

## **PROJECT AGREEMENT FOR THE NANTICOKE NUCLEAR POWER PLANT PROJECT**

### **PREAMBLE**

WHEREAS the Government of Canada is committed to improving the federal environmental assessment (EA) and regulatory review processes for major resource projects as a means of enabling a more effective examination and mitigation of environmental impacts, 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 s.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 Bruce Power Erie Inc. (i.e., the Proponent) has submitted a Project Description in support of its proposal to develop a new nuclear power plant at Nanticoke, Ontario (i.e., the Project);

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

AND WHEREAS the Responsible Authorities (RAs) may request the Minister of the Environment (the Minister) to refer the project to a review panel to conduct an EA of the project pursuant to the *Canadian Environmental Assessment Act (CEAA)*<sup>1</sup>;

AND WHEREAS nothing in this Project Agreement (i.e., the 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 accountable, transparent, timely and predictable federal review in relation to the Project, and to contribute to the discharging of any legal duty to consult with Aboriginal groups.

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<sup>1</sup> If the Minister accepts the request, his options include appointing the review panel; or agreeing with the President of the CNSC on the joint establishment of the review panel; or approving the substitution of the *Nuclear Safety and Control Act* process for a review panel under CEAA.

## 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 to roles and responsibilities, 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, including that:

- The RAs will request that the Minister refer the project to a review panel to conduct an EA of the project; and
- The Minister will refer the project to a review panel.

Other assumptions relate to activities of participants to this project that are *not signatories* to this Agreement, such as the Proponent, the Panel and Aboriginal groups. Should events unfold in a manner that is different from what has been assumed, the timelines associated with 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, refurbishment (if required), decommissioning and abandonment of two new nuclear power reactors in the Lake Erie Industrial Park in Nanticoke, Haldimand County, 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 an RA (see Annex IV). The CNSC 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 III).
- TC may have regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA), and therefore, pursuant to paragraph 5(1)(d) of the CEAA, 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 the 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 be 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 Panel, upon request (see Annex V);
- Natural Resources Canada (NRCan), Environment Canada (EC) and Fisheries and Oceans Canada (DFO) 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 RAs and/or the Panel (see Annex VI);

- 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 and/or the Panel (see Annex VI);
- Foreign Affairs and International Trade Canada (DFAIT) 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 and/or the Panel (see Annex VI);
- Indian and Northern Affairs Canada (INAC) has advisory responsibilities in regard to Aboriginal engagement and consultation (see Annex III);
- The Canadian Environmental Assessment Agency (CEA Agency) will have administrative and advisory responsibilities under the CEAA in support of the EA and Panel (see Annex VI), and will exercise a Crown oversight role in regard to Aboriginal engagement and consultation (see Annex III), unless the Minister of the Environment approves a fully substituted panel process under the NSCA; and,
- The MPMO has administrative and advisory responsibilities under the *Memorandum of Understanding (MOU) for the Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* (i.e., the *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, and will provide selective intervention to help address identified challenges (see Annex VI).

## **2.1 Environmental Assessment and Regulatory Review Process**

The Panel Terms of Reference (ToR) will establish the Panel and the terms of reference for the review that discharges the requirements set out in the CEAA. The Proponent will be provided with the EIS Guidelines for the Project, which would prescribe the requirements for the content of the EIS.

The Panel will have statutory responsibilities pursuant to the CEAA and/or the NSCA, depending on the type of panel process that is established. The CEA Agency and/or CNSC will have advisory and administrative responsibilities as set out in the Panel ToR. The Panel is not a party to this Agreement.

The Minister will establish the scope for the federal review in relation to the Project, which will also be outlined in the Panel ToR. The scope will likely include site preparation, construction, operation, refurbishment (if required), decommissioning and abandonment of two new nuclear

power units. Operations will involve activities required to commission, operate and maintain the Project, including management of all conventional and radioactive wastes.

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. Similarly, expert FAs will continue to review information provided by the proponent, as it becomes available and as the project evolves and changes, in order to confirm whether a regulatory approval may be required based on this updated and/or new information. In this case, an expert FA may become an RA and continue its participation in the EA on that basis.

