CNSC response to SON comments	The Environmental Assessment conducted under Canadian Environmental Assessment Act remains valid and has no expiry date. Impact Assessments only apply to projects initiated after the Impact Assessment Act came into effect. The IAA does not require projects that have previously been assessed under CEAA to be re-evaluated under the IAA.	The DNNP EA was conducted and approved under the Canadian Environmental Assessment Act of 1992, which was the governing legislation at the 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 <i>Impact Assessment Act</i> (IAA) of 2019. 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. 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 are conducting a thorough technical review of OPG's proposal, to ensure that it is safe for humans and the environment. CNSC staff note that the Commission's Record of Decision Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 210) acknowledges SON's request. The	CNSC staff's view is that these concerns have been addressed to the extent possible within the CNSC's mandate and regulatory requirements. CNSC staff note the Impact Assessment Act does not apply, as this project has already undergone an Environmental Assessment under the former Canadian Environmental Assessment Act of 1992. CNSC staff are aware that SON submitted a request for strategic and Regional Assessment for Small Modular Reactors to the Minister of Environment and Climate Change Canada and that this is an outstanding concern and request for SON. CNSC staff remain committed to discussing SON's broader concerns regarding nuclear

					<p>Commission noted that “The Commission’s obligation to determine the applicability of the EA to the chosen technology in this matter is separate and distinct from the request put forward by SON to the Minister, and any impending decision by the Minister in relation to that request does not, and should not, affect the determination being made by the Commission.”</p> <p>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>	development in their territory.
SON #2	<p>The SON are concerned about potential impacts to their Rights from the transportation and storage of waste from the DNNP at the Western Waste Management Facility (WWMF) located in their territory. The SON are concerned that they have only been considered an Indigenous Nation that has expressed an interest in the project, rather than an Indigenous Nation with potential impacts to their constitutionally protected Rights. The SON commented there has not been adequate analysis of the impacts of these new sources of waste. The EA does not take into account the impacts of expanding the different waste generation from the SMR at DNNP. The WWMF is identified as the preferred recipient for radioactive waste for the DNNP, 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. SON are concerned that recommendations #52 and #53 from the Joint Review Panel (JRP) are not being honored.</p> <p>The SON are concerned that launching a small modular reactor (SMR) industry in Canada would radically impact plans for radioactive waste management, storage,</p>	Waste Management	<p>April 3, 2023 SON comments November 28, 2023 CNSC response to SON comments April 3, 2024 email from SON April 4, 2024 CNSC response email</p>	<p>Through discussions with OPG and from information provided by OPG in their Indigenous Engagement Report, CNSC staff are aware that OPG has been discussing and engaging with the SON to better understand, respond to and work to addressing their concerns related to waste management.</p> <p>OPG recognizes the importance of sharing plans for the DNNP waste storage, transportation and management and have begun to hold meetings and to offer tours of existing waste facilities to initiate the education process. We recognize this as a common concern among many nations and will engage on this subject as plans are developed and information become available.</p> <p>OPG has communicated with SON the plans for DNNP waste management: high-level waste remains at site and L&ILW will remain at site or transported to a licenced facility and would not be stored in the SON territory.</p> <p>It is OPG’s understanding that SON are aware there are no plans for</p>	<p>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. 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 are tracking this commitment and will only close the commitment if OPG has demonstrated they have adequately addressed the recommendation from the Panel.</p> <p>OPG has not yet made a decision about where waste generated by the DNNP will be stored and managed, 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 are of the view that this concern will be addressed through the responses provided by OPG and CNSC. CNSC staff are committed to ongoing discussions, engagement and consultation regarding solid radioactive wastes, OPG’s nuclear waste management program and the potential impacts to SON’s Rights at each licensing stage, should the project proceed.</p> <p>CNSC staff are aware that SON disagrees with the CNSC’s view on this issue. SON’s view is that their concern has not been meaningfully considered or</p>

	<p>and disposal in their territory moving forward. SON does not accept the CNSC’s position that planning for waste management will be considered at a licence to operate stage.</p>			<p>DNNP waste to be shipped and stored at WWMF. OPG remains committed and open to having discussions with SON regarding the plans for DNNP waste management and is actively working toward resuming an open, regularized conversation.</p>	<p>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. CNSC staff expect OPG to be actively working on the nuclear Waste Management program for the DNNP, which would include engaging with Indigenous Nations and communities, including SON. CNSC staff also note that the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 211) indicates “As a waste owner, OPG is responsible for developing and implementing solutions to safely and securely manage its waste. It is the Commission's expectation that OPG will work collaboratively with potentially impacted Indigenous Nations and communities, including SON, in developing and implementing any such solutions, in accordance with applicable regulatory requirements.” CNSC staff continue to encourage OPG to work with SON to meaningfully address the SON’s concerns with respect to radioactive waste management at the DNNP. As well, CNSC staff remain open to working with the SON to address concerns, including having dedicated discussions with the SON on this topic.</p>	<p>addressed. SON have indicated that the plan for the storage of radioactive waste is a fundamental consideration and is not a matter to be considered at a later date. SON also notes that discussions are not currently occurring with OPG about the plans for DNNP waste management. CNSC staff note that further information and updates on this issue will be provided in CNSC staff’s supplemental submission and future licensing stages of the DNNP, should the project proceed.</p>
SON #3	<p>The SON raised concerns about the potential for the soil and lands that are being worked on as part of the Licence to Prepare Site (LTPS) to be contaminated.</p>	Soil Quality	November 29, 2023 CNSC response email	<p>OPG’s Environment Health and Safety Managed Systems includes the management of contaminated lands. The DNNP Environmental Management and Protection Plan, which includes a section on soil and hazardous waste management, and the DNNP Site-Specific Soil Management Plan have been</p>	<p>Currently there is no expectation that any of the lands that are being worked on as part of the Licence to Prepare Site (LTPS) are contaminated. OPG has performed soil characterization studies in support of the licence that was issued and radiological contamination is not anticipated. In the event that unexpected contamination is discovered during site preparation for the DNNP, CNSC staff would be notified if the contamination is in excess of the prescribed limits. OPG is required to</p>	<p>CNSC staff are of the view that this issue has been and will continue to be addressed by the CNSC and OPG, as described in the response columns.</p>

				<p>prepared to allow effective management of soil at DNNP lands. In 2021, a comprehensive soils characterization program was completed prior to site preparation activities to support project planning and development of the above-noted plans.</p>	<p>adhere to the <i>Radiation Protection Regulations</i> at all times, including during site preparation activities, and these regulations specify that notification must occur if contamination is found “above the exemption quantity” found in the <i>Nuclear Substances and Radiation Devices Regulations</i>. Additionally, in general, the <i>Nuclear Safety and Control Act</i> subsection 45(a) require that any person that identifies that a place or vehicle is contaminated in excess of the prescribed limits (in this case, the exemption quantities in the <i>Nuclear Substance and Radiation Devices Regulations</i>) must immediately notify the CNSC. From there, the CNSC would be able to share any notification received with the SON, for their information. CNSC staff also expect that OPG will continue to maintain open lines of communication with the SON and would also notify the SON of the discovery, should it occur.</p>	
SON #4	<p>The SON are concerned about the Government and industry’s promotion of nuclear energy. Additionally, the SON are concerned about streamlining the regulation of SMRs, including that SMRs with a thermal capacity of 200 MWth or less are exempted from the Impact Assessment Act “Project List.” Moreover, new reactors with the combined thermal capacity of up to 900 MWth are also exempted if located within the licensed boundaries of an existing Class IA facility.</p> <p>The SON submits that regulatory oversight should be increased rather than diminished when a proponent is proposing to place SMRs next to existing CANDU reactors. Such proximity raises important considerations that should be addressed, such as how the modular units would share support systems between themselves as well as with existing CANDU reactors. As identified during the Fukushima nuclear disaster, having many units at a single site can have</p>	Regulatory requirements	<p>April 3, 2023 SON comments November 28, 2023 CNSC response to SON comments</p>	Not applicable	<p>The CNSC does not promote nuclear energy but rather the CNSC’s mandate is to regulate the use of nuclear energy and materials to protect health, safety, security and the environment; to implement Canada’s international commitments on the peaceful use of nuclear energy; and to disseminate objective scientific, technical and regulatory information to the public.</p> <p>The EIS Review report reviews the applicability of the deployment of up to four BWRX-300 reactors to the predictions made in the EIS and determines whether those predictions remain valid. However, OPG’s Licence to Construct application is for a single BWRX-300 reactor. Should the CNSC receive an application for more units, analysis regarding these types of issues such as common, shared, systems will be conducted.</p> <p>Joint Review Panel (JRP) Recommendation # 63 goes into greater detail about multi-unit accidents and CNSC staff review of this aspect are ongoing as part of the OPG Licence to Construct application review. JRP #63 is still open, pending review during the Licence to Construct application process. CNSC staff’s understanding at this time is that OPG does not intend to have a connection between the existing</p>	<p>CNSC staff are of the view that the concerns have been addressed within the CNSC’s mandate and regulatory requirements.</p>

	unexpected consequences, such as common mode failures impacting the operations and safety of neighbouring plants.				<p>Darlington NGS (CANDU units) for critical systems or infrastructure and the BWRX-300 is intended to be a stand-alone system.</p> <p>Lessons learned from Fukushima were considered in the Environmental Assessment (EA) and CNSC's environmental reviews are risk-informed taking into consideration the novel features of the BWRX-300. CNSC staff concluded the EA remains valid for OPG's chosen technology for the DNNP.</p>	
SON #5	<p>The SON has concerns regarding the source of SMR fuel, including for the DNNP, noting that Canada does not produce lightly enriched fuel.</p> <p>The SON raised concerns about nuclear criticality safety concerns related to the use of lightly enriched uranium as the nuclear fuel. The fact that lightly enriched uranium can go critical in normal water—unlike CANDU fuel—means that CNSC will have to ensure more safety controls are in place. That some of these controls include the use of neutron absorber in the rack design and borated water, which are cause for concern to the SON from a human safety and environmental protection point of view. These safety concerns will impact the entire fuel cycle from production, to transportation, to storage and disposal. These criticality issues and concerns are far different from past rhetoric about the added safety of CANDU reactors due to the use of natural uranium as fuel.</p>	Fuel	<p>April 3, 2023 SON comments</p> <p>November 28, 2023 CNSC response to SON comments</p>	<p>OPG evaluated the source and commercial availability of the fuel for the BWRX-300 (GNF2), as part of the technology selection process. From a safety perspective BWR plants (which use LEU) have an excellent safety record throughout the world. The industry has proven that LEU fuel can be effectively managed. GE-H designs reactors like the BWRX-300 and has decades of experience in the out of core criticality safety expectations. The CNSC imposes out-of-core criticality requirements in REGDOC 2.4.3 specifically dealing with the concern of using low enriched uranium, which OPG/GE-Hitachi will demonstrate compliance with per the licence requirements.</p>	<p>The BWRX-300 proposes to use a variation of GEH's GNF-2 fuel assemblies, which CNSC staff note are currently safely used around the world. It is true that the BWRX-300 will use lightly-enriched uranium as fuel, and as such, OPG must comply with the requirements of REGDOC-2.4.3 – <i>Criticality Safety</i>, including the requirements for neutron absorption and criticality monitoring in the spent fuel pools. The spent fuel pool is a closed system, monitored carefully for overall water chemistry as well as for any criticality considerations. Operations with borated water and neutron poisons added to rack storage is well-understood and carried out safely in BWR and PWR nuclear plants across the world. The amount of boron and poisons added to the water is enough to suppress criticality and is not expected to be hazardous to the environment or human health.</p> <p>OPG will be required to inform their workers of any environmental hazards of working near or with hazardous materials, and workers are obligated to use all precautionary equipment provided by the potential licensee, as is currently required by <i>General Nuclear Safety and Control Regulations</i>.</p> <p>The level of radioactivity in these types of spent fuel rods is different than existing CANDU-style fuel bundles. Should this project proceed, OPG will be required to develop and implement waste management procedures that are specific to the BWRX-300 fuel and CNSC staff will verify that these procedures meet regulatory requirements and include international best practices.</p>	<p>CNSC staff are of the view that the concerns have been addressed within the CNSC's mandate and regulatory requirements for a Licence to Construct application. CNSC staff are committed to ongoing discussions regarding nuclear fuel at each licensing stage, should the project proceed.</p>

SON #6	<p>The SON raised concerns about how the nuclear sector is adopting the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i></p> <p>The SON note that CNSC and the Federal government must honour its commitment to ensuring Indigenous peoples have the right of free, prior, and informed consent prior to the storing or disposing of radioactive waste on their territories by ensuring consent is secured before the launching of the SMR industry, not after.</p>	UNDRIP	April 3, 2023 SON comments	<p>Through discussions with OPG and from information provided by OPG in their Indigenous Engagement Report, CNSC staff are aware that OPG has been discussing and engaging with the SON to better understand, respond to and work to addressing their concerns regarding the storage of waste in their territory.</p> <p>OPG recognizes the importance of UNDRIP/FPIC, as affirmed by its recognition of Call to Action #92. OPG understands that the government of Canada has introduced a framework to implement UNDRIP in Canadian law through the United Nations Declaration on the Rights of Indigenous Peoples Act and OPG continues to closely monitor all guidance and developments arising from that process.</p>	<p>CNSC staff note 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 striving to achieve 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>The proponent should work with potentially impacted Indigenous Nations and communities to develop a specific approach to achieving consent, as appropriate. Potentially impacted Indigenous Nations or communities that wish to express their views directly to the Commission regarding their process and position on their FPIC in relation to the proposed DNNP License to Construct Application, are encouraged to use the opportunity through their written and/or oral intervention. This will help assist and inform the Commission's decision-making for this matter.</p> <p>Additionally, CNSC is supporting whole-of-government work underway related to the UNDA Action Plan released in 2023.</p> <p>The action plan measure 32, 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:Indigenous engagement, which include changes to bring the guidance and requirements in line with the principles of UNDA. CNSC staff encourage the SON to be involved in the consultation process for the update to REGDOC-3.2.2.</p>	CNSC staff and SON will continue to discuss how the CNSC is implementing UNDA, including FPIC, to better understand and address SON's concerns and perspectives.
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A.6 Issues Tracking Table for Six Nations of the Grand River (SNGR) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff note that no new issues related to the DNNP LTC application were raised by Six Nations of the Grand River with CNSC staff since the submission of the Consultation Report in June 2024.

Note (included in June 2024 submission) – On February 29, 2024, CSNC staff provided this issues tracking table to Six Nations of the Grand River for their review and feedback. CNSC staff followed up with Six Nations of the Grand River on March 27, 2024. No response was received.

ID #	Concern or issue	Theme	OPG Response	CNSC Response	Status of Issue or Concern
SNGR #1	SNGR raised concerns that Ontario Power Generation (OPG) was only considering impacts to species at risk in their assessment of potential impacts from the DNNP. SNGR indicated that OPG should consider species that are culturally important to Indigenous Nations and communities or that are used for subsistence when considering potential impacts and conducting environmental monitoring.	Indigenous Knowledge	<p>In OPG's Environmental Monitoring and EA Follow Up Plan (EMEAF), OPG commits to working with Indigenous Nations and communities to incorporate Indigenous and Traditional knowledge, where available, in order to further understand the potential impacts of the project and strengthen assessment and decision-making.</p> <p>In the EMEAF, OPG notes 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.</p>	<p>CNSC staff note that additional species are considered in OPG's assessment of potential impacts, not just Species at Risk.</p> <p>CNSC staff encouraged SNGR to comment on the OPG's EIS review and PPE Documents. CNSC staff also shared the comments with OPG to consider and work to address.</p> <p>CNSC staff provided comments from SNGR and other Indigenous Nations and communities to the CNSC's technical specialists to consider when conducting the assessments of OPG's documentation. CNSC encourages OPG to continue to engage on the EMEAF Plan and incorporate Indigenous Knowledge where available.</p>	CNSC staff are of the view that this issue has been and will continue to be addressed by the CNSC and OPG, as described in the response column.
SNGR #2	SNGR expressed concern that OPG had not responded to questions about OPG's facilities, including the DNNP	Proponent led Indigenous Engagement	OPG has included SNGR in the list of Indigenous Nations and communities to provide information and updates on related to the DNNP. OPG also signed a relationship agreement with SNGR to ensure ongoing regular engagement on various topics of interest.	<p>CNSC staff confirm that OPG has been open to discussing the DNNP and other areas of interest with SNGR. CNSC staff are supportive of the relationship agreement that OPG has signed with SNGR. From discussions with OPG and SNGR, CNSC staff understand that interactions have been positive and encourages OPG to continue to engage, communicate and respond to questions and information requests from SNGR.</p> <p>CNSC staff are of the view that SNGR concerns around OPG engagement and responsiveness have and will continue to be addressed through their relationship agreement. Additionally, CNSC staff will continue to monitor OPG's engagement through regular meetings and updates to the IER, as well as CNSC staff's regular communications and engagement with SNGR.</p>	CNSC staff are of the view that this issue has been and will continue to be addressed by the CNSC and OPG, as described in the response column.

A.7 Issues Tracking Table for Métis Nation of Ontario (MNO) with respect to the Darlington New Nuclear Project (DNNP)

Note (December 2024) – CNSC staff note that no new issues related to the DNNP LTC application were raised by MNO with CNSC staff since the submission of the Consultation Report in June 2024.

Note – CNSC staff shared this table with MNO on February 29, 2024 for their review and feedback. MNO confirmed on March 22, 2024 that they did not have any additional comments or concerns

ID #	Concern or issue	Theme	OPG Response	CNSC Response	Status of Issue or Concern
MNO #1	MNO expressed concerns about what the security considerations for this technology are and who is responsible for ensuring security.	Security	<p>The OPG Security Program supports OPG’s need to manage residual risk to the public created by the operation of its facilities, protect assets and respond to emergencies that may impact operations and the public. Key elements of this program include maintaining compliance with legislative requirements, while minimizing the adverse impact on staff and operations. The objective of the program is to establish a state of security readiness to ensure safe and secure operation of OPG stations and facilities.</p> <p>OPG’s Security program ensures the security of OPG’s assets through physical and administrative security measures utilizing equipment, personnel, and procedures. The activities authorized under the License to Prepare Site for DNNP have limited nuclear security impact. The security program for the DNNP during the site preparation phase is focused primarily on ensuring that the selected site remains suitable for a new nuclear development from a security perspective, mitigating risk to existing Darlington Nuclear facilities, and protecting prescribed information.</p> <p>The program ensures security readiness and maximizes response capability to, contain, mitigate, and terminate security events. While several facets of OPG’s security programs are regarded as best practices among private sector organizations, OPG continues to build</p>	<p>Canada has rules about non-proliferation and international obligations that must be met, based on the Treaty on the Non-Proliferation of Nuclear Weapons.</p> <p>When licensees possess nuclear materials, they must ensure that they maintain security and support Canada’s international obligations as well. 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>The BWRX-300 reactor fuel uses slightly enriched fuel, but Canada does not produce enriched fuel at this time. Canada produces fuel for CANDU reactors from uranium mines in northern Saskatchewan. Then fuel pellets are created in Peterborough and Port Hope, which are then used in Canadian reactors like the Darlington NGS, as well as shipped to different countries that also use the CANDU technology. For the DNNP BWRX-300, it is likely that OPG will have uranium sent to other countries that currently have the technology and facilities to enrich the uranium where the fuel can then be enriched and imported to the Darlington site, inspected and used in the reactor, following all relevant CNSC and international regulations, treaties and obligations.</p>	CNSC staff are of the view that this concern has been and will continue to be addressed through the responses provided by OPG and CNSC staff described in this table.

			<p>strength in identifying areas for improvement by tackling adverse trends and processes to drive continuous improvement efforts. On an annual basis, OPG reviews its Memorandum of Understanding with Durham Region Police Service. This memorandum defines mutual responsibilities and provides a strong foundation for continued productive and integrated working relationships between Durham Region Police Service and OPG. As well, Nuclear Security continues to maintain excellent working relationships with off-site emergency response organizations. Improvements include several strategic initiatives aimed at implementing innovation and technology opportunities. These include, mitigating security impairments with the use of portable camera systems, patrol vehicle fleet electrification pilot, and security clearance system electronic application upgrade.</p> <p>Potential risks are identified and analyzed through the preparation of a Site Specific Threat and Risk Assessment (SSTRA) which considers physical site characteristics that could impede the development and implementation of current and future adequate security measures. Additional threat and risk assessments (TRAs) will be conducted at each phase of the project with security measures evaluated against these TRAs to ensure credible threats are mitigated.</p> <p>OPG has a mature and robust security program in place at the DN site. Details of OPG's Darlington security program are fully described in the DNGS Security Report submitted to the CNSC.</p>		
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MNO #2	<p>The MNO raised concerns about potential impacts from the project on the lake water quality and fish. The MNO expressed concerns about whether Ontario Power Generation (OPG) and the CNSC would monitor the impacts of the project.</p> <p>The MNO has requested additional engagement and information from OPG on topics such as the bank swallow nesting habitat, terrestrial habitat, socio-economic benefits, physical and cultural heritage resources, surface water environment and climate change.</p>	Environment	<p>OPG has provided information to the MNO regarding potential environmental impacts, proposed mitigation and monitoring activities in relation to the DNNP.</p> <p>OPG has had meetings with the MNO where impacts to the environment from the DNNP have been discussed. OPG has also had discussions with the MNO about potential candidates within the MNO Region 8 membership for OPG's Indigenous Opportunities Network.</p> <p>The MNO also participated in a site visit to Darlington in December 2022.</p> <p>OPG notes that water may be discharged only after it is analyzed and confirmed to be well below the regulatory limits. Additionally, the effluent discharge line is equipped with a radiation monitor and is automatically isolated if unacceptable radioactivity is detected. Furthermore, OPG carries out an Environmental Monitoring Program which samples for radioactivity in the environment to confirm that doses received by the public and ecological receptors remain very low. Results of the Environmental Monitoring Program, as well as the station's radiological releases, are reported to the regulator and to the public and will be shared with the Indigenous Nations and communities.</p>	<p>CNSC staff note that OPG collects collect water, fish and air samples through their monitoring program at the Darlington Nuclear Generating Site. 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.</p> <p>In addition, if the DNNP is approved, OPG will be required to have an EA follow up and monitoring program. OPG has committed to ensuring that their follow up and monitoring program is based on current best practices, including reflecting Indigenous Knowledge and perspectives, as well as including Indigenous Nations and communities in the sampling and monitoring activities.</p> <p>In addition, CNSC staff are committed to continuing to engage and include the MNO in the CNSC's Independent Environmental Monitoring Program in relation to the Darlington site.</p>	CNSC staff are of the view that this concern has been and will continue to be addressed through the responses provided by OPG and CNSC staff described in this table.
MNO #3	<p>The MNO raised concern that OPG's documentation lacked a description of, or commitment to, continued engagement with the MNO Region 8. The MNO recommends that future documents or reports reference the ongoing relationship with the MNO Region 8 be reported.</p>	Indigenous Consultation and Engagement	<p>In OPG's Indigenous Engagement Report for the DNNP, the Métis Nation of Ontario Region 8 is included in their list of indigenous Nations and communities who have expressed an interest in the DNNP. According to OPG's Indigenous engagement report, OPG continues to provide information, relevant notifications and have meetings with the MNO to discuss their interests</p>	<p>CNSC staff have frequently followed up with the 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. The MNO has not requested additional DNNP meetings at this time.</p> <p>CNSC staff have shared CNSC documents with MNO, including this table and sections of the Consultation Report, for MNO's review to ensure their views are accurately reflected.</p>	CNSC staff are of the view that this concern has been and will continue to be addressed through the responses provided by OPG and CNSC staff described in this table.

			<p>and concerns including those related to the DNNP.</p>	<p>The CNSC requires proponents to engage with Indigenous Nations and communities as part of the regulatory process for a proposed project, as outlined in REGDOC-3.2.2: Indigenous engagement. In addition, the CNSC encourages licensees to engage with interested Indigenous Nations and communities as part of their Public Information and Disclosure Program on a regular basis, whether or not there is an ongoing regulatory process for a project.</p> <p>The CNSC also meets regularly with the MNO, including the MNO Region 8, as per the CNSC-MNO Terms of Reference for Long-Term Engagement.</p> <p>CNSC staff note that the Commission’s Record of Decision – Ontario Power Generation – Applicability of the BWRX 300 Reactor to the DNNP Environmental Assessment (Paragraph 240) acknowledges that “OPG’s Darlington New Nuclear Project is expected to have many phases, beyond the current determinations directed by the Government of Canada’s response to the JRP Recommendation #1. The Commission expects both CNSC staff and OPG to continue their respective consultation and engagement activities over the lifecycle of this Project and any subsequent applications to the Commission with all interested Indigenous Nations and communities and their representatives.”</p>	
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APPENDIX B: DRAFT DNNP SITE-SPECIFIC LCH CONDITION FOR INDIGENOUS ENGAGEMENT

The updates on Indigenous engagement to the draft LCH are represented by yellow highlights below.

Licence Condition:

The licensee shall conduct Indigenous engagement activities, specific to the DNNP, throughout the period of this licence.

Preamble:

As per Section 8(2) of the *Nuclear Safety and Control Act*, the Commission is an agent of the Crown. As such, the Commission has the obligation to fulfil the Duty to Consult and, where appropriate, accommodate, Indigenous peoples when the Crown contemplates conduct that might adversely impact potential or established Indigenous and/or treaty rights. In meeting its obligations towards Indigenous Nations and communities, the Commission may rely on Consultation undertaken by CNSC staff as well as the opportunities for Indigenous Nations and communities to make submissions directly to the Commission and to participate in the hearing process. To assist the Commission in meeting its duty to consult and, where appropriate, accommodate, the Commission may also rely on the engagement work of licensees. This includes consideration of measures to avoid or mitigate potential adverse impacts or other measures adopted or proposed by licensees for potential accommodation purposes.

A public information and disclosure program is required by the *Class I Nuclear Facilities Regulations*, which requires that licensees describe and maintain a program to inform persons living in the area of the site of the nature and characteristics of the anticipated effects of the activity on the environment, as well as on the health and safety of persons. REGDOC-3.2.1 - *Public Information and Disclosure* also specifies that Indigenous Nations and communities should be included as a target audience for the licensee's public information and disclosure program.

As per section 6 of REGDOC-3.2.2 – *Indigenous Engagement*, licensees may be required to continue to engage Indigenous Nations and Communities after an Environmental Assessment or licensing decision. Licensees may also be required to update the CNSC about their ongoing Indigenous engagement activities—for example, the status of the implementation and effectiveness of mitigation and accommodation measures. Licensees may also be required to update the CNSC on new issues raised by Indigenous Nations and Communities with respect to an adverse impact on potential or established Indigenous and/or Treaty rights, and any related interest, which could affect future operations of the regulated facility or future licence application.

Compliance Verification Criteria:

The licensee shall conduct ongoing engagement specific to the DNNP with the identified Indigenous Nations and communities with Indigenous and/or Treaty rights in the area of the DNNP and those who have expressed interest in the DNNP, throughout the licence period. **If an Indigenous Nation and/or community is non-responsive, the licensee shall continue to share information and provide opportunities for engagement, unless the Indigenous Nation and/or community specifically declines the engagement opportunities and requests that the licensee stop sharing information regarding the DNNP.**

The licensee shall also continue to collaborate and engage with the Michi Saagiig Nations on the specific commitments made throughout the regulatory review process. This includes, but is not limited to:

- Scoping the extent, timing and content of an Indigenous Knowledge Study.
- Scoping the extent, timing and content of a Cumulative Effects Study.
- Scoping the extent, timing and content of an Environmental Monitoring Augmentation Program.
- Scoping the extent, timing and content of a review of international best practices for the management and storage of used nuclear fuel, with the current practices at the Darlington site.

