

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
William Turner	WT-1	<p>General Comments on the Project Description (1) "...From the above, I am at a complete loss as to the justification and rationale provided by the proponent for this undertaking. Further, I cannot evaluate the proposed undertaking since I am not clear as to the problem the proponent wants to address.</p> <p>In order to properly evaluate the proposed undertaking, the proponent must provide a clear definition of the problem. This definition must be provide the evidence that there is actually a problem. Otherwise the proposed solution cannot be evaluated as to its suitability."</p>	<p>Project justification/objectives As indicated in the project description (section 3.1.2), the objective of the proposed project is to "safely decommission Nuclear Power Demonstration Waste Facility (NPDWF) ensuring the prompt reduction of Canadian legacy long-term liabilities."</p> <p>A problem definition is not a requirement for an EA under the <i>Canadian Environmental Assessment Act, 2012</i> (CEAA 2012). Rather, as outlined in subsection 4.1 (Purpose of the project) of the CNSC's Generic Guidelines for the Preparation of an Environmental Assessment pursuant to the Canadian Environmental Assessment Act, 2012 (the Guidelines), the proponent's Environmental Impact Statement (EIS) will have to document in sufficient detail the justification and rationale for the project. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent's EIS assess all potential environmental effects of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p> <p>CNSC's regulatory framework Under the CNSC's regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p> <p>CNSC staff will assess Canadian Nuclear Laboratories' (CNL) proposed project, in accordance with the CNSC's regulatory framework, with safety being the overriding factor. As part of the Environmental Assessment (EA) and licensing review process, the</p>

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			<p>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., <i>Nuclear Safety and Control Act (NSCA)</i>, CNSC REGDOCs G-219, <i>Decommissioning Planning for Licensed Activities</i>, and G-320, <i>Assessing the Long Term Safety of Radioactive Waste Management</i>, 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>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. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions.</p> <p>CNSC's decision-making responsibilities The CNSC's Commission Tribunal (the Commission) is a quasi-judicial administrative tribunal. The Commission is a credible and expert decision-making authority that remains independent from government, licensees and staff.</p> <p>The Commission is the CNSC's decision-making body that makes EA and licensing decisions for all major nuclear projects.</p>

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			<p>Decisions made by the Commission are not subject to any governmental or political review, nor may they 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>Prior to making a decision, sufficient information is required for CNSC staff to evaluate and make scientifically defensible recommendations to inform evidence-based Commission decisions as well as to ensure regulatory requirements for safety, security and the environment are met.</p> <p>In making an EA decision, the Commission will take into consideration the proponent's EIS, CNSC staff's EA Report and supporting documentation, as well as public comments, to determine if the project is likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures. The Commission will require sufficient information to make a science-based EA decision.</p> <p>If there is a positive EA decision (i.e., project is not likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures), the Commission can then proceed with the licensing decision under the NSCA. In making its licensing decision, the Commission will determine whether the proponent is qualified and will make adequate provision for the protection of the environment, the health and safety of persons, the maintenance of national security and the measures required to implement international obligations to which Canada has agreed. Under the NSCA, no approval is granted/no licence is issued unless the proponent is qualified and makes adequate provision for the protection of the environment and health and safety of persons.</p>

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			<p>Completeness of the project description</p> <p>CEAA 2012 requires that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a ‘screening’ phase to inform a decision on whether an EA of the designated project is required.</p> <p>Although not required for designated projects regulated by CNSC, the CNSC has adopted, within its EA process, the requirement to submit a project description, as outlined in appendix A of REGDOC-2.9.1: Environmental Protection: Environmental Principles, Assessments and Protection Measures. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of “designated project” such that CEAA 2012 would apply. To this end, proponents are referred to the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed CNL’s project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> • meet the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) such that the project description is deemed complete and need not be revised • make a determination on the applicability of CEAA 2012

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			<p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a “designated project” in accordance with paragraph 37(b) of the <i>Regulations Designating Project Activities</i>.</p> <p>Following CNSC staff’s EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>Taking into account the public comments received related to scope and CNSC staff’s recommendations, the Commission, as indicated in the Commission’s Record of Decision dated March 8, 2017, has determined that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012, with no additional factors requiring consideration. That is, the Commission did not require, under its discretion in paragraph 19(1)(j) of CEAA 2012, to include any other matters relevant to the EA.</p>
William Turner	WT-2	General Comments on the Project Description (2) “Note that entombment is forever. In the IAEA document, Decommissioning Strategies for Facilities Using Radioactive Material. March 2007, entombment is essentially a near surface waste disposal site and the criteria for such a facility must be met. Thus, the proponent will need to demonstrate that the project meets the requirements of the CNSC Regulatory Guide, G-320, Assessing the Long Term Safety of Radioactive Waste Management.”	Yes, CNSC staff require the proponent to follow the guidance provided in CNSC Regulatory Guide G-320, in accordance with the CNSC’s regulatory framework for this proposed project, as outlined in response to WT-1 above. Furthermore, CNSC staff understand that “ <i>in situ</i> decommissioning” means “entombment” or “ <i>in situ</i> disposal” as defined in CNSC REGDOC G-219 and CSA N294, and as indicated in the response to WT-1 above.

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William Turner	WT-3	General Comments on the Project Description (3) “Please provide an estimate of the timeline at which the radioactivity will meet the clearance levels required for abandonment.”	<p>Institutional control With respect to institutional control, CNSC staff require that information regarding the lifecycle of the project, including the form, length, and requirements of the institutional control period and post-closure monitoring activities, be addressed in the proponent’s licensing documentation and summarized in sufficient detail in the EIS and the safety case. The length of institutional control will need to be approved by the Commission.</p> <p>Licence to Abandon Following the end of institutional control, the applicant may submit an application for a Licence to Abandon. The requirements for the application of a Licence to Abandon are identified in section 8 of the <i>Class I Nuclear Facilities Regulations</i>. At the time the applicant will apply for a Licence to Abandon, CNSC staff will assess the application based on the CNSC’s regulatory framework in effect and applicable at that time.</p> <p>Before issuing a Licence to Abandon, the Commission must be satisfied that the applicant meets all the regulatory requirements related to this type of licence, and has made adequate provision to protect the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.</p>
William Turner	WT-4	General Comments on the Project Description (4) “Please assess the likelihood of a catastrophic failure of the dam on the facility and the potential adverse effects from such a calamity. [...] What are the mitigation measures proposed to address this off-site accident?”	<p>As outlined in subsection 9.3 (Accidents and malfunctions) of the Guidelines, the proponent’s EIS will have to assess all potential health and environmental effects from postulated accident and malfunction scenarios, including potential naturally occurring events.</p> <p>As per section 7.5.2 (Disruptive Event Scenarios, Including Human Intrusion) of the CNSC’s Regulatory Guide G-320, Assessing the Long Term Safety of Radioactive Waste</p>

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			<p>Management, the proponent's safety case will have to assess disruptive event scenarios, in sufficient detail, and identify any actions required to be incorporated into the proponent's strategy to ensure end-state objectives are met. A summary of this assessment will be presented in the EIS.</p>
William Turner	WT-5	<p>General Comments on the Project Description (5) “What assurance can the proponent provide that the grout will fill all the cavities and provide an adequate seal to the existing walls (and structures) such that water infiltration will not occur over the whole life of the project (including the Long-term Care and Maintenance phase)?”</p>	<p>Detailed information on the grouting method, design and longevity of the containment structure, will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p>
William Turner	WT-6	<p>General Comments on the Project Description (6) “This area of the province is known for its seismic activity. What assurance can the proponent provide that the grout will not develop cracks that will allow in infiltration of water over the life time of the project (including the Long-term Care and Maintenance phase)?”</p>	<p>See responses to WT-4 and WT-5 above.</p>
William Turner	WT-7	<p>Specific Comments (1) Section 2.3 – Description of Consultation Activities “Please provide a copy of the “...a brief overview of the proposed NPD <i>in-situ</i> decommissioning approach.” Without the information it is not clear that the “overview” included a description of “...the risks to public health, safety and security, and the environment posed by the facility or activity ...” (RD/GD-99.3, Public Information and Disclosure, CNSC, March 2012, page 3.)”</p>	<p>As per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>Public participation With respect to public participation, CNSC staff encourage early engagement by the proponent. CNSC staff require that CNL engage with those members of the public who have expressed an interest in participating during their preparation of the EIS.</p> <p>As outlined in section 6 (Public and stakeholder consultation) of the Guidelines, the proponent's EIS will describe participation activities in accordance with the CNSC's RD/GD-99.3, Public Information and Disclosure.</p>

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			<p>Furthermore, the CNSC welcomes public involvement in regulatory matters and has a robust public participation program including a public hearing process and a Participant Funding Program. CNSC staff have been providing opportunities for public participation at various stages during the EA process and will continue to do so. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff's EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p>
William Turner	WT-8	<p>Specific Comments (2) Section 2.3.1 – Future Engagement Activities “This section does not meet the requirements of Section 2.2.2 Target audience(s) of the CNSC document, RD/GD-99.3, Public Information and Disclosure, March 2012. To quote the first sentence in that section, “The public information program shall define the target audiences, and the rationale utilized for their inclusion.”</p> <p>For these future engagement activities, please identify the target audience and the rationale used to determine their inclusion.”</p>	<p>As indicated in the response to WT-7 above, CNSC staff require that the proponent's EIS describe, in sufficient detail, public engagement activities in accordance with the CNSC's RD/GD-99.3, Public Information and Disclosure.</p>
William Turner	WT-9	<p>Specific Comments (3) Section 2.4.1 - Current or Past Environmental Studies “Please provide references to the reports/studies listed. I note that the studies listed are essentially historic. Since the proposed undertaking is considerably different from these historic activities, I cannot see the linkage that would lead to the conclusion, “<i>Based on the studies thus far, there are no adverse environmental effects expected as a result of</i></p>	<p>Yes, that is accurate – an EA under CEAA 2012 will be conducted to assess all potential environmental effects of the project and make a decision on whether, after the implementation of mitigation measures, the project as proposed is likely to cause significant adverse environmental effects. As indicated in the response to WT-1 above with respect to the CNSC's decision-making responsibilities, prior to making a decision, sufficient information is required for CNSC staff to evaluate and make</p>

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		<p><i>decommissioning activities.</i>” Taking this conclusion at face value, it would appear that there is no need to conduct the EA.</p> <p>However, since the project activities are not the same as those required to keep the facility in safe shutdown, the proponent’s conclusion is obviously erroneous. In fact, it is the Environmental Assessment itself that would provide the rationale for the conclusion that no significant adverse effects would be expected, not these historic studies.</p> <p>Please revise.”</p>	<p>scientifically defensible recommendations to inform evidence-based Commission decisions as well as to ensure regulatory requirements for safety, security and the environment are met. Therefore, CNSC staff require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. All references included in the EIS and supporting documentation must either be publicly accessible or made available to the public upon request, as outlined in the Guidelines.</p> <p>With respect to the completeness of the project description, please see the response to WT-1 above.</p>
William Turner	WT-10	<p>Specific Comments (4) Section 3.1.1 - Project Context (Third Paragraph) “Please provide an estimate of the time it will take for the radioactive decay to meet the criteria for a licence to abandon.”</p>	<p>Please see the response to WT-3 above.</p>
William Turner	WT-11	<p>Specific Comments (5) Section 3.1.1 - Project Context (Fourth Paragraph) <i>“As disposal options for nuclear waste within Canada are currently not available, in-situ decommissioning can safely reduce Canada’s nuclear legacy liabilities at this property.”</i></p> <p>As stated above, the proponent provides no cost comparisons between the current situation and the proposed entombment. Without the information to back up the assertion that the liabilities will be reduced, this statement is misleading.</p> <p>While it is true that there are no disposal options currently available, that does not mean that there will not be one at some future date. Unless it can be demonstrated that there will be no disposal option available within a reasonable timeframe (say 50 years) then the proponent has to provide a rationale as to why their recommended option has to occur by</p>	<p>As indicated in the response to WT-1 above, the proponent’s EIS will have to document in sufficient detail the justification and rationale for the project and assess the alternative means of carrying out the project.</p> <p>With respect to costs, this comment is outside the scope of this EA, as cost information is not a requirement under CEAA 2012 and not within the CNSC’s mandate.</p>

