

April 8, 2020

Marc Leblanc, Commission Secretary  
Canadian Nuclear Safety Commission  
280 Slater Street  
Ottawa, ON K1P 5S9

*Delivered via email [Marc.Leblanc@canada.ca](mailto:Marc.Leblanc@canada.ca)*

Dear Mr. Leblanc:

**RE: COVID-19 Response and Public Intervention Deadline for Global First Power EA**

The Canadian Environmental Law Association (CELA) together with Professor M. V. Ramana of the University of British Columbia request the Canadian Nuclear Safety Commission (CNSC) to extend the comment period for Global First Power's Micro Modular Reactor Project environmental assessment (EA) by a minimum of 30 days.

Global First Power's Micro Modular Reactor is Canada's first ever small modular nuclear reactor (SMR) and the only SMR design currently undergoing federal environmental assessment. Its technical characteristics are unlike any other operating nuclear reactor in Canada. Therefore, reviewing the proposal for members of the public is naturally important. What makes this task particularly challenging is having to do this amidst the COVID-19 pandemic.

COVID-19 has clearly affected the Commission's schedule. On January 27, 2020, the CNSC announced that the public could provide written interventions on the proposed scope of factors to be considered in the conduct of the project's EA by April 30, 2020.<sup>1</sup> The notice stated that the submission from CNSC Staff would be made available on March 31, 2020. On March 24, 2020, the CNSC released a statement revising the original deadlines noting that the submission from CNSC Staff would be postponed to April 30, 2020 and requests to intervene due June 1.<sup>2</sup>

What is notable here is that although the Commission's revised timeline gives CNSC Staff an additional 30 days to prepare and release their comments, it does not provide an equivalent extension of time for public interventions. As the public will also be responding to the materials provided by CNSC Staff, it is critical that sufficient time be provided for meaningful review and engagement. We therefore ask that the

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<sup>1</sup> Canadian Nuclear Safety Commission, "Notice of Participant Funding and an Opportunity to Submit a Written Intervention on the Scope of an Environmental Assessment Ref. 2020-H-102," 27 January 2020, online: <http://www.nuclearsafety.gc.ca/eng/the-commission/pdf/Notice-GPF-MMR-CMD20-H102-e.pdf>

<sup>2</sup> Canadian Nuclear Safety Commission, "Revised Notice of Participant Funding and an Opportunity to Submit a Written Intervention on the Scope of an Environmental Assessment Ref. 2020-H-102, Revision 1," 24 March 2020, online: <http://www.nuclearsafety.gc.ca/eng/the-commission/pdf/NoticeRevision1-GPF-MMR-CMD20-H102-e.pdf>

Commission extend the public comment period by at least 30 days to further a fair and just hearing process.

Providing a minimum 30 additional days aligns with COVID-19 actions already being taken by other provincial and federal regulators and decision makers. For instance, courts are introducing “suspension periods” whereby hearings are adjourned and timelines are being allowed to run;<sup>3</sup> tribunals are permitting the late filing of appeals and introducing transition periods, whereby appeals will be accepted following the lifting of emergency orders;<sup>4</sup> and administrative review bodies, like the Impact Assessment Agency of Canada are significantly extending comment periods on matters including discussion papers.<sup>5</sup> In all of these instances, the decision-making body is suspending, deferring or expanding timelines in light of COVID-19.

Although unprecedented and devastating in so many ways, the COVID-19 pandemic should not diminish the ability to Canadians to engage in matters of high importance. Therefore, we request the Commission reconsidered its revised timelines and extend the deadline for public comments from June 1, 2020 to July 1, 2020 so that the 30 additional days given to CNSC Staff to draft and release their CMD is equally given to the public.

We appreciate your attention to this matter and look forward to your response.

Regards,

Kerrie Blaise



Legal Counsel  
Canadian Environmental Law Association

M. V. Ramana



Professor and Simons Chair in Disarmament,  
Global and Human Security  
Director, Liu Institute for Global Issues  
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<sup>3</sup> Federal Court, Practice Direction and Order (COVID-19)

<sup>4</sup> Tribunals Ontario, Environment & Land Division, “Assessment Review Board – COVID-19 Policy,” online: <https://elto.gov.on.ca/contact/assessment-review-board/>

<sup>5</sup> Impact Assessment Agency of Canada, “News Release – Ministerial Regulatory Proposal related to Offshore Exploratory Drilling East of Newfoundland and Labrador — Comment Period on Discussion Paper, Online: <https://www.canada.ca/en/impact-assessment-agency/news/2020/03/ministerial-regulatory-proposal-related-to-offshore-exploratory-drilling-east-of-newfoundland-and-labrador-mdash-comment-period-on-discussion-paper.html>