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SUPPLEMENTAL/COMPLÉMENTAIRE

CMD: 20-H102.A

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2020**

Reference CMD(s)/CMD(s) de référence : 20-H102

Request for a Commission Decision on
the Scope of an Environmental
Assessment for

Demande de décision de la
Commission sur la portée d'une
évaluation environnementale pour ce
qui suit

Global First Power

Global First Power

**Micro Modular Reactor at
Chalk River**

**Microréacteur modulaire
à Chalk River**

Hearing in writing based solely on
written submissions

Audience fondée uniquement sur des
mémoires

Scheduled for:
June 2020

Prévue pour :
Juin 2020

Submitted by:
CNSC Staff

Soumise par :
Le personnel de la CCSN

Summary

This supplemental CMD presents CNSC staff's response to key concerns and issues raised in interventions received on the scope of factors to be taken into account in the environmental assessment (EA) under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) being conducted for Global First Power's Micro Modular Reactor Project at Chalk River.

CNSC staff continue to conclude that the scope of the factors to be considered in an EA include the factors mandated in paragraphs 19(1)(a) to (h) of the CEAA 2012 and no other factors are recommended for this project.

Résumé

Le présent CMD supplémentaire présente les réponses du personnel de la CCSN aux interventions fournies sur la portée des éléments à prendre en compte dans l'évaluation environnementale (EE) effectuée en vertu de la *Loi canadienne sur l'évaluation environnementale (2012)* (LCEE 2012) pour le projet microréacteur modulaire à Chalk River de Global First Power.

Le personnel de la CCSN demeure d'avis que la portée des éléments à examiner dans l'EE comprend les éléments prévus aux alinéas 19(1)a) à h) de la LCEE 2012, aucun autre élément supplémentaire n'est recommandé pour ce projet.

Signed/signé le

June 18, 2020

Michael Rinker

Director General

Directorate of Environmental and Radiation Protection and Assessment

Directeur général

Direction de l'évaluation et de la protection environnementales et radiologiques

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EXECUTIVE SUMMARY

The Canadian Nuclear Safety Commission (CNSC) staff are requesting the Commission to determine the scope of the factors to be taken into account for the environmental assessment (EA) of the proposed Micro Modular Reactor (MMR) Project by Global First Power (GFP) for a single small modular reactor at the Chalk River Laboratories site in Renfrew County, Ontario. The decision in this matter is to be made pursuant to the *Canadian Environmental Assessment Act, 2012* and will not represent a licensing decision. CNSC staff's assessment, as well as staff's conclusions and recommendations to the Commission are found in commission member document (CMD) CMD 20-H102 [1].

The CNSC received 39 interventions for the Commission proceeding to consider the scope of factors for the EA of the MMR Project. Annex A contains staff responses to requests for additional scope of factors raised by intervenors. Several intervenors raised comments, questions and concerns on topics previously raised through the comment period on the MMR project description or that were unrelated to the decision on the scope of factors for the EA. While these comments, questions and concerns do not relate to the scoping decision before the Commission now, CNSC staff are committed to continuing to address these issues throughout the EA and licensing process for the MMR Project.

Future opportunities for the participation of the public and Indigenous groups and organizations for the project includes a comment period on the draft EIS, an opportunity to comment on CNSC staff's EA Report and licensing commission member documentation, as well as participation in the public Commission hearings. Throughout the EA and licensing processes, CNSC staff will continue to engage with local communities within the regional project area and those with an expressed interest in the MMR Project through email updates, open houses and technical sessions either through on-line and/or telephone engagement and in-person when permitted by local health authorities.

In addition, the CNSC will be making participant funding available in multiple phases to allow eligible recipients the opportunity to apply for funding to support their participation in each phase of the EA and licensing processes for the Project.

Referenced documents in this CMD are available to the public upon request. When available, CNSC staff have included web hyperlinks to facilitate information sharing.

1. OVERVIEW

1.1 Background

In March 2019, Global First Power (GFP) submitted an application for a licence to prepare site and a project description for the Micro Modular Reactor (MMR) Project; a proposed reactor facility. The MMR Project is subject to an environmental assessment (EA) under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

On July 15, 2019, The Canadian Nuclear Safety Commission (CNSC) staff issued a Notice of Commencement of the EA and posted the project description on the Canadian Impact Assessment Registry website (Public Registry) and initiated a 30-day period to seek public and Indigenous groups' and organizations' comments on the project description in order to inform the conduct of the EA. 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. CNSC staff's assessment, as well as staff's conclusions and recommendations to the Commission are found in commission member document (CMD) CMD 20-H102 [1] was made available for Indigenous groups and organizations and the public for comment.