The licensee, in collaboration with the Michi Saagiig Nations, shall incorporate the outcomes of these studies, where appropriate, into the licensee's Environmental Monitoring and Environmental Assessment Follow-Up Plan. The licensee shall include an update on any progress made on these specific commitments in its report on the engagement activities (as described below). The report shall include any relevant information and context regarding the current status of, timelines, and progress made on the agreed upon studies and commitments.

The licensee shall file with the CNSC annually a report on the engagement activities specific to the DNNP it has undertaken with potentially impacted or interested Indigenous Nations and communities. The deadline for submission of this report shall be the first of May of each calendar year. The licensee should also provide a copy of the report to each Indigenous Nation or community engaged in advance or at the same time it is filed with the CNSC. It is acknowledged that an Indigenous Nation or community may share information with the licensee in confidence. The licensee is not required to put confidential information in its annual reporting to the CNSC. The licensee should work with the Indigenous Nation or community to ensure this information is not disclosed and the Indigenous Nation or community is comfortable with the level of detail communicated within the report.

Each report shall include, at a minimum, and for each Indigenous Nation and community engaged:

- The name of the Indigenous Nation or community.
- The method(s), date(s), location(s), and topics of engagement activities with the Indigenous Nation or community.
- A summary of any issues, interests, or concerns raised, including those in relation to any potential impacts on identified or established Indigenous and/or Treaty rights.
- The measures taken, or that will be taken, to address or respond to the issues or concerns. Alternatively, an explanation as to why no further action is required to address or respond to issues or concerns shall be provided.
- A description of any changes to project activities and/or programs to address and incorporate the measures taken to respond to issues or concerns, or to incorporate knowledge and feedback from Indigenous Nations and communities.
- The status of the implementation of the agreed-upon studies and commitments (see items 1 through 4 above) to address concerns raised with respect to the LTC application.

- An update on engagement conducted related to the progress on regulatory hold points
- An update on the status of and engagement conducted related to the aquatic offsetting, terrestrial restoration, beneficial action areas and the potential purchase or easement of the lakebed.

Licensing Basis Publications

Document Number	Document Title	Version	Effective Date
REGDOC-3.2.2	Indigenous Engagement	V1.2	31 December 2022

Licensee Documents that Require Notification of Change

Document Title	Document #	Prior Notification
None		

Recommendations and Guidance:

In conducting its engagement activities, the licensee should consider the guidance provided throughout REGDOC-3.2.2 - *Indigenous Engagement*.

APPENDIX C : Key Correspondence with Indigenous Nations and Communities regarding the DNNP

C.1 General Correspondence with Indigenous Nations and communities

From: [DeCoste, Laura](#)
[Julie Kapyrka](#); bfnconsultation@chimnissing.ca; [Natasha Charles](#);
consultation@ramafirstnation.ca; [Charlotte Gurnsey](#); [Mary MacDougall](#);
Bcc: [Jennifer Christoff](#); [Ethan Roy](#); [Lonny Bomberry](#); [Peter Graham](#); [Peggy Mansur](#);
[Bob Nickel](mailto:Bob.Nickel); manager.energy@saugeenonjibwaynation.ca;
Subject: Notice of webinar hosted by the Canadian Nuclear Safety Commission on the
Darlington New Nuclear Project - July 8 at 10 am EST
Sent: 2024-06-17 9:58:00 AM

Hello!

The Canadian Nuclear Safety Commission (CNSC), Canada's Nuclear Regulator, will be hosting a webinar on **July 8th from 10:00 to 11:30 am EST** which will provide an update on the regulatory review process for the Darlington New Nuclear Project. If you are interested in attending, **please register here:** <https://www.cnsccsn.gc.ca/eng/get-involved/webinar-dnnp-july-2024/>

Ontario Power Generation (OPG) has applied to construct a single GE Hitachi BWRX reactor of up to 300 Megawatts electric as part of its Darlington New Nuclear Project (DNNP) in the Municipality of Clarington, Ontario. CNSC staff are currently performing a licensing and technical review of OPG's application.

The purpose of this webinar is to:

- familiarize the public with the project and its activities
- discuss OPG's application for a licence to construct, for the DNNP, and give an update on the CNSC's regulatory licensing and technical reviews, including the results of the CNSC staff's assessment on the licence to construct
- answer questions about the project and the next steps in the regulatory process

Please let me know if you have any questions! CNSC staff would also be happy to meet directly with your community to discuss the DNNP Licence to Construct application, opportunities for consultation and engagement or the CNSC's regulatory processes, if you would prefer.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
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Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
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From: [DeCoste, Laura](#)
[Julie Kapyrka; Natasha Charles; consultation@ramafirstnation.ca; Charlotte Gurnsey; bfnconsultation@chimnissing.ca; Jennifer Christoff; Ethan Roy; Mary MacDougall; Bob Nickel; ktucker@pstlaw.ca; jroy@kebaowek.ca; vanschie3@gmail.com; Kerrie Blaise; rmongrain@kebaowek.ca; lhaymond@kebaowek.ca; tyoung@kebaowek.ca;](#)

Bcc: [MacDougall; Bob Nickel; ktucker@pstlaw.ca; jroy@kebaowek.ca; vanschie3@gmail.com; Kerrie Blaise; rmongrain@kebaowek.ca; lhaymond@kebaowek.ca; tyoung@kebaowek.ca;](#)

Subject: Notice of CNSC Public Hearing - Darlington New Nuclear Project Licence to Construct application

Sent: 2024-06-27 4:01:00 PM

Hello!

The Canadian Nuclear Safety Commission (CNSC) will hold a 2-part public hearing to consider an application from Ontario Power Generation Inc. (OPG) for a licence to construct a reactor facility for its Darlington New Nuclear Project (DNNP). The DNNP is located on the site of the Darlington Nuclear Generating Station in the Municipality of Clarington, Ontario. The purpose of the hearing is for the Commission to consider and decide on OPG's application for a licence to construct 1 BWRX-300 reactor for its DNNP. Although the EA for the DNNP considers up to 4 reactor units, the application before the Commission is limited to 1 reactor unit.

Part 1 of the hearing will be held virtually via Zoom on October 2, 2024. Part 2 will be a hybrid, held at the Ajax Convention Centre in Ajax, Ontario and virtually via Zoom, Starting on January 8 2025 (number of days to be determined).

Interventions will be due on November 4, 2024. [More information on the hearing and how to intervene is available here.](#)

Please let me know if you have any questions. CNSC staff would be happy to meet to discuss the DNNP Licence to Construct application and next steps in the regulatory process.

Thank you,

Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Janzen, Emily
Sent: July 26, 2024 1:41 PM
To: consultation@ramafirstnation.ca
Cc: DeCoste, Laura; Janzen, Emily
Subject: Following up: OPG's Darlington New Nuclear Project

Hello,

My name is Emily Janzen and I'm reaching out on behalf of the Canadian Nuclear Safety Commission (CNSC), Canada's nuclear regulator. We regulate nuclear energy, facilities and materials to protect health and the environment.

I am following up on a message I left with Ben Cousineau on Tuesday August 23rd regarding the [Darlington New Nuclear Project](#). I am reaching out as we recently posted a [Commission Member Document and Consultation Report \(pdf\)](#) regarding this project which may be of interest to you. The Commission Member Document includes CNSC staff's recommendations and conclusions regarding the project, including the determination that OPG:

- Is qualified to carry on the activities authorised by the licence.
- Will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security measures required to implement international obligations to which Canada has agreed.

The CNSC's Commission will hold a two part hearing on October 2, 2024 and in January 2025, to consider the application from Ontario Power Generation Inc. (OPG) for a licence to construct one Small Modular Reactor. During the hearing, the Commission will consider staff's recommendations as well the information and views from Indigenous Nations who participate in the hearing, when making a decision on whether to grant OPG the license. More information on the hearing and how to get involved can be found in the [Notice of Hearing \(pdf\)](#) posted June 27, 2024.

Would Rama First Nation be interested in a meeting with the CNSC to discuss our role, the Darlington New Nuclear Project, any questions you may have and how you would like to be engaged and consulted moving forward? Please let me know and I'd be happy to set that up.

Thank you and have a great weekend,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: Janzen, Emily
Sent: July 26, 2024 1:37 PM
To: natasha.charles@georginaisland.com
Cc: DeCoste, Laura; Janzen, Emily
Subject: Following up: OPG's Darlington New Nuclear Project

Hello Natasha,

My name is Emily Janzen and I'm reaching out on behalf of the Canadian Nuclear Safety Commission (CNSC), Canada's nuclear regulator. We regulate nuclear energy, facilities and materials to protect health and the environment.

I am following up on the message I left on Tuesday August 23rd regarding the [Darlington New Nuclear Project](#). I am reaching out as we recently posted a [Commission Member Document and Consultation Report \(pdf\)](#) regarding this project which may be of interest to you. The Commission Member Document includes CNSC staff's recommendations and conclusions regarding the project, including the determination that OPG:

- Is qualified to carry on the activities authorised by the licence.
- Will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security measures required to implement international obligations to which Canada has agreed.

The CNSC's Commission will hold a two part hearing on October 2, 2024 and in January 2025, to consider the application from Ontario Power Generation Inc. (OPG) for a licence to construct one Small Modular Reactor. During the hearing, the Commission will consider staff's recommendations as well the information and views from Indigenous Nations who participate in the hearing, when making a decision on whether to grant OPG the license. More information on the hearing and how to get involved can be found in the [Notice of Hearing \(pdf\)](#) posted June 27, 2024.

Would Georgina Island First Nation be interested in a meeting with the CNSC to discuss our role, the Darlington New Nuclear Project, any questions you may have and how you would like to be engaged and consulted moving forward? Please let me know and I'd be happy to set that up.

Thank you and have a great weekend,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
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emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

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emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: Janzen, Emily
Sent: July 26, 2024 1:45 PM
To: bfnconsultation@chimnissing.ca
Cc: DeCoste, Laura; Janzen, Emily
Subject: Following up: OPG's Darlington New Nuclear Project

Hello,

My name is Emily Janzen and I'm reaching out on behalf of the Canadian Nuclear Safety Commission (CNSC), Canada's nuclear regulator. We regulate nuclear energy, facilities and materials to protect health and the environment.

I am following up some phone calls to Susan on Tuesday August 23rd regarding the [Darlington New Nuclear Project](#) – I meant to leave a voicemail but it was full! I am reaching out as we recently posted a [Commission Member Document and Consultation Report \(pdf\)](#) regarding this project which may be of interest to you. The Commission Member Document includes CNSC staff's recommendations and conclusions regarding the project, including the determination that OPG:

- Is qualified to carry on the activities authorised by the licence.
- Will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security measures required to implement international obligations to which Canada has agreed.

The CNSC's Commission will hold a two part hearing on October 2, 2024 and in January 2025, to consider the application from Ontario Power Generation Inc. (OPG) for a licence to construct one Small Modular Reactor. During the hearing, the Commission will consider staff's recommendations as well the information and views from Indigenous Nations who participate in the hearing, when making a decision on whether to grant OPG the license. More information on the hearing and how to get involved can be found in the [Notice of Hearing \(pdf\)](#) posted June 27, 2024.

Would Beausoleil First Nation be interested in a meeting with the CNSC to discuss our role, the Darlington New Nuclear Project, any questions you may have and how you would like to be engaged and consulted moving forward? Please let me know and I'd be happy to set that up.

Thank you and have a great weekend,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
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emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

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From: [DeCoste, Laura](#)
[Julie Kapyrka](#); [Stephanie Zilinski](#); bfnconsultation@chimnissing.ca; [Natasha Charles](#); consultation@ramafirstnation.ca; [Charlotte Gurnsey](#); [Mary MacDougall](#); [Jennifer Christoff](#); [Ethan Roy](#); [Lonny Bomberry](#); [Peter Graham](#); [Bob Nickel](#); manager.energy@saugeenojibwaynation.ca; ktucker@pstlaw.ca;

Bcc:

Subject: Reminder - CNSC Part 1 Hearing on OPG's Licence to Construct application for the Darlington New Nuclear Project - October 2nd at 9am

Sent: 2024-09-25 1:11:00 PM

Hello!

I am reaching out to provide a reminder that the Canadian Nuclear Safety Commission (CNSC) will be holding the Part 1 public hearing for the Commission to consider OPG's Licence to Construct application for the Darlington New Nuclear Project (DNNP). The hearing will start at 9 am on October 2nd. If you wish to watch the hearing live, it will be broadcasted and a link will be available at the time of the proceeding here: [Watch a public Commission proceeding online \(cnsccsn.gc.ca\)](#). The agenda for the hearing can be found here: [CMD 24-H6 - Agenda for October 2, 2024 Public Hearing \(cnsccsn.gc.ca\)](#)

Please note that a Part 2 hearing on this topic will be held starting January 8, 2025. The Part 2 hearing will include interventions from Indigenous Nations and communities and members of the public. The deadline to submit an intervention is November 4, 2024. For more information, please see the notice of hearing here: [Notice of Public Hearing - OPG - Application for a licence to construct one BWRX-300 reactor for its Darlington New Nuclear Project \(cnsccsn.gc.ca\)](#)

Please let me know if you have any questions or if you would like to meet directly with the CNSC to discuss our role in regulating nuclear energy and the DNNP.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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Commission canadienne de sûreté nucléaire
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Janzen, Emily

From: DeCoste, Laura
Sent: October 28, 2024 2:42 PM
To: Bob Nickel; manager.energy@saugeenajibwaynation.ca; ktucker@pstlaw.ca
Cc: Janzen, Emily; Levine, Adam; Martin, Marina; D'Onofrio, Rebecca; Stevenson, Jeff
Subject: For SON review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct
Attachments: For SON review - Supplemental submission on Indigenous Consultation for the DNNP LTC.docx

Hello everyone!

As mentioned in the email below, please find attached draft sections of CNSC Staff's Indigenous Consultation and Engagement supplemental submission to the Commission regarding the DNNP Licence to Construct application for SON's review. If possible, please let me know if you have any comments or edits by **November 18th**.

We have not yet included conclusions or recommendations in this version of the report as we want to ensure we have accurately captured Indigenous Nations and communities, including SON's, perspectives and views first. We plan to share a second version of the report at the end of November which will incorporate feedback received on the report and may include and provide responses to information from SON's intervention. This second version of the report will include staff's conclusions and recommendations to the Commission. The report will need to be finalized by December 10th.

Please let me know if you have any questions or would like to meet to discuss anything.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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From: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Sent: October 7, 2024 10:55 AM
To: Katie Tucker <ktucker@pstlaw.ca>
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Levine, Adam <adam.levine@cnsccsn.gc.ca>
Subject: RE: Reminder - CNSC Part 1 Hearing on OPG's Licence to Construct application for the Darlington New Nuclear Project - October 2nd at 9am

Hi Katie,

Thanks for your e-mail.

CNSC staff are currently working on drafting the contents of the supplemental report, and we are aiming to send community specific sections of the supplemental report to Indigenous Nations and communities before November 4th for their review and comment, including the SON. However, the report will be finalized after this date, around mid-December, to incorporate feedback received from interventions.

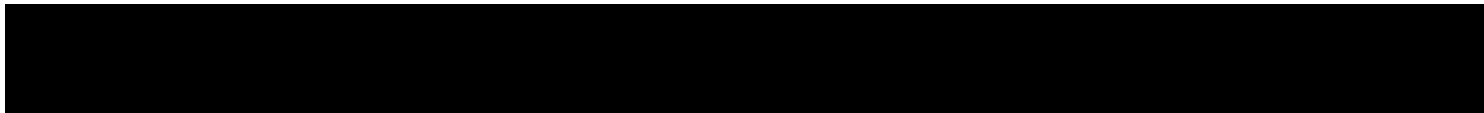
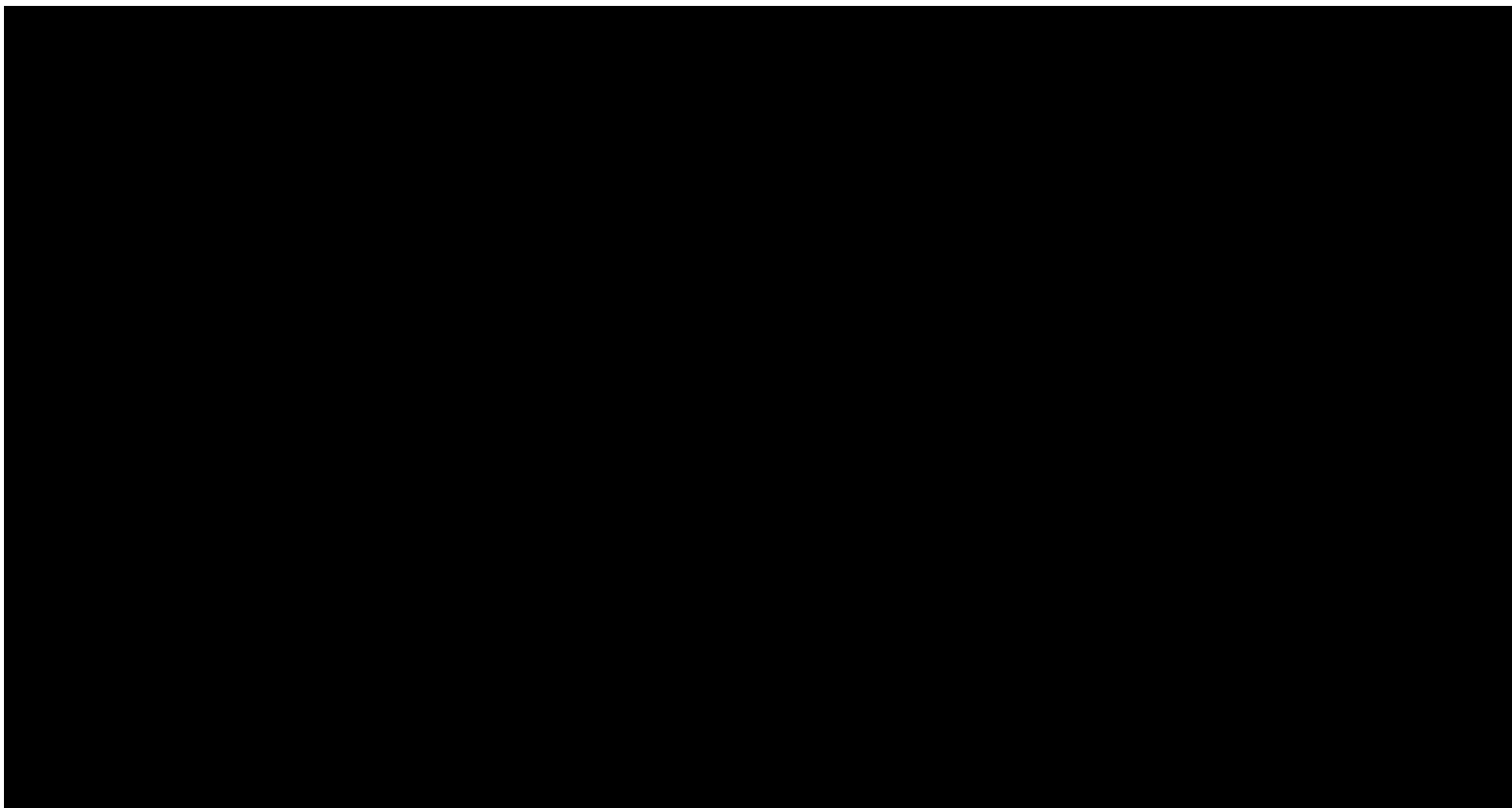
Let me know if you have any questions and we are happy to discuss further and would appreciate an update from the SON with regards to your discussions and engagement with OPG in relation to the DNNP and the SON's concerns regarding OPG's plans for waste management as it relates to the proposed project.

Thank you,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

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Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590



From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: September 25, 2024 1:11 PM

Subject: Reminder - CNSC Part 1 Hearing on OPG's Licence to Construct application for the Darlington New Nuclear Project - October 2nd at 9am

Hello!

I am reaching out to provide a reminder that the Canadian Nuclear Safety Commission (CNSC) will be holding the Part 1 public hearing for the Commission to consider OPG's Licence to Construct application for the Darlington New Nuclear Project (DNNP). The hearing will start at 9 am on October 2nd. If you wish to watch the hearing live, it will be broadcasted and a link will be available at the time of the proceeding here: [Watch a public Commission proceeding online \(cnsccsn.gc.ca\)](#). The agenda for the hearing can be found here: [CMD 24-H6 - Agenda for October 2, 2024 Public Hearing \(cnsccsn.gc.ca\)](#)

Please note that a Part 2 hearing on this topic will be held starting January 8, 2025. The Part 2 hearing will include interventions from Indigenous Nations and communities and members of the public. The deadline to submit an intervention is November 4, 2024. For more information, please see the notice of hearing here: [Notice of Public](#)

[Hearing - OPG - Application for a licence to construct one BWRX-300 reactor for its Darlington New Nuclear Project \(cnscccsn.gc.ca\)](#)

Please let me know if you have any questions or if you would like to meet directly with the CNSC to discuss our role in regulating nuclear energy and the DNNP.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

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Janzen, Emily

From: DeCoste, Laura
Sent: October 31, 2024 2:43 PM
To: Sam Shrubsole; Stephanie Zilinski; Kayla Wright; Tom Cowie; Julie Kapyrka; Paige Williams; Consultation Lead; Francis M. Chua; Sean Davison; chiefcarr@hiawathafn.ca; Don Richardson; Rob Lukacs; Consultation; Kayla Ponce de Leon
Subject: Information about the DNNP Licence to Construct Part 2 hearing in January 2025

Hello everyone!

At a recent CNSC/MSIFN monthly meeting, we were discussing logistics for the DNNP hearing starting on January 8, 2025. MSIFN suggested that I reach out to all the Nations to provide the information about the hearing, so I am following up on that suggestion!

Intervention deadline: November 4th

Presentation (slides only) and supplemental submission deadline: December 12

Speaking notes for presentation deadline: January 3

Location: Ajax Convention Centre (with a virtual option available)

Date/time for WTFN's presentation(s): The agenda is not yet developed, as the Registry puts that together once they have received all the interventions. However, the Registry mentioned that the intention is to have the WTFNs present on January 8th right after the CNSC and OPG presentations. The Registry did note that nothing is set in stone yet and they want to talk to you all about this further at the November 18th and December 9th meetings that have been set up.

I also confirmed with the Registry that the First Nations are welcome to file a supplemental submission up until December 12, but they must have already submitted an initial intervention by November 4th. If anyone thinks they will need additional time to submit an intervention, please reach out to the Registry (interventions@cnscccsn.gc.ca) as soon as possible.

If anyone has any questions, please let me know.

I hope everyone has a happy Halloween, with lots of treats!

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

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Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Janzen, Emily
Sent: November 4, 2024 12:17 PM
To: consultation@mbq-tmt.org
Cc: DeCoste, Laura; Hitchon, Martin; Oussoren, Andrew
Subject: Follow up from today's phone call: Darlington projects
Attachments: OPG New Isotopes Notification Letter - Mohawks Bay of Quinte.pdf; OPG Licence Renewal Notification Letter - Mohawks of the Bay of Quinte.pdf; E-DOCS-#6921409-v1-Notification_of_OPGs_Licence_to_Construct_Application_for_the_Darlington_New_Nuclear_Project__Mohawks_of_the_Bay_of_Quinte.pdf

Hi Cassie!

Good to talk to you just now. As requested, here's a brief overview of the different OPG projects happening at Darlington right now. I've also attached all the notification letters which include a more detailed description of each project. Please let me know if you have any questions and I'd be happy to chat further.

Darlington Nuclear Generating Station New Isotopes project (the project I was calling about)

OPG has applied to produce two additional isotopes using their existing Target Delivery System.

- OPG Application submitted to CNSC: February 2024
- Notification letters sent out: September 12, 2024 (see attachment below)
- PFP deadline: October 11, 2024 (originally September 27th but it was extended)
- CMD available: After December 10, 2024
- Interventions due: Feb 7, 2025
- Hearing in writing, ~Spring 2025

Darlington Nuclear Generating Station Licence Renewal Project

OPG has requested a 30-year licence renewal

- OPG Application submitted to CNSC: May 2024
- Notification letters sent out July 2024
- PFP deadline: May 2024
- CMD available: After Feb 24
- Interventions due: May 8, 2025
- Hearing Part 1: March 26, 2025 | Part 2: June 24-26, 2025

Darlington New Nuclear Project

OPG has applied for a Licence to Construct one BWRX-300 SMR

- OPG Application submitted to CNSC: October 31, 2022
- Notification letters sent out: Advance notice sent May 13, 2022. Notification letters sent November 2022.
- PFP deadlines: Stage 3 PFP: December 8, 2023
- CMD available: July 2, 2024
- Interventions due: **today (Nov 4, 2024)**
- Hearing Part 1: October 2, 2024 | Part 2: January 8-10 2025

Thanks!

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

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Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: Zenobi, Adam
Sent: November 8, 2024 11:29 AM
To: Natasha Charles
Cc: DeCoste, Laura; Dormer, Natalie; Levine, Adam; Janzen, Emily
Subject: RE: CNSC funding for DNNP hearing and meeting
Attachments: PFP - CA - DNNP-01 - CGIFN - 2023 - ISRD - FINAL.pdf

Importance: High

Hi Natasha,

I hope you are well! I am following up on the funding awarded to Chippewas of Georgina Island First Nation to review and participate in the hearing process for OPG's licence to construct application for the Darlington New Nuclear Project (DNNP, see attached contribution agreement). The deadline to submit an intervention for the DNNP licence to construct hearing was November 4, 2024. Does CGIFN still intend to submit an intervention and participate in part 2 of the public Commission hearing starting on January 8, 2025? If so, please contact the Commission Registry (Interventions@cnsccsn.gc.ca) to request an extension and to let them know you intend to participate as soon as possible.

We would also like to offer to set up a meeting to discuss CGIFN's areas of interest regarding the DNNP. If you are interested, please let us know and we will send a meeting invite.

Let me know if you have any questions, thanks!

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Zenobi, Adam
Sent: Tuesday, May 7, 2024 11:48 AM
To: Natasha Charles <natasha.charles@georginaisland.com>
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Dormer, Natalie <natalie.dormer@cnsccsn.gc.ca>; Martin, Marina <marina.martin@cnsccsn.gc.ca>; Levine, Adam <adam.levine@cnsccsn.gc.ca>
Subject: RE: CNSC funding for DNNP hearing and meeting

Hi Natasha,

I hope you are well! Further to Keely's email, I wanted to flag that we still have an open contribution agreement with Chippewas of Georgina Island for funding to assist with participating in last January's Commission hearing on the Darlington New Nuclear Project (DNNP) and meeting with CNSC staff to discuss the DNNP (attached). In order to close

out the agreement and pay the funding, can you confirm that you attended the DNNP hearing? We also still need to set up the follow-up meeting with CNSC staff to discuss the DNNP, including the next steps in the regulatory process and any comments or areas of interest CGIFN may have. Please let us know if you have any questions, thanks!

