



File/dossier : 6.02.04

Date : 2018-11-13

Edocs pdf : 5712200

Oral Presentation

Exposé oral

Written submission from the Ya'thi Néné Land and Resource Office

Mémoire de Ya'thi Néné Land and Resource Office

In the Matter of

À l'égard de

**Regulatory Oversight Report for Uranium
Mines, Mills, Historic and Decommissioned
Sites in Canada: 2017**

**Rapport de surveillance réglementaire des
mines et usines de concentration d'uranium et
des sites historiques et déclassés au Canada :
2017**

Commission Meeting

Réunion de la Commission

December 12, 2018

Le 12 décembre 2018

Ya'thi Néné Land and Resource Office
Submission of the
Regulatory Oversight Report Feedback
November 13th, 2018

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Summary

The Ya'thi Néné Land and Resource Office (Ya'thi Néné), on behalf of the Athabasca First Nations of Hatchet Lake, Fond du Lac and Black Lake, as well as the municipalities of Camsell Portage, Uranium City, Stony Rapids and Wollaston Lake, has reviewed the Canadian Nuclear Safety Commission's (CNSC) *Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2017* (ROR Report).

In addition to reviewing the ROR, the Interim Executive Director of Ya'thi Néné is a member of the Athabasca Joint Environment and Engagement Subcommittee (AJES) of the Ya'thi Néné Collaboration Agreement, and has used the information received and shared through the quarterly meetings of the AJES that provide up to date information related to the uranium mining operations to support this submission.

As well as being a member of the AJES, Ya'thi Néné is generally well informed about the activities and undertakings of the uranium mining operations located in the Athabasca Basin. Ya'thi Néné has the technical capacity and resources to review various reports from both the mining companies and regulators – in order to be in a position to inform itself and community members about the uranium mining activities occurring in the Athabasca Basin.

Ya'thi Néné offers the following guidance and suggestions in response to the 2017 ROR, and makes suggestions to improve future reports – in relation to the areas of the Canadian Nuclear Safety Commission (CNSC)'s mandate of the protection of health, safety, security and the environment, along with ensuring that meaningful consultation occurs with the public and those living in the communities near the operations, as mentioned in Section 1.3 Public Information and Community Engagement.

- 1) Ya'thi Néné is an organized group with the capacity and connections to the communities that can advise the CNSC on areas of interest to the Athabasca Basin communities. As such, it is recommended that CNSC staff work collaboratively with Ya'thi Néné to continue to refine and focus its information sharing and engagement efforts. The following are examples of such areas for collaboration and continued discussion:
 - a. Continued efforts by CNSC staff to provide information on topics of interest to the communities.
 - b. More meaningful review of the ROR by CNSC staff with Ya'thi Néné, well in advance of the intervention deadline or the CNSC meeting, such that Ya'thi Néné is in the best position possible to have advance questions successfully responded to.
 - c. Outcomes of the CNSC Independent Environmental Monitoring Program (IEMP) for the operations in the Athabasca Basin – and opportunities for more input from Ya'thi Néné communities in future monitoring programs.
 - d. Development of a more streamlined information-sharing process related to items of interest to community members.
 - e. Discussion related to the most appropriate means by which to ensure that traditional Dene speakers have access to CNSC information, such as the potential for translation of a summary of the ROR.

Introduction

The Ya'thi Néné Land and Resource Office (Ya'thi Néné) works to enhance the environmental, social, cultural, and economic health and well-being of the Black Lake, Fond du Lac and Hatchet Lake Denesuline First Nations (collectively known as the “First Nations”) and the municipalities of Camsell Portage, Uranium City, Wollaston Lake and Stony Rapids. The First Nations assert Aboriginal and Treaty Rights in the areas of the McClean Lake Operation, Cigar Lake and Rabbit Lake, and exercise traditional activities and assert constitutional Aboriginal and Treaty Rights within these areas.

Ya'thi Néné has ensured that it has the technical capacity and resources to review various reports from mining companies and regulators – in order to be in a position to inform itself and community members about the uranium mining activities occurring in the Athabasca Basin.

Ya'thi Néné is providing this submission on behalf of its member communities. Ya'thi Néné has reviewed the *Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2017*, has communicated with CNSC staff, and has been an active member of the Athabasca Joint Environment and Engagement Subcommittee (AJES) associated with the Ya'thi Néné Collaboration Agreement. Ya'thi Néné acknowledges the participation of the CNSC in meetings and communications, and the organization highly values the beneficial relationships that have been created throughout the process. In order to continue down this path of best practices, Ya'thi Néné offers comments and recommendations for the CNSC's consideration.

Recommendations

Ya'thi Néné is an organized group with the capacity and connections to the communities that can advise the CSNC on areas of interest to the local people. As such, it is recommended that CNSC staff work collaboratively with Ya'thi Néné to continue to refine and focus its information sharing and engagement efforts. Further discussion on areas of interest are outlined below.