1.2 Highlights

Thirty-nine interventions were submitted to the CNSC for the Commission proceeding regarding the scope of factors for the EA of the MMR Project. Interventions were received from civil society organizations, Indigenous groups, the public and the nuclear industry. CNSC staff carefully considered each intervention. As this Commission proceeding is focused on determining the scope of factors for the EA, CNSC staff have provided detailed responses to comments requesting the scope of factors be expanded in Appendix A. Many of the proposed additional factors are factors that are required to be considered for an impact assessment under the *Impact Assessment Act* (IAA), however, are not factors required to be considered for an EA under CEAA 2012. However, CNSC staff have considered and determined that the proposed additional factors are either adequately addressed in CNSC's current regulatory framework or are not within the CNSC's mandate (e.g., socio-economic). The themes of comments, questions and requests outside of expanding the scope of factors along with CNSC staff's responses to these are provided below.

Previously expressed concerns, questions and requests on the scope of the EA and related to the licensing process

Many of the factors discussed by intervenors were raised during the CNSC's comment period on GFP's project description and have been addressed in CNSC staff's Disposition Table of Public and Indigenous Groups' and Organizations' Comments on the Project Description for the MMR Project [2]. CNSC staff have determined that many of the areas of expressed interest in the interventions are required to be adequately addressed in sufficient detail in the proponent's EIS for the full lifecycle of the proposed reactor facility in accordance with the CNSC's REGDOC-2.9.1: *Environmental Protection: Environmental Principles, Assessments and Protection Measures* [3], REGDOC-1.1.1, *Site Evaluation and Site Preparation for New Reactor Facilities* [4] and the *Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012* (EIS Guidelines) [5]. CNSC staff encourage intervenors to review these documents and their referenced guidance material that provide greater detail on CNSC staff's expectations in meeting these regulatory requirements. These factors include:

- environmental effects of the project (such as changes to air, water, soil, habitat)
- environmental effects of malfunctions and accidents that may occur in connection with the project
- any cumulative environmental effects likely to result from the designated project in combination with other physical activities that have been or will be carried out
- mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project
- alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means
- purpose of the designated project
- follow-up program and monitoring
- greenhouse gas emission assessment, including direct and upstream emissions
- Indigenous knowledge and traditional land use

Other questions, concerns and requests brought forward in the interventions were also raised during the comment period on the project description and were addressed in CNSC staff's Disposition Table of Public and Indigenous Groups' and Organizations' Comments on the Project Description for the MMR Project . In the responses, CNSC staff detailed how these areas are to be adequately addressed in sufficient detail in the EIS and/or licensing process. These topics relate to reactor design, fuel fabrication, uncertainties with new technology, non-

proliferation, transportation, ownership liability, land ownership, waste generation, and long-term waste management.

Several comments were raised about the accuracy of CNSC staff's Disposition Table of Public and Indigenous Groups' and Organizations' Comments on the Project Description for the MMR Project. CNSC staff commit to following up with these specific intervenors to address their concerns as to how their comments were captured within the disposition table and if there are errors, make amendments accordingly. It was not the intention of CNSC staff to misinterpret or mischaracterize comments from intervenors. As part of the public notice invitation to comment on the project description, it was communicated that comments, where common issues were raised, would be consolidated. However, a link to each complete submission was provided within the table, so that any reader would be able to refer and review the full context of each comment. In addition, CNSC is interested in continuous improvement and takes comments on public engagement seriously.

Requests for the CNSC to provide further details on the scope of factors

Many interventions expressed that the scope of factors to be considered in the EA for the MMR Project are limited and do not provide sufficient detail for the proponent to prepare the EIS and associated technical studies.

In 2016, the CNSC published the *Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012* (the EIS Guidelines) that apply to any nuclear "designated project" under CEAA 2012. The EIS Guidelines, along with REGDOC-2.9.1 and REGDOC-1.1.1 provide proponents with the information required for the preparation of the EIS and associated technical studies, including sufficient guidance on the scope of the factors to be considered in the EA.

