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December 20, 2022

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Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

Dear President Velshi, Commission Members, and the Commission Secretariat:

Re: Kitigan Zibi Anishinabeg (“KZA”) Requests re Canadian Nuclear Laboratories (“CNL”) Application to Construct a Near Surface Disposal Facility (“NSDF”)

We are writing on behalf of our client, KZA, regarding CNL’s application to the Canadian Nuclear Safety Commission (the “**Commission**”) regarding the NSDF adjacent to the Kichi Sibi (Ottawa River) in Ottawa, Ontario.

On December 5, 2022, Chief Lance Haymond, Kebaowek First Nation (“**KFN**”), wrote to the Commission requesting an extension of time to submit documents and an oral hearing to present final submissions. We expressed a similar intent at a December 14, 2022 case management conference. In a letter dated December 15, 2022, CNL President and CEO, Joe McBrearty, and Atomic Energy of Canada Limited (“**AECL**”) President and CEO, Fred Dermarkar, expressed their support for KFN’s requests and indicated they would support a similar request from KZA, if such a request was made.

KZA now submits two requests to the Commission: (1) for an extension of time to submit documents from January 31, 2023 to April 30, 2023, and (2) for an oral hearing.

Request for Extension to Submit Documents

On July 5, 2022, the Commission Tribunal issued Procedural Direction DIR 22-H7 (the “**Procedural Direction**”), which permitted KZA to prepare additional evidence submissions relating to the NSDF and the Commission’s consultation efforts. Although KZA requested an additional twelve months to prepare these submissions, the Commission set a six-month deadline of January 31, 2023 (the “**Deadline**”). This additional time was intended “to accommodate the information that [KFN] and [KZA] were not adequately consulted” and “to allow for the Commission to receive further evidence and/or for more engagement and consultation to take place”.

KZA has been working diligently and in good faith since the release of the Procedural Direction, gathering its teams of legal and technical experts and consulting with Leadership and the community. KZA has entered into a process with the Commission and is presently reviewing the Rights Impact

Assessment. While KZA is in the early stages in its relationship with CNL, the parties remain far from addressing the concerns that have been raised to date or creating a process for continued dialogue.

Despite this progress, KZA still requires more time. KZA has faced many obstacles recently, including staffing shortages and a lack of available external experts in this field. This consultation relating to the NSDF reaches into deep and complex issues, concerns, and interests for KZA's community. KZA has navigated major impacts on our Indigenous rights for many centuries. The past 80 years of Chalk River Laboratories' operations are an inseparable part of this longer story, which further complicates the assessment of the NSDF. KZA's project team is crucial to ensuring KZA can make informed decisions about developments in its territory, particularly projects as complex and impactful as the NSDF.

This process is essential to ensure our rights and interests are respected through the engagement process. Meaningful consultation is not proving possible within this six-month deadline. KZA requires additional time to inform its community members and decision-makers about the NSDF and its impacts, as well as to accurately assess the impacts of this project on its Indigenous rights and impacts. This process should not be jeopardized by a time constraint.

As we noted above, KZA informed the Commission of its intention at the December 15, 2022 case management conference. CNL and AECL have expressed their support to this proposal.

Request for Oral Hearing

KZA also requests an oral hearing to present final submissions. The NSDF is a large project with many moving pieces that are difficult to effectively address in written submissions alone.

Like KFN, KZA is people of oral traditions and storytelling. An oral hearing in order to present final submissions for the NSDF would help to facilitate KZA's meaningful participation in the Commission's regulatory process. It would also show greater respect for, and understanding of, KZA's knowledge systems and culture. Such respect is particularly important given the Commission's commitment to building long-term relationships with Indigenous people. The nuclear sector is one that can invoke fear and skepticism amongst our community members. As KFN pointed out in their letter, an in-person hearing has greater potential to provide more transparency and the mutual education necessary for such a large and complex project occurring on unceded Algonquin territory. KZA also would like to ensure that Elders may also have the possibility of speaking to the Commission Tribunal, which requires an oral submission process.

KZA looks forward to being able to complete its ongoing work with the assistance of the Commission's approval to postpone the deadline to April 30, 2023. They also hope to participate in an in-person hearing, so that they might address the issues of Indigenous rights and the Crown's duty to consult in a more meaningful way.

We look forward to hearing from you.

Yours very truly,

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