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: McCavitt, Keely

Sent: Monday, May 6, 2024 10:07 AM

To: Natasha Charles <natasha.charles@georginaisland.com>

Cc: Levine, Adam <adam.levine@cnsccsn.gc.ca>; D'Onofrio, Rebecca <rebecca.donofrio@cnsccsn.gc.ca>; Martin, Marina <marina.martin@cnsccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Dormer, Natalie <natalie.dormer@cnsccsn.gc.ca>

Subject: RE: Notice of meeting and participant funding opportunity for upcoming Commission meeting regarding Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023

Good morning Natasha,
Thank you for getting in touch!

Funding is still available and the deadline to apply for participant funding is **May 24th, 2024** . Apply here: [Participant funding for the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023 \(cnsccsn.gc.ca\)](#)

Please let us know if you have any questions, or if you'd like to set up a discussion with CNSC staff.

Thank you
Keely

From: Natasha Charles <natasha.charles@georginaisland.com>

Sent: Monday, May 6, 2024 9:58 AM

To: McCavitt, Keely <keely.mccavitt@cnsccsn.gc.ca>

Cc: Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; D'Onofrio, Rebecca <rebecca.donofrio@cnsccsn.gc.ca>; Martin, Marina <marina.martin@cnsccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Dormer, Natalie <natalie.dormer@cnsccsn.gc.ca>

Subject: Re: Notice of meeting and participant funding opportunity for upcoming Commission meeting regarding Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good Morning Everyone!

Am I still able to apply for this funding? It seems I was left out of the original email so I just wanted to make sure!

Natasha Charles

Community Consultation Worker

Chippewas of Georgina Island



From: McCavitt, Keely <keely.mccavitt@cnsccsn.gc.ca>

Sent: Thursday, April 25, 2024 11:23 AM

Cc: Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; D'Onofrio, Rebecca <rebecca.donofrio@cnsccsn.gc.ca>; Martin, Marina <marina.martin@cnsccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Dormer, Natalie <natalie.dormer@cnsccsn.gc.ca>

Subject: Notice of meeting and participant funding opportunity for upcoming Commission meeting regarding Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023

Hello,

This email is being sent to notify you that funding is now available to assist Indigenous Nations and communities, members of the public and stakeholders in reviewing CNSC staff's Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023.

The deadline to apply for participant funding is **May 24th, 2024**. Apply here: [Participant funding for the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities, Research Reactors, and Class IB Accelerators in Canada: 2023 \(cnsccsn.gc.ca\)](#)

We also welcome written submissions, which are due to the Commission by October 7, 2024.

For more details on this commission meeting please go to [Notice of Participation at a Commission Meeting and PFP - UNSPF, Research Reactor, and Accelerator ROR 2023 \(cnscccsn.gc.ca\)](#)

Please do not hesitate to get in touch if you have any questions or would like to learn more about this funding opportunity.

Thank you
Keely

Keely McCavitt

she, her, elle

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
keely.mccavitt@cnscccsn.gc.ca | Cell :343-598-5695

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
keely.mccavitt@cnscccsn.gc.ca | Tél. Cell. : 343-598-5695

I acknowledge that the land on which I live and work is the traditional unceded territory of the Algonquin Anishnaabeg people.

Je reconnais que la terre sur laquelle je vis et travaille est le territoire traditionnel non cédé du peuple algonquin Anichinabé.

C.2 Correspondence with Alderville First Nation

Janzen, Emily

From: Levine, Adam
Sent: August 20, 2024 12:24 PM
To: Julie Kapyrka
Cc: Janzen, Emily; DeCoste, Laura
Subject: FW: Following up: OPG's Darlington New Nuclear Project

Hi Julie, hope you are doing well! I just wanted to follow up on the message below from Emily from our team to see if you and the Alderville team were available to connect soon to discuss the Darlington New Nuclear Project and next steps for the regulatory review process and consultations? Let me know and we can work on setting something up in the coming weeks. Hope your summer is going well and looking forward to connecting soon!

Adam

From: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Sent: Friday, July 26, 2024 1:27 PM
To: jkapyrka@alderville.ca
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Subject: Following up: OPG's Darlington New Nuclear Project

Hello Julie,

My name is Emily Janzen and I'm reaching out on behalf of the CNSC.

I am following up on the message I left on Tuesday August 23rd regarding the [Darlington New Nuclear Project](#). I'm reaching out as we have recently posted a [Commission Member Document and Consultation Report \(pdf\)](#) regarding this project, which outlines CNSC staff's recommendations on OPG's Licence to Construct application for the DNNP and may be of interest to you. We'd also like to note that the CNSC's Commission will hold a two part hearing on October 2, 2024 and in January 2025, to consider the application from Ontario Power Generation Inc. (OPG) for a licence to construct one Small Modular Reactor. More information on the hearing and how to get involved can be found in the [Notice of Hearing \(pdf\)](#) posted June 27, 2024.

Would Alderville First Nation be interested in a meeting with the CNSC to discuss our role, the Darlington New Nuclear Project, any questions you may have and how you would like to be engaged and consulted moving forward? Please let me know and I'd be happy to set that up. I am also aware that Alderville First Nation has applied for funding through the Indigenous and Stakeholder Capacity fund to hire a nuclear energy advisor to participate in activities with the CNSC. We look forward to building a relationship and working more closely with Alderville First Nation.

Thank you and have a great weekend,

Emily Janzen (she/her/elle)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission

emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: DeCoste, Laura
Sent: October 16, 2024 9:43 AM
To: Julie Kapyrka
Subject: RE: Quick question

Good morning Julie!

Just letting you know that the video recording of the Oct 2 part 1 hearing on the DNNP is now posted online here:
[ARCHIVED – October 2, 2024 – Virtual \(cnscccsn.gc.ca\)](#)

Let me know if you have any questions or if you would like to meet to discuss anything related to the DNNP LTC application and the upcoming Part 2 hearing in January.

Thanks you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: Julie Kapyrka <jkapyrka@alderville.ca>
Sent: October 11, 2024 12:24 PM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>
Subject: RE: Quick question

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Thanks Laura!

Dr. Julie Kapyrka
Consultation Manager



Alderville First Nation
Administration Office

11696 Second Line Rd.
Roseneath, ON K0K 2X0
Office: 905-352-2662
jkapyrka@alderville.ca

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Sent: October 11, 2024 12:08 PM
To: Julie Kapyrka <jkapyrka@alderville.ca>
Subject: RE: Quick question

Hi again!

Unfortunately the Registry has indicated that they are not sure yet when the recording will be posted. I can let you know when it is posted! The written transcript is available though, please find it attached 😊

I hope you have a great long weekend.

Thank you,

Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura
Sent: October 9, 2024 4:47 PM
To: Julie Kapyrka <jkapyrka@alderville.ca>
Subject: RE: Quick question

Hi Julie,

Yes you are correct, the recorded hearing will be available here: [ARCHIVED - Webcasts of public hearings and meetings \(cnsccsn.gc.ca\)](#). A written transcript should also be available shortly. I've asked some folks at the Registry about when the recording and transcript will be available, I'll let you know the answer to that once I hear back!

Please let me know if you have any other questions.

Thank you,

Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission

laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
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laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: Julie Kapyrka <jkapyrka@alderville.ca>

Sent: October 9, 2024 12:28 PM

To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>

Subject: Quick question

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Laura,

I missed the OCT 2 hearing and would like to listen/watch the proceedings. Is there a way I can do this? My understanding is that they are recorded and can be viewed after the fact.

Miigwech.

All the best,

Dr. Julie Kapyrka
Consultation Manager



Alderville First Nation

Administration Office
11696 Second Line Rd.
Roseneath, ON K0K 2X0
Office: 905-352-2662
jkapyrka@alderville.ca

Janzen, Emily

From: DeCoste, Laura
Sent: November 15, 2024 2:46 PM
To: Julie Kapyrka; Stephanie Zilinski
Cc: Janzen, Emily
Subject: Opportunity for AFN review - draft slides and speaking notes for CNSC Staff presentation at the DNNP Part 2 hearing
Attachments: Draft Indigenous Consultation slides for DNNP LTC Part II Hearing .pptx; Draft speaking notes for CNSC staff Presentation at the DNNP Part 2 hearing .docx

Hi Julie and Stephanie!

As noted below, CNSC staff have been working on draft documents for the Part 2 DNNP hearing. If AFN is interested, please find attached the draft slides and speaking notes for the CNSC presentation at the DNNP Part 2 hearing, for AFN's review and feedback. Please note that there are some placeholders, where we will add our conclusions and recommendations. However, we are waiting until we receive any feedback from the Michi Saagiig Nations on the draft supplemental report prior to making and including conclusions in our documents.

If you could provide any comments on the slides by **December 4th** that would be great! We have a bit more time for the speaking notes and would be looking for feedback on those by **December 20th**. I would also be happy to set up a meeting to walk through these documents and receive any feedback, if that would be beneficial.

I hope you both have a good weekend and looking forward to seeing you on Monday.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura
Sent: November 6, 2024 8:26 AM
To: Julie Kapyrka <jkapyrka@alderville.ca>; Stephanie Zilinski <szilinski@alderville.ca>
Cc: Levine, Adam <adam.levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>
Subject: Follow up on Alderville First Nation's intervention for the DNNP LTC hearing

Good morning Julie and Stephanie!

I just wanted to reach out to acknowledge that staff have read AFN's intervention for the Part 2 DNNP hearing in January 2025. We are looking forward to discussing the issues and concerns raised by AFN in the intervention at our November 18th meeting with the 4 Michi Saagiig Nations and OPG, as well as in the longer term as we continue to develop the CNSC/AFN relationship.

I also wanted to inquire to see whether AFN would be interested in CNSC staff sharing our draft documents for the Part 2 hearing for your review, feedback and input? This could include our draft supplemental report, an AFN specific issues tracking table and draft slides and speaking notes for the CNSC's Part 2 presentation. We are taking this approach with the other Michi Saagiig Nations in an effort to ensure each Nations key concerns, views, perspectives and Rights are accurately reflected in our documents. I do acknowledge the capacity concerns that AFN has mentioned to us previously and has highlighted in the intervention, but I wanted to provide the opportunity to AFN based on concerns raised in the intervention regarding the accuracy of CNSC's and OPG's Part 1 hearing documentation related to the Duty to Consult and, where appropriate, Accommodate. We would also be happy to set up a meeting/s with AFN to walk through the documents and receive any feedback verbally, if that would be more convenient!

Please let us know if AFN is interested in this. We will need to have all of our documents (except for the presentation speaking notes) finalized by December 10, 2024.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: November 6, 2024 8:26 AM
To: Julie Kapyrka; Stephanie Zilinski
Cc: Levine, Adam; Janzen, Emily
Subject: Follow up on Alderville First Nation's intervention for the DNNP LTC hearing

Good morning Julie and Stephanie!

I just wanted to reach out to acknowledge that staff have read AFN's intervention for the Part 2 DNNP hearing in January 2025. We are looking forward to discussing the issues and concerns raised by AFN in the intervention at our November 18th meeting with the 4 Michi Saagiig Nations and OPG, as well as in the longer term as we continue to develop the CNSC/AFN relationship.

I also wanted to inquire to see whether AFN would be interested in CNSC staff sharing our draft documents for the Part 2 hearing for your review, feedback and input? This could include our draft supplemental report, an AFN specific issues tracking table and draft slides and speaking notes for the CNSC's Part 2 presentation. We are taking this approach with the other Michi Saagiig Nations in an effort to ensure each Nations key concerns, views, perspectives and Rights are accurately reflected in our documents. I do acknowledge the capacity concerns that AFN has mentioned to us previously and has highlighted in the intervention, but I wanted to provide the opportunity to AFN based on concerns raised in the intervention regarding the accuracy of CNSC's and OPG's Part 1 hearing documentation related to the Duty to Consult and, where appropriate, Accommodate. We would also be happy to set up a meeting/s with AFN to walk through the documents and receive any feedback verbally, if that would be more convenient!

Please let us know if AFN is interested in this. We will need to have all of our documents (except for the presentation speaking notes) finalized by December 10, 2024.

Thank you,

Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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Janzen, Emily

From: Zenobi, Adam
Sent: November 7, 2024 3:14 PM
To: Stephanie Zilinski; Julie Kapyrka
Cc: DeCoste, Laura; Janzen, Emily; Participant Funding Program - Programme de financière des participants (CNSC/CCSN)
Subject: RE: Template for CNSC Participant Funding Program

Sounds good, thanks again Stephanie! I will let you know once we have a funding decision.

Best,

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnscccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnscccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Stephanie Zilinski <szilinski@alderville.ca>
Sent: Thursday, November 7, 2024 3:13 PM
To: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Participant Funding Program - Programme de financière des participants (CNSC/CCSN) <pfp@cnscccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Adam

Please go with our last submission, thanks.

Stephanie Zilinski
Special Projects Consultant



Office: 905-352-2011 ext. 231
11696 Second Line
Roseneath, ON K0K 2X0
szilinski@alderville.ca

From: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>

Sent: November 5, 2024 2:45 PM

To: Stephanie Zilinski <szilinski@alderville.ca>; Julie Kapyrka <jkapyrka@alderville.ca>

Cc: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Participant Funding Program - Programme de financière des participants (CNSC/CCSN) <pfp@cnscccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

Thanks Stephanie! Is Alderville still considering requesting additional professional fees?

Best,

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnscccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnscccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Stephanie Zilinski <szilinski@alderville.ca>

Sent: Tuesday, November 5, 2024 1:07 PM

To: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>

Cc: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Participant Funding Program - Programme de financière des participants (CNSC/CCSN) <pfp@cnscccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Adam

Please see attached the final (I hope!) application with Chief Simpson's signature.

Chi Megwetch on your flexibility with our application timelines.

Stephanie Zilinski
Special Projects Consultant



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szilinski@alderville.ca

From: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>
Sent: November 4, 2024 11:24 AM
To: Stephanie Zilinski <szilinski@alderville.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Participant Funding Program - Programme de financement des participants (CNSC/CCSN) <pfp@cnscccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

Thanks Stephanie! I can use your email below as confirmation that AFN is requesting 15%, so no further action required for that one.

For the professional fees, you can provide the additional information either via email or a revised application. In either case, I would still need know who would be receiving the funding, the amount requested, and the anticipated number of hours/hourly rate for the activities they will be doing. Please let me know as soon as you can, thanks!

Best,

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnscccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
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adam.zenobi@cnscccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Stephanie Zilinski <szilinski@alderville.ca>
Sent: Friday, November 1, 2024 4:49 PM
To: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Participant Funding Program - Programme de financement des participants (CNSC/CCSN) <pfp@cnscccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Adam – thanks for responding so quickly.

I was commenting to Julie previously that the Ontario Public Service (where I worked last, Ministry of Finance) uses 15% for its what we affectionally used to call ODOE (Other Direct Operating Expenditures) and wondered why the Crown Corps were not. Good to see you applying a consistent lense.

I know you have a tight timeline and everyone is home for the weekend.

Do you need another signed submission or can we simply add ‘Supplementary Detail’ (again another OPS term, I worked as a Treasury Board Analyst too 😊)

We will gladly take the 15% Admin.

I will speak to Julie and pump up our ask pending her suggestions.

Have a great weekend!

Stephanie Zilinski
Special Projects Consultant



Office: 905-352-2011 ext. 231
11696 Second Line
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szilinski@alderville.ca

From: Zenobi, Adam <adam.zenobi@cnsccsn.gc.ca>

Sent: November 1, 2024 4:27 PM

To: Julie Kapyrka <jkapyrka@alderville.ca>; Stephanie Zilinski <szilinski@alderville.ca>

Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>; Participant Funding Program - Programme de financière des participants (CNSC/CCSN) <pfp@cnsccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

Hi Julie,

Thanks again for submitting the application! It looks good – my only recommendation is that AFN consider adding some additional professional fees for AFN staff and/or a consultant to help support AFN’s preparation and participation in the Commission hearing process (for example, the preparation of AFN written submissions and presentation materials). Please let me know if this would interest AFN.

I also wanted to note that the CNSC has just revised its policy on administrative fees and now applicants can be awarded up to 15% of their funding award in admin fees instead of 10%, so AFN can apply for 15% if interested.

Thanks!

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

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adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Zenobi, Adam

Sent: Thursday, October 31, 2024 12:49 PM

To: Julie Kapyrka <jkapyrka@alderville.ca>; Stephanie Zilinski <szilinski@alderville.ca>

Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

Thanks Julie! We'll review and let you know if we have any questions.

Best,

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Julie Kapyrka <jkapyrka@alderville.ca>

Sent: Thursday, October 31, 2024 12:38 PM

To: Zenobi, Adam <adam.zenobi@cnsccsn.gc.ca>; Stephanie Zilinski <szilinski@alderville.ca>

Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Adam,

Thank you for your patience with us in getting this to you.
Please see attached application.

Miigwech.
At the best,

Dr. Julie Kapyrka

Consultation Manager



Alderville First Nation

Administration Office
11696 Second Line Rd.
Roseneath, ON K0K 2X0
Office: 905-352-2662
jkapyrka@alderville.ca

From: Zenobi, Adam <adam.zenobi@cnsccsn.gc.ca>
Sent: October 29, 2024 4:12 PM
To: Stephanie Zilinski <szilinski@alderville.ca>; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

Hi Stephanie,

Yes, if Alderville can submit by the end of the week that would be great! Let me know if you have any questions or need assistance.

Best,

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Stephanie Zilinski <szilinski@alderville.ca>
Sent: Tuesday, October 29, 2024 3:40 PM
To: Zenobi, Adam <adam.zenobi@cnsccsn.gc.ca>; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Adam and Adam.

My sincerest apologies for not getting to this earlier. I have taken on an added role (or three) over the past few months and as they say there are only so many hours in a day.

Is it too late for us to submit? I hope to have it approved for submission in the next day or so.

Stephanie Zilinski
Special Projects Consultant



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szilinski@alderville.ca

From: Zenobi, Adam <adam.zenobi@cnsccsn.gc.ca>
Sent: October 11, 2024 3:03 PM
To: Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Stephanie Zilinski <szilinski@alderville.ca>; Julie Kapyrka <jkapyrka@alderville.ca>
Cc: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Subject: RE: Template for CNSC Participant Funding Program

Hi Stephanie,

Further to Adam Levine's email, please find attached a participant funding application form Alderville First Nation can use to apply for funding to participate in the Commission hearing to review Ontario Power Generation's licence to construct application for the Darlington New Nuclear Project (DNNP). Alderville can also apply for funding for meetings with CNSC staff to discuss the DNNP and the regulatory process.

As the deadline for written interventions is less than a month away (November 4, 2024) would it be possible to submit a funding application by October 18, 2024? This will give us enough time to run the application through our internal approvals process. Please do not hesitate to contact me if you have any questions, thanks!

Adam Zenobi

Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
adam.zenobi@cnsccsn.gc.ca | Cell: 613-415-2814

Agent principal en politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
adam.zenobi@cnsccsn.gc.ca | Tél. Cell. : 613-415-2814

From: Levine, Adam <Adam.Levine@cnscccsn.gc.ca>

Sent: Friday, October 11, 2024 1:43 PM

To: Stephanie Zilinski <szilinski@alderville.ca>; Julie Kapyrka <jkapyrka@alderville.ca>

Cc: Zenobi, Adam <adam.zenobi@cnscccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>

Subject: RE: Template for CNSC Participant Funding Program

Hi Stephanie! Thanks for reaching out. Yes we are able to provide funding through our Participant Funding Program to support Alderville First Nation's participation in the DNNP Licence to Construct Commission Hearing in January 2025. I am copying in Adam Zenobi who manages our PFP and will be able to work with you on a funding application. Hope that helps and please let us know if Alderville would like to meet soon to discuss the DNNP and the regulatory process, thanks!

Adam

From: Stephanie Zilinski <szilinski@alderville.ca>

Sent: Friday, October 11, 2024 1:38 PM

To: Levine, Adam <Adam.Levine@cnscccsn.gc.ca>; Julie Kapyrka <jkapyrka@alderville.ca>

Subject: Template for CNSC Participant Funding Program

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Adam

Alderville First Nation will be applying for funding for a Joint Legal Retainer with our partner Williams Treaties First Nations (for CNSC hearings support on DNNP)

I was advised that notwithstanding that this program stream is technically closed, our partner FNs were able to apply directly to you.

Can you please confirm and forward the template for our use?

Many thanks.

Stephanie Zilinski
Special Projects Consultant



Office: 905-352-2011 ext. 231

11696 Second Line

Roseneath, ON K0K 2X0

szilinski@alderville.ca

Janzen, Emily

From: DeCoste, Laura
Sent: November 25, 2024 11:30 AM
To: Julie Kapyrka; Stephanie Zilinski
Cc: Janzen, Emily; Levine, Adam
Subject: Opportunity for review - CNSC staff's updated supplemental report and issues tracking table for the DNNP LTC application
Attachments: For AFN - Supplemental submission_Indigenous Consultation V2.docx; For AFN - Issues Tracking Table for Supplemental.docx

Hi Julie and Stephanie!

As part of the CNSC's supplemental submission for the DNNP LTC Part 2 hearing in January, CNSC staff have put together the following documents:

- **Supplemental report** outlining the consultation and engagement activities that the CNSC has conducted since the submission of the Consultation Report the June 2024, the assessment of potential impacts on rights from the DNNP LTC application (including proposed mitigation and accommodation measures) and recommendations to the Commission related to the Duty to Consult and, where appropriate Accommodate
- **Issues tracking tables** to highlight the concerns raised by Indigenous Nations and communities. The tables includes CNSC staff's responses to the issues raised and mitigation measures and commitments made in an effort to address the concerns. Since AFN has raised concerns with regards to the DNNP LTC application through their intervention, we have created an issues tracking table specific to AFN.

I am sharing a draft of the table and supplemental report for AFN's review if you are interested. If you have any feedback or comments please provide them by **December 6, 2024**.

I would also be happy to set up a meeting to discuss the concerns AFN has raised in their intervention, CNSC staff's proposed approach to addressing the concerns and whether AFN has any additional requests for accommodations or mitigations in relation to the DNNP LTC. CNSC staff also acknowledge that AFN will have the opportunity to share their views and make recommendations directly to the Commission at the Part 2 hearing.

Please let me know if you are interested in meeting or whether you have any questions!

Thank you,
Laura DeCoste
[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division
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C.3 Correspondence with Mississaugas of Scugog Island First Nation

Janzen, Emily

From: DeCoste, Laura
Sent: June 20, 2024 11:39 AM
To: Don Richardson; sshrubsole@scugogfirstnation.com; Rob Lukacs; Kayla Ponce de Leon; Consultation
Cc: Levine, Adam; McCavitt, Keely
Subject: Response to June 10 2024 comments from MSIFN regarding the RIA process
Attachments: RE: Preliminary Response to CNSC Rights Impact Assessment Framework; Follow up from January 9th discussion on the DNNP Rights Impact Assessment process ; RE: For MSIFN review - Initial Draft of DNNP Licence to Construct Rights Impact Assessment ; Meeting_Minutes-MSIFN_DNNP_RIA_Discussion-_13_May_24_-ISRDR-draft.docx

Hi all!

I am responding to MSIFN's concerns about the Rights Impact Assessment (RIA) process that were included in MSIFN's June 10, 2024 comments on the DNNP issues tracking tables. CNSC staff continue to acknowledge and respond to MSIFN's concerns regarding the process during meetings and through correspondence, as attached.

As per your discussion with Adam L. on the margins of the Pickering Hearing on June 19, 2024, CNSC staff are open to finding a way forward that balances the need for CNSC staff to conduct an assessment of OPG's application for a Licence to Construct for the DNNP's potential impacts on MSIFN's rights and interests and make recommendations to the Commission in order to support meeting the CNSC's Duty to Consult obligations, along with addressing MSIFN's ongoing concerns regarding data and information gaps with regards to their rights and interests in their treaty and traditional territory as it relates to the Darlington site. As discussed, CNSC staff are open to using different terminology to describe this assessment and work and find a mutually agreeable path forward.

As committed to previously, CNSC staff are committed to working with MSIFN in clearly identifying MSIFN's concerns with regards to existing data and information gaps on their rights and interests in the territory and the desire for the Nation to reassert their rights in the territory, including those lands and water in and around the Darlington site moving forward. In addition, CNSC staff are committed to working with MSIFN and OPG to support filling those data and information gaps through studies and information gathering and supporting the Nation in re-establishing its rights, interests and knowledge in the region and territory as it relates to Darlington and nuclear facilities and projects more broadly. We would welcome MSIFN's views on how best we can move forward on ensuring that MSIFN's concerns with regards to its territory, rights and interests as it relates to the DNNP Licence to Construct application are accurately communicated to the Commission to support their decision-making process together.

CNSC staff remain open and willing to collaborate with MSIFN on the assessment. CNSC staff's goal is to conduct the assessment in a way that is respectful and considerate of MSIFN's concerns and views. Please confirm how MSIFN would like to proceed or whether MSIFN has any other proposed approaches to assessing potential impacts on rights to be included in CNSC staff's supplemental CMD for the Part-2 hearing for the DNNP licence to construct, which is to be submitted to the Commission by December 2024.

If you have any questions, concerns or wish to discuss this further, I would be happy to set up a meeting.

Thank you,

Laura DeCoste

[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: June 27, 2024 4:01 PM
To: sshrubsole@scugogfirstnation.com; Don Richardson; Rob Lukacs; Consultation; Kayla Ponce de Leon
Cc: McCavitt, Keely
Subject: RE: Update on the DNNP Licence to Construct hearing approach and notice of July 8 webinar

Hi all!

The Registry posted the [Notice of Hearing](#) today for the DNNP Licence to Construct application.

Part 1 of the hearing will be held virtually via Zoom on October 2, 2024. Part 2 will be hybrid, held at the Ajax Convention Centre in Ajax, Ontario and virtually via Zoom, Starting on January 8 2025 (number of days to be determined).

Interventions will be due on November 4, 2024. I also wanted to flag that the Notice of Hearing indicates that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.

Please let me know if you have any questions.

Thank you,

Laura DeCoste
[she, her, elle]

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From: DeCoste, Laura
Sent: Monday, June 17, 2024 9:40 AM
To: sshrubsole@scugogfirstnation.com; Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>
Cc: McCavitt, Keely <keely.mccavitt@cnsccsn.gc.ca>
Subject: Update on the DNNP Licence to Construct hearing approach and notice of July 8 webinar

Hi all,

I am reaching to share information regarding the approach to the DNNP Licence to Construct hearing. As noted below, the CNSC will now be having a 2-part hearing. Part-1 will occur in October 2024 and Part-2 will be in January 2025. Interventions will be part of the January 2025 part-2 hearing. The specific dates for both parts of the hearing are still to be determined.

Based on this new schedule, CNSC staff's supplemental submission will be due in mid December. As discussed previously, CNSC staff are aiming to collaborate with MSIFN on the supplemental submission which will include an update on additional consultation activities, the assessment of potential impacts on rights from the DNNP Licence to Construct application, updated issues tracking table and conclusions.

Additionally, the CNSC will be having a DNNP focused webinar on July 8th from 10:00 am to 11:30 am ET. The purpose of the webinar will be to discuss the application, the CNSC's review and results of the CNSC's assessment. For more information or to register, please go here: <https://www.cnscccsn.gc.ca/eng/get-involved/webinar-dnnp-july-2024/>. CNSC staff are also planning to discuss this information directly with MSIFN during on July 17 DNNP focused meeting with OPG.

Looking forward to further discussions on this approach, including upcoming consultation activities and proposed timelines. I'll be at the June 21st MSIFN/CNSC staff monthly meeting and would be happy to discuss this then.

Let me know if you have any questions or concerns!

