

CNSC Table: Consolidated Public and Indigenous Groups' Comments on the Nuclear Power Demonstration (NPD) Closure Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l'ébauche de l'EIE du Projet de fermeture du réacteur nucléaire de démonstration (RND)

No.	Theme Thème	Source	Section, table or figure (Page) Section, tableau ou figure (no. de page)	Comment summary (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121) Synthèse des commentaires (toutes les soumissions originales se trouvent sur le Registre canadien d'évaluation environnementale, référence #80121)	Response (to be completed by CNSC) Réponse (à remplir par la CCSN)
<p><i>Note: The following comments and questions are presented in the official language chosen by the commenter. The CNSC will respond in that same language. Comments of general support or opposition to the project have been noted, but are not reflected below.</i></p>					
<p><i>Note: Les commentaires ci-dessous sont présentés dans la langue officielle choisie par l'intervenant. La CCSN répondra dans cette même langue. Les commentaires de soutien ou d'opposition au projet ont été notés, mais ne sont pas reflétés ci-dessous.</i></p>					
1.	Environmental Assessment (EA) Process / Processus d'évaluation environnementale (EE)	Canadian Coalition for Nuclear Responsibility (CCNR) (Feb. 13, 2018 / 13 février 2018)	General / Général	<p>The commenter believes this is a disservice to Canadians, whose taxes are funding this project and other very expensive radioactive waste management schemes. The commenter finds it unacceptable that federal authorities, such as the Canadian Nuclear Safety Commission (CNSC) and the Canadian Environmental Assessment Agency, collude with the nuclear industry to foreshorten the time allotted for sober deliberation. These are not decisions for 20, 30 or 40 years; they are decisions for eternity.</p> <p>[Please see page 8 of the commenter's submission for more information.]</p>	<p>The timelines for the EA process have not been shortened but rather are in accordance with the timeline identified in CNSC's REGDOC-2.9.1, Environmental Protection: Environmental Principles, Assessments and Protection Measures. CEEA 2012 does not set regulated timelines for EAs conducted by the CNSC, because it was recognized that the CNSC's timelines are covered under its respective statute. However, as outlined in REGDOC-2.9.1, the CNSC has committed to completing all EA processes within the 24-month federal timeline for a licensing decision (pursuant to the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i>). Adherence to this schedule is dependent on the completeness of information received from Canadian Nuclear Laboratories' (CNL). CNSC staff require complete and quality responses in order to deem information sufficient for the purposes of providing recommendations to the Commission, and as such, proceeding to a public hearing.</p> <p>CNL received considerable and substantial comments from CNSC staff, federal and provincial authorities, Indigenous groups and members of the public on the draft Environmental Impact Statement (EIS). Whereas it was initially estimated that the public hearing regarding the project would take place in the latter part of 2018, CNL has required additional time to address information requests received on the draft EIS from the federal and provincial authorities as well as from Indigenous groups and members of the public. Given that there are no firm time commitments for receipt of CNL's completed responses, or for the remainder of the regulatory process, appendix A of the Administrative Protocol between CNL and the CNSC for the Nuclear Power Demonstration (NPD) project was revised to clarify the milestones remaining in the EA and licensing processes and the current focus of obtaining a complete submission of information.</p>
2.	EA Process / Processus d'EE	Erin Parker (Feb. 12, 2018 / 12 février 2018)	General / Général	The commenter wonders why, if the public is opposed to the NPD Closure Project and it is deemed unsafe, we are moving forward with it.	The Commission, the CNSC's independent decision-making body is an administrative tribunal set up at arm's length from government, with no ties to the nuclear industry. The Commission makes its

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					<p>decisions transparently, taking into consideration science-based evidence and provides extensive reasons for those decisions. The concerns and interests of Indigenous groups, members of the public and stakeholders are of vital importance to the CNSC, who will ensure an open and balanced process, and one that strengthens the quality and credibility of a project's review. CNSC staff will review and assess CNL's proposal thoroughly, and the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. The review is ongoing, and therefore the Commission's decision has not yet been made.</p> <p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. In accordance with the CNSC's regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p> <p>CNSC staff are currently assessing the CNL proposed project, in accordance with the CNSC's regulatory framework, with safety being the overriding factor. As part of the EA and licensing review process, the proposed project's design, long-term safety and potential effects to the public and the environment are being assessed against all applicable and relevant requirements and guidance, as follows:</p> <ul style="list-style-type: none"> • CNSC licensing and regulatory requirements and guidance (i.e., <i>Nuclear Safety and Control Act</i>, (NSCA), CNSC Regulatory Guides G-219, Decommissioning Planning for Licensed Activities, and G-320, Assessing the Long Term Safety of Radioactive Waste Management, CSA standard N294, <i>Decommissioning of facilities containing nuclear substances</i>, etc.) • federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards <p>The CNSC strongly encourages public participation of individuals and groups, who bring valuable information that the Commission takes into consideration in its decision-making. As the Responsible Authority under <i>Canadian Environmental Assessment Act, 2012</i> (CEAA 2012), the CNSC must ensure that meaningful participation has occurred during the process. To this end, the CNSC administers the Participant Funding Program (PFP), which offers funding to Indigenous peoples, members of the public, and stakeholders to help facilitate their participation in the CNSC's regulatory processes.</p> <p>The CNSC has offered two phases of participant funding for the NPD Closure Project. The first phase of funding was announced in September 2016, offering \$100,000 to assist in reviewing CNL's draft EIS. The second phase of participant funding was announced in March 2019, offering \$150,000 to assist in reviewing CNSC</p>
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					<p>staff's Environmental Assessment Report and related documentation and to participate in the Commission's yet-to-be-announced public hearings. To date, the CNSC has awarded \$348,476.52 to Indigenous groups and the public in relation to the NPD Closure Project. In addition, the CNSC has awarded funding to the Algonquins of Ontario and Métis Nation of Ontario to conduct Indigenous knowledge studies in relation to the NPD Closure Project.</p> <p>The following opportunities for public participation related to the NPD Closure Project have been offered to date:</p> <ul style="list-style-type: none"> • Public comments invited on the Project Description, May 24, 2016 (30 days) • Participant funding offered on May 25, 2016, PFP decision on January 25, 2017 • Draft EIS posted November 5, 2017 and public comments extended to 90 days to February 13, 2018 • Open houses and Information Sessions in <ul style="list-style-type: none"> ○ Deep River, ON - December 4, 2017 ○ Rapides-des-Joachims, QC - December 5, 2017 <p>Additional opportunities for public participation remain. CNSC staff's EA Report and licensing Commission Members Document (CMD) will be submitted for public review at least 60 days prior to the Commission hearing date, and public participation in the hearing will be invited through written and/or oral interventions. The Commission hearing will take place as a two-part hearing process. During Part 1, the applicant and CNSC staff present written and oral submissions to the Commission and respond to questions from the Commission. During Part 2, which usually takes place 60 days after Part 1, registered intervenors will have an opportunity to make their views known to the Commission and to respond to any related questions from the Commission Members. Usually, 30 days before Hearing Part 2, intervenors may file their intervention requests and submissions.</p> <p>CNSC staff continue to be available to discuss and answer questions at any time during the regulatory process.</p>
3.	EA Process / Processus d'EE	Northwatch (Feb. 19, 2018 / 19 février 2018)	General / Général	<p>The commenter makes three requests to the CNSC:</p> <ol style="list-style-type: none"> 1. Require CNL to respond to information gaps, deficiencies and questions raised by public intervenors and reviewers before the review proceeds. More specifically, the commenter requests that CNL respond to Northwatch's information requests in a timely fashion. 2. Require CNL to resubmit a revised draft Environmental Impact Statement (EIS) after the above step has been completed, and make 	<ol style="list-style-type: none"> 1. CNSC staff agree with the commenter. CNL received considerable and substantive comments from CNSC staff, federal and provincial authorities, Indigenous groups and members of the public and has required significantly more time to address all of the comments received. CNSC staff will not continue the EA review process until all comments have been adequately addressed to the satisfaction of the CNSC. 2. Once CNSC staff are satisfied with CNL's responses to all of the comments submitted, the comment tables will be posted

