Canadian Nuclear Safety Commission | Commission canadienne de sûreté nucléaire

CMD 20-H102.33

File/dossier : 6.01.07
Date : 2020-06-01
e-Docs pdf : 6309816

Written submission from Northwatch

Mémoire de Northwatch

In the Matter of

À l'égard de

Decision on the scope of an environmental assessment of the proposed Micro Modular Reactor Project at the Canadian Nuclear Laboratories Ltd., in Chalk River

Décision sur la portée de l'évaluation environnementale pour le projet de microréacteur modulaire aux Laboratoires Nucléaires Canadiens ltée, à Chalk River

Hearing in writing based on written submissions

Audience par écrit fondée sur des mémoires

June 2020

Juin 2020

Canada

NORTHWATCH

June 1, 2020

Ms. Rumina Velshi, President and CEO
Canadian Nuclear Safety Commission
280 Slater Street, Ottawa K1P 5S9

CMD 20-H102

Dear President Velshi:

Re. **Northwatch Comments on CNSC Staff's Proposed Scope of the Environmental Assessment of Global First Power's proposed Micro-Modular Reactor at Chalk River, Ontario**

As summarized by Canadian Nuclear Safety Commission (CNSC) staff in CMD 20-H102, in July 2019, the Canadian Nuclear Safety Commission received a revised project description for Global First Power's (GFP) proposed "Micro Modular Reactor" (MMR) Project at Chalk River. According to the summary in CMD 20-H102, the MMR Project is a proposal to prepare the site, construct, operate and decommission a new single small modular reactor (SMR) using MMR technology, located on the Chalk River Laboratories (CRL) site in Renfrew County, Ontario. The MMR Project is a proposal to use a High Temperature Gas Reactor (HTGR), which the proponent purports would provide process heat to an adjacent plant via molten salt. The process heat would then be converted into approximately 15 Megawatt (thermal) of steam that could be converted to electrical power and/or heat for the CRL site, or supply electrical power to the local power grid. The anticipated life span of the proposed project would be 20 years of reactor operations.[1]

On January 27th 2020 the CNSC issued a notice that in May 2020, the Canadian Nuclear Safety Commission (CNSC) would render a decision on the proposed scope of factors to be considered in the conduct of an environmental assessment (EA) for the project being proposed by Global First Power (GFP). The Notice indicated that the decision will be based on written submissions to the Commission, with the submission from CNSC staff to be available on after March 31, 2020 and a comment deadline of April 30th; those dates were later revised to May 1st and June 1st 2020.[2]

Northwatch's interest in this project is two-fold: 1) while not clearly stated, this project is part of an overall campaign of the nuclear industry in Canada (and elsewhere) to gain regulatory approvals and social and political acceptance of "small modular reactors" and both government and industry have signaled a strong interest in siting these nuclear reactors in northern communities and at industrial sites, including in northern Ontario; and 2) the project would generate radioactive wastes, and northern Ontario has been identified as a potential burial site – and so also a transportation route – for high level radioactive wastes.

Northwatch has reviewed CMD 20-H102 in which CNSC staff set out their proposal for scope of the EA of Global First Power's proposed "MMR" project, and the dispositioning of comments on the Project Description and has found both to be inadequate, for reasons set out below.

Proposed Scope of the EA of Global First Power's Proposed "MMR"

CNSC Staff make the following recommendation to the Commission:

> *Taking into account public and Indigenous groups' and organizations' comments and CNSC staff's review of the project description, CNSC staff recommend to the Commission that the scope of factors to be considered include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012 and that no other factors need to be considered in this EA*[3]

While the staff CMD does note that "the factors to be considered in the EA are listed in CEAA 2012 and additional factors can be added when warranted"[4] they nevertheless appear to take the most narrow approach available, limiting the scope to those required in every EA, as follows:

> *2.5.1 Scope of the Factors to be Considered*
>
> *All EAs are required to take into account subsection 19(1) factors of CEAA 2012:*
>
> *a) the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;*
> *b) the significance of the effects referred to in paragraph (a);*
> *c) comments from the public— or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the National Energy Board Act, any interested party — that are received in accordance with this Act;*
> *d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;*
> *e) the requirements of the follow-up program in respect of the designated project;*
> *f) the purpose of the designated project;*
> *g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;*
> *h) any change to the designated project that may be caused by the environment;*
> *i) the results of any relevant study conducted by a committee established under section 73 or 74; and*
> *j) any other matter relevant to the EA that the responsible authority, or — if the EA is referred to a review panel — the Minister, requires to be taken into account.*[5]

The problem is two-fold:

1) in listing these factors, the CMD fails to provide any of the additional detail, specificity or direction that are necessary to ensure that a sufficiently detailed and comprehensive set of environmental assessment documents are produced, and that the documents provide the information generally referred to in the factors to be considered that are set out in CEAA Subsection 19(1) and
2) the proposed scope takes the narrowest approach available in listing the factors to be considered, excluding some important subjects that should be included.