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		the year 2020 (four years from now). What is the rush? The inventory of radioactive substances will have had another 50 years to decay away.”	
William Turner	WT-12	<p>Specific Comments (6) Section 3.1.1 - Project Context (Fourth Paragraph) <i>“The IAEA considers the entombment strategy an acceptable approach for member states that do not [have] waste disposal options such as Canada.”</i></p> <p>Actually this statement is not true. To quote from paragraph 1.10 from the IAEA publication, <i>Decommissioning of Facilities, General Safety Requirements Part 6</i>, International Atomic Energy Agency, Vienna, 2014: <i>“... Entombment, in which all or part of the facility is encased in a structurally long lived material, is not considered a decommissioning strategy and is not an option in the case of planned permanent shutdown. It may be considered a solution only under exceptional circumstances (e.g. following a severe accident).”</i> [emphasis added]</p> <p>Please revise to address this IAEA guidance.”</p>	<p>Yes, the document referenced, IAEA GSR 6, indicates that entombment is not recognized internationally, in principle, as a preferred decommissioning strategy (entombment may be considered a solution only under exceptional circumstances, such as following a severe accident). The IAEA is currently working on a document to provide guidance with respect to their position on entombment <i>in situ</i> decommissioning the applicability of entombment in the context of decommissioning and in particular, the regulatory requirements and expectations for applying entombment as a decommissioning option strategy. There is no scheduled date for the publication of this document; however, CNSC staff will keep apprised of its development to inform this EA and licensing review process.</p> <p>CNSC’s regulatory framework Irrespective of the IAEA guidance document, under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p> <p>CNSC staff will assess CNL’s proposed project, in accordance with the CNSC’s regulatory framework, with safety being the overriding factor. 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> <ul style="list-style-type: none"> • CNSC licensing and regulatory requirements and guidance (i.e., NSCA, CNSC REGDOCs G-219 and G-320, CSA standard N294, etc.) • federal and provincial environmental regulatory

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			<p>requirements and environmental policies, guidelines and standards</p> <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. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions.</p>
William Turner	WT-13	<p>Specific Comments (7) Section 3.1.1 - Project Context (Fourth Paragraph) “Another statement from this paragraph (copied below) is misleading.</p> <p><i>“Also the NPD proposed approach is consistent with the IAEA strategy as the dominate contribution to the source term involves short lived radioactive isotopes and the longer lived isotopes are principally activation products.”</i></p> <p>If the dominant contribution to the source term is short lived radioactive isotopes, then the best strategy is to allow them to decay. There is no need to entomb them. As these isotopes decay away, the longer lived isotopes become the dominant contributor to the source term. Whether or not these are activation products is of no consequence to the argument. It is their half-life that is important. That said, for these longer lived isotopes, what is the timeline for their activity to be reduced to meet the criteria for the licence to abandon? Providing bulk estimates of activity as given in paragraph</p>	<p>With respect to project justification / objectives and completeness of the project description, please see the response to WT-1 above.</p> <p>With respect to institutional control and a Licence to Abandon, please see the response to WT-3 above.</p>

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		<p>three (quoted above) is not useful in determining the ultimate timeline.</p> <p>Please revise.”</p>	
William Turner	WT-14	<p>Specific Comments (8) Section 3.1.1 - Project Context (Top of p.3-2) “The proponent then goes on to state: “<i>In-situ decommissioning [Option 1] has been selected as the preferred approach ...</i>”</p> <p>This section does not meet the requirements of the CEAA (2012) where the factors to be considered (Section 19(1)) include: “(g) <i>alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means</i>”.</p> <p>Section 5 of CEAA (2012) lists the environmental effects to be considered in the evaluation of the alternatives. These effects include fish and fish habitat, aquatic species as defined in SARA, and migratory birds. None of the criteria given in this section address these effects.</p> <p>Please include an evaluation of the environmental effects for each of the alternatives.”</p>	<p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent’s EIS assess all potential environmental effects, as defined under section 5 of CEAA 2012, of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p> <p>Taking into account the public comments received related to scope and CNSC staff’s recommendations, the Commission, as indicated in the Commission’s Record of Decision dated March 8, 2017, has determined that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012, with no additional factors requiring consideration. That is, the paragraph 19(1)(g) factor of alternative means of carrying out the project and the environmental effects of these alternative means is required to be assessed and described in this EA.</p> <p>With respect to the completeness of the project description, please see the response to WT-1 above.</p>
William Turner	WT-15	<p>Specific Comments (9) Section 3.1.1 - Project Context (Top of Page 3-2) “... I note that the disadvantage given is stated as: “<i>Additional long term monitoring of the impacted area</i>”. This suggests that the monitoring currently in place is not sufficient to address or demonstrate the integrity of the entombed structure. Thus there are additional costs. This contradicts the statement that Option 1 is the “<i>Lowest cost option for the Canadian tax payer.</i>”</p>	<p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent’s EIS assess all potential environmental effects, as defined under section 5 of CEAA 2012, of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p>

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		Using the same criteria as was used by the proponent in selecting Option 1, I suggest that actually Option 4 is the best alternative.”	
William Turner	WT-16	<p>Specific Comments (10) Section 3.1.2 – Project Objectives “The objective for the project is stated as: <i>The objective of the NPD Closure Project is to safely decommission NPDWF ensuring the prompt reduction of Canadian legacy long-term liabilities.</i></p> <p>Please provide a description of the long-term liabilities that this project will reduce. Specifically, what are the costs for maintaining the site as is and the costs for this project over its entire lifetime?”</p>	<p>As indicated in the response to WT-1 above, the proponent’s EIS will have to document in sufficient detail the justification and rationale for the project and assess the alternative means of carrying out the project.</p> <p>With respect to costs, this comment is outside the scope of this EA, as cost information is not a requirement under CEAA 2012 and not within the CNSC’s mandate.</p>
William Turner	WT-17	<p>Specific Comments (11) Section 3.1.2 – Project Objectives “I note that the list provided in this section are mostly project outcomes, and cannot be considered project objectives. The two items that appear to be objectives are:</p> <ul style="list-style-type: none"> • <i>Remaining land returned to AECL for unrestricted use.</i> • <i>Shall be designed so that the dose to the public and to workers will be As Low As Reasonably Achievable (ALARA) with <0.25 mSv per year to the public as a dose constraint.</i> <p>I note that the land associated with the site is already owned by AECL. As such AECL can determine its use and impose any land-use restrictions it deems appropriate.</p> <p>As to the second item, what is the current dose to the public from the site? If it is already below this threshold, I can see no purpose for this project. By the ALARA definition, the</p>	<p>With respect to project justification / objectives, please see the response to WT-1 above.</p> <p>Land use Information regarding the evaluation of land use will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and safety case.</p> <p>The NPD is located on federal lands held in the name of AECL. CNL is currently contractually responsible for the management and operation of AECL’s nuclear sites, facilities and assets, including the NPD site. CNL is the licence owner (i.e., the licensee) for this site. However, AECL still owns the land and assets.</p> <p>The final determination of how the NPD lands will be used will be the decision of AECL. However, NPD lands will remain under a CNSC licence until they can be released from CNSC regulatory control. Therefore, before issuing a Licence to Abandon, the Commission must be satisfied that the applicant meets all the</p>

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		site is already at “as low as reasonably achievable”.	<p>regulatory requirements related to this type of licence, and has made adequate provision to protect the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.</p> <p>Public dose CNSC staff require that information regarding the baseline environment, including the current dose to the public from the site, be addressed in the proponent’s EIS in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p>
William Turner	WT-18	<p>Specific Comments (12) Section 3.1.2 – Project Objectives “The last objective in the list is given as: <i>“Long-term care and maintenance activities will continue for an agreed performance period.”</i></p> <p>What is the “agreed performance period”? What criteria will be used to determine this period? Who will be involved in the “agreeing” to this period? What will the agreement look like? Will it be a contract among the parties, or will it be a licence condition? Please confirm that the target audience for this agreement will meet the requirements of the CNSC document RD/GD-99.3, <i>Public Information and Disclosure</i>, March 2012.”</p>	<p>CNSC staff require that information regarding the lifecycle of the project, including the form, length, and requirements of the institutional control period and post-closure monitoring activities, be addressed in the proponent’s licensing documentation and summarized in sufficient detail in the EIS and the safety case.</p> <p>The length of institutional control, including long-term care and maintenance activities, will need to be approved by the Commission.</p>
William Turner	WT-19	<p>Specific Comments (13) Section 3.1.2 – Project Objectives “Please revise the list to address the actual objectives of the project. In other words, please answer the question, what is the problem this project will be designed to solve?”</p>	<p>With respect to project justification / objectives and completeness of the project description, please see the response to WT-1 above.</p>
William Turner	WT-20	<p>Specific Comments (14) Section 3.3.1 – Current Status of NPDWF</p>	<p>CNSC staff note that CNL has clarified that both landfills on the NPD site are closed. One landfill has an MOE Certificate of</p>

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		<p>“Under this section it is noted that there are two landfills on site, one of which has a MOE Certificate of Approval (CoA) for its closure. What is the status of the other landfill? Is it officially closed? If so, why does it not have its own CoA?</p> <p>It is not clear from the description of the project what will happen to these landfills. If they are officially closed, then there are land-use restrictions in place. This puts in doubt the objective given in Section 3.1.2, “<i>Remaining land returned to AECL for unrestricted use.</i>”</p> <p>Please clarify.”</p>	<p>Approval (CoA), while the other landfill contains construction backfill and does not require an MOE CoA. For the landfill with an MOE CoA, the CNL abides by the post-closure requirements in accordance with <i>Ontario Regulation 232/98: Landfilling Sites</i>.</p> <p>With respect to land use and the statement in section 3.1.2 of the project description (“<i>Remaining land returned to AECL for unrestricted use</i>”), please see the response to WT-17 above.</p>
William Turner	WT-21	<p>Specific Comments (15) Section 3.3.1.2.1 – Radiological Inventory “I note that the radioactive inventories are given as total activity, whereas a list of “dominant radionuclides” is provided.</p> <p>What is the inventory of each of the dominant nuclides? What is their projected timeline such that they will decay to a level below the criteria for abandonment?</p> <p>Since the list of dominant nuclides includes ones with short half-lives, they will no longer be dominant in a relatively short time. Please provide a list of the nuclides that have longer half-lives that will dominate in the future. Again provide an estimate as to when these will decay to the level below the criteria for abandonment.”</p>	<p>A comprehensive list of radionuclides will be identified in the proponent’s safety case and presented in sufficient detail in the EIS. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>With respect to institutional control and a Licence to Abandon, please see the response to WT-3 above.</p>
William Turner	WT-22	<p>Specific Comments (16) Section 3.3.1.2.2 – Designated Substances “What does the proponent propose to do to address these contaminants? In the summary (Section 7) it is stated that they will grouted in-situ. This is not an appropriate disposition for these substances unless they are radioactively</p>	<p>CNSC staff require that information regarding non-radiological hazards, be addressed in the proponent’s EIS, in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations which inform evidence-based Commission decisions.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>contaminated (i.e., mixed waste).</p> <p>Note, once the radioactive components in the waste decay to below the criteria for abandonment, these substances will remain. At that time, the CNSC may have no interest in the site. However, this does not mean that all regulatory interest in the site will also cease. Essentially the site becomes a hazardous waste site, which will then the fall within provincial jurisdiction.”</p>	<p>Waste volumes, waste inventory, waste acceptance criteria (WAC) and details on the handling and emplacement of the waste will be addressed in the proponent’s licensing documentation and will be summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>With respect to the CNSC’s regulatory framework for the assessment of the proposed project and the CNSC’s decision-making responsibilities, please see the response to WT-1 above.</p> <p>With respect to institutional control and a Licence to Abandon, please see the response to WT-3 above.</p>
William Turner	WT-23	<p>Specific Comments (17) Section 3.5.6 – Long-term Care and Maintenance “I note that the current footprint of the reactor site is already fenced (See Figure 3-1). Site surveillance also is in place, although it would likely change since the “facility” itself would change if the project is approved. Since the facility would change, then the ongoing site monitoring would need to be modified to address the new circumstances.</p> <p>However, the proponent provides no estimate as to the timelines involved. Since the proposal is to “dispose” of the reactor components in-situ (i.e., with no intent to retrieve them), the implication is that these long-term care and maintenance activities will have to continue in perpetuity (i.e., never cease). On the face of it, this is totally impractical.</p> <p>Please provide appropriate timelines for these long-term activities. In this evaluation, please include an estimated time at which these activities can cease.”</p>	Please see the response to WT-18 above.

