



2015 February 12

Mr. Brian Torrie
Director General, Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
OTTAWA, Ontario K1P 5S9

COMPLIANCE
Regulatory Affairs
145-CNNO-15-0005-L

Dear Mr. Torrie:

**SUBMISSION OF CANADIAN NUCLEAR LABORATORIES (CNL) COMMENTS ON REGDOC 3.2.2
ABORIGINAL ENGAGEMENT**

The purpose of this letter is to submit CNL's comments in regards to the draft CNSC REGDOC 3.2.2 Aboriginal Engagement.

Stakeholder outreach is an important part of CNL's overall presence in the communities where we operate. CNL would like to express our concerns with draft REGDOC 3.2.2 as currently written as it duplicates existing functions of our ongoing business activities and introduces confusion concerning the roles of the CNSC and the licensee with respect to the Duty to Consult with Aboriginals.

Aboriginal groups are a key stakeholder in our public activities and CNL makes every effort to keep them informed and, when necessary, engaged (i.e. licensing, changes to the environment, and adverse impact). This is explicitly outlined in CNL's Public Information Program. CNL believes that relationships with Aboriginals are established and maintained, and that engagements are conducted as required.

On the subject of CNSC and licensee roles, the draft REGDOC 3.2.2 needs to clarify expectations placed on the licensee, specifically in the area of Duty to Consult. Note that it is CNL's, and some of its Aboriginal stakeholders' understanding that the CNSC has responsibility for acting on behalf of the Crown which has the Duty to Consult in matters related to licensing. This requires further interpretation of the Supreme Court of Canada's decision concerning procedural delegation to third parties.

This is an important stakeholder group and the CNSC and licensees must ensure that next steps in this initiative truly enhance and improve ongoing Aboriginal engagements and meet the needs of Aboriginal groups involved.

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As an important next step in the consideration of this REGDOC the CNSC must consider intersections of this initiative with existing programs, such as CNL's Public Information Program; and the appropriate delineation of "Duty to Consult" responsibilities, and the Aboriginal stakeholders' acceptance of the path forward.

Yours sincerely,

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