

CNSC Disposition Table of Public and Indigenous Groups' Comments on the Draft Environmental Impact Statement – WR-1 *In Situ* Decommissioning Project

No.	Theme	Source	Section, Table, Figure (Page)	<p align="center">Comment Summary</p> <p align="center">(all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80124)</p>	Response (to be completed by CNSC)
1.	Public and Aboriginal Consultation	Canadian Coalition for Nuclear Responsibility (CCNR) (Dec 19, 2017) CCNR (Jan 15, 2018)	General	<p>The commenter expresses the concern that never before in the history of Canada has permission been given to dispose of radioactive materials in a permanent and irretrievable fashion. The commenter indicates that “the CNSC, as the only federal agency charged with serving the public interest in the nuclear domain, has a responsibility to ensure that Canadians are cognizant of the challenge of keeping such materials out of the environment of living things for many hundreds of thousands of years to come.”</p> <p>The commenter notes that the CNSC has an obligation to do everything in its power to ensure that the Canadian public is given the opportunity to learn about the nature of post-fission wastes other than irradiated nuclear fuel, and to help formulate principles that should be applied to the long-term management of such radioactive wastes. The commenter further notes that there is a need for broad consultation with Canadians, including First Nations, on principles to be applied vis-a-vis the long-term management of post-fission radioactive wastes (other than irradiated nuclear fuel).</p> <p>[Please refer to pages 4-7 of the commenter’s submission for more information].</p>	
2.	Aboriginal Consultation	Sagkeeng First Nation (SFN) (Jan 15, 2018)	General	SFN recommends that a supplementary process be implemented by the Crown to address the failure of Canadian Nuclear Laboratories’ (CNL) consultation/engagement process to date, which has not adequately addressed impacts of the project on Aboriginal and treaty rights, nor community interests and concerns.	
3.	Aboriginal Consultation	SFN (Jan 15, 2018)	General	<p>SFN expresses the concern that required involvement and the expectations of free, prior and informed consent from Sagkeeng for this major strategic decision by the Crown, requires a much more serious commitment from the Crown to consultation. SFN illustrates these points with the example that Sagkeeng has received inadequate funding for participation in the EA. The low level of funding offered suggests a “notification” only level of consultation, in spite of our proximity to the project and the seriousness of likely (indeed, in the <i>in situ</i> decommissioning (ISD) approach – inevitable) and possibly in perpetuity impacts to SFN treaty rights.</p> <p>SFN indicates that they cannot consent to a method that leaves hazardous radioactive wastes on Sagkeeng lands in perpetuity, with the expectation that the containment will ultimately fail, thereby knowingly dispersing radioactivity throughout the local environment. In addition to being fundamentally flawed, ISD nullifies Canada’s prior commitment to dispose Whiteshell Reactor #1 (WR-1) wastes at a purpose-built off-site facility.</p>	
4.	Aboriginal Consultation	SFN (Jan 15, 2018)	Section 4.0 (4-1 to 4-15) Aboriginal Engagement Report	SFN expresses the position that the alternatives assessment has not been handled properly and notes that Sagkeeng was not engaged in the alternatives assessment process. As a result, SFN strongly recommends that CNSC find the draft environmental impact statement (EIS) premature and require a proper engagement process for an alternatives assessment be conducted, with all the parameters identified throughout this submission, prior to the finalization of the draft EIS.	
5.	Aboriginal Consultation	SFN (Jan 15, 2018)	Section 11.0 (11-1 to 11-3)	<p>SFN expresses the concern that there is a lack of potential oversight for the WR-1 project and provides the following comments:</p> <ul style="list-style-type: none"> • The application for the proposed undertaking was submitted on behalf of Canada, is being reviewed / approved by multiple federal agencies and, if approved, will be regulated by some of those agencies. On this basis, the project will be “self-regulated”. • Taking into consideration the multiple and sometimes conflicting priorities of the federal government, this situation could result in actions/decisions being taken that are not in the best interest of environmental protection. Further, the situation may result in perceived and/or real conflicts that would undermine public confidence. 	

