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

**Mémoire de la Première  
Nation de Curve Lake**

**Regulatory Oversight Report for  
Canadian Nuclear Power Generating  
Sites in Canada: 2021**

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**Rapport de surveillance  
réglementaire des sites de centrales  
nucléaires au Canada : 2021**

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Commission Meeting

Réunion de la Commission

November 3, 2022

Le 3 novembre 2022

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September 15, 2022  
(Submitted by Email)

**RE: CLFN Comments on Regulatory Oversight Report for Canadian Nuclear Power  
Generating Sites for 2021 (CMD: 22-M34)**

Dear Registrar,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we bring good thoughts to Commission members and staff at CNSC. We hope that you have found rest and recreation throughout the summer months of 2022 and look forward to what the fall may bring to all of us.

CLFN has made great strides in the last few years to build relationships and engage in open dialogue on a government to government and government to corporation basis as it relates to processes of consultation. Consultation and accommodation are critical in ensuring that the rights and interests of the Mississauga Anishinabek Nation are prioritized regarding projects in our territory.

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps in our process. All plans and activities must be viewed through the lens of environmental protection and sustainability. These requirements ensure that Curve Lake First Nation's interests and rights are being protected within our territory; that we are able to protect the ability to exercise our rights as a people – physically, culturally, and spiritually; that we are able to foster sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

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*Curve Lake First Nation is the steward and caretaker of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to steadfastly maintain this responsibility to ensure their health and integrity for generations to come. Protection, conservation, and sustainable collaborative management are priorities for Curve Lake First Nation.*

*Curve Lake's vision statement must be central to development in the territory: "Upon the foundation of community values and vision that promotes and preserves our relationship with mother earth, which has defined and will continue to define our identity and culture as Anishnaabe People, the Consultation Department will build and secure the framework for our First Nation lands by putting into place ways and laws that will provide both the protection and the freedom for each person, their family, and the whole community to fulfill their potential. Each way and law will be given the consideration to its importance for our next seven generations."*

We would like to acknowledge CNSC staff in their dialogue and work with our Consultation Department since 2020 and throughout 2022. There are many topics and projects that have been covered; as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated in 2021, we continue to be optimistic that our Terms of Reference and Work Plan for 2022 and beyond will result in progress and improvements in the coming years.

Our Consultation Department is progressively building capacity to be able to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and lead to decision points and decision making that includes Curve Lake First Nation.

Our comments, questions, recommendations are contained in the following Appendices. The synthesis of these are a work in progress as we build our internal team; so please excuse the fragmented nature of some of the content of these Appendices.

- Appendix A.1 Curve Lake First Nation – 2021/22 updates
- Appendix A.2 OPG and CNSC engagement with Curve Lake First Nation in 2021-2022
- Appendix B Review by 4 Directions of Conservation Consulting Services
- Appendix C Additional Comments, Recommendations, Opportunities for Consideration

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 foundational belief is balance; our values and

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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,

On behalf of The Curve Lake First Nation Consultation Department

Gary Pritchard  
Representing Curve Lake First Nation  
CEO & Indigenous Conservation Ecologist  
4 Directions of Conservation Consulting Services

Francis Chua  
Support to CLFN Consultation Department

cc:

- Chief Keith Knott, Curve Lake First Nation
- Curve Lake First Nation Chief and Council
- Katie Young-Haddlesey, Chief Operating Officer, CLFN
- Dr. Julie Kapyrka, Lands & Resources Consultation Liaison, CLFN
- Kaitlin Hill, Lands & Resources Consultation Liaison, CLFN

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## **Appendix A.1 Curve Lake First Nation – 2021/22 updates**

In 2021, Curve Lake First Nation (CLFN) has worked very hard on many different fronts. First, CLFN celebrated the success of our Vaccination Clinics and offered three doses of vaccine to CLFN members. Our health and family services team, with support from many others from across the administration, has once again gone above and beyond in their support for our members.

The Cultural Center Department was very busy in 2021, striving to promote traditional knowledge workshops, outreach programming, and coordinate special events. The main event was the annual Curve Lake Annual Pow Wow titled 'Healing within the Circle' which was held on September 18. The Cultural Centre team has also partnered with Pinnguaq, an organization that provides STEM experiences nationally in learning and development for diverse communities across Canada, to create an online interactive map for the community based upon traditional land use. Themes include Anishnaabemowin names for the islands and bays, fishing, hunting and medicine grounds, locations of wild berries, manoomin beds, water, and maple syrup production. This online map will be created by youth through GIS mapping, which will produce documented history of traditional land use for our community, but also connect the youth to the land and the stories embedded within the Territory. In 2021, the Cultural Centre was also invited to participate on a board with the Canadian Canoe Museum to discuss their future exhibits, which will have an increased representation of not only Michi Saagiig Anishnaabeg canoes and culture, but also the unique dialect of Anishnaabemowin.

Summer of 2021 was a tragic time for CLFN with the unveiling of the unmarked graves of children that were found in residential school grounds. In June, CLFN held a four-day fire to honour the children, in addition to providing a safe place for membership and allies to come and share their stories, heal, and offer their medicines to the spirit world. Community members paused to think about these children and youth that were stolen from us. These discoveries created an open wound to deal with every day. CLFN has been embracing the teaching of acceptance, love, and bravery during this difficult time.

Summer of 2021 has also been the source of good news. After years-long fight for clean drinking water, CLFN and Canada reached an Agreement in Principle to settle the Water Class Action litigation that CLFN began in October 2019. The settlement agreement we have reached will have the benefit of providing clean drinking water to over 120 communities across Canada. Canada has agreed to specific timelines to fund the complete construction of a water treatment plant in the community: the water treatment plant built and servicing homes in the community would be done by the end of 2025.

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On consultation matters, the Consultation Department worked in 2021 to create awareness amongst proponents and governments that the original intent of the treaties was to share the land and to have equitable partnerships regarding decisions being made in terms of using and taking resources from the land. A major focus for the Consultation Department has been how the Williams Treaty First Nation (WTFN) Settlement Agreement of 2018 and the re-affirmation of Harvesting Rights throughout the pre-confederation treaty territories intersects with land-use planning, policy, regulations, and development activities in the province. The Consultation Department is committed to ensuring that CLFN's Harvesting Rights are known, upheld, and protected. This also means holding governments to account in upholding their duty as the Crown to ensure that consultation and accommodation are meaningful and appropriate.

