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Exposé oral

**Revised written submission
from the Métis Nation of
Ontario**

**Mémoire révisé de la
Nation métisse de l'Ontario**

Bruce Power

Bruce Power

**Bruce Power Mid-Term Update of
Licensed Activities**

**Rapport de mi-parcours au sujet
des activités autorisées de Bruce
Power**

Commission Meeting

Réunion de la Commission

September 20 and 21, 2023

Le 20 et 21 septembre 2023

Métis Nation of Ontario
Secretariat

Delivered by Email

Jeff Stevenson
Email: Jeff.Stevenson@cnscccsn.gc.ca

August 4, 2023

Dear Jeff,

RE: MÉTIS NATION OF ONTARIO REGION 7 REVIEW OF BRUCE POWER'S 10-YEAR RENEWAL OF THE NUCLEAR POWER REACTOR LICENSE FOR BRUCE A AND B MID-TERM UPDATE OF LICENSED ACTIVITIES

I am writing on behalf of the Region 7 Consultation Committee ("R7CC") of the Métis Nation of Ontario ("MNO"). As a representative of the R7CC, and the Provisional Council of the Métis Nation of Ontario, I serve Métis Nation of Ontario citizens and assist in the delivery of program and services.

The Métis Nation of Ontario received capacity to participate in the public meeting schedule for September 2023 at which Bruce Power will provide a mid-term update on licensed activities at the Bruce Nuclear site. To facilitate meaningful participation in this process, the Métis Nation of Ontario retained MNP to conduct a review of the Mid-Term Update of Licensed Activities ("Mid-Term Update") for the Bruce Power's 10-Year Renewal of the Nuclear Power Reactor License for Bruce A and B ("Project").

The MNP review considered the following:

- Commission Member Documents (CMD23-M27 and CMD23-M27-1)
- Métis Nation of Ontario Region 7's ("Region 7") participation in the hearing process for the Project on March 14 and 28-31, 2018
 - The Canadian Nuclear Safety Commission ("CNSC") Record of Decision
- Region 7's participation in other related engagement initiatives
- Region 7's comments (2018) on the Bruce Power License Renewal
- Input from the Region 7 Consultation Committee

A detailed review table of the Commission Member Documents ("CMD") is attached in Appendix A, with key comments for consideration explained below.

Engagement and Economic Opportunities

Bruce Power reported numerous engagement and economic opportunities that it provides to Indigenous communities. However, many of these initiatives do not reference MNO Region 7 for inclusion. For example, Bruce Power references a "...historic partnership with Saugeen Ojibway Nation (SON) to jointly market new isotopes".¹ While MNO Region 7 was notified of this opportunity,

¹ Page 9 of the Mid-Term Update

there was limited follow-up by Bruce Power and the opportunity for Region 7 participation was never brought to fruition.

As there is no hierarchy of rights within the *Constitution Act, 1982*, the tiering of Indigenous groups with some economic opportunities emphasized (with First Nations) and other economic opportunities being minimized (with Métis) is inappropriate. MNO Region 7 citizens have established rights in proximity to the Project and should be provided equitable economic opportunities and acknowledgment as other Indigenous communities within the Project area. By not pursuing economic development with the MNO Region 7, Bruce Power contributes to economic disparity between First Nations and Métis people.

To date, there have been no offers from Bruce Power for substantial MNO involvement and discussion with regards to economic development activities has been limited. While Bruce Power does fulfill the requirements of their memorandum of understanding with the MNO and meets to provide updates and discuss environmental matters, there is abstention from economic development topics.

As Canada moves towards implementation of the United Nations Declaration on the Rights of Indigenous Peoples, companies, such as Bruce Power, must actively work with the MNO Region 7 to support the improvement of their economic conditions.²

Additional discussion is required with the MNO Region 7 on instances of economic opportunity and economic development to ensure the relationship between Bruce Power and MNO Region 7 can be maintained.

Reporting on Commitments to the Métis Nation of Ontario

Throughout the original Application Process (including hearing) to Renew the Power Reactor Operating Licence for Bruce A and Bruce B Nuclear Generating Stations, Bruce Power maintained that it had adequately engaged with Indigenous groups. However, as identified by MNO Region 7 during the Project hearing and engagement activities, Bruce Power did not sufficiently incorporate Region 7’s specific information and Valued Components (“VC”s) in the original relicensing application.

This led to a commitment for additional engagement between Region 7 and Bruce Power to develop an action plan to address Region 7’s outstanding concerns.³ This action plan was meant to include:

- Co-development of a MNO monitoring program,
- MNO emergency communication and management plan, and
- Development of a “MNO-Specific Diet Survey” that would be used to further refine the more generic hunter/fisherman resident.”⁴

² Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples

³ As noted in Bruce Power’s response to Region 7’s comment 14 in the review of the relicensing document.