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				<p>it subject to a review by the federal departments and the public in a manner similar to the review that closed in February 2018.</p> <p>3. Review the protocol between CNSC and CNL in an open and transparent manner, engaging the public and Indigenous peoples in a process that leads to a revision of the protocol (including the timeline) to improve the review process and better accommodate the level of public and indigenous interest, and better reflect lessons learned in this process to date.</p>	<p>publically to the public Registry, as will the final EIS. This will provide adequate time to review the final EIS and comment tables well in advance of the public Commission hearing. Additional opportunities for public participation remain. The Environmental Assessment Report and licensing CMD will be submitted for public review at least 60 days prior to the Commission hearing date, and public participation in the hearing will be invited through written and/or oral interventions.</p> <p>3. Due to the time CNL needed to adequately address all comments received and that there are no firm time commitments for receipt of CNL's completed responses, or for the remainder of the regulatory process, appendix A of the Administrative Protocol between CNL and the CNSC for the NPD Closure Project was revised to clarify the milestones remaining in the EA and licensing processes and the current focus of obtaining a complete submission of information. The required timelines for the federal and provincial authorities to complete their reviews remain the same. This information was posted on the public Registry on September 10, 2018 followed by an email to the project specific distribution list, which includes Northwatch.</p>
4.	EA Process / Processus d'EE	William Turner (Feb. 9, 2018 / 9 février 2018)	General / Général	<p>The commenter is of the opinion that the total number of pages associated with this document and the various Technical Supporting Documents (TSDs) makes it impossible to conduct a reasonable review of the proposed project within the constraints of the relatively short review period.</p> <p>Therefore, the commenter concludes that CNL has failed to address one of the purposes of the CEAA 2012, which states, under paragraph 4(1)(e): The purposes of this Act are [...]to ensure that opportunities are provided for meaningful public participation during an environmental assessment..."</p> <p>[Please see page 6 of the commenter's submission for more details.]</p>	<p>With respect to the time allocated to the public comment period on the draft EIS, CNSC staff value meaningful public participation in the EA process. As such, a reasonable timeframe for the review of the draft EIS was an important consideration before launching the public comment period. Individuals and organizations that had previously been identified as having an interest in the EA process, were provided with an early notice of process timelines and upcoming milestones. Furthermore, in determining the duration of the public comment period, CNSC staff considered the overlapping periods between the different CNL proposals. While CNSC staff appreciate that all parties involved needed to coordinate their resources and responsibilities to review this draft EIS, as well as other CNL proposals, CNSC staff believe that setting the public comment period at 75 days was a reasonable and ample time period to allow for proper coordination to occur. In addition, CNSC staff would note that upon request, an extension of 15 days to the deadline was granted.</p> <p>Funding was offered under the CNSC's Participant Funding Program early on for all three CNL projects to help intervenors participate in the process. However, due to continued project delays, CNSC offered a second round of PFP funding on March 11, 2019 to facilitate continued participation in the remainder of the regulatory process. Requests for funding may include hiring a consultant to conduct a technical review of the EA Report as well as CNSC and CNL Commission member documents, hosting community meetings, producing a written report to be submitted to the</p>

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					<p>Commission, and travelling to the Commission hearing. The CNSC awarded \$194,045.88 to 10 recipients.</p> <p>Also, please refer to response #2 for further information on remaining Indigenous and public participation opportunities.</p> <p>Lastly, CNSC staff continue to be available to discuss and answer questions at any time during the regulatory process.</p>
5.	EA Process / Processus d'EE	<p>Eva Schacherl (Feb. 13, 2018 / 13 février 2018)</p>	General / Général	<p>The commenter is of the opinion that because the Government of Canada introduced legislation to significantly change EA policies and structures in Canada, the NPD Closure Project should be approached under the new EA framework with ample public consultation, as well as consultation and negotiation with affected Indigenous groups.</p>	<p>On August 28, 2019, the Impact Assessment Act (IAA) came into force, repealing the CEAA 2012. The IAA contains transitional provisions for EAs of designated projects commenced under CEAA 2012 and for which the Canadian Nuclear Safety Commission (CNSC) is the Responsible Authority.</p> <p>The NPD Project has been subject to an EA commenced under CEAA 2012, since May 5th, 2016. As per the transition provision described in subsection 182 of the IAA: “<i>Any environmental assessment of a designated project by the Canadian Nuclear Safety Commission or the National Energy Board commenced under the 2012 Act, in respect of which a decision statement has not been issued under section 54 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.</i>” As outlined in subsection 182, given that the Project was commenced under CEAA 2012 and a decision statement has not yet been issued, and therefore will continue and be completed under its current process.</p> <p>As per the Government’s response to environmental petition 421-02106, “in January 2016, the Government announced an interim approach and principles that would guide decision-making on projects that were currently in the system. These principles are that:</p> <ul style="list-style-type: none"> • No project proponent will be asked to return to the starting line – reviews will continue within the current legislative framework and in accordance with treaty provisions, under the auspices of relevant responsible authorities and Northern regulatory boards. • Decisions will be based on science, traditional knowledge of Indigenous peoples, and other relevant evidence. • The views of the public and affected communities will be sought and considered. • Indigenous peoples will be meaningfully consulted and, where appropriate, impacts on their rights and interests will be accommodated. • Direct and upstream greenhouse gas emissions linked to the projects under review will be assessed.” <p>The CNSC is respecting and adhering to the applicable regulatory regime under CEAA 2012 and these interim principles.</p>

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					<p>With regards to Indigenous and public engagement opportunities, the CNSC is committed to being transparent and promoting Indigenous and public participation. To date CNSC staff have held numerous open houses in the local communities nearest the proposed project and will continue to engage directly with the First Nation and Métis communities that have expressed interest in these projects. For transparency purposes, CNSC staff provide project updates to project-specific mailing lists and posts notices on the public Registry and the CNSC's website. In addition, all comments received during public comment periods and formal responses to these comments are posted publically on the public Registry. The final Environmental Impact Statement (EIS) and comment response tables will be posted on the CEAR as well as on the CNSC's website. This allows members of the public to see how their comments have been addressed and where applicable, taken into consideration in the final EIS.</p> <p>Also, please refer to response #2 for further information on remaining Indigenous and public participation opportunities.</p>
6.	EA Process / Processus d'EE	<p>Canadian Environmental Law Association (CELA) (Feb. 13, 2018 / 13 février 2018)</p> <p>Eva Schacherl (Feb. 13, 2018 / 13 février 2018)</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>CELA recommends that the federal government conduct a strategic environmental assessment (SEA) under the proposed Bill C-69 (<i>An Act to enact the Impact Assessment Act and the Canadian Energy Regulator, to amend the Navigation Protection Act and to make consequential amendments to other Acts</i>), once adopted. CELA further notes that an SEA will allow Canada to develop a comprehensive and publicly informed nuclear waste management policy for all types of nuclear waste in Canada.</p> <p>This recommendation is supported by Eva Schacherl.</p>	<p>As per the Government of Canada's response to environmental petition 418: "The Government of Canada conducts Strategic Environmental Assessments as required by the Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals. The Cabinet Directive has specifically required, since 1990, that departments and agencies consider environmental effects of their proposed policies, plans and programs before the documents are submitted to a Minister or Cabinet for approval.</p> <p>The scope of policies, plans and programs that would be subject to this Cabinet Directive for Natural Resources Canada, in relation to nuclear waste management, would include initiatives such as legislative proposals, new or changes to existing policy frameworks, or specific Government of Canada programs to address historic wastes. For example, Canada's Nuclear Fuel Waste Act, which outlines the development and implementation of Canada's plan for nuclear fuel waste was subject to a Strategic Environmental Assessment.</p> <p>It is the licensee and the waste owner's responsibility to develop a decommissioning and waste management strategy for a specific shutdown reactor, as well as an EA of the strategy, which examines alternative options and all associated safety case information for how the strategy meets regulatory requirements. Neither a Minister nor Cabinet approves these reactor-specific plans when they are prepared. Rather, it is the role of the CNSC, as the regulator responsible for licensing these facilities, to review, assess and approve decommissioning and waste management strategies through its licensing program. As an independent quasi-judicial administrative tribunal, the CNSC's decisions under the <i>Nuclear</i></p>

