

**PROJECT AGREEMENT FOR THE ONTARIO POWER
GENERATION DARLINGTON NEW NUCLEAR POWER
PLANT PROJECT AT CLARINGTON, ONTARIO**

PREAMBLE

WHEREAS the Government of Canada is committed to improving the federal environmental assessment (EA) and regulatory review processes for major resource projects to enable a more effective assessment and mitigation of potential environmental effects, while protecting the health and safety of Canadians and promoting innovation and competitiveness within the Canadian resource industry sectors;

AND WHEREAS the Government of Canada is committed to undertaking a process of early, effective and meaningful engagement and consultation with Canada's Aboriginal peoples concerning contemplated Crown conduct with respect to, among other things, major resource projects that may adversely affect established or potential Aboriginal and treaty rights under Section 35 of the *Constitution Act 1982*;

AND WHEREAS the Government of Canada has created the Major Projects Management Office (MPMO) for the purpose of overseeing and tracking the federal review and Aboriginal engagement and consultation for major resource projects;

AND WHEREAS Ontario Power Generation (the Proponent) has submitted a Project Description in support of its proposal to develop a new nuclear power plant at Clarington, Ontario (the Project);

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC), Fisheries and Oceans Canada (DFO), Transport Canada (TC) and Canadian Transportation Agency (CTA) may have regulatory and statutory duties in relation to the Project and will participate in the federal review of the Project;

AND WHEREAS a Joint Review Panel (JRP) will be appointed to assess the environmental effects pursuant to the *Canadian Environmental Assessment Act (CEAA)* and the Licence Application under the *Nuclear Safety Control Act (NSCA)*;

AND WHEREAS nothing in this Project Agreement (Agreement) fetters the powers, statutory authorities and functions of federal departments/agencies and their respective Ministers;

AND WHEREAS the CNSC is a quasi-judicial administrative tribunal;

NOW THEREFORE the signatories to this Agreement commit to work together to facilitate an effective, accountable, transparent, timely and predictable federal review in relation to the Project and to contribute to the discharging of any duty to consult with Aboriginal groups.

1.0 PURPOSE

This Agreement describes the main activities of the federal review process and outlines the key roles and responsibilities of the federal signatories (the Parties) to this Agreement in relation to the Project, including EA, regulatory review, and Aboriginal engagement and consultation.

In addition, the Agreement establishes service standards for each milestone of the federal review as the basis for tracking and managing progress. These have been established on the basis of a number of assumptions, some of which relate to activities of participants to this Project that are *not signatories* to this agreement, such as the Proponent, Aboriginal Groups, and the JRP. Should events unfold in a manner that is different from what has been assumed, the timelines associated to the EA and Regulatory Review will necessarily be different.

2.0 ROLES AND RESPONSIBILITIES

The Project is the preparation of a site for, and the construction, operation, decommissioning and abandonment of, up to four new nuclear power reactors on the existing Darlington Nuclear Generating Station Site within the Municipality of Clarington, Ontario.

Based on the information provided by the Proponent, the following federal departments and agencies have identified an interest in the Project, and will participate in the federal review in relation to the Project as follows:

- CNSC has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act* (NSCA), and, pursuant to paragraph 5(1)(d) of the CEAA, is a Responsible Authority (RA) and will coordinate the federal input for the EA in relation to the Project. The CNSC will also act as the Crown Consultation Coordinator (see Annex IV);
- Transport Canada may have regulatory and statutory responsibilities under the Navigable Waters Protection Act (NWPA) pursuant to paragraph 5(1)(d) of the CEAA therefore is a likely RA. TC requires a Navigation Impact Assessment (NIA) to be completed as a component of the EA. To complete the NIA and make its EA decision, TC requires all information described in the NWPA application form. In order to meet timelines in this Agreement, this information must be submitted no later than the time of submission of the Environmental Impact Statement (EIS). TC may also have regulatory and statutory responsibilities under the *Rail Safety Act*, but this will be determined much later in the EA process. TC shall make available that information or knowledge to the RAs and or the JRP, upon request (see Annex V);
- Fisheries and Oceans Canada has regulatory and statutory responsibilities under the *Fisheries Act*, and, pursuant to paragraph 5(1)(d) of the CEAA, is an RA. DFO is also a Federal Authority (FA) under the CEAA and is in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to RAs and/or the JRP (see Annex VI);

- The Canadian Transportation Agency has potential regulatory and statutory responsibilities under the *Canadian Transportation Act* (CT Act), and, pursuant to paragraph 5(1)(d) of the CEAA, is an RA (see Annex VII);
- Natural Resources Canada (NRCan) and Environment Canada (EC) are Federal Authorities under the CEAA and are in possession of specialist or expert information or knowledge with respect to the Project, and upon request shall make available that information or knowledge to the RA or the JRP (see Annex VIII);
- Health Canada (HC) may be considered a Federal Authority under the CEAA and may be in possession of specialist or expert information with respect to the Project, and, upon request, shall make available that information or knowledge to the RAs or JRP (see Annex VIII);
- The Canadian Environmental Assessment Agency (CEA Agency) has administrative and advisory responsibilities under the CEAA in support of the EA and JRP (see Annex VIII);
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities in regard to Aboriginal Engagement and Consultation (see Annex VIII); and,
- The MPMO has administrative and advisory responsibilities under the *Memorandum of Understanding for the Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* (MOU) and *Cabinet Directive*. The MPMO will provide oversight and advice throughout the entire federal review in relation to the Project, to ensure adherence to the service standards and the respective roles and responsibilities of all Parties. Additionally, the MPMO will provide selective intervention to help address identified challenges and, in collaboration with other federal entities, will play an oversight role throughout the federal review in regard to Aboriginal engagement and consultation, (see Annex VIII).