⁴ As noted in Bruce Power’s response to Region 7’s comment 14 in the review of the relicensing document.

Region 7 recommended these action plan initiatives to support provision of more information on the effects to biophysical and socio-economic indicators in relation to the Métis-specific Land, Water and Resources VCs for incorporation in future regulatory filings, such as the Mid-Term Update on Licensed Activities.

Additionally, in Region 7's previous review of the Application to Renew the Power Reactor Operating Licence for Bruce A and Bruce B Nuclear Generating Stations (2018), MNO Region 7 requested that "Potential effects to MNO rights and interests should be considered and referenced in relation to the Environmental Management Program and Radiation Protection Program in accordance with the ongoing commitment to Aboriginal (First Nation and Métis) consultation and engagement."⁵ Region 7 also stated that "CSA standards are not designed to consider Métis rights and interests. Alignment with CSA standards does not ensure that the potential adverse effects to Métis rights and interest are considered."⁶ In response, Bruce Power committed to additional engagement to address Region 7's concerns.

Within CMD23-M27-1, Bruce Power's Mid-Term Update 2023 ("Mid-Term Update") indicates that a project plan is being drafted in collaboration with the MNO around improving fish habitat and restoring connectivity in Bothwell's Creek near Leith, Ontario. However, the Mid-Term Update does not provide any further information on the other Region 7 action plan initiatives. This is in contrast to the reporting on multiple initiatives with other Indigenous groups.

Without sufficient reporting on MNO Region 7 Métis-specific initiatives, it appears Bruce Power is not engaging/maintaining its commitments to Region 7. Bruce Power should report the progress that has been made on all its engagement commitments within the Mid-Term Update, holistically even if commitments have been completed, or are still in progress/development.

Transparency

While Bruce Power commits to full transparency with the public and Region 7, there were incidents that were not reported in the Mid-Term Update:

- October 15, 2018: Employee received an electrical shock while performing welding work during Unit 8 outage activities.
- December 6, 2018: A fire broke out at Bruce B Nuclear Generating Station starting from the outdoor transformer for the Unit 8 reactor.
- May 6, 2019: A small amount of water was discovered coming from the heat transport system in Unit 3.
- January 30, 2020: There was a heavy water spill that was cleaned up.
- March 28, 2020: There was a heavy water spill that was cleaned up.
- January 19, 2022: There was a moderator spill into the powerhouse, and Unit 1 was taken offline.

⁵ Comment 6, page 5.

⁶ Comment 5, page 4.

- February 2, 2023: Low-level radioactive waste (tritium-contaminated charcoal filters) was shipped to a waste processing facility, not intended for radiological waste.
- April 25, 2023: Bruce Power reported a heavy water leakage from Unit 4 at the Bruce Power site.⁷

While these incidents were minor and were remediated resulting in no impacts; the incidents may negatively impact Region 7's citizens' perception of the Bruce Power facilities should knowledge of these incidents not be accompanied by explanation and/or education. Region 7 citizens may develop a lack of confidence that Bruce Power would inform Region 7 citizens in an emergency situation that could have consequences on their health or rights and interests.

Bruce Power should include these incidents in the Mid-Term Update, with details of their resolution, and commit to reporting on all future incidents.

Polling Methods

The Mid-Term Update presents results of polling that Bruce Power undertook with various members of the public. The results scored "high", in favour of Bruce Power and the public's perception of Bruce Power. Bruce Power indicates that one of the polls was conducted through random telephone calls with the public. It is uncertain whether MNO Region 7 citizens were contacted and participated in this poll. However, the MNO Region 7 recently completed a survey of citizens to understand their impressions of nuclear safety.

The referenced polling method of sampling is problematic for the purposes of this Mid-Term Update, as there is uncertainty on whether the perspectives of previous intervenors such as the MNO were collected or incorporated. Bruce Power should provide more information on their polling methodology to understand Métis inclusion and revise future use of this methodology to allow for incorporation of MNO completed survey work related to nuclear safety, where allowable through information sharing.

Overall, further engagement and discussion between MNO Region 7 and Bruce Power is recommended to ensure that Bruce Power understands and addresses Region 7's concerns with the Mid-Term Update and current level of engagement between Bruce Power and Region 7.