Finally, in the fall of 2021, Oshkiigamong Gitigan (Curve Lake Community Garden) had a successful inaugural season of operation. The garden produced fresh vegetables such as tomatoes, lettuce, beets, kale, snap peas, squash, zucchini, and onions. The Curve Lake Food Bank has distributed the vegetables that have been harvested on three separate occasions to the community throughout the season.

CLFN is proud of everything that has been achieved in 2021 and continues to embrace our teaching in every decision we make.

CLFN looks forward to welcoming CNSC and other key proponents to the community this fall of 2022 in order for learning to occur on both sides and move towards co-creating an ethical space to bring forth meaningful relationships.



## **Appendix A.2 OPG and CNSC engagement with Curve Lake First Nation in 2021-2022**

### **1. OPG and CNSC engagement with Curve Lake First Nation in 2021-2022**

CLFN is taking the opportunity in this intervention to the Commission to provide key takeaways of the engagement with Ontario Power Generation (OPG) and the Canadian Nuclear Safety Commission (CNSC) staff in 2021. These takeaways are great examples of improvements in the relationship between the different parties.

#### **1.1 Support to Participate**

In 2021 and 2022, OPG as well as CNSC provided support for CLFN consultation staff, including archaeological and environmental capacity. OPG has also provided CLFN opportunities to visit the Darlington New Nuclear Project (DNNP) site and existing facilities. Walking with OPG on the land encourages the sharing of knowledge: it is on the land, in the field, that everyone was able to see how CLFN knowledge, as well as western knowledge complemented each other. During the summer of 2021, CLFN also assisted CNSC staff with conducting sampling at the Pickering and Darlington locations. Soil and vegetation sampling were conducted along with air, water, vegetation, sand, and soil sampling. CLFN listened to CNSC site inspectors describe their role and specific activities they conduct to assess performance of the facility.

CLFN is also inviting OPG and CNSC staff to visit Michii Saagiig lands to learn by doing, such as harvesting wild rice, visiting culturally sacred sites such as the Petroglyphs, and walking the land in various key sites of importance. These invitations are anticipated to be a very educational experience for staff. CLFN has and will host listening circles and teaching circles with OPG and CNSC staff, which allow CLFN to share the Michii Saagiig worldview, and for OPG and CNSC staff to better understand the community.

This support to participate allows for overall participation and provides a framework and a consistent approach on how both parties will work together.

#### **1.2 Meetings Structures that Allow for Information Sharing**

##### ***Routine Meetings***

In 2021, CLFN and CNSC staff, as well as OPG and CLFN, continued having routine meetings, which allow for information and work planning, dividing technical information, and sequencing the information accordingly. Recurring meetings also allow CLFN to stay up to date on a particular project and maintain predictability of interactions based on a schedule. There are many competing demands on CLFN's time and resources by multiple proponents, projects, and activities across the territory.

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Through these routine meetings, CLFN has given advice to OPG with regards to land acknowledgements. OPG's land acknowledgement is now both general and personal; at every meeting, as a new person states the land acknowledgement and provides a personal reflection about what it means to them. These changes have been appreciated by CLFN and have progressively set a positive tone for the meeting itself and for other meetings that followed. OPG has also begun including a sharing moment as part of the routine meeting agenda. The content of this sharing moment is intended to be something of importance to the community and does not necessarily have to be related to OPG's projects. During these sharing moments, CLFN for example, describes the seasonality of things, and how their knowledge is related to the season and have described the species that are of importance to them for the season at the time of the meeting. Conversely, OPG shares nuclear safety culture moments as part of the routine meetings.

### ***Who Attends Meetings***

CLFN is of the view that OPG and CNSC staff generally bring the right people to the table to discuss technical aspects of a project. It is essential that the appropriate experts attend technical meetings, experts who can respond clearly and efficiently to questions, and convey the information in a way that can be understood by those who are not experts in the sector. OPG has involved their staff at meetings so they can listen to and experience CLFN's views firsthand. OPG's team recognizes that a relationship needs to be established with not only a few individuals, but between CLFN and OPG as a whole. One cannot necessarily receive and trust the information from someone who is a stranger and with whom one does not have a relationship. At the same time, OPG is aware that conversations are better held in smaller groups, so they plan on having smaller and more intimate meetings at a working level in the near future.

### ***Level of Details and Early Engagement***

CLFN is of the view that OPG and CNSC staff are generally good at balancing the level of details when sharing information. More and more, OPG shares information with CLFN long before reports and documentation are submitted to the CNSC. This early engagement on the different steps of a project is important for us, as it allows our community to get involved before a project submission, and build trust towards OPG. CLFN prefers to receive information that is well summarized and where some of the most important elements for CLFN are highlighted and described in depth. This allows us to ask questions that are important to our communities, and not get lost in trying to understand the project itself. At the same time, the volume of information being conveyed or needed to be conveyed is often too much to absorb in a single meeting and in real time. Time to absorb the information, to contemplate, to assess impacts, and to then ask questions is a challenge.

CLFN appreciates the additional context provided by OPG and CNSC staff in our interactions. It is important to understand OPG and CNSC's culture, nuclear safety culture, and the various



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other initiatives and projects undertaken by both OPG and CNSC. The relationship is built with the understanding of the whole and not just isolated parts.

***Flexibility***

CLFN values the importance of flexibility and observe that despite deadlines imposed by the regulatory process, OPG and CNSC staff have demonstrated the willingness to work within the constraints while seeking ways to demonstrate flexibility with the process since this can lead to more fruitful outcomes. The overarching goal is relationship building and not driven only by the completion of project deadlines and milestones.

