APPENDIX

Terms of Reference for the Review

Part 1 - Project Description

Pursuant to paragraphs 15(1)(b) and 15(3)(h) of the CEAA, the Minister of the Environment is proposing that the scope of the project include the site preparation, construction, operation, decommissioning, and abandonment of the project components and activities proposed by OPG Inc. as described in Deep Geologic Repository for Low and Intermediate Level Radioactive Waste - Project Description. The long-term management of used nuclear fuel under the mandate of the Nuclear Waste Management Organization is not within the scope of this project.

The physical works for this project include both surface facilities and underground facilities. Surface facilities could include two permanent buildings, plus any buildings required for ancillary facilities. The principal structures of the surface facilities expected are:

- Receipt/Access Building: this building could contain facilities for underground access by ramp or shaft. If access is by Shaft, this building is expected to have a hoist/headframe/cage. If access is by ramp, this building would include ramp access. This building is likely to have facilities for staff, as well as the heating ventilation and air conditioning equipment. Low- and intermediate-level waste could be received at this building and may be staged for transfer to the deep geologic repository. This building may also be used for transfer and removal of excavated rock during construction activities; and
- Ventilation Shaft Headframe Building: this building may provide cover for the ventilation shaft, exhaust fans, sampling/monitoring devices, a hoist and mechanical/electrical systems.

Underground facilities would likely include the following:

- Ramp or Main Shaft: the main shaft would be excavated using drill and blast or other methods. The ramp would be tunnelled into the rock. Either the ramp or the shaft would be used to bring materials and waste into the deep geologic repository;
- Ventilation Shaft: the ventilation shaft would be used to route air and provide emergency egress. This shaft would be excavated by drill and blast, raise bore, or other methods;
- Underground Tunnels: these tunnels would provide access from the underground receipt area to the operational level;
- Emplacement Rooms: these rooms would provide the storage space needed for the low- and intermediate-level waste, a volume estimated as 160,000 m³; and
Operational Level Office, Amenities and Maintenance Areas: these may be constructed adjacent to the main shaft/ramp and possibly used for servicing underground equipment, or serve as a distribution point for services.

The physical works also consist of the site infrastructure, and would include such things as power, a sanitary sewer system, a potable water system, a storm water system, a subsurface drainage system, a construction laydown area, access roadways, fencing, waste rock storage and associated roads, security and roadways for linking the deep geologic repository to the existing Western Waste Management Facility.

The undertakings in relation to the physical works to be considered for the purposes of this assessment are site preparation, construction, operation, decommissioning and abandonment phases of the project. The following describes activities expected to be undertaken for each of these undertakings and include:

**Site Preparation:**

Clearing a portion of the proposed site (approximately 15 hectares are wooded) and development of roads to provide site access.

**Construction:**

Construction of surface facilities, the shaft or ramp, the ventilation shaft, and the underground excavation of tunnels and an initial set of emplacement rooms. Construction would also result in storage of rock on the Bruce site.

**Operation:**

Operational activities include transfer of low- and intermediate-level radioactive waste from the Western Waste Management Facility and waste emplacement in the deep geologic repository and any sealing of emplacement rooms during the operating period. The operational phase may also include construction campaigns for additional emplacement rooms.

**Decommissioning:**

Decommissioning activities includes activities such as dismantling the equipment, sealing the repository and access ways and decontamination and demolishing the surface facilities.

**Abandonment:**

Although there are no activities associated with abandonment, the long term performance of the facility must conform to the Commission’s Regulatory Policy P-290, Managing Radioactive Waste.
Part II - Components of the Review

1. Within 30 days of the close of the public comment period regarding the draft Environmental Impact Statement Guidelines, the Minister of the Environment shall, following consultation with the President of the Commission and after taking into account the comments received by the public, the SON and other Aboriginal groups, issue the Environmental Impact Statement Guidelines.

2. The Parties shall require the Proponent to prepare the Environmental Impact Statement (EIS) in accordance with the Environmental Impact Statement Guidelines issued by the Minister.

3. Upon receiving the Environmental Impact Statement (EIS), and provided that the JRP has been struck and that participant funding pursuant to s. 58(1.1) of the CEAA has been awarded, the JRP will have a period of up to 14 days to announce the commencement of the EIS public review and comment period and to issue instructions and a timetable for the review that will include opportunities for public comment.

