



August 11, 2023

Ms. Janna Switzer
Director - HSE Regulatory Compliance
Denison Mines Corp.
jswitzer@denisonmines.com

Subject: Outcome of CNSC Staff Completeness Check of the July 14, 2023, Responses to Federal-Indigenous Review Team Information Requests for the Wheeler River Project

Dear Ms. Switzer,

On July 14, 2023, Denison Mines Corp. (Denison) submitted responses to Information Requests (IRs) for the proposed Wheeler River Project [1]. Canadian Nuclear safety Commission (CNSC) staff have conducted a completeness check of this submission to form a conclusion on whether the required information has been provided in order to proceed with the technical review of the Environmental Impact Statement (EIS) submission. CNSC staff have deemed the submission incomplete.

CNSC staff reviewed the responses to the 238 IRs, along with any relevant proposed revisions to the EIS and supporting technical documents, as provided in Denison's list of attachments. There are 9 responses to IRs that remain outstanding.

Overall Review

During the completeness check, CNSC staff reviewed each IR response for consistency with CNSC staff's expectations for Denison's submission as outlined in our [March 20, 2023, letter](#) [2], including submitting:

- a revised EIS along with document revision history, in order for reviewers to locate the changes that have been made to the revised documents
- complete responses to all IRs and advice to proponent comments, while clearly indicating how responses to IRs and any subsequent changes were incorporated into the revised EIS

CNSC staff acknowledge that since the provision of this guidance, it was agreed that a revised EIS was not required for this submission, as long as Denison provided the proposed revisions to the EIS and revisions to other supporting documents for review.

Detailed feedback is provided in the attached table, appended as appendix A.

Information Requests (IRs)

The main reasons for determining incompleteness of 9 IR responses included:

- response does not fully address each sub-question of the IR (4)
- information provided is insufficient to allow a technical review (4)
- the supplementary material or changes to EIS documents or Technical Support Documents provided as part of the response is/are insufficient to adequately meet the request (1)

Overall, these responses did not include sufficient information to address the original IR.

CNSC staff found that 5 of the incomplete IR responses referenced detailed information to be provided at licencing. CNSC staff previously reinforced in separate correspondence our expectation that responses to IRs must include sufficient details for subject matter experts to complete their technical assessment. Responses that additional information will be provided during the licensing phase are not adequate [3]. Summaries of detailed program information that will be provided at licencing are expected to be provided as part of the EIS and supporting documents, if required in order for subject matter experts to determine that significant adverse environmental impacts will be avoided, limited or mitigated.

Additional Guidance

There are also IRs that note additional information will be updated in the final EIS (e.g., IRs# 02, 31, 71, 73, 100). The final EIS is our review step to verify that accepted responses to IRs and proposed revisions to the EIS and any supporting documentation have been properly completed. The Federal-Indigenous Review Team (FIRT) must review this information before IRs can be resolved, which is required prior to a final EIS submission. Although these IRs passed completeness, it is expected that any additional information be provided in advance of a final EIS.

No new information that hasn't been reviewed by the FIRT is to be included in the final EIS, or other supporting documents.

Of the IRs that passed completeness, please note that 7 IRs in the completeness table contain additional *Advice to the Proponent*, which relate to corrections required in the response text, guidance for the revised responses to IRs, or guidance for a future submission of responses to IRs.

Indigenous engagement

CNSC staff recognize that Denison has continued to put effort into engagement with identified Indigenous Nations and communities since the October 2022 submission. As per the requirements of REGDOC 3.2.2, the Indigenous Engagement Report (IER) is an evergreen document to be updated and submitted to the CNSC as Denison's engagement activities progress. The CNSC has not received an updated version of the IER since October 2022, which contains information up to Spring 2022.