The EA and regulatory review timelines detailed in this Agreement assume that the Proponent will submit complete and accurate NSCA and NWPA applications no later than the time 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, in order 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 and the CEA Agency for areas of responsibility that cannot be fulfilled by the CNSC unless the Minister of the Environment approves a fully substituted panel process under the NSCA, the Parties will work together toward a coordinated approach for Aboriginal engagement and consultation that is integrated with the EA and regulatory review processes.

The proposed Aboriginal engagement and consultation 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 to the Panel Report)– 32 months from the posting of the Notice of Commencement (November 14, 2008) on the Canadian Environmental Assessment Registry (CEAR), assuming submission of all necessary regulatory applications no later than the time of submission of the EIS;
- b) review of the application for a Licence to Prepare a Site (LTPS), issuance of the LTPS, and, if appropriate, issuance of NWPA authorizations – 3 months from the EA Course of Action decisions posted on CEAR, assuming submission of all applications no later than the time of submission of the EIS;

- c) review of the application for a Licence to Construct – 30 months from the date of submission of the application for a Licence to Construct; and,
- d) review of the application for a Licence to Operate – 24 months from the date of submission of the application for a Licence to Operate.

Based on current plans and estimates – and assuming the timely submission of all documents, NSCA and NWPA applications, additional information, the timely completion of Panel 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 online 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, in conjunction with the Proponent, to ensure that appropriate measures are in place to ensure the mitigation, 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 changes, will provide the basis against which the MPMO will monitor the progress of the federal review process and report on this progress in the MPMO Tracker.

Pursuant to the MOU and in support of the *Cabinet Directive*, if the federal review should be stopped or interrupted, then the MPMO may pause the timelines. The following are examples of situations that may result in the pausing of the federal review process:

- a) the review is delayed at the request of the Proponent, another jurisdiction or the Panel;
- b) the Panel and/or the RAs have indicated to the Proponent and/or the MPMO a requirement to provide additional information necessary for the federal review process to proceed or progress, 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,
- d) 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 EA, 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 issue of the RAs' EA course of action decisions. The level of effort and format of review will be appropriate to the scale of the project and issues encountered.

#### Amendments

The MPMO may amend this Agreement where there is concurrence among the Parties that an amendment is warranted. Minor amendments will be presented to the Major Projects Deputy Ministers' Committee for information purposes. These would include, but not be limited to:

- Confirmation or change of the status of a department as an RA or expert FA;
- Confirmation of the referral of the project for assessment by review panel should that occur; and/or,
- Changes to the Aboriginal consultation roles and responsibilities described in Annex III.

Major amendments will be presented to the Major Projects Deputy Ministers' Committee for consideration and to re-sign the Agreement. Major amendments would include, but not be limited to:

- Fundamental changes to milestones that are not the result of the Minister of the Environment's decision on a request to refer a project to panel.

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

## 6.0 PROJECT AGREEMENT

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

<u>                  [original signed by]</u> Cassie Doyle Deputy Minister Natural Resources Canada	<u>                  May 15, 2009</u>  Date
<u>                  [original signed by]</u> Michael Binder President Canadian Nuclear Safety Commission	<u>                  May 4, 2009</u>  Date
<u>                  [original signed by]</u> Louis Ranger Deputy Minister Transport Canada	<u>                  April 23, 2009</u>  Date
<u>                  [original signed by]</u> Peter Sylvester President Canadian Environmental Assessment Agency	<u>                  May 7, 2009</u>  Date
<u>                  [original signed by]</u> Claire Dansereau Deputy Minister Fisheries and Oceans Canada	<u>                  May 5, 2009</u>  Date
<u>                  [original signed by]</u> Ian Shugart Deputy Minister Environment Canada	<u>                  May 2, 2009</u>  Date
<u>                  [original signed by]</u> Leonard J. Edwards Deputy Minister Foreign Affairs Canada	<u>                  May 5, 2009</u>  Date
<u>                  [original signed by]</u> Michael Wernick Deputy Minister Indian and Northern Affairs	<u>                  May 4, 2009</u>  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 Roles and Responsibilities