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				<ul style="list-style-type: none"> To mitigate similar concerns that have arisen at other federally-funded clean-ups of contaminated sites, EA decisions have included provisions to establish independent oversight bodies to serve as “watch-dogs”. For example, the Federal Minister of Indigenous and Northern Affairs Canada accepted the recommendation of the Mackenzie Valley Environmental Impact Review Board to establish the multi-party Giant Mine Oversight Board that was created to verify that the remediation and long-term institutional care of the Giant Mine is implemented in a responsible fashion that instills public confidence. This is particularly important in situations where there are long-lived residual risks, as is the case for the proposed undertaking. <p>SFN recommends that CNSC require the establishment of an independent body to oversee the remedial design, implementation and long-term institutional care of the WR-1 site.</p>	
6.	CNSC Impartiality	Greg Link (Dec 19, 2017)	General	<p>The commenter notes that an artist’s rendering of the new proposed plan was presented in the slides provided in a CNSC 101 presentation held in Lac Du Bonnet in 2017, but that a likeness of what the site would look like if the current plan was to continue was omitted. The commenter suggests that by showing only the rendering of the proposed licensing application, it implied that the licensing change was a done deal.</p>	
7.	CNSC Impartiality	Lynn Jones (Dec 19, 2017)	General	<p>The commenter expresses the position that the CNSC does not have sufficient impartiality to be making decisions about this EIS and nuclear projects such as the WR-1 ISD. The commenter notes that the Expert Panel on Environmental Assessment heard from some Canadians that the CNSC lacks independence and neutrality because of the close relationship between it and the industry it regulates, that the CNSC promotes the projects it is tasked with regulating, and further that it is subject to “regulatory capture”.</p> <p>The commenter quotes from Wikipedia (August 14, 2017): “<i>Regulatory capture is a form of government failure that occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. When regulatory capture occurs, the interests of firms or political groups are prioritized over the interests of the public, leading to a net loss to society as a whole.</i>”</p> <p>[Please refer to the commenter’s submission for more information].</p>	
8.	CNSC Impartiality	Lynn Jones (Dec 19, 2017)	General	<p>The commenter expresses the position that the WR-1 ISD proposal shows what can go wrong when private sector is put in charge of radioactive waste in a country with inadequate nuclear waste governance.</p> <p>The commenter notes that between 2005 and 2015, over a billion dollars were spent by the federal government in Canada to develop a plan and strategy for cleaning up its legacy radioactive wastes at Chalk River, Pinawa, and other locations. The planning was done as part of a “Nuclear Legacy Liabilities Program”. The estimated cost to responsibly deal with the wastes ranged from \$6 billion to \$10 billion.</p> <p>The commenter elaborates on this, noting that in 2015, the Conservative government of the day cancelled the Nuclear Legacy Liabilities Program and privatized the management of Canada’s federally-owned nuclear facilities and radioactive wastes. The commenter notes that the contract it signed with multinational consortium, Canadian National Energy Alliance, emphasized speed, low cost and disposal of all wastes and led quickly to the WR-1 ISD proposal and two other proposals for permanent disposal of radioactive wastes which the commenter argues uses inappropriate methods that do not comply with international guidance.</p>	

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9.	Decommissioning and Waste Policies, Standards and Guidelines	Northwatch (Dec 20, 2017) Canadian Environmental Law Association (CELA) (Dec 19, 2017)	General	<p>Northwatch notes that the development of standards and guidelines for decommissioning is the responsibility of the CNSC, not of licensees, and that the appropriate means of developing these is through a public process which engages a full range of stakeholders and relies on sound science and accepted federal policies, such as the precautionary principle.</p> <p>Northwatch also suggests that the key outcome of the WR-1 draft EIS review should be a suspension of the EA process, in order to allow the CNSC adequate time to fill the current regulatory gaps related to decommissioning, including definitional gaps such as for end-state objectives and site-release criteria.</p> <p>CELA raises the concern that Canada currently lacks any legislation, policy or standard with respect to the entombment of radioactive wastes, raising the question of whether entombment is an acceptable Canadian disposal strategy for nuclear reactors.