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Deep Geological Repository for Canada's Used Nuclear Fuel Project
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**Re: Reference No.88774 – We the Nuclear Free North Submission on
Nuclear Waste Management Organization’s Comments on Draft Integrated
Tailored Impact Statement Guidelines**

We the Nuclear Free North (“WTNFN”) is submitting this comment on the Nuclear Waste Management Organization’s (“NWMO”) Submission on the Draft Integrated Tailored Impact Statement Guidelines (“Draft Guidelines”).

WTNFN is writing to express serious concern about the NWMO’s submissions to the Impact Assessment Agency of Canada (the “Agency”) on the Draft Guidelines. At every turn, NWMO is improperly seeking to minimize and narrow the review of the proposed deep geological repository (“DGR”), despite its proposal being an untested and highly controversial proposal to permanently emplace high-level nuclear waste deep underground. NWMO’s proposed narrowing of any review is particularly concerning because this project will handle at least 5.9 million fuel bundles of highly dangerous high-level nuclear waste, which must be isolated from all living things and the environment for hundreds of thousands of years.¹

A project of this type and magnitude has never been completed in Canada. We urge the Agency to wholly reject NWMO’s attempts to significantly narrow the impact assessment.

(a) Scope of Review of Transportation of High-Level Nuclear Waste

WTNFN strongly supports the Draft Guidelines’ finding that transportation activities related to this project include “the transport of used nuclear fuel to the repository during the operation phase of the project”.²

¹ Nuclear Waste Management Organization, *Choosing the Way Forward: the Future Management of Canada’s Used Nuclear Fuel*, 2005 (“*Choosing the Way Forward*”), p. 15.

² Impact Assessment Agency of Canada, Draft Integrated Tailored Impact Statement Guidelines – Dep Geological Repository (DGR) for Canada’s Used Nuclear Fuel Project, dated April 10, 2026 (“Draft Guidelines”), p. 65.

NWMO is proposing to narrow the geographic scope of the impact assessment so that thousands of kilometres of transport of high-level nuclear waste between the interim sites and the DGR would be excluded from scrutiny.³ The inclusion of transportation of high-level waste is of very serious concern for the public and Indigenous Nations. Pursuant to section 22(1)(n) of the IAA, the overwhelming public support for inclusion of transportation of high-level nuclear waste in the impact assessment process should be accepted and acted upon by the Agency.⁴

(b) Retrievability of Waste Must be Considered

NWMO is inexplicably seeking to exclude consideration of whether the high-level nuclear waste that is proposed to be permanently emplaced underground in the DGR should be retrievable.⁵ NWMO's position in this submission is inconsistent with many prior statements and assurances to the public and should be rejected:

- NWMO is improperly seeking to rely on the *Choosing the Way Forward: The Future Management of Canada's Used Nuclear Fuel*, 2005 to avoid impact assessment scrutiny of this proposed Project under the IAA. WTNFN notes that retrievability was a fundamental principle of NWMO's proposed "adaptive phased management" in *Choosing the Way Forward*. Future generations would determine whether to finally close the underground deep geological repository and the appropriate form and duration of post-closure monitoring. The deep geological repository option included the technology to retrieve used fuel after emplacement in the repository.⁶
- The Hosting Agreement between the Nuclear Waste Management Organization and the Corporation of the Township of Ignace states that adaptive phased management includes "retrievability" as a key attribute.⁷
- Retrievability of the waste is a key component of the approach in other jurisdictions, such as France.⁸

The Agency should reject any attempt to avoid any analysis of retrievability in the impact assessment.

³ The Nuclear Waste Management Organization's Comments on the Draft Integrated Tailored Impact Statement Guidelines and Draft Public Participation Plan, May 8, 2026 ("NWMO Submission on Draft Guidelines"), pp. 8, 9, 25. Online at < [166535E - NWMO Response to Draft Guidelines.pdf](#)>.

⁴ *Impact Assessment Act*, SC 2019, c 28, s 1 ("IAA"), s. 22(1)(n).

⁵ NWMO Submission on Draft Guidelines, p. 10.

⁶ *Choosing the Way Forward*, pp. 21, 44, 45, 103.

⁷ The Hosting Agreement between the Nuclear Waste Management Organization and the Corporation of the Township of Ignace, Article 1.1. Online at < [Ignace_Hosting_Agreement_Execution_Copy88.pdf](#)>

⁸ European Union, Council Directive 2011/70/Euratom (19 July 2011), Community Framework for the Responsible and Safe Management of Spent Fuel and Radioactive Waste, para 23; French Republic, ASN Opinion 2016-AV 0267 of 31st May 2016 on the reversibility of deep geological disposal of radioactive waste, 31 May 2016, p. 3; Andra, "Retrievability of the Waste Package Disposed of in Cigéo".

(c) Temporal Limit of 160 years is Unjustifiable

Throughout the NWMO's submission on the Draft Guidelines, it seeks to limit analysis of the project to 160 years.⁹ Shockingly, NWMO's submission includes a proposal to exclude an analysis of barrier loss after the "pre-closure" phase, despite the high-level nuclear waste being toxic to humans and the environment for hundreds of thousands of years.¹⁰ The Draft Guidelines appropriately identify that the total time frame of the project is nominally one million years, with a pre-closure phase which lasts a few hundred years and a post-closure phase that lasts one million years.¹¹ This is the only opportunity to analyze the long-term viability of permanently emplacing high-level waste in a DGR at this location. The Agency should reject any attempts by the NWMO to exclude analysis of how the proposed project will function for that long time frame.