2.1 Environmental Assessment Process and Regulatory Review Process

The Joint Review Panel Agreement (JRPA) entered into by the Minister of the Environment and the President of the CNSC on March 12, 2009 establishes a JRP that will conduct the assessment of the environmental effects of the Project pursuant to the CEAA and will consider the licence application under the NSCA in a manner that discharges the requirements set out in the CEAA and permits it to obtain the information and evidence required for it to consider the licence application under the NSCA. The Minister of the Environment has also provided the Proponent with the EIS Guidelines for the Project which prescribes the requirements of the content of the EIS.

The Minister of the Environment and the CNSC have established the scope of project for the federal review in relation to the Project as outlined in the JRPA. It includes site preparation, construction, operation, decommissioning and abandonment of up to four new nuclear power reactors. Operations will involve activities required to commission, operate and maintain the Project, including management of all conventional and radioactive wastes.

The JRP has statutory responsibilities pursuant to the CEAA and the NSCA. The JRP Secretariat has advisory and administrative responsibilities as set out in the JRPA. The JRP is not a party to this Agreement.

Through the EA process, RAs will confirm any regulatory decisions required in relation to the Project that are included in the *Law List Regulations*. If no regulatory decisions are required for a department or agency, it will end its participation in the EA as an RA, but may continue to participate as an FA should it be in possession of specialist or expert information or knowledge with respect to the Project. The EA and Regulatory Review timelines detailed in this Agreement assume that the Proponent will submit complete and accurate NSCA, NWPA, *Fisheries Act*, and CT Act applications no later than the date of submission of the EIS.

2.2 Aboriginal Engagement and Consultation Process

The Parties are committed to a “Whole of Government” approach to Aboriginal engagement and consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when the Government of Canada contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. To the extent possible, and with the CNSC responsible for coordination, the Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA and regulatory review processes.

The proposed Aboriginal Engagement and Consultation Process and Roles and Responsibilities are identified in Annex III

3.0 TIMELINES

The target timelines for the EA and Regulatory Review processes are detailed in the Gantt chart in Annex I, and are as follows:

- a) Completion of the EA (excluding the Government response) - 16 months from the date of submission of EIS, assuming submission of all necessary regulatory applications no later than the time of the submission of the EIS;
- b) Review of the application for the Licence to Prepare Site (LTPS) - concurrent with the EA - 16 months from the submission of EIS and the full application for the LTPS;
- c) Issuance of the LTPS, and, if appropriate, NWPA, *Fisheries Act*, and CT Act authorizations - 3 months from the EA Course of Action decisions posted on the Canadian Environmental Assessment Registry (CEAR), assuming submission of all applications no later than the time of submission of the EIS;
- d) Review of the application for the Licence to Construct - 30 months from the date of submission of the application; and,
- e) Review of the Application for a Licence to Operate - 24 months from the date of the submission of the application.

Based on current plans and estimates – and assuming the timely submission of all documents, NSCA, NWPA, *Fisheries Act*, and CT Act applications, additional information, the timely

completion of JRP activities, and the discharge of the Crown's Aboriginal Consultation duty – it is anticipated that the licence to operate would be considered by the Commission in 2017.

The MPMO Tracker will provide for transparent and publicly accessible monitoring of the progress of the federal review.

4.0 FOLLOW-UP AND MONITORING

The RAs will work with FAs to ensure that appropriate measures are in place, in conjunction with the Proponent, to ensure the follow-up and monitoring related to their areas of regulatory responsibility that were identified through the EA and any conditions attached to licences and approvals issued as part of the regulatory review are adhered to and effectively implemented.

5.0 ADMINISTRATION

Tracking Progress

The milestones, timelines and service standards set out in this Agreement, subject to any amendments, will provide the basis against which the MPMO will track and monitor the progress of the federal review process. The MPMO will report on this progress in the MPMO Tracker and suspend timelines in situations such as:

- a) the review is delayed at the request of the proponent or another jurisdiction or the JRP;
- b) the CEA Agency, RAs and/or FAs have indicated to the MPMO that the Proponent is required to provide additional information necessary for the completion of the EA and/or the regulatory review, or that the information provided is insufficient;
- c) the federal review process cannot proceed as a result of circumstances related to the Aboriginal engagement and consultation process; or
- a) litigation or other court action prevents the completion or continuation of the federal review process.

Issues Resolution

The Parties will use their best efforts to resolve any differences of opinion in the interpretation or application of this Agreement in an effective and timely manner.