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					<i>Safety and Control Act</i> are final, and do not require a Minister or Cabinet to approve.”
7.	EIS Deficiencies / Lacunes de l'étude d'impact environnemental (EIE)	<p>Algonquin Anishinabeg Nation Tribal Council (AANTC) (Feb. 13, 2018 / 13 février 2018)</p> <p>Bonnechere River Watershed Project (Feb. 13, 2018 / 13 février 2018)</p> <p>Métis Nation of Ontario (MNO) (Feb. 14, 2018 / 14 février 2018)</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The AANTC finds that the draft EIS (with its supporting documentation) should not be accepted or approved in its current form, because it is incomplete, inconsistent, and inadequate in terms of providing a proper or adequate assessment of the potential impacts of the proposed project, specifically with respect to groundwater and surface water quality.</p> <p>The Bonnechere River Watershed Project echoes this concern and supports the above recommendation.</p> <p>Furthermore, the MNO notes that the lack of information contained in the draft EIS and the lack of consideration given to the limited information therein, are matters for which CNL and the CNSC are responsible.</p>	CNSC staff agree that the draft EIS was incomplete. CNSC staff and other federal and provincial authorities submitted over 200 Information Requests and comments to CNL on its draft EIS. CNSC staff will not continue the EA review process until all comments have been addressed to the satisfaction of CNSC staff.
8.	EIS Deficiencies / Lacunes de l'EIE	<p>William Turner (Feb. 9, 2018 / 9 février 2018)</p>	General / Général	<p>Given the numerous deficiencies, the commenter is of the opinion that the draft EIS requires a total rewrite, and requests the opportunity to review the final EIS before the CNSC produces their EA report.</p>	Please refer to CNSC's response to comment #3 above.
9.	Decommissioning and Waste Policies, Standards and Guidelines / Politiques, normes et lignes directrices de déclassément	<p>Anna Bogic (Feb.7, 2018 / 7 février 2018)</p> <p>Candace Wooley (Feb. 11, 2018 / 11 février 2018)</p> <p>CCNR (Feb. 13, 2018 / 13 février 2018)</p> <p>Christina Anderman (Feb. 13, 2018 / 13 février 2018)</p> <p>Eva Schacherl (Feb. 13, 2018 / 13 février 2018)</p> <p>Judith Maclean Miller (Feb. 9, 2018 / 9 février 2018)</p> <p>Lynn Jones (Feb. 13, 2018 / 13 février 2018)</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>Various commenters suggest that the Canadian Government needs to develop a federal policy or legislation on the long-term management of radioactive waste materials. Others suggest that Canada needs a reform of nuclear governance to ensure the parliamentary oversight of nuclear waste disposal decisions, and that nuclear waste must be managed responsibly in state-of-the-art facilities.</p> <p>The CCNR and Eva Schacherl request that the EA be suspended until the Government of Canada has developed a policy on the long-term management of post-fission radioactive waste materials, other than irradiated nuclear fuel, that specifies which types of facilities must be used for each type of waste.</p>	<p>This comment is outside the scope of the EA for the project; however, the following response may provide clarification for the concerns raised.</p> <p>The CNSC is committed to regulatory excellence. In September 2018, in an ongoing demonstration of this commitment, the CNSC, on behalf of Canada, requested an Integrated Regulatory Review Service (IRRS) mission – an international peer review mission from the International Atomic Energy Agency (IAEA). The IRRS mission to Canada was held from September 3 to 13, 2019.</p> <p>The 2019 IRRS mission provided valuable insights to the CNSC and other Canadian federal departments (i.e., Natural Resources Canada, Health Canada). Canada was presented with a number of good practices, as well as suggestions and recommendations to improve Canada's oversight of the nuclear industry, including the CNSC's regulatory framework. One recommendation that arose from the 2019 IRRS mission is that “[t]he Government should enhance the existing policy and establish the associated strategy to give effect to the principles stated in the Canadian Radioactive Waste Management Policy Framework.”</p> <p>Canada accepted the recommendation. Canada's Radioactive Waste Policy Framework provides the overall principles for radioactive waste management and is supported by three pieces of legislation that govern the management of radioactive waste in Canada:</p>

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10.	Decommissioning and Waste Policies, Standards and Guidelines / Politiques, normes et	Dr. J. R. Walker (Jan. 2, 2018 / 2 janvier 2018) Juan Pedro Unger	General / Général	<i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i>	Canada's 6 th National Report to the <i>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</i> demonstrates how Canada continues to meet its obligations under the <i>Articles of the Joint Convention</i> . This report is available on the CNSC's website.