Thanks,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

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laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: cnscccsn@nsc-ccsn.gc.ca <cnscccsn@nsc-ccsn.gc.ca>
Sent: Monday, June 10, 2024 4:36 PM
To: Information / Information (CNSC/CCSN) <cnscccsn@nsc-ccsn.gc.ca>
Subject: Details for Darlington New Nuclear Project to be announced shortly

The Canadian Nuclear Safety Commission will hold a 2-part public hearing in October 2024 and January 2025 to consider an application from Ontario Power Generation Inc. for a licence to construct a reactor facility for its [Darlington New Nuclear Project](#).

More details on this public hearing will be announced in an upcoming notice of hearing.

For all the latest CNSC news, visit CNSC's homepage at <https://www.nuclearsafety.gc.ca/eng/>

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Subscribe to the CNSC's YouTube channels: <https://www.youtube.com/cnscccsn>

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If you experience any difficulties in accessing the CNSC website, please send an email to cnsc.info.ccsn@cnsc-ccsn.gc.ca

To unsubscribe, send an email to cnsc.info.ccsn@cnsc-ccsn.gc.ca

Janzen, Emily

From: Levine, Adam
Sent: September 12, 2024 3:50 PM
To: Sam Shrubsole; DeCoste, Laura
Cc: Consultation; Rob Lukacs; Don Richardson; Janzen, Emily
Subject: RE: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Thanks Sam! Definitely appreciate that and we will definitely be adding those points in to clarify the state of the Treaty territory map. If you do happen to have another map that you would prefer that we use instead that shows the boundaries of the treaty territories then definitely let us know and we are happy to adjust. Please keep us posted if you have any additional edits on the speakers notes for the presentation and happy to set up a call to go over that together next week if that would be helpful.

Adam

From: Sam Shrubsole <sshzubsole@scugogfirstnation.ca>
Sent: Thursday, September 12, 2024 3:36 PM
To: Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Subject: Re: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Adam,

We are not aware of any consensus reached among the Michi Saagijig Nations and/or the Williams Treaties First Nations for maps of treaty and traditional territories. We understand that Curve Lake and Hiawatha may have reviewed content including the maps, but this does not mean that they approved or ok'd the maps. Additionally, the CNSC is providing evidence that only three of the seven Williams Treaties First Nations have reviewed the map information being submitted to the Commission members - missing from this consultation process involving treaty and traditional territory maps are four other Williams Treaties First Nations: Alderville First Nation, Beausoleil First Nation, Chippewas of Rama First Nation, and Chippewas of Georgina Island First Nation.

The map you provided today is different from the map in the PowerPoint. Both maps exclude treaty areas. The map provided today excludes the pre-Confederation Crawford Purchases

Overall, this is indicative of the challenges the CNSC faces as a Crown agency determining impacts on treaty rights. It is also indicative of the need for the First Nations involved to have the time and space to determine their own governance approaches to interpreting treaty and traditional territories and coming to their own consensus on these matters, vs. the Crown providing its interpretation.

For inclusion in the presentation, please explicitly state that the map is subject to change, updates, **interpretation, governance approach**, and any other information the Nations provide. We request that this be added to the slides as well as the speaking notes.

Thank you,
Sam

From: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>
Sent: Thursday, September 12, 2024 12:03 PM
To: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>
Subject: RE: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi Sam! The map in the presentation is from the Government of Canada (Crown Indigenous Relations and Northern Affairs Canada (CIRNAC)) and is similar to ones found on Williams Treaty First Nations community pages including Curve Lake First Nation, the Province of Ontario's treaty webpage as well as on CIRNAC's Aboriginal and Treaty Rights Information System. Both Curve Lake and Hiawatha reviewed the Consultation Report and the presentation and confirmed that they are ok with the map that shows the boundaries of the Williams Treaty and the location of the communities and indicated it is was the most up to date version of the map. The map does indicate in the top right corner that it is a draft, so hopefully that addresses the concern about it being subject to change. But also please let us know if there is another version of the map of the Williams Treaty territory that you prefer we use moving forward. I have attached another version of the map we have from CIRNAC, but it is referenced as being from 2016. Let us know what you think and keep us posted on your comments on the speakers notes, thanks!

Adam

From: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>
Sent: Thursday, September 12, 2024 11:10 AM
To: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>
Subject: Re: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Adam,

Could you please confirm which Mississauga First Nations have approved the use of this map by the CNSC? Additionally, can the CNSC provide a reference for the origin of the map and authorship?

We are still in the process of reviewing the speaker notes on our end.

Thank you,
Sam

From: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>
Sent: Wednesday, September 11, 2024 9:57 PM
To: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson

<drichardson@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: RE: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi Sam, hope you are doing well! Thanks for getting back to us with comments and feedback on the presentation slides, we are working to address them now before we finalize it tomorrow. In terms of your comment regarding the map of the Williams Treaties, we are somewhat hesitant to remove it completely as the other Mississauga Nations have indicated that it is ok to use this map and it is the most up to date publicly available map of the Treaty territory. The map is also already posted publicly in our Consultation Report and it is important context for the Commission to understand that the DNNP is located in the Williams Treaties territory and the location of the closest rights-bearing First Nations communities in proximity to the project etc. We can definitely add to the speakers notes that the map is subject to change and updates and any other information the Nations provide. Let us know if that could work and if there is anything else we can add to the speakers notes to help provide more context and address the concerns you have raised. We still have another 2 weeks to finalize the notes for the presentation, but we have to finalize the slide content tomorrow. Let me know, thanks and talk soon!

Adam

From: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>

Sent: Wednesday, September 11, 2024 4:03 PM

To: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>

Subject: Re: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura,

Please find attached the draft slides with comments. There wasn't an option to track changes, so we highlighted all the changes as comments within the presentation.

On slide 2 - We have concerns regarding the map being featured and request that the CNSC remove it. MSIFN is unable to present a map without first ensuring consensus among the Nations. This is a First Nation governance matter, which ties into the challenges we face with the proposed Rights Impact Assessment. Achieving consensus on treaty/territory mapping requires internal dialogue and time, which often does not align with regulatory milestones. The Nations have not yet had the opportunity to come together to address this matter. Therefore, we are requesting that no map be included in the presentation at this time.

Thank you for the opportunity to review.

Sam

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: Wednesday, September 11, 2024 9:06 AM

To: Don Richardson <drichardson@scugogfirstnation.ca>; sshrubsole@scugogfirstnation.com <sshrubsole@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>

Cc: Consultation <consultation@scugogfirstnation.com>

Subject: FW: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Good morning all!

I am just following up to see whether MSIFN has any comments on the attached slides? If so, please provide the comments by the end of day today as the slides need to go for translation shortly.

Let me know if you have any questions.

Thank you!

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@nsc-ccsn.gc.ca | Tel: 343-571-6491

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laura.decoste@nsc-ccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura

Sent: August 27, 2024 3:23 PM

To: Don Richardson <drichardson@scugogfirstnation.ca>; Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>

Cc: Consultation <consultation@scugogfirstnation.com>

Subject: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi everyone!

As mentioned at our meeting on August 16th, I am sharing draft slides from CNSC staff's presentation for the DNNP LTC Part 1 hearing on October 2nd for MSIFN's review and comment. If you could review the slides **by September 11th**, that would be great! We will be required to finalize the slides for translation shortly after that.

However, if MSIFN needs additional time to review the speaking notes, we can accept any edits or comments on the speaking notes until **September 18th**. I've included the speaking notes in the attached word document for ease of editing / commenting.

Note that the additional slides related to Indigenous consultation and engagement follow the Consultation Report posted in June very closely. No conclusions about the duty to consult or potential impacts on rights are included in this presentation, as we continue to consult with MSIFN. The recommendations and conclusions will not be made until the CNSC's supplemental submission in December.

Please let me know if you have any questions. I will also follow up in the coming days with information about timelines for review of other CNSC documents and proposed next steps for consultation on the DNNP.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

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Janzen, Emily

From: Don Richardson <drrichardson@scugogfirstnation.ca>
Sent: September 18, 2024 9:03 PM
To: DeCoste, Laura
Cc: Consultation; Rob Lukacs; Sam Shrubsole
Subject: Re: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2
Attachments: MSIFN_Draft Speaking notes for slides in CNSC staff's presentation at the Part 1 DNNP LTC hearing on October 2.docx

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Laura,

Please see attached MSIFN's comments on the CNSC speaking notes for Part 1 DNNP LTC hearing on October 2nd.

Don

From: Sam Shrubsole <sshubsole@scugogfirstnation.ca>
Sent: September 11, 2024 4:02 PM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drrichardson@scugogfirstnation.ca>
Subject: Re: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi Laura,

Please find attached the draft slides with comments. There wasn't an option to track changes, so we highlighted all the changes as comments within the presentation.

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Thank you for the opportunity to review.

Sam

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Sent: Wednesday, September 11, 2024 9:06 AM
To: Don Richardson <drrichardson@scugogfirstnation.ca>; sshrubsole@scugogfirstnation.com <sshruobsole@scugogfirstnation.com>; Rob Lukacs <rlukacs@scugogfirstnation.ca>
Cc: Consultation <consultation@scugogfirstnation.com>
Subject: FW: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Good morning all!

I am just following up to see whether MSIFN has any comments on the attached slides? If so, please provide the comments by the end of day today as the slides need to go for translation shortly.

Let me know if you have any questions.

Thank you!

Laura DeCoste

[she, her, elle]

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From: DeCoste, Laura
Sent: August 27, 2024 3:23 PM
To: Don Richardson <drrichardson@scugogfirstnation.ca>; Sam Shrubsole <sshruobsole@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>
Cc: Consultation <consultation@scugogfirstnation.com>
Subject: For MSIFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi everyone!

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However, if MSIFN needs additional time to review the speaking notes, we can accept any edits or comments on the speaking notes until **September 18th**. I've included the speaking notes in the attached word document for ease of editing / commenting.

Note that the additional slides related to Indigenous consultation and engagement follow the Consultation Report posted in June very closely. No conclusions about the duty to consult or potential impacts on rights are included in this presentation, as we continue to consult with MSIFN. The recommendations and conclusions will not be made until the CNSC's supplemental submission in December.

Please let me know if you have any questions. I will also follow up in the coming days with information about timelines for review of other CNSC documents and proposed next steps for consultation on the DNNP.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

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laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: September 25, 2024 11:48 AM
To: Sam Shrubsole; Levine, Adam
Cc: Salmon, Candace
Subject: RE: Details for October 2 Hearing Part 1

Hi Sam!

Please find the agenda for the October 2nd hearing here: [CMD 24-H6 - Agenda for October 2, 2024 Public Hearing \(cnscccsn.gc.ca\)](#)

The hearing will be webcast live on this site: [Watch a public Commission proceeding online \(cnscccsn.gc.ca\)](#). The site will be updated with a link to watch the stream on October 2nd.

Let us know if you have any other questions.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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From: Sam Shrubsole <sshubsole@scugogfirstnation.ca>
Sent: September 25, 2024 11:41 AM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Levine, Adam <Adam.Levine@cnscccsn.gc.ca>
Cc: Salmon, Candace <candace.salmon@cnscccsn.gc.ca>
Subject: Details for October 2 Hearing Part 1

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi everyone,

Have details been shared regarding the virtual October 2nd LTC hearing? We are looking specifically for the time and place (will it be a virtual link?). Apologies if this had already been shared.

Thank you,
Sam

Janzen, Emily

From: DeCoste, Laura
Sent: October 1, 2024 1:36 PM
To: Don Richardson; sshrubsole@scugogfirstnation.com; Rob Lukacs; Kayla Ponce de Leon
Cc: Consultation; Janzen, Emily
Subject: Link to DNNP hearing materials

Hi all!

As mentioned, please find the link for the DNNP hearing documents here: [Download Hearing Documents \(csc-ccsn.gc.ca\)](https://csc-ccsn.gc.ca). The documents are found under “Public Hearing Part-1 of October 2, 2024 – Ontario Power Generation - Darlington New Nuclear Project”.

If you select “Download a particular PDF document for the October 2 public hearing” the draft licence condition and licence condition handbook was published on September 25 and is included in CMD 24-H3.B – Supplementary submission from CNSC Staff (PDF, 23 pages, 1.38 MB).

Please let me know if you have any questions! As mentioned, MSIFN can comment on the proposed licence condition as part of their intervention. We would also be happy to receive any comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 hearing.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@nsc-ccsn.gc.ca | Tel: 343-571-6491

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Commission canadienne de sûreté nucléaire
laura.decoste@nsc-ccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Janzen, Emily
Sent: October 8, 2024 3:48 PM
To: Sam Shrubsole; Kayla Ponce de Leon; consultation@scugogfirstnation.com; Rob Lukacs; Don Richardson
Cc: DeCoste, Laura; Martin, Ana; Levine, Adam
Subject: Lakebed Jurisdiction Question

Hello all,

I'm following up regarding an issue that was raised in our August 16th meeting. MSIFN raised comments and concerns around the jurisdiction of the lakebed where OPG is planning on constructing part of the CCW/ intake tunnels etc. for DNNP. MSIFN asked us to investigate that issue and provide information to them what the federal governments perspective is.

CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff are open to receiving more information from MSIFN to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with MSIFN and OPG, as appropriate.

Please let me know if you have any additional questions or comments and we'd be happy to discuss further.

We are also still pulling together answers for your emergency diesel generator questions and I hope to send you responses in the next couple days. I apologize on the delay for this – a lot of our SMEs were either on vacation or preoccupied with the DNNP hearing so it's been tricky to gather responses from SMEs. But we will get these to you asap!

Thanks,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: DeCoste, Laura
Sent: October 10, 2024 7:50 AM
To: Sam Shrubsole; Don Richardson; Rob Lukacs; Consultation
Cc: Janzen, Emily
Subject: Information about tentative timelines for MSIFN's review of CNSC documents for the DNNP Part 2 hearing

Good morning all!

I just wanted to follow up with MSIFN to provide information about tentative timelines for when we expect to share CNSC staffs documents related to the DNNP LTC Part 2 hearing with MSIFN for your review and edit.

Product	CNSC staff send for review	Requested date for comments and feedback by MSIFN
Initial review of Supplemental Report	October 28	November 18
Updated issues tracking table - CNSC staff will outline changes made to the previous version of the table	November 18	December 2
Part 2 presentation slides	November 20	December 4
Final review of supplemental report	November 25	December 4
Part 2 presentation speaking notes	November 29	December 20

Please let me know if you have any questions about this.

Thank you,

Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Janzen, Emily
Sent: October 10, 2024 2:06 PM
To: Sam Shrubsole; Martin, Ana; Kayla Ponce de Leon; Rob Lukacs
Cc: Don Richardson; consultation@scugogfirstnation.com; DeCoste, Laura
Subject: RE: September Monthly Meeting- Agenda Added
Attachments: 18-2521_DN-ERA-2020-update-FINAL_April2022_R02-FINAL-ua-1 (1).pdf; 10-10-2024 - Mississaugas of Scugog Island First Nation Community Issues Tracker.XLSX

Hi all,

I'm following up on a couple questions MSIFN has sent us that are outstanding. Please see the attached spreadsheet for our answers to the questions on the PWMF and also the DNNP emergency diesel generators. Please note we are working on a response to the last question in the spreadsheet. After reviewing our responses, let me know if you'd like a separate meeting on DNNP emergency management.

Also, thank you for sending over MSIFN's comments on the Darlington EPR. We will work on addressing those comments as well. [@Rob Lukacs](#) you had a question regarding the Darlington EPR – please see a response below.

Separately, on p.27, Section 2.3.3 Environmental risk assessment, CNSC staff state that “CNSC staff reviewed the 2020 site-wide ERA and required additional information in order to verify whether the ERA was compliant with requirements in REGDOC 2.9.1 and CSA N288.6.”

Can you please share OPG's revised ERA report? Additionally, can you also highlight what information CNSC staff needed to verify compliance?

CNSC staff reviewed the 2020 site-wide ERA and raised requests for additional information and clarifications to OPG as part of the normal review process. CNSC staff note there were no major showstoppers or gaps in data but rather some clarifications that were requested. OPG adequately addressed CNSC comments and determined the changes to be acceptable. The ERA was accepted in 2021 and meets the requirements of REGDOC 2.9.1 and CSA N288.6. I've attached the final document and also verified it's the same report that can be found online, posted on [OPG's website](#) under their “Environmental and performance reports”.

We're happy to discuss anything further.

Thanks,

Emily Janzen (she/her/elle)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
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From: Sam Shrubsole <sshubsole@scugogfirstnation.ca>

Sent: Tuesday, September 17, 2024 4:48 PM

To: Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>; Martin, Ana <ana.martinalvarez@cncs-ccsn.gc.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; consultation@scugogfirstnation.com; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>

Subject: Re: September Monthly Meeting- Agenda Added

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Emily,

Thank you for sending the agenda in advance. The proposed topics look good.

We would appreciate including a discussion on emergency management and generators under the DNNP agenda item. Here are some questions we would like to address:

1. What environmental factors could impact the placement of the generators along the Lake Ontario shoreline, and how are these factors being addressed?
2. What are the potential safety risks of these emergency generators, particularly in the case of a malfunction or failure?
3. What is the plan for ensuring the generators are always operational during emergencies?
4. What is the timeline for response if the generators fail during an emergency?
5. What are the long-term plans for the generators? Will they be regularly upgraded to ensure they are using the most sustainable technology?

Link to regulations:

- Could the CNSC please provide specific regulations or guidelines for the placement of generators in proximity to nuclear facilities? Additionally, please include access and accessibility requirements to the generators.

Thank you, looking forward to our meeting.

Sam

From: Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>

Sent: Friday, September 13, 2024 10:42 AM

To: Martin, Ana <ana.martinalvarez@cncs-ccsn.gc.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; consultation@scugogfirstnation.com <consultation@scugogfirstnation.com>; Sam Shrubsole <sshubsole@scugogfirstnation.ca>

<sshubsole@scugogfirstnation.ca>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>

Subject: RE: September Monthly Meeting- Agenda Added

Good morning all!

Ana has proposed the agenda you see below, please let us know if it works for you or if there's anything else you'd like to discuss.

Last meeting MSIFN had raised some questions about emergency management. We have an SME who can attend this Oct 1st meeting to discuss the questions you mentioned re: the location of emergency generators and how they're controlled. Is this an agenda item MSIFN would like added under DNNP? Please confirm and, if so, could MSIFN provide any questions you'd like answered ahead of the meeting so that we are prepared to answer them? If there are a lot of questions, we may want to consider having a separate meeting focused on this topic.

Please let me know your preference 😊

Emily

-----Original Appointment-----

From: Martin, Ana <ana.martinalvarez@cnsccsn.gc.ca>

Sent: Wednesday, August 28, 2024 2:21 PM

To: Martin, Ana; Kayla Ponce de Leon

Cc: Don Richardson; Rob Lukacs; consultation@scugogfirstnation.com; Sam Shrubsole; Janzen, Emily; DeCoste, Laura

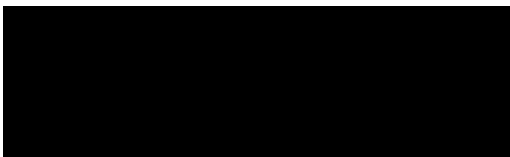
Subject: September Monthly Meeting- Agenda Added

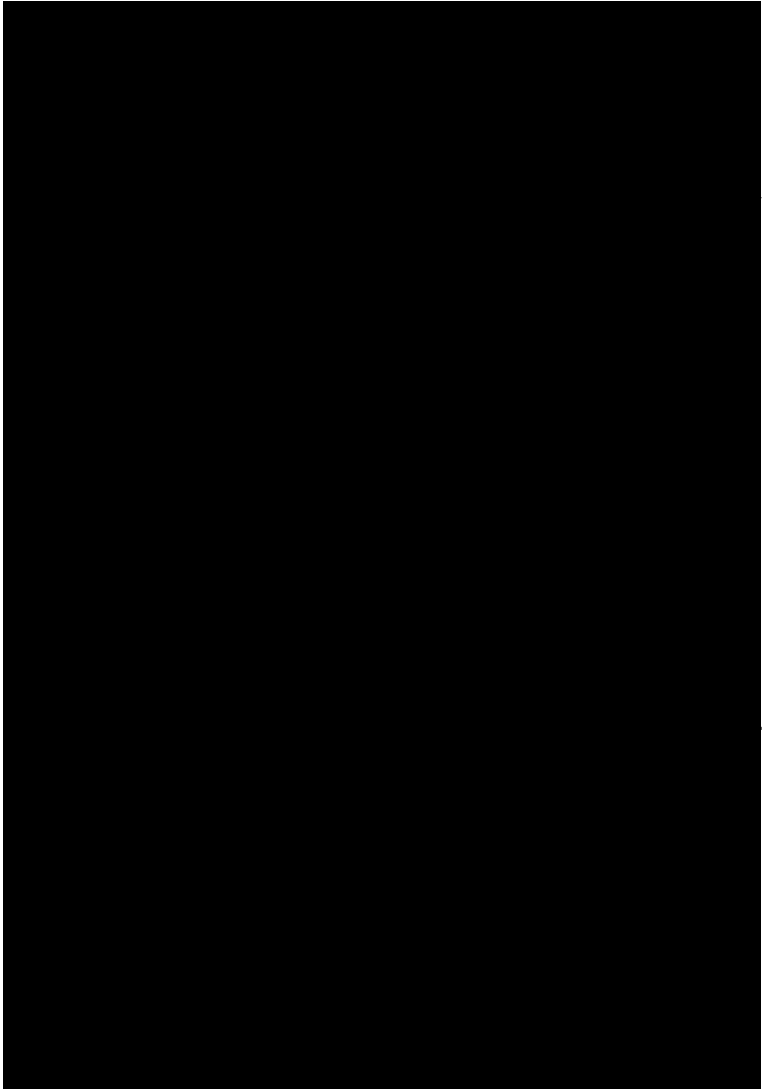
When: October 1, 2024 2:00 PM-3:00 PM (UTC-04:00) Atlantic Time (Canada).

Where: Microsoft Teams Meeting

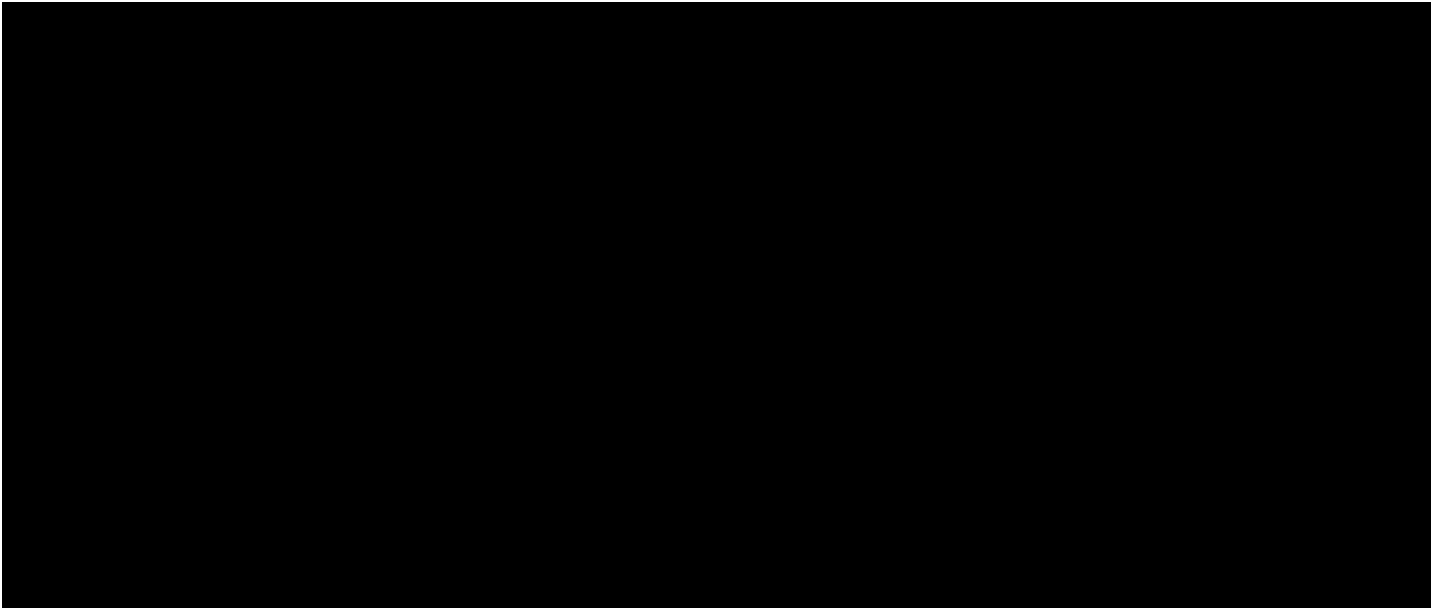
Proposed Agenda:

1. PWMF update
 - 1.1 PWMF record of decision and MSIFN's intervention
2. DNNP updates
 - 2.2 DNNP RIA update
 - 2.3 DNNP LTPS update
3. Darlington Environmental Protection Review Report
4. In-person meeting update
5. Bruce C and funding opportunities
6. Other updates





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From: Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>

Sent: Wednesday, August 28, 2024 12:58 PM

To: Martin, Ana <ana.martinalvarez@cnsccsn.gc.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; consultation@scugogfirstnation.com; Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Re: Proposed Dates- September Monthly Meeting and In-Person ToR Meeting

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hello Ana,

The following dates will work for our team for the

September Monthly Meeting:

- September 27th 10-11 am EST
- October 1st 10-11 am EST
- October 1st 1-2pm EST

I'll have to get back to with times for the meeting with leadership schedule.

Thanks,

Kayla Ponce de Leon

Project Planning and Administrative Assistant

kayla.poncedeleon@minogi.ca

consultation@scugogfirstnation.com

P: 905-985-3337 Ext. 700 Or 1-800-647-8454 Ext. 700

Minogi Corp.

Mississaugas of Scugog Island First Nation

From: Martin, Ana <ana.martinalvarez@cnsccsn.gc.ca>

Sent: Wednesday, August 28, 2024 10:01 AM

To: Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; consultation@scugogfirstnation.com <consultation@scugogfirstnation.com>; Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Proposed Dates- September Monthly Meeting and In-Person ToR Meeting

Good morning Kayla,

I hope you are having a good week so far!

Please see below our available dates/ times for the September monthly meeting and the in-person ToR/ Workplan meeting with leadership proposed dates.

September Monthly Meeting:

September 24th- 10-11 am EST

September 24th- 1- 2pm EST

September 27th 10-11 am EST

October 1st 10-11 am EST

October 1st 1-2pm EST

In-Person ToR Meeting with Leadership Meeting:

November 12th, 13th or 14th

Please let me know if any of these dates work on your end so we can confirm dates for our September meeting and create a hold on our calendars for the in-person meeting.

Thanks,

Ana

Ana Martin Alvarez

(she/her/elle)

Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission / Government of Canada

Ana.martinalvarez@cnsccsn.gc.ca

Agent(e) des politiques, Division des relations avec les groupes Autochtones et les parties intéressées

Commission canadienne de sûreté nucléaire / Gouvernement du Canada

Ana.martinalvarez@cncs-ccsn.gc.ca

Janzen, Emily

From: Moses, Colin
Sent: October 24, 2024 9:39 AM
To: klarocca@scugogfirstnation.com
Cc: drichardson@scugogfirstnation.ca; sshrubsole@scugogfirstnation.ca; rlukacs@scugogfirstnation.ca; consultation@scugogfirstnation.com; kponcedeleon@scugogfirstnation.ca; Jean Charles, Emmanuelle; Cropley, Julia; Levine, Adam; DeCoste, Laura
Subject: Introduction and Request for Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chief LaRocca,

I hope this message finds you well. I am reaching out as the new Vice President of Regulatory Affairs for the Canadian Nuclear Safety Commission, overseeing the CNSC's Indigenous consultation and engagement programs. I understand that our President and Registrar have also introduced themselves recently, and I wanted to personally connect with you to build our relationship as the partnership between the CNSC and MSIFN is a priority for us.