Sincerely,



David Dusome
Regional Councillor (MNO Region 7), Provisional Council of the Métis Nation of Ontario
Chair, Georgian Bay Traditional Territory Consultation Committee



APPENDIX A – DETAILED REVIEW TABLE

#	Section	Details	Comment
1.	CMD23-M27-1, Page 14	<p>“COMMUNITY POLLING 9 IN 10 residents in Bruce, Grey and Huron counties believe Bruce Power operates a safe facility and contributes to the community in a positive way. 82% of residents in our community support Bruce Power’s Life-Extension Program. 94% Nearly all respondents (94%) continue to have confidence that the nuclear facility operates safely, feel that Bruce Power is involved with the community in a positive way (92%), and agree Bruce Power is a good community citizen (92%).”</p>	<p>Bruce Power lists the results of “Community Polling” but provides no information on the polling methods. This is problematic, as it is not certain whether MNO Region 7 participated in the polling or how MNO collected information could be incorporated.</p> <p>In future iterations of polling, Bruce Power should revise future use of this methodology to allow for incorporation of MNO completed survey work related to nuclear safety, where allowable through information sharing.</p>
2.	CMD23-M27-1, Page 18	<p>“The Employment piece of the PAR program led Bruce Power to collaborate with SON, HSM, and MNO around the development of an Indigenous Employment Program to identify Indigenous candidates at all levels (coop opportunities, summer placements, scholarships, contract opportunities, etc.) and support pathways to opportunities with Bruce Power and our vendor partners. Through the program, Bruce Power works closely with local Indigenous communities to identify candidates, share job-training opportunities and collaborate on strategies to increase Indigenous employment. This has resulted in year over- year sustained recruitment success, contract opportunities, transition to fulltime staff and promotion within Bruce Power. This</p>	<p>Bruce Power indicates that it is identifying Indigenous candidates for employment through collaboration with SON, HSM and the MNO. Bruce Power then provides an update that an SON member was hired. No such update was provided for the MNO Region 7.</p> <p>Bruce Power should provide information on what efforts were undertaken to hire MNO Region 7 citizens within the Mid-Term Update.</p>

#	Section	Details	Comment
		<p>success is also highlighted as Bruce Power recently hired a SON member for the role of Indigenous Relations Director. The individual had come through Bruce Power's recruitment program as a summer student while in law school, then as a contractor before being hired full-time. As the area's largest employer, Bruce Power strives to create a pathway for careers for young people through training programs and incentives for members of the SON community. In 2022, Bruce Power launched its Supporting Pathways to Training program, a collaboration between Building Trade Unions, suppliers and vendors, Indigenous Skills and Employment Training delivery organizations, to increase Indigenous presence and help address the shortage of trades workers across the nuclear industry."</p>	
3.	CMD23-M27-1, Page 17	<p>"Maintained Gold Certification under PAR.</p> <p>Launched an Indigenous Employment Program.</p> <p>Developed a skilled trades training program.</p> <p>Formed an historic partnership with Saugeen Ojibway Nation (SON) to jointly market new isotopes.</p> <p>Fostered Indigenous-owned businesses to support MCR."</p>	<p>1. Bruce Power indicates that they formed a partnership with SON to jointly market new isotopes. Region 7 has not been offered the same level of economic opportunity. There is no hierarchy of rights within the <i>Constitution Act, 1982</i>. Providing economic opportunity to some Indigenous groups (First Nations) and not others (Métis) is not equitable as the MNO Region 7 has established rights in proximity to the Project.</p> <p>Bruce Power should inform the MNO whenever economic opportunities are available for Region 7 and economic opportunities should be provided to all Indigenous intervenors equally.</p>

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			2. Please also note the typo – Indigenous should be Indigenous
4.	CMD23-M27-1, Page 19	<p>“Bruce Power also sponsors band programs and projects, including the Pow Wow, Saugeen Charity Golf Tournament, the Food bank, the Saugeen Lunch Program, Hospice for Hope, and the Bears’ Lair Entrepreneur Camp.</p> <p>Through the pandemic, Bruce Power took an active role in ensuring communities were supported with what they needed, including providing care packages, personal protective equipment and hand sanitizer to both Saugeen and Nawash communities. Bruce Power also provided direct support to HSM and MNO with personal protective equipment, sanitizer, and ongoing support for food banks.”</p>	<p>While providing personal protective equipment and food bank support is acknowledged and appreciated, Region 7 does not consider this to be Project engagement; rather these activities constitute good neighbor or corporate social responsibility initiatives.</p> <p>Further, the level of good neighbor/corporate social responsibility initiatives that Bruce Power reports for other Indigenous groups is much greater than those reported to or offered to the MNO Region 7.</p> <p>Bruce Power should provide equal opportunities to all Indigenous communities that are within proximity of the Project site.</p>
5.	CMD23-M27-1, Page 19	<p>“In recent decades a reduction in fish and an increase in sediment deposition has been observed and which is adversely impacting MNO traditions.”</p>	<p>In relation to Traditional Land and Resource Use, biophysical components cannot be used to represent impacts to rights. This approach was forefront in <i>Clyde River (Hamlet) v Petroleum Geo-Services Inc.</i> 2017 SCC 40 at para 45 which states “...the consultative inquiry is not properly into environmental effects per se. Rather, it inquires into the impact on the right. No consideration was given in the NEB’s environmental assessment to the source – in a treaty – of the appellants’ rights to harvest marine mammals, nor to the impact of the proposed testing on those rights.” Fishing for consumption and cultural activities such as fish fries, ceremonies and family gatherings that utilize harvested fish are not mere traditions, they</p>

