



December 22, 2022

Sent by email

Chief Lance Haymond,
Kebaowek First Nation
lhaymond@kebaowek.ca

Chief Dylan Whiteduck,
Kitigan Zibi Anishinabeg
dylan.whiteduck@kza.gc.ca

SUBJECT: Request for Procedural Ruling in the Matter of CNL's Application Respecting the NSDF – Procedural Direction – Extension of Deadline and Request for Oral Hearing

Dear Chief Lance Haymond and Chief Dylan Whiteduck:

Background

On June 30th, 2022, the Commission issued a Procedural Direction allowing Kebaowek First Nation (KFN), Kitigan Zibi Anishinabeg (KZA), Canadian Nuclear Laboratories (CNL), Atomic Energy Canada Limited (AECL) and CNSC staff an opportunity to submit additional evidence and information on the subject of engagement and consultation, to be filed by January 31, 2023. The Commission decided to leave the record open and provide additional time to allow the Commission to receive further evidence and/or for more engagement and consultation to take place in respect of Kebaowek First Nation and the Kitigan Zibi Anishinabeg.

Request

By [letter dated December 5, 2022](#), the KFN requested:

1. an extension of the procedural direction deadline to submit documents from January 31, 2023 to April 30, 2023; and
2. the opportunity to present submissions by way of oral hearing to present final submissions.

In its request, KFN provided a proposed timeline for the participants to reach its proposed new deadline for filing.

By [joint letter dated December 15, 2022](#), CNL and AECL notified the Registry of their support of KFN's request to extend the submission date to April 30th, 2023 and the request for an oral

hearing. Also by that letter, both CNL and AECL indicated their support for the request that was anticipated to come from KZA, seeking the same procedural relief as the KFN.

By [letter dated December 20, 2022](#), KZA made its own procedural request, that aligns with the request of the KFN. The letter also refers to CNL and AECL's expressed support for the relief sought.

Decision

The President of the Commission, as a panel of the Commission on procedural matters, after considering the requests from KFN and KZA, together with the supporting letter from CNL and AECL, has decided to grant the extension of time.

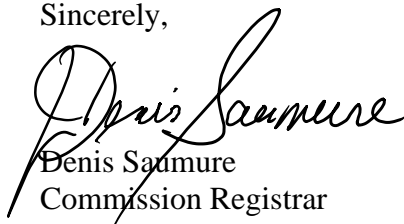
Mindful of the statutory direction in subsection 20(3) of the *Nuclear Safety And Control Act* that the Commission deal with proceedings "as informally and expeditiously as the circumstances and considerations of fairness permit", the Commission is satisfied that the interests at stake merit this extension. Noting the support of the applicant for this extension, the Commission is satisfied that the additional time requested is reasonable.

The Commission therefore rules as follows:

1. Any additional evidence and information respecting engagement and consultation by KFN, KZA, CNL, AECL and CNSC staff **shall be filed by May 01, 2023**.

With respect to the second part of the requests, seeking an opportunity to present orally, the Commission will determine the hearing process in January 2023. The Commission's decision and directions in this respect will be communicated to hearing participants through the Registry by January 30, 2023.

Sincerely,



Denis Saumure
Commission Registrar

CC:

CNL: J. McBrearty, K. York and S. Brewer
AECL: F. Dermarkar and J. Cameron
CNSC: K. Murthy, K. Campbell, H. Tadros, C. Cattrysse and A. Levine
KFN: J. Roy, R. van Schie, R. Pelletier and V. Wicks
BLG LLP: N. André and L. Daniel
KZA: E. Higgins and V. Brazeau