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May 8, 2023

Delivered by email to denis.saumure@cnsccsn.gc.ca

Denis Saumure, Commission Registrar
Legal and Commission Affairs Branch
Canadian Nuclear Safety Commission

Dear Mr. Saumure:

Re: Request for a hybrid oral hearing for the licence amendment regarding the Near Surface Disposal Facility

We write to request a hybrid (virtual and in-person) oral hearing for the Canadian Nuclear Laboratories' application to the Canadian Nuclear Safety Commission (the "**Commission**") regarding the proposed Near Surface Disposal Facility ("**NSDF**") project. We support the request of Kitigan Zibi Anishinabeg ("**KZA**"), dated April 28, 2023, for a hybrid hearing.

Under the Procedural Direction dated July 5, 2022, Kebaowek First Nation ("**KFN**") and KZA submitted additional evidence in this matter. This information is highly relevant to crucial issues in this impact assessment, including whether the duty to consult and accommodation has been fulfilled (and in turn, whether this licence amendment should be approved).

We should be allowed to speak to how this new information under the Procedural Direction affects our legal positions. Being in person will allow for more fluid and effective communication between KFN, the Commission, and the public. When in person, there is a greater ability to read non-verbal cues, and a lesser risk that technological hiccups (e.g. connectivity issues or lag) will impede understanding.

Gathering in a physical space also allows those without (or with limited) access to technology to participate meaningfully in this process. This, in turn, increases transparency and promotes public education. In-person gatherings also acknowledge the importance of an event. They provide a space for more spontaneous, personal, and meaningful connections between various stakeholders, which can assist in building trust.

Finally, a hybrid format will also signal to our members and the public that the Commission is taking our information and participation seriously. We have significant concerns about the NSDF, which is proposed to be built on unceded Algonquin territory. Additionally, we are a people of oral traditions and story-telling. A hybrid hearing – where we are afforded the opportunity to present its submissions in person – would ensure our meaningful participation in this process, and would reflect that the Commission understands and respects KFN's culture. This respect is much

needed, given the nuclear industry's history of opaqueness and exclusion, particularly at the Chalk River Laboratories site.

Taking these reasons together, a hybrid format will help the Commission fulfill its statutory responsibility to conduct all of its proceedings "as informally and expeditiously as the circumstances and the considerations of fairness permit".¹

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Haymond". The signature is written in a cursive, somewhat stylized font.

Chief Lance Haymond

¹ *Canadian Nuclear Safety Commission Rules of Procedure*, [SOR/2000-211](#), s. 3(1).