I would appreciate an opportunity to meet with you one-on-one soon to discuss how we can work together effectively. I'd like to explore MSIFN's relationship with the CNSC, get feedback on your interactions with the CNSC to date and discuss how we can support addressing current challenges related to DNNP, as well as any other topics that are important to you.

If it's convenient, I'd suggest we arrange a virtual meeting ahead of the year-end meeting scheduled for November 22nd. Please let me know if you have availability. Additionally, I'm hopeful we can meet in person soon, whenever works best for you.

I look forward to connecting and fostering a productive partnership moving forward.

Warm regards,

Colin

Colin Moses
(he/him)
Vice-President Regulatory Affairs and Chief Communications Officer
Canadian Nuclear Safety Commission / Government of Canada
colin.moses@cnsccsn.gc.ca / Tel: 613-222-4533
www.nuclearsafety.gc.ca

(il/lui)
Vice-Président des affaires réglementaires et Chef des communications
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colin.moses@cnsccsn.gc.ca / Tel: 613-222-4533
www.suretenucleaire.gc.ca

Janzen, Emily

From: DeCoste, Laura
Sent: October 28, 2024 2:39 PM
To: Sam Shrubsole; Don Richardson; Rob Lukacs
Cc: Consultation; Kayla Ponce de Leon; Janzen, Emily; Levine, Adam
Subject: For MSIFN's review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct
Attachments: For MSIFN review - Supplemental submission on Indigenous Consultation for the DNNP LTC.docx

Hello everyone!

As mentioned in the email below, please find attached a draft version of CNSC Staff's supplemental submission to the Commission regarding the DNNP Licence to Construct application for MSIFN's review, feedback and input. If possible, please complete the first review of the report by **November 18th**.

A few items to note:

- The supplemental report is also going through internal reviews and review by other Nations, so there may be some changes made to the text. CNSC staff will flag any major changes made based on other reviewers when the report is shared back with MSIFN for final review at the end of November.
- CNSC staff have not made conclusions in this version of the report, in order to first ensure that we have accurately understood and reflected MSIFN's concerns, views and Rights. CNSC staff's plan is to make updates to the report based on MSIFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. We are currently aiming to have the second version shared with MSIFN around November 25th.
- CNSC staff may also include and provide responses to information in MSIFN's intervention, as appropriate, in the second version of the report.
- We are also planning on sharing an updated issues tracking table, draft presentation slides and speaking notes with MSIFN for review. Our proposed tentative timelines are found below.
- Lastly, all our reporting (except speaking notes) will need to be finalized by December 10th 2024.

Please let me know if you have any questions about this! We would also be happy to set up a meeting any time during MSIFN's review to discuss the report or answer any questions you may have.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura

Sent: October 10, 2024 7:50 AM

To: Sam Shrubsole <sshubsole@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>

Cc: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Information about tentative timelines for MSIFN's review of CNSC documents for the DNNP Part 2 hearing

Good morning all!

I just wanted to follow up with MSIFN to provide information about tentative timelines for when we expect to share CNSC staffs documents related to the DNNP LTC Part 2 hearing with MSIFN for your review and edit.

Product	CNSC staff send for review	Requested date for comments and feedback by MSIFN
Initial review of Supplemental Report	October 28	November 18
Updated issues tracking table - CNSC staff will outline changes made to the previous version of the table	November 18	December 2
Part 2 presentation slides	November 20	December 4
Final review of supplemental report	November 25	December 4
Part 2 presentation speaking notes	November 29	December 20

Please let me know if you have any questions about this.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

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Janzen, Emily

From: DeCoste, Laura
Sent: October 30, 2024 4:08 PM
To: Sam Shrubsole
Cc: Don Richardson; Rob Lukacs; Consultation; Janzen, Emily; Levine, Adam
Subject: RE: Follow up question - timing of MSIFN's written response related to a preferred path forward to assessing impacts on rights from the DNNP LTC application

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sam!

Thank you for the email. I understand that we will see a more fulsome response in MSIFN's hearing submission and we look forward to receiving that.

However, we are hoping for some clarity around your note that MSIFN requested a time extension in order to conduct the RIA and that this was not granted. Is this referring to MSIFN's position that the RIA must be completed after and informed by the Indigenous Knowledge study, cumulative effects assessment and a governance structure between the Michi Saagiig Nations?

Happy to chat more about this with MSIFN and your legal team, as you requested, once MSIFN has submitted the intervention, but we just wanted to confirm our understanding as we are not aware of any other request for an extension submitted or requested of us in relation to completing the RIA for LTC application.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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laura.decoste@cnsc-ccsn.gc.ca | Tel: 343-571-6491

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From: Sam Shrubsole <sshubsole@scugogfirstnation.ca>
Sent: October 29, 2024 12:59 PM
To: DeCoste, Laura <laura.decoste@cnsc-ccsn.gc.ca>
Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Janzen, Emily <emily.janzen@cnsc-ccsn.gc.ca>; Levine, Adam <Adam.Levine@cnsc-ccsn.gc.ca>
Subject: Re: Follow up question - timing of MSIFN's written response related to a preferred path forward to assessing impacts on rights from the DNNP LTC application

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hello Laura,

Thank you for reaching out and inquiring about MSIFN's response to the RIA.

While we appreciate all parties have their internal deadlines and processes, so too does MSIFN. We have previously submitted our position on the RIA and requested a time extension in order to fulfill MSIFN's ability to conduct the requested assessment. This extension was not granted. Our position remains the same and without an extension it is impossible to provide the CNSC with an RIA. We will provide a more fulsome response in MSIFN's Hearing Submission on November 4th.

Thank you,
Sam

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: Wednesday, October 9, 2024 5:19 PM

To: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>

Subject: RE: Follow up question - timing of MSIFN's written response related to a preferred path forward to assessing impacts on rights from the DNNP LTC application

Hi Sam!

Thank you for the email sent on October 2nd, in response to CNSC's request to confirm CNSC's understanding (based on the September 3 meeting between CNSC and MSIFN) that MSIFN would provide a written response to CNSC staff, outlining MSIFN's preferred path forward for the rights impact assessments (RIA). Your email indicates that the written response, instead of being submitted to staff in advance, will be included in MSIFN's intervention to be submitted by the November 4th deadline. As indicated in the meeting between CNSC and MSIFN on September 3, 2024, CNSC staff remain open to any form of participation by MSIFN in the CNSC's work to conduct a RIA specific to MSIFN with respect to the DNNP LTC application and its potential impacts on MSIFN's rights and interests.

As you are aware, as part of CNSC staff's commitment to following best practices and modern standards for consultation and engagement, CNSC staff are working to complete a RIA based on currently available information and draft the related report as soon as possible in order to have the information submitted to the Commission in early December for their consideration as part of the DNNP LTC Part 2 hearing in January 2025. The following options for MSIFN regarding participating or commenting on the RIA process were presented by CNSC in the CNSC-MSIFN consultation meeting September 3, 2024:

1. Continue with the current draft Rights Impact Assessment (shared with MSIFN in April 2024)
2. Consider different reporting and assessment style – for example, use of different terminology and a narrative based severity assessment rather than a decision matrix (such as the one in the Annex in the draft rights impact assessment (RIA) shared with MSIFN previously)
3. Other options proposed by MSIFN – CNSC staff are open to taking a different approach based on feedback from MSIFN
4. CNSC staff and MSIFN conduct separate assessments - CNSC staff conduct assessment of impacts on rights based on information available to us at this stage and MSIFN provides their assessment in their intervention (least preferred from CNSC staff's perspective)

As stated in the September 3 meeting, CNSC staff's preferred option would be to hear MSIFN's views on MSIFN's preferred approach to documenting information about the Nations rights, MSIFN's concerns with regards to the DNNP LTC and how the DNNP LTC could impact the Nation's rights and interests, *prior* to the November 4th deadline for interventions for the Part II hearing. This would better facilitate CNSC's ability to assess, consider and document MSIFN's views on any potential impacts to MSIFN's rights in the assessment and as part of staff's recommendations to the Commission.

CNSC staff remain open to having another meeting to discuss and hear MSIFN's preferred approach in relation to the assessing the DNNP LTC's potential impacts on MSIFN's rights and interests, and measures to address those concerns, as soon as possible, while understanding that MSIFN's final views, considerations and recommendations would be included by way of a written intervention to the Commission for the Part 2 hearing. CNSC staff's strong preference remains to work with MSIFN on the RIA collaboratively in advance of the interventions deadline and Commission hearing.

In the event CNSC staff do not receive feedback from MSIFN on the approach to the RIA prior to the submission of a written intervention to the Commission, CNSC staff propose proceeding with a narrative assessment rather than the more detailed quantitative assessment that was shared for MSIFN's review in April 2024. A narrative assessment would focus on summarizing the key concerns we have heard to date in relation to the DNNP LTC from MSIFN and detail commitments made by OPG and recommended by CNSC staff to the Commission to date to aim to address those concerns. CNSC staff would share this narrative based assessment with MSIFN and invite MSIFN to review and provide feedback and input including MSIFN's perspectives on whether the mitigation measures and commitments made and recommended to date adequately address MSIFN's key concerns or if there are potential impacts that MSIFN feels need additional mitigations or commitments.

CNSC staff's goal remains to work with MSIFN to strive to achieve a consensus on the project and key issues and concerns. CNSC staff will continue to involve OPG in this work as appropriate. CNSC staff's assessment of potential impacts to rights from the DNNP LTC application is intended to facilitate ensuring MSIFN's concerns in relation to the DNNP LTC application and proposed mitigation measures and commitments to address any identified concerns are considered by the Commission in their decision making for the DNNP LTC application

Happy to chat about this!

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>

Sent: October 2, 2024 4:52 PM

To: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Re: Follow up question - timing of MSIFN's written response related to a preferred path forward to assessing impacts on rights from the DNNP LTC application

Hi Laura,

The written response will be included in MSIFN's submission to the CNSC for the DNNP Part 2 LTC Hearing, which will be submitted by the November 4th deadline.

Thank you,
Sam

Samantha Shrubsole

Impact Assessment Team Lead

sshrubsole@scugogfirstnation.ca

samantha.shrubsole@minogi.ca

C: 289-260-9392

Minogi Corp.

Mississaugas of Scugog Island First Nation



MINOGI

GROW WELL

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: Wednesday, October 2, 2024 4:46 PM

To: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>

Cc: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Follow up question - timing of MSIFN's written response related to a preferred path forward to assessing impacts on rights from the DNNP LTC application

Hi Sam!

I just wanted to follow up quick on one thing we discussed at the CNSC and MSIFN meeting yesterday. MSIFN confirmed that they plan on providing a written response outlining MSIFN's preferred path forward for the assessment of potential impacts to rights from the DNNP LTC application.

Could you provide any timelines around when you expect to send that to CNSC staff?

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées

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laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: November 15, 2024 2:48 PM
To: Sam Shrubsole; Don Richardson; Rob Lukacs; Consultation
Cc: Janzen, Emily
Subject: For MSIFN review - draft slides and speaking notes for CNSC presentation at the DNNP Part 2 hearing
Attachments: Draft Indigenous Consultation slides for DNNP LTC Part II Hearing .pptx; Draft speaking notes for CNSC staff Presentation at the DNNP Part 2 hearing .docx

Hi all!

Please find attached the draft slides and speaking notes for the CNSC presentation at the DNNP Part 2 hearing, for MSIFN's review and feedback. Please note that there are some placeholders, where we will add our conclusions and recommendations. However, we are waiting until we receive any feedback from MSIFN and the other Michi Saagiig Nations on the draft supplemental report prior to making and including conclusions in our documents. I also note that a lot of speaking notes are similar to the language used in the supplemental report so we'll make sure to apply any relevant edits from your review of the supplemental report to the speaking notes as well.

If you could provide any comments on the slides by **December 4th** that would be great! We have a bit more time for the speaking notes and would be looking for feedback on those by **December 20th**. I would also be happy to walk through these documents and receive any feedback at a MSIFN/CNSC meeting, if that would be beneficial.

I hope everyone has a good weekend and looking forward to seeing everyone on Monday.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Consultation <consultation@scugogfirstnation.com>
Sent: November 19, 2024 11:47 AM
To: DeCoste, Laura; Levine, Adam; Janzen, Emily
Cc: Kelly LaRocca; Sylvia Coleman; Jeff Forbes; Cathy Richards; Rob Lukacs; Don Richardson; Sam Shrubsole
Subject: Re: Request for Comments on the CNSC Supplemental Submission
Attachments: Chief LaRocca Response to CNSC Supplemental Submission 2024.pdf

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hello,

Please see attached letter on behalf of the Mississaugas of Scugog Island First Nation Chief and Council.

Consultation Office
Mississaugas of Scugog Island First Nation (MSIFN)



22521 ISLAND ROAD · PORT PERRY, ON · L9L 1B6 · TEL: 905-985-3337 · FAX: 905-985-8828 · www.scugogfirstnation.com

November 19, 2024

Attention: Canadian Nuclear Safety Commission (CNSC)

This letter is in response to the Request for Comments on the CNSC Supplemental Submission on Indigenous Consultation for the DNNP LTC.

MSIFN has consistently proceeded in good faith with the CNSC to ensure that consultation is collaborative and meaningful. It has become evident we are in a cycle of simply responding to information so that the CNSC can paper their file. This is not meaningful consultation on a practical or legal basis. MSIFN's concerns are not being taken seriously and this decision has negatively impacted our relationship with the CNSC. For this reason, MSIFN will not respond to CNSC Staff's Supplemental Submission on an item-by-item basis but will address two main concerns: 1) scoping of the decision criteria and 2) misinterpreting the CNSC's legal obligations.

The CNSC unilaterally scoped consultation criteria for the Commission's decision and omitted most of MSIFN's concerns from its scope. The CNSC also placed *UNDRIPA*,¹ federal Indigenous consultation legislation, outside the scope. Scoping the criteria is a strategic, higher level decision which on its own triggers a duty to consult, and where appropriate, accommodate.² Unilateral decisions which impact Indigenous Treaty Rights is an unacceptable and outdated practice.

On page 1 the CNSC stated:

CNSC staff acknowledge that some Indigenous Nations and communities have raised issues and concerns that go beyond the scope of OPG's Licence to Construct application. This includes issues and concerns regarding the CNSC's mandate and life-cycle approach to regulation, the legislation and baseline used to assess potential impacts from the project on the environment and on Aboriginal and Treaty Rights, the CNSC's approach to cumulative effects assessment, legacy impacts, the potential waste management facility and the CNSC's approach to implementation of the United Declaration on the Rights of Indigenous Peoples Act including the principle of Free, Prior and Informed consent.

To be clear, the Crown is making decisions that impact lands which MSIFN has title to and Therefore *UNDRIPA* and our concerns are within scope. The Crown is contemplating conduct that will lead to radiological waste being stored on our lands, and Therefore *UNDRIPA* and our concerns are within scope. Phasing the DNNP to

¹ *United Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 [*UNDRIPA*].

² *Rio Tinto Alcan Inc. v Carrier Sekani Tribal Council*, [2010 SCC 43](#) at para 44.

prevent timely decisions on the most impactful aspects of the project is inappropriate and legally unsound.³ Concerningly the CNSC has made themselves both the gatekeeper and judge of the consultation process.

The CNSC staff have also misstated their obligations under the law and their constating legislation. They stated on page 10 of the Supplemental Submission:

"The Commission, as an Agent of the Crown, must ensure that all licence decisions under the Nuclear Safety and Control Act (NSCA) and decisions under other applicable legislation, uphold the honour of the Crown and consider Indigenous peoples' potential or established Aboriginal and/or Treaty Rights, pursuant to section 35 of the Constitution Act, 1982."

This statement is inaccurate. The NSCA instructs the CNSC to **uphold** s. 35 Aboriginal and Treaty rights, not to consider them and certainly not to erode them.

NSCA — 2023, c. 32, s. 72.1

Rights of Indigenous peoples

*72.1 (1) The provisions enacted by this Act **are to be construed as upholding** the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.*

The conduct of the CNSC has been patronizing. Canada affirmed their obligation and responsibility to MSIFN's Treaty Rights in 2018. MSIFN has been clear that proceeding with the RIA through the CNSC's framework and timeframes will be harmful and will derogate our rights. The insistent pushing of the RIA upon us while knowing our legitimate concerns is disrespectful and an affront to our Treaty Rights.

The CNSC has not conducted its consultations with us in good faith and has not upheld the Honour of the Crown. At this juncture MSIFN does not believe holding more meetings with the CNSC will be productive. Therefore the November 22, 2024, meeting with the CNSC staff will be postponed. MSIFN will reassess how we wish our relationship with the CNSC to proceed after the Hearing Part 2.

Miigwech,

Chief Kelly LaRocca
Mississaugas of Scugog Island First Nation

³ *Squamish Indian Band v British Columbia (Minister of Sustainable Resource Management)*, [2004 BCSC 1320](#) at para 74 aff'd in *Sambaa K'e Dene Band v Canada (Minister of Indian Affairs & Northern Development)*, [2012 FC 204](#) at para 165; *Adams Lake Indian Band v British Columbia (Lieutenant Governor in Council)*, 2021 BCCA 333.

Janzen, Emily

From: DeCoste, Laura
Sent: November 27, 2024 3:41 PM
To: Sam Shrubsole; Don Richardson; Rob Lukacs
Cc: Consultation; Levine, Adam; Janzen, Emily
Subject: RE: CNSC Staff's draft supplemental report and issues tracking table for the DNNP LTC application

Hi Sam,

We are hoping to send the response tomorrow, but we will keep you updated if that changes!

Thank you,

Laura DeCoste

[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Agente principale des politiques, Division de la consultation et de la mobilisation des Autochtones
Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: Sam Shrubsole <sshzubsole@scugogfirstnation.ca>
Sent: November 27, 2024 3:12 PM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Don Richardson <drrichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Levine, Adam <Adam.Levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>
Subject: Re: CNSC Staff's draft supplemental report and issues tracking table for the DNNP LTC application

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura,

Thank you for sharing the updated report. We understand that Adam will be providing a more detailed response to MSIFN's letter in the coming days. Could you please let us know when we can expect to receive this response?

Thanks,
Sam

From: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>

Sent: Monday, November 25, 2024 11:33 AM

To: Sam Shrubsole <sshrubsole@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>

Cc: Consultation <consultation@scugogfirstnation.com>; Levine, Adam <Adam.Levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>

Subject: CNSC Staff's draft supplemental report and issues tracking table for the DNNP LTC application

Hello everyone!

I want to acknowledge the letter that MSIFN sent the CNSC on November 19th. I know that Colin Moses has provided a response directly to Chief LaRocca and that CNSC staff will be providing a more detailed response in the coming days.

I also acknowledge that MSIFN indicated they wouldn't be providing full comments on the supplemental submission. However, I wanted to share the updated version of the supplemental report and the draft issues tracking table for MSIFN's awareness and feedback, should you wish to provide it. Please note that:

- For the **supplemental report**, Section 1.1, 3.4.2 and 3.5 have been significantly updated based on feedback received from MSIFN and other Michi Saagiig Nations. Sections 3.6 and 5 are new and provide CNSC staff recommendations to the Commission
- The **issues tracking table** has been updated to include concerns raised more recently by MSIFN, including through the intervention. The table also included CNSC staff's responses to the issues raised and commitments/accommodations recommended in an effort to address the concerns. Similar to what we did for the June Consultation Report, we will be including the Nation specific issues tracking tables in an appendix of the supplemental CMD. The section "Issues and Concerns raised since the submission of the Consultation Report in June 2024" includes the new text.

If you have any comments or feedback on either document, please share by **December 6**. I would be happy to set up a meeting to discuss the documents and any feedback MSIFN has, MSIFN's outstanding concerns or whether MSIFN has any further requests for accommodations or mitigations in relation to the DNNP LTC. CNSC staff also acknowledge that MSIFN will have the opportunity to share their views and make recommendations directly to the Commission at the Part 2 hearing.

CNSC staff remain committed to collaborating with MSIFN with the goal of building a positive long-term relationship and meaningfully responding to and working to address MSIFN's concerns and recommendations.

Thank you,

Laura DeCoste

[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division

Canadian Nuclear Safety Commission

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Janzen, Emily

From: Sam Shrubsole <sshubsole@scugogfirstnation.ca>
Sent: November 27, 2024 2:46 PM
To: Janzen, Emily; Rob Lukacs; Don Richardson; Kayla Ponce de Leon
Cc: Martin, Ana; DeCoste, Laura
Subject: Re: Monthly Meeting on December 20th

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Emily,

I hope your week is going well too. We're okay to proceed with the monthly meeting on December 20th to focus on the annual workplan, provided there's a commitment from CNSC staff to keep DNNP off the agenda.

We can revisit the discussions with DFO regarding in-water works at the DNNP in the new year.

Let me know if this works.

Thank you,
Sam

From: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Sent: Tuesday, November 26, 2024 8:00 AM
To: Sam Shrubsole <sshubsole@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drrichardson@scugogfirstnation.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>
Cc: Martin, Ana <ana.martinalvarez@cnsccsn.gc.ca>; DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Subject: Monthly Meeting on December 20th

Hello all!

I hope your week is off to a good start. I wanted to touch base regarding our next monthly meeting scheduled for December 20th, 10-11 AM. Are we still OK moving forward with that one? I think it would be beneficial to touch base before the end of the year to discuss all the projects as well as discuss a path forward for updating the annual workplan. Let me know what you think.

I'll also note that we've contacted DFO to discuss the status of the FAA required for the potential construction of in-water structures of the DNNP. We asked if they were available to come to an upcoming meeting to discuss the DFO review process and any other questions. DFO is available to come to our meeting on December 20th, should that be of interest to MSIFN. If the Dec 20th meeting is still a go, is this something that MSIFN would like? If so, we could have this one agenda item specific to DNNP and not discuss anything else DNNP related, if we'd like to keep the scope of the meeting focused on other projects.

Let me know your thoughts.

Thank you,

Emily Janzen (*she/her/elle*)

Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
emily.janzen@cnsccsn.gc.ca | Cell: 343-548-0590

Agent(e) des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
emily.janzen@cnsccsn.gc.ca | Tél. Cell.: 343-548-0590

Janzen, Emily

From: Levine, Adam
Sent: November 28, 2024 2:04 PM
To: Consultation; Kelly LaRocca
Cc: Sylvia Coleman; Jeff Forbes; Cathy Richards; Rob Lukacs; Don Richardson; Sam Shrubsole; Mazur, Anna; Gordon, Joanne; DeCoste, Laura; Janzen, Emily
Subject: RE: Request for Comments on the CNSC Supplemental Submission
Attachments: CNSC Response to MSIFN 19-Nov-2024 Letter - 28-Nov-2024.pdf; Draft_Updated text for CNSC staff's supplemental report for the DNNP LTC application.docx

Hi Chief LaRocca, hope you are doing well! Please find attached a detailed response to the letter that you sent to the CNSC on November 19th, 2024 regarding CNSC staff supplemental submission to the Commission for the Darlington New Nuclear Project Licence to Construct application.

I am also attaching the latest version of CNSC staff's supplemental submission that includes and incorporates changes based on the feedback MSIFN has provided us. Please let me know if you or your team have any questions or would like to discuss further. All the best and hope to be able to connect again soon!

Adam Levine
Director- Indigenous Consultation and Engagement Division
Canadian Nuclear Safety Commission

From: Consultation <consultation@scugogfirstnation.com>
Sent: Tuesday, November 19, 2024 11:47 AM
To: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>
Cc: Kelly LaRocca <kelly.larocca@msifn.ca>; Sylvia Coleman <sylvia.coleman@msifn.ca>; Jeff Forbes <jeff.forbes@msifn.ca>; Cathy Richards <cathy.richards@msifn.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Don Richardson <drichardson@scugogfirstnation.ca>; Sam Shrubsole <sshubsole@scugogfirstnation.ca>
Subject: Re: Request for Comments on the CNSC Supplemental Submission

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hello,

Please see attached letter on behalf of the Mississaugas of Scugog Island First Nation Chief and Council.

Consultation Office
Mississaugas of Scugog Island First Nation (MSIFN)



Indigenous Consultation and Engagement Division

VIA EMAIL

November 28, 2024

Chief Kelly LaRocca
Mississaugas of Scugog Island First Nation (MSIFN)
22521 Island Rd.
Port Perry, ON L9L 1B6

Re: MSIFN Response to DNNP Supplemental Submission, November 19, 2024

Dear Chief LaRocca,

As mentioned by Colin Moses, e-mail dated November 22, 2024, I am reaching out to provide a more detailed response to MSIFN's letter sent to the Canadian Nuclear Safety Commission (CNSC) on November 19, 2024.

First off, I'd like to thank you for the time and effort you and your team have taken to participate in the Darlington New Nuclear Project (DNNP) process so far and for being open and transparent about your concerns on the CNSC's consultation process and policies. We appreciate hearing from you and take your concerns seriously. We are committed to meaningful two-way dialogue and making improvements and changes to the important work we do together.

I would like to directly address the two main concerns raised in your letter: 1) scoping of the decision criteria for the DNNP Licence to Construct (LTC) application and 2) misinterpreting the CNSC's legal obligations.

Scoping of the Consultation Process for the DNNP LTC Application:

Regarding the first concern, we wish to clarify that the CNSC is in agreement that the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) is in scope of the DNNP LTC application.

Our intention with the referenced section in our draft supplemental submission to the Commission was to acknowledge that MSIFN has also raised broader policy concerns in relation to the CNSC and Government of Canada's policies and approaches to implementing UNDRIP and UNDA which are not specific to Ontario Power Generation's (OPG's) DNNP LTC application.

CNSC staff have incorporated the principles of UNDA/UNDRIP in the consultation process for the DNNP LTC application. We have done so by striving to achieve consensus with your Nation, and other Michi Saagiig Nations, on the project and encouraging and supporting your Nation to express your views directly to the Commission. This includes your articulation of MSIFN's Rights as potentially or actually

impacted, the Rights assessment process, and your position on MSIFN's Free, Prior and Informed Consent regarding the DNNP LTC application.

CNSC staff have since updated the supplemental submission to clarify this point and address the broader issues raised by MISFN related to the CNSC's policy, mandate, legislation, and authorities. CNSC staff are committed to working with you and your team to address these broader concerns and identify potential solutions and areas for improvement.

Regarding cumulative effects and historic/legacy concerns, we understand that these are important issues for you and your Nation, and we take these concerns seriously. CNSC staff note that cumulative effects were considered and assessed in the Environmental Assessment (EA) and Environmental Impact Statement (EIS) Review process for the DNNP. In the [Record of Decision, Determination of Applicability of Darlington New Nuclear Project Environmental Assessment to OPG's Chosen Reactor Technology](#), the Commission concluded that "residual significant adverse cumulative effects associated with the proposed deployment of the BWRX-300 reactor are bounded by the EA."¹ The Commission also made specific acknowledgements with respect to cumulative effects; these are detailed under key concern #5 in the Appendix of this letter.

