

**Comments to CNL regarding the draft revised environmental impact statement submission on January 2025  
for the proposed WR-1 In Situ Decommissioning Project**

**Annex 2**

Reference #	Reference to EIS	Context and Rationale	Comment to the Proponent
CNSC-01	Section 4.0 and Appendix 4.0 EIS and Indigenous Engagement Report	<p>It is CNL’s responsibility to ensure the consultation logs are up to date. Owing to the delay CNL indicated prior to their submission, CNL informed the CNSC that their engagement would be current to July 2024. CNSC indicated that this was not best practice however, asked CNL to indicate to consulted and engaged Indigenous Nations and communities that engagement reflected in all documents would be current to July 2024.</p> <p>It is best practice to have all engagement information updated to a minimum of 3 months prior to document submission.</p>	CNSC requests CNL to ensure all engagement information, including text and consultation logs are updated to a maximum time lag of 3 months prior to submission (e.g., if submission is January 2026, engagement information should be updated to end of September 2025) and as detailed in the CNSC’s letter to CNL in August 2025.
CNSC-02	Section 6.4.2.5.2.1 No Linkage Pathways, Pg 6-186		There is a typo in Section 6.4.2.6.2.2 with the reference source in the third paragraph (i.e., (CNL,20b))
ECCC-01	Reference to EIS: Section 6.2.2: Greenhouse Gases (p. 6- 79 to 6-89)	ECCC recognizes that climate change was a valued component in the assessment, and some greenhouse gas (GHG) information is included in the revised Environmental Impact Statement (EIS). However, the analysis does not include all information described in the Strategic Assessment of Climate Change (SACC), which outlines the process for the consideration of climate change during the environmental assessment process. While the SACC does not apply directly to projects assessed under CEAA 2012, such as this Project, the Proponent may find the draft Technical Guide related to the Strategic Assessment of Climate Change helpful in assessing the impacts to climate change and in ensuring consistent, predictable, efficient and transparent consideration of impacts to climate change	<p>ECCC recommends that CNL:</p> <ul style="list-style-type: none"> <li>a. Provide details on net GHG emissions by identifying the Project’s main sources (as defined in the draft Technical Guide related to the Strategic Assessment of Climate Change) and describing GHG type(s) for each source;</li> <li>b. Provide yearly estimates of net GHG emissions by project phases/components/activities, including methodology, data, emission factors and assumptions used to quantify each element of the net GHG emissions;</li> <li>c. Provide a qualitative and quantitative description of the potential positive or negative effects of the Project on the site’s carbon sink capacity. Additional guidance on the methodology to estimate losses or gains to carbon sinks is available in the draft Technical Guide related to the Strategic Assessment of Climate Change developed by ECCC;</li> <li>d. Provide details on proposed measures to mitigate GHG emissions and demonstrate consideration of Best Available Technologies and Best Environmental Practices (BAT/BEP) as described in section 3.2 of the SACC, and the draft Technical Guide related to the Strategic Assessment of Climate Change;</li> <li>e. If it is anticipated that any GHG emissions will be produced from any project activities occurring in 2050 and beyond, provide a credible net-zero plan that would use and build off the BAT/BEP Determination to describe the mitigation measures that will be taken to minimize GHG emissions throughout all phases of the Project and achieve net-zero emission by 2050, as described in Section 5.3 of the SACC. The net-zero plan should follow the principles and include the information outlined in Sections 3.5.1 and 3.5.2 of the draft Technical Guide related to the Strategic Assessment of Climate Change, respectively; and</li> <li>f. Provide an explanation of how the Project may impact Canada’s efforts to reduce GHG emissions and a discussion on how the Project could impact global GHG emissions, if applicable. Additional guidance is provided in Section 5.1.3 of the SACC.</li> </ul>