Factors Included in Scope Proposed by CNSC Staff

As noted above, while the scoping approach by CNSC staff does include the minimal requirements (and only those) the CMD fails to provide any of the additional detail, specificity or direction that are necessary to ensure that a sufficiently detailed and comprehensive set of environmental assessment documents are produced.

The scoping document should provide that additional detail and direction with respect to the factors to be considered as set out in CEAA Subsection 19(1), including but not limited to the following:

Factor listed in CEAA Subsection 19(1)		Level of description and detail required
a)	the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;	- each of the potential environmental effects are to be fully examined and described for each stage of the project (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment) - malfunctions and accidents are to be fully examined and described, particularly in light of the "first of a kind" nature of the project, the multiple players and the many unknowns related to the technology that is being proposed (both unknowns in terms of what technology is proposed and unknowns in terms of the performance of the technology in various time frames, settings and operating conditions) - cumulative effects are to be fully examined and described in light of the many nuclear-related activities on the Chalk River Laboratory property, and other industrial, military and other activities in the proximity of the proposed site (the Chalk River site); the cumulative effects assessment must include full consideration of upstream contributors (such as the NPDP at Rophton) and downstream effects; all effects and potential effects should be included, with no exclusion on the basis of an opaque application of some judgement of "significance" or lack thereof - specifically, the cumulative effects assessment must include a full inventory and evaluation of any and all past, current and proposed activities on the Chalk River site, including CNL's

		proposed Near Surface Disposal Facility, all radioactive waste sites in their various states, and any and all future projects being considered by CNL or which may fit within the broad framework of potential future activities referenced by CNL in various future-looking documents; these must be specifically set out and described by the proponent, based on full disclosure by CNL – the onus cannot be on CNSC staff or public or Indigenous participants in the review to identify these
b)	the significance of the effects referred to in paragraph (a);	- as set out with respect to (a), each of these to be fully examined and described for each stage of the project (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment) - all cumulative effects, including cumulative effects of potential future activities and projects must be considered in detail in this section
c)	comments from the public— or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the National Energy Board Act, any interested party — that are received in accordance with this Act;	- comments from the public and Indigenous peoples during the project review to date (including but not limited to comments on the Project Description) identify numerous additional issues which must be included in the scope of the EA / scope of information required to support the EA (see *Areas to be Added to Scope of the EA* below)
d)	mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;	- given that it is not yet known if the project itself may be "technically and economically feasible" the limiting of mitigation measures to those that might meet a test of "technically and economically feasible" is inappropriate - potential mitigation measures should be fully and broadly described, including as would apply to the project at all stages (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment) - potential mitigation measures should be fully and broadly described, including for all

		possible scenarios involving potential accidents and malfunctions, including malevolent acts; this must include all project stages (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment)
e)	the requirements of the follow-up program in respect of the designated project;	- as part of the follow-up program, the scoping document must clearly direct how followup programs will be carried out and how monitoring will be carried out - as part of the follow-up program, the scoping document must clearly set out the requirements for the proponent to design, carry out and report on a detailed monitoring program - as part of the follow-up program, the scoping document must clearly set out how monitoring results will be used to determine if EA predictions are being met - as part of the follow-up program, the scoping document must clearly set out how monitoring results will be used to assess whether mitigation measures have been sufficient - as part of the follow-up program, the scoping document must clearly set out how, in instances where monitoring results show variance from EA predictions, an evaluation will be undertaken and a decision-system applied to determine what additional mitigation measures must be applied - as part of the follow-up program, the scoping document must clearly set out how, in instances where monitoring results show variance from EA predictions, an evaluation will be undertaken and a decision-system applied to determine when project cessation is required
f)	the purpose of the designated project;	- the purpose and need for the project as proposed must be set out in detail, with supporting information and rationale - a statement of economic or business interest on the part of the proponent (GFP) or any of its several business partners (including CNL, CNEA, USN, OPG) does not meet the requirements of CEAA 2012 to describe the