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	lignes directrices de déclasséement	(Feb. 13. 2018 / 13 février 2018)		<p>The commenters note that the CNSC and its licensees must adhere to the <i>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</i> [1], which was ratified by Canada. The Joint Convention defines decommissioning as follows: "...all steps leading to the release of a nuclear facility, other than a disposal facility, from regulatory control. These steps include the processes of decontamination and dismantling."</p> <p>Mr. Unger is of the opinion that the proposed project does not meet this definition. Whether the CNSC has produced an alternative definition of decommissioning is irrelevant since the Joint Convention, once ratified, is not optional.</p> <p>Of a similar perspective, Dr. Walker provides the following reasons for why the proposed project would cause Canada to be in violation of its obligations under the Joint Convention:</p> <ul style="list-style-type: none"> • Internationally endorsed criteria and standards have been ignored (e.g., [2, 3]) • Reasonably predictable impacts on future generations are greater than those permitted for the current generation • Undue burdens are imposed on future generations <p><u>References:</u></p> <p>[1] IAEA, <i>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</i>, International Law Series No. 1, 2006.</p> <p>[2] IAEA, <i>Decommissioning of Facilities</i>, General Safety Requirements Part 6, IAEA, Vienna, 2014.</p> <p>[3] IAEA, <i>Disposal of Radioactive Waste</i>, Specific Safety Requirements SSR-5, 2011.</p>	<p>Furthermore, CNSC regulatory document REGDOC-2.11, Framework for Radioactive Waste Management and Decommissioning in Canada expresses Canada's international obligation to the <i>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</i>.</p> <p>INFCIRC 546, Articles of the Joint Convention states that for the purposes of this Convention "decommissioning" means all steps leading to the release of a nuclear facility, other than a disposal facility, from regulatory control. These steps include the processes of decontamination and dismantling. NPD will be a disposal facility, and so the definition for decommissioning provided above in the <i>Articles of the Joint Convention</i> is not applicable.</p> <p>Noting that the IAEA is the Secretariat for the Joint Convention, the IAEA Safety Glossary 2018 defines decommissioning as administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility.</p> <p>CNSC regulatory document REGDOC-3.6, Glossary of CNSC Terminology defines decommissioning as those actions taken to retire a licensed facility permanently from service and render it to a predetermined end-state condition.</p> <p>CNSC staff consulted on an updated definition of decommissioning during the public consultation period of CNSC draft regulatory document REGDOC-2.11.2, Decommissioning, which defines decommissioning as administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility, location or site where nuclear substances are managed, used, possessed or stored. Decommissioning actions are the procedures, processes and work activities (e.g., storage with surveillance, decontamination, dismantling or cleanup) that are taken to retire a facility, location or site from service with due regard for the health and safety of people and the environment. For disposal facilities, with the exception of ancillary facilities, the term "closure" instead of "decommissioning" is used.</p> <p>The Nuclear Power Demonstration Closure Project meets the intent of the above three definitions of decommissioning, from the IAEA Safety Glossary 2018, REGDOC-3.6, and draft REGDOC-2.11.2.</p> <p>INFCIRC 546, Articles of the Joint Convention state that the objectives of the Joint Convention are:</p> <ul style="list-style-type: none"> • to achieve and maintain a high level of safety worldwide in spent fuel and radioactive waste management, through the enhancement of national measures and international co-operation, including where appropriate, safety-related technical co-operation.
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					<ul style="list-style-type: none"> • to ensure that during all stages of spent fuel and radioactive waste management there are effective defences against potential hazards so that individuals, society and the environment are protected from harmful effects of ionizing radiation, now and in the future, in such a way that the needs and aspirations of the present generation are met without compromising the ability of future generations to meet their needs and aspirations. • to prevent accidents with radiological consequences and to mitigate their consequences should they occur during any stage of spent fuel or radioactive waste management. <p>CNSC staff conducted an extensive review of the IAEA Safety Standards that relate to radioactive waste management and decommissioning to ensure that the CNSC regulatory framework is in alignment with international guidance and best practices. This included a detailed review of the IAEA's General Safety Requirements (GSR) Part 6, <i>Decommissioning of Facilities</i>, and Specific Safety Requirements 5 (SSR-5), <i>Disposal of Radioactive Waste</i>. CNSC staff concluded that there were no gaps in the CNSC's regulatory framework, however that there were areas where clarity could be provided, which are provided in the CNSC suite of draft regulatory documents regarding waste management and decommissioning, including draft REGDOC-2.11.2, <i>Decommissioning</i>.</p> <p><i>In situ</i> may be considered a viable option under exceptional circumstances, in accordance with IAEA GSR Part 6, <i>Decommissioning of Facilities</i>. As a result of the lack of international guidance on what exceptional circumstance includes, Canada has stipulated in draft REGDOC-2.11.2 what circumstances <i>in situ</i> confinement could be used in the Canadian context, provided a demonstration of safety via a science based safety case is made. If <i>in situ</i> confinement is used as a decommissioning strategy that results in a waste disposal facility, the CNSC requires all regulatory requirements for that type of facility be met and that safety be demonstrated via a science based safety case and post closure safety assessment.</p> <p>REGDOC-2.11 sets out the six principles of radioactive waste management as:</p> <ol style="list-style-type: none"> 1. The generation of radioactive waste is minimized to the extent practicable by the implementation of design measures, operating procedures and decommissioning practices. 2. The management of radioactive waste is commensurate with the waste's radiological, chemical and biological hazard to the health and safety of persons, to the environment and to national security.
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					<p>3. The assessment of future impacts of radioactive waste on the health and safety of persons and the environment encompasses the period of time during which the maximum impact is predicted to occur.</p> <p>4. The predicted impacts on the health and safety of persons and the environment from the management of radioactive waste are no greater than the impacts that are permissible in Canada at the time of the regulatory decision.</p> <p>5. The measures needed to prevent unreasonable risk to present and future generations from the hazards of radioactive waste are developed, funded and implemented as soon as reasonably practicable.</p> <p>6. The trans-border effects on the health and safety of persons and the environment that could result from the management of radioactive waste in Canada are not greater than the effects experienced in Canada.</p> <p>These six principles are taken into consideration by the CNSC during the licensing review process for any CNSC-licensed facility or activity, including the NPD project.</p>
11.	Project Proponent / Promoteur du projet	<p>Herbert Fitzroy (Feb. 13, 2018/ 13 février 2018)</p>	General / Général	<p>The commenter raises concerns with the management team at CNL, underfunding and improperly using tax dollars.</p> <p>The commenter notes that approximately 70 % of CNL's executives have departed from the company since it was privatized, including the executive charged with the NPD Closure Project, who had direct experience with entombment (whereas the new executive does not). Consequently, the commenter begs the question: who is the expert behind the licence to perform this rarely performed act of entombing a large nuclear reactor site in Canada?</p> <p>The commenter warns that the CNSC cannot solicit public comments on a project without allowing Canadians to express concerns about what is in the public domain regarding the company (and its leaders) managing a nuclear site. The commenter is of the opinion that concerns about business practices and ethics are valid and must be heard, even if they may be considered out of scope of the draft EIS, particularly when there is an incentive for CNL to withhold or manipulate vital information (e.g., toxicity in the environment) in order to present a more ideal picture of the project.</p>	<p>This comment is outside of the scope of the EA for this project; however, these concerns were raised by intervenors and addressed during the recent 2018 Chalk River Laboratories (CRL) licensing hearings. As per the Record of Decision with respect to the application to renew the CRL site licence, "the Commission notes that the Go-Co [Government owned, Contractor-operated] model, as well as Canadian National Energy Alliance (CNEA)'s management of CNL, is the policy and responsibility of Atomic Energy of Canada Limited (AECL), and by extension the Government of Canada. As such, policy concerns over CNL's management structure would be outside of the Commission's mandate. The Commission wishes to make clear that CNL, as the enduring entity, is the CNSC licensee and therefore is responsible for ensuring that all activities at CRL are performed safely and in accordance with regulatory requirements, and as such CNL is held accountable by the CNSC for the conduct of the licenced activities at CRL."</p>
12.	CNSC's Role and Responsibilities / Rôle et responsabilités de la CCSN	<p>Bonnechere River Watershed Project (Feb. 13, 2018 / 13 février 2018)</p> <p>CCNR (Feb. 13, 2018 / 13 février 2018)</p> <p>Chris Cavan</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The commenters note that the CNSC frequently asserts "We will never compromise safety", and that this is the mark of a dedicated regulator. In the case of an operating nuclear reactor, quick and cheap "solutions" are not tolerated by the CNSC if those approaches represent a degradation of containment aspirations. Commenters suggest that the CNSC adopt a similarly uncompromising attitude toward the long-term</p>	<p>CNSC staff are assessing CNL's proposal thoroughly, in accordance with the CNSC's regulatory framework, with safety being the overriding factor. The CNSC will only allow the project to proceed if it is convinced that it is safe for the public and the environment. As part of the Environmental Assessment (EA) and licensing review process, the proposed project's design, long-term safety and potential effects to the public and the environment will be assessed against all applicable and relevant requirements and guidance, as follows:</p>