(d) Blurring the Project Description with Respect to Storage of Low-Level and Intermediate Level Nuclear Waste and non-CANDU High-Level Nuclear Waste

The Guidelines that are issued in this case should not allow the NWMO to materially change or add key components to the project without scrutiny. The Agency should firmly reject the NWMO's proposal to narrow and exclude scrutiny of the storage of low-level or intermediate-level waste, and any non-CANDU fuel waste, if that is indeed part of the project.¹²

NWMO is proposing to store low-level and intermediate-level nuclear waste generated at the site, including waste created by the used fuel packaging plant.¹³ NWMO has also stated in the Initial Project Description that the capacity of the project may be greatly expanded in the future both to include increases in the inventory of high-level nuclear waste and to include low-level and intermediate-level nuclear waste.¹⁴ Likewise, NWMO raises the issue of storing more high-level nuclear waste than is contemplated in the Initial Project Description, either CANDU waste or non-CANDU waste.¹⁵

The impact statement, and any impact assessment analysis, must be clear about what is part of the project and what is not. There is no legislative basis in the IAA to exclude consideration of low-level and intermediate-level waste generated by the used fuel packaging plant, and potentially stored on site, and an ever-changing and growing high-level nuclear fuel waste inventory across the country (which may be CANDU or non-CANDU waste).

⁹ NWMO Submission on Draft Guidelines, pp. 12, 14, 24.

¹⁰ NWMO Submission on Draft Guidelines, pp. 24-25.

¹¹ Draft Guidelines, pp. 12-13

¹² NWMO Submission on Draft Guidelines, pp. 11, 29

¹³ Nuclear Waste Management Organization, Initial Project Description ("IPD"), p 59 (PDF p. 86)

¹⁴ IPD, p. 73 (PDF p. 100)

¹⁵ IPD, p. 73 (PDF p. 100)

(e) Severe Accidents Must be Examined

Section 22(1)(a)(i) of the IAA mandates that the Agency must take into account the effects of malfunctions or accidents that may occur in connection with the project.¹⁶ NWMO is improperly seeking to exclude any severe accident analysis and have claimed without basis that “severe accident analysis” is specific only to nuclear reactor facilities.¹⁷ NWMO is proposing to handle high-level nuclear waste and it remains very dangerous for hundreds of thousands of years. The IAA applies to all impact assessment processes. The NWMO’s proposal to exclude severe accident analysis must be firmly rejected.

(f) Geographic Limit of Environmental Effects Cannot be Limited to Local Area

The NWMO is also seeking to exclude analysis of environmental effects outside of a local geographic area, including surface water hydrology, health, social and economic conditions of those living in the project study area (which NWMO has defined much too narrowly), and project-related change to local or regional circumstances.¹⁸ NWMO appears to assume without justification that environmental and other impacts will be very local to the project site. The whole purpose of the impact assessment is to assess adverse effects within federal jurisdiction. Any attempt to pre-emptively limit the study of environmental impacts should be rejected.

WTNFN also notes with concern that NWMO has also proposed that the Guidelines do not require baseline conditions to be determined in the regional study area, including water levels and seasonal baseflow for streams and rivers.¹⁹ There is no justification for refusing to collect this data, which will hamper efforts to assess whether there are adverse effects from the project within this regional area.

(g) Approach to Assessing Adverse Effects is Not Limited to Environmental Standards

The IAA provides that an impact assessment must take into account the factors in s.22 and ultimately the Minister must be able to determine whether adverse effects within federal jurisdiction – and the direct or incidental adverse effects - are likely to be significant and whether any significant adverse effects are in the public interest.²⁰ Adverse effects are defined in s.2 of the IAA and include “non-negligible adverse effects of the activity or project”.²¹ There is no basis for the NWMO’s claim that meeting regulatory requirements would automatically meet the requirements of the IAA.²² The final Guidelines should ensure that the impact assessment assesses all adverse effects as defined by the IAA.

¹⁶ IAA, s. 22(1)(a)(i)

¹⁷ NWMO Submission on Draft Guidelines, pp 31, 32.

¹⁸ NWMO Submission on Draft Guidelines, pp. 15, 17, 18, 21

¹⁹ NWMO Submission on Draft Guidelines, p. 15.

²⁰ IAA, ss. 22(1) and 60(1).

²¹ IAA, s. 2.

²² NWMO Submission on Draft Guidelines, p. 21.

(h) Conclusion

WTNFN is seriously concerned about the submissions of the NWMO with respect to the Draft Guidelines and urges the Agency to reject them. Throughout this submission, the NWMO is improperly seeking to limit what the impact assessment would analyze, including by seeking to exclude any analysis of the transportation of high-level nuclear waste for thousands of kilometres over decades from the interim sites to the DGR site, the handling and storage of low-level and intermediate-level nuclear waste and any additional high-level nuclear waste (including non-CANDU high-level nuclear waste), environmental and other effects outside of the local area, severe accidents, hundreds of thousands of years of the post-closure period, and retrievability of the very dangerous high-level nuclear waste. The scope of the assessment must reflect the highly contentious, dangerous, untested and unprecedented nature of this project.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in blue ink that reads "Jacqueline Wilson".

Jacqueline Wilson
Counsel

A handwritten signature in black ink that reads "Richard D. Lindgren".

Richard D. Lindgren
Counsel