



Date: 2019-11-08
File / dossier : 6.02.04
Edocs pdf : 6040603

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

**Mémoire du
Ya'thi Néné Land and
Resource Office**

**Regulatory Oversight Report for
Uranium Mines and Mills in Canada:
2018**

**Rapport de surveillance
réglementaire pour les mines et
usines de concentration d'uranium
au Canada : 2018**

Commission Meeting

Réunion de la Commission

December 12, 2019

Le 12 décembre 2019

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**Written Submission from
Ya'thi Néné Land and Resource Office
In the Matter of the;**

Annual Program Report

**Regulatory Oversight Report for Uranium Mines and Mills in
Canada: 2018**



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Executive Summary

Ya'thi Néné Land and Resource Office (Ya'thi Néné) completed a comprehensive review of the Canadian Nuclear Safety Commission (CNSC) Regulatory Oversight Report (ROR) for 2018. Ya'thi Néné also conducted engagement sessions with leadership from Uranium City, Camsell Portage, Wollaston Lake, and Stony Rapids and the Chiefs from Fond du Lac, Hatchet Lake, and Black Lake Denesuline First Nations. Following the review, Ya'thi Néné has the following three recommendations.

Recommendations:

1. Provide more than a 30-day period for the submission review to allow for enhanced engagement with community members.
2. In accordance with REGDOC-3.2.1 and the encouragement of updating communication procedures, Ya'thi Néné strongly recommends that the licensed facilities implement a new reporting procedure for contacting the seven Athabasca Basin leaders and the Ya'thi Néné Executive Director to any incident classified as 'Medium' or 'High' through email.
3. Add Community Comprehension as the fifteenth Safety and Control Area to ensure that communities impacted through the mining industry are updated and informed on the areas of environmental protection concerning the use of the land and health and safety.

1.0 Introduction

The Regulatory Oversight Report (ROR) is completed on an annual basis and reported by the Canadian Nuclear Safety Commission (CNSC). The report focuses on the operating performance of uranium mines and mills licensees and licensed facilities. The facilities included in the 2018 report are Cameco Corporation's operations of Cigar Lake (underground mine with surface facilities), McArthur River (underground mine and surface facilities), Rabbit Lake (Eagle Point underground and tailings management facility), and Key Lake (mill operation and tailings management facility) and Orano Canada's operation of McLean Lake (mine and mill). Of these five mines and mills, McArthur River, Key Lake, and Rabbit Lake are currently under care and maintenance.

The ROR provided an in-depth review and report of the performance at each of the operating facilities (focusing on radiation protection, environmental protection, and conventional health and safety), reporting of spills and incidents, and public information and community engagement. The appendices provided more detailed information on the safety and control areas (SCA) and the ratings that were given.

1.1 Ya'thi Néné Land and Resource Office

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 and the municipalities of Camsell Portage, Uranium City, Wollaston Lake, and Stony Rapids. Ya'thi Néné has an independent board of directors that are appointed by the community leaders. Ya'thi Néné is tasked with overseeing the implementation of the collaboration agreement with Cameco and Orano on behalf of the seven Athabasca Basin communities. Ya'thi Néné works to protect the land and promote people in the Athabasca Basin.

1.2 Document Timeline

Ya'thi Néné received confirmation on September 12th, 2019 that they would receive funding from the Participant Funding Program Contribution Agreement through the CNSC. Ya'thi Néné received the ROR on October 11th, 2019. Following this, Ya'thi Néné scheduled engagement sessions over the phone with the community leaders to provide a summary of the ROR and allowed time for any questions and concerns to be voiced. The deadline for submission is November 12th, 2019 but Ya'thi Néné submitted on November 8th, 2019 to accommodate for First Nations Unity Day on the 12th of November. The timeframe allotted for the intervention submission process did not provide an adequate amount of time to collaborate and engage with all stakeholders involved.

1.3 Document Submission

Ya'thi Néné is providing this submission on behalf of its member communities. Ya'thi Néné participates as a member of the Athabasca Joint Environmental Sub-committee (AJES) and has participated in activities, such as mine tours, to be able to have a better understanding of the facilities. Ya'thi Néné and community leaders and representatives attended the Indigenous engagement session hosted by the CNSC in Prince Albert, SK on September 5th, 2019 to provide an overview of each of the mines and mills that are regulated. This meeting was beneficial in providing insight for the community leaders on mining and milling activities.