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		<p>(Feb. 12, 2018 / 12 février 2018)</p> <p>Michele and Ronald Kaulbach</p> <p>(Feb. 7, 2018 / 7 février 2018)</p>		<p>management of radioactive wastes produced by nuclear fission technology, and ensure that their safe disposal be carried out in conformity with international standards. To abandon these wastes beside a major waterbody is not, according to the commenters, a responsible approach to radioactive waste management.</p> <p>The CCNR notes that the CNSC has an obligation to do everything in its power to ensure that the Canadian public is given the opportunity to learn about the nature of post-fission wastes other than irradiated nuclear fuel, and to help formulate principles that should be applied to the long-term management of such radioactive wastes. The CCNR believes that the private consortium of multinational corporations that own and operate CNL should not decide what is best on the basis of what is most convenient and profitable for them. There is a need for broad consultation with Canadians, including Indigenous groups, on basic principles to be applied vis-à-vis the long-term management of post-fission radioactive wastes (other than irradiated nuclear fuel).</p> <p>Other commenters are also concerned about future generations, noting that the CNSC has a duty to all Canadians and Indigenous groups to ensure that proper time is taken by responsible and completely credible, qualified companies who have proven to be law-abiding. The CNSC must ensure that any company that undertakes critical project proposals does everything possible to safeguard Canadians' drinking water.</p>	<ul style="list-style-type: none"> • CNSC licensing and regulatory requirements and guidance (i.e., NSCA, CNSC Regulatory Guides G-219, Decommissioning Planning for Licensed Activities, and G-320, Assessing the Long Term Safety of Radioactive Waste Management, CSA standard N294, <i>Decommissioning of facilities containing nuclear substances</i>, etc.) • federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards <p>The Government of Canada's response to environmental petition 418 states: "The Government of Canada does not take a position on the specific methodologies for the interim or long-term management of specific radioactive wastes. [...] These proposals must clearly demonstrate how safety and security of people and the environment will be maintained in perpetuity. The CNSC reviews proposals pursuant to the robust regulatory framework established through the Nuclear Safety and Control Act to ensure that they are safe for human health and the environment. The CNSC also coordinates other federal and provincial agencies' reviews and comments regarding the EA, pursuant to the CEAA 2012. In making its decision, the CNSC is guided by international best practices, but takes into account the specific aspects and components of the project being assessed. [...]"</p> <p>It is the licensee and the waste owner's responsibility to develop a decommissioning and waste management strategy for a specific shutdown reactor, as well as an EA of that strategy which examines alternative options, and all associated safety case information for how the strategy meets regulatory requirements. [...] As a waste owner, AECL is responsible for the Government of Canada's radioactive waste and decommissioning liabilities. This includes the legacy liabilities (liabilities which have been created because of AECL's own nuclear science and technology activities) and the historic waste liabilities[...].</p> <p>Consideration is also being given to international guidance and best practice. In response to environmental petition 413, the former Minister of Natural Resources Canada, Jim Carr, indicated that: "The Government of Canada is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on proposed projects. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review." As a member of the International Atomic Energy Agency (IAEA), Canada strives to implement its spent fuel and waste management practices so that they align with the best practices and the guidelines of the IAEA and the international community. In addition, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo</p>
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					scrutiny by the IAEA. Within Canada, the CNSC is the authority with jurisdiction on nuclear matters. Also, please refer to response #2 for further information on remaining Indigenous and public participation opportunities.
13.	CNSC's Role and Responsibilities / Rôle et responsabilités de la CCSN	Joann McCann (Feb. 12, 2018 / 12 février 2018)	General / Général	The commenter poses the following questions: <ul style="list-style-type: none"> Who will ensure that the proposed project is built to the standards in the Project Description? Will CNSC inspectors be onsite every day to verify CNL's construction work (e.g., type of materials used)? 	Should the project receive a positive decision, the CNSC, a lifecycle regulator, has a robust licensing and compliance framework to ensure that the licensee meets regulatory requirements. For example, CNSC staff will conduct a variety of inspections to ensure that CNL is meeting the conditions of its licence. CNSC staff also provide annual updates to the Commission via its Regulatory Oversight Reports to report on licensee's performance. CNL will also be expected to provide updates directly to the Commission over the life of the project. Currently the NPD waste facility is inspected according to the Directorate of Nuclear Cycle and Fuel Facilities Regulation risk-informed compliance plan on a regular basis. If the Commission approves the in-situ decommissioning of the NPD site, CNSC staff will develop a construction verification and compliance plan. This plan will be risk informed and related to the activities being performed on site and their importance in ensuring the long-term safety of the facility. Such a plan will include key indicators such as quality assurance of materials used.
14.	CNSC's Role and Responsibilities / Rôle et responsabilités de la CCSN	Judith Fox Lee and Ormond Lee (Feb. 13, 2018 / 13 février 2018)	General / Général	The commenters note that Canada is a party to the following international human rights treaties, conventions and covenants: <ul style="list-style-type: none"> The United Nations Universal Declaration of Human Rights The United Nations International Covenant on Civil and Political Rights The United Nations International Covenant on Economic, Social, and Cultural Rights The United Nations Convention on the Prevention and Punishment of the Crime of Genocide The Nuremberg Principles The United Nations Convention on the Rights of a Child The Helsinki Agreement Consequently, the commenters argue that Canada is not doing its job of protecting its citizens (and the environment) from becoming unknowing subjects in what amounts to actual experimentation – by allowing rejected, insufficient and unproven technologies of storage of nuclear waste, which have the strong potential to expose them unduly to unnecessary releases of ionizing radiation. The commenters challenge the authority of the federal government and the CNSC to cause unknown rates of fatal cancers, genetic effects, incalculable illnesses	In response to environmental petition 413 , the former Minister of Natural Resources Canada, Jim Carr, indicated that: “The Government of Canada places the highest priority on public safety and security and environmental protection in all nuclear activities in Canada. The Government of Canada is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on proposed projects. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review.” As a member of the International Atomic Energy Agency (IAEA), Canada strives to implement its spent fuel and waste management practices so that they align with the best practices and the guidelines of the IAEA and the international community. In addition, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the IAEA (see also response to comment #9 in this table). Within Canada, the CNSC is the authority with jurisdiction on nuclear matters. With respect to the protection of its citizens, the Government of Canada's response to environmental petition 418 states: “The Government of Canada does not take a position on the specific methodologies for the interim or long-term management of specific radioactive wastes. Rather, [...] the Government of Canada allows

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				and damage to the general population, flora and fauna surrounding the project site.	<p>waste owners the flexibility to propose their own solutions for the management of their radioactive wastes. These proposals must clearly demonstrate how safety and security of people and the environment will be maintained in perpetuity. The CNSC reviews proposals pursuant to the robust regulatory framework established through the <i>Nuclear Safety and Control Act</i> to ensure that they are safe for human health and the environment. The CNSC also coordinates other federal and provincial agencies' reviews and comments regarding the environmental assessment, pursuant to the CEAA 2012. In making its decision, the CNSC is guided by international best practices, but takes into account the specific aspects and components of the project being assessed. [...]"</p> <p>The CNSC requires waste owners to assess the future impacts of radioactive waste on the health and safety of people and the environment. The CNSC will only allow projects to move forward if it can assure itself that they are safe."</p>
15.	CNSC's Role and Responsibilities / Rôle et responsabilités de la CCSN	<p>Lady Diana Gillam (Feb. 7, 2018 / 7 février 2018)</p> <p>OFWCA (Feb. 8, 2018 / 8 février 2018)</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The commenters call on the CNSC to stop this project, as well as the "equally hazardous" NSDF Project.</p> <p>Ms. Gillam indicates that there appears to be no knowledgeable supervisory body of informed scientists with powerful jurisdiction in this matter, and that there is a general atmosphere of trust and faith by both citizens and government in commercial organizations that are primarily interested in profit. Ms. Gillam recommends that a special scientifically-staffed commission be set up to study this proposed project in more depth, and with reference to (at least) international standards.</p> <p>Similarly, the OFWCA is of the opinion that if CNSC approves these proposals or the ten-year licence renewal for the CRL, the CNSC will lose any remaining credibility.</p>	<p>The CNSC is the Canadian authority with jurisdiction on all nuclear matters. The CNSC has an independent, credible and expert administrative tribunal. The CNSC's arms-length governance structure, in particular the Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The Commission does not report to a minister, but rather directly to the Parliament of Canada (through the Minister of Natural Resources). Decisions made by the Commission are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court or the Supreme Court of Canada may review and overrule a decision made by the Commission.</p> <p>In addition, in response to environmental petition 413, the former Minister of Natural Resources Canada, Jim Carr, indicated that: "<i>The Government of Canada is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on proposed projects. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review.</i>" Further, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the United Nations' International Atomic Energy Agency – the IAEA.</p>
16.	CNSC's Role and Responsibilities / Rôle et responsabilités de la CCSN	Joann McCann (Feb. 12, 2018 / 12 février 2018)	General / Général	The commenter raises the concern that many people do not seem to know about the NPD Closure Project, and asks whether the CNSC publishes information about the EA and hearings in local papers. If not, the commenter suggests that the CNSC do so, since many local people do not check the CNSC's website.	<p>CNSC staff appreciate the recommendation. The CNSC is committed to being transparent and encouraging Indigenous and public participation. We are also continually looking to improve our engagement approach.</p> <p>In regards to the EA, in addition to posting information on the CNSC and public Registry websites, flyers advertising the outreach</p>

