



August 12, 2019

Ms. Lise Morton
Vice-President
Nuclear Waste Management
Ontario Power Generation
1340 Pickering Place, P84, Fourth Floor
Pickering, ON L1V 0C4

Dear Ms. Morton:

**RE: Changes to Federal Legislation and implications for the Deep
Geologic Repository Project for Low and Intermediate Level
Radioactive Waste Project**

On August 28, 2019, the *Impact Assessment Act* (IAA) will come into force, repealing the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). The IAA contains transitional provisions that apply to projects undergoing an environmental assessment (EA) under CEAA 2012. This letter is to inform you of the transition provisions relevant to the Deep Geologic Repository Project for Low and Intermediate Level Radioactive Waste Project (the Project), and next steps.

On June 29, 2007, the Canadian Environmental Assessment Agency (the Agency) posted a notice of referral for the EA of the Project under CEAA 2012. As per the transition provision described in subsection 183 of the IAA: *"Any environmental assessment of a designated project referred to a review panel under section 38 of the 2012 Act before the day on which this Act comes into force is continued under the 2012 Act as if that Act had not been repealed."*

On August 28, 2019, the *Physical Activities Regulations* (the Regulations) of the IAA will also come into force. The Project is a designated project under the IAA as described under the following item(s) of the Regulations:

"s. 28(b) The construction and operation of either of the following: a new facility for the long-term management or disposal of irradiated nuclear fuel or nuclear waste".

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As outlined in subsection 183(3)(a), given that the review panel for the Project was appointed on January 24, 2012, that review panel is deemed to have been established, and its members to have been appointed, under section 41 of the IAA. Similarly, as per subsection 183(3)(b), the Joint Review Panel Agreement for the Project remains in effect.

Request to be subject to IAA

Under subsection 183(2) of the IAA, on request made to the Minister, you may request that the assessment of the Project continue under the IAA as if the impact assessment had been referred by the Minister to a review panel under subsection 36(1) of the IAA. As such, should you wish to continue the assessment of the Project under the IAA, you are requested to inform the Agency by **October 27, 2019**.

Further information on the IAA and associated processes, including opting into the IAA, is available on the Agency's website.

If you have any questions, do not hesitate to contact me, Robyn-Lynne Virtue, by phone 613-894-4123 or email *CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca*.

Sincerely,

<Original signed by>

Robyn-Lynne Virtue
Panel Manager

C.c.: Kapil Aggarwal, Director Eastern Waste Operations and DGR, OPG
Donna Pawlowski, DGR Project Manager, OPG
Candida Cianci, Director Environmental Assessment Division, CNSC