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			<p>constitute the rights and interests of Region 7 citizens.</p> <p>While it is understood that the work undertaken in this section is post-approval, consultation and engagement must persist beyond project approval and considerations should be broadened through engagement with MNO Region 7. Region 7 suggests that Bruce Power update this sentence to read: "In recent decades a reduction in fish and an increase in sediment deposition has been observed and which can adversely impact MNO rights and interests." Further engagement may be required between Bruce Power and Region 7 to ensure that Bruce Power understands Métis rights and interests and incorporates them properly in future documents.</p>
6.	CMD23-M27-1, Page 23	<p>"Bruce Power contributes to modeling the future impacts of climate change on Lake Huron and broader impacts on Indigenous communities and agricultural activities within the region.</p> <p>99.9 per cent of the water used on site is used for once-through cooling purposes and is returned directly to the lake.</p> <p>208,440 seedlings planted since 2018 through our partnership with Saugeen Valley Conservation Authority.</p> <p>15 types of fish species were measured over three years and it was found there was a negligible risk to fish populations resulting from our operations."</p>	<ol style="list-style-type: none"> 1. On page 22, Bruce Power acknowledges that the Project poses a risk to fish and outlines its efforts to minimize these risks on page 23. Bruce Power says it contributes to modeling the future impacts of climate change on Lake Huron and broader impacts on Indigenous communities. However, there are no examples of how Bruce Power has modeled impacts specifically related to Métis rights and interests. While measuring and avoiding impacts to fish is important to Métis harvesters, biophysical components do not fully characterize Métis rights and interests as the economic, social, cultural and ceremonial aspects are not considered.

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			<p>Further, Bruce Power found that there will be no impacts to fish due to fisheries offsets. Offsets are the last step in the mitigative hierarchy. It implicitly means an impact will occur and it will be compensated for elsewhere. The impact addressed by offsets still occurs and Region 7 harvesters may have perceptible related changes to harvesting behaviors based on these impacts and avoid fishing in proximity to the Project site. This is an impact to Métis rights and interests, which Bruce Power does not appear to measure through the referenced modelling.</p> <p>Bruce Power should engage Region 7 to understand and report on Project impacts to Métis rights and interests that may occur even with applied offsets.</p> <p>2. Please see typo – populatuions should be populations.</p>
7.	CMD23-M27-1, Page 36	“While these hydrogen equivalent concentration readings are included in Bruce Power’s Licence, Bruce Power proactively and promptly reported the findings to the CNSC and is adhering to its operating licence.”	<p>While Bruce Power reported the elevated hydrogen equivalent concentration readings to the CNSC, Bruce Power did not indicate within the Mid-Term Update whether it reported these findings to the MNO Region 7.</p> <p>Bruce Power should inform Region 7 of all future instances of elevated hydrogen equivalent concentration readings and provide education on what this means and Bruce Power’s remediation steps.</p>

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8.	CMD23-M27-1, Page 38	<p>“The effectiveness of Bruce Power’s emergency response program is continuously assessed through a series of drills and exercises. Every year, the company’s emergency response organization undertakes more than 50 drills and at least one major exercise, which is evaluated by the Canadian Nuclear Safety Commission (CNSC). The CNSC has consistently rated Bruce Power’s emergency response capabilities as satisfactory. While the scenarios presented within these exercises are extremely unlikely, they are purposely designed to challenge our readiness with worst-case conditions to rigorously test our people, processes and systems..... Every three years, Bruce Power also participates in a provincial nuclear emergency exercise, which includes internal and external stakeholder participation to test Bruce Power’s response to the Provincial Nuclear Emergency Response Plan. The most recent provincial exercise was Exercise Huron Endeavour in October 2022, with the participation of the Canadian Nuclear Safety Commission, Health Canada, Ontario’s Provincial Emergency Operations Centre and neighbouring Municipalities of Kincardine and Saugeen Shores. This successfully tested Bruce Power’s emergency response plans by simulating an on-site emergency scenario, as well as the Provincial Nuclear Emergency Response Plan, with outside agencies and municipalities. Bruce Power uses the information obtained from these drills to continually enhance and improve its emergency response readiness and proficiency.”</p>	<p>Bruce Power indicated that emergency exercises are done with neighbouring municipalities. There appears to be no involvement of MNO Region 7. This is problematic as MNO Region 7’s traditional harvesting territory encompasses the Project site. Many of Region 7’s citizens are frequently out on the land and must be educated on what to do in case of an emergency at the Project site.</p>
9.	CMD23-M27-1, Page 52	<p>“A 2022 independent telephone poll conducted across the region by Ipsos found residents continue</p>	<p>See comment 1.</p>