</p> <p>CELA also notes that despite the paucity of Canadian content or legal standards on the subject, international standards do exist. For example, an International Atomic Energy Agency (IAEA) report [1] states: <i>“Section 3.2.3 Entombment is not relevant for a facility that contains long-lived isotopes because these materials are not suitable for long-term surface disposal”</i></p> <p>While this IAEA guidance did not address nuclear reactors, a more recent IAEA document [2] states that entombment is not recommended for permanently shut down reactors. It states: <i>“Section 1.10.... Entombment, in which all or part of the facility is encased in a structurally long lived material, is not considered a decommissioning strategy and is not an option in the case of planned permanent shutdown. It may be considered a solution only under exceptional circumstances (e.g. following a severe accident)”</i></p> <p>Finally, CELA indicates that Sections II and III of this IAEA report do not recognize entombment or <i>in situ</i> confinement as a decommissioning strategy and yet, <i>“the CNSC has already signalled that it will give consideration to international guidance and best practice, as provided by the CNSC in already held public consultations.”</i></p> <p>[Please refer to the commenters’ submissions for more information].</p> <p>References: [1] IAEA (2007) “Decommissioning Strategies For Facilities Using Radioactive Material” Safety Report Series #50, IAEA, Vienna [2] IAEA (2014) Decommissioning of Facilities. General Safety Requirements Part 6 , IAEA, Vienna, online: http://www-pub.iaea.org/MTC_D/publications/PDF/Pub1652web-83896570.pdf</p>	
10.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter expresses the concern that the regulatory framework established under the <i>Nuclear Safety and Control Act</i>, its regulations, and other guidance documents are too general, provide insufficient detail, or fail to address all the relevant factors needed to guide the CNSC’s review of a decommissioning proposal. Other jurisdictions have also adopted general regulatory requirements for decommissioning nuclear facilities. While they set out the expectations that licensees would have to meet in preparing and undertaking decommissioning actions consistent with IAEA requirements, the regulatory regimes reviewed do not adequately address all regulatory requirements recommended for adoption by the IAEA.</p>	

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				<p>The commenter indicates that the CNSC should use the best practices of other jurisdictions and the IAEA as a guide to establish a robust and transparent waste disposal policy, decommissioning policy, and regulatory framework to assess decommissioning proposals. Further, the commenter finds that in the absence of specific regulations to govern the conditions for licensing, the CNSC should review decommissioning proposals with regard to specific IAEA requirements and by comparison to the highest international standards for decommissioning strategies and plans.</p> <p>In their submission, the commenter describes various international frameworks related to nuclear facility decommissioning in detail, including IAEA requirements, regulations and requirements of both Canada and the US, as well as those of Finland and Sweden.</p> <p>[Please refer to pages 8-25 of the commenter's submission for this information].</p>	
11.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter indicates that in order to reflect international best practices and standards, the CNSC should clarify its preferred decommissioning strategy based on the recommendations of the IAEA and the best practices of jurisdictions with established decommissioning regimes. The CNSC should:</p> <ul style="list-style-type: none"> • Develop a principled overall policy framework underpinning a robust, clear, and enforceable regulatory regime for the decommissioning of nuclear facilities as well as the waste that arises from nuclear and decommissioning activities; • Stipulate the required evidentiary basis for a licensee's preferred decommissioning strategy and provide rationally based, clear, and enforceable conditions for its implementation; and, • Include enforceable conditions and detailed requirements for compliance within the approval for decommissioning activities. <p>[Please refer to pages 26 and 27 of the commenter's submission for more information].</p>	
