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February 8, 2021

The Honourable Jonathan Wilkinson
Minister of Environment and Climate Change
Jonathan.Wilkinson@canada.ca / minister-ministre.ec@canada.ca

Dear Minister Wilkinson

Re: Request for Strategic Assessment on *In Situ* Decommissioning of Nuclear Facilities

We are legal counsel to Sagkeeng First Nation (“Sagkeeng”), an Anishinaabe Nation located at the mouth of the Winnipeg River, where the boundaries of Treaties 1, 3 and 5 meet. Sagkeeng is a signatory to Treaty 1 and is also a member of Grand Council Treaty 3.¹ We write to you on behalf of Sagkeeng, to request that you exercise the power granted by the *Impact Assessment Act* SC 2019 c 28 (“IAA”), s.95(1)(a) and s.95(1)(b), to establish a committee to conduct a Strategic Assessment into the proposed potential practice referred to as *in situ* decommissioning of nuclear facilities in Canada (“ISD”).

In this letter, we will explain why a strategic assessment into ISD is warranted, and urgently needed, and will suggest some parameters for such an assessment. In particular, we will address:

- A) What ISD is, and why it requires study before individual projects are considered;
- B) The need for Canada to have a policy on ISD, why the issue of ISD and the lack of a federal policy on ISD has clear links to impact assessment, and will inform future impact assessments;
- C) How ISD has the strong potential to cause adverse effects, including cumulative effects, that fall within federal jurisdiction;

¹ Sagkeeng is known to the Crown as the Fort Alexander Band.

- D) How ISD and a policy relating to ISD or lack thereof will unquestionably cause impacts on the rights of Indigenous peoples (including, but not limited to, Sagkeeng);
- E) Our proposal for the committee membership and terms of reference, per s. 96(1) of the *IAA*; and
- F) Why the section 95 Strategic Assessment process is the best, and only, appropriate means for addressing this issue.

Over the last few years, Canadian Nuclear Laboratories (“CNL”) has submitted a number of revisions of a Environmental Impact Statement (following non-conformity decisions), to the Canadian Nuclear Safety Commission (“CNSC”) (under section 182 of the *IAA*, thus making the EIS subject to *CEAA 2012*, not the *IAA*), proposing to use ISD to decommission the Whiteshell Reactor #1 (“WR1”) at the Whiteshell Nuclear Laboratories in Eastern Manitoba.²

Sagkeeng has actively participated in the environmental assessment and licensing process, and is grateful to both CNL and CNSC for the financial support that they have provided, and continue to provide, as part of that process. As a result of the productive, and often trailblazing, work done by Sagkeeng through that process, Sagkeeng has come to the view that the best way forward, for Canada as a whole, as well as Sagkeeng itself and its citizens, is this request.

WR1 is on the banks of the Winnipeg River, in the heart of Sagkeeng territory and upstream of the community. In addition to the proposed decommissioning of WR1 using ISD, CNL is also proposing to *in situ* decommission a separate nuclear power demonstration reactor located near Rolphton, Ontario. CNL has made both of these applications, and CNSC is entertaining them, despite Canada not having a policy on whether ISD is an acceptable decommissioning strategy, and despite the environmental and policy inconsistency which will result from implementing ISD at this time.

² We understand that the latest revised version of the EIS is due to be submitted at the end of February, 2021.

WHAT IS ISD, AND WHY MUST IT BE STUDIED BEFORE INDIVIDUAL APPLICATIONS FOR ITS USE ARE APPROVED?

In short, ISD involves encasing (or entombing) an underground nuclear reactor in “grout” (a special type of concrete) such that the reactor is fully enclosed and can, essentially, be left alone, where it is, in perpetuity. ISD turns the sites of former facilities into long-term (effectively, permanent) nuclear waste disposal facilities, despite those sites not having been selected or built for that purpose. In essence, ISD involves retrofitting a facility that was designed for other purposes into a near-surface repository for the perpetual management of hazardous radioactive materials.

ISD has never been implemented in Canada, is relatively uncommon in other jurisdictions and is typically reserved for emergency scenarios. ISD must be contrasted with the previously accepted and approved decommissioning strategy of eventually removing all radioactive material to a purpose-built site, where it can be safely and securely stored and monitored in perpetuity. The absence of a deep geological repository or similar purpose-built facility at the current time does not mean that Canada is not committed to developing one (indeed, the existence of the NWMO would suggest otherwise), nor does it excuse taking a position, not supported by international best practice, that we can cement Canada’s nuclear liabilities in place in various near surface facilities, an option that is both permanent and highly problematic for affected Indigenous peoples and other stakeholders.