Issues relating to the environmental assessment, regulatory review or Aboriginal engagement and consultation in relation to the Project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO.

Should issues remain outstanding, they will be referred to the appropriate senior level committee established through the MPMO initiative.

Post-Project Evaluation

The Parties will participate in an informal evaluation of the effectiveness of the federal review process in relation to the Project within 90 days following the issuance of the RAs' EA Course of Action decisions. The level of effort and format of review will be appropriate to the scale of project and issues encountered.

Amendments

The Parties may recommend to the MPMO whether a change to the federal review process or to the Project warrants an amendment to the Agreement. Where there is agreement that an amendment is warranted, the MPMO on behalf of the Parties will provide a proposed amendment to the Major Projects Deputy Ministers' Committee for consideration.

Unless otherwise determined by the MPMO in collaboration with the Parties, amendment of the Agreement shall not cause the Federal Review Clock to stop with respect to any Agreement-related activities that might be ongoing at the time when the need for amendment is identified.

6.0 PROJECT AGREEMENT

The Parties hereto have signed the Project Agreement, in counterpart, on the dates indicated below.

Original Signed by _____
Cassie Doyle
Deputy Minister
Natural Resources Canada

May 16, 2009
Date

Original Signed by _____
Michael Binder
President
Canadian Nuclear Safety Commission

April 24, 2009
Date

Original Signed by _____
Peter Sylvester
President
Canadian Environmental Assessment Agency

May 7, 2009
Date

Original Signed by _____
Geoffrey Hare
Chairman
Canadian Transportation Agency

April 21, 2009
Date

Original Signed by _____
Claire Dansereau
Deputy Minister
Fisheries and Oceans Canada

May 1, 2009
Date

Original Signed by _____
Louis Ranger
Deputy Minister
Transport Canada

April 23, 2009
Date

Original Signed by _____
Ian Shugart
Deputy Minister
Environment Canada

May 2, 2009
Date

Original Signed by _____
Michael Wernick
Deputy Minister
Indian and Northern Affairs

May 8, 2009
Date

Annexes

Annex I – Gantt Chart – Target Timelines for the Federal Regulatory Process for the Project

Annex II – Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

Annex III – Aboriginal Engagement and Consultation Process and Roles and Responsibilities

Annex IV - Canadian Nuclear Safety Commission: Roles, Responsibilities, Key Milestones and Service Standards

Annex V - Transport Canada: Roles, Responsibilities, Key Milestones and Service Standards

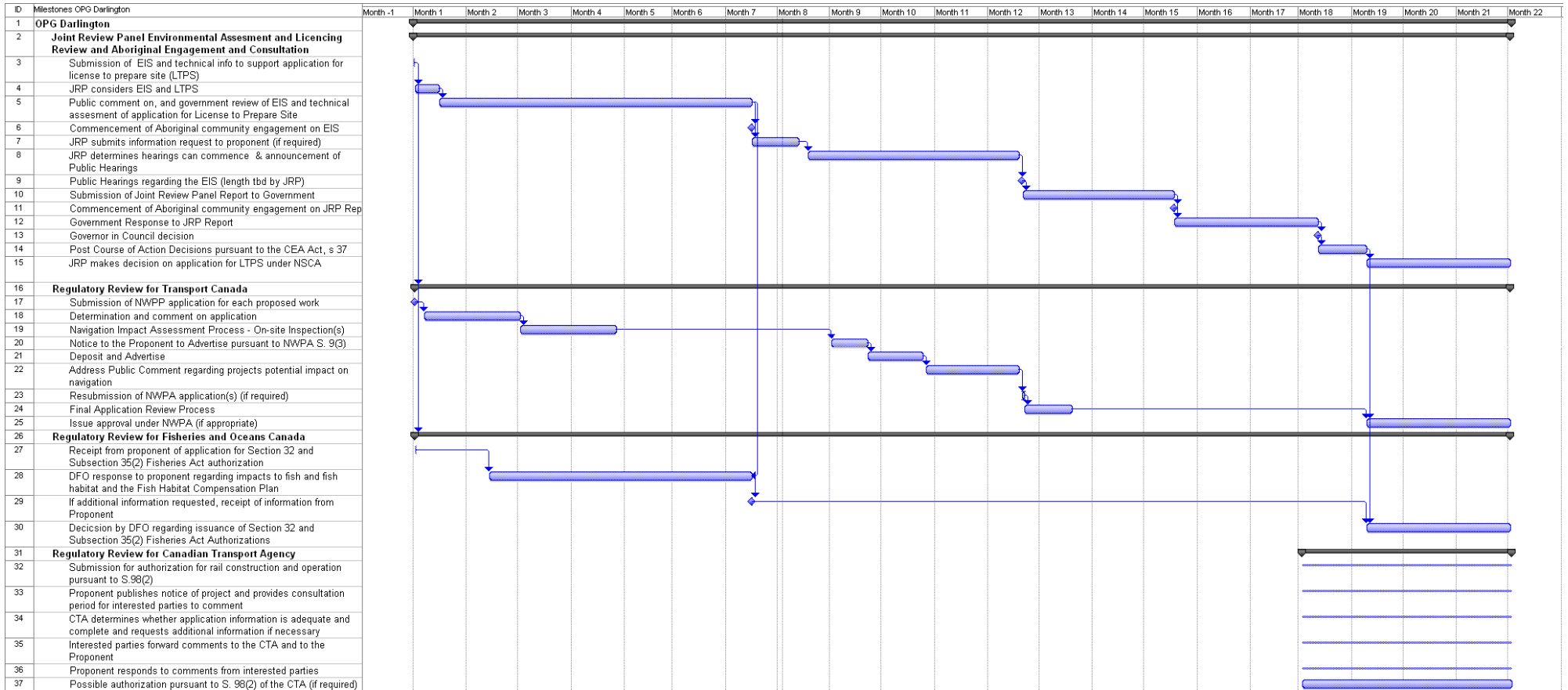
Annex VI – Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones and Service Standards