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		to have confidence that Bruce Power operates safely, is involved with the community in a positive way, and agree that Bruce Power is a strong community citizen. Nearly all respondents (94 per cent) continue to have confidence that the nuclear facility operates safely, feel that Bruce Power is involved with the community in a positive way (92 per cent), and agree Bruce Power is a good community citizen (92 per cent). Eight in 10 residents feel familiar with Bruce Power and 86 per cent of those residents have a favourable impression, saying they feel 'excellent,' 'very good' or 'good' about the company."	
10.	CMD23-M27-1, Page 52	"Bruce Power is also committed to transparency and has proactively shared information with community leaders, including Indigenous communities, along with members of the general public, CNSC, and within our industry."	<p>While Bruce Power commits to full transparency with the public and Region 7, there were incidents that were not reported in the Mid-Term Update:</p> <ul style="list-style-type: none"> • October 15, 2018: Employee received an electrical shock while performing welding work during Unit 8 outage activities. • December 6, 2018: A fire broke out at Bruce B Nuclear Generating Station starting from the outdoor transformer for the Unit 8 reactor. • May 6, 2019: A small amount of water was discovered coming from the heat transport system in Unit 3. • January 30, 2020: There was a heavy water spill that was cleaned up. • March 28, 2020: There was a heavy water spill that was cleaned up. • January 19, 2022: There was a moderator spill into the powerhouse, and Unit 1 was taken offline.

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			<ul style="list-style-type: none"> • February 2, 2023: Low-level radioactive waste (tritium-contaminated charcoal filters) was shipped to a waste processing facility, not intended for radiological waste. • April 25, 2023: Bruce Power reported a heavy water leakage from Unit 4 at the Bruce Power site.⁸ <p>While these incidents were minor and were remediated resulting in no impacts; the incidents may negatively impact Region 7 citizens' perception of the Bruce Power facilities should knowledge of these incidents not be accompanied by explanation and/or education. Region 7 citizens may develop a lack of confidence that Bruce Power would inform Region 7 citizens in an emergency situation that could have consequences on their health or rights and interests.</p> <p>Bruce Power should include these incidents in the Mid-Term Update, with details of their resolution, and commit to reporting on all future incidents.</p>
11.	CMD23-M27, Page 27	"CNSC staff conduct oversight of Bruce Power's engagement and communication efforts with the SON, HSM, and MNO Region 7, and are satisfied with Bruce Power's efforts and engagement program"	As there are requirements for continued engagement and an update to the Mid-Term Update in order to reflect MNO Region 7 comments provided herein, the engagement and communication efforts can only be deemed satisfactory with commitment from Bruce Power for continuation of the efforts with MNO Region 7.
12.	CMD23-M27, Page 32	"CNSC staff concluded that Bruce Power demonstrated the ability to adequately respond to an	CNSC indicated that Bruce Power demonstrated the ability to respond to an emergency while ensuring the safety and protection of the public but

⁸ Incident reports obtained from: <https://nuclearsafety.gc.ca/eng/acts-and-regulations/event-reports-for-major-nuclear-facilities/event-reporting/nuclear-power-plants.cfm> and <https://www.brucepower.com/2023/04/26/bruce-a-update-5/>
Suite 1100, 11th Floor, 66 Slater St. | Ottawa, ON K1P 5H1 | Tel: 613-798-1488 | Toll Free 1-800-263-4889 | www.metisnation.org

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		emergency while ensuring the safety and protection of on-site personnel, the public and the environment”	<p>did not specifically reference Indigenous communities. As the MNO Region 7’s traditional harvesting territory encompasses the Project site, and as many of Region 7’s citizens are frequently out on the land, there is a requirement for additional education on what to do in case of an emergency at the Project site. It is important that Bruce Power’s staff are reciprocally educated on Indigenous land use in proximity.</p> <p>As such, the MNO Region 7 requires greater inclusion in emergency preparedness considerations, where internal capacity allows.</p>
13.	CMD23-M27, Page 38	“Licence Condition 15.10 was added to allow for the production of Lutetium-177.”	The CMD indicates that license condition 15.10 was added to the license, to allow for the production of Lutetium-177. There is no summary of engagement with the MNO Region 7 on this addition.