		purpose or need of the project and should not be accepted as contributing to the description of need or purpose
g)	alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;	- given that it is not yet known if the project itself may be "technically and economically feasible" the demonstration that any alternative means will meet a test of "technically and economically feasible" is extremely important - the proposed means by which this assessment of technical and economic feasibility would be undertaken should be set out in detail by CNSC staff for review and comment prior to incorporation into the guidelines for this project
h)	any change to the designated project that may be caused by the environment;	- this factor should be detailed to include specific direction as to how the effects of a changing climate and climate disturbance may affect the project, including weather extremes, increased fire
i)	the results of any relevant study conducted by a committee established under section 73 or 74; and	- while we have no knowledge of such a committee or such a study having yet been established or carried out, it is wholly appropriate that such a committee be established and such a study be undertaken prior to this EA moving forward, in order to have the study inform the review, and the cumulative effects assessment in particular - the CNSC, as the sole responsible authority under CEAA 2012, should promptly make a request to the Minister that a study process such as set out in Sections 73 and 74 of CEAA 2012 should be initiated, and that the review timing be adjusted to allow conduct of the study and the consideration of its findings prior to making a finding on the GPF project proposal
j)	any other matter relevant to the EA that the responsible authority, or — if the EA is referred to a review panel — the Minister, requires to be taken into account	- the scope of the EA should include several additional matters, including but not limited to those set out in *Areas to be Added to Scope of the EA* below

In all of the above, the environmental assessment documents must be based on actual information, and descriptions must be referenced and supporting information available. Generalized statements,

unsupported predictions and/or broad hypothesis are inadequate, and should be rejected as forming any part of supporting documentation.

Areas to be Added to Scope of the EA

CNSC staff state that "Public and Indigenous groups' and organizations' comments received on the project description related to EA factors are captured in paragraphs 19(1) (a-h) of the CEAA 2012 factors and as such, CNSC staff are not recommending any additional factor, as per paragraph (j), to be included in the scope of the factors". [6]

This is erroneous on two counts:

1) comments provided on the project description where largely focussed on the adequacy of the project description; the public was invited to comment on the project description and was not directed to prepare comments with respect to the scope of the EA as part of their review of the project description[7]
2) Northwatch and other public and Indigenous participants raised several additional issues and concerns which should be reflected in the scope of the EA as set out in CMD 20-H102 but are not; the statement in CMD 20-H102 that "Public and Indigenous groups' and organizations' comments received on the project description related to EA factors are captured in paragraphs 19(1) (a-h) of the CEAA 2012" is incorrect

The following issues were raised by Northwatch in commenting on the Project Description and should be addressed as factors to be considered in the EA:

- proliferation risks associated with the project should be fully described
- detailed descriptions of nuclear reactors of this or similar design have operated safely, efficiently, effectively and economically with analysis of strengths and weaknesses of this design in comparison to other potential designs should be included
- property ownership and decision-making roles with respect to the Chalk River Laboratories (CRL) property (variously described Atomic Energy of Canada Limited (AECL) as the owner versus "Custodian" in project description) should be described in detail
- supply chain for design and reactor components for all project stages, including a differentiation between domestic supply chain, foreign supply chain, and export opportunities should be described in detail
- fully detailed description of funding, funding sources, ownership and ownership arrangements including as they relate to ownership liabilities should be included; this should include a detailed and well documented / referenced description of the partnership arrangements between Global First Power, Canadian Nuclear Laboratories, Canadian Nuclear Energy Alliance, Atomic Energy of Canada Limited, Ontario Power Generation (OPG), Ultra-Safe Nuclear and others