Annex VII - Canadian Transportation Agency: Roles, Responsibilities, Key Milestones and Service Standards

Annex VIII – Canadian Environmental Assessment Agency, Natural Resources, Environment Canada, Health Canada, MPMO, and Indian and Northern Affairs Canada: Roles and Responsibilities

Annex I

Gantt Chart - Target Timelines for the Federal Regulatory Process for the Project



Annex II

Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
Notice of Commencement Posted on Canadian Environmental Assessment Registry (CEAR)	CNSC	CEA Agency	May 17, 2007
Request for a Joint Panel Review	CNSC	DFO, TC, CTA, CEA Agency	January 8, 2008
Minister of the Environment refers project to EA by a Joint Review Panel	Minister of the Environment	CEA Agency	March 20, 2008
Federal Government Announces Participant Funding (Phase I)	CEA Agency		April 1, 2008
Federal Government Awards Participant Funding (Phase I)	CEA Agency		June 4, 2008
Comment period on the proposed EIS Guidelines and JRP Agreement (include Joint Review Panel Terms of Reference)	CEA Agency and CNSC	DFO, TC, CTA, EC, NRCan	September 5, 2008 to November 19, 2008
Final EIS Guidelines Issued	Minister of the Environment	CEA Agency, CNSC	March 12, 2009
JRP Agreement Issued	Minister of the Environment and CNSC	CEA Agency	March 12, 2009
Appointment of JRP by the Minister of the Environment and the President of the CNSC	Minister of the Environment, CNSC	CNSC and CEA Agency	Determined by the Minister of the Environment and the President of the CNSC
Federal Government Announces Participant Funding (Phase II)	CEA Agency		At least 45 calendar days prior to expected receipt of the Proponent's EIS
Submission of complete	Proponent	JRP, TC, DFO,	Determined by the

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
EIS, technical information to support application for Licence to Prepare Site, and applications to support TC, DFO, and CTA approvals/ authorizations		CTA	Proponent
JRP announces commencement of public review and comment period.	JRP		Within 14 calendar days of Submission of complete EIS and technical information
Aboriginal Community Engagement on EIS	CNSC	CEA Agency, DFO, TC, CTA, EC, NRCan	Process & schedule to be determined in cooperation with Aboriginal communities
Public comment period on, and Government review of, EIS and technical information to support application for Licence to Prepare Site	JRP, JRP Secretariat	DFO, TC, CTA, EC, NRCan, CNSC	The date of commencement of this step is determined by the JRP. The duration is 7 months in addition to time the Proponent needs to respond to information requests.
JRP submits information request(s) to Proponent (if required)	JRP Secretariat JRP	DFO, TC, CTA, CNSC	The frequency and timing of the submission of information requests to the Proponent will be determined by the JRP, and may lengthen the review period of the EIS.
Announcement of Public Hearings	JRP		90 calendar days prior to hearing
Written Government Interventions	CNSC, CEA Agency, DFO, TC, CTA, EC, NRCan		During the 90 day period prior to the commencement of hearings
Public Hearings on the EIS and technical information to support application for Licence to Prepare Site	JRP		The date of commencement of this step as well as the duration of the

Description/Activity	Lead	Support As Needed	Service Standard/ Completion Date
			hearings is determined by the JRP
Government Interventions	DFO, TC, CTA, EC, NRCan, CNSC		During hearings as determined by the JRP
Submission of Joint Review Panel Report to Government Of Canada	JRP		To be posted on the CEAR within 90 calendar days of the close of hearings
Government Response to JRP Report	NRCan	DFO, TC, CTA, CNSC, EC, CEA Agency, MPMO	Within 12 weeks of submission of JRP report under the condition that the RAs have determined that the Crown's duty to consult has been adequate to this particular point and that the CEAA requirements have been met.
Governor in Council decision	PCO	CEA Agency, CNSC, TC, CTA, DFO	Determined by Cabinet
Course of Action Decisions pursuant to the CEAA, s 37 posted on CEAR	CNSC, DFO, TC, CTA	CEA Agency	Within 1 week of Government in Council decision

Annex III

Aboriginal Engagement and Consultation Process and Roles and Responsibilities

1.0 Context

The Government of Canada consults with Aboriginal people for reasons of good governance, sound policy development and decision-making as well as for legal reasons. Canada has statutory, contractual and common law obligations to consult with Aboriginal groups. The common law duty to consult with Aboriginal groups applies when the Crown contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. These rights are recognized and affirmed in section 35 of the Constitution Act, 1982.