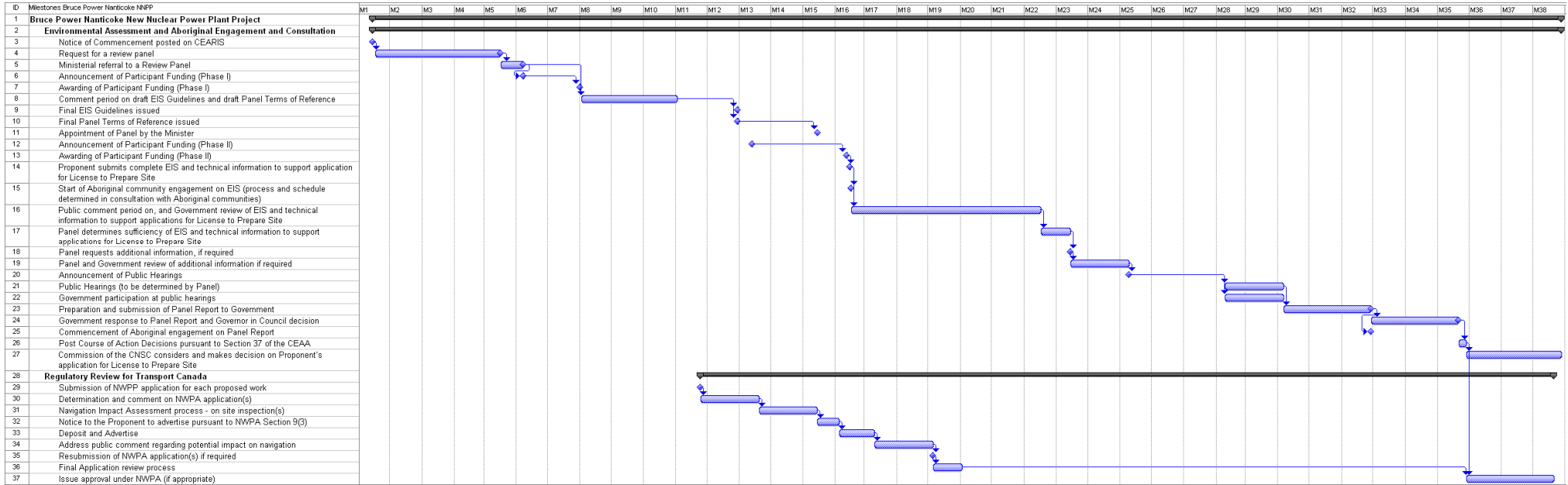
Annex IV - Roles and Responsibilities for the Canadian Nuclear Safety Commission, and Key Milestones and Service Standards under the *Nuclear Safety and Control Act*

Annex V - Roles and Responsibilities for Transport Canada, and Key Milestones and Service Standards under the *Navigable Waters Protection Act*

Annex VI - Environmental Assessment and Regulatory Roles and Responsibilities for Other Federal Departments

## 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

The milestones below assume that:

- The RAs will request that the Minister refer the project to a review panel to conduct an EA of the project; and
- The Minister will refer the project to a review panel.

If these events do not occur as assumed, then these milestones will be revised to reflect the decisions that are taken for the conduct of the EA.

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
<b>Post Notice of Commencement on the Canadian Environmental Assessment Registry Internet Site (CEARIS)</b>	CNSC	CEA Agency	November 14, 2008
<b>Request for a Panel Review</b>	CNSC	RAs, CEA Agency	Pending
<b>Ministerial referral to a Panel Review</b>	Minister of the Environment	CEA Agency	To be determined by the Minister of the Environment
<b>Federal Government Announces Participant Funding (Phase I)</b>	CEA Agency		Within 2 weeks of Minister's referral to a Panel Review
<b>Federal Government Awards Participant Funding (Phase I)</b>	CEA Agency		Prior to start of public comment period on draft EIS Guidelines and Panel ToR
<b>Draft EIS Guidelines and draft Panel Terms of Reference issued for public comments</b>	CNSC, CEA Agency	RAs and expert FAs	Within 11 weeks of the Ministerial referral to review panel
<b>Final EIS Guidelines issued</b>	Minister of the Environment	CEA Agency	Determined by Minister
<b>Final Panel ToR issued</b>	Minister of the Environment and President of the CNSC	CEA Agency	Determined by Minister and President
<b>Panel appointed</b>	Minister of the Environment and President of the CNSC	CEA Agency	Determined by Minister and President
<b>Federal Government</b>	CEA Agency		At least 45 calendar days prior to

