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**Written submission from the
Curve Lake First Nation**

**Mémoire de la
Curve Lake First Nation**

**Regulatory Oversight Report for
Uranium and Nuclear Substance
Processing Facilities in Canada: 2019
and Update on Cameco
Corporation's Vision in Motion
Project**

**Rapport de surveillance
réglementaire des installations de
traitement de l'uranium et des
substances nucléaires au Canada :
2019 et mise à jour sur le projet
Vision in Motion de Cameco
Corporation**

Commission Meeting

Réunion de la Commission

December 8, 2020

Le 8 décembre 2020

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laissée en blanc*

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November 13, 2020

**RE: Regulatory Oversight Report for Uranium and Nuclear Substance Processing
Facilities in Canada: 2019 and Update on Vision in Motion Project**

Dear Secretariat,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we hope that this written intervention finds you and your loved ones safe and healthy. We hope that members and staff at CNSC are coping well during these times.

The operations of BWXT and Cameco that are the subject of this Regulatory Oversight Report are located on Treaty 20 Michi Saagiig territory and in the traditional territory of the Michi Saagiig and Chippewa Nations, collectively known as the Williams Treaties First Nations, which include: Curve Lake, Hiawatha, Alderville, Scugog Island, Rama, Beausoleil, and Georgina Island First Nations. It is respectfully acknowledged that the Williams Treaties First Nations are the stewards and caretakers of these lands and waters in perpetuity, as they have been for thousands of years, and that they continue to maintain this responsibility to ensure their health and integrity for generations to come.

This written intervention represents the views of CLFN only. CLFN is directly or indirectly affected by the activities and facilities of the nuclear industry in Ontario. The protection of environmental, cultural, and natural heritage values is of importance to CLFN. CLFN has undertaken a review of this and of other Regulatory Oversight Reports to gain a general understanding and awareness of nuclear related activities (operations, manufacture, transport, projects, regulatory activities and oversight, nuclear industry culture and processes). This helps improve awareness and understanding of the industry and issues as CLFN reviews potential environmental impacts, cultural impacts, and impacts on Treaty Territory and Aboriginal and Treaty Rights.

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CLFN would like to start off by acknowledging the CNSC on its attempt to bring together a large amount of information, activity, data, events, processes, etc. into a single oversight document. The customized approach taken by the CNSC for each site is commendable. Between the Independent Environmental Monitoring Program (IEMP), the evaluation of Safety Control Areas (SCA's), and public and Indigenous Engagement, there are a flexible number of mechanisms to allow for any and all issues surrounding environmental protection and Indigenous oversight to be addressed.

The details (please refer to Appendix 1) accompanying this covering letter are structured as follows:

- Issues with consultation and engagement
- Generalized comments across a number of Regulatory Oversight Reports on accessibility, style, language, and content.
- Generalized comments on how Indigenous communities are acknowledged in the report.
- Specific observations made on content, issues, trends, and other items of interest; although not meant to be an exhaustive review of the document(s)
- Opportunities to build our relationship with the CNSC and BWXT and Cameco.

For the purpose of this covering letter, CLFN wishes to highlight the issues with consultation and engagement.

- In reviewing the Cameco portions of the ROR it became evident that CLFN does not have a routine mechanism to be familiar with the information presented. CLFN is unfamiliar with the Vision in Motion Project. There has been no proactive attempt to engage; the referenced licensee Indigenous engagement and outreach program could not be substantiated due to the absence of engagement by Cameco. There are a concerning number of releases, action level exceedances, and reportable events by Cameco.
- Routine interactions are planned for the future with BWXT; several positive and encouraging meetings and interactions were completed in 2020. CLFN considers this particular issue regarding beryllium in soil to be an open item and an ongoing issue of concern; CLFN considers this in progress with BWXT and CNSC. With reference to CLFN's intervention in March 2020, in CLFN's view, consultation with respect to the BWXT licence is still required and has not yet been sufficiently conducted.

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CLFN wishes to share these opportunities to build our relationship with the CNSC and with BWXT and Cameco such that meaningful engagement and consultation can take place in the future. CLFN would like to be consulted on these items in future meetings:

- The contents of the ROR on a regular basis to bring a common understanding of the issues.
- Pertinent activities and events including timely information sharing and depth of information shared to support a better understanding of the issues; with considerations for such items as emergency, emergent, routine, ad-hoc, project driven information, plans, and actions; including those that cross over regulatory jurisdictions.
- Transportation activities in the territory.
- How the RORs can be improved to reflect that there is an understanding of the key issues brought forth by CLFN to the CNSC.
- How CLFN input can be used in oversight processes and/or to provide input to evaluations. Including CLFN perspectives as part of oversight could potentially enhance CNSC oversight and will also enhance engagement activities.
- How CLFN's participation in the IEMP can enhance the independence portion of the program. Considerations for involvement of CLFN environmental monitors and overall development of the concept of oversight monitors and compliance monitors.
- The science that supports the establishment of regulatory limits and baselines; discuss existing monitoring, sampling, testing, analytical protocols.
- How the SCA ratings were developed, if input from Indigenous representatives and knowledge keepers were part of the development and subsequent implementation of the framework. Discuss why exceedances, for example, do not necessarily result in an unsatisfactory rating; discuss what specific actions were taken to address the situation and how that influences the rating.
- How long term considerations on aging infrastructure and lifecycle conditions can be addressed and approaches jointly developed.
- How long term risk management of releases and exposure can be jointly developed.
- How long term strategies concerning decommissioning can be jointly developed.
- How long term monitoring of sites should be described and pursued in partnership with guardian or stewardship experts from within treaty territory of sites.