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ECCC-O2	Table 6.1.2-1: Valued Components Selected for the Environmental Assessment (p. 6-5)	Table 6.1.2-1 lists valued components and the rationale for their assessment. The table entry under “Terrestrial Environment” related to “Barn swallow” states that “Because the [Whiteshell Laboratories] site is federally owned, critical habitat of the species will be afforded protection under SARA”, which is incorrect. ECCC would like to clarify that even if a project site is on Federally owned land, like the Whiteshell Project site is, an order would need to be put in place for any critical habitat prohibitions to apply.	The critical habitat prohibitions under the Species at Risk Act (SARA) do not automatically apply on federal lands. The prohibitions only apply if the federal lands are National Park lands, Migratory Bird Sanctuaries, National Wildlife Areas, or if an Order has been put in place. Note that no critical habitat has been identified on the Whiteshell Laboratories Project site. Refer to SARA Section 58.4 for further information. The prohibitions under Sections 32 and 33, as well as the provisions of Sections 77 and 79, of the SARA, still apply.
ECCC-03	EIS Section 4.2.4: Summary of Engagement (p. 4- 14 to 4-106)	<p>During engagement, several Indigenous Nations identified questions related to accidents and malfunctions associated with the Project. There are no specific details contained within the EIS that relate to notification of Indigenous communities in the event of an incident caused by an accident or malfunction, nor are there clear mechanisms detailed to involve Indigenous Nations in addressing any impacts that may occur as a result of accidents and malfunctions.</p> <p>In the event that an accident or malfunction results in a spill that could have impacts to nearby Indigenous communities, prompt and effective notification is important for the protection of health and safety, as well as to enable the impacted Indigenous Nations to provide input into appropriately addressing the impacts (for example, when spills affect cultural or physical heritage or traditional use of land including traditional territory)</p>	<p>Emergency procedures and practices should be developed by CNL, and implemented to: 1. Notify Indigenous communities of any incidents, including those caused by accidents and malfunctions, that could have an impact on their health, socio-economic conditions, traditional use of land (including traditional territory), or physical or cultural heritage. 2. Gather feedback from Indigenous Nations when addressing the impacts of these incidents and in the development of solutions.</p> <p>ECCC recommends CNL update the EIS (or in a separate plan, specific to this Project, and referenced by the EIS) to include specific emergency protocols to notify Indigenous communities in the event of an incident, and communicate impacts that may result from, an accident or malfunction.</p>
ECCC-04	EIS Table 11.1-1: Environmental Assessment Follow-up and Monitoring Programs Proposed for the Project (p. 11-5 to 11-11) EIS Section 11.2: Adaptive Management (p. 11-13 to 11-14)	<p>In several places within the EIS and in the associated Decommissioning Safety Assessment Report, it is stated that monitoring would be carried out throughout the institutional control phase, and in the event that monitoring results are abnormal (i.e., indicating a potential leak of radioactive or nonradioactive hazardous substances), mitigations would be developed and implemented on a case-by-case basis, potentially including soil removal or treatment of groundwater. The given suggestions of soil removal or treatment of groundwater are potential methods to mitigate the impacts of a premature or unexpected failure of containment; however, these methods would not permanently address the root cause of the malfunction (i.e., failure of containment). Without the root cause of the malfunction being appropriately mitigated, leakage of radioactive or non-radioactive hazardous material could continue (with potentially irreversible impacts to groundwater, surface water, and other receptors at the Project site or broader area), leading to the need for ongoing mitigation actions, which are not compatible with the goal to safely and passively contain the hazardous products.</p> <p>Although the specific nature of a malfunction may not be possible to predict in advance, a section within the EIS or associated Decommissioning Safety Assessment Report describing the possible actions that would be taken to address the root cause of realistic potential malfunctions (e.g., repairing leaking containment), as well as the potential remediation strategies and mitigation measures that could be implemented, and how decisions would be made about their selection and implementation, would address the uncertainty as to how these measures will be used to protect the environment and maintain safety.</p>	<p>ECCC recommends that CNL develop the following:</p> <ol style="list-style-type: none"> <li>1. Procedures to locate and address the source/root cause of any abnormal monitoring results (e.g., leaks of radioactive or nonradioactive hazardous substances caused by unexpected or premature containment failure).</li> <li>2. Potential remediation strategies and mitigation measures to address any resulting impacts of the malfunction to the surrounding environment.</li> <li>3. Information on the decision-making process that would be used to determine which measures to implement</li> </ol> <p>ECCC recommends CNL update the EIS to include information describing possible actions that would be taken to address the root cause of realistic potential malfunctions, potential remediation strategies and mitigation measures that could be implemented, and how decisions would be made about their selection and implementation.</p>
ECCC-05	EIS Section 7.3.2 Spills and Leaks (p. 7-11 to 7-14)	<p>During the closure phase (and possibly the post-closure phase) of the Project, there will be activities conducted that could result in spills due to accidents and malfunctions. These could include, for example:</p> <ol style="list-style-type: none"> <li>a) storage of fuel and other hazardous substances;</li> <li>b) use and refueling of equipment;</li> <li>c) stockpiling of aggregates for production of grout; and</li> </ol>	<p>A comprehensive spill response plan should be developed, that focuses on the proposed Project activities, outlining:</p> <ol style="list-style-type: none"> <li>1. The types of fuels, hazardous substances, and aggregates that will be used as part of the project activities, and their estimated quantities.</li> </ol>

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		<p>d) servicing and washing of equipment.</p> <p>The EIS refers to spill response procedures contained within the Whiteshell Laboratories (WL) Emergency Plan; and provides a brief list of high-level mitigation measures (largely related to fuel storage and handling). The WL Emergency Plan is a high-level plan for the Whiteshell Laboratories site. Although it is useful as part of the overall planning for emergency response, it does not specifically address the potential risks or mitigations for the types of activities that will occur as part of the proposed Project.</p> <p>A spill response plan that specifically addresses the proposed Project activities (e.g., demolition of above-grade structures, grouting) is an important measure to help to mitigate the likelihood and impact of spills.</p>	<p>2. The types of spills or leaks that could occur as part of the Project, including (but not limited to):</p> <ul style="list-style-type: none"> <li>a) leaks of fuel or other hazardous substances from storage or from use or refueling of equipment;</li> <li>b) spills of aggregates; and</li> <li>c) contaminated water from cleaning of equipment.</li> </ul> <p>3. Mitigation measures including:</p> <ul style="list-style-type: none"> <li>a) proper storage methods for fuels, hazardous substances, and aggregates (e.g., use of appropriate containers and secondary containment, berms / silt fence);</li> <li>b) procedures to minimize spills and leaks of hazardous substances from equipment (e.g., safe fueling procedures, use of drip trays, regular inspections, use of biodegradable hydraulic oil when appropriate);</li> <li>c) procedures to prevent contaminants from entering the environment after servicing or cleaning of equipment (e.g., bermed washing and servicing areas); and</li> <li>d) the presence of appropriately stocked spill kits on site.</li> </ul> <p>4. Training that will be provided to project personnel with respect to spill response and mitigation.</p> <p>5. Spill response procedures to address likely spill scenarios of all fuels, hazardous substances, and aggregates that will be used on site.</p> <p>6. Material Safety Data Sheet (MSDS) for all hazardous substances used on site.</p> <p>ECCC recommends CNL develop a comprehensive spill response plan, and update the EIS with the information from the plan.</p>