As has been communicated to Denison both verbally and in written correspondence, CNSC staff expect Denison to provide any supplementary information along with the fulsome responses to IRs, and any supporting evidence [4][5]. Further, REGDOC 3.2.2 states: "It is essential that

licensees submit all necessary and relevant information gathered pursuant to the engagement report, as this helps the CNSC to ensure an adequate Indigenous consultation process, to determine the appropriate level of Indigenous consultation activities, and to carry out an effective and efficient EA and/or licensing review” (section 4.2).

The engagement information that has occurred between spring 2022 and the summer of 2023 is information that underpins CNSC staff technical review of Denison’s engagement activities. Therefore, CNSC staff expect Denison to submit an update on engagement activities as part of Denison’s next submission. This can be provided in the form of a fully revised IER, or whatever format Denison chooses. This should include updated information on Denison’s engagement activities from Spring 2022 until the new submission date, as appropriate.

Commitments Report

As noted in the email from CNSC staff to Denison on November 28th, 2022 [6] and the March 20, 2023, letter submitted along with the conclusion of the EIS technical Review [2], CNSC staff have requested that Denison submit a draft Commitments Report as part of its revised EIS documentation. This report would capture all the mitigation measures, follow-up program measures and commitments that are referenced in the Environmental Assessment (EA) documentation, in a single location for completeness and traceability. This report would remain an evergreen document that would continue to be updated during the remainder of the regulatory review process, as well as if the project is approved, after the public hearings and Commission decisions, in order to capture any additional commitments made by Denison staff during public hearings and any actions directed by the Commission to Denison.

This report has not been included along with the first round of responses to IRs. CNSC staff expect that Denison will provide a draft commitments report along with the next submission, as the FIRT must review this information before IR-2 can be resolved.

Expectations and Next Steps

CNSC staff expect Denison to perform any additional work, make revisions to the submission and re-submit responses to IRs, along with any supporting documents that may have changed as a result of the revisions. Further, it is expected that the aforementioned information on Indigenous engagement be submitted along with this next submission. CNSC staff are available to hold a meeting with Denison to further elaborate on the outcome of this completeness check, and the expectations for resubmission.

Upon resubmission of a complete EA package, CNSC staff will perform a subsequent completeness check of the remaining 9 IRs and any additional supporting information. Should the next submission be deemed complete, the technical review will commence.

Should you have any questions, please do not hesitate to contact me, directly by phone at 343-540-6213 or by email at Jessica.Way@cnsccsn.gc.ca.

Sincerely,

Jessica Way
Environmental Review Officer
Environmental Review Division

c.c.: CNSC: N. Kwamena, P. Burton, C. Cattrysse, J. Way, W. Yen, K. Gorzkowski, R. Froess
Denison: K. Himbeault, C. Inglis-McQuay, R. Nagel

Attachment: Appendix A: Wheeler River Project Completeness Check: Review of Denison Responses to Information Requests (IRs) and Supporting Documents Received July 14, 2023 (e-Doc 7102957)

References:

- [1] Letter, J. Switzer (Denison) to J. Way (CNSC), *Submission of responses to the FIRT information requests for the Wheeler River Project*, July 14, 2023 (e-Doc 7099807)
- [2] Letter, J. Way (CNSC) to J. Switzer (Denison), *Results of the Federal-Indigenous Review Team technical review of the October 21st, 2022 Draft Environmental Impact Statement Submission for the proposed Wheeler River Project*, March 20, 2023 (e-Doc 7103212)
- [3] Email, J. Way (CNSC) to J. Switzer (Denison), *Follow-up to June 16th Presentation*, June 16, 2023 (e-Doc 7103206)
- [4] Email, J. Way (CNSC) to J. Switzer (Denison), *RE: [**]RE: Engagement issues and concerns table*, May 31, 2023 (e-Doc 7103213)
- [5] Email, N. Kwamena (CNSC) to J. Switzer (Denison), *Clarity regarding expectations for submission to IRs - Denison Wheeler*, June 5, 2023 (e-Doc 7060779)
- [6] Email, J. Way (CNSC) to J. Switzer (Denison), *Future Submission of a Commitments Table for Wheeler River EIS*, November 28, 2022 (e-Doc 6943639)