The Government of Canada will take a “Whole of Government” approach to Aboriginal consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted, and where appropriate accommodated, when actions are contemplated that may adversely affect established or potential Aboriginal and treaty rights. This approach is mandated by both the *Cabinet Directive* and its subsequent MOU for *Improving the Regulatory Performance for Major Natural Resource Projects* (June, 2007). The *Directive* states that federal parties will work together towards a coordinated approach for Aboriginal Consultation that is integrated with the Environmental Assessment (EA) and Regulatory Review.

2.0 Identifying Aboriginal Groups

The CNSC, in conjunction with RAs and the MPMO, will identify Aboriginal groups for engagement and will determine the appropriate level of engagement and consultation for identified groups. Aboriginal groups engaged may change over time based on information received during the course of the assessment and the feedback from Aboriginal groups, as may the level of engagement and consultation activities undertaken by the Crown.

3.0 The Federal Crown Consultation Process for the OPG Darlington New Nuclear Power Plant

The “Whole of Government” approach for Aboriginal Engagement and Consultation activities will be implemented throughout the entire EA and regulatory review processes. Although best efforts will be made to ensure that the timeframe for Consultation activities coincides with key EA and Regulatory Review milestones and processes, it is important to acknowledge that timeframes for Consultation activities may diverge from pre-established EA and Regulatory Review timeframes, based on the Consultation requirements. Should modifications to timeframes be required due to Consultation obligations, revisions will be discussed by all Parties.

The CNSC will act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the Project, to the extent possible under its mandate, as a means to satisfy the Crown’s obligations. Given the quasi-judicial nature of the CNSC, the Crown will exercise an oversight role to ensure that the CNSC-led process sufficiently contributes to the Crown’s fulfilling of its legal duty to consult to the maximum extent possible.

4.0 Roles and Responsibilities of Parties

Roles and responsibilities of each participating federal entity for the review of the project are:

The **JRP** has roles and responsibilities outlined in subsection 4.1(c) of the [Joint Review Panel Agreement \(JRPA\)](#) .

The **CNSC** will:

- Act as the Crown Consultation Coordinator (CCC) for the federal review in relation to the Project.
- Coordinate and facilitate the Crown's Consultation activities before, during and after the federal EA, including:
 - Prepare and manage Aboriginal engagement and consultation work plan, in collaboration with the MPMO and other RAs;
 - Engage Aboriginal groups, in cooperation with RA's as appropriate;
 - Ensure that Consultation activities required for the Project are integrated with the EA process, as a means to discharge the Crown's duty to consult;
 - Ensure that a consultation process is in place for the Regulatory Review;
 - Track and refer project specific issues raised by Aboriginal peoples to the appropriate parties (e.g. RAs, FAs, Proponent, province);
 - Track and refer non-project specific issues (e.g. land claims, treaty rights) to appropriate authorities (e.g. INAC, province);
 - Address project specific issues in the context of the EA and Regulatory Review;
 - Facilitate multi-party Consultation activities where necessary;
 - Represent the Crown along with RAs and FAs (and the province, where appropriate) during Consultation activities;
 - Compile and update the Record of Crown Consultation activities conducted during the EA and Regulatory Review; and,
 - Assist in the evaluation of the scope, nature, and sufficiency of the Crown's consultation efforts, with input from INAC and RAs.

The Major Projects Management Office (MPMO) will:

- Provide oversight to ensure the overall consistency, accountability and transparency of the Aboriginal Crown engagement and consultation effort for the entire project review;
- House and maintain the official Record of Crown Consultation activities for the Project;
- Ensure the proponent receives Early Engagement Guidance;
- Conduct early information gathering and communication with proponents, government departments, Aboriginal peoples and other stakeholders about engagement needs, activities and forthcoming Consultation responsibilities;
- Identify and track key regional or Consultation-relevant issues as early as possible;

- Incorporate information relating to Consultation activities into the project Monitoring and Tracking System;
- Refer issues requiring resolution to the appropriate committee established for the MPMO initiative, as appropriate;
- Respond to general enquiries regarding Consultation activities related to different projects by Federal departments and agencies; and,
- Evaluate the scope, nature, and sufficiency of the Crown's consultation efforts on behalf of the Government with Canada in coordination with the Department of Justice, INAC, and RAs.

The CEA Agency will:

- Provide support to the Crown Consultation Coordinator with respect to the Environmental Assessment process; and,
- Provide funding opportunities for Consultation activities in support of the JRP process through the Aboriginal Funding Envelope of the Agency's Participant Funding Program.

Fisheries and Oceans Canada, Transport Canada, and Canadian Transportation Agency will:

- Participate in coordinated Consultation activities throughout the entire EA and Regulatory Review process (including project development, pre-assessment, assessment, and post-assessment phases);
- Represent the Crown alongside the Crown Consultation Coordinator, the province, the proponent and other federal departments and agencies to address Aboriginal issues as appropriate/required;
- Contribute to the "Whole of Government" approach by participating in Consultation activities in areas relevant/appropriate to their mandates and areas of statutory and policy responsibility;
- Report on Consultation activities to the CNSC and the MPMO in accordance with the established records-management process; and
- Support issues analysis work, where required.

