

June 20, 2020

*via email*

**Re: Supplemental Submission from the Canadian Environmental Law Association in Reply to CNSC Staff's Supplemental CMD 20-H102.A (Reference No. 80182)**

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The Canadian Environmental Law Association (CELA) and Dr. Ramana submit this supplemental submission in reply to the the Canadian Nuclear Safety Commission Staff's Supplementary Commission Member Document (herein "Supplemental") released on June 18, 2020 regarding the scope of factors to be considered in the environmental assessment of Global First Power's Micro Modular Reactor (MMR) project.<sup>1</sup>

*First*, the Supplemental's summarization of and reply to CELA's comments is not reflective of our detailed submissions and should not be a stand in for our comments submitted June 1, 2020. Further, it appears to omit a number of comments received, including a joint submission sent by over 20 civil society organizations which commented upon the scope of the EA. **We submit the Commission's decision should not turn on the CNSC's Staff Supplemental which does not remedy the deficiencies in their preliminary submission (CMD 20-H102) in respect of the purposes of CEAA 2012 and designated scope of factors. In response, we direct Commission to our comments at sections 4.1 and 5.0 of our submission from June 1, 2020.**

*Second*, we do not support CNSC Staff's reliance on RegDocs made under the *Nuclear Safety and Control Act* as substitutes for detailed guidance on the scope of factors. While CNSC Staff's Supplemental states "the decision in this matter is to be made pursuant to the *Canadian Environmental Assessment Act, 2012* and will not represent a licensing decision,"<sup>2</sup> in numerous occasions throughout the Supplemental, RegDocs are referenced which will be used during the potentially subsequent licensing process. For instance, in response to comments regarding accidents and malfunction of the proposed SMR, CNSC Staff reference *RegDoc 1.1.1* as providing guidance, noting it will be "part of the application for a Licence to Prepare Site."<sup>3</sup>

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<sup>1</sup> CNSC, CMD 20-H102.A (June 18, 2020)

<sup>2</sup> *Ibid*, p 1

<sup>3</sup> *Ibid*, p 12

The CNSC's licensing process and guidance is not a substitute for the legal framework provided in *CEAA 2012*. Environmental assessment is a distinct form of environmental review process which confers on the Commission the requirement to evaluate a number of threshold considerations. **The purposes and scope of factors to be reviewed are distinct to EA law and not tenets of the *Nuclear Safety and Control Act*. In response, we direct the Commission to our comments at section 5.1.4 which discusses section 19(1)(a) of *CEAA 2012*, which requires the "effects of accidents or malfunctions" of the project to be considered.**

*Finally*, we note that CNSC staff refer to documents developed as part of evaluating the existing fleet of CANDU reactors. We submit that many of these do not apply to the MMR project being proposed. For example, in their response to Comment 5, CNSC staff refer "to the CNSC's Fact Sheet on greenhouse gas emission assessments for the Canadian nuclear fuel cycle". That fact sheet explicitly says that the "Canadian nuclear fleet is made up exclusively of CANDU reactors" pointing out that these "reactors operate on natural uranium with (0.7 percent uranium-235) and therefore avoid emissions from this stage of the nuclear fuel cycle". This is not true in the case of the MMR, which requires the uranium-235 concentration to be enriched to several times what is found in nature. We have highlighted the importance of evaluating the impacts of this key design parameter in our submission as well.

In closing, we submit that the CNSC Staff's Supplemental does remedy the deficiencies set out in their original submission and should not be determinative of the scope of factors which must be adequately detailed prior to proceeding within the planning phase of Global First Power's environmental assessment. A higher standard is required to demonstrate the purposes and factors set out in section 19 of *CEAA 2012* have been considered in specific relation to this designated project.

All of which is respectfully submitted this 20th day of June 2020.



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