When considering the merits of performing a Strategic Assessment, we emphasize there is no precedent of ISD in Canada. Further, despite ISD being used in a limited number of cases in other jurisdictions, the vast majority of nuclear decommissioning projects around the world dispose of radioactive wastes in purpose-built facilities. International authorities on radioactivity have concluded that ISD is insufficiently protective of humans and the environment when compared to standard best practices. To illustrate, the International Atomic Energy Agency has stated:

*“[ISD], in which all or part of the facility is encased in a structurally long-lived material is not considered a decommissioning strategy, and is not an option in the case of planned permanent shutdown. **It may be considered a solution only under exceptional circumstances (e.g., following an accident)**”³.*

Further, the U.S. Nuclear Regulatory Commission (NRC) states:

“The NRC staff position is that [ISD] should be used as a last resort for the decommissioning of power reactor facilities, with the expectation that this method would be selected only under unique decommissioning circumstances”⁴,

And that:

“[ISD] should be used only if this option provides more benefit than harm to public health and safety and the environment and does not create a legacy situation to be managed by future generations.”⁵

WHY CANADA NEEDS A POLICY ON ISD

The present absence of a national policy on ISD has exposed a risk of inconsistency, and a potential prioritization of profit over the public interest.

ISD is relatively untested for nuclear facilities, and has never been used in Canada for this purpose. Allowing this untested technology to proceed in a policy vacuum, with no guidance from the Government of Canada as to how ISD affects the public interest, is particularly unwise given the reality that nuclear waste management is the longest of long-term projects. A problem that will last effectively forever requires more than an ad hoc approach to project approval.

Moreover, international guidance suggests it should be used only/primarily in emergencies. It is important to note that the current CNL proposals do not qualify as emergencies (as evidenced by negligible progress on their previously approved decommissioning strategy from 2002). Indeed, CNL has repeatedly represented to Sagkeeng that the Whiteshell site is currently safe and secure, and there is no imminent threat. They have stated in their EIS that one of the economically and

³ IAEA (International Atomic Energy Agency). 2014. Decommissioning of Facilities: General Safety Requirements. IAEA Safety Standards, General Safety Requirements Part 6, No. GSR Part 6. [Emphasis Added]

⁴ US Nuclear Regulatory Commission, Regulatory Improvements for Power Reactors Transitioning to Decommissioning, Regulatory Basis Document, NRC-2015-0070, 3150-AJ59, 2017 November.

⁵ Ibid.

technically feasible options remains that which Canada committed to in 2002, which is to store the material in place until such time as a permanent facility is available to take the materials and store them in a permanently safe deep geological repository. While CNL and AECL may have a financial incentive to move more quickly than the currently approved plan allows, that financial incentive does not amount to an 'emergency' which would require this rarely used technology to be applied in a policy vacuum.

The need for a clear policy direction from the Government of Canada is compounded by the fact that all nuclear material, including nuclear waste, in Canada, is ultimately the regulatory responsibility of the Federal Crown. This issue will, in all likelihood, come up increasingly frequently as Canada's nuclear facilities continue to age and reach the end of their useful life. The need for a clear policy rationale and impact assessment criteria for this new (and apparently desirable) decommissioning technology is increasingly important.

Canada has clearly recognized the need for policy guidance on matters related to nuclear technology. Other nuclear protocols have clear policies from Canada. The CNSC and Canada's nuclear industry overall has a variety of regulations that have been developed over time through detailed government study and diligence, including public consultation. As new technologies and practices continue to be developed, especially practices which will have impacts on the Canadian public, on Indigenous peoples, and on the environment, **in perpetuity**, Canada must provide proponents and the regulator with clear policy guidance to avoid a scattershot approach to nuclear regulation. Canada should not be forced into a position to accept, without extensive prior analysis and rigorous regulation development to cover this scenario (which we note is a primary function of strategic impact assessment), proposals to permanently implement ISD as a nuclear waste management solution in non-emergency situations.

In addition to the direct technical reasons why a national policy on ISD is a pressing need, we suggest that you also ought to consider the risk of inconsistency if a national policy is not developed in advance of the existing applications being decided. This inconsistency may manifest both as between potential ISD projects, and within each ISD application.