In closing, CLFN acknowledges the CNSC's provision of this capacity to participate: to be aware, to be informed, to provide a review and feedback, and to gain a better overall understanding of the nuclear industry and how it is regulated. CLFN withholds judgement at this time and trusts that engagement and consultation can be improved and made more meaningful in the future.

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The details shared in this covering letter culminate in these areas of interests that CLFN will continue to discuss with the CNSC at routine meetings:

- Protection of the Environment and Sustainable Development
- Protection of Traditional and Cultural Values, Knowledges and Practices
- Reconciliation
- Technology Lifecycle
- Inclusion and Participation in Activities, Development, and Decision Making
- Inclusion of Traditional and Cultural Values
- Regulatory Framework, Programs, Standards, Processes
- Consultation Protocols, Standards, Processes

It is our hope that the above areas of interest will eventually reflect CLFN values and principles. We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Sincerely,

A handwritten signature in blue ink, appearing to be "Emily Whetung", is written over a circular blue stamp.

Chief Emily Whetung
Curve Lake First Nation

cc:

Curve Lake Chief and Council
J. Walker, Chief Operating Officer
Dr. J. Kapyrka, Lands & Resources Consultation
K. Hill, Lands & Resources Consultation



Appendix 1 Details of Review

CLFN would like to start off by acknowledging the CNSC on its attempt to bring together a large amount of information, activity, data, events, processes, etc. into a single oversight document. The customized approach taken by the CNSC for each site is commendable. Between the Independent Environmental Monitoring Program (IEMP), the evaluation of Safety Control Areas (SCA's), and public and Indigenous Engagement, there are a flexible number of mechanisms to allow for any and all issues surrounding environmental protection and Indigenous oversight to be addressed.

CLFN has identified two issues with consultation and engagement:

- In reviewing the Cameco portions of the ROR it became evident that CLFN does not have a routine mechanism to be familiar with the information presented. CLFN is unfamiliar with the Vision in Motion Project. There has been no proactive attempt to engage; the referenced licensee Indigenous engagement and outreach program could not be substantiated due to the absence of engagement by Cameco. There are a concerning number of releases, action level exceedances, and reportable events by Cameco.
 - Pages 17,18/100
 - Pages 24,25/100
 - Pages 61 to 69/100
 - Page 28/100 "CNSC staff confirm that the licensees have Indigenous engagement and outreach programs. Throughout 2019, the licensees met and shared information with interested Indigenous communities and organizations. These efforts have included emails, letters, meetings, site visits and tours, as well as community visits, upon request. The CNSC encourages licensees to continue to develop relationships and engage with Indigenous groups who have expressed an interest in the licensee's activities."
- Routine interactions are planned for the future with BWXT; several positive and encouraging meetings and interactions were completed in 2020. CLFN considers this particular issue regarding beryllium in soil to be an open item and an ongoing issue of concern; CLFN considers this in progress with BWXT and CNSC. With reference to CLFN's intervention in March 2020, in CLFN's view, consultation with respect to the BWXT licence is still required and has not yet been sufficiently conducted.
 - Page 29/100 "However, in March 2020 during the BWXT licence renewal hearing, several interventions expressed concerns over the levels of beryllium in soil near the Peterborough facility observed during the CNSC's IEMP sampling campaigns

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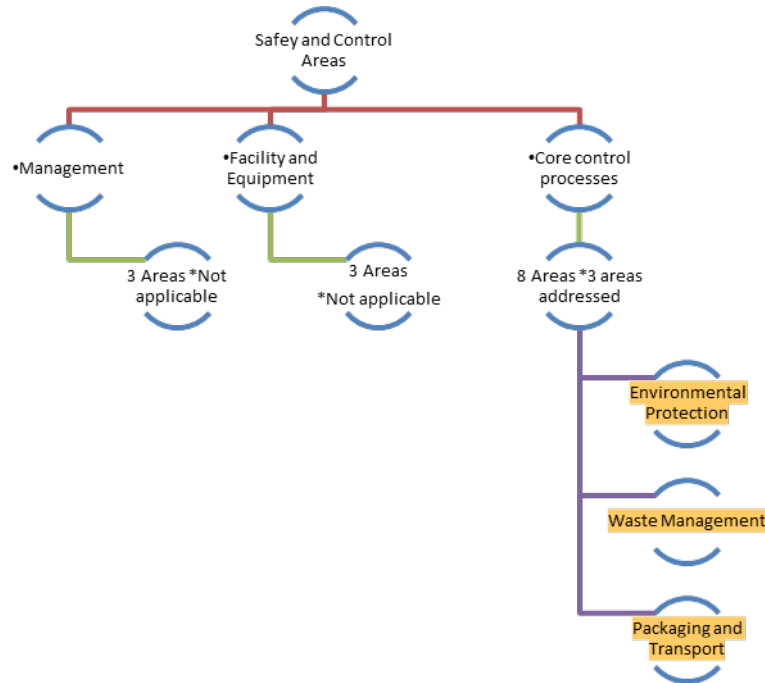