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					<p>sessions were sent directly to houses and businesses in Rolphton and Deep River. A social media campaign was also conducted, with the outreach sessions being advertised on Deep River and Laurentian Hills community websites and Facebook pages. As well, notice of the sessions was distributed through targeted community emails, and both CEAA and CNSC project-specific mailing lists.</p> <p>In regards to Commission hearings, advertising methods are determined on a case-by-case basis whereby staff can select from a variety of advertising methods that will reach the majority of the public. Staff will take your comment into consideration when preparing for the public hearings for this project.</p> <p>Also, please refer to response #2 for further information on remaining Indigenous and public participation opportunities.</p>
17.	CNSC Impartiality / Impartialité de la CCSN	<p>Herbert Fitzroy (Feb. 13, 2018 / 13 février 2018)</p>	General / Général	<p>The commenter questions why the departure of CNL's former executive in charge of the NPD Closure Project was announced to CNL employees, yet neither the CNSC nor CNL informed the public of this key fact.</p> <p>The commenter notes that this former executive was the expert at the information sessions on this project, had the experience and the know-how, and that his name was on all the project documentation. The commenter raises concern that the new executive appointed to this role was not advocating entombment before privatization, and has no experience with entombment.</p> <p>The commenter is of the opinion that these factors reveal a culture of opaqueness and secrecy on behalf of both CNL and the CNSC.</p> <p>[Please refer to the commenter's submission for more information.]</p>	<p>This comment is outside the scope of this EA for this project, and informing the public on changes to a licensee's organizational structure is not within the CNSC's mandate. However, the following response may provide clarification for the concerns raised.</p> <p>The <i>Class I Nuclear Facilities Regulations</i> require that an application for a licence shall contain the proposed management system for the activity to be licensed, including measures to promote and support a healthy safety culture. The Canadian Nuclear Safety Commission (CNSC) defines "management system" as "the framework of processes, procedures and practices used to ensure that an organization can fulfill all tasks required to achieve its objectives safely and consistently." Management system requirements provide overall direction to the licensee organization for developing and implementing sound management practices and controls for the organization. An effective and well-implemented management system helps to assure the CNSC that licensees will conduct their licensed activities safely.</p> <p>In addition, the General Nuclear Safety and Control Regulations (GNSCR) require that a licence application contain the applicant's organizational management structure, including the internal allocation of functions, responsibilities and authority.</p>
18.	CNSC Impartiality / Impartialité de la CCSN	<p>Candace Wooley (Feb. 11, 2018 / 11 février 2018)</p> <p>Chris Cavan (Feb. 12, 2018 / 12 février 2018)</p> <p>Judith Fox Lee and Ormond Lee (Feb. 13, 2018 / 13 février 2018)</p> <p>OFWCA</p>	General / Général	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The commenters are of the opinion that as the sole decision-maker for the NPD Closure Project and as Canada's sole nuclear regulator, the CNSC should be viewed as a "captured" regulator who promotes the very projects it is charged with regulating. The commenters further note that this is not "independent" regulation, and claim that the federal government's Expert Panel on the Reform of EA supports this view.</p>	<p>The CNSC has an independent, credible and expert administrative tribunal. The CNSC's arms-length governance structure, in particular the Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The Commission does not report to a minister, but rather directly to the Parliament of Canada (through the Minister of Natural Resources). Decisions made by the Commission are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court or the</p>

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		(Feb. 8, 2018 / 8 février 2018)		The OFWCA also raises concerns with the CNSC, in that the CNSC appears to listen to the “nuclear cheerleaders” who assert that radioactivity is natural and harmless, while appearing to ignore the public’s concerns and opposition.	<p>Supreme Court of Canada may review and overrule a decision made by the Commission.</p> <p>The Commission has no ties to the nuclear industry. The Commission makes its decisions transparently, guided by clear rules of procedure and provides extensive reasons for its decisions, which are based on information that includes public input as well as the recommendations of expert CNSC staff. Decisions, hearing transcripts, webcast archives and other documentation are publicly available on the CNSC Web site and social media. Further, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the United Nations’ International Atomic Energy Agency – the IAEA.</p> <p>In its response to environmental petition 418, the Government of Canada stated that it is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on proposed projects. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review.</p> <p>The CNSC strongly encourages public participation, and administers the Participant Funding Program that offers funding to Indigenous peoples, members of the public, and stakeholders to enhance their participation in the CNSC’s regulatory processes which helps them to bring valuable information that is taken into consideration by the Commission. More information on this participation can be found in response #2.</p>
19.	Alternative Means of Carrying out the Project / Solutions de rechange pour réaliser le projet	<p>Anna Bogic (Feb.7, 2018 / 7 février 2018)</p> <p>Bonnechere River Watershed Project (Feb. 13, 2018 / 13 février 2018)</p> <p>Joann McCann (Feb. 12, 2018 / 12 février 2018)</p> <p>Ria Heynen (Feb. 11, 2018 / 11 février 2018)</p>	Section 4.2	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>Various commenters emphasized the need for state-of-the-art facilities for storage of radioactive substances, and object to the use of entombment as a responsible waste management solution. Further, the commenters note that it is the responsibility of the CNSC to ensure that CNL is required to find a suitable design and location that ensures the safe, long-term care of long-lived radioactive wastes, conforms to IAEA standards, and does not contaminate the air or drinking water of Canadians (e.g., in geological caverns in stable rock away from water bodies).</p>	<p>Regarding the proposed solution, under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p> <p>CNSC staff will assess the proposed project, in accordance with the CNSC’s regulatory framework, with safety being the overriding factor. As part of the EA and licensing review process, the proposed project’s design, long-term safety and potential effects to the public and the environment will be assessed against all applicable and relevant requirements and guidance, as follows:</p> <ul style="list-style-type: none"> • CNSC licensing and regulatory requirements and guidance (i.e., NSCA, CNSC Regulatory Guides G-219, Decommissioning Planning for Licensed Activities, and G-320, Assessing the Long Term Safety of Radioactive Waste Management, CSA standard N294, <i>Decommissioning of facilities containing nuclear substances</i>, etc.) • federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards

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					<p>Consideration will be given to international guidance and best practice.</p> <p>Information on the long-term safety of the proposed project will be summarized in the EIS and the safety case.</p>
20.	<p>Public and Stakeholder Engagement / Mobilisation du public et des parties prenantes</p>	<p>William Turner (Dec. 13, 2017 / 13 décembre 2018)</p> <p>William Turner (Feb. 9, 2018 / 9 février 2018)</p>	<p>Section 6 (All/ Au complet)</p>	<p>The Stakeholder Engagement TSD states: “Stakeholder engagement is a key element of the Environmental Assessment Process...”</p> <p>The commenter notes that a lack of acknowledgement of the comments received on the Project Description does not demonstrate this statement. Nowhere in the Stakeholder Engagement TSD could the commenter find any indication of CNL’s acknowledgment of the public review phase in the EA process.</p> <p>The commenter is of the opinion that, because the comments received on the Project Description remain unaddressed, there is a non-compliance with paragraph 19(1)(c) of CEEA 2012, which states: “The environmental assessment of a designated project must take into account the following factors: [...] comments from the public [...] that are received in accordance with this Act...”</p> <p>The commenter also notes that it is not the responsibility of the public to identify issues such as this one, and finds that the CNSC is not addressing its responsibility with respect to paragraph 19(1)(c) of CEEA 2012.</p>	<p>CNSC staff reviewed all comments received during the public comment period for the project description and provided its detailed responses in a comment disposition table which is posted on the Canadian Impact Assessment Registry and CNSC websites.</p>
21.	<p>Public and Stakeholder Engagement / Mobilisation du public et des parties prenantes</p>	<p>William Turner (Feb. 9, 2018 / 9 février 2018)</p>	<p>Section 6 (All/ Au complet)</p>	<p>The commenter argues that CNL’s use of TSDs, which are not included as part of the draft EIS, is an impediment to the public’s access to critical information. The commenter claims that CNL is out of compliance with paragraph 4(1)(e) of CEEA 2012, which states: “The purposes of this Act are [...] to ensure that opportunities are provided for meaningful public participation during an environmental assessment...”</p> <p>The commenter suggests that these omissions are deliberate and as such, they constitute an intentional decision to thwart any meaningful public review of the draft EIS.</p>	<p>CNSC staff acknowledge the commenter’s challenge with reviewing the draft EIS and supporting technical documents.</p> <p>Federal authorities also submitted comments to CNL following the review of the draft EIS which included the need for the revised / Final EIS to include summaries of the TSDs in relevant chapters of the document. CNL provided the TSDs to the public upon request.</p> <p>The CNSC strongly encourages public participation, and administers the Participant Funding Program that offers funding to Indigenous peoples, members of the public, and stakeholders to enhance their participation in the CNSC’s regulatory processes which helps them to bring new insights that are taken into consideration by Commission members.</p> <p>The CNSC has offered two phases of participant funding for the NPD Closure Project. The first phase of funding was announced in September 2016, offering \$100,000 to assist in reviewing CNL’s draft EIS. The second phase of participant funding was announced in March 2019, offering \$150,000 to assist in reviewing CNSC staff’s EA report and related documentation and to participate in the Commission’s yet-to-be-announced public hearings. To date, the CNSC has awarded \$348,476.52 to Indigenous groups and the public in relation to the NPD Closure Project.</p>