- the EA documents should include full and detailed disclosure of the organizational and corporate arrangements, including where and how financial and other liabilities are assigned, among the partnership of Global First Power, Ultra Safe Nuclear Limited, Ontario Power Generation, Atomic Energy of Canada Limited, Canadian Nuclear Laboratories, Canadian Nuclear Energy Alliance, and the shareholder corporations that form the Canadian Nuclear Energy Alliance
- fully detailed description of any agreement with AECL and Canadian Nuclear Laboratories that are currently in place, are in development, or may be required or pursued relevant to this project should be included
- fully detailed description of funding and funding sources which are directly or indirectly related to the Government of Canada, including in-kind contributions such as access to land, technical or other support should be included
- fully detailed description of funding and funding sources which are directly or indirectly related to the Governments of Ontario, Quebec, New Brunswick, Manitoba, Saskatchewan or others, including in-kind contributions such as access to land, technical or other support should be included
- fully detailed description of any supporting infrastructure on a Project site within the CRL property and its use, purpose, function, and associated costs, including costs of construction, operation, maintenance, removal and/or abandonment at any point prior to, throughout of following the project stages should be included
- fully detailed description of any and all greenhouse gas (GHG) analysis of the project, for each and all project stages (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment) should be included
- fully detailed description of radioactive wastes to be generated and the management or radioactive wastes at all project stages (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment); this must include contingencies such as the need for extended / long term on-site storage and management of all radioactive wastes should be included
- a fully detailed description of noise and dust at all project stages (fuel fabrication and transport of materials, site preparation and construction, operation, decommissioning and abandonment, transport and storage of waste including long and very long term management of the wastes in such a way as to isolate them from the natural and human environment) should be included
- a fully detailed description of the indicated “modular” approach to the reactor design, construction and installation, including specifics of on-site shipments and placements, routes and transport considerations en route between the point of manufacturing and the proposed site; the descriptions related to transport and shipment must include actual data on load and dimensions of the shipments

CNSC Staff Dispositioning of Comments on the Project Description

In preparing these comments, Northwatch undertook a preliminary review of CNSC staff's dispositioning of comments on the Project Description, and found the document to be problematic. Our observations and comments include the following examples:

- In response to Northwatch's request that inconsistencies in the project description with respect to land ownership be addressed, CNSC staff replied that they had noted the comments, shared them with the proponent, and expect them to be addressed; in our view, if the CNSC is to fill the role of a responsible authority, communications with the proponent need to step up from "sharing" and "expecting" and move to directing and requiring
- In response to Northwatch's comment that the project description failed to sufficiently describe roles and responsibilities, CNSC staff replied that this was not required in the Project Description, but would be addressed during licensing; a clear delineation of roles, responsibilities, authorities, and liabilities and how they are to be assigned between the various involved parties (for example, between and among Global First Power, Ultra Safe Nuclear Limited, Ontario Power Generation, Atomic Energy of Canada Limited, Canadian Nuclear Laboratories, Canadian Nuclear Energy Alliance, and the shareholder corporations that form the Canadian Nuclear Energy Alliance) is essential to understanding how the project will be carried out and how decisions will be made that could directly affect operations and the safety and effects on human health and the environment of those operations, and as such must be fully described and examined as part of the EA process
- In response to a comment from Northwatch that the Project Description made unsupported claims (in this instance with respect to purported economic benefits) CNCS staff variously replied by reference to "P15" on economic considerations and to "NP1" on export / import concern by reference to "NP1"; neither references addresses Northwatch's comment that the proponent included unsupported statements; the first reference (P15) argues that socio-economic considerations are not a requirement under CEAA 2012, while the second (P15) indicates that CNSC staff understand the level of concern with proliferation and encourages continued participation in the review process; Northwatch's response to this dispositioning is as follows:
  - while socio-economic considerations are not explicitly stated as factors that require consideration under subsection 19(1) factors of CEAA 2012, as the staff CMD notes "additional factors can be added when warranted".[8] As the responsible authority the Commission can expand on those factors and should do so and explicitly include the range of socio-economic factors and considerations within this EA
  - while we certainly appreciate CNSC staff's understanding that there is a high level of concern with proliferation associated with this project, the only tangible encouragement for continued participation in the review process would be a) a more thorough dispositioning of comments received on the project description and b) including proliferation risk as a factor to be considered in the EA, and so require a full description and examination of proliferation risks

- CNSC staff's dispositioning document grievously misrepresents submissions made by Northwatch. For example, the dispositioning document states that "*Northwatch notes that for the interim storage of used fuel a purpose-built storage cask can be used to contain the reactor vessel with the used fuel inside in a dry-storage configuration*". In fact, that statement is a quote from the Project Description which Northwatch included in our comments, as follows:

