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April 28, 2023

DELIVERED BY EMAIL
denis.saumure@cnsccsn.gc.ca

Denis Saumure, Commission Registrar
Legal and Commission Affairs Branch
Canadian Nuclear Safety Commission

Dear Mr. Saumure:

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**”) on the NSDF project.

KZA respectfully submits two requests to the Commission: (1) for a hybrid (virtual and in-person) oral hearing, and (2) for a one-week extension of time to submit documents set out in the *Revised Notice of Public Hearing and Procedural Guidance for Final Submissions* dated March 23, 2023 from May 1, 2023 to May 8, 2023.

Request for a Hybrid Oral Hearing

KZA is requesting a hybrid virtual and oral hearing to present final submissions. A hybrid format will not impede the Commission’s statutory responsibility to conduct its proceedings as informally and expeditiously as the circumstances and the considerations of fairness permit. Rather, it furthers this duty. A hybrid option balances ensures informality and expeditiousness, while also ensuring that KZA community members, especially its Elders, can fairly participate in the hearing process, including in an observational capacity.

KZA recognizes and understands that purpose of the final hearing is not to provide new information, but rather to provide an overview of the intervenors’ positions. Given the significance of the NSDF Project to KZA whose rights and interests stand to be significantly affected by the outcome of this proceeding, we nonetheless hope KZA community members will be given every possible opportunity to meaningfully participate in the hearing process. A virtual hearing alone does not allow them to do so.

Request for Extension to Submit Documents

KZA also seeks a modest extension of the deadline to submit additional evidence and documents. The community’s resources have been under strain as we attempt to capture and incorporate the information necessary for KZA to make its final submissions on consultation, engagement and

concerns regarding the NSDF. An additional week will not prejudice the final hearing process and will ensure that KZA can make final submissions to the best of its abilities in the circumstances.

The historical exclusion of KZA from the Chalk River project has significantly harmed and prejudiced KZA. There is a long relationship- and trust-building process ahead, but these cannot advance without KZA's full participation along the way.

Thank you for your consideration. We look forward to hearing from you.

Yours very truly,

BORDEN LADNER GERVAIS LLP

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NA/LD

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