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
<b>Announces Participant Funding (Phase II)</b>			expected receipt of the Proponent's EIS
<b>Submission of complete EIS and technical information to support application for Licence to Prepare Site, and applications to support TC authorizations</b>	Proponent	Panel, RAs, expert FAs	Determined by Proponent
<b>Panel announces commencement of public review and comment period.</b>	Panel		Determined by the Panel
<b>Start of Aboriginal Community Engagement on EIS</b>	CNSC	CEA Agency, RAs, expert FAs	Process and schedule to be determined in consultation with Aboriginal communities
<b>Public comment period on, and Government review of, EIS and technical information to support application for Licence to Prepare Site.</b>	Panel	RAs, expert FAs	Determined by the Panel
<b>Panel submits information request to Proponent (if required)</b>	Panel, Panel Secretariat	RAs, expert FAs	Determined by the Panel
<b>Submission of response to information request</b>	Proponent		Determined by Proponent
<b>Review of Proponent's response to Panel information request</b>	Panel	RAs, expert FAs	Determined by the Panel
<b>Announcement of Public Hearings</b>	Panel		Determined by the Panel
<b>Written Government Interventions</b>	RAs, expert FAs		During the 90 day period prior to the commencement of hearings
<b>Public Hearings on the EIS and technical information to support application for Licence to Prepare Site</b>	Panel		90 calendar days after announcement of hearings
<b>Government Interventions in Public Hearings</b>	RAs, expert FAs		During hearings as determined by the Panel
<b>Submission of Panel Report to Government</b>	Panel		Within 90 calendar days of the close of hearings
<b>Government Response to</b>	NRCan	RAs, expert FAs,	Within 12 weeks of submission of

<b>Description/Activity</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard/ Completion Date</b>
<b>Panel Report</b>		CEA Agency, MPMO	Panel 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
<b>Governor in Council decision</b>	Privy Council Office	CEA Agency, RAs, FAs	Determined by Cabinet
<b>Course of Action Decisions pursuant to s. 37 of the CEAA, posted on CEARIS</b>	RAs	CEA Agency	Within 1 weeks of Governor in Council decision

## Annex III

### Aboriginal Engagement and Consultation 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 accommodated, where appropriate, when it contemplates actions 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 the Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* (June, 2007). The *Directive* states that federal parties will work together toward a coordinated approach for Aboriginal consultation that is integrated with the EA and regulatory review.

#### 2.0 Identifying Aboriginal Groups

The CNSC, in conjunction with other RAs, expert FAs and INAC, 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 Nanticoke 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. Given the quasi-judicial nature of the CNSC, the CEA Agency, unless the Minister of the Environment approves a fully substituted panel process under the NSCA, will exercise an additional role to ensure that the CNSC-led process fulfills the Crown’s 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 as follows:

##### **Panel**

The roles and responsibilities of the Panel will be outlined in the Panel ToR.

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 CEA Agency and other RAs;
  - Identify and engage Aboriginal groups, in cooperation with RAs, 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, Province, Proponent, etc.);
  - Track and refer non-project-specific issues (e.g., land claims, treaty rights) to appropriate parties (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 together with RAs and FAs (and the Province, where appropriate) during consultation activities;
  - Compile, update and maintain the Record of Crown Consultation (i.e., the Record) 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 CEA Agency will:

- Provide funding opportunities for Aboriginal groups participating in consultation activities in support of the EA and Panel processes, through the Aboriginal Funding Envelope of the Agency's Participant Funding Program;

and, unless the Minister of the Environment approves a fully substituted panel process under the NSCA, will:

- Provide support to the Crown Consultation Coordinator with respect to the EA process;
- Ensure outstanding issues related to the Crown consultation obligations are addressed;
- Respond to general enquiries regarding consultation activities related to different projects by federal departments and agencies; and,

- Lead the review of the CNSC-led consultation efforts, with INAC and DOJ input as appropriate, to monitor the consistency, accountability and transparency of the Aboriginal engagement and consultation effort for the project review;

**The Major Projects Management Office (MPMO) will:**

- House and maintain the official Record of Crown Consultation Activities for the Project;
  - Specifically, the MPMO maintains the official Record during the pre-submission phase, after which the MPMO transfers responsibility for managing and maintaining the Record to the CNSC, and the CNSC updates the MPMO's central Record throughout the federal EA and regulatory review phases.
- Ensure the Proponent receives Early Aboriginal Engagement: A Guide for Proponents of Major Resource Projects;
- 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; and,
- Incorporate information relating to consultation activities into the MPMO Tracker.