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
William Turner	WT-24	Specific Comments (18) Section 3.7 – Project Phases and Schedule “Please clarify what is meant by the sentence “ <i>Any preparation activities will be performed under Environmental Effects Reviews executed by the proponent (Section 67 of CEAA 2012 [1])</i> ”. This section of the Act does not use the term “Environmental Effects Review”.”	As outlined in section 4.3 (Scope of project) of the Guidelines , CNSC staff require the proponent to describe all phases of the project and their associated activities, including preparation activities, in the EIS. For any activities carried out that are outside the scope of this proposed project EA (i.e., any activities that are not related to this proposed project, but that are on the licensed site), CNL would conduct an “Environmental Effects Review” (EER). The term EER is used internally by CNL to represent an environmental review of a project carried out under section 67 of CEAA 2012, that is a physical activity to be carried out on federal lands.
William Turner	WT-25	Specific Comments (19) Table 3-1 – Project Phases and Schedule “Please complete the table by providing an estimate of the “TBD” date.”	Please see the response to WT-18 above.
William Turner	WT-26	Specific Comments (20) Section 4.6 – Proximity to Federal Lands ““ <i>Note that CRL is not “another CNL property”</i> ”. The laboratory site remains the property of AECL. CNL is only the contractor that manages the site on behalf of the owner, AECL. Please correct.”	With respect to the completeness of the project description , please see the response to WT-1 above. In addition, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS.
William Turner	WT-27	Specific Comments (21) Section 6.2.1 – Fish and Fish Habitat (Second Paragraph) ““ <i>There is the potential for radionuclide releases to groundwater from the in-situ decommissioned reactor and radionuclide migration to the Ottawa River.</i> ” This statement appears to indicate that there is no advantage to the environment from implementing this project. Please clarify.”	As outlined in section 4 (Project description) of the Guidelines , CNSC staff require the proponent to provide a project justification and assessment of potential project environmental effects, including the end-state and alternative means of carrying out the project, in its EIS.

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
William Turner	WT-28	<p>Specific Comments (22) Section 7 – Summary of the Project Description <i>“As disposal options for nuclear waste within Canada do not currently exist, in-situ decommissioning can quickly and safely reduce the remainder of Canada’s nuclear legacy liabilities at this property. In-situ decommissioning results in a concrete monolith which provides a robust and durable containment to allow for continued radioactive decay. The closure of the NPD site will entomb the remaining radiological inventory and designated substances, leave no structures aboveground, meet public dose restrictions, and support ongoing use of the site as a wildlife habitat.”</i></p> <p>With respect to this paragraph,</p> <ul style="list-style-type: none"> • As stated several times above, the proponent does not provide the evidence to support the claim that entombment will reduce the legacy. • Because there is no disposal facility currently available in Canada does not mean there will never be one. • The current status of the facility (storage with surveillance) already allows for radioactive decay. • I would question the entombing of designated substances. From Section 3.3.1.2.2, except for the asbestos materials, and possibly the lead (which may be radioactively contaminated) the inventory of the other substances (e.g., PCBs, mercury) is likely small and a concerted effort to deal with these will rectify the situation at minimal cost. • As far as I am aware (given this project description) the hazards associated with the above ground structures are not significant enough that they would need to be removed “immediately”. In fact, the reactor building likely provides some protection to the underground structures from the environment, 	Please see the responses to WT-1 to WT-27 above.

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>reducing the potential for radioactive contaminant migration.</p> <ul style="list-style-type: none"> As to meeting public dose restrictions, and supporting the ongoing use of the site as a wildlife habitat, the proposed undertaking will not change anything. The public dose restrictions are already met, and the site is already a wildlife habitat. <p>In conclusion, this paragraph is a good summary of the potential benefits of the chosen option identified by the proponent. However, these benefits cannot withstand a close examination since the project will not result in any improvement. In other words, there is no net value to completing the project.”</p>	
Michael Stephens	MS-1	<p>General Comments</p> <p>“It is surprising that the proponent is proposing to entomb the NPD reactor, which was successfully operated for 25 years and underwent a planned permanent shutdown in 1987. The proponent must surely be aware that entombment is not an accepted practice in the world’s nuclear community in such a situation. Part 6 of the IAEA General Safety Requirements, Decommissioning of Facilities (GSR Part 6, July 2014, pp 2-3, http://www-pub.iaea.org/MTCD/publications/PDF/Pub1652web-83896570.pdf) states that...</p> <p><i>Entombment, in which all or part of the facility is encased in a structurally long lived material, is not considered a decommissioning strategy and is not an option in the case of planned permanent shutdown. It may be considered a solution only under exceptional circumstances (e.g. following a severe accident).”</i></p>	<p>Yes, the document referenced, IAEA GSR 6, indicates that entombment is not recognized internationally, in principle, as a preferred decommissioning strategy (entombment may be considered a solution only under exceptional circumstances, such as following a severe accident). The IAEA is currently working on a document to provide guidance with respect to their position on entombment <i>in situ</i> decommissioning the applicability of entombment in the context of decommissioning and in particular, the regulatory requirements and expectations for applying entombment as a decommissioning option strategy. There is no scheduled date for the publication of this document; however, CNSC staff will keep apprised of its development to inform this EA and licensing review process.</p> <p>CNSC’s regulatory framework</p> <p>Irrespective of the IAEA guidance document, under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>CNSC staff will assess CNL's 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 REGDOCs G-219, <i>Decommissioning Planning for Licensed Activities</i>, and G-320, <i>Assessing the Long Term Safety of Radioactive Waste Management</i>, 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>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. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions.</p>
Michael Stephens	MS-2	Detailed Comments “Section 1 – The proponent describes the project as “in-situ decommissioning” of the partly decommissioned NPD reactor. Contaminated materials would be left permanently in a below grade structure. Therefore the project also creates a near-surface radioactive waste disposal repository. Thus the	Yes, CNSC staff understand that “ <i>in situ</i> decommissioning” means “entombment” or “ <i>in situ</i> disposal” as defined in CNSC REGDOC G-219 and CSA N294, as indicated below. In addition, CNSC staff agree that the potential, long-term radiological risks to the environment and human health of the proposed project need to be considered and evaluated and require this assessment as part of the

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>potential long-term impacts on human health and the environment must be assessed and shown to be acceptable before the project proceeds.”</p>	<p>EA and licensing review process. Information on the long-term safety of the proposed project will be summarized in the EIS and the safety case.</p> <p>With respect to the CNSC’s regulatory framework for the assessment of the proposed project, please see the response to MS-1 above.</p> <p>CNSC’s decision-making responsibilities The CNSC’s Commission Tribunal (the Commission) is a quasi-judicial administrative tribunal. The Commission is a credible and expert decision-making authority that remains independent from government, licensees and staff.</p> <p>The Commission is the CNSC’s decision-making body that makes EA and licensing decisions for all major nuclear projects. Decisions made by the Commission are not subject to any governmental or political review, nor may they 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>Prior to making a decision, sufficient information is required for CNSC staff to evaluate and make scientifically defensible recommendations to inform evidence-based Commission decisions as well as to ensure regulatory requirements for safety, security and the environment are met.</p> <p>In making an EA decision, the Commission will take into consideration the proponent’s EIS, CNSC staff’s EA Report and supporting documentation, as well as public comments, to determine if the project is likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures. The Commission will</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>require sufficient information to make a science-based EA decision.</p> <p>If there is a positive EA decision (i.e., project is not likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures), the Commission can then proceed with the licensing decision under the NSCA. In making its licensing decision, the Commission will determine whether the proponent is qualified and will make adequate provision for the protection of the environment, the health and safety of persons, the maintenance of national security and the measures required to implement international obligations to which Canada has agreed. Under the NSCA, no approval is granted/no licence is issued unless the proponent is qualified and makes adequate provision for the protection of the environment and health and safety of persons.</p>
Michael Stephens	MS-3	Detailed Comments “Section 2 – The reactor is a Class 1 nuclear facility that is presently in the Storage with Surveillance (SWS) phase of decommissioning and has a Decommissioning Waste Facility license [sic].”	<p>Yes, that is accurate. The current decommissioning licence for NPD solely authorizes activities related to the "storage with surveillance" phase of the decommissioning project.</p> <p>The proposed <i>in situ</i> decommissioning of the NPD reactor will require a change to the activities authorized under the current licence and will be considered as part of a licence amendment application process. Any change to activities previously approved by the Commission must be reviewed and accepted by the Commission.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Michael Stephens	MS-4	<p>Detailed Comments</p> <p>“Section 2.3 – It is indicated that during 2015 September to December, communication activities by CNL have provided “a brief overview of the proposed NPD in-situ decommissioning approach” “within the context of a larger vision of the company” to (amongst other stakeholders) “Local residents (Rolphton, Rapides-des-Joachims, the United Townships of Head, Clara, and Maria, Deep River and Chalk River area)”.</p> <p>I am not surprised that, “the results from these preliminary consultations indicate no immediate concerns with the proposed decommissioning approach”. What form did the direct communications with members of the public take? As a resident of Deep River, I do not recall any previous proactive substantive notification and information provided by the proponent, nor any invitation to comment on the proposed approach, the alternatives to it, and the rationale for adopting the proposed approach. Will the proponent soon begin direct, open, detailed, two-way communications with members of the public? It is rather late in the process of defining the project, and the proponent risks being perceived as having adopted a “Decide-Announce-Defend” approach to public consultation.”</p>	<p>Public participation</p> <p>CNSC staff encourage early engagement by the proponent. CNSC staff require that CNL engage with those members of the public who have expressed an interest in participating during their preparation of the EIS.</p> <p>As outlined in section 6 (Public and stakeholder consultation) of the Guidelines, the proponent’s EIS will describe participation activities in accordance with the CNSC’s RD/GD-99.3, Public Information and Disclosure.</p> <p>Furthermore, the CNSC welcomes public involvement in regulatory matters and has a robust public participation program including a public hearing process and a Participant Funding Program. CNSC staff have been providing opportunities for public participation at various stages during the EA process and will continue to do so. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff’s EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p>
Michael Stephens	MS-5	<p>Detailed Comments</p> <p>“Section 2.3.1 – The CNL public information program is described as having the overriding objective, “to build public awareness, understanding, and a supportive appreciation of the Laboratories’ value and relevance to Canadians”. There is no indication that CNL has sought to listen to the public and consider accommodating its concerns and preferences in its program. There are many well-informed local members of the public in the Upper Ottawa Valley who might lend their support to proposals if their views were sought and responded</p>	<p>As indicated in the response to MS-4 above, CNSC staff require that the proponent’s EIS describe, in sufficient detail, public engagement activities in accordance with the CNSC’s RD/GD-99.3, Public Information and Disclosure.</p>