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in 2014, 2018 and 2019. In response to public concerns, CNSC staff were directed by the Commission to carry out expedited soil resampling for beryllium of properties adjacent to BWXT's Peterborough facility, with a special focus on the property where the Prince of Wales Public School is located. The Commission also directed CNSC staff to carry out an analysis of the results and to clarify the risk that the beryllium levels may present to the health and safety of the public and the environment. CNSC staff completed the additional sampling in July 2020. Once the sampled have been analyzed, the information will be made available."

CLFN acknowledges that the ROR may or may not be intended to be an all encompassing document. Perhaps specific supporting documents may be developed to supplement the current structure and content of the ROR. Some observations and comments that pertain to a number of other RORs (not just this one) include:

- The information of activities and status of sites are at times too generalized to be of any relevance to the unfamiliar reader. Conversely, the volume of data and references to documents external to the report could be overwhelming to the unfamiliar reader. A balance is needed and that is not an easy task.
- Activities that are conducted and continue at each site where there could be any potential risk or concern could be made explicitly clear for each nuclear site; more directly and more plainly apparent.
- The use of accessible language could be incorporated to make sure that the meanings for actions and activities described are clearly understood.
- For an audience that may not be familiar with the information, consider including details on how the CNSC evaluated events and reached the conclusion that there is no impact; consider including explanation why certain events had no impact on the environment.
- Images could be used more often to assist with communication among participants who carry language in non-written forms. Broad area maps, when used, should include traditional territories or treaty areas in order to remain relevant for indigenous participants. Aerial images of actual sites could be used and associated with activities proposed for site.
- The SCAs that are most relevant to CLFN are depicted here.



CLFN has made some general observations and would like to make these suggestions:

- Suggest that the CNSC consider an appropriate way to acknowledge Indigenous communities at the beginning of the report, early in the report.
- Where it is contextually relevant or appropriate, consider making a distinction between Indigenous groups and the public and not use the term public to be all encompassing.
- Suggest that the CNSC consider if the public information program and disclosure protocol (PIDP) sufficiently covers the equivalent needs for Indigenous Communities; has there been any thought given to an information program and disclosure protocol that was specific to Indigenous Communities?

CLFN has made some observations and would draw attention to specific pages:

- Where it is contextually relevant or appropriate, consider making a distinction between Indigenous groups and the public and not use the term public to be all encompassing.
 - Page 9/100 “The CNSC also disseminates objective scientific, technical and regulatory information to the public.”
- Consider including and elaborating further what is being done for Indigenous groups and not just the public.



- Page 9/100 “The CNSC also disseminates objective scientific, technical and regulatory information to the public.”
- Where it is appropriate in the document, consider including an assessment of effectiveness of the engagement activities by the CNSC.
 - Page 9/100 “The report also includes information on the licensees’ public information programs, engagement with Indigenous groups and communities, and reportable events.”
- Consider explaining if and where Indigenous engagement and consultation is rated; if not as part of the SCA framework because it isn’t the purpose of the SCA framework, then where could it reside?
 - Page 15/100 “Performance ratings result from regulatory oversight activities. Table 4-2 presents CNSC staff’s rating for each licensee’s performance for each SCA in 2019.”
- There are certain portions of the report that would tend to garner more interest than others. It would be of help if further information, details, explanations were provided on reportable events. It would also help to explain how the CNSC evaluated the events and reached the conclusion that there is no impact.
 - Page 18/100
 - Pages 24,25/100
- It would help to understand how action level exceedances and reportable events differ from each other and/or how they are viewed from a regulator’s perspective.
 - Page 18/100
 - Pages 24,25/100

CLFN has identified specific issues and trends that are of further interest and will require more discussion in the future; either for clarification with more information and/or for specific actions. These thoughts and questions came to mind when reading the information:

- Consider including a commentary or explanation on data trends and the implications of the trends and/or the loading; even if the trends are below the regulatory limits and thresholds. (Table G-1 and in Table H-1).

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CLFN has identified some areas where opportunities exist to build our relationship with the CNSC and the proponents identified in this ROR; perhaps strengthen oversight activities at the same time. To discuss in future meetings:

- The contents of the ROR on a regular basis to bring a common understanding of the issues.
- Pertinent activities and events including timely information sharing and depth of information shared to support a better understanding of the issues; with considerations for such items as emergency, emergent, routine, ad-hoc, project driven information, plans, and actions.
- Transportation activities in the territory.
- How the RORs can be improved to reflect that there is an understanding of the key issues brought forth by CLFN to the CNSC.
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