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					Please refer to response #2 for further information on remaining Indigenous and public participation opportunities.
22.	Aboriginal Engagement / Mobilisation des autochtones	MNO (Feb. 14, 2018 / 14 février 2018)	Section 7 (All / Au complet)	<p>The MNO is concerned that the draft EIS lacks a fulsome consideration of MNO rights and interests in the project vicinity. The MNO recommends revisions to the draft EIS to ensure that effects on Métis rights are assessed and properly mitigated to allow for accurate and responsive accommodation discussions with CNL and the CNSC. The MNO also recommends having the opportunity to review and provide comment on the final EIS to ensure that the aforementioned is accomplished.</p> <p>Furthermore, to ensure meaningful consultations occur, the MNO suggests developing and executing consultation/engagement protocols with both CNL and AECL. Additionally, if the CNSC continues to conduct procedural aspects of consultation, a consultation protocol with the CNSC should also be developed.</p>	<p>CNSC staff agree with MNO's comment that the draft EIS had insufficient information on MNO's rights and interests. CNSC staff had an IR for CNL on the same topic. CNSC staff expect CNL to respond to MNO's comments and work with MNO to meaningfully address their concerns.</p> <p>CNSC staff understand that CNL and MNO have signed a consultation and engagement protocol agreeable to both MNO and CNL, which among other things, includes a commitment to address MNO's concerns.</p> <p>CNSC staff look forward to continuing discussions with MNO on their preferred consultation approach. CNSC staff have conducted multiple consultation activities with MNO since the project description was submitted in 2016. This includes sending notification letters, emails, phone calls, and in-person meetings. CNSC staff are currently conducting monthly check-in calls with MNO.</p> <p>While the CNSC does not provide a formal opportunity to provide comments on the final EIS, CNSC staff are committed to working with MNO and CNL to address MNO's comments on the draft EIS prior to it being finalized. CNSC staff also welcome and encourage MNO to participate in the remainder of the regulatory process for the NPD Closure project. This includes the opportunity to comment on the EA Report, CNSC and CNL's Commission Member Documents, and to participate at the Commission hearing. CNSC staff sent a letter to the MNO in June 2020 with a proposed consultation approach for the remaining steps in the EA process. This includes the development of a mutually agreeable consultation protocol or terms of reference for the NPD Closure Project, should MNO be interested.</p> <p>To date, the CNSC has awarded \$177,695 to MNO through its Participant Funding Program to assist MNO in participating in the regulatory process for the NPD Closure project. This includes funding to conduct an Indigenous knowledge (IK) study related to the NPD Closure and Near Surface Disposal Facility projects. CNSC staff look forward to working with MNO to incorporate the results of their IK study into the CNSC's environmental assessment processes to ensure meaningful and respectful incorporation of their interests, values and perspectives in the regulatory process.</p> <p>As an agent of the Crown, the CNSC is committed to building long-term, meaningful relationships with MNO citizens and leadership, upholding the honour of the Crown and meeting its duty to consult prior to making a decision on this project. As part of this</p>

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					commitment, the CNSC has an existing terms of reference with MNO in order to ensure ongoing engagement with citizens in Regions in which there are CNSC-regulated facilities and activities.
23.	Aboriginal Engagement / Mobilisation des autochtones	Algonquins of Ontario (AOO) (Feb. 26, 2018 / 26 février 2018)	Section 7 (All / Au complet)	<p>The AOO explain that the NPD site is located within unceded Algonquin Traditional Territory, and therefore, that the AOO have asserted existing Aboriginal rights and title throughout the Settlement Area, including the NPD site. The AOO further clarifies that, at the time of the Crown decisions to establish and operate the NPD reactor in the unceded AOO Settlement Area, the Crown did not consult with the AOO, or provide accommodations for impacts to AOO rights and interests. The AOO indicates that it is time for CNL and the CNSC to formally acknowledge the use of the unceded Algonquin Settlement Area for the development of nuclear reactor technology, and as a site proposed for managing resulting radioactive waste materials. The NPD facility has significantly impacted the AOO through the displacement of their people, the loss of access for traditional purposes, the destruction of their cultural heritage resources, and the release of radioactive and other hazardous materials into the environment.</p> <p>The AOO states that the CNSC, as an agent of the Crown, must uphold the requirements outlined within the <i>Consultation Process Interim Measures Agreement</i> to ensure the requirements of consultation are being adequately met, and ultimately, AOO rights and interests are protected or accommodated where necessary in relation to the NPD site.</p> <p>The AOO concludes that, at the current time, no formal accommodation agreement exists between the AOO and the CNSC, or the AOO and CNL. The results of the AOO's review provide a series of comments and accommodations that CNSC and CNL must consider prior to approval of the NPD Closure Project. The AOO indicate that they are engaged in parallel discussions with the CNSC regarding accommodations with various facilities for which the CNSC provides Crown regulatory oversight.</p> <p>[See p.60-61 for a high-level overview of the key accommodation measures identified by the AOO.]</p>	<p>While the original decision to establish and operate the NPD reactor is beyond the scope of this licence application, CNSC staff are dedicated to working with the AOO and CNL to address any concerns AOO has with regards to the proposed project.</p> <p>At this time, CNSC staff are waiting on additional information from CNL to address comments received on the draft EIS. As a part of this process, CNSC staff expects CNL to respond to AOO's comments and work with AOO to address their concerns in a meaningful way.</p> <p>CNSC staff are also working with the AOO to better understand the AOO's rights and the potential impacts this proposed project could have on those rights by following the <i>Consultation Process Interim Measures Agreement</i>. CNSC staff have conducted multiple consultation activities with AOO since the CNSC received the project description in 2016. This includes sending notification letters, emails, phone calls, and in-person meetings.</p> <p>CNSC staff are committed to continue working with AOO on any potential impacts to their rights through either avoidance, mitigation or accommodation where appropriate. CNSC staff sent a letter to the AOO in June 2020 with a proposed consultation approach for the remaining steps in the EA process. This includes the development of a mutually agreeable consultation protocol or terms of reference for the NPD Closure Project, should AOO be interested. CNSC staff are looking forward to working with the AOO to find practical and meaningful solutions to any concerns raised to date or those raised moving forward as the consultation process continues.</p> <p>To date, the CNSC has awarded \$326,446.42 through its Participant Funding Program to assist AOO in participating in the regulatory process for the NPD Closure project. This includes funding to conduct an Indigenous knowledge (IK) study related to the NPD Closure project, as well as other CNSC-regulated facilities of interest to AOO. The CNSC looks forward to working with AOO to incorporate the results of their IK study into the CNSC's environmental assessment processes to ensure meaningful and respectful incorporation of their interests, values and perspectives in the regulatory process.</p> <p>CNSC staff understand that AOO and CNL have been working on a long-term relationship agreement to ensure engagement / consultations are conducted in a mutually agreeable manner.</p> <p>As an agent of the Crown, CNSC is committed to building long-term, meaningful relationships with Algonquin First Nations in Ontario, upholding the honour of the Crown and meeting its duty to</p>