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## **Appendix B Review by 4 Directions of Conservation Consulting Services**



September 9<sup>th</sup>, 2022

Attn: **Consultation Department**  
Curve Lake First Nation  
22 Winookeeda Road,  
Curve Lake ON K0L1R0  
P: (705) 657-8045

CC: **Francis Chua**

RE: Review Comments: CNSC Regulatory Oversight Report for Canadian Nuclear Power  
Generating Sites for 2021

4 Directions File No: 22- 054C

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Dear Dr. Kapyrka and Ms. Hill,

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents presented to Curve Lake First Nation (CLFN) by CNSC under their Duty to Consult and Accommodate. 4 Directions' review of the report, titled Regulatory Oversight Report for Canadian Nuclear Power Generating Sites for 2021, is broken down into three main sections. Relevant statements, questions and concerns are identified in the following document under their respective headings:

- Territorial Acknowledgements
- Rights Holders, Interest Holders, and Stakeholders
- Indigenous Knowledge Systems (IKS) and Ethical Space

Following these sections, 4 Directions has provided a brief summary of identified recommendations for CNSC.





## 1.0 Territorial Acknowledgements

The use of territorial acknowledgements in report writing has become increasingly popular in recent years at the institutional level. As said by Wark (2021),

“Land acknowledgement, or territorial acknowledgement, is the practice of prefacing a presentation or event with a recognition of the Indigenous people or peoples whose land one occupies. Indigenous peoples of Turtle Island (North America) have always engaged in practices of recognizing each other in terms of language, nation, territory, clan, and lineage. While pre-colonial territorial borders may have been fluid and overlapping, there was always an awareness of the demarcation of territory. [...] Depending upon the nation, entering the territory of another people may have entailed thoughtful consideration, permission seeking, or gift giving. Hosting visitors from other nations also implied certain responsibilities, often involving formal words, feasting, and gifting. When Indigenous peoples acknowledge one another, it is both a cultural and political practice that is fundamentally tied to nationhood. While acknowledging the territory of others may be a traditional protocol among Indigenous peoples of Turtle Island, formal land acknowledgements by state institutions appeared [...] as a result of state-led reconciliation efforts. [...]

In their original form, territorial acknowledgements were viewed as a means to educate and build relationships of solidarity with settlers. [...] In their current form, land acknowledgements appear to be firmly embedded in reconciliation politics, often citing ambiguous purposes like demonstrating respect for Indigenous peoples. This shift has seen these practices being increasingly criticized for devolving into box-ticking exercises, strictly symbolic gestures, and moves to settler innocence. They have also been accused of being lacking in critical thought regarding their purpose and as attempts to rewrite Indigenous and settler colonial history.” (Wark, 2021: pp. 193 - 195).

Under the intention of supporting further education and relationship building regarding understandings of Treaties and Indigenous Rights, 4 Directions sees that constructing and ensuring collective understanding of a meaningful land acknowledgement could be a useful starting point. Land acknowledgements, when engaged with meaningfully, can serve as impactful political tools to address and resist dominant narratives that often seek to diminish and/or erase Indigenous presence and colonial violence from the collective storyline (Robinson et al., 2019). As Treaty people, it is imperative that we begin relationship building with contextual understandings that are “accurate representations of Indigenous territorial claims, languages, and governance systems” (Wark, 2021: pp. 202).





Within CNSC's provided report, there are numerous acknowledgements regarding the territory upon which the projects are situated. It is of 4 Directions' opinion that these attempts to acknowledge Indigenous inherent and treaty Rights are well-intentioned but unsatisfactory. Unspecific and non-purposeful territorial acknowledgements that generalize First Nations' inherent and treaty rights risk perpetuating modern-day colonialism through the simplification and erasure of such rights both historically and today.

### 1.1 Pickering and Darlington Sites Engagement with Curve Lake First Nation

On page 44 of the provided report, it is noted that "CNSC staff have made a number of improvements to reports and documentation based on the feedback, such as including land acknowledgements for each facility and creating a separate Indigenous consultation and engagement section."

#### 1.1.1 Statement

The land acknowledgements touched on throughout this report do not meet the expectations of 4 Directions' staff; many of these acknowledgements underplay the Legal Rights and obligations of WTFN. To clarify, the Pickering and Darlington Sites are within the 1923 Williams Treaty, Clause #2 area.

On November 17, 2018, in Rama, Ontario, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, apologized on behalf of the Government of Canada for the negative impacts of the 1923 Williams Treaties on the Williams Treaties First Nations.

In that apology minister Bennett stated: *"Ninety-five years ago, your ancestors signed treaties with the Crown that became known as the Williams Treaties. The Crown only entered into these treaties after decades of requests by First Nation leaders and community members to address the matter of settlers encroaching on your traditional lands. We are sorry that, even before the Williams Treaties were concluded, your ancestors were unable to fully enjoy the bounty of your traditional lands. We are sorry that these treaties did not resolve your grievances, and that the Crown's actions did not honour the longstanding treaty relationship that already existed, and continues to exist, with your communities. And we are sorry that the Crown failed to recognize and respect your treaty rights."*





*We are sorry that, in not recognizing your rights to harvest in your pre-Confederation treaty areas, your communities faced hardship and hunger, with the bounties of the land being replaced by biscuits and tins of government meat. We are sorry that your people were not able to pursue traditional activities with pride and dignity, but instead were persecuted for exercising their rights. And we are sorry that your grandmothers and grandfathers, mothers and fathers, and aunts and uncles were constrained in their ability to do what their ancestors had always done — to teach younger generations about your communities' traditional lands and waters and pass along Anishinaabe culture and practices. The persistence and resilience of the Williams Treaties First Nations serve as an example for all Canadians. In order to learn, in order to heal, in order to advance reconciliation, we must all acknowledge past wrongs and the multifaceted impacts of colonialism. It is our collective responsibility to continue to educate ourselves on the history of Canada so that we can move toward greater understanding and respect.*

***I pledge that we can, and will, do better.***

*There is no way to undo the past, nor to fully atone for wrongs perpetuated over many decades. In concluding a negotiated settlement that includes compensation to address historic wrongs, the ability to expand your reserve land bases, and the recognition of your pre-Confederation treaty harvesting rights, I believe that we have the opportunity to open a new chapter. A chapter where trust can be rebuilt; Anishinaabe culture, language, and teachings are celebrated; treaty rights are respected; and our relationship is further strengthened for the benefit of the seven generations to come. We are committed to writing this next chapter together, in the spirit of reconciliation and partnership.”*

#### 1.1.2 Questions

Are the discussed land acknowledgements for each facility included in this report?

How do these land acknowledgements work towards addressing the apology from Bennett?