This approach was chosen in place of project-specific guidelines as it provides flexibility to work with the proponent on an adaptive basis and to further develop topics that may be raised by CNSC staff, federal and provincial authorities, the public and Indigenous groups and organizations as the assessment and understanding of the project and/or science evolves. Additional details as guidance on best practices was provided in section 2.6 of CMD 20-H102, namely the *CNSC Guidelines for the Preparation of the Environmental Impact Statement for Ontario Power Generation's Darlington New Nuclear Power Plant Project* [6].

Requests to include topics not within the scope of the EA nor the licensing process

Several interventions raised areas of interest and concern that are not within the scope of the EA nor the licensing process for the MMR Project including, but not limited to:

- future small modular reactor projects (e.g., in northern Canada or on sites operated by Canadian Nuclear Laboratories (CNL))
- market potential, economic feasibility and sources of company funding (with the exception of financial guarantees)
- direct socio-economic effects (i.e., that are not the result of a change to the environment)
- federal and provincial energy policies

Concerns were also expressed on the decision by CNSC staff not to post submissions on the Public Registry that were deemed out of scope for the MMR Project EA. When the EA for the MMR Project was commenced, CNSC staff sought comments from the public and Indigenous groups and organizations on GFP's project description requesting that comments be project-specific and aligned with the following guidance provided: *“based on local, regional or traditional knowledge of the site or surrounding environment, or should provide any other relevant information that may help with the conduct of the EA”*. Following a 60-day comment period 98 submissions were received, 51 submissions were within the scope of the project EA and posted on the Public Registry. Submissions that expressed general opposition or support of small modular reactors were considered not within scope and this was conveyed to each commenter in a timely manner and they were also offered the opportunity to revise their submission to align with the guidance provided.

Upcoming participation opportunities

CNSC staff are committed to discussing with intervenors their questions, comments and concerns and explain how these will be addressed within the EA process or to provide CNSC staff's rationale as to why some comments are not within the scope of the EA. Future opportunities for the participation of the public and Indigenous groups and organizations for the project includes a comment period on the draft EIS, an opportunity to comment on CNSC staff's EA Report and licensing Commission member documentation, as well as participation in the public Commission hearings. In addition, the CNSC will be making participant funding available in multiple phases to allow eligible recipients the opportunity to apply for funding to support their participation in each phase of the EA and licensing processes for the Project.

In light of the current social interaction restrictions related to Covid-19, CNSC staff will continue to provide a variety of methods on how we communicate, disseminate and gather information with the public and Indigenous groups and organizations. Throughout the EA and licensing processes, CNSC staff will continue to engage with local communities within the regional project area and those with an expressed interest in the MMR Project through email updates, open houses and technical sessions either through on-line and/or telephone engagement and in-person when permitted by local health authorities.

Indigenous consultation and engagement

Interventions were received from the Algonquins of Pikwakanagan First Nation, the Algonquins of Ontario and Kebaowek First Nation. The CNSC takes the concerns raised by each Indigenous group and/or organization in relation to this project to date including the EA scoping decision and the draft project description seriously and will be working with each group and organization to address their concerns and comments throughout the EA and licensing processes.

The CNSC as Agent of the Government of Canada, ensures that all of its licensing decisions and environmental reviews under *the Nuclear Safety and Control Act* (NSCA), the *Canadian Environmental Assessment Act, 2012*, the *Impact Assessment Act*, or other relevant legislation uphold the honour of the Crown and consider Indigenous peoples' potential or established Indigenous and/or Treaty rights pursuant to section 35 of the *Constitution Act, 1982*.

The CNSC is committed to meaningfully consulting with all potentially affected and interested Indigenous groups and organizations with regards to the MMR Project. CNSC staff will continue to work towards developing collaborative consultation approaches with each interested Indigenous group and organization to ensure that they are meaningfully involved in the EA and licensing processes for this project, and that their concerns, to the greatest extent possible are addressed by both the CNSC and the proponent.

This consultation work will include the offering of multiple phases of participant funding, the development of consultation approaches and rights impact assessment approaches and the gathering and consideration of Indigenous Knowledge and Traditional Land Use information, where appropriate.