**Responsible Authorities (other than the CNSC) will:**

- Participate in coordinated consultation activities throughout the entire EA and regulatory review processes (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 in accordance with the established records-management process; and,
- Support issues analysis work, where required.

**Expert Federal Authorities will:**

- Provide input to the drafting of, and participate in activities as agreed through, the Aboriginal engagement and consultation work plan.

**The Department of Justice (DOJ) and INAC will:**

- Provide legal services, information and advice to the CEA Agency, 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

#### EA and Licensing

- Lead the process in advance of the appointment of Panel members (in conjunction with CEA Agency where appropriate);
- Form and chair Federal Project Committee for the purposes of the EA process;
- Prepare a detailed EA and licensing work plan and, when appropriate, communications/ outreach plans;
- Prepare and manage 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;
- Depending on the type of Panel established, provide support to the Panel pursuant to the NSCA, the CEAA, and the Panel ToR as requested by the Panel 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 Panel Report, as appropriate;
- Take a course of action decision following the Governor in Council decision; and,
- 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, refurbishment, 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; and,
- 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
<b>Submission of technical information to support application for Licence to Prepare Site</b>	Submission of technical information to support application for Licence to Prepare Site	Proponent	Determined by Proponent
<b>Technical Review of Application for Licence to Prepare Site</b>	<p>The intent of the technical review is to determine the adequacy of the Licence Application.</p> <p>Licence Application Review will focus on but not be limited to:</p> <ul style="list-style-type: none"> <li>• Whether the applicant is qualified to carry on the licensed activity;</li> <li>• A description of the site evaluation process;</li> <li>• Quality assurance of the reactor design; and</li> <li>• Proposed worker health and safety policies and procedures.</li> </ul>	CNSC	To be completed within 28 weeks of receipt of technical information to support application for Licence to Prepare Site
<b>Decision on application for Licence to Prepare Site under NSCA</b>	<p>Should the EA decisions be that the Project is not likely to cause significant adverse environmental effects, the panel 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 that public hearings will cover both the EA and application for licence to prepare the site.</p>	CNSC	Within 13 weeks of the final EA course of action decision

### Licenses to Construct, Operate, Decommission and Abandon

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Submission of application for Licence to Construct under the NSCA</b>	Submission of technical information to support the application for a Licence to Construct	Proponent	Determined by Proponent.
<b>Consider application for Licence to Construct</b>	The Commission conducts hearings on the application for a Licence to Construct, in accordance with the NSCA and its Rules of Procedure, and makes a decision on the application	CNSC	Within 30 months of receipt of complete application.
<b>Submission of application for Licence to Operate under the NSCA</b>	Submission of technical information to support the application for a Licence to Operate	Proponent	Determined by Proponent.
<b>Consider application for Licence to Operate</b>	The Commission conducts hearings on the application for a Licence to Operate, in accordance with the NSCA and its Rules of Procedure, and makes a decision on the application	CNSC	Within 24 months of receipt of complete application.
<b>Submission of application for Licence to Decommission</b>	Submission of technical information to support application for a Licence to Decommission	Proponent	Determined by Proponent.
<b>Consider application for Licence to Decommission</b>	The Commission conducts hearings on the application for a Licence to Decommission, in accordance with the NSCA and its Rules of Procedure, and makes a decision on the application	CNSC	Within 30 months of receipt of complete application.
<b>Submission of application for Licence to Abandon</b>	Submission of technical information to support application for a Licence to Abandon	Proponent	Determined by Proponent.
<b>Consider application for Licence to Abandon</b>	The Commission conducts hearings on the application for a Licence to Abandon, in accordance with the NSCA and its Rules of Procedure, and makes a decision on the application	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;
- Review and comment, as required, on the detailed EA work plan, Aboriginal Engagement and Consultation Work Plan, and, if prepared, communications/outreach plans;
- 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 NWPA, as determined by TC or as requested by the Panel;
- Review and provide input into the Government Response to the Panel report;
- Consult with affected/potentially affected Aboriginal groups on the EIS and on the Panel 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 NWPA, 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
<b>TC liaises with Project Proponent regarding potential works in regards to impacts on navigability</b>	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
<b>Submission of NWPA application for each proposed work</b>	Provide TC with application 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.	Proponent	Determined by Proponent
<b>Determination and comment on application</b>	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
<b>Navigation Impact Assessment Process - On-site Inspection(s)</b>	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
<b>Notice to the Proponent to Advertise pursuant to NWPA Section 9(3)</b>	Provide Proponent with advertisement package pursuant to NWPA Section 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
<b>Deposit and Advertise</b>	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	Proponent	Advertisement process is to occur for a minimum of 30 +1 calendar days