For example, the Crown (through CNSC) has already approved a decommissioning plan for Whiteshell WR-1, a plan that Canada clearly determined was in the public interest and was and remains consistent with existing Canadian decommissioning policy. That plan involves the removal of all hazardous and radioactive material from WR-1 to a purpose-built facility, and does not involve ISD. CNL, the proponent of ISD for WR-1, is attempting to override that existing plan on an ad hoc basis. The current ISD policy vacuum makes direct comparison of the relative values and risks between the currently approved plan and ISD difficult to impossible to determine, and CNL has argued that comparing the relative risks and benefits of the existing plan, with their ISD proposal. With a clear and reasoned policy on ISD in place, CNSC and proponents will have the proper tools to ensure that decommissioning projects are consistent, reflect best practices, and are in the public interest.

The lack of a federal policy on ISD has clear links to impact assessment

There are two environmental assessments underway with respect to this issue and it is conceivable that there will be others in the future, as Canada's reactors near the end of their operational lifespan. Ensuring that the proponent and regulator understand Canada's position, policy and guidance, is crucial to ensuring uniform and predictable outcomes in those and any future assessments; outcomes that are demonstrably preferable for Canadians now and into the future.

We note that in both cases currently under consideration, the Federal Crown is both the regulator and the proponent. Although CNL is contractor-operated, it is answerable to AECL and ultimately, to the Federal Government. Given this dual role, it is particularly important that the Government of Canada have a clear and well-reasoned policy on ISD in advance of the applications proceeding, to avoid the potential appearance of a lack of impartiality.

One of the other nuclear waste disposal projects in Canada, led by the Nuclear Waste Management Organization ("NWMO"), has indicated its commitment to finding an "informed, willing host" for the DGR it is tasked with siting. Allowing ISD to proceed without a clear and reasoned policy in place, risks setting a double standard and exposes Canada's nuclear regulatory system to hypocrisy and inconsistency.

The lack of a federal policy risks inconsistency with Canada’s international commitments and best practices

Twice in recent months, international agencies have raised concerns about Canada’s nuclear waste disposal practices in general, and about the use of ISD in Canada in particular. Canada’s responses to these concerns have been ad hoc, and due to the lack of a consistent federal policy, the risk of Canada’s practices becoming increasingly at odds with international best practices continues to increase.

In 2019, the International Atomic Energy Agency (IAEA) undertook a Integrated Regulatory Review Service (IRRS) mission to Canada, to review and make recommendations on CNSC. The report of the IRRS was clear and explicit in concern regarding Canada’s lack of policy regarding ISD: “...the [CNSC] strategy of in situ confinement for reactors is not in full compliance with IAEA safety standards...”⁶ In response to this concern that Canada’s strategy of allowing ISD is not in compliance with international standards, the IAEA recommended that CNSC revise “its current and planned requirements in the area of decommissioning to align with IAEA guidance **that entombment is not considered an acceptable strategy for planned decommissioning.**”⁷

While IAEA’s recommendation is specifically targeted to existing nuclear power plants and future nuclear facilities, Sagkeeng notes that there is no principled basis why that guidance would not also apply to existing nuclear facilities other than power plants.

We note that CNSC accepted this recommendation in principle, but in implementing that recommendation, determined that “legacy sites” would be excluded from this rule of general application. No explanation was provided for this departure from the IAEA guidance.

A policy on ISD will inform future impact assessments

As with much of nuclear regulation, particularly the regulation of nuclear decommissioning, Canada is learning as we go. Indeed, the construction of Canada’s nuclear reactors predated our environmental assessment laws and the licensing regime at the time required

⁶ [FINAL REPORT IRRS Canada 2019.docx \(iaea.org\)](#), p 48.

⁷ *Ibid*, emphasis added.

little attention to decommissioning. Because of how new, and unprecedented, this situation is, Canada clarifying what its considerations are, what factors are most relevant, etc., on ISD, will have a major impact on how ISD impact assessments are conducted. This policy development should not be done by precedent (i.e., by issuing licences to individual applications). To rely on particular applications to set broad policy would risk leaving Canada's nuclear waste disposal regime with inconsistencies, reliant more on the goodwill of proponents than on sound public policy. Instead it requires a thorough and broad analysis of all associated implications, without being unduly influenced or pressured by a specific project that is seeking regulatory approvals in relatively short timeframes.

