

NORTHWATCH

January 3, 2017

Honourable Catherine McKenna
Minister of Environment & Climate Change
House of Commons
Ottawa ON K1A 0A6

Mr. Ron Hallman, President
Canadian Environmental Assessment Agency
160 Elgin Street. 22nd Floor
Ottawa ON K1A 0H3

Dear Minister McKenna and President Hallman:

Re. Process for Reviewing Additional Information Provided by Ontario Power Generation

With today's posting¹ on the Canadian Environmental Assessment Agency's public registry of the December 2016 reports by Ontario Power Generation, prepared in response to the Minister's February 2016 request for additional information, we are writing to provide additional input into the review process in general, and the Agency's "*Estimated Timeline for the Review of Ontario Power Generation's (OPG) Response to the Minister's Request for Additional Information on the Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project*"² in particular.

CEAR # 2883 is the posting of OPG's "additional information", required by the Minister in February 2016 in advance of making her environmental assessment decisions and issuing an Environmental Decision Statement in relation OPG's proposed Deep Geologic Repository (DGR). Dated December 28th, the OPG reports were posted in the mid-to-late afternoon of January 3rd, and include a cover letter, a main submission and three supporting documents related to the "Study of Alternate Locations", an "Updated Analysis of Cumulative Environmental Effects" and one supporting document, and a Mitigation Measures Report, totalling 647 pages.

The Agency's "Estimated Timeline" for the Review provides a first indication of the timeline and very general indication of the structure for the review process. With the OPG reports now in place and this general timeline known, we would like to provide input into the review process.

The following elements are essential in the upcoming review:

- The decision on applications for participant funding³ must be released prior to the review commencing
- The Conformity Review of OPG's response should include input from the public and Indigenous communities; a notice inviting comment from the public and Indigenous communities into the Conformity Review should be issued prior to the commencement of this stage of the review
- Invitations to the federal departments / Federal Review Team to contribute to the Conformity Review should be posted on the public registry
- The Public Comment Period / Technical Review of OPG's response should be for a minimum of 90 days and should commence with a separate notice that follows the outcome of the Conformity Review being posted on the public registry



Box 282, North Bay ON P1B 8H2

<email address removed>

<contact information removed>

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- Review participants, the Agency and government departments must be provided the opportunity to pose written questions to Ontario Power Generation and receive responses, all of which are posted to the public registry
- Public sessions should be convened which provide an opportunity for presentation of their report findings by Ontario Power Generation, testing of that evidence through direct questions posed by the Agency, members of the Federal Review Team, members of the public and Indigenous communities; intervenors should be provided with a corresponding opportunity to present the findings of their reviews of OPG’s “additional information”
- The review should be conducted in a manner that is transparent and open; for example, there should be no closed meetings between the Agency and Ontario Power Generation, or meetings between the any entities that are part of the Federal Review Team and Ontario Power Generation; all sessions should be held *ex camera* with full public records, including transcripts
- The public record should include any and all communications related to the Agency’s review of the OPG reports, including transcripts of any meetings or other written or verbal communications that involve the Agency, the Minister’s office, or other government departments; these records should be posted on the public registry
- Any written submissions related to the review of the OPG reports received by the Agency should be posted on the public registry

As expressed in an earlier letter from Nuclear Waste Watch to which Northwatch was a signator, it is imperative that the review pay careful attention to the details of Ontario Power Generation’s response and place it within the context of OPG’s pattern of non-conformance with both the requirements of the Canadian Environmental Assessment Act and the directions of the previous Joint Review Panel. In addition, there are other gaps in the OPG application which must be filled prior to any approval being possible, such as repository and shaft collar design and final waste characterization. These gaps are well documented in Northwatch’s earlier submissions.

Thank you for your consideration of our input into the practical structure of the process to review Ontario Power Generation’s “additional information”, and our identification of the essential elements of a fair and effective review process. We look forward to future opportunities to provide substantive comment on the reports included in [CEAR # 2883](#) and to engaging in a review process which supports a thorough evaluation of the additional information provided by Ontario Power Generation.

Sincerely,
<Original signed by>

Brennain Lloyd
Northwatch Project Coordinator

ENDNOTES

¹ [CEAR # 2883](#)

² [CEAR # 2884](#)

³ [CEAR # 2878](#)