  > *The description of radioactive wastes to be generated and the management or radioactive wastes is wholly inadequate; this important subject area is addressed superficially in Section 3.3.2.5 Waste Handling and Storage Area which simply says it will be packed up and sent off and follow the Transportation of Dangerous Goods Regulations while doing so, and then in only slightly more detail in later section on decommissioning (page 30) and in Section 3.5 Waste Generation (page 33). The section on decommissioning states that for the Interim storage of used fuel "A purpose-built storage cask can be used to contain the reactor vessel with the used fuel inside in a dry-storage configuration" and that this undescribed storage container would be either on-site or off-site (page 30) and then assumes that for "final disposal" the Nuclear Waste Management Organization will be successful in their design, development and bringing into operation a Deep Geological Repository (DGR) for nuclear fuel waste, and that "the graphite blocks containing the used fuel (i.e., fuel elements) will be transferred to the DGR" (page 30). However, not only is the success of the NWMO in moving to an operational DGR still highly theoretical, should they do so the wastes that would be generated by Global First Powers Micro Modular Reactor are outside the scope of the NWMO's "Adaptive Phased Management" project.*

  Northwatch's comment was that the description of radioactive wastes to be generated and the management or radioactive wastes is wholly inadequate, and included quoted sections of the proponent's project description to illustrate that failure. Northwatch's clearly did not adopt the position of the proponent that "*A purpose-built storage cask can be used to contain the reactor vessel with the used fuel inside in a dry-storage configuration*" and this misrepresentation is harmful.

Additional Issues

Project Location

We find it curious that the CMD identifies the project site as being in southern Ontario.[9] In fact, the project site is the Chalk River laboratory site, located in Renfrew County, in the Upper Ottawa Valley, approximately 190 km northwest of Ottawa. In no other instance have we observed this location as being described as located in southern Ontario.

Provincial Involvement

Staff note in the CMD that they have also notified the provincial governments of Ontario and Quebec and both provincial authorities have confirmed their participation in the EA,[10] but the CMD fails to

provide sufficient information, including which provincial agencies in each province have the lead, which provincial agencies in each province will be participating, and how provincial and CNSC review processes will be coordinated.

Informing the Public

The CMD indicates that "the Record of Decision will be distributed to the identified list of Indigenous groups and organizations as well as members of public that have asked to be kept informed"[11] but we are unaware of any means by which it has been identified to the public that there is a mechanism through which the public is to "have asked to be kept informed".

Further, there are certain difficulties with the registry maintained on the web site of the Impact Assessment Agencies, including delays in posting and postings being assigned a date which may not be consistent with the actual posting. In addition, we have noted that the listing of public notices on the front page of the Impact Assessment Registry excludes notices for this project.[12] The Impact Assessment Agency explains this omission as being the because "this assessment is being done by the Canadian Nuclear Safety Commission. They are required under the transitional provisions of the Impact Assessment Act to post to the Registry, however, as this assessment was started under CEAA 2012 it is still led by CNSC. IAAC does not have any responsibilities to post information. The Media Room only posts information for assessments which are being led by IAAC. For information on Active Public Comment periods for any assessment subject to IAA, including those led by CNSC or other federal authorities, please consult the "Get Involved" page on the Registry home page."[13]

We further note that the CNSC web site also fails to include any current notice of the comment opportunity in its listing of news items[14] beyond the very generically titled "March 20, 2020 Changes to Commission dates and deadlines CNSC continues to focus on critical services during pandemic" and the January 28, 2020 "Notice of participant funding and opportunity to submit intervention".

Information Package

The description of the Information Package to be provided to the proponent is overly vague, which leads to concerns that the Information Package itself will lack sufficient detail and direction.

In addition to including the three information items identified as information pieces that may be provided, the Information Package provided should include clear and detailed direction on the factors to addressed in the EA and the level of detail and description to be provided. In addition, the CMD should have provided additional detail on the "Reference material in this package (that) will provide additional clarity on requirements and guidance in the conduct of the technical studies and EIS".

Interface between the EA and Licensing

The CMD very generally states that "Documents supporting the EIS may also be used to support GFP's licence application."[15] This description is inadequate, and should be replaced with a detailed description of the two processes and how they interface and interact. This description should be the subject of public comment and Commission review and decision-making.