#### 1.1.3 Recommendation

The supreme court of Canada has stated that it is not up the Nations to educate the Crown on their own responsibilities; it is 4 Directions' recommendation that CNSC critically reflects on how the 2018 apology is being incorporated in identified areas such as:





- a) Report writing;
- b) Project monitoring;
- c) Environmental procedures and assessments; and,
- d) Future project planning.

## 1.2 Vague Acknowledgements

As noted above, it is unclear if the official land acknowledgements for each identified facility were included in this report. Table 1, below, summarizes identified territorial acknowledgements throughout the report and sections 1.2.1 and 1.2.2 offer 4 Directions’ questions, comments, and concerns about these remarks.

**Table 1:** Summary Table of Territorial Acknowledgements within the report titled: CNSC Regulatory Oversight Report for Canadian Nuclear Power Generating Sites for 2021

Quote No.	Page No.	Quotation
1	4	“Figure 1 shows the geographic location in Canada of the NPPs and WMFs which includes the type of waste stored at the WMF and the status of each reactor on site, covered by this report. All sites are located on traditional territories of Indigenous peoples in Canada”
2	11	“The Canadian Nuclear Safety Commission acknowledges that nuclear power generating stations are located on the traditional territories and homelands of many Indigenous peoples and are covered by several treaties”
3	51	“The Darlington site is located on the north shore of Lake Ontario in Clarington, Ontario, 5 kilometers outside the town of Bowmanville and 10 kilometers southeast of Oshawa. The Darlington site lies within the traditional territory of the Wendat, Anishinabek Nation, and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nations”
4	71	“The Pickering site is located on the north shore of Lake Ontario in Pickering, Ontario, 32 kilometers northeast of Toronto and 21 kilometers southwest of Oshawa. The Pickering site lies within the traditional territory of the Wendat, Anishinabek Nation, and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nations”





### 1.2.1 Statement

Further research is required to better understand the purpose of a territorial acknowledgement. It is essential that individuals structuring land acknowledgements are purposive with their language and make clear there is an understanding of the specific history and current relation to the discussed land. Specifically, given that the executive summary of this report offers a list of facility sites, and figure one visually depicts this, it is unclear why the subsequent specific treaties for these regions could not be identified.

As noted in earlier sections (1.0 and 1.1.1), meaningful territorial acknowledgements should aim to be specific and purposeful; not generalized or vague. To move forward with a journey of reconciliation, it is important that space is created to come to terms with the truth of why this journey is needed. An effective territorial acknowledgement illustrates authors' understanding of the legacies, and at times unsettling truths, intertwined with the land and peoples being acknowledged.

The provided land acknowledgements (Table 1) lack clarity and/or recognition of Indigenous Inherent and Treaty Rights. Notably, there appear to be generalizations made around Indigenous peoples that blur the lines between Rights holders, interest holders, and stakeholders; delineations which yield specific legal obligations. This topic is discussed further in section 2.0: Rights Holders, Interest Holders, and Stakeholders.

### 1.2.2 Question

The Truth and Reconciliation Commission (TRC) Calls to Action highlight how industry proponents can take responsibility for their Truth and Reconciliation journey. Specifically, Call to Action #92 states that “we call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources” (Truth and Reconciliation Commission of Canada); how do the above territorial acknowledgements (Table 1) support CNSC's truth and reconciliation journey?

### 1.2.3 Recommendation

It is recommended that further information is provided when offering a territorial acknowledgement.

4 Directions has compiled a (non-exhaustive) list of recommended resources to further contextual understanding for these acknowledgements:







- Curve Lake First Nation Consultation and Accommodation Standards (Curve Lake First Nation, 2013)
- Water Declaration of the First Nations in Ontario (Chiefs of Ontario, 2008)
- Michi Saagig Nishnaabeg: This is our territory (Williams, 2018)

## 2.0 Rights Holders, Interest Holders, and Stakeholders

Consultation refers to the legal obligations of the Crown (Government) when Indigenous interests (rights and title) may be adversely affected by a Crown decision. The consultation process consists of information sharing between the government and affected First Nations and seeks to resolve potential adverse impacts on Indigenous interests. Under these parameters, Indigenous partners are considered Rights Holders, a title with specific and nuanced connotations that differ greatly from those of interest or stakeholders. The Rights of the Williams Treaties First Nations were reaffirmed by section 35 of the Constitution Act (1982).

There are also Indigenous Interest holders, those who have an Archaeological interest in a project but do not maintain the same rights and responsibilities as Rights holders. For example, when looking at development projects in the Williams Treaty Territory, the Huron-Wendat hold Archaeological interests but do not maintain the same rights as the Michi Saagig. **Table 2**, below, summarizes selected quotations that raised questions (section 2.1.2) for 4 Directions staff.

### 2.1 Delineation of Standing

Table 2: Summary Table of Quotes regarding Indigenous Rights Holders, Interest Holders, etc. within the report titled: CNSC Regulatory Oversight Report for Canadian Nuclear Power Generating Sites for 2021

Quote No	Page No	Quotation
1	34	“the objective of the IEMP is to build Indigenous and public trust in the CNSC’s regulation of the nuclear industry, via an independent, technical environmental sampling program in publicly accessible areas around nuclear facilities while using CNSC resources effectively and efficiently.”
2	42	“The DNGS, DWMF, PNGS and PVMF are located within the traditional territory of the Wendat, Anishinabek Nation, and the territory covered by the Williams Treaties with the Michi Saagig and Chippewa Nations. The Mohawks of the Bay of Quinte (MBQ), Six Nation of the Grand River and the Métis Nation of Ontario (MNO), on behalf of the MNO Region 8 Consultation Committee, have also asked to be kept informed of any activities related to these sites.”





### 2.1.1 Statement

Indigenous rights holders should not be grouped together with public stakeholders. Indigenous rights holders have specific legal obligations that differ greatly from those of interest or stakeholders and should be consulted and accommodated separately. This consultation procedure is different from the public/ stakeholder process.

Generalization of Indigenous groups throughout this report does not allow CNSC to appropriately identify rights holders and subsequent legal obligations for D2C. Specific identification and delineation of Indigenous Rights holders, Indigenous Interest holders, and Indigenous stakeholders is required.

Some identified groups do not have equal consultation requirements compared to those protected by WTFN treaty rights. By grouping all interest and Rights holders together, proponents risk questioning established rights by suggesting interest or stakeholders are actually Rights holders (or vice versa).