CNSC staff have sought feedback from the Michi Saagiig Nations regarding the cumulative effects on Rights and have worked to include the context of historical, cumulative, and legacy impacts on Rights in CNSC staff's supplemental submission. Additionally, CNSC staff have provided funding and support to the MSIFN for a cumulative effects assessment. CNSC staff are committed to working with the MSIFN and the other Michi Saagiig Nations to determine how they want the results of these studies, when provided to CNSC and OPG, to be incorporated, considered, and reflected in the CNSC's regulatory processes and ongoing oversight of the DNNP, should the project proceed.

Throughout the consultation and regulatory review process for the DNNP LTC application, CNSC staff have strived to work with your team in collaborating on a Rights Impact Assessment (RIA) process with the intention of supporting your Nation in clearly documenting these concerns, how they relate to the proposed DNNP LTC, and potential measures to address them. CNSC staff continue to encourage the Michi Saagiig Nations to share their views on this through their oral and written interventions to the Commission.

As stated, our intention with the wording in the referenced section in our draft supplemental submission to the Commission was to acknowledge that MSIFN has also raised broader policy concerns in relation to the CNSC and Government of Canada's policies and approaches to addressing cumulative effects and legacy concerns which are not specific to the DNNP. We have made updates to the section of the supplemental submission based on your feedback to ensure these points are clarified. We want to reiterate that we are committed to working with MSIFN and relevant authorities on this matter, including Natural Resources Canada and OPG, to better understand, assess and look for potential solutions in relation to the broader concerns your Nation has raised.

CNSC's legal obligations with respect to consultation:

Regarding the second concern raised in your letter, as a regulatory tribunal, the CNSC must perform its duties and exercise its powers, not only in accordance with its legislative mandates, but also in accordance with section 35 of the *Constitution Act, 1982* and other applicable laws. Based on your feedback, to

¹ Record of Decision. DEC 24-H2 *In the Matter of Applicant Ontario Power Generation Inc. Subject Determination of Applicability of Darlington New Nuclear Project Environmental Assessment to OPG's Chosen Reactor Technology*. Public Hearing Dates January 23-25, 2024, Record of Decision Date April 19, 2024. at para 155.

ensure there is clarity with regards to the CNSC's approach and intent with regards to upholding the honour of the Crown, we have updated the language used in both CNSC staff's supplemental submission and staff's presentation to the Commission to specify that the Commission decision will need to **uphold** Aboriginal and/ or Treaty Rights, rather than **consider**.

While you have indicated that MSIFN will not be providing feedback on the supplemental submission, CNSC staff shared the updated draft supplemental report with MSIFN on November 25, 2024, which includes changes based on your feedback and comments. This is part of our ongoing commitment to meaningfully involve, consult, and engage your Nation at every step of the regulatory review process for the DNNP LTC application.

Consultation and engagement efforts with MSIFN:

The CNSC and MSIFN have a long-standing relationship that is built on two-way dialogue, regular communication, and collaboration. Since the start of the regulatory review process for the DNNP LTC application, we have strived to consult and engage MSIFN in good faith with the goal of working collaboratively to ensure that MSIFN's concerns with regards to the project are heard, well understood, clearly documented, and addressed. We have approached all discussions and consultations on the DNNP LTC application from a place and intent of flexibility, openness, and fairness, with the overall goal of addressing impacts to Rights and identifying solutions.

We are constantly seeking out and acting on feedback and requests that we receive from your team and looking to find meaningful responses and a path forward. We have taken action to incorporate feedback, knowledge and perspectives shared by MSIFN, rather than simply responding and reporting. I would like to highlight our efforts to respond to and take action on the concerns and recommendations raised by MSIFN in relation to the DNNP LTC application to date and have provided detailed responses in an Appendix to this letter for your reference.

CNSC staff's goal with our consultation and engagement efforts is to strive to achieve consensus on the key issues and concerns raised by your Nation and to collaboratively develop measures and commitments to address impacts to Rights, concerns, requests and recommendations raised by MSIFN. We remain open to discussing the approaches and different options to ensure our approach to consultation is flexible.

I would like to thank the Minogi consultation team for their efforts, time, and dedication through this process so far. We truly appreciate their efforts and the work they put into engaging and working with us.

We look forward to our ongoing collaboration together and hope that we can meet soon to discuss how we can work to implement these important commitments and improvements on the DNNP and other projects and processes that the CNSC and MSIFN are working on together. We always appreciate the feedback you provide us and take it seriously. The relationship with you and your Nation is important for the CNSC now and over the long-term.

All the best,

Adam Levine

Director
Indigenous Consultation and Engagement Division
Canadian Nuclear Safety Commission
adam.levine@cnsccsn.gc.ca | 613-462-5159

c.c. CNSC: E. Janzen, L. DeCoste, J. Gordon, A. Mazur
MSIFN: S. Shrubsole, D. Richardson, R. Lukacs, K. Ponce de Leon

Appendix: MSIFN Key Concerns and CNSC Response

CNSC staff have summarized here for your reference key concerns regarding the DNNP LTC raised by MSIFN during consultations and provided a high-level response to outline our efforts in addressing these concerns. Please note that this summary highlights only **some** of the concerns raised by MSIFN and **some** examples of CNSC staff's actions to address them. For a more detailed account of MSIFN's specific concerns, our detailed responses, and the complete record of our consultation activities with MSIFN to date, please refer to our staff's supplemental submission, including the MSIFN issues tracking table, to the Commission for the DNNP LTC.

Key concern raised by MSIFN	CNSC response
<p>1. MSIFN raised concerns regarding the CNSC's approach to consultation for the DNNP, indicating that the approach has not been collaborative, that there has been a lack of meaningful dialogue and that the process was decided upon by the Crown, without considering MSIFN's process or needs.</p>	<p>CNSC staff have aimed to have a flexible and customized approach to consultation for the DNNP LTC, being mindful and sensitive to MSIFN's specific Rights, interests, capacity, and needs.</p> <p>Collaborative initiatives CNSC staff have undertaken include:</p> <ul style="list-style-type: none"> • Regular consultation meetings as well as separate project-specific meetings and workshops to discuss, understand and address MSIFN's concerns. • Seeking MSIFN's input and preferences with regards to an approach to consultation and assessing impacts to Rights and interests. • Collaborating on an MSIFN issues tracking table which outlines MSIFN's issues and concerns raised and responses and status of the issue. The tables are regularly sent to MSIFN for review and comment. CNSC staff seek input from subject matter experts, OPG and federal partners on the issues raised to ensure accurate and comprehensive responses for MSIFN. • Working to find options to ensure that the consultation process for the DNNP LTC is consistent with best practices, including exploring options for conducting a collaborative RIA. • Requesting feedback on alternative approaches to assessments, including providing alternative options for completing a RIA.

Key concern raised by MSIFN	CNSC response
	<ul style="list-style-type: none"> • Incorporating MSIFN’s feedback into the CNSC’s DNNP Environmental Impact Statement, Plant Parameter Envelope, Consultation Report, Commission Member Document, CNSC staff’s presentation to the Commission and speaking notes. • Funding to support participation in Commission hearings, submitting interventions and to support a Mississauga-led Indigenous Knowledge study and cumulative effects assessment. • Providing timely responses to all MSIFN information requests, questions, and inquiries. • Coordinating meetings between all Michi Saagiig Nations, CNSC leadership and OPG. • Offering to have community consultation sessions and meetings with leadership. <p>Furthermore, when MSIFN raised concerns about the Commission hearing process, CNSC staff shared those concerns with the CNSC’s Registry who sent a letter to Chief LaRocca requesting a meeting to discuss how to make the hearings more accommodating and respectful of Indigenous Nations and communities and their leadership. In response to this, CNSC staff organized a meeting for December 9, 2024, between the Michi Saagiig Nations and the CNSC Commission Registry.</p>
<p>2. MSIFN has raised concerns with the policy, regulatory and legislative framework that the CNSC works within with regards to consultation, requesting that the CNSC’s consultation process be brought up to modern standards and implement the UNDA.</p>	<p>CNSC staff have been striving to carry out a meaningful and robust consultation process for the DNNP LTC that is in line with current best practices across the federal Government including working to achieve a consensus on the DNNP LTC. CNSC staff have sought to understand and address key issues and concerns raised by MSIFN and other Michi Saagiig Nations and collaboratively identify measures and commitments to address them.</p> <p>CNSC staff have made the following commitments to work to address MSIFN’s</p>

Key concern raised by MSIFN	CNSC response
	<p>broader concerns with regards to the CNSC's implementation of UNDA/UNDRIP:</p> <ul style="list-style-type: none"> • Planning on setting up broader policy roundtable discussions with MSIFN and other interested Michi Saagiig Nations to solicit feedback regarding the CNSC's approach to consultation, engagement, regulatory framework and UNDA/UNDRIP implementation. • Setting up meetings and discussions with CNSC staff, the Michi Saagiig Nations and Natural Resources Canada on UNDA policy and related Action Plan Measures. • Consulting with MSIFN on the updates to CNSC REGDOC-3.2.2: <i>Indigenous Engagement</i>. <p>The CNSC acknowledges this is a work in progress and is committed to continuing to evolve it's approaches to align with best practices and guidance that emerge through whole-of-government implementation of UNDA.</p>
<p>3. MSIFN requests that the CNSC must retain an element of control over OPG's adherence to any of its commitments to MSIFN to ensure MSIFN's Rights are adequately recognized and protected.</p>	<p>CNSC staff have recommended a site-specific condition in the proposed DNNP construction licence and draft Licence Conditions Handbook. This is outlined in CNSC staff's supplemental submission.</p> <p>Licence condition 15.4 would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the licence phase, should the Commission grant a construction licence. Additionally, it will require OPG to continue to collaborate with the interested Williams Treaties First Nations on the various studies and assessments OPG has committed to.</p> <p>Licence condition 15.4 will ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities.</p> <p>CNSC staff are committed to working with MSIFN and other Michi Saagiig Nations on developing a formal working group structure with CNSC staff and OPG to collaborate on oversight,</p>

Key concern raised by MSIFN	CNSC response
	<p>implementation and reporting on all commitments made by OPG and CNSC staff as part of the consultation and engagement process for the DNNP LTC.</p> <p>Furthermore, in CNSC staff's supplemental submission, CNSC staff recommend that the Commission request that OPG continue to make efforts on their commitments to Indigenous commercial participation, the advancement of OPG's Indigenous engagement roadmap, as well as a DNNP agreement and long-term relationship agreement for the sites in the traditional territories of the Michi Saagiig Nations.</p> <p>CNSC staff remain open to discussing the approach and different options to ensuring OPG's commitments are upheld and there is clear reporting to the Commission in collaboration with MSIFN and other Michi Saagiig Nations.</p>
<p>4. MSIFN has stressed the need and requirement for Indigenous Knowledge to be included in the DNNP LTC regulatory review process and have raised concerns about the lack of an Indigenous Knowledge study being completed at this time.</p>	<p>CNSC staff have been having discussions with many of the Williams Treaties First Nations for many years about how the CNSC could support an Indigenous Knowledge study, either collectively or individually, including offering funding and technical support.</p> <p>CNSC staff have proposed a commitment regarding the financial and technical support for an Indigenous Knowledge study and cumulative effects assessment which has been outlined in the CNSC Consultation Report, the Part 1 hearing presentation to the Commission, and now in CNSC staff's supplemental submission for the Part 2 hearing.</p> <p>In the Record of Decision, <i>Determination of Applicability of Darlington New Nuclear Project Environmental Assessment to OPG's Chosen Reactor Technology</i>, the Commission directed OPG to work collaboratively with interested Williams Treaties First Nations (WTFN) to scope out the extent, timing and content of an Indigenous Knowledge study. The Commission directed CNSC staff to support this collaborative work on the Indigenous Knowledge study.</p>

Key concern raised by MSIFN	CNSC response
	<p>CNSC staff’s understanding is that MSIFN has contracted a firm to draft a framework for Indigenous Knowledge research specific to OPG nuclear facilities, incorporating traditional governance structures from each participating Nation to assist the Michi Saagiig Nations in moving forward. Once a framework is in place, each Nation will determine how to proceed in the best way for their community.</p> <p>CNSC staff have provided funding and support for the studies when requested by the Michi Saagiig Nations. For example, on November 4, 2024, the CNSC awarded funding to MSIFN to support hiring staff to assist with the Indigenous Knowledge study, cumulative effects assessment, and RIA. We look forward to working together to complete these important studies and ensure that the results and information shared with ourselves and OPG are reflected in the follow up program, monitoring, and oversight of the DNNP.</p>
<p>5. MSIFN has concerns regarding cumulative effects and accurately capturing impacts to the environment and Treaty Rights over time relating to the DNNP.</p>	<p>CNSC staff note that cumulative effects were considered and assessed in the EA and EIS Review process for the DNNP.</p> <p>In the Record of Decision, <i>Determination of Applicability of Darlington New Nuclear Project Environmental Assessment to OPG’s Chosen Reactor Technology</i>, the Commission made the following acknowledgments with respect to cumulative effects:</p> <p><i>The Commission acknowledges, as has OPG and several of the Indigenous Nations and communities, that there has been an evolution over time, in what may be expected, in terms of a cumulative effects assessment on Indigenous rights. In light of this, which relates not to the technology choice of OPG – and therefore the efficacy of the EA that was done – but to the evolution of these expectations, the Commission expects that:</i></p> <ul style="list-style-type: none"> • <i>OPG shall work collaboratively with Williams Treaties First Nations and make best efforts to scope out the extent, timing</i>

Key concern raised by MSIFN	CNSC response
	<p><i>and content of an updated cumulative effects assessment including cumulative effects on Indigenous rights in the Project area incorporating Indigenous knowledge.</i></p> <ul style="list-style-type: none"> • <i>CNSC staff shall support OPG's undertaking of a cumulative effects assessment that includes cumulative effects on Indigenous rights in the Project area.²</i> <p><i>The Commission acknowledges that cumulative effects of an ongoing project, and historical context, inform the scope of the duty to consult. However, the Commission's direction in this decision for an updated assessment of cumulative effects in the EIS is not an attempt to redress past wrongs; it is to recognize an existing state of affairs and to address the consequences of what may result from the Project.³</i></p> <p>Licence condition 15.4 will ensure that CNSC staff have a mechanism for regulatory oversight of OPG's engagement and commitments made to the Indigenous Nations and communities; this licence condition is discussed further in MSIFN key concern #3.</p> <p>For the DNNP LTC application RIA, CNSC staff sought feedback from MSIFN on how to include and reflect their perspectives on historic and cumulative effects as part of the RIA. Specifically, in October 2023, CNSC staff presented the CNSC's general framework for RIAs to MSIFN to seek feedback and perspectives.</p> <p>CNSC staff have acknowledged that this information may not be readily available at this time and have made efforts to work with MSIFN to gather and incorporate information that is available at this time to support the decision-making process. CNSC staff have offered to help</p>

² *Ibid* at para 156.

³ *Supra* note 1 at para 157.

Key concern raised by MSIFN	CNSC response
	<p>support MSIFN in gathering and documenting this important knowledge and data.</p> <p>CNSC staff have reiterated that we are committed to supporting a cumulative effects assessment and working with MSIFN to incorporate the outcomes of the study in CNSC’s regulatory processes and ongoing oversight of the DNNP, should the project proceed.</p>
<p>6. Concerns on the tight timelines of the project and the rushed completion of a RIA.</p>	<p>Since the start of the consultation process for the DNNP LTC, CNSC staff have sought feedback from MSIFN regarding the approach to consultation and assessing the DNNP’s potential impact on MSIFN’s Rights and interests. When MSIFN’s team raised concerns about the lack of existing Indigenous Knowledge and Land Use Data studies to help inform a RIA, CNSC staff explored different options to address the concerns including the option to potentially pause the regulatory process for the DNNP LTC until the Indigenous Knowledge study is completed (see May 13, 2024, CNSC/MSIFN meeting notes included in MSIFN’s intervention).</p> <p>MSIFN confirmed that MSIFN’s leaderships’ preference was to instead conduct the Indigenous Knowledge study in parallel with the DNNP continuing to proceed through the regulatory process.</p> <p>Furthermore, in the September 3, 2024, DNNP specific meeting (notes include in MSIFN’s intervention), MSIFN indicated that they have never stated a desire to delay the decision for the DNNP LTC application. CNSC staff respect these positions and offered to look for other options to address MSIFN’s concerns including collaborating on a narrative assessment of the project’s potential or actual impacts on Rights and interests and working to clearly articulate to the Commission existing data gaps and MSIFN’s key concerns. CNSC staff have also participated in multiple meetings with MSIFN and MSIFN legal counsel to discuss the approach to conducting a RIA and seeking clarity and feedback on MSIFN’s preferred approach to consultation and</p>

Key concern raised by MSIFN	CNSC response
	<p>assessing the project's potential or actual impacts to MSIFN's Rights and interests based on current best practices. CNSC staff have also provided responses and information in writing on multiple occasions with respect to the RIA and awarded funding to support MSIFN's ongoing participation in the process and consultation efforts with the CNSC and engagement with OPG.</p> <p>It has not been CNSC staff's intention to force an RIA process on MSIFN or freeze the assessment in a point in time, but rather to have open discussions about the preferred approach to assessing potential or actual impacts on Rights, communicating gaps and concerns of Nations to the Commission and working to address and accommodate potential or actual impacts, as required by the Crown's Duty to Consult and, where appropriate, accommodate. CNSC staff continue to encourage MSIFN and the other Michi Saagiig Nations to share their views on this through their oral and written interventions to the Commission.</p>

C.4 Correspondence with Curve Lake First Nation

Janzen, Emily

From: DeCoste, Laura
Sent: June 27, 2024 4:00 PM
To: Paige Williams; Consultation Lead
Cc: Francis M. Chua; Kayla Wright
Subject: RE: Update on the DNNP Licence to Construct hearing approach, notice of July 8 webinar and draft Agenda for in-person DNNP meeting on July 11th.

Hi all!

The Registry posted the [Notice of Hearing](#) today for the DNNP Licence to Construct application.

Part 1 of the hearing will be held virtually via Zoom on October 2, 2024. Part 2 will be a hybrid, held at the Ajax Convention Centre in Ajax, Ontario and virtually via Zoom, Starting on January 8 2025 (number of days to be determined).

Interventions will be due on November 4, 2024. I also wanted to flag that the Notice of Hearing indicates that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.

Please let me know if you have any questions.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura
Sent: Monday, June 17, 2024 9:42 AM
To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>
Cc: Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>
Subject: Update on the DNNP Licence to Construct hearing approach, notice of July 8 webinar and draft Agenda for in-person DNNP meeting on July 11th.

Hi Paige and Lois!

I am reaching to touch-base on a few DNNP related items.

DNNP Licence to Construct Hearing:

As noted below, the CNSC will now be having a 2-part hearing. Part 1 will occur in October 2024 and Part-2 will be in January 2025. Interventions will be part of the January 2025 part-2 hearing. The specific dates for both parts of the hearing are still to be determined. Based on this new schedule, CNSC staff's supplemental submission will be due in mid

December. As discussed previously, CNSC staff are aiming to collaborate with CLFN on the supplemental submission which will include an update on consultation activities, the rights impact assessment, updated issues tracking table and conclusions on the duty to consult and potential impacts to rights.

DNNP Webinar – July 8:

Additionally, the CNSC will be having a DNNP focused webinar on July 8th from 10:00 am to 11:30 am ET. The purpose of the webinar will be to discuss the application, the CNSC's review and results of the CNSC's assessment. For more information or to register, please go here: <https://www.cnsccsn.gc.ca/eng/get-involved/webinar-dnnp-july-2024/>. CNSC staff are also planning to discuss this information directly with CLFN during on July 11 DNNP focused meeting with OPG.

DNNP in-person meeting between CLFN, CNSC and OPG:

Attached please find a draft agenda for the July 11th in person DNNP meeting between CLFN, CNSC and OPG. Please note that we are open to any feedback or edits! Additionally, I have left a few comments in the document for CLFN to respond to.

Looking forward to further discussions on this approach, including upcoming consultation activities and proposed timelines.

Let me know if you have any questions or concerns!

Thanks,

Laura DeCoste

[she, her, elle]

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From: cnsccsn.info@cnsccsn.gc.ca <cnsccsn.info@cnsccsn.gc.ca>
Sent: Monday, June 10, 2024 4:36 PM
To: Information / Information (CNSC/CCSN) <cnsccsn.info@cnsccsn.gc.ca>
Subject: Details for Darlington New Nuclear Project to be announced shortly

The Canadian Nuclear Safety Commission will hold a 2-part public hearing in October 2024 and January 2025 to consider an application from Ontario Power Generation Inc. for a licence to construct a reactor facility for its [Darlington New Nuclear Project](#).

More details on this public hearing will be announced in an upcoming notice of hearing.

For all the latest CNSC news, visit CNSC's homepage at <https://www.nuclearsafety.gc.ca/eng/>

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Follow the CNSC on LinkedIn: <https://www.linkedin.com/company/cnsc-ccsn/life>

If you experience any difficulties in accessing the CNSC website, please send an email to cnsc.info.ccsn@cnsc-ccsn.gc.ca

To unsubscribe, send an email to cnsc.info.ccsn@cnsc-ccsn.gc.ca

Janzen, Emily

From: DeCoste, Laura
Sent: July 19, 2024 8:09 AM
To: Consultation Lead; Paige Williams; Francis M. Chua; Kayla Wright
Subject: DNNP Rights Impact Assessment documents for consideration
Attachments: Follow up from today's meeting - RIA documents and funding application for scoping an Indigenous Knowledge study ; For Curve Lake First Nation Review - Initial Draft of DNNP Licence to Construct Rights Impact Assessment ; CNSC, CLFN and HFN draft workplans for 2024 and follow up from December meeting

Hi all!

As discussed yesterday, I'm re-sharing documents and correspondence related to the DNNP rights impact assessment for CLFN's consideration.

If we do proceed with this approach to assessing potential impacts to rights, we will likely need to update the version of the report originally shared in April with information from the Commission Record of Decision and more recent commitments, views, and approach to next steps etc. As mentioned during the meeting, for the severity assessment, we could do a "higher level" narrative assessment or a more detailed decision matrix approach using the tables in annex A of the draft RIA.

CNSC staff will need to conduct an assessment and make recommendations to the Commission by December 2024 in order to support meeting the CNSC's Duty to Consult obligations. However, we are open to taking a different approach to this assessment to ensure that CLFN's concerns with regards to the territory, rights and interests as it relates to the DNNP Licence to Construct application are accurately communicated to the Commission to support their decision-making process together. CNSC staff's goal is to conduct the assessment in a way that is respectful and considerate of CLFN's concerns, perspectives and views.

Looking forward to further discussion on how CLFN would like to proceed!

Thank you,
Laura DeCoste
[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: August 27, 2024 3:19 PM
To: Paige Williams; Consultation Lead; Francis M. Chua; Kayla Wright
Subject: For CLFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2
Attachments: Draft Speaking notes for slides in CNSC staff's presentation at the Part 1 DNNP LTC hearing on October 2.docx; Draft slides in CNSC staff's presentation at the Part 1 DNNP LTC hearing on October 2.pptx

Hi everyone!

As mentioned at our meeting on August 15th, I am sharing draft slides from CNSC staff's presentation for the DNNP LTC Part 1 hearing on October 2nd for CLFN's review and comment. If you could review the slides **by September 11th**, that would be great! We will be required to finalize the slides for translation shortly after that.

However, if CLFN needs additional time to review the speaking notes, we can accept any edits or comments on the speaking notes until **September 18th**. I've included the speaking notes in the attached word document for ease of editing / commenting.

Note that the additional slides related to Indigenous consultation and engagement follow the Consultation Report posted in June very closely. No conclusions about the duty to consult or potential impacts on rights are included in this presentation, as we continue to consult with CLFN. The recommendations and conclusions will not be made until the CNSC's supplemental submission in December.

Please let me know if you have any questions. I will also follow up in the coming days with information about timelines for review of other CNSC documents and proposed next steps for consultation on the DNNP.

Thank you,

Laura DeCoste
[she, her, elle]

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Janzen, Emily

From: Francis M. Chua <francis@francischua.com>
Sent: September 11, 2024 3:35 PM
To: DeCoste, Laura; Paige Williams; Consultation Lead; Kayla Wright
Subject: Re: For CLFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2
Attachments: Draft slides in CNSC staff's presentation at the Part 1 DNNP LTC hearing on October 2 - FMC.pptx; Draft Speaking notes for slides in CNSC staff's presentation at the Part 1 DNNP LTC hearing on October 2 - FMC.docx
Follow Up Flag: Follow up
Flag Status: Completed

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura.

Here are our suggested edits.

Thanks.

~ Francis

Sincerely,

Francis M. Chua
Supporting Curve Lake First Nation
Director - Francis Chua Consulting Inc.
Cell: 519-375-6749

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Sent: Tuesday, August 27, 2024 3:19 PM
To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>
Subject: For CLFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi everyone!

As mentioned at our meeting on August 15th, I am sharing draft slides from CNSC staff's presentation for the DNNP LTC Part 1 hearing on October 2nd for CLFN's review and comment. If you could review the slides **by September 11th**, that would be great! We will be required to finalize the slides for translation shortly after that.

However, if CLFN needs additional time to review the speaking notes, we can accept any edits or comments on the speaking notes until **September 18th**. I've included the speaking notes in the attached word document for ease of editing / commenting.

Note that the additional slides related to Indigenous consultation and engagement follow the Consultation Report posted in June very closely. No conclusions about the duty to consult or potential impacts on rights are included in this presentation, as we continue to consult with CLFN. The recommendations and conclusions will not be made until the CNSC's supplemental submission in December.

Please let me know if you have any questions. I will also follow up in the coming days with information about timelines for review of other CNSC documents and proposed next steps for consultation on the DNNP.

Thank you,

Laura DeCoste

[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: October 1, 2024 4:31 PM
To: Paige Williams; Consultation Lead; Francis M. Chua; Kayla Wright
Subject: RE: Information for the CNSC's Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd

Hi all!

I also wanted to raise for CLFN's awareness that both OPG and CNSC staff have submitted supplemental information in advance of the hearing tomorrow. All the documents for the hearing can be found here: [Download Hearing Documents \(cnsccsn.gc.ca\)](https://www.cnsccsn.gc.ca). The documents are found under "Public Hearing Part-1 of October 2, 2024 – Ontario Power Generation - Darlington New Nuclear Project".

CNSC staff's [supplemental](#) includes an updated proposed licence which includes a new licence condition on Indigenous engagement. CNSC staff are recommending this condition which would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the construction phase, should the Commission grant a licence. Additionally, Licence Condition 15.4 sets out the expectation that OPG continues to engage and collaborate with the interested Williams Treaties First Nations on the ongoing studies and assessments OPG has committed to.

We welcome any comments or feedback from CLFN on the proposed licence condition. This could be done through CLFN's intervention or we would also be happy to receive any comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 hearing.

Happy to chat about this further!

Thank you,
Laura DeCoste
[she, her, elle]

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From: DeCoste, Laura
Sent: September 25, 2024 11:57 AM
To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>
Subject: Information for the CNSC's Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd

Hello all!

I'm reaching out to ensure CLFN has information about the Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd.

Please find the agenda for the October 2nd hearing here: [CMD 24-H6 - Agenda for October 2, 2024 Public Hearing \(cnscccsn.gc.ca\)](#)

The hearing will be webcast live on this site: [Watch a public Commission proceeding online \(cnscccsn.gc.ca\)](#). The site will be updated with a link to watch the stream on October 2nd.

Let me know if you have any questions.

