

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
Alternative Means of Carrying Out the Project			
1.	<a href="#">Denise Anne Walker</a> (May 8, 2017)	<div>Canadian Nuclear Laboratories (CNL) describes the Nuclear Surface Disposal Facility (NSDF) (engineered containment mound, ECM) as being similar to the Port Hope storage project.</div> <div><div>a)</div>Does the CNSC recognize that a long term managed storage facility is different from a disposal facility?</div> <div><div>b)</div>How does this difference impact the EA process?</div> <div></div>	<div>The proposed NSDF is an engineered facility for the disposal of low-level radioactive waste at the Chalk River Laboratories site in Deep River, Ontario. The CNSC has adopted the IAEA’s definition of radioactive waste management which includes disposal. The NSDF is an Engineered Containment Mound (ECM) designed for the disposal of radioactive waste consistent with the IAEA’s SSR-5, “Disposal of Radioactive Waste” and SSG-29, “Near Surface Disposal Facilities for Radioactive Waste”, which indicate that low-level radioactive waste is appropriate for disposal in the facility.</div> <div>Under the <i>Nuclear Safety and Control Act</i>, CNL's proposal requires approval by the CNSC and involves an amendment to the Chalk River’s Nuclear Research and Test Establishment Operating Licence.</div> <div>CNL is proposing to construct a radioactive waste disposal facility. All waste to be disposed at the NSDF will be required to meet the waste acceptance criteria established to assure compliance with operational and long-term safety requirements of the disposal facility.</div> <div>Regardless of the title given to the proposed project by the proponent, CNSC staff will assess any proposed designated projects in accordance with <a href="#">Canadian Environmental Assessment Act, 2012 (CEAA 2012)</a> and 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:</div> <div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div><div></div></div><div></div></div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
			<p><a href="#">2.9.1 Environmental Protection: Environmental Principles, Assessments and Protection Measures</a>, and <a href="#">REGDOC-3.2.2, Indigenous Engagement</a>, CSA N294, <i>Decommissioning of facilities containing nuclear substances</i>, etc.)</p> <ul style="list-style-type: none"><li>Federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards</li></ul> <p>CNSC requirements and guidance take into account international regulatory best practices and modern codes and standards, and align with the International Atomic Energy Agency’s Safety Fundamentals and Safety Requirements. The CNSC cooperates with other organizations and jurisdictions to foster the development and application of a consistent, effective regulatory framework in Canada.</p>
2.	<a href="#">Craig Robinson</a> (August 15, 2017)	There is a huge controversy regarding the construction of a Deep Geological Repository in the Kincardine Ontario area near Lake Huron to dispose of reactor waste. If this does not go through will Chalk River become a candidate for this too? AECL/CNL has already quietly, with no public input done a \$30 million feasibility study on the Chalk River property for a Deep Geological Repository.	<p>This comment is outside the scope of the EA for this project; however, the following response may provide clarification for the concerns raised.</p> <p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision.</p> <p>The review of the licence application serves the purpose of undertaking a comprehensive technical review, to determine if the proposed project is safe and if the proponent is qualified to carry out the proposed activities.</p> <p>Please also refer to CNSC’s response to comment #1 above regarding the regulatory framework for how CNSC staff conduct EAs and regulatory reviews.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
3.	<a href="#">Patrick Galligan</a> (August 15, 2017)	Choosing this site will create tremendous discord within communities along the Ottawa River and litigation in the courts for years to come. I ask that you make a wise choice that will benefit us all, and not approve the proposal.	CNSC staff are assessing CNL’s proposal thoroughly, in accordance with CEAA 2012 and the CNSC’s regulatory framework, with safety being the overriding factor. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.  Please also refer to CNSC’s response to comment #1 above regarding the regulatory framework for how CNSC staff conduct EAs and regulatory reviews.
EA Process			
EA Process - General			
4.	<a href="#">Michael McBane</a> (August 16, 2017)	<p>Assumptions about what level of risk is “acceptable” must not be the basis of the environmental assessment of this project. The risk assessment process commonly used to assess nuclear safety has been developed by and for industry and the “experts” it employs and finances. It is fatally flawed because it claims to establish something not supported by scientific evidence - an acceptable level of risk for nuclear radiation.</p> <p>Any proposal to fix the serious problem of current storage of radioactive materials at the Chalk River site needs to be founded on the assumption that there is no such thing as an acceptable level of radiation in drinking water.</p> <p>The commenter requests that the CNSC base the environmental assessment of this proposal on the criterion of safety and not the assumption of “acceptable level of risk.” The risk assessment method is inappropriate, especially for</p>	<p>The objective of an environmental assessment (EA) is to determine whether a proposed project will result in significant adverse environmental effects while taking into account mitigation measures. Should the proposed project be approved, the CNSC, as the lifecycle regulator, has a robust licensing and compliance framework to ensure that the licensee meets regulatory requirements, including all applicable drinking water quality guidelines. For example, CNSC staff will conduct inspections and other compliance activities to ensure that CNL is meeting the conditions of its licence and licence conditions handbook (LCH). CNSC staff also provide annual updates to the Commission via its Regulatory Oversight Reports to report on licensee’s performance. If the project is approved, CNL will also be expected to provide updates directly to the Commission over the life of the project.</p> <p>If the Commission approves the NSDF Project, CNSC staff will develop a construction verification and compliance plan. This plan will be risk informed and related to the activities being performed on site and their importance in ensuring the long-term safety of the facility.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		nuclear technology, because the level of risk is unknown, potentially uncontrollable and catastrophic. Also, radiation in drinking water is an example of involuntary risk.	
5.	<div><a href="#">John Almstedt</a> (August 16, 2017)</div> <div><a href="#">Martine Ouellet (Bloc Québécois)</a> (August 14, 2017)</div> <div><a href="#">Durham Nuclear Awareness</a> (August 16, 2017)</div> <div><a href="#">Dr Éric Notebaert, Association canadienne des médecins pour l’environnement (ACME)</a> (August 11, 2017)</div> <div><a href="#">Provincial Council of Women of Ontario (PCWO)</a> (August 16, 2017)</div>	<div><i>Concerns on this topic were expressed by more than one commenter and comments have either been summarized, or included as excerpts from commenter submissions. Given that there were comments on this topic submitted in both English and French, the comment summary below is provided in both official languages, and a response in both official languages will also be provided.</i></div> <div><i>Des préoccupations à ce sujet ont été exprimées par plus qu’un intervenant et les commentaires ont été résumés ou inclus sous forme d’extraits de commentaires. Étant donné que les commentaires sur ce sujet ont été soumis en anglais et en français, le synthèse des commentaires ci-dessous est fourni dans les deux langues officielles et une réponse dans les deux langues officielles sera également fournie.</i></div> <div>[English] Several commenters express the view that the EA process under which this project has been put forward is deeply flawed, and indeed the federal government is currently engaged in reforming it. A few commenters raise the following questions:<ul style="list-style-type: none"><li>Why was the EA process not revisited once there was a change of government?</li></ul></div>	<div>[English]</div> <div><b>Environmental Assessment Process</b></div> <div>On August 28, 2019, the <a href="#">Impact Assessment Act (IAA)</a> came into force, repealing the CEAA 2012. The IAA contains transitional provisions for EAs of designated projects commenced under CEAA 2012 and for which the Canadian Nuclear Safety Commission (CNSC) is the Responsible Authority.</div> <div>The NSDF Project has been subject to an EA commenced under CEAA 2012, since May 5th, 2016. As per the transition provision described in subsection 182 of the IAA: “Any environmental assessment of a designated project by the Canadian Nuclear Safety Commission or the National Energy Board commenced under the 2012 Act, in respect of which a decision statement has not been issued under section 54 of the 2012 Act before the day on which this Act comes into force, is continued under the 2012 Act as if that Act had not been repealed.” As outlined in subsection 182, given that the Project was commenced under CEAA 2012 and a decision statement has not yet been issued, it therefore will continue and be completed under its current process.</div> <div>As per the Government’s response to <a href="#">environmental petition 421-02106</a>, “in January 2016, the Government announced an interim approach and principles that would guide decision-making on projects that were currently in the system. These principles are that:</div> <ul style="list-style-type: none"><li>No project proponent will be asked to return to the starting line – reviews will continue within the current legislative framework and in accordance with treaty provisions, under the auspices of relevant responsible authorities and Northern regulatory boards.</li><li>Decisions will be based on science, traditional knowledge of Indigenous peoples, and other relevant evidence.</li></ul>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<div><ul style="list-style-type: none"><li>Why wasn’t this project held off on until the EA process was modernized to ensure a process for this project that is more respectful of the necessity of social acceptance?</li><li>Why wasn’t the EA directed to an independent arms-length panel?</li></ul></div> <div>Some commenters request a new EA process for the following reasons:</div> <div><ul style="list-style-type: none"><li>Leaving the decision for the location, design and use of the Chalk River dump in the hands of a multi-national private profit oriented consortium with no political oversight is most inappropriate for a health and safety decision that will affect people and perhaps the environment over the next 1000 years.</li><li>The ongoing environmental assessments of the three radioactive projects lack legitimacy: they are hampered by serious flaws in CEAA 2012 identified in the April 2017 report of the Expert Panel to review federal environmental assessment processes.</li></ul></div> <div>Canadian Environmental Assessment Act (CEAA) 2012 does not provide early and ongoing public participation opportunities that are open to all, does not ensure that information is easily accessible and permanently and publicly available and gives the Canadian Nuclear Safety Commission sole authority to decide if a nuclear project will cause significant adverse environmental effects. This is not appropriate for a democratic country where a decision on</div>	<div><ul style="list-style-type: none"><li>The views of the public and affected communities will be sought and considered.</li><li>Indigenous peoples will be meaningfully consulted and, where appropriate, impacts on their rights and interests will be accommodated.</li><li>Direct and upstream greenhouse gas emissions linked to the projects under review will be assessed.”</li></ul></div> <div>The CNSC is respecting and adhering to the applicable regulatory regime under CEAA 2012 and these interim principles.</div> <div>Opportunities for Indigenous and public participation in the regulatory process</div> <div>With regards to public engagement opportunities, the CNSC is committed to be being transparent and promoting Indigenous and public participation throughout the regulatory process. To date CNSC staff have held numerous open houses in the local communities nearest the proposed project. For transparency purposes, CNSC staff provide project updates to project-specific mailing lists and posts notices on the public Canadian Impact Assessment Registry (CIAR) and the CNSC’s website. In addition, all comments received during public comment periods and formal responses to these comments are posted publically on the public Registry. The final Environmental Impact Statement (EIS) and comment response tables will be posted on the CIAR as well as on the CNSC’s website. This allows members of the public to see how their comments have been addressed and where applicable, taken into consideration in the final EIS.</div> <div>Additional opportunities for public participation remain. CNSC staff’s EA Report and licensing Commission Members Document (CMD) will be submitted for public review for a minimum of 75 days and public participation in the hearing will be invited through written and/or oral interventions. The Commission hearing will take place as a two-part hearing process. During Part 1, the applicant and CNSC staff present written and oral submissions to the Commission and respond to questions from the Commission. It is expected that interveners will have 30 days before part 1 and 45 days after part 1 to review CNSC staff’s and the proponent’s interventions. During Part 2, registered intervenors will have an opportunity to make their views known to the Commission and to respond to any related questions</div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>nuclear waste will have such a long term impact and could affect the drinking water of millions of people.</p> <p>[Français]</p> <p>Plusieurs commentateurs estiment que le processus d’évaluation environnementale en vertu duquel ce projet a été présenté comprend beaucoup de lacunes – en fait, le gouvernement fédéral s’emploie actuellement à le réformer.</p> <p>Quelques commentateurs posent les questions suivantes:</p> <ul style="list-style-type: none"><li>• Pourquoi le processus d’ÉE n’a-t-il pas été revu encore à l’occasion du changement de gouvernement et des promesses que le premier ministre a fait?</li><li>• Pourquoi ce projet n’attend-il pas la modernisation des ÉE, tel que promis par le premier ministre, mais toujours pas réalisé pour assurer un processus plus respectueux des nécessités de l’acceptation sociale ?</li><li>• Pourquoi le processus d’ÉE n’a-t-il pas été référée à un comité indépendant?</li></ul> <p>Certains commentateurs demandent qu’un nouveau processus d’évaluation environnementale soit créé, invoquant les raisons suivantes :</p> <ul style="list-style-type: none"><li>• Laisser la décision concernant l’emplacement, la conception et l’utilisation de la décharge de Chalk River entre les mains d’un consortium multinational à but lucratif sans contrôle politique est tout à fait</li></ul>	<p>from the Commission Members. Further details regarding how to participate will be provided once the Commission Secretariat has announced the hearing dates.</p> <p>CNSC staff continue to be available to discuss and answer questions at any time during the regulatory process.</p> <p>[Français]</p> <p><b>Processus d’évaluation environnementale</b></p> <p>Le 28 août 2019, la <a href="#">Loi sur l’évaluation d’impact (LEI)</a> est entrée en vigueur, et la LCEE 2012 a été abrogée. La LEI contient des dispositions transitoires en matière d’EE pour des projets désignés dont les activités ont commencé en vertu de la LCEE 2012 et à l’égard desquels la Commission canadienne de sûreté nucléaire (CCSN) est l’autorité responsable.</p> <p>Le projet d’IGDPS a fait l’objet d’une EE entamée en vertu de la LCEE 2012 le 5 mai 2016. Conformément à la disposition transitoire du paragraphe 182 de la LEI : « <i>L’évaluation environnementale d’un projet désigné commencée sous le régime de la Loi de 2012 par la Commission canadienne de sûreté nucléaire ou l’Office national de l’énergie et pour laquelle une déclaration n’a pas été remise en application de l’article 54 de la Loi de 2012 avant la date d’entrée en vigueur de la présente loi se poursuit sous le régime de la Loi de 2012 comme si cette loi n’avait pas été abrogée.</i> » Comme il est décrit dans le paragraphe 182, puisque le projet a commencé en vertu de la LCEE 2012 et qu’une déclaration n’a pas encore été remise, le projet se poursuit et sera achevé en vertu des formalités actuellement en vigueur.</p> <p>Conformément à la réponse du gouvernement à la <a href="#">pétition relative à l’environnement 421-02106</a>, « En janvier 2016, le gouvernement a annoncé une approche et des principes provisoires qui ont orienté la prise de décisions concernant les projets qui faisaient alors partie du système. Ces principes sont les suivants :</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>inapproprié pour prendre une décision en matière de santé et de sécurité qui touchera les personnes, voire l’environnement, pour les 1 000 prochaines années.</p> <ul style="list-style-type: none"><li>• Les évaluations environnementales en cours des trois projets radioactifs manquent de légitimité : elles sont entravées par de graves lacunes dans la LCEE 2012 identifiées dans le rapport d’avril 2017 du groupe d’experts chargé d’examiner les processus d’évaluation environnementale fédéraux.</li><li>• La LCEE 2012 ne permet pas une participation du public précoce et continue ouverte à tous, ne garantit pas d’accès permanent de l’information au public et délègue à la Commission canadienne de sûreté nucléaire (CCSN) le pouvoir exclusif de décider si un projet nucléaire aura de graves répercussions environnementales. Cela n’est pas approprié pour un pays démocratique où une décision sur les déchets nucléaires aura un impact à long terme et pourrait contaminer l’eau potable de millions de personnes.</li></ul>	<ul style="list-style-type: none"><li>• Aucun promoteur de projet n’aura à tout reprendre depuis le début – les évaluations se poursuivront dans le cadre législatif actuel et conformément aux dispositions des traités, sous l’égide des autorités responsables et des organismes de réglementation du Nord concernés;</li><li>• Les décisions seront fondées sur la science, les connaissances traditionnelles des peuples autochtones et d’autres éléments de preuve pertinents;</li><li>• Le gouvernement cherchera à connaître les points de vue du public et des collectivités touchées et en tiendra compte;</li><li>• Les peuples autochtones seront consultés de façon significative et, s’il y a lieu, des mesures d’accommodements seront prises pour tenir compte des impacts sur leurs droits et leurs intérêts;</li><li>• Les émissions de gaz à effet de serre directes et en amont liées aux projets à l’étude seront évaluées. »</li></ul> <p>La CCSN respecte le régime de réglementation applicable en vertu de la LCEE 2012 et ces principes provisoires, et elle s’y conforme.</p> <p><b>Occasions pour les Autochtones et le public de participer au processus réglementaire</b></p> <p>En ce qui concerne les occasions de mobilisation du public, la CCSN a à cœur de faire preuve de transparence et de favoriser la participation des Autochtones et du public durant tout le processus réglementaire. À ce jour, le personnel de la CCSN a tenu de nombreuses séances portes ouvertes au sein des collectivités à proximité du projet. Aux fins de transparence, le personnel de la CCSN présente des mises à jour par le biais de listes de distribution propres au projet et affiche des avis sur les sites Web publics du Registre canadien d’évaluation d’impact (RCEI) et de la CCSN. En outre, toute la rétroaction reçue durant les périodes de commentaires publics de même que les réponses officielles à cette rétroaction sont affichées publiquement sur le RCEI. L’énoncé des incidences environnementales (EIE) final et les tableaux de réponses aux commentaires seront affichés sur les sites Web du RCEI et de la CCSN. Cela permet aux membres du public de consulter les réponses à leurs commentaires et, le cas échéant, de voir comment leurs commentaires ont été pris en compte dans l’EIE final.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>Il existe aussi d’autres occasions de participation du public. Le rapport d’EE et le document à l’intention des commissaires (CMD) relatif à l’autorisation du personnel de la CCSN seront affichés aux fins d’examen du public pendant au moins 75 jours, et on sollicitera la participation du public à l’audience par le biais de mémoires et d’interventions de vive voix. Le processus d’audience de la Commission comprendra deux parties. Durant la première partie, le demandeur et le personnel de la CCSN présenteront des mémoires et des interventions de vive voix à la Commission et répondront à ses questions. Les intervenants devraient disposer de 30 jours avant la première partie et de 45 jours après la première partie pour examiner les interventions du personnel de la CCSN et du promoteur. Durant la deuxième partie, les intervenants inscrits auront l’occasion de présenter leurs points de vue à la Commission et de répondre aux questions posées par les commissaires. Des renseignements supplémentaires sur la manière de participer seront fournis lorsque le Secrétariat de la Commission aura annoncé les dates d’audience.</p> <p>Le personnel de la CCSN demeure à disposition afin de discuter et de répondre aux questions en tout temps durant le processus de réglementation.</p>
6.	<a href="#">Metis Nation of Ontario</a> (August 16, 2017)	<p>It is unclear from this draft Environment Impact Statement (EIS) who is responsible for ensuring that all requirements of a Canadian Environment Assessment Agency are met. Will this be confirmed through review by CEAA or will this be completed by CNSC?</p> <p>Further, the requirements for a CNSC, EA are unclear. For example, the Project did not seem to have EIS Guidelines prepared, a key component of a CEAA 2012 assessment and instead relied on a Project Description which is a typical component of the National Energy Board process.</p> <p>Please clarify the regulatory approvals process for this Project.</p>	<p>As the Responsible Authority under the Canadian Environmental Assessment Act, 2012 (CEAA 2012), the CNSC is responsible to ensure all requirements of the CEAA 2012 legislation are met for the EA for the proposed NSDF Project.</p> <p>CNSC’s <a href="#">Generic Guidelines for the Preparation of an Environmental Assessment pursuant to the Canadian Environmental Assessment Act, 2012</a> provide information to proponents on the requirements for the preparation of an environmental impact statement (EIS) for a designated project to be assessed pursuant to the CEAA 2012. This document specifies the nature, scope and extent of the information required. Paragraph 10 of CNSC’s <a href="#">Record of Decision on the Scope of Environmental Assessments for Three Proposed Projects at Existing Canadian Nuclear Laboratories’ Facilities</a> also states that the Generic Guidelines apply to this proposed project.</p> <p><b>CNSC’s regulatory framework</b></p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>CNSC staff will assess CNL’s proposed project, in accordance with CEAA 2012 and 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:</p> <ul style="list-style-type: none"><li>• CEAA 2012</li><li>• CNSC licensing and regulatory requirements and guidance (i.e., NSCA, CNSC Regulatory Documents <a href="#">REGDOC 2.11.2 Decommissioning</a>, <a href="#">REGDOC-2.11.1, Waste Management, Volume III: Assessing Long-Term Safety of Radioactive Waste Management</a>, <a href="#">REGDOC-2.9.1 Environmental Protection: Environmental Principles, Assessments and Protection Measures</a>, and <a href="#">REGDOC-3.2.2, Indigenous Engagement</a>, CSA N294, <i>Decommissioning of facilities containing nuclear substances</i>, etc.)</li><li>• Federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards</li></ul> <p>CNSC requirements and guidance take into account international regulatory best practices and modern codes and standards, and align with the International Atomic Energy Agency’s Safety Fundamentals and Safety Requirements. The CNSC cooperates with other organizations and jurisdictions to foster the development and application of a consistent, effective regulatory framework in Canada.</p> <p><b>CNSC’s decision-making responsibilities</b></p> <p>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</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>political review, nor may they be overturned by the Government of Canada. Only the Federal 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 CMD, EA Report and supporting documentation, as well as comments from Indigenous group, members of the public and other stakeholders, to determine if the project is likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures. The Commission requires sufficient information to make a science-based EA decision.</p> <p>If the Commission determines that the project is not likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures (i.e., the project is approved), 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>
Facility Design			
Facility Design – General			