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					consult prior to making a decision on this project. The CNSC has committed to signing a terms of reference with AOO in order to ensure ongoing engagement once the regulatory process for this project is complete.
24.	Releases to Surface Water / Rejets dans les eaux de surface	<p align="center">AANTC (Feb. 13, 2018 / 13 février 2018)</p> <p align="center">Bonnechere River Watershed Project (Feb. 13, 2018 / 13 février 2018)</p>	Section 8.3.3 (All / Au complet)	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The AANTC raises the following concerns:</p> <ul style="list-style-type: none"> • There has been a decades-long and concerning practice of dumping batches of untreated contaminated water from the NPD facility into the Ottawa River. This practice, termed “surface water releases”, is discussed in section 8.3.3 of the draft EIS. The AANTC recommends that CNL voluntarily discontinue this practice immediately. • Contaminated water which accumulates in the WAS during the Decommissioning Phase should not be simply dumped into the Ottawa River. The AANTC recommends that measures be implemented to allow the contaminated water to be collected and taken off-site for appropriate treatment. • The AANTC requests a full accounting and disclosure from CNL and/or CNSC about CNL’s practices regarding liquid effluent releases from other facilities along the Ottawa River, including the CRL. <p>The Bonnechere River Watershed project echoes these concerns and supports the above recommendations.</p>	<p>CNSC is aware that CNL has reached out directly to the AANTC to address this comment and has also shared monitoring reports and lab results with the AANTC about the batch releases. CNL has confirmed that the batch releases meet regulatory requirements and that any effluent if found above regulatory limits, is sent to the CRL site for processing. Additionally, CNL confirmed that they have 2 years of data for the expanded list of contaminants and have started to conduct toxicity tests.</p> <p>As of 2018 CNL no longer discharges contaminated water collected in any of the facility sumps, including the waste area sump (WAS), to the Ottawa River. CNL’s current practice is to collect the water and transport it to the Waste Treatment Centre at CRL site for treatment.</p> <p>Effluent management practices for the active decommissioning phase of the NPD waste facility will continue to follow the requirements of the NPD licence conditions handbook, which requires CNL to adhere to CSA Standard N288.5, <i>Effluent Monitoring Program at Class 1 Nuclear Facilities and Uranium Mines and Mills</i>. All water managed at the site during decommissioning will be tested and managed according to CNL’s waste management plan.</p>
25.	Human Health – Tritium / Santé humaine – tritium	<p align="center">CELA (Feb. 13, 2018 / 13 février 2018)</p>	Section 8.8 (All / Au complet)	<p>The commenter explains that critical views about tritium’s official dosimetry have existed for decades, that many scientists continue to express concerns about tritium’s low dose factors and its acute radiotoxicity, and that official radiation protection precepts and procedures are deficient when it comes to determining tritium’s hazards.</p> <p>[Please see page 46 of the commenter’s submission for the 4 points mentioned.]</p> <p>The commenter concludes that current official models on tritium are unscientific and incorrect. The commenter suggests that recent discussions of tritium’s hazards be acknowledged by radiation protection agencies in Canada and that a precautionary approach be adopted with the inhalation and ingestion dose factors for HTO (tritiated water) and OBT (Organically Bound Tritium) being increased by a factor of 20.</p>	<p>The CNSC does not agree with the statements presented in the comment. As a regulator, the Commission bases its position on scientific results that are accepted and reflected in documents and recommendations of leading international organizations.</p> <p>The Committee Examining Radiation Risks of Internal Emitters (CERRIE) (2004) majority report’s general conclusions were that available data on radiation risk do not support a speculative hypothesis that the risks from internal emitters are radically underestimated (i.e., being increased by a factor of 20). Similarly, the CERRIE majority report indicated that presently available biological and epidemiological evidence did not suggest that the predictions of current risk models were materially in error, nor indicate a need for a fundamental change in radiological protection standards. This led to the United Kingdom Health Protection Agency’s Independent Advisory Group on Ionizing Radiation’s (AGIR) review of radiation biology and epidemiological studies of exposure to tritium, the Canadian Nuclear Safety Commission’s Tritium Studies, the French Institut de radioprotection et de sûreté nucléaire (IRSN) Tritium Studies, and the United Nations Scientific</p>

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					<p>Committee on the Effects of Atomic Radiation (UNSCEAR) Internal Emitters document on Tritium. Thus, there has been additional research on the health effects of tritium and the CNSC has taken a lead role in this research.</p> <p>On November 9, 2017 CNSC staff presented the Update on the implementation of recommendations from the Tritium Studies Project Synthesis Report CMD 17-M48. Likewise, the UNSCEAR 2016 report: Annex C - Biological effects of selected internal emitters-Tritium [1] summarizes the current scientific information on the sources and health effects of tritium exposure.</p> <p>These documents provided overall consistent findings to support the initial findings of the 2004 CERRIE majority report regarding radiation risks and therefore dose factors.</p> <p>Concerning the commenter's concerns regarding dosimetry models for the ingestion and inhalation of tritiated compounds, the CERRIE report (2004) refers to a study on the reliability of ICRP dose coefficients. The study evaluated the influence of the observed variability in the retention times of tritiated compounds in the body, the effect of non-uniform distribution in the body, and of the range in the Relative Biological Effectiveness of tritiated compounds, on the tritium dose coefficients. The dose from tritium per unit of activity taken into the body (i.e., the number of becquerels) was found to be within a factor of 3 of the estimates using ICRP default dose coefficients for HTO, and a factor of 5 for organically bound tritium.</p> <p>These uncertainties in the tritium dose coefficients were evaluated in the context of the draft EIS for this project. Given the low doses to workers and the public as reported in the draft EIS (from the Decommissioning and Post-Closure TSDs), the variability in the retention times of tritiated compounds in the body, the effect of non-uniform distribution in the body and of the range in the Relative Biological Effectiveness of tritiated compounds (and the resultant uncertainty in tritium dose coefficients) have no significant impact on the doses to workers or the public.</p> <p>Reference:</p> <p>[1] UNSCEAR (2017), Sources, Effects and Risks of Ionizing Radiation, United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) 2016 Report: Report to the General Assembly, with Annexes. Annex C – Biological Effects of Selected Internal Emitters – Tritium. UN, New York.</p>
26.	EA Follow-up Monitoring Program / Programme de suivi et de surveillance de l'EE	CELA (Feb. 13, 2018 / 13 février 2018)	Section 12.6 (12-12)	This section of the draft EIS states: "Due to the conceptual nature of the NPD closure project at this point, further details of the follow-up program (e.g., statistical analyses and confidence, probable effect sizes) and schedule (e.g., timing, frequency, duration) will be developed at a later date according to the CNSC EIS guidelines..."	CNL is required to provide sufficient details in the EIS to ensure that it meets the requirements of section 12 of the <i>Generic Guidelines for the Preparation of an Environmental Impact Statement</i> , which states that: "the follow-up program plan should be sufficiently described in the EIS to allow independent judgment as to the likelihood that it will deliver the type, quantity and quality of

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				<p>The commenter requests that the CNSC confirm whether the EA follow-up program, once developed “at a later date”, will be open to the public for an opportunity to review and respond on sufficiency.</p> <p>[Please refer to the commenter’s submission (Information Request No. 29) for more information.]</p>	<p>information required to reliably verify predicted effects (or absence of them) and confirm the effectiveness of mitigation measures.”</p> <p>CNSC has also requested CNL to specify the roles and responsibilities to be played by Indigenous groups, the public and stakeholders in the design, implementation and evaluation of the follow-up program. CNL has committed to engaging with Indigenous groups and members of the public.</p> <p>CNSC staff are awaiting complete responses from CNL for all comments received by Indigenous groups and members of the public on the draft EIS including draft follow-up program. CNSC staff will not continue the EA review process until CNL provides responses to all of the comments and information requests submitted to staff’s satisfaction. Once approved, the responses will be posted to the public Registry, as will the final EIS. Members of the public and Indigenous groups will be provided with the opportunity to review the final EIS and comment tables well in advance of the public hearing.</p> <p>Please refer to response #2 for further information on remaining Indigenous and public participation opportunities for the proposed NPD Closure Project.</p>
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