Thank you,
Laura DeCoste
[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: October 8, 2024 3:55 PM
To: Paige Williams; Consultation Lead; Francis M. Chua; Kayla Wright
Cc: Levine, Adam; Janzen, Emily
Subject: Follow up to questions raised by Michi Saagiig Nations regarding jurisdiction of the lakebed at the DNNP site

Hello all!

In recent meetings with some of the Michi Saagiig Nations, comments and concerns have been raised around the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP. CNSC staff were asked to clarify the government's position and respond to the questions being raised. I am following up with CLFN on this matter as well, to provide our response for your information and to support further discussion, if CLFN has any questions or concerns on this topic.

CNSC staff consulted Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff are open to receiving more information to better understand the specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with CLFN and OPG, as appropriate.

Please let us know if you have any further questions or concerns on this matter.

Thank you,

Laura DeCoste

[she, her, elle]

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Janzen, Emily

From: Moses, Colin
Sent: October 24, 2024 9:40 AM
To: keithk@curvelake.ca
Cc: mindyk@curvelake.ca; paigew@curvelake.ca; francis@francischua.com; kayla@francischua.com; consultationlead@curvelake.ca; Jean Charles, Emmanuelle; Cropley, Julia; Levine, Adam; DeCoste, Laura
Subject: Introduction and Request for Meeting

Dear Chief Knott,

I hope this message finds you well. I am reaching out as the new Vice President of Regulatory Affairs for the Canadian Nuclear Safety Commission, overseeing the CNSC's Indigenous consultation and engagement programs. I understand that our President and Registrar have also introduced themselves recently, and I wanted to personally connect with you to build our relationship as the partnership between the CNSC and CLFN is a priority for us.

I would appreciate the opportunity to meet with you one-on-one soon to discuss how we can work together effectively. I'd like to explore CLFN's relationship with the CNSC, get feedback on your interactions with the CNSC to date and discuss how we can support addressing current challenges related to DNNP, as well as any other topics that are important to you.

If it's convenient, I'd suggest we arrange a virtual meeting in the coming weeks. Please let me know if you have availability. Additionally, I'm hopeful we can meet in person soon, whenever works best for you.

I look forward to connecting and fostering a productive partnership moving forward.

Warm regards,

Colin

Colin Moses
(he/him)
Vice-President Regulatory Affairs and Chief Communications Officer
Canadian Nuclear Safety Commission / Government of Canada
colin.moses@cnsccsn.gc.ca / Tel: 613-222-4533
www.nuclearsafety.gc.ca

(il/lui)
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Janzen, Emily

From: DeCoste, Laura
Sent: November 15, 2024 2:43 PM
To: Paige Williams; Consultation Lead; Francis M. Chua; Kayla Wright
Cc: Janzen, Emily
Subject: For CLFN review - draft slides and speaking notes for CNSC Staff presentation at the DNNP Part 2 hearing
Attachments: Draft Indigenous Consultation slides for DNNP LTC Part II Hearing .pptx; Draft speaking notes for CNSC staff Presentation at the DNNP Part 2 hearing .docx

Hi all!

Please find attached the draft slides and speaking notes for the CNSC presentation at the DNNP Part 2 hearing, for CLFN's review and feedback. Please note that there are some placeholders, where we will add our conclusions and recommendations. However, we are waiting until we receive any feedback from CLFN and the other Michi Saagiig Nations on the draft supplemental report prior to making and including conclusions in our documents. I also note that a lot of speaking notes are similar to the language used in the supplemental report so we'll make sure to apply any relevant edits from your review of the supplemental report to the speaking notes as well.

If you could provide any comments on the slides by **December 4th** that would be great! We have a bit more time for the speaking notes and would be looking for feedback on those by **December 20th**. I would also be happy to walk through these documents and receive any feedback at our November 21 monthly CNSC/CLFN meeting.

I hope everyone has a good weekend and looking forward to seeing everyone on Monday.

Thank you,
Laura DeCoste
[she, her, elle]

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Janzen, Emily

From: Kayla Wright <kayla@francischua.com>
Sent: November 21, 2024 12:20 PM
To: DeCoste, Laura; Paige Williams; consultationlead@curvelake.ca; Francis M. Chua
Subject: Re: For CLFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct
Attachments: For CLFN review - Supplemental submission on Indigenous Consultation for the DNNP LTC - KW.docx

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Thank you, Laura and apologies, for the delay! We had another all-day meeting in person yesterday so just getting back to my desk today :)

See attached and see you at 1pm.

Kayla

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Sent: Thursday, November 21, 2024 7:57:05 AM
To: Paige Williams <paigew@curvelake.ca>; consultationlead@curvelake.ca <consultationlead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>
Subject: RE: For CLFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct

Good morning all!

Just following up on our discussion on Tuesday to see whether CLFN is still planning on sending feedback on CNSC staff's draft supplemental report for the DNNP?

Happy to chat more at our meeting today.

Thank you,

Laura DeCoste

[she, her, elle]

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From: DeCoste, Laura
Sent: October 28, 2024 2:36 PM
To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua

<francis@francischua.com>; Kayla Wright <kayla@francischua.com>

Cc: Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Levine, Adam <adam.levine@cnscccsn.gc.ca>

Subject: For CLFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct

Hello everyone!

As mentioned in the email below and discussed at our October 17th meeting, please find attached a draft version of CNSC Staff's supplemental submission to the Commission regarding the DNNP Licence to Construct application for CLFN's review, feedback and input. If possible, please complete the first review of the report by **November 18th**.

A few items to note:

- The supplemental report is also going through internal reviews and review by other Nations, so there may be some changes made to the text. CNSC staff will flag any major changes made based on other reviewers when the report is shared back with CLFN for final review at the end of November.
- CNSC staff have not made conclusions in this version of the report, in order to first ensure that we have accurately understood and reflected CLFN's concerns, views and Rights. CNSC staff's plan is to make updates to the report based on CLFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. We are currently aiming to have the second version shared with CLFN around November 25th.
- CNSC staff may also include and provide responses to information in CLFN's intervention, as appropriate, in the second version of the report,
- We are also planning on sharing an updated issues tracking table, draft presentation slides and speaking notes with CLFN for review. Our proposed tentative timelines are found below.
- Lastly, all our reporting (except speaking notes) will need to be finalized by December 10th 2024.

Please let me know if you have any questions about this! We would also be happy to set up a meeting any time during CLFN's review to discuss the report or answer any questions you may have.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
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laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura

Sent: October 10, 2024 8:46 AM

To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>

Cc: Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Levine, Adam <adam.levine@cnscccsn.gc.ca>

Subject: Proposed next steps for DNNP LTC RIA and information about expected timelines for CLFN's review of CNSC documents

Good morning everyone!

I am following up to provide tentative timelines for when we expect to share CNSC staffs documents related to the DNNP Part 2 hearing with CLFN for your review and edit. I also wanted to provide information about proposed next steps for the Rights Impact Assessment (RIA) for the DNNP Licence to Construct application.

Please find the information about the tentative timelines for CLFN’s review of documents below:

Product	CNSC staff send for review	Requested date for comments and feedback by CLFN
Initial review of the Supplemental Report	October 28	November 18
Updated issues tracking table - CNSC staff will outline changes made to the previous version of the table	November 18	December 2
Part 2 presentation slides	November 20	December 4
Final review of supplemental report	November 25	December 4
Part 2 presentation speaking notes	November 29	December 20

Proposed next steps for DNNP LTC RIA

CNSC staff have heard concerns from CLFN about the proposed approach to the RIA and the initial draft shared in April 2024. CNSC staff have requested feedback from CLFN about their preferred approach on how to document information about CLFN’s rights, concerns with regards to the DNNP LTC and how it could impact the Nation’s rights and interests but have not yet received direction from CLFN. CNSC staff remain open to receiving this feedback to better facilitate CNSC’s ability to asses, consider and document CLFN views on any potential impacts to CLFN rights in the assessment and staff’s recommendations to the Commission

In the event CNSC staff do not receive feedback from CLFN on the preferred approach for the RIA, we propose proceeding with a narrative assessment, rather than the more detailed quantitative assessment that was shared for CLFN review in April 2024. A narrative assessment would focus on summarizing the key concerns we have heard to date in relation to the DNNP LTC from CLFN and commitments to date in an effort to address those concerns. CNSC staff would share this narrative based assessment with CLFN and invite CLFN to review and provide feedback and input including CLFN perspectives on whether the mitigation measures and commitments adequately address CLFN key concerns or if there are potential impacts that CLFN feels need additional mitigations or commitments. As indicated in the timelines above, we would aim to send this to CLFN by October 28th for initial review.

CNSC staff’s goal remains to work with CLFN to strive to achieve a consensus on the project and key issues and concerns. CNSC will continue to involve OPG in this work as appropriate. CNSC’s assessment of potential impacts to rights is intended to facilitate ensuring CLFN concerns in relation to the DNNP LTC application and measures and recommendations to address any identified concerns and CLFN perspectives, are considered and included as part of CNSC’s staff’s reporting and recommendations to the Commission.

We are happy to discuss this proposed path forward and receive any feedback from CLFN.

Thank you,
Laura DeCoste
 [she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
 Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées

Janzen, Emily

From: DeCoste, Laura
Sent: November 25, 2024 11:27 AM
To: Paige Williams; Consultation Lead; Francis M. Chua; Kayla Wright
Cc: Levine, Adam; Janzen, Emily
Subject: For CLFN review - CNSC staff's updated supplemental report and issues tracking table for the DNNP LTC application
Attachments: For CLFN - Supplemental submission_Indigenous Consultation V2.docx; For CLFN - Issues Tracking Tables for Supplemental.docx

Good morning everyone,

Thank you for the feedback on the draft supplemental report! As discussed at our Thursday meeting, we have worked to incorporate CLFN's and other Michi Saagiig Nations feedback on the report. Please find the updated report attached and note that:

- Sections 1.1, 3.4.2 and 3.5 have been significantly updated since the last version CLFN review
- Sections 3.6 and 5 are new and provide CNSC staff recommendations to the Commission
- New text or updates made based on CLFN's feedback in Section 2 are highlighted in yellow.

In addition to the updated supplemental, please find attached the draft CLFN issues tracking table. Similar to what we did for the June Consultation Report, we will be including the Nation specific issues tracking tables in an appendix of the supplemental CMD for DNNP. The section "Issues and Concerns raised since the submission of the Consultation Report in June 2024" includes the new text for CLFN's review.

If you have any comments or feedback on either document, please share by **December 6**. Also, please feel free to include CLFN's view on the status of the issues if you would like.

I would be happy to set up a meeting to walk through the documents and receive feedback orally from CLFN, if that would be helpful!

Thank you,
Laura DeCoste
[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division
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From: Kayla Wright <kayla@francischua.com>
Sent: November 21, 2024 12:20 PM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Paige Williams <paigew@curvelake.ca>; consultationlead@curvelake.ca; Francis M. Chua <francis@francischua.com>
Subject: Re: For CLFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct

Thank you, Laura and apologies, for the delay! We had another all-day meeting in person yesterday so just getting back to my desk today :)

See attached and see you at 1pm.

Kayla

From: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>

Sent: Thursday, November 21, 2024 7:57:05 AM

To: Paige Williams <paigew@curvelake.ca>; consultationlead@curvelake.ca <consultationlead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>

Subject: RE: For CLFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct

Good morning all!

Just following up on our discussion on Tuesday to see whether CLFN is still planning on sending feedback on CNSC staff's draft supplemental report for the DNNP?

Happy to chat more at our meeting today.

Thank you,

Laura DeCoste

[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division
Canadian Nuclear Safety Commission

laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Agente principale des politiques, Division de la consultation et de la mobilisation des Autochtones
Commission canadienne de sûreté nucléaire

laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura

Sent: October 28, 2024 2:36 PM

To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>

Cc: Janzen, Emily <emily.janzen@cnscccsn.gc.ca>; Levine, Adam <adam.levine@cnscccsn.gc.ca>

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Thank you,
Laura DeCoste
[she, her, elle]

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From: DeCoste, Laura
Sent: October 10, 2024 8:46 AM
To: Paige Williams <paigew@curvelake.ca>; Consultation Lead <ConsultationLead@curvelake.ca>; Francis M. Chua <francis@francischua.com>; Kayla Wright <kayla@francischua.com>
Cc: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>; Levine, Adam <adam.levine@cnsccsn.gc.ca>
Subject: Proposed next steps for DNNP LTC RIA and information about expected timelines for CLFN's review of CNSC documents

Good morning everyone!

I am following up to provide tentative timelines for when we expect to share CNSC staffs documents related to the DNNP Part 2 hearing with CLFN for your review and edit. I also wanted to provide information about proposed next steps for the Rights Impact Assessment (RIA) for the DNNP Licence to Construct application.

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We are happy to discuss this proposed path forward and receive any feedback from CLFN.

Thank you,
Laura DeCoste
 [she, her, elle]

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Janzen, Emily

From: Kayla Wright <kayla@francischua.com>
Sent: November 26, 2024 4:53 PM
To: DeCoste, Laura; Paige Williams; consultationlead@curvelake.ca; Francis M. Chua
Subject: Re: Potential for DFO to attend the CLFN/CNSC meeting on December 20th to discuss the DNNP Fisheries Act Authorization

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura,

Thank you, that would be great 😊

Kayla

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>
Sent: November 26, 2024 3:18 PM
To: Paige Williams <paigew@curvelake.ca>; consultationlead@curvelake.ca <consultationlead@curvelake.ca>; Kayla Wright <kayla@francischua.com>; Francis M. Chua <francis@francischua.com>
Subject: Potential for DFO to attend the CLFN/CNSC meeting on December 20th to discuss the DNNP Fisheries Act Authorization

Hello everyone!

In response to concerns raised at our November 18th DNNP meeting regarding consultation on the Fisheries Act Authorization (FAA) for the potential construction of the CCW and in water activities, we have reached out to Fisheries and Oceans Canada (DFO).

DFO has confirmed that they are available to attend the CLFN/CNSC meeting on December 20th to discuss these concerns further, answer questions and provide information about the status and process for the FAA. Please let me know if this is of interest to CLFN and if so, I will add it to the agenda and invite DFO.

Thank you,

Laura DeCoste

[she, her, elle]

Senior Policy Officer, Indigenous Consultation and Engagement Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

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C.5 Correspondence with Hiawatha First Nation

Janzen, Emily

From: DeCoste, Laura
Sent: June 27, 2024 4:01 PM
To: sdavison@hiawathafn.ca; Tom Cowie; relationships@4directionsconservation.com; Gary Pritchard
Subject: RE: Update on the DNNP Licence to Construct hearing approach and notice of July 8 webinar

Hi all!

The Registry posted the [Notice of Hearing](#) today for the DNNP Licence to Construct application.

Part 1 of the hearing will be held virtually via Zoom on October 2, 2024. Part 2 will be a hybrid, held at the Ajax Convention Centre in Ajax, Ontario and virtually via Zoom, Starting on January 8 2025 (number of days to be determined).

Interventions will be due on November 4, 2024. I also wanted to flag that the Notice of Hearing indicates that any requests for Indigenous language interpretation should be made to the Commission Registry by July 24, 2024.

Please let me know if you have any questions.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsc-ccsn.gc.ca | Tel: 343-571-6491

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laura.decoste@cnsc-ccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura
Sent: Monday, June 17, 2024 9:43 AM
To: sdavison@hiawathafn.ca; Tom Cowie <tcowie@hiawathafn.ca>; relationships@4directionsconservation.com; Gary Pritchard <gpritchard@4directionsconservation.com>
Subject: Update on the DNNP Licence to Construct hearing approach and notice of July 8 webinar

Hi all,

I am reaching to share information regarding the approach to the DNNP Licence to Construct hearing. As noted below, the CNSC will now be having a 2-part hearing. Part 1 will occur in October 2024 and Part-2 will be in January 2025. Interventions will be part of the January 2025 part-2 hearing. The specific dates for both parts of the hearing are still to be determined. Based on this new schedule, CNSC staff's supplemental submission will be due in mid December. As discussed previously, CNSC staff are aiming to collaborate with Hiawatha First Nation on the supplemental submission which will include an update on consultation activities, the Rights Impact Assessment, updated issues tracking table and conclusions.

Additionally, the CNSC will be having a DNNP focused webinar on July 8th from 10:00 am to 11:30 am ET. The purpose of the webinar will be to discuss the application, the CNSC's review and results of the CNSC's assessment. For more information or to register, please go here: <https://www.cnsccsn.gc.ca/eng/get-involved/webinar-dnnp-july-2024/>. CNSC staff are also planning to discuss this information directly with Hiawatha First Nation during on July 10 DNNP focused meeting with OPG.

Happy to discuss this approach, including upcoming consultation activities and proposed timelines at our monthly meeting this Thursday.

Let me know if you have any questions or concerns!

Thanks,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
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From: cnsccsn.info@cnsccsn.gc.ca <cnsccsn.info@cnsccsn.gc.ca>
Sent: Monday, June 10, 2024 4:36 PM
To: Information / Information (CNSC/CCSN) <cnsccsn.info@cnsccsn.gc.ca>
Subject: Details for Darlington New Nuclear Project to be announced shortly

The Canadian Nuclear Safety Commission will hold a 2-part public hearing in October 2024 and January 2025 to consider an application from Ontario Power Generation Inc. for a licence to construct a reactor facility for its [Darlington New Nuclear Project](#).

More details on this public hearing will be announced in an upcoming notice of hearing.

For all the latest CNSC news, visit CNSC's homepage at <https://www.nuclearsafety.gc.ca/eng/>

Follow the CNSC on Twitter: https://twitter.com/CNSC_CCSN

Subscribe to the CNSC's YouTube channels: <https://www.youtube.com/cnsccsn>

Follow the CNSC on Facebook: <https://www.facebook.com/CanadianNuclearSafetyCommission>

Follow the CNSC on LinkedIn: <https://www.linkedin.com/company/cnsccsn/life>

If you experience any difficulties in accessing the CNSC website, please send an email to cpsc.info.ccsn@cpsc-ccsn.gc.ca

To unsubscribe, send an email to cpsc.info.ccsn@cpsc-ccsn.gc.ca

Janzen, Emily

From: DeCoste, Laura
Sent: September 5, 2024 8:10 AM
To: sdavison@hiawathafn.ca; Tom Cowie; relationships@4directionsconservation.com; Gary Pritchard; Lee Scholl
Subject: Follow up from HFN's concerns regarding the DNNP permitting process and Fisheries Act Authorization

Hello everyone!

I am following up the concerns raised by HFN at our August 15th meeting regarding the permitting process for the DNNP, including concerns with the Fisheries Act Authorization (FAA).

Included below is a list of active permits for the DNNP that have been issued so far. The CNSC does not have a generic list of all permits that are required as it depends on the scope of the activities and the timing of those intended activities. Most of OPG's proposed activities require permits or authorisations issued either by the Province of Ontario or the Municipality of Clarington. Federal permits or authorisations are required where Federal laws supersede provincial laws, and are mostly related to the *Navigable Waters Act*, the *Fisheries Act* and *Migratory Birds Convention Act*; however, for example, Ontario MECP is the permitting authority with regards to Bank Swallows since the land is provincial and not federal. It is OPG's obligation and duty to ensure that all permits have been acquired and that they are in compliance with those permits/authorisations. The CNSC enforces the conditions of those permits, collaboratively with the other relevant regulatory agencies. If OPG is granted a construction licence, OPG will be required to continue to provide the CNSC with copies of the permits and authorisations from all levels of government. The CNSC's licensing team is able to attend a future monthly meeting discuss the topic of permitting and compliance/enforcement further.

I have also reached out to DFO to flag HFN's concerns about the FAA and request for meeting with DFO. DFO indicated that they are currently reviewing preliminary information provided by OPG regarding the construction of in-water structures. DFO has not yet received a FAA application from OPG for this phase of the project. Elyjah Schimmens is the main contact from DFO working on the DNNP file – he can be reached directly at elyjah.schimmens@dfo-mpo.gc.ca or [REDACTED]. Elyjah confirmed that DFO is open to meeting with HFN to discuss the DNNP further and answer any questions regarding DFO's review process. DFO confirmed they could join one of our monthly meetings or schedule one separately with HFN. Let me know if you would like me to invite him to our October 17th meeting or if you would prefer to reach out to Elyjah to set up a separate meeting.

Table of Active Permits for DNNP

Permit #	Description	Issuing Authority	Issued on	Expires on
0776-D3PFY2	Permit To Take Water pursuant to Section 34.1 of the Ontario Water Resources Act, R.S.O. 1990.	MECP	28-Mar-2024	01-Apr-2026
8287-CTQRMA	SWM for Warehouse building area, Switchyard area, Administration building area, parking lot area, AECON Trailer/Laydown Area, AECON Pre- Assembly Area and Black Veatch North and South Laydown Area, Reactor Unit 1 Area	MECP	14-Aug-2023	13-Aug-2028
CN-D-001-20	A permit under the Endangered Species Act, 2007 to authorize activities at the Project Location that would otherwise be prohibited by subsections 9(1) and 10(1) of the Endangered Species Act	MECP	14-Mar-2023	When Condition Fulfilled

C23-041-G	Development activities associated with vegetation clearing and grubbing, temporary access road construction, stockpiling of fill and construction of stormwater management pond (For Holt Road Lane addition)	CLOCA	01-May-2023	15-Dec-2024
C23-110-G	Development activities associated with site grading works on OPG's lands as per the approved plans	CLOCA	21-Jun-2023	16-Jun-2025
C23-140-BH	Development activities associated with construction of stormwater management system and associated outfall to Lake Ontario	CLOCA	27-Jul-2023	27-Jul-2025
C22-237-GWH	Development activities associated with clearing and grubbing as part of the early works site preparation phase for the OPG's Darlington New Nuclear Project	CLOCA	25-Oct-2022	24-Oct-2024
C23-202-WH	CLOCA Permit for clearing and grubbing of additional areas on the 2nd Line Road and east of maple groove road	CLOCA	29-Nov-2023	23-Feb-2025
AMOS-2023-PJA-00033-WP-001	A permit under the Public Lands Act in relation to the stormwater outlet construction	MNRF	11-Jul-2023	31-Dec-2024
BJ-2023-20T-00000119 V1	Temporary access road adjacent to Holt Road (east) so that earth and fill can be moved to the site to create a berm at 320 Holt Rd. in Clarington, ON	MTO	16-May-2023	No Expiry
23-HCAA-00912	Letter of Authorization for the installation of a stormwater outlet terminating on the shore of Lake Ontario	DFO	28-Jun-2023	No Expiry
C21-088-G	Development Activities Associated with Digging Numerous Deep Boreholes East of Darlington Nuclear Plant	CLOCA	19-May-2021	19-May-2023
C24-020-BW	For Development, Interference with Wetlands & Alterations to Shorelines & Watercourses	CLOCA	16-Feb-2024	16-Feb-2025
C24-018-GHS	For Development, Interference with Wetlands & Alterations to Shorelines & Watercourses	CLOCA	07-Mar-2024	07-Mar-2026
G14375	Site Plan Agreement 2012	Clarington	29-Mar-2012	No Expiry
2012-0013 & P/JN 26	Amendment to Site Plan Agreement 2012	Clarington	28-Mar-2022	No Expiry
2021-404730	Approval under CNWA to do Geotech Drilling	TC	24-Nov-2021	No Expiry

Please let me know if you have any questions!

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
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Janzen, Emily

From: Relationships and Engagement <relationships@4directionsconservation.com>
Sent: September 12, 2024 12:17 PM
To: Levine, Adam; DeCoste, Laura; sdavison@hiawathafn.ca; Janzen, Emily
Cc: Tom Cowie; Gary Pritchard; Lee Scholl
Subject: Re: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Follow Up Flag: Follow up
Flag Status: Completed

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Thanks Adam! Really appreciate your reception of my perspective.

From: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>
Sent: Thursday, September 12, 2024 12:16 PM
To: Relationships and Engagement <relationships@4directionsconservation.com>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>; sdavison@hiawathafn.ca <sdavison@hiawathafn.ca>; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>
Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>
Subject: RE: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Ok sounds good! I just sent out the invite to everyone on the email chain and we will see who can join. Talk soon! 😊

Adam

From: Relationships and Engagement <relationships@4directionsconservation.com>
Sent: Thursday, September 12, 2024 12:14 PM
To: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>; sdavison@hiawathafn.ca; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>
Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>
Subject: Re: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Thanks Adam. How about at 1:30 we can connect?

From: Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>
Sent: Thursday, September 12, 2024 12:12 PM
To: Relationships and Engagement <relationships@4directionsconservation.com>; DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>; sdavison@hiawathafn.ca <sdavison@hiawathafn.ca>; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>
Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl

[<lscholl@4directionsconservation.com>](mailto:lscholl@4directionsconservation.com)

Subject: RE: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi Trisha, no problem!! Definitely busy times...let us know if you want to try and connect later today? We can try and find a time that works on your end to have a quick chat about it.

The presentation is meant to be a summary and overview of what is in our publicly available consultation report which summarizes the facts of the consultation and engagement activities done to date and the key concerns that HFN has raised with us to date regarding the DNNP LTC.

We are happy to make adjustments, but we would need specific feedback by today for the slide content if you want certain things adjusted, or within the next 2 weeks on the speakers notes as those are to be finalized a bit later on. Let us know what you think and happy to try and find a time to chat to better understand the concerns/comments you are raising and if there is anything we can tweak on the slides or in the speakers notes to address that before things are finalized.

Also please note that this is just for the Part 1 hearing, and then we will have more time to collaborate on the content that goes to the Commission for the Part 2 hearing in January, where HFN will also have their own presentation/submission to express anything we aren't capturing etc. Let me know, thanks and talk soon!!

Adam

From: Relationships and Engagement <relationships@4directionsconservation.com>

Sent: Thursday, September 12, 2024 11:55 AM

To: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; sdavison@hiawathafn.ca; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>

Subject: Re: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura,

Sorry I wasn't able to make that timing work with Adam and Emily.

My day is getting away from me fast.

I'm not sure where to start, it's a bit deflating reviewing. On a high level, the slides and speaking notes colour the dialogue to make it seem like everything is being done correctly and well. This also relates back to my concerns about actual conflict of interest for CNSC staff and the process ahead.

There are no specifics in any of the information.

I also don't understand why HFN is targeted in the last slide and the speaking notes.

The issues that HFN has are not adequately summarized which makes me concerned that we're not being heard.

There is no measured reflection on what has actually been occurring. I was hoping to see something more balanced.

Respectfully,
Trish

From: DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>

Sent: Thursday, September 12, 2024 7:09 AM

To: Relationships and Engagement <relationships@4directionsconservation.com>; sdavison@hiawathafn.ca
<sdavison@hiawathafn.ca>; Levine, Adam <Adam.Levine@cncs-ccsn.gc.ca>; Janzen, Emily <emily.janzen@cncs-ccsn.gc.ca>

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>

Subject: RE: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Morning Trisha,

It looks like Adam and Emily are available between 1030 – 1130, it may be easiest to have a quick chat with them. If that works, Emily can set up meeting.

If that doesn't work on your end, send me a text at 343-571-6491 when you are free and we can try to connect this morning.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@cncs-ccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées

Commission canadienne de sûreté nucléaire

laura.decoste@cncs-ccsn.gc.ca | Tél: 343-571-6491

From: Relationships and Engagement <relationships@4directionsconservation.com>

Sent: September 11, 2024 6:28 PM

To: DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>; sdavison@hiawathafn.ca

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>

Subject: Re: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Can we chat tomorrow morning?

