

April 26, 2013

Dr. Stella Swanson, Panel Chair  
Deep Geologic Repository Project Joint Review Panel  
Canadian Environmental Assessment Agency  
160 Elgin St., 22nd Floor  
Ottawa ON K1A 0H3

Email: [DGR.Review@ceaa-acee.gc.ca](mailto:DGR.Review@ceaa-acee.gc.ca)

Dear Dr. Swanson:

Yesterday we received notice that the Joint Review Panel for the Deep Geologic Repository Project for Low and Intermediate Level Radioactive Waste (DGR) has set a deadline of May 24, 2013 to receive public comments on the Environmental Impact Statement (EIS) and documents in support of the application for a Licence to Prepare Site and Construct, submitted by Ontario Power Generation (OPG).

We are writing to express two concerns related to this Notice, and to respectfully request that you withdraw the notice and re-issue it at the appropriate time.

Our first concern is with respect to the timing of the Notice. As you are aware, Ontario Power Generation has not yet responded to many of the Information Requests you have forwarded to them. As indicated in CEAR #957 and CEAR # 923, OPG has indicated to you that they will provide responses to the remaining Information Requests, including in Information Request (IR) Packages #9 and #10, on April 30<sup>th</sup> and May 15<sup>th</sup> respectively.

Further, in CEAR# 966, 965, 916 and 938, the Ontario Ministry of the Environment, the Ontario Ministry of Tourism, Culture and Sport, the Canadian Nuclear Safety Commission and Natural Resources Canada each identify Information Requests for which an adequate response has not yet been received, according to the evaluation they conducted at your request.

Your notice states that - by May 24<sup>th</sup> - we are to “submit comments on the EIS, the application for a Licence to Prepare a Site and the additional information received from Ontario Power Generation since February 2012 in response to questions from the Panel” (emphasis added).

Ontario Power Generation has not yet completed their process of providing responses to the Information Requests you have forwarded to them, and has stated on the record that they will not provide the final of even their first attempt at a response until May 15<sup>th</sup>. In addition, you have asked the advice of several agencies with respect to the sufficiency of responses provided, and in several instances the agency response has indicated that the responses provided by Ontario Power Generation have been insufficient.

By issuing the notice of the May 24<sup>th</sup> deadline for public comments on April 25<sup>th</sup> – in advance of OPG providing the remaining responses - you have either effectively reduced the comment period to nine days (from May 15<sup>th</sup> to May 24<sup>th</sup>) or you have removed the public's opportunity to follow your direction to consider “the additional information received from Ontario Power Generation since February 2012 in response to questions from the Panel” in preparing our comments.

Our second concern is with the direction provided in the Notice with respect to the announced deadline and the nature of the deadline and the focus of the submissions to be made by public participants by the announced date of May 24<sup>th</sup>. The Notice states that:

*The public is invited to submit comments on the EIS, the application for a Licence to Prepare a Site and the additional information received from Ontario Power Generation since February 2012 in response to questions from the Panel.*

Our understanding is that the purpose of this particular review period with the newly announced deadline of May 24<sup>th</sup> is to provide comment on the adequacy of the information provided by Ontario Power Generation in terms of OPG's obligations to meet the direction of the EIS Guidelines (2009) and not to provide substantive comment on the merit of the OPG application at this time.

In our view, the Notice issued yesterday fails to make the distinction between this deadline for public comment and a later deadline, to be announced at a later date, for comment on the merit of the OPG application, once it has been determined by the Joint Review Panel that Ontario Power Generation has provided the required information about their proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Wastes.

As a remedy to these concerns and to provide the public with a fair and full opportunity to participate in this review, we are respectfully requesting the following:

- That you withdraw the Notice and re-issue it at a date following the completion of the IR process, including Ontario Power Generation submitting the remaining responses to IRs in Packages #9 and 10 and addressing any outstanding deficiencies in IRs they have already submitted, and
- That the re-issued Notice make the distinction between a) the public comments on the conformity of the EIS and related documents with the requirements of the EIS Guidelines which will be required by the deadline included in the re-issued Notice, and b) the public comments on the merits of the OPG project proposal, which will be required by the deadline to be included in a future Notice, such as the Notice that will be provided 90 days in advance of the commencement of the public hearing.

Thank you for your consideration, and for your commitment to a fair, informed, and transparent review process. Please do not hesitate to contact us if you would like any of the above points clarified or more detail provided.

We look forward to a timely response to the above stated concerns and proposed remedy. As we are sure you can appreciate, your response will significantly affect our ability to participate in this phase of the public review of OPGs proposed Deep Geological Repository.

Sincerely,

<signatures removed>

Brennain Lloyd  
Northwatch

Theresa McClenaghan  
Canadian Environmental Law Association

John Jackson  
Great Lakes United

John Bennett  
Sierra Club of Canada

Shawn-Patrick Stensil  
Greenpeace Canada

Anna Tilman  
International Institute of Concern for Public Health

Marti McFadzean  
Inverhuron Committee Inc.

Sharen Skelly, Huron-Grey-Bruce Citizens  
Committee on Nuclear Waste

Cheryl Grace  
Bluewater Coalition Against the DGRs

Jill Taylor  
Save Our Saugeen Shores

cc. Dr. James F. Archibald, Panel Member  
Dr. Gunter Muecke, Panel Member

<sup>+</sup> Electronic signature is not available