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
7.	<a href="#">Cody Cuthill</a> (August 4, 2017)	The CNSC should define its interpretation of what are considered low concentrations. Other member countries have defined this as 10 Bq/g as noted in item 3 below. (Please see the submission for more information and references to the IAEA documentation, p.3).	Please refer to CNSC’s response to comment #11 regarding classification of waste.
8.	<a href="#">Emma March</a> (August 15, 2017)	The Canadian legal system operates on a basis in which you are innocent until proven guilty beyond a shadow of a doubt. This is because it is seen as far worse to convict and punish an innocent man than to not punish a guilty one. Applying that same reasoning to waste decommissioning projects, should it not be evaluated on a basis in which you must prove beyond a shadow of a doubt that the facility is safe and robust? Is it not seen as worse to have a design that has the possibility for problems affecting public and environmental safety rather than a more expensive but safer design?	<p>The Commission, the CNSC’s independent decision-making body is an administrative tribunal set up at arm’s length from government, with no ties to the nuclear industry. The Commission makes its decisions transparently, taking into consideration science-based evidence and provides extensive reasons for those decisions.</p> <p>In accordance with CEAA 2012 and the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. The concerns and interests of Indigenous groups, members of the public and stakeholders are of vital importance to the CNSC, who will ensure an open and balanced process, and one that strengthens the quality and credibility of a project’s review. CNSC staff will review and assess CNL’s proposal thoroughly and will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.</p> <p>CNSC staff are currently assessing the CNL proposed project, in accordance with CEAA 2012 and the CNSC’s regulatory framework, with safety being the overriding factor. As part of the EA and licensing review process, the proposed project’s design, long-term safety and potential effects to the public and the environment are being assessed against all applicable and relevant requirements and guidance. Given that the review is ongoing, the Commission’s decision has not yet been made.</p> <p>The CNSC strongly encourages public participation of individuals and groups, who bring valuable information that the Commission takes into consideration in its decision-making. As the Responsible Authority under CEAA 2012, the CNSC must ensure that meaningful participation has occurred during the process.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			Please refer to CNSC’s response to comment #5 for additional information regarding opportunities for public participation.
Facility Design – Engineered Containment Mound			
9.	<a href="#">Canadian Coalition for Nuclear Responsibility (CCNR)</a> (August 16, 2017)	For the CNSC to approve such a proposal will send a terrible signal to the rest of the world. Imagine if everyone starts abandoning their radioactive wastes and other toxic wastes in large mounds right beside major bodies of water, all over the world. A viable, more responsible alternative approach would require more modular packaging with painstaking documentation listing the radioactive inventory of each package. When a package starts leaking, our descendants will be able to identify the offending package, ascertain its contents, and repackage the contents in a more secure fashion. It must be considered as an intergenerational responsibility, not a “one-shot deal”. And the planning must include the principle of “Rolling Stewardship” as an active and essential aspect of the long-term management of radioactive wastes.	<p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making a decision on the EA.</p> <p>The CNSC is committed to regulatory excellence. In September 2018, in an ongoing demonstration of this commitment, the CNSC, on behalf of Canada, requested an Integrated Regulatory Review Service (IRRS) mission – an international peer review mission from the International Atomic Energy Agency (IAEA). The IRRS mission to Canada was held from September 3 to 13, 2019.</p> <p>The 2019 IRRS mission provided valuable insights to the CNSC and other Canadian federal departments (i.e., Natural Resources Canada, Health Canada). Canada was presented with a number of good practices, as well as suggestions and recommendations to improve Canada’s oversight of the nuclear industry, including the CNSC’s regulatory framework. One recommendation that arose from the 2019 IRRS mission is that “[t]he Government should enhance the existing policy and establish the associated strategy to give effect to the principles stated in the Canadian Radioactive Waste Management Policy Framework.”</p> <p>Canada accepted the recommendation. <a href="#">Canada's Radioactive Waste Policy Framework</a> provides the overall principles for radioactive waste management and is supported by three pieces of legislation that govern the management of radioactive waste in Canada:</p> <ul style="list-style-type: none"><li>• The <i>Nuclear Safety and Control Act</i>, which sets out the CNSC’s mandate, responsibilities and powers.</li></ul>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
			<ul style="list-style-type: none"><li>• The <i>Nuclear Fuel Waste Act</i>, which provides the framework for progress on a long-term strategy for the management of nuclear fuel waste.</li><li>• The <i>Impact Assessment Act</i> (and previously, the CEAA 2012), which, while not being specific to radioactive waste management, establishes the legislative basis for the federal impact assessment process.</li></ul> <p>The Policy Framework clearly defines the role of government, and waste producers and owners. The government has the responsibility to develop policy, to regulate, to oversee producers and owners to ensure that they comply with legal requirements and meet their funding and operational responsibilities in accordance with approved waste disposal plans. It also makes clear that waste producers and owners are responsible, in accordance with the principle of “the polluter pays”, for the funding, organization, management and operation of disposal and other facilities required for their wastes.</p> <p>Natural Resources Canada is reviewing its existing policy for radioactive waste, and considering how it may be enhanced to give effect to the principles stated in the Radioactive Waste Policy Framework, including the establishment of an associated strategy.</p> <p>CNSC staff will continue to review and assess CNL’s proposal thoroughly. CNSC staff will only deem the EIS complete once CNL has met the requirements and have addressed all comments to staff’s satisfaction. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. The review is ongoing, and therefore the Commission’s decision has not yet been made.</p>
Facility Design – Base Liner			
10.	<a href="#">Cody Cuthill</a> (August 4, 2017)  <a href="#">Emma March</a>	<i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i>	The NSDF is an Engineered Containment Mound (ECM) designed for the disposal of radioactive waste consistent with the IAEA’s SSR-5, “Disposal of Radioactive Waste” and SSG-29, “Near Surface Disposal Facilities for Radioactive Waste”, which indicate that low-level radioactive waste is appropriate for disposal in the facility.

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	(August 15, 2017)	<p>The EIS outlines the NSDF to be an engineered containment mound (ECM), no more robust or different than other hazardous waste landfills as outlined in 2.2(3) of the GSG-1 for very low level waste only.</p> <p>Other facilities licensed to accept Naturally Occurring Radioactive Materials are built to a more robust nature, such as the Silverberry Landfill near fort St. John BC. This facility has two .6 m compacted clay liners and in the middle of these is a leachate detection system. The Ontario Ministry of Environment landfill design criteria also allows for hazardous waste into a two liner system (See Diagram in Cody Cuthill’s submission from August 4, p. 5).</p> <p>The NSDF is planned with only a 0.75 m clay liner; the minimum requirements for landfill design in Ontario. To accept low level waste the CNSC should consider ensuring several liner systems including the double composite liner as described above in the Ontario landfill design guideline. This minimum clay thickness should be increased to ensure public confidence. In addition the CNSC should ensure each liner system has a leachate detection system below it to verify its integrity and future performance.</p>	<p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. In accordance with the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project.</p> <p>In addition, please refer to CNSC’s response to comment #6 above for CNSC’s regulatory framework.</p>
Integrated Waste Management			
Integrated Waste Management - General			



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
11.	<a href="#">Greenpeace</a> (August 16, 2017)	<p>The CNSC has failed to establish a clear and credible categorization system for radioactive waste. This prevents open and trustworthy public discussions related to the hazard posed by proposed radioactive waste facilities. This, in turn, prevents drawing any credible conclusions as to whether such a proposed facility may have a social licence to operate.</p> <p>In 2006, Greenpeace filed a petition through the Office of the Auditor General of Canada to highlight the absence of a categorization system for non-fuel radioactive waste in Canada. The CNSC’s response was evasive.</p> <p>As highlighted by the submission of Concerned Citizens of Renfrew County (CCRC), the CNSC still lacks a credible categorization system for radioactive waste. Comparing the radioactive wastes CRL hopes to dump in the NSDF with the classification system recommended by the IAEA, CCRC observes an acceptance of the NSDF by the CNSC would likely violate international safety standards. Greenpeace agrees.</p> <p>The root issue is the CNSC’s failure to establish a clear classification system, aligned with IAEA standards, for non-fuel radioactive wastes. This hampers the ability of the public – as well as the CNSC – to objectively and fairly assess the acceptability of projects like the NSDF.</p>	<p>The radioactive waste classification system in Canada is generally delineated according to the degree of containment and isolation required to ensure safety with consideration given to the hazard potential of different types of waste and the timeframe associated with the hazard. The Canadian Standards Association (CSA), in collaboration with industry, government and the CNSC has developed a standard, CSA N292.0-19, <i>General principles for the management of radioactive waste and irradiated fuel</i>, which recognizes four main classes of radioactive waste, namely low-level radioactive waste, intermediate-level radioactive waste, high-level radioactive waste, and uranium mine and mill tailings. These classes of waste are also reflected in CNSC’s Regulatory Document REGDOC 2.11.1, Volume I: Management of Radioactive Waste.</p> <p>The purpose of waste classification is to assist in:</p> <ul style="list-style-type: none"><li>• devising waste management strategies;</li><li>• planning, designing, licensing and operating waste management facilities;</li><li>• identifying the hazards associated with the waste;</li><li>• determining the type and degree of radiological protection required for a specific waste and choosing the appropriate management process, and</li><li>• facilitating communication between waste generators, regulators and other stakeholders by providing a common framework.</li></ul> <p>The main requirements for defining waste classes is that the classification system shall be based on the four general classes of wastes and shall consider the site-specific safety case and supporting safety assessment required for the waste management facility or activity and the timeframe associated with the hazard potential of the waste.</p> <p>The waste being proposed to be placed in the proposed NSDF would be classified as low-level radioactive waste. If the proposed NSDF were to be approved, under CNSC licence, CNL would also have to comply with the CNSC waste characterization requirements as outlined in CNSC Regulatory Document, REGDOC-2.11.1, Volume 1.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			Please also refer to CNSC’s response to comment #9 for more information on Canada’s Radioactive Waste Policy Framework.
Integrated Waste Management – NPD Site			
12.	<a href="#">Evelyn Gigantes</a> (May 17, 2017)	<p>The NRU/NPD site is a major contamination source. Why is there no effort to focus on the particular waste problems raised by the site of the old reactor? And what might be alternative methods or alternative locations for dealing with:</p> <p>1) The contaminated remains and surrounds of the reactor, and/or</p> <p>2) Other radiological waste for which CNL has undertaken a contractual responsibility?</p>	This comment is outside the scope of the EA for this project. The <a href="#">NPD Closure Project</a> is being assessed under a separate environmental assessment (EA) and licensing process.
International Standards and Guidance			
13.	<a href="#">PCWO</a> (August 16, 2017)	Why has CNSC staff not flagged CNL’s flouting of the International Atomic Energy Agency (IAEA) Safety Standard SSR-5 Disposal of Radioactive Waste on Nuclear Waste management, which disallows this type of “mound” as containment for intermediate radioactive waste, with long-lasting radioactive elements?	<p>In August 2017, Canadian Nuclear Safety Commission (CNSC) staff completed a technical review of the draft EIS for the NSDF Project. As part of the technical review, which was pursuant to the <i>Canadian Environmental Assessment Act, 2012</i> (CEAA 2012), a <a href="#">consolidated table of federal comments</a> was submitted to CNL. The table included a number of comments and concerns related to the inclusion of intermediate-level waste in the facility, and similar comments were also raised in submissions received during the public comment period on the EIS.</p> <p>On October 27, 2017, CNL announced the <a href="#">decision to include only low-level radioactive waste</a> in the NSDF, based on its consideration of federal, provincial and public comments. CNL stated that waste intended for disposal in the NSDF will meet the International Atomic Energy Agency’s (IAEA) guidelines for low-level radioactive waste. Intermediate-level waste will continue to be managed in</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
			<p>interim storage at Chalk River Laboratories until a long-term disposal solution for this category of radioactive waste is developed and approved.</p> <p>IAEA guidance provides that, a facility’s safety case determines the suitability of a waste inventory for disposal; waste classification is derived from the assessment of long-term consequence of a waste inventory in a facility’s specific design. The iterative process of development of the total radioactivity of the NSDF is performed through assessment of variations of post closure radioactivity through the safety criteria, as defined by regulation and used by the Performance Assessment (PA). These iterations produce an optimized post closure radioactivity that provide the basis for licensing and implementation of quality controlled programs (such as characterization, packaging and tracking requirements) that ensure compliance.</p> <p>The NSDF is an Engineered Containment Mound (ECM) designed for the disposal of radioactive waste consistent with the IAEA’s SSR-5, “Disposal of Radioactive Waste” and SSG-29, “Near Surface Disposal Facilities for Radioactive Waste”, which indicate that low-level radioactive waste is appropriate for disposal in the facility.</p> <p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. In accordance with the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project.</p> <p>In addition, please refer to CNSC’s response to comment #6 above for CNSC’s regulatory framework.</p>
Indigenous Consultation			
14.	<a href="#">Kitigan Zibi Anishinabeg</a> (May 11, 2017)	Kitigan Zibi never gave up nor sold traditional ancestral territory.	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 Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the <i>Constitution Act</i> , 1982. Since the commencement of the EA