In accordance with *REGDOC-3.2.2: Indigenous Engagement*, the CNSC expects GFP to meaningfully engage all identified Indigenous groups and organizations and work collaboratively with each one to answer their questions and concerns, including the identification of any proposed measures to be taken to address any potential impacts on Indigenous and/or Treaty rights identified.

2. OVERALL CONCLUSIONS AND RECOMMENDATIONS

After carefully considering every intervention, CNSC staff conclusions and recommendations as outlined in CMD 20-H102 remain the same.

2.1 Conclusion

As stated in section 3 of CMD 20-H102, CNSC staff's review of the project description against the *Prescribed Information for the Description of a Designated Project Regulations* under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), and the *Regulations Designating Physical Activities* (SOR/2012-147) under CEAA 2012, CNSC staff concludes:

- The project description is complete for the purpose of making an EA determination.

- An EA under CEAA 2012 is required to be conducted for the MMR Project.
- Community knowledge and Indigenous knowledge must inform the EA taking into account that the proposed project is located within the traditional territory and land claim areas of the Algonquins of Ontario, Algonquins of Pikwakanagan and Algonquin Anishinabeg Nation Tribal Council's member First Nations, as well as within the Williams Treaties territory, and traditional harvesting territory of the Métis Nation of Ontario.
- The scope of the factors to be considered in an EA includes the factors mandated in paragraphs 19(1)(a) to (h) of the CEAA 2012; no other factors are recommended for this project.

2.2 Recommendations

CNSC staff have no further recommendations. CNSC staff's recommendation remains the same, as outlined in section 3.2 of CMD 20-H102 and provided below:

The Commission determines the scope of the factors of the EA by approving the scope of the factors proposed by CNSC staff. That is, the Commission determine that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of the CEAA 2012 and no additional factors.

REFERENCES

1. CMD 20-H102 Request for a Commission Decision on the Scope of an Environmental Assessment for GFP's MMR Project
<https://www.nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/pdf/CMD20/CMD20-H102.pdf>
2. CNSC staff's Disposition Table of Public and Indigenous Groups' and Organizations' Comments on the Project Description for the MMR Project
<https://iaac-aeic.gc.ca/050/documents/p80182/134676E.pdf>
3. CNSC, 2017, REGDOC-2.9.1: *Environmental Protection: Environmental Principles, Assessments and Protection Measures*
<http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc2-9-1-new-v1.1/index.cfm>
4. CNSC 2018, REGDOC-1.1.1, *Site Evaluation and Site Preparation for New Reactor Facilities*
<http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc-1-1-1/index.cfm>
5. CNSC, 2016, Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the *Canadian Environmental Assessment Act, 2012*
<http://www.nuclearsafety.gc.ca/eng/pdfs/Environmental-Assessments/CEAA-2012-Generic-EIS-Guidelines-eng.pdf>
6. CNSC, 2009, *Guidelines for the Preparation of the Environmental Impact Statement for Ontario Power Generation's Darlington New Nuclear Power Plant Project*
<https://iaac-aeic.gc.ca/050/documents/p80182/134719E.pdf>

ANNEX A – SUMMARY OF REQUESTS FOR ADDITIONAL SCOPE OF FACTORS BY INTERVENORS AND RESPONSES FROM CNSC STAFF

#	COMMENT/QUESTION/CONCERN	INTERVENTIONS	CNSC STAFF'S RESPONSE
1	<p>In meeting the sustainability purpose of the Act, CELA request the following requirements be adopted by the Commission in its decision:</p> <ul style="list-style-type: none"> • Intergenerational equity Assess options and favour actions that are most likely to preserve or enhance the opportunities and capabilities of future generations to live sustainably. • Intragenerational equity Conduct assessments in ways that reduce dangerous gaps in sufficiency and opportunity (and health, security, social recognition, political influence, etc.) between the rich and the poor. • Polluter-pays principle Review the proposal in light of the polluter-pays principle, which is an economic rule of cost allocation requiring that the entity which creates a pollutant be responsible for external costs arising from its effects. This should be expressly applied in 	<p>20-H102.6 Canadian Environmental Law Association and Dr. M.V. Ramana</p> <p>The following interveners expressed their support for CELA and Dr. Ramana's intervention:</p> <p>20-H102.16 County of Sustainability Group</p> <p>20-H102.17 Donna Medelsohn</p> <p>20-H102.25 Old Fort William Cottagers' Association</p> <p>20-H102.31 Nuclear Waste Watch</p> <p>20-H102.33 Canadian</p>	<p>CNSC staff note that CELA and other interveners request that elements of sustainability be considered as an additional factor in the EA for the MMR Project. However, there are many elements of a sustainability assessment (e.g., socio-economic, alternative energy sources) that are matters of policy and are outside of the mandate of the Commission.</p> <p>Though a sustainability assessment is not a requirement under CEAA 2012 or the NSCA, the CNSC does consider elements of sustainability assessment. The precautionary principle and the 'polluter pays' principle, the concepts of sustainable development and adaptive management are fundamental principles of the CNSC's environmental protection framework, as outlined in section 2 of <i>REGDOC-2.9.1, Environmental Protection: Environmental Principles, Assessments and Protection Measures</i>. It is CNSC staff's expectation that proponents demonstrate in their assessment how they respect these principles. Sections 2 and 4 of <i>REGDOC-2.9.1</i> provide information on how to meet these principles.</p>