- Radioactive waste effectively lasts forever and the ability to fix unanticipated problems may not always exist in the future. Given the perpetual nature of this problem, it is incumbent on Canada to take the time necessary to “get it right” in the first instance.
- Without a policy, ISD impact assessments will lack meaningful benchmarks/thresholds, compliance requirements and enforceability criteria, methodological requirements, and other expectations.

ISD WILL CAUSE ADVERSE EFFECTS, INCLUDING CUMULATIVE EFFECTS, THAT FALL WITHIN FEDERAL JURISDICTION

By considering the definition of “effects within federal jurisdiction” found in the *IAA*, it is quite clear that ISD implicates nearly every type of those effects, including but not limited to:

- Risk of leakage, particularly due to the location of WL next to the Winnipeg River and known high erosion on Winnipeg River, which could cause effects on fish and fish habitat, and migratory birds.
- Uncertain monitoring needs and long-term management and reversibility capabilities (contingency plans in case radioactive containment does not meet regulatory requirements).
- Impacts on social, health and economic well-being of Indigenous peoples, including direct and indirect effects on country food security, Indigenous mental and physical health determinants, and current and future use of lands and resources for traditional

- purposes, including from direct environmental changes and long-term access restrictions, and from perceived risks causing potentially significant long-term/permanent alienation of Indigenous peoples from these sites and their vicinities.
- Sagkeeng has recently conducted a Psycho-Social Impacts Assessment, with the financial support of CNSC, in order to assess the psychological, social and cultural impacts of ISD on Sagkeeng. The report included, *inter alia*, that the ISD proposal would cause significant psycho-social impacts.
 - Reduced willingness and ability to engage in cultural activities in or around these sites due to the same impact pathways and fear and stigma factors identified above.
 - In terms of cumulative impacts, the sites were never intended to be long-term nuclear waste disposal facilities. Doing this would be like instead of putting your garbage can out on the curb to get picked up, you just covered in duct tape and buried it in your backyard, hoping that nothing goes wrong.

ISD WILL CAUSE IMPACTS ON THE RIGHTS OF INDIGENOUS PEOPLES

The *IAA* has created a system where federal attention to Indigenous rights protection is radically increased as compared to the system under *CEAA 2012*. Embedding the protection of rights, cooperation with Indigenous peoples, and the consideration of Indigenous knowledge as purposes of the Act,⁸ identifying Indigenous (Aboriginal and Treaty) rights as a critical impact assessment “factor” under Section 22,⁹ and making consideration of impacts on these rights a critical decision-making factor for the Crown,¹⁰ all point to Crown recognition of the need to use the *IAA* and its mechanisms to protect and promote the rights of Indigenous Peoples in Canada.

This is equally true whether the assessment is Project-specific, regional or strategic in nature. In the case of a strategic assessment, it is critical that the implication of Canadian policy (or lack of policy) toward an issue that may impact on the environment and/or on the rights of Indigenous peoples, be central to the assessment. Right now, in the current policy climate where

⁸ *IAA* s 6(1)(e), (f), (g), and (j).

⁹ *IAA* s 22(1)(c).

¹⁰ *IAA* s 63(d).

Canada has no set policy on ISD, proponents can freely promote projects that would encase radioactive materials in the ground in perpetuity, without either an evidentiary base that this will be safe and preferable in the long term and without any proper consideration of the impacts of those activities on the rights of Indigenous peoples. This vacuum can only be filled through the informed analysis, using western science and Indigenous knowledge (both of which must be considered in all assessments under IAA), to determine whether ISD is acceptable under any conditions and if so, what those conditions would be.

In addition, the implications of ISD for impacts on Indigenous rights must be subject to this strategic assessment, and frameworks for any future project-specific rights impact assessments developed, including policy on compensation/accommodation for impacts on Indigenous rights in those instances (if any are acceptable) where ISD may be considered.

The places in which ISD either has been, or could in the future be proposed, such as Whiteshell and the Nuclear Power Demonstration Project at Rolphton, Ontario, are locations which are heavily populated, used and valued by Indigenous peoples. These locations are along waterways long acknowledged as important sites of use and value by Indigenous peoples, and permanently burying radioactive material in these locations is certain to have impacts on the ability of Indigenous peoples to exercise their Aboriginal and Treaty rights. For example, Sagkeeng conducted a Traditional Land Use Study relating to CNL's ISD application for WR1, and over 500 sites of use and value were located in the regional study area, which stands to be affected by ISD.