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	<a href="#">Grand Council Chief Madahbee (Anishinabek Nation)</a> (August 16, 2017)	Their territory has never been under treaty and is subject to Algonquin Aboriginal Title. This implies the need for our consent for all development projects on our lands.	<p>in 2016, CNSC staff 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 and draft EIS 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 NSDF projects and EAs.</p> <p>The CNSC understands the importance of building strong and ongoing relationships with potentially impacted Indigenous groups and ensuring that the consultation process is meaningful and addresses the concerns raised by Indigenous groups. CNSC staff will continue to build relationships with and to ensure that all interested Indigenous groups, including Kitigan Zibi, are engaged with regularly in order to listen to issues and concerns and to also provide project updates and information at key points during the EA process. CNSC staff will continue to build relationships with and to provide interested Indigenous groups, with timely project updates and information at key points during the EA process including the review of CNSC staff’s EA Report, and CNSC staff’s and CNL’s Commission member documentation and information related to public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC’s <a href="#">REGDOC-3.2.2, Indigenous Engagement</a>, CNSC staff expect that CNL will continue engaging with Kitigan Zibi and other identified Indigenous groups to identify potential concerns related to impacts on Indigenous 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 revised EIS.</p>
15.	<a href="#">Evelyn Gigantes</a> (May 17, 2017)	The approach that has been made to Indigenous groups with an interest in whether the project proceeds is painful to examine. The Indigenous community with the most immediate concern is that of the Algonquins of Pikwakanagan First Nation. Chief Whiteduck’s letter to Patrick Quinn in 2016 is	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 Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the <i>Constitution Act</i> , 1982. Since the commencement of the EA in 2016, CNSC staff identified First Nation and Métis groups who may have an interest in the project

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, <a href="#">reference #80122</a>)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, <a href="#">référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>moving testimony to the struggles of the Indigenous community with the closest interest in the project(s), and the need for the CNSC to correct a process which attempts to force Indigenous peoples in the area into a fast-paced approval of the current CNL proposal.</p>	<p>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 and draft EIS for comment.</p> <p>The CNSC understands the importance of building strong and ongoing relationships with potentially impacted Indigenous groups and ensuring that the consultation process is meaningful and addresses the concerns raised by Indigenous groups. CNSC staff and the Algonquins of Pikwakanagan First Nation (AOPFN) signed a formal Terms of Reference (ToR) in January 2021 to outline objectives and roles and responsibilities for consultation for the Near Surface Disposal Facility Project, the Nuclear Power Demonstration Project and the Micro Modular Reactor Project. The ToR also sets out the basis for collaborative drafting of Environmental Assessment Reports (EA Report) and the Rights Impact Assessments.</p> <p>CNSC staff are also committed to developing a long-term relationship ToR for engagement with AOPFN, which can identify specific areas where AOPFN and CNSC staff can further collaborate. CNSC staff will continue to build relationships with and to ensure that all interested Indigenous groups are engaged with regularly in order to listen to issues and concerns and to also provide project updates and information at key points during the EA process including the review of CNSC staff’s EA Report, and CNSC staff’s and CNL’s Commission member documentation for related public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC’s <a href="#">REGDOC-3.2.2, Indigenous Engagement</a>, CNSC staff expect that CNL will continue engaging with AOPFN and other identified Indigenous groups to identify potential concerns related to impacts on Indigenous and/or treaty rights as a result of the proposed project, including impacts to any archaeological resources identified, 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 revised EIS.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
16.	<a href="#">Grand Chief, Algonquin Anishinabeg Nation Tribal Council (AANTC)</a> (May 12, 2017)	The potential impacts on our traditional territory are severe, and it would affect our people for many generations to come. As stewards of the land, we cannot accept the inherent risk associated with the storage of radioactive waste within our traditional territory.	<p>The CNSC understands the importance of building strong and ongoing relationships with potentially impacted Indigenous groups and ensuring that the consultation process is meaningful and addresses the concerns raised by Indigenous groups.</p> <p>Please also refer to CNSC’s response to comment #14.</p>
17.	<a href="#">Hiawatha First Nation</a> (April 18, 2017)	This project by its very nature has the potential to bring about momentous and long-lasting impacts on the natural environment. Any infringement on Treaty rights must be justified by the Crown.	<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 Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the <i>Constitution Act</i>, 1982. Since the commencement of the EA in 2016, CNSC staff 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 and draft EIS for comment.</p> <p>The CNSC understands the importance of building strong and ongoing relationships with potentially impacted Indigenous groups and ensuring that the consultation process is meaningful and addresses the concerns raised by Indigenous groups. CNSC staff has met with Williams Treaty First Nations, including Hiawatha First Nation, on several occasions to listen to community issues and concerns regarding the proposed project and to also introduce the CNSC’s mandate and regulatory oversight role with regards to the NSDF project and EA, and to provide project updates throughout the EA process.</p> <p>CNSC staff will continue to provide interested Indigenous groups, including Hiawatha First Nation, with timely project updates and information at key points during the EA process including the review of CNSC staff’s EA Report, and CNSC staff’s and CNL’s Commission member documentation for related public Commission hearings.</p> <p>As per the requirements and guidance of the CNSC’s <a href="#">REGDOC-3.2.2, Indigenous Engagement</a>, CNSC staff expect that CNL will continue engaging with Hiawatha First Nation and other identified Indigenous groups to identify potential concerns related to impacts on Indigenous and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			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 revised EIS.
18.	<a href="#">Joan Loughheed and Town of Deep River</a> (August 16, 2017)	<p>The draft EIS confirms that the NSDF project occurs within the general area of the Algonquin land claim (see pg. 5-596). The Supreme Court of Canada held in <i>Haida Nation v. British Columbia (Minister of Forests)</i> [2004] 3 S.C.R. 511 [<i>Haida</i>] that there may be a duty to consult and accommodate Aboriginal communities.</p> <p>One of the Algonquin communities, the Algonquins of Pikwakanagan, have written to CNL objecting to the NSDF (see Appendix 4.0-31), and have been identified for engagement activities because they have a comprehensive land claim (see pg. 4-13, Table 4.3.2-1). The duty to consult is automatically triggered when government has knowledge of real or asserted Aboriginal or treaty rights and is making a decision that may adversely impact the exercise of those rights.</p> <p>While the project proponent (CNL), as a third party, is not legally responsible for fulfilling the duty to consult, government often directs the proponent to take on procedural aspects of the process. Proponents are also expected to develop accommodation mechanisms in cases where the original design of a project would cause severe or irreversible harm to Aboriginals' rights. The regulator (CNSC) will then be responsible to determine if consultation and accommodation has been appropriate, in the circumstances.</p>	Please refer to CNSC’s response to comment #15 above.

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>It is unknown whether CNL has responded to the Algonquins of Pikwakanagan's letter or if CNL intends to engage with the Algonquins of Pikwakanagan in any meaningful consultation, or to provide them accommodation regarding the NSDF in accordance with Canadian law. Table 4.3.2-2 details emails, letters, voicemails, telephone calls and meetings that CNL has had with several First Nation communities; however, it is unclear from the chart whether the correspondence has been meaningful.</p> <p>The Town of Deep River urges the CNSC to strongly examine whether local Aboriginal groups and First Nation communities have been appropriately consulted and accommodated with respect to the NSDF project, and if so, does the draft EIS correctly represent the outcome of those consultations and accommodations.</p>	
19.	<a href="#">Grand Council Chief Madahbee (Anishinabek Nation)</a> (August 16, 2017)	<p>The Anishinabek Nation vehemently object to the proposed NSDF. The Anishinabek Nation has not been consulted regarding this project which is located within our territory. We demand that free, prior and informed consent is required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories.</p>	<p>The CNSC, as an independent regulator, does not have the authority or the mandate to dictate the location of where nuclear projects are proposed, including the NSDF project: licensees or applicants are responsible for the site selection process.</p> <p>The CNSC’s processes for consultation and engagement with Indigenous peoples are mindful of and consistent with the principles articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including Free, Prior and Informed Consent (FPIC). The CNSC follows existing legal frameworks including CEAA 2012, the NSCA and the common law duty to consult in conducting its consultation, regulatory and decision-making processes which further supports the UNDRIP and the FPIC principle.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>Consultation with Indigenous groups and the public is a very important aspect of the CNSC’s regulatory and decision-making processes to ensure that their concerns are heard and addressed throughout the consultation and regulatory process and in order to determine that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>During a Commission proceeding, specific concerns and issues can be raised by the local and/or affected communities directly to the Commission through oral or written interventions to be considered as part of the Commission’s decision-making process. Please refer to CNSC’s response to comment #5 for public participation opportunities.</p> <p>The CNSC encourages the Anishinabek Nation to continue to discuss these issues with the Atomic Energy of Canada Limited and Canadian Nuclear Laboratories.</p>
20.	<a href="#">Angela Bischoff</a> (August 16, 2017)	<p>In a Joint Declaration by the Anishinabek Nation and the Iroquois Caucus on May 2, 2017, five principles were laid down as guidelines for the long-term management of radioactive wastes. I endorse these principles and expect our government institutions to do likewise.</p> <p>1. No Abandonment: Radioactive waste materials are damaging to living things. Many of these materials remain dangerous for tens of thousands of years or even longer. They must be kept out of the food we eat, the water we drink, the air we breathe, and the land we live on for many generations to come. The forces of Mother Earth are powerful and unpredictable and no human-made structures can be counted on to resist those forces forever. Such dangerous materials cannot be abandoned and forgotten.</p>	<p><a href="#">Canada's Radioactive Waste Policy Framework</a> provides the overall principles for radioactive waste management and is supported by three pieces of legislation that govern the management of radioactive waste in Canada:</p> <ul style="list-style-type: none"><li>• The <i>Nuclear Safety and Control Act</i>, which sets out the CNSC’s mandate, responsibilities and powers.</li><li>• The <i>Nuclear Fuel Waste Act</i>, which provides the framework for progress on a long-term strategy for the management of nuclear fuel waste.</li><li>• The Impact Assessment Act, IAA (and previously, the CEAA 2012), which, while not being specific to radioactive waste management, establishes the legislative basis for the federal impact assessment process.</li></ul> <p>The Policy Framework clearly defines the role of government, and waste producers and owners. The government has the responsibility to develop policy, to regulate, to oversee producers and owners to ensure that they comply with legal requirements and meet their funding and operational responsibilities</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<div>2. Monitored and Retrievable Storage: Continuous guardianship of nuclear waste material is needed. This means long-term monitoring and retrievable storage. Information and resources must be passed on from one generation to the next so that our grandchildren’s grandchildren will be able to detect any signs of leakage of radioactive waste materials and protect themselves. They need to know how to fix such leaks as soon as they happen.</div> <div>3. Better Containment, More Packaging: Cost and profit must never be the basis for long-term radioactive waste management. Paying a higher price for better containment today will help prevent much greater costs in the future when containment fails. Such failure will include irreparable environmental damage and radiation-induced diseases. The right kinds of packaging should be designed to make it easier to monitor, retrieve, and repackaging insecure portions of the waste inventory as needed, for centuries to come.</div> <div>4. Away from Major Water Bodies: Rivers and lakes are the blood and the lungs of Mother Earth. When we contaminate our waterways, we are poisoning life itself. That is why radioactive waste must not be stored beside major water bodies for the long-term. Yet this is exactly what is being planned at five locations in Canada: Kincardine on Lake Huron, Port Hope near Lake Ontario, Pinawa beside the Winnipeg River, and Chalk River and Rolphton beside the Ottawa River.</div>	<div>in accordance with approved waste disposal plans. It also makes clear that waste producers and owners are responsible, in accordance with the principle of “the polluter pays”, for the funding, organization, management and operation of disposal and other facilities required for their wastes.</div> <div>The CNSC licenses, monitors and inspects nuclear facilities, including radioactive waste management facilities in order to protect the health, safety and security of Canadians and the environment. The CNSC operates within a modern and robust <a href="#">legislative and regulatory framework</a>. This framework consists of laws passed by the Parliament of Canada that govern the regulation of activities of Canada's nuclear industry. The regulatory framework also includes instruments such as regulations, licences and regulatory documents.</div> <div>Consultation with the public, Indigenous communities and other stakeholders is an important part of the process for the CNSC in the development of <a href="#">regulatory tools and the framework</a>. All draft documents are made available for public feedback and all comments are posted on the CIAR.</div> <div>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision. The EA process is currently ongoing and the Commission has not yet rendered a decision on the project.</div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		5. No Imports or Exports: The import and export of nuclear wastes over public roads and bridges should be forbidden except in truly exceptional cases after full consultation with all whose lands and waters are being put at risk. In particular, the planned shipment of highly radioactive liquid from Chalk River to South Carolina should not be allowed because it can be down-blended and solidified on site at Chalk River. Transport of nuclear waste should be strictly limited and decided on a case-by-case basis with full consultation with all those affected. "	
Public and Indigenous Engagement			
Public and Indigenous Engagement - General			
21.	<a href="#">Valerie Needham</a> (August 15, 2017) <a href="#">Patrick Galligan</a> (August 15, 2017) <a href="#">Irene Boland and Mark Barnes</a> (August 15, 2017) <a href="#">Sylvie Pilon-Tiden</a> (August 15, 2017) <a href="#">Denise Roberge</a> (August 15, 2017) <a href="#">Louise Labrosse</a> (August 15, 2017) <a href="#">Angela Solar</a>	<i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i>  Take the grave concerns regarding this proposed facility seriously. Careful and considered objections have been submitted by worried lay people and credible scientists. Their questions and legitimate concerns are well articulated in the many submissions posted on the Canadian Environmental Assessment Agency website, and should be taken into consideration.	<b>Public Participation</b>  The CNSC has a robust program that includes a Participant Funding Program and public hearing process. Both provide opportunities for public involvement commensurate with public interest, potential environmental effects, and project scope and complexity. Dissemination of information takes place through CNSC public engagement opportunities, including open houses, town halls, and information sessions as well as through sharing of information on the website, to email subscriber lists.  Additional opportunities for public participation remain. CNSC staff’s EA report and licensing CMD will be submitted for public review. In addition, public participation in the hearing will be invited through written and/or oral interventions. Further details regarding how to participate will be provided once the Commission Secretariat has announced the hearing dates.