#	COMMENT/QUESTION/CONCERN	INTERVENTIONS	CNSC STAFF'S RESPONSE
	consideration of the proponent's long-term management of radioactive waste.	Coalition for Nuclear Responsibility	
2	CELA request the Commission require the proponent to demonstrate the alleged 'need for' this novel nuclear technology. In particular, CELA recommends the proponent be required to systematically compare the project to the environmental impacts and benefits of the 'alternatives to' this technology (i.e., renewables) that could also supply energy in the intended market (i.e., remote, off-grid communities and to resource extraction projects such as mines).	<p>20-H102.6 Canadian Environmental Law Association and Dr. M.V. Ramana</p> <p>The following interveners expressed their support for CELA's and Dr. Ramana's intervention:</p> <p>20-H102.16 County of Sustainability Group</p> <p>20-H102.17 Donna Medelsohn</p> <p>20-H102.25 Old Fort William Cottagers' Association</p> <p>20-H102.31 Nuclear Waste Watch</p> <p>20-H102.33 Canadian</p>	<p>CNSC staff note that CELA and a number of other interveners request that the "need for" and "alternatives to" the project be considered as additional factors in the EA for the MMR Project.</p> <p>GFP is required to assess the alternative means of carrying out the project, in accordance with the requirements of CEAA 2012. CNSC staff do not recommend inclusion of the "need for" and "alternatives to" as additional factors.</p> <p>With respect to consideration of the "need for" the project, CNSC staff are of the view that this is sufficiently covered by the requirement in subsection 4.1 (Purpose of the project) of the EIS Guidelines, that the proponent's EIS will have to document in sufficient detail the justification and rationale for the project.</p> <p>With respect to consideration of the "alternatives to" the project, it is not within the Commission's mandate to evaluate alternative energy sources or to make energy policy decisions. Energy policy decisions fall under the purview of other governmental authorities.</p> <p>The Commission was established to ensure, in</p>

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		Coalition for Nuclear Responsibility	<p>accordance with the NSCA and its regulations, the regulation of the development, production and use of nuclear energy to prevent unreasonable risk to the environment and to the health and safety of persons for existing or proposed facilities and/or activities. If provincial governments decide that nuclear power is part of its energy plan, the role of the CNSC, as the regulatory body, is to ensure that it is done safely.</p> <p>CNSC staff encourage interveners to submit their energy policy questions to the appropriate provincial authorities for consideration.</p>
3	Concerning the results of any relevant study conducted by a committee established under section 73 or 74; 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	20-H102.33 Northwatch	<p>CNSC staff do not recommend inclusion of paragraph 19(1)(i) of CEAA 2012 in the scope of factors to be considered in the EA, as to date, there are no relevant regional studies conducted by a committee established by the Minister. It is at the Minister's discretion to establish such a committee, as per section 73 of CEAA 2012, not that of the CNSC.</p> <p>However, the CNSC recognizes the importance of understanding the effects of the nuclear industry at a regional scale. To this end, the CNSC has encouraged and is involved in multiple research activities through the Federal Nuclear Science and Technology Program. A number of projects directly involve researching radionuclides in the Ottawa River Watershed and the Laurentian Great Lakes System where the Ottawa River is involved as the primary tributary to the St.</p>