4. A maximum six (6) month period is provided for review and analysis of the EIS followed by a one (1) month period for the JRP’s consideration of the comments received on the sufficiency of the EIS to proceed to the JRP Hearing phase. This seven (7) month time period is in addition to any time required by the proponent to respond to any information requests from the JRP.

5. At any time following submission of the EIS to the JRP, during the EIS public comment and review period, or in considering of any comments received during or following the public comment period, the JRP may request any additional information it deems necessary from the Proponent.

6. The JRP shall schedule and announce the start of the JRP Hearings once it is satisfied that the proponent’s EIS and any additional information has adequately responded to the EIS Guidelines.

7. The JRP shall provide public notice of the JRP public hearings 90 days prior to the start of the Hearings.

8. Written comments obtained pursuant to the EIS public review and comment period shall be made public on the Public Registry.

9. At the request of the JRP, the Secretariat shall provide written and oral professional, scientific, technical or other assessment to the JRP.

10. The JRP may secure the services of additional independent experts to provide information on and help interpret technical and scientific issues and issues relative to community knowledge and Aboriginal traditional knowledge.

11. The JRP shall hold the Hearings within the Municipality of Kincardine and elsewhere as it deems appropriate.

12. The JRP shall deliver its Report to the Minister of the Environment within 90 days following the close of the Hearings. Paper and electronic copies of the report will be provided upon request. Copies will also be available on the Internet.
Part III – Procedure

1. The JRP will issue directions on procedures in accordance with the CEAA, NSCA and the provisions of the JRP Agreement. The directions on procedures will include the JRP’s procedures for the review process including the conduct of the EIS review, communication with the JRP, hearing procedures and/or any other matter the JRP deems appropriate. The JRP may issue separate public hearing procedures prior to the hearings.

2. The JRP may consult with the public prior to finalizing its directions on procedures.

3. The JRP Hearings will be conducted in accordance with the CEAA, NSCA and this Agreement and will ensure that opportunities are provided for timely and meaningful participation by the public, the SON, and other Aboriginal groups; that technical sessions are scheduled for specific matters of concern; and, that Aboriginal and traditional knowledge is appropriately considered.

4. For the purposes of CEAA or the NSCA, the JRP Hearings shall be public unless the JRP is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm to the environment by the disclosure of the evidence, documents or other things that the witness is ordered to give or produce, or that information to be presented involves national or nuclear security; the information is confidential information of a financial, commercial, scientific, technical, personal or other nature that is treated consistently as confidential and the person affected has not consented to the disclosure; or the disclosure of the information is likely to endanger the life, liberty or security of a person.

5. The JRP public hearing procedures will establish timelines for presentations to the JRP. Each presentation may be followed by a question and answer period led by the JRP, followed by questions from other Intervenors.

6. Questions will be directed through the JRP Chair who may subsequently allow a participant to put questions directly to the presenter. Where a person does not adhere to the procedures and the direction of the JRP Chair, the JRP Chair will have the authority to refuse to permit further questioning from that person.

7. The JRP Chair may limit or exclude questions or comments that fall outside the mandate of the JRP, are repetitive, irrelevant, or immaterial.

8. The JRP Chair may limit discussion that exceeds the time limits established by the JRP procedures.

Part IV – Scope of the Environmental Assessment and Factors to be Considered in the Review

1. The Review will include a consideration of the following factors listed in paragraphs 16(1)(a) to (d) and in subsection 16(2) of the CEAA:
a) The environmental effects of the Project, including the environmental effects of malfunctions, accidents or malevolent acts that may occur in connection with the Project and any cumulative environmental effects that are likely to result from the Project in combination with other projects that have been or will be carried out;

b) The significance of the effects referred to in (a);

c) Comments from the public that are received during the Review;

d) Measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the Project;

e) The purpose of the Project;

f) Need for the Project;

g) Alternatives to the Project

h) Alternative means of carrying out the Project that are technically and economically feasible and the environmental effects of any such alternative means;

i) Measures to enhance any beneficial environmental effects;

j) The requirements of a follow-up program in respect of the Project;

k) The capacity of renewable resources that are likely to be significantly affected by the Project to meet the needs of the present and those of the future; and,

l) The consideration of community knowledge and Aboriginal traditional knowledge.

Part V – Scope of Assessment of the Application for Licence to Prepare Site and Licence to Construct

Pursuant to section 24 of the NSCA and its regulations, the JRP process will include consideration of:

- Whether the applicant is qualified to perform the activity to be licensed; and,
- Whether in carrying on that activity the applicant will make adequate provisions for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.