After receiving and reviewing the ROR document, Ya'thi Néné conducted engagement sessions with leadership from the seven Athabasca Basin communities. As well, Cameco provided Ya'thi Néné with a presentation on their environmental monitoring program overview on October 11th, 2019.

2.0 Community Engagement

Ya'thi Néné consulted with community leaders from the seven Athabasca Basin communities during the review time period. Community leaders were provided with a summary of the document from Ya'thi Néné staff. During the discussion, there were common concerns that were raised.

2.1 Reporting Incidents to Athabasca Basin Leaders and Ya'thi Néné Land and Resource Office

A common concern addressed by leaders was the communication and notice of reportable incidents. The CNSC follows the safety significance rating scale of High, Medium and Low for Radiation Protection, Environmental Protection, and Conventional Health and Safety. To date, the notices are posted on the websites of Cameco or Orano in accordance with REGDOC-3.2.1, *Public Information and Disclosure*. In this regulatory document, it states that licensees and license applicants are encouraged to adopt the most effective and appropriate means of communication (CNSC, 2018). We recommend that from this point forward, for any incident classified as 'Medium' or 'High', it will be reported by email as soon as possible to the seven Athabasca Basin leaders and the Ya'thi Néné Land and Resource Office Executive Director. This recommendation supports the need and establishment for more effective and appropriate means of communication.

2.2 Include Community Comprehension as a Safety and Control Area

Currently, the CNSC has fourteen safety and control areas (SCA) that are rated on their point system, (Fully Satisfactory, Satisfactory, Below Expectations, and Unacceptable) to evaluate each mine and mills' performance. Following community engagement sessions with leadership, we recommend that there be a fifteenth SCA for Community Comprehension.

The issue that was raised, concerned that a lot of the community members at large do not always understand issues that are brought to their attention concerning activities and incidents at the mines and mills that impact both their lives and their traditional land use. Increased communication from Cameco, Orano, the CNSC, and the Government of Saskatchewan regulators is recommended to better facilitate this information.

If there were more direct and frequent meetings with communities to provide updates on contaminants of potential concern, as well as results from the various traditional food studies (e.g. Eastern Athabasca Regional Monitoring Program or the Community Based Environmental Monitoring Program) it would allow for a more informed understanding of the ongoing activities. This recommendation supports the licensees' obligation to REGDOC-3.2.2 *Indigenous Engagement* that requires the licensee to engage with potentially impacted Aboriginal groups (CNSC, 2019). Ya'thi Néné is willing to help assist in the coordination and dissemination of this information along with the respective parties.

3.0 Recommendations

Ya'thi Néné has the following three recommendations to the Commission:

1. Provide more than a 30-day period for the submission review to allow for enhanced engagement with community members.
2. In accordance with REGDOC-3.2.1 and the encouragement of updating communication procedures, Ya'thi Néné strongly recommends that the licensed facilities implement a new reporting procedure for contacting the seven Athabasca Basin leaders and the Ya'thi Néné Executive Director to any incident classified as 'Medium' or 'High' through email.
3. Add Community Comprehension as the fifteenth Safety and Control Area to ensure that communities impacted through the mining industry are updated and informed on the areas of environmental protection concerning the use of the land and their health and safety.

4.0 Closing Remarks

Ya'thi Néné has been pleased with the level of communication between the CNSC, Cameco, Orano, and our office. We appreciate the opportunity to participate in these important processes. Ya'thi Néné looks forward to assist with the implementation of these recommendations and to continue the dialogue to improve the regulatory documents that licensees and licensed facilities abide by.

5.0 References

Canadian Nuclear Safety Commission (CNSC) (2018). REGDOC-3.2.1, Public Information and Disclosure. (2018). Retrieved 7 November 2019, from <https://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc3-2-1/index.cfm>

Canadian Nuclear Safety Commission (CNSC) (2019). REGDOC-3.2.2: *Indigenous Engagement*, version 1.1. Retrieved 7 November 2019, from <https://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc3-2-1/index.cfm>