Natural Resources Canada, Health Canada, and Environment Canada will:

- Participate in any of the above activities upon request of the Crown Consultation Coordinator and/or DFO, TC, and CTA.

The Department of Justice (DOJ) and INAC will:

- Provide legal services, information and advice to the MPMO and federal authorities as appropriate and required throughout the EA and Regulatory Review phases; and,
- Assist in the evaluation of the scope, nature, and sufficiency of the Crown's Consultation efforts.

Annex IV

Canadian Nuclear Safety Commission Roles, Responsibilities, Key Milestones and Service Standards

Joint EA and Licensing

- Form and chair Federal Project Committee for the purposes of the JRP process;
- Preparing the detailed EA and Licensing Work Plan and associated timelines;
- Preparing and managing the Aboriginal engagement and consultation work plan and associated timelines;
- Coordinate the Government review of the EIS;
- Review and comment on the EIS and participate in the analysis of comments on the EIS;
- Provide support to the JRP pursuant to the NSCA, the CEAA, and the JRPA as requested by the JRP or determined by CNSC;
- Perform the assessment of the Proponent's first licence application within a framework of accepted project management practices;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP Report, as appropriate;
- Take a course of action decision following the Governor in Council decision;
- With other RAs and FAs, provide input into, and lead the design of, the follow-up and monitoring programs to ensure implementation of mitigation measures, especially regarding those aspects of the follow-up program related to CNSC's areas of regulatory responsibilities and areas of interest.

Post-EA Licensing

- Perform the assessment of the Proponent's subsequent licence applications (i.e. construction, operation, decommissioning and abandonment) within a framework of accepted Project Management Practices;
- Communicate with proponent regarding completeness of future licence applications;
- Ensure implementation of mitigation measures through appropriate licences;
- Ensure implementation of follow-up program through appropriate licences;
- Provide public access to the licensing project file for future licence applications.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

License to Prepare Site

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of technical information to support application for Licence to Prepare Site	Submission of technical information to support application for Licence to Prepare Site	Proponent	To be determined by the Proponent
Technical Review of Application for Licence to Prepare Site	<p>The intent of the technical review is to determine the adequacy of the Licence Application.</p> <p>Licence Application Review will focus but not be limited to:</p> <ul style="list-style-type: none"> • Whether the application qualified to carry on licensed activity; • A description of the site evaluation process; • QA of the reactor design; and, • Proposed worker health and safety policies and procedures. 	CNSC	To be completed within 28 weeks of receipt of technical information to support application for Licence to Prepare Site
Make Decision on application for Licence to Prepare Site under NSCA	<p>Should the EA decisions be favourable to the Project, the JRP of the Commission will make its decision on the licence application to prepare the site pursuant to section 24 of the NSCA.</p> <p>Note the JRP public hearings cover both the EA and application for licence to prepare the site.</p>	CNSC	Within 13 weeks of the EA Course of Action decision

Licenses to Construct, Operate, Decommission and Abandon

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission of application for Licence to Construct under the NSCA	Submission of technical information to support the application for a Licence to Construct	Proponent	To be determined by the Proponent
Consider application for Licence to Construct	The Commission conducts hearings on the application for a Licence to Construct, in accordance with the NSCA and its <i>Rules of Procedure</i>	CNSC	Within 30 months of receipt of complete application
Submission of application for Licence to Operate under the NSCA	Submission of technical information to support the application for a Licence to Operate	Proponent	To be determined by the Proponent
Consider application for Licence to Operate	The Commission conducts hearings on the application for a Licence to Construct, in accordance with the NSCA and its <i>Rules of Procedure</i>	CNSC	Within 24 months of receipt of complete application
Submission of application for Licence to Decommission	Submission of technical information to support application for a Licence to Decommission	Proponent	To be determined by the Proponent
Consider application for Licence to Decommission	The Commission conducts hearings on the application for a Licence to Decommission, in accordance with the NSCA and its <i>Rules of Procedure</i>	CNSC	Within 30 months of receipt of complete application
Submission of application for Licence to Abandon	Submission of technical information to support application for a Licence to Abandon	Proponent	To be determined by the Proponent
Consider application for Licence to Abandon	The Commission conducts hearings on the application for a Licence to Abandon, in accordance with the NSCA and its <i>Rules of Procedure</i>	CNSC	Within 30 months of receipt of complete application

Annex V

Transport Canada Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate, including the provincial Working Group;
- Review and comment on the detailed EA work plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Participate in public hearings as a Federal Authority on navigation issues, with respect to TC's mandate under the NWP, where appropriate;
- Review and provide input into the Government Response to the JRP Report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP Report, as appropriate;
- Take a course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to TC's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to TC's areas of regulatory responsibilities and areas of interest, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations concerning navigation issues;
- Undertake any required activities related to TC's regulatory responsibilities under the NWP, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support TC's regulatory decisions; and
- Conduct site inspections to support its regulatory decisions, as required.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
TC liaises with Project Proponent regarding potential works in regards to impacts on navigability	Liaise with Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.	TC	Ongoing
Submission of NWP	Provide TC with application	Proponent	Determined by Proponent

