



**Written submission from the
Council of Canadians Kitchissippi-
Ottawa Valley**

**Mémoire du
Conseil des canadiens Kitchissippi-
Ottawa Valley**

In the Matter of

À l'égard de

Cameco Corporation

Cameco Corporation

**Revised preliminary decommissioning plan
and financial guarantee for Cameco
Corporation's Port Hope Conversion
Facility**

**Plan préliminaire de déclassement et la
garantie financière révisés pour l'installation
de conversion de Port Hope de Cameco
Corporation**

Hearing in writing based on written
submissions

Audience par écrit fondée sur des mémoires

December 2023

Décembre 2023

PEOPLE. PLANET. DEMOCRACY.



December 18, 2023
PO Box 345, Killaloe ON K0J2A0
kitchissippiottawacocchapter@gmail.com

RE: Ref. 2023-H-107 (Revision 1, December 14, 2023)

To the Commissioners of the Nuclear Safety Commission and Whom It May Concern:

I have had the opportunity to review both the 4 page summary document submitted by the proponent, Cameco, and the actions of the Commission regarding the public input process for the Commission's upcoming hearing on this revised preliminary decommissioning plan (PDP) and financial guarantee for Cameco Corporation's Port Hope Conversion Facility (PHCF) document.

Our chapter of the Council of Canadians has demonstrated its interest in what happens with all levels of toxic waste from the nuclear power generation industry. However, there is so little substance in the summary document filed by Cameco that I will confine remarks about my concerns with this application largely to process matters.

1. I recognize that this is a preliminary decommissioning proposal. However, it would be much more illuminating if the document spelled out the time frame: at what point will decommissioning become current; when would the public learn about this; etc. This context would be particularly helpful to members of the public concerned about ongoing contamination from Cameco (formerly Eldorado) activity, as well as health and safety issues for the residents of Port Hope, transportation plans for the waste from Port Hope to Blind River, and much more.

2. On November 10 2023, the Commission served notice that Cameco had requested to keep the bulk of their submitted material confidential, in other words that the Commission only circulate its summary report for public review. On that same date (Nov. 10), the Commission announced December 4 2023 was the final date for submission of intervention comments on the PCHF PDP. Also on November 10, the Commission announced it would decide on on November 17 2023 about this request for confidentiality re: the bulk of Cameco's submission. The Commission's notice of decision on the confidentiality matter only happened mid-afternoon on December 4 2023. Subsequently, on December 14 2023, the Commission released a statement saying that interventions would now be considered until December 18 2023.

The entire handling of this matter by the Commission is confusing. It actually begs the question "Was there intent by the Commission to avoid public review and comments?"

In 2016, an Expert Panel was commissioned by the Government of Canada to do national public consultations on how best to construct government oversight of our natural environment. The following should go without saying, but I will spell things out: the nuclear power generation industry produces contamination and waste – upstream, in operation, downstream, and some in perpetuity. This waste ranges from hazardous to unimaginably toxic. Consequently, the Expert Panel queried into how much confidence the public has in the operation of your Commission. In [**Building Common Ground**](#), the Panel reported a "frequently cited concern was the perceived lack of independence and neutrality because of the close relationship" CNSC has with the industries it regulates. There were many concerns about "bias or conflict of interest" on the part of CNSC. The "term 'regulatory capture' was often used... Apprehension of bias... eroded confidence in the assessment process." The Expert Panel continues:

"Public trust and confidence is crucial to all parties. Without it, an assessment approval will lack the social acceptance necessary to facilitate project development... the erosion of public trust in the current [CNSC] assessment process has created a belief among many interests that the outcomes are illegitimate. This, in turn, has led some to believe that outcomes are preordained and that there is no use in participating in the review process because views will not be taken into account. The consequence of this is a higher likelihood of protests and court challenges, longer time frames to get to decisions and less certainty that the decision will actually be realized – in short, the absence of social license."