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14.	CMD23-M27-1, Page 14	<p>“COMMUNITY POLLING 9 IN 10 residents in Bruce, Grey and Huron counties believe Bruce Power operates a safe facility and contributes to the community in a positive way. 82% of residents in our community support Bruce Power’s Life-Extension Program. 94% Nearly all respondents (94%) continue to have confidence that the nuclear facility operates safely, feel that Bruce Power is involved with the community in a positive way (92%), and agree Bruce Power is a good community citizen (92%).”</p>	<p>Bruce Power lists the results of “Community Polling” but provides no information on the polling methods. This is problematic, as it is not certain whether MNO Region 7 participated in the polling or how MNO collected information could be incorporated.</p> <p>In future iterations of polling, Bruce Power should revise future use of this methodology to allow for incorporation of MNO completed survey work related to nuclear safety, where allowable through information sharing.</p>
15.	CMD23-M27-1, Page 18	<p>“The Employment piece of the PAR program led Bruce Power to collaborate with SON, HSM, and MNO around the development of an Indigenous Employment Program to identify Indigenous candidates at all levels (coop opportunities, summer placements, scholarships, contract opportunities, etc.) and support pathways to opportunities with Bruce Power and our vendor partners. Through the program, Bruce Power works closely with local Indigenous communities to identify candidates, share job-training opportunities and collaborate on</p>	<p>Bruce Power indicates that it is identifying Indigenous candidates for employment through collaboration with SON, HSM and the MNO. Bruce Power then provides an update that a SON member was hired. No such update was provided for the MNO Region 7.</p> <p>Bruce Power should provide information on what efforts were undertaken to hire MNO Region 7 citizens within the Mid-Term Update.</p>

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		<p>strategies to increase Indigenous employment. This has resulted in year over- year sustained recruitment success, contract opportunities, transition to fulltime staff and promotion within Bruce Power. This success is also highlighted as Bruce Power recently hired a SON member for the role of Indigenous Relations Director. The individual had come through Bruce Power’s recruitment program as a summer student while in law school, then as a contractor before being hired full-time. As the area’s largest employer, Bruce Power strives to create a pathway for careers for young people through training programs and incentives for members of the SON community. In 2022, Bruce Power launched its Supporting Pathways to Training program, a collaboration between Building Trade Unions, suppliers and vendors, Indigenous Skills and Employment Training delivery organizations, to increase Indigenous presence and help address the shortage of trades workers across the nuclear industry.”</p>	
16.	CMD23-M27-1, Page 17	<p>“Maintained Gold Certification under PAR. Launched an Indigenous Employment Program. Developed a skilled trades training program. Formed an historic partnership with Saugeen Ojibway Nation (SON) to jointly market new isotopes. Fostered Indigenous-owned businesses to support MCR.”</p>	<p>3. Bruce Power indicates that they formed a partnership with SON to jointly market new isotopes. Region 7 has not been offered the same level of economic opportunity. There is no hierarchy of rights within the <i>Constitution Act, 1982</i>. Providing economic opportunity to some Indigenous groups (First Nations) and not others (Métis) is not equitable as the MNO Region 7 has established rights in proximity to the Project.</p>

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			<p>Bruce Power should inform the MNO whenever economic opportunities are available for Region 7 and economic opportunities should be provided to all Indigenous intervenors equally.</p> <p>4. Please also note the typo – Indgenous should be Indigenous</p>
17.	CMD23-M27-1, Page 19	<p>“Bruce Power also sponsors band programs and projects, including the Pow Wow, Saugeen Charity Golf Tournament, the Food bank, the Saugeen Lunch Program, Hospice for Hope, and the Bears’ Lair Entrepreneur Camp.</p> <p>Through the pandemic, Bruce Power took an active role in ensuring communities were supported with what they needed, including providing care packages, personal protective equipment and hand sanitizer to both Saugeen and Nawash communities. Bruce Power also provided direct support to HSM and MNO with personal protective equipment, sanitizer, and ongoing support for food banks.”</p>	<p>While providing personal protective equipment and food bank support is acknowledged and appreciated, Region 7 does not consider this to be Project engagement; rather these activities constitute good neighbour or corporate social responsibility initiatives.</p> <p>Further, the level of good neighbour/corporate social responsibility initiatives that Bruce Power reports for other Indigenous groups is much greater than those reported to or offered to the MNO Region 7.</p> <p>Bruce Power should provide equal opportunities to all Indigenous communities that are within proximity of the Project site.</p>
18.	CMD23-M27-1, Page 19	<p>“In recent decades a reduction in fish and an increase in sediment deposition has been observed and which is adversely impacting MNO traditions.”</p>	<p>In relation to Traditional Land and Resource Use, biophysical components cannot be used to represent impacts to rights. This approach was forefront in <i>Clyde River (Hamlet) v Petroleum Geo-Services Inc.</i> 2017 SCC 40 at para 45 which states “...the consultative inquiry is not properly into environmental effects per se. Rather, it inquires into the impact on the right. No consideration was given in the NEB’s environmental assessment to the source – in a treaty – of the appellants’ rights to</p>