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	(August 14, 2017) <a href="#">JoAnne Hungate</a> (August 14, 2017) <a href="#">Robert M. Daisley</a> (August 14, 2017) <a href="#">Dennis Higgison</a> (August 14, 2017) <a href="#">Catherine Galligan</a> (August 14, 2017) <a href="#">Natalie Robinson</a> (August 14, 2017) <a href="#">Marilee DeLombard &amp; Robert Wills</a> (August 16, 2017) <a href="#">Sheila Allwright and Ellen Cameron</a> (August 16, 2017) <a href="#">Mike Schreiner</a> (August 16, 2017) <a href="#">Sharon Thorne</a> (August 16, 2017) <a href="#">PCWO</a> (August 16, 2017)		<p>The CNSC strongly encourages this participation, and administers the Participant Funding Program to provide the financial assistance needed to facilitate the involvement of individuals and groups, who provide input that is taken into consideration by the Commission members. Also, prior to the public hearings, additional public information sessions will be held.</p> <p>Lastly, CNSC staff remain available to discuss and answer questions at any time during the regulatory process. All public comments received for the NSDF Project will be addressed and considered by CNSC staff.</p>
22.	<a href="#">William Turner</a> (May 31, 2017)	CNSC should remind CNL of the requirement to address all comments received and include the dispositions to those comments in the EIS	<p>CNSC staff agree with the commenter. CNL received considerable and substantive comments from CNSC staff, federal and provincial authorities, Indigenous groups and members of the public and has required significantly more time to address all of the comments received. CNSC staff will not continue the EA review process until all comments have been adequately addressed to the satisfaction of the CNSC.</p> <p>The final Environmental Impact Statement (EIS) and comment response tables will be posted on the CIAR. The responses to the comments received during formal public comment periods are provided as</p>



**CNSC Table: Consolidated Public and Indigenous Groups' Comments on the Near Surface Disposal Facility Project Draft EIS**

**Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l'ébauche de l'EIE du Projet d'installation de gestion des déchets près de la surface**

No.	Source	<b>Comment Summary</b> (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )  <b>Synthèse des commentaires</b> (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale, référence #80122</a> )	<b>CNSC Response</b>  <b>Réponse de la CCSN</b>
			part of the final EIS package. This allows members of the public to see how their comments have been addressed and where applicable, taken into consideration in the final EIS.
23.	<a href="#">Joan Loughheed and Town of Deep River</a> (August 16, 2017)	Further to our previous discussions at the CNSC 101 presentation in Deep River, I respectfully request that the Public Hearing be held in the Town of Deep River. We would be pleased to work with you to select a suitable venue.	<p>In the spirit of openness and transparency, the CNSC prides itself on holding Commission hearings in the communities that will be most affected by the decision at hand, when possible.</p> <p>When considering a hearing location, the CNSC's Commission Secretariat looks for available venues (such as hotels, conference centres and recreation facilities) that meet its requirements for proximity to the relevant nuclear facility. Local municipalities and tourism associations are also contacted in an attempt to find an optimal location that can accommodate the hearing's duration, the expected number of intervenors, and the necessary technical services. In addition, the CNSC insists that the location be wheelchair accessible.</p> <p>Please note that until further notice, all Commission proceedings will be held remotely. CNSC continues to monitor the pandemic situation. The Commission Secretariat will consider public health guidance and the pandemic situation when determining the hearing dates and location.</p> <p>CNSC will consider all of this when scheduling public hearings for the proposed NSDF project.</p>
<b>Public Engagement –Transparency</b>			
24.	<a href="#">PCWO</a> (August 16, 2017)	The commenter recommends that CNSC be more inclusive, transparent and thorough as it initiates its first independent Environmental Assessment under the 2012 Canadian Environmental Assessment Act (CEAA), and the Canadian Nuclear Safety and Control Act, as a “prerequisite “of the CNL “licencing process”.	The Commission, the CNSC's independent decision-making body is an administrative tribunal set up at arm's length from government, with no ties to the nuclear industry. The Commission makes its decisions transparently, taking into consideration science-based evidence and provides extensive reasons for those decisions. The concerns and interests of Indigenous groups, members of the public and stakeholders are of vital importance to the CNSC, who will ensure an open and balanced process,

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
		PCWO has been an intervenor at several comprehensive, intervenor-friendly hearings of independent Commissions, Boards and Environmental Assessment Panels over many years . Regrettably, the CNSC has not ensured that many of the public who might be most affected would hear about the project, and others received incomplete, shifting, conflicting, and hence, confusing CNL plan reports.	<p>and one that strengthens the quality and credibility of a project’s review. CNSC staff will review and assess CNL’s proposal thoroughly and will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. The review is ongoing, and therefore the Commission’s decision has not yet been made.</p> <p>In accordance with CEAA 2012, the CNSC ensures that public participation, as required for EAs, has been conducted. Comments received from public participants during the EA process will be considered by the CNSC in its analysis and conclusions regarding the proposed NSDF Project. Advice received from federal and provincial authorities further informed and supported the CNSC’s review of the NSDF Project.</p> <p>The CNSC provided several opportunities for the public, Indigenous groups, and government reviewers to participate in the EA process. Notices of these opportunities to participate were posted on the CIAR (formally the CEAR)’s Internet site.</p> <p>Additional opportunities for public participation remain. CNSC staff’s EA report and licensing CMD will be submitted for public review. Further, public participation in the hearing will be invited through written and/or oral interventions. Further details regarding how to participate will be provided once the Commission Secretariat has announced the hearing dates.</p> <p>Please also refer to CNSC’s response to comment #5 regarding opportunities for public participation.</p>
Participant Funding			
25.	<a href="#">Grand Chief, AANTC</a> (May 12, 2017)	<i>Concerns on this topic were expressed by more than one indigenous group, and comments have either been summarized, or included as excerpts from commenter submissions.</i>	As an agent of the Crown, the CNSC ensures that all its licensing decisions under the <i>Nuclear Safety and Control Act</i> and EA decisions under the <i>Canadian Environmental Assessment Act, 2012</i> uphold the honour of the Crown. With respect to funding, CNSC’s Participant Funding Process (PFP) is a flexible

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	<div><a href="#">Algonquin Anishinabeg Nation Tribal Council</a> (August 14, 2017)</div> <div><a href="#">R. Donald Maracle (Mohawks of the Bay of Quinte)</a> (August 16, 2017)</div>	<div>The AANTC have expressed issues with the funding being provided and the timelines to review the material. The AANTC had estimated that a proper consultation would cost at least \$70,000, in order to properly meet, have the documents received and translated, to hire experts to provide advice. Only \$20,000 was provided – this is not close to what is needed to cover the cost of a proper consultation. With this amount they are only able to meet once, cannot translate documentation and must use research being provided to other organizations. This does not allow them to meet with the experts, to have their questions / concerns raised or answered. Also cannot afford a study for how this could affect their aboriginal rights (protected by the laws of this country).</div> <div>Without proper funding the Mohawks of the Bay of Quinte were unable to retain the services of relevant experts and so meetings with CNL and CNSC representatives providing broad information and assurances could not be relied on to address community concerns in any meaningful or comprehensive way.</div>	<div>but limited program designed to provide support for eligible applicants to participate meaningfully in the EA and licence application review process.</div> <div>AANTC was awarded \$20,000 for the original Phase 1 PFP opportunity for the NSDF Project. Since the time that AANTC submitted their comments on the draft EIS document in January 2018. In February 2020, AANTC was awarded an additional \$33,500 in PFP funding to AANTC for activities including hiring a consultant to review CNL’s final EIS, CNSC’s EA Report and related documentation, meetings between AANTC and CNSC staff, and to participate in the public hearing process.</div> <div>Even though Mohawks of the Bay of Quinte did not apply for CNSC PFP to date, the CNSC remains flexible with its PFP and is always willing to work directly with communities on providing other opportunities to provide reasonable funding to help support their continued meaningful participation in the NSDF Project EA and regulatory process.</div> <div>CNSC staff are also aware that CNL is working directly with Indigenous groups to provide additional funding support for direct engagement opportunities and other related activities throughout the EA process.</div>
Public Participation			
26.	<div><a href="#">Heather Sanderson</a> (May 12, 2017)</div>	<div>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</div>	<div>The timelines for the EA process are in accordance with the timeline identified in CNSC’s <a href="#">REGDOC-2.9.1, Environmental Protection: Environmental Principles, Assessments and Protection Measures</a>. CEAA 2012 does not set regulated timelines for EAs conducted by the CNSC, because it was</div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
	<a href="#">Jake Deacon</a> (Petawawa Point Cottagers Association) (May 16, 2017)  <a href="#">Simon Bullivant</a> (May 13, 2017)  <a href="#">Ronald and Michele Kaulbach</a> (May 8, 2017)	<p>We should not be rushed into making a catastrophic decision based on economics and convenience.</p> <p>Timing of the announcement and deadline for public input suggest an effort to rush a program into place without intention of fully disclosing the risks involved to the community.</p> <p>There are absolutely no comparable forerunners in this field. You will be making decisions under a great deal of uncertainty. You have an obligation to tell people what you do not know and cannot predict: climate changes; forces of nature; the power of water; the reaction of such mixtures of nuclear wastes; unforeseen human error or intervention, increased seismic action.</p>	<p>recognized that the CNSC’s timelines are covered under its respective statutes. However, as outlined in REGDOC-2.9.1, the CNSC has committed to completing all EA processes within the 24-month federal timeline for a licensing decision (pursuant to the <a href="#">Class I Nuclear Facilities Regulations</a> and the <a href="#">Uranium Mines and Mills Regulations</a>). The federal “clock” stops whenever the proponent is revising the EIS and/or responding to information requests. Therefore, adherence to this schedule is dependent on the completeness of information received from Canadian Nuclear Laboratories’ (CNL). CNSC staff require complete and quality responses in order to deem information sufficient for the purposes of providing recommendations to the Commission, and as such, proceeding to a public hearing.</p> <p>CNL received considerable and substantial comments from CNSC staff, federal and provincial authorities, Indigenous groups and members of the public on the draft Environmental Impact Statement (EIS). Whereas it was initially estimated that the public hearing regarding the project would take place in the latter part of 2018, CNL has required additional time to address information requests received on the draft EIS from the federal and provincial authorities as well as from Indigenous groups and members of the public.</p> <p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. Further, the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment and that the proponent is qualified to do so.</p>
27.	<a href="#">Denise Anne Walker</a> (May 8, 2017)	<p>Does the CNSC recognize that it has responsibility in ensuring that any disposal site has the willing consent of the host community?</p>	<p>In accordance with the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. The CNSC’s mandate is to determine whether the project, as proposed, will be safe for people and the environment. The CNSC does require, under REGDOC 3.2.2 <i>Indigenous Consultation</i> and REGDOC 3.2.1 <i>Public Information and Disclosure</i>, that proponents engage early and often with Indigenous groups and the public when planning nuclear projects.</p> <p>Consultation with Indigenous groups and public engagement are important aspect of the CNSC’s regulatory and decision-making processes to ensure that their concerns are heard and addressed</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>throughout the regulatory process and in order to determine that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>During a Commission proceeding, specific concerns and issues can be raised by the local and/or affected communities directly to the Commission through oral or written interventions to be considered as part of the Commission’s decision-making process.</p>
28.	<a href="#">Simon Bullivant</a> (May 13, 2017)	<p>In light of the incredibly long term consequences of this proposal, decision should be based on:</p> <p>Consultation with all stakeholders: For such a big decision with long term consequences, there should be detailed public consultation. This should be at several stages of the process, not just a time limited invitation to submit views which may or may not be taken into account. For example, there should be consultations which (i) give the public a chance to express concerns, (ii) permit input into how those concerns might be addressed, and (iii) present the findings of independent reports that might be commissioned</p>	<p>Please refer to CNSC’s response to comment #5 above for information on the public participation opportunities for the EA and licensing processes.</p>
29.	<a href="#">Denise Anne Walker</a> (May 8, 2017)	<p>Is the CNSC aware of the importance of ensuring the process to establish a disposal site is done so that it a) engenders public trust, b) has community buy-in, and c) meets or exceeds internationally-recognized standards?</p>	<p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision.</p> <p>Please refer to CNSC’s response to comment #5 above for information regarding opportunities for public participation.</p> <p>The CNSC’s regulatory requirements and guidance take into account international regulatory best practices, modern codes and standards and align with the IAEA’s Safety Fundamentals and Safety</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			Requirements. Please refer to CNSC staff’s response to comment #1 regarding the CNSC’s regulatory framework, including consideration of international guidance.
30.	<div><a href="#">Evelyn Gigantes</a> (May 17, 2017)</div> <div><a href="#">David Herbert</a> (May 2, 2017)</div>	<p>Several commenters have expressed the view that CNSC’s public participation process has been inadequate with respect to providing adequate time for the review of the EIS given its length and complexity.</p>	<p>CNSC is committed to being transparent and promoting Indigenous and public participation throughout the regulatory process. Please refer to CNSC’s response to comment #5 regarding opportunities for participation of members of the public and Indigenous groups during the EA process.</p> <p>Please refer to CNSC’s response to comment #26 regarding the timelines for the EA process.</p>
31.	<div><a href="#">Jake Deacon</a> (Petawawa Point Cottagers Association) (May 16, 2017)</div> <div><a href="#">Laurie Wagner</a> (August 15, 2016)</div> <div><a href="#">Angela Bischoff</a> (August 16, 2017)</div>	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>We are asking for an immediate delay of the proposal timeline and an extension on the time period for the public to make inquiries and provide feedback on the proposal. If the proposal is sound and the intentions of the corporate entity behind the proposal are true then there is no long term threat to the proposal by allowing additional time for the public to become comfortable with it.</p> <p>Changes made to the <i>Canadian Environmental Assessment Act</i> removed the Ministry of the Environment and gave sole decision-making power to the Canadian Nuclear Safety Commission (CNSC) for this project. Canadian taxpayers are</p>	<p>With respect to EA timelines, please refer to CNSC response #26.</p> <p>Please refer to CNSC’s response to comment #6 for CNSC’s regulatory framework and decision-making responsibilities.</p> <p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision.</p> <p>The review of the licence application serves the purpose of undertaking a comprehensive technical review, to determine if the proposed project is safe and if the proponent is qualified to carry out the proposed activities.</p> <p>It is important to note that CNSC staff will never recommend to the Commission to issue a decision in favour of an application unless CNSC staff is satisfied that the facility or the activity will be safe and</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
		<p>footing the bill for cleaning up nuclear waste. Therefore, proper responsibility, assessments and timetables need to be part of the process. I don't feel adequate time has been allowed for proper public consultation.</p> <p>The Canadian Nuclear Safety Commission (CNSC), an unelected body, has sole responsibility for project approval. It has never to date refused a licence application.</p>	<p>the environment and the public will be protected. The Commission’s decisions are based on all the evidence presented in the context of an open and transparent hearing process; a licence is not granted unless the Commission is satisfied the activity can be carried out safely. An applicant must demonstrate that their undertaking is safe for the environment and the public now and during the entire life of the project.</p>
32.	<a href="#">Denise Anne Walker</a> (May 8, 2017)	<p>a) Will the CNSC require another round of public consultations following the issuance of the final EIS?</p> <p>b) Will there be an opportunity for public comment once the environmental assessment (EA) is complete?</p> <p>c) Will the CNSC ensure that there is adequate time for public review in light of CNL’s aggressively short timelines?</p> <p>d) Is there an appeal process if the CNSC’s final decision is not reflective of the CNSC’s policies and procedures, or applicable acts and regulations?</p> <p>e) Per the requirements of Section 3.3.4 of the Generic Guidelines for the Preparation of an Environmental Impact Statement, when will the CNSC be posting all the documents that are referenced in the EIS and its supporting documents?</p> <p>f) How will the CNSC evaluate whether the proponent has met the requirements of Section 3.2 of the CNSC’s Generic Guidelines for the Preparation of an Environmental Impact Statement? Particularly with respect to:</p>	<p>Additional opportunities for public participation remain. CNSC staff’s EA report and licensing CMD will be submitted for public review. In addition, public participation in the hearing will be invited through written and/or oral interventions. Further details regarding how to participate will be provided once the Commission Secretariat has announced the hearing dates.</p> <p>Please refer to CNSC’s response to comment #5 regarding public participation opportunities.</p> <p><b>CNSC’s decision-making responsibilities</b></p> <p>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. 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 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</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p><i>The EIS will document how scientific, engineering, traditional and local knowledge were used to reach conclusions. Assumptions will be clearly identified and justified. All data, models and studies will be documented such that the analyses are transparent and reproducible. All data collection methods will be specified. The uncertainty, reliability and sensitivity of models used to reach conclusions must be indicated. The sections in the EIS regarding the existing environment and the potential adverse environmental effects predictions and assessment must be prepared, using best available information and methods, to the highest standards in the relevant subject area. All conclusions must be substantiated.</i></p> <p>g) If it is determined that the requirements of Section 3.2 of the Generic Guidelines for the Preparation of an Environmental Impact Statement have not been met, what actions will the CNSC take?</p>	<p>to ensure regulatory requirements for safety, security and the environment are met. 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 requires sufficient information to make a science-based EA decision.</p> <p><b>Completeness and acceptance of the final EIS</b></p> <p>The CNSC will be posting all documents on the CIAR should CNSC staff deem the final EIS as complete and accepted.</p> <p>CNSC staff will not move forward with a recommendation to the Commission until all requirements of the <a href="#">Generic Guidelines</a>, including Section 3.2 (Project Location), for the Preparation of an Environmental Impact Statement have been met.</p> <p>Please refer to the CNSC’s response to comment #6 for CNSC’s regulatory framework.</p>
33.	<a href="#">Jennifer Jimmo</a> (August 16, 2017)	<p>There was no guidance or FAQs provided to assist the public in preparing their submissions. Some valuable information could have been: who to direct said comments to, what to include and what not to, what to focus on and what not to, where to start and where to end, what to do when it is finished. For further example, it may have been beneficial for the public to have been guided to focus their review on the Valued Components section and whether all VCs had been adequately</p>	<p>As part of the CNSC’s commitment to continuous improvement, the CNSC is always looking for ways to improve its regulatory process, including outreach activities, and welcomes this feedback. CNSC staff thank the commenter and have noted it as a lesson learned for future outreach activities.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		identified. Also include a clear purpose for why the public is being asked to participate in this EA and what will come of our efforts.	
Environmental Effects			
Environmental Effects - General			
34.	<a href="#">John Jackson (Nuclear Waste Watch and Old Fort Williams Cottagers' Association (OFWCA))</a> (August 11, 2017)	<p>From the very beginning of its operating life in the mid-1940s, Chalk River Laboratories has generated, and/or received from other nuclear facilities, large quantities of radioactive wastes of a wide variety of types and activities. Furthermore, for many years these wastes were not handled or disposed of in ways that would meet modern-day standards of safety or environmental protection. Indeed, many highly radioactive liquid wastes were simply poured into unlined excavated trenches and capped with sand or soil – a practice that continued well into the 1960s. Infiltration of radioactive species such as H-3, Sr-90, Cs-137, Pu-239, etc, into the groundwater at these disposal sites has created contaminated plumes that currently extend over a surface area greater than 1 km2 and continue to spread.</p> <p>Inspection of the layout of the CNL site shows that many of these highly contaminated disposal areas will be within 2 kilometers of the proposed location of the NSDF project site, and include waste management areas (WMAs) A, B, D, E, G and H, as well as other designated disposal areas such as</p>	<p>With regards to completing and comprehensive site contamination survey, this is not within scope of this project as under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. The framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision.</p> <p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. Further, the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
		Reactor Pits 1 & 2, the Chemical and Laundry Pits and the so-called Tank Farm. Without a full mapping of the extent and level of contamination of these pre-existing radioactive plumes, the amount of leakage from a newly-built NSDF will be impossible to quantify. I am therefore, urging that a complete and comprehensive site contamination survey be conducted, and the results made available to the public, before any decision is made to proceed with the proposed NSDF Project.	
Monitoring and Follow-up Programs			
35.	<a href="#">Martin Flood</a> (May 31, 2017)	These operations have the potential to create airborne contaminated dust. CNSC staff must establish, dictate and monitor how these operations are to be carried out in order to prevent this from happening.	Should the Commission approve the project, the CNSC has a robust licensing and compliance framework to ensure that the licensee meets regulatory requirements throughout the lifecycle of the facility. For example, CNSC staff will conduct compliance verification activities, such as inspections, to ensure that CNL is meeting the conditions of its licence. CNSC staff also provide annual updates to the Commission via its Regulatory Oversight Reports to report on licensee’s performance. CNL will also be expected to provide updates directly to the Commission over the life of the project. As part of CNSC’s regulatory review process, CNSC will ensure that CNL follows best management practices to reduce dust generation.
EIS Deficiencies			
36.	<a href="#">Northwatch</a> (August 16, 2017)	We make three requests of the Canadian Nuclear Safety Commission:  - require CNL to respond to information gaps and deficiencies and questions raised by public	CNSC staff agree with the commenter. CNL received considerable and substantive comments from CNSC staff, federal and provincial authorities, Indigenous groups and members of the public and has required significantly more time to address all of the comments received. CNSC staff will not complete