12.	Decommissioning and Waste Policies, Standards and Guidelines (Out of Scope)	Lynn Jones (Dec 19, 2017) CCNR (Dec 19, 2017) CCNR (Jan 15, 2018)	General	<p>Ms. Jones expresses the perspective that the draft EIS for the WR-1 ISD (and the larger EA of which it is part) illustrate that nuclear waste governance needs major improvement in Canada, and that concerned Canadians are asking the following question: Given that the WR-1 ISD Decommissioning is inappropriate according to international guidance and standards, why was a red flag not raised early in the process, to stop the assessment of this project before so much time and money were wasted?</p> <p>The commenter further suggests that the reason a red flag was not raised is that there are no policies, strategies or regulations in Canada governing how radioactive wastes are managed. The commenter notes that other countries have overarching policies and strategies that spell out in detail what types of technologies must be used for each specific class of radioactive waste. The commenter states that "in Canada, the approach is that a proponent can propose anything it wants and the onus is on it to prove (to its captured regulator) its proposal is safe." The commenter concludes that this is not the way to govern nuclear industries and waste projects, and requests that Canada develop policies, strategies and regulations for nuclear waste, as recommended by the IAEA and as implemented in many other countries.</p> <p>[Note: The concerns of this comment are the focus of Environmental Petition #411 entitled <i>Policies and Strategies for Management of Non-Fuel Radioactive Wastes</i>].</p> <p>CCNR expresses similar concerns and urges that because the Government of Canada has not yet articulated a federal policy on the long-term management of post-fission radioactive waste materials, other than irradiated nuclear fuel, this EA be suspended until the government has elaborated such a policy. In addition, CCNR highlights the CNSC's</p>	

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				<p>frequent assertion that “we will never compromise safety,” and sees this as a mark of a dedicated regulator. In the case of operating nuclear reactors, the commenter notes that quick and cheap “solutions” are not tolerated by the CNSC, if approaches represent a degradation of containment aspirations. CCNR suggests that the CNSC should adopt a similarly uncompromising attitude toward the long-term management of radioactive wastes produced by nuclear fission technology. CCNR do not consider abandonment of wastes beside major bodies of water a responsible approach to radioactive waste management.</p>	
13.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter suggests that the CNSC should clarify the scenarios in which <i>in situ</i> confinement will be considered an appropriate decommissioning strategy. The commenter notes that current international standards indicate that, short of an emergency scenario, this strategy should be limited to nuclear facilities that only contain short-lived or limited concentrations of long-lived radionuclides, and that the CNSC should provide clear definitions for what constitutes an “emergency scenario”, “short-lived radionuclides”, “limited concentrations” and “long-lived radionuclides” or any other criterion used to determine the viability of <i>in situ</i> confinement as a decommissioning strategy for nuclear facilities.</p> <p>[Please refer to pages 28 and 29 of the commenter’s submission for more information].</p>	
14.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter indicates that while the Canadian regulations and standards meet international standards for the content of a final decommissioning plan, they fall short of providing a schedule for its submission. International requirements suggest that the Canadian regulatory framework should require that a final decommissioning plan be submitted for approval prior to or within two years of permanent shutdown.</p> <p>[Please refer to pages 29-31 of the commenter’s submission for more information].</p>	
15.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter notes that the Government of Canada should develop publicly acceptable policies and strategies for managing long-lived intermediate-level waste that reflects international best practices and have been developed in consultation with Indigenous peoples and the Canadian public. This should include, as a prerequisite, the development of a national classification scheme for radioactive waste that is publicly acceptable and consistent with IAEA guidance.</p> <p>[Please refer to pages 42-45 of the commenter’s submission for more information].</p>	
16.	Decommissioning and Waste Policies, Standards and Guidelines	CELA (Dec 19, 2017)	General	<p>The commenter notes that the Canadian regulatory framework does not provide guidance on the duration of nuclear power plant decommissioning. The commenter argues that in the absence of a policy framework and robust regulatory regime, the best practices of other jurisdictions that provide the greatest protection for the safety and well-being of the environment and Canadians, both present and future, should be adopted. In addition, the commenter argues that approval for termination of decommissioning activities should not be granted unless the:</p> <ul style="list-style-type: none"> • CNSC verifies that the licensee has demonstrated that the end-state criteria as specified in the final decommissioning plan and any additional regulatory requirements have been met; • End-state criteria reflect the best available science and highest level of safety feasible for Canadians and the environment; and, • Public has been consulted before authorization for decommissioning is terminated, and the site of the nuclear facility is released from regulatory control. <p>[Please refer to pages 31-32 of the commenter’s submission for more information].</p>	