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	advertising to TC.		
<b>Address Public Comments regarding project's potential impact on Navigation</b>	<p>Should TC receive concerns from the public and/or Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve concerns.</p> <p>Additional requirements might be deemed necessary by TC in regard to potential impacts on navigation posed by proposed works.</p> <p>TC will facilitate public comment process if required.</p>	<p>Proponent</p> <p>TC</p>	To be completed within 2 months of completion of advertisement process
<b>Resubmission of NWPA application(s) (if required)</b>	Resubmission of NWPA application(s) if substantial changes to proposed work(s) are required.	Proponent	Dependent on Proponent if required
<b>Final Application Review Process</b>	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
<b>Issue approval under NWPA (if appropriate)</b>	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

### Environmental Assessment and Regulatory Roles and Responsibilities of Other Federal Departments

FEDERAL AUTHORITY	ROLES / RESPONSIBILITIES
Environment Canada  Natural Resources Canada  Fisheries and Oceans Canada	<p>Roles and responsibilities of expert FAs and other involved federal departments and agencies, as identified below, are related to the areas of available expertise and mandates of the respective federal entity.</p> <ul style="list-style-type: none"> <li>• Provide advice on its areas of expertise relevant for the EA of the Project to the RAs and/or the Panel;</li> <li>• Participate in Federal Project Committee meetings for provision of available relevant expertise;</li> <li>• Review and comment, as required, on the detailed EA and licensing work plan and, if prepared, communications/outreach plans;</li> <li>• Review and submit comment on the EIS Guidelines, and provide support to the review of other comments received on the EIS Guidelines;</li> <li>• Review and submit comments on, and provide support to the review of other comments received on, the EIS, supporting technical information and other documents as directed by the Panel and/or RAs;</li> <li>• Participate in public hearings, as determined by the respective Department or as requested by the Panel;</li> <li>• Review the Panel Report and participate in development of Government Response;</li> <li>• Provide support to 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; and,</li> <li>• Continue to review information provided by the proponent, as it becomes available and as the project evolves and changes. Confirm if a regulatory approval may be required based on this updated and/or new information.</li> </ul>
Natural Resources Canada	<ul style="list-style-type: none"> <li>• Lead the Government Response to the Panel Report.</li> </ul>
Health Canada <sup>2</sup>	<ul style="list-style-type: none"> <li>• Provide advice regarding the potential human health implications of the Project when requested by the RAs and/or the Panel. Advice will be provided within the timelines requested by the RAs and/or the Panel.</li> </ul>
Foreign Affairs and International Trade Canada	<ul style="list-style-type: none"> <li>• Provide specialist advice regarding the potential for the Project to impact water levels and flows at the international boundary.</li> </ul>
Canadian	<ul style="list-style-type: none"> <li>• Administer Participant Funding Program and Aboriginal funding program for the</li> </ul>

<sup>2</sup> Although Health Canada is not a Party to this Agreement, it has agreed in principle to abide by its commitments herein described.

<b>FEDERAL AUTHORITY</b>	<b>ROLES / RESPONSIBILITIES</b>
Environmental Assessment Agency	EA; <ul style="list-style-type: none"> <li>• Provide process advice to the Parties, on request, throughout the EA process; and,</li> <li>• Depending on the type of panel established, provide support to the Panel pursuant to the CEAA and the Panel ToR.</li> </ul>
INAC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal engagement and consultation.</li> </ul>
MPMO	<ul style="list-style-type: none"> <li>• Coordinate the development and approval of the Project Agreement;</li> <li>• Monitor and report on the progress of the project through the EA and regulatory review process;</li> <li>• 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,</li> <li>• Incorporate information received from the RA(s), expert FA(s), CEA Agency, and proponent on the EA and regulatory review milestones into the MPMO Project Tracking System.</li> </ul>