### 2.1.2 Questions

How are Rights holders delineated from interest or stakeholders throughout this report?

Which of these identified groups are considered Rights holders?

Which of these identified groups are considered Interest holders?

Please clarify that CLFN is a rights holder; what does this mean for CNSC and its d2c?

### 2.1.3 Recommendations

Clearly define the above terms in the provided report and outline how expectations for engagement are met for these respective categories; further clarification regarding who is considered a Rights holder for these projects could be beneficial.





### 3.0 Indigenous Knowledge Systems and the Ethical Space

“The “ethical space” is formed when two societies, with disparate worldviews, are poised to engage each other. It is the thought about diverse societies and the space in between them that contributes to the development of a framework for dialogue between human communities. The ethical space of engagement proposes a framework as a way of examining the diversity and positioning of Indigenous peoples and Western society in the pursuit of a relevant discussion on Indigenous legal issues and particularly to the fragile intersection of Indigenous law and Canadian legal systems. Ethical standards and the emergence of new rules of engagement through recent Supreme Court rulings call for a new approach to Indigenous-Western dealings. The new partnership model of the ethical space, in a cooperative spirit between Indigenous peoples and Western institutions, will create new currents of thought that flow in different directions of legal discourse and overrun the archaic ways of interaction” (Ermine, 2007: pp. 193 – 194).

Gary Pritchard also notes in his presentation on [Indigenous Place Making & Ethical Space](#) that, “Ethical Space cannot be cultivated without Two-Eyed Seeing, which is the practice of learning to see using two knowledge systems, drawing on both to guide discovery and problem solving. It is within this Ethical Space that all collaboration, mutual support, and multi-directional knowledge sharing occurs” (Pritchard, 2020: slide 10).

For further context regarding the concept of Two-Eyed Seeing, see:

- [Institute for Integrative Science & Health Webpage](#)
- Bartlett et al., 2018; and,
- Pritchard, 2020.

#### 3.1 CNSC & Ethical Space

“CLFN and CNSC staff will also continue to foster and create a safe ethical space for Indigenous knowledge to be collected and shared” (Page 44).





### 3.1.1 Statement

As described by Willie Ermine (2007), an important aspect of the Ethical Space is that it is formed “between peoples and cultures, and in particular whenever and wherever the physical and philosophical encounter of Indigenous and Western worlds takes place. At the superficial level of encounter, the two entities may indeed acknowledge each other but there is a clear lack of substance or depth to the encounter. What remains hidden and enfolded are the deeper level thoughts, interests and assumptions that will inevitably influence and animate the kind of relationship the two can have. It is the deeper level force, the underflow-become-influential, the enfolded dimensions that needs to be acknowledged and brought to bear in the complex situation produced by confronting knowledge and legal systems” (Ermine, 2007; pp. 195).

On a related note, it is also important to note the terms used when approaching an ethical engagement with IKS. When discussing Indigenous Knowledge, using terms such as “collected” do not align with the concepts of Two-Eyed Seeing and Ethical Space. Elder Murdena Marshall (co-author in Bartlett et al., 2018) describes “knowledge as a verb instead of a noun. Understanding Indigenous Knowledge as verbs similar to “constantly becoming” or as “ways of being” is then, as Murdena [...] explains, not an object of discovery as it cannot be ‘gained’ or ‘transferred’” (Joudry, 2016; pp. 30).

### 3.1.2 Questions

How, exactly, is an Ethical Space being fostered?

How are concepts of Two-Eyed seeing being utilized when approaching engagement with Indigenous Knowledge Systems?

### 3.1.3 Recommendation

Further evidence that the philosophy of Ethical Space is truly understood and fostered will support CNSC’s quoted claim.

## 3.2 Environmental Assessments and Indigenous Knowledge Systems

Table 3, provided on the following page, highlights a few environmental matters discussed throughout CNSC’s report. 4 Directions’ statement and questions regarding these quotations can be found in sections 3.2.1 and 3.2.2, respectively.





Table 3: Summary Table of Quotes regarding environmental assessment within the report titled: CNSC Regulatory Oversight Report for Canadian Nuclear Power Generating Sites for 2021

Quote No	Page No	Quotation
1	71	“CNSC staff and DFO each independently completed the review of OPG’s report submitted for 2020 and concluded that the report was acceptable and complied with the conditions of the Fisheries Act Authorization [...] DFO is reviewing OPG’s request and is engaging Indigenous Nations and communities”
2	72	“CNSC staff and Environment and Climate Change Canada (ECCC) each concluded independently that there are likely no adverse effects to the Round Whitefish embryo survival or on the local or regional Round Whitefish population from the thermal plume at Pickering”

### 3.2.1 Statement

To ensure relational effects are understood at a system level, it is important to consider impacts on Indigenous Rights and Values at all project points. This includes any impacts that could infringe upon the 2008 Water Declaration, or other standards outlined in section 1.2.3.

### 3.2.2 Questions

How are Indigenous rights and interests included in these assessments?

Were Indigenous Rights holders included in the 2018 FAA process?

How, exactly, are Indigenous Nations and communities being engaged for the amendment of the FAA?

How was IK engaged with to understand the effects of the identified thermal plume?

How are culturally appropriate means of sharing knowledge utilized within these studies?

### 3.2.3 Recommendations

Projects that limit the environment's integrity directly infringe on section 35 of the Constitution Act by not allowing Rights holders to exercise their rights in such diminished or decimated environments. It is recommended that further evidence is provided to highlight how impacts to Indigenous Inherent and Treaty Rights have been assessed and addressed.





### 3.3 CNSC Indigenous Engagement

“In 2021, CNSC staff confirmed that the licensees’ dedicated Indigenous engagement programs continued to cover their operations at the NPPs and WMFs and were satisfied with the level and quality of Indigenous engagement conducted by the NPP and WMF licensees regarding their operations in 2021” (Page 42).

#### 3.3.1 Statement

The level and quality of Indigenous engagement should be jointly confirmed between CNSC and the Indigenous Rights holders, since this is a cooperative relationship.

#### 3.3.2 Questions

CNSC staff are satisfied with the level and quality of Indigenous engagement conducted by the NPP and WMF licensees regarding their operations in 2021, but are the Indigenous Rights holders satisfied?