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
		<p>intervenors and review participants before the review proceeds</p> <ul style="list-style-type: none"><li>- require CNL to resubmit a revised draft EIS after the above step has been completed, and make it subject to a public review and review by the federal departments in a manner similar to the review closing August 16th</li><li>- review the protocol between CNSC and CNL in an open and transparent manner, engaging the public and Indigenous peoples in a process that leads to a revision of the protocol, including and particularly the timeline, to improve the review process and better accommodate the level of public and Indigenous interest and better reflect lessons learned in this process to date</li></ul>	<p>the EA review process until all comments have been adequately addressed to the satisfaction of the CNSC.</p> <p>Once CNSC staff are satisfied with CNL’s responses to all of the comments submitted, the comment tables will be posted publically onthe Canadian Impact Assessment Registry (CIAR), as will the final EIS. This will provide adequate time for Indigenous groups, members of the public and other stakeholders to review the final EIS and comment tables well in advance of the public Commission hearing. Please refer to comment #5 regarding the opportunities for public and Indigenous participation in the regulatory review process.</p> <p>Due to the time CNL needed to adequately address all comments received and that there are no firm time commitments for receipt of CNL's completed responses, or for the remainder of the regulatory process, Appendix A of the Administrative Protocol between CNL and the CNSC for the NSDF Project was revised to clarify the milestones remaining in the EA and licensing processes and the current focus of obtaining a complete submission of information. The required timelines for the federal and provincial authorities to complete their reviews remain the same.</p>
37.	<a href="#">Regroupement national des conseils régionaux de l'environnement du Québec, de la Fondation David Suzuki et d'Équiterre</a> (August 16, 2017)	<p><i>Please note that this comment was submitted in French, and therefore a response in French will be provided.</i></p> <p><i>Veillez noter que ce commentaire a été soumis en français, et une réponse sera donc fournie en français.</i></p> <p>La CCSN devra refuser le projet d’IGDPS parce que l’importance de la rivière des Outaouais n’a pas été considérée à sa juste valeur.</p>	<p>[Français]</p> <p>Le personnel de la CCSN ne formulera pas de recommandation à l’intention de la Commission tant qu’elle ne jugera pas que cette proposition est sans danger. En outre, la Commission n’autorisera le projet que si elle est convaincue qu’il est sans danger pour le public et l’environnement.</p> <p>Veillez vous reporter à la réponse de la CCSN au commentaire 36 à l’égard de la manière dont les commentaires publics sont pris en compte dans le cadre du processus d’EE.</p> <p>[English]</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. Further, the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.</p> <p>Please refer to CNSC’s response to comment #36 for how public comments are considered as part of the EA process.</p>
38.	<a href="#">Jennifer Jimmo</a> (August 16, 2017)	<p><u>On Designated Projects:</u> The term suggests that it is already a known and given this project’s activities will likely cause significant adverse effects on the environment within a federal jurisdiction. This has never been in doubt or question, just as stopping or slowing this project in <i>any way</i> as a result of any significant adverse effects pointed out in the public comment submissions looks to have never been an option.</p>	<p>Under CEAA 2012 legislation, there are two ways for a project to be identified as a ‘designated project’. The first being identified as a “designated project” as per the <a href="#">Regulations Designating Physical Activities</a> (as is the case for the proposed NSDF project), and the second is through Ministerial designation. The designated project list includes project types for which a federal environmental assessment would add incremental value, over and above other federal regulatory oversight mechanisms (such as authorizations, licences and permits). Project types included on the project list were determined to have the greatest potential for adverse and complex effects in areas of federal jurisdiction related to the environment.</p> <p>The Commission, the CNSC’s independent decision-making body is an administrative tribunal set up at arm's length from government, with no ties to the nuclear industry. The Commission makes its decisions transparently, taking into consideration science-based evidence and provides extensive reasons for those decisions. The concerns and interests of Indigenous groups, members of the public and stakeholders are of vital importance to the CNSC, who will ensure an open and balanced process, and one that strengthens the quality and credibility of a project’s review. CNSC staff will review and assess CNL’s proposal thoroughly and will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. The review is ongoing, and therefore the Commission’s decision has not yet been made.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
39.	<a href="#">Jennifer Jimmo</a> (August 16, 2017)	<p><u>On the Generic Guidelines for Preparing an EIS:</u> No supporting documentation or external links provided such as a Glossary of Terms or suggestions to see “Frequency Asked Questions” to assist the public in understanding the complex terms or the technical requirements in this document. No helpful “For Example” scenarios provided to help clarify complex technical requirements being conveyed. Most other complex documents have such, especially guides and guidelines. Bibliography provided doesn't provide a complete list of all documents and records or related links to external websites mentioned in this document for cross-referencing purposes.</p> <p>The Guidelines fail to adequately guide the public reader or reviewer towards a clear understanding of the requirements being asked of in the proponent EIS.</p>	<p>CNSC’s <a href="#">Generic Guidelines for the Preparation of an Environmental Assessment pursuant to the Canadian Environmental Assessment Act, 2012</a> provide information to proponents on the requirements for the preparation of an environmental impact statement (EIS) for a designated project to be assessed pursuant to the CEAA 2012. This document specifies the nature, scope and extent of the information required. Paragraph 10 of CNSC’s <a href="#">Record of Decision on the Scope of Environmental Assessments for Three Proposed Projects at Existing Canadian Nuclear Laboratories’ Facilities</a> also states that the Generic Guidelines apply to this proposed project.</p> <p>As part of the CNSC’s commitment to continuous improvement, the CNSC is always looking for ways to improve its regulatory process, including documents and outreach activities, and welcomes this feedback. CNSC staff thank the commenter for this comment and have noted it as a lesson learned for consideration.</p>
40.	<a href="#">Jennifer Jimmo</a> (August 16, 2017)	<p>Were the CNSC, at this point, to assist the proponent to address deficiencies, it would be a waste of taxpayers’ money and the time and energy of citizens and elected representatives who will then have to step in to the policy and regulator void to stop this project from going forward. CNSC would thereby cement the perception that it is incapable of carrying out its mandate and that nuclear governance is in dire need of reform in Canada.</p>	<p>The CNSC has an independent, credible and expert administrative tribunal. The CNSC's arms-length governance structure, in particular the Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The Commission does not report to a minister, but rather directly to the Parliament of Canada (through the Minister of Natural Resources). Decisions made by the Commission are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court of Canada may review and overrule a decision made by the Commission.</p> <p>The Commission has no ties to the nuclear industry. The Commission makes its decisions transparently, guided by clear rules of procedure and provides extensive reasons for its decisions,</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
			<p>which are based on information that includes public input as well as the recommendations of expert CNSC staff. Decisions, hearing transcripts, webcast archives and other documentation are publicly available on the CNSC Web site and social media. Further, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the United Nations’ International Atomic Energy Agency – the IAEA. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review.</p> <p>In its response to <a href="#">environmental petition 418</a>, the Government of Canada stated that it is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on the proposed projects.</p>
EIS Terminology and Definitions			
41.	<a href="#">Cody Cuthill</a> (August 4, 2017)	<p>The Classification of Radioactive Wastes GSG-1 outline Low Level waste as noted above to contain only long lived radioactive concentrations at relatively low level of concentrations. The assessment does not comply with this. A symposium for naturally occurring radioactive materials - NORM addresses long lived radionuclides that are acceptable for landfilling into facilities typical of the robustness as described in the impact statement. This outlines other IAEA member countries are limiting these radionuclides to 10 times the exemption value of the country as noted below.</p> <p>The CNSC formally excluded NORM from its mandate in October 2000 without first ensuring provincial waste management regulators were familiar with radioactive</p>	<p>Please refer to CNSC’s response to comment #11 regarding the radioactive waste classification system in Canada and CNSC’s regulatory oversight.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, <a href="#">reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, <a href="#">référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>materials. These regulators will follow the CNSC's decision to accept high level waste into its hazardous waste landfills. This will result in high levels of long lived radionuclides in hazardous waste landfills throughout Canada. The CNSC should formally set values as to what the IAEA recommends are relatively low concentrations to prevent this from occurring.</p> <p>[See Cody Cuthill’s submission from August 4, p.4 - 5 for the full reference].</p>	
Credibility			
42.	<a href="#">Ronald and Michele Kaulbach</a> (May 8, 2017)	<p>As Carl Sagan said “Science is a way of thinking, much more than it is a body of knowledge.” Science should not be a list of facts, arrogantly put forth by scientific researchers, funded by, and overseen by the Government.</p> <p>We were also very disturbed last week by the little rubber “nuclear watchdog” and the container of pills (candy, I found out later, not the potassium pills we heard about!) that were distributed at the CNL meeting in Sheenboro. We found this to be in very bad taste.</p>	<p>This comment is outside the scope of the EA for this project.</p>
43.	<a href="#">PCWO</a> (August 16, 2017)	<p>Why did CNSC staff not recognize and flag the significant risks of intermediate nuclear wastes?</p>	<p>Please refer to CNSC’s response to comment #13 for the change in project scope regarding intermediate level waste.</p>