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		to before key decisions are made. The vital importance of direct early two-way engagement with the public was a lesson learned the hard way by the United States Department of Energy at similar sites in the US.”	
Michael Stephens	MS-6	Detailed Comments “Section 2.4.1 – Several environmental studies have shown no adverse effects on the environment from the decommissioning activities that have been conducted to date. This suggests that there must be reasons other than current environmental impacts for moving away from the current deferred decommissioning approach.”	<p>As indicated in the response to MS-1 above, applicants are responsible for selecting and justifying their proposed decommissioning strategy; the CNSC does not have the authority to direct an applicant’s decommissioning option strategy.</p> <p>The proposed <i>in situ</i> decommissioning of the NPD reactor will require a change to the activities authorized under the current licence and will be considered as part of a licence amendment application process. Any change to activities previously approved by the Commission must be reviewed and accepted by the Commission.</p> <p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent’s EIS assess all potential environmental effects of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p>
Michael Stephens	MS-7	Detailed Comments “Section 3.1.1 – The total residual radioactivity has decreased significantly since the permanent shutdown because of the decay of the short-lived nuclides. The long-lived nuclides also present may not dominate now, but will in the long term. The fact that “disposal options for nuclear waste within Canada are currently not available” is not a valid argument for advancing decommissioning. It is an argument for building appropriate repositories for the different classes of waste, rather than risk creating another problem. AECL has been a world leader in developing waste disposal technology for decades, but has not built or gained access to actual	<p>With respect to the CNSC’s regulatory framework for the assessment of the proposed project, please see the response to MS-1 above.</p> <p>Also, as indicated in the response to MS-1 above, applicants are responsible for selecting and justifying their proposed decommissioning strategy; the CNSC does not have the authority to direct an applicant’s decommissioning option strategy.</p> <p>The proposed <i>in situ</i> decommissioning of the NPD reactor will require a change to the activities authorized under the current licence and will be considered as part of a licence amendment application process. Any change to activities previously approved</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>repositories for its wastes. Putting long-lived waste into an unsuitable near-surface condition could leave it in a difficult-to-retrieve state for eventual retrieval and proper disposition when an appropriate repository is available.”</p> <p>[The author then quotes from sections 2.4, 3.2.3, 3.3.3, 3.4.3 and 3.9 of the 2007 IAEA document cited by the proponent (Safety Report Series #50): http://www-pub.iaea.org/books/IAEABooks/7540/Decommissioning-Strategies-for-Facilities-Using-Radioactive-Material.]</p>	<p>by the Commission must be reviewed and accepted by the Commission.</p> <p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent’s EIS assess all potential environmental effects of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p>
Michael Stephens	MS-8	<p>Detailed Comments</p> <p>“Section 3.1.2 – The stated objective of the project is “to safely decommission NPDWF ensuring the prompt reduction of Canadian legacy long-term liabilities”. If the facility is not licensable as a near-surface disposal facility because of the long-lived nuclides, then this project does not reduce the long-term liabilities - it increases them because it will be more difficult and expensive to retrieve them for disposal later. There is no discussion of the short-term and total cost implications of carrying out this project now (rather than, for example, simply maintaining the status quo until AECL has access to a geological repository for its long-lived waste). Storage With Surveillance for another 50 years would lead to a further great decrease in the inventories of the short-lived radionuclides.”</p>	<p>As indicated in the response to WT-1 above, the proponent’s EIS will have to document in sufficient detail the justification and rationale for the project and assess the alternative means of carrying out the project.</p> <p>With respect to costs, this comment is outside the scope of this EA, as cost information is not a requirement under CEAA 2012 and not within the CNSC’s mandate.</p>
Michael Stephens	MS-9	<p>Detailed Comments</p> <p>“Section 3.3.1.2.1 – It is stated that the majority of the radiological inventory within NPDWF is associated with reactor core components (calandria and pressure tubes), the biological shield, the heat transport system, and the moderator system. The (currently) dominant nuclides are said to be ⁵⁵Fe, ⁶⁰Co, ⁶⁵Zn, ¹⁴C, ⁵⁴Mn, ⁶³Ni, and ³H. These nuclides respectively have half-lives of: 2.7 a, 5.3 a, 244 d,</p>	<p>A comprehensive list of radionuclides will be identified in the proponent’s safety case and presented in sufficient detail in the EIS. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>5700 a, 312 d, 100 a, and 12 a. 14C and 63Ni have half-lives longer than a few years. 14C is a mobile species.</p> <p>Other longer-lived nuclides are also likely present (e.g., nuclides trapped in the calandria pressure tubes and primary coolant circuit that were released from failed fuel during the operating period of the reactor). They may not dominate the total radionuclide inventory now, but will dominate in the longer term. What are the inventories of the long-lived radionuclides?"</p>	
Michael Stephens	MS-10	<p>Detailed Comments “What are the estimated quantities of “Designated Substances”?”</p>	<p>CNSC staff require that information regarding non-radiological hazards, be addressed in the proponent’s EIS, in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations which inform evidence-based Commission decisions.</p> <p>Waste volumes, waste inventory, waste acceptance criteria (WAC) and details on the handling and emplacement of the waste will be addressed in the proponent’s licensing documentation and will be summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>With respect to the CNSC’s regulatory framework for the assessment of the proposed project and the CNSC’s decision-making responsibilities, please see the response to MS-1 above.</p>
Michael Stephens	MS-11	<p>Detailed Comments “Section 3.5 – The proponent says that “the below grade sealed structures will contain any radiological sources within it for a period of institutional control”? What is expected to happen after that – or can the proponent show that the ensuing impact on human health and the environment is not</p>	<p>CNSC staff agree that the potential, long-term radiological risks to the environment and human health of the proposed project need to be considered and evaluated and require this assessment as part of the EA and licensing review process. Information on the long-term safety of the proposed project will be summarized in the EIS and the safety case.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		of concern?"	<p>Institutional control With respect to institutional control, CNSC staff require that information regarding the lifecycle of the project, including the form, length, and requirements of the institutional control period and post-closure monitoring activities, be addressed in the proponent's licensing documentation and summarized in sufficient detail in the EIS and the safety case. The length of institutional control, including long-term care and maintenance activities, will need to be approved by the Commission.</p> <p>Licence to Abandon Following the end of institutional control, the applicant may submit an application for a Licence to Abandon. The requirements for the application of a Licence to Abandon are identified in section 8 of the <i>Class I Nuclear Facilities Regulations</i>. At the time the applicant will apply for a Licence to Abandon, CNSC staff will assess the application based on the CNSC's regulatory framework in effect and applicable at that time.</p> <p>Before issuing a Licence to Abandon, the Commission must be satisfied that the applicant meets all the regulatory requirements related to this type of licence, and has made adequate provision to protect the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.</p>
Michael Stephens	MS-12	<p>Detailed Comments "Section 3.5.2 – What assurance will there be that the grout seals to the walls of the subgrade structures, that it won't expand and crack the structure, or shrink and leave fissures, or crack after curing? It is indicated that an "engineered barrier" will be installed, but no details are given. What is the purpose of the barrier? What will it consist of? How will its performance be assured? (Section 3.5.6 suggests that it may be subject to subsidence, erosion and animal or other intrusion.)"</p>	<p>Detailed information on the grouting method, design and longevity of the containment structure, will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Michael Stephens	MS-13	Detailed Comments “Section 5.6 – The proponent indicates that, “the project must assess the potential safety and risks to the environment and public...in accordance with applicable regulations including CNSC regulatory guidance” (i.e., including G-320). This assessment should be completed, show that no unacceptable risks will remain on the site, and be discussed with the public before this project is allowed to proceed.”	With respect to the CNSC’s regulatory framework for the assessment of the proposed project, please see the response to MS-1 above. With respect to the CNSC’s decision-making responsibilities , please see the response to MS-2 above. With respect to public participation , please see the response to MS-4 above.
Michael Stephens	MS-14	Detailed Comments “Section 3.7 – Table 3-1 refers to the project including long-term care and maintenance activities starting in 2020 and continuing for an undetermined length of time. Some acceptable minimum time should be discussed with the public and agreed upon (as well as where the necessary resources will come from and how they will be funded) before this project is allowed to proceed.”	With respect to institutional control and a Licence to Abandon , please see the response to MS-11 above. With respect to public participation , please see the response to MS-4 above.
Michael Stephens	MS-15	Detailed Comments “Section 5.3 – Will a CNSC licence to “abandon” the site be necessary and sought at some point?”	With respect to a Licence to Abandon , please see the response to MS-11 above.
Michael Stephens	MS-16	Detailed Comments “Section 6.1.2 – It is indicated that any groundwater leakage is currently into the facility. This will no longer necessarily be the case after the periodic sump pumping is stopped.”	As presented in the proponent’s project description, the proposed end-state is to fill the below-grade structure with grout, at which point, a sump or groundwater leaking collection would no longer be needed. As outlined in section 4 (Project description) of the Guidelines , CNSC staff require the proponent to provide information on the end-state of the proposed project in the EIS, in sufficient detail. In addition, CNSC staff require that information regarding the interaction between the grouted facility and the local hydrogeology be addressed in the proponent’s EIS in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Michael Stephens	MS-17	Detailed Comments “Section 6.1.4 – It is indicated that, “There is the potential for radionuclide releases to groundwater from the in-situ decommissioned reactor and radionuclide migration to the Ottawa River”. This in itself is sufficient reason to conduct an assessment of the long-term safety of the site to both the environment and humans who may be located along the migration path.”	CNSC staff agree that the potential, long-term radiological risks to the environment and human health of the proposed project need to be considered and evaluated and require this assessment as part of the EA and licensing review process. CNSC staff require that information regarding the interaction between the grouted facility and the local hydrogeology be addressed in the proponent’s EIS in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.
Northwatch	NW-1	General Comments “...We have reviewed the Project Description and found it to be insufficient or inadequate in a number of respects, in terms of both form, substance, and the degree to which statements were substantiated (or, more specifically, the unsubstantiated nature of many of the statements). Our assessment concluded that the Project Description had not met the requirements set out under regulations under the Canadian Environmental Assessment Act (CEAA) 2012, namely the <i>Prescribed Information for the Description of a Designated Project Regulations</i> and the provisions in the schedule to the <i>Regulations Designating Physical Activities</i> .”	CNSC staff have considered and addressed the gaps and deficiencies raised, as outlined in the following responses: NW-1 to NW-14 below. In addition, CNSC staff require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. Completeness of the project description CEAA 2012 requires that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a ‘screening’ phase to inform a decision on whether an EA of the designated project is required. Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of REGDOC-2.9.1: Environmental Protection: Environmental