From: DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>

Sent: Wednesday, September 11, 2024 5:24 PM

To: Relationships and Engagement <relationships@4directionsconservation.com>; sdavison@hiawathafn.ca
<sdavison@hiawathafn.ca>

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl
<lscholl@4directionsconservation.com>

Subject: RE: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hey Trisha!

Sorry, I've been in the field today and will be again tomorrow. If you have time to have a quick chat in the morning let me know! It will probably be easiest to get in touch with me via text. However, we have to have the slides finalized by tomorrow afternoon – are there any edits to the slides that HFN could provide by then?

Then we have a bit more time to work through the speaking notes and could provide more context / additional details etc. as required that go beyond what is on the slides.

Thanks,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: Relationships and Engagement <relationships@4directionsconservation.com>

Sent: September 11, 2024 12:02 PM

To: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>; sdavison@hiawathafn.ca

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl
<lscholl@4directionsconservation.com>

Subject: Re: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Laura,

I've gone through the slides and speaking notes. We should probably have a call.

Are these the only slides and speaking notes for the presentation?

Miigwetch,

Trish

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: Wednesday, September 11, 2024 9:04 AM

To: sdavison@hiawathafn.ca <sdavison@hiawathafn.ca>; Relationships and Engagement
<relationships@4directionsconservation.com>

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>

Subject: FW: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Good morning all!

I am just following up to see whether HFN has any comments on the attached slides? If so, please provide the comments by the end of day today as the slides need to go for translation shortly.

Let me know if you have any questions.

Thank you!

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées

Commission canadienne de sûreté nucléaire

laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

From: DeCoste, Laura

Sent: August 27, 2024 3:21 PM

To: relationships@4directionsconservation.com; sdavison@hiawathafn.ca

Cc: Tom Cowie <tcowie@hiawathafn.ca>; Gary Pritchard <gpritchard@4directionsconservation.com>; Lee Scholl <lscholl@4directionsconservation.com>

Subject: For HFN review - Draft slides for the CNSC's presentation at the Part 1 DNNP LTC hearing on October 2

Hi Trisha and Sean!

As mentioned at our meeting on August 15th, I am sharing draft slides from CNSC staff's presentation for the DNNP LTC Part 1 hearing on October 2nd for HFN's review and comment. If you could review the slides **by September 11th**, that would be great! We will be required to finalize the slides for translation shortly after that.

However, if HFN needs additional time to review the speaking notes, we can accept any edits or comments on the speaking notes until **September 18th**. I've included the speaking notes in the attached word document for ease of editing / commenting.

Note that the additional slides related to Indigenous consultation and engagement follow the Consultation Report posted in June very closely. No conclusions about the duty to consult or potential impacts on rights are included in this presentation, as we continue to consult with HFN. The recommendations and conclusions will not be made until the CNSC's supplemental submission in December.

Please let me know if you have any questions. I will also follow up in the coming days with information about timelines for review of other CNSC documents and proposed next steps for consultation on the DNNP.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: October 1, 2024 4:33 PM
To: Sean Davison; Tom Cowie
Subject: RE: Information for the CNSC's Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd

Thanks Sean!

I also wanted to raise for HFN's awareness that both OPG and CNSC staff have submitted supplemental information in advance of the hearing tomorrow. All the documents for the hearing can be found here: [Download Hearing Documents \(cnscccsn.gc.ca\)](#). The documents are found under "Public Hearing Part-1 of October 2, 2024 – Ontario Power Generation - Darlington New Nuclear Project".

CNSC staff's [supplemental](#) includes an updated proposed licence which includes a new licence condition on Indigenous engagement. CNSC staff are recommending this condition which would require OPG to conduct ongoing Indigenous engagement specific to the DNNP throughout the construction phase, should the Commission grant a licence. Additionally, Licence Condition 15.4 sets out the expectation that OPG continues to engage and collaborate with the interested Williams Treaties First Nations on the ongoing studies and assessments OPG has committed to.

We welcome any comments or feedback from HFN on the proposed licence condition. This could be done through HFN's intervention or we would also be happy to receive any comments directly to consider and incorporate into any revisions to the text in advance of the Part 2 hearing.

Happy to chat about this further at a future meeting!

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnscccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnscccsn.gc.ca | Tél: 343-571-6491

From: Sean Davison <sdavison@hiawathafn.ca>
Sent: October 1, 2024 1:34 PM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Tom Cowie <tcowie@hiawathafn.ca>
Subject: RE: Information for the CNSC's Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Thanks Laura. I'll forward this along.

Sean

Miigwech;

Sean Davison

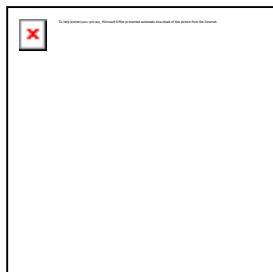
Lands and Resource Consultation

431 Hiawatha Line

Hiawatha First Nation, ON

K9J 0E6

705-295-4421 EXT# 215



"We, the Michisaagiig of Hiawatha First Nation, are a vibrant, proud, independent and healthy people balanced in the richness of our culture and traditional way of life."

Please note that Hiawatha First Nation is receiving an overwhelming number of consultation requests for proposed development in the territory and our response times are delayed as a result. We will respond to consultation requests in the order in which they are received. A delayed response DOES NOT MEAN that your proposal does not require consultation with Hiawatha First Nation.

From: DeCoste, Laura <laura.decoste@cncs-ccsn.gc.ca>

Sent: September 25, 2024 11:58 AM

To: Sean Davison <sdavison@hiawathafn.ca>; Tom Cowie <tcowie@hiawathafn.ca>

Subject: Information for the CNSC's Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd

ALERT: This message originated outside of HFN's network. **BE CAUTIOUS** before clicking any link or attachment.

Hello!

I'm reaching out to ensure HFN has information about the Part 1 hearing on OPG's Licence to Construct application for the DNNP on October 2nd, in case HFN would like to watch the hearing.

Please find the agenda for the October 2nd hearing here: [CMD 24-H6 - Agenda for October 2, 2024 Public Hearing \(cncs-ccsn.gc.ca\)](#)

The hearing will be webcast live on this site: [Watch a public Commission proceeding online \(cncs-ccsn.gc.ca\)](#). The site will be updated with a link to watch the stream on October 2nd.

Let me know if you have any questions.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées

Commission canadienne de sûreté nucléaire

laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: October 8, 2024 3:57 PM
To: sdavison@hiawathafn.ca; Tom Cowie
Cc: chiefcarr@hiawathafn.ca; Levine, Adam; Janzen, Emily
Subject: Follow up to questions and concerns raised by HFN regarding jurisdiction of the lakebed at the DNNP site

Hello Sean and Tom!

In previous meetings with HFN, comments and concerns were raised around the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP.

CNSC staff followed up with Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff are open to receiving more information from Hiawatha First Nation to better understand any specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with Hiawatha First Nation and OPG, as appropriate.

Please let us know if you have any further questions or concerns on this matter.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Tom Cowie <tcowie@hiawathafn.ca>
Sent: October 9, 2024 9:04 AM
To: DeCoste, Laura; Sean Davison
Cc: Chief Laurie Carr; Levine, Adam; Janzen, Emily
Subject: RE: Follow up to questions and concerns raised by HFN regarding jurisdiction of the lakebed at the DNNP site

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Aaniin Laura,

The statement that I made refers to the Treaty agreement in which it was for lands. In which it was stated that all they wanted was the depth of the plow for farming and to live on. It was asked if they wanted the waters and it was noted no. As for the Michi Saagiig we were Fisherman and stated that the shorelines and waterways were ours so we could continue our lifestyles. It was agreed on this is why we have jurisdiction over the manoomin in the area still today. When we signed the treaties we never gave up the natural law and jurisdiction of the lands and waters. It was the Indian Act 1876 (race based law) which took all our lands, deemed it Crown Land and made us Wards of the Crown which the Crown took direction over our lives with their manifest destiny. The act was set up to decimate the indigenous population by forcing the colonial attitude on them and treating indigenous people as sub human. The hope was to integrate the First Nation into Colonial lifestyle to make it easier to acquire the lands. First Nations are slowly winning more and more court cases every day. As a matter of fact a community right now is in the courts over water rights. It is unfortunate that First Nations have to still fight this Colonial attitude in this day and age. Have a great week.

Gichi manaadendamowin

Tom Cowie

Tom Cowie
Lands/Resources Consultation
Hiawatha First Nation
431 Hiawatha Line,
Hiawatha, On
K9J 0E6
705 295-4421 Ext. 216
Email tcowie@hiawathafn.ca



We, the Michi Saagiig of Hiawatha First Nation, are a vibrant, proud, independent and healthy people balanced in the richness of our culture and traditional way of life

From: DeCoste, Laura <laura.decoste@cnsccsn.gc.ca>

Sent: Tuesday, October 8, 2024 3:57 PM

To: Sean Davison <sdavison@hiawathafn.ca>; Tom Cowie <tcowie@hiawathafn.ca>

Cc: Chief Laurie Carr <chiefcarr@hiawathafn.ca>; Levine, Adam <Adam.Levine@cnsccsn.gc.ca>; Janzen, Emily <emily.janzen@cnsccsn.gc.ca>

Subject: Follow up to questions and concerns raised by HFN regarding jurisdiction of the lakebed at the DNNP site

ALERT: This message originated outside of HFN's network. **BE CAUTIOUS** before clicking any link or attachment.

Hello Sean and Tom!

In previous meetings with HFN, comments and concerns were raised around the jurisdiction of the lakebed where OPG is proposing in-water construction activities for DNNP.

CNSC staff followed up with Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and they confirmed that the Williams Treaties Settlement Agreement did not address any potential claim of the Williams Treaties First Nations to lakebeds or water and any lakebed assertions and is not something the Federal Government (as represented by CIRNAC) has a specific position on at this time. CNSC staff are open to receiving more information from Hiawatha First Nation to better understand any specific claims being raised and advanced with regards to rights in the region and will work to address any related concerns as it relates to the DNNP in collaboration with Hiawatha First Nation and OPG, as appropriate.

Please let us know if you have any further questions or concerns on this matter.

Thank you,

Laura DeCoste

[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division

Canadian Nuclear Safety Commission

laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire

laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: DeCoste, Laura
Sent: October 10, 2024 8:49 AM
To: sdavison@hiawathafn.ca; Tom Cowie
Cc: chiefcarr@hiawathafn.ca; Levine, Adam; Janzen, Emily
Subject: Proposed next steps for DNNP LTC RIA and information about expected timelines for HFN's review of CNSC documents

Good morning everyone!

I am following up to provide tentative timelines for when we expect to share CNSC staffs documents related to the DNNP Part 2 hearing with HFN for your review and edit. I also wanted to provide information about proposed next steps for the Rights Impact Assessment (RIA) for the DNNP Licence to Construct application.

Please find the information about the tentative timelines for HFN's review of documents below:

Product	CNSC staff send for review	Requested date for comments and feedback by HFN
Supplemental Report, including draft section on assessing potential impacts to rights (initial review)	October 28	November 18
Updated issues tracking table - CNSC staff will outline changes made to the previous version of the table	November 18	December 2
Part 2 presentation slides	November 20	December 4
Final review of supplemental report	November 25	December 4
Part 2 presentation speaking notes	November 29	December 20

Proposed next steps for DNNP LTC RIA

CNSC staff have heard concerns from HFN about proceeding with the proposed approach to the RIA and the initial draft that was shared in April 2024. CNSC staff have requested feedback from HFN about their preferred approach on how to document information about HFN's rights, concerns with regards to the DNNP LTC and how it could impact the Nation's rights and interests but have not yet received direction from HFN. CNSC staff remain open to receiving this feedback to better facilitate CNSC's ability to assess, consider and document HFN views on any potential impacts to HFN rights in the assessment and staff's recommendations to the Commission.

In the event CNSC staff do not receive feedback from HFN on the preferred approach for the RIA, we propose proceeding with a narrative assessment rather than the more detailed quantitative assessment that was shared for HFN review in April 2024. A narrative assessment would focus on summarizing the key concerns we have heard to date in relation to the DNNP LTC from HFN and commitments made to date in an effort to address those concerns. CNSC staff would share this narrative based assessment with HFN and invite HFN to review and provide feedback and input including HFN perspectives on whether the mitigation measures and commitments adequately address HFN key concerns or if there are potential impacts that HFN feels need additional mitigations or commitments. As indicated in the timelines above, we would aim to send this to HFN by October 28th for initial review.

CNSC staff's goal remains to work with HFN to strive to achieve a consensus on the project and key issues and concerns. CNSC will continue to involve OPG in this work as appropriate. CNSC's assessment of potential

impacts to rights is intended to facilitate ensuring HFN concerns in relation to the DNNP LTC application and measures and recommendations to address any identified concerns and HFN perspectives, are considered and included as part of CNSC's staff's reporting and recommendations to the Commission.

We are happy to discuss this proposed path forward and receive any feedback from HFN.

Thank you,
Laura DeCoste
[she, her, elle]

Acting Senior Policy Officer, Indigenous and Stakeholder Relations Division
Canadian Nuclear Safety Commission
laura.decoste@cnsccsn.gc.ca | Tel: 343-571-6491

Intérimaire Agente principale des politiques, Division des relations avec les Autochtones et les parties intéressées
Commission canadienne de sûreté nucléaire
laura.decoste@cnsccsn.gc.ca | Tél: 343-571-6491

Janzen, Emily

From: Moses, Colin
Sent: October 24, 2024 9:39 AM
To: chiefcarr@hiawathafn.ca
Cc: tcowie@hiawathafn.ca; sdavison@hiawathafn.ca; Jean Charles, Emmanuelle; Cropley, Julia; Levine, Adam; DeCoste, Laura
Subject: Introduction and Request for Meeting

Dear Chief Carr,

I hope this message finds you well. I am reaching out as the new Vice President of Regulatory Affairs for the Canadian Nuclear Safety Commission, overseeing the CNSC's Indigenous consultation and engagement programs. I understand that our President and Registrar have also introduced themselves recently, and I wanted to personally connect with you to build our relationship as the partnership between the CNSC and HFN is a priority for us.

I would appreciate the opportunity to meet with you one-on-one soon to discuss how we can work together effectively. I'd like to explore HFN's relationship with the CNSC, get feedback on your interactions with the CNSC to date and discuss how we can support addressing current challenges related to DNNP, as well as any other topics that are important to you.

If it's convenient, I'd suggest we arrange a virtual meeting in the coming weeks. Please let me know if you have availability. Additionally, I understand that you will be attending the DNNP meeting on November 18th with the 4 Michi Saagiig Nations, OPG and CNSC Staff. I will also be attending that meeting and look forward to meeting you in person.

I look forward to connecting and fostering a productive partnership moving forward.

Warm regards,

Colin

Colin Moses
(he/him)
Vice-President Regulatory Affairs and Chief Communications Officer
Canadian Nuclear Safety Commission / Government of Canada
colin.moses@cnsccsn.gc.ca / Tel: 613-222-4533
www.nuclearsafety.gc.ca

(il/lui)
Vice-Président des affaires réglementaires et Chef des communications
Commission canadienne de sûreté nucléaire / Gouvernement du Canada
colin.moses@cnsccsn.gc.ca / Tel: 613-222-4533
www.suretenucleaire.gc.ca

Janzen, Emily

From: DeCoste, Laura
Sent: October 28, 2024 2:37 PM
To: sdavison@hiawathafn.ca; Tom Cowie; chiefcarr@hiawathafn.ca
Cc: Janzen, Emily; Levine, Adam
Subject: For HFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct
Attachments: For HFN review - Supplemental submission on Indigenous Consultation for the DNNP LTC.docx

Hello everyone!

As mentioned in the email below and discussed at our October 17th meeting, please find attached a draft version of CNSC Staff's supplemental submission to the Commission regarding the DNNP Licence to Construct application for HFN's review, feedback and input. If possible, please complete the first review of the report by **November 18th**.

A few items to note:

- The supplemental report is also going through internal reviews and review by other Nations, so there may be some changes made to the text. CNSC staff will flag any major changes made based on other reviewers when the report is shared back with HFN for final review at the end of November.
- CNSC staff have not made conclusions in this version of the report, in order to first ensure that we have accurately understood and reflected HFN's concerns, views and Rights. CNSC staff's plan is to make updates to the report based on HFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. We are currently aiming to have the second version shared with HFN around November 25th.
- CNSC staff may also include and provide responses to information from HFN's intervention, as appropriate, in the second version of the report.
- We are also planning on sharing an updated issues tracking table, draft presentation slides and speaking notes with HFN for review. Our proposed tentative timelines are found below.
- Lastly, all our reporting (except speaking notes) will need to be finalized by December 10th 2024.

Please let me know if you have any questions about this! We would also be happy to set up a meeting any time during HFN's review to discuss the report or answer any questions you may have.

Thank you,
Laura DeCoste
[she, her, elle]

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From: DeCoste, Laura
Sent: October 10, 2024 8:49 AM
To: sdavison@hiawathafn.ca; Tom Cowie <tcowie@hiawathafn.ca>
Cc: chiefcarr@hiawathafn.ca; Levine, Adam <adam.levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>
Subject: Proposed next steps for DNNP LTC RIA and information about expected timelines for HFN's review of CNSC documents

Good morning everyone!

I am following up to provide tentative timelines for when we expect to share CNSC staffs documents related to the DNNP Part 2 hearing with HFN for your review and edit. I also wanted to provide information about proposed next steps for the Rights Impact Assessment (RIA) for the DNNP Licence to Construct application.

Please find the information about the tentative timelines for HFN's review of documents below:

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Updated issues tracking table - CNSC staff will outline changes made to the previous version of the table	November 18	December 2
Part 2 presentation slides	November 20	December 4
Final review of supplemental report	November 25	December 4
Part 2 presentation speaking notes	November 29	December 20

Proposed next steps for DNNP LTC RIA

CNSC staff have heard concerns from HFN about proceeding with the proposed approach to the RIA and the initial draft that was shared in April 2024. CNSC staff have requested feedback from HFN about their preferred approach on how to document information about HFN's rights, concerns with regards to the DNNP LTC and how it could impact the Nation's rights and interests but have not yet received direction from HFN. CNSC staff remain open to receiving this feedback to better facilitate CNSC's ability to assess, consider and document HFN views on any potential impacts to HFN rights in the assessment and staff's recommendations to the Commission.

In the event CNSC staff do not receive feedback from HFN on the preferred approach for the RIA, we propose proceeding with a narrative assessment rather than the more detailed quantitative assessment that was shared for HFN review in April 2024. A narrative assessment would focus on summarizing the key concerns we have heard to date in relation to the DNNP LTC from HFN and commitments made to date in an effort to address those concerns. CNSC staff would share this narrative based assessment with HFN and invite HFN to review and provide feedback and input including HFN perspectives on whether the mitigation measures and commitments adequately address HFN key concerns or if there are potential impacts that HFN feels need additional mitigations or commitments. As indicated in the timelines above, we would aim to send this to HFN by October 28th for initial review.

CNSC staff's goal remains to work with HFN to strive to achieve a consensus on the project and key issues and concerns. CNSC will continue to involve OPG in this work as appropriate. CNSC's assessment of potential impacts to rights is intended to facilitate ensuring HFN concerns in relation to the DNNP LTC application and

measures and recommendations to address any identified concerns and HFN perspectives, are considered and included as part of CNSC's staff's reporting and recommendations to the Commission.

We are happy to discuss this proposed path forward and receive any feedback from HFN.

Thank you,
Laura DeCoste
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Janzen, Emily

From: DeCoste, Laura
Sent: November 15, 2024 2:45 PM
To: sdavison@hiawathafn.ca; Tom Cowie
Cc: chiefcarr@hiawathafn.ca; Janzen, Emily
Subject: For HFN review - draft slides and speaking notes for CNSC presentation at the DNNP Part 2 hearing
Attachments: Draft Indigenous Consultation slides for DNNP LTC Part II Hearing .pptx; Draft speaking notes for CNSC staff Presentation at the DNNP Part 2 hearing .docx

Hi all!

Please find attached the draft slides and speaking notes for the CNSC presentation at the DNNP Part 2 hearing, for HFN's review and feedback. Please note that there are some placeholders, where we will add our conclusions and recommendations. However, we are waiting until we receive any feedback from HFN and the other Michi Saagiig Nations on the draft supplemental report prior to making and including conclusions in our documents. I also note that a lot of speaking notes are similar to the language used in the supplemental report, we'll make sure to apply any relevant edits from your review of the supplemental report to the speaking notes as well.

If you could provide any comments on the slides by **December 4th** that would be great! We have a bit more time for the speaking notes and would be looking for feedback on those by **December 20th**. I would also be happy to walk through these documents and receive any feedback at our November 21st monthly CNSC/HFN meeting.

I hope everyone has a good weekend and looking forward to seeing everyone on Monday.

Thank you,
Laura DeCoste
[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: November 26, 2024 3:19 PM
To: sdavison@hiawathafn.ca; Tom Cowie
Cc: chiefcarr@hiawathafn.ca
Subject: Potential for DFO to attend the HFN/CNSC meeting on December 20th to discuss the DNNP Fisheries Act Authorization

Hello everyone!

In response to concerns raised at our November 18th DNNP meeting regarding consultation on the Fisheries Act Authorization (FAA) for the potential construction of the CCW and in water activities, we have reached out to Fisheries and Oceans Canada (DFO).

DFO has confirmed that they are available to attend the HFN/CNSC meeting on December 20th to discuss these concerns further, answer questions and provide information about the status and process for the FAA. Please let me know if this is of interest to HFN and if so, I will add it to the agenda and invite DFO.

Thank you,

Laura DeCoste

[she, her, elle]

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Janzen, Emily

From: DeCoste, Laura
Sent: November 27, 2024 8:44 AM
To: Sean Davison; Tom Cowie; Trisha Shearer
Cc: Chief Laurie Carr; Levine, Adam; Janzen, Emily
Subject: RE: For HFN review - CNSC staff's draft supplemental report and issues tracking table for the DNNP Licence to Construct application

Good morning Sean!

Sounds good. Once you talk to Chief Carr, let us know if it would be helpful to set up a meeting next week to discuss this further.

Thank you,

Laura DeCoste

[she, her, elle]

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From: Sean Davison <sdavison@hiawathafn.ca>
Sent: November 27, 2024 8:24 AM
To: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>; Tom Cowie <tcowie@hiawathafn.ca>; Trisha Shearer <directorofoperations@hiawathafn.ca>
Cc: Chief Laurie Carr <chiefcarr@hiawathafn.ca>; Levine, Adam <Adam.Levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>
Subject: RE: For HFN review - CNSC staff's draft supplemental report and issues tracking table for the DNNP Licence to Construct application

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good morning Laura.

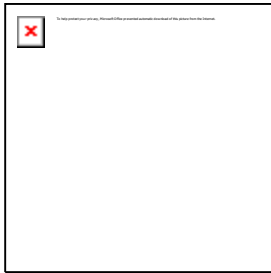
Thanks for the email. Chief Carr is on holidays returning next Monday. Not sure what's on Chiefs plate when she returns but I will try to get any answers on this for you before next Friday.

Sean

Miigwech;

Sean Davison
Lands and Resource Consultation

431 Hiawatha Line
Hiawatha First Nation, ON
K9J 0E6
705-295-4421 EXT# 215



“We, the Michisaagiig of Hiawatha First Nation, are a vibrant, proud, independent and healthy people balanced in the richness of our culture and traditional way of life.”

Please note that Hiawatha First Nation is receiving an overwhelming number of consultation requests for proposed development in the territory and our response times are delayed as a result. We will respond to consultation requests in the order in which they are received. A delayed response DOES NOT MEAN that your proposal does not require consultation with Hiawatha First Nation.

From: DeCoste, Laura <laura.decoste@cnscccsn.gc.ca>

Sent: November 25, 2024 11:25 AM

To: Sean Davison <sdavison@hiawathafn.ca>; Tom Cowie <tcowie@hiawathafn.ca>

Cc: Chief Laurie Carr <chiefcarr@hiawathafn.ca>; Levine, Adam <Adam.Levine@cnscccsn.gc.ca>; Janzen, Emily <emily.janzen@cnscccsn.gc.ca>

Subject: For HFN review - CNSC staff's draft supplemental report and issues tracking table for the DNNP Licence to Construct application

ALERT: This message originated outside of HFN's network. **BE CAUTIOUS** before clicking any link or attachment.

Good morning Sean and Tom,

As discussed at our Thursday meeting, please find attached draft CNSC documents for the DNNP LTC Part 2 hearing in January for HFN's review. CNSC staff have put together the following documents:

- **Supplemental report** outlining the consultation and engagement activities that the CNSC has conducted since submission of the Consultation Report the June 2024, the assessment of potential impacts on rights from the DNNP LTC application (including proposed mitigation and accommodation measures) and recommendations to the Commission related to the Duty to Consult and, where appropriate Accommodate. This report has been updated since the version shared with HFN on October 28, based on feedback received from the Michi Saagiig Nations.
- **Issues tracking tables** to highlight the concerns raised by Indigenous Nations and communities. The tables includes CNSC staff's responses to the issues raised and mitigation measures and commitments made in an effort to address the concerns. Similar to what we did for the June Consultation Report, we will be including the Nation specific issues tracking tables in an appendix of the supplemental CMD for DNNP. The section "Issues and Concerns raised since the submission of the Consultation Report in June 2024" includes the new text for HFN's review.

If you have any comments or feedback on either document, please share by **December 6**.

I would be happy to set up a meeting to discuss the documents and any feedback HFN has, HFN's outstanding concerns or whether HFN has any further requests for accommodations or mitigations in relation to the DNNP LTC. CNSC staff also acknowledge that HFN will have the opportunity to share their views and make recommendations directly to the Commission at the Part 2 hearing.

Thank you,
Laura DeCoste
[she, her, elle]

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From: DeCoste, Laura
Sent: October 28, 2024 2:37 PM
To: sdavison@hiawathafn.ca; Tom Cowie <tcowie@hiawathafn.ca>; chiefcarr@hiawathafn.ca
Cc: Janzen, Emily <emily.janzen@cnsccsn.gc.ca>; Levine, Adam <adam.levine@cnsccsn.gc.ca>
Subject: For HFN review - CNSC staff's draft supplemental submission related to the DNNP Licence to Construct

Hello everyone!

As mentioned in the email below and discussed at our October 17th meeting, please find attached a draft version of CNSC Staff's supplemental submission to the Commission regarding the DNNP Licence to Construct application for HFN's review, feedback and input. If possible, please complete the first review of the report by **November 18th**.

A few items to note:

- The supplemental report is also going through internal reviews and review by other Nations, so there may be some changes made to the text. CNSC staff will flag any major changes made based on other reviewers when the report is shared back with HFN for final review at the end of November.
- CNSC staff have not made conclusions in this version of the report, in order to first ensure that we have accurately understood and reflected HFN's concerns, views and Rights. CNSC staff's plan is to make updates to the report based on HFN's feedback and then include conclusions and recommendations, which will consider any feedback received, in the second version of the report. We are currently aiming to have the second version shared with HFN around November 25th.
- CNSC staff may also include and provide responses to information from HFN's intervention, as appropriate, in the second version of the report.
- We are also planning on sharing an updated issues tracking table, draft presentation slides and speaking notes with HFN for review. Our proposed tentative timelines are found below.
- Lastly, all our reporting (except speaking notes) will need to be finalized by December 10th 2024.

Please let me know if you have any questions about this! We would also be happy to set up a meeting any time during HFN's review to discuss the report or answer any questions you may have.

Thank you,
Laura DeCoste
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