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17.	Decommissioning and Waste Policies, Standards and Guidelines	Manitoba Métis Federation (MMF) (Dec 19, 2017)	Executive Summary (xxii)	<p>MMF notes that the Executive Summary of the draft EIS indicates: “<i>Although the installation of the engineered cover at the WR-1 Building is expected to slightly alter the drainage rates and flow patterns and discharge volume to the Winnipeg River; the changes are expected to be within the natural range of variation.</i>”</p> <p>MMF indicates that the data used to justify this statement only covers a few of the years that CNL has managed the site. It is unclear to MMF whether these assumptions will withstand the passage of time, particularly over 300 years given climate change and possible land-use changes in the area. MMF indicates that it is unlikely that the surrounding environment and the land use will remain the same. The flow of the Winnipeg River may change with drier or wetter climate, and changes in the dams on the river. This uncertainty will also affect the project description and other aspects of the project over time as they are described, assessed and form conclusions in the draft EIS.</p> <p>MMF recommends that the CNSC consider this uncertainty in the conditions that it imposes on the decommissioning plan for the project, including by imposing conditions or requiring options that include the removal of highly radioactive material to a permanent disposal site [Recommendation 4.3.4b].</p> <p>[Please refer to page 32 of MMF’s submission for more information].</p>	
18.	Decommissioning and Waste Policies, Standards and Guidelines	MMF (Dec 19, 2017)	Section 1.0 (1-1) Section 2.3 (2-1 to 2.2) Section 6.7 (6-279 to 6-344)	<p>The Introduction of the draft EIS states that: “<i>ISD is a permanent, passive decommissioning end state [and] CNL is proposing a revised approach to the WR-1 decommissioning that includes partial dismantling and demolition, along with passive, permanent disposal of the below-grade portions of the facility (the Project).</i>”</p> <p>MMF notes that the WR-1 decommissioning is not a “permanent disposal” of the high-level waste in the reactor. It is long-term storage in which the radioactivity is not isolated from the biosphere but will be released to the environment through time. Conditions of the high-level waste disposal program by the CNSC in the 1990s stipulated that the waste must be isolated from the biosphere and should not be a burden on future generations.</p> <p>MMF also notes that WR-1 decommissioning as described in the draft EIS will not isolate the waste from the biosphere and requires monitoring of the site until 2324. This places a commitment on future generations and a possibility of exposure of released radionuclides to the public, particularly to those that harvest fish in the river and may harvest aquatic plants, including wild rice. As already identified throughout this review, the Manitoba Métis citizens (MMC) have rights in the project vicinity that include practices of harvesting fish and other aquatic resources from (among other locations) the Winnipeg River. The ISD plan for the project has the potential to create additional impacts on the MMC and future harvesters, which are possibly greater than a disposal or decommissioning plan that does not involve in-situ options for decommissioning.</p> <p>MMF concludes that while the ISD plan meets one of the CNL Integrated Waste Strategy objectives by providing a disposition route for the WR-1 components and systems, it does not meet the objectives of “<i>limiting nuclear legacy obligations for future generations</i>” and instead requires monitoring and maintenance of the site for at least 100 years, and possibly as long as 300 years. This long-term monitoring requires ongoing resources and may lead to significant resource costs to correct any deficiencies. MMF recommends that the alternative of moving the radioactive material to a final disposal site should be seriously considered.</p>	

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				MMF also recommends that the CNSC provide guidance on whether the long-term storage of high-level waste in this form is acceptable, given the knowledge that radioactivity will be released to the Winnipeg River in the future [Recommendation 4.3.3a]. [Please refer to pages 30-31 of the MMF's submission for more information].	