#### 3.3.3 Recommendation

To confirm that all Nations are satisfied with the level of engagement and/or consultation provided by CNSC, 4 Directions recommends clearly outlining how and when CNSC has undertaken meetings to ensure that the level and quality of Indigenous engagement is up to partners’ expectations.





## Summary of Recommendations

- It is recommended that further information is provided when offering a territorial acknowledgement.
- 4 Directions has compiled a (non-exhaustive) list of recommended resources to further contextual understanding for these acknowledgements:
  - Curve Lake First Nation Consultation and Accommodation Standards (Curve Lake First Nation, 2013)
  - Water Declaration of the First Nations in Ontario (Chiefs of Ontario, 2008)
  - Michi Saagig Nishnaabeg: This is our territory (Williams, 2018)
- Clearly define the terms Rights Holder, Interest Holder, and Stakeholder in the provided report and outline how expectations for engagement are met for these respective categories; further clarification regarding who is considered a Rights holder for these projects could be beneficial.
- For further context regarding the concept of Two-Eyed Seeing, see:
  - Institute for Integrative Science & Health Webpage
  - Bartlett et al., 2018; and,
  - Pritchard, 2020.
- Further evidence that the philosophy of Ethical Space is truly understood and fostered will support CNSC's quoted claim
- Projects that limit the environment's integrity directly infringe on section 35 of the Constitution Act by not allowing Rights holders to exercise their rights in such diminished or decimated environments. It is recommended that further evidence is provided to highlight how impacts to Indigenous Inherent and Treaty Rights have been assessed and addressed.
- To confirm that all Nations are satisfied with the level of engagement and/or consultation provided by CNSC, 4 Directions recommends clearly outlining how and when CNSC has undertaken meetings to ensure that the level and quality of Indigenous engagement is up to partners' expectations.





## Closing Remarks

The provided document reviewed offers good potential for moving forward with Indigenous engagements in a good way. To ensure the foundation of this plan is formed ethically, it is recommended that further understandings regarding methods for meaningful territorial acknowledgements, as well as co-production of knowledge, are demonstrated.

I trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

A handwritten signature in blue ink that reads "Brodie Schmidt".

**Brodie Schmidt, BAH, MA.**

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A handwritten signature in blue ink that reads "Gary Pritchard".

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## Appendix C Additional Comments, Recommendations, Opportunities for Consideration

### Document Specific Feedback:

We noticed that some of the comments raised last year have been integrated into this year's regulatory oversight report (ROR), such as having a land acknowledgement upfront in the report and having a specific section on Indigenous engagement; comments regarding this part has been more thoroughly covered in the preceding Appendix B. We also noticed that there are still some outstanding concerns from last year that have not been responded to, as well as new ones that CLFN would like to highlight in the remainder of this document. Next Steps and concluding statements are provided earlier in this section so as not to get lost in the number of pages that will follow.

### Next steps

#### Funding

CLFN participates in many consultation and engagement processes every year, and funding that is given to CLFN applies to one project at a time. In the short and medium term, CLFN will continue to apply to funding opportunities specific to a project, but in the long term, our communities hope to reduce the number of projects in which we participate by having the Crown and proponents being more proactive. In other words, CLFN hopes that by improving the relationship with the Crown and proponent, we will be applying to less funding opportunities.

**Recommendation:** *There needs to be a better approach put in place by CNSC so that CLFN has more funding opportunities available for activities and process that are not related to specific projects. CNSC could offer funding to*

- *Participate in trainings about the nuclear industry and CNSC processes;*
- *Meet every year with Commission members to discuss the relationship between CLFN, CNSC staff and proponents and ways to improve it;*
- *Offer CLFN to provide specific cultural awareness knowledge sharing to CNSC staff;*
- *Participate in joint strategic planning and decision making, such as participation in a future Indigenous Advisory Committee.*

In conclusion, working with CLFN to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps for the future of the relationship. Keeping in mind that all plans and activities must be viewed through the lens of environmental protection and sustainability, CLFN will ensure that their interests and rights are being protected within their territory, that they are able to protect the ability to exercise their Rights as a people – physically, culturally, and spiritually, and that they are able to foster

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sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

**Comment:**

CNSC staff added a new section on Indigenous engagement. However, this section still appears after the section on "Other matters of regulatory interest". Indigenous consultation supersedes stakeholder participation and engagement thus needs to appear prior to these individuals not after. This is something we have flagged on previous RORs and that we would expect to have a response on, as it is a form of colonial dominance and needs correction. In addition, there is no conclusion statement about the level of engagement in the Indigenous engagement section, which can create the appearance that there are no requirements on the proponent's side to engage in a meaningful manner with CLFN.

**Recommendation:**

*The Indigenous Engagement Section should appear prior to the Other Matters of Regulatory Interest section and would appreciate if there was a conclusion paragraph identifying whether the communities found the level of engagement adequate, and identifying areas for improvement for next year's Indigenous engagement on the ROR. This would be a more comprehensive and expanded overview from the statements on the level of engagement that appear in the general overview section.*

**Comment:**

After CLFN submits comments through an intervention to the Commission, or a review to OPG, feedback on how our comments were taken into consideration is not clearly articulated. CLFN is often having to repeat the same concerns and questions, as there is not a proper feedback loop from the CNSC and/or OPG. Implementing a better process for presenting how comments are addressed or dispositioned would be helpful in making appropriate adjustments in the regulations and/or reports.

**Recommendation:**

- *CNSC and OPG to put in place a process for reporting back to CLFN about their intervention and how CLFN comments will be taken into consideration.*
- *The CNSC report back to us on whether the information provided in our intervention brought any value to CNSC staff, and how CLFN could improve their next intervention.*



**Comment:**

Last year, CLFN had a question about how OPG's non-compliance events are being communicated to Rights holder. Currently, non-compliance events/reportable events happening on a project site may or may not be reported back to CLFN. It depends on the companies' will, whether it has an impact on the treaty rights or not. When a reportable event is not shared and explained to CLFN directly, there is always higher concern over this event, because CLFN feels that the proponent is trying to hide something.