From my vantage point, with these recent events regarding the PHCF PDP, your Commission has validated public concerns that your operation is "captured" by industry – despite the clear statement on your website that it is your mandate "to protect the health, safety and security of persons and to protect the environment." I wonder when the Commission will live up to that mandate.

3. This proposed decommissioning plan is arguably of much interest to residents of the Blind River area, the surrounding region especially along the north shore of Lake

Huron, and in particular to the Anishinaabe community members at Mississauga (also known as Mississaugi) First Nation, which is located just 1 kilometre north of the Cameco site known as “Blind River.” Yet, I am informed that an Indigenous Grandmother and Elder from that First Nation, who intervened extensively on relicensing of Cameco’s Blind River facility application in 2021, was not aware of the Commission’s PHCF PDP hearing until November 30th. On that date, she found out from personal networks, not from your Commission. What I understand from this is: the Commission – *in the process of considering the PDP for Cameco’s PHCF, which clearly identifies the Cameco Blind River facility as a primary site for decommissioned waste* – failed to notify an Indigenous person who is directly affected AND well known to be concerned about Cameco activities at Blind River.

Perhaps the Commission is unaware that the Federal Government, for whom you serve as a regulatory agency, is committed to the path of Reconciliation with Indigenous Peoples, and that the approach to be followed in consultation is *Free, Prior and Informed Consent* (FPIC). The sequence of events (and non-events) I have just outlined constitute a very troubling failure to uphold FPIC requirements, specifically the “Prior” and the “Informed” aspects. With reference to the observations of the Expert Panel mentioned in Point 2 above, this sort of regulatory conduct leads to “the absence of social license” and increases the “likelihood of protests, court challenges...”

4. Based on comments filed by your staff, it seems likely your Commission will approve Cameco’s preliminary decommissioning proposal, which no member of the public (Indigenous or not) has had the opportunity to review. I note that the summary document mentions that there will be “Indigenous consultation” at a later date. Again, it seems that your Commission has yet to grasp the aspects involved in FPIC. As I have stated several times in the past, your *REGDOC-3.2.2: Indigenous Engagement* is based on a discredited approach developed more than a dozen years ago. In 2016, Canada pledged to the United Nations to uphold the ***International Declaration on the Rights of Indigenous Peoples***, of which FPIC is THE path for valid consultation. In regards to this application, your process to date and the summary document do not meet the “Informed” requirement.
5. A further indication that you fail to grasp the “Prior” requirement of FPIC is your failure to open consultation opportunities for all Indigenous community members along the transportation routes between Port Hope and Blind River, as well as all Indigenous community members within the vicinity of both facilities. Notifying Chief and Council (to the extent this was or was not done) is not sufficient. Indigenous rights can only be negotiated with all status members of a First Nation. Chief and Council only have authority on matters that arise from the fiduciary role of the federal Canadian government under existing policies and laws, such as funding of on-reserve education, health care, infrastructure, etc.

Despite the fact that my remarks have centred on consultation with Indigenous Peoples, our chapter believes that **all potentially affected people** deserve to be fully informed IN ADVANCE of proposals to transport nuclear waste along waterways or public roads or to dispose of it within the watershed/bioregion of their residences and businesses. That is how a final application to your regulatory agency might achieve social license.

We humans have generated this incredibly toxic waste that we really don't know what to do with safely, and we certainly DO need to develop and implement best possible solutions for storage. However, concealing information and failing to consult properly will not get the problems solved effectively or efficiently. Things must be done the right way given both the serious hazards and valid public concern about these hazards.

The current Commission process for Ref. 2023-H-107 is invalid for a number of reasons. I **request a redo of the entire matter, with release of the full report, and valid FPIC consultation for all.** I would appreciate a response to the points raised in this communication.

Respectfully yours.

Ann Pohl

Spokesperson for:



;

cc. Faye More, Chair, Port Hope Community Health Concerns Committee
Brennain Lloyd, Project Coordinator, Northwatch
Joan Morningstar, Anishinaabekwe Elder
Council of Canadians staff, supporters and members