Conduct of the Review Process

Northwatch appreciated the invitation to provide input into the conduct of the review process as part of the comment period on the Project Description. Regrettably, the review process as it has moved to this next stage (comment on the scope of the EA) does not yet reflect the input we provided in 2019 and so these comments are brought forward for further consideration at this point:

- The process should be fully transparent; measures to assist in achieving transparency include documented and posted on the public registry all the communications between the regulator and the proponent or the proponents several "partners" in this project should be; this includes meetings, telephone conversations, emails and other forms of communication
- The Administrative Protocol between the CNSC and the proponent should be developed in an open and transparent manner with an opportunity for the public and Indigenous peoples to contribute to its development and comment on any drafts prior to finalization or amendment

- Technical sessions should be held in the early stages of the development of the project focused on key technical areas; these sessions should be open, and provide an opportunity for the CNSC commission members and staff to question the proponent and their partners specialists material and suppositions

- Participant funding should be provided, including during early states of the review to support public interest and Indigenous interveners examining aspects of the project as it is developed

- All documents should be in searchable format

- Technical and hearing sessions should provide public interest and Indigenous interveners with the right to question the evidence as presented by the proponent, their partners, or CNSC staff

- The public registry should be searchable and sortable (Note: there have been some recent improvements with the IAA Registry; more work is required)

- The public registry should allow downloading of select or groups of documents

- The public registry should include in its structure a table format listing that displays a registry document number, the subject, source and format of each document and live links to the document; this table format listing should be searchable online and be downloadable

- CNSC staff and the proponent (and their partners, partners' specialists, and consultants) should be directed to provide references throughout their documents in either footnote or endnote format, and those references should be hyperlinked to source documents

- The timeline for the review should be subject to review and comment by public interest and Indigenous interveners

- The timeline for the review should take into account holiday periods and seasonal activities which may limit the availability and ability to participate of public interest and Indigenous interveners

- Should the project proceed to the hearing stage, the allocation of time to public interest and Indigenous interveners for their general and expert presentations should be flexible and allow adequate time for presentation to the hearing panel; for example, presentation times should not be limited to ten minutes, as with CNSC hearings, or 10, 20 or 30 minutes as in previous joint CNSC-CEAA review hearings

Conclusion

Further to the concerns, observations and analysis set out above, we respectfully ask that the Commission make the following decisions and direct CNSC staff as follows:

1. Amend CNSC staff's recommendation to the Commission that the scope of the factors for this EA include only the factors mandated in paragraphs 19(1)(a) to (h) of the CEAA 2012, and that no additional factors be included by directing CNSC staff to expand the scope of the EA and the factors to be considered as set out in Northwatch's submissions (above).

2. The Commission request to the Minister that a study process such as set out in Sections 73 and 74 of CEAA 2012 should be initiated, and that the EA review timing be adjusted to allow conduct of the study and the consideration of its findings prior to making a finding on the GPF project proposal

3. CNSC staff be directed to revise their process for dispositioning comments from public and Indigenous review participants, including by publicly releasing the disposition document in a more timely manner, and providing an opportunity for review participants to review and comment on the manner in which their submissions have been dispositioned.

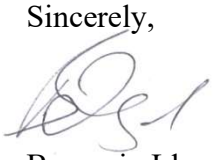
4. CNSC staff be directed to revise their proposed approach to the scope of the environmental assessment, including correcting errors identified in CMD 20-H102, and a second comment period be provided of no less than sixty days, with a public hearing including oral submissions be held as part of the Commission's proceedings

5. The review process is altered to reflect the submissions that were invited and submitted during the comment on the Project Description (2019) and to address identified failings and shortcomings

6. The interface between the EA and licencing process for this project be clearly delineated with a detailed description of the two processes and how they interface and interact. This description should be the subject of public comment and Commission review and decision-making.

Thank you for your consideration.

Sincerely,



Brennain Lloyd
Northwatch Project Coordinator

ENDNOTES

[1] CMD 20-H102 page 9

[2] See http://www.nuclearsafety.gc.ca/eng/the-commission/pdf/Notice-GPF-MMR-CMD20-H102-e.pdf and http://www.nuclearsafety.gc.ca/eng/the-commission/hearings/index.cfm

[3] CMD 20-H102 page 8

[4] CMD 20-H102, page 24

[5] CMD 20-H102, page 24

[6] CMD 20-H102, page 24

[7] See notice at https://iaac-aeic.gc.ca/050/evaluations/document/132173

[8] CMD 20-H102, page 24

[9] CMD 20-H102, page 9

[10] CMD 20-H102, page 21

[11] CMD 20-H102, page 25

[12] See https://www.canada.ca/en/impact-assessment-agency/news/media-room-2020.html#pn

[13] Email communication on 2020-06-01 11:02 a.m., from Registry-Registre (IAAC/AEIC)

[14] See https://nuclearsafety.gc.ca/eng/resources/news-room/latest-news/index.cfm

[15] CMD 20-H102, page 25