CNSC Table: Consolidated Public and Indigenous Groups' Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l'ébauche de l'EIE du Projet d'installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
44.	<div><a href="#">Jutta Spiettstoesser</a> (August 13, 2017)</div> <div><a href="#">STOP Oléoduc Outaouais</a> (August 15, 2017)</div> <div><a href="#">Mario Gervais</a> (August 16, 2017)</div> <div><a href="#">Dr Éric Notebaert (ACME)</a> (August 11, 2017)</div> <div><a href="#">Martine Ouellet (Bloc Québécois)</a> (August 14, 2017)</div> <div><a href="#">Regroupement national des conseils régionaux de l'environnement du Québec, de la Fondation David Suzuki et d'Équiterre</a> (August 16, 2017)</div> <div><a href="#">Jennifer Jimmo</a> (August 16, 2017)</div> <div><a href="#">Judith Lacroix</a> (August 16, 2017)</div> <div><a href="#">Lynn Jones</a> (August 16, 2017)</div>	<div><i>Concerns on this topic were expressed by more than one commenter and comments have either been summarized, or included as excerpts from commenter submissions. Given that there were comments on this topic submitted in both English and French, the comment summary below is provided in both official languages, and a response in both official languages will also be provided.</i></div> <div><i>Des préoccupations à ce sujet ont été exprimées par plus qu'un intervenant et les commentaires ont été résumés ou inclus sous forme d'extraits de commentaires. Étant donné que les commentaires sur ce sujet ont été soumis en anglais et en français, le synthèse des commentaires ci-dessous est fourni dans les deux langues officielles et une réponse dans les deux langues officielles sera également fournie.</i></div> <div>[English] CNSC works hand in hand with the nuclear industry, and has even extended a PFP deadline of an industry supportive scientist without making it known to the general public.</div> <div>The EIS does not discuss the potential for conflicts of interest between the proponent and institutions responsible for applying the monitoring and the maintenance of the NSDF. Also, since the Chalk River site operations were transferred from Atomic Energy of Canada Limited (AECL) to CNL under the last government, it has become clear that the economics of the project have guided its development and design. Accidents and malfunctions should be the primary</div>	<div>[English]</div> <div>The CNSC is the independent body with the mandate from Parliament to regulate decommissioning activities to ensure safety, as well as protection of the environment and Canadians. The CNSC reports to Parliament through the Minister of Natural Resources; it does not report directly to a minister.</div> <div>The CNSC's Commission Tribunal (the Commission) is a quasi-judicial administrative tribunal at arms-length from the government. The Commission is an expert decision-making authority that remains independent from government, licensees and staff. The Commission 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. The Commission's decisions can only be reviewed by the Federal Court of Canada.</div> <div>Prior to making a decision, CNSC staff require sufficient information 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.</div> <div>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, and comments and information provided by potentially affected Indigenous communities, including any Indigenous Knowledge, values and perspectives provided, 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 an EA decision.</div> <div>With respect to EA experience, CNSC staff has led or participated in over 70 EAs prior to 2012 and has a long-established division dedicated to environmental assessment. Highly trained scientific and technical staff - across a wide range of technical and scientific disciplines contribute to CNSC's EA process.</div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>focus but are instead seemingly excluded. Any final decision should belong to elected representatives and not private interests. The CNSC should have limited decision making for nuclear projects and instead involve the minister of the environment.</p> <p>Why is the CNSC, made up of non-elected members, the only authority able to approve nuclear projects? This effectively eliminates any intervention from the Minster of the Environment. It seems as though this project was already completely decided upon and then announced.</p> <p>CNL’s VP of decommissioning projects stated that the proponent is aware that the CNSC never declines a licence application, it simply rubber stamps the proponents projects as it has been proposed/designed. This project should be an opportunity for the CNSC to put its foot down and demand a better engineered solution to deal with the waste.</p> <p>This project should be postponed until the new EA legislation is enacted as it was recommended that the sole decision-making authority on nuclear projects be taken away from the CNSC and be given to an independent impact assessment authority. CNSC has also shown that it suffers from “regulatory capture” in which a regulator favours the industry it is meant to regulate over the public that it is meant to protect. Another issue is that the CNSC reports to the same minister that is responsible for promoting the nuclear industry.</p>	<p>As per the Government’s response to environmental petition 421-02106 [1], “in January 2016, the Government announced an interim approach and principles that would guide decision-making on projects that were currently in the system. These principles are that:</p> <ul style="list-style-type: none"><li>• No project proponent will be asked to return to the starting line – reviews will continue within the current legislative framework and in accordance with treaty provisions, under the auspices of relevant responsible authorities and Northern regulatory boards;</li><li>• Decisions will be based on science, traditional knowledge of Indigenous peoples, and other relevant evidence;</li><li>• The views of the public and affected communities will be sought and considered;</li><li>• Indigenous peoples will be meaningfully consulted and, where appropriate, impacts on their rights and interests will be accommodated; and</li><li>• Direct and upstream greenhouse gas emissions linked to the projects under review will be assessed.”</li></ul> <p>The CNSC is respecting and adhering to the current regulatory regime under CEAA 2012 and these interim principles.</p> <p>With regards to CNSC never declining a licence application, CNSC staff would not ever move forward with a recommendation to the Commission unless the proposal is deemed safe and the environment and the public protected. Further, the Commission’s decisions are based on all the evidence presented in the context of an open and transparent hearing process; a licence is not granted unless the Commission is satisfied the activity can be carried out safely. An applicant must demonstrate that their undertaking is safe for the environment and the public now and during the entire life of the project.</p> <p><b>Reference:</b> [1] <a href="https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1220">https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1220</a></p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<div>[Français]</div> <div>La CCSN travaille main dans la main avec l’industrie nucléaire et a même repoussé la date limite du PFP d’un scientifique soutenant l’industrie sans la faire connaître au grand public.</div> <div>L’EIE ne traite pas des conflits d’intérêts potentiels entre le promoteur et les institutions responsables de l’application de la surveillance et du suivi de l’IGDPS. De plus, depuis que les activités du site de Chalk River ont été transférées d’EACL aux LNC sous le dernier gouvernement, il est devenu évident que les aspects économiques du projet ont guidé son élaboration et sa conception. Les accidents et les défaillances devraient être au centre des préoccupations, mais ils semblent plutôt ne pas en faire partie. Toute décision finale devrait appartenir à des représentants élus et non à des intérêts privés. La CCSN devrait avoir une prise de décision limitée pour les projets nucléaires et impliquer plutôt la ministre de l’Environnement.</div> <div>Quelles raisons expliquent que la CCSN, composée de membres non élus, soit la seule autorité apte à approuver les projets concernant le nucléaire, éliminant de facto toute intervention du Ministre de l’Environnement? Ce projet semble avoir déjà été décidé et, puis annoncé.</div> <div>Le vice-président des projets de déclasserement des LNC a déclaré que le promoteur est conscient du fait que la CCSN ne refuse jamais une demande de permis; qu’elle approuve</div>	<div>[Français]</div> <div>La CCSN est un organisme indépendant dont le mandat, conféré par le Parlement, consiste à réglementer les activités de déclasserement afin d’en assurer la sûreté ainsi qu’à protéger l’environnement et les Canadiens. La CCSN rend compte au Parlement par l’entremise du ministre des Ressources naturelles; elle ne relève pas directement d’un ministre.</div> <div>Le tribunal de la Commission (la Commission) de la CCSN est un tribunal administratif quasi judiciaire indépendant du gouvernement. La Commission est une autorité décisionnelle experte qui demeure indépendante du gouvernement, des titulaires de permis et du personnel. La Commission rend des décisions en matière d’EE et d’autorisation pour tous les grands projets nucléaires. Les décisions qu’elle prend ne sont pas soumises à un examen gouvernemental ou politique et elles ne peuvent pas être renversées par le gouvernement du Canada. Les décisions de la Commission ne peuvent être révisées que par la Cour fédérale du Canada.</div> <div>Par ailleurs, avant de prendre une décision, le personnel de la CCSN doit disposer de renseignements suffisants pour évaluer la situation et formuler des recommandations scientifiques probantes afin d’appuyer les décisions de la Commission sur des preuves et ainsi respecter les exigences réglementaires relatives à la sûreté, à la sécurité et à l’environnement.</div> <div>Lors de la prise d’une décision relative à l’EE, la Commission tiendra compte de l’EIE du promoteur, du rapport d’EE du personnel de la CCSN et des documents justificatifs, des observations du public, ainsi que des commentaires et des renseignements des communautés autochtones potentiellement affectées, notamment leur savoir, valeurs et perspectives communiqués, pour déterminer si le projet risque d’entraîner des effets néfastes considérables sur l’environnement, en tenant compte de la mise en œuvre des mesures d’atténuation. La Commission exigera des renseignements suffisants pour prendre une décision en matière d’EE.</div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>simplement les projets des promoteurs tels qu’ils ont été proposés ou conçus. Ce projet devrait être l’occasion pour la CCSN de se tenir debout et de demander une solution mieux conçue pour traiter les déchets.</p> <p>Ce projet devrait être reporté jusqu’à l’adoption de la nouvelle loi sur l’évaluation environnementale, car il a été recommandé de retirer à la CCSN le pouvoir décisionnel exclusif sur les projets nucléaires et de le confier à une autorité indépendante d’évaluation des impacts. La CCSN a également démontré qu’elle souffre d’une « capture réglementaire », dans laquelle un organisme de réglementation favorise l’industrie qu’elle est censée réglementer plutôt que le public qu’elle est censée protéger. En outre, la CCSN relève du même ministre responsable de la promotion de l’industrie nucléaire.</p>	<p>En ce qui concerne l’expérience sur le plan des EE, le personnel de la CCSN a dirigé ou participé à plus de 70 EE avant 2012, et la CCSN dispose depuis longtemps d’une division dédiée aux évaluations environnementales. Du personnel très spécialisé sur le plan scientifique et technique, dans un vaste éventail de disciplines, contribue au processus d’EE de la CCSN.</p> <p>Conformément à la réponse du gouvernement à la pétition relative à l’environnement 421-02106 [1], « En janvier 2016, le gouvernement a annoncé une approche et des principes provisoires qui ont orienté la prise de décisions concernant les projets qui faisaient alors partie du système. Ces principes sont les suivants :</p> <ul style="list-style-type: none"><li>• Aucun promoteur de projet n’aura à tout reprendre depuis le début – les évaluations se poursuivront dans le cadre législatif actuel et conformément aux dispositions des traités, sous l’égide des autorités responsables et des organismes de réglementation du Nord concernés;</li><li>• Les décisions seront fondées sur la science, les connaissances traditionnelles des peuples autochtones et d’autres éléments de preuve pertinents;</li><li>• Le gouvernement cherchera à connaître les points de vue du public et des collectivités touchées et en tiendra compte;</li><li>• Les peuples autochtones seront consultés de façon significative et, s’il y a lieu, des mesures d’accommodements seront prises pour tenir compte des impacts sur leurs droits et leurs intérêts;</li><li>• Les émissions de gaz à effet de serre directes et en amont liées aux projets à l’étude seront évaluées. »</li></ul> <p>La CCSN respecte le régime de réglementation actuel en vertu de la LCEE 2012 et ces principes provisoires, et elle s’y conforme.</p> <p>En ce qui concerne la suggestion que la CCSN ne rejette jamais une demande de permis, le personnel de la CCSN ne recommanderait jamais à la Commission de rendre une décision s’il n’est pas satisfait</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
			que la proposition est sans danger et que le public et l’environnement sont protégés. De plus, les décisions de la Commission sont fondées sur toutes les données probantes présentées dans le contexte d’un processus d’audience ouvert et transparent; aucun permis ne sera délivré si la Commission n’est pas satisfaite que l’activité peut être exécutée en toute sûreté. Le demandeur doit démontrer que son projet est sans danger pour l’environnement et le public aujourd’hui et durant la vie entière du projet.  Référence : [1] <a href="https://petitions.noscommunes.ca/fr/Petition/Details?Petition=e-1220">https://petitions.noscommunes.ca/fr/Petition/Details?Petition=e-1220</a>
45.	<a href="#">Judith Lacroix</a> (August 16, 2017)	There is a long history of denial and obstruction at the Chalk River site. Denial of tritium contamination or underreporting the migration of sub grade Cesium and Strontium 90 plumes. Is the CNSC aware of vials of Plutonium that were found before restructuring by a military contingent reclaiming World War 2 era mustard gas and other materials. Legacy waste and contamination issues will pose a large hurdle for the buildings on site to be demolished. CNL will attempt to store as much intermediate waste as they can in the NSDF and the CNSC does not stand over the corporations shoulder to make sure they don’t exceed the 1% limit. Do they?	CNL has reviewed the waste inventory proposed for the NSDF and made changes. The intermediate level waste (ILW) that had been proposed will not be disposed in the NSDF, and instead be kept in safe storage until a disposal solution for ILW is available.  Please refer to CNSC’s response to comment #13 regarding the change in project scope for intermediate level waste.
CNSC Regulatory Framework			
46.	<a href="#">Jeff and Mary Margaret Johnson</a> (May 10, 2017)  <a href="#">OFWCA (Johanna Echlin)</a> (May 8, 2017)	<i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i>	Please refer to CNSC’s response to comment #9 for <a href="#">Canada's Radioactive Waste Policy Framework</a>  Please also refer to CNSC’s response to comment #5 regarding the environmental assessment process.



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	<div><a href="#">Karen Keon</a> (May 7, 2017)</div> <div><a href="#">Jeff and Mary Margaret Johnson</a> (May 10, 2017)</div> <div><a href="#">Laurie Wagner</a> (August 15, 2016)</div> <div><a href="#">OFWCA</a> (August 15, 2017)</div>	<p>The ECM is projected to contain one million cubic metres of radioactive waste by the year 2070. This will be the first disposal facility for radioactive waste in Canada, which has never licensed such a facility. The CNSC has never established regulations for a permanent disposal facility.</p> <p>Currently there are no laws in Canada regulating the disposal of radioactive waste. CNL’s project would be the first disposal site in Canada for radioactive waste. And the current Environmental Assessments laws are incredibly lacking. How can Canada and the CNSC even consider moving forward with this proposal (and the one at Rolphton) under these pitiful circumstances?</p> <p>This proposal (and the one for Rolphton) should be placed on hold until Canada has established the best regulations that conform to International Atomic Energy Agency standards for the disposal of radioactive waste and until Canada has adopted a new stringent environmental assessment law.</p>	<p>CNSC staff will review and assess CNL’s proposal thoroughly and will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.</p>
47.	<div><a href="#">Evelyn Gigantes</a> (May 17, 2017)</div> <div><a href="#">Catherine Galligan</a> (August 14, 2017)</div> <div><a href="#">Mike Schreiner</a> (August 16, 2017)</div>	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>The Canadian Nuclear Safety Commission (CNSC) has a legal obligation to ensure that the current process reflects the <i>Canadian Environmental Assessment Act</i>, (2012). In the commenter’s view, that is not happening here</p>	<p>As the Responsible Authority under <i>Canadian Environmental Assessment Act 2012</i>, (CEAA 2012) the CNSC is responsible to ensure all requirements of the CEAA 2012 legislation are met for the proposed NSDF Project.</p> <p>The CNSC is the Canadian authority with jurisdiction on all nuclear matters. The CNSC has an independent, credible and expert administrative Commission tribunal (the Commission). The Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The CNSC does not report to a minister, but rather directly to the Parliament of Canada through the Minister of Natural Resources. Decisions made by the Commission</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	<a href="#">PCWO</a> (August 16, 2017)		<p>are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court of Canada may review and overrule a decision made by the Commission.</p> <p>CNSC’s <a href="#">Generic Guidelines for the Preparation of an Environmental Assessment pursuant to the Canadian Environmental Assessment Act, 2012</a> provides information to proponents on the requirements for the preparation of an environmental impact statement (EIS) for a designated project to be assessed pursuant to the CEAA 2012. This document as well as the relevant legislation specifies the nature, scope and extent of the information required for nuclear designated projects.</p>
48.	<a href="#">The Canadian Association of Physicians for the Environment</a> (April 18, 2017)	The non-elected Canadian Nuclear Safety Commission is solely responsible for approving projects. The Commission has demonstrated an inability to protect the environment and a tendency to favor the interests of the nuclear industry in relation to public safety.	<p>The CNSC has an independent, credible and expert administrative tribunal. The CNSC's arms-length governance structure, in particular the Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The Commission does not report to a minister, but rather directly to the Parliament of Canada through the Minister of Natural Resources. Decisions made by the Commission are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court of Canada may review and overrule a decision made by the Commission.</p> <p>The Commission has no ties to the nuclear industry. The Commission makes its decisions transparently, guided by clear rules of procedure and provides extensive reasons for its decisions, which are based on information that includes public input as well as the recommendations of expert CNSC staff. Decisions, hearing transcripts, webcast archives and other documentation are publicly available on the CNSC Web site and social media.</p> <p>In its response to <a href="#">environmental petition 418</a>, the Government of Canada stated that it is confident that the CNSC has the necessary capacity and expertise to review and make science-based decisions on proposed projects. The CNSC is well recognized by the international nuclear community and is subject to regular international peer review.</p> <p>The CNSC strongly encourages public participation, and administers the Participant Funding Program that offers funding to Indigenous peoples, members of the public, and stakeholders to enhance their</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>participation in the CNSC’s regulatory processes which helps them to bring valuable information that is taken into consideration by the Commission.</p> <p>Please refer to CNSC staff’s response to comment #1 regarding the CNSC’s framework for regulatory reviews.</p>
49.	<div><a href="#">Janey Bullivant</a> (May 13, 2017)</div> <div><a href="#">Brian Ahearn</a> (May 15, 2017)</div>	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>What is the decision making process for the NSDF? It gets cursory mention in CNL’s most recently published Long Term Strategy (April 18 2017) and I can find no evidence of pro-active community engagement. It is though they are trying to sneak this through without the world noticing, which seems absolutely extraordinary for a country with such a reputation for integrity and so much to lose in terms of its reputation for its outstanding natural beauty.</p>	<p>Please refer to CNSC’s response to comment #6 regarding the CNSC’s decision-making responsibilities.</p> <p>With regards to public engagement opportunities, the CNSC is committed to being transparent and promoting Indigenous and public participation. To date CNSC staff have held numerous open houses in the local communities nearest the proposed project, as well as a series of public webinars. For transparency purposes, CNSC staff provide project updates to project-specific mailing lists and posts notices on the public Canadian Impact Assessment Registry (CIAR) and the CNSC’s website. In addition, all comments received during public comment periods and formal responses to these comments are posted on the public Registry. The final Environmental Impact Statement (EIS) and comment response tables will be posted on the CIAR as well as on the CNSC’s website. This allows members of the public to see how their comments have been addressed and where applicable, taken into consideration in the final EIS.</p> <p>Please refer to CNSC’s response to comment #5 regarding the additional opportunities for public participation.</p> <p>CNSC staff continue to be available to discuss and answer questions at any time during the regulatory process.</p>
50.	<div><a href="#">Simon Bullivant</a> (May 13, 2017)</div>	<p>In light of the incredibly long term consequences of this proposal, decision should be based on:</p> <ol style="list-style-type: none"><li>1. Due process and accountability: A full explanation of who made what decisions, representing what interests,</li></ol>	<p>Please refer to CNSC’s response to comment #6 with respect CNSC’s regulatory framework and CNSC’s decision making responsibilities.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>should be set out and made public. Were all those who will potentially be affected in actual fact represented? This decision potentially affects a huge number of people for a very long time, and if they are not represented in some way, and able to validate for themselves that due process was followed, the decision carries no legitimacy. It cannot be a legitimate decision unless the interests of those affected by the site are represented, and the chain of accountability is clear and made public.</p> <p>2. Full knowledge: Evidence should be made available that a proper and independent study was (or is being) carried out as to what all the potential risks of the proposal are, and how those have been eradicated. The same should apply to all the criteria, but health and safety risks are clearly paramount.</p> <p>3. Transparency on the basis of decision: The criteria for the decision to site the dump at Chalk River should be published (e.g. safety, the environment, economic benefits to the area, etc.) with a full explanation of the reasons why each criteria was selected, their relative weightings, and how the site choice fulfils those criteria.</p>	
51.	<a href="#">Paulette Demmons</a> (May 9, 2017)	Will the Canadian Nuclear Safety Commission decision expected in January 2018 put public and environment concerns first? Those of us who spend time along the Ottawa River have to hope that they will.	With regards to public engagement opportunities, the CNSC is committed to be being transparent and promoting Indigenous and public participation. Consultation with Indigenous groups and public engagement are important aspects of the CNSC’s regulatory and decision-making processes to ensure that their concerns are heard and addressed throughout the regulatory process and in order to determine

