

May 9, 2026

Deep Geological Repository for Canada's Used Nuclear Fuel Project
Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
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Re: Reference No.88774 - We the Nuclear Free North Submission on Public Participation Plan

Please be advised that the Canadian Environmental Law Association (“CELA”) serves as counsel for We the Nuclear Free North (“WTNFN”) in relation to the above-noted project. On behalf of our client WTNFN, CELA submits these comments to the Impact Assessment Agency of Canada (“Agency”) to strengthen the draft Public Participation Plan.

Pursuant to s.22(a)(n) of the *Impact Assessment Act*, SC 2019, c 28, s 1 (“IAA”), it is mandatory to consider “comments received from the public” in an impact assessment.¹ The preamble of the IAA recognizes the importance of implementing the impact assessment process in a manner which “fosters meaningful public participation”.² We urge the Agency to ensure that meaningful public participation includes sufficient funding for the public to hire independent experts. The public hearing process must also allow for the public to test the evidence submitted by the Nuclear Waste Management Organization (“NWMO”) before and at the review panel hearings.

The proposed project is not a routine or low-risk project. To the contrary, given the duration, magnitude, and significance of the potential adverse effects posed by the project, the approach to public participation must be enhanced. Funding must be commensurate with the nature, scope, scale, and geographic extent of the potential adverse effects of this unprecedented project.

1- Participant Funding Must be Enhanced to Enable the Public to Hire Independent Experts

Section 6(3)(b) of the IAA provides that the Agency must exercise their powers in a manner that adheres to the principles of scientific integrity, honesty, objectivity, thoroughness and accuracy.³

The proposed project is vast in scope. It is an untested proposal to handle and re-package high-level nuclear waste, load the waste onto transport vehicles, transport it hundreds of thousands of kilometres, re-package the waste again, and then permanently emplace it in a deep geological repository. There are a large number of both surface and underground facilities at the proposed Revell site. The analysis of adverse effects spans hundreds of thousands of years because of the

¹ *Impact Assessment Act*, SC 2019, c 28, s 1 (“IAA”), ss. 22(1)(n).

² IAA, preamble.

³ IAA, s. 6(3)(b).

extensive time frame that high-level nuclear waste remains dangerous to the environment and the public.

In order to ensure that an impact assessment of this magnitude can meet the requirements of section 6(3)(b) of the IAA, the participant funding process must be enhanced. To date, and in other recent impact assessment processes, funding has not been sufficient to enable the public to hire independent experts to review the proponent's reports, provide their own reports, or testify at a public hearing.

Recommendation 1 - Within the draft Public Participation Plan, section 7 should be revised to articulate that participant funding in this impact assessment will be sufficient to enable the public to hire experts to (1) review technical and scientific studies relied on by the NWMO, (2) submit their own expert reports, and (3) testify at the public hearing.⁴

2- Testing the Evidence

WTNFN supports the decision to refer the NWMO's proposed project to a review panel and to include public hearings. However, the opportunity for members of the public to make a presentation to the review panel, but without the opportunity to test the evidence submitted by the NWMO, is insufficient.⁵

WTNFN requests that the draft Public Participation Plan be updated to include (1) written interrogatories, which would allow the public to submit questions to the NWMO prior to the public hearing and the NWMO would respond in writing, and (2) the opportunity for cross-examination and testing of the evidence at the public hearing before the review panel.

The technical and scientific evidence in this proceeding is contested and many of the underlying assumptions in the NWMO's reports are in dispute. Much of the evidence will be based on predictive modelling. Meaningful public participation and sound decision-making by the review panel requires an opportunity for the public to test the NWMO's evidence.

Recommendation 2 – The draft Public Participation Plan must include written interrogatories and cross-examination of the NWMO's experts.

3- Public Comment Deadlines are too Short

WTNFN is concerned about the short timelines for public input during this impact assessment to date. While we recognize that legislative time limits are constraining Agency decisions about timelines for public input, the public comment periods on the Initial Project Description and the Draft Integrated Tailored Impact Statement Guidelines have not been conducive to meaningful public participation as required by the IAA. The comments periods are too short to allow the public to carefully read and meaningfully comment on the draft documents. As this impact

⁴ Impact Assessment Agency of Canada, Draft Public Participation Plan – Deep Geological Repository for Canada's Used Nuclear Fuel Project, p. 15. ("Draft Public Participation Plan")

⁵ Draft Public Participation Plan, pp. 4, 11.

assessment progresses, we urge the Agency to ensure that comment periods are as long as possible to enable meaningful public input.

Recommendation 3 - The comment periods for this impact assessment must be extended to allow for meaningful public participation.

4- Public Hearings Should be Held in Impacted Communities

WTNFN agrees that public hearings should be held in the communities most likely to be impacted by the project.⁶ The community hearings must reflect the full scope of the project, including the handling and re-packaging of high-level nuclear waste at the interim sites, the transportation of high-level waste through many communities, and the extensive facilities proposed for the Revell site in northwestern Ontario.

Recommendation 4 – Public hearings should be held in impacted communities located near the interim high-level waste storage sites, along the transportation routes, near the Revell site, and downstream from the Revell site.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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⁶ Draft Public Participation Plan, p.11.