19.	EA Process	MMF (Dec 19, 2017)	Section 1.0 (1-1)	MMF notes that Section 1.0 of the draft EIS indicates that the Comprehensive Study Report (CSR) names the CNSC and Department of Fisheries and Oceans Canada as Responsible Authorities (RAs). However, in the Appendices to the CSR, CNSC is named as the only RA. MMF indicates that given the importance of the aquatic transport pathway in the post-closure period, and the potential for contamination of the Winnipeg River and the reliance of MMC harvesters on fish and aquatic resources, the RA for the project requires clarification and consistency. MMF requests clarification about whether the Department of Fisheries and Oceans Canada is an RA for the WR-1 decommissioning project. [Please refer to page 30 of the MMF's submission for more information].	
20.	EA Process	CELA (Dec 19, 2017)	Section 1.0 (1-2)	The commenter notes that in 1998, Atomic Energy Canada Limited (AECL) made a decision to decommission the Whiteshell Laboratories (WL) site. The current approved decommissioning strategy for WR-1 includes complete removal of the facility. This is described in the 2001 CSR, commissioned under the <i>Canadian Environmental Assessment Act 2012's</i> (CEAA 2012) predecessor legislation with the CNSC and Department of Fisheries and Oceans as the RAs, a report that remains in force. The commenter also notes that in the draft EIS, CNL acknowledges that entombment is “a departure from the end-state defined in the 2001 Comprehensive Study Report”. However, the draft EIS argues that the proposal qualifies “as a designated project under Section 37(b) of the Regulations Designating Physical Activities of the Canadian Environmental Assessment Act 2012 as a project related to “the long term management or disposal of irradiated fuel or nuclear waste.” As CNL is proposing to change the decommissioning strategy from complete removal to entombment, the commenter submits that the 2001 CSR should be reopened, because 1) of the magnitude of modification proposed and 2) the need to bring the revised undertaking in line with CEAA 2012.	
21.	EA Process	Lynn Jones (Dec 19, 2017)	General	The commenter expresses the concern that the draft EIS is being evaluated under a flawed process, particularly a “guttled” CEAA 2012, which was brought in with no public debate, as part of an omnibus bill. The commenter notes that this gave the CNSC decision-making authority for EAs of nuclear projects, despite the fact that it has no special EA expertise. The commenter notes that the Expert Panel on Environmental Assessment, in <i>Building Common Ground: A New Vision for Impact Assessment in Canada</i> (2017), recommended (among other things) that sole decision-making authority on nuclear projects be taken away from the CNSC and given to an independent impact assessment authority. The government has indicated its intention to enact new EA legislation in 2018. The commenter expresses the position that given flaws in the current EA legislation, and the government's intention to address these, the current EA and review of the draft EIS for the WR-1 ISD lacks legitimacy. The commenter further suggests that many concerned Canadians believe the EA should be suspended and restarted under new legislation.	