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
application for each proposed work	for each proposed work and request for NWPA approval(s) complete with dimensioned plans, maps, reports, studies and data as outlined on the NWPA website, no later than the time of submission of the EIS.		
Determination and comment on application	Review application package and information/plans for adequacy to support NWPA review. Request further information if required to proceed with application	TC	8 weeks after application submission
Navigation Impact Assessment Process - On-site Inspection(s)	Complete on-site Navigation Impact Assessment of project, site and waterway(s), subject to weather and time of year.	TC	An initial 2 month inspection process, then ongoing until completion of public comment process
Notice to the Proponent to Advertise pursuant to NWPA S. 9(3)	Provide Proponent with advertisement package pursuant to NWPA s. 9(3).	TC	Within 3 weeks of completed initial on-site inspection and following the assessment of navigational issues arising from any changes to the project due to EA issues
Deposit and Advertise	Deposit "Final Plans" and other relevant information with Land Title Office or the government agent and advertises in two local papers and the Canada Gazette. Provide proof of deposit and advertising to TC.	Proponent	Advertisement process is to occur for a minimum of 30 +1 calendar days
Address Public Comments regarding project's potential impact on Navigation	Should TC receive concerns from the public or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns. Additional requirements might be deemed necessary by TC in regard to potential impacts on	Proponent	To be completed within 2 months of completion of advertisement process

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	navigation posed by proposed works. TC will facilitate public comment process if required.	TC	
Resubmission of NWPA application(s) (if required)	Resubmission of NWPA application(s) if substantial changes to proposed work(s) are required.	Proponent	Dependent on Proponent if required
Final Application Review Process	Perform a final review (subject to the Panel's conclusions and recommendations) of all information on file, including technical information and public comments.	TC	4 weeks
Issue approval under NWPA (if appropriate)	If appropriate, issue approvals under NWPA.	TC	Within 90 calendar days following EA Course of Action decision if NWPA application(s) submitted no later than the time of submission of the EIS.

Annex VI

Fisheries and Oceans Canada: Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the detailed EA Work Plan, Aboriginal Engagement and Consultation Workplan, public participation plan and communications plan;
- Review and comment on the EIS and participate in the analysis of comments on the EIS;
- Participate in public hearings, as a Federal Authority with respect to DFO's mandate under the *Fisheries Act* and aquatic species under the *Species at Risk Act* (SARA), as determined by DFO or as requested by the JRP or another RA;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP Report, as appropriate;
- Review and provide input into the Government Response to the JRP Report;
- Take a course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to DFO's areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the SARA, as required;
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to DFO's areas of regulatory responsibilities and areas of interest under the *Fisheries Act* and aquatic species under the SARA, as required; and

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Conduct site inspections to support regulatory decisions as required;
- Participate in public comment period; and,
- Undertake any required activities related to DFO's areas of interest under the *Fisheries Act* and aquatic species under the SARA as required supporting DFO's regulatory decisions.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Receipt from proponent of an application for a Section 32 and a Subsection 35(2) Fisheries Act authorization	DFO receives application from the proponent for authorization of impacts to fish and fish habitat under section 32 and subsection 35(2) of the <i>Fisheries Act</i> complete with adequate plans, maps, reports and data to support the review. This may include a fish habitat	Proponent	Dependent on timing of the submission of the application by the proponent.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	compensation plan to support the <i>Fisheries Act</i> review. The application should be received in conjunction with the Environmental Impact Statement (EIS).		
DFO response to the proponent regarding impacts to fish and fish habitat and the Fish Habitat Compensation Plan	DFO reviews the application package (including the habitat compensation plan and associated financial security, if applicable) for adequacy to support the <i>Fisheries Act</i> review. DFO requests further information, if required, to proceed with review of the application (and the EIS, if reviews are concurrent).	DFO	Concurrent with review of the EIS if application is received during the EIS review
Receipt of additional information from the proponent	DFO receives additional information from the Proponent.	Proponent	Dependent on timing of the submission of additional information by the proponent
Decision by DFO regarding Issuance of Section 32 and Subsection 35(2) <i>Fisheries Act</i> authorization	If appropriate, DFO issues a <i>Fisheries Act</i> authorization to the proponent for impacts to fish and fish habitat.	DFO	<p>The issuance of the <i>Fisheries Act</i> authorization(s) is contingent on the EA Course of Action decision and must be consistent with the response to the JRP Report approved by Governor in Council under Paragraph 37(1.1)(a) of CEAA.</p> <p>DFO issues the authorization 90 calendar days after receipt of an acceptable Fish Habitat Compensation Plan (including financial security) and the discharge of any legal Aboriginal consultation obligations associated with the authorization(s).</p> <p>Issuance of the authorizations will also consider the Proponent's timing needs for the authorization in that,</p>

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
			<p>should the authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.</p>