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			<p>harvest marine mammals, nor to the impact of the proposed testing on those rights.” Fishing for consumption and cultural activities such as fish fries, ceremonies and family gatherings that utilize harvested fish are not mere traditions, they constitute the rights and interests of Region 7 citizens.</p> <p>While it is understood that the work undertaken in this section is post-approval, consultation and engagement must persist beyond project approval and considerations should be broadened through engagement with MNO Region 7. Region 7 suggests that Bruce Power update this sentence to read: “In recent decades a reduction in fish and an increase in sediment deposition has been observed and which can adversely impact MNO rights and interests.” Further engagement may be required between Bruce Power and Region 7 to ensure that Bruce Power understands Métis rights and interests and incorporates them properly in future documents.</p>
19.	CMD23-M27-1, Page 23	<p>“Bruce Power contributes to modeling the future impacts of climate change on Lake Huron and broader impacts on Indigenous communities and agricultural activities within the region.</p> <p>99.9 per cent of the water used on site is used for once-through cooling purposes and is returned directly to the lake.</p> <p>208,440 seedlings planted since 2018 through our partnership with Saugeen Valley Conservation Authority.</p>	<p>3. On page 22, Bruce Power acknowledges that the Project poses a risk to fish and outlines its efforts to minimize these risks on page 23. Bruce Power says it contributes to modeling the future impacts of climate change on Lake Huron and broader impacts on Indigenous communities. However, there are no examples of how Bruce Power has modeled impacts specifically related to Métis rights and interests. While measuring and avoiding impacts to fish is important to</p>

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		15 types of fish species were measured over three years and it was found there was a negligible risk to fish populations resulting from our operations.”	<p>Métis harvesters, biophysical components do not fully characterize Métis rights and interests as the economic, social, cultural and ceremonial aspects are not considered.</p> <p>Further, Bruce Power found that there will be no impacts to fish due to fisheries offsets. Offsets are the last step in the mitigative hierarchy. It implicitly means an impact will occur and it will be compensated for elsewhere. The impact addressed by offsets still occurs and Region 7 harvesters may have perceptible related changes to harvesting behaviors based on these impacts and avoid fishing in proximity to the Project site. This is an impact to Métis rights and interests, which Bruce Power does not appear to measure through the referenced modelling.</p> <p>Bruce Power should engage Region 7 to understand and report on Project impacts to Métis rights and interests that may occur even with applied offsets.</p> <p>4. Please see typo – populations should be populations.</p>
20.	CMD23-M27-1, Page 36	“While these hydrogen equivalent concentration readings are included in Bruce Power’s Licence, Bruce Power proactively and promptly reported the findings to the CNSC and is adhering to its operating licence.”	While Bruce Power reported the elevated hydrogen equivalent concentration readings to the CNSC, Bruce Power did not indicate within the Mid-Term Update whether it reported these findings to the MNO Region 7.

#	Section	Details	Comment
			Bruce Power should inform Region 7 of all future instances of elevated hydrogen equivalent concentration readings and provide education on what this means and Bruce Power's remediation steps.
21.	CMD23-M27-1, Page 38	<p>"The effectiveness of Bruce Power's emergency response program is continuously assessed through a series of drills and exercises. Every year, the company's emergency response organization undertakes more than 50 drills and at least one major exercise, which is evaluated by the Canadian Nuclear Safety Commission (CNSC). The CNSC has consistently rated Bruce Power's emergency response capabilities as satisfactory. While the scenarios presented within these exercises are extremely unlikely, they are purposely designed to challenge our readiness with worst-case conditions to rigorously test our people, processes and systems..... Every three years, Bruce Power also participates in a provincial nuclear emergency exercise, which includes internal and external stakeholder participation to test Bruce Power's response to the Provincial Nuclear Emergency Response Plan. The most recent provincial exercise was Exercise Huron Endeavour in October 2022, with the participation of the Canadian Nuclear Safety Commission, Health Canada, Ontario's Provincial Emergency Operations Centre and neighbouring Municipalities of Kincardine and Saugeen Shores. This successfully tested Bruce Power's emergency response plans by simulating an on-site emergency scenario, as well as the Provincial Nuclear Emergency Response Plan, with outside agencies and municipalities. Bruce Power uses the information</p>	Bruce Power indicated that emergency exercises are done with neighbouring municipalities. There appears to be no involvement of MNO Region 7. This is problematic as MNO Region 7's traditional harvesting territory encompasses the Project site. Many of Region 7's citizens are frequently out on the land and must be educated on what to do in case of an emergency at the Project site.