In some cases, the impacts may be physical impacts, in the form of areas that are fenced off and inaccessible for use, although we acknowledge that such impacts are likely to be not the most significant form of impact. There will also be psychosocial impacts; ISD will create fear and stigma, particularly as a result of traditional knowledge which may lead to different conclusions than those suggested by western science. If ISD proposals are approved without a policy in place, and without the benefit of the Indigenous Knowledge requirements of the IAA (as the existing applications for ISD are subject to CEAA 2012), there is a significant risk that the final decision to allow ISD could be at odds with available Indigenous knowledge, stewardship laws and norms, and values.

In Sagkeeng's case, available Indigenous knowledge has reported that exercising their harvesting rights in a wide region around the ISD site will be impossible as a result of the contamination of the plants and animals which the Indigenous knowledge reports will occur. The same would not be the case in a future where the radioactive materials are properly removed from the site – a future where the land is allowed to heal back to some semblance of natural conditions.

The cumulative impacts of ISD on Indigenous people is also significant. The nuclear facilities where ISD is an option (such as WR1 and the Nuclear Power Demonstration Reactor north of Chalk River), were built without the consent of the First Nations who have lived and exercised their inherent rights on those lands since time immemorial. Not only was consent never given, they were not consulted at all prior to the facilities being built. That failure has already caused significant damage, but the impacted First Nations at least had the comfort of knowing that at the end of the facilities' life, they would be removed and taken to a facility that was built specifically to dispose of the radioactive equipment and material. ISD is a bait-and-switch which will add long-term cumulative impacts to the point-in-time impacts caused by the operation of the facilities.

A STRATEGIC ASSESSMENT IS THE MOST APPROPRIATE MEANS FOR ADDRESSING ISD

While some may suggest simply allowing the ongoing CNSC environmental assessments and licensing processes under the *NSCA* to proceed, and rely on those assessments to provide parameters and policy guidance for future ISD proposals, doing so would, quite literally put the cart before the horse. Good policy is made through careful consideration, by diverse stakeholders, with the benefit of access to all of the relevant information and expertise.

The Environmental Assessment process under *CEAA 2012* and CNSC's own rules of procedure has few of those features. Project-specific EAs are (by definition) focused on the particular circumstances of that particular project, and as such, are not designed to address (and as a result, do not do a good job of addressing), important, 'big picture' questions, like whether ISD is in the best interests of Canadians. Indeed, CNSC and CNL have relied on the fact that this particular project is subject to *CEAA 2012* to avoid considering the **relative** benefits of ISD as

compared to full removal of the material in question. The scope of a *CEAA 2012* assessment is intentionally narrow – after all, it is a project-specific approval, not a broad policy consideration.

Relying on the *CEAA 2012* and CNSC process will instead leave Canada's policy process at the mercy of strict and unforgiving timelines and scoping limitations which place the proponent's needs over the public's needs and a process which precludes testing evidence and limits the ability of independent experts to address important systemic and environmental issues in the public interest. Moreover, it would vest the CNSC with jurisdiction to **make** national policy, rather than apply it. The strategic assessments contemplated by the *IAA* were designed precisely to fill this policy gap, and avoid 'policy by precedent'. The *IAA* explicitly recognizes the importance of assessing federal policies and issues through strategic assessments, in a way that goes beyond that possible in project-specific assessments. Strategic assessment allows Canada, Indigenous peoples and other Canadians to consider complex issues and evaluate strategic options available to address them.

Moreover, we hardly need to remind you that the Government of Canada recently replaced *CEAA 2012* with the *IAA*. In doing so, the Government brought Canada's impact assessment regime into the 21st Century, updating a law which had already failed to meet best practices when it was passed in 2012, with a modern, progressive and innovative law which balances the needs of industry, government, the public, and Indigenous peoples. Indeed, many of the new features of the *IAA* reflect the government's understanding that the previous statute utterly failed to meaningfully consider the rights, interests, knowledge and needs of Indigenous peoples.