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			<p>that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>Further, during a Commission proceeding, specific concerns and issues can be raised by the local and/or affected communities directly to the Commission through oral or written interventions to be considered as part of the Commission’s decision-making process.</p> <p>Please refer to CNSC’s response to comment #5 regarding opportunities for Indigenous and public participation.</p>
52.	<a href="#">Ralliement contre la pollution radioactive</a> (August 3, 2017)	<p><i>Please note that this comment was submitted in French, and therefore a response in French will be provided.</i></p> <p><i>Veillez noter que ce commentaire a été soumis en français, et une réponse sera donc fournie en français.</i></p> <p>La CCSN doit démontrer son indépendance à l’égard des couts et de l’urgence, dont l’étude d’impact ne démontre ni la nécessité, ni l’utilité pour réduire l’impact écologique des déchets radioactifs « historiques ».</p> <p>La CCSN doit demander que le promoteur démontre que l’impact environnemental négatif des déchets de moyenne activité sera bien moindre s’il en cache immédiatement une « petite portion » non quantifiée dans ce dépotoir plutôt que de les éliminer tous en même temps dans le site d’enfouissement géologique qu’il prévoit encore aménager à une date ultérieure.</p>	<p>[Français]</p> <p>Le demandeur, les LNC, est responsable de choisir et de justifier son projet. Le personnel de la CCSN examinera et évaluera rigoureusement la proposition des LNC et ne formulera pas de recommandation à l’intention de la Commission tant qu’il ne jugera pas que cette proposition est sans danger. La Commission n’autorisera le projet que si elle est convaincue qu’il est sans danger pour le public et l’environnement.</p> <p>Veillez vous reporter à la réponse de la CCSN au commentaire 13 à l’égard de la modification de la portée du projet relative aux déchets de moyenne activité.</p> <p>[English]</p> <p>The applicant, CNL, is responsible for selecting and justifying their proposed project. CNSC staff will review and assess CNL’s proposal thoroughly and will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. The Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment.</p> <p>Please refer to CNSC’s response to comment #13 regarding the change in project scope for intermediate level waste.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
53.	<a href="#">CCNR</a> (August 16, 2017)	<p>The NSDF project is presented not as a temporary, interim storage facility but as a permanent repository that will ultimately be abandoned. We are dealing with a potentially infinite time horizon. The proponent seeks approval not just for a few decades, but forever. Such permission has never before been granted for post-fission radioactive wastes in Canada, nor should it be granted. Long-lived radioactive waste should not be abandoned, especially not on the surface beside a major body of water. That is the considered opinion of the CCNR.</p> <p>The CNSC describes itself as an agency that is “science-based”. As such, CNSC must be aware that there are no principals of science that can be invoked to guarantee that a gigantic mound of radioactive waste and radioactively contaminated materials, located on the surface in a marshy area close to Perch Lake, less than a kilometre from the Ottawa River, in a seismically active region, can be counted on to remain intact forever. There is no scientific justification for accepting this misleadingly named NSDF as a permanent repository for long-lived radioactive waste.</p>	Applicants are responsible for selecting and justifying their proposed project. CNSC staff will review and assess CNL’s proposal thoroughly, and the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. In making its decision the Commission takes into consideration the recommendations of staff as well as the concerns and interests of Indigenous groups, members of the public and other stakeholders as raised through oral or written interventions. Please also refer to CNSC staff’s response to comment #1 on the CNSC’s regulatory review process for EAs and licensing.
54.	<a href="#">J. P. Unger</a> (August 15, 2017)	The CNSC appears to be rushing to approve this project and provide a fortune from our taxpayer-provided money to a business group just before new EIA rules take effect, and before tenures of CNSC heads expire, which makes it highly suspicious on many levels.	Although CEAA 2012 does not set regulated timelines for EAs conducted by the CNSC (because it was recognized that the CNSC’s timelines are covered under its respective statute), the CNSC has committed to completing all EA processes within the 24-month federal timeline for a licensing decision (pursuant to the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i> ). Adherence to this schedule depends on the completeness of information received from applicants. Insufficient and incomplete information may prolong the timeline. CNSC staff will



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>The CNSC's apparent hurry to green-light this dangerous project assigning a fortune in taxpayer money to a group that includes a private business widely reported to be facing multiple criminal charges and globally blacklisted for corrupt practices by the World Bank makes it highly suspicious, and should be in itself enough reason to halt this project.</p> <p>I ask of you that this radioactive landfill project be stopped, and also take this opportunity to ask that a thorough investigation of the dealings of the CNSC with SNC Lavalin and its partners and a deep reform of the CNSC and its authorities be undertaken at the earliest opportunity.</p> <p>Canada is severely lacking in adequate and independent environmental review for its nuclear industry. There doesn't seem to be a coherent, centralized plan that goes beyond privatization and industry self-regulation. Canada continues to sell nuclear technology and reactors around the world. It needs to be a leader in radioactive waste disposal if it wants to maintain any credibility. CNLs low budget plan is an embarrassment to international standards. It must be stopped until there is an adequate review process in place.</p>	<p>ensure that the requirements of the NSCA and CEAA 2012 are met for this proposed project within this regulatory review time frame.</p> <p>CNSC staff will never compromise safety and require sufficient information to make scientifically defensible recommendations which inform evidence-based Commission decisions to ensure the protection of the environment and health and safety of persons. The robustness and rigor of the CNSC’s EA and licensing review process will not be diminished. All key steps in the EA process – such as public participation opportunities – will be carried out.</p> <p>The following measures have been put in place to ensure an efficient, robust and coordinated EA and licensing review process, in accordance with the CNSC’s regulatory framework:</p> <ol style="list-style-type: none"><li>1) A regulatory program, with a dedicated team, was established for the management of the regulatory activities related exclusively to the three CNL projects (Nuclear Power Demonstration Project, Near Surface Disposal Facility, and the <i>In Situ</i> Decommissioning of the WR-1 reactor). The objective of the program is to ensure an efficient, controlled, collaborative and technically integrated manner to ensure quality and appropriate EAs, licensing technical assessments, regulatory oversight programs and Indigenous consultation activities have been conducted, commensurate with the complexity of each of the projects and in accordance with the regulatory framework of the CNSC.</li><li>2) A federal review team led by CNSC staff have also been established – including Natural Resources Canada, Environment and Climate Change Canada, Parks Canada and Health Canada – to participate and provide specialist expertise in the EA and licensing review process of the proposed project and ensure a coordinated regulatory approach.</li><li>3) An Administrative Protocol between the CNSC and CNL was signed by both parties in July 2016 and is available to the public on the <a href="#">Canadian Impact Assessment Registry (CIAR) website</a>. The purpose of this protocol is to outline the administrative framework, milestones and service</li></ol>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a> )	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a> )	Réponse de la CCSN
			<p>standards for the EA and licensing activities for the proposed NSDF, including CNL’s submission of the technical information in support of the application for Commission approval to construct and the CNSC review of this technical information. Given that there are no firm time commitments for the remainder of the regulatory process, appendix A of the Administrative Protocol between CNL and CNSC for the NSDF project was revised to clarify the remaining milestones in the EA and licensing process.</p> <p>Please refer to CNSC’s response to comment #6 in regards to CNSC’s regulatory framework and decision-making responsibilities.</p>
55.	<a href="#">Greenpeace</a> (August 16, 2017)	<p>The second aspect of our concern is the lack of a federal policy framework for determining both the technical and social acceptability of proposals to store, manage or dispose non-fuel radioactive waste in Canada. The federal government’s 1996 Radioactive Waste Policy Framework does not explicitly address issues such as social acceptability or ethical considerations. Greenpeace has opposed Ontario Power Generation’s (OPG) proposal to build a Deep Geological Repository (DGR) due to this lack of a clear federal policy framework.</p> <p>The CNSC’s environmental assessment process is no a substitute for such a policy framework. CNSC staff admitted during environmental assessment hearings on OPG’s DGR proposal that the Commission lacks the institutional knowledge and capacity needed to assess whether a project contributes or undermines Canada’s shift to sustainable development. Sustainability assessments assess the ethics of project (impacts on future generations) and alternatives to a project. This has not happened in the assessment of the NSDF.</p>	<p>Please refer to CNSC’s response to comment #9 for <a href="#">Canada's Radioactive Waste Policy Framework</a></p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
56.	<a href="#">Ralliement contre la pollution radioactive</a> (August 3, 2017)	<p><i>Please note that this comment was submitted in French, and therefore a response in French will be provided.</i></p> <p><i>Veillez noter que ce commentaire a été soumis en français, et une réponse sera donc fournie en français.</i></p> <p>Le problème, c’est que le dépotoir proposé constitue un projet très particulier; malheureusement, la CCSN a omis d’adapter en conséquence ses lignes directrices génériques pour la confection de l’ÉIE d’un projet aussi spécifique.</p> <p>La <i>Loi canadienne sur les évaluations environnementales</i> et les règles génériques de la CCSN sont conçus pour des projets industriels rentables (une mine d’uranium ou une centrale nucléaire par exemple) qui veulent s’établir dans un environnement pollué et qui doivent s’efforcer de ne pas le dégrader davantage. On leur demande donc de bien mesurer l’état initial des lieux et de réduire autant que possible l’impact négatif de leurs activités sur le voisinage. Quand ils ont fini d’exploiter leur industrie, ils doivent aussi remettre l’environnement dans son état initial.</p> <p>Dans le cas présent, nous sommes déjà à la fin du processus: Les laboratoires du Gouvernement du Canada se sont établis sur le site de Chalk River en 1944, alors que l’endroit était sauvage et à peu près vierge. Le même gouvernement y a mené depuis lors des activités industrielles intensives qui ont considérablement dégradé les lieux, au point qu’il peut</p>	<p>[Français]</p> <p>Les <a href="#">Lignes directrices génériques pour la préparation d’un énoncé des incidences environnementales</a> de la CCSN informent les promoteurs à l’égard des renseignements requis pour la préparation d’un EIE relatif à un projet qui doit faire l’objet d’une EE en vertu de la LCEE 2012.</p> <p>En vertu du cadre de réglementation de la CCSN, le demandeur est responsable de choisir et de justifier son projet. À l’heure actuelle, le cadre et la mission de la Commission consistent à examiner le projet de même que tout effet néfaste considérable sur l’environnement que pourrait avoir ce projet avant de rendre une décision en matière d’EE.</p> <p>Veillez vous reporter à la réponse de la CCSN au commentaire 9 à l’égard de la <a href="#">Politique-cadre en matière de déchets radioactifs du Canada</a>.</p> <p>[English]</p> <p>CNSC’s <a href="#">Generic Guidelines for the Preparation of an Environmental Impact Statement</a> informs proponents of the information requirements for the preparation of an environmental impact statement (EIS) for a project that requires an EA under CEAA 2012.</p> <p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision.</p> <p>Please refer to CNSC’s response to comment #9 for <a href="#">Canada's Radioactive Waste Policy Framework</a></p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>difficilement poursuivre ses activités sans d’abord nettoyer les millions de tonnes de déchets dangereux ou radioactifs qu’il y a créés ou accumules. Nous sommes donc à l’étape où il faut remettre le milieu dans son état originel de 1944, mais l’étude d’impact ne tient aucun compte de cet objectif.</p> <p>Le projet de dépotoir n’est pas un projet rentable d’exploitation des ressources naturelles, mais plutôt un effort de dépollution et d’isolation des radiations pour diminuer l’impact environnemental du passé. Certes, il faut réduire les nuisances liées à la construction du dépotoir, mais surtout démontrer qu’il va atteindre son objectif principal : réduire l’impact environnemental des déchets radioactifs qui résulte des négligences historiques des militaires et des scientifiques gouvernementaux. C’est quelque chose que la Commission de sûreté nucléaire n’a même pas demandé au promoteur. Cela ne figure pas aux « lignes directrices génériques ».</p> <p>En omettant d’adapter ses lignes directrices, la CCSN a permis au promoteur gouvernemental de simplement plaider que son nouveau projet n’aggraverait pas trop la pollution ambiante et qu’il ne créera pas de nouveaux dangers environnementaux inacceptables. Elle lui a permis de ne pas avoir à démontrer que le nouveau dépotoir de déchets radioactifs est la meilleure solution pour disposer définitivement des déchets qui l’encombrent et dont il veut faire oublier les effets à tout prix.</p> <p>Le Ralliement contre la pollution radioactive demande que la CCSN adapte sérieusement ses lignes directrices en fonction</p>	

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a> , reference #80122)	CNSC Response
		Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a> , référence #80122)	Réponse de la CCSN
		des conditions particulières de la présente situation afin d’en resserrer les exigences et de mieux expliciter le fardeau de preuve du promoteur.	
57.	<a href="#">Valerie Needham</a> (August 15, 2017)	I implore the Canadian Nuclear Safety Commission to:  1. act wisely and responsibly for the protection of millions of Canadians and cancel this project as it is currently conceived 2. require CNL to take steps to PREVENT a disaster rather than merely informing municipalities and the populace when a disaster has occurred 3. honour the motions passed by the OFWCA on July 22, 2017	CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. Further, the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment and that the proponent is qualified to do so.  Please refer to CNSC’s response to comment #6 in regards to CNSC’s decision making process and responsibilities.
Roles and Responsibilities			
58.	<a href="#">Denise Anne Walker</a> (May 8, 2017)  <a href="#">Mario Gervais</a> (August 16, 2017)	<i>Concerns on this topic were expressed by more than one commenter and comments have either been summarized, or included as excerpts from commenter submissions. Given that there were comments on this topic submitted in both English and French, the comment summary below is provided in both official languages, and a response in both official languages will also be provided.</i>  <i>Des préoccupations à ce sujet ont été exprimées par plus qu’un intervenant et les commentaires ont été résumés ou inclus sous forme d’extraits de commentaires. Étant donné</i>	[English]  Atomic Energy of Canada Limited, a federal Crown corporation, owns the Chalk River site and all of its radioactive waste. AECL has contracted CNL to manage and operate its sites under a Government-owned, Contractor-operated model. AECL has the responsibility to oversee the appropriate management and disposal of Canada’s radioactive waste liabilities. The NSDF is an important component of effectively addressing AECL’s environmental responsibilities.  As part of the Government-owned, Contractor-operated model, CNL will continue to manage and operate AECL’s sites, including the proposed NSDF, through this and subsequent contracts with AECL. CNL is meant to be an ‘enduring entity’, meaning that it will remain as the operator of the