Annex VII

Canadian Transportation Agency Roles, Responsibilities, Key Milestones and Service Standards

EA

- Participate in meetings with other federal/provincial authorities as appropriate;
- Review and comment on the detailed EA work plan, Aboriginal Consultation Work Plan, public participation plan and communications plan;
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- Participate in public hearings as a Federal Authority with respect to CTA's mandate under the CT Act to provide expert authority on railway associated noise and vibration issues, as determined by CTA or as requested by the JRP or another RA;
- Review and provide input into the Government Response to the JRP Report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the JRP Report, as appropriate;
- Take a course of action decision following the Governor in Council decision;
- Provide input into the follow-up and monitoring programs relative to CTA's areas of regulatory responsibilities and areas of interest, as required; and
- Work with other RAs and FAs to ensure implementation of mitigation measures, and those aspects of the follow-up program, related to CTA's areas of regulatory responsibilities and areas of interest, as required.

Regulatory

- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment periods as necessary/appropriate; and
- Undertake any required activities, including consulting with affected/potentially affected Aboriginal groups as appropriate, related to CTA's regulatory responsibilities under the CT Act, as required, to support CTA's regulatory decisions; and
- Conduct site inspections to support its regulatory decisions, as required.

Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
Submission for authorization for rail construction and operation pursuant to S. 98(2) of the <i>Canada</i>	Proponent applies to the CTA for authorization for rail construction and operation under S. 98(2) of the <i>Canada Transportation Act</i> .	Proponent	Dependent upon the Proponent

<i>Transportation Act, if required</i>			
Proponent publishes notice of project and provides consultation period for interested parties to comment.	Proponent publishes notice of project and provides consultation period for interested parties to comment.	Proponent	Simultaneously with application to the CTA
CTA determines whether application information is adequate and complete and requests additional information if necessary	If any information is not filed or is deficient in any way, the CTA may advise the applicant that the application is not complete and cannot be processed until the necessary information is filed.	CTA	To be determined by CTA
Interested parties forward comments to the CTA and to the Proponent	<p>A respondent may oppose an application within 30 days after receiving it, by filing with the CTA a clear and concise written answer that includes an admission or denial of any facts alleged in the application and any documents that are relevant in explaining or supporting the answer.</p> <p>A person who has an interest in an application other than the applicant, the respondent or an interested person, may intervene to support or oppose the application.</p>	Interested Parties	Dependent upon Interested Parties
Proponent responds to comments from interested parties	An applicant may, within 10 days after receiving a copy of an answer or intervention, file with the Agency and serve on the other parties to the proceeding a written reply to the answer or intervention.	Proponent	Within the period the CTA directs
Possible authorization pursuant to S. 98(2) of the CT Act (if required)	Issue authorization under Section 98(2) of the CT Act (if required). Authorization is contingent on a course of action decision that would allow the issuance of the authorization.	CTA	Within 120 days of submission for authorization, contingent on course of action decision.

Annex VIII

Canadian Environmental Assessment Agency, Natural Resources, Environment Canada, Health Canada, MPMO, and Indian and Northern Affairs Canada Roles and Responsibilities

FEDERAL AUTHORITY	ROLES / RESPONSIBILITIES
Environment Canada Natural Resources Canada	<ul style="list-style-type: none"> • Participate in the Federal Project Committee for the purposes of the JRP project, including participating in meetings and review of team planning documents as appropriate; • Review and submit comments on the EIS Guidelines. Provide support to the review of comments on the EIS Guidelines; • Review and submit comments on the EIS and other documents as directed by the JRP and RAs; • Provide support to the review of other comments received on the EIS; • Participate in public hearings, as determine by the respective Department or as requested by RAs or the JRP ; and • Review and comment on JRP Report and participate in the development of Government Response; • Provide support to the review of the design and implementation of the follow-up program and/or mitigation measures that arise from FA recommendations made, and as agreed to, with the RAs.
Health Canada	<ul style="list-style-type: none"> • Provide advice regarding the potential human health implications of the Project when requested by the CNSC or the JRP. Advice will be provided within the timelines requested by the RAs or the JRP.
Canadian Environmental Assessment Agency	<ul style="list-style-type: none"> • Administer Participant Funding Program and Aboriginal funding program for the EA; • Provide process advice to the Parties, on request, throughout the EA process
INAC	<ul style="list-style-type: none"> • Provide advice in regards to Aboriginal engagement and consultation.
Natural Resources Canada	<ul style="list-style-type: none"> • Review and comment on baseline studies and geosynthesis reports submitted during the development of the EIS; and • Leads the Government Response to the JRP Report.

Major Projects Management Office Specific Roles / Responsibilities

ROLES / RESPONSIBILITIES	
MPMO	<ul style="list-style-type: none">• Coordinate the development and approval of the Project Agreement;• Monitor and report on the progress of the project through the EA and regulatory review process;• Take proactive steps to identify opportunities to streamline the federal EA and regulatory process to meet government timelines and identify bottlenecks that could cause delays; and,• Incorporate information received from the CEA Agency, FA(s) RA(s), and Proponent on the EA and regulatory milestones into the MPMO project Tracking System.