Continue Efforts to Engage Community Members on Topics of Interest and Relevance

In June of 2017 Ya'thi Néné supported Orano's request for the 12-year license renewal term at a CNSC Commission Hearing in La Ronge, SK. That support remains. One of the items raised by the Ya'thi Néné at the License Renewal Hearing was the interest and support towards ensuring that community members were more broadly informed about reclamation and decommissioning activities in relation to the existing operations. As a result, in June, 2018, Orano and Cameco organized a one-day workshop on this topic, to which the environment subcommittees were invited, including the AJES, and at which the CNSC staff presented on this topic. It was appreciated that multiple parties could come together to provide varied viewpoints and legislative perspectives on reclamation and decommissioning. Ya'thi Néné recommends similar approaches when general topics of interest are raised by either Ya'thi Néné on behalf of the community members, or the community members themselves.

Regulatory Oversight Report Process

The Regulatory Oversight Report is completed on an annual basis, and the reporting can be an onerous task. The ROR presents CNSC staff's assessment of licensee performance for operating, historic and decommissioned uranium mines and mills regulated by the CNSC. The report provides updates on staff activities related to public information, community engagement, and relevant aspects of the CNSC's Independent Environmental Monitoring Program.

Ya'thi Néné appreciates any opportunities to meet with the CNSC to discuss operations, reporting, engagement etc. There continues to be excellent participation, communication and information sharing between Cameco, Orano, Ya'thi Néné, and the CNSC. However, the ROR review process by interveners does not allow for a time period that would support advance resolution of questions or issues. Ya'thi Néné would support an advanced process to allow for any questions / queries to be responded to in a manner that promotes reconciliation of issues between CNSC staff and Ya'thi Néné – not necessarily elevated to the Commission level. Successfully developing this process would enhance the relationship such that when a Commission meeting takes place, the well-established front end information-exchange would allow for a meeting/hearing focused on issues within the CNSC's mandate.

Sharing Focused Information on Relevant Environmental Monitoring Programs

Questions and concerns from our community members include conversations regarding water, animals, air and way of life. The Athabasca First Nations and communities in the region will remain in the area after the mining operations have closed and been decommissioned. Therefore reporting on the ability to maintain and practice traditional ways on life in the region is a topic very important to community members.

Much of the information related to these important aspects to the communities are addressed in environmental monitoring programs, and Ya'thi Néné is familiar with the wide variety of regional and local environmental monitoring programs existing in the Athabasca Basin in relation to the uranium mining operations, such as:

- The 18-year old Community Based Environmental Monitoring Program (CBEMP), formerly known as the Athabasca Working Group monitoring program. The 2018 CBEMP focuses on Stony Rapids and Black Lake, is directed by the AJES and will assess, on a community by community basis, the dietary habits of the community members, coupled with a direct sampling program of the foods consumed from the locations they are harvested from
- The Eastern Athabasca Regional Monitoring Program (EARMP)
- The CNSC Independent Environmental Monitoring Program (IEMP)

Ya'thi Néné is well positioned to review a number of the above monitoring initiatives, to provide comments and feedback to Cameco and Orano, and to keep our community members informed about the outcomes of the monitoring programs in relation to the operations in the Athabasca Basin – particularly in the areas important to the community members. We recommend that the CNSC and

Ya'thi Néné work together to ensure that CNSC's independent monitoring program reports are made available for review by Ya'thi Néné. This will enable all parties to participate in the need for, and design considerations of, any future environmental monitoring and remediation activities

On the topic of information sharing and environmental programs, Ya'thi Néné would like to remain engaged and notified of any updates regarding the selenium adaptive management plan as outlined on page 96 in Section 7.3. The selenium adaptive management plan outlines selenium-related continual improvement and adaptive management actions taken at the McClean Lake Operation such as changes to leaching and tailings preparation circuits, changes to the hydrogen peroxide concentration and delivery system, and physical changes to improve hydrogen peroxide mixing.

Establish a Process that Shares Existing Information on Spills with Ya'thi Néné and the Communities

Ya'thi Néné is well aware that community members are generally interested and occasionally concerned when it comes to emissions to the land, water and air. In fact, in our role as an AJES member, we have heard the AJES community members raise these concerns directly to Orano and Cameco. We know that the companies are required to disclose information on their websites pertaining to spills or safety issues, in accordance with their licensed Public Disclosure Protocol. We would further suggest that the CNSC, in cooperation with Cameco and Orano, work with Ya'thi Néné to establish additional means by which the information from the websites of the companies, can be more broadly shared with Ya'thi Néné, and potentially the communities.

Collaboratively Develop an Appropriate Means to Share Technical Information with Communities

The information that is disseminated by the companies and the CNSC is often very technical in nature, and it can be challenging to convey such material to community members in a way that is meaningful and purposefully understood. As a member of the AJES, we know that the companies are seeking guidance from the AJES about appropriate types / kinds / styles of communications to our community members, and we would suggest that Ya'thi Néné can be a similar organization that the CNSC can connect with to receive advice regarding appropriate communications on technical matters. For example, we would like to discuss the merit of the CNSC ensuring that the future RORs have a plain language summary included in the front of report, which could then be more simply translated into Indigenous languages, such as the traditional language of our First Nations, Denesuline.

Closing Remark

Ya'thi Néné has been very pleased with the level of communication between the CNSC and our office. We appreciate the opportunity to review reports published by the CNSC. We view these technical documents as knowledge pathways, as they allow Ya'thi Néné to pass information along to community members in a variety of ways. This transfer of knowledge is critical in ensuring all people of the Athabasca Basin are meaningfully informed with regards to the ongoing operations within the region.