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p><i>que les commentaires sur ce sujet ont été soumis en anglais et en français, le synthèse des commentaires ci-dessous est fourni dans les deux langues officielles et une réponse dans les deux langues officielles sera également fournie.</i></p> <p>[English]</p> <p>CNL describes AECL as the long-term steward of the site. CNL’s activities are funded and approved by AECL. Why is AECL not the proponent?</p> <p>[Français]</p> <p>Les LNC décrivent l’EACL comme le responsable à long terme du site. Les activités des LNC sont financées et approuvées par l’EACL. Pourquoi l’EACL n’est-elle pas le promoteur?</p>	<p>Chalk River site even if or when a new contractor is selected. As such, CNL will continue to monitor and assess performance of the NSDF under the regulatory oversight of the Canadian Nuclear Safety Commission.</p> <p>For any subsequent contract for the management and operation of CNL, AECL will be undertaking a procurement process. The transition to a new contractor is not expected to affect project implementation because CNL, as the enduring entity, will continue to manage and operate the Chalk River site, including the NSDF. A change in contractor will affect the ownership of CNL but not the operations of the company.</p> <p>[Français]</p> <p>Énergie atomique du Canada limitée, une société d’État fédérale, est propriétaire du site de Chalk River et de tous ses déchets radioactifs. Elle a retenu les services des LNC pour gérer et exploiter ses sites sous la forme d’un modèle d’organisme gouvernemental exploité par un entrepreneur (OGEE). EACL est responsable de superviser la gestion appropriée des responsabilités du Canada en matière de déchets radioactifs et le stockage définitif des déchets. L’IGDPS constitue un élément important permettant de donner suite efficacement aux responsabilités environnementales d’EACL.</p> <p>Dans le cadre du modèle d’OGEE, les LNC continueront de gérer et d’exploiter les sites d’EACL, notamment le projet d’IGDPS, par le biais de cette entente et d’ententes subséquentes conclues avec EACL. Les LNC se veulent une « entité durable », c’est-à-dire qu’ils demeureront l’exploitant du site de Chalk River même si un nouvel entrepreneur est retenu. Par conséquent, les LNC continueront de contrôler et d’évaluer le rendement de l’IGDPS aux termes de la surveillance réglementaire de la CCSN.</p> <p>Pour toute entente subséquente visant la gestion et l’exploitation par les LNC, EACL aura recours à un processus d’approvisionnement. Le fait de passer à un nouvel entrepreneur ne devrait pas avoir d’incidence sur la mise en œuvre du projet étant donné que les LNC, en tant qu’entité durable,</p>



CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
			continueront de gérer et d’exploiter le site de Chalk River, y compris l’IGDPS. Un changement sur le plan de l’entrepreneur aura une incidence sur le propriétaire des LNC, mais pas sur l’exploitation de la société.
59.	<a href="#">Denise Anne Walker</a> (May 8, 2017)	AECL is a Canadian crown corporation, and AECL funds and approves CNL’s work on the ECM. Has the CNSC been given any directive, guidance, or other direction by Natural Resources Canada concerning this project?	<p>Please refer to CNSC’s response to comment #58 in regards to the AECL-CNL Government-owned, Contractor-operated model.</p> <p>The CNSC has an independent, credible and expert administrative tribunal. The CNSC's arms-length governance structure, in particular the Commission's arms-length decision-making authority, ensures that it remains independent from government, licensees and staff. The Commission does not report to a minister, but rather directly to the Parliament of Canada through the Minister of Natural Resources. Neither the Minister nor the Governor in Council has a role in CNSC's decision making or the power of appeal. Decisions made by the Commission are based on the best available scientific and technical information, are not subject to government or political review and cannot be overturned by the Government of Canada. Only the Federal Court of Canada may review and overrule a decision made by the Commission.</p>
60.	<a href="#">Great Lakes and St. Lawrence Cities Initiative</a> (August 15, 2017)  <a href="#">Patrick Galligan</a> (August 15, 2017)  <a href="#">Irene Boland and Mark Barnes</a> (August 15, 2017)  <a href="#">Catherine Galligan</a> (August 14, 2017)  <a href="#">Owen Gleason</a>	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>Should the company come in severe financial difficulties, the taxpayer must not have to take responsibility and support the financial burden of this facility.</p> <p>The EIS needs to evaluate the complete operations and maintenance cost of the facility. We ask that, following this evaluation and considering the risk that the proponent may not be capable of maintaining its financial capacity over the long-term, the CNSC require the creation of a long-term operations &amp; maintenance contingency fund. Different scenarios to</p>	<p>Under the <i>Nuclear Liability and Compensation Act</i>, the amounts of liability for nuclear installations is established through regulation.</p> <p>Given that the Chalk River site is owned by Atomic Energy of Canada Limited, a federal Crown corporation, any funding for the site, including that required in the event of an emergency, will be provided by AECL and the Government of Canada.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	(August 16, 2017)	finance and ensure a sound and transparent management of the fund should be identified so that the regulation agency, and possibly the responsible federal department, can contemplate possible avenues to secure its sustainability over time. The contingency fund maintained by companies operating in the oil transportation sector on the St. Lawrence may serve as a model for such a contingency fund.	
61.	<a href="#">CCNR</a> (August 16, 2017)	The EIS provides no explanation whatsoever about what radioactivity is or how it can cause biological harm. In response to questions from the Algonquins of Pikwakanagan CCNR prepared a document to try to explain some of these basic concepts [see <a href="http://ccnr.org/Pikwakanagan-3.pdf">http://ccnr.org/Pikwakanagan-3.pdf</a> ]. Unfortunately CNSC does not provide such information, nor does it require its licensees to provide such information, even though knowledge of this kind is of fundamental importance to understanding the importance of proper containment of radionuclides.	<p>CNSC staff and AOPFN signed a formal Terms of Reference (ToR) to outline objectives and responsibilities for meaningful and collaborative consultation for the NSDF, NPD and MMR Projects and remains open to adjusting our communication strategy with AOPFN to ensure it is mutually agreeable. CNSC staff are also committed to developing a long-term relationship ToR for engagement with AOPFN, which can identify specific areas where AOPFN and CNSC staff can further collaborate, such as communication, education and information sharing on the risks of radiation and radioactive materials.</p> <p>CNSC staff are of the understanding that CNL signed a contribution agreement with AOPFN on September 8, 2020, and that CNL provided a written response to this concern in CNL’s initial dispositions to AOPFN’s comments on the 2019 draft EIS. CNSC staff encourage CNL to work directly with AOPFN to develop an appropriate and mutually acceptable communication and collaboration protocol that takes into account AOPFN’s unique rights and interests. CNSC staff are encouraged by CNL’s commitments to continue to work with AOPFN on enhancing communications and providing plain language materials to communicate risks and CNL’s operations. CNSC staff understand that AOPFN is continuing discussions on this issue with CNL, and will continue to monitor CNL’s Indigenous engagement activities to make sure CNL is responsive and provides adequate answers to AOPFN’s concerns.</p>
Additional CNSC Responses to comments that CNL also provided Responses			

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
62. CNL-ND12	<a href="#">Provincial Council of Women of Ontario (PCWO)</a> (August 16, 2017)	Where does this project fit into the overall plan for disposal of low and intermediate level nuclear waste, as part of the management of Canada’s nuclear “legacy” liabilities? For example, where do Ontario Power Generation’s Low and Intermediate nuclear waste disposal plans at the Bruce Power site fit in.	<p>The comment regarding Ontario Power Generation’s Low and Intermediate nuclear waste disposal plans are outside the scope of the EA for this project.</p> <p>As per <a href="#">Canada's Radioactive Waste Policy Framework</a>, the waste producers and owners of radioactive waste are responsible for the funding, organization, management and operation of disposal and other facilities required for their wastes. For intermediate- and low-level waste, nuclear waste owners are responsible for developing strategies and plans to effectively manage the wastes that are generated as a consequence of producing energy, advancing science and medicine for the benefit of Canadians.</p> <p>Please refer to CNSC’s response to comment #13 regarding the change in project scope for intermediate level waste.</p>
63. CNL-ND297	<a href="#">Greg Csullog</a> (May 1, 2017)	<p><b>3.2.2, p. 3.9:</b> Neither CNSC Regulatory Policy P-290 (CNSC 2004) nor Guide G-320 (CNSC 2006), both of which are cited in Section 1.4.2 of the EIS, <i>Relevant</i> Standards, Codes and Guidelines, indicate radionuclide limits for disposal facilities, therefore, in Canada, the regulatory body has not established limits for the disposal of long lived radionuclides.</p> <p>If the two cited CNSC documents are relevant to the implementation and if radionuclides limits are a key element, how do the NSDF proponents justify the disposal of wastes having activity greater than 400 Bq/g, especially given IAEA GSG-1 specifies <b>400 Bq/g on average</b> for waste packages? This is particularly significant given the issue of subsidence and the fact that both the US and French examples cited in GSG-1 include measures against subsidence (US, waste stability; France, AGCV) to ensure the facilities retain their</p>	<p>Please refer to CNSC’s response to comment #13 regarding the change in project scope for intermediate level waste.</p>

**CNSC Table: Consolidated Public and Indigenous Groups' Comments on the Near Surface Disposal Facility Project Draft EIS**

**Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l'ébauche de l'EIE du Projet d'installation de gestion des déchets près de la surface**

No.	Source	<p align="center"><b>Comment Summary</b> (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</p> <p align="center"><b>Synthèse des commentaires</b> (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d'évaluation environnementale, référence #80122</a>)</p>	<p align="center"><b>CNSC Response</b> <b>Réponse de la CCSN</b></p>
		<p>integrity – something that appears to be lacking for the NSDF mound.</p> <p><b>Note from commenter:</b> IAEA General Safety Guide GSG-1, Classification of Radioactive Waste, states, “<b>The regulatory body should establish limits for the disposal of long lived radionuclides</b> on the basis of the safety assessment for the particular disposal facility. A limit of 400 Bq/g <b>on average</b> (and up to 4000 Bq/g for individual packages) for long lived alpha emitting radionuclides has been adopted in some States.</p>	
64. CNL-ND309	<a href="#">Concerned Citizens of Renfrew Country (Ole Henrickson)</a> (July 3, 2017)	<p>International experts may find it difficult to understand how the NSDF proposal could have been advanced in an IAEA member state. Contributing factors may include:</p> <ul style="list-style-type: none"> <li>the Government of Canada’s failure to adopt the IAEA’s waste classification scheme;</li> <li>the absence of effective national-level policies and legislation governing radioactive waste management (with the possible exception of spent fuel); and</li> <li>the Government of Canada’s failure to develop and consult on an integrated strategy for managing its own “historic” and “legacy” wastes, which constitute the vast majority of the inventory of low- and intermediate-level wastes in Canada.</li> </ul>	<p>As a member of the International Atomic Energy Agency (IAEA), Canada strives to implement its spent fuel and waste management practices so that they align with the best practices and the guidelines of the IAEA and the international community. In addition, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the IAEA.</p> <p>Please refer to CNSC’s response to comment #9 for <a href="#">Canada's Radioactive Waste Policy Framework</a></p>
65. CNL-ND310	<a href="#">Concerned Citizens of Renfrew Country (Ole Henrickson)</a> (July 3, 2017)	<i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i>	Please refer to CNSC’s response to comment #13 regarding the change in project scope regarding intermediate level waste.

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry, reference #80122</a>)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale, référence #80122</a>)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
	<div><a href="#">CCNR</a></div> <div>(August 16, 2017)</div> <div><a href="#">David Prentice</a></div> <div>(August 16, 2017)</div> <div><a href="#">Michael Nogas</a></div> <div>(August 15, 2017)</div> <div><a href="#">Jeff Kelly</a></div> <div>(August 15, 2017)</div> <div><a href="#">Alex Thomson</a></div> <div>(August 16, 2017)</div> <div><a href="#">Richard Duff</a></div> <div>(August 16, 2017)</div> <div><a href="#">Virginia MacLatchy</a></div> <div>(August 16, 2017)</div> <div><a href="#">Susan Parks</a></div> <div>(August 16, 2017)</div> <div><a href="#">Patrick Miller</a></div> <div>(August 16, 2017)</div> <div><a href="#">Mike Schreiner</a></div> <div>(August 16, 2017)</div> <div><a href="#">Durham Nuclear Awareness</a></div> <div>(August 16, 2017)</div> <div><a href="#">Sharon Thorne</a></div> <div>(August 16, 2017)</div> <div><a href="#">Lynn Jones</a></div> <div>(Aug 16, 2017)</div>	<div>Radioactive exposures to humans as a result of intrusion would exceed currently allowed limits by a large margin. Acceptance of the proposed NSDF project by Canadian regulatory authorities would violate international safety standards for radioactive waste disposal.</div> <div>Given that the Government of Canada is responsible for 95% of the national inventory of nearly 2.4 million cubic meters of low and intermediate radioactive waste, the absence of detailed policies and more appropriate strategies for managing these federal nuclear liabilities is deeply troubling.</div> <div>Canada lacks any policy or strategy on how radioactive waste is stored so a proponent is free to propose any project if the can prove (to its captured regulator) its proposal is safe. This is a bad way to govern nuclear industries and waste projects, Canada needs to develop policies, strategies and regulations for nuclear waste, as recommended by the IAEA and as implemented by many other countries. In this regulatory and strategic vacuum CNL is now positioning itself to reduce costs, meet deadlines, and accrue bonuses by increasing Canada’s future waste issues with the NSDF project. As this project was originally proposed, a part of the Nuclear Legacy Liabilities Program and similar in design except it was meant for Very Low Level Waste, the current project with its plans for intermediate waste are the results of this lack of policy in Canada and the privatization of the Chalk River site.</div>	<div>Please refer to CNSC’s response to comment #9 for <a href="#">Canada's Radioactive Waste Policy Framework</a></div>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary</div> <div>(all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires</div> <div>(toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>CCNR believes that the Government of Canada needs to develop a clear set of policy guidelines governing the long-term management of radioactive wastes, based on the precautionary principle. As a starting point, CCNR favours the five principles that have been laid down by the Anishinabek Nation and the Iroquois Caucus in their Joint Declaration on the Transportation and Abandonment of Radioactive Wastes: [see <a href="http://ccnr.org/Joint_Declaration_2017.pdf">http://ccnr.org/Joint_Declaration_2017.pdf</a>]</p> <p>See pages 4-5 of Ole Henrickson’s submission from July 3, and the Canadian CCNR’s (Glen Edwards) submission from August 16 (p. 3-4) for more context.</p>	
66. CNL-ND328	<p><a href="#">OFWCA (Johanna Echlin)</a> (May 8, 2017)</p> <p><a href="#">Ottawa Riverkeeper</a> (August 15, 2017)</p> <p><a href="#">Deborah Powell</a> (August 16, 2017)</p>	<p><i>Concerns on this topic were expressed by more than one commenter, and comments have either been summarized, or included as excerpts from commenter submissions.</i></p> <p>A project proposal that is planned from the outset in consultation with local communities would provide better guarantee long-term employment and social acceptance; this would improve CNL’s reputation for responsible long-term radioactive waste management.</p> <p>The recent and thorough review of the CEAA 2012 provides important recommendations for restoring public confidence in the environmental assessment process. The review panel recommended the establishment of an independent authority to conduct impact assessments on behalf of the federal government. They go further to recommend the authority act</p>	<p>In accordance with the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. The CNSC’s mandate is to determine whether the project, as proposed, will be safe for people and the environment. The CNSC does require, under REGDOC 3.2.2 <i>Indigenous Consultation</i> and REGDOC 3.2.1 <i>Public Information and Disclosure</i>, that proponents engage early and often with Indigenous groups and the public when planning nuclear projects.</p> <p>Consultation with Indigenous groups and public engagement are important aspect of the CNSC’s regulatory and decision-making processes to ensure that their concerns are heard and addressed throughout the regulatory process and in order to determine that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>Please refer to CNSC’s response to comment #5 for the IAA transitional provisions for EAs of designated projects commenced under CEAA 2012 and for which the CNSC is the Responsible Authority.</p>

CNSC Table: Consolidated Public and Indigenous Groups’ Comments on the Near Surface Disposal Facility Project Draft EIS

Tableau pour la CCSN: Commentaires consolidés du public et des groupes autochtones sur l’ébauche de l’EIE du Projet d’installation de gestion des déchets près de la surface

No.	Source	<div>Comment Summary (all original submissions can be found on the <a href="#">Canadian Environmental Assessment Registry</a>, reference #80122)</div> <div>Synthèse des commentaires (toutes les soumissions originales se trouvent sur le <a href="#">Registre canadien d’évaluation environnementale</a>, référence #80122)</div>	<div>CNSC Response</div> <div>Réponse de la CCSN</div>
		<p>as a quasi-judicial tribunal empowered to undertake a full range of facilitation and dispute resolution processes.</p> <p>The commenters express the view that the decision for creating Canada’s first permanent nuclear disposal facility is a societal decision that requires a thorough understanding of the risks and also requires social acceptance of the project. It should be recognized that the disposal of nuclear waste is not a scientific decision alone; it is a public health issue and a societal issue that warrants an independent review and appropriate consultation with all Canadians.</p>	<p>Please refer to CNSC’s response to comment #6 in regards to CNSC’s decision making process and responsibilities.</p>