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				The commenter concludes that by engaging in an EA process for WR-1 under CEAA 2012 [as opposed to waiting for new legislation] the CNSC is “ <i>responsible for a colossal waste of time, tax dollars and energy that would have been much better spent coming up with viable options for keeping radioactive toxins out of the biosphere and further that the CNSC should call a halt to the EA.</i> ”	
22.	EA Process	Ole Hendrickson (Dec 19, 2017)	General	The commenter indicates that the only opportunity for public review or public feedback into the EA process (shown as a downward arrow in Figure 5) is after release of a CNSC EA report and a CNSC licensing document, that is, just before the CNSC hearing on the matter. [Please refer to Appendix A of REGDOC-2.9.1, Figure 5, for more detail]. The commenter expresses the position that the process developed by CNSC for EAs under CEAA 2012, as described in REGDOC-2.9.1, appears to be inconsistent with one of the purposes of the Act, as follows: <i>“4 (1) (e) to ensure that opportunities are provided for meaningful public participation during an environmental assessment.”</i> The commenter expresses the view that the CNSC appears to be making up its own rules for EAs under CEAA 2012, in that REGDOC-2.9.1 does not indicate how CNSC will provide opportunities for meaningful public participation, nor how CNSC will use CEAA 2012 as a planning tool.	
23.	EA Process	Ole Hendrickson (Dec 19, 2017)	General	The commenter notes that Appendix A to the CNL-CNSC Administrative Protocol for the Renewal of the Whiteshell Laboratories Licence and the Proposed In Situ Decommissioning of the WR-1 Reactor indicates that a CNSC led 30-day “ <i>public comment period on [the] project description</i> ” took place June 2 – July 4, 2016, but does not indicate how or when public comments submitted would be addressed. The commenter asserts that in merely restating the existence of Section 19(1) of CEAA 2012, the Commission’s decision failed to address any of the substantive points raised in the comments submitted on the WR-1 ISD project description (nor did it address the other two projects). It merely noted that comments had been submitted: “ <i>The Commission notes that the submissions from the public and Indigenous groups included questions and commentary about the projects, the project descriptions, engagement efforts and the EA process. The Commission concurs with the responses provided by CNSC staff to members of the public and the Indigenous groups, and further notes that the detailed responses from CNSC staff would be distributed to all commenters after the decision on the scope of the factors for the EAs has been made.</i> ” The commenter concludes that a failure to give serious consideration to concerns raised by experts during the project description phase has made the statement in Appendix A of REGDOC-2.9.1 that “ <i>an EA conducted under CEAA 2012 is a planning tool</i> ” false, in the case of the EA of WR-1 ISD project.	
24.	EA Process	Ole Hendrickson (Dec 19, 2017)	General	The commenter highlights that Brokenhead Ojibway Nation commented on the project description, that “ <i>all underground and above ground structures and systems should be removed and the earth be totally decontaminated.</i> ” In response, the commenter notes that CNSC staff dispositioned these and other comments by stating: “ <i>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</i>	

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				<p><i>not subject to any governmental or political review, nor may they be overturned by the Government of Canada.</i></p> <p>The commenter expresses the position that the CNSC's "independence" from the Government of Canada is a serious impediment to proper engagement of Aboriginal peoples, the public, and independent technical experts in the EA process.</p> <p>Furthermore, the commenter is of the perspective that the Government of Canada should:</p> <ul style="list-style-type: none"> • Suspend all EAs of projects involving permanent disposal of radioactive waste; • Restart these projects under new environmental assessment legislation; and • Replace the CNSC as decision-maker for nuclear projects. 	
