
From: Sam Shrubsole <>
Sent: January 8, 2025 4:06 PM
To: Salmon, Candace
Cc: TIDMARSH Jennifer -INDREL; HADDLESEY Katie -INDREL; BUCKHAM Meghan -INDREL; WHETUNG-MACINNES Emily -INDREL; ; kelly.larocca; Taynar Simpson; Chief Keith Knott ; Paige Williams; Francis M. Chua; Kayla Wright; Don Richardson; ; Julie Kapyrka; Stephanie Zilinski; John Rowinski; Tom Cowie; Sean Davison
Subject: License Conditions for DNNP LTC LCH
Attachments: License Conditions - CNSC - DNNP - LTC - Jan 8 2025.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello,

Please see attached correspondence from MSIFN, Curve Lake, Hiawatha, and Alderville First Nations regarding license conditions for the DNNP License to Construct.

Sam Shrubsole

January 8, 2025

CMD# 24-H3.62A
CMD# 24-H3.81A
CMD# 24-H3.83A
CMD# 24-H3.85A

Ms. Candace Salmon
Commission Registrar
Canadian Nuclear Safety Commission
P.O. Box 1046
280 Slater Street
Ottawa, Ontario, K1P 5S9

SENT VIA EMAIL: registry-greffe@cnscccsn.gc.ca

Dear Ms. Salmon:

Supplementary Information in consideration of Ontario Power Generation's Licence to Construct application for one BWRX-300 reactor at the Darlington New Nuclear Project Site

The purpose of this letter is to request that the Canadian Nuclear Safety Commission ('CNSC') include two (2) new compliance verification criteria in the Darlington New Nuclear Project ('DNNP') Licence to Construct ('LTC') Licence Conditions Handbook ('LCH'). The proposed compliance verification criteria language was developed collaboratively by Ontario Power Generation ('OPG') and Alderville, Curve Lake, Hiawatha and the Mississaugas of Scugog Island First Nations (the Michi Saagiig Nations) that are signatories to the Williams Treaties. OPG and the Michi Saagiig Nations both support this request.

The proposed compliance verification criteria support ongoing Indigenous engagement and relationship building between the Michi Saagiig Nations and OPG throughout the licence period (please see Appendix A for the draft conditions). Our hope is that the CNSC will support including the draft licence conditions as currently drafted. However, if any of the proposed wording is unacceptable to the CNSC, we respectfully request that the CNSC confer with the Michi Saagiig Nations and OPG jointly to arrive at alternative language that can be supported by all parties.

We appreciate your time and consideration of this request.

Sincerely,


Chief Taynar
Simpson

Chief Keith
Knott
[To be signed as soon as
available]

 
Chief Laurie
Carr
Chief Kelly
LaRocca

Cc:

APPENDIX A – Potential Licence Conditions

Preamble (To Include in the Licence Condition Handbook (LCH))

OPG acknowledges that the Darlington New Nuclear Project (the 'Project') is located within the Williams Treaties Territories and Lake Ontario and the Crown has a constitutional duty to consult and, where appropriate, accommodate Indigenous communities for potential adverse effects the Project may have on Treaty and/or Aboriginal rights. The Provincial Crown has delegated the procedural aspects of consultation on permits associated with the Project to OPG.

#1

Condition: In order to assist the Crown in meeting its obligation to consult and, if appropriate, provide accommodations to the Michi Saagiig Nations in connection with future authorizations for the Project (including a Licence to Operate), OPG will engage with the Michi Saagiig Nations with the mutual goal of negotiating reasonable agreements for the Darlington New Nuclear Project (DNNP) which will include appropriate accommodations in connection with the Project. The Michi Saagiig Nations shall not unreasonably withhold their consent to future Canadian Nuclear Safety Commission authorizations for the Project (including a Licence to Operate) with such consent to be given through a binding Project Agreement. Accommodations within the binding Project Agreement may include, but not be limited to, participation in environmental monitoring, annual waste reviews, potential establishment of a long-term ecological restoration fund, instrument to protect the Beneficial Actions Areas, aquatic offsetting and terrestrial restoration, economic development opportunities and the support for an Indigenous Knowledge Study and its ongoing incorporation into all project phases of DNNP and unit operations.

#2

Condition: In order to fulfill the procedural aspects of the duty to consult in connection with future Provincial authorizations for the Project (which have been delegated to OPG by the Province of Ontario), including in particular the potential issuance by the Ministry of Natural Resources of a land use easement for the Lake Ontario lake bed, OPG shall engage with the Michi Saagiig Nations with the mutual goal of negotiating reasonable agreements which will include appropriate accommodations in connection with the construction and long term operation of a new Condenser Cooling Water Structure in Lake Ontario. The Michi Saagiig Nations shall not unreasonably withhold their consent to future Ministry of Natural Resources lakebed land use authorizations for the Project with such consent to be given through a binding agreement for the construction and long term operation of a new Condenser Cooling Water Structure in Lake Ontario.