This year, we noticed that there were some non-compliance performances, and that those were not communicated with Rights holder. We note that on p. 63, section 3.1.12 *Security*, as well as section 3.3.12 *Security*, the non-compliance events have not been communicated to our communities.

**Recommendation:**

- *Even though those non-compliance events are considered as confidential, we would expect OPG to share general information about these non-compliance events to reassure the communities that both Pickering and Darlington NGS are operating safely.*
- *The CNSC should ensure that proponents have a process in place to communicate reportable events to CLFN in an effective manner and should have a way to verify whether the reporting has been done or not, and to account for this communication process in the regulatory oversight. CLFN expects OPG to share all the environmental exceedances with us.*
- *In addition, CLFN expects to not just receive a notification of a reportable even, but would always like to:*
  1. *receive more information on the cause of the event;*
  2. *receive more information on the mitigation measures that are put in place to prevent such event from happening again;*
  3. *know whether there is a trend for this type of event.*

**Comment:**

In section 1.4.5 *Safety assessment ratings*, CNSC staff indicates that "In generating the ratings, CNSC staff considered over 1,300 findings for NPPs and WMFs", and that "All of these findings were assessed as being either compliant or negligible and of low, medium, or high safety significance." as The report does not explain how 'negligible', 'low', 'medium', or 'high' significance is determined. Other words used like 'adequate', 'reasonable' or 'acceptable', provide a vague result which does not include evidence. For instance, in section 3.1.12, CNSC staff states that OPG's performance significantly deviated from expectations and requirements, and that two findings of medium safety significance were found. However, CNSC also indicates

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that OPG has an adequate cyber security program. This creates the perception that assessments are not done objectively and that no matter the level of significance, programs and processes will be found adequate.

**Recommendation:**

*CLFN recommends CNSC staff to provide examples or better describe what low, adequate, reasonable, medium, and high mean and how it is measured/determined so that CLFN can better understand CNSC staff conclusions.*

**Comment:**

Last year, CLFN commented about the thermal plume monitoring, asking CNSC to provide more details on how it was concluded that Round Whitefish were not impacted, and how baseline data played into this decision. This year, on page 72, *Section 3.3.0 Introduction of the Pickering Nuclear Generating Station*, CNSC staff noted that "Upon completing the reviews of OPG's submission above, CNSC staff and Environment and Climate Change Canada (ECCC) each concluded independently that there are likely no adverse effects to the Round Whitefish embryo survival or on the local or regional Round Whitefish population from the thermal plume at Pickering."

**Recommendation:** *It is still unclear how OPG, CNSC staff, and ECCC concluded that Round Whitefish are not impacted, and CLFN expects that more information will be provided during routine meetings with CNSC staff.*

**Comment:**

On page 9, CNSC staff mentions that they have signed an MOU with DFO: "The CNSC has a memorandum of understanding (MOU) with Fisheries and Oceans Canada whereby CNSC staff are responsible for monitoring activities and verifying compliance for FAA. The Minister of Fisheries and Oceans Canada is responsible for enforcing the authorizations in the event of non-compliance." In last year's intervention, CLFN asked CNSC staff to provide more information on this MOU, specifically to describe what aquatic monitoring initiatives are occurring at each facility, how are Indigenous expertise being utilized in their design and implementation, and how does input from DFO or other experts feed into these monitoring programs. CLFN still has the same questions this year.

**Recommendations:**

*CLFN would like CNSC staff to discuss these questions in an upcoming routine meeting or provide more information in writing.*

*Also, please provide more information on compliance activities for the fisheries act in general.*



**Recommendation:** On Pg. 12, Provide more information on why is the PNGS certified worker ratio much lower than the other NGS as it could be taken as a concern.

**Recommendation:** On Pg. 12, 2.2., Explain how can the NGS reduce safety risk with extending shifts related to MSC violations, with the factor of COVID, since the regulation documents (2019)? Clarify if any changes to these regulatory documents been made.

#### **Comment and Recommendations:**

As there have been multiple rejections of DGR installation in traditional territories, with respect to a pushed timeline, growing amounts of waste, and the growing need for additional above ground storage facilities (e.g., PWWF), the following options regarding waste disposal and management should be strengthened in the report:

1. Planning for safe transportation of nuclear waste from Pickering and Darlington site to offsite, permanent location (e.g., ROR could identify performance planning measures that align with NWMO timeline targets)
2. Efforts from Plants towards fuel minimization. (e.g., modifications through refurbishment process that reduce fuel expenditures etc.) could be addressed in the ROR
3. Research into safe alternative uses of radioactive waste products (opposed to deep burial) Indigenous collaboration and oversight on waste disposal issues
4. Focus on STEM training in Indigenous Communities
5. Provide consistent 'level of detail' throughout the report.
6. Provide more details on how safety issues and risk measures identified overlap with EPA.
7. Consider reframing RORs in not only present thinking but future thinking as well so align with seven generations thinking.

#### **Question and Recommendations:**

How much automation is involved in the ROR data collection and reporting process? (e.g., as per [PUB1843 Web.pdf \(iaea.org\)](#) It should be noted locations (operational, functional, regulatory, etc.) where this automation is included or assumed in the ROR data collection process as well as assessment measures for safety. As there is a growing number of machine based automations in the operations of NPP's and NWF's (e.g., drone based, monitoring equipment, etc.) there is risk in this detachment from human based critical thinking or decision making – this theme should begin to be communicated in the ROR's.



## **2.4 Safety Analysis**

### **Recommendations:**

- Pg. 19, Provide more information on software accuracy and recommendations to OPG for the software package.
- Provide more information on LBLOCA safety margin issues, elaborate on what the issues were. Clarify what is considered in the 'realistic analysis approach' and how does it differ from conservative approach.
- Pg. 20, Clarify what 'LOCA' stands for as it is unclear to the reader.

## **2.6 Fitness for Service**

### **Recommendations:**

- Could CNSC separate by site, as you did for safety analysis, for maintenance backlogs, as it is more relevant per site not as whole.
- Pg. 24, Clarify where or what were the restrictions on operations.
- Clarify what are 'burnish marks' depicted figure for that term.

## **2.7 Radiation Protection**

### **Questions:**

- Pg. 26, Why was the collective dose 30% higher? How can you reduce the number at Darlington?
- Pg. 29, Could CNSC provide standard deviations for the dataset?
- Pg. 31, What about worker related deaths for third party contractors to NPP's and WMFs?