#	COMMENT/QUESTION/CONCERN	INTERVENTIONS	CNSC STAFF'S RESPONSE
	its findings prior to making a finding on the GFP project proposal.		<p>Lawrence River. Results from these research activities have started to appear in the scientific literature in 2020, with current activities planned for publishing through to 2023.</p> <p>Where available, the information from these research projects will be used to inform any ongoing and future cumulative effects assessments. In addition, as part of CNSC's environmental protection framework, any new scientific knowledge and information is taken into consideration to promote continual improvement and inform adaptive management in the environmental performance of its regulated facilities and activities.</p>
4	The Algonquins of Pikwakanagan First Nation request the CNSC provide guidance to GFP that the scope of factors for this EA will include initial failure modes assessment for the proposed MMR Project.	20-H102.8 Algonquins of Pikwakanagan First Nation	As outlined in subsection 9.3 (Accidents and malfunctions) of the EIS Guidelines, the proponent's EIS will have to assess all potential environmental and health effects from all postulated accident and malfunction scenarios. Similarly, Appendix E and F of REGDOC 1.1.1, <i>Site Evaluation and Site Preparation for New Reactor Facilities</i> provides guidance for assessing accidents, malfunctions and malevolent events for the project lifecycle as part of the application for a Licence to Prepare Site.
5	Section 22(1) of the new <i>Impact Assessment Act</i> (IAA), the list of "factors to be considered" in a project assessment differs from the equivalent section 19(1) of CEEA 2012. The Concerned Citizens of Renfrew County indicate that the following IAA	20-H102.27 Concerned Citizens of Renfrew County	The IAA came into force on August 28, 2019. Nuclear projects whose EA commenced before this date - such as the MMR Project, which commenced on July 15, 2019 - remain subject to CEEA 2012 as indicated in the applicable IAA transitional provision (section 182): " <i>Any environmental assessment of a designated</i>

#	COMMENT/QUESTION/CONCERN	INTERVENTIONS	CNSC STAFF'S RESPONSE
	<p>factors, are relevant to the MMR Project and should be included in the scope of the EA:</p> <ul style="list-style-type: none"> • the “need for” the project • the extent to which the designated project contributes to sustainability • alternative means of carrying out the project that include use of “best available technologies” • the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada • community knowledge provided with respect to the designated project • the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change 		<p><i>project by the Canadian Nuclear Safety Commission or the National Energy Board commenced under the 2012 Act, in respect of which a decision statement has not been issued under section 54 of the 2012 Act before the day on which this Act comes into force, is continued under the 2012 Act as if that Act had not been repealed.”</i> As such, the list of factors to be considered under the IAA are not required to be considered for an EA under CEEA 2012.</p> <p>Regarding the recommendation on the “need for” the project, please refer to CNSC staff’s response to comment # 2 above.</p> <p>Regarding the recommendation on sustainability, please refer to CNSC staff’s response to comment #1 above.</p> <p>Regarding the recommendation on alternative means, the application of the best available technology and techniques economically achievable is a fundamental principle of the CNSC’s environmental protection framework, as outlined in section 2 of <i>REGDOC-2.9.1, Environmental Protection: Environmental Principles, Assessments and Protection Measures</i>. It is CNSC staff’s expectation that proponents demonstrate in their assessment how they respect this principle.</p> <p>Regarding the recommendation on impacts on</p>

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			<p>Indigenous and/or treaty rights, please refer to CNSC staff's response to comment #6 below.</p> <p>Regarding the recommendation on community knowledge, subsection 19(3) of CEAA 2012 states that community knowledge may be taken into account in the EA. However, the CNSC has made this a requirement for each EA under CEAA 2012, as outlined in subsection 3.3.2 of the EIS Guidelines.</p> <p>Regarding the recommendation on environmental obligations and climate change, the concepts of precautionary principle, the "polluter pays" principle, sustainable development and adaptive management are fundamental principles of the CNSC's environmental protection framework, as outlined in section 2 of <i>REGDOC-2.9.1, Environmental Protection: Environmental Principles, Assessments and Protection Measures</i>. It is CNSC staff's expectation that proponents demonstrate in their assessment how they meet these principles. In addition, the proponent is required to conduct a greenhouse gas emission assessment as outlined in sections 2.1 and 5.1 of the EIS Guidelines and provide sufficient detail in the EIS. For further information on CNSC staff's expectations in this area, please refer to the CNSC's Fact Sheet on greenhouse gas emission assessments for the Canadian nuclear fuel cycle.</p>
6	Additions and refinements to the factors from	20-H102.5 Algonquins	In accordance with the requirements of the EIS