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		obtained from these drills to continually enhance and improve its emergency response readiness and proficiency.”	
22.	CMD23-M27-1, Page 52	“A 2022 independent telephone poll conducted across the region by Ipsos found residents continue to have confidence that Bruce Power operates safely, is involved with the community in a positive way, and agree that Bruce Power is a strong community citizen. Nearly all respondents (94 per cent) continue to have confidence that the nuclear facility operates safely, feel that Bruce Power is involved with the community in a positive way (92 per cent), and agree Bruce Power is a good community citizen (92 per cent). Eight in 10 residents feel familiar with Bruce Power and 86 per cent of those residents have a favourable impression, saying they feel ‘excellent,’ ‘very good’ or ‘good’ about the company.”	See comment 1.
23.	CMD23-M27-1, Page 52	“Bruce Power is also committed to transparency and has proactively shared information with community leaders, including Indigenous communities, along with members of the general public, CNSC, and within our industry.”	While Bruce Power commits to full transparency with the public and Region 7, there were incidents that were not reported in the Mid-Term Update: <ul style="list-style-type: none"> • October 15, 2018: Employee received an electrical shock while performing welding work during Unit 8 outage activities. • December 6, 2018: A fire broke out at Bruce B Nuclear Generating Station starting from the outdoor transformer for the Unit 8 reactor. • May 6, 2019: A small amount of water was discovered coming from the heat transport system in Unit 3. • January 30, 2020: There was a heavy water spill that was cleaned up.

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			<ul style="list-style-type: none"> • March 28, 2020: There was a heavy water spill that was cleaned up. • January 19, 2022: There was a moderator spill into the powerhouse, and Unit 1 was taken offline. • February 2, 2023: Low-level radioactive waste (tritium-contaminated charcoal filters) was shipped to a waste processing facility, not intended for radiological waste. • April 25, 2023: Bruce Power reported a heavy water leakage from Unit 4 at the Bruce Power site.⁹ <p>While these incidents were minor and were remediated resulting in no impacts; the incidents may negatively impact Region 7's citizens perception of the Bruce Power facilities should knowledge of these incidents not be accompanied by explanation and/or education. Region 7 citizens may develop a lack of confidence that Bruce Power would inform Region 7 citizens in an emergency situation that could have consequences on their health or rights and interests.</p> <p>Bruce Power should include these incidents in the Mid-Term Update, with details of their resolution, and commit to reporting on all future incidents.</p>
24.	CMD23-M27, Page 27	"CNSC staff conduct oversight of Bruce Power's engagement and communication efforts with the SON, HSM, and MNO Region 7, and are satisfied with Bruce Power's efforts and engagement program"	As there are requirements for continued engagement and updates to the Mid-Term Update in order to reflect MNO Region 7 comments provided herein, the engagement and communication efforts can only be deemed

⁹ Incident reports obtained from: <https://nuclearsafety.gc.ca/eng/acts-and-regulations/event-reports-for-major-nuclear-facilities/event-reporting/nuclear-power-plants.cfm> and <https://www.brucepower.com/2023/04/26/bruce-a-update-5/>
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25.	CMD23-M27, Page 32	"CNSC staff concluded that Bruce Power demonstrated the ability to adequately respond to an emergency while ensuring the safety and protection of on-site personnel, the public and the environment"	<p>satisfactory with commitment from Bruce Power for continuation of the efforts with MNO Region 7.</p> <p>CNSC indicated that Bruce Power demonstrated the ability to respond to an emergency while ensuring the safety and protection of the public but did not specifically reference Indigenous communities. As the MNO Region 7's traditional harvesting territory encompasses the Project site, and as many of Region 7's citizens are frequently out on the land, there is a requirement for additional education on what to do in case of an emergency at the Project site. It is important that Bruce Power's staff are reciprocally educated on the on Indigenous land use in proximity.</p> <p>As such, the MNO Region 7 requires greater inclusion in emergency preparedness considerations, where internal capacity allows.</p>
26.	CMD23-M27, Page 38	"Licence Condition 15.10 was added to allow for the production of Lutetium-177."	The CMD indicates that license condition 15.10 was added to the license, to allow for the production of Lutetium-177. There is no summary of engagement with the MNO Region 7 on this addition.