## **2.9 Environmental Protection**

### **Recommendations:**

- Pg. 34, Strongly suggest providing data in the appendix, difficult to understand results without having data provided. Transparency and communication of factual data is key.
- Pg. 34, Provide more spreadsheet data, as it is hard to extract meaningful data to compare between years.
- Pg. 34, Provide more information on the 'numerical range' as it appears broad/ Clarify what are range limits used.

**Question:** Pg. 34, How are estimated doses to public from airborne emissions calculated? Is it an average of readings?

## **2.10 Emergency management and fire protection**

**Recommendation:** Pg. 35, Provide information on PNERP technical study as it is mentioned that in the introduction of the report.



### **2.11 Waste Management**

**Question:** Pg. 36, Why is Bruce Power's PDP prepared by OPG?

### **2.12 Security**

**Recommendation:** Pg. 37, Suggest that CNSC should prioritize force on force exercises.

### **2.13 Safeguards and Non-proliferation**

**Recommendation:** IAEA considered 'most' to be satisfactory but not all. Clarify what was not up to standards.

### **2.14 Transport and packaging**

**Recommendation:** Pg. 39, provide more information for this section.

### **2.15 Other matters of regulatory interest**

#### **Questions:**

- Pg. 40, Why is Bruce Power covered under OPG Financial Guarantee?
- Pg. 41, Why are quarterly reporting no longer needed? Economic effects are only becoming more apparent moving forward in the next couple years.

### **2.16 Indigenous Engagement**

**Comment:** Pg. 46, There is no mention of CLFN concerns on environmental impacts but CLFN has raised some concerns.

### **3.1 Darlington NGS**

#### **Recommendations:**

- "Removing the tritium minimizes the amount released into the environment and reduces the potential radiation exposure of workers". Minimizes but does not eliminate. The difference between natural existing levels and resulting release should be presented.
- Pg. 51, Expand figure captions to describe buildings layout at the NPP's and WF's.
- Pg. 51, Provide a comparative reference for 881 mgw reactors. Clarify if this would this be average sized reactor.
- Pg. 51, Provide more information on retube waste processing building, as reactor core components most reactive, hazardous to environment/public
- Pg. 51, Provide more information on the vegetation encroachment related to which watercourse/waterbody. Could CNSC describe the waterbodies/watercourses that are the responsibility of/impacted by DNGS?





- Pg. 51, Provide more information on the IIP schedule and task item. Identify incorporated pieces.
- Pg. 52, Is there a year where DNGS would have to have IIP completed, any firm deadlines?
- Pg. 56, Create more of a focus of inspections for environmental protection, security, and emergency response.
- Provide more detail regarding the outcome of inspections beyond identifying that they were completed. Perhaps including a rating system would be sufficient in this high-level reporting.

### **Operating Performance**

**Question:** Pg., 58, What is the timeline to repair the Equipment calibration issue?

### **Safety Analysis**

**Recommendation:** Pg. 59, Provide more details on CAA approach for LBLOCA as it is represented very vague and the issue is unclear. The public and Indigenous communities need more background to better understand.

### **3.1.6 Fitness for Service**

#### **Recommendations:**

- Pg. 60, Relating to the uninspected pressure tubes at Darlington, provide more information on what is percent (%) equivalent for 'very low likelihood'. Explain what are the adverse outcomes if this does happen.
- Pg., 60, Provide more information on the DHC threshold affected by high HEQ.

### **3.1.7 Radiation Protection**

#### **Recommendations:**

- Provide more data tables/figures to have enough overview of 2021 activities and results
- Provide more information in general regarding this section as it appears brief.
- Pg. 63, "The dose to the public from the Darlington site (0.0006 mSv) remained below the regulatory limit of 1 mSv/yr, and in the similar range to previous year, which shows that radionuclides concentrations measured in the environment remains low." Natural existing limits in the environment appear not to be addressed in these tests, please clarify.

### **3.1.8 Health and Safety**



**Recommendations:**

- Pg. 62, Provide more table/figures to support text information on incident rates.
- Pg. 62, Provide more information on the seven (7) event reports unrelated to covid.

**3.1.9 Environmental Protection**

**Recommendations:**

- Pg. 63, Provide more information on the data on measured results of environmental release.
- Pg. 63, Provide the release limits for each compound.

**3.1.12 Security**

**Question:** Pg. 64, What is comprised in the warning letter? Any binding rules that force OPG to comply within a short period of time?

**3.1.14 Packaging and Transport**

**Comment:** There are two separate licences associated with this section (DNGS and DWMF). For DNGS there was transport identified. For DWMF there was no transport identified. This may just be a lifespan issue (natural uranium in, spent HLW out after 6 years or 6-24 months/fuel bundle). **Recommendation:** Provide more details here (e.g., new fuel was from the refurbishment process, or was used to replaced uranium installed). Provide more details on the link between fuel for the CANDU and HLW and MLW.

**3.2.5 Physical design**

**Recommendation:** Pg. 68, Provide previous lid to base weld height, as there is no reference comparison, therefore the readers can't measure how large of a change that is.

**3.2.14 Transport and Packaging**

**Recommendation:** Pg. 70, Provide more information in this section is needed as this is key waste transfer facility.

**3.3 Pickering NGS**

**Questions:**

- Pg. 71, When will we be able to have more information on PROL extension to 2025?
- Pg. 72, What were the amendments to the FAA? Provide more information on this.
- Pg. 73, What 2 IIP commitments were de-scoped and why?

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- Pg. 73, Table 15, Why were no environmental protection inspections performed in 2021 at PNGS? Appears to be left out with a focus on operating performance, which is a cause for concern.

### **3.3.3 Operating Performance**

**Question:** Pg. 76, Why were there 5 forced outages in 2021? What were the causes?

**Recommendation:** “n 2021, Pickering Units 1&4 experienced no automatic reactor trips and no setbacks... and power reduction was automatically initiated by the reactor control systems...”

The degree of automation within the operations of power plants should start receiving more attentions. Either degree of safety from Human/machine Factors Engineering or otherwise.

Comment: Section 3.3.9 – “. The CNSC reviewed the provided event reports and followed up during an effluent monitoring field inspection.” No details provided on what the follow up was.