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	<p>the Algonquins of Ontario are provided in red:</p> <p>19 (1) The environmental assessment of a designated project must take into account the following factors:</p> <p><i>a)</i> the environmental, cultural, health, social and economic effects of the designated project, including the environmental, cultural, health, social and economic effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental, cultural, health, social and economic effects that are likely to result from the designated project in combination with climate change and/or other physical activities that have been or will be carried out;</p> <p><i>b)</i> the scope of effects considered and assessment of the significance of the effects referred to in paragraph (a) must be determined in partnership with the Algonquins of Ontario;</p> <p><i>c)</i> comments from the public and the Algonquins of Ontario — or, with respect to a designated project that requires that a</p>	<p>of Ontario</p>	<p>Guidelines and CNSC REGDOC-3.2.2, GFP is required to meaningfully engage all potentially affected Indigenous groups and communities and collaboratively work together to gather feedback and information, including Indigenous Knowledge and Land Use Information, in relation to the proposed project to help determine if the project could lead to any potential impacts on potential or established Indigenous and/or treaty rights. CNSC staff's expectation is that GFP will work with each Indigenous group and organization to address concerns raised throughout the EA process and identify potential measures to avoid, mitigate or accommodate any potential impacts on rights or interests as it relates to the proposed project.</p> <p>In addition, the CNSC as an Agent of the Crown, will be working with and consulting each Indigenous group throughout the EA process to ensure that any potential impacts to Indigenous and/or treaty rights are understood, reflected and addressed to ensure that the Duty to Consult is met and the honour of the Crown is upheld.</p> <p>The CNSC looks forward to working in collaboration with the Algonquins of Ontario to develop a comprehensive and meaningful consultation approach that takes into consideration, where appropriate, the factors and priorities identified in their submission to</p>

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	<p>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;</p> <p><i>d)</i> mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental, cultural, health, social and economic effects of the designated project;</p> <p><i>e)</i> the requirements of the follow-up program in respect of the designated project which includes the development of an Algonquins of Ontario monitoring program with decision-making authority;</p> <p><i>(3) The environmental assessment of a designated project may must include an assessment of take into account community knowledge and Algonquin Aboriginal traditional knowledge</i></p> <p>The Algonquins of Ontario recommend the following additional factors:</p> <ol style="list-style-type: none"> 1) The impact that the designated project may have on the Algonquins of Ontario and any adverse impact that 		<p>the Commission.</p> <p>Regarding the Algonquins of Ontario's recommendation on sustainability as well as social and economic effects, please refer to CNSC staff's response to comment #1 above.</p> <p>Regarding the Algonquins of Ontario's recommendation of intersection of sex and gender with other identity factors on this project, this is a factor that is required to be considered under the IAA, but is not a factor required to be considered under CEAA 2012. However, the CNSC is committed to better understanding and assessing the potential adverse impacts of a Project on Indigenous and/or treaty rights, including potential impacts on sub-populations of an Indigenous community (e.g., women, elders, youth, and others). CNSC staff are committed to working in collaboration with the Algonquins of Ontario to develop a comprehensive and meaningful consultation approach, which could include a rights impact assessment process, should the Algonquins of Ontario be interested. CNSC's rights impact assessment approach is aligned, where appropriate, with the principles identified in the Impact Assessment Agency of Canada's Interim Guidance on the Assessment of Impacts on the Rights of Indigenous Peoples, which can include consideration of "impact inequality" where such information is provided by the</p>

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	<p>the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>.</p> <p>2) Algonquin knowledge provided with respect to the designated project.</p> <p>3) The extent to which the designated project contributes to sustainability.</p> <p>4) The intersection of sex and gender with other identity factors.</p> <p>5) Consideration of the potential effects of safety and security during construction and operation of the Project, including emergency response planning in collaboration with the Algonquins of Ontario.</p>		<p>Indigenous community. While these principles are specific to impact assessments, CNSC staff have been applying them to assessments under CEEA 2012.</p>