There were undoubtedly good reasons for including the s.182 'grandfather' provision in the *IAA*, and we acknowledge that unfortunately, CNL is entitled to make use of that section to escape the more meaningful review to which the *IAA* would subject CNL's proposal. However, s.182 does not give CNL a blank slate to escape scrutiny for the unprecedented shift in Canada's nuclear policy that ISD represents. **The tools available to you under the *IAA* ought to be used in the national interest, and in order to ensure that the rights of Indigenous peoples in Canada are meaningfully taken into consideration and properly protected.**

Taking a short period of time now, at the outset, to use the statutory instrument provided for in the new IAA, to develop a toolkit (a Canadian ISD policy), will ensure that Canada avoids ad hoc decisions, arising in a policy vacuum, that will haunt Canadians for generations, and indeed, in perpetuity. Canada's nuclear waste will effectively be with us forever. Disposing of it properly, with the benefit of sound policy, the first time, is of the utmost importance.

CONCLUSION

The IAAC's "Operational Guide" on requesting regional or strategic assessments sets out specific considerations which will guide your decision making with respect to our request.¹¹ In this letter, we have set out in detail how each of those criteria are met. In particular:

- Future federal impact assessments will be informed by, and made more efficient, by a strategic assessment of ISD. Answering the questions that we have posed in this letter will simplify future impact assessments and provide consistency and predictability in review, by providing crucial policy guidance to project-specific proponents, practitioners and regulatory bodies (particularly CNSC).
- ISD is squarely within Federal jurisdiction. CNSC is the designated regulatory agency for all nuclear-related assessments in Canada, and the federal government is ultimately responsible for managing Canada's nuclear waste industry and related liabilities. In addition, ISD projects have implications, flagged in our submission, for a variety of other areas within federal jurisdiction, including but not limited to the social, health and economic conditions of Indigenous peoples.
- The rights of Indigenous peoples, and the impacts to those rights caused by ISD, are best considered at first instance in a higher-level strategic assessment forum.
- There has been, and continues to be, considerable public interest related to ISD and its proposed use, both at WL and at the NPD site. Other Indigenous peoples have joined Sagkeeng in expressing these concerns, as have non-Indigenous Canadians.

¹¹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/requesting-regional-strategic-assessment-iaa.html>

We are pleased that the Canadian Environmental Law Association has expressed its support of Sagkeeng's request for this Strategic Assessment. Their letter of support is attached.

COMMITTEE MEMBERSHIP AND TERMS OF REFERENCE

Pursuant to section 96(1) of the IAA, if you agree to our request and create a committee to conduct the Assessment, you also must appoint the members of the Committee and establish its terms of reference.

We suggest that the committee include the following members, in addition to ECCC and NRCAN representatives, and any others who you deem appropriate:

- From CNSC
 - One technical expert, and one policy expert
- From IAAC
 - One technical expert
- From Aboriginal Groups
 - One representative from Sagkeeng
 - One representative, collectively from the First Nations impacted by the Nuclear Power Demonstration Project facility
 - One representative appointed jointly by the Métis Nation of Ontario and the Manitoba Métis Federation
- One representative nominated by the nuclear industry.
- One independent technical expert.
- Two independent impact assessment practitioners; one with biophysical expertise, and the other with a human environmental expertise.
- One independent policy expert.

Terms of Reference

We propose that the Committee should be tasked with addressing the following issues:

- 1) Can ISD be an appropriate method for decommissioning a nuclear reactor in Canada? Is it in the best interests of Canadians, now and in the future?

- a. If yes, in broad terms, what unique or concept-specific factors must be considered by proponents and regulators prior to approving ISD as a decommissioning method, and on what evidentiary basis?
 - b. If yes, what specific methods, issues and questions must be the subject of any future proposal for ISD, and on what evidentiary basis; including
 - i. How will ISD be compared to other technically and economically feasible alternatives?
 - ii. What is an appropriate rights impact assessment framework for these types of projects?
 - iii. How will it be demonstrated that the end state for ISD has been achieved?
 - iv. What is the treatment of ISD within Canada's radioactive waste framework?
 - c. If yes, what is the appropriate institutional control and long-term monitoring period for ISD, and how can Canada meet its obligations to the environment and to Indigenous peoples by maintaining control and oversight over dispersed ISD facilities over hundreds of years, and on what evidentiary basis?
- 2) Should ISD proposals be subject to the "informed and willing host" principle? Why or why not?

Yours truly,
Olthuis, Kleer, Townshend LLP
PER:

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COREY SHEFMAN
ASSOCIATE



c.

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