25.	EA Process	Northwatch (Dec 20, 2017)	General	<p>The commenter indicates that the role of the CNSC, as an RA, is to ensure that the draft EIS review is rigorous, that the social and technical scientific findings presented by CNL in support of any eventual project are sound, and that public and Indigenous engagement and scientific investigation are not sacrifice to meet the Canadian Nuclear Energy Alliance / CNL business needs.</p> <p>The commenters requests that CNSC:</p> <ul style="list-style-type: none"> • Require CNL to respond to information gaps and deficiencies and questions raised by public intervenors and review participants before the review proceeds • 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 December 19th • 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. <p>The commenter concludes by requesting that the full suite of technical support documents (TSDs) be made publicly available in advance of the public review period for the revised draft EIS and that the information requests forwarded by the commenter receive a response from CNL in a timely fashion.</p> <p>[Please refer to the commenter's submission for examples of TSDs requested].</p>	
26.	EA Process	CCNR (Jan 15, 2018) CCNR (Dec 19, 2017)	General	<p>The commenter asserts that the timelines for this project are aggressive [similarly with all three CNL projects], noting that the potential impacts of radioactive waste management projects are long term, lasting longer than only a few decades.</p> <p>Further, the commenter expresses the concern that the period of time allocated to the public comment period for draft EIS review puts strain on non-governmental organizations (NGOs) wishing to intervene in a coherent and constructive manner, as well as the Canadian public, whose tax dollars fund these projects. Ample time is needed for commenters to review complex, technical documentation, and to provide educated input.</p> <p>The commenter is of the perspective that these shortened timelines also suggests potential collusion by CEAA and the CNSC with industry, in the name of CNL's commercial interests.</p>	
27.	Land Use Restrictions	William Turner (Nov 25, 2017)	General	Is the CNSC prepared to approve "land use restrictions" on the WL site in perpetuity?	

CNSC Disposition Table of Public and Indigenous Groups' Comments on the Draft Environmental Impact Statement – WR-1 *In Situ* Decommissioning Project

No.	Theme	Source	Section, Table, Figure (Page)	Comment Summary (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80124)	Response (to be completed by CNSC)
28.	Proponent of the Project	CELA (Dec 19, 2017) CCNR (Dec 19, 2017)	General	The commenters raise the concern that with the proposed entombment, CNL appears to be making commitments on the part of AECL and by extension the Government of Canada that could last for hundreds of years, and further that CNL must be accountable for the entire life of the project, i.e., design, construction, commissioning, operations up to and including final abandonment. As CNL's contract with AECL is for a maximum of 10 years from 2014, the commenters assert that the WR-1 ISD should be designated as an AECL proposal and not a CNL proposal, even if CNL carries out the work under the direction of AECL.	
29.	Purpose of the Project and Alternative Means Assessment	SFN (Jan 15, 2018)	Section 2.0 (2-1 to 2-31)	SFN expresses the concern with the preferred option chosen and the alternative means assessment and provides the following comments: <ul style="list-style-type: none"> • The proposed ISD concept has never been used in Canada and, despite CNL's assurances; there are few cases of it being implemented in other jurisdictions (e.g., the P and R reactors at the Savannah River Site and fuel processing facilities at Idaho National Laboratory). • As noted below, international authorities on the management of radioactivity have indicated that ISD should be used only in exceptional circumstances. Using it at the WL site would set a dangerous precedent, and represent the rescinding of a promise made by the Government to SFN and the people of Manitoba. • The revised approach is inconsistent with radioactive waste management practices that are applied elsewhere in Canada. To illustrate, Ontario Power Generation (OPG) plans to develop a deep geologic repository in Tiverton where it will permanently dispose its low and intermediate-level radioactive wastes. Although other alternatives were considered (e.g., surface disposal in a concrete vault), OPG and the local willing host community of Kincardine selected the deep geological repository because it provides the highest level of safety of any option. Specifically, this deep, purpose built facility in competent bedrock will be far more effective at isolating radioactive waste than the shallow <i>in situ</i> disposal concept proposed by CNL / AECL. • In summary, no radioactive waste ISD facilities have been licensed in Canada. The current proposal therefore represents a potentially important precedent that could have far-reaching and lasting implications for sites elsewhere in Canada. SFN does not accept being a testing ground for this approach which has clearly been discouraged by leading authorities in the management of radioactivity. SFN concludes that the ISD represents a significant deviation from standard best practices for the management of radioactive wastes in Canada. SFN recommends that prior to approving any projects involving ISD, Canadian regulatory authorities should undertake a comprehensive technology review to assess the potential advantages and risks associated with the approach.	