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			<p><i>Principles, Assessments and Protection Measures.</i> The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of “designated project” such that CEAA 2012 would apply. To this end, proponents are referred to the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed CNL’s project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> • meet the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) such that the project description is deemed complete and need not be revised • make a determination on the applicability of CEAA 2012 <p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a “designated project” in accordance with paragraph 37(b) of the <i>Regulations Designating Project Activities</i>.</p> <p>Following CNSC staff’s EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>Taking into account the public comments received related to scope and CNSC staff’s recommendations, the Commission, as indicated in the Commission’s Record of Decision dated March 8, 2017, has determined that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012, with no additional factors requiring consideration. That is, the Commission did not require, under its discretion in paragraph 19(1)(j) of CEAA 2012, to include any other matters relevant to the EA.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Northwatch	NW-2	<p>Summary of Findings “In our review of the project description we identified numerous shortcomings, gaps, deficiencies, inconsistencies or unsubstantiated statements, including but not limited to the following:</p> <p>- In Section 2.1.1 the document states that “Following permanent shutdown of the station, the operating and compliance responsibilities were transferred from Ontario Hydro to Atomic Energy of Canada Limited (AECL) and the facility is now renamed Nuclear Power Demonstration Waste Facility (NPDWF); we have found no other instances of the facility being referred to as the “renamed Nuclear Power Demonstration Waste Facility”, including no other references in our searches of the public record and of CNSC documents related to this facility”</p>	<p>With respect to the completeness of the project description, please see the response to NW-1 above.</p> <p>In addition, the following links on the CNSC’s website are examples where the facility is referred to as the “Nuclear Power Demonstration Waste Facility”:</p> <ul style="list-style-type: none"> • Radioactive Waste webpage • CMD 14-H107 from July 16, 2014 • Project-specific EA webpage
Northwatch	NW-3	<p>Summary of Findings “- Throughout the document, beginning in Section 2.1.1, there are numerous statements that the underground structures will be sealed by grouting, but there are no descriptions of the grouting, the grouting material or the grouting methods; there are also numerous statements about the use of concrete, such as in Section 3.5.2, where the section is titled “Grouting of Below Grade Structure, and states that “all below grade areas are to be filled with grout” but the discussion that follows is focused largely if not solely on concrete, concrete production, concrete pours, and curing of concrete; it raises the question of whether CNL is using the terms “grout” and “concrete” interchangeably and illustrates in a key area how the document fails to provide a clear and substantive description of the project; the project timeline in Section 3.7 further suggests that CNL is using “grout” and “concrete” interchangeably”</p>	<p>Detailed information on the grouting method, design and longevity of the containment structure, will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>Furthermore, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Northwatch	NW-4	Summary of Findings “- In Section 2.4.1 the document indicates that “several studies have been undertaken to assess environmental conditions at the site and identify areas of potential concern” but no specific references are provided and none of the documents generally described are included in the references listed at the end of the document; an online search of the specific or general topics did not produce any of the documents that are generally referenced”	As outlined in section 8 (Description of the environment) of the Guidelines , the proponent’s EIS will have to assess the baseline environment and include a consideration of past projects and activities carried out by the proponent and/or others within the project area. Furthermore, CNSC staff require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. All references included in the EIS and supporting documentation must either be publicly accessible or made available to the public upon request, as outlined in the Guidelines .
Northwatch	NW-5	Summary of Findings “- In Section 2.4.1 the document states that “Annual compliance monitoring of the NPD site such as ambient radiation fields as well as tritium in vegetation and surface soil, which is reported annually” but no specific are provided and no references are provided”	Please see the response to NW-4 above.
Northwatch	NW-6	Summary of Findings “- The document repeatedly makes unnecessarily vague statements, such as in Section 3.1.1. where it states “The spent fuel was transferred to fuel storage facilities at another CNL site”; it is on the public record elsewhere that the fuel wastes from the NPDP were transferred to the Chalk River Laboratories, and the exclusion of factual details such as this detracts from the document”	With respect to the completeness of the project description , please see the response to NW-1 above. In addition, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS. CNSC staff also require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. All references included in the EIS and supporting documentation must either be publicly accessible or made available to the public upon request, as outlined in the Guidelines .
Northwatch	NW-7	Summary of Findings “- The project description utilizes non-sequiturs and attempts to assign relationships to unrelated statements; this occurs in what are some of the most fundamental aspects of the decommissioning project. For example, in Section 3.1.1 the	CNSC staff agree that the EIS and the safety case will need to demonstrate the long-term safety of the proposed project. As outlined in subsection 4.1 (Purpose of the project) of the Guidelines , the proponent’s EIS will have to document in

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		<p>document states:</p> <ul style="list-style-type: none"> ○ <i>“As disposal options for nuclear waste within Canada are currently not available, in-situ decommissioning can safely reduce Canada’s nuclear legacy liabilities at this property”</i>. The absence of other options does not by extension make the available option safe. While we agree that “disposal” options are not available – there is nowhere and no way that the wastes can be “disposed of”, i.e., not require future management – this absence of a “disposal” option does not in and of itself denote the presence of safety in the in-situ decommissioning option; further, there could be many different methods and approaches applied in an approach that would fit within the very broad description of “in-situ decommissioning”. It is not our intent to argue at this very preliminary stage of the environmental assessment that in-situ decommissioning of the NPDP can or cannot be demonstrated to be “safe” – we are simply observing that CNL, in their project description, is claiming “safety” without any basis for doing so.” 	<p>sufficient detail the justification and rationale for the project. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>As outlined in subsection 4.2 (Alternative means of carrying out the project) of the Guidelines, CNSC staff require that the proponent’s EIS assess all potential environmental effects of the proposed <i>in situ</i> decommissioning approach and of each alternative mean of carrying out the project.</p> <p>CNSC’s regulatory framework Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed decommissioning strategy.</p> <p>CNSC staff will assess CNL’s 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 REGDOCs G-219 and G-320, CSA standard N294, etc.) • federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards <p>Consideration will be given to international guidance and best practice.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>Information on the long-term safety of the proposed project will be summarized in the EIS and the safety case. Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions.</p> <p>With respect to the completeness of the project description, please see the response to NW-1 above. In addition, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS.</p> <p>CNSC staff also require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. All references included in the EIS and supporting documentation must either be publicly accessible or made available to the public upon request, as outlined in the Guidelines.</p>
Northwatch	NW-8	<p>Summary of Findings</p> <p>“- The project description utilizes non-sequiturs and attempts to assign relationships to unrelated statements; this occurs in what are some of the most fundamental aspects of the decommissioning project. For example, in Section 3.1.1 the document states:</p> <p>[...]</p> <ul style="list-style-type: none"> ○ <i>“In-situ decommissioning results in a concrete monolith which provides a robust and durable containment to allow for continued radioactive decay”</i>. In-situ decommissioning does not in and of itself result in a concrete monolith. It may be that CNL is proposing a concrete monolith in an in-situ decommissioning approach they will bring forward for the NPDP site, and it may be that a concrete 	<p>Detailed information on the long-term safety of the proposed project, including the containment structure, will be summarized in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions. Furthermore, members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions.</p> <p>With respect to the completeness of the project description, please see the response to NW-1 above. In addition, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS.</p>

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		<p>monolith could provide robust and durable containment, but one does not necessarily follow the other, and certainly CNL has not provided sufficient project description to even hypothesize that this will be the case. This determination may be possible at some later stage, but it is not possible at this point, and cannot be assumed.”</p>	<p>CNSC staff also require that information in the EIS and supporting documentation be provided in sufficient detail and/or with relevant references to substantiate any statements made. All references included in the EIS and supporting documentation must either be publicly accessible or made available to the public upon request, as outlined in the Guidelines.</p>
Northwatch	NW-9	<p>Summary of Findings “- The document makes overly generalized and unsupported statements about project fundamentals, such as, in Section 3.1.2 where it states “The reactor, associated systems and below grade structures grouted to the extent practicable”; this qualifier of “to the extent practical” suggests a high level of subjectivity, and the absence of any measureable performance standards”</p>	<p>With respect to the completeness of the project description, please see the response to NW-1 above.</p> <p>Detailed information on the grouting method, design and longevity of the containment structure, will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p>
Northwatch	NW-10	<p>Summary of Findings “- The document provides inadequate information about the site, site conditions, past land uses, and related residual hazards; for example, in Section 3.1.3 it reports that there were two landfills on the site, but the only information it provides about one of these landfills is it was used as a lay down area during construction of the site – no information about its use as a land fill – including the waste types, quantities, and current associated potential for hazards – is provided”</p>	<p>With respect to the completeness of the project description, please see the response to NW-1 above.</p> <p>Land use Information regarding the evaluation of land use will be provided in the long-term safety analysis and summarized in sufficient detail in the EIS and safety case.</p> <p>As outlined in section 8 (Description of the environment) of the Guidelines, the proponent’s EIS will have to assess the baseline environment and include a consideration of past projects and activities carried out by the proponent and/or others within the project area.</p> <p>Landfills With respect to the landfills, CNSC staff note that CNL has clarified that both landfills on the NPD site are closed. One landfill has an MOE Certificate of Approval (CoA), while the other landfill</p>

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			contains construction backfill and does not require an MOE CoA. For the landfill with an MOE CoA, the CNL abides by the post-closure requirements in accordance with <i>Ontario Regulation 232/98: Landfilling Sites</i> .
Northwatch	NW-11	Summary of Findings “- Similarly, directly relevant past activities are very broadly referred to, but not described, such as in Section 3.3.1.1 when the document states “Major and minor decontamination activities were completed as required” but provides no factual description”	Please see the response to NW-4 above.
Northwatch	NW-12	Summary of Findings “- In Section 3.5.5. there is a statement that lands “will be released to AECL for determination of re-use as applicable under the soil and groundwater quality guidelines”; this is doubly puzzling, firstly because it raises the question of how lands that are currently in federal ownership be returned to federal ownership, and secondly because it suggests but does not supply any reference to the soil and groundwater quality guidelines that will be applied”	<p>The NPD is located on federal lands held in the name of AECL. CNL is currently contractually responsible for the management and operation of AECL’s nuclear sites, facilities and assets, including the NPD site. CNL is the licence owner (i.e., the licensee) for this site. However, AECL still owns the land and assets.</p> <p>The final determination of how the NPD lands will be used will be the decision of AECL. However, NPD lands will remain under a CNSC licence until they can be released from CNSC regulatory control. Therefore, before issuing a Licence to Abandon, the Commission must be satisfied that the applicant meets all the regulatory requirements related to this type of licence, and has made adequate provision to protect the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. At that time, all applicable Acts and regulations at each jurisdictional level (i.e., federal, provincial, municipal) will also need to be complied with.</p>
Northwatch	NW-13	Summary of Findings “- The discussion in Section 3.5.6 “ <i>Long-term Care and Maintenance</i> ” is abysmal in its lack of detail or substance hazardous wastes (PCBs, asbestos, mercury, lead) will be “encapsulated” but provides no description of the plans for engineering containment of these wastes or whether they will	CNSC staff require that information regarding non-radiological hazards, be addressed in the proponent’s EIS, in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations which inform evidence-based Commission decisions.

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		be co-mingled with the radioactive wastes or managed separately”	<p>Waste volumes, waste inventory, waste acceptance criteria (WAC) and details on the handling and emplacement of the waste will be addressed in the proponent’s licensing documentation and will be summarized in sufficient detail in the EIS and the safety case. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>With respect to the completeness of the project description, please see the response to NW-1 above.</p>
Northwatch	NW-14	<p>Summary of Findings “- Several general statements in Section 6 indicate that radionuclides will migrate from the “facility” into the Ottawa River, but there is insufficient information provided on analysis of this migration; further, the statement in Section 6.3 that “the potential effects of the project will be limited to the NPD site” is erroneous, given the same section’s acknowledgement of the migration of radionuclides through groundwater and into the Ottawa River”</p>	<p>CNSC staff agree that the potential, long-term radiological risks to the environment and human health of the proposed project need to be considered and evaluated and require this assessment as part of the EA and licensing review process.</p> <p>In particular, CNSC staff require that information regarding the interaction between the grouted facility and the local hydrogeology be addressed in the proponent’s EIS, in sufficient detail. Sufficient information is required for CNSC staff to make scientifically defensible recommendations to inform evidence-based Commission decisions.</p> <p>With respect to the completeness of the project description, please see the response to NW-1 above. In addition, CNSC staff require that comments raised about omissions, errors or inconsistencies be addressed in the EIS.</p>
Northwatch	NW-15	<p>Additional Issues “- In Section 2.1.1 the project description states that a Decommissioning Waste Facility License was issued in 2014; we have reviewed the hearings documents for 2014 on the CNSC web site and found no documents listed for this facility”</p>	<p>In 2014, when AECL requested a replacement of the old Waste Management Facility Operating Licence (AECL-WFOL-342-2.6), the new Prototype Waste Facility Decommissioning Licence (WFDL-W4-332.00/2034) was issued by the Commission. .</p> <p>On the CNSC’s website, the link corresponding to the Commission’s “Record of Proceedings, Including Reasons for Decision” from July 16, 2014 is: http://nuclearsafety.gc.ca/eng/the-commission/pdf/2014-07-16-Decision-AECL-14-H107-edocs4471304.pdf.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Northwatch	NW-16	Additional Issues “- In Section 2.4.1 the document states that “Annual compliance monitoring of the NPD site such as ambient radiation fields as well as tritium in vegetation and surface soil, which is reported annually” but these monitoring results do not appear to be available on the CNSC web site”	A summary of the most recent environmental performance for NPD is available on the CNL website: http://www.cnl.ca/en/home/environmental-stewardship/performance-report.aspx
Northwatch	NW-17	Roles and Responsibilities “In addition to considering the above comments on the project description as provided by the Canadian Nuclear Laboratories, we request that the Canadian Nuclear Safety Commission, as the Responsible Authority in this environmental assessment, consider the appropriateness of having the Canadian Nuclear Laboratories as the sole proponent. As the CNSC is well aware, the CNL is managing the AECL properties – and this project – on behalf of AECL under a “government owned, contractor operated” arrangement. This is a relatively new arrangement and is being undertaken as a business venture on the part the Canadian National Energy Alliance (CNEA) who are the contractor operator (CNEA being a consortium of CH2M, Atkins, Fluor, SNC-Lavalin Inc, and Rolls-Royce). However, Atomic Energy of Canada is the crown corporation who has responsibility for the site, on behalf of the federal government. In addition. Ontario Power Generation, in its former <i>persona</i> of Ontario Hydro, was the operator of the reactor for its operating life.”	Proponent of the project Although AECL owns the assets and liabilities of the site, CNL is the legal entity that is managing the site and that has responsibility for complying with the CNSC's regulatory framework. Consequently, it is CNL that is the current licensee and is proposing the project; therefore, it is appropriate that CNL is the proponent. Furthermore, CNL meets the definition of "proponent", as per section 2 of CEAA 2012, which means the person, body, federal authority or government that proposes the project. The CNSC's licensing decision considers whether an applicant is qualified to undertake the proposed activities.
Northwatch	NW-18	Conclusions “We are requesting the following decisions of the Canadian Nuclear Safety Commission at this time: 1) That the Project Description be revised and resubmitted, in response to the deficiencies identified	1) Please see the response to NW-1 above. 2) Please see the response to NW-17 above. 3) In accordance with subsection 38(6) of CEAA 2012, there is

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		<p>by Northwatch and others who provide comment during this review period”</p> <p>2) That the Canadian Nuclear Safety Commission give careful consideration to the respective roles of Canadian Nuclear Laboratories, Atomic Energy of Canada Limited, and Ontario Power Generation, and consider naming AECL and/or OPG as co-proponent for the project”</p> <p>3) That the project be referred to an independent review panel for the conduct of the environmental assessment of the proposed undertaking.”</p>	<p>no option for CNSC-led projects to be referred to an EA by a review panel. As indicated in the response to NW-8 above, the Commission is the CNSC’s decision-making body that makes EA and licensing decisions for all major nuclear projects. As a quasi-judicial administrative tribunal, the Commission is a credible and expert decision-making authority that remains independent from government, licensees and staff.</p>
Canadian Environmental Law Association	CELA-1	<p>Conclusions</p> <p>“We agree with the analysis of gaps and deficiencies set out in that Northwatch submission, and with the recommendations to you that they provided as follows:</p> <p>1) That the Project Description be revised and resubmitted, in response to the deficiencies identified by Northwatch and others who provide comment during this review period”</p> <p>2) That the Canadian Nuclear Safety Commission give careful consideration to the respective roles of Canadian Nuclear Laboratories, Atomic Energy of Canada Limited, and Ontario Power Generation, and consider naming AECL and/or OPG as co-proponent for the project”</p> <p>3) That the project be referred to an independent review panel for the conduct of the environmental assessment of the proposed undertaking.”</p>	<p>1) Completeness of the project description</p> <p>CEAA 2012 requires that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a ‘screening’ phase to inform a decision on whether an EA of the designated project is required.</p> <p>Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of REGDOC-2.9.1: Environmental Protection: Environmental Principles, Assessments and Protection Measures. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of “designated project” such that CEAA 2012 would apply. To this end, proponents are referred to the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted</p>

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			<p>within their project description. CNSC staff reviewed CNL's project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> • meet the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) such that the project description is deemed complete and need not be revised • make a determination on the applicability of CEAA 2012 <p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a “designated project” in accordance with paragraph 37(b) of the <i>Regulations Designating Project Activities</i>.</p> <p>Following CNSC staff's EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>Taking into account the public comments received related to scope and CNSC staff's recommendations, the Commission, as indicated in the Commission's Record of Decision dated March 8, 2017, has determined that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012, with no additional factors requiring consideration. That is, the Commission did not require, under its discretion in paragraph 19(1)(j) of CEAA 2012, to include any other matters relevant to the EA.</p> <p>2) Proponent of the project Although AECL owns the assets and liabilities of the site, CNL is the legal entity that is managing the site and that has responsibility for complying with the CNSC's regulatory framework. Consequently, it is CNL that is the current licensee</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>and is proposing the project; therefore, it is appropriate that CNL is the proponent.</p> <p>Furthermore, CNL meets the definition of "proponent", as per section 2 of CEAA 2012, which means the person, body, federal authority or government that proposes the project. The CNSC's licensing decision considers whether an applicant is qualified to undertake the proposed activities.</p> <p>3) EA by review panel In accordance with subsection 38(6) of CEAA 2012, there is no option for CNSC-led projects to be referred to an EA by a review panel. The Commission is the CNSC's decision-making body that makes EA and licensing decisions for all major nuclear projects. As a quasi-judicial administrative tribunal, the Commission is a credible and expert decision-making authority that remains independent from government, licensees and staff.</p>
Canadian Environmental Law Association	CELA-2	<p>Conclusions "We urge the CNSC as the responsible authority under the <i>Canadian Environmental Assessment Act</i> to make a determination so as to enlarge the scope of the project to include the gaps and deficiencies identified in Northwatch's decision. We refer you to the decision of the Supreme Court of Canada in <i>MiningWatch Canada v. Canada (Fisheries and Oceans)</i>, [2010] 1 SCR 6, 2010 SCC 2 (CanLII) in that respect, which confirms your authority to do so. See also <i>Bow Valley Naturalists Society v. Canada (Minister of Canadian Heritage)</i>, [2001] 2 FCR 461, 2001 CanLII 22029 (FCA) in which the responsible authority's duty to ensure that the project is properly scoped remains good law under <i>CEAA</i>, 2012 as a result of the issuance of SOR/2012-148 (see below).</p> <p>We also note that the gaps and deficiencies described in the</p>	<p>CNSC staff have considered and addressed the gaps and deficiencies raised by Northwatch, as outlined in responses NW-1 to NW-18 above. With respect to the completeness of the project description, please see the response to CELA-1 above.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>Northwatch submission demonstrate the failure of the proposed project description to comply with the requirements of the Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148).</p> <p>For example, as detailed in the Northwatch submissions, these failures include, but are not limited to, the failure to adequately provide the context of the project; and inadequate description of all activities to be performed in relation to the project, all of which are explicitly required under Regulation SOR/2012-148. In particular the vague generalities and lack of specificity in relation to the description of the project must be remedied.”</p>	
Algonquins of Ontario	AOO-1	<p>General Comments “It is important to note that the AOO have a significant interest in the NPD Closure Project given its location within the Algonquin Land Claim Settlement Area and its proximity to seven proposed land selections as well as the Ottawa River. A number of Algonquin Communities represented by the AOO, specifically, the Algonquins of Pikwakanagan First Nation, Bonnechere and Greater Golden Lake, have expressed a particular interest in the decommissioning of the NPD Waste Facility.”</p> <p>Specific Comments / Requests Section 2.1 Project’s Name, Nature and Location “Request 1: The AOO request that the section of the Project Description entitled <i>Project’s Location – Overview</i> be revised to acknowledge the project’s location as being within the Algonquin Settlement Area.</p> <p>We suggest the inclusion of the following wording: <i>The NPD site is located within unceded Algonquin Territory. The Algonquins of Ontario have asserted existing Aboriginal</i></p>	<p>The CNSC ensures that all of its EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and consider Aboriginal peoples’ potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act</i>, 1982.</p> <p>CNSC staff have identified First Nation and Métis groups who may have an interest in the project and provided each identified group with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description for comment. CNSC staff have offered to meet to discuss the AOO’s initial concerns regarding the project.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p> <p>CNSC staff will continue to provide interested Aboriginal groups, including AOO, with timely project updates and information at key points during the EA process including the review of CNL’s EIS, CNSC staff’s EA Report, and CNSC staff’s and CNL’s</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p><i>rights and title throughout the Settlement Area, including the NPD site. This land claim is currently under negotiation by the Algonquins of Ontario and the Governments of Canada and Ontario.”</i></p>	<p>Commission member documentation and related public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC’s REGDOC-3.2.2, Aboriginal Engagement, CNSC staff expect that CNL will be engaging with the AOO and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p> <p>CNSC staff have communicated this omission to CNL and expect inclusion of this reference in their Aboriginal engagement report and the EIS.</p> <p>CNL has committed to work with identified First Nation and Métis groups to establish working relationships and to develop engagement work plans. To this end, CNL has offered to meet with interested Aboriginal groups, including the AOO, to discuss the project.</p> <p>Completeness of the project description</p> <p>CEAA 2012 requires that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a ‘screening’ phase to inform a decision on whether an EA of the designated project is required.</p>

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			<p>Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of REGDOC-2.9.1: Environmental Protection: Environmental Principles, Assessments and Protection Measures. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of “designated project” such that CEEA 2012 would apply. To this end, proponents are referred to the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed CNL’s project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> • meet the <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) such that the project description is deemed complete and need not be revised • make a determination on the applicability of CEEA 2012 <p>CNSC staff determined that CEEA 2012 applies to the proposed project, as it is considered a “designated project” in accordance with paragraph 37(b) of the <i>Regulations Designating Project Activities</i>.</p> <p>Following CNSC staff’s EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>Taking into account the public comments received related to scope and CNSC staff’s recommendations, the Commission, as indicated in the Commission’s Record of Decision dated March 8, 2017, has determined that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of CEEA 2012,</p>

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			<p>with no additional factors requiring consideration. That is, the Commission did not require, under its discretion in paragraph 19(1)(j) of CEAA 2012, to include any other matters relevant to the EA.</p> <p>Notwithstanding this, CNSC staff have communicated the omission to CNL and expect inclusion of this reference in their Aboriginal engagement report and the EIS.</p>
Algonquins of Ontario	AOO-2	<p>Specific Comments / Requests Section 2.1 Project's Name, Nature and Location "Request 2: Figure 2-2 depicts the Boundary of the NPD Property. To assist in our review of the NPD Closure Project as it progresses, the AOO would appreciate receiving the shapefile of this boundary."</p>	<p>CNSC staff note that CNL has committed to providing the shapefiles of the NPD site boundaries to the AOO.</p>
Algonquins of Ontario	AOO-3	<p>Specific Comments / Requests Section 2.1 Project's Name, Nature and Location "Comment 2: As outlined in this section, the AOO were not included in CNL's consultation activities on the NPD Closure Project which took place from September to December 2015. However, the Algonquins of Pikwakanagan First Nation (AOPFN), one of the ten Communities represented by the AOO, are identified as having been included.</p> <p>It is imperative that both the CNSC and CNL appreciate that the AOO also assert and expect a role in the federal Environmental Assessment pursuant to the terms of the <i>Consultation Process Interim Measures Agreement</i> as executed on July 29, 2009 by the Algonquins of Ontario and the Governments of Ontario and Canada as a fundamental component of the Algonquin Treaty negotiations."</p>	<p>Please see the response to AOO-1 above.</p> <p>In addition, an important aspect of the EA review process is public and Aboriginal engagement to help inform the Commission regarding potential concerns in relation to the proposed project. CNSC staff encourage interested members of the public and Aboriginal groups, including the AOO, to continue to participate in the project review process.</p> <p>Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff's EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>
Algonquins of Ontario	AOO-4	<p>Specific Comments / Requests Section 2.3. Future Engagement Activities “Request 3: In light of the Consultation Process Interim Measures Agreement, it is critical that the AOO be included in all future engagement activities executed not only by the CNSC, but by CNL as well. We expect that moving forward, the consultation process will be comprehensive, recognize the AOO’s unique interests and provide meaningful opportunities for input on the NPD Closure Project.”</p>	<p>Please see the response to AOO-1 above.</p> <p>In addition, an important aspect of the EA review process is public and Aboriginal engagement to help inform the Commission regarding potential concerns in relation to the proposed project. CNSC staff encourage interested members of the public and Aboriginal groups, including the AOO, to continue to participate in the project review process.</p> <p>Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff’s EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>

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Algonquins of Ontario	AOO-5	Specific Comments / Requests Section 2.4.1 Current or Past Environmental Studies “Request 4: The AOO request a copy of the following environmental reports listed on page 2-6: <ul style="list-style-type: none"> • Nuclear Power Demonstration Site: A Description of the Environmental Baseline for Decommissioning; February 2013 • NPD Phase 1 Environmental Site Assessment Review as well as supplemental site characterization studies in preparation for decommissioning; 2014 • Safety Analysis Report for the Nuclear Power Demonstration Waste Management Facility; February 2015 • Annual compliance monitoring of the NPD site such as ambient radiation fields as well as tritium in vegetation and surface soil; reported annually” 	<p>CNSC staff note that CNL has committed to providing the requested environmental reports to the AOO and has offered to meet with them in order to disseminate the technical findings of the requested reports and answer any related questions.</p> <p>Furthermore, CNSC staff require the proponent to ensure that all references included in the EIS and supporting documentation are either publicly accessible or can be made available to the public upon request, as outlined in the Guidelines.</p>
Algonquins of Ontario	AOO-6	Specific Comments / Requests Section 3.5.6 Long-term Care and Maintenance “Request 5: The AOO seek clarification as to the frequency in which “routine” surveillance will be carried out. We also wish to better understand what length of time is envisioned for the “long-term care and maintenance” of the decommissioned project site as well as who the decision-makers will be in making the determination of this duration.”	<p>CNSC staff require that information regarding the lifecycle of the project, including the form, length, and requirements of the institutional control period and post-closure monitoring activities, be addressed in the proponent’s licensing documentation and summarized in sufficient detail in the EIS and the safety case. The length of institutional control, including long-term care and maintenance activities, will need to be approved by the Commission.</p>
Algonquins of Ontario	AOO-7	Specific Comments / Requests Section 4.5 Project Proximity to Reserves, Traditional Territories and Land/Resources used by Aboriginal Peoples “Comment 3: This section fails to acknowledge or reflect the presence of the Algonquins of Ontario and the location of the project within the Algonquin Settlement Area, an area which, as already mentioned, is subject to the AOO’s assertion of existing Aboriginal rights and title. As noted above, there are ten Algonquin Communities who’s asserted Territory encompasses the NPD site. As such, it is the AOO	<p>As indicated in the response to AOO-1 above, CNSC staff have communicated this omission to CNL and expect inclusion of this reference in their Aboriginal engagement report and the EIS.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>collectively who have declared an interest in the lands located within the watersheds of the Ottawa and Mattawa Rivers, and who regard this Territory as their traditional homelands.”</p> <p>“Comment 4: It is the Algonquins of Ontario who are currently engaged in land claim negotiations with the Federal and Ontario governments.”</p> <p>“Request 6: To correct the inaccuracies detailed in Comments 3 and 4, the AOO recommend that the first two paragraphs of this section be revised as follows:</p> <p><i>The NPD site is located within the Algonquin Land Claim Settlement Area. This area is the Traditional Territory of the Algonquins of Ontario, comprised of ten Algonquin Communities, which include the Algonquins of Pikwakanagan First Nation, Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area.</i></p> <p><i>The Algonquins of Ontario and the Governments of Canada and Ontario are negotiating towards a modern-day Treaty that will recognize and affirm the existing Aboriginal and treaty rights of the Algonquins of Ontario. These negotiations have been underway since 1991. The Settlement Area that is the subject of these negotiations encompasses 36,000 square kilometers covering much of eastern Ontario, including the National Capital Region, all of Renfrew County and most of Algonquin Park.</i></p> <p><i>The closest reserve is that of the Algonquins of Pikwakanagan First Nation located approximately 80 km south east of the NPD site.”</i></p>	

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
Algonquins of Ontario	AOO-8	<p>Specific Comments / Requests</p> <p>“Comment 5: In addition to the NPD site being fully located within the Algonquin Settlement Area, it is also important for the CNSC and CNL to appreciate the project’s close proximity to a number of AOO proposed land selections. [...]</p> <p>“...there are seven AOO proposed land selections located within 8 km of the NPD site. Should the AOO’s land claim negotiations with Canada and Ontario culminate in a Final Agreement, these proposed land selections would be transferred to the AOO in fee simple absolute. Consequently, the AOO have a unique and special interest in the NPD Closure Project.</p> <p>The closest land selection is 1.6 km from the GPS coordinates provided in the Project Description. In reality, however, this land selection is much closer to the outer boundary of the NPD site. As noted above in Request 2, we require the shapefile depicting the NPD site’s boundary to make an accurate determination as to the distance between the AOO’s land selection (Parcel 56D); yet, to the naked eye, it would appear that this land selection is either abutting or only a matter of meters (<100m) from the NPD site.”</p> <p>[The author then provides a list of the AOO proposed land selections located in close proximity to the NPD site in a table.]</p> <p>“Comment 6: Kichissippi (the Ottawa River) is the living heart of the Algonquin Traditional Territory. Our collective history, our way of life and our spiritual strength are all inextricably linked to this commanding river. The Kichissippi's fundamental importance to the Algonquin people is not just one of the past - it is critical to our present and our</p>	<p>Please see the responses to AOO-1 and AOO-2 above.</p> <p>In addition, as per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>An important aspect of the EA review process is public and Aboriginal engagement to help inform the Commission regarding potential concerns in relation to the proposed project. CNSC staff encourage interested members of the public and Aboriginal groups, including the AOO, to continue to participate in the project review process.</p> <p>Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff’s EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>future. Consequently, the proximity of the NPD Closure Project to the Ottawa River is of great concern to the AOO and we will be working to ensure that this project does not bring any detrimental effects to its waters and all the flora and fauna that live within them.</p> <p>In this regard, the potential for release of contaminants into surface and subsurface waters is of particular concern to the AOO.”</p> <p>“Request 7: Given that the NPD Closure Project site is fully located within the Algonquin Traditional Territory and is in very close proximity to seven AOO proposed land selections as well as the Ottawa River, it is critical that the AOO be identified as having a special interest and status in all future engagement activities as described in the third paragraph of this section, whether carried out by the CNSC or CNL.”</p>	
Algonquins of Ontario	AOO-9	<p>Specific Comments / Requests Section 6 Environmental Effects “Comment 7: As stewards of the land and resources within our Traditional Territory, the AOO recognize the fundamental importance of protecting the flora, fauna, as well as the ecosystems in which they reside, for generations to come. Our values which have been passed down from our ancestral ways of life embody an inherent respect for the environment and an intrinsic commitment to the sustainable management of resources.</p> <p>The AOO look forward to working collaboratively with the CNSC and CNL as the project progresses to ensure stringent environmental measures are in place so to prevent and mitigate any harmful impacts to the project area and the surrounding lands and waters.”</p>	<p>Please see the response to AOO-1 above.</p> <p>In addition, as per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>“Request 8: The AOO have a number of preliminary technical questions regarding the project’s impacts on hydrology, aquatic biota, fish and fish habitat, and species at risk, among others. We would appreciate the opportunity to speak further with the appropriate member(s) of the project team to seek clarity with respect to these questions.”</p>	
Algonquins of Ontario	AOO-10	<p>Specific Comments / Requests Section 6.4 Effects on Aboriginal Peoples “Comment 8: The Project Description fails completely to identify the ongoing Algonquins of Ontario negotiations, which have been underway since 1991.</p> <p>The first paragraph of this section states: “The NPD Closure Project will be engaging in a due diligence exercise to determine any existence of land claims.” ... the NPD site is indisputably located within the Algonquin Land Claim Settlement Area.</p> <p>This land claim was commenced by the AOPFN (known at the time as the Algonquins of Golden Lake) when it formally submitted the most recent petition, with supporting research, to the Government of Canada in 1983 and the Government of Ontario in 1985. The Province of Ontario accepted the claim for negotiations in 1991 and the Government of Canada joined the negotiations in 1992. The negotiations then progressed to include all ten AOO Communities.</p> <p>It is the AOO’s perspective that there is no “due diligence” necessary to determine the existence of this claim. Should the CNSC or CNL require any further documentation, the AOO would be pleased to make the relevant information available.”</p> <p>“Comment 9: The Crown has a duty to consult the AOO in</p>	<p>Please see the response to AOO-1 above.</p> <p>CNSC staff note that CNL has committed to providing the requested archaeological assessment to the AOO.</p> <p>As per paragraph 5(1)(c) of CEAA 2012, CNSC staff require that effects of changes to the environment on Aboriginal peoples, including any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, be addressed in the proponent’s EIS in sufficient detail.</p> <p>In addition, as per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>An important aspect of the EA review process is public and Aboriginal engagement to help inform the Commission regarding potential concerns in relation to the proposed project. CNSC staff encourage interested members of the public and Aboriginal groups, including the AOO, to continue to participate in the project review process.</p> <p>Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>relation to any proposed government decision that may impact the existing Aboriginal rights and title that have been asserted by the AOO. In this instance, the AOO have the right to be consulted in relation to the proposed decommissioning in that the disposition of radioactive and other contaminants must be done in such a way as to ensure that the natural environment is protected.</p> <p>The Algonquins have an interest in the land on which the project is located, but also the waters of the Ottawa River and other waterbodies that could potentially be adversely impacted by the release of contaminated materials.”</p> <p>“Comment 10: In regards to the presence of any archaeological artifacts within the project area, the AOO hold a profoundly different view than the one articulated within the Project Description. In the third paragraph of this section, it states: “...although there is potential for archaeological material to be present within the decommissioning footprint, the disturbance from past development and use has removed the cultural integrity of any resources.”</p> <p>Respectfully, it is not the CNSC’s nor CNL’s function or responsibility to determine the “cultural integrity” of any Algonquin heritage resources that may be present on the site. Moreover, past disturbance and use of a site does not discharge CNL from its obligation to protect any artifacts that may still be existing.</p> <p>At this time, the AOO require further information before we are able to provide additional comment on the presence of archaeological resources either within the specific project area or the broader NPD site (as outlined below in Request 9).”</p>	<p>2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff’s EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
		<p>Request 9: The AOO wish to better understand what stage of archaeological assessment was completed in preparation for the NPD Closure Project as well as the area that was studied. Specifically, was just the project area assessed or was it the NPD site on the whole? We request a copy of all archaeological reports available for this site.”</p>	
Algonquins of Ontario	AOO-11	<p>Specific Comments / Requests Section 6.4 Effects on Aboriginal Peoples Request 10: It is critical that this section [<i>Section 6.4 Effects on Aboriginal Peoples</i>] of the Project Description be revised to more accurately reflect the potential effects on Aboriginal Peoples, particularly the AOO. As such, we ask that this section be modified to add the following wording:</p> <p><i>The Algonquins of Ontario assert existing Aboriginal rights and title to the NPD site. By agreeing to engage in Treaty negotiations with the AOO, the Crown in right of both Ontario and Canada have acknowledged the legitimacy of that assertion. As such, CNL recognizes a legal duty to consult and, if appropriate, to accommodate the rights, interests and ambitions of the AOO and/or its constituent Communities.</i></p> <p>In addition, the final paragraph of this section should be deleted, in that the AOO do not accept that the impact of decommissioning activities on potential cultural resources will be negligible.”</p>	<p>With respect to the completeness of the project description, please see the response to AOO-1 above.</p> <p>In addition, as per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>
Algonquins of Ontario	AOO-12	<p>Conclusions “As a first step, the AOO would welcome the opportunity to meet on the NPD site at a mutually agreeable time with members of the CNSC and the CNL project team to discuss the project in greater detail and determine how we can best move forward together.”</p>	<p>CNSC staff have offered to meet to discuss the AOO’s initial concerns regarding the project. CNSC staff will be working collaboratively with the AOO in order to ensure that they are meaningfully involved in the EA and licensing review process.</p> <p>CNSC staff will continue to provide interested Aboriginal groups with timely project updates and information at key points during</p>

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			<p>the EA process including the review of CNL's EIS, CNSC staff's EA Report, and CNSC staff's and CNL's Commission member documentation and related public Commission hearings.</p> <p>Furthermore, CNL has committed to work with identified First Nation and Métis groups to establish working relationships and to develop engagement work plans. To this end, CNL has offered to meet with interested Aboriginal groups, including the AOO, to discuss the project.</p>
Curve Lake First Nation	CLFN-1	<p>“As you may be aware, the area in which your project is proposed is situated within the Traditional Territory of Curve Lake First Nation. Our First Nation's Territory is incorporated within the Williams Treaties Territory and is the subject of a claim under Canada's Specific Claims Policy.”</p> <p>[The author then suggests that a copy of the proposal be provided to other First Nations of the Williams Treaties]. .</p>	<p>The CNSC ensures that all of its EA and licensing decisions under the CEAA 2012 and the NSCA uphold the honour of the Crown and consider Aboriginal peoples' potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>CNSC staff have identified First Nation and Métis groups who may have an interest in the project and provided each identified group with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description for comment.</p> <p>CNSC staff have offered to meet to discuss Curve Lake First Nation's initial concerns regarding the project. Curve Lake First Nation has not requested a meeting with CNSC staff to date. However, CNSC staff are open to meeting with Curve Lake First Nation should they request a meeting. CNSC staff will be working collaboratively with Curve Lake First Nation in order to ensure that they are meaningfully involved in the EA and licensing review process.</p> <p>CNSC staff will continue to provide interested Aboriginal groups, including all of the Williams Treaties First Nations, with timely project updates and information at key points during the EA process including the review of CNL's EIS, CNSC staff's EA Report, and CNSC staff's and CNL's Commission member</p>

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>documentation and related public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC's REGDOC-3.2.2, Aboriginal Engagement, CNSC staff expect that CNL will be engaging with Curve Lake First Nation and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p> <p>CNL has committed to work with identified First Nation and Métis groups to establish working relationships and to develop engagement work plans. To this end, CNL has offered to meet with interested Aboriginal groups, including Curve Lake First Nation, to discuss the project.</p>
Curve Lake First Nation	CLFN-2	<p>“The First Nation respects the need to safely store the contaminated materials from the former generating station into a secure location and that any anomalies within these projects will be properly addressed. Curve Lake First Nation has a deep respect for the water and surrounding environment and need to ensure that our natural resources are protected for all future generations. It is expected that all efforts will be taken to protect the natural resources by the Canadian Nuclear Safety Commission.”</p>	<p>As per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>CNSC's decision-making responsibilities The CNSC's Commission Tribunal (the Commission) is a quasi-judicial administrative tribunal. The Commission is a credible and expert decision-making authority that remains independent from government, licensees and staff.</p> <p>The Commission is the CNSC's decision-making body that makes EA and licensing decisions for all major nuclear projects. Decisions made by the Commission are not subject to any governmental or political review, nor may they be overturned by</p>

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			<p>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>Prior to making a decision, sufficient information is required for CNSC staff to evaluate and make scientifically defensible recommendations to inform evidence-based Commission decisions as well as to ensure regulatory requirements for safety, security and the environment are met.</p> <p>In making an EA decision, the Commission will take into consideration the proponent's EIS, CNSC staff's EA Report and supporting documentation, as well as public comments, to determine if the project is likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures. The Commission will require sufficient information to make a science-based EA decision.</p> <p>If there is a positive EA decision (i.e., project is not likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures), the Commission can then proceed with the licensing decision under the NSCA. In making its licensing decision, the Commission will determine whether the proponent is qualified and will make adequate provision for the protection of the environment, the health and safety of persons, the maintenance of national security and the measures required to implement international obligations to which Canada has agreed. Under the NSCA, no approval is granted/no licence is issued unless the proponent is qualified and makes adequate provision for the protection of the environment and health and safety of persons.</p>
Curve Lake First Nation	CLFN-3	"Please note that we have particular concern for the remains of our ancestors. Should excavation unearth bones, remains	As per the requirements and guidance of the CNSC's REGDOC-3.2.2, Aboriginal Engagement , CNSC staff expect that CNL will

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		<p>or other such evidence of a native burial site or any Archaeological findings, we must be notified without delay. In the case of a burial site, Council reminds you of your obligations under the Cemeteries Act to notify the nearest First Nation Government or other community of Aboriginal people which is willing to act as a representative and whose members have a close cultural affinity to the interred person. As I am sure you are aware, the regulations further state that the representative is needed before the remains and associated artifacts can be removed. Should such a find occur, we request that you contact our First Nation immediately.”</p>	<p>be engaging with Curve Lake First Nation and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights, including impacts to any archaeological resources identified, as a result of the proposed project. CNSC staff also expect that CNL will be working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p> <p>Furthermore, CNSC staff require that CNL adhere to relevant requirements and policy of the Government of Canada’s Archaeological Heritage Policy Framework, the <i>Ontario Heritage Act</i>, and the <i>Ontario Cemeteries Act</i> with respect to notification and engagement of Aboriginal groups.</p> <p>CNSC staff note that CNL has committed to providing the requested archaeological assessment to Curve Lake First Nation.</p>
Curve Lake First Nation	CLFN-4	<p>“Curve Lake First Nation also has available, trained Archaeological and Environmental Liaisons who are able to actively participate in the archaeological or environmental assessment process as a member of a field crew, the cost of which will be borne by the proponent.</p> <p>If any new, undisclosed or unforeseen issues should arise, that has potential for anticipated negative environmental impacts or anticipated impacts on our Treaty and Aboriginal rights we require that we be notified regarding these as well.”</p>	<p>In response to the first part of the comment, CNSC staff recognize that Aboriginal groups, and the traditional knowledge of their communities, can be valuable sources of information in identifying and evaluating lands and resources that are considered of archaeological importance. Therefore, CNSC staff encourage Curve Lake First Nation and other Aboriginal groups to provide information in support of archaeological assessments.</p> <p>With respect to the employment and contracting opportunities, this aspect is outside the scope of this EA and not within the CNSC’s mandate. However, CNSC staff provided this comment to CNL for their consideration.</p> <p>In response to the second part of the comment, as per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential</p>

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			<p>environmental effects of the project and propose mitigation measures to avoid or minimize any adverse environmental effects of the project.</p> <p>Furthermore, as per the requirements and guidance of REGDOC-3.2.2, Aboriginal Engagement, CNSC staff expect that CNL will be engaging with Curve Lake First Nation and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights, including impacts to any archaeological resources identified, as a result of the proposed project. CNSC staff also expect that CNL will be working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p> <p>CNSC staff will be working collaboratively with Curve Lake First Nation in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>
Kitigan Zibi Anishinabeg	KZA-1	<p>“The Chalk River Laboratories Site is located in close proximity to natural waterways such as Perch Lake, Maskingonge Lake, and the Ottawa River, and as such we are deeply concerned about potential impacts of nuclear waste on the health of these waterways. For the Anishinabeg peoples, water is sacred and essential for all life. We request that both of these projects apply the most modern and stringent environmental protection measures to ensure that radioactive pollution does not enter our waterways.”</p>	<p>As per sections 9 (Effects assessment) and 10 (Mitigation) of the Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects of the project.</p> <p>As per the requirements and guidance of the CNSC’s REGDOC-3.2.2, Aboriginal Engagement, CNSC staff expect that CNL will be engaging with Kitigan Zibi and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p>

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			<p>An important aspect of the EA review process is public and Aboriginal engagement to help inform the Commission regarding potential concerns in relation to the proposed project. CNSC staff encourage interested members of the public and Aboriginal groups, including Kitigan Zibi, to continue to participate in the project review process.</p> <p>Members of the public and Aboriginal groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process – a public comment period is anticipated between September and December 2017 – and through future CNSC public engagement sessions. Future public participation opportunities also include the review of CNSC staff’s EA Report and Commission member documentation, as well as participation in the EA and licensing public hearings.</p> <p>CNSC staff will be working collaboratively with Kitigan Zibi in order to ensure that they are meaningfully involved in the EA and licensing review process.</p>
Kitigan Zibi Anishinabeg	KZA-2	“We also ask for a copy of the Environmental Assessments and Environmental Impact Statements for these two projects, when completed.”	<p>CNSC staff will ensure that Kitigan Zibi obtain a copy of the proponent’s EIS and CNSC staff’s EA Report, once completed.</p> <p>Furthermore, CNSC staff require the proponent to ensure that all references included in the EIS and supporting documentation are either publicly accessible or can be made available to the public upon request, as outlined in the Guidelines.</p>
Kitigan Zibi Anishinabeg	KZA-3	“We wish to reiterate that Kitigan Zibi never gave up nor sold our traditional ancestral territory. Our territory has never been under treaty and is subject to Algonquin Aboriginal Title. This implies the need for our consent and revenue sharing for all development projects on our lands.”	The CNSC ensures that all of its EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and consider Aboriginal peoples’ potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act</i> , 1982.

Source	Number	Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80121)	CNSC Response
			<p>CNSC staff have identified First Nation and Métis groups who may have an interest in the project and provided each identified group with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description for comment.</p> <p>CNSC staff offered to meet to discuss Kitigan Zibi's initial concerns regarding the project. CNSC staff met with Kitigan Zibi and the Algonquin Anishinabeg Nation Tribal Council (AANTC) on December 20, 2016, in Maniwaki (QC), to introduce the CNSC's mandate and regulatory oversight role with regards to the NPD and Near-Surface Disposal Facility projects and EAs. CNSC staff are currently working with Kitigan Zibi and the AANTC on coordinating a follow-up meeting to further discuss any concerns in relation to the projects.</p> <p>CNSC staff will continue to provide interested Aboriginal groups, including Kitigan Zibi, with timely project updates and information at key points during the EA process including the review of CNL's EIS, CNSC staff's EA Report, and CNSC staff's and CNL's Commission member documentation and related public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC's REGDOC-3.2.2, Aboriginal Engagement, CNSC staff expect that CNL will be engaging with Kitigan Zibi and other identified Aboriginal groups to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate. CNL is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS.</p>

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			CNL has committed to work with identified First Nation and Métis groups to establish working relationships and to develop engagement work plans. To this end, CNL has offered to meet with interested Aboriginal groups, including Kitigan Zibi, to discuss the project.