

**Protocol among Canadian
Nuclear Safety Commission,
Impact Assessment Agency
of Canada, and Nuclear
Waste Management
Organization for the
Integrated Impact
Assessment of the Proposed
Adaptive Phased
Management Project**

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1. Introduction

1.1 Context and Purpose

The Government of Canada is committed to an efficient impact assessment process for major nuclear projects and promotes the goal of “one project, one assessment.”

An integrated assessment is an impact assessment process in which the requirements of the *Impact Assessment Act* (IAA) and the *Nuclear Safety and Control Act* (NSCA) are discharged in a single process. The Impact Assessment Agency of Canada (IAAC) leads these assessments for major nuclear projects in partnership with the Canadian Nuclear Safety Commission (CNSC). A Memorandum of Understanding between the two organizations outlines their roles and responsibilities and key activities to ensure a seamless, efficient integrated assessment process.

The Nuclear Waste Management Organization (NWMO) is proposing the Adaptive Phased Management project (the Project), a new deep geological repository for the centralized, long-term management and disposal of Canada’s used nuclear fuel, as mandated under the *Nuclear Fuel Waste Act* (NFWA). The Project is anticipated to be subject to the integrated assessment process under the IAA and the NSCA.

To further promote efficiency and clarity, this protocol outlines roles and responsibilities among the proponent/applicant, the NWMO, and the CNSC and IAAC. It explains at a high level how the three organizations will work together in preparation for and throughout the integrated assessment process.

The arrangement herein is strictly administrative in nature, and is not affecting the jurisdiction or discretionary powers of IAAC or the CNSC. As such, this arrangement does not replace or supersede the existing pre-licensing Special Project Service Arrangement between the NWMO and the CNSC nor does it replace or supersede the Memorandum of Understanding between IAAC and CNSC. For greater certainty, this arrangement is not legally binding and is unenforceable before a court of law.

2. Roles and Responsibilities

2.1 Roles and Responsibilities

The signatories to this protocol have the following roles and responsibilities:

- The IAAC has responsibilities under the IAA, the regulations and other instruments made thereunder. IAAC staff are responsible for leading and coordinating the integrated assessment process. IAAC is also responsible for determining that the material submitted by the NWMO meets the requirements under the IAA, the regulations and other instruments made thereunder, such as the *Information Requirements and Time Management Regulations* (the Regulations), the Project-specific Integrated Tailored Impact Statement Guidelines (the Guidelines) and other related planning documents.
- The CNSC has responsibilities under the NSCA and its regulations. CNSC staff are responsible for leading the assessment of NWMO's licence application and determining that the material submitted by the NWMO meets the requirements established in the NSCA and regulations made under the NSCA.
- The NWMO is the proponent/applicant and has responsibilities under the NFWA to carry out Canada's plan to develop the Project, including the study and recommendation to the Governor in Council of the approach that was selected by the Governor in Council in 2007, and set out in Choosing a Way Forward. The NWMO is responsible under the IAA and NSCA to demonstrate it meets regulatory requirements and expectations. This is achieved by the NWMO developing a thorough and complete integrated impact statement and supporting documentation, including the licence application.

2.2 Interfacing with Federal Entities and Other Jurisdictions

IAAC and CNSC staff will take a coordinated approach when reviewing documents submitted by the NWMO. This coordination role will include: collecting input from Indigenous nations and communities, various federal departments, ministries, and agencies, and other jurisdictions, where applicable.

IAAC will lead the Crown consultation process in partnership with CNSC.

3. Scope

3.1 Prior to Submitting the Initial Project Description

To help the NWMO prepare the Initial Project Description, IAAC and CNSC will provide, upon request, early reviews of the draft content and a timely response.

The response may provide guidance or expectations on methodologies for data collection, integrated assessment, safety case development, schedule, or engagement. It is understood that neither IAAC nor CNSC responses bind in any way the requirements that will be established in the notice of commencement under section 18 of the IAA.

3.2 Reviews of Submissions

A list of the applicable regulatory and guidance documents, and industry codes and standards will be developed and maintained by the NWMO for the purposes of the integrated assessment.

IAAC and CNSC staff and federal authorities or other jurisdictions, where applicable, will provide, upon request, technical reviews that evaluate the integrated assessment materials against the requirements specified in either the Regulations, the Guidelines, or the above mentioned list of applicable regulatory and guidance documents.

The list of applicable regulatory and guidance documents and industry codes and standards applicable to a particular study or assessment undergoing a technical review must be provided by the NWMO to IAAC and CNSC for the technical review to be completed.

3.3 Exchange of Information

The exchange of information among the NWMO, CNSC and IAAC staff will be effectively coordinated, managed, retained, and retrievable by applying the following principles:

- Formal (partial and/or entire) submissions will be managed and reviewed using established procedures among the NWMO, CNSC and IAAC and if found to be complete will be posted on the Canadian Impact Assessment Registry (the Registry) by IAAC.
- Official communication among the NWMO, CNSC and IAAC will be coordinated using the single point of contact (SPOC) approach.
- While all information exchanged as formal submissions will be submitted using established procedures and addressed to SPOCs, the NWMO, CNSC and IAAC subject

matter experts may communicate directly with each other to share information on technical reviews as long as SPOCs are kept informed.

- Informal communications are an accepted practice among the SPOCs of the NWMO, IAAC, and CNSC. These communications are typically related to administrative matters therefore are not considered formal submissions.
- CNSC and IAAC SPOCs will confirm completion of formal (partial and/or entire) submissions of technical reviews through official communications.

3.4 Transparency

The formal exchange of information pursuant to this protocol will be conducted in an open and transparent manner to ensure the public and Indigenous Nations and communities are informed. All formal submissions from the NWMO and technical reviews coordinated through IAAC or CNSC will be posted to the Registry and be accompanied by a covering letter.

Information typically posted on the Registry includes:

- Documents, notices and orders required by the IAA;
- Documents on which the IAAC is seeking public comment;
- Scientific information or summary of that information received from a proponent, federal authority or other participant during the integrated assessment;
- Public comments received, including those submitted through the Registry and those received by email, written correspondence or through other engagement activities.

There may be some formal information exchanged that is prescribed or confidential in nature. Documents of this nature will be exchanged and protected in accordance with Government of Canada information management requirements and any other legal or policy requirements.

4. Integrated Assessment Work

4.1 Integrated Assessment and Licensing Package

NWMO will provide CNSC and IAAC staff with a project schedule for the completion of the information that will be required to enable, or are tied to, the conduct of the integrated assessment. As provided by CNSC and IAAC, the schedule will be updated to reflect CNSC and IAAC's review timelines for each submission.

NWMO will update and notify CNSC and IAAC staff of any major changes made to the project schedule. The project schedule will respect the legislated timelines of the IAA. For the purpose of NWMO's planning assumptions, the time for CNSC and IAAC staff review from the time of the receipt of the final Impact Statement and Licensing package to the 19(4) decision can be assumed to occur within a one-year period. While IAAC and CNSC will endeavor to complete

the review as efficiently and expeditiously as possible, the completion of timely reviews is contingent upon the quality of the NWMO's initial submissions for technical review prior to providing the final Impact Statement and Licensing package. The NWMO will ensure Indigenous Nations and communities remain informed on the project schedule for the submission of information to CNSC and IAAC.

4.2 Impact Statement and Licence Application Review Time

The NWMO may submit partial sections of the Impact Statement and Licence to Prepare a Site application using a phased, coordinated approach, whereby batches of documents are submitted as they become available. The information submitted by the NWMO must be sufficiently complete and detailed to allow an ongoing regulatory review for the review process to proceed efficiently. Submissions that contain Indigenous Knowledge or are about Indigenous Peoples should be reviewed by those Indigenous Nations and communities prior to submission to IAAC and CNSC.

IAAC and CNSC staff will make every effort to review the submissions expeditiously and will provide a review timeline schedule. A thorough technical review will be conducted. The planned review time may be extended under extenuating circumstances.

In circumstances where the review timelines for a submission may be delayed such that the review period assumption is challenged:

- IAAC and CNSC staff will communicate updated review timelines to the NWMO as soon as they are reasonably able to do so;
- The review of other submissions by IAAC and CNSC staff will continue to the extent possible;
- The NWMO, IAAC and CNSC staff will provide updated estimated timelines for the completion of the overall review period;
- SPOCs will confer with their Directors to discuss this outcome and any resultant implications.

IAAC and CNSC staff will make every effort to conduct an initial conformity review of the NWMO materials within 10 business days of an acknowledgment of receipt of the materials to confirm whether the information received is complete and the review process will start, or that additional information is required. Where the initial conformity review identifies the need for additional information, the NWMO will target providing responses to the conformity review deficiencies within 20 business days.

Any NWMO delay in responding to deficiencies within the reports may result in extended timelines.

4.3 Resolution of Technical Issues

Disagreements between the NWMO and IAAC or CNSC staff raised during the review, including differences of opinion, will be addressed under an issue resolution mechanism, with the guiding principles outlined below:

- Identification of the issue and resolution at the technical working level and/or by SPOCs; If the issue cannot be resolved at the working level, the SPOCs will document the views or position of each organization on issues raised and escalate to the Directors (and higher levels of management, as needed) for discussion and resolution. Upon resolution, the outcomes achieved will also be documented;
- Consideration of the information on the record of the review (i.e., the Registry);
- Transparency with posting of resolutions on the Registry for participants and the review panel, as needed;
- Efficiency such that resolution of issues does not cause undue delays to the integrated assessment process.
- These guiding principles do not preclude the CNSC from ensuring the NWMO provides the information needed to meet regulatory requirements under the NSCA.

4.4 Communications

The following meetings will be held among NWMO, IAAC and CNSC staff to facilitate communication.

- Monthly meetings will be held between the SPOCs to discuss the review progress and highlight any potential issues.
- Director-level meetings will be held quarterly, or at a frequency agreed by all , to discuss the overall progress on the implementation of this protocol and any revisions that may be needed.

5. Change Management

Administrative changes to this protocol, such as position titles, may be changed through formal communications between SPOCs while substantive changes may require revision of this protocol and its re-signing.

6. Duration

This protocol will come into effect on the date of the last signature to this protocol. It will terminate on the date that the Agency and CNSC are satisfied that NWMO has provided it with all the information or studies, and the notice of that determination is posted on the Registry (the 19.4 decision) or 30 days after a written notification by one organization to the others of an intention to terminate the protocol.

7. External Communications

In the spirit of transparency, this protocol will be posted to the Agency's, CNSC's, and NWMO's external websites at the same time. This protocol will be posted once the agreement has been translated and IAAC